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of America

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PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, February 14, 2006*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. ISSA).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
February 14, 2006.

I hereby appoint the Honorable DARRELL E. ISSA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God Almighty, giver of all good gifts and authority's source of wisdom, we stand humbly before You. We ask Your forgiveness for the times we are self-centered and not attuned to the needs of others or Your holy inspirations.

Give us strength today to accomplish the work of the people in the House of freedom and civil expression. Receive our praise and thanksgiving for Your countless gifts and the opportunity to serve in government.

To You be honor and glory now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. GINGREY) come forward and lead the House in the Pledge of Allegiance.

Mr. GINGREY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

NSA TERRORIST SURVEILLANCE

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute.)

Mrs. MILLER of Michigan. Mr. Speaker, since it has been revealed that the NSA had a terrorist surveillance program, opponents of the administration have been quick to criticize this program.

Let us try to set the record straight on this effective tool in fighting the war on terror. One Senator has charged the NSA is eavesdropping on Americans who have no indication of wrongdoing. The Senate minority leader, who has been briefed on the program, called it domestic spying.

In fact, this program is extremely limited to international communications, in which one party is suspected of links to al Qaeda or other terrorist organizations, like calls made by 9/11 hijackers to their leaders in Afghanistan.

Are some Democrats so confused, or do they care more about attempting to gain political advantage than protecting our Nation?

Mr. Speaker, we know our enemies place operatives within our borders who blend in and wait to strike as they did on 9/11, but they are still out there. I do not care one iota about protecting the privacy of terrorists who have been sent to this country to murder innocent Americans. It is regretful that some seek political gain at the expense of our security.

THE PRESIDENT'S BUDGET PROPOSAL

(Ms. CARSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON. Mr. Speaker, today is Valentine's Day, representing our heart. I would like to extend my heart to all of the Members of the United States Congress.

The President's budget does not, in fact, reflect a warm heart, as it eliminates funding for the Commodity Supplemental Food Program. Each month, CSFP provides over 475,000 low-income individuals with nutritious food packages; 85 percent of the recipients are seniors, all with income levels below a meager $12,400 per year.

In Indiana, 4,979 seniors are currently enrolled in this program. Next year, they could go hungry if the program is eliminated.

The budget proposal enables participants to enroll in a food stamp program once the CSFP is eliminated. The food stamp program, while extremely important, does not offer the same benefit and convenience that CSFP does. The food packages that seniors receive from the CSFP go to veterans who are sleeping under a bridge and who are homeless.

I would ask the majority leadership of this Congress to redress those inequities in the President's budget.

Some seniors are also hesitant to participate in the food stamp program because they perceive it as a welfare program. Yet these same seniors participate in the CSFP in Indiana.

I was touched by the story of a senior who received her first CSFP box from Gleaners. She cried after discovering 12 pudding cups in her box. Her case manager explained, "Pudding is a luxury she has not been able to afford in a very long time." Let's not forget that as we craft a budget resolution, something as simple as pudding cups are a great luxury for some Americans.

Our budget is a reflection of our values and priorities. Our seniors deserve the very best from us, and it is incumbent upon us to keep them in mind when determining our budget allocations.

SALUTING THE BRAVERY OF BORDER PATROL AGENTS

(Mr. KELLER asked and was given permission to address the House for 1 minute.)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. KELLER. Mr. Speaker, today I rise to salute the bravery of Border Patrol agents working along the Mexican border. I recently returned from a week-long trip to the Mexican-California border, where I had the opportunity to ride along with our Border Patrol agents.

I was impressed by the bravery of the Border Patrol agents who escorted me. We personally saw a Border Patrol supervisor pull an illegal alien off a 10-foot wall and arrest him despite his violent attempts to resist arrest. I witnessed another Border Patrol agent scale a 5,000-foot mountain at 2 in the morning in freezing 30-degree weather and single-handedly arrest and handcuff eight illegal aliens.

The Border Patrol agent I rode with told me that he had been shot at on several occasions. Twenty-three of his colleagues have been killed in the line of duty since 1990. For example, Border Patrol agents Susan Rodriguez and Ricardo Salinas were gunned down by a murder suspect. Agent Jefferson Barr was shot to death by a drug trafficker.

I have a message for these brave Border Patrol agents: the U.S. Congress knows you are there. We appreciate your service, and help is on the way.

CONGRATULATING THE NCAA FOOTBALL CHAMPION TEXAS LONGHORNS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Texas. Mr. Speaker, for the second time in a row, the University of Texas has won the Rose Bowl. By any definition, the 2006 victory was a classic and made the Longhorns the national champions.

Led by quarterback Vince Young, the Longhorns fought their way to a stunning 41–38 victory over the top-ranked University of Southern California Trojans.

Vince Young ran for 200 yards, passed for 267 and scored the winning touchdown with 19 seconds left on the clock. It does not get much better than that, which is why Vince Young won the Most Valuable Player trophy.

UT Coach Mack Brown and the entire Longhorn football team have a special place deep in the hearts of all Texans. Through hard work, determination and teamwork, the Longhorns beat the odds and became an example for all of us of what sportsmanship really means.

Today, appropriately, the Longhorns were honored at the White House by President and Texan George Bush. Please join me in congratulating the Longhorns on their championship season. Hook 'Em Horns.

OLYMPIAN AND TEXAN CHAD HEDRICK

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, there is a Texas-sized force to be reckoned with in Italy. Chad Hedrick, the 28-year-old former inline skating icon from Spring, Texas, is speed skating his way to victory.

In the first day of Olympic competition, he has already garnered gold, the first for him and the United States in these Olympics. Chad's love for skating started at age 2 in roller skates at his parents' roller skating rink in Spring, Texas.

He grew up and became one of the world's most famous inline skaters, but he switched to speed stating only 4 years ago. Chad Hedrick is a contender for four more medals in the games in Italy, and he is off to a spectacular start.

Although the rink and the type of skates have changed, this hometown hero's passion and talents have only gotten stronger throughout the years, and his passion was shown when he became teary eyed when the Star Spangled Banner played as he was awarded the gold medal.

The entire State of Texas and the Nation congratulate Chad on this astounding accomplishment, and we will be cheering for him for the remainder of the games. As we say in Texas, get 'er done, Chad. And that's the way it is.

CUTS TO ENTITLEMENT PROGRAMS

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, today I rise because I am deeply concerned with respect to the President's budget, his proposed cuts to women and children. In particular, the budget of fiscal year 2007 fails on all accounts and provides insufficient funding for our Nation's greatest investment, its children.

Domestic programs, as we know, are vital to women and children, particularly the WIC program, which will see its funding decline by almost $5 billion over the next 5 years. For low-income families who rely solely on WIC to feed their children and keep them healthy, these cuts are simply unacceptable.

We will see a continued rise in poverty and food shortage among these families. The President's budget is also hurting women who work to provide for their families by cutting back on their health care.

Despite the huge budget cuts made already to the Medicaid program in the budget reconciliation bill, the President proposes to slash another $17 billion over the next 5 years. Medicaid, as many of you know, helps women and children, the most vulnerable in our population. I urge the Congress to reject this morally irresponsible budget.

MORAL SECURITY

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, our constituents expect us to not only guard the economic and national security of this Nation; they expect us to preserve the moral security that has made this Nation great. Just the other day, I had the chance to deliver the keynote address at an event for the Tennessee Boy Scouts.

Mr. Speaker, in this job we do as Members of Congress, there are times when you speak to a group and you can just feel that they are doing the right things. The Boy Scouts fit in that category. They are teaching our boys what it means to serve their community.

We are a Nation built on shared moral values. Families across the country know that our communities are strong and that this country is strong when those values are respected and protected and preserved for future generations. House Republicans know this, and we will be working here each and every day to protect this Nation's security.

STUDENT AID

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. I have just returned from a joyful celebration at the White House, not one about red or blue States, but about burnt orange, branded into the pages of sports history.

As much as all of us can come together to celebrate the dramatic UT National Championship, I think that supporting Longhorns and supporting university students means much more. It means providing a Federal financial commitment to our students to let them achieve their individual greatness.

When qualified students cannot afford to attend a university, all of us lose. This President's budget, as far as I can tell, is one big fumble. Because once again, added on top of the $12 billion that Republicans have just cut in Federal student financial assistance, are additional cuts to Perkins loans and to GEAR UP for those who are trying to get into college.

For the students that I represent at the University of Texas-Pan American, who already face big financial challenges, this burden is going to be a great one. One in four of the students have dependent children and more than 75 percent are first-generation students. I hope that we can make substantial changes and show a real commitment to Longhorns and students everywhere.

□ 1415

MASHA'S LAW

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to share the heartbreaking story of a 13-year-old girl in my district and to call for tougher penalties for child pornography.

I have introduced, along with Representative TIERNEY, H.R. 4703, called Masha's law after 13-year-old Masha Allen, whose adoptive father posted pornographic images of her at age 5 on the Internet. Thankfully, law enforcement officials tracked and convicted her father. Masha now lives in Douglasville, Georgia, with a new and loving adoptive parent. However, hundreds of her images are still on the Internet; and her photographs are some of the most widely downloaded pictures in the world.

Mr. Speaker, we absolutely must do something to harshly reprimand those who produce, distribute and consume child pornography. Did you know that under current law the penalties for illegally downloading music are three times higher than the penalties for downloading child pornography? This is absurd and unjust. My legislation would increase the statutory damages for victims of child exploitation and ensure victims can sue those who download their pictures.

We must protect those who have no way of protecting themselves from this horrific and sickening crime, and I ask that you join me in supporting Masha's law.

WILLIE VAUGHN POST OFFICE

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, this weekend I had the fortune to attend a funeral in a small rural town in the southeast corner of Arkansas of a gentleman who was 101 years old. But the people in that town were all excited and happy because one of our Members, Congressman MIKE ROSS, had named the Post Office in that town after this gentleman, Mr. Willie Vaughn, who had worked and been there almost a hundred years. I commend our colleague, Representative MIKE ROSS, for making a lot of people in Southeast Arkansas very happy.

MYTH VERSUS REALITY

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, since the revelation of the National Security Agency's terrorist surveillance program, we have heard all sorts of hysterics from the other side of the aisle. I think now is the time to separate myth from reality.

Allegations that the NSA program is illegal are a myth. The reality is that the President's authority to authorize this program is firmly based in both his constitutional authority as Commander-in-Chief and in the authorization for use of military force which passed Congress after 9/11.

Allegations that the NSA program is a domestic eavesdropping program used to spy on innocent Americans are a myth. The reality is that this program is narrowly focused, aimed only at international calls and targeted at al Qaeda and related groups. There are safeguards in place to protect the civil liberties of Americans.

Allegations that NSA activities violate the fourth amendment are a myth. The reality is that that program is consistent with the Constitution's protections of civil liberties, including fourth amendment protections.

There are people who want you to believe this program is targeting average Americans. Nothing could be further from the truth.

ROYALTY HOLIDAY FOR MAJOR OIL COMPANIES

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, today in the New York Times Americans were told that not only had the Congress passed a royalty holiday for major oil companies but in the most recent energy bill they had expanded and extended that royal holiday. So we have the situation today where a bill, a law that was passed many, many years ago when the price of energy was very low, has been kept on the book in spite of efforts to try and repeal it by myself and others. And now with world oil prices in excess of $60 a barrel and the oil company profits of the majors at historical record highs by all of the major oil companies, the Federal Government is going to continue to provide a royalty holiday to those oil companies that will cost us, at a minimum, over $7 billion in the next 5 years and maybe an additional 35 to $40 billion over that same period of time.

The time has come for Congress to stop this program, to insist upon the renegotiation of these leases; and if the oil companies will not participate in that renegotiation they should not be allowed to bid on Federal land owned by the taxpayers of this country and continue to be able to rip off the taxpayers of this country.

INTERNATIONAL STRENGTH ON IRANIAN REGIME

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Mahmoud Ahmadinejad, the controlled President of Iran, continues to deny the horrors of the Holocaust and encourage the elimination of Israel. As his message of hatred and fanaticism grows louder each day, the seriousness of his nuclear ambitions has become increasingly obvious.

Last week, the IAEA Board of Governors, including our allies, India, Canada and Australia, voted overwhelmingly to report Iran to the U.N. Security Council. Although the Bush Administration built a case for international unity, Iran's President persists in his quest for nuclear weapons. The U.N. must act quickly and strongly to hold Iran accountable for violating the nuclear nonproliferation treaty.

During the Cold War, Ronald Reagan advocated peace through strength. As the Iranian regime continues to undermine peace and stability, leaders of free nations must work together to seriously address this grave threat. While the Iranian president, chosen by a fixed system, continues to pursue his agenda of terror, the Iranian people deserve a brighter future of economic expansion, not a warmongering leader.

In conclusion, God bless our troops, and we will never forget September 11.

RUNAWAY SPENDING IN WASHINGTON

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, the headlines announcing one scandal after another have grieved the heart of the American people and have eroded public confidence in our national government's commitment to governing of the highest moral caliber.

The Bible says that righteousness exalts a nation, so the converse must also be true. So Congress is preparing to fight for ethics reform, not because such scandals hurt our party but because they do hurt the Nation. But as we reform our rules of ethics we will do so with the understanding that these are but symptoms of the core problem. The real scandal in Washington, D.C., is runaway Federal spending.

Fiscal and moral integrity are inseparable issues. So it is not enough to change the way lobbyists spend their money, Mr. Speaker. We must change the way Congress spends the people's money. Only by marrying budget reform and ethics reform can we hope to restore the confidence of the American people in the fiscal and moral integrity of our national legislature.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. ISSA) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington DC, February 13, 2006.
Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 13, 2006, at 3 p.m. and said to contain a message from the President whereby he submits the Economic Report of the President together with the 2006 Annual Report of the Council of Economic Advisers.

With best wishes, I am
Sincerely,
KAREN L. HAAS,
Clerk of the House.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–78)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Joint Economic Committee and ordered to be printed:

To the Congress of the United States:

The United States economy continues to demonstrate remarkable resilience, flexibility, and growth. Having previously endured a stock market collapse, recession, terrorist attacks, and corporate scandals, this year the economy showed strong growth and robust job creation in the face of higher energy prices and devastating natural disasters. This is the result of the hard work of America's workers, supported by pro-growth tax policies.

In 2005, the Nation's real gross domestic product (GDP) grew 3.5 percent for the year, above the historical average. About 2 million payroll jobs were added in 2005, and the unemployment rate dropped to 4.7 percent last month, well below the averages of the 1970s, 1980s, and 1990s. Real disposable personal income increased, and real household net worth reached an all-time high. This growth comes on top of an already strong expansion. More than 4.7 million payroll jobs have been added since August 2003.

Compared with the performance of other nations' economies, our economic growth is especially impressive. The United States has added more jobs in the past two-and-a-half years than Japan and the European Union combined. Real GDP growth in the United States has been faster than in any other major industrialized country since 2001, and America is forecasted to continue as the fastest-growing country over the next two years.

Our economy's fundamental strength comes from the ingenuity and hard work of our workers. Productivity—how much workers produce per hour—has accelerated since 2000. In the past five years, productivity has grown faster than in any other five-year period since the mid-1960s. The productivity of the United States is increasing faster than any other major industrialized country.

Productivity growth raises our standard of living and plays a central role in our competitiveness in the worldwide economy. Productivity growth will be even more important as new technologies accelerate global economic integration and as the American population ages.

We must now build on this fundamental strength by making robust investments in physical sciences, improving private incentives for research and development, and boosting math and science education and worker training. The American Competitiveness Initiative will help us remain a world leader in science and technology, which means good high-paying jobs for the American people.

We must also continue to pursue pro-growth economic policies and foster a culture of entrepreneurship. To adopt innovations effectively, our companies and workers need the incentives and flexibility that support a thriving free-market economy.

Maintaining a low tax burden is essential for our economic growth and competitiveness. Tax relief has helped our economy, and raising taxes will increase the burden on our families and small businesses. To keep our economy growing, Congress needs to make the tax relief permanent.

Two years ago, I called for cutting the budget deficit in half by 2009 by restraining spending and spurring economic growth. Every year of my presidency, we have reduced the growth of non-security discretionary spending, and last year Congress passed bills that cut this spending. This year, my budget will cut it again, and it will reduce or eliminate more than 140 programs that are performing poorly or not fulfilling essential priorities. By passing these reforms, we will save the American taxpayer another $14 billion next year, and we will stay on track to cut the deficit in half by 2009.

Controlling discretionary spending alone is not enough, however. We have recently passed significant savings in mandatory spending programs. We need to do more because the only way to solve our Nation's fiscal challenges is to address the explosions in growth of entitlement programs like Social Security, Medicare, and Medicaid. I have called for a bipartisan commission to examine the full impact of the Baby Boom retirement and help us come up with bipartisan answers. The longer Congress waits to act, the more difficult the choices will become.

Working together, we accomplished other significant pro-growth reforms that will help our Nation's economy grow stronger and create more jobs. More remains to be done.

Growth in spending on health care has been more rapid than general inflation, straining consumers, employers, and government budgets. Two years ago, we created Health Savings Accounts (HSAs) to help give patients more control over their health care decisions and to make health care more available and affordable. This year, I am proposing to enhance HSAs to make them more widely available, valuable to consumers, and attractive to small businesses—and to make it easier for people to keep their insurance policies when they change jobs. Last year, we worked with Congress to pass a patient safety bill that will help reduce medical errors. Getting doctors and patients the information they need on the quality, cost, and effectiveness of different treatments will help Americans get the highest quality and highest value care. This year, my Administration will push to make more information about price and quality available to consumers, and move forward on these and other policies to lower the cost of health care.

Our Nation's liability laws allow too many frivolous lawsuits and raise costs for consumers and businesses. A year ago, we worked with Congress to pass bipartisan class action reform to help curb lawsuit abuse. I urge Congress in the coming year to pass other essential legal reforms, including asbestos and medical liability reforms.

Energy prices have risen in the last year, but the underlying causes of high prices are long-standing. Last year, we passed the first major energy bill in over a decade. It encourages new technologies and updates government regulations. Over time, the new law will help increase the reliability of our energy supply and the efficient use of the energy we have. We must continue to find new ways to diversify our sources of energy. I have proposed the Advanced Energy Initiative to help increase research in alternative energy sources and technology and to make America less dependent on foreign sources of energy.

Because 95 percent of the world's customers live outside of our borders, opening international markets to our goods and services is critical for our economy. My Administration will continue to work tirelessly to open markets and knock down barriers to free and fair trade so that American farmers and workers can compete on a level playing field worldwide.

These and other issues are discussed in the 2006 Annual Report of the Council of Economic Advisers. This report is prepared by CEA to help policymakers understand the economic context of a variety of issues and trends as our Government makes decisions regarding our economic future. By adopting sound economic policies that build on our strengths, we will keep our economy moving forward and extend prosperity for all Americans.

GEORGE W. BUSH.
THE WHITE HOUSE, *February 2006.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 13, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 13, 2006, at 2:50 pm:

That the Senate passed S. 2275.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk of the House

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 13, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 10, 2006, at 10:05 a.m.:

That the Senate passed with an amendment H.R. 22.

That the Senate agreed to H. Con. Res 331.

That the Senate passed S. 2166.

Appointment:

United States-China Economic Security Review Commission.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk of the House.

COMMUNICATION FROM RANKING MEMBER OF COMMITTEE ON WAYS AND MEANS

The SPEAKER pro tempore laid before the House the following communication from the Honorable Charles B. Rangel, Ranking Member, Committee on Ways and Means:

HOUSE OF REPRESENTATIVES
COMMITTEE ON WAYS AND MEANS,
Washington DC, February 13, 2006.

DEAR SPEAKER HASTERT: Pursuant to section 11142 of SAFETEA-LU (P.L. 109-59), I hereby appoint to the National Surface Transportation Infrastructure Financing Commission the following individuals:

Mr. Elliot (Lee) Sander, Director of the Rudin Center for Transportation Policy and Management at New York University, and Senior Vice President and Director of Strategic Development at DMJM Harris, of New York City, New York.

Mr. Craig Lentzsch, CEO of Coach USA and KBUS Holdings, of Dallas, Texas.

Sincerely,

CHARLES B. RANGEL,
Ranking Member.

COMMUNICATION FROM THE OFFICE OF THE 50TH DISTRICT OF CALIFORNIA

The SPEAKER pro tempore laid before the House the following communication from Nancy Lifset, Office of the 50th District of California:

CONGRESS OF THE UNITED STATES,
Washington, DC, February 8, 2006.

Hon. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena, issued by the U.S. District Court for the Southern District of California, for testimony.

After consultation with counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

NANCY LIFSET,
Office of the 50th District of California.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

SENSE OF CONGRESS REGARDING THE CONTRIBUTION OF THE USO TO OUR ARMED FORCES

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 322) expressing the Sense of Congress regarding the contribution of the USO to the morale and welfare of our servicemen and women of our armed forces and their families, as amended.

The Clerk read as follows:

H. CON. RES. 322

Whereas the United Service Organizations, Incorporated (the USO), a nonprofit, charitable organization, was founded in 1941 to provide morale and recreation services to military personnel and in 2006 is celebrating its 65th anniversary of service to United States servicemembers around the world;

Whereas the USO is chartered by Congress and is endorsed by the President and the Department of Defense to provide morale, welfare, and recreation-type services to members of the Armed Forces and their families;

Whereas the USO operates 124 centers around the world, including six mobile canteens, through which support is provided to members of the Armed Forces and their families, who visit those facilities more than 5,000,000 times per year;

Whereas the USO relies on over 33,000 volunteers providing approximately 400,000 hours of service per year, in both peacetime and time of conflict;

Whereas the USO plays an important role in contributing to the success of the Nation's military mission by providing a reliable private connection directly supporting the morale, welfare, and recreational needs of the members of the Armed Forces; and

Whereas the crucial link to home provided by the USO is made possible through the generous contributions of more than 1,000,000 American citizens and scores of corporations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress extends its appreciation to the United Service Organizations, Incorporated (the USO), on its 65th anniversary and recognizes that the work of that organization in supporting the members of the Armed Forces and their families is a valued contribution to the success and mission of the Armed Forces.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Texas (Mr. REYES) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the United Service Organizations, established on February 4 of 1941, has become a national treasure. In every war and every theater of operation since World War II where Americans have been deployed, the USO has been there to entertain and to increase the morale and welfare of the men and women in the military and their families. As the chairman of the USO Caucus it is my pleasure to bring this resolution to the floor today.

When the organization was formed, the military was expanding rapidly for the impending conflict. Between 1940 and 1944 the size of our military grew from 50,000 to over 12 million. At its high point during the Second World War the USO had over 3,000 clubs and 1.5 million volunteers to provide services to military personnel. On the entertainment side, the U.S. provided 428,521 shows and performances. To put this figure into perspective around the world, the USO would do sometimes 700 shows a day. It estimates that over 7,000 entertainers were sent overseas to entertain our troops.

Today, USO facilities are visited over 5 million times a year; and although the USO does have a paid staff, the bulk of the service that they provide is through 12,000 volunteers who donate over 450,000 hours annually.

In 2005, the USO sent out over 50 celebrity entertainment tours. Almost 200,000 servicemembers in some 30 countries were visited by these tours. The USO has distributed over 750,000 care packages to deploying servicemembers, and last year they had three care package stuffing parts right here on Capitol Hill for troops deploying to Iraq and Afghanistan. I have helped stuff packages myself, as have many other Members of Congress and their staff. We have to date stuffed and sent 12,000 care packages. My goal is to increase that number to 20,000 a year. It is the least that we as Members of Congress can do.

H. Con. Res. 322 will recognize the thousands of men and women, mostly volunteers, who have made the USO possible, for without them the USO would not be half of what it is.

Every time I have the opportunity to go overseas to Iraq, Afghanistan, to Bosnia and other areas of operation around the world, the men and women tell me all the time, send us more USO shows.

□ 1430

Send us more of those USO care packages. To me, Mr. Speaker, that says that our USO continues to be the single most important morale booster to our men and women serving overseas. From the Second World War to Iraq, the USO has been there and is there today, and we are here for the men and women of the USO.

God bless them and the incredible work that they do.

Mr. Speaker, I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as co-chair of the USO Congressional Caucus, I join my colleague and good friend, Congressman MILLER, on the House Armed Services Committee, who is our founding co-chair of the USO Caucus, in support of House Concurrent Resolution 322. This resolution recognizes the 65th anniversary of the United Service Organizations and extends Congress's appreciation to the USO for 65 years of dedicated service in support of our Armed Forces and their families.

I have personally seen the impact of the USO on the lives of our Nation's military during visits, as my colleague mentioned, to Iraq, Afghanistan, and military facilities around the world. I have also seen the work of the USO closer to home. The congressional care package stuffing party, which was held in the Rayburn foyer last September, helped provide care packages stuffed by Members of Congress and our staffs for soldiers deploying from the Continental United States Replacement Center in my district at Fort Bliss, Texas.

Also at Fort Bliss in December, the USO established a Wounded Warrior Room at William Beaumont Army Medical Center, providing soldiers recovering from combat injuries a place to relax during their treatment. And later this spring, the USO will open a new center on the main post of Fort Bliss to serve both those currently stationed at Fort Bliss and also the nearly 20,000 soldiers who will be coming to El Paso as part of the decision of BRAC and the overseas rebasing troop movements.

While we see every day the good things that the USO does for our soldiers, sailors, airmen, and marines, many Americans may not remember how the USO came into existence. The year was 1941, and President Franklin D. Roosevelt challenged six private organizations to take responsibility for the leave recreation of the armed services. The six organizations were the Salvation Army; the Young Men's Christian Association, the YMCA; the Young Women's Christian Association, the YWCA; the National Catholic Community Services; National Travelers Aid Association; and the National Jewish Welfare Board. These six organizations pooled their resources together and became known as the United Service Organizations, or more commonly referred to today as the USO. The USO incorporated on February 4, 1941, and remains a private nonprofit organization that is supported entirely by over 1 million American citizens and hundreds of corporations.

Back in its early days, USO facilities were opened in such unlikely places as churches, log cabins, museums, castles, barns, beach clubs and yacht clubs, railroad sleeping cars, and even some storefronts. These USO facilities were many things to so many people, a place to see movies or a place to dance and meet people, a quiet place to talk or write letters back home, a place to find religious counsel, and always a place to go for free coffee and doughnuts. By 1944, the USO had more than 3,000 clubs across the country. However, by 1947 the USO had all but disbanded.

During the Korean war, the USO eventually reopened 24 clubs worldwide; and during the conflict in Vietnam, the first USO opened in a combat zone. It is here where I can tell you, Mr. Speaker, that I have personal knowledge of just what the USO means to a young soldier far away from home, bringing a little bit of home to a combat zone.

As the draw-down in Vietnam ended, the USO began to provide new programs to help servicemembers and their families transition back into civilian life. With the current conflicts in Iraq and Afghanistan, the USO opened its first center in Afghanistan, the Pat Tillman USO Center, at Bagram Air Base in 2005. Today there are more than 124 airport and family centers worldwide, located in 10 countries and 21 States.

The USO is also recognized for its entertainment effort on behalf of our servicemembers and their families. In fact, one cannot recognize the USO and not remember that the most beloved and recognized entertainer, the great Bob Hope, was part of the heart and soul of the USO. Bob Hope began his first USO tour in 1942 and continued to entertain and support our troops for more than five decades. Bob Hope brought laughter and joy to thousands of men and women deployed around the world, and he and other entertainers volunteered to entertain the troops both in the United States and abroad, often under some of the most trying situations and conditions.

Today that same commitment and dedicated spirit lives on in the hundreds of entertainers that have volunteered and continue to support our deployed troops in Operation Iraqi Freedom and Operation Enduring Freedom, as well as other bases around the world.

Today the USO continues its outstanding achievement under the leadership of president and chief executive officer Ned Powell; chief of staff Sarah Farnsworth; and senior staff, Michael Farley, John Hanson, Keith Weaver, Bruce Townsend, and Hilary Welch; and the contributions from the USO World Board of Governors. These great people continue to help build and sustain the USO. But the most critical component of the USO and what makes it so special and what makes it so unique are the over 33,000 volunteers and paid staff members who contribute over 400,000 hours of service annually. These are people that are the heart and soul of the USO and provide direct comfort and assistance to our troops and their families, and I want to thank them all and honor them for their service to our troops and their families.

Congress also recognizes the important role that the USO plays in support of our servicemembers and their families; and to further provide support to the USO, it established the USO Congressional Caucus. As co-chair of the caucus, I am pleased that over 150 of my colleagues have joined that effort to enhance the outreach to our soldiers, sailors, airmen, marines, coast guardsmen, and their families.

So today, Mr. Speaker, I urge my colleagues to join me in support of this great resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. WILSON), a gentleman who has three sons serving in our Armed Forces today, one of whom returned from service in Iraq last year.

Mr. WILSON of South Carolina. Mr. Speaker, I urge support for House Concurrent Resolution 322, and I appreciate the leadership of my Armed Services Committee seatmate JEFF MILLER for authoring the resolution. He and his wife, Vicky, are tireless advocates for our military heroes who protect American families. I am also grateful for the USO Caucus leadership of Congressman JEFF MILLER and SYLVESTRE REYES, two of the most dedicated Members of Congress.

Created in 1941 by the request of President Franklin D. Roosevelt, the United Service Organizations delivers encouragement and optimism to our brave men and women in uniform. The USO is ably led by president and CEO Ned Powell, who is a distinguished graduate of Washington and Lee University in Virginia.

Throughout the past six decades, the USO has evolved continuously to meet our soldiers' needs during wartime and peacetime. From operating clubs where troops can meet, to sponsoring Bob Hope's historic shows, the organization has a tremendous record of providing critical comfort and aid to our servicemembers. Today, with the help of 12,000 volunteers providing nearly 450,000 hours of service per year, the USO operates 124 centers and six mobile canteens around the world. On the State level, we have had outstanding programs such as in South Carolina with Redd Reynolds entertaining National Guard troops.

I am proud to join Congressman JEFF MILLER and Congressman SYLVESTRE REYES in congratulating the USO for its 65th anniversary of dedicated service. As American soldiers risk their lives in the war on terrorism to protect American families, the USO's mission is more important than ever. I appreciate the USO firsthand from my knowledge as a Member of Congress, a 31-year veteran, and as the parent of three sons currently serving in the military.

In conclusion, God bless our troops and we will never forget September 11.

Mr. EDWARDS. Mr. Speaker, I rise in strong support of this resolution and thank my colleagues from Florida and Texas for introducing it.

Established on February 4, 1941, at the direction of President Roosevelt and chartered by Congress in 1979, the USO has long provided generously for the morale and welfare of our troops. Through their various programs, events and campaigns, the USO extends a touch of home to the men and women of our nation's military. The USO benefits from the generosity of many Americans, as the bulk of the service delivery is provided by 12,000 volunteers who donate over 450,000 hours annually.

Funded through the generous contributions of the American people, organizations and corporations, the USO operates 124 centers worldwide and 6 mobile canteens. With overseas centers located in Germany, Italy, France, the United Arab Emirates, Bahrain, Iceland, Bosnia, Japan, Qatar, Korea and Kuwait; the USO has built an extensive network—with service members and their families visiting USO centers more than 5 million times each year.

Many of us in this Chamber have participated in or witnessed firsthand the good work done by the USO for many of our constituents. Since 2003 the USO has distributed over 1 million prepaid phone cards as part of Operation Phone Home. The cards have been distributed in Iraq, Afghanistan, hospitals, and even to service members impacted by Hurricane Katrina. In 2005 the USO sent out over 50 celebrity entertainment tours. Almost 200,000 service members in 30 countries were visited by these tours. Additionally, over 750,000 care packages were delivered to deploying service members. Last year the USO held three care package stuffing parties on Capitol Hill for troops deploying to Iraq and Afghanistan, where Members of Congress and Staff were able to assemble about 12,000 care packages.

More than just entertainment, the USO also provides critical services such as "newcomer" briefings for troops and family members and new spouses; family crisis counseling and support groups for families separated by deployments; housing assistance; and nursery facilities.

Mr. Speaker, as co-chair of the House USO Caucus, it gives me great pride to rise in strong support of this resolution and in support of the USO for all of the work they have done for our military community and our nation.

Mr. EVANS. Mr. Speaker, I rise today in strong support of H. Con. Res. 322, acknowledging the contributions of the United Service Organization to the morale and welfare of the servicemen and women of our armed forces and their families.

It is with great honor I join Congressman REYES and my fellow colleagues in supporting the United Service Organization (USO), an organization I know well as a Vietnam-era Marine. The USO was formed in response to a 1941 request from President Franklin D. Roosevelt for the purpose of providing the men and women of the Armed Forces with comfort, hospitality, and recreation. The USO continues to successfully fulfill this mission in collaboration with the U.S. government and numerous private organizations.

Since the opening of the first center in 1963, the USO has grown to over 120 centers worldwide, ranging from Seattle, Washington to Seoul, Korea. Annually, 12,000 volunteers donate 450,000 hours of their time assembling and delivering over 750,000 care packages to deployed service members. Last year, Members of Congress and their staff participated in three care package stuffing events that assembled about 12,000 packages for troops deploying to Iraq and Afghanistan.

As our military continues to grow and change, the mission of the USO also continues to expand and incorporate new ideas to better serve our servicemen and women. In 2003, the USO began "Operation Phone Home," which distributed over one million prepaid phone cards to our troops, enabling them to communicate with family members while stationed overseas.

The most well-known programs sponsored by the USO are the Celebrity Entertainment shows, which have proven to be an effective morale booster. In 2005, the USO sent over 50 celebrity entertainment tours in 30 countries, which were attended by almost 200,000 service members. Longtime USO entertainer, Bob Hope, is perhaps the most memorable advocate of the USO. His legacy continues to inspire and attract celebrities, entertainers, and the American people to donate their time and talents in support of the troops.

The USO provides a channel for American citizens to express appreciation and admiration to those who bravely defend the United States overseas, and to let our military men and women know they are cared for and not forgotten. The USO embodies the generous spirit of the American people and their unwavering support for our servicemen and women. On the 65th Birthday of the USO, I, sincerely extend my thanks for providing so much support and comfort to our Armed Forces.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Con. Res. 322, recognizing the importance of the United Service Organization's (USO) many contributions and to their vital role in the betterment of the lives of our servicemen and women.

We are sending an increasing number of soldiers, both enlisted and reserve, to serve in locations far from home, which shows that the USO's work is just as necessary today as it was 65 years ago. In 1941, President Franklin D. Roosevelt challenged 6 private organizations to provide morale boosting support for our servicemen and women. The USO has met that challenge head-on.

As a member of the congressional USO Caucus, and a member who has visited war zones around the world throughout my years in Congress, I have seen evidence of the services they provide our soldiers and the value of these welcoming facilities.

The organization is well-know for inviting Hollywood entertainers to perform concerts, boosting morale, and providing temporary reprieve from the daily stresses of their profession. However, the USO provides more than just mere entertainment for the armed services, offering less publicly known programs, such as crisis counseling and support groups for both military personnel and their families.

The USO operates 124 of these facilities around the world, including 49 overseas. As a testament of their good work and its commitment to expanding its efforts, the USO just opened its newest facility in Kuwait, just two weeks shy of the organization's 65th birthday. This center is the 6th in the Persian Gulf region, showing that the organization has continued with its tradition of providing support where support is needed, be that at home, or halfway around the world.

For soldiers unable to meet their families at a facility, the organization reaches out providing phone cards and care packages, so that at the very least, they can hear a familiar and soothing voice, and enjoys a taste of home.

The USO's charter may be signed into law, but it still operates as a non-profit, charitable organization relying on both private contributions and support of volunteers. Thankfully, the organization is in no short supply of either with scores of companies and 33,000 volunteers offering their support. The USO serves as the bridge between concerned citizens wanting to make a difference, and our servicemen in need of assistance. With that said, I can not understate the value of the organization's work in enhancing both the lives of soldiers on the ground, and their families' safe at home. For all of the aforementioned reasons I hope my colleagues will vote to recognize the many contributions the USO has made in enhancing the lives of our soldiers.

Ms. BORDALLO. Mr. Speaker, I rise to today in support of House Concurrent Resolution 322 to recognize the outstanding contributions of the United Service Organization (USO) to the morale and welfare of our servicemen and women in the U.S. Armed Forces and their families. I also take this occasion to commend the USO upon their 65th anniversary.

The USO has served as a source of support, entertainment, and morale for American troops since its chartering in 1941. Established at the request of President Franklin Delano Roosevelt, the USO has served our Nation's servicemen and women ever since. I commend the efforts of those six civilian agencies—the Salvation Army, Young Men's Christian Association, Young Women's Christian Association, National Catholic Community Service, National Travelers Aid Association and the National Jewish Welfare Board—that came together in support of our troops in creating the USO, bringing about its official incorporation in New York on February 4, 1941.

The USO has strong ties to Guam. Burgeoning with U.S. military personnel following the liberation of the island, the USO first came to Guam in the early 1950s. Delivering entertainment and laughs to those serving on Guam, the USO's work on Guam was but a small glimpse of its work lifting the morale of servicemen and women around the world.

The combat zones of the past included Korea, Vietnam and Kuwait. Today the USO brings entertainment to our men and women serving in Iraq, Afghanistan and the Horn of Africa among many other places. For 65 years, wherever you found America's military, you found the USO, no matter the location or the danger.

The USO not only brings entertainment, a piece of home and a smile to troops deployed abroad through its shows, but serves as a "home away from home" for servicemen and women in 124 centers around the world. I am pleased to state that this proud tradition will soon be resurrected on Guam. The USO will re-open its Guam branch on March 23, 2006. With the military presence on Guam steadily growing, the USO has once more answered the call to service. With growing unease in Asia, the strategic location of Guam is increasingly valued. The men and women who serve on the island provide stability to the region and security to our Nation. The USO will once again ensure that these men and women, their families and their guests nonetheless always have the support they need. No doubt this branch will also bring to Guam many of the USO's trademark shows.

Let me take this chance to say, on behalf of the people of Guam, welcome back to the USO. As we say on Guam, Hafa Adai and Si Yu'os Ma'ase (thank you) for their work.

Our Nation enjoys a spirit of brotherhood, of service and of charity that is a reflection of a national value of selfless service. The USO embodies this national value. And the people who are the USO live this national value. Over 12,000 volunteers donate over 450,000 hours annually thereby allowing the USO to serve our Nation's greatest servants. Not to be forgotten are the celebrities and entertainers that often headline USO tours, lending their time and talents to honor those people who provide them the very opportunity to live the American dream they have realized. And providing the foundation upon which the USO can operate are countless thousands of U.S. donors, both private and corporate, who make giving a centerpiece of their lives.

I join my colleagues in commending the USO and all of the men and women who over time and who now make up this great organization for the service they provide to those who serve our Nation in uniform. Like our military men and women, you too are heroes. You are what makes America great. God Bless the USO, God Bless our men and women serving around the world today and God Bless America.

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to the United Service Organizations, whose world headquarters are located in my district and this year will celebrate its 65th anniversary of serving the men and women of our armed forces.

At the direction of President Franklin D. Roosevelt the USO was formed in 1941 as a means of promoting troop morale by providing entertainment, recreation and support. Relying solely on charitable contributions and the generosity of individuals, the USO has served troops in each American conflict since World War II.

Perhaps at its most well known during World War II, the USO provided over 400,000 shows and performances to our armed forces, sending 7,000 performers overseas and performing as many as 700 shows in a single day. It was during this time that the great Bob Hope first performed for our soldiers. His famous USO career spanned six decades, headlining over 60 tours and delivering countless one-liners. In 1997, the USO successfully worked with Congress to designate Bob Hope the first honorary veteran of the U.S. armed forces.

Today the USO is still going strong. In 2005, the USO sponsored over 50 celebrity entertainment tours, visiting nearly 200,000 service members in over 30 countries. The volunteer base has grown to over 12,000 people who donate over 450,000 hours of service each year.

The USO, however, provides more than just uplifting entertainment to our troops. Over 750,000 handmade care packages were sent to service members deploying to Iraq and Afghanistan last year. Additionally, the USO has made communication to the home front more affordable and accessible through the Operation Phone Home which distributed over one million prepaid phone cards to deployed troops.

All of this would not be possible were it not for the dedication of the USO staff and volunteers who so graciously give their time and energy to help those who are defending our Nation. Mr. Speaker, I ask that you join me in commending the USO and its members for all of their work and in congratulating them on 65 years of dedicated services to our troops.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H. Con. Res. 322, expressing the sense of Congress regarding the contribution of the USO to the morale and welfare of our service men and women of our Armed Forces and their families.

I commend my colleagues Mr. MILLER and Mr. REYES for giving us this opportunity to express our appreciation to the USO for the service they provide to our country through their work with our military forces throughout the world.

I believe the United Service Organizations, USO, is best known to the public for bringing in diverse celebrity musicians, comedians and actors to entertain and to boost the morale of our troops around the world, including such familiar names as Wayne Newton, Robin Williams, actor Gary Sinise, the Dallas Cowboy Cheerleaders, and even including a son of my own district, Dwayne Johnson—the Rock.

What is less widely known is the existence of other important programs and services the USO has developed to support our troops, such as family crisis counseling; housing assistance; airport service centers; libraries and reading rooms; telephone, internet, and e-mail capabilities; support groups for families separated by deployments; and USO centers—on- and off-base—to provide relaxing and wholesome recreational activities to our service members and their families. In fact, the USO currently operates more than 120 centers around the world, including centers in Germany, Italy, France, Bahrain, Bosnia, Japan, Qatar, and Kuwait.

I note that the USO is a private, nonprofit organization relying on donations from private citizens, organizations and corporations to support their mission. The USO credits its success in large part to the services of more than 12,000 volunteers, who provide some 450,000 hours of service annually to support our troops.

I am a proud supporter of our military troops and a proud member of the USO Congressional Caucus. In my opinion, the work the USO has been doing for the past 65 years is vital to the morale and welfare of our men and women in the Armed Forces. For this reason, I am honored to have this opportunity to speak in support of H. Con. Res. 322 and recognize the USO for their invaluable contributions to the success of our U.S. military.

I urge my colleagues to support H. Con. Res. 322.

Mr. REYES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISSA). The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 322, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MILLER of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

SUPPORTING THE GOALS AND IDEALS OF A DAY OF HEARTS, CONGENITAL HEART DEFECT DAY

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 629) supporting the goals and ideals of a Day of Hearts, Congenital Heart Defect Day in order to increase awareness about congenital heart defects, and for other purposes.

The Clerk read as follows:

H. RES. 629

Whereas congenital heart defects are structural problems with the heart that are present at birth;

Whereas such defects range in severity from simple problems, such as "holes" between chambers of the heart, to very severe malformations, such as the complete absence of one or more chambers or valves of the heart;

Whereas more than one million Americans have some form of a congenital heart defect and such defect is the number one cause of death in infants;

Whereas out of 1000 births, eight babies will have some form of a congenital heart disorder, and approximately 35,000 babies are born with such defects each year;

Whereas twice as many children die each year from congenital heart disease compared with childhood cancers, yet funding for pediatric cancer research is five times higher than such funding for congenital heart disease;

Whereas cardiovascular disease is the Nation's leading killer in both men and women among all racial and ethnic groups;

Whereas the United States has a severe shortage of cardiac centers that are fully equipped to provide care for adults living with complex heart defects;

Whereas almost one million Americans die of cardiovascular disease each year, resulting in up to 42 percent of all deaths in the United States;

Whereas the presence of a serious congenital heart defect often results in an enormous emotional and financial strain on young families who are already in a vulnerable stage of their lives;

Whereas severe congenital heart disease requires that families dedicate extensive financial resources for assistance and care both within and outside of a hospital environment;

Whereas congenial heart defects exceed more than $2.2 million a year for inpatient surgery alone; and

Whereas February 14, 2006, would be an appropriate day to recognize A Day for Hearts: Congenital Heart Defect Awareness Day: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of A Day of Hearts: Congenital Heart Defect Awareness Day to—

(1) increase awareness about congenital heart defects;

(2) encourage research with respect to the disease; and

(3) support the millions of Americans who are affected by this disease.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

H. Resolution 629, offered by the distinguished gentleman from Georgia (Mr. PRICE), would support the goals and the ideals of a Day of Hearts, Congenital Heart Defect Day.

Today in the United States, heart disease and stroke, the basic components of cardiovascular disease, are the first and third leading causes of death for both men and women, accounting for nearly 40 percent of all deaths. Over 900,000 Americans die of cardiovascular disease each year, Mr. Speaker, which amounts to a death every 34 seconds. Even though this dangerous disease attacks those over the age of 65 most commonly, the number of sudden deaths from heart disease among people between the ages of 15 and 34 has increased dramatically.

Along with the individual effects of this vastly growing disease, there is also a widespread economic impact. The U.S. health care system continues to be hit with the cost of heart disease and stroke in the U.S. Coronary heart disease is the leading cause of permanent disability in the U.S. workforce, and there are over 6 million hospitalizations each year due to this disease. As our population ages, the cost of heart disease and stroke was projected to be $394 billion in 2005, last year, which includes health care expenditures and lost productivity from death and disability.

Mr. Speaker, I would ask all Members to support H. Resolution 629 with the hope that, because cardiovascular disease is preventable, increased awareness and research could enable us as Americans to cut down on the unnecessary deaths due to this disease each year in our country.

Mr. Speaker, I reserve the balance of my time.

□ 1445

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the resolution to recognize the goals and ideas of a Day of Hearts, and I commend the gentleman from Georgia for making use of Valentine's Day as a way of highlighting and bringing awareness to one of our major health problems and health issues.

Every year, eight out of every 1,000 children are born with some form of congenital heart defect, or CHD. CHDs are the number one killer of infants in the United States, and while treatment is available for many of these defects, a number of them are not treatable. Sadly, too, many families lack the resources necessary to obtain proper treatment for even the most common and easily treatable defects.

Because CHDs are long-term or often lifelong afflictions, the life of a child who survives a CHD is made more difficult by restricted behavior and the laborious effort needed to carry out the daily tasks of life.

A Day of Hearts is an international effort to raise awareness of this all-too-common problem. CHD lacks the visibility of some of the diseases we all know well, yet the effects are no less tragic. Much progress needs to be made in fighting the disease and in finding and funding facilities that are dedicated to cutting-edge research related to all aspects of CHDs, especially factors that contribute to their occurrence.

In addition, developing countries are far behind the developing world in treating CHDs. Defects that are easily treatable here in the United States can be killers in those countries, and our sense of humanity can no longer tolerate easily preventible deaths from CHDs.

Mr. Speaker, February 14 is a day that many people around the world associate with love and companionship, and the enduring symbol of Valentine's Day is the heart. I can think of no day more appropriately tailored towards raising the public's awareness of CHDs than Valentine's Day. Therefore, I join in support of this important resolution and call upon all of my colleagues to support this effort so that hopefully we will generate the kind of awareness and the kind of resources that are necessary to fight this tragic and debilitating illness.

Mr. Speaker, I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I yield such time as he may consume to my distinguished colleague from the State of Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I thank the chairwoman for allowing me to speak on this issue. I appreciate her leadership in this. I want to thank my Georgia colleagues and all colleagues on both sides of the aisle who have assisted in supporting this endeavor.

Mr. Speaker, I rise today to wish a happy Valentine's Day to Sarah Anne Voyles. Sarah is a 15-year-old young lady who happens to live in my district. She is a special young lady who just happened to be born with a congenital heart defect who brought this whole issue to my attention.

As a physician, I practiced for nearly 20 years in my community and I understand the medical importance of being able to treat congenital heart defects. But as a Member of Congress the issue becomes all that more important as we work to bring attention to this remarkable challenge.

So I am proud to stand today and present and support H. Res. 629, a resolution that will identify today, Valentine's Day 2006, as a Day of Hearts, Congenital Heart Defect Awareness Day.

What is a congenital heart defect? Well, congenital means it is present at birth, so it is an abnormality that is present at birth. It is a birth defect. It is a birth defect of the heart. It is a birth defect, though, that we don't often hear about.

It occurs during the development of the heart, which begins for a baby shortly after conception. These defects can involve the walls of the heart, or the valves of the heart, or the blood vessels, the arteries and veins that supply the heart itself. They are often able to disrupt the normal flow of blood in the heart, slowing that blood down or having it flow in the wrong direction or wrong place, or it might even block the flow of blood altogether. They also can be conduction defects, defects that make it so the heart doesn't beat in the correct way.

More than 35,000 infants, about one out of every 150 births, are born with heart defects every single year; and these defects can be very minimal in nature and not even be noticed by the family or the child or the physicians, or they can be life-threatening. Heart defects are among the most common birth defects, and they are the leading cause of birth defect-related deaths in the United States.

The good news is that with significantly improving treatment over the past few decades there are now more adults living with congenital heart defects than ever before, having been treated in their infancy for those defects. And this means that there are new medical challenges that we as a society will confront, and confront them we will.

So it is perfectly fitting and appropriate that we pause today and recognize Congenital Heart Defect Awareness Day in order to do three specific things: One is to increase the awareness of congenital heart defects; two is to encourage research with respect to this disease; and, three, to support the millions of Americans who are affected by this disease.

So I join with the others and ask my colleagues to support this resolution and join me in wishing Sarah Anne Voyles, and all Americans living with congenital heart defects, a very happy Valentine's Day and a Day of Hearts for Congenital Heart Defect Day.

Mrs. MILLER of Michigan. Mr. Speaker, I yield such time as he may consume to my distinguished colleague from the State of Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Mr. Speaker, I thank Dr. Price and my other colleagues who have cosponsored this Day of Hearts resolution, recognizing congenital heart defects and the impact they are having on American society and American families.

As has been mentioned, approximately 35,000 babies are born each year with some variety of a congenital heart defect. Five years ago, my wife Celeste and I had a beautiful baby girl, and we named her Kathryn, and she was one of those 35,000 babies. She was diagnosed shortly after her birth with a complete atrial ventricular septal defect.

It was a normal birth. Afterward, during a regular checkup, our family doctor heard something that almost jumped through his stethoscope. As we later found out, he was holding back his own emotion as he heard this. So that launched us then on a path, a very intense, difficult, 3-month period, until she had her first surgery.

But one of the most encouraging things that happened for us then were other parents who found out we were suffering through this and who took initiative to call us, to extend a hand of friendship. Because when this happens to you, your world spins around 360 degrees. It is very hard to know who to turn to and where to go. So the support network of parents who simply took their own initiative to contact us was very deeply meaningful and helped us through this very difficult time.

Kathryn, as many of your saw this past weekend, is a very vibrant, happy, 5-year-old. She wears a pacemaker, which obviously causes some security difficulties here and there, but, nonetheless, we are grateful to the advances that medicine has given us in the last 30 years to be able to deal successfully with this form of defect.

I am just really thankful that Congress is taking the initiative today to actually propose a Day of Hearts, not only to bring more emphasis to the issue, because it does affect so many families, but to potentially help spur additional research into the potential of finding a cure, or at least helping parents who have to deal with the management of this issue for a lifetime.

Thank you, Dr. Price, for proposing this; thank you to my other colleagues who have cosponsored this; and I urge passage of H.R. 629.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is especially appropriate that today on Valentine's Day, when we celebrate love and affection from the bottom of our hearts, that this House passes a resolution that seeks to provide protection from our hearts being damaged from disease. I urge all Members to support the adoption of H. Res. 629.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I rise in support of H. Res. 629, supporting the goals and ideals of a Day of Hearts, Congenital Heart Defect Day in order to increase awareness about congenital heart defects. I think it's fitting that on Valentine's Day, we can discuss a resolution that will help protect our hearts.

Heart disease can affect every aspect of your life: your ability to work, your ability to get adequate insurance, your ability to exercise or play sports, and your ability to have children, not to mention your ability to enjoy your life and live it to the fullest.

Estimates suggest that about 1 million Americans have a congenital heart defect. If time in the hospital and recuperating from heart conditions could be measured in years of life, over 91,000 life years are lost each year in the US due to congenital heart disease. For inpatient surgery alone, charges for care exceed $2.2 billion every year.

Even our most vulnerable and innocent citizens are not exempt from the risk of heart disease: around 35,000 babies are born with a heart defect each year. Out of 1,000 births, 8 babies will have some form of congenital heart disorder, although for the most part, these are mild. Severe heart disease generally becomes apparent during the first couple of months after birth. Doctors know to watch for certain clues, including when babies are born blue, have very low blood pressure, breathing difficulties, feeding problems, or poor weight gain. In addition, most minor defects are diagnosed on a routine medical check up.

We've made significant improvements in the treatment of congenital heart conditions, from preventive treatment, to surgery, to research, to education and outreach. In the 1960s and 1970s the risk of dying following congenital heart surgery was about 30 percent and today it is around 5 percent.

However, recent statistics show that heart disease is still the No. 1 killer of American women, and heart failure is on the rise in the elderly. This bill is relevant and timely, and a noble effort to bring much needed awareness and crucial outreach to men, women and children across the Nation. Knowledge can make all the difference in quality of life, and a Day of Hearts is the perfect way to start the conversation and spread the word.

Mrs. MILLER of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISSA). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and agree to the resolution, H. Res. 629.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RAYMOND J. SALMON POST OFFICE

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4152) to designate the facility of the United States Postal Service located at 320 High Street in Clinton, Massachusetts, as the "Raymond J. Salmon Post Office".

The Clerk read as follows:

H.R. 4152

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RAYMOND J. SALMON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 320 High Street in Clinton, Massachusetts, shall be known and designated as the "Raymond J. Salmon Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Raymond J. Salmon Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4152.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4152, offered by the distinguished gentleman from Massachusetts (Mr. MCGOVERN), would designate the post office building in Clinton, Massachusetts, as the Raymond J. Salmon Post Office.

On April 16, 1923, Raymond J. Salmon was born in the town of Clinton, Massachusetts. In his younger years, Ray served his country as a Technical Sergeant in the U.S. Army in World War II. In 1950, he began his political career by working for Congressman Phillip Philbin of Clinton, Massachusetts, and served as his Chief of Staff until 1970. While working on Capitol Hill, Ray managed to complete law school and be admitted to the bar in 1952.

After several years as a sole practitioner, Ray was appointed the Clerk Magistrate of Clinton District Court in 1976, and he remained in this position until his retirement in 2000.

His service in this capacity did not go unnoticed by his community. He was loved and revered by the citizens of Clinton, and he remained involved in many other community activities. He was a member of the Knights of Columbus, the American Legion, Turner Veterans, the Polish American Veterans, the Hibernian AOH Master of Ceremonies, President of the National Exchange Club, Exalted Ruler of the Clinton Lodge of Elks and President of the Clinton Democratic Town Committee.

It is an honor and privilege to be able to recognize such an unselfish and giving member of the community by passing H.R. 4152 and recognizing the efforts of such a committed individual.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Government Reform Committee, I am pleased to join my colleague in the consideration of H.R. 4152, legislation naming a postal facility in Clinton, Massachusetts, after Raymond Salmon. This measure, sponsored by Representative JAMES MCGOVERN of Massachusetts, was unanimously reported by our committee on November 16, 2005. H.R. 4152 has the support and cosponsorship of the entire Massachusetts delegation.

Mr. Salmon, a native of Massachusetts, was a graduate of Clinton public schools, Saint Michael's College in Vermont and Suffolk University Law School. He was a congressional staffer who worked for former representative Phillip Philbin from 1950 to 1970. He was a veteran and an attorney seriously and actively involved in many aspects of community life in the neighborhood and community where he lived. He gave a great deal of himself for the benefit of others with consistency and regularity.

I am pleased, Mr. Speaker, to urge the swift passage of this bill.

Mr. MCGOVERN. Mr. Speaker, I want to thank Chairman TOM DAVIS and Ranking Member HENRY WAXMAN of the House Government Reform Committee for their leadership on moving this important resolution through the committee and to the House floor for its consideration today.

I rise today in strong support of H.R. 4152, which would designate the United States Postal Facility at 320 High Street in Clinton, Massachusetts as the Raymond J. Salmon Post Office.

Mr. Speaker, by designating this Federal post office today, we honor a great American. Raymond J. Salmon was born on April 16, 1923 in the small town of Clinton, MA. As a young man, Ray responded to the call of duty during World War II and became a member of the United States Army serving as a Technical Sergeant. Returning home from the war, Ray began work for Congressman Phillip Philbin of Clinton, Massachusetts, in 1950, and he remained in public service as the Congressman's Chief of Staff until 1970.

During his time as a Hill staffer, Ray completed law school, was admitted to the bar in 1952 and was a sole practitioner until 1977. While practicing law, Ray was appointed the Clerk Magistrate of Clinton District Court in 1976 and remained loyal to his position until his retirement in 2000. Ray brought honor and an enthusiasm to his position, and everyone in town knew and admired Ray for his character and love of public service. Actively engaged in the community, Ray was a member of many civic groups, including the Knights of Columbus, American Legion, Polish American Veterans, and the Clinton Elks Lodge.

Mr. Speaker, if you ever have the opportunity to travel to the town of Clinton, you will be hard-pressed to find someone who was not fond of Ray. Clearly, his spirit lives on throughout this small, tight-knit community. By designating this facility as the Raymond J. Salmon Post Office, we honor not only this truly great individual, but the community he served and the people who knew him so well.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I have no further requests for time. I urge Members to support the passage of H.R. 4152, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 4152.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HOLLY A. CHARETTE POST OFFICE

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1989) to designate the facility of the United States Postal Service located at 57 Rolfe Square in Cranston, Rhode Island, shall be known and designated as the "Holly A. Charette Post Office."

The Clerk read as follows:

S. 1989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HOLLY A. CHARETTE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 57 Rolfe Square in Cranston, Rhode Island, shall be known and designated as the "Holly A. Charette Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Holly A. Charette Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

□ 1500

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself as much time as I might consume. Mr. Speaker, S. 1989, offered by the distinguished gentleman from Rhode Island, Senator REED, would designate the post office building in Cranston, Rhode Island, as the Holly A. Charette Post Office.

United States Marine Corps Lance Corporal Holly Charette, a Cranston resident, was killed on June 23, 2005, while serving our country in Iraq. Charette served as a mail clerk at the Marine Camp Blue Diamond in Ramadi, which is the headquarters battalion of the Second Marine Division.

Holly Charette was recognized by every soldier who had the pleasure of receiving mail from her, as she always greeted them with a smile and with a kind word. She was known for her ability to sort through thousands of letters and parcels, identifying each name with a face, never letting down those who relied on her. In fact, Holly Charette was quoted as saying, I never really thought too hard about being a mail person, but it is really an important job and people depend on me.

There are a lot of stresses involved, but it is really worth it at the end of the day. After her service in the military, Charette had planned to apply at the U.S. Postal Service, where she could continue to serve the citizens of the United States. About her future plans, she stated, It will not be the same as being a marine, but at least I am still in uniform.

I would urge all Members to come together and to honor this dedicated young woman in her efforts to serve our country. I thank Senator REED for his diligence in bringing this important measure forward.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, last June I had the sad duty of coming to the floor to announce the loss of a brave marine in Iraq, Lance Corporal Holly Ann Charette, a citizen of Cranston, Rhode Island.

Today, I am proud to honor her service as we dedicate a post office in her memory. I would like to thank my friend and colleague, Senator JACK REED, for introducing this measure, as well as the Government Reform Committee for bringing it to the floor today.

After the loss of Holly Charette, I was touched by the memories shared by her neighbors, friends, and family. One common theme that emerged was that Holly's smile and personality cheered all those around her. Those who knew her well spoke of her optimistic outlook on life and her ability to make the most of any situation.

She aimed to help others, and that dedication to service encouraged her to join the Marines. In Iraq, Holly held an administrative job, and her duties included serving as the mail distributor for her camp.

She was exceptionally well suited to that assignment, not only because of her outstanding organizational skills, but also because of her aspirations to one day become a postal worker. Despite the procedures and physical challenges of the position, she always maintained her professionalism and sunny disposition.

She recognized the importance of that task and worked so hard so that she could brighten the days of her fellow marines with the messages of their loved ones back home.

However, Holly's service was not without risk. As one of few women at her post, she also traveled into Fallujah to perform searches of female Iraqis, a task that men were prohibited from doing. It was returning from one such trip that Holly's convoy was attacked by insurgents.

Three men and three women were killed that day, and 13 men and women were wounded. This sacrifice reminds us of the courage of our men and women in uniform who are faced with ongoing dangers in Iraq. It also underscores how important it is that we as Members of Congress do everything in our power to protect those who defend our Nation.

Designating a post office in memory of Lance Corporal Holly Ann Charette is a fitting tribute to a woman who touched the lives of so many. When her friends and family visit the facility at 57 Rolfe Square in Cranston, they will be reminded of her smile, her cheerful personality, and her dedication to helping others.

It will also remind future generations of the sacrifice of one exceptional person who gave so much to her Nation. I ask my colleagues to honor Holly Charette, a truly amazing woman by supporting this legislation today.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the Government Reform Committee, I am pleased to join my colleagues in the consideration of S. 1989, legislation naming a postal facility in Cranston, Rhode Island, after Holly A. Charette.

This measure, sponsored by Senator Jack Reed, was introduced on November 10, 2005, and unanimously reported by our committee on February 1, 2006.

A 2001 graduate of Cranston High School East in Cranston, Rhode Island, Holly Charette was a cheerleader, athlete and active student in high school. A year later she enlisted in the United States Marines, where she was assigned to Headquarters Battalion, Second Marine Division, Second Marine Expeditionary Force.

She held an administrative position, keeping records and delivering mail to fellow soldiers. Sadly, she was killed on June 23, 2005, when her convoy was ambushed by a suicide bomber as it departed from Fallujah.

Lance Corporal Holly Charette, who was awarded the Purple Heart posthumously, will be remembered as a fine marine and soldier, someone who dearly wanted a career in the U.S. Postal Service when she completed her tour of duty.

A soldier in Operation Iraqi Freedom, she enjoyed delivering mail to her fellow soldiers and fighting for her country.

I commend my colleague, Senator REED, for seeking to honor her sacrifice by naming a post office in her hometown.

Mr. Speaker, I think it is so important in reality that we take note of this very young person who had a serious sense of duty and sense of commitment, even to the extent of saying that when I leave I want to continue to serve my country in one way. And one way that I can do that is to make sure that the communication continues, that the letters and parcels and packages that people use to communicate with each other are in fact delivered?

I do not think one can give any more than giving their life in service to others and in service to humanity. I am very pleased to urge swift passage of S. 1989 and commend both gentlemen from Rhode Island for their introduction of it.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I would urge all Members to support the passage of S. 1989, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the Senate bill, S. 1989.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. MILLER of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

SCIENCE AND ENGINEERING INDICATORS, 2006—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To the Congress of the United States:

Consistent with 42 U.S.C. 1863(j)(1), I transmit herewith a report prepared for the Congress and the Administration by the National Science Board entitled, "Science and Engineering Indicators—2006." This report represents the seventeenth in the series examining key aspects of the status of science and engineering in the United States.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 14, 2006.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 10 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PRICE of Georgia) at 6 o'clock and 30 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4297. An act to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4297) "An Act to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GRASSLEY, Mr. KYL, and Mr. BAUCUS, to be the conferees on the part of the Senate.

The message also announced that pursuant to Public Law 109-59, the Chair, on behalf of the Majority Leader, appoints the following individuals to serve as members of the National Surface Transportation Policy and Revenue Study Commission:

Paul Weyrich of Virginia.

Patrick E. Quinn of Tennessee.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Con. Res. 322, by the yeas and nays;

S. 1989, by the yeas and nays.

SENSE OF CONGRESS REGARDING THE CONTRIBUTION OF THE USO TO OUR ARMED FORCES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 322, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 322, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 25, as follows:

[Roll No. 8]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)

Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—25

Bishop (UT)
Brown, Corrine
Campbell (CA)
Chandler
Davis (FL)
Ford
Fossella
Gibbons
Gutierrez
Hinchey
Hunter
Kilpatrick (MI)
Kuhl (NY)
LaHood
Leach
Lee
Lipinski
Miller, Gary
Moran (VA)
Owens
Sullivan
Wamp
Wasserman Schultz
Woolsey
Wu

☐ 1854

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution expressing the appreciation of the Congress for the contributions of the United Service Organizations, Incorporated (the USO), to the morale and welfare of the members of the Armed Forces and their families.".

A motion to reconsider was laid on the table.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 8, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. KUHL of New York. Mr. Speaker, on rollcall No. 8, I was unavoidably detained. Had I been present, I would have voted "yea."

HOLLY A. CHARETTE POST OFFICE

The SPEAKER pro tempore (Mr. PRICE of Georgia). The pending business is the question of suspending the rules and passing the Senate bill, S. 1989.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the Senate bill, S. 1989, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 24, as follows:

[Roll No. 9]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—24

Bishop (UT)
Bonilla
Brown, Corrine
Campbell (CA)
Chandler
Davis (FL)
Edwards
Ford
Gibbons
Gutierrez
Hinchey
Hunter
Kilpatrick (MI)
LaHood
Lee
Lipinski
Miller, Gary
Moran (VA)
Owens
Sabo
Sullivan
Wamp
Wasserman Schultz
Woolsey

☐ 1910

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 8 and 9.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, personal reasons require my absence from legislative business scheduled for today, Tuesday, February 14, 2006. Had I been present, I would have voted "yea" on H. Con. Res. 322, a resolution expressing the sense of Congress regarding the contribution of the USO to our service men and women of our armed forces (rollcall No. 8) and "yea" on S. 1989, the Holly A. Charette Post Office Building Designation Act (rollcall No. 9).

URGING SENATE ACTION ON IMMIGRATION

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, this country is in dire need of immigration reform and tighter border security. Officials at all levels of government and across party lines have felt this need. However, instead of acting, we are sitting back and debating the details of amnesty or no amnesty, guest worker or no guest worker, et cetera.

I call on my colleagues in both the House and the Senate to move political positioning and think about the men and women that they represent. There will undoubtedly be areas of disagreement, yet this must not stop us from moving forward to secure our borders this year.

Our constituents deserve to know that they are safe and that they can live out their lives without the threat of terror at their doorstep, and they deserve nothing less.

MEDICARE PART D AND COMMUNITY PHARMACISTS

(Ms. HERSETH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HERSETH. Mr. Speaker, I rise to discuss the crisis facing our community pharmacists, particularly those in rural communities. Of all the health care professionals struggling with the implementation of the new Medicare drug benefit, pharmacists appear to be the most negatively affected.

Guess what? Pharmacists are facing another blow. The recently enacted cuts to the Medicaid program are achieved by changes in the way we reimburse pharmacies for prescription drugs.

The choices made during the budget reconciliation process once again targeted our Nation's pharmacists without asking for corresponding sacrifices from the pharmaceutical manufacturers and the PBMs.

This one-two punch is not only bad policy, it is outrageous. Health and Human Services Secretary Mike Leavitt praised pharmacists last week for their "heroic" efforts in shouldering the burden for implementing Medicare Part D.

Their reward? Drastic pharmacy reimbursement cuts in the Medicaid program that will have a devastating impact on our communities, disproportionately impacting the poorest and sickest Americans that will no doubt put hundreds, if not thousands, of small businesses out of business.

It is time this body quit taking the path of least resistance and base our health policy decisions on what is good for our constituents, communities and small businesses, not the powerful drug and insurance companies. I respectfully and urgently ask my colleagues to address this important issue.

PRESIDENT'S BUDGET

(Mr. OSBORNE asked and was given permission to address the House for 1 minute.)

Mr. OSBORNE. Mr. Speaker, last year, the President's budget zeroed out the Byrne Justice Assistance Grant program, and this was devastating to the drug task forces around the country. Byrne funds are the primary source of funds for drug task forces and are critical in combating methamphetamine abuse.

Congress restored $410 million of Byrne funds, but this is way short of the $1.1 billion of authorized spending that was allowed. The State of Texas was forced to eliminate drug task forces, and other States are now considering doing so.

The President's 2007 budget proposal again eliminates Byrne funds. Unless Congress restores these funds at an adequate level, we will lose the drug task forces in nearly all of our States. This is our most effective means of combating methamphetamine abuse. For every $1 that we spend on education and prevention, we get $9 at the back end and save costs on imprisonment, crime and all the things that are attendant to methamphetamine abuse.

Meth is sweeping across the country, and we certainly urge the Congress to restore these funds as rapidly as we can.

□ 1915

RESPECT RELIGIONS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, as co-chair of the Pakistan Caucus, it saddens me to see the loss of life that has occurred and the violence that is raging throughout the Muslim world and as well in Pakistan.

It would seem appropriate that the Danish Government and the Prime Minister would spend less time pointing a finger at fundamentalist Islamic activities and groups and really speak to the hundreds of millions of Muslims around the world who are peace-loving and believing in humankind and, of course, the world humanity.

It is appropriate to admit mistakes; it is appropriate to announce the fact that I am appealing to the Muslims who believe in peace and harmony in the words of the Koran. It would be appropriate to say that we made a mistake in degrading the religion, that we do have a respect for diversity and religion.

It would not be to undermine the fact of the first amendment, to be able to acknowledge that a mistake has been made. It would be the same way of acknowledging if the degradation of other religions were to occur and many voices would rise. Why not admit that the cartoons were degrading of a religion. It did not show the appreciation of religion and, in fact, we can all do better.

We have a respect for each other's differences, and we join together in harmony and world peace. I would ask the Danish Government to stop hiding behind the first amendment or at least the premise of free speech and deal with the question of religious diversity and appreciation.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CONAWAY). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GUNS IN THE WORKPLACE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. McCARTHY) is recognized for 5 minutes.

Mrs. McCARTHY. Mr. Speaker, in the last year the gun lobby has continued to defy common sense by pursuing a radical agenda in Congress and in State legislatures. Last year Congress passed legislation to give the gun industry unprecedented immunity from litigation and other legal action.

Thanks to this new law, dishonest and corrupt gun dealers will be held accountable for their negligence. Almost 2 years ago, Congress let the ban on assault weapons expire, and this year's budget cuts bullet-proof vest grants for police departments. Congress is allowing criminals to better arm themselves, and now the budget is taking away protection from our police officers.

But sadly, the gun lobby isn't done defying common sense with legislation. The NRA is currently lobbying for States to prohibit employers from banning guns on their private property. It does not matter if someone works in a school, day care center, bar, or even a facility that produces hazardous materials. The NRA wants to let them come to work with a loaded gun in their car.

In fact, the NRA is suing companies who ban guns in the workplace. Let us set the record straight here. I have no problem for a legal citizen to be able to purchase a gun. But allowing loaded guns in day care centers, parking lots, that does not make sense. Right outside of chemical plants, again, makes no sense. This is a recipe for disaster.

The NRA and its allies say that workers bringing guns to work and leaving them in their parked cars makes for a safer workplace, but they never explain how. Last month, an ex-employee of a post office in California opened fire at a mail processing plant, unfortunately killing six people.

Having loaded guns in cars outside the facility has not saved one life. In fact, I cannot think of a single workplace shooting that could have been prevented by loaded guns being kept in company parking lots. But I can think of numerous scenarios that would make a shooting more likely with guns on the premises.

What happens when a criminal learns that parked cars, often left unattended, contain loaded weapons? What is stopping them from breaking into cars and using those guns for crimes? Criminals break into parked cars to steal stereo speakers. They would not hesitate to take a loaded gun. What if an employee brings his or her gun into their place of work. A gun could be misfired or end up in the hands of someone else.

Worse yet, somebody who isn't legally allowed to own a firearm could gain access to a co-worker's gun. Studies show that guns are already the third greatest workplace safety hazard, behind vehicles and heavy machinery.

In fact, 17 people are killed by guns on the job each week. A study done by the University of North Carolina revealed that killings are five times more likely to occur at job sites where guns are allowed in workplaces than where they are prohibited. The NRA has targeted State legislatures for this ridiculous campaign.

The Florida legislature is considering making it a felony for employers to ban workers from having guns on the company property. Similar laws have passed in Alaska, Minnesota, and Oklahoma. I fear it is only a matter of time before they bring their cause before Congress.

Fortunately, the business community has rallied against the NRA on this matter, and for good reason. Businesses know that if they fire someone, who is to say that person is not going to go out into the car and get their gun and come in and try to do the mayhem against an employer. Are they going to have a safe room for someone that has been fired to go there? The liability costs are going to also be involved in private companies.

Also, layoffs and firings are a tough reality in today's economy. How will companies handle giving employees bad news when they may have loaded guns in their cars? Seems to me the latest initiative of the NRA creates a lot more problems than it solves.

Mr. Speaker, instead of being a rubber stamp for the NRA in 2006, let us focus on laws that keep guns out of the hands of criminals and terrorists. It is time for common sense, not misguided extremism.

SIMPLIFIED USA TAX, SUSAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, tonight I would like to talk about our current Tax Code and its discontent, a tax system that has stifled economic growth, has encumbered our resources and miles of red tape and needlessly burdened working Americans.

Our Tax Code is too complicated and is riddled with obvious inequities. It punishes savings and investment, reducing economic and job growth; and it burdens domestic industry struggling to remain competitive.

As a member of the Ways and Means Committee, I have long advocated a tabula rasa approach to the Tax Code, a complete overhaul grounded in first principles. Our objective must be to replace the current antiquated tax system with one that can sustain a free capitalist society in the 21st century. That means a Tax Code that is simple, fair, and stable.

The new Tax Code I have developed, the Simplified USA Tax Act, or SUSAT, puts the right incentives in place to grow our economy and ultimately raise our standard of living. In fact, many of the provisions included in my bill were recommended by the President's advisory panel on Federal tax reform as part of their growth and investment plan.

My proposal has three key components. First, it simplifies the code by a factor of about 75 percent. Second, it takes the taxes off of savings to promote thrift and avert a national savings crisis. Third, it makes America significantly more competitive, thereby creating better jobs within our borders.

The Simplified USA Tax starts out with just three simple low rates: 15 percent at the bottom, 25 percent in the middle, and 30 percent at top. Through a payroll tax credit to all wage earners, SUSAT effectively lowers the income tax rates to about 7 percent to 17 percent for nearly all Americans.

Under my proposal, and this is one significant departure from the President's panel recommendation, everyone gets a deduction for the mortgage interest on their home. In addition, the SUSAT tax allows charitable donations and tuition deductions. To further ensure that the new Tax Code would be progressive, my proposal also permits all families to take a generous family credit and qualifying families to take an additional refundable work credit. These two credits simplify and improve the current child credit and earned income tax credit.

I believe the Tax Code must also give Americans a fair opportunity to save part of their earnings. By taking the taxes off of savings, we will increase the savings rate and ultimately reduce the cost of capital.

My proposal encourages savings by allowing everyone to contribute to an unlimited Roth IRA. It also repeals the individual and corporate alternative minimum tax, Federal death and gift taxes. Mr. Speaker, as you can see, the individual tax system, under my proposal, is designed to be much simpler than the status quo.

The tax return will be short; only a page or two for most people. But more importantly, the tax return will be understandable. My proposal also contains a new and better way of taxing corporations and other businesses that will allow them to compete and win in global markets in a way that exports American-made products, not American jobs.

All businesses would be taxed alike at an 8 percent rate on the first $150,000 of profit, and at 12 percent on all amounts above that small business level. All businesses will be allowed a credit toward the 7.65 percent payroll tax that they pay under current law.

One of the most pro-growth elements in SUSAT is that all costs for plant and equipment and inventory in the United States will be expensed in the year of purchase. This is important because investment and state-of-the-art equipment is critical to manufacturing in a global economy.

The other key component of SUSAT that will make American business more competitive is that it is border adjustable. In other words, SUSAT would end the perverse practice unique among our trading partners of taxing our own exports. All export sales income is exempt and all profits earned abroad can be brought back home for reinvestment in America without penalty.

Because of a 12 percent import adjustment, all companies that produce abroad and sell back into U.S. markets will be required to bear the same tax as companies that both produce and sell in the United States. This policy would finally take away the bias in favor of imports built into our current tax structure, which, in my view, contributes to our record trade deficit that continues to rise to record-breaking levels.

For too long, the Tax Code has been a needless drag on the economy. This is a curious paradox, and certainly not fair to those Americans whose living standards are lower because of it. The time has come for fundamental change.

In the coming weeks, I will outline more details about this tax system and why we need to move forward today with tax reform.

□ 1930

THE PEOPLE'S HOUSE FOR SALE

The SPEAKER pro tempore (Mr. CONAWAY). Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, the real estate bubble may be bursting in some markets around America, but here in Washington, D.C., real estate is still a great investment.

You may have missed the listing, but it appears that the U.S. Capitol, the People's House, was bought with a down payment of a mere $1.6 billion, $1.16 billion from lobbyists here in town. Or at least that is what the special interests spent on lobbying the Republican Congress in the first 6 months of 2005.

And what exactly does about $1 billion from lobbyists get you these days in a home like the People's House?

If you are an oil and gas company, you have done $87 million in lobbying expenses. What does it buy you? $14.5 billion in subsidies from taxpayers. $14.5 billion from taxpayers in subsidies so you can just do your business plan. They spent $87 million and got a $14.5 billion gift from the taxpayers.

$87 million will also allow to you pump about $65 billion worth of oil and gas from the Gulf of Mexico, and you do not pay a single royalty, costing the taxpayers $7 billion. That is $7 billion that could pay for child support collections, $7 billion that could pay for college education, $7 billion that can create new broadband expansion, everything that we would be doing. $7 billion could pay down the deficit.

No, taxpayers have been asked to forgo all the royalty that is owed to them, and the oil and gas companies walked away with it, $14.5 billion in taxpayers subsidies. All the while, while energy is about little north of 60 bucks a barrel. That is right, 60 bucks a barrel. We are subsidizing big oil and big energy companies who also have made record profits.

Now, I think that is great. I think Exxon Mobil should make all the money they want to make. But why are subsidizing them when they are making record profits to do nothing but their business plan? I don't know of another family that has their family budget subsidized by the rest of the taxpayers to this level. $87 million investment and contributions got them $14.5 billion in taxpayer subsidies and basically a pass on $7 billion they owe the taxpayers for having drilled in the Gulf of Mexico.

But that is not just alone in the energy sector. Let us talk a look at the health care sector. They have given about $173 million in contributions, lobbying activities, all types of expenses. Drug manufacturers saw an extra $139 billion in profits over the next 8 years from the prescription drug bill. HMOs, $130 billion in additional profits through Medicare overpayments. There is actually a section in the prescription drug bill called the HMO slush fund for $10 billion. Where else can you get an investment like that? You cannot get an investment that gives you 100 percent return on your money on Wall Street.

My grandmother used to say, with a deal like this, where you basically give $173 million and you get $132 billion profit, such a deal is what my grandmother used to say. Nowhere except in Washington, D.C., in a Republican Congress can you give $87 million and get $14 billion in return. Give $173 million and get $132 billion in return. That is close to a hundred percent return on your money.

So what do the American people get out of this blue-light special and how do we get out of this? We have created a structural deficit to the system and a system that works against the American people and the taxpayers, whether you are a senior citizen who is struggling with this prescription drug bill which is total chaos but has guaranteed and locked in profits for HMOs and pharmaceutical companies, or whether you are a consumer going to pump paying close to three bucks a gallon, and yet we are also paying on April 15 subsidizing the big companies. Yes, there are 30 different insurance forms for a senior citizen to try to figure out which drug they can get matched with.

Now do you think the oil and gas companies fill out 30 different forms for oil and gas leasing or for their $14.5 billion in taxpayer subsidies? No, they do not. Now there are over 100 questions for a kid who is just trying to apply for a student loan for about $2,000, yet we do not force oil and gas companies, pharmaceutical companies, HMO companies to fill out forms like that when it comes to the subsidies we are providing these companies.

It is time to end corporate welfare as we know it. The People's House and the Speaker's gavel when it comes down it is intended to open up the People's House, not the auction house. In the last 5 years, this place has looked like an auction house, whether it is oil and gas companies, whether it is HMO companies, whether it is pharmaceutical companies. In fact, last year, we had a corporate tax bill on the floor. It was supposed to solve a $5 billion problem. By the time the Republican Congress was done with it, $150 billion it cost the taxpayers. Time and again, we are paying for the types of wheeling and dealing and what goes as business as usual.

If you go out to the north side of the lawn here at the People's House you will see the for sale sign, and the lobbyists have paid a little over a billion dollars and gotten everything money can buy. So it is time in this election that we turn the People's House back and that gavel back to its rightful owner, the American people.

PROTECTING FIRST AMENDMENT RIGHTS OF MILITARY CHAPLAINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, prior to the break I came on the floor and announced that we had sent a letter in October of this past year to the President of the United States signed by 76 Members of the House, 3 United States Senators asking the President of the United States to use his constitutional authority as Commander-in-Chief to guarantee the first amendment rights of our chaplains in the military, whether they be Muslim, Jewish or Christian, to pray in their faith and their tradition.

Tonight, I am on the floor to give an example of what is happening in our military. I can tell you, Mr. Speaker, in the 3 years that I have talked to chaplains from the Navy, from the Marine Corps, from the Army, Air Force, that there is a prohibited rule that they should not pray in the name of Jesus, if they happen to be of the Christian faith, outside of their church.

Give you two examples. Last year, I spoke to a Navy chaplain in Hawaii who had been asked to pray at a remembrance service for Marines killed in Afghanistan and Iraq. At the close of his prayer, he closed in the name of our Lord and Savior, Jesus Christ. About an hour later, he got a phone call from a Marine Major that asked him to please, in the future, outside of his church not to pray in the name of Jesus Christ.

He was so upset, Mr. Speaker, that he went to a Jewish rabbi who was a friend of his, and he asked the Jewish rabbi, are you offended when I pray in the name of my Lord and Savior, Jesus Christ? The Jewish rabbi said, absolutely not. This is your faith and your tradition, and you should pray as you see fit.

Mr. Speaker, 3 weeks ago, I spoke to a chaplain in Iraq. His name is Jonathan Stertzbach. He happens to be an independent Baptist. He is a chaplain, and he was asked by a commander of a unit to pray over the grave of a shoulder who professed to be a Christian who had been killed in battle. It so happens in the Army that this chaplain had to submit his prayer in writing to the senior chaplain. The senior chaplain, Mr. Speaker, struck through the words Jesus Christ. The young chaplain whose name is Jonathan Stertzbach, I talked to him by telephone, said, Congressman, I could not pray if I could not pray as I thought my Lord wanted me to pray. It so happens that the company commander, before he removed himself, asked him if he was going to be at the service and if he was going to pray. And he said, sir, I have asked to be removed because my prayer has been struck down. The Major told him, you go to the funeral. You are going to pray as you see fit.

Since that time, it so happens that a newspaper in America called Chaplain Stertzbach and he did comment about what happened, and so now he has been removed from his chapel in Iraq.

I have written to the Inspector General, General Stanley Green. I have asked him to look into this matter.

Mr. Speaker, I would be on the floor of the House tonight if this was a Jewish rabbi, if it was a Muslim cleric, and protect their rights to pray as they see fit. That is what America is all about, is the first amendment rights to pray, to speak as we see fit.

I hope that my colleagues in the House will join the 76 of us who have signed this letter and say to the President of the United States, protect the first amendment rights.

We are not talking about having altar calls. We are just talking about in certain ceremonies and services that they pray as they think their faith and tradition asks them to pray.

Mr. Speaker, I will ask, as I close, God to please bless our men and women in uniform and ask God to please bless the families of our men and women in uniform and ask God to please bless America.

DARFUR RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, this evening I introduced a bipartisan resolution expressing the disapproval of the Arab League's decision to hold its 2006 summit in Khartoum, Sudan. The resolution also calls on the Arab League, the government of Sudan, the Sudanese rebels and the world community to do all they can to end acts of genocide in the Darfur region of Sudan.

Recently, the Arab League announced its decision to hold its annual summit in Khartoum. Doing so will only lend credibility to a country that is currently under sanction by the United States. The Sudanese government continues to allow acts of genocide to occur in the Darfur region and deliberately obstructs the African Union's ability to stabilize the region.

Mr. Speaker, the current situation in the Darfur region of Sudan is dire. The U.N. estimates that as many as 180,000 have died, many of starvation and disease, and up to 2 million have been displaced.

The Darfur conflict is an ongoing conflict in the Darfur region of western Sudan, mainly between the Janjaweed, a government-supported militia recruited from local Arab tribes, and the non-Arab rebels in the region. The Janjaweed has been implicated in a campaign of murder, rape and intimidation sponsored by the government of Sudan.

Mr. Speaker, I do not need to remind this House of the horrors that we have turned a blind eye to in the past. The U.S. still will not recognize the Ottoman Empire's genocide of over a million Armenians from 1914 to 1921.

It took us far too long to join the fight against the systematic state-sponsored persecution and genocide of the Jews of Europe during World War II by Nazi Germany. And of course our shameful disregard for the 937,000 Tutsis and moderate Hutus that died at the hands of organized bands of militias during the Rwandan genocide.

As the leader of the free world, we have a moral obligation to do all we can to stop genocide in all its forms. It was in 1998 when President Clinton said, and I quote, never again must we be shy in the face of evidence describing the failed U.S. response to the Rwandan genocide. Well, here we are, 8 years later, standing on the sidelines once again in the face of undisputable evidence.

So in light of the current situation, why would the Arab League decide to have their annual summit in Sudan? I understand that the site of the Arab League summit is determined by an alphabetical order rotation. However, genocide calls for more than business as usual, and that is the attitude that the Arab League is now using.

If there is one organization that has influence over the Sudanese government it is the Arab League. Member countries have a responsibility to rein in the Sudanese government and to do everything in their power to stop this genocide now.

I believe the Arab League's decision to hold this 2006 summit in Khartoum constitutes an economic and symbolic reward and could even encourage the government of Sudan to continue to allow acts of genocide and other mistreatment against the people of Darfur.

Mr. Speaker, the Arab League has a choice to make. Ignore a genocide and go forward with their planned summit or break the alphabetical tradition and send a message to Khartoum to do all it can to end the acts of genocide, to allow international peacekeepers to protect the innocent and to hold the Arab militia responsible for these acts accountable. This is an opportunity for the Arab League to lead. It is time for them to send the right message to the Sudanese government.

I would urge my colleagues to join my resolution. It is bipartisan, expressing disapproval of the Arab League's decision to hold its 2006 summit in Khartoum. It is time to send a strong message that the Sudanese government should be reprimanded, not rewarded for their support of genocide.

DORIS MILLER—TEXAS SAILOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I have talked much on this House floor about our veterans, both those of today and those of the past. Tonight I mention another one of them.

Doris Miller was born in Waco, Texas, on October 12, 1919. He was the youngest of three sons born to Henrietta and Connery Miller. He was a good kid. He enjoyed playing with his brothers and was always helping around the house, especially in the kitchen. In school, Miller was a good student. He was also a fullback on the football team at A.J. Moore High School in Waco, Texas. They called him the raging bull because of his size. He was 5 foot 9, but he weighed over 200 pounds.

Growing up, Miller worked on his father's farm until he enlisted in the United States Navy at the age of 20 as a Mess Attendant, Third Class. He quickly advanced to Mess Attendant, Second Class and First Class, and subsequently he was promoted to Ship's Cook.

After training at the Naval station at Norfolk, Virginia, he was assigned to the ammunition ship USS *Pyro*; and on January 2, 1940, Dorie, as his shipmates nicknamed him, was transferred to the battleship USS *West Virginia*. When he was not cooking he was boxing with his buddies, and he became the ship's heavyweight boxing champion. He was serving on the battleship *West Virginia* that December morning in 1941 when the Japanese surprise attack took place.

As the bright rising and violent sun came up on the morning of December 7, 1941, Dorie was already awake and collecting laundry when the battle stations alarm sounded throughout the ship. Pearl Harbor and Hawaii were under attack.

He ran on deck to help his fellow wounded soldiers. In the midst of the chaos, an officer ordered him to aid the critically wounded captain of the ship. While struggling back to the bridge and then amid horrendous and heavy fire and bombs, Dorie came upon a machine gun whose gunner had already been killed. Dorie, rescuing his captain, made sure that he was protected and immediately began firing this machine gun at Japanese airplanes.

□ 1945

He continued firing until the crew was ordered to abandon the ship. Miller had never been trained to operate a machine gun, but he was credited with shooting down at least two Japanese planes, probably more than that. Later he said, "I just pulled the trigger and she worked fine."

In the spring of 1943, Dorie Miller was assigned to the USS *Liscome Bay*, an aircraft carrier in the Pacific, and he was on board November 24, 1943, when the aircraft carrier was sunk by a submarine; 646 sailors were lost at sea, and Dorie was one of them.

Before he died, Miller was honored for his brave acts at Pearl Harbor on December 7. He was awarded the second highest medal in the Navy, the Navy

Cross, for his extraordinary courage during that battle. It happened that Admiral Chester Nimitz, another Texan, presented the award to Miller personally. And he said of Miller, "This marks the first time in this conflict in this war that such high tribute has been made in the Pacific fleet to a member of this race, and I am sure that the future will see others of this race similarly honored for these brave acts."

Admiral Nimitz mentioned Miller's race because he was black. The Navy had been integrated, but segregated responsibilities. So Miller, since he was black, he was assigned to being a cook on the ship. He was not required to be topside manning that .50-caliber machine gun on December 7, but he was there. He voluntarily helped protect his ship and protect his captain. By the way, Mr. Speaker, in the movie "Pearl Harbor," Cuba Gooding, Jr., portrayed Doris Miller in his actions on December 7.

Mr. Speaker, every February our Nation celebrates Black History Month to recognize the contribution that African Americans have made to our country. This Black History Month, as we note accomplishments of African Americans, we take time to salute their military accomplishments as well. We honor the loyal duty of heroes like Doris Miller. He was an extraordinary American and a sailor. He received many awards for his bravery during the attack on Pearl Harbor, and he acted above and beyond the call of duty. He could have certainly qualified for the medal of honor for his courage. He was a man of valor, and Doris Miller is entitled to respect and gratitude of our country.

There were many of the World War II Greatest Generation that gave their youth and their lives for our Nation. Mr. Speaker, over 400,000 Americans, young men and young women, died in World War II protecting our Nation and the concept of freedom. Dorie Miller was one of those Americans. And that's just the way it is.

THE POLICY OF ROYALTY RELIEF

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from American Samoa (Mr. FALEOMAVAEGA).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, today Americans woke up to the unfortunate news that because of the actions of this Congress, the major oil companies that are drilling in the Gulf of Mexico are in all likelihood not going to be paying any royalty on billions of dollars, some $65 billion worth of oil, that they will be extracting from the Outer Continental Shelf of this country and on which they would be expected to pay some $7 billion in royalties; and, in fact, they may not be paying that. It may go even further that some of the majors have suggested that they are not required to pay any royalties on oil extracted from the Outer Continental Shelf. In that case, the cost to the taxpayers would be maybe $35 billion, $35 billion in lost revenue to this country at a time when we are running record deficits, at a time when we are telling people we cannot afford to help them with their home heating oil, at a time we are making basic cuts to basic education; and it goes on and on and on and on.

The fact of the matter is the policy of royalty relief that the Congress passed was an unwise policy when we passed it. But the oil companies convinced this Congress to do so, and they have convinced the administration to allow it to continue. Although the Bush administration opposed the further extension in expansion of the oil royalty relief program that was in their most recent energy bill that was just signed by President Bush, unfortunately, his opposition did not go to such an extent that he insisted that it be taken out of the bill.

So what do we have? We have the major oil companies securing leases on land that is owned by the public, land that is owned by the taxpayers of this Nation, to go in and to drill those lands. And in exchange for that, they said that they would not go in there and drill unless we gave them royalty relief, unless we took away the royalties that they were entitled to pay to the landowners, the taxpayers of this country, for the privilege and the right to drill those reserves.

These are some of the most important reserves in this country. They are some of the more important reserves in the world. There is a huge amount of competition for drilling for this. At the time, it was suggested that nobody would bid on these leases, that nobody would participate, that nobody would raise the capital to do so if they did not have royalty relief. The fact of the matter is I think the record will show that at the same time they were arguing that, they were already in the construction of the rigs that were necessary for deepwater drilling and that the decisions had already been made. Some companies decided they would bet on the gulf. Other companies decided they would go to the Caspian Sea. But the fact of the matter is the competition was hot and heavy.

For this Congress to have then just given away those royalties is a horrible mistake, and it is a mistake that the Congress must correct. Nobody, even the proponents of royalty relief, believed that there was going to be a complete escape from the royalties owed to the taxpayers for the development of this oil. They believed, as the administration has said, that at a minimum they were not going to get oil royalties relief, they were not going to get relief from the payment of the rent to the taxpayers if oil was over $34 a barrel. Well, as we all know, the world price of oil today is hovering around $60 a barrel. It has been as high as $70, and it has been in the mid-50s, back and forth.

The fact of the matter is these very same oil companies that are seeking a royalty holiday, freedom from the payment of these royalties, have just reported the biggest profits in the history of these companies, in the history of the world in the oil industry. And at the same time, they are suggesting that they have no obligation to pay the taxpayers of this country what is due them for the privilege of drilling on the Outer Continental Shelf.

Today, some of us introduced legislation to prevent any future royalty holidays for the oil companies, to seek and direct the Minerals Management Service to renegotiate these leases so that it does include the provisions of a minimum of a trigger but hopefully even a better royalty policy than that, and if those companies do not want to cooperate with that renegotiation, then they should be barred from future bids on the Outer Continental Shelf.

Now, to their credit, some of the major oil companies are suggesting that, in fact, they do owe the royalties, that there is a trigger mechanism. But Kerr-McGee and apparently some other companies have decided that they are going to challenge the whole law. They believe they are not obligated to pay any of these royalties, there is no trigger in this law. If that is the case, the taxpayer is just going to be hung out to dry by the major oil companies, and the major oil companies are going to abscond with the natural resources that belong to the people of this country.

It is wrong and Congress ought to correct it.

WITNESS TO AFGHANISTAN'S PROGRESS

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, while leading a congressional delegation to Afghanistan, I was struck by the progress that the Afghan Government is making toward establishing a democracy, as well as with the enthusiasm and the determination of the Afghan people to finally and deservedly live in a free society.

The purpose of this trip, which also included stops in Iraq and Kuwait, was for Members of Congress to see firsthand the efforts being made toward U.S. goals of bringing stability and democracy to these nations.

In Afghanistan, where the prospects for reform once looked bleak, a transformation has occurred which has resurrected freedom, established legitimate leadership, and reinvigorated the population.

It is difficult to imagine that a mere 5 years ago the Taliban government was thriving in this nation, exporting terrorism and promoting archaic extremism. Today media, cultural, business, and political leaders are free to meet, to discuss, to demonstrate and guide policies which are reforming their nation's economy, opening the political process, and liberating society from the fundamentalist laws which enslaved their nation.

This overwhelming progress has been made under leadership of President Hamid Karzai. Having met with President Karzai, I am assured that he is a capable and determined individual and he is able to continue to guide his nation into a transition to a modern democracy. To help facilitate this, Karzai and the Afghan Government are seeking to implement the Afghan Compact, which is a commitment to achieve specific goals relating to security, to the rule of law, to human rights, to economic development, to the elimination of narcotics trade within 5 years.

The task ahead remains difficult. It remains lengthy. But with the sustained help of the United States and other international donors and especially the demonstrated optimism and the resilience of the Afghan people, I am confident that the goals of this compact will be realized.

The progress being made in Afghanistan also has serious implications for our own Nation's security. Our congressional delegation conveyed to Afghan leaders that Congress remains deeply concerned about the mounting bloodshed in this Nation and over the ongoing narcotics trade which supplies over 90 percent of global opium and heroin.

My colleagues and I were also able to meet with high-ranking U.S. military officials, including Commanding General John Abizaid, to discuss the current military situation on the ground. I left impressed with our military's success against the insurgents and confident in our decisive victory over it.

Afghanistan was the first foreign front in our campaign to eradicate terrorism, and the success that we have had in eliminating the Taliban and establishing a democratic government is monumental and undeniable. In this area, however, our job is not complete, and America must not yield in our commitment to our troops and to their noble efforts. Standing side by side with its Afghan counterparts, our military will continue to actively seek out and destroy terror elements and work toward establishing complete stability and a transparent rule of law so that Afghanistan will never again be a safe haven for terrorists.

At a time when many are questioning the legitimacy of U.S. efforts abroad, Afghanistan serves as the perfect example of why our efforts to bring stability, freedom, and security are crucial, just, and attainable. Clearly, the new Afghanistan is emerging as one of our closest allies in our fight against extremists.

While meeting with the Speaker of the Afghan Parliament, he and I discussed the critical partnership which is developing between our two nations. Both nations are committed to furthering our alliance, which has already borne much fruit, with the knowledge that neither nation's goals will most effectively be realized without the friendship and deep cooperation of the other.

In our meeting, the Speaker expressed his hope that the Afghan people will serve as a "bridge to democracy for other peoples of the region."

I share the Afghan Speaker's hope, and I am confident that the inevitable spread of freedom and democracy will protect and preserve the American way of life here at home and make it available to those currently oppressed abroad.

The undeniable progress that continues to be made in Afghanistan makes peace, security, and prosperity all the more assured and protected—for Americans as well as Afghans.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 71. Concurrent resolution expressing the sense of Congress that there should be established a Caribbean-American Heritage Month.

H. Con. Res. 315. Concurrent resolution urging the President to issue a proclamation for the observance of an American Jewish History Month.

LIHEAP AND NATURAL GAS PRICES

Mr. GENE GREEN of Texas. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GENE GREEN) is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, I would like to bring attention tonight to an issue that both the House and the Senate have been debating. Low-income Americans are struggling to pay for heating bills this winter. Thankfully, this winter has not been as cold as expected, and heating bills have not increased as greatly as feared.

Less noticed, however, is that our low-income Americans also struggle to pay cooling bills. When the 90- and 100-degree heat rolls around this year, the situation is going to become very critical very quickly. Air conditioners run on electricity, and a lot of electricity comes from natural gas. Natural gas prices have more than tripled in the last 3 years, from $3 to $4 per thousand cubic feet to $10 to $15.

These costs are really hitting home as State public utility commissions, PUCs, are increasing fuel charges on electric bills. The need for relief is going to be intense this summer, but the Federal Government's Low-Income Home Energy Assistance Program, also called LIHEAP, is going to do next to nothing to help. For example, over 60,000 Houston area families got their power cut off in the summer of 2001 and only 14,443 people received 2001 cooling assistance statewide in Texas.

☐ 2000

How can that be? The problem is that the LIHEAP formula is completely biased toward heating costs and ignores cooling costs. Many people believe that LIHEAP is a cold weather State program only. In the Northeast, the Midwest coalition lobbies for it and my Northeast and Midwest colleagues talk most about the program.

The media tends to cover LIHEAP funding issues only during the winter months. The shocking facts are that 3 percent of LIHEAP funding goes toward cooling homes in the summer, and 74 percent goes toward heating homes in the winter. Incredibly, LIHEAP spends three times more on administrative costs than it spends saving lives from heatstroke.

States like Texas, Florida and California that have large low-income populations vulnerable to hot weather get almost no funding. Low-income people in New York, Ohio and Pennsylvania receive eight or nine times as much LIHEAP per low-income resident.

In Texas, we have 3.7 million people who are eligible for LIHEAP due to income, but only 4.5 percent receive any assistance. The State of Texas canceled its Low Income Energy Assistance Program as electric bills were on their way up, and our constituents have nowhere to turn.

The cold weather bias is unacceptable, because hot weather kills just as many or more people than cold. According to the National Weather Service, which uses media reports and local government information, from 1985 to 2000 there were 2,596 fatalities caused by heat, an average of 235 per year, and 462 fatalities caused by cold, an average of only 24 a year.

It is scandalous that LIHEAP provides 3 percent of the funding for cooling, and hot weather kills 19 times more people than cold weather. However, a peer-reviewed study at the University of Delaware shows that over 1,000 people die from heat in the 15 biggest cities alone in the average summer, well over either government estimate. So neither National Weather Service nor the CDC data tells the full picture.

Reported causes of death are unreliable. The American Meteorological Society found several peer-reviewed academic studies showing that heart attack and stroke rates increased during hot weather. These heat-related deaths are often attributed to those other causes like heart disease and stroke and are not recorded as heat-related deaths.

The society's study found cold snaps do not cause death rates to go up versus average winter death rates, but extreme heat causes death rates to go up dramatically in the summer. As a result, the LIHEAP program is clearly completely divorced from reality. Heat kills more, but LIHEAP ignores cooling assistance.

The LIHEAP program is so biased because the funding formula is outdated. LIHEAP is based on an obsolete formula that is only still around because of the political support. The tragedy is that this political calculation is contributing to hundreds of preventible deaths annually.

Here are a few of the factors that go into the current LIHEAP formula: A ratio of State and national low income households in 1979; residential energy expenditures in 1979; a State's annual average number of heating days between 1931 and 1980; the number of a State's households at or below 125 percent of Federal poverty in 1980; a State's increase in home heating expenditures in 1980; the increase in total home residential heating expenditures between 1977 and 1980; and also 75 percent of each State's 1981 crude oil windfall profits tax formula.

This is a formula that is just ridiculous, and we need to update it. As we can see, this information is over 25 years old and completely irrelevant to modern reality. The fact that the primary LIHEAP formula still uses data from the date of the disco is unbelievable. There is absolutely no excuse for the program to allocate life-saving money based on such a formula.

While supporters of the current formula defend it by pointing to the $2 billion trigger, it is a red herring. Our Northeast and Midwest friends and colleagues insist the rising tide lifts all boats. Once the funding gets above $2 billion a year, a new formula directs it, but Congress has seldom voted over $2 billion.

It is true that there is a trigger and this obsolete formula goes away for appropriations over $2 billion. However, Congress rarely goes over that $2 billion dollar trigger, and when they do, they use accounting tricks to avoid the modern, fair formula.

For example, members in the other body are trying to move $1 billion in LIHEAP funding from the reconciliation bill from fiscal year 2007 to 2006. That would mean a total appropriation of $3 billion, including what Congress has already done, which should help for cooling.

However, the reconciliation bill put $750 million of that extra $1 billion into a "contingency" account that uses no formula and the White House can do whatever it wants with it. History tells us that Southern states and cooling needs will see very little, if any, of that money.

Unsurprisingly Southern members have placed a hold on the bill.

The only solution is changing the LIHEAP formula.

The House Energy and Commerce Committee nearly accomplished a fairer formula during the energy bill debate, where my amendment would have lowered the "trigger" to $1 billion to make a difference.

Northeastern and Midwestern members protested and offered a compromise to increase the authorization to $5 billion, which many of accepted at the time as a good faith offer.

However, the budget reconciliation bill revealed the true motive to deny funding for cooling assistance and to deny much needed LIHEAP funding for Southern, mid-American, and Western states.

Along with my colleagues CHIP PICKERING, MIKE ROSS, CHARLIE GONZALEZ, MICHAEL BURGESS, and many others, we will continue to push for justice in the LIHEAP formula.

We can no longer allow Congress to use a 25 year old formula to ignore hundreds of preventable deaths every year—it is unconscionable and outrageous.

AMERICA IS NOT WINNING ON THE TRADE FRONT

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, America is not winning on the global trade front. Last Friday, the U.S. Department of Commerce announced the United States has the largest trade deficit in our history. So many more imports are coming in here than exports, and every American can affirm that every time they go to shop.

At $725 billion in the red in 2005, that is three-quarters of a trillion dollars, our trade deficit is growing at a rate of more than $1,500,000 every minute. This total is more than 18 percent higher than one year ago.

Sectors such as agriculture, as well as manufacturing, which once sustained a thriving economy here, are now withering. For every billion dollars in deficit, we are shedding a minimum of over 10,000 jobs. Workers' wages are not rising, their pensions are being cut, health care costs are going up, and this is a major contributing factor.

Our manufacturing sector is deteriorating. Since the year 2000, 3 million more manufacturing jobs, good jobs, have been outsourced. The 2005 deficit in autos, trucks and automotive parts is $138 billion, the worst ever. Those are dollars we used to put in our own pockets, the pockets of our workers, the pockets of our shareholders, the pockets of the executives. This industry was once at the cutting edge of the world and the mother of invention. Today, we have become an assembly line for imported parts.

Our Trade Representative, Ambassador Portman, comes from my home State of Ohio. He should be intimately aware on a global scale that it is just not a level playing field that parts producers and other exporters face. Yet the deficit in the auto sector, which once provided a path to the middle class for millions of Americans through living wage jobs, keeps going more and more in the red, another 20 percent just last year. It seems every week we hear about another plant shutting down, more layoffs, the most recent set of companies, Delphi.

In agriculture, which used to be America's savior, our global trade balance in agricultural products showed a mere $27 billion surplus in 1996. That has gone down from $27 to $4 billion, and it is projected we are going to become a net food importer. America, the richest agricultural nation in the world, a food importer? That is what is happening.

Yet the agreements that this administration has signed, including CAFTA, will encourage countries like Brazil and El Salvador to undermine one of our most promising agricultural sectors, ethanol, because CAFTA will allow Brazilian ethanol transhipped through Central America to undermine that promising agricultural sector of our economy.

And what is the Bush administration through Ambassador Portman doing to stop these hemorrhages? Nothing. Just issuing reports. There is no new enforcement actions, no special bilateral talks with countries with which we are massing these huge deficits. Today's Congress Daily reports Ambassador

Portman issued a report reviewing China's trade practices; China, a most undemocratic nation that represents an alarming chunk of this growing trade deficit that we have amassed. Indeed, our trade deficit with China is at an all-time high, over $200 billion, dollars we used to put in the pockets of American workers.

Mr. Portman did note that the trade relationship between the United States and China "lacks equity and balance." Yet his report does absolutely nothing to change it.

By contrast, my bill, the Balancing Trade Act of 2006, H.R. 4405, would require action in the face of consistent deficits of more than $10 billion with a single country. With 21 bipartisan cosponsors so far, this bill will require action from any administration.

With the red ink getting deeper and deeper every minute, with American workers losing, with American communities losing, we need action, not more whitewashing. What a shame that Washington is so out of step with what is happening on every Main Street and every manufacturing and every agricultural sector of this country.

POINTING FINGERS WHILE ROME BURNS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is interesting that, while Rome burns, the administration spends its days pointing fingers at each other. As the continuing disaster in the Gulf region continues to burn and to fuel its own fire, we now have administration officials, both ex and those who are still in office, raising the question of who knew what when, while those of us in the Gulf region, in Texas, Louisiana, Mississippi and Alabama, are continuing to contend with the tragedy of Hurricanes Katrina and Rita. In fact, there are 44 States around the Nation where Katrina survivors languish without opportunities to return home.

Rather than the administration having real concrete solutions, such as the right of return to the region, where FEMA provides a return ticket to all those families who are desiring to come and be reunited with their family members or to come home, there is no answer at the end. Rather than offering non-concrete solutions, solutions that are just whitewashing, of course, the administration protects its own.

They protect Secretary Chertoff, who for one was not in charge, not because former FEMA Director Brown said so, but because I know so. Because within 2 days of the storm, I dialed, as a member of the Homeland Security Committee, Secretary Chertoff's number over and over again. As someone familiar with the region, I understood that disaster was at hand. You could not get one return phone call from the Secretary to a member of the Homeland Security Committee.

It might be that I was a Democrat and therefore did not count. But thousands upon thousands of people were being sent to their death if they could not get any additional help. We lost 1,000-plus. There are 4,000 still missing, and there has been no definitive response from this administration.

Testimony of former FEMA Director Brown in the last 48 hours has indicated that this administration, along with the President of the United States, well knew that the levees were spilling over. They knew how catastrophic the storm was going to be 48 hours out, and it was sufficient time for this administration to call for military resources and other resources. We know that there were deployed military vessels off the coast that could have provided for evacuation of thousands upon thousands of individuals. We also know that no response was given. In fact, according to the testimony, under oath I understand, of former Director Brown, one of the staff persons of the FEMA office flew over the levees and saw them spilling over.

The irony of all this the response was "we didn't know whether it was just a leak or whether or not the levees had broken." My friends, there are those who can drown in a teaspoon of water. The fact that the water was spilling over was enough reason for them to act.

What about the aftermath? What about the fact that now in Hope, Arkansas, isn't it interesting, quite funny, if you will, hope, hope and dreams of Americans, in Hope, Arkansas, 10,000, 10,000 mobile homes are now languishing in disaster. $431 million was spent for these mobile homes that are now sitting there, the wrong size, sinking in the mud. And now, in addition, adding insult to injury, the $431 million, which no one knows whether there was any bid criteria, any criteria whatsoever for the purchase of these particular mobile homes, was there any bidding, was this a no-bid contract, was this another waste of money from the taxpayers, by FEMA, these homes are now languishing in Hope, Arkansas, as indicated by our colleague from Arkansas, languishing there, not being able to be utilized by the thousands who, one, want to come home and, two, are in the region.

Mr. Speaker, it is both a crime and it is a shame. As I said earlier, Rome is burning. The administration was at fault, Secretary Chertoff was at fault, as were all of those who sat and did nothing while people died.

It is imperative that we not whitewash the House of Representatives report, that we have a full 9/11 inquiry report and that we immediately address the question of removing FEMA from the Homeland Security Department and making it a full, free-standing department.

Unlike Mr. Brown, I am not interested in pitting natural disasters against man-made disasters. 9/11 stands as a horrific disaster in the history of America. What I am looking forward to is that they stand equal in the eyes of this administration, equal in the eyes of resources, equal in the eyes of Americans being able to count when they are in need that there will be the Federal Government to provide them with resources, to provide them with assistance.

All of this name calling and finger pointing and who was in charge and who was not gives no comfort to those who are still suffering, such as Alvin, who is not getting any money for rebuilding his house.

Mr. Speaker, I believe Mr. Chertoff should be held accountable and, if necessary, should resign; and, likewise, FEMA should be moved out into an independent, free-standing department.

□ 2015

BLUE DOGS FOR CHANGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Utah (Mr. MATHESON) is recognized for 60 minutes as the designee of the minority leader.

Mr. MATHESON. Mr. Speaker, it is indeed always an honor to have an opportunity to speak on the floor of the House of Representatives.

And tonight I join with fellow members of the Blue Dog Coalition. The Blue Dogs, as you know, is a group of moderate to conservative Democrats in the House of Representatives, a group that has taken positions on many issues over the years, and a particular issue which the Blue Dogs have a solid reputation on is that of promoting fiscal responsibility for this country.

And that message is needed now more than ever, and the Blue Dogs are going to continue to speak out in terms of what we think is the right thing to do for this country and particularly for future generations in this country.

You know, I just had a new addition to my family about a month ago, had a little boy born into my family. And the day he was born, he already owed over $27,000 to the United States of America. Because if you take our national debt and divide it over our whole population, that is about how it calculates out.

And that little boy entered this world with that kind of debt hanging on him not having had anything to do with that debt. He was not around when the money was spent, was not involved in the decision-making that created that debt. And I find it appalling that we allow this to continue to take place and grow in terms of a problem.

I see this as a moral obligation we have to future generations, and for me personally I see it in my own new son. What is disturbing is the trend that we are on right now, because there are going to be times when the economy is good and times when the economy is bad, and sometimes revenues are going to be up and sometimes revenues are going to be down.

And there may be times when a deficit occurs for valid reasons. But when you are in a deficit situation, what you want to do is you want to have a plan for working your way out of that debt. The concern I have is that we do not see that plan on the horizon. What we see instead is an ever-increasing amount of debt over time.

Let us put it into context. From 1789 until the year 2000, the total debt that was incurred by this country was $5.63 trillion. But by 2010, the total national debt will have increased to just under $11 trillion. So we will have doubled the 211 years' worth of debt in just 10 years.

You do not need to get out your calculator to figure out that that is not a good trend, and it is increasing at way too fast a rate. So now more than ever it is time for us to stand up in a statesman-like way and make the decisions that are going to be tough decisions if we are ever going to get a handle on being fiscally responsible.

That is what we are here to talk about tonight as the Blue Dog Coalition. I have been joined by some of my colleagues from the Blue Dog Coalition. I am honored to be associated with all of them.

Mr. Speaker, I am happy to call on them at this time, and I would like to first recognize my colleague from the great State of Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I thank the gentleman for yielding to me.

I have been here before with the Blue Dogs because it is about the only opportunity we have to discuss what we all believe, as Mr. MATHESON said, a trend line that is leading us to a financial Armageddon. There is no other way that one can look at it.

I have been talking about and writing about the fact that our country is currently borrowing more money faster than any previous political leadership in the history of the United States.

To give you some idea, and I wish I were making some of this up, but if anyone cares to go to the Web site of the public Treasury, www.publicdebt.treas.gov, you can see for yourselves there what I am about to talk about.

What happened in this country, basically, is two things: one is we embarked on an economic plan for America in June of 2001 that assumed various things that would happen in the future. In so doing, the outlook was for a $5 trillion surplus over the next 10 years.

We all know what happened on 9/11 in the year 2000, some 2½ months after this economic plan was adopted. The economic plan has not changed, but everything else in the world has.

So what we did was we reduced revenue in 2001, and we have increased spending; and we have not gone back and tried to adjust for this new world that we live in.

So what is so disturbing about this is since 2001 the debt held by non-governmental agencies has increased by $1.4 trillion. Now, if that were not bad enough, you know how much of it we borrowed from foreigners? Almost 90 percent: $1.16 trillion has been borrowed from foreigners, primarily Asia, China and Japan, who together own over $1 trillion worth of IOUs from Mr. MATHESON's little boy and others, me, everybody else in this country that is a citizen.

So what we are trying to alert the American people to is that this country has a broken economic game plan, and we do not like the remedies that are being prescribed for this deal by the current administration and the current Congress.

Now, I said the other night, half jesting, it is so bad now and getting worse by the second, I am going to tell you in a minute how much we are borrowing every second, that if China attack Taiwan, we would have to borrow the money from China to defend Taiwan. I say that tongue in cheek; but if you look at where we are, we do not have the money, and we do not have the ability to seemingly right this ship of state.

Now what are the consequences? There are consequences to actions. What are the consequences of this unprecedented borrowing that has taken place here in the last 48 to 60 months? Unless one is able to repeal the laws of arithmetic, interest rates must go higher. Every reputable economist says that. What does higher interest rates mean? Well, it means more finance charges on every American's credit card. It means cars and homes cost more. All of the things that we buy on time will cost more. And it crowds out private investment that creates new jobs in this country, because the interest rates cripple one's ability to invest in new plants, new equipment, modernization, all of those things.

That is the consequence of a willful and deliberate plunge into debt that is taking place here in Washington, DC. It eventually will mean higher taxes.

Did you know that $16 out of every $100 that comes to Washington now goes not for health and education and troops, it goes to pay interest? Now, this inability of the government to invest is going to catch up with us.

There are three things, basically, American families, my friend the gentleman from Kansas (Mr. MOORE) says, three things, basically, that American families live by: one is live within your means; second is pay your debts; and the third is invest in the future. In other words, save money for your kids' college education or for your retirement or something.

Your government is not doing any of the three. We are not living within our means, deficit spending every year for the last 4. We are not paying our bills; we are borrowing the money. We are borrowing the money to fight the war in Iraq and Afghanistan, and giving the soldiers who return home the bill with interest.

If that is not immoral, I do not know what is. These guys and women, too, are giving their lives sometimes, their legs, their arms, everything else. And what do they get from us? They get a bill when they get back with interest for what they did for this country.

And the other consequence of this is what our friend from Nebraska (Mr. OSBORNE) said earlier tonight. We are having to zero out the drug task forces in this country that are the front line to try to keep our young people from getting hooked on these drugs like methamphetamine and so forth that will rob not only them of their future but will rob this country of their ability to contribute to a free and strong land.

The other thing is, when we continue to do this, we degrade the tax base so that more and more money that comes here is not available for any investment by the government in infrastructure or human capital.

What do I mean by that? I mean infrastructure, that only the government can do, whether it is dams, roads, bridges, airports, all of the things that allow private enterprise to move in and around the infrastructure and create jobs and create opportunities for our citizens. That is not being done because there is no money for it. It is going to pay interest on the national debt.

And when we do not do that, just go to any country on the face of the Earth that has no infrastructure and see how many people are doing pretty well. Nobody is, because there is nothing for private enterprise and entrepreneurship to build to.

The other thing we are not doing is investing in human capital. If this country is going to remain strong and free, the citizenry of this country must have a good education and must have good health care.

We are robbing ourselves of the ability to invest in education and health care because of this ever-growing burden of debt and interest that takes away from the tax base of the taxes we all pay. There has never been, if one reads history, there has never been a country that is strong and free with an unhealthy, uneducated population. It is not possible.

And yet as this trend line continues, as Mr. MATHESON said, this is exactly where we are headed. Now, again, you can go to the Treasury Web site and see what I am talking about.

Last year, the deficit was $319 billion. To put that into something that hopefully we can all understand, that is $26 billion a month, $886 million a day, $36 million an hour. By the time we finish this hour, this Blue Dog hour, we will have borrowed another $36 million. It is $615,000 a minute, and $10,200 a second.

That is how much money we are borrowing. Last year, the fiscal year 2005, the net interest last year we paid was $184 billion. Do you know how much interest checks are? That is $15 billion a month in interest, $511 million a day in interest, $21 million an hour in interest, $354,000 a minute in interest, and $5,900 a second that we are paying in interest because of this growing debt.

I was trying to put this in some kind of context; I guess this is about the best I can do. If you have $1,000 bills, $1,000 bills, and you stack them like that, to get to a million dollars, it will be about a foot high. To get to a billion dollars, $1,000 bills stacked like that, it is as high as the Empire State Building. And a trillion dollars is 1,000 bills, 1,000 times the height of the Empire State Building.

It is staggering. It is the most unaccountable, irresponsible activity that I know any political leadership in the history of this country has engaged in knowingly, willfully, and deliberately. And it is going on tonight, and it will go on when this budget is presented on the floor here. Because there is no accountability.

We do not have any hearings particularly on holding people accountable. You have heard a lot about that. Well, the Blue Dogs have tried to do a couple of things. The first thing we did, or tried to do, to fix it was to reinstitute PAYGO rules. That is something every American family does. If you decide you want to spend some money, you either have got to raise the money to pay for it or you have got to cut the budget somewhere else that is of a lesser priority and fund it that way.

PAYGO rules were allowed to expire. The majority will not let them come back here, and that is one of the reasons that we keep digging deeper. The other thing we have recommended, or tried to recommend actually, is that in addition to the PAYGO rules, and we are going to do this, we are going to unveil an accountability plan, the Blue Dogs are, that is going through every Federal agency, the IG reports, to pick out the programs that are ineffective, duplicitous, or otherwise do not work and cut them. And we will have that coming out. We are working on it right now.

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The lack of accountability here, the lack of responsibility here, cannot go on; and the American people need to really pay some attention to this. We have a birth tax of $27,000. That is hideous. It is not right. And this generation has got to bear most of the blame. My generation has to bear most of the blame because we are simply not doing the three things that American families do every day, and that is live within our means, pay your debts and invest in the future.

If we do not change this, Mr. Speaker, then I fear more tonight for my country's future than I ever have in the 60 years I have been on this earth.

Mr. MATHESON. I appreciate those comments from my Blue Dog colleague, Mr. TANNER. He is one of the leaders of the Blue Dogs, and he has been a real voice of reason in Congress. I appreciate him taking the time tonight.

Mr. Speaker, I would like to recognize my Blue Dog colleague from the State of Georgia, Mr. BARROW.

Mr. BARROW. Mr. Speaker, I want to address an issue that is important to all the families that I represent; and it is just being abandoned in this 2007 budget proposal submitted to Congress. I am talking about support for our local police officers and law enforcement agencies, men and women on the frontlines of homeland security, protecting our communities and patrolling our neighborhoods.

Large cities in my district like Savannah are dealing with a rise in violent crime. At the same time, many of our smaller rural communities in Southeast Georgia and all around the country are fighting an epidemic of meth labs. Mr. Speaker, we cannot afford to let drugs and violent crime continue to go up in this country. For more than 14 years, homicide was on the decline in this country. That changed last year. According to the latest figures from the FBI, homicide rose by 2.1 percent in the first 6 months of 2005, the first increase since 1991. That is unacceptable, and these cuts in this budget are unacceptable.

The COPS program, cut by $376 million. During the '90s, we figured out what works in reducing crime. More police officers on the streets makes them safer and reduces crime. The COPS program helps our community hire, train, retain and equip our police officers. But this budget cuts this program by 78 percent.

The Byrne Justice Grant Program, completely eliminated. Byrne JAG grants help State and local law enforcement agencies identify and break up regional drug syndicates. This budget completely eliminates that program. Why would anyone want to do that?

If you think that a rise in violent crime is an issue that Congress should ignore, then this budget is for you. If you think we ought to be cutting back on the tools we give our police officers to keep our neighborhoods safe, then this budget is for you.

In the short time since the President dropped this budget, I have discussed this budget with sheriffs and police chiefs all across my district; and the verdict is unanimous. These budget cuts are hurting and not helping local law enforcement. We need to do more, not less, for our police officers.

Mr. Speaker, I urge my colleagues to oppose the proposed budget cuts to the COPS program and to oppose the complete elimination of the Byrne JAG grants. Our local police deserve all the tools that we can give them to protect our families. We need to give them more help, not less.

Mr. MATHESON. Mr. Speaker, I think what you heard here, Mr. TANNER first alluded to it and then Mr. BARROW gave a more elaborate description of proposed reductions in local law enforcement funding, and that is the example of the squeeze that is on. The deficits that we are incurring and the increased interest costs, and, by the way, interest expenses are one of the fastest growing components of the Federal budget today. And with that increased interest cuts you are squeezing other programs.

Some of these programs mean a lot. Local law enforcement grants are something that I think most people in Congress think are a good idea. And the notion that we have a budget presented to Congress that zeros that out is something that is not going to be received well here, I would think. But, again, it is a reflection of the pressures that these increasing deficits are putting on the situation; and that is why it is just another example of why it is so important we try to get a handle on this program.

I now recognize my colleague from Florida, Mr. BOYD.

Mr. BOYD. Mr. Speaker, I want to thank my friend and colleague, Mr. MATHESON from Utah, who is our distinguished leader of the Blue Dogs, a group, Mr. Speaker, that I am very proud to be a member of. I joined when I first came to Congress in January of 1997, and I am proud of the work that they do in trying to bring to the attention of the country and of the Congress the importance of the economic model and making sure that the government meets its obligations to the community and is willing to pay for those obligations.

Mr. Speaker, we live in the greatest country on the face of the Earth. I like to tell my constituents back home when I speak to Kiwanis Clubs or civic clubs that we have 5 percent of the world's population. That is about one of every 20 people in the world live in America. And we control 25 percent of the world's wealth.

We got into that position in a relatively short period of time. It is less than 230 years this year we have been a Nation, and we have done it by creating an economic model that is unsurpassed in the world.

That economic model really to me, when you break it down, does one thing. It always strives to expand the middle class and move as many people as you can out of the bottom rung and into the middle class where they can be productive members of our society. In the process, you narrow the gap between the very rich and the very poor; and that served us well over the years.

I remember talking to my parents when I got old enough to register to vote and asked them about why they happened to be registered Democrats. And they said, well, they thought that, coming out of the Depression in the 1920s and 1930s, that the Democratic party under the leadership of Franklin Delano Roosevelt really laid the groundwork for making this country the greatest economic and military machine on the face of the Earth.

Expand the middle class. Mr. Speaker, to expand the middle class you have to have a well-educated and healthy population, and those are functions that our government has to be involved in. We have to be providing a good educational system for our children. We have to ensure, if we are going to stay competitive in the world, Mr. Speaker, that each generation is better educated than the previous generation. You have to have a good health retirement system. You have to have a good income retirement system.

Prior to the implementation of Social Security and Medicare in this country, if you reached the age of retirement, age 65 in America, there was a great chance, over a 50 percent chance, that you would be below the poverty level. Less than 10 percent of our folks today live below the poverty level because of this great economic model that we have created which strives to expand the middle class. Social Security and Medicare were important components of that.

Why do I talk about the expansion of the middle class and the economic model? This government has a budget which talks about how it funds its community responsibilities, community obligations, and that budget proposal was just presented by the administration to Congress in the last couple of weeks. And that budget proposal for the coming fiscal year which starts on October 1 proposes to spend $2.47 trillion.

Let me say that again. It proposes to spend $2.47 trillion. But its collections to pay for that $2.47 trillion amount to $2.15 trillion. That is a budget deficit of approximately $318 billion. That is after we spend all of the Social Security surplus masking the much larger deficit.

But the problems do not stop there. The budget does not even address the costs of the war effort in the Middle East, in Iraq and Afghanistan, in the coming year. It does not address some other issues which we know as a Congress and a Nation that we have to address, such as the alternative minimum tax exploration and some other tax issues like that.

So what we have before us as a Congress presented by the administration is a budget that really is not a very useful document for us to start with.

Mr. Speaker, my wife and I own a farm, a family farm that has been in my family for over 175 years. And it is not always easy on the farm. It is a small business. And this past week at home I spent a good part of the week doing a budget.

Why do I do a budget? I do my budget to take to my creditors so they can provide us the funds we need to run our little small business. I spent a good many days on that budget and did the very best I could to present to my creditors just as accurate a picture as possible of what I thought the revenues would be and the expenses would be for the coming year. That is honesty in budgeting. And out there in the country our constituents have to do it in running their own homes. They do it in running their own businesses, and they certainly have to do it in running their own local governments and school boards.

We certainly could expect that the Federal Government could be honest in presenting this budget to the American people. So I would hope, Mr. Speaker, and I would ask my colleagues to join in as we have this discussion about accountability and honesty in budgeting, that we can as a Congress be a little more honest with the American people about what the cost of some of these programs are that we are involved in and how we are going to pay for them.

I do know something for a fact, Mr. Speaker, that you cannot increase spending, cut taxes and cut the deficit all in one lick. The math does not does not work. I learned that in grade school. It is a simple mathematical calculation. You cannot increase spending, cut taxes, and decrease the deficit. It just cannot be done, and that is what evidently this budget pretends to do.

So I hope as we so have this discussion for the next 30 minutes or so that we can delve into some of these issues and have a little straight talk. Let us shoot straight with the American people about what the budget issues are.

Mr. MATHESON. I appreciate those comments. I do think people should expect an honest budget. I think we all know we are going to have troops in Iraq during the next fiscal year: and the fact that this budget does not list a dollar to fund that, in and of itself, tells you that this budget is not an accurate reflection of the expenses that this government is going to face in the next year.

That is not being honest. That is not being straight with people. We know we are going to incur that expense. We ought to acknowledge we are going to incur that expense, and we do not do it, and I think that is something the Blue Dogs feel real strongly about in terms of having honesty and integrity in the budgeting process and the budget numbers.

Part and parcel of that is that we ought to have planning for contingencies. I suspect when Mr. BOYD was developing the budget for the family farm, for his business, that he had a line item in there called contingency, because you know that something else is going to come up. You do not know what it is going to be. You do not know when it is going to be. It could be weather related. It could be something that you cannot even anticipate, but you know there is going to be an expense that comes up that you cannot identify today but it is going to happen. You cannot estimate with absolute accuracy down to the dollar what it is going to be, but you know there is going to be something.

And based on your experience and based on your judgement you guesstimate what it is going to be. And when you go to your bank, if they are helping you finance it, they want you to do that, and they are going to work with you to make sure that is a good estimate of what a contingency might be. We do not do that in the Federal Government, but I am sure you do that when you are planning your own budget.

Mr. BOYD. Absolutely we do do that. I think most people who run a small business understand that. Most folks who run local governments understand that. But there is something else in this budget that we are looking at that we received from the administration in the last few days that really belies any thought of sensibility.

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A couple of examples: the veterans medical portion of the budget, we know those are issues that we have to deal with and we have not dealt with very well in the past. In that budget that we were presented are significant fees, increases in copayments that the veterans will have to pay. The Congress has rejected that soundly over all the years that I have been here. So I would not expect that the Congress would increase the fees on the veterans; but yet that is in the President's proposal that he sent up.

Student loans cut significantly. I do not think Congress is likely to cut student loans. I certainly hope they are not, but that is in the budget. Those are the kinds of things that we ought to be honest with the American people about, what the costs are, and how are we going to raise the money to make sure those costs are paid for.

Mr. MATHESON. Mr. Speaker, I yield to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I want to talk about accountability again. Another consequence of what we have done in the last 48 to 60 months with this unprecedented borrowing has not only degraded tax money coming here that could have been used for foster children, the poorest, most neglected and abused citizens in our society, but what we are doing is we are not fulfilling the congressional role in the scheme of things in this country.

We do not have any hearings about accountability. I saw on television the other night on one of the shows bundles of money that they were handing out in Iraq. They played football with them, and they asked the guy, well, where is the audit for that. He said it is nonexistent. We do not know where the money has gone.

We see Katrina. We see in Hope, Arkansas, 12,000 house trailers sinking in the mud at the Hope airport. That is total incompetence.

What is really disturbing is the Government Accountability Office reports that 16 out of 23 Federal agencies cannot produce an audit. What we want to do, if we are allowed the opportunity to do so, we want to get every one of those Inspector Generals in here and make them tell us what they did with the money. The Congress does not even ask, now what you did with the money that we appropriated to you to the executive branch. We have got basically a one-party government here. They do not ask them; and if they did ask them, they could not tell them.

This is outrageous. There is not a businessperson in America who would go to their comptroller and say here is an item of $20,000, what is that for? I could not tell you; I do not know. Nobody will put up with that, and yet the American people are putting up with it in this town every day.

We just borrowed another $18 million, by the way, since we have been talking.

Mr. BOYD. Mr. Speaker, I know this accountability issue is one that we are all very concerned about. I saw some reports today that in the FEMA response to the Katrina and Rita disasters and other storms of 2005, which were dreadful and particularly dreadful for the people on the gulf coast, but one of the tools they used to help the folks was a $2,000 credit card that FEMA passed out. I read some reports today that many of those, maybe as many as 30 or 40 percent of those credit cards, were received with fraudulent Social Security information; and, also, the expenses on some of those cards were for some very unreasonable items like tattoos and massages and things that we would not think that necessarily the taxpayer ought to be paying for.

So we do need oversight, and one of the things that I am hopeful for is the majority party in this body had an election here a week or so ago, and there is a new majority leader on the Republican side here. It is my hope and I am sure the hope of the Blue Dogs that we can work with him in a way that we have not been able to work with the leaders in the past to try to address some of these issues, because this issue of one-party rule and lack of oversight into the administration's activities is costing the American people greatly. I think it is time that we addressed it and try to do something about it.

Mr. MATHESON. Mr. Speaker, I think that really centers on a fundamental issue about the way our Constitution was set up. This is not supposed to be driven by party when it comes to oversight.

When they wrote up our Constitution, they created the three branches of government. We all learn this in grade school. It is called the checks and balances. There is an institutional role for the legislative branch to play. We legislate but we also keep an eye on the executive branch and on the judicial branch, and we do that through oversight. We are supposed to be asking questions. It is all what makes the government accountable. It is pursuing good government. It is not looking for a scandal or anything like that. This is just basically making the trains run on time, ask the right questions.

We know that is not happening right now, and so you mentioned 16 out of 22 major agencies cannot even give you a clean audit of their books. The government cannot tell you where they spent $24.5 billion in the last fiscal year. That is enough to fund the entire Department of Justice, and we do not know where the money is, and Congress is not asking the questions.

It should not be a party issue. We all ought to be asking these questions; and I know the Blue Dogs, as much as anybody in this Congress, are ready to work with anybody because it is an America-first issue, not a Democrat or Republican issue. It is about putting this country in the right position and doing the right thing.

So this issue of accountability and oversight that my two colleagues have been talking about rings real true with me in terms of what the Framers of the Constitution asked us to do. That is our role here. We took an oath to uphold that Constitution. My concern is the non-oversight. I hope we do take action. I hope this conversation helps spur some action in this body, because it is the right thing to do.

Mr. TANNER. Certainly it is the right thing to do. We take money involuntarily away from people in the form of taxation and appropriate it to the executive branch and then do not even ask them what they did with it. If we ask them, they could not tell us. That is outrageous, and the American people ought not to put up with it, and I hope they will not for too much longer.

Let me say one other thing about the consequences of these deficits. We have raised the debt ceiling, and we are going to have to raise it again either this month or next month. It will be the fourth time we have raised the debt ceiling in 4 years, and the consequences of this, not only are we degrading the tax base because we are diverting more and more to interest, but 90 percent of these interest checks are now being sent overseas, not even staying in this country.

When one is dependent upon foreign interests that do not see the world as we do for their finances, that creates a vulnerability, a financial vulnerability, for our economy, number one; but, two, I think it is a national security issue.

If one reads history, as we all do from time to time, one will see that there are two things that a country cannot survive if they allow themselves to get into that situation. One is for a country to remain strong and free it must have the inherent ability to feed and clothe its citizens, agriculture. If one is dependent upon a foreign source for one's food supply, one is necessarily at risk when that supply chain is interrupted. We know that. You read history.

The second is economics. When one is dependent upon someone else for their funding, any interruption in that supply will sink that country economically.

Someone in the administration testified that it was naive to think that China, which holds $300 billion worth of our paper now, Red China, they say it would be naive to think that the Chinese would do anything to hurt their economic short-term interests. I think it would be naive to think they would not. That would be the cheapest war they ever fought against the United States.

My dad told me one time, I tell you something. Son, he said, It is easier to foreclose a man's house than it is to shoot your way in the front door. When we are dependent upon China and China can say to us, U.S., back off, whether we are demanding that they conform to trade standards, we know what the trade imbalance is with China, or whether or not they make a move on Taiwan and we say you cannot do that, they are getting themselves in a position to say, U.S., stay out of it, or we are going to roll Wall Street and we can do it.

That is the financial vulnerability that puts this country in grave jeopardy. If we lose control of our own economic self-interests, we have lost part of our freedom; and this mortgaging of our country to anybody on Earth that will let us have money on the cheap, 90 percent of last year's deficit was financed from offshore. When we allow that to happen, we are playing Russian roulette, so to speak, because anytime they want to, when they get a critical mass, they can really put the squeeze on us, and there is not a thing on Earth we can do about it.

Mr. BOYD. Mr. Speaker, you can foresee a situation that would put us in a dependent situation with agriculture and funding like we are with oil. For instance, I think 60 percent or so of our oil consumption in this country comes from another part of the world. Many of those people, like you said earlier, do not necessarily have our best interests at heart. So we have it within our own ability to stay out of that situation with the economics, and we really need to get this turned around and stop this deficit spending to the tune of 400 or $500 billion a year. If we do not, then we can foresee a situation down the road where it could be an economic wreck here.

Mr. TANNER. The other thing that the supporters of this economic plan for our country say, well, do not worry about it; as a percentage of the gross domestic product, it is not historically too high. Well, when it was higher was World War II, and we did deficit spend and we borrowed a lot of money; but you know who bought the debt then? Americans, the war bonds, the savings bonds. They are not buying it today. They do not have the money to buy it because the middle class you talked about earlier is shrinking, not growing. It is shrinking. So we are not even financing our own debt.

I had a fellow call me on the phone the other day and said, I am afraid we have gone from the greatest generation to the greediest generation, and if our forefathers had borrowed money like we have seen in the last 48 to 60 months, at this pace, I guarantee you we would not have the standard of living that we have enjoyed in this country up to now. You said it pretty well awhile ago when you said this country was built with investment in infrastructure and human capital, and we are robbing ourselves of the ability to do that.

We do not have the drug task forces. If there is anything on Earth we need to do in this country it is to try to alert the young people to the dangers of that, and the gentleman from Nebraska (Mr. OSBORNE) spoke, I thought, very eloquently about that. It is zeroed out.

We are eating the seed corn, so to speak, with regard to our investing in the future. I go back to three things every American family does: live within your means, pay your debts, and invest in the future, whether it is for your retirement, kid's college education or something. Leave the place better than when you found it.

This is the first time I can remember when people who are in power of this government are knowingly, willfully, and deliberately leaving this country worse off than they found it financially.

Mr. BOYD. Mr. Speaker, I think you said it very well. We do have a tendency here to be very selfish, this generation, unlike the Greatest Generation, which came out of World War II and paved the way for us to be a great country.

But the Blue Dogs have a plan. We have a plan that talks about some very basic principles that would put this country back on sound footing in terms of its budgeting for its government and funding its priorities, and would the gentleman from Utah (Mr. MATHESON) care to share those points with us?

Mr. MATHESON. Mr. Speaker, I would be happy to do that, and I think I would put it in the following context. This is not easy to balance this budget. It is going to require a lot of really tough choices, tough political choices.

What the Blue Dogs have decided is we need to put in a structure for this institution and for the White House, for the President and Congress to work within a structure that is going to guide us on the path of fiscal responsibility because without that structure it is just too easy to deficit spend.

□ 2100

That is what has been going on around here. It will take some tough choices. We do not deny that at all. We are ready to work with people, but it will have to be all of us working together to take on those tough choices.

So what the Blue Dogs have done is they have tried to establish a 12-point proposal to set up a structure that addresses some of the issues we have talked about here tonight. For instance, I talked about contingency planning when my colleague, Mr. BOYD, plans his family business budget, which we called one of our 12 points for a rainy day fund, or the Federal Government plans for things that you cannot articulate at the start of the year.

Thirty-five States in this country have rainy day funds. Apparently, we thought that was not appropriate for the United States of America, but we know every year something happens. Natural disasters may happen. We do not know what it is going to be, but we know we ought to plan. That is one of our 12 points.

We talked about accountability earlier, the fact that you can't get a clean audit from most agencies. One of our 12 points is, you know what, any Federal agency that cannot give us a clean audit and properly balance their books, we freeze their budget at the previous year's level. They are stuck. That has some real teeth in it, and that is going to motivate that agency to do the right thing and give you a clean budget.

Another point of the Blue Dog 12-point plan is going to be acquiring a balanced budget amendment for the Constitution. Now this will be appropriately written with exceptions for times of war and natural disaster. But I think that is something we need. As I said earlier, we need a structure. We need something to force Congress and the White House to move toward a balanced budget, and that balanced budget amendment in our Constitution is a key component of making that happen.

Another part of the 12-point plan is something called pay-as-you-go. Now, we throw these terms out a lot. People may not know what that means, but it is a pretty basic concept. That means if you have got something new, a new program you want to spend money on, guess what, you have to pay for it. You can do it by taking money away from a another program or raising revenues.

Same thing if you reduce revenues someplace, you have got to pay for it by cutting spending or raising revenues someplace else. It is something that every family deals with in their household budget, what every business deals with. It is a responsible way to look at things.

This isn't a new idea. This is something that the Congress was working with before. In fact, these rules were in place from 1990 until 2002. Then they expired, and while the Blue Dogs have advocated putting the pay-as-you-go rules back in place, we can't get a vote out here on the floor of the House to do that.

Because as I said earlier, in the short term, it is a lot easier to govern if you do not have to make the tough decisions and you would rather deficit spend. But if we put those rules back in place, it is going to force people to make the tough decisions.

As an aside, I might add, Alan Greenspan who just retired after 18 years as head of the Federal Reserve, and he has such a great reputation in terms of his economic model, he made a rather prophetic statement back in 2001. This is just when we finished a couple of years of surplus. He was testifying before Congress.

He said, "With today's euphoria surrounding the surpluses, it is not difficult to imagine the hard-earned fiscal restraint developed in recent years rapidly dissipating. We need to resist those policies that would readily resurrect the deficits of the past and the fiscal imbalances that followed in their wake."

He sure was right, because by November of 2005 he came back before Congress, and in testimony he said, "Our budget position is unlikely to improve substantially further until we restore constraints similar to the Budget Enforcement Act of 1990, which were allowed to lapse in 2002." That was the pay-as-you-go provision that existed before.

So we have proof. We have a track record that shows that these rules worked. Without these rules, we have seen us spin into tremendous fiscal imbalance. It is another one of the Blue Dog points. There are 12 points. I thankfully may not go through all 12 of the points tonight, but I wanted to highlight some of the ones that we have talked about tonight, and ones that I think anyone in this country, regardless of political party understands, and they know it is the right thing to do.

I encourage, again, any colleague in the House of Representatives should know the Blue Dogs want to engage them on this issue.

If these 12 points that we have come up with aren't the perfect solution, and somebody has a better idea, we welcome the chance to have a dialogue with them. Because these are not easy issues, and we have got to work together to work this one out. But I think the 12-point plan represents a thoughtful process and a good start for setting up a structure that will force this institution to put us back on the path to fiscal responsibility, and so we can avoid increasing, and I will close with coming back to the comments I started with.

That is not increasing the problem of that birth tax, that we called it, that was employed on the son I had just 3½ weeks ago, that my wife had actually, my new son, came into this world owing $27,000. That is not right, it is not fair, and we have got to do something to make sure we do not grow that anymore.

Mr. TANNER. Now you have got a part of another $36 million that we have borrowed since we started talking, and 90 percent of that is coming to us from overseas.

Mr. MATHESON. I appreciate my Blue Dog colleagues joining me tonight. This is an issue we feel strongly about, and we are sincere when we ask our colleagues on both sides of the aisle to work with us on this because we think it so important to the future of this country.

NATIONAL SECURITY

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the majority leader.

Mrs. BLACKBURN. Mr. Speaker, I appreciate the opportunity to come before this body this evening and to talk for a few minutes about some things that are very important to us here in the House.

You know, we stand here many times, many evenings, and we debate the role of government here in this body. We certainly have heard it here tonight, as our colleagues across the aisle have talked about their desire to see things done differently as we look at our budget process.

Certainly there are those of us like me who think that government is overgrown. While there are others in this body that think that government cannot do enough, there are those of us who want to prioritize and reduce the budget, and there are those who do not want to prioritize or reduce the budget. They feel like something to do is to keep the status quo and raise taxes and approach our responsibilities in that way.

A couple of points I did want to touch on, as they have talked about the budget and talked about the deficit and talked about the concerns that we have for that, is we look at the overall economic security of this great Nation.

One of the things that we did when we passed the Deficit Reduction Act, which was a plan brought forward by the majority in this House that would reduce what the Federal government spends and yield a savings for the American people, what happened with that Deficit Reduction Act was, yes, we did achieve a reduction in what the Federal Government spends. This is the first time in about 20 years that this has happened. We had a reduction in our discretionary spending.

Mr. Speaker, I think it is noteworthy that we received not one Democrat vote for that bill for reducing spending. While it is easy to say, and certainly makes for great discussion and conversation, that the deficit is too big, and that we are spending too much, the proof is in the pudding.

The proof is, when it comes time to vote, are you going to vote to raise taxes and spend more and keep the status quo, or are you going to vote to make some reductions, to get in there and prioritize that budget and decide what is going to be the best way to allocate the resources of the Federal Government, because we have to bear in mind it is not our money, it is not this government's money. It is the taxpayers' money.

The taxpayers are overtaxed. They are paying too much. They want Uncle Sam to get his fingers out of their pocket, off their paycheck, and leave that paycheck to them.

I will remind my colleagues across the aisle also, they talk about we have to raise taxes to pay for this. Well, 2004, 2005, the U.S. Treasury received $274 billion more than they had estimated in revenues.

Mr. Speaker, there is a reason for that, and it is because tax reductions work. We know that they work. You lower those rates, and the economy, this great, wonderful engine of the U.S. economy, works. It works. We certainly have seen that happen. The reductions that were passed in 2003 have certainly paid off.

There is another point I would like to address that did come up. A couple of the colleagues said, we need to have some honesty as we look at this budget process. I am not going to disagree with that. I certainly think as we get ready for Presidents' Day and thinking about President Lincoln and the moniker Honest Abe that he carried with him, we certainly need to remember that and have honesty. But part of that honesty is looking at this and reminding the American people one of the reasons we are faced with the budget we have is because of this huge, enormous bureaucracy, huge bureaucracy that grew out of 40 years of Democrat control of this body, a bureaucracy that basically is a monument to them.

It is so difficult and people have such a tough time working through the bureaucracy, whether it is paying your income tax, figuring out that process, figuring out that Tax Code; whether it is the local university, trying to get over here and get the bureaucracy to help them with some program that is needed for that university; whether it is our local community and county governments trying to figure out how to work with different agencies and comply with different regulations.

It is a cumbersome, overgrown, bloated bureaucracy; and certainly as we address the issues of oversight through the ratings tools, through the President's management initiative, through the CFO act, those are all accountability measures that have come into play since Republican control of this body took place in 1994.

So there is plenty that we can discuss and we will look forward to discussing over the next month as we look at the budget, look at the process, look at the need to put those parameters in place that will help us get the budget under control and still address the areas of responsibility that we have.

One of those areas of responsibility that I think we all can agree on and certainly should be agreeing on is that of national security. There is truly a reason that our founders included the words "provide for the common defense" in the preamble to the Constitution. They knew that national security was an imperative in order for this Nation to be able to survive. They knew that in order for children to dream big dreams, in order for small businesspeople to be able to go out and take that idea that they have and grow it into something that is wonderful, that creates jobs for their community, that yields back and gives back to that community, that security was an imperative. It is an imperative.

Tonight, several of my colleagues and I are going to take a few moments and talk about guarding this Nation and talk about the issue of national security, because we as a party, we as a majority, are focused, first and foremost, on that issue. Mr. Speaker, I cannot think of a single better time to do this than on Valentine's Day, because there is nothing more important or caring that we can do for our children, our grandchildren, our neighbors and those we love than to fight to be certain that every child has the opportunity to grow up in a safe, a free and a secure world. It is one of those foundational building blocks. And we Americans are free today because of the sacrifices that our parents and our grandparents chose to make for them, for us, and on our behalf. Until this world is a far different place, it is very clear that we must continue our support for a strong military and defense presence. That is the only way that we are going to be able to be certain that our kids inherit the America that we know today.

Mr. Speaker, we are going to look at some issues, as I said, of national security. We are going to look at the border security issue; we are going to look at the war on terror and how important it is for us to win in this war on terror and how important it is for us to realize that it is going to be a long war, that it is about freedom, and it exists not only in faraway lands like Iraq and Afghanistan but it is something that we have to address on our border, our Nation's border, as we look at the issue of border security.

The first Member who is joining me tonight, Mr. KELLER from Florida, has just returned from spending several days down on our southern border working with some of the border guards and the security agents that are there. Mr. KELLER is going to talk with us about some of the activity that is taking place on our Nation's southern border.

□ 2115

Mr. KELLER. Mr. Speaker, if you would have told me when I was in college that one day my idea of a romantic Valentine's Day evening would be standing around giving a speech on border security, I would have probably drank a cup of hemlock back then. But here we are, and I am happy to drink this cup of water beside me.

Mr. Speaker, I have just returned from the Mexican border, and I am here to report my findings.

We were 5,000 feet up in the mountains along the border California shares with Mexico at 2:00 A.M., freezing in 30-degree weather, with the wind howling in our faces. Eight shivering young men, illegal aliens in their late teens and early 20s, sat on the cold ground in handcuffs, grateful to be caught. One of them pleaded with a border patrol agent to find his girlfriend, Maria, who was still stuck out on one of the cliffs.

Illegal aliens like the ones I saw in handcuffs continue to enter the United States from Mexico at the rate of 8,000 per day. Today, we have 11 million illegal aliens in the United States. Illegal immigration presents a huge problem. That is why I decided to spend a week along the southern border to see firsthand how bad the problem is and, more importantly, what Congress can do to fix it.

Last year, our Border Patrol agents arrested 1.2 million illegal aliens attempting to enter the United States from Mexico. Significantly, 155,000 of those arrested were from countries other than Mexico. They included illegal immigrants from Iran, Iraq, and Afghanistan. This poses a very serious national security problem according to CIA director Porter Goss. I spoke with Border Patrol agents who had apprehended suspects on the terrorist watchlist.

One night, while I was riding along with the Border Patrol, two illegals from Pakistan were captured. One convicted sexual predator was caught trying to cross. So were wanted murder suspects, drug dealers and smugglers.

If the job of a Border Patrol agent sounds dangerous, imagine the risk to people who actually live along the border. I sat down in the living rooms of four different families who own ranches along the border. One couple, Ed and Donna Tisdale, documented on home video 13,000 illegal aliens crossing their property in 1 year alone. The Tisdales had their barbed wire fences cut by illegals running off the family's cattle. When their dogs barked to scare off intruders, the dogs were poisoned.

Another rancher told me about numerous break-ins at his home while his family slept as illegal aliens searched for food and clothing. One morning his daughters had gone out to feed their pet bunnies, only to find them skinned and taken for food by illegal aliens trying to escape to a nearby highway.

The economic impact of these illegal crossers who are successful is catastrophic. Illegal immigration costs taxpayers $45 billion a year in health care, education and incarceration expenses. The cost of the estimated 630,000 illegal aliens in my home State of Florida is about $2 billion a year, meaning every family in my congressional district pays a hidden tax of $315 each year and yet still faces artificially depressed wages because of illegal immigration.

So how do we fix the problem? Well, first, we need to crack down on employers who knowingly hire illegal workers. Jobs are the magnet attracting illegal aliens across the border, and the U.S. House has acted to make it mandatory for employers to check the paperwork of new hires or else face stiff penalties. Now it is time for the Senate to act.

Second, we complete construction of a double fence for 700 miles along the border near highly populated urban areas. For example, San Diego saw a steep reduction in crossings from 500,000 down to 130,000 when their double fence was completed.

Third, where mountains and rugged terrain make completion of a double fence impossible, we need to have a virtual fence. That is, Congress needs to appropriate money for infrared cameras that allow agents to see the entire border in day and nighttime.

Finally, we need more Border Patrol agents. Although Congress has already tripled the number of Border Patrol agents since the late 1980s, more are still needed.

Mr. Speaker, one million immigrants come to America legally each year; and my staff members spend the majority of their time helping those who want to come to our country to work hard and play by the rules.

We are protected from dangerous people entering the country at our airports. IDs are checked against the terrorist watchlist, and baggage is screened. Who is doing checks on the 8,000 people who arrive here illegally each day? Who is our last line of defense? It is a Border Patrol agent in a green uniform working alone.

At 2:00 a.m. tonight, after all of us are asleep, he will be once again working somewhere near the top of a cold 5,000-foot mountain along the California-Mexican border. He will get a radio call telling him to approach a group of illegals who have been spotted by an infrared scope and are located near the top of that mountain. He will track their footprints in the dirt and make his way toward them. As he approaches, there is something he does not know. Are these illegal aliens a group of harmless teenagers who are scared and freezing, or are they heavily armed, dangerous drug traffickers like the ones who have killed so many of his colleagues? Either way, he will approach them because it is just another day on the job.

Mr. Speaker, I have a message for that Border Patrol agent. The United States Congress knows you are there. We appreciate your service, and help is on the way.

Mrs. BLACKBURN. I thank the gentleman from Florida; and I thank him for reminding us of the importance of protecting that border so that we do provide for the common defense, we do have a secure Nation, and we are alert and watching. As he has mentioned so well, his State of Florida, the area that he represents, their estimated cost of dealing with illegal entry into this country is $2 billion a year, and that is for those that choose to enter this country illegally.

The gentleman mentioned some of the things that we have done, employer verification, looking at continuing to secure the border, whether you are looking at a wall or whether you are looking at technology, but putting that surveillance into place.

Now, Mr. Speaker, I am going to yield to the gentleman from Texas (Mr. POE), who is on the International Relations Committee and the Terrorism Subcommittee. Judge POE likes to remind us that it is just the way it is time and again as he comes to this floor and reminds us of the importance of viewing immigration and appropriate and proper immigration, abiding by those laws and what an important component that is to this Nation's security and how important it is that we abide by those immigration laws as we are right now battling in this war on terror.

With that, I yield to the gentleman from Texas.

Mr. POE. I thank the gentlewoman for yielding.

We have spent much time in these halls discussing many purposes of government. Tonight we have heard much about the budget, how to spend taxpayer money, how the money should be spent, how it should not be spent, discussed projects big and small.

And many Americans consistently ask themselves the question, what is the purpose of government? Why do we have government at all? That is certainly a valid question to be asked, especially of our Federal Government.

And you said it well when you mentioned the preamble of our U.S. Constitution, that one purpose of government is to provide for the common defense. It is the first duty of government to protect us, to protect its citizens. Building roads and bridges, having commissions, maybe that is important. Well, maybe it is not. But the first duty of government is to protect the people that live within our borders, the U.S. citizens. Government does a pretty good job of that, especially locally, from our local police to our Federal officers, capturing outlaws, sending them to jail where they need to be. And we do a pretty good job on the international basis. We are fighting the war on terror in Iraq and Afghanistan and other parts of the world. Our military is the best military that has ever existed. And so the government does a fairly good job of that duty of protecting us.

I spent all my life basically in the criminal justice system. I started out as a prosecutor in Houston, and then I spent over 20 years on the bench trying criminal cases, just as Judge CARTER, who is here tonight. He has tried his share of outlaws.

And the rule of law is something that we all believe in in this country, that the law is the standard of conduct. And the law in this country is you do not come into the United States of America illegally, regardless of your purpose. And we know people are doing that anyway. We know, of course, that those narcoterrorists come across the southern border, especially the southern border of Texas, bringing in that cancer to sell. They make a lot of money doing that.

We know that people come here illegally, over 5,000 a day across the Texas border, illegally coming into the United States for various purposes. And we suspect that probably the next terrorist attack that occurs in the United States is not going to be because somebody flies into Reagan National down the street here, gets off the airplane, looks around and decides, I wonder what damage I can do to the American population. That is probably not going to happen.

That next terrorist is going to come across the open porous border, South Texas and Mexico, because those borders are open. And every country in the world knows that we have an open border, and that is why so many people are coming in.

Give you one example: 2005, in Maverick County, Texas, they had about 8,000 people illegally come in from Mexico that were captured. They had over 20,000 people illegally come in from Mexico from other countries other than Mexico, almost four times as many coming into the United States from other countries other than Mexico. They were from Korea. They were from China. They were from Brazil. They were from countries all over the world coming here. Every country knows we do not protect our borders to keep people illegally, that wish to come here illegally from coming into the country.

So the duty of government is to protect us, protect the sovereignty and the dignity of this country. Everybody wants to live in the United States. I do not blame them. I mean, this is the greatest place on earth to live. But everybody cannot live here, so we have got to have some rules, and those rules have to be followed, and it is the duty of our government to enforce the rule of law and make sure that people respect the dignity of this country. So we have a lot of concerns about that.

And maybe we should refocus the purpose of government. Maybe we should ask the question profoundly, what is the duty of government? And then we should expect the answer to be, to protect us, to protect our borders, to protect our national security, because that is the duty of government. And that is just the way it is.

Mrs. BLACKBURN. The gentleman from Texas is correct. That is the way it is. That is the duty of government. And as the gentleman stated so well and so eloquently, the business of government is protecting this country, as well as that being a duty.

And one of the things, Mr. Speaker, that we have altered is the way that we do business here in America by tightening some of our immigration rules. Looking at drivers' licenses, tightening our drivers' license requirements to prevent those documents from being used in ways that they are not supposed to be used. The Judiciary Committee has led on that issue, and Chairman SENSENBRENNER has done a tremendous amount of work on strengthening our border, taking steps to strengthen that.

Certainly our party as a whole is focused on the national security issue as one of the central issues that we must address. That is one of the reasons that we as a party fought to get the PATRIOT Act passed. We know that on 9/11 our security net had significant holes in it and it had to be fixed and addressed, and we now hope that our colleagues across the aisle will join us in supporting the reauthorization of the bill. It has been successful, and there are things we need to do to continue that focus on this issue.

A gentleman who is spending a good deal of time working on our homeland security issues and looking at the global war on terror and America's response there is the gentleman from Texas (Mr. CARTER), or Judge CARTER as we do like to refer to him. He is on the Homeland Security subcommittee, on the Appropriations Committee, and he is going to speak with us for just a few moments about what is being done to address some of our homeland security issues.

Mr. CARTER. I thank the gentlewoman from Tennessee and all those who gather here today to talk about our national security.

One of the things that has been bothering me here recently, there was a movie that just came out called War of the Worlds, and in that movie they were flipping cars around and the space invaders were coming around, and you saw the fear and panic on the faces of the people on the streets as this made up story of the invasion of our country from outer space.

And I could not help but be struck by the fact that we saw exactly that same live and in color fear on 9/11 when those people were watching those buildings burn, and all of a sudden the first one came crashing down. And we saw films on television of that absolute panic of American citizens as they ran in abject fear from the falling of those buildings, the attack on our Nation.

□ 2130

We saw films of people leaping from windows.

This is what our national security is all about. As Judge POE said, it is about protecting the American citizen. While this is the subject of such conversation all over our Nation today, let us do not forget we have got to protect ourselves.

Now, I, like Judge POE, have been dealing with law enforcement most of my adult life. I have tried a substantial number of felony criminal cases. One of the things that we always would do that we worked into law enforcement is we wanted to have interagency cooperation. We wanted to be able to let the DEA and in Texas the Texas Highway Patrol work together on a drug case, work in cooperation, share information. But as we approached a view of how we were going to secure this Nation, we discovered that we had a lot of agencies in this Federal Government and in the State governments that really were not coordinating, working together. Tools that we have used for years in criminal justice were not being used for securing our Nation. So some brave folks got together here in the Congress, and they wrote the PATRIOT Act.

This PATRIOT Act, because of partisan politics, in my opinion, and the fact that this is a world where everybody likes to criticize everybody else, we forgot about those people panicking in the streets of New York now, and we are starting to tear up a document that makes sense. And I think it makes sense to the American people. I think it makes sense to say I would sure like to know that every agency that is involved with somebody who might want to attack me or my family in this country talks to each other, shares information, does not have bureaucratic boundaries set up which prevent them from doing this.

The FBI should share information with the CIA. The CIA should share information with the DEA. And all other codes for the various groups that are up here, they should get together and share that information. The PATRIOT Act set up those procedures to do that. Does anybody have a problem with that? I cannot imagine an American citizen having a problem with that.

Do you not want your FBI agents and your prosecutors, the people who work on this stuff, to talk? Do you not want them to be able to communicate, share what they have got?

Now, if I think somebody is planning on blowing up a building, just like I am really concerned about somebody who might be worried about smuggling drugs into this country and I want to have a surveillance on that facility where I think this illegal activity or this terrorist activity is taking place, I do not see anything wrong with being able to have procedures set up, which we have used in fighting the war on drugs for years where you go in and take a look and then you back off until the perpetrators get there and then you go in and make your raid.

But you can put a title on that, a sneak and peak warrant, and it sounds horrible. It sounds terrible. It sounds like the government is sneaking around peaking on private citizens. No. Why should you let them know when you are not there that you have been there? Go get them when they are there. We are here to stop these people. Why should we have to conduct investigations and tip off the people we are investigating? Does that make sense? So we have proper legal proceedings that have gone on in this country for a decade or so in fighting the war on drugs and the war on crime. We are using this in the war on terror. That is part of the PATRIOT Act. I do not see why the American public would feel like they were intruded upon at all. Law-abiding American citizens are not intruded upon at all by this.

Some people are just shocked that the PATRIOT Act actually looks into business records. How do you think you finance people to come over here, train to fly a 747 or a 727, and crash into a building without some money? If that money is being done for terrorist activities, why would you not want the investigating agencies to have the ability to go into business records and find out about these things? It certainly makes common sense to me, and it is something we have used. In fact, many of you may recognize now in your life there was a time you could come into this country and deposit money or you could go down to the bank and deposit any amount of money you wanted to in the bank. But there were people coming from other sources with huge sums of money that they were laundering through our banking system for the drug business.

So what did we do? You have to report every $10,000 deposit and every $10,000 withdrawal. Nobody got all upset about that in the United States. That is dealing with people's business records. But it helped us find out where the drug dealers were, and it helped to keep their dirty money out of our legitimate system. Now we want to know where the terrorists' money is, and I think it is appropriate that we look at those records.

Now, does it make sense to you that you have to hunt for somebody to issue a warrant when there is a criminal procedure, a criminal procedure that is going on all over the entire United States, that you have to go to just one particular jurisdiction to get it when it affects all jurisdictions? No, it does not make sense. You should be able to seek a warrant anywhere there is jurisdiction. The PATRIOT Act allows that to happen on terrorist activities.

This is a good law enforcement tool. The warrant still has the same checks and balances and protections and probable causes that are there for anybody. But why do you have to hunt down a judge in Arizona when you can find one in California when it all affects the same territory?

The PATRIOT Act increased penalties on these terrorist crimes. Now, I personally am a penalty guy. I believe in penalties. I have sentenced a person to 20 years in prison for one rock of crack cocaine because I believe punishment works. That is my personal philosophy, and some Americans might not agree with it. Our county happens to have the lowest crime rate in the United States, but that is my argument. But the point is the terrorist penalties have been enhanced by the PATRIOT Act. That is good. That helps us use another tool to keep people who want to harm our wives, our children, our husbands, our communities, give them extra punishment for what they do. Those who harbor those who would harm us we also have tools to go after.

This is the goal of the PATRIOT Act. That is what it was established for. It is a good tool. It is a tool that is effectively helping us. One of the major reasons that all those who deal with these issues talk about them right now, today, is because we have been able to protect this Nation since 9/11. Nobody is sitting here telling you that everything is perfect; but if you throw away your tools and you put up the things that help you solve the problems, in my opinion, for political reasons, it concerns me greatly that the real purpose of homeland security is lost, and that is protecting our families and our way of life.

The USA PATRIOT Act should be renewed. We should continue this tool for the American agencies that deal with terrorism and law breakers and making sure that when our kids go to bed at night, they feel a little bit safer.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Texas for his comments. He is so correct in talking about the importance of the PATRIOT Act and being able to protect our families.

And I appreciate so much that he and the other speakers tonight have talked about the implications of what happens here on our homeland and the importance of keeping that homeland safe, keeping that homeland secure, and have talked about the great work that is done by our first responders, by our local law enforcement members, that community that works so diligently; the work that is done by our border guards and those who are patrolling our borders. Because, yes, indeed, national security means that we secure this great Nation. Because this is a war on terrorism; it is going to be a long difficult war. And it is the reason, Mr. Speaker, that we have taken military action in Afghanistan and in Iraq, and it is the reason that we are working to reshape that region of this world. And we are making progress. And I know it is frustrating sometimes when we feel like we are taking two steps forward and one step back. But, indeed, there is a mighty work that is being done, a very good, consistent and productive work that is being done by the members of this great Nation's military.

And tonight we are joined by the gentlewoman from Virginia (Mrs. DRAKE). The thing that is so wonderful about Mrs. DRAKE's district is the presence of the military that is there, whether it is our men and women of the naval forces that are out there working or those in the Air Force who are flying.

So from land to air to sea, you have it all covered, and we appreciate your constituents. And, Mrs. DRAKE, I join you in wishing the families of all of those men and women who are deployed a wonderful Valentine's Day.

And I join you in standing here tonight to say "thank you" that they are working to be certain that these children grow up in a safe, free, and secure America.

Mr. Speaker, I yield to the gentlewoman from Virginia.

Mrs. DRAKE. Mr. Speaker, I would like to thank the gentlewoman from Tennessee for yielding to me.

I am very proud to join her tonight on Valentine's Day to wish all our men and women of the service a happy Valentine's Day, but especially those and their families who are separated today and not celebrating Valentine's Day together because they have put duty and the defense of our Nation first.

We live, as we know, in a completely different time; and we face a totally different threat. Our enemies do not wear a uniform. They do not represent a nation. They do not own tanks and aircraft. What they are is a global terrorist network that represents a violent extremist philosophy, one that places no value on life. What they seek to destroy is our way of life, the very fabric of our civilization.

We realize that they have established goals. Their short-term goal is to take Iraq. Their mid-term goal is to take the Middle East. And their long-term goal is to take the world. They seek and they have vowed to use nuclear, biological, and chemical warfare.

Our brave fighting men and women understand this threat. They have volunteered to defend this Nation. Recently, I met a member of our military, a young man. He looked at me and he made a very simple statement. He said, Think about this war on terror as if it were a football game. And the question that I want to ask you is would you rather play the game at home or away? Our goal is that we must fight this war, or play this game, as an away game.

I met another young man on my trip to Iraq and had a brief conversation with him. He looked at me and he said, Ma'am, I understand the threat. I know why I am here, and if I have anything to do with it, we will never have another attack on our soil. With that he asked me not to worry about him but to pray for him, and in a moment he was gone.

We as Americans do not fully understand this threat. Unless we have loved ones who are serving, our lives have not changed. We have not been asked to sacrifice for a war cause nor should we change our way of life because terrorists would like to do that for us. So it is hard to realize that we truly are a Nation at war.

We question why we bother with a small country that is so far away from us when we perceive that they have lived in constant turmoil and they have constantly fought with other people. But America is committed to winning this war. We have watched liberty and democracy spring in the Middle East, and we know in our hearts that all people yearn for freedom to raise their children, to be able to live without fear, without torture, and without tyranny.

I would like to share with America that this fall the House Armed Services Committee, under the chairmanship of Chairman HUNTER, conducted a bipartisan comprehensive review to prepare our members on the committee for the QDR, that is, the Quadrennial Defense Review. This is a review that is done every 4 years by the Department of Defense to assess our national security posture.

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Very importantly, this is the very first review that has been done post-9/11. This review is designed to ensure that the Department of Defense has a plan to transform itself to meet the threats we face in the 21st century.

The QDR seeks to achieve the following objectives: Defeating the terrorist network; defending the homeland; shaping the choices of countries who are at a strategic crossroad; and preventing hostile states and non-state actors from acquiring or using weapons of mass destruction.

Our goal is to develop a military that is more effective, more able to strike quickly. In the coming weeks, members of the House Armed Services Committee will be reviewing and assessing how to reshape our military to meet these present and emerging threats.

Our military and the people of Iraq have accomplished great successes. In less than 3 years, they toppled Saddam, they created their government, and they passed their own constitution. I think that is quite a feat. It took us 13 years to develop our Constitution. We amended it 27 times. It took us 120 years to give women the right to vote. I think we should be very, very proud of their successes.

So far, we have rehabbed over 2,800 schools; trained over 4,700 teachers; electricity, water and sewer are working in Iraq; as well as setting up independent TV stations, radio stations and newspapers. We have captured and killed many of their leaders, not all; we are shutting down as much of their money as we can; and our fighting men and women have engaged the enemy so that they do not have the time to wage war here on our soil and hopefully will continue to prevent an attack within our Nation.

I believe the first function of government is to defend our Nation, and I think the greatest gift that we give to our children and our grandchildren is freedom. On Valentine's Day I am very happy to thank the men and women of our military who give us those gifts.

Mrs. BLACKBURN. I thank the gentlelady from Virginia. I appreciate her comments about the QDR and the review that the Armed Services Committee, a committee on which she serves, is conducting.

I would think for those who are watching tonight, if they want to follow that process and learn a little bit more, they could go to the House.Gov website and then go to the Armed Services Committee and could get a bit more information about that process.

Mrs. DRAKE. That will be ongoing.

Mrs. BLACKBURN. I thank the gentlelady for her comments and for mentioning the good work that is taking place over in Afghanistan and in Iraq.

One of the things, Mr. Speaker, that we are learning more and more about every day is the fact that, as the military raises up over there, at the same time we are raising up and working to raise up the economic underpinning of that nation, the governmental underpinning of that nation, the educational underpinning of that nation, and working to be certain that they are indeed ready to take the reins and ready to succeed as they step toward democracy.

Mr. Speaker, I would like to yield to the gentlewoman from North Carolina, Ms. FOXX. She does such a wonderful job as she works with her constituents and works with us. Education is her forte, and I love listening to her stories about how she educates and works with her grandchildren and how special and how important they are and the lessons that she teaches them and how privileged they are to grow up in a safe, free land and their responsibility to be good stewards of that citizenship and that opportunity that is presented toward them.

I yield to the gentlewoman from North Carolina for some comments on addressing the global war on terror.

Ms. FOXX. Thank you, Congresswoman BLACKBURN, for your leadership and for providing these opportunities for us to share some of our thoughts.

Our colleague, Mrs. DRAKE from Virginia, does such a wonderful job in recognizing our military and serving on the Armed Services Committee.

Today, when I was coming into the Cannon Building, there were two gentlemen in uniform standing at the door taking some pictures, and I stopped to thank them for their service. I do that every time I see anyone in our military. I thank them for their willingness to serve. They were so pleasant and so excited. They had come home from Iraq for a few days, and they were spending some time here in Washington. One of them said that his mother came from Mt. Airy, which is in my district. They gave me their cards, and we are going to maintain e-mail correspondence.

You mentioned my grandchildren. I mentioned to them that, without any prompting whatsoever, about a year-and-a-half or 2 years ago my now 6½-year-old granddaughter and 9-year-old grandson, at night when I heard their prayers as they were going to sleep, began praying for our military people. It really touched my heart and the heart of their parents, because we didn't tell them to do that, they did it completely on their own. I hope that all of our military folks know, as I told these two gentlemen today, that there are millions of people in this country praying for them regularly.

I want to tie that into what President Bush says all the time. He believes, as I believe and I think most people in this country believe, that freedom is a gift of God and that we are blessed in this country with the most freedom of any people and the most prosperity of any people and that part of our responsibility is to help spread that freedom.

I also was thinking that February is not only the month for Valentine's Day, but it is Abraham Lincoln's birthday, and pretty soon we are going to be celebrating George Washington's birthday, and Ronald Reagan's birthday was in this month. We have so much to think about in this month of what those men meant to helping to live up to the ideals of freedom and the values of this country and what they risked in their lives, particularly Washington and Lincoln but also President Reagan, who risked saying to the world the truth, as President Bush has done.

I want to bring us back to talking about the fact that we are at war and that it is appalling that many of our colleagues cannot seem to understand that, as Congresswoman DRAKE mentioned, and a part of that war is being able to gather intelligence so that we can fight it effectively. We do want to fight that war on their turf, not on our turf, and we want to keep them from attacking us again.

I have been very distressed in the last few weeks about the way the revelation about the National Security Agency's terrorist surveillance program, the hysterics that have been created from the other side of the aisle. I think that it is time that we talk about the myth that has been created about that program.

The allegations about that program, that it is illegal, are a myth. It is a legal program. The reality is that the President's authority to authorize this program is firmly based in both his constitutional authority as commander-in-chief and in the authorization for the use of military force which passed Congress after 9/11.

The allegations that the NSA program is a domestic eavesdropping program used to spy on innocent Americans are a myth. The reality is that this program is narrowly focused aimed only at international calls and targeted at al Qaeda and related groups. There are safeguards in place to protect the civil liberties of Americans. Allegations that the NSA activities violate the fourth amendment are a myth. The reality is this program is consistent with the Constitution's protections of civil liberties, including fourth amendment protections.

There are people who want you to believe this program is targeting average Americans, but nothing could be further from the truth. We need this program to help protect us and this country and to help protect our men and women who are fighting to keep this country a free country, and we need to do everything that we can that is legal, and I am convinced that the President is doing what is legal to protect us.

I think, again, that we want to call attention to the men and women who are fighting for us and remember them in our prayers constantly and thank them for the sacrifices that they are making to keep this country free.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentlelady from North Carolina, and thank her for reminding us that this is a global war on terrorism.

Mr. Speaker, I yield to the gentleman from Texas (Mr. CONAWAY) for some additional thoughts on the global war on terror.

Mr. CONAWAY. Mr. Speaker, I thank the gentlewoman for yielding this time. I will be brief, as we have one more speaker.

Several of our colleagues tonight have talked about the war in Iraq and the global war on terror. I just want to add a little meat to that bone that says when we have a free Iraq, a democratic Iraq that is at peace with its neighbors, is no longer a haven for terrorists, that the war on terror will go on.

I would like to beef up that argument by a brief historical review of some of the things that our enemies have done outside of Iraq over the last several years.

In October 2000, the USS *Cole* was in Aden, Yemen, refueling, when a small rubber boat ran up beside it, set off a charge that blew a 40 foot by 40 foot gash in the side of the USS *Cole*, killed 17 young sailors and injured 39. Without provocation, without warning, these terrorists struck.

In Saudi Arabia, in 2003 and 2004, on May 12, 2003, suicide bombers killed 34 people, including 8 Americans, when they blew up a housing compound that housed westerners.

In May of the following year, 22 people were killed when terrorists attacked a Saudi oil company in Khobar, taking foreign oil operators hostage and leaving 22 dead, including one American.

June 11, the next month, in Riyadh, terrorists kidnapped and executed Paul Johnson, an American in Riyadh. Two other Americans and a BBC cameraman were killed by gun attacks.

Then in December of 2004, in Jeddah, terrorists killed five consulate employees at the U.S. consulate there in Saudi Arabia.

In Madrid, March 11, 2004, just before the elections in Madrid, in an attempt to affect the elections, which as history shows us this bombing did affect it, 13 rucksacks went off at a train station on four commuter trains almost simultaneously at the height of rush hour, killing 191 civilians and injuring over 1,800 people. The Moroccan Islamic Combatant Group has claimed responsibility for this tragic killing; again, an unexpected, unannounced, unprovoked attack on civilians.

Then in July of this year, this past year, July 7, I was actually in Kuwait on my way to Iraq when a suicide bomber struck again, this time in trains in London. Three different underground trains were blown up, killing some 56 people, injuring 700, again in an unprovoked, unannounced sneak attack using suicide bombers.

Finally, on November 9, 2005, in Amman, Jordan, at a wedding ceremony in the three hotels there in Amman, again suicide bombers blew up, killing 57 people and injuring 115 others in an attempt to create terror among those who oppose the violent Islamic Jihadist movement.

I remind my colleagues and others that we are in a global war on terror, no place in this world is safe, and while it is counterintuitive to talk about playing an away game, it is clearly in our best interests that we continue to fight this war in Iraq and around the world so that we don't fight it in the streets of America.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Texas for reminding us this is an elusive enemy. It is not an enemy that is located in one place or an enemy that is stationary. It is an enemy that you will find spread out all across the globe.

As he mentioned, several of the attacks, whether you are talking about the *Cole* or the Saudi bombings or Khobar Towers or the World Trade Center, both of the bombings there, this is a very vicious enemy, and the global war on terror is a war that is being fought around the globe. The activity is centered in Afghanistan, it is centered in Iraq, and it is important that we keep our Nation safe.

Our final speaker this evening is the gentleman from Georgia, Dr. PRICE, who has certainly put a tremendous amount of attention on what it takes to keep this Nation safe and having the tools. Being a physician, he knows the tools of the trade are important, and it is important that our men and women in uniform, our men and women in our intelligence services, our first responders, having the tools they need to fight this war and be successful in this war. I yield to the gentleman from Georgia.

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Mr. PRICE of Georgia. Mr. Speaker, I am so pleased to stand with so many of my colleagues this evening and to talk about an issue that really is one of the central planks of our side of the aisle and the national campaign that we put forward before the American people. I thank you so much for your leadership.

I was going to talk at length about the National Security Agency and the issue that has come before us. I look forward to doing that at some point in the future. But I do just want to share a few comments about what we have heard tonight.

When I was young, I was a member of an organization, a group, that used to sing a song called Freedom Is Not Free, and the words were something like: freedom is not free, freedom is not free, you have got to pay a price, you have got to sacrifice for your liberty.

And I had the privilege of being with the American Legion Post 140 last night, just last night in my district, and met with these men and women. And they went around the room and each of them identified themselves and their branch of service and the conflict and the war in which they served.

And I was so humbled to be in the company of such heroes. It just brings to the fore the incredible sacrifices that we as Americans have made over the past number of years for our liberty, for our freedom. I am so pleased with the leadership in the House, the Members who stood up this evening and talked about the difficulty that Americans have comprehending this war on terror; and we do, as you well know, because we do not think like terrorists.

We do not understand that mind. We do not understand the mind that would murder innocent individuals. We do not understand the mind that would chop the heads off of innocent individuals. That is just incomprehensible to us. So it does not come easily to us to comprehend the fact that we are in a war.

I was so pleased to hear Congressman CONAWAY talk about Iraq not being the end of this war. There are so many aspects to all of this war. So I am pleased with the leadership in the House, and I am pleased with the leadership of my colleague, the gentlewoman from Tennessee, who is willing to stand up and discuss these issues.

I also understood that this is not a Republican issue, it is not a Democrat issue. It is an American issue; it is an American challenge. And so my hope and prayer over the coming year is that all of the Members of the House of Representatives and all of the members of the Senate will embrace the challenge and the battle truly that we have to work together in this war on terror. I yield back to you, and commend you for your wonderful leadership in this area.

Mrs. BLACKBURN. I thank the gentleman from Georgia. I too remember singing that song: freedom is not free, you have to sacrifice for your liberty. I think that we all have sung that at camps as we were growing up. And how true and how meaningful it is as we talk about the men and women, whether they are working here domestically as first responders, as local law enforcement, as border security guards, protecting this homeland that we have, or whether they are fighting in Iraq, Afghanistan, around the globe. Whether they are deployed and away from their families, we know that they are doing this because they want to be certain that future generations grow up in a world that is free, is safe, is secure.

And we thank them for loving all of us enough to make that sacrifice and be willing to put their lives on the line. And we wish each of them a happy Valentine's Day. We wish their families a happy Valentine's Day, and we hope that they all know that we love them too.

Thank you, Mr. Speaker.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. GOHMERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for half the time until midnight.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to be here on the floor of the U.S. House of Representatives again.

As you know, we have our 30-something Working Group that Leader PELOSI has formed over 3 years ago. And we meet constantly on issues that are facing the American people, and we ask the U.S. House of Representatives to address those issues in many cases. And there is an awful lot, Mr. Speaker, that is going on here in Washington, D.C.

I must say that I am really, really pleased at the innovation workshop we had earlier today that allowed Americans to be able to get a view of what the Democratic side has to offer in the area of innovation. And we are going to talk a little bit about that tonight.

But we are also going to talk about the ongoing costs of corruption and cronyism and incompetence in this institution that has brought about bad policies for the American people and affects the very lives of the American people that we are trying to serve.

As we work to try to better ourselves here in this Congress, we continue to point out the fact that we are not working in a bipartisan way to be able to get the best results for Americans. And we are going to talk about that also, Mr. Speaker.

I think it is important to point out the fact that we want to wish everyone here, not only in the U.S. House of Representatives but throughout our Nation, a happy Valentine's Day. And Mr. DELAHUNT is here, one of our esteemed colleagues. We are so glad tonight, Mr. DELAHUNT, that you can join the 30-something Working Group on this Valentine's night.

I know a nice man like you had to call a couple of folks and wish them happy Valentine's Day, including your family members, and it is a good day.

Mr. DELAHUNT. It was a long process all day, Mr. MEEK. But I just about accounted for everybody that it was appropriate. And a happy Valentine's Day to you and to your family. I had an opportunity to meet your family recently, and they are great folks. They really are.

Mr. MEEK of Florida. Well, without family where would we be?

Mr. DELAHUNT. That is right. That is what this is all about.

Mr. MEEK of Florida. Do you know what is interesting, Mr. DELAHUNT, is the fact that we have the issues that are floating here in Washington, D.C., and it is just kind of hard to keep up with them. There are so many things that are going on, and so many things that are happening to the American people. It is important that we get our house in order, and this House and the Chamber across the hall, including the executive branch, of getting back to the business of the people of this country.

We have families in the gulf that had visited the Capitol last week, coming with demands for their government: do not forget about us; do not leave us out; do not leave us behind. And reports are being released, but not only a summary report from the partisan House committee that was formed here about some of the mistakes that the administration made and where this Federal Government failed Americans.

Another report that Secretary Chertoff is talking about, he was supposed to come before the Senate today of the Homeland Security Committee, and they canceled the committee meeting because of Senate votes, to get down to the bottom of why we still have not prioritized the emergency management response.

I also think it is important that we point out the fact that the partisan commission here in this House that is charged, Mr. Speaker, with getting to the bottom of what happened and what did not happen in the case of the response and preparedness for Hurricane Katrina fell short of its duty to be able to make sure that we had sound, concrete recommendations to be able to move forward.

We still ask, Mr. Speaker, here on this side of the aisle, for an independent Katrina commission so that we can really get down to the nuts and bolts of what happened in this natural disaster and the disaster that followed that was the Federal Government's response.

I think it is also important that we talk about our fiscal situation, and some of tonight and tomorrow we will talk about what has happened with the reconciliation, budget recommendations that passed through this House and through the Senate, and where we are falling short there and being straight with the American people as it relates to the Republican majority.

Mr. DELAHUNT, I think it is important to point out the fact that so many Americans under this administration and under this White House have found themselves left behind economically and also socially.

The President talked about his health care plan here in this Chamber, a health savings plan that is already not working, and the way it should work and could work for Americans because it is not the right prescription for coverage for families.

To set aside money, to ask Americans to set aside money that they do not have in the first place is an oversight in itself. So many American families are living from paycheck to paycheck. It is not because they were so unfortunate to have a job and a family that they could not afford some of the high prices they are paying for fuel at this time and heating costs and other energy-related costs, but to say that we will allow you to put money aside for a rainy day for when a family member gets sick, that is not insurance.

Right now there is legislation here in this Congress to stop the Veterans' Affairs Committee from going up on insurance rates against veterans. And I want to also, if I can point out a few of those articles today just in the local Washington Post, Mr. DELAHUNT, I think maybe we can talk about some of the things our third-party validators are talking about here in this town.

Mr. DELAHUNT. Mr. MEEK, if I can. I think you made a reference to reports that are now being released, and you indicated that it is a partisan report. I think it is very important to explain that the report from the House committee that reviewed this, the aftermath and the prelude, if you will, to Katrina and what went wrong, was for all intents and purposes a Republican effort.

Two Democrats sat with our Republican colleagues; and in the aftermath of their effort, these two Democrats, both from Louisiana, have recommended that it is essential to create, as we did in the aftermath of September 11, an independent commission that reviews again the prelude, during, and the aftermath of the natural disaster that devastated this country in the form of Hurricane Katrina back on August 29.

Maybe like the 9/11 Commission, we can have an 8/29 Commission that all Americans can have confidence in—in its integrity. But I think, too, that we ought to review really the damning findings of the Republican effort that really, in my judgment, speaks to the incompetence of this administration.

You know, we use the word or the term "culture of corruption" frequently in explaining what is occurring here in Washington. But I think you might agree with me that it is incompetence combined with cronyism that really are the building blocks, if you will, of that culture of corruption that creates a huge cost to the American taxpayers.

I am speaking in terms of billions of dollars and multiple lost opportunities, dashed dreams, and unfortunately this, let me use the term "corruption tax," that even cost lives. And I think we have witnessed this because of what occurred by way of a natural disaster on August 29 and what has occurred in Iraq in the aftermath of our invasion.

And I do not want to delve tonight into the disagreement that I have in terms of the rationale for this administration to invade Iraq.

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I do not want to talk about weapons of mass destruction. I do not want to talk about links to al Qaeda. I do not even really want to talk about the failures to bring democracy to far corners of this world according to the Bush doctrine. But I think it is important that we talk about the corruption that is ongoing and reveals itself on a frequent basis by reports coming from independent sources, coming from, actually, the special inspector general for the reconstruction of Iraq and coming from trials that are now occurring in Federal district court.

But before we get to that I think it is important to review what went wrong with this administration's response for Hurricane Katrina. And again, I think we have to, in a sense of fairness, applaud some of our Republican colleagues who really said it better than you and I can say it, and I am sure they cannot be accused of being partisan since they are Republicans. But I thought what was particularly interesting to me was a quote in my hometown paper or one of my hometown papers, the Boston Globe. It was an observation by TOM DAVIS, who is the respected chair of the Government Affairs Committee.

He made the observation that President Bush is in Texas, Chief of Staff Card is in Maine, and the Vice President is fly fishing wherever. I mean, who is in charge? And I guess that is really the question.

We have had a Department of Homeland Security for several years with the ultimate Federal responsibility to prepare Americans for disasters, whether they are triggered by a terrorist attack or whether they come via a natural disaster; and the performance of this administration can only be described as a disaster, a debacle, if you will.

I thought it was rather ironic that today, as I was watching the news, the Secretary of Homeland Security, Mr. Chertoff, announced he was going to hire 1,500 disaster specialists. I guess my response was, what took so long? What took so long? How long has it been? Since 8/29, since August 29.

Mr. MEEK of Florida. Mr. Speaker, I can tell the gentleman what took so long. What took so long is that we have an administration and we have a Congress that did not give the proper oversight.

The Department of Homeland Security asked the questions when they should have been asked. The American people were told, trust us, trust us, trust us. When you talk about the Republican majority and really Homeland Security, FEMA, the White House, and oversight committees were not prepared to do what it was supposed to do and we failed the American people.

Now, let me just say this. The American people have been asked to trust the words of this majority time after time again. Trust us on the fiscal outlook for the country. Trust us on taking down the deficit. Trust us on making sure what they tell you is actually the reality. Trust us on your health care costs and your coverage. Trust us, trust us, trust us.

And almost in the same month the American people, it is revealed to the American people that it was not about them the whole time. It was about special interests having their opportunities and privacy through the executive branches in this Congress.

Now if I can just take a minute just to bring in third-party validators. You talked about what you read in your hometown paper. I just want to put this picture right here. This is Secretary John Snow from the Department of Treasury. I want to put his picture there so folks know that this is not the Meek or the Delahunt report.

This is a report in a letter from the Secretary of the Department of Treasury to Senator MITCH MCCONNELL, and it says the administration now projects that the statutory debt limit currently at $8.184 billion will be reached in mid-February of this year. At that time, unless the debt limit is raised or the Department of Treasury takes the authorized authority, extraordinary actions will have to be carried out, we will be unable to continue financing the government operations.

It goes on to say, I am writing you to request that the Congress raise the statutory debt limit as soon as possible or we will not be able to carry out government functions. That is basically what it is saying.

I have blown this letter up here because I think it is important. This letter is signed by the Secretary of the Treasury. Basically what he is saying in this letter is that, unless the debt limit is raised, the Department of Treasury will not be able to continue to finance government operations. Our government operations, not the government operations of a foreign country, not the government operations of the Republican party, not the government operations of the Democratic party, the government operations of these United States of America.

Now give me a couple more minutes. This came from the Secretary of the Treasury, the office right next to the White House, Mr. Speaker, appointed by the President of these United States and confirmed by the U.S. Senate. This is a letter that he wrote on December 29 of 2005, just the end of last year.

Better yet, Mr. Speaker, the American people are being asked, trust us with the money and the decisions. Let us have a treasurer here.

Mr. DELAHUNT is familiar with this chart. The President of the United States, George W. Bush, has borrowed more, and he could not do it by himself, he needed the Republican majority to do it, $1.05 trillion from foreign countries. Foreign nations like China and Saudi Arabia and all of the countries that we are concerned about, we have borrowed more money in four years since 2001 to the present, to the end of 2005 than 42 Presidents combined, and that is $1.01 trillion.

Now we had World War II, Mr. Speaker. We have had the Korean War. We have had World War I. We have had Vietnam. We had Gulf I. All of these wars, all of these conflicts, the Great Depression, a number of challenges to our country. This President and this Republican Congress has borrowed more, I cannot say that enough, has borrowed more from foreign nations in the history of our republic. And we can say that from a standpoint as Democrats to say that we put forth a balanced budget recommendation here and it has actually happened.

I just want to make sure, and I know this is one of Mr. RYAN's charts here, but I am going to go ahead and say this is our debt right here now as you see it as of February 14, as of February 14 which is a special day on the calendar, and we talked about that a little earlier. This is what the American, this is what each American, if a baby was born when we started this special order here tonight, they already owe $27,526.77 and counting.

So I go back to Secretary Snow's letter. Did the Democrats write this letter? No. The Democrats put forth recommendations of pay as you go. Is the Republican majority embracing that doctrine? No. Is the White House embracing that doctrine? No.

So when we start talking about fiscal responsibility and competence and saying no to corruption and cronyism that has an effect on the American people, this is the result of it.

You have got a letter. That is what the we are about. We are about shedding light on what is happening under this Capitol dome. If you let the majority tell you, oh, well, the Democrats have done this, that and the other. This is the biggest borrow-and-spend Congress in my opinion in the history of the Congress, borrow and spending in the worst way with interest.

Mr. DELAHUNT. If the gentleman would yield for just a moment, today I was at a hearing and the hearing happened to be on China. It was a subcommittee on which I serve as ranking member, and there was a reference made to the Bush doctrine.

Well, I would submit, given that President Bush has accomplished in one term more than all of his predecessors combined in terms of accumulating debt held by foreign nations, some of whom are particularly hostile to the United States, that we should describe the Bush doctrine as one of borrow and spend, not pay as you go, but borrow as you cut taxes. And I made the observation if you connect the dots how are we conferring a massive tax cut, 40 percent of which is reserved for 1 percent of Americans. Who is paying for that particular tax cut? Well, at least a trillion of it is being funded by Japan, China, Britain, the Caribbean, Taiwan.

And listen to this, that tax cut is also being paid for by money borrowed from OPEC, OPEC. That means that we are not just buying our oil from the OPEC cartel, but we are also borrowing money for them to support a tax cut for 1 percent of our affluent citizens. And then Korea, Germany, Canada and others makeup the difference. This is extraordinary.

Mr. RYAN of Ohio. Mr. Speaker, it is good to join the gentlemen.

As we are talking about the debt and we are borrowing this money from the Chinese, from the Japanese, from the Koreans, from the OPEC countries, as we borrow that debt we have got to pay interest on that debt.

So as we are paying interest on that debt, this chart will show us that out of our priorities that we have in this country, the red is what we are paying in billions of dollars in the 2007 budget in interest, compared to education, compared to homeland security, compared to veterans.

□ 2230

So when we are talking about borrowing the money and what we are paying the interest on and what country we are paying the interest to, that interest money, the red, is going back to China. It is going back to Japan. It is going back to Korea.

Mr. DELAHUNT. It is going back to OPEC.

Mr. RYAN of Ohio. It is going back to OPEC.

Mr. DELAHUNT. Along with the dollars we are using to buy oil at $60-plus a barrel to heat our homes.

Mr. RYAN of Ohio. Which is also going back to OPEC. So OPEC is benefiting from the high oil prices, high gasoline prices. They are benefiting from the net interest we have to pay on the money we are borrowing from them at the expense of education, homeland security, and veterans.

Let me just show you this, and let me just say this is a powerful, powerful, powerful group of information here that we need to share, and I have got to tell you something. I love this slide. I love this. I want to be friends with this slide.

Look what we can do. This says what else could the government do with the interest, the red that we just showed, what else could the government do with the interest that the country pays every day on the debt that we have. $1 million in every congressional district per day. That means in the gentleman from Florida's congressional district, you get $365 million; the gentleman from Massachusetts (Mr. DELAHUNT), $365 million for your congressional district; $365 million for mine. I can tell you, with the health care priorities and education and veterans that live in my district, they would love to have an extra million a year.

With the debt every day, we could provide health care for almost 80,000 more veterans if we balance our budget, if we get our fiscal house in order here. We could improve Social Security solvency by almost half a billion dollars if we could begin to balance the budget.

Mr. DELAHUNT. Are you aware with the President's budget that 263,000 of our veterans will be denied access to veterans health care?

Mr. MEEK of Florida. It goes a little further. They are going to pay higher copayments, too; and what the majority has to understand, Mr. Speaker and what the Senate has to understand and what the President has to understand, this is not going to change. This is business as usual.

Mr. RYAN of Ohio. A track record here.

Mr. MEEK of Florida. A track record, a pattern of those who have made youthful indiscretions in their lives, need it be on credit, need it be some sort of criminal activity, you can no longer have access. You used to have the capital, if you do not have a good credit record. Am I right?

Let me just tell you something right now as it relates to the United States. I am looking at Japan. You can put Japan in the State of Florida, and the State of Florida will swallow geographically Japan. But, better yet, look what they are holding of the U.S. apple pie. The bottom line is this is about, Mr. Speaker, the incompetence, cronyism and, in some cases, corruption of these individuals being able to get access into this institution and into the executive branch to be able to get what they want.

I want to drive the point on here. I want to make sure this is crystal clear. It has to be crystal. The bottom line is the only way that we will be able to have a paradigm shift not only in thinking but in policy and action on behalf of the American people and unless the American people like you say, the majority, they do not have to be the majority. The American people can make that change. They can say that we are willing to allow the Democrats to lead so that we can hopefully start taking care of some of these issues that we have to take care of here at home, with our troops in Iraq and Afghanistan and throughout the world so that we can get the respect of not only the world but our country, our own country.

Veterans, they signed up for all the right reasons, allowing us to salute one flag, as we see it now, are being asked to do more financially, meanwhile $1.5 trillion in tax cuts for the wealthy, while we have individuals, while we are having veterans affairs centers closing in rural America and in urban America. They are closing. Some of them are only open on Wednesday now. But, meanwhile, we have individuals, we have the President every time he gets a chance he is talking about let us make the tax cuts permanent for people who are not even asking for it.

So this is very simple. This speech on what the majority, Republicans, say, well, trust us, we know what we are doing. We showed the letter from Secretary Snow. I think we already know this. We did not write this letter. The guy has said the fifth time, the Secretary is saying we will not be able to operate the government. That is one letter.

Here is the other one here. Forty-two Presidents, this President and Republican majority has borrowed $1.05 trillion, but, better yet, saying let us make a bad idea permanent, let us drive this number up, let us put a two here instead of a one. It does not make sense. Only the American people can stop this crowd. $27,526.77, the average American owes right now. This is not brought to you, Mr. Speaker, by the Democrats. This is brought to you by the Republican majority and this White House.

We have to save this country, and the American people have to save this country, and we have to get the word out to them that all of the rhetoric, all of the big money machine.

And, look, here is another one. This stuff is just here. It is almost too much to share, Mr. Speaker. We do not have enough time to share what the Members and the American people, clients reward keeping K Street lobbyists thriving.

I never blame the special interests for what happens here, but I am going to tell you right now where they have a tax shelter right now where $100 billion in U.S. taxpayer dollars are not going into the coffers because they have an offshore deal with this administration and with this majority. Meanwhile, we are sitting around here trying to figure out how our veterans are going to get health care. Meanwhile, we are trying to figure how small businesses will be able to afford health care for everyday Americans to be able to buy into; and, meanwhile, we have troops still without body armor and the things they need to be able to fight on behalf of this country. So we ask everyday Americans to go out there and suck it up.

Meanwhile, the majority, the Republican majority, based on incompetence, some may say corruption in some cases as it relates to the White House, I mean, every day, I am sorry, every day we turn on the television. What is new? What is going on at the White House? What is being held back from the American people? What is being held back from the Congress? Who came to the Hill today and conflicted a story that they told just months ago about the fiscal outlook on the country?

Meanwhile, you have Members that come up to this well on the majority side and say we are doing fine. I do not know what these Democrats are talking about.

But it goes against logic. We have letters from their very own administration that are saying we have got to raise the debt limit because of our irresponsible policies.

Mr. RYAN of Ohio. The fact of the matter is, as you just so eloquently put it and passionately put it, this money that we are borrowing is not going to fund education. It is not going to lower tuition costs. It is not going to fund No Child Left Behind. It is not going to fund the veterans. This money that we are borrowing from the Chinese and Japanese and the Caribbean and OPEC, the oil-producing countries, is going to fund corporate welfare to the oil companies, $16 billion in corporate subsidies to the energy companies in the last energy bill, and billion upon billion upon billions of dollars that go to the HMOs and the pharmaceutical companies and all these other health care providers who are getting all their money.

Your tax dollars, Mr. Speaker, are going for corporate welfare; and we do not have enough to give them so we have got to go to the Japanese to borrow them so we can give them to the wealthiest industries in the United States. This is craziness, and we need to stop it.

Mr. DELAHUNT. And the Chinese and OPEC.

Mr. MEEK of Florida. It is the cost of corruption and cronyism. It is the cost. Who pays it?

Mr. RYAN of Ohio. It is the cost of the K Street project, and the average person that pays taxes foots the bill.

Mr. MEEK of Florida. Can I just get a third party validator in it for you? Just today, NewYorkTimes.com, the Members can go on to it: Huge giveaways were in the works for the oil industry. Not the veterans, not the working Americans, and it spells it all out here. Mr. Speaker, I do not have a conspiracy theory, but it is right here. It is clear.

I do not know. I am so glad that I am not a member of the majority because I do not even know how I could come to the floor and defend this. How can I even shape my mouth to say this is good? But somehow there must be some sort of in front of the mirror in the restroom kind of I can do this, because this is wrong. The sad part about it is that the country is paying the price; and the folks that are wearing the suits, being driven around with tinted windows in cars and sedans and all, do not even know the price of a carton of milk because they have someone else go out and get it. They are getting paid by the U.S. tax dollar. Meanwhile, we are telling veterans, schoolchildren, U.S. cities, to suck it up.

Mr. DELAHUNT. Now, of course, we are presented with a plan that would cut Medicare and cut Medicaid. So if you are a senior in this country, and, of course, we are here representing the generation of 30 somethings, but if you happen to be getting close to that point in your life where you receive a Medicare card, be careful. Do not count on it.

A while back there was a speaker who preceded over this Chamber who said Medicare, let it wither on the vine. Well, I wonder if that particular submission to cut and slash Medicare is the beginning of the withering process. It just is not right. But, as we were saying earlier, a lot of it is just rank incompetence. But when you combine this magnitude of incompetence that we have witnessed surrounding Katrina and surrounding the reconstruction of Iraq, it easily evolves into corruption.

There was an audit done or at least a preliminary audit done by the General Accountability Office which, as Members know is a nonpartisan, independent agency to review government expenditures; and they discovered that the government has squandered millions of dollars in Katrina disaster aid, including handing 2,000 debit cards to people who gave phony Social Security numbers and used the money for such items as a $450 tattoo.

Mr. RYAN of Ohio. Can you repeat that? I missed that.

Mr. DELAHUNT. A $450 tattoo. Federal money also paid for $375 a day beachfront condos and almost 11,000 trailers that were stuck in the mud and unusable.

Mr. RYAN of Ohio. Do you have the number on the trailers, how much that cost? Because I heard it today, and I am sorry to interrupt you, but I think this is a salient point that we need to make.

Mr. DELAHUNT. The GAO auditor, Gregory Kurz, told senators during a hearing that the amount of waste and abuse and fraud could be hundreds of millions of dollars. They just do not know yet.

□ 2245

As he indicated, FEMA may also have brought too many temporary homes, including 11,000 units that currently sit empty in sinking mud in Hope, Arkansas, while they are needed in Louisiana and Mississippi. It is the incompetence of the planning process that was nonexistent. Today, the Secretary of Homeland Security announces, I am going to address that, I am going to hire 1,500 disaster specialists. Good job, Mike, heck of a job.

Mr. RYAN of Ohio. I heard tonight on CNN earlier this evening that the cost of the 11,000 trailers was upwards of $300 million. So basically what happened is FEMA is so screwed up, okay, because there are not many other ways to put it. They are so screwed up that they bought 11,000 trailers that they moved to Hope, Arkansas, and put them in a field that is full of mud. They sunk in the mud so they are not even good anymore. They will probably have to get rid of them.

Real estate people in Louisiana said that $300 million could build 2,500 homes for middle-class people in Louisiana or in the gulf States. It could open up all of the schools in the gulf coast.

So when we come down here and we are talking about the debt, the deficit, and the recklessness and the irresponsible spending, reckless abandon for balancing the budget, that is one issue.

But another issue is look at the waste. My goodness, $300 million to buy trailers that are now sitting in the mud in Hope, Arkansas, instead of actually housing people?

You mentioned Speaker Gingrich earlier. He was talking, and I read in the paper the other day, he is as critical of the Republican establishment in this House and in the Senate and in the White House as any of us are.

This is not about Democrat and Republican. This is about America functioning as a government in the 21st century with the communication capabilities that we have, with the technology that we have, with the know-how that we have. To hear afterwards that experts were trying to tell folks in FEMA, and outside of FEMA, what would happen if there was a category 3, 4 or 5 hurricane that came into the gulf States. We knew.

What we are trying to say here is that the Republican majority in the House and the Republican majority in the Senate, in this administration, Republicans in the White House, do not know how to govern.

Now, because the whole philosophy is that all government from top to bottom does not work, it is worthless, it has no value, that is not true. That is just not true. We are saying that government needs to get out where it does not work, and it needs to be efficient and effective where it has responsibility.

Now, FEMA, for example, who else is going to coordinate between the gulf States and emergency response? Who else is going to protect us with Homeland Security, of which you are a committee member, Mr. MEEK? Who else is going to provide for the defense? Who is going to balance the budget? Government has some responsibilities to invest.

All we are saying is do it in a responsible manner. This nonsense is reckless, paying $225 or $230 billion in interest on the money you are borrowing from the Chinese Government, Japanese Government and the OPEC countries, and then basically raising tuition and underfunding No Child Left Behind.

In Ohio, No Child Left Behind is underfunded by $1.5 billion a year. Cutting veterans benefits? Not funding Homeland Security? You know, this is not very visionary on behalf of our brothers and sisters on the other side of the aisle.

Mr. MEEK of Florida. Mr. RYAN, in the same breath, the President is talking about we want to embrace innovation. We want to prepare the next generation to lead. We want to make sure that we put our fiscal house in order.

Mr. RYAN of Ohio. Well, then, this number, my friend, the purple lavender, it is a nice lavender, it needs to be at the level of the red. The education needs to be up here, and the net interest on the debt needs to be down here. Then we will start talking about innovation.

Mr. MEEK of Florida. One other thing that I want to make sure that we add, Members, so that Members will know exactly, because I believe in third-party validators. I also believe in sharing information.

I know, Mr. RYAN, you will give this information out, but I want to make sure that folks understand and the Members understand. Because I know some Members are in their offices saying, I need to know this. Republicans and Democrats, I want to get a copy of this, and you can, www.housedemocrats.gov/30something. You can go on there. All of the charts that we have here tonight will be posted, and the articles that we have will be in the news section so that the Members can get it.

Because I think it is important, Mr. DELAHUNT. It is one thing to do something and not know. It is another thing to do something and know. I will tell you supermajority and Republican leadership know. Okay, maybe some Members may be a little bit confused about what is actually happening, maybe.

It is easy, because there are a lot of things that are going on. But while we are driving up the debt, and the highest that it has ever been, and while that whole interest piece that you have there, Mr. RYAN, Mr. DELAHUNT, that is not to build schools, that is not to put the gulf coast victims into homes, that is not to help our veterans, that is not even to have world-class health care. That is to make tax cuts permanent for millionaires.

Mr. DELAHUNT. And to pay the interest and our debts off to the Chinese, Japanese, the Koreans and OPEC.

Mr. RYAN of Ohio. Well, can I interject, because I can, this may be going to build schools; but it is going to build schools in China, because they are making money off of us. It is going to build schools in Japan, which of course we want the kids all over the world to be educated and healthy. We were all for that. But you know, not because of the recklessness that the Republican majority has been exercising here.

Mr. DELAHUNT. If I can, just for a moment, just to digress, because we have been talking about Katrina and the fraud and the mismanagement associated with the Katrina spending, I think it is important to remember, too, that about half of the 700 contracts that have already been issued were issued on a no-bid basis, and they were issued to corporations that have obvious political ties. But that is a subject for another night.

But, again, it goes back to just incompetence and lack of planning.

Mr. RYAN of Ohio. Basic stuff, basic stuff.

Mr. DELAHUNT. And lack of due diligence. But it also exists, tragically, in a far greater magnitude, with American tax dollars that are being used to build schools, roads, hospitals, dams, and levees in Iraq. I mean, I have a major concern about the fraud and the corruption that is going on in Iraq with the use of American taxpayer dollars.

I don't know if either one of you, but I am sure many who might be watching this evening, witnessed the CBS news "60 Minutes" program that aired this past Sunday. It really was remarkable. They highlighted one firm called Custer Battles. Custer Battles was started by an individual with the name Scott Custer, a former Army Ranger, and Mike Battles, an unsuccessful congressional candidate from Rhode Island, who claimed to be active in the Republican Party and have connections at the White House.

They arrived in Baghdad without any money; yet within a year, they had $100 million in contracts. They have now been charged with fraud and abuse, mismanagement, et cetera. They were supposed to provide some security services for the Baghdad airport. The security director at the airport communicated via e-mail and had this to say: "Custer Battles, this is the company, has shown themselves to be unresponsive, uncooperative, incompetent, deceitful, manipulative and war profiteers. Other than that, they are swell guys."

The number two man at the Coalition Provisional Authority's Ministry of Transportation, the American-run temporary government running the affairs of Iraq immediately after the invasion, had this to say: "It was the Wild West. There were $100,000 bricks of $100 bills. The money was a mixture of Iraqi oil revenues, war booty and U.S. Government funds ear marked for the coalition authority." This is a member of the administration.

When asked about Custer Battles' performance, the top Inspector General for the Army in Iraq reviewed it to see if the company was living up to its contract, such as it was. His name is Colonel Richard Ballard. When asked, he said: "The contract looked to me like something that you and I would write over a bottle of vodka. Complete with all the spelling and syntax errors and annexes, to be filled in later. They presented it the next day and they got awarded about a $15 million contract." They were supposed to provide security for commercial aviation at the Baghdad airport, but the airport never reopened for commercial traffic.

Now, do you think that they canceled or voided the contract? No, they got another contract after that. It was for a bomb-sniffing canine team.

Mr. RYAN of Ohio. I just want to make a point, and then kick it to my friend, that all of that money that is wasted, KENDRICK, is going to this. Okay? There was $100 million here, $100 million there. No oversight. No oversight at all on behalf of this Republican Congress.

Mr. MEEK of Florida. They don't want oversight.

Mr. RYAN of Ohio. That is the problem. Article I, section 1 of the Constitution creates the House of Representatives, and our job is to oversee everything, including the administration. So if they are at war, we should be overseeing this. And if there is a bunch of political hacks that are making money off this, then we need to go and bust them. We need to be involved. But this Republican Congress will not oversee what is going on in Iraq, and the hundreds of millions of dollars that Mr. DELAHUNT was just talking about, you are paying for, you are, I am, with interest, because we are borrowing it from the Chinese and the Japanese governments.

Mr. DELAHUNT. And OPEC.

Mr. RYAN of Ohio. And OPEC. And OPEC. Did I mention OPEC?

But this is an issue that, KENDRICK, we need to oversee what is going on here and the Republican leadership does not want to provide the proper oversight. It is a waste of taxpayer dollars which goes to the interest on the debt, which we have to borrow from the Chinese and Japanese, which allows them to fund their economy.

Mr. MEEK of Florida. In my last 2 minutes, I am bouncing back to you to give the Web site address out, but I just want to make sure that we have a moment of clarity here. Mr. Speaker, we are not pointing these issues out as though we have not tried to stop these runaway majority borrow-and-spend Republicans here in this House.

□ 2300

For the RECORD, CONGRESSIONAL RECORD, I must add, not the Democratic Congressional Record, but the CONGRESSIONAL RECORD, Democrats have repeatedly tried to reinstate the pay-as-you-go philosophy. On March 30, 2004, Republicans voted 209 to 209 against Democrats, which killed the motion that was offered by MIKE THOMPSON of California to instruct conferees on recommendations as pay as you go. All right, that is the first example.

The second one, May 25, 2004, Republicans voted 208 to 215. Republicans voted 215 to reject a motion by DENNIS MOORE, another Democrat that voted on the pay-as-you-go principle.

November 18, 2004, Republicans took another vote to block former Member Stenholm's amendment to stop the debt limit from being increased. Time after time after time again. You can go on to our Web site. The Members can get this information. We have tried to stop this Congress. The only way you can stop this Republican Congress from doing what they are doing is make sure that we have more Democrats here in this House.

Mr. RYAN of Ohio. www.housedemocrats.gov/30something. All of the posters that we had up tonight you will be able to access on the Web site.

Again, I think that is an important point. Democrats have consistently tried to put fiscal restraints on this runaway spending that the Republicans have been doing over the past few years here, trying to balance the budget here so we can get back on the right track and get back the surpluses. We have got our hands full. Housedemocrats.gov/30something.

Happy Valentine's Day to all the sweethearts out there.

Mr. DELAHUNT. Happy Valentine's Day, Mr. Speaker.

Mr. MEEK. We would like to thank the Democratic leader, Mr. Speaker; and, with that, it was an honor addressing the U.S. House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOHMERT.) The Chair must remind Members to use proper forms of address. The gentleman, for example, from Massachusetts is properly referred to as the gentleman from Massachusetts or Mr. DELAHUNT. It is not proper under the rules to use first names, and remarks should be directed to the Chair not in the second person.

BALANCED BUDGET PROPOSAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for the time remaining before midnight.

Mr. KING of Iowa. Mr. Speaker, as was stated earlier, I do consider it an honor and a privilege to come to the floor of this House to address you, Mr. Speaker, and to carry this message across the waves to the American people.

I would first take up the issue of a balanced budget, and I would submit that we can balance this budget, Mr. Speaker, and we do not need to do so by raising taxes. We need to do so by fiscal responsibility.

I raised an issue today, I testified before the Budget Committee here in the House of Representatives, and I laid out a scenario by which we can balance this budget for this year. And I also acknowledge that it is quite painful. It is not realistic from a political perspective, but I think it is important that the Budget Committee produce a balanced budget so that we can measure the pain to so many of the programs that would have to be cut.

But a simple version, and it is a quick version, it is not the thing that I would propose as a balanced budget, Mr. Speaker, but it is one the ways that we can easily understand the magnitude of the budget situation we have.

First of all, if you would reinstate the Bush tax cuts and calculate those back into the revenue side, it almost does not show at all on the bottom line as to whether we are running a deficit or a surplus in our spending; and I have a calculator in my computer that allows me to do that. It almost does not show on the graph when you calculate that.

But if you look what the Bush tax cuts have done, they have grown this economy and they have grown this economy at 3 percent or better growth each quarter for at least the last 10 consecutive quarters, and that is a growth rate that has been met or exceeded since the early Reagan years. And I would point out, Mr. Speaker, those early Reagan years were the years when we had high interest and high inflation. So this is a real growth in a very low inflation environment with a low unemployment environment with unemployment rates below 5 percent.

It is a very, very good economic time, Mr. Speaker; and it is as good a time as one could ask for. It is the best economic run that we have had in a long, long time. It eclipses any economic run in the last 2 decades, and it also is a controlled growth. It is a growth that has not gotten out of hand, Mr. Speaker. It is a growth that grows from 3 to 4.7 percent quarter after quarter, with an inflation rate that is 2 percent or less and unemployment rates that are in the 5 percent and less range. That is where we want, not too hot and not too cold, a nice steady accountable growth.

And I would point out this that growth that we have in our economy is growing in spite of the fact that 3.5 percent, perhaps, of our GDP is going off the top to the litigation that goes on in this country. We have to overcome that and still grow at a rate of about 3 to 3.5 percent to match a targeted growth rate that will deal with population growth and to deal with inflation and help us develop our infrastructure in this country to accommodate the future as our infrastructure depreciates. That is what it is going to take to grow.

And what it is going to take to balance the budget, should we have the will to do that, would be to go into the nondefense discretionary spending. Recognizing that we have three large entitlements in our budget, and those are the spending that just goes on year after year that is growing at a rate of about 6.2 percent a year and that is aggregate, and that is Social Security, Medicare and Medicaid. Those three entitlements are essentially, unless we change some of the parameters, Mr. Speaker, are the right now the untouchable budget items; and eventually this Congress will have to look at them. But those three entitlements will grow at about 6.2 percent of their aggregate. The interest rate will grow perhaps even faster than that in the outyears.

You add all those things up, and if you recognize that to make changes in that for this year is very difficult to do and also recognizing that we have defense spending that is critical to our national security and we need to take that off the table from a cut perspective and what is left is the nondefense discretionary spending. That is the items of all, everything else that we spend that I have not identified as being an entitlement of Social Security, Medicare, Medicaid defense spending, that nondefense discretionary spending. We will call that other.

To balance the budget Mr. Speaker, we would need to simply cut the nondefense discretionary spending by 5 percent, a real 5 percent cut, and that would be $0.95 on the dollar. That would be asking Americans to get along with $0.95 out of every dollar that they have right now, today, not grow in relation to inflation and not grow with any kind of a COLA.

Now, if I were looking at this from a business perspective, I would advocate that we just simply balance our budget in that fashion, Mr. Speaker. But I am also aware that the votes on the floor of this Congress will not accommodate for that. So I will be seeking to put together a budget that looks at some of the other components and gets us to the point where we can reasonably, practically and, in fact, part of the equation here is politically balance this budget. It cannot and should not be done by simply raising taxes. By doing so it would stifle growth, and it would get a reverse effect beyond in the opposite direction that my colleagues who just got finished speaking would say.

I am just going to go backwards, Mr. Speaker, through some of the remarks that I heard made over this past hour and address some of them. I certainly cannot address them all, Mr. Speaker.

But the argument that all of the money that was spent, all, this is a quote, all that money is wasted, meaning the money that was spent for reconstruction in Iraq, all wasted? With no oversight, no oversight, Mr. Speaker? I take exception to a statement such as that.

I went over to Iraq with three of my colleagues last August and returned here about August 20 with the very mission in mind to take a look at where the $18.5 billion that we allocated out of this Congress had been spent, where the practices were, where the projects were, how the money was being spent and what was the return on that investment. And Mr. Speaker, I brought a chart along with me, coincidentally, not knowing that would be the subject matter that was brought up here on the other side of the aisle this evening, a chart that illustrates where these project dollars have gone.

I would point out, Mr. Speaker, that these red dots on this map of Iraq represent 2,200, more than 2,200 completed projects in Iraq. And these projects will be road projects, they will be sewer projects, water, drinking water, potable water projects. They will also be some bridge projects and some pipeline work for the oil pipe lines that are there. You will see along on this border with Iran, the red dots along there, many of those are border defense stations. And what you will not see are the 250 planned border defense stations that are under construction or in planning around these other borders that we have. There is another 1,100 projects that are either in planning or under construction that do not show up yet on this chart, Mr. Speaker. I will have a chart that reflects the projects that are planned, the projects that are started.

Then this one reflects just the projects that are completed, over 2,200; and I visited a number of these. Of course, it would not be possible to visit them in their entirety, but I stopped up here in this region around Kirkuk and there went to the mother of all generators. I forget just how many kilowatts that generator does put out, but I remember what it weighed, 750,000 pounds, brought in on two large loads, and then the other loads would be the rest of the generating plant across about 10.7 kilometers.

Excuse me. It was more than that. It was a long stretch at least across the northern part of Iraq with that kind of a long trail of a convoy to deliver the generator and the turbine that drives that generator down to this location just south of Kirkuk.

□ 2310

And that being one of two huge generation plants that are now in a position where they are up and running in Iraq, this one is fed by a natural gas pipeline. Some of them are using different types of fuel; but up in this area around Kirkuk, there is so much oil that it actually seeps to the top of the ground in some places.

Where I come from, the area, we call it the prairie pothole region where we have these potholes of water that are collected because of the dips that are cut out in the prairie from the last glacier, well, the water that collects there reminds me of the oil; and certainly the oil is in smaller quantities that collects in the depressions within the desert up there around Kirkuk.

And that is not the largest oil location up around Kirkuk; but down here in the southern part, in the Basra region, there is far more oil. And I look at the system of collection, the well system, the collection system, the refinery system, distribution system. All of it is old, tired, dilapidated, has not been reconstructed or modernized in at least 35 years; and yet the oil production out of Iraq is greater than it was, Mr. Speaker.

We keep hearing, no, they are not producing as much oil now as they were then. Not true. The royalties that Iraq was receiving prior to the war were $5 billion a year. The royalties that are coming from the oil that is pumping today are $26 billion a year. That does not necessarily reflect that they are pumping five times as much oil, but it reflects that they are selling perhaps more oil than they did then and pumping more oil than they did.

The electricity that is being generated in Iraq is a number that is close to twice as much electricity at their peak days as it was on a standard day in Iraq at the beginning of the liberation back in March of 2003, Mr. Speaker. And as I measure project after project, benefit after benefit, it cannot be said that, and I will quote again, "all that money is wasted." How could all that money be wasted when we have 2,200 completed projects, 3,300 projects altogether, people that have potable water that never had it before, people that have flush toilets that did not flush before, they did not have water to flush in them?

Looking at the infrastructure that is there in places in Baghdad where they had the sanitary sewer, and I would point out for the lay person listening, Mr. Speaker, that a sanitary sewer is not really all that sanitary. That is what you run your sewage through. And yet that sewer was an easy place for some people to pull a waterline through in those days before the liberation of Baghdad. So their drinking water in many areas was delivered through a black piece of plastic pipe that was pulled through the sewer itself, and they would pull it through, and then the distribution runs out to the locations where it was being used. And that is all fine as long as you keep your waterline in condition, and it does not ever get a leak in it, and you do not ever let the pressure go down.

But both of those things invariably happen; and when that happens, the pressure goes down in your drinking waterline, and the sewage then is drawn into that drinking waterline, and it then pollutes the drinking water. That has happened in a number of areas in Baghdad. We are reconstructing that. We are providing them with clean new sanitary sewer systems and sewer plants to be able to handle their systems in a modern fashion and an environmentally friendly fashion. So the Iraqi people that were living without services now have services.

I will say that the electrical service that was up to 10, 11, perhaps even 12 hours a day in Baghdad at the beginning of the liberation is down to less than that now, perhaps even as low as 4 to 6 hours a day. But the rest of Iraq was getting 2 to 4 hours a day, and now they are up to 10, 11, 12 hours of electricity a day. The next wave is to increase the generation capacity and the distribution so that Baghdad can get back up again to a level that they were before.

But overall there is more electricity being provided into Iraq today than there ever was. The demand is perhaps twice as great as it was, Mr. Speaker, because you know what happens when people get electricity. They figure out a way that they can put another appliance to work and plug it into a wall and use it. Like air conditioners that did not exist in any significant numbers, now they are there in significant numbers, tapped into that electricity.

We also know that satellite televisions were against the law in March of 2003, and today Iraq is replete with satellite dishes on rooftop after rooftop. In fact, I did a survey from the air by helicopter over the top of a region up in Kirkuk where many homes were built in about the same style, and I had done so over the rooftops of Mosul in the fall of 2003; and there my survey showed that about two-thirds of the homes then already had satellite TVs, and now I am seeing that in some of the neighborhoods in Kirkuk there actually are more satellite dishes than there are roofs.

So you will see sometimes two or even three satellite dishes on a single roof that look like they are single-family dwellings from the air. Everyone in Iraq has access to satellite TV, which means access to the outside world. There is access to Internet, cell phones. Those things have grown dramatically. Landline telephones have grown dramatically. The number of newspapers are up to over 175 newspapers in Iraq. Television stations up and running, communication is flowing, free enterprise is robust in the streets of Baghdad. People that are running shops out there, making furniture out alongside the streets, set it out on the side of the street and sell it.

And, yes, Mr. Speaker, a bomb goes off once in a while, and it is sad and it is tragic. But the people of Iraq clean things up and they grieve and they go back to work, Mr. Speaker, because they are optimistic about the future of Iraq. They are more optimistic about the future of Iraq than the surveys show people are in the United States of America. What went wrong here where people that we say do not have hope have more hope than those of us folks that have the great blessing of living in the United States of America with all of this hope that we take for granted and cannot apparently appreciate?

So the effort that has been put forth there, Mr. Speaker, it is not all that money that is being wasted, not by a long shot, Mr. Speaker: 3,300 projects, all of them worthy and worthwhile. And, no, they were not all cheap. There was money that was spent for security, and there were some projects that were sabotaged that had to be reconstructed again.

There is a project over here on the Tigris River south of Kirkuk where there were nine pipelines that went across the Tigris River, and those pipelines were cut in the liberation operations with the U.S. Air Force. And we went back to patch those pipelines together, did so. They were sabotaged again. They were put across the river on a bridge, and so we undertook the effort to put them all underneath the bottom of the Tigris River. They are backfilling that now, Mr. Speaker, and it is nearly completed; and those lines will be opened up and running by, I believe the target date is February 28.

So another big day to turn those valves on and get that oil flowing south into parts where it can be converted back to cash and be able to help the funding in the great country of Iraq, this emerging free Arab country that has now at least brought forth the name of a prime minister, and I do not think formally has elected him yet. But on that day that that happens and they seek this duly elected parliament, Iraq becomes the most representative Arab nation in the world.

When they sit down at the United Nations and their representative speaks on behalf of the Iraqi people, it will truly be a voice of the Iraqi people, quite unlike the voice of much of the rest of the Arab world where the voice that speaks for the countries that represent those parts of the Arab world in the United Nations often is the voice of a tyrant that would cut the tongues out of its own citizens if they spoke up in criticism of the regime that is there in many of those countries.

But this country can become the lodestar of a free Arab people, an inspiration to the rest of the Arab world, an inspiration that can cause the rest of them to see what Iraq is stepping into, what they are earning along with the coalition forces' efforts and sacrifice to be able to be that inspiration for the rest of the Arab world. And if that day comes, and I pray it comes, Mr. Speaker, we may well see freedom echo across the Arab world in the same fashion that it echoed across Eastern Europe when the Wall went down in Berlin November 9, 1989, on that glorious day that symbolized the end of the Cold War, a victory for the United States and the forces of freedom.

And the forces of freedom could not be stopped, Mr. Speaker. Almost bloodlessly they echoed across Eastern Europe, and we saw country after country be liberated.

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Since that time, we have noticed that those who knew freedom the least hungered for it the most. The people on the east side of the wall stepped up to help all of our efforts, our coalition forces in Iraq, in greater numbers than the people on the west side of the wall.

The people on the west side of the wall had the privilege of living with freedom since the end of World War II. The people on the east side of the wall remember the days they weren't free. They remember the day of November 9, 1989, when they had that opportunity to grasp their own freedom, and within a couple of years that freedom did echo across Eastern Europe, and it needs to echo across the Arab world.

So, Mr. Speaker, I submit that there is a vision and mission in this overall War on Terror, and we need to do a far better job of articulating why we are in this war. I would point out that the loss of Americans on September 11 was right at 3,000 Americans. That is more Americans lost there than was lost December 7, 1941, in that day that would live in infamy.

We cannot forget September 11. We cannot forget that we were attacked without cause. We didn't provoke anyone who attacked us. They attacked us because they hate our way of life. They attacked the very center of western civilization.

And no amount of negotiation, understanding, no amount of sitting around and talking, is ever going to resolve this disagreement. These people want us dead. They have demonstrated that, and we saw the celebrations in the streets in other parts of the world as the Twin Towers fell. That should tell us that they will give us no quarter.

If anyone doubts that, take a look at Israel. Take a look and see the circumstances there when the Israelis thought they could trade land for peace, and yet they are still attacked. Hamas won the election there. That means the terrorists, the people who are sworn to annihilate the land of Israel, are running the government of the region that may or may not be a nation called Palestine.

That is a chilling concept, but it also should tell us that there is no negotiated settlement, we must defend ourselves. The Israelis have had to guard every theater, every bus stop, every hospital, every school, every synagogue, and still the infiltrators come in and detonate their bombs and blow their women and children to pieces.

That happens out of a deep hatred that we don't understand in this country, and I don't claim to understand it. But I know that hatred is directed at us. We saw it September 11. We saw it on 18 to 20 other attacks, including the USS *Cole*. We saw it in the U.S. embassy bombings in Africa. We have seen the first attack also on the Twin Towers, in other efforts shut off by good intelligence work in this country.

We cannot rest. Our choices though are guard every theater, every bus stop, every school, every hospital, every church, every synagogue and pull back into the shores of the United States and somehow think that we can protect every center in this country, and we won't be able to, and we will see the attacks come, and we will see our women and children and our men blown into pieces.

Or we can take this battle to them, we can fight this war where they are. But going out just to kill the enemy, Mr. Speaker isn't enough. It is not a solution. It is something that has to be done in certain areas of the world and under those circumstances where there are training camps and active leaders that are plotting and planning to attack and kill Americans, that must be done, Mr. Speaker.

But to go out and think that we could kill all of our enemies is the equivalent of realizing that we had a lot of flies on our porch and in our kitchen and then go out to the barn with the fly swatter and think we are going to take care of all those flies in the barn with the fly swatter. No. You can swat flies in the barn all day every day, and you will never accomplish the task. You have got to change the habitat that breeds that many flies. You have to clean the barn, Mr. Speaker, and you need to leave an environment in there that doesn't breed those flies, and then they will leave you alone on the porch and in your kitchen as well.

So I submit that the plan of the United States and the mission that has been laid out by our Commander-in-Chief President Bush is to create a new habitat, to promote a new habitat in the region. This is a habitat called freedom. We happen to know that where there is freedom, there isn't a habitat that breeds terrorists. We have never gone to war against another free people. It has never happened in the history of this country, and I don't think it has actually happened in the history of the world.

So to the extent that freedom can be promoted and we give people that opportunity to reach out and grasp and earn their own freedom, is also the extent to which we can be safer as a people, western civilization can be safer, and the people in that part of the world can learn some tolerance for Christianity, for Judaism, for capitalism, for free enterprise, for this whole idea of western civilization that they seem to take such exception to. There are good people in that part of the world, Mr. Speaker, and those good people need to be empowered and we need to be supportive of them.

The allegations that were made here on the other side of the aisle, Mr. Speaker, about corruption in Iraq with millions of U.S. dollars, we don't know that. And I won't tell you that you can go into an environment with a $18.5 billion mission and spend every dollar that would be competitive with a project in the United States, because I know that some of that money had to go for security, and some of that money had to go for a high price to get the work done, because who would go into that environment and do that work? But, Mr. Speaker, that work was necessary. And to the extent that anyone has defrauded this government, yes, we need to search that out. We need to have oversight.

But Democrats in this Congress, Mr. Speaker, are not absolved from that responsibility. I did not hear a single solution come out here on the other side of the aisle, not one. All I saw was complaints, lamentations, objections, because all things that go wrong are all Republican responsibility according to the other side of the aisle, and, of course, if they were just in power, then everything would be all fine.

But we don't know what they would do, because they haven't proposed a solution, not a single specific solution. They are absolutely without an agenda. But they have enough energy, they have enough air velocity in their lungs to every night come down here and beat up on the people that are out here trying to move America ahead.

One statement was said that I will agree with, made by the gentleman from Florida. He said, "I am so glad that I am not a member of the majority." Well, to the gentleman from Florida, I want to say I am so glad you are not a member of the majority as well, and so are the majority of the American people who have seen to it that there is majority in charge in this Congress.

We do have our work to do, Mr. Speaker. I won't shirk that responsibility. I step up to it gladly. But we need to have our eyes wide open. We need to promote a responsible budget, and I will be promoting a balanced budget and a path we can get to a balanced budget in a way that we can get the votes in this Congress to get it done. If we do that, we can ensure financial security for our children and our grandchildren. But that financial security that can come with fiscal responsibility here in this Congress and a solid pro-growth tax policy isn't security if we have to be continually under attack from an enemy that the other side of the aisle would not have the will to challenge.

This President, our Commander-in-Chief, Mr. Speaker, has had the will to challenge. He has had the will to lay out the vision and he has had the commitment to stand in the face of a tremendous amount of criticism.

It has been a disappointment to me, Mr. Speaker, to hear that criticism. When I go to the hospitals and visit our wounded soldiers, when I visit our soldiers in the field in Iraq and over in the Middle East, when I stop at Landstuhl at the hospital there and land at Ramstein and go over to Landstuhl, Germany, to visit wounded in the hospital there, where I have been three times; when I go to Bethesda Naval Hospital to visit the wounded, generally the wounded Marines and the corpsmen that are there; when I go to Walter Reed to visit the wounded soldiers that are there, and I listen to them talk to me, Mr. Speaker, and there has been a certain Member of Congress from Pennsylvania that has gotten a lot of press relating to the public criticism that he claims comes from wounded soldiers, I have never heard a word of that kind of criticism from a single soldier that I visited, and I do not let a quarter go by without being to one of those hospitals to visit our wounded, and I will always go in an visit. As long as there are soldiers that need to be visited, I will visit them.

I have never heard one soldier tell me that he regretted volunteering for the United States militarily or that he regretted serving or he didn't believe in this mission or in this cause. Not one.

I had dinner a couple of weeks ago with a nurse who spent a year-and-a-half at Landstuhl and dealt with hundreds of wounded that came through. Most all of the wounded come through from Iraq into Landstuhl in Germany and then come to the United States.

I asked her if she had heard any of that sentiment about wounded soldiers regretting serving their country or not believing in this mission. And her answer was, no, she had never heard a single soldier utter such a thing. In fact, she said, almost all of them feel guilty that they were wounded and they can't be back with their troops. They want to take that responsibility of going back with their troops into the theater, back to Iraq, to finish their tour of duty. That is the kind of patriotism and dedication that comes with our military. And these are people that some of them have been burned badly, some of them have very severe wounds, some of them are amputees.

I have had more than one amputee tell me, "I am going to make the military my career. I am going to get this prosthetic, get my leg up and going. I am going to take the therapy, and I am going make a career out of the military. I have come this far."

I had one tell me, "This wound where I lost my leg isn't going to change my life in any way except I am going to start a family now." That level of vision, that level of commitment, Mr. Speaker, is what we have out there.

Perhaps the best quality people that have ever gone to war for a country are the people that are out there defending our freedom today, and we owe them everything we have, all the support we have, all the best training, all the best equipment. But we owe them a voice of support here on the floor of the United States Congress, Mr. Speaker.

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We owe them that voice in our national media. We owe them that voice in our schools, in our town squares, in our town halls, in our coffee shops, in our churches. Everywhere across this land we owe them a voice of support.

And I would point out that Clausewitz, the great writer, his philosophy on war, and I believe that was his work, "On War," stated that the object of war was to destroy the enemy's ability and will to wage war. Destroy their ability and their will.

But we are at war, Mr. Speaker. And our troops are over there in harm's way. And they are actively destroying the enemy's ability to wage war. And as they lose their ability, it destroys their will.

But what, Mr. Speaker, puts the energy back in our enemy? What gives them back their will as their will is destroyed on the battlefield in Iraq, that is being destroyed because their ability is being taken away from them? Their will is being replaced by the voices of some of the people that are quasi-leaders of the United States of America that make such statements as, and I will quote Howard Dean, the chairman of the DCCC, he said the idea that we are going to win in Iraq is just plain wrong. Well, how wrong can that be? How wrong can that be to encourage the enemy, discourage our military, to make that statement over and over again? And that voice comes out of people from the other side of the aisle day after day after day, a constant drum beat of despair.

It has been a constant drum beat of despair over here for the previous hour before I came to the floor, and it will be a constant drum beat of despair every single night that they have an opportunity to have this platform here on the floor of the United States Congress, Mr. Speaker. A constant drum beat of despair that encourages our enemy, discourages our own troops, and works to be counterproductive.

Clausewitz said the object of war is to destroy the enemy's ability and will to wage war. Well, the key to this, they are both tied together. Ability and will are tied together. If you have a lot of ability, you also have enough confidence to have the will.

As your ability diminishes, if you lose your munitions and if your troops are being destroyed, you do not have so many tools to work with anymore so you begin to lose your will; you lose your self-confidence.

But I would submit that it is even simpler than Clausewitz said. It is this simple, Mr. Speaker: war is never over until the losing side realizes that they have lost. It is that simple. When the enemy understands that they have lost, that is when they will give up, not before. They have to realize that they have lost. That requires us to destroy their ability and their will to wage war.

But if their will is weak, and if their will is utterly weak, it does not matter how much ability they have, it does not matter how many tanks they have, how many IEDs they have, how many guns, how many soldiers. If they do not have the will to use them, the war is over.

So if we can win a war simply by sending a letter to the enemy that says, why do you not quit now, because we will not, and we have the ability and we have the will, so you need to have the understanding that it will not pay for you to fight, at that point the war could be over. If we convinced the enemy that they could not win, they would lose their will to fight.

Well, part of that will to fight comes from the voices here on this side of the Atlantic Ocean. And I point out, Mr. Speaker, that on an evening, as I was in the hotel in Kuwait, I was watching al Jazeera TV. On that television show came Muqtada al Sadr. I think we know who he is: Bushy beard, rotten teeth, leader of a militia that has been attacking Americans. He is a Shiaa rather than a Sunni.

And he was saying into the al Jazeera camera, if we keep attacking Americans, they will leave Iraq the same way they left Vietnam, the same way they left Lebanon, the same way they left Mogadishu. That should tell us what is going on in the minds of the enemy. They have been encouraged by the incidents of Vietnam, by pulling our troops out of Lebanon, about pulling out of Mogadishu. They think that Americans will pull out.

So the voice of the people here on the floor of this Congress, Mr. Speaker, echoes through al Jazeera, and in seconds it goes through the satellite dishes that are on the tops of nearly every one of those houses in Iraq, and down into the insurgent's homes, and they will hear the English voices, probably will not understand it, and it will come out in Arabic subtitles, and it will say wrong war, wrong place, wrong time. The idea that we are going to win in Iraq is just plain wrong.

Those kinds of quotes that we know from the other side have encouraged our enemy over and over again, and our enemy makes more and more bombs, extends this conflict longer and longer, and it costs American lives. That is the bottom line.

Our job is to convince them that they cannot win, destroy their will. And when they understand that they have lost, that is when they will quit, not before, Mr. Speaker. So it is imperative that we stick together on this. We had a debate in this Congress. It was a significant majority that endorsed the President's authority.

We are there. We are committed. And we cannot pull out. And we are winning. And the statistics are good. You know, we do not wage war by body count anymore, so we do not ever hear the casualty rates that are actually being inflicted on the enemy in Iraq. The numbers that I am about to give are numbers that are several months old. I have not been briefed on those numbers since prior to Christmas sometime.

But I will tell you that the Iraqis themselves on a monthly average for about a 3-month average were losing about 200 of their uniformed soldiers that were killed and most of them killed in action every month, Mr. Speaker, about 200. They were losing about 400 civilians every month.

The enemy was losing, between those killed and captured, taken out of the battlefield, about 3,000 a month. I also point out that the overall casualties of those killed, those numbers that were up there that added up to a number of more than 650 a month on our side, our coalition side with Iraqi civilian, coalition troops and Iraqi troops, that number that was around 650 a month then, now has diminished dramatically, and those casualties are down to around 50 a month.

So big progress is being made. The sad part is statistically that is not showing up in American casualties; they are still suffering a greater proportion of these casualties. Progress is being made, though, Mr. Speaker; and there is great light at the end of this tunnel.

It has almost moved out into the dawn. It has always been a three-component operation going on in Iraq. And the first component has always been the military component, liberation, provide first regime change. Get Saddam out of power, and then provide security in the country.

And that has been an ongoing battle. It has been difficult. I do not think anybody predicted how difficult it would be. But the American soldiers and marines have persevered. And now the second phase of this, and think of them really as intertwined efforts, but the military security effort first.

The second effort that needed to come along behind that and partially intertwined with it is the political solution. If we just have a military security solution and a political solution, that does not get Iraq where they need to go. They need to have an economic solution as well.

So the phases of this, we are nearing the end of the phase of the security military solution, where more than 237,000 Iraqis are now in uniform defending Iraqis, where more than 30 bases have been handed over to the Iraqis to man and maintain and take care of and operate out of.

Those things are happening. That transition is taking place. It is all consistent with a plan that has been in place for more than a year. And so the military solution is coming along. Remember, within a 12-month period of time, Iraq had three elections. They pulled off three elections.

They elected an interim parliament, they brought forth a Constitution and ratified the constitution and under that constitution they elected seats for a new parliament, and just now promoted the nomination for a new prime minister. That is a great long stride into the political solution, coming right intertwined with and intermixed with, but on the heels of the security solution that comes from the military side.

And now I hope that the Iraqi people, once they have the formal election, they elect a prime minister. I hope they sit down and go to work. I hope one of the first items on their agenda is the item that says look at this country that we have. Look at all of this oil up here around Kirkuk. We have got all of this oil down here around Basra. We have got all of these resources that have been producing $26 billion in royalty revenues in oil from this dilapidated structure that we have. We need to find a way to inject foreign capital in here and punch new wells down into the desert and bring that oil to the top of the ground and run it through refineries and down pipelines and out into the gulf and onto tankers that are sitting down here off the gulf in that area, Mr. Speaker.

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They need to realize that that is their economic solution. So I would submit the plan that I would submit would be to have a competitive bidding process. Bring in the large oil companies in the world. Give them a chance to come in and bid and have them pay royalties for the oil that they would take out of the ground. And if they need cash up front to continue their reconstruction effort, and they do, I would ask that those bids come with upfront money so they would be adequate, that Iraq could continue their reconstruction efforts and still open up the oil fields and get this cash coming.

This $26 billion a year, I will not say it is a drop in the bucket, that is a lot of money, Mr. Speaker, but it can be a lot more money, and it needs to be a lot more money.

As this situation unfolds and the Iraqis provide for more and more of their own security and the political solution comes into place where it is on the cusp of having a ratified parliament seated with a prime minister, a voice in the world that is credible and a voice in the world for a sovereign Iraq that really represents the people in Iraq, will be controlling their own destiny, and an oil revenue that gives them a measure of financial independence and can actually make them a very wealthy country, then you will see some of these other things happening.

For example, about the only thing being exported from Iraq right now are dates, and the date exports have been cut perhaps in half as to what they were prior to the liberation of Iraq. That can come back. A number of other industries can come back and a dynamic free enterprise, the economy that you see that all over the streets in Baghdad and around the country can be rejuvenated.

I want to also point out an interesting experience, and that is they asked if I would give a speech to the Baghdad Chamber of Commerce. Of course, I always say yes if anyone gives me any speech time, Mr. Speaker, so I said I would if we could fit it in the schedule. I believe it was at three o'clock on a Thursday afternoon. So we came rolling into Baghdad, and we hustled into the Al Rasheed Hotel. They were starting to introduce me, and I was not ready because I had not identified the interpreter. I said, Just a minute. Before you introduce me, I would like to know who the interpreter is so I can speak to the interpreter and I will know how to interact with him. And they said, You will not need an interpreter. I said, Well, I do not speak a word of Arabic. They said, You will not need to. These people, there are about 56 or 57 members of the Baghdad Chamber of Commerce, you will not need to have an interpreter and you will not need to speak Arabic because this group of people speaks English. And I thought, This is sweet.

I spoke English to them for 30 minutes or so. They reacted. They smiled at the right times, frowned at the right times, clapped occasionally. They got up and asked questions. It was like being at home in Iowa.

I thought, if they can pull off this English here in Baghdad, we ought to be able to handle this in most of the places in the United States of America. They have got a great start on their economy there, and it has been a very rough time for them, but we are committed, and we will stay there.

Mr. Speaker, to the people from Iraq who will one day look up this CONGRESSIONAL RECORD of perhaps tonight or tomorrow, they need to know that there is a broad, solid core of support in this Congress. We took a vote on whether to stay with them or whether to pull out, and this Congress voted 403 to 3 to stick with you in Iraq. We will be there, Mr. Speaker, and we will be there until this is done. And they are picking up this on their own.

I want to say a few words then about the necessity. While they are providing more energy coming out of Iraq, how come it is so important for us here in the United States to have a better energy policy than we have? We passed a couple of energy bills last year, neither of which was I satisfied with, and I voted for them both because they move us down the road a little ways. They did not get enough done. I want to see more done, Mr. Speaker.

We sit here with a shortage of energy in this country, and Hurricane Katrina certainly illustrated that. The shortage of energy that was shut off when Katrina hit in the Gulf drove gas prices up over $3 a gallon. In some places, gas was not even available. In places like Pennsylvania I think diesel fuel was not available, and there were trucks parked there, and I believe there were also trucks parked in places in Georgia. But it shut down this fuel down, and prices went up, and we understood how vulnerable we were to losing that supply of fuel that comes up from the Gulf Coast and Louisiana area.

It is not just that. It is the fact that we have not produced energy to keep up with the increase in our consumption. So we import more and more foreign oil. The last number that I saw that I had confidence in was 61 percent of our oil comes from overseas. I see that number published sometimes significantly higher than that, and sometimes it is predictions. Sometimes they say it is a real number.

Regardless, Mr. Speaker, we need to be less dependent on foreign oil; and I am certainly more concerned about the oil that we purchase from countries who have leaders who take positions that are just contrary to that of the United States.

Hugo Chavez down in Venezuela has often given public statements that have been very, very critical to the United States. He leans towards Marxism. He is agitating for those kind of governments in South America. There have been elections in South America that leaned a number of countries in that direction. Hugo Chavez has allied with Castro.

The direction that has taken place in the Western Hemisphere because of the politics of the people that we are enriching by purchasing natural gas and oil from them causes me to ask, why are we enriching the people who would position themselves to be our enemies? Why are we losing the fertilizer industry in the United States? The cost of nitrogen fertilizer, 90 percent of that cost is the cost of natural gas that it is produced from. We have watched those fertilizer prices go up 4 and 500 percent in the last few years. We have watched natural gas prices go from $2 to $15. They dropped back down some in the last several years as well but peaked out at $15 here within the last couple of months.

We cannot produce fertilizer with natural gas prices like that. Farmers cannot afford to buy the fertilizer. So what is happening is our fertilizer industry is going offshore, and it is a real industry that is being built down in Trinidad Tobago. Also the fertilizer industry coming from Venezuela and Russia, Russia where their natural gas is 95 cents, ours was $15. You can see that we cannot compete with that. One day we will see a fertilizer cartel in the hands of the people that are positioning themselves not to be our friends, Mr. Speaker.

It is important that we have that kind of independence for our food supply. It is important that we have independence for our energy supply. It is important that we develop the natural gas reserves that we have in this country, 38 trillion cubic feet of natural gas on the north slope of Alaska, sitting there, waiting to be run down to the lower 48 States in a pipeline. A few political glitches in the way from building that pipeline, Mr. Speaker. I think that should have been done a long time ago.

I am not as concerned about that any longer as I am about our ability to drill on the Outer Continental Shelf like they do offshore in Texas, like they do offshore in Louisiana, like they do not offshore going around Florida and up the East Coast and up the West Coast as well. The Outer Continental Shelf, comparing the fertilizer inventory on the north slope of Alaska, which is 38 trillion cubic feet, with 406 trillion cubic feet of natural gas offshore. And that is what we have a pretty good idea of without going out to inventory that natural gas. A tremendous amount.

It is sitting next door to the distribution system off the Louisiana coast. We could just drill our way on around Florida on up the coast. We need to do that. We need to drill for that gas where the market is, where the population centers are. Yes, I am told that Florida plans 33 generation plants coming up within this next year or two, and 28 of them plan to be natural gas and they will not let us drill a single well, not even 199 miles offshore of Florida, anywhere, because someone on a tall tower with a powerful telescope could somehow see the top of that derrick over the curvature of the Earth. And somehow someone would find out about that and they would not go to Florida to sit on the beach when there has never been any kind of environmental negative impact with natural gas anywhere in the world. It just simply vaporizes and goes off in the air, Mr. Speaker.

So I contend that on energy we need to do a number of things, all in the context of grow the size of the energy pie. If you think of all the energy as a pie, and that would include our nuclear, our coal, our gas, our diesel fuel, our ethanol, our bio-diesel, our wind, our hydrogen, and a number of other components of energy that we use and produce, that can all be laid out now. The percentage of each would dictate the size of the piece of the size of the overall pie.

We need to look at that. That is the finite amount of energy that we are producing in this country. We need to grow that. We need to expand the amount of energy that is available to the consumers in America, and we need to change the proportion of those slices of the pie. So, for example, why do we use natural gas to generate electricity when it is becoming a more scarce product that we need for fertilizer, for example?

So I would submit that we would change the overall size of that to more fertilizer, less electrical production. We probably hit the limit that we can build hydroelectric dams in order to generate electricity.

□ 2350

The limit has been the environmentalists' limit that we would hit there. We need to go back to nuclear and generate a lot more electricity with nuclear. There is a clean coal concept that can be used for baseline, coal-fired plants, and that can be used almost all over this country to produce a tremendous amount of electricity.

All those things need to happen, and as the President said in this chamber just the last day of January, that we need to expand the use of ethanol, and he is very credible when he says that, Mr. Speaker, because a fellow that comes from the oil patch, that is promoting ethanol and renewable fuels, is a person that you know believes in it.

In Iowa, and the congressional district that I have the privilege and honor represent, they will be at nine ethanol production facilities there by the end of this year, perhaps even one more. That will take us to the position where we are producing from corn all of the ethanol that we have the corn to supply. It means we can cannot use all of our corn for ethanol production. We can perhaps use 25 percent of our corn for ethanol production, and ethanol is, of course, going all over the country to be blended with gasoline.

Our markets in Iowa are voluntary. When people go in and pull out the pump and the nozzle and put it in their tank, they choose ethanol 81 percent of the time. It was 42 percent just a few years ago. So it has almost doubled, and that is a voluntary usage because people understand that it is economical, it is environmentally friendly, and it reduces our dependence on foreign oil.

So the President has advocated that within 25 years we reduce our dependence on foreign oil by 75 percent. I think that is a doable goal, especially with some of the technology that is out there, making ethanol out of cellulose. So that would be wood fiber and chips and even weeds and switch grass, and yet corn stalks and all of that kind cellulose that grows up out of the ground is all renewable. We can be energy independent if, in fact, we had to be. It would not take us very long to get there, Mr. Speaker.

We need an overall strategy to grow the size of the energy pie to change the proportions of the size of those pieces so that we use more of certain kinds of energy, and I will advocate, as I said, nuclear and coal and ethanol to be three of those that I would advocate we use a lot more of. We can do some things with solar panels. That is an emerging technology, but change the proportion of the size of the pieces of the energy pie so that we have a prudent, long-term policy that can reduce and, one day, eliminate our dependence on foreign oil.

It also includes not just drilling for oil and gas on the Outer Continental Shelf, not just bringing a pipeline down from Alaska to deliver the natural gas from Alaska, but it also includes drilling for oil in ANWR. That stretch up there, Mr. Speaker, that is 19.6 million acres. Out of that we are going to tap into 2,000. Only 2,000 acres, .01 percent of that region, used to tap into the oil that we know is there. That could bring 1 million barrels or more of oil down to the lower 48 or actually down to Valdez and out on the tanker. That could happen in a very short period of time if we would just step up here on the floor of this Congress, Mr. Speaker, and have the people in the other body do the same thing. The President would sign the bill, and we would be one huge step closer to energy independence.

All of these things need to happen in a country that should be able to plan its future, in a country that should be able to debate its future and take action on the floor of this Congress.

We have stepped forward and taken on quite a task in this overall war on terror. This place called Iraq is not the war on terror. This is a battlefield in the overall global war on terror, but our military has stepped forward and done their job. We need to stand with them. We need to know and realize that we are in a time of war and that means that we need to tighten our belt. That requires sacrifice. That sacrifice needs to let us find the will in this Congress to move towards a balanced budget, a balanced budget that makes the Bush tax cuts permanent because that fixes this growth rate in place so it has a sense of permanency and a sense of predictability. We need to put those tax cuts in place, move towards a balanced budget, and provide a sense of financial security so that this continuity of this long period of 10 consecutive quarters of growth can go on another 10 consecutive quarters.

I would go further with the taxes, Mr. Speaker. Given the time that is allowed here tonight I will simply tie this back with the energy side of this. So, if good things are happening in the overall war on terror, if we control our spending on this budget, tighten our belt and if we sacrifice the way our military sacrifices, we can keep funds and resources going to them so they can do their job. If we provide for more energy, grow the size of the energy pie, we have laid out a destination for America's future that is an economic and a security destiny, and without going into the social side of this, the constitutional aspects of it, that is most of what we need, Mr. Speaker, to get this country where it needs to go.

So I want to thank the Speaker for the privilege to address this House of Representatives.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HINCHEY (at the request of Ms. PELOSI) for today and February 15.

Ms. WASSERMAN SCHULTZ (at the request of Ms. PELOSI) for today and the balance of the week.

Ms. WOOLSEY (at the request of Ms. PELOSI) for today and the balance of the week.

Mr. CAMPBELL of California (at the request of Mr. BOEHNER) for today and the balance of the week on account of the death of his father.

Mr. GIBBONS (at the request of Mr. BOEHNER) for today on account of travel delay.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today and the balance of the week on account of illness.

Mr. WAMP (at the request of Mr. BOEHNER) for today and the balance of the week on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. HERSETH, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. ENGLISH of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. DEAL of Georgia, for 5 minutes, February 15.

Mr. NORWOOD, for 5 minutes, February 16.

Mr. JONES of North Carolina, for 5 minutes, February 16.

Mr. POE, for 5 minutes, today and February 15.

Mr. OSBORNE, for 5 minutes, today.

Mr. DREIER, for 5 minutes, today and February 15 and 16.

Mr. BURTON of Indiana, for 5 minutes, today and February 15 and 16.

Ms. ROS-LEHTINEN, for 5 minutes, today and February 15.

Mr. FLAKE, for 5 minutes, today.

Mr. ENGLISH of Pennsylvania, for 5 minutes, February 16.

Mr. KINGSTON, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on February 9, 2006, she presented to the President of the United States, for his approval, the following bill.

H.R. 4636. To enact the technical and conforming amendments necessary to implement the Federal Deposit Insurance Reform Act of 2005, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 15, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6140. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Imazethapyr; Pesticide Tolerance [EPA-HQ-OPP-2005-0508; FRL-7755-8] received February 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6141. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 02-06, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6142. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 04-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6143. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's report on the amount of purchases from foreign entities for Fiscal Year 2005, pursuant to Public Law 104–201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

6144. A letter from the Senior Vice President for Congressional Affairs, Export-Import Bank, transmitting the Bank's FY 2005 annual report for the Sub-Saharan Africa Initiative; to the Committee on Financial Services.

6145. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maine; Nitrogen Oxides Exemption Request for Northern Maine [EPA-R01-OAR-2005-ME-0007; A-1-FRL-8027-5] received February 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6146. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Wisconsin; General and Registration Permit Programs [EPA-R05-OAR-2005-WI-0003; FRL-8020-1] received February 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6147. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Final Rule Making Findings of Failure to Submit Required State Implementation Plans for Phase II of the NOx SIP Call [Docket No. OAR-2005-0154; FRL-8028-8] received February 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6148. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and/or Defer Sanctions, Yolo-Solano Air Quality Management District [EPA-R09-OAR-2005-0557c; FRL-8024-9] received February 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6149. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products; List of Hazardous Air Pollutants, Lesser Quantity Designations, Source Category List [OAR-2003-0048; FRL-8028-9] (RIN: 2060-AN05) received February 1, 2006, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Energy and Commerce.

6150. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone; The 2006 Critical Use of Exemption from the Phaseout of Methyl Bromide [FRL-8028-2] (RIN: 2060-AN18) received February 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6151. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District, Yolo-Solano Air Quaility Management District [EPA-R09-OAR-2005-0557a; FRL-8025-2] received February 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6152. A letter from the Director, International Cooperation, Deparment of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 04-06 which informs of an intent to sign an Memorandum of Agreement (MOA) Concerning Combating Terrorism Research and Development with Singapore, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6153. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 02-06 which informs of an intent to sign an Memorandum of Agreement (MOA) regarding the Organizational Structure and Exploitation Systems (BICES) between the United States and Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Turkey and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6154. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 03-06 which informs of an intent to sign an Memorandum of Agreement (MOA) Concerning Combating Terrorism Research and Development with Australia, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6155. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 05-06 which informs of an intent to sign a Project Arrangement concerning the U.S./U.K. Missile Defense Situational Awareness Node, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6156. A letter from the Assistant Secretary for International Security Policy, Department of Defense, transmitting a Report on Proposed Obligations for Weapons Destruction and Non-Proliferation in the Former Soviet Union and the Republic of Albania, pursuant to Public Law 104-106, section 1206(a) (110 Stat. 471); to the Committee on International Relations.

6157. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting intention to support a resolution in the United Nations Security Council to authorize maintaining the personnel ceiling of the United Nations Operation in Cote d'Ivoire (UNOCI) at its current level until after nationwide presidential and parliamentary elections, pursuant to 22 U.S.C. 287(d) Public Law 109–108, section 4(d); to the Committee on International Relations.

6158. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on gifts given by the United States to foreign individuals for the period October 1, 2004 through September 30, 2005, pursuant to Public Law 95–105; to the Committee on International Relations.

6159. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the August 15, 2005 — October 15, 2005 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Actof 1998 (Pub. L. 105–338); to the Committee on International Relations.

6160. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification for the waiver of loan default assistance restrictions under Section 620(q) of the Foreign Assistance Act to support the government of the Democratic Republic of Congo; to the Committee on International Relations.

6161. A letter from the Office of the Independent Counsel, transmitting the 2005 annual report for the Office of Independent Counsel-Barrett, pursuant to 28 U.S.C. 595(a)(2); to the Committee on Government Reform.

6162. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting in accordance with Section 647(b) of Title VI of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Commission's report on FY 2005 Competitive Sourcing Efforts; to the Committee on Government Reform.

6163. A letter from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting in accordance with Section 647(b) of Title VI of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Department's Report to Congress on FY 2005 Competitive Sourcing Efforts; to the Committee on Government Reform.

6164. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2005, through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6165. A letter from the Chairman, Federal Maritime Commission, transmitting in accordance with Section 647(b) of Title VI of the Consolidated Appropriations Act, FY 2004. Pub. L. 108-199, the Commission's report on FY 2005 Competitive Sourcing Efforts; to the Committee on Government Reform.

6166. A letter from the Chairman and Acting General Counsel, National Labor Relations Board, transmitting in accordance with Section 645 of Division F, Title VI, of the ConsolidatedAppropriations Act, FY 2004, Pub. L. 108-199, the Board's report covering fiscal year 2004; to the Committee on Government Reform.

6167. A letter from the General Counsel, Office of Government Ethics, transmitting the FY 2005 annual report under the Federal Managers' Financial Integrity Act (FMFIA), pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6168. A letter from the Deputy Director for Administration and Information Management, Office of Government Ethics, transmitting in accordance with Section 647(b) of Title VI of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Office's Report to Congress on FY 2005 Competitive Sourcing Efforts; to the Committee on Government Reform.

6169. A letter from the Chairman, Postal Rate Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2005, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6170. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, and the Office of Management and Budget Memorandum M-06-01, the Board's report on competitive sourcing efforts for FY 2005; to the Committee on Government Reform.

6171. A letter from the Commissioner, Social Security Administration, transmitting the Administration's report to on Fiscal Year 2005 Competitive Sourcing Efforts as required by the Consolidated Appropriations Act of FY 2004; to the Committee on Government Reform.

6172. A letter from the Acting Director, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the response to the emergency declared as a result of Tropical Storm Rita on September 18 through October 23, 2005 in the state of Florida, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

6173. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace, Modification to Class E; Galveston, TX [Docket No. FAA-2005-22999; Airspace Docket No. 2004-ASW-20] received January 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6174. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace, Modification to Class E; Rogers, AR [Docket No. FAA-2004-19599; Airspace Docket No. 2004-ASW-12] received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6175. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30470; Amdt. No. 3145] received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6176. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30471; Amdt. No. 3146] received February 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6177. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums, Miscellaneous Amendments [Docket No. 30469; Amdt. No. 3144] received February 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6178. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200 and -300 Series Airplanes [Docket No. FAA-2005-20357; Directorate Identifier 2004-NM-120-AD; Amendment 39-14377; AD 2005-23-19] received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6179. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F27 Mark 050 Airplanes [Docket No. FAA-2005-23214; Directorate Identifier 2001-NM-338-AD; Amendment 39-14399; AD 2005-25-06] (RIN: 2120-AA64) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6180. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace, Wenatchee, WA [Docket FAA 2005-20417; Airspace Docket No. 05-ANM-06] received February 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6181. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Hillsboro, TX [Docket No. FAA-2005-22998; Airspace Docket No. 2005-ASW-19] received February 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6182. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Egeglik, AK [Docket No. FAA-2005-22023; Airspace Docket No. 05-AAL-22] received February 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6183. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Kennett, MO [Docket No. FAA-2005-22746; Airspace Docket No. 05-ACE-32] received February 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6184. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Nikolai, AK [Docket No. FAA-2005-22094; Airspace Docket No. 05-AAL-28] received February 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6185. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of the Norton Sound Low Offshore Airspace Area; AK [Docket No. FAA-2005-22399; Airspace Docket No. 05-AAL-27] (RIN: 2120-AA66) received February 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6186. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Nenana, AK [Docket No. FAA-2005-22022; Airspace Docket No. 05-AAL-21] received February 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6187. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Enroute Domestic Airspace Area, San Luis Obispo, CA [Airspace Docket No. 05-AWP-12] received February 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6188. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Artic Village, AK [Docket No. FAA-2005-22021; Airspace Docket No. 04-AAL-06] received February 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on February 10, 2006]

Mr. HYDE: Committee on International Relations. House Resolution 593. Resolution directing the Secretary of State, the Secretary of Defense, the Secretary of Homeland Security, and the Attorney General, and requesting the President, to provide certain information to the House of Representatives relating to extraordinary rendition of certain foreign persons (Rept. 109–374), adversely. Referred to the House Calendar.

Mr. HYDE: Committee on International Relations. House Resolution 624. Resolution requesting the President of the United States and directing the Secretary of State to provide to the House of Representatives certain documents in their possession relating to United States policies under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Geneva Conventions (Rept. 109–375), adversely. Referred to the House Calendar.

Mr. HYDE: Committee on International Relations. House Resolution 642. Resolution requesting the President and directing the Secretary of State to provide to the House of Representatives certain documents in their possession relating to the Secretary of State's trip to Europe in December 2005. (Rept. 109–376), adversely. Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BASS (for himself, Mr. Gilchrest, Mr. Delahunt, Mr. Ortiz, Mr. Cardin, Mr. Flake, Ms. Herseth, Mr. Moran of Kansas, Mr. Stupak, Mr. Wynn, Ms. Bordallo, Mr. Simmons, Mr. Olver, Mr. Ryun of Kansas, Mr. Pomeroy, Mr. Bradley of New Hampshire, Mr. Boustany, Mr. Van Hollen, Mr. Melancon, Mr. Jones of North Carolina, Mr. Kind, Mr. Cannon, Mr. Ryan of Wisconsin, Mr. Larson of Connecticut, Mr. Capuano, Mr. Baker, Ms. Baldwin, Mr. Kennedy of Minnesota, Mr. Allen, Mr. Ruppersberger, Mr. Moore of Kansas, Mr. Wilson of South Carolina, Mr. Sweeney, Mr. Bishop of New York, and Mr. Michaud):

H.R. 4740. A bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN (for herself, Mr. Lantos, Mr. Saxton, Mr. Weller, Mr. Schiff, Mr. Ackerman, Mr. Wolf, Mr. Burton of Indiana, Mr. Issa, Mr. McCotter, Mrs. Musgrave, and Mr. Simmons):

H.R. 4741. A bill to develop and deploy technologies to defeat Internet jamming; to the Committee on International Relations.

By Mr. SMITH of Texas (for himself, Mr. Berman, and Mr. Goodlatte):

H.R. 4742. A bill to amend title 35, United States Code, to allow the Director of the Patent and Trademark Office to waive statutory provisions governing patents and trademarks in certain emergencies; to the Committee on the Judiciary.

By Mr. FORD:

H.R. 4743. A bill to amend part D of title XVIII of the Social Security Act to require prescription drug plans to provide enrollee notice of less expensive part D covered drugs that may be substituted for dispensed drugs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SULLIVAN (for himself, Mr. Lucas, Mr. Cole of Oklahoma, Mr. Boren, and Mr. Istook):

H.R. 4744. A bill to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the Ernest Childers Department of Veterans Affairs Outpatient Clinic; to the Committee on Veterans' Affairs.

By Mr. LEWIS of California:

H.R. 4745. A bill making supplemental appropriations for fiscal year 2006 for the Small Business Administration's disaster loans program, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADLEY of New Hampshire (for himself, Mr. McCotter, Mr. Strickland, Ms. Corrine Brown of Florida, Mr. Simmons, Ms. Herseth, Mr. Filner, Mr. Kuhl of New York, Mr. Wexler, Mr. McDermott, and Ms. Jackson-Lee of Texas):

H.R. 4746. A bill to amend title 38, United States Code, to establish a financial assistance program to facilitate the provision of supportive services for very low-income veteran families in permanent housing, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. CAPPS (for herself and Mrs. Cubin):

H.R. 4747. A bill to amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JINDAL:

H.R. 4748. A bill to require the Secretary of the Army to submit to Congress a report identifying activities for hurricane and flood protection in Lake Pontchartrain, Louisiana, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MARKEY (for himself, Mrs. MALONEY, Mr. GEORGE MILLER of California, Mr. EMANUEL, Mr. INSLEE, Mr. WAXMAN, Mr. PALLONE, and Mr. GRIJALVA):

H.R. 4749. A bill to suspend the application of any provision of Federal law under which persons are relieved from the requirement to pay royalties for production of oil or natural gas from Federal lands in periods of high oil and natural gas prices, to require the Secretary to seek to renegotiate existing oil and natural gas leases to similarly limit suspension of royalty obligations under such leases, and for other purposes; to the Committee on Resources.

By Mr. OSBORNE (for himself and Mr. MORAN of Kansas):

H.R. 4750. A bill to authorize the Secretary of the Interior to conduct a study to determine the feasibility of implementing a water supply and conservation project to improve water supply reliability, increase the capacity of water storage, and improve water management efficiency in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas; to the Committee on Resources.

By Mr. PITTS (for himself, Mrs. JONES of Ohio, Mr. ENGLISH of Pennsylvania, Mr. MCINTYRE, Ms. HART, and Ms. HARMAN):

H.R. 4751. A bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 4752. A bill to provide for the common defense by requiring all persons in the United States, including women, between the ages of 18 and 42 to perform a period of military service or a period of civilian service in furtherance of the national defense and homeland security, and for other purposes; to the Committee on Armed Services.

By Mr. STARK:

H.R. 4753. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLITTLE (for himself, Mr. WHITFIELD, Mr. MCCOTTER, Mr. WILSON of South Carolina, Mr. BROWN of South Carolina, Mr. TIAHRT, Mr. HERGER, Mr. GERLACH, Mr. AKIN, Mr. BONILLA, Mr. BUYER, Mr. SWEENEY, Ms. HARRIS, Mr. SCHWARZ of Michigan, Mr. KENNEDY of Minnesota, and Mr. FORBES):

H. Con. Res. 339. Concurrent resolution expressing the sense of Congress in support of military recruiting; to the Committee on Armed Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GERLACH:

H. Con. Res. 340. Concurrent resolution expressing the sense of the Congress with respect to the effective treatment of and access to care for individuals with psoriasis and psoriatic arthritis, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHIMKUS (for himself and Mr. GALLEGLY):

H. Res. 673. A resolution expressing support for the efforts of the people of the Republic of Belarus to establish a full democracy, the rule of law, and respect for human rights and urging the Government of Belarus to conduct a free and fair presidential election on March 19, 2006; to the Committee on International Relations.

By Mr. LEWIS of Kentucky:

H. Res. 674. A resolution amending the Rules of the House of Representatives to require parity and transparency in the earmark process; to the Committee on Rules, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. TANCREDO, Mr. PAYNE, Mr. LANTOS, Mr. BURTON of Indiana, Ms. LEE, Mr. MCCOTTER, Ms. WATSON, Ms. ROS-LEHTINEN, Mr. DELAHUNT, Mr. ROHRABACHER, Ms. MCCOLLUM of Minnesota, Mr. WILSON of South Carolina, Mr. ACKERMAN, Mr. BROWN of Ohio, Mr. ENGEL, Mr. CAPUANO, Mr. WOLF, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. RANGEL, Mr. HOLT, Mr. WYNN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DOYLE, Mr. ISRAEL, Mr. HONDA, Mr. MCNULTY, Mr. EVANS, Mrs. MALONEY, Mr. AL GREEN of Texas, Mr. MCGOVERN, Ms. SCHAKOWSKY, Ms. BORDALLO, Mr. NADLER, Mr. DOGGETT, and Ms. LINDA T. SÁNCHEZ of California):

H. Res. 675. A resolution expressing disapproval of the Arab League's decision to hold its 2006 summit in Khartoum, Sudan and calling on the Arab League, the Government of Sudan, the Sudanese rebels, and the world community to do all they can to end acts of genocide in the Darfur region of Sudan; to the Committee on International Relations.

By Mr. POE:

H. Res. 676. A resolution amending rule XXV of the Rules of the House of Representatives to prohibit Members, officers, and employees of the House from accepting gifts from registered lobbyists; to the Committee on Rules.

By Mr. ROGERS of Alabama (for himself, Mr. WATT, Mr. OWENS, Mr. BURGESS, Mr. HASTINGS of Florida, Mr. PAYNE, Mr. ETHERIDGE, Mr. MCCAUL of Texas, Mr. BISHOP of Georgia, Mr. DAVIS of Alabama, Mr. RAHALL, Mr. MARSHALL, Mr. MCGOVERN, Ms. NORTON, Mr. LEWIS of Georgia, Ms. CARSON, Ms. KILPATRICK of Michigan, Mr. MCINTYRE, Mr. JONES of North Carolina, Mr. BUTTERFIELD, Ms. LEE, Mr. TOWNS, Mr. RANGEL, Mr. MEEKS of New York, Mr. WYNN, Mr. MCHENRY, Ms. MILLENDER-MCDONALD, Mr. PRICE of North Carolina, Mr. HAYES, Mr. MILLER of North Carolina, Mrs. MYRICK, Mr. COBLE, Ms. FOXX, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. JEFFERSON, Mr. FOLEY, Mr. FATTAH, Mr. SCOTT of Virginia, Mr. TAYLOR of North Carolina, and Mr. ENGLISH of Pennsylvania):

H. Res. 677. A resolution recognizing the creation of the NASCAR-Historically Black Colleges and Universities Consortium; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 198: Ms. SCHAKOWSKY and Ms. WASSERMAN SCHULTZ.

H.R. 202: Mr. CLAY and Mr. WEXLER.

H.R. 282: Mr. BLUNT.

H.R. 333: Mr. BISHOP of Georgia.

H.R. 398: Mr. BERMAN.

H.R. 408: Mr. LANTOS.

H.R. 414: Mr. MEEHAN, Mr. BARTLETT of Maryland, and Mr. CANNON.

H.R. 415: Mr. SHUSTER.

H.R. 503: Mr. CASE.

H.R. 550: Mr. DAVIS of Tennessee.

H.R. 591: Mr. KUHL of New York, Mr. GOODE, Mr. MCCOTTER, Mr. ENGLISH of Pennsylvania, and Mr. PETERSON of Minnesota.

H.R. 601: Ms. BERKLEY.

H.R. 602: Mr. LATOURETTE.

H.R. 676: Ms. KAPTUR and Mr. REYES.

H.R. 698: Mr. PENCE.

H.R. 752: Mr. RAHALL, Mr. FRANK of Massachusetts, Mr. CLAY, and Mr. MCGOVERN.

H.R. 764: Mr. ENGLISH of Pennsylvania.

H.R. 791: Mr. MICHAUD.

H.R. 815: Mr. MILLER of Florida and Mr. ENGLISH of Pennsylvania.

H.R. 819: Mr. PASTOR and Mr. KLINE.

H.R. 839: Mr. MEEHAN and Mr. ENGEL.

H.R. 898: Mr. CLAY, Mr. DAVIS of Florida, Mr. BROWN of Ohio, Mr. BOEHLERT, Mr. NADLER, Mr. DAVIS of Tennessee, Mr. STARK, Mr. DINGELL, and Mr. PALLONE.

H.R. 939: Mr. ROTHMAN.

H.R. 941: Mr. HOSTETTLER.

H.R. 963: Mr. CALVERT and Mr. JEFFERSON.

H.R. 968: Mr. WAMP.

H.R. 986: Mr. ROGERS of Kentucky and Mr. CUELLAR.

H.R. 1002: Mr. ORTIZ, Mr. SCHIFF, Mr. HOYER, and Mr. WOLF.

H.R. 1053: Ms. CORRINE BROWN of Florida, Mr. MORAN of Virginia, and Mr. GUTIERREZ.

H.R. 1105: Mr. KILDEE.

H.R. 1108: Mr. STARK, Mr. HONDA, Mrs. CAPPS, Mr. OWENS, Mr. BARROW, Mr. LEWIS of Georgia, Mr. CUMMINGS, and Mr. GERLACH.

H.R. 1188: Mr. OLVER, Ms. NORTON, and Mr. HONDA.

H.R. 1217: Mr. HOLDEN.

H.R. 1227: Mr. ENGLISH of Pennsylvania.

H.R. 1259: Ms. ROS-LEHTINEN, Mr. PITTS, Mr. LAHOOD, Mr. NORWOOD, Mr. YOUNG of Florida, Mrs. BONO, and Mr. SOUDER.

H.R. 1333: Ms. DELAURO.

H.R. 1345: Mr. MCCRERY, Ms. PRYCE of Ohio, and Mr. SHAYS.

H.R. 1357: Mr. DOOLITTLE.

H.R. 1426: Mr. JEFFERSON.

H.R. 1431: Mr. OWENS, Mr. WAXMAN, Mr. FILNER, and Mr. WYNN.

H.R. 1494: Mr. PUTNAM.

H.R. 1578: Mr. DOGGETT and Mr. SHUSTER.

H.R. 1707: Mr. WEXLER, Mr. ROTHMAN, and Mr. LYNCH.

H.R. 1708: Mr. MURPHY and Mr. LEWIS of Georgia.

H.R. 1816: Mrs. NORTHUP.

H.R. 1849: Mr. MEEKS of New York.

H.R. 1898: Mr. STUPAK.

H.R. 1951: Mr. OWENS.

H.R. 2048: Mr. NEAL of Massachusetts, and Mr. SKELTON.

H.R. 2051: Ms. WOOLSEY.

H.R. 2052: Mr. WYNN.

H.R. 2063: Mrs. NORTHUP.

H.R. 2072: Mr. FATTAH and Ms. MCKINNEY.

H.R. 2101: Mr. BISHOP of Georgia.

H.R. 2129: Mr. STRICKLAND.

H.R. 2177: Mrs. WILSON of New Mexico.

H.R. 2233: Mr. KILDEE.

H.R. 2237: Mr. FRANK of Massachusetts.

H.R. 2345: Ms. WOOLSEY and Mr. FATTAH.

H.R. 2369: Mr. POMBO, Ms. ROS-LEHTINEN, Mrs. BONO, Mr. PENCE, Mr. CHANDLER, Mr. PITTS, Mr. BARROW, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, Mr. KIRK, Mr. JEFFERSON, Mr. REYES, Mr. AL GREEN of Texas, Mr. COOPER, Mr. GUTIERREZ, Mr. DOGGETT, Ms. MOORE of Wisconsin, Mr. AKIN, Mr. EMANUEL, Ms. LINDA T. SÁNCHEZ of California, Ms. MCCOLLUM of Minnesota, Mr. MCINTYRE, Mr. OTTER, Mr. LANGEVIN, Mr. CARDIN, Mr. POMEROY, Mr. MELANCON, Mr. ENGEL, Mr. ROTHMAN, Mr. GALLEGLY, Mr. RAMSTAD, Mr. BOUCHER, Mrs. NAPOLITANO, Mr. BRADY of Pennsylvania, Mr. KING of New York, Mr. PORTER, Mr. OBERSTAR, Mr. FOLEY, Mrs. NORTHUP, Ms. HOOLEY, Mr. PALLONE, Mr. BAIRD, Mr. EHLERS, Mr. SCHWARZ of Michigan, Mr. DELAHUNT, Mr. CLEAVER, Mrs. DAVIS of California, Mr. MARKEY, Mr. BOUSTANY, Mr. EVANS, and Mr. DEFAZIO.

H.R. 2386: Ms. HARRIS, Mr. GILCHREST, and Mrs. NORTHUP.

H.R. 2390: Mr. NADLER, Ms. MILLENDER-MCDONALD, Ms. WATSON, Mr. FARR, Mrs. TAUSCHER, Mr. BLUMENAUER, Ms. BALDWIN, and Mr. MORAN of Virginia.

H.R. 2553: Mr. ISRAEL.

H.R. 2658: Mr. MARCHANT and Mr. BACHUS.

H.R. 2716: Mr. MICHAUD.

H.R. 2717: Mr. WELDON of Pennsylvania.

H.R. 2793: Mr. SABO and Mr. SULLIVAN.

H.R. 2803: Ms. PRYCE of Ohio.

H.R. 2872: Mr. PASTOR, Mr. CONAWAY, Mr. MCCRERY, Ms. WATERS, Mr. KIRK, Mr. MARCHANT, Mr. GRAVES, Mr. NUSSLE, and Mr. REICHERT.

H.R. 2874: Mr. MELANCON and Mr. HINCHEY.

H.R. 3061: Mr. GRAVES.

H.R. 3111: Mr. RYAN of Wisconsin.

H.R. 3145: Mr. LOBIONDO, Ms. HOOLEY, Mr. BISHOP of Georgia, Mr. WYNN, Mr. MCINTYRE, and Ms. ZOE LOFGREN of California.

H.R. 3157: Mr. CONYERS.

H.R. 3186: Mr. CROWLEY and Mr. PAUL.

H.R. 3255: Mr. WELDON of Pennsylvania.

H.R. 3307: Mr. BARROW and Mr. CASE.

H.R. 3334: Mr. LARSON of Connecticut, Mr. AL GREEN of Texas, and Mr. DAVIS of Tennessee.

H.R. 3337: Mrs. TAUSCHER.

H.R. 3352: Mr. POE and Mr. DOGGETT.

H.R. 3401: Mr. RANGEL.

H.R. 3442: Mr. WEXLER.

H.R. 3476: Mr. PETERSON of Minnesota, Mr. PLATTS, and Mr. HOLDEN.

H.R. 3478: Mrs. DRAKE, Mr. SPRATT, Mr. CASE, Mr. ISRAEL, Mr. AKIN, Mr. COSTELLO, Mr. FATTAH, Ms. KILPATRICK of Michigan, and Mr. HOSTETTLER.

H.R. 3502: Ms. SCHAKOWSKY.

H.R. 3579: Mr. ALLEN and Mr. DOYLE.

H.R. 3681: Mr. DAVIS of Illinois.

H.R. 3753: Mr. WILSON of South Carolina and Mr. BACHUS.

H.R. 3778: Mr. KILDEE, Mrs. JOHNSON of Connecticut, Mr. MORAN of Virginia, Mrs. CAPPS, and Mr. FILNER.

H.R. 3861: Mr. TIERNEY, Ms. MCKINNEY, Mr. CLAY, Mr. DAVIS of Illinois, and Mr. CROWLEY.

H.R. 3883: Mr. KINGSTON, Mr. COBLE, Ms. FOXX, Mr. CALVERT, Ms. HART, Mr. ISTOOK, and Mr. COLE of Oklahoma.

H.R. 3888: Ms. DEGETTE and Mr. LYNCH.

H.R. 3917: Mr. CUMMINGS.

H.R. 3933: Mr. EVANS.

H.R. 3972: Mr. MCCOTTER.

H.R. 4005: Mr. GERLACH and Mr. CARDIN.

H.R. 4030: Ms. SCHWARTZ of Pennsylvania.

H.R. 4033: Mr. MCGOVERN and Mr. BARROW.

H.R. 4035: Mrs. MUSGRAVE.

H.R. 4063: Mr. DEFAZIO.

H.R. 4075: Mr. MCCOTTER.

H.R. 4140: Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mr. GRIJALVA, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. LOWEY, and Mr. SCOTT of Virginia.

H.R. 4141: Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SCOTT of Virginia.

H.R. 4186: Ms. HOOLEY and Mrs. MILLER of Michigan.

H.R. 4197: Mr. STARK.

H.R. 4222: Mr. CARDOZA and Mr. MICHAUD.

H.R. 4236: Mr. CONAWAY.

H.R. 4265: Mr. MOLLOHAN, Ms. ROS-LEHTINEN, Mr. FERGUSON, Mr. WELDON of Pennsylvania, Mr. MURPHY, Mr. OBERSTAR, and Ms. KAPTUR.

H.R. 4298: Mr. SANDERS and Mr. DOGGETT.

H.R. 4304: Mr. CASE.

H.R. 4351: Mr. FARR.

H.R. 4366: Mr. BILIRAKIS.

H.R. 4409: Mr. SIMMONS, Ms. SCHWARTZ of Pennsylvania, Ms. WASSERMAN SCHULTZ, Mr. BROWN of South Carolina, Mr. MCCOTTER, Mr. SHUSTER, Mr. FITZPATRICK of Pennsylvania, and Mr. PLATTS.

H.R. 4411: Mr. WILSON of South Carolina and Mr. UPTON.

H.R. 4424: Mr. MARSHALL, Ms. SCHAKOWSKY, and Mr. GRIJALVA.

H.R. 4448: Ms. ZOE LOFGREN of California and Ms. SCHAKOWSKY.

H.R. 4460: Mr. PALLONE and Mr. WILSON of South Carolina.

H.R. 4463: Mr. BERMAN.

H.R. 4465: Mr. FATTAH, Mr. WU, Ms. ZOE LOFGREN of California, Ms. SCHAKOWSKY, Mr. DEFAZIO, Mr. PAYNE, Mr. PASTOR, Mr. BRADY of Pennsylvania, Ms. SCHWARTZ of Pennsylvania, Mr. WAXMAN, and Mr. MICHAUD.

H.R. 4472: Mr. REYNOLDS, Mr. WHITFIELD, and Mr. CRAMER.

H.R. 4479: Ms. PELOSI, Mr. NEAL of Massachusetts, and Mr. CUMMINGS.

H.R. 4494: Mr. BARROW.

H.R. 4511: Mr. SAM JOHNSON of Texas.

H.R. 4520: Mr. FATTAH.

H.R. 4526: Mr. BROWN of South Carolina.

H.R. 4542: Mr. CHANDLER, Mr. BERMAN, Mr. CAPUANO, and Ms. LORETTA SANCHEZ of California.

H.R. 4547: Mr. MURTHA, Mr. MCHENRY, Mrs. SCHMIDT, Mr. LARSEN of Washington, and Mr. BISHOP of Georgia.

H.R. 4574: Ms. BERKLEY.

H.R. 4625: Mr. POMBO, Mr. NORWOOD, and Mr. WELDON of Pennsylvania.

H.R. 4655: Mr. MILLER of Florida, Mr. CAPUANO, and Mrs. BIGGERT.

H.R. 4662: Mr. FOSSELLA.

H.R. 4663: Mr. SIMMONS.

H.R. 4665: Mr. CUELLAR.

H.R. 4666: Mr. GOODE, Mr. DOYLE, and Mr. CASE.

H.R. 4668: Mr. PRICE of Georgia.

H.R. 4672: Mr. BERRY, Mr. WYNN, Mr. CUELLAR, Mr. MCHUGH, and Mr. COSTA.

H.R. 4675: Ms. WOOLSEY.

H.R. 4676: Mr. PAYNE.

H.R. 4679: Mr. ENGLISH of Pennsylvania.

H.R. 4681: Ms. HART, Mrs. KELLY, Mr. KENNEDY of Minnesota, Mr. SULLIVAN, Mr. HENSARLING, Mr. FITZPATRICK of Pennsylvania, Mr. SOUDER, Mr. FOSSELLA, Mr. MARIO DIAZ-BALART of Florida, Mr. WESTMORELAND, Mr. DAVIS of Florida, Mr. RUPPERSBERGER, Mr. BLUNT, and Mrs. MALONEY.

H.R. 4685: Mr. SCHIFF and Mr. CLAY.

H.R. 4704: Mr. FRANK of Massachusetts, Mr. DAVIS of Tennessee, Mr. KILDEE, Mr. GRIJALVA, Mrs. DAVIS of California, and Mrs. MCCARTHY.

H.R. 4705: Mr. HINOJOSA.

H.R. 4708: Ms. MATSUI and Mr. MCDERMOTT.

H.R. 4722: Ms. SOLIS.

H.J. Res. 67: Mr. BRADLEY of New Hampshire, and Ms. HARRIS.

H. Con. Res. 68: Mr. FATTAH and Mrs. MCCARTHY.

H. Con. Res. 210: Mr. CHANDLER.

H. Con. Res. 231: Mr. WICKER.

H. Con. Res. 235: Mr. BOOZMAN.

H. Con. Res. 277: Mr. MCINTYRE, Mrs. MCCARTHY, and Mr. BOEHLERT.

H. Con. Res. 298: Mr. WAXMAN.

H. Con. Res. 299: Ms. LEE and Mr. MCDERMOTT.

H. Con. Res. 302: Mr. MCCOTTER, Mr. ALEXANDER, and Mr. CANTOR.

H. Con. Res. 306: Mr. BROWN of South Carolina and Mr. GENE GREEN of Texas.

H. Con. Res. 318: Mr. MEEHAN and Mr. FARR.

H. Con. Res. 322: Mrs. JO ANN DAVIS of Virginia.

H. Con. Res. 335: Mr. MORAN of Virginia, Mr. LEWIS of Georgia, Mr. SCHIFF, Mr. CONYERS, Mr. BERMAN, Mrs. JONES of Ohio, Mr. FILNER, Mr. SMITH of Washington, Mr. KILDEE, Mrs. MALONEY, Ms. LEE, and Ms. MOORE of Wisconsin.

H. Res. 116: Mrs. MALONEY and Mr. ACKERMAN.

H. Res. 323: Mr. ROGERS of Michigan, Mr. LANGEVIN, and Mr. RAMSTAD.

H. Res. 357: Mr. SCHIFF.

H. Res. 521: Mr. MEEKS of New York and Mr. GENE GREEN of Texas.

H. Res. 526: Mr. VAN HOLLEN.

H. Res. 544: Mr. GRIJALVA and Mr. POMEROY.

H. Res. 556: Mr. HENSARLING.

H. Res. 561: Mr. EVANS.

H. Res. 578: Mr. NORWOOD, Mr. MORAN of Virginia, Mr. GALLEGLY, Mr. MCINTYRE, Mr. OBERSTAR, Mr. AKIN, and Mr. LEACH.

H. Res. 628: Mr. ENGLISH of Pennsylvania.

H. Res. 635: Ms. VELÁZQUEZ and Ms. MOORE of Wisconsin.

H. Res. 641: Ms. BALDWIN.

H. Res. 643: Mr. ACKERMAN, Mr. KUCINICH, Mr. SERRANO, Mrs. MALONEY, Mr. CLEAVER, Mr. WATT, Mr. CAPUANO, Mrs. DAVIS of California, Ms. WATSON, and Mr. GEORGE MILLER of California.

H. Res. 647: Mr. MILLER of Florida and Mr. GUTKNECHT.

H. Res. 658: Mr. DOGGETT, Mr. MCDERMOTT, Mr. HONDA, Mr. LANTOS, Mr. GEORGE MILLER of California, Ms. MCCOLLUM of Minnesota, Mr. MORAN of Virginia, Mr. WEXLER, and Mr. ENGLISH of Pennsylvania.

H. Res. 665: Mr. WAMP, Mr. COOPER, Mr. ETHERIDGE, Mrs. CHRISTENSEN, Mr. DOYLE, Ms. KILPATRICK of Michigan, Mr. TANNER, Mr. HOLT, Ms. SCHWARTZ of Pennsylvania, Mr. MCINTYRE, Mr. SMITH of Washington, Mr. MCGOVERN, Mrs. MALONEY, and Mr. GORDON.

SENATE—*Tuesday, February 14, 2006*

The Senate met at 9:45 a.m. and was called to order by the Honorable DAVID VITTER, a Senator from the State of Louisiana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of all, who rules the raging of the sea, we celebrate the works of Your love and grace; early in the morning, our songs rise to You. Thank You for giving us answers to life's most difficult questions. Thank You also for undeserved blessings we enjoy each day.

Bless the Members of our legislative branch. Give them opportunities to be Your voice of hope in a world often filled with despair. Strengthen their families and the members of their staffs. Give them the talents they need to serve You in our time. Bring us all to the purposes which You have designed for us. Give us Your peace that can keep our hearts and minds from fear.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DAVID VITTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, February 14, 2006.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID VITTER, a Senator from the State of Louisiana, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. VITTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will start a series of votes on motions to instruct conferees with respect to the tax relief bill. There could be up to as many as 16 votes on these motions and, therefore, votes will be kept to 10 minutes in length. I hope there will be fewer votes, and we will be working this morning to see if there is any way to lessen that number. Voting will begin momentarily, and thus Members should stay close to the Chamber today during these stacked votes so that we can move expeditiously. We will be recessing for lunch to accommodate the party luncheons, and we will lock in the time for that recess later in the morning. I would expect that we would continue the voting sequence around 2:15 after the luncheons today.

Following the appointment of conferees to the tax relief bill, we will be returning to the asbestos bill. As Members know, we filed cloture on the asbestos bill last night and that vote is scheduled to occur Wednesday morning.

FILING OF AMENDMENTS

Under the rule, first-degree amendments need to be filed by 1 p.m. today to be considered in order postcloture. We will likely be in recess at that time, so I ask unanimous consent that the deadline be until 2:30 today.

The ACTING PRESIDENT pro tempore. Without objection, so ordered.

Mr. FRIST. Mr. President, when we return to the asbestos bill later today, we have the motion to waive pending, and we will be talking to the two managers this morning to determine the best time for that vote to occur today. Having said that, we are going to have a very busy day with votes, and Senators should not stray far from the Chamber in order to not miss any votes so that we can accomplish all that we have set out to do over the course of the day.

We are ready to start with the motions and voting. Chairman GRASSLEY is on his way. We can have the Senator from Massachusetts start, if he is ready. Senator GRASSLEY should be here within the next couple of minutes.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 4297, which the clerk will report.

The assistant legislative clerk read as follows:

> Resolved that the House disagree to the amendment of the Senate to the bill (H.R. 4297) entitled "An Act to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006."

Pending:

Kennedy motion to instruct conferees to reject the extension of the capital gains and dividends rate reduction contained in section 203 of the bill as passed by the House of Representatives.

Reed motion to instruct conferees to insist that the final conference report include funding to strengthen America's military contained in title VI of the Senate amendment instead of any extension of the tax cuts for capital gains and dividends, which does not expire until 2009, contained in section 203 of the bill as passed by the House of Representatives.

Wyden motion to instruct conferees to insist that the final conference report include a provision that repeals accelerated depreciation for geologic and geophysical costs for oil and gas exploration by the five major oil companies.

Obama motion to instruct conferees to insist that the final conference report include tax relief for the most vulnerable members of our society, including the low-income victims of Hurricane Katrina and children in families that are too poor to benefit fully from the refundable child tax credit.

Hatch motion to instruct conferees to insist that the final conference report include a permanent extension of the credit for increasing research activities (based on section 108 of the amendment passed by the Senate), in order to improve American competitiveness.

DeWine motion to instruct conferees to insist that the final conference report accept the veterans' mortgage bonds expansion provisions contained in section 303 of the bill as passed by the House of Representatives with such revisions as are necessary to provide veterans in all 50 States with access to lower-rate mortgages.

Reid (for Menendez) motion to instruct conferees to insist that the final conference report include the Senate passed "hold-harmless" relief from the individual alternative minimum tax (AMT) in 2006, and does not include the extension of lower tax rates on capital gains and dividends.

Stabenow motion to instruct conferees to insist that the final conference report include a permanent extension of the credit for increasing research activities, and to reject any extension of the tax rate for capital gains and dividends which does not expire until 2009.

Grassley motion to instruct conferees to insist that the final conference report include the "hold-harmless" relief from the individual alternative minimum tax in 2006 (sections 106 and 107 of the amendment passed by the Senate) to protect middle class families and includes an extension of lower tax rates on capital gains and dividends (based on section 203 of the bill passed by the House of Representatives) to protect tax cuts for middle class families.

Grassley (for Lott) motion to instruct conferees to insist that the final conference report include the repeal of the individual alternative minimum tax (based on sections 106 and 107 of the amendment passed by the Senate).

Grassley (for Hutchison) motion to instruct conferees to insist that the final conference report include a permanent extension of the election to deduct State and local general sales taxes (based on section 105 of the amendment passed by the Senate).

Grassley (for Santorum) motion to instruct conferees to insist that the final conference report include a permanent extension of the above-the-line deduction for tuition and fees (based on section 103 of the amendment passed by the Senate).

Grassley motion to instruct conferees to insist that the final conference report ensure that in 2009 and 2010, the international competitiveness of the United States in attracting capital investment, and therefore job creation, is not weakened further by a higher combined corporate and individual income tax rate on corporate and capital income as a result of a higher dividend tax rate.

Grassley (for Talent/Snowe/Lincoln) motion to instruct conferees to insist that the final conference report include a permanent extension of the modifications to the child tax credit made by the Economic Growth and Tax Relief Reconciliation Act of 2001 and the Jobs and Growth Tax Relief Reconciliation Act of 2003.

Lautenberg motion to instruct conferees to insist that the final conference report does not increase the national debt of the United States.

Schumer motion to instruct conferees to insist that the final conference report include the Senate-passed provision to extend the above-the-line deduction for tuition and fees through December 31, 2009 (section 103), before it includes the House-passed extension of lower tax rates on capital gains and dividends (section 203), given budget constraints, noting that a conference report which maintains the tuition deduction will provide needed tax relief to more than 4,000,000 American families each year that are struggling to keep pace with rising tuition costs.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I understand that in the order that has been printed, the first instruction is by the Senator from Iowa, Mr. GRASSLEY, which includes both the alternative minimum tax relief and the tax cuts for dividends and capital gains. I understand that he has 2 minutes to speak in favor of that and there are 2 minutes in opposition to it. I, at this time, will use part of the 2 minutes in opposition.

I see the ranking member and I would suggest a brief quorum call so he may speak in opposition to the Grassley motion. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I would like to give a list of pending motions, and I ask unanimous consent that the time not be charged against the 2 minutes allocated to explaining the motion.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, the list of motions to instruct that we have thus far are in this order: No. 1 is the Grassley motion regarding AMT asking for both AMT relief and tax cuts. No. 2 is the Kennedy capital gains motion, which is in opposition to the former. No. 3 is the Lott motion on AMT. No. 4 is Senator MENENDEZ's AMT capital gains. No. 5 is Senator SANTORUM with respect to tuition deduction. No. 6 is Senator SCHUMER with respect to tuition deduction. No. 7 is Senator HATCH's motion with respect to R&D. No. 8 is Senator STABENOW's motion with respect to R&D and capital gains. That is where we are at this point. That is eight. There are a total of 16 on my list, and it is my hope that by the time we get through the eight maybe Senators will be a little less inclined to insist on recorded votes. But those are the first 8, with a total of 16 motions to instruct, which I understand will all be in order this morning.

I yield the floor.

MOTIONS TO INSTRUCT CONFEREES

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, would it be in order to call up my motion on the AMT and the capital gains dividend?

The ACTING PRESIDENT pro tempore. The Senator's motion is now pending.

Mr. GRASSLEY. I have 1 minute?

The ACTING PRESIDENT pro tempore. Two minutes.

Mr. GRASSLEY. Mr. President, 16 million additional American families could find themselves subject to the alternative minimum tax if we do not act quickly. Failure to pass a minimum level of alternative minimum tax relief, as was provided in the Senate-passed reconciliation bill, is not an option. In fact, I support full AMT repeal. Some of my colleagues are creating a false choice when they suggest that in order to provide AMT relief we need to remove incentives that encourage economic growth. We can design a tax package which will include dividends, capital gains, AMT, and a 1-year extension for all expiring tax relief, all within that $70 billion limit. I encourage my colleagues to vote for this motion which provides relief for alternative minimum tax and capital gains and dividends as well.

I yield.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I urge my colleagues to oppose this motion. Why is that? Essentially, we must choose between extending protection from the AMT tax increase this year for 17 million working families or extending $50 billion in investor tax breaks which do not expire until 3 years from now, after the next Presidential election. That is the choice.

This motion says you can have it all. This motion says there is no deficit problem. This motion says: Don't worry, be happy. Our Senate bill, supported by 66 Senators, chose to protect millions of working families from the 2006 AMT hit rather than extending 2009 tax breaks for investors. The truth is, we cannot have it all. There is a deficit problem. Something will have to give, and I wish we could realistically hope the House will be willing to agree to a significant amount of offsets, crackdowns on tax shelters, so we could do more on this tax bill, but I am not optimistic. I have deep experience with the House, and they will not do so, and that is forcing us to choose. That is why we must choose. Is it the R&D credit? Is it incentives for businesses to hire the hard-to-employ? Is it a true AMT hold-harmless?

Those are our choices. The House made their choice. They chose not to protect 17 million families threatened by the AMT. Some items can wait until 2007, 2008, or even 2009. Capital gains can wait. AMT cannot wait. Protection from that tax increase—that is, the AMT—which expires now, must be extended this year, not capital gains. That AMT protection expired in December, and 17 million working families are waiting to hear our choice.

I urge my colleagues not to embark on this dangerous course. I urge them to reject this motion. We have to choose. We cannot have it all. I urge my colleagues to be responsible.

Mr. GRASSLEY. Mr. President, if I have 10 seconds——

The ACTING PRESIDENT pro tempore. The Senator from Iowa has 1 minute remaining.

Mr. GRASSLEY. I am only going to use 10 seconds. I hope my friend from Montana will agree with me on this, that we do have differences on this one part, the capital gains part of this bill, but I think we agree on everything else in the bill. I hope people listening to Senator BAUCUS and I maybe differing on this one point will remember that on most everything that goes on in our committee, we agree. I do not want them to get a distorted view of our friendship and our working together on this legislation.

I yield back my time, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the Grassley motion to instruct conferees. The clerk will call the roll.

The assistant journal clerk called the roll.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—53

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter

NAYS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Voinovich
Warner
Wyden

The motion was agreed to.

THE ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand, the pending instruction is mine.

The ACTING PRESIDENT pro tempore. The Senator is correct. There is 4 minutes evenly divided.

Mr. KENNEDY. Mr. President, this Senate is not going to have a clearer opportunity in terms of the Nation's priorities than on this next vote. Under the current proposal before the Senate, it provides the dividends and capital gains of $50 billion. The President's proposal which was submitted is $50 billion in Medicare and Medicaid budget cuts.

We have the choice of $50 billion for the further tax reductions for the wealthiest individuals or we are going to stand up on Medicare and Medicaid. If we care about the culture of life, we will vote for this amendment since one-third of all the children born are born under Medicaid and receive well-baby treatment and mothers are treated.

If Members care about our seniors and disabled and those mentally challenged and disabled, they will vote for this motion because it protects Medicare.

If Members are talking about children, nursing homes, and the frail and elderly, Members will vote for this motion because it will preserve Medicaid.

If Members care about research and NIH and believe this is the life science century, Members will not tolerate the extraordinary cuts in the NIH budget in cancer and Alzheimer's research, the whole range of research, and will vote for this motion.

If Members care about fairness for America's families, vote for this motion over giveaways to the very wealthy.

It is as plain and simple as that. I hope our colleagues will support it.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, this vote has nothing to do with Medicare or Medicaid. This motion by Senator KENNEDY calls for a tax increase in 2008 on millions of Americans. Critics of lower rates always want to persecute millionaires and at the same time punish everyone else trying to save money. The lower rates on capital gains have benefited low- and middle-income families in a very meaningful way and reduced the tax burden on citizens. They have contributed to our economic recovery and continue to help our economy grow. They have made capital investment in America more competitive so we can be competitive with global competition. They have helped impose transparency and discipline on corporate managers which is critical to protecting investors and workers. Business investors need certainty.

We need to act now. For these reasons, I encourage my colleagues to vote against this motion.

I point out something that directly involves the State of Massachusetts. We have heard the same old charge, that capital gains and dividends are only for rich folks. These charts behind me assert the opposite. According to Internal Revenue Service statistics on income for the State of Massachusetts, there are 589,000 individuals and families who benefit from the reduced tax on dividends, and 212,000 individuals and families benefit from the reduced tax on capital gains. There are not that many millionaires in that State regardless of how rich that State is. Not all of these folks are superrich. They are people like the average American benefiting from this. I don't know why anyone wants to persecute a few millionaires and punish everyone else.

The ACTING PRESIDENT pro tempore. The time has expired.

Mr. KENNEDY. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the Kennedy motion to instruct conferees. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Warner
Wyden

NAYS—53

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich

The motion was rejected.

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. REID. Mr. President, I have spoken to the majority leader. In fact, he and I spoke last night and again today. I am going to, in a minute or so, suggest the absence of a quorum.

I would ask Democratic Senators to stay around the floor. We are going to see, if working with our manager and Senator CONRAD and others, we can maybe jointly agree on not having as many votes as are scheduled now.

So I would note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I now ask unanimous consent that we proceed to immediate votes on the DeWine motion, the Wyden motion, and the Talent-Snowe-Lincoln motion—I would state for the record that these motions will be voice votes—provided further that following those votes, the Senate proceed to votes in relation to the Reed motion, the Hutchison motion, and the Lautenberg motion—and, again, we expect rollcall votes on these three; finally, I ask unanimous consent that following those votes the remaining motions be withdrawn and the Chair be authorized to appoint conferees.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, what we have just done is greatly simplify the course of the votes over the course of the morning. We will have three rollcall votes following the voice votes. I appreciate both sides of the aisle working together, condensing 14 motions down to 3 rollcall votes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Ohio, Mr. DEWINE. Those in favor say aye. Those opposed say no.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The question is now on agreeing to the motion of the Senator from Oregon, Mr. WYDEN. Those in favor say aye. Those opposed say no.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The question is now on agreeing to the motion of the Senator from Missouri, Mr. TALENT. Those in favor say aye. Those opposed say no.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The question is now on agreeing to the motion of the Senator from Rhode Island, Mr. REED. There are 2 minutes, evenly divided, of debate on this motion.

The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, my motion to instruct conferees is simple. Our Army and Marine Corps have been engaged in combat operations for several years now. Their equipment is in a very difficult situation. It is estimated this year alone that the Army will need about $13.7 billion simply to repair the equipment, not to buy new equipment, that has been used in combat. The Marine Corps will need approximately $7.5 billion.

My instruction would simply say allocate $50 billion and pay for it by taking the capital gains and dividend preferences being awarded in this tax reconciliation bill. I think it makes a great deal more sense to give our troops the best equipment we can have rather than to give upper income Americans another tax break.

It is very simple: Are we going to give our troops a dividend in good functioning equipment or are we going to give the dividend to the wealthiest Americans?

The ACTING PRESIDENT pro tempore. The Senator's time has expired. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I appreciate Senator REED's attention to the issue of funding for our military. Proper funding for those serving our country should not be controversial. The method of providing this funding should not be made into a controversial issue, and that is where the controversy is.

My colleague suggests that in order to provide funding for our military, we need to eliminate a tax benefit that doesn't even arise until 2009. Look at how ridiculous this motion is. How can you provide funds that are so badly needed today to ensure that we meet the operational needs of our courageous military service personnel when it won't be funded until 2009? I remind you that last night all of us voted for my amendment to support the operational needs of our military that provides the same benefits but doesn't raise taxes.

I urge my colleagues to vote against the Reed motion. In addition, I remind my friend from Rhode Island that there are 79,000 families in his State that benefit from not having the tax on dividends at 15 percent.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Rhode Island.

Mr. REED. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant journal clerk called the roll.

The PRESIDING OFFICER (Mr. ISAKSON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—55

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The motion was rejected.

The PRESIDING OFFICER. There are now 2 minutes equally divided on the Hutchison motion to instruct conferees.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to speak in favor of the motion. I certainly hope our colleagues will vote to instruct conferees on a basic issue of fairness.

Today, there are eight States that have sales taxes but not a State income tax. Until 2 years ago, they were disadvantaged by not being able to deduct their sales taxes from their Federal income taxes, whereas an income-tax State would allow their payers to do that.

It is very important in this country that we have tax equity. In fact, the motion to instruct would give equity to all. It creates jobs because there is more economic activity when we treat all people in our States the same and allow them to deduct the State taxes they pay. It is a matter of fairness.

The States of Washington, Nevada, Wyoming, South Dakota, Texas, Alaska, Florida, and Tennessee all have this situation in which their taxpayers will be disadvantaged if we do not instruct the conferees.

I urge my colleagues to support this motion.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield the 1 minute on our side to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 minute.

Mr. LAUTENBERG. Mr. President, the motion clearly says that taxpayers would have to choose between deducting their sales tax costs or their income tax costs. If a taxpayer lives in a State that chooses to have both a sales tax and an income tax, why should they be penalized? This motion is not fair for the people in my State or many States such as mine that have both sales and income taxes.

The Federal Government should not be micromanaging State tax systems. If we have the expense, we ought to allow the deduction. If we are going to allow the deduction of State sales taxes, we should allow it no matter where the taxpayers live.

I hope we will oppose this management from the Federal Government of how a State ought to conduct its tax system.

I yield the floor and urge opposition to the motion.

The PRESIDING OFFICER. The question is on agreeing to the Hutchison motion to instruct conferees.

Mrs. HUTCHISON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 75, nays 25, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—75

Akaka
Alexander
Allard
Allen
Bayh
Bennett
Boxer
Brownback
Bunning
Burns
Burr
Cantwell
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dole
Domenici
Durbin
Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kerry
Kohl
Kyl
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reid
Roberts
Salazar
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—25

Baucus
Biden
Bingaman
Bond
Byrd
Carper
Conrad
Dodd
Dorgan
Feingold
Gregg
Harkin
Jeffords
Kennedy
Landrieu
Lautenberg
Leahy
Menendez
Mikulski
Reed
Rockefeller
Sarbanes
Stabenow
Sununu
Wyden

The motion was agreed to.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, the motion is simple. It says the conferees need to come back with a final bill that does not increase the national debt. So if you vote against this, you are saying it is OK to increase the national debt. Lord knows what we have by way of debt. It is drowning us and will be paid for by our children and our grandchildren. It is reckless to charge $50 billion on our Nation's credit card when we have another option. We can pay for these tax cuts by closing the egregious tax loopholes such as the $6 billion for oil companies with record earnings—on the front page of the paper this morning.

Whether you voted for or against the bill, we should all agree that we should not stick future generations with the bill.

That is what my motion says. It is very simple.

On Valentines Day, vote against increasing the national debt.

Mr. GRASSLEY. Mr. President, I would like to inform the Senator from New Jersey that his motion would increase taxes on people in New Jersey through dividends of $838,000 and capital gains of $270,000.

If we don't do something about AMT, 600,000 people from New Jersey suffer; if we don't have the college tuition tax deduction, 121,000; and teacher deduction, 127,000.

I don't know how anybody would want to increase taxes on people in their States by that amount of money. If you take the approach of the Senator from New Jersey and have to offset all of these things, there are not enough offsets to go around to take care of the 100 ideas we have of where taxes ought to be reduced.

We now have taxes of 18 percent coming into the country into the Gross National Product for a 60-year high.

How high do taxes have to be to satisfy the Senator from New Jersey that taxes are high enough?

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the motion to instruct.

Mr. LAUTENBERG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 46, nays 54, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—46

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coburn
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Voinovich
Wyden

NAYS—54

Alexander
Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Warner

The motion was rejected.

RECESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent the Senate stand in recess until 2:15 today for weekly policy luncheons.

There being no objection, the Senate, at 12:23 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005—Continued

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the pending business is the motion to waive the budget point of order, is it not?

The PRESIDING OFFICER. H.R. 4297 is still the pending question.

Under the previous order, the Chair appoints Mr. GRASSLEY, Mr. KYL, and Mr. BAUCUS conferees on the part of the Senate.

Mr. ROCKEFELLER. Mr. President I am very pleased that the Senate is taking the necessary steps today to move forward with a reasonable tax relief package. In the coming days, conferees from the Senate and the House will work together to craft a final bill for the President to sign. Yesterday and today, I supported a number of motions offered by my colleagues to instruct our conferees to maintain the Senate's position because, indeed, the Senate package enjoys bipartisan support.

I am very proud that the Senate legislation also includes a bipartisan amendment that I worked hard to develop that will stimulate investment in mine safety. Our amendment has two key components. The first provision allows accelerated depreciation to encourage mines to invest in new telecommunications technology, tracking devices, improved breathing apparatus, and other critical safety equipment. The second major initiative provides incentives for the creation of additional mine safety rescue teams. While a miner is trapped, he or she should not have to wait for hours for a rescue team to arrive from far away.

West Virginia, Appalachia, and our entire Nation have been stunned and saddened by the recent mine tragedies in West Virginia, Kentucky, and Utah that took the lives of 18 miners and devastated families, friends, and communities. I have visited our West Virginia communities and spoken with families and officials. In the memory of these brave miners, we must take bold and swift action to promote mine safety. We owe it to coal miners who continue to work in mines to do all we can to improve their safety.

Coal mining is hard, dangerous work. But coal is the fuel for more than 50 percent of the electricity that powers our country and enables economic growth. The miners who produce the coal deserve the best technology to make our mines as safe as possible. But we must acknowledge that there will be future accidents in our coal mines because of the nature of the industry, and so we must also invest in additional mine rescue teams.

This tax package presented an immediate opportunity to promote mine safety. I deeply appreciate the work and support of West Virginia's senior

Senator, ROBERT C. BYRD. We are a team when it comes to mine safety and coal issues, and we are working together on additional legislation that will impose strict new safety standards on the mining industry.

I am very pleased that the mine safety tax incentives have been included in this legislation. Indeed, I believe that the bill before the Senate includes many important tax provisions that we ought to enact without delay. Most of these tax cuts are longstanding, broadly supported policies that were unfortunately allowed to expire at the end of last year.

Among the tax provisions that the Senate is acting to extend here is relief from the alternate minimum tax for upper middle class families who are about to be hit with a tax only ever intended for the very wealthy. This bill would extend AMT relief for 2006 in order to be sure that families are able to benefit from the income tax cuts the Congress has enacted since 2001. I support this relief, and indeed, I believe Congress needs to act quickly to address fundamental AMT reform. I have cosponsored legislation to permanently repeal the individual AMT because this so-called millionaires' tax is no longer serving its original purpose. As part of overall tax reform that is fiscally responsible, Congress ought to permanently eliminate the specter of this parallel tax system. For now, I am pleased to at least be able to support a bill that will protect families for this year.

This bill also extends important tax incentives for the business community. For example, the bill extends the research and development tax credit to provide more than $20 billion to companies that do innovative research to keep America at the forefront of the competitive world economy. I have cosponsored legislation that would make the R&D tax credit permanent, but again, I am pleased to be able to at least support this bill which provides a 2-year extension of this valuable tax incentive.

I have also supported legislation to make permanent the welfare-to-work tax credits. The legislation before us today improves and extends these credits for 2 years. I know that many companies in West Virginia have used these credits to provide work opportunities to individuals who previously have been marginalized in our economy. There are many other provisions in this bill that enjoy my support, including an extension of the new markets tax credit, the creation of incentives for additional charitable giving, and tax breaks for our dedicated teachers who spend their own money improving the educational experiences of their students.

Having said that I support many of the provisions of this bill, I would like to take just a few moments to discuss some reservations I have with the process under which Congress is considering it. This bill is a tax reconciliation bill, meaning that it will enjoy some procedural protections in the Senate—the costs to the Treasury need not be offset and the final package can pass the Senate with a mere 51 votes.

I fear that the reconciliation procedure being used here has put us on a very dangerous course. As this legislation is conferenced with the House of Representatives, the reasonable, bipartisan tax relief that we have passed may be replaced with partisan priorities that do not serve the best interests of average Americans. The House-passed bill does not provide any relief from the alternative minimum tax but instead extends the capital gains and dividend tax cuts beyond 2008. In my own State of West Virginia, fewer than 17 percent of taxpayers reported any taxable dividend income, and fewer than 11 percent of taxpayers had any taxable capital gains. Indeed, nationwide, more than half of the benefits of these investor tax breaks goes to people with more than $1 million in income. The Senate must insist that AMT relief now is a higher priority than investor tax breaks 3 years down the road.

The impact on the deficit, facilitated by the reconciliation process, is also a serious concern. I supported a substitute amendment offered by my colleague, Senator CONRAD, which would provide all of the same tax relief but would have taken the fiscally responsible step of offsetting the losses to the Treasury. The cost of this bill could be covered by closing tax loopholes and insisting that corporations and individuals are not able to avoid taxes by gaming the system, including in some cases by simply abandoning their U.S. citizenship. I was disappointed that my colleagues did not support this fiscally responsible course at a time when the Treasury Secretary has informed us that the Congress already needs to increase the national debt limit to $9 trillion.

These reservations, and indeed the declared intention of some of my colleagues on the other side of the aisle to add investor tax breaks during conference, prevented me from supporting this legislation when the Senate first considered it last November. As I said at the time, and I would still prefer, the reasonable tax relief contained in this Senate bill could be passed using the normal legislative process, garnering well more than 60 votes.

However, earlier this month, I supported this Senate bill after two important improvements. First and foremost, the mine safety tax incentives were added to this bill. As a representative of so many coal miners and their families, I will do all I can to advance measures that encourage additional investment in mine safety. I was also encouraged that during consideration in early February, the Senate passed an amendment offered by Senator MENENDEZ, by a vote of 73 to 24. That amendment expresses the sense of the Senate that relief from the alternative minimum tax should take precedence over any additional tax cuts for capital gains and dividend income.

I hope to work with my colleagues as differences between the House and Senate bills are resolved. I hope that we can work together to enact reasonable tax relief that enjoys broad bipartisan support. And I will fight to be sure that the tax incentives for investment in mine safety are maintained in the final legislation.

FAIRNESS IN ASBESTOS INJURY RESOLUTION ACT OF 2005—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

> A bill (S. 852) to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Pending:

> Frist (for Specter/Leahy) amendment No. 2746, in the nature of a substitute.
>
> Specter modified amendment No. 2747 (to amendment No. 2746), to provide guidelines in determining which defendant participants may receive inequity adjustments the Administrator shall give preference.
>
> Kyl amendment No. 2754 (to amendment No. 2746), to reduce the impact of the trust fund on smaller companies and to expand hardship adjustments.

The PRESIDING OFFICER. The motion to waive the point of order is the pending question.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the point of order which has been raised has no substance on the merits. The point of order has no substance on the merits because there is no Federal funding involved in the legislation which creates a $140 billion trust fund. All of the money comes from private sources, from manufacturers, and from the insurance companies under the agreement reached by Senator FRIST, the Republican majority leader, and then-Senator Daschle, the Democratic minority leader, establishing this trust fund.

The Congressional Budget Office filed a letter yesterday, February 13, on the substitute which was offered. Instead of having a managers' package of some 47 amendments, which could have been considered one by one, they were added to the original text of S. 852 as a substitute bill.

The Congressional Budget Office letter made the essential conclusion that the substitute is budget neutral. The key paragraph reads as follows:

> CBO also estimates that, so long as the fund's administrator does not borrow amounts beyond the means of the fund to

> repay (as the bill would require), the government's general funds would not be used to pay asbestos claims. Furthermore, section 406 of the bill states that the legislation would not obligate the federal government to pay any part of an award under the bill if the amounts in the asbestos fund are inadequate.

This is the crucial line:

> Thus, CBO concludes that the legislation would be deficit-neutral over the life of the fund.

So as a matter of the merits, the point of order has no substance because there is no Federal funding involved.

The argument which was made last Thursday by the Senator from Nevada, Mr. ENSIGN, was that some future Congress might obligate the Government to pay money. The obvious response to that, which I made on Thursday and repeat now, is that this Congress should not try to bind what some future Congress may do. It is difficult enough for us to decide what is the appropriate course of action in the year 2006, without trying to look ahead, as this budget point of order contemplates, for a 10-year period, from the year 2016 to the year 2055, on payments in excess of some $5 billion over a 10-year period.

The underlying merits of the bill, I think, have been established. You have a chaotic situation today where litigation costs on asbestos claims eat up 58 cents on the dollar, so that claimants only get 42 cents on the dollar. This has resulted in some 77 companies going bankrupt. Some $70 billion has been expended. The courts are overburdened, leading the Supreme Court of the United States to ask the Congress, on several occasions, to deal with this problem.

This legislation has been drafted and analyzed and amended and modified, I think, more than any bill in the history of legislative action. I know that is a grandiose statement. I made it last week, and I repeat it today. I would challenge anybody who knows of any bill which is as complicated to step forward.

Shortly after the bill was reported out of the Judiciary Committee in July of 2003, I asked a distinguished senior Federal judge, Edward R. Becker, who had been chief judge of the Third Circuit, to undertake the mediation of the great many complex issues involved. For 2 days in August of 2003, Judge Becker and I met with about 20 so-called stakeholders in his chambers in Philadelphia, the stakeholders being the manufacturers, the insurers, the trial lawyers, and the AFL-CIO, to try to work through the problems.

Since that time, there have been some 36 meetings held in my office. We reported a bill out of the Judiciary Committee last May 26. We have accepted a great many amendments and are here today to move ahead with the amendment process.

I have urged my colleagues and have talked to most of the Senators on an individual basis, and visited many of my colleagues in their offices, talked to many more on the floor when we have had a break in between votes. When I have talked to people and explained to them the intricacies of this complex legislation, the responses have been good. There is a proposal for a medical criteria bill. I think that is not a preferable solution because it would not provide a fund for the employees of companies which have gone bankrupt, nor would it provide funds for the veterans who have sustained their damages at shipyards or in military service. But that is something which could be debated and voted upon before cloture is invoked, or perhaps a germane amendment can be drafted which would survive cloture, which is scheduled for tomorrow.

But, in any event, it is my expectation that we ought to be ready to vote some time this afternoon. So I urge any of my colleagues who have anything to say about this budget point of order to come to the floor so we may debate the issue and be prepared to vote.

In the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, the distinguished Senator from California is preparing to take the floor.

I wish to present a chart. I am not big on charts, but I think this is one which has some special significance; and that is, there were some projections which were made by the Senator from North Dakota, Mr. CONRAD, last week about asbestos claims going up, which is simply not factual. The fact is—as this chart shows—these are findings from the Congressional Budget Office, which show the projection of asbestos claims in a sharp decline. This is based upon the fact that the latency period for asbestos to produce damage is some 30 years. They are going to be on a sharp decline, which is one of the reasons the Congressional Budget Office has estimated that $140 billion is more than sufficient.

The other chart I want to put up is the key paragraph which comes from the Congressional Budget Office report. This is the critical paragraph in which CBO concludes definitively that the FAIR Act is deficit neutral:

> CBO also estimates that, so long as the fund's administrator does not borrow amounts beyond the means of the fund to repay (as the bill would require), the government's general funds would not be used to pay asbestos claims. Furthermore, section 406 of the bill states that the legislation would not obligate the federal government to pay any part of an award under the bill if the amounts in the asbestos fund are inadequate. Thus, CBO concludes that the legislation would be deficit-neutral over the life of the fund.

The line in red is the conclusion, which is the most emphatic: "Thus, CBO concludes that the legislation would be deficit-neutral over the life of the fund."

So what you have here is a private trust fund taking care of people who have asbestos-related injuries, where the companies have gone bankrupt and they have no one to collect from, where you would be stopping the tremendous clogging of the Federal courts, where the Supreme Court has asked Congress to act, and where you have a situation where people can collect for their damages.

I note the Senator from California is on the floor of the Senate. So at this time, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the chairman of the committee. I note that the ranking member is here also. If he would like to go ahead of me, I have no problem with that.

Mr. LEAHY. Mr. President, the Senator from California has been a strong and consistent voice on this issue. I will follow her. Thank you.

Mrs. FEINSTEIN. I thank the Senator very much for that.

Mr. President, let me give you at least my bottom line of this bill. Up to 2004, 74 American companies had been bankrupted. Salaries have been diminished for a large number of people. More people are thrown into the unemployment market as a product of bankruptcy. Victims receive less than 50 percent on the settlement dollar. Those are facts. It is deeply disturbing to me. I deeply believe that a no-fault fund, which has a medical board that evaluates the medical condition of an individual and automatically grants that individual an amount of money, is a much sounder way to go.

Now, clearly, this is complicated legislation and there are difficult and technical issues involved. But a lot of misinformation has plagued the asbestos debate, and it continues to be repeated. I cannot say we have a perfect bill, but we have tried, and tried very hard. This has not been a take-it-or-leave-it bill. The chairman and the ranking member have been open to suggestions. They have been open to requests for amendments. There will be a substitute amendment that further refines the bill.

Today, I want to discuss the concerns raised by those who oppose the bill and provide what I hope are important points.

On Thursday, one Senator argued:

> It really comes down to a very basic question—the question of whether or not this bill has been carefully crafted, whether or not it contains enough money in the trust fund to

compensate the hundreds of thousands of asbestos victims that will have to count on it.

Let me address the beginning of that statement, Mr. President. I cannot think of any other bill where more time, more effort, and more man-hours have been committed to thoroughly understanding and trying to address all of the complex issues, and even to respond to the hypothetical issues that might potentially come up. The drafters of this legislation have worked for literally thousands of hours through the process of dozens of meetings over the past six years. The Judiciary Committee has held at least 8 hearings on the asbestos bill—4 just in the past year—and has heard testimony from 57 witnesses. We have met with experts from all sides who currently evaluate asbestos claims and make statistical projections for companies, for victims, and the courts. We met with doctors, victims, corporate CEOs, and general counsels. We met with trial lawyers, insurance representatives, and individuals who work for asbestos bankruptcy trusts.

I recognize that there are real concerns from the opponents of the bill. Some people are unsatisfied with some of the compromises that have been incorporated. But to assert that the legislation was not carefully drafted is one argument that has no basis in reality.

Now for the second part of the argument. Again, it is important to remember the history. Through this extensive consultation process, it became clear that there was an expected range of claims that could come into the fund. From this, several different experts, including Goldman Sachs, calculated the amount of funding necessary to cover the claims' values that the bill provided and the number of claims that the fund would pay based on the range of claims.

We learned that the amount necessary to create a national trust was between $90 billion and $155 billion. The legislation now on the floor has funding of $140 billion—clearly, on the high side of the range of what the technical experts expect.

I also think it is important to remember that previous versions of the asbestos bill had significantly less guaranteed contributions. S. 1125 provided $108 billion, with a $45 billion contingent fund. S. 2290 provided $104 billion, with a $10 billion contingent fund. However, each of these bills assumed that part of the money to pay claims would be collected through interest on savings. They did not meet the full funding through guaranteed contributions by businesses and insurers as this bill does. That is a significant difference.

The underlying assumption of the prior two bills was that the amount of money being paid into the trust would be more than sufficient to pay claims and, instead, there would be an excess that the administrator could invest to help build the trust fund's assets. So the amount of money being paid into the fund was much less than $108 billion and $104 billion. In addition, neither of those bills contained provisions to guarantee that the remaining companies would be required to make up any potential shortfall. Yet the bill on the floor of the Senate today is over $30 billion above S. 1125 and S. 2290 in guaranteed contributions, with no contingency funding.

In addition, when the CBO was asked to evaluate how much money the fund would need to pay claims, it projected that "the proposed fund would be presented with valid claims worth $120 billion to $150 billion." This is the CBO language:

> CBO expects that the value of valid claims likely to be submitted to the fund over the next 50 years could be between $120 billion and $150 billion, not including possible financing (debt service costs) costs and administrative expenses.

Again, $140 billion is well within the expected range. I think it is also important to note that throughout the process, the medical criteria has been tightened. I don't believe anybody really speaks to this. One category of claims—individuals who had lung cancer but no underlying asbestos markers—has been eliminated from the bill. An Institute of Medicine study has been added to the legislation that requires an evaluation of the link between asbestos exposure and cancer, other than lung cancer. If that link cannot be established by the IOM, then those claims will not receive compensation. With these modifications, the number of claims coming into the trust will be substantially reduced.

Finally, many protections have been put in place that ensure that if, in the long run, the trust does not have sufficient funding to cover all claims, individuals will be returned to the tort system—the very solution opponents are advocating now. So if the trust were to run out of money, the individual would go back to the tort system.

Some opponents also argue that passage of this act would lead to federalizing the responsibility for asbestos claims. We just heard this in the Democratic Caucus. It is this argument that is being used to make the case for a budget point of order against the bill. Some opponents have argued that the trust creates a new, albeit capped, entitlement for claimants. However, this statement is very misleading.

According to the Congressional Research Service, entitlement programs are a form of mandatory spending which require the payment of benefits to persons if specific criteria established in the authorized law are met. If one only looked at the first part of the definition of entitlement, this concern may be understood. However, CRS further states that entitlements are not subject to discretionary appropriation from Congress. Instead, they are subject to mandatory appropriations. Entitlement payments are legal obligations of the Federal Government, and beneficiaries can sue to compel full payment. This is not the case here.

Let me state that again. This is not the case here. The trust fund created by this legislation will be privately funded. The money collected for the trust comes from businesses and insurance companies. It does not come from the U.S. Treasury. While some opponents acknowledge that the Federal Government must play a role in the trust fund for it to be classified as an entitlement, they inaccurately conclude that if an individual satisfies the medical criteria and filing deadlines, then he or she is entitled to compensation from the Federal Government. This is not true.

Although the program will be housed in the Department of Labor, the bill ensures that all expenses, including administrative expenses, are paid by the moneys collected from businesses and insurers. In addition, as an extra protection, it is expressly stated several times throughout the bill that the United States, or the U.S. Treasury, will in no way be required to satisfy any claim or any costs if the amount in the trust is inadequate.

This bill expressly provides:

> Repayment of moneys borrowed by the administrator is limited solely to amounts available in the fund.

It also states that nothing in this act shall be construed to create any obligation of funding from the U.S. Government, including any borrowing authorized. Read section 406(b). This is what the opponents say is not there. This is the face of the bill. It is there:

> Nothing in this act shall be construed to create an obligation of funding from the United States Government . . . or obligate the United States Government to pay any award or part of an award, if amounts in the fund are inadequate.

I don't know what better guarantee there can be. If someone can suggest one, I am sure the chairman and the ranking member, and certainly myself, would agree to add it to the bill. With these explicit statements throughout the bill, it is abundantly clear that this legislation will not be a burden on the U.S. Treasury.

While Congress can obviously pass any law it so chooses in the future, this bill specifically states multiple times in the text that taxpayers and the U.S. Treasury will in no way be required to cover any shortfall, any administrative costs, any debt or interest costs, or any costs incurred by the trust fund. Therefore, the only way taxpayers will be called upon to subsidize this legislation is if a future Congress chooses to pass, and the President signs, new legislation which would create such an obligation. This seems to me very unrealistic and highly unlikely. But even if it were to come to pass, we should not defeat this bill because of what some other Congress and some other President may or may not do at some time in the future.

Opponents also argue that the Federal Government's liability is likely to arise through the debt service. They argue that the administrator could borrow beyond the fund's ability to repay the Treasury.

I wish to respond to that. This statement ignores the plain text of the bill. The administrator's ability to borrow funds from the Federal Financing Bank is only available for the first 5 years. Section 221 states:

> The administrator may borrow from the Federal Financing Bank in accordance with section 6 of the Federal Financing Bank Act of 1973 as needed for performance of the Administrator's duties under this Act for the first 5 years.

So for the first 5 years, there can be some borrowing. How is that borrowing limited and how is the loan paid back? This same section specifically limits the borrowing capacity of the administrator so that he or she may not overextend the fund's assets by borrowing beyond what the trust fund will be able to repay.

Again, section 221 states:

> The maximum amount that may be borrowed under this subsection at any given time is the amount that, taking into account all payment obligations related to all previous amounts borrowed in accordance with this subsection and all committed obligations to the fund at the time of borrowing, can be repaid in full with interest in a timely fashion from the available assets of the fund as of the time of borrowing, and all amounts expected to be paid by participants during the subsequent 10 years.

So it requires the administrator to look at what he or she could potentially repay and what contributions are still outstanding. It is hard to believe that any private lending institution would risk lending money to the trust fund which it could not clearly repay in the future. However, even if some private institution decided to take that risk, the bill specifically prohibits the administrator from entering into such a financially risky transaction.

As I just read, the explicit language in the bill limits the administrator's borrowing capacity to an amount that can be repaid in full with interest from the available assets of the fund as of the time of borrowing and all amounts expected to be paid by participants during the subsequent 10 years.

Finally, those who support the budget point of order argue that collection of the contributions by the businesses and insurers could fail to materialize, leaving the U.S. taxpayer on the hook to cover the costs, and we should look at that. We should look at it very carefully. But this ignores explicit provisions contained in the legislation.

Senator LEAHY and I fought hard to ensure that the payment obligations included in the bill were enforceable and guaranteed.

First, the bill gives the administrator enforcement authority to compel payment by the companies, both defendant businesses and insurers alike.

Let me quote section 223. It provides:

> If any participant fails to make any payment in the amount of, and according to, the schedule under this Act or as prescribed by the Administrator after demand and a 30-day opportunity to cure the default, there shall be a lien—

Not there may be a lien; there shall be a lien, mandatory language—

> for the amount of the delinquent payment (including interest) upon all property and rights to property, whether real or personal, belonging to such participant.

The participants of the fund are liable for the maintenance of the fund. I don't see how it could be any clearer.

The chairman of the committee who is the author of this bill is in the Chamber. If someone has an amendment and comes to the chairman and says: Look, we think there is an oversight here or there, it could be tightened up by doing X or Y, I am sure this chairman will listen. But the language is very specific: If any participant fails to make any payment in the amount in the schedule under this act or as prescribed by the administrator after a demand and 30 days to pony up to cure the default, there shall be a lien for the amount of the payment, including interest, upon all property and rights to property. That includes every big business, every big insurance company, everyone that is in this fund, and it is only within that initial period that the administrator can, in fact, borrow. So how people come to the conclusion that the Government is on the hook for $40 billion I will never understand. If the company refuses to pay or fails to pay, the administrator must get a lien from a court on the company's assets in order to compel payment.

Secondly, the bill ensures that if any one company cannot pay its obligation under the trust fund—and this is important—if any one company can't pay its obligation under the trust fund, the other companies must shoulder the cost.

Specifically, section 204(h)—please read it, opposition—Guaranteed Payment Surcharge, states that if the required contribution does not come in,

> The administrator shall assess a guaranteed payment surcharge.

Here it is, section 204(h)(3):

> To the extent it is insufficient to satisfy the required minimum aggregate annual payment, the administrator—

Not may—

> shall assess a guaranteed payment surcharge.

So the administrator shall collect any shortfall in contributions from other defendant companies. This legislation contains specific language to require that companies pay and that if the enforcement mechanism should fail for any reason, the the money still comes into the trust through payments from other companies.

With explicit language protecting the American taxpayer and the U.S. Treasury from ever having to contribute to the fund, with explicit language limiting the administrator's borrowing authority, and with explicit language ensuring that the anticipated contributions are made, this legislation makes it abundantly clear that in no way, shape, or form can the trust harm the Federal budget.

Opponents of the bill argue that those of us who support the bill have "significantly distort[ed] CBO's conclusions" and, at the same time, they assert that CBO "likely understates" the amount of money needed for the trust. They argue that because CBO uses qualifiers in their estimates such as acknowledging uncertainties in calculating the number of claims and the amounts to be paid, that one must draw the conclusion that CBO actually believes the cost to be much higher than that which is contained in their paper. Yet time and time again, when CBO has been asked to review their estimate and make changes based on new information, including the rather notorious Bates White study, they have declined to make changes. I was in that hearing; I heard the Director of CBO decline to make changes directly after the Bates White testimony. With each request, CBO has refused to alter its estimate of the projected costs. This is what they said in a letter to Chairman SPECTER dated December 19, 2005:

> The Bates White Report contains no new information that would cause CBO to revise its cost estimate.

The size of the fund is based on the strongest statistical data and economic models available. Now, that is the best that is out there. That is the state of the art. Some can say it isn't enough. I can't counter that. All I know is that the committee sought the best, the committee sought the most responsible.

As I said on the floor previously, a leading actuary with Tillinghast-Towers Perrin, an actuarial firm for the Manville Trust, testified before the committee that "$108 billion appears to be more than adequate," and the RAND Institute estimates the future remaining costs of asbestos-related loss and expense at $130 billion. In addition, the new projections calculated by Tillinghast also confirm that the contributions to the asbestos trust fund should be sufficient.

While opponents argue that the latest Tillinghast studies support their argument that there is inadequate funding, a closer analysis reveals that the new Tillinghast projections are actually in line with the projections used to calculate the money necessary to pay claims under the bill. Let me tell you how that happens.

The new Tillinghast claims projections include claims for foreign exposures as well as Manville's level VI cancers. Both of these categories of claimants are ineligible for compensation under this bill's medical criteria. When these changes are accounted for and the Tillinghast numbers are adjusted, their new projections fall squarely within the range that the asbestos trust fund is based on, and the adjusted Tillinghast numbers are actually less than CBO's projections.

In addition, by using a no-fault administrative system, the fund will significantly reduce the substantial transaction costs of the current tort system, costs which almost all experts agree consume more than half of the total amount paid out for asbestos claims.

Remember at the beginning I said that one of the most startling things to me was to realize what happens with settlements, what happens to the dollars of settlements. The fact is that 61 percent of all of the settlement monies go for defendant costs, go for plaintiff costs, go for court costs, go for legal fees. Sixty-one percent. Sixty-one percent, then, of any tort court sum goes not to the victim but to lawyers and to tort costs.

In addition, by using a no-fault administrative system, the fund significantly reduces the substantial transaction costs of the current tort system: (A) you don't need a lawyer; and (B) if you want to come in with a lawyer, that lawyer is limited to a 5-percent fee—not 30, 40, 50, 60, or 70 percent of a recovery, but 5 percent.

According to the RAND Institute, 58 percent of the money spent on asbestos claims goes toward attorney's fees—31 percent to defense attorneys, and 27 percent to plaintiff attorneys.

I urge everyone to read the RAND Institute's recent study. It is 168 pages. It describes what is happening in the tort system, and it is an independent, very good analysis.

The bottom line: The asbestos bill needs less money to pay victims fair compensation since it eliminates these transaction costs which drain money away from the individual.

This bill as amended obligates defendant and insurer participants to contribute $136 billion—that is a lot of money—$136 billion to the fund, and at least $4 billion more would be contributed from confirmed bankruptcy and other asbestos compensation trust funds. In fact, CBO recently estimated that the amount to be contributed by bankruptcy trusts will likely be around $8 billion. Here is what CBO said:

> The value of cash and financial assets of the asbestos bankruptcy trust funds would be $7.5 billion in 2006 and $8.1 billion when liquidated.

As I stated previously, if the projections are wrong and the amount of money available proves to be insufficient in the long run, victims will be allowed to return to the courts. With this safety net, the legislation ensures that no one is left without an avenue of recourse.

Some people have said there is a lack of certainty. A lack of certainty is not unusual when projecting what might occur in the future for the Federal budget or for future programs. I do not believe that uncertainty or ambiguity necessarily leads to the conclusion that the trust fund will require more funding. But I would hope opponents would view the ambiguities for what they are—an acknowledgment that no one can predict the future with 100 percent certainty, and the best anyone can do is make projections using sound statistical analyses, which this committee's bill has attempted to do.

We don't know how many people have been exposed to asbestos and, of course, who will develop a disease—nor can we possibly know. However, that should not mean that we do nothing, that we let the present system, which we know is not good, prevail. That does not mean that the analyses and projections that have been done are useless, not valuable, or inaccurate. Instead, we have to find the best projections available, the most sound, the ones that are based on sound calculation and real-world experience of other trusts. That is what this legislation does.

Another argument made by opponents is that there will be additional costs related to the debt service that could overwhelm the trust. Some have declared:

> Debt service contributes greatly to the trust fund's insolvency, underlining the severe mismatch between the timing of payments into the fund.

Opponents have said that this conclusion is based on the argument that there will be a flood of claims at the start of the trust. However, this concern has also been examined and addressed through the process of drafting this bill. The so-called upfront funding has been significantly increased to the point where the trust fund now will have $42 billion in the first 5 years to pay claims. Under S. 2290—the old bill—the administrator would have collected up to $19 billion during the first 3 years and only $29 billion in the first 5 years. The difference is $15 billion has been added to the upfront funding of this bill. That is a 30-percent increase in the startup funding from what was provided in the bill last Congress.

In addition, the Judiciary Committee adopted an amendment to speed up the initial contributions by insurers, defendant companies, and bankruptcy trusts so that the administrator can pay claims quickly.

Section 204 requires the defendant companies to pay their initial payment within 90 days from the date of the enactment, and we are very serious about that. Section 212 requires the insurers to make their first payment within the same time line. And Section 402 requires the bankruptcy trusts to also make their first payment within the first 90 days.

Here is what the bill says:

> Each defendant participant shall file, not later than 90 days; insurer participants, not later than 90 days.

This is bill language.

> The assets in any trust established to provide compensation shall be transferred to the fund not later than 90 days after enactment.

So everything is done in this bill to move a fast start forward. Within 3 months, the administrator will have collected initial payments from all the participants and will have almost $9 billion.

Next, the bill includes a streamlined process to settle claims of terminally ill individuals immediately—immediately—upon enactment of this legislation. That is what is so attractive to me. Someone who has a very short time to live, someone with mesothelioma, has a chance of getting paid upfront, right away—much more than a chance, a commitment. This provision ensures the terminally ill individuals will have their claims processed quickly, and it should resolve some of the most pressing and most expensive claims before the trust is up and running so that there will not be an overwhelming flood of claims filed with the trust on day one.

Senator SPECTER included language in the statute of limitations to give individuals sufficient time to file their claims—5 years—so there will not be a need to rush to the fund for fear of being cut off and the administrator and the medical board can concentrate on the sickest people first.

Finally, as I mentioned previously, there are tight restrictions on how much the administrator may borrow for the express purpose of ensuring that the trust does not face a shortfall simply because of a debt service problem.

I would like to address the Bates White study in a little more depth. When opponents argue that the projections are too low, many of the arguments made to support this conclusion appear to be based on the Bates White study.

During consideration of this legislation, the Committee held a hearing on the Bates White study and asked CBO to review its conclusions. I was present and listened carefully to the testimony. Several criticisms and concerns were raised about the Bates White study, its assumptions, and its methodology. Witnesses before the Committee made several points that significantly undermined the credibility of the Bates White study.

First, witnesses argued that the Bates White study overestimated occupational exposure. In determining the overall number of individuals who could recover from the bill the Bates White study appears to have counted every employee who ever worked in an industry where there was asbestos exposure. This conclusion was reached by comparing the Bates White study to the Nicholson study.

The Nicholson, Perkel and Selikoff study, conducted in 1982, set the standard on this subject and is considered the most comprehensive asbestos study. It provides a good foundation for estimating the future cases of asbestos disease, and has been utilized in many of the models to develop future asbestos disease claims projections, including claims projections made for the Manville Trust. Yet, Bates White's conclusions are almost triple Nicholson's.

Navigant is a consulting firm that has worked on asbestos claims since the 1980s doing evaluations of claims projections and costs to companies. During the hearing, Navigant's witness explained that this discrepancy seemed to occur because Bates White simply used a straight percentage of the total U.S. workforce, whereas Nicholson conducted an extensive analysis of the industry and occupational exposure to asbestos.

Next, Bates White did not make a distinction in its calculations between exposed populations and eligible populations. This means that in the Bates White study it appears that every person who was ever exposed to asbestos was counted as eligible under the trust fund. However, not all individuals who are exposed to asbestos will become sick, nor will all individuals who are exposed to asbestos be able to meet the medical criteria and the exposure requirements necessary to receive compensation.

While considering asbestos legislation, several witnesses have pointed out that just because someone may have been exposed to asbestos at some point in their lifetime, it does not follow that they will become sick or will qualify for payment. I think this is an important point and is feeding some of the misperceptions around this bill. The science has not determined that every person who is exposed to asbestos will get sick.

This is true not just because each individual is different from one another and has differences in their immune systems, but because developing an asbestos-related disease usually requires prolonged and sustained exposure. Asbestos is a naturally-occurring mineral and most of us have been exposed to asbestos dust simply by walking outdoors. However, the current science concludes that casual contact is rarely sufficient to develop an asbestos disease.

Dr. James Crapo is Professor of Medicine at the National Jewish Medical and Research Center. He has more than 25 years of experience with asbestos-related issues, including medical research and clinical treatment of patients suffering from asbestos-related diseases and has published in the field of environmental toxicology, including the basis of asbestos-induced lung injury.

He testified that:

> All of us are exposed to asbestos from the environment and consequently have asbestos in our lungs. This background level of exposure does not cause any asbestos-related disease. Those diseases normally require substantial occupational exposures or the equivalent.

In addition, the Navigant and the labor witnesses pointed out that the Bates White study did not seem to take into account that exposure rates within certain occupations decreased over time. This means that the Bates White study did not account for the fact that as companies became more aware of the dangers of asbestos they often did more to protect their workers.

The committee also heard from Dr. Laura Stewart Welch, a board-certified physician in internal medicine and occupational medicine. She has an active medical practice and treated many workers with asbestos-related disorders. She is currently medical director for The Center to Protect Workers Rights, a research institute affiliated with the Building and Construction Trades department of the AFL–CIO, and has authored over 50 peer-reviewed publications and technical reports in the field of occupational and environmental medicine, including papers describing the findings of asbestos-related disease in this group of construction workers.

She pointed out that the overall number from which Dr. Bates calculated the claims that will go into the trust is at least ten times too big. She explained that Dr. Bates extrapolated from a study that uses 2–3 fiber years as the basis for what constitutes significant exposure. The reference to fiber years is a way to calculate how much asbestos an individual has been exposed to. However, the legislation requires at least 25–40 fiber years to constitute significant exposure. So the legislation requires a much higher level of exposure to qualify.

Witnesses concluded that by failing to adequately consider each of these factors, the Bates White study provided a significant overestimation of claims.

Next, the committee heard testimony that argued the estimates made by the Bates White study do not reflect current experiences. The Bates White study asserts that by creating a no-fault system there will be a huge increase in filing of other cancer claims because it is no-fault rather than the adversarial system in the courts. However, the Manville Trust has similar, and in some cases exactly the same, medical criteria as the criteria in the FAIR Act, and it does not have litigation costs nor the deterrent of the adversarial system.

The Manville Trust was formed in 1988, and is the first and largest asbestos trust. In fact, it is not just the largest asbestos trust, but it is the largest toxic tort or personal injury trust of any kind. As of mid-2005 the trust had paid about $3.3 billion to settle 655,096 claims. The Manville Trust has gained so much experience in the field of asbestos claims settlements that it plans to begin offering claims-resolution services to other companies. Therefore, the experience of the Manville Trust should be considered a fair starting point for projections.

When comparing the Bates White study to Manville, witnesses from the committee hearing asserted Bates White projections are four times higher for other cancers than Manville. This was viewed as well outside a reasonable difference.

In addition, witnesses pointed out that there are several evidentiary requirements that do not seem to be adequately accounted for. In the two areas where the Bates White study predicts significant growth in claims, it does not account for the role of the physicians panel which is made up of three doctors who will personally review claims.

Lastly, the committee heard from experts who stated that the Bates White study used a methodology that has not been accepted by the unions, businesses, insurers, trial lawyers, CBO, the current bankruptcy trusts, or the courts now hearing asbestos cases.

For all these reasons, many of us concluded that the Bates White analysis fell far outside acceptable ranges for projections. To be clear, throughout this process both the AFL–CIO witness as well as business witnesses disputed the assumptions underlying the Bates White study and rejected its conclusion.

The next argument used by opponents is that the asbestos trust fund is going to fail because other trust funds have failed. This is not a new concern. In fact, throughout the process we looked at previous trust funds and attempted to evaluate the problems that arose.

The Black Lung Disability Fund was established by the Black Lung Benefits Revenue Act to pay black lung benefits to eligible miners whose mine employment ended before 1970 or whose employers were no longer in existence and therefore could not be assigned liability for their benefits. It was funded by excise taxes levied on coal sold by mine operators, but the Act includes language for repayable advances to the fund from the U.S. Treasury. This meant that when the Black Lung Trust Fund's resources were inadequate to meet its obligations the U.S. Treasury could advance the fund money to cover the costs. This provision is intentionally not included in the asbestos bill and instead language stating the opposite is included.

It is true that the number of black lung benefit claims were vastly underestimated and the costs of the black lung program were also underestimated. However, while the Black Lung Fund's costs were to be paid by industry, by 1977, 7 years after enactment, industry had made very few payments to the fund. The fund then sustained a deficit and the U.S. Treasury had to pay claims because of this default by mining companies. We did not ignore the problems created by the Black Lung Fund, rather we included several provisions in the asbestos bill to prevent this situation from taking place.

They are: explicit language prohibiting the Administrator from requiring any costs to be paid by U.S. Treasury; limits on borrowing authority and capacity; strong enforcement provisions if businesses default; requirements that other companies cover any potential shortfall; and reversion to the tort system if the trust runs out of money. I have already discussed the language in the asbestos bill to ensure that the business and insurer contributions are made and enforced, and to limit how much the administrator may borrow.

Finally, I would like to address an overarching concern that has been repeated throughout the debate. Interestingly, opponents keep arguing for 100-percent certainty. I don't know when we are ever provided 100-percent certainty. Congress is supposed to look at all the information available, hold hearings, raise questions, draft legislation, offer amendments and then try to pass a statute. That is exactly what has been done here.

Senators SPECTER and LEAHY have gone well beyond what is normally done around here to address problems. Every time an issue has been raised, they have tried to address the problem and find a solution. This stands in sharp contrast to the take-it-or-leave-it process that often describes legislative craftsmanship.

To now hear my colleagues express such an intense level of outrage that the bipartisan bill before the Senate does not contain adequate certainty or enough compromises is hard to swallow. To argue that a bill should not move forward because there might be unintended consequences would mean we would almost never pass legislation. And if we can't pass legislation unless we can guarantee there will never be an unintended outcome, then we might as well pack up and go home.

I should say I think this is a very important bill. Let me end with what I started. People who think the tort system is the way to go, who think it is OK that 61 percent of the settlement dollars go to transaction costs, who think that the victims who do not get this money are best served by the tort system—they are going to vote to sustain the point of order against the bill.

For those of us who believe it is the sickest victims who are going to be best taken care of in this trust, that this trust sets up an orderly and medically oriented protocol for a no-fault trust system and that victims are going to benefit from it and businesses will cease going into bankruptcy because of it, if you think that is a worthy thing, then you will vote for us.

I thank the Chair. I particularly thank the chairman and the ranking member of the committee. This has not been an easy bill. I truly believe they have both done a wonderful job, in the finest interests of the Senate, by working together across the aisle.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Vermont.

Mr. LEAHY. Mr. President, parliamentary inquiry: Are we operating under controlled time?

The PRESIDING OFFICER. We are not.

Mr. LEAHY. Mr. President, first, I thank the distinguished Senator from California. She has talked about the daunting hours the senior Senator from Pennsylvania has put in on this legislation, as well as those of us who have been concerned with it.

I note the Senator from California has spent those hours with us. She has been there, her staff has been there—I don't know how many times I have received calls that start with: Patrick, I have been thinking about this—and off we go. Usually, that is about points to which I should be paying more attention. All of that has gone toward a better bill.

The senior Senator from Pennsylvania is not on the floor looking for praise, but I am going to take a moment to praise him from this side of the aisle. I do not know a single Senator, Republican or Democrat, who came to him and said: I want to talk to you about this, who was not given a fair, thorough hearing. If they had a better way of doing it, the Senator from Pennsylvania would say: Let's consider it. He and I would talk about it, and if we were convinced it was a better way, it became part of the bill.

I have been here 31 years, as I am sometimes wont to say. My children remind me they had forgotten I was that old. But I have been here 31 years, and I very rarely have seen a chairman of either party take that much time and effort to accommodate every single Senator. I applaud my friend from Pennsylvania for doing that.

But the proof comes in the pudding. Because he did do that, we have an even better bill than when we started. We spent several years on this. I recall conducting one of the first hearings on this several years ago. We have done this through two different Congresses. We have had numerous markups, and we have come out with a better bill. It is on the floor now because it is the aggregate of great ideas.

This is why the point of order is so frustrating, the point of order that the nonpartisan Congressional Budget Office said they would not expect this legislation to add to the Federal debt. Yet we still have to face this point of order because the point of order has become for many a backdoor way of killing this bill. If it is done to kill the bill, Senators should ask themselves what they are then faced with? I will tell you what they are faced with. They are faced with thousands upon thousands of victims—and we are all for the victims. Lord knows everybody said that. But if you vote to sustain this point of order what you are telling thousands upon thousands of victims is: You are on your own. You probably have no chance of getting the recovery you would have here.

Certainly, you tell all those veterans who have no place of recovery that they are gone. That is why every single veterans group I can think of has endorsed the legislation, the Specter-Leahy legislation. They have endorsed it. That is why all those veterans organizations said: Don't vote to sustain this point of order.

I have a great deal of respect for the Senate Budget Committee. Certainly, I do for my friend, the ranking member, and my friend the chairman. But I disagree with any position that says this legislation would add to our deficit. If you fully read the text of our legislation and the testimony of the Congressional Budget Office and the recent analysis of the fiscal impact of this legislation, it does not support the point of order. We have heard people who are opposed to this say that somehow a privately funded trust will add to the Federal debt. This week, the Congressional Budget Office made it very clear that the trust fund set up under this bill does not add to the Federal debt. CBO stated in its letter that "the legislation would be deficit neutral over the life of the fund."

I ask unanimous consent that that letter from CBO be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 13, 2006.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: At the request of the Committee on the Budget, the Congressional Budget Office (CBO) has reviewed Senate Amendment No. 2746 to S. 852, the Fairness in Asbestos Injury Resolution (FAIR) Act of 2005, a substitute amendment that was printed in the Congressional Record on February 9, 2006. This review addresses the amendment's year-by-year budgetary impact over the first 10 years, its aggregate impact in succeeding 10-year periods, and its cumulative budgetary impact over the life of the proposed Asbestos Injury Claims Resolution Fund (Asbestos Fund). It also addresses the potential costs of intergovernmental and private-sector mandates in the legislation.

BUDGETARY IMPACT

Assuming that the bill as amended is enacted before the end of 2006, and based on the assumptions underlying our August 2005 cost estimate for S. 852, CBO estimates that payments to eligible claimants, start-up costs, investment transactions, and administrative expenses of the Asbestos Fund would total about $64 billion over the 2006–2015 period (excluding debt-service costs). Those sums would appear in the federal budget as direct spending (see the table below). Over the same 10-year period, we estimate that the fund would collect about $58 billion from firms and insurance companies with past asbestos liability and from certain private asbestos trust funds. CBO expects that those sums would be treated in the budget as federal revenues. In addition, the Joint Committee on Taxation (JCT) estimates that enactment of the legislation would lead to a reduction of about $1.1 billion in receipts from corporate income taxes over the 2007–2015 period; this would affect the budget totals but would not affect the balances of the Asbestos Fund. Thus, CBO estimates federal revenues would increase by about $57 billion over the next 10 years under the bill.

ESTIMATED BUDGETARY IMPACT OF S. 852, IF AMENDED BY AMENDMENT NO. 2746

	By fiscal year, in billions of dollars—									
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
CHANGES IN DIRECT SPENDING										
Estimated Budget Authority	*	8.7	23.1	11.1	5.3	4.0	5.1	5.0	4.9	4.7
Estimated Outlays	*	8.7	6.7	8.2	9.3	9.4	6.6	5.2	5.1	5.0
CHANGES IN REVENUES										
Asbestos Fund Revenues	0	8.7	7.0	8.2	9.3	9.1	4.0	4.0	4.0	4.0
Corporate Income Taxes	0	−0.1	−0.2	−0.2	−0.2	−0.1	−0.1	−0.1	*	*
Total Revenues	0	8.6	6.8	8.0	9.1	9.0	3.9	3.9	4.0	4.0
CHANGES IN THE DEFICIT										
Estimated Net Increase or Decrease (−) in the Budget Deficit	*	0.1	−0.1	0.2	0.2	0.4	2.7	1.3	1.2	1.0

Note: *= Between $50 million and −$50 million.

CBO's estimate of spending from the Asbestos Fund over the 2006–2015 period differs from that in CBO's August 2005 cost estimate for S. 852 because we now assume a later enactment date for the legislation. In addition, certain provisions in section 402 regarding when assets would be transferred from private asbestos bankruptcy trust funds to the proposed federal Asbestos Fund would slightly reduce both spending and revenues, relative to the amounts shown in the earlier cost estimate. CBO estimates that other provisions of the amendment would not significantly affect spending or receipts over the 10-year period, relative to the amounts shown in CBO's earlier estimate.

The revenue effects shown in the table also incorporate a change in CBO's cost estimate unrelated to the amendment. That change involves effects of the legislation on the amounts that insurers and defendant firms would deduct to arrive at taxable corporate income. In CBO's earlier estimate, it was judged that the amounts deducted as payments made over the life of the trust fund were approximately the same as would be deducted to cover claims under the current tort compensation system, producing no net effects on corporate income tax collections over the life of the fund.

This assessment has not changed. But while total deductions over the life of the trust fund would not change, their distribution over those years could. Larger deductions up front, as a result of S. 852, could produce less revenue from corporate income taxes in the earlier years, which would be offset by a revenue gain in later years. Lacking any basis for estimating this timing effect, CBO elected not to incorporate it into its cost estimate. Recently, the Joint Committee on Taxation produced an estimate of this timing effect. In its estimation, receipts from corporate income taxes would be reduced by about $1.1 billion over the 2007–2015 period. CBO has elected to incorporate JCT's estimate of this effect in its projections. That adjustment does not affect spending or receipts of the proposed Asbestos Fund.

CBO also estimates that, so long as the fund's administrator does not borrow amounts beyond the means of the fund to repay (as the bill would require), the government's general funds would not be used to pay asbestos claims. Furthermore, section 406 of the bill states that the legislation would not obligate the federal government to pay any part of an award under the bill if amounts in the asbestos fund are inadequate. Thus, CBO concludes that the legislation would be deficit-neutral over the life of the fund.

Substantial payments from the fund would continue well after 2015. Consequently, pursuant to section 407 of H. Con. Res. 95 (the Concurrent Resolution on the Budget, Fiscal Year 2006), CBO estimates that enacting the bill as amended would cause an increase in net direct spending greater than $5 billion in at least one of the 10-year periods from 2016 to 2055.

MANDATES

The proposed amendment contains the same intergovernmental and private-sector mandates as the reported bill. It would preempt state laws relating to asbestos claims and prevent state courts from ruling on those cases. It also would require state governments to comply with requests for information from the Asbestos Insurers Commission. CBO estimates that any cost associated with those intergovernmental mandates would be insignificant and well below the threshold—$64 million in 2006, adjusted annually for inflation—established in the Unfunded Mandates Reform Act (UMRA).

The proposed amendment would also impose mandates on certain individuals filing claims for compensation for injuries caused by exposure to asbestos; certain companies with prior expenditures related to asbestos personal injury claims; certain insurance companies; trusts established to provide compensation for asbestos claims; health insurers; and persons involved in manufacturing, processing, or selling certain products containing asbestos. Based on information from academic, industry, government, and other sources, CBO concludes that the aggregate direct cost to the private sector of complying with all of the mandates in the bill would well exceed the annual threshold established by UMRA ($128 million in 2006, adjusted annually for inflation).

If you wish further details on this estimate, we would be pleased to provide them. The CBO staff contact is Mike Waters, who may be reached at 226–2860.

Sincerely,

DONALD B. MARRON,
Acting Director.

Mr. LEAHY. Former Senator Don Nickles, with whom many of us served, raised this concern. The Government Accountability Office responded:

> [T]o ensure the Government incurs no liability for repayment of borrowing under this act, Congress may wish to explicitly state repayment of borrowing is limited solely to balances available in the fund.

That is precisely what we did in the FAIR Act.

A simple reading of the text of the bill shows that defendants and their insurers are obligated to pay $136 billion to the fund, and additionally another $4 billion of the assets from existing bankruptcy trusts. If this level of funding proves to be insufficient—most doubt it will not, but if it does—then we revert back to the tort system which we have now.

If we pass this legislation, thousands of people who had their health severely impacted through no fault of their own because of asbestos will have a chance to recover. Will some recover as much as some of the lucky few who were able to get through the whole tort system? No, nor will their attorneys even begin to recover the huge amounts some of the attorneys did.

The private companies are required under this legislation to continue making payments to the fund even after sunset until all of the fund's obligations are satisfied under section 405. Even the administrative expenses are paid from this private fund.

Finally, the bill clearly states:

> Nothing in this Act shall be construed to create any obligation of funding from the United States Government, including any borrowing authorized . . .

The Senator from Pennsylvania and I have this as a touchstone all the way through, that we are not passing a piece of legislation for the taxpayers to fund. We are seeking help for those who have been injured.

Senator SPECTER and I have been working on this issue for years. We have carefully considered the design of the compensation program for asbestos victims and ways to avoid the pitfalls of other Federal compensation programs that have been enacted by Congress. Many of the compensation programs cited by the opponents of S. 852 were created by Congress with mandatory Federal spending and did not contain a provision to sunset the program if it went under-funded. We rejected such proposals for asbestos legislation.

Many opponents of our trust fund wanted the claims processing to be in a private corporation. Labor groups and victims testified that operating this trust fund in a new, private entity would delay compensation to sick victims and would entail significant administrative costs. Accordingly, we agreed to house the asbestos trust fund within the Department of Labor because it has expertise with compensation programs. It has existing staff with relevant experience and critical infrastructure and contracting capabilities to ensure an accelerated pace to pay the sickest victims within months of enactment.

Members of the financial services community recently contacted my office to rebut the conclusions made in the recent "white paper" distributed by the minority staff of the Senate Budget Committee. The investment community indicates that this minority staff report circulated last week dramatically overstates the financing expenses to be expected under this legislation.

This document alleges that $125 billion will be spent by the fund on borrowing because it vastly overstates claims projections and interest rates. The minority staff document ignores the fact that section 221 of the legislation provides that borrowing by the trust fund will be within a 10-year time frame. The document alleges that the FAIR Act will pay borrowing at an interest rate of a whopping 25 percent. This assumes an interest rate six times higher than the current 10-year Treasury bond rate.

In fact, the financial community opines that due to the structural aspects of the legislative language, it is "overwhelmingly likely that financial markets will treat the trust fund as an investment grade credit" and therefore it would have access to highly favorable borrowing rates.

I ask unanimous consent to have printed in the RECORD the FIAR letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FINANCIAL INSTITUTIONS FOR
ASBESTOS REFORM.
Washington, DC, February 10, 2006.

Re Senate Budget Committee Democratic Staff White Paper.

Hon. ARLEN SPECTER,
Hon. PATRICK LEAHY,
Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR SENATORS: As members of the investing community we must take issue with the recent report prepared by the Democratic staff of the Senate Budget Committee. This staff paper flunks "Finance 101". The analysis by Democratic staff of S. 852 displays a basic misunderstanding of the financing that will occur in the proposed asbestos claims trust fund. It suggests that the trust fund's obligations will exceed designed contributions by a hair-raising total of $150 billion in nominal terms. This suggestion lacks any credible basis.

The Democratic staff report attributes $117 billion of this $150 billion to increased financing expenses. The report estimate of $125 billion in financing costs contrasts with a Congressional Budget Office estimate that net financing expenses for the trust will be $8 billion. This huge discrepancy is the result of flawed and unrealistic assumptions in the staff report.

The staff study projects that the trust fund will make $160 billion in claims payments, vs. $130 billion estimated by the CBO. In a worst case scenario where the incremental $30 billion of claims would be financed by borrowing in the trust fund's initial years of operation, the trust would need to borrow $50 billion as opposed to the $20 billion estimated by CBO.

Section 221 of the FAIR Act provides that borrowing by the trust fund will be within a ten year time frame. Doing the math, the trust fund would be borrowing $50 billion at an unheard of interest rate of 25% in order to generate $125 billion of net financing expenses over the ten-year borrowing period. It should be noted that ten-year Treasury bonds currently yield 4.54%.

There is not even a remote possibility that the trust fund administrator will have to borrow at rates even approaching 25%. Structural aspects of the proposed trust, including a super priority lien securing obligations of the payers, make it overwhelmingly likely that financial markets will treat the trust fund as an investment grade credit.

If the trust gets even the lowest investment grade rating (BBB) and pays market rates, which are under 6%, its total borrowing costs under the staffs draconian scenario would be under $30 billion: a far cry from $125 billion.

Sincerely,
Financial Institutions for Asbestos Reform.

Mr. LEAHY. Mr. President, at the heart of most arguments against the funding structure provided under the FAIR Act are allegations that predictions about the number of claims expected to come to the fund have been underestimated. Over the past 5 years, the Judiciary Committee received extensive testimony from a variety of auditing companies, economic analysts and existing asbestos trusts about claims projections. Three years ago, a leading actuary with Tillinghast-Towers Perrin testified that "$108 billion appears to be more than adequate" while other firms estimated that $130 billion would be sufficient to cover the trust fund expenses.

It is not surprising that projections about future behavior vary from firm to firm because the assumptions are different. Some professional analysts have estimated that we will experience significantly less than $140 billion in claims and others have estimated that we will experience more.

Last week's document produced by some staff on the Budget Committee assumes that $160 billion will be paid out in claims based on a worst case scenario of one projection of claims activity.

The minority staff document circulated last week adopted claims projections plainly at odds with the experience of the Manville trust and without consideration for the medical criteria in S. 852. The overwhelming majority of nonmalignant claims paid by the Manville trust go to unimpaired claimants. The fund created by the FAIR Act would not compensate these claims, so this significant disparity must be taken into account.

The minority staff document also fails to account for the different medical criteria for malignant claims paid by the Manville trust. Thankfully, the CBO's estimate takes the FAIR Act's specific medical criteria into account when it considered its claims projections.

The CBO considered all relevant estimates and met with scores of stakeholders, financial experts, economists and auditors in determining whether the compensation provided for victims under S. 852 would be adequate. After years of analysis, they found that while victim compensation could range from $120 to $150 billion, its middle range estimate using its chosen claims projections would yield approximately $130 billion in claimant compensation, and that $140 billion, plus investment income, would be sufficient to cover all claims payments, administrative costs, and borrowing costs.

Of course opponents can seize upon worst case scenarios in an 11th hour attempt to scuttle this bipartisan legislation, but $130 billion in expected claims is the CBO's middle range and is provided for under our legislation.

Finally, opponents of this legislation contend that the fund will not actually receive $140 billion from the private companies obligated to contribute based on their previous asbestos expenditures. In his testimony before the Senate Judiciary Committee last Fall, then-CBO Director Douglas Holtz-Eakin clearly stated that: "CBO projects that total receipts to the fund over its lifetime would amount to about $140 billion, including a small amount of interest earnings on its balances."

The FAIR Act contains several provisions to ensure that the contributions will be collected through numerous enforcement provisions which provide the administrator with subpoena power and the ability to pursue punitive damages for nonpayment. In addition, our legislation contains a funding guarantee so that other companies will make up the difference if some companies are unable to pay their own contribution.

Even if the fund sunsets and victims are allowed to return to the tort system, the private companies are nonetheless required to continue to pay into the fund until all of the fund's obligations from borrowing costs and resolving victim claims are satisfied.

I understand that some of my colleagues have raised this budget point of order to sink the FAIR Act, but I urge them to consider the purpose of such budgetary mechanisms in light of the simple fact that we have created a privately financed structure that the Congressional Budget Office has estimated will not add to the Federal debt.

This point of order is a procedural mechanism intended to promote fiscal discipline. In light of CBO's explicit statement that "CBO concludes that the legislation would be deficit-neutral over the life of the fund," no point of order should prevent such important, completely privately funded legislation as the FAIR Act.

This latest analysis from CBO reinforces the fact that the asbestos trust fund legislation would not add to the Government's Federal debt. The bottom line from CBO is that this bill is "deficit-neutral." There is no reason to sustain the budget point of order. The FAIR Act is the right solution for victims and businesses. This bipartisan bill offers fair and efficient relief to long-suffering victims of asbestos exposure while providing business with financial certainty and an alternative to bankruptcy.

I recently received a letter from the International Association of Heat and Frost Insulators and Asbestos Workers. The workers represented by this union know first hand the devastation caused by asbestos, and I know they would hate to see the unique opportunity we have before us be destroyed by a technicality.

They wrote:

> We believe S. 852 offers the best hope of providing fair and equitable compensation on a national basis for those who have suffered or will suffer from the devastating effects of asbestos exposure in decades to come.
>
> For these reasons, we urge you to reject the budget point of order, which holds the potential to kill this legislation that is so important to our members.

Let us not let down the very people we are seeking to help. I ask unanimous consent that the letter from the International Association of Heat and Frost Insulators and Asbestos Workers of February 13, 2006 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL ASSOCIATION OF HEAT & FROST INSULATORS & ASBESTOS WORKERS,
Lanham, MD, February 13, 2006.

DEAR SENATOR: We write you to express our concern regarding the budget point of order that is currently being considered with respect to the Fairness in Asbestos Injury Resolution (FAIR) Act, S. 852. It is frankly very troubling to see critical legislation that impacts our members be imperiled by a mere technical procedural motion.

The Fund at the heart of S. 852 is financed by private dollars and it does not make sense to us that the legislation could have any real impact in the U.S. budget. We urge you to support waiving this false point of order so the Senate can work on this important legislation.

We represent tens of thousands of members and retirees who have been exposed to asbestos in the workplace.

We believe the current system is broken and must be fixed for the current victims and the victims of the future. More than seventy-five companies have gone into bankruptcy. What is most disturbing to us is the fact that only 42 cents of every dollar spent goes to the victims, their widows, and children.

We believe S. 852 offers the best hope of providing fair and equitable compensation on a national basis for those who have suffered or will suffer from the devastating effects of asbestos exposure in decades to come.

We strongly support the FAIR Act. For these reasons, we urge you to reject the budget point of order, which holds the potential to kill this legislation that is so important to our members. We believe to kill the FAIR Act on a disingenuous technicality would be wrong and, as appalling as the current system itself. Our members and their families know the horrors of asbestos-induced disease and the heartache associated with it. We also know that the problem is not going away soon.

Senators Specter and Leahy along with many others have worked extremely hard over the past three years to address what almost everyone concedes is a national crisis.

Senators who oppose this Bill may vote against it in the end, but the members of our Union (International Association of Heat and Frost Insulators and Asbestos Workers Union) deserve to see this bill put to a final vote.

Sincerely,

JAMES A. GROGAN,
General President.
JAMES P. MCCOURT,
General Secretary-Treasurer.

Mr. LEAHY. Mr. President, I urge my colleagues to consider all the work that has gone into the crafting of this legislation including the specific provisions I have highlighted in this statement making it absolutely clear that the Federal Government is simply not liable under this legislation.

The Judiciary Committee received extensive testimony from economists and experts in claims projections. All of this process and expertise was considered as part of the Congressional Budget Office official estimate.

The CBO has testified that the FAIR Act is not predicted to add to the Federal debt; therefore, it should not suffer from the budget point of order raised against it. I urge my colleagues to waive the point of order. The victims of asbestos exposure will not benefit from this latest tactic to stop this legislation.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, discussions have proceeded since this morning on the point of order and the motion to waive the point of order, and we have come to an agreement whereby we will have a vote sometime around 6 o'clock tonight.

I ask unanimous consent that there now be 3 hours for debate in relation to the motion to waive prior to a vote on the motion, with the time divided as follows: 40 minutes for Senator SPECTER, 40 minutes for Senator LEAHY, 40 minutes for Senator ENSIGN, 40 minutes for Senator DURBIN; provided further that if the point of order is sustained, the two filed cloture motions are vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I would be the last to put forward my proficiency in math, but I do think that math is wrong.

Mr. FRIST. Mr. President, I modify my unanimous consent request, that there now be 3 hours minus 20 minutes—2 hours 40 minutes—for debate with the times as designated.

Mr. REID. Mr. President, reserving the right to object, this point of order which has been raised is a difficult vote for Democrats and Republicans. I express to my friend, the Senator from Vermont, that I hope my advocacy here on this issue has not offended anyone. I know there was a time when it did offend my friend from Pennsylvania. I have already apologized in that regard, if in fact I offended him. But Senator SPECTER, Senator LEAHY, and I have been in courtrooms long hours, and you have to put all of this stuff behind you, no matter the feeling at the time. Senator FRIST has been in the operating room involved in very critical stuff. He looks at this a little differently than I do, but our intent is the same. We need to have this vote, find out what happens there, and move on to this legislation, or whatever else comes up.

Again, if I have offended Democrats or Republicans because of my advocacy on this issue, I apologize.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, to clarify, given my math being incorrect, that vote would be a little bit after 6 o'clock tonight on the motion to waive the point of order.

Mr. REID. Although people do not have to use all time.

Mr. FRIST. That is correct. It could be earlier than that. Then we would not have any more rollcall votes after that vote tonight.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am advised that Senator HATCH, Senator DOMENICI, and Senator ALEXANDER would like time, and they are welcome to it if they would come to the floor. I have already spoken on this issue at some length and reserve my time for rebuttal.

At this time, I ask unanimous consent to have printed in the RECORD a letter from the International Union of Painters and Allied Trades, dated February 14, and a letter from the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, dated February 13, objecting to the point of order.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL UNION OF PAINTERS
AND ALLIED TRADES, AFL-CIO,
CLC,
Washington, DC, February 14, 2006.

Subject: FAIR Act of 2005 (S. 852).

DEAR SENATOR: This week, the Senate continues consideration of the Fairness in Asbestos Injury Resolution (FAIR) Act of 2005 (S. 852), sponsored by Senators Specter and Leahy. The International Union of Painters and Allied Trades (IUPAT) strongly supports this legislation and urges all Senators to reject the technical budget point of order that has been raised against the bill.

The asbestos trust fund that would be established by the passage of this bill will be entirely financed by contributions from defendant companies and insurers and will have no impact on the federal budget, thereby invalidating the point of order against the bill. While all of the funding will be provided from private sources, the actual administration of the fund will be housed within the Department of Labor, causing this technical point of order to be raised. The IUPAT strongly feels that housing this fund within the Department of Labor will ensure that this newly established trust fund is administered in an orderly and professional manner that will be fair to victims. Therefore, we urge all Senators to defeat this budget point of order and any attempt to remove the administration of this fund from the Department of Labor at this stage in the process.

As this process moves forward, the IUPAT strongly believes that the FAIR Act represents the best opportunity to provide timely, equitable compensation to the victims of asbestos related diseases. We urge you to reject the budget points of order and any other obvious attempts that seek to derail the bill or weaken any of its core provisions.

Thank you for your time and attention to this matter.

Sincerely,

JAMES A. WILLIAMS,
General President.

INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS
OF AMERICA—UAW,
Washington, DC, February 13, 2006.

DEAR SENATOR: This week the Senate is expected to continue consideration of the Specter-Leahy asbestos compensation legislation, the FAIR Act (S. 852). The UAW strongly supports this critically important legislation.

We are pleased that Senators Specter and Leahy have offered a manager's amendment that substantially addresses various concerns that have been raised by some unions. Specifically, this amendment will:

Clarify that binding settlements between victims and defendants will be preserved, not canceled by the bill;

Expressly state that civil rights and disability claims are not pre-empted by the bill;

Establish a paralegal program to help asbestos victims process claims before the trust fund, and allow lawyers to collect additional attorneys fees beyond the 5% cap for work on administrative appeals;

Ensure that individuals with both asbestos and silica disease who are sufficiently impaired to satisfy medical criteria for levels III, IV and V will in fact receive compensation under these higher award levels, and will not be required to rule out silica exposure as a "more likely cause" of their impairment;

Allow increased awards for mesothelioma victims with dependent children;

Improve the start up provisions so that non-exigent claimants may continue to receive payments from existing bankruptcy trusts, and thus will not have to wait for lengthy periods of time to begin receiving compensation; and

Improve the sunset provisions, both by requiring an independent audit of the status of the asbestos compensation trust fund, and by requiring the administrator's annual reports to be more comprehensive.

The UAW commends Senators Specter and Leahy for proposing these improvements to S. 852. We urge Senators to approve the manager's amendment.

At the same time, the UAW strongly urges Senators to vote against the technical budget point of order that has been raised against the bill. Because the asbestos compensation trust fund is financed entirely by contributions from corporations and insurers, there should not be any valid point of order against the bill. The only reason a technical point of order exists is because the asbestos compensation program would be administered by the Department of Labor. This is something the entire labor movement has supported, to ensure that the program is administered in a competent manner that is fair to victims. The UAW urges Senators to reject the technical budget point of order, both because it could threaten the provisions that involve the Labor Department in the administration of the program, and because it represents an obvious attempt to kill the entire legislation.

The UAW firmly believes that the FAIR Act is the best opportunity to establish a program that will provide prompt, equitable compensation to the victims of asbestos related diseases. We urge you to reject amendments that seek to undermine this legislation, to support cloture to cut off debate on this measure, and to support passage of the overall bill.

Thank you for considering our views on this measure.

Sincerely,

ALAN REUTHER,
Legislative Director.

Mr. LEAHY. Mr. President, I ask unanimous consent that at the appropriate time the Senator from Montana gain the floor and that he be granted 10 minutes of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I rise today to speak to you again about a special place in my state, Libby, MT.

It is important for my colleagues to know that the vote on the budget point of order affects the lives of Libby residents dramatically.

It affects the thousands of people who are sick and the hundreds more who will die.

I ask my colleagues to vote on the merits of this bill. Budget points of order should not be misused. They should not impede consideration of this important legislation.

The budget point of order should not be used to hurt the folks in Libby. They have suffered enough.

The situation in Libby is unique. The asbestos in Libby is different. It is a much different asbestos than other parts of the country. It is much more pernicious. It is wicked, awful stuff.

Libby is different because we are talking about community exposure to asbestos—not a few workers.

The entire Libby community was exposed to asbestos because of the vermiculite mine and mill.

Until the mid-1970s in Libby, W.R. Grace milled vermiculite from a mountain in Libby. W.R. Grace exposed the entire community to this deadly disease.

I have been up there. I have been at that site. It is an unbelievably dusty mess.

This asbestos bill will make W.R. Grace pay Libby residents for the intentional harm this company caused these people.

I do not use the word "intentional" loosely because it was intentional. Documents show it was intentional. Documents show the company knew it was harmful, that it was sending this stuff out to the people in Libby, and that many of them would become very ill and would die.

Not only were mine workers employed by W.R. Grace exposed to high levels of asbestos, but the mill's ventilation stack released 5,000 pounds of asbestos every day. Mill workers swept dust outside. Often, they could not even see their broom handles because it was so dirty with asbestos.

They dumped it down the mountainside. White dust covered the entire town.

The layers of rock where people found the vermiculite contained harmful asbestos and this vermiculite in Libby is laced with a particularly dangerous type of asbestos, called tremolite.

Asbestos in Libby is tremolite asbestos rather than the more common, chrysotile asbestos. Tremolite asbestos is a significantly more toxic than chrysotile asbestos.

The Libby tremolite disease process is different. It's far more disabling and deadly than ordinary asbestos, as bad as ordinary asbestos is and 76 percent of diagnosed patients progress to serious disease or death in Libby, MT.

Just compare this to chrysotile asbestos, where 25 percent of diagnosed patients progress to serious disease or death.

People in Libby are uniquely affected by asbestos related disease. They are sick. They suffer from asbestos-related disease at a rate 40-to-60 times the national average.

And people from Libby suffer from the asbestos cancer, mesothelioma, at a rate 100 times the national average.

The asbestos has contaminated the whole town. In addition to the mines and the mill, extensive asbestos contamination is found in homes, in ball fields, and in schools. It's found in the playgrounds and in the gardens. A recent study even found asbestos contamination in the tree bark.

I have worked very hard with the Judiciary Committee and my colleagues, the chairman of committee, Senator SPECTER, and Senator LEAHY, ranking member, to tailor a solution that addresses the unique problems in Libby. We are extremely grateful to Chairman SPECTER and Senator LEAHY for all their work to protect Libby. They have worked very hard. They have sent staffers to Libby, MT. They have seen it. I am thankful for the staff they have sent to Libby to see how bad this stuff is.

I urge my colleagues not to use this point of order to kill the bill and to kill all this hard work. Many Senators have worked very hard for years to try to find a solution, a way to get compensation to people who otherwise will not get compensation and who desperately deserve it. The people who suffer from asbestos-related diseases need our help. Let's stand up for the people of Libby, MT. Let's not turn our backs on them. If this bill goes down, this Senate will be turning its back on the people of Libby, MT.

I urge my colleagues to oppose the point of order and vote on the merits of this bill. Senators can always decide later to oppose this bill. There are many opportunities for Senators to reexamine their positions on this bill and offer amendments.

We should not kill this bill simply on a technical point of order. It will undermine months and months of very hard work of well-meaning people to try to find justice for people who are suffering from asbestos. Let's stand up for the people of Libby and not turn our backs on them.

I urge my colleagues to oppose the budget point of order and vote on the merits of the bill. The people of Libby have been through enough. They need our help. They need it now. If you do not support the bill, say so, but do not hold the people of Libby and the community of Libby hostage. We cannot do that. That would be grossly unfair.

I will do whatever it takes to continue fighting for the people of Libby and fighting for the justice they deserve.

I wish all Members of this Senate were able to sit in the living room of Gayla Benefield—when I first learned how bad things are in Libby—and look in the eyes of Les Skramstad. He is a great guy. He is dying from asbestos. He worked on the mine. He is not old. He is not an old man at all. He is a middle-age guy. He would go home, embrace his wife, the kids would jump in his lap. They now all have asbestos-related diseases. That is common.

I ask my colleagues, please, vote to waive this point of order so we can stay on the bill, work on it, and help the people of Libby. Let's work our will so these folks in Libby can get justice. W.R. Grace is bankrupt. People in Libby cannot get justice from them. W.R. Grace has turned its back on these people.

Let's say yes to the people of Libby and find a way for this to work.

I yield the floor.

Mr. LEAHY. I suggest the absence of a quorum, and I ask unanimous consent the time be equally charged.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time? The time is controlled by the Senator from Pennsylvania and the Senator from Vermont.

Mr. HATCH. I yield myself time from the time of the Senator from Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, every couple of years, this august chamber is given a chance to make good on its billing as the greatest deliberative body in the world, to set aside the predictable partisanship that today passes for deliberation and, instead, work together to solve a real problem besetting our Nation.

We face such a moment today. Later this afternoon, each of us will have a choice. Either we will vote to address a litigation crisis that has made a mockery of our judicial system—and demonstrate that we, as a body, can still function when absolutely necessary—or we will use a clever, parliamentary maneuver to avoid having to face a problem that is too inconvenient and confounding to fix without political cost.

We have been here before, and we have failed miserably. Why? Because, unfortunately, the most effective legislative solution is also the most politically impracticable. To solve the asbestos crisis, conservatives are being asked to turn a deaf ear to many of our traditional supporters and endorse the very kind of Federal structure against which we battle daily—a cumbersome, unwieldy program that seems to teeter on the brink of obsolescence before it even begins.

And liberals are being asked to say enough is enough to one of their most important and influential constituencies and to set aside the one governmental institution over which they feel they can still exert some control—the courts. It is a legislative formula that seems designed for failure.

And then there is the greed. Oh, yes, the greed. For years, Members from both sides have waxed eloquent condemning the pecuniary gluttony of one side or the other but, in truth, there is so much greed among so many that it has obliterated any chance for an accurate debate of the realities we should be confronting.

What are those realities? Let us be honest. By this time, we all understand that asbestos litigation has swallowed companies whole, driving them into bankruptcy, wiping out jobs, careers, pensions, health care, and hope. All of us know that those who mined asbestos and used it to manufacture products are long gone, demolished in the first wave of lawsuits. All of us appreciate that today, far too many businesses are being targeted more because of their perceived wealth than their presumed culpability.

All of us realize that under the current system, tens of thousands of Americans who are the most sick, the most deserving, have no place to seek compensation. Veterans exposed by their government and hard working men and women left sick by their now bankrupt employers have become the jetsam of this litigation—cast aside by the new potentates of asbestos—a small, infamous gaggle of personal injury lawyers who have manipulated victims, companies, and the courts to divert billions and billions of dollars to their own pockets. Amazingly, not even such a massive transfer of wealth from so many to so few is enough. Even as we speak today, their lobbyists stand literally feet away, pandering advice, counsel, and contributions to those who will prevent their despicable avarice from being stopped.

But the greed can not be laid just at the feet of some lawyers. There are also companies who have grown weary of paying, not just the wrong people, but paying for their real and technical complicity. There are corporations who want to be free of mistakes they made during the merger and acquisition madness of the late 1990's. And there are businesses that believe they can game the current system, relying upon insurance and the inherent lethargy of litigation to delay paying what they owe.

Then there are insurance companies, some of which fear having to make good on the policies they sold. Even after nearly a decade of debate on this issue, no one is certain exactly who is responsible, especially with the tangled web of insurance and reinsurance and domestic insurance and foreign reinsurance.

Of course, all of us know there is also an unacknowledged giant in the room. For nearly half a century, the Federal Government of the United States was one of the biggest consumers and promoters of asbestos. Today, people are dying from mesothelioma, not because of corporate misdeed but because they worked in the boiler room of a naval ship or in a military shipyard or in the furnace room of an Army base. The Government required asbestos to be used in buildings and workplaces, in factories, homes, and schools. Yet today, as we discuss how best to solve the asbestos epidemic, the Government's own responsibility is not to be mentioned.

Finally, all of us know the current tragedy will not abate on its own. Over the last 6 years, we have proven conclusively, beyond any shadow of doubt, that while we have stood frozen, incapable of any, even the slightest remedial act, the avarice of asbestos has become an industry unto itself.

These are the realities we face today. What are our options? Some on my side of the aisle have suggested the adoption of a medical criteria bill, legislation that would make changes in the applicable litigation rules in State courts. I understand their motivation, but they have to appreciate that it falls short with respect to the most compelling players in this tragic tale—veterans and employees of bankrupt companies who have no place to seek relief. It does nothing to address the manipulation of liability and responsibility which has become commonplace at the State court level. Such a solution was inadequate 4 years ago, it is inadequate today, and it will still be inadequate 2 years from now.

Then again, at least it represents an attempt to solve this crisis. For the past decade, there has been a thundering silence from too many on the other side of the aisle. They are quick to criticize what has been suggested, but not once in more than a decade have they proposed their own solution. Not once have they come up with one idea that might possibly help solve this crisis, for a very good reason: their top hard-money contributors happen to be the people who bring these suits.

This year, they have raised the canard of lost days in court. They are like people who, when they find a man dying of thirst in the desert, give him an empty glass. Now, if by some miracle you find water, they proclaim, you can quench your thirst with the dignity and decorum you deserve. As the man slowly dies from dehydration, they marvel at their own benevolence.

They know that a day in court is meaningless to a veteran who cannot sue his government or an employee who cannot sue a bankrupt company. They know a day in court is worthless to those who currently are being paid only pennies for every dollar of their settlements. For nearly a decade, their objections have been endless and their solutions nonexistent.

So, Mr. President, we arrive today at a critical juncture. We have rejected the suggestion of a medical criteria bill. Our choice is simple: We can act or we can hide. We can vote to keep working on the Specter-Leahy legislation, or we can vote for the budget point of order and stop the legislation dead in its tracks. It is a clever tactic, using the mantle of fiscal responsibility as an excuse not to legislate. Of course, leaving the asbestos crisis unresolved is the ultimate act of fiscal irresponsibility. And, since the Specter-Leahy bill does not require 1 cent of Federal money—this budget point of order is a sham. And we all know it.

Or we can hide behind a cloture vote, knowing that without cloture, the bill will be pulled from the floor and the status quo—the ridiculous and irresponsible status quo—will be preserved. In today's world of relentless stalemate and partisanship, it is a vote easy to explain and justify. But each of us also knows these measures are nothing more than procedural subterfuges—some parliamentary arcanum designed to confuse the public about what is really happening. The Senate has failed the country on this issue before. The time really has come to act.

The Specter-Leahy bill before us is by no means without flaws. All of us admit that. All of us understand that the legislation is—like major pieces of legislation at a similar juncture—a work in progress, the inevitable product of a political process that to date has been as dysfunctional as it has been prolonged. Yet even with its shortcomings, the legislation represents the best hope, the most salient chance for an effective legislative solution. And we will not even have a chance to get that far if we do not pass it on the floor of the Senate.

We know this is step one—actually step two in at least a four-act play. The committee passed it out of the committee. If we can succeed in passing it out of the Senate, the House has to pass its bill, and then we have to go to conference, and then the final play will be a vote in both Houses of Congress. In all of those steps, I have seen our chairman and ranking member willing to compromise and resolve problems as they come up, as colleagues have brought them up. They cannot blame the distinguished Senator from Pennsylvania or the distinguished Senator from Vermont in this matter.

I beseech my colleagues, do not let this bill die today. Do not end what could very well be the last chance we have to solve a crisis we all have universally condemned. Let's stop the debilitating games and tactics. For once, let's give to the bill the same energy and creativity that to date have been invested in its downfall and destruction.

There are thousands of veterans throughout our Nation who are watching us today. When the Nation asked for their service, their blood, they gave it willingly, without complaint. They did their part. Now it is time for us to do ours.

There are thousands and thousands of sick working men and women with no place to turn but us. They, too, are watching. They ask for our assistance, not excuses. They have asked for candor, not cold calculation. They ask for compassion, not clever procedural ploys.

If there is any justice, we will be remembered long after we have left elected office, not for the unfulfilled promises we have made or the good intentions we have so readily proclaimed but for the votes like the ones we will soon cast. For, in truth, this vote is about more than asbestos. It may well signal the last chance this body will have to be productive, to break free from our respective orthodoxies and legislate for the public good. Did any of us really seek public office so that in the face of a crisis, we could hide behind a budget point of order or a cloture vote?

The time has come to reveal who we are, who we have become. Can the Senate legislate in an area in which the Supreme Court has said we need legislation—three times? The real frustration with this institution is not a lack of ethics or the unseemly tangle of lobbyists, Members, and campaigns. No. Our real failing is our collective trepidation, our fear of stepping free of the pack to work together to solve real problems without concern for political advantage or personal benefit.

If we cannot find a common will to address something as pernicious as the asbestos litigation crisis, then one has to ask what real purpose this legislature serves. Too often, we find it convenient to act like mice. Today, our country needs lions. Let us not give it mice. Vote against the budget point of order. Vote to invoke cloture. And, for once, let us consider fixing the asbestos crisis with the honesty, candor, and ingenuity the American people deserve.

Mr. President, I compliment the distinguished Senator from Pennsylvania and the ranking member from Vermont. This has been a monumentally difficult bill to bring to the floor. As I say, this is step one in probably a five- or six-act play. We do not have to make it perfect here; we just have to do the best we can. The House then, if we pass this bill, will have to do its work. Then conference committees will have to meet together, and we will have to do the final work on this bill after listening, during all of that time, to complaints, suggestions, good ideas, bad ideas, but at least—at least—we will be doing the people's business, the people's work in helping people who really have no other place to turn.

Above all, we will help our country because we all know what has been going on in asbestos litigation around the country has been horrendously wrong. I would like to see us do what is right today. So I hope we will vote against this budget point of order. And I hope we will vote to invoke cloture, so we can proceed with this bill and hopefully get it into conference. Ultimately, that is where we will continue to work on it and see if we can make it more perfect and resolve some of the conflicts and problems people feel they have with this bill today. I have every confidence in the chairman and ranking member that they will work to do exactly that. They have been doing it every day I have worked with them, and I am very proud of both of them.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I ask unanimous consent that 10 minutes of Senator LEAHY's time be yielded to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, in the next several hours, I expect we are going to have a critically important vote, a vote with respect to how we are going to proceed or not proceed with respect to the asbestos litigation reform. There is more at stake than a parliamentary squabble. This is a question to say whether we are going to continue to have a system where the people who are sick and dying from asbestos exposure are going to be quickly compensated for the harm that has been done to their bodies. And there is a question as to whether companies will be bankrupted by the dozens, and you continue to see that sort of thing happen. There is a question of whether we are going to continue to see a situation where a majority of the moneys that are paid out for damages end up not in the pockets of those who have been harmed or their families but in the pockets of others.

The status quo, in my judgment, is not acceptable. We have an opportunity today to take an important step toward improving that situation. The legislation before us today has evolved over the time that I have served in the Senate. A question that has been raised again and again, as it should be, is: Is the money that is going to be set aside in a trust fund that we propose to create adequate?

Earlier in our deliberations, the committee of jurisdiction, as they wrestled with this problem, trying to figure out how much money to ask of the defendant companies, how much to ask of their insurers—initially, I think thought was given that a $90 billion trust fund would be adequate to compensate people whose breathing has been impaired by exposure to asbestos. Over time, we have seen that number raised from $90 billion to $100 billion, to $110 billion, to $120 billion, to $130 billion, and now to $140 billion. Still the question is asked, as it should be: Is even $140 billion adequate?

CBO has been asked to be the arbiter in this debate. They have come and testified a couple of times before the Judiciary Committee, and I guess they have provided letters as recently as yesterday and today to attempt to deal with this issue and this question: What do we do if we run out of money, if the $140 billion is not enough—with the moneys coming in over the next 30, 40 years, if it is not sufficient to meet the demands of the claims that ought to be paid? Concerns have been raised, sort of leading to this budget point of order, that in the end the responsibility may fall back on the taxpayers. It is a question that ought to be raised and a question that ought to be answered.

There is nothing in this bill that is before us today that stipulates that taxpayers should pay for any shortfall that may occur if the legitimate demand on funds exceeds the amount of funds paid into this trust fund that we propose to establish. There is nothing that stipulates that taxpayers would have an obligation or should have an obligation. In fact, the opposite is the case. The legislation clearly stipulates that any obligation to people who are harmed that exceeds the amount of money in the trust fund would not be borne by the taxpayers. CBO is not absolutely sure that $140 billion is the right number or $130 billion or $120 billion or maybe even $150 billion. But in reading the different letters they have submitted, and reading their testimony, they believe $140 billion is in the ballpark.

What if they should be wrong? What if more money needs to be funneled into the trust fund to meet legitimate claims? What does the trust fund do? The only reason this is a budgetary issue at all is because the moneys paid for by insurers and by defendants are going to go into a trust fund established and administered by the Department of Labor. That is why it is considered even remotely a Federal obligation—because of the desire on the part of some, including those representing folks who have been injured, that the Department of Labor, that has been able to do this sort of thing and has experience in dealing with these kinds of issues, should play a role. It is because the Department of Labor is playing a role as a conduit through which moneys are paid from the private sector, through which moneys are paid to those who are harmed, that there is even a question of whether a budget point of order can be raised against the flow of funds or against this bill.

What if the moneys are not enough? What if $140 billion is not enough? What do we do? Some have suggested that we are going to go right into the taxpayers and ask them to pick up the tab. That is not the case. What will we do? First of all, there is a recognition that during the first 5 years of the trust fund, when there is going to be a lot of demand on the funds and moneys are going to be paid in by insurers and defendants, there is going to be a shortfall. That is freely acknowledged, I think, by everyone.

With that expectation, there is an opportunity spelled out in the bill for the fund administrator to go to the Federal Finance Bank to borrow moneys against future revenues of the fund—payments by defendants, payments by insurers—to seek those from the Federal Finance Bank. I might add that the cost of Federal funds probably available through that funding mechanism is probably 5 percent in today's environment, maybe even less than that. Some have said that we are so short, so far off target that we are looking for a shortfall of $150 billion or $200 billion or $300 billion over the life of this fund.

Let's say, in the first 5 years, there is a shortfall, and say it is $10 billion a year. I don't know if that is right; it may be high or low. So if there is a $10 billion shortfall and the fund administrator has to go to the Federal Finance Bank and borrow the money—$10 billion for year one and $10 billion for year two and up through year five, at a rate of 5 percent a year for 5 years; how much money would that amount to with respect to the debt service? Well, 5 percent of $10 billion is about a half-billion dollars through year two. So it is roughly $2.5 billion at the end of the 5-year period. That is not a debt service cost of $50 billion or $100 billion or $150 billion. That is a debt service cost of about $2.5 billion. That is a reasonable amount of money that may be needed to borrow from the Federal Finance Bank.

Who has to pay that back? The folks who are paying into the trust fund have to pay it back. The insurers and the defendants have an obligation to repay the money, through the fund administrator, back to the Federal Finance Bank. They have that responsibility.

What if the amount of money that is coming into the trust fund is not repaid—and each year there is an obligation, I think, of $3 billion a year for the defendant companies that had an obligation and have been paying these claims in the past—cumulatively and in the aggregate they have to pay something like $3 billion a year into the fund. What if they are not paying enough and they have an obligation of $90 billion over 30 years? Maybe they are only paying $2.5 billion a year. What can be done about that?

Under this bill, the fund administrator has the discretion to impose a surcharge on the defendant companies to make sure their $3 billion-a-year obligation is being met. What happens, though, if, despite that discretion that might be used and the ability to borrow money for short periods of time from the Federal Finance Bank—what if it becomes clear that there is not enough money coming into this trust fund to pay the claims that are going to be needed? Do we leave people, the victims, the folks who are suffering from an impairment of their breathing who have been exposed to asbestos—do we hang them out to dry? No.

Under the language of the bill—and this is in large part due to the work of Senator DIANNE FEINSTEIN—if it becomes clear that people are not going to have a chance to be made whole by the trust fund because it runs out of money, we revert back to the tort system. And folks who have a claim, if they are not going to get satisfied through the fund itself, will go back into the tort system. They can go back into the State where they live, and they can go back to the tort system in the State where they were harmed or they can go back into Federal Court.

There is no obligation that falls on the taxpayers. I believe the committee has done a good job of trying to make sure that at the end of the day the money needed to pay these benefits is adequate. And if, for some reason, it is not, they provide a number of steps along the way that could be taken to provide the funding that is needed, either in the first 5 years or in the years subsequent to that.

If, in the end, it is recognized that this dog is not going to hunt or this fund we are creating is not up to doing the job of meeting the need to pay the claims, we go back into the tort system, and folks will have the opportunity, in their State and their courts or in the State where they were damaged or in a Federal court, to be made whole. Is this perfect? No, it is not. I will tell you this. From the day we started this bill about 2 years ago, 3 years ago, it has sure gotten a lot better. My guess is that it is going to get better still.

I thank Senators SPECTER and LEAHY for their willingness to listen to us and work with us and develop amendments. If you look at the managers' amendment, they have tried to accommodate the concerns that lot of us have raised. Are there more amendments that could be offered? You bet there are. My hope is to be able to support some of those, and I suspect some of my colleagues will as well.

I will tell you what is not acceptable. A system is not acceptable where we have people who are harmed, where their breathing is impaired and they are sick and dying, and for them not to be able to get the money they deserve and their family deserves quickly. What is not acceptable is a system that exists—and for years it has existed—where people who have been exposed to asbestos, whose breathing is not impaired, and who may never be impaired, for them to be receiving payments and siphoning off money that ought to be going to people who are sick and, in many cases, dying from asbestos-related illnesses. What is not acceptable is a situation where, in a day and age when we are losing manufacturing jobs not by the tens of thousands or by the hundreds of thousands but by the millions, for us to turn our backs on what is a hard-fought and, I think, well-crafted, much-improved proposal to get us to where we need to go.

With that, Mr. President, I yield back whatever time I have not consumed.

The PRESIDING OFFICER. Who yields time.

The Senator from California is recognized.

Mrs. BOXER. Mr. President, what is the rule? Can I speak for up to 15 minutes or 10 minutes?

The PRESIDING OFFICER. The Senator can take time from one of the two Senators who hold time.

Mrs. BOXER. Mr. President, I ask unanimous consent I be yielded 10 minutes of Senator DURBIN's time with the hope that I can finish in that time. If not, I will ask for another 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I am going to support the budget point of order on S. 852. I want to explain why I am doing this. First, I want to say if anybody has listened to Senator KENT CONRAD talk about what is going to happen in the outyears with this bill, the trust fund, if anyone listened to him, it seems very difficult to me to vote against this budget point of order.

We are on the edge of passing a bill that is masquerading as a solution to a deadly problem, and asbestos victims need to know the truth. Frankly, they were lied to once when companies exposed their workers to asbestos without telling them of the danger, and I don't want to lie to these victims again. The simple truth is there are not sufficient funds in the trust fund to compensate all the current and future asbestos victims. We should not compound the problem of the past by offering false promises and cutting victims off from help.

I know there are many who don't agree with what I have just said, but I think if, again, you listen to Senator CONRAD, and you go back to see what has happened to other trust funds, I think it is very clear there are not enough funds in this trust fund. Some estimates are it is perhaps 50 percent of what it ought to be.

Some say that people will go back to court if there are not enough funds. I know that is a very well meaning part of this bill, but it isn't as easy as all that. It is going to be very difficult for people in the future years. I think we are going to see more companies claim they are bankrupt. There will be a lot of lawsuits.

That is not to say there is no problem for asbestos victims today. Providing them with just compensation is something they deserve. If we were able to increase the size of the fund and include all of the victims who deserve to be compensated, that would be a good solution. I know this is what many honorable and hard-working Senators on both sides have tried to do, but the current legislation doesn't get us there.

Asbestos kills 10,000 Americans every year. Such a large number of deaths is hard to comprehend, so let me tell my colleagues about just a few of the victims in California and why this bill will hurt them, not help them.

Here is a picture of Rebecca Martinez. Rebecca is the wife of Margarito who lived in Baldwin Park, CA, and she is pictured here on the right. Margarito worked as a plasterer and Rebecca would clean his asbestos-covered clothes when he came home, breathing in the dust as she shook them out and did the laundry. They were never warned about the dangers of asbestos.

Rebecca was diagnosed with mesothelioma in 2002, as we all know, a deadly cancer caused only by asbestos. She died 4 months later, leaving behind her husband and three children.

Her husband has spent more than $50,000 on a pending wrongful death suit. However, if this bill is passed, he will never get to go to court and face the people who are responsible for his wife's death. This bill will force him back to square one, and he will face, potentially, years of delay. And here he is, a widower having to raise his kids.

For those who are about to resolve their court cases, I see no reason to force them into a trust fund process. It is wrong. People have invested time in the court system, and this bill will rip them out of the court system just as they are about to get justice.

This is a picture of Georgina Bryson. She lived in Riverside, CA, when she died of mesothelioma. From 1962 until 1980, Georgina lived downtown from two cement companies that used asbestos to manufacture their products. Georgina was also exposed to asbestos when she lived with her dad who worked with gaskets that contained asbestos.

> Georgina was only 40 years old when she died from mesothelioma. Her family filed a wrongful death action and, to the credit of the California court system—to the credit of the California court system—the suit settled. The cement plants agreed to pay 90 percent of the award, recognizing that they were primarily responsible for the death.

The problem with the legislation before us is, if Georgina's family didn't have access to the courts, and they filed the claim with the asbestos fund, they could receive possibly no compensation. Because Georgina's asbestos exposure was not work related, she lived downwind from the cement manufacturers, she would not meet the occupational requirements of the bill.

There are many people in California and elsewhere who never worked with asbestos but were exposed to it because they lived near factories, mines, and processing plants with asbestos. This certainly was the case in Libby, MT, and residents of that town are taken care of in the bill. That is a wonderful thing for them. Lord knows there is suffering there. The exposure requirements for anyone who lived or worked for at least 12 months within 20 miles of the mining or milling facility in Libby are waived, so the people in Libby are taken care of, and I am happy for them. But the bill fails to provide the same relief to people in at least 41 other communities across the country who live near a plant that processed vermiculite from Libby. How is that equal justice under the law? It also fails to protect people who lived near other mines or plants that released asbestos into the air.

For example, Santa Ana is one of roughly 23 cities in California that received more than 1 million tons of Libby's vermiculite. Yet this bill would compound the injuries to affected community members by largely barring nonoccupational exposures. As I said, no one can call this justice.

The bill also fails to adequately address another problem important to my State, as well as the Nation—naturally occurring asbestos. I am going to show you a map of California where we show the counties containing naturally occurring asbestos. Forty-four of California's 58 counties are known to have naturally occurring asbestos. The problem, however, is not California specific. Twenty-nine States are known to have naturally occurring asbestos.

This asbestos can threaten public health. This shows in red where the States have this problem with naturally occurring asbestos. In 2005, a University of California-Davis study found that the risk of mesothelioma decreased by 6.4 percent for every 6 miles further away a person lived from a naturally occurring asbestos source.

Under the bill, people who get a terminal illness from naturally occurring asbestos may take their case to the medical exceptions panel, but there are three problems.

First, I want to thank my colleague, Senator FEINSTEIN, for getting that into the bill. At least they can go to this special panel. But there are problems. First, the level of funding established by the bill for the trust fund, as I said before, is insufficient to pay for the claims expected to be filed with the exceptional medical claims panel. It is insufficient. There wouldn't be funding left.

The CBO stated in a letter on February 1 to Senator SPECTER that:

> There is a significant likelihood that the fund's revenues would fall short of the amount needed to pay valid claims, debt service, and administrative costs.

This is, in part, because the CBO explicitly stated that it did not include "the costs of any exceptional medical claims" in its estimate. What kind of chance do my people have for being exposed to naturally occurring asbestos and the people who live in all of these States?

This isn't justice. If we want to do justice, we need a bill that is sufficiently funded through the trust fund to take care of all of our people, not just some of our people.

The Democratic staff of the Budget Committee predicts a shortfall in the trust fund of $150 billion or more. That is $150 billion that taxpayers may have to pay to bail out the trust fund. It is easy to say: Oh, you will just go back to the courts. But that is a time period in which we don't know what the situation will look like, more companies will claim bankruptcy, and people will then have to move from the trust fund over to the courts. It is a giant nightmare.

Second, it is not clear that the companies paying into the fund should be the ones responsible for compensating people who become sick from naturally occurring asbestos. Construction companies disturbing naturally occurring asbestos may expose residents to fibers, but those companies are generally not the ones paying into the fund. So this makes no sense at all for people who live in areas with naturally occurring asbestos. They are different defendants that need to step up and pay compensation.

Third, there is no deadline by which the medical exceptions panel must act on a claim. Given the number of people who may file claims with the panel, it could be years before the panel makes a decision on a particular case. Is this better than the current court system?

Mr. President, I ask unanimous consent for just 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I don't think it is better than the current court system, certainly not in my State. In California, we have an expedited processing of suits for sick plaintiffs. Roughly 22 States have procedures that ensure mesothelioma victims and those with other very serious cancers have their cases heard in a year or less. In California the courts can hear such cases within 120 days. There are States where the courts work, and they should be allowed to continue their good work without getting taxpayers involved in this trust fund. Where it is working, do no harm. Let it proceed.

Most, if not all, of us could support an asbestos trust fund that is fair to victims, but this proposal is not. I have gone through the ways that it is not. I have shown my colleagues the faces of those who would be harmed or would have been harmed if this trust fund were in place.

We can fix this. We can make the trust fund bigger, that is one solution, or we can say in the 22 States that are dealing with this, let them deal with it. Let's grandfather in the cases that are already in the system.

I am very fearful—very fearful—that a lot of people who are going to depend on this trust fund are going to find out that it isn't what it is cracked up to be. The bill promises the Moon, and I don't even know if it will deliver a sliver of the Moon.

I just want to say to those who are following this debate who are suffering, I honestly believe that everybody thinks, everybody thinks they are working for you, but what I say is this: If the system is already working for you, let it work for you. Let's not promise you the Moon and not be able to deliver it. Let's make sure there is justice for people who live, say, downwind in California from a company that received the product from Libby.

The people in Libby are taken care of. The people in my State and many other States are not taken care of. This isn't fair. What happened to equal justice? What happened to fairness? We can do it. People of goodwill on both sides can do the right thing. This isn't a question of this bill or no bill.

So I honestly think that by supporting this point of order, first of all, we are being honest with the people. We are being honest with the people. We are saying there is not enough money in this trust fund and the taxpayers are going to have to bear the burden and who knows what will happen at that time. With the kind of deficits that are being racked up here, with the kind of national debt that is being racked up here, where is the money going to come from?

Some say: Go back to the court system. That is a very complicated matter. Every State has its own way. In some States it works well, like California. In other States, it doesn't. So I urge my colleagues, yes, to protect asbestos victims who may not be so lucky as the people in Libby. Let's take care of the people in Libby, and let's take care of all of the victims and potential victims and vote against waiving this budget point of order.

A budget point of order lies against this bill. The Parliamentarian has told us; the CBO has told us. Let's do the honest thing. Let's support the budget point of order, go back to the drawing board. Let's take care of these people and do it in the right way.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Mr. President, I come to the floor today, and after a discussion over lunch about Libby, MT, and some of the provisions found in this legislation, listening to the distinguished Senator from California, I think we had better answer some of the questions that are being asked about this.

As you know, I am here on the floor again, joining Senator BAUCUS, my colleague, urging our colleagues not to support this budget point of order. We have to deal with this terrible thing. If the point of order on the bill is successful, the bill dies and we will get no bill at all. There will be nothing to go to final passage, nothing to go to the House of Representatives, nothing to be considered in conference. I do not think that serves the interests of the victims of asbestosis or other asbestos-related diseases.

I want to talk about Libby, MT, I guess, because I live there—not in Libby, but in Montana. Many of my great friends live in Libby, MT. Families are watching this together in their living rooms today, watching this broadcast on C–SPAN. Televisions are set up in restaurants and dining rooms and hotel lobbies so people can continue to see what happens here as they go about their day.

I have been in close contact with the community leaders and people directly affected by health problems on a daily basis. For some of my colleagues, this debate is about technical details of a very complicated bill. For people in Libby, of course, it is life or death.

I want to show some pictures that have been sent to us. We want to give you an idea about how important this is.

Behind me—I don't know whether the cameras are picking it up; I assume they are from somewhere—is a picture of a baseball field. This field was built in 1959. You have to remember, this vermiculite mine started in 1924. For many years we didn't know anything about asbestos. We didn't know anything about the problems it caused. But we know if you are exposed, these diseases develop over time, and it takes a long time.

This baseball field was built in 1959, next to the processing plant. For years, the children of Libby played baseball in asbestos-contaminated fields while their siblings played on actual vermiculite piles of asbestos next to the fields. It is unbelievable. The former Governor of Montana was raised in Libby, MT. They thought it was a lot of fun because it was slick and, boy, you could slide a long way. The high school running track and football field were built on tailings from that mine site. For over 25 years, children have been directly exposed to tremolite-laced tailings which were used to line the track and, of course, the football field.

Maybe I can consider myself lucky; I never had to referee a football game up there and I had some 20 years refereeing that game in that State.

The saddest of all is it is all now coming home. It is now being identified. This is the photo of 250 crosses at Libby, MT, memorializing those residents who have died from asbestos-related diseases. Mr. President, 250 is 10 percent of the entire population of the town. Gayla Benefield told my office recently about how much this matter affected her life:

> Slow suffocation from tremolite asbestos is a terrible way to die but worse yet, watching our parents die and then, watching the looks on their grandchildren's faces when we tell them we have the disease is worse than dying.
>
> To watch one person die from the effects of our fiber is horrific. But to know that your own fate is no better, and that you cannot even protect your children or assure them that help will be there is even worse.

Earlier this week I read a letter I received from Jim Davidson who has been diagnosed with mesothelioma. He is one of many cases in the small town of Libby. His pleas were to get this legislation passed and to do the right thing—get something to conference and get something to the House, because a lot of these folks will not live long enough to ever hear their case pleaded in court.

Jim has been watching these debates with his family. Yesterday, Jim's son, Dr. Steve Davidson, wrote me a letter about some of the statements that have been made here on the floor. He said:

> As a past board member of our local hospital and as a past board member of our federally funded community health center, I have seen firsthand the impact of asbestos exposure on my hometown. As a health care provider, I am reminded daily of the price that has to be paid by my community. And as a son who is helping his father cope with mesothelioma, I must watch him struggle with his mortality. My father worked at the Grace facility for several months in the 1950s.

This is way back in the 1950s. Now, later, this terrible disease surfaces.

> We rely on Congress to do the will of the people. Since the Grace bankruptcy was ignored by Congress, we must now seek a reasonable remedy.
>
> There exists no empirical medical data to support the assertion on the Senate floor that "Libby is like East Hampton. . . ."
>
> I and my community would appreciate access to any facts to support such a statement. In their absence, we would appreciate an apology from the Senate floor. These remarks seek to minimize the humanity of the crisis in Libby and my Father's struggle.

It is something when it touches your life.

> We are uncertain if your remarks were made from ignorance or malice. Please help us to understand your position.

He is asking the Senate to clarify some of the statements that were made that seem unfair to some of the folks who are victims of the situation around Libby.

This is a photograph of Vernon Riley putting flowers on his wife's grave. Darlene Riley never worked at the mine or had anything to do with it. She died of the most severe type of asbestosis in 1995.

The fact is, no other asbestos location in the United States created as widespread a catastrophe as is in Libby, MT. To suggest that enclosed asbestos treatment facilities are the same as an open-pit mine that blew dust and the winds took it for miles and miles into the air since 1924, and it rained down on a town—to say that is not different than any other situation in this country is not true.

I think it is important that we pass a bill. That is why I urge my colleagues not to support this point of order because it will kill this piece of legislation. How many hours have all of us put in, trying to pass something that would give justice to people who right now stand to collect nothing for their injuries?

I urge my colleagues to support the motion to waive the budget point of order. It is necessary that we get a bill out of this Senate, send it to the House of Representatives. Let them deliberate. Let them carry on this argument. Let's get to conference and let's do what is right for the people who have been impacted by asbestos and asbestosis and the diseases related to it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Montana for his impassioned advocacy for the people of Montana. I want to make sure he has completed his remarks. I have plenty of time to wait if he has not.

Mr. BURNS. I completed. I yield to the Senator from Tennessee.

Mr. ALEXANDER. I wish to add to those remarks. This morning I met with a number of Tennesseans here in an event we call Tennessee Tuesday. It is a meeting we have every Tuesday. Senator FRIST and I host it for Tennesseans who are visiting Washington.

and it is a chance to let them know what we are working on.

I talked with them about asbestos. One of my friends on the other side of the aisle began this debate, which should have started earlier, by saying: Why are we talking about asbestos when we have a war, when we have deficits out of control, when jobs are going overseas, when kids are not learning in schools, when Medicaid costs are rising and prescription drug benefits are not being delivered as efficiently as we would like? Why are we talking about asbestos?

I think we have an obligation to say to the American people, and to ourselves, we know exactly why we are talking about asbestos. We are talking about asbestos because it has to do with tens of thousands, maybe hundreds of thousands of American jobs. We are talking about asbestos because it has to do with whether we are going to retain our preeminence as the leader in the world in competitiveness, whether we are going to be able to lead the world in terms of the standard of living we have. We are talking about asbestos because we have thousands of Americans who have been hurt and who deserve compensation and who cannot be compensated.

Asbestos is right where it ought to be. It is at the top of our agenda. We have Democrats and Republicans working together to solve the problem because it is about jobs, it is about America's role in the world, and it is about Americans who have been hurt and who have no way to be compensated unless we decide to help them.

Let's take the first point. The FAIR Act, as we call it—and that is a good name for it—is about jobs because since the 1980s, more than 70 companies have gone bankrupt as a result of asbestos lawsuits. These lawsuits have occurred because people were working for those companies and they were exposed to asbestos and many of them died or were seriously ill. More than 60,000 workers lost their jobs since the 1980s because 70 companies have gone bankrupt over asbestos lawsuits.

If we picked up the paper and read in the morning that 60,000 jobs had gone to China, there would be speeches made all across this Senate floor about whose fault it was. It will be our fault if we do not solve the asbestos problem and 60,000 more jobs are lost. Those are real, good-paying, manufacturing jobs that will be lost if we do not solve the asbestos problem.

My State of Tennessee has its share of those jobs. The auto industry, as an example, has one-third of the manufacturing jobs in Tennessee. We are glad that Saturn and Nissan have come to our state, and that we have gone from a handful of suppliers to nearly a thousand. But those companies, those suppliers, those jobs are at risk if we do not solve the asbestos problems.

The FAIR Act is about America's role in the world. It's about our competitiveness. The President talked about that in his State of the Union Address. He talked about it in Nashville. He is now talking about it wherever he goes. We are confident in our ability to lead the world. We know we are only 5 percent of the people and that last year we produced 30 percent of the wealth. We know the rest of the world is eyeing that statistic and saying, If American brainpower and economic conditions produced a growth economy that gives Americans 30 percent of the wealth for 5 percent of the people, we want to emulate that. So we have to work hard every day to make sure we create an environment in this country in which American businesses can grow the largest number of new American jobs. The last thing we want to do is lose American jobs.

How do we do that? We keep costs down. We stop runaway lawsuits. We solve the health care problem. We invest in science and technology because 85 or 90 percent of our new jobs since World War II have come from advances in science and technology. That is why we have introduced the Protecting America's Competitive Edge or PACE Act in this Senate, where we have 31 Democrats and 31 Republicans who have signed onto legislation recommended by the National Academies that would invest 9 billion new dollars this year in keeping our advantage in science and technology. We want to stay competitive.

According to a report from NERA Economic Consulting, "Asbestos litigation has damaged U.S. competitiveness." For example, if you are worried about asbestos lawsuits, you want to put your plant somewhere overseas and your jobs somewhere overseas, and we lose out.

Productivity growth in the United States, according to that report, in asbestos-affected manufacturing sectors has lagged behind growth in their counterparts in other countries by half a percent.

We Tennesseans worry about that because we like manufacturing jobs. As I said, one-third of them are auto jobs, and many of them are chemical jobs. We don't like lagging behind. We like our standard of living. That report says we lose $51 billion annually, with a total loss of $303 billion. The dollars are hard to comprehend. But jobs and competitiveness are what we are talking about here.

Finally, the FAIR Act is about compensation to Americans who have been hurt. We say the words "compensation to victims," but that doesn't really say it as plainly as "Americans have been hurt."

Here is a fact that got my attention. This is one reason I am speaking about this issue. This is the reason I am a cosponsor of the bill offered by Senator SPECTER and Senator LEAHY. Seventy billion dollars has been spent on asbestos litigation through 2002. Asbestos litigation is litigation to help people who have been hurt, who are going to die, in many cases, from asbestos. Nearly 60 percent of that $70 billion was spent on attorney's fees and other transaction costs. In other words, the people who are hurt got 40 percent of the $70 billion. That is not right.

In addition, it is taking up to 3 years for victims to collect their compensation as a result of complex litigation. Some businesses have gone bankrupt, so you don't collect from them. Some people have died, so they are in no position to collect. The legal process has taken too long for them, and 60 percent of the money that is collected is going to the lawyers.

This is not about plaintiffs' lawyers. Half the money goes to defense lawyers and half to the plaintiffs' lawyers. Whose fault is that? I don't know whose fault it has been, but I will tell you whose fault it will be if we allow this to continue. Former Chief Justice Rehnquist and Justice Ginsburg both said it to us. They said: We can't fix this problem in the judiciary; the Congress needs to do it. In one case, the Supreme Court said:

> The elephantine mass of asbestos cases . . . defies customary judicial administration and calls for national legislation.

That is us. That is what we are here for. That is why we get the big bucks. That is why we have the salaries. This is a big problem. We are supposed to solve it, and we ought to solve it. We have been trying to solve it. For the last 10 years, some of the best Members of this body on both sides of the aisle have been working on it. I could not begin to name them. I have heard Senator SPECTER say that Senator Gary Hart, more than 20 years ago, came to see him about it. Senator SPECTER and Senator LEAHY have worked hard, as have Senator HATCH and many other Members. Some of them don't agree about the eventual result, but many of the best Senators are working hard because they see this as a problem of jobs and competitiveness and Americans who have been hurt.

Where do we come at this point today? We have a budget point of order against the bill. If the point of order succeeds, the bill fails. Those of us who believe it is our job to solve the asbestos problem won't get to take the next step to actually debate the bill and see if we can bridge our differences and save jobs, improve competitiveness, and help Americans who have been hurt. I urge my colleagues not to let this point of order kill the asbestos legislation because we in Congress are the only ones who can solve this problem properly.

I respect the fact that the point of order is being made. But a point of order, as the Senator from New Mexico, the former chairman of the Budget Committee for so long, has said, doesn't automatically kill a bill; it just says to us: Stop and think; consider the point of order. And when we consider the point of order, which is designed for the purpose of making sure we don't slip in the legislation provisions which will cause big expenses in future years, we find this doesn't cause big, unanticipated expenses in future years. In fact, a February 13, 2006 letter from the Congressional Budget Office concludes that "this legislation would be deficit neutral over the life of the fund." So the point of order deserves respect, but this bill does not deserve to be killed by a point of order.

I implore my colleagues. We have a job to do. This is a tough piece of legislation. We are divided on our side. We have some who like the trust fund, but we have other Members who like another approach. There are some Democrats who like the trust fund and some who prefer another approach. I believe it is our responsibility to the people who put us here to solve this big problem. It will save tens of thousands of jobs, it can help tens of thousands of Americans who have been hurt, and it will help to assure America's preeminence 10, 15, 20 years from now.

I urge my colleagues, don't let the point of order kill the bill and kill our opportunity to solve this problem.

I thank the Chair. I yield the floor.

Mr. DORGAN. Mr. President, we are voting on a motion to waive the Budget Act in order that the bill creating an asbestos trust fund can continue to be considered on the floor of the Senate.

For the past couple of years, I have encouraged the creation of some kind of a trust fund to settle the many asbestos claims that are clogging our court system.

The current tort system does not work at all, in my judgment, with respect to asbestos-related claims.

According to the RAND study, lawyers on both sides of the issue are getting 58 cents of every dollar spent on asbestos litigation, which means that the victims are only getting 42 cents of every dollar expended. In addition, there are some very sick people who are getting no help while some people who will never get sick are getting awards. Frankly, that isn't fair or equitable.

So I have been sympathetic to the creation of some kind of a trust fund, and I know that the chairman and ranking member of the Judiciary Committee have worked very hard to develop the trust fund proposal now being considered.

I also know that the motion to waive the Budget Act is considered by some a technical issue. But some recent studies, including one done by my colleague Senator CONRAD, the ranking member on the Senate Budget Committee, suggest that the potential budget exposure to the United States Government is substantial.

The Conrad study indicates that this trust fund could fall short by more than $150 billion, which in the out years will put powerful pressure on the Congress to fund the shortfall.

This country has a Federal budget that is increasing its indebtedness by $704 billion in this fiscal year alone. We also have a trade deficit of $720 billion this year, for a combined $1.4 trillion debt problem. Our country's economic future is threatened by this massive debt, and I am reluctant to put in place anything that might substantially add to that burden.

The prospect that this trust fund could fall far short of that which is necessary to reimburse asbestos victims makes it a very real possibility that the Federal Government would be forced to add to its debt by covering the extra liability for those asbestos victims.

Until or unless those issues are resolved, I feel that the best course is to support the point of order in the hope that the authors of the legislation can resolve these differences and offer us greater confidence that this legislation will not add to the crushing debt that America already faces.

Therefore, while I will support the point of order, I will continue to work with my colleagues to find a solution that addresses this important issue.

Mr. GREGG. Mr. President, section 307 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, permits the chairman of the Senate Budget Committee to make adjustments to the allocations and aggregates provided certain conditions are met relating to Asbestos Injury Trust Fund legislation.

Pursuant to sections 307, I hereby submit the following revisions to H. Con. Res. 95. I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

	($ in millions)
Current Allocation to Senate Judiciary Committee:	
FY 2006 Budget Authority	7,387
FY 2006 Outlays	6,528
FY 2006–2010 Budget Authority	32,071
FY 2006–2010 Outlays	31,766
Adjustments:	
FY 2006 Budget Authority	0
FY 2006 Outlays	0
FY 2006–2010 Budget Authority	48,200
FY 2006–2010 Outlays	32,900
Revised Allocation to Senate Judiciary Committee:	
FY 2006 Budget Authority	7,387
FY 2006 Outlays	6,526
FY 2006–2010 Budget Authority	80,271
FY 2006–2010 Outlays	64,666
Original Senate Paygo Point-of-Order 2006 Budget Resolution policy balances:	
FY 2006	16,849
FY 2006–2010	75,580
FY 2011–2015	274,999
Adjustment:	
FY 2006	0
FY 2006–2010	400
FY 2011–2015	6,600
Revised Senate Paygo Point-of-Order 2006 Budget Resolution policy balances:	
FY 2006	16,849
FY 2006–2010	75,980
FY 2011–2015	281,599

Mr. GREGG. Mr. President, as we worked through the Budget last year, one of the main dilemmas confronting us as a government was clearly the unsustainably high levels of entitlement spending now and in the future. This spending in the not too distant future will crowd out the Government's ability to do much more than merely pay the costs of the entitlement programs themselves. Eventually, it will rob us of the ability to fund most essential discretionary Federal programs. So layering on new payments and programs, which claimants in time will come to expect as another entitlement from the Federal Government rather than the private sector, will threaten the Nation's economy with even more damage from too much Government borrowing and high tax burdens.

I, too, am concerned about the immense hardship that the asbestos litigation explosion has imposed on our economy for more than a decade now. The immense volume of litigation from occupational exposure to asbestos has already bankrupted numerous companies, large and small. The greatest harm from the litigation is that genuinely and critically sick individuals cannot get their day in court—and the financial help they desperately need—because the court system is overwhelmed by asbestos claims from tens of thousands of individuals who are not even sick yet, and may never be sick. Moreover, a disproportionate amount of victim compensation is being siphoned off in attorney fees.

Congress needs to address this crisis so that those who are truly sick from asbestos exposure are quickly and fully compensated. Yet our national economy also needs to be protected from further damage due to these thousands of protracted, unnecessary, and unfounded asbestos claims in our courts. But as part of that effort, we also need to ensure that the costs of compensating asbestos victims are not shifted off of the companies that would be legally liable in court and onto America's taxpayers.

I therefore hope the Senator, who is one of the authors of the bill, will allow me to ask him a few questions to clarify the legislative intent behind the bill we have before us and the degree of confidence he has that the trust fund established by the FAIR Act will be funded from nontaxpayer sources for the life of the fund, as required by the budget resolution for fiscal year 2006.

This past August CBO estimated that paying claims as provided for under this legislation would cost between $120 and $150 billion. CBO also estimated that the trust fund would incur an additional $10 billion in administrative and interest costs. CBO's total estimate for the bill then was that it would cost between $130 billion and $160 billion in order to meet the obligations of the trust fund over its 50-year life.

Then in a letter on December 19 to the Senator as chairman of Judiciary Committee, CBO elaborated on its earlier estimate for S. 852 and its ability to stay within the $140 billion provided for under the bill by stating:

> There is a significant likelihood that the fund's revenues would fall short of the amount needed to pay valid claims, debt service, and administrative costs. There is also some likelihood that the fund's revenues would be sufficient to meet those needs. The final outcome cannot be predicted with great certainty [over 50 years].

Given the uncertainty of this statement, I have been concerned that the fund could rapidly run up a deficit and that the taxpayers would then be asked to bail the asbestos trust fund out.

The clear track record of Government administered compensation programs designed to mandate a "no-fault" solution for liability claimants as in this case—has been that Congress ends up bailing out such funds' exploding costs with tax dollars. The Government Accountability Office, GAO, released a report just this past November that found that four victim compensation programs—the Black Lung Program, the Vaccine Injury Compensation Program, the Energy Employees Occupational Illness Compensation Program, and the Radiation Exposure Compensation Program—all expanded significantly over time after their creation to include additional categories of victims, to cover more medical conditions, or to provide significant additional benefits. GAO also found that those new and added costs ended up being paid by the taxpayers even if the victim compensation programs started out as privately funded.

So, again, while I strongly agree—as most everyone does- that the asbestos litigation crisis needs to be solved, it is unfair to do it by making hard working American taxpayers pay the tens of billions of dollars in additional compensation instead of the private companies responsible for the problem.

So, I would ask the senior Senator from Pennsylvania and the manager of the bill, what assurances can he provide—beyond the uncertain and not entirely inspiring CBO estimate regarding this bill—that the taxpayers will not end up footing the bill for this program, and that the new asbestos trust fund will not increase the Federal Government's budget deficit over the 2006–2056 period, as required by section 307 of the budget resolution for fiscal year 2006, the so-called reserve fund.

Mr. SPECTER. First, I want to commend my colleague for raising this important issue; that is, the potential impact to the American taxpayer of the asbestos trust fund. In response to my colleague's inquiry, I have been working very diligently to make every effort to tailor the trust fund so it remains solvent and to ensure that the American taxpayer will never be required to spend money to bail out the fund.

As you know, the measure would create a $140 billion trust fund, financed by companies facing lawsuits and their insurers, to compensate victims of asbestos exposure. This amount of funding was a difficult issue to resolve and took a long time to negotiate.

However, the bill contains several provisions that express our intent for the fund to remain funded by private, nontaxpayer sources for its full life. First off, the bill should not cause the deficit to go up because the FAIR Act requires a commensurate amount of revenues to come in from the private sector as is paid out in claims and program costs.

Second, the bill explicitly states that the American taxpayer should never bear the burden to pay for asbestos claims should the fund become insolvent. Indeed, section 406(b) of the bill expressly provides that the legislation would not obligate the Federal Government to pay any part of an award under the bill if amounts in the asbestos fund are inadequate. In addition, the ranking member and I added a finding to the managers' amendment to underscore our intent that the taxpayer should not have any obligation whatsoever under the proposed trust fund.

Admittedly, we as a Congress now cannot tie the hands of a future Congress, but our expectation is that future Congresses will honor our commitment in this regard.

The FAIR Act also provides the trust fund administrator with the ability to sunset the fund if he or she finds that it "will not have sufficient resources to pay 100 percent of all resolved claims while also meeting all other obligations of the fund under this act. . . ." After such a determination, the trust fund is supposed to terminate.

In the event a sunset does occur, all pending and future claims will revert back to the tort system. Some claimants would then have to litigate their claims in court and would not have a predetermined award. Many companies would also be thrown back into the tort system—even as they and their insurers have to continue payments into the trust fund to pay off any outstanding debt incurred by the fund.

While that will hopefully not occur, we also fully expect that future Congresses will not step in and try to take over the asbestos trust fund's obligations using taxpayer funds.

Mr. GREGG. I appreciate my colleague's willingness to clarify this important point. I would note the Congressional Budget Office yesterday released an estimate of the chairman's substitute on the asbestos trust fund bill, consistent with what the chairman just said, which states:

> . . . so long as the fund's administrator does not borrow amounts beyond the means of the fund to repay (as the bill would require), the government's general funds would not be used to pay asbestos claims. Furthermore, section 406 of the bill states that the legislation would not obligate the federal government to pay any part of an award under the bill if amounts in the asbestos fund are inadequate. Thus, CBO concludes that the legislation would be deficit-neutral over the life of the fund.

So given Chairman SPECTER's assurances and this conclusion by CBO; it is my intention to adjust the Judiciary Committee's 302(a) allocation to the extent that such legislation would not increase the deficit for the life of the fund—which brings me to my second concern. There is no argument that the genesis of this crisis was fueled primarily by the aggressive and abusive tactics of trial lawyers. I think you will agree that those same trial lawyers should not now gain a windfall from this legislation. However, they should be compensated fairly and adequately for their work on any claim on behalf of injured victims.

Under this bill, an attorney may not receive more than 5 percent of a final award made under the trust fund. This is more than generous compensation for filing a claim under a no-fault compensation system where no litigation cost will be incurred and which for the most part will only involve filling out forms for clients.

Under the tiered compensation scheme using set medical criteria and awards for multiple levels of asbestos-related injury, awards to claimants will range from $25,000 for level II claimants, with a so-called "mixed disease with impairment", to $1.1 million for mesothelioma victims in level IX. At a 5 percent fee, attorneys who merely prepare forms in order to file a claim on behalf of a client can receive between $1.250 and $55,000. This is very generous compensation for merely filling out paperwork.

Does the Senator foresee any circumstances under which the 5 percent limit on attorney fees could be increased?

Mr. SPECTER. I agree with my colleague's assessment that a 5 percent cap on attorney's fees will ensure that victims and not attorneys are the ones that actually receive the lion's share of the compensation that they are entitled to. That is one of the primary goals of this litigation reform bill. The bill makes no provision anywhere that would allow the 5 percent cap to be exceeded for filing a claim with the fund; however, in the case of appeals of an award under the fund, attorneys are permitted to receive reasonable hourly rates for their services rendered.

Mr. FEINGOLD. Mr. President, I wish to speak about S. 852, the so-called Fairness in Asbestos Injury Resolution Act of 2005. Because this legislation does not provide fairness for asbestos victims or small businesses, I oppose it. We need to take more time to address the problems with this bill and work to produce a result that is fair to all parties involved.

At the outset, I commend my colleagues on both sides of the aisle who have been working for years to develop a bill that addresses this issue appropriately. There is no doubt that this is one of the most difficult and complicated issues that the Judiciary Committee and the Senate have dealt with in recent years. Both last year, and in 2003, the Judiciary Committee spent weeks and weeks marking up legislation. In both cases, the end result was not satisfactory. But this was not because of lack of effort on the part of the Senators who want to find a solution.

Unfortunately, the solution this bill provides is badly flawed. This bill simply is not ready for floor consideration. That, if nothing else, is evident from the managers' package or substitute that will include over 40 significant changes to the bill. When the managers of a bill are still working on a managers' package with that many changes, before many amendments have even been offered, the only conclusion to be drawn is that the bill is not ready for the floor.

Asbestos victims around the nation deserve just and fair compensation for the exposure and resulting injuries they have suffered. My own State of Wisconsin ranks 16th in the Nation in asbestos-related deaths, and I know many Wisconsinites are following this debate closely because the outcome could have a substantial effect on their pending legal claims and their right to fair and just compensation.

Many Wisconsinites who were employed at mills and factories around my state were exposed to asbestos. Some of these workers even unknowingly brought asbestos material home on their clothes. A number of these asbestos victims, or their survivors, have pending claims in court. Under this legislation, their claims would be extinguished and they would have to start over to seek compensation from the trust fund. These are real people who have endured horrible disease and loss. Some had a loved one cut down in the prime of life, just months after getting a diagnosis. We need to find a solution that compensates these victims in both a fair and timely way and ensures they are protected after we force them to give up their rights to pursue their claims in court.

I support the concept of a national trust fund to compensate victims of asbestos-related diseases and address the strain that these asbestos cases have placed on our legal system and our economy. But I will only support a bill that in my judgment is fair to all parties involved, including, most especially, the victims of asbestos disease. That means, not only do the medical criteria and claims values have to be fair, but the design and funding of the system has to be adequate to pay the victims properly and completely.

There are, in my mind, enough conflicting reports regarding the adequacy of the fund that this bill creates to warrant opposition to the legislation. During this debate, many of my colleagues have referenced the CBO study that was completed last fall. Supporters of this bill cite the CBO report and its estimate that valid claims submitted to the asbestos fund over the next 50 years could be between $120 billion and $150 billion as justification for the $140 billion asbestos fund pricetag.

But as CBO itself points out, the pricetag could run higher than $150 billion for a variety of reasons. As the Senate Budget Committee minority staff pointed out in its analysis, CBO said the legislation is designed to produce incoming revenue of $140 billion. It did not conclude that the fund will in fact be able to collect $140 billion. According to CBO, it is possible that defendant companies could go bankrupt and therefore would not be able to pay into the asbestos fund, thereby raising the possibility that the fund could not raise $140 billion.

In addition, the pricetag could run significantly higher than $140 billion because according to CBO, it is very likely the administrator is going to have to borrow money from the Treasury Department at the outset of this process. Numerous studies and experts have predicted that there will be more claims filed than revenue collected in the initial years of the fund. That borrowed money will have to be repaid with interest, adding considerably to the cost of the fund. More important, having a large portion of the trust fund dedicated to interest payments means less money for asbestos victims. There is more than a little doubt that $140 billion is an adequate amount to keep the fund solvent and functioning. Until Congress can be virtually certain that the amounts to be raised by the fund will cover all victims' claims, I do not believe we can fairly ask asbestos victims in Wisconsin and around the nation to give up their legal rights and take a gamble with this fund.

And so a budget point of order was raised against this measure. Supporters of the bill have asserted that the point of order and other budget points of order that also potentially lie against the legislation are purely technical in nature. Their arguments suggest that it is only through some unintended fluke of the Budget Act that supporters must find 60 votes to waive the budget points of order so they can proceed with the proposal.

In fact, while some may view the points of order as technical in nature, the budget issues raised by this bill are significant. Indeed, the risk to taxpayers created by this bill would be considerable even were the nation not already in the most dire of fiscal straits. The budget policies of the White House and Congress for the past 5 years have been nothing short of reckless, and the last thing we should be doing is to add to our budget problems by roping taxpayers with a massive new underfunded commitment.

The analysis presented by the Senator from North Dakota, Mr. CONRAD, the ranking member of the Budget Committee, a few days ago is telling. Based on conservative estimates, a review by professional staff of the Senate Budget Committee projects that over time the trust fund established by this legislation to compensate people made sick by asbestos will fall $150 billion short of the funds it needs. Moreover, the analysis shows that the shortfall may amount to $300 billion under even reasonable assumptions.

Lest some argue that these figures aren't meaningful, $300 billion is more than we spent last year on the Departments of Agriculture, Commerce, Education, Energy, Housing and Urban Development, Interior, Justice, Labor, State, Transportation, Treasury, and Veterans Affairs, and the Environmental Protection Agency, combined.

This bill presents a potentially massive new burden for taxpayers on top of the record government debt with which they have been saddled. And because they face that burden, taxpayers are entitled to the full protection of the Budget Act, no matter how technical such protection may be in the eyes of the bill's supporters. Taxpayers deserve the safeguard of a 60-vote budget point of order. I will not vote to waive the Budget Act.

There is no doubt that this bill will require a significant number of asbestos victims to give up their legal rights and, in many cases, pending claims in court. Under the language of this bill, unless a claimant is already presenting evidence before a judge or jury or the final verdict has been issued, the claimant's case is stayed and the claimant is redirected to the asbestos trust fund. We are all aware that there will be victims who have invested a significant amount of their time and resources into pursuing legal claims, but for whatever reason, their cases have not yet reached the evidentiary stage. As any legal observer knows, cases can take years to reach the evidentiary stage. Is it fair to ask asbestos victims who have invested years of their lives and extensive resources to give up their legal rights and instead file claims with a fund that may not have enough money to pay out all the claims? I do not think it is fair or reasonable and I had hoped we would take more time to ensure the fund will remain solvent before moving forward with this legislation.

I am also concerned about the ability of victims to reenter the legal system in the event the asbestos fund is declared insolvent. This issue involves fundamental questions of fairness for victims, but also for the businesses and insurers that are paying into this fund. Again, I want to reiterate that I support the concept of a trust fund to compensate victims of asbestos disease and I understand that if correctly created and administered, the fund could guarantee certainty to both victims and defendant companies. This legislation, however, does not give that certainty to either party. If the fund's ability to pay claims declines, asbestos victims could find themselves at the mercy of Congress. Last week, Senator SPECTER voiced a willingness to make modifications to medical standards or criteria if it looks like the fund might exceed $140 billion. This is anything but fair to asbestos victims. To change the medical standards or criteria midstream introduces great uncertainty for these victims, which I find unacceptable. If we are going to ask victims to forgo their legal rights and enter this system, the least we can do is assure them that they will receive just compensation.

There are two things we absolutely have to do in any asbestos legislation. First, we have to be sure that there is adequate money right away to pay the large number of claims that we know will be filed almost immediately. I think this debate has shown that there is not enough money to pay out the initial claims and substantial disagreement as to whether there is even enough total money in the fund to pay out claims over the life of the fund.

The other thing we must do is make sure there is a strong sunset provision that will allow victims to file suit in the future if this trust fund isn't able to pay their claims. Under this bill's language, asbestos victims have to wait until the administrator has declared that the fund can no longer pay claims and has followed procedures before they can file their cases in court again. Moreover, the bill states that the termination of the fund takes effect 180 days after the date that the administrator determines that the fund will not have sufficient resources to pay all of its obligations. So, even though the administrator has declared that the fund does not have enough revenue to meets its obligations, asbestos victims would have to wait until the fund formally terminates 180 days later to file their claims in court. For some victims, 180 days of waiting seems a lot to ask, after they were forced to give up their legal rights to enter this fund in the first place. I would hope that we can legislate a more prompt and certain sunset provision before asking asbestos victims to give up their legal rights.

I have also heard concerns from small business owners that this bill will unfairly impact their businesses, in some cases even driving them out of business. There are a number of small and medium-sized businesses around the nation that have purchased insurance in the past to cover their asbestos liability. Under this legislation, that coverage would not be taken into account. Small businesses will have to pay into the trust fund at levels comparable to their past asbestos liability, even if that liability had been covered by insurance. In effect, small businesses will be punished for responsibly ensuring their liability. A number of these smaller businesses have said these mandatory payments would drive them into bankruptcy. Meanwhile, larger businesses that also have asbestos liability would benefit from paying into this trust fund because of the way the mandatory payments are structured. Under the bill, many of these larger businesses would pay far less than they currently pay to resolve these claims. I cannot support legislation that unnecessarily hurts smaller businesses while allowing more culpable and larger businesses the chance to evade their full responsibility to asbestos victims.

In addition, like many of my colleagues, I have concerns about the impact that this legislation will have on the Federal budget. Supporters of the bill assert that no taxpayer money will ever be used to keep this trust fund solvent. But what happens if the fund does become insolvent? I agree with my colleagues who say that if we pass this bill, Congress will find it very difficult to let the trust fund expire. Senator SPECTER is on record as saying medical standards and criteria could be altered, which I already noted is incredibly unfair to victims. Others in this chamber have voiced concerns that the obligation for the fund could be shifted to taxpayers and I share those concerns also. I know Senator SPECTER and Senator LEAHY, two colleagues whom I deeply respect and who have worked tirelessly on this issue, say that taxpayer money will not be used for this fund. But there is no way to say that with absolute certainty. If the fund runs out, one possibility is that taxpayer money will have to be used to continue to pay claims. This option is no more desirable than changing the medical standards under the bill or forcing claimants and companies back into the legal system. The potential budgetary impact is one more reason that this legislation should be studied further so that we can ensure the trust fund will provide fair compensation to asbestos victims.

We can do better by both the victims and business interests looking to us for a solution to this problem. I believe that if we take more time to ensure the solvency of the fund, to ensure that victims' legal rights are adequately protected, and to ensure that taxpayer money will not have to finance the fund, we can reach a solution that truly can be called fair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DEMINT). Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent I be given an additional 5 minutes to speak to compensate for the 5 minutes requested by the Senator from Tennessee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, the issue before the Senate today could not have more importance for hundreds of thousands of American peoples. Unbeknownst to many, in their workplace environment, in their homes, places they have visited during the course of their lives, innocent people have been exposed to asbestos fibers. The fibers are inhaled into the lungs and sit like tiny detonation devices that someday may explode. If they do, they could cause asbestosis which reduces the efficiency of the lungs or, even worse, mesothelioma, a fatal condition similar to lung cancer which claims the life of the innocent victim.

As I have said repeatedly, I don't know of a single worker or person afflicted with this disease who willingly put themselves in this circumstance. But for many thousands of people, they find themselves infected and dying.

Conversely, we know that many companies that made products with asbestos over the years knew for decades that it was a dangerous substance, a substance which was shortening the lives of their employees and a danger to their customers. They said nothing. As a result, when these little detonation devices or timebombs went off in the lungs of Americans, thousands and hundreds of thousands and millions of Americans, it created a wave of lawsuits against the companies that made products containing asbestos.

That has been going on for decades. Those who estimated the number of afflicted victims have been way off. The Johns Manville trust fund said there would be 200,000 victims. It turned out there were 2.1 million. So it has been a test of our legal system to give fair compensation to the people who have been hurt. Many people have gone through the system and received compensation.

Of course, there have been some who have abused the system on both sides. There have been some filing lawsuits for people who were not sick. There have been businesses, which were clearly liable, that did everything they could to avoid paying victims. Those things happen in courts of justice across America every single day.

Now comes the bill before the Senate, this so-called Fairness in Asbestos Injury Resolution Act, which says that we should basically deny to hundreds of thousands of Americans their day in court, their due process, their chance to stand before a judge and jury to have their fate decided, their chance to say that we believe the person on the other side of this lawsuit is responsible for the illness and death in our families. This bill is designed to close down that opportunity, to shut the courthouse doors and to replace them.

As I said before, it is quite a bold undertaking to replace the court system in America with something new. That something is this trust fund. And in a few moments, we will have a vote on in this Senate. The vote is critically important. It is a budget point of order. It goes to the heart of this trust fund and as to whether we can trust that $140 billion in the trust fund will do the job. It asks the most basic question: Are we, in fact, not creating a private-funded trust fund but, rather, an obligation of the American Government, the Government, to pay in years to come for these victims? Are we replacing a court system, where the businesses which have some exposure, some liability, pay up in court, with a system where the taxpayers take care of the victims?

If you believe that the companies that are most liable are paying into this trust fund the amounts they otherwise would pay in court—we know that is not true. Three weeks ago, U.S. Gypsum, a major company, announced if they were to pay off all the asbestos claims against their company they would be paying out somewhere in the range of $4 billion. However, under this bill, U.S. Gypsum will pay into the trust fund somewhere in the range of $800 million, maybe $900 million at the most. So for this company, this is a windfall. They will escape some $3.1 billion in exposure and liability and others will step in to pay the difference. Companies will step in to make up the difference and ultimately, it is my belief, when the trust fund fails, as it is likely to fail, then it will fall on the shoulders of the American taxpayers to make up the difference.

If this bill passes, you can expect the stock of many of these companies that are on the line for asbestos claims to go up dramatically, declare dividends, pay more to their CEOs, make sure that their profits are larger and shared by more. But when it comes to the stock of the American people, it will go down because we will be accepting responsibility not for just this generation but generations to come.

The budget point of order before the Senate raises this fundamental question. It is one that, on its face, few would argue with; that ultimately, the American taxpayers are going to be holding the bill, making up for these corporations which will be off the hook.

This afternoon, Senator CONRAD, the ranking member on the Committee on Budget, received a letter from the Congressional Budget Office, signed by Donald Marron, the Acting Director. The letter clarifies a letter that has been talked about in the Senate a lot. I will not read the entirety of the letter but it says, to clarify an earlier letter:

> As CBO has noted in previous assessments of asbestos legislation, there is an enormous amount of uncertainty about the potential costs under the proposed amendment. Operating the Asbestos Injury Claims Resolution Fund would be an entirely new government task, and CBO and other analysts have little basis for judging how the fund's administrator would implement the legislation. No one can be certain, because of the limited data that are available, as to how many claimants there would be and how much would have to be paid to them. The revenues under the amendment would be, at most, $140 billion, but could be significantly less.

He goes on to say:

> CBO concluded, in its February 13 letters to Senators Gregg and Specter, that the proposed amendment would be "deficit-neutral over the life of the fund." That conclusion is based on the fact that the sunset provisions of the legislation would limit spending for claims compensation, debt service, and administrative costs to an amount no greater than the budgetary resources that would be available to the fund from assessments on liable firms, assets of existing bankruptcy trust funds, any interest earnings. Thus, if valid claims and other costs of the funds were to exceed its resources, the administrator would not have the authority to spend amounts in excess of those resources.

Senator SPECTER admitted it. He came to the Senate last week and was asked: What happens if this fund runs out of money? What if our guess that it is going to cost $150 billion is wrong? He gave an honest answer: We will just cut the compensation to victims and give them less money.

I think that is right. That is the only place to turn because the alternative is to turn back to the U.S. Treasury. That is what this budget point of order is all about.

Members of Congress in the Senate and House who are mindful of the budget deficit we face together understand that we are not only plunging into the darkness with this trust fund, into something that has never been tested or tried at this magnitude but, more importantly, we are putting at risk the lives and fortunes of families across America, innocent victims of asbestos exposure, who simply want justice so that before their loved one dies, before the suffering continues from asbestos exposure, that, in fact, they will have a chance for fair compensation. With this trust fund they will not. Their lawsuit will stop the minute this bill is signed into law, if it reaches that point. Their day in court is over. They will wait to see if this trust fund, as promised, will make them whole.

I reserve the remainder of my time. I see the Senator from Delaware. How much time is remaining on our side?

The PRESIDING OFFICER. There is 15½ minutes.

Mr. DURBIN. I yield to the Senator from Delaware 5 minutes.

Mr. BIDEN. Mr. President, I have refrained from speaking on this bill up until now because, quite frankly, my colleague, our leader, Senator DURBIN, and our ranking Member of the Committee on the Budget and others have spoken with eloquence and precision, I believe, about this point of order.

I have a number of amendments if this point of order fails. But before the time closes on this vote, I did want to ask the indulgence of my colleagues to make a few very brief points.

No. 1, this is a Herculean attempt by one of my best friends in the Senate—one of my best friends, period, Senator SPECTER—to try to deal with the real problem. The real problem is that there are a lot of people out there suffering from the effects of asbestos. There are not a lot of companies out there with the money to pay all of these claims. There is the concern that some of the very companies we have to go to, to recover from, may very well declare bankruptcy. So I understand the motivation. It is a decent, honorable motivation.

But the bottom line is, what we are asking an awful lot of people to do is to give up a right in tort that has existed in common law for hundreds and hundreds of years prior to our Nation's history but throughout our Nation's history. The deal was it would be in return for a guarantee. They would take less, they would get in line, people who had claims they could pursue now would not be able to pursue them immediately until the medical effects occurred. All kinds of limitations were prepared to be put on individuals' rights and claims in return for a deal.

What was the deal? The deal was that they—the victim—having met the criteria of the bill, would be guaranteed a payment and guaranteed a payment within a time certain and that everyone would know the rules.

When I was a young Senator my first year here, I was No. 100 in seniority. I sat in the back corner. Russell Long was in the Senate with the finance bill. Senator Schweiker of Pennsylvania and Senator Case from New Jersey and I worked out an agreement related to a compact relating to the Delaware River area. I walked up to the Senator from Louisiana, Mr. Long, and I said: Senator, I hope you can support this. We have worked this out. He said: Yes, I will be with you. I will be with you.

I had a staffer who had a lot more experience than I. I had only been here months, maybe a year. This staffer worked here before and was seasoned and said: By the way, ask for a rollcall vote. I asked for a rollcall vote. And in the process, when the vote came, it got to Long and Long voted "no." I said: He just told me "yes."

Well, he told me, yes, he would vote for it, if it were not a rollcall vote. I didn't know he said that, but he meant that only if it was a voice vote he would vote for it—meaning he could drop it in conference. I walked up to him and I said: Senator, we had a deal. And I was referring to my colleagues from Pennsylvania and New Jersey and Delaware. And he put his arm around me, as only he could do, he pulled me in close like he used to do to everyone: JOE, as my Uncle Earl used to say: I ain't for no deal I ain't in on.

Guess what. The victims are not in on this bill. They are not in on this bill. Because if my colleagues are right—and I believe they are—about how short this fund is going to come and how quickly it is going to reach that point, and how underfunded right from the very beginning this is likely to be, guess what happens. At some point, the administrator of this whole outfit can look down the road and say: By the way, we are going to run out of money, and he can recommend a couple of things. He can recommend that the criteria to qualify change. He can recommend that the amount of money recovered change or he can recommend the fund sunset and people go back, in part, to what they had before.

What would happen if I had said to the business community: There is one other thing he could do. He could go back and change the contributions and what category each of the businesses fall in. He has the discretion to do that. He can go to a company that had more money than another company, even though not as much responsibility, and kick them up into a higher category. I wonder how many of my friends would be saying: Wait, wait, wait a minute. That is not fair. Businesses have to plan. Businesses have to have certainty. You have to make sure that what you tell them in here is going to happen.

Guess what, folks. That is what we are doing to the victim. That is what we are doing to you, the person who gave up your right that only the Congress can take away from you. Give up your right.

There is much more to say. I hope I will not have to say it because I hope this point of order is sustained. But if it is not, there are a number of amendments I have.

Mr. DURBIN. Mr. President, I yield the Senator 2 additional minutes.

Mr. BIDEN. Mr. President, I thank the Senator very much.

The bottom line is, I do not, for a moment—and, again, because he is on the floor and he is my friend—I do not question the motivation, the intention, the desire, the intensity with which my friend from Pennsylvania feels about this issue. I believe he believes if this passes we are going to be doing the victims of asbestosis—and all other aspects of the exposure to asbestos—we are going to be doing them more good than harm.

But I disagree. If the money were here, if the money were guaranteed, under no circumstances could it fall short, then, in fact, that would be the case. But the last piece I will mention here is, I heard my good friend from California talk about Goldman Sachs has a list. Isn't this amazing? We are about to vote on a bill that by some measure will cost at least $140 billion to somebody—I think a lot more—and there is a list that Goldman Sachs has. And we don't? I ain't for no deal I ain't in on. I ain't in on this deal. I am not for it. I am not for it.

I thank the Chair and thank my colleague.

Mr. DURBIN. Mr. President, I thank the Senator from Delaware.

I wish to add, we brought up this whole issue of this secret list last week, and Senator SPECTER came to the floor and he said he believes for a variety of reasons he cannot tell us, cannot disclose to the public, the contributors, the businesses that will contribute to this fund and how much they are going to be asked to give. So we are dealing with an amount, $140 billion, that many people question. Serious groups have analyzed it and said it is not nearly enough. And when it comes to the contributions from businesses to create the fund, we are dealing with a secret list.

This may be the first time in the history of the Senate we have spoken on the floor openly about how things are determined. Apparently this one company that has been mentioned on the floor created a list of businesses and decided how much, under the criteria, they would be paying in.

Mr. SPECTER. Will the Senator from Illinois yield for a question?

Mr. DURBIN. On your time I would be happy to yield.

Mr. SPECTER. I have no time.

The PRESIDING OFFICER. The Senator from Pennsylvania has no time.

Mr. DURBIN. How much time do I have remaining?

The PRESIDING OFFICER. Seven and one-half minutes.

Mr. DURBIN. I yield for a question, if it is pointed.

Mr. SPECTER. When you refer to the so-called secret list, as I pointed out to you on several occasions over the past several days, isn't it true you have seen the list?

Mr. DURBIN. No, I have not. And I thank the Senator for raising that point.

Mr. SPECTER. Isn't it true the list has been made available to you to see?

Mr. DURBIN. I would say to the Senator the same thing I said last week when we engaged in this conversation: For some reason, the Senator—whom I respect very much, and I have said this publicly, and it is not to be construed otherwise—has decided this list is confidential. So the list is made accessible to staff members and Members of the Senate to view but not to take notes or copies. Now, that is fact.

Mr. SPECTER. Mr. President, will the Senator yield——

Mr. DURBIN. And when I asked the Senator from Pennsylvania if he would make this list part of the RECORD, so we could see it right here in the CONGRESSIONAL RECORD, published for America to see, he said he would take it under advisement. He came back the next day and said for a variety of reasons, he could not do it. The fact remains——

Mr. SPECTER. Will the Senator yield for a question?

Mr. DURBIN. Not until I complete my thought. The fact remains that this list is secret to the public. If this is a public forum, if we are considering legislation that will impact the public, why, then, is the most fundamental question about who will pay into this trust fund being kept confidential and secret?

It strikes me as straining credulity that this process is so open and transparent that we cannot tell the businesses of America how much they have to pay in or the victims of America how much they can expect to receive into this trust fund for their own payments. That is a fact. And because staff members or Senators can go to the hearing room and look through the report—not make a note, not make a copy—does not create a lot of confidence.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, will the Senator from Illinois at this point yield for a question?

Mr. DURBIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Five and one-half minutes.

Mr. DURBIN. I believe the Senator from New Jersey is coming to the floor and asked to speak. With only 5½ minutes remaining, I reserve the remainder of my time.

Mr. SPECTER. Will the Senator yield for 30 seconds?

Mr. DURBIN. To show the Senator from Pennsylvania how much I respect him, yes.

Mr. SPECTER. Would the Senator from Illinois be willing to accept, in open court, the list?

Mr. DURBIN. If I am allowed to put it in the RECORD.

Mr. SPECTER. The Senator from Illinois would be bound by the denomination on the list, which is law and Senate rules. It is not something ARLEN SPECTER has made up. But this is a list which you can have in your hand. It is not a secret list, but there are rules of confidentiality established by law and by Senate rule.

Mr. DURBIN. I would say to the Senator——

Mr. SPECTER. And if the Senator from Illinois declines, that is fine with me.

Mr. DURBIN. I would say to the Senator from Pennsylvania, I think he has constructed a situation here that isn't fair to this process. To think that we would be dealing with the lives and fortunes of so many hundreds of thousands of families, and that we are saying we cannot share with them the most fundamental information about how this trust fund is created. I think we could do better, we should do better in the Senate.

Mr. SPECTER. Would the Senator from Illinois accept my characterization of his position as ridiculous?

Mr. DURBIN. No. I would accept my characterization as challenging the Senator from Pennsylvania to accept the obvious. If this list has been created by some private company and cannot be shared with the people of America in the midst of the debate on this important bill, there is a serious flaw in this legislation, a flaw that cannot be overcome, even with the good feelings I have for the chairman of this committee.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. ENSIGN. Mr. President, I want to speak. We are debating a budget point of order. People in America are thinking this is some kind of a technical jargon that Senators are using. What does it mean?

A budget point of order is a parliamentary rule that can be used to make sure that the Senate carefully weighs whether we are putting undue burdens and obligations on future Congresses, which obviously means to future generations of Americans.

We are raising—and I have raised—this budget point of order today. I will be the first one to admit, it is a very technical budget point of order. But let me explain the reasons I believe it is a real budget point of order in its effect, stopping huge obligations by this Government in the future.

In the wisdom, I believe, of the Senate in last year's budget, we put in a budget point of order that would say beyond 10 years, if there is spending of more than $5 billion obligated, a bill would be subject to a budget point of order. It is because it had become practice around here to make things kind of ramp up, and, then, in the future spend the money so it did not look as though we were spending money now. It looked as though things were either budget neutral or had very little impact on the budget.

I said the other day on this very floor, talking about what is going to happen with Medicare, Medicaid, and Social Security, as the baby boomers retire in this country, it is a serious problem we are facing. If there is a problem with this trust fund—which many people believe there will be a huge problem with this trust fund, that it will be grossly underfunded—if the problem ends up coming back to the taxpayer, it will happen at a time when the baby boomers are starting to retire.

I know the Presiding Officer from South Carolina is one of the most fiscally responsible people in this body. I have followed his short record in the Senate and know how passionate he is about our entitlement programs. I feel the same way he does. But with that looming problem of the baby boomers coming up, the last thing we can afford to do is to enact a bill that potentially could have a major impact—literally, maybe with a number in the hundreds of billions of dollars—that could have a drain on our Government.

The Senator from Pennsylvania says there are no Federal revenues at stake here, the trust fund does not allow for that. Here is why I think it is a real budget point of order. I have been around this place long enough—I have only been here in the Senate 5 years, and in the House before that 4 years, but that is long enough to see how this town works. The Congress is creating this trust fund. If this trust fund runs out of money and there are still victims around, the people in this very body will stand up and say: Congress created the problem, Congress needs to fix the problem. Everybody will join in because there will be victims and people will have posters of victims out there. And there are real victims, people who are suffering, people who are not getting the help they need today. That is why I believe this is a real budget point of order because I think the Congress will act and will give the money to supplement the trust fund. It will not be their money; it will be the taxpayers' money. But they will give the money.

Now, I have heard a lot of people come down here and say why there is a problem. The fact is, we have a broken legal system that needs to be fixed. The trial lawyers in this country have discovered these class action lawsuits: Bring your Rolodex in and we will see who we can sue. And so many people who are not victims are clogging up the courts, who I believe are led there by unscrupulous lawyers. It is blocking real victims from receiving compensation.

It has been said that many businesses have gone out of business. The chairman of the Judiciary Committee has argued one of the reasons we need the trust fund is because a lot of businesses have gone out of business so there is nobody left to sue. Why did they go out of business in the first place? It is because of frivolous lawsuits, having to spend millions and millions of dollars defending themselves. In a lot of these cases, the businesses had nothing to do with asbestos.

I remember this one company that came in to visit me. They were an insurance company thinking of getting into insuring folks in the asbestos field. So they did a study. They came to the conclusion it was too risky, and they decided not to go into that business. I forget the exact figure, but I know since that time they have paid hundreds of millions of dollars out defending themselves because they did not release the study.

This was their own internal document they used to decide whether they were going to go into a certain business. But because they did not release the study, trial lawyers brought them in to the courts and sued them. In many cases, it is cheaper to settle than it is to defend yourself in court. So they paid out umpteen millions of dollars.

The problem with that is insurance companies are a passthrough. Americans are paying the bills. They are just a company that takes in premiums and pays out claims. They are there to make a profit. And if they have to pay things out, they have to raise the premiums, which we all pay.

So we know there is a serious problem. We know it has been caused because of a bad system, and we need to fix the system. I am the first one who wants to stand up here to fix the system. The alliance that has been formed here to try to support this budget point of order is a little strange. There are some fiscal conservatives. There are some people who support the trial lawyers. I have never been exactly claimed by the trial lawyers as being one of their friends, and I feel a little uncomfortable to be in this position, to be honest with you. But I am standing up for this budget point of order because I believe this bill is fiscally irresponsible to the taxpayers into the future.

Now, I want to address one other portion or one other thought no one has addressed on the floor of the Senate. I was in the House of Representatives for 4 years, and there I served on the Ways and Means Committee. The Constitution of the United States says something very clear. It is a very simple writing. That is the beauty of the Constitution, how simple the writing is. Section 7 of article I of the Constitution states:

> All Bills for raising Revenue shall originate in the House of Representatives. . . .

That is a very simple statement. In the letter to the budget chairman, the Congressional Budget Office says:

> CBO expects those sums—

Talking about the sums for the trust fund—

> would be treated in the budget as Federal revenues.

Section 7:

> All bills for raising revenue shall originate in the House of Representatives.

Any Member of the House of Representatives can raise this constitutional question. I cannot remember a time when somebody raised this constitutional question when the House of Representatives did not support it. It is called a blue slip. I raised one when I was there. It was on the nuclear waste bill that was up. I raised that budget point of order, and that was at a time when the vast majority of House Members supported the nuclear waste bill. Yet they supported me on that blue slip, that constitutional question, because they wanted to protect their rights as a body.

Well, beyond the budget point of order, we may be spinning our wheels because this trust fund raises revenues, and it is the prerogative of the House of Representatives to start a bill like that. So even beyond the budget point of order, we may be wasting our time with this bill because of the trust fund that has been set up.

So I encourage my colleagues, let's sustain this budget point of order and start over. Let's get a good medical criteria bill, work in a bipartisan fashion, get together and limit it.

Let's make sure that victims of asbestosis and mesothelioma are compensated. Let's get rid of all of the phony claims. It will quit clogging up our court system. We won't have all these lawyers getting rich over all these class action lawsuits. We will actually get the victims their just compensation.

If we join together and get something done and quit making partisan political points, I believe the actual victims will be better off, but so will those businesses that are threatened to go out of existence even as we speak.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, I think I have been yielded time. I would like to check with the people at the desk to see whether that is the case. I heard the Senator from Illinois say I was expected on the floor. Is that noted in the Record in any way?

The PRESIDING OFFICER. We have no record of the Senator from Illinois yielding time.

Mr. LAUTENBERG. Mr. President, since I am on the floor and there is nobody else here on the Democratic side, I ask unanimous consent that I be permitted to speak for not more than 5 minutes or so.

Mr. ENSIGN. Whose time is that coming off of, Mr. President?

Mr. LAUTENBERG. I believe it is our time.

The PRESIDING OFFICER. There would be an additional 5 minutes, unless someone else yields time.

Mr. LEAHY. Mr. President, parliamentary inquiry: The opponents of the position of the Senator from Nevada, how much time do they have?

The PRESIDING OFFICER. The Senator from Nevada has 23 minutes. The Senator from Illinois has 3 minutes 22 seconds.

The Senator from Vermont has 15 minutes.

Mr. LEAHY. This is in opposition to the position. I will reserve my 15 minutes for the Senator from Pennsylvania and myself.

Mr. ENSIGN. Mr. President, before the Senator from New Jersey speaks, I yield 15 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from New Jersey made a unanimous consent request for 5 minutes. Is there objection to that?

Mr. LAUTENBERG. Mr. President, I would like to use Senator Durbin's time. He has 3 minutes left. I ask unanimous consent that I be permitted to use Senator Durbin's time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, since time is limited, I am going to get down to the nuts and bolts. I come from a State in which asbestos was prominent in manufacturing in many places. As a matter of fact, early in the 1950s, a doctor named Irving Selikoff, who was a researcher as well as a physician, discovered the lethality of asbestos. He is the one who raised the alarm about the dangers of that product.

He saw mesothelioma and asbestosis.

In my office in New Jersey, I had a man and his wife and his mature son, who was about 30 years old, come in to see me because they all had mesothelioma, but only the father worked in the manufacturing facility, the mill. His wife and child, his son, were made ill as a result of the mother washing her husband's clothes. That is how lethal, how dangerous asbestos is.

This bill is an abstract exercise. There are real people involved, people who are going to die as a result of the exposure. I have seen it up front and personal. A friend of mine who was a lawyer, after practicing 20 years, got a call from a member of a union one day that had asbestos workers, and he was told to get a chest x ray. He did. After 20 years of no illness, nothing, suddenly they found that he had a spot on his lung, and it turned into mesothelioma and he was dead soon thereafter.

I recently had a World War II vet—I am one as well—come into my office, sick from mesothelioma, from work he did 40 years ago. We have seen so many cases where the gestation period is so long, so that to suddenly close this out and say that is going to be enough money, $140 billion—it sounds like a lot, but it is not a lot when it comes to individuals who need help and who need to be able to continue to conduct their lives and do whatever they can to make life comfortable.

The Congressional Budget Office has stated that the fund will need $10 billion more. Other analysts put the figure as high as $300 billion. So it is fairly obvious that I am going to oppose this bill and support the point of order. I urge my colleagues to do the same because what we are doing is dismissing the suffering of people who have been exposed to this, even though the companies knew how dangerous the material was they were working with. They permitted people to work with it and did not do anything about it, except ultimately, in many cases, they went bankrupt as a result of their behavior.

I yield the floor, and I hope my colleagues will oppose this bill and support the point of order.

The PRESIDING OFFICER. Who yields time?

Mr. ENSIGN. Mr. President, I yield 15 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, first, I want to acknowledge the extraordinary amount of work that the chairman of the committee and the ranking member have put into this bill, and how much I admire the diligence they have brought to the task.

I rise today on the question of a budget point of order that has been raised by the Senator from Nevada. That budget point of order is clearly well taken. A number of months ago, my technical staff on the Budget Committee came to me and said they had been reviewing this legislation and they wanted to alert me that they believed this legislation was underwater, that it was underfunded, that it would lead to severe consequences not only for taxpayers but also for those who were the victims; it might also lead to severe consequences to companies that thought they were escaping the court system.

Why is that? Well, it is true because the analysis that has been done demonstrates it is much more likely this fund will go insolvent than not. Why?

First, because claims and administrative expenses are likely to exceed the contributions to the asbestos trust fund.

Second, upfront claims will far exceed contributions, so the trust fund will have to borrow substantial amounts, and that borrowing will come from the Federal Treasury, increasing the ultimate cost.

Third, small adjustments in the amount and timing of the assumptions quickly bankrupt the trust fund.

Finally, it is very unrealistic to assume that the trust fund, once initiated, will ever terminate.

Mr. President, CBO said in a letter today:

> CBO cannot estimate any costs or savings that might result from several features or consequences of the legislation. A number of those features could add to the cost of the legislation.

What are those features? Here are a number of things that CBO said they could not estimate. They said they made no provision for dormant claims. Dormant claims are cases that were brought previously but for which there is nobody to pay under the current system. No. 2, we also know there are trusts that are only paying cents on the dollar. Those dormant claims could come back against this fund.

Second, exceptional medical claims: Exceptional medical claims are claims that don't fit neatly into one of the nine categories provided for in this bill. CBO said they could not make an estimate for those.

Third, CBO made no estimates for family members' claims; that is, family members who have been affected because a loved one comes home with asbestos on their work clothes. I had a family come to me where both the mother and the daughter became ill because the husband brought asbestos home on his work clothes and that made them ill. They will have claims.

Then there was no provision for CT scans, which were omitted; that is, costs associated with using CT scans for plural abnormalities as evidence of asbestosis.

It also omitted the cost of compensating victims at other Libby-like sites. Libby is an unusual circumstance, but it is not the only one where an entire community has been badly hurt. That will increase the cost.

We have only found one area where there might be potential savings, and that is the medical studies area. That is a circumstance where there could preclude some tier VI cancer claims, and that could reduce costs. But it will affect fewer than 1 percent of claims.

There are additional areas of uncertainty in the CBO analysis: the number of future cancer claims. CBO estimated 78,000 new cancer claims. The Tilling-Hast study, financed by Johns Manville—so it is not financed by the trial bar or by labor unions, not financed by companies who are against this legislation. Instead, it was financed by the Johns Manville trust. The Tilling-Hast study did 14 different scenarios. They concluded, on average, there would be 133,000 new cancer claims, not the 78,000 provided for in the CBO analysis. If they are right, this bill is $295 billion underwater instead of the $150 billion we have assumed, based on increasing the cancer claims from the 78,000 in the CBO study to 90,000.

The percent of nonmalignant claims is another area we believe will increase costs. CBO says only 15 percent of the people will fall into tier II and tier III. Tier II gets $25,000 cash reimbursement. Tier III gets $100,000. They say only 15 percent of the claims will fall there. Other objective experts say it is more like 10 to 40 percent. We took the midrange of that estimate, 25 percent. We think that is a more prudent estimate of the amount of financing costs on fund borrowing.

We have heard over and over that this will only cost $120 billion to $140 billion or $120 billion to $150 billion, depending on the estimates, and that CBO has said there is an assumption that the claims will cost in that range: $120 billion to $150 billion. That leaves out something. That leaves out something pretty important. That leaves out the financing costs because everyone acknowledges that the early claims will be far in excess of the early revenue. The result is an enormous mismatch between funds going out and funds coming in. That borrowing is going to be made from the Federal Treasury. The interest cost on that money has not been calculated in the work of CBO. They acknowledge that. That is the biggest single difference we have identified. You have to include financing cost.

In addition to that, the amount of revenue in the trust fund may well reduce revenue. In fact, CBO notes that revenues will be, at most, $140 billion, and that revenues could be significantly less.

When we put all of these factors together, our analysis, using very conservative assumptions, including the asbestos trust fund, faces a shortfall of at least $150 billion over its lifetime or $50 billion in net present value.

Using what I believe is a more realistic estimate of future cancer claims, the 133,000 average in the Tillinghast study, the shortfall would grow to nearly $300 billion. That really shouldn't be a surprise because if we look at what has happened with other funds like this, what we have found is that very often the initial estimates are entirely wrong.

If we look at the original range of the Manville claims, this estimate was done back in the late 1980s, and they estimated there would be 50,000 to 200,000 claims. Already, there have been 690,000 claims. They now estimate there will be 1.4 million, for a final total of over 2.1 million claims. When they initially started, they said there would be 50,000 to 200,000. They were wrong by a country mile.

We looked at the black lung fund. Back in the late 1960s when it was initiated, they said the total cost would be $3 billion. We are at $41 billion today and counting.

The hard reality is that CBO has reaffirmed there is a significant likelihood that the asbestos funding is inadequate. Here is what they said in a letter today:

> CBO's analysis indicates that the proposed trust fund under Senate amendment 2746 might not have adequate resources to pay all valid claims. There is a significant likelihood that the fund's revenues would fall short of the amount needed to pay valid claims, debt service, and administrative costs.

Let there be no doubt. This is what it says.

In the point of order which has been brought by the Senator from Nevada, it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report which would cause a net increase in direct spending in excess of $5 billion in any of the four 10-year periods beginning in 2016 through 2055.

S. 852 creates an entitlement. The language could not be more clear. It says in section 131:

> An asbestos claimant who meets the requirements of section 111 shall be entitled to an award in an amount determined by reference to the benefit table and the matrices developed under section (b).

Are these all just words? Are all these just numbers on a page? Or does this have some real-world consequence?

We can look to the Johns Manville trust for the answer to that question. Because they estimated incorrectly, because they dramatically underestimated the number of claims, claimants today are getting 5 cents on the dollar. Five cents on the dollar. That could happen to victims. The other possibility, of course, is that people will come to Congress and say: Look, you designed this fund. You said it was going to produce. You said it was going to work. Now it has failed. You have to pony up. You have to pay. What do my colleagues think is the most likely outcome in the years ahead?

CBO has also confirmed that the long-term spending point of order exists against this legislation. Here is what they said, and this was on February 13, yesterday:

> Substantial payments from the fund would continue well after 2015. Consequently, pursuant to section 407 of H. Con. Res. 95, CBO estimates that enacting the bill as amended would cause an increase in net direct spending greater than $5 billion in at least one of the 10-year periods from 2016 to 2055.

CBO also reaffirmed that the fund is governmental:

> Operating the Asbestos Injury Claims Resolution Fund would be an entirely new governmental task, and CBO and other analysts have little basis for judging how the fund's administrator would implement the legislation.

CBO's estimate shows that the asbestos bill will worsen the Federal deficit by $7 billion over the first 10 years. We believe that is very conservative. We believe the amount of increase to the deficit will be far in excess of that when we adjust for the dormant claims, when we adjust for the debt service, when we adjust for the other expenses that have been left out.

There have been some who have said: Well, these really aren't Federal funds. Oh, yes, they are. These are Federal funds because the money, just as it is in all of these instances of trust funds, is considered Federal—in the airport and airway trust fund, in the black lung disability fund, in the hazardous substance Superfund, in the highway trust fund, and in the unemployment insurance fund. It doesn't matter that, yes, there are private funds here; without question, that is part of the picture, but it is not the whole picture. In every one of these cases where we have private funds being mixed with Government funds, the final result is considered governmental payments. The above trust funds receive "private" receipts that are designated for specific purposes. Spending from these trust funds is treated as Federal.

At the end of the day, we have to make a judgment. Some have said: The Federal Government's exposure is limited, it is restricted, because after $40 billion, it shuts down. I think we have to ask ourselves: Is that likely? Is that really likely to occur? Can we imagine the companies being told they owe $40 billion back to the Federal Treasury and they are exposed to going back to court? If we want a march on Washington, enact this legislation, because it will go insolvent in the second 10-year period, according to our estimates, and we will have a run on Washington unlike anything we have seen in the modern age.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, how much time is remaining to the various parties?

The PRESIDING OFFICER. The Senator from Vermont has 15 minutes, and the Senator from Nevada has 8 minutes. That is all the remaining time.

Mr. LEAHY. Mr. President, I am prepared to yield the remainder of my time to the Senator from Pennsylvania, but I would like to make just a couple of points, if he doesn't mind, before I do that.

Mr. President, with all of the talk, let us not lose sight of a couple of things. This bill does not violate 407(b), no matter what anybody says, because we specifically say the taxpayer funds will not be spent to compensate victims of asbestos exposure. That has been our position from day one, and that is what the bill says today: not a single dollar is spent. In fact, the CBO states that over the life of the fund, whether or not it sunsets, we would not expect the legislation to add to the aggregate Federal debt. It just doesn't add to debt. The Federal Government is involved only because it acts as a conduit for the private funding of $140 billion. All the parties said they wanted that in the Department of Labor because they had the experience and the infrastructure necessary to set up a quick start for the victims.

We have heard the figures about projection of interest rates. If we follow those projections, the interest rates would have to be at 25 percent. Twenty-five percent. Even with the recent increases by the Federal Reserve Board, we are still way in the low single digits.

The CBO considered all the estimates. They met with dozens of financial experts, economists, auditors, everybody. They say payments were raised from $120 billion to $150 billion, at most. They said $140 billion will cover all claims, payments, administrative costs, and borrowing costs. That is why we have the financial institutions, we have our veterans, we have labor. As this chart shows, labor organizations are strongly for it.

Then we ought to keep in mind that these are the people who are not going to recover unless this bill goes through, and 26 veterans organizations have come out to say they oppose this budget point of order. Twenty-six veterans organizations oppose it because they know they need this bill.

Mr. President, I yield the remainder of my time to the distinguished Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I would like to comment briefly on the disagreement I had with the Senator from Illinois, Mr. DURBIN. He has made the false representation that there is a secret list of who is going to provide the money. It is not a secret list. It has been made available, and I offered it to him on the floor. But under the law, when it contains confidential information, it is available for the Senators and their staffs and those preparing the legislation, but it is not available for the general public on trade secrets. When the bill is certified, then it goes into the public record and the public domain. But to say that it is a secret list is the purest form of demagoguery and a specious argument.

On to the essential point of this budget point of order, it does not have any substantive merit because there is no Federal money involved. The Federal Government is implicated only because the Department of Labor is a conduit. That is the only reason the Federal Government is involved.

The Congressional Budget Office has said flatly in the letter to me dated yesterday:

> CBO concludes that the legislation would be deficit-neutral over the life of the fund.

CBO, in their letter today to Senator CONRAD, repeated:

> CBO concluded in its February 13 letter to Senators Gregg and Specter that the proposed amendment would be deficit-neutral over the life of the fund.

So there is no Federal money involved, pure and simple, and there is no basis to say that the budget would be impacted, so that on the merits, there is no basis for this point of order.

The practical application is that if this point of order is sustained, this bill will die. This is an issue which has been before the Judiciary Committee for the better part of three decades, and it has been before the committee in the past 3 years on a very intense basis. The majority leader has set aside 2 weeks for the consideration of this bill. If this point of order is overruled, we will proceed to a cloture vote tomorrow, and we will proceed to take up amendments, and we have a realistic chance of concluding this bill yet this week. It is backed up against a recess period, and we have a chance to finish this bill.

If this point of order is sustained, then the work which Judge Becker has done in presiding over some 36 meetings, attended by 20 to 50 to 60 representatives, countless meetings, will be in vain. If the point of order is upheld, the bill is gone. If it is rejected, there will be ample opportunity for amendments to be presented and for the bill to be improved.

There are those who wish to offer an alternative of a medical criteria bill. I do not think a medical criteria bill is as good as the current bill because the medical criteria bill would not cover employees whose companies are bankrupt or veterans who have no one to sue. But at least that would be an alternative which would be preferable to the current system. I believe it is fair to say that the Presiding Officer might be attracted to a medical criteria bill, and certainly many who oppose the trust fund would prefer to have something such as a medical criteria bill rather than have nothing.

If the point of order is upheld and the bill is dropped, you can't do anything. There is a question as to whether it is germane, but that is a matter for the Parliamentarian and that is a matter for ingenuity and that may be worked out. If you do not go to a medical criteria bill, there are germane amendments which could be offered to change the medical criteria.

Here again, I am opposed to the modifications, but they could be made and the bill could be altered. The whole beauty about the Senate is that—when we have these complex issues and we have the synergism of 100 Senators and our staffs—with our experience, with our analysis of what we have done, we have a chance to establish public policy in the interests of Americans.

Everybody agrees. Not one person who has taken the floor has disagreed with the enormity of the problem. Everybody agrees that it is horrible that people are dying of deadly diseases from exposure to asbestos and have no one from whom to collect.

There is disagreement about how to handle it. There is no disagreement about the tremendous amount of work which has been done in this bill. On a strictly personal level, the committee, the staffs, and I have put in countless hours that ought not to go down the drain on a technicality. If we have this bill on the floor for 3 more days this week and if at the end of that time, or whatever time the bill is on the floor, there is a decision made that no bill is better than the bill we come to, then so be it. It is rejected. But to have it rejected on a technicality is a terrible waste of so much time and effort which has gone into bringing this bill to this position.

I have made a statement which I believe to be true—although I can't prove it—that there has never been a bill subjected to more analysis and scrutiny than this bill. Or in the alternative of accepting that assertion—I know it is a grandiose assertion—can anybody point to any bill which has had more analysis or more scrutiny? What a waste it would be to have it dismissed on a technicality when the consequences are that thousands of victims of asbestos will continue to die without compensation, the 77 companies now in bankruptcy will be multiplied, and the economy will withstand a $300 billion loss.

Let us take 3 more days, as we have taken the past 3 years, to see if we can produce a bill which will satisfy the critics of the present measure.

We have done a count as to how the Senators are going to vote. It is impossible to say with certainty exactly what is going to happen. There are too many people who are still undecided. So as I talk to my 99 colleagues, I ask you to weigh very heavily this vote because this is a measure, as many are, which might be decided by a single vote. Why let it all go down the drain on a technicality when we might be able, in the course of 3 more days, to produce something which would be satisfactory to a majority of this body?

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator has 3 minutes 15 seconds.

Mr. SPECTER. I am willing to yield back the remaining time if the Senator from Nevada is.

Mr. ENSIGN. Yes.

Mr. SPECTER. Mr. President, parliamentary inquiry: The pending motion is my motion to waive?

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. No response having been made to the rollcall, the quorum call is in order.

The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I will use leader time, in that all time has expired.

Mr. President, I urge my colleagues to vote "no" on the motion to waive the valid budget point of order raised by my colleague, Senator JOHN ENSIGN. This is not a technicality, it is the absolute foundation of this flawed program, this trust fund. A vote on the budget point of order is the key vote on this bill.

Cloture was filed last night by the majority leader on both the bill and the Specter substitute amendment. The first cloture motion will ripen tomorrow morning. The effect of that action will be to ensure there will be no meaningful opportunity to amend this bill.

The chairman of the committee says we should not defeat the bill on a budget point of order and should instead attempt to improve the bill by amendment. Mr. President, please, that is not very sensible. The majority leader's decision to file cloture last night completely undercuts that argument. There is no serious chance this bill will be improved through amendment.

Why do I say that? After cloture is invoked on the substitute, only germane amendments will be in order, and after the substitute is adopted, no amendments at all will be in order. Many of the most important amendments to the bill are highly relevant but nongermane. There are lots of them.

How about the amendment of Senator LINDSEY GRAHAM to deal with environmental exposure to asbestos across the country? Senator GRAHAM's amendment, which he has talked about for months now, dealing with asbestos exposure around the rest of the country would not be in order. That is hard to accept. There are many other amendments of comparable significance to that of Lindsey Graham. Any Senator with concerns about the bill should vote to sustain the point of order because the only meaningful way to improve the legislation is by committing it back to the Judiciary Committee.

I have said that Senator DURBIN and I will work with Senator CORNYN and others to find an alternative approach along the lines of the Texas and Illinois State statutes. The pending bill may be well-intentioned, but it is ill-conceived. It would deprive asbestos victims of their right to obtain compensation for their injuries in court and throw them into an administrative system that is doomed to fail. It is doomed to fail.

If someone doesn't like the entitlement programs in this country, then you should hate this bill before us because it is another entitlement program, and it will make the black lung program look insignificant.

This program started at $3 billion; it is now $41 billion and on the rise still.

The trust fund is undercapitalized and structured in a way that will deprive seriously injured victims of fair treatment.

The bill is opposed by every major asbestos victims group, as well as numerous scientists and doctors and experts on asbestos-caused diseases, and nearly every labor union.

In addition, virtually the entire insurance industry and a large number of small- and medium-sized businesses oppose this bill. It is death to too many companies.

People stand on the floor of the Senate and talk about cases where they have had to file bankruptcy. When those companies went into bankruptcy, they did just fine. Victims did not get their money but others did. A lot of the companies have come out of bankruptcy.

Yesterday, Senator FRIST and I received a letter signed by more than 350 individual veterans and their families, representatives of large numbers of people around this country.

Among other things in this letter, they state:

> We are aware of the repeated claims by proponents of S. 852 that this legislation is good for veterans. We are also aware that several veterans' organization officials have endorsed the legislation. We, as individual veterans and families, want to make it clear that these officials and organizations do not represent the position, nor the complete position, of the veterans' community. We strongly oppose this legislation. We believe that a system as envisioned by S. 852 would exacerbate, not relieve, the suffering of veterans with asbestos-related diseases.

The budget point of order before us is significant and goes to the heart of the bill. In addition to being unfair to victims, the bill is unfair to the Federal taxpayer.

I repeat: I have received calls in recent days from Karl Rove saying: What are we going to do about entitlement programs in this country?

He, of course, is concerned.

We have a debt ceiling vote that is going to be coming up in the next several weeks. That is why he called me on behalf of the President.

If he is concerned about the entitlement programs that are now in existence, they should really be frightened about this one. This is open ended. Some have said it will be as much as $600 billion underwater.

The budget point of order raised by Senator ENSIGN is clearly valid. Yesterday, responding to an inquiry from Chairman GREGG of the Senate Budget Committee, the Congressional Budget Office reaffirmed its conclusion from last August that the bill violates section 407 of the Budget Act. You can manipulate, twist, and try to say it doesn't say what it says, but they say it violates section 407 of the Budget Act. CBO estimates that enacting the bill as amended would cause an increase in net direct spending.

In the same letter, the Congressional Budget Office predicted that in the years 2006 through 2015, the cost of the fund will exceed industry contributions to it by at least $6 billion. The only way to make up that difference is to borrow it. Who do you borrow it from? From the Federal Treasury.

In a letter to Senator CONRAD today, the Congressional Budget Office highlighted the extraordinary uncertainties associated with the cost of this bill.

Senator CONRAD read parts of this into the RECORD today, as have others.

Senator CONRAD, of all people in this body, of all people in this body, is seen as a fair man. His main concern about what is going on in Government today is spending.

I remind everyone that when Senator CONRAD was elected in 1986, he took a vow. He said: If the budget is not reduced by the time I stand for reelection, I will not run for reelection. He fulfilled that commitment because the budget deficit had not gone down. He is a man of his word.

Unfortunately, the sitting Senator, Mr. Burdick, died, and as a result Senator CONRAD is back with us. But he gave up his Senate seat because he believed the deficit was not right.

I think those of you on the other side of the aisle who have worked with Senator CONRAD would have to acknowledge that when he deals with matters of fiscal responsibility of this country, he is fair. His own individual analysis indicates that this will be at least $150 billion and maybe as much as $290 billion in the red.

I remind my colleagues that this bill effectively creates an entitlement for asbestos victims and obligates the Federal Government to provide compensation to those victims. Throughout the fund's existence, the Federal Government is obligated to pay regardless of the actual amount raised by the fund through company contributions; thus this obligation remains so long as the fund is operational. Experts conclude that the amount of payouts will outpace the contributions to the fund not just in the near term but in the long term as well.

I say to my friends, Democrats and Republicans, read the Wall Street Journal of today. If there is ever a publication that is concerned about what is happening to the financial situation in this country, we all have to acknowledge it is the Wall Street Journal. I don't like a lot of their political editorials. But whenever they talk about money, I read and listen.

In an editorial this morning, that newspaper pointed out, for example, repeating what I said, that the black lung program "which was initially supposed to cost $3 billion and was later supposed to be financed by the coal industry, it has since paid out more than $41 billion, borrowing some $9 billion from the Treasury."

They acknowledge that the bill before us is bad.

There are alternatives to solving this difficult problem. My friend, the distinguished junior Senator from Texas, is on the Senate floor. I pledge to work with him on his proposal to establish a medical criteria system that will assure a more orderly resolution of the asbestos claims. That is the way it is going to be no matter what the outcome of this. The current bill is not the answer.

I urge my colleagues to establish a medical criteria system that will do what we think should be done.

I very much appreciate the work of Senator LEAHY and Senator SPECTER. I think these two Senators have done a wonderful job and are doing the best they can.

If my friend, Senator SPECTER, is on the floor, I would be happy to ask unanimous consent that he be allowed to speak to respond to anything I have said, if he believes that is appropriate.

No one on our side will object. I have finished using my leader time. I would be happy, if he feels so inclined, to ask unanimous consent that he be given whatever time he wants to respond to what I said.

Mr. SPECTER. Mr. President, I thank the Democratic leader for that. I shall accept it.

Mr. REID. How much time does the Senator need or want?

Mr. SPECTER. I didn't know there was a limitation on how much I want.

Mr. REID. As minority leader, I was entitled to 10 minutes. I think anything over that would be out of the ordinary.

Mr. SPECTER. I will take less than 5 minutes.

Mr. REID. Mr. President, I ask unanimous consent that Senator SPECTER be allowed to speak for up to 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, whatever arguments are advanced by skillful advocates and skillful Senators, the underlying question of this budget point of order is whether the budget will be impacted and hurt. The fact is, there is no Federal money. So there is no substantive merit to the point of order. The Federal Government is implicated only because the Department of Labor is involved as a conduit.

That is fact No. 1.

Fact No. 2 is if this budget point of order is upheld, this bill is killed after 3 intense years of work, with hundreds of meetings, with numerous conferences, and 36 meetings presided over by Judge Becker and myself. And there will be no opportunity to have amendments to improve it.

We may yet be able to pass a bill which will satisfy the critics.

So let us have 3 more days as we have worked 3 years. It has been a process by the committee for three decades. But let us have 3 more days with all the work that has been done to bring it to this point. Everyone agrees with the need for a bill.

Everyone agrees there are tens of thousands of asbestos victims who are dying without compensation because their companies are bankrupt, or because they are veterans who sustained their injuries in the service and have no one to sue. Everyone agrees it has a tremendous impact on the economy.

So let us take 3 more days. This vote is razor thin. Nobody knows how it is going to come out. It may well be decided by a single vote, as so many votes are in this body.

I ask each of my colleagues to ponder carefully—there are many, as last reported, undecided—and give us the benefit of the doubt. Give me the benefit of the doubt as chairman of the committee who has brought this forward. Give the Judiciary Committee the benefit of the doubt, and give the benefit of the doubt to substantially more than 50 Senators. We are at least in the high fifties—maybe higher. But give us the benefit of the doubt with 3 more days of the time of the Senate.

I thank the Chair. I thank the Senator from Nevada for yielding.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 58, nays 41, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—58

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bond
Brownback
Burns
Burr
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
DeWine
Dodd
Dole
Domenici
Enzi
Feinstein
Grassley
Hagel
Harkin
Hatch
Hutchison
Isakson
Jeffords
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Vitter
Voinovich
Warner

NAYS—41

Akaka
Biden
Bingaman
Boxer
Bunning
Byrd
Cantwell
Clinton
Conrad
Crapo
Dayton
DeMint
Dorgan
Durbin
Ensign
Feingold
Frist
Graham
Gregg
Inhofe
Johnson
Kennedy
Kerry
Lautenberg
McCain
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller

Salazar
Sarbanes
Schumer
Sununu
Thune
Wyden

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. FRIST. Mr. President, I enter a motion to reconsider the last vote.

The PRESIDING OFFICER. The motion to reconsider is entered.

Mr. FRIST. Mr. President, I switched my vote from a "yes" to a "no" vote. Without my switching the vote, it would have been 59 to 40. We have one absentee tonight, and that may well have determined which way this particular vote had gone. Thus, I switched my vote from a yea to a nay, thus the vote was 58 to 41. That allows us to, at some point in the future, have the option to reconsider the motion. We will make a decision on that at some point in the future.

The PRESIDING OFFICER. The point of order against the bill is sustained. Pursuant to section 312(f) of the Budget Act, the bill is recommitted to the Judiciary Committee.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

USA PATRIOT ACT ADDITIONAL REAUTHORIZING AMENDMENTS ACT OF 2006—MOTION TO PROCEED

Mr. FRIST. Mr. President, in a few moments I will have a very brief statement about what went on with the vote on the asbestos bill, but for our colleagues, I wish to outline where we are going tonight and over the next several days.

Calendar No. 360, S. 2271, is the USA PATRIOT Act Additional Reauthorizing Amendments Act. This bill addresses some of the concerns of Members on both sides of the aisle as it relates to the PATRIOT Act. I believe that we strongly support it and we are prepared to consider this measure next.

Therefore, I now ask unanimous consent that the Senate proceed to the consideration of S. 2271, the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Mr. President, on behalf of Senator FEINGOLD, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, I had hoped we would at least be able to proceed to that bill tonight. As our colleagues know, this bill is ready to go. It is an important bill. It is important for the safety and security of the American people. It is a bill we have worked on for a long period of time, and we believe there is overwhelming support for this bill. The consent I asked for was for the Senate to begin consideration of that legislation. We had the objection from the other side of the aisle that was expressed.

I now move to proceed to S. 2271. The motion to proceed is now pending and is debatable. We have been told that there will be an effort to filibuster the motion to proceed. Therefore, I now send a cloture motion to the desk and ask for its consideration.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 2271: to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive National Security Letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

Bill Frist, James Inhofe, Richard Burr, Christopher Bond, Chuck Hagel, Saxby Chambliss, John E. Sununu, Wayne Allard, Johnny Isakson, John Cornyn, Jim DeMint, Craig Thomas, Larry Craig, Ted Stevens, Lindsey Graham, Norm Coleman.

Mr. FRIST. Mr. President, again, the motion is pending, and if the Senators desire to debate the motion they should be prepared to do so. The Chair is obligated to put the question. I put Members on notice that they should remain on the floor if they feel the need to hold up this important legislation; otherwise, we will be proceeding to the underlying bill.

Mr. FRIST. Mr. President, with respect to the vote we took minutes ago on the asbestos legislation, it does mean that legislation is, in essence, off the floor now, and that we are proceeding with the consideration of the PATRIOT Act, although we have an obstruction underway and we have a threatened filibuster underway, and we will address that in the coming days.

The vote on the motion to waive the point of order on the asbestos bill was 59 to 40. In order to have the option to keep a heartbeat at least in this piece of legislation, because it is so important to victims, to our economy, to jobs, what I did, as an advocate for the Specter-Leahy bill, is I switched my vote from yes to no. From a procedural standpoint, what that allows me to do as leader is to bring that back to the floor at some appropriate time if there is indication to do so in the future.

We did have one absentee vote tonight that could have made the difference, and with that I switched my vote. I do want to make it very clear, because there is always misunderstanding in terms of when a Senator switches his vote, I strongly support the Specter-Leahy bill, and I switched my vote for procedural reasons.

So this vote did reflect 59 to 40 on the floor, although the actual vote is depicted as 58 to 41.

Let me also add, and I think I speak for the majority of my colleagues, that I am disappointed in the fact we are not able to proceed with this asbestos litigation bill. The consequence of this vote tonight is that victims who are in need are not going to receive fair and just compensation. They deserve it. They need it. The problem has been clearly spelled out on the floor of this body.

We have made progress over the last couple of weeks in that people recognize this is a serious problem that has gone on for too long, yet has to be addressed in a legislative way, that it denies justice to victims, that it hurts and punishes our economy and, unless it is addressed, will continue to destroy jobs in this country.

Unfortunately, by refusing to move forward on this bipartisan bill, a bipartisan bill, the Senate chose to protect special interest groups rather than the interests of those innocent victims who deserve more. The cost to our society will be felt unless it is addressed sometime in the future.

I do thank all of those who acknowledge there is a real and serious problem that Congress should debate, and it must be resolved at some point in the future.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I wish to address the issue that was just considered before the Senate and say that I hope, now, that we can work together on a bipartisan basis to find some accommodation—not to create a trust fund, in an amount that has never been established, with contributions that have never been disclosed publicly but, rather, something that is much more open and transparent.

The starting point is obvious. Some States have already addressed this issue with significant changes in the existing tort system that make it more fair and quicker for victims to get compensation. I think that is the way to address this, and I hope that now we can have an effort by Members from both sides of the aisle on a bipartisan basis to establish this.

I do quarrel with the leader's conclusion that special interests defeated this legislation. Let's be very honest with the American people. This bill was a clash of the special-interest titans on both sides. Senator BENNETT of Utah, on the other side of the aisle, whom I respect very much, came to the floor and listed 10 major corporations that, with the passage of this legislation, would have saved $20 billion in liability—$20 billion that they would otherwise have to pay to victims of asbestos exposure around America. To say that everyone opposing this bill was a special interest but 10 companies that were $20 billion ahead if this bill passed were not special interests defies a rational explanation.

I would also add that I think we have to consider the fact that when we come down to consider this bill, there is going to have to be give and take on both sides, and I hope we can reach that point. Those in the legal community, as well as those who represent the businesses and insurance companies who have stakes in this fight, have to be willing to give some ground and to work toward compromise.

I came to Congress years ago, and when I arrived the first issue with which I was confronted was asbestos. It is still here today and there are more victims today and we have to find a reasonable way to help those victims.

I am heartened by Senator CORNYN of Texas, who has been willing to come to this floor and talk about the medical criterion alternative. I don't know if we can reach an agreement, but I sure want to try. I have said to my colleagues on this side of the aisle who did not agree with the disposition on the last vote that we should put our heads together and see if we can come out with a reasonable answer to this challenge we face. I sincerely hope that can be done.

I do have to say I wish the first bill we were considering would not have been this so-called Armageddon of the special interest groups. Wouldn't it have been much better for us to have considered Medicare prescription drug Part D reform when we have millions of seniors across America struggling to understand this complicated system, wrestling with plans that may offer the drugs that they need for their life-and-death situations; wanting the pharmacies they have always trusted to be included; hoping that they can pay the price of this plan?

I hear from these people every day. You would think that Members on both sides of the aisle would be receiving these phone calls and, if they have, you wonder why that was not the first bill that was brought up. It would have been a reasonable thing. Some have even suggested we should have brought up ethics reform before we did anything else, and we have introduced a bill on the Democratic side that will try to move toward significant ethics reform. I hope those on the Republican side who feel the same way will join us and make their own suggestions. But shouldn't we move to that legislation? That may not be popular with some of the power brokers in this town, but if we want to restore the confidence of the American people in Congress and the people who work here, it certainly ought to be high on their agenda.

There again is another issue that we have not considered—ethics. Medicare: prescription drugs Part D; addressing the issue of LIHEAP—that's the Low Income Heating and Energy Assistance Program—are critically important across the Nation. We left that undone—underfunded from last Congress. I think there is bipartisan support—I know there is—for us to return to that issue, another one which will help a lot of needy families, vulnerable Americans across our Nation who are faced with staggering and record heating bills. That, again, is an issue that does not have a special interest constituency, but it is certainly one that families are concerned about across our country.

I know we are not ready to bring up the issue of health care because we need to do some work on it. For 5 years, we have done virtually nothing and the cost of health insurance has gone up, the coverage has gone down, people are more vulnerable today than they were a few years ago and more people are uninsured. We ought to be talking about reasonable bipartisan efforts to deal with health insurance and making it more affordable and more accessible for every American family. That is something that could be done.

When some come to the floor and say: This is the No. 1 issue facing Congress, the people I represent think there are other issues far more important, issues that relate to their everyday lives and the livelihoods of their families. I hope we can return to those issues.

We have expended a lot of effort and energy on this issue. Perhaps by working on a bipartisan basis we can find a way through this. But in the meantime, let's take up some of these equally important, if not more important, issues for families across America.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SPECIALIST ALLEN KOKESH, JR.

Mr. JOHNSON. Mr. President, today I pay tribute to Specialist Allen Kokesh, Jr. who died on February 7, 2006, from injuries sustained while serving in Iraq. He was a member of Charlie Battery, First Battalion 147th Field Artillery Brigade of Yankton.

Specialist Kokesh was one of five South Dakota National Guard members involved in a roadside bomb attack on December 4, 2005, en route to Baghdad. Two soldiers were killed in the immediate aftermath, Sergeant First Class Richard Schild and Staff Sergeant Daniel Cuka. Specialist Kokesh suffered severe wounds, and after being medically evacuated out of Iraq, he was transferred to the Brook Army Medical Center at Fort Sam Houston in San Antonio, TX.

Sadly, Specialist Kokesh didn't recover from his wounds and died after developing severe complications. He was a graduate of Yankton High School and is remembered as a scholar athlete. In fact, he was a member of the Yankton High School championship football team that won the 2002 Class 11AA State title. The leadership skills Specialist Kokesh demonstrated during high school were clearly evident when he joined the South Dakota National Guard that same year. He even successfully convinced a fellow classmate, and member of his football team, to join the National Guard the following year.

While I am deeply saddened by the loss of any military member serving in defense of our great Nation, the loss of the brave soldiers in the 147th hits close to home. My oldest son, Brooks, served in that unit prior to joining the Army as an enlisted soldier with the 101st Airborne Division. On behalf of my entire family, I extend our heartfelt condolences to Specialist Kokesh's family and friends.

Specialist Kokesh's commitment to his fellow members of the South Dakota National Guard, as well as all those who served in uniform with him, is a testament to the strength of his character and the family that instilled in him these values. His dedicated service to our grateful Nation will never be forgotten.

DEFENSE AUTHORIZATION, 2006

Mr. LEVIN. Last week, Senator KYL placed a statement in the CONGRESSIONAL RECORD regarding the Graham-Levin amendment, which was enacted last year as section 1405 of the National Defense Authorization Act for Fiscal Year 2006 and as section 1005 of the Detainee Treatment Act of 2005, as included in the Department of Defense Appropriations Act, 2006. Senator KYL and Senator REID cosponsored the Graham-Levin amendment in the Senate.

Senator KYL argues that this provision was intended to retroactively strip the Federal courts, including the Supreme Court, of jurisdiction over pending cases. Senator KYL's statement attached a January 18, 2006, letter from Senator KYL and Senator GRAHAM to Attorney General Gonzales, which makes the same argument.

As I stated when the Graham-Levin amendment was before the Senate and reiterated when the Senate adopted the conference report containing the legislation, this is not the case. The statute that we enacted does not retroactively strip the Supreme Court and other Federal courts of cases over which they had already assumed jurisdiction at the time the statute was passed.

I do not believe that the unexpressed intentions or after-the-fact statements of Senators—Senator KYL, myself, or anyone else—can change the facts or the legislative history that existed at the time Congress acted on a piece of legislation. The relevant considerations are the language of the law itself, the changes that were made to that law as it went through the drafting process, and what was clearly stated before the bill was voted on by the Senate. I make this statement today for the sole purpose of reiterating that history.

While section 1405(e)(1) provides that "no court, justice, or judge shall have jurisdiction to hear or consider an application for a writ of habeas corpus," the applicability of this language to pending cases is addressed in a separate provision—section 1405(h)—the structure and history of which make it clear that the courts are not stripped of cases over which they have already assumed jurisdiction.

Section 1405(h) clearly provides that only one portion of the act applies to pending cases: sections (e)(2) and (e)(3), which govern direct appeals from final decisions by military commissions and CSRTs. The rest of the statute becomes effective "on the date of enactment," which, as Justice Scalia has pointed out, "is presumed to mean 'shall have prospective effect upon enactment.'" Landgraf v. USI Films.

At CONGRESSIONAL RECORD page S970, Senator KYL argues that the original Graham amendment was never "modified to carve out pending litigation." He is incorrect. In fact, the amendment was modified, and it was modified for the precise purpose of carving out pending litigation.

The original Graham amendment specified that all provisions—including the restrictions on habeas petitions—applied to pending cases. On November 10, 2005, the original Graham amendment was debated and adopted by the Senate by a vote of 49-42. At that time, I objected to the Graham amendment's provision stripping jurisdiction in pending cases. In fact, I explicitly urged at CONGRESSIONAL RECORD page S12,663 that we not adopt this amendment, in part, because "It would eliminate the jurisdiction already accepted by the Supreme Court in Hamdan."

Because of my concerns, after the original Graham amendment was adopted, I began working on a revised version of the amendment, which became known as the Graham-Levin amendment. This new version removed the language applying the habeas restrictions to pending cases, and instead limited its retroactive effect only to the standards applicable to direct appeals of final determinations that may have been made by CSRTs or military commissions.

On November 14, 2005, Senator GRAHAM and I introduced this new version to the Senate together. In introducing the new Graham-Levin amendment, Senator GRAHAM did not specifically address the issue of the amendment's effect on pending cases before yielding the floor to me. I did address the issue. In particular, I explained to the Senate that one of the principal reasons that so many of us voted against the prior version of the amendment was its effect on pending cases and that this problem had been addressed in the Graham-Levin amendment that was then before us. I stated at CONGRESSIONAL RECORD page S12,755:

> The other problem which I focused on last Thursday [November 10] with the first Graham amendment was that it would have stripped all the courts, including the Supreme Court, of jurisdiction over pending cases. What we have done in this amendment, we have said that the standards in the amendment will be applied in pending cases, but the amendment will not strip the courts of jurisdiction over those cases. For instance, the Supreme Court jurisdiction in Hamdan is not affected. . . . I cosponsored the Graham amendment with Senator Graham because I believe it is a significant improvement over the provision which the Senate approved last Thursday. . . . The direct review will provide for convictions by the military commissions, and because it would not strip courts of jurisdiction over these matters where they have taken jurisdiction, it does, again, apply the substantive law and assume that the courts would apply the substantive law if this amendment is agreed to. However, it does not strip the courts of jurisdiction.

Senator GRAHAM took the floor again immediately after I concluded my explanation of what our new amendment accomplished. He did not disagree with my statement about the effect of the revised bill on pending cases anywhere in his remarks. Indeed, neither Senator GRAHAM nor Senator KYL said anything at that time to contest my very clear statement that the new amendment did not retroactively strip the courts of jurisdiction over pending cases.

When the Senate approved the Graham-Levin Amendment by a vote of 84 to 14 on November 15, 2005, I explained again at S12,802 that our amendment would not strip the courts of jurisdiction over pending cases:

> The Graham-Levin-Kyl amendment would not apply the habeas prohibition in paragraph (1) to pending cases. So, although the amendment would change the substantive law applicable to pending cases, it would not strip the courts of jurisdiction to hear them. Under the Graham-Levin-Kyl amendment, the habeas prohibition would take effect on the date of enactment of the legislation. Thus, this prohibition would apply only to new habeas cases filed after the date of enactment. The approach in this amendment preserves comity between the judiciary and legislative branches. It avoids repeating the unfortunate precedent in Ex parte McCardle, in which Congress intervened to strip the Supreme Court of jurisdiction over a case which was pending before that Court.

Again, neither Senator GRAHAM nor Senator KYL offered a contrary interpretation of the Graham-Levin amendment at that time.

The bill then went to a House-Senate conference. At this time, the inapplicability of the jurisdiction-stripping provision to pending cases was so clear that the administration's allies in the House tried in vain to alter the language of the effective date provision to make the jurisdiction-stripping provision apply retroactively to pending cases, as it had in the original Graham amendment. I objected to this language, and it was rejected by the Senate conferees.

At CONGRESSIONAL RECORD page S14,258, I explained this history when the Senate adopted the conference report on December 21, 2005:

> Under the Supreme Court's ruling in *Lindh* v. *Murphy*, 521 U.S. 320, the fact that Congress has chosen not to apply the habeas-stripping provision to pending cases means that the courts retain jurisdiction to consider these appeals. Again, the Senate voted affirmatively to remove language from the original Graham amendment that would have applied this provision to pending cases. The conference report retains the same effective date as the Senate bill, thereby adopting the Senate position that this provision will not strip the courts of jurisdiction in pending cases.
>
> Let me be specific.
>
> The original Graham amendment approved by the Senate contained language stating that the habeas-stripping provision 'shall apply to any application or other action that is pending on or after the date of the enactment of this Act.' We objected to this language and it was not included in the Senate-passed bill.
>
> An early draft of the Graham-Levin-Kyl amendment contained language stating that the habeas-stripping provision 'shall apply to any application or other action that is pending on or after the date of the enactment of this Act, except that the Supreme Court of the United States shall have jurisdiction to determine the lawfulness of the removal, pursuant to such amendment, of its jurisdiction to hear any case in which certiorari has been granted as of such date'. We objected to this language and it was not included in the Senate-passed bill.
>
> A House proposal during the conference contained language stating that the habeas-stripping provision 'shall apply to any application or other action that is pending on or after the date of enactment of this Act.' We objected to this language and it was not included in the conference report.

> Rather, the conference report states that the provision "shall take effect on the date of the enactment of this Act." These words have their ordinary meaning—that the provision is prospective in its application, and does not apply to pending cases. By taking this position, we preserve comity between the judicial and legislative branches and avoid repeating the unfortunate precedent in Ex parte McCardle, in which Congress intervened to strip the Supreme Court of jurisdiction over a case which was pending before that Court.

As a result, the language sought by the administration and its allies, which would have applied the jurisdiction-stripping provision to pending cases, was not included in the final version of the bill.

It was not until after we concluded the conference and the conference report passed the Senate on December 21, 2005, that Senator KYL placed a colloquy in the CONGRESSIONAL RECORD arguing that Section 1005 should be interpreted to retroactively strip the courts of jurisdiction over pending cases. At the same time, a number of other Senators placed statements in the CONGRESSIONAL RECORD stating their belief that the provision would not strip the courts of jurisdiction over pending cases.

Those statements, coming as they did after the conclusion of the conference and final action on the bill in both the House and the Senate, carry no more weight as legislative history than the statement that Senator KYL placed in the CONGRESSIONAL RECORD last week or any other after-the-fact statement in the CONGRESSIONAL RECORD. Both the contemporaneous legislative history and the language and structure of the Graham-Levin amendment itself demonstrate that this provision was not intended to, and did not, retroactively strip the Federal courts of jurisdiction over pending cases.

BLACK HISTORY MONTH

Ms. MIKULSKI. Mr. President, I rise today during Black History Month to celebrate and remember the rich history of the millions of African Americans who have made this country what it is today.

It is a time to honor leaders from across the country—some who are well known and others who are almost forgotten. It is a time to cherish the pioneers to give them the recognition they deserve and to preserve their names, faces, and stories for generations to come.

This Black History Month, we especially remember and mourn the recent loss of two of the key players in the civil rights movement Rosa Parks and Coretta Scott King.

In October, we said goodbye to the "First Woman of Civil Rights," Rosa Parks. When Ms. Parks refused to give up her seat on a city bus in Montgomery, AL, in 1955, we know that a movement had already begun, but she poured fuel on the fire—inspiring the historic Montgomery bus boycott. She refused to give up her seat to a White man because she was tired—tired of being treated like a second-class citizen, tired of being forced to move because someone else decided they deserved to sit more than she did. And she became a model and a hero for me and generations of Americans looking to make our country truly the land of the free.

And then we just lost another icon. Not only was Coretta Scott King married to Dr. Martin Luther King Jr., but she was a pioneer with her own voice in the civil rights movement at a time when women were not often recognized for their own talents and merit. She was resolute, but she was feisty—someone after my own heart. She founded the King Center for Nonviolent Social Change and saw to it that the center became deeply involved with the issues that she believed breed violence—hunger, unemployment, voting rights and racism. And when her husband was tragically shot, she comforted a nation that was torn apart. She is the reason we have a national holiday that honors Dr. King.

While we remember the lives and deeds of Rosa Parks, Coretta Scott King, and countless others, we need to honor their memory not just with words, but with deeds. We need to reexamine what this country must still do to ensure equality every day. We need to evaluate the work we still need to do to guarantee that African Americans are not left behind when it comes to the issues that matter.

This Black History Month, I am still concerned and dedicated to fighting for the issues that matter to African Americans. We must make higher education more affordable for families. We must fight for adequate health care. We must fight to keep our neighborhoods and communities safe. We must fight to make sure the needs of Hurricanes Katrina survivors are not forgotten.

The cost of college tuition has been skyrocketing. It is putting stress on the families and students who have to struggle just to be able to pay their bills. That is why I have introduced legislation to create a tuition tax credit to families and to students who pay for their own tuition. This legislation would offer a tax credit of up to $4,000 a year per student to help them with the cost of the education they deserve. America needs our young people to know that they will not be limited by the size of their wallet to follow their big dreams.

I also want to assure African Americans that they are not limited in the health care they receive because of spartan or skimpy funding for the health issues that affect them most. That is why I teamed up with Congresswoman STEPHANIE TUBBS JONES in the Uterine Fibroids Research and Education Act of 2005, to double fibroid research funding and to launch an education campaign for patients and physicians. Uterine fibroids are a terrible, painful ailment that plague mostly African-American women. Fibroids affect the entire family—not only the woman who has to endure them but also those who love her and who hate to see the lady they love in so much pain. They have gone ignored for too long. We need to fight for the resources to find the cause, to find better treatments, and hopefully to find a cure for this devastating disease so that women and families don't have to deal with this pain in their lives.

Families also want to know the neighborhoods they live in are safe. The number of gangs nationwide and in my own home State of Maryland has been rising. Families don't want to have to worry about gang violence in their streets. That is why in Maryland I have helped launch a statewide antigang initiative that I hope can serve as a model for the country. This initiative will not only go after the bad guys through suppression and enforcement, but it will offer prevention and intervention efforts to help the good kids in the communities who are trying so hard. Mothers and fathers shouldn't have to worry about losing their children to gang violence in their neighborhoods, and that is why I am going to continue to give help to our communities to protect themselves.

We need to offer protection to the survivors of Hurricane Katrina in the gulf coast communities because the Federal Government really let them down. I know the African-American community feels very prickly about this and feels abandoned. They should know that even though President Bush hires cronies and doesn't have competent people working for him, the American people haven't abandoned them. We are going to work to rebuild the communities in Louisiana. We are going to get the survivors housing and jobs and health care. We are going to open the schools. We are going to stick with them, and we are going to fight for them.

So this year during Black History Month, I honor the memories of the great leaders who have come before us with my commitment to fighting for these important year-round issues. And I am going to do it not just with words, but with deeds. I urge you all to join me.

ADDITIONAL STATEMENTS

IN RECOGNITION OF DR. ROBERT W. GORE

• Mr. CARPER. Mr. President, today I rise to recognize the lifetime of accomplishments of Dr. Robert W. Gore, who was recently inducted into the National Inventors Hall of Fame.

In 1957, during his sophomore year at the University of Delaware, Bob Gore came up with the idea of using polytetraflouroethylene, PTFE, to insulate wire. Little did he know how this seemingly simple idea would impact everything from supercomputers to Arctic exploration.

In 1958, Bob's parent's, W.L. "Bill" Gore and his wife Genevieve, began W.L. Gore & Associates in the basement of their Delaware home. Bill was a research chemist at DuPont and, based on Robert's idea, developed and patented a process for insulating wire with PTFE.

Bob Gore went on to graduate from the University of Delaware 2 years later and joined his parents in developing and expanding their home business. After an order for 7½ miles of insulated cable from the city of Denver, W.L. Gore & Associates opened their first manufacturing plant in Newark, DE, in 1961.

In 1969, insulated cables from W.L. Gore & Associates were used during the first moon landing, connecting seismic readers to the landing craft during Neil Armstrong's historic moonwalk. Also in 1969, Dr. Gore began manufacturing cables for use in high-tech supercomputers.

While many people would be satisfied with having one of the most successful and cutting-edge companies in America, Bob Gore and his parents continued to explore the possibilities of polytetraflouroethylene. In 1975, a spinoff of this compound, called expanded polytetraflouroethylene, ePTFE, was used to develop vascular grafts that heart surgeons around the world still rely on today. Recognized for exceptional performance and quality, they have earned the endorsement of renowned surgeons worldwide and are credited with saving countless lives.

In 1976, Bob Gore took the reigns as CEO of W.L. Gore & Associates. This same year, the company received its first order for GORE-TEX fabric, which was the first fabric that was both waterproof and breathable. Initially used to make rainwear, this groundbreaking fabric would revolutionize the clothing industry and forever change how people interacted with their environments.

In 1990, GORE-TEX proved its toughness in the wilds of Antarctica. An international team of explorers wore GORE-TEX outerwear while traversing the polar continent. After braving the wilds of this hostile environment, one member of the team credited the revolutionary fabric with saving his life.

Besides the cutting-edge innovation and consistent quality that W.L. Gore & Associates provides to its customers, the organization has consistently been ranked as one of the "100 Best Companies to Work For" by Fortune magazine. This honor is especially significant when you think about the impact that a good corporate environment has on the health and well-being of its employees. The morale and team structure that W.L. Gore & Associates uses in its day-to-day work environment helps ensure that their employees continue to provide the world with cutting-edge products that make our lives easier and better.

Bob Gore was named to the University of Delaware's College of Distinguished Alumni in 1990 and was inducted into the National Academy of Engineering in 1995. In 2005, Dr. Gore was awarded the Perkin Medal, which is considered to be one of the most prestigious awards for applied chemistry.

By fostering an environment where people are free to test the boundaries of innovation, Bob Gore has created a workplace that encourages energy, enthusiasm, and creativity. Whether it is extreme weather clothing, surgical components, or guitar strings, the employees of W.L. Gore & Associates never settle for second best. The leadership of Dr. Gore has made this possible, and all of Delaware is proud that he continues to make sure that the First State remains a leader in innovative products.•

IDAHO'S FRIEND IN THE IRS

• Mr. CRAPO. Mr. President, for the first time in many years, Idaho taxpayers and, congressional staff will face the season without a very special friend in the business. Merry Trudeau, local taxpayer advocate with the Internal Revenue Service, is retiring after 30 years of lending a compassionate ear and helpful hand to many Idaho taxpayers. Over three decades of working in different sections of the IRS but most notably as a taxpayer advocate, Merry distinguished herself on both sides of the phone. She helped many Idahoans through the mazes of Federal tax law and working out resolutions to different problems, and she was the person who fellow employees reached out to when they needed guidance. She is perhaps best known for her generosity and willingness to volunteer her time and resources with the Combined Federal Campaign and helping needy families and children enjoy beautiful and plentiful Christmases.

Merry's grandchildren and husband will certainly enjoy all the additional attention as she turns her time from work to family and friends in retirement. Still, people like Merry never truly retire from helping others, and I am positive that her generosity, compassion, and kindness will continue to leave an indelible mark on all the lives she touches. My congratulations go to Merry and her family as she opens the page to a new chapter in her life.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT PREPARED BY THE NATIONAL SCIENCE BOARD ENTITLED "SCIENCE AND ENGINEERING INDICATORS—2006"—PM 40

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

Consistent with 42 U.S.C. 1863(j)(1), I transmit herewith a report prepared for the Congress and the Administration by the National Science Board entitled, "Science and Engineering Indicators—2006." This report represents the seventeenth in the series examining key aspects of the status of science and engineering in the United States.

GEORGE W. BUSH.
THE WHITE HOUSE, *February 14, 2006.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5714. A communication from the Deputy Director, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Rocket Launches from Kodiak Island, AK" (RIN0648-AP62) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC-5715. A communication from the Assistant Chief Counsel, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled

“Hazardous Materials: Requirements for Lighters and Lighter Refills” (RIN2137-AD88) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5716. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Anthropomorphic Test Devices, Hybrid III 6-year-old Weighted Test Dummy” (RIN2127-AJ79) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5717. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Project Authorization and Agreements” (RIN2125-AF05) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5718. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska” (I.D. No. 012506A) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5719. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes” ((RIN2120-AA64)(2005-CE-35)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5720. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Empresa Barsileira de Aeronautical S.A . Model EMB-135 Airplanes; and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes” ((RIN2120-AA64)(2002-NM-89)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5721. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes; and Model A310-200 and -300 Series Airplanes” ((RIN2120-AA64)(2004-NM-234)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5722. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; BURKHARDT GROB LUFT-UND RAUMFAHRT GmbH and CO KG Models G103 TWIN ASTIR, G103 TWIN II, G103A TWIN II ACRO, G103C TWIN III ACRO, and G103C Twin III SL Sailplanes” ((RIN2120-AA64)(2005-CE-19)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5723. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; American Champion Aircraft Corporation Models 7AC, 7ACA, S7AC, 7BCM, 7CCM, S7CCM, 7DC, S7DC, 7EC, S7EC, 7ECA, 7FC, 7GC, 7GCA, 7GCAA, 7GCB, 7GCBA, 7GCBC, 7HC, 7JC, 7KC, 7KCAB, 8KCAB, and 8GCBC Airplanes” ((RIN2120-AA64)(2005-CE-50)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5724. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 727 Airplanes” ((RIN2120-AA64)(2005-NM-122)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5725. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Hamilton Sundstrand Power Systems Auxiliary Power Units Models T-62T-46C2, T-62T-46C2A, T-62T-46C3, T-62T-46C7, and T-62T-46C7A” ((RIN2120-AA64)(2005-NE-19)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5726. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives—General Electric Company CF6-80E1A1, 80E1A2, 80E1A4, and 80E1A4/B Turbofan Engines” ((RIN2120-AA64)(2005-NE-24)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5727. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives—Cessna Aircraft Company Models 208 and 208B Airplanes” ((RIN2120-AA64)(2005-CE-28)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5728. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives—Frakes Aviation Model G 73 Series Airplanes and Model G 73 Airplanes That Have Been Converted to Have Turbine Engines” ((RIN2120-AA64)(2005-NW-256)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5729. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives—Pacific Aerospace Corp Ltd Model 750XL Airplanes” ((RIN2120-AA64)(2005-CE-54)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5730. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives—Airbus Model A300 B2 Series Airplanes; A300 B4-103 and B4 203 Airplanes; and A310-203 Airplanes” ((RIN2120-AA64)(2005-NM-04)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5731. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives—Dassault Model Falcon 2000 Airplanes” ((RIN2120-AA64)(2005-NM-55)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5732. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives—Engine Components Incorporated Reciprocating Cylinder Assemblies” ((RIN2120-AA64)(2005-NE-20)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5733. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives—DG Flugzeugbau GmbH Models DG 800B, and DG 500B Sailplanes” ((RIN2120-AA64)(2005-CE-45)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5734. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives—Burkhardt Grob Luft-und Raumfahrt Gmbh and Co. Kg Model Twin Astir Sailplanes” ((RIN2120-AA64)(2005-CE-43)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5735. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives—Boeing Model 777-200 and 300 Series Airplanes” ((RIN2120-AA64)(2005-NM-223)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5736. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives—Boeing Model 767-200, 300, and 300F Series Airplanes” ((RIN2120-AA64)(2005-NM-080)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5737. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives—Dassault Model Falcon 2000 Airplanes Equipped with CFE Company CFE738-1-1B Turbofan Engines” ((RIN2120-AA64)(2005-NM-061)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5738. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives—BAE Systems Limited Model 4101 Airplanes” ((RIN2120-AA64)(2005-NM-129)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5739. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives—Sabreliner Model NA 365, 265-20, 265-30, 265-40, 265-50, 265-60, 265-65, 265-70, and 265-80 Series Airplanes” ((RIN2120-AA64)(2005-NM-133)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5740. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives—Empressa Brasileira de Aeronautica Model

ERJ 170 Airplanes" ((RIN2120-AA64)(2005-NM-136)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5741. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives—Airbus Model A300 B2 and A300 B4 Series Airplanes; A300 B4-600, B4-600R, and F4-600R Series Airplanes, and C4–605R Variant F Airplanes; and Airbus Model A310-200 and A310-300 Series Airplanes" ((RIN2120–AA64)(2005–NM–033)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5742. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives—Boeing Model 737-600, 700, 700C, and 800 Series Airplanes" ((RIN2120–AA64)(2005–NM–88)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5743. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives—Empressa Brasilira de Aeronautica SA Model DMB 135BJ, 135ER, 135KE, 135KL, and 135LR Airplanes; and Model EMB 145, 145ER, 145MR, 145LR, 145XR, 145MP, and 145EP Airplanes" ((RIN2120–AA64)(2005–NM–149)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5744. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives—Pratt and Whitney PW400 Series Turbofan Engines" ((RIN2120–AA64)(2005–ANE–66)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5745. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives—Boeing Model 767-200 and 300 Series Airplanes" ((RIN2120–AA64)(2005–NM–277)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5746. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives—Airbus Model A300 B4 Series Airplanes, Model A310-200 Series Airplanes, Model 310-300 Series Airplanes, and Model A300 B4–600, B4–600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes" ((RIN2120–AA64)(2005-NM-131)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5747. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737 Airplanes" ((RIN2120–AA64)(2005–NM-070)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5748. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330–200, A330–300, A340–200, and A340–300 Series Airplanes" ((RIN2120–AA64)(2005–NM-032)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5749. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-400, 747-400D, and 747-400F Series Airplanes" ((RIN2120–AA64)(2005–NM–082)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5750. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-300, A340-200, and A340-300 Series Airplanes" ((RIN2120–AA64)(2002–NM–20)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5751. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB-120, –120ER, 120FC, –120QC, and –120RT Airplanes" ((RIN2120-AA64)(2005-NM-183)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5752. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767–300 Series Airplanes" ((RIN2120–AA64)(2004-NM-266)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5753. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–135 Airplanes and Model EMB–145, –145ER, -145MR, -145LR , -145XR, -145MP, and -145EP Airplanes " ((RIN2120–AA64)(2004–NM–218)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5754. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330–243, –341, –342, and –343 Airplanes Equipped with Rolls-Royce RB211 TRENT 700 Engines" ((RIN2120–AA64)(2004–NM–146)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5755. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-300, 747SP, and 747SR Series Airplanes" ((RIN2120–AA64)(2006–0020)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5756. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Model TBM 700 Airplanes" ((RIN2120–AA64)(2006–0021)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation .

EC–5757. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A320-111 Airplanes" ((RIN2120–AA64)(2006–0022)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5758. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Vertol Model 107–II Helicopters" ((RIN2120–AA64)(2006-0023)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5759. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318–100, A319–100, A320–200, A321–100, and A321-200 Series Airplanes" ((RIN2120–AA64)(2006–0024)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5760. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Areonautica S.A. Model EMB–135 Airplanes and Model EMB-145, -145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airplanes" ((RIN2120–AA64)(2006–0026)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5761. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319–100 Series Airplanes; Model A320–111 Airplanes; Model A320-200 Series Airplanes, and Model A321–100 and –200 Series Airplanes" ((RIN2120-AA64)(2006-0027)) received on February 8, 2006; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. STABENOW (for herself and Ms. MURKOWSKI):

S. 2278. A bill to amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself and Mr. KYL):

S. 2279. A bill to make amendments to the Iran and Syria Nonproliferation Act; to the Committee on Foreign Relations.

By Mr. OBAMA (for himself, Mr. DURBIN, and Mr. MENENDEZ):

S. 2280. A bill to stop transactions which operate to promote fraud, risk, and underdevelopment, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SANTORUM:

S. 2281. A bill to amend the Internal Revenue Code of 1986 to allow Americans to age with respect and dignity by providing tax incentives to assist them in preparing for the financial impact of their long-term care needs; to the Committee on Finance.

By Mr. SANTORUM:

S. 2282. A bill to amend title XVIII of the Social Security Act to provide for access to telehealth services in the home; to the Committee on Finance.

By Mr. FRIST:

S. 2283. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MIKULSKI (for herself, Mr. WARNER, Mr. DAYTON, Mr. KERRY, Mr. JEFFORDS, Mr. SARBANES, Ms. SNOWE, Mr. ALLEN, Mr. LEVIN, Mr. GREGG, Ms. COLLINS, Mr. JOHNSON, Mr. SUNUNU, and Mr. DORGAN):

S. 2284. A bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers; to the Committee on the Judiciary.

By Mr. LAUTENBERG:

S. 2285. A bill to improve the protection of witnesses, victims, and informants; to the Committee on Homeland Security and Governmental Affairs.

By Mr. OBAMA (for himself and Mr. BAYH):

S. 2286. A bill to amend part A of title IV of the Social Security Act to eliminate the separate work participation rate for 2-parent families under the temporary assistance for needy families programs; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THOMAS (for himself, Mr. BINGAMAN, Mr. DORGAN, Mr. BURNS, Mr. ALLARD, Mr. JOHNSON, Mr. REID, Mr. MARTINEZ, Mr. INHOFE, Mr. SALAZAR, Mr. BAUCUS, Mr. CRAIG, Mr. ENZI, Mr. STEVENS, Mr. ALLEN, and Mr. ENSIGN):

S. Res. 371. A resolution designating July 22, 2006, as "National Day of the American Cowboy"; to the Committee on the Judiciary.

By Mr. KERRY:

S. Res. 372. A resolution expressing the sense of the Senate that oil and gas companies should not be provided outer Continental Shelf royalty relief when energy prices are at historic highs; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 424

At the request of Mr. BOND, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 1141

At the request of Mr. COCHRAN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1141, a bill to authorize the Secretary of Homeland Security to regulate ammonium nitrate.

S. 1881

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1881, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco otherwise known as the "Granite Lady", and for other purposes.

S. 1991

At the request of Mr. BURR, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1991, a bill to amend title 38, United States Code, to establish a financial assistance program to facilitate the provision of supportive services for very low-income veteran families in permanent housing, and for other purposes.

S. 2178

At the request of Mr. SPECTER, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2197

At the request of Mr. DOMENICI, the names of the Senator from Delaware (Mr. CARPER), the Senator from Kentucky (Mr. BUNNING), the Senator from North Carolina (Mr. BURR) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 2197, a bill to improve the global competitiveness of the United States in science and energy technology, to strengthen basic research programs at the Department of Energy, and to provide support for mathematics and science education at all levels through the resources available through the Department of Energy, including at the National Laboratories.

S. 2198

At the request of Mr. DOMENICI, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 2198, a bill to ensure the United States successfully competes in the 21st century global economy.

S. 2199

At the request of Mr. DOMENICI, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2199, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to promote research and development, innovation, and continuing education.

S. 2201

At the request of Mr. OBAMA, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2235

At the request of Mr. SCHUMER, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2235, a bill to posthumously award a congressional gold medal to Constance Baker Motley.

S. RES. 320

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. Res. 320, a resolution calling the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

S. RES. 359

At the request of Ms. LANDRIEU, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. Res. 359, a resolution concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. STABENOW (for herself and Ms. MURKOWSKI):

S. 2278. A bill to amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women; to the Committee on Health, Education, Labor, and Pensions.

Ms. STABENOW. Mr. President, I rise today to introduce the "HEART for Women Act of 2006." I want to thank Senator LISA MURKOWSKI for joining me on this important legislation. I am also pleased that Congresswomen LOIS CAPPS and BARBARA CUBIN are introducing companion legislation in the House of Representatives.

We face an alarming situation in this country. While over the last 25 years we have made good progress in reducing the death rate for men with heart disease, stroke, and other cardiovascular diseases, the same does not hold true for women. Not only have we not lowered the cardiovascular disease mortality rate for women—the death rate has actually gone up for women during that same period.

A lot of people think of heart disease as a "man's disease." But while heart disease is certainly a significant problem for men, it is an equally important problem for women.

Fact: Heart disease and stroke actually kill more women each year than men.

Fact: Heart disease, stroke, and other cardiovascular diseases are the number 1 killer in the United States and in my home State of Michigan. In Michigan, 43 percent of all deaths in women are due to cardiovascular disease.

Fact: 1 in 3 adult women has some form of cardiovascular disease.

Fact: Minority women, particularly African American, Hispanic and Native American women are at even greater risk from heart disease and stroke.

The first step in addressing any problem is acknowledging it—that's why efforts to educate women about their risk of heart disease are so important.

The good news is that we have made progress in educating women: nearly half of women can now identify heart disease as the leading cause of death in women. The bad news is that while women are now more aware of their risk of heart disease many of their doctors are not.

Astoundingly, 4 out of 5 doctors do not know that more women die of heart disease each year than men. Those numbers are alarming because doctors decide how aggressively to treat their patients based on the amount of risk they perceive for that patient.

I suspect we all know women who have been to their doctors or to emergency rooms exhibiting symptoms of a heart attack, only to be told they were suffering from "stress" or indigestion.

As a result, women don't get the same care that men do. Even though women make up 53 percent of all deaths from cardiovascular disease, they receive only 33 percent of coronary interventions such as angioplasties and stints.

Likewise, 61 percent of total stroke deaths are in women, but only 38 percent of the procedures to prevent stroke are performed on women.

And when women do receive treatment, it is often based on research that was solely done on men. For too many years, everyone has just assumed that treatments that are effective for men work equally well in women.

But now we know that gender really does make a difference. Diagnostic tests, prescription drugs, and medical devices may work differently in women than in men. When there is a difference, patients and their healthcare providers need and deserve to know this. And right now, all too often that kind of information simply isn't available to clinicians and researchers.

That is why Senator MURKOWSKI and I are introducing the "HEART for Women Act" to help to turn this problem around. This legislation takes a 3-pronged approach to reducing the heart disease death rate for women.

First, the bill would authorize grants to educate doctors on how to prevent, diagnose and treat heart disease and strokes in women. Doctors and other healthcare providers first and foremost need to know that heart disease is a major problem in women, so that they treat it accordingly.

The bill would also require that health information that is already being reported to the federal government be gender-specific, and would require annual recommendations to Congress for improving the treatment of heart disease in women. Doctors need to know what medical treatments are safe and effective for their women patients.

Finally, the bill would also expand a current program run by the Centers for Disease Control and Prevention, CDC called WISEWOMAN, Well-Integrated Screening and Evaluation for Women Across the Nation.

The WISEWOMAN program provides free heart disease and stroke screening to low-income, uninsured women. While Michigan is fortunate to be one of the 14 States that has a WISEWOMAN program, every State should have this important program.

These are simple, cost-effective, but meaningful steps that Congress can take that will help get the death rate for women from heart disease and stroke going in the right direction—down.

Today is Valentine's Day, a day for showing our loved ones how much we love and appreciation them.

As women, we tend to be really great at taking care of everyone around us—our children, our husbands, our aging parents. Unfortunately, we're not nearly so good about taking care of ourselves.

So I hope that this Valentine's Day will also be a day to raise awareness about the risks of heart disease for women and to encourage our loved ones—our mothers, sisters, and friends—to take good care of themselves. I urge my colleagues to join me in passing this critical legislation.

Ms. MURKOWSKI. Mr. President, February is American Heart Month, and heart disease remains the Nation's leading cause of death.

Many women believe that heart disease is a man's disease and, unfortunately, do not view it as a serious health threat. Yet, in every year since 1984, cardiovascular disease claimed the lives of more women than men. In fact, cardiovascular disease death rates have declined in men since 1979, while the death rate for women during that same period has actually increased. The numbers are disturbing: cardiovascular diseases claim the lives of more than 480,000 women per year; that's nearly a death per minute among females and nearly 12 times as many lives as claimed by breast cancer. One in four females has some form of cardiovascular disease.

That is why I am pleased to join with my colleague from Michigan, Senator STABENOW, to introduce important legislation, the HEART for Women Act, or Heart disease Education, Analysis and Research, and Treatment for Women Act. This important bill improves the prevention, diagnosis and treatment of heart disease and stroke in women.

In Alaska, cardiovascular diseases are the leading cause of death, totaling nearly 800 deaths each year. Women in Alaska have higher death rates from stroke than do women nationally. Mortality among Native Alaskan women is dramatically on the rise, whereas, it is declining among Caucasian women in the Lower 48.

Despite being the number one killer, many women and their health care providers do not know that the biggest health care threat to women is heart disease. In fact, a recent survey found that 45 percent of women still don't know that heart disease is the number one killer of women.

Perhaps even more troubling is the lack of awareness among health care providers. According to American Heart Association figures, less than one in five physicians recognize that more women suffer from heart disease than men. Among primary care physicians, only 8 percent of primary care physicians—and even more astounding—only 17 percent of cardiologists recognize that more women die of heart disease than men. Additionally, studies show that women are less likely to receive aggressive treatment because heart disease often manifests itself differently in women than men.

This is why the HEART Act is so important. Our bill takes a three-pronged approach to reducing the heart disease death rate for women, through; 1. education; 2. research; and 3. screening.

First, the bill would authorize the Department of Health and Human Services to educate healthcare professionals and older women about unique aspects of care in the prevention, diagnosis and treatment of women with heart disease and stroke.

Second, the bill would require disclosure of gender-specific health information that is already being reported to the Federal Government. Many agencies already collect information based on gender, but do not disseminate or analyze the gender differences. This bill would release that information so that it could be studied, and important health trends in women could be detected.

Lastly, the bill would authorize the expansion of the Centers for Disease Control and Prevention's WISEWOMAN program, the Well-Integrated Screening and Evaluation for Women Across the Nation program. The WISEWOMAN program provides free heart disease and stroke screening to low-income uninsured women, but the program is currently limited to just 14 States.

My State of Alaska is fortunate to have two WISEWOMAN program sites. These programs screen for high blood pressure, cholesterol and glucose in Native Alaskan women and provide invaluable counseling on diet and exercise. One program in Alaska alone has successfully screened 1,437 Alaskan Native women and has provided them with a culturally appropriate intervention program that has produced lifesaving results.

Heart disease, stroke and other cardiovascular diseases cost Americans more than any other disease—an estimated $403 billion in 2006, including more than $250 billion in direct medical costs. We, as a nation, can control those costs—prevention through early detection is the most cost-effective way to combat this disease.

Today, as we celebrate Valentine's Day and see images of hearts just about everywhere, let us not forget that the heart is much more than a symbol—it is a vital organ that can't be taken for granted. Coronary disease can be effectively treated and sometimes even prevented—it does not have to be the number one cause of death in women. And, that is why I encourage my colleagues to support the HEART for Women Act.

By Mr. OBAMA (for himself, Mr. DURBIN, and Mr. MENENDEZ):

S. 2280. A bill to stop transactions which operate to promote fraud, risk, and under-development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. OBAMA. Mr. President, today, I am introducing new legislation to address a growing problem in our country, one that is robbing thousands of Americans of their dream of homeownership, and costing the mortgage industry hundreds of millions of dollars each year.

I am talking about the problem of mortgage fraud—the practice of defrauding individuals of their rightful property, and using tricks and schemes to steal from banks and other financial institutions. Mortgage fraud comes in a variety of forms, from inflated appraisals to the use of straw buyers, but the net result is the same: financial institutions lose out to the tune of approximately $1.01 billion each year, and consumers lose their savings, their good credit, and their homes.

Although the data in this area is limited, mortgage fraud is clearly on the rise. According to the FBI, mortgage fraud cases were up 25 percent last year, and 400 percent since 2002. Further, in 2004, the mortgage industry noted 12,000 cases of suspicious activity, three times the amount reported in 2001. This is due largely to the housing boom which is driving up housing prices across the country. Nearly $2.5 trillion in mortgage loans were made during 2005, and the number is only expected to rise this year.

But mortgage fraud is about more than just dollars and statistics; it's about real people, real homes, and real lives. My hometown Chicago Tribune has featured a series of articles about mortgage fraud in Illinois, which, along with Georgia, South Carolina, Florida, Missouri, Michigan, California, Nevada, Colorado and Utah, is among the FBI's top-ten mortgage fraud 'hot spots.'

The stories highlight, for example, the plight of the good folks on May Street in Chicago, who saw a block's worth of homes go boarded up in the span of a just few years, as swindlers racked up hundreds of thousands of dollars in bad loans, and left shells of houses behind. The Tribune stories highlighted the plight of 75-year-old Ruth Williams, who had to spend her personal funds to clear the title to her home after fraudsters secured $400,000 in loans on three buildings they didn't own. And two doors down from Ms. Williams, Corey Latimer can't sell his building or borrow against it, because a lending company hasn't released a phony mortgage that Corey didn't authorize.

Law enforcement, consumer groups and many in the mortgage industry are doing what they can to combat fraud, and I applaud their good work. Now, Congress needs to come to the table and do its part.

I, along with Senator DURBIN and Senator MENENDEZ, am introducing the STOP FRAUD Act today to address the critical problem of mortgage fraud. STOP FRAUD (Stopping Transactions which Operate to Promote Fraud, Risk and Under-Development) would provide the first Federal definition of mortgage fraud and authorize stiff criminal penalties against fraudulent actors. STOP FRAUD requires a wide range of mortgage professionals to report suspected fraudulent activity, and gives these same professionals safe harbor from liability when they report suspicious incidents. It also authorizes several grant programs to help State and local law enforcement fight fraud, provide the mortgage industry with updates on fraud trends, and further support the Departments of Treasury, Justice and Housing and Urban Development's fraud-fighting efforts.

The STOP FRAUD Act will build upon the good work of the FBI, the Treasury Department, HUD, consumer groups, many in the mortgage industry, and State and local law enforcement, giving them the tools they need to stop mortgage fraud in its tracks. The cost of this bill is well worth the benefit to American taxpayers and companies, and it has been endorsed by a range of law enforcement and consumer groups. The Illinois Attorney General's office and the Chicago Police Department have told me how valuable this bill would be to their enforcement efforts, and ACORN, the Center For Responsible Lending, the National Association of Consumer Advocates, the National Community Reinvestment Coalition, National Consumer Law Center, and U.S. PIRG said in a recent letter that this bill would "help protect consumers from fraudulent and abusive practices in the mortgage industry."

The STOP FRAUD Act is a tough, cost-effective, and balanced way to address the serious problem of mortgage fraud in our country. I urge my colleagues to join me in this important effort.

By Mr. FRIST:

S. 2283. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FRIST. Mr. President, each day, 74 people receive an organ transplant. And each day, another 18 patients die waiting.

While it doesn't get a lot of public attention, for every family who struggles with the pain and uncertainty of waiting for that life saving gift, the organ donation shortage is an urgent crisis.

Right now, over 97,000 people are on the waiting list. Fewer than half of them will get the transplant they need. Almost 2,000 of the patients on the list are from my home state of Tennessee.

As a heart and lung transplant surgeon, I have direct and intimate experience with this issue. I've devoted two decades of my life to giving others a second chance through transplantation.

I have sat next to the hospital bed and looked into eyes of patients and their families and seen the frustration, desperation and fear they feel as they wait and hope for the miraculous gift that can reverse a fatal diagnosis.

I've personally shared in the elation when the donation came through. I also know very well the tragedy when a patient dies before they could receive a transplant—a direct result of a large and growing shortage of organ donors.

The medical community is trying to raise public awareness. I'm proud to say that four Tennessee hospitals are participating in the nationwide, "Organ Donation Breakthrough Collaborative Gift of Life Initiative."

Led by the Department of Health and Human Services, this is a multiphase national collaboration designed to increase access to transplantable organs and promote organ donation among the public.

In Tennessee, we have two active organ procurement organizations, the Tennessee Donor Services and the Mid South Transplant Foundation. There are also 10 transplant centers throughout the state.

As a transplant surgeon and a Tennessean, I am proud of these path breaking efforts. But, the sobering fact remains, we still have far too few donors to meet the urgent demand.

I understand that it's a difficult and emotional decision to, literally, give part of oneself away. Many people, understandably, feel squeamish about choosing donation. But by giving the gift of life, miracles can come from tragedy, and a whole family can be saved.

I bring all of this up because there is something we can do here in the Senate.

Today, I am proposing that we create a congressional commemorative medal to honor organ donors and their families under the Gift of Life Congressional Medal Act of 2006.

At no cost to the Government, we can recognize the extraordinary generosity of a donor's gift and send a message to the broader public about how vitally important organ donation is to thousands of people desperately waiting for that precious gift.

Congressman Pete Stark of California has introduced companion legislation in the House. He shares my belief that organ donation is one of the most precious gifts an individual can give to a fellow human being.

I urge my colleagues to join me in this simple and sincere gesture of support. By honoring our fellow citizens in this way, we, too, can help give the gift of life.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 2283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gift of Life Congressional Medal Act of 2006".

SEC. 2. CONGRESSIONAL MEDAL.

The Secretary of the Treasury shall design and strike a bronze medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary of the Treasury, to commemorate organ donors and their families.

SEC. 3. ELIGIBILITY REQUIREMENTS.

(a) In General.—Any organ donor, or the family or family member of any organ donor, shall be eligible for a medal described in section 2.

(b) Documentation.—The Secretary of Health and Human Services shall direct the entity holding the Organ Procurement and Transplantation Network (hereafter in this Act referred to as "OPTN") to contract to—

(1) establish an application procedure requiring the relevant organ procurement organization, as described in section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)), through which an individual or their family made an organ donation, to submit to the OPTN contractor documentation supporting the eligibility of that individual or their family to receive a medal described in section 2; and

(2) determine, through the documentation provided, and, if necessary, independent investigation, whether the individual or family is eligible to receive a medal described in section 2.

SEC. 4. PRESENTATION.

(a) Delivery to the Secretary of Health and Human Services.—The Secretary of the Treasury shall deliver medals struck pursuant to this Act to the Secretary of Health and Human Services.

(b) Delivery to Eligible Recipients.—The Secretary of Health and Human Services shall direct the OPTN contractor to arrange for the presentation to the relevant organ procurement organization all medals struck pursuant to this Act to individuals or families that, in accordance with section 3, the OPTN contractor has determined to be eligible to receive medals under this Act.

(c) Limitation.—

(1) In general.—Except as provided in paragraph (2), only 1 medal may be presented to a family under subsection (b). Such medal shall be presented to the donating family member, or in the case of a deceased donor, the family member who signed the consent form authorizing, or who otherwise authorized, the donation of the organ involved.

(2) Exception.—In the case of a family in which more than 1 member is an organ donor, the OPTN contractor may present an additional medal to each such organ donor or their family.

SEC. 5. DUPLICATE MEDALS.

(a) In General.—The Secretary of Health and Human Services or the OPTN contractor may provide duplicates of the medal described in section 2 to any recipient of a medal under section 4(b), under such regulations as the Secretary of Health and Human Services may issue.

(b) Limitation.—The price of a duplicate medal shall be sufficient to cover the cost of such duplicates.

SEC. 6. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of section 5111 of title 31, United States Code.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act.

SEC. 8. SOLICITATION OF DONATIONS.

(a) In General.—The Secretary of the Treasury may enter into an agreement with the OPTN contractor to collect funds to offset expenditures relating to the issuance of medals authorized under this Act.

(b) Payment of Funds.—

(1) In general.—Except as provided in paragraph (2), all funds received by the Organ Procurement and Transplantation Network under subsection (a) shall be promptly paid by the Organ Procurement and Transplantation Network to the Secretary of the Treasury.

(2) Limitation.—Not more than 5 percent of any funds received under subsection (a) shall be used to pay administrative costs incurred by the OPTN contractor as a result of an agreement established under this section.

(c) Numismatic Public Enterprise Fund.—Notwithstanding any other provision of law—

(1) all amounts received by the Secretary of the Treasury under subsection (b)(1) shall be deposited in the Numismatic Public Enterprise Fund, as described in section 5134 of title 31, United States Code; and

(2) the Secretary of the Treasury shall charge such fund with all expenditures relating to the issuance of medals authorized under this Act.

(d) Start-Up Costs.—A 1-time amount not to exceed $55,000 shall be provided to the OPTN contractor to cover initial start-up costs. The amount will be paid back in full within 3 years of the date of the enactment of this Act from funds received under subsection (a).

(e) No Net Cost to the Government.—The Secretary of the Treasury shall take all actions necessary to ensure that the issuance of medals authorized under section 2 results in no net cost to the Government.

SEC. 9. DEFINITIONS.

In this Act:

(1) Organ.—The term "organ" means the human kidney, liver, heart, lung, pancreas, and any other human organ (other than corneas and eyes) specified by regulation of the Secretary of Health and Human Services or the OPTN contractor.

(2) Organ procurement and transplantation network.—The term "Organ Procurement and Transplantation Network" means the Organ Procurement and Transplantation Network established under section 372 of the Public Health Service Act (42 U.S.C. 274).

SEC. 10. SUNSET PROVISION.

This Act shall be effective during the 5-year period beginning on the date of the enactment of this Act.

By Mr. OBAMA (for himself and Mr. Bayh):

S. 2286. A bill to amend part A of title IV of the Social Security Act to eliminate the separate work participation rate for 2-parent families under the temporary assistance for needy families programs; to the Committee on Finance.

Mr. OBAMA. Mr. President, I rise today to speak about the "Equality for Two-Parent Families Act of 2006" that I am introducing with Senator Bayh. When Congress reauthorized the Temporary Assistance for Needy Families program as part of the Spending Reconciliation bill two weeks ago, we failed to eliminate a pernicious disincentive to marriage that was contained in that bill. The Equality for Two-Parent Families Act will correct that unfortunate error.

Republicans and Democrats often have different ideas about how best to promote self sufficiency and economic mobility for low-income families. But one thing on which we all can agree is that children are better off when they grow up with two responsible parents.

The evidence shows that, on average, children in two-parent families do better in school and are more likely to lead successful, independent lives. That is why recent TANF legislation, including the bipartisan PRIDE Act in the Senate and H.R. 240 in the House, and Administration proposals have recognized that the separate two-parent work participation standard, which introduces an anti-marriage bias in TANF, should be eliminated.

Unfortunately, the recent TANF reauthorization failed to reflect this long-standing consensus. Instead, the new law compels States to meet an unequal work participation standard with their own State-funded programs. Whereas States must ensure that 50 percent of their single parents satisfy the work requirements, they will be penalized if fewer than 90 percent of their two-parent families meet what are even greater work requirements.

As a result, many States, including Illinois which until now has successfully served two-parent families in its state program, may now face an unfortunate choice: stop serving two-parent families or face a penalty. I even heard one welfare official joke that States may be better off paying couples to split up in order to avoid possible penalties. What kind of incentive is that?

Requiring States to treat two-parent families differently undermines efforts on both the state and federal level to promote and strengthen two-parent families. It is especially ironic that the policy is part of a bill that includes funding for marriage promotion and fatherhood programs.

The remedy for this contradiction is clear; we must eliminate the separate two-parent work participation standard. Senator BAYH and I have introduced the "Equality for Two-Parent Families Act of 2006" to eliminate this standard and rectify the inequity in current TANF policy. Our bill does not change two-parent work requirements or interfere with State efforts to promote employment and reduce caseloads. Instead, our bill reinforces State efforts to support two-parent families in the ways that they know best.

I urge my colleagues to support this legislation and join us in promoting stronger families. Thank you for your attention to this important matter.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 371—DESIGNATING JULY 22, 2006 AS "NATIONAL DAY OF THE AMERICAN COWBOY"

Mr. THOMAS (for himself, Mr. BINGAMAN, Mr. DORGAN, Mr. BURNS, Mr. ALLARD, Mr. JOHNSON, Mr. REID, Mr. MARTINEZ, Mr. INHOFE, Mr. SALAZAR, Mr. BAUCUS, Mr. CRAIG, Mr. ENZI, Mr. STEVENS, Mr. ALLEN, and Mr. ENSIGN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 371

Whereas pioneering men and women, recognized as cowboys, helped establish the American West;

Whereas that cowboy spirit continues to infuse this country with its solid character, sound family values, and good common sense;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy loves, lives off of, and depends on the land and its creatures, and is an excellent steward, protecting and enhancing the environment;

Whereas the cowboy continues to play a significant role in the culture and economy of the United States;

Whereas approximately 800,000 ranchers are conducting business in all 50 States and are contributing to the economic well being of nearly every county in the Nation;

Whereas rodeo is the sixth most-watched sport in the United States;

Whereas membership in rodeo and other organizations encompassing the livelihood of a cowboy transcends race and sex and spans every generation;

Whereas the cowboy is an American icon;

Whereas to recognize the American cowboy is to acknowledge the ongoing commitment of the United States to an esteemed and enduring code of conduct; and

Whereas the ongoing contributions made by cowboys to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 22, 2006, as "National Day of the American Cowboy"; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. THOMAS. Mr. President, I rise today to submit a resolution designating July 22, 2006, as "National Day of the American Cowboy."

The cowboy has influenced American culture in literature, music, art, fashion, theater, and sport. What's more, these folks contribute substantially to the economic well-being of our country. In 2005 alone, United States cash receipts from the sale of cattle and calves exceeded $48 billion, accounting for nearly 40 percent of all livestock sales and nearly half of all farm receipts. Clearly, the cowboy is not merely a romantic figure, but an integral part of our Nation's economy.

As many Americans know, last year's celebration was a great success. The first observance of the National Day of the American Cowboy was commemorated across the country with various festivities and events. In Wyoming, the day fell within Cheyenne Frontier Days, one of the world's largest outdoor rodeos and our State's premier cowboy competition.

Cheyenne Frontier Days can be traced as far back as 1896 when a group of cowboys from the Two Bar Ranch put on an impromptu cowboy contest in Cheyenne. Frontier Days has come a long way since that time, incorporating Indian war dances, artillery drills, a full carnival, rowdy street dances, country and western entertainers, and renown musical performances. However, Frontier Days stays true to its roots, showcasing cowboys and cowgirls in sports such as saddle bronc riding, wild horse racing, bull dogging, steer wrestling, calf roping, and bareback riding, events which truly demonstrate their cowboy skills.

While in Wyoming for the 2005 Cheyenne Frontier Days celebration, I had the distinct honor of delivering a statement from President Bush supporting the National Day of the American Cowboy. His statement outlined the importance of the cowboy, "as a symbol of the grand history of the American West," and recognized the Cowboy's love of land and country as character traits which should be revered by all Americans. I could not agree more.

Although the National Day of the American Cowboy came and went in 2005, the celebration has continued throughout the United States and across the world. For example, Arizona's Governor recently issued an official proclamation declaring July 22, 2006 as the Second Annual National Day of the Cowboy in Arizona. T.J. Casey, a country musician and cowboy poet from Montana, is helping to promote the National Day of the Cowboy by carrying his flag on tour with him, and Pro Rodeo Hall of Fame Executive Director Larry McCormack and his staff are planning a National Day of the Cowboy flag presentation during their upcoming annual induction ceremony on July 15, 2006.

Support for the National Day of the American Cowboy is not confined to our Nation's borders. The Desert Cowboys, a group of men and women in the United States Military and Department of Defense civilians who have been serving our country in Iraq since December of 2005, planted their National Day of the Cowboy flag prominently in their camp shortly after their arrival. Some of these folks are in Iraq for their, third, fourth and even fifth rotations. This touching display of support by those completing dangerous missions so far from home certainly tugs at my heart strings. It also serves to illustrate how important this day is to the American people and those who support American ideals.

I call on the Senate to once again recognize our country's cowboys and cowgirls and their significant contributions through designation of the second annual National Day of the American Cowboy.

SENATE RESOLUTION 372—EXPRESSING THE SENSE OF THE SENATE THAT OIL AND GAS COMPANIES SHOULD NOT BE PROVIDED OUTER CONTINENTAL SHELF ROYALTY RELIEF WHEN ENERGY PRICES ARE AT HISTORIC HIGHS

Mr. KERRY submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 372

Whereas the Federal Government is on the verge of one of the biggest oil and gas giveaways in American history, costing American taxpayers at least $7,000,000,000 in lost revenue over the next 5 years;

Whereas according to the budget plan of the Department of the Interior, it is projected that the Government will allow companies to pump approximately $65,000,000,000 worth of oil and natural gas from Federal territory over the next 5 years without paying any royalties to the Government;

Whereas the Minerals Management Service of the Department of the Interior, which oversees the leases and collects the royalties, estimates that the amount of royalty-free oil will quadruple by 2011, to 112,000,000 barrels;

Whereas the volume of royalty-free natural gas is expected to climb by almost half, to about 1,200,000,000,000 cubic feet by 2011;

Whereas approximately 30 percent of all oil and over 20 percent of all gas produced in the United States comes from the outer Continental Shelf;

Whereas it was the intent of Congress to provide royalty relief to promote exploration and production in deep waters of the outer Continental Shelf only at a time when oil and gas prices were comparatively low;

Whereas the Department of the Interior has always insisted that companies should not be entitled to royalty relief if market prices for oil and gas climbed above certain trigger points;

Whereas the 12 United States oil companies in the Standard & Poor's 500 that have reported fourth-quarter results have seen an average 48 percent rise in earnings and are expected to see full-year earnings of $96,500,000,000;

Whereas the profit growth for oil companies is not nearing an end, with energy analysts expecting 15 percent growth in earnings at those companies in 2006;

Whereas, at the same time oil and gas companies are posting record profits, families in the United States are struggling with record energy costs including a 48 percent increase in the cost of natural gas for this heating season and a projected 7.3 percent increase in gasoline price from the previous year;

Whereas the Energy Information Administration projects that these prices will hold steady or increase over the course of the next 2 years; and

Whereas royalty revenues benefit 38 States, 41 Indian tribes, and fund the National Historic Preservation Fund, and the Land and Water Conservation Fund: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Minerals Management Service should suspend all future royalty relief until the Secretary can ensure that the citizens of the United States receive a fair return from oil and gas resources from the outer Continental Shelf; and

(2) Congress must take steps to ensure that the oil and gas industry does not receive a windfall and is not unjustly enriched at the expense of the citizens of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2767. Mr. DAYTON submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table.

SA 2768. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2769. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2770. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2771. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2772. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2773. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2774. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2775. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2776. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2777. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2778. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2779. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2780. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2781. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2782. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2783. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2784. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2785. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2786. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

SA 2787. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2788. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2789. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2790. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2791. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2792. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2793. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2794. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2795. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2796. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2797. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2798. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2799. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2800. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2801. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2802. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2803. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2804. Mr. REID submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2805. Mr. REID submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2806. Mr. REID submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2807. Mr. REID submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2808. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2809. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2810. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2811. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2812. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2813. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2814. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2815. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2816. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2817. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2818. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2819. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2820. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2821. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2822. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2823. Mr. DAYTON submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2824. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2825. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2826. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2827. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2828. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2829. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2830. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2831. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2832. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2833. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2834. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2835. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2836. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2837. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2838. Mr. LAUTENBERG (for himself and Mr. Menendez) submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2839. Mr. LAUTENBERG (for himself and Mr. Menendez) submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2840. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2841. Mr. BURNS submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2842. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2843. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2844. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2845. Mr. BURNS (for himself and Mr. Baucus) submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2846. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2847. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr.

LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2848. Mr. THUNE (for himself, Mr. COLEMAN, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2849. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2850. Mr. KYL (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2851. Mr. KYL submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2852. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2853. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2854. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2855. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2856. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2857. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2858. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2859. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2860. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2861. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2862. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2863. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2864. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2865. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2866. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2867. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2868. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2869. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2870. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2871. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2872. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2873. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2874. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2875. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2876. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2877. Mrs. CLINTON (for herself, Mr. KERRY, Mr. LAUTENBERG, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S . 852, supra; which was ordered to lie on the table.

SA 2878. Mrs. CLINTON (for herself, Mr. KERRY, Mr. LAUTENBERG, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S . 852, supra; which was ordered to lie on the table.

SA 2879. Mr. REID (for Mr. BIDEN) submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2880. Mr. MARTINEZ (for himself, Mr. ALLEN, Mr. ROBERTS, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S . 852, supra; which was ordered to lie on the table.

SA 2881. Mr. BURNS (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2882. Mr. SPECTER (for himself, Mr. LIEBERMAN, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2883. Mr. SPECTER (for himself, Mr. LIEBERMAN, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2884. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2885. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2886. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2887. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, supra; which was ordered to lie on the table.

SA 2888. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 852, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2767. Mr. DAYTON submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, strike lines 6 through 17, and insert the following:

(4) WAIVER FOR WORKERS AND RESIDENTS OF VERMICULITE MINING AND PROCESSING COMMUNITIES.—

(A) IN GENERAL.—Because of the nature of asbestos exposure related to the vermiculite mining operations in Libby, Montana, and the vermiculite processing operations associated with such mining operations, the Administrator shall waive the exposure requirements under this subtitle for individuals who worked—

(i) at the vermiculite mining operations in Libby, Montana, or lived or worked within a 20-mile radius of such mining operations, for at least 12 months before December 31, 2004; and

(ii) at sites processing vermiculite mined from mining operations in Libby, Montana; or

(iii) or lived within a 20 mile radius of a processing site described in clause (ii), for at least 12 months before December 31, 2004.

(B) REQUIRED DOCUMENTATION.—Claimants under this paragraph shall provide such supporting documentation as the Administrator shall require.

On page 118, strike line 6 and all that follows through page 120, line 4, and insert the following:

(8) VERMICULITE MINING AND PROCESSING CLAIMANTS.—

(A) IN GENERAL.—A vermiculite mining and processing claimant, as described under subsection (c)(4), may elect to have the claimant's claim designated as an exceptional medical claim and referred to a Physicians Panel for review. In reviewing the medical evidence submitted by such a claimant in support of that claim, the Physicians Panel shall take into consideration the unique and serious nature of asbestos exposure in vermiculite mining and processing operations, including the nature of the pleural disease related to asbestos exposure from such sites.

(B) CLAIMS.—For all claims for Levels II through IV filed by vermiculite mining and processing claimants, as described under subsection (c)(4), once the Administrator or the Physicians Panel issues a certificate of medical eligibility to such claimant, and notwithstanding the disease category designated in the certificate or the eligible disease or condition established in accordance with this section, or the value of the award determined in accordance with section 114, such claimant shall be entitled to an award that is not less than that awarded to claimants who suffer from asbestosis, Level IV. For all malignant claims filed by vermiculite mining and processing claimants, such claimant shall be entitled to an award that corresponds to the malignant disease category designated by the Administrator or the Physicians Panel.

On page 366, strike lines 2 through 8, and insert the following:

(a) VERMICULITE MINING AND PROCESSING CLAIMANTS.—Nothing in this Act shall preclude the formation of a fund for the payment of eligible medical expenses related to treating asbestos-related disease for current and former residents of vermiculite mining and processing communities, as described under section 121(c)(4). The payment of any such medical expenses shall not be collateral source compensation as defined under section 134(a).

SA 2768. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 123, between lines 2 and 3, insert the following:

SEC. 122. WAIVER FOR VETERANS.

Notwithstanding any other provision of this Act, because of the unique, short-term nature of the asbestos exposure related to service in the United States military, the Administrator shall waive the exposure requirements of this subtitle for individuals who are veterans of any service of the United States military. Claimants under this section shall provide such supporting documentation as the Administrator shall require.

SA 2769. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 109, strike line 13 and all that follows through page 111, line 2.

On page 116, strike lines 1 through 23, and insert the following:

(e) INSTITUTE OF MEDICINE STUDY.—

(1) STUDY ON OTHER CANCERS.—Not later than ____________________, 2006, the Institute of Medicine of the National Academy of Sciences shall complete a study contracted with the National Institutes of Health to determine whether there is a causal link between asbestos exposure and other cancers, including colorectal, laryngeal, esophageal, pharyngeal, and stomach cancers, except for mesothelioma and lung cancers.

(2) STUDY CRITERIA.—In conducting the study required under paragraph (1), the Institute of Medicine—

(A) shall—

(i) base any evaluation completed during the course of the study only on multicentered, double masked, placebo controlled, randomized clinical trials with explicit data safety and monitoring boards incorporated into the data acquisition process of any such evaluation;

(ii) if the clinical trials described in clause (i) are not available, base any evaluation completed during the course of the study only on single centered, masked, nonrandomized clinical trials; or

(iii) if the clinical trials described in clauses (i) or (ii) are not available, employ meta-analysis of all available studies;

(B) may not consider any studies that did not take out confounding variables; and

(C) shall reference any other study used to reach the conclusions reported by the Institute.

(3) REPORT.—

(A) IN GENERAL.—The Institute of Medicine shall issue a report on its findings on causation, which shall be transmitted to Congress, the Administrator, the Advisory Committee on Asbestos Disease Compensation or the Medical Advisory Committee, and the Physicians Panels.

(B) EFFECT OF REPORT IF STUDY NOT BASED ON APPROPRIATE CRITERIA.—Any finding of the Institute of Medicine contained in the report required under subparagraph (A) that is not based on a study conducted in accordance with the requirements described in paragraph (2) shall be deemed to be insufficient to show causation.

(C) EFFECT OF REPORT IF STUDY IS BASED ON APPROPRIATE CRITERIA.—

(i) IN GENERAL.—If the report required under subparagraph (A) is based on a study conducted in accordance with the requirements described in paragraph (2), such report shall be binding on the Administrator and Physicians Panels for purposes of determining whether asbestos exposure is a substantial contributing factor to other cancers not covered by the Fund.

(ii) RECOMMENDATIONS OF ADDITIONAL TIERS.—If the report required under subparagraph (A) determines that asbestos exposure is a substantial contributing factor to other cancers not covered by the Fund, in accordance with the requirements of clause (i), the Administrator may recommend that Congress create additional tiers, appropriate criteria, and claims values.

SA 2770. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, line 14, strike "(f)(8)" and insert "(g)(8)".

On page 111, strike line 3 and all that follows through page 112, line 14.

On page 115, line 23, strike "(g)" and insert "(h)".

On page 116, between lines 23 and 24, insert the following:

(f) INSTITUTE OF MEDICINE STUDY ON LUNG CANCER.—

(1) STUDY ON LUNG CANCER.—Not later than ____________________, 2006, the Institute of Medicine of the National Academy of Sciences shall complete a study contracted with the National Institutes of Health to determine whether there is a causal link between asbestos exposure and lung cancer where there is evidence of bilateral pleural plaques or bilateral pleural thickening or bilateral pleural calcification, but no asbestosis.

(2) STUDY CRITERIA.—In conducting the study required under paragraph (1), the Institute of Medicine—

(A) shall—

(i) base any evaluation completed during the course of the study only on multicentered, double masked, placebo controlled, randomized clinical trials with explicit data safety and monitoring boards incorporated into the data acquisition process of any such evaluation;

(ii) if the clinical trials described in clause (i) are not available, base any evaluation completed during the course of the study only on single centered, masked, nonrandomized clinical trials; or

(iii) if the clinical trials described in clauses (i) or (ii) are not available, employ meta-analysis of all available studies;

(B) may not consider any studies that did not take out confounding variables; and

(C) shall reference any other study used to reach the conclusions reported by the Institute.

(3) Report.—

(A) In general.—The Institute of Medicine shall issue a report on its findings on causation, which shall be transmitted to Congress, the Administrator, the Advisory Committee on Asbestos Disease Compensation or the Medical Advisory Committee, and the Physicians Panels.

(B) Effect of report if study not based on appropriate criteria.—Any finding of the Institute of Medicine contained in the report required under subparagraph (A) that is not based on a study conducted in accordance with the requirements described in paragraph (2) shall be deemed to be insufficient to show causation.

(C) Effect of report if study is based on appropriate criteria.—

(i) In general.—If the report required under subparagraph (A) is based on a study conducted in accordance with the requirements described in paragraph (2), such report shall be binding on the Administrator and Physicians Panels for purposes of determining whether asbestos exposure is a substantial contributing factor to lung cancer not covered by the Fund.

(ii) Recommendations of additional tiers.—If the report required under subparagraph (A) determines that asbestos exposure is a substantial contributing factor to lung cancer not covered by the Fund, in accordance with the requirements of clause (i), the Administrator may recommend that Congress create additional tiers, appropriate criteria, and claims values.

On page 116, line 24, strike "(f)" and insert "(g)".

On page 118, line 7, strike "(g)" and insert "(h)".

On page 125, line 23, strike "(h)" and insert "(i)".

SA 2771. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes: which was ordered to lie on the table; as follows:

On page 109, strike line 13 and all that follows through page 112, line 14.

On page 116, strike lines 1 through 23, and insert the following:

(e) Institute of Medicine Studies.—

(1) Study on other cancers.—Not later than , 2006, the Institute of Medicine of the National Academy of Sciences shall complete a study contracted with the National Institutes of Health to determine whether there is a causal link between asbestos exposure and other cancers, including colorectal, laryngeal, esophageal, pharyngeal, and stomach cancers, except for mesothelioma and lung cancers.

(2) Study on lung cancer.—Not later than , 2006, the Institute of Medicine of the National Academy of Sciences shall complete a study contracted with the National Institutes of Health to determine whether there is a causal link between asbestos exposure and lung cancer where there is evidence of bilateral pleural plaques or bilateral pleural thickening or bilateral pleural calcification, but no asbestosis.

(3) Study criteria.—In conducting any study required under paragraph (1) or (2), the Institute of Medicine—

(A) shall—

(i) base any evaluation completed during the course of the study only on multicentered, double masked, placebo controlled, randomized clinical trials with explicit data safety and monitoring boards incorporated into the data acquisition process of any such evaluation;

(ii) if the clinical trials described in clause (i) are not available, base any evaluation completed during the course of the study only on single centered, masked, nonrandomized clinical trials; or

(iii) if the clinical trials described in clauses (i) or (ii) are not available, employ meta-analysis of all available studies;

(B) may not consider any studies that did not take out confounding variables; and

(C) shall reference any other study used to reach the conclusions reported by the Institute.

(4) Report.—

(A) In general.—The Institute of Medicine shall issue a report on its findings on causation for each study described under paragraph (1) or (2), each such report shall be transmitted to Congress, the Administrator, the Advisory Committee on Asbestos Disease Compensation or the Medical Advisory Committee, and the Physicians Panels.

(B) Effect of report if study not based on appropriate criteria.—Any finding of the Institute of Medicine contained in a report required under subparagraph (A) that is not based on a study conducted in accordance with the requirements described in paragraph (3) shall be deemed to be insufficient to show causation.

(C) Effect of report if study is based on appropriate criteria.—

(i) In general.—If a report required under subparagraph (A) is based on a study conducted in accordance with the requirements described in paragraph (3), such report shall be binding on the Administrator and Physicians Panels for purposes of determining whether asbestos exposure is a substantial contributing factor to cancers not covered by the Fund.

(ii) Recommendations of additional tiers.—If the report required under subparagraph (A) determines that asbestos exposure is a substantial contributing factor to cancers not covered by the Fund, in accordance with the requirements of clause (i), the Administrator may recommend that Congress create additional tiers, appropriate criteria, and claims values.

SA 2772. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 6 and 7, insert the following:

(i) Guidelines for CT Scans.—

(1) In general.—Not later than , 2006, the Administrator shall commission the American College of Radiology to develop standard guidelines and a methodology for the use of CT scans as a diagnostic tool for asbestosis, bilateral pleural plaques, bilateral pleural thickening, or bilateral pleural calcification under the Fund.

(2) Limitation on use of CT scans.—No CT scans may be used for diagnostic purposes under the Fund unless the standard guidelines and methodology developed by the American College of Radiology under paragraph (1) are followed.

SA 2773. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 105, line 14, strike "or" and insert "and".

SA 2774. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 106, line 8, strike all after "pathology" through line 10 and insert "with a College of American Pathologists National Institute for Occupational Safety and Health level of 3 or 4;".

On page 106, line 14, strike all after "percent" through "spirometry" on line 18.

SA 2775. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes: which was ordered to lie on the table; as follows:

On page 107, line 13, strike all beginning with the comma through "greater" on line 15.

SA 2776. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes: which was ordered to lie on the table; as follows:

On page 108, line 13, strike all beginning with the comma through "greater" on line 15.

On page 108, line 18, insert "or" after the semicolon.

On page 108, strike lines 19 through 21.

On page 108, line 22, strike "(iii)" and insert "(ii)".

SA 2777. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 109, line 13, strike all through page 111, line 2.

SA 2778. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, line 3, strike all through page 112, line 14.

SA 2779. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 109, strike line 13 and all that follows through page 112, line 14.

SA 2780. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, strike lines 1 through 6.

On page 108, line 18, insert "or" after the semicolon.

On page 108, strike lines 19 through 21.

On page 108, strike "(iii)" and insert "(ii)".

SA 2781. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 113, line 16, insert "or" after the semicolon.

On page 113, line 19, insert "and" after the semicolon.

On page 113, line 20, strike all through page 114, line 2.

On page 120, strike lines 10 through 11 and insert the following:

(D) X-RAY.—A claimant may submit an x-ray.

SA 2782. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 113, line 16, insert "or" after the semicolon.

On page 113, lines 19 and 20, strike "; or" and insert "; and".

On page 113, strike line 21 and all that follows through page 114, line 2.

On page 116, strike line 24 and all that follows through page 118, line 6, and insert the following:

(f) INSTITUTE OF MEDICINE STUDY ON CT SCANS.—

(1) STUDY ON THE USE OF CT SCANS.—Not later than , 2006, the Institute of Medicine of the National Academy of Sciences shall complete a study contracted with the National Institutes of Health on the use of CT scans as a diagnostic tool for asbestosis, bilateral pleural plaques, bilateral pleural thickening, or bilateral pleural calcification.

(2) STUDY CRITERIA.—In conducting the study required under paragraph (1), the Institute of Medicine—

(A) shall—

(i) base any evaluation completed during the course of the study only on multicentered, double masked, placebo controlled, randomized clinical trials with explicit data safety and monitoring boards incorporated into the data acquisition process of any such evaluation;

(ii) if the clinical trials described in clause (i) are not available, base any evaluation completed during the course of the study only on single centered, masked, nonrandomized clinical trials; or

(iii) if the clinical trials described in clauses (i) or (ii) are not available, employ meta-analysis of all available studies;

(B) may not consider any studies that did not take out confounding variables; and

(C) shall reference any other study used to reach the conclusions reported by the Institute.

(3) REPORT.—

(A) IN GENERAL.—The Institute of Medicine shall issue a report on its findings on the use of CT scans, such report shall be transmitted to Congress, the Administrator, the Advisory Committee on Asbestos Disease Compensation or the Medical Advisory Committee, and the Physicians Panels.

(B) EFFECT OF REPORT IF STUDY NOT BASED ON APPROPRIATE CRITERIA.—Any finding of the Institute of Medicine contained in a report required under subparagraph (A) that is not based on a study conducted in accordance with the requirements described in paragraph (2) shall—

(i) be deemed to be insufficient to show that it is appropriate to use CT scans as a diagnostic tool for asbestosis, bilateral pleural plaques, bilateral pleural thickening, or bilateral pleural calcification; and

(ii) not be used for diagnostic purposes under—

(I) paragraphs (7) or (8) of subsection (d); or

(II) subsection (g).

(C) EFFECT OF REPORT IF STUDY IS BASED ON APPROPRIATE CRITERIA.—

(i) IN GENERAL.—If a report required under subparagraph (A) is based on a study conducted in accordance with the requirements described in paragraph (2), such report shall be binding on the Administrator and Physicians Panels for purposes of determining whether a CT scan is an appropriate test to use for diagnostic purposes under—

(I) paragraphs (7) or (8) of subsection (d); or

(II) subsection (g).

(ii) DETERMINATION AS AN APPROPRIATE TEST.—If a CT scan is determined to be an appropriate test, the Administrator may acknowledge CT scans as appropriate for diagnostic purposes under—

(I) paragraphs (7) or (8) of subsection (d); or

(II) subsection (g).

On page 120, strike lines 10 through 11, and insert the following:

(D) X-RAY.—A claimant may submit an x-ray.

SA 2783. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, strike lines 12 through 14 and insert a semicolon.

On page 111, line 17, strike "and".

On page 111, line 24, strike the period and insert "; and".

On page 111, add after line 24 the following:

(v) evidence of TLC less than 80 percent, and FVC less than the lower limits of normal and FEV1/FVC ratio greater than or equal to 65 percent.

On page 114, line 2, strike "and".

On page 114, line 11, strike the period and insert "; and".

On page 114, between lines 11 and 12 insert the following:

(iv) evidence of TLC less than 80 percent, and FVC less than the lower limits of normal and FEV1/FVC ratio greater than or equal to 65 percent.

SA 2784. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 116, strike line 1 and all that follows through page 118, line 6, and insert the following:

(e) INSTITUTE OF MEDICINE STUDY.—

(1) STUDY ON OTHER CANCERS.—Not later than ____________________, 2006, the Institute of Medicine of the National Academy of Sciences shall complete a study contracted with the National Institutes of Health to determine whether there is a causal link between asbestos exposure and other cancers, including colorectal, laryngeal, esophageal, pharyngeal, and stomach cancers, except for mesothelioma and lung cancers.

(2) STUDY CRITERIA.—In conducting the study required under paragraph (1), the Institute of Medicine—

(A) shall—

(i) base any evaluation completed during the course of the study only on multicentered, double masked, placebo controlled, randomized clinical trials with explicit data safety and monitoring boards incorporated into the data acquisition process of any such evaluation;

(ii) if the clinical trials described in clause (i) are not available, base any evaluation completed during the course of the study only on single centered, masked, nonrandomized clinical trials; or

(iii) if the clinical trials described in clauses (i) or (ii) are not available, employ meta-analysis of all available studies;

(B) may not consider any studies that did not take out confounding variables; and

(C) shall reference any other study used to reach the conclusions reported by the Institute.

(3) REPORT.—

(A) IN GENERAL.—The Institute of Medicine shall issue a report on its findings on causation, which shall be transmitted to Congress, the Administrator, the Advisory Committee on Asbestos Disease Compensation or the Medical Advisory Committee, and the Physicians Panels.

(B) EFFECT OF REPORT IF STUDY NOT BASED ON APPROPRIATE CRITERIA.—

(i) IN GENERAL.—Any finding of the Institute of Medicine contained in the report required under subparagraph (A) that is not based on a study conducted in accordance with the requirements described in paragraph (2) shall be deemed to be insufficient to show causation.

(ii) AFFECT ON MALIGNANT LEVEL VI .—If the report required under subparagraph (A) is not based on a study conducted in accordance with the requirements described in paragraph (2), subsection (d)(6) shall cease to have force or effect for any purpose under this Act.

(C) EFFECT OF REPORT IF STUDY IS BASED ON APPROPRIATE CRITERIA.—

(i) IN GENERAL.—If the report required under subparagraph (A) is based on a study conducted in accordance with the requirements described in paragraph (2), such report shall be binding on the Administrator and Physicians Panels for purposes of determining whether asbestos exposure is a substantial contributing factor under subsection (d)(6)(B).

(ii) AFFECT ON MALIGNANT LEVEL VI.—If the report required under subparagraph (A) determines that asbestos exposure is not a substantial contributing factor under subsection (d)(6), such subsection shall cease to have force or effect for any purpose under this Act.

(f) INSTITUTE OF MEDICINE STUDY ON CT SCANS.—

(1) STUDY ON THE USE OF CT SCANS.—Not later than ____________, 2006, the Institute of Medicine of the National Academy of Sciences shall complete a study contracted with the National Institutes of Health on the use of CT scans as a diagnostic tool for asbestosis, bilateral pleural plaques, bilateral pleural thickening, or bilateral pleural calcification.

(2) STUDY CRITERIA.—In conducting the study required under paragraph (1), the Institute of Medicine—

(A) shall—

(i) base any evaluation completed during the course of the study only on multicentered, double masked, placebo controlled, randomized clinical trials with explicit data safety and monitoring boards incorporated into the data acquisition process of any such evaluation;

(ii) if the clinical trials described in clause (i) are not available, base any evaluation completed during the course of the study only on single centered, masked, nonrandomized clinical trials; or

(iii) if the clinical trials described in clauses (i) or (ii) are not available, employ meta–analysis of all available studies;

(B) may not consider any studies that did not take out confounding variables; and

(C) shall reference any other study used to reach the conclusions reported by the Institute.

(3) REPORT.—

(A) IN GENERAL.—The Institute of Medicine shall issue a report on its findings on the use of CT scans, such report shall be transmitted to Congress, the Administrator, the Advisory Committee on Asbestos Disease Compensation or the Medical Advisory Committee, and the Physicians Panels.

(B) EFFECT OF REPORT IF STUDY NOT BASED ON APPROPRIATE CRITERIA.—Any finding of the Institute of Medicine contained in a report required under subparagraph (A) that is not based on a study conducted in accordance with the requirements described in paragraph (2) shall—

(i) be deemed to be insufficient to show that it is appropriate to use CT scans as a diagnostic tool for asbestosis, bilateral pleural plaques, bilateral pleural thickening, or bilateral pleural calcification; and

(ii) not be used for diagnostic purposes under—

(I) paragraphs (7) or (8) of subsection (d); or

(II) subsection (g).

(C) EFFECT OF REPORT IF STUDY IS BASED ON APPROPRIATE CRITERIA.—

(i) IN GENERAL.—If a report required under subparagraph (A) is based on a study conducted in accordance with the requirements described in paragraph (2), such report shall be binding on the Administrator and Physicians Panels for purposes of determining whether a CT scan is an appropriate test to use for diagnostic purposes under—

(I) paragraphs (7) or (8) of subsection (d); or

(II) subsection (g).

(ii) DETERMINATION AS AN APPROPRIATE TEST.—If a CT scan is determined to be an appropriate test, the Administrator may acknowledge CT scans as appropriate for diagnostic purposes under—

(I) paragraphs (7) or (8) of subsection (d); or

(II) subsection (g).

SA 2785. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, line 6, strike "⅙" and insert "¼".

On page 106, line 4, strike "⅙" and insert "¼".

On page 112, line 24, strike "⅙" and insert "¼".

SA 2786. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, after line 25, add the following:

(5) Any B-reader who has received compensation before the date of enactment of this Act for assigning an ILO grade level to an x-ray, where the amount of compensation depended on the assigned ILO grade level, is disqualified from inclusion on the Administrator's list.

SA 2787. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 181, between lines 21 and 22, insert the following:

(4) LIMITATION ON PAYMENTS BY DEFENDANT PARTICIPANTS.—

(A) IN GENERAL.—Under expedited procedures established by the Administrator, any defendant participant may apply for a limitation on its annual payment obligation to the Fund by showing that it qualifies under subparagraph (C). The Administrator shall promptly grant that application if the requirements under subparagraph (C) are satisfied.

(B) STAY OF PAYMENT.—A defendant participant who applies for a limitation on its annual payment obligation to the Fund under subparagraph (A) shall have the payment required under subsection (i)(1)(A)(iv) stayed until the Administrator has made a determination with respect to the application of that defendant participant.

(C) APPLICATION FOR LIMITATION.—A defendant participant may apply under subparagraph (A) for a limit on its annual payment obligation to the Fund if that defendant participant—

(i) is included in Tiers II, III, IV, V, or VI under section 202; and

(ii) has prior asbestos expenditures less than $200,000,000 and has revenues as determined under section 203 that are less than $10,000,000,000.

(D) LIMITATION.—

(i) IN GENERAL.—A defendant participant that qualifies for a limitation under this paragraph may apply for only 1 of the limits under subclause (I), (II), or (III) of clause (ii). A defendant participant may not change its application once the application has been approved by the Administrator.

(ii) APPLICATION FOR 1 LIMITATION.—Subject to clause (i), a defendant participant may apply for a limit of an amount equal to—

(I) 125 percent of the arithmetical average for fiscal years 1998 through 2002 of the annual prior asbestos expenditures of that defendant participant;

(II) 150 percent of the arithmetical average for fiscal years 1998 through 2002 of the annual prior asbestos expenditures of that defendant participant, excluding—

(aa) the amount of any payments by insurance carriers for the benefit of that defendant participant or on behalf of that defendant participant; and

(bb) any reimbursements of the amounts actually paid by that defendant participant with respect to prior asbestos expenditures for fiscal years 1998 through 2002, regardless of when such reimbursements were actually paid; or

(III) 1.67024 percent of the revenues for the most recent fiscal year ending on or prior to December 31, 2002, of the affiliated group to which that defendant participant belongs.

(E) JUDICIAL REVIEW.—A defendant participant is entitled to judicial review under section 303 of a denial of an application under this paragraph. During the pendency of that review, section 223(a) shall not apply to that defendant participant. Without regard to section 305(a), the reviewing court may, in its discretion, provide such interlocutory relief to the defendant participant as may be just.

(F) APPLICABILITY OF THE GUARANTEE SURCHARGE.—A defendant participant whose application under this paragraph is approved by the Administrator, shall not be exempt from the guaranteed payment surcharge established under subsection (l), unless otherwise provided in this Act.

(G) MINIMUM PAYMENT.—Notwithstanding any other provision of this paragraph, a defendant participant that is granted a limitation by the Administrator shall pay not less than 5 percent of the amount the participant is scheduled to pay under section 202.

On page 182, line 15, strike "(5)" and insert "(6)".

On page 184, line 9, strike "(6)" and insert "(7)".

SA 2788. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after "**SECTION 1. SHORT TITLE;**" in the bill and insert the following: This Act may be cited as the "Asbestos and Silica Claims Priorities Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Asbestos is a mineral that was widely used before the mid-1970s for insulation, fireproofing, and other purposes.

(2) Many American workers were exposed to asbestos, especially during the Second World War.

(3) Long-term exposure to asbestos has been associated with mesothelioma and lung cancer, as well as with such non-malignant conditions as asbestosis, pleural plaques, and diffuse pleural thickening.

(4) Although the use of asbestos has dramatically declined since 1980 and workplace exposures have been regulated since 1971 by the Occupational Safety and Health Administration, the diseases caused by asbestos often have long latency periods and past exposures will continue to result in significant claims well into the future.

(5) Asbestos related claims, driven largely by unimpaired claimants, have flooded our courts such that the United States Supreme Court has characterized the situation as "an elephantine mass" that "calls for national legislation" (Ortiz v. Fibreboard Corporation, 119 S. Ct. 2295, 2302 (1999).

(6) The American Bar Association supports enactment of Federal legislation that would allow persons alleging non-malignant asbestos-related disease claims to file a cause of action in Federal or State court only if those persons meet the medical criteria in the "ABA Standard for Non-Malignant Asbestos-Related Disease Claims" and toll all applicable statutes of limitations until such time as the medical criteria in such standard are met.

(7) Reports indicate that up to 90 percent of asbestos claims are filed by individuals who allege that they have been exposed to asbestos, but who suffer no demonstrable asbestos-related impairment. Lawyer-sponsored x-ray screenings of workers at occupational locations are used to amass large numbers of claimants, the vast majority of whom are unimpaired.

(8) The costs of compensating unimpaired claimants and litigating their claims jeopardizes the ability of defendants to compensate people with cancer and other serious diseases, threatens the savings, retirement benefits, and jobs of current and retired employees, and adversely affects the communities in which the defendants operate.

(9) More than 73 companies have declared bankruptcy due to the burden of asbestos litigation. The rate of asbestos-driven bankruptcies is accelerating. Between 2000 and 2004, there were more asbestos-related bankruptcy filings than in either of the prior 2 decades.

(10) Bankruptcies have led plaintiffs and their lawyers to expand their search for solvent peripheral defendants. The number of asbestos defendants now includes over 8,500 companies, affecting many small and medium size companies and industries that span 85 percent of the United States economy.

(11) Efforts to address asbestos litigation may augment silica-related filings.

(12) Silica is a naturally occurring mineral and is the second most common constituent of the earth's crust. Crystalline silica in the form of quartz is present in sand, gravel, soil, and rocks.

(13) Silica-related illness, including silicosis can develop from the inhalation of respirable silica dust. Silicosis was widely recognized as an occupational disease many years ago.

(14) Silica claims, like asbestos claims, often involve individuals with no demonstrable impairment. Claimants frequently are identified through the use of interstate, for-profit, screening companies.

(15) Silica screening processes have been found subject to substantial abuse and potential fraud in Federal silica litigation (In re Silica Prods. Liab. Litig. (MDL No. 1553), 398 F. Supp. 2d 563 (S.D. Tex. 2005)) and it therefore is necessary to address silica legislation to preempt an asbestos-like litigation crisis.

(16) Concerns about statutes of limitations may prompt unimpaired asbestos and silica claimants to bring lawsuits prematurely to protect against losing their ability to assert a claim in the future should they develop an impairing condition.

(17) Sound public policy requires that the claims of persons with no present physical impairment from asbestos or silica exposure, be deferred to give priority to physically impaired claimants, and to safeguard the jobs, benefits, and savings of workers in affected companies.

(18) Claimant consolidations, joinders, and similar procedures used by some courts to deal with the mass of asbestos and silica cases can—

(A) undermine the appropriate functioning of the court system;

(B) deny due process to plaintiffs and defendants; and

(C) further encourage the filing of thousands of cases by exposed persons who are not sick and likely will never develop an impairing condition caused by exposure to asbestos or silica.

(19) Several states have enacted legislation to prioritize asbestos and silica claims that serve as a model for national reform including Texas, Ohio, Florida, and Georgia.

(20) Asbestos litigation, if left unchecked by reasonable congressional intervention, will—

(A) continue to inhibit the national economy and run counter to plans to stimulate economic growth and the creation of jobs;

(B) threaten the savings, retirement benefits, and employment of defendant's current and retired employees;

(C) affect adversely the communities in which these defendants operate; and

(D) impair interstate commerce and national initiatives.

(21) The public interest and the interest of interstate commerce requires deferring the claims of exposed persons who are not sick in order to—

(A) preserve, now and for the future, defendants' ability to compensate people who develop cancer and other serious asbestos-related injuries; and

(B) safeguard the jobs, benefits, and savings of American workers and the well-being of the national economy.

(b) PURPOSES.—The purposes of this Act are to—

(1) give priority to current claimants who can demonstrate an asbestos-related or silica-related impairment based on reasonable, objective medical criteria;

(2) toll the running of statutes of limitations for persons who have been exposed to asbestos or to silica, but who have no present asbestos-related or silica-related impairment; and

(3) enhance the ability of the courts to supervise and control asbestos and silica litigation.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) AMA GUIDES TO THE EVALUATION OF PERMANENT IMPAIRMENT.—The term "AMA Guides to the Evaluation of Permanent Impairment" means the most current version of the American Medical Association's Guides to the Evaluation of Permanent Impairment in effect at the time of the performance of any examination or test on the exposed person required by this Act.

(2) ASBESTOS.—The term "'asbestos'" means—

(A) chrysotile;

(B) amosite;

(C) crocidolite

(D) tremolite asbestos;

(E) anthophyllite asbestos;

(F) actinolite asbestos;

(G) winchite;

(H) richterite;

(I) asbestiform amphibole minerals; and

(J) any of the minerals described in subparagraphs (A) through (I) that have been chemically treated or altered, including all minerals defined as asbestos under section 1910 of title 29, Code of Federal Regulations in effect at the time an asbestos claim is filed.

(3) ASBESTOS CLAIM.—The term "asbestos claim"—

(A) means any claim for damages, losses, indemnification, contribution, or other relief of whatever nature arising out of, based on, or related to the alleged health effects associated with the inhalation or ingestion of asbestos, including—

(i) loss of consortium;

(ii) personal injury or death;

(iii) mental or emotional injury;

(iv) risk or fear of disease or other injury;

(v) the costs of medical monitoring or surveillance, to the extent such claims are recognized under State law; or

(vi) any claim made by, or on behalf of, any person exposed to asbestos, or a representative, spouse, parent, child, or other relative of the exposed person; and

(B) does not include a claim for compensatory benefits pursuant to a workers' compensation law or a veterans' benefits program.

(4) ASBESTOSIS.—The term "asbestosis" means bilateral diffuse interstitial fibrosis of the lungs caused by inhalation of asbestos.

(5) BOARD-CERTIFIED INTERNIST.—The term "Board-certified internist" means a qualified physician—

(A) who is certified by the American Board of Internal Medicine or the American Osteopathic Board of Internal Medicine; and

(B) whose certification was current at the time of—

(i) the performance of any examination; and

(ii) rendition of any report required under this Act.

(6) BOARD-CERTIFIED OCCUPATIONAL MEDICINE SPECIALIST.—The term "Board-certified occupational medicine specialist" means a physician—

(A) who is certified in the subspecialty of occupational medicine by the American Board of Preventive Medicine or the American Osteopathic Board of Preventive Medicine; and

(B) whose certification was current at the time of—

(i) the performance of any examination; and

(ii) rendition of any report required under this Act.

(7) BOARD-CERTIFIED PATHOLOGIST.—The term "Board-certified pathologist" means a qualified physician—

(A) who holds primary certification in anatomic pathology or combined anatomic or clinical pathology from the American Board of Pathology or the American Osteopathic Board of Internal Medicine;

(B) whose professional practice is principally in the field of pathology and involves regular evaluation of pathology materials obtained from surgical or post mortem specimens; and

(C) whose certification was current at the time of—

(i) any tissue or slide examination; or

(ii) rendition of any report required under this Act.

(8) BOARD-CERTIFIED PULMONOLOGIST.—The term "Board-certified pulmonologist" means a qualified physician—

(A) who is certified in the subspecialty of pulmonary medicine by the American Board of Internal Medicine or the American Osteopathic Board of Internal Medicine; and

(B) whose certification was current at the time of—

(i) the performance of any examination; and

(ii) rendition of any report required under this Act.

(9) CERTIFIED B-READER.—The term "Certified B-reader" means a person—

(A) who has successfully passed the B-reader certification examination for x-ray interpretation sponsored by the National Institute for Occupational Safety and Health; and

(B) whose certification was current at the time of any readings required under this Act.

(10) CHEST X-RAYS.—The term "chest x-rays" means radiographic films taken in accordance with all applicable Federal and State standards and in the posterior-anterior view.

(11) CLAIMANT.—

(A) IN GENERAL.—The term "claimant" means any party asserting an asbestos or silica claim, including a—

(i) plaintiff;

(ii) counterclaimant;

(iii) cross-claimant; or

(iv) third-party plaintiff.

(B) CLAIMS ON BEHALF OF AN ESTATE.—If any claim described in subparagraph (A) is brought through, or on behalf of, an estate, the term claimant includes the executor, surviving spouse, or any other descendant of the decedent.

(C) CLAIMS ON BEHALF OF A MINOR.—If any claim described in subparagraph (A) is brought through, or on behalf of, a minor or incompetent person, the term claimant includes the parent or guardian of such minor.

(12) DLCO.—The term "DLCO" means diffusing capacity of the lung for carbon monoxide, which is the measurement of carbon monoxide transfer from inspired gas to pulmonary capillary blood.

(13) EXPOSED PERSON.—

(A) IN GENERAL.—The term "exposed person" means a person whose claimed exposure to asbestos or silica is the basis for an asbestos or silica claim.

(B) SILICA CLAIMS.—With respect to any claim for exposure to silica, the term "exposed person" means a person whose claimed exposure to silica is by means of the alleged inhalation of respirable silica.

(14) FEV-1.—The term "FEV-1" means forced expiratory volume in the first second, which is the maximal volume of air expelled in 1 second during performance of simple spirometric tests.

(15) FVC.—The term "FVC" means forced vital capacity, which is the maximal volume of air expired with maximum effort from a position of full inspiration.

(16) ILO SCALE.—The term "ILO scale" means the system for the classification of chest x-rays set forth in the most current version of the International Labor Office's Guidelines for the Use of ILO International Classification of Radiographs of Pneumoconioses in effect at the time of the performance of any examination or test on the exposed person required by this Act.

(17) PREDICTED LOWER LIMIT OF NORMAL.—The term "predicted lower limit of normal" means the calculated standard convention lying at the fifth percentile, below the upper 95 percent of the reference population, based on age, height, and gender, according to the recommendations of the American Thoracic Society as referenced in the AMA's Guides to the Evaluation of Permanent Impairment.

(18) QUALIFIED PHYSICIAN.—The term "qualified physician" means a board-certified internist, occupational medicine specialist, pathologist, or pulmonologist—

(A) who is licensed to practice in any State;

(B) who has personally conducted a physical examination of the exposed person, or in the case of a board-certified pathologist, has examined tissue samples or pathological slides of the exposed person, or if the exposed person is deceased, based upon a detailed review of the medical records and existing tissue samples and pathological slides of the deceased person;

(C) who is treating or has treated the exposed person, and has or had a doctor-patient relationship with the exposed person at the time of the physical examination or, in the case of a board-certified pathologist, has examined tissue samples or pathological slides of the exposed person at the request of such treating physician; and

(D) whose diagnosing, examining, testing, screening or treating of the exposed person was not, directly or indirectly, premised upon, and did not require, the exposed person or claimant to retain the legal services of any attorney or law firm.

(19) SILICA.—The term "silica" a respirable crystalline form of the naturally occurring mineral form of silicon dioxide, including quartz, cristobalite, and tridymite.

(20) SILICA CLAIM.—The term "silica claim"—

(A) means any claim for damages, losses, indemnification, contribution, or other relief of whatever nature arising out of, based on, or in any way related to the alleged health effects associated with the inhalation of silica, including—

(i) loss of consortium;

(ii) personal injury or death;

(iii) mental or emotional injury;

(iv) risk or fear of disease or other injury;

(v) the costs of medical monitoring or surveillance, to the extent such claims are recognized under State law; or

(vi) any claim made by, or on behalf of, any person exposed to silica dust, or a representative, spouse, parent, child, or other relative of the exposed person; and

(B) does not include a claim for compensatory benefits pursuant to the workers' compensation law or a veterans' benefits program.

(21) SILICOSIS.—The term "silicosis" means fibrosis of the lung produced by inhalation of silica, including—

(A) acute silicosis;

(B) accelerated silicosis; and

(C) chronic silicosis.

(22) STATE.—The term "State"—

(A) means any State of the United States; and

(B) includes—

(i) the District of Columbia;

(ii) Commonwealth of Puerto Rico;

(iii) the Northern Mariana Islands;

(iv) the Virgin Islands;

(v) Guam;

(vi) American Samoa; and

(vii) any other territory or possession of the United States, or any political subdivision of any of the locales described under this paragraph.

(23) SUBSTANTIAL CONTRIBUTING FACTOR.—The term "substantial contributing factor"—

(A) in the context of an asbestos claim, means that—

(i) a claimant shall identify—

(I) the specific asbestos product to which the exposed person was exposed;

(II) the location and duration of such exposure; and

(III) the specific circumstances of such exposure;

(ii) such exposure—

(I) was more than incidental contact with the product and location; and

(II) took place on a regular basis over an extended period of time in physical proximity to the exposed person;

(iii) the exposed person inhaled respirable asbestos fibers in sufficient quantities to be capable of causing harm; and

(iv) a qualified physician has determined with a reasonable degree of medical certainty that the impairment of the exposed person would not have occurred but for the specific asbestos exposure; and

(B) in the context of a silica claim, means that—

(i) a claimant shall identify—

(I) the specific silica product to which the exposed person was exposed;

(II) the location and duration of such exposure; and

(III) the specific circumstances of such exposure;

(ii) such exposure—

(I) was more than incidental contact with the product and location; and

(II) took place on a regular basis over an extended period of time in physical proximity to the exposed person;

(iii) the exposed person inhaled respirable silica particles in sufficient quantities to be capable of causing harm; and

(iv) a qualified physician has determined with a reasonable degree of medical certainty that the impairment of the exposed person would not have occurred but for the specific silica exposure.

(24) TOTAL LUNG CAPACITY.—The term "total lung capacity" means the volume of gas contained in the lungs at the end of a maximal inspiration.

(25) VETERANS' BENEFITS PROGRAM.—The term "veterans' benefits program" means any program for benefits in connection with military service administered by the Veterans' Administration under title 38, United States Code.

(26) WORKERS' COMPENSATION LAW.—The term "workers' compensation law"—

(A) means a law respecting a program administered by a State or the United States to provide benefits, funded by a responsible employer or its insurance carrier, for occupational diseases or injuries or for disability or death caused by occupational diseases or injuries;

(B) includes the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) and chapter 81 of title 5, United States Code; and

(C) does not include—

(i) the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, or damages recovered by any employee in a liability action against an employer; or

(ii) any claim for exemplary or punitive damages by an employee, estate, heir, representative, or any other person or entity against the employer of an exposed person arising out of, or related to, an asbestos-related injury or silica-related injury.

SEC. 4. ELEMENTS OF PROOF FOR ASBESTOS OR SILICA CLAIMS.

(a) Impairment Essential Element of Claim.—

(1) In general.—It shall be an essential element to bring or maintain an asbestos or silica claim, that an exposed person suffer a physical impairment, of which asbestos or silica was a substantial contributing factor to such impairment.

(2) Evidence as to each defendant.—Any requirement of a prima facie showing under this section shall be made as to each defendant against whom a claimant alleges an asbestos or silica claim.

(b) Preliminary Proceedings; Service of Prima Facie Evidence of Impairment.—

(1) Filing of report.—A claimant in any civil action alleging an asbestos or silica claim shall file, together with the complaint or other initial pleading, a written report and supporting test results constituting prima facie evidence of the exposed person's asbestos-related or silica-related impairment meeting the requirements of this section as to each defendant.

(2) Timing.—For any asbestos or silica claim pending on the date of enactment of this Act, a claimant shall file the written report and supporting test results described in paragraph (1) not later than 180 days after such date or not later than 60 days prior to the commencement of trial, whichever occurs first.

(3) Defendants right to challenge.—A defendant shall be afforded a reasonable opportunity to challenge the adequacy of any proffered prima facie evidence of impairment.

(4) Dismissal.—A claim shall be dismissed without prejudice upon a finding of failure to make the prima facie showing required under this section.

(c) New Claim Required Information.—

(1) In general.—Any asbestos claim or silica claim filed in a Federal or State court, on or after on the date of enactment of this Act shall include a sworn information form containing the following information:

(A) The name, address, date of birth, social security number, and marital status of the claimant.

(B) The name, last address, date of birth, social security number, and marital status of the exposed person.

(C) If the claimant alleges exposure to asbestos or silica through the testimony of another person or other than by direct or bystander exposure to a product or products, the name, address, date of birth, social security number, and marital status, for each person by which claimant alleges exposure (hereafter in this subsection referred to as the "index person") and the relationship of the claimant to each such person.

(D) For each alleged exposure of the exposed person and for each index person—

(i) the specific location and manner of each such exposure;

(ii) the beginning and ending dates of each such exposure; and

(iii) the identity of the manufacturer of the specific asbestos or silica to which the exposed person or index person was exposed.

(E) The occupation and name of the employer of the exposed person at the time of each alleged exposure.

(F) If the asbestos claim or silica claim involves more than 1 claimant, the identity of the defendant or defendants against whom each claimant asserts a claim.

(G) The specific disease related to asbestos or silica claimed to exist.

(H) Any—

(i) supporting documentation of the condition claimed to exist; and

(ii) documentation to support the claimant or index person's identification of the asbestos or silica product that such person was exposed to.

(2) Individual requirement.—

(A) In general.—All asbestos claims and silica claims along with any sworn information required under paragraph (1) shall be individually filed.

(B) Class claims not permitted.—No claims on behalf of a group or class of persons shall be permitted.

(d) Prima Facie Evidence of Physical Impairment for Nonmalignant Asbestos Claims.—

(1) In general.—No person shall bring or maintain an asbestos claim related to an alleged nonmalignant asbestos-related condition in the absence of a prima facie showing of physical impairment of the exposed person for which asbestos exposure is a substantial contributing factor.

(2) Prima facie showing.—A prima facie showing under paragraph (1) shall be made as to each defendant and include a detailed narrative medical report and diagnosis by a qualified physician that includes:

(A) Evidence verifying that the diagnosing, qualified physician has taken a detailed occupational and exposure history from the exposed person or, if that person is deceased, from a person who is knowledgeable about the exposures that form the basis for the claim, including identification of—

(i) all of the exposed person's places of employment and exposure to airborne contaminants (including asbestos, silica, and other disease-causing dusts, mists, fumes, and airborne contaminants) that can cause pulmonary impairment; and

(ii) the nature, duration, and level of each such exposure.

(B) Evidence—

(i) verifying that the diagnosing, qualified physician has taken a detailed medical and smoking history, including a thorough review of—

(I) the exposed person's past and present medical problems; and

(II) the most probable cause of each such medical problem; or

(ii) if the exposed person is deceased, from a person who is knowledgeable regarding such exposed person's medical and smoking history.

(C) Evidence sufficient to demonstrate—

(i) that at least 10 years have elapsed since the exposed person's first exposure to asbestos; and

(ii) the date of any such diagnosis.

(D) A determination by the diagnosing, qualified physician, on the basis of a medical examination and pulmonary function testing of the exposed person, or if the exposed person is deceased, based upon the medical records of the deceased, that the claimant has, or if deceased, that the claimant had a permanent respiratory impairment rating of at least Class 2 as defined by, and evaluated under, the AMA's Guides to the Evaluation of Permanent Impairment.

(E) Evidence verifying that the exposed person has an ILO quality 1 chest x-ray (or a quality 2 chest x-ray if the exposed person is deceased and a quality 1 chest x-ray does not exist) read by a certified B-reader as showing, according to the ILO scale—

(i) bilateral small irregular opacities (s, t, or u) graded 1/0 or higher on the ILO scale;

(ii) bilateral pleural thickening graded b2 or higher on the ILO scale including blunting of the costophrenic angle; or

(iii) pathological asbestosis graded 1(B) or higher under the criteria published in the Asbestos-Associated Diseases, Special Issue of the Archives of Pathological and Laboratory Medicine, Volume 106, Number 11, Appendix 3 (October 8, 1982).

(F) A determination by the diagnosing, qualified physician that asbestosis or diffuse pleural thickening is a substantial contributing factor to the exposed person's physical impairment, based at a minimum on a determination that the claimant has—

(i) either—

(I) forced vital capacity below the predicted lower limit of normal and FEV–1/FVC ratio (using actual values) at or above the predicted lower limit of normal; or

(II) forced vital capacity below the predicted lower limit of normal and total lung capacity, by plethysmography or timed gas dilution, below the predicted lower limit of normal; and

(ii) diffusing capacity of carbon monoxide below the lower limit of normal or below 80 percent of predicted.

(G) Verification that the diagnosing, qualified physician has concluded that the exposed person's impairment was not more probably the result of causes other than asbestos exposure as revealed by the employment, medical, and smoking history of the exposed person. Any verification that includes a conclusion which states that the medical findings and impairment are consistent or compatible with asbestos exposure or silica-related disease does not meet the requirements of this subsection.

(H) Copies of—

(i) the B-reading, pulmonary function tests (including printouts of the flow volume loops, volume time curves, DLCO graphs, and data for all trials, and all other elements required to demonstrate compliance with the equipment, quality, interpretation, and reporting standards established in this Act);

(ii) lung volume tests;

(iii) reports of x-ray examinations and diagnostic imaging of the chest;

(iv) pathology reports; and

(v) any other testing reviewed by the diagnosing, qualified physician in reaching the physician's conclusions.

(e) Prima Facie Evidence of Physical Impairment for Asbestos-Related Cancer.—

(1) In general.—No person shall bring or maintain an asbestos claim related to an alleged asbestos-related cancer, other than mesothelioma, in the absence of a prima facie showing of a primary cancer for which asbestos exposure is a substantial contributing factor.

(2) Prima facie showing.—A prima facie showing under paragraph (1) shall be made as to each defendant and include a detailed narrative medical report and diagnosis by a qualified physician that includes:

(A) Evidence verifying that the diagnosing, qualified physician has taken a detailed occupational and exposure history from the exposed person or, if that person is deceased, from a person who is knowledgeable about the exposures that form the basis for the claim, including identification of—

(i) all of the exposed person's places of employment and exposure to airborne contaminants (including asbestos, silica, and other disease-causing dusts, mists, fumes, and airborne contaminants) that can cause pulmonary impairment; and

(ii) the nature, duration, and level of each such exposure.

(B) Evidence—

(i) verifying that the diagnosing, qualified physician has taken a detailed medical and smoking history, including a thorough review of—

(I) the exposed person's past and present medical problems; and

(II) the most probable cause of each such medical problem; or

(ii) if the exposed person is deceased, from a person who is knowledgeable regarding such exposed person's medical and smoking history.

(C) Evidence sufficient to demonstrate—

(i) that at least 10 years have elapsed since the exposed person's first exposure to asbestos; and

(ii) the date of any such diagnosis of the cancer.

(D) Evidence verifying that the exposed person has—

(i) an ILO quality 1 chest x-ray (or a quality 2 chest x-ray if the exposed person is deceased and a quality 1 chest x-ray does not exist) read by a certified B-reader as showing, according to the ILO scale, bilateral small irregular opacities (s, t, or u) graded 1/0 or higher on the ILO scale; or

(ii) pathological asbestosis graded 1(B) or higher under the criteria published in the Asbestos-Associated Diseases, Special Issue of the Archives of Pathological and Laboratory Medicine, Volume 106, Number 11, Appendix 3 (October 8, 1982).

(E) Verification that the diagnosing, qualified physician has concluded that the exposed person's impairment was not more probably the result of causes other than asbestos as revealed by the employment, medical, and smoking history of the exposed person. Any verification that includes a conclusion which states that the medical findings and impairment are consistent or compatible with asbestos exposure or asbestos-related disease does not meet the requirements of this subsection.

(F) Copies of—

(i) the B-reading, pulmonary function tests (including printouts of the flow volume loops, volume time curves, DLCO graphs, and data for all trials, and all other elements required to demonstrate compliance with the equipment, quality, interpretation, and reporting standards established in this Act);

(ii) lung volume tests;

(iii) reports of x-ray examinations and diagnostic imaging of the chest;

(iv) pathology reports; and

(v) any other testing reviewed by the diagnosing, qualified physician in reaching the physician's conclusions.

(f) Prima Facie Evidence of Physical Impairment for Asbestos-Related Mesothelioma.—

(1) In general.—No person shall bring or maintain an asbestos claim related to alleged mesothelioma in the absence of a prima facie showing of an asbestos-related malignant tumor with a primary site of origin in the pleura, the peritoneum, or pericardium.

(2) Prima facie showing.—A prima facie showing under paragraph (1) shall be made as to each defendant and include a report by a qualified Board-certified pathologist certifying the diagnosis of mesothelioma and a report by a qualified physician certifying that the mesothelioma was not more probably the result of causes other than asbestos exposure as revealed by the employment, medical, and smoking history of the exposed person.

(g) Prima Facie Evidence of Physical Impairment for Silica Claims.—

(1) In general.—No person shall bring or maintain a silica claim related to an alleged silica-related condition, other than a silica-related cancer, in the absence of a prima facie showing of physical impairment as a result of a medical condition to which exposure to silica was a substantial contributing factor.

(2) Prima facie showing.—A prima facie showing under paragraph (1) shall be made as to each defendant and include a detailed narrative medical report and diagnosis by a qualified physician that includes:

(A) Evidence verifying that the diagnosing, qualified physician has taken a detailed occupational and exposure history from the exposed person or, if that person is deceased, from a person who is knowledgeable about the exposures that form the basis for the claim, including identification of—

(i) all of the exposed person's places of employment and exposure to airborne contaminants (including asbestos, silica, and other disease-causing dusts, mists, fumes, and airborne contaminants) that can cause pulmonary impairment; and

(ii) the nature, duration, and level of each such exposure.

(B) Evidence verifying that the diagnosing, qualified physician has taken a detailed medical and smoking history from the exposed person (or if the exposed person is deceased, from the person most knowledgeable of such history), including a thorough review of—

(i) the exposed person's past and present medical problems; and

(ii) the most probable cause of each such medical problem.

(C) A determination by the diagnosing, qualified physician that the claimant has—

(i) an ILO quality 1 chest x-ray (or a quality 2 chest x-ray if the exposed person is deceased and a quality 1 chest x-ray does not exist) read by a certified B-reader as showing, according to the ILO scale, bilateral predominantly nodular opacities (p, q, or r) occurring primarily in the upper lung fields, graded 1/0 or higher;

(ii) an ILO quality 1 chest X-ray (or a quality 2 chest X-ray if the exposed person is deceased and a quality 1 chest X-ray does not exist) read by a certified B-reader as showing, according to the ILO scale, A, B, or C sized opacities representing complicated silicosis (also known as progressive massive fibrosis);

(iii) pathological demonstration of classic silicotic nodules exceeding 1 centimeter in diameter as set forth in 112 Archives of Pathology & Laboratory Medicine 673–720 (1988);

(iv) progressive massive fibrosis radiologically established by large opacities greater than 1 centimeter in diameter; or

(v) acute silicosis.

(D) If the claimant is asserting a claim for silicosis, evidence verifying there has been a sufficient latency period for the applicable type of silicosis.

(E) A determination by the diagnosing, qualified physician, on the basis of a personal medical examination and pulmonary function testing of the exposed person, or if the exposed person is deceased, based upon the medical records of the deceased, that the claimant has, or if deceased, had a permanent respiratory impairment rating of at least Class 2 as defined by and evaluated pursuant to the AMA's Guides to the Evaluation of Permanent Impairment.

(F) Verification that the diagnosing, qualified physician has concluded that the exposed person's impairment was not more probably the result of causes other than silica exposure as revealed by the employment, medical, and smoking history of the exposed person. Any verification that includes a conclusion which states that the medical findings and impairment are consistent or compatible with silica exposure or silica-related disease does not meet the requirements of this subsection.

(G) Copies of—

(i) the B-reading, pulmonary function tests (including printouts of the flow volume loops, volume time curves, DLCO graphs, and data for all trials, and all other elements required to demonstrate compliance with the equipment, quality, interpretation, and reporting standards established in this Act);

(ii) lung volume tests;

(iii) reports of x-ray examinations and diagnostic imaging of the chest;

(iv) pathology reports; and

(v) any other testing reviewed by the diagnosing, qualified physician in reaching the physician's conclusions.

(h) Prima Facie Evidence of Physical Impairment for Silica-Related Cancer.—

(1) In general.—No person shall bring or maintain a silica claim related to an alleged silica-related cancer in the absence of a prima facie showing of a primary cancer for which exposure to the defendant's silica is a substantial contributing factor.

(2) Prima facie showing.—A prima facie showing under paragraph (1) shall be made as to each defendant and include a detailed narrative medical report and diagnosis by a qualified physician that includes:

(A) Evidence verifying that the diagnosing, qualified physician has taken a detailed occupational and exposure history from the exposed person or, if that person is deceased, from a person who is knowledgeable about the exposures that form the basis for the claim, including identification of—

(i) all of the exposed person's places of employment and exposure to airborne contaminants (including silica and other disease-causing dusts, mists, fumes, and airborne contaminants) that can cause pulmonary impairment; and

(ii) the nature, duration, and level of each such exposure.

(B) Evidence verifying that the diagnosing, qualified physician has taken a detailed medical and smoking history from the exposed person (or if the exposed person is deceased, from the person most knowledgeable of that history), including a thorough review of—

(i) the exposed person's past and present medical problems; and

(ii) the most probable cause of each such medical problem.

(C) A determination by the diagnosing, qualified physician that the claimant has—

(i) an ILO quality 1 chest x-ray (or a quality 2 chest x-ray if the exposed person is deceased and a quality 1 chest x-ray does not exist) read by a certified B-reader as showing, according to the ILO scale, bilateral predominantly nodular opacities (p, q, or r) occurring primarily in the upper lung fields, graded 1/0 or higher;

(ii) an ILO quality 1 chest X-ray (or a quality 2 chest X-ray if the exposed person is deceased and a quality 1 chest X-ray does not exist) read by a certified B-reader as showing, according to the ILO scale, A, B, or C sized opacities representing complicated silicosis (also known as progressive massive fibrosis); or

(iii) a pathological demonstration of classic silicotic nodules exceeding 1 centimeter in diameter as set forth in 112 Archives of Pathology & Laboratory Medicine 673–720 (1988).

(D) Evidence sufficient to demonstrate—

(i) that at least 10 years have elapsed since the exposed person's first exposure to silica; and

(ii) the date of any such diagnosis of the cancer.

(E) Verification that the diagnosing, qualified physician has concluded that the exposed person's impairment was not more probably the result of causes other than silica exposure as revealed by the employment, medical, and smoking history of the exposed person. Any verification that includes a conclusion which states that the medical findings and impairment are consistent or compatible with silica exposure or silica-related disease does not meet the requirements of this subsection.

(F) Copies of—

(i) the B-reading, pulmonary function tests (including printouts of the flow volume loops, volume time curves, DLCO graphs, and data for all trials, and all other elements required to demonstrate compliance with the equipment, quality, interpretation, and reporting standards established in this Act);

(ii) lung volume tests;

(iii) reports of x-ray examinations and diagnostic imaging of the chest;

(iv) pathology reports; and

(v) any other testing reviewed by the diagnosing, qualified physician in reaching the physician's conclusions.

(i) COMPLIANCE WITH TECHNICAL STANDARDS.—Evidence relating to physical impairment under this section, including pulmonary function testing and diffusing studies—

(1) shall comply with the technical recommendations for examinations, testing procedures, quality assurance, quality control, and equipment in the AMA's Guides to the Evaluation of Permanent Impairment, the most current version of the Official Statements of the American Thoracic Society regarding lung function testing, including general considerations for lung function testing, standardization of spirometry, standardization of the measurement of lung volumes, standardization of the single-breath determination of carbon monoxide uptake in the lung, and interpretative strategies for lung testing in effect at the time of the performance of any examination or test on the exposed person required by this Act;

(2) may not be based on testing or examinations that violate any law, regulation, licensing requirement, or medical code of practice of any State in which the examination, test, or screening was conducted; and

(3) may not be obtained under the condition that a claimant retains the legal services of an attorney or law firm sponsoring the examination, test, or screening.

SEC. 5. PROCEDURES.

(a) NO PRESUMPTION AT TRIAL.—Evidence relating to the prima facie showings required under section 4 shall not—

(1) create any presumption that a claimant has an asbestos or silica-related injury or impairment; and

(2) be conclusive as to the liability of any defendant.

(b) ADMISSIBILITY OF EVIDENCE.—No evidence shall be offered at a trial, and a jury shall not be informed of—

(1) the granting or denial of a motion to dismiss an asbestos or silica claim under the provisions of this Act; or

(2) the provisions of section 4 with respect to what constitutes a prima facie showing of asbestos or silica-related impairment.

(c) DISCOVERY.—Until such time as a trial court enters an order determining that a claimant has established prima facie evidence of impairment, no asbestos or silica claim shall be subject to discovery, except discovery—

(1) related to establishing or challenging such prima facie evidence; or

(2) by order of the trial court upon—

(A) motion of 1 of the parties; and

(B) for good cause shown.

(d) CONSOLIDATION.—

(1) AT TRIAL.—

(A) IN GENERAL.—A court may consolidate for trial any number and type of asbestos or silica claims with the consent of all the parties.

(B) ABSENCE OF CONSENT.—In the absence of any consent under subparagraph (A), a court may consolidate for trial only asbestos claims or silica claims relating to the same exposed person and members of the household of such exposed person.

(2) CLASS ACTIONS.—No class action or any other form of mass aggregation claim filing relating to more than 1 exposed person, except claims relating to the exposed person and members of the household of such exposed person, shall be permitted for asbestos or silica claims.

(3) AT DISCOVERY.—Any decision by a court to consolidate claims under paragraph (1) shall not preclude consolidation of asbestos or silica claim cases by a court order for pretrial or discovery purposes.

(e) FORUM NON CONVENIENS.—

(1) IN GENERAL.—Any asbestos or silica claim filed on or after the date of enactment of this Act, if the court in which such claim is pending, on written motion of a party, finds that in the interest of justice and for the convenience of the parties a claim or action to which this Act applies would be more properly heard in a forum outside the State, district, or division in which such claim was filed, the court shall—

(A) decline to exercise jurisdiction under the doctrine of forum non conveniens; and

(B) shall stay or dismiss such claim.

(2) CONSIDERATIONS.—In determining whether to grant a motion to stay or dismiss a claim under paragraph (1), a court shall consider whether—

(A) an alternate forum exists in which such claim or action may be tried;

(B) the alternate forum provides an adequate remedy;

(C) maintenance of such claim in the court of the State in which the claim was filed would work a substantial injustice to the moving party;

(D) the alternate forum, as a result of the submission of the parties or otherwise, can exercise jurisdiction over all the defendants properly joined to such claim;

(E) the balance of the private interests of the parties and the public interest of the State in which such claim was filed predominate in favor of such claim being brought in an alternate forum; and

(F) the stay or dismissal would not result in unreasonable duplication or proliferation of litigation.

(3) WAIVER OF STATUTE OF LIMITATIONS DEFENSE.—A trial court may not abate or dismiss a claim under this subsection until a defendant files with the court, or with the clerk of the court, a written stipulation that, with respect to a new action on such claim commenced by the plaintiff, the defendant waives the right to assert a statute of limitations defense in all other States, districts, or divisions in which such claim was not barred by limitations at the time such claim was filed in the State where such claim was originally filed as necessary to effect a tolling of the limitations periods in those States —

(A) beginning on the date such claim was originally filed; and

(B) ending on the date—

(i) such claim is dismissed; or

(ii) an abatement period of 1 year ends.

(4) COURT DUTIES.—A court may not abate or dismiss a claim under paragraph (3) until a defendant files with the court, or with the clerk of the court, a written stipulation that, with respect to a new action on such claim commenced by the plaintiff in another State, district, or division, that the claimant and the defendant may—

(A) rely on responses to discovery already provided under the rules of civil procedure of the State, district, or division in which such claim was originally filed; and

(B) rely on any additional discovery that may be conducted under the rules of civil procedure in another State, district, or division.

(f) VENUE.—

(1) IN GENERAL.—An asbestos or silica claim filed after the date of enactment of this Act may be filed only in the county of the State or the district or division of the United States where—

(A) the claimant resided for a period of at least 180 consecutive days immediately prior to filing suit; or

(B) the exposed person had the most substantial cumulative exposure to asbestos for an asbestos claim or to silica for a silica claim, and that such exposure was a substantial contributing factor to the asbestos or silica related impairment on which such claim is based.

(2) IMPROPER VENUE.—With respect to asbestos or silica claims pending as of the date of enactment of this Act, and in which the trial, or any new trial or retrial following motion, appeal, or otherwise, has not commenced with presentation of evidence to the trier of fact as of the date of enactment of this Act, any claim as to which venue would not have been proper if the claim originally had been brought in accordance with paragraph (1) shall, not later than 90 days after the date of enactment of this Act, be transferred to the court of general civil jurisdiction in the county, district, or division of the State in which the action is pending in which either—

(A) the claimant was domiciled at the time the asbestos or silica claim originally was filed; or

(B) the exposed person had the most substantial cumulative exposure to asbestos for an asbestos claim or to silica for a silica claim, and that such exposure was a substantial contributing factor to the asbestos or silica related impairment on which the claim is based.

(3) REMOVAL.—

(A) IN GENERAL.—If a State court refuses or fails to apply the provisions of this Act, any party in a civil action for an asbestos claim may remove such action to a district court of the United States in accordance with chapter 89 of title 28, United States Code.

(B) JURISDICTION OVER REMOVED ACTIONS.—The district courts of the United States shall have jurisdiction of all civil actions removed under this paragraph, without regard to the amount in controversy and without regard to the citizenship or residence of the parties.

(C) REMOVAL BY ANY DEFENDANT.—A civil action may be removed to the district court of the United States under this paragraph by any defendant without the consent of all defendants.

(D) REMAND.—A district court of the United States shall remand any civil action removed solely under this paragraph, unless the court finds that—

(i) the State court failed to comply with procedures prescribed by law; or

(ii) the failure to dismiss by the State court lacked substantial support in the record before the State court.

(E) LIMITATION.—Civil actions in State court subject to this Act may not be removed to any district court of the United States unless such removal is otherwise proper without regard to the provisions of this Act or is removed under this paragraph.

(g) PREEMPTION.—

(1) IN GENERAL.—This Act shall govern all asbestos and silica claims filed in Federal or State courts on or after the effective date of this Act, or which are pending in Federal or State courts on the effective date of this Act and in which the trial, or any new trial or retrial following motion, appeal or otherwise, has not commenced with presentation of evidence to the trier of fact as of the effective date of this Act, except for enforcement of claims for which a final judgment has been duly entered by a court and that is no longer subject to any appeal or judicial review on the effective date of this Act.

(2) GREATER LIMITATIONS BY STATES.—Nothing in this Act shall limit or preempt any State law or precedent having the effect of imposing additional or greater limits or restrictions on the assertion or prosecution of an asbestos or silica claim.

SEC. 6. STATUTE OF LIMITATIONS; 2-DISEASE RULE.

(a) STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—An asbestos or silica claim not barred in a State as of the date of enactment of this Act, a claimant's cause of action shall not accrue, nor shall the running of limitations commence, prior to the earlier of the date—

(A) on which an exposed person received a medical diagnosis of an asbestos-related impairment or silica-related impairment;

(B) on which an exposed person discovered facts that would have led a reasonable person to obtain a medical diagnosis with respect to the existence of an asbestos-related impairment or silica-related impairment; or

(C) of death of the exposed person having an asbestos-related or silica-related impairment.

(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to revive or extend limitations with respect to any claim for asbestos-related impairment or silica-related impairment that was otherwise time-barred as a matter of applicable State law as of the date of enactment of this Act.

(3) NO EFFECT ON SETTLEMENT AGREEMENTS.—Nothing in this section shall be construed so as to adversely affect, impair, limit, modify, or nullify any settlement agreement with respect to an asbestos or silica claim entered into before the date of enactment of this Act.

(b) 2 DISEASE RULE; DISTINCT CLAIMS.—

(1) IN GENERAL.—An asbestos or silica claim arising out of a non-malignant condition shall be a distinct cause of action, wholly separate from a claim for an asbestos-related or silica-related cancer.

(2) NO DAMAGES FOR FEAR.—No damages shall be awarded for fear or increased risk of future disease in any civil action asserting an asbestos or silica claim.

SEC. 7. EXPERTS.

(a) IN GENERAL.—A person who holds a valid medical license in good standing in a State, but who is not licensed to practice medicine in that State, and who testifies, whether by deposition, affidavit, live, or otherwise, as a medical expert witness on behalf of any party in an asbestos or silica claim is deemed to have a temporary license to practice medicine in the State in which the claim is pending solely for the purpose of providing such testimony and is subject to that extent to the authority of the medical licensing board or agency of that State.

(b) PENALTY FOR FALSE TESTIMONY.—If a physician renders expert medical testimony that is false, intentionally misleading or deceptive, or that intentionally misstates the relevant applicable standard of care, the medical licensing board or agency of the State in which the claim is pending may take such action as is permitted under the laws and regulations of that State governing the conduct of physicians.

(c) RULE OF CONSTRUCTION.—This section shall not be construed to permit an out of State physician to practice medicine in any other State other than as provided in this section.

SEC. 8. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 9. MISCELLANEOUS PROVISIONS.

(a) CONSTRUCTION WITH OTHER LAWS.—This Act shall not be construed to—

(1) affect the scope or operation of any workers' compensation law or veterans' benefit program;

(2) affect the exclusive remedy or subrogation provisions of any such law; or

(3) authorize any lawsuit which is barred by any such provision of law.

(b) CONSTITUTIONAL AUTHORITY.—The constitutional authority for this Act is contained in Article I, section 8, clause 3 and Article III, section 1 of the Constitution of the United States.

SEC. 10. EFFECTIVE DATE.

(a) IN GENERAL.—This Act applies to all asbestos or silica claims filed on or after the date of enactment of this Act.

(b) PENDING PROCEEDINGS.—This Act also applies to any pending asbestos or silica claims in which a trial has not commenced as of the date of enactment of this Act.

SA 2789. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 171, between lines 17 and 18, insert the following and re-number accordingly:

(4) LIMITATION ON PAYMENTS BY DEFENDANT PARTICIPANTS.—

(A) IN GENERAL.—Under expedited procedures established by the Administrator, any defendant participant may apply for a limitation on its annual payment obligation to the Fund by showing that it qualifies under subparagraph (C). The Administrator shall promptly grant that application if the requirements under subparagraph (C) are satisfied.

(B) STAY OF PAYMENT.—A defendant participant who applies for a limitation on its annual payment obligation to the Fund under subparagraph (A) shall have the payment required under subsection (i)(1)(A)(iv) stayed until the Administrator has made a determination with respect to the application of that defendant participant.

(C) APPLICATION FOR LIMITATION.—A defendant participant may apply under subparagraph (A) for a limit on its annual payment obligation to the Fund if that defendant participant—

(i) is included in Tiers II, III, IV, V, or VI under section 202; and

(ii) has prior asbestos expenditures less than $200,000,000 and has revenues as determined under section 203 that are less than $10,000,000,000.

(D) LIMITATION.—

(i) IN GENERAL.—A defendant participant that qualifies for a limitation under this paragraph may apply for only 1 of the limits under subclause (I), (II), or (III) of clause (ii). A defendant participant may not change its application once the application has been approved by the Administrator.

(ii) APPLICATION FOR 1 LIMITATION.—Subject to clause (i), a defendant participant may apply for a limit of an amount equal to—

(I) 125 percent of the arithmetical average for fiscal years 1998 through 2002 of the annual prior asbestos expenditures of that defendant participant;

(II) 150 percent of the arithmetical average for fiscal years 1998 through 2002 of the annual prior asbestos expenditures of that defendant participant, excluding—

(aa) the amount of any payments by insurance carriers for the benefit of that defendant participant or on behalf of that defendant participant; and

(bb) any reimbursements of the amounts actually paid by that defendant participant with respect to prior asbestos expenditures for fiscal years 1998 through 2002, regardless of when such reimbursements were actually paid; or

(III) 1.67024 percent of the revenues for the most recent fiscal year ending on or prior to December 31, 2002, of the affiliated group to which that defendant participant belongs.

(E) JUDICIAL REVIEW.—A defendant participant is entitled to judicial review under section 303 of a denial of an application under this paragraph. During the pendency of that review, section 223(a) shall not apply to that defendant participant. Without regard to section 305(a), the reviewing court may, in its discretion, provide such interlocutory relief to the defendant participant as may be just.

(F) APPLICABILITY OF THE GUARANTEE SURCHARGE.—A defendant participant whose application under this paragraph is approved by the Administrator, shall not be exempt from the guaranteed payment surcharge established under subsection (l), unless otherwise provided in this Act.

(G) MINIMUM PAYMENT.—Notwithstanding any other provision of this paragraph, a defendant participant that is granted a limitation by the Administrator shall pay not less than 5 percent of the amount the participant is scheduled to pay under section 202.

On page 182, line 15, strike "(5)" and insert "(6)".

On page 184, line 9, strike "(6)" and insert "(7)".

SA 2790. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 171, strike all after line 5 until "(5) Bankruptcy Relief" and insert the following and renumber accordingly:

(c) LIMITATION.—

(1) IN GENERAL.—Under expedited procedures established by the Administrator, any defendant participant may apply for a limitation on its annual payment obligation to the Fund by showing that it qualifies under subparagraph (3), and the Administrator shall promptly grant such application if the standards in subparagraph (3) are satisfied.

(2) STAY OF PAYMENT.—A defendant participant who applies for a limitation on its annual payment obligation to the Fund under subparagraph (1) shall have the payment required under subsection (i)(1)(A)(iv) stayed until the Administrator has made a determination with respect to the application of such defendant participant.

(3) APPLICATION FOR LIMITATION.—A defendant participant may apply under subparagraph (A) for a limit on its annual payment obligation to the Fund if:

(A) it is included in Tiers II, III, IV, V, or VI under section 202; and

(B) its prior asbestos expenditures are less than $200 million and its revenues as defined in this section are less than $10 Billion.

(4) LIMITATION.—Such qualifying defendant participant may apply for the limit set forth in either clause (A), (B) or (C), provided that it may apply only under one such clause and may not change its application once the application has been approved by the Administrator. A defendant participant qualifying under this subparagraph may apply for a limit on its annual payment obligation to the Fund to an amount equal to—

(A) 125 percent of the arithmetical average for fiscal years 1998 through 2002 of such defendant participant's annual prior asbestos expenditures; or

(B) 150 percent of the arithmetical average for fiscal years 1998 through 2002 of such defendant participant's annual prior asbestos expenditures, excluding (I) the amount of any payments by insurance carriers for the benefit of such defendant participant or on behalf of such defendant participant, and (II) any reimbursements of the amounts actually paid by such defendant participant with respect to prior asbestos expenditures for fiscal years 1998 through 2002, regardless of when such reimbursements were actually paid; or

(C) 1.67024 percent of the revenues for the most recent fiscal year ending on or prior to December 31, 2002, of the affiliated group to which such defendant participant belongs.

(5) JUDICIAL REVIEW.—A defendant participant who is aggrieved by the denial by the Administrator of its application under this paragraph is entitled to judicial review under section 303, and during the pendency of such review, section 223(a) shall not apply to that defendant participant. Without regard to section 305(a), the reviewing court may, in its discretion, provide such interlocutory relief to the defendant participant as may be just.

(6) APPLICABILITY OF THE GUARANTEE SURCHARGE.—A defendant participant whose application for a limitation on its annual payment obligation to the Fund under subparagraph (A) is approved by the Administrator, shall not be exempt from the guaranteed payment surcharge established under subsection (l) unless otherwise provided in this Act.

(7) MINIMUM PAYMENT.—Notwithstanding the limitations provided in this subsection, a defendant participant that is granted a limitation by the Administrator shall pay no less than 5 percent of the amount the participant is scheduled to pay under section 202.

(d) ADJUSTMENTS.—

(1) IN GENERAL.—Under expedited procedures established by the Administrator, a defendant participant may seek adjustment of the amount of its payment obligation based on severe financial hardship or demonstrated inequity. The Administrator may determine whether to grant an adjustment, in accordance with this subsection. A defendant participant has a right to obtain a rehearing of the Administrator's determination under this subsection under the procedures prescribed in subsection (i)(10). The Administrator may adjust a defendant participant's payment obligations under this subsection, either by forgiving the relevant portion of the otherwise applicable payment obligation or by providing relevant rebates from the defendant hardship and inequity adjustment account created under subsection (j) after payment of the otherwise applicable payment obligation, at the discretion of the Administrator.

(2) FINANCIAL HARDSHIP ADJUSTMENTS.—

(A) GENERAL.—Any defendant participant in any tier may apply for an adjustment under this paragraph at any time during the period in which a payment obligation to the Fund remains outstanding and may qualify for such an adjustment by demonstrating to the satisfaction of the Administrator that the amount of its payment obligation would materially and adversely affect the defendant participant's ability to continue its business and to pay or satisfy its debts generally as and when they come due. Such an adjustment shall be in an amount that in the judgment of the Administrator is reasonably necessary to prevent such material and adverse effect on the defendant participant's ability to continue its business and to pay or satisfy its debts generally as and when they come due.

(B) FACTORS TO CONSIDER.-In determining whether to make an adjustment under subparagraph (A) and the amount thereof, the Administrator shall consider—

(1) the financial situation of the defendant participant and its affiliated group as shown in historical audited financial statements, including income statement, balance sheet, and statement of cash flow, for the three fiscal years ending immediately prior to the application and projected financial statements for the three fiscal years following the application;

(2) an analysis of capital spending and fixed charge coverage on a historical basis for the three fiscal years immediately preceding a defendant participant's application and for the three fiscal years following the application;

(3) any payments or transfers of property made, or obligations incurred, within the preceding 6 years by the defendant participant to or for the benefit of any insider as defined under section 101(31) of title 11 of the United States Code or any affiliate as defined under section 101(2) of title 11 of the United States Code;

(4) any prior extraordinary transactions within the preceding 6 years involving the defendant participant, including without limitation payments of extraordinary salaries, bonuses, or dividends;

(5) the defendant participant's ability to satisfy its payment obligations to the Fund by borrowing or financing with equity capital, or through issuance of securities of the defendant participant or its affiliated group to the Fund;

(6) the defendant participant's ability to delay discretionary capital spending; and

(7) any other factor that the Administrator considers relevant.

(C) TERM.—A financial hardship adjustment under this paragraph shall have a term of 5 years unless the Administrator determines at the time the adjustment is made that a shorter or longer period is appropriate in the light of the financial condition of the defendant participant and its affiliated group and other relevant factors, provided that a financial hardship adjustment under this paragraph shall terminate automatically in the event that the defendant participant holding the adjustment files a petition under title 11, United States Code.

(D) RENEWAL.—A defendant participant may renew a hardship adjustment upon expiration by demonstrating that it remains justified. Such renewed hardship adjustments shall have a term of 5 years unless the Administrator determines at the time of the renewed adjustment that a shorter or longer period is appropriate in the light of the financial condition of the defendant participant and its affiliated group and other relevant factors, provided that a renewed financial hardship adjustment under this paragraph shall terminate automatically in the event that the defendant participant holding the adjustment files a petition under title 11, United States Code.

(E) PROCEDURE.—

(1) The Administrator shall prescribe the information to be submitted in applications for adjustments under this paragraph.

(2) All audited financial information required under this paragraph shall be as reported by the defendant participant in its annual report filed with the Securities and Exchange Commission in accordance with the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.). Any defendant participant that does not file reports with the Securities and Exchange Commission or which does not have audited financial statements shall submit financial statements prepared pursuant to generally accepted accounting principles. The chairman, chief executive officer, and chief financial officer of the defendant participant shall certify under penalty of law the completeness and accuracy of the financial statements provided under this sub-paragraph.

(3) The chairman, chief executive officer, and chief financial officer of the defendant participant shall certify that any projected information and analyses submitted to the Administrator were made in good faith and are reasonable and attainable."

(3) INEQUITY ADJUSTMENTS.—

(A) IN GENERAL—A defendant participant—

(i) may qualify for an adjustment based on inequity by demonstrating that the amount of its payment obligation under the statutory allocation is exception 25 ally inequitable—

(I) when measured against the amount of the likely cost to the defendant participant net of insurance of its future liability in the tort system in the absence of the Fund;

(II) when measured against the likely cost of past and potential future claims in the absence of this Act;

(III) when compared to the median payment rate for all defendant participants in the same tier; or

(IV) when measured against the percentage of the prior asbestos expenditures of the defendant that were incurred with respect to claims that neither resulted in an adverse judgment against the defendant, nor were the subject of a settlement that required a payment to a plaintiff by or on behalf of that defendant;

(ii) shall qualify for a two-tier main tier and a two-tier subtier adjustment reducing the defendant participant's payment obligation based on inequity by demonstrating that not less than 95 percent of such person's prior asbestos expenditures arose from claims related to the manufacture and sale of railroad locomotives and related products, so long as such person's manufacture and sale of railroad locomotives and related products is temporally and causally remote, and for purposes of this clause, a person's manufacture and sale of railroad locomotives and related products shall be deemed to be temporally and causally remote if the asbestos claims historically and generally filed against such person relate to the manufacture and sale of railroad locomotives and related products by an entity dissolved more than 25 years before the date of enactment of this Act;

(iii) shall be granted a two-tier adjustment reducing the defendant participant's payment obligation based on inequity by demonstrating that not less than 95 percent of such participant's prior asbestos expenditures arose from asbestos claims based on successor liability arising from a merger to which the participant or its predecessor was a party that occurred at least 30 years before the date of enactment of this Act, and that such prior asbestos expenditures exceed the inflation-adjusted value of the assets of the company from which such liability was derived in such merger, and upon such demonstration the Administrator shall grant such adjustment for the life of the Fund and amounts paid by such defendant participant prior to such adjustment in excess of its adjusted payment obligation under this clause shall be credited against next succeeding required payment obligations; and

(iv) may, subject to the discretion of the Administrator, be exempt from any payment obligation if such defendant participant establishes with the Administrator that—

(I) such participant has satisfied all past claims; and

(II) there is no reasonable likelihood in the absence of this Act of any future claims with costs for which the defendant participant might be responsible.

(B) PAYMENT RATE.—For purposes of subparagraph (A), the payment rate of a defendant participant is the payment amount of the defendant participant as a percentage of such defendant participant's gross revenues for the year ending December 31, 2002.

(C) TERM.—Subject to the annual availability of funds in the defendant hardship and inequity adjustment account established under subsection (j), an inequity adjustment under this subsection shall have a term of 3 years.

(D) RENEWAL.—A defendant participant may renew an inequity adjustment every 16 years by demonstrating that the adjustment remains justified.

(E) REINSTATEMENT.—

(i) IN GENERAL.—Following the termination of an inequity adjustment under subparagraph (A), and during the funding period prescribed under subsection (a), the Administrator shall annually determine whether there has been a material change in conditions which would support a finding that the amount of the defendant participant's payment under the statutory allocation was not inequitable. Based on this determination, the Administrator may, consistent with the policies and legislative intent underlying this Act, reinstate any or all of the payment obligations of the defendant participant as if the inequity adjustment had not been granted for that 10-year period.

(ii) TERMS AND CONDITIONS.—In the event of a reinstatement under clause (i), the Administrator may require the defendant participant to pay any part or all of amounts not paid due to the inequity adjustment on such terms and conditions as established by the Administrator.

(4) LIMITATION ON ADJUSTMENTS.—The aggregate total of financial hardship adjustments under paragraph (2) and inequity adjustments under paragraph (3) in effect in any given year shall not be limited.

SA 2791. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after "SECTION 1. SHORT TITLE;" in the amendment and insert the following:

This Act may be cited as the "Asbestos and Silica Claims Priorities Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Asbestos is a mineral that was widely used before the mid-1970s for insulation, fireproofing, and other purposes.

(2) Many American workers were exposed to asbestos, especially during the Second World War.

(3) Long-term exposure to asbestos has been associated with mesothelioma and lung cancer, as well as with such non-malignant conditions as asbestosis, pleural plaques, and diffuse pleural thickening.

(4) Although the use of asbestos has dramatically declined since 1980 and workplace exposures have been regulated since 1971 by the Occupational Safety and Health Administration, the diseases caused by asbestos often have long latency periods and past exposures will continue to result in significant claims well into the future.

(5) Asbestos related claims, driven largely by unimpaired claimants, have flooded our courts such that the United States Supreme Court has characterized the situation as "an elephantine mass" that "calls for national legislation" (Ortiz v. Fibreboard Corporation, 119 S. Ct. 2295, 2302 (1999)).

(6) The American Bar Association supports enactment of Federal legislation that would allow persons alleging non-malignant asbestos-related disease claims to file a cause of action in Federal or State court only if those persons meet the medical criteria in the "ABA Standard for Non-Malignant Asbestos-Related Disease Claims" and toll all applicable statutes of limitations until such time as the medical criteria in such standard are met.

(7) Reports indicate that up to 90 percent of asbestos claims are filed by individuals who allege that they have been exposed to asbestos, but who suffer no demonstrable asbestos-related impairment. Lawyer-sponsored x-ray screenings of workers at occupational locations are used to amass large numbers of claimants, the vast majority of whom are unimpaired.

(8) The costs of compensating unimpaired claimants and litigating their claims jeopardizes the ability of defendants to compensate people with cancer and other serious diseases, threatens the savings, retirement benefits, and jobs of current and retired employees, and adversely affects the communities in which the defendants operate.

(9) More than 73 companies have declared bankruptcy due to the burden of asbestos litigation. The rate of asbestos-driven bankruptcies is accelerating. Between 2000 and 2004, there were more asbestos-related bankruptcy filings than in either of the prior 2 decades.

(10) Bankruptcies have led plaintiffs and their lawyers to expand their search for solvent peripheral defendants. The number of asbestos defendants now includes over 8,500 companies, affecting many small and medium size companies and industries that span 85 percent of the United States economy.

(11) Efforts to address asbestos litigation may augment silica-related filings.

(12) Silica is a naturally occurring mineral and is the second most common constituent of the earth's crust. Crystalline silica in the form of quartz is present in sand, gravel, soil, and rocks.

(13) Silica-related illness, including silicosis can develop from the inhalation of respirable silica dust. Silicosis was widely recognized as an occupational disease many years ago.

(14) Silica claims, like asbestos claims, often involve individuals with no demonstrable impairment. Claimants frequently are identified through the use of interstate, for-profit, screening companies.

(15) Silica screening processes have been found subject to substantial abuse and potential fraud in Federal silica litigation (In re Silica Prods. Liab. Litig. (MDL No. 1553), 398 F. Supp. 2d 563 (S.D. Tex. 2005)) and it therefore is necessary to address silica legislation to preempt an asbestos-like litigation crisis.

(16) Concerns about statutes of limitations may prompt unimpaired asbestos and silica claimants to bring lawsuits prematurely to protect against losing their ability to assert a claim in the future should they develop an impairing condition.

(17) Sound public policy requires that the claims of persons with no present physical impairment from asbestos or silica exposure, be deferred to give priority to physically impaired claimants, and to safeguard the jobs, benefits, and savings of workers in affected companies.

(18) Claimant consolidations, joinders, and similar procedures used by some courts to deal with the mass of asbestos and silica cases can—

(A) undermine the appropriate functioning of the court system;

(B) deny due process to plaintiffs and defendants; and

(C) further encourage the filing of thousands of cases by exposed persons who are not sick and likely will never develop an impairing condition caused by exposure to asbestos or silica.

(19) Several states have enacted legislation to prioritize asbestos and silica claims that serve as a model for national reform including Texas, Ohio, Florida, and Georgia.

(20) Asbestos litigation, if left unchecked by reasonable congressional intervention, will—

(A) continue to inhibit the national economy and run counter to plans to stimulate economic growth and the creation of jobs;

(B) threaten the savings, retirement benefits, and employment of defendant's current and retired employees;

(C) affect adversely the communities in which these defendants operate; and

(D) impair interstate commerce and national initiatives.

(21) The public interest and the interest of interstate commerce requires deferring the claims of exposed persons who are not sick in order to—

(A) preserve, now and for the future, defendants' ability to compensate people who develop cancer and other serious asbestos-related injuries; and

(B) safeguard the jobs, benefits, and savings of American workers and the well-being of the national economy.

(b) PURPOSES.—The purposes of this Act are to—

(1) give priority to current claimants who can demonstrate an asbestos-related or silica-related impairment based on reasonable, objective medical criteria;

(2) toll the running of statutes of limitations for persons who have been exposed to asbestos or to silica, but who have no present asbestos-related or silica-related impairment; and

(3) enhance the ability of the courts to supervise and control asbestos and silica litigation.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) AMA GUIDES TO THE EVALUATION OF PERMANENT IMPAIRMENT.—The term "AMA Guides to the Evaluation of Permanent Impairment" means the most current version of the American Medical Association's Guides to the Evaluation of Permanent Impairment in effect at the time of the performance of any examination or test on the exposed person required by this Act.

(2) ASBESTOS.—The term "asbestos" means—

(A) chrysotile;

(B) amosite;

(C) crocidolite

(D) tremolite asbestos;

(E) anthophyllite asbestos;

(F) actinolite asbestos;

(G) winchite;

(H) richterite;

(I) asbestiform amphibole minerals; and

(J) any of the minerals described in subparagraphs (A) through (I) that have been chemically treated or altered, including all minerals defined as asbestos under section 1910 of title 29, Code of Federal Regulations in effect at the time an asbestos claim is filed.

(3) ASBESTOS CLAIM.—The term "asbestos claim"—

(A) means any claim for damages, losses, indemnification, contribution, or other relief of whatever nature arising out of, based on, or related to the alleged health effects associated with the inhalation or ingestion of asbestos, including—

(i) loss of consortium;

(ii) personal injury or death;

(iii) mental or emotional injury;

(iv) risk or fear of disease or other injury;

(v) the costs of medical monitoring or surveillance, to the extent such claims are recognized under State law; or

(vi) any claim made by, or on behalf of, any person exposed to asbestos, or a representative, spouse, parent, child, or other relative of the exposed person; and

(B) does not include a claim for compensatory benefits pursuant to a workers' compensation law or a veterans' benefits program.

(4) ASBESTOSIS.—The term "asbestosis" means bilateral diffuse interstitial fibrosis of the lungs caused by inhalation of asbestos.

(5) BOARD-CERTIFIED INTERNIST.—The term "Board-certified internist" means a qualified physician—

(A) who is certified by the American Board of Internal Medicine or the American Osteopathic Board of Internal Medicine; and

(B) whose certification was current at the time of—

(i) the performance of any examination; and

(ii) rendition of any report required under this Act.

(6) BOARD-CERTIFIED OCCUPATIONAL MEDICINE SPECIALIST.—The term "Board-certified occupational medicine specialist" means a physician—

(A) who is certified in the subspecialty of occupational medicine by the American Board of Preventive Medicine or the American Osteopathic Board of Preventive Medicine; and

(B) whose certification was current at the time of—

(i) the performance of any examination; and

(ii) rendition of any report required under this Act.

(7) BOARD-CERTIFIED PATHOLOGIST.—The term "Board-certified pathologist" means a qualified physician—

(A) who holds primary certification in anatomic pathology or combined anatomic or clinical pathology from the American Board of Pathology or the American Osteopathic Board of Internal Medicine;

(B) whose professional practice is principally in the field of pathology and involves regular evaluation of pathology materials obtained from surgical or post mortem specimens; and

(C) whose certification was current at the time of—

(i) any tissue or slide examination; or

(ii) rendition of any report required under this Act.

(8) BOARD-CERTIFIED PULMONOLOGIST.—The term "Board-certified pulmonologist" means a qualified physician—

(A) who is certified in the subspecialty of pulmonary medicine by the American Board of Internal Medicine or the American Osteopathic Board of Internal Medicine; and

(B) whose certification was current at the time of—

(i) the performance of any examination; and

(ii) rendition of any report required under this Act.

(9) CERTIFIED B-READER.—The term "Certified B-reader" means a person—

(A) who has successfully passed the B-reader certification examination for x-ray interpretation sponsored by the National Institute for Occupational Safety and Health; and

(B) whose certification was current at the time of any readings required under this Act.

(10) CHEST X-RAYS.—The term "chest x-rays" means radiographic films taken in accordance with all applicable Federal and State standards and in the posterior-anterior view.

(11) CLAIMANT.—

(A) IN GENERAL.—The term "claimant" means any party asserting an asbestos or silica claim, including a—

(i) plaintiff;

(ii) counterclaimant;

(iii) cross-claimant; or

(iv) third-party plaintiff.

(B) CLAIMS ON BEHALF OF AN ESTATE.—If any claim described in subparagraph (A) is brought through, or on behalf of, an estate, the term claimant includes the executor, surviving spouse, or any other descendant of the decedent.

(C) CLAIMS ON BEHALF OF A MINOR.—If any claim described in subparagraph (A) is brought through, or on behalf of, a minor or incompetent person, the term claimant includes the parent or guardian of such minor.

(12) DLCO.—The term "DLCO" means diffusing capacity of the lung for carbon monoxide, which is the measurement of carbon monoxide transfer from inspired gas to pulmonary capillary blood.

(13) EXPOSED PERSON.—

(A) IN GENERAL.—The term "exposed person" means a person whose claimed exposure to asbestos or silica is the basis for an asbestos or silica claim.

(B) SILICA CLAIMS.—With respect to any claim for exposure to silica, the term "exposed person" means a person whose claimed exposure to silica is by means of the alleged inhalation of respirable silica.

(14) FEV- K.—THE TERM "FEV-1" MEANS FORCED EXPIRATORY VOLUME IN THE FIRST SECOND, WHICH IS THE MAXIMAL VOLUME OF AIR EXPELLED IN 1 SECOND DURING PERFORMANCE OF SIMPLE SPIROMETRIC TESTS.

(15) FVC.—The term "FVC" means forced vital capacity, which is the maximal volume of air expired with maximum effort from a position of full inspiration.

(16) ILO SCALE.—The term "ILO scale" means the system for the classification of chest x-rays set forth in the most current version of the International Labor Office's Guidelines for the Use of ILO International Classification of Radiographs of Pneumoconioses in effect at the time of the performance of any examination or test on the exposed person required by this Act.

(17) PREDICTED LOWER LIMIT OF NORMAL.—The term "predicted lower limit of normal" means the calculated standard convention lying at the fifth percentile, below the upper 95 percent of the reference population, based on age, height, and gender, according to the recommendations of the American Thoracic Society as referenced in the AMA's Guides to the Evaluation of Permanent Impairment.

(18) QUALIFIED PHYSICIAN.—The term "qualified physician" means a board-certified internist, occupational medicine specialist, pathologist, or pulmonologist—

(A) who is licensed to practice in any State;

(B) who has personally conducted a physical examination of the exposed person, or in the case of a board-certified pathologist, has examined tissue samples or pathological slides of the exposed person, or if the exposed person is deceased, based upon a detailed review of the medical records and existing tissue samples and pathological slides of the deceased person;

(C) who is treating or has treated the exposed person, and has or had a doctor-patient relationship with the exposed person at the time of the physical examination or, in the case of a board-certified pathologist, has examined tissue samples or pathological slides of the exposed person at the request of such treating physician; and

(D) whose diagnosing, examining, testing, screening or treating of the exposed person was not, directly or indirectly, premised upon, and did not require, the exposed person or claimant to retain the legal services of any attorney or law firm.

(19) Silica.—The term "silica" a respirable crystalline form of the naturally occurring mineral form of silicon dioxide, including quartz, cristobalite, and tridymite.

(20) Silica claim.—The term "silica claim"—

(A) means any claim for damages, losses, indemnification, contribution, or other relief of whatever nature arising out of, based on, or in any way related to the alleged health effects associated with the inhalation of silica, including—

(i) loss of consortium;

(ii) personal injury or death;

(iii) mental or emotional injury;

(iv) risk or fear of disease or other injury;

(v) the costs of medical monitoring or surveillance, to the extent such claims are recognized under State law; or

(vi) any claim made by, or on behalf of, any person exposed to silica dust, or a representative, spouse, parent, child, or other relative of the exposed person; and

(B) does not include a claim for compensatory benefits pursuant to the workers' compensation law or a veterans' benefits program.

(21) Silicosis.—The term "silicosis" means fibrosis of the lung produced by inhalation of silica, including—

(A) acute silicosis;

(B) accelerated silicosis; and

(C) chronic silicosis.

(22) State.—The term "State"—

(A) means any State of the United States; and

(B) includes—

(i) the District of Columbia;

(ii) Commonwealth of Puerto Rico;

(iii) the Northern Mariana Islands;

(iv) the Virgin Islands;

(v) Guam;

(vi) American Samoa; and

(vii) any other territory or possession of the United States, or any political subdivision of any of the locales described under this paragraph.

(23) Substantial contributing factor.—The term "substantial contributing factor"—

(A) in the context of an asbestos claim, means that—

(i) a claimant shall identify—

(I) the specific asbestos product to which the exposed person was exposed;

(II) the location and duration of such exposure; and

(III) the specific circumstances of such exposure;

(ii) such exposure—

(I) was more than incidental contact with the product and location; and

(II) took place on a regular basis over an extended period of time in physical proximity to the exposed person;

(iii) the exposed person inhaled respirable asbestos fibers in sufficient quantities to be capable of causing harm; and

(iv) a qualified physician has determined with a reasonable degree of medical certainty that the impairment of the exposed person would not have occurred but for the specific asbestos exposure; and

(B) in the context of a silica claim, means that—

(i) a claimant shall identify—

(I) the specific silica product to which the exposed person was exposed;

(II) the location and duration of such exposure; and

(III) the specific circumstances of such exposure;

(ii) such exposure—

(I) was more than incidental contact with the product and location; and

(II) took place on a regular basis over an extended period of time in physical proximity to the exposed person;

(iii) the exposed person inhaled respirable silica particles in sufficient quantities to be capable of causing harm; and

(iv) a qualified physician has determined with a reasonable degree of medical certainty that the impairment of the exposed person would not have occurred but for the specific silica exposure.

(24) Total lung capacity.—The term "total lung capacity" means the volume of gas contained in the lungs at the end of a maximal inspiration.

(25) Veterans' benefits program.—The term "veterans' benefits program" means any program for benefits in connection with military service administered by the Veterans' Administration under title 38, United States Code.

(26) Workers' compensation law.—The term "workers' compensation law"—

(A) means a law respecting a program administered by a State or the United States to provide benefits, funded by a responsible employer or its insurance carrier, for occupational diseases or injuries or for disability or death caused by occupational diseases or injuries;

(B) includes the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) and chapter 81 of title 5, United States Code; and

(C) does not include—

(i) the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, or damages recovered by any employee in a liability action against an employer; or

(ii) any claim for exemplary or punitive damages by an employee, estate, heir, representative, or any other person or entity against the employer of an exposed person arising out of, or related to, an asbestos-related injury or silica-related injury.

SEC. 4. ELEMENTS OF PROOF FOR ASBESTOS OR SILICA CLAIMS.

(a) Impairment Essential Element of Claim.—

(1) In general.—It shall be an essential element to bring or maintain an asbestos or silica claim, that an exposed person suffer a physical impairment, of which asbestos or silica was a substantial contributing factor to such impairment.

(2) Evidence as to each defendant.—Any requirement of a prima facie showing under this section shall be made as to each defendant against whom a claimant alleges an asbestos or silica claim.

(b) Preliminary Proceedings; Service of Prima Facie Evidence of Impairment.—

(1) Filing of report.—A claimant in any civil action alleging an asbestos or silica claim shall file, together with the complaint or other initial pleading, a written report and supporting test results constituting prima facie evidence of the exposed person's asbestos-related or silica-related impairment meeting the requirements of this section as to each defendant.

(2) Timing.—For any asbestos or silica claim pending on the date of enactment of this Act, a claimant shall file the written report and supporting test results described in paragraph (1) not later than 180 days after such date or not later than 60 days prior to the commencement of trial, whichever occurs first.

(3) Defendants right to challenge.—A defendant shall be afforded a reasonable opportunity to challenge the adequacy of any proffered prima facie evidence of impairment.

(4) Dismissal.—A claim shall be dismissed without prejudice upon a finding of failure to make the prima facie showing required under this section.

(c) New Claim Required Information.—

(1) In general.—Any asbestos claim or silica claim filed in a Federal or State court, on or after on the date of enactment of this Act shall include a sworn information form containing the following information:

(A) The name, address, date of birth, social security number, and marital status of the claimant.

(B) The name, last address, date of birth, social security number, and marital status of the exposed person.

(C) If the claimant alleges exposure to asbestos or silica through the testimony of another person or other than by direct or bystander exposure to a product or products, the name, address, date of birth, social security number, and marital status, for each person by which claimant alleges exposure (hereafter in this subsection referred to as the "index person") and the relationship of the claimant to each such person.

(D) For each alleged exposure of the exposed person and for each index person—

(i) the specific location and manner of each such exposure;

(ii) the beginning and ending dates of each such exposure; and

(iii) the identity of the manufacturer of the specific asbestos or silica to which the exposed person or index person was exposed.

(E) The occupation and name of the employer of the exposed person at the time of each alleged exposure.

(F) If the asbestos claim or silica claim involves more than 1 claimant, the identity of the defendant or defendants against whom each claimant asserts a claim.

(G) The specific disease related to asbestos or silica claimed to exist.

(H) Any—

(i) supporting documentation of the condition claimed to exist; and

(ii) documentation to support the claimant or index person's identification of the asbestos or silica product that such person was exposed to.

(2) Individual requirement.—

(A) In general.—All asbestos claims and silica claims along with any sworn information required under paragraph (1) shall be individually filed.

(B) Class claims not permitted.—No claims on behalf of a group or class of persons shall be permitted.

(d) Prima Facie Evidence of Physical Impairment for Nonmalignant Asbestos Claims.—

(1) In general.—No person shall bring or maintain an asbestos claim related to an alleged nonmalignant asbestos-related condition in the absence of a prima facie showing of physical impairment of the exposed person for which asbestos exposure is a substantial contributing factor.

(2) Prima facie showing.—A prima facie showing under paragraph (1) shall be made as to each defendant and include a detailed narrative medical report and diagnosis by a qualified physician that includes:

(A) Evidence verifying that the diagnosing, qualified physician has taken a detailed occupational and exposure history from the exposed person or, if that person is deceased, from a person who is knowledgeable about the exposures that form the basis for the claim, including identification of—

(i) all of the exposed person's places of employment and exposure to airborne contaminants (including asbestos, silica, and other disease-causing dusts, mists, fumes, and airborne contaminants) that can cause pulmonary impairment; and

(ii) the nature, duration, and level of each such exposure.

(B) Evidence—

(i) verifying that the diagnosing, qualified physician has taken a detailed medical and smoking history, including a thorough review of—

(I) the exposed person's past and present medical problems; and

(II) the most probable cause of each such medical problem; or

(ii) if the exposed person is deceased, from a person who is knowledgeable regarding such exposed person's medical and smoking history.

(C) Evidence sufficient to demonstrate—

(i) that at least 10 years have elapsed since the exposed person's first exposure to asbestos; and

(ii) the date of any such diagnosis.

(D) A determination by the diagnosing, qualified physician, on the basis of a medical examination and pulmonary function testing of the exposed person, or if the exposed person is deceased, based upon the medical records of the deceased, that the claimant has, or if deceased, that the claimant had a permanent respiratory impairment rating of at least Class 2 as defined by, and evaluated under, the AMA's Guides to the Evaluation of Permanent Impairment.

(E) Evidence verifying that the exposed person has an ILO quality 1 chest x-ray (or a quality 2 chest x-ray if the exposed person is deceased and a quality 1 chest x-ray does not exist) read by a certified B-reader as showing, according to the ILO scale—

(i) bilateral small irregular opacities (s, t, or u) graded 1/0 or higher on the ILO scale;

(ii) bilateral pleural thickening graded b2 or higher on the ILO scale including blunting of the costophrenic angle; or

(iii) pathological asbestosis graded 1(B) or higher under the criteria published in the Asbestos-Associated Diseases, Special Issue of the Archives of Pathological and Laboratory Medicine, Volume 106, Number 11, Appendix 3 (October 8, 1982).

(F) A determination by the diagnosing, qualified physician that asbestosis or diffuse pleural thickening is a substantial contributing factor to the exposed person's physical impairment, based at a minimum on a determination that the claimant has—

(i) either—

(I) forced vital capacity below the predicted lower limit of normal and FEV-1/FVC ratio (using actual values) at or above the predicted lower limit of normal; or

(II) forced vital capacity below the predicted lower limit of normal and total lung capacity, by plethysmography or timed gas dilution, below the predicted lower limit of normal; and

(ii) diffusing capacity of carbon monoxide below the lower limit of normal or below 80 percent of predicted.

(G) Verification that the diagnosing, qualified physician has concluded that the exposed person's impairment was not more probably the result of causes other than asbestos exposure as revealed by the employment, medical, and smoking history of the exposed person. Any verification that includes a conclusion which states that the medical findings and impairment are consistent or compatible with asbestos exposure or silica-related disease does not meet the requirements of this subsection.

(H) Copies of—

(i) the B-reading, pulmonary function tests (including printouts of the flow volume loops, volume time curves, DLCO graphs, and data for all trials, and all other elements required to demonstrate compliance with the equipment, quality, interpretation, and reporting standards established in this Act);

(ii) lung volume tests;

(iii) reports of x-ray examinations and diagnostic imaging of the chest;

(iv) pathology reports; and

(v) any other testing reviewed by the diagnosing, qualified physician in reaching the physician's conclusions.

(e) PRIMA FACIE EVIDENCE OF PHYSICAL IMPAIRMENT FOR ASBESTOS-RELATED CANCER.—

(1) IN GENERAL.—No person shall bring or maintain an asbestos claim related to an alleged asbestos-related cancer, other than mesothelioma, in the absence of a prima facie showing of a primary cancer for which asbestos exposure is a substantial contributing factor.

(2) PRIMA FACIE SHOWING.—A prima facie showing under paragraph (1) shall be made as to each defendant and include a detailed narrative medical report and diagnosis by a qualified physician that includes:

(A) Evidence verifying that the diagnosing, qualified physician has taken a detailed occupational and exposure history from the exposed person or, if that person is deceased, from a person who is knowledgeable about the exposures that form the basis for the claim, including identification of—

(i) all of the exposed person's places of employment and exposure to airborne contaminants (including asbestos, silica, and other disease-causing dusts, mists, fumes, and airborne contaminants) that can cause pulmonary impairment; and

(ii) the nature, duration, and level of each such exposure.

(B) Evidence—

(i) verifying that the diagnosing, qualified physician has taken a detailed medical and smoking history, including a thorough review of—

(I) the exposed person's past and present medical problems; and

(II) the most probable cause of each such medical problem; or

(ii) if the exposed person is deceased, from a person who is knowledgeable regarding such exposed person's medical and smoking history.

(C) Evidence sufficient to demonstrate—

(i) that at least 10 years have elapsed since the exposed person's first exposure to asbestos; and

(ii) the date of any such diagnosis of the cancer.

(D) Evidence verifying that the exposed person has—

(i) an ILO quality 1 chest x-ray (or a quality 2 chest x-ray if the exposed person is deceased and a quality 1 chest x-ray does not exist) read by a certified B-reader as showing, according to the ILO scale, bilateral small irregular opacities (s, t, or u) graded 1/0 or higher on the ILO scale; or

(ii) pathological asbestosis graded 1(B) or higher under the criteria published in the Asbestos-Associated Diseases, Special Issue of the Archives of Pathological and Laboratory Medicine, Volume 106, Number 11, Appendix 3 (October 8, 1982).

(E) Verification that the diagnosing, qualified physician has concluded that the exposed person's impairment was not more probably the result of causes other than asbestos as revealed by the employment, medical, and smoking history of the exposed person. Any verification that includes a conclusion which states that the medical findings and impairment are consistent or compatible with asbestos exposure or asbestos-related disease does not meet the requirements of this subsection.

(F) Copies of—

(i) the B-reading, pulmonary function tests (including printouts of the flow volume loops, volume time curves, DLCO graphs, and data for all trials, and all other elements required to demonstrate compliance with the equipment, quality, interpretation, and reporting standards established in this Act);

(ii) lung volume tests;

(iii) reports of x-ray examinations and diagnostic imaging of the chest;

(iv) pathology reports; and

(v) any other testing reviewed by the diagnosing, qualified physician in reaching the physician's conclusions.

(f) PRIMA FACIE EVIDENCE OF PHYSICAL IMPAIRMENT FOR ASBESTOS-RELATED MESOTHELIOMA.—

(1) IN GENERAL.—No person shall bring or maintain an asbestos claim related to alleged mesothelioma in the absence of a prima facie showing of an asbestos-related malignant tumor with a primary site of origin in the pleura, the peritoneum, or pericardium.

(2) PRIMA FACIE SHOWING.—A prima facie showing under paragraph (1) shall be made as to each defendant and include a report by a qualified Board-certified pathologist certifying the diagnosis of mesothelioma and a report by a qualified physician certifying that the mesothelioma was not more probably the result of causes other than asbestos exposure as revealed by the employment, medical, and smoking history of the exposed person.

(g) PRIMA FACIE EVIDENCE OF PHYSICAL IMPAIRMENT FOR SILICA CLAIMS.—

(1) IN GENERAL.—No person shall bring or maintain a silica claim related to an alleged silica-related condition, other than a silica-related cancer, in the absence of a prima facie showing of physical impairment as a result of a medical condition to which exposure to silica was a substantial contributing factor.

(2) PRIMA FACIE SHOWING.—A prima facie showing under paragraph (1) shall be made as to each defendant and include a detailed narrative medical report and diagnosis by a qualified physician that includes:

(A) Evidence verifying that the diagnosing, qualified physician has taken a detailed occupational and exposure history from the exposed person or, if that person is deceased, from a person who is knowledgeable about the exposures that form the basis for the claim, including identification of—

(i) all of the exposed person's places of employment and exposure to airborne contaminants (including asbestos, silica, and other disease-causing dusts, mists, fumes, and airborne contaminants) that can cause pulmonary impairment; and

(ii) the nature, duration, and level of each such exposure.

(B) Evidence verifying that the diagnosing, qualified physician has taken a detailed medical and smoking history from the exposed person (or if the exposed person is deceased, from the person most knowledgeable of such history), including a thorough review of—

(i) the exposed person's past and present medical problems; and

(ii) the most probable cause of each such medical problem.

(C) A determination by the diagnosing, qualified physician that the claimant has—

(i) an ILO quality 1 chest x-ray (or a quality 2 chest x-ray if the exposed person is deceased and a quality 1 chest x-ray does not exist) read by a certified B-reader as showing, according to the ILO scale, bilateral predominantly nodular opacities (p, q, or r) occurring primarily in the upper lung fields, graded 1/0 or higher;

(ii) an ILO quality 1 chest X-ray (or a quality 2 chest X-ray if the exposed person is deceased and a quality 1 chest X-ray does not exist) read by a certified B-reader as showing, according to the ILO scale, A, B, or C sized opacities representing complicated silicosis (also known as progressive massive fibrosis);

(iii) pathological demonstration of classic silicotic nodules exceeding 1 centimeter in diameter as set forth in 112 Archives of Pathology & Laboratory Medicine 673–720 (1988);

(iv) progressive massive fibrosis radiologically established by large opacities greater than 1 centimeter in diameter; or

(v) acute silicosis.

(D) If the claimant is asserting a claim for silicosis, evidence verifying there has been a sufficient latency period for the applicable type of silicosis.

(E) A determination by the diagnosing, qualified physician, on the basis of a personal medical examination and pulmonary function testing of the exposed person, or if the exposed person is deceased, based upon the medical records of the deceased, that the claimant has, or if deceased, had a permanent respiratory impairment rating of at least Class 2 as defined by and evaluated pursuant to the AMA's Guides to the Evaluation of Permanent Impairment.

(F) Verification that the diagnosing, qualified physician has concluded that the exposed person's impairment was not more probably the result of causes other than silica exposure as revealed by the employment, medical, and smoking history of the exposed person. Any verification that includes a conclusion which states that the medical findings and impairment are consistent or compatible with silica exposure or silica-related disease does not meet the requirements of this subsection.

(G) Copies of—

(i) the B-reading, pulmonary function tests (including printouts of the flow volume loops, volume time curves, DLCO graphs, and data for all trials, and all other elements required to demonstrate compliance with the equipment, quality, interpretation, and reporting standards established in this Act);

(ii) lung volume tests;

(iii) reports of x-ray examinations and diagnostic imaging of the chest;

(iv) pathology reports; and

(v) any other testing reviewed by the diagnosing, qualified physician in reaching the physician's conclusions.

(h) PRIMA FACIE EVIDENCE OF PHYSICAL IMPAIRMENT FOR SILICA-RELATED CANCER.—

(1) IN GENERAL.—No person shall bring or maintain a silica claim related to an alleged silica-related cancer in the absence of a prima facie showing of a primary cancer for which exposure to the defendant's silica is a substantial contributing factor.

(2) PRIMA FACIE SHOWING.—A prima facie showing under paragraph (1) shall be made as to each defendant and include a detailed narrative medical report and diagnosis by a qualified physician that includes:

(A) Evidence verifying that the diagnosing, qualified physician has taken a detailed occupational and exposure history from the exposed person or, if that person is deceased, from a person who is knowledgeable about the exposures that form the basis for the claim, including identification of—

(i) all of the exposed person's places of employment and exposure to airborne contaminants (including silica and other disease-causing dusts, mists, fumes, and airborne contaminants) that can cause pulmonary impairment; and

(ii) the nature, duration, and level of each such exposure.

(B) Evidence verifying that the diagnosing, qualified physician has taken a detailed medical and smoking history from the exposed person (or if the exposed person is deceased, from the person most knowledgeable of that history), including a thorough review of—

(i) the exposed person's past and present medical problems; and

(ii) the most probable cause of each such medical problem.

(C) A determination by the diagnosing, qualified physician that the claimant has—

(i) an ILO quality 1 chest x-ray (or a quality 2 chest x-ray if the exposed person is deceased and a quality 1 chest x-ray does not exist) read by a certified B-reader as showing, according to the ILO scale, bilateral predominantly nodular opacities (p, q, or r) occurring primarily in the upper lung fields, graded 1/0 or higher;

(ii) an ILO quality 1 chest X-ray (or a quality 2 chest X-ray if the exposed person is deceased and a quality 1 chest X-ray does not exist) read by a certified B-reader as showing, according to the ILO scale, A, B, or C sized opacities representing complicated silicosis (also known as progressive massive fibrosis); or

(iii) a pathological demonstration of classic silicotic nodules exceeding 1 centimeter in diameter as set forth in 112 Archives of Pathology & Laboratory Medicine 673–720 (1988).

(D) Evidence sufficient to demonstrate—

(i) that at least 10 years have elapsed since the exposed person's first exposure to silica; and

(ii) the date of any such diagnosis of the cancer.

(E) Verification that the diagnosing, qualified physician has concluded that the exposed person's impairment was not more probably the result of causes other than silica exposure as revealed by the employment, medical, and smoking history of the exposed person. Any verification that includes a conclusion which states that the medical findings and impairment are consistent or compatible with silica exposure or silica-related disease does not meet the requirements of this subsection.

(F) Copies of—

(i) the B-reading, pulmonary function tests (including printouts of the flow volume loops, volume time curves, DLCO graphs, and data for all trials, and all other elements required to demonstrate compliance with the equipment, quality, interpretation, and reporting standards established in this Act);

(ii) lung volume tests;

(iii) reports of x-ray examinations and diagnostic imaging of the chest;

(iv) pathology reports; and

(v) any other testing reviewed by the diagnosing, qualified physician in reaching the physician's conclusions.

(i) COMPLIANCE WITH TECHNICAL STANDARDS.—Evidence relating to physical impairment under this section, including pulmonary function testing and diffusing studies—

(1) shall comply with the technical recommendations for examinations, testing procedures, quality assurance, quality control, and equipment in the AMA's Guides to the Evaluation of Permanent Impairment, the most current version of the Official Statements of the American Thoracic Society regarding lung function testing, including general considerations for lung function testing, standardization of spirometry, standardization of the measurement of lung volumes, standardization of the single-breath determination of carbon monoxide uptake in the lung, and interpretative strategies for lung testing in effect at the time of the performance of any examination or test on the exposed person required by this Act;

(2) may not be based on testing or examinations that violate any law, regulation, licensing requirement, or medical code of practice of any State in which the examination, test, or screening was conducted; and

(3) may not be obtained under the condition that a claimant retains the legal services of an attorney or law firm sponsoring the examination, test, or screening.

SEC. 5. PROCEDURES.

(a) NO PRESUMPTION AT TRIAL.—Evidence relating to the prima facie showings required under section 4 shall not—

(1) create any presumption that a claimant has an asbestos or silica-related injury or impairment; and

(2) be conclusive as to the liability of any defendant.

(b) ADMISSIBILITY OF EVIDENCE.—No evidence shall be offered at a trial, and a jury shall not be informed of—

(1) the granting or denial of a motion to dismiss an asbestos or silica claim under the provisions of this Act; or

(2) the provisions of section 4 with respect to what constitutes a prima facie showing of asbestos or silica-related impairment.

(c) DISCOVERY.—Until such time as a trial court enters an order determining that a claimant has established prima facie evidence of impairment, no asbestos or silica claim shall be subject to discovery, except discovery—

(1) related to establishing or challenging such prima facie evidence; or

(2) by order of the trial court upon—

(A) motion of 1 of the parties; and

(B) for good cause shown.

(d) CONSOLIDATION.—

(1) AT TRIAL.—

(A) IN GENERAL.—A court may consolidate for trial any number and type of asbestos or silica claims with the consent of all the parties.

(B) ABSENCE OF CONSENT.—In the absence of any consent under subparagraph (A), a court may consolidate for trial only asbestos claims or silica claims relating to the same exposed person and members of the household of such exposed person.

(2) CLASS ACTIONS.—No class action or any other form of mass aggregation claim filing relating to more than 1 exposed person, except claims relating to the exposed person and members of the household of such exposed person, shall be permitted for asbestos or silica claims.

(3) AT DISCOVERY.—Any decision by a court to consolidate claims under paragraph (1) shall not preclude consolidation of asbestos or silica claim cases by a court order for pretrial or discovery purposes.

(e) FORUM NON CONVENIENS.—

(1) IN GENERAL.—Any asbestos or silica claim filed on or after the date of enactment of this Act, if the court in which such claim is pending, on written motion of a party, finds that in the interest of justice and for the convenience of the parties a claim or action to which this Act applies would be more properly heard in a forum outside the State, district, or division in which such claim was filed, the court shall—

(A) decline to exercise jurisdiction under the doctrine of forum non conveniens; and

(B) shall stay or dismiss such claim.

(2) Considerations.—In determining whether to grant a motion to stay or dismiss a claim under paragraph (1), a court shall consider whether—

(A) an alternate forum exists in which such claim or action may be tried;

(B) the alternate forum provides an adequate remedy;

(C) maintenance of such claim in the court of the State in which the claim was filed would work a substantial injustice to the moving party;

(D) the alternate forum, as a result of the submission of the parties or otherwise, can exercise jurisdiction over all the defendants properly joined to such claim;

(E) the balance of the private interests of the parties and the public interest of the State in which such claim was filed predominate in favor of such claim being brought in an alternate forum; and

(F) the stay or dismissal would not result in unreasonable duplication or proliferation of litigation.

(3) Waiver of statute of limitations defense.—A trial court may not abate or dismiss a claim under this subsection until a defendant files with the court, or with the clerk of the court, a written stipulation that, with respect to a new action on such claim commenced by the plaintiff, the defendant waives the right to assert a statute of limitations defense in all other States, districts, or divisions in which such claim was not barred by limitations at the time such claim was filed in the State where such claim was originally filed as necessary to effect a tolling of the limitations periods in those States —

(A) beginning on the date such claim was originally filed; and

(B) ending on the date—

(i) such claim is dismissed; or

(ii) an abatement period of 1 year ends.

(4) Court duties.—A court may not abate or dismiss a claim under paragraph (3) until a defendant files with the court, or with the clerk of the court, a written stipulation that, with respect to a new action on such claim commenced by the plaintiff in another State, district, or division, that the claimant and the defendant may—

(A) rely on responses to discovery already provided under the rules of civil procedure of the State, district, or division in which such claim was originally filed; and

(B) rely on any additional discovery that may be conducted under the rules of civil procedure in another State, district, or division.

(f) Venue.—

(1) In general.—An asbestos or silica claim filed after the date of enactment of this Act may be filed only in the county of the State or the district or division of the United States where—

(A) the claimant resided for a period of at least 180 consecutive days immediately prior to filing suit; or

(B) the exposed person had the most substantial cumulative exposure to asbestos for an asbestos claim or to silica for a silica claim, and that such exposure was a substantial contributing factor to the asbestos or silica related impairment on which such claim is based.

(2) Improper venue.—With respect to asbestos or silica claims pending as of the date of enactment of this Act, and in which the trial, or any new trial or retrial following motion, appeal, or otherwise, has not commenced with presentation of evidence to the trier of fact as of the date of enactment of this Act, any claim as to which venue would not have been proper if the claim originally had been brought in accordance with paragraph (1) shall, not later than 90 days after the date of enactment of this Act, be transferred to the court of general civil jurisdiction in the county, district, or division of the State in which the action is pending in which either—

(A) the claimant was domiciled at the time the asbestos or silica claim originally was filed; or

(B) the exposed person had the most substantial cumulative exposure to asbestos for an asbestos claim or to silica for a silica claim, and that such exposure was a substantial contributing factor to the asbestos or silica related impairment on which the claim is based.

(3) Removal.—

(A) In general.—If a State court refuses or fails to apply the provisions of this Act, any party in a civil action for an asbestos claim may remove such action to a district court of the United States in accordance with chapter 89 of title 28, United States Code.

(B) Jurisdiction over removed actions.—The district courts of the United States shall have jurisdiction of all civil actions removed under this paragraph, without regard to the amount in controversy and without regard to the citizenship or residence of the parties.

(C) Removal by any defendant.—A civil action may be removed to the district court of the United States under this paragraph by any defendant without the consent of all defendants.

(D) Remand.—A district court of the United States shall remand any civil action removed solely under this paragraph, unless the court finds that—

(i) the State court failed to comply with procedures prescribed by law; or

(ii) the failure to dismiss by the State court lacked substantial support in the record before the State court.

(E) Limitation.—Civil actions in State court subject to this Act may not be removed to any district court of the United States unless such removal is otherwise proper without regard to the provisions of this Act or is removed under this paragraph.

(g) Preemption.—

(1) In general.—This Act shall govern all asbestos and silica claims filed in Federal or State courts on or after the effective date of this Act, or which are pending in Federal or State courts on the effective date of this Act and in which the trial, or any new trial or retrial following motion, appeal or otherwise, has not commenced with presentation of evidence to the trier of fact as of the effective date of this Act, except for enforcement of claims for which a final judgment has been duly entered by a court and that is no longer subject to any appeal or judicial review on the effective date of this Act.

(2) Greater limitations by states.—Nothing in this Act shall limit or preempt any State law or precedent having the effect of imposing additional or greater limits or restrictions on the assertion or prosecution of an asbestos or silica claim.

SEC. 6. STATUTE OF LIMITATIONS; 2-DISEASE RULE.

(a) Statute of Limitations.—

(1) In general.—An asbestos or silica claim not barred in a State as of the date of enactment of this Act, a claimant's cause of action shall not accrue, nor shall the running of limitations commence, prior to the earlier of the date—

(A) on which an exposed person received a medical diagnosis of an asbestos-related impairment or silica-related impairment;

(B) on which an exposed person discovered facts that would have led a reasonable person to obtain a medical diagnosis with respect to the existence of an asbestos-related impairment or silica-related impairment; or

(C) of death of the exposed person having an asbestos-related or silica-related impairment.

(2) Rule of construction.—Nothing in this section shall be construed to revive or extend limitations with respect to any claim for asbestos-related impairment or silica-related impairment that was otherwise time-barred as a matter of applicable State law as of the date of enactment of this Act.

(3) No effect on settlement agreements.—Nothing in this section shall be construed so as to adversely affect, impair, limit, modify, or nullify any settlement agreement with respect to an asbestos or silica claim entered into before the date of enactment of this Act.

(b) 2-Disease Rule; Distinct Claims.—

(1) In general.—An asbestos or silica claim arising out of a non-malignant condition shall be a distinct cause of action, wholly separate from a claim for an asbestos-related or silica-related cancer.

(2) No damages for fear.—No damages shall be awarded for fear or increased risk of future disease in any civil action asserting an asbestos or silica claim.

SEC. 7. EXPERTS.

(a) In General.—A person who holds a valid medical license in good standing in a State, but who is not licensed to practice medicine in that State, and who testifies, whether by deposition, affidavit, live, or otherwise, as a medical expert witness on behalf of any party in an asbestos or silica claim is deemed to have a temporary license to practice medicine in the State in which the claim is pending solely for the purpose of providing such testimony and is subject to that extent to the authority of the medical licensing board or agency of that State.

(b) Penalty for False Testimony.—If a physician renders expert medical testimony that is false, intentionally misleading or deceptive, or that intentionally misstates the relevant applicable standard of care, the medical licensing board or agency of the State in which the claim is pending may take such action as is permitted under the laws and regulations of that State governing the conduct of physicians.

(c) Rule of Construction.—This section shall not be construed to permit an out of State physician to practice medicine in any other State other than as provided in this section.

SEC. 8. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 9. MISCELLANEOUS PROVISIONS.

(a) Construction With Other Laws.—This Act shall not be construed to—

(1) affect the scope or operation of any workers' compensation law or veterans' benefit program;

(2) affect the exclusive remedy or subrogation provisions of any such law; or

(3) authorize any lawsuit which is barred by any such provision of law.

(b) CONSTITUTIONAL AUTHORITY.—The constitutional authority for this Act is contained in Article I, section 8, clause 3 and Article III, section 1 of the Constitution of the United States.

SEC. 10. EFFECTIVE DATE.

(a) IN GENERAL.—This Act applies to all asbestos or silica claims filed on or after the date of enactment of this Act.

(b) PENDING PROCEEDINGS.—This Act also applies to any pending asbestos or silica claims in which a trial has not commenced as of the date of enactment of this Act.

SA 2792. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, lines 25 through page 122, line 1, strike "substantially equivalent to those of Libby, Montana" and insert "greater than the standard non-occupationally exposed population".

SA 2793. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 22 and 23, insert the following:

(B) EXCEPTION.—The Administrator may by rule adopt a lower percentage limitation for particular classes of cases, if the Administrator finds that—

(i) the percentage limitation otherwise applicable under this subsection would result in unreasonably high compensation to representatives of claimants in such cases; and

(ii) such limitation would not unduly limit the availability of representatives to claimants.

(c) REASONABLE FEE FOR WORK ACTUALLY PERFORMED.—In addition to paragraph (A), a representative of an individual may not receive a fee, unless—

(A) the representative submits to the Administrator appropriately detailed billing documentation for the work actually performed in the course of representation of the claimant; and

(B) the Administrator finds, based on the amount of the award made to a claimant under this Act and on billing documentation submitted by such claimant's representative, that the fee to be awarded for the work actually performed on behalf of the claimant does not exceed 200 percent of a reasonable hourly fee for such work.

On page 37, line 23, strike "(3)" and insert "(D)".

SA 2794. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 277, line 6, strike "$600,000,000" and insert "$150,000,000".

SA 2795. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 243, line 22, strike "5 years" and insert "2 years, and in no case shall such total borrowing at any 1 time exceed $10,000,000,000.".

SA 2796. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, line 11, strike "(A) IN GENERAL.—"

On page 69, line 19, strike all through page 70, line 22.

On page 118, line 6, strike all through page 120, line 4.

SA 2797. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 243, line 16, strike all through page 243, line 22, and insert the following:

(2) FEDERAL SOURCES OF BORROWING.—The Administrator may not borrow from the Federal Financing Bank or any other financing source of the Federal Government.

SA 2798. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 315, line 22, strike "monetary".

On page 316, line 4, strike "substantial contributing factor" and insert "contributing factor, in whole or in part.".

SA 2799. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 365, between lines 8 and 9, insert the following:

(i) INJUNCTION AFTER CONFIRMATION OF BANKRUPTCY PLAN OF REORGANIZATION.—

(1) IN GENERAL.—Section 524(g)(2)(B)(ii)(IV)(bb) of title 11, United States Code, is amended by inserting after "plan" the following: ", or, if such a vote is not obtained with respect to any such class of claimants so established, the plan satisfies the requirements for confirmation of a plan under section 1129(b) that would apply to such class if the class did not accept the plan for purposes of section 1129(a)(8) (whether or not the class has accepted the plan)".

(2) EFFECTIVE DATE; APPLICATION.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act, and shall apply with respect to cases under title 11 of the United States Code, which were commenced before, on, or after such date.

SA 2800. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 298, strike lines 16 and 17, and insert the following:

"(A) the trust qualifies as a trust under section 201 of that Act; and

"(B) the trust does not file an election under section 410 of that Act.

On page 375, after line 23, insert the following:

SEC. 410. OPT-OUT RIGHTS OF CERTAIN TRUSTS AND EFFECT OF OPT-OUT.

(a) OPT-OUT RIGHTS.—Any trust defined under section 201(8) that has been established or formed under a plan of reorganization under chapter 11 of title 11, United States Code, confirmed by a duly entered order or judgment of a court, which order or judgment is no longer subject to any appeal or judicial review on the date of enactment of this Act, may elect not to be covered by this Act by filing written notice of such election to the Administrator not later than 90 days after the date of enactment of this Act.

(b) EFFECT OF OPT-OUT.—

(1) IN GENERAL.—This Act nor any amendment made by this Act shall apply to—

(A) any trust that makes an election under subsection (a); or

(B) any claim or future demand that has been channeled to that trust.

(2) ASSETS AND OTHER RIGHTS AND CLAIMS.—A trust that makes an election under subsection (a) shall retain all of its assets. The contractual and other rights of a trust making an election under subsection (a) and claims against other persons (whether held directly or indirectly by others for the benefit of the trust), including the rights and claims of the trust against insurers, shall be preserved and not abrogated by this Act.

SA 2801. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 271, line 4, strike "SCREENING,".

On page 271, line 7, strike all beginning with "medical" through the comma on page 271, line 8.

On page 272, line 10, strike all through page 277, line 6.

On page 277, line 7, strike "(e)" and insert "(c)".

On page 279, line 7, strike "(f)" and insert "(d)".

On page 279, lines 9 and 10, strike "medical screening".

On page 279, line 13, strike "(g)" and insert "(e)".

SA 2802. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fairness in Asbestos Injury Resolution Act of 2006" or the "FAIR Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.
Sec. 3. Definitions.

TITLE I—ASBESTOS CLAIMS RESOLUTION

Subtitle A—Asbestos Injury Claims Resolution Corporation

Sec. 101. Establishment of Asbestos Injury Claims Resolution Corporation.
Sec. 102. Advisory Committee on Asbestos Disease Compensation.
Sec. 103. Medical Advisory Committee.
Sec. 104. Claimant assistance.
Sec. 105. Program startup.
Sec. 106. Authority of the Chief Executive Officer.
Sec. 107. Establishment of Corporation.
Sec. 108. Board of Directors; officers and employees; conflicts.
Sec. 109. Powers; offices; tax laws; audit; annual report.

Subtitle B—Asbestos Disease Compensation Procedures

Sec. 111. Essential elements of eligible claim.
Sec. 112. General rule concerning no-fault compensation.
Sec. 113. Filing of claims.
Sec. 114. Eligibility determinations and claim awards.
Sec. 115. Medical evidence auditing procedures.

Subtitle C—Medical Criteria

Sec. 121. Medical criteria requirements.

Subtitle D—Awards

Sec. 131. Amount.
Sec. 132. Reimbursable medical monitoring.
Sec. 133. Payment.
Sec. 134. Reduction in benefit payments for collateral sources.
Sec. 135. State lien laws.

TITLE II—ASBESTOS INJURY CLAIMS RESOLUTION FUND

Subtitle A—Asbestos Defendants Funding Allocation

Sec. 201. Definitions.
Sec. 202. Authority and tiers.
Sec. 203. Subtiers.
Sec. 204. Assessment administration.
Sec. 205. Stepdowns and funding holidays.
Sec. 206. Accounting treatment.

Subtitle B—Asbestos Insurers Committee

Sec. 210. Definition.
Sec. 211. Establishment of Asbestos Insurers Committee.
Sec. 212. Duties of Asbestos Insurers Committee.
Sec. 213. Powers of Asbestos Insurers Committee.
Sec. 214. Personnel matters.
Sec. 215. Termination of Asbestos Insurers Committee.
Sec. 216. Expenses and costs of Commission.

Subtitle C—Asbestos Injury Claims Resolution Fund

Sec. 221. Establishment of Asbestos Injury Claims Resolution Fund.
Sec. 222. Management of the Fund.
Sec. 223. Enforcement of payment obligations.
Sec. 224. Interest on underpayment or nonpayment.
Sec. 225. Education, consultation, and monitoring.
Sec. 226. Oversight by the Secretary of the Treasury.
Sec. 227. Administrative funding.

TITLE III—JUDICIAL REVIEW

Sec. 301. Judicial review of procedures.
Sec. 302. Judicial review of award decisions.
Sec. 303. Judicial review of participants' assessments.
Sec. 304. Other judicial challenges.
Sec. 305. Stays, exclusivity, and constitutional review.
Sec. 306. Representations to court.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. False information.
Sec. 402. Effect on bankruptcy laws.
Sec. 403. Effect on other laws and existing claims.
Sec. 404. Effect on insurance and reinsurance contracts.
Sec. 405. Additional funding or return to court.
Sec. 406. Rules of construction relating to liability of the United States Government.
Sec. 407. Violations of environmental health and safety requirements.
Sec. 408. Nondiscrimination of health insurance.
Sec. 409. Corporate responsibility for annual and financial reports.
Sec. 410. Opt-out rights of certain trusts and effect of opt-out.

TITLE V—EXPEDITED CONGRESSIONAL ACTION

Sec. 501. Congressional action regarding modifications of the Fund.
Sec. 502. Congressional approval procedure.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Millions of Americans have been exposed to forms of asbestos that can have devastating health effects.

(2) Various injuries can be caused by exposure to some forms of asbestos, including some forms of cancer.

(3) The injuries caused by asbestos can have latency periods of up to 40 years, and even limited exposure to some forms of asbestos may result in injury in some cases.

(4) Asbestos litigation has had a significant detrimental effect on the country's economy, driving companies into bankruptcy, diverting resources from those who are truly sick, and endangering jobs and pensions.

(5) The scope of the asbestos litigation crisis cuts across every State and virtually every industry.

(6) The United States Supreme Court has recognized that Congress must act to create a more rational asbestos claims system. In 1991, a Judicial Conference Ad Hoc Committee on Asbestos Litigation, appointed by Chief Justice William Rehnquist, found that the "ultimate solution should be legislation recognizing the national proportions of the problem . . . and creating a national asbestos dispute resolution scheme . . .". The Court found in 1997 in Amchem Products Inc. v. Windsor, 521 U.S. 591, 595 (1997), that "[t]he argument is sensibly made that a nationwide administrative claims processing regime would provide the most secure, fair, and efficient means of compensating victims of asbestos exposure." In 1999, the Court in Ortiz v. Fibreboard Corp., 527 U.S. 819, 821 (1999), found that the "elephantine mass of asbestos cases . . . defies customary judicial administration and calls for national legislation." That finding was again recognized in 2003 by the Court in Norfolk & Western Railway Co. v. Ayers, 123 S. Ct. 1210 (2003).

(7) This crisis, and its significant effect on the health and welfare of the people of the United States, on interstate and foreign commerce, and on the bankruptcy system, compels Congress to exercise its power to regulate interstate commerce and create this legislative solution in the form of a national asbestos injury claims resolution program to supersede all existing methods to compensate those injured by asbestos, except as specified in this Act.

(8) This crisis has also imposed a deleterious burden upon the United States bankruptcy courts, which have assumed a heavy burden of administering complicated and protracted bankruptcies with limited personnel.

(b) PURPOSE.—The purpose of this Act is to—

(1) create a privately funded administrative scheme to provide the necessary resources for a fair and efficient system to resolve asbestos injury claims that will provide compensation for legitimate present and future claimants of asbestos exposure as provided in this Act;

(2) provide compensation to those present and future victims based on the severity of their injuries, while establishing a system flexible enough to accommodate individuals whose conditions worsen;

(3) relieve the Federal and State courts of the burden of the asbestos litigation; and

(4) increase economic stability by resolving the asbestos litigation crisis that has bankrupted companies with asbestos liability, diverted resources from the truly sick, and endangered jobs and pensions.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) ASBESTOS.—The term "asbestos" includes—

(A) chrysotile;
(B) amosite;
(C) crocidolite;
(D) tremolite asbestos;
(E) winchite asbestos;
(F) richterite asbestos;
(G) anthophyllite asbestos;
(H) actinolite asbestos;

(I) any of the minerals listed under subparagraphs (A) through (H) that has been chemically treated or altered, and any asbestiform variety, type, or component thereof; and

(J) asbestos-containing material, such as asbestos-containing products, automotive or industrial parts or components, equipment, improvements to real property, and any other material that contains asbestos in any physical or chemical form.

(2) Asbestos claim.—

(A) In general.—The term "asbestos claim" means any claim, premised on any theory, allegation, or cause of action for damages or other relief presented in a civil action or bankruptcy proceeding, directly, indirectly, or derivatively arising out of, based on, or related to, in whole or part, the health effects of exposure to asbestos, including loss of consortium, wrongful death, and any derivative claim made by, or on behalf of, any exposed person or any representative, spouse, parent, child, or other relative of any exposed person.

(B) Exclusion.—The term does not include claims alleging damage or injury to tangible property, or claims for benefits under a workers' compensation law or veterans' benefits program.

(3) Asbestos claimant.—The term "asbestos claimant" means an individual who files a claim under section 113.

(4) Chief executive officer.—The term "Chief Executive Officer" means the Chief Executive Officer for the Asbestos Injury Claims Resolution Corporation appointed under sections 101(b) and 109(b).

(5) Civil action.—The term "civil action" means all suits of a civil nature in State or Federal court, whether cognizable as cases at law or in equity or in admiralty, but does not include an action relating to any workers' compensation law, or a proceeding for benefits under any veterans' benefits program.

(6) Collateral source compensation.—The term "collateral source compensation" means the compensation that the claimant received, or is entitled to receive, from a defendant or an insurer of that defendant, or compensation trust as a result of a final judgment or settlement for an asbestos-related injury that is the subject of a claim filed under section 113.

(7) Eligible disease or condition.—The term "eligible disease or condition" means, to the extent that the illness meets the medical criteria requirements established under subtitle C of title I, asbestosis, severe asbestosis disease, disabling asbestosis disease, mesothelioma, and lung cancer.

(8) Fund.—The term "Fund" means the Asbestos Injury Claims Resolution Fund established under section 221.

(9) Insurance receivership proceeding.—The term "insurance receivership proceeding" means any State proceeding with respect to a financially impaired or insolvent insurer or reinsurer including the liquidation, rehabilitation, conservation, supervision, or ancillary receivership of an insurer under State law.

(10) Law.—The term "law" includes all law, judicial or administrative decisions, rules, regulations, or any other principle or action having the effect of law.

(11) Participant.—

(A) In general.—The term "participant" means any person subject to the funding requirements of title II, including—

(i) any defendant participant subject to liability for payments under subtitle A of that title;

(ii) any insurer participant subject to a payment under subtitle B of that title; and

(iii) any successor in interest of a participant.

(B) Exception.—

(i) In general.—A defendant participant shall not include any person protected from any asbestos claim by reason of an injunction entered in connection with a plan of reorganization under chapter 11 of title 11, United States Code, that has been confirmed by a duly entered order or judgment of a court that is no longer subject to any appeal or judicial review, and the substantial consummation, as such term is defined in section 1101(2) of title 11, United States Code, of such plan of reorganization has occurred.

(ii) Applicability.—Clause (i) shall not apply to a person who may be liable under subtitle A of title II based on prior asbestos expenditures related to asbestos claims that are not covered by an injunction described under clause (i).

(12) Person.—The term "person"—

(A) means an individual, trust, firm, joint stock company, partnership, association, insurance company, reinsurance company, or corporation; and

(B) does not include the United States, any State or local government, or subdivision thereof, including school districts and any general or special function governmental unit established under State law.

(13) State.—The term "State" means any State of the United States and also includes the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States or any political subdivision of any of the entities under this paragraph.

(14) Substantially continues.—The term "substantially continues" means that the business operations have not been significantly modified by the change in ownership.

(15) Successor in interest.—The term "successor in interest" means any person that in 1 or a series of transactions, acquires all or substantially all of the assets and properties (including, without limitation, under section 363(b) or 1123(b)(4) of title II, United States Code), and substantially continues the business operations, of a participant. The factors to be considered in determining whether a person is a successor in interest include—

(A) retention of the same facilities or location;

(B) retention of the same employees;

(C) maintaining the same job under the same working conditions;

(D) retention of the same supervisory personnel;

(E) continuity of assets;

(F) production of the same product or offer of the same service;

(G) retention of the same name;

(H) maintenance of the same customer base;

(I) identity of stocks, stockholders, and directors between the asset seller and the purchaser; or

(J) whether the successor holds itself out as continuation of previous enterprise, but expressly does not include whether the person actually knew of the liability of the participant under this Act.

(16) Veterans' benefits program.—The term "veterans' benefits program" means any program for benefits in connection with military service administered by the Veterans' Administration under title 38, United States Code.

(17) Workers' compensation law.—The term "workers' compensation law"—

(A) means a law respecting a program administered by a State or the United States to provide benefits, funded by a responsible employer or its insurance carrier, for occupational diseases or injuries or for disability or death caused by occupational diseases or injuries;

(B) includes the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) and chapter 81 of title 5, United States Code; and

(C) does not include the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, or damages recovered by any employee in a liability action against an employer.

TITLE I—ASBESTOS CLAIMS RESOLUTION

Subtitle A—Asbestos Injury Claims Resolution Corporation

SEC. 101. ESTABLISHMENT OF ASBESTOS INJURY CLAIMS RESOLUTION CORPORATION.

(a) In General.—

(1) Establishment.—There is established an Asbestos Injury Claims Resolution Corporation (referred to in this Act as the "Corporation") to undertake a program on compensation for injuries suffered by exposure to asbestos. The Corporation shall undertake the performance of the duties in this Act.

(2) Purpose.—The purpose of the Corporation is to provide timely, fair compensation, in the amounts and under the terms specified in this Act, on a no-fault basis and in a non-adversarial manner, to individuals whose health has been adversely affected by exposure to asbestos. Compensation amounts provided by the Corporation shall be subject to the availability of funds in the Asbestos Injury Claims Resolution Fund.

(3) Expenses.—There shall be available from the Asbestos Injury Claims Resolution Fund to the Chief Executive Officer sums reasonably necessary for the administrative and legal expenses of the Corporation, not to exceed $100,000,000 for the first 6 years, $50,000,000 for the following 10 years, and $25,000,000 thereafter.

(b) Appointment of the Chief Executive Officer.—

(1) In general.—The Chief Executive Officer shall be appointed by the Board of Directors of the Asbestos Injury Claims Resolution Corporation, to serve for a term of 5 years.

(2) Removal.—The Chief Executive Officer may be removed at any time by the Board of Directors for any reason the Board determines sufficient.

(c) Duties of Chief Executive Officer.—

(1) In general.—The Chief Executive Officer shall be responsible for—

(A) processing claims for compensation for asbestos-related injuries and paying compensation to eligible claimants under the criteria and procedures established under title I;

(B) determining, levying, and collecting assessments on participants under title II;

(C) appointing or contracting for the services of such personnel, making such expenditures, and taking any other actions as may be necessary and appropriate to carry out the responsibilities of the Corporation, including entering into cooperative agreements with other Federal agencies or State agencies and entering into contracts with non-governmental entities;

(D) conducting such audits and additional oversight as necessary to assure the integrity of the program;

(E) managing the Asbestos Injury Claims Resolution Fund established under section 221, including—

(i) administering, in a fiduciary capacity, the assets of the Fund for the exclusive purpose of providing benefits to asbestos claimants and their beneficiaries;

(ii) defraying the reasonable expenses of administering the Fund;

(iii) investing the assets of the Fund in accordance with section 222(b);

(iv) retaining advisers, managers, and custodians who possess the necessary facilities and expertise to provide for the skilled and prudent management of the Fund, to assist in the development, implementation and maintenance of the Fund's investment policies and investment activities, and to provide for the safekeeping and delivery of the Fund's assets; and

(v) borrowing amounts authorized by section 221(b) on appropriate terms and conditions, including pledging the assets of or payments to the Fund as collateral;

(F) adopting such written procedures as may be necessary and appropriate to implement the provisions of this Act.

(G) making such expenditures as may be necessary and appropriate in the administration of this Act;

(H) excluding evidence and disqualifying or debarring any attorney, physician, provider of medical or diagnostic services, including laboratories and others who provide evidence in support of a claimant's application for compensation where the Chief Executive Officer determines that materially false, fraudulent, or fictitious statements or practices have been submitted or engaged in by such individuals or entities; and

(I) having all other powers incidental, necessary, or appropriate to carrying out the functions of the Corporation.

(2) CERTAIN ENFORCEMENTS.—For each infraction relating to paragraph (1)(H), the Chief Executive Officer also refers such matters to the Attorney General who may impose a civil penalty not to exceed $10,000 on any person or entity found to have submitted or engaged in a materially false, fraudulent, or fictitious statement or practice under this Act. The Attorney General shall prescribe appropriate regulations to implement paragraph (1)(H).

(3) SELECTION OF DEPUTY CHIEF EXECUTIVE OFFICERS.—The Chief Executive Officer shall select a Deputy Chief Executive Officer for Claims Administration to carry out the Chief Executive Officer's responsibilities under this title and a Deputy Chief Executive Officer for Fund Management to carry out the Chief Executive Officer's responsibilities under title II of this Act. The Deputy Chief Executive Officers shall report directly to the Chief Executive Officer.

(d) EXPEDITIOUS DETERMINATIONS.—The Chief Executive Officer shall prescribe rules to expedite claims for asbestos claimants with exigent circumstances.

(e) AUDIT AND PERSONNEL REVIEW PROCEDURES.—The Chief Executive Officer shall establish audit and personnel review procedures for evaluating the accuracy of eligibility recommendations of agency and contract personnel.

(f) PRIVACY OF RECORDS.—

(1) IN GENERAL.—The Corporation shall adopt written procedures that are at least as protective of the privacy of records under section 522a of title 5, United States Code (commonly referred to as the Privacy Act of 1974), that shall govern the availability of records to claimants, participants, and the public of the Corporation, including the Asbestos Insurers Committee within 180 days after the date of enactment of this Act.

(g) PUBLICATION OF WRITTEN PROCEDURES.—The Chief Executive Officer shall publish in a newspaper with a circulation of at least 500,000 and on the Internet any written procedures or rules promulgated or adopted under this Act.

SEC. 102. ADVISORY COMMITTEE ON ASBESTOS DISEASE COMPENSATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Chief Executive Officer shall establish an Advisory Committee on Asbestos Disease Compensation (hereinafter the "Advisory Committee").

(2) COMPOSITION AND APPOINTMENT.—The Advisory Committee shall be composed of 24 members, appointed as follows:

(A) The Majority and Minority Leaders of the Senate, the Speaker of the House, and the Minority Leader of the House shall each appoint 2 members. Of the 2—

(i) 1 shall be selected to represent the interests of claimants; and

(ii) 1 shall be selected to represent the interests of participants.

(B) The Chief Executive Officer shall appoint 16 members, who shall be individuals with qualifications and expertise in occupational or pulmonary medicine, occupational health, workers' compensation programs, financial administration, investment of funds, program auditing, or other relevant fields.

(3) QUALIFICATIONS.—All of the members described in paragraph (2) shall have expertise or experience relevant to the asbestos compensation program, including experience or expertise in diagnosing asbestos-related diseases and conditions, assessing asbestos exposure and health risks, filing asbestos claims, administering a compensation or insurance program, or as actuaries, auditors, or investment managers. None of the members described in paragraph (2)(B) shall be individuals who, for each of the 5 years before their appointments, earned more than 15 percent of their income by serving in matters related to asbestos litigation as consultants or expert witnesses.

(b) DUTIES.—The Advisory Committee shall advise the Chief Executive Officer on—

(1) claims filing and claims processing procedures;

(2) claimant assistance programs;

(3) audit procedures and programs to ensure the quality and integrity of the compensation program;

(4) the development of a list of industries, occupations and time periods for which there is a presumption of substantial occupational exposure to asbestos;

(5) recommended analyses or research that should be conducted to evaluate past claims and to project future claims under the program;

(6) the annual report required to be submitted to Congress under section 405; and

(7) such other matters related to the implementation of this Act as the Chief Executive Officer considers appropriate.

(c) OPERATION OF THE COMMITTEE.—

(1) Each member of the Advisory Committee shall be appointed for a term of 3 years, except that, of the members first appointed—

(A) 8 shall be appointed for a term of 1 year;

(B) 8 shall be appointed for a term of 2 years; and

(C) 8 shall be appointed for a term of 3 years, as determined by the Chief Executive Officer at the time of appointment.

(2) Any member appointed to fill a vacancy occurring before the expiration of the term shall be appointed only for the remainder of such term.

(3) The Chief Executive Officer shall designate a Chairperson and Vice Chairperson from among members of the Advisory Committee appointed under subsection (a)(2)(B).

(4) The Advisory Committee shall meet at the call of the Chairperson or the majority of its members, and at a minimum shall meet at least 4 times per year during the first 5 years of the asbestos compensation program, and at least 2 times each year thereafter.

(5) The Chief Executive Officer shall provide to the Committee such information as is necessary and appropriate for the Committee to carry out its responsibilities under this section. The Chief Executive Officer may, upon request of the Advisory Committee, secure directly from any Federal, State, or local department or agency such information as may be necessary and appropriate to enable the Advisory Committee to carry out its duties under this section.

(6) The Chief Executive Officer shall provide the Advisory Committee with such administrative support as is reasonably necessary to enable it to perform its functions.

(d) EXPENSES.—Members of the Advisory Committee, other than full-time employees of the United States, while attending meetings of the Advisory Committee or while otherwise serving at the request of the Chief Executive Officer, and while serving away from their homes or regular places of business, shall be allowed travel and meal expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay.

SEC. 103. MEDICAL ADVISORY COMMITTEE.

(a) IN GENERAL.—The Chief Executive Officer shall establish a Medical Advisory Committee to provide expert advice regarding medical issues arising under the statute.

(b) QUALIFICATIONS.—None of the members of the Medical Advisory Committee shall be individuals who, for each of the 5 years before their appointments, earned more than 15 percent of their income by serving in matters related to asbestos litigation as consultants or expert witnesses.

SEC. 104. CLAIMANT ASSISTANCE.

(a) ESTABLISHMENT.—Not later than 180 days after the enactment of this Act, the Chief Executive Officer shall establish a comprehensive asbestos claimant assistance program to—

(1) publicize and provide information to potential claimants about the availability of benefits for eligible claimants under this Act, and the procedures for filing claims and for obtaining assistance in filing claims;

(2) provide assistance to potential claimants in preparing and submitting claims, including assistance in obtaining the documentation necessary to support a claim;

(3) respond to inquiries from claimants and potential claimants;

(4) provide training with respect to the applicable procedures for the preparation and filing of claims to persons who provide assistance or representation to claimants; and

(5) provide for the establishment of a website where claimants may access all relevant forms and information.

(b) CONTRACTS.—The claimant assistance program may be carried out in part through contracts with labor organizations, community-based organizations, and other entities which represent or provide services to potential claimants, except that such organizations may not have a financial interest in the outcome of claims filed with the Office.

(c) LEGAL ASSISTANCE.—

(1) IN GENERAL.—As part of the program established under subsection (a), the Chief Executive Officer shall establish a legal assistance program to provide assistance to asbestos claimants concerning legal representation issues.

(2) LIST OF QUALIFIED ATTORNEYS.—As part of the program, the Chief Executive Officer shall maintain a roster of qualified attorneys who have agreed to provide pro bono services to asbestos claimants under rules established by the Chief Executive Officer. The claimants shall not be required to use the attorneys listed on such roster.

(3) NOTICE.—

(A) IN GENERAL.—The Chief Executive Officer shall provide asbestos claimants with notice of, and information relating to—

(i) pro bono services for legal assistance available to those claimants; and

(ii) any limitations on attorneys fees for claims filed under this title.

(B) NOTICE BY ATTORNEYS.—Before a person becomes a client of an attorney with respect to an asbestos claim, that attorney shall provide notice to that person of pro bono services for legal assistance available for that claim.

(d) ATTORNEY'S FEES.—

(1) IN GENERAL.—Notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with an asbestos claim or the claim of an individual under this Act, more than 5 percent of a final award made (whether by the Chief Executive Officer initially or as a result of administrative or appellate review) under this Act on such claim.

(2) EXCEPTION.—The Chief Executive Officer may by rule adopt a lower percentage limitation for particular classes of cases if the Chief Executive Officer finds that—

(A) the percentage limitation otherwise applicable under this paragraph would result in unreasonably high compensation to claimants' representatives in such cases; and

(B) such limitation would not unduly limit the availability of representatives to claimants.

(3) REASONABLE FEE FOR WORK ACTUALLY AND REASONABLY PERFORMED.—In addition to the provisions specified in paragraphs (1) and (2), a representative of an individual may not receive a fee unless—

(A) the representative submits to the Chief Executive Officer appropriately detailed billing documentation for the work actually and reasonably performed in the course of representation of the claimant; and

(B) the Chief Executive Officer finds that the fee to be awarded is for work actually and reasonably performed on behalf of the claimant and does not exceed 200 percent of a reasonable hourly fee for such work.

(4) PENALTY.—Any representative of an asbestos claimant who violates this subsection shall be fined not more than the greater of—

(A) $5,000; or

(B) twice the amount received by the representative for services rendered in connection with each such violation.

SEC. 105. PROGRAM STARTUP.

(a) INTERIM WRITTEN PROCEDURES.—Not later than 90 days after the date of enactment of this Act, the Chief Executive Officer shall adopt interim written procedures for the processing of claims under this title and the operation of the Fund under title II, including procedures for the expediting of exigent claims.

(b) EXIGENT HEALTH CLAIMS.—

(1) IN GENERAL.—The Chief Executive Officer shall develop procedures to provide for an expedited process to categorize, evaluate, and pay exigent health claims. Such procedures shall include, pending adoption of final written procedures, adoption of interim written procedures as needed for the processing of exigent claims.

(2) ELIGIBLE EXIGENT HEALTH CLAIMS.—A claim shall qualify for treatment as an exigent health claim if the claimant is living and the claimant provides—

(A) documentation that a physician has diagnosed the claimant as having mesothelioma; or

(B) a declaration or affidavit, from a physician who has examined the claimant within 120 days before the date of such declaration or affidavit, that the physician has diagnosed the claimant as being terminally ill from an asbestos-related illness and having a life expectancy of less than 1 year.

(3) SPECIAL EXPEDITED PROCEDURES FOR PENDING MALIGNANT MESOTHELIOMA ASBESTOS CLAIMS.—

(A) IN GENERAL.—An individual who has an asbestos claim pending in any Federal or State court on the enactment date of this Act and who has documentation from a board certified pathologist that the pathologist has diagnosed the claimant with malignant mesothelioma may file a claim for compensation under the special expedited provisions of subparagraph (B).

(B) EXPEDITED CLAIMS.—An exigent claim filed under subparagraph (A) shall be processed for expedited decision if the individual—

(i) provides the documentation required by subparagraph (A);

(ii) attests that he has not received an award from any source for malignant mesothelioma or, if he has, the specifics of that award; and

(iii) attests that he had an asbestos claim for malignant mesothelioma pending in a Federal or State court on the date of enactment of this Act and provides documentation of that pending asbestos claim, including any response to that claim by a defendant and any court orders.

(C) DECISION.—Within 90 days after the receipt of the information required by subparagraphs (A) and (B), the Chief Executive Officer shall determine if that information is sufficient to meet the medical criteria of section 121(d)(10), "Malignant Level 10", and shall issue a decision to the claimant. If the information is insufficient, the Chief Executive Officer shall state the reasons with particularity and offer assistance to the claimant of the type provided under section 104, "Claimant Assistance", to cure the insufficiency in an expeditious manner.

(D) AVAILABILITY OF PROCEDURE.—The expedited procedures of this paragraph shall be available for malignant mesothelioma claims filed within 1 year of the date of enactment of this Act.

(4) ADDITIONAL EXIGENT HEALTH CLAIMS.—The Chief Executive Officer may, in final written procedures issued under section 101(c), designate additional categories of claims that qualify as exigent health claims under this subsection.

(c) EXTREME FINANCIAL HARDSHIP CLAIMS.—The Chief Executive Officer shall, in final written procedures issued under section 101(c), designate categories of claims to be handled on an expedited basis as a result of extreme financial hardship.

(d) INTERIM CHIEF EXECUTIVE OFFICER.—Until a Chief Executive Officer is appointed by the Board of Directors, the President shall appoint an Interim Chief Executive Officer who shall have all the authority conferred by this Act on the Chief Executive Officer and who shall be deemed to be the Chief Executive Officer for the purposes of this Act. Before final written procedures are promulgated relating to claims processing, the Interim Chief Executive Officer may prioritize claims processing, without regard to the time requirements under subtitle B, based on severity of illness and likelihood that the illness in question was exposed by exposure to asbestos.

(e)TRANSFER OF JURISDICTION OF CLAIMS.—

(1) IN GENERAL.—

(A) TRANSFER OF JURISDICTION.—Notwithstanding any other provision of this Act, exclusive jurisdiction for the resolution of any asbestos claim pending as of the date of enactment of this Act or of any subsequently filed asbestos claim, shall be transferred to the Asbestos Claims Resolution Corporation, other than a claim for which a verdict or final order or judgment has been entered by a court before the date of enactment of this Act. The procedures under section 113 shall be followed in order to effectuate the transfer.

(B) PENDING COURT PROCEEDINGS.—In order to effectuate the transfer of jurisdiction, any Federal or State court with a pending or subsequently filed asbestos claim is required to enter a judgment of dismissal on any such action, including an action pending on appeal, or on petition or motion for discretionary review, on or after the date of enactment of this Act. A court may dismiss such action on its own motion.

(2) PURSUAL OF MESOTHELIOMA CLAIMS IN FEDERAL COURT.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act, if, not later than 1 year after the date of enactment of this Act, the Chief Executive Officer cannot certify to Congress that the Fund is operational and procedures are in place to review and pay mesothelioma claims at a reasonable rate, each person that has filed a mesothelioma claim stayed under paragraph (1)(A), or with such a claim arising after the date of enactment of this Act, may pursue that claim under the conditions described in paragraph (3) in a Federal district court located within—

(i) the State of residence of the claimant; or

(ii) the State in which the asbestos exposure occurred.

(B) DEFENDANTS NOT FOUND.—If any defendant cannot be found in the State described in clause (i) or (ii) of subparagraph (A), the claim may be pursued only against that defendant in the Federal district court located within any State in which the defendant may be found.

(C) DETERMINATION OF MOST APPROPRIATE FORUM.—If a person alleges that the asbestos exposure occurred in more than 1 Federal district the trial court shall determine which Federal district is the most appropriate forum for the claim. If the court determines that another forum would be the most appropriate forum for a claim, the court shall dismiss the claim. Any otherwise applicable statute of limitations shall be tolled beginning on the date the claim was filed and ending on the date the claim is dismissed under this subparagraph.

(D) CREDIT OF CLAIM AND EFFECT OF OPERATIONAL FUND.—If an asbestos claim is pursued in Federal court in accordance with this paragraph, any recovery by the claimant shall be a collateral source compensation for purposes of section 134. If the Chief Executive Officer subsequently certifies to Congress that the Fund has become operational and the procedures are in place to review and pay asbestos claims at a reasonable rate, any claim in a civil action in Federal court that is not actually on trial before a jury which has been impaneled and presentation of evidence has commenced, but before its deliberation, or before a judge and is at the presentation of evidence, shall be deemed a reinstated claim against the Fund and the civil action before the Federal or State court shall be null and void. If the Chief Executive Officer tenders an award to a claimant, any claim in a civil action in Federal court that has not yet resulted in a final judgment and award for the plaintiff shall be deemed a reinstated claim and the civil action before the Federal court shall be null and void.

(3) LIMITS ON CASES.—In any action permitted under paragraph (2), the following restrictions shall apply:

(A) AWARD VALUES.—Relief awarded in an action permitted under paragraph (2) shall not exceed the amount of compensation authorized to be awarded under this Fund to a claimant under Malignant Level VII.

(B) ATTORNEYS' FEES.—

(i) IN GENERAL.—Notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with an action permitted under paragraph (2), more than 20 percent of a final award made as a result of such action.

(ii) REASONABLE FEE FOR WORK ACTUALLY PERFORMED.—In addition to the limitation specified in clause (i), a representative of an individual may not receive a fee unless—

(I) the representative submits to the Chief Executive Officer appropriately detailed billing documentation for the work actually and reasonably performed in the course of representation of the claimant; and

(II) the Chief Executive Officer finds that the fee to be awarded is for work actually and reasonably performed on behalf of the claimant and does not exceed 200 percent of a reasonable hourly fee for such work.

(C) PENALTY.—Any representative of an asbestos claimant who violates this paragraph shall be fined not more than the greater of—

(i) $5,000; or

(ii) twice the amount received by the representative for services rendered in connection with each such violation.

(4) OFFSET.—

(A) DEFINITION.—In this paragraph, the term "asbestos expenditure" has the same meaning given the term "prior asbestos expenditure" in paragraph (7) of section 201, but without regard to the limit on the date of payment expressed in that paragraph.

(B) OFFSET ON OBLIGATION.—Asbestos expenditures incurred by a participant as a result of this subsection shall be offset from the participant's obligations to the Fund and from defendant or insurance participants' total obligations to the Fund.

SEC. 106. AUTHORITY OF THE CHIEF EXECUTIVE OFFICER.

The Chief Executive Officer on any matter within the jurisdiction of the Chief Executive Officer under this Act may subpoena persons to compel testimony, records, and other information relevant to the responsibilities of the Chief Executive Officer under this section. The subpoena may be enforced in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

SEC. 107. ESTABLISHMENT OF CORPORATION.

(a) FEDERAL CHARTER.—There is established a corporation to be known as the Asbestos Injury Claims Resolution Corporation ("Corporation").

(b) NATURE OF CORPORATION.—The Corporation is a nonprofit corporation and shall have no capital stock. The Corporation is not an agency or establishment of the United States Government.

(c) TERMINATION OF CORPORATION.—The Corporation shall dissolve 40 years after the date of enactment of this Act, unless dissolved sooner by the Board. All remaining funds held by the Corporation shall be distributed to the defendant participants and insurer participants in proportion to the percentage of assessments paid into the Corporation.

SEC. 108. BOARD OF DIRECTORS; OFFICERS AND EMPLOYEES; CONFLICTS.

(a) BOARD OF DIRECTORS.—There shall be in the Corporation a Board of Directors. The Board shall appoint the Chief Executive Officer and formulate the policies of the Corporation.

(b) APPOINTMENT.—The Corporation shall have a Board of Directors ("Board"), consisting of 7 members. The Board shall be appointed as follows:

(1) DESIGNATED MEMBERS.—The Secretary of the Treasury, the Attorney General, and the Secretary of Labor shall serve as members of the Board.

(2) APPOINTED MEMBERS.—The remaining 4 members of the Board shall be appointed by the President. The members of the Board shall not, by reason of such membership, be deemed to be officers or employees of the United States.

(3) INELIGIBILITY.—None of the Directors shall be individuals who, for each of the 5 years before their appointments, earned more than 15 percent of their income by serving in matters related to asbestos litigation as consultants or expert witnesses.

(c) OPERATION OF THE BOARD.—

(1) CHAIR.—The Board shall be chaired by a member elected by the Board, but the Chairperson may not be a full-time Federal employee.

(2) MEETINGS.—Meetings of the Board may be convened by the Chairperson upon reasonable notice, but the Board shall meet at least once per year.

(3) QUORUM.—A quorum shall consist of all of the Directors or their representatives.

(4) COMPENSATION.—The compensation of each member of the Board shall be paid by the Corporation as current expenses. Each member other than members serving by virtue of their Federal office shall be compensated at the daily equivalent of the highest rate payable under section 5332 of title 1, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board. Members of the Board shall be reimbursed by the Corporation for actual, reasonable, and necessary expenses (including traveling and subsistence expenses) incurred by them in the performance of the duties vested in the Board by this Act.

(e) OFFICERS AND EMPLOYEES.—

(1) STATUS.—Officers and employees of the Corporation are not employees of the Federal Government as a result of their service with the Corporation.

(2) CHIEF EXECUTIVE OFFICER.—There shall be in the Corporation a Chief Executive Officer who shall be responsible for carrying out the functions of the Corporation as described in section 101(c) and in accordance with policies established by the Board. The Chief Executive Officer shall be appointed by the Board of Directors under section 101(b) and on such additional terms as the Board may determine and may be removed by the Board of Directors in accordance with section 101(b)(2). The Chief Executive Officer shall receive compensation at the rate provided by law for the Vice President of the United States.

(3) APPOINTMENT.—The Chief Executive Officer shall appoint, remove, and fix compensation for all subordinate officers and employees of the Corporation as determined necessary.

(4) COMPENSATION.—No officer or employee of the Corporation, other than the Chief Executive Officer, may be compensated by the Corporation at an annual rate of pay which exceeds the rate of basic pay in effect for level I of the Executive Schedule under section 5312 of title 5, United States Code.

(f) CONFLICTS OF INTEREST.—No part of the Corporation's revenue, income, or property shall inure to the benefit of its directors, officers, and employees, and such revenue, earnings, or other income, or property shall be used for the carrying out of the corporate purposes set forth in this Act. No director, officer, or employee of the corporation shall in any manner directly or indirectly participate in the deliberation upon or the determination of any question affecting his or her personal interests or the interests of any corporation, partnership, or organization in which he or she is directly or indirectly interested.

(g) REGULATIONS.—

(1) AUTHORITY.—The Attorney General, after consultation with the Secretaries of the Treasury and of Labor, shall issue regulations imposing on the Chief Executive Officer, the Deputy Chief Executive Officers, and the Board a fiduciary duty to manage the affairs of the Corporation with prudence in order to provide timely compensation to eligible claimants, giving appropriate priority to those most ill, while also preserving the funds available to the Corporation in order to compensate all eligible claimants.

(2) SUNSET.—Effective 2 years after the enactment of this Act, all authority to issue and revise regulations under this section shall terminate.

(h) PERSONAL LIABILITY.—The Chief Executive Officer, Deputy Chief Executive Officers, and members of the Board shall be exempt from civil liability for any act or omission committed within the scope of their employment with the Corporation, except for acts that constitute gross negligence or intentional wrongdoing.

(i) CORPORATE COMPLIANCE OFFICER.—

(1) IN GENERAL.—The Board of Directors shall establish within the Corporation a Corporate Compliance Office headed by a Chief Compliance Officer selected by the President on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(2) INDEPENDENCE.—Neither the Board nor the Chief Executive Officer shall prevent or prohibit the Chief Compliance Officer from initiating, carrying out, or completing any audit or investigation during the course of any audit or investigation.

(3) STAFF.—The Board shall authorize the Chief Compliance Officer to obtain sufficient staff and other resources to carry out the function of the position.

(4) DUTIES.—It shall be the duty and responsibility of the Chief Compliance Officer to—

(A) provide policy direction for, and to conduct, supervise, and coordinate audits and investigations relating to the programs and operations of the Corporation;

(B) recommend policies for, and to conduct, supervise, or coordinate other activities carried out or financed by the Corporation for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations;

(C) recommend policies for promotion of economy and efficiency in the administration of, or the prevention and detection of fraud and abuse in, programs and operations administered or financed by the Corporation, or the identification and prosecution of participants in such fraud or abuse;

(D) keep the Chief Executive Officer, the Board, and Congress fully and currently informed concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations administered or financed by the Corporation; and

(E) recommend corrective action concerning such problems, abuses, and deficiencies, and report on the progress made in implementing such corrective action.

(5) Criminal violations.—In carrying out the duties and responsibilities established under this section, the Chief Compliance Officer shall file a criminal complaint with the Attorney General whenever the Chief Compliance Officer has reasonable grounds to believe there has been a violation of Federal criminal law.

SEC. 109. POWERS; OFFICES; TAX LAWS; AUDIT; ANNUAL REPORT.

(a) Powers.—In furtherance of the purposes of the Corporation, the Corporation may—

(1) adopt bylaws consistent with law;

(2) adopt, alter, use, and destroy a corporate seal;

(3) sue and be sued, complain and defend, in its corporate name and through its own counsel, in courts of competent jurisdiction;

(4) enter into contracts and modify, or consent to the modification of, any contract or agreement to which the Corporation is a party or in which the Corporation has an interest;

(5) make advance, progress, or other payments;

(6) own and dispose of property;

(7) issue written policies and statements; and

(8) exercise any and all powers established under this Act and such incidental powers as are necessary to carry out its powers, duties, and functions under section 101 and other provisions of this Act.

(b) Principal and Branch Offices.—The Corporation shall maintain its principal office in the metropolitan Washington, DC, area. The Corporation may establish offices in any place or places in which the Corporation may carry on all or any of its operations and business.

(c) Tax Laws.—The Corporation, including its franchise and income, shall be exempt from the tax laws and from taxation now or hereafter imposed by the United States, or any territory or possession thereof, or by any State, county, municipality, or local taxing authority.

(d) Audit.—The programs, activities, receipts, expenditures, and financial transactions of the Corporation shall be subject to audit by an independent certified public accounting firm under generally accepted accounting principles that would apply to a private not-for-profit corporation. The auditing firm shall have access to such books, accounts, financial records, reports, files, and such other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. A report on each such audit shall be made by the auditing firm to the Board of Directors, to the Secretary of the Treasury, and to Congress.

(e) Annual Report.—Within 6 months after the close of each fiscal year, the Corporation shall submit to the President and to the Committees on the Judiciary of the Senate and the House of Representatives the report on the activities of the Corporation during the prior fiscal year required under section 405 of this Act.

(f) Annual Report Certification.—Before submission of the annual report required under section 405 of this Act, the Chief Executive Officer and the Deputy Chief Executive Officers, in regard to their particular areas of responsibility, shall certify that—

(1) the signing officer has reviewed the report;

(2) based on the officer's knowledge, the report does not contain any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which such statements were made, not misleading;

(3) based on such officer's knowledge, the financial statements, and other financial information included in the report, fairly present in all material respects the financial condition and results of operations of the Corporation as of, and for, the periods presented in the report;

(4) the signing officers—

(A) are responsible for establishing and maintaining internal controls;

(B) have designed such internal controls to ensure that material information relating to the Corporation is made known to such officers by others within the Corporation, particularly during the period in which the periodic reports are being prepared;

(C) have evaluated the effectiveness of the Corporation's internal controls as of a date within 90 days before the report; and

(D) have presented in the report their conclusions about the effectiveness of their internal controls based on their evaluation as of that date;

(5) the signing officers have disclosed to the Comptroller General and to the independent auditing firm—

(A) all significant deficiencies in the design or operation of internal controls which could adversely affect the Corporation's ability to record, process, summarize, and report financial data and have identified any material weaknesses in internal controls; and

(B) any fraud, whether or not material, that involves management or other employees who have a significant role in the Corporation's internal controls; and

(6) the signing officers have indicated in the report whether or not there were significant changes in internal controls or in other factors that could significantly affect internal controls subsequent to the date of their evaluation, including any corrective actions with regard to significant deficiencies and material weaknesses.

Subtitle B—Asbestos Disease Compensation Procedures

SEC. 111. ESSENTIAL ELEMENTS OF ELIGIBLE CLAIM.

To be eligible for an award under this Act for an asbestos-related disease or injury, an individual shall—

(1) file a claim in a timely manner in accordance with section 113; and

(2) prove, by a preponderance of the evidence, that the claimant suffers from an eligible disease or condition, as demonstrated by evidence that meets the requirements established under subtitle C.

SEC. 112. GENERAL RULE CONCERNING NO-FAULT COMPENSATION.

An asbestos claimant shall not be required to demonstrate that the asbestos-related injury for which the claim is being made resulted from the negligence or other fault of any other person.

SEC. 113. FILING OF CLAIMS.

(a) Who May Submit.—

(1) In general.—Any individual who has suffered from a disease or condition that is believed to meet the requirements established under subtitle C (or the personal representative of the estate of that individual, if the individual is deceased or incompetent) may file a claim with the Corporation for an award with respect to such injury.

(2) Definition.—In this Act, the term "personal representative" shall have the same meaning as that term is defined in section 104.4 of title 28 of the Code of Federal Regulations, as in effect on December 31, 2004.

(3) Limitation.—A claim may not be filed by any person seeking contribution or indemnity.

(b) Statute of Limitations.—

(1) In general.—Except as otherwise provided in this subsection, if an individual fails to file a claim with the Corporation under this section within 2 years after the date on which—

(A) the individual first received a medical diagnosis of an eligible disease or condition as provided for under this subtitle and subtitle C;

(B) the individual first discovered facts that would have led a reasonable person to obtain a medical diagnosis with respect to an eligible disease or condition; or

(C) the Chief Executive Officer certifies the Fund is operational, any claim relating to that injury, and any other asbestos claim related to that injury, shall be extinguished, and any recovery thereon shall be prohibited.

(2) Exception.—The statute of limitations in paragraph (1) does not apply to the progression of non-malignant diseases once the initial claim has been filed.

(3) Effect on pending claims.—

(A) In general.—If, on the date of enactment of this Act, an asbestos claimant has any timely filed asbestos claim that is pending—

(i) in a Federal or State court; or

(ii) with a trust established under title 11, United States Code,

such claimant shall file a claim under this section within 2 years after such date of enactment, or any claim relating to that injury, and any other asbestos claim related to that injury shall be extinguished, and recovery there shall be prohibited.

(B) Special rule.—For purposes of this paragraph, a claim shall not be treated as pending with a trust established under title 11, United States Code, solely because a claimant whose claim was previously compensated by the trust has or alleges—

(i) a non-contingent right to the payment of future installments of a fixed award; or

(ii) a contingent right to recover some additional amount from the trust on the occurrence of a future event, such as the reevaluation of the trust's funding adequacy or projected claims experience.

(4) Effect of multiple injuries.—

(A) In general.—An asbestos claimant who receives an award under this title for an eligible disease or condition, and who subsequently develops another such injury, shall be eligible for additional awards under this title (subject to appropriate setoffs for such prior recovery of any award under this title and from any other collateral source) and the statute of limitations under paragraph (1) shall not begin to run with respect to such subsequent injury until such claimant obtains a medical diagnosis of such other injury or discovers facts that would have led a reasonable person to obtain such a diagnosis.

(B) SETOFFS.—Any amounts paid or to be paid for a prior award under this Act shall be deducted as a setoff against amounts payable for the second injury claim.

(c) REQUIRED INFORMATION.—A claim filed under subsection (a) shall be in such form, and contain such information in such detail, as the Chief Executive Officer shall by written procedures prescribe. At a minimum, a claim shall include—

(1) the name, social security number, sex, date of birth, and, if applicable, date of death of the claimant;

(2) information relating to the identity of dependents and beneficiaries of the claimant;

(3) a complete employment history sufficient to establish required asbestos exposure, accompanied by Social Security records;

(4) a complete description of the asbestos exposure of the claimant, including, to the extent known, information on the site, or location of exposure, and duration and intensity of exposure;

(5) a description of the tobacco product use history of the claimant, including frequency and duration;

(6) an identification and description of the asbestos-related diseases or conditions of the claimant, accompanied by a written report by the claimant's physician with medical diagnoses and x-ray films, and other test results necessary to establish eligibility for an award under this Act;

(7) a description of any prior or pending civil action or other claim, including any claim under a workers' compensation law, brought by the claimant for asbestos-related injury or any other pulmonary, parenchymal, or pleural reaction, including an identification of any recovery of compensation or damages through settlement, judgment, or otherwise;

(8) for any claimant who has made a claim for asbestos-related injury or any other pulmonary, parenchymal, or pleural reaction under a workers' compensation law, a certification that the claimant has notified the workers' compensation insurer or self-insured employer of the claim made under this Act; and

(9) for any claimant who asserts that he or she is a nonsmoker or an ex-smoker, as defined in section 131, for purposes of an award under Malignant Level VI, evidence to support the assertion of nonsmoking or exsmoking, including relevant medical records.

(d) DATE OF FILING.—A claim shall be considered to be filed on the date that the claimant mails the claim to the Office, as determined by postmark, or on the date that the claim is received by the Office, whichever is the earliest determinable date.

(e) INCOMPLETE CLAIMS.—If a claim filed under subsection (a) is incomplete, the Chief Executive Officer shall notify the claimant of the information necessary to complete the claim and inform the claimant of such services as may be available through the Claimant Assistance Program established under section 104 to assist the claimant in completing the claim. Any time periods for the processing of the claim shall be suspended until such time as the claimant submits the information necessary to complete the claim. If such information is not received within 1 year after the date of such notification, the claim shall be dismissed.

SEC. 114. ELIGIBILITY DETERMINATIONS AND CLAIM AWARDS.

(a) IN GENERAL.—

(1) REVIEW OF CLAIMS.—The Chief Executive Officer shall, in accordance with this section, determine whether each claim filed under this Act satisfies the requirements for eligibility for an award under this Act and, if so, the value of the award. In making such determinations, the Chief Executive Officer shall consider the claim presented by the claimant, the factual and medical evidence submitted by the claimant in support of the claim, and the results of such investigation as the Chief Executive Officer may deem necessary to determine whether the claim satisfies the criteria for eligibility established by this Act.

(2) ADDITIONAL EVIDENCE.—The Chief Executive Officer may request the submission of medical evidence in addition to the minimum requirements of section 113(c) if necessary or appropriate to make a determination of eligibility for an award, in which case the cost of obtaining such additional information or testing shall be paid by the Corporation in accordance with CPT codes at medicare rates by region, at the time of provision of services.

(b) PROPOSED DECISIONS.—Not later than 90 days after the filing of a claim, the Chief Executive Officer shall provide to the claimant (and the claimant's representative) a proposed decision accepting or rejecting the claim in whole or in part and specifying the amount of the proposed award, if any. The proposed decision shall be in writing, shall contain findings of fact and conclusions of law, and shall contain an explanation of the procedure for obtaining review of the proposed decision.

(c) REVIEW OF PROPOSED DECISIONS.—

(1) RIGHT TO HEARING.—

(A) IN GENERAL.—Any claimant not satisfied with a proposed decision of the Chief Executive Officer under subsection (b) shall be entitled, on written request made within 90 days after the date of the issuance of the decision, to a hearing on the claim of that claimant before a representative of the Chief Executive Officer. At the hearing, the claimant shall be entitled to present oral evidence and written testimony in further support of that claim.

(B) CONDUCT OF HEARING.—When practicable, the hearing will be set at a time and place convenient for the claimant. In conducting the hearing, the representative of the Chief Executive Officer shall not be bound by common law or statutory rules of evidence, by technical or formal rules of procedure, or by section 554 of title 5, United States Code, except as provided by this Act, but shall conduct the hearing in such manner as to best ascertain the rights of the claimant. For this purpose, the representative shall receive such relevant evidence as the claimant adduces and such other evidence as the representative determines necessary or useful in evaluating the claim.

(2) REVIEW OF WRITTEN RECORD.—In lieu of a hearing under paragraph (1), any claimant not satisfied with a proposed decision of the Chief Executive Officer shall have the option, on written request made within 90 days after the date of the issuance of the decision, of obtaining a review of the written record by a representative of the Chief Executive Officer. If such review is requested, the claimant shall be afforded an opportunity to submit any written evidence or argument which he or she believes relevant.

(d) FINAL DECISIONS.—

(1) IN GENERAL.—If the period of time for requesting review of the proposed decision expires and no request has been filed, or if the claimant waives any objections to the proposed decision, the Chief Executive Officer shall issue a final decision. If such decision materially differs from the proposed decision, the claimant shall be entitled to review of the decision under subsection (c).

(2) TIME AND CONTENT.—If the claimant requests review of all or part of the proposed decision the Chief Executive Officer shall issue a final decision on the claim not later than 180 days after the request for review is received, if the claimant requests a hearing, or not later than 90 days after the request for review is received, if the claimant requests review of the written record. Such decision shall be in writing and contain findings of fact and conclusions of law.

(e) REPRESENTATION.—A claimant may authorize an attorney or other individual to represent him or her in any proceeding under this Act.

SEC. 115. MEDICAL EVIDENCE AUDITING PROCEDURES.

(a) IN GENERAL.—

(1) DEVELOPMENT.—The Chief Executive Officer shall develop methods for auditing and evaluating the medical evidence submitted as part of a claim. The Chief Executive Officer may develop additional methods for auditing and evaluating other types of evidence or information received by the Chief Executive Officer.

(2) REFUSAL TO CONSIDER CERTAIN EVIDENCE.—

(A) IN GENERAL.—If the Chief Executive Officer determines that an audit conducted in accordance with the methods developed under paragraph (1) demonstrates that the medical evidence submitted by a specific physician or medical facility is not consistent with prevailing medical practices or the applicable requirements of this Act, any medical evidence from such physician or facility shall be unacceptable for purposes of establishing eligibility for an award under this Act.

(B) NOTIFICATION.—Upon a determination by the Chief Executive Officer under subparagraph (A), the Chief Executive Officer shall notify the physician or medical facility involved of the results of the audit. Such physician or facility shall have a right to appeal such determination under procedures issued by the Chief Executive Officer.

(b) REVIEW OF CERTIFIED B-READERS.—

(1) EVALUATION.—At a minimum, the Chief Executive Officer shall prescribe procedures to randomly assign a statistically significant sample of claims for evaluation by independent certified B-readers of x-rays submitted in support of a claim, the cost of which shall be paid by the Corporation.

(2) DISAGREEMENT.—If an independent certified B-reader assigned under paragraph (1) disagrees with the quality grading or ILO level assigned to an x-ray submitted in support of a claim, the Chief Executive Officer shall require a review of such x-rays by a second independent certified B-reader.

(3) EFFECT ON CLAIM.—If neither certified B-reader under paragraph (2) agrees with the quality grading and the ILO grade level assigned to an x-ray as part of the claim, the Chief Executive Officer shall take into account the findings of the 2 independent B readers in making the determination on such claim.

(4) CERTIFIED B-READERS.—The Chief Executive Officer shall maintain a list of a minimum of 50 certified B-readers eligible to participate in the independent reviews, chosen from all certified B-readers. When an x-ray is sent for independent review, the Chief Executive Officer shall choose the certified B-reader at random from that list.

(c) SMOKING ASSESSMENT.—

(1) IN GENERAL.—

(A) RECORDS AND DOCUMENTS.—To aid in the assessment of the accuracy of claimant representations as to their smoking status for purposes of determining eligibility and amount of award under Malignant Level VI, the Chief Executive Officer shall have the authority, notwithstanding any other provision of law, to obtain relevant records and documents, including—

(i) records of past medical treatment and evaluation;

(ii) affidavits of appropriate individuals;

(iii) applications for insurance and supporting materials; and

(iv) employer records of medical examinations.

(B) Consent.—The claimant shall provide consent for the Chief Executive Officer to obtain such records and documents where required.

(2) Review.—The frequency of review of records and documents submitted under paragraph (1)(A) shall be at the discretion of the Chief Executive Officer, but shall address at least 5 percent of the claimants asserting status as nonsmokers or ex-smokers.

(3) Consent.—

(A) In general.—The Chief Executive Officer may require the performance of blood tests or any other appropriate medical test, where claimants assert they are nonsmokers or ex-smokers for purposes of an award under Malignant Level VI, the cost of which shall be paid by the Corporation.

(B) Serum cotinine screening.—The Chief Executive Officer shall require the performance of serum cotinine screening of all claimants who assert they are nonsmokers or ex-smokers for purposes of an award under Malignant Level VI, the cost of which shall be paid by the Corporation.

(4) Penalty for false statements.—

(A) In general.—Any false information submitted under this subsection shall be subject to criminal prosecution or civil penalties as provided under section 1348 of title 18, United States Code (as added by this Act) and section 101(c)(2).

(B) No compensation.—Any claimant penalized as described under subparagraph (A) shall not be entitled to compensation under the Fund.

(d) Pulmonary Function Testing.—The Chief Executive Officer shall develop auditing procedures for pulmonary function test results submitted as part of a claim, to ensure that tests are conducted in accordance with American Thoracic Society Criteria, as defined under section 121(a)(13).

Subtitle C—Medical Criteria

SEC. 121. MEDICAL CRITERIA REQUIREMENTS.

(a) Definitions.—In this section, the following definitions shall apply:

(1) Asbestosis determined by pathology.—The term "asbestosis determined by pathology" means indications of asbestosis based on the pathological grading system for asbestosis described in the Special Issues of the Archives of Pathology and Laboratory Medicine, "Asbestos-associated Diseases", Vol. 106, No. 11, App. 3 (October 8, 1982).

(2) Bilateral asbestos-related nonmalignant reaction.—The term "bilateral asbestos-related nonmalignant reaction" means a diagnosis of bilateral asbestos-related nonmalignant reaction based on—

(A) an x-ray reading of 1/1 or higher based on the ILO grade scale;

(B) bilateral pleural plaques;

(C) bilateral pleural thickening; or

(D) bilateral pleural calcification.

(3) Bilateral pleural reaction of B2.—The term "bilateral pleural reaction of B2" means a chest wall pleural thickening or plaque with a maximum width of at least 5 millimeters and a total length of at least $\frac{1}{4}$ of the projection of the lateral chest wall.

(4) Certified B-reader.—The term "certified B-reader" means an individual who is certified by the National Institute of Occupational Safety and Health and whose certification by the National Institute of Occupational Safety and Health is up to date.

(5) Diffuse pleural thickening.—The term "diffuse pleural thickening" means blunting of either costophrenic angle and bilateral pleural plaque or bilateral pleural thickening.

(6) FEV1.—The term "FEV1" means forced expiratory volume (1 second), which is the maximal volume of air expelled in 1 second during performance of the spirometric test for forced vital capacity.

(7) FVC.—The term "FVC" means forced vital capacity, which is the maximal volume of air expired with a maximally forced effort from a position of maximal inspiration.

(8) ILO grade.—The term "ILO grade" means the radiological ratings for the presence of lung changes as determined from a chest x-ray, all as established from time to time by the International Labor Organization.

(9) Lower limits of normal.—The term "lower limits of normal" means the fifth percentile of healthy populations as defined in the American Thoracic Society statement on lung function testing (Amer. Rev. Resp. Disease 1991, 144:1202–1218) and any future revision of the same statement.

(10) Nonsmoker.—The term "nonsmoker" means a claimant who—

(A) never smoked; or

(B) has smoked fewer than 100 cigarettes or the equivalent amount of other tobacco products during the claimant's lifetime.

(11) PO_2.—The term "PO_2" means the partial pressure (tension) of oxygen, which measures the amount of dissolved oxygen in the blood.

(12) Pulmonary function testing.—The term "pulmonary function testing" means spirometry testing that is in material compliance with the quality criteria established by the American Thoracic Society and is performed on equipment which is in material compliance with the standards of the American Thoracic Society for technical quality and calibration.

(13) Substantial occupational exposure to asbestos.—

(A) In general.—The term "substantial occupational exposure" means employment in an industry and an occupation where for a substantial portion of a normal work year for that occupation, the claimant—

(i) handled raw asbestos fibers;

(ii) fabricated asbestos-containing products so that the claimant in the fabrication process was exposed to raw asbestos fibers;

(iii) altered, repaired, or otherwise worked with an asbestos-containing product such that the claimant was exposed on a regular basis to significant amounts of asbestos fibers; or

(iv) worked in close proximity to other workers engaged in the activities described under clause (i), (ii), or (iii), such that the claimant was exposed on a regular basis to significant amounts of asbestos fibers.

(B) Regular basis.—In this paragraph, the term "on a regular basis" means on a frequent or recurring basis.

(14) TLC.—The term "TLC" means total lung capacity, which is the total volume of air in the lung after maximal inspiration.

(15) Weighted occupational exposure.—

(A) In general.—The term "weighted occupational exposure" means exposure for a period of years calculated according to the exposure weighting formula under subparagraphs (B) through (E).

(B) Moderate exposure.—Subject to subparagraph (E), each year that a claimant's primary occupation, during a substantial portion of a normal work year for that occupation, involved working in areas immediate to where asbestos-containing products were being installed, repaired, or removed under circumstances that involved regular airborne emissions of significant amounts of asbestos fibers, shall count as 1 year of substantial occupational exposure.

(C) Heavy exposure.—Subject to subparagraph (E), each year that a claimant's primary occupation, during a substantial portion of a normal work year for that occupation, involved the direct installation, repair, or removal of asbestos-containing products such that the person was exposed on a regular basis to significant amounts of asbestos fibers, shall count as 2 years of substantial occupational exposure.

(D) Very heavy exposure.—Subject to subparagraph (E), each year that a claimant's primary occupation, during a substantial portion of a normal work year for that occupation, was in primary asbestos manufacturing, a World War II shipyard, or the asbestos insulation trades, such that the person was exposed on a regular basis to significant amounts of asbestos fibers, shall count as 4 years of substantial occupational exposure.

(E) Dates of exposure.—Each year of exposure calculated under subparagraphs (B), (C), and (D) that occurred before 1976 shall be counted at its full value. Each year from 1976 to 1986 shall be counted as $\frac{1}{2}$ of its value. Each year after 1986 shall be counted as $\frac{1}{10}$ of its value.

(F) Other claims.—Individuals who do not meet the provisions of subparagraphs (A) through (E) and believe their post-1976 or post-1986 exposures exceeded the Occupational Safety and Health Administration standard may submit evidence, documentation, work history, or other information to substantiate noncompliance with the Occupational Safety and Health Administration standard (such as lack of engineering or work practice controls, or protective equipment) such that exposures would be equivalent to exposures before 1976 or 1986, or to documented exposures in similar jobs or occupations where control measures had not been implemented.

(b) Medical Evidence.—

(1) Latency.—Unless otherwise specified, all diagnoses of an asbestos-related disease for a level under this section shall be accompanied by—

(A) a statement by the physician providing the diagnosis that at least 10 years have elapsed between the date of first exposure to asbestos or asbestos-containing products and the diagnosis; or

(B) a history of the claimant's exposure that is sufficient to establish a 10-year latency period between the date of first exposure to asbestos or asbestos-containing products and the diagnosis.

(2) Diagnostic guidelines.—All diagnoses of asbestos-related diseases shall be based upon—

(A) for disease Levels I through V, in the case of a claimant who was living at the time the claim was filed—

(i) a physical examination of the claimant by the physician providing the diagnosis;

(ii) an evaluation of smoking history and exposure history before making a diagnosis;

(iii) an x-ray reading by a certified B-reader; and

(iv) pulmonary function testing in the case of disease Levels III, IV, and V;

(B) for disease Levels I through V, in the case of a claimant who was deceased at the time the claim was filed, a report from a physician based upon a review of the claimant's medical records which shall include—

(i) pathological evidence of the non-malignant asbestos-related disease; or

(ii) an x-ray reading by a certified B-reader;

(C) for disease Levels VI through VIII, in the case of a claimant who was living at the time the claim was filed—

(i) a physical examination by the claimant's physician providing the diagnosis; or

(ii) a diagnosis of such a malignant asbestos-related disease, as described in this section, by a board-certified pathologist; and

(D) for disease Levels VI through VIII, in the case of a claimant who was deceased at the time the claim was filed—

(i) a diagnosis of such a malignant asbestos-related disease, as described in this section, by a board-certified pathologist; and

(ii) a report from a physician based upon a review of the claimant's medical records.

(3) CREDIBILITY OF MEDICAL EVIDENCE.—To ensure the medical evidence provided in support of a claim is credible and consistent with recognized medical standards, a claimant under this title may be required to submit—

(A) x-rays or computerized tomography;

(B) detailed results of pulmonary function tests;

(C) laboratory tests;

(D) tissue samples;

(E) results of medical examinations;

(F) reviews of other medical evidence; and

(G) medical evidence that complies with recognized medical standards regarding equipment, testing methods, and procedure to ensure the reliability of such evidence as may be submitted.

(c) EXPOSURE EVIDENCE.—

(1) IN GENERAL.—To qualify for any disease level, the claimant shall demonstrate—

(A) a minimum exposure to asbestos or asbestos-containing products;

(B) the exposure occurred in the United States, its territories or possessions, or while a United States citizen, while an employee of an entity organized under any Federal or State law regardless of location, or while a United States citizen while serving on any United States flagged or owned ship, provided the exposure results from such employment or service; and

(C) any additional asbestos exposure requirement under this section.

(2) GENERAL EXPOSURE REQUIREMENTS.—In order to establish exposure to asbestos, a claimant shall present meaningful and credible evidence—

(A) by an affidavit of the claimant;

(B) by an affidavit of a coworker or family member, if the claimant is deceased and such evidence is found in proceedings under this title to be reasonably reliable;

(C) by invoices, construction, or similar records; or

(D) any other credible evidence.

(d) ASBESTOS DISEASE LEVELS.—

(1) NONMALIGNANT LEVEL I.—To receive Level I compensation, a claimant shall provide—

(A) a diagnosis of bilateral asbestos-related nonmalignant disease; and

(B) evidence of 5 years cumulative occupational exposure to asbestos.

(2) NONMALIGNANT LEVEL II.—To receive Level II compensation, a claimant shall provide—

(A) a diagnosis of bilateral asbestos-related nonmalignant disease with ILO grade of 1/1 or greater, and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones, or asbestosis determined by pathology, or blunting of either costophrenic angle and bilateral pleural plaque;

(B) evidence of TLC less than 80 percent and FVC less than the lower limits of normal, and FEV1/FVC ratio less than 65 percent;

(C) evidence of 5 or more weighted years of substantial occupational exposure to asbestos; and

(D) supporting medical documentation establishing asbestos exposure as a substantial contributing factor in causing the pulmonary condition in question.

(3) NONMALIGNANT LEVEL III.—To receive Level III compensation a claimant shall provide—

(A) a diagnosis of bilateral asbestos-related nonmalignant disease with ILO grade of 1/1 or greater and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones, or asbestosis determined by pathology with a college of American Pathologists National Institution for Occupational Safety and Health level of 3 or 4;

(B) evidence of TLC less than 80 percent, FVC less than the lower limits of normal and FEV1/FVC ratio greater than or equal to 65 percent;

(C) evidence of 5 or more weighted years of substantial occupational exposure to asbestos; and

(D) supporting medical documentation—

(i) establishing asbestos exposure as a substantial contributing factor in causing the pulmonary condition in question; and

(ii) excluding other more likely causes of that pulmonary condition.

(4) NONMALIGNANT LEVEL IV.—To receive Level IV compensation a claimant shall provide—

(A) diagnosis of bilateral asbestos-related nonmalignant reaction with ILO grade of 1/1 or greater and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones, or asbestosis determined by pathology;

(B) evidence of TLC less than 60 percent or FVC less than 60 percent, and FEV1/FVC ratio greater than or equal to 65 percent;

(C) evidence of 5 or more weighted years of substantial occupational exposure to asbestos before diagnosis; and

(D) supporting medical documentation—

(i) establishing asbestos exposure as a substantial contributing factor in causing the pulmonary condition in question; and

(ii) excluding other more likely causes of that pulmonary condition.

(5) NONMALIGNANT LEVEL V.—To receive Level V compensation a claimant shall provide—

(A) diagnosis of bilateral asbestos-related nonmalignant disease with ILO grade of 1/1 or greater and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones, or asbestosis determined by pathology;

(B)(i) evidence of TLC less than 50 percent or FVC less than 50 percent, and FEV1/FVC ratio greater than or equal to 65 percent; or

(ii) PO_2 less than 55 mm/Hg, plus a FEV1/FVC ratio not less than 65 percent;

(C) evidence of 5 or more weighted years of substantial occupational exposure to asbestos; and

(D) supporting medical documentation—

(i) establishing asbestos exposure as a substantial contributing factor in causing the pulmonary condition in question; and

(ii) excluding other more likely causes of that pulmonary condition.

(6) MALIGNANT LEVEL VI.—To receive Level VI compensation, a claimant shall provide—

(A) a diagnosis of a primary lung cancer disease on the basis of findings by a board certified pathologist;

(B)(i) a diagnosis by a board-certified pathologist of asbestosis, based on a chest x-ray of at least 1/0 on the ILO scale and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones evidence of 10 or more weighted years of substantial occupational exposure to asbestos;

(ii) a diagnosis by a board-certified pathologist of asbestosis, based on a chest x-ray of at least 1/1 on the ILO scale and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones and evidence of 8 or more weighted years of substantial occupational exposure to asbestos; or

(iii) asbestosis determined by pathology and 10 or more weighted years of substantial occupational exposure to asbestos; and

(C) supporting medical documentation establishing asbestos exposure as a substantial contributing factor in causing the lung cancer in question.

(7) MALIGNANT LEVEL VII.—To receive Level VII compensation, a claimant shall provide—

(A) a diagnosis of malignant mesothelioma disease on the basis of findings by a board certified pathologist; and

(B) credible evidence of identifiable exposure to asbestos resulting from—

(i) occupational exposure to asbestos;

(ii) exposure to asbestos fibers brought into the home of the claimant by a worker occupationally exposed to asbestos; or

(iii) exposure to asbestos fibers resulting from living or working in the proximate vicinity of a factory, shipyard, building demolition site, or other operation that regularly released asbestos fibers into the air due to operations involving asbestos at that site.

(e) SMOKING HISTORY.—In considering a claim with respect to Level VI, the Corporation shall consider the intensity and duration of exposure, smoking history, and the quality of evidence relating to exposure and smoking. Claimants shall bear the burden of producing meaningful and credible evidence of their smoking history as part of their claim submission.

Subtitle D—Awards

SEC. 131. AMOUNT.

(a) IN GENERAL.—An asbestos claimant who meets the requirements of section 111 shall be entitled to an award in an amount determined by reference to the benefit table and the matrices developed under subsection (b).

(b) BENEFIT TABLE.—

(1) IN GENERAL.—An asbestos claimant with an eligible disease or condition established in accordance with section 121 shall be eligible for an award as determined under this subsection. The award for all asbestos claimants with an eligible disease or condition established in accordance with section 121 shall be according to the following schedule:

Level	Scheduled Condition or Disease.	Scheduled Value
I	Asbestosis/Pleural Reaction A.	Medical Monitoring
II	Mixed Disease With Impairment.	$20,000
III	Asbestosis/Pleural Reaction B.	$100,000
IV	Severe Asbestosis.	$400,000

V	Disabling Asbestosis.	$850,000
VI	Lung Cancer With Asbestosis.	smokers, $575,000; ex-smokers, $950,000; nonsmokers, $1,100,000
VII	Mesothelioma	$1,100,000

(2) DEFINITIONS.—In this section—

(A) the term "nonsmoker" means a claimant who—

(i) never smoked; or

(ii) has smoked fewer than 100 cigarettes or the equivalent of other tobacco products during the claimant's lifetime; and

(B) the term "ex-smoker" means a claimant who has not smoked during any portion of the 12-year period preceding the diagnosis of lung cancer.

(3) COST-OF-LIVING ADJUSTMENT.—

(A) IN GENERAL.—Beginning January 1, 2007, award amounts under paragraph (1) shall be annually increased by an amount equal to such dollar amount multiplied by the cost-of-living adjustment, rounded to the nearest $1,000 increment.

(B) CALCULATION OF COST-OF-LIVING ADJUSTMENT.—For the purposes of subparagraph (A), the cost-of-living adjustment for any calendar year shall be the percentage, if any, by which the consumer price index for the succeeding calendar year exceeds the consumer price index for calendar year 2005.

(C) CONSUMER PRICE INDEX.—

(i) IN GENERAL.—For the purposes of subparagraph (B), the consumer price index for any calendar year is the average of the consumer price index as of the close of the 12-month period ending on August 31 of such calendar year.

(ii) DEFINITION.—For purposes of clause (i), the term "consumer price index" means the consumer price index published by the Department of Labor. The consumer price index series to be used for award escalations shall include the consumer price index used for all-urban consumers, with an area coverage of the United States city average, for all items, based on the 1982–1984 index based period, as published by the Department of Labor.

SEC. 132. REIMBURSABLE MEDICAL MONITORING.

(a) RECIPIENTS.—Reimbursable Medical Monitoring is only available to persons who have been approved for Level I compensation under section 131.

(b) RELATION TO STATUTE OF LIMITATIONS.—The filing of a claim under this Act that seeks reimbursement for medical monitoring shall not be considered as evidence that the claimant has discovered facts that would otherwise commence the period applicable for purposes of the statute of limitations under section 113(b).

(c) PROVIDER CHARGES.—All medical monitoring costs shall be reimbursed in accordance with CPT codes at medicare rates by region, at the time of the provision of services.

(d) PROCEDURES.—The Chief Executive Officer shall issue written procedures applicable to asbestos claimants under this section.

SEC. 133. PAYMENT.

(a) STRUCTURED PAYMENTS.—

(1) IN GENERAL.—An asbestos claimant who is entitled to an award should receive the amount of the award through structured payments from the Fund, made over a period of 3 years, and in no event more than 4 years after the date of final adjudication of the claim.

(2) PAYMENT PERIOD AND AMOUNT.—There shall be a presumption that any award paid under this subsection shall provide for payment of—

(A) 40 percent of the total amount in year 1;

(B) 30 percent of the total amount in year 2; and

(C) 30 percent of the total amount in year 3.

(3) EXTENSION OF PAYMENT PERIOD.—

(A) IN GENERAL.—The Chief Executive Officer shall develop guidelines to provide for the payment period of an award under subsection (a) to be extended to a 4-year period if such action is warranted in order to preserve the overall solvency of the Fund. Such guidelines shall include reference to the number of claims made to the Fund and the awards made and scheduled to be paid from the Fund as provided under section 405.

(B) LIMITATIONS.—In no event shall less than 50 percent of an award be paid in the first 2 years of the payment period under this subsection.

(4) ACCELERATED PAYMENTS.—The Chief Executive Officer shall develop guidelines to provide for accelerated payments to asbestos claimants who are mesothelioma victims and who are alive on the date on which the Chief Executive Officer receives notice of the eligibility of the claimant. Such payments shall be credited against the first regular payment under the structured payment plan for the claimant.

(5) EXPEDITED PAYMENTS.—The Chief Executive Officer shall develop guidelines to provide for expedited payments to asbestos claimants in cases of exigent circumstances or extreme hardship caused by asbestos-related injury.

(6) ANNUITY.—An asbestos claimant may elect to receive any payments to which that claimant is entitled under this title in the form of an annuity.

(b) LIMITATION ON TRANSFERABILITY.—A claim filed under this Act shall not be assignable or otherwise transferable under this Act.

(c) CREDITORS.—An award under this title shall be exempt from all claims of creditors and from levy, execution, and attachment or other remedy for recovery or collection of a debt, and such exemption may not be waived.

(d) MEDICARE AS SECONDARY PAYER.—No award under this title shall be deemed a payment for purposes of section 1862 of the Social Security Act (42 U.S.C. 1395y).

(e) EXEMPT PROPERTY IN ASBESTOS CLAIMANT'S BANKRUPTCY CASE.—If an asbestos claimant files a petition for relief under section 301 of title 11, United States Code, no award granted under this Act shall be treated as property of the bankruptcy estate of the asbestos claimant in accordance with section 541(b)(6) of title 11, United States Code.

SEC. 134. REDUCTION IN BENEFIT PAYMENTS FOR COLLATERAL SOURCES.

(a) IN GENERAL.—The amount of an award otherwise available to an asbestos claimant under this title shall be reduced by the amount of collateral source compensation.

(b) EXCLUSIONS.—In no case shall statutory benefits under workers' compensation laws, and veterans' benefits programs be deemed as collateral source compensation for purposes of this section.

SEC. 135. STATE LIEN LAWS.

(a) IN GENERAL.—Any award of compensation under this Act shall be deemed a third-party judgment or settlement for purposes of any Federal or State workers' compensation lien law.

(b) WORKERS' COMPENSATION.—

(1) BENEFITS BEFORE ENACTMENT.—To the extent any workers' compensation insurer, self-insured employer, or Federal workers' compensation Chief Executive Officer elects to assert any State statutory lien rights against any award of compensation under this Act, it may not seek recovery from any awards made to a claimant by the Fund for any workers' compensation benefits paid before the date of enactment of this Act.

(2) BENEFITS ON OR AFTER ENACTMENT.—

(A) IN GENERAL.—Upon acceptance or compromise of a workers' compensation claim first made after the date of enactment of this Act, or for any claim accepted or compromised before the date of enactment of this Act where future workers' compensation payments are due to be paid on or after such date, a workers' compensation insurer or self-insured employer's obligation to make any further payments shall not arise until such amount further due and owing exceeds the total amount of the award paid to the claimant.

(B) ANNUAL AMOUNTS.—In the event the annual workers' compensation benefits further due and owing exceed the annual amount of the award paid to the claimant from the Fund, then the workers' compensation insurer or self-insured employer shall be obligated to pay the claimant the difference between such annual workers' compensation benefit and the annual Fund payment.

(C) OTHER RULES.—No workers' compensation insurer or self-insured employer shall seek recovery from any such award paid to the claimant by the Fund. This subsection explicitly preempts any Federal or State workers' compensation lien law that is inconsistent with this subsection.

TITLE II—ASBESTOS INJURY CLAIMS RESOLUTION FUND

Subtitle A—Asbestos Defendants Funding Allocation

SEC. 201. DEFINITIONS.

In this subtitle, the following definitions shall apply:

(1) AFFILIATED GROUP.—The term "affiliated group"—

(A) means a defendant participant that is an ultimate parent and any person whose entire beneficial interest is directly or indirectly owned by that ultimate parent on the date of enactment of this Act; and

(B) shall not include any person that is a debtor or any direct or indirect majority-owned subsidiary of a debtor.

(2) CLASS ACTION TRUST.—The term "class action trust" means a trust or similar entity established to hold assets for the payment of asbestos claims asserted against a debtor or participating defendant, under a settlement that—

(A) is a settlement of class action claims under rule 23 of the Federal Rules of Civil Procedure; and

(B) has been approved by a final judgment of a United States district court before the date of enactment of this Act.

(3) DEBTOR.—The term "debtor"—

(A) means—

(i) a person that is subject to a case pending under a chapter of title 11, United States Code, on the date of enactment of this Act or at any time during the 1-year period immediately preceding that date, irrespective of whether the debtor's case under that title has been dismissed; and

(ii) all of the direct or indirect majority-owned subsidiaries of a person described under clause (i), regardless of whether any such majority-owned subsidiary has a case pending under title 11, United States Code; and

(B) shall not include an entity—

(i) subject to chapter 7 of title 11, United States Code, if a final decree closing the estate shall have been entered before the date of enactment of this Act; or

(ii) subject to chapter 11 of title 11, United States Code, if a plan of reorganization for such entity shall have been confirmed by a duly entered order or judgment of a court that is no longer subject to any appeal or judicial review, and the substantial consummation, as such term is defined in section 1101(2) of title 11, United States Code, of such plan of reorganization has occurred.

(4) INDEMNIFIABLE COST.—The term "indemnifiable cost" means a cost, expense, debt, judgment, or settlement incurred with respect to an asbestos claim that, at any time before December 31, 2002, was or could have been subject to indemnification, contribution, surety, or guaranty.

(5) INDEMNITEE.—The term "indemnitee" means a person against whom any asbestos claim has been asserted before December 31, 2002, who has received from any other person, or on whose behalf a sum has been paid by such other person to any third person, in settlement, judgment, defense, or indemnity in connection with an alleged duty with respect to the defense or indemnification of such person concerning that asbestos claim, other than under a policy of insurance or reinsurance.

(6) INDEMNITOR.—The term "indemnitor" means a person who has paid under a written agreement at any time before December 31, 2002, a sum in settlement, judgment, defense, or indemnity to or on behalf of any person defending against an asbestos claim, in connection with an alleged duty with respect to the defense or indemnification of such person concerning that asbestos claim, except that payments by an insurer or reinsurer under a contract of insurance or reinsurance shall not make the insurer or reinsurer an indemnitor for purposes of this subtitle.

(7) PRIOR ASBESTOS EXPENDITURES.—The term "prior asbestos expenditures"—

(A) means the gross total amount paid by or on behalf of a person at any time before December 31, 2002, in settlement, judgment, defense, or indemnity costs related to all asbestos claims against that person;

(B) includes payments made by insurance carriers to or for the benefit of such person or on such person's behalf with respect to such asbestos claims, except as provided in section 204(g);

(C) shall not include any payment made by a person in connection with or as a result of changes in insurance reserves required by contract or any activity or dispute related to insurance coverage matters for asbestos-related liabilities; and

(D) shall not include any payment made by or on behalf of persons who are or were common carriers by railroad for asbestos claims brought under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, as a result of operations as a common carrier by railroad, including settlement, judgment, defense, or indemnity costs associated with these claims.

(8) TRUST.—The term "trust" means any trust, as described in sections 524(g)(2)(B)(i) or 524(h) of title 11, United States Code, or established in conjunction with an order issued under section 105 of title 11, United States Code, established or formed under the terms of a chapter 11 plan of reorganization, which in whole or in part provides compensation for asbestos claims.

(9) ULTIMATE PARENT.—The term "ultimate parent" means a person—

(A) that owned, as of December 31, 2002, the entire beneficial interest, directly or indirectly, of at least 1 other person; and

(B) whose entire beneficial interest was not owned, on December 31, 2002, directly or indirectly, by any other single person (other than a natural person).

SEC. 202. AUTHORITY AND TIERS.

(a) LIABILITY FOR PAYMENTS TO THE FUND.—

(1) IN GENERAL.—Defendant participants shall be liable for payments to the Fund in accordance with this section based on tiers and subtiers assigned to defendant participants.

(2) AGGREGATE PAYMENT OBLIGATIONS LEVEL.—The total payments required of all defendant participants over the life of the Fund shall not exceed a sum equal to $90,000,000,000 less any bankruptcy trust credits under section 222(d). The Chief Executive Officer shall have the authority to allocate the payments required of the defendant participants among the tiers as provided in this title.

(3) ABILITY TO ENTER REORGANIZATION.—Notwithstanding any other provision of this Act, all debtors that, together with all of their direct or indirect majority-owned subsidiaries, have prior asbestos expenditures less than $1,000,000 may proceed with the filing, solicitation, and confirmation of a plan of reorganization that does not comply with the requirements of this Act, including a trust and channeling injunction under section 524(g) of title 11, United States Code. Any asbestos claim made in conjunction with a plan of reorganization allowable under the preceding sentence shall be subject to section 403(d) of this Act.

(b) TIER I.—Tier I shall include all debtors that, together with all of their direct or indirect majority-owned subsidiaries, have prior asbestos expenditures greater than $1,000,000.

(c) TREATMENT OF TIER I BUSINESS ENTITIES IN BANKRUPTCY.—

(1) DEFINITION.—

(A) IN GENERAL.—In this subsection, the term "bankrupt business entity" means a person that is not a natural person that—

(i) filed a petition for relief under chapter 11, of title 11, United States Code, before January 1, 2003;

(ii) has not substantially consummated, as such term is defined under section 1101(2) of title 11, United States Code, a plan of reorganization as of the date of enactment of this Act; and

(iii) the bankruptcy court presiding over the business entity's case determines, after notice and a hearing upon motion filed by the entity within 30 days after the date of enactment of this Act, that asbestos liability was not the sole or precipitating cause of the entity's chapter 11 filing.

(B) MOTION AND RELATED MATTERS.—A motion under subparagraph (A)(iii) shall be supported by—

(i) an affidavit or declaration of the chief executive officer, chief financial officer, or chief legal officer of the business entity; and

(ii) copies of the entity's public statements and securities filings made in connection with the entity's filing for chapter 11 protection.

Notice of such motion shall be as directed by the bankruptcy court, and the hearing shall be limited to consideration of the question of whether or not asbestos liability was the sole or precipitating cause of the entity's chapter 11 filing. The bankruptcy court shall hold a hearing and make its determination with respect to the motion within 60 days after the date the motion is filed. In making its determination, the bankruptcy court shall take into account the affidavits, public statements, and securities filings, and other information, if any, submitted by the entity and all other facts and circumstances presented by an objecting party. Any review of this determination shall be an expedited appeal and limited to whether the decision was against the weight of the evidence. Any appeal of a determination shall be an expedited review to the United States Circuit Court of Appeals for the circuit in which the bankruptcy is filed.

(2) PROCEEDING WITH REORGANIZATION PLAN.—A bankrupt business entity may proceed with the filing, solicitation, confirmation, and consummation of a plan of reorganization that does not comply with the requirements of this Act, including a trust and channeling injunction described in section 524(g) of title 11, United States Code, notwithstanding any other provisions of this Act, if the bankruptcy court makes a favorable determination under paragraph (1)(B), unless the bankruptcy court's determination is overruled on appeal and all appeals are final. Such a bankrupt business entity may continue to so proceed, if—

(A) on request of a party in interest or on a motion of the court, and after a notice and a hearing, the bankruptcy court presiding over the chapter 11 case of the bankrupt business entity determines that such confirmation is required to avoid the liquidation or the need for further financial reorganization of that entity; and

(B) an order confirming the plan of reorganization is entered by the bankruptcy court within 9 months after the date of enactment of this Act or such longer period of time approved by the bankruptcy court for cause shown.

(3) APPLICABILITY.—If the bankruptcy court does not make the determination required under paragraph (2), or if an order confirming the plan is not entered within 9 months after the date of enactment of this Act or such longer period of time approved by the bankruptcy court for cause shown, the provisions of this Act shall apply to the bankrupt business entity notwithstanding the certification. Any timely appeal under title 11, United States Code, from a confirmation order entered during the applicable time period shall automatically extend the time during which this Act is inapplicable to the bankrupt business entity, until the appeal is fully and finally resolved.

(4) OFFSETS.—

(A) PAYMENTS BY INSURERS.—To the extent that a bankrupt business entity or debtor successfully confirms a plan of reorganization, including a trust, and channeling injunction that involves payments by insurers who are otherwise subject to this Act as described under section 524(g) of title 11, United States Code, an insurer who makes payments to the trust shall obtain a dollar-for-dollar reduction in the amount otherwise payable by that insurer under this Act to the Fund.

(B) CONTRIBUTIONS TO FUND.—Any cash payments by a bankrupt business entity, if any, to a trust described under section 524(g) of title 11, United States Code, may be counted as a contribution to the Fund.

(d) TIERS II THROUGH VI.—Except as provided in section 204 and subsection (b) of this section, persons or affiliated groups are included in Tier II, III, IV, V, or VI, according to the prior asbestos expenditures paid by such persons or affiliated groups as follows:

(1) Tier II: $75,000,000 or greater.

(2) Tier III: $50,000,000 or greater, but less than $75,000,000.

(3) Tier IV: $10,000,000 or greater, but less than $50,000,000.

(4) Tier V: $5,000,000 or greater, but less than $10,000,000.

(5) Tier VI: $1,000,000 or greater, but less than $5,000,000.

(e) TIER PLACEMENT AND COSTS.—

(1) PERMANENT TIER PLACEMENT.—After a defendant participant or affiliated group is assigned to a tier and subtier under section 204(i)(6), the participant or affiliated group shall remain in that tier and subtier throughout the life of the Fund, regardless of subsequent events, including—

(A) the filing of a petition under a chapter of title 11, United States Code;

(B) a discharge of debt in bankruptcy;

(C) the confirmation of a plan of reorganization; or

(D) the sale or transfer of assets to any other person or affiliated group, unless the Administrator finds that the information submitted by the participant or affiliated group to support its inclusion in that tier was inaccurate.

(2) COSTS.—Payments to the Fund by all persons that are the subject of a case under a chapter of title 11, United States Code, after the date of enactment of this Act—

(A) shall constitute costs and expenses of administration of the case under section 503 of title 11, United States Code, and shall be payable in accordance with the payment provisions under this subtitle notwithstanding the pendency of the case under that title 11;

(B) shall not be stayed or affected as to enforcement or collection by any stay or injunction power of any court; and

(C) shall not be impaired or discharged in any current or future case under title 11, United States Code.

(f) SUPERSEDING PROVISIONS.—

(1) IN GENERAL.—All of the following shall be superseded in their entireties by this Act:

(A) The treatment of any asbestos claim in any plan of reorganization with respect to any debtor included in Tier I.

(B) Any asbestos claim against any debtor included in Tier I.

(C) Any agreement, understanding, or undertaking by any such debtor or any third party with respect to the treatment of any asbestos claim filed in a debtor's bankruptcy case or with respect to a debtor before the date of enactment of this Act, whenever such debtor's case is either still pending, if such case is pending under a chapter other than chapter 11 of title 11, United States Code, or subject to confirmation or substantial consummation of a plan of reorganization under chapter 11 of title 11, United States Code.

(2) PRIOR AGREEMENTS OF NO EFFECT.—Notwithstanding section 403(c)(3), any plan of reorganization, agreement, understanding, or undertaking by any debtor (including any pre-petition agreement, understanding, or undertaking that requires future performance) or any third party under paragraph (1), and any agreement, understanding, or undertaking entered into in anticipation, contemplation, or furtherance of a plan of reorganization, to the extent it relates to any asbestos claim, shall be of no force or effect, and no person shall have any right or claim with respect to any such agreement, understanding, or undertaking.

SEC. 203. SUBTIERS.

(a) IN GENERAL.—

(1) SUBTIER LIABILITY.—Except as otherwise provided under subsections (b), (d), and (l) of section 204, persons or affiliated groups shall be included within Tiers I through VII and shall pay amounts to the Fund in accordance with this section.

(2) REVENUES.—

(A) IN GENERAL.—For purposes of this section, revenues shall be determined in accordance with generally accepted accounting principles, consistently applied, using the amount reported as revenues in the annual report filed with the Securities and Exchange Commission in accordance with the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) for the most recent fiscal year ending on or before December 31, 2002. If the defendant participant or affiliated group does not file reports with the Securities and Exchange Commission, revenues shall be the amount that the defendant participant or affiliated group would have reported as revenues under the rules of the Securities and Exchange Commission in the event that it had been required to file.

(B) INSURANCE PREMIUMS.—Any portion of revenues of a defendant participant that is derived from insurance premiums shall not be used to calculate the payment obligation of that defendant participant under this subtitle.

(C) DEBTORS.—Each debtor's revenues shall include the revenues of the debtor and all of the direct or indirect majority-owned subsidiaries of that debtor, except that the pro forma revenues of a person that is included in Subtier 2 of Tier I shall not be included in calculating the revenues of any debtor that is a direct or indirect majority owner of such Subtier 2 person. If a debtor or affiliated group includes a person in respect of whose liabilities for asbestos claims a class action trust has been established, there shall be excluded from the 2002 revenues of such debtor or affiliated group—

(i) all revenues of the person in respect of whose liabilities for asbestos claims the class action trust was established; and

(ii) all revenues of the debtor and affiliated group attributable to the historical business operations or assets of such person, regardless of whether such business operations or assets were owned or conducted during the year 2002 by such person or by any other person included within such debtor and affiliated group.

(b) TIER I SUBTIERS.—

(1) IN GENERAL.—Each debtor in Tier I shall be included in subtiers and shall pay amounts to the Fund as provided under this section.

(2) SUBTIER 1.—

(A) IN GENERAL.—All persons that are debtors with prior asbestos expenditures of $1,000,000 or greater, shall be included in Subtier 1.

(B) PAYMENT.—

(i) IN GENERAL.—Each debtor included in Subtier 1 shall pay on an annual basis 1.67024 percent of the debtor's 2002 revenues.

(ii) EXCEPTION TO PAYMENT PERCENTAGE.—Notwithstanding clause (i), a debtor in Subtier 1 shall pay, on an annual basis, $500,000 if—

(I) such debtor, including its direct or indirect majority-owned subsidiaries, has less than $10,000,000 in prior asbestos expenditures;

(II) at least 95 percent of such debtors revenues derive from the provision of engineering and construction services; and

(III) such debtor, including its direct or indirect majority-owned subsidiaries, never manufactured, sold, or distributed asbestos-containing products in the stream of commerce.

(C) OTHER ASSETS.—The Chief Executive Officer, at the sole discretion of the Chief Executive Officer, may allow a Subtier 1 debtor to satisfy its funding obligation under this paragraph with assets other than cash if the Chief Executive Officer determines that requiring an all-cash payment of the debtor's funding obligation would render the debtor's reorganization infeasible.

(D) LIABILITY.—

(i) IN GENERAL.—If a person who is subject to a case pending under a chapter of title 11, United States Code, as defined in section 201(3)(A)(i), does not pay when due any payment obligation for the debtor, the Chief Executive Officer shall have the right to seek payment of all or any portion of the entire amount due (as well as any other amount for which the debtor may be liable under sections 223 and 224) from any of the direct or indirect majority-owned subsidiaries under section 201(3)(A)(ii).

(ii) CAUSE OF ACTION.—Notwithstanding section 221(e), this Act shall not preclude actions among persons within a debtor under section 201(3)(A) (i) and (ii) with respect to the payment obligations under this Act.

(iii) RIGHT OF CONTRIBUTION.—

(I) IN GENERAL.—Notwithstanding any other provision of this Act, if a direct or indirect majority-owned foreign subsidiary of a debtor participant (with such relationship to the debtor participant as determined on the date of enactment of this Act) is or becomes subject to any foreign insolvency proceedings, and such foreign direct or indirect-majority owned subsidiary is liquidated in connection with such foreign insolvency proceedings (or if the debtor participant's interest in such foreign subsidiary is otherwise canceled or terminated in connection with such foreign insolvency proceedings), the debtor participant shall have a claim against such foreign subsidiary or the estate of such foreign subsidiary in an amount equal to the greater of—

(aa) the estimated amount of all current and future asbestos liabilities against such foreign subsidiary; or

(bb) the foreign subsidiary's allocable share of the debtor participant's funding obligations to the Fund as determined by such foreign subsidiary's allocable share of the debtor participant's 2002 gross revenue.

(II) DETERMINATION OF CLAIM AMOUNT.—The claim amount under subclause (I) (aa) or (bb) shall be determined by a court of competent jurisdiction in the United States.

(III) EFFECT ON PAYMENT OBLIGATION.—The right to, or recovery under, any such claim shall not reduce, limit, delay, or otherwise affect the debtor participant's payment obligations under this Act.

(iv) MAXIMUM ANNUAL PAYMENT OBLIGATION.—Subject to any payments under sections 204(l) and 222(c), and paragraphs (3), (4), and (5) of this subsection, the annual payment obligation by a debtor under subparagraph (B) of this paragraph shall not exceed $80,000,000.

(3) SUBTIER 2.—

(A) IN GENERAL.—Notwithstanding paragraph (2), all persons that are debtors that have no material continuing business operations, other than class action trusts under paragraph (6), but hold cash or other assets that have been allocated or earmarked for the settlement of asbestos claims shall be included in Subtier 2.

(B) ASSIGNMENT OF ASSETS.—Not later than 90 days after the date of enactment of this Act, each person included in Subtier 2 shall assign all of its unencumbered assets to the Fund.

(4) SUBTIER 3.—

(A) IN GENERAL.—Notwithstanding paragraph (2), all persons that are debtors other than those included in Subtier 2, which have no material continuing business operations and no cash or other assets allocated or earmarked for the settlement of any asbestos claim, shall be included in Subtier 3.

(B) Assignment of unencumbered assets.—Not later than 90 days after the date of enactment of this Act, each person included in Subtier 3 shall contribute an amount equal to 50 percent of its total unencumbered assets.

(5) Calculation of unencumbered assets.—Unencumbered assets shall be calculated as the Subtier 3 person's total assets, excluding insurance-related assets, jointly held, in trust or otherwise, with a defendant participant, less—

(A) all allowable administrative expenses;

(B) allowable priority claims under section 507 of title 11, United States Code; and

(C) allowable secured claims.

(6) Class action trust.—The assets of any class action trust that has been established in respect of the liabilities for asbestos claims of any person included within a debtor and affiliated group that has been included in Tier I (exclusive of any assets needed to pay previously incurred expenses and asbestos claims within the meaning of section 403(d)(1), before the date of enactment of this Act) shall be transferred to the Fund not later than 60 days after the date of enactment of this Act.

(c) Tier II Subtiers.—

(1) In general.—Each person or affiliated group in Tier II shall be included in 1 of the 5 subtiers of Tier II, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with—

(A) those persons or affiliated groups with the highest revenues included in Subtier 1;

(B) those persons or affiliated groups with the next highest revenues included in Subtier 2;

(C) those persons or affiliated groups with the lowest revenues included in Subtier 5;

(D) those persons or affiliated groups with the next lowest revenues included in Subtier 4; and

(E) those persons or affiliated groups remaining included in Subtier 3.

(2) Payments.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $27,500,000.

(B) Subtier 2: $24,750,000.

(C) Subtier 3: $22,000,000.

(D) Subtier 4: $19,250,000.

(E) Subtier 5: $16,500,000.

(d) Tier III Subtiers.—

(1) In general.—Each person or affiliated group in Tier III shall be included in 1 of the 5 subtiers of Tier III, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with—

(A) those persons or affiliated groups with the highest revenues included in Subtier 1;

(B) those persons or affiliated groups with the next highest revenues included in Subtier 2;

(C) those persons or affiliated groups with the lowest revenues included in Subtier 5;

(D) those persons or affiliated groups with the next lowest revenues included in Subtier 4; and

(E) those persons or affiliated groups remaining included in Subtier 3.

(2) Payments.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $16,500,000.

(B) Subtier 2: $13,750,000.

(C) Subtier 3: $11,000,000.

(D) Subtier 4: $8,250,000.

(E) Subtier 5: $5,500,000.

(e) Tier IV Subtiers.—

(1) In general.—Each person or affiliated group in Tier IV shall be included in 1 of the 4 subtiers of Tier IV, based on the person's.or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest revenues in Subtier 1, those with the lowest revenues in Subtier 4. Those persons or affiliated groups with the highest revenues among those remaining will be included in Subtier 2 and the rest in Subtier 3.

(2) Payment.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $3,850,000.

(B) Subtier 2: $2,475,000.

(C) Subtier 3: $1,650,000.

(D) Subtier 4: $550,000.

(f) Tier V Subtiers.—

(1) In general.—Each person or affiliated group in Tier V shall be included in 1 of the 3 subtiers of Tier V, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest revenues in Subtier 1, those with the lowest revenues in Subtier 3, and those remaining in Subtier 2.

(2) Payment.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $1,000,000.

(B) Subtier 2: $500,000.

(C) Subtier 3: $200,000.

(g) Tier VI Subtiers.—

(1) In general.—Each person or affiliated group in Tier VI shall be included in 1 of the 3 subtiers of Tier VI, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest revenues in Subtier 1, those with the lowest revenues in Subtier 3, and those remaining in Subtier 2.

(2) Payment.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $500,000.

(B) Subtier 2: $250,000.

(C) Subtier 3: $100,000.

(3) Other payment for certain persons and affiliated groups.—

(A) In general.—Notwithstanding any other provision of this subsection, and if an adjustment authorized by this subsection does not impair the overall solvency of the Fund, any person or affiliated group within Tier VI whose required subtier payment in any given year would exceed such person's or group's average annual expenditure on settlements, and judgments of asbestos disease-related claims over the 8 years before the date of enactment of this Act shall make the payment required of the immediately lower subtier or, if the person's or group's average annual expenditures on settlements and judgments over the 8 years before the date of enactment of this Act is less than $100,000, shall not be required to make a payment under this Act.

(B) No further adjustment.—Any person or affiliated group that receives an adjustment under this paragraph shall not be eligible to receive any further adjustment under section 204(d).

(h) Tier VII.—

(1) In general.—Notwithstanding prior asbestos expenditures that might qualify a person or affiliated group to be included in Tiers II, III, IV, V, or VI, a person or affiliated group shall also be included in Tier VII, if the person or affiliated group—

(A) is or has at any time been subject to asbestos claims brought under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, as a result of operations as a common carrier by railroad; and

(B) has paid (including any payments made by others on behalf of such person or affiliated group) not less than $5,000,000 in settlement, judgment, defense, or indemnity costs relating to such claims.

(2) Additional amount.—The payment requirement for persons or affiliated groups included in Tier VII shall be in addition to any payment requirement applicable to such person or affiliated group under Tiers II through VI.

(3) Subtier 1.—Each person or affiliated group in Tier VII with revenues of $6,000,000,000 or more is included in Subtier 1 and shall make annual payments of $11,000,000 to the Fund.

(4) Subtier 2.—Each person or affiliated group in Tier VII with revenues of less than $6,000,000,000, but not less than $4,000,000,000 is included in Subtier 2 and shall make annual payments of $5,500,000 to the Fund.

(5) Subtier 3.—Each person or affiliated group in Tier VII with revenues of less than $4,000,000,000, but not less than $500,000,000 is included in Subtier 3 and shall make annual payments of $550,000 to the Fund.

(6) Joint venture revenues and liability.—

(A) Revenues.—For purposes of this subsection, the revenues of a joint venture shall be included on a pro rata basis reflecting relative joint ownership to calculate the revenues of the parents of that joint venture. The joint venture shall not be responsible for a contribution amount under this subsection.

(B) Liability.—For purposes of this subsection, the liability under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, shall be attributed to the parent owners of the joint venture on a pro rata basis, reflecting their relative share of ownership. The joint venture shall not be responsible for a payment amount under this provision.

SEC. 204. ASSESSMENT ADMINISTRATION.

(a) In General.—Each defendant participant or affiliated group shall pay to the Fund in the amounts provided under this subtitle as appropriate for its tier and subtier each year until the earlier to occur of the following:

(1) The participant or affiliated group has satisfied its obligations under this subtitle during the 30 annual payment cycles of the operation of the Fund.

(2) The amount received by the Fund from defendant participants, excluding any amounts rebated to defendant participants under subsections (d) and (m), equals the maximum aggregate payment obligation of section 202(a)(2).

(b) Small Business Exemption.—Notwithstanding any other provision of this subtitle, a person or affiliated group that is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), on December 31, 2002, is exempt from any payment requirement under this subtitle and shall not be included in the subtier allocations under section 203.

(c) Procedures.—The Chief Executive Officer shall prescribe procedures on how amounts payable under this subtitle are to be paid, including, to the extent the Chief Executive Officer determines appropriate, procedures relating to payment in installments.

(d) ADJUSTMENTS.—

(1) IN GENERAL.—Under expedited procedures established by the Chief Executive Officer, a defendant participant may seek adjustment of the amount of its payment obligation based on severe financial hardship or demonstrated inequity. The Chief Executive Officer may determine whether to grant an adjustment and the size of any such adjustment, in accordance with this subsection. A defendant participant has a right to obtain a rehearing of the Chief Executive Officer's determination under this subsection under the procedures prescribed in subsection (i)(10). The Chief Executive Officer may adjust a defendant participant's payment obligations under this subsection, either by forgiving the relevant portion of the otherwise applicable payment obligation or by providing relevant rebates from the defendant hardship and inequity adjustment account created under subsection (j) after payment of the otherwise applicable payment obligation, at the discretion of the Chief Executive Officer.

(2) FINANCIAL HARDSHIP ADJUSTMENTS.—

(A) IN GENERAL.—A defendant participant may apply for an adjustment based on financial hardship at any time during the period in which a payment obligation to the Fund remains outstanding and may qualify for such adjustment by demonstrating that the amount of its payment obligation under the statutory allocation would constitute a severe financial hardship.

(B) TERM.—Subject to the annual availability of funds in the defendant hardship and inequity adjustment account established under subsection (j), a financial hardship adjustment under this subsection shall have a term of 3 years.

(C) RENEWAL.—After an initial hardship adjustment is granted under this paragraph, a defendant participant may renew its hardship adjustment by demonstrating that it remains justified.

(D) REINSTATEMENT.—Following the expiration of the hardship adjustment period provided for under this section and during the funding period prescribed under subsection (a), the Chief Executive Officer shall annually determine whether there has been a material change in the financial condition of the defendant participant such that the Chief Executive Officer may, consistent with the policies and legislative intent underlying this Act, reinstate under terms and conditions established by the Chief Executive Officer any part or all of the defendant participant's payment obligation under the statutory allocation that was not paid during the hardship adjustment term.

(3) INEQUITY ADJUSTMENTS.—

(A) IN GENERAL.—A defendant participant—

(i) may qualify for an adjustment based on inequity by demonstrating that the amount of its payment obligation under the statutory allocation is exceptionally inequitable—

(I) when measured against the amount of the likely cost to the defendant participant net of insurance of its future liability in the tort system in the absence of the Fund;

(II) when compared to the median payment rate for all defendant participants in the same tier; or

(III) when measured against the percentage of the prior asbestos expenditures of the defendant that were incurred with respect to claims that neither resulted in an adverse judgment against the defendant, nor were the subject of a settlement that required a payment to a plaintiff by or on behalf of that defendant;

(ii) shall qualify for a two-tier main tier and a two-tier subtier adjustment reducing the defendant participant's payment obligation based on inequity by demonstrating that not less than 95 percent of such person's prior asbestos expenditures arose from claims related to the manufacture and sale of railroad locomotives and related products, so long as such person's manufacture and sale of railroad locomotives and related products is temporally and causally remote, and for purposes of this clause, a person's manufacture and sale of railroad locomotives and related products shall be deemed to be temporally and causally remote if the asbestos claims historically and generally filed against such person relate to the manufacture and sale of railroad locomotives and related products by an entity dissolved more than 25 years before the date of enactment of this Act; and

(iii) shall be granted a two-tier adjustment reducing the defendant participant's payment obligation based on inequity by demonstrating that not less than 95 percent of such participant's prior asbestos expenditures arose from asbestos claims based on successor liability arising from a merger to which the participant or its predecessor was a party that occurred at least 30 years before the date of enactment of this Act, and that such prior asbestos expenditures exceed the inflation-adjusted value of the assets of the company from which such liability was derived in such merger, and upon such demonstration the Chief Executive Officer shall grant such adjustment for the life of the Fund and amounts paid by such defendant participant prior to such adjustment in excess of its adjusted payment obligation under this clause shall be credited against next succeeding required payment obligations.

(B) PAYMENT RATE.—For purposes of subparagraph (A), the payment rate of a defendant participant is the payment amount of the defendant participant as a percentage of such defendant participant's gross revenues for the year ending December 31, 2002.

(C) TERM.—Subject to the annual availability of funds in the defendant hardship and inequity adjustment account established under subsection (j), an inequity adjustment under this subsection shall have a term of 3 years.

(D) RENEWAL.—A defendant participant may renew an inequity adjustment every 3 years by demonstrating that the adjustment remains justified.

(E) REINSTATEMENT.—

(i) IN GENERAL.—Following the termination of an inequity adjustment under subparagraph (A), and during the funding period prescribed under subsection (a), the Chief Executive Officer shall annually determine whether there has been a material change in conditions which would support a finding that the amount of the defendant participant's payment under the statutory allocation was not inequitable. Based on this determination, the Chief Executive Officer may, consistent with the policies and legislative intent underlying this Act, reinstate any or all of the payment obligations of the defendant participant as if the inequity adjustment had not been granted for that 3-year period.

(ii) TERMS AND CONDITIONS.—In the event of a reinstatement under clause (i), the Chief Executive Officer may require the defendant participant to pay any part or all of amounts not paid due to the inequity adjustment on such terms and conditions as established by the Chief Executive Officer.

(4) LIMITATION ON PAYMENTS BY DEFENDANT PARTICIPANTS.—

(A) IN GENERAL.—Under expedited procedures established by the Chief Executive Officer, any defendant participant may apply for a limitation on its annual payment obligation to the Fund by showing that it qualifies under subparagraph (C). The Chief Executive Officer shall promptly grant that application if the requirements under subparagraph (C) are satisfied.

(B) STAY OF PAYMENT.—A defendant participant who applies for a limitation on its annual payment obligation to the Fund under subparagraph (A) shall have the payment required under subsection (i)(1)(A)(iv) stayed until the Chief Executive Officer has made a determination with respect to the application of that defendant participant.

(C) APPLICATION FOR LIMITATION.—A defendant participant may apply under subparagraph (A) for a limit on its annual payment obligation to the Fund if that defendant participant—

(i) is included in Tiers II, III, IV, V, or VI under section 202; and

(ii) has prior asbestos expenditures less than $200,000,000 or has revenues as determined under section 203 that are less than $15,000,000,000.

(D) LIMITATION.—

(i) IN GENERAL.—A defendant participant that qualifies for a limitation under this paragraph may apply for only 1 of the limits under subclause (I), (II), or (III) of clause (ii). A defendant participant may not change its application once the application has been approved by the Chief Executive Officer.

(ii) APPLICATION FOR 1 LIMITATION.—Subject to clause (i), a defendant participant may apply for a limit of an amount equal to—

(I) 125 percent of the arithmetical average for fiscal years 1998 through 2002 of the annual prior asbestos expenditures of that defendant participant;

(II) 150 percent of the arithmetical average for fiscal years 1998 through 2002 of the annual prior asbestos expenditures of that defendant participant, excluding—

(aa) the amount of any payments by insurance carriers for the benefit of that defendant participant or on behalf of that defendant participant; and

(bb) any reimbursements of the amounts actually paid by that defendant participant with respect to prior asbestos expenditures for fiscal years 1998 through 2002, regardless of when such reimbursements were actually paid; or

(III) 1.67024 percent of the revenues for the most recent fiscal year ending on or prior to December 31, 2002, of the affiliated group to which that defendant participant belongs.

(E) JUDICIAL REVIEW.—A defendant participant is entitled to judicial review under section 303 of a denial of an application under this paragraph. During the pendency of that review, section 223(a) shall not apply to that defendant participant. Without regard to section 305(a), the reviewing court may, in its discretion, provide such interlocutory relief to the defendant participant as may be just.

(F) APPLICABILITY OF THE GUARANTEE SURCHARGE.—A defendant participant whose application under this paragraph is approved by the Chief Executive Officer, shall not be exempt from the guaranteed payment surcharge established under subsection (l), unless otherwise provided in this Act.

(G) MINIMUM PAYMENT.—Notwithstanding any other provision of this paragraph, a defendant participant that is granted a limitation by the Chief Executive Officer shall pay not less than 10 percent of the amount the participant is scheduled to pay under section 202.

(5) LIMITATION ON ADJUSTMENTS.—The aggregate total of financial hardship adjustments under paragraph (2) and inequity adjustments under paragraph (3) in effect in any given year shall not exceed $300,000,000, except to the extent that—

(A) additional monies are available for such adjustments as a result of carryover of prior years' funds under subsection (j)(3) or as a result of monies being made available in that year under subsection (k)(1)(A); or

(B) the Chief Executive Officer determines that the $300,000,000 is insufficient and additional adjustments as provided under paragraph (5) are needed to address situations in which a defendant participant would otherwise be rendered insolvent by its payment obligations without such adjustment.

(6) BANKRUPTCY RELIEF.—

(A) IN GENERAL.—Any defendant participant may apply for an adjustment under this paragraph at any time during the period in which a payment obligation to the Fund remains outstanding and may qualify for such adjustment by demonstrating, to a reasonable degree of certainty, evidence that the amount of its payment obligation would render the defendant participant insolvent, as defined under section 101 of title 11, United States Code, and unable to pay its debts as they become due.

(B) INFORMATION REQUIRED.—Any defendant participant seeking an adjustment or renewal of an adjustment under this paragraph shall provide the Chief Executive Officer with the information required under section 521(1) of title 11 of the United States Code.

(C) LIMITATION.—Any adjustment granted by the Chief Executive Officer under subparagraph (A) shall be limited to the extent reasonably necessary to prevent insolvency of a defendant participant.

(D) TERM.—To the extent the Chief Executive Officer grants any relief under this paragraph, such adjustments shall have a term of 1 year. An adjustment may be renewed or modified on an annual basis upon the defendant participant demonstrating that the adjustment or modification remains justified under this paragraph.

(E) REINSTATEMENT.—During the funding period prescribed under subparagraph (A), the Chief Executive Officer shall annually determine whether there has been a material change in the financial condition of any defendant participant granted an adjustment under this paragraph such that the Chief Executive Officer may, consistent with the policies and legislative intent underlying this Act, reinstate under terms and conditions established by the Chief Executive Officer any part or all of the defendant participant's payment obligation under the statutory allocation that was not paid during the adjustment term.

(7) ADVISORY PANELS.—

(A) APPOINTMENT.—The Chief Executive Officer shall appoint a Financial Hardship Adjustment Panel and an Inequity Adjustment Panel to advise the Chief Executive Officer in carrying out this subsection.

(B) MEMBERSHIP.—The membership of the panels appointed under subparagraph (A) may overlap.

(C) COORDINATION.—The panels appointed under subparagraph (A) shall coordinate their deliberations and advice.

(e) LIMITATION ON LIABILITY.—The liability of each defendant participant to pay to the Fund shall be limited to the payment obligations under this Act, and, except as provided in subsection (f) and section 203(b)(2)(D), no defendant participant shall have any liability for the payment obligations of any other defendant participant.

(f) CONSOLIDATION OF PAYMENTS.—

(1) IN GENERAL.—For purposes of determining the payment levels of defendant participants, any affiliated group including 1 or more defendant participants may irrevocably elect, as part of the submissions to be made under paragraphs (1) and (3) of subsection (i), to report on a consolidated basis all of the information necessary to determine the payment level under this subtitle and pay to the Fund on a consolidated basis.

(2) ELECTION.—If an affiliated group elects consolidation as provided in this subsection—

(A) for purposes of this Act other than this subsection, the affiliated group shall be treated as if it were a single participant, including with respect to the assessment of a single annual payment under this subtitle for the entire affiliated group;

(B) the ultimate parent of the affiliated group shall prepare and submit each submission to be made under subsection (i) on behalf of the entire affiliated group and shall be solely liable, as between the Chief Executive Officer and the affiliated group only, for the payment of the annual amount due from the affiliated group under this subtitle, except that, if the ultimate parent does not pay when due any payment obligation for the affiliated group, the Chief Executive Officer shall have the right to seek payment of all or any portion of the entire amount due (as well as any other amount for which the affiliated group may be liable under sections 223 and 224) from any member of the affiliated group;

(C) all members of the affiliated group shall be identified in the submission under subsection (i) and shall certify compliance with this subsection and the Chief Executive Officer's regulations implementing this subsection; and

(D) the obligations under this subtitle shall not change even if, after the date of enactment of this Act, the beneficial ownership interest between any members of the affiliated group shall change.

(3) CAUSE OF ACTION.—Notwithstanding section 221(e), this Act shall not preclude actions among persons within an affiliated group with respect to the payment obligations under this Act.

(g) DETERMINATION OF PRIOR ASBESTOS EXPENDITURES.—

(1) IN GENERAL.—For purposes of determining a defendant participant's prior asbestos expenditures, the Chief Executive Officer shall prescribe such rules as may be necessary or appropriate to assure that payments by indemnitors before December 31, 2002, shall be counted as part of the indemnitor's prior asbestos expenditures, rather than the indemnitee's prior asbestos expenditures, in accordance with this subsection.

(2) INDEMNIFIABLE COSTS.—If an indemnitor has paid or reimbursed to an indemnitee any indemnifiable cost or otherwise made a payment on behalf of or for the benefit of an indemnitee to a third party for an indemnifiable cost before December 31, 2002, the amount of such indemnifiable cost shall be solely for the account of the indemnitor for purposes under this Act.

(3) INSURANCE PAYMENTS.—When computing the prior asbestos expenditures with respect to an asbestos claim, any amount paid or reimbursed by insurance shall be solely for the account of the indemnitor, even if the indemnitor would have no direct right to the benefit of the insurance, if—

(A) such insurance has been paid or reimbursed to the indemnitor or the indemnitee, or paid on behalf of or for the benefit of the indemnitee; and

(B) the indemnitor has either, with respect to such asbestos claim or any similar asbestos claim, paid or reimbursed to its indemnitee any indemnifiable cost or paid to any third party on behalf of or for the benefit of the indemnitee any indemnifiable cost.

(4) TREATMENT OF CERTAIN EXPENDITURES.—Notwithstanding any other provision of this Act, where—

(A) an indemnitor entered into a stock purchase agreement in 1988 that involved the sale of the stock of businesses that produced friction and other products; and

(B) the stock purchase agreement provided that the indemnitor indemnified the indemnitee and its affiliates for losses arising from various matters, including asbestos claims—

(i) asserted before the date of the agreement; and

(ii) filed after the date of the agreement and prior to the 10-year anniversary of the stock sale,

then the prior asbestos expenditures arising from the asbestos claims described in clauses (i) and (ii) shall not be for the account of either the indemnitor or indemnitee.

(h) MINIMUM ANNUAL PAYMENTS.—

(1) IN GENERAL.—The aggregate annual payments of defendant participants to the Fund shall be at least $3,000,000,000 for each calendar year in the first 30 years of the Fund, or until such shorter time as the condition set forth in subsection (a)(2) is attained.

(2) GUARANTEED PAYMENT ACCOUNT.—To the extent payments in accordance with sections 202 and 203 (as modified by subsections (b), (d), (f), (g), and (m) of this section) fail in any year to raise at least $3,000,000,000, after applicable reductions or adjustments have been taken according to subsections (d) and (m), the balance needed to meet this required minimum aggregate annual payment shall be obtained from the defendant guaranteed payment account established under subsection (k).

(3) GUARANTEED PAYMENT SURCHARGE.—To the extent the procedure set forth in paragraph (2) is insufficient to satisfy the required minimum aggregate annual payment, after applicable reductions or adjustments have been taken according to subsections (d) and (m), the Chief Executive Officer shall unless the Chief Executive Officer implements a funding holiday under section 205(b), assess a guaranteed payment surcharge under subsection (l).

(i) PROCEDURES FOR MAKING PAYMENTS.—

(1) INITIAL YEAR: TIERS II–VI.—

(A) IN GENERAL.—Not later than 90 days after enactment of this Act, each defendant participant that is included in Tiers II, III, IV, V, or VI shall file with the Chief Executive Officer—

(i) a statement of whether the defendant participant irrevocably elects to report on a consolidated basis under subsection (f);

(ii) a good-faith estimate of its prior asbestos expenditures;

(iii) a statement of its 2002 revenues, determined in accordance with section 203(a)(2);

(iv) payment in the amount specified in section 203 for the lowest subtier of the tier within which the defendant participant falls, except that if the defendant participant, or the affiliated group including the defendant participant, had 2002 revenues exceeding $3,000,000,000, it or its affiliated group shall pay the amount specified for Subtier 3 of Tiers II, III, or IV or Subtier 2 of Tiers V or VI, depending on the applicable Tier; and

(v) a signature page personally verifying the truth of the statements and estimates described under this subparagraph, as required under section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 et seq.).

(B) RELIEF.—

(i) IN GENERAL.—The Chief Executive Officer shall establish procedures to grant a defendant participant relief from its initial payment obligation if the participant shows that—

(I) the participant is likely to qualify for a financial hardship adjustment; and

(II) failure to provide interim relief would cause severe irreparable harm.

(ii) JUDICIAL RELIEF.—The Chief Executive Officer's refusal to grant relief under clause (i) is subject to immediate judicial review under section 303.

(2) INITIAL YEAR: TIER I.—Not later than 60 days after enactment of this Act, each debtor shall file with the Chief Executive Officer—

(A) a statement identifying all bankruptcy cases associated with the debtor;

(B) a statement whether its prior asbestos expenditures exceed $1,000,000;

(C) a statement whether it has material continuing business operations and, if not, whether it holds cash or other assets that have been allocated or earmarked for asbestos settlements;

(D) in the case of debtors falling within Subtier 1 of Tier I—

(i) a statement of the debtor's 2002 revenues, determined in accordance with section 203(a)(2);

(ii) for those debtors subject to the payment requirement of section 203(b)(2)(B)(ii), a statement whether its prior asbestos expenditures do not exceed $10,000,000, and a description of its business operations sufficient to show the requirements of that section are met; and

(iii) a payment under section 203(b)(2)(B);

(E) in the case of debtors falling within Subtier 2 of Tier I, an assignment of its assets under section 203(b)(3)(B); and

(F) in the case of debtors falling within Subtier 3 of Tier I, a payment under section 203(b)(4)(B), and a statement of how such payment was calculated; and

(G) a signature page personally verifying the truth of the statements and estimates described under this paragraph, as required under section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 et seq.).

(3) INITIAL YEAR: TIER VII.—Not later than 90 days after enactment of this Act, each defendant participant in Tier VII shall file with the Chief Executive Officer—

(A) a good-faith estimate of all payments of the type described in section 203(h)(1) (as modified by section 203(h)(6));

(B) a statement of revenues calculated in accordance with sections 203(a)(2) and 203(h); and

(C) payment in the amount specified in section 203(h).

(4) NOTICE TO PARTICIPANTS.—Not later than 240 days after enactment of this Act, the Chief Executive Officer shall—

(A) directly notify all reasonably identifiable defendant participants of the requirement to submit information necessary to calculate the amount of any required payment to the Fund; and

(B) publish in a newspaper with a circulation of at least 500,000 and on the Internet a notice—

(i) setting forth the criteria in this Act, and as prescribed by the Chief Executive Officer in accordance with this Act, for paying under this subtitle as a defendant participant and requiring any person who may be a defendant participant to submit such information; and

(ii) that includes a list of all defendant participants notified by the Chief Executive Officer under subparagraph (A), and provides for 30 days for the submission by the public of comments or information regarding the completeness and accuracy of the list of identified defendant participants.

(5) RESPONSE REQUIRED.—

(A) IN GENERAL.—Any person who receives notice under paragraph (4)(A), and any other person meeting the criteria specified in the notice published under paragraph (4)(B), shall provide the Chief Executive Officer with an address to send any notice from the Chief Executive Officer in accordance with this Act and all the information required by the Chief Executive Officer in accordance with this subsection no later than the earlier of—

(i) 30 days after the receipt of direct notice; or

(ii) 30 days after the publication in a newspaper with a circulation of at least 500,000 and on the Internet.

(B) CERTIFICATION.—The response submitted under subparagraph (A) shall be signed by a responsible corporate officer, general partner, proprietor, or individual of similar authority, who shall certify under penalty of law the completeness and accuracy of the information submitted.

(C) CONSENT TO AUDIT AUTHORITY.—The response submitted under subparagraph (A) shall include, on behalf of the defendant participant or affiliated group, a consent to the Chief Executive Officer's audit authority under section 221(d).

(6) NOTICE OF INITIAL DETERMINATION.—

(A) IN GENERAL.—

(i) NOTICE TO INDIVIDUAL.—Not later than 60 days after receiving a response under paragraph (5), the Chief Executive Officer shall send the person a notice of initial determination identifying the tier and subtier, if any, into which the person falls and the annual payment obligation, if any, to the Fund, which determination shall be based on the information received from the person under this subsection and any other pertinent information available to the Chief Executive Officer and identified to the defendant participant.

(ii) PUBLIC NOTICE.—Not later than 7 days after sending the notification of initial determination to defendant participants, the Chief Executive Officer shall publish in a newspaper with a circulation of at least 500,000 and on the Internet a notice listing the defendant participants that have been sent such notification, and the initial determination identifying the tier and subtier assignment and annual payment obligation of each identified participant.

(B) NO RESPONSE; INCOMPLETE RESPONSE.—If no response in accordance with paragraph (5) is received from a defendant participant, or if the response is incomplete, the initial determination shall be based on the best information available to the Chief Executive Officer.

(C) PAYMENTS.—Within 30 days of receiving a notice of initial determination requiring payment, the defendant participant shall pay the Chief Executive Officer the amount required by the notice, after deducting any previous payment made by the participant under this subsection. If the amount that the defendant participant is required to pay is less than any previous payment made by the participant under this subsection, the Chief Executive Officer shall credit any excess payment against the future payment obligations of that defendant participant. The pendency of a petition for rehearing under paragraph (10) shall not stay the obligation of the participant to make the payment specified in the Chief Executive Officer's notice.

(7) EXEMPTIONS FOR INFORMATION REQUIRED.—

(A) PRIOR ASBESTOS EXPENDITURES.—In lieu of submitting information related to prior asbestos expenditures as may be required for purposes of this subtitle, a non-debtor defendant participant may consent to be assigned to Tier II.

(B) REVENUES.—In lieu of submitting information related to revenues as may be required for purposes of this subtitle, a non-debtor defendant participant may consent to be assigned to Subtier 1 of the defendant participant's applicable tier.

(8) NEW INFORMATION.—

(A) EXISTING PARTICIPANT.—The Chief Executive Officer shall adopt procedures for requiring additional payment, or refunding amounts already paid, based on new information received.

(B) ADDITIONAL PARTICIPANT.—If the Chief Executive Officer, at any time, receives information that an additional person may qualify as a defendant participant, the Chief Executive Officer shall require such person to submit information necessary to determine whether that person is required to make payments, and in what amount, under this subtitle and shall make any determination or take any other act consistent with this Act based on such information or any other information available to the Chief Executive Officer with respect to such person.

(9) SUBPOENAS.—The Chief Executive Officer may request the Attorney General to subpoena persons to compel testimony, records, and other information relevant to its responsibilities under this section. The Attorney General may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(10) REHEARING.—A defendant participant has a right to obtain rehearing of the Chief Executive Officer's determination under this subsection of the applicable tier or subtier, of the Chief Executive Officer's determination under subsection (d) of a financial hardship or inequity adjustment, and of the Chief Executive Officer's determination under subsection (m) of a distributor's adjustment, if the request for rehearing is filed within 30 days after the defendant participant's receipt of notice from the Chief Executive Officer of the determination. A defendant participant may not file an action under section 303 unless the defendant participant requests a rehearing under this paragraph. The Chief Executive Officer shall publish in a newspaper with a circulation of at least 500,000 and on the Internet a notice of any change in a defendant participant's tier or subtier assignment or payment obligation as a result of a rehearing.

(j) DEFENDANT HARDSHIP AND INEQUITY ADJUSTMENT ACCOUNT.—

(1) IN GENERAL.—To the extent the total payments by defendant participants in any

given year exceed the minimum aggregate annual payments required under subsection (h), excess monies up to a maximum of $300,000,000 in any such year shall be placed in a defendant hardship and inequity adjustment account established within the Fund by the Chief Executive Officer.

(2) USE OF ACCOUNT MONIES.—Monies from the defendant hardship and inequity adjustment account shall be preserved and administered like the remainder of the Fund, but shall be reserved and may be used only—

(A) to make up for any relief granted to a defendant participant for severe financial hardship or demonstrated inequity under subsection (d) or to reimburse any defendant participant granted such relief after its payment of the amount otherwise due; and

(B) if the condition set forth in subsection (a)(2) is met, for any purpose that the Fund may serve under this Act.

(3) CARRYOVER OF UNUSED FUNDS.—To the extent the Chief Executive Officer does not, in any given year, use all of the funds allocated to the account under paragraph (1) for adjustments granted under subsection (d), remaining funds in the account shall be carried forward for use by the Chief Executive Officer for adjustments in subsequent years.

(k) DEFENDANT GUARANTEED PAYMENT ACCOUNT.—

(1) IN GENERAL.—Subject to subsections (h) and (j), if there are excess monies paid by defendant participants in any given year, including any bankruptcy trust credits that may be due under section 222(d), such monies—

(A) at the discretion of the Chief Executive Officer, may be used to provide additional adjustments under subsection (d), up to a maximum aggregate of $50,000,000 in such year; and

(B) to the extent not used under subparagraph (A), shall be placed in a defendant guaranteed payment account established within the Fund by the Chief Executive Officer.

(2) USE OF ACCOUNT MONIES.—Monies from the defendant guaranteed payment account shall be preserved and administered like the remainder of the Fund, but shall be reserved and may be used only—

(A) to ensure the minimum aggregate annual payment required under subsection (h), after applicable reductions or adjustments have been taken according to subsections (d) and (m) is reached each year; and

(B) if the condition set forth in subsection (a)(2) is met, for any purpose that the Fund may serve under this Act.

(l) GUARANTEED PAYMENT SURCHARGE.—

(1) IN GENERAL.—To the extent there are insufficient monies in the defendant guaranteed payment account established in subsection (k) to attain the minimum aggregate annual payment required under subsection (h) in any given year, the Chief Executive Officer shall, unless the Chief Executive Officer implements a funding holiday under section 205(b), impose on each defendant participant a surcharge as necessary to raise the balance required to attain the minimum aggregate annual payment required under subsection (h) as provided in this subsection. Any such surcharge shall be imposed on a pro rata basis, in accordance with each defendant participant's relative annual liability under sections 202 and 203 (as modified by subsections (b), (d), (f), (g), and (m) of this section).

(2) LIMITATION.—

(A) IN GENERAL.—In no case shall the Chief Executive Officer impose a surcharge under this subsection on any defendant participant included in Subtier 3 of Tiers V or VI as described under section 203.

(B) REALLOCATION.—Any amount not imposed under subparagraph (A) shall be reallocated on a pro-rata basis, in accordance with each defendant participant's (other than a defendant participant described under subparagraph (A)) relative annual liability under sections 202 and 203 (as modified by subsections (b), (d), (f), and (g) of this section).

(3) CERTIFICATION.—

(A) IN GENERAL.—Before imposing a guaranteed payment surcharge under this subsection, the Chief Executive Officer shall certify that he or she has used all reasonable efforts to collect mandatory payments for all defendant participants, including by using the authority in subsection (i)(9) of this section and section 223.

(B) NOTICE AND COMMENT.—Before making a final certification under subparagraph (C), the Chief Executive Officer shall publish in a newspaper with a circulation of at least 500,000 and on the Internet a notice of a proposed certification and provide in such notice for a public comment period of 30 days.

(C) FINAL CERTIFICATION.—

(i) IN GENERAL.—The Chief Executive Officer shall publish a notice of the final certification in a newspaper with a circulation of at least 500,000 and on the Internet after consideration of all comments submitted under subparagraph (B).

(ii) WRITTEN NOTICE.—Not later than 30 days after publishing any final certification under clause (i), the Chief Executive Officer shall provide each defendant participant with written notice of that defendant participant's payment, including the amount of any surcharge.

(m) ADJUSTMENTS FOR DISTRIBUTORS.—

(1) DEFINITION.—In this subsection, the term "distributor" means a person—

(A) whose prior asbestos expenditures arise exclusively from the sale of products manufactured by others;

(B) who did not prior to December 31, 2002, sell raw asbestos or a product containing more than 95 percent asbestos by weight;

(C) whose prior asbestos expenditures did not arise out of—

(i) the manufacture, installation, repair, reconditioning, maintaining, servicing, constructing, or remanufacturing of any product;

(ii) the control of the design, specification, or manufacture of any product; or

(iii) the sale or resale of any product under, as part of, or under the auspices of, its own brand, trademark, or service mark; and

(D) who is not subject to assignment under section 202 to Tier I, II, III or VII.

(2) TIER REASSIGNMENT FOR DISTRIBUTORS.—

(A) IN GENERAL.—Notwithstanding section 202, the Chief Executive Officer shall assign a distributor to a Tier for purposes of this title under the procedures set forth in this paragraph.

(B) DESIGNATION.—After a final determination by the Chief Executive Officer under section 204(i), any person who is, or any affiliated group in which every member is, a distributor may apply to the Chief Executive Officer for adjustment of its Tier assignment under this subsection. Such application shall be prepared in accordance with such procedures as the Chief Executive Officer shall promulgate by rule. Once the Chief Executive Officer designates a person or affiliated group as a distributor under this subsection, such designation and the adjustment of tier assignment under this subsection are final.

(C) PAYMENTS.—Any person or affiliated group that seeks adjustment of its Tier assignment under this subsection shall pay all amounts required of it under this title until a final determination by the Chief Executive Officer is made under this subsection. Such payments may not be stayed pending any appeal. The Chief Executive Officer shall grant any person or affiliated group a refund or credit of any payments made if such adjustment results in a lower payment obligation.

(D) ADJUSTMENT.—Subject to paragraph (3), any person or affiliated group that the Chief Executive Officer has designated as a distributor under this subsection shall be given an adjustment of Tier assignment as follows:

(i) A distributor that but for this subsection would be assigned to Tier IV shall be deemed assigned to Tier V.

(ii) A distributor that but for this subsection would be assigned to Tier V shall be deemed assigned to Tier VI.

(iii) A distributor that but for this subsection would be assigned to Tier VI shall be deemed assigned to no Tier and shall have no obligation to make any payment to the Fund under this Act.

(E) EXCLUSIVE TO INEQUITY ADJUSTMENT.—Any person or affiliated group designated by the Chief Executive Officer as a distributor under this subsection shall not be eligible for an inequity adjustment under subsection 204(d).

(3) LIMITATION ON ADJUSTMENTS.—The aggregate total of distributor adjustments under this subsection in effect in any given year shall not exceed $50,000,000. If the aggregate total of distributors adjustments under this subsection would otherwise exceed $50,000,000, then each distributor's adjustment shall be reduced pro rata until the aggregate of all adjustments equals $50,000,000.

(4) REHEARING.—A defendant participant has a right to obtain a rehearing of the Chief Executive Officer's determination on an adjustment under this subsection under the procedures prescribed in subsection (i)(10).

SEC. 205. STEPDOWNS AND FUNDING HOLIDAYS.

(a) STEPDOWNS.—

(1) IN GENERAL.—Subject to paragraph (2), the minimum aggregate annual funding obligation under section 204(h) shall be reduced by 10 percent of the initial minimum aggregate funding obligation at the end of the tenth, fifteenth, twentieth, and twenty-fifth years after the date of enactment of this Act. The reductions under this paragraph shall be applied on an equal pro rata basis to the funding obligations of all defendant participants, except with respect to defendant participants in Tier 1, Subtiers 2 and 3, and class action trusts.

(2) LIMITATION.—The Chief Executive Officer shall suspend, cancel, reduce, or delay any reduction under paragraph (1) if at any time the Chief Executive Officer finds, in accordance with subsection (c), that such action is necessary and appropriate to ensure that the assets of the Fund and expected future payments remain sufficient to satisfy the Fund's anticipated obligations.

(b) FUNDING HOLIDAYS.—

(1) IN GENERAL.—If the Chief Executive Officer determines, at any time after 10 years following the date of enactment of this Act, that the assets of the Fund at the time of such determination and expected future payments, taking into consideration any reductions under subsection (a), are sufficient to satisfy the Fund's anticipated obligations without the need for all, or any portion of, that year's payment otherwise required under this subtitle, the Chief Executive Officer shall reduce or waive all or any part of the payments required from defendant participants for that year.

(2) ANNUAL REVIEW.—The Chief Executive Officer shall undertake the review required by this subsection and make the necessary determination under paragraph (1) every year.

(3) LIMITATIONS ON FUNDING HOLIDAYS.—Any reduction or waiver of the defendant participants' funding obligations shall—

(A) be made only to the extent the Chief Executive Officer determines that the Fund will still be able to satisfy all of its anticipated obligations; and

(B) be applied on an equal pro rata basis to the funding obligations of all defendant participants, except with respect to defendant participants in Subtiers 2 and 3 of Tier I and class action trusts, for that year.

(4) NEW INFORMATION.—If at any time the Chief Executive Officer determines that a reduction or waiver under this section may cause the assets of the Fund and expected future payments to decrease to a level at which the Fund may not be able to satisfy all of its anticipated obligations, the Chief Executive Officer shall revoke all or any part of such reduction or waiver to the extent necessary to ensure that the Fund's obligations are met. Such revocations shall be applied on an equal pro rata basis to the funding obligations of all defendant participants, except defendant participants in Subtiers 2 and 3 of Tier I and class action trusts, for that year.

(c) CERTIFICATION.—

(1) IN GENERAL.—Before suspending, canceling, reducing, or delaying any reduction under subsection (a) or granting or revoking a reduction or waiver under subsection (b), the Chief Executive Officer shall certify that the requirements of this section are satisfied.

(2) NOTICE AND COMMENT.—Before making a final certification under this subsection, the Chief Executive Officer shall publish in a newspaper with a circulation of at least 500,000 and on the Internet a proposed certification and a statement of the basis therefor and provide in such notice for a public comment period of 30 days.

(3) FINAL CERTIFICATION.—

(A) IN GENERAL.—The Chief Executive Officer shall publish a notice of the final certification in a newspaper with a circulation of at least 500,000 and on the Internet after consideration of all comments submitted under paragraph (2).

(B) WRITTEN NOTICE.—Not later than 30 days after publishing any final certification under subparagraph (A), the Chief Executive Officer shall provide each defendant participant with written notice of that defendant's funding obligation for that year.

SEC. 206. ACCOUNTING TREATMENT.

Defendant participants payment obligations to the Fund shall be subject to discounting under the applicable accounting guidelines for generally accepted accounting purposes and statutory accounting purposes for each defendant participant. This section shall in no way reduce the amount of monetary payments to the Fund by defendant participants as required under section 202(a)(2).

Subtitle B—Asbestos Insurers Committee

SEC. 210. DEFINITION.

In this subtitle, the term "captive insurance company" means a company—

(1) whose entire beneficial interest is owned on the date of enactment of this Act, directly or indirectly, by a defendant participant or by the ultimate parent or the affiliated group of a defendant participant;

(2) whose primary commercial business during the period from calendar years 1940 through 1986 was to provide insurance to its ultimate parent or affiliated group, or any portion of the affiliated group or a combination thereof; and

(3) that was incorporated or operating no later than December 31, 2003.

SEC. 211. ESTABLISHMENT OF ASBESTOS INSURERS COMMITTEE.

(a) ESTABLISHMENT.—There is established the Asbestos Insurers Committee (referred to in this subtitle as the "Committee") to carry out the duties described in section 212.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Committee shall be composed of 5 members who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—

(A) EXPERTISE.—Members of the Committee shall have sufficient expertise to fulfill their responsibilities under this subtitle.

(B) CONFLICT OF INTEREST.—

(i) IN GENERAL.—No member of the Committee appointed under paragraph (1) may be an employee or immediate family member of an employee of an insurer participant. No member of the Committee shall be a shareholder of any insurer participant. No member of the Committee shall be a former officer or director, or a former employee or former shareholder of any insurer participant who was such an employee, shareholder, officer, or director at any time during the 2-year period ending on the date of the appointment, unless that is fully disclosed before consideration in the Senate of the nomination for appointment to the Committee.

(ii) DEFINITION.—In clause (i), the term "shareholder" shall not include a broadly based mutual fund that includes the stocks of insurer participants as a portion of its overall holdings.

(C) FEDERAL EMPLOYMENT.—A member of the Committee may not be an officer or employee of the Federal Government, except by reason of membership on the Committee.

(3) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Committee.

(4) VACANCIES.—Any vacancy in the Committee shall be filled in the same manner as the original appointment.

(5) CHAIRMAN.—The President shall select a Chairman from among the members of the Committee.

(c) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Committee have been appointed, the Committee shall hold its first meeting.

(2) SUBSEQUENT MEETINGS.—The Committee shall meet at the call of the Chairman, as necessary to accomplish the duties under section 212.

(3) QUORUM.—No business may be conducted or hearings held without the participation of a majority of the members of the Committee.

SEC. 212. DUTIES OF ASBESTOS INSURERS COMMITTEE.

(a) DETERMINATION OF INSURER PAYMENT OBLIGATIONS.—

(1) IN GENERAL.—

(A) DEFINITIONS.—For the purposes of this Act, the terms "insurer" and "insurer participant" shall, unless stated otherwise, include direct insurers and reinsurers, as well as any run-off entity established, in whole or in part, to review and pay asbestos claims.

(B) PROCEDURES FOR DETERMINING INSURER PAYMENTS.—The Committee shall determine the amount that each insurer participant shall be required to pay into the Fund under the procedures described in this section. The Committee shall make this determination by first promulgating a rule establishing a methodology for allocation of payments among insurer participants and then applying such methodology to determine the individual payment for each insurer participant. The methodology may include 1 or more allocation formulas to be applied to all insurer participants or groups of similarly situated participants. The Committee's rule shall include a methodology for adjusting payments by insurer participants to make up, during the first 5 years of the life of the Fund and any subsequent years as provided in section 405(e) for any reduction in an insurer participant's annual allocated amount caused by the granting of a financial hardship or exceptional circumstance adjustment under this section, and any amount by which aggregate insurer payments fall below the level required under paragraph (3)(C) by reason of the failure or refusal of any insurer participant to make a required payment, or for any other reason that causes such payments to fall below the level required under paragraph (3)(C). The Committee shall conduct a thorough study (within the time limitations under this subparagraph) of the accuracy of the reserve allocation of each insurer participant, and may request information from the Securities and Exchange Committee or any State regulatory agency. Under this procedure, not later than 120 days after the initial meeting of the Committee, the Committee shall commence a rulemaking proceeding under section 213(a) to propose and adopt a methodology for allocating payments among insurer participants. In proposing an allocation methodology, the Committee may consult with such actuaries and other experts as it deems appropriate. After hearings and public comment on the proposed allocation methodology, the Committee shall as promptly as possible promulgate a final rule establishing such methodology. After promulgation of the final rule, the Committee shall determine the individual payment of each insurer participant under the procedures set forth in subsection (b).

(C) SCOPE.—Every insurer, reinsurer, and runoff entity with asbestos-related obligations in the United States shall be subject to the Committee's and Chief Executive Officer's authority under this Act, including allocation determinations, and shall be required to fulfill its payment obligation without regard as to whether it is licensed in the United States. Every insurer participant not licensed or domiciled in the United States shall, upon the first payment to the Fund, submit a written consent to the Committee's and Chief Executive Officer's authority under this Act, and to the jurisdiction of the courts of the United States for purposes of enforcing this Act, in a form determined by the Chief Executive Officer. Any insurer participant refusing to provide a written consent shall be subject to fines and penalties as provided in section 223.

(D) ISSUERS OF FINITE RISK POLICIES.—

(i) IN GENERAL.—The issuer of any policy of retrospective reinsurance purchased by an insurer participant or its affiliate after 1990 that provides for a risk or loss transfer to insure for asbestos losses and other losses (both known and unknown), including those policies commonly referred to as "finite risk", "aggregate stop loss", "aggregate excess of loss", or "loss portfolio transfer" policies, shall be obligated to make payments required under this Act directly to the Fund on behalf of the insurer participant who is the beneficiary of such policy, subject to the underlying retention and the limits of liability applicable to such policy.

(ii) Payments.—Payments to the Fund required under this Act shall be treated as loss payments for asbestos bodily injury (as if such payments were incurred as liabilities imposed in the tort system) and shall not be subject to exclusion under policies described under clause (i) as a liability with respect to tax or assessment. Within 90 days after the scheduled date to make an annual payment to the Fund, the insurer participant shall, at its discretion, direct the reinsurer issuing such policy to pay all or a portion of the annual payment directly to the Fund up to the full applicable limits of liability under the policy. The reinsurer issuing such policy shall be obligated to make such payments directly to the Fund and shall be subject to the enforcement provisions under section 223. The insurer participant shall remain obligated to make payment to the Fund of that portion of the annual payment not directed to the issuer of such reinsurance policy.

(2) Amount of payments.—

(A) Aggregate payment obligation.—The total payment required of all insurer participants over the life of the Fund shall be equal to $46,025,000,000, less any bankruptcy trust credits under section 222(d).

(B) Accounting standards.—In determining the payment obligations of participants that are not licensed or domiciled in the United States or that are runoff entities, the Committee shall use accounting standards required for United States licensed direct insurers.

(C) Captive insurance companies.—No payment to the Fund shall be required from a captive insurance company, unless and only to the extent a captive insurance company, on the date of enactment of this Act, has liability, directly or indirectly, for any asbestos claim of a person or persons other than and unaffiliated with its ultimate parent or affiliated group or pool in which the ultimate parent participates or participated, or unaffiliated with a person that was its ultimate parent or a member of its affiliated group or pool at the time the relevant insurance or reinsurance was issued by the captive insurance company.

(D) Several liability.—Unless otherwise provided under this Act, each insurer participant's obligation to make payments to the Fund is several. Unless otherwise provided under this Act, there is no joint liability, and the future insolvency by any insurer participant shall not affect the payment required of any other insurer participant.

(3) Payment of criteria.—

(A) Inclusion in insurer participant category.—

(i) In general.—Insurers that have paid, or been assessed by a legal judgment or settlement, at least $1,000,000 in defense and indemnity costs before the date of enactment of this Act in response to claims for compensation for asbestos injuries arising from a policy of liability insurance or contract of liability reinsurance or retrocessional reinsurance shall be insurer participants in the Fund. Other insurers shall be exempt from mandatory payments.

(ii) Inapplicability of section 202.—Since insurers may be subject in certain jurisdictions to direct action suits, and it is not the intent of this Act to impose upon an insurer, due to its operation as an insurer, payment obligations to the Fund in situations where the insurer is the subject of a direct action, no insurer subject to mandatory payments under this section shall also be liable for payments to the Fund as a defendant participant under section 202.

(B) Insurer participant allocation methodology.—

(i) In general.—The Committee shall establish the payment obligations of individual insurer participants to reflect, on an equitable basis, the relative tort system liability of the participating insurers in the absence of this Act, considering and weighting, as appropriate (but exclusive of workers' compensation), such factors as—,

(I) historic premium for lines of insurance associated with asbestos exposure over relevant periods of time;

(II) recent loss experience for asbestos liability;

(III) amounts reserved for asbestos liability;

(IV) the likely cost to each insurer participant of its future liabilities under applicable insurance policies; and

(V) any other factor the Committee may determine is relevant and appropriate.

(ii) Determination of reserves.—The Committee may establish procedures and standards for determination of the asbestos reserves of insurer participants. The reserves of a United States licensed reinsurer that is wholly owned by, or under common control of, a United States licensed direct insurer shall be included as part of the direct insurer's reserves when the reinsurer's financial results are included as part of the direct insurer's United States operations, as reflected in footnote 33 of its filings with the National Association of Insurance Commissioners or in published financial statements prepared in accordance with generally accepted accounting principles.

(C) Payment schedule.—The aggregate annual amount of payments by insurer participants over the life of the Fund shall be as follows:

(i) For years 1 and 2, $2,700,000,000 annually.

(ii) For years 3 through 5, $5,075,000,000 annually.

(iii) For years 6 through 27, $1,147,000,000 annually.

(iv) For year 28, $166,000,000.

(D) Certain runoff entities.—A runoff entity shall include any direct insurer or reinsurer whose asbestos liability reserves have been transferred, directly or indirectly, to the runoff entity and on whose behalf the runoff entity handles or adjusts and, where appropriate, pays asbestos claims.

(E) Financial hardship and exceptional circumstance adjustments.—

(i) In general.—Under the procedures established in subsection (b), an insurer participant may seek adjustment of the amount of its payments based on exceptional circumstances or severe financial hardship.

(ii) Financial adjustments.—An insurer participant may qualify for an adjustment based on severe financial hardship by demonstrating that payment of the amounts required by the Committee's methodology would jeopardize the solvency of such participant.

(iii) Exceptional circumstance adjustment.—An insurer participant may qualify for an adjustment based on exceptional circumstances by demonstrating—

(I) that the amount of its payments under the Committee's allocation methodology is exceptionally inequitable when measured against the amount of the likely cost to the participant of its future liability in the tort system in the absence of the Fund;

(II) an offset credit as described in subparagraphs (A) and (C) of subsection (b)(4); or

(III) other exceptional circumstances.

The Committee may determine whether to grant an adjustment and the size of any such adjustment, but except as provided under paragraph (1)(B), subsection (f)(3), and section 405(e), any such adjustment shall not affect the aggregate payment obligations of insurer participants specified in paragraph (2)(A) and subparagraph (C) of this paragraph.

(iv) Time period of adjustment.—Except for adjustments for offset credits, adjustments granted under this subsection shall have a term not to exceed 3 years. An insurer participant may renew its adjustment by demonstrating to the Chief Executive Officer that it remains justified.

(F) Funding holidays.—

(i) In general.—If the Chief Executive Officer determines, at any time after 10 years following the date of enactment of this Act, that the assets of the Fund at the time of such determination and expected future payments are sufficient to satisfy the Fund's anticipated obligations without the need for all, or any portion of, that year's payment otherwise required under this subtitle, the Chief Executive Officer shall reduce or waive all or any part of the payments required from insurer participants for that year.

(ii) Annual review.—The Chief Executive Officer shall undertake the review required by this subsection and make the necessary determination under clause (i) every year.

(iii) Limitations of funding holidays.—Any reduction or waiver of the insurer participants' funding obligations shall—

(I) be made only to the extent the Chief Executive Officer determines that the Fund will still be able to satisfy all of its anticipated obligations; and

(II) be applied on an equal pro rata basis to the funding obligations of all insurer participants for that year.

(iv) New information.—If at any time the Chief Executive Officer determines that a reduction or waiver under this section may cause the assets of the Fund and expected future payments to decrease to a level at which the Fund may not be able to satisfy all of its anticipated obligations, the Chief Executive Officer shall revoke all or any part of such reduction or waiver to the extent necessary to ensure that the Fund's obligations are met. Such revocations shall be applied on an equal pro rata basis to the funding obligations of all insurer participants for that year.

(b) Procedure for Notifying Insurer Participants of Individual Payment Obligations.—

(1) Notice to participants.—Not later than 30 days after promulgation of the final rule establishing an allocation methodology under subsection (a)(1), the Committee shall—

(A) directly notify all reasonably identifiable insurer participants of the requirement to submit information necessary to calculate the amount of any required payment to the Fund under the allocation methodology; and

(B) publish in a newspaper with a circulation of at least 500,000 and on the Internet a notice—

(i) requiring any person who may be an insurer participant (as determined by criteria outlined in the notice) to submit such information; and

(ii) that includes a list of all insurer participants notified by the Committee under subparagraph (A), and provides for 30 days for the submission of comments or information regarding the completeness and accuracy of the list of identified insurer participants.

(2) Response required by individual insurer participants.—

(A) In general.—Any person who receives notice under paragraph (1)(A), and any other person meeting the criteria specified in the notice published under paragraph (1)(B), shall respond by providing the Committee with all the information requested in the notice under a schedule or by a date established by the Committee.

(B) CERTIFICATION.—The response submitted under subparagraph (A) shall be signed by a responsible corporate officer, general partner, proprietor, or individual of similar authority, who shall certify under penalty of law the completeness and accuracy of the information submitted.

(3) NOTICE TO INSURER PARTICIPANTS OF INITIAL PAYMENT DETERMINATION.—

(A) IN GENERAL.—

(i) NOTICE TO INSURERS.—Not later than 120 days after receipt of the information required by paragraph (2), the Committee shall send each insurer participant a notice of initial determination requiring payments to the Fund, which shall be based on the information received from the participant in response to the Committee's request for information. An insurer participant's payments shall be payable over the schedule established in subsection (a)(3)(C), in annual amounts proportionate to the aggregate annual amount of payments for all insurer participants for the applicable year.

(ii) PUBLIC NOTICE.—Not later than 7 days after sending the notification of initial determination to insurer participants, the Committee shall publish in a newspaper with a circulation of at least 500,000 and on the Internet a notice listing the insurer participants that have been sent such notification, and the initial determination on the payment obligation of each identified participant.

(B) NO RESPONSE; INCOMPLETE RESPONSE.—If no response is received from an insurer participant, or if the response is incomplete, the initial determination requiring a payment from the insurer participant shall be based on the best information available to the Committee.

(4) COMMITTEE REVIEW, REVISION, AND FINALIZATION OF INITIAL PAYMENT DETERMINATIONS.—

(A) COMMENTS FROM INSURER PARTICIPANTS.—Not later than 30 days after receiving a notice of initial determination from the Committee, an insurer participant may provide the Committee with additional information to support adjustments to the required payments to reflect severe financial hardship or exceptional circumstances, including the provision of an offset credit for an insurer participant for the amount of any asbestos-related payments it made or was legally obligated to make, including payments released from an escrow, as the result of a bankruptcy judicially confirmed after May 22, 2003, but before the date of enactment of this Act.

(B) ADDITIONAL PARTICIPANTS.—If, before the final determination of the Committee, the Committee receives information that an additional person may qualify as an insurer participant, the Committee shall require such person to submit information necessary to determine whether payments from that person should be required, in accordance with the requirements of this subsection.

(C) REVISION PROCEDURES.—The Committee shall adopt procedures for revising initial payments based on information received under subparagraphs (A) and (B), including a provision requiring an offset credit for an insurer participant for the amount of any asbestos-related payments it made or was legally obligated to make, including payments released from an escrow, as the result of a bankruptcy confirmed after May 22, 2003, but before the date of enactment of this Act.

(5) EXAMINATIONS AND SUBPOENAS.—

(A) EXAMINATIONS.—The Committee may conduct examinations of the books and records of insurer participants to determine the completeness and accuracy of information submitted, or required to be submitted, to the Committee for purposes of determining participant payments.

(B) SUBPOENAS.—The Committee may request the Attorney General to subpoena persons to compel testimony, records, and other information relevant to its responsibilities under this section. The Attorney General may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) ESCROW PAYMENTS.—Without regard to an insurer participant's payment obligation under this section, any escrow or similar account established before the date of enactment of this Act by an insurer participant in connection with an asbestos trust fund that has not been judicially confirmed by final order by the date of enactment of this Act shall be the property of the insurer participant and returned to that insurer participant.

(7) NOTICE TO INSURER PARTICIPANTS OF FINAL PAYMENT DETERMINATIONS.—Not later than 60 days after the notice of initial determination is sent to the insurer participants, the Committee shall send each insurer participant a notice of final determination.

(c) INSURER PARTICIPANTS VOLUNTARY ALLOCATION AGREEMENT.—

(1) IN GENERAL.—Not later than 30 days after the Committee proposes its rule establishing an allocation methodology under subsection (a)(1), direct insurer participants licensed or domiciled in the United States, other direct insurer participants, reinsurer participants licensed or domiciled in the United States, or other reinsurer participants, may submit an allocation agreement, approved by all of the participants in the applicable group, to the Committee.

(2) ALLOCATION AGREEMENT.—To the extent the participants in any such applicable group voluntarily agree upon an allocation arrangement, any such allocation agreement shall only govern the allocation of payments within that group and shall not determine the aggregate amount due from that group.

(3) CERTIFICATION.—The Committee shall determine whether an allocation agreement submitted under subparagraph (A) meets the requirements of this subtitle and, if so, shall certify the agreement as establishing the allocation methodology governing the individual payment obligations of the participants who are parties to the agreement. The authority of the Committee under this subtitle shall, with respect to participants who are parties to a certified allocation agreement, terminate on the day after the Committee certifies such agreement. Under subsection (f), the Chief Executive Officer shall assume responsibility, if necessary, for calculating the individual payment obligations of participants who are parties to the certified agreement.

(d) COMMITTEE REPORT.—

(1) RECIPIENTS.—Until the work of the Committee has been completed and the Committee terminated, the Committee shall submit an annual report, containing the information described under paragraph (2), to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on the Judiciary of the House of Representatives; and

(C) the Chief Executive Officer.

(2) CONTENTS.—The report under paragraph (1) shall state the amount that each insurer participant is required to pay to the Fund, including the payment schedule for such payments.

(e) INTERIM PAYMENTS.—

(1) AMOUNT OF INTERIM PAYMENT.—Within 90 days after the date of enactment of this Act, insurer participants shall make an aggregate payment to the Fund not to exceed 50 percent of the aggregate funding obligation specified under subsection (a)(3)(C) for year 1.

(2) RESERVE INFORMATION.—Within 30 days after the date of enactment of this Act, each insurer participant shall submit to the Chief Executive Officer a certified statement of its net held reserves for asbestos liabilities as of December 31, 2004.

(3) ALLOCATION OF INTERIM PAYMENT.—The Chief Executive Officer shall allocate the interim payment among the individual insurer participants on an equitable basis using the net held asbestos reserve information provided by insurer participants under subsection (a)(3)(B). Within 60 days after the date of enactment of this Act, the Chief Executive Officer shall publish in a newspaper with a circulation of at least 500,000 and on the Internet the name of each insurer participant, and the amount of the insurer participant's allocated share of the interim payment. The use of net held asbestos reserves as the basis to determine an interim allocation shall not be binding on the Chief Executive Officer in the determination of an appropriate final allocation methodology under this section. All payments required under this paragraph shall be credited against the participant's ultimate payment obligation to the Fund established by the Committee. If an interim payment exceeds the ultimate payment, the Fund shall pay interest on the amount of the overpayment at a rate determined by the Chief Executive Officer. If the ultimate payment exceeds the interim payment, the participant shall pay interest on the amount of the underpayment at the same rate. Any participant may seek an exemption from or reduction in any payment required under this subsection under the financial hardship and exceptional circumstance standards established under subsection (a)(3)(E).

(4) APPEAL OF INTERIM PAYMENT DECISIONS.—A decision by the Chief Executive Officer to establish an interim payment obligation shall be considered final agency action and reviewable under section 303, except that the reviewing court may not stay an interim payment during the pendency of the appeal.

(f) TRANSFER OF AUTHORITY FROM THE COMMITTEE TO THE CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—Upon termination of the Committee under section 215, the Chief Executive Officer shall assume all the responsibilities and authority of the Committee, except that the Chief Executive Officer shall not have the power to modify the allocation methodology established by the Committee or by certified agreement or to promulgate a rule establishing any such methodology.

(2) FINANCIAL HARDSHIP AND EXCEPTIONAL CIRCUMSTANCE ADJUSTMENTS.—Upon termination of the Committee under section 215, the Chief Executive Officer shall have the authority, upon application by any insurer participant, to make adjustments to annual payments upon the same grounds as provided in subsection (a)(3)(D). Adjustments granted under this subsection shall have a term not to exceed 3 years. An insurer participant may renew its adjustment by demonstrating

that it remains justified. Upon the grant of any adjustment, the Chief Executive Officer shall increase the payments, consistent with subsection (a)(1)(B), required of all other insurer participants so that there is no reduction in the aggregate payment required of all insurer participants for the applicable years. The increase in an insurer participant's required payment shall be in proportion to such participant's share of the aggregate payment obligation of all insurer participants.

(3) CREDITS FOR SHORTFALL ASSESSMENTS.—If insurer participants are required during the first 5 years of the life of the Fund to make up any shortfall in required insurer payments under subsection (a)(1)(B), then, beginning in year 6, the Chief Executive Officer shall grant each insurer participant a credit against its annual required payments during the applicable years that in the aggregate equal the amount of shortfall assessments paid by such insurer participant during the first 5 years of the life of the Fund. The credit shall be prorated over the same number of years as the number of years during which the insurer participant paid a shortfall assessment. Insurer participants which did not pay all required payments to the Fund during the first 5 years of the life of the Fund shall not be eligible for a credit. The Chief Executive Officer shall not grant a credit for shortfall assessments imposed under section 405(e).

(4) FINANCIAL SECURITY REQUIREMENTS.—Whenever an insurer participant's A.M. Best's claims payment rating or Standard and Poor's financial strength rating falls below A–, and until such time as either the insurer participant's A.M. Best's Rating or Standard and Poor's rating is equal to or greater than A–, the Chief Executive Officer shall have the authority to require that the participating insurer either—

(A) pay the present value of its remaining Fund payments at a discount rate determined by the Chief Executive Officer; or

(B) provide an evergreen letter of credit or financial guarantee for future payments issued by an institution with an A.M. Best's claims payment rating or Standard & Poor's financial strength rating of at least A+.

(g) ACCOUNTING TREATMENT.—Insurer participants' payment obligations to the Fund shall be subject to discounting under the applicable accounting guidelines for generally accepted accounting purposes and statutory accounting purposes for each insurer participant. This subsection shall in no way reduce the amount of monetary payments to the Fund by insurer participants as required under subsection (a).

(h) JUDICIAL REVIEW.—The Committee's rule establishing an allocation methodology, its final determinations of payment obligations and other final action shall be judicially reviewable as provided in title III.

SEC. 213. POWERS OF ASBESTOS INSURERS COMMITTEE.

(a) RULEMAKING.—The Committee shall promulgate such rules and regulations as necessary to implement its authority under this Act, including regulations governing an allocation methodology. Such rules and regulations shall be promulgated after providing interested parties with the opportunity for notice and comment.

(b) HEARINGS.—The Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers advisable to carry out this Act. The Committee shall also hold a hearing on any proposed regulation establishing an allocation methodology, before the Committee's adoption of a final regulation.

(c) INFORMATION FROM FEDERAL AND STATE AGENCIES.—The Committee may secure directly from any Federal or State department or agency such information as the Committee considers necessary to carry out this Act. Upon request of the Chairman of the Committee, the head of such department or agency shall furnish such information to the Committee.

(d) POSTAL SERVICES.—The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) GIFTS.—The Committee may not accept, use, or dispose of gifts or donations of services or property.

(f) EXPERT ADVICE.—In carrying out its responsibilities, the Committee may enter into such contracts and agreements as the Committee determines necessary to obtain expert advice and analysis.

SEC. 214. PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Committee shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee.

(b) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Committee may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Committee to perform its duties. The employment of an executive director shall be subject to confirmation by the Committee.

(2) COMPENSATION.—The Chairman of the Committee may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 215. TERMINATION OF ASBESTOS INSURERS COMMITTEE.

The Committee shall terminate 90 days after the last date on which the Committee makes a final determination of contribution under section 212(b) or 90 days after the last appeal of any final action by the Committee is exhausted, whichever occurs later.

SEC. 216. EXPENSES AND COSTS OF COMMITTEE.

All expenses of the Committee shall be paid from the Fund.

Subtitle C—Asbestos Injury Claims Resolution Fund

SEC. 221. ESTABLISHMENT OF ASBESTOS INJURY CLAIMS RESOLUTION FUND.

(a) ESTABLISHMENT.—There is established in the Office of Asbestos Disease Compensation the Asbestos Injury Claims Resolution Fund, which shall be available to pay—

(1) claims for awards for an eligible disease or condition determined under title I;

(2) claims for reimbursement for medical monitoring determined under title I;

(3) principal and interest on borrowings under subsection (b);

(4) the remaining obligations to the asbestos trust of a debtor and the class action trust under section 405(f)(8); and

(5) administrative expenses to carry out the provisions of this Act.

(b) BORROWING AUTHORITY.—

(1) IN GENERAL.—The Chief Executive Officer is authorized to borrow from time to time amounts as set forth in this subsection, for purposes of enhancing liquidity available to the Fund for carrying out the obligations of the Fund under this Act. The Chief Executive Officer may authorize borrowing in such form, over such term, with such necessary disclosure to its lenders as will most efficiently enhance the Fund's liquidity.

(2) FEDERAL FINANCING BANK.—In addition to the general authority in paragraph (1), the Chief Executive Officer may borrow from the Federal Financing Bank in accordance with section 6 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2285), as needed for performance of the Chief Executive Officer's duties under this Act for the first 5 years.

(3) BORROWING CAPACITY.—The maximum amount that may be borrowed under this subsection at any given time is the amount that, taking into account all payment obligations related to all previous amounts borrowed in accordance with this subsection and all committed obligations of the Fund at the time of borrowing, can be repaid in full (with interest) in a timely fashion from—

(A) the available assets of the Fund as of the time of borrowing; and

(B) all amounts expected to be paid by participants during the subsequent 10 years.

(4) REPAYMENT OBLIGATIONS.—Repayment of monies borrowed by the Chief Executive Officer under this subsection shall be repaid in full by the Fund contributors and is limited solely to amounts available, present or future, in the Fund.

(c) LOCKBOX FOR SEVERE ASBESTOS-RELATED INJURY CLAIMANTS.—

(1) IN GENERAL.—Within the Fund, the Chief Executive Officer shall establish the following accounts:

(A) A Mesothelioma Account, which shall be used solely to make payments to claimants eligible for an award under the criteria of Level IX.

(B) A Lung Cancer Account, which shall be used solely to make payments to claimants eligible for an award under the criteria of Level VIII.

(C) A Severe Asbestosis Account, which shall be used solely to make payments to claimants eligible for an award under the criteria of Level V.

(D) A Moderate Asbestosis Account, which shall be used solely to make payments to claimants eligible for an award under the criteria of Level IV.

(2) Allocation.—The Chief Executive Officer shall allocate to each of the 4 accounts established under paragraph (1) a portion of payments made to the Fund adequate to compensate all anticipated claimants for each account. Within 60 days after the date of enactment of this Act, and periodically during the life of the Fund, the Chief Executive Officer shall determine an appropriate amount to allocate to each account after consulting appropriate epidemiological and statistical studies.

(d) Audit Authority.—

(1) In general.—For the purpose of ascertaining the correctness of any information provided or payments made to the Fund, or determining whether a person who has not made a payment to the Fund was required to do so, or determining the liability of any person for a payment to the Fund, or collecting any such liability, or inquiring into any offense connected with the administration or enforcement of this title, the Chief Executive Officer is authorized—

(A) to examine any books, papers, records, or other data which may be relevant or material to such inquiry;

(B) to summon the person liable for a payment under this title, or officer or employee of such person, or any person having possession, custody, or care of books of account containing entries relating to the business of the person liable or any other person the Chief Executive Officer may determine proper, to appear before the Chief Executive Officer at a time and place named in the summons and to produce such books, papers, records, or other data, and to give such testimony, under oath, as may be relevant or material to such inquiry; and

(C) to take such testimony of the person concerned, under oath, as may be relevant or material to such inquiry.

(2) False, fraudulent, or fictitious statements or practices.—If the Chief Executive Officer determines that materially false, fraudulent, or fictitious statements or practices have been submitted or engaged in by persons submitting information to the Chief Executive Officer or to the Asbestos Insurers Committee or any other person who provides evidence in support of such submissions for purposes of determining payment obligations under this Act, the Chief Executive Officer may impose a civil penalty not to exceed $10,000 on any person found to have submitted or engaged in a materially false, fraudulent, or fictitious statement or practice under this Act. The Chief Executive Officer shall promulgate appropriate regulations to implement this paragraph.

(e) Identity of Certain Defendant Participants; Transparency.—

(1) Submission of information.—Not later than 60 days after the date of enactment of this Act, any person who, acting in good faith, has knowledge that such person or such person's affiliated group has prior asbestos expenditures of $1,000,000 or greater, shall submit to the Chief Executive Officer—

(A) either the name of such person, or such person's ultimate parent; and

(B) the likely tier to which such person or affiliated group may be assigned under this Act.

(2) Publication.—Not later than 20 days after the end of the 60-day period referred to in paragraph (1), the Chief Executive Officer shall publish in a newspaper with a circulation of at least 500,000 and on the Internet a list of submissions required by this subsection, including the name of such persons or ultimate parents and the likely tier to which such persons or affiliated groups may be assigned. After publication of such list, any person who, acting in good faith, has knowledge that any other person has prior asbestos expenditures of $1,000,000 or greater may submit to the Chief Executive Officer information on the identity of that person and the person's prior asbestos expenditures.

(f) No Private Right of Action.—Except as provided in sections 203(b)(2)(D)(ii) and 204(f)(3), there shall be no private right of action under any Federal or State law against any participant based on a claim of compliance or noncompliance with this Act or the involvement of any participant in the enactment of this Act.

SEC. 222. MANAGEMENT OF THE FUND.

(a) In General.—Amounts in the Fund shall be held for the exclusive purpose of providing benefits to asbestos claimants and their beneficiaries and to otherwise defray the reasonable expenses of administering the Fund.

(b) Investments.—

(1) In general.—Amounts in the Fund shall be administered and invested with the care, skill, prudence, and diligence, under the circumstances prevailing at the time of such investment, that a prudent person acting in a like capacity and manner would use.

(2) Strategy.—The Chief Executive Officer shall invest amounts in the Fund in a manner that enables the Fund to make current and future distributions to or for the benefit of asbestos claimants. In pursuing an investment strategy under this subparagraph, the Chief Executive Officer shall consider, to the extent relevant to an investment decision or action—

(A) the size of the Fund;

(B) the nature and estimated duration of the Fund;

(C) the liquidity and distribution requirements of the Fund;

(D) general economic conditions at the time of the investment;

(E) the possible effect of inflation or deflation on Fund assets;

(F) the role that each investment or course of action plays with respect to the overall assets of the Fund;

(G) the expected amount to be earned (including both income and appreciation of capital) through investment of amounts in the Fund; and

(H) the needs of asbestos claimants for current and future distributions authorized under this Act.

(c) Bankruptcy Trust Guarantee.—

(1) In general.—Notwithstanding any other provision of this Act, the Chief Executive Officer shall have the authority to impose a pro rata surcharge on all participants under this subsection to ensure the liquidity of the Fund, if—

(A) the declared assets from 1 or more bankruptcy trusts established under a plan of reorganization confirmed and substantially consummated on or before July 31, 2004, are not available to the Fund because a final judgment that has been entered by a court and is no longer subject to any appeal or review has enjoined the transfer of assets required under section 524(j)(2) of title 11, United States Code (as amended by section 402(f) of this Act); and

(B) borrowing is insufficient to assure the Fund's ability to meet its obligations under this Act such that the required borrowed amount is likely to increase the risk of termination of this Act under section 405 based on reasonable claims projections.

(2) Allocation.—Any surcharge imposed under this subsection shall be imposed over a period of 5 years on a pro rata basis upon all participants, in accordance with the relative aggregate funding obligations under sections 202(a)(2) and 212(a)(2)(A).

(3) Certification.—

(A) In general.—Before imposing a surcharge under this subsection, the Chief Executive Officer shall publish in a newspaper with a circulation of at least 500,000 and on the Internet a notice and provide in such notice for a public comment period of 30 days.

(B) Contents of notice.—The notice required under subparagraph (A) shall include—

(i) information explaining the circumstances that make a surcharge necessary and a certification that the requirements under paragraph (1) are met;

(ii) the amount of the declared assets from any trust established under a plan of reorganization confirmed and substantially consummated on or before July 31, 2004, that was not made, or is no longer, available to the Fund;

(iii) the total aggregate amount of the necessary surcharge; and

(iv) the surcharge amount for each tier and subtier of defendant participants and for each insurer participant.

(C) Final notice.—The Chief Executive Officer shall publish in a newspaper with a circulation of at least 500,000 and on the Internet a final notice and provide each participant with written notice of that participant's schedule of payments under this subsection. In no event shall any required surcharge under this subsection be due before 60 days after the Chief Executive Officer publishes the final notice in a newspaper with a circulation of at least 500,000 and on the Internet and provides each participant with written notice of its schedule of payments.

(4) Maximum amount.—In no event shall the total aggregate surcharge imposed by the Chief Executive Officer exceed the lesser of—

(A) the total aggregate amount of the declared assets of the trusts established under a plan of reorganization confirmed and substantially consummated prior to July 31, 2004, that are no longer available to the Fund; or

(B) $4,000,000,000.

(5) Declared assets.—

(A) In general.—In this subsection, the term "declared assets" means—

(i) the amount of assets transferred by any trust established under a plan of reorganization confirmed and substantially consummated on or before July 31, 2004, to the Fund that is required to be returned to that trust under the final judgment described in paragraph (1)(A); or

(ii) if no assets were transferred by the trust to the Fund, the amount of assets the Chief Executive Officer determines would have been available for transfer to the Fund from that trust under section 402(f).

(B) Determination.—In making a determination under subparagraph (A)(ii), the Chief Executive Officer may rely on any information reasonably available, and may request, and use subpoena authority of the Chief Executive Officer if necessary to obtain, relevant information from any such trust or its trustees.

(d) Bankruptcy Trust Credits.—

(1) In general.—Notwithstanding any other provision of this Act, but subject to paragraph (2) of this subsection, the Chief Executive Officer shall provide a credit toward the aggregate payment obligations under sections 202(a)(2) and 212(a)(2)(A) for

assets received by the Fund from any bankruptcy trust established under a plan of reorganization confirmed and substantially consummated after July 31, 2004.

(2) ALLOCATION OF CREDITS.—The Chief Executive Officer shall allocate, for each such bankruptcy trust, the credits for such assets between the defendant and insurer aggregate payment obligations as follows:

(A) DEFENDANT PARTICIPANTS.—The aggregate amount that all persons other than insurers contributing to the bankruptcy trust would have been required to pay as Tier I defendants under section 203(b) if the plan of reorganization under which the bankruptcy trust was established had not been confirmed and substantially consummated and the proceeding under chapter 11 of title 11, United States Code, that resulted in the establishment of the bankruptcy trust had remained pending as of the date of enactment of this Act.

(B) INSURER PARTICIPANTS.—The aggregate amount of all credits to which insurers are entitled to under section 202(c)(4)(A) of the Act.

SEC. 223. ENFORCEMENT OF PAYMENT OBLIGATIONS.

(a) DEFAULT.—If any participant fails to make any payment in the amount of and according to the schedule under this Act or as prescribed by the Chief Executive Officer, after demand and a 30-day opportunity to cure the default, there shall be a lien in favor of the United States for the amount of the delinquent payment (including interest) upon all property and rights to property, whether real or personal, belonging to such participant.

(b) BANKRUPTCY.—In the case of a bankruptcy or insolvency proceeding, the lien imposed under subsection (a) shall be treated in the same manner as a lien for taxes due and owing to the United States for purposes of the provisions of title 11, United States Code, or section 3713(a) of title 31, United States Code. The United States Bankruptcy Court shall have jurisdiction over any issue or controversy regarding lien priority and lien perfection arising in a bankruptcy case due to a lien imposed under subsection (a).

(c) CIVIL ACTION.—

(1) IN GENERAL.—In any case in which there has been a refusal or failure to pay any liability imposed under this Act, the Chief Executive Officer may bring a civil action in any appropriate United States District Court, or any other appropriate lawsuit or proceeding outside of the United States—

(A) to enforce the liability and any lien of the United States imposed under this section;

(B) to subject any property of the participant, including any property in which the participant has any right, title, or interest to the payment of such liability; or

(C) for temporary, preliminary, or permanent relief.

(2) ADDITIONAL PENALTIES.—In any action under paragraph (1) in which the refusal or failure to pay was willful, the Chief Executive Officer may seek recovery—

(A) of punitive damages;

(B) of the costs of any civil action under this subsection, including reasonable fees incurred for collection, expert witnesses, and attorney's fees; and

(C) in addition to any other penalty, of a fine equal to the total amount of the liability that has not been collected.

(d) ENFORCEMENT AUTHORITY AS TO INSURER PARTICIPANTS.—

(1) IN GENERAL.—In addition to or in lieu of the enforcement remedies described in subsection (c), the Chief Executive Officer may seek to recover amounts in satisfaction of a payment not timely paid by an insurer participant under the procedures under this subsection.

(2) SUBROGATION.—To the extent required to establish personal jurisdiction over nonpaying insurer participants, the Chief Executive Officer shall be deemed to be subrogated to the contractual rights of participants to seek recovery from nonpaying insuring participants that are domiciled outside the United States under the policies of liability insurance or contracts of liability reinsurance or retrocessional reinsurance applicable to asbestos claims, and the Chief Executive Officer may bring an action or an arbitration against the nonpaying insurer participants under the provisions of such policies and contracts, provided that—

(A) any amounts collected under this subsection shall not increase the amount of deemed erosion allocated to any policy or contract under section 404, or otherwise reduce coverage available to a participant; and

(B) subrogation under this subsection shall have no effect on the validity of the insurance policies or reinsurance, and any contrary State law is expressly preempted.

(3) RECOVERABILITY OF CONTRIBUTION.—For purposes of this subsection—

(A) all contributions to the Fund required of a participant shall be deemed to be sums legally required to be paid for bodily injury resulting from exposure to asbestos;

(B) all contributions to the Fund required of any participant shall be deemed to be a single loss arising from a single occurrence under each contract to which the Chief Executive Officer is subrogated; and

(C) with respect to reinsurance contracts, all contributions to the Fund required of a participant shall be deemed to be payments to a single claimant for a single loss.

(4) NO CREDIT OR OFFSET.—In any action brought under this subsection, the nonpaying insurer or reinsurer shall be entitled to no credit or offset for amounts collectible or potentially collectible from any participant nor shall such defaulting participant have any right to collect any sums payable under this section from any participant.

(5) COOPERATION.—Insureds and cedents shall cooperate with the Chief Executive Officer's reasonable requests for assistance in any such proceeding. The positions taken or statements made by the Chief Executive Officer in any such proceeding shall not be binding on or attributed to the insureds or cedents in any other proceeding. The outcome of such a proceeding shall not have a preclusive effect on the insureds or cedents in any other proceeding and shall not be admissible against any subrogee under this section. The Chief Executive Officer shall have the authority to settle or compromise any claims against a nonpaying insurer participant under this subsection.

(e) BAR ON UNITED STATES BUSINESS.—If any direct insurer or reinsurer refuses to pay any contribution required by this Act, then, in addition to any other penalties imposed by this Act, the Chief Executive Officer shall issue an order barring such entity and its affiliates from insuring risks located within the United States or otherwise doing business within the United States unless and until it complies. If any direct insurer or reinsurer refuses to furnish any information requested by the Chief Executive Officer, the Chief Executive Officer may issue an order barring such entity and its affiliates from insuring risks located within the United States or otherwise doing business within the United States unless and until it complies. Insurer participants or their affiliates seeking to obtain a license from any State to write any type of insurance shall be barred from obtaining any such license until payment of all contributions required as of the date of license application.

(f) CREDIT FOR REINSURANCE.—If the Chief Executive Officer determines that an insurer participant that is a reinsurer is in default in paying any required contribution or otherwise not in compliance with this Act, the Chief Executive Officer may issue an order barring any direct insurer participant from receiving credit for reinsurance purchased from the defaulting reinsurer after the date of the Chief Executive Officer's determination of default. Any State law governing credit for reinsurance to the contrary is preempted.

(g) DEFENSE LIMITATION.—In any proceeding under this section, the participant shall be barred from bringing any challenge to any determination of the Chief Executive Officer or the Asbestos Insurers Committee regarding its liability under this Act, or to the constitutionality of this Act or any provision thereof, if such challenge could have been made during the review provided under section 204(i)(10), or in a judicial review proceeding under section 303.

(h) DEPOSIT OF FUNDS.—

(1) IN GENERAL.—Any funds collected under subsection (c)(2) (A) or (C) shall be—

(A) deposited in the Fund; and

(B) used only to pay—

(i) claims for awards for an eligible disease or condition determined under title I; or

(ii) claims for reimbursement for medical monitoring determined under title I.

(2) NO EFFECT ON OTHER LIABILITIES.—The imposition of a fine under subsection (c)(2)(C) shall have no effect on—

(A) the assessment of contributions under subtitles A and B; or

(B) any other provision of this Act.

(i) PROPERTY OF THE ESTATE.—Section 541(b) of title 11, United States Code, is amended—

(1) in paragraph (4)(B)(ii), by striking "or" at the end;

(2) in paragraph (5), by striking "prohibition." and inserting "prohibition; or"; and

(3) by inserting after paragraph (5) and before the last undesignated sentence the following:

"(6) the value of any pending claim against or the amount of an award granted from the Asbestos Injury Claims Resolution Fund established under the Fairness in Asbestos Injury Resolution Act of 2006.".

(j) PROPOSED TRANSACTIONS.—

(1) NOTICE OF PROPOSED TRANSACTION.—Any participant that has taken any action to effectuate a proposed transaction or a proposed series of transactions under which a significant portion of such participant's assets, properties or business will, if consummated as proposed, be, directly or indirectly, transferred by any means (including, without limitation, by sale, dividend, contribution to a subsidiary or split-off) to 1 or more persons other than the participant shall provide written notice to the Chief Executive Officer of such proposed transaction (or proposed series of transactions). Upon the request of such participant, and for so long as the participant shall not publicly disclose the transaction or series of transactions and the Chief Executive Officer shall not commence any action under paragraph (6), the Chief Executive Officer shall treat any such notice as confidential commercial information under section 552 of title 5, United States Code.

(2) TIMING OF NOTICE AND RELATED ACTIONS.—

(A) IN GENERAL.—Any notice that a participant is required to give under paragraph (1) shall be given not later than 30 days before the date of consummation of the proposed transaction or the first transaction to occur in a proposed series of transactions.

(B) OTHER NOTIFICATIONS.—

(i) IN GENERAL.—Not later than the date in any year by which a participant is required to make its contribution to the Fund, the participant shall deliver to the Chief Executive Officer a written certification stating that—

(I) the participant has complied during the period since the last such certification or the date of enactment of this Act with the notice requirements set forth in this subsection; or

(II) the participant was not required to provide any notice under this subsection during such period.

(ii) SUMMARY.—The Chief Executive Officer shall include in the annual report required to be submitted to Congress under section 405 a summary of all such notices (after removing all confidential identifying information) received during the most recent fiscal year.

(C) NOTICE COMPLETION.—The Chief Executive Officer shall not consider any notice given under paragraph (1) as given until such time as the Chief Executive Officer receives substantially all the information required by this subsection.

(3) CONTENTS OF NOTICE.—

(A) IN GENERAL.—The Chief Executive Officer shall determine by rule or regulation the information to be included in the notice required under this subsection, which shall include such information as may be necessary to enable the Chief Executive Officer to determine whether—

(i) the person or persons to whom the assets, properties or business are being transferred in the proposed transaction (or proposed series of transactions) should be considered to be the successor in interest of the participant for purposes of this Act, or

(ii) the proposed transaction (or proposed series of transactions) would, if consummated, be subject to avoidance by a trustee under section 544(b) or 548 of title 11, United States Code, as if, but whether or not, the participant is subject to a case under title 11, United States Code.

(B) STATEMENTS.—The notice shall also include—

(i) a statement by the participant as to whether it believes any person will or has become a successor in interest to the participant for purposes of this Act and, if so, the identity of that person; and

(ii) a statement by the participant as to whether that person has acknowledged that it will or has become a successor in interest for purposes of this Act.

(4) DEFINITION.—In this subsection, the term "significant portion of the assets, properties or business of a participant" means assets (including, without limitation, tangible or intangible assets, securities and cash), properties or business of such participant (or its affiliated group, to the extent that the participant has elected to be part of an affiliated group under section 204(f)) that, together with any other asset, property or business transferred by such participant in any of the previous completed 5 fiscal years of such participant (or, as appropriate, its affiliated group), and as determined in accordance with United States generally accepted accounting principles as in effect from time to time—

(A) generated at least 40 percent of the revenues of such participant (or its affiliated group);

(B) constituted at least 40 percent of the assets of such participant (or its affiliated group);

(C) generated at least 40 percent of the operating cash flows of such participant (or its affiliated group); or

(D) generated at least 40 percent of the net income or loss of such participant (or its affiliated group),

as measured during any of such 5 previous fiscal years.

(5) CONSUMMATION OF TRANSACTION.—Any proposed transaction (or proposed series of transactions) with respect to which a participant is required to provide notice under paragraph (1) may not be consummated until at least 30 days after delivery to the Chief Executive Officer of such notice, unless the Chief Executive Officer shall earlier terminate the notice period. The Chief Executive Officer shall endeavor whenever possible to terminate a notice period at the earliest practicable time.

(6) RIGHT OF ACTION.—

(A) IN GENERAL.—Notwithstanding section 221(f), if the Chief Executive Officer or any participant believes that a participant proposes to engage or has engaged, directly or indirectly, in, or is the subject of, a transaction (or series of transactions)—

(i) involving a person or persons who, as a result of such transaction (or series of transactions), may have or may become the successor in interest or successors in interest of such participant, where the status or potential status as a successor in interest has not been stated and acknowledged by the participant and such person; or

(ii) that may be subject to avoidance by a trustee under section 544(b) or 548 of title 11, United States Code, as if, but whether or not, the participant is a subject to a case under title 11, United States Code,

then the Chief Executive Officer or such participant may, as a deemed creditor under applicable law, bring a civil action in an appropriate forum against the participant or any other person who is either a party to the transaction (or series of transactions) or the recipient of any asset, property, or business of the participant.

(B) RELIEF ALLOWED.—In any action commenced under this subsection, the Chief Executive Officer or a participant, as applicable, may seek—

(i) with respect to a transaction (or series of transactions) referenced in clause (i) of subparagraph (A), a declaratory judgment regarding whether such person will or has become the successor in interest of such participant; or

(ii) with respect to a transaction (or series of transactions) referenced in clause (ii) of subparagraph (A)—

(I) a temporary restraining order or a preliminary or permanent injunction against such transaction (or series of transactions); or

(II) such other relief regarding such transaction (or series of transactions) as the court determines to be necessary to ensure that performance of a participant's payment obligations under this Act is not materially impaired by reason of such transaction (or series of transactions).

(C) APPLICABILITY.—If the Chief Executive Officer or a participant wishes to challenge a statement made by a participant that a person will not or has not become a successor in interest for purposes of this Act, then this paragraph shall be the exclusive means by which the determination of whether such person will or has become a successor in interest of the participant shall be made. This paragraph shall not preempt any other rights of any person under applicable Federal or State law.

(D) VENUE.—Any action under this paragraph shall be brought in any appropriate United States district court or, to the extent necessary to obtain complete relief, any other appropriate forum outside of the United States.

(7) RULES AND REGULATIONS.—The Chief Executive Officer may promulgate regulations to effectuate the intent of this subsection, including regulations relating to the form, timing, and content of notices.

SEC. 224. INTEREST ON UNDERPAYMENT OR NONPAYMENT.

If any amount of payment obligation under this title is not paid on or before the last date prescribed for payment, the liable party shall pay interest on such amount at the Federal short-term rate determined under section 6621(b) of the Internal Revenue Code of 1986, plus 5 percentage points, for the period from such last date to the date paid.

SEC. 225. EDUCATION, CONSULTATION, AND MONITORING.

(a) IN GENERAL.—The Chief Executive Officer shall establish a program for the education, consultation, and medical monitoring of persons with exposure to asbestos. The program shall be funded by the Fund.

(b) OUTREACH AND EDUCATION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Chief Executive Officer shall establish an outreach and education program, including a website designed to provide information about asbestos-related medical conditions to members of populations at risk of developing such conditions.

(2) INFORMATION.—The information provided under paragraph (1) shall include information about—

(A) the signs and symptoms of asbestos-related medical conditions;

(B) the value of appropriate medical screening programs; and

(C) actions that the individuals can take to reduce their future health risks related to asbestos exposure.

(c) MEDICAL MONITORING PROGRAM AND PROTOCOLS.—

(1) IN GENERAL.—The Chief Executive Officer shall establish procedures for a medical monitoring program for persons exposed to asbestos who have been approved for level I compensation under section 131.

(2) PROCEDURES.—The procedures for medical monitoring shall include—

(A) specific medical tests to be provided to eligible individuals and the periodicity of those tests, which shall initially be provided every 3 years and include—

(i) administration of a health evaluation and work history questionnaire;

(ii) physical examinations, including blood pressure measurement, chest examination, and examination for clubbing;

(iii) AP and lateral chest x-ray; and

(iv) spirometry performed according to ATS standards;

(B) qualifications of medical providers who are to provide the tests required under subparagraph (A); and

(C) administrative provisions for reimbursement from the Fund of the costs of monitoring eligible claimants, including the costs associated with the visits of the claimants to physicians in connection with medical monitoring, and with the costs of performing and analyzing the tests.

(3) PREFERENCES.—

(A) IN GENERAL.—In administering the monitoring program under this subsection, preference shall be given to medical and program providers with—

(i) a demonstrated capacity for identifying, contacting, and evaluating populations of workers or others previously exposed to asbestos; and

(ii) experience in establishing networks of medical providers to conduct medical screening and medical monitoring examinations.

(B) PROVISION OF LISTS.—Claimants that are eligible to participate in the medical monitoring program shall be provided with a list of approved providers in their geographic area at the time such claimants become eligible to receive medical monitoring.

(d) CONTRACTS.—The Chief Executive Officer may enter into contracts with qualified program providers that would permit the program providers to undertake medical monitoring programs by means of subcontracts with a network of medical providers, or other health providers.

(e) REVIEW.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Chief Executive Officer shall review, and if necessary update, the protocols and procedures established under this section.

SEC. 226. OVERSIGHT BY THE SECRETARY OF THE TREASURY.

The Secretary of the Treasury shall have authority to serve as the Federal Government's safety and soundness regulator for the Corporation, and may promulgate such regulations and exercise such authority as necessary to ensure the fiscal safety and soundness of the Corporation.

SEC. 227. ADMINISTRATIVE FUNDING.

The Corporation and Asbestos Insurers Committee shall each establish a budget for each fiscal year, which shall be reviewed and approved according to their respective internal procedures not less than 6 months before the commencement of the fiscal year to which the budget pertains. The budgets shall be subject to approval by the Secretary of the Treasury.

TITLE III—JUDICIAL REVIEW

SEC. 301. JUDICIAL REVIEW OF PROCEDURES.

(a) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction over any action to review written procedures issued by the Chief Executive Officer or by the Asbestos Insurers Committee or under this Act.

(b) REVIEW.—Any party adversely affected or aggrieved by any provision of the written procedures issued by the Chief Executive Officer or by the Asbestos Insurers Committee or under this Act shall file a petition for review not later than 60 days after the date of issuance of such procedures.

(c) STANDARD OF REVIEW.—The court shall uphold the provision of the written procedures being challenged unless the court determines that issuance of such procedure is arbitrary and capricious or contrary to law.

(d) EXPEDITED TREATMENT.—The United States Court of Appeals for the Federal Circuit shall provide expedited treatment for actions filed under this section.

SEC. 302. JUDICIAL REVIEW OF AWARD DECISIONS.

(a) IN GENERAL.—Any claimant adversely affected or aggrieved by a final decision of the Chief Executive Officer awarding or denying compensation under title I may petition for judicial review of such decision. Any petition for review under this section shall be filed within 90 days of the issuance of a final decision of the Chief Executive Officer.

(b) EXCLUSIVE JURISDICTION.—A petition for review may only be filed in the United States Court of Appeals for the Federal Circuit.

(c) STANDARD OF REVIEW.—The court shall uphold the decision of the Chief Executive Officer unless the court determines, upon review of the record as a whole, that the decision is not supported by substantial evidence, is contrary to law, or is not in accordance with procedure required by law.

(d) EXPEDITED PROCEDURES.—The United States Court of Appeals shall provide for expedited procedures for reviews under this section.

SEC. 303. JUDICIAL REVIEW OF PARTICIPANTS' ASSESSMENTS.

(a) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction over any action to review a final determination by the Chief Executive Officer or the Asbestos Insurers Committee regarding the liability of any person to make a payment to the Fund, including a notice of applicable subtier assignment under section 204(i), a notice of financial hardship or inequity determination under section 204(d), and a notice of insurer participant obligation under section 212(b).

(b) PERIOD FOR FILING ACTION.—A petition for review under subsection (a) shall be filed not later than 60 days after a final determination by the Chief Executive Officer or the Asbestos Insurers Committee giving rise to the action. Any defendant participant who receives a notice of its applicable subtier under section 204(i) or a notice of financial hardship or inequity determination under section 204(d) shall commence any action within 30 days after a decision on rehearing under section 204(i)(10), and any insurer participant who receives a notice of a payment obligation under section 212(b) shall commence any action within 30 days after receiving such notice. The court shall give such action expedited consideration.

SEC. 304. OTHER JUDICIAL CHALLENGES.

(a) EXCLUSIVE JURISDICTION.—The United States District Court for the District of Columbia shall have exclusive jurisdiction over any action for declaratory or injunctive relief challenging any provision of this Act. An action under this section shall be filed not later than 60 days after the date of enactment of this Act or 60 days after the final action by the Chief Executive Officer or the Asbestos Insurers Committee giving rise to the action, whichever is later.

(b) DIRECT APPEAL.—A final decision in the action shall be reviewable on appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 30 days, and the filing of a jurisdictional statement within 60 days, of the entry of the final decision.

(c) EXPEDITED PROCEDURES.—It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

SEC. 305. STAYS, EXCLUSIVITY, AND CONSTITUTIONAL REVIEW.

(a) NO STAYS.—No court may issue a stay of payment by any party into the Fund pending its final judgment.

(b) EXCLUSIVITY OF REVIEW.—An action of the Chief Executive Officer or the Asbestos Insurers Committee for which review could have been obtained under section 301, 302, or 303 shall not be subject to judicial review in any other proceeding.

(c) CONSTITUTIONAL REVIEW.—

(1) IN GENERAL.—The United States District Court for the District of Columbia shall have exclusive jurisdiction over any action challenging the constitutionality of any provision or application of this Act. The following rules shall apply:

(A) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened under section 2284 of title 28, United States Code.

(B) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, after the entry of the final decision.

(C) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(2) REPAYMENT TO ASBESTOS TRUST AND CLASS ACTION TRUST.—If the transfer of the assets of any asbestos trust of a debtor or any class action trust (or this Act as a whole) is held to be unconstitutional or otherwise unlawful, the Fund shall transfer the remaining balance of such assets (determined under section 405(f)(1)(A)(iii)) back to the appropriate asbestos trust or class action trust within 90 days after final judicial action on the legal challenge, including the exhaustion of all appeals.

SEC. 306. REPRESENTATIONS TO COURT.

(a) REPRESENTATIONS TO THE REVIEWING JUDICIAL BODY.—By presenting a request for judicial review under this title, a participant in the Fund, or a person acting on behalf of a participant in the Fund, certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances—

(1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(3) the allegations and other factual contentions have evidentiary support; and

(4) the denials of factual contentions are warranted on the evidence.

(b) SANCTIONS.—

(1) IN GENERAL.—If, after notice and a reasonable opportunity to respond, the reviewing judicial body determines that subsection (a) has been violated, the reviewing judicial body may, subject to the provisions of this subsection, impose an appropriate sanction upon the requesting participant, or parties that have violated subsection (a) or are responsible for the violation.

(2) SHOW CAUSE ORDER.—The reviewing judicial body may enter an order describing the specific conduct that appears to violate subsection (a) and directing a party to show cause why it has not violated subsection (a) with respect thereto.

(3) SANCTIONS.—

(A) IN GENERAL.—A sanction imposed for violation of this rule shall be limited to what is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated. Subject to subparagraph (B), the sanction may consist of, or include, directives of a nonmonetary nature, an order to pay a penalty of up to $500,000, or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of some or all of the reasonable expenses incurred as a direct result of the violation.

(B) MONETARY SANCTIONS.—Monetary sanctions may not be awarded unless the reviewing judicial body issues its order to show cause before a voluntary dismissal or settlement of the claims made by or against the party which is to be sanctioned.

(4) ORDER.—When imposing sanctions, the reviewing judicial body shall describe the conduct determined to constitute a violation of this rule and explain the basis for the sanction imposed.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. FALSE INFORMATION.

(a) CRIMINAL LIABILITY.—

(1) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"§ 1351. Fraud and false statements in connection with participation in Asbestos Injury Claims Resolution Fund

"(a) FRAUD RELATING TO ASBESTOS INJURY CLAIMS RESOLUTION FUND.—Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice to defraud the Office of Asbestos Disease Compensation or the Asbestos Insurers Committee under title II of the Fairness in Asbestos Injury Resolution Act of 2006 shall be fined under this title or imprisoned not more than 20 years, or both.

"(b) FALSE STATEMENT RELATING TO ASBESTOS INJURY CLAIMS RESOLUTION FUND.—

"(1) IN GENERAL.—It shall be unlawful for any person, in any matter involving the Office of Asbestos Disease Compensation or the Asbestos Insurers Committee, to knowingly and willfully—

"(A) falsify, conceal, or cover up by any trick, scheme, or device a material fact;

"(B) make any materially false, fictitious, or fraudulent statement or representation; or

"(C) make or use any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry, in connection with the award of a claim or the determination of a participant's payment obligation under title I or II of the Fairness in Asbestos Injury Resolution Act of 2006.

"(2) PENALTY.—A person who violates this subsection shall be fined under this title or imprisoned not more than 10 years, or both.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"1348. Fraud and false statements in connection with participation in Asbestos Injury Claims Resolution Fund.".

(b) FURTHER LIABILITY.—

(1) DEFINITION.—In this section, the term "knowingly" means that a person, with respect to information—

(A) has actual knowledge of the information;

(B) acts in deliberate ignorance of the truth or falsity of the information; or

(C) acts in reckless disregard of the truth or falsity of the information.

(2) LIABILITY.—Any defendant participant or insurer participant that knowingly makes, uses, or causes to be made or used a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the Corporation shall be liable under the standards of section 3729 of title 31, United States Code.

SEC. 402. EFFECT ON BANKRUPTCY LAWS.

(a) NO AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking "or" at the end;

(2) in paragraph (18), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (18) the following:

"(19) under subsection (a) of this section of the enforcement of any payment obligations under section 204 of the Fairness in Asbestos Injury Resolution Act of 2006, against a debtor, or the property of the estate of a debtor, that is a participant (as that term is defined in section 3 of that Act).".

(b) ASSUMPTION OF EXECUTORY CONTRACT.—Section 365 of title 11, United States Code, is amended by adding at the end the following:

"(p) If a debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006), the trustee shall be deemed to have assumed all executory contracts entered into by the participant under section 204 of that Act. The trustee may not reject any such executory contract.".

(c) ALLOWED ADMINISTRATIVE EXPENSES.—Section 503 of title 11, United States Code, is amended by adding at the end the following:

"(c)(1) Claims or expenses of the United States, the Attorney General, or the Chief Executive Officer (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006) based upon the asbestos payment obligations of a debtor that is a Participant (as that term is defined in section 3 of that Act), shall be paid as an allowed administrative expense. The debtor shall not be entitled to either notice or a hearing with respect to such claims.

"(2) For purposes of paragraph (1), the term 'asbestos payment obligation' means any payment obligation under title II of the Fairness in Asbestos Injury Resolution Act of 2006.".

(d) NO DISCHARGE.—Section 523 of title 11, United States Code, is amended by adding at the end the following:

"(f) A discharge under section 727, 1141, 1228, or 1328 of this title does not discharge any debtor that is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006) of the debtor's payment obligations assessed against the participant under title II of that Act.".

(e) PAYMENT.—Section 524 of title 11, United States Code, is amended by adding at the end the following:

"(i) PARTICIPANT DEBTORS.—

"(1) IN GENERAL.—Paragraphs (2) and (3) shall apply to a debtor who—

"(A) is a participant that has made prior asbestos expenditures (as such terms are defined in the Fairness in Asbestos Injury Resolution Act of 2006); and

"(B) is subject to a case under this title that is pending—

"(i) on the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006; or

"(ii) at any time during the 1-year period preceding the date of enactment of that Act.

"(2) TIER I DEBTORS.—A debtor that has been assigned to Tier I under section 202 of the Fairness in Asbestos Injury Resolution Act of 2006, shall make payments in accordance with sections 202 and 203 of that Act.

"(3) TREATMENT OF PAYMENT OBLIGATIONS.—All payment obligations of a debtor under sections 202 and 203 of the Fairness in Asbestos Injury Resolution Act of 2006 shall—

"(A) constitute costs and expenses of administration of a case under section 503 of this title;

"(B) notwithstanding any case pending under this title, be payable in accordance with section 202 of that Act;

"(C) not be stayed;

"(D) not be affected as to enforcement or collection by any stay or injunction of any court; and

"(E) not be impaired or discharged in any current or future case under this title.".

(f) TREATMENT OF TRUSTS.—Section 524 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(j) ASBESTOS TRUSTS.—

"(1) IN GENERAL.—A trust shall assign a portion of the corpus of the trust to the Asbestos Injury Claims Resolution Fund (referred to in this subsection as the 'Fund') as established under the Fairness in Asbestos Injury Resolution Act of 2006—

"(A) the trust qualifies as a trust under section 201 of that Act; and

"(B) the trust does not file an election under section 410 of that Act.

"(2) TRANSFER OF TRUST ASSETS.—

"(A) IN GENERAL.—

"(i) Except as provided under subparagraphs (B), (C), and (E), the assets in any trust established to provide compensation for asbestos claims (as defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006) shall be transferred to the Fund not later than 90 days after the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006 or 30 days following funding of a trust established under a reorganization plan subject to section 202(c) of that Act. Except as provided under subparagraph (B), the Chief Executive Officer of the Fund shall accept such assets and utilize them for any purposes of the Fund under section 221 of such Act, including the payment of claims for awards under such Act to beneficiaries of the trust from which the assets were transferred.

"(ii) Notwithstanding any other provision of Federal or State law, no liability of any kind may be imposed on a trustee of a trust for transferring assets to the Fund in accordance with clause (i).

"(B) AUTHORITY TO REFUSE ASSETS.—The Chief Executive Officer of the Fund may refuse to accept any asset that the Chief Executive Officer determines may create liability for the Fund in excess of the value of the asset.

"(C) ALLOCATION OF TRUST ASSETS.—If a trust under subparagraph (A) has beneficiaries with claims that are not asbestos claims, the assets transferred to the Fund under subparagraph (A) shall not include assets allocable to such beneficiaries. The trustees of any such trust shall determine the amount of such trust assets to be reserved for the continuing operation of the trust in processing and paying claims that are not asbestos claims. The trustees shall demonstrate to the satisfaction of the Chief Executive Officer, or by clear and convincing evidence in a proceeding brought before the United States District Court for the District of Columbia in accordance with paragraph (4), that the amount reserved is properly allocable to claims other than asbestos claims.

"(D) SALE OF FUND ASSETS.—The investment requirements under section 222 of the Fairness in Asbestos Injury Resolution Act of 2006 shall not be construed to require the

Chief Executive Officer of the Fund to sell assets transferred to the Fund under subparagraph (A).

"(E) LIQUIDATED CLAIMS.—Except as specifically provided in this subparagraph, all asbestos claims against a trust are superseded and preempted as of the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006, and a trust shall not make any payment relating to asbestos claims after that date. If, in the ordinary course and the normal and usual administration of the trust consistent with past practices, a trust had before the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006, made all determinations necessary to entitle an individual claimant to a noncontingent cash payment from the trust, the trust shall (i) make any lump-sum cash payment due to that claimant, and (ii) make or provide for all remaining noncontingent payments on any award being paid or scheduled to be paid on an installment basis, in each case only to the same extent that the trust would have made such cash payments in the ordinary course and consistent with past practices before enactment of that Act. A trust shall not make any payment in respect of any alleged contingent right to recover any greater amount than the trust had already paid, or had completed all determinations necessary to pay, to a claimant in cash in accordance with its ordinary distribution procedures in effect as of June 1, 2003.

"(3) INJUNCTION.—

"(A) IN GENERAL.—Any injunction issued as part of the formation of a trust described in paragraph (1) shall remain in full force and effect. No court, Federal or State, may enjoin the transfer of assets by a trust to the Fund in accordance with this subsection pending resolution of any litigation challenging such transfer or the validity of this subsection or of any provision of the Fairness in Asbestos Injury Resolution Act of 2006, and an interlocutory order denying such relief shall not be subject to immediate appeal under section 1291(a) of title 28.

"(B) AVAILABILITY OF FUND ASSETS.—Notwithstanding any other provision of law, once such a transfer has been made, the assets of the Fund shall be available to satisfy any final judgment entered in such an action and such transfer shall no longer be subject to any appeal or review—

"(i) declaring that the transfer effected a taking of a right or property for which an individual is constitutionally entitled to just compensation; or

"(ii) requiring the transfer back to a trust of any or all assets transferred by that trust to the Fund.

"(4) JURISDICTION.—Solely for purposes of implementing this subsection, personal jurisdiction over every covered trust, the trustees thereof, and any other necessary party, and exclusive subject matter jurisdiction over every question arising out of or related to this subsection, shall be vested in the United States District Court for the District of Columbia. Notwithstanding any other provision of law, including section 1127 of this title, that court may make any order necessary and appropriate to facilitate prompt compliance with this subsection, including assuming jurisdiction over and modifying, to the extent necessary, any applicable confirmation order or other order with continuing and prospective application to a covered trust. The court may also resolve any related challenge to the constitutionality of this subsection or of its application to any trust, trustee, or individual claimant. The Chief Executive Officer of the Fund may bring an action seeking such an order or modification, under the standards of rule 60(b) of the Federal Rules of Civil Procedure or otherwise, and shall be entitled to intervene as of right in any action brought by any other party seeking interpretation, application, or invalidation of this subsection. Any order denying relief that would facilitate prompt compliance with the transfer provisions of this subsection shall be subject to immediate appeal under section 304 of the Fairness in Asbestos Injury Resolution Act of 2006. Notwithstanding any other provision of this paragraph, for purposes of implementing the sunset provisions of section 402(f) of such Act which apply to asbestos trusts and the class action trust, the bankruptcy court or United States district court having jurisdiction over any such trust as of the date of enactment of such Act shall retain such jurisdiction.".

(g) NO AVOIDANCE OF TRANSFER.—Section 546 of title 11, United States Code, is amended by adding at the end the following:

"(h) Notwithstanding the rights and powers of a trustee under sections 544, 545, 547, 548, 549, and 550 of this title, if a debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006), the trustee may not avoid a transfer made by the debtor under its payment obligations under section 202 or 203 of that Act.".

(h) CONFIRMATION OF PLAN.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

"(14) If the debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006), the plan provides for the continuation after its effective date of payment of all payment obligations under title II of that Act.".

(i) EFFECT ON INSURANCE RECEIVERSHIP PROCEEDINGS.—

(1) LIEN.—In an insurance receivership proceeding involving a direct insurer, reinsurer or runoff participant, there shall be a lien in favor of the Fund for the amount of any assessment and any such lien shall be given priority over all other claims against the participant in receivership, except for the expenses of administration of the receivership and the perfected claims of the secured creditors. Any State law that provides for priorities inconsistent with this provision is preempted by this Act.

(2) PAYMENT OF ASSESSMENT.—Payment of any assessment required by this Act shall not be subject to any automatic or judicially entered stay in any insurance receivership proceeding. This Act shall preempt any State law requiring that payments by a direct insurer, reinsurer or runoff participant in an insurance receivership proceeding be approved by a court, receiver or other person. Payments of assessments by any direct insurer or reinsurer participant under this Act shall not be subject to the avoidance powers of a receiver or a court in or relating to an insurance receivership proceeding.

(j) STANDING IN BANKRUPTCY PROCEEDINGS.—The Chief Executive Officer shall have standing in any bankruptcy case involving a debtor participant. No bankruptcy court may require the Chief Executive Officer to return property seized to satisfy obligations to the Fund.

SEC. 403. EFFECT ON OTHER LAWS AND EXISTING CLAIMS.

(a) EFFECT ON FEDERAL AND STATE LAW.—The provisions of this Act shall supersede any Federal or State law insofar as such law may relate to any asbestos claim, including any claim described under subsection (e)(2).

(b) EFFECT ON NON-ASBESTOS CLAIMS.—

(1) IN GENERAL.—

(A) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to preempt, bar, or otherwise preclude any personal injury claim attributable to exposure to airborne minerals, dusts, or fibers other than asbestos as to which the plaintiff—

(i) pleads with particularity and establishes by a preponderance of evidence either that—

(I) no claim has been asserted or filed by or with respect to the exposed person in any forum for any asbestos-related condition and the exposed person (or another claiming on behalf of or through the exposed person) is not eligible for any award under this Act; or

(II)(aa) the exposed person suffers or has suffered a functional impairment that was caused by exposure to 1 or more airborne minerals, dusts, or fibers other than asbestos;

(bb) asbestos exposure was not a significant contributing factor to such functional impairment; and

(cc) the functional impairment is materially different than that for which the exposed person (or another claiming on behalf of or through the exposed person) has obtained or is eligible to obtain an award under this Act; and

(ii) satisfies the requirements of paragraph (2).

(B) PREEMPTION.—Claims attributable to exposure to airborne minerals, dusts, or fibers other than asbestos that fail to meet the requirements of subparagraph (a) shall be preempted by this Act.

(2) REQUIRED EVIDENCE.—In any claim to which paragraph (1) applies, the initial pleading (or, for claims pending on the date of enactment of this Act, an amended pleading to be filed within 30 days after such date), shall plead with particularity the elements of subparagraph (A)(i) (I) or (II) of paragraph (1) and shall be accompanied by the information described in subparagraphs (A) through (D) of this paragraph if the claim pleads the elements of subparagraph (A)(i)(II) of paragraph (1) and by the information described in subparagraphs (B) through (D) of this paragraph if the claim pleads the elements of subparagraph (A)(i)(I) of paragraph (1)—

(A) admissible evidence, including at a minimum, a certified B-reader's report, the underlying x-ray film, and such other evidence sufficient to establish a prima facie showing that the claim may be maintained and is not preempted under paragraph (1);

(B) notice of any previous lawsuit or claim for benefits in which the exposed person, or another claiming on behalf of or through the injured person, asserted an injury or disability based wholly or in part on exposure to asbestos;

(C) the history of the exposed person's exposure, if any, to asbestos; and

(D) copies of all medical and laboratory reports pertaining to the exposed person that refer to asbestos or asbestos exposure.

(c) SUPERSEDING PROVISIONS.—

(1) IN GENERAL.—Except as provided under paragraph (3), any agreement, understanding, or undertaking by any person or affiliated group with respect to the treatment of any asbestos claim that requires future performance by any party, insurer of such party, settlement Chief Executive Officer, or escrow agent shall be superseded in its entirety by this Act.

(2) NO FORCE OR EFFECT.—Except as provided under paragraph (3), any such agreement, understanding, or undertaking by any

such person or affiliated group shall be of no force or effect, and no person shall have any rights or claims with respect to any such agreement, understanding, or undertaking.

(3) EXCEPTION.—

(A) IN GENERAL.—Except as provided in section 202(f), nothing in this Act shall abrogate a binding and legally enforceable written settlement agreement between any defendant participant or its insurer and a specific named plaintiff with respect to the settlement of an asbestos claim of the plaintiff if—

(i) before the date of enactment of this Act, the settlement agreement was executed directly by the settling defendant or the settling insurer and the individual plaintiff, or on behalf of the plaintiff where the plaintiff is incapacitated and the settlement agreement is signed by an authorized legal representative;

(ii) the settlement agreement contains an express obligation by the settling defendant or settling insurer to make a future direct monetary payment or payments in a fixed amount or amounts to the individual plaintiff; and

(iii) within 30 days after the date of enactment of this Act, or such shorter time period specified in the settlement agreement, all conditions to payment under the settlement agreement have been fulfilled, including any required court approval of the settlement, so that the only remaining performance due under the settlement agreement is the payment or payments by the settling defendant or the settling insurer.

(B) BANKRUPTCY-RELATED AGREEMENTS.—The exception set forth in this paragraph shall not apply to any bankruptcy-related agreement.

(C) COLLATERAL SOURCE.—Any settlement payment under this section is a collateral source if the plaintiff seeks recovery from the Fund.

(D) ABROGATION.—Nothing in subparagraph (A) shall abrogate a settlement agreement otherwise satisfying the requirements of that subparagraph if such settlement agreement expressly anticipates the enactment of this Act and provides for the effects of this Act.

(d) EXCLUSIVE REMEDY.—The remedies provided under this Act shall be the exclusive remedy for any asbestos claim, including any claim described in subsection (e)(2), under any Federal or State law.

(e) BAR ON ASBESTOS CLAIMS.—

(1) IN GENERAL.—No asbestos claim (including any claim described in paragraph (2)) may be pursued, and no pending asbestos claim may be maintained, in any Federal or State court, except for enforcement of claims for which an unappealable verdict or final order or final judgment has been entered by a court before the date of enactment of this Act.

(2) CERTAIN SPECIFIED CLAIMS.—

(A) IN GENERAL.—Subject to section 404 (d) and (e)(3) of this Act, no claim may be brought or pursued in any Federal or State court or insurance receivership proceeding—

(i) relating to any default, confessed or stipulated judgment on an asbestos claim if the judgment debtor expressly agreed, in writing or otherwise, not to contest the entry of judgment against it and the plaintiff expressly agreed, in writing or otherwise, to seek satisfaction of the judgment only against insurers or in bankruptcy;

(ii) relating to the defense, investigation, handling, litigation, settlement, or payment of any asbestos claim by any participant, including claims for bad faith or unfair or deceptive claims handling or breach of any duties of good faith; or

(iii) arising out of or relating to the asbestos-related injury of any individual and—

(I) asserting any conspiracy, concert of action, aiding or abetting, act, conduct, statement, misstatement, undertaking, publication, omission, or failure to detect, speak, disclose, publish, or warn relating to the presence or health effects of asbestos or the use, sale, distribution, manufacture, production, development, inspection, advertising, marketing, or installation of asbestos; or

(II) asserting any conspiracy, act, conduct, statement, omission, or failure to detect, disclose, or warn relating to the presence or health effects of asbestos or the use, sale, distribution, manufacture, production, development, inspection, advertising, marketing, or installation of asbestos, asserted as or in a direct action against an insurer or reinsurer based upon any theory, statutory, contract, tort, or otherwise; or

(iv) by any third party, and premised on any theory, allegation, or cause of action, for reimbursement of healthcare costs allegedly associated with the use of or exposure to asbestos, whether such claim is asserted directly, indirectly or derivatively.

(B) EXCEPTIONS.—Subparagraph (A) (ii) and (iii) shall not apply to claims against participants by persons—

(i) with whom the participant is in privity of contract;

(ii) who have received an assignment of insurance rights not otherwise voided by this Act; or

(iii) who are beneficiaries covered by the express terms of a contract with that participant.

(3) PREEMPTION.—Any action asserting an asbestos claim (including a claim described in paragraph (2)) in any Federal or State court is preempted by this Act, except for any action for which an unappealable verdict or final order or final judgment has been entered by a court before the date of enactment of this Act.

(4) DISMISSAL.—No judgment other than a judgment of dismissal may be entered in any such action, including an action pending on appeal, or on petition or motion for discretionary review, on or after the date of enactment of this Act. A court may dismiss any such action on its motion. If the court denies the motion to dismiss, it shall stay further proceedings until final disposition of any appeal taken under this Act.

(5) REMOVAL.—

(A) IN GENERAL.—If an action in any State court under paragraph (3) is preempted, barred, or otherwise precluded under this Act, and not dismissed, or if an order entered after the date of enactment of this Act purporting to enter judgment or deny review is not rescinded and replaced with an order of dismissal within 30 days after the filing of a motion by any party to the action advising the court of the provisions of this Act, any party may remove the case to the district court of the United States for the district in which such action is pending.

(B) TIME LIMITS.—For actions originally filed after the date of enactment of this Act, the notice of removal shall be filed within the time limits specified in section 1441(b) of title 28, United States Code.

(C) PROCEDURES.—The procedures for removal and proceedings after removal shall be in accordance with sections 1446 through 1450 of title 28, United States Code, except—

(i) as may be necessary to accommodate removal of any actions pending (including on appeal) on the date of enactment of this Act; and

(ii) orders to remand removed actions shall be immediately appealable.

(D) JURISDICTION.—The jurisdiction of the district court shall be limited to—

(i) determining whether removal was proper; and

(ii) determining, based on the evidentiary record, whether the claim presented is preempted, barred, or otherwise precluded under this Act.

(6) CREDITS.—If, notwithstanding the express intent of Congress stated in this section, any court finally determines for any reason that an asbestos claim, including a claim described under paragraph (2), for which, as of the date of enactment of this Act, there had been no verdict or final order or final judgment entered by a court, is not subject to the exclusive remedy or preemption provisions of this section, then any participant required to satisfy a final judgment executed with respect to any such claim may elect to receive a credit against any assessment owed to the Fund equal to the amount of the payment made with respect to such executed judgment. The Chief Executive Officer shall require participants seeking credit under this section to demonstrate that the participant timely pursued all available remedies, including remedies available under this section to obtain dismissal of the claim, and that the participant notified the Chief Executive Officer at least 20 days before the expiration of any period within which to appeal the denial of a motion to dismiss based on this section. The Chief Executive Officer may require such participant to furnish such further information as is necessary and appropriate to establish eligibility for and the amount of the credits. The Chief Executive Officer may intervene in any action in which a credit may be due under this section.

SEC. 404. EFFECT ON INSURANCE AND REINSURANCE CONTRACTS.

(a) EROSION OF INSURANCE COVERAGE LIMITS.—

(1) DEFINITIONS.—In this section, the following definitions shall apply:

(A) DEEMED EROSION AMOUNT.—The term "deemed erosion amount" means the amount of erosion deemed to occur at enactment under paragraph (2).

(B) EARNED EROSION AMOUNT.—The term "earned erosion amount" means, in the event of any early sunset under section 405(f), the percentage, as set forth in the following schedule, depending on the year in which the defendant participants' funding obligations end, of those amounts which, at the time of the early sunset, a defendant participant has paid to the fund and remains obligated to pay into the fund.

Year After Enactment In Which Defendant Participant's Funding Obligation Ends:	**Applicable Percentage:**
10	70.78
11	68.75
12	67.06
13	65.63
14	64.40
15	63.33
16	62.40
17	61.58
18	60.39
19	59.33
20	58.38
21	57.51
22	56.36
23	55.31
24	56.71
25	58.11
26	59.51

(C) REMAINING AGGREGATE PRODUCTS LIMITS.—The term "remaining aggregate products limits" means aggregate limits that apply to insurance coverage granted under the "products hazard", "completed operations hazard", or "Products—Completed Operations Liability" in any comprehensive general liability policy issued between calendar years 1940 and 1986 to cover injury which occurs in any State, as reduced by—

(i) any existing impairment of such aggregate limits as of the date of enactment of this Act; and

(ii) the resolution of claims for reimbursement or coverage of liability or paid or incurred loss for which notice was provided to the insurer before the date of enactment of this Act.

(D) Scheduled payment amounts.—The term "scheduled payment amounts" means the future payment obligation to the Fund under this Act from a defendant participant in the amount established under sections 203 and 204.

(2) Quantum and timing of erosion.—

(A) Erosion upon enactment.—The collective payment obligations to the Fund of the insurer and reinsurer participants as assessed by the Chief Executive Officer shall be deemed as of the date of enactment of this Act to erode remaining aggregate products limits available to a defendant participant only in an amount of 59.64 percent of each defendant participant's scheduled payment amount.

(B) No assertion of claim.—No insurer or reinsurer may assert any claim against a defendant participant or captive insurer for insurance, reinsurance, payment of a deductible, or retrospective premium adjustment arising out of that insurer's or reinsurer's payments to the Fund or the erosion deemed to occur under this section.

(C) Policies without certain limits or with exclusion.—Except as provided under subparagraph (E), nothing in this section shall require or permit the erosion of any insurance policy or limit that does not contain an aggregate products limit, or that contains an asbestos exclusion.

(D) Treatment of consolidation election.—If an affiliated group elects consolidation as provided in section 204(f), the total erosion of limits for the affiliated group under paragraph (2)(A) shall not exceed 59.64 percent of the scheduled payment amount of the single payment obligation for the entire affiliated group. The total erosion of limits for any individual defendant participant in the affiliated group shall not exceed its individual share of 59.64 percent of the affiliated group's scheduled payment amount, as measured by the individual defendant participant's percentage share of the affiliated group's prior asbestos expenditures.

(E) Rule of construction.—Notwithstanding any other provision of this section, nothing in this Act shall be deemed to erode remaining aggregate products limits of a defendant participant that can demonstrate by a preponderance of the evidence that 75 percent of its prior asbestos expenditures were made in defense or satisfaction of asbestos claims alleging bodily injury arising exclusively from the exposure to asbestos at premises owned, rented, or controlled by the defendant participant (a "premises defendant"). In calculating such percentage, where expenditures were made in defense or satisfaction of asbestos claims alleging bodily injury due to exposure to the defendant participant's products and to asbestos at premises owned, rented, or controlled by the defendant participant, half of such expenditures shall be deemed to be for such premises exposures. If a defendant participant establishes itself as a premises defendant, 75 percent of the payments by such defendant participant shall erode coverage limits, if any, applicable to premises liabilities under applicable law.

(3) Method of erosion.—

(A) Allocation.—The amount of erosion allocated to each defendant participant shall be allocated among periods in which policies with remaining aggregate product limits are available to that defendant participant pro rata by policy period, in ascending order by attachment point.

(B) Other erosion methods.—

(i) In general.—Notwithstanding subparagraph (A), the method of erosion of any remaining aggregate products limits which are subject to—

(I) a coverage-in-place or settlement agreement between a defendant participant and 1 or more insurance participants as of the date of enactment; or

(II) a final and nonappealable judgment as of the date of enactment or resulting from a claim for coverage or reimbursement pending as of such date, shall be as specified in such agreement or judgment with regard to erosion applicable to such insurance participants' policies.

(ii) Remaining limits.—To the extent that a final nonappealable judgment or settlement agreement to which an insurer participant and a defendant participant are parties in effect as of the date of enactment of this Act extinguished a defendant participant's right to seek coverage for asbestos claims under an insurer participant's policies, any remaining limits in such policies shall not be considered to be remaining aggregate products limits under subsection (a)(1)(A).

(4) Payments by defendant participant.—Payments made by a defendant participant shall be deemed to erode, exhaust, or otherwise satisfy applicable self-insured retentions, deductibles, retrospectively rated premiums, and limits issued by nonparticipating insolvent or captive insurance companies. Reduction of remaining aggregate limits under this subsection shall not limit the right of a defendant participant to collect from any insurer not a participant.

(5) Effect on other insurance claims.—Other than as specified in this subsection, this Act does not alter, change, modify, or affect insurance for claims other than asbestos claims.

(b) Dispute Resolution Procedure.—

(1) Arbitration.—The parties to a dispute regarding the erosion of insurance coverage limits under this section may agree in writing to settle such dispute by arbitration. Any such provision or agreement shall be valid, irrevocable, and enforceable, except for any grounds that exist at law or in equity for revocation of a contract.

(2) Title 9, United States Code.—Arbitration of such disputes, awards by arbitrators, and confirmation of awards shall be governed by title 9, United States Code, to the extent such title is not inconsistent with this section. In any such arbitration proceeding, the erosion principles provided for under this section shall be binding on the arbitrator, unless the parties agree to the contrary.

(3) Final and binding award.—An award by an arbitrator shall be final and binding between the parties to the arbitration, but shall have no force or effect on any other person. The parties to an arbitration may agree that in the event a policy which is the subject matter of an award is subsequently determined to be eroded in a manner different from the manner determined by the arbitration in a judgment rendered by a court of competent jurisdiction from which no appeal can or has been taken, such arbitration award may be modified by any court of competent jurisdiction upon application by any party to the arbitration. Any such modification shall govern the rights and obligations between such parties after the date of such modification.

(c) Effect on Nonparticipants.—

(1) In general.—No insurance company or reinsurance company that is not a participant, other than a captive insurer, shall be entitled to claim that payments to the Fund erode, exhaust, or otherwise limit the nonparticipant's insurance or reinsurance obligations.

(2) Other claims.—Nothing in this Act shall preclude a participant from pursuing any claim for insurance or reinsurance from any person that is not a participant other than a captive insurer.

(d) Finite Risk Policies Not Affected.—

(1) In general.—Notwithstanding any other provision of this Act, this Act shall not alter, affect or impair any rights or obligations of—

(A) any party to an insurance contract that expressly provides coverage for governmental charges or assessments imposed to replace insurance or reinsurance liabilities in effect on the date of enactment of this Act; or

(B) subject to paragraph (2), any person with respect to any insurance or reinsurance purchased by a participant after December 31, 1996, that expressly (but not necessarily exclusively) provides coverage for asbestos liabilities, including those policies commonly referred to as "finite risk" policies.

(2) Limitation.—No person may assert that any amounts paid to the Fund in accordance with this Act are covered by any policy described under paragraph (1)(B) purchased by a defendant participant, unless such policy specifically provides coverage for required payments to a Federal trust fund established by a Federal statute to resolve asbestos injury claims.

(e) Effect on Certain Insurance and Reinsurance Claims.—

(1) No coverage for fund assessments.—No participant or captive insurer may pursue an insurance or reinsurance claim against another participant or captive insurer for payments to the Fund required under this Act, except under a contract specifically providing insurance or reinsurance for required payments to a Federal trust fund established by a Federal statute to resolve asbestos injury claims or, where applicable, under finite risk policies under subsection (d).

(2) Certain insurance assignments voided.—Any assignment of any rights to insurance coverage for asbestos claims to any person who has asserted an asbestos claim before the effective date, or to any trust, person, or other entity not part of an affiliated group as defined in section 201(1) of this Act established or appointed for the purpose of paying asbestos claims which were asserted before the effective date, or by any Tier I defendant participant shall be null and void. This subsection shall not void or affect in any way any assignments of rights to insurance coverage other than to asbestos claimants or to trusts, persons, or other entities not part of an affiliated group as defined in section 201(1) of this Act established or appointed for the purpose of paying asbestos claims, or by Tier I defendant participants.

(3) Insurance claims preserved.—Notwithstanding any other provision of this Act, this Act shall not alter, affect, or impair any rights or obligations of any person with respect to any insurance or reinsurance for

amounts that any person pays, has paid, or becomes legally obligated to pay in respect of asbestos or other claims, except to the extent that—

(A) such person pays or becomes legally obligated to pay claims that are superseded by section 403;

(B) any such rights or obligations of such person with respect to insurance or reinsurance are prohibited by paragraph (1) or (2) of subsection (e); or

(C) the limits of insurance otherwise available to such participant in respect of asbestos claims are deemed to be eroded under subsection (a).

SEC. 405. ADDITIONAL FUNDING OR RETURN TO COURT.

(a) Verification of Unanticipated Claims.—

(1) In general.—If the number of claims that qualify for compensation under a claim level exceed 115 percent of the number of claims expected to qualify for compensation under that claim level or designation in the 2004 Congressional Budget Office estimate of asbestos-injury claims, or the Fund otherwise is projected to be unable to pay all qualified claims in any year in the future, the Chief Executive Officer shall conduct a review of a statistically significant sample of claims qualifying for compensation under the appropriate claim level or designation.

(2) Determinations.—

(A) In general.—The Chief Executive Officer's review shall examine the best available medical evidence in order to determine which one of the following is true:

(i) Without a significant number of exceptions, all of the claimants who qualified for compensation under the claim level or designation suffer from an injury or disease that was caused by occupational exposure to asbestos.

(ii) A significant number of claimants who qualified for compensation under the claim level or designation do not suffer from an injury or disease that was caused by occupational exposure to asbestos.

(B) Future claims.—If the Chief Executive Officer projects that the Fund will be unable to pay all qualified claims in any year in the future, the Chief Executive Officer shall also determine whether the Fund lacks the resources to pay all qualified claimants over the life of the Fund.

(C) Final determination.—The final determination of the Chief Executive Officer under this paragraph shall be made in accordance with notice and comment under subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act).

(b) Judicial Review of Chief Executive Officer Verification of Claims.—The Chief Executive Officer's determination that either subparagraph (A) or (B) in paragraph (2) of subsection (a) is true shall be subject to judicial review in the United States Court of Appeals for the District of Columbia Circuit. Review may be sought by any interested party. The review shall be conducted in accordance with the standards and procedures of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act), except that all findings based on medical science shall be reviewed de novo.

(c) Additional Trust-Fund Assessments or Return to Court.—

(1) Additional assessments against defendant participants.—

(A) Definition.—In this paragraph the term "nonbankruptcy defendant participant" means a defendant participant that has not entered into a final confirmed plan of reorganization under section 524(g) of title 11, United States Code.

(B) Additional assessments.—

(i) In general.—The Chief Executive Officer shall make a recommendation under clause (ii), if the United States Court of Appeals finds as a result of its review under subsection (b) that—

(I) without a significant number of exceptions, all of the claimants who qualified for compensation under the claim level or designation under review suffer from an injury or disease that is caused by occupational exposure to asbestos; or

(II) the Fund lacks the resources necessary to pay all qualified claimants at the present time, and the Chief Executive Officer projects that the Fund will remain unable to pay all qualified claimants over the life of the Fund.

(ii) Recommendations.—If the United States Court of Appeals makes a finding under subclause (I) or (II) of clause (i), the Chief Executive Officer shall recommend to Congress that it enact—

(I) additional assessments against all nonbankruptcy defendant participants, in accordance with each nonbankruptcy defendant participant's relative prior assessments (taking into account hardship and inequity reductions), in an amount necessary to allow the Fund to compensate all qualified claimants; or

(II) an expansion of the Fund's borrowing authority, by an amount necessary to allow the Fund to compensate all qualified claimants.

(2) Expedited congressional action on limited additional assessments or borrowing.—Either of the following shall constitute a modification of the Fund that shall be submitted by the Chief Executive Officer to Congress in the appropriate form for expedited action under title V:

(A) A recommendation of additional assessments that does not exceed a defendant participant's original assessment obligation by more than 10 percent, if no additional assessment has been imposed by Congress within the previous 5 years.

(B) A recommendation to expand borrowing authority by no more than $5,000,000,000.

(3) Return to court.—

(A) In general.—If Congress declines to enact within 1 year after the date of the recommendation made by the Chief Executive Officer under paragraph (1)(B), and the Chief Executive Officer again determines that the Fund lacks the resources necessary to pay all qualified claimants at the present time, and the Chief Executive Officer continues to project that the Fund will remain unable to pay all qualified claimants over the life of the Fund, any individual who qualifies for compensation under the Fund may file a civil action in United States District Court against any defendant participant to obtain relief for injuries suffered as a result of exposure to asbestos.

(B) Exclusive remedy and limitations.—

(i) In general.—As of the effective date of a return to court authorized by this paragraph, an action under this paragraph shall be the exclusive remedy for any asbestos claim that might otherwise exist under Federal, State, or other law, regardless of whether such claim arose before or after the effective date of this Act or of the return to court, except that claims against the Fund that have qualified for compensation and remain eligible for compensation under subparagraph (F) may be paid by the Fund. The applicable statute of limitations for a claim brought under this paragraph is 2 years after the asbestos injury or disease was diagnosed or the claimant had discovered facts that would have led a reasonable person to obtain such a diagnosis, except that claimants who filed a claim against the Fund under this Act before the return to court shall have 2 years after the date of the return to court to file an action under this paragraph, whichever is longer.

(ii) Limitation.—An individual who has received or is entitled to receive an award from the Fund may not bring an action under this paragraph, except—

(I) an individual who received an award for a nonmalignant disease (Levels I through V) from the Fund may assert a claim for a malignant disease under this paragraph, unless the malignancy was diagnosed or the claimant had discovered facts that would have led a reasonable person to obtain such a diagnosis before the date on which the nonmalignant claim was settled; and

(II) an individual who received an award for a nonmalignant or malignant disease (except mesothelioma) (Levels 1 through VI) from the Fund may assert a claim for mesothelioma under this paragraph, unless the mesothelioma was diagnosed or the claimant had discovered facts that would have led a reasonable person to obtain such a diagnosis before the date on which the nonmalignant or other malignant claim was settled.

(C) Limits on attorneys' fees.—

(i) In general.—In any action permitted under subparagraph (B), notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with an action permitted under subparagraph (A), more than 20 percent of a final award made as a result of such action.

(ii) Reasonable fee for work actually and reasonably performed.—In addition to the limitation specified in clause (i), a representative of an individual may not receive a fee unless—

(I) the representative submits to the court appropriately detailed billing documentation for the work actually performed in the course of representation of the individual; and

(II) the court finds that the fee to be awarded is for work actually and reasonably performed on behalf of the claimant does not exceed 200 percent of a reasonable hourly fee for such work.

(D) Continued funding.—If asbestos claims are returned to court under subparagraph (A), participants shall remain required to make payments as provided under subtitles A and B of title II. The Fund shall pay all claims under Levels VI, and VII, that were found to qualify for compensation before the date of a return to court under subparagraph (A). If the full amount of payments required under title II is not necessary for the Fund to pay claims that remain entitled to compensation, pay the Fund's debt, and support the Fund's continued operation as needed to pay such claims and debt, the Chief Executive Officer may reduce such payments. Any such reductions shall be allocated among participants in the same proportion as the liability under subtitles A and B of title II.

(d) Correction of Inappropriate Claims Criteria.—If the United States Court of Appeals finds as a result of its review under subsection (b) that a significant number the claimants who qualified for compensation under the claim level under review do not suffer from an injury or disease that was caused by occupational exposure to asbestos, the Chief Executive Officer shall correct the compensation criteria in order to exclude from eligibility for compensation all such claims.

(e) Judicial Review of Chief Executive Officer Corrections.—The Chief Executive Officer's correction of compensation criteria under subsection (d) shall become effective upon the conclusion of final, unappealable judicial review in the United States Court of Appeals for the District of Columbia Circuit. Review may be sought by any interested party. The review shall be conducted under the standards and procedures of chapter 5 of title 5, United States Code, except that all findings based on medical science shall be reviewed de novo, and the Chief Executive Officer's corrections shall be reviewed to determine that the corrections are reasonably tailored to achieve the result required by this section. The Court may order such relief as is necessary to achieve the results required by this section.

(f) Temporary Stay of Unanticipated Claims.—The Chief Executive Officer shall stay payment of claims for a claim level that results in or is subject to review under subsection (a) pending such review and the collection of additional assessments or the correction of compensation criteria.

(g) Report.—The Chief Executive Officer shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the operation of the Asbestos Injury Claims Resolution Fund within 6 months after the close of each fiscal year.

(h) Contents of Report.—The annual report submitted under this subsection shall include an analysis of—

(1) the claims experience of the program during the most recent fiscal year, including—

(A) the number of claims made to the Corporation and a description of the types of medical diagnoses and asbestos exposures underlying those claims;

(B) the number of claims denied by the Corporation and a description of the types of medical diagnoses and asbestos exposures underlying those claims, and a general description of the reasons for their denial;

(C) a summary of the eligibility determinations made by the Corporation under section 114;

(D) a summary of the awards made from the Fund, including the amount of the awards; and

(E) for each eligible condition, a statement of the percentage of asbestos claimants who filed claims during the prior calendar year and were determined to be eligible to receive compensation under this Act, who have received the compensation to which such claimants are entitled according to section 131;

(2) the administrative performance of the program, including—

(A) the performance of the program in meeting the time limits prescribed by law and an analysis of the reasons for any systemic delays;

(B) any backlogs of claims that may exist and an explanation of the reasons for such backlogs;

(C) the costs to the Fund of administering the program; and

(D) any other significant factors bearing on the efficiency of the program;

(3) the financial condition of the Fund, including—

(A) statements of the Fund's revenues, expenses, assets, and liabilities;

(B) the identity of all participants, the funding allocations of each participant, and the total amounts of all payments to the Fund;

(C) a list of all financial hardship or inequity adjustments applied for during the fiscal year, and the adjustments that were made during the fiscal year;

(D) a statement of the investments of the Fund; and

(E) a statement of the borrowings of the Fund; and

(4) a summary of prosecutions under section 1348 of title 18, United States Code (as added by this Act).

(i) Injunction After Confirmation of Bankruptcy Plan of Reorganization.—

(1) In general.—Section 524(g)(2)(B)(ii)(IV)(bb) of title 11, United States Code, is amended by inserting after "plan" the following: ", or, if such a vote is not obtained with respect to any such class of claimants so established, the plan satisfies the requirements for confirmation of a plan under section 1129(b) that would apply to such class if the class did not accept the plan for purposes of section 1129(a)(8) (whether or not the class has accepted the plan)".

(2) Effective date; application.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act, and shall apply with respect to cases under title 11 of the United States Code, which were commenced before, on, or after such date.

SEC. 406. RULES OF CONSTRUCTION RELATING TO LIABILITY OF THE UNITED STATES GOVERNMENT.

(a) Causes of Actions.—Except as otherwise specifically provided in this Act, nothing in this Act shall be construed as creating a cause of action against the United States Government, any entity established under this Act, or any officer or employee of the United States Government or such entity.

(b) Funding Liability.—Nothing in this Act shall be construed to—

(1) create any obligation of funding from the United States Government including the coverage of any costs associated with borrowing authorized under section 221(b)(2); or

(2) obligate the United States Government to pay any award or part of an award, if amounts in the Fund are inadequate.

SEC. 407. VIOLATIONS OF ENVIRONMENTAL HEALTH AND SAFETY REQUIREMENTS.

(a) Asbestos in Commerce.—If the Chief Executive Officer receives information concerning conduct occurring after the date of enactment of this Act that may have been a violation of standards issued by the Environmental Protection Agency under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), relating to the manufacture, importation, processing, disposal, and distribution in commerce of asbestos-containing products, the Chief Executive Officer shall refer the matter in writing within 30 days after receiving that information to the Chief Executive Officer of the Environmental Protection Agency and the United States attorney for possible civil or criminal penalties, including those under section 17 of the Toxic Substances Control Act (15 U.S.C. 2616), and to the appropriate State authority with jurisdiction to investigate asbestos matters.

(b) Asbestos as Air Pollutant.—If the Chief Executive Officer receives information concerning conduct occurring after the date of enactment of this Act that may have been a violation of standards issued by the Environmental Protection Agency under the Clean Air Act (42 U.S.C. 7401 et seq.), relating to asbestos as a hazardous air pollutant, the Chief Executive Officer shall refer the matter in writing within 30 days after receiving that information to the Chief Executive Officer of the Environmental Protection Agency and the United States attorney for possible criminal and civil penalties, including those under section 113 of the Clean Air Act (42 U.S.C. 7413), and to the appropriate State authority with jurisdiction to investigate asbestos matters.

(c) Occupational Exposure.—If the Chief Executive Officer receives information concerning conduct occurring after the date of enactment of this Act that may have been a violation of standards issued by the Occupational Safety and Health Administration under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), relating to occupational exposure to asbestos, the Chief Executive Officer shall refer the matter in writing within 30 days after receiving that information and refer the matter to the Secretary of Labor or the appropriate State agency with authority to enforce occupational safety and health standards, for investigation for possible civil or criminal penalties under section 17 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 666).

SEC. 408. NONDISCRIMINATION OF HEALTH INSURANCE.

(a) Denial, Termination, or Alteration of Health Coverage.—No health insurer offering a health plan may deny or terminate coverage, or in any way alter the terms of coverage, of any claimant or the beneficiary of a claimant, on account of the participation of the claimant or beneficiary in a medical monitoring program under this Act, or as a result of any information discovered as a result of such medical monitoring.

(b) Definitions.—In this section:

(1) Health insurer.—The term "health insurer" means—

(A) an insurance company, healthcare service contractor, fraternal benefit organization, insurance agent, third-party Chief Executive Officer, insurance support organization, or other person subject to regulation under the laws related to health insurance of any State;

(B) a managed care organization; or

(C) an employee welfare benefit plan regulated under the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(2) Health plan.—The term "health plan" means—

(A) a group health plan (as such term is defined in section 607 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167)), and a multiple employer welfare arrangement (as defined in section 3(4) of such Act) that provides health insurance coverage; or

(B) any contractual arrangement for the provision of a payment for healthcare, including any health insurance arrangement or any arrangement consisting of a hospital or medical expense incurred policy or certificate, hospital or medical service plan contract, or health maintenance organizing subscriber contract.

(c) Conforming Amendments.—

(1) ERISA.—Section 702(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(a)(1)), is amended by adding at the end the following:

"(I) Participation in a medical monitoring program under the Fairness in Asbestos Injury Resolution Act of 2006.".

(2) Public service health act.—Section 2702(a)(1) of the Public Health Service Act (42 U.S.C. 300gg–1(a)(1)) is amended by adding at the end the following:

"(I) Participation in a medical monitoring program under the Fairness in Asbestos Injury Resolution Act of 2006.".

(3) INTERNAL REVENUE CODE OF 1986.—Section 9802(a)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(I) Participation in a medical monitoring program under the Fairness in Asbestos Injury Resolution Act of 2006.".

SEC. 409. CORPORATE RESPONSIBILITY FOR ANNUAL AND FINANCIAL REPORTS.

(a) IN GENERAL.—Each periodic report, including the annual report of the Chief Executive Officer filed by the Chief Executive Officer in connection with this Act, shall be accompanied by a written statement by the Chief Executive Officer and Chief Financial Officer (or equivalent thereof) of the Corporation.

(b) CONTENTS.—The statement required under subsection (a) shall certify that the periodic report containing the financial statements fully complies with the requirements of this Act and that information contained in the periodic report fairly presents, in all material respects, the financial condition and results of operations of the Corporation.

(c) CRIMINAL PENALTIES.—Whoever—

(1) certifies any statement as set forth under subsections (a) and (b), knowing that the periodic report accompanying the statement does not comport with all the requirements set forth under this section, shall be fined not more than $1,000,000 or imprisoned not more than 10 years, or both; or

(2) willfully certifies any statement as set forth under subsections (a) and (b), knowing that the periodic report accompanying the statement does not comport with all the requirements set forth in this section, shall be fined not more than $5,000,000, or imprisoned not more than 20 years, or both.

SEC. 410. OPT-OUT RIGHTS OF CERTAIN TRUSTS AND EFFECT OF OPT-OUT.

(a) OPT-OUT RIGHTS.—Any trust defined under section 201(8) that has been established or formed under a plan of reorganization under chapter 11 of title 11, United States Code, confirmed by a duly entered order or judgment of a court, which order or judgment is no longer subject to any appeal or judicial review on the date of enactment of this Act, may elect not to be covered by this Act by filing written notice of such election to the Chief Executive Officer not later than 90 days after the date of enactment of this Act.

(b) EFFECT OF OPT-OUT.—

(1) IN GENERAL.—This Act nor any amendment made by this Act shall apply to—

(A) any trust that makes an election under subsection (a); or

(B) any claim or future demand that has been channeled to that trust.

(2) ASSETS AND OTHER RIGHTS AND CLAIMS.—A trust that makes an election under subsection (a) shall retain all of its assets. The contractual and other rights of a trust making an election under subsection (a) and claims against other persons (whether held directly or indirectly by others for the benefit of the trust), including the rights and claims of the trust against insurers, shall be preserved and not abrogated by this Act.

TITLE V—EXPEDITED CONGRESSIONAL ACTION

SEC. 501. CONGRESSIONAL ACTION REGARDING MODIFICATIONS OF THE FUND.

(a) IN GENERAL.—A modification of the Fund that is subject to action under the procedures of this title shall be submitted by the Chief Executive Officer to the chairman and ranking member of the Committees on the Judiciary of the United States Senate and the House of Representatives. The modification shall take effect only if Congress enacts a joint resolution of approval, described under section 602, regarding the modification. A modification that does not take effect as a result of Congress's failure to approve a joint resolution, or Congress's failure to override the President's veto of a joint resolution, may not be resubmitted to Congress in the same form.

(b) END-OF-SESSION SUBMISSIONS.—

(1) IN GENERAL.—In addition to the opportunity for approval otherwise provided under this title, in the case of a modification that was submitted to Congress—

(A) in the case of the Senate, 60 session days; or

(B) in the case of the House of Representatives, 60 legislative days;

before the date the Congress adjourns a session of Congress through the date on which the same or succeeding Congress first convenes its next session, section 602 shall apply to such modification in the succeeding session of Congress.

(2) TREATMENT.—In applying section 602 for purposes of such additional review, a modification described under paragraph (1) shall be treated as though such modification were submitted to Congress—

(A) in the case of the Senate, the 15th session day; or

(B) in the case of the House of Representatives, on the 15th legislative day, after the succeeding session of Congress first convenes.

SEC. 502. CONGRESSIONAL APPROVAL PROCEDURE.

(a) JOINT RESOLUTION.—For purposes of this section, the term "joint resolution" means only a joint resolution introduced in the period beginning on the date on which the modification was submitted by the Chief Executive Officer to Congress (i.e., to the chairmen and ranking members of the Committees on the Judiciary of the Senate and the House of Representatives) and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: "The Fairness in Asbestos Injury Resolution Act of 2006 is modified as follows: ________". (The blank spaces being filled in with the Chief Executive Officer's proposed change to the Fund that requires congressional approval.)

(b) REFERRAL.—A joint resolution described in subsection (a) shall be referred to the Committees on the Judiciary of the Senate and House of Representatives.

(c) SENATE REPORT OR DISCHARGE.—In the Senate, if a joint resolution described in subsection (a) (or an identical joint resolution) has not been reported by the Judiciary Committee at the end of 20 calendar days after the committee received the resolution, the committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 5 Members of the Senate, and such joint resolution shall be placed on the calendar.

(d) PROCEDURES.—(1) In the Senate, when the Judiciary Committee has reported, or when the committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

(4) Appeals from the decisions of the chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

(e) CONSIDERATION AFTER EXPIRATION OF TIME.—In the Senate the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a modification of the Fund after the expiration of the 60 session days beginning with the submission of the modification by the Chief Executive Officer to Congress.

(f) PREVIOUS ACTION.—If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

(1) The joint resolution of the other House shall not be referred to a committee.

(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution, the procedure in that House shall be the same as if no joint resolution had been received from the other House, except the vote on final passage shall be on the joint resolution of the other House.

(g) RULEMAKING.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a), and it supercedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SA 2803. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Fairness in Asbestos Injury Resolution Act of 2006" or the "FAIR Act of 2006".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Millions of Americans have been exposed to forms of asbestos that can have devastating health effects.

(2) Various injuries can be caused by exposure to some forms of asbestos, including pleural disease and some forms of cancer.

(3) The injuries caused by asbestos can have latency periods of up to 40 years, and even limited exposure to some forms of asbestos may result in injury in some cases.

(4) Asbestos litigation has had a significant detrimental effect on the country's economy, driving companies into bankruptcy, diverting resources from those who are truly sick, and endangering jobs and pensions.

(5) The scope of the asbestos litigation crisis cuts across every State and virtually every industry.

(6) The United States Supreme Court has recognized that Congress must act to create a more rational asbestos claims system. In 1991, a Judicial Conference Ad Hoc Committee on Asbestos Litigation, appointed by Chief Justice William Rehnquist, found that the "ultimate solution should be legislation recognizing the national proportions of the problem . . . and creating a national asbestos dispute resolution scheme . . .". The Court found in 1997 in Amchem Products Inc. v. Windsor, 521 U.S. 591, 595 (1997), that "[t]he argument is sensibly made that a nationwide administrative claims processing regime would provide the most secure, fair, and efficient means of compensating victims of asbestos exposure." In 1999, the Court in Ortiz v. Fibreboard Corp., 527 U.S. 819, 821 (1999), found that the "elephantine mass of asbestos cases . . . defies customary judicial administration and calls for national legislation." That finding was again recognized in 2003 by the Court in Norfolk & Western Railway Co. v. Ayers, 123 S. Ct. 1210 (2003).

(7) This crisis, and its significant effect on the health and welfare of the people of the United States, on interstate and foreign commerce, and on the bankruptcy system, compels Congress to exercise its power to regulate interstate commerce and create this legislative solution in the form of a national asbestos injury claims resolution program to supersede all existing methods to compensate those injured by asbestos, except as specified in this Act.

(8) This crisis has also imposed a deleterious burden upon the United States bankruptcy courts, which have assumed a heavy burden of administering complicated and protracted bankruptcies with limited personnel.

(9) This crisis has devastated many communities across the country, but hardest hit has been Libby, Montana, where tremolite asbestos, one of the most deadly forms of asbestos, was contained in the vermiculite ore mined from the area and despite ongoing cleanup by the Environmental Protection Agency, many still suffer from the deadly dust.

(10) The asbestos found in Libby, Montana, tremolite asbestos, has demonstrated an unusually high level of toxicity, as compared to chrysotile asbestos. Diseases contracted from this tremolite asbestos are unique and highly progressive. These diseases typically manifest in a characteristic pleural disease pattern, and often result in severe impairment or death without radiographic interstitial disease or typical chrysotile markers of radiographic severity. According to the Agency for Toxic Substances and Disease Registry previous studies by the National Institutes of Occupational Safety and Health document significantly increased rates of pulmonary abnormalities and disease (asbestosis and lung cancer) among former workers.

(11) Environmental Protection Agency supported studies have determined that the raw vermiculite ore mined and milled in Libby, Montana contained 21 to 26 percent asbestos, by weight. The milled ore, resulting from the processing in Libby, which was shipped out of Libby contained markedly reduced percentages of asbestos. A 1982 Environmental Protection Agency-supported study concluded that ore shipped out of Libby contained 0.3 to 7 percent asbestos, by weight.

(12) In Libby, Montana, exposure pathways are and were not limited to the workplace, rather, for decades there has been an unprecedented 24 hour per day contamination of the community's homes, playgrounds, gardens, and community air, such that the entire community of Libby, Montana, has been designated a Superfund site and is listed on the Environmental Protection Agency's National Priorities List.

(13) These multiple exposure pathways have caused severe asbestos disease and death not only in former workers at the mine and milling facilities, but also in the workers' spouses and children, and in community members who had no direct contact with the mine. According to the Environmental Protection Agency, some potentially important alternative pathways for past asbestos exposure include elevated concentrations of asbestos in ambient air and recreational exposures from children playing in piles of vermiculite. Furthermore, the Environmental Protection Agency has determined that current potential pathways of exposure include vermiculite placed in walls and attics as thermal insulation, vermiculite or ore used as road bed material, ore used as ornamental landscaping, and vermiculite or concentrated ore used as a soil and garden amendment or aggregate in driveways.

(14) The Environmental Protection Agency also concluded, "Asbestos contamination exists in a number of potential source materials at multiple locations in and around the residential and commercial area of Libby. . . While data are not yet sufficient to perform reliable human-health risk evaluations for all sources and all types of disturbance, it is apparent that releases of fiber concentrations higher than Occupational Safety and Health Administration standards may occur in some cases . . . and that screening-level estimates of lifetime excess cancer risk can exceed the upper-bound risk range of 1E–04 usually used by the Environmental Protection Agency for residents under a variety of exposure scenarios. The occurrence of non-occupational asbestos-related disease that has been observed among Libby residents is extremely unusual, and has not been associated with asbestos mines elsewhere, suggesting either very high and prolonged environmental exposures and/or increased toxicity of this form of amphibole asbestos.".

(15) According to a November 2003 article from the Journal Environmental Health Perspectives titled, Radiographic Abnormalities and Exposure to Asbestos-Contaminated Vermiculite in the Community of Libby, Montana, USA, Libby residents who have evidence of "no apparent exposure", i.e., did not work with asbestos, were not a family member of a former worker, etc., had a greater rate of pleural abnormalities (6.7 percent) than did those in control groups or general populations found in other studies from other states (which ranged from 0.2 percent to 4.6 percent). "Given the ubiquitous nature of vermiculite contamination in Libby, along with historical evidence of elevated asbestos concentrations in the air, it would be difficult to find participants who could be characterized as unexposed.".

(16) Nothing in this Act is intended to increase the Federal deficit or impose any burden on the taxpayer. The Office of Asbestos Disease Compensation established under this Act shall be privately funded by annual payments from defendant participants that have been subject to asbestos liability and their insurers. Section 406(b) of this Act expressly provides that nothing in this Act shall be construed to create any obligation of funding from the United States or to require the United States to satisfy any claims if the amounts in the Fund are inadequate. Any borrowing by the Fund is limited to monies expected to be paid into the Fund, and the Administrator shall have no fiscal authority beyond the amount of private money coming into the Fund. This Act provides the Administrator with broad enforcement authority to pursue debts to the Fund owed by defendant participants or insurer participants and their successors in interest.

(b) PURPOSE.—The purpose of this Act is to—

(1) create a privately funded, publicly administered fund to provide the necessary resources for a fair and efficient system to resolve asbestos injury claims that will provide compensation for legitimate present and future claimants of asbestos exposure as provided in this Act;

(2) provide compensation to those present and future victims based on the severity of their injuries, while establishing a system flexible enough to accommodate individuals whose conditions worsen;

(3) relieve the Federal and State courts of the burden of the asbestos litigation; and

(4) increase economic stability by resolving the asbestos litigation crisis that has bankrupted companies with asbestos liability, diverted resources from the truly sick, and endangered jobs and pensions.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Office of Asbestos Disease Compensation appointed under section 101(b).

(2) ASBESTOS.—The term "asbestos" includes—

(A) chrysotile;

(B) amosite;

(C) crocidolite;

(D) tremolite asbestos;

(E) winchite asbestos;

(F) richterite asbestos;

(G) anthophyllite asbestos;

(H) actinolite asbestos;

(I) asbestiform amphibole minerals;

(J) any of the minerals listed under subparagraphs (A) through (I) that has been chemically treated or altered, and any asbestiform variety, type, or component thereof; and

(K) asbestos-containing material, such as asbestos-containing products, automotive or industrial parts or components, equipment, improvements to real property, and any other material that contains asbestos in any physical or chemical form.

(3) ASBESTOS CLAIM.—

(A) IN GENERAL.—The term "asbestos claim" means any claim, premised on any theory, allegation, or cause of action for damages or other relief presented in a civil action or bankruptcy proceeding, directly, indirectly, or derivatively arising out of, based on, or related to, in whole or part, the health effects of exposure to asbestos, including loss of consortium, wrongful death, and any derivative claim made by, or on behalf of, any exposed person or any representative, spouse, parent, child, or other relative of any exposed person.

(B) EXCLUSION.—The term does not include—

(i) claims alleging damage or injury to tangible property;

(ii) claims for benefits under a workers' compensation law or veterans' benefits program;

(iii) claims arising under any governmental or private health, welfare, disability, death or compensation policy, program or plan;

(iv) claims arising under any employment contract or collective bargaining agreement;

(v) claims arising out of medical malpractice; or

(vi) any claim arising under—

(I) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(II) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);

(III) the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.);

(IV) the Equal Pay Act of 1963 (29 U.S.C. 206);

(V) the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);

(VI) section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983); or

(VII) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(4) ASBESTOS CLAIMANT.—The term "asbestos claimant" means an individual who files a claim under section 113.

(5) CIVIL ACTION.—The term "civil action" means all suits of a civil nature in State or Federal court, whether cognizable as cases at law or in equity or in admiralty, but does not include an action relating to any workers' compensation law, or a proceeding for benefits under any veterans' benefits program.

(6) COLLATERAL SOURCE COMPENSATION.—The term "collateral source compensation" means the compensation that the claimant received, or is entitled to receive, from a defendant or an insurer of that defendant, or compensation trust as a result of a final judgment or settlement for an asbestos-related injury that is the subject of a claim filed under section 113.

(7) ELIGIBLE DISEASE OR CONDITION.—The term "eligible disease or condition" means the extent that an illness meets the medical criteria requirements established under subtitle C of title I.

(8) EMPLOYERS' LIABILITY ACT.—The term "Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employer's Liability Act" shall, for all purposes of this Act, include the Act of June 5, 1920 (46 U.S.C. App. 688), commonly known as the Jones Act, and the related phrase "operations as a common carrier by railroad" shall include operations as an employer of seamen.

(9) FUND.—The term "Fund" means the Asbestos Injury Claims Resolution Fund established under section 221.

(10) INSURANCE RECEIVERSHIP PROCEEDING.—The term "insurance receivership proceeding" means any State proceeding with respect to a financially impaired or insolvent insurer or reinsurer including the liquidation, rehabilitation, conservation, supervision, or ancillary receivership of an insurer under State law.

(11) LAW.—The term "law" includes all law, judicial or administrative decisions, rules, regulations, or any other principle or action having the effect of law.

(12) PARTICIPANT.—

(A) IN GENERAL.—The term "participant" means any person subject to the funding requirements of title II, including—

(i) any defendant participant subject to liability for payments under subtitle A of that title;

(ii) any insurer participant subject to a payment under subtitle B of that title; and

(iii) any successor in interest of a participant.

(B) EXCEPTION.—

(i) IN GENERAL.—A defendant participant shall not include any person protected from any asbestos claim by reason of an injunction entered in connection with a plan of reorganization under chapter 11 of title 11, United States Code, that has been confirmed by a duly entered order or judgment of a court that is no longer subject to any appeal or judicial review, and the substantial consummation, as such term is defined in section 1101(2) of title 11, United States Code, of such plan of reorganization has occurred.

(ii) APPLICABILITY.—Clause (i) shall not apply to a person who may be liable under subtitle A of title II based on prior asbestos expenditures related to asbestos claims that are not covered by an injunction described under clause (i).

(13) PERSON.—The term "person"—

(A) means an individual, trust, firm, joint stock company, partnership, association, insurance company, reinsurance company, or corporation; and

(B) does not include the United States, any State or local government, or subdivision thereof, including school districts and any general or special function governmental unit established under State law.

(14) STATE.—The term "State" means any State of the United States and also includes the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States or any political subdivision of any of the entities under this paragraph.

(15) SUBSTANTIALLY CONTINUES.—The term "substantially continues" means that the business operations have not been significantly modified by the change in ownership.

(16) SUCCESSOR IN INTEREST.—The term "successor in interest" means any person that, in 1 or a series of transactions, acquires all or substantially all of the assets and properties (including, without limitation, under section 363(b) or 1123(b)(4) of title 11, United States Code), and substantially continues the business operations, of a participant. The factors to be considered in determining whether a person is a successor in interest include—

(A) retention of the same facilities or location;

(B) retention of the same employees;

(C) maintaining the same job under the same working conditions;

(D) retention of the same supervisory personnel;

(E) continuity of assets;

(F) production of the same product or offer of the same service;

(G) retention of the same name;

(H) maintenance of the same customer base;

(I) identity of stocks, stockholders, and directors between the asset seller and the purchaser; or

(J) whether the successor holds itself out as continuation of previous enterprise, but expressly does not include whether the person actually knew of the liability of the participant under this Act.

(17) VETERANS' BENEFITS PROGRAM.—The term "veterans' benefits program" means any program for benefits in connection with military service administered by the Veterans' Administration under title 38, United States Code.

(18) WORKERS' COMPENSATION LAW.—The term "workers' compensation law"—

(A) means a law respecting a program administered by a State or the United States to provide benefits, funded by a responsible employer or its insurance carrier, for occupational diseases or injuries or for disability or death caused by occupational diseases or injuries;

(B) includes the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) and chapter 81 of title 5, United States Code; and

(C) does not include the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, or damages recovered by any employee in a liability action against an employer.

(19) CLASS ACTION TRUST.—The term "class action trust" means a trust or similar entity established to hold assets for the payment of asbestos claims asserted against a debtor or participating defendant, under a settlement that—

(A) is a settlement of class action claims under rule 23 of the Federal Rules of Civil Procedure; and

(B) has been approved by a final judgment of a United States district court before the date of enactment of this Act.

(20) DEBTOR.—The term "debtor"—

(A) means—

(i) a person that is subject to a case pending under a chapter of title 11, United States Code, on the date of enactment of this Act or at any time during the 1-year period immediately preceding that date, irrespective of whether the debtor's case under that title has been dismissed; and

(ii) all of the direct or indirect majority-owned subsidiaries of a person described under clause (i), regardless of whether any such majority-owned subsidiary has a case pending under title 11, United States Code; and

(B) shall not include an entity—

(i) subject to chapter 7 of title 11, United States Code, if a final decree closing the estate shall have been entered before the date of enactment of this Act; or

(ii) subject to chapter 11 of title 11, United States Code, if a plan of reorganization for such entity shall have been confirmed by a duly entered order or judgment of a court that is no longer subject to any appeal or judicial review, and the substantial consummation, as such term is defined in section 1101(2) of title 11, United States Code, of such plan of reorganization has occurred.

(21) TRUST.—The term "trust" means any trust, as described in sections 524(g)(2)(B)(i) or 524(h) of title 11, United States Code, or established in conjunction with an order issued under section 105 of title 11, United States Code, established or formed under the terms of a chapter 11 plan of reorganization, which in whole or in part provides compensation for asbestos claims.

TITLE I—ASBESTOS CLAIMS RESOLUTION

Subtitle A—Office of Asbestos Disease Compensation

SEC. 101. ESTABLISHMENT OF OFFICE OF ASBESTOS DISEASE COMPENSATION.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established within the Department of Labor the Office of Asbestos Disease Compensation (hereinafter referred to in this Act as the "Office"), which shall be headed by an Administrator.

(2) PURPOSE.—The purpose of the Office is to provide timely, fair compensation, in the amounts and under the terms specified in this Act, on a no-fault basis and in a non-adversarial manner, to individuals whose health has been adversely affected by exposure to asbestos.

(3) TERMINATION OF THE OFFICE.—The Office of Asbestos Disease Compensation shall terminate effective not later than 12 months following certification by the Administrator that the Fund has neither paid a claim in the previous 12 months nor has debt obligations remaining to pay.

(4) EXPENSES.—There shall be available from the Fund to the Administrator such sums as are necessary for any and all expenses associated with the Office of Asbestos Disease Compensation and necessary to carry out the purposes of this Act. Expenses covered should include—

(A) management of the Fund;

(B) personnel salaries and expenses, including retirement and similar benefits;

(C) the sums necessary for conducting the studies required under this Act;

(D) all administrative and legal expenses; and

(E) any other sum that could be attributable to the Fund.

(b) APPOINTMENT OF ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator of the Office of Asbestos Disease Compensation shall be appointed by the President. The Administrator shall serve for a term of 10 years.

(2) REPORTING.—The Administrator shall report directly to the Assistant Secretary of Labor for the Employment Standards Administration.

(c) DUTIES OF ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator shall be responsible for—

(A) processing claims for compensation for asbestos-related injuries and paying compensation to eligible claimants under the criteria and procedures established under title I;

(B) determining, levying, and collecting assessments on participants under title II;

(C) appointing or contracting for the services of such personnel, making such expenditures, and taking any other actions as may be necessary and appropriate to carry out the responsibilities of the Office, including entering into cooperative agreements with other Federal agencies or State agencies and entering into contracts with nongovernmental entities;

(D) conducting such audits and additional oversight as necessary to assure the integrity of the program;

(E) managing the Asbestos Injury Claims Resolution Fund established under section 221, including—

(i) administering, in a fiduciary capacity, the assets of the Fund for the primary purpose of providing benefits to asbestos claimants and their beneficiaries;

(ii) defraying the reasonable expenses of administering the Fund;

(iii) investing the assets of the Fund in accordance with section 222(b);

(iv) retaining advisers, managers, and custodians who possess the necessary facilities and expertise to provide for the skilled and prudent management of the Fund, to assist in the development, implementation and maintenance of the Fund's investment policies and investment activities, and to provide for the safekeeping and delivery of the Fund's assets; and

(v) borrowing amounts authorized by section 221(b) on appropriate terms and conditions, including pledging the assets of or payments to the Fund as collateral;

(F) promulgating such rules, regulations, and procedures as may be necessary and appropriate to implement the provisions of this Act;

(G) making such expenditures as may be necessary and appropriate in the administration of this Act;

(H) excluding evidence and disqualifying or debarring any attorney, physician, provider of medical or diagnostic services, including laboratories and others who provide evidence in support of a claimant's application for compensation where the Administrator determines that materially false, fraudulent, or fictitious statements or practices have been submitted or engaged in by such individuals or entities; and

(I) having all other powers incidental, necessary, or appropriate to carrying out the functions of the Office.

(2) CERTAIN ENFORCEMENTS.—For each infraction relating to paragraph (1)(H), the Administrator also may impose a civil penalty not to exceed $10,000 on any person or entity found to have submitted or engaged in a materially false, fraudulent, or fictitious statement or practice under this Act. The Administrator shall prescribe appropriate regulations to implement paragraph (1)(H).

(3) SELECTION OF DEPUTY ADMINISTRATORS.—The Administrator shall select a Deputy Administrator for Claims Administration to carry out the Administrator's responsibilities under this title and a Deputy Administrator for Fund Management to carry out the Administrator's responsibilities under title II of this Act. The Deputy Administrators shall report directly to the Administrator and shall be in the Senior Executive Service.

(d) EXPEDITIOUS DETERMINATIONS.—The Administrator shall prescribe rules to expedite claims for asbestos claimants with terminal circumstances in order to expedite the payment of such claims as soon as possible after startup of the Fund. The Administrator shall contract out the processing of such claims.

(e) AUDIT AND PERSONNEL REVIEW PROCEDURES.—The Administrator shall establish audit and personnel review procedures for evaluating the accuracy of eligibility recommendations of agency and contract personnel.

(f) APPLICATION OF FOIA.—

(1) IN GENERAL.—Section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) shall apply to the Office of Asbestos Disease Compensation and the Asbestos Insurers Commission.

(2) CONFIDENTIALITY OF FINANCIAL RECORDS.—

(A) IN GENERAL.—Any person may label any record submitted under this section as a confidential commercial or financial record for the purpose of requesting exemption from disclosure under section 552(b)(4) of title 5, United States Code.

(B) DUTIES OF ADMINISTRATOR AND CHAIRMAN OF THE ASBESTOS INSURERS COMMISSION.—The Administrator and Chairman of the Asbestos Insurers Commission—

(i) shall adopt procedures for—

(I) handling submitted records marked confidential; and

(II) protecting from disclosure records they determine to be confidential commercial or financial information exempt under section 552(b)(4) of title 5, United States Code; and

(ii) may establish a pre-submission determination process to protect from disclosure records on reserves and asbestos-related liabilities submitted by any defendant participant that is exempt under section 552(b)(4) of title 5, United States Code.

(C) REVIEW OF COMPLAINTS.—Nothing in this section shall supersede or preempt the de novo review of complaints filed under section 552(b)(4) of title 5, United States Code.

(3) CONFIDENTIALITY OF MEDICAL RECORDS.—Any claimant may designate any record submitted under this section as a confidential personnel or medical file for purposes of section 552 of title 5, United States Code. The Administrator and the Chairman of the Asbestos Insurers Commission shall adopt procedures for designating such records as confidential.

SEC. 102. ADVISORY COMMITTEE ON ASBESTOS DISEASE COMPENSATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall establish an Advisory Committee on Asbestos Disease Compensation (hereinafter the "Advisory Committee").

(2) COMPOSITION AND APPOINTMENT.—The Advisory Committee shall be composed of 20 members, appointed by the President.

(3) QUALIFICATIONS.—All of the members described in paragraph (2) shall have expertise or experience relevant to the asbestos compensation program, including experience or expertise in diagnosing asbestos-related diseases and conditions, assessing asbestos exposure and health risks, filing asbestos claims, administering a compensation or insurance program, or as actuaries, auditors, or investment managers. None of the members described in paragraph (2)(B) shall be individuals who, for each of the 5 years before their appointments, earned more than 15 percent of their income by serving in matters related to asbestos litigation as consultants or expert witnesses.

(b) DUTIES.—The Advisory Committee shall advise the Administrator on—

(1) claims filing and claims processing procedures;

(2) claimant assistance programs;

(3) audit procedures and programs to ensure the quality and integrity of the compensation program;

(4) the development of a list of industries, occupations and time periods for which there is a presumption of substantial occupational exposure to asbestos;

(5) recommended analyses or research that should be conducted to evaluate past claims and to project future claims under the program;

(6) the annual report required to be submitted to Congress under section 405; and

(7) such other matters related to the implementation of this Act as the Administrator considers appropriate.

(c) OPERATION OF THE COMMITTEE.—

(1) Each member of the Advisory Committee shall be appointed for a term of 10 years.

(2) Any member appointed to fill a vacancy occurring before the expiration of the term shall be appointed only for the remainder of such term.

(3) The Administrator shall designate a Chairperson and Vice Chairperson from

among members of the Advisory Committee appointed under subsection (a)(2)(B).

(4) The Advisory Committee shall meet at the call of the Chairperson or the majority of its members, and at a minimum shall meet at least 4 times per year during the first 5 years of the asbestos compensation program, and at least 2 times per year thereafter.

(5) The Administrator shall provide to the Committee such information as is necessary and appropriate for the Committee to carry out its responsibilities under this section. The Administrator may, upon request of the Advisory Committee, secure directly from any Federal, State, or local department or agency such information as may be necessary and appropriate to enable the Advisory Committee to carry out its duties under this section. Upon request of the Administrator, the head of such department or agency shall furnish such information to the Advisory Committee.

(6) The Administrator shall provide the Advisory Committee with such administrative support as is reasonably necessary to enable it to perform its functions.

(d) EXPENSES.—Members of the Advisory Committee, other than full-time employees of the United States, while attending meetings of the Advisory Committee or while otherwise serving at the request of the Administrator, and while serving away from their homes or regular places of business, shall be allowed travel and meal expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay.

SEC. 103. MEDICAL ADVISORY COMMITTEE.

(a) IN GENERAL.—The Administrator shall establish a Medical Advisory Committee to provide expert advice regarding medical issues arising under the statute.

(b) QUALIFICATIONS.—None of the members of the Medical Advisory Committee shall be individuals who, for each of the 5 years before their appointments, earned more than 15 percent of their income by serving in matters related to asbestos litigation as consultants or expert witnesses.

SEC. 104. CLAIMANT ASSISTANCE.

(a) ESTABLISHMENT.—Not later than 120 days after the enactment of this Act, the Administrator shall establish a comprehensive asbestos claimant assistance program to—

(1) publicize and provide information to potential claimants about the availability of benefits for eligible claimants under this Act, and the procedures for filing claims and for obtaining assistance in filing claims;

(2) provide assistance to potential claimants in preparing and submitting claims, including assistance in obtaining the documentation necessary to support a claim and any other appropriate paralegal assistance;

(3) respond to inquiries from claimants and potential claimants;

(4) provide training with respect to the applicable procedures for the preparation and filing of claims to persons who provide assistance or representation to claimants; and

(5) provide for the establishment of a website where claimants may access all relevant forms and information.

(b) RESOURCE CENTERS.—The claimant assistance program shall provide for the establishment of resource centers in areas where there are determined to be large concentrations of potential claimants. These centers shall be located, to the extent feasible, in facilities of the Department of Labor or other Federal agencies.

(c) CONTRACTS.—The claimant assistance program may be carried out in part through contracts with labor organizations, community-based organizations, and other entities which represent or provide services to potential claimants, except that such organizations may not have a financial interest in the outcome of claims filed with the Office.

(d) LEGAL ASSISTANCE.—

(1) IN GENERAL.—As part of the program established under subsection (a), the Administrator shall establish a legal assistance program to provide assistance to asbestos claimants concerning legal representation issues.

(2) LIST OF QUALIFIED ATTORNEYS.—As part of the program, the Administrator shall maintain a roster of qualified attorneys who have agreed to provide pro bono services to asbestos claimants under rules established by the Administrator. The claimants shall not be required to use the attorneys listed on such roster.

(3) NOTICE.—

(A) NOTICE BY ADMINISTRATOR.—The Administrator shall provide asbestos claimants with notice of, and information relating to—

(i) pro bono services for legal assistance available to those claimants; and

(ii) any limitations on attorneys fees for claims filed under this title.

(B) NOTICE BY ATTORNEYS.—Before a person becomes a client of an attorney with respect to an asbestos claim, that attorney shall provide notice to that person of pro bono services for legal assistance available for that claim.

(e) ATTORNEY'S FEES.—

(1) LIMITATION.—

(A) IN GENERAL.—Notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with the claim of an individual under the Fund, more than a reasonable attorney's fee.

(ii) CALCULATION OF REASONABLE FEE.—Any fee obtained under clause (i) shall be calculated by multiplying a reasonable hourly rate by the number of hours reasonably expended on the claim of the individual.

(iii) REQUIREMENTS FOR COMPENSATION.—A representative of an individual shall not be eligible to receive a fee under clause (i), unless—

(I) such representative submits to the Administrator detailed contemporaneous billing records for any work actually performed in the course of representation of an individual; and

(II) the Administrator finds, based on billing records submitted by the representative under subclause (I), that the work for which compensation is sought was reasonably performed, and that the requested hourly fee is reasonable.

(2) PENALTY.—Any representative of an asbestos claimant who violates this subsection shall be fined not more than the greater of—

(A) $5,000; or

(B) twice the amount received by the representative for services rendered in connection with each such violation.

SEC. 105. PHYSICIANS PANELS.

(a) APPOINTMENT.—The Administrator shall, in accordance with section 3109 of title 5, United States Code, appoint physicians with experience and competency in diagnosing asbestos-related diseases to be available to serve on Physicians Panels, as necessary to carry out this Act.

(b) FORMATION OF PANELS.—

(1) IN GENERAL.—The Administrator shall periodically determine—

(A) the number of Physicians Panels necessary for the efficient conduct of the medical review process under section 121;

(B) the number of Physicians Panels necessary for the efficient conduct of the exceptional medical claims process under section 121; and

(C) the particular expertise necessary for each panel.

(2) EXPERTISE.—Each Physicians Panel shall be composed of members having the particular expertise determined necessary by the Administrator, randomly selected from among the physicians appointed under subsection (a) having such expertise.

(3) PANEL MEMBERS.—Except as provided under subparagraph (B), each Physicians Panel shall consist of 3 physicians, 2 of whom shall be designated to participate in each case submitted to the Physicians Panel, and the third of whom shall be consulted in the event of disagreement.

(c) QUALIFICATIONS.—To be eligible to serve on a Physicians Panel under subsection (a), a person shall be—

(1) a physician licensed in any State;

(2) board-certified in pulmonary medicine, occupational medicine, internal medicine, oncology, or pathology; and

(3) an individual who, for each of the 5 years before and during his or her appointment to a Physicians Panel, has earned not more than 15 percent of his or her income as an employee of a participating defendant or insurer or a law firm representing any party in asbestos litigation or as a consultant or expert witness in matters related to asbestos litigation.

(d) DUTIES.—Members of a Physicians Panel shall—

(1) make such medical determinations as are required to be made by Physicians Panels under section 121; and

(2) perform such other functions as required under this Act.

(e) COMPENSATION.—Notwithstanding any limitation otherwise established under section 3109 of title 5, United States Code, the Administrator shall be authorized to pay members of a Physician Panel such compensation as is reasonably necessary to obtain their services.

(f) FEDERAL ADVISORY COMMITTEE ACT.—A Physicians Panel established under this section shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App. 2).

SEC. 106. PROGRAM STARTUP.

(a) IMMEDIATE STARTUP.—

(1) IN GENERAL.—Subject to section 101(d), the Administrator may—

(A) start receiving, reviewing, and deciding claims immediately upon the date of enactment of this Act; and

(B) reimburse the Department of Labor from the Fund for any expense incurred—

(i) before that date of enactment in preparation for carrying out any of the responsibilities of the Administrator under this Act; and

(ii) during the 60-day period following that date of enactment to carry out such responsibilities.

(2) INTERIM REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate interim regulations and procedures for the processing of claims under this title and the operation of the Fund under title II, including procedures for the expediting of terminal health claims, and processing of claims through the claims facility.

(b) INTERIM PERSONNEL AND CONTRACTING.—The Secretary of Labor and the Assistant Secretary of Labor for the Employment Standards Administration shall make available to the Administrator on a temporary basis such personnel and other resources as may be necessary to facilitate the expeditious startup of the program. The Administrator may in addition contract with individuals or entities having relevant experience to assist in the expeditious startup of the program including entering into contracts on an expedited or sole source basis during the startup period for the purpose of processing claims or providing financial analysis or assistance. Such relevant experience shall include, but not be limited to, experience with the review of workers' compensation, occupational disease, or similar claims and with financial matters relevant to the operation of the program.

(c) Terminal Health Claims.—

(1) In general.—The Administrator shall develop procedures, as provided in section 106(f), to provide for an expedited process to categorize, evaluate, and pay terminal health claims. Such procedures, as provided in section 106(f), shall include, pending promulgation of final regulations, adoption of interim regulations as needed for processing of terminal health claims.

(2) Eligible terminal health claims.—A claim shall qualify for treatment as a terminal health claim if—

(A) the claimant is living and provides a diagnosis of mesothelioma meeting the requirements of section 121(d)(9);

(B) the claimant is living and provides a credible declaration or affidavit, from a diagnosing physician who has examined the claimant within 120 days before the date of such declaration or affidavit, that the physician has diagnosed the claimant as being terminally ill from an asbestos-related illness and having a life expectancy of less than 1 year due to such asbestos-related illness; or

(C) the claimant is the spouse or child of an eligible terminal health claimant who—

(i) was living when the claim was filed with the Fund, or if before the implementation of interim regulations for the filing of claims with the Fund, on the date of enactment of this Act;

(ii) has since died from a malignant disease or condition; and

(iii) has not received compensation from the Fund for the disease or condition for which the claim was filed.

(3) Additional terminal health claims.—The Administrator may, in final regulations promulgated under section 101(c), designate additional categories of claims that qualify as terminal health claims under this subsection except that exceptional medical claims may not proceed.

(4) Claims facility.—To facilitate the prompt payment of terminal health claims prior to the Fund being certified as operational, the Administrator shall contract with a claims facility, which applying the medical criteria of section 121, shall process and pay claims in accordnace with section 106(f)(2). The processing and payment of claims shall be subject to regulations promulgated under this Act.

(5) Authorization for contracts with claims facilities.—The Administrator may enter into contracts with a claims facility for the processing of claims (except for exceptional medical claims) in accordance with this title.

(d) Prioritization of Claims.—The Administrator shall, in final regulations promulgated under section 101(c), designate categories of claims to be handled on an expedited basis. The Administrator shall prioritize the processing and payment of health claims involving claimants with the most serious health claims. The Administrator shall also prioritize claims from claimants who face extreme financial hardship.

(e) Interim Administrator.—Until an Administrator is appointed and confirmed under section 101(b), the responsibilities of the Administrator under this Act shall be performed by the Assistant Secretary of Labor for the Employment Standards Administration, who shall have all the authority conferred by this Act on the Administrator and who shall be deemed to be the Administrator for purposes of this Act. Before final regulations being promulgated relating to claims processing, the Interim Administrator may prioritize claims processing, without regard to the time requirements prescribed in subtitle B of this title, based on severity of illness and likelihood that exposure to asbestos was a substantial contributing factor for the illness in question.

(f) Stay of Claims.—

(1) Stay of claims.—Notwithstanding any other provision of this Act, any asbestos claim pending on the date of enactment of this Act is stayed.

(2) Terminal health claims.—

(A) Procedures for settlement of terminal health claims.—

(i) In general.—Any person that has filed a terminal health claim, as provided under subsection (c)(2), seeking a judgment or order for monetary damages in any Federal or State court before the date of the enactment of this Act, shall seek a settlement in accordance with this paragraph. Any person with a terminal health claim, as provided under subsection (c)(2), that arises after such date of enactment shall seek a settlement in accordance with this paragraph.

(ii) Filing.—

(I) In general.—At any time before the Fund or claims facility is certified as operational and paying terminal health claims at a reasonable rate, any person with a terminal health claim as described under clause (i) shall file a notice of their intent to seek a settlement or shall file their exigent health claim with the Administrator or claims facility. Filing of an exigent health claim with the Administrator or claims facility may serve as notice of intent to seek a settlement.

(II) Exception.—Any person who seeks compensation for an exigent health claim from a trust in accordance with section 402(f) shall not be eligible to seek a settlement or settlement offer under this paragraph.

(iii) Terminal health claim information.—To file a terminal health claim, each individual shall provide all of the following information:

(I) The amount received or entitled to be received as a result of all collateral source compensation under section 134, and copies of all settlement agreements and related documents sufficient to show the accuracy of that amount.

(II) A description of any claims for compensation for an asbestos related injury or disease filed by the claimant with any trust or class action trust, and the status or disposition or any such claims.

(III) All information that the claimant would be required to provide to the Administrator in support of a claim under sections 113(c) and 121.

(IV) A certification by the claimant that the information provided is true and complete. The certification provided under this subclause shall be subject to the same penalties for false or misleading statements that would be applicable with regard to information provided to the Administrator or claims facility in support of a claim.

(V) For terminal health claims arising after the date of enactment of this Act, the claimant shall identify each defendant that would be an appropriate defendant in a civil action seeking damages for the asbestos claim of the claimant. Identification of all potential participants shall be made in good faith by the claimant.

(iv) Timing.—A claimant who has filed a notice of their intent to seek a settlement under clause (ii) shall within 60 days after filing notice provide to the Administrator or claims facility the information required under clause (iii). If a claimant has filed an exigent health claim under clause (ii) the Administrator shall provide all affected defendants the information required under clause (iii).

(v) Website.—

(I) Posting.—The Administrator or claims facility shall post the information described in subclause (II) to a secure website, accessible on a passcode-protected basis to participants.

(II) Required information.—The website established under subclause (I) shall contain a listing of—

(aa) each claimant that has filed a notice of intent to seek a settlement or claim under this clause;

(bb) the name of such claimant; and

(cc) if applicable—

(AA) the name of the court where such claim was filed;

(BB) the case or docket number of such claim; and

(CC) the date such claim was filed.

(III) Prohibitions.—The website established under subclause (I) shall not contain specific health or medical information or social security numbers.

(IV) Participant access.—A participant's access to the website established under subclause (I) shall be limited on a need to know basis, and participants shall not disclose or sell data, or retain data for purposes other than paying an asbestos claim.

(V) Violations.—Any person or other entity that violates any provision of this clause, including by breaching any data posted on the website, shall be subject to an injunction, or civil penalties, or both.

(vi) Administrator or claims facility certification of settlement.—

(I) Determination.—Within 60 days after the information under clause (iii) is provided, the Administrator or claims facility shall determine whether or not the claim meets the requirements of a terminal health claim.

(II) Requirements met.—If the Administrator or claims facility determines that the claim meets the requirements of a terminal health claim, the Administrator or claims facility shall immediately—

(aa) issue and serve on all parties a certification of eligibility of such claim;

(bb) determine the value of such claim under the Fund by subtracting from the amount in section 131 the total amount of collateral source compensation received by the claimant; and

(cc) pay the award of compensation to the claimant under clause (xiii).

(III) Requirements not met.—If the requirements under clause (iii) are not met, the claimant shall have 30 days to perfect the claim. If the claimant fails to perfect the claim within that 30-day period or the Administrator or claims facility determines that the claim does not meet the requirements of a terminal health claim, the claim shall not be eligible to proceed under this paragraph. A claimant may appeal any decision issued by a claims facility with the Administrator in accordance with section 114.

(vii) FAILURE TO CERTIFY.—If the Administrator or claims facility is unable to process the claim and does not make a determination regarding the certification of the claim as required under clause (vi), the Administrator or claims facility shall within 10 days after the end of the 60-day period referred to under clause (vi)(I) provide notice of the failure to act to the claimant and the defendants in the pending Federal or State court action or the defendants identified under clause (iii)(IV). If the Administrator or claims facility fails to provide such notice within 10 days, the claimant may elect to provide the notice to the affected defendants to prompt a settlement offer. The Administrator or claims facility shall list all terminal health claims for which notice has been provided under this clause on the website established under clause (v).

(viii) FAILURE TO PAY.—If the Administrator or claims facility does not pay the award as required under clause (xiii), the Administrator shall refer the certified claim within 10 days as a certified terminal health claim to the defendants in the pending Federal and State court action or to the potential defendants identified under clause (iii)(IV) for terminal claims arising after the date of enactment of this Act. The Administrator or claims facility shall list all terminal health claims for which notice has been provided under this clause on the website established under clause (v).

(ix) SETTLEMENT OFFER.—Any participant or participants may, within 30 days after receipt of such notice as provided under clause (vii) or (viii), file and serve on all parties and the Administrator a good faith settlement offer in an aggregate amount not to exceed the total amount to which the claimant would receive under section 131. If the aggregate amount offered by all participants exceeds the award determined by the Administrator, all offers shall be deemed reduced pro-rata until the aggregate amount equals the award amount. An acceptance of such settlement offer for claims pending before the date of enactment of this Act shall be subject to approval by the trial judge or authorized magistrate in the court where the claim is pending. The court shall approve any such accepted offer within 20 days after a request, unless there is evidence of bad faith or fraud. No court approval is necessary if the terminal health claim was certified by the Administrator or claims facility under clause (vi).

(x) ACCEPTANCE OR REJECTION.—Within 20 days after receipt of the settlement offer, or the amended settlement offer, the claimant shall either accept or reject such offer in writing. If the amount of the settlement offer made by the Administrator, claims facility, or participants equals 100 percent of what the claimant would receive under the Fund, the claimant shall accept such settlement in writing.

(xi) OPPORTUNITY TO CURE.—If the settlement offer is rejected for being less than what the claimant would receive under the Fund, the participants shall have 10 business days to make an amended offer. If the amended offer equals 100 percent of what the claimant would receive under the Fund, the claimant shall accept such settlement offer in writing.

(xii) PAYMENT SCHEDULE.—

(I) MESOTHELIOMA CLAIMANTS.—For mesothelioma claimants—

(aa) an initial payment of 50 percent shall be made within 30 days after the date the settlement is accepted and the second and final payment shall be made 6 months after date the settlement is accepted; or

(bb) if the Administrator determines that the payment schedule would impose a severe financial hardship on the Fund, or if the court determines that the settlement offer would impose a severe financial hardship on the participant, the payments may be extended 50 percent in 6 months and 50 percent 11 months after the date the settlement offer is accepted.

(II) OTHER TERMINAL CLAIMANTS.—For other terminal claimants, as defined under section 106(c)(2)(B) and (C)—

(aa) the initial payment of 50 percent shall be made within 6 months after the date the settlement is accepted and the second and final payment shall be made 12 months after date the settlement is accepted; or

(bb) if the Administrator determines that the payment schedule would impose a severe financial hardship on the Fund, or if the court determines that the settlement offer would impose a severe financial hardship on the participants, the payments may be extended 50 percent within 1 year after the date the settlement offer is accepted and 50 percent in 2 years after date the settlement offer is accepted.

(III) RELEASE.—Once a claimant has received final payment of the accepted settlement offer, and penalty payment if applicable, the claimant shall release any outstanding asbestos claims.

(xiii) RECOVERY OF COSTS.—

(I) IN GENERAL.—Any participant whose settlement offer is accepted may recover the cost of such settlement by deducting from the participant's next and subsequent contributions to the Fund the full amount of the payment made by such participant to the terminal health claimant, unless the Administrator finds, on the basis of clear and convincing evidence, that the participant's offer is not in good faith. Any such payment shall be considered a payment to the Fund for purposes of section 404(e)(1) and in response to the payment obligations imposed on participants in title II.

(II) REIMBURSEMENT.—Notwithstanding subclause (I), if the deductions from the participant's next and subsequent contributions to the Fund do not fully recover the cost of such payments on or before its third annual contribution to the Fund, the Fund shall reimburse such participant for such remaining cost not later than 6 months after the date of the third scheduled Fund contribution.

(4) RESERVATION OF RIGHTS.—Participation in the offer and settlement process under this subsection shall not affect or prejudice any rights or defenses a party might have in any litigation.

SEC. 107. AUTHORITY OF THE ADMINISTRATOR.

The Administrator, on any matter within the jurisdiction of the Administrator under this Act, may—

(1) issue subpoenas for and compel the attendance of witnesses within a radius of 200 miles;

(2) administer oaths;

(3) examine witnesses;

(4) require the production of books, papers, documents, and other evidence; and

(5) request assistance from other Federal agencies with the performance of the duties of the Administrator under this Act.

Subtitle B—Asbestos Disease Compensation Procedures

SEC. 111. ESSENTIAL ELEMENTS OF ELIGIBLE CLAIM.

To be eligible for an award under this Act for an asbestos-related disease or injury, an individual shall—

(1) file a claim in a timely manner in accordance with sections 106(f)(2) and 113; and

(2) prove, by a preponderance of the evidence, that the claimant suffers from an eligible disease or condition, as demonstrated by evidence that meets the requirements established under subtitle C.

SEC. 112. GENERAL RULE CONCERNING NO-FAULT COMPENSATION.

An asbestos claimant shall not be required to demonstrate that the asbestos-related injury for which the claim is being made resulted from the negligence or other fault of any other person.

SEC. 113. FILING OF CLAIMS.

(a) WHO MAY SUBMIT.—

(1) IN GENERAL.—Any individual who has suffered from a disease or condition that is believed to meet the requirements established under subtitle C (or the personal representative of the individual, if the individual is deceased or incompetent) may file a claim with the Office for an award with respect to such injury.

(2) DEFINITION.—In this Act, the term "personal representative" shall have the same meaning as that term is defined in section 104.4 of title 28 of the Code of Federal Regulations, as in effect on December 31, 2004.

(3) LIMITATION.—A claim may not be filed by any person seeking contribution or indemnity.

(4) EFFECT OF MULTIPLE INJURIES.—

(A) IN GENERAL.—A claimant who receives an award for an eligible disease or condition shall not be precluded from submitting claims for and receiving additional awards under this title for any higher disease level for which the claimant becomes eligible, subject to appropriate setoffs as provided under section 134.

(B) LIBBY, MONTANA CLAIMS.—

(i) IN GENERAL.—Notwithstanding subparagraph (A), if a Libby, Montana claimant worsens in condition, as measured by pulmonary function tests, such that a claimant qualifies for a higher nonmalignant level, the claimant shall be eligible for an additional award, at the appropriate level, offset by any award previously paid under this Act, such that a claimant would qualify for Level IV if the claimant satisfies section 121(f)(8), and would qualify for Level V if the claimant provides—

(I) a diagnosis of bilateral asbestos related nonmalignant disease;

(II) evidence of TLC or FVC less than 60 percent; and

(III) supporting medical documentation establishing asbestos exposure as a substantial contributing factor in causing the pulmonary condition in question, and excluding more likely causes of that pulmonary condition.

(ii) SUBSEQUENT MALIGNANT DISEASE.—If a Libby, Montana, claimant develops malignant disease, such that the claimant qualifies for Level VI, VII, VIII, or IX, subparagraph (A) shall apply.

(b) STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—If a claim is not filed with the Office within the limitations period specified in this subsection for that category of claim, such claim shall be extinguished, and any recovery thereon shall be prohibited.

(2) INITIAL CLAIMS.—An initial claim for an award under this Act shall be filed within 2

years after the date on which the claimant first received a medical diagnosis and medical test results sufficient to satisfy the criteria for the disease level for which the claimant is seeking compensation.

(3) CLAIMS FOR ADDITIONAL AWARDS.—

(A) NON-MALIGNANT DISEASES.—If a claimant has previously filed a timely initial claim for compensation for any non-malignant disease level, there shall be no limitations period applicable to the filing of claims by the claimant for additional awards for higher disease levels based on the progression of the non-malignant disease.

(B) MALIGNANT DISEASES.—Regardless of whether the claimant has previously filed a claim for compensation for any other disease level, a claim for compensation for a malignant disease level shall be filed within 2 years after the claimant first obtained a medical diagnosis and medical test results sufficient to satisfy the criteria for the malignant disease level for which the claimant is seeking compensation.

(4) EFFECT ON PENDING CLAIMS.—

(A) IN GENERAL.—If, on the date of enactment of this Act, an asbestos claimant has any timely filed asbestos claim that is preempted under section 403(e), such claimant shall file a claim under this section within 2 years after such date of enactment, or any claim relating to that injury, and any other asbestos claim related to that injury shall be extinguished, and recovery on any such claim shall be prohibited.

(B) SPECIAL RULE.—For purposes of this paragraph, a claim shall not be treated as pending with a trust established under title 11, United States Code, solely because a claimant whose claim was previously compensated by the trust has or alleges—

(i) a non-contingent right to the payment of future installments of a fixed award; or

(ii) a contingent right to recover some additional amount from the trust on the occurrence of a future event, such as the reevaluation of the trust's funding adequacy or projected claims experience.

(c) REQUIRED INFORMATION.—A claim filed under subsection (a) shall be in such form, and contain such information in such detail, as the Administrator shall by regulation prescribe. At a minimum, a claim shall include—

(1) the name, social security number, gender, date of birth, and, if applicable, date of death of the claimant;

(2) information relating to the identity of dependents and beneficiaries of the claimant;

(3) an employment history sufficient to establish required asbestos exposure, accompanied by social security or other payment records or a signed release permitting access to such records;

(4) a description of the asbestos exposure of the claimant, including, to the extent known, information on the site, or location of exposure, and duration and intensity of exposure;

(5) a description of the tobacco product use history of the claimant, including frequency and duration;

(6) an identification and description of the asbestos-related diseases or conditions of the claimant, accompanied by a written report by the claimant's physician with medical diagnoses and x-ray films, and other test results necessary to establish eligibility for an award under this Act;

(7) a description of any prior or pending civil action or other claim brought by the claimant for asbestos-related injury or any other pulmonary, parenchymal, or pleural injury, including an identification of any recovery of compensation or damages through settlement, judgment, or otherwise; and

(8) for any claimant who asserts that he or she is a nonsmoker or an ex-smoker, as defined in section 131, for purposes of an award under Malignant Level VI, Malignant Level VII, or Malignant Level VIII, evidence to support the assertion of nonsmoking or exsmoking, including relevant medical records.

(d) DATE OF FILING.—A claim shall be considered to be filed on the date that the claimant mails the claim to the Office, as determined by postmark, or on the date that the claim is received by the Office, whichever is the earliest determinable date.

(e) INCOMPLETE CLAIMS.—If a claim filed under subsection (a) is incomplete, the Administrator shall notify the claimant of the information necessary to complete the claim and inform the claimant of such services as may be available through the Claimant Assistance Program established under section 104 to assist the claimant in completing the claim. Any time periods for the processing of the claim shall be suspended until such time as the claimant submits the information necessary to complete the claim. If such information is not received within 1 year after the date of such notification, the claim shall be dismissed.

SEC. 114. ELIGIBILITY DETERMINATIONS AND CLAIM AWARDS.

(a) IN GENERAL.—

(1) REVIEW OF CLAIMS.—The Administrator shall, in accordance with this section, determine whether each claim filed under the Fund or claims facility satisfies the requirements for eligibility for an award under this Act and, if so, the value of the award. In making such determinations, the Administrator shall consider the claim presented by the claimant, the factual and medical evidence submitted by the claimant in support of the claim, the medical determinations of any Physicians Panel to which a claim is referred under section 121, and the results of such investigation as the Administrator may deem necessary to determine whether the claim satisfies the criteria for eligibility established by this Act.

(2) ADDITIONAL EVIDENCE.—The Administrator may request the submission of medical evidence in addition to the minimum requirements of section 113(c) if necessary or appropriate to make a determination of eligibility for an award, in which case the cost of obtaining such additional information or testing shall be borne by the Office.

(b) PROPOSED DECISIONS.—Not later than 90 days after the filing of a claim, the Administrator shall provide to the claimant (and the claimant's representative) a proposed decision accepting or rejecting the claim in whole or in part and specifying the amount of the proposed award, if any. The proposed decision shall be in writing, shall contain findings of fact and conclusions of law, and shall contain an explanation of the procedure for obtaining review of the proposed decision.

(d) REVIEW OF PROPOSED DECISIONS.—

(1) RIGHT TO HEARING.—

(A) IN GENERAL.—Any claimant not satisfied with a proposed decision of the Administrator under subsection (b) shall be entitled, on written request made within 90 days after the date of the issuance of the decision, to a hearing on the claim of that claimant before a representative of the Administrator. At the hearing, the claimant shall be entitled to present oral evidence and written testimony in further support of that claim.

(B) CONDUCT OF HEARING.—When practicable, the hearing will be set at a time and place convenient for the claimant. In conducting the hearing, the representative of the Administrator shall not be bound by common law or statutory rules of evidence, by technical or formal rules of procedure, or by section 554 of title 5, United States Code, except as provided by this Act, but shall conduct the hearing in such manner as to best ascertain the rights of the claimant. For this purpose, the representative shall receive such relevant evidence as the claimant adduces and such other evidence as the representative determines necessary or useful in evaluating the claim.

(C) REQUEST FOR SUBPOENAS.—

(i) IN GENERAL.—A claimant may request a subpoena but the decision to grant or deny such a request is within the discretion of the representative of the Administrator. The representative may issue subpoenas for the attendance and testimony of witnesses, and for the production of books, records, correspondence, papers, or other relevant documents. Subpoenas are issued for documents only if such documents are relevant and cannot be obtained by other means, and for witnesses only where oral testimony is the best way to ascertain the facts.

(ii) REQUEST.—A claimant may request a subpoena only as part of the hearing process. To request a subpoena, the requester shall—

(I) submit the request in writing and send it to the representative as early as possible, but no later than 30 days after the date of the original hearing request; and

(II) explain why the testimony or evidence is directly relevant to the issues at hand, and a subpoena is the best method or opportunity to obtain such evidence because there are no other means by which the documents or testimony could have been obtained.

(iii) FEES AND MILEAGE.—Any person required by such subpoena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States. Such fees and mileage shall be paid from the Fund.

(2) REVIEW OF WRITTEN RECORD.—In lieu of a hearing under paragraph (1), any claimant not satisfied with a proposed decision of the Administrator shall have the option, on written request made within 90 days after the date of the issuance of the decision, of obtaining a review of the written record by a representative of the Administrator. If such review is requested, the claimant shall be afforded an opportunity to submit any written evidence or argument which the claimant believes relevant.

(e) FINAL DECISIONS.—

(1) IN GENERAL.—If the period of time for requesting review of the proposed decision expires and no request has been filed, or if the claimant waives any objections to the proposed decision, the Administrator shall issue a final decision. If such decision materially differs from the proposed decision, the claimant shall be entitled to review of the decision under subsection (d).

(2) TIME AND CONTENT.—If the claimant requests review of all or part of the proposed decision the Administrator shall issue a final decision on the claim not later than 180 days after the request for review is received, if the claimant requests a hearing, or not later than 90 days after the request for review is received, if the claimant requests review of the written record. Such decision shall be in writing and contain findings of fact and conclusions of law.

(f) REPRESENTATION.—A claimant may authorize an attorney or other individual to represent him or her in any proceeding under this Act.

SEC. 115. AUDITING PROCEDURES.

(a) IN GENERAL.—

(1) DEVELOPMENT.—The Administrator shall develop methods for auditing and evaluating the medical and exposure evidence submitted as part of the claims process. The Administrator may develop additional methods for auditing and evaluating other types of evidence or information received by the Administrator.

(2) REFUSAL TO CONSIDER CERTAIN EVIDENCE.—

(A) IN GENERAL.—If the Administrator determines that an audit conducted in accordance with the methods developed under paragraph (1) demonstrates that the medical evidence submitted by a specific physician, medical facility or attorney or law firm is not consistent with prevailing medical practices or the applicable requirements of this Act, any medical evidence from such physician, facility or attorney or law firm shall be unacceptable for purposes of establishing eligibility for an award under this Act.

(B) NOTIFICATION.—Upon a determination by the Administrator under subparagraph (A), the Administrator shall notify the physician or medical facility involved of the results of the audit. Such physician or facility shall have a right to appeal such determination under procedures issued by the Administrator.

(b) REVIEW OF CERTIFIED B-READERS.—

(1) IN GENERAL.—The Administrator shall prescribe procedures to randomly evaluate the x-rays submitted in support of a statistically significant number of claims by independent certified B-readers, the cost of which shall be paid by the Fund.

(2) DISAGREEMENT.—If an independent certified B-reader assigned under paragraph (1) disagrees with the quality grading or ILO level assigned to an x-ray submitted in support of a claim, the Administrator shall require a review of such x-rays by a second independent certified B-reader.

(3) EFFECT ON CLAIM.—If neither certified B-reader under paragraph (2) agrees with the quality grading and the ILO grade level assigned to an x-ray as part of the claim, the Administrator shall take into account the findings of the 2 independent B readers in making the determination on such claim.

(4) CERTIFIED B-READERS.—The Administrator shall maintain a list of a minimum of 50 certified B-readers eligible to participate in the independent reviews, chosen from all certified B-readers. When an x-ray is sent for independent review, the Administrator shall choose the certified B-reader at random from that list.

(c) SMOKING ASSESSMENT.—

(1) IN GENERAL.—

(A) RECORDS AND DOCUMENTS.—To aid in the assessment of the accuracy of claimant representations as to their smoking status for purposes of determining eligibility and amount of award under Malignant Level VI, Malignant Level VII, or Malignant Level VIII, and exceptional medical claims, the Administrator shall have the authority to obtain relevant records and documents, including—

(i) records of past medical treatment and evaluation;

(ii) affidavits of appropriate individuals;

(iii) applications for insurance and supporting materials; and

(iv) employer records of medical examinations.

(B) CONSENT.—The claimant shall provide consent for the Administrator to obtain such records and documents where required.

(2) REVIEW.—The frequency of review of records and documents submitted under paragraph (1)(A) shall be at the discretion of the Administrator, but shall address at least 5 percent of the claimants asserting status as nonsmokers or ex-smokers.

(3) CONSENT.—

(A) IN GENERAL.—The Administrator may require the performance of blood tests or any other appropriate medical test, where claimants assert they are nonsmokers or ex-smokers for purposes of an award under Malignant Level VI, VII, or VIII, or as an exceptional medical claim, the cost of which shall be paid by the Fund.

(B) SERUM COTININE SCREENING.—The Administrator shall require the performance of serum cotinine screening on all claimants who assert they are nonsmokers or ex-smokers for purposes of an award under Malignant Level VI, VII, or VIII, or as an exceptional medical claim, the cost of which shall be paid by the Fund.

(4) PENALTY FOR FALSE STATEMENTS.—Any false information submitted under this subsection shall be subject to criminal prosecution or civil penalties as provided under section 1348 of title 18, United States Code (as added by this Act) and section 101(c)(2).

(d) PULMONARY FUNCTION TESTING.—The Administrator shall develop auditing procedures for pulmonary function test results submitted as part of a claim, to ensure that such tests are conducted in accordance with American Thoracic Society Criteria, as defined under section 121(a)(13).

Subtitle C—Medical Criteria

SEC. 121. MEDICAL CRITERIA REQUIREMENTS.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) ASBESTOSIS DETERMINED BY PATHOLOGY.—The term "asbestosis determined by pathology" means indications of asbestosis based on the pathological grading system for asbestosis described in the Special Issues of the Archives of Pathology and Laboratory Medicine, "Asbestos-associated Diseases", Vol. 106, No. 11, App. 3 (October 8, 1982).

(2) BILATERAL ASBESTOS-RELATED NONMALIGNANT DISEASE.—The term "bilateral asbestos-related nonmalignant disease" means a diagnosis of bilateral asbestos-related nonmalignant disease based on—

(A) an x-ray reading of 1/0 or higher based on the ILO grade scale;

(B) bilateral pleural plaques;

(C) bilateral pleural thickening; or

(D) bilateral pleural calcification.

(3) BILATERAL PLEURAL DISEASE OF B2.—The term "bilateral pleural disease of B2" means a chest wall pleural thickening or plaque with a maximum width of at least 5 millimeters and a total length of at least ¼ of the projection of the lateral chest wall.

(4) CERTIFIED B-READER.—The term "certified B-reader" means an individual who is certified by the National Institute of Occupational Safety and Health and whose certification by the National Institute of Occupational Safety and Health is up to date.

(5) DIFFUSE PLEURAL THICKENING.—The term "diffuse pleural thickening" means blunting of either costophrenic angle and bilateral pleural plaque or bilateral pleural thickening.

(7) FEV1.—The term "FEV1" means forced expiratory volume (1 second), which is the maximal volume of air expelled in 1 second during performance of the spirometric test for forced vital capacity.

(8) FVC.—The term "FVC" means forced vital capacity, which is the maximal volume of air expired with a maximally forced effort from a position of maximal inspiration.

(9) ILO GRADE.—The term "ILO grade" means the radiological ratings for the presence of lung changes as determined from a chest x-ray, all as established from time to time by the International Labor Organization.

(10) LOWER LIMITS OF NORMAL.—The term "lower limits of normal" means the fifth percentile of healthy populations as defined in the American Thoracic Society statement on lung function testing (Amer. Rev. Resp. Disease 1991, 144:1202–1218) and any future revision of the same statement.

(11) NONSMOKER.—The term "nonsmoker" means a claimant who—

(A) never smoked; or

(B) has smoked fewer than 100 cigarettes or the equivalent amount of other tobacco products during the claimant's lifetime.

(12) PO_2.—The term "PO_2" means the partial pressure (tension) of oxygen, which measures the amount of dissolved oxygen in the blood.

(13) PULMONARY FUNCTION TESTING.—The term "pulmonary function testing" means spirometry testing that is in material compliance with the quality criteria established by the American Thoracic Society and is performed on equipment which is in material compliance with the standards of the American Thoracic Society for technical quality and calibration.

(14) SUBSTANTIAL OCCUPATIONAL EXPOSURE TO ASBESTOS.—

(A) IN GENERAL.—The term "substantial occupational exposure" means employment in an industry and an occupation where for a substantial portion of a normal work year for that occupation, the claimant—

(i) handled raw asbestos fibers;

(ii) fabricated asbestos-containing products so that the claimant in the fabrication process was exposed to raw asbestos fibers;

(iii) altered, repaired, or otherwise worked with an asbestos-containing product such that the claimant was exposed on a regular basis to a significant amount of asbestos fibers; or

(iv) worked in close proximity to other workers engaged in the activities described under clause (i), (ii), or (iii), such that the claimant was exposed on a regular basis to a significant amount of asbestos fibers.

(B) REGULAR BASIS.—In this paragraph, the term "on a regular basis" means on a frequent or recurring basis.

(15) TLC.—The term "TLC" means total lung capacity, which is the total volume of air in the lung after maximal inspiration.

(16) WEIGHTED OCCUPATIONAL EXPOSURE.—

(A) IN GENERAL.—The term "weighted occupational exposure" means exposure for a period of years calculated according to the exposure weighting formula under subparagraphs (B) through (E).

(B) MODERATE EXPOSURE.—Subject to subparagraph (E), each year that a claimant's primary occupation, during a substantial portion of a normal work year for that occupation, involved working in areas immediate to where asbestos-containing products were being installed, repaired, or removed under circumstances that involved regular airborne emissions of asbestos fibers, shall count as 1 year of substantial occupational exposure.

(C) HEAVY EXPOSURE.—Subject to subparagraph (E), each year that a claimant's primary occupation, during a substantial portion of a normal work year for that occupation, involved the direct installation, repair, or removal of asbestos-containing products such that the person was exposed on a regular basis to a significant amount of asbestos fibers, shall count as 2 years of substantial occupational exposure.

(D) VERY HEAVY EXPOSURE.—Subject to subparagraph (E), each year that a claimant's primary occupation, during a substantial portion of a normal work year for that occupation, was in primary asbestos manufacturing, a World War II shipyard, or the asbestos insulation trades, such that the person was exposed on a regular basis to a significant amount of asbestos fibers, shall count as 4 years of substantial occupational exposure.

(E) DATES OF EXPOSURE.—Each year of exposure calculated under subparagraphs (B), (C), and (D) that occurred before 1976 shall be counted at its full value. Each year from 1976 to 1986 shall be counted as ½ of its value. Each year after 1986 shall be counted as ⅒ of its value.

(F) OTHER CLAIMS.—Individuals who do not meet the provisions of subparagraphs (A) through (E) and believe their post-1976 or post-1986 exposures exceeded the Occupational Safety and Health Administration standard may submit evidence, documentation, work history, or other information to substantiate noncompliance with the Occupational Safety and Health Administration standard (such as lack of engineering or work practice controls, or protective equipment) such that exposures would be equivalent to exposures before 1976 or 1986, or to documented exposures in similar jobs or occupations where control measures had not been implemented. Claims under this subparagraph shall be evaluated on an individual basis by a Physicians Panel.

(b) MEDICAL EVIDENCE.—

(1) LATENCY.—Unless otherwise specified, all diagnoses of an asbestos-related disease for a level under this section shall be accompanied by—

(A) a statement by the physician providing the diagnosis that at least 10 years have elapsed between the date of first exposure to asbestos or asbestos-containing products and the diagnosis; or

(B) a history of the claimant's exposure that is sufficient to establish a 10-year latency period between the date of first exposure to asbestos or asbestos-containing products and the diagnosis.

(2) DIAGNOSTIC GUIDELINES.—All diagnoses of asbestos-related diseases shall be based upon—

(A) for disease Levels I through V, in the case of a claimant who was living at the time the claim was filed—

(i) a physical examination of the claimant by the physician providing the diagnosis;

(ii) an evaluation of smoking history and exposure history before making a diagnosis;

(iii) an x-ray reading by a certified B-reader; and

(iv) pulmonary function testing in the case of disease Levels III, IV, and V;

(B) for disease Levels I through V, in the case of a claimant who was deceased at the time the claim was filed, a report from a physician based upon a review of the claimant's medical records which shall include—

(i) pathological evidence of the nonmalignant asbestos-related disease; or

(ii) an x-ray reading by a certified B-reader;

(C) for disease Levels VI through IX, in the case of a claimant who was living at the time the claim was filed—

(i) a physical examination by the claimant's physician providing the diagnosis; or

(ii) a diagnosis of such a malignant asbestos-related disease, as described in this section, by a board-certified pathologist; and

(D) for disease Levels VI through IX, in the case of a claimant who was deceased at the time the claim was filed—

(i) a diagnosis of such a malignant asbestos-related disease, as described in this section, by a board-certified pathologist; and

(ii) a report from a physician based upon a review of the claimant's medical records.

(3) CREDIBILITY OF MEDICAL EVIDENCE.—To ensure the medical evidence provided in support of a claim is credible and consistent with recognized medical standards, a claimant under this title may be required to submit—

(A) x-rays or computerized tomography;

(B) detailed results of pulmonary function tests;

(C) laboratory tests;

(D) tissue samples;

(E) results of medical examinations;

(F) reviews of other medical evidence; and

(G) medical evidence that complies with recognized medical standards regarding equipment, testing methods, and procedure to ensure the reliability of such evidence as may be submitted.

(c) EXPOSURE EVIDENCE.—

(1) IN GENERAL.—To qualify for any disease level, the claimant shall demonstrate—

(A) a minimum exposure to asbestos or asbestos-containing products;

(B) the exposure occurred in the United States, its territories or possessions, or while a United States citizen, while an employee of an entity organized under any Federal or State law regardless of location, or while a United States citizen while serving on any United States flagged or owned ship, provided the exposure results from such employment or service; and

(C) any additional asbestos exposure requirement under this section.

(2) PROOF OF EXPOSURE.—

(A) AFFIDAVITS.—Exposure to asbestos sufficient to satisfy the exposure requirements for any disease level may be established by a detailed and specific affidavit that—

(i) is filed by—

(I) the claimant; or

(II) if the claimant is deceased, a coworker or a family member of the claimant; and

(ii) is found in proceedings under this title to be—

(I) reasonably reliable, attesting to the claimant's exposure; and

(II) credible and not contradicted by other evidence.

(B) OTHER PROOF.—Exposure to asbestos may alternatively be established by invoices, construction or other similar records, or any other reasonably reliable and credible evidence.

(C) ADDITIONAL EVIDENCE.—The Administrator may require submission of other or additional evidence of exposure, if available, for a particular claim when determined necessary, as part of the minimum information required under section 113(c).

(3) TAKE-HOME EXPOSURE.—

(A) IN GENERAL.—A claimant may alternatively satisfy the medical criteria requirements of this section where a claim is filed by a person who alleges their exposure to asbestos was the result of living with a person who, if the claim had been filed by that person, would have met the exposure criteria for the given disease level, and the claimant lived with such person for the time period necessary to satisfy the exposure requirement, for the claimed disease level.

(B) REVIEW.—Except for claims for disease Level IX (mesothelioma), all claims alleging take-home exposure shall be submitted as an exceptional medical claim under section 121(g) for review by a Physicians Panel.

(4) WAIVER FOR WORKERS AND RESIDENTS OF LIBBY, MONTANA.—Because of the unique nature of the asbestos exposure related to the vermiculite mining and milling operations in Libby, Montana, the Administrator shall waive the exposure requirements under this subtitle for individuals who worked at the vermiculite mining and milling facility in Libby, Montana, or lived or worked within a 20-mile radius of Libby, Montana, for at least 12 consecutive months before December 31, 2004. Claimants under this section shall provide such supporting documentation as the Administrator shall require.

(6) PENALTY FOR FALSE STATEMENT.—Any false information submitted under this subsection shall be subject to section 1348 of title 18, United States Code (as added by this Act).

(d) ASBESTOS DISEASE LEVELS.—

(1) NONMALIGNANT LEVEL I.—To receive Level I compensation, a claimant shall provide—

(A) a diagnosis of bilateral asbestos-related nonmalignant disease; and

(B) evidence of 5 years cumulative occupational exposure to asbestos.

(2) NONMALIGNANT LEVEL II.—To receive Level II compensation, a claimant shall provide—

(A) a diagnosis of bilateral asbestos-related nonmalignant disease with ILO grade of 1/1 or greater, and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones, or asbestosis determined by pathology, or blunting of either costophrenic angle and bilateral pleural plaque;

(B) evidence of TLC less than 80 percent or FVC less than the lower limits of normal, and FEV1/FVC ratio less than 65 percent;

(C) evidence of 5 or more weighted years of substantial occupational exposure to asbestos; and

(D) supporting medical documentation, such as a written opinion by the examining or diagnosing physician, according to the diagnostic guidelines in section 121(b)(2), establishing asbestos exposure as the cause of the pulmonary condition in question.

(3) NONMALIGNANT LEVEL III.—To receive Level III compensation a claimant shall provide—

(A) a diagnosis of bilateral asbestos-related nonmalignant disease with ILO grade of 1/0 or greater and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones, or asbestosis determined by pathology;

(B) evidence of TLC less than 80 percent; FVC less than the lower limits of normal and FEV1/FVC ratio greater than or equal to 65 percent;

(C) evidence of 5 or more weighted years of substantial occupational exposure to asbestos; and

(D) supporting medical documentation, such as a written opinion by the examining or diagnosing physician, according to the diagnostic guidelines in section 121(b)(2)—

(i) establishing asbestos exposure as the cause of the pulmonary condition in question; and

(ii) excluding other more likely causes of that pulmonary condition.

(4) NONMALIGNANT LEVEL IV.—To receive Level IV compensation a claimant shall provide—

(B) evidence of TLC less than 60 percent or FVC less than 60 percent, and FEV1/FVC ratio greater than or equal to 65 percent;

(C) evidence of 5 or more weighted years of substantial occupational exposure to asbestos before diagnosis; and

(D) supporting medical documentation, such as a written opinion by the examining or diagnosing physician, according to the diagnostic guidelines in section 121(b)(2)—

(i) establishing asbestos exposure as the cause of the pulmonary condition in question; and

(ii) excluding other more likely causes, other than silica, of that pulmonary condition.

(5) NONMALIGNANT LEVEL V.—To receive Level V compensation a claimant shall provide—

(A) diagnosis of bilateral asbestos-related nonmalignant disease with ILO grade of 1/1 or greater and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones, or asbestosis determined by pathology;

(B)(i) evidence of TLC less than 50 percent or FVC less than 50 percent, and FEV1/FVC ratio greater than or equal to 65 percent; or

(iii) PO_2 less than 55 mm/Hg, plus a FEV1/FVC ratio not less than 65 percent;

(C) evidence of 5 or more weighted years of substantial occupational exposure to asbestos; and

(D) supporting medical documentation, such as a written opinion by the examining or diagnosing physician, according to the diagnostic guidelines in section 121(b)(2)—

(i) establishing asbestos exposure as the cause of the pulmonary condition in question; and

(ii) excluding other more likely causes, other than silica, of that pulmonary condition.

(8) MALIGNANT LEVEL VIII.—

(A) IN GENERAL.—To receive Level VIII compensation, a claimant shall provide a diagnosis—

(i) of a primary lung cancer disease on the basis of findings by a board certified pathologist;

(ii)(I) of—

(aa) asbestosis based on a chest x-ray of at least 1/0 on the ILO scale and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones; and

(bb) 10 or more weighted years of substantial occupational exposure to asbestos;

(II) of—

(aa) asbestosis based on a chest x-ray of at least 1/1 on the ILO scale and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones; and

(bb) 8 or more weighted years of substantial occupational exposure to asbestos;

(III) asbestosis determined by pathology and 10 or more weighted years of substantial occupational exposure to asbestos; and

(iii) supporting medical documentation, such as a written opinion by the examining or diagnosing physician, according to the diagnostic guidelines in section 121(b)(2), establishing asbestos exposure as the cause of the lung cancer in question; and 10 or more weighted years of substantial occupational exposure to asbestos.

(9) MALIGNANT LEVEL IX.—To receive Level IX compensation, a claimant shall provide—

(A) a diagnosis of malignant mesothelioma disease on the basis of findings by a board certified pathologist; and

(B) credible evidence of identifiable exposure to asbestos resulting from—

(i) occupational exposure to asbestos;

(ii) exposure to asbestos fibers brought into the home of the claimant by a worker occupationally exposed to asbestos; or

(iii) exposure to asbestos fibers resulting from living or working in the proximate vicinity of a factory, shipyard, building demolition site, or other operation that regularly released asbestos fibers into the air due to operations involving asbestos at that site.

(g) EXCEPTIONAL MEDICAL CLAIMS.—

(1) IN GENERAL.—A claimant who does not meet the medical criteria requirements under this section may apply for designation of the claim as an exceptional medical claim.

(2) APPLICATION.—When submitting an application for review of an exceptional medical claim, the claimant shall—

(A) state that the claim does not meet the medical criteria requirements under this section; or

(B) seek designation as an exceptional medical claim within 60 days after a determination that the claim is ineligible solely for failure to meet the medical criteria requirements under subsection (d).

(3) REPORT OF PHYSICIAN.—

(A) IN GENERAL.—Any claimant applying for designation of a claim as an exceptional medical claim shall support an application filed under paragraph (1) with a report from a physician meeting the requirements of this section.

(B) CONTENTS.—A report filed under subparagraph (A) shall include—

(i) a complete review of the claimant's medical history and current condition;

(ii) such additional material by way of analysis and documentation as shall be prescribed by rule of the Administrator; and

(iii) a detailed explanation as to why the claim meets the requirements of paragraph (4)(B).

(4) REVIEW.—

(A) IN GENERAL.—The Administrator shall refer all applications and supporting documentation submitted under paragraph (2) to a Physicians Panel for review for eligibility as an exceptional medical claim.

(B) STANDARD.—A claim shall be designated as an exceptional medical claim if the claimant, for reasons beyond the control of the claimant, cannot satisfy the requirements under this section, but is able, through comparably reliable evidence that meets the standards under this section, to show that the claimant has an asbestos-related condition that is substantially comparable to that of a medical condition that would satisfy the requirements of a category under this section.

(C) ADDITIONAL INFORMATION.—A Physicians Panel may request additional reasonable testing to support the claimant's application.

(E) MESOTHELIOMA CASES.—

(i) IN GENERAL.—The Physicans Panel shall grant priority status to—

(I) all Level IX claims with other identifiable asbestos exposure as provided under paragraph (9)(B)(iv); and

(II) all Level IX claims that are filed as exceptional medical claims.

(ii) PHYSICIAN PANEL.—If the Physicians Panel issues a certificate of medical eligibility, the claimant shall be deemed to qualify for Level IX compensation. If the Physicians Panel rejects the claim, and the Administrator deems it rejected, the claimant may immediately seek judicial review under section 302.

(5) APPROVAL.—

(A) IN GENERAL.—If the Physicians Panel determines that the medical evidence is sufficient to show a comparable asbestos-related condition, it shall issue a certificate of medical eligibility designating the category of asbestos-related injury under this section for which the claimant shall be eligible to seek compensation.

(B) REFERRAL.—Upon the issuance of a certificate under subparagraph (A), the Physicians Panel shall submit the claim to the Administrator, who shall give due consideration to the recommendation of the Physicians Panel in determining whether the claimant meets the requirements for compensation under this Act.

(6) RESUBMISSION.—Any claimant whose application for designation as an exceptional medical claim is rejected may resubmit an application if new evidence becomes available. The application shall identify any prior applications and state the new evidence that forms the basis of the resubmission.

(7) RULES.—The Administrator shall promulgate rules governing the procedures for seeking designation of a claim as an exceptional medical claim.

(8) LIBBY, MONTANA.—

(A) IN GENERAL.—A Libby, Montana, claimant may elect to have the claimant's claims designated as exceptional medical claims and referred to a Physicians Panel for review. In reviewing the medical evidence submitted by a Libby, Montana claimant in support of that claim, the Physicians Panel shall take into consideration the unique and serious nature of asbestos exposure in Libby, Montana, including the nature of the pleural disease related to asbestos exposure in Libby, Montana.

(B) CLAIMS.—For all claims for Levels II through IV filed by Libby, Montana claimants, as described under subsection (c)(4), once the Administrator or the Physicians Panel issues a certificate of medical eligibility to a Libby, Montana claimant, and notwithstanding the disease category designated in the certificate or the eligible disease or condition established in accordance with this section, or the value of the award determined in accordance with section 114, the Libby, Montana claimant shall be entitled to an award that is not less than that awarded to claimants who suffer from asbestosis, Level IV. For all malignant claims filed by Libby, Montana claimants, the Libby, Montana claimant shall be entitled to an award that corresponds to the malignant disease category designated by the Administrator or the Physicians Panel.

(C) EVALUATION OF CLAIMS.—For purposes of evaluating exceptional medical claims from Libby, Montana, a claimant shall be deemed to have a comparable asbestos-related condition to an asbestos disease category Level IV, and shall be deemed to qualify for compensation at Level IV, if the claimant provides—

(i) a diagnosis of bilateral asbestos related nonmalignant disease;

(ii) evidence of TLC or FVC less than 80 percent; and

(iii) supporting medical documentation establishing asbestos exposure as a substantial contributing factor in causing the pulmonary condition in question, and excluding more likely causes of that pulmonary condition.

(9) STUDY OF VERMICULITE PROCESSING FACILITIES.—

(A) IN GENERAL.—As part of the ongoing National Asbestos Exposure Review (in this section referred to as "NAER") being conducted by the Agency for Toxic Substances and Disease Registry (in this section referred to as "ATSDR") of facilities that received vermiculite ore from Libby, Montana, the ATSDR shall conduct a study of all Phase 1 sites where—

(i) the Environmental Protection Agency has mandated further action at the site on the basis of current contamination; or

(ii) the site was an exfoliation facility that processed roughly 100,000 tons or more of vermiculite from the Libby mine.

(B) STUDY BY ATSDR.—The study by the ATSDR shall evaluate the facilities identified under subparagraph (A) and compare—

(i) the levels of asbestos emissions from such facilities;

(ii) the resulting asbestos contamination in areas surrounding such facilities;

(iii) the levels of exposure to residents living in the vicinity of such facilities;

(iv) the risks of asbestos-related disease to the residents living in the vicinity of such facilities; and

(v) the risk of asbestos-related mortality to residents living in the vicinity of such facilities,

to the emissions, contamination, exposures, and risks resulting from the mining of vermiculite ore in Libby, Montana.

(C) RESULTS OF STUDY.—The results of the study required under this paragraph shall be transmitted to the Administrator.

Subtitle D—Awards

SEC. 131. AMOUNT.

(a) IN GENERAL.—An asbestos claimant who meets the requirements of section 111 shall be entitled to an award in an amount determined by reference to the benefit table and the matrices developed under subsection (b).

(b) BENEFIT TABLE.—

(1) IN GENERAL.—An asbestos claimant with an eligible disease or condition established in accordance with section 121 shall be eligible for an award as determined under this subsection. The award for all asbestos claimants with an eligible disease or condition established in accordance with section 121 shall be according to the following schedule:

Level	Scheduled Condition or Disease.	Scheduled Value
I	Asbestosis/Pleural Disease A.	Medical Monitoring
II	Mixed Disease With Impairment.	$25,000
III	Asbestosis/Pleural Disease B.	$100,000
IV	Severe Asbestosis.	$400,000
V	Disabling Asbestosis.	$850,000
VIII	Lung Cancer With Asbestosis.	smokers, $600,000; ex-smokers, $975,000; non-smokers, $1,100,000
IX	Mesothelioma	$1,100,000

(2) DEFINITIONS.—In this section—

(A) the term "nonsmoker" means a claimant who—

(i) never smoked; or

(ii) has smoked fewer than 100 cigarettes or the equivalent of other tobacco products during the claimant's lifetime; and

(B) the term "ex-smoker" means a claimant who has not smoked during any portion of the 12-year period preceding the diagnosis of lung cancer.

(3) LEVEL IX ADJUSTMENTS.—

(A) IN GENERAL.—The Administrator may increase awards for Level IX claimants who have dependent children so long as the increase under this paragraph is cost neutral. Such increased awards shall be paid for by decreasing awards for claimants other than Level IX, so long as no award levels are decreased more than 10 percent.

(B) IMPLEMENTATION.—Before making adjustments under this paragraph, the Administrator shall publish in the Federal Register notice of, and a plan for, making such adjustments.

(4) SPECIAL ADJUSTMENT FOR FELA CASES.—

(A) IN GENERAL.—A claimant who would be eligible to bring a claim under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, but for section 403 of this Act, shall be eligible for a special adjustment under this paragraph.

(B) REGULATIONS.—

(i) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate regulations relating to special adjustments under this paragraph.

(ii) JOINT PROPOSAL.—Not later than 45 days after the date of enactment of this Act, representatives of railroad management and representatives of railroad labor shall submit to the Administrator a joint proposal for regulations describing the eligibility for and amount of special adjustments under this paragraph. If a joint proposal is submitted, the Administrator shall promulgate regulations that reflect the joint proposal.

(iii) ABSENCE OF JOINT PROPOSAL.—If railroad management and railroad labor are unable to agree on a joint proposal within 45 days after the date of enactment of this Act, the benefits prescribed in subparagraph (E) shall be the benefits available to claimants, and the Administrator shall promulgate regulations containing such benefits.

(iv) REVIEW.—The parties participating in the arbitration may file in the United States District Court for the District of Columbia a petition for review of the Administrator's order. The court shall have jurisdiction to affirm the order of the Administrator, or to set it aside, in whole or in part, or it may remand the proceedings to the Administrator for such further action as it may direct. On such review, the findings and order of the Administrator shall be conclusive on the parties, except that the order of the Administrator may be set aside, in whole or in parts or remanded to the Administrator, for failure of the Administrator to comply with the requirements of this section, for failure of the order to conform, or confine itself, to matters within the scope of the Administrator's jurisdiction, or for fraud or corruption.

(C) ELIGIBILITY.—An individual eligible to file a claim under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, shall be eligible for a special adjustment under this paragraph if such individual meets the criteria set forth in subparagraph (F).

(D) AMOUNT.—

(i) IN GENERAL.—The amount of the special adjustment shall be based on the type and severity of asbestos disease, and shall be 110 percent of the average amount an injured individual with a disease caused by asbestos, as described in section 121(d) of this Act, would have received, during the 5-year period before the enactment of this Act, adjusted for inflation. This adjustment shall be in addition to any other award for which the claimant is eligible under this Act. The amount of the special adjustment shall be reduced by an amount reasonably calculated to take into account all expenses of litigation normally borne by plaintiffs, including attorney's fees.

(ii) LIMITATION.—The amount under clause (i) may not exceed the amount the claimant is eligible to receive before applying the special adjustment under that clause.

(E) ARBITRATED BENEFITS.—If railroad management and railroad labor are unable to agree on a joint proposal within 45 days after the date of enactment of this Act, the Administrator shall appoint an arbitrator to determine the benefits under subparagraph (D). The Administrator shall appoint an arbitrator who shall be acceptable to both railroad management and railroad labor. Railroad management and railroad labor shall each designate their representatives to participate in the arbitration. The arbitrator shall submit the benefits levels to the Administrator not later than 30 days after appointment and such benefits levels shall be based on information provided by rail labor and rail management. The information submitted to the arbitrator by railroad management and railroad labor shall be considered confidential and shall be disclosed to the other party upon execution of an appropriate confidentiality agreement. Unless the submitting party provides written consent, neither the arbitrator nor either party to the arbitration shall divulge to any third party any information or data, in any form, submitted to the arbitrator under this section. Nor shall either party use such information or data for any purpose other than participation in the arbitration proceeding, and each party shall return to the other any information it has received from the other party as soon the arbitration is concluded. Information submitted to the arbitrator may not be admitted into evidence, nor discovered, in any civil litigation in Federal or State court. The nature of the information submitted to the arbitrator shall be within the sole discretion of the submitting party, and the arbitrator may not require a party to submit any particular information, including information subject to a prior confidentiality agreement.

(F) DEMONSTRATION OF ELIGIBILITY.—

(i) IN GENERAL.—A claimant under this paragraph shall be required to demonstrate—

(I) employment of the claimant in the railroad industry;

(II) exposure of the claimant to asbestos as part of that employment; and

(III) the nature and severity of the asbestos-related injury.

(ii) MEDICAL CRITERIA.—In order to be eligible for a special adjustment a claimant shall meet the criteria set forth in section 121 that would qualify a claimant for a payment under Level II or greater.

(5) MEDICAL MONITORING.—An asbestos claimant with asymptomatic exposure, based on the criteria under section 121(d)(1), shall only be eligible for medical monitoring reimbursement as provided under section 132.

(6) COST-OF-LIVING ADJUSTMENT.—

(A) IN GENERAL.—Beginning January 1, 2007, award amounts under paragraph (1) shall be annually increased by an amount equal to such dollar amount multiplied by the cost-of-living adjustment, rounded to the nearest $1,000 increment.

(B) CALCULATION OF COST-OF-LIVING ADJUSTMENT.—For the purposes of subparagraph (A), the cost-of-living adjustment for any calendar year shall be the percentage, if any, by which the consumer price index for the succeeding calendar year exceeds the consumer price index for calendar year 2005.

(C) CONSUMER PRICE INDEX.—

(i) IN GENERAL.—For the purposes of subparagraph (B), the consumer price index for any calendar year is the average of the consumer price index as of the close of the 12-month period ending on August 31 of such calendar year.

(ii) DEFINITION.—For purposes of clause (i), the term "consumer price index" means the consumer price index published by the Department of Labor. The consumer price index series to be used for award escalations shall include the consumer price index used for all-urban consumers, with an area coverage of the United States city average, for all items, based on the 1982–1984 index based period, as published by the Department of Labor.

SEC. 132. MEDICAL MONITORING.

(a) Relation to Statute of Limitations.—The filing of a claim under this Act that seeks reimbursement for medical monitoring shall not be considered as evidence that the claimant has discovered facts that would otherwise commence the period applicable for purposes of the statute of limitations under section 113(b).

(b) Costs.—Reimbursable medical monitoring costs shall include the costs of a claimant not covered by health insurance for an examination by the claimant's physician, x-ray tests, and pulmonary function tests every 3 years.

(c) Regulations.—The Administrator shall promulgate regulations that establish—

(1) the reasonable costs for medical monitoring that is reimbursable; and

(2) the procedures applicable to asbestos claimants.

SEC. 133. PAYMENT.

(a) Structured Payments.—

(1) In general.—An asbestos claimant who is entitled to an award should receive the amount of the award through structured payments from the Fund, made over a period of 3 years, and in no event more than 4 years after the date of final adjudication of the claim.

(2) Payment period and amount.—There shall be a presumption that any award paid under this subsection shall provide for payment of—

(A) 40 percent of the total amount in year 1;

(B) 30 percent of the total amount in year 2; and

(C) 30 percent of the total amount in year 3.

(3) Extension of payment period.—

(A) In general.—The Administrator shall develop guidelines to provide for the payment period of an award under subsection (a) to be extended to a 4-year period if such action is warranted in order to preserve the overall solvency of the Fund. Such guidelines shall include reference to the number of claims made to the Fund and the awards made and scheduled to be paid from the Fund as provided under section 405.

(B) Limitations.—In no event shall less than 50 percent of an award be paid in the first 2 years of the payment period under this subsection.

(4) Lump-sum payments.—

(A) In general.—The Administrator shall develop guidelines to provide for 1 lump-sum payment to asbestos claimants who are mesothelioma victims and who are alive on the date on which the Administrator receives notice of the eligibility of the claimant.

(B) Timing of payments.—Lump-sum payments shall be made within the shorter of—

(i) not later than 30 days after the date the claim is approved by the Administrator; or

(ii) not later than 6 months after the date the claim is filed.

(C) Timing of payments to be adjusted with respect to solvency of the fund.—If the Administrator determines that solvency of the Fund would be severely harmed by the timing of the payments required under subparagraph (B), the time for such payments may be extended to the shorter of—

(i) not later than 6 months after the date the claim is approved by the Administrator; or

(ii) not later than 11 months after the date the claim is filed.

(5) Expedited payments.—

(A) In general.—The Administrator shall develop guidelines to provide for expedited payments to asbestos claimants in cases of terminal health claims as described under section 106(c)(2)(B) and (C).

(B) Timing of payments.—Total payments shall be made within the shorter of—

(i) not later than 6 months after the date the claim is approved by the Administrator; or

(ii) not later than 1 year after the date the claim is filed.

(C) Timing of payments to be adjusted with respect to solvency of the fund.—If the Administrator determines that solvency of the Fund would be severely harmed by the timing of the payments required under subparagraph (B), the time for such payments may be extended to the shorter of—

(i) not later than 1 year after the date the claim is approved by the Administrator; or

(ii) not later than 2 years after the date the claim is filed.

(D) Prioritization of claims.—The Administrator shall, in final regulations promulgated under section 101(c), designate categories of claims to be handled on an expedited basis. The Administrator shall prioritize the processing and payment of health claims involving claimants with the most serious health risks. The Administrator shall also prioritize claims from claimants who face extreme financial hardship.

(6) Annuity.—An asbestos claimant may elect to receive any payments to which that claimant is entitled under this title in the form of an annuity.

(b) Limitation on Transferability.—A claim filed under this Act shall not be assignable or otherwise transferable under this Act.

(c) Creditors.—An award under this title shall be exempt from all claims of creditors and from levy, execution, and attachment or other remedy for recovery or collection of a debt, and such exemption may not be waived.

(d) Medicare as Secondary Payer.—No award under this title shall be deemed a payment for purposes of section 1862 of the Social Security Act (42 U.S.C. 1395y).

(e) Exempt Property in Asbestos Claimant's Bankruptcy Case.—If an asbestos claimant files a petition for relief under section 301 of title 11, United States Code, no award granted under this Act shall be treated as property of the bankruptcy estate of the asbestos claimant in accordance with section 541(b)(6) of title 11, United States Code.

(f) Effect of Payment.—The payment of an asbestos claim under this section shall be in full satisfaction of such claim and shall be deemed to operate as a release to such claim. No claimant with an asbestos claim that will be paid under this section may proceed in the tort system with respect to such claim.

SEC. 134. SETOFFS FOR COLLATERAL SOURCE COMPENSATION AND PRIOR AWARDS.

(a) In General.—The amount of an award otherwise available to an asbestos claimant under this title shall be reduced by the amount of any collateral source compensation and by any amounts paid or to be paid to the claimant for a prior award under this Act.

(b) Exclusions.—

(1) Collateral source compensation.—In no case shall special adjustments made under section 131(b)(3), occupational or total disability benefits under the Railroad Retirement Act (45 U.S.C. 201 et seq.), sickness benefits under the Railroad Unemployment Insurance Act (45 U.S.C 351 et seq.), and veterans' benefits programs be deemed as collateral source compensation for purposes of this section.

(2) Prior award payments.—Any amounts paid or to be paid for a prior claim for a nonmalignant disease (Levels I through V) filed against the Fund shall not be deducted as a setoff against amounts payable for the second injury claims for a malignant disease (Levels VI through IX), unless the malignancy was diagnosed before the date on which the nonmalignancy claim was compensated.

SEC. 135. CERTAIN CLAIMS NOT AFFECTED BY PAYMENT OF AWARDS.

(a) In General.—The payment of an award under section 106 or 133 shall not be considered a form of compensation or reimbursement for a loss for purposes of imposing liability on any asbestos claimant receiving such payment to repay any—

(1) life or health insurance carrier for insurance payments; or

(2) person or governmental entity on account of health care or disability payments.

(b) No Effect on Claims.—

(1) In general.—The payment of an award to an asbestos claimant under section 106 or 133 shall not affect any claim of an asbestos claimant against—

(A) a life or health insurance carrier with respect to insurance; or

(B) against any person or governmental entity with respect to healthcare or disability.

(2) Rule of construction.—Nothing in this subsection shall be construed to authorize the pursuit of a claim that is preempted under section 403.

TITLE II—ASBESTOS INJURY CLAIMS RESOLUTION FUND

Subtitle A—Asbestos Defendants Funding Allocation

SEC. 201. DEFINITIONS.

In this subtitle, the following definitions shall apply:

(1) Affiliated group.—The term "affiliated group"—

(A) means a defendant participant that is an ultimate parent and any person whose entire beneficial interest is directly or indirectly owned by that ultimate parent on the date of enactment of this Act; and

(B) shall not include any person that is a debtor or any direct or indirect majority-owned subsidiary of a debtor.

(2) Indemnifiable cost.—The term "indemnifiable cost" means a cost, expense, debt, judgment, or settlement incurred with respect to an asbestos claim that, at any time before December 31, 2002, was or could have been subject to indemnification, contribution, surety, or guaranty.

(3) Indemnitee.—The term "indemnitee" means a person against whom any asbestos claim has been asserted before December 31, 2002, who has received from any other person, or on whose behalf a sum has been paid by such other person to any third person, in settlement, judgment, defense, or indemnity in connection with an alleged duty with respect to the defense or indemnification of such person concerning that asbestos claim, other than under a policy of insurance or reinsurance.

(4) Indemnitor.—The term "indemnitor" means a person who has paid under a written agreement at any time before December 31, 2002, a sum in settlement, judgment, defense, or indemnity to or on behalf of any person

defending against an asbestos claim, in connection with an alleged duty with respect to the defense or indemnification of such person concerning that asbestos claim, except that payments by an insurer or reinsurer under a contract of insurance or reinsurance shall not make the insurer or reinsurer an indemnitor for purposes of this subtitle.

(5) PRIOR ASBESTOS EXPENDITURES.—The term "prior asbestos expenditures"—

(A) means the gross total amount paid by or on behalf of a person at any time before December 31, 2002, in settlement, judgment, defense, or indemnity costs related to all asbestos claims against that person;

(B) includes payments made by insurance carriers to or for the benefit of such person or on such person's behalf with respect to such asbestos claims, except as provided in section 204(h);

(C) shall not include any payment made by a person in connection with or as a result of changes in insurance reserves required by contract or any activity or dispute related to insurance coverage matters for asbestos-related liabilities; and

(D) shall not include any payment made by or on behalf of persons who are or were common carriers by railroad for asbestos claims brought under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, as a result of operations as a common carrier by railroad, including settlement, judgment, defense, or indemnity costs associated with these claims.

(6) ULTIMATE PARENT.—The term "ultimate parent" means a person—

(A) that owned, as of December 31, 2002, the entire beneficial interest, directly or indirectly, of at least 1 other person; and

(B) whose entire beneficial interest was not owned, on December 31, 2002, directly or indirectly, by any other single person (other than a natural person).

(7) ASBESTOS PREMISES CLAIM.—The term "asbestos premises claim"—

(A) means an asbestos claim against a current or former premises owner or landowner, or person controlling or possessing premises or land, alleging injury or death caused by exposure to asbestos on such premises or land or by exposure to asbestos carried off such premises or land on the clothing or belongings of another person; and

(B) includes any such asbestos claim against a current or former employer alleging injury or death caused by exposure to asbestos on premises or land owned, controlled or possessed by the employer, if such claim is not a claim for benefits under a workers' compensation law or veterans' benefits program.

(8) ASBESTOS PREMISES DEFENDANT PARTICIPANT.—The term "asbestos premises defendant participant" means any defendant participant for which 95 percent or more of its prior asbestos expenditures relate to asbestos premises claims against that defendant participant.

SEC. 202. AUTHORITY AND TIERS.

(a) LIABILITY FOR PAYMENTS TO THE FUND.—

(1) IN GENERAL.—Defendant participants shall be liable for payments to the Fund in accordance with this section based on tiers and subtiers assigned to defendant participants.

(2) AGGREGATE PAYMENT OBLIGATIONS LEVEL.—The total payments required of all defendant participants over the life of the Fund shall not exceed a sum equal to $90,000,000,000 less any bankruptcy trust credits under section 222(d). The Administrator shall have the authority to allocate the payments required of the defendant participants among the tiers as provided in this title.

(3) ABILITY TO ENTER REORGANIZATION.—Notwithstanding any other provision of this Act, all debtors that, together with all of their direct or indirect majority-owned subsidiaries, have prior asbestos expenditures less than $1,000,000 may proceed with the filing, solicitation, and confirmation of a plan of reorganization that does not comply with the requirements of this Act, including a trust and channeling injunction under section 524(g) of title 11, United States Code. Any asbestos claim made in conjunction with a plan of reorganization allowable under the preceding sentence shall be subject to section 403(d) of this Act.

(b) TIER I.—Tier I shall include all debtors that, together with all of their direct or indirect majority-owned subsidiaries, have prior asbestos expenditures greater than $1,000,000.

(c) TREATMENT OF TIER I BUSINESS ENTITIES IN BANKRUPTCY.—

(1) DEFINITION.—

(A) IN GENERAL.—In this subsection, the term "bankrupt business entity" means a person that is not a natural person that—

(i) filed a petition for relief under chapter 11, of title 11, United States Code, before January 1, 2003;

(ii) has not substantially consummated, as such term is defined under section 1101(2) of title 11, United States Code, a plan of reorganization as of the date of enactment of this Act; and

(iii) the bankruptcy court presiding over the business entity's case determines, after notice and a hearing upon motion filed by the entity within 30 days after the date of enactment of this Act, that asbestos liability was not the sole or precipitating cause of the entity's chapter 11 filing.

(B) MOTION AND RELATED MATTERS.—A motion under subparagraph (A)(iii) shall be supported by—

(i) an affidavit or declaration of the chief executive officer, chief financial officer, or chief legal officer of the business entity; and

(ii) copies of the entity's public statements and securities filings made in connection with the entity's filing for chapter 11 protection.

Notice of such motion shall be as directed by the bankruptcy court, and the hearing shall be limited to consideration of the question of whether or not asbestos liability was the sole or precipitating cause of the entity's chapter 11 filing. The bankruptcy court shall hold a hearing and make its determination with respect to the motion within 30 days after the date the motion is filed. In making its determination, the bankruptcy court shall take into account the affidavits, public statements, and securities filings, and other information, if any, submitted by the entity and all other facts and circumstances presented by an objecting party. Any review of this determination shall be an expedited appeal and limited to whether the decision was against the weight of the evidence. Any appeal of a determination shall be an expedited review to the United States Circuit Court of Appeals for the circuit in which the bankruptcy is filed.

(2) PROCEEDING WITH REORGANIZATION PLAN.—A bankrupt business entity may proceed with the filing, solicitation, confirmation, and consummation of a plan of reorganization that does not comply with the requirements of this Act, including a trust and channeling injunction described in section 524(g) of title 11, United States Code, notwithstanding any other provisions of this Act, if the bankruptcy court makes a favorable determination under paragraph (1)(B), unless the bankruptcy court's determination is overruled on appeal and all appeals are final. Such a bankrupt business entity may continue to so proceed, if—

(A) on request of a party in interest or on a motion of the court, and after a notice and a hearing, the bankruptcy court presiding over the chapter 11 case of the bankrupt business entity determines that such confirmation is required to avoid the liquidation or the need for further financial reorganization of that entity; and

(B) an order confirming the plan of reorganization is entered by the bankruptcy court within 9 months after the date of enactment of this Act or such longer period of time approved by the bankruptcy court for cause shown.

(3) APPLICABILITY.—If the bankruptcy court does not make the determination required under paragraph (2), or if an order confirming the plan is not entered within 9 months after the date of enactment of this Act or such longer period of time approved by the bankruptcy court for cause shown, the provisions of this Act shall apply to the bankrupt business entity notwithstanding the certification. Any timely appeal under title 11, United States Code, from a confirmation order entered during the applicable time period shall automatically extend the time during which this Act is inapplicable to the bankrupt business entity, until the appeal is fully and finally resolved.

(4) OFFSETS.—

(A) PAYMENTS BY INSURERS.—To the extent that a bankrupt business entity or debtor successfully confirms a plan of reorganization, including a trust, and channeling injunction that involves payments by insurers who are otherwise subject to this Act as described under section 524(g) of title 11, United States Code, an insurer who makes payments to the trust shall obtain a dollar-for-dollar reduction in the amount otherwise payable by that insurer under this Act to the Fund.

(B) CONTRIBUTIONS TO FUND.—Any cash payments by a bankrupt business entity, if any, to a trust described under section 524(g) of title 11, United States Code, may be counted as a contribution to the Fund.

(d) TIERS II THROUGH VI.—Except as provided in section 204 and subsection (b) of this section, persons or affiliated groups are included in Tier II, III, IV, V, or VI, according to the prior asbestos expenditures paid by such persons or affiliated groups as follows:

(1) Tier II: $75,000,000 or greater.

(2) Tier III: $50,000,000 or greater, but less than $75,000,000.

(3) Tier IV: $10,000,000 or greater, but less than $50,000,000.

(4) Tier V: $5,000,000 or greater, but less than $10,000,000.

(5) Tier VI: $1,000,000 or greater, but less than $5,000,000.

(6) ASBESTOS PREMISES DEFENDANT PARTICIPANTS.—

(A) IN GENERAL.—Asbestos premises defendant participants that would be included in Tier II, III, IV or V according to their prior asbestos expenditures shall, after 5 years of the Fund being operational, instead be assigned to the immediately lower tier, such that—

(i) an asbestos premises defendant participant that would be assigned to Tier II shall instead be assigned to Tier III;

(ii) an asbestos premises defendant participant that would be assigned to Tier III shall instead be assigned to Tier IV;

(iii) an asbestos premises defendant participant that would be assigned to Tier IV shall instead be assigned to Tier V; and

(iv) an asbestos premises defendant participant that would be assigned to Tier V shall instead be assigned to Tier VI.

(B) RETURN TO ORIGINAL TIER.—The Administrator may return asbestos premises defendant participants to their original tier, on a yearly basis, if the Administrator determines that the additional revenues that would be collected are needed to preserve the solvency of the Fund.

(e) TIER PLACEMENT AND COSTS.—

(1) PERMANENT TIER PLACEMENT.—After a defendant participant or affiliated group is assigned to a tier and subtier under section 204(j)(6), the participant or affiliated group shall remain in that tier and subtier throughout the life of the Fund, regardless of subsequent events, including—

(A) the filing of a petition under a chapter of title 11, United States Code;

(B) a discharge of debt in bankruptcy;

(C) the confirmation of a plan of reorganization; or

(D) the sale or transfer of assets to any other person or affiliated group, unless the Administrator finds that the information submitted by the participant or affiliated group to support its inclusion in that tier was inaccurate.

(2) COSTS.—Payments to the Fund by all persons that are the subject of a case under a chapter of title 11, United States Code, after the date of enactment of this Act—

(A) shall constitute costs and expenses of administration of the case under section 503 of title 11, United States Code, and shall be payable in accordance with the payment provisions under this subtitle notwithstanding the pendency of the case under that title 11;

(B) shall not be stayed or affected as to enforcement or collection by any stay or injunction power of any court; and

(C) shall not be impaired or discharged in any current or future case under title 11, United States Code.

(f) SUPERSEDING PROVISIONS.—

(1) IN GENERAL.—All of the following shall be superseded in their entireties by this Act:

(A) The treatment of any asbestos claim in any plan of reorganization with respect to any debtor included in Tier I.

(B) Any asbestos claim against any debtor included in Tier I.

(C) Any agreement, understanding, or undertaking by any such debtor or any third party with respect to the treatment of any asbestos claim filed in a debtor's bankruptcy case or with respect to a debtor before the date of enactment of this Act, whenever such debtor's case is either still pending, if such case is pending under a chapter other than chapter 11 of title 11, United States Code, or subject to confirmation or substantial consummation of a plan of reorganization under chapter 11 of title 11, United States Code.

(2) PRIOR AGREEMENTS OF NO EFFECT.—Notwithstanding section 403(c)(3), any plan of reorganization, agreement, understanding, or undertaking by any debtor (including any pre-petition agreement, understanding, or undertaking that requires future performance) or any third party under paragraph (1), and any agreement, understanding, or undertaking entered into in anticipation, contemplation, or furtherance of a plan of reorganization, to the extent it relates to any asbestos claim, shall be of no force or effect, and no person shall have any right or claim with respect to any such agreement, understanding, or undertaking.

SEC. 203. SUBTIERS.

(a) IN GENERAL.—

(1) SUBTIER LIABILITY.—Except as otherwise provided under subsections (b), (d), and (l) of section 204, persons or affiliated groups shall be included within Tiers I through VII and shall pay amounts to the Fund in accordance with this section.

(2) REVENUES.—

(A) IN GENERAL.—For purposes of this section, revenues shall be determined in accordance with generally accepted accounting principles, consistently applied, using the amount reported as revenues in the annual report filed with the Securities and Exchange Commission in accordance with the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) for the most recent fiscal year ending on or before December 31, 2002. If the defendant participant or affiliated group does not file reports with the Securities and Exchange Commission, revenues shall be the amount that the defendant participant or affiliated group would have reported as revenues under the rules of the Securities and Exchange Commission in the event that it had been required to file.

(B) INSURANCE PREMIUMS.—Any portion of revenues of a defendant participant that is derived from insurance premiums shall not be used to calculate the payment obligation of that defendant participant under this subtitle.

(C) DEBTORS.—Each debtor's revenues shall include the revenues of the debtor and all of the direct or indirect majority-owned subsidiaries of that debtor, except that the pro forma revenues of a person that is included in Subtier 2 of Tier I shall not be included in calculating the revenues of any debtor that is a direct or indirect majority owner of such Subtier 2 person. If a debtor or affiliated group includes a person in respect of whose liabilities for asbestos claims a class action trust has been established, there shall be excluded from the 2002 revenues of such debtor or affiliated group—

(i) all revenues of the person in respect of whose liabilities for asbestos claims the class action trust was established; and

(ii) all revenues of the debtor and affiliated group attributable to the historical business operations or assets of such person, regardless of whether such business operations or assets were owned or conducted during the year 2002 by such person or by any other person included within such debtor and affiliated group.

(b) TIER I SUBTIERS.—

(1) IN GENERAL.—Each debtor in Tier I shall be included in subtiers and shall pay amounts to the Fund as provided under this section.

(2) SUBTIER 1.—

(A) IN GENERAL.—All persons that are debtors with prior asbestos expenditures of $1,000,000 or greater, shall be included in Subtier 1.

(B) PAYMENT.—

(i) IN GENERAL.—Each debtor included in Subtier 1 shall pay on an annual basis 1.67024 percent of the debtor's 2002 revenues.

(ii) EXCEPTION TO PAYMENT PERCENTAGE.—Notwithstanding clause (i), a debtor in Subtier 1 shall pay, on an annual basis, $500,000 if—

(I) such debtor, including its direct or indirect majority-owned subsidiaries, has less than $10,000,000 in prior asbestos expenditures;

(II) at least 95 percent of such debtors revenues derive from the provision of engineering and construction services; and

(III) such debtor, including its direct or indirect majority-owned subsidiaries, never manufactured, sold, or distributed asbestos-containing products in the stream of commerce.

(C) OTHER ASSETS.—The Administrator, at the sole discretion of the Administrator, may allow a Subtier 1 debtor to satisfy its funding obligation under this paragraph with assets other than cash if the Administrator determines that requiring an all-cash payment of the debtor's funding obligation would render the debtor's reorganization infeasible.

(D) LIABILITY.—

(i) IN GENERAL.—If a person who is subject to a case pending under a chapter of title 11, United States Code, as defined in section 201(3)(A)(i), does not pay when due any payment obligation for the debtor, the Administrator shall have the right to seek payment of all or any portion of the entire amount due (as well as any other amount for which the debtor may be liable under sections 223 and 224) from any of the direct or indirect majority-owned subsidiaries under section 201(3)(A)(ii).

(ii) CAUSE OF ACTION.—Notwithstanding section 221(e), this Act shall not preclude actions among persons within a debtor under section 201(3)(A) (i) and (ii) with respect to the payment obligations under this Act.

(iii) RIGHT OF CONTRIBUTION.—

(I) IN GENERAL.—Notwithstanding any other provision of this Act, if a direct or indirect majority-owned foreign subsidiary of a debtor participant (with such relationship to the debtor participant as determined on the date of enactment of this Act) is or becomes subject to any foreign insolvency proceedings, and such foreign direct or indirect-majority owned subsidiary is liquidated in connection with such foreign insolvency proceedings (or if the debtor participant's interest in such foreign subsidiary is otherwise canceled or terminated in connection with such foreign insolvency proceedings), the debtor participant shall have a claim against such foreign subsidiary or the estate of such foreign subsidiary in an amount equal to the greater of—

(aa) the estimated amount of all current and future asbestos liabilities against such foreign subsidiary; or

(bb) the foreign subsidiary's allocable share of the debtor participant's funding obligations to the Fund as determined by such foreign subsidiary's allocable share of the debtor participant's 2002 gross revenue.

(II) DETERMINATION OF CLAIM AMOUNT.—The claim amount under subclause (I) (aa) or (bb) shall be determined by a court of competent jurisdiction in the United States.

(III) EFFECT ON PAYMENT OBLIGATION.—The right to, or recovery under, any such claim shall not reduce, limit, delay, or otherwise affect the debtor participant's payment obligations under this Act.

(iv) MAXIMUM ANNUAL PAYMENT OBLIGATION.—Subject to any payments under paragraphs (3), (4), and (5) of this subsection, the annual payment obligation by a debtor under subparagraph (B) of this paragraph shall not exceed $80,000,000.

(3) SUBTIER 2.—

(A) IN GENERAL.—Notwithstanding paragraph (2), all persons that are debtors that have no material continuing business operations, other than class action trusts under paragraph (6), but hold cash or other assets that have been allocated or earmarked for the settlement of asbestos claims shall be included in Subtier 2.

(B) ASSIGNMENT OF ASSETS.—Not later than 90 days after the date of enactment of this Act, each person included in Subtier 2 shall assign all of its unencumbered assets to the Fund.

(4) SUBTIER 3.—

(A) IN GENERAL.—Notwithstanding paragraph (2), all persons that are debtors other than those included in Subtier 2, which have no material continuing business operations and no cash or other assets allocated or earmarked for the settlement of any asbestos claim, shall be included in Subtier 3.

(B) ASSIGNMENT OF UNENCUMBERED ASSETS.—Not later than 90 days after the date of enactment of this Act, each person included in Subtier 3 shall contribute an amount equal to 50 percent of its total unencumbered assets.

(5) CALCULATION OF UNENCUMBERED ASSETS.—Unencumbered assets shall be calculated as the Subtier 3 person's total assets, excluding insurance-related assets, jointly held, in trust or otherwise, with a defendant participant, less—

(A) all allowable administrative expenses;

(B) allowable priority claims under section 507 of title 11, United States Code; and

(C) allowable secured claims.

(6) CLASS ACTION TRUST.—The assets of any class action trust that has been established in respect of the liabilities for asbestos claims of any person included within a debtor and affiliated group that has been included in Tier I (exclusive of any assets needed to pay previously incurred expenses and asbestos claims within the meaning of section 403(d)(1), before the date of enactment of this Act) shall be transferred to the Fund not later than 60 days after the date of enactment of this Act.

(c) TIER II SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier II shall be included in 1 of the 5 subtiers of Tier II, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with—

(A) those persons or affiliated groups with the highest revenues included in Subtier 1;

(B) those persons or affiliated groups with the next highest revenues included in Subtier 2;

(C) those persons or affiliated groups with the lowest revenues included in Subtier 5;

(D) those persons or affiliated groups with the next lowest revenues included in Subtier 4; and

(E) those persons or affiliated groups remaining included in Subtier 3.

(2) PAYMENTS.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $27,500,000.

(B) Subtier 2: $24,750,000.

(C) Subtier 3: $22,000,000.

(D) Subtier 4: $19,250,000.

(E) Subtier 5: $16,500,000.

(d) TIER III SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier III shall be included in 1 of the 5 subtiers of Tier III, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with—

(A) those persons or affiliated groups with the highest revenues included in Subtier 1;

(B) those persons or affiliated groups with the next highest revenues included in Subtier 2;

(C) those persons or affiliated groups with the lowest revenues included in Subtier 5;

(D) those persons or affiliated groups with the next lowest revenues included in Subtier 4; and

(E) those persons or affiliated groups remaining included in Subtier 3.

(2) PAYMENTS.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $16,500,000.

(B) Subtier 2: $13,750,000.

(C) Subtier 3: $11,000,000.

(D) Subtier 4: $8,250,000.

(E) Subtier 5: $5,500,000.

(e) TIER IV SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier IV shall be included in 1 of the 4 subtiers of Tier IV, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest revenues in Subtier 1, those with the lowest revenues in Subtier 4. Those persons or affiliated groups with the highest revenues among those remaining will be included in Subtier 2 and the rest in Subtier 3.

(2) PAYMENT.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $3,850,000.

(B) Subtier 2: $2,475,000.

(C) Subtier 3: $1,650,000.

(D) Subtier 4: $550,000.

(f) TIER V SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier V shall be included in 1 of the 3 subtiers of Tier V, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest revenues in Subtier 1, those with the lowest revenues in Subtier 3, and those remaining in Subtier 2.

(2) PAYMENT.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $1,000,000.

(B) Subtier 2: $500,000.

(C) Subtier 3: $200,000.

(g) TIER VI SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier VI shall be included in 1 of the 3 subtiers of Tier VI, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest revenues in Subtier 1, those with the lowest revenues in Subtier 3, and those remaining in Subtier 2.

(2) PAYMENT.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $500,000.

(B) Subtier 2: $250,000.

(C) Subtier 3: $100,000.

(3) OTHER PAYMENT FOR CERTAIN PERSONS AND AFFILIATED GROUPS.—

(A) IN GENERAL.—Notwithstanding any other provision of this subsection, and if an adjustment authorized by this subsection does not impair the overall solvency of the Fund, any person or affiliated group within Tier VI whose required subtier payment in any given year would exceed such person's or group's average annual expenditure on settlements, and judgments of asbestos disease-related claims over the 8 years before the date of enactment of this Act shall make the payment required of the immediately lower subtier or, if the person's or group's average annual expenditures on settlements and judgments over the 8 years before the date of enactment of this Act is less than $100,000, shall not be required to make a payment under this Act.

(B) NO FURTHER ADJUSTMENT.—Any person or affiliated group that receives an adjustment under this paragraph shall not be eligible to receive any further adjustment under section 204(e).

(h) TIER VII.—

(1) IN GENERAL.—Notwithstanding prior asbestos expenditures that might qualify a person or affiliated group to be included in Tiers II, III, IV, V, or VI, a person or affiliated group shall also be included in Tier VII, if the person or affiliated group—

(A) is or has at any time been subject to asbestos claims brought under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, as a result of operations as a common carrier by railroad; and

(B) has paid (including any payments made by others on behalf of such person or affiliated group) not less than $5,000,000 in settlement, judgment, defense, or indemnity costs relating to such claims, and such settlement, judgment, defense, or indemnity costs constitute 75 percent or more of the total prior asbestos expenditures by the person or affiliated group.

(2) ADDITIONAL AMOUNT.—The payment requirement for persons or affiliated groups included in Tier VII shall be in addition to any payment requirement applicable to such person or affiliated group under Tiers II through VI.

(3) SUBTIER 1.—Each person or affiliated group in Tier VII with revenues of $6,000,000,000 or more is included in Subtier 1 and shall make annual payments of $11,000,000 to the Fund.

(4) SUBTIER 2.—Each person or affiliated group in Tier VII with revenues of less than $6,000,000,000, but not less than $4,000,000,000 is included in Subtier 2 and shall make annual payments of $5,500,000 to the Fund.

(5) SUBTIER 3.—Each person or affiliated group in Tier VII with revenues of less than $4,000,000,000, but not less than $500,000,000 is included in Subtier 3 and shall make annual payments of $550,000 to the Fund.

(6) JOINT VENTURE REVENUES AND LIABILITY.—

(A) REVENUES.—For purposes of this subsection, the revenues of a joint venture shall be included on a pro rata basis reflecting relative joint ownership to calculate the revenues of the parents of that joint venture. The joint venture shall not be responsible for a contribution amount under this subsection.

(B) LIABILITY.—For purposes of this subsection, the liability under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, shall be attributed to the parent owners of the joint venture on a pro rata basis, reflecting their relative share of ownership. The joint venture shall not be responsible for a payment amount under this provision.

SEC. 204. ASSESSMENT ADMINISTRATION.

(a) IN GENERAL.—Each defendant participant or affiliated group shall pay to the Fund in the amounts provided under this subtitle as appropriate for its tier and subtier each year until the earlier to occur of the following:

(1) The participant or affiliated group has satisfied its obligations under this subtitle during the 30 annual payment cycles of the operation of the Fund.

(2) The amount received by the Fund from defendant participants, excluding any amounts rebated to defendant participants under subsections (e) and (n), equals the maximum aggregate payment obligation of section 202(a)(2).

(b) SMALL BUSINESS EXEMPTION.—Notwithstanding any other provision of this subtitle, a person or affiliated group that is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), on December 31, 2002, is exempt from any payment requirement under this subtitle and shall not be included in the subtier allocations under section 203.

(c) LIMITATION.—

(1) IN GENERAL.—Under expedited procedures established by the Administrator, any defendant participant may apply for a limitation on its annual payment obligation to the Fund by showing that it qualifies under subparagraph (3), and the Administrator shall promptly grant such application if the standards in subparagraph (3) are satisfied.

(2) STAY OF PAYMENT.—A defendant participant who applies for a limitation on its annual payment obligation to the Fund under subparagraph (1) shall have the payment required under subsection (i)(1)(A)(iv) stayed until the Administrator has made a determination with respect to the application of such defendant participant.

(3) APPLICATION FOR LIMITATION.—A defendant participant may apply under subparagraph (A) for a limit on its annual payment obligation to the Fund if:

(A) it is included in Tiers II, III, IV, V, or VI under section 202; and

(B) its prior asbestos expenditures are less than $200 million and its revenues as defined in this section are less than $10 Billion.

(4) LIMITATION.—Such qualifying defendant participant may apply for the limit set forth in either clause (A), (B) or (C), provided that it may apply only under one such clause and may not change its application once the application has been approved by the Administrator. A defendant participant qualifying under this subparagraph may apply for a limit on its annual payment obligation to the Fund to an amount equal to—

(A) 125 percent of the arithmetical average for fiscal years 1998 through 2002 of such defendant participant's annual prior asbestos expenditures; or

(B) 150 percent of the arithmetical average for fiscal years 1998 through 2002 of such defendant participant's annual prior asbestos expenditures, excluding (I) the amount of any payments by insurance carriers for the benefit of such defendant participant or on behalf of such defendant participant, and (II) any reimbursements of the amounts actually paid by such defendant participant with respect to prior asbestos expenditures for fiscal years 1998 through 2002, regardless of when such reimbursements were actually paid; or

(C) 1.67024 percent of the revenues for the most recent fiscal year ending on or prior to December 31, 2002, of the affiliated group to which such defendant participant belongs.

(5) JUDICIAL REVIEW. A defendant participant who is aggrieved by the denial by the Administrator or its application under this paragraph is entitled to judicial review under section 303, and during the pendency of such review, section 223(a) shall not apply to that defendant participant. Without regard to section 305(a), the reviewing court may, in its discretion, provide such interlocutory relief to the defendant participant as may be just.

(6) APPLICABILITY OF THE GUARANTEE SURCHARGE.—A defendant participant whose application for a limitation on its annual payment obligation to the Fund under subparagraph (A) is approved by the Administrator, shall not be exempt from the guaranteed payment surcharge established under subsection (1) unless otherwise provided in this Act.

(7) MINIMUM PAYMENT.—Notwithstanding the limitations provided in this subsection, a defendant participant that is granted a limitation by the Administrator shall pay no less than 5 percent of the amount the participant is scheduled to pay under section 202.

(d) ADJUSTMENTS.—

(1) IN GENERAL.—Under expedited procedures established by the Administrator, a defendant participant may seek adjustment of the amount of its payment obligation based on severe financial hardship or demonstrated inequity. The Administrator may determine whether to grant an adjustment, in accordance with this subsection. A defendant participant has a right to obtain a rehearing of the Administrator's determination under this subsection under the procedures prescribed in subsection (i)(10). The Administrator may adjust a defendant participant's payment obligations under this subsection, either by forgiving the relevant portion of the otherwise applicable payment obligation or by providing relevant rebates from the defendant hardship and inequity adjustment account created under subsection (j) after payment of the otherwise applicable payment obligation, at the discretion of the Administrator.

(2) FINANCIAL HARDSHIP ADJUSTMENTS.—

(A) IN GENERAL.—Any defendant participant in any tier may apply for an adjustment under this paragraph at any time during the period in which a payment obligation to the Funds remains outstanding any may qualify for such an adjustment by demonstrating to the satisfaction of the Administrator that the amount of its payment obligation would materially and adversely affect the defendant participant's ability to continue its business and to pay or satisfy its debts generally as and when they come due. Such an adjustment shall be in an amount that in the judgment of the Administrator is reasonably necessary to prevent such material and adverse effect on the defendant participant's ability to continue its business and to pay or satisfy its debts generally as and when they come due.

(B) FACTORS TO CONSIDER.—In determining whether to make an adjustment under subparagraph (A) and the amount thereof, the Administrator shall consider—

(1) the financial situation of the defendant participant and its affiliated group as shown in historical audited financial statements, including income statement, balance sheet, and statement of cash flow, for the three fiscal years ending immediately prior to the application and projected financial statements for the three fiscal years following the application;

(2) an analysis of capital spending and fixed charge coverage on a historical basis for the three fiscal years immediately proceeding a defendant participant's application and for the three fiscal years following the application;

(3) any payments or transfers of property made, or obligations incurred, within the preceding 6 years by the defendant participant to or for the benefit of any insider as defined under section 101(31) of title 11 of the United States Code or any affiliate as defined under section 101(2) of title 11 of the United States Code;

(4) any prior extraordinary transactions within the preceding 6 years involving the defendant participant, including without limitation payments or extraordinary salaries, bonuses, or dividends;

(5) the defendant participant's ability to satisfy its payment obligations to the Fund by borrowing or financing with equity capital, or through issuance of securities of the defendant participant or its affiliated group to the Fund;

(6) the defendant participant's ability to delay discretionary capital spending; and

(7) any other factor that the Administrator considers relevant.

(C) TERM.—A financial hardship adjustment under this paragraph shall have a term of 5 years unless the Administrator determines at the time the adjustment is made that a shorter or longer period is appropriate in the light of the financial condition of the defendant participant and its affiliated group and other relevant factors, provided that a financial hardship adjustment under this paragraph shall terminate automatically in the event that the defendant participant holding the adjustment files a petition under title 11, United States Code.

(D) RENEWAL.—A defendant participant may renew a hardship adjustment upon expiration by demonstrating that it remains justified. Such renewed hardship adjustments shall have a term of 5 years unless the Administrator determines at the time of the renewed adjustment that a shorter or longer period is appropriate in the light of the financial condition of the defendant participant and its affiliated group and other relevant factors, provided that a renewed financial hardship adjustment under this paragraph shall terminate automatically in the event that the defendant participant holding the adjustment files a petition under title 11, United States Code.

(E) PROCEDURE.—

(1) The Administrator shall prescribe the information to be submitted in applications for adjustments under this paragraph.

(2) All audited financial information required under this paragraph shall be as reported by the defendant participant in its annual report filed with the Securities and Exchange Commission in accordance with the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.). Any defendant participant that does not file reports with the Securities and Exchange Commission or which does not have audited financial statements shall submit financial statements prepared pursuant to generally accepted accounting principles. The chairman, chief executive officer, and chief financial officer of the defendant participant shall certify under penalty of law the completeness and accuracy of the financial statements provided under this sub-paragraph.

(3) The chairman, chief executive officer, and chief financial officer of the defendant participant shall certify that any projected information and

(3) INEQUITY ADJUSTMENTS.—

(A) IN GENERAL.—A defendant participant—

(i) may qualify for an adjustment based on inequity by demonstrating that the amount of its payment obligation under the statutory allocation is exceptionally inequitable—

(I) when measured against the amount of the likely cost to the defendant participant net of insurance of its future liability in the tort system in the absence of the Fund;

(II) when measured against the likely cost of past and potential future claims in the absence of this Act;

(III) when compared to the median payment rate for all defendant participants in the same tier; or

(IV) when measured against the percentage of the prior asbestos expenditures of the defendant that were incurred with respect to claims that neither resulted in an adverse judgment against the defendant, nor were the subject of a settlement that required a payment to a plaintiff by or on behalf of that defendant;

(ii) shall be granted a two-tier main tier and a two-tier subtier adjustment reducing the defendant participant's payment obligation based on inequity by demonstrating that not less than 95 percent of such person's prior asbestos expenditures arose from claims related to the manufacture and sale of railroad locomotives and related products, so long as such person's manufacture and sale of railroad locomotives and related products is temporally and causally remote, and for purposes of this clause, a person's manufacture and sale of railroad locomotives and related products shall be deemed to be temporally and causally remote if the asbestos claims historically and generally filed against such person relate to the manufacture and sale of railroad locomotives and related products by an entity dissolved more than 25 years before the date of enactment of this Act;

(iii) shall be granted a two-tier adjustment reducing the defendant participant's payment obligation based on inequity by demonstrating that not less than 95 percent of such participant's prior asbestos expenditures arose from asbestos claims based on successor liability arising from a merger to which the participant or its predecessor was a party that occurred at least 30 years before the date of enactment of this Act, and that such prior asbestos expenditures exceed the inflation-adjusted value of the assets of the company from which such liability was derived in such merger, and upon such demonstration the Administrator shall grant such adjustment for the life of the Fund and amounts paid by such defendant participant prior to such adjustment in excess of its adjusted payment obligation under this clause shall be credited against next succeeding required payment obligations; and

(iv) may, subject to the discretion of the Administrator, be exempt from any payment obligation if such defendant participant establishes with the Administrator that—

(I) such participant has satisfied all past claims; and

(II) there is no reasonable likelihood in the absence of this Act of any future claims with costs for which the defendant participant might be responsible.

(B) PAYMENT RATE.—For purposes of subparagraph (A), the payment rate of a defendant participant is the payment amount of the defendant participant as a percentage of such defendant participant's gross revenues for the year ending December 31, 2002.

(C) TERM.—Subject to the annual availability of funds in the defendant inequity adjustment account established under subsection (k), an inequity adjustment under this subsection shall have a term of 3 years.

(D) RENEWAL.—A defendant participant may renew an inequity adjustment every 3 years by demonstrating that the adjustment remains justified.

(E) REINSTATEMENT.—

(i) IN GENERAL.—Following the termination of an inequity adjustment under subparagraph (A), and during the funding period prescribed under subsection (a), the Administrator shall annually determine whether there has been a material change in conditions which would support a finding that the amount of the defendant participant's payment under the statutory allocation was not inequitable. Based on this determination, the Administrator may, consistent with the policies and legislative intent underlying this Act, reinstate any or all of the payment obligations of the defendant participant as if the inequity adjustment had not been granted for that 3-year period.

(ii) TERMS AND CONDITIONS.—In the event of a reinstatement under clause (i), the Administrator may require the defendant participant to pay any part or all of amounts not paid due to the inequity adjustment on such terms and conditions as established by the Administrator.

(4) LIMITATION ON ADJUSTMENTS.—The aggregate total of financial hardship adjustments under paragraph (2) and inequity adjustments under paragraph (3) in effect in any given year shall not be limited.

(6) RULEMAKING AND ADVISORY PANELS.—

(A) APPOINTMENT.—The Administrator may appoint a Financial Hardship Adjustment Panel and an Inequity Adjustment Panel to advise the Administrator in carrying out this subsection.

(B) MEMBERSHIP.—The membership of the panels appointed under subparagraph (A) may overlap.

(C) COORDINATION.—The panels appointed under subparagraph (A) shall coordinate their deliberations and advice. The Administrator may adopt rules consistent with this Act to make the determination of hardship and inequity adjustments more efficient and predictable.

(f) LIMITATION ON LIABILITY.—The liability of each defendant participant to pay to the Fund shall be limited to the payment obligations under this Act, and, except as provided in subsection (f) and section 203(b)(2)(D), no defendant participant shall have any liability for the payment obligations of any other defendant participant.

(g) CONSOLIDATION OF PAYMENTS.—

(1) IN GENERAL.—For purposes of determining the payment levels of defendant participants, any affiliated group including 1 or more defendant participants may irrevocably elect, as part of the submissions to be made under paragraphs (1) and (3) of subsection (j), to report on a consolidated basis all of the information necessary to determine the payment level under this subtitle and pay to the Fund on a consolidated basis.

(2) ELECTION.—If an affiliated group elects consolidation as provided in this subsection—

(A) for purposes of this Act other than this subsection, the affiliated group shall be treated as if it were a single participant, including with respect to the assessment of a single annual payment under this subtitle for the entire affiliated group;

(B) the ultimate parent of the affiliated group shall prepare and submit each submission to be made under subsection (i) on behalf of the entire affiliated group and shall be solely liable, as between the Administrator and the affiliated group only, for the payment of the annual amount due from the affiliated group under this subtitle, except that, if the ultimate parent does not pay when due any payment obligation for the affiliated group, the Administrator shall have the right to seek payment of all or any portion of the entire amount due (as well as any other amount for which the affiliated group may be liable under sections 223 and 224) from any member of the affiliated group;

(C) all members of the affiliated group shall be identified in the submission under subsection (j) and shall certify compliance with this subsection and the Administrator's regulations implementing this subsection; and

(D) the obligations under this subtitle shall not change even if, after the date of enactment of this Act, the beneficial ownership interest between any members of the affiliated group shall change.

(3) CAUSE OF ACTION.—Notwithstanding section 221(e), this Act shall not preclude actions among persons within an affiliated group with respect to the payment obligations under this Act.

(h) DETERMINATION OF PRIOR ASBESTOS EXPENDITURES.—

(1) IN GENERAL.—For purposes of determining a defendant participant's prior asbestos expenditures, the Administrator shall prescribe such rules as may be necessary or appropriate to assure that payments by indemnitors before December 31, 2002, shall be counted as part of the indemnitor's prior asbestos expenditures, rather than the indemnitee's prior asbestos expenditures, in accordance with this subsection.

(2) INDEMNIFIABLE COSTS.—If an indemnitor has paid or reimbursed to an indemnitee any indemnifiable cost or otherwise made a payment on behalf of or for the benefit of an indemnitee to a third party for an indemnifiable cost before December 31, 2002, the amount of such indemnifiable cost shall be solely for the account of the indemnitor for purposes under this Act.

(3) INSURANCE PAYMENTS.—When computing the prior asbestos expenditures with respect to an asbestos claim, any amount paid or reimbursed by insurance shall be solely for the account of the indemnitor, even if the indemnitor would have no direct right to the benefit of the insurance, if—

(A) such insurance has been paid or reimbursed to the indemnitor or the indemnitee, or paid on behalf of or for the benefit of the indemnitee; and

(B) the indemnitor has either, with respect to such asbestos claim or any similar asbestos claim, paid or reimbursed to its indemnitee any indemnifiable cost or paid to any third party on behalf of or for the benefit of the indemnitee any indemnifiable cost.

(4) TREATMENT OF CERTAIN EXPENDITURES.—Notwithstanding any other provision of this Act, where—

(A) an indemnitor entered into a stock purchase agreement in 1988 that involved the sale of the stock of businesses that produced friction and other products; and

(B) the stock purchase agreement provided that the indemnitor indemnified the indemnitee and its affiliates for losses arising from various matters, including asbestos claims—

(i) asserted before the date of the agreement; and

(ii) filed after the date of the agreement and prior to the 10-year anniversary of the stock sale,

then the prior asbestos expenditures arising from the asbestos claims described in clauses (i) and (ii) shall not be for the account of either the indemnitor or indemnitee.

(i) MINIMUM ANNUAL PAYMENTS.—

(1) IN GENERAL.—The aggregate annual payments of defendant participants to the Fund shall be at least $3,000,000,000 for each calendar year in the first 30 years of the Fund, or until such shorter time as the condition set forth in subsection (a)(2) is attained.

(2) GUARANTEED PAYMENT ACCOUNT.—To the extent payments in accordance with sections 202 and 203 (as modified by subsections (b), (e), (g), (h), and (n) of this section) fail in any year to raise at least $3,000,000,000, after applicable reductions or adjustments have been taken according to subsections (e) and (n), the balance needed to meet this required minimum aggregate annual payment shall be obtained from the defendant guaranteed payment account established under subsection (k).

(j) PROCEDURES FOR MAKING PAYMENTS.—

(1) INITIAL YEAR: TIERS II–VI.—

(A) IN GENERAL.—Not later than 90 days after enactment of this Act, each defendant participant that is included in Tiers II, III, IV, V, or VI shall file with the Administrator—

(i) a statement of whether the defendant participant irrevocably elects to report on a consolidated basis under subsection (g);

(ii) a good-faith estimate of its prior asbestos expenditures;

(iii) a statement of its 2002 revenues, determined in accordance with section 203(a)(2);

(iv) payment in the amount specified in section 203 for the lowest subtier of the tier within which the defendant participant falls, except that if the defendant participant, or the affiliated group including the defendant participant, had 2002 revenues exceeding $3,000,000,000, it or its affiliated group shall pay the amount specified for Subtier 3 of Tiers II, III, or IV or Subtier 2 of Tiers V or VI, depending on the applicable Tier; and

(v) a signature page personally verifying the truth of the statements and estimates described under this subparagraph, as required under section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 et seq.).

(B) RELIEF.—

(i) IN GENERAL.—The Administrator shall establish procedures to grant a defendant participant relief from its initial payment obligation if the participant shows that—

(I) the participant is likely to qualify for a financial hardship adjustment; and

(II) failure to provide interim relief would cause severe irreparable harm.

(ii) JUDICIAL RELIEF.—The Administrator's refusal to grant relief under clause (i) is subject to immediate judicial review under section 303.

(2) INITIAL YEAR: TIER I.—Not later than 60 days after enactment of this Act, each debtor shall file with the Administrator—

(A) a statement identifying the bankruptcy case(s) associated with the debtor;

(B) a statement whether its prior asbestos expenditures exceed $1,000,000;

(C) a statement whether it has material continuing business operations and, if not, whether it holds cash or other assets that have been allocated or earmarked for asbestos settlements;

(D) in the case of debtors falling within Subtier 1 of Tier I—

(i) a statement of the debtor's 2002 revenues, determined in accordance with section 203(a)(2);

(ii) for those debtors subject to the payment requirement of section 203(b)(2)(B)(ii), a statement whether its prior asbestos expenditures do not exceed $10,000,000, and a description of its business operations sufficient to show the requirements of that section are met; and

(iii) a payment under section 203(b)(2)(B);

(E) in the case of debtors falling within Subtier 2 of Tier I, an assignment of its assets under section 203(b)(3)(B);

(F) in the case of debtors falling within Subtier 3 of Tier I, a payment under section 203(b)(4)(B), and a statement of how such payment was calculated; and

(G) a signature page personally verifying the truth of the statements and estimates described under this paragraph, as required under section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 et seq.).

(3) INITIAL YEAR: TIER VII.—Not later than 90 days after enactment of this Act, each defendant participant in Tier VII shall file with the Administrator—

(A) a good-faith estimate of all payments of the type described in section 203(h)(1) (as modified by section 203(h)(6));

(B) a statement of revenues calculated in accordance with sections 203(a)(2) and 203(h); and

(C) payment in the amount specified in section 203(h).

(4) NOTICE TO PARTICIPANTS.—Not later than 240 days after enactment of this Act, the Administrator shall—

(A) directly notify all reasonably identifiable defendant participants of the requirement to submit information necessary to calculate the amount of any required payment to the Fund; and

(B) publish in the Federal Register a notice—

(i) setting forth the criteria in this Act, and as prescribed by the Administrator in accordance with this Act, for paying under this subtitle as a defendant participant and requiring any person who may be a defendant participant to submit such information; and

(ii) that includes a list of all defendant participants notified by the Administrator under subparagraph (A), and provides for 30 days for the submission by the public of comments or information regarding the completeness and accuracy of the list of identified defendant participants.

(5) RESPONSE REQUIRED.—

(A) IN GENERAL.—Any person who receives notice under paragraph (4)(A), and any other person meeting the criteria specified in the notice published under paragraph (4)(B), shall provide the Administrator with an address to send any notice from the Administrator in accordance with this Act and all the information required by the Administrator in accordance with this subsection no later than the earlier of—

(i) 30 days after the receipt of direct notice; or

(ii) 30 days after the publication of notice in the Federal Register.

(B) CERTIFICATION.—The response submitted under subparagraph (A) shall be signed by a responsible corporate officer, general partner, proprietor, or individual of similar authority, who shall certify under penalty of law the completeness and accuracy of the information submitted.

(C) CONSENT TO AUDIT AUTHORITY.—The response submitted under subparagraph (A) shall include, on behalf of the defendant participant or affiliated group, a consent to the Administrator's audit authority under section 221(d).

(6) NOTICE OF INITIAL DETERMINATION.—

(A) IN GENERAL.—

(i) NOTICE TO INDIVIDUAL.—Not later than 60 days after receiving a response under paragraph (5), the Administrator shall send the person a notice of initial determination identifying the tier and subtier, if any, into which the person falls and the annual payment obligation, if any, to the Fund, which determination shall be based on the information received from the person under this subsection and any other pertinent information available to the Administrator and identified to the defendant participant.

(ii) PUBLIC NOTICE.—Not later than 7 days after sending the notification of initial determination to defendant participants, the Administrator shall publish in the Federal Register a notice listing the defendant participants that have been sent such notification, and the initial determination identifying the tier and subtier assignment and annual payment obligation of each identified participant.

(B) NO RESPONSE; INCOMPLETE RESPONSE.—If no response in accordance with paragraph (5) is received from a defendant participant, or if the response is incomplete, the initial determination shall be based on the best information available to the Administrator.

(C) PAYMENTS.—Within 30 days of receiving a notice of initial determination requiring payment, the defendant participant shall pay the Administrator the amount required by the notice, after deducting any previous payment made by the participant under this subsection. If the amount that the defendant participant is required to pay is less than any previous payment made by the participant under this subsection, the Administrator shall credit any excess payment against the future payment obligations of that defendant participant. The pendency of a petition for rehearing under paragraph (10) shall not stay the obligation of the participant to make the payment specified in the Administrator's notice.

(7) EXEMPTIONS FOR INFORMATION REQUIRED.—

(A) PRIOR ASBESTOS EXPENDITURES.—In lieu of submitting information related to prior asbestos expenditures as may be required for purposes of this subtitle, a non-debtor defendant participant may consent to be assigned to Tier II.

(B) REVENUES.—In lieu of submitting information related to revenues as may be required for purposes of this subtitle, a non-debtor defendant participant may consent to be assigned to Subtier 1 of the defendant participant's applicable tier.

(8) NEW INFORMATION.—

(A) EXISTING PARTICIPANT.—The Administrator shall adopt procedures for requiring additional payment, or refunding amounts already paid, based on new information received.

(B) ADDITIONAL PARTICIPANT.—If the Administrator, at any time, receives information that an additional person may qualify as a defendant participant, the Administrator shall require such person to submit information necessary to determine whether that person is required to make payments, and in what amount, under this subtitle and shall make any determination or take any other act consistent with this Act based on such information or any other information available to the Administrator with respect to such person.

(9) SUBPOENAS.—The Administrator may request the Attorney General to subpoena persons to compel testimony, records, and other information relevant to its responsibilities under this section. The Attorney General may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(10) REHEARING.—A defendant participant has a right to obtain rehearing of the Administrator's determination under this subsection of the applicable tier or subtier of the Administrator's determination under subsection (e) of a financial hardship or inequity adjustment, and of the Administrator's determination under subsection (n) of a distributor's adjustment, if the request for rehearing is filed within 30 days after the defendant participant's receipt of notice from the Administrator of the determination. A defendant participant may not file an action under section 303 unless the defendant participant requests a rehearing under this paragraph. The Administrator shall publish a notice in the Federal Register of any change in a defendant participant's tier or subtier assignment or payment obligation as a result of a rehearing.

(k) DEFENDANT INEQUITY ADJUSTMENT ACCOUNT.—

(1) IN GENERAL.—To the extent the total payments by defendant participants in any given year exceed the minimum aggregate annual payments required under subsection (i), excess monies up to a maximum of $300,000,000 in any such year shall be placed in a defendant inequity adjustment account established within the Fund by the Administrator.

(2) USE OF ACCOUNT MONIES.—Monies from the defendant inequity adjustment account shall be preserved and administered like the remainder of the Fund, but shall be reserved and may be used only—

(A) to make up for any relief granted to a defendant participant for demonstrated inequity under subsection (d) or to reimburse any defendant participant granted such relief after its payment of the amount otherwise due; and

(B) if the condition set forth in subsection (a)(2) is met, for any purpose that the Fund may serve under this Act.

(3) CARRYOVER OF UNUSED FUNDS.—To the extent the Administrator does not, in any given year, use all of the funds allocated to the account under paragraph (1) for adjustments granted under subsection (e), remaining funds in the account shall be carried forward for use by the Administrator for adjustments in subsequent years.

(l) DEFENDANT GUARANTEED PAYMENT ACCOUNT.—

(1) IN GENERAL.—Subject to subsections (i) and (k), if there are excess monies paid by defendant participants in any given year, including any bankruptcy trust credits that may be due under section 222(d), such monies—

(A) at the discretion of the Administrator, may be used to provide additional adjustments under subsection (e), up to a maximum aggregate of $50,000,000 in such year; and

(B) to the extent not used under subparagraph (A), shall be placed in a defendant guaranteed payment account established within the Fund by the Administrator.

(2) USE OF ACCOUNT MONIES.—Monies from the defendant guaranteed payment account shall be preserved and administered like the remainder of the Fund, but shall be reserved and may be used only—

(A) to ensure the minimum aggregate annual payment required under subsection (i), after applicable reductions or adjustments have been taken according to subsections (e) and (m) is reached each year; and

(B) if the condition set forth in subsection (a)(2) is met, for any purpose that the Fund may serve under this Act.

(n) ADJUSTMENTS FOR DISTRIBUTORS.—

(1) DEFINITION.—In this subsection, the term "distributor" means a person—

(A) whose prior asbestos expenditures arise exclusively from the sale of products manufactured by others;

(B) who did not prior to December 31, 2002, sell raw asbestos or a product containing more than 95 percent asbestos by weight;

(C) whose prior asbestos expenditures did not arise out of—

(i) the manufacture, installation, repair, reconditioning, maintaining, servicing, constructing, or remanufacturing of any product;

(ii) the control of the design, specification, or manufacture of any product; or

(iii) the sale or resale of any product under, as part of, or under the auspices of, its own brand, trademark, or service mark; and

(D) who is not subject to assignment under section 202 to Tier I, II, III or VII.

(2) TIER REASSIGNMENT FOR DISTRIBUTORS.—

(A) IN GENERAL.—Notwithstanding section 202, the Administrator shall assign a distributor to a Tier for purposes of this title under the procedures set forth in this paragraph.

(B) DESIGNATION.—After a final determination by the Administrator under section 204(j), any person who is, or any affiliated group in which every member is, a distributor may apply to the Administrator for adjustment of its Tier assignment under this subsection. Such application shall be prepared in accordance with such procedures as the Administrator shall promulgate by rule. Once the Administrator designates a person or affiliated group as a distributor under this subsection, such designation and the adjustment of tier assignment under this subsection are final.

(C) PAYMENTS.—Any person or affiliated group that seeks adjustment of its Tier assignment under this subsection shall pay all amounts required of it under this title until a final determination by the Administrator is made under this subsection. Such payments may not be stayed pending any appeal. The Administrator shall grant any person or affiliated group a refund or credit of any payments made if such adjustment results in a lower payment obligation.

(D) ADJUSTMENT.—Subject to paragraph (3), any person or affiliated group that the Administrator has designated as a distributor under this subsection shall be given an adjustment of Tier assignment as follows:

(i) A distributor that but for this subsection would be assigned to Tier IV shall be deemed assigned to Tier V.

(ii) A distributor that but for this subsection would be assigned to Tier V shall be deemed assigned to Tier VI.

(iii) A distributor that but for this subsection would be assigned to Tier VI shall be deemed assigned to no Tier and shall have no obligation to make any payment to the Fund under this Act.

(E) EXCLUSIVE TO INEQUITY ADJUSTMENT.—Any person or affiliated group designated by the Administrator as a distributor under this subsection shall not be eligible for an inequity adjustment under subsection 204(e).

(3) LIMITATION ON ADJUSTMENTS.—The aggregate total of distributor adjustments under this subsection in effect in any given year shall not exceed $50,000,000. If the aggregate total of distributors adjustments under this subsection would otherwise exceed $50,000,000, then each distributor's adjustment shall be reduced pro rata until the aggregate of all adjustments equals $50,000,000.

(4) REHEARING.—A defendant participant has a right to obtain a rehearing of the Administrator's determination on an adjustment under this subsection under the procedures prescribed in subsection (j)(10).

SEC. 205. STEPDOWNS AND FUNDING HOLIDAYS.

(a) STEPDOWNS.—

(1) IN GENERAL.—Subject to paragraph (2), the minimum aggregate annual funding obligation under section 204(i) shall be reduced by 10 percent of the initial minimum aggregate funding obligation at the end of the tenth, fifteenth, twentieth, and twenty-fifth years after the date of enactment of this Act. Except as otherwise provided in this paragraph, the reductions under this paragraph shall be applied on an equal pro rata basis to the funding obligations of all defendant participants.

The reductions under this subsection shall not apply to defendant participants in Tier I, subtiers 2 and 3, and class action trusts. For defendant participants whose payment obligation has been limited under section 204(c) or who have received a financial hardship adjustment under section 204(e)(2), aggregate potential reductions under this subsection shall be calculated on the basis of the defendant participant's tier and subtier without regard to such limitation or adjustment. If the aggregate potential reduction under this subsection exceeds the reduction in the defendant participant's payment obligation due to the limitation under section 204(c) and the financial hardship adjustment under section 204(e)(2), then the defendant participant's payment obligation shall be further reduced by the difference between the potential reduction provided under this subsection and the reductions that the defendant participant has already received due to the application of the limitation provided in section 204(c) and the financial hardship adjustment provided under section 204(e)(2). If the reduction in the defendant participant's payment obligation due to the limitation provided in section 204(c) and any the financial hardship adjustment provided under section 204(e)(2) exceeds the amount of the reduction provided in this subsection, then the defendant participant's payment obligation shall not be further reduced under this paragraph.

(2) LIMITATION.—The Administrator shall suspend, cancel, reduce, or delay any reduction under paragraph (1) if at any time the Administrator finds, in accordance with subsection (c), that such action is necessary and appropriate to ensure that the assets of the Fund and expected future payments remain sufficient to satisfy the Fund's anticipated obligations.

(b) FUNDING HOLIDAYS.—

(1) IN GENERAL.—If the Administrator determines, at any time after 10 years following the date of enactment of this Act, that the assets of the Fund at the time of such determination and expected future payments, taking into consideration any reductions under subsection (a), are sufficient to satisfy the Fund's anticipated obligations without the need for all, or any portion of, that year's payment otherwise required under this subtitle, the Administrator shall reduce or waive all or any part of the payments required from defendant participants for that year.

(2) ANNUAL REVIEW.—The Administrator shall undertake the review required by this subsection and make the necessary determination under paragraph (1) every year.

(3) LIMITATIONS ON FUNDING HOLIDAYS.—Any reduction or waiver of the defendant participants' funding obligations shall—

(A) be made only to the extent the Administrator determines that the Fund will still be able to satisfy all of its anticipated obligations; and

(B) be applied on an equal pro rata basis to the funding obligations of all defendant participants, except as otherwise provided under this paragraph. The reductions or waivers provided under this subsection shall not apply to defendant participants in Tier I, subtiers 2 and 3, and class action trusts. For defendant participants whose payment obligation has been limited under section 204(c) or who have received a financial hardship adjustment under section 204(e)(2), aggregate potential reductions or waivers under this subsection shall be calculated on the basis of the defendant participant's tier and subtier without regard to such limitation or adjustment. If the aggregate potential reductions or waivers under this subsection exceed the reduction in the defendant participant's payment obligation due to the limitation under section 204(c) and the financial hardship adjustment under section 204(e)(2), then the defendant participant's payment obligation shall be further reduced by the difference between the potential reductions or waivers provided under this subsection and the reductions that the defendant participant has already received due to the application of the limitation provided in section 204(c) and the financial hardship adjustment provided under section 204(e)(2). If the reduction in the defendant participant's payment obligation due to the limitation provided in section 204(c) and any the financial hardship adjustment provided under section 204(e)(2) exceeds the amount of the reductions or waivers provided in this subsection, then the defendant participant's payment obligation shall not be further reduced under this paragraph.

(4) NEW INFORMATION.—If at any time the Administrator determines that a reduction or waiver under this section may cause the assets of the Fund and expected future payments to decrease to a level at which the Fund may not be able to satisfy all of its anticipated obligations, the Administrator shall revoke all or any part of such reduction or waiver to the extent necessary to ensure that the Fund's obligations are met. Such revocations shall be applied on an equal pro rata basis to the funding obligations of all defendant participants, except defendant participants in Subtiers 2 and 3 of Tier I and class action trusts, for that year.

(c) CERTIFICATION.—

(1) IN GENERAL.—Before suspending, canceling, reducing, or delaying any reduction under subsection (a) or granting or revoking a reduction or waiver under subsection (b), the Administrator shall certify that the requirements of this section are satisfied.

(2) NOTICE AND COMMENT.—Before making a final certification under this subsection, the Administrator shall publish a notice in the Federal Register of a proposed certification and a statement of the basis therefor and provide in such notice for a public comment period of 30 days.

(3) FINAL CERTIFICATION.—

(A) IN GENERAL.—The Administrator shall publish a notice of the final certification in the Federal Register after consideration of all comments submitted under paragraph (2).

(B) WRITTEN NOTICE.—Not later than 30 days after publishing any final certification under subparagraph (A), the Administrator shall provide each defendant participant with written notice of that defendant's funding obligation for that year.

SEC. 206. ACCOUNTING TREATMENT.

Defendant participants payment obligations to the Fund shall be subject to discounting under the applicable accounting guidelines for generally accepted accounting purposes and statutory accounting purposes for each defendant participant. This section shall in no way reduce the amount of monetary payments to the Fund by defendant participants as required under section 202(a)(2).

Subtitle B—Asbestos Insurers Commission

SEC. 210. DEFINITION.

In this subtitle, the term "captive insurance company" means a company—

(1) whose entire beneficial interest is owned on the date of enactment of this Act, directly or indirectly, by a defendant participant or by the ultimate parent or the affiliated group of a defendant participant;

(2) whose primary commercial business during the period from calendar years 1940 through 1986 was to provide insurance to its ultimate parent or affiliated group, or any portion of the affiliated group or a combination thereof; and

(3) that was incorporated or operating no later than December 31, 2003.

SEC. 211. ESTABLISHMENT OF ASBESTOS INSURERS COMMISSION.

(a) ESTABLISHMENT.—There is established the Asbestos Insurers Commission (referred to in this subtitle as the "Commission") to carry out the duties described in section 212.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 5 members who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—

(A) EXPERTISE.—Members of the Commission shall have sufficient expertise to fulfill their responsibilities under this subtitle.

(B) CONFLICT OF INTEREST.—

(i) IN GENERAL.—No member of the Commission appointed under paragraph (1) may be an employee or immediate family member of an employee of an insurer participant. No member of the Commission shall be a shareholder of any insurer participant. No member of the Commission shall be a former officer or director, or a former employee or former shareholder of any insurer participant who was such an employee, shareholder, officer, or director at any time during the 2-year period ending on the date of the appointment, unless that is fully disclosed before consideration in the Senate of the nomination for appointment to the Commission.

(ii) DEFINITION.—In clause (i), the term "shareholder" shall not include a broadly based mutual fund that includes the stocks of insurer participants as a portion of its overall holdings.

(C) FEDERAL EMPLOYMENT.—A member of the Commission may not be an officer or employee of the Federal Government, except by reason of membership on the Commission.

(3) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission.

(4) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(5) CHAIRMAN.—The President shall select a Chairman from among the members of the Commission.

(c) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(2) SUBSEQUENT MEETINGS.—The Commission shall meet at the call of the Chairman, as necessary to accomplish the duties under section 212.

(3) QUORUM.—No business may be conducted or hearings held without the participation of a majority of the members of the Commission.

SEC. 212. DUTIES OF ASBESTOS INSURERS COMMISSION.

(a) DETERMINATION OF INSURER PAYMENT OBLIGATIONS.—

(1) IN GENERAL.—

(A) DEFINITIONS.—For the purposes of this Act, the terms "insurer" and "insurer participant" shall, unless stated otherwise, include direct insurers and reinsurers, as well as any run-off entity established, in whole or in part, to review and pay asbestos claims.

(B) PROCEDURES FOR DETERMINING INSURER PAYMENTS.—The Commission shall determine the amount that each insurer participant shall be required to pay into the Fund under the procedures described in this section. The Commission shall make this determination by first promulgating a rule establishing a methodology for allocation of payments among insurer participants and then applying such methodology to determine the individual payment for each insurer participant. The methodology may include 1 or more allocation formulas to be applied to all insurer participants or groups of similarly situated participants. The Commission's rule shall include a methodology for adjusting payments by insurer participants to make up, during the first 5 years of the life of the Fund and any subsequent years as provided in section 405(f) for any reduction in an insurer participant's annual allocated amount caused by the granting of a financial hardship or exceptional circumstance adjustment under this section, and any amount by which aggregate insurer payments fall below the level required under paragraph (3)(C) by reason of the failure or refusal of any insurer participant to make a required payment, or for any other reason that causes such payments to fall below the level required under paragraph (3)(C). The Commission shall conduct a thorough study (within the time limitations under this subparagraph) of the accuracy of the reserve allocation of each insurer participant, and may request information from the Securities and Exchange Commission or any State regulatory agency. Under this procedure, not later than 120 days after the initial meeting of the Commission, the Commission shall commence a rulemaking proceeding under section 213(a) to propose and adopt a methodology for allocating payments among insurer participants. In proposing an allocation methodology, the Commission may consult with such actuaries and other experts as it deems appropriate. After hearings and public comment on the proposed allocation methodology, the Commission shall as promptly as possible promulgate a final rule establishing such methodology. After promulgation of the final rule, the Commission shall determine the individual payment of each insurer participant under the procedures set forth in subsection (b).

(C) SCOPE.—Every insurer, reinsurer, and runoff entity with asbestos-related obligations in the United States shall be subject to the Commission's and Administrator's authority under this Act, including allocation determinations, and shall be required to fulfill its payment obligation without regard as to whether it is licensed in the United States. Every insurer participant not licensed or domiciled in the United States shall, upon the first payment to the Fund, submit a written consent to the Commission's and Administrator's authority under this Act, and to the jurisdiction of the courts of the United States for purposes of enforcing this Act, in a form determined by the Administrator. Any insurer participant refusing to provide a written consent shall be subject to fines and penalties as provided in section 223.

(D) ISSUERS OF FINITE RISK POLICIES.—

(i) IN GENERAL.—The issuer of any policy of retrospective reinsurance purchased by an insurer participant or its affiliate after 1990 that provides for a risk or loss transfer to insure for asbestos losses and other losses (both known and unknown), including those policies commonly referred to as "finite risk", "aggregate stop loss", "aggregate excess of loss", or "loss portfolio transfer" policies, shall be obligated to make payments required under this Act directly to the Fund on behalf of the insurer participant who is the beneficiary of such policy, subject to the underlying retention and the limits of liability applicable to such policy.

(ii) PAYMENTS.—Payments to the Fund required under this Act shall be treated as loss payments for asbestos bodily injury (as if such payments were incurred as liabilities imposed in the tort system) and shall not be subject to exclusion under policies described under clause (i) as a liability with respect to tax or assessment. Within 90 days after the scheduled date to make an annual payment to the Fund, the insurer participant shall, at its discretion, direct the reinsurer issuing such policy to pay all or a portion of the annual payment directly to the Fund up to the full applicable limits of liability under the policy. The reinsurer issuing such policy shall be obligated to make such payments directly to the Fund and shall be subject to the enforcement provisions under section 223. The insurer participant shall remain obligated to make payment to the Fund of that portion of the annual payment not directed to the issuer of such reinsurance policy.

(2) AMOUNT OF PAYMENTS.—

(A) AGGREGATE PAYMENT OBLIGATION.—The total payment required of all insurer participants over the life of the Fund shall be equal to $46,025,000,000, less any bankruptcy trust credits under section 222(d).

(B) ACCOUNTING STANDARDS.—In determining the payment obligations of participants that are not licensed or domiciled in the United States or that are runoff entities, the Commission shall use accounting standards required for United States licensed direct insurers.

(C) CAPTIVE INSURANCE COMPANIES.—No payment to the Fund shall be required from a captive insurance company, unless and only to the extent a captive insurance company, on the date of enactment of this Act, insures the asbestos liability, directly or indirectly, of (and that arises out of the manufacture, sale, distribution or installation of materials or products by, or other conduct of) a person or persons other than and unaffiliated with its ultimate parent or affiliated group or pool in which the ultimate parent participates or participated, or unaffiliated with a person that was its ultimate parent or a member of its affiliated group or pool at the time the relevant insurance or reinsurance was issued by the captive insurance company.

(D) SEVERAL LIABILITY.—Unless otherwise provided under this Act, each insurer participant's obligation to make payments to the Fund is several. Unless otherwise provided under this Act, there is no joint liability, and the future insolvency by any insurer participant shall not affect the payment required of any other insurer participant.

(3) PAYMENT OF CRITERIA.—

(A) INCLUSION IN INSURER PARTICIPANT CATEGORY.—

(i) IN GENERAL.—Insurers that have paid, or been assessed by a legal judgment or settlement, at least $1,000,000 in defense and indemnity costs before the date of enactment of this Act in response to claims for compensation for asbestos injuries arising from a policy of liability insurance or contract of liability reinsurance or retrocessional reinsurance shall be insurer participants in the Fund. Other insurers shall be exempt from mandatory payments.

(ii) INAPPLICABILITY OF SECTION 202.—Since insurers may be subject in certain jurisdictions to direct action suits, and it is not the intent of this Act to impose upon an insurer, due to its operation as an insurer, payment obligations to the Fund in situations where the insurer is the subject of a direct action, no insurer subject to mandatory payments under this section shall also be liable for payments to the Fund as a defendant participant under section 202.

(B) INSURER PARTICIPANT ALLOCATION METHODOLOGY.—

(i) IN GENERAL.—The Commission shall establish the payment obligations of individual insurer participants to reflect, on an equitable basis, the relative tort system liability of the participating insurers in the absence of this Act, considering and weighting, as appropriate (but exclusive of workers' compensation), such factors as—

(I) historic premium for lines of insurance associated with asbestos exposure over relevant periods of time;

(II) recent loss experience for asbestos liability;

(III) amounts reserved for asbestos liability;

(IV) the likely cost to each insurer participant of its future liabilities under applicable insurance policies; and

(V) any other factor the Commission may determine is relevant and appropriate.

(ii) DETERMINATION OF RESERVES.—The Commission may establish procedures and standards for determination of the asbestos reserves of insurer participants. The reserves of a United States licensed reinsurer that is wholly owned by, or under common control of, a United States licensed direct insurer shall be included as part of the direct insurer's reserves when the reinsurer's financial results are included as part of the direct insurer's United States operations, as reflected in footnote 33 of its filings with the National Association of Insurance Commissioners or in published financial statements prepared in accordance with generally accepted accounting principles.

(C) PAYMENT SCHEDULE.—The aggregate annual amount of payments by insurer participants over the life of the Fund shall be as follows:

(i) For years 1 and 2, $2,700,000,000 annually.

(ii) For years 3 through 5, $5,075,000,000 annually.

(iii) For years 6 through 27, $1,147,000,000 annually.

(iv) For year 28, $166,000,000.

(D) CERTAIN RUNOFF ENTITIES.—A runoff entity shall include any direct insurer or reinsurer whose asbestos liability reserves have been transferred, directly or indirectly, to the runoff entity and on whose behalf the runoff entity handles or adjusts and, where appropriate, pays asbestos claims.

(E) FINANCIAL HARDSHIP AND EXCEPTIONAL CIRCUMSTANCE ADJUSTMENTS.—

(i) IN GENERAL.—Under the procedures established in subsection (b), an insurer participant may seek adjustment of the amount of its payments based on exceptional circumstances or severe financial hardship.

(ii) FINANCIAL ADJUSTMENTS.—An insurer participant may qualify for an adjustment based on severe financial hardship by demonstrating that payment of the amounts required by the Commission's methodology would jeopardize the solvency of such participant.

(iii) EXCEPTIONAL CIRCUMSTANCE ADJUSTMENT.—An insurer participant may qualify for an adjustment based on exceptional circumstances by demonstrating—

(I) that the amount of its payments under the Commission's allocation methodology is exceptionally inequitable when measured against the amount of the likely cost to the participant of its future liability in the tort system in the absence of the Fund;

(II) an offset credit as described in subparagraphs (A) and (C) of subsection (b)(4); or

(III) other exceptional circumstances.

The Commission may determine whether to grant an adjustment and the size of any such adjustment, but except as provided under paragraph (1)(B), subsection (f)(3), and section 405(f), any such adjustment shall not affect the aggregate payment obligations of insurer participants specified in paragraph (2)(A) and subparagraph (C) of this paragraph.

(iv) TIME PERIOD OF ADJUSTMENT.—Except for adjustments for offset credits, adjustments granted under this subsection shall have a term not to exceed 3 years. An insurer participant may renew its adjustment by demonstrating to the Administrator that it remains justified.

(F) FUNDING HOLIDAYS.—

(i) IN GENERAL.—If the Administrator determines, at any time after 10 years following the date of enactment of this Act, that the assets of the Fund at the time of such determination and expected future payments are sufficient to satisfy the Fund's anticipated obligations without the need for all, or any portion of, that year's payment otherwise required under this subtitle, the Administrator shall reduce or waive all or any part of the payments required from insurer participants for that year.

(ii) ANNUAL REVIEW.—The Administrator shall undertake the review required by this subsection and make the necessary determination under clause (i) every year.

(iii) LIMITATIONS OF FUNDING HOLIDAYS.—Any reduction or waiver of the insurer participants' funding obligations shall—

(I) be made only to the extent the Administrator determines that the Fund will still be able to satisfy all of its anticipated obligations; and

(II) be applied on an equal pro rata basis to the funding obligations of all insurer participants for that year.

(iv) NEW INFORMATION.—If at any time the Administrator determines that a reduction or waiver under this section may cause the assets of the Fund and expected future payments to decrease to a level at which the Fund may not be able to satisfy all of its anticipated obligations, the Administrator shall revoke all or any part of such reduction or waiver to the extent necessary to ensure that the Fund's obligations are met. Such revocations shall be applied on an equal pro rata basis to the funding obligations of all insurer participants for that year.

(b) PROCEDURE FOR NOTIFYING INSURER PARTICIPANTS OF INDIVIDUAL PAYMENT OBLIGATIONS.—

(1) NOTICE TO PARTICIPANTS.—Not later than 30 days after promulgation of the final rule establishing an allocation methodology under subsection (a)(1), the Commission shall—

(A) directly notify all reasonably identifiable insurer participants of the requirement to submit information necessary to calculate the amount of any required payment to the Fund under the allocation methodology; and

(B) publish in the Federal Register a notice—

(i) requiring any person who may be an insurer participant (as determined by criteria outlined in the notice) to submit such information; and

(ii) that includes a list of all insurer participants notified by the Commission under subparagraph (A), and provides for 30 days for the submission of comments or information regarding the completeness and accuracy of the list of identified insurer participants.

(2) RESPONSE REQUIRED BY INDIVIDUAL INSURER PARTICIPANTS.—

(A) IN GENERAL.—Any person who receives notice under paragraph (1)(A), and any other person meeting the criteria specified in the notice published under paragraph (1)(B), shall respond by providing the Commission with all the information requested in the notice under a schedule or by a date established by the Commission.

(B) CERTIFICATION.—The response submitted under subparagraph (A) shall be signed by a responsible corporate officer, general partner, proprietor, or individual of similar authority, who shall certify under penalty of law the completeness and accuracy of the information submitted.

(3) NOTICE TO INSURER PARTICIPANTS OF INITIAL PAYMENT DETERMINATION.—

(A) IN GENERAL.—

(i) NOTICE TO INSURERS.—Not later than 120 days after receipt of the information required by paragraph (2), the Commission shall send each insurer participant a notice of initial determination requiring payments to the Fund, which shall be based on the information received from the participant in response to the Commission's request for information. An insurer participant's payments shall be payable over the schedule established in subsection (a)(3)(C), in annual amounts proportionate to the aggregate annual amount of payments for all insurer participants for the applicable year.

(ii) PUBLIC NOTICE.—Not later than 7 days after sending the notification of initial determination to insurer participants, the Commission shall publish in the Federal Register a notice listing the insurer participants that have been sent such notification, and the initial determination on the payment obligation of each identified participant.

(B) NO RESPONSE; INCOMPLETE RESPONSE.—If no response is received from an insurer participant, or if the response is incomplete, the initial determination requiring a payment from the insurer participant shall be based on the best information available to the Commission.

(4) COMMISSION REVIEW, REVISION, AND FINALIZATION OF INITIAL PAYMENT DETERMINATIONS.—

(A) COMMENTS FROM INSURER PARTICIPANTS.—Not later than 30 days after receiving a notice of initial determination from the Commission, an insurer participant may provide the Commission with additional information to support adjustments to the required payments to reflect severe financial hardship or exceptional circumstances, including the provision of an offset credit for an insurer participant for the amount of any asbestos-related payments it made or was legally obligated to make, including payments released from an escrow, as the result of a bankruptcy judicially confirmed after May 22, 2003, but before the date of enactment of this Act.

(B) ADDITIONAL PARTICIPANTS.—If, before the final determination of the Commission, the Commission receives information that an additional person may qualify as an insurer participant, the Commission shall require such person to submit information necessary to determine whether payments from that person should be required, in accordance with the requirements of this subsection.

(C) REVISION PROCEDURES.—The Commission shall adopt procedures for revising initial payments based on information received under subparagraphs (A) and (B), including a provision requiring an offset credit for an insurer participant for the amount of any asbestos-related payments it made or was legally obligated to make, including payments released from an escrow, as the result of a bankruptcy confirmed after May 22, 2003, but before the date of enactment of this Act.

(5) EXAMINATIONS AND SUBPOENAS.—

(A) EXAMINATIONS.—The Commission may conduct examinations of the books and records of insurer participants to determine the completeness and accuracy of information submitted, or required to be submitted, to the Commission for purposes of determining participant payments.

(B) SUBPOENAS.—The Commission may request the Attorney General to subpoena persons to compel testimony, records, and other information relevant to its responsibilities under this section. The Attorney General may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) ESCROW PAYMENTS.—Without regard to an insurer participant's payment obligation under this section, any escrow or similar account established before the date of enactment of this Act by an insurer participant in connection with an asbestos trust fund that has not been judicially confirmed by final order by the date of enactment of this Act shall be the property of the insurer participant and returned to that insurer participant.

(7) NOTICE TO INSURER PARTICIPANTS OF FINAL PAYMENT DETERMINATIONS.—Not later than 60 days after the notice of initial determination is sent to the insurer participants, the Commission shall send each insurer participant a notice of final determination.

(c) INSURER PARTICIPANTS VOLUNTARY ALLOCATION AGREEMENT.—

(1) IN GENERAL.—Not later than 30 days after the Commission proposes its rule establishing an allocation methodology under subsection (a)(1), direct insurer participants licensed or domiciled in the United States, other direct insurer participants, reinsurer participants licensed or domiciled in the United States, or other reinsurer participants, may submit an allocation agreement, approved by all of the participants in the applicable group, to the Commission.

(2) ALLOCATION AGREEMENT.—To the extent the participants in any such applicable group voluntarily agree upon an allocation arrangement, any such allocation agreement shall only govern the allocation of payments within that group and shall not determine the aggregate amount due from that group.

(3) CERTIFICATION.—The Commission shall determine whether an allocation agreement submitted under subparagraph (A) meets the requirements of this subtitle and, if so, shall certify the agreement as establishing the allocation methodology governing the individual payment obligations of the participants who are parties to the agreement. The authority of the Commission under this subtitle shall, with respect to participants who are parties to a certified allocation agreement, terminate on the day after the Commission certifies such agreement. Under subsection (f), the Administrator shall assume responsibility, if necessary, for calculating the individual payment obligations of participants who are parties to the certified agreement.

(d) COMMISSION REPORT.—

(1) RECIPIENTS.—Until the work of the Commission has been completed and the Commission terminated, the Commission shall submit an annual report, containing the information described under paragraph (2), to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on the Judiciary of the House of Representatives; and

(C) the Administrator.

(2) CONTENTS.—The report under paragraph (1) shall state the amount that each insurer participant is required to pay to the Fund, including the payment schedule for such payments.

(e) INTERIM PAYMENTS.—

(1) AMOUNT OF INTERIM PAYMENT.—Within 90 days after the date of enactment of this Act, insurer participants shall make an aggregate payment to the Fund not to exceed 50 percent of the aggregate funding obligation specified under subsection (a)(3)(C) for year 1.

(2) RESERVE INFORMATION.—Within 30 days after the date of enactment of this Act, each insurer participant shall submit to the Administrator a certified statement of its net held reserves for asbestos liabilities as of December 31, 2004.

(3) ALLOCATION OF INTERIM PAYMENT.—The Administrator shall allocate the interim payment among the individual insurer participants on an equitable basis using the net held asbestos reserve information provided by insurer participants under subsection (a)(3)(B). Within 60 days after the date of enactment of this Act, the Administrator shall publish in the Federal Register the name of each insurer participant, and the amount of the insurer participant's allocated share of the interim payment. The use of net held asbestos reserves as the basis to determine an interim allocation shall not be binding on the Administrator in the determination of an appropriate final allocation methodology under this section. All payments required under this paragraph shall be credited against the participant's ultimate payment obligation to the Fund established by the Commission. If an interim payment exceeds the ultimate payment, the Fund shall pay interest on the amount of the overpayment at a rate determined by the Administrator. If the ultimate payment exceeds the interim payment, the participant shall pay interest on the amount of the underpayment at the same rate. Any participant may seek an exemption from or reduction in any payment required under this subsection under the financial hardship and exceptional circumstance standards established under subsection (a)(3)(E).

(4) APPEAL OF INTERIM PAYMENT DECISIONS.—A decision by the Administrator to establish an interim payment obligation shall be considered final agency action and reviewable under section 303, except that the reviewing court may not stay an interim payment during the pendency of the appeal.

(f) TRANSFER OF AUTHORITY FROM THE COMMISSION TO THE ADMINISTRATOR.—

(1) IN GENERAL.—Upon termination of the Commission under section 215, the Administrator shall assume all the responsibilities and authority of the Commission, except that the Administrator shall not have the power to modify the allocation methodology established by the Commission or by certified agreement or to promulgate a rule establishing any such methodology.

(2) FINANCIAL HARDSHIP AND EXCEPTIONAL CIRCUMSTANCE ADJUSTMENTS.—Upon termination of the Commission under section 215, the Administrator shall have the authority, upon application by any insurer participant, to make adjustments to annual payments upon the same grounds as provided in subsection (a)(3)(D). Adjustments granted under this subsection shall have a term not to exceed 3 years. An insurer participant may renew its adjustment by demonstrating that it remains justified. Upon the grant of any adjustment, the Administrator shall increase the payments, consistent with subsection

(a)(1)(B), required of all other insurer participants so that there is no reduction in the aggregate payment required of all insurer participants for the applicable years. The increase in an insurer participant's required payment shall be in proportion to such participant's share of the aggregate payment obligation of all insurer participants.

(3) CREDITS FOR SHORTFALL ASSESSMENTS.—If insurer participants are required during the first 5 years of the life of the Fund to make up any shortfall in required insurer payments under subsection (a)(1)(B), then, beginning in year 6, the Administrator shall grant each insurer participant a credit against its annual required payments during the applicable years that in the aggregate equal the amount of shortfall assessments paid by such insurer participant during the first 5 years of the life of the Fund. The credit shall be prorated over the same number of years as the number of years during which the insurer participant paid a shortfall assessment. Insurer participants which did not pay all required payments to the Fund during the first 5 years of the life of the Fund shall not be eligible for a credit. The Administrator shall not grant a credit for shortfall assessments imposed under section 405(f).

(4) FINANCIAL SECURITY REQUIREMENTS.—Whenever an insurer participant's A.M. Best's claims payment rating or Standard and Poor's financial strength rating falls below A−, and until such time as either the insurer participant's A.M. Best's Rating or Standard and Poor's rating is equal to or greater than A−, the Administrator shall have the authority to require that the participating insurer either—

(A) pay the present value of its remaining Fund payments at a discount rate determined by the Administrator; or

(B) provide an evergreen letter of credit or financial guarantee for future payments issued by an institution with an A.M. Best's claims payment rating or Standard & Poor's financial strength rating of at least A+.

(g) ACCOUNTING TREATMENT.—Insurer participants' payment obligations to the Fund shall be subject to discounting under the applicable accounting guidelines for generally accepted accounting purposes and statutory accounting purposes for each insurer participant. This subsection shall in no way reduce the amount of monetary payments to the Fund by insurer participants as required under subsection (a).

(h) JUDICIAL REVIEW.—The Commission's rule establishing an allocation methodology, its final determinations of payment obligations and other final action shall be judicially reviewable as provided in title III.

SEC. 213. POWERS OF ASBESTOS INSURERS COMMISSION.

(a) RULEMAKING.—The Commission shall promulgate such rules and regulations as necessary to implement its authority under this Act, including regulations governing an allocation methodology. Such rules and regulations shall be promulgated after providing interested parties with the opportunity for notice and comment.

(b) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission shall also hold a hearing on any proposed regulation establishing an allocation methodology, before the Commission's adoption of a final regulation.

(c) INFORMATION FROM FEDERAL AND STATE AGENCIES.—The Commission may secure directly from any Federal or State department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) GIFTS.—The Commission may not accept, use, or dispose of gifts or donations of services or property.

(f) EXPERT ADVICE.—In carrying out its responsibilities, the Commission may enter into such contracts and agreements as the Commission determines necessary to obtain expert advice and analysis.

SEC. 214. PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 215. TERMINATION OF ASBESTOS INSURERS COMMISSION.

The Commission shall terminate 90 days after the last date on which the Commission makes a final determination of contribution under section 212(b) or 90 days after the last appeal of any final action by the Commission is exhausted, whichever occurs later.

SEC. 216. EXPENSES AND COSTS OF COMMISSION.

All expenses of the Commission shall be paid from the Fund.

Subtitle C—Asbestos Injury Claims Resolution Fund

SEC. 221. ESTABLISHMENT OF ASBESTOS INJURY CLAIMS RESOLUTION FUND.

(a) ESTABLISHMENT.—There is established in the Office of Asbestos Disease Compensation the Asbestos Injury Claims Resolution Fund, which shall be available to pay—

(1) claims for awards for an eligible disease or condition determined under title I;

(2) claims for reimbursement for medical monitoring determined under title I;

(3) principal and interest on borrowings under subsection (b);

(4) the remaining obligations to the asbestos trust of a debtor and the class action trust under section 405(g)(8); and

(5) administrative expenses to carry out the provisions of this Act.

(b) BORROWING AUTHORITY.—

(1) IN GENERAL.—The Administrator is authorized to borrow from time to time amounts as set forth in this subsection, for purposes of enhancing liquidity available to the Fund for carrying out the obligations of the Fund under this Act. The Administrator may authorize borrowing in such form, over such term, with such necessary disclosure to its lenders as will most efficiently enhance the Fund's liquidity.

(3) BORROWING CAPACITY.—The maximum amount that may be borrowed under this subsection at any given time is the amount that, taking into account all payment obligations related to all previous amounts borrowed in accordance with this subsection and all committed obligations of the Fund at the time of borrowing, can be repaid in full (with interest) in a timely fashion from—

(A) the available assets of the Fund as of the time of borrowing; and

(B) all amounts expected to be paid by participants during the subsequent 2 years.

(4) REPAYMENT OBLIGATIONS.—Repayment of monies borrowed by the Administrator under this subsection shall be repaid in full by the Fund contributors and is limited solely to amounts available, present or future, in the Fund.

(c) LOCKBOX FOR SEVERE ASBESTOS-RELATED INJURY CLAIMANTS.—

(1) IN GENERAL.—Within the Fund, the Administrator shall establish the following accounts:

(A) A Mesothelioma Account, which shall be used solely to make payments to claimants eligible for an award under the criteria of Level IX.

(B) A Lung Cancer Account, which shall be used solely to make payments to claimants eligible for an award under the criteria of Level VIII.

(C) A Severe Asbestosis Account, which shall be used solely to make payments to claimants eligible for an award under the criteria of Level V.

(D) A Moderate Asbestosis Account, which shall be used solely to make payments to claimants eligible for an award under the criteria of Level IV.

(2) ALLOCATION.—The Administrator shall allocate to each of the 4 accounts established under paragraph (1) a portion of payments made to the Fund adequate to compensate all anticipated claimants for each account. Within 60 days after the date of enactment of this Act, and periodically during the life of the Fund, the Administrator shall determine an appropriate amount to allocate to each account after consulting appropriate epidemiological and statistical studies.

(d) AUDIT AUTHORITY.—

(1) IN GENERAL.—For the purpose of ascertaining the correctness of any information provided or payments made to the Fund,

or determining whether a person who has not made a payment to the Fund was required to do so, or determining the liability of any person for a payment to the Fund, or collecting any such liability, or inquiring into any offense connected with the administration or enforcement of this title, the Administrator is authorized—

(A) to examine any books, papers, records, or other data which may be relevant or material to such inquiry;

(B) to summon the person liable for a payment under this title, or officer or employee of such person, or any person having possession, custody, or care of books of account containing entries relating to the business of the person liable or any other person the Administrator may deem proper, to appear before the Administrator at a time and place named in the summons and to produce such books, papers, records, or other data, and to give such testimony, under oath, as may be relevant or material to such inquiry; and

(C) to take such testimony of the person concerned, under oath, as may be relevant or material to such inquiry.

(2) FALSE, FRAUDULENT, OR FICTITIOUS STATEMENTS OR PRACTICES.—If the Administrator determines that materially false, fraudulent, or fictitious statements or practices have been submitted or engaged in by persons submitting information to the Administrator or to the Asbestos Insurers Commission or any other person who provides evidence in support of such submissions for purposes of determining payment obligations under this Act, the Administrator may impose a civil penalty not to exceed $10,000 on any person found to have submitted or engaged in a materially false, fraudulent, or fictitious statement or practice under this Act. The Administrator shall promulgate appropriate regulations to implement this paragraph.

(e) IDENTITY OF CERTAIN DEFENDANT PARTICIPANTS; TRANSPARENCY.—

(1) SUBMISSION OF INFORMATION.—Not later than 60 days after the date of enactment of this Act, any person who, acting in good faith, has knowledge that such person or such person's affiliated group has prior asbestos expenditures of $1,000,000 or greater, shall submit to the Administrator—

(A) either the name of such person, or such person's ultimate parent; and

(B) the likely tier to which such person or affiliated group may be assigned under this Act.

(2) PUBLICATION.—Not later than 20 days after the end of the 60-day period referred to in paragraph (1), the Administrator or Interim Administrator, if the Administrator is not yet appointed, shall publish in the Federal Register a list of submissions required by this subsection, including the name of such persons or ultimate parents and the likely tier to which such persons or affiliated groups may be assigned. After publication of such list, any person who, acting in good faith, has knowledge that any other person has prior asbestos expenditures of $1,000,000 or greater may submit to the Administrator or Interim Administrator information on the identity of that person and the person's prior asbestos expenditures.

(f) NO PRIVATE RIGHT OF ACTION.—Except as provided in sections 203(b)(2)(D)(ii) and 204(g)(3), there shall be no private right of action under any Federal or State law against any participant based on a claim of compliance or noncompliance with this Act or the involvement of any participant in the enactment of this Act.

SEC. 222. MANAGEMENT OF THE FUND.

(a) IN GENERAL.—Amounts in the Fund shall be held for the exclusive purpose of providing benefits to asbestos claimants and their beneficiaries and to otherwise defray the reasonable expenses of administering the Fund.

(b) INVESTMENTS.—

(1) IN GENERAL.—Amounts in the Fund shall be administered and invested with the care, skill, prudence, and diligence, under the circumstances prevailing at the time of such investment, that a prudent person acting in a like capacity and manner would use.

(2) STRATEGY.—The Administrator shall invest amounts in the Fund in a manner that enables the Fund to make current and future distributions to or for the benefit of asbestos claimants. In pursuing an investment strategy under this subparagraph, the Administrator shall consider, to the extent relevant to an investment decision or action—

(A) the size of the Fund;

(B) the nature and estimated duration of the Fund;

(C) the liquidity and distribution requirements of the Fund;

(D) general economic conditions at the time of the investment;

(E) the possible effect of inflation or deflation on Fund assets;

(F) the role that each investment or course of action plays with respect to the overall assets of the Fund;

(G) the expected amount to be earned (including both income and appreciation of capital) through investment of amounts in the Fund; and

(H) the needs of asbestos claimants for current and future distributions authorized under this Act.

(d) BANKRUPTCY TRUST CREDITS.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, but subject to paragraph (2) of this subsection, the Administrator shall provide a credit toward the aggregate payment obligations under sections 202(a)(2) and 212(a)(2)(A) for assets received by the Fund from any bankruptcy trust established under a plan of reorganization confirmed and substantially consummated after July 31, 2004.

(2) ALLOCATION OF CREDITS.—The Administrator shall allocate, for each such bankruptcy trust, the credits for such assets between the defendant and insurer aggregate payment obligations as follows:

(A) DEFENDANT PARTICIPANTS.—The aggregate amount that all persons other than insurers contributing to the bankruptcy trust would have been required to pay as Tier I defendants under section 203(b) if the plan of reorganization under which the bankruptcy trust was established had not been confirmed and substantially consummated and the proceeding under chapter 11 of title 11, United States Code, that resulted in the establishment of the bankruptcy trust had remained pending as of the date of enactment of this Act.

(B) INSURER PARTICIPANTS.—The aggregate amount of all credits to which insurers are entitled to under section 202(c)(4)(A) of the Act.

SEC. 223. ENFORCEMENT OF PAYMENT OBLIGATIONS.

(a) DEFAULT.—If any participant fails to make any payment in the amount of and according to the schedule under this Act or as prescribed by the Administrator, after demand and a 30-day opportunity to cure the default, there shall be a lien in favor of the United States for the amount of the delinquent payment (including interest) upon all property and rights to property, whether real or personal, belonging to such participant.

(b) BANKRUPTCY.—In the case of a bankruptcy or insolvency proceeding, the lien imposed under subsection (a) shall be treated in the same manner as a lien for taxes due and owing to the United States for purposes of the provisions of title 11, United States Code, or section 3713(a) of title 31, United States Code. The United States Bankruptcy Court shall have jurisdiction over any issue or controversy regarding lien priority and lien perfection arising in a bankruptcy case due to a lien imposed under subsection (a).

(c) CIVIL ACTION.—

(1) IN GENERAL.—In any case in which there has been a refusal or failure to pay any liability imposed under this Act, including a refusal or failure to provide the information required under section 204 needed to determine liability, the Administrator may bring a civil action in any appropriate United States District Court, or any other appropriate lawsuit or proceeding outside of the United States—

(A) to enforce the liability and any lien of the United States imposed under this section;

(B) to subject any property of the participant, including any property in which the participant has any right, title, or interest to the payment of such liability;

(C) for temporary, preliminary, or permanent relief; or

(D) to enforce a subpoena issued under section 204(i)(9) to compel the production of documents necessary to determine liability.

(2) ADDITIONAL PENALTIES.—In any action under paragraph (1) in which the refusal or failure to pay was willful, the Administrator may seek recovery—

(A) of punitive damages;

(B) of the costs of any civil action under this subsection, including reasonable fees incurred for collection, expert witnesses, and attorney's fees; and

(C) in addition to any other penalty, of a fine equal to the total amount of the liability that has not been collected.

(d) ENFORCEMENT AUTHORITY AS TO INSURER PARTICIPANTS.—

(1) IN GENERAL.—In addition to or in lieu of the enforcement remedies described in subsection (c), the Administrator may seek to recover amounts in satisfaction of a payment not timely paid by an insurer participant under the procedures under this subsection.

(2) SUBROGATION.—To the extent required to establish personal jurisdiction over nonpaying insurer participants, the Administrator shall be deemed to be subrogated to the contractual rights of participants to seek recovery from nonpaying insuring participants that are domiciled outside the United States under the policies of liability insurance or contracts of liability reinsurance or retrocessional reinsurance applicable to asbestos claims, and the Administrator may bring an action or an arbitration against the nonpaying insurer participants under the provisions of such policies and contracts, provided that—

(A) any amounts collected under this subsection shall not increase the amount of deemed erosion allocated to any policy or contract under section 404, or otherwise reduce coverage available to a participant; and

(B) subrogation under this subsection shall have no effect on the validity of the insurance policies or reinsurance, and any contrary State law is expressly preempted.

(3) RECOVERABILITY OF CONTRIBUTION.—For purposes of this subsection—

(A) all contributions to the Fund required of a participant shall be deemed to be sums legally required to be paid for bodily injury resulting from exposure to asbestos;

(B) all contributions to the Fund required of any participant shall be deemed to be a single loss arising from a single occurrence under each contract to which the Administrator is subrogated; and

(C) with respect to reinsurance contracts, all contributions to the Fund required of a participant shall be deemed to be payments to a single claimant for a single loss.

(4) NO CREDIT OR OFFSET.—In any action brought under this subsection, the nonpaying insurer or reinsurer shall be entitled to no credit or offset for amounts collectible or potentially collectible from any participant nor shall such defaulting participant have any right to collect any sums payable under this section from any participant.

(5) COOPERATION.—Insureds and cedents shall cooperate with the Administrator's reasonable requests for assistance in any such proceeding. The positions taken or statements made by the Administrator in any such proceeding shall not be binding on or attributed to the insureds or cedents in any other proceeding. The outcome of such a proceeding shall not have a preclusive effect on the insureds or cedents in any other proceeding and shall not be admissible against any subrogee under this section. The Administrator shall have the authority to settle or compromise any claims against a nonpaying insurer participant under this subsection.

(e) BAR ON UNITED STATES BUSINESS.—If any direct insurer or reinsurer refuses to pay any contribution required by this Act, then, in addition to any other penalties imposed by this Act, the Administrator shall issue an order barring such entity and its affiliates from insuring risks located within the United States or otherwise doing business within the United States unless and until it complies. If any direct insurer or reinsurer refuses to furnish any information requested by the Administrator, the Administrator may issue an order barring such entity and its affiliates from insuring risks located within the United States or otherwise doing business within the United States unless and until it complies. Insurer participants or their affiliates seeking to obtain a license from any State to write any type of insurance shall be barred from obtaining any such license until payment of all contributions required as of the date of license application.

(f) CREDIT FOR REINSURANCE.—If the Administrator determines that an insurer participant that is a reinsurer is in default in paying any required contribution or otherwise not in compliance with this Act, the Administrator may issue an order barring any direct insurer participant from receiving credit for reinsurance purchased from the defaulting reinsurer after the date of the Administrator's determination of default. Any State law governing credit for reinsurance to the contrary is preempted.

(g) DEFENSE LIMITATION.—In any proceeding under this section, the participant shall be barred from bringing any challenge to any determination of the Administrator or the Asbestos Insurers Commission regarding its liability under this Act, or to the constitutionality of this Act or any provision thereof, if such challenge could have been made during the review provided under section 204(j)(10), or in a judicial review proceeding under section 303.

(h) DEPOSIT OF FUNDS.—

(1) IN GENERAL.—Any funds collected under subsection (c)(2) (A) or (C) shall be—

(A) deposited in the Fund; and

(B) used only to pay—

(i) claims for awards for an eligible disease or condition determined under title I; or

(ii) claims for reimbursement for medical monitoring determined under title I.

(2) NO EFFECT ON OTHER LIABILITIES.—The imposition of a fine under subsection (c)(2)(C) shall have no effect on—

(A) the assessment of contributions under subtitles A and B; or

(B) any other provision of this Act.

(i) PROPERTY OF THE ESTATE.—Section 541(b) of title 11, United States Code, is amended—

(1) in paragraph (4)(B)(ii), by striking "or" at the end;

(2) in paragraph (5), by striking "prohibition." and inserting "prohibition; or"; and

(3) by inserting after paragraph (5) and before the last undesignated sentence the following:

"(6) the value of any pending claim against or the amount of an award granted from the Asbestos Injury Claims Resolution Fund established under the Fairness in Asbestos Injury Resolution Act of 2006.".

(j) PROPOSED TRANSACTIONS.—

(1) NOTICE OF PROPOSED TRANSACTION.—Any participant that has taken any action to effectuate a proposed transaction or a proposed series of transactions under which a significant portion of such participant's assets, properties or business will, if consummated as proposed, be, directly or indirectly, transferred by any means (including, without limitation, by sale, dividend, contribution to a subsidiary or split-off) to 1 or more persons other than the participant shall provide written notice to the Administrator of such proposed transaction (or proposed series of transactions). Upon the request of such participant, and for so long as the participant shall not publicly disclose the transaction or series of transactions and the Administrator shall not commence any action under paragraph (6), the Administrator shall treat any such notice as confidential commercial information under section 552 of title 5, United States Code.

(2) TIMING OF NOTICE AND RELATED ACTIONS.—

(A) IN GENERAL.—Any notice that a participant is required to give under paragraph (1) shall be given not later than 30 days before the date of consummation of the proposed transaction or the first transaction to occur in a proposed series of transactions.

(B) OTHER NOTIFICATIONS.—

(i) IN GENERAL.—Not later than the date in any year by which a participant is required to make its contribution to the Fund, the participant shall deliver to the Administrator a written certification stating that—

(I) the participant has complied during the period since the last such certification or the date of enactment of this Act with the notice requirements set forth in this subsection; or

(II) the participant was not required to provide any notice under this subsection during such period.

(ii) SUMMARY.—The Administrator shall include in the annual report required to be submitted to Congress under section 405 a summary of all such notices (after removing all confidential identifying information) received during the most recent fiscal year.

(C) NOTICE COMPLETION.—The Administrator shall not consider any notice given under paragraph (1) as given until such time as the Administrator receives substantially all the information required by this subsection.

(3) CONTENTS OF NOTICE.—

(A) IN GENERAL.—The Administrator shall determine by rule or regulation the information to be included in the notice required under this subsection, which shall include such information as may be necessary to enable the Administrator to determine whether—

(i) the person or persons to whom the assets, properties or business are being transferred in the proposed transaction (or proposed series of transactions) should be considered to be the successor in interest of the participant for purposes of this Act, or

(ii) the proposed transaction (or proposed series of transactions) would, if consummated, be subject to avoidance by a trustee under section 544(b) or 548 of title 11, United States Code, as if, but whether or not, the participant is subject to a case under title 11, United States Code.

(B) STATEMENTS.—The notice shall also include—

(i) a statement by the participant as to whether it believes any person will or has become a successor in interest to the participant for purposes of this Act and, if so, the identity of that person; and

(ii) a statement by the participant as to whether that person has acknowledged that it will or has become a successor in interest for purposes of this Act.

(4) DEFINITION.—In this subsection, the term "significant portion of the assets, properties or business of a participant" means assets (including, without limitation, tangible or intangible assets, securities and cash), properties or business of such participant (or its affiliated group, to the extent that the participant has elected to be part of an affiliated group under section 204(g)) that, together with any other asset, property or business transferred by such participant in any of the previous completed 5 fiscal years of such participant (or, as appropriate, its affiliated group), and as determined in accordance with United States generally accepted accounting principles as in effect from time to time—

(A) generated at least 40 percent of the revenues of such participant (or its affiliated group);

(B) constituted at least 40 percent of the assets of such participant (or its affiliated group);

(C) generated at least 40 percent of the operating cash flows of such participant (or its affiliated group); or

(D) generated at least 40 percent of the net income or loss of such participant (or its affiliated group),

as measured during any of such 5 previous fiscal years.

(5) CONSUMMATION OF TRANSACTION.—Any proposed transaction (or proposed series of transactions) with respect to which a participant is required to provide notice under paragraph (1) may not be consummated until at least 30 days after delivery to the Administrator of such notice, unless the Administrator shall earlier terminate the notice period. The Administrator shall endeavor whenever possible to terminate a notice period at the earliest practicable time.

(6) RIGHT OF ACTION.—

(A) IN GENERAL.—Notwithstanding section 221(f), if the Administrator or any participant believes that a participant proposes to engage or has engaged, directly or indirectly, in, or is the subject of, a transaction (or series of transactions)—

(i) involving a person or persons who, as a result of such transaction (or series of transactions), may have or may become the successor in interest or successors in interest of such participant, where the status or potential status as a successor in interest has not been stated and acknowledged by the participant and such person; or

(ii) that may be subject to avoidance by a trustee under section 544(b) or 548 of title 11, United States Code, as if, but whether or not, the participant is a subject to a case under title 11, United States Code,

then the Administrator or such participant may, as a deemed creditor under applicable law, bring a civil action in an appropriate forum against the participant or any other person who is either a party to the transaction (or series of transactions) or the recipient of any asset, property or business of the participant.

(B) RELIEF ALLOWED.—In any action commenced under this subsection, the Administrator or a participant, as applicable, may seek—

(i) with respect to a transaction (or series of transactions) referenced in clause (i) of subparagraph (A), a declaratory judgment regarding whether such person will or has become the successor in interest of such participant; or

(ii) with respect to a transaction (or series of transactions) referenced in clause (ii) of subparagraph (A)—

(I) a temporary restraining order or a preliminary or permanent injunction against such transaction (or series of transactions); or

(II) such other relief regarding such transaction (or series of transactions) as the court determines to be necessary to ensure that performance of a participant's payment obligations under this Act is not materially impaired by reason of such transaction (or series of transactions).

(C) APPLICABILITY.—If the Administrator or a participant wishes to challenge a statement made by a participant that a person will not or has not become a successor in interest for purposes of this Act, then this paragraph shall be the exclusive means by which the determination of whether such person will or has become a successor in interest of the participant shall be made. This paragraph shall not preempt any other rights of any person under applicable Federal or State law.

(D) VENUE.—Any action under this paragraph shall be brought in any appropriate United States district court or, to the extent necessary to obtain complete relief, any other appropriate forum outside of the United States.

(7) RULES AND REGULATIONS.—The Administrator may promulgate regulations to effectuate the intent of this subsection, including regulations relating to the form, timing and content of notices.

SEC. 224. INTEREST ON UNDERPAYMENT OR NONPAYMENT.

If any amount of payment obligation under this title is not paid on or before the last date prescribed for payment, the liable party shall pay interest on such amount at the Federal short-term rate determined under section 6621(b) of the Internal Revenue Code of 1986, plus 5 percentage points, for the period from such last date to the date paid.

SEC. 225. EDUCATION, CONSULTATION, SCREENING, AND MONITORING.

(a) IN GENERAL.—The Administrator shall establish a program for the education, consultation, medical screening, and medical monitoring of persons with exposure to asbestos. The program shall be funded by the Fund.

(b) OUTREACH AND EDUCATION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish an outreach and education program, including a website designed to provide information about asbestos-related medical conditions to members of populations at risk of developing such conditions.

(2) INFORMATION.—The information provided under paragraph (1) shall include information about—

(A) the signs and symptoms of asbestos-related medical conditions;

(B) the value of appropriate medical screening programs; and

(C) actions that the individuals can take to reduce their future health risks related to asbestos exposure.

(3) CONTRACTS.—Preference in any contract under this subsection shall be given to providers that are existing nonprofit organizations with a history and experience of providing occupational health outreach and educational programs for individuals exposed to asbestos.

(c) MEDICAL SCREENING PROGRAM.—

(1) ESTABLISHMENT OF PROGRAM.—Not sooner than 18 months or later than 24 months after the Administrator certifies that the Fund is fully operational and processing claims at a reasonable rate, the Administrator shall adopt guidelines establishing a medical screening program for individuals at high risk of asbestos-related disease resulting from an asbestos-related disease. In promulgating such guidelines, the Administrator shall consider the views of the Advisory Committee on Asbestos Disease Compensation, the Medical Advisory Committee, and the public.

(2) ELIGIBILITY CRITERIA.—

(A) IN GENERAL.—The guidelines promulgated under this subsection shall establish criteria for participation in the medical screening program.

(B) CONSIDERATIONS.—In promulgating eligibility criteria the Administrator shall take into consideration all factors relevant to the individual's effective cumulative exposure to asbestos, including—

(i) any industry in which the individual worked;

(ii) the individual's occupation and work setting;

(iii) the historical period in which exposure took place;

(iv) the duration of the exposure;

(v) the intensity and duration of non-occupational exposures;

(vi) the intensity and duration of exposure to risk levels of naturally occurring asbestos as defined by the Environmental Protection Agency; and

(vii) any other factors that the Administrator determines relevant.

(3) PROTOCOLS.—The guidelines developed under this subsection shall establish protocols for medical screening, which shall include—

(A) administration of a health evaluation and work history questionnaire;

(B) an evaluation of smoking history;

(C) a physical examination by a qualified physician with a doctor-patient relationship with the individual;

(D) a chest x-ray read by a certified B-reader as defined under section 121(a)(4); and

(E) pulmonary function testing as defined under section 121(a)(13).

(4) FREQUENCY.—The Administrator shall establish the frequency with which medical screening shall be provided or be made available to eligible individuals, which shall be not less than every 5 years.

(5) PROVISION OF SERVICES.—The Administrator shall provide medical screening to eligible individuals directly or by contract with another agency of the Federal Government, with State or local governments, or with private providers of medical services. The Administrator shall establish strict qualifications for the providers of such services, and shall periodically audit the providers of services under this subsection, to ensure their integrity, high degree of competence, and compliance with all applicable technical and professional standards. No provider of medical screening services may have earned more than 15 percent of their income from the provision of services of any kind in connection with asbestos litigation in any of the 3 years preceding the date of enactment of this Act. All contracts with providers of medical screening services under this subsection shall contain provisions for reimbursement of screening services at a reasonable rate and termination of such contracts for cause if the Administrator determines that the service provider fails to meet the qualifications established under this subsection.

(6) LIMITATION OF COMPENSATION FOR SERVICES.—The compensation required to be paid to a provider of medical screening services for such services furnished to an eligible individual shall be limited to the amount that would be reimbursed at the time of the furnishing of such services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for similar services if such services are covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) FUNDING; PERIODIC REVIEW.—

(A) FUNDING.—The Administrator shall make such funds available from the Fund to implement this section, with a minimum of $5,000,000 but not more than $10,000,000 each year in each of the 5 years following the effective date of the medical screening program. Notwithstanding the preceding sentence, the Administrator shall suspend the operation of the program or reduce its funding level if necessary to preserve the solvency of the Fund.

(B) REVIEW.—The Administrator may reduce the amount of funding below $5,000,000 each year if the program is fully implemented. The Administrator's first annual report under section 405 following the close of the 4th year of operation of the medical screening program shall include an analysis of the usage of the program, its cost and effectiveness, its medical value, and the need to continue that program for an additional 5-year period. The Administrator shall also recommend to Congress any improvements that may be required to make the program more effective, efficient, and economical, and shall recommend a funding level for the program for the 5 years following the period of initial funding referred to under subparagraph (A).

(d) LIMITATION.—In no event shall the total amount allocated to the medical screening program established under this subsection over the lifetime of the Fund exceed $100,000,000.

(e) MEDICAL MONITORING PROGRAM AND PROTOCOLS.—

(1) IN GENERAL.—The Administrator shall establish procedures for a medical monitoring program for persons exposed to asbestos who have been approved for level I compensation under section 131.

(2) PROCEDURES.—The procedures for medical monitoring shall include—

(A) specific medical tests to be provided to eligible individuals and the periodicity of those tests, which shall initially be provided every 3 years and include—

(i) administration of a health evaluation and work history questionnaire;

(ii) physical examinations, including blood pressure measurement, chest examination, and examination for clubbing;

(iii) AP and lateral chest x-ray; and

(iv) spirometry performed according to ATS standards;

(B) qualifications of medical providers who are to provide the tests required under subparagraph (A); and

(C) administrative provisions for reimbursement from the Fund of the costs of monitoring eligible claimants, including the costs associated with the visits of the claimants to physicians in connection with medical monitoring, and with the costs of performing and analyzing the tests.

(f) CONTRACTS.—The Administrator may enter into contracts with qualified program providers that would permit the program providers to undertake large-scale medical screening and medical monitoring programs by means of subcontracts with a network of medical providers, or other health providers.

(g) REVIEW.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Administrator shall review, and if necessary update, the protocols and procedures established under this section.

SEC. 226. NATIONAL MESOTHELIOMA RESEARCH AND TREATMENT PROGRAM.

(a) IN GENERAL.—There is established the National Mesothelioma Research and Treatment Program (referred to in this section as the "Program") to investigate and advance the detection, prevention, treatment, and cure of malignant mesothelioma.

(b) MESOTHELIOMA CENTERS.—

(1) IN GENERAL.—The Administrator shall make available $1,500,000 from the Fund, and the Director of the National Institutes of Health shall make available $1,000,000 from amounts available to the Director, for each of fiscal years 2006 through 2015, for the establishment of each of 10 mesothelioma disease research and treatment centers.

(2) REQUIREMENTS.—The Director of the National Institutes of Health, in consultation with the Medical Advisory Committee, shall conduct a competitive peer review process to select sites for the centers described in paragraph (1). The Director shall ensure that sites selected under this paragraph are—

(A) geographically distributed throughout the United States with special consideration given to areas of high incidence of mesothelioma disease;

(B) closely associated with Department of Veterans Affairs medical centers, in order to provide research benefits and care to veterans who have suffered excessively from mesothelioma;

(C) engaged in exemplary laboratory and clinical mesothelioma research, including clinical trials, to provide mechanisms for effective therapeutic treatments, as well as detection and prevention, particularly in areas of palliation of disease symptoms and pain management;

(D) participants in the National Mesothelioma Registry and Tissue Bank under subsection (c) and the annual International Mesothelioma Symposium under subsection (d)(2)(E);

(E) with respect to research and treatment efforts, coordinated with other centers and institutions involved in exemplary mesothelioma research and treatment;

(F) able to facilitate transportation and lodging for mesothelioma patients, so as to enable patients to participate in the newest developing treatment protocols, and to enable the centers to recruit patients in numbers sufficient to conduct necessary clinical trials; and

(G) nonprofit hospitals, universities, or medical or research institutions incorporated or organized in the United States.

(c) MESOTHELIOMA REGISTRY AND TISSUE BANK.—

(1) ESTABLISHMENT.—The Administrator shall make available $1,000,000 from the Fund, and the Director of the National Institutes of Health shall make available $1,000,000 from amounts available to the Director, for each of fiscal years 2006 through 2015 for the establishment, maintenance, and operation of a National Mesothelioma Registry to collect data regarding symptoms, pathology, evaluation, treatment, outcomes, and quality of life and a Tissue Bank to include the pre- and post-treatment blood (serum and blood cells) specimens as well as tissue specimens from biopsies and surgery. Not less than $500,000 of the amount made available under the preceding sentence in each fiscal year shall be allocated for the collection and maintenance of tissue specimens.

(2) REQUIREMENTS.—The Director of the National Institutes of Health, with the advice and consent of the Medical Advisory Committee, shall conduct a competitive peer review process to select a site to administer the Registry and Tissue Bank described in paragraph (1). The Director shall ensure that the site selected under this paragraph—

(A) is available to all mesothelioma patients and qualifying physicians throughout the United States;

(B) is subject to all applicable medical and patient privacy laws and regulations;

(C) is carrying out activities to ensure that data is accessible via the Internet; and

(D) provides data and tissue samples to qualifying researchers and physicians who apply for such data in order to further the understanding, prevention, screening, diagnosis, or treatment of malignant mesothelioma.

(d) CENTER FOR MESOTHELIOMA EDUCATION.—

(1) ESTABLISHMENT.—The Administrator shall make available $1,000,000 from the Fund, and the Director of the National Institutes of Health shall make available $1,000,000 from amounts available to the Director, for each of fiscal years 2006 through 2015 for the establishment, with the advice and consent of the Medical Advisory Committee, of a Center for Mesothelioma Education (referred to in this section as the "Center") to—

(A) promote mesothelioma awareness and education;

(B) assist mesothelioma patients and their family members in obtaining necessary information; and

(C) work with the centers established under subsection (b) in advancing mesothelioma research.

(2) ACTIVITIES.—The Center shall—

(A) educate the public about the new initiatives contained in this section through a National Mesothelioma Awareness Campaign;

(B) develop and maintain a Mesothelioma Educational Resource Center (referred to in this section as the "MERCI"), that is accessible via the Internet, to provide mesothelioma patients, family members, and front-line physicians with comprehensive, current information on mesothelioma and its treatment, as well as on the existence of, and general claim procedures for the Asbestos Injury Claims Resolution Fund;

(C) through the MERCI and otherwise, educate mesothelioma patients, family members, and front-line physicians about, and encourage such individuals to participate in, the centers established under subsection (b), the Registry and the Tissue Bank;

(D) complement the research efforts of the centers established under subsection (b) by awarding competitive, peer-reviewed grants for the training of clinical specialist fellows in mesothelioma, and for highly innovative, experimental or pre-clinical research; and

(E) conduct an annual International Mesothelioma Symposium.

(3) REQUIREMENTS.—The Center shall—

(A) be a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986;

(B) be a separate entity from and not an affiliate of any hospital, university, or medical or research institution; and

(C) demonstrate a history of program spending that is devoted specifically to the mission of extending the survival of current and future mesothelioma patients, including a history of soliciting, peer reviewing through a competitive process, and funding research grant applications relating to the detection, prevention, treatment, and cure of mesothelioma.

(4) CONTRACTS FOR OVERSIGHT.—The Director of the National Institutes of Health may enter into contracts with the Center for the selection and oversight of the centers established under subsection (b), or selection of the director of the Registry and the Tissue Bank under subsection (c) and oversight of the Registry and the Tissue Bank.

(e) REPORT AND RECOMMENDATIONS.—Not later than September 30, 2015, The Director of the National Institutes of Health shall, after opportunity for public comment and review, publish and provide to Congress a report and recommendations on the results achieved and information gained through the Program, including—

(1) information on the status of mesothelioma as a national health issue, including—

(A) annual United States incidence and death rate information and whether such rates are increasing or decreasing;

(B) the average prognosis; and

(C) the effectiveness of treatments and means of prevention;

(2) promising advances in mesothelioma treatment and research which could be further developed if the Program is reauthorized; and

(3) a summary of advances in mesothelioma treatment made in the 10-year period prior to the report and whether those advances would justify continuation of the Program and whether it should be reauthorized for an additional 10 years.

(f) SEVERABILITY.—If any provision of this Act, or amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act (including this section), the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

(g) REGULATIONS.—The Director of the National Institutes of Health shall promulgate regulations to provide for the implementation of this section.

TITLE III—JUDICIAL REVIEW

SEC. 301. JUDICIAL REVIEW OF RULES AND REGULATIONS.

(a) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over any action to review rules or regulations promulgated by the Administrator or the Asbestos Insurers Commission under this Act.

(b) Period for Filing Petition.—A petition for review under this section shall be filed not later than 60 days after the date notice of such promulgation appears in the Federal Register.

(c) Expedited Procedures.—The United States Court of Appeals for the District of Columbia shall provide for expedited procedures for reviews under this section.

SEC. 302. JUDICIAL REVIEW OF AWARD DECISIONS.

(a) In General.—Any claimant adversely affected or aggrieved by a final decision of the Administrator awarding or denying compensation under title I may petition for judicial review of such decision. Any petition for review under this section shall be filed within 90 days of the issuance of a final decision of the Administrator.

(b) Exclusive Jurisdiction.—A petition for review may only be filed in the United States Court of Appeals for the circuit in which the claimant resides at the time of the issuance of the final order.

(c) Standard of Review.—The court shall uphold the decision of the Administrator unless the court determines, upon review of the record as a whole, that the decision is not supported by substantial evidence, is contrary to law, or is not in accordance with procedure required by law.

(d) Expedited Procedures.—The United States Court of Appeals shall provide for expedited procedures for reviews under this section.

SEC. 303. JUDICIAL REVIEW OF PARTICIPANTS' ASSESSMENTS.

(a) Exclusive Jurisdiction.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over any action to review a final determination by the Administrator or the Asbestos Insurers Commission regarding the liability of any person to make a payment to the Fund, including a notice of applicable subtier assignment under section 204(j), a notice of financial hardship or inequity determination under section 204(e), a notice of a distributor's adjustment under section 204(n), and a notice of insurer participant obligation under section 212(b).

(b) Period for Filing Action.—A petition for review under subsection (a) shall be filed not later than 60 days after a final determination by the Administrator or the Commission giving rise to the action. Any defendant participant who receives a notice of its applicable subtier under section 204(j), a notice of financial hardship or inequity determination under section 204(e), or a notice of a distributor's adjustment under section 204(n), shall commence any action within 30 days after a decision on rehearing under section 204(j)(10), and any insurer participant who receives a notice of a payment obligation under section 212(b) shall commence any action within 30 days after receiving such notice. The court shall give such action expedited consideration.

SEC. 304. OTHER JUDICIAL CHALLENGES.

(a) Exclusive Jurisdiction.—The United States District Court for the District of Columbia shall have exclusive jurisdiction over any action for declaratory or injunctive relief challenging any provision of this Act. An action under this section shall be filed not later than 60 days after the date of enactment of this Act or 60 days after the final action by the Administrator or the Commission giving rise to the action, whichever is later.

(b) Direct Appeal.—A final decision in the action shall be reviewable on appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 30 days, and the filing of a jurisdictional statement within 60 days, of the entry of the final decision.

(c) Expedited Procedures.—It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

SEC. 305. STAYS, EXCLUSIVITY, AND CONSTITUTIONAL REVIEW.

(a) No Stays.—

(1) Payments.—No court may issue a stay of payment by any party into the Fund pending its final judgment.

(2) Legal challenges.—No court may issue a stay or injunction pending final judicial action, including the exhaustion of all appeals, on a legal challenge to this Act or any portion of this Act.

(b) Exclusivity of Review.—An action of the Administrator or the Asbestos Insurers Commission for which review could have been obtained under section 301, 302, or 303 shall not be subject to judicial review in any other proceeding.

(c) Constitutional Review.—

(1) In general.—The United States District Court for the District of Columbia shall have exclusive jurisdiction over any action challenging the constitutionality of any provision or application of this Act. The following rules shall apply:

(A) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened under section 2284 of title 28, United States Code.

(B) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, after the entry of the final decision.

(C) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(2) Repayment to asbestos trust and class action trust.—If the transfer of the assets of any asbestos trust of a debtor or any class action trust (or this Act as a whole) is held to be unconstitutional or otherwise unlawful, the Fund shall transfer the remaining balance of such assets (determined under section 405(f)(1)(A)(iii)) back to the appropriate asbestos trust or class action trust within 90 days after final judicial action on the legal challenge, including the exhaustion of all appeals.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 402. EFFECT ON BANKRUPTCY LAWS.

(a) No Automatic Stay.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking "or" at the end;

(2) in paragraph (18), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (18) the following:

"(19) under subsection (a) of this section of the enforcement of any payment obligations under section 204 of the Fairness in Asbestos Injury Resolution Act of 2006, against a debtor, or the property of the estate of a debtor, that is a participant (as that term is defined in section 3 of that Act).".

(b) Assumption of Executory Contract.—Section 365 of title 11, United States Code, is amended by adding at the end the following:

"(p) If a debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006), the trustee shall be deemed to have assumed all executory contracts entered into by the participant under section 204 of that Act. The trustee may not reject any such executory contract.".

(c) Allowed Administrative Expenses.—Section 503 of title 11, United States Code, is amended by adding at the end the following:

"(c)(1) Claims or expenses of the United States, the Attorney General, or the Administrator (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006) based upon the asbestos payment obligations of a debtor that is a Participant (as that term is defined in section 3 of that Act), shall be paid as an allowed administrative expense. The debtor shall not be entitled to either notice or a hearing with respect to such claims.

"(2) For purposes of paragraph (1), the term 'asbestos payment obligation' means any payment obligation under title II of the Fairness in Asbestos Injury Resolution Act of 2006.".

(d) No Discharge.—Section 523 of title 11, United States Code, is amended by adding at the end the following:

"(f) A discharge under section 727, 1141, 1228, or 1328 of this title does not discharge any debtor that is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006) of the debtor's payment obligations assessed against the participant under title II of that Act.".

(e) Payment.—Section 524 of title 11, United States Code, is amended by adding at the end the following:

"(i) Participant Debtors.—

"(1) In general.—Paragraphs (2) and (3) shall apply to a debtor who—

"(A) is a participant that has made prior asbestos expenditures (as such terms are defined in the Fairness in Asbestos Injury Resolution Act of 2006); and

"(B) is subject to a case under this title that is pending—

"(i) on the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006; or

"(ii) at any time during the 1-year period preceding the date of enactment of that Act.

"(2) Tier i debtors.—A debtor that has been assigned to Tier I under section 202 of the Fairness in Asbestos Injury Resolution Act of 2006, shall make payments in accordance with sections 202 and 203 of that Act.

"(3) Treatment of payment obligations.—All payment obligations of a debtor under sections 202 and 203 of the Fairness in Asbestos Injury Resolution Act of 2006 shall—

"(A) constitute costs and expenses of administration of a case under section 503 of this title;

"(B) notwithstanding any case pending under this title, be payable in accordance with section 202 of that Act;

"(C) not be stayed;

"(D) not be affected as to enforcement or collection by any stay or injunction of any court; and

"(E) not be impaired or discharged in any current or future case under this title.".

(f) Treatment of Trusts.—Section 524 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(j) Asbestos Trusts.—

"(1) In general.—A trust shall assign a portion of the corpus of the trust to the Asbestos Injury Claims Resolution Fund (referred to in this subsection as the 'Fund') as established under the Fairness in Asbestos Injury Resolution Act of 2006 if the trust qualifies as a ‘trust’ under section 201 of that Act.

“(2) TRANSFER OF TRUST ASSETS.—

“(A) IN GENERAL.—

“(i) Except as provided under clause (ii) of this subparagraph and subparagraphs (B), (C), and (E), the assets in any trust established to provide compensation for asbestos claims (as defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006) shall be transferred to the Fund not later than 90 days after the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006 or 30 days following funding of a trust established under a reorganization plan subject to section 202(c) of that Act. Except as provided under subparagraph (B), the Administrator of the Fund shall accept such assets and utilize them for any purposes of the Fund under section 221 of such Act, including the payment of claims for awards under such Act to beneficiaries of the trust from which the assets were transferred.

“(ii) Notwithstanding clause (i), and except as provided under subparagraphs (B), (C), and (E), any trust established to provide compensation for asbestos claims (as defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006), other than a trust established under a reorganization plan subject to section 202(c) of that Act, shall transfer the assets in such trust to the Fund as follows:

“(I) In the case of a trust established on or before December 31, 2005, such trust shall transfer 90 percent of the assets in such trust to the Fund not later than 90 days after the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006.

“(II) In the case of a trust established after December 31, 2005, such trust shall transfer 88 percent of the assets in such trust to the Fund not later than 90 days after the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006.

“(iii) Not later than 90 days after the date on which the Administrator of the Office of Asbestos Disease Compensation (referred to in this section as the ‘Administrator’) certifies in accordance with section 106(f)(3)(E)(ii) of the Fairness in Asbestos Injury Resolution Act of 2006 that the Fund is fully operational and paying all valid asbestos claims at a reasonable rate, any trust transferring assets under clause (ii) shall transfer all remaining assets in such trust to the Fund. The transfer required by this clause shall not include any trust assets needed to pay—

“(I) previously incurred expenses; or

“(II) claims determined to be eligible for compensation under clause (vi).

“(iv) Except as provided under subparagraph (B), the Administrator of the Fund shall accept any assets transferred under clauses (ii) or (iii) and utilize them for any purposes for the Fund under section 221 of the Fairness in Asbestos Injury Resolution Act of 2006, including the payment of claims for awards under such Act to beneficiaries of the trust from which the assets were transferred.

“(v) Notwithstanding any other provision of Federal or State law, no liability of any kind may be imposed on a trustee of a trust for transferring assets to the Fund in accordance with clause (i).

“(vi) Any trust transferring assets under clause (ii) shall be subject to the following requirements:

“(I) The trust may continue to process asbestos claims, make eligibility determinations, and pay claims in a manner consistent with this clause if a claimant—

“(aa) has a pending asbestos claim as of the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006;

“(bb) provides to the trust a copy of a binding election submitted to Administrator waiving the right to secure compensation under section 106(f)(2) of the Fairness in Asbestos Injury Resolution Act of 2006, unless the claimant is permitted under section 106(f)(2)(B) of such Act to seek a judgment or order for monetary damages from a Federal or State court;

“(cc) meets the requirements for compensation under the distribution plan for the trust as of the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006;

“(dd) for any non-malignant condition satisfies the medical criteria under the distribution plan for the trust that is most nearly equivalent to the medical criteria described in section 121(d)(2) of the Fairness in Asbestos Injury Resolution Act of 2006, except that, notwithstanding any provision of the distribution plan of the trust to the contrary, the trust shall not accept the results of a DLCO test (as such test is defined in section 121(a) of the Fairness in Asbestos Injury Resolution Act of 2006) for the purpose of demonstrating respiratory impairment; and

“(ee) for any of the cancers listed in section 121(d)(6) of the Fairness in Asbestos Injury Resolution Act of 2006 does not seek, and the trust does not pay, any compensation until such time as the Institute of Medicine finds that there is a causal relationship between asbestos exposure and such cancer, in which case such claims may be paid if such claims otherwise qualify for compensation under the distribution plan of the trust as of the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006.

“(II) The trust shall not accept medical evidence from any physician, medical facility, or laboratory whose evidence would be not be accepted as evidence—

“(aa) under the Manville Trust as of the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006; or

“(bb) by the Administrator under section 115(a)(2) of such Act.

“(III) The trust shall not amend its scheduled payment amount or payment percentage as in effect on the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006.

“(IV) The trust shall not amend its eligibility criteria after the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006, except to conform any criteria in any category under the distribution plan of the trust with related criteria in a related category under section 121 of the Fairness in Asbestos Injury Resolution Act of 2006.

“(V) The trust shall notify the Administrator of the Fund of any claim determined to be eligible for compensation after the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006, and the amount of any such compensation awarded to the claimant of such claim. The notification required by this subclause shall be made in such form as the Administrator shall require, and not later than 15 days after the date the determination is made.

“(VI) The trust shall not pay any claim without a certification by a claimant, subject to the penalties described in the Fairness in Asbestos Injury Resolution Act of 2006, stating the amount of collateral source compensation that such claimant has received, or is entitled to receive, under section 134 of the Fairness in Asbestos Injury Resolution Act of 2006. In the event that collateral source compensation exceeds the amount that a claimant would be paid in the category under that Act that is most nearly similar to the claimant's claim under the distribution plan of the trust, the aggregate value of the awards received by the claimant shall be reduced pro rata so that the claimant's total compensation does not exceed what would be paid for such a condition under the Fairness in Asbestos Injury Resolution Act of 2006, excluding any adjustments under section 131(b)(3) and (4) of that Act.

“(VII) Upon finding that the trust has breached any condition or conditions of this clause, the Administrator shall require the immediate payment of remaining trust assets into the Fund in accordance with section 402(f) of the Fairness in Asbestos Injury Resolution Act of 2006. The Administrator shall be entitled to an injunction against further payments of nonliquidated claims from the assets of the trust during the pendency of any dispute regarding the findings of noncompliance by the Administrator. The court in which any action to enforce the obligations of the trust is pending shall afford the action expedited consideration.

“(B) AUTHORITY TO REFUSE ASSETS.—The Administrator of the Fund may refuse to accept any asset that the Administrator determines may create liability for the Fund in excess of the value of the asset.

“(C) ALLOCATION OF TRUST ASSETS.—If a trust under subparagraph (A) has beneficiaries with claims that are not asbestos claims, the assets transferred to the Fund under subparagraph (A) shall not include assets allocable to such beneficiaries. The trustees of any such trust shall determine the amount of such trust assets to be reserved for the continuing operation of the trust in processing and paying claims that are not asbestos claims. The trustees shall demonstrate to the satisfaction of the Administrator, or by clear and convincing evidence in a proceeding brought before the United States District Court for the District of Columbia in accordance with paragraph (4), that the amount reserved is properly allocable to claims other than asbestos claims.

“(D) SALE OF FUND ASSETS.—The investment requirements under section 222 of the Fairness in Asbestos Injury Resolution Act of 2006 shall not be construed to require the Administrator of the Fund to sell assets transferred to the Fund under subparagraph (A).

“(E) LIQUIDATED CLAIMS.—Except as specifically provided in this subparagraph, all asbestos claims against a trust are superseded and preempted as of the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006, and a trust shall not make any payment relating to asbestos claims after that date. If, in the ordinary course and the normal and usual administration of the trust consistent with past practices, a trust had before the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006, made all determinations necessary to entitle an individual claimant to a noncontingent cash payment from the trust, the trust shall (i) make any lump-sum cash payment due to that claimant, and (ii) make or provide for all remaining noncontingent payments on any award being paid or scheduled to be paid on an installment basis, in each case only to the same extent that the trust would have made such cash payments in the ordinary course and consistent with past practices before enactment of that Act. A trust shall not make any payment in respect of any alleged contingent right to recover any greater amount than the trust had already paid, or had completed all determinations necessary to pay, to a claimant in cash in accordance with its ordinary distribution procedures in effect as of June 1, 2003.

"(3) INJUNCTION.—

"(A) IN GENERAL.—Any injunction issued as part of the formation of a trust described in paragraph (1) shall remain in full force and effect. No court, Federal or State, may enjoin the transfer of assets by a trust to the Fund in accordance with this subsection pending resolution of any litigation challenging such transfer or the validity of this subsection or of any provision of the Fairness in Asbestos Injury Resolution Act of 2006, and an interlocutory order denying such relief shall not be subject to immediate appeal under section 1291(a) of title 28.

"(B) AVAILABILITY OF FUND ASSETS.—Notwithstanding any other provision of law, once such a transfer has been made, the assets of the Fund shall be available to satisfy any final judgment entered in such an action and such transfer shall no longer be subject to any appeal or review—

"(i) declaring that the transfer effected a taking of a right or property for which an individual is constitutionally entitled to just compensation; or

"(ii) requiring the transfer back to a trust of any or all assets transferred by that trust to the Fund.

"(4) JURISDICTION.—Solely for purposes of implementing this subsection, personal jurisdiction over every covered trust, the trustees thereof, and any other necessary party, and exclusive subject matter jurisdiction over every question arising out of or related to this subsection, shall be vested in the United States District Court for the District of Columbia. Notwithstanding any other provision of law, including section 1127 of this title, that court may make any order necessary and appropriate to facilitate prompt compliance with this subsection, including assuming jurisdiction over and modifying, to the extent necessary, any applicable confirmation order or other order with continuing and prospective application to a covered trust. The court may also resolve any related challenge to the constitutionality of this subsection or of its application to any trust, trustee, or individual claimant. The Administrator of the Fund may bring an action seeking such an order or modification, under the standards of rule 60(b) of the Federal Rules of Civil Procedure or otherwise, and shall be entitled to intervene as of right in any action brought by any other party seeking interpretation, application, or invalidation of this subsection. Any order denying relief that would facilitate prompt compliance with the transfer provisions of this subsection shall be subject to immediate appeal under section 304 of the Fairness in Asbestos Injury Resolution Act of 2006.

(g) NO AVOIDANCE OF TRANSFER.—Section 546 of title 11, United States Code, is amended by adding at the end the following:

"(h) Notwithstanding the rights and powers of a trustee under sections 544, 545, 547, 548, 549, and 550 of this title, if a debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006), the trustee may not avoid a transfer made by the debtor under its payment obligations under section 202 or 203 of that Act.".

(h) CONFIRMATION OF PLAN.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

"(14) If the debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006), the plan provides for the continuation after its effective date of payment of all payment obligations under title II of that Act.".

(i) EFFECT ON INSURANCE RECEIVERSHIP PROCEEDINGS.—

(1) LIEN.—In an insurance receivership proceeding involving a direct insurer, reinsurer or runoff participant, there shall be a lien in favor of the Fund for the amount of any assessment and any such lien shall be given priority over all other claims against the participant in receivership, except for the expenses of administration of the receivership and the perfected claims of the secured creditors. Any State law that provides for priorities inconsistent with this provision is preempted by this Act.

(2) PAYMENT OF ASSESSMENT.—Payment of any assessment required by this Act shall not be subject to any automatic or judicially entered stay in any insurance receivership proceeding. This Act shall preempt any State law requiring that payments by a direct insurer, reinsurer or runoff participant in an insurance receivership proceeding be approved by a court, receiver or other person. Payments of assessments by any direct insurer or reinsurer participant under this Act shall not be subject to the avoidance powers of a receiver or a court in or relating to an insurance receivership proceeding.

(j) STANDING IN BANKRUPTCY PROCEEDINGS.—The Administrator shall have standing in any bankruptcy case involving a debtor participant. No bankruptcy court may require the Administrator to return property seized to satisfy obligations to the Fund.

SEC. 403. EFFECT ON OTHER LAWS AND EXISTING CLAIMS.

(a) EFFECT ON FEDERAL AND STATE LAW.—The provisions of this Act shall supersede any Federal or State law insofar as such law may relate to any asbestos claim, including any claim described under subsection (e)(2).

(b) EFFECT ON SILICA CLAIMS.—

(1) IN GENERAL.—

(A) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to preempt, bar, or otherwise preclude any personal injury claim attributable to exposure to silica as to which the plaintiff—

(i) pleads with particularity and establishes by a preponderance of evidence either that—

(I) no claim has been asserted or filed by or with respect to the exposed person in any forum for any asbestos-related condition and the exposed person (or another claiming on behalf of or through the exposed person) is not eligible for any monetary award under this Act; or

(II)(aa) the exposed person suffers or has suffered a functional impairment that was caused by exposure to silica; and

(bb) asbestos exposure was not a substantial contributing factor to such functional impairment; and

(ii) satisfies the requirements of paragraph (2).

(B) PREEMPTION.—Claims attributable to exposure to silica that fail to meet the requirements of subparagraph (A) shall be preempted by this Act.

(2) REQUIRED EVIDENCE.—

(A) IN GENERAL.—In any claim to which paragraph (1) applies, the initial pleading (or, for claims pending on the date of enactment of this Act, an amended pleading to be filed within 60 days after such date, but not later than 60 days before trial, shall plead with particularity the elements of subparagraph (A)(i)(I) or (II) and shall be accompanied by the information described under subparagraph (B)(i) through (iv).

(B) PLEADINGS.—If the claim pleads the elements of paragraph (1)(A)(i)(II) and by the information described under clauses (i) through (iv) of this subparagraph if the claim pleads the elements of paragraph (1)(A)(i)(I)—

(i) admissible evidence, including at a minimum, a B-reader's report, the underlying x-ray film and such other evidence showing that the claim may be maintained and is not preempted under paragraph (1);

(ii) notice of any previous lawsuit or claim for benefits in which the exposed person, or another claiming on behalf of or through the injured person, asserted an injury or disability based wholly or in part on exposure to asbestos;

(iii) if known by the plaintiff after reasonable inquiry by the plaintiff or his representative, the history of the exposed person's exposure, if any, to asbestos; and

(iv) copies of all medical and laboratory reports pertaining to the exposed person that refer to asbestos or asbestos exposure.

(3) STATUTE OF LIMITATIONS.—In general, the statute of limitations for a silica claim shall be governed by applicable State law, except that in any case under this subsection, the statute of limitations shall only start to run when the plaintiff becomes impaired.

(c) SUPERSEDING PROVISIONS.—

(1) IN GENERAL.—Except as provided under paragraph (3) and section 106(f), any agreement, understanding, or undertaking by any person or affiliated group with respect to the treatment of any asbestos claim, including a claim described under subsection (e)(2), that requires future performance by any party, insurer of such party, settlement administrator, or escrow agent shall be superseded in its entirety by this Act.

(2) NO FORCE OR EFFECT.—Except as provided under paragraph (3), any such agreement, understanding, or undertaking by any such person or affiliated group shall be of no force or effect, and no person shall have any rights or claims with respect to any such agreement, understanding, or undertaking.

(3) EXCEPTION.—

(A) IN GENERAL.—Except as provided in section 202(f), nothing in this Act shall abrogate a binding and legally enforceable written settlement agreement between any defendant participant or its insurer and a specific named plaintiff with respect to the settlement of an asbestos claim of the plaintiff if—

(i) before the date of enactment of this Act, the settlement agreement was executed by—

(I) the authorized legal representative acting on behalf of the settling defendant or insurer, the settling defendant or the settling insurer; and

(II)(aa) the specific individual plaintiff, or the individual's immediate relatives; or

(bb) an authorized legal representative acting on behalf of the plaintiff where the plaintiff is incapacitated and the settlement agreement is signed by that authorized legal representative;

(ii) the settlement agreement contains an express obligation by the settling defendant or settling insurer to make a future direct monetary payment or payments in a fixed amount or amounts to the individual plaintiff; and

(iii) within 30 days after the date of enactment of this Act, or such shorter time period specified in the settlement agreement, the plaintiff has fulfilled all conditions to payment under the settlement agreement.

(B) BANKRUPTCY-RELATED AGREEMENTS.—The exception set forth in this paragraph shall not apply to any bankruptcy-related agreement.

(C) COLLATERAL SOURCE.—Any settlement payment under this section is a collateral source if the plaintiff seeks recovery from the Fund.

(D) ABROGATION.—Nothing in subparagraph (A) shall abrogate a settlement agreement otherwise satisfying the requirements of that subparagraph if such settlement agreement expressly anticipates the enactment of this Act and provides for the effects of this Act.

(E) HEALTH CARE INSURANCE OR EXPENSES SETTLEMENTS.—Nothing in this Act shall abrogate or terminate an otherwise fully enforceable settlement agreement which was executed before the date of enactment of this Act directly by the settling defendant or the settling insurer and a specific named plaintiff to pay the health care insurance or health care expenses of the plaintiff.

(d) EXCLUSIVE REMEDY.—

(1) IN GENERAL.—Except as provided under section 524(j)(3) of title 11, United States Code, as amended by this Act, the remedies provided under this Act shall be the exclusive remedy for any asbestos claim, including any claim described in subsection (e)(2), under any Federal or State law.

(e) BAR ON ASBESTOS CLAIMS.—

(1) IN GENERAL.—No asbestos claim (including any claim described in paragraph (2)) may be pursued, and no pending asbestos claim may be maintained, in any Federal or State court, except as provided under section 524(j)(3) of title 11, United States Code, as amended by this Act.

(2) CERTAIN SPECIFIED CLAIMS.—

(A) IN GENERAL.—Subject to section 404 (d) and (e)(3) of this Act, no claim may be brought or pursued in any Federal or State court or insurance receivership proceeding—

(i) relating to any default, confessed or stipulated judgment on an asbestos claim if the judgment debtor expressly agreed, in writing or otherwise, not to contest the entry of judgment against it and the plaintiff expressly agreed, in writing or otherwise, to seek satisfaction of the judgment only against insurers or in bankruptcy;

(ii) relating to the defense, investigation, handling, litigation, settlement, or payment of any asbestos claim by any participant, including claims for bad faith or unfair or deceptive claims handling or breach of any duties of good faith; or

(iii) arising out of or relating to the asbestos-related injury of any individual and—

(I) asserting any conspiracy, concert of action, aiding or abetting, act, conduct, statement, misstatement, undertaking, publication, omission, or failure to detect, speak, disclose, publish, or warn relating to the presence or health effects of asbestos or the use, sale, distribution, manufacture, production, development, inspection, advertising, marketing, or installation of asbestos; or

(II) asserting any conspiracy, act, conduct, statement, omission, or failure to detect, disclose, or warn relating to the presence or health effects of asbestos or the use, sale, distribution, manufacture, production, development, inspection, advertising, marketing, or installation of asbestos, asserted as or in a direct action against an insurer or reinsurer based upon any theory, statutory, contract, tort, or otherwise; or

(iv) by any third party, and premised on any theory, allegation, or cause of action, for reimbursement of healthcare costs allegedly associated with the use of or exposure to asbestos, whether such claim is asserted directly, indirectly or derivatively.

(B) EXCEPTIONS.—Subparagraph (A) (ii) and (iii) shall not apply to claims against participants by persons—

(i) with whom the participant is in privity of contract;

(ii) who have received an assignment of insurance rights not otherwise voided by this Act; or

(iii) who are beneficiaries covered by the express terms of a contract with that participant.

(3) PREEMPTION.—Any action asserting an asbestos claim (including a claim described in paragraph (2)) in any Federal or State court is preempted by this Act.

(4) DISMISSAL.—No judgment other than a judgment of dismissal may be entered in any such action, including an action pending on appeal, or on petition or motion for discretionary review, on or after the date of enactment of this Act. A court may dismiss any such action on its motion. If the court denies the motion to dismiss, it shall stay further proceedings until final disposition of any appeal taken under this Act.

(5) REMOVAL.—

(A) IN GENERAL.—If an action in any State court under paragraph (3) is preempted, barred, or otherwise precluded under this Act, and not dismissed, or if an order entered after the date of enactment of this Act purporting to enter judgment or deny review is not rescinded and replaced with an order of dismissal within 30 days after the filing of a motion by any party to the action advising the court of the provisions of this Act, any party may remove the case to the district court of the United States for the district in which such action is pending.

(B) TIME LIMITS.—For actions originally filed after the date of enactment of this Act, the notice of removal shall be filed within the time limits specified in section 1441(b) of title 28, United States Code.

(C) PROCEDURES.—The procedures for removal and proceedings after removal shall be in accordance with sections 1446 through 1450 of title 28, United States Code, except as may be necessary to accommodate removal of any actions pending (including on appeal) on the date of enactment of this Act.

(D) REVIEW OF REMAND ORDERS.—

(i) IN GENERAL.—Section 1447 of title 28, United States Code, shall apply to any removal of a case under this section, except that notwithstanding subsection (d) of that section, a court of appeals may accept an appeal from an order of a district court granting or denying a motion to remand an action to the State court from which it was removed if application is made to the court of appeals not less than 30 days after entry of the order.

(ii) TIME PERIOD FOR JUDGMENT.—If the court of appeals accepts an appeal under clause (i), the court shall complete all action on such appeal, including rendering judgment, not later than 180 days after the date on which such appeal was filed, unless an extension is granted under clause (iii).

(iii) EXTENSION OF TIME PERIOD.—The court of appeals may grant an extension of the 180-day period described in clause (ii) if—

(I) all parties to the proceeding agree to such extension, for any period of time; or

(II) such extension is for good cause shown and in the interests of justice, for a period not to exceed 30 days.

(iv) DENIAL OF APPEAL.—If a final judgment on the appeal under clause (i) is not issued before the end of the period described in clause (ii), including any extension under clause (iii), the appeal shall be denied.

(E) JURISDICTION.—The jurisdiction of the district court shall be limited to—

(i) determining whether removal was proper; and

(ii) determining, based on the evidentiary record, whether the claim presented is preempted, barred, or otherwise precluded under this Act.

(6) CREDITS.—

(A) IN GENERAL.—If, notwithstanding the express intent of Congress stated in this section, any court finally determines for any reason that an asbestos claim is not barred under this subsection and is not subject to the exclusive remedy or preemption provisions of this section, then any participant required to satisfy a final judgment executed with respect to any such claim may elect to receive a credit against any assessment owed to the Fund equal to the amount of the payment made with respect to such executed judgment.

(B) REQUIREMENTS.—The Administrator shall require participants seeking credit under this paragraph to demonstrate that the participant—

(i) timely pursued all available remedies, including remedies available under this paragraph to obtain dismissal of the claim; and

(ii) notified the Administrator at least 20 days before the expiration of any period within which to appeal the denial of a motion to dismiss based on this section.

(C) INFORMATION.—The Administrator may require a participant seeking credit under this paragraph to furnish such further information as is necessary and appropriate to establish eligibility for, and the amount of, the credit.

(D) INTERVENTION.—The Administrator may intervene in any action in which a credit may be due under this paragraph.

SEC. 404. EFFECT ON INSURANCE AND REINSURANCE CONTRACTS.

(a) EROSION OF INSURANCE COVERAGE LIMITS.—

(1) DEFINITIONS.—In this section, the following definitions shall apply:

(A) DEEMED EROSION AMOUNT.—The term "deemed erosion amount" means the amount of erosion deemed to occur at enactment under paragraph (2).

(C) EARNED EROSION AMOUNT.—The term "earned erosion amount" means the percentage, as set forth in the following schedule, depending on the year in which the defendant participants' funding obligations end, of those amounts which, at the time of the early sunset, a defendant participant has paid to the fund and remains obligated to pay into the fund.

Year After Enactment In Which Defendant Participant's Funding Obligation Ends:	Applicable Percentage:
2	67.06
3	86.72
4	96.55
5	102.45
6	90.12
7	81.32
8	74.71
9	69.58
10	65.47
11	62.11
12	59.31
13	56.94
14	54.90
15	53.14
16	51.60

Year After Enactment In Which Defendant Participant's Funding Obligation Ends:	**Applicable Percentage:**
17	50.24
18	49.03
19	47.95
20	46.98
21	46.10
22	45.30
23	44.57
24	43.90
25	43.28
26	42.71
27	42.18
28	40.82
29	39.42

(D) REMAINING AGGREGATE PRODUCTS LIMITS.—The term "remaining aggregate products limits" means aggregate limits that apply to insurance coverage granted under the "products hazard", "completed operations hazard", or "Products—Completed Operations Liability" in any comprehensive general liability policy issued between calendar years 1940 and 1986 to cover injury which occurs in any State, as reduced by—

(i) any existing impairment of such aggregate limits as of the date of enactment of this Act; and

(ii) the resolution of claims for reimbursement or coverage of liability or paid or incurred loss for which notice was provided to the insurer before the date of enactment of this Act.

(E) SCHEDULED PAYMENT AMOUNTS.—The term "scheduled payment amounts" means the future payment obligation to the Fund under this Act from a defendant participant in the amount established under sections 203 and 204.

(F) UNEARNED EROSION AMOUNT.—The term "unearned erosion amount" means the difference between the deemed erosion amount and the earned erosion amount.

(2) QUANTUM AND TIMING OF EROSION.—

(A) EROSION UPON ENACTMENT.—The collective payment obligations to the Fund of the insurer and reinsurer participants as assessed by the Administrator shall be deemed as of the date of enactment of this Act to erode remaining aggregate products limits available to a defendant participant only in an amount of 38.1 percent of each defendant participant's scheduled payment amount.

(B) NO ASSERTION OF CLAIM.—No insurer or reinsurer may assert any claim against a defendant participant or captive insurer for insurance, reinsurance, payment of a deductible, or retrospective premium adjustment arising out of that insurer's or reinsurer's payments to the Fund or the erosion deemed to occur under this section.

(C) POLICIES WITHOUT CERTAIN LIMITS OR WITH EXCLUSION.—Except as provided under subparagraph (E), nothing in this section shall require or permit the erosion of any insurance policy or limit that does not contain an aggregate products limit, or that contains an asbestos exclusion.

(D) TREATMENT OF CONSOLIDATION ELECTION.—If an affiliated group elects consolidation as provided in section 204(g), the total erosion of limits for the affiliated group under paragraph (2)(A) shall not exceed 38.1 percent of the scheduled payment amount of the single payment obligation for the entire affiliated group. The total erosion of limits for any individual defendant participant in the affiliated group shall not exceed its individual share of 38.1 percent of the affiliated group's scheduled payment amount, as measured by the individual defendant participant's percentage share of the affiliated group's prior asbestos expenditures.

(E) RULE OF CONSTRUCTION.—Notwithstanding any other provision of this section, nothing in this Act shall be deemed to erode remaining aggregate products limits of a defendant participant that can demonstrate by a preponderance of the evidence that 75 percent of its prior asbestos expenditures were made in defense or satisfaction of asbestos claims alleging bodily injury arising exclusively from the exposure to asbestos at premises owned, rented, or controlled by the defendant participant (a "premises defendant"). In calculating such percentage, where expenditures were made in defense or satisfaction of asbestos claims alleging bodily injury due to exposure to the defendant participant's products and to asbestos at premises owned, rented, or controlled by the defendant participant, half of such expenditures shall be deemed to be for such premises exposures. If a defendant participant establishes itself as a premises defendant, 75 percent of the payments by such defendant participant shall erode coverage limits, if any, applicable to premises liabilities under applicable law.

(3) METHOD OF EROSION.—

(A) ALLOCATION.—The amount of erosion allocated to each defendant participant shall be allocated among periods in which policies with remaining aggregate product limits are available to that defendant participant pro rata by policy period, in ascending order by attachment point.

(B) OTHER EROSION METHODS.—

(i) IN GENERAL.—Notwithstanding subparagraph (A), the method of erosion of any remaining aggregate products limits which are subject to—

(I) a coverage-in-place or settlement agreement between a defendant participant and 1 or more insurance participants as of the date of enactment; or

(II) a final and nonappealable judgment as of the date of enactment or resulting from a claim for coverage or reimbursement pending as of such date, shall be as specified in such agreement or judgment with regard to erosion applicable to such insurance participants' policies.

(ii) REMAINING LIMITS.—To the extent that a final nonappealable judgment or settlement agreement to which an insurer participant and a defendant participant are parties in effect as of the date of enactment of this Act extinguished a defendant participant's right to seek coverage for asbestos claims under an insurer participant's policies, any remaining limits in such policies shall not be considered to be remaining aggregate products limits under subsection (a)(1)(A).

(5) PAYMENTS BY DEFENDANT PARTICIPANT.—Payments made by a defendant participant shall be deemed to erode, exhaust, or otherwise satisfy applicable self-insured retentions, deductibles, retrospectively rated premiums, and limits issued by nonparticipating insolvent or captive insurance companies. Reduction of remaining aggregate limits under this subsection shall not limit the right of a defendant participant to collect from any insurer not a participant.

(6) EFFECT ON OTHER INSURANCE CLAIMS.—Other than as specified in this subsection, this Act does not alter, change, modify, or affect insurance for claims other than asbestos claims.

(b) DISPUTE RESOLUTION PROCEDURE.—

(1) ARBITRATION.—The parties to a dispute regarding the erosion of insurance coverage limits under this section may agree in writing to settle such dispute by arbitration. Any such provision or agreement shall be valid, irrevocable, and enforceable, except for any grounds that exist at law or in equity for revocation of a contract.

(2) TITLE 9, UNITED STATES CODE.—Arbitration of such disputes, awards by arbitrators, and confirmation of awards shall be governed by title 9, United States Code, to the extent such title is not inconsistent with this section. In any such arbitration proceeding, the erosion principles provided for under this section shall be binding on the arbitrator, unless the parties agree to the contrary.

(3) FINAL AND BINDING AWARD.—An award by an arbitrator shall be final and binding between the parties to the arbitration, but shall have no force or effect on any other person. The parties to an arbitration may agree that in the event a policy which is the subject matter of an award is subsequently determined to be eroded in a manner different from the manner determined by the arbitration in a judgment rendered by a court of competent jurisdiction from which no appeal can or has been taken, such arbitration award may be modified by any court of competent jurisdiction upon application by any party to the arbitration. Any such modification shall govern the rights and obligations between such parties after the date of such modification.

(c) EFFECT ON NONPARTICIPANTS.—

(1) IN GENERAL.—No insurance company or reinsurance company that is not a participant, other than a captive insurer, shall be entitled to claim that payments to the Fund erode, exhaust, or otherwise limit the nonparticipant's insurance or reinsurance obligations.

(2) OTHER CLAIMS.—Nothing in this Act shall preclude a participant from pursuing any claim for insurance or reinsurance from any person that is not a participant other than a captive insurer.

(d) FINITE RISK POLICIES NOT AFFECTED.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, except subject to section 212(a)(1)(D), this Act shall not alter, affect or impair any rights or obligations of—

(A) any party to an insurance contract that expressly provides coverage for governmental charges or assessments imposed to replace insurance or reinsurance liabilities in effect on the date of enactment of this Act; or

(B) subject to paragraph (2), any person with respect to any insurance purchased by a participant after December 31, 1990, that expressly (but not necessarily exclusively) provides coverage for asbestos liabilities, including those policies commonly referred to as "finite risk" policies.

(2) LIMITATION.—No person may assert that any amounts paid to the Fund in accordance with this Act are covered by any policy described under paragraph (1)(B) purchased by a defendant participant, unless such policy specifically provides coverage for required payments to a Federal trust fund established by a Federal statute to resolve asbestos injury claims.

(e) EFFECT ON CERTAIN INSURANCE AND REINSURANCE CLAIMS.—

(1) NO COVERAGE FOR FUND ASSESSMENTS.—Subject to section 212(a)(1)(D), no participant or captive insurer may pursue an insurance or reinsurance claim against another participant or captive insurer for payments to the Fund required under this Act, except under a written agreement specifically providing insurance, reinsurance, or other reimbursement for required payments to a Federal trust fund established by a Federal statute to resolve asbestos injury claims or,

where applicable, under finite risk policies under subsection (d).

(2) CERTAIN INSURANCE ASSIGNMENTS VOIDED.—Any assignment of any rights to insurance coverage for asbestos claims to any person who has asserted an asbestos claim before the date of enactment of this Act, or to any trust, person, or other entity not part of an affiliated group as defined in section 201(1) of this Act established or appointed for the purpose of paying asbestos claims which were asserted before such date of enactment, or by any Tier I defendant participant shall be null and void. This subsection shall not void or affect in any way any assignments of rights to insurance coverage other than to asbestos claimants or to trusts, persons, or other entities not part of an affiliated group as defined in section 201(1) of this Act established or appointed for the purpose of paying asbestos claims, or by Tier I defendant participants.

(3) INSURANCE CLAIMS PRESERVED.—Notwithstanding any other provision of this Act, this Act shall not alter, affect, or impair any rights or obligations of any person with respect to any insurance or reinsurance for amounts that any person pays, has paid, or becomes legally obligated to pay in respect of asbestos or other claims except to the extent that—

(A) such claims are preempted, barred, or superseded by section 403;

(B) any such rights or obligations of such person with respect to insurance or reinsurance are prohibited by paragraph (1) or (2) of subsection (e); or

(C) the limits of insurance otherwise available to such participant in respect of asbestos claims are deemed to be eroded under subsection (a).

SEC. 405. ANNUAL REPORT OF THE ADMINISTRATOR.

(a) IN GENERAL.—The Administrator shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the operation of the Asbestos Injury Claims Resolution Fund within 6 months after the close of each fiscal year.

(b) CONTENTS OF REPORT.—The annual report submitted under this subsection shall include an analysis of—

(1) the claims experience of the program during the most recent fiscal year, including—

(A) the number of claims made to the Office and a description of the types of medical diagnoses and asbestos exposures underlying those claims;

(B) the number of claims denied by the Office and a description of the types of medical diagnoses and asbestos exposures underlying those claims, and a general description of the reasons for their denial;

(C) a summary of the eligibility determinations made by the Office under section 114;

(D) a summary of the awards made from the Fund, including the amount of the awards; and

(E) for each disease level, a statement of the percentage of asbestos claimants who filed claims during the prior calendar year and were determined to be eligible to receive compensation under this Act, who have received the compensation to which such claimants are entitled according to section 131;

(2) the administrative performance of the program, including—

(A) the performance of the program in meeting the time limits prescribed by law and an analysis of the reasons for any systemic delays;

(B) any backlogs of claims that may exist and an explanation of the reasons for such backlogs;

(C) the costs to the Fund of administering the program; and

(D) any other significant factors bearing on the efficiency of the program;

(3) the financial condition of the Fund, including—

(A) statements of the Fund's revenues, expenses, assets, and liabilities;

(B) the identity of all participants, the funding allocations of each participant, and the total amounts of all payments to the Fund;

(C) a list of all financial hardship or inequity adjustments applied for during the fiscal year, and the adjustments that were made during the fiscal year;

(D) a statement of the investments of the Fund; and

(E) a statement of the borrowings of the Fund;

(4) the financial prospects of the Fund, including—

(A) an estimate of the number and types of claims, the amount of awards, and the participant payment obligations for the next fiscal year;

(B) an analysis of the financial condition of the Fund, including an estimation of the Fund's ability to pay claims for the subsequent 5 years in full and over the predicted lifetime of the program as and when required, an evaluation of the Fund's ability to retire its existing debt and assume additional debt, and an evaluation of the Fund's ability to satisfy other obligations under the program; and

(C) a report on any changes in projections made in earlier annual reports or sunset analyses regarding the Fund's ability to meet its financial obligations;

(5) a summary of any legal actions brought or penalties imposed under section 223, any referrals made to law enforcement authorities under section 408 (a) and (b), and any contributions to the Fund collected under section 408(e);

(6) any recommendations from the Advisory Committee on Asbestos Disease Compensation and the Medical Advisory Committee of the Fund to improve the diagnostic, exposure, and medical criteria so as to pay those claimants who suffer from diseases or conditions for which exposure to asbestos was a substantial contributing factor;

(7) a summary of the results of audits conducted under section 115; and

(8) a summary of prosecutions under section 1348 of title 18, United States Code (as added by this Act).

(c) CERTIFICATION.—The Administrator shall certify in the annual report required under subsection (a) whether, in the best judgment of the Administrator, the Fund will have sufficient resources for the fiscal year in which the report is issued to make all required payments—

(1) with respect to all claims determined eligible for compensation that have been filed and that the Administrator projects will be filed with the Office for the fiscal year; and

(2) to satisfy the Fund's debt repayment obligation, administrative costs, and other financial obligations.

(d) CLAIMS ANALYSIS AND VERIFICATION OF UNANTICIPATED CLAIMS.—

(1) IN GENERAL.—If the Administrator concludes, on the basis of the annual report submitted under this section, that—

(A) the average number of claims that qualify for compensation under a claim level or designation exceeds 125 percent of the number of claims expected to qualify for compensation under that claim level or designation in the most recent Congressional Budget Office estimate of asbestos-injury claims for any 3-year period, the Administrator shall conduct a review of a statistically significant sample of claims qualifying for compensation under the appropriate claim level or designation; or

(B) the average number of claims that qualify for compensation under a claim level or designation is less than 75 percent of the number of claims expected to qualify for compensation under that claim level or designation in the most recent Congressional Budget Office estimate of asbestos-injury claims for any 3-year period, the Administrator shall conduct a review of a statistically significant sample of claims deemed ineligible for compensation under the appropriate claim level or designation.

(2) DETERMINATIONS.—The Administrator shall examine the best available medical evidence and any recommendation made under subsection (b)(5) in order to determine which 1 or more of the following is true:

(A) Without a significant number of exceptions, all of the claimants who qualified for compensation under the claim level or designation suffer from an injury or disease for which exposure to asbestos was a substantial contributing factor.

(B) A significant number of claimants who qualified for compensation under the claim level or designation do not suffer from an injury or disease for which exposure to asbestos was a substantial contributing factor.

(C) A significant number of claimants who were denied compensation under the claim level of designation did suffer from an injury or disease for which exposure to asbestos was a substantial contributing factor.

(D) The Congressional Budget Office projections underestimated or overestimated the actual number of persons who suffer from an injury or disease for which exposure to asbestos was a substantial contributing factor.

(3) RECOMMENDATIONS CONCERNING CLAIMS CRITERIA.—If the Administrator determines that a significant number of the claimants who qualified for compensation under the claim level under review do not suffer from an injury or disease for which exposure to asbestos was a substantial contributing factor, or that a significant number of the claimants who were denied compensation under the claim level under review suffered from an injury or disease for which exposure to asbestos was a substantial contributing factor, the Administrator shall recommend to Congress, under subsection (f), changes to the compensation criteria in order to ensure that the Fund provides compensation for injury or disease for which exposure to asbestos was a substantial contributing factor, but does not provide compensation to claimants who do not suffer from an injury or disease for which asbestos exposure was a substantial contributing factor.

(e) RECOMMENDATIONS OF ADMINISTRATOR AND ADVISORY COMMITTEE.—

(1) REFERRAL.—If the Administrator recommends changes to this Act under subsection (d), the recommendations and accompanying analysis shall be referred to the Advisory Committee on Asbestos Disease Compensation established under section 102 (in this subsection referred to as the "Advisory Committee").

(2) ADVISORY COMMITTEE RECOMMENDATIONS.—The Advisory Committee shall hold expedited public hearings on the alternatives

and recommendations of the Administrator and make its own recommendations for reform of the program under titles I and II.

(3) Transmittal to Congress.—Not later than 90 days after receiving the recommendations of the Administrator, the Advisory Committee shall transmit the recommendations of the Administrator and the recommendations of the Advisory Committee to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(f) Shortfall Analysis.—

(1) In general.—

(A) Analysis.—If the Administrator concludes, at any time, that the Fund may not be able to pay claims as such claims become due at any time within the next 5 years and to satisfy its other obligations, the Administrator shall prepare an analysis of the reasons for the situation, an estimation of when the Fund will no longer be able to pay claims as such claims become due, a description of the range of reasonable alternatives for responding to the situation, and a recommendation as to which alternative best serves the interest of claimants and the public. The report may include a description of changes in the diagnostic, exposure, or medical criteria of section 121 that the Administrator believes may be necessary to protect the Fund. The Administrator shall submit such analysis to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives. Any recommendations made by the Administrator for changes to the program shall, in addition, be referred to the Advisory Committee on Asbestos Disease Compensation established under section 102 for review.

(B) Range of alternatives.—The range of alternatives under subparagraph (A) may include—

(ii) reform of the program set forth in titles I and II of this Act (including changes in the diagnostic, exposure, or medical criteria, changes in the enforcement or application of those criteria, enhancement of enforcement authority, changes in the timing of payments, changes in contributions by defendant participants, insurer participants (or both such participants), or changes in award values); or

(iii) any measure that the Administrator considers appropriate.

(2) Considerations.—In formulating recommendations, the Administrator shall take into account the reasons for any shortfall, actual or projected, which may include—

(A) financial factors, including return on investments, borrowing capacity, interest rates, ability to collect contributions, and other relevant factors;

(B) the operation of the Fund generally, including administration of the claims processing, the ability of the Administrator to collect contributions from participants, potential problems of fraud, the adequacy of the criteria to rule out idiopathic mesothelioma, and inadequate flexibility to extend the timing of payments;

(C) the appropriateness of the diagnostic, exposure, and medical criteria, including the adequacy of the criteria to rule out idiopathic mesothelioma;

(D) the actual incidence of asbestos-related diseases, including mesothelioma, based on epidemiological studies and other relevant data;

(E) compensation of diseases with alternative causes; and

(F) other factors that the Administrator considers relevant.

(4) Resolved claims.—For purposes of this section, a claim shall be deemed resolved when the Administrator has determined the amount of the award due the claimant, and either the claimant has waived judicial review or the time for judicial review has expired.

SEC. 406. RULES OF CONSTRUCTION RELATING TO LIABILITY OF THE UNITED STATES GOVERNMENT.

(a) Causes of Actions.—Except as otherwise specifically provided in this Act, nothing in this Act shall be construed as creating a cause of action against the United States Government, any entity established under this Act, or any officer or employee of the United States Government or such entity.

(b) Funding Liability.—Nothing in this Act shall be construed to—

(1) create any obligation of funding from the United States Government, including any borrowing authorized under section 221(b)(2); or

(2) obligate the United States Government to pay any award or part of an award, if amounts in the Fund are inadequate.

SEC. 407. RULES OF CONSTRUCTION.

(a) Libby, Montana Claimants.—Nothing in this Act shall preclude the formation of a fund for the payment of eligible medical expenses related to treating asbestos-related disease for current and former residents of Libby, Montana. The payment of any such medical expenses shall not be collateral source compensation as defined under section 134(a).

(b) Healthcare From Provider of Choice.—Nothing in this Act shall be construed to preclude any eligible claimant from receiving healthcare from the provider of their choice.

SEC. 408. VIOLATIONS OF ENVIRONMENTAL HEALTH AND SAFETY REQUIREMENTS.

(a) Asbestos in Commerce.—If the Administrator receives information concerning conduct occurring after the date of enactment of this Act that may have been a violation of standards issued by the Environmental Protection Agency under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), relating to the manufacture, importation, processing, disposal, and distribution in commerce of asbestos-containing products, the Administrator shall refer the matter in writing within 30 days after receiving that information to the Administrator of the Environmental Protection Agency and the United States attorney for possible civil or criminal penalties, including those under section 17 of the Toxic Substances Control Act (15 U.S.C. 2616), and to the appropriate State authority with jurisdiction to investigate asbestos matters.

(b) Asbestos as Air Pollutant.—If the Administrator receives information concerning conduct occurring after the date of enactment of this Act that may have been a violation of standards issued by the Environmental Protection Agency under the Clean Air Act (42 U.S.C. 7401 et seq.), relating to asbestos as a hazardous air pollutant, the Administrator shall refer the matter in writing within 30 days after receiving that information to the Administrator of the Environmental Protection Agency and the United States attorney for possible criminal and civil penalties, including those under section 113 of the Clean Air Act (42 U.S.C. 7413), and to the appropriate State authority with jurisdiction to investigate asbestos matters.

(c) Occupational Exposure.—If the Administrator receives information concerning conduct occurring after the date of enactment of this Act that may have been a violation of standards issued by the Occupational Safety and Health Administration under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), relating to occupational exposure to asbestos, the Administrator shall refer the matter in writing within 30 days after receiving that information and refer the matter to the Secretary of Labor or the appropriate State agency with authority to enforce occupational safety and health standards, for investigation for possible civil or criminal penalties under section 17 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 666).

SEC. 409. NONDISCRIMINATION OF HEALTH INSURANCE.

(a) Denial, Termination, or Alteration of Health Coverage.—No health insurer offering a health plan may deny or terminate coverage, or in any way alter the terms of coverage, of any claimant or the beneficiary of a claimant, on account of the participation of the claimant or beneficiary in a medical monitoring program under this Act, or as a result of any information discovered as a result of such medical monitoring.

(b) Definitions.—In this section:

(1) Health insurer.—The term "health insurer" means—

(A) an insurance company, healthcare service contractor, fraternal benefit organization, insurance agent, third-party administrator, insurance support organization, or other person subject to regulation under the laws related to health insurance of any State;

(B) a managed care organization; or

(C) an employee welfare benefit plan regulated under the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(2) Health plan.—The term "health plan" means—

(A) a group health plan (as such term is defined in section 607 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167)), and a multiple employer welfare arrangement (as defined in section 3(4) of such Act) that provides health insurance coverage; or

(B) any contractual arrangement for the provision of a payment for healthcare, including any health insurance arrangement or any arrangement consisting of a hospital or medical expense incurred policy or certificate, hospital or medical service plan contract, or health maintenance organizing subscriber contract.

(c) Conforming Amendments.—

(1) ERISA.—Section 702(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(a)(1)), is amended by adding at the end the following:

"(I) Participation in a medical monitoring program under the Fairness in Asbestos Injury Resolution Act of 2006.".

SA 2804. Mr. REID submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 132, between lines 7 and 8, insert the following:

(c) Reimbursement for Reasonable Medical Expenses.—In addition to the award under subsection (b), an asbestos claimant with a claim for malignant Level IX shall receive reimbursement for reasonable medical expenses recommended by a qualified physician. The Administrator shall promulgate regulations governing the reimbursement of medical expenses under this subsection.

SA 2805. Mr. REID submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure. and for other purposes; which was ordered to lie on the table; as follows:

On page 392, after line 5, insert the following:

SEC. 503. SUBSTANTIAL WEIGHTED EXPOSURE FOR EXPOSURE OCCURRING AFTER 1975.

Notwithstanding section 121(a)(16)(E), for purposes of the calculations to be made under subparagraphs (B), (C), and (D) of paragraph (16) of section 121, each year of asbestos exposure that occurred after 1975 shall be counted as ½ of its full value.

SA 2806. Mr. REID submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 392, after line 5, insert the following:

SEC. 503. EXPOSURE PRESUMPTIONS.

Notwithstanding any other provision of this Act, any asbestos exposure that is a contributing factor in causing an asbestos-related disease, condition, or illness shall meet the exposure requirements for this Act.

SA 2807. Mr. REID submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 392, after line 5, insert the following:

SEC. 503. CONTINUANCE OF MESOTHELIOMA AND TERMINAL HEALTH CLAIMS.

(a) IN GENERAL.—Notwithstanding section 106(f)(2) or any other provision of this Act, each person who has filed a mesothelioma or terminal health claim before the date of enactment of this Act may continue their mesothelioma or terminal health claim in the court where the case was pending on the date of enactment of this Act. For mesothelioma or terminal health claims filed after the date of enactment of this Act and before the Administrator certifies to Congress that the Fund is operational and paying valid claims at a reasonable rate, by claimants who do not elect to seek an offer of judgment under subparagraph (A), the pending claim is not stayed and such claimants may continue their mesothelioma or terminal health claims where the case is filed.

SA 2808. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, between lines 7 and 8, insert the following:

(e) VETERANS AND DEFENSE EMPLOYEE HEALTH CLAIMS.—

(1) IN GENERAL.—The Administrator shall develop procedures to provide for an expedited process to categorize, evaluate, and pay veterans and defense employee health claims. Such procedures shall include, pending promulgation of final regulations, adoption of interim regulations as needed for processing of veterans and defense employee health claims.

(2) ELIGIBLE VETERANS HEALTH CLAIMS.—

(A) IN GENERAL.—A claim shall qualify for treatment as a veterans and defense employee health claim if the claimant—

(i) is living;

(ii) provides a diagnosis of an asbestos-related disease or condition meeting the requirements of section 121;

(iii) contracted such asbestos-related disease or condition during the claimant's service—

(I) in the Armed Forces of the United States;

(II) as an employee of the Department of Defense; or

(III) as an employee performing official duties relating to national defense matters; and

(iv) has not received compensation from the Fund for the disease or condition for which the claim was filed.

(B) DEFINITION.—In this paragraph, the term "employee" has the same meaning as in section 2105 of title 5, United States Code.

(3) ADDITIONAL HEALTH CLAIMS.—The Administrator may, in final regulations promulgated under section 101(c), designate additional categories of claims that qualify as veterans and defense employee health claims under this subsection.

(4) CLAIMS FACILITY.—To facilitate the prompt payment of veterans and defense employee health claim, the Administrator shall contract with a claims facility, which applying the medical criteria of section 121, may enter into settlements with claimants. The processing and payment of any such claims shall be subject to regulations promulgated under this Act.

(5) AUTHORIZATION FOR CONTRACTS WITH CLAIMS FACILITIES.—The Administrator may enter into contracts with a claims facility for the processing of claims (except for exceptional medical claims) in accordance with this title.

(6) RULES OF CONSTRUCTION.—

(A) NO RIGHT UNDER VETERANS' BENEFIT PROGRAM.—Nothing in this subsection shall be construed to provide any claimant with any claim, right, or cause of action for benefits under a veterans' benefit program.

(B) COLLATERAL SOURCE COMPENSATION.—In no case shall amounts or benefits received by a claimant under this subsection be deemed as collateral source compensation under this Act.

On page 41, line 8, strike "(e)" and insert "(f)".

On page 52, line 12, strike "(f)" and insert "(g)".

On page 318, line 5, strike "(f)" and insert "(g)".

On page 321, line 14, strike "(f)" and insert "(g)".

On page 322, line 24, strike "(f)" and insert "(g)".

On page 325, line 18, strike "(f)" and insert "(g)".

SA 2809. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, between lines 7 and 8, insert the following:

(e) VETERANS AND DEFENSE EMPLOYEE HEALTH CLAIMS.—

(1) IN GENERAL.—The Administrator shall develop procedures to provide for an expedited process to categorize, evaluate, and pay veterans and defense employee health claims. Such procedures shall include, pending promulgation of final regulations, adoption of interim regulations as needed for processing of veterans and defense employee health claims.

(2) ELIGIBLE VETERANS HEALTH CLAIMS.—

(A) IN GENERAL.—A claim shall qualify for treatment as a veterans and defense employee health claim if the claimant—

(i) is living;

(ii) provides a diagnosis of an asbestos-related disease or condition meeting the requirements of section 121;

(iii) contracted such asbestos-related disease or condition during the claimant's service—

(I) in the Armed Forces of the United States;

(II) as an employee of the Department of Defense; or

(III) as an employee performing official duties relating to national defense matters; and

(iv) has not received compensation from the Fund for the disease or condition for which the claim was filed.

(B) DEFINITION.—In this paragraph, the term "employee" has the same meaning as in section 2105 of title 5, United States Code.

(3) ADDITIONAL HEALTH CLAIMS.—The Administrator may, in final regulations promulgated under section 101(c), designate additional categories of claims that qualify as veterans and defense employee health claims under this subsection.

(4) CLAIMS FACILITY.—To facilitate the prompt payment of veterans and defense employee health claim, the Administrator shall contract with a claims facility, which applying the medical criteria of section 121, may enter into settlements with claimants. The processing and payment of any such claims shall be subject to regulations promulgated under this Act.

(5) AUTHORIZATION FOR CONTRACTS WITH CLAIMS FACILITIES.—The Administrator may enter into contracts with a claims facility for the processing of claims (except for exceptional medical claims) in accordance with this title.

(6) RULES OF CONSTRUCTION.—

(A) NO RIGHT UNDER VETERANS' BENEFIT PROGRAM.—Nothing in this subsection shall be construed to provide any claimant with any claim, right, or cause of action for benefits under a veterans' benefit program.

(B) COLLATERAL SOURCE COMPENSATION.—In no case shall amounts or benefits received by a claimant under this subsection be deemed as collateral source compensation under this Act.

On page 41, line 8, strike “(e)” and insert “(f)”.

On page 52, line 12, strike “(f)” and insert “(g)”.

On page 318, line 5, strike “(f)” and insert “(g)”.

On page 321, line 14, strike “(f)” and insert “(g)”.

On page 322, line 24, strike “(f)” and insert “(g)”.

On page 325, line 18, strike “(f)” and insert “(g)”.

SA 2810. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 315, line 10, strike “personal injury claim” and insert “civil action in Federal or State court seeking damages for personal injury”.

On page 315, line 25 and page 316, line 1, strike “a functional impairment” and insert “from a disease or condition”.

On page 316, line 5, strike “functional impairment” and insert “disease or condition”.

On page 316, line 7, strike “(2) .” and insert “(2).”.

On page 316, line 18, strike “Claims” and insert “Civil actions seeking damages for personal injury”.

On page 316, line 14, strike “initial pleading” and insert “complaint”.

On page 316, line 18, strike the comma and insert a parenthesis.

On page 316, line 8, strike “plead with” and all that follows through “shall” on line 20.

On page 316, line 20, strike “the information” and all that follows through the end of page 317, line 2.

On page 317, line 4, strike “report,” and insert “report, and”.

On page 317, line 5, strike “and such other evidence”.

On page 318, between lines 2 and 3, insert the following:

(4) DUAL INJURY.—If an exposed person has both a silica disease or conditions resulting from exposure to silica and a disease or condition resulting from exposure to asbestos, any damages awarded for a claim that meets the requirements of paragraph (2)(A)—

(A) shall be limited to damages attributable to the exposed person's exposure to silica; and

(B) shall not include damages attributable to the exposed person's exposure to asbestos.

SA 2811. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 135, between lines 12 and 13, insert the following:

(c) REIMBURSEMENT FOR REASONABLE MEDICAL EXPENSES.—In addition to the award under subsection (b), an asbestos claimant with a claim for malignant Level IX shall receive reimbursement for reasonable medical expenses recommended by a qualified physician. The Administrator shall promulgate regulations governing the reimbursement of medical expenses under this subsection.

SA 2812. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 392, after line 5, insert the following:

SEC. 503. CONTINUANCE OF TERMINAL HEALTH CLAIMS.

(a) IN GENERAL.—Nothwithstanding section 106(f)(2) or any other provision of this Act, any individual who has filed a terminal health claim before the date of enactment of this Act may continue that terminal health claim in the court where the case was pending on the date of enactment of this Act. For terminal health claims filed after the date of enactment of this Act and before the Administrator certifies to Congress that the Fund is operational and paying valid claims at a reasonable rate, by claimants who do not elect to seek an offer of judgment under subparagraph (A), the pending claim is not stayed and such claimants may continue the terminal health claims where the case is filed.

SA 2813. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 52, line 15, insert “an exigent health claim to which section 106(f)(2) applies or” after “than”.

On page 52, line 16, insert “or an exigent health claim” after “applies”.

On page 53, line 22, strike all through line 25.

On page 60, lines 3 and 4, strike “before the stay being lifted under subparagraph (B)”.

On page 64, lines 8 through 10, strike “before the stay being lifted under subparagraph (B)”.

On page 64, line 16, beginning with “Fund” strike all through “the” on line 18, and insert “Fund. The”.

On page 64, line 24, strike all through page 65, line 11, and insert the following:

(B) CONTINUANCE OF CLAIMS.—Each person who has filed an exigent health claim before the date of enactment of this Act may continue their exigent health claim in the court where the case was pending on the date of enactment of this Act. For exigent health claims filed after the date of enactment of this Act and before the Administrator certifies to Congress that the Fund is operational and paying valid claims at a reasonable rate, by claimants who do not elect to seek an offer of judgment under subparagraph (A), the pending claim is not stayed and such claimants may continue their exigent health claims where the case is filed.

SA 2814. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, line 7, strike “IX” and insert “X”.

On page 78, line 23, strike “or”.

On page 78, line 24, insert after the comma “or Malignant Level IX”.

On page 88, line 8, strike “or Malignant Level VIII” and insert “Malignant Level VIII, or Malignant Level IX”.

On page 89, line 18, strike “VII or VIII” and insert “Level VIII, or Level IX”.

On page 90, line 1, strike “VII or VIII” and insert “Level VIII, or Level IX”

On page 98, line 17, strike “IX” and insert “X”.

On page 99, line 3, strike “IX” and insert “X”.

On page 102, line 2, strike “IX” and insert “X”.

On page 111, between lines 2 and 3, insert the following:

(7) MALIGNANT LEVEL VII.—

(A) IN GENERAL.—To receive Level VII compensation a claimant shall provide—

(i) a diagnosis of a primary lung cancer disease on the basis of findings by a board certified pathologist;

(ii) evidence of 15 or more weighted years of substantial occupational exposure to asbestos; and

(iii) supporting medical documentation establishing asbestos exposure as a contributing factor in causing the lung cancer in question.

(B) PHYSICIANS PANEL.—All claims filed relating to Level VII under this paragraph shall be referred to a Physicians Panel for a determination on the amount of award. In making its determination under this subparagraph, the Physicians Panel shall consider the intensity and duration of exposure, smoking history, and the quality of evidence relating to exposure and smoking. Claimants shall bear the burden of producing meaningful and credible evidence of their smoking history as part of their claim submission.

On page 111, strike lines 3 and 4, and insert the following:

(8) MALIGNANT LEVEL VIII.—

(A) IN GENERAL.—To receive Level VIII

On page 112, line 2, strike “Level VII” and insert “Level VIII”.

On page 112, strike lines 15 and 16, and insert the following:

(9) MALIGNANT LEVEL IX.—

(A) IN GENERAL.—To receive Level IX

On page 114, line 13, strike “Level VIII” and insert “Level IX”.

On page 115, strike lines 1 and 2, and insert the following:

(10) MALIGNANT LEVEL X.—To receive Level X compensation, a claimant shall provide—

On page 126, beginning with the matter following line 20, strike all through the matter on page 127 before line 1 and insert the following:

Level	Scheduled Condition or Disease.	Scheduled Value
I	Asbestosis/Pleural Disease A.	Medical Monitoring
II	Mixed Disease With Impairment.	$32,000
III	Asbestosis/Pleural Disease B.	$100,000
IV	Severe Asbestosis ...	$400,000

V	Disabling Asbestosis	$850,000
VI	Other Cancer	$200,000
VII	Lung Cancer One	individual evaluation; smokers, $75,000; ex-smokers, $200,000; non-smokers, $625,000
VIII	Lung Cancer With Pleural Disease.	smokers, $300,000; ex-smokers, $725,000; non-smokers, $800,000
IX	Lung Cancer With Asbestosis.	smokers, $600,000; ex-smokers, $975,000; non-smokers, $1,100,000
X	Mesothelioma	$1,100,000

On page 127, line 13, strike "IX" and insert "X".

On page 127, line 18, strike "IX" and insert "X".

On page 128, line 1, strike "IX" and insert "X".

On page 128, line 3, strike "IX" and insert "X".

On page 141, line 26, strike "IX" and insert "X".

On page 250, line 10, strike "IX" and insert "X".

On page 250, line 14, strike "VIII" and insert "IX".

On page 361, line 24, strike "VIII" and insert "IX".

SA 2815. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 52, line 16, insert "or (3)" after "section 403(d)(2)".

On page 321, line 14, strike "paragraph (2)," and insert "paragraphs (2) and (3),".

On page 322, between lines 14 and 15, insert the following:

(3) ASBESTOS CLAIMS BY CERTAIN LUNG CANCER VICTIMS.—This Act shall not apply to any asbestos claim brought by a person with lung cancer who had substantial exposure to asbestos but is not eligible for compensation from the Fund. Notwithstanding any other provision of this Act, a civil action for such asbestos claims may be pursued in Federal or State court alleging that asbestos exposure was a cause of the lung cancer.

SA 2816. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, line 21, strike "substantial".

On page 72, line 22, strike "substantial".

On page 105, line 23, strike "substantial".

On page 107, line 2, strike "substantial".

On page 108, line 2, strike "substantial".

On page 109, line 9, strike "substantial".

On page 110, line 6, strike "substantial".

On page 110, lines 12 and 13, strike "substantial".

On page 111, line 23, strike "substantial".

On page 114, line 8, strike "substantial".

On page 116, line 15, strike "substantial".

On page 116, line 18, strike "substantial".

On page 123, lines 6 and 7, strike "substantial".

On page 316, line 4, strike "substantial".

On page 347, line 3, strike "substantial".

On page 349, line 12, strike "substantial".

On page 349, lines 17 and 18, strike "substantial".

On page 349, lines 22 and 23, strike "substantial".

On page 350, lines 2 and 3, strike "substantial".

On page 350, line 9, strike "substantial".

On page 350, line 13, strike "substantial".

On page 350, line 18, strike "substantial".

On page 350, line 21, strike "substantial".

SA 2817. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 132, between lines 7 and 8, insert the following:

(c) REIMBURSEMENT FOR REASONABLE MEDICAL EXPENSES.—In addition to the award under subsection (b), an asbestos claimant with a claim for malignant Level IX shall receive reimbursement for reasonable medical expenses recommended by a qualified physician. The Administrator shall promulgate regulations governing the reimbursement of medical expenses under this subsection.

SA 2818. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 321, strike line 6 and all that follows through page 322, line 13, and insert the following:

(1) IN GENERAL.—Except as provided under paragraphs (2) and (3) and section 106(f) of this Act and section 524(j)(3) of title 11, United States Code, as amended by this Act, the remedies provided under this Act shall be the exclusive remedy for any asbestos claim, including any claim described in subsection (e)(2), under any Federal or State law.

(2) CIVIL ACTIONS AT TRIAL.—

(A) IN GENERAL.—This Act shall not apply to any asbestos claim that—

(i) is a civil action filed in a Federal or State court (not including a filing in a bankruptcy court);

(ii) is not part of a consolidation of actions or a class action; and

(iii) on the date of enactment of this Act—

(I) in the case of a civil action which includes a jury trial, is before the jury after its impaneling and commencement of presentation of evidence, but before its deliberations;

(II) in the case of a civil action which includes a trial in which a judge is the trier of fact, is at the presentation of evidence at trial; or

(III) with respect to which a verdict, final order, or final judgment has been entered by a trial court.

(B) NONAPPLICABILITY.—This Act shall not apply to a civil action described under subparagraph (A) throughout the final disposition of the action.

(3) ASBESTOS CLAIMS BY CERTAIN LUNG CANCER VICTIMS.—

(A) IN GENERAL.—This Act shall not apply to any asbestos claim brought by a person with lung cancer who had substantial exposure to asbestos but is not eligible for compensation from the Fund. Notwithstanding any other provision of this Act, a civil action for such asbestos claims may be pursued in Federal or State court alleging that asbestos exposure was a cause of the lung cancer.

(B) RELATION TO STAYS.—Notwithstanding any other provision of this Act, section 106(f)(1) shall not apply to a claim described in subparagraph (A).

SA 2819. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 315, strike line 1 and all that follows through page 318, line 2, and insert the following:

SEC. 403. EFFECT ON OTHER LAWS AND EXISTING CLAIMS.

(a) EFFECT ON FEDERAL AND STATE LAW.—The provisions of this Act shall supersede any Federal or State law insofar as such law may relate to any asbestos claim, including any claim described under subsection (e)(2).

(b) EFFECT ON SILICA CLAIMS.—

(1) IN GENERAL.—

(A) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to preempt, bar, or otherwise preclude any civil action in Federal or State court seeking damages for personal injury attributable to exposure to silica as to which the plaintiff—

(i) pleads with particularity and establishes by a preponderance of evidence either that—

(I) no claim has been asserted or filed by or with respect to the exposed person in any forum for any asbestos-related condition and the exposed person (or another claiming on behalf of or through the exposed person) is not eligible for any monetary award under this Act; or

(II)(aa) the exposed person suffers or has suffered from a disease or condition that was caused by exposure to silica; and

(bb) asbestos exposure was not a substantial contributing factor to such disease or condition; and

(ii) satisfies the requirements of paragraph (2).

(B) PREEMPTION.—Civil actions seeking damages for personal injury attributable to exposure to silica that fail to meet the requirements of subparagraph (A) shall be preempted by this Act.

(2) REQUIRED EVIDENCE.—In any claim to which paragraph (1) applies, the complaint (or, for claims pending on the date of enactment of this Act, an amended pleading to be filed within 60 days after such date, but not later than 60 days before trial) shall be accompanied by—

(A) admissible evidence, including at a minimum, a B-reader's report, and the underlying x-ray film showing that the claim may be maintained and is not preempted under paragraph (1);

(B) notice of any previous lawsuit or claim for benefits in which the exposed person, or another claiming on behalf of or through the injured person, asserted an injury or disability based wholly or in part on exposure to asbestos;

(C) if known by the plaintiff after reasonable inquiry by the plaintiff or his representative, the history of the exposed person's exposure, if any, to asbestos; and

(D) copies of all medical and laboratory reports pertaining to the exposed person that refer to asbestos or asbestos exposure.

(3) STATUTE OF LIMITATIONS.—In general, the statute of limitations for a silica claim shall be governed by applicable State law, except that in any case under this subsection, the statute of limitations shall only start to run when the plaintiff becomes impaired.

(4) DUAL INJURY.—If an exposed person has both a silica disease or conditions resulting from exposure to silica and a disease or condition resulting from exposure to asbestos, any damages awarded for a claim that meets the requirements of paragraph (2)—

(A) shall be limited to damages attributable to the exposed person's exposure to silica; and

(B) shall not include damages attributable to the exposed person's exposure to asbestos.

SA 2820. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 130, add after line 21 the following:

Subtitle E—Controlling Level and Awards Provisions

SEC. 141. LEVEL AND AWARDS PROVISIONS.

(a) REFERENCES TO LEVELS.—Notwithstanding any other provision of this Act, any reference to Level VII, VIII, or IX in this Act (other than this subtitle) shall be deemed a reference to Level VIII, IX, or X, respectively, as provided under this subtitle.

(b) MALIGNANT LEVEL VII.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, to receive Level VII compensation a claimant shall provide—

(A) a diagnosis of a primary lung cancer disease on the basis of findings by a board certified pathologist;

(B) evidence of 15 or more weighted years of substantial occupational exposure to asbestos; and

(C) supporting medical documentation establishing asbestos exposure as a contributing factor in causing the lung cancer in question.

(2) PHYSICIANS PANEL.—Notwithstanding any other provision of this Act, all claims filed relating to Level VII under this paragraph shall be referred to a Physicians Panel for a determination on the amount of award. In making its determination under this subparagraph, the Physicians Panel shall consider the intensity and duration of exposure, smoking history, and the quality of evidence relating to exposure and smoking. Claimants shall bear the burden of producing meaningful and credible evidence of their smoking history as part of their claim submission.

(c) AWARDS.—Notwithstanding section 131 of this Act (or any other provision of this Act) the benefits table under subsection (b)(1) of that section shall be administered as follows:

Level	Scheduled condition or disease	Scheduled value
I	Asbestosis/Pleural Disease A	Medical Monitoring
II	Mixed Disease With Impairment	$32,000
III	Asbestosis/Pleural Disease B	$100,000
IV	Severe Asbestosis	$400,000
V	Disabling Asbestosis	$850,000
VI	Other Cancer	$200,000
VII	Lung Cancer One	individual evaluation: smokers, $75,000; ex-smokers, $200,000; non-smokers, $625,000
VIII	Lung Cancer With Pleural Disease	smokers, $300,000; ex-smokers, $725,000; non-smokers, $800,000
IX	Lung Cancer With Asbestosis	smokers, $600,000; ex-smokers, $975,000; non-smokers, $1,100,000
X	Mesothelioma	$1,100,000

SA 2821. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 392, after line 5, insert the following:

SEC. 503. CONTINUANCE OF TERMINAL HEALTH CLAIMS.

Nothwithstanding section 106(f)(2) or any other provision of this Act, any individual who has filed a terminal health claim before the date of enactment of this Act may continue that terminal health claim in the court where the case was pending on the date of enactment of this Act. For terminal health claims filed after the date of enactment of this Act and before the Administrator certifies to Congress that the Fund is operational and paying valid claims at a reasonable rate, by claimants who do not elect to seek an offer of judgment under section 106(f)(2), the pending claim is not stayed and such claimants may continue the terminal health claims where the case is filed.

SA 2822. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 392, after line 5, insert the following:

SEC. 503. EXPOSURE PRESUMPTIONS.

Notwithstanding any other provision of this Act, any asbestos exposure that is a contributing factor in causing an asbestos-related disease, condition, or illness shall meet the exposure requirements for this Act.

SA 2823. Mr. DAYTON submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, strike lines 6 through 17, and insert the following:

(4) WAIVER FOR WORKERS AND RESIDENTS OF VERMICULITE MINING AND PROCESSING COMMUNITIES.—

(A) IN GENERAL.—Because of the nature of asbestos exposure related to the vermiculite mining operations in Libby, Montana, and the vermiculite processing operations associated with such mining operations, the Administrator shall waive the exposure requirements under this subtitle for individuals who worked—

(i) at the vermiculite mining operations in Libby, Montana, or lived or worked within a 20-mile radius of such mining operations, for at least 12 months before December 31, 2004; and

(ii) at sites processing vermiculite mined from mining operations in Libby, Montana; or

(iii) or lived within a 20 mile radius of a processing site described in clause (ii), for at least 12 months before December 31, 2004.

(B) REQUIRED DOCUMENTATION.—Claimants under this paragraph shall provide such supporting documentation as the Administrator shall require.

On page 118, strike line 6 and all that follows through page 120, line 4, and insert the following:

(8) VERMICULITE MINING AND PROCESSING CLAIMANTS.—

(A) IN GENERAL.—A vermiculite mining and processing claimant, as described under subsection (c)(4), may elect to have the claimant's claim designated as an exceptional medical claim and referred to a Physicians Panel for review. In reviewing the medical evidence submitted by such a claimant in support of that claim, the Physicians Panel shall take into consideration the unique and serious nature of asbestos exposure in vermiculite mining and processing operations, including the nature of the pleural disease related to asbestos exposure from such sites.

(B) Claims.—For all claims for Levels II through IV filed by vermiculite mining and processing claimants, as described under subsection (c)(4), once the Administrator or the Physicians Panel issues a certificate of medical eligibility to such claimant, and notwithstanding the disease category designated in the certificate or the eligible disease or condition established in accordance with this section, or the value of the award determined in accordance with section 114, such claimant shall be entitled to an award that is not less than that awarded to claimants who suffer from asbestosis, Level IV. For all malignant claims filed by vermiculite mining and processing claimants, such claimant shall be entitled to an award that corresponds to the malignant disease category designated by the Administrator or the Physicians Panel.

On page 366, strike lines 2 through 8, and insert the following:

(a) Vermiculite Mining and Processing Claimants.—Nothing in this Act shall preclude the formation of a fund for the payment of eligible medical expenses related to treating asbestos-related disease for current and former residents of vermiculite mining and processing communities, as described under section 121(c)(4). The payment of any such medical expenses shall not be collateral source compensation as defined under section 134(a).

On page 120, strike line 5 and all that follows through page 122, line 13.

SA 2824. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 392, after line 5, add the following:

TITLE VI—PROTECTIVE ORDERS

SEC. 601. SHORT TITLE.

This title may be cited as the "Sunshine in Litigation Act of 2006".

SEC. 602. RESTRICTIONS ON PROTECTIVE ORDERS AND SEALING OF CASES AND SETTLEMENTS.

(a) In General.—Chapter 111 of title 28, United States Code, is amended by adding at the end the following:

"§ 1660. Restrictions on protective orders and sealing of cases and settlements

"(a) Orders Restricting Disclosure of Information.—

"(1) In general.—A court shall not enter an order under rule 26(c) of the Federal Rules of Civil Procedure restricting the disclosure of information obtained through discovery, an order approving a settlement agreement that would restrict the disclosure of such information, or an order restricting access to court records in a civil case unless the court finds—

"(A) that such order would not restrict the disclosure of information which is relevant to the protection of public health or safety; or

"(B) that—

"(i) the public interest in the disclosure of potential health or safety hazards is outweighed by a specific and substantial interest in maintaining the confidentiality of the information or records in question; and

"(ii) the requested protective order is no broader than necessary to protect the privacy interest asserted.

"(2) Period of effect.—No order entered under paragraph (1), other than an order approving a settlement agreement, shall continue in effect after the entry of final judgment, unless at the time of, or after, such entry the court finds that the requirements of paragraph (1) have been met.

"(3) Burden of proof.—The party who is the proponent for the entry of an order under paragraph (1) shall have the burden of proof in obtaining such an order.

"(4) Not waivable.—This section shall apply if an order under paragraph (1) is requested—

"(A) by motion pursuant to rule 26(c) of the Federal Rules of Civil Procedure; or

"(B) by application pursuant to the stipulation of the parties.

"(5) Effect on discovery.—

"(A) In general.—The provisions of this section shall not constitute grounds for the withholding of information in discovery that is otherwise discoverable under rule 26 of the Federal Rules of Civil Procedure.

"(B) Limit on requests.—No party shall request, as a condition for the production of discovery, that another party stipulate to an order that would violate this section.

"(b) Disclosure to Government Agencies.—

"(1) In general.—A court shall not approve or enforce any provision of an agreement between or among parties to a civil action, or approve or enforce an order under subsection (a)(1), that prohibits or otherwise restricts a party from disclosing any information relevant to such civil action to any Federal or State agency with authority to enforce laws regulating an activity relating to such information.

"(2) Scope of confidentiality.—Any such information disclosed to a Federal or State agency shall be confidential to the extent provided by law.

"(c) Settlements.—

"(1) In general.—Except as provided in paragraph (2), a court shall not enforce any provision of a settlement agreement between or among parties that prohibits 1 or more parties from—

"(A) disclosing that a settlement was reached or the terms of such settlement, other than the amount of money paid; or

"(B) discussing a case, or evidence produced in the case, that involves matters related to public health or safety.

"(2) Exception.—Paragraph (1) shall not apply if the court finds that the public interest in the disclosure of potential health or safety hazards is outweighed by a specific and substantial interest in maintaining the confidentiality of the information.".

(b) Technical and Conforming Amendment.—The table of sections for chapter 111 of title 28, United States Code, is amended by adding after the item relating to section 1659 the following:

"1660. Restrictions on protective orders and sealing of cases and settlements.".

SEC. 603. EFFECTIVE DATE.

The amendments made by this title shall—

(1) take effect 30 days after the date of enactment of this Act; and

(2) apply only to orders entered in civil actions or agreements entered into on or after the date described in paragraph (1).

SA 2825. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 392, after line 5, insert the following:

SEC. 503. VETERANS AND DEFENSE EMPLOYEE HEALTH CLAIMS.

(a) In General.—The Administrator shall develop procedures to provide for an expedited process to categorize, evaluate, and pay veterans and defense employee health claims. Such procedures shall include, pending promulgation of final regulations, adoption of interim regulations as needed for processing of veterans and defense employee health claims.

(b) Eligible Veterans Health Claims.—

(1) In general.—A claim shall qualify for treatment as a veterans and defense employee health claim if the claimant—

(A) is living;

(B) provides a diagnosis of an asbestos-related disease or condition meeting the requirements of section 121;

(C) contracted such asbestos-related disease or condition during the claimant's service—

(i) in the Armed Forces of the United States;

(ii) as an employee of the Department of Defense; or

(iii) as an employee performing official duties relating to national defense matters; and

(D) has not received compensation from the Fund for the disease or condition for which the claim was filed.

(2) Definition.—In this paragraph, the term "employee" has the same meaning as in section 2105 of title 5, United States Code.

(c) Additional Health Claims.—The Administrator may, in final regulations promulgated under section 101(c), designate additional categories of claims that qualify as veterans and defense employee health claims under this subsection.

(d) Claims Facility.—To facilitate the prompt payment of veterans and defense employee health claim, the Administrator shall contract with a claims facility, which applying the medical criteria of section 121, may enter into settlements with claimants. The processing and payment of any such claims shall be subject to regulations promulgated under this Act.

(e) Authorization for Contracts With Claims Facilities.—The Administrator may enter into contracts with a claims facility for the processing of claims (except for exceptional medical claims) in accordance with this title.

(f) Rules of Construction.—

(1) No right under veterans' benefit program.—Nothing in this subsection shall be construed to provide any claimant with any claim, right, or cause of action for benefits under a veterans' benefit program.

(2) Collateral source compensation.—In no case shall amounts or benefits received by a claimant under this subsection be deemed as collateral source compensation under this Act.

SA 2826. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 3 and 4, insert the following:

(C) Claims from Former Civil Actions.—

(i) In General.—The Administrator may, in instances where the attorney or attorneys for the plaintiffs in a pending tort case have spent such a substantial amount of time and resources prior to April 19, 2005 that a 5% attorney fee limitation would be manifestly unfair, increase the attorney limitation fee.

SA 2827. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

If the consolidation of the existing asbestos trust funds into this trust fund is ruled unconstitutional by a final ruling of the U.S. Supreme Court, this bill shall be non-severable, unless Congress acts within six months to strike this provision.

SA 2828. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, after line 23, insert the following:

SEC. 116. OPT OUT PROVISION FOR CLAIMANTS AGAINST NONPARTICIPANT ENTITIES.

(a) Definition.—In this section, the term "covered claimant" means any person who—

(1) may have contracted an asbestos-related disease or condition; and

(2) has filed, or is eligible to file, an asbestos claim under section 113 with the Fund; and

(3) except for the provisions of this Act, could file a civil action on that asbestos claim against any entity that is not a participant as defined under section 3.

(b) Election.—Any covered claimant may—

(1) file an election with the Adminstrator to—

(A) withdraw the claim with the Fund; or

(B) provide notice to pursue the claim in a civil action instead of under title I; and

(2) file a civil action on that asbestos claim in an appropriate Federal or State court.

SA 2829. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, after line 23, insert the following:

SEC. 116. OPT OUT PROVISION FOR NATURALLY OCCURRING ASBESTOS CLAIMANTS.

(a) Definition.—In this section, the term "naturally occurring asbestos claimant" means any person who—

(1) may have contracted an asbestos-related disease or condition caused by exposure to naturally occurring asbestos; and

(2) has filed, or is eligible to file, an asbestos claim under section 113 with the Fund; and

(3) except for the provisions of this Act, could file a civil action on that asbestos claim against any entity that is not a participant as defined under section 3.

(b) Election.—Any naturally occurring asbestos claimant may—

(1) file an election with the Adminstrator to—

(A) withdraw the claim with the Fund; or

(B) provide notice to pursue the claim in a civil action instead of under title I; and

(2) file a civil action on that asbestos claim in an appropriate Federal or State court.

SA 2830. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 392, after line 5, insert the following:

SEC. 503. WAIVER FOR WORKERS AND RESIDENTS OF VERMICULITE PROCESSING SITES AND COMMUNITIES.

(a) In General.—Because of the unique nature of asbestos exposure related to the processing operations of vermiculite ore, the Administrator shall waive the exposure requirements under subtitle II for an individual who worked at a vermiculite processing site in the State of California, or lived or worked within a 20 mile radius of such processing site, for at least 12 consecutive months before December 31, 2005. Claimants under this paragraph shall provide such supporting documentation, as the Administrator shall require.

(b) Vermiculite Processing Sites.—The claims procedures described under section 121(g)(8) relating to Libby, Montana claimants shall apply to any eligible claimant who worked at a vermiculite processing site in the State of California, or lived or worked within a 20 mile radius of such processing site, as described under subsection (a), and where such processing site has been identified by a Federal or State agency as having received or processed vermiculite ore from Libby, Montana.

(c) Vermiculite Processing Site Claimants.—

(1) In General.—Nothing is this Act shall preclude the formation of a future fund for the payment of eligible medical expenses related to treating asbestos-related disease for individuals who worked at a vermiculite processing site in the State of California, or lived or worked within a 20 mile radius of such processing site, as described under subsection (a).

(2) Collateral Source Compensation Exception.—The payment of any medical expense under paragraph (1) shall not be collateral source compensations as defined under section 134(a).

SA 2831. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 392, after line 5, insert the following:

SEC. 503. WAIVER FOR WORKERS AND RESIDENTS OF VERMICULITE PROCESSING SITES AND COMMUNITIES.

(a) In General.—Because of the unique nature of asbestos exposure related to the processing operations of vermiculite ore, the Administrator shall waive the exposure requirements under subtitle II for an individual who worked at a site processing vermiculite mined from mining operations in Libby, Montana, or lived or worked within a 20 mile radius of such processing site, for at least 12 consecutive months before December 31, 2005. Claimants under this paragraph shall provide such supporting documentation, as the Administrator shall require.

(b) Vermiculite Processing Sites.—The claims procedures described under section 121(g)(8) relating to Libby, Montana claimants shall apply to any eligible claimant who worked at a site processing vermiculite mined from mining operations in Libby, Montana, or lived or worked within a 20 mile radius of such processing site, as described under subsection (a), and where such processing site has been identified by a Federal or State agency as having received or processed vermiculite ore from Libby, Montana.

(c) Vermiculite Processing Site Claimants.—

(1) In General.—Nothing is this Act shall preclude the formation of a future fund for the payment of eligible medical expenses related to treating asbestos-related disease for individuals who worked at a site processing vermiculite mined from mining operations in Libby, Montana, or lived or worked within a 20 mile radius of such processing site, as described under subsection (a).

(2) Collateral Source Compensation Exception.—The payment of any medical expense under paragraph (1) shall not be collateral source compensations as defined under section 134(a).

SA 2832. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 392, after line 5, insert the following:

SEC. 503. WAIVER FOR WORKERS AND RESIDENTS OF MINING AND MILLING OPERATIONS AND COMMUNITIES.

(a) In General.—Because of the unique nature of asbestos exposure related to the asbestos mining and milling operations in the areas of Coalinga, New Idria, and King City, in the State of California, the Administrator shall waive the exposure requirements under this subtitle for an individual who worked at such a mining or milling operation, or lived or worked within a 20 mile radius of such an operation, for at least 12 consecutive months before December 31, 2005. Claimants under this paragraph shall provide such supporting documentation, as the Administrator shall require.

(b) MISCELLANEOUS.—Notwithstanding section (2)(a)(9), the Congress finds that among the communities hardest hit by this crisis have been those in or near the locations where asbestos fiber was mined and milled, where for years the air and ground was contaminated and residents, as well as mine and mill workers, were exposed, and where citizens continue to be taking ill even though mining operations ceased years ago.

SA 2833. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 322, between lines 13 and 14, insert the following:

(C) SMALL BUSINESS CONCERNS.—

(i) DEFINITION.—In this subparagraph, the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632)).

(ii) TREATMENT OF CLAIMS.—Except as provided in clause (iv), in any civil action described under subparagraph (A), the court shall dismiss any asbestos claim against a small business concern, if such small business concern proves that it was not involved in a business involving, and did not use contractors performing duties involving—

(I) handling raw asbestos;

(II) fabricating asbestos-containing products that could lead to exposure to raw asbestos; or

(III) altering, repairing, or otherwise working with asbestos-containing products that could lead to exposure to asbestos fibers.

(iii) PRIOR JUDGMENT.—In a civil action described under subparagraph (A) involving a small business concern, the court may consider the fact that another asbestos claim against such small business concern was dismissed in determining whether such small business concern was not involved in a business involving, and did not use contractors performing duties involving the materials described in subclause (I), (II), or (III) of clause (ii).

(iv) EXCEPTIONS.—Clause (ii) and (iii) of this subparagraph shall not apply to—

(I) a claim against an insurance company; or

(II) a claim against a small business concern by a current or former employee of such small business concern.

(v) PROCEDURES FOR SETTLEMENT OF TERMINAL HEALTH CLAIMS.—Notwithstanding any other provision of this Act, the settlement requirements under section 106(f)(2) shall not apply to any terminal health claim, as provided under section 106(c)(2), against a small business concern filed before, on, or after the date of enactment of this Act seeking a judgment or order for monetary damages in any Federal or State court.

SA 2834. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 122, between lines 17 and 18, insert the following:

(11) ASBESTOS EXPOSURE AS THE RESULT OF A NATURAL OR OTHER DISASTER.—

(A) IN GENERAL.—A claimant may file an exceptional medical claim with the Fund if such claimant has been exposed to asbestos in any area that is subject to a declaration by the President of a major disaster, as defined under section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), as the result of—

(i) the attack on the World Trade Center in New York, New York on September 11, 2001; or

(ii) Hurricane Katrina and Hurricane Rita of 2005 in the Gulf Region of the United States.

(B) REVIEW OF EVIDENCE.—In reviewing medical evidence submitted by a claimant under subparagraph (A)(i) or (ii), the Physicians Panel shall take into consideration the unique nature of these disasters and the potential for asbestos exposure resulting from these disasters.

SA 2835. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 315, strike line 1 and all that follows through page 318, line 2, and insert the following:

SEC. 403. EFFECT ON OTHER LAWS AND EXISTING CLAIMS.

(a) EFFECT ON FEDERAL AND STATE LAW.—The provisions of this Act shall supersede any Federal or State law insofar as such law may relate to any asbestos claim, including any claim described under subsection (e)(2).

(b) EFFECT ON SILICA CLAIMS.—

(1) IN GENERAL.—

(A) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to preempt, bar, or otherwise preclude any civil action in Federal or State court seeking damages for personal injury attributable to exposure to silica as to which the plaintiff—

(i) pleads with particularity and establishes by a preponderance of evidence either that—

(I) no claim has been asserted or filed by or with respect to the exposed person in any forum for any asbestos-related condition and the exposed person (or another claiming on behalf of or through the exposed person) is not eligible for any monetary award under this Act; or

(II)(aa) the exposed person suffers or has suffered from a disease or condition that was caused by exposure to silica; and

(bb) asbestos exposure was not a substantial contributing factor to such disease or condition; and

(ii) satisfies the requirements of paragraph (2).

(B) PREEMPTION.—Civil actions seeking damages for personal injury attributable to exposure to silica that fail to meet the requirements of subparagraph (A) shall be preempted by this Act.

(2) REQUIRED EVIDENCE.—In any claim to which paragraph (1) applies, the complaint (or, for claims pending on the date of enactment of this Act, an amended pleading to be filed within 60 days after such date, but not later than 60 days before trial) shall be accompanied by—

(A) admissible evidence, including at a minimum, a B-reader's report, and the underlying x-ray film showing that the claim may be maintained and is not preempted under paragraph (1);

(B) notice of any previous lawsuit or claim for benefits in which the exposed person, or another claiming on behalf of or through the injured person, asserted an injury or disability based wholly or in part on exposure to asbestos;

(C) if known by the plaintiff after reasonable inquiry by the plaintiff or his representative, the history of the exposed person's exposure, if any, to asbestos; and

(D) copies of all medical and laboratory reports pertaining to the exposed person that refer to asbestos or asbestos exposure.

(3) STATUTE OF LIMITATIONS.—In general, the statute of limitations for a silica claim shall be governed by applicable State law, except that in any case under this subsection, the statute of limitations shall only start to run when the plaintiff becomes impaired.

(4) DUAL INJURY.—If an exposed person has both a silica disease or conditions resulting from exposure to silica and a disease or condition resulting from exposure to asbestos, any damages awarded for a claim that meets the requirements of paragraph (2)—

(A) shall be limited to damages attributable to the exposed person's exposure to silica; and

(B) shall not include damages attributable to the exposed person's exposure to asbestos.

SA 2836. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 392, after line 5, insert the following:

SEC. 503. CONTINUANCE OF TERMINAL HEALTH CLAIMS.

Nothwithstanding section 106(f)(2) or any other provision of this Act, any individual who has filed a terminal health claim before the date of enactment of this Act may continue that terminal health claim in the court where the case was pending on the date of enactment of this Act. For terminal health claims filed after the date of enactment of this Act and before the Administrator certifies to Congress that the Fund is operational and paying valid claims at a reasonable rate, by claimants who do not elect to seek an offer of judgment under section 106(f)(2), the pending claim is not stayed and such claimants may continue the terminal health claims where the case is filed.

SA 2837. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, line 18, strike all through page 62, line 8, and insert the following:

(1) STAY OF CLAIMS.—Notwithstanding any other provision of this Act, any asbestos claim pending on the date of enactment of this Act, other than a terminal health claim to which paragraph (2) of this subsection applies, a claim to which section 403(d)(2) applies, a terminal health claim, or as otherwise provided in section 402(f), is stayed.

(2) TERMINAL HEALTH CLAIMS.—

(A) PROCEDURES FOR SETTLEMENT OF TERMINAL HEALTH CLAIMS.—

(i) IN GENERAL.—Any person that has filed a terminal health claim, as provided under subsection (c)(2), seeking a judgment or order for monetary damages in any Federal or State court before the date of the enactment of this Act, shall seek a settlement in accordance with this paragraph. Any person with a terminal health claim, as provided under subsection (c)(2), that arises after such date of enactment shall seek a settlement in accordance with this paragraph.

(ii) FILING.—

(I) IN GENERAL.—At any time before the Fund or claims facility is certified as operational and paying terminal health claims at a reasonable rate, any person with a terminal health claim as described under clause (i) shall file a notice of their intent to seek a settlement or shall file their exigent health claim with the Administrator or claims facility. Filing of an exigent health claim with the Administrator or claims facility may serve as notice of intent to seek a settlement.

(II) EXCEPTION.—Any person who seeks compensation for an exigent health claim from a trust in accordance with section 402(f) shall not be eligible to seek a settlement or settlement offer under this paragraph.

(iii) TERMINAL HEALTH CLAIM INFORMATION.—To file a terminal health claim, each individual shall provide all of the following information:

(I) The amount received or entitled to be received as a result of all collateral source compensation under section 134, and copies of all settlement agreements and related documents sufficient to show the accuracy of that amount.

(II) A description of any claims for compensation for an asbestos related injury or disease filed by the claimant with any trust or class action trust, and the status or disposition or any such claims.

(III) All information that the claimant would be required to provide to the Administrator in support of a claim under sections 113(c) and 121.

(IV) A certification by the claimant that the information provided is true and complete. The certification provided under this subclause shall be subject to the same penalties for false or misleading statements that would be applicable with regard to information provided to the Administrator or claims facility in support of a claim.

(V) For terminal health claims arising after the date of enactment of this Act, the claimant shall identify each defendant that would be an appropriate defendant in a civil action seeking damages for the asbestos claim of the claimant. Identification of all potential participants shall be made in good faith by the claimant.

(iv) TIMING.—A claimant who has filed a notice of their intent to seek a settlement under clause (ii) shall within 60 days after filing notice provide to the Administrator or claims facility the information required under clause (iii). If a claimant has filed an exigent health claim under clause (ii) the Administrator shall provide all affected defendants the information required under clause (iii).

(v) WEBSITE.—

(I) POSTING.—The Administrator or claims facility shall post the information described in subclause (II) to a secure website, accessible on a passcode-protected basis to participants.

(II) REQUIRED INFORMATION.—The website established under subclause (I) shall contain a listing of—

(aa) each claimant that has filed a notice of intent to seek a settlement or claim under this clause;

(bb) the name of such claimant; and

(cc) if applicable—

(AA) the name of the court where such claim was filed;

(BB) the case or docket number of such claim; and

(CC) the date such claim was filed.

(III) PROHIBITIONS.—The website established under subclause (I) shall not contain specific health or medical information or social security numbers.

(IV) PARTICIPANT ACCESS.—A participant's access to the website established under subclause (I) shall be limited on a need to know basis, and participants shall not disclose or sell data, or retain data for purposes other than paying an asbestos claim.

(V) VIOLATIONS.—Any person or other entity that violates any provision of this clause, including by breaching any data posted on the website, shall be subject to an injunction, or civil penalties, or both.

(vi) ADMINISTRATOR OR CLAIMS FACILITY CERTIFICATION OF SETTLEMENT.—

(I) DETERMINATION.—Within 60 days after the information under clause (iii) is provided, the Administrator or claims facility shall determine whether or not the claim meets the requirements of a terminal health claim.

(II) REQUIREMENTS MET.—If the Administrator or claims facility determines that the claim meets the requirements of a terminal health claim, the Administrator or claims facility shall immediately—

(aa) issue and serve on all parties a certification of eligibility of such claim;

(bb) determine the value of such claim under the Fund by subtracting from the amount in section 131 the total amount of collateral source compensation received by the claimant; and

(cc) pay the award of compensation to the claimant under clause (xiii).

(III) REQUIREMENTS NOT MET.—If the requirements under clause (iii) are not met, the claimant shall have 30 days to perfect the claim. If the claimant fails to perfect the claim within that 30-day period or the Administrator or claims facility determines that the claim does not meet the requirements of a terminal health claim, the claim shall not be eligible to proceed under this paragraph. A claimant may appeal any decision issued by a claims facility with the Administrator in accordance with section 114.

(vii) FAILURE TO CERTIFY.—If the Administrator or claims facility is unable to process the claim and does not make a determination regarding the certification of the claim as required under clause (vi), the Administrator or claims facility shall within 10 days after the end of the 60-day period referred to under clause (vi)(I) provide notice of the failure to act to the claimant and the defendants in the pending Federal or State court action or the defendants identified under clause (iii)(IV). If the Administrator or claims facility fails to provide such notice within 10 days, the claimant may elect to provide the notice to the affected defendants to prompt a settlement offer. The Administrator or claims facility shall list all terminal health claims for which notice has been provided under this clause on the website established under clause (v).

(viii) FAILURE TO PAY.—If the Administrator or claims facility does not pay the award as required under clause (xiii), the Administrator shall refer the certified claim within 10 days as a certified terminal health claim to the defendants in the pending Federal and State court action or to the potential defendants identified under clause (iii)(IV) for terminal claims arising after the date of enactment of this Act. The Administrator or claims facility shall list all terminal health claims for which notice has been provided under this clause on the website established under clause (v).

(ix) SETTLEMENT OFFER.—Any participant or participants may, within 30 days after receipt of such notice as provided under clause (vii) or (viii), file and serve on all parties and the Administrator a good faith settlement offer in an aggregate amount not to exceed the total amount to which the claimant would receive under section 131. If the aggregate amount offered by all participants exceeds the award determined by the Administrator, all offers shall be deemed reduced pro-rata until the aggregate amount equals the award amount. An acceptance of such settlement offer for claims pending before the date of enactment of this Act shall be subject to approval by the trial judge or authorized magistrate in the court where the claim is pending. The court shall approve any such accepted offer within 20 days after a request, unless there is evidence of bad faith or fraud. No court approval is necessary if the terminal health claim was certified by the Administrator or claims facility under clause (vi).

(x) ACCEPTANCE OR REJECTION.—Within 20 days after receipt of the settlement offer, or the amended settlement offer, the claimant shall either accept or reject such offer in writing. If the amount of the settlement offer made by the Administrator, claims facility, or participants equals 100 percent of what the claimant would receive under the Fund, the claimant shall accept such settlement in writing.

(xi) OPPORTUNITY TO CURE.—If the settlement offer is rejected for being less than what the claimant would receive under the Fund, the participants shall have 10 business days to make an amended offer. If the amended offer equals 100 percent of what the claimant would receive under the Fund, the claimant shall accept such settlement offer in writing. If the settlement offer is again rejected as less than what the claimant would receive under the Fund or if participants fail to make an amended offer, the claimant shall recover 150 percent of what the claimant would receive under the Fund. If the amount of the amended settlement offer made by the Administrator, claims facility, or participants equals 150 percent of what the claimant would receive under the Fund, the claimant shall accept such settlement in writing.

(xii) PAYMENT SCHEDULE.—

(I) MESOTHELIOMA CLAIMANTS.—For mesothelioma claimants—

(aa) an initial payment of 50 percent shall be made within 30 days after the date the settlement is accepted and the second and final payment shall be made 6 months after date the settlement is accepted; or

(bb) if the Administrator determines that the payment schedule would impose a severe financial hardship on the Fund, or if the court determines that the settlement offer would impose a severe financial hardship on the participant, the payments may be extended 50 percent in 6 months and 50 percent 11 months after the date the settlement offer is accepted.

(II) OTHER TERMINAL CLAIMANTS.—For other terminal claimants, as defined under section 106(c)(2)(B) and (C)—

(aa) the initial payment of 50 percent shall be made within 6 months after the date the settlement is accepted and the second and final payment shall be made 12 months after date the settlement is accepted; or

(bb) if the Administrator determines that the payment schedule would impose a severe financial hardship on the Fund, or if the court determines that the settlement offer would impose a severe financial hardship on the participants, the payments may be extended 50 percent within 1 year after the date the settlement offer is accepted and 50 percent in 2 years after date the settlement offer is accepted.

(III) RELEASE.—Once a claimant has received final payment of the accepted settlement offer, and penalty payment if applicable, the claimant shall release any outstanding asbestos claims.

(xiii) RECOVERY OF COSTS.—

(I) IN GENERAL.—Any participant whose settlement offer is accepted may recover the cost of such settlement by deducting from the participant's next and subsequent contributions to the Fund the full amount of the payment made by such participant to the terminal health claimant, unless the Administrator finds, on the basis of clear and convincing evidence, that the participant's offer is not in good faith. Any such payment shall be considered a payment to the Fund for purposes of section 404(e)(1) and in response to the payment obligations imposed on participants in title II.

(II) REIMBURSEMENT.—Notwithstanding subclause (I), if the deductions from the participant's next and subsequent contributions to the Fund do not fully recover the cost of such payments on or before its third annual contribution to the Fund, the Fund shall reimburse such participant for such remaining cost not later than 6 months after the date of the third scheduled Fund contribution.

(xiv) FAILURE TO MAKE OFFER.—If participants fail to make a settlement offer within the 30-day period described under clause (ix) or make amended offers within the 10 business day cure period described under clause (xi), the claimant shall be entitled to recover 150 percent of what the claimant would receive under the Fund.

(xv) FAILURE TO PAY.—If a participant fails to pay an accepted settlement offer within the payment schedule under clause (xii), the claimant shall be entitled to recover 150 percent of what the claimant would receive under the Fund. If the stay is lifted under subparagraph (B) the claimant may seek a judgment or order for monetary damages from the court where the case is currently pending or the appropriate Federal or State court for claims arising after the date of enactment of this Act.

(B) STAY TERMINATED AND REVERSION TO COURT.—If 9 months after a terminal health claim has been filed under subparagraph (A), a claimant has not received a settlement under subparagraph (A)(xii) and the Administrator has not certified to Congress that the Fund or claims facility is operational and paying terminal health claims at a reasonable rate, the stay of claim provided under paragraph (1) shall be lifted and such terminal health claimant, may immediately seek a judgment or order for monetary damages from the court where the case is currently pending or the appropriate Federal or State court for claims arising after the date of enactment of this Act. If a claimant has failed to file a claim or notice of intent to seek a settlement, as required under subparagraph (A)(ii), the provisions of this subparagraph shall not apply.

(c) CONTINUANCE OF TERMINAL HEALTH CLAIMS.—Nothwithstanding section 106(f)(2) or any other provision of this Act, any individual who has filed a terminal health claim before the date of enactment of this Act may continue that terminal health claim in the court where the case was pending on the date of enactment of this Act. For terminal health claims filed after the date of enactment of this Act and before the Administrator certifies to Congress that the Fund is operational and paying valid claims at a reasonable rate, by claimants who do not elect to seek an offer of judgment under subparagraph (A), the pending claim is not stayed and such claimants may continue the terminal health claims where the case is filed.

SA 2838. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for MR. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 102, between lines 17 and 18, insert the following:

(5) WAIVER FOR WORKERS AND RESIDENTS OF VERMICULITE PROCESSING SITES AND COMMUNITIES IN NEW JERSEY.—Because of the unique nature of asbestos exposure related to the processing operations of vermiculite ore, the Administrator shall waive the exposure requirements under this subtitle for an individual who worked at a vermiculite processing site in the State of New Jersey, or lived or worked within a 10 mile radius of such processing site, for at least 12 consecutive months before December 31, 2005. Claimants under this paragraph shall provide such supporting documentation, as the Administrator shall require.

On page 102, line 18, strike "(5)" and insert "(6)".

On page 104, line 14, strike "(6)" and insert "(7)".

On page 123, between lines 10 and 11, insert the following:

(9) NEW JERSEY PROCESSING SITES.—The claims procedures described under paragraph (8) relating to Libby, Montana claimants shall apply to any eligible claimant who worked at a vermiculite processing site in the State of New Jersey, or lived or worked within a 10 mile radius of such processing site, as described under subsection (c)(5), and where such processing site has been identified by a Federal or State agency as having received or processed vermiculite ore from Libby, Montana.

On page 123, line 11, strike "(9)" and insert "(10)".

On page 125, line 19, strike "(10)" and insert "(11)".

On page 366, between line 11 and 12, insert the following:

(b) NEW JERSEY PROCESSING SITE CLAIMANTS.—

(1) IN GENERAL.—Nothing is this Act shall preclude the formation of a future fund for the payment of eligible medical expenses related to treating asbestos-related disease for individuals who worked at a vermiculite processing site in the State of New Jersey, or lived or worked within a 10 mile radius of such processing site.

(2) COLLATERAL SOURCE COMPENSATION EXCEPTION.—The payment of any medical expense under paragraph (1) shall not be collateral source compensations as defined under section 134(a).

On page 366, line 12, strike "(b)" and insert "(c)".

SA 2839. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 392, after line 5, insert the following:

SEC. 503. WAIVER FOR WORKERS AND RESIDENTS OF VERMICULITE PROCESSING SITES AND COMMUNITIES IN NEW JERSEY.

(a) IN GENERAL.—Because of the unique nature of asbestos exposure related to the processing operations of vermiculite ore, the Administrator shall waive the exposure requirements under subtitle II for an individual who worked at a vermiculite processing site in the State of New Jersey, or lived or worked within a 10 mile radius of such processing site, for at least 12 consecutive months before December 31, 2005. Claimants under this paragraph shall provide such supporting documentation, as the Administrator shall require.

(b) VERMICULITE PROCESSING SITES.—The claims procedures described under section 121(g)(8) relating to Libby, Montana claimants shall apply to any eligible claimant who worked at a vermiculite processing site in the State of New Jersey, or lived or worked within a 10 mile radius of such processing site, as described under subsection (a), and where such processing site has been identified by a Federal or State agency as having received or processed vermiculite ore from Libby, Montana.

(c) VERMICULITE PROCESSING SITE CLAIMANTS.—

(1) IN GENERAL.—-Nothing is this Act shall preclude the formation of a future fund for the payment of eligible medical expenses related to treating asbestos-related diseases for individuals who worked at a vermiculite processing site in the State of New Jersey, or lived or worked within a 10 mile radius of such processing site, as described under subsection (a).

(2) COLLATERAL SOURCE COMPENSATION EXCEPTION.—The payment of any medical expense under paragraph (1) shall not be collateral source compensations as defined under section 134(a).

SA 2840. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 298, strike lines 16 and 17, and insert the following:

"(A) the trust qualifies as a trust under section 201 of that Act; and

"(B) the trust does not file an election under section 410 of that Act.".

On page 301, line 24, insert "or for electing to opt out under section 410 of the Fairness in Asbestos Injury Resolution Act of 2006" before the period.

On page 375, after line 23, insert the following:

SEC. 410. OPT-OUT RIGHTS OF CERTAIN TRUSTS AND EFFECT OF OPT-OUT.

(a) OPT-OUT RIGHTS.—Any trust defined under section 201(8) that has been established or formed under a plan of reorganization under chapter 11 of title 11, United States Code, confirmed by a duly entered order or judgment of a court, which order or judgment is no longer subject to any appeal or judicial review on the date of enactment of this Act, may elect not to be covered by this Act by filing written notice of such election to the Administrator not later than 90 days after the date of enactment of this Act.

(b) EFFECT OF OPT-OUT.—

(1) IN GENERAL.—Neither this Act nor any amendment made by this Act shall apply to—

(A) any trust that makes an election under subsection (a); or

(B) any claim or future demand that has been channeled to that trust.

(2) ASSETS AND OTHER RIGHTS AND CLAIMS.—A trust that makes an election under subsection (a) shall retain all of its assets. The contractual and other rights of a trust making an election under subsection (a) and claims against other persons (whether held directly or indirectly by others for the benefit of the trust), including the rights and claims of the trust against insurers, shall be preserved and not abrogated by this Act.

SA 2841. Mr. BURNS submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 9, strike "TLC or FVC" and insert "TLC, FVC, or DLCO".

On page 119, line 22, strike "TLC or FVC" and insert "TLC, FVC, or DLCO".

SA 2842. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 392, after line 5, insert the following:

SEC. 503. WAIVER FOR WORKERS AND RESIDENTS OF VERMICULITE PROCESSING SITES AND COMMUNITIES.

(a) WAIVER FOR WORKERS AND RESIDENTS OF VERMICULITE MINING AND PROCESSING COMMUNITIES.—

(1) IN GENERAL.—Because of the nature of asbestos exposure related to the vermiculite mining operations in Libby, Montana, and the vermiculite processing operations associated with such mining operations, the Administrator shall waive the exposure requirements under this subtitle for individuals who worked—

(A) at the vermiculite mining operations in Libby, Montana, or lived or worked within a 20-mile radius of such mining operations, for at least 12 months before December 31, 2004; and

(B) at sites processing vermiculite mined from mining operations in Libby, Montana, that—

(i) the United States Environmental Protection Agency has designated as requiring further action on the basis of current contamination as of the date of enactment of this Act; or

(ii) processed at least 100,000 tons or more of vermiculite from the Libby, Montana, mine; or

(iii) currently or subsequently have been identified by any Governmental agency as having processed vermiculite from the Libby, Montana, mine that caused risk from asbestos exposure; or

(C) or lived within a 20 mile radius of a processing site described in subparagraph (B), for at least 12 months before December 31, 2004.

(2) REQUIRED DOCUMENTATION.—Claimants under this paragraph shall provide such supporting documentation as the Administrator shall require.

(b) VERMICULITE MINING AND PROCESSING CLAIMANTS.—

(1) IN GENERAL.—Notwithstanding section 121(g)(8), a vermiculite mining and processing claimant, as described under subsection (a), may elect to have the claimant's claim designated as an exceptional medical claim and referred to a Physicians Panel for review. In reviewing the medical evidence submitted by such a claimant in support of that claim, the Physicians Panel shall take into consideration the unique and serious nature of asbestos exposure in vermiculite mining and processing operations, including the nature of the pleural disease related to asbestos exposure from such sites.

(2) CLAIMS.—For all claims for Levels II through IV filed by vermiculite mining and processing claimants, as described under subsection (a), once the Administrator or the Physicians Panel issues a certificate of medical eligibility to such claimant, and notwithstanding the disease category designated in the certificate or the eligible disease or condition established in accordance with this section, or the value of the award determined in accordance with section 114, such claimant shall be entitled to an award that is not less than that awarded to claimants who suffer from asbestosis, Level IV. For all malignant claims filed by vermiculite mining and processing claimants, such claimant shall be entitled to an award that corresponds to the malignant disease category designated by the Administrator or the Physicians Panel.

(c) VERMICULITE MINING AND PROCESSING CLAIMANTS.—Nothing in this Act shall preclude the formation of a fund for the payment of eligible medical expenses related to treating asbestos-related disease for current and former residents of vermiculite mining and processing communities, as described under section 121(c)(4). The payment of any such medical expenses shall not be collateral source compensation as defined under section 134(a).

(d) MISCELLANEOUS.—Section (2)(a)(9) shall have no force or effect.

(e) DEFINITION.—For purposes of this section, the term "Governmental agency" means any regulatory or administrative unit responsible for evaluating sites that received and processed vermiculite ore mined in Libby, Montana.

SA 2843. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 392, after line 5, insert the following:

SEC. 503. WAIVER FOR WORKERS AND RESIDENTS OF VERMICULITE PROCESSING SITES AND COMMUNITIES.

(a) WAIVER FOR WORKERS AND RESIDENTS OF VERMICULITE MINING AND PROCESSING COMMUNITIES.—

(1) IN GENERAL.—Notwithstanding section 121(c)(4), because of the nature of asbestos exposure related to the vermiculite mining operations in Libby, Montana, and the vermiculite processing operations associated with such mining operations, the Administrator shall waive the exposure requirements under subtitle II for individuals who worked—

(A) at the vermiculite mining operations in Libby, Montana, or lived or worked within a 20-mile radius of such mining operations, for at least 12 months before December 31, 2004; and

(B) at sites processing vermiculite mined from mining operations in Libby, Montana, that—

(i) the United States Environmental Protection Agency has designated as requiring further action on the basis of current contamination as of the date of enactment of this Act; or

(ii) processed at least 100,000 tons or more of vermiculite from the Libby, Montana, mine; or

(C) or lived within a 20 mile radius of a processing site described in subparagraph (B), for at least 12 months before December 31, 2004.

(2) REQUIRED DOCUMENTATION.—Claimants under this subsection shall provide such supporting documentation as the Administrator shall require.

(b) VERMICULITE MINING AND PROCESSING CLAIMANTS.—

(1) IN GENERAL.—Notwithstanding section 121(g)(8), a vermiculite mining and processing claimant, as described under subsection (a), may elect to have the claimant's claim designated as an exceptional medical claim and referred to a Physicians Panel for review. In reviewing the medical evidence submitted by such a claimant in support of that claim, the Physicians Panel shall take into consideration the unique and serious nature of asbestos exposure in vermiculite mining and processing operations, including the nature of the pleural disease related to asbestos exposure from such sites.

(2) CLAIMS.—For all claims for Levels II through IV filed by vermiculite mining and processing claimants, as described under subsection (a), once the Administrator or the Physicians Panel issues a certificate of medical eligibility to such claimant, and notwithstanding the disease category designated in the certificate or the eligible disease or condition established in accordance with this section, or the value of the award determined in accordance with section 114,

such claimant shall be entitled to an award that is not less than that awarded to claimants who suffer from asbestosis, Level IV. For all malignant claims filed by vermiculite mining and processing claimants, such claimant shall be entitled to an award that corresponds to the malignant disease category designated by the Administrator or the Physicians Panel.

(c) VERMICULITE MINING AND PROCESSING CLAIMANTS.—Nothing in this Act shall preclude the formation of a fund for the payment of eligible medical expenses related to treating asbestos-related disease for current and former residents of vermiculite mining and processing communities, as described under section 121(c)(4). The payment of any such medical expenses shall not be collateral source compensation as defined under section 134(a).

(d) MISCELLANEOUS.—Section (2)(a)(9) shall have no force or effect.

SA 2844. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 392, after line 5, insert the following:

SEC. 503. LIBBY, MONTANA CLAIMANTS.

Notwithstanding any other provision of this Act, any Libby, Montana claimant shall be treated in the same manner and to the same extent as any other claimant under this Act, including for provisions relating to—

(1) eligibility under the Fund;

(2) the filing of claims; and

(3) awards under the Fund.

SA 2845. Mr. BURNS (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 119, line 22, strike "TLC or FVC" and insert "TLC, FVC, or DLCO".

SA 2846. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Fairness in Asbestos Injury Resolution Act of 2006" or the "FAIR Act of 2006".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Millions of Americans have been exposed to forms of asbestos that can have devastating health effects.

(2) Various injuries can be caused by exposure to some forms of asbestos, including pleural disease and some forms of cancer.

(3) The injuries caused by asbestos can have latency periods of up to 40 years, and even limited exposure to some forms of asbestos may result in injury in some cases.

(4) Asbestos litigation has had a significant detrimental effect on the country's economy, driving companies into bankruptcy, diverting resources from those who are truly sick, and endangering jobs and pensions.

(5) The scope of the asbestos litigation crisis cuts across every State and virtually every industry.

(6) The United States Supreme Court has recognized that Congress must act to create a more rational asbestos claims system. In 1991, a Judicial Conference Ad Hoc Committee on Asbestos Litigation, appointed by Chief Justice William Rehnquist, found that the "ultimate solution should be legislation recognizing the national proportions of the problem . . . and creating a national asbestos dispute resolution scheme . . . . The Court found in 1997 in Amchem Products Inc. v. Windsor, 521 U.S. 591, 595 (1997), that "[t]he argument is sensibly made that a nationwide administrative claims processing regime would provide the most secure, fair, and efficient means of compensating victims of asbestos exposure." In 1999, the Court in Ortiz v. Fibreboard Corp., 527 U.S. 819, 821 (1999), found that the "elephantine mass of asbestos cases . . . defies customary judicial administration and calls for national legislation." That finding was again recognized in 2003 by the Court in Norfolk & Western Railway Co. v. Ayers, 123 S. Ct. 1210 (2003).

(7) This crisis, and its significant effect on the health and welfare of the people of the United States, on interstate and foreign commerce, and on the bankruptcy system, compels Congress to exercise its power to regulate interstate commerce and create this legislative solution in the form of a national asbestos injury claims resolution program to supersede all existing methods to compensate those injured by asbestos, except as specified in this Act.

(8) This crisis has also imposed a deleterious burden upon the United States bankruptcy courts, which have assumed a heavy burden of administering complicated and protracted bankruptcies with limited personnel.

(9) This crisis has devastated many communities across the country, but hardest hit has been Libby, Montana, where tremolite asbestos, 1 of the most deadly forms of asbestos, was contained in the vermiculite ore mined from the area and despite ongoing cleanup by the Environmental Protection Agency, many still suffer from the deadly dust.

(10) The asbestos found in Libby, Montana, tremolite asbestos, has demonstrated an unusually high level of toxicity, as compared to chrysotile asbestos. Diseases contracted from this tremolite asbestos are unique and highly progressive. These diseases typically manifest in a characteristic pleural disease pattern, and often result in severe impairment or death without radiographic interstitial disease or typical chrysotile markers of radiographic severity. According to the Agency for Toxic Substances and Disease Registry previous studies by the National Institutes of Occupational Safety and Health document significantly increased rates of pulmonary abnormalities and disease (asbestosis and lung cancer) among former workers.

(11) Environmental Protection Agency supported studies have determined that the raw vermiculite ore mined and milled in Libby, Montana contained 21 to 26 percent asbestos, by weight. The milled ore, resulting from the processing in Libby, which was shipped out of Libby contained markedly reduced percentages of asbestos. A 1982 Environmental Protection Agency-supported sutdy concluded that oreshipped out of Libby contained 0.3 to 7 percent asbestos, by weight.

(12) In Libby, Montana, exposure pathways are and were not limited to the workplace, rather, for decades there has been an unprecedented 24 hour per day contamination of the community's homes, playgrounds, gardens, and community air, such that the entire community of Libby, Montana, has been designated a Superfund site and is listed on the Environmental Protection Agency's National Priorities List.

(13) These multiple exposure pathways have caused severe asbestos disease and death not only in former workers at the mine and milling facilities, but also in the workers' spouses and children, and in community members who had no direct contact with the mine. According to the Environmental Protection Agency, some potentially important alternative pathways for past asbestos exposure include elevated concentrations of asbestos in ambient air and recreational exposures from children playing in piles of vermiculite. Furthermore, the Environmental Protection Agency has determined that current potential pathways of exposure include vermiculite placed in walls and attics as thermal insulation, vermiculite or ore used as road bed material, ore used as ornamental landscaping, and vermiculite or concentrated ore used as a soil and garden amendment or aggregate in driveways.

(14) The Environmental Protection Agency also concluded, "Asbestos contamination exists in a number of potential source materials at multiple locations in and around the residential and commercial area of Libby . . . While data are not yet sufficient to perform reliable human-health risk evaluations for all sources and all types of disturbance, it is apparent that releases of fiber concentrations higher than Occupational Safety and Health Administration standards may occur in some cases . . . and that screening-level estimates of lifetime excess cancer risk can exceed the upper-bound risk range of 1E–04 usually used by the Environmental Protection Agency for residents under a variety of exposure scenarios. The occurrence of non-occupational asbestos-related disease that has been observed among Libby residents is extremely unusual, and has not been associated with asbestos mines elsewhere, suggesting either very high and prolonged environmental exposures and/or increased toxicity of this form of amphibole asbestos.".

(15) According to a November 2003 article from the Journal Environmental Health Perspectives titled, Radiographic Abnormalities and Exposure to Asbestos-Contaminated Vermiculite in the Community of Libby, Montana, USA, Libby residents who have evidence of "no apparent exposure", i.e., did not work with asbestos, were not a family member of a former worker, etc., had a greater rate of pleural abnormalities (6.7 percent) than did those in control groups or general populations found in other studies from other states (which ranged from 0.2 percent to 4.6 percent). "Given the ubiquitous nature of vermiculite contamination in Libby, along with historical evidence of elevated asbestos concentrations in the air, it

would be difficult to find participants who could be characterized as unexposed.".

(16) Nothing in this Act is intended to increase the Federal deficit or impose any burden on the taxpayer. The Office of Asbestos Disease Compensation established under this Act shall be privately funded by annual payments from defendant participants that have been subject to asbestos liability and their insurers. Section 406(b) of this Act expressly provides that nothing in this Act shall be construed to create any obligation of funding from the United States or to require the United States to satisfy any claims if the amounts in the Fund are inadequate. Any borrowing by the Fund is limited to monies expected to be paid into the Fund, and the Administrator shall have no fiscal authroity beyond the amount of private money coming into the Fund. This Act provides the Administrator with broad enforcement authority to pursue debts to the Fund owed by defendant participants or insurer participants and their successors in interest.

(b) Purpose.—The purpose of this Act is to—

(1) create a privately funded, publicly administered fund to provide the necessary resources for a fair and efficient system to resolve asbestos injury claims that will provide compensation for legitimate present and future claimants of asbestos exposure as provided in this Act;

(2) provide compensation to those present and future victims based on the severity of their injuries, while establishing a system flexible enough to accommodate individuals whose conditions worsens;

(3) relieve the Federal and State courts of the burden of the asbestos litigation; and

(4) increase economic stability by resolving the asbestos litigation crisis that has bankrupted companies with asbestos liability, diverted resources from the truly sick, and endangered jobs and pensions.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) Administrator.—The term "Administrator" means the Administrator of the Office of Asbestos Disease Compensation appointed under section 101(b).

(2) Asbestos.—The term "asbestos" includes—

(A) chrysotile;

(B) amosite;

(C) crocidolite;

(D) tremolite asbestos;

(E) winchite asbestos;

(F) richterite asbestos;

(G) anthophyllite asbestos;

(H) actinolite asbestos;

(I) asbestiform amphibole minerals;

(J) any of the minerals listed under subparagraphs (A) through (I) that has been chemically treated or altered, and any asbestiform variety, type, or component thereof; and

(K) asbestos-containing material, such as asbestos-containing products, automotive or industrial parts or components, equipment, improvements to real property, and any other material that contains asbestos in any physical or chemical form.

(3) Asbestos claim.—

(A) In general.—The term "asbestos claim" means any claim, premised on any theory, allegation, or cause of action for damages or other relief presented in a civil action or bankruptcy proceeding, directly, indirectly, or derivatively arising out of, based on, or related to, in whole or part, the health effects of exposure to asbestos, including loss of consortium, wrongful death, and any derivative claim made by, or on behalf of, any exposed person or any representative, spouse, parent, child, or other relative of any exposed person.

(B) Exclusion.—The term does not include—

(i) claims alleging damage or injury to tangible property;

(ii) claims for benefits under a workers' compensation law or veterans' benefits program;

(iii) claims arising under any governmental or private health, welfare, disability, death or compensation policy, program or plan;

(iv) claims arising under any employment contract or collective bargaining agreement;

(v) claims arising out of medical malpractice; or

(vi) any claim arising under—

(I) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(II) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);

(III) the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.);

(IV) the Equal Pay Act of 1963 (29 U.S.C. 206);

(V) the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);

(VI) section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983); or

(VII) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(4) Asbestos claimant.—The term "asbestos claimant" means an individual who files a claim under section 113.

(5) Civil action.—The term "civil action" means all suits of a civil nature in State or Federal court, whether cognizable as cases at law or in equity or in admiralty, but does not include an action relating to any workers' compensation law, or a proceeding for benefits under any veterans' benefits program.

(6) Collateral source compensation.—The term "collateral source compensation" means the compensation that the claimant received, or is entitled to receive, from a defendant or an insurer of that defendant, or compensation trust as a result of a final judgment or settlement for an asbestos-related injury that is the subject of a claim filed under section 113.

(7) Eligible disease or condition.—The term "eligible disease or condition" means the extent that an illness meets the medical criteria requirements established under subtitle C of title I.

(8) Employers' liability act.—The term "Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employer's Liability Act" shall, for all purposes of this Act, include the Act of June 5, 1920 (46 U.S.C. App. 688), commonly known as the Jones Act, and the related phrase "operations as a common carrier by railroad" shall include operations as an employer of seamen.

(9) Fund.—The term "Fund" means the Asbestos Injury Claims Resolution Fund established under section 221.

(10) Insurance receivership proceeding.—The term "insurance receivership proceeding" means any State proceeding with respect to a financially impaired or insolvent insurer or reinsurer including the liquidation, rehabilitation, conservation, supervision, or ancillary receivership of an insurer under State law.

(11) Law.—The term "law" includes all law, judicial or administrative decisions, rules, regulations, or any other principle or action having the effect of law.

(12) Participant.—

(A) In general.—The term "participant" means any person subject to the funding requirements of title II, including—

(i) any defendant participant subject to liability for payments under subtitle A of that title;

(ii) any insurer participant subject to a payment under subtitle B of that title; and

(iii) any successor in interest of a participant.

(B) Exception.—

(i) In general.—A defendant participant shall not include any person protected from any asbestos claim by reason of an injunction entered in connection with a plan of reorganization under chapter 11 of title 11, United States Code, that has been confirmed by a duly entered order or judgment of a court that is no longer subject to any appeal or judicial review, and the substantial consummation, as such term is defined in section 1101(2) of title 11, United States Code, of such plan of reorganization has occurred.

(ii) Applicability.—Clause (i) shall not apply to a person who may be liable under subtitle A of title II based on prior asbestos expenditures related to asbestos claims that are not covered by an injunction described under clause (i).

(13) Person.—The term "person"—

(A) means an individual, trust, firm, joint stock company, partnership, association, insurance company, reinsurance company, or corporation; and

(B) does not include the United States, any State or local government, or subdivision thereof, including school districts and any general or special function governmental unit established under State law.

(14) State.—The term "State" means any State of the United States and also includes the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States or any political subdivision of any of the entities under this paragraph.

(15) Substantially continues.—The term "substantially continues" means that the business operations have not been significantly modified by the change in ownership.

(16) Successor in interest.—The term "successor in interest" means any person that, in 1 or a series of transactions, acquires all or substantially all of the assets and properties (including, without limitation, under section 363(b) or 1123(b)(4) of title 11, United States Code), and substantially continues the business operations, of a participant. The factors to be considered in determining whether a person is a successor in interest include—

(A) retention of the same facilities or location;

(B) retention of the same employees;

(C) maintaining the same job under the same working conditions;

(D) retention of the same supervisory personnel;

(E) continuity of assets;

(F) production of the same product or offer of the same service;

(G) retention of the same name;

(H) maintenance of the same customer base;

(I) identity of stocks, stockholders, and directors between the asset seller and the purchaser; or

(J) whether the successor holds itself out as continuation of previous enterprise, but expressly does not include whether the person actually knew of the liability of the participant under this Act.

(17) Veterans' benefits program.—The term "veterans' benefits program" means

any program for benefits in connection with military service administered by the Veterans' Administration under title 38, United States Code.

(18) WORKERS' COMPENSATION LAW.—The term "workers' compensation law"—

(A) means a law respecting a program administered by a State or the United States to provide benefits, funded by a responsible employer or its insurance carrier, for occupational diseases or injuries or for disability or death caused by occupational diseases or injuries;

(B) includes the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) and chapter 81 of title 5, United States Code; and

(C) does not include the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, or damages recovered by any employee in a liability action against an employer.

(19) CLASS ACTION TRUST.—The term "class action trust" means a trust or similar entity established to hold assets for the payment of asbestos claims asserted against a debtor or participating defendant, under a settlement that—

(A) is a settlement of class action claims under rule 23 of the Federal Rules of Civil Procedure; and

(B) has been approved by a final judgment of a United States district court before the date of enactment of this Act.

(20) DEBTOR.—The term "debtor"—

(A) means—

(i) a person that is subject to a case pending under a chapter of title 11, United States Code, on the date of enactment of this Act or at any time during the 1-year period immediately preceding that date, irrespective of whether the debtor's case under that title has been dismissed; and

(ii) all of the direct or indirect majority-owned subsidiaries of a person described under clause (i), regardless of whether any such majority-owned subsidiary has a case pending under title 11, United States Code; and

(B) shall not include an entity—

(i) subject to chapter 7 of title 11, United States Code, if a final decree closing the estate shall have been entered before the date of enactment of this Act; or

(ii) subject to chapter 11 of title 11, United States Code, if a plan of reorganization for such entity shall have been confirmed by a duly entered order or judgment of a court that is no longer subject to any appeal or judicial review, and the substantial consummation, as such term is defined in section 1101(2) of title 11, United States Code, of such plan of reorganization has occurred.

(21) TRUST.—The term "trust" means any trust, as described in sections 524(g)(2)(B)(i) or 524(h) of title 11, United States Code, or established in conjunction with an order issued under section 105 of title 11, United States Code, established or formed under the terms of a chapter 11 plan of reorganization, which in whole or in part provides compensation for asbestos claims.

TITLE I—ASBESTOS CLAIMS RESOLUTION

Subtitle A—Office of Asbestos Disease Compensation

SEC. 101. ESTABLISHMENT OF OFFICE OF ASBESTOS DISEASE COMPENSATION.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established within the Department of Labor the Office of Asbestos Disease Compensation (hereinafter referred to in this Act as the "Office"), which shall be headed by an Administrator.

(2) PURPOSE.—The purpose of the Office is to provide timely, fair compensation, in the amounts and under the terms specified in this Act, on a no-fault basis and in a non-adversarial manner, to individuals whose health has been adversely affected by exposure to asbestos.

(3) TERMINATION OF THE OFFICE.—The Office of Asbestos Disease Compensation shall terminate effective not later than 12 months following certification by the Administrator that the Fund has neither paid a claim in the previous 12 months nor has debt obligations remaining to pay.

(4) EXPENSES.—There shall be available from the Fund to the Administrator such sums as are necessary for any and all expenses associated with the Office of Asbestos Disease Compensation and necessary to carry out the purposes of this Act. Expenses covered should include—

(A) management of the Fund;

(B) personnel salaries and expenses, including retirement and similar benefits;

(C) the sums necessary for conducting the studies required under this Act;

(D) all administrative and legal expenses; and

(E) any other sum that could be attributable to the Fund.

(b) APPOINTMENT OF ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator of the Office of Asbestos Disease Compensation shall be appointed by the President. The Administrator shall serve for a term of 10 years.

(2) REPORTING.—The Administrator shall report directly to the Assistant Secretary of Labor for the Employment Standards Administration.

(c) DUTIES OF ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator shall be responsible for—

(A) processing claims for compensation for asbestos-related injuries and paying compensation to eligible claimants under the criteria and procedures established under title I;

(B) determining, levying, and collecting assessments on participants under title II;

(C) appointing or contracting for the services of such personnel, making such expenditures, and taking any other actions as may be necessary and appropriate to carry out the responsibilities of the Office, including entering into cooperative agreements with other Federal agencies or State agencies and entering into contracts with nongovernmental entities;

(D) conducting such audits and additional oversight as necessary to assure the integrity of the program;

(E) managing the Asbestos Injury Claims Resolution Fund established under section 221, including—

(i) administering, in a fiduciary capacity, the assets of the Fund for the primary purpose of providing benefits to asbestos claimants and their beneficiaries;

(ii) defraying the reasonable expenses of administering the Fund;

(iii) investing the assets of the Fund in accordance with section 222(b);

(iv) retaining advisers, managers, and custodians who possess the necessary facilities and expertise to provide for the skilled and prudent management of the Fund, to assist in the development, implementation and maintenance of the Fund's investment policies and investment activities, and to provide for the safekeeping and delivery of the Fund's assets; and

(v) borrowing amounts authorized by section 221(b) on appropriate terms and conditions, including pledging the assets of or payments to the Fund as collateral;

(F) promulgating such rules, regulations, and procedures as may be necessary and appropriate to implement the provisions of this Act;

(G) making such expenditures as may be necessary and appropriate in the administration of this Act;

(H) excluding evidence and disqualifying or debarring any attorney, physician, provider of medical or diagnostic services, including laboratories and others who provide evidence in support of a claimant's application for compensation where the Administrator determines that materially false, fraudulent, or fictitious statements or practices have been submitted or engaged in by such individuals or entities; and

(I) having all other powers incidental, necessary, or appropriate to carrying out the functions of the Office.

(2) CERTAIN ENFORCEMENTS.—For each infraction relating to paragraph (1)(H), the Administrator also may impose a civil penalty not to exceed $10,000 on any person or entity found to have submitted or engaged in a materially false, fraudulent, or fictitious statement or practice under this Act. The Administrator shall prescribe appropriate regulations to implement paragraph (1)(H).

(3) SELECTION OF DEPUTY ADMINISTRATORS.—The Administrator shall select a Deputy Administrator for Claims Administration to carry out the Administrator's responsibilities under this title and a Deputy Administrator for Fund Management to carry out the Administrator's responsibilities under title II of this Act. The Deputy Administrators shall report directly to the Administrator and shall be in the Senior Executive Service.

(d) EXPEDITIOUS DETERMINATIONS.—The Administrator shall prescribe rules to expedite claims for asbestos claimants with terminal circumstances in order to expedite the payment of such claims as soon as possible after startup of the Fund. The Administrator shall contract out the processing of such claims.

(e) AUDIT AND PERSONNEL REVIEW PROCEDURES.—The Administrator shall establish audit and personnel review procedures for evaluating the accuracy of eligibility recommendations of agency and contract personnel.

(f) APPLICATION OF FOIA.—

(1) IN GENERAL.—Section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) shall apply to the Office of Asbestos Disease Compensation and the Asbestos Insurers Commission.

(2) CONFIDENTIALITY OF FINANCIAL RECORDS.—

(A) IN GENERAL.—Any person may label any record submitted under this section as a confidential commercial or financial record for the purpose of requesting exemption from disclosure under section 552(b)(4) of title 5, United States Code.

(B) DUTIES OF ADMINISTRATOR AND CHAIRMAN OF THE ASBESTOS INSURERS COMMISSION.—The Administrator and Chairman of the Asbestos Insurers Commission—

(i) shall adopt procedures for—

(I) handling submitted records marked confidential; and

(II) protecting from disclosure records they determine to be confidential commercial or financial information exempt under section 552(b)(4) of title 5, United States Code; and

(ii) may establish a pre-submission determination process to protect from disclosure records on reserves and asbestos-related liabilities submitted by any defendant participant that is exempt under section 552(b)(4) of title 5, United States Code.

(C) REVIEW OF COMPLAINTS.—Nothing in this section shall supersede or preempt the de novo review of complaints filed under section 552(b)(4) of title 5, United States Code.

(3) CONFIDENTIALITY OF MEDICAL RECORDS.—Any claimant may designate any record submitted under this section as a confidential personnel or medical file for purposes of section 552 of title 5, United States Code. The Administrator and the Chairman of the Asbestos Insurers Commission shall adopt procedures for designating such records as confidential.

SEC. 102. ADVISORY COMMITTEE ON ASBESTOS DISEASE COMPENSATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall establish an Advisory Committee on Asbestos Disease Compensation (hereinafter the "Advisory Committee").

(2) COMPOSITION AND APPOINTMENT.—The Advisory Committee shall be composed of 20 members, appointed by the President.

(3) QUALIFICATIONS.—All of the members described in paragraph (2) shall have expertise or experience relevant to the asbestos compensation program, including experience or expertise in diagnosing asbestos-related diseases and conditions, assessing asbestos exposure and health risks, filing asbestos claims, administering a compensation or insurance program, or as actuaries, auditors, or investment managers. None of the members described in paragraph (2)(B) shall be individuals who, for each of the 5 years before their appointments, earned more than 15 percent of their income by serving in matters related to asbestos litigation as consultants or expert witnesses.

(b) DUTIES.—The Advisory Committee shall advise the Administrator on—

(1) claims filing and claims processing procedures;

(2) claimant assistance programs;

(3) audit procedures and programs to ensure the quality and integrity of the compensation program;

(4) the development of a list of industries, occupations and time periods for which there is a presumption of substantial occupational exposure to asbestos;

(5) recommended analyses or research that should be conducted to evaluate past claims and to project future claims under the program;

(6) the annual report required to be submitted to Congress under section 405; and

(7) such other matters related to the implementation of this Act as the Administrator considers appropriate.

(c) OPERATION OF THE COMMITTEE.—

(1) Each member of the Advisory Committee shall be appointed for a term of 10 years.

(2) Any member appointed to fill a vacancy occurring before the expiration of the term shall be appointed only for the remainder of such term.

(3) The Administrator shall designate a Chairperson and Vice Chairperson from among members of the Advisory Committee appointed under subsection (a)(2)(B).

(4) The Advisory Committee shall meet at the call of the Chairperson or the majority of its members, and at a minimum shall meet at least 4 times per year during the first 5 years of the asbestos compensation program, and at least 2 times per year thereafter.

(5) The Administrator shall provide to the Committee such information as is necessary and appropriate for the Committee to carry out its responsibilities under this section. The Administrator may, upon request of the Advisory Committee, secure directly from any Federal, State, or local department or agency such information as may be necessary and appropriate to enable the Advisory Committee to carry out its duties under this section. Upon request of the Administrator, the head of such department or agency shall furnish such information to the Advisory Committee.

(6) The Administrator shall provide the Advisory Committee with such administrative support as is reasonably necessary to enable it to perform its functions.

(d) EXPENSES.—Members of the Advisory Committee, other than full-time employees of the United States, while attending meetings of the Advisory Committee or while otherwise serving at the request of the Administrator, and while serving away from their homes or regular places of business, shall be allowed travel and meal expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay.

SEC. 103. MEDICAL ADVISORY COMMITTEE.

(a) IN GENERAL.—The Administrator shall establish a Medical Advisory Committee to provide expert advice regarding medical issues arising under the statute.

(b) QUALIFICATIONS.—None of the members of the Medical Advisory Committee shall be individuals who, for each of the 5 years before their appointments, earned more than 15 percent of their income by serving in matters related to asbestos litigation as consultants or expert witnesses.

SEC. 104. CLAIMANT ASSISTANCE.

(a) ESTABLISHMENT.—Not later than 120 days after the enactment of this Act, the Administrator shall establish a comprehensive asbestos claimant assistance program to—

(1) publicize and provide information to potential claimants about the availability of benefits for eligible claimants under this Act, and the procedures for filing claims and for obtaining assistance in filing claims;

(2) provide assistance to potential claimants in preparing and submitting claims, including assistance in obtaining the documentation necessary to support a claim and any other appropriate paralegal assistance;

(3) respond to inquiries from claimants and potential claimants;

(4) provide training with respect to the applicable procedures for the preparation and filing of claims to persons who provide assistance or representation to claimants; and

(5) provide for the establishment of a website where claimants may access all relevant forms and information.

(b) RESOURCE CENTERS.—The claimant assistance program shall provide for the establishment of resource centers in areas where there are determined to be large concentrations of potential claimants. These centers shall be located, to the extent feasible, in facilities of the Department of Labor or other Federal agencies.

(c) CONTRACTS.—The claimant assistance program may be carried out in part through contracts with labor organizations, community-based organizations, and other entities which represent or provide services to potential claimants, except that such organizations may not have a financial interest in the outcome of claims filed with the Office.

(d) LEGAL ASSISTANCE.—

(1) IN GENERAL.—As part of the program established under subsection (a), the Administrator shall establish a legal assistance program to provide assistance to asbestos claimants concerning legal representation issues.

(2) LIST OF QUALIFIED ATTORNEYS.—As part of the program, the Administrator shall maintain a roster of qualified attorneys who have agreed to provide pro bono services to asbestos claimants under rules established by the Administrator. The claimants shall not be required to use the attorneys listed on such roster.

(3) NOTICE.—

(A) NOTICE BY ADMINISTRATOR.—The Administrator shall provide asbestos claimants with notice of, and information relating to—

(i) pro bono services for legal assistance available to those claimants; and

(ii) any limitations on attorneys fees for claims filed under this title.

(B) NOTICE BY ATTORNEYS.—Before a person becomes a client of an attorney with respect to an asbestos claim, that attorney shall provide notice to that person of pro bono services for legal assistance available for that claim.

(e) ATTORNEY'S FEES.—

(1) LIMITATION.—

(A) IN GENERAL.—Notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with the claim of an individual under the Fund, more than a reasonable attorney's fee.

(ii) CALCULATION OF REASONABLE FEE.—Any fee obtained under clause (i) shall be calculated by multiplying a reasonable hourly rate by the number of hours reasonably expended on the claim of the individual.

(iii) REQUIREMENTS FOR COMPENSATION.—A representative of an individual shall not be eligible to receive a fee under clause (i), unless—

(I) such representative submits to the Administrator detailed contemporaneous billing records for any work actually performed in the course of representation of an individual; and

(II) the Administrator finds, based on billing records submitted by the representative under subclause (I), that the work for which compensation is sought was reasonably performed, and that the requested hourly fee is reasonable.

(2) PENALTY.—Any representative of an asbestos claimant who violates this subsection shall be fined not more than the greater of—

(A) $5,000; or

(B) twice the amount received by the representative for services rendered in connection with each such violation.

SEC. 105. PHYSICIANS PANELS.

(a) APPOINTMENT.—The Administrator shall, in accordance with section 3109 of title 5, United States Code, appoint physicians with experience and competency in diagnosing asbestos-related diseases to be available to serve on Physicians Panels, as necessary to carry out this Act.

(b) FORMATION OF PANELS.—

(1) IN GENERAL.—The Administrator shall periodically determine—

(A) the number of Physicians Panels necessary for the efficient conduct of the medical review process under section 121;

(B) the number of Physicians Panels necessary for the efficient conduct of the exceptional medical claims process under section 121; and

(C) the particular expertise necessary for each panel.

(2) EXPERTISE.—Each Physicians Panel shall be composed of members having the particular expertise determined necessary by

the Administrator, randomly selected from among the physicians appointed under subsection (a) having such expertise.

(3) PANEL MEMBERS.—Except as provided under subparagraph (B), each Physicians Panel shall consist of 3 physicians, 2 of whom shall be designated to participate in each case submitted to the Physicians Panel, and the third of whom shall be consulted in the event of disagreement.

(c) QUALIFICATIONS.—To be eligible to serve on a Physicians Panel under subsection (a), a person shall be—

(1) a physician licensed in any State;

(2) board-certified in pulmonary medicine, occupational medicine, internal medicine, oncology, or pathology; and

(3) an individual who, for each of the 5 years before and during his or her appointment to a Physicians Panel, has earned not more than 15 percent of his or her income as an employee of a participating defendant or insurer or a law firm representing any party in asbestos litigation or as a consultant or expert witness in matters related to asbestos litigation.

(d) DUTIES.—Members of a Physicians Panel shall—

(1) make such medical determinations as are required to be made by Physicians Panels under section 121; and

(2) perform such other functions as required under this Act.

(e) COMPENSATION.—Notwithstanding any limitation otherwise established under section 3109 of title 5, United States Code, the Administrator shall be authorized to pay members of a Physician Panel such compensation as is reasonably necessary to obtain their services.

(f) FEDERAL ADVISORY COMMITTEE ACT.—A Physicians Panel established under this section shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App. 2).

SEC. 106. PROGRAM STARTUP.

(a) IMMEDIATE STARTUP.—

(1) IN GENERAL.—Subject to section 101(d), the Administrator may—

(A) start receiving, reviewing, and deciding claims immediately upon the date of enactment of this Act; and

(B) reimburse the Department of Labor from the Fund for any expense incurred—

(i) before that date of enactment in preparation for carrying out any of the responsibilities of the Administrator under this Act; and

(ii) during the 60-day period following that date of enactment to carry out such responsibilities.

(2) INTERIM REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate interim regulations and procedures for the processing of claims under this title and the operation of the Fund under title II, including procedures for the expediting of terminal health claims, and processing of claims through the claims facility.

(b) INTERIM PERSONNEL AND CONTRACTING.—The Secretary of Labor and the Assistant Secretary of Labor for the Employment Standards Administration shall make available to the Administrator on a temporary basis such personnel and other resources as may be necessary to facilitate the expeditious startup of the program. The Administrator may in addition contract with individuals or entities having relevant experience to assist in the expeditious startup of the program including entering into contracts on an expedited or sole source basis during the startup period for the purpose of processing claims or providing financial analysis or assistance. Such relevant experience shall include, but not be limited to, experience with the review of workers' compensation, occupational disease, or similar claims and with financial matters relevant to the operation of the program.

(c) TERMINAL HEALTH CLAIMS.—

(1) IN GENERAL.—The Administrator shall develop procedures, as provided in section 106(f), to provide for an expedited process to categorize, evaluate, and pay terminal health claims. Such procedures, as provided in section 106(f), shall include, pending promulgation of final regulations, adoption of interim regulations as needed for processing of terminal health claims.

(2) ELIGIBLE TERMINAL HEALTH CLAIMS.—A claim shall qualify for treatment as a terminal health claim if—

(A) the claimant is living and provides a diagnosis of mesothelioma meeting the requirements of section 121(d)(9);

(B) the claimant is living and provides a credible declaration or affidavit, from a diagnosing physician who has examined the claimant within 120 days before the date of such declaration or affidavit, that the physician has diagnosed the claimant as being terminally ill from an asbestos-related illness and having a life expectancy of less than 1 year due to such asbestos-related illness; or

(C) the claimant is the spouse or child of an eligible terminal health claimant who—

(i) was living when the claim was filed with the Fund, or if before the implementation of interim regulations for the filing of claims with the Fund, on the date of enactment of this Act;

(ii) has since died from a malignant disease or condition; and

(iii) has not received compensation from the Fund for the disease or condition for which the claim was filed.

(3) ADDITIONAL TERMINAL HEALTH CLAIMS.—The Administrator may, in final regulations promulgated under section 101(c), designate additional categories of claims that qualify as terminal health claims under this subsection except that exceptional medical claims may not proceed.

(4) CLAIMS FACILITY.—To facilitate the prompt payment of terminal health claims prior to the Fund being certified as operational, the Administrator shall contract with a claims facility, which applying the medical criteria of section 121, shall process and pay claims in accordnace with section 106(f)(2). The processing and payment of claims shall be subject to regulations promulgated under this Act.

(5) AUTHORIZATION FOR CONTRACTS WITH CLAIMS FACILITIES.—The Administrator may enter into contracts with a claims facility for the processing of claims (except for exceptional medical claims) in accordance with this title.

(d) PRIORITIZATION OF CLAIMS.—The Administrator shall, in final regulations promulgated under section 101(c), designate categories of claims to be handled on an expedited basis. The Administrator shall prioritize the processing and payment of health claims involving claimants with the most serious health claims. The Administrator shall also prioritize claims from claimants who face extreme financial hardship.

(e) INTERIM ADMINISTRATOR.—Until an Administrator is appointed and confirmed under section 101(b), the responsibilities of the Administrator under this Act shall be performed by the Assistant Secretary of Labor for the Employment Standards Administration, who shall have all the authority conferred by this Act on the Administrator and who shall be deemed to be the Administrator for purposes of this Act. Before final regulations being promulgated relating to claims processing, the Interim Administrator may prioritize claims processing, without regard to the time requirements prescribed in subtitle B of this title, based on severity of illness and likelihood that exposure to asbestos was a substantial contributing factor for the illness in question.

(f) STAY OF CLAIMS.—

(1) STAY OF CLAIMS.—Notwithstanding any other provision of this Act, any asbestos claim pending on the date of enactment of this Act is stayed.

(2) TERMINAL HEALTH CLAIMS.—

(A) PROCEDURES FOR SETTLEMENT OF TERMINAL HEALTH CLAIMS.—

(i) IN GENERAL.—Any person that has filed a terminal health claim, as provided under subsection (c)(2), seeking a judgment or order for monetary damages in any Federal or State court before the date of the enactment of this Act, shall seek a settlement in accordance with this paragraph. Any person with a terminal health claim, as provided under subsection (c)(2), that arises after such date of enactment shall seek a settlement in accordance with this paragraph.

(ii) FILING.—

(I) IN GENERAL.—At any time before the Fund or claims facility is certified as operational and paying terminal health claims at a reasonable rate, any person with a terminal health claim as described under clause (i) shall file a notice of their intent to seek a settlement or shall file their exigent health claim with the Administrator or claims facility. Filing of an exigent health claim with the Administrator or claims facility may serve as notice of intent to seek a settlement.

(II) EXCEPTION.—Any person who seeks compensation for an exigent health claim from a trust in accordance with section 402(f) shall not be eligible to seek a settlement or settlement offer under this paragraph.

(iii) TERMINAL HEALTH CLAIM INFORMATION.—To file a terminal health claim, each individual shall provide all of the following information:

(I) The amount received or entitled to be received as a result of all collateral source compensation under section 134, and copies of all settlement agreements and related documents sufficient to show the accuracy of that amount.

(II) A description of any claims for compensation for an asbestos related injury or disease filed by the claimant with any trust or class action trust, and the status or disposition or any such claims.

(III) All information that the claimant would be required to provide to the Administrator in support of a claim under sections 113(c) and 121.

(IV) A certification by the claimant that the information provided is true and complete. The certification provided under this subclause shall be subject to the same penalties for false or misleading statements that would be applicable with regard to information provided to the Administrator or claims facility in support of a claim.

(V) For terminal health claims arising after the date of enactment of this Act, the claimant shall identify each defendant that would be an appropriate defendant in a civil action seeking damages for the asbestos claim of the claimant. Identification of all potential participants shall be made in good faith by the claimant.

(iv) TIMING.—A claimant who has filed a notice of their intent to seek a settlement under clause (ii) shall within 60 days after filing notice provide to the Administrator or claims facility the information required under clause (iii). If a claimant has filed an exigent health claim under clause (ii) the Administrator shall provide all affected defendants the information required under clause (iii).

(v) WEBSITE.—

(I) POSTING.—The Administrator or claims facility shall post the information described in subclause (II) to a secure website, accessible on a passcode-protected basis to participants.

(II) REQUIRED INFORMATION.—The website established under subclause (I) shall contain a listing of—

(aa) each claimant that has filed a notice of intent to seek a settlement or claim under this clause;

(bb) the name of such claimant; and

(cc) if applicable—

(AA) the name of the court where such claim was filed;

(BB) the case or docket number of such claim; and

(CC) the date such claim was filed.

(III) PROHIBITIONS.—The website established under subclause (I) shall not contain specific health or medical information or social security numbers.

(IV) PARTICIPANT ACCESS.—A participant's access to the website established under subclause (I) shall be limited on a need to know basis, and participants shall not disclose or sell data, or retain data for purposes other than paying an asbestos claim.

(V) VIOLATIONS.—Any person or other entity that violates any provision of this clause, including by breaching any data posted on the website, shall be subject to an injunction, or civil penalties, or both.

(vi) ADMINISTRATOR OR CLAIMS FACILITY CERTIFICATION OF SETTLEMENT.—

(I) DETERMINATION.—Within 60 days after the information under clause (iii) is provided, the Administrator or claims facility shall determine whether or not the claim meets the requirements of a terminal health claim.

(II) REQUIREMENTS MET.—If the Administrator or claims facility determines that the claim meets the requirements of a terminal health claim, the Administrator or claims facility shall immediately—

(aa) issue and serve on all parties a certification of eligibility of such claim;

(bb) determine the value of such claim under the Fund by subtracting from the amount in section 131 the total amount of collateral source compensation received by the claimant; and

(cc) pay the award of compensation to the claimant under clause (xiii).

(III) REQUIREMENTS NOT MET.—If the requirements under clause (iii) are not met, the claimant shall have 30 days to perfect the claim. If the claimant fails to perfect the claim within that 30-day period or the Administrator or claims facility determines that the claim does not meet the requirements of a terminal health claim, the claim shall not be eligible to proceed under this paragraph. A claimant may appeal any decision issued by a claims facility with the Administrator in accordance with section 114.

(vii) FAILURE TO CERTIFY.—If the Administrator or claims facility is unable to process the claim and does not make a determination regarding the certification of the claim as required under clause (vi), the Administrator or claims facility shall within 10 days after the end of the 60-day period referred to under clause (vi)(I) provide notice of the failure to act to the claimant and the defendants in the pending Federal or State court action or the defendants identified under clause (iii)(IV). If the Administrator or claims facility fails to provide such notice within 10 days, the claimant may elect to provide the notice to the affected defendants to prompt a settlement offer. The Administrator or claims facility shall list all terminal health claims for which notice has been provided under this clause on the website established under clause (v).

(viii) FAILURE TO PAY.—If the Administrator or claims facility does not pay the award as required under clause (xiii), the Administrator shall refer the certified claim within 10 days as a certified terminal health claim to the defendants in the pending Federal and State court action or to the potential defendants identified under clause (iii)(IV) for terminal claims arising after the date of enactment of this Act. The Administrator or claims facility shall list all terminal health claims for which notice has been provided under this clause on the website established under clause (v).

(ix) SETTLEMENT OFFER.—Any participant or participants may, within 30 days after receipt of such notice as provided under clause (vii) or (viii), file and serve on all parties and the Administrator a good faith settlement offer in an aggregate amount not to exceed the total amount to which the claimant would receive under section 131. If the aggregate amount offered by all participants exceeds the award determined by the Administrator, all offers shall be deemed reduced pro-rata until the aggregate amount equals the award amount. An acceptance of such settlement offer for claims pending before the date of enactment of this Act shall be subject to approval by the trial judge or authorized magistrate in the court where the claim is pending. The court shall approve any such accepted offer within 20 days after a request, unless there is evidence of bad faith or fraud. No court approval is necessary if the terminal health claim was certified by the Administrator or claims facility under clause (vi).

(x) ACCEPTANCE OR REJECTION.—Within 20 days after receipt of the settlement offer, or the amended settlement offer, the claimant shall either accept or reject such offer in writing. If the amount of the settlement offer made by the Administrator, claims facility, or participants equals 100 percent of what the claimant would receive under the Fund, the claimant shall accept such settlement in writing.

(xi) OPPORTUNITY TO CURE.—If the settlement offer is rejected for being less than what the claimant would receive under the Fund, the participants shall have 10 business days to make an amended offer. If the amended offer equals 100 percent of what the claimant would receive under the Fund, the claimant shall accept such settlement offer in writing.

(xii) PAYMENT SCHEDULE.—

(I) MESOTHELIOMA CLAIMANTS.—For mesothelioma claimants—

(aa) an initial payment of 50 percent shall be made within 30 days after the date the settlement is accepted and the second and final payment shall be made 6 months after date the settlement is accepted; or

(bb) if the Administrator determines that the payment schedule would impose a severe financial hardship on the Fund, or if the court determines that the settlement offer would impose a severe financial hardship on the participant, the payments may be extended 50 percent in 6 months and 50 percent 11 months after the date the settlement offer is accepted.

(II) OTHER TERMINAL CLAIMANTS.—For other terminal claimants, as defined under section 106(c)(2)(B) and (C)—

(aa) the initial payment of 50 percent shall be made within 6 months after the date the settlement is accepted and the second and final payment shall be made 12 months after date the settlement is accepted; or

(bb) if the Administrator determines that the payment schedule would impose a severe financial hardship on the Fund, or if the court determines that the settlement offer would impose a severe financial hardship on the participants, the payments may be extended 50 percent within 1 year after the date the settlement offer is accepted and 50 percent in 2 years after date the settlement offer is accepted.

(III) RELEASE.—Once a claimant has received final payment of the accepted settlement offer, and penalty payment if applicable, the claimant shall release any outstanding asbestos claims.

(xiii) RECOVERY OF COSTS.—

(I) IN GENERAL.—Any participant whose settlement offer is accepted may recover the cost of such settlement by deducting from the participant's next and subsequent contributions to the Fund the full amount of the payment made by such participant to the terminal health claimant, unless the Administrator finds, on the basis of clear and convincing evidence, that the participant's offer is not in good faith. Any such payment shall be considered a payment to the Fund for purposes of section 404(e)(1) and in response to the payment obligations imposed on participants in title II.

(II) REIMBURSEMENT.—Notwithstanding subclause (I), if the deductions from the participant's next and subsequent contributions to the Fund do not fully recover the cost of such payments on or before its third annual contribution to the Fund, the Fund shall reimburse such participant for such remaining cost not later than 6 months after the date of the third scheduled Fund contribution.

(3) RESERVATION OF RIGHTS.—Participation in the offer and settlement process under this subsection shall not affect or prejudice any rights or defenses a party might have in any litigation.

SEC. 107. AUTHORITY OF THE ADMINISTRATOR.

The Administrator, on any matter within the jurisdiction of the Administrator under this Act, may—

(1) issue subpoenas for and compel the attendance of witnesses within a radius of 200 miles;

(2) administer oaths;

(3) examine witnesses;

(4) require the production of books, papers, documents, and other evidence; and

(5) request assistance from other Federal agencies with the performance of the duties of the Administrator under this Act.

Subtitle B—Asbestos Disease Compensation Procedures

SEC. 111. ESSENTIAL ELEMENTS OF ELIGIBLE CLAIM.

To be eligible for an award under this Act for an asbestos-related disease or injury, an individual shall—

(1) file a claim in a timely manner in accordance with sections 106(f)(2) and 113; and

(2) prove, by a preponderance of the evidence, that the claimant suffers from an eligible disease or condition, as demonstrated by evidence that meets the requirements established under subtitle C.

SEC. 112. GENERAL RULE CONCERNING NO-FAULT COMPENSATION.

An asbestos claimant shall not be required to demonstrate that the asbestos-related injury for which the claim is being made resulted from the negligence or other fault of any other person.

SEC. 113. FILING OF CLAIMS.

(a) WHO MAY SUBMIT.—

(1) IN GENERAL.—Any individual who has suffered from a disease or condition that is believed to meet the requirements established under subtitle C (or the personal representative of the individual, if the individual is deceased or incompetent) may file a claim with the Office for an award with respect to such injury.

(2) DEFINITION.—In this Act, the term "personal representative" shall have the same meaning as that term is defined in section 104.4 of title 28 of the Code of Federal Regulations, as in effect on December 31, 2004.

(3) LIMITATION.—A claim may not be filed by any person seeking contribution or indemnity.

(4) EFFECT OF MULTIPLE INJURIES.—

(A) IN GENERAL.—A claimant who receives an award for an eligible disease or condition shall not be precluded from submitting claims for and receiving additional awards under this title for any higher disease level for which the claimant becomes eligible, subject to appropriate setoffs as provided under section 134.

(B) LIBBY, MONTANA CLAIMS.—

(i) IN GENERAL.—Notwithstanding subparagraph (A), if a Libby, Montana claimant worsens in condition, as measured by pulmonary function tests, such that a claimant qualifies for a higher nonmalignant level, the claimant shall be eligible for an additional award, at the appropriate level, offset by any award previously paid under this Act, such that a claimant would qualify for Level IV if the claimant satisfies section 121(f)(8), and would qualify for Level V if the claimant provides—

(I) a diagnosis of bilateral asbestos related nonmalignant disease;

(II) evidence of TLC or FVC less than 60 percent; and

(III) supporting medical documentation establishing asbestos exposure as a substantial contributing factor in causing the pulmonary condition in question, and excluding more likely causes of that pulmonary condition.

(ii) SUBSEQUENT MALIGNANT DISEASE.—If a Libby, Montana, claimant develops malignant disease, such that the claimant qualifies for Level VI, VII, VIII, or IX, subparagraph (A) shall apply.

(b) STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—If a claim is not filed with the Office within the limitations period specified in this subsection for that category of claim, such claim shall be extinguished, and any recovery thereon shall be prohibited.

(2) INITIAL CLAIMS.—An initial claim for an award under this Act shall be filed within 2 years after the date on which the claimant first received a medical diagnosis and medical test results sufficient to satisfy the criteria for the disease level for which the claimant is seeking compensation.

(3) CLAIMS FOR ADDITIONAL AWARDS.—

(A) NON-MALIGNANT DISEASES.—If a claimant has previously filed a timely initial claim for compensation for any non-malignant disease level, there shall be no limitations period applicable to the filing of claims by the claimant for additional awards for higher disease levels based on the progression of the non-malignant disease.

(B) MALIGNANT DISEASES.—Regardless of whether the claimant has previously filed a claim for compensation for any other disease level, a claim for compensation for a malignant disease level shall be filed within 2 years after the claimant first obtained a medical diagnosis and medical test results sufficient to satisfy the criteria for the malignant disease level for which the claimant is seeking compensation.

(4) EFFECT ON PENDING CLAIMS.—

(A) IN GENERAL.—If, on the date of enactment of this Act, an asbestos claimant has any timely filed asbestos claim that is preempted under section 403(e), such claimant shall file a claim under this section within 2 years after such date of enactment, or any claim relating to that injury, and any other asbestos claim related to that injury shall be extinguished, and recovery on any such claim shall be prohibited.

(B) SPECIAL RULE.—For purposes of this paragraph, a claim shall not be treated as pending with a trust established under title 11, United States Code, solely because a claimant whose claim was previously compensated by the trust has or alleges—

(i) a non-contingent right to the payment of future installments of a fixed award; or

(ii) a contingent right to recover some additional amount from the trust on the occurrence of a future event, such as the reevaluation of the trust's funding adequacy or projected claims experience.

(c) REQUIRED INFORMATION.—A claim filed under subsection (a) shall be in such form, and contain such information in such detail, as the Administrator shall by regulation prescribe. At a minimum, a claim shall include—

(1) the name, social security number, gender, date of birth, and, if applicable, date of death of the claimant;

(2) information relating to the identity of dependents and beneficiaries of the claimant;

(3) an employment history sufficient to establish required asbestos exposure, accompanied by social security or other payment records or a signed release permitting access to such records;

(4) a description of the asbestos exposure of the claimant, including, to the extent known, information on the site, or location of exposure, and duration and intensity of exposure;

(5) a description of the tobacco product use history of the claimant, including frequency and duration;

(6) an identification and description of the asbestos-related diseases or conditions of the claimant, accompanied by a written report by the claimant's physician with medical diagnoses and x-ray films, and other test results necessary to establish eligibility for an award under this Act;

(7) a description of any prior or pending civil action or other claim brought by the claimant for asbestos-related injury or any other pulmonary, parenchymal, or pleural injury, including an identification of any recovery of compensation or damages through settlement, judgment, or otherwise; and

(8) for any claimant who asserts that he or she is a nonsmoker or an ex-smoker, as defined in section 131, for purposes of an award under Malignant Level VI, Malignant Level VII, or Malignant Level VIII, evidence to support the assertion of nonsmoking or ex-smoking, including relevant medical records.

(d) DATE OF FILING.—A claim shall be considered to be filed on the date that the claimant mails the claim to the Office, as determined by postmark, or on the date that the claim is received by the Office, whichever is the earliest determinable date.

(e) INCOMPLETE CLAIMS.—If a claim filed under subsection (a) is incomplete, the Administrator shall notify the claimant of the information necessary to complete the claim and inform the claimant of such services as may be available through the Claimant Assistance Program established under section 104 to assist the claimant in completing the claim. Any time periods for the processing of the claim shall be suspended until such time as the claimant submits the information necessary to complete the claim. If such information is not received within 1 year after the date of such notification, the claim shall be dismissed.

SEC. 114. ELIGIBILITY DETERMINATIONS AND CLAIM AWARDS.

(a) IN GENERAL.—

(1) REVIEW OF CLAIMS.—The Administrator shall, in accordance with this section, determine whether each claim filed under the Fund or claims facility satisfies the requirements for eligibility for an award under this Act and, if so, the value of the award. In making such determinations, the Administrator shall consider the claim presented by the claimant, the factual and medical evidence submitted by the claimant in support of the claim, the medical determinations of any Physicians Panel to which a claim is referred under section 121, and the results of such investigation as the Administrator may deem necessary to determine whether the claim satisfies the criteria for eligibility established by this Act.

(2) ADDITIONAL EVIDENCE.—The Administrator may request the submission of medical evidence in addition to the minimum requirements of section 113(c) if necessary or appropriate to make a determination of eligibility for an award, in which case the cost of obtaining such additional information or testing shall be borne by the Office.

(b) PROPOSED DECISIONS.—Not later than 90 days after the filing of a claim, the Administrator shall provide to the claimant (and the claimant's representative) a proposed decision accepting or rejecting the claim in whole or in part and specifying the amount of the proposed award, if any. The proposed decision shall be in writing, shall contain findings of fact and conclusions of law, and shall contain an explanation of the procedure for obtaining review of the proposed decision.

(d) REVIEW OF PROPOSED DECISIONS.—

(1) RIGHT TO HEARING.—

(A) IN GENERAL.—Any claimant not satisfied with a proposed decision of the Administrator under subsection (b) shall be entitled, on written request made within 90 days after the date of the issuance of the decision, to a hearing on the claim of that claimant before a representative of the Administrator. At the hearing, the claimant shall be entitled to present oral evidence and written testimony in further support of that claim.

(B) CONDUCT OF HEARING.—When practicable, the hearing will be set at a time and place convenient for the claimant. In conducting the hearing, the representative of the Administrator shall not be bound by common law or statutory rules of evidence, by technical or formal rules of procedure, or by section 554 of title 5, United States Code, except as provided by this Act, but shall conduct the hearing in such manner as to best ascertain the rights of the claimant. For this purpose, the representative shall receive such relevant evidence as the claimant adduces and such other evidence as the representative determines necessary or useful in evaluating the claim.

(C) REQUEST FOR SUBPOENAS.—

(i) IN GENERAL.—A claimant may request a subpoena but the decision to grant or deny such a request is within the discretion of the representative of the Administrator. The representative may issue subpoenas for the attendance and testimony of witnesses, and for the production of books, records, correspondence, papers, or other relevant documents. Subpoenas are issued for documents only if such documents are relevant and cannot be obtained by other means, and for witnesses only where oral testimony is the best way to ascertain the facts.

(ii) REQUEST.—A claimant may request a subpoena only as part of the hearing process. To request a subpoena, the requester shall—

(I) submit the request in writing and send it to the representative as early as possible, but no later than 30 days after the date of the original hearing request; and

(II) explain why the testimony or evidence is directly relevant to the issues at hand, and a subpoena is the best method or opportunity to obtain such evidence because there are no other means by which the documents or testimony could have been obtained.

(iii) FEES AND MILEAGE.—Any person required by such subpoena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States. Such fees and mileage shall be paid from the Fund.

(2) REVIEW OF WRITTEN RECORD.—In lieu of a hearing under paragraph (1), any claimant not satisfied with a proposed decision of the Administrator shall have the option, on written request made within 90 days after the date of the issuance of the decision, of obtaining a review of the written record by a representative of the Administrator. If such review is requested, the claimant shall be afforded an opportunity to submit any written evidence or argument which the claimant believes relevant.

(e) FINAL DECISIONS.—

(1) IN GENERAL.—If the period of time for requesting review of the proposed decision expires and no request has been filed, or if the claimant waives any objections to the proposed decision, the Administrator shall issue a final decision. If such decision materially differs from the proposed decision, the claimant shall be entitled to review of the decision under subsection (d).

(2) TIME AND CONTENT.—If the claimant requests review of all or part of the proposed decision the Administrator shall issue a final decision on the claim not later than 180 days after the request for review is received, if the claimant requests a hearing, or not later than 90 days after the request for review is received, if the claimant requests review of the written record. Such decision shall be in writing and contain findings of fact and conclusions of law.

(f) REPRESENTATION.—A claimant may authorize an attorney or other individual to represent him or her in any proceeding under this Act.

SEC. 115. AUDITING PROCEDURES.

(a) IN GENERAL.—

(1) DEVELOPMENT.—The Administrator shall develop methods for auditing and evaluating the medical and exposure evidence submitted as part of the claims process. The Administrator may develop additional methods for auditing and evaluating other types of evidence or information received by the Administrator.

(2) REFUSAL TO CONSIDER CERTAIN EVIDENCE.—

(A) IN GENERAL.—If the Administrator determines that an audit conducted in accordance with the methods developed under paragraph (1) demonstrates that the medical evidence submitted by a specific physician, medical facility or attorney or law firm is not consistent with prevailing medical practices or the applicable requirements of this Act, any medical evidence from such physician, facility or attorney or law firm shall be unacceptable for purposes of establishing eligibility for an award under this Act.

(B) NOTIFICATION.—Upon a determination by the Administrator under subparagraph (A), the Administrator shall notify the physician or medical facility involved of the results of the audit. Such physician or facility shall have a right to appeal such determination under procedures issued by the Administrator.

(b) REVIEW OF CERTIFIED B-READERS.—

(1) IN GENERAL.—The Administrator shall prescribe procedures to randomly evaluate the x-rays submitted in support of a statistically significant number of claims by independent certified B-readers, the cost of which shall be paid by the Fund.

(2) DISAGREEMENT.—If an independent certified B-reader assigned under paragraph (1) disagrees with the quality grading or ILO level assigned to an x-ray submitted in support of a claim, the Administrator shall require a review of such x-rays by a second independent certified B-reader.

(3) EFFECT ON CLAIM.—If neither certified B-reader under paragraph (2) agrees with the quality grading and the ILO grade level assigned to an x-ray as part of the claim, the Administrator shall take into account the findings of the 2 independent B readers in making the determination on such claim.

(4) CERTIFIED B-READERS.—The Administrator shall maintain a list of a minimum of 50 certified B-readers eligible to participate in the independent reviews, chosen from all certified B-readers. When an x-ray is sent for independent review, the Administrator shall choose the certified B-reader at random from that list.

(c) SMOKING ASSESSMENT.—

(1) IN GENERAL.—

(A) RECORDS AND DOCUMENTS.—To aid in the assessment of the accuracy of claimant representations as to their smoking status for purposes of determining eligibility and amount of award under Malignant Level VI, Malignant Level VII, or Malignant Level VIII, and exceptional medical claims, the Administrator shall have the authority to obtain relevant records and documents, including—

(i) records of past medical treatment and evaluation;

(ii) affidavits of appropriate individuals;

(iii) applications for insurance and supporting materials; and

(iv) employer records of medical examinations.

(B) CONSENT.—The claimant shall provide consent for the Administrator to obtain such records and documents where required.

(2) REVIEW.—The frequency of review of records and documents submitted under paragraph (1)(A) shall be at the discretion of the Administrator, but shall address at least 5 percent of the claimants asserting status as nonsmokers or ex-smokers.

(3) CONSENT.—

(A) IN GENERAL.—The Administrator may require the performance of blood tests or any other appropriate medical test, where claimants assert they are nonsmokers or ex-smokers for purposes of an award under Malignant Level VI, VII, or VIII, or as an exceptional medical claim, the cost of which shall be paid by the Fund.

(B) SERUM COTININE SCREENING.—The Administrator shall require the performance of serum cotinine screening on all claimants who assert they are nonsmokers or ex-smokers for purposes of an award under Malignant Level VI, VII, or VIII, or as an exceptional medical claim, the cost of which shall be paid by the Fund.

(4) PENALTY FOR FALSE STATEMENTS.—Any false information submitted under this subsection shall be subject to criminal prosecution or civil penalties as provided under section 1348 of title 18, United States Code (as added by this Act) and section 101(c)(2).

(d) PULMONARY FUNCTION TESTING.—The Administrator shall develop auditing procedures for pulmonary function test results submitted as part of a claim, to ensure that such tests are conducted in accordance with American Thoracic Society Criteria, as defined under section 121(a)(13).

Subtitle C—Medical Criteria

SEC. 121. MEDICAL CRITERIA REQUIREMENTS.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) ASBESTOSIS DETERMINED BY PATHOLOGY.—The term "asbestosis determined by pathology" means indications of asbestosis based on the pathological grading system for asbestosis described in the Special Issues of the Archives of Pathology and Laboratory Medicine, "Asbestos-associated Diseases", Vol. 106, No. 11, App. 3 (October 8, 1982).

(2) BILATERAL ASBESTOS-RELATED NONMALIGNANT DISEASE.—The term "bilateral asbestos-related nonmalignant disease" means a diagnosis of bilateral asbestos-related nonmalignant disease based on—

(A) an x-ray reading of 1/0 or higher based on the ILO grade scale;

(B) bilateral pleural plaques;

(C) bilateral pleural thickening; or

(D) bilateral pleural calcification.

(3) BILATERAL PLEURAL DISEASE OF B2.—The term "bilateral pleural disease of B2" means a chest wall pleural thickening or plaque with a maximum width of at least 5 millimeters and a total length of at least ¼ of the projection of the lateral chest wall.

(4) CERTIFIED B-READER.—The term "certified B-reader" means an individual who is certified by the National Institute of Occupational Safety and Health and whose certification by the National Institute of Occupational Safety and Health is up to date.

(5) DIFFUSE PLEURAL THICKENING.—The term "diffuse pleural thickening" means blunting of either costophrenic angle and bilateral pleural plaque or bilateral pleural thickening.

(7) FEV1.—The term "FEV1" means forced expiratory volume (1 second), which is the maximal volume of air expelled in 1 second during performance of the spirometric test for forced vital capacity.

(8) FVC.—The term "FVC" means forced vital capacity, which is the maximal volume of air expired with a maximally forced effort from a position of maximal inspiration.

(9) ILO GRADE.—The term "ILO grade" means the radiological ratings for the presence of lung changes as determined from a chest x-ray, all as established from time to time by the International Labor Organization.

(10) LOWER LIMITS OF NORMAL.—The term "lower limits of normal" means the fifth percentile of healthy populations as defined in the American Thoracic Society statement on lung function testing (Amer. Rev. Resp. Disease 1991, 144:1202–1218) and any future revision of the same statement.

(11) NONSMOKER.—The term "nonsmoker" means a claimant who—

(A) never smoked; or

(B) has smoked fewer than 100 cigarettes or the equivalent amount of other tobacco products during the claimant's lifetime.

(12) PO_2.—The term "PO_2" means the partial pressure (tension) of oxygen, which measures the amount of dissolved oxygen in the blood.

(13) PULMONARY FUNCTION TESTING.—The term "pulmonary function testing" means spirometry testing that is in material compliance with the quality criteria established by the American Thoracic Society and is performed on equipment which is in material compliance with the standards of the American Thoracic Society for technical quality and calibration.

(14) SUBSTANTIAL OCCUPATIONAL EXPOSURE TO ASBESTOS.—

(A) IN GENERAL.—The term "substantial occupational exposure" means employment in an industry and an occupation where for a substantial portion of a normal work year for that occupation, the claimant—

(i) handled raw asbestos fibers;

(ii) fabricated asbestos-containing products so that the claimant in the fabrication process was exposed to raw asbestos fibers;

(iii) altered, repaired, or otherwise worked with an asbestos-containing product such that the claimant was exposed on a regular basis to a significant amount of asbestos fibers; or

(iv) worked in close proximity to other workers engaged in the activities described under clause (i), (ii), or (iii), such that the claimant was exposed on a regular basis to a significant amount of asbestos fibers.

(B) REGULAR BASIS.—In this paragraph, the term "on a regular basis" means on a frequent or recurring basis.

(15) TLC.—The term "TLC" means total lung capacity, which is the total volume of air in the lung after maximal inspiration.

(16) WEIGHTED OCCUPATIONAL EXPOSURE.—

(A) IN GENERAL.—The term "weighted occupational exposure" means exposure for a period of years calculated according to the exposure weighting formula under subparagraphs (B) through (E).

(B) MODERATE EXPOSURE.—Subject to subparagraph (E), each year that a claimant's primary occupation, during a substantial portion of a normal work year for that occupation, involved working in areas immediate to where asbestos-containing products were being installed, repaired, or removed under circumstances that involved regular airborne emissions of asbestos fibers, shall count as 1 year of substantial occupational exposure.

(C) HEAVY EXPOSURE.—Subject to subparagraph (E), each year that a claimant's primary occupation, during a substantial portion of a normal work year for that occupation, involved the direct installation, repair, or removal of asbestos-containing products such that the person was exposed on a regular basis to a significant amount of asbestos fibers, shall count as 2 years of substantial occupational exposure.

(D) VERY HEAVY EXPOSURE.—Subject to subparagraph (E), each year that a claimant's primary occupation, during a substantial portion of a normal work year for that occupation, was in primary asbestos manufacturing, a World War II shipyard, or the asbestos insulation trades, such that the person was exposed on a regular basis to a significant amount of asbestos fibers, shall count as 4 years of substantial occupational exposure.

(E) DATES OF EXPOSURE.—Each year of exposure calculated under subparagraphs (B), (C), and (D) that occurred before 1976 shall be counted at its full value. Each year from 1976 to 1986 shall be counted as ½ of its value. Each year after 1986 shall be counted as ⅒ of its value.

(F) OTHER CLAIMS.—Individuals who do not meet the provisions of subparagraphs (A) through (E) and believe their post-1976 or post-1986 exposures exceeded the Occupational Safety and Health Administration standard may submit evidence, documentation, work history, or other information to substantiate noncompliance with the Occupational Safety and Health Administration standard (such as lack of engineering or work practice controls, or protective equipment) such that exposures would be equivalent to exposures before 1976 or 1986, or to documented exposures in similar jobs or occupations where control measures had not been implemented. Claims under this subparagraph shall be evaluated on an individual basis by a Physicians Panel.

(b) MEDICAL EVIDENCE.—

(1) LATENCY.—Unless otherwise specified, all diagnoses of an asbestos-related disease for a level under this section shall be accompanied by—

(A) a statement by the physician providing the diagnosis that at least 10 years have elapsed between the date of first exposure to asbestos or asbestos-containing products and the diagnosis; or

(B) a history of the claimant's exposure that is sufficient to establish a 10-year latency period between the date of first exposure to asbestos or asbestos-containing products and the diagnosis.

(2) DIAGNOSTIC GUIDELINES.—All diagnoses of asbestos-related diseases shall be based upon—

(A) for disease Levels I through V, in the case of a claimant who was living at the time the claim was filed—

(i) a physical examination of the claimant by the physician providing the diagnosis;

(ii) an evaluation of smoking history and exposure history before making a diagnosis;

(iii) an x-ray reading by a certified B-reader; and

(iv) pulmonary function testing in the case of disease Levels III, IV, and V;

(B) for disease Levels I through V, in the case of a claimant who was deceased at the time the claim was filed, a report from a physician based upon a review of the claimant's medical records which shall include—

(i) pathological evidence of the nonmalignant asbestos-related disease; or

(ii) an x-ray reading by a certified B-reader;

(C) for disease Levels VI through IX, in the case of a claimant who was living at the time the claim was filed—

(i) a physical examination by the claimant's physician providing the diagnosis; or

(ii) a diagnosis of such a malignant asbestos-related disease, as described in this section, by a board-certified pathologist; and

(D) for disease Levels VI through IX, in the case of a claimant who was deceased at the time the claim was filed—

(i) a diagnosis of such a malignant asbestos-related disease, as described in this section, by a board-certified pathologist; and

(ii) a report from a physician based upon a review of the claimant's medical records.

(3) CREDIBILITY OF MEDICAL EVIDENCE.—To ensure the medical evidence provided in support of a claim is credible and consistent with recognized medical standards, a claimant under this title may be required to submit—

(A) x-rays or computerized tomography;

(B) detailed results of pulmonary function tests;

(C) laboratory tests;

(D) tissue samples;

(E) results of medical examinations;

(F) reviews of other medical evidence; and

(G) medical evidence that complies with recognized medical standards regarding equipment, testing methods, and procedure to ensure the reliability of such evidence as may be submitted.

(c) EXPOSURE EVIDENCE.—

(1) IN GENERAL.—To qualify for any disease level, the claimant shall demonstrate—

(A) a minimum exposure to asbestos or asbestos-containing products;

(B) the exposure occurred in the United States, its territories or possessions, or while a United States citizen, while an employee of an entity organized under any Federal or State law regardless of location, or while a United States citizen while serving on any United States flagged or owned ship, provided the exposure results from such employment or service; and

(C) any additional asbestos exposure requirement under this section.

(2) PROOF OF EXPOSURE.—

(A) AFFIDAVITS.—Exposure to asbestos sufficient to satisfy the exposure requirements for any disease level may be established by a detailed and specific affidavit that—

(i) is filed by—

(I) the claimant; or

(II) if the claimant is deceased, a coworker or a family member of the claimant; and

(ii) is found in proceedings under this title to be—

(I) reasonably reliable, attesting to the claimant's exposure; and

(II) credible and not contradicted by other evidence.

(B) OTHER PROOF.—Exposure to asbestos may alternatively be established by invoices, construction or other similar records, or any other reasonably reliable and credible evidence.

(C) ADDITIONAL EVIDENCE.—The Administrator may require submission of other or additional evidence of exposure, if available, for a particular claim when determined necessary, as part of the minimum information required under section 113(c).

(3) TAKE-HOME EXPOSURE.—

(A) IN GENERAL.—A claimant may alternatively satisfy the medical criteria requirements of this section where a claim is filed by a person who alleges their exposure to asbestos was the result of living with a person who, if the claim had been filed by that person, would have met the exposure criteria for the given disease level, and the claimant lived with such person for the time period necessary to satisfy the exposure requirement, for the claimed disease level.

(B) REVIEW.—Except for claims for disease Level IX (mesothelioma), all claims alleging take-home exposure shall be submitted as an exceptional medical claim under section 121(g) for review by a Physicians Panel.

(4) WAIVER FOR WORKERS AND RESIDENTS OF LIBBY, MONTANA.—Because of the unique nature of the asbestos exposure related to the vermiculite mining and milling operations in Libby, Montana, the Administrator shall waive the exposure requirements under this subtitle for individuals who worked at the vermiculite mining and milling facility in Libby, Montana, or lived or worked within a 20-mile radius of Libby, Montana, for at least 12 consecutive months before December 31, 2004. Claimants under this section shall provide such supporting documentation as the Administrator shall require.

(6) PENALTY FOR FALSE STATEMENT.—Any false information submitted under this subsection shall be subject to section 1348 of

title 18, United States Code (as added by this Act).

(d) ASBESTOS DISEASE LEVELS.—

(1) NONMALIGNANT LEVEL I.—To receive Level I compensation, a claimant shall provide—

(A) a diagnosis of bilateral asbestos-related nonmalignant disease; and

(B) evidence of 5 years cumulative occupational exposure to asbestos.

(2) NONMALIGNANT LEVEL II.—To receive Level II compensation, a claimant shall provide—

(A) a diagnosis of bilateral asbestos-related nonmalignant disease with ILO grade of 1/1 or greater, and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones, or asbestosis determined by pathology, or blunting of either costophrenic angle and bilateral pleural plaque;

(B) evidence of TLC less than 80 percent or FVC less than the lower limits of normal, and FEV1/FVC ratio less than 65 percent;

(C) evidence of 5 or more weighted years of substantial occupational exposure to asbestos; and

(D) supporting medical documentation, such as a written opinion by the examining or diagnosing physician, according to the diagnostic guidelines in section 121(b)(2), establishing asbestos exposure as the cause of the pulmonary condition in question.

(3) NONMALIGNANT LEVEL III.—To receive Level III compensation a claimant shall provide—

(A) a diagnosis of bilateral asbestos-related nonmalignant disease with ILO grade of 1/0 or greater and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones, or asbestosis determined by pathology;

(B) evidence of TLC less than 80 percent; FVC less than the lower limits of normal and FEV1/FVC ratio greater than or equal to 65 percent; or evidence of a decline in FVC of 20 percent or greater, after allowing for the expected decrease due to aging, and an FEV1/FVC ratio greater than or equal to 65 percent;

(C) evidence of 5 or more weighted years of substantial occupational exposure to asbestos; and

(D) supporting medical documentation, such as a written opinion by the examining or diagnosing physician, according to the diagnostic guidelines in section 121(b)(2)—

(i) establishing asbestos exposure as the cause of the pulmonary condition in question; and

(ii) excluding other more likely causes of that pulmonary condition.

(4) NONMALIGNANT LEVEL IV.—To receive Level IV compensation a claimant shall provide—

(B) evidence of TLC less than 60 percent or FVC less than 60 percent, and FEV1/FVC ratio greater than or equal to 65 percent;

(C) evidence of 5 or more weighted years of substantial occupational exposure to asbestos before diagnosis; and

(D) supporting medical documentation, such as a written opinion by the examining or diagnosing physician, according to the diagnostic guidelines in section 121(b)(2)—

(i) establishing asbestos exposure as the cause of the pulmonary condition in question; and

(ii) excluding other more likely causes, other than silica, of that pulmonary condition.

(5) NONMALIGNANT LEVEL V.—To receive Level V compensation a claimant shall provide—

(A) diagnosis of bilateral asbestos-related nonmalignant disease with ILO grade of 1/1 or greater and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones, or asbestosis determined by pathology;

(B)(i) evidence of TLC less than 50 percent or FVC less than 50 percent, and FEV1/FVC ratio greater than or equal to 65 percent; or

(iii) PO_2 less than 55 mm/Hg, plus a FEV1/FVC ratio not less than 65 percent;

(C) evidence of 5 or more weighted years of substantial occupational exposure to asbestos; and

(D) supporting medical documentation, such as a written opinion by the examining or diagnosing physician, according to the diagnostic guidelines in section 121(b)(2)—

(i) establishing asbestos exposure as the cause of the pulmonary condition in question; and

(ii) excluding other more likely causes, other than silica, of that pulmonary condition.

(8) MALIGNANT LEVEL VIII.—

(A) IN GENERAL.—To receive Level VIII compensation, a claimant shall provide a diagnosis—

(i) of a primary lung cancer disease on the basis of findings by a board certified pathologist;

(ii)(I) of—

(aa) asbestosis based on a chest x-ray of at least 1/0 on the ILO scale and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones; and

(bb) 10 or more weighted years of substantial occupational exposure to asbestos;

(II) of—

(aa) asbestosis based on a chest x-ray of at least 1/1 on the ILO scale and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones; and

(bb) 8 or more weighted years of substantial occupational exposure to asbestos;

(III) asbestosis determined by pathology and 10 or more weighted years of substantial occupational exposure to asbestos; and

(iii) supporting medical documentation, such as a written opinion by the examining or diagnosing physician, according to the diagnostic guidelines in section 121(b)(2), establishing asbestos exposure as the cause of the lung cancer in question; and 10 or more weighted years of substantial occupational exposure to asbestos.

(9) MALIGNANT LEVEL IX.—To receive Level IX compensation, a claimant shall provide—

(A) a diagnosis of malignant mesothelioma disease on the basis of findings by a board certified pathologist; and

(B) credible evidence of identifiable exposure to asbestos resulting from—

(i) occupational exposure to asbestos;

(ii) exposure to asbestos fibers brought into the home of the claimant by a worker occupationally exposed to asbestos; or

(iii) exposure to asbestos fibers resulting from living or working in the proximate vicinity of a factory, shipyard, building demolition site, or other operation that regularly released asbestos fibers into the air due to operations involving asbestos at that site.

(g) EXCEPTIONAL MEDICAL CLAIMS.—

(1) IN GENERAL.—A claimant who does not meet the medical criteria requirements under this section may apply for designation of the claim as an exceptional medical claim.

(2) APPLICATION.—When submitting an application for review of an exceptional medical claim, the claimant shall—

(A) state that the claim does not meet the medical criteria requirements under this section; or

(B) seek designation as an exceptional medical claim within 60 days after a determination that the claim is ineligible solely for failure to meet the medical criteria requirements under subsection (d).

(3) REPORT OF PHYSICIAN.—

(A) IN GENERAL.—Any claimant applying for designation of a claim as an exceptional medical claim shall support an application filed under paragraph (1) with a report from a physician meeting the requirements of this section.

(B) CONTENTS.—A report filed under subparagraph (A) shall include—

(i) a complete review of the claimant's medical history and current condition;

(ii) such additional material by way of analysis and documentation as shall be prescribed by rule of the Administrator; and

(iii) a detailed explanation as to why the claim meets the requirements of paragraph (4)(B).

(4) REVIEW.—

(A) IN GENERAL.—The Administrator shall refer all applications and supporting documentation submitted under paragraph (2) to a Physicians Panel for review for eligibility as an exceptional medical claim.

(B) STANDARD.—A claim shall be designated as an exceptional medical claim if the claimant, for reasons beyond the control of the claimant, cannot satisfy the requirements under this section, but is able, through comparably reliable evidence that meets the standards under this section, to show that the claimant has an asbestos-related condition that is substantially comparable to that of a medical condition that would satisfy the requirements of a category under this section.

(C) ADDITIONAL INFORMATION.—A Physicians Panel may request additional reasonable testing to support the claimant's application.

(E) MESOTHELIOMA CASES.—

(i) IN GENERAL.—The Physicans Panel shall grant priority status to—

(I) all Level IX claims with other identifiable asbestos exposure as provided under paragraph (9)(B)(iv); and

(II) all Level IX claims that are filed as exceptional medical claims.

(ii) PHYSICIAN PANEL.—If the Physicians Panel issues a certificate of medical eligibility, the claimant shall be deemed to qualify for Level IX compensation. If the Physicians Panel rejects the claim, and the Administrator deems it rejected, the claimant may immediately seek judicial review under section 302.

(5) APPROVAL.—

(A) IN GENERAL.—If the Physicians Panel determines that the medical evidence is sufficient to show a comparable asbestos-related condition, it shall issue a certificate of medical eligibility designating the category of asbestos-related injury under this section for which the claimant shall be eligible to seek compensation.

(B) REFERRAL.—Upon the issuance of a certificate under subparagraph (A), the Physicians Panel shall submit the claim to the Administrator, who shall give due consideration to the recommendation of the Physicians Panel in determining whether the claimant meets the requirements for compensation under this Act.

(6) RESUBMISSION.—Any claimant whose application for designation as an exceptional medical claim is rejected may resubmit an application if new evidence becomes available. The application shall identify any prior

applications and state the new evidence that forms the basis of the resubmission.

(7) RULES.—The Administrator shall promulgate rules governing the procedures for seeking designation of a claim as an exceptional medical claim.

(8) LIBBY, MONTANA.—

(A) IN GENERAL.—A Libby, Montana, claimant may elect to have the claimant's claims designated as exceptional medical claims and referred to a Physicians Panel for review. In reviewing the medical evidence submitted by a Libby, Montana claimant in support of that claim, the Physicians Panel shall take into consideration the unique and serious nature of asbestos exposure in Libby, Montana, including the nature of the pleural disease related to asbestos exposure in Libby, Montana.

(B) CLAIMS.—For all claims for Levels II through IV filed by Libby, Montana claimants, as described under subsection (c)(4), once the Administrator or the Physicians Panel issues a certificate of medical eligibility to a Libby, Montana claimant, and notwithstanding the disease category designated in the certificate or the eligible disease or condition established in accordance with this section, or the value of the award determined in accordance with section 114, the Libby, Montana claimant shall be entitled to an award that is not less than that awarded to claimants who suffer from asbestosis, Level IV. For all malignant claims filed by Libby, Montana claimants, the Libby, Montana claimant shall be entitled to an award that corresponds to the malignant disease category designated by the Administrator or the Physicians Panel.

(C) EVALUATION OF CLAIMS.—For purposes of evaluating exceptional medical claims from Libby, Montana, a claimant shall be deemed to have a comparable asbestos-related condition to an asbestos disease category Level IV, and shall be deemed to qualify for compensation at Level IV, if the claimant provides—

(i) a diagnosis of bilateral asbestos related nonmalignant disease;

(ii) evidence of TLC or FVC less than 80 percent; and

(iii) supporting medical documentation establishing asbestos exposure as a substantial contributing factor in causing the pulmonary condition in question, and excluding more likely causes of that pulmonary condition.

(9) STUDY OF VERMICULITE PROCESSING FACILITIES.—

(A) IN GENERAL.—As part of the ongoing National Asbestos Exposure Review (in this section referred to as "NAER") being conducted by the Agency for Toxic Substances and Disease Registry (in this section referred to as "ATSDR") of facilities that received vermiculite ore from Libby, Montana, the ATSDR shall conduct a study of all Phase 1 sites where—

(i) the Environmental Protection Agency has mandated further action at the site on the basis of current contamination; or

(ii) the site was an exfoliation facility that processed roughly 100,000 tons or more of vermiculite from the Libby mine.

(B) STUDY BY ATSDR.—The study by the ATSDR shall evaluate the facilities identified under subparagraph (A) and compare—

(i) the levels of asbestos emissions from such facilities;

(ii) the resulting asbestos contamination in areas surrounding such facilities;

(iii) the levels of exposure to residents living in the vicinity of such facilities;

(iv) the risks of asbestos-related disease to the residents living in the vicinity of such facilities; and

(v) the risk of asbestos-related mortality to residents living in the vicinity of such facilities,

to the emissions, contamination, exposures, and risks resulting from the mining of vermiculite ore in Libby, Montana.

(C) RESULTS OF STUDY.—The results of the study required under this paragraph shall be transmitted to the Administrator.

Subtitle D—Awards

SEC. 131. AMOUNT.

(a) IN GENERAL.—An asbestos claimant who meets the requirements of section 111 shall be entitled to an award in an amount determined by reference to the benefit table and the matrices developed under subsection (b).

(b) BENEFIT TABLE.—

(1) IN GENERAL.—An asbestos claimant with an eligible disease or condition established in accordance with section 121 shall be eligible for an award as determined under this subsection. The award for all asbestos claimants with an eligible disease or condition established in accordance with section 121 shall be according to the following schedule:

Level	Scheduled Condition or Disease.	Scheduled Value
I	Asbestosis/Pleural Disease A.	Medical Monitoring
II	Mixed Disease With Impairment.	$25,000
III	Asbestosis/Pleural Disease B.	$100,000
IV	Severe Asbestosis.	$400,000
V	Disabling Asbestosis.	$850,000
VIII	Lung Cancer With Asbestosis.	smokers, $600,000; ex-smokers, $975,000; non-smokers, $1,100,000
IX	Mesothelioma	$1,100,000

(2) DEFINITIONS.—In this section—

(A) the term "nonsmoker" means a claimant who—

(i) never smoked; or

(ii) has smoked fewer than 100 cigarettes or the equivalent of other tobacco products during the claimant's lifetime; and

(B) the term "ex-smoker" means a claimant who has not smoked during any portion of the 12-year period preceding the diagnosis of lung cancer.

(3) LEVEL IX ADJUSTMENTS.—

(A) IN GENERAL.—The Administrator may increase awards for Level IX claimants who have dependent children so long as the increase under this paragraph is cost neutral. Such increased awards shall be paid for by decreasing awards for claimants other than Level IX, so long as no award levels are decreased more than 10 percent.

(B) IMPLEMENTATION.—Before making adjustments under this paragraph, the Administrator shall publish in the Federal Register notice of, and a plan for, making such adjustments.

(4) SPECIAL ADJUSTMENT FOR FELA CASES.—

(A) IN GENERAL.—A claimant who would be eligible to bring a claim under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, but for section 403 of this Act, shall be eligible for a special adjustment under this paragraph.

(B) REGULATIONS.—

(i) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate regulations relating to special adjustments under this paragraph.

(ii) JOINT PROPOSAL.—Not later than 45 days after the date of enactment of this Act, representatives of railroad management and representatives of railroad labor shall submit to the Administrator a joint proposal for regulations describing the eligibility for and amount of special adjustments under this paragraph. If a joint proposal is submitted, the Administrator shall promulgate regulations that reflect the joint proposal.

(iii) ABSENCE OF JOINT PROPOSAL.—If railroad management and railroad labor are unable to agree on a joint proposal within 45 days after the date of enactment of this Act, the benefits prescribed in subparagraph (E) shall be the benefits available to claimants, and the Administrator shall promulgate regulations containing such benefits.

(iv) REVIEW.—The parties participating in the arbitration may file in the United States District Court for the District of Columbia a petition for review of the Administrator's order. The court shall have jurisdiction to affirm the order of the Administrator, or to set it aside, in whole or in part, or it may remand the proceedings to the Administrator for such further action as it may direct. On such review, the findings and order of the Administrator shall be conclusive on the parties, except that the order of the Administrator may be set aside, in whole or in parts or remanded to the Administrator, for failure of the Administrator to comply with the requirements of this section, for failure of the order to conform, or confine itself, to matters within the scope of the Administrator's jurisdiction, or for fraud or corruption.

(C) ELIGIBILITY.—An individual eligible to file a claim under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, shall be eligible for a special adjustment under this paragraph if such individual meets the criteria set forth in subparagraph (F).

(D) AMOUNT.—

(i) IN GENERAL.—The amount of the special adjustment shall be based on the type and severity of asbestos disease, and shall be 110 percent of the average amount an injured individual with a disease caused by asbestos, as described in section 121(d) of this Act, would have received, during the 5-year period before the enactment of this Act, adjusted for inflation. This adjustment shall be in addition to any other award for which the claimant is eligible under this Act. The amount of the special adjustment shall be reduced by an amount reasonably calculated to take into account all expenses of litigation normally borne by plaintiffs, including attorney's fees.

(ii) LIMITATION.—The amount under clause (i) may not exceed the amount the claimant is eligible to receive before applying the special adjustment under that clause.

(E) ARBITRATED BENEFITS.—If railroad management and railroad labor are unable to agree on a joint proposal within 45 days after the date of enactment of this Act, the Administrator shall appoint an arbitrator to determine the benefits under subparagraph (D). The Administrator shall appoint an arbitrator who shall be acceptable to both railroad management and railroad labor. Railroad management and railroad labor shall each designate their representatives to participate in the arbitration. The arbitrator shall submit the benefits levels to the Administrator not later than 30 days after appointment and such benefits levels shall be based on information provided by rail labor and rail management. The information submitted to the arbitrator by railroad management and railroad labor shall be considered confidential and shall be disclosed to the other party upon execution of an appropriate confidentiality agreement. Unless the submitting party provides written consent, neither the arbitrator nor either party to the arbitration shall divulge to any third party any information or data, in any form, submitted to the arbitrator under this section. Nor shall either party use such information or data for any purpose other than participation in the arbitration proceeding, and each party shall return to the other any information it has received from the other party as soon the arbitration is concluded. Information submitted to the arbitrator may not be admitted into evidence, nor discovered, in any civil litigation in Federal or State court. The nature of the information submitted to the arbitrator shall be within the sole discretion of the submitting party, and the arbitrator may not require a party to submit any particular information, including information subject to a prior confidentiality agreement.

(F) DEMONSTRATION OF ELIGIBILITY.—

(i) IN GENERAL.—A claimant under this paragraph shall be required to demonstrate—

(I) employment of the claimant in the railroad industry;

(II) exposure of the claimant to asbestos as part of that employment; and

(III) the nature and severity of the asbestos-related injury.

(ii) MEDICAL CRITERIA.—In order to be eligible for a special adjustment a claimant shall meet the criteria set forth in section 121 that would qualify a claimant for a payment under Level II or greater.

(5) MEDICAL MONITORING.—An asbestos claimant with asymptomatic exposure, based on the criteria under section 121(d)(1), shall only be eligible for medical monitoring reimbursement as provided under section 132.

(6) COST-OF-LIVING ADJUSTMENT.—

(A) IN GENERAL.—Beginning January 1, 2007, award amounts under paragraph (1) shall be annually increased by an amount equal to such dollar amount multiplied by the cost-of-living adjustment, rounded to the nearest $1,000 increment.

(B) CALCULATION OF COST-OF-LIVING ADJUSTMENT.—For the purposes of subparagraph (A), the cost-of-living adjustment for any calendar year shall be the percentage, if any, by which the consumer price index for the succeeding calendar year exceeds the consumer price index for calendar year 2005.

(C) CONSUMER PRICE INDEX.—

(i) IN GENERAL.—For the purposes of subparagraph (B), the consumer price index for any calendar year is the average of the consumer price index as of the close of the 12-month period ending on August 31 of such calendar year.

(ii) DEFINITION.—For purposes of clause (i), the term "consumer price index" means the consumer price index published by the Department of Labor. The consumer price index series to be used for award escalations shall include the consumer price index used for all-urban consumers, with an area coverage of the United States city average, for all items, based on the 1982–1984 index based period, as published by the Department of Labor.

SEC. 132. MEDICAL MONITORING.

(a) RELATION TO STATUTE OF LIMITATIONS.—The filing of a claim under this Act that seeks reimbursement for medical monitoring shall not be considered as evidence that the claimant has discovered facts that would otherwise commence the period applicable for purposes of the statute of limitations under section 113(b).

(b) COSTS.—Reimbursable medical monitoring costs shall include the costs of a claimant not covered by health insurance for an examination by the claimant's physician, x-ray tests, and pulmonary function tests every 3 years.

(c) REGULATIONS.—The Administrator shall promulgate regulations that establish—

(1) the reasonable costs for medical monitoring that is reimbursable; and

(2) the procedures applicable to asbestos claimants.

SEC. 133. PAYMENT.

(a) STRUCTURED PAYMENTS.—

(1) IN GENERAL.—An asbestos claimant who is entitled to an award should receive the amount of the award through structured payments from the Fund, made over a period of 3 years, and in no event more than 4 years after the date of final adjudication of the claim.

(2) PAYMENT PERIOD AND AMOUNT.—There shall be a presumption that any award paid under this subsection shall provide for payment of—

(A) 40 percent of the total amount in year 1;

(B) 30 percent of the total amount in year 2; and

(C) 30 percent of the total amount in year 3.

(3) EXTENSION OF PAYMENT PERIOD.—

(A) IN GENERAL.—The Administrator shall develop guidelines to provide for the payment period of an award under subsection (a) to be extended to a 4-year period if such action is warranted in order to preserve the overall solvency of the Fund. Such guidelines shall include reference to the number of claims made to the Fund and the awards made and scheduled to be paid from the Fund as provided under section 405.

(B) LIMITATIONS.—In no event shall less than 50 percent of an award be paid in the first 2 years of the payment period under this subsection.

(4) LUMP-SUM PAYMENTS.—

(A) IN GENERAL.—The Administrator shall develop guidelines to provide for 1 lump-sum payment to asbestos claimants who are mesothelioma victims and who are alive on the date on which the Administrator receives notice of the eligibility of the claimant.

(B) TIMING OF PAYMENTS.—Lump-sum payments shall be made within the shorter of—

(i) not later than 30 days after the date the claim is approved by the Administrator; or

(ii) not later than 6 months after the date the claim is filed.

(C) TIMING OF PAYMENTS TO BE ADJUSTED WITH RESPECT TO SOLVENCY OF THE FUND.—If the Administrator determines that solvency of the Fund would be severely harmed by the timing of the payments required under subparagraph (B), the time for such payments may be extended to the shorter of—

(i) not later than 6 months after the date the claim is approved by the Administrator; or

(ii) not later than 11 months after the date the claim is filed.

(5) EXPEDITED PAYMENTS.—

(A) IN GENERAL.—The Administrator shall develop guidelines to provide for expedited payments to asbestos claimants in cases of terminal health claims as described under section 106(c)(2)(B) and (C).

(B) TIMING OF PAYMENTS.—Total payments shall be made within the shorter of—

(i) not later than 6 months after the date the claim is approved by the Administrator; or

(ii) not later than 1 year after the date the claim is filed.

(C) TIMING OF PAYMENTS TO BE ADJUSTED WITH RESPECT TO SOLVENCY OF THE FUND.—If the Administrator determines that solvency of the Fund would be severely harmed by the timing of the payments required under subparagraph (B), the time for such payments may be extended to the shorter of—

(i) not later than 1 year after the date the claim is approved by the Administrator; or

(ii) not later than 2 years after the date the claim is filed.

(D) PRIORITIZATION OF CLAIMS.—The Administrator shall, in final regulations promulgated under section 101(c), designate categories of claims to be handled on an expedited basis. The Administrator shall prioritize the processing and payment of health claims involving claimants with the most serious health risks. The Administrator shall also prioritize claims from claimants who face extreme financial hardship.

(6) ANNUITY.—An asbestos claimant may elect to receive any payments to which that claimant is entitled under this title in the form of an annuity.

(b) LIMITATION ON TRANSFERABILITY.—A claim filed under this Act shall not be assignable or otherwise transferable under this Act.

(c) CREDITORS.—An award under this title shall be exempt from all claims of creditors and from levy, execution, and attachment or other remedy for recovery or collection of a debt, and such exemption may not be waived.

(d) MEDICARE AS SECONDARY PAYER.—No award under this title shall be deemed a payment for purposes of section 1862 of the Social Security Act (42 U.S.C. 1395y).

(e) EXEMPT PROPERTY IN ASBESTOS CLAIMANT'S BANKRUPTCY CASE.—If an asbestos claimant files a petition for relief under section 301 of title 11, United States Code, no award granted under this Act shall be treated as property of the bankruptcy estate of the asbestos claimant in accordance with section 541(b)(6) of title 11, United States Code.

(f) EFFECT OF PAYMENT.—The payment of an asbestos claim under this section shall be in full satisfaction of such claim and shall be deemed to operate as a release to such claim. No claimant with an asbestos claim that will be paid under this section may proceed in the tort system with respect to such claim.

SEC. 134. SETOFFS FOR COLLATERAL SOURCE COMPENSATION AND PRIOR AWARDS.

(a) IN GENERAL.—The amount of an award otherwise available to an asbestos claimant under this title shall be reduced by the amount of any collateral source compensation and by any amounts paid or to be paid to the claimant for a prior award under this Act.

(b) EXCLUSIONS.—

(1) COLLATERAL SOURCE COMPENSATION.—In no case shall special adjustments made under section 131(b)(3), occupational or total disability benefits under the Railroad Retirement Act (45 U.S.C. 201 et seq.), sickness benefits under the Railroad Unemployment Insurance Act (45 U.S.C 351 et seq.), and veterans' benefits programs be deemed as collateral source compensation for purposes of this section.

(2) PRIOR AWARD PAYMENTS.—Any amounts paid or to be paid for a prior claim for a nonmalignant disease (Levels I through V) filed

against the Fund shall not be deducted as a setoff against amounts payable for the second injury claims for a malignant disease (Levels VI through IX), unless the malignancy was diagnosed before the date on which the nonmalignancy claim was compensated.

SEC. 135. CERTAIN CLAIMS NOT AFFECTED BY PAYMENT OF AWARDS.

(a) In General.—The payment of an award under section 106 or 133 shall not be considered a form of compensation or reimbursement for a loss for purposes of imposing liability on any asbestos claimant receiving such payment to repay any—

(1) life or health insurance carrier for insurance payments; or

(2) person or governmental entity on account of health care or disability payments.

(b) No Effect on Claims.—

(1) In general.—The payment of an award to an asbestos claimant under section 106 or 133 shall not affect any claim of an asbestos claimant against—

(A) a life or health insurance carrier with respect to insurance; or

(B) against any person or governmental entity with respect to healthcare or disability.

(2) Rule of construction.—Nothing in this subsection shall be construed to authorize the pursuit of a claim that is preempted under section 403.

TITLE II—ASBESTOS INJURY CLAIMS RESOLUTION FUND

Subtitle A—Asbestos Defendants Funding Allocation

SEC. 201. DEFINITIONS.

In this subtitle, the following definitions shall apply:

(1) Affiliated group.—The term "affiliated group"—

(A) means a defendant participant that is an ultimate parent and any person whose entire beneficial interest is directly or indirectly owned by that ultimate parent on the date of enactment of this Act; and

(B) shall not include any person that is a debtor or any direct or indirect majority-owned subsidiary of a debtor.

(2) Indemnifiable cost.—The term "indemnifiable cost" means a cost, expense, debt, judgment, or settlement incurred with respect to an asbestos claim that, at any time before December 31, 2002, was or could have been subject to indemnification, contribution, surety, or guaranty.

(3) Indemnitee.—The term "indemnitee" means a person against whom any asbestos claim has been asserted before December 31, 2002, who has received from any other person, or on whose behalf a sum has been paid by such other person to any third person, in settlement, judgment, defense, or indemnity in connection with an alleged duty with respect to the defense or indemnification of such person concerning that asbestos claim, other than under a policy of insurance or reinsurance.

(4) Indemnitor.—The term "indemnitor" means a person who has paid under a written agreement at any time before December 31, 2002, a sum in settlement, judgment, defense, or indemnity to or on behalf of any person defending against an asbestos claim, in connection with an alleged duty with respect to the defense or indemnification of such person concerning that asbestos claim, except that payments by an insurer or reinsurer under a contract of insurance or reinsurance shall not make the insurer or reinsurer an indemnitor for purposes of this subtitle.

(5) Prior asbestos expenditures.—The term "prior asbestos expenditures"—

(A) means the gross total amount paid by or on behalf of a person at any time before December 31, 2002, in settlement, judgment, defense, or indemnity costs related to all asbestos claims against that person;

(B) includes payments made by insurance carriers to or for the benefit of such person or on such person's behalf with respect to such asbestos claims, except as provided in section 204(h);

(C) shall not include any payment made by a person in connection with or as a result of changes in insurance reserves required by contract or any activity or dispute related to insurance coverage matters for asbestos-related liabilities; and

(D) shall not include any payment made by or on behalf of persons who are or were common carriers by railroad for asbestos claims brought under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, as a result of operations as a common carrier by railroad, including settlement, judgment, defense, or indemnity costs associated with these claims.

(6) Ultimate parent.—The term "ultimate parent" means a person—

(A) that owned, as of December 31, 2002, the entire beneficial interest, directly or indirectly, of at least 1 other person; and

(B) whose entire beneficial interest was not owned, on December 31, 2002, directly or indirectly, by any other single person (other than a natural person).

(7) Asbestos premises claim.—The term "asbestos premises claim"—

(A) means an asbestos claim against a current or former premises owner or landowner, or person controlling or possessing premises or land, alleging injury or death caused by exposure to asbestos on such premises or land or by exposure to asbestos carried off such premises or land on the clothing or belongings of another person; and

(B) includes any such asbestos claim against a current or former employer alleging injury or death caused by exposure to asbestos on premises or land owned, controlled or possessed by the employer, if such claim is not a claim for benefits under a workers' compensation law or veterans' benefits program.

(8) Asbestos premises defendant participant.—The term "asbestos premises defendant participant" means any defendant participant for which 95 percent or more of its prior asbestos expenditures relate to asbestos premises claims against that defendant participant.

SEC. 202. AUTHORITY AND TIERS.

(a) Liability for Payments to the Fund.—

(1) In general.—Defendant participants shall be liable for payments to the Fund in accordance with this section based on tiers and subtiers assigned to defendant participants.

(2) Aggregate payment obligations level.—The total payments required of all defendant participants over the life of the Fund shall not exceed a sum equal to $90,000,000,000 less any bankruptcy trust credits under section 222(d). The Administrator shall have the authority to allocate the payments required of the defendant participants among the tiers as provided in this title.

(3) Ability to enter reorganization.—Notwithstanding any other provision of this Act, all debtors that, together with all of their direct or indirect majority-owned subsidiaries, have prior asbestos expenditures less than $1,000,000 may proceed with the filing, solicitation, and confirmation of a plan of reorganization that does not comply with the requirements of this Act, including a trust and channeling injunction under section 524(g) of title 11, United States Code. Any asbestos claim made in conjunction with a plan of reorganization allowable under the preceding sentence shall be subject to section 403(d) of this Act.

(b) Tier I.—Tier I shall include all debtors that, together with all of their direct or indirect majority-owned subsidiaries, have prior asbestos expenditures greater than $1,000,000.

(c) Treatment of Tier I Business Entities in Bankruptcy.—

(1) Definition.—

(A) In general.—In this subsection, the term "bankrupt business entity" means a person that is not a natural person that—

(i) filed a petition for relief under chapter 11, of title 11, United States Code, before January 1, 2003;

(ii) has not substantially consummated, as such term is defined under section 1101(2) of title 11, United States Code, a plan of reorganization as of the date of enactment of this Act; and

(iii) the bankruptcy court presiding over the business entity's case determines, after notice and a hearing upon motion filed by the entity within 30 days after the date of enactment of this Act, that asbestos liability was not the sole or precipitating cause of the entity's chapter 11 filing.

(B) Motion and related matters.—A motion under subparagraph (A)(iii) shall be supported by—

(i) an affidavit or declaration of the chief executive officer, chief financial officer, or chief legal officer of the business entity; and

(ii) copies of the entity's public statements and securities filings made in connection with the entity's filing for chapter 11 protection.

Notice of such motion shall be as directed by the bankruptcy court, and the hearing shall be limited to consideration of the question of whether or not asbestos liability was the sole or precipitating cause of the entity's chapter 11 filing. The bankruptcy court shall hold a hearing and make its determination with respect to the motion within 30 days after the date the motion is filed. In making its determination, the bankruptcy court shall take into account the affidavits, public statements, and securities filings, and other information, if any, submitted by the entity and all other facts and circumstances presented by an objecting party. Any review of this determination shall be an expedited appeal and limited to whether the decision was against the weight of the evidence. Any appeal of a determination shall be an expedited review to the United States Circuit Court of Appeals for the circuit in which the bankruptcy is filed.

(2) Proceeding with reorganization plan.—A bankrupt business entity may proceed with the filing, solicitation, confirmation, and consummation of a plan of reorganization that does not comply with the requirements of this Act, including a trust and channeling injunction described in section 524(g) of title 11, United States Code, notwithstanding any other provisions of this Act, if the bankruptcy court makes a favorable determination under paragraph (1)(B), unless the bankruptcy court's determination is overruled on appeal and all appeals are final. Such a bankrupt business entity may continue to so proceed, if—

(A) on request of a party in interest or on a motion of the court, and after a notice and a hearing, the bankruptcy court presiding over the chapter 11 case of the bankrupt business entity determines that such confirmation is required to avoid the liquidation or the need for further financial reorganization of that entity; and

(B) an order confirming the plan of reorganization is entered by the bankruptcy court within 9 months after the date of enactment of this Act or such longer period of time approved by the bankruptcy court for cause shown.

(3) APPLICABILITY.—If the bankruptcy court does not make the determination required under paragraph (2), or if an order confirming the plan is not entered within 9 months after the date of enactment of this Act or such longer period of time approved by the bankruptcy court for cause shown, the provisions of this Act shall apply to the bankrupt business entity notwithstanding the certification. Any timely appeal under title 11, United States Code, from a confirmation order entered during the applicable time period shall automatically extend the time during which this Act is inapplicable to the bankrupt business entity, until the appeal is fully and finally resolved.

(4) OFFSETS.—

(A) PAYMENTS BY INSURERS.—To the extent that a bankrupt business entity or debtor successfully confirms a plan of reorganization, including a trust, and channeling injunction that involves payments by insurers who are otherwise subject to this Act as described under section 524(g) of title 11, United States Code, an insurer who makes payments to the trust shall obtain a dollar-for-dollar reduction in the amount otherwise payable by that insurer under this Act to the Fund.

(B) CONTRIBUTIONS TO FUND.—Any cash payments by a bankrupt business entity, if any, to a trust described under section 524(g) of title 11, United States Code, may be counted as a contribution to the Fund.

(d) TIERS II THROUGH VI.—Except as provided in section 204 and subsection (b) of this section, persons or affiliated groups are included in Tier II, III, IV, V, or VI, according to the prior asbestos expenditures paid by such persons or affiliated groups as follows:

(1) Tier II: $75,000,000 or greater.

(2) Tier III: $50,000,000 or greater, but less than $75,000,000.

(3) Tier IV: $10,000,000 or greater, but less than $50,000,000.

(4) Tier V: $5,000,000 or greater, but less than $10,000,000.

(5) Tier VI: $1,000,000 or greater, but less than $5,000,000.

(6) ASBESTOS PREMISES DEFENDANT PARTICIPANTS.—

(A) IN GENERAL.—Asbestos premises defendant participants that would be included in Tier II, III, IV or V according to their prior asbestos expenditures shall, after 5 years of the Fund being operational, instead be assigned to the immediately lower tier, such that—

(i) an asbestos premises defendant participant that would be assigned to Tier II shall instead be assigned to Tier III;

(ii) an asbestos premises defendant participant that would be assigned to Tier III shall instead be assigned to Tier IV;

(iii) an asbestos premises defendant participant that would be assigned to Tier IV shall instead be assigned to Tier V; and

(iv) an asbestos premises defendant participant that would be assigned to Tier V shall instead be assigned to Tier VI.

(B) RETURN TO ORIGINAL TIER.—The Administrator may return asbestos premises defendant participants to their original tier, on a yearly basis, if the Administrator determines that the additional revenues that would be collected are needed to preserve the solvency of the Fund.

(e) TIER PLACEMENT AND COSTS.—

(1) PERMANENT TIER PLACEMENT.—After a defendant participant or affiliated group is assigned to a tier and subtier under section 204(j)(6), the participant or affiliated group shall remain in that tier and subtier throughout the life of the Fund, regardless of subsequent events, including—

(A) the filing of a petition under a chapter of title 11, United States Code;

(B) a discharge of debt in bankruptcy;

(C) the confirmation of a plan of reorganization; or

(D) the sale or transfer of assets to any other person or affiliated group, unless the Administrator finds that the information submitted by the participant or affiliated group to support its inclusion in that tier was inaccurate.

(2) COSTS.—Payments to the Fund by all persons that are the subject of a case under a chapter of title 11, United States Code, after the date of enactment of this Act—

(A) shall constitute costs and expenses of administration of the case under section 503 of title 11, United States Code, and shall be payable in accordance with the payment provisions under this subtitle notwithstanding the pendency of the case under that title 11;

(B) shall not be stayed or affected as to enforcement or collection by any stay or injunction power of any court; and

(C) shall not be impaired or discharged in any current or future case under title 11, United States Code.

(f) SUPERSEDING PROVISIONS.—

(1) IN GENERAL.—All of the following shall be superseded in their entireties by this Act:

(A) The treatment of any asbestos claim in any plan of reorganization with respect to any debtor included in Tier I.

(B) Any asbestos claim against any debtor included in Tier I.

(C) Any agreement, understanding, or undertaking by any such debtor or any third party with respect to the treatment of any asbestos claim filed in a debtor's bankruptcy case or with respect to a debtor before the date of enactment of this Act, whenever such debtor's case is either still pending, if such case is pending under a chapter other than chapter 11 of title 11, United States Code, or subject to confirmation or substantial consummation of a plan of reorganization under chapter 11 of title 11, United States Code.

(2) PRIOR AGREEMENTS OF NO EFFECT.—Notwithstanding section 403(c)(3), any plan of reorganization, agreement, understanding, or undertaking by any debtor (including any pre-petition agreement, understanding, or undertaking that requires future performance) or any third party under paragraph (1), and any agreement, understanding, or undertaking entered into in anticipation, contemplation, or furtherance of a plan of reorganization, to the extent it relates to any asbestos claim, shall be of no force or effect, and no person shall have any right or claim with respect to any such agreement, understanding, or undertaking.

SEC. 203. SUBTIERS.

(a) IN GENERAL.—

(1) SUBTIER LIABILITY.—Except as otherwise provided under subsections (b), (d), and (l) of section 204, persons or affiliated groups shall be included within Tiers I through VII and shall pay amounts to the Fund in accordance with this section.

(2) REVENUES.—

(A) IN GENERAL.—For purposes of this section, revenues shall be determined in accordance with generally accepted accounting principles, consistently applied, using the amount reported as revenues in the annual report filed with the Securities and Exchange Commission in accordance with the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) for the most recent fiscal year ending on or before December 31, 2002. If the defendant participant or affiliated group does not file reports with the Securities and Exchange Commission, revenues shall be the amount that the defendant participant or affiliated group would have reported as revenues under the rules of the Securities and Exchange Commission in the event that it had been required to file.

(B) INSURANCE PREMIUMS.—Any portion of revenues of a defendant participant that is derived from insurance premiums shall not be used to calculate the payment obligation of that defendant participant under this subtitle.

(C) DEBTORS.—Each debtor's revenues shall include the revenues of the debtor and all of the direct or indirect majority-owned subsidiaries of that debtor, except that the pro forma revenues of a person that is included in Subtier 2 of Tier I shall not be included in calculating the revenues of any debtor that is a direct or indirect majority owner of such Subtier 2 person. If a debtor or affiliated group includes a person in respect of whose liabilities for asbestos claims a class action trust has been established, there shall be excluded from the 2002 revenues of such debtor or affiliated group—

(i) all revenues of the person in respect of whose liabilities for asbestos claims the class action trust was established; and

(ii) all revenues of the debtor and affiliated group attributable to the historical business operations or assets of such person, regardless of whether such business operations or assets were owned or conducted during the year 2002 by such person or by any other person included within such debtor and affiliated group.

(b) TIER I SUBTIERS.—

(1) IN GENERAL.—Each debtor in Tier I shall be included in subtiers and shall pay amounts to the Fund as provided under this section.

(2) SUBTIER 1.—

(A) IN GENERAL.—All persons that are debtors with prior asbestos expenditures of $1,000,000 or greater, shall be included in Subtier 1.

(B) PAYMENT.—

(i) IN GENERAL.—Each debtor included in Subtier 1 shall pay on an annual basis 1.67024 percent of the debtor's 2002 revenues.

(ii) EXCEPTION TO PAYMENT PERCENTAGE.—Notwithstanding clause (i), a debtor in Subtier 1 shall pay, on an annual basis, $500,000 if—

(I) such debtor, including its direct or indirect majority-owned subsidiaries, has less than $10,000,000 in prior asbestos expenditures;

(II) at least 95 percent of such debtors revenues derive from the provision of engineering and construction services; and

(III) such debtor, including its direct or indirect majority-owned subsidiaries, never manufactured, sold, or distributed asbestos-containing products in the stream of commerce.

(C) OTHER ASSETS.—The Administrator, at the sole discretion of the Administrator, may allow a Subtier 1 debtor to satisfy its funding obligation under this paragraph with assets other than cash if the Administrator determines that requiring an all-cash payment of the debtor's funding obligation would render the debtor's reorganization infeasible.

(D) LIABILITY.—

(i) IN GENERAL.—If a person who is subject to a case pending under a chapter of title 11, United States Code, as defined in section 201(3)(A)(i), does not pay when due any payment obligation for the debtor, the Administrator shall have the right to seek payment of all or any portion of the entire amount due (as well as any other amount for which the debtor may be liable under sections 223 and 224) from any of the direct or indirect majority-owned subsidiaries under section 201(3)(A)(ii).

(ii) CAUSE OF ACTION.—Notwithstanding section 221(e), this Act shall not preclude actions among persons within a debtor under section 201(3)(A) (i) and (ii) with respect to the payment obligations under this Act.

(iii) RIGHT OF CONTRIBUTION.—

(I) IN GENERAL.—Notwithstanding any other provision of this Act, if a direct or indirect majority-owned foreign subsidiary of a debtor participant (with such relationship to the debtor participant as determined on the date of enactment of this Act) is or becomes subject to any foreign insolvency proceedings, and such foreign direct or indirect-majority owned subsidiary is liquidated in connection with such foreign insolvency proceedings (or if the debtor participant's interest in such foreign subsidiary is otherwise canceled or terminated in connection with such foreign insolvency proceedings), the debtor participant shall have a claim against such foreign subsidiary or the estate of such foreign subsidiary in an amount equal to the greater of—

(aa) the estimated amount of all current and future asbestos liabilities against such foreign subsidiary; or

(bb) the foreign subsidiary's allocable share of the debtor participant's funding obligations to the Fund as determined by such foreign subsidiary's allocable share of the debtor participant's 2002 gross revenue.

(II) DETERMINATION OF CLAIM AMOUNT.—The claim amount under subclause (I) (aa) or (bb) shall be determined by a court of competent jurisdiction in the United States.

(III) EFFECT ON PAYMENT OBLIGATION.—The right to, or recovery under, any such claim shall not reduce, limit, delay, or otherwise affect the debtor participant's payment obligations under this Act.

(iv) MAXIMUM ANNUAL PAYMENT OBLIGATION.—Subject to any payments under paragraphs (3), (4), and (5) of this subsection, the annual payment obligation by a debtor under subparagraph (B) of this paragraph shall not exceed $80,000,000.

(3) SUBTIER 2.—

(A) IN GENERAL.—Notwithstanding paragraph (2), all persons that are debtors that have no material continuing business operations, other than class action trusts under paragraph (6), but hold cash or other assets that have been allocated or earmarked for the settlement of asbestos claims shall be included in Subtier 2.

(B) ASSIGNMENT OF ASSETS.—Not later than 90 days after the date of enactment of this Act, each person included in Subtier 2 shall assign all of its unencumbered assets to the Fund.

(4) SUBTIER 3.—

(A) IN GENERAL.—Notwithstanding paragraph (2), all persons that are debtors other than those included in Subtier 2, which have no material continuing business operations and no cash or other assets allocated or earmarked for the settlement of any asbestos claim, shall be included in Subtier 3.

(B) ASSIGNMENT OF UNENCUMBERED ASSETS.—Not later than 90 days after the date of enactment of this Act, each person included in Subtier 3 shall contribute an amount equal to 50 percent of its total unencumbered assets.

(5) CALCULATION OF UNENCUMBERED ASSETS.—Unencumbered assets shall be calculated as the Subtier 3 person's total assets, excluding insurance-related assets, jointly held, in trust or otherwise, with a defendant participant, less—

(A) all allowable administrative expenses;

(B) allowable priority claims under section 507 of title 11, United States Code; and

(C) allowable secured claims.

(6) CLASS ACTION TRUST.—The assets of any class action trust that has been established in respect of the liabilities for asbestos claims of any person included within a debtor and affiliated group that has been included in Tier I (exclusive of any assets needed to pay previously incurred expenses and asbestos claims within the meaning of section 403(d)(1), before the date of enactment of this Act) shall be transferred to the Fund not later than 60 days after the date of enactment of this Act.

(c) TIER II SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier II shall be included in 1 of the 5 subtiers of Tier II, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with—

(A) those persons or affiliated groups with the highest revenues included in Subtier 1;

(B) those persons or affiliated groups with the next highest revenues included in Subtier 2;

(C) those persons or affiliated groups with the lowest revenues included in Subtier 5;

(D) those persons or affiliated groups with the next lowest revenues included in Subtier 4; and

(E) those persons or affiliated groups remaining included in Subtier 3.

(2) PAYMENTS.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $27,500,000.

(B) Subtier 2: $24,750,000.

(C) Subtier 3: $22,000,000.

(D) Subtier 4: $19,250,000.

(E) Subtier 5: $16,500,000.

(d) TIER III SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier III shall be included in 1 of the 5 subtiers of Tier III, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with—

(A) those persons or affiliated groups with the highest revenues included in Subtier 1;

(B) those persons or affiliated groups with the next highest revenues included in Subtier 2;

(C) those persons or affiliated groups with the lowest revenues included in Subtier 5;

(D) those persons or affiliated groups with the next lowest revenues included in Subtier 4; and

(E) those persons or affiliated groups remaining included in Subtier 3.

(2) PAYMENTS.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $16,500,000.

(B) Subtier 2: $13,750,000.

(C) Subtier 3: $11,000,000.

(D) Subtier 4: $8,250,000.

(E) Subtier 5: $5,500,000.

(e) TIER IV SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier IV shall be included in 1 of the 4 subtiers of Tier IV, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest revenues in Subtier 1, those with the lowest revenues in Subtier 4. Those persons or affiliated groups with the highest revenues among those remaining will be included in Subtier 2 and the rest in Subtier 3.

(2) PAYMENT.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $3,850,000.

(B) Subtier 2: $2,475,000.

(C) Subtier 3: $1,650,000.

(D) Subtier 4: $550,000.

(f) TIER V SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier V shall be included in 1 of the 3 subtiers of Tier V, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest revenues in Subtier 1, those with the lowest revenues in Subtier 3, and those remaining in Subtier 2.

(2) PAYMENT.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $1,000,000.

(B) Subtier 2: $500,000.

(C) Subtier 3: $200,000.

(g) TIER VI SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier VI shall be included in 1 of the 3 subtiers of Tier VI, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest revenues in Subtier 1, those with the lowest revenues in Subtier 3, and those remaining in Subtier 2.

(2) PAYMENT.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $500,000.

(B) Subtier 2: $250,000.

(C) Subtier 3: $100,000.

(3) OTHER PAYMENT FOR CERTAIN PERSONS AND AFFILIATED GROUPS.—

(A) IN GENERAL.—Notwithstanding any other provision of this subsection, and if an adjustment authorized by this subsection does not impair the overall solvency of the Fund, any person or affiliated group within Tier VI whose required subtier payment in any given year would exceed such person's or group's average annual expenditure on settlements, and judgments of asbestos disease-related claims over the 8 years before the date of enactment of this Act shall make the payment required of the immediately lower subtier or, if the person's or group's average annual expenditures on settlements and judgments over the 8 years before the date of enactment of this Act is less than $100,000, shall not be required to make a payment under this Act.

(B) NO FURTHER ADJUSTMENT.—Any person or affiliated group that receives an adjustment under this paragraph shall not be eligible to receive any further adjustment under section 204(e).

(h) TIER VII.—

(1) IN GENERAL.—Notwithstanding prior asbestos expenditures that might qualify a person or affiliated group to be included in Tiers II, III, IV, V, or VI, a person or affiliated group shall also be included in Tier VII, if the person or affiliated group—

(A) is or has at any time been subject to asbestos claims brought under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, as a result of operations as a common carrier by railroad; and

(B) has paid (including any payments made by others on behalf of such person or affiliated group) not less than $5,000,000 in settlement, judgment, defense, or indemnity costs relating to such claims, and such settlement, judgment, defense, or indemnity costs constitute 75 percent or more of the total prior asbestos expenditures by the person or affiliated group.

(2) ADDITIONAL AMOUNT.—The payment requirement for persons or affiliated groups included in Tier VII shall be in addition to any payment requirement applicable to such person or affiliated group under Tiers II through VI.

(3) SUBTIER 1.—Each person or affiliated group in Tier VII with revenues of $6,000,000,000 or more is included in Subtier 1 and shall make annual payments of $11,000,000 to the Fund.

(4) SUBTIER 2.—Each person or affiliated group in Tier VII with revenues of less than $6,000,000,000, but not less than $4,000,000,000 is included in Subtier 2 and shall make annual payments of $5,500,000 to the Fund.

(5) SUBTIER 3.—Each person or affiliated group in Tier VII with revenues of less than $4,000,000,000, but not less than $500,000,000 is included in Subtier 3 and shall make annual payments of $550,000 to the Fund.

(6) JOINT VENTURE REVENUES AND LIABILITY.—

(A) REVENUES.—For purposes of this subsection, the revenues of a joint venture shall be included on a pro rata basis reflecting relative joint ownership to calculate the revenues of the parents of that joint venture. The joint venture shall not be responsible for a contribution amount under this subsection.

(B) LIABILITY.—For purposes of this subsection, the liability under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, shall be attributed to the parent owners of the joint venture on a pro rata basis, reflecting their relative share of ownership. The joint venture shall not be responsible for a payment amount under this provision.

SEC. 204. ASSESSMENT ADMINISTRATION.

(a) IN GENERAL.—Each defendant participant or affiliated group shall pay to the Fund in the amounts provided under this subtitle as appropriate for its tier and subtier each year until the earlier to occur of the following:

(1) The participant or affiliated group has satisfied its obligations under this subtitle during the 30 annual payment cycles of the operation of the Fund.

(2) The amount received by the Fund from defendant participants, excluding any amounts rebated to defendant participants under subsections (e) and (n), equals the maximum aggregate payment obligation of section 202(a)(2).

(b) SMALL BUSINESS EXEMPTION.—Notwithstanding any other provision of this subtitle, a person or affiliated group that is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), on December 31, 2002, is exempt from any payment requirement under this subtitle and shall not be included in the subtier allocations under section 203.

(c) LIMITATION.—For any affiliated group, the total payment in any year, including any guaranteed payment surcharge under subsection (m) and any bankruptcy trust guarantee surcharge under section 222(c), shall not exceed the lesser of $16,702,400 or 1.67024 percent of the revenues of the affiliated group for the most recent fiscal year ending on or prior to December 31, 2002, or for the most recent 12-month fiscal year as of the date the limitation is applied, whichever is greater. For purposes of this subsection, the term "affiliated group" shall include any defendant participant that is an ultimate parent. The limitation in this subsection shall not apply to defendant participants in Tier I or to any affiliated group whose revenues for the most recent fiscal year ending on or prior to December 31, 2002, or for the most recent 12-month fiscal year as of the date the limitation applied, whichever is greater, exceeds $1,000,000,000. The revenues of the affiliated group shall be determined in accordance with section 203(a)(2), except for the applicable date. An affiliated group that claims a reduction in its payment in any year shall file with the Administrator, in accordance with procedures prescribed by the Administrator, sufficient infonnation to allow the Administrator to determine the amount of any such reduction in that year. If as a result of the application of the limitation provided in this subsection an affiliated group is exempt from paying all or part of a guaranteed payment surcharge or bankruptcy trust surcharge, then the reduction in the affiliated group's payment obligation due to the limitation in this subsection shall be redistributed in accordance with subsection (m). Nothing in this subsection shall be construed as reducing the minimum aggregate annual payment obligation of defendant participants as provided in section 204(i)(1)."

(d) PROCEDURES.—The Administrator shall prescribe procedures on how amounts payable under this subtitle are to be paid, including, to the extent the Administrator determines appropriate, procedures relating to payment in installments.

(e) ADJUSTMENTS.—

(1) IN GENERAL.—Under expedited procedures established by the Administrator, a defendant participant may seek adjustment of the amount of its payment obligation based on severe financial hardship or demonstrated inequity. The Administrator may determine whether to grant an adjustment and the size of any such adjustment, in accordance with this subsection. A defendant participant has a right to obtain a rehearing of the Administrator's determination under this subsection under the procedures prescribed in subsection (j)(10). The Administrator may adjust a defendant participant's payment obligations under this subsection, either by forgiving the relevant portion of the otherwise applicable payment obligation or by providing relevant rebates from the defendant hardship and inequity adjustment account created under subsection (k) after payment of the otherwise applicable payment obligation, at the discretion of the Administrator.

(2) FINANCIAL HARDSHIP ADJUSTMENTS.—

(A) IN GENERAL.—Any defendant participant in any tier may apply for an adjustment under this paragraph at any time during the period in which a payment obligation to the Fund remains outstanding and may qualify for such an adjustment by demonstrating to the satisfaction of the Administrator that the amount of its payment obligation would materially and adversely affect the defendant participant's ability to continue its business and to pay or satisfy its debts generally as and when they come due. Such an adjustment shall be in an amount that in the judgment of the Administrator is reasonably necessary to prevent such material and adverse effect on the defendant participant's ability to continue its business and to pay or satisfy its debts generally as and when they come due.

(B) FACTORS TO CONSIDER.—In determining whether to make an adjustment under subparagraph (A) and the amount thereof, the Administrator shall consider—

(1) the financial situation of the defendant participant and its affiliated group as shown in historical audited financial statements, including income statement, balance sheet, and statement of cash flow, for the three fiscal years ending immediately prior to the application and projected financial statements for the three fiscal years following the application;

(2) an analysis of capital spending and fixed charge coverage on a historical basis for the three fiscal years immediately preceding a defendant participant's application and for the three fiscal years following the application;

(3) any payments or transfers of property made, or obligations incurred, within the preceding 6 years by the defendant participant to or for the benefit of any insider as defined under section 101 (31) of title 11 of the United States Code or any affiliate as defined under section 101(2) of title 11 of the United States Code;

(4) any prior extraordinary transactions within the preceding 6 years involving the defendant participant, including without limitation payments of extraordinary salaries, bonuses, or dividends;

(5) the defendant participant's ability to satisfy its payment obligations to the Fund by borrowing or financing with equity capital, or through issuance of securities of the defendant participant or its affiliated group to the Fund;

(6) the defendant participant's ability to delay discretionary capital spending; and

(7) any other factor that the Administrator considers relevant.

(B) TERM.—A financial hardship adjustment under this paragraph shall have a term of 5 years unless the Administrator determines at the time the adjustment is made that a shorter or longer period is appropriate in the light of the financial condition of the defendant participant and its affiliated group and other relevant factors, provided that a financial hardship adjustment under this paragraph shall terminate automatically in the event that the defendant participant holding the adjustment files a petition under title 11, United States Code.

(C) RENEWAL.—A defendant participant may renew a hardship adjustment upon expiration by demonstrating that it remains justified. Such renewed hardship adjustments shall have a term of 5 years unless the Administrator determines at the time of the renewed adjustment that a shorter or longer period is appropriate in the light of the financial condition of the defendant participant and its affiliated group and other relevant factors, provided that a renewed financial hardship adjustment under this paragraph shall terminate automatically in the event that the defendant participant holding the adjustment files a petition under title 11, United States Code.

(D) PROCEDURE.—

(1) The Administrator shall prescribe the information to be submitted in applications for adjustments under this paragraph.

(2) All audited financial information required under this paragraph shall be as reported by the defendant participant in its annual report filed with the Securities and Exchange Commission in accordance with

the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.). Any defendant participant that does not file reports with the Securities and Exchange Commission or which does not have audited financial statements shall submit financial statements prepared pursuant to generally accepted accounting principles. The chairman, chief executive officer, and chief financial officer of the defendant participant shall certify under penalty of law the completeness and accuracy of the financial statements provided under this sub-paragraph.

(3) The chairman, chief executive officer, and chief financial officer of the defendant participant shall certify that any projected information and analyses submitted to the Administrator were made in good faith and are reasonable and attainable.

(3) INEQUITY ADJUSTMENTS.—

(A) IN GENERAL.—A defendant participant—

(i) may qualify for an adjustment based on inequity by demonstrating that the amount of its payment obligation under the statutory allocation is exceptionally inequitable—

(I) when measured against the amount of the likely cost to the defendant participant net of insurance of its future liability in the tort system in the absence of the Fund;

(II) when measured against the likely cost of past and potential future claims in the absence of this Act;

(III) when compared to the median payment rate for all defendant participants in the same tier; or

(IV) when measured against the percentage of the prior asbestos expenditures of the defendant that were incurred with respect to claims that neither resulted in an adverse judgment against the defendant, nor were the subject of a settlement that required a payment to a plaintiff by or on behalf of that defendant;

(ii) shall be granted a two-tier main tier and a two-tier subtier adjustment reducing the defendant participant's payment obligation based on inequity by demonstrating that not less than 95 percent of such person's prior asbestos expenditures arose from claims related to the manufacture and sale of railroad locomotives and related products, so long as such person's manufacture and sale of railroad locomotives and related products is temporally and causally remote, and for purposes of this clause, a person's manufacture and sale of railroad locomotives and related products shall be deemed to be temporally and causally remote if the asbestos claims historically and generally filed against such person relate to the manufacture and sale of railroad locomotives and related products by an entity dissolved more than 25 years before the date of enactment of this Act;

(iii) shall be granted a two-tier adjustment reducing the defendant participant's payment obligation based on inequity by demonstrating that not less than 95 percent of such participant's prior asbestos expenditures arose from asbestos claims based on successor liability arising from a merger to which the participant or its predecessor was a party that occurred at least 30 years before the date of enactment of this Act, and that such prior asbestos expenditures exceed the inflation-adjusted value of the assets of the company from which such liability was derived in such merger, and upon such demonstration the Administrator shall grant such adjustment for the life of the Fund and amounts paid by such defendant participant prior to such adjustment in excess of its adjusted payment obligation under this clause shall be credited against next succeeding required payment obligations; and

(iv) may, subject to the discretion of the Administrator, be exempt from any payment obligation if such defendant participant establishes with the Administrator that—

(I) such participant has satisfied all past claims; and

(II) there is no reasonable likelihood in the absence of this Act of any future claims with costs for which the defendant participant might be responsible.

(B) PAYMENT RATE.—For purposes of subparagraph (A), the payment rate of a defendant participant is the payment amount of the defendant participant as a percentage of such defendant participant's gross revenues for the year ending December 31, 2002.

(C) TERM.—Subject to the annual availability of funds in the defendant inequity adjustment account established under subsection (k), an inequity adjustment under this subsection shall have a term of 3 years.

(D) RENEWAL.—A defendant participant may renew an inequity adjustment every 3 years by demonstrating that the adjustment remains justified.

(E) REINSTATEMENT.—

(i) IN GENERAL.—Following the termination of an inequity adjustment under subparagraph (A), and during the funding period prescribed under subsection (a), the Administrator shall annually determine whether there has been a material change in conditions which would support a finding that the amount of the defendant participant's payment under the statutory allocation was not inequitable. Based on this determination, the Administrator may, consistent with the policies and legislative intent underlying this Act, reinstate any or all of the payment obligations of the defendant participant as if the inequity adjustment had not been granted for that 3-year period.

(ii) TERMS AND CONDITIONS.—In the event of a reinstatement under clause (i), the Administrator may require the defendant participant to pay any part or all of amounts not paid due to the inequity adjustment on such terms and conditions as established by the Administrator.

(4) LIMITATION ON ADJUSTMENTS.—The aggregate total of inequity adjustments under paragraph (3) in effect in any given year shall not exceed $300,000,000, except to the extent that additional monies are available for such adjustments as a result of carryover of prior years' funds under subsection (k)(3) or as a result of monies being made available in that year under subsection (l)(1)(A).

(B) the Administrator determines that the $300,000,000 is insufficient and additional adjustments as provided under paragraph (5) are needed to address situations in which a defendant participant would otherwise be rendered insolvent by its payment obligations without such adjustment.

(6) RULEMAKING AND ADVISORY PANELS.—

(A) APPOINTMENT.—The Administrator may appoint a Financial Hardship Adjustment Panel and an Inequity Adjustment Panel to advise the Administrator in carrying out this subsection.

(B) MEMBERSHIP.—The membership of the panels appointed under subparagraph (A) may overlap.

(C) COORDINATION.—The panels appointed under subparagraph (A) shall coordinate their deliberations and advice. The Administrator may adopt rules consistent with this Act to make the determination of hardship and inequity adjustments more efficient and predictable.

(f) LIMITATION ON LIABILITY.—The liability of each defendant participant to pay to the Fund shall be limited to the payment obligations under this Act, and, except as provided in subsection (f) and section 203(b)(2)(D), no defendant participant shall have any liability for the payment obligations of any other defendant participant.

(g) CONSOLIDATION OF PAYMENTS.—

(1) IN GENERAL.—For purposes of determining the payment levels of defendant participants, any affiliated group including 1 or more defendant participants may irrevocably elect, as part of the submissions to be made under paragraphs (1) and (3) of subsection (j), to report on a consolidated basis all of the information necessary to determine the payment level under this subtitle and pay to the Fund on a consolidated basis.

(2) ELECTION.—If an affiliated group elects consolidation as provided in this subsection—

(A) for purposes of this Act other than this subsection, the affiliated group shall be treated as if it were a single participant, including with respect to the assessment of a single annual payment under this subtitle for the entire affiliated group;

(B) the ultimate parent of the affiliated group shall prepare and submit each submission to be made under subsection (i) on behalf of the entire affiliated group and shall be solely liable, as between the Administrator and the affiliated group only, for the payment of the annual amount due from the affiliated group under this subtitle, except that, if the ultimate parent does not pay when due any payment obligation for the affiliated group, the Administrator shall have the right to seek payment of all or any portion of the entire amount due (as well as any other amount for which the affiliated group may be liable under sections 223 and 224) from any member of the affiliated group;

(C) all members of the affiliated group shall be identified in the submission under subsection (j) and shall certify compliance with this subsection and the Administrator's regulations implementing this subsection; and

(D) the obligations under this subtitle shall not change even if, after the date of enactment of this Act, the beneficial ownership interest between any members of the affiliated group shall change.

(3) CAUSE OF ACTION.—Notwithstanding section 221(e), this Act shall not preclude actions among persons within an affiliated group with respect to the payment obligations under this Act.

(h) DETERMINATION OF PRIOR ASBESTOS EXPENDITURES.—

(1) IN GENERAL.—For purposes of determining a defendant participant's prior asbestos expenditures, the Administrator shall prescribe such rules as may be necessary or appropriate to assure that payments by indemnitors before December 31, 2002, shall be counted as part of the indemnitor's prior asbestos expenditures, rather than the indemnitee's prior asbestos expenditures, in accordance with this subsection.

(2) INDEMNIFIABLE COSTS.—If an indemnitor has paid or reimbursed to an indemnitee any indemnifiable cost or otherwise made a payment on behalf of or for the benefit of an indemnitee to a third party for an indemnifiable cost before December 31, 2002, the amount of such indemnifiable cost shall be solely for the account of the indemnitor for purposes under this Act.

(3) INSURANCE PAYMENTS.—When computing the prior asbestos expenditures with respect to an asbestos claim, any amount paid or reimbursed by insurance shall be solely for the account of the indemnitor, even if the

indemnitor would have no direct right to the benefit of the insurance, if—

(A) such insurance has been paid or reimbursed to the indemnitor or the indemnitee, or paid on behalf of or for the benefit of the indemnitee; and

(B) the indemnitor has either, with respect to such asbestos claim or any similar asbestos claim, paid or reimbursed to its indemnitee any indemnifiable cost or paid to any third party on behalf of or for the benefit of the indemnitee any indemnifiable cost.

(4) TREATMENT OF CERTAIN EXPENDITURES.—Notwithstanding any other provision of this Act, where—

(A) an indemnitor entered into a stock purchase agreement in 1988 that involved the sale of the stock of businesses that produced friction and other products; and

(B) the stock purchase agreement provided that the indemnitor indemnified the indemnitee and its affiliates for losses arising from various matters, including asbestos claims—

(i) asserted before the date of the agreement; and

(ii) filed after the date of the agreement and prior to the 10-year anniversary of the stock sale,

then the prior asbestos expenditures arising from the asbestos claims described in clauses (i) and (ii) shall not be for the account of either the indemnitor or indemnitee.

(i) MINIMUM ANNUAL PAYMENTS.—

(1) IN GENERAL.—The aggregate annual payments of defendant participants to the Fund shall be at least $3,000,000,000 for each calendar year in the first 30 years of the Fund, or until such shorter time as the condition set forth in subsection (a)(2) is attained.

(2) GUARANTEED PAYMENT ACCOUNT.—To the extent payments in accordance with sections 202 and 203 (as modified by subsections (b), (e), (g), (h), and (n) of this section) fail in any year to raise at least $3,000,000,000, after applicable reductions or adjustments have been taken according to subsections (e) and (n), the balance needed to meet this required minimum aggregate annual payment shall be obtained from the defendant guaranteed payment account established under subsection (k).

(j) PROCEDURES FOR MAKING PAYMENTS.—

(1) INITIAL YEAR: TIERS II–VI.—

(A) IN GENERAL.—Not later than 90 days after enactment of this Act, each defendant participant that is included in Tiers II, III, IV, V, or VI shall file with the Administrator—

(i) a statement of whether the defendant participant irrevocably elects to report on a consolidated basis under subsection (g);

(ii) a good-faith estimate of its prior asbestos expenditures;

(iii) a statement of its 2002 revenues, determined in accordance with section 203(a)(2);

(iv) payment in the amount specified in section 203 for the lowest subtier of the tier within which the defendant participant falls, except that if the defendant participant, or the affiliated group including the defendant participant, had 2002 revenues exceeding $3,000,000,000, it or its affiliated group shall pay the amount specified for Subtier 3 of Tiers II, III, or IV or Subtier 2 of Tiers V or VI, depending on the applicable Tier; and

(v) a signature page personally verifying the truth of the statements and estimates described under this subparagraph, as required under section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 et seq.).

(B) RELIEF.—

(i) IN GENERAL.—The Administrator shall establish procedures to grant a defendant participant relief from its initial payment obligation if the participant shows that—

(I) the participant is likely to qualify for a financial hardship adjustment; and

(II) failure to provide interim relief would cause severe irreparable harm.

(ii) JUDICIAL RELIEF.—The Administrator's refusal to grant relief under clause (i) is subject to immediate judicial review under section 303.

(2) INITIAL YEAR: TIER I.—Not later than 60 days after enactment of this Act, each debtor shall file with the Administrator—

(A) a statement identifying the bankruptcy case(s) associated with the debtor;

(B) a statement whether its prior asbestos expenditures exceed $1,000,000;

(C) a statement whether it has material continuing business operations and, if not, whether it holds cash or other assets that have been allocated or earmarked for asbestos settlements;

(D) in the case of debtors falling within Subtier 1 of Tier I—

(i) a statement of the debtor's 2002 revenues, determined in accordance with section 203(a)(2);

(ii) for those debtors subject to the payment requirement of section 203(b)(2)(B)(ii), a statement whether its prior asbestos expenditures do not exceed $10,000,000, and a description of its business operations sufficient to show the requirements of that section are met; and

(iii) a payment under section 203(b)(2)(B);

(E) in the case of debtors falling within Subtier 2 of Tier I, an assignment of its assets under section 203(b)(3)(B);

(F) in the case of debtors falling within Subtier 3 of Tier I, a payment under section 203(b)(4)(B), and a statement of how such payment was calculated; and

(G) a signature page personally verifying the truth of the statements and estimates described under this paragraph, as required under section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 et seq.).

(3) INITIAL YEAR: TIER VII.—Not later than 90 days after enactment of this Act, each defendant participant in Tier VII shall file with the Administrator—

(A) a good-faith estimate of all payments of the type described in section 203(h)(1) (as modified by section 203(h)(6));

(B) a statement of revenues calculated in accordance with sections 203(a)(2) and 203(h); and

(C) payment in the amount specified in section 203(h).

(4) NOTICE TO PARTICIPANTS.—Not later than 240 days after enactment of this Act, the Administrator shall—

(A) directly notify all reasonably identifiable defendant participants of the requirement to submit information necessary to calculate the amount of any required payment to the Fund; and

(B) publish in the Federal Register a notice—

(i) setting forth the criteria in this Act, and as prescribed by the Administrator in accordance with this Act, for paying under this subtitle as a defendant participant and requiring any person who may be a defendant participant to submit such information; and

(ii) that includes a list of all defendant participants notified by the Administrator under subparagraph (A), and provides for 30 days for the submission by the public of comments or information regarding the completeness and accuracy of the list of identified defendant participants.

(5) RESPONSE REQUIRED.—

(A) IN GENERAL.—Any person who receives notice under paragraph (4)(A), and any other person meeting the criteria specified in the notice published under paragraph (4)(B), shall provide the Administrator with an address to send any notice from the Administrator in accordance with this Act and all the information required by the Administrator in accordance with this subsection no later than the earlier of—

(i) 30 days after the receipt of direct notice; or

(ii) 30 days after the publication of notice in the Federal Register.

(B) CERTIFICATION.—The response submitted under subparagraph (A) shall be signed by a responsible corporate officer, general partner, proprietor, or individual of similar authority, who shall certify under penalty of law the completeness and accuracy of the information submitted.

(C) CONSENT TO AUDIT AUTHORITY.—The response submitted under subparagraph (A) shall include, on behalf of the defendant participant or affiliated group, a consent to the Administrator's audit authority under section 221(d).

(6) NOTICE OF INITIAL DETERMINATION.—

(A) IN GENERAL.—

(i) NOTICE TO INDIVIDUAL.—Not later than 60 days after receiving a response under paragraph (5), the Administrator shall send the person a notice of initial determination identifying the tier and subtier, if any, into which the person falls and the annual payment obligation, if any, to the Fund, which determination shall be based on the information received from the person under this subsection and any other pertinent information available to the Administrator and identified to the defendant participant.

(ii) PUBLIC NOTICE.—Not later than 7 days after sending the notification of initial determination to defendant participants, the Administrator shall publish in the Federal Register a notice listing the defendant participants that have been sent such notification, and the initial determination identifying the tier and subtier assignment and annual payment obligation of each identified participant.

(B) NO RESPONSE; INCOMPLETE RESPONSE.—If no response in accordance with paragraph (5) is received from a defendant participant, or if the response is incomplete, the initial determination shall be based on the best information available to the Administrator.

(C) PAYMENTS.—Within 30 days of receiving a notice of initial determination requiring payment, the defendant participant shall pay the Administrator the amount required by the notice, after deducting any previous payment made by the participant under this subsection. If the amount that the defendant participant is required to pay is less than any previous payment made by the participant under this subsection, the Administrator shall credit any excess payment against the future payment obligations of that defendant participant. The pendency of a petition for rehearing under paragraph (10) shall not stay the obligation of the participant to make the payment specified in the Administrator's notice.

(7) EXEMPTIONS FOR INFORMATION REQUIRED.—

(A) PRIOR ASBESTOS EXPENDITURES.—In lieu of submitting information related to prior asbestos expenditures as may be required for purposes of this subtitle, a non-debtor defendant participant may consent to be assigned to Tier II.

(B) REVENUES.—In lieu of submitting information related to revenues as may be required for purposes of this subtitle, a nondebtor defendant participant may consent to be assigned to Subtier 1 of the defendant participant's applicable tier.

(8) NEW INFORMATION.—

(A) EXISTING PARTICIPANT.—The Administrator shall adopt procedures for requiring additional payment, or refunding amounts already paid, based on new information received.

(B) ADDITIONAL PARTICIPANT.—If the Administrator, at any time, receives information that an additional person may qualify as a defendant participant, the Administrator shall require such person to submit information necessary to determine whether that person is required to make payments, and in what amount, under this subtitle and shall make any determination or take any other act consistent with this Act based on such information or any other information available to the Administrator with respect to such person.

(9) SUBPOENAS.—The Administrator may request the Attorney General to subpoena persons to compel testimony, records, and other information relevant to its responsibilities under this section. The Attorney General may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(10) REHEARING.—A defendant participant has a right to obtain rehearing of the Administrator's determination under this subsection of the applicable tier or subtier of the Administrator's determination under subsection (e) of a financial hardship or inequity adjustment, and of the Administrator's determination under subsection (n) of a distributor's adjustment, if the request for rehearing is filed within 30 days after the defendant participant's receipt of notice from the Administrator of the determination. A defendant participant may not file an action under section 303 unless the defendant participant requests a rehearing under this paragraph. The Administrator shall publish a notice in the Federal Register of any change in a defendant participant's tier or subtier assignment or payment obligation as a result of a rehearing.

(k) DEFENDANT INEQUITY ADJUSTMENT ACCOUNT.—

(1) IN GENERAL.—To the extent the total payments by defendant participants in any given year exceed the minimum aggregate annual payments required under subsection (i), excess monies up to a maximum of $300,000,000 in any such year shall be placed in a defendant inequity adjustment account established within the Fund by the Administrator.

(2) USE OF ACCOUNT MONIES.—Monies from the defendant inequity adjustment account shall be preserved and administered like the remainder of the Fund, but shall be reserved and may be used only—

(A) to make up for any relief granted to a defendant participant for demonstrated inequity under subsection (d) or to reimburse any defendant participant granted such relief after its payment of the amount otherwise due; and

(B) if the condition set forth in subsection (a)(2) is met, for any purpose that the Fund may serve under this Act.

(3) CARRYOVER OF UNUSED FUNDS.—To the extent the Administrator does not, in any given year, use all of the funds allocated to the account under paragraph (1) for adjustments granted under subsection (e), remaining funds in the account shall be carried forward for use by the Administrator for adjustments in subsequent years.

(l) DEFENDANT GUARANTEED PAYMENT ACCOUNT.—

(1) IN GENERAL.—Subject to subsections (i) and (k), if there are excess monies paid by defendant participants in any given year, including any bankruptcy trust credits that may be due under section 222(d), such monies—

(A) at the discretion of the Administrator, may be used to provide additional adjustments under subsection (e), up to a maximum aggregate of $50,000,000 in such year; and

(B) to the extent not used under subparagraph (A), shall be placed in a defendant guaranteed payment account established within the Fund by the Administrator.

(2) USE OF ACCOUNT MONIES.—Monies from the defendant guaranteed payment account shall be preserved and administered like the remainder of the Fund, but shall be reserved and may be used only—

(A) to ensure the minimum aggregate annual payment required under subsection (i), after applicable reductions or adjustments have been taken according to subsections (e) and (m) is reached each year; and

(B) if the condition set forth in subsection (a)(2) is met, for any purpose that the Fund may serve under this Act.

(n) ADJUSTMENTS FOR DISTRIBUTORS.—

(1) DEFINITION.—In this subsection, the term "distributor" means a person—

(A) whose prior asbestos expenditures arise exclusively from the sale of products manufactured by others;

(B) who did not prior to December 31, 2002, sell raw asbestos or a product containing more than 95 percent asbestos by weight;

(C) whose prior asbestos expenditures did not arise out of—

(i) the manufacture, installation, repair, reconditioning, maintaining, servicing, constructing, or remanufacturing of any product;

(ii) the control of the design, specification, or manufacture of any product; or

(iii) the sale or resale of any product under, as part of, or under the auspices of, its own brand, trademark, or service mark; and

(D) who is not subject to assignment under section 202 to Tier I, II, III or VII.

(2) TIER REASSIGNMENT FOR DISTRIBUTORS.—

(A) IN GENERAL.—Notwithstanding section 202, the Administrator shall assign a distributor to a Tier for purposes of this title under the procedures set forth in this paragraph.

(B) DESIGNATION.—After a final determination by the Administrator under section 204(j), any person who is, or any affiliated group in which every member is, a distributor may apply to the Administrator for adjustment of its Tier assignment under this subsection. Such application shall be prepared in accordance with such procedures as the Administrator shall promulgate by rule. Once the Administrator designates a person or affiliated group as a distributor under this subsection, such designation and the adjustment of tier assignment under this subsection are final.

(C) PAYMENTS.—Any person or affiliated group that seeks adjustment of its Tier assignment under this subsection shall pay all amounts required of it under this title until a final determination by the Administrator is made under this subsection. Such payments may not be stayed pending any appeal. The Administrator shall grant any person or affiliated group a refund or credit of any payments made if such adjustment results in a lower payment obligation.

(D) ADJUSTMENT.—Subject to paragraph (3), any person or affiliated group that the Administrator has designated as a distributor under this subsection shall be given an adjustment of Tier assignment as follows:

(i) A distributor that but for this subsection would be assigned to Tier IV shall be deemed assigned to Tier V.

(ii) A distributor that but for this subsection would be assigned to Tier V shall be deemed assigned to Tier VI.

(iii) A distributor that but for this subsection would be assigned to Tier VI shall be deemed assigned to no Tier and shall have no obligation to make any payment to the Fund under this Act.

(E) EXCLUSIVE TO INEQUITY ADJUSTMENT.—Any person or affiliated group designated by the Administrator as a distributor under this subsection shall not be eligible for an inequity adjustment under subsection 204(e).

(3) LIMITATION ON ADJUSTMENTS.—The aggregate total of distributor adjustments under this subsection in effect in any given year shall not exceed $50,000,000. If the aggregate total of distributors adjustments under this subsection would otherwise exceed $50,000,000, then each distributor's adjustment shall be reduced pro rata until the aggregate of all adjustments equals $50,000,000.

(4) REHEARING.—A defendant participant has a right to obtain a rehearing of the Administrator's determination on an adjustment under this subsection under the procedures prescribed in subsection (j)(10).

SEC. 205. STEPDOWNS AND FUNDING HOLIDAYS.

(a) STEPDOWNS.—

(1) IN GENERAL.—Subject to paragraph (2), the minimum aggregate annual funding obligation under section 204(i) shall be reduced by 10 percent of the initial minimum aggregate funding obligation at the end of the tenth, fifteenth, twentieth, and twenty-fifth years after the date of enactment of this Act. Except as otherwise provided in this paragraph, the reductions under this paragraph shall be applied on an equal pro rata basis to the funding obligations of all defendant participants.

The reductions under this subsection shall not apply to defendant participants in Tier I, subtiers 2 and 3, and class action trusts. For defendant participants whose payment obligation has been limited under section 204(c) or who have received a financial hardship adjustment under section 204(e)(2), aggregate potential reductions under this subsection shall be calculated on the basis of the defendant participant's tier and subtier without regard to such limitation or adjustment. If the aggregate potential reduction under this subsection exceeds the reduction in the defendant participant's payment obligation due to the limitation under section 204(c) and the financial hardship adjustment under section 204(e)(2), then the defendant participant's payment obligations shall be further reduced by the difference between the potential reduction provided under this subsection and the reductions that the defendant participant has already received due to the application of the limitation provided in section 204(c) and the financial hardship adjustment provided under section 204(e)(2). If the reduction in the defendant participant's payment obligation due to the limitation provided in section 204(c) and any the financial hardship adjustment provided under section 204(e)(2) exceeds the amount of the reduction provided in this subsection, then the defendant participant's payment obligation shall not be further reduced under this paragraph.

(2) LIMITATION.—The Administrator shall suspend, cancel, reduce, or delay any reduction under paragraph (1) if at any time the Administrator finds, in accordance with subsection (c), that such action is necessary and appropriate to ensure that the assets of the Fund and expected future payments remain sufficient to satisfy the Fund's anticipated obligations.

(b) FUNDING HOLIDAYS.—

(1) IN GENERAL.—If the Administrator determines, at any time after 10 years following the date of enactment of this Act, that the assets of the Fund at the time of such determination and expected future payments, taking into consideration any reductions under subsection (a), are sufficient to satisfy the Fund's anticipated obligations without the need for all, or any portion of, that year's payment otherwise required under this subtitle, the Administrator shall reduce or waive all or any part of the payments required from defendant participants for that year.

(2) ANNUAL REVIEW.—The Administrator shall undertake the review required by this subsection and make the necessary determination under paragraph (1) every year.

(3) LIMITATIONS ON FUNDING HOLIDAYS.—Any reduction or waiver of the defendant participants' funding obligations shall—

(A) be made only to the extent the Administrator determines that the Fund will still be able to satisfy all of its anticipated obligations; and

(B) be applied on an equal pro rata basis to the funding obligations of all defendant participants, except as otherwise provided under this paragraph. The reductions or waivers provided under this subsection shall not apply to defendant participants in Tier I, subtiers 2 and 3, and class action trusts. For defendant participants whose payment obligation has been limited under section 204(c0 or who have received a financial hardship adjustment under section 204(e)(2), aggregate potential reductions or waivers under this subsection shall be calculated on the basis of the defendant participant's tier and subtier without regard to such limitation or adjustment. If the aggregate potential reductions or waivers under this subsection exceed the reduction in the defendant participant's payment obligation due to the limitation under section 204(c) and the financial hardship adjustment under section 204(e)(2), then the defendant participant's payment obligation shall be further reduced by the difference between the potential reductions or waivers provided under this subsection and the reductions that the defendant participant has already received due to the application of the limitation provided in section 204(c) and the financial hardship adjustment provided under section 204(e)(2). If the reduction in the defendant participant's payment obligation due to the limitation provided in section 204(c) and any the financial hardship adjustment provided under section 204(e)(2) exceeds the amount of the reductions or waivers provided in this subsection, then the defendant participant's payment obligation shall not be further reduced under this paragraph.

(4) NEW INFORMATION.—If at any time the Administrator determines that a reduction or waiver under this section may cause the assets of the Fund and expected future payments to decrease to a level at which the Fund may not be able to satisfy all of its anticipated obligations, the Administrator shall revoke all or any part of such reduction or waiver to the extent necessary to ensure that the Fund's obligations are met. Such revocations shall be applied on an equal pro rata basis to the funding obligations of all defendant participants, except defendant participants in Subtiers 2 and 3 of Tier I and class action trusts, for that year.

(c) CERTIFICATION.—

(1) IN GENERAL.—Before suspending, canceling, reducing, or delaying any reduction under subsection (a) or granting or revoking a reduction or waiver under subsection (b), the Administrator shall certify that the requirements of this section are satisfied.

(2) NOTICE AND COMMENT.—Before making a final certification under this subsection, the Administrator shall publish a notice in the Federal Register of a proposed certification and a statement of the basis therefor and provide in such notice for a public comment period of 30 days.

(3) FINAL CERTIFICATION.—

(A) IN GENERAL.—The Administrator shall publish a notice of the final certification in the Federal Register after consideration of all comments submitted under paragraph (2).

(B) WRITTEN NOTICE.—Not later than 30 days after publishing any final certification under subparagraph (A), the Administrator shall provide each defendant participant with written notice of that defendant's funding obligation for that year.

SEC. 206. ACCOUNTING TREATMENT.

Defendant participants payment obligations to the Fund shall be subject to discounting under the applicable accounting guidelines for generally accepted accounting purposes and statutory accounting purposes for each defendant participant. This section shall in no way reduce the amount of monetary payments to the Fund by defendant participants as required under section 202(a)(2).

Subtitle B—Asbestos Insurers Commission

SEC. 210. DEFINITION.

In this subtitle, the term "captive insurance company" means a company—

(1) whose entire beneficial interest is owned on the date of enactment of this Act, directly or indirectly, by a defendant participant or by the ultimate parent or the affiliated group of a defendant participant;

(2) whose primary commercial business during the period from calendar years 1940 through 1986 was to provide insurance to its ultimate parent or affiliated group, or any portion of the affiliated group or a combination thereof; and

(3) that was incorporated or operating no later than December 31, 2003.

SEC. 211. ESTABLISHMENT OF ASBESTOS INSURERS COMMISSION.

(a) ESTABLISHMENT.—There is established the Asbestos Insurers Commission (referred to in this subtitle as the "Commission") to carry out the duties described in section 212.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 5 members who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—

(A) EXPERTISE.—Members of the Commission shall have sufficient expertise to fulfill their responsibilities under this subtitle.

(B) CONFLICT OF INTEREST.—

(i) IN GENERAL.—No member of the Commission appointed under paragraph (1) may be an employee or immediate family member of an employee of an insurer participant. No member of the Commission shall be a shareholder of any insurer participant. No member of the Commission shall be a former officer or director, or a former employee or former shareholder of any insurer participant who was such an employee, shareholder, officer, or director at any time during the 2-year period ending on the date of the appointment, unless that is fully disclosed before consideration in the Senate of the nomination for appointment to the Commission.

(ii) DEFINITION.—In clause (i), the term "shareholder" shall not include a broadly based mutual fund that includes the stocks of insurer participants as a portion of its overall holdings.

(C) FEDERAL EMPLOYMENT.—A member of the Commission may not be an officer or employee of the Federal Government, except by reason of membership on the Commission.

(3) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission.

(4) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(5) CHAIRMAN.—The President shall select a Chairman from among the members of the Commission.

(c) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(2) SUBSEQUENT MEETINGS.—The Commission shall meet at the call of the Chairman, as necessary to accomplish the duties under section 212.

(3) QUORUM.—No business may be conducted or hearings held without the participation of a majority of the members of the Commission.

SEC. 212. DUTIES OF ASBESTOS INSURERS COMMISSION.

(a) DETERMINATION OF INSURER PAYMENT OBLIGATIONS.—

(1) IN GENERAL.—

(A) DEFINITIONS.—For the purposes of this Act, the terms "insurer" and "insurer participant" shall, unless stated otherwise, include direct insurers and reinsurers, as well as any run-off entity established, in whole or in part, to review and pay asbestos claims.

(B) PROCEDURES FOR DETERMINING INSURER PAYMENTS.—The Commission shall determine the amount that each insurer participant shall be required to pay into the Fund under the procedures described in this section. The Commission shall make this determination by first promulgating a rule establishing a methodology for allocation of payments among insurer participants and then applying such methodology to determine the individual payment for each insurer participant. The methodology may include 1 or more allocation formulas to be applied to all insurer participants or groups of similarly situated participants. The Commission's rule shall include a methodology for adjusting payments by insurer participants to make up, during the first 5 years of the life of the Fund and any subsequent years as provided in section 405(f) for any reduction in an insurer participant's annual allocated amount caused by the granting of a financial hardship or exceptional circumstance adjustment under this section, and any amount by which aggregate insurer payments fall below the level required under paragraph (3)(C) by reason of the failure or refusal of any insurer participant to make a required payment, or for any other reason that causes such payments to fall below the level required under paragraph (3)(C). The Commission shall conduct a thorough study (within the time limitations under this subparagraph) of the accuracy of the reserve allocation of each insurer participant, and may request information from the Securities and Exchange Commission or any State regulatory agency. Under this procedure, not later than 120 days after the initial meeting of the Commission, the Commission shall commence a rulemaking proceeding under section 213(a) to propose and adopt a methodology for allocating payments among insurer participants. In proposing an allocation methodology, the Commission may consult with such actuaries and other experts as it deems appropriate. After hearings and public comment on the proposed allocation methodology, the Commission shall as promptly as possible promulgate a final rule establishing such methodology. After promulgation of the final rule, the Commission shall determine the individual payment of each insurer participant under the procedures set forth in subsection (b).

(C) SCOPE.—Every insurer, reinsurer, and runoff entity with asbestos-related obligations in the United States shall be subject to the Commission's and Administrator's authority under this Act, including allocation determinations, and shall be required to fulfill its payment obligation without regard as to whether it is licensed in the United States. Every insurer participant not licensed or domiciled in the United States shall, upon the first payment to the Fund, submit a written consent to the Commission's and Administrator's authority under this Act, and to the jurisdiction of the courts of the United States for purposes of enforcing this Act, in a form determined by the Administrator. Any insurer participant refusing to provide a written consent shall be subject to fines and penalties as provided in section 223.

(D) ISSUERS OF FINITE RISK POLICIES.—

(i) IN GENERAL.—The issuer of any policy of retrospective reinsurance purchased by an insurer participant or its affiliate after 1990 that provides for a risk or loss transfer to insure for asbestos losses and other losses (both known and unknown), including those policies commonly referred to as "finite risk", "aggregate stop loss", "aggregate excess of loss", or "loss portfolio transfer" policies, shall be obligated to make payments required under this Act directly to the Fund on behalf of the insurer participant who is the beneficiary of such policy, subject to the underlying retention and the limits of liability applicable to such policy.

(ii) PAYMENTS.—Payments to the Fund required under this Act shall be treated as loss payments for asbestos bodily injury (as if such payments were incurred as liabilities imposed in the tort system) and shall not be subject to exclusion under policies described under clause (i) as a liability with respect to tax or assessment. Within 90 days after the scheduled date to make an annual payment to the Fund, the insurer participant shall, at its discretion, direct the reinsurer issuing such policy to pay all or a portion of the annual payment directly to the Fund up to the full applicable limits of liability under the policy. The reinsurer issuing such policy shall be obligated to make such payments directly to the Fund and shall be subject to the enforcement provisions under section 223. The insurer participant shall remain obligated to make payment to the Fund of that portion of the annual payment not directed to the issuer of such reinsurance policy.

(2) AMOUNT OF PAYMENTS.—

(A) AGGREGATE PAYMENT OBLIGATION.—The total payment required of all insurer participants over the life of the Fund shall be equal to $46,025,000,000, less any bankruptcy trust credits under section 222(d).

(B) ACCOUNTING STANDARDS.—In determining the payment obligations of participants that are not licensed or domiciled in the United States or that are runoff entities, the Commission shall use accounting standards required for United States licensed direct insurers.

(C) CAPTIVE INSURANCE COMPANIES.—No payment to the Fund shall be required from a captive insurance company, unless and only to the extent a captive insurance company, on the date of enactment of this Act, insures the asbestos liability, directly or indirectly, of (and that arises out of the manufacture, sale, distribution or installation of materials or products by, or other conduct of) a person or persons other than and unaffiliated with its ultimate parent or affiliated group or pool in which the ultimate parent participates or participated, or unaffiliated with a person that was its ultimate parent or a member of its affiliated group or pool at the time the relevant insurance or reinsurance was issued by the captive insurance company.

(D) SEVERAL LIABILITY.—Unless otherwise provided under this Act, each insurer participant's obligation to make payments to the Fund is several. Unless otherwise provided under this Act, there is no joint liability, and the future insolvency by any insurer participant shall not affect the payment required of any other insurer participant.

(3) PAYMENT OF CRITERIA.—

(A) INCLUSION IN INSURER PARTICIPANT CATEGORY.—

(i) IN GENERAL.—Insurers that have paid, or been assessed by a legal judgment or settlement, at least $1,000,000 in defense and indemnity costs before the date of enactment of this Act in response to claims for compensation for asbestos injuries arising from a policy of liability insurance or contract of liability reinsurance or retrocessional reinsurance shall be insurer participants in the Fund. Other insurers shall be exempt from mandatory payments.

(ii) INAPPLICABILITY OF SECTION 202.—Since insurers may be subject in certain jurisdictions to direct action suits, and it is not the intent of this Act to impose upon an insurer, due to its operation as an insurer, payment obligations to the Fund in situations where the insurer is the subject of a direct action, no insurer subject to mandatory payments under this section shall also be liable for payments to the Fund as a defendant participant under section 202.

(B) INSURER PARTICIPANT ALLOCATION METHODOLOGY.—

(i) IN GENERAL.—The Commission shall establish the payment obligations of individual insurer participants to reflect, on an equitable basis, the relative tort system liability of the participating insurers in the absence of this Act, considering and weighting, as appropriate (but exclusive of workers' compensation), such factors as—

(I) historic premium for lines of insurance associated with asbestos exposure over relevant periods of time;

(II) recent loss experience for asbestos liability;

(III) amounts reserved for asbestos liability;

(IV) the likely cost to each insurer participant of its future liabilities under applicable insurance policies; and

(V) any other factor the Commission may determine is relevant and appropriate.

(ii) DETERMINATION OF RESERVES.—The Commission may establish procedures and standards for determination of the asbestos reserves of insurer participants. The reserves of a United States licensed reinsurer that is wholly owned by, or under common control of, a United States licensed direct insurer shall be included as part of the direct insurer's reserves when the reinsurer's financial results are included as part of the direct insurer's United States operations, as reflected in footnote 33 of its filings with the National Association of Insurance Commissioners or in published financial statements prepared in accordance with generally accepted accounting principles.

(C) PAYMENT SCHEDULE.—The aggregate annual amount of payments by insurer participants over the life of the Fund shall be as follows:

(i) For years 1 and 2, $2,700,000,000 annually.

(ii) For years 3 through 5, $5,075,000,000 annually.

(iii) For years 6 through 27, $1,147,000,000 annually.

(iv) For year 28, $166,000,000.

(D) CERTAIN RUNOFF ENTITIES.—A runoff entity shall include any direct insurer or reinsurer whose asbestos liability reserves have been transferred, directly or indirectly, to the runoff entity and on whose behalf the runoff entity handles or adjusts and, where appropriate, pays asbestos claims.

(E) FINANCIAL HARDSHIP AND EXCEPTIONAL CIRCUMSTANCE ADJUSTMENTS.—

(i) IN GENERAL.—Under the procedures established in subsection (b), an insurer participant may seek adjustment of the amount of its payments based on exceptional circumstances or severe financial hardship.

(ii) FINANCIAL ADJUSTMENTS.—An insurer participant may qualify for an adjustment based on severe financial hardship by demonstrating that payment of the amounts required by the Commission's methodology would jeopardize the solvency of such participant.

(iii) EXCEPTIONAL CIRCUMSTANCE ADJUSTMENT.—An insurer participant may qualify for an adjustment based on exceptional circumstances by demonstrating—

(I) that the amount of its payments under the Commission's allocation methodology is exceptionally inequitable when measured against the amount of the likely cost to the participant of its future liability in the tort system in the absence of the Fund;

(II) an offset credit as described in subparagraphs (A) and (C) of subsection (b)(4); or

(III) other exceptional circumstances.

The Commission may determine whether to grant an adjustment and the size of any such adjustment, but except as provided under paragraph (1)(B), subsection (f)(3), and section 405(f), any such adjustment shall not affect the aggregate payment obligations of insurer participants specified in paragraph (2)(A) and subparagraph (C) of this paragraph.

(iv) TIME PERIOD OF ADJUSTMENT.—Except for adjustments for offset credits, adjustments granted under this subsection shall have a term not to exceed 3 years. An insurer participant may renew its adjustment by demonstrating to the Administrator that it remains justified.

(F) FUNDING HOLIDAYS.—

(i) IN GENERAL.—If the Administrator determines, at any time after 10 years following the date of enactment of this Act, that the assets of the Fund at the time of such determination and expected future payments are sufficient to satisfy the Fund's anticipated obligations without the need for all, or any portion of, that year's payment otherwise required under this subtitle, the Administrator shall reduce or waive all or any part of the payments required from insurer participants for that year.

(ii) ANNUAL REVIEW.—The Administrator shall undertake the review required by this subsection and make the necessary determination under clause (i) every year.

(iii) LIMITATIONS OF FUNDING HOLIDAYS.—Any reduction or waiver of the insurer participants' funding obligations shall—

(I) be made only to the extent the Administrator determines that the Fund will still be able to satisfy all of its anticipated obligations; and

(II) be applied on an equal pro rata basis to the funding obligations of all insurer participants for that year.

(iv) NEW INFORMATION.—If at any time the Administrator determines that a reduction or waiver under this section may cause the assets of the Fund and expected future payments to decrease to a level at which the Fund may not be able to satisfy all of its anticipated obligations, the Administrator shall revoke all or any part of such reduction or waiver to the extent necessary to ensure that the Fund's obligations are met. Such revocations shall be applied on an equal pro rata basis to the funding obligations of all insurer participants for that year.

(b) PROCEDURE FOR NOTIFYING INSURER PARTICIPANTS OF INDIVIDUAL PAYMENT OBLIGATIONS.—

(1) NOTICE TO PARTICIPANTS.—Not later than 30 days after promulgation of the final rule establishing an allocation methodology under subsection (a)(1), the Commission shall—

(A) directly notify all reasonably identifiable insurer participants of the requirement to submit information necessary to calculate the amount of any required payment to the Fund under the allocation methodology; and

(B) publish in the Federal Register a notice—

(i) requiring any person who may be an insurer participant (as determined by criteria outlined in the notice) to submit such information; and

(ii) that includes a list of all insurer participants notified by the Commission under subparagraph (A), and provides for 30 days for the submission of comments or information regarding the completeness and accuracy of the list of identified insurer participants.

(2) RESPONSE REQUIRED BY INDIVIDUAL INSURER PARTICIPANTS.—

(A) IN GENERAL.—Any person who receives notice under paragraph (1)(A), and any other person meeting the criteria specified in the notice published under paragraph (1)(B), shall respond by providing the Commission with all the information requested in the notice under a schedule or by a date established by the Commission.

(B) CERTIFICATION.—The response submitted under subparagraph (A) shall be signed by a responsible corporate officer, general partner, proprietor, or individual of similar authority, who shall certify under penalty of law the completeness and accuracy of the information submitted.

(3) NOTICE TO INSURER PARTICIPANTS OF INITIAL PAYMENT DETERMINATION.—

(A) IN GENERAL.—

(i) NOTICE TO INSURERS.—Not later than 120 days after receipt of the information required by paragraph (2), the Commission shall send each insurer participant a notice of initial determination requiring payments to the Fund, which shall be based on the information received from the participant in response to the Commission's request for information. An insurer participant's payments shall be payable over the schedule established in subsection (a)(3)(C), in annual amounts proportionate to the aggregate annual amount of payments for all insurer participants for the applicable year.

(ii) PUBLIC NOTICE.—Not later than 7 days after sending the notification of initial determination to insurer participants, the Commission shall publish in the Federal Register a notice listing the insurer participants that have been sent such notification, and the initial determination on the payment obligation of each identified participant.

(B) NO RESPONSE; INCOMPLETE RESPONSE.—If no response is received from an insurer participant, or if the response is incomplete, the initial determination requiring a payment from the insurer participant shall be based on the best information available to the Commission.

(4) COMMISSION REVIEW, REVISION, AND FINALIZATION OF INITIAL PAYMENT DETERMINATIONS.—

(A) COMMENTS FROM INSURER PARTICIPANTS.—Not later than 30 days after receiving a notice of initial determination from the Commission, an insurer participant may provide the Commission with additional information to support adjustments to the required payments to reflect severe financial hardship or exceptional circumstances, including the provision of an offset credit for an insurer participant for the amount of any asbestos-related payments it made or was legally obligated to make, including payments released from an escrow, as the result of a bankruptcy judicially confirmed after May 22, 2003, but before the date of enactment of this Act.

(B) ADDITIONAL PARTICIPANTS.—If, before the final determination of the Commission, the Commission receives information that an additional person may qualify as an insurer participant, the Commission shall require such person to submit information necessary to determine whether payments from that person should be required, in accordance with the requirements of this subsection.

(C) REVISION PROCEDURES.—The Commission shall adopt procedures for revising initial payments based on information received under subparagraphs (A) and (B), including a provision requiring an offset credit for an insurer participant for the amount of any asbestos-related payments it made or was legally obligated to make, including payments released from an escrow, as the result of a bankruptcy confirmed after May 22, 2003, but before the date of enactment of this Act.

(5) EXAMINATIONS AND SUBPOENAS.—

(A) EXAMINATIONS.—The Commission may conduct examinations of the books and records of insurer participants to determine the completeness and accuracy of information submitted, or required to be submitted, to the Commission for purposes of determining participant payments.

(B) SUBPOENAS.—The Commission may request the Attorney General to subpoena persons to compel testimony, records, and other information relevant to its responsibilities under this section. The Attorney General may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) ESCROW PAYMENTS.—Without regard to an insurer participant's payment obligation under this section, any escrow or similar account established before the date of enactment of this Act by an insurer participant in connection with an asbestos trust fund that has not been judicially confirmed by final order by the date of enactment of this Act shall be the property of the insurer participant and returned to that insurer participant.

(7) NOTICE TO INSURER PARTICIPANTS OF FINAL PAYMENT DETERMINATIONS.—Not later than 60 days after the notice of initial determination is sent to the insurer participants, the Commission shall send each insurer participant a notice of final determination.

(c) INSURER PARTICIPANTS VOLUNTARY ALLOCATION AGREEMENT.—

(1) IN GENERAL.—Not later than 30 days after the Commission proposes its rule establishing an allocation methodology under subsection (a)(1), direct insurer participants licensed or domiciled in the United States, other direct insurer participants, reinsurer participants licensed or domiciled in the United States, or other reinsurer participants, may submit an allocation agreement, approved by all of the participants in the applicable group, to the Commission.

(2) ALLOCATION AGREEMENT.—To the extent the participants in any such applicable group voluntarily agree upon an allocation arrangement, any such allocation agreement shall only govern the allocation of payments within that group and shall not determine the aggregate amount due from that group.

(3) CERTIFICATION.—The Commission shall determine whether an allocation agreement submitted under subparagraph (A) meets the requirements of this subtitle and, if so, shall certify the agreement as establishing the allocation methodology governing the individual payment obligations of the participants who are parties to the agreement. The authority of the Commission under this subtitle shall, with respect to participants who are parties to a certified allocation agreement, terminate on the day after the Commission certifies such agreement. Under subsection (f), the Administrator shall assume responsibility, if necessary, for calculating the individual payment obligations of participants who are parties to the certified agreement.

(d) COMMISSION REPORT.—

(1) RECIPIENTS.—Until the work of the Commission has been completed and the Commission terminated, the Commission shall submit an annual report, containing the information described under paragraph (2), to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on the Judiciary of the House of Representatives; and

(C) the Administrator.

(2) CONTENTS.—The report under paragraph (1) shall state the amount that each insurer participant is required to pay to the Fund, including the payment schedule for such payments.

(e) INTERIM PAYMENTS.—

(1) AMOUNT OF INTERIM PAYMENT.—Within 90 days after the date of enactment of this Act, insurer participants shall make an aggregate payment to the Fund not to exceed 50 percent of the aggregate funding obligation specified under subsection (a)(3)(C) for year 1.

(2) RESERVE INFORMATION.—Within 30 days after the date of enactment of this Act, each insurer participant shall submit to the Administrator a certified statement of its net held reserves for asbestos liabilities as of December 31, 2004.

(3) ALLOCATION OF INTERIM PAYMENT.—The Administrator shall allocate the interim payment among the individual insurer participants on an equitable basis using the net held asbestos reserve information provided by insurer participants under subsection (a)(3)(B). Within 60 days after the date of enactment of this Act, the Administrator shall publish in the Federal Register the name of each insurer participant, and the amount of the insurer participant's allocated share of

the interim payment. The use of net held asbestos reserves as the basis to determine an interim allocation shall not be binding on the Administrator in the determination of an appropriate final allocation methodology under this section. All payments required under this paragraph shall be credited against the participant's ultimate payment obligation to the Fund established by the Commission. If an interim payment exceeds the ultimate payment, the Fund shall pay interest on the amount of the overpayment at a rate determined by the Administrator. If the ultimate payment exceeds the interim payment, the participant shall pay interest on the amount of the underpayment at the same rate. Any participant may seek an exemption from or reduction in any payment required under this subsection under the financial hardship and exceptional circumstance standards established under subsection (a)(3)(E).

(4) APPEAL OF INTERIM PAYMENT DECISIONS.—A decision by the Administrator to establish an interim payment obligation shall be considered final agency action and reviewable under section 303, except that the reviewing court may not stay an interim payment during the pendency of the appeal.

(f) TRANSFER OF AUTHORITY FROM THE COMMISSION TO THE ADMINISTRATOR.—

(1) IN GENERAL.—Upon termination of the Commission under section 215, the Administrator shall assume all the responsibilities and authority of the Commission, except that the Administrator shall not have the power to modify the allocation methodology established by the Commission or by certified agreement or to promulgate a rule establishing any such methodology.

(2) FINANCIAL HARDSHIP AND EXCEPTIONAL CIRCUMSTANCE ADJUSTMENTS.—Upon termination of the Commission under section 215, the Administrator shall have the authority, upon application by any insurer participant, to make adjustments to annual payments upon the same grounds as provided in subsection (a)(3)(D). Adjustments granted under this subsection shall have a term not to exceed 3 years. An insurer participant may renew its adjustment by demonstrating that it remains justified. Upon the grant of any adjustment, the Administrator shall increase the payments, consistent with subsection (a)(1)(B), required of all other insurer participants so that there is no reduction in the aggregate payment required of all insurer participants for the applicable years. The increase in an insurer participant's required payment shall be in proportion to such participant's share of the aggregate payment obligation of all insurer participants.

(3) CREDITS FOR SHORTFALL ASSESSMENTS.—If insurer participants are required during the first 5 years of the life of the Fund to make up any shortfall in required insurer payments under subsection (a)(1)(B), then, beginning in year 6, the Administrator shall grant each insurer participant a credit against its annual required payments during the applicable years that in the aggregate equal the amount of shortfall assessments paid by such insurer participant during the first 5 years of the life of the Fund. The credit shall be prorated over the same number of years as the number of years during which the insurer participant paid a shortfall assessment. Insurer participants which did not pay all required payments to the Fund during the first 5 years of the life of the Fund shall not be eligible for a credit. The Administrator shall not grant a credit for shortfall assessments imposed under section 405(f).

(4) FINANCIAL SECURITY REQUIREMENTS.—Whenever an insurer participant's A.M. Best's claims payment rating or Standard and Poor's financial strength rating falls below A−, and until such time as either the insurer participant's A.M. Best's Rating or Standard and Poor's rating is equal to or greater than A−, the Administrator shall have the authority to require that the participating insurer either—

(A) pay the present value of its remaining Fund payments at a discount rate determined by the Administrator; or

(B) provide an evergreen letter of credit or financial guarantee for future payments issued by an institution with an A.M. Best's claims payment rating or Standard & Poor's financial strength rating of at least A+.

(g) ACCOUNTING TREATMENT.—Insurer participants' payment obligations to the Fund shall be subject to discounting under the applicable accounting guidelines for generally accepted accounting purposes and statutory accounting purposes for each insurer participant. This subsection shall in no way reduce the amount of monetary payments to the Fund by insurer participants as required under subsection (a).

(h) JUDICIAL REVIEW.—The Commission's rule establishing an allocation methodology, its final determinations of payment obligations and other final action shall be judicially reviewable as provided in title III.

SEC. 213. POWERS OF ASBESTOS INSURERS COMMISSION.

(a) RULEMAKING.—The Commission shall promulgate such rules and regulations as necessary to implement its authority under this Act, including regulations governing an allocation methodology. Such rules and regulations shall be promulgated after providing interested parties with the opportunity for notice and comment.

(b) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission shall also hold a hearing on any proposed regulation establishing an allocation methodology, before the Commission's adoption of a final regulation.

(c) INFORMATION FROM FEDERAL AND STATE AGENCIES.—The Commission may secure directly from any Federal or State department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) GIFTS.—The Commission may not accept, use, or dispose of gifts or donations of services or property.

(f) EXPERT ADVICE.—In carrying out its responsibilities, the Commission may enter into such contracts and agreements as the Commission determines necessary to obtain expert advice and analysis.

SEC. 214. PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 215. TERMINATION OF ASBESTOS INSURERS COMMISSION.

The Commission shall terminate 90 days after the last date on which the Commission makes a final determination of contribution under section 212(b) or 90 days after the last appeal of any final action by the Commission is exhausted, whichever occurs later.

SEC. 216. EXPENSES AND COSTS OF COMMISSION.

All expenses of the Commission shall be paid from the Fund.

Subtitle C—Asbestos Injury Claims Resolution Fund

SEC. 221. ESTABLISHMENT OF ASBESTOS INJURY CLAIMS RESOLUTION FUND.

(a) ESTABLISHMENT.—There is established in the Office of Asbestos Disease Compensation the Asbestos Injury Claims Resolution Fund, which shall be available to pay—

(1) claims for awards for an eligible disease or condition determined under title I;

(2) claims for reimbursement for medical monitoring determined under title I;

(3) principal and interest on borrowings under subsection (b);

(4) the remaining obligations to the asbestos trust of a debtor and the class action trust under section 405(g)(8); and

(5) administrative expenses to carry out the provisions of this Act.

(b) BORROWING AUTHORITY.—

(1) IN GENERAL.—The Administrator is authorized to borrow from time to time amounts as set forth in this subsection, for purposes of enhancing liquidity available to the Fund for carrying out the obligations of the Fund under this Act. The Administrator may authorize borrowing in such form, over such term, with such necessary disclosure to its lenders as will most efficiently enhance the Fund's liquidity.

(3) BORROWING CAPACITY.—The maximum amount that may be borrowed under this subsection at any given time is the amount that, taking into account all payment obligations related to all previous amounts borrowed in accordance with this subsection and all committed obligations of the Fund at the time of borrowing, can be repaid in full (with interest) in a timely fashion from—

(A) the available assets of the Fund as of the time of borrowing; and

(B) all amounts expected to be paid by participants during the subsequent 2 years.

(4) REPAYMENT OBLIGATIONS.—Repayment of monies borrowed by the Administrator under this subsection shall be repaid in full by the Fund contributors and is limited solely to amounts available, present or future, in the Fund.

(c) LOCKBOX FOR SEVERE ASBESTOS-RELATED INJURY CLAIMANTS.—

(1) IN GENERAL.—Within the Fund, the Administrator shall establish the following accounts:

(A) A Mesothelioma Account, which shall be used solely to make payments to claimants eligible for an award under the criteria of Level IX.

(B) A Lung Cancer Account, which shall be used solely to make payments to claimants eligible for an award under the criteria of Level VIII.

(C) A Severe Asbestosis Account, which shall be used solely to make payments to claimants eligible for an award under the criteria of Level V.

(D) A Moderate Asbestosis Account, which shall be used solely to make payments to claimants eligible for an award under the criteria of Level IV.

(2) ALLOCATION.—The Administrator shall allocate to each of the 4 accounts established under paragraph (1) a portion of payments made to the Fund adequate to compensate all anticipated claimants for each account. Within 60 days after the date of enactment of this Act, and periodically during the life of the Fund, the Administrator shall determine an appropriate amount to allocate to each account after consulting appropriate epidemiological and statistical studies.

(d) AUDIT AUTHORITY.—

(1) IN GENERAL.—For the purpose of ascertaining the correctness of any information provided or payments made to the Fund, or determining whether a person who has not made a payment to the Fund was required to do so, or determining the liability of any person for a payment to the Fund, or collecting any such liability, or inquiring into any offense connected with the administration or enforcement of this title, the Administrator is authorized—

(A) to examine any books, papers, records, or other data which may be relevant or material to such inquiry;

(B) to summon the person liable for a payment under this title, or officer or employee of such person, or any person having possession, custody, or care of books of account containing entries relating to the business of the person liable or any other person the Administrator may deem proper, to appear before the Administrator at a time and place named in the summons and to produce such books, papers, records, or other data, and to give such testimony, under oath, as may be relevant or material to such inquiry; and

(C) to take such testimony of the person concerned, under oath, as may be relevant or material to such inquiry.

(2) FALSE, FRAUDULENT, OR FICTITIOUS STATEMENTS OR PRACTICES.—If the Administrator determines that materially false, fraudulent, or fictitious statements or practices have been submitted or engaged in by persons submitting information to the Administrator or to the Asbestos Insurers Commission or any other person who provides evidence in support of such submissions for purposes of determining payment obligations under this Act, the Administrator may impose a civil penalty not to exceed $10,000 on any person found to have submitted or engaged in a materially false, fraudulent, or fictitious statement or practice under this Act. The Administrator shall promulgate appropriate regulations to implement this paragraph.

(e) IDENTITY OF CERTAIN DEFENDANT PARTICIPANTS; TRANSPARENCY.—

(1) SUBMISSION OF INFORMATION.—Not later than 60 days after the date of enactment of this Act, any person who, acting in good faith, has knowledge that such person or such person's affiliated group has prior asbestos expenditures of $1,000,000 or greater, shall submit to the Administrator—

(A) either the name of such person, or such person's ultimate parent; and

(B) the likely tier to which such person or affiliated group may be assigned under this Act.

(2) PUBLICATION.—Not later than 20 days after the end of the 60-day period referred to in paragraph (1), the Administrator or Interim Administrator, if the Administrator is not yet appointed, shall publish in the Federal Register a list of submissions required by this subsection, including the name of such persons or ultimate parents and the likely tier to which such persons or affiliated groups may be assigned. After publication of such list, any person who, acting in good faith, has knowledge that any other person has prior asbestos expenditures of $1,000,000 or greater may submit to the Administrator or Interim Administrator information on the identity of that person and the person's prior asbestos expenditures.

(f) NO PRIVATE RIGHT OF ACTION.—Except as provided in sections 203(b)(2)(D)(ii) and 204(g)(3), there shall be no private right of action under any Federal or State law against any participant based on a claim of compliance or noncompliance with this Act or the involvement of any participant in the enactment of this Act.

SEC. 222. MANAGEMENT OF THE FUND.

(a) IN GENERAL.—Amounts in the Fund shall be held for the exclusive purpose of providing benefits to asbestos claimants and their beneficiaries and to otherwise defray the reasonable expenses of administering the Fund.

(b) INVESTMENTS.—

(1) IN GENERAL.—Amounts in the Fund shall be administered and invested with the care, skill, prudence, and diligence, under the circumstances prevailing at the time of such investment, that a prudent person acting in a like capacity and manner would use.

(2) STRATEGY.—The Administrator shall invest amounts in the Fund in a manner that enables the Fund to make current and future distributions to or for the benefit of asbestos claimants. In pursuing an investment strategy under this subparagraph, the Administrator shall consider, to the extent relevant to an investment decision or action—

(A) the size of the Fund;

(B) the nature and estimated duration of the Fund;

(C) the liquidity and distribution requirements of the Fund;

(D) general economic conditions at the time of the investment;

(E) the possible effect of inflation or deflation on Fund assets;

(F) the role that each investment or course of action plays with respect to the overall assets of the Fund;

(G) the expected amount to be earned (including both income and appreciation of capital) through investment of amounts in the Fund; and

(H) the needs of asbestos claimants for current and future distributions authorized under this Act.

(d) BANKRUPTCY TRUST CREDITS.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, but subject to paragraph (2) of this subsection, the Administrator shall provide a credit toward the aggregate payment obligations under sections 202(a)(2) and 212(a)(2)(A) for assets received by the Fund from any bankruptcy trust established under a plan of reorganization confirmed and substantially consummated after July 31, 2004.

(2) ALLOCATION OF CREDITS.—The Administrator shall allocate, for each such bankruptcy trust, the credits for such assets between the defendant and insurer aggregate payment obligations as follows:

(A) DEFENDANT PARTICIPANTS.—The aggregate amount that all persons other than insurers contributing to the bankruptcy trust would have been required to pay as Tier I defendants under section 203(b) if the plan of reorganization under which the bankruptcy trust was established had not been confirmed and substantially consummated and the proceeding under chapter 11 of title 11, United States Code, that resulted in the establishment of the bankruptcy trust had remained pending as of the date of enactment of this Act.

(B) INSURER PARTICIPANTS.—The aggregate amount of all credits to which insurers are entitled to under section 202(c)(4)(A) of the Act.

SEC. 223. ENFORCEMENT OF PAYMENT OBLIGATIONS.

(a) DEFAULT.—If any participant fails to make any payment in the amount of and according to the schedule under this Act or as prescribed by the Administrator, after demand and a 30-day opportunity to cure the default, there shall be a lien in favor of the United States for the amount of the delinquent payment (including interest) upon all property and rights to property, whether real or personal, belonging to such participant.

(b) BANKRUPTCY.—In the case of a bankruptcy or insolvency proceeding, the lien imposed under subsection (a) shall be treated in the same manner as a lien for taxes due and owing to the United States for purposes of the provisions of title 11, United States Code, or section 3713(a) of title 31, United States Code. The United States Bankruptcy Court shall have jurisdiction over any issue or controversy regarding lien priority and lien perfection arising in a bankruptcy case due to a lien imposed under subsection (a).

(c) CIVIL ACTION.—

(1) IN GENERAL.—In any case in which there has been a refusal or failure to pay any liability imposed under this Act, including a refusal or failure to provide the information required under section 204 needed to determine liability, the Administrator may bring a civil action in any appropriate United States District Court, or any other appropriate lawsuit or proceeding outside of the United States—

(A) to enforce the liability and any lien of the United States imposed under this section;

(B) to subject any property of the participant, including any property in which the participant has any right, title, or interest to the payment of such liability;

(C) for temporary, preliminary, or permanent relief; or

(D) to enforce a subpoena issued under section 204(i)(9) to compel the production of documents necessary to determine liability.

(2) ADDITIONAL PENALTIES.—In any action under paragraph (1) in which the refusal or failure to pay was willful, the Administrator may seek recovery—

(A) of punitive damages;

(B) of the costs of any civil action under this subsection, including reasonable fees incurred for collection, expert witnesses, and attorney's fees; and

(C) in addition to any other penalty, of a fine equal to the total amount of the liability that has not been collected.

(d) ENFORCEMENT AUTHORITY AS TO INSURER PARTICIPANTS.—

(1) IN GENERAL.—In addition to or in lieu of the enforcement remedies described in subsection (c), the Administrator may seek to recover amounts in satisfaction of a payment not timely paid by an insurer participant under the procedures under this subsection.

(2) SUBROGATION.—To the extent required to establish personal jurisdiction over nonpaying insurer participants, the Administrator shall be deemed to be subrogated to the contractual rights of participants to seek recovery from nonpaying insuring participants that are domiciled outside the United States under the policies of liability insurance or contracts of liability reinsurance or retrocessional reinsurance applicable to asbestos claims, and the Administrator may bring an action or an arbitration against the nonpaying insurer participants under the provisions of such policies and contracts, provided that—

(A) any amounts collected under this subsection shall not increase the amount of deemed erosion allocated to any policy or contract under section 404, or otherwise reduce coverage available to a participant; and

(B) subrogation under this subsection shall have no effect on the validity of the insurance policies or reinsurance, and any contrary State law is expressly preempted.

(3) RECOVERABILITY OF CONTRIBUTION.—For purposes of this subsection—

(A) all contributions to the Fund required of a participant shall be deemed to be sums legally required to be paid for bodily injury resulting from exposure to asbestos;

(B) all contributions to the Fund required of any participant shall be deemed to be a single loss arising from a single occurrence under each contract to which the Administrator is subrogated; and

(C) with respect to reinsurance contracts, all contributions to the Fund required of a participant shall be deemed to be payments to a single claimant for a single loss.

(4) NO CREDIT OR OFFSET.—In any action brought under this subsection, the nonpaying insurer or reinsurer shall be entitled to no credit or offset for amounts collectible or potentially collectible from any participant nor shall such defaulting participant have any right to collect any sums payable under this section from any participant.

(5) COOPERATION.—Insureds and cedents shall cooperate with the Administrator's reasonable requests for assistance in any such proceeding. The positions taken or statements made by the Administrator in any such proceeding shall not be binding on or attributed to the insureds or cedents in any other proceeding. The outcome of such a proceeding shall not have a preclusive effect on the insureds or cedents in any other proceeding and shall not be admissible against any subrogee under this section. The Administrator shall have the authority to settle or compromise any claims against a nonpaying insurer participant under this subsection.

(e) BAR ON UNITED STATES BUSINESS.—If any direct insurer or reinsurer refuses to pay any contribution required by this Act, then, in addition to any other penalties imposed by this Act, the Administrator shall issue an order barring such entity and its affiliates from insuring risks located within the United States or otherwise doing business within the United States unless and until it complies. If any direct insurer or reinsurer refuses to furnish any information requested by the Administrator, the Administrator may issue an order barring such entity and its affiliates from insuring risks located within the United States or otherwise doing business within the United States unless and until it complies. Insurer participants or their affiliates seeking to obtain a license from any State to write any type of insurance shall be barred from obtaining any such license until payment of all contributions required as of the date of license application.

(f) CREDIT FOR REINSURANCE.—If the Administrator determines that an insurer participant that is a reinsurer is in default in paying any required contribution or otherwise not in compliance with this Act, the Administrator may issue an order barring any direct insurer participant from receiving credit for reinsurance purchased from the defaulting reinsurer after the date of the Administrator's determination of default. Any State law governing credit for reinsurance to the contrary is preempted.

(g) DEFENSE LIMITATION.—In any proceeding under this section, the participant shall be barred from bringing any challenge to any determination of the Administrator or the Asbestos Insurers Commission regarding its liability under this Act, or to the constitutionality of this Act or any provision thereof, if such challenge could have been made during the review provided under section 204(j)(10), or in a judicial review proceeding under section 303.

(h) DEPOSIT OF FUNDS.—

(1) IN GENERAL.—Any funds collected under subsection (c)(2) (A) or (C) shall be—

(A) deposited in the Fund; and

(B) used only to pay—

(i) claims for awards for an eligible disease or condition determined under title I; or

(ii) claims for reimbursement for medical monitoring determined under title I.

(2) NO EFFECT ON OTHER LIABILITIES.—The imposition of a fine under subsection (c)(2)(C) shall have no effect on—

(A) the assessment of contributions under subtitles A and B; or

(B) any other provision of this Act.

(i) PROPERTY OF THE ESTATE.—Section 541(b) of title 11, United States Code, is amended—

(1) in paragraph (4)(B)(ii), by striking "or" at the end;

(2) in paragraph (5), by striking "prohibition." and inserting "prohibition; or"; and

(3) by inserting after paragraph (5) and before the last undesignated sentence the following:

"(6) the value of any pending claim against or the amount of an award granted from the Asbestos Injury Claims Resolution Fund established under the Fairness in Asbestos Injury Resolution Act of 2006.".

(j) PROPOSED TRANSACTIONS.—

(1) NOTICE OF PROPOSED TRANSACTION.—Any participant that has taken any action to effectuate a proposed transaction or a proposed series of transactions under which a significant portion of such participant's assets, properties or business will, if consummated as proposed, be, directly or indirectly, transferred by any means (including, without limitation, by sale, dividend, contribution to a subsidiary or split-off) to 1 or more persons other than the participant shall provide written notice to the Administrator of such proposed transaction (or proposed series of transactions). Upon the request of such participant, and for so long as the participant shall not publicly disclose the transaction or series of transactions and the Administrator shall not commence any action under paragraph (6), the Administrator shall treat any such notice as confidential commercial information under section 552 of title 5, United States Code.

(2) TIMING OF NOTICE AND RELATED ACTIONS.—

(A) IN GENERAL.—Any notice that a participant is required to give under paragraph (1) shall be given not later than 30 days before the date of consummation of the proposed transaction or the first transaction to occur in a proposed series of transactions.

(B) OTHER NOTIFICATIONS.—

(i) IN GENERAL.—Not later than the date in any year by which a participant is required to make its contribution to the Fund, the participant shall deliver to the Administrator a written certification stating that—

(I) the participant has complied during the period since the last such certification or the date of enactment of this Act with the notice requirements set forth in this subsection; or

(II) the participant was not required to provide any notice under this subsection during such period.

(ii) SUMMARY.—The Administrator shall include in the annual report required to be submitted to Congress under section 405 a summary of all such notices (after removing all confidential identifying information) received during the most recent fiscal year.

(C) NOTICE COMPLETION.—The Administrator shall not consider any notice given under paragraph (1) as given until such time as the Administrator receives substantially all the information required by this subsection.

(3) CONTENTS OF NOTICE.—

(A) IN GENERAL.—The Administrator shall determine by rule or regulation the information to be included in the notice required under this subsection, which shall include such information as may be necessary to enable the Administrator to determine whether—

(i) the person or persons to whom the assets, properties or business are being transferred in the proposed transaction (or proposed series of transactions) should be considered to be the successor in interest of the participant for purposes of this Act, or

(ii) the proposed transaction (or proposed series of transactions) would, if consummated, be subject to avoidance by a trustee under section 544(b) or 548 of title 11, United States Code, as if, but whether or not, the participant is subject to a case under title 11, United States Code.

(B) STATEMENTS.—The notice shall also include—

(i) a statement by the participant as to whether it believes any person will or has become a successor in interest to the participant for purposes of this Act and, if so, the identity of that person; and

(ii) a statement by the participant as to whether that person has acknowledged that it will or has become a successor in interest for purposes of this Act.

(4) DEFINITION.—In this subsection, the term "significant portion of the assets, properties or business of a participant" means assets (including, without limitation, tangible or intangible assets, securities and cash), properties or business of such participant (or its affiliated group, to the extent that the participant has elected to be part of an affiliated group under section 204(g)) that, together with any other asset, property or business transferred by such participant in any of the previous completed 5 fiscal years of such participant (or, as appropriate, its affiliated group), and as determined in accordance with United States generally accepted accounting principles as in effect from time to time—

(A) generated at least 40 percent of the revenues of such participant (or its affiliated group);

(B) constituted at least 40 percent of the assets of such participant (or its affiliated group);

(C) generated at least 40 percent of the operating cash flows of such participant (or its affiliated group); or

(D) generated at least 40 percent of the net income or loss of such participant (or its affiliated group),

as measured during any of such 5 previous fiscal years.

(5) CONSUMMATION OF TRANSACTION.—Any proposed transaction (or proposed series of transactions) with respect to which a participant is required to provide notice under paragraph (1) may not be consummated until at least 30 days after delivery to the Administrator of such notice, unless the Administrator shall earlier terminate the notice period. The Administrator shall endeavor whenever possible to terminate a notice period at the earliest practicable time.

(6) RIGHT OF ACTION.—

(A) IN GENERAL.—Notwithstanding section 221(f), if the Administrator or any participant believes that a participant proposes to engage or has engaged, directly or indirectly, in, or is the subject of, a transaction (or series of transactions)—

(i) involving a person or persons who, as a result of such transaction (or series of transactions), may have or may become the successor in interest or successors in interest of such participant, where the status or potential status as a successor in interest has not been stated and acknowledged by the participant and such person; or

(ii) that may be subject to avoidance by a trustee under section 544(b) or 548 of title 11, United States Code, as if, but whether or not, the participant is a subject to a case under title 11, United States Code, then the Administrator or such participant may, as a deemed creditor under applicable law, bring a civil action in an appropriate forum against the participant or any other person who is either a party to the transaction (or series of transactions) or the recipient of any asset, property or business of the participant.

(B) RELIEF ALLOWED.—In any action commenced under this subsection, the Administrator or a participant, as applicable, may seek—

(i) with respect to a transaction (or series of transactions) referenced in clause (i) of subparagraph (A), a declaratory judgment regarding whether such person will or has become the successor in interest of such participant; or

(ii) with respect to a transaction (or series of transactions) referenced in clause (ii) of subparagraph (A)—

(I) a temporary restraining order or a preliminary or permanent injunction against such transaction (or series of transactions); or

(II) such other relief regarding such transaction (or series of transactions) as the court determines to be necessary to ensure that performance of a participant's payment obligations under this Act is not materially impaired by reason of such transaction (or series of transactions).

(C) APPLICABILITY.—If the Administrator or a participant wishes to challenge a statement made by a participant that a person will not or has not become a successor in interest for purposes of this Act, then this paragraph shall be the exclusive means by which the determination of whether such person will or has become a successor in interest of the participant shall be made. This paragraph shall not preempt any other rights of any person under applicable Federal or State law.

(D) VENUE.—Any action under this paragraph shall be brought in any appropriate United States district court or, to the extent necessary to obtain complete relief, any other appropriate forum outside of the United States.

(7) RULES AND REGULATIONS.—The Administrator may promulgate regulations to effectuate the intent of this subsection, including regulations relating to the form, timing and content of notices.

SEC. 224. INTEREST ON UNDERPAYMENT OR NONPAYMENT.

If any amount of payment obligation under this title is not paid on or before the last date prescribed for payment, the liable party shall pay interest on such amount at the Federal short-term rate determined under section 6621(b) of the Internal Revenue Code of 1986, plus 5 percentage points, for the period from such last date to the date paid.

SEC. 225. EDUCATION, CONSULTATION, SCREENING, AND MONITORING.

(a) IN GENERAL.—The Administrator shall establish a program for the education, consultation, medical screening, and medical monitoring of persons with exposure to asbestos. The program shall be funded by the Fund.

(b) OUTREACH AND EDUCATION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish an outreach and education program, including a website designed to provide information about asbestos-related medical conditions to members of populations at risk of developing such conditions.

(2) INFORMATION.—The information provided under paragraph (1) shall include information about—

(A) the signs and symptoms of asbestos-related medical conditions;

(B) the value of appropriate medical screening programs; and

(C) actions that the individuals can take to reduce their future health risks related to asbestos exposure.

(3) CONTRACTS.—Preference in any contract under this subsection shall be given to providers that are existing nonprofit organizations with a history and experience of providing occupational health outreach and educational programs for individuals exposed to asbestos.

(c) MEDICAL SCREENING PROGRAM.—

(1) ESTABLISHMENT OF PROGRAM.—Not sooner than 18 months or later than 24 months after the Administrator certifies that the Fund is fully operational and processing claims at a reasonable rate, the Administrator shall adopt guidelines establishing a medical screening program for individuals at high risk of asbestos-related disease resulting from an asbestos-related disease. In promulgating such guidelines, the Administrator shall consider the views of the Advisory Committee on Asbestos Disease Compensation, the Medical Advisory Committee, and the public.

(2) ELIGIBILITY CRITERIA.—

(A) IN GENERAL.—The guidelines promulgated under this subsection shall establish criteria for participation in the medical screening program.

(B) CONSIDERATIONS.—In promulgating eligibility criteria the Administrator shall take into consideration all factors relevant to the individual's effective cumulative exposure to asbestos, including—

(i) any industry in which the individual worked;

(ii) the individual's occupation and work setting;

(iii) the historical period in which exposure took place;

(iv) the duration of the exposure;

(v) the intensity and duration of non-occupational exposures;

(vi) the intensity and duration of exposure to risk levels of naturally occurring asbestos as defined by the Environmental Protection Agency; and

(vii) any other factors that the Administrator determines relevant.

(3) PROTOCOLS.—The guidelines developed under this subsection shall establish protocols for medical screening, which shall include—

(A) administration of a health evaluation and work history questionnaire;

(B) an evaluation of smoking history;

(C) a physical examination by a qualified physician with a doctor-patient relationship with the individual;

(D) a chest x-ray read by a certified B-reader as defined under section 121(a)(4); and

(E) pulmonary function testing as defined under section 121(a)(13).

(4) FREQUENCY.—The Administrator shall establish the frequency with which medical screening shall be provided or be made available to eligible individuals, which shall be not less than every 5 years.

(5) PROVISION OF SERVICES.—The Administrator shall provide medical screening to eligible individuals directly or by contract with another agency of the Federal Government, with State or local governments, or with private providers of medical services. The Administrator shall establish strict qualifications for the providers of such services, and shall periodically audit the providers of services under this subsection, to ensure their integrity, high degree of competence, and compliance with all applicable technical and professional standards. No provider of medical screening services may have earned more than 15 percent of their income from the provision of services of any kind in connection with asbestos litigation in any of the 3 years preceding the date of enactment of this Act. All contracts with providers of medical screening services under this subsection shall contain provisions for reimbursement of screening services at a reasonable rate and termination of such contracts for cause if the Administrator determines that the service provider fails to meet the qualifications established under this subsection.

(6) LIMITATION OF COMPENSATION FOR SERVICES.—The compensation required to be paid to a provider of medical screening services for such services furnished to an eligible individual shall be limited to the amount that

would be reimbursed at the time of the furnishing of such services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for similar services if such services are covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) FUNDING; PERIODIC REVIEW.—

(A) FUNDING.—The Administrator shall make such funds available from the Fund to implement this section, with a minimum of $5,000,000 but not more than $10,000,000 each year in each of the 5 years following the effective date of the medical screening program. Notwithstanding the preceding sentence, the Administrator shall suspend the operation of the program or reduce its funding level if necessary to preserve the solvency of the Fund.

(B) REVIEW.—The Administrator may reduce the amount of funding below $5,000,000 each year if the program is fully implemented. The Administrator's first annual report under section 405 following the close of the 4th year of operation of the medical screening program shall include an analysis of the usage of the program, its cost and effectiveness, its medical value, and the need to continue that program for an additional 5-year period. The Administrator shall also recommend to Congress any improvements that may be required to make the program more effective, efficient, and economical, and shall recommend a funding level for the program for the 5 years following the period of initial funding referred to under subparagraph (A).

(d) LIMITATION.—In no event shall the total amount allocated to the medical screening program established under this subsection over the lifetime of the Fund exceed $100,000,000.

(e) MEDICAL MONITORING PROGRAM AND PROTOCOLS.—

(1) IN GENERAL.—The Administrator shall establish procedures for a medical monitoring program for persons exposed to asbestos who have been approved for level I compensation under section 131.

(2) PROCEDURES.—The procedures for medical monitoring shall include—

(A) specific medical tests to be provided to eligible individuals and the periodicity of those tests, which shall initially be provided every 3 years and include—

(i) administration of a health evaluation and work history questionnaire;

(ii) physical examinations, including blood pressure measurement, chest examination, and examination for clubbing;

(iii) AP and lateral chest x-ray; and

(iv) spirometry performed according to ATS standards;

(B) qualifications of medical providers who are to provide the tests required under subparagraph (A); and

(C) administrative provisions for reimbursement from the Fund of the costs of monitoring eligible claimants, including the costs associated with the visits of the claimants to physicians in connection with medical monitoring, and with the costs of performing and analyzing the tests.

(f) CONTRACTS.—The Administrator may enter into contracts with qualified program providers that would permit the program providers to undertake large-scale medical screening and medical monitoring programs by means of subcontracts with a network of medical providers, or other health providers.

(g) REVIEW.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Administrator shall review, and if necessary update, the protocols and procedures established under this section.

SEC. 226. NATIONAL MESOTHELIOMA RESEARCH AND TREATMENT PROGRAM.

(a) IN GENERAL.—There is established the National Mesothelioma Research and Treatment Program (referred to in this section as the "Program") to investigate and advance the detection, prevention, treatment, and cure of malignant mesothelioma.

(b) MESOTHELIOMA CENTERS.—

(1) IN GENERAL.—The Administrator shall make available $1,500,000 from the Fund, and the Director of the National Institutes of Health shall make available $1,000,000 from amounts available to the Director, for each of fiscal years 2006 through 2015, for the establishment of each of 10 mesothelioma disease research and treatment centers.

(2) REQUIREMENTS.—The Director of the National Institutes of Health, in consultation with the Medical Advisory Committee, shall conduct a competitive peer review process to select sites for the centers described in paragraph (1). The Director shall ensure that sites selected under this paragraph are—

(A) geographically distributed throughout the United States with special consideration given to areas of high incidence of mesothelioma disease;

(B) closely associated with Department of Veterans Affairs medical centers, in order to provide research benefits and care to veterans who have suffered excessively from mesothelioma;

(C) engaged in exemplary laboratory and clinical mesothelioma research, including clinical trials, to provide mechanisms for effective therapeutic treatments, as well as detection and prevention, particularly in areas of palliation of disease symptoms and pain management;

(D) participants in the National Mesothelioma Registry and Tissue Bank under subsection (c) and the annual International Mesothelioma Symposium under subsection (d)(2)(E);

(E) with respect to research and treatment efforts, coordinated with other centers and institutions involved in exemplary mesothelioma research and treatment;

(F) able to facilitate transportation and lodging for mesothelioma patients, so as to enable patients to participate in the newest developing treatment protocols, and to enable the centers to recruit patients in numbers sufficient to conduct necessary clinical trials; and

(G) nonprofit hospitals, universities, or medical or research institutions incorporated or organized in the United States.

(c) MESOTHELIOMA REGISTRY AND TISSUE BANK.—

(1) ESTABLISHMENT.—The Administrator shall make available $1,000,000 from the Fund, and the Director of the National Institutes of Health shall make available $1,000,000 from amounts available to the Director, for each of fiscal years 2006 through 2015 for the establishment, maintenance, and operation of a National Mesothelioma Registry to collect data regarding symptoms, pathology, evaluation, treatment, outcomes, and quality of life and a Tissue Bank to include the pre- and post-treatment blood (serum and blood cells) specimens as well as tissue specimens from biopsies and surgery. Not less than $500,000 of the amount made available under the preceding sentence in each fiscal year shall be allocated for the collection and maintenance of tissue specimens.

(2) REQUIREMENTS.—The Director of the National Institutes of Health, with the advice and consent of the Medical Advisory Committee, shall conduct a competitive peer review process to select a site to administer the Registry and Tissue Bank described in paragraph (1). The Director shall ensure that the site selected under this paragraph—

(A) is available to all mesothelioma patients and qualifying physicians throughout the United States;

(B) is subject to all applicable medical and patient privacy laws and regulations;

(C) is carrying out activities to ensure that data is accessible via the Internet; and

(D) provides data and tissue samples to qualifying researchers and physicians who apply for such data in order to further the understanding, prevention, screening, diagnosis, or treatment of malignant mesothelioma.

(d) CENTER FOR MESOTHELIOMA EDUCATION.—

(1) ESTABLISHMENT.—The Administrator shall make available $1,000,000 from the Fund, and the Director of the National Institutes of Health shall make available $1,000,000 from amounts available to the Director, for each of fiscal years 2006 through 2015 for the establishment, with the advice and consent of the Medical Advisory Committee, of a Center for Mesothelioma Education (referred to in this section as the "Center") to—

(A) promote mesothelioma awareness and education;

(B) assist mesothelioma patients and their family members in obtaining necessary information; and

(C) work with the centers established under subsection (b) in advancing mesothelioma research.

(2) ACTIVITIES.—The Center shall—

(A) educate the public about the new initiatives contained in this section through a National Mesothelioma Awareness Campaign;

(B) develop and maintain a Mesothelioma Educational Resource Center (referred to in this section as the "MERCI"), that is accessible via the Internet, to provide mesothelioma patients, family members, and front-line physicians with comprehensive, current information on mesothelioma and its treatment, as well as on the existence of, and general claim procedures for the Asbestos Injury Claims Resolution Fund;

(C) through the MERCI and otherwise, educate mesothelioma patients, family members, and front-line physicians about, and encourage such individuals to participate in, the centers established under subsection (b), the Registry and the Tissue Bank;

(D) complement the research efforts of the centers established under subsection (b) by awarding competitive, peer-reviewed grants for the training of clinical specialist fellows in mesothelioma, and for highly innovative, experimental or pre-clinical research; and

(E) conduct an annual International Mesothelioma Symposium.

(3) REQUIREMENTS.—The Center shall—

(A) be a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986;

(B) be a separate entity from and not an affiliate of any hospital, university, or medical or research institution; and

(C) demonstrate a history of program spending that is devoted specifically to the mission of extending the survival of current and future mesothelioma patients, including a history of soliciting, peer reviewing through a competitive process, and funding research grant applications relating to the detection, prevention, treatment, and cure of mesothelioma.

(4) CONTRACTS FOR OVERSIGHT.—The Director of the National Institutes of Health may

enter into contracts with the Center for the selection and oversight of the centers established under subsection (b), or selection of the director of the Registry and the Tissue Bank under subsection (c) and oversight of the Registry and the Tissue Bank.

(e) Report and Recommendations.—Not later than September 30, 2015, The Director of the National Institutes of Health shall, after opportunity for public comment and review, publish and provide to Congress a report and recommendations on the results achieved and information gained through the Program, including—

(1) information on the status of mesothelioma as a national health issue, including—

(A) annual United States incidence and death rate information and whether such rates are increasing or decreasing;

(B) the average prognosis; and

(C) the effectiveness of treatments and means of prevention;

(2) promising advances in mesothelioma treatment and research which could be further developed if the Program is reauthorized; and

(3) a summary of advances in mesothelioma treatment made in the 10-year period prior to the report and whether those advances would justify continuation of the Program and whether it should be reauthorized for an additional 10 years.

(f) Severability.—If any provision of this Act, or amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act (including this section), the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

(g) Regulations.—The Director of the National Institutes of Health shall promulgate regulations to provide for the implementation of this section.

TITLE III—JUDICIAL REVIEW

SEC. 301. JUDICIAL REVIEW OF RULES AND REGULATIONS.

(a) Exclusive Jurisdiction.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over any action to review rules or regulations promulgated by the Administrator or the Asbestos Insurers Commission under this Act.

(b) Period for Filing Petition.—A petition for review under this section shall be filed not later than 60 days after the date notice of such promulgation appears in the Federal Register.

(c) Expedited Procedures.—The United States Court of Appeals for the District of Columbia shall provide for expedited procedures for reviews under this section.

SEC. 302. JUDICIAL REVIEW OF AWARD DECISIONS.

(a) In General.—Any claimant adversely affected or aggrieved by a final decision of the Administrator awarding or denying compensation under title I may petition for judicial review of such decision. Any petition for review under this section shall be filed within 90 days of the issuance of a final decision of the Administrator.

(b) Exclusive Jurisdiction.—A petition for review may only be filed in the United States Court of Appeals for the circuit in which the claimant resides at the time of the issuance of the final order.

(c) Standard of Review.—The court shall uphold the decision of the Administrator unless the court determines, upon review of the record as a whole, that the decision is not supported by substantial evidence, is contrary to law, or is not in accordance with procedure required by law.

(d) Expedited Procedures.—The United States Court of Appeals shall provide for expedited procedures for reviews under this section.

SEC. 303. JUDICIAL REVIEW OF PARTICIPANTS' ASSESSMENTS.

(a) Exclusive Jurisdiction.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over any action to review a final determination by the Administrator or the Asbestos Insurers Commission regarding the liability of any person to make a payment to the Fund, including a notice of applicable subtier assignment under section 204(j), a notice of financial hardship or inequity determination under section 204(e), a notice of a distributor's adjustment under section 204(n), and a notice of insurer participant obligation under section 212(b).

(b) Period for Filing Action.—A petition for review under subsection (a) shall be filed not later than 60 days after a final determination by the Administrator or the Commission giving rise to the action. Any defendant participant who receives a notice of its applicable subtier under section 204(j), a notice of financial hardship or inequity determination under section 204(e), or a notice of a distributor's adjustment under section 204(n), shall commence any action within 30 days after a decision on rehearing under section 204(j)(10), and any insurer participant who receives a notice of a payment obligation under section 212(b) shall commence any action within 30 days after receiving such notice. The court shall give such action expedited consideration.

SEC. 304. OTHER JUDICIAL CHALLENGES.

(a) Exclusive Jurisdiction.—The United States District Court for the District of Columbia shall have exclusive jurisdiction over any action for declaratory or injunctive relief challenging any provision of this Act. An action under this section shall be filed not later than 60 days after the date of enactment of this Act or 60 days after the final action by the Administrator or the Commission giving rise to the action, whichever is later.

(b) Direct Appeal.—A final decision in the action shall be reviewable on appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 30 days, and the filing of a jurisdictional statement within 60 days, of the entry of the final decision.

(c) Expedited Procedures.—It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

SEC. 305. STAYS, EXCLUSIVITY, AND CONSTITUTIONAL REVIEW.

(a) No Stays.—

(1) Payments.—No court may issue a stay of payment by any party into the Fund pending its final judgment.

(2) Legal challenges.—No court may issue a stay or injunction pending final judicial action, including the exhaustion of all appeals, on a legal challenge to this Act or any portion of this Act.

(b) Exclusivity of Review.—An action of the Administrator or the Asbestos Insurers Commission for which review could have been obtained under section 301, 302, or 303 shall not be subject to judicial review in any other proceeding.

(c) Constitutional Review.—

(1) In general.—The United States District Court for the District of Columbia shall have exclusive jurisdiction over any action challenging the constitutionality of any provision or application of this Act. The following rules shall apply:

(A) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened under section 2284 of title 28, United States Code.

(B) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, after the entry of the final decision.

(C) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(2) Repayment to asbestos trust and class action trust.—If the transfer of the assets of any asbestos trust of a debtor or any class action trust (or this Act as a whole) is held to be unconstitutional or otherwise unlawful, the Fund shall transfer the remaining balance of such assets (determined under section 405(f)(1)(A)(iii)) back to the appropriate asbestos trust or class action trust within 90 days after final judicial action on the legal challenge, including the exhaustion of all appeals.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 402. EFFECT ON BANKRUPTCY LAWS.

(a) No Automatic Stay.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking "or" at the end;

(2) in paragraph (18), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (18) the following:

"(19) under subsection (a) of this section of the enforcement of any payment obligations under section 204 of the Fairness in Asbestos Injury Resolution Act of 2006, against a debtor, or the property of the estate of a debtor, that is a participant (as that term is defined in section 3 of that Act).".

(b) Assumption of Executory Contract.—Section 365 of title 11, United States Code, is amended by adding at the end the following:

"(p) If a debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006), the trustee shall be deemed to have assumed all executory contracts entered into by the participant under section 204 of that Act. The trustee may not reject any such executory contract.".

(c) Allowed Administrative Expenses.—Section 503 of title 11, United States Code, is amended by adding at the end the following:

"(c)(1) Claims or expenses of the United States, the Attorney General, or the Administrator (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006) based upon the asbestos payment obligations of a debtor that is a Participant (as that term is defined in section 3 of that Act), shall be paid as an allowed administrative expense. The debtor shall not be entitled to either notice or a hearing with respect to such claims.

"(2) For purposes of paragraph (1), the term 'asbestos payment obligation' means any payment obligation under title II of the Fairness in Asbestos Injury Resolution Act of 2006.".

(d) No Discharge.—Section 523 of title 11, United States Code, is amended by adding at the end the following:

“(f) A discharge under section 727, 1141, 1228, or 1328 of this title does not discharge any debtor that is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006) of the debtor's payment obligations assessed against the participant under title II of that Act.”.

(e) Payment.—Section 524 of title 11, United States Code, is amended by adding at the end the following:

“(i) Participant Debtors.—

“(1) In general.—Paragraphs (2) and (3) shall apply to a debtor who—

“(A) is a participant that has made prior asbestos expenditures (as such terms are defined in the Fairness in Asbestos Injury Resolution Act of 2006); and

“(B) is subject to a case under this title that is pending—

“(i) on the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006; or

“(ii) at any time during the 1-year period preceding the date of enactment of that Act.

“(2) Tier I debtors.—A debtor that has been assigned to Tier I under section 202 of the Fairness in Asbestos Injury Resolution Act of 2006, shall make payments in accordance with sections 202 and 203 of that Act.

“(3) Treatment of payment obligations.—All payment obligations of a debtor under sections 202 and 203 of the Fairness in Asbestos Injury Resolution Act of 2006 shall—

“(A) constitute costs and expenses of administration of a case under section 503 of this title;

“(B) notwithstanding any case pending under this title, be payable in accordance with section 202 of that Act;

“(C) not be stayed;

“(D) not be affected as to enforcement or collection by any stay or injunction of any court; and

“(E) not be impaired or discharged in any current or future case under this title.”.

(f) Treatment of Trusts.—Section 524 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

“(j) Asbestos Trusts.—

“(1) In general.—A trust shall assign a portion of the corpus of the trust to the Asbestos Injury Claims Resolution Fund (referred to in this subsection as the ‘Fund’) as established under the Fairness in Asbestos Injury Resolution Act of 2006 if the trust qualifies as a ‘trust’ under section 201 of that Act.

“(2) Transfer of trust assets.—

“(A) In general.—

“(i) Except as provided under clause (ii) of this subparagraph and subparagraphs (B), (C), and (E), the assets in any trust established to provide compensation for asbestos claims (as defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006) shall be transferred to the Fund not later than 90 days after the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006 or 30 days following funding of a trust established under a reorganization plan subject to section 202(c) of that Act. Except as provided under subparagraph (B), the Administrator of the Fund shall accept such assets and utilize them for any purposes of the Fund under section 221 of such Act, including the payment of claims for awards under such Act to beneficiaries of the trust from which the assets were transferred.

“(ii) Notwithstanding clause (i), and except as provided under subparagraphs (B), (C), and (E), any trust established to provide compensation for asbestos claims (as defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006), other than a trust established under a reorganization plan subject to section 202(c) of that Act, shall transfer the assets in such trust to the Fund as follows:

“(I) In the case of a trust established on or before December 31, 2005, such trust shall transfer 90 percent of the assets in such trust to the Fund not later than 90 days after the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006.

“(II) In the case of a trust established after December 31, 2005, such trust shall transfer 88 percent of the assets in such trust to the Fund not later than 90 days after the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006.

“(iii) Not later than 90 days after the date on which the Administrator of the Office of Asbestos Disease Compensation (referred to in this section as the ‘Administrator’) certifies in accordance with section 106(f)(3)(E)(ii) of the Fairness in Asbestos Injury Resolution Act of 2006 that the Fund is fully operational and paying all valid asbestos claims at a reasonable rate, any trust transferring assets under clause (ii) shall transfer all remaining assets in such trust to the Fund. The transfer required by this clause shall not include any trust assets needed to pay—

“(I) previously incurred expenses; or

“(II) claims determined to be eligible for compensation under clause (vi).

“(iv) Except as provided under subparagraph (B), the Administrator of the Fund shall accept any assets transferred under clauses (ii) or (iii) and utilize them for any purposes for the Fund under section 221 of the Fairness in Asbestos Injury Resolution Act of 2006, including the payment of claims for awards under such Act to beneficiaries of the trust from which the assets were transferred.

“(v) Notwithstanding any other provision of Federal or State law, no liability of any kind may be imposed on a trustee of a trust for transferring assets to the Fund in accordance with clause (i).

“(vi) Any trust transferring assets under clause (ii) shall be subject to the following requirements:

“(I) The trust may continue to process asbestos claims, make eligibility determinations, and pay claims in a manner consistent with this clause if a claimant—

“(aa) has a pending asbestos claim as of the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006;

“(bb) provides to the trust a copy of a binding election submitted to Administrator waiving the right to secure compensation under section 106(f)(2) of the Fairness in Asbestos Injury Resolution Act of 2006, unless the claimant is permitted under section 106(f)(2)(B) of such Act to seek a judgment or order for monetary damages from a Federal or State court;

“(cc) meets the requirements for compensation under the distribution plan for the trust as of the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006;

“(dd) for any non-malignant condition satisfies the medical criteria under the distribution plan for the trust that is most nearly equivalent to the medical criteria described in section 121(d)(2) of the Fairness in Asbestos Injury Resolution Act of 2006, except that. notwithstanding any provision of the distribution plan of the trust to the contrary, the trust shall not accept the results of a DLCO test (as such test is defined in section 121(a) of the Fairness in Asbestos Injury Resolution Act of 2006) for the purpose of demonstrating respiratory impairment; and

“(ee) for any of the cancers listed in section 121(d)(6) of the Fairness in Asbestos Injury Resolution Act of 2006 does not seek, and the trust does not pay, any compensation until such time as the Institute of Medicine finds that there is a causal relationship between asbestos exposure and such cancer, in which case such claims may be paid if such claims otherwise qualify for compensation under the distribution plan of the trust as of the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006.

“(II) The trust shall not accept medical evidence from any physician, medical facility, or laboratory whose evidence would be not be accepted as evidence—

“(aa) under the Manville Trust as of the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006; or

“(bb) by the Administrator under section 115(a)(2) of such Act.

“(III) The trust shall not amend its scheduled payment amount or payment percentage as in effect on the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006.

“(IV) The trust shall not amend its eligibility criteria after the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006, except to conform any criteria in any category under the distribution plan of the trust with related criteria in a related category under section 121 of the Fairness in Asbestos Injury Resolution Act of 2006.

“(V) The trust shall notify the Administrator of the Fund of any claim determined to be eligible for compensation after the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006, and the amount of any such compensation awarded to the claimant of such claim. The notification required by this subclause shall be made in such form as the Administrator shall require, and not later than 15 days after the date the determination is made.

“(VI) The trust shall not pay any claim without a certification by a claimant, subject to the penalties described in the Fairness in Asbestos Injury Resolution Act of 2006, stating the amount of collateral source compensation that such claimant has received, or is entitled to receive, under section 134 of the Fairness in Asbestos Injury Resolution Act of 2006. In the event that collateral source compensation exceeds the amount that a claimant would be paid in the category under that Act that is most nearly similar to the claimant's claim under the distribution plan of the trust, the aggregate value of the awards received by the claimant shall be reduced pro rata so that the claimant's total compensation does not exceed what would be paid for such a condition under the Fairness in Asbestos Injury Resolution Act of 2006, excluding any adjustments under section 131(b)(3) and (4) of that Act.

“(VII) Upon finding that the trust has breached any condition or conditions of this clause, the Administrator shall require the immediate payment of remaining trust assets into the Fund in accordance with section 402(f) of the Fairness in Asbestos Injury Resolution Act of 2006. The Administrator shall be entitled to an injunction against further payments of nonliquidated claims from the assets of the trust during the pendency of any dispute regarding the findings of noncompliance by the Administrator. The court in which any action to enforce the obligations of the trust is pending shall afford the action expedited consideration.

"(B) AUTHORITY TO REFUSE ASSETS.—The Administrator of the Fund may refuse to accept any asset that the Administrator determines may create liability for the Fund in excess of the value of the asset.

"(C) ALLOCATION OF TRUST ASSETS.—If a trust under subparagraph (A) has beneficiaries with claims that are not asbestos claims, the assets transferred to the Fund under subparagraph (A) shall not include assets allocable to such beneficiaries. The trustees of any such trust shall determine the amount of such trust assets to be reserved for the continuing operation of the trust in processing and paying claims that are not asbestos claims. The trustees shall demonstrate to the satisfaction of the Administrator, or by clear and convincing evidence in a proceeding brought before the United States District Court for the District of Columbia in accordance with paragraph (4), that the amount reserved is properly allocable to claims other than asbestos claims.

"(D) SALE OF FUND ASSETS.—The investment requirements under section 222 of the Fairness in Asbestos Injury Resolution Act of 2006 shall not be construed to require the Administrator of the Fund to sell assets transferred to the Fund under subparagraph (A).

"(E) LIQUIDATED CLAIMS.—Except as specifically provided in this subparagraph, all asbestos claims against a trust are superseded and preempted as of the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006, and a trust shall not make any payment relating to asbestos claims after that date. If, in the ordinary course and the normal and usual administration of the trust consistent with past practices, a trust had before the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006, made all determinations necessary to entitle an individual claimant to a noncontingent cash payment from the trust, the trust shall (i) make any lump-sum cash payment due to that claimant, and (ii) make or provide for all remaining noncontingent payments on any award being paid or scheduled to be paid on an installment basis, in each case only to the same extent that the trust would have made such cash payments in the ordinary course and consistent with past practices before enactment of that Act. A trust shall not make any payment in respect of any alleged contingent right to recover any greater amount than the trust had already paid, or had completed all determinations necessary to pay, to a claimant in cash in accordance with its ordinary distribution procedures in effect as of June 1, 2003.

"(3) INJUNCTION.—

"(A) IN GENERAL.—Any injunction issued as part of the formation of a trust described in paragraph (1) shall remain in full force and effect. No court, Federal or State, may enjoin the transfer of assets by a trust to the Fund in accordance with this subsection pending resolution of any litigation challenging such transfer or the validity of this subsection or of any provision of the Fairness in Asbestos Injury Resolution Act of 2006, and an interlocutory order denying such relief shall not be subject to immediate appeal under section 1291(a) of title 28.

"(B) AVAILABILITY OF FUND ASSETS.—Notwithstanding any other provision of law, once such a transfer has been made, the assets of the Fund shall be available to satisfy any final judgment entered in such an action and such transfer shall no longer be subject to any appeal or review—

"(i) declaring that the transfer effected a taking of a right or property for which an individual is constitutionally entitled to just compensation; or

"(ii) requiring the transfer back to a trust of any or all assets transferred by that trust to the Fund.

"(4) JURISDICTION.—Solely for purposes of implementing this subsection, personal jurisdiction over every covered trust, the trustees thereof, and any other necessary party, and exclusive subject matter jurisdiction over every question arising out of or related to this subsection, shall be vested in the United States District Court for the District of Columbia. Notwithstanding any other provision of law, including section 1127 of this title, that court may make any order necessary and appropriate to facilitate prompt compliance with this subsection, including assuming jurisdiction over and modifying, to the extent necessary, any applicable confirmation order or other order with continuing and prospective application to a covered trust. The court may also resolve any related challenge to the constitutionality of this subsection or of its application to any trust, trustee, or individual claimant. The Administrator of the Fund may bring an action seeking such an order or modification, under the standards of rule 60(b) of the Federal Rules of Civil Procedure or otherwise, and shall be entitled to intervene as of right in any action brought by any other party seeking interpretation, application, or invalidation of this subsection. Any order denying relief that would facilitate prompt compliance with the transfer provisions of this subsection shall be subject to immediate appeal under section 304 of the Fairness in Asbestos Injury Resolution Act of 2006.

(g) NO AVOIDANCE OF TRANSFER.—Section 546 of title 11, United States Code, is amended by adding at the end the following:

"(h) Notwithstanding the rights and powers of a trustee under sections 544, 545, 547, 548, 549, and 550 of this title, if a debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006), the trustee may not avoid a transfer made by the debtor under its payment obligations under section 202 or 203 of that Act.".

(h) CONFIRMATION OF PLAN.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

"(14) If the debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006), the plan provides for the continuation after its effective date of payment of all payment obligations under title II of that Act.".

(i) EFFECT ON INSURANCE RECEIVERSHIP PROCEEDINGS.—

(1) LIEN.—In an insurance receivership proceeding involving a direct insurer, reinsurer or runoff participant, there shall be a lien in favor of the Fund for the amount of any assessment and any such lien shall be given priority over all other claims against the participant in receivership, except for the expenses of administration of the receivership and the perfected claims of the secured creditors. Any State law that provides for priorities inconsistent with this provision is preempted by this Act.

(2) PAYMENT OF ASSESSMENT.—Payment of any assessment required by this Act shall not be subject to any automatic or judicially entered stay in any insurance receivership proceeding. This Act shall preempt any State law requiring that payments by a direct insurer, reinsurer or runoff participant in an insurance receivership proceeding be approved by a court, receiver or other person. Payments of assessments by any direct insurer or reinsurer participant under this Act shall not be subject to the avoidance powers of a receiver or a court in or relating to an insurance receivership proceeding.

(j) STANDING IN BANKRUPTCY PROCEEDINGS.—The Administrator shall have standing in any bankruptcy case involving a debtor participant. No bankruptcy court may require the Administrator to return property seized to satisfy obligations to the Fund.

SEC. 403. EFFECT ON OTHER LAWS AND EXISTING CLAIMS.

(a) EFFECT ON FEDERAL AND STATE LAW.—The provisions of this Act shall supersede any Federal or State law insofar as such law may relate to any asbestos claim, including any claim described under subsection (e)(2).

(b) EFFECT ON SILICA CLAIMS.—

(1) IN GENERAL.—

(A) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to preempt, bar, or otherwise preclude any personal injury claim attributable to exposure to silica as to which the plaintiff—

(i) pleads with particularity and establishes by a preponderance of evidence either that—

(I) no claim has been asserted or filed by or with respect to the exposed person in any forum for any asbestos-related condition and the exposed person (or another claiming on behalf of or through the exposed person) is not eligible for any monetary award under this Act; or

(II)(aa) the exposed person suffers or has suffered a functional impairment that was caused by exposure to silica; and

(bb) asbestos exposure was not a substantial contributing factor to such functional impairment; and

(ii) satisfies the requirements of paragraph (2) .

(B) PREEMPTION.—Claims attributable to exposure to silica that fail to meet the requirements of subparagraph (A) shall be preempted by this Act.

(2) REQUIRED EVIDENCE.—

(A) IN GENERAL.—In any claim to which paragraph (1) applies, the initial pleading (or, for claims pending on the date of enactment of this Act, an amended pleading to be filed within 60 days after such date, but not later than 60 days before trial, shall plead with particularity the elements of subparagraph (A)(i)(I) or (II) and shall be accompanied by the information described under subparagraph (B)(i) through (iv).

(B) PLEADINGS.—If the claim pleads the elements of paragraph (1)(A)(i)(II) and by the information described under clauses (i) through (iv) of this subparagraph if the claim pleads the elements of paragraph (1)(A)(i)(I)—

(i) admissible evidence, including at a minimum, a B-reader's report, the underlying x-ray film and such other evidence showing that the claim may be maintained and is not preempted under paragraph (1);

(ii) notice of any previous lawsuit or claim for benefits in which the exposed person, or another claiming on behalf of or through the injured person, asserted an injury or disability based wholly or in part on exposure to asbestos;

(iii) if known by the plaintiff after reasonable inquiry by the plaintiff or his representative, the history of the exposed person's exposure, if any, to asbestos; and

(iv) copies of all medical and laboratory reports pertaining to the exposed person that refer to asbestos or asbestos exposure.

(3) Statute of limitations.—In general, the statute of limitations for a silica claim shall be governed by applicable State law, except that in any case under this subsection, the statute of limitations shall only start to run when the plaintiff becomes impaired.

(c) Superseding Provisions.—

(1) In general.—Except as provided under paragraph (3) and section 106(f), any agreement, understanding, or undertaking by any person or affiliated group with respect to the treatment of any asbestos claim, including a claim described under subsection (e)(2), that requires future performance by any party, insurer of such party, settlement administrator, or escrow agent shall be superseded in its entirety by this Act.

(2) No force or effect.—Except as provided under paragraph (3), any such agreement, understanding, or undertaking by any such person or affiliated group shall be of no force or effect, and no person shall have any rights or claims with respect to any such agreement, understanding, or undertaking.

(3) Exception.—

(A) In general.—Except as provided in section 202(f), nothing in this Act shall abrogate a binding and legally enforceable written settlement agreement between any defendant participant or its insurer and a specific named plaintiff with respect to the settlement of an asbestos claim of the plaintiff if—

(i) before the date of enactment of this Act, the settlement agreement was executed by—

(I) the authorized legal representative acting on behalf of the settling defendant or insurer, the settling defendant or the settling insurer; and

(II)(aa) the specific individual plaintiff, or the individual's immediate relatives; or

(bb) an authorized legal representative acting on behalf of the plaintiff where the plaintiff is incapacitated and the settlement agreement is signed by that authorized legal representative;

(ii) the settlement agreement contains an express obligation by the settling defendant or settling insurer to make a future direct monetary payment or payments in a fixed amount or amounts to the individual plaintiff; and

(iii) within 30 days after the date of enactment of this Act, or such shorter time period specified in the settlement agreement, the plaintiff has fulfilled all conditions to payment under the settlement agreement.

(B) Bankruptcy-related agreements.—The exception set forth in this paragraph shall not apply to any bankruptcy-related agreement.

(C) Collateral source.—Any settlement payment under this section is a collateral source if the plaintiff seeks recovery from the Fund.

(D) Abrogation.—Nothing in subparagraph (A) shall abrogate a settlement agreement otherwise satisfying the requirements of that subparagraph if such settlement agreement expressly anticipates the enactment of this Act and provides for the effects of this Act.

(E) Health care insurance or expenses settlements.—Nothing in this Act shall abrogate or terminate an otherwise fully enforceable settlement agreement which was executed before the date of enactment of this Act directly by the settling defendant or the settling insurer and a specific named plaintiff to pay the health care insurance or health care expenses of the plaintiff.

(d) Exclusive Remedy.—

(1) In general.—Except as provided under paragraph (2) and section 106(f) of this Act and section 524(j)(3) of title 11, United States Code, as amended by this Act, the remedies provided under this Act shall be the exclusive remedy for any asbestos claim, including any claim described in subsection (e)(2), under any Federal or State law.

(2) Certain specified claims.—

(A) In general.—Subject to section 404 (d) and (e)(3) of this Act, no claim may be brought or pursued in any Federal or State court or insurance receivership proceeding—

(i) relating to any default, confessed or stipulated judgment on an asbestos claim if the judgment debtor expressly agreed, in writing or otherwise, not to contest the entry of judgment against it and the plaintiff expressly agreed, in writing or otherwise, to seek satisfaction of the judgment only against insurers or in bankruptcy;

(ii) relating to the defense, investigation, handling, litigation, settlement, or payment of any asbestos claim by any participant, including claims for bad faith or unfair or deceptive claims handling or breach of any duties of good faith; or

(iii) arising out of or relating to the asbestos-related injury of any individual and—

(I) asserting any conspiracy, concert of action, aiding or abetting, act, conduct, statement, misstatement, undertaking, publication, omission, or failure to detect, speak, disclose, publish, or warn relating to the presence or health effects of asbestos or the use, sale, distribution, manufacture, production, development, inspection, advertising, marketing, or installation of asbestos; or

(II) asserting any conspiracy, act, conduct, statement, omission, or failure to detect, disclose, or warn relating to the presence or health effects of asbestos or the use, sale, distribution, manufacture, production, development, inspection, advertising, marketing, or installation of asbestos, asserted as or in a direct action against an insurer or reinsurer based upon any theory, statutory, contract, tort, or otherwise; or

(iv) by any third party, and premised on any theory, allegation, or cause of action, for reimbursement of healthcare costs allegedly associated with the use of or exposure to asbestos, whether such claim is asserted directly, indirectly or derivatively.

(B) Exceptions.—Subparagraph (A) (ii) and (iii) shall not apply to claims against participants by persons—

(i) with whom the participant is in privity of contract;

(ii) who have received an assignment of insurance rights not otherwise voided by this Act; or

(iii) who are beneficiaries covered by the express terms of a contract with that participant.

(3) Preemption.—Any action asserting an asbestos claim (including a claim described in paragraph (2)) in any Federal or State court is preempted by this Act.

(4) Dismissal.—No judgment other than a judgment of dismissal may be entered in any such action, including an action pending on appeal, or on petition or motion for discretionary review, on or after the date of enactment of this Act. A court may dismiss any such action on its motion. If the court denies the motion to dismiss, it shall stay further proceedings until final disposition of any appeal taken under this Act.

(5) Removal.—

(A) In general.—If an action in any State court under paragraph (3) is preempted, barred, or otherwise precluded under this Act, and not dismissed, or if an order entered after the date of enactment of this Act purporting to enter judgment or deny review is not rescinded and replaced with an order of dismissal within 30 days after the filing of a motion by any party to the action advising the court of the provisions of this Act, any party may remove the case to the district court of the United States for the district in which such action is pending.

(B) Time limits.—For actions originally filed after the date of enactment of this Act, the notice of removal shall be filed within the time limits specified in section 1441(b) of title 28, United States Code.

(C) Procedures.—The procedures for removal and proceedings after removal shall be in accordance with sections 1446 through 1450 of title 28, United States Code, except as may be necessary to accommodate removal of any actions pending (including on appeal) on the date of enactment of this Act.

(D) Review of remand orders.—

(i) In general.—Section 1447 of title 28, United States Code, shall apply to any removal of a case under this section, except that notwithstanding subsection (d) of that section, a court of appeals may accept an appeal from an order of a district court granting or denying a motion to remand an action to the State court from which it was removed if application is made to the court of appeals not less than 30 days after entry of the order.

(ii) Time period for judgment.—If the court of appeals accepts an appeal under clause (i), the court shall complete all action on such appeal, including rendering judgment, not later than 180 days after the date on which such appeal was filed, unless an extension is granted under clause (iii).

(iii) Extension of time period.—The court of appeals may grant an extension of the 180-day period described in clause (ii) if—

(I) all parties to the proceeding agree to such extension, for any period of time; or

(II) such extension is for good cause shown and in the interests of justice, for a period not to exceed 30 days.

(iv) Denial of appeal.—If a final judgment on the appeal under clause (i) is not issued before the end of the period described in clause (ii), including any extension under clause (iii), the appeal shall be denied.

(E) Jurisdiction.—The jurisdiction of the district court shall be limited to—

(i) determining whether removal was proper; and

(ii) determining, based on the evidentiary record, whether the claim presented is preempted, barred, or otherwise precluded under this Act.

(6) Credits.—

(A) In general.—If, notwithstanding the express intent of Congress stated in this section, any court finally determines for any reason that an asbestos claim is not barred under this subsection and is not subject to the exclusive remedy or preemption provisions of this section, then any participant required to satisfy a final judgment executed with respect to any such claim may elect to receive a credit against any assessment owed to the Fund equal to the amount of the payment made with respect to such executed judgment.

(B) Requirements.—The Administrator shall require participants seeking credit under this paragraph to demonstrate that the participant—

(i) timely pursued all available remedies, including remedies available under this paragraph to obtain dismissal of the claim; and

(ii) notified the Administrator at least 20 days before the expiration of any period within which to appeal the denial of a motion to dismiss based on this section.

(C) INFORMATION.—The Administrator may require a participant seeking credit under this paragraph to furnish such further information as is necessary and appropriate to establish eligibility for, and the amount of, the credit.

(D) INTERVENTION.—The Administrator may intervene in any action in which a credit may be due under this paragraph.

SEC. 404. EFFECT ON INSURANCE AND REINSURANCE CONTRACTS.

(a) EROSION OF INSURANCE COVERAGE LIMITS.—

(1) DEFINITIONS.—In this section, the following definitions shall apply:

(A) DEEMED EROSION AMOUNT.—The term "deemed erosion amount" means the amount of erosion deemed to occur at enactment under paragraph (2).

(C) EARNED EROSION AMOUNT.—The term "earned erosion amount" means the percentage, as set forth in the following schedule, depending on the year in which the defendant participants' funding obligations end, of those amounts which, at the time of the early sunset, a defendant participant has paid to the fund and remains obligated to pay into the fund.

Year After Enactment In Which Defendant Participant's Funding Obligation Ends:	Applicable Percentage:
2	67.06
3	86.72
4	96.55
5	102.45
6	90.12
7	81.32
8	74.71
9	69.58
10	65.47
11	62.11
12	59.31
13	56.94
14	54.90
15	53.14
16	51.60
17	50.24
18	49.03
19	47.95
20	46.98
21	46.10
22	45.30
23	44.57
24	43.90
25	43.28
26	42.71
27	42.18
28	40.82
29	39.42

(D) REMAINING AGGREGATE PRODUCTS LIMITS.—The term "remaining aggregate products limits" means aggregate limits that apply to insurance coverage granted under the "products hazard", "completed operations hazard", or "Products—Completed Operations Liability" in any comprehensive general liability policy issued between calendar years 1940 and 1986 to cover injury which occurs in any State, as reduced by—

(i) any existing impairment of such aggregate limits as of the date of enactment of this Act; and

(ii) the resolution of claims for reimbursement or coverage of liability or paid or incurred loss for which notice was provided to the insurer before the date of enactment of this Act.

(E) SCHEDULED PAYMENT AMOUNTS.—The term "scheduled payment amounts" means the future payment obligation to the Fund under this Act from a defendant participant in the amount established under sections 203 and 204.

(F) UNEARNED EROSION AMOUNT.—The term "unearned erosion amount" means the difference between the deemed erosion amount and the earned erosion amount.

(2) QUANTUM AND TIMING OF EROSION.—

(A) EROSION UPON ENACTMENT.—The collective payment obligations to the Fund of the insurer and reinsurer participants as assessed by the Administrator shall be deemed as of the date of enactment of this Act to erode remaining aggregate products limits available to a defendant participant only in an amount of 38.1 percent of each defendant participant's scheduled payment amount.

(B) NO ASSERTION OF CLAIM.—No insurer or reinsurer may assert any claim against a defendant participant or captive insurer for insurance, reinsurance, payment of a deductible, or retrospective premium adjustment arising out of that insurer's or reinsurer's payments to the Fund or the erosion deemed to occur under this section.

(C) POLICIES WITHOUT CERTAIN LIMITS OR WITH EXCLUSION.—Except as provided under subparagraph (E), nothing in this section shall require or permit the erosion of any insurance policy or limit that does not contain an aggregate products limit, or that contains an asbestos exclusion.

(D) TREATMENT OF CONSOLIDATION ELECTION.—If an affiliated group elects consolidation as provided in section 204(g), the total erosion of limits for the affiliated group under paragraph (2)(A) shall not exceed 38.1 percent of the scheduled payment amount of the single payment obligation for the entire affiliated group. The total erosion of limits for any individual defendant participant in the affiliated group shall not exceed its individual share of 38.1 percent of the affiliated group's scheduled payment amount, as measured by the individual defendant participant's percentage share of the affiliated group's prior asbestos expenditures.

(E) RULE OF CONSTRUCTION.—Notwithstanding any other provision of this section, nothing in this Act shall be deemed to erode remaining aggregate products limits of a defendant participant that can demonstrate by a preponderance of the evidence that 75 percent of its prior asbestos expenditures were made in defense or satisfaction of asbestos claims alleging bodily injury arising exclusively from the exposure to asbestos at premises owned, rented, or controlled by the defendant participant (a "premises defendant"). In calculating such percentage, where expenditures were made in defense or satisfaction of asbestos claims alleging bodily injury due to exposure to the defendant participant's products and to asbestos at premises owned, rented, or controlled by the defendant participant, half of such expenditures shall be deemed to be for such premises exposures. If a defendant participant establishes itself as a premises defendant, 75 percent of the payments by such defendant participant shall erode coverage limits, if any, applicable to premises liabilities under applicable law.

(3) METHOD OF EROSION.—

(A) ALLOCATION.—The amount of erosion allocated to each defendant participant shall be allocated among periods in which policies with remaining aggregate product limits are available to that defendant participant pro rata by policy period, in ascending order by attachment point.

(B) OTHER EROSION METHODS.—

(i) IN GENERAL.—Notwithstanding subparagraph (A), the method of erosion of any remaining aggregate products limits which are subject to—

(I) a coverage-in-place or settlement agreement between a defendant participant and 1 or more insurance participants as of the date of enactment; or

(II) a final and nonappealable judgment as of the date of enactment or resulting from a claim for coverage or reimbursement pending as of such date, shall be as specified in such agreement or judgment with regard to erosion applicable to such insurance participants' policies.

(ii) REMAINING LIMITS.—To the extent that a final nonappealable judgment or settlement agreement to which an insurer participant and a defendant participant are parties in effect as of the date of enactment of this Act extinguished a defendant participant's right to seek coverage for asbestos claims under an insurer participant's policies, any remaining limits in such policies shall not be considered to be remaining aggregate products limits under subsection (a)(1)(A).

(5) PAYMENTS BY DEFENDANT PARTICIPANT.—Payments made by a defendant participant shall be deemed to erode, exhaust, or otherwise satisfy applicable self-insured retentions, deductibles, retrospectively rated premiums, and limits issued by nonparticipating insolvent or captive insurance companies. Reduction of remaining aggregate limits under this subsection shall not limit the right of a defendant participant to collect from any insurer not a participant.

(6) EFFECT ON OTHER INSURANCE CLAIMS.—Other than as specified in this subsection, this Act does not alter, change, modify, or affect insurance for claims other than asbestos claims.

(b) DISPUTE RESOLUTION PROCEDURE.—

(1) ARBITRATION.—The parties to a dispute regarding the erosion of insurance coverage limits under this section may agree in writing to settle such dispute by arbitration. Any such provision or agreement shall be valid, irrevocable, and enforceable, except for any grounds that exist at law or in equity for revocation of a contract.

(2) TITLE 9, UNITED STATES CODE.—Arbitration of such disputes, awards by arbitrators, and confirmation of awards shall be governed by title 9, United States Code, to the extent such title is not inconsistent with this section. In any such arbitration proceeding, the erosion principles provided for under this section shall be binding on the arbitrator, unless the parties agree to the contrary.

(3) FINAL AND BINDING AWARD.—An award by an arbitrator shall be final and binding between the parties to the arbitration, but shall have no force or effect on any other person. The parties to an arbitration may agree that in the event a policy which is the subject matter of an award is subsequently determined to be eroded in a manner different from the manner determined by the arbitration in a judgment rendered by a court of competent jurisdiction from which no appeal can or has been taken, such arbitration award may be modified by any court of competent jurisdiction upon application by any party to the arbitration. Any such modification shall govern the rights and obligations between such parties after the date of such modification.

(c) EFFECT ON NONPARTICIPANTS.—

(1) IN GENERAL.—No insurance company or reinsurance company that is not a participant, other than a captive insurer, shall be entitled to claim that payments to the Fund erode, exhaust, or otherwise limit the nonparticipant's insurance or reinsurance obligations.

(2) OTHER CLAIMS.—Nothing in this Act shall preclude a participant from pursuing any claim for insurance or reinsurance from any person that is not a participant other than a captive insurer.

(d) FINITE RISK POLICIES NOT AFFECTED.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, except subject to section 212(a)(1)(D), this Act shall not alter, affect or impair any rights or obligations of—

(A) any party to an insurance contract that expressly provides coverage for governmental charges or assessments imposed to replace insurance or reinsurance liabilities in effect on the date of enactment of this Act; or

(B) subject to paragraph (2), any person with respect to any insurance purchased by a participant after December 31, 1990, that expressly (but not necessarily exclusively) provides coverage for asbestos liabilities, including those policies commonly referred to as "finite risk" policies.

(2) LIMITATION.—No person may assert that any amounts paid to the Fund in accordance with this Act are covered by any policy described under paragraph (1)(B) purchased by a defendant participant, unless such policy specifically provides coverage for required payments to a Federal trust fund established by a Federal statute to resolve asbestos injury claims.

(e) EFFECT ON CERTAIN INSURANCE AND REINSURANCE CLAIMS.—

(1) NO COVERAGE FOR FUND ASSESSMENTS.—Subject to section 212(a)(1)(D), no participant or captive insurer may pursue an insurance or reinsurance claim against another participant or captive insurer for payments to the Fund required under this Act, except under a written agreement specifically providing insurance, reinsurance, or other reimbursement for required payments to a Federal trust fund established by a Federal statute to resolve asbestos injury claims or, where applicable, under finite risk policies under subsection (d).

(2) CERTAIN INSURANCE ASSIGNMENTS VOIDED.—Any assignment of any rights to insurance coverage for asbestos claims to any person who has asserted an asbestos claim before the date of enactment of this Act, or to any trust, person, or other entity not part of an affiliated group as defined in section 201(1) of this Act established or appointed for the purpose of paying asbestos claims which were asserted before such date of enactment, or by any Tier I defendant participant shall be null and void. This subsection shall not void or affect in any way any assignments of rights to insurance coverage other than to asbestos claimants or to trusts, persons, or other entities not part of an affiliated group as defined in section 201(1) of this Act established or appointed for the purpose of paying asbestos claims, or by Tier I defendant participants.

(3) INSURANCE CLAIMS PRESERVED.—Notwithstanding any other provision of this Act, this Act shall not alter, affect, or impair any rights or obligations of any person with respect to any insurance or reinsurance for amounts that any person pays, has paid, or becomes legally obligated to pay in respect of asbestos or other claims except to the extent that—

(A) such claims are preempted, barred, or superseded by section 403;

(B) any such rights or obligations of such person with respect to insurance or reinsurance are prohibited by paragraph (1) or (2) of subsection (e); or

(C) the limits of insurance otherwise available to such participant in respect of asbestos claims are deemed to be eroded under subsection (a).

SEC. 405. ANNUAL REPORT OF THE ADMINISTRATOR.

(a) IN GENERAL.—The Administrator shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the operation of the Asbestos Injury Claims Resolution Fund within 6 months after the close of each fiscal year.

(b) CONTENTS OF REPORT.—The annual report submitted under this subsection shall include an analysis of—

(1) the claims experience of the program during the most recent fiscal year, including—

(A) the number of claims made to the Office and a description of the types of medical diagnoses and asbestos exposures underlying those claims;

(B) the number of claims denied by the Office and a description of the types of medical diagnoses and asbestos exposures underlying those claims, and a general description of the reasons for their denial;

(C) a summary of the eligibility determinations made by the Office under section 114;

(D) a summary of the awards made from the Fund, including the amount of the awards; and

(E) for each disease level, a statement of the percentage of asbestos claimants who filed claims during the prior calendar year and were determined to be eligible to receive compensation under this Act, who have received the compensation to which such claimants are entitled according to section 131;

(2) the administrative performance of the program, including—

(A) the performance of the program in meeting the time limits prescribed by law and an analysis of the reasons for any systemic delays;

(B) any backlogs of claims that may exist and an explanation of the reasons for such backlogs;

(C) the costs to the Fund of administering the program; and

(D) any other significant factors bearing on the efficiency of the program;

(3) the financial condition of the Fund, including—

(A) statements of the Fund's revenues, expenses, assets, and liabilities;

(B) the identity of all participants, the funding allocations of each participant, and the total amounts of all payments to the Fund;

(C) a list of all financial hardship or inequity adjustments applied for during the fiscal year, and the adjustments that were made during the fiscal year;

(D) a statement of the investments of the Fund; and

(E) a statement of the borrowings of the Fund;

(4) the financial prospects of the Fund, including—

(A) an estimate of the number and types of claims, the amount of awards, and the participant payment obligations for the next fiscal year;

(B) an analysis of the financial condition of the Fund, including an estimation of the Fund's ability to pay claims for the subsequent 5 years in full and over the predicted lifetime of the program as and when required, an evaluation of the Fund's ability to retire its existing debt and assume additional debt, and an evaluation of the Fund's ability to satisfy other obligations under the program; and

(C) a report on any changes in projections made in earlier annual reports or sunset analyses regarding the Fund's ability to meet its financial obligations;

(5) a summary of any legal actions brought or penalties imposed under section 223, any referrals made to law enforcement authorities under section 408 (a) and (b), and any contributions to the Fund collected under section 408(e);

(6) any recommendations from the Advisory Committee on Asbestos Disease Compensation and the Medical Advisory Committee of the Fund to improve the diagnostic, exposure, and medical criteria so as to pay those claimants who suffer from diseases or conditions for which exposure to asbestos was a substantial contributing factor;

(7) a summary of the results of audits conducted under section 115; and

(8) a summary of prosecutions under section 1348 of title 18, United States Code (as added by this Act).

(c) CERTIFICATION.—The Administrator shall certify in the annual report required under subsection (a) whether, in the best judgment of the Administrator, the Fund will have sufficient resources for the fiscal year in which the report is issued to make all required payments—

(1) with respect to all claims determined eligible for compensation that have been filed and that the Administrator projects will be filed with the Office for the fiscal year; and

(2) to satisfy the Fund's debt repayment obligation, administrative costs, and other financial obligations.

(d) CLAIMS ANALYSIS AND VERIFICATION OF UNANTICIPATED CLAIMS.—

(1) IN GENERAL.—If the Administrator concludes, on the basis of the annual report submitted under this section, that—

(A) the average number of claims that qualify for compensation under a claim level or designation exceeds 125 percent of the number of claims expected to qualify for compensation under that claim level or designation in the most recent Congressional Budget Office estimate of asbestos-injury claims for any 3-year period, the Administrator shall conduct a review of a statistically significant sample of claims qualifying for compensation under the appropriate claim level or designation; or

(B) the average number of claims that qualify for compensation under a claim level or designation is less than 75 percent of the number of claims expected to qualify for compensation under that claim level or designation in the most recent Congressional Budget Office estimate of asbestos-injury claims for any 3-year period, the Administrator shall conduct a review of a statistically significant sample of claims deemed ineligible for compensation under the appropriate claim level or designation.

(2) DETERMINATIONS.—The Administrator shall examine the best available medical evidence and any recommendation made under subsection (b)(5) in order to determine which 1 or more of the following is true:

(A) Without a significant number of exceptions, all of the claimants who qualified for compensation under the claim level or designation suffer from an injury or disease for which exposure to asbestos was a substantial contributing factor.

(B) A significant number of claimants who qualified for compensation under the claim level or designation do not suffer from an injury or disease for which exposure to asbestos was a substantial contributing factor.

(C) A significant number of claimants who were denied compensation under the claim level of designation did suffer from an injury or disease for which exposure to asbestos was a substantial contributing factor.

(D) The Congressional Budget Office projections underestimated or overestimated the actual number of persons who suffer from an injury or disease for which exposure to asbestos was a substantial contributing factor.

(3) RECOMMENDATIONS CONCERNING CLAIMS CRITERIA.—If the Administrator determines that a significant number of the claimants who qualified for compensation under the claim level under review do not suffer from an injury or disease for which exposure to asbestos was a substantial contributing factor, or that a significant number of the claimants who were denied compensation under the claim level under review suffered from an injury or disease for which exposure to asbestos was a substantial contributing factor, the Administrator shall recommend to Congress, under subsection (f), changes to the compensation criteria in order to ensure that the Fund provides compensation for injury or disease for which exposure to asbestos was a substantial contributing factor, but does not provide compensation to claimants who do not suffer from an injury or disease for which asbestos exposure was a substantial contributing factor.

(e) RECOMMENDATIONS OF ADMINISTRATOR AND ADVISORY COMMITTEE.—

(1) REFERRAL.—If the Administrator recommends changes to this Act under subsection (d), the recommendations and accompanying analysis shall be referred to the Advisory Committee on Asbestos Disease Compensation established under section 102 (in this subsection referred to as the "Advisory Committee").

(2) ADVISORY COMMITTEE RECOMMENDATIONS.—The Advisory Committee shall hold expedited public hearings on the alternatives and recommendations of the Administrator and make its own recommendations for reform of the program under titles I and II.

(3) TRANSMITTAL TO CONGRESS.—Not later than 90 days after receiving the recommendations of the Administrator, the Advisory Committee shall transmit the recommendations of the Administrator and the recommendations of the Advisory Committee to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(f) SHORTFALL ANALYSIS.—

(1) IN GENERAL.—

(A) ANALYSIS.—If the Administrator concludes, at any time, that the Fund may not be able to pay claims as such claims become due at any time within the next 5 years and to satisfy its other obligations, the Administrator shall prepare an analysis of the reasons for the situation, an estimation of when the Fund will no longer be able to pay claims as such claims become due, a description of the range of reasonable alternatives for responding to the situation, and a recommendation as to which alternative best serves the interest of claimants and the public. The report may include a description of changes in the diagnostic, exposure, or medical criteria of section 121 that the Administrator believes may be necessary to protect the Fund. The Administrator shall submit such analysis to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives. Any recommendations made by the Administrator for changes to the program shall, in addition, be referred to the Advisory Committee on Asbestos Disease Compensation established under section 102 for review.

(B) RANGE OF ALTERNATIVES.—The range of alternatives under subparagraph (A) may include—

(ii) reform of the program set forth in titles I and II of this Act (including changes in the diagnostic, exposure, or medical criteria, changes in the enforcement or application of those criteria, enhancement of enforcement authority, changes in the timing of payments, changes in contributions by defendant participants, insurer participants (or both such participants), or changes in award values); or

(iii) any measure that the Administrator considers appropriate.

(2) CONSIDERATIONS.—In formulating recommendations, the Administrator shall take into account the reasons for any shortfall, actual or projected, which may include—

(A) financial factors, including return on investments, borrowing capacity, interest rates, ability to collect contributions, and other relevant factors;

(B) the operation of the Fund generally, including administration of the claims processing, the ability of the Administrator to collect contributions from participants, potential problems of fraud, the adequacy of the criteria to rule out idiopathic mesothelioma, and inadequate flexibility to extend the timing of payments;

(C) the appropriateness of the diagnostic, exposure, and medical criteria, including the adequacy of the criteria to rule out idiopathic mesothelioma;

(D) the actual incidence of asbestos-related diseases, including mesothelioma, based on epidemiological studies and other relevant data;

(E) compensation of diseases with alternative causes; and

(F) other factors that the Administrator considers relevant.

(4) RESOLVED CLAIMS.—For purposes of this section, a claim shall be deemed resolved when the Administrator has determined the amount of the award due the claimant, and either the claimant has waived judicial review or the time for judicial review has expired.

SEC. 406. RULES OF CONSTRUCTION RELATING TO LIABILITY OF THE UNITED STATES GOVERNMENT.

(a) CAUSES OF ACTIONS.—Except as otherwise specifically provided in this Act, nothing in this Act shall be construed as creating a cause of action against the United States Government, any entity established under this Act, or any officer or employee of the United States Government or such entity.

(b) FUNDING LIABILITY.—Nothing in this Act shall be construed to—

(1) create any obligation of funding from the United States Government, including any borrowing authorized under section 221(b)(2); or

(2) obligate the United States Government to pay any award or part of an award, if amounts in the Fund are inadequate.

SEC. 407. RULES OF CONSTRUCTION.

(a) LIBBY, MONTANA CLAIMANTS.—Nothing in this Act shall preclude the formation of a fund for the payment of eligible medical expenses related to treating asbestos-related disease for current and former residents of Libby, Montana. The payment of any such medical expenses shall not be collateral source compensation as defined under section 134(a).

(b) HEALTHCARE FROM PROVIDER OF CHOICE.—Nothing in this Act shall be construed to preclude any eligible claimant from receiving healthcare from the provider of their choice.

SEC. 408. VIOLATIONS OF ENVIRONMENTAL HEALTH AND SAFETY REQUIREMENTS.

(a) ASBESTOS IN COMMERCE.—If the Administrator receives information concerning conduct occurring after the date of enactment of this Act that may have been a violation of standards issued by the Environmental Protection Agency under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), relating to the manufacture, importation, processing, disposal, and distribution in commerce of asbestos-containing products, the Administrator shall refer the matter in writing within 30 days after receiving that information to the Administrator of the Environmental Protection Agency and the United States attorney for possible civil or criminal penalties, including those under section 17 of the Toxic Substances Control Act (15 U.S.C. 2616), and to the appropriate State authority with jurisdiction to investigate asbestos matters.

(b) ASBESTOS AS AIR POLLUTANT.—If the Administrator receives information concerning conduct occurring after the date of enactment of this Act that may have been a violation of standards issued by the Environmental Protection Agency under the Clean Air Act (42 U.S.C. 7401 et seq.), relating to asbestos as a hazardous air pollutant, the Administrator shall refer the matter in writing within 30 days after receiving that information to the Administrator of the Environmental Protection Agency and the United States attorney for possible criminal and civil penalties, including those under section 113 of the Clean Air Act (42 U.S.C. 7413), and to the appropriate State authority with jurisdiction to investigate asbestos matters.

(c) OCCUPATIONAL EXPOSURE.—If the Administrator receives information concerning conduct occurring after the date of enactment of this Act that may have been a violation of standards issued by the Occupational Safety and Health Administration under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), relating to occupational exposure to asbestos, the Administrator shall refer the matter in writing within 30 days after receiving that information and refer the matter to the Secretary of Labor or the appropriate State agency with authority to enforce occupational safety and health standards, for investigation for possible civil or criminal penalties under section 17 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 666).

SEC. 409. NONDISCRIMINATION OF HEALTH INSURANCE.

(a) DENIAL, TERMINATION, OR ALTERATION OF HEALTH COVERAGE.—No health insurer offering a health plan may deny or terminate coverage, or in any way alter the terms of coverage, of any claimant or the beneficiary of a claimant, on account of the participation of the claimant or beneficiary in a medical monitoring program under this Act, or as a result of any information discovered as a result of such medical monitoring.

(b) DEFINITIONS.—In this section:

(1) HEALTH INSURER.—The term "health insurer" means—

(A) an insurance company, healthcare service contractor, fraternal benefit organization, insurance agent, third-party administrator, insurance support organization, or other person subject to regulation under the laws related to health insurance of any State;

(B) a managed care organization; or

(C) an employee welfare benefit plan regulated under the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(2) HEALTH PLAN.—The term "health plan" means—

(A) a group health plan (as such term is defined in section 607 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167)), and a multiple employer welfare arrangement (as defined in section 3(4) of such Act) that provides health insurance coverage; or

(B) any contractual arrangement for the provision of a payment for healthcare, including any health insurance arrangement or any arrangement consisting of a hospital or medical expense incurred policy or certificate, hospital or medical service plan contract, or health maintenance organizing subscriber contract.

(c) CONFORMING AMENDMENTS.—

(1) ERISA.—Section 702(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(a)(1)), is amended by adding at the end the following:

"(I) Participation in a medical monitoring program under the Fairness in Asbestos Injury Resolution Act of 2006.".

(2) PUBLIC SERVICE HEALTH ACT.—Section 2702(a)(1) of the Public Health Service Act (42 U.S.C. 300gg–1(a)(1)) is amended by adding at the end the following:

"(I) Participation in a medical monitoring program under the Fairness in Asbestos Injury Resolution Act of 2006.".

(3) INTERNAL REVENUE CODE OF 1986.—Section 9802(a)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(I) Participation in a medical monitoring program under the Fairness in Asbestos Injury Resolution Act of 2006.".

SA 2847. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 223(j) and insert the following:

Section 223

(j) TRANSACTIONS.—

(1) NOTICE OF TRANSACTION.—Any participant that has engaged in any transaction or series of transactions under which a significant portion of such participant's assets, properties or business was, directly or indirectly, transferred by any means (including, without limitation, by sale, dividend, contribution to a subsidiary or split-off) to 1 or more persons other than the participant shall provide written notice to the Administrator of such transaction (or series of transactions).

(2) TIMING OF NOTICE AND RELATED ACTIONS.—

(A) IN GENERAL.—Any notice that a participant is required to give under paragraph (1) shall be given not later than 30 days after the date of consummation of the transaction or the first transaction to occur in a proposed series of transactions.

(B) OTHER NOTIFICATIONS.—

(i) IN GENERAL.—Not later than the date in any year by which a participant is required to make its contribution to the Fund, the participant shall deliver to the Administrator a written certification stating that—

(I) the participant has complied during the period since the last such certification or the date of enactment of this Act with the notice requirements set forth in this subsection; or

(II) the participant was not required to provide any notice under this subsection during such period.

(ii) SUMMARY.—The Administrator shall include in the annual report required to be submitted to Congress under section 405 a summary of all such notices (after removing all confidential identifying information) received during the most recent fiscal year.

(C) NOTICE COMPLETION.—The Administrator shall not consider any notice given under paragraph (1) as given until such time as the Administrator receives substantially all the information required by this subsection.

(3) CONTENTS OF NOTICE.—

(A) IN GENERAL.—The Administrator shall determine by rule or regulation the information to be included in the notice required under this subsection, which shall include such information as may be necessary to enable the Administrator to determine whether—

(i) the person or persons to whom the assets, properties or business were transferred in the transaction (or series of transactions) should be considered to be the successor in interest of the participant for purposes of this Act, or (ii) the transaction (or series of transactions) is subject to avoidance by a trustee under section 544(b) or 548 of title 11, United States Code, as if, but whether or not, the participant is subject to a case under title 11, United States Code.

(B) STATEMENTS.—The notice shall also include—

(i) a statement by the participant as to whether it believes any person has become a successor in interest to the participant for purposes of this Act and, if so, the identity of that person; and

(ii) a statement by the participant as to whether that person has acknowledged that it has become a successor in interest for purposes of this Act.

(4) DEFINITION.—In this subsection, the term 'significant portion of the assets, properties or business of a participant' means assets (including, without limitation, tangible or intangible assets, securities and cash), properties or business of such participant (or its affiliated group, to the extent that the participant has elected to be part of an affiliated group under section 204(f)) that, together with any other asset, property or business transferred by such participant in any of the previous completed 5 fiscal years of such participant (or, as appropriate, its affiliated group), and as determined in accordance with United States' generally accepted accounting principles as in effect from time to time—

(A) generated at least 40 percent of the revenues of such participant (or its affiliated group);

(B) constituted at least 40 percent of the assets of such participant (or its affiliated group);

(C) generated at least 40 percent of the operating cash flows of such participant (or its affiliated group); or

(D) generated at least 40 percent of the net income or loss of such participant (or its affiliated group),

as measured during any of such 5 previous fiscal years.

(5) RIGHT OF ACTION.—

(A) IN GENERAL.—Notwithstanding section 221(f), if the Administrator or any participant believes that a participant has engaged, directly or indirectly, in, or is the subject of, a transaction (or series of transactions)—

(i) involving a person or persons who, as a result of such transaction (or series of transactions), may have or may become the successor in interest or successors in interest of such participant for purposes of this Act, where the status as a successor in interest has not been stated and acknowledged by the participant and such person; or

(ii) that may be subject to avoidance by a trustee under section 544(b) or 548 of title 11, United States Code, as if, but whether or not, the participant is a subject to a case under title 11, United States Code, then the Administrator or such participant may, as a deemed creditor under applicable law, bring a civil action in an appropriate forum against the participant or any other person who is either a party to the transaction (or series of transactions) or the recipient of any asset, property or business of the participant.

(B) RELIEF ALLOWED.—In any action commenced under this subsection, the Administrator or a participant, as applicable, may seek—

(i) with respect to a transaction (or series of transactions) referenced in clause (i) of subparagraph (A), a declaratory judgment regarding whether such person has become the successor in interest of such participant for purposes of this Act; or

(ii) with respect to a transaction (or series of transactions) referenced in clause (ii) of subparagraph (A)—

(I) a temporary restraining order or a preliminary or permanent injunction against such transaction (or series of transactions); or

(II) such other relief regarding such transaction (or series of transactions) as the court determines to be necessary to ensure that performance of a participant's payment obligations under this Act is not materially impaired by reason of such transaction (or series of transactions).

(C) APPLICABILITY.—If the Administrator or a participant wishes to challenge a statement made by a participant that a person has not become a successor in interest for purposes of this Act, then this paragraph shall be the exclusive means by which the determination of whether such person became a successor in interest of the participant shall be made. This paragraph shall not preempt any other rights of any person under applicable Federal or State law.

(D) VENUE.—Any action under this paragraph shall be brought in any appropriate United States district court or, to the extent necessary to obtain complete relief, any other appropriate forum outside of the United States.

(6) RULES AND REGULATIONS.—The Administrator may promulgate regulations to effectuate the intent of this subsection, including regulations relating to the form, timing and content of notices.

SA 2848. Mr. THUNE (for himself, Mr. COLEMAN, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 144, between lines 6 and 7, insert the following:

(9) SAFETY EQUIPMENT MANUFACTURER DEFENDANT PARTICIPANT.—The term "safety equipment manufacturer defendant participant" means any defendant participant that—

(A) has continuously manufactured respiratory protection equipment in the United States on and after December 31, 1972; and

(B) based upon the portion of its prior asbestos expenditures attributable to asbestos claims relating to respiratory protection products being treated as total prior asbestos expenditures would result in that participant being assigned to the same tier to which that participant is assigned under section 202(d) based on its total prior asbestos expenditures.

On page 151, between lines 16 and 17, insert the following:

(7) SAFETY EQUIPMENT MANUFACTURER DEFENDANT PARTICIPANTS.—

(A) IN GENERAL.—A safety equipment manufacturer defendant participant that would be included in Tier II, III, IV, or V according to that defendant participant's prior asbestos expenditures shall instead be assigned to the immediately lower tier, such that—

(i) a safety equipment manufacturer defendant participant that would be assigned to Tier II shall instead be assigned to Tier III;

(ii) a safety equipment manufacturer defendant participant that would be assigned to Tier III shall instead be assigned to Tier IV;

(iii) a safety equipment manufacturer defendant participant that would be assigned to Tier IV shall instead be assigned to Tier V; and

(iv) a safety equipment manufacturer defendant participant that would be assigned to Tier V shall instead be assigned to Tier VI.

(B) RETURN TO ORIGINAL TIER.—

(i) CESSATION OF MANUFACTURING.—The Administrator shall return a safety equipment manufacturer defendant participant to that participant's original tier, on a yearly basis, if the Administrator determines that the safety equipment manufacturer defendant has ceased manufacturing respiratory protection equipment in the United States.

(ii) SOLVENCY OF FUND.—The Administrator may return all safety equipment manufacturer defendant participants to their original tiers, on a yearly basis, if the Administrator determines that the additional revenues that would be collected are needed to preserve the solvency of the Fund.

SA 2849. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 366, between lines 12 and 13, insert the following:

(c) APPLICATION OF THE LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT.—Employers and their insurers who pay compensation or medical benefits or who are potentially liable to their employees and other beneficiaries for compensation or medical benefits under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) shall be entitled to—

(1) a lien for compensation and medical benefits paid; and

(2) release as the case may be, as per the provisions of 33 U.S.C. Section 933; provided, however, that such employers, insurers, employees and other persons entitled to the compensation or medical benefits under that Act may not bring actions under Section 933 against third parties who are protected under this Act.

SA 2850. Mr. KYL (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1. PROPORTIONAL PAYMENTS.

(a) At page 171, after line 5, insert new (c) as follows, the subsection references assume that the required renumbering has occurred:

"(c) LIMITATION.—For any affiliated group, the total payment in any year, including any guaranteed payment surcharge under subsection (m) and any bankruptcy trust guarantee surcharge under section 222(c), shall not exceed the lesser of $16,702,400 or 1.67024 percent of the revenues of the affiliated group for the most recent fiscal year ending on or prior to December 31, 2002, or for the most recent 12-month fiscal year as of the date the limitation is applied, whichever is greater. For purposes of this subsection, the term "affiliated group" shall include any defendant participant that is an ultimate parent. The limitation in this subsection shall not apply to defendant participants in Tier I or to any affiliated group whose revenues for the most recent fiscal year ending on or prior to December 31, 2002, or for the most recent 12-month fiscal year as of the date the limitation applied, whichever is greater, exceeds $1,000,000,000. The revenues of the affiliated group shall be determined in accordance with section 203(a)(2), except for the applicable date. An affiliated group that claims a reduction in its payment in any year shall file with the administrator, in accordance with procedures prescribed by the administrator, sufficient information to allow the administrator to determine the amount of any such reduction in that year. If as a result of the application of the limitation provided in this subsection an affiliated group is exempt from paying all or part of a guaranteed payment surcharge or bankruptcy trust surcharge, then the reduction in the affiliated group's payment obligation due to the limitation in this subsection shall be redistributed in accordance with subsection (m). Nothing in this subsection shall be construed as reducing the minimum aggregate annual payment obligation of defendant participants as provided in section 204(i)(1)."

(b) Renumber subsections following new subsection (c).

(c) Subsequent to renumbering the subsections following new subsection 204(c), make the following cross-reference changes:

At page 142, line 7, replace "204(g)" with "204(h)".

At page 151, line 20, replace "204(i)(6)" with "204(j)(6)".

At page 160, line 21, replace "204(l)" with "204(m)".

At page 167, line 24, replace "204(d)" with "204(e)".

At page 170, lines 21 and 22, replace "(d) and (m)" with "(e) and (n)".

At page 171, line 22, replace "(i)(10)" with "(j)(10)".

At page 172, line 3, replace "(j)" with "(k)".

At page 177, line 12, replace "(j) with "(k)".

At page 178, line 25, replace "(j)(3)" with "(k)(3)".

At page 179, line 2, replace "(k)(1)(A)" with "(l)(1)(A)".

At page 182, line 16, replace "(i) with "(j)".

At page 183, line 6, replace "(i)" with "(j)".

At page 186, lines 7 and 8, replace "(d), (f), (g), and (m)" with "(e), (g), (h) and (n)".

At page 186, line 11, replace "(d) and (m)" with "(e) and "(n)".

At page 186, line 20, replace "(d) and (m)" with "(e) and "(n)".

At page 186, line 23, replace "(l)" with "(m)".

At page 187, line 8, replace "(f)" with "(g)".

At page 196, line 20, replace "(d)" with "(e)".

At page 196, line 22, replace "(m)" with "(n)".

At page 197, line 13, replace "(h)" with "(i)".

At page 198, line 11, replace "(d)" with "(e)".

At page 198, line 16, replace "(h)" with "(i)".

At page 198, line 17, replace "(j)" with "(k)".

At page 198, line 23, replace "(d)" with "(e)".

At page 199, line 10, replace "(h)" with "(i)".

At page 199, line 12, replace "(d) and (m)" with "(e) and (n)".

At page 199, line 20, replace "(k)" with "(l)".

At page 199, line 22, replace "(h)" with "(i)".

At page 200, line 3, replace "(h)" with "(i)".

At page 200, line 7, replace "(d), (t), (g), and (m)" with "(e), (g), (h) and (n)".

At page 200, line 22, replace "(d), (t), and (g)" with "(e), (g), and (h)".

At page 201, line 5, replace "(i)(9)" with "(j)(9)".

At page 203, line 6, replace "204(i)" with "204(j)".

At page 204, line 23, replace "204(d)" with "204(e)".

At page 205, line 11, replace "(i)(10)" with "(j)(10)".

At page 205, line 16, replace "204(h)" with "204(i)".

At page 248, line 21, replace "204(f)(3)" with "204(g)(3)".

At page 261, line 14, replace "204(i)(10)" with "204(j)(10)".

At page 266, line 14, replace "204(f)" with "204(g)".

At page 289, line 9, replace "204(i)" with "204(j)".

At page 289, line 11, replace "204(d)" with "204(e)".

At page 289, line 12, replace "204(m)" with "204(n)".

At page 289, line 19, replace "204(i)" with "204(j)".

At page 289, line 20, replace "204(d)" with "204(e)".

At page 289, line 21, replace "204(m)" with "204(n)".

At page 289, line 23, replace "204(i)(10)" with "204(j)(10)".

At page 334, line 8, replace "204(f)" with "204(g)".

SEC. 2. HARDSHIP ADJUSTMENTS.

(a) Strike page 172, line 6, through page 173, line 17, and insert the following:

(2) FINANCIAL HARDSHIP ADJUSTMENTS.

(A) IN GENERAL.—Any defendant participant in any tier may apply for an adjustment under this paragraph at any time during the period in which a payment obligation to the Fund remains outstanding and may qualify for such an adjustment by demonstrating to the satisfaction of the administrator that the amount of its payment obligation would materially and adversely affect the defendant participant's ability to continue its business and to pay or satisfy its debts generally as and when they come due. Such an adjustment shall be in an amount that in the judgment of the administrator is reasonably necessary to prevent such material and adverse effect on the defendant participant's ability to continue its business and to pay or satisfy its debts generally as and when they come due.

(B) FACTORS TO CONSIDER.—In determining whether to make an adjustment under subparagraph (A) and the amount thereof, the Administrator shall consider—

(1) the financial situation of the defendant participant and its affiliated group as shown in historical audited financial statements, including income statement, balance sheet, and statement of cash flow, for the three fiscal years ending immediately prior to the application and projected financial statements for the three fiscal years following the application;

(2) an analysis of capital spending and fixed charge coverage on a historical basis for the three fiscal years immediately preceding a defendant participant's application and for the three fiscal years following the application;

(3) any payments or transfers of property made, or obligations incurred, within the preceding 6 years by the defendant participant to or for the benefit of any insider as defined under section 101(31) of title 11 of the United States Code or any affiliate as defined under section 101(2) of title 11 of the United States Code;

(4) any prior extraordinary transactions within the preceding 6 years involving the defendant participant, including without limitation payments of extraordinary salaries, bonuses, or dividends;

(5) the defendant participant's ability to satisfy its payment obligations to the Fund by borrowing or financing with equity capital, or through issuance of securities of the defendant participant or its affiliated group to the Fund;

(6) the defendant participant's ability to delay discretionary capital spending; and

(7) any other factor that the administrator considers relevant.

(C) TERM.—A financial hardship adjustment under this paragraph shall have a term of 5 years unless the administrator determines at the time the adjustment is made that a shorter or longer period is appropriate in the light of the financial condition of the defendant participant and its affiliated group and other relevant factors, provided that a financial hardship adjustment under this paragraph shall terminate automatically in the event that the defendant participant holding the adjustment files a petition under title 11, United States Code.

(D) RENEWAL.—A defendant participant may renew a hardship adjustment upon expiration by demonstrating that it remains justified. Such renewed hardship adjustments shall have a term of 5 years unless the administrator determines at the time of the renewed adjustment that a shorter or longer period is appropriate in the light of the financial condition of the defendant participant and its affiliated group and other relevant factors, provided that a renewed financial hardship adjustment under this paragraph shall terminate automatically in the event that the defendant participant holding the adjustment files a petition under title 11, United States Code.

(E) PROCEDURE.—

(1) The Administrator shall prescribe the information to be submitted in applications for adjustments under this paragraph.

(2) All audited financial information required under this paragraph shall be as reported by the defendant participant in its annual report filed with the Securities and Exchange Commission in accordance with the Securities Exchange Act of 1934, 15 U.S.C. 78a et seq. Any defendant participant that does not file reports with the Securities and Exchange Commission or which does not have audited financial statements shall submit financial statements prepared pursuant to generally accepted accounting principles. The chairman, chief executive officer, and chief financial officer of the defendant participant shall certify under penalty of law the completeness and accuracy of the financial statements provided under this subparagraph.

(3) The chairman, chief executive officer, and chief financial officer of the defendant participant shall certify that any projected information and analyses submitted to the administrator were made in good faith and are reasonable and attainable.

(b) CONFORMING CHANGES.—

At page 177, line 10, strike "hardship and".

At page 178, lines 19–20, strike "financial hardship adjustments under paragraph (2) and".

At page 178, lines 22–23, strike "—(A).".

At page 179, line 2, insert a period after "(k)(1)(A)" and delete ";or".

At pages 179–181, strike line 10 on page 179 through line 2 on page 181.

At page 181, at line 3: Insert "RULEMAKING AND" before "ADVISORY".

At page 181, line 5: Strike "shall" and insert "may".

At page 181, following line 14, insert: "The Administrator may adopt rules consistent with this Act to make the determination of hardship and inequity adjustments more efficient and predictable.".

At page 197, line 8, strike "HARDSHIP AND".

At page 197, line 15, strike "hardship and".

At page 197, line 19, strike "hardship and".

At page 197, lines 24 and 25, strike "severe financial hardship or".

SEC. 3. STEPDOWNS AND FUNDING HOLIDAYS.

(a) At page 205, line 20, strike "The" and insert: "Except as otherwise provided in this paragraph, the"

(b) At page 205, lines 22 through 24 strike: ", except with respect to defendant participants in Tier I, Subtiers 2 and 3, and class action trusts" and insert the following:

". The reductions under this subsection shall not apply to defendant participants in Tier I, subtiers 2 and 3, and class action trusts. For defendant participants whose payment obligation has been limited under section 204(c) or who have received a financial hardship adjustment under section 204(e)(2), aggregate potential reductions under this subsection shall be calculated on the basis of the defendant participant's tier and subtier without regard to such limitation or adjustment. If the aggregate potential reduction under this subsection exceeds the reduction in the defendant participant's payment obligation due to the limitation under section 204(c) and the financial hardship adjustment under section 204(e)(2), then the defendant participant's payment obligation shall be further reduced by the difference between the potential reduction provided under this subsection and the reductions that the defendant participant has already received due to the application of the limitation provided in section 204(c) and the financial hardship adjustment provided under section 204(e)(2). If the reduction in the defendant participant's payment obligation due to the limitation provided in section 204(c) and any financial hardship adjustment provided under section 204(e)(2) exceeds the amount of the reduction provided in this subsection, then the defendant participant's payment obligation shall not be further reduced under this paragraph."

(c) At page 207, line 10 through 12, strike the text following "except" in line 10 and insert "as otherwise provided under this paragraph. The reductions or waivers provided under this subsection shall not apply to defendant participants in Tier I, subtiers 2 and 3, and class action trusts. For defendant participants whose payment obligation has been limited under section 204(c) or who have received a financial hardship adjustment under section 204(e)(2), aggregate potential reductions or waivers under this subsection shall be calculated on the basis of the defendant participant's tier and subtier without regard to such limitation or adjustment. If the aggregate potential reductions or waivers under this subsection exceed the reduction in the defendant participant's payment obligation due to the limitation under section 204(c) and the financial hardship adjustment under section 204(e)(2), then the defendant participant's payment obligation shall be further reduced by the difference between the potential reductions or waivers provided under this subsection and the reductions that the defendant participant has already received due to the application of the limitation provided in section 204(c) and the financial hardship adjustment provided under section 204(e)(2). If the reduction in the defendant participant's payment obligation due to the limitation provided in section 204(c) and any the financial hardship adjustment provided under section 204(e)(2) exceeds the amount of the reductions or waivers provided in this subsection, then the defendant participant's payment obligation shall not be further reduced under this paragraph."

SEC. 4. ECONOMICALLY DISTRESSED INDUSTRIES.

(a) On page 145, between lines 8 and 9, insert the following:

"(4) ECONOMICALLY DISTRESSED INDUSTRY.—The term "economically distressed industry" means an industry, defined by a primary 5-digit NAICS code, wherein two or more defendant participants are in Subtier of Tier II, under sections 202 and 203, and at least two-thirds of such Tier II defendant participants suffered net operating losses in their U.S. manufacturing business in 2005."

(b) On page 204, line 3, insert "— (i)" before "impose".

On page 204, line 6, strike the period and insert ": or".

On page 204, insert between lines 6 and 7 the following:

"(ii) notwithstanding paragraph (1), impose in any year a surcharge under this subsection on any defendant participant in an economically distressed industry in excess of 15 percent of the amount set forth for Tier II, Subtier 1 defendant participants under section 203(c)(2)(A)."

SA 2851. Mr. KYL submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 310, lines 15–16, strike "effect" and insert the following: ";provided, however, that any provision of such an injunction channeling asbestos claims to such a trust for resolution shall be of no force and effect."

On page 312, line 18, strike "Notwithstanding" and all that follows through "retain such jurisdiction."

On pages 359-60, strike subparagraphs (7) and (8) of subsection 405(g) and insert the following:

"(7) Establishment of master asbestos trust.—

(A) Creation.—Within 120 days after the determination of the Administrator under paragraph (1), the Administrator shall create a trust to be the successor to the asbestos trusts and any class action trust, to receive funds equal to the amount determined by the Administrator to be necessary to pay the remaining aggregate obligations to the asbestos trusts and any class action trust under paragraphs 1(A)(iii) and 1(B), and to use such funds for the exclusive purpose of providing benefits in accordance with the terms of this [master trust section?] to persons who would have held valid asbestos claims against the asbestos trusts or any class action trust had the Fairness in Asbestos Resolution Act of [2006] not been enacted and to otherwise defray the reasonable expenses of administering the master trust.

(B) Jurisdiction.—The United States District Court for the District of Columbia shall have exclusive jurisdiction, without regard to amount in controversy, over the master trust and all civil actions involving the application and construction of this subparagraph and the trust documents, including any action for the payment of benefits due under the terms of this subparagraph after exhaustion of trust remedies and any action for breach of fiduciary duty on the part of any fiduciary of the master trust.

(C) Trustees.—The district court shall appoint, upon petition by the Administrator after consultation with the Advisory Committee, three trustees to administer the master trust. Each trustee, and any successor to each trustee, must be independent, free of any adverse interest and have sufficient qualifications and experience to fulfill the responsibilities described in this section.

(D) Trust Advisory Committee.—The Administrator, in consultation with the Advisory Committee, shall appoint three persons to represent the interests of trust beneficiaries as members of a trust advisory committee to consult with and advise the trustees respecting the administration of the master trust and resolution of asbestos claims. At least one of the members of the trust advisory committee shall be selected from among individuals recommended by recognized national labor federations, and at least one of the members of the trust advisory committee shall be experienced in representing the interests of trust beneficiaries.

(E) Legal Representative.—The district court shall appoint, upon petition by the Administrator after consultation with the Advisory Committee, a legal representative of persons who may in the future have claims against the master trust for the purpose of protecting the rights of such persons respecting the master trust and consulting with and advising the trustees respecting the administration of the master trust and resolution of asbestos claims. The legal representative, and any successor to the legal representative, must be independent, free of any adverse interest and have sufficient qualifications and experience to fulfill the responsibilities described in this section. The legal representative shall have standing to appear and be heard as a representative of the future asbestos claimants in any civil action before the district court relating to the master trust. The legal representative shall not represent the interests of any person who has filed a claim for benefits against the master trust with respect to such claim.

(F) Trust Documents.—The Administrator, in consultation with the Advisory Committee, shall create such trust documents as may be necessary to create and govern the operations of the master trust. The trust documents shall contain provisions that (i) address the payment of compensation to and reimbursement of necessary and reasonable expenses of the trustees, trust advisory committee members and legal representative, and appointment of successors to such persons, subject to approval by the district court in the case of successors to the trustees and legal representative, and (ii) provide for the master trust's obligation to defend and indemnify the Administrator, trustees, members of the trust advisory committee, legal representative and their respective successors against and from legal actions and related losses to the extent that a corporation is permitted under the laws of Delaware to defend and indemnify its officers and directors.

(G) Duty of Trustees.—The trustees shall administer the master trust in accordance with the terms of this subparagraph and the Trust Documents for the exclusive purpose of providing benefits to persons with valid claims against the master trust and otherwise defraying the reasonable expenses of administering the master trust, and shall manage and invest the assets of the trust with the care, skill, prudence, and diligence, under like circumstances prevailing at the time, that a prudent person acting in like capacity and manner would use.

(H) Claims Resolution Procedures.—The trustees, in consultation with the trust advisory committee and the legal representative, shall adopt claims resolution procedures that provide for fair and expeditious payment of benefits to all persons described in subpart A of this subparagraph. The claims resolution procedures adopted and implemented by the trustees shall contain the following features:

(i) pro rata distributions of award amounts that are subject to adjustment, if necessary, based on periodic evaluations of the value of the master trust's assets and estimates of the numbers and values of present and future asbestos claims for benefits that may be awarded by the master trust and other mechanisms that provide reasonable assurance that the master trust will value, and be in a financial position to pay, similarly situated asbestos claims presented to it that involve similar diseases in substantially the same manner;

(ii) proof requirements, claim submission procedures, and claim evaluation and allowance procedures that provide for expeditious filing and evaluation of all asbestos claims submitted to the master trust;

(iii) provisions for priority review and payment of claimants whose circumstances require expedited evaluation and compensation;

(iv) exposure requirements for asbestos claimants to qualify for a remedy that fairly reflect the legal responsibility of at least one entity whose liabilities were channeled to an asbestos trust or any class action trust; and

(v) review and dispute resolution procedures for disputes regarding the master trust's disallowance or other treatment of claims for benefits.

(I) Medical Criteria.—The trustees, in consultation with the trust advisory committee and the legal representative, shall adopt and maintain uniform medical criteria that fairly reflect a current state of applicable law and scientific and medical knowledge. The trustees may adopt the medical criteria of section 121.

(J) Award Amounts.—The trustees, in consultation with the trust advisory committee and the legal representative, shall adopt a matrix of award amounts for disease categories that applies to all claimants who qualify for payment under the medical criteria and claims resolution procedures. The trustees may adopt the matrix of award amounts of section 131 or such other matrix that the trustees determine provides similar benefits for similar claims and fairly reflects the liability of the entities whose liabilities were channeled to the asbestos trusts and any class action trust.

(K) Payments to Claimants.—The trustees shall pay each qualifying claimant a benefit equal to the product of the master trust payment percentage and the award amount to such claimant. The master trust payment percentage at any given time shall be determined by the trustees based on their periodic evaluation of the master trust's assets and projected claims as described in subpart (H)(i) of this subparagraph.

(L) Amendments.—The trustees, in consultation with the trust advisory committee and legal representative, may amend the trust documents, the claims resolution procedures, the medical criteria and the award matrix to the extent necessary to more effectively and efficiently carry out the purpose of the master trust. Further, if the substantive consolidation of the asbestos trusts and any class action trust effected by this subsection is held to be unconstitutional, the trustees shall adopt amendments to the trust documents, claims resolution procedures, medical criteria and award matrix as may be necessary to bring the master trust in compliance with the Constitution, including if necessary amendments requiring, for each such trust, separate claims resolution procedures, award amounts and accounting of assets and liabilities.

(8) Payment To Master Trust.—The amount determined by the Administrator to be necessary to pay the remaining aggregate obligations to the asbestos trusts and any class action trust under paragraphs 1(A)(iii) and 1(B) shall be transferred to the master trust within 90 days of termination under this subsection. Any individual with a valid asbestos claim against any asbestos trust or class action trust shall be entitled to seek relief on account of such claim from the master trust described in subparagraph (7) in accordance with the provisions of such subparagraph."

On page 357, strike lines 12 through 24 and insert the following:

"(B) Remaining Obligations.—For purposes of subparagraph (A)(ii)(II), the remaining obligations to the asbestos trust of the debtor and the class action trust shall be determined by multiplying the amount of assets transferred to the Fund by such debtor or class action trust by the applicable percentage set forth in the following schedule depending on the year in which a termination shall take effect under paragraph (2). The applicable percentage shall be adjusted between years by quarter-annual increments.

Year after Enactment in Which the Termination is Effective	**Applicable Percentage**
1	100.00

Year after Enactment in Which the Termination is Effective	**Applicable Percentage**
2	93.95
3	87.98
4	82.40
5	76.97
6	71.66
7	66.50
8	61.48
9	56.61
10	52.01
11	47.65
12	43.52
13	39.62
14	35.96
15	32.55
16	29.36
17	26.39
18	23.65
19	21.11
20	18.76
21	16.62
22	14.66
23	12.86
24	11.24
25	9.78
26	8.48
27	7.32
28	6.29
29	5.37
30	4.55
31	3.83
32	3.20
33	2.66
34	2.18
35	1.77
36	1.42
37	1.13
38	0.89
39	0.70
40	0.54
41	0.40
42	0.29
43	0.19
44	0.12
45	0.05
46 and thereafter	0.00"

On page 360, line 21, strike the period and insert the following:

"; provided, however, that any individual who would have held a valid asbestos claim against any asbestos trust or class action trust had the Fairness in Asbestos Resolution Act not been enacted may obtain relief on account of such claim only from the master trust described in subparagraph (g)(7) in accordance with the provisions of such subparagraph."

On page 364, line 4, strike "; and" and insert a period.

On page 364, strike lines 5–14.

SA 2852. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 243, strike lines 16 through 22.

SA 2853. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 243, strike line 6 and all that follows through page 244, line 14, and insert the following:

(b) BORROWING AUTHORITY.—The Administrator is authorized to borrow, in any calendar year, an amount not to exceed anticipated contributions to the Fund in the following calendar year for purposes of carrying out the obligations of the Fund under this Act.

SA 2854. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 243, strike lines 16 through 22 and insert the following:

(2) FEDERAL FINANCING BANK.—

(A) IN GENERAL.—In addition to the general authority in paragraph (1), the Administrator may borrow from the Federal Financing Bank in accordance with section 6 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2285) in an amount not to exceed $5,000,000,000 for performance of the Administrator's duties under this Act for the first 5 years.

(B) INTEREST TO BE CHARGED.—

(i) IN GENERAL.—Any funds borrowed under subparagraph (A) shall be charged interest at the private market prime lending rate and repaid not later than 18 months after the date on which such funds were borrowed.

(ii) SURCHARGE.—The Administrator shall impose a surcharge on defendants and insurers to meet the repayment obligations under clause (i) and paragraph (4).

SA 2855. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 186, between lines 4 and 5, insert the following:

(2) INSUFFICIENT FUNDS IN YEARS 1 THOUGH 6.—

(A) IN GENERAL.—Notwithstanding any provision of sections 202 or 203 or this section, during the 6-year period beginning on the date of enactment of this Act, if at any time during such period the Administrator determines that there are insufficient funds available to pay all qualifying claims that have been received and to satisfy all other obligations of the Fund, the Administrator shall impose on each defendant participant in Tier I and Tier II a surcharge in such amounts as necessary to meet the cost of paying such claims and satisfying such other obligations.

(B) PRO RATA BASIS.—Any surcharge imposed under subparagraph (A) shall be imposed on a prorated basis in accordance with the liability of each defendant participant established under sections 202 and 203.

On page 186, line 5, strike "(2)" and insert "(3)".

On page 186, line 15, strike "(3)" and insert "(4)".

On page 243, strike lines 7 through 15, and insert the following:

(3) BORROWING CAPACITY.—The Administrator is authorized to borrow, in any calendar year, an amount not to exceed anticipated contributions to the Fund in the following calendar year for purposes of carrying out the obligations of the Fund under this Act.

SA 2856. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 67, between lines 10 and 11, insert the following:

(g) PRECONDITIONS FOR CERTIFICATION.—For the purpose of this section, the Administrator is prohibited from certifying the Fund as operational until the Administrator has—

(1) finalized the tier designation and amount of assessment to each participating defendant or insurer; and

(2) determined from such designations that such assessments will produce the annual statutory revenues required under title II.

SA 2857. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 183, between lines 17 and 18, insert the following:

(4) CERTAIN CONSOLIDATIONS PROHIBITED.—Notwithstanding paragraphs (1) through (3), the following consolidations are prohibited:

(A) Any consolidation, including a consolidation involving intra-company or intercompany affiliates, that would lessen the amount that otherwise would be collected by the Administrator under Title II.

(B) Any consolidation, including a consolidation involving intra-company or intercompany affiliates, that would reduce the payment amount of any participating defendant in a consolidation that has greater liabilities than another participating defendant in the same consolidation.

SA 2858. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, strike line 19 and all that follows through page 15, line 2, and insert the following:

(6) COLLATERAL SOURCE COMPENSATION.—

(A) IN GENERAL.—The term "collateral source compensation" means the net compensation that the claimant received, or is entitled to receive, from a defendant or an insurer of that defendant, or compensation trust as a result of a final judgment or settlement for an asbestos-related injury that is the subject of a claim filed under section 113.

(B) NET COMPENSATION.—Amounts paid or incurred by the claimant for legal or related expenses in connection with the asbestos-related injury shall be excluded in computing the reduction under this paragraph. Such legal or related expenses may be evidenced by an award, written agreement, or court order in a State or Federal proceeding or by such other evidence as the Administrator may require.

SA 2859. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 123, between lines 2 and 3, insert the following:

SEC. 122. EXTENSION OF CERTAIN BENEFITS TO OTHERS SUBJECT TO COMMUNITY EXPOSURE TO ASBESTOS.

(a) WAIVER FOR RESIDENTS OF WEST CHICAGO, ILLINOIS.—The Administrator shall waive the exposure requirements under this subtitle for individuals who lived or worked within 10 miles of the former W.R. Grace & Company facility in West Chicago, Illinois, for at least 12 consecutive months before December 31, 2004. Claimants under this subsection shall provide such supporting documentation as the Administrator shall require.

(b) CLAIMS PROCEDURES FOR WEST CHICAGO, ILLINOIS.—The claims procedures described under section 121(g)(8) relating to Libby, Montana, claimants shall also apply to any eligible claimants who resided within 10 miles of the former W.R. Grace & Company facility in West Chicago, Illinois.

(c) WEST CHICAGO, ILLINOIS CLAIMANTS.—Nothing in this Act shall preclude the formation of a fund for the payment of eligible medical expenses related to treating asbestos-related disease for individuals who reside, or resided, within 10 miles of the former W.R. Grace & Company facility in West Chicago, Illinois. The payment of any such medical expenses shall not be collateral source compensation, as defined under section 134(a).

SA 2860. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 392, after line 5, insert the following:

SEC. 503. INTERSTATE COMPACTS AND CAPTIVE INSURANCE COMPANY.

(a) DEFINITION OF PERSON.—The term person as defined in section 3(13) shall not include the captive insurance company established and funded under title III of division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7; 117 Stat. 517).

(b) DEFINITION OF STATE.—The term State as defined in section 3(14) shall include entities created by interstate compact.

SA 2861. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 199, line 25, insert "in Tier II" after "participant".

SA 2862. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 392, after line 5, insert the following:

SEC. 503. NON-SEVERABILITY.

Notwithstanding section 226(f), if any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall have no force and effect.

SA 2863. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 325, strike line 17 and all that follows through page 326, line 2, and insert the following:

(4) DISMISSAL.—

(A) IN GENERAL.—Except as provided under subsection (d)(2), no judgment other than a judgment for dismissal may be entered in any action asserting an asbestos claim (including any claim described in paragraph (2)) in any Federal or State court on or after the date of enactment of this Act.

(B) DISMISSAL ON MOTION.—A court may dismiss any action asserting an asbestos claim (including any claim described in paragraph (2)) on—

(i) motion by any party to such action; or

(ii) its own motion.

(C) DENIAL OF MOTION.—If a court denies a motion to dismiss under subparagraph (B)(i), it shall stay further proceedings in any such action until final disposition of any appeal taken under this Act.

(D) EXCEPTION FOR PENDING CLAIMS IN COURT.—

(i) IN GENERAL.—Except as provided under subsection (d)(2) and clause (ii) of this subparagraph, an action asserting an asbestos claim that is pending on the date of enactment of this Act in any Federal or State court may not be dismissed under subparagraph (A), but any stay shall continue in effect, if the plaintiff (or the personal representative of the plaintiff, if the plaintiff is deceased or incompetent) in such action has filed a claim, or is still entitled under section 113(b) to file a claim, with the Fund with respect to the disease, condition, or injury forming the basis of such action.

(ii) DISMISSAL ALLOWED IF CLAIM IS ADJUDICATED.—An action exempt from dismissal under clause (i) shall be dismissed if—

(I) the plaintiff's claim under the Fund has been finally adjudicated and the award, if any, to the plaintiff from the Fund has been paid in full;

(II) the plaintiff's claim under the Fund has been finally adjudicated and the claimant is not entitled to receive a monetary award or medical monitoring under subtitle D of title I;

(III) the plaintiff's claim has been resolved and paid in full under section 106(f); or

(IV) after the Administrator certifies to Congress that the Fund has become operational and paying all valid asbestos claims at a reasonable rate, the plaintiff's claim is pending in any venue other than a venue described under section 405(g)(3).

(E) NOTICE.—The Administrator shall send notice to the appropriate Federal or State court of any adjudication of any claim with the Fund filed by a plaintiff in an action that has been stayed under subparagraph (D)(i).

(F) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to limit dismissal, at any time, of a claim pending in Federal or State court for reasons independent of the enactment of this Act.

SA 2864. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 67, between lines 10 and 11, insert the following:

(g) PRECONDITIONS FOR CERTIFICATION.—For the purpose of this section, the Administrator is prohibited from certifying the Fund as operational until the Administrator has—

(1) finalized the tier designation and amount of assessment to each participating defendant or insurer; and

(2) determined from such designations that such assessments will produce the annual statutory revenues required under title II.

SA 2865. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, line 22 strike all through page 163, line 22, and insert the following:

(c) TIER II SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier II shall be included in 1 of the 5 subtiers of Tier II, based on the revenues of such person or affiliated group. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with—

(A) those persons or affiliated groups with the highest revenues included in subtier 1;

(B) those persons or affiliated groups with the next highest revenues included in subtier 2;

(C) those persons or affiliated groups with the lowest revenues included in subtier 5;

(D) those persons or affiliated groups with the next lowest revenues included in subtier 4; and

(E) those persons or affiliated groups remaining included in subtier 3.

(2) PAYMENTS.—Except as adjusted by paragraph (3), each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $27,500,000.

(B) Subtier 2: $24,750,000.

(C) Subtier 3: $22,000,000.

(D) Subtier 4: $19,250,000.

(E) Subtier 5: $16,500,000.

(3) ADJUSTMENTS.—The following persons or affiliated groups in Tier II shall have their annual payment to the Fund adjusted as follows:

(A) Each person or affiliated group with prior asbestos expenditures equal to, or greater than, $200,000,000 but less than $300,000,000 shall pay, on an annual basis, an amount equal to 200 percent of the amount for the subtier to which that person or affiliated group is assigned under this subsection.

(B) Each person or affiliated group with prior asbestos expenditures equal to, or greater than, $300,000,000 but less than $400,000,000 shall pay, on an annual basis, an amount equal to 250 percent of the amount for the subtier to which that person or affiliated group is assigned under this subsection.

(C) Each person or affiliated group with prior asbestos expenditures equal to, or greater than, $400,000,000 but less than $500,000,000 shall pay, on an annual basis, an amount equal to 300 percent of the amount for the subtier to which that person or affiliated group is assigned under this subsection.

(D) Each person or affiliated group with prior asbestos expenditures equal to, or greater than, $500,000,000 shall pay, on an annual basis, an amount equal to 350 percent of the amount for the subtier to which that person or affiliated group is assigned under this subsection.

SA 2866. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, line 20, strike "date of enactment of this Act" and insert "effective date of this subsection".

On page 392, after line 5, insert the following:

TITLE VI—EFFECTIVE DATE

SEC. 601. EFFECTIVE DATE.

Notwithstanding any other provision of this Act, section 106(f) and section 403 shall not become effective until—

(1) the Administrator has met the public notice requirements for defendant and insurer participants under section 204(i)(6)(A)(ii) and section 212(b)(1);

(2) defendant and insurer participants have made their initial payments under section 204(i)(6)(C) and section 212(e); and

(3) the Administrator has certified that the aggregate payments by defendant and insurer participants are sufficient to satisfy the requirements of section 204(h)(1) and section 212(a)(3)(C)(i) for the first calendar year of the Fund.

SA 2867. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 291, between lines 12 and 13, insert the following:

(c) JUDICIAL STAYS.—Notwithstanding subsections (d) and (e) of section 403, if this Act is stayed by judicial order, pending judicial review of the constitutionality or enforceability of this Act, asbestos claims shall be permitted to continue in Federal or State court for as long as such stay remains in effect.

On page 291, line 13, strike "(c)" and insert "(d)".

SA 2868. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 319, strike lines 3 through 18, and insert the following:

(i) before the date of enactment of this Act, the settlement agreement or confirmation of settlement was authorized by the settling defendant or the settling insurer, and confirmed by, or with, counsel for the settling defendant or settling insurer;

On page 320, between lines 6 and 7, insert the following:

(B) AGREEMENTS DEALING WITH MORE THAN 1 CLAIM.—For the purposes of subparagraph (A), a settlement agreement which includes more than 1 asbestos claim shall only be enforceable as to any asbestos claim settled within such settlement agreement if—

(i) before the date of enactment of this Act, the specific asbestos claim was settled under such settlement agreement for a specific sum with a specific named plaintiff; and

(ii) the specific named plaintiff has complied with subparagraph (A)(iii).

On page 320, line 7, strike "(B)" and insert "(C)".

On page 320, line 11, strike "(C)" and insert "(D)".

On page 320, line 15, strike "(D)" and insert "(E)".

On page 320, line 21, strike "(E)" and insert "(F)".

SA 2869. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 344, line 16, insert "(i)" before "who".

On page 344, line 17, strike "calendar" and insert "fiscal".

On page 344, line 19, insert "and (ii)" before "who have received".

On page 347, strike line 13 and all that follows through "Administrator," on line 15, and insert the following:

(c) CERTIFICATION.—The Administrator shall certify in the annual report required under subsection (a)—

(1) that

On page 347, line 18, strike "(1)" and insert "(A)".

On page 347, line 22, strike "(2)" and insert "(B)".

On page 347, line 24, strike the period and insert "; and".

On page 347, after line 24, insert the following:

(2) that—

(A) 100 percent of the asbestos claimants who filed claims during the prior fiscal year, and who were determined to be eligible to receive compensation under this Act, received the compensation to which they are entitled during that fiscal year; and

(B) 100 percent of the total obligations due to be paid to eligible claimants in the prior fiscal year have been paid.

On page 350, strike line 4 and all that follows through page 351, line 21.

On page 351, line 24, insert "INITIAL" before "ANALYSIS".

On page 352, line 5, strike "when" and insert "the date on which".

On page 352, line 6, insert "in full" after "claims".

On page 352, line 10, insert a period after "claimants".

On page 352, lines 10 and 11, strike "and the public." and all that follows through "Fund" on line 15.

On page 353, line 6, strike the semicolon and insert "; or".

On page 353, line 7, strike "reform" and all that follows through line 13.

On page 353, line 14, strike "changes" and insert "increases".

On page 353, lines 16 and 17, strike ", or changes in award values)" and insert "in order to keep the Fund operational".

On page 353, line 17, strike "; or" and insert a period.

On page 353, strike lines 18 through 19.

On page 354, line 6, strike "except" through "212(a)(3)(C)." on line 15.

On page 355, line 7, insert "and" after "fraud,".

On page 355, line 8, strike all after "mesothelioma" through line 10 and insert a semicolon.

On page 355, strike lines 11 through 14.

On page 355, line 15, strike "(D)" and insert "(C)".

On page 355, line 18, strike "(E)" and insert "(D)".

On page 355, line 20, strike "(F)" and insert "(E)".

On page 355, strike line 22 and all that follows through page 356, line 4, and insert the following:

(3) TERMINATION PLAN.—

(A) IN GENERAL.—Any recommendation of termination shall include a plan for terminating the affairs of the Fund (and the program generally) within a defined period.

(B) PLAN REQUIREMENTS.—The termination plan shall—

(i) specify the date on which the Fund will no longer be able to timely process and pay all eligible claims that are filed with the Fund while satisfying the other financial obligations of the Fund; and

(ii) provide for paying in full all such eligible claims and all claims resolved before that date.

On page 356, between lines 4 and 5, insert the following:

(4) PERIODIC REVIEWS.—The Administrator shall provide updates on any shortfall analysis to Congress every 6 months, or at such shorter intervals as the Administrator determines appropriate.

On page 356, line 5, strike "(4)" and insert "(5)".

On page 356, line 14, strike "titles I (except subtitle A) and II and".

On page 356, line 15, strike "403 and 404(e)(2)" and insert "113, 403, 404, and 406".

On page 356, line 19 insert "(I)" after "(ii)".

On page 356, line 19 strike "part of the" and all that follows through "determines" on line 24, and insert "a result of the annual report, shortfall analysis or periodic reviews the Administrator determines".

On page 356, line 25, strike "claims are resolved" and insert "eligible claims are received".

On page 357, line 3, strike "221when" and insert "221 when".

On page 357, line 3, insert "such eligible claims and all previously" after "all".

On page 357, line 7 strike "(I)" and insert "(aa)".

On page 357, line 9 strike "(II)" and insert "(bb)".

On page 357, line 11, strike the period and insert "; or".

On page 357, between lines 11 and 12, insert the following:

(II)(aa) the Administrator has failed to make the certifications under subsection (c); or

(bb) the Government Accountability Office has failed to report, pursuant to subsection (j), that the Administrator's certifications under subsection (c) are accurate.

On page 358, line 2, after "effect" insert "either—

(A) on the date which the Administrator has determined is the date the Fund will not have sufficient funds to pay all eligible claims filed with the Fund and all claims resolved prior to that date while satisfying its financial obligations; or

(B) ".

On page 358, line 3, strike "180" and insert "90".

On page 358, line 3, strike "date of a determination of the" and all that follows through line 6, and insert "date on which the certifications described in paragraph (1)(A)(iii) failed to occur.".

On page 359, strike line 24 and all that follows through page 360, line 4.

On page 360, line 5, strike "(8)" and insert "(7)".

On page 361, line 13, strike "MESOTHELIOMA CLAIM" and insert "ADDITIONAL CLAIMS".

On page 361, line 17, insert "a more serious condition or" after "a claim for".

On page 361, line 18, insert "more serious condition or" after "unless the".

On page 362, line 15, strike "or".

On page 362, line 17, strike the period and insert a semicolon.

On page 362, between lines 17 and 18, insert the following:

(iv) any State court in a State where the company has its headquarters or its principal place of business; or

(v) any State court in a State where the company has at least 10 percent of its employees or 10 percent of its sales.

On page 362, line 20, strike "(ii) or (iii)" and insert "(ii), (iii), (iv), or (v)".

On page 363, strike line 1 and all that follows through line 18.

On page 364 strike line 15 and all that follows through page 365 line 4.

On page 365 between lines 8 and 9, insert "(j) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—The Government Accountability Office shall annually review the certifications required in subsection (c), and any relevant supporting documentation, and report to Congress whether these certifications are accurate.

SA 2870. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 8 strike all through page 144 line 6 and insert the following:

(7) ASBESTOS PREMISES CLAIM.—The term "asbestos premises claim"—

(A) means an asbestos claim against a current or former premises owner or landowner, or person controlling or possessing premises or land, alleging injury or death caused by exposure to asbestos on such premises or land or by exposure to asbestos carried off such premises or land on the clothing or belongings of another person; and

(B) includes any such asbestos claim against a current or former employer alleging injury or death caused by exposure to asbestos on premises or land owned, controlled, or possessed by the employer, if that claim is not a claim for benefits under a workers' compensation law or veteran benefits program.

(8) ASBESTOS PREMISES DEFENDANT PARTICIPANT.—The term "asbestos premises defendant participant" means any defendant participant for which 90 percent or more of its prior asbestos expenditures relate to asbestos premises claims against that defendant participant.

On page 150, strike lines 1 through page 151 line 16, and insert the following:

(d) TIERS II THROUGH VIII.—

(1) IN GENERAL.—Except as provided in section 204 and subsection (b) of this section, persons or affiliated groups are included in Tier II, III, IV, V, VI, VII, or VIII according to the prior asbestos expenditures paid by such persons or affiliated groups as follows:

(A) Tier II: $350,000,000 or greater.

(B) Tier III: $200,000,000 or greater, but less than $350,000,000.

(C) Tier IV: $75,000,000 or greater, but less than $200,000,000.

(D) Tier V: $50,000,000 or greater, but less than $75,000,000.

(E) Tier VI: $10,000,000 or greater, but less than $50,000,000.

(F) Tier VII: $5,000,000 or greater, but less than $10,000,000.

(G) Tier VIII: $1,000,000 or greater, but less than $5,000,000.

(2) ASBESTOS PREMISES DEFENDANT PARTICIPANTS.—Asbestos premises defendant participants which would be assigned to Tiers IV, V, VI, or VII according to their prior asbestos expenditures shall instead be assigned to the immediately lower tier, such that an asbestos premises defendant participant which would be assigned to Tier IV shall instead be assigned to Tier V, an asbestos premises defendant participant which would be assigned to Tier V shall instead be assigned to Tier VI, an asbestos premises defendant participant which would be assigned to Tier VI shall instead be assigned to Tier VII, and an asbestos premises defendant participant which would be assigned to Tier VII shall instead be assigned to Tier VIII.

On page 162, strike line 22 through page 170, line 9, and insert the following:

(c) TIER II SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier II shall be included in 1 of the 5 subtiers of Tier II, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with—

(A) those persons or affiliated groups with the highest revenues included in Subtier 1;

(B) those persons or affiliated groups with the next highest revenues included in Subtier 2;

(C) those persons or affiliated groups with the lowest revenues included in Subtier 5;

(D) those persons or affiliated groups with the next lowest revenues included in Subtier 4; and

(E) those persons or affiliated groups remaining included in Subtier 3.

(2) PAYMENTS.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $49,500,000.

(B) Subtier 2: $46,750,000.

(C) Subtier 3: $44,000,000.

(D) Subtier 4: $41,250,000.

(E) Subtier 5: $38,500,000.

(d) TIER III SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier III shall be included in 1 of the 5 subtiers of Tier III, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with—

(A) those persons or affiliated groups with the highest revenues included in Subtier 1;

(B) those persons or affiliated groups with the next highest revenues included in Subtier 2;

(C) those persons or affiliated groups with the lowest revenues included in Subtier 5;

(D) those persons or affiliated groups with the next lowest revenues included in Subtier 4; and

(E) those persons or affiliated groups remaining included in Subtier 3.

(2) PAYMENTS.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $38,500,000.

(B) Subtier 2: $35,750,000.

(C) Subtier 3: $33,000,000.

(D) Subtier 4: $30,250,000.

(E) Subtier 5: $27,500,000.

(e) TIER IV SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier IV shall be included in 1 of the 5 subtiers of Tier IV, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with—

(A) those persons or affiliated groups with the highest revenues included in Subtier 1;

(B) those persons or affiliated groups with the next highest revenues included in Subtier 2;

(C) those persons or affiliated groups with the lowest revenues included in Subtier 5;

(D) those persons or affiliated groups with the next lowest revenues included in Subtier 4; and

(E) those persons or affiliated groups remaining included in Subtier 3.

(2) PAYMENTS.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $27,500,000.

(B) Subtier 2: $24,750,000.

(C) Subtier 3: $22,000,000.

(D) Subtier 4: $19,250,000.

(E) Subtier 5: $16,500,000.

(f) TIER V SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier V shall be included in 1 of the 5 subtiers of Tier V, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with—

(A) those persons or affiliated groups with the highest revenues included in Subtier 1;

(B) those persons or affiliated groups with the next highest revenues included in Subtier 2;

(C) those persons or affiliated groups with the lowest revenues included in Subtier 5;

(D) those persons or affiliated groups with the next lowest revenues included in Subtier 4; and

(E) those persons or affiliated groups remaining included in Subtier 3.

(2) PAYMENTS.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $16,500,000.

(B) Subtier 2: $13,750,000.

(C) Subtier 3: $11,000,000.

(D) Subtier 4: $8,250,000.

(E) Subtier 5: $5,500,000.

(g) TIER VI SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier VI shall be included in 1 of the 4 subtiers of Tier VI, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest revenues in Subtier 1, those with the lowest revenues in Subtier 4. Those persons or affiliated groups with the highest revenues among those remaining will be included in Subtier 2 and the rest in Subtier 3.

(2) PAYMENT.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $3,850,000.

(B) Subtier 2: $2,475,000.

(C) Subtier 3: $1,650,000.

(D) Subtier 4: $550,000.

(h) TIER VII SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier VII shall be included in 1 of the 3 subtiers of Tier VII, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest revenues in Subtier 1, those with the lowest revenues in Subtier 3, and those remaining in Subtier 2.

(2) PAYMENT.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $1,000,000.

(B) Subtier 2: $500,000.

(C) Subtier 3: $200,000.

(i) TIER VIII SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier VIII shall be included in 1 of the 3 subtiers of Tier VIII, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest revenues in Subtier 1, those with the lowest revenues in Subtier 3, and those remaining in Subtier 2.

(2) PAYMENT.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $500,000.

(B) Subtier 2: $250,000.

(C) Subtier 3: $100,000.

(j) TIER IX.—

(1) IN GENERAL.—Notwithstanding prior asbestos expenditures that might qualify a person or affiliated group to be included in Tiers II, III, IV, V, VI, VII, or VIII, a person or affiliated group shall also be included in Tier IX, if the person or affiliated group—

(A) is or has at any time been subject to asbestos claims brought under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, as a result of operations as a common carrier by railroad; and

(B) has paid (including any payments made by others on behalf of such person or affiliated group) not less than $5,000,000 in settlement, judgment, defense, or indemnity costs relating to such claims.

(2) ADDITIONAL AMOUNT.—The payment requirement for persons or affiliated groups included in Tier IX shall be in addition to any payment requirement applicable to such person or affiliated group under Tiers II through VIII.

(3) SUBTIER 1.—Each person or affiliated group in Tier IX with revenues of $6,000,000,000 or more is included in Subtier 1 and shall make annual payments of $11,000,000 to the Fund.

(4) SUBTIER 2.—Each person or affiliated group in Tier IX with revenues of less than $6,000,000,000, but not less than $4,000,000,000 is included in Subtier 2 and shall make annual payments of $5,500,000 to the Fund.

(5) SUBTIER 3.—Each person or affiliated group in Tier IX with revenues of less than $4,000,000,000, but not less than $500,000,000 is included in Subtier 3 and shall make annual payments of $550,000 to the Fund.

(6) JOINT VENTURE REVENUES AND LIABILITY.—

(A) REVENUES.—For purposes of this subsection, the revenues of a joint venture shall be included on a pro rata basis reflecting relative joint ownership to calculate the revenues of the parents of that joint venture. The joint venture shall not be responsible for a contribution amount under this subsection.

(B) LIABILITY.—For purposes of this subsection, the liability under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, shall be attributed to the parent owners of the joint venture on a pro rata basis, reflecting their relative share of ownership. The joint venture shall not be responsible for a payment amount under this provision.

SA 2871. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

Strike from line 6 on page 321 to line 13 on page 322, and insert in lieu thereof the following:

(1) IN GENERAL.—Except as provided under paragraph (2) and section 106(f) of this Act and section 524(j)(3) of title 11, United States Code, as amended by this Act, the remedies provided under this Act shall be the exclusive remedy for any asbestos claim, including any claim described in subsection (e)(2), under any Federal or State law.

(2) CIVIL ACTIONS AT TRIAL.—

(A) This Act shall not be the exclusive remedy for claims in which a defendant is a company or any domestic or foreign subsidiary of that company that does business with the Islamic Republic of Iran.

(B) IN GENERAL.—This Act shall not apply to any asbestos claim that—

i. Is a civil action filed in a Federal or State court (not including a filing in a bankruptcy court);

ii. Is not part of a consolidation of actions or a class action; and

iii. On the date of enactment of this Act—

I. In the case of a civil action which includes a jury trial, is before the jury after its impaneling and commencement of presentation of evidence, but before its deliberations;

II. In the case of a civil action which includes a trial in which a judge is the trier of fact, is at the presentation of evidence at trial; or

III. a verdict, final order, or final judgment has been entered by a trial court.

(C) NONAPPLICABILITY.—This Act shall not apply to a civil action described under subparagraph (B) throughout the final disposition of the action.

SA 2872. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 369, line 3, strike all through page 371, line 5 and insert the following:

(e) CONTRIBUTIONS TO THE ASBESTOS TRUST FUND BY OSHA ASBESTOS VIOLATORS.—

(1) IN GENERAL.—The Administrator shall assess employers or other individuals determined to have violated asbestos statutes, standards, or regulations administered by the Department of Labor and State agencies that are counterparts, for contributions to the Asbestos Injury Claims Resolution Fund.

(2) IDENTIFICATION OF VIOLATORS.—Each year, the Administrator shall in consultation with the Assistant Secretary of Labor for Occupational Safety and Health, identify all employers that, during the previous year, were subject to final orders finding that they violated standards issued by the Occupational Safety and Health Administration for control of occupational exposure to asbestos (29 C.F.R. 1910.1001, 1915.1001, and 1926.1101) or the equivalent asbestos standards issued by any State under section 18 of the Occupational Safety and Health Act (29 U.S.C. 668).

(3) ASSESSMENT FOR CONTRIBUTION.—The Administrator shall assess each such identified employer or other individual under paragraph (2) for a contribution to the Fund for that year in an amount equal to—

(A) 2 times the amount of total penalties assessed for the first violation of occupational health statutes, standards, or regulations;

(B) 4 times the amount of total penalties for a second violation of such statutes, standards, or regulations; and

(C) 6 times the amount of total penalties for any violations thereafter.

SA 2873. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and

Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 376, line 5, strike all through the matter between lines 5 and 6 on page 386.

On page 370, lines 14 through 16, strike "and the regulations banning asbestos promulgated under section 501 of this Act),".

SA 2874. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 370, lines 14 through 16, strike "and the regulations banning asbestos promulgated under section 501 of this Act),".

On page 369, line 3, strike all through page 371, line 5 and insert the following:

(1) IN GENERAL.—The Administrator shall assess employers or other individuals determined to have violated asbestos statutes, standards, or regulations administered by the Department of Labor and State agencies that are counterparts, for contributions to the Asbestos Injury Claims Resolution Fund.

(2) IDENTIFICATION OF VIOLATORS.—Each year, the Administrator shall in consultation with the Assistant Secretary of Labor for Occupational Safety and Health, identify all employers that, during the previous year, were subject to final orders finding that they violated standards issued by the Occupational Safety and Health Administration for control of occupational exposure to asbestos (29 C.F.R. 1910.1001, 1915.1001, and 1926.1101) or the equivalent asbestos standards issued by any State under section 18 of the Occupational Safety and Health Act (29 U.S.C. 668).

(3) ASSESSMENT FOR CONTRIBUTION.—The Administrator shall assess each such identified employer or other individual under paragraph (2) for a contribution to the Fund for that year in an amount equal to—

(A) 2 times the amount of total penalties assessed for the first violation of occupational health statutes, standards, or regulations;

(B) 4 times the amount of total penalties for a second violation of such statutes, standards, or regulations; and

(C) 6 times the amount of total penalties for any violations thereafter.

On page 376, line 5, strike all through the matter between lines 5 and 6 on page 386.

On page 386, line 6, strike all through page 393, line 7.

SA 2875. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 376, line 4, strike all through page 393, line 7.

On page 370, lines 14 through 16, strike "and the regulations banning asbestos promulgated under section 501 of this Act),".

SA 2876. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 386, line 6, strike all through page 393, line 7.

SA 2877. Mrs. CLINTON (for herself, Mr. KERRY, Mr. LAUTENBERG, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 392, after line 5, add the following:

SEC. 503. ASBESTOS EXPOSURE AS THE RESULT OF A NATURAL OR OTHER DISASTER.

(a) MEDICAL CLAIMS.—

(1) IN GENERAL.—A claimant may file an exceptional medical claim with the Fund under section 121 if —

(A) such claimant has been exposed to asbestos from any area that is subject to a declaration by the President of a major disaster, as defined under section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), as the result of—

(i) a natural or other disaster, occurring before, on, or after the date of enactment of this Act, including—

(I) the attack on the World Trade Center in New York, New York on September 11, 2001; and

(II) Hurricane Katrina of 2005 in the Gulf Region of the United States; or

(ii) the clean up and remediation following a disaster described in clause (i); or

(B) as a result of living with a person who has met the exposure requirements described in subparagraph (A).

(2) PHYSICIAN PANEL.—In reviewing medical evidence submitted by a claimant under paragraph (1), the Physicians Panel shall take into consideration the unique nature of such disasters and the potential for asbestos exposure resulting from such disasters.

(b) PRESERVATION OF ACTIONS.—Nothing in this Act shall be construed to limit or abrogate any pending or future civil action against the United States Government or any State or local government, or any agency or subdivision thereof, or any former or present officer or employee thereof, in either their official or individual capacities, seeking redress for exposure to asbestos—

(1) from any area that is subject to a declaration by the President of a major disaster, as defined under section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), as the result of—

(A) a natural or other disaster, occurring before, on, or after the date of enactment of this Act, including—

(i) the attack on the World Trade Center in New York, New York on September 11, 2001; and

(ii) Hurricane Katrina of 2005 in the Gulf Region of the United States; or

(B) the clean up and remediation following a disaster described in subparagraph (A); or

(2) as a result of living with a person who has met the exposure requirements described in paragraph (1).

(c) NATURAL OR OTHER DISASTER FUNDS.—

(1) IN GENERAL.—Nothing in this Act shall be construed to limit or abrogate any existing fund, or preclude the formation of any future fund, for the payment of eligible medical expenses relating to treating asbestos-related disease for individuals exposed to asbestos—

(A) from any area that is subject to a declaration by the President of a major disaster, as defined under section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), as the result of—

(i) a natural or other disaster, occurring before, on, or after the date of enactment of this Act, including—

(I) the attack on the World Trade Center in New York, New York on September 11, 2001; and

(II) Hurricane Katrina of 2005 in the Gulf Region of the United States; or

(ii) the clean up and remediation following a disaster described in clause (i); or

(B) as a result of living with a person who has met the exposure requirements described in subparagraph (A).

(2) COLLATERAL SOURCE COMPENSATION EXCEPTION.—The payment of any medical expense under paragraph (1) shall not be collateral source compensation as defined under section 134(a).

(d) DEFINITION OF PERSON.—The term person as defined in section 3(13) shall not include the captive insurance company established and funded under title III of division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7; 117 Stat. 517).

SA 2878. Mrs. CLINTON (for herself, Mr. KERRY, Mr. LAUTENBERG, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, line 21, before the period at the end, insert the following: ", or the captive insurance company established and funded under title III of division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7; 117 Stat. 517)".

SA 2879. Mr. REID (for Mr. BIDEN) submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 359, strike line 3 and all that follows through page 361, line 23, and insert the following:

(6) ASBESTOS TRUSTS AND CLASS ACTION TRUSTS.—On and after the date of termination under this subsection, the trust distribution program of any asbestos trust and the class action trust shall be replaced with

the medical criteria requirements of section 121.

(7) PAYMENT TO ASBESTOS TRUSTS AND CLASS ACTION TRUSTS.—The amounts determined under paragraph (1)(B) for payment to the asbestos trusts and the class action trust shall be transferred to the respective asbestos trusts of the debtor and the class action trust within 90 days.

(h) NATURE OF CLAIM AFTER SUNSET.—

(1) IN GENERAL.—

(A) RELIEF.—

(i) IN GENERAL.—Except as provided in subparagraphs (B) and (C), on and after the date of termination under subsection (g), any individual with an asbestos claim who has not previously had a claim resolved by the Fund, may in a civil action obtain relief in damages subject to the terms and conditions under this subsection and paragraph (6) of subsection (g).

(ii) RULE OF CONSTRUCTION.—This subparagraph shall not be construed as creating a new Federal cause of action.

(B) RESOLVED CLAIMS.—An individual who has had a claim resolved by the Fund may not pursue a court action, except that an individual who received an award for a nonmalignant disease (Levels I through V) from the Fund may assert a claim for a subsequent or progressive disease under this subsection, unless the disease was diagnosed or the claimant had discovered facts that would have led a reasonable person to obtain such a diagnosis before the date on which the previous claim against the Fund was disposed.

(C) MESOTHELIOMA CLAIM.—An individual who received an award for a nonmalignant or malignant disease (except mesothelioma) (Levels I through VIII) from the Fund may assert a claim for mesothelioma under this subsection, unless the mesothelioma was diagnosed or the claimant had discovered facts that would have led a reasonable person to obtain such a diagnosis before the date on which the nonmalignant or other malignant claim was disposed.

(D) STATUTE OF LIMITATIONS.—Notwithstanding any other provision of law, a claimant who, on the date of termination under subsection (g), had a claim filed with the Fund that was unresolved or was eligible to file a claim with the Fund under section 113(b) may file a civil action in accordance with this section not less than 2 years after the date of termination under subsection (g).

SA 2880. Mr. MARTINEZ (for himself, Mr. ALLEN, Mr. ROBERTS, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852. to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 155, line 17, strike all through page 115, line 8, and insert the following:

(A) IN GENERAL.—For purposes of this section, revenues shall be determined in accordance with generally accepted accounting principles, consistently applied, using the amount reported as revenues in the annual report filed with the Securities and Exchange Commission in accordance with the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) for the most recent fiscal year ending on or before December 31, 2002. If the defendant participant or affiliated group does not file reports with the Securities and Exchange Commission, revenues shall be the amount previously reported as revenues or that would have been reported as revenues, and determined in accordance with generally accepted accounting principles, for the most recent fiscal year ending on or before December 31, 2002.

SA 2881. Mr. BURNS (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 9, strike "TLC or FVC" and insert "TLC, FVC, or DLCO".

SA 2882. Mr. SPECTER (for himself, Mr. LIEBERMAN, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 329, line 4 , insert ", including a claim described under paragraph (2)," after "claim".

SA 2883. Mr. SPECTER (for himself, Mr. LIEBERMAN, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 212, line 21, strike all through page 214, line 22, and insert the following:

(B) PROCEDURES FOR DETERMINING INSURER PAYMENTS.—

(i) AMOUNT OF PAYMENTS.—The Commission shall determine the amount that each insurer participant shall be required to pay into the Fund under the procedures described in this section. The Commission shall make this determination by first promulgating a rule establishing a methodology for allocation of payments among insurer participants and then applying such methodology to determine the individual payment for each insurer participant. The methodology shall be uniform for all insurer participants.

(ii) RESERVE STUDY REQUIRED.—The Commission shall conduct a reserve study (the "Reserve Study") to determine the appropriate reserve allocation of each insurer participant and may request information from each insurer participant, defendant participant, the Securities and Exchange Commission or any State regulatory agency for the purpose of conducting the Reserve Study. The Reserve Study shall calculate each insurer's exposure to current and future asbestos claims in the asbestos litigation environment as it existed prior to enactment. Such calculation shall be derived from the following elements:

(I) an estimation of each and every defendant participant's current and future exposure to expense and loss costs in the asbestos litigation environment as it existed prior to enactment ("Ultimate Expense and Loss");

(II) applying a uniform set of assumptions regarding the application of insurance and reinsurance to Ultimate Expense and Loss, an analysis of each insurer participant's unresolved or unexhausted insurance or reinsurance coverage applicable to such Ultimate Expense and Loss for each defendant participant;

(III) a project of each insurer's exposure to claims by entities that had not yet become defendants as of the date of enactment, but might reasonably have been anticipated to become defendants in the future if the asbestos litigation environment as it existed prior to enactment had continued. Not later than 60 days after the initial meeting of the Commission, the Commission shall commence a rulemaking proceeding under section 213(a) to propose and adopt a methodology for conducting the Reserve Study and allocating payments among insurer participants on the basis of the Reserve Study. Such methodology shall be consistent with the provisions of this paragraph.

(iii) PERMITTED EXTRAPOLATION OF ULTIMATE EXPENSE AND LOSS FOR PERIPHERAL DEFENDANT PARTICIPANTS.—The Commission shall be given the discretion to establish an appropriate methodology to extrapolate Ultimate Expense and Loss for Tier VI defendant participants for the purposes of the Reserve Study. Considerations for such methodology shall include, but not be limited to, the nature of that Tier VI defendant participant's asbestos liability, the number of pending and historic asbestos claims against the Tier VI defendant participant and the jurisdictions in which such Tier VI defendant participant had been sued for asbestos liability.

(iv) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall undermine the initial payment requirement in section 212(e)(1).

SA 2884. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. FRIST (for Mr. SPECTER (for himself and Mr. LEAHY)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 23, strike all through page 73, line 2, and insert the following:

(b) STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—If a claim is not filed with the Office within the limitations period specified in this subsection for that category of claim, such claim shall be extinguished, and any recovery thereon shall be prohibited.

(2) INITIAL CLAIMS.—An initial claim for an award under this Act shall be filed within 5 years after the date on which the claimant first received a medical diagnosis and medical test results sufficient to satisfy the criteria for the disease level for which the claimant is seeking compensation.

(3) CLAIMS FOR ADDITIONAL AWARDS.—

(A) NONMALIGNANT DISEASES.—If a claimant has previously filed a timely initial claim for compensation for any nonmalignant disease level, there shall be no limitations period applicable to the filing of claims by the claimant for additional awards for higher disease levels based on the progression of the nonmalignant disease.

(B) MALIGNANT DISEASES.—Regardless of whether the claimant has previously filed a claim for compensation for any other disease level, a claim for compensation for a malignant disease level shall be filed within 5 years after the claimant first obtained a medical diagnosis and medical test results sufficient to satisfy the criteria for the malignant disease level for which the claimant is seeking compensation.

(4) Effect on pending claims.—

(A) In general.—Subject to subparagraph (C), if an asbestos claim that was timely filed within ten years prior to the date of enactment is pending as of the date of enactment and is preempted under section 403(e), a claim under this Act for the same disease or condition may be filed with the Office under this section within 5 years after such date of enactment.

(B) Special rule.—For purposes of this paragraph, a claim shall not be treated as pending with a trust established under title 11, United States.

SA 2885. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 306, line 20, strike all after the period through page 307, line 10, and insert "In the event that collateral source compensation exceeds the amount that the claimant would be paid (excluding any adjustments under section 131(b) (3) and (4) of the Act) for such condition under the Act most similar to the claimant's claim with the trust, such trust shall not make any payment to the claimant.".

SA 2886. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 262, line 20, strike all through page 270, line 20, and insert the following:

(j) Transactions.—

(1) Notice of transaction.—Any participant that has engaged in any transaction or series of transactions under which a significant portion of such participant's assets, properties or business was, directly or indirectly, transferred by any means (including, without limitation, by sale, dividend, contribution to a subsidiary or split-off) to 1 or more persons other than the participant shall provide written notice to the Administrator of such transaction (or series of transactions).

(2) Timing of notice and related actions.—

(A) In general.—Any notice that a participant is required to give under paragraph (1) shall be given not later than 30 days after the date of consummation of the transaction or the first transaction to occur in a proposed series of transactions.

(B) Other notifications.—

(i) In general.—Not later than the date in any year by which a participant is required to make its contribution to the Fund, the participant shall deliver to the Administrator a written certification stating that—

(I) the participant has complied during the period since the last such certification or the date of enactment of this Act with the notice requirements set forth in this subsection; or

(II) the participant was not required to provide any notice under this subsection during such period.

(ii) Summary.—The Administrator shall include in the annual report required to be submitted to Congress under section 405 a summary of all such notices (after removing all confidential identifying information) received during the most recent fiscal year.

(C) Notice completion.—The Administrator shall not consider any notice given under paragraph (1) as given until such time as the Administrator receives substantially all the information required by this subsection.

(3) Contents of notice.—

(A) In general.—The Administrator shall determine by rule or regulation the information to be included in the notice required under this subsection, which shall include such information as may be necessary to enable the Administrator to determine whether—

(i) the person or persons to whom the assets, properties or business were transferred in the transaction (or series of transactions) should be considered to be the successor in interest of the participant for purposes of this Act; or

(ii) the transaction (or series of transactions) is subject to avoidance by a trustee under section 544(b) or 548 of title 11, United States Code, as if, but whether or not, the participant is subject to a case under title 11, United States Code.

(B) Statements.—The notice shall also include—

(i) a statement by the participant as to whether it believes any person has become a successor in interest to the participant for purposes of this Act and, if so, the identity of that person; and

(ii) a statement by the participant as to whether that person has acknowledged that it has become a successor in interest for purposes of this Act.

(4) Definition.—In this subsection, the term "significant portion of the assets, properties or business of a participant" means assets (including, without limitation, tangible or intangible assets, securities and cash), properties or business of such participant (or its affiliated group, to the extent that the participant has elected to be part of an affiliated group under section 204(f)) that, together with any other asset, property or business transferred by such participant in any of the previous completed 5 fiscal years of such participant (or, as appropriate, its affiliated group), and as determined in accordance with United States' generally accepted accounting principles as in effect from time to time—

(A) generated at least 40 percent of the revenues of such participant (or its affiliated group);

(B) constituted at least 40 percent of the assets of such participant (or its affiliated group);

(C) generated at least 40 percent of the operating cash flows of such participant (or its affiliated group); or

(D) generated at least 40 percent of the net income or loss of such participant (or its affiliated group),

as measured during any of such 5 previous fiscal years.

(5) Right of action.—

(A) In general.—Notwithstanding section 221(f), if the Administrator or any participant believes that a participant has engaged, directly or indirectly, in, or is the subject of, a transaction (or series of transactions)—

(i) involving a person or persons who, as a result of such transaction (or series of transactions), may have or may become the successor in interest or successors in interest of such participant, where the status as a successor in interest has not been stated and acknowledged by the participant and such person; or

(ii) that may be subject to avoidance by a trustee under section 544(b) or 548 of title 11, United States Code, as if, but whether or not, the participant is a subject to a case under title 11, United States Code,

then the Administrator or such participant may, as a deemed creditor under applicable law, bring a civil action in an appropriate forum against the participant or any other person who is either a party to the transaction (or series of transactions) or the recipient of any asset, property or business of the participant.

(B) Relief allowed.—In any action commenced under this subsection, the Administrator or a participant, as applicable, may seek—

(i) with respect to a transaction (or series of transactions) referenced in clause (i) of subparagraph (A), a declaratory judgment regarding whether such person has become the successor in interest of such participant; or

(ii) with respect to a transaction (or series of transactions) referenced in clause (ii) of subparagraph (A) a temporary restraining order or a preliminary or permanent injunction such other relief regarding such transaction (or series of transactions) as the court determines to be necessary to ensure that performance of a participant's payment obligations under this Act is not materially impaired by reason of such transaction (or series of transactions).

(C) Applicability.—If the Administrator or a participant wishes to challenge a statement made by a participant that a person has not become a successor in interest for purposes of this Act, then this paragraph shall be the exclusive means by which the determination of whether such person became a successor in interest of the participant shall be made. This paragraph shall not preempt any other rights of any person under applicable Federal or State law.

(D) Venue.—Any action under this paragraph shall be exclusively brought in any appropriate United States district court or, to the extent necessary to obtain complete relief, any other appropriate forum outside of the United States.

(6) Rules and regulations.—The Administrator may promulgate regulations to effectuate the intent of this subsection, including regulations relating to the form, timing, and content of notices.

SA 2887. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2746 proposed by Mr. Frist (for Mr. Specter (for himself and Mr. Leahy)) to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

On page 302, strike line 9 and all that follows through page 304, line 17, and insert the following:

"(aa) provides to the trust a copy of a binding election submitted to Administrator waiving the right to secure compensation under section 106(f)(2) of the Fairness in Asbestos Injury Resolution Act of 2006, unless the claimant is permitted under section 106(f)(2)(B) of such Act to seek a judgment or order for monetary damages from a Federal or State court;

"(bb) meets the requirements for compensation under the distribution plan for the trust as of the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006;

"(cc) for any condition satisfies the medical criteria under the distribution plan for the trust that is most nearly equivalent to the medical criteria described in paragraph (2), (3), (4), (5), (7), (8), or (9) of section 121(d) of the Fairness in Asbestos Injury Resolution Act of 2006, except that, notwithstanding any provision of the distribution plan of the trust to the contrary, the trust shall not accept the results of a DLCO test (as such test is defined in section 121(a) of the Fairness in Asbestos Injury Resolution Act of 2006) for the purpose of demonstrating respiratory impairment; and

"(dd) for any of the cancers listed in section 121(d)(6) of the Fairness in Asbestos Injury Resolution Act of 2006 does not seek, and the trust does not pay, any compensation until such time as the Institute of Medicine finds that there is a causal relationship between asbestos exposure and such cancer, in which case such claims may be paid if such claims otherwise qualify for compensation under the distribution plan of the trust as of the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006.

SA 2888. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter, insert the following:

SEC. 503. TRANSACTIONS.

(a) NOTICE OF TRANSACTIONS.—Notwithstanding any other provision of this Act, any participant that has engaged in any transaction or a series of transactions under which a significant portion of such participant's assets, properties, or business was, directly or indirectly, transferred by any means (including by sale, dividend, contribution to a subsidiary, or split-off) to 1 or more persons other than the participant shall provide written notice to the Administrator of such transaction (or series of transactions).

(b) TIMING OF NOTICE AND RELATED ACTIONS.—

(1) IN GENERAL.—Any notice that a participant is required to give under subsection (a) shall be given not later than 30 days after the date of consummation of the transaction or the first transaction to occur in a proposed series of transactions.

(2) OTHER NOTIFICATIONS.—

(A) IN GENERAL.—Not later than the date in any year on which a participant is required to make its contribution to the Fund, the participant shall deliver to the Administrator a written certification stating that—

(i) the participant has complied during the period since the last such certification or the date of enactment of this Act with the notice requirements set forth in this section; or

(ii) the participant was not required to provide any notice under this section during such period.

(B) SUMMARY.—The Administrator shall include in the annual report required to be submitted to Congress under section 405 a summary of all such notices (after removing all confidential identifying information) received during the most recent fiscal year.

(3) NOTICE COMPLETION.—The Administrator shall not consider any notice given under subsection (a) as given until such time as the Administrator receives substantially all the information required by this section.

(c) CONTENTS OF NOTICE.—

(1) IN GENERAL.—The Administrator shall determine by regulation the information to be included in the notice required under this section, which shall include such information as may be necessary to enable the Administrator to determine whether—

(A) the person or persons to whom the assets, properties or business were transferred in the transaction (or series of transactions) should be considered to be the successor in interest of the participant for purposes of this Act; or

(B) the transaction (or series of transactions) is subject to avoidance by a trustee under section 544(b) or 548 of title 11, United States Code, as if, but whether or not, the participant is subject to a case under title 11, United States Code.

(2) STATEMENTS.—The notice shall also include—

(A) a statement by the participant as to whether the participant believes any person has become a successor in interest to the participant for purposes of this Act and, if so, the identity of that person; and

(B) a statement by the participant as to whether that person has acknowledged that such person has become a successor in interest for purposes of this Act.

(d) DEFINITION.—In this section, the term "significant portion of the assets, properties or business of a participant" means assets (including tangible or intangible assets, securities, and cash), properties or business of such participant (or its affiliated group, to the extent that the participant has elected to be part of an affiliated group under section 204(f)) that, together with any other asset, property or business transferred by such participant in any of the previous completed 5 fiscal years of such participant (or, as appropriate, its affiliated group), and as determined in accordance with United States generally accepted accounting principles as in effect from time to time—

(1) generated at least 40 percent of the revenues of such participant (or its affiliated group);

(2) constituted at least 40 percent of the assets of such participant (or its affiliated group);

(3) generated at least 40 percent of the operating cash flows of such participant (or its affiliated group); or

(4) generated at least 40 percent of the net income or loss of such participant (or its affiliated group),

as measured during any of such 5 previous fiscal years.

(e) RIGHT OF ACTION.—

(1) IN GENERAL.—Notwithstanding section 221(f), if the Administrator or any participant believes that a participant has engaged, directly or indirectly, in, or is the subject of, a transaction (or series of transactions) that—

(A) involves a person or persons who, as a result of such transaction (or series of transactions), may have or may become the successor in interest or successors in interest of such participant, where the status as a successor in interest has not been stated and acknowledged by the participant and such person; or

(B) may be subject to avoidance by a trustee under section 544(b) or 548 of title 11, United States Code, as if, but whether or not, the participant is a subject to a case under title 11, United States Code,

then the Administrator or such participant may, as a deemed creditor under applicable law, bring a civil action in an appropriate forum against the participant or any other person who is either a party to the transaction (or series of transactions) or the recipient of any asset, property or business of the participant.

(2) RELIEF ALLOWED.—In any action commenced under this section, the Administrator or a participant, as applicable, may seek—

(A) with respect to a transaction (or series of transactions) referred to under subparagraph (A) of paragraph (1), a declaratory judgment regarding whether such person has become the successor in interest of such participant; or

(B) with respect to a transaction (or series of transactions) referred to under subparagraph (B) of paragraph (1)—

(i) a temporary restraining order or a preliminary or permanent injunction; or

(ii) such other relief regarding such transaction (or series of transactions) as the court determines to be necessary to ensure that performance of a participant's payment obligations under this Act is not materially impaired by reason of such transaction (or series of transactions).

(3) APPLICABILITY.—If the Administrator or a participant wishes to challenge a statement made by a participant that a person has not become a successor in interest for purposes of this Act, then this subsection shall be the exclusive means by which the determination of whether such person became a successor in interest of the participant shall be made. This subsection shall not preempt any other rights of any person under applicable Federal or State law.

(4) VENUE.—Any action under this subsection shall be exclusively brought in any appropriate United States district court or, to the extent necessary to obtain complete relief, any other appropriate forum outside of the United States.

(f) REGULATIONS.—The Administrator—

(1) shall promulgate rules to carry out subsection (c), including regulations relating to the form, timing and content of notices; and

(2) may promulgate regulations to effectuate the intent of this section.

(g) PREEMPTION OF SECTION 223(J).—Section 223(j) shall have no force or effect.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been rescheduled before the Subcommittee on National Parks.

The hearing originally scheduled for Thursday, February 16, 2006 at 2:30 p.m. in Room SD–366 of the Dirksen Senate Office Building will now be held at 1:30 p.m. on February 16, 2006 in the same room.

The purpose of the hearing is to receive testimony on the following bills: S.J. Res. 28, a joint resolution approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower; S. 1870, a bill to clarify the authorities for the use of certain National Park Service properties within Golden Gate National Recreation Area and San Francisco Maritime National Historical Park, and for other purposes; S. 1913, a bill to authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes; S. 1970, a bill to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes; H.R. 562, a bill to authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932–1933; H.R. 318, a bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Tom, Lillie at (202) 224–5161 or David Szymanski at (202) 224–6293.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been rescheduled before the Committee on Energy and Natural Resources.

The hearing originally scheduled for Tuesday, February, 14, 2006 at 10 a.m. in Room. SD–366 of the Dirksen Senate Office Building will now be held on Thursday, February 16, 2006 at 2:30 p.m. in the same room.

The purpose of the hearing is to discuss the Energy Information Administration's 2006 Annual Energy Outlook on trends and issues affecting the United States' energy market.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Lisa Epifani 202–224–5269 or Shannon Ewan at 202–224–7555.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 14, 2006, at 10 a.m., to conduct a hearing on the nomination of Mr. Randall S. Kroszner, of New Jersey, to be a member of the Board of Governors of the Federal Reserve System; Mr. Edward P. Lazear, of California, to be a member of the Council of Economic Advisers; Mr. Kevin M. Warsh, of New York, to be a member of the Board of Governors of the Federal Reserve System.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, February 14, 2006, at 10 a.m., on State and local issues and municipal networks.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, February 14 at 10 a.m. The purpose of this hearings is to discuss the Energy Information Administration's 2006 annual energy outlook on trends and issues affecting the United States Energy Market.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 14, 2006, at 10 a.m. to hold a hearing on the President's budget for foreign affairs, and a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, February 14, 2006, at 10 a.m. for a hearing titled, "Hurricane Katrina: The Homeland Security Department's Preparation and Response.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, February 14, 2006, at 2:30 p.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on the President's Fiscal Year 2007 Budget Request for Indian Programs. Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, February 14, 2006, for a committee hearing on the Administration's proposed fiscal year 2007 Department of Veterans Affairs budget. The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support be authorized to meet during the session of the Senate on February 14, 2006, at 2:30 p.m., in open session to receive testimony on improving contractor incentives in review of the defense authorization request for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON RETIREMENT SECURITY AND AGING

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Retirement Security and Aging, be authorized to hold a hearing during the session of the Senate on Tuesday, February 14th at 2:30 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRADE, TOURISM, AND ECONOMIC DEVELOPMENT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Trade, Tourism, and Economic Development be authorized to meet on Tuesday, February 14, 2006, at 2:30 p.m., on Canadian softwood lumber.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN JEWISH HISTORY MONTH

Mr. FRIST. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of H. Con. Res. 315 and the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 315) urging the President to issue a proclamation for the observance of an American Jewish History Month.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. FRIST. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 315) was agreed to.

CARIBBEAN-AMERICAN HERITAGE MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. Con. Res. 71 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 71) expressing the sense of Congress that there should be established a Caribbean-American Heritage Month.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. FRIST. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 71), was agreed to.

The preamble was agreed to.

ORDERS FOR WEDNESDAY, FEBRUARY 15, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, February 15; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for up to 30 minutes with the first 15 minutes under the control of the majority leader or his designee and the second 15 minutes under the control of the Democratic leader or his designee; provided that following morning business, the Senate resume the motion to proceed to S. 2271.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow, following morning business, the Senate will resume debate on the motion to proceed to the PATRIOT Act Amendments Act. I filed cloture on that motion, and we will announce when that vote will occur.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:19 p.m., adjourned until Wednesday, February 15, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 14, 2006:

FEDERAL DEPOSIT INSURANCE CORPORATION

JON T. RYMER, OF TENNESSEE, TO BE INSPECTOR GENERAL, FEDERAL DEPOSIT INSURANCE CORPORATION, VICE GASTON L. GIANNI, JR.

THE JUDICIARY

JEROME A. HOLMES, OF OKLAHOMA, TO BE UNITED STATE DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA, VICE SVEN E. HOLMES, RESIGNED.

MILAN D. SMITH, JR., OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE A. WALLACE TASHIMA, RETIRED.

FRANK D. WHITNEY, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA, VICE H. BRENT MCKNIGHT, DECEASED.

EXTENSIONS OF REMARKS

HONORING CHARLES C. COOK, SR. ON HIS RETIREMENT FROM THE GOVERNMENT PRINTING OFFICE

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. EHLERS. Mr. Speaker, I rise to honor Charles C. Cook, Sr., for his 36 years of exemplary service at the U.S. Government Printing Office, GPO.

Charlie came to the GPO in November 1969 and was assigned as a Compositor in the Monotype Section. In 1978, he was promoted to the position of Printing Specialist in the Composing Division, Office of Superintendent. In June 1979, Charlie was reassigned to the Customer Service Department, Congressional Information Division. It was here that Charlie truly honed his skills serving GPO's congressional customers. Over the years, Charlie worked closely with Senate and House committee staff, the Office of the Secretary of the Senate, the Clerk of the House, Sergeant at Arms, and the Capitol Police on numerous projects. One of the most prestigious of these projects was the Presidential Inauguration. Charlie coordinated all the printing requirements for the Joint Congressional Committee on Inaugural Ceremonies for the four inaugurations from 1989 to 2001.

In 1993, Charlie was promoted to Superintendent, Congressional Printing Management Division, and in 2004, he was called on by the Public Printer of the United States to serve as Strategic Marketing Officer. He has served in that capacity until his retirement.

On behalf of the entire Congressional community, I extend congratulations to Charlie for his many years of exemplary service to the GPO and the Congress. We wish him all the best in his retirement.

IN HONOR AND RECOGNITION OF BARBARA BYRD BENNETT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Barbara Byrd Bennett, upon the occasion of her retirement that follows seven years of steadfast service and commitment as Chief Executive Officer of the Cleveland Municipal School District.

Ms. Bennett was born and raised in Harlem and was educated in the public school system. She graduated high school early at age 16 and earned a Bachelor's of Arts degree in English from Long Island University at age 19. She earned two Masters degrees, was a Penn Fellow at Columbia University during her doctoral studies and holds several honorary doctoral degrees. Ms. Bennett was an adjunct professor at several New York City universities and is currently an adjunct faculty member at Cleveland State University.

Her life long professional focus on improving the state of struggling urban school districts is evidenced throughout her profession. Her career in education began in her hometown of New York City, where she taught at the elementary and high school levels. She later served as a school principal and District Administrator and served twice as Superintendent of two of the lowest performing school districts in New York City, Chancellor's District and Crown Heights District in Brooklyn. Her leadership is credited with dramatically improving academic achievement in both of those districts.

Ms. Bennett's tenure in Cleveland parallels that of her work in New York. Chosen as Superintendent of the Cleveland Municipal School District in 1998, she began the monumental task of lifting the Cleveland School District out of its decades-old state of failure and despair. During her tenure, Ms. Bennett implemented policies and programs that served to raise the grade throughout the system, including academic performance, financial stability and the restoration of school classrooms and buildings. Additionally, Ms. Bennett forged vital partnerships with parents, teachers and local and state leaders, thereby fostering an atmosphere of achievement and renewal through a unified effort.

Mr. Speaker, please join me in honor and recognition of Superintendent Barbara Byrd Bennett, whose leadership, dedication and service on behalf of every child of the Cleveland Municipal School District has become a source of hope and foundation for academic achievement today, and for the future of public education in Cleveland. I wish Ms. Bennett and her family an abundance of health, peace and happiness as she journeys onward from here.

HONORING THE LIFE OF RETIRED NEW YORK STATE COURT OF APPEALS JUDGE MATTHEW J. JASEN

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. HIGGINS. Mr. Speaker, on April 14, 2005, as New York's highest court prepared to sit outside of Albany for the first time in recent memory, I had occasion to recognize the professional career of retired New York State Court of Appeals Judge Matthew Jasen. During that extension of remarks, I was honored to take note of the many personal and professional accomplishments of Judge Jasen, in a manner consistent with the honors bestowed upon him by his successor colleagues on the Court of Appeals that day.

Today, Mr. Speaker, I rise to call the House's attention to the passing of this great legal giant in New York State. Judge Matthew J. Jasen entered into his eternal rest on February 4, 2006, at the age of 90.

Without seeking to be repetitive, Mr. Speaker, the fact remains that Judge Jasen was widely regarded as one of the sharpest legal minds of his era. Taking his seat on the Court of Appeals back in the days when that bench was still elected by popular vote statewide, Judge Jasen was the last western New Yorker to serve on the court, and his decisions were widely regarded as fair and impeccably researched. Rising to the position of senior associate judge before his mandated retirement in 1985, Judge Jasen was well known as a lawyer's judge—someone who knew the law, who understood both its limits and its full potential.

Following his retirement, Judge Jasen's career in law—even past his 80th birthday—continued to flourish and become all the more distinguished. His appointment by the United States Supreme Court as a special master to assist in determining the true border between Illinois and Kentucky along the Ohio River is but one example of how this keen legal mind continued its contribution to the jurisprudence of his State and Nation.

This past Sunday's Buffalo News editorialized the career of Judge Jasen, and it is that editorial with which I will close this extension of remarks.

On behalf of all Members of the House, I extend to the Jasen family our most heartfelt sympathy, as well as our appreciation for the many contributions made by Judge Matthew Jasen to the American way of life. Judge Jasen was the Court of Appeals' first Polish-American member, and it is fitting that I close this extension of remarks with the traditional Polish toast—"Sto Lat"—which literally translated means "100 years." While Judge Jasen could not give a chronological century to serve the people of this State and Nation, in effect he made good on that toast, and I am honored to pay tribute to his memory here today.

[From the Buffalo News, Feb. 12, 2006]

JASEN, GENERATION'S LEGAL STANDOUT

Sorrow flows at the passing of one of the most respected and skilled lawyers and judges of his generation. Former Court of Appeals Judge Matthew J. Jasen, who died Saturday at the age of 90, was both a brilliant legal mind and a respected adviser who guided the practice of law in this region and nationally.

Jasen was the first Polish-American and the last Western New Yorker to sit on the state's highest court, serving there for 18 years, becoming senior associate judge there before retiring at the legally mandated age of 70 (a mandate he upheld in writing the high court's opinion on its validity). He also

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

was a highly regarded arbiter who, even in retirement, was called upon by the U.S. Supreme Court to work as a "special master" deciding such questions as the proper location of the Illinois-Kentucky boundary along the Ohio River. He was known for clear and concise opinions, and for his mentoring of lawyers and judges.

He was a forceful arguer and legal scholar whose fairly common early year dissents to Court of Appeals decisions in several areas were later vindicated in subsequent court rulings, sometimes after his retirement. He won a string of legal honors, including a special Buffalo Law Review issue featuring accolades from the state's top judges.

Jasen should have been New York's chief judge; he was proposed for that post by a nominating commission in the late 1970s, but passed over by then-Gov. Hugh Carey for a more politically connected junior judge. As a conservative Democrat and fiercely independent thinker, Jasen had distanced himself from politics while serving on the high court; that cost him politically, but provides a truer measure of his worth as a judge.

Even during his retirement, New Yorkers benefited from Jasen's fair-mindedness and independence as he joined or led task forces and committees dealing with matters such as judicial conduct or traffic court fairness, and state agency adjudication procedures. Jasen was a champion of the rule of law, and a man who would have desired no other epitaph.

RAISING THE MINIMUM WAGE IS GOOD ECONOMICS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, a study completed last month by Alicia Sasser, of the Federal Reserve Bank of Boston's New England Public Policy Center, contains good news for those of us who have been pushing for an increase in the minimum wage. Ms. Sasser's very careful and well-documented conclusion is that an increase in the minimum wage in the State of Massachusetts would have significant overall benefits for the people of the State. To summarize her conclusion, "increasing the minimum wage by $1.50 in Massachusetts is likely to have a small impact on employment—roughly on the order of 1 to 4 percent of affected workers. In addition, according to the analysis presented in this report, the combined impact of the two wage increases (contemplated and pending legislation in Massachusetts) would result in an estimated net wage gain of approximately $255 million. It should be noted, however, that the benefits of this increased wage gain may be diminished if employers respond by cutting hours or reducing their contributions to health insurance."

It should be noted, Mr. Speaker, that this is an analysis of what will happen in one State if that State alone raises the minimum wage. One of the potential negative effects is the loss of jobs for competitive reasons to the nearby State of New Hampshire, which does not have a minimum wage. What this means is that if we were to adopt a minimum wage increase on the national level, we would get, I believe, the advantages that Ms. Sasser's analysis, shows without that particular competitive disadvantage that comes from two States of virtually identical social composition right next to each other, having significant minimum wage differentials. While obviously there is international economic competition, it is not nearly as direct, especially in the industries that are affected by minimum wage increase.

Mr. Speaker, I recommend that Members read this report. It is too long for inclusion here in the RECORD, but it is New England Public Policy Center Research Report Series, No. 06–1, issued in January. This analysis in my view—I do not impute it to either the Federal Reserve or Ms. Sasser—strongly argues in favor of Federal legislation to raise the minimum wage.

JOHN PEPPER HONORED AS A GREAT LIVING CINCINNATIAN

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mrs. SCHMIDT. Mr. Speaker, I rise today to honor John Pepper, an international business leader, visionary, community activist and champion of education, who will be formally honored as a Great Living Cincinnatian on February 16 by the Greater Cincinnati Chamber of Commerce.

The Chamber has bestowed this award on distinguished members of the community annually since 1967. Recipients of this prestigious award are chosen on the basis of professional achievement, community service, leadership, compassion, and vision. Past honorees have included Neil Armstrong, Dr. Albert Sabin and Charles Scripps.

Mr. Pepper has inspired and impacted the lives of people in our community and across the globe. Throughout his career, he has led, trained and motivated people by his example.

In his 39-year career at Procter & Gamble, Mr. Pepper helped to shape one of the world's largest consumer products companies. He began with the company in 1963. In 1974, he became general manager of Procter & Gamble Italia, and in 1980, he became group vice president. In 1984, he was elected to the company's board of directors and, in 1986, became president. In the early 1990s, he led Procter & Gamble's expansion into Eastern and Central Europe and Greater China. Mr. Pepper was named chairman and chief executive in 1995. He retired from Procter & Gamble in 2002, and retired as chairman of the executive committee of the board in 2003. Following his service to Procter & Gamble, he served for two years as vice president for Finance and Administration at Yale University, his alma mater.

Mr. Pepper recently became chief executive officer of the National Underground Railroad Freedom Center in Cincinnati. This role is especially fitting for him, since he has been instrumental in the creation of the Freedom Center and co-chair of its development effort.

Mr. Pepper has also dedicated his time, energy and leadership to improving education for our children. He has served as a hands-on leader for school reform, pushing schools across the socioeconomic spectrum to set higher standards. He was also a driving force, along with his wife, Francie, in the creation of the Cincinnati Youth Collaborative, a nationally recognized program that provides youth employment, mentoring and tutoring for those in need. He currently serves as the Collaborative's vice chair.

In 1994, Mr. Pepper chaired Cincinnati's United Way campaign, and has served on numerous local and national boards, including the American Society of Corporate Executives, the Partnership for a Drug-Free America, the Partnership for Public Service and the National Campaign to Prevent Teen Pregnancy, the National Alliance of Business, Xavier University, the American Chamber of Commerce in Brussels, the Cincinnati Symphony Orchestra and the Cincinnati Art Museum.

Mr. Pepper and his wife, Francie, have three sons and one daughter, and reside in the Cincinnati suburb of Wyoming.

All of us in the Cincinnati area congratulate John Pepper on being named a Great Living Cincinnatian.

HONORING DORIS WAHL

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to recognize Mrs. Doris Wahl's 50 years community service and HIV/AIDS advocacy in Whittier, CA. Doris and her husband Wally Wahl, moved to Whittier 50 years ago where they raised four beautiful children, Michael, Margie, Christopher and Paul. For over 20 years, Doris was an active PTA member serving as president and chairwoman of several District Advisory Committees.

Over the years, Doris's community involvement extended to local government where she served as commissioner of Parks and Recreation for the city of Whittier and served twice as its chairwoman. Doris also served as president of the Whittier League of Women Voters, promoting civic participation in government and the political process.

On August 26, 1989, Doris lost her son Christopher due to complications with AIDS. Doris's loss and intimate involvement with the disease motivated her to found the Whittier Rio Hondo AIDS Project, WRHAP, 2 years later. What she learned during her son's illness and in subsequent years was that AIDS is not a disease solely driven by a virus but also by fear, loneliness and depression. It is for this reason that WRHAP provided a compassionate support group for those suffering with AIDS. Doris realized the true scope of the local epidemic when the support group grew to over 30 members after only 3 months. In 1993, 2 years later, WRHAP was incorporated as a nonprofit organization.

Since opening its doors, WRHAP has served thousands of people living with AIDS and provided HIV prevention information to over 12,000 youth. WRHAP currently serves over 100 persons living with HIV/AIDS, conducts over 1,200 outreach contacts per year, and provides over 500 confidential HIV tests.

Under Doris's leadership, WRHAP has become a one-stop resource for people with AIDS. WRHAP's clients receive case management assistance, mental health care, and support group therapy. Through collaboration with other agencies, WRHAP's clients can also obtain outpatient medical and dental care.

In August 2004, Doris founded the Christopher Wahl Youth Center in Whittier as a safe haven and HIV prevention resource for youth.

Doris has become a nationally recognized figure in advocating for appropriate services for people with AIDS, and she co-founded the Southern California HIV/AIDS Advocacy Coalition in 1998. Doris was twice selected as Woman of the Year, once by the California State Assembly, once by the California State Senate and received a Special Congressional Recognition in honor of Women's History Month.

Mr. Speaker and distinguished colleagues, please join me in honoring Doris Wahl for her many years of service to the community and for her many years of HIV/AIDS advocacy. Let us wish her and her family the very best in retirement.

THANKING MARYBETH PETERS FOR 40 YEARS OF SERVICE

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. EHLERS. Mr. Speaker, I rise to bring to the attention of my colleagues the distinguished career of Marybeth Peters, the United States Register of Copyrights, and to congratulate her as she commemorates 40 years of service to our Government and to the American people.

Marybeth Peters became the Register of Copyrights on August 7, 1994, the 15th person to hold that office since the appointment of the first Register of Copyrights, Thorvald Solberg, in 1897. The mission of the Copyright Office is to promote creativity by administering and sustaining an effective national copyright system. The Copyright Office administers the Copyright Act, Title 17 U.S.C.; provides policy and legal assistance to the Congress, the executive branch and courts; and provides copyright-related information and education to the public.

As chairman of the House Administration Committee and a member of the Joint Committee on the Library, I want to extend my thanks for Ms. Peters' leadership at the Copyright Office, which is a vital component of the Library of Congress. The Library is the custodian of the mint record of American creativity largely due to copyright deposits of books, music, films, photographs, and other materials that reflect our creative society. The Americana collections of the Library—millions of which are available on the Library's Web site through its American Memory digital collections—have been assembled largely through our Nation's copyright system. Last year alone, the Copyright Office forwarded more than 1 million items to the Library for its collections. I want to extend deepest thanks on behalf of the Joint Committee on the Library to Ms. Peters for her stewardship of the Copyright Office as Register and her long years of service to Congress and the American people.

Prior to her appointment as Register of Copyrights, Ms. Peters served as Policy Planning Advisor to the Register from 1983 to 1994. She has also served as Acting General Counsel of the Copyright Office and as chief of both the Examining and Information and Reference divisions. Ms. Peters is a frequent speaker on copyright issues. She is the author of the General Guide to the Copyright Act of 1976 and is recognized worldwide as a preeminent authority on intellectual property matters.

Mr. Speaker, Marybeth Peters can certainly be proud of her long and distinguished career in Government service. We are proud of her leadership and her service to the Copyright Office and to the Nation.

IN MEMORY OF EDWARD L. MASRY

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. SHERMAN. Mr. Speaker, during his 40-year career as an attorney in California, Edward L. Masry fought courageously not only for his clients but also for all people of the United States. As a strong advocate for the environment and open space, Mr. Masry worked to preserve our community's most precious resources. His contributions to the Conejo Valley, the State of California, and the country will never be forgotten.

Sadly, Mr. Masry died on December 6, 2005. Today, I am pleased to pay tribute to him. Mr. Masry moved to southern California in 1940. He graduated from Van Nuys High School in 1950 and then attended Valley Junior College. He never received a bachelor's degree, opting instead to enlist in the U.S. Army in 1952, during the Korean conflict. After serving our country, he was honorably discharged with the rank of corporal and was soon accepted at Loyola Law School in Los Angeles. He graduated with a Juris Doctorate in 1960.

Soon after graduation Mr. Masry began his law career, and in 1975 moved his law offices to the San Fernando Valley. He gained expertise and a national reputation in numerous areas of the law, including criminal defense, business litigation, entertainment, the first amendment, and toxic torts. His success as a litigator earned him numerous awards, including the esteemed Justice Armand Arabian Law & Media Award in 2000 and the Academy of Justice Award from the Trial Lawyers for Public Justice in 2001.

Mr. Speaker, Mr. Masry became best known for his work on cases involving toxic environmental contamination. In the early 1990's, his firm, renamed Masry & Vititoe in 1982, argued for the people of Hinkley, California in the landmark case of Anderson v. Pacific Gas & Electric. Mr. Masry won what was at the time the biggest settlement for a civil class action lawsuit. This case was made into a movie, Erin Brockovich, which extolled the success of Mr. Masry as a lawyer and a leader who fought for the rights of the people in California.

Ed Masry was a friend and ally of mine and other local environmental advocates. His involvement with local environmental organizations was instrumental in protecting the Santa Monica Mountains National Recreational Area, as well as other parks and open spaces in Los Angeles and Ventura Counties. I was proud to present him with a Certificate of Special Congressional Recognition in honor of his receiving the Environmental Hero Award from the Environmental Defense Center in 2002. He continued his outstanding work for environmental justice by serving as the CEO and President of Save the World Air, Inc., a company dedicated to improving air quality.

In addition, Ed Masry served two terms as city councilman and mayor of Thousand Oaks. During his tenure he fought to implement his slow-growth platform to protect open space in the Conejo Valley.

Mr. Speaker, I pay tribute to Ed Masry's spirit, perseverance and chutzpah. He fought valiantly and successfully for the residents of the Conejo Valley. His legacy will continue to have a profound effect on his Valley, his State and his Nation.

PAYING TRIBUTE TO LARRY WALL

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. TANCREDO. Mr. Speaker, I rise today to recognize a man who has been a great asset to the health care community in Colorado. After 31 years with the Colorado Health and Hospital Association where he served as president for 21 of those years Mr. Larry Wall is moving on to undertake new challenges.

During his tenure as president of CHA, Larry helped to increase the association's stature and reputation as the primary source of credible information about hospitals in Colorado. In addition, Mr. Wall worked to reaffirm CHA's commitment to public health and expand its community based role.

Over the past 31 years Colorado health care systems have seen vast changes. During Larry's tenure, he has been a part of changes that have made Colorado a leader in public accountability. In fact, while Wall served at CHA, Colorado hospitals became the first in the nation to make mortality data for individual hospitals public. Contributions such as this demonstrate how valuable an asset Mr. Wall is to the Colorado health care community. I wish the best to Mr. Wall in his future endeavors.

IN HONOR AND REMEMBRANCE OF CARL. T. BRANCATELLI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Carl T. Brancatelli, United States Veteran, loving husband to the late Mary Brancatelli; dear father, grandfather, great-grandfather, and friend to many as well as a successful entrepreneur.

Mr, Brancatelli was born and raised in Cleveland, the son of Italian immigrants. His parents instilled within him a strong sense of family, faith, and community. He gave these gifts from his parents to his own children—giving them a clear example of the significance of hard work, integrity, kindness, and giving to others. Mr. Brancatelli served our nation as a United States Marine and was stationed in Korea during the 1950's.

For many years, Mr. Brancatelli worked as a bus driver with the former Cleveland Transit System. His expertise in the mechanical trades led him to a long career as a Master Mechanic. Equipped with a keen business sense, Mr. Brancatelli also operated several successful small business ventures throughout his life, even after retirement. As owner of the Shanty Inn Tavern on Harvard Avenue, Mr. Brancatelli regularly sponsored community baseball teams.

Mr. Speaker, please join me in honor and remembrance of Carl T. Brancatelli, whose kindness, energy and compassion for others will be greatly missed by everyone who knew him well, especially his family and friends. I extend my deepest condolences to his children, Robert, Wanda, James, Tina, Carl, and Tony; to his grandchildren, great-grandchildren, and also to his extended family and friends. Mr. Brancatelli lived his life with great joy, energy and with a loving focus on his family and friends, and he will live on within their hearts and memories forever.

TRIBUTE TO FRED CUSIMANO

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to honor the life of Mr. Fred Cusimano, a life long resident of Chautauqua County and a truly remarkable man.

COUNTY REMEMBERS FRED CUSIMANO

(By Manley J. Anderson)

Friends and associates of the late Fred J. Cusimano of 190 Linwood Ave., Jamestown, who died Monday morning in the WCA Hospital emergency room have expressed their thoughts about him.

"He was a man for all seasons," said Joseph Trusso Jr., longtime friend, fellow Democrat and veteran member of the Chautauqua County Legislature. "He worked on an oil rig, he owned a gas station, he was a tree farmer. We planted Christmas trees. I helped him plant some of those trees."

Cusimano had a lengthy career in the voting machine industry, first as sales manager of Voting Machine Service Inc. owned by the T.H. Huhn Agency. He also worked as sales representative for the former Automatic Voting Machine Company from 1960–1990, and in the later part of his career was named vice-president of Automatic Voting Machine. He had also worked for the Voting Machine Service Center in Gerry, until his retirement in 1992.

Voting machines weren't Cusimano's only foray into politics, however. Trusso said Cusimano was respected by both local Republicans and Democrats while being invited to President John F. Kennedy's 1960 inauguration.

"He worked for Automatic Voting Machine and became vice president," Trusso said. "He was a member of the Board of Supervisors when there were only about seven of them. He was par excellence about elections. He knew everything about election law and wrote most of the election laws in New York state. He was a strong Democrat who believed in the democratic way and he wished at times we could go back to it. Fred's predecessors were all Republicans. You can call him a man for all seasons. You can call him a Renaissance man. He advised the city's Democratic and Republican mayors. He worked very hard for the parks in the county. He had a trail named after him."

Trusso also noted Cusimano's dedication to the Bemus Point rest stop and Chautauqua Lake overlook even when he wasn't feeling well.

"You never see a Fred Cusimano come along very often," Trusso said. "He's a great loss to the city, the county and the state and especially to the Democrats. This man should and will be honored. He devoted a good part of his life to the parks of Chautauqua County. He also helped Allegany State Park. He was a member of the CCC (Civilian Conservation Corps) that helped build it. He was in the Army before and after the draft and before and after the war (World War II) for about five years."

Trusso said that at their traditional breakfast meeting Tuesday he brought a toast to the little restaurant where the faithful gathered with an empty chair for Cusimano who was remembered by his surviving comrades.

Trusso concluded with, "I owe him a lot. I don't see anyone who can take his place. What a wonderful person."

He was influential in returning the City of Jamestown from a "non-partisan" to the "party" system for local elections. He was a past member of the Jamestown Area Chamber of Commerce and served on its Governmental Affairs Committee and its Greater Jamestown Industrial Development Committee. Cusimano was a past member of the city Planning Commission and served as chairman of the county Economic Development Commission. He also served several years on the Advisory Council to the state Legislature's Joint Legislative Committee on Election Law, and for many years served as a consultant and honorary member to the Election Commissioners Association of New York State.

"He was considered the father of the Chautauqua County Parks System," said Anthony M. Teresi, a longtime Cusimano friend and former county legislator. "He was very active with the parks until the end. The West Side Trail was named for him. He helped everyone who asked for help and it was good help. With me, he was a good and loyal friend who helped me a lot with some of the county issues when I was a legislator. When he believed in something he pursued it until it was done. I consider him the brother I never had. I miss him dearly."

John C. Cheney of Belleview, Bemus Point, a longtime member and former chairman of Chautauqua County Parks Commission, said of Cusimano, "He was with us for years. He was one of the founders of it. He's a real loss. We've named one of the trails after him. He had a lot to do with getting those trails organized and started."

Fred was a man who fully understood how to live to its fullest and that Mr. Speaker is why I rise to honor him today.

THE GRACE ALICE CAMPBELL FOUNDATION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, this week is Congenital Heart Defects, CHD, Awareness Week. Across America, over 1 million families face the challenges and hardships of raising children with congenital heart defects. Roughly 1 in 125 children are born with 1 of approximately 35 different congenital heart defects in the United States. Some of these are treatable with medications while others require surgeries or even transplants. Heart defects are the No. 1 birth defect in the United States, affecting 32,000 babies in the United States every year. They are also the leading cause of birth defect related deaths worldwide during the first year of life, and while genetics or environmental factors are assumed to be the cause for congenital heart defects, it will take more research to help uncover their cause.

The Grace Alice Campbell Foundation, founded by her parents Brenda and Chris Campbell of Mansfield, MA, which is in my district, has been established to raise public awareness of these birth defects, assist in the treatment of these children, and raise research funds to help doctors discover the cause of congenital heart defects and find a cure. Grace Alice was born on September 4, 2003, with Hypoplastic Left Heart Syndrome, and by the time she was 5 months old, she had already had two open-heart surgeries. Now as a toddler, Grace Alice's perseverance is a wonderful example of love and courage for others every day. The foundation, launched by her parents, serves as a support group for the families of those affected, encouraging these families to celebrate life, remember loved ones lost, and to honor dedicated health professionals.

I extend my congratulations and express my admiration to the Grace Alice Campbell Foundation for its hard work on behalf of those affected by congenital heart defects and their families. I also ask that, because of the resolve of the Campbell family as well as many others across the country, the article, "Heart Buddies," by Deborah Knight Snyder in the Norton Mirror, published on Friday, February 3, 2006, documenting the courage and struggle of these families, be printed here.

HEART BUDDIES

(By Deborah Knight Snyder)

One in every 100 babies is born with a heart defect.

February 7-14 is Congenital Heart Defects (CHD) Awareness Week, and a group of Massachusetts mothers agrees word needs to get out about the many children living with CHDs. For these mothers, that awareness is simply a way of life, because their children were born with heart defects.

"People know more about conditions like Down's Syndrome and spina bifida than they do about heart defects, when heart defects are actually the number one birth defect in the United States," said Lyn McPhail of Braintree during a recent support group meeting in Mansfield for mothers of children with CHDs.

Increased consciousness will hopefully lead to more help and, ultimately, to more funding, she said. There are approximately 35 different types of congenital—meaning present at birth—heart defects.

McPhail is the mother of 15-month-old Cameron, who was diagnosed with a CHD when he was just 1½ days old.

Cameron has had two heart valve operations already and still needs a valve replacement. The quandary, his mother explains, is what to do next. There is a small mechanical valve available for children who are at least 2 years old, but that valve will become too small as he grows and would ultimately require yet another operation. However, she said, there is clinical testing currently underway in Canada and Europe which could produce better options.

"You're just racing against time," she said.

McPhail is a member of Heart Buddies, a group of mothers and kids from all over the Boston area who get together every month at each other's homes to lend and provide support. The mothers initially met through literature from Children's Hospital and through Little Hearts, Inc., a Connecticut-based organization which lends support to families of kids with CHDs.

The children—who outwardly appear to be healthy, chubby babies and toddlers—play, while the mothers talk about their experiences.

The mothers—who sound like cardiologists to the untrained ear—discuss the children's progress and their setbacks, and about new medicines and treatments which could help their kids.

When the mothers are together, they share a special bond and code of understanding.

Parents of kids who are "heart healthy"—a term the mothers use to describe children without a CHD—just can't comprehend their daily lives.

"It's nice to able to talk and not have to explain everything," said Brenda Campbell of Mansfield, whose daughter, Grace, now 29 months old, was born with a congenital heart defect.

"We can ask each other 'does she look blue to you?' That's our life now," Campbell said.

A bluish color could be an indicator that the child is not getting enough oxygen, and is a possible precursor to these parents' worst fear: that their child is going into congestive heart failure.

"That's certainly a daily worry," Lyn McPhail said.

Many of the mothers got their diagnoses while they were still pregnant, while others received the news—which they all called "devastating"—when their babies were just one or two days old.

Grace Campbell was born without a left ventricle in her heart. She had her first surgery when she was just six days old and her second surgery at 5½ months.

"They put in totally different plumbing to help her right ventricle do all the work," Brenda Campbell explained.

The Campbells have taken a proactive approach by organizing the Mansfield based "Grace's Run," which annually raises money for families with children with CHDs and for Children's Hospital.

Zachary Duong of Wilmington was born on the same day as Grace, and his mother, Sheila, met Brenda Campbell in the hospital. Zachary is now 2 years old. He was diagnosed with his CHD the day he was born and was rushed to Children's Hospital, where he spent the first three months of his life.

Megan Lea of Mansfield, now 18 months old, was born with a very rare set of CHDs. She has a condition known as Ebstein's anomaly, an abnormality in the tricuspid valve. She also has cardiomyopathy, a disease of the heart muscle that can cause it to lose its pumping strength. With cardiomyopathy, doctors have told the Leas that about one-third of the kids get better, one-third stay the same, and one-third get worse, so Megan's parents have no choice but to wait that one out.

There is a possibility that she will need a heart transplant at some point. She will also probably need valve surgery for the Ebstein's anomaly. Right now doctors are trying to manage her conditions with medications, and she is currently on four different heart drugs. Megan was on oxygen for the first 10 months of her life but is now breathing well on her own.

"The progress they're making is unbelievable, but it's scary because we don't know what their future is," Ellie Lea said. "Her cardiologist said that Megan looks a lot better than expected. We just take it one day at a time."

"The mother's group is good, because we understand each other," she continued. "Friends who aren't 'heart moms' ask, 'So, is she all fixed?'"

"I hate it when people ask that!" exclaimed Delys Poynton of Braintree, the mother of 19-month-old Amy, who was born with Hypoplastic Left Heart Syndrome (HLHP). Kids with HLHP undergo a total of three operations—known as the Norton procedure, after the doctor who discovered it—and then hope for the best. Like some of her friends in Heart Buddies, Amy has undergone two of those three operations already.

"These little kids have already experienced things most people never have to experience in their whole lives," Delys Poynton said. "They get so used to seeing doctors, they get stranger fatigue" which affects the way they react to other people.

Ellie Lea recalled taking Megan to a hospital to visit a friend, and Megan "freaked out" as soon as she got into the hospital. Though just a baby, Megan understood exactly where she was, and she wasn't happy about it.

There's a name for the babies' reaction: "white coat syndrome." The children are so used to being poked and prodded by doctors that they develop an aversion to them.

Also, Delys Poynton said, many of the CHD kids develop eating problems.

"When you have tubes up your nose for so long, you don't want anything in your mouth," she said.

Liz Bogyo of Chelmsford is the mother of 14-month-old twins: Allison, who is heart healthy, and Andrew, who was born with a CHD. Andrew was diagnosed when Liz was 17 weeks pregnant.

She recalled the trauma and exhaustion of having a brand new baby at home, Allison—"who we didn't even get a chance to know" because she and her husband were spending so much time at the hospital with Andrew.

Andrew has undergone two operations and will have to have one more. If that one goes well, he has an 85 percent chance of survival, his doctors have said.

Like the other families, the Bogyos said they take each day at a time and hope for the best.

Ruth Kennedy of North Reading found out when she was 19 weeks pregnant that her son, Ewan, now 2 years old, had a CHD. She received an initial diagnosis of just "heart defect" with no additional details and recalls "just sobbing" as she walked past the other women at Mass General who were waiting to get their ultrasounds. Ewan has had two operations with another one coming up.

"Long-term, they can't tell you what to expect. No one survived before. You just have to take it day by day and be happy with what you have," Ruth Kennedy said.

Because of the advances they've made in the last 20 years, there is no existing group of adults who would have had access to the medical care these babies are now receiving, the mothers said. Consequently, there is no real information available on what kind of future awaits these children. Their parents have been told by the children's doctors not to expect Olympic athletes, but to hope for a normal life. Still, no one knows for sure. The situation has given the mothers a different outlook on life.

"It's like a poem I heard about," Lyn McPhail said. The poem is all about planning for a trip to Italy, and anticipating being in Italy, but when you arrive at your destination, you're actually in Holland. You deal with being in Holland, she said, "but the dream you had of going to Italy is still very real."

"You just appreciate every little thing all the more. You're so grateful for the good things," said Ellie Lea. "It's a very humbling experience."

REV. HERBERT THOMPSON HONORED AS A GREAT LIVING CINCINNATIAN

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mrs. SCHMIDT. Mr. Speaker, I rise today to honor the Right Reverend Herbert Thompson, Jr., a bishop, mentor, human rights advocate and community leader, who will be formally honored as a Great Living Cincinnatian on February 16 by the Greater Cincinnati Chamber of Commerce.

The Chamber has bestowed this award on distinguished members of the community annually since 1967. Recipients of this prestigious award are chosen on the basis of professional achievement; community service; leadership; compassion; and vision. Past honorees have included Neil Armstrong, Dr. Albert Sabin and Charles Scripps.

Rev. Thompson was born and raised in New York, where his character was shaped by the hard-working and diverse community of Harlem during the 1940s and 1950s. After serving in the United States Air Force from 1952–1956, he enrolled at Lincoln University in Pennsylvania, where he graduated cum laude in 1962.

After a profound religious experience prompted him to serve, he enrolled at The

General Theological Seminary, where he completed his seminary work and earned his master of divinity degree. He received his doctorate of ministry from The United Theological Seminary in Dayton, Ohio.

Ordained into the priesthood in 1965, Rev. Thompson served various churches and communities in New York until 1988, when he was elected Bishop Coadjutor of the Diocese of Southern Ohio. In 1992, he was consecrated as the eighth Bishop of Southern Ohio, and the first African-American elected to serve the Diocese of Southern Ohio in this role. He was only the fourth African-American diocese bishop in the history of the Episcopal Church.

Although he has lived in Cincinnati only since 1988, Rev. Thompson has had an enormous and lasting impact on our community. For example, in 1993, he organized a comprehensive "Summit on Racism" to ease racial tensions within the city. He also helped to push forward the concept for the National Underground Railroad Freedom Center.

Throughout his ministry, he has lived by these words: "To reconcile, to heal, to liberate, to serve." Rev. Thompson recently retired from the Diocese of Southern Ohio, but continues to be actively involved in the community.

Rev. Thompson has dedicated his time and energy to many organizations, including serving as chair of the Presiding Bishop's Fund for World Relief and co-founder of Global Episcopal Ministries. He has also served on the boards of St. Augustine College, Bexley Hall Seminary, General Theological Seminary, Kenyon College, Kanuga Conference Center, Cincinnati Symphony Orchestra, Cincinnati Ballet, Cincinnati Opera and the Freedom Center. Among his many awards and honors include the Arts Consortium of Cincinnati's Martin Luther King Jr. Dreamkeeper award.

Rev. Thompson has three children and one grandchild.

All of us in the Cincinnati area congratulate Rev. Thompson on being named a Great Living Cincinnatian.

HONORING C. THOMAS KEEGEL

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to recognize Mr. C. Thomas Keegel for his 45 years as a committed member of the International Brotherhood of Teamsters.

Mr. C. Thomas Keegel has been a Teamster since 1959, when he got his first trucking job and became a member of Teamsters Local 544 in Minneapolis, Minnesota. From steward to his current position of General Secretary-Treasurer, Keegel has served as an elected Teamster officer for three decades.

Keegel's skills as the union's chief financial officer were honed in the Minneapolis-St. Paul area. He built an area pension fund from $3 million in assets to a $220 million powerhouse for Teamster retirees. That pension fund now offers a top benefit of $55,200 per year and excellent health coverage.

Since taking office on March 19, 1999, Keegel has instituted sweeping reforms in every area of the Union's finances. He has balanced the budget for the first time in more than a decade, hired skilled auditors and accountants, developed programs to extend these reforms to Teamsters Local Unions, Joint Councils, Divisions and Conferences and has undertaken the task of strengthening the Union's treasury and Strike Fund.

Keegel has taken a leading role in enforcing the Hoffa administration's commitment to running a clean union. As General Secretary-Treasurer, he instituted legal actions to recover money stolen from the Union treasury by the prior administration. He created safeguards to ensure that no such embezzlement ever occurs again. Keegel lent his energy, expertise, and enthusiasm to the continuation of the administration's comprehensive anti-corruption program.

As General Secretary-Treasurer, Keegel aims to lift up his Teamster sisters and brothers to even greater heights through his work as their fiscal watchdog and the guardian of their hard-earned dues money.

Mr. Speaker and distinguished colleagues, please join me in honoring Mr. C. Thomas Keegel for ensuring the International Brotherhood of Teamsters' continued financial stability and accountability.

IN HONOR AND RECOGNITION OF MARTIN E. VITTARDI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Martin E. (Marty) Vittardi, devoted family man, public servant, community leader and dedicated volunteer. The leaders and members of the Parma Area Chamber of Commerce recently named him as the recipient of the 2005 Individual Pride Award for his committed and compassionate volunteerism in raising funds and raising community awareness on behalf of the American Cancer Society.

Marty's journey of public service began nearly thirty years ago, while a student at John Carroll University, where he served as a Congressional Assistant to then United States Congressman Ronald Mottl. After graduating at the top of his class with a bachelor's degree in political science, he accepted the position of Deputy Clerk with the Cuyahoga County Court. He then served for eight years as a Legislative Representative for the Seafarers Union, where he garnered vital insight into the political processes that took him from our local community to Capitol Hill.

Marty has been entrusted with the faith and confidence of Parma residents and with members of the Cuyahoga County Democratic Party since the early eighties, as voters have consistently supported him in various City and County elected roles. In 1982, Marty was elected as the Cuyahoga County Democratic Executive Committeeman. That same year, he was elected to represent residents of Ward 3 in the City of Parma and was elected to the position of Ward 5 Democratic Leader.

In 1991, Marty was elected for a six-year term as the Clerk of Court for the City of Parma Municipal Court. He was re-elected to a second term in 2003. In addition to his professional endeavors, Marty has been a tireless volunteer and champion of numerous volunteer causes, and has been an active volunteer in many roles, including chairing school levy campaigns; raising funds for the Byers Field Foundation and Veterans Memorial; co-chairing fundraising drives for the American Cancer Society; and active leadership roles in several civic organizations, including the Parma Elks and the Parma Area Chamber of Commerce. Additionally, Marty is the founder and current chairman of the Community Leadership Group, comprised of elected officials, business owners and community activists whose mission is to foster positive change within all levels of the Parma community through the power of a unified commitment, shared vision and collective focus.

Marty's leadership, achievement, and most vital of all, his integrity and genuine concern for others, is a united legacy that co-exists with, and is strengthened by, the integrity, dedication, professional and personal excellence and shared vision of his partner in life—his wife, Lynn M. Vittardi.

With family as the cornerstone of their lives, Marty and Lynn have instilled a deep sense of giving back to the community and service to others within the hearts of their own children, now grown. Marty and Lynn's united focus on their parents, siblings, and above all, their children, Allison, Jessica and Mark, has never wavered and continues to be the center of their lives. Their children have followed a path of professional excellence and service to others, from the examples set by Marty and Lynn. Allison, her husband Nick and Jessica and her husband, Dominick, are education professionals. Their son Mark is in college, majoring in political science.

Mr. Speaker and colleagues, please join me in honor and recognition of Martin E. Vittardi, for his unwavering dedication, integrity and outstanding public service, especially his annual volunteer efforts with the American Cancer Society. Marty's energy, warmth and significant service continues to offer a light of hope and the promise for a better tomorrow within the City of Parma and throughout our entire community.

IN TRIBUTE TO ALAN AND ROMI SKOBIN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Alan and Romi Skobin for their civic and philanthropic service to Los Angeles and the city of San Fernando and, particularly, their good work for the residents of my district in the San Fernando Valley.

On March 26, 2006, Alan and Romi Skobin are being honored by the executives of the Los Angeles Jewish Home for the Aging for their outstanding involvement with the organization. Their care for the elderly residents of the home demonstrates to all of us the importance of taking care of our parents and grandparents—this country's most important national treasures.

Mr. Speaker, Alan and Romi have a record of community and civic service that spans more than 30 years. Alan, a graduate of California State University, Northridge, has been a longstanding business leader in the San Fernando Valley. Currently he serves as vice president and general counsel of Galpin Motors, Inc. and is a member of the executive committee and board of directors.

He has also served as a commissioner with the Los Angeles Police Department since 2003. In this capacity, he has focused on the Community Based Policing program along with many other issues. His work for the city and the Los Angeles Police Department truly affects each Angelino personally.

Alan is a founding director and executive committee member of the Sheriffs Youth Foundation of Los Angeles County, which funds education and intervention programs for at-risk youth. Alan, a two-time cancer and brain tumor survivor, is also involved with Padres Contra El Cancer, a nonprofit organization that improves the quality of life for children with cancer.

Romi Skobin truly exemplifies the American dream. Her inspirational story began when she came to the United States as a refugee from Cuba in 1969. Romi also received her education locally, at Los Angeles Valley College, and began her career in public service when she joined the San Fernando Police Department in 1974. She currently serves as the records/system administrator, the highest ranking civilian position in the SFPD, and is the city of San Fernando's most senior employee.

Romi has also played an important role in Alan's success by raising their two successful children, Jeff and Jennifer, thereby allowing Alan to attend law school and participate in numerous civic activities.

Mr. Speaker, Alan and Romi Skobin are integral parts of the San Fernando Valley community and I wish to congratulate them wholeheartedly on being honored by the executives of the Los Angeles Jewish Home for the Aging.

THANKING ROSA CHEN FOR HER SERVICE TO THE HOUSE

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. EHLERS. Mr. Speaker, on the occasion of her retirement in February 2006, I rise to thank Ms. Rosa Chen for 16 years of outstanding service to the U.S. House of Representatives.

Rosa began her career at the House working as a senior programmer/analyst. In that capacity, Rosa has served this great institution for the last 16 years as a valuable employee at House Information Resources, HIR, within the Office of the Chief Administrative Officer. Rosa has made significant contributions in the development of the Office Systems Management, OSM, application. The OSM application has been used by the CAO to control equipment inventory. Most recently, Rosa has played a significant technical support role on the Fixed Assets and Inventory Management System, FAIMS, where she was responsible for Oracle Developer reports customer support, and assisted with barcode function implementation for FAIMS physical inventory.

On behalf of the entire House community, I extend congratulations to Rosa for her many years of dedication and outstanding contributions to the U.S. House of Representatives. We wish Rosa many wonderful years in fulfilling her retirement dreams.

PAYING TRIBUTE TO COURTNEY ZABLOCKI

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to a talented young woman from Highlands Ranch, CO, Ms. Courtney Zablocki.

Courtney will proudly represent these United States of America in the 20th Winter Olympiad currently underway in Torino, Italy. Courtney will be competing as a slider in the women's luge events during this Olympiad.

Courtney has been training as a slider for the past 13 years. She will be competing in her second Winter Games. As a member of the United States Olympic women's luge team in Salt Lake City, Courtney finished 13th. In the final World Cup event before the Olympics Courtney finished in a promising fifth position.

Mr. Speaker, I rise to wish Courtney Zablocki a safe, successful and enjoyable Winter Olympics as she represents our country in Italy.

IN HONOR OF THE 2006 OHIO BUSINESS WOMEN'S CONFERENCE AND EXPO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. KUCINICH. Mr. Speaker, please join me in honor and recognition of the 2006 Ohio Business Women's Conference and Expo, held this year at Cleveland's Cleveland Renaissance Hotel & Conference Center.

The Conference & Expo is a collaborative effort, presented by the Hispanic Chamber of Commerce for Ohio, the Small Business Administration, the Urban League, the Northeast Ohio Minority Business Council (NOMBC), the National Association of Women Business Owners (NAWBO) and a coalition of Chambers of Commerce throughout Ohio. The event promises to attract hundreds of women business owners and numerous exhibitors.

The organizers of the Conference & Expo are focused on promoting women's business ventures and fostering vital connections of support where women entrepreneurs can find resources to expand and improve their business goals. Additionally, the Conference and Expo will provide a forum where women business owners can display their services and products to Americas leading corporations and public agencies dedicated to doing business with women-owned businesses.

Mr. Speaker, please join me in honor and recognition of the 2006 Ohio Business Women's Conference and Expo, a collaborative venture that promises to bolster the success of women business owners throughout our region. The event, while reflecting the continued struggle of women and minorities to attain economic equality and opportunity, also highlights the reality that through continued support and collaboration, the road to economic security and the attainment of professional dreams will be open to all women, clearing a path on which the next generation of women entrepreneurs will follow.

HONORING HADLEY A. WEINBERG

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to honor Hadley A. Weinberg of Bemus Point, New York for being named by the Consumers' Research Council of America to its list of best financial planners throughout the United States.

Mr. Weinberg a partner at Weinberg Financial Group, Financial Education Resources and Chautauqua 401K with a total of eight affiliates at offices in Jamestown and Buffalo. He has served thousands of clients offering financial services from wealth management to retirement plans and is involved with numerous community organizations.

The criteria employed by the Consumers' Research Council complies its best financial planners list using criteria it deems valuable in determining its top professionals. This criteria includes experience, training, professional associations and financial certifications. All criteria Mr. Weinberg has accomplished all of this in his 23 years of service to the industry.

Mr. Weinberg has displayed extreme excellence in the field of financial planning, that is why, Mr. Speaker, I rise to honor him today.

U.S. BUDGET CUTS WORRY HOSPITALS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, in the February 8 issue of the Sun Chronicle, published in Attleboro, Massachusetts, there is a very good article about the reaction of hospitals to the President's proposal to change the Medicare law so that future spending would be less on Medicare than it otherwise would be.

In particular, the article quotes Linda Shyavitz, who is the president and CEO of Sturdy Memorial Hospital, an excellent medical facility that serves a very important and diverse population in the city of Attleboro.

Reading the article, including the comments of Ms. Shyavitz, reinforced my view that these proposed changes that the President has put forward are ill advised and would do social damage. I think it is important for Members to understand what people who are charged with important responsibilities think about these proposed reductions in future spending patterns that the President has called for, and because Ms. Shyavitz is an extremely well-qualified and thoughtful administrator of a very important medical facility, I was particularly pleased to have this chance to share her views with our colleagues.

[From the Sun Chronicle, Feb. 8, 2006]

U.S. BUDGET CUTS WORRY HOSPITALS

(By Gloria LaBounty)

ATTLEBORO.—Hospital administrators are keeping a wary eye on Congress as it plows through the Bush administration's's proposed cuts in Medicare.

"I think hospitals all over the country will be fighting this," said Linda Shyavitz, president and chief executive officer of Sturdy Memorial Hospital in Attleboro.

According to initial reports, Bush's new $2.7 trillion budget plan would mean a loss in Massachusetts of $758 million in Medicaid funds.

It would also mean a reduction of $213 million in Medicare payments to health-care providers over five years.

The Medicaid impact is still vague, however, because the state is redesigning its program, the Massachusetts Hospital Association says.

The Medicare piece already has hospitals concerned.

Although information so far has been presented in broad terms and details are still days away, Shyavitz said indications are that the proposal could mean a reduction to Sturdy of $575,000 per in Medicare payments.

All elderly patients would still be cared for at Sturdy, but the hospital would get less reimbursement for the care it provides, Shyavitz said.

Asked how the hospital would compensate for the loss in revenue, Shyavitz said it would be premature to speculate because the information has just come out and the president's intentions are still being absorbed.

But she said what hospitals will do in the short term is urge members of Congress to reject the cuts and not support the budget.

Paul Wingle, senior director of communications for the state hospital association or MHA, said the Medicare cuts would put a financial strain on hospitals, and more of them would serve patients at a loss, or at a very thin margin.

"Hospitals would have to scramble to make up the loss," he said, and some might do that through cutbacks, or through attempts to make up the revenue elsewhere.

That in turn creates pressure for rate increases.

Shyavitz said hospitals cannot simply raise rates, and would have to negotiate increases with health insurance companies. But she said many hospitals will want to do that if the cuts materialize.

Shyavitz said she is confident that Massachusetts congressmen and senators, including Sen. John Kerry and Sen. Edward Kennedy, and U.S. Reps. James McGovern and Barney Frank, will oppose the cuts.

Kennedy has already spoken out by telling the Associated Press that Bush's budget proposal "shortchanges our competitiveness, shortchanges our opportunity, and shortchanges our future."

NEIL BORTZ HONORED AS A GREAT LIVING CINCINNATIAN

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mrs. SCHMIDT. Mr. Speaker, I rise today to honor Neil Bortz, a residential and commercial developer, community leader, philanthropist, and visionary, who will be formally honored as a Great Living Cincinnatian on February 16 by the Greater Cincinnati Chamber of Commerce.

The Chamber has bestowed this award on distinguished members of the community annually since 1967. Recipients of this prestigious award are chosen on the basis of professional achievement; community service; leadership; compassion; and vision. Past honorees have included Neil Armstrong, Dr. Albert Sabin and Charles Scripps.

Mr. Bortz built his career on an uphill challenge: launching the Mount Adams renaissance in the early 1960s as a founding partner in Towne Properties before going on to develop properties across Cincinnati, Dayton, Lexington and Florida. He has made countless improvements to our community and raised the quality of life for many in our region.

In addition to sparking the rebirth of the picturesque, hilltop neighborhood of Cincinnati's Mount Adams, Mr. Bortz also helped lead the housing renaissance in downtown Cincinnati with several award-winning residential developments. His most recent projects include residential properties along the Ohio River. Mr. Bortz has also made an impact on our area by creating great places to live, work and shop in the Cincinnati suburbs.

Mr. Bortz has been active in many arts, civic and philanthropic activities, including serving as founding chair of the Walnut Hills High School Alumni Foundation, which recently completed a new Arts & Sciences wing. Other boards include Cincinnati Art Museum, Cincinnati Equity Fund, National Conference of Christians and Jews, Reds Hall of Fame, Advisory Board to the Cincinnati Park Board, Jewish Federation of Cincinnati, Playhouse in the Park, the Harvard Club of Cincinnati, the Greater Cincinnati Convention and Visitors Bureau and Cincinnati Country Day School. Among his many honors include the first University of Cincinnati Distinguished Service Award, Cincinnati Region Entrepreneur of the Year, and National Conference of Christian and Jews Outstanding Citizen Award.

Mr. Bortz earned his Master of Business Administration from Harvard University. He has three sons, all of whom work with him at Towne Properties, two stepchildren, and six grandchildren.

All of us in the Greater Cincinnati area congratulate Mr. Bortz on being named a Great Living Cincinnatian.

HONORING JAMES P. HOFFA

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to recognize Mr. James P. Hoffa for his strong leadership and commitment to working families.

As the only son of James R. Hoffa, former General President of the International Brotherhood of Teamsters, Mr. Hoffa grew up on picket lines and in union meetings. James P. Hoffa became a Teamster member himself on his 18th birthday when his father swore him in. As a young Teamster, Hoffa worked as a laborer in Detroit and Alaska, loading and unloading freight from ships, driving trucks and buses and operating heavy equipment.

At Michigan State University, Hoffa played football for legendary Coach Duffy Daugherty and graduated with a degree in Economics. He went on to receive his Law degree from the University of Michigan, and worked as a Teamster attorney from 1968 through 1993. From 1993 to 1998, Hoffa worked at Michigan Joint Council 43.

In 1999 Hoffa was elected General President of the International Brotherhood of Teamsters. Under his leadership, Teamsters are winning industry-leading contracts, engaging in contract enforcement and organizing thousands of new members.

The Union's renewed commitment to political action includes DRIVING America's Future, a new initiative that encourages and supports Teamster members running for political office. This effort will ensure even more Teamster influence in state and national government.

James P. Hoffa has spent a lifetime preparing for the challenge of running the Teamsters Union. He knows, first-hand, what Teamsters can accomplish when they work together. He is determined to lead a Union that is a credit to its proud history.

Mr. Speaker and distinguished colleagues, please join me in honoring Mr. James P. Hoffa for his life's work in building better lives for our families, our communities and our country.

IN HONOR AND REMEMBRANCE OF CHRISTOPHER PENN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Christopher Penn, cherished son, brother, brother-in-law, uncle and friend. Mr. Penn's insightful cinematic performances reflected the human condition with subtle power, in a style that ranged from comedic and sublime to rage and despair. His brilliant character portrayals resonated with moviegoers worldwide, connecting us all in our shared humanity.

Although not often cast as the leading man, Mr. Penn's beautifully understated performances consistently lent grace and authenticity to every role he played. From his endearing performance as an insecure teenager in Footloose, to his colorful and unforgettable performances in Reservoir Dogs, True Romance, The Funeral, Pale Rider and Mulholland Falls, Mr. Penn's personal integrity and depth of character clearly radiated onscreen.

Mr. Penn began his film career as a child actor in the 1970's. His performances in more than forty films captured the hearts of moviegoers and earned the respect and admiration of both colleagues and critics. In 1996, Mr. Penn won a Venice Film Festival Award for Best Supporting Actor for his performance in the "The Funeral." He also was nominated for an Independent Spirit Award and a Genie Award.

Mr. Speaker, please join me in honor and remembrance of Christopher Penn, whose young life was framed by family, friends and his exceptional artistic dedication. I offer my deepest condolences to his mother and father, Leo and Eileen; to his brothers, Michael and Sean; to his sisters-in-law, Aimee and Robin; and to his many extended family members and friends. Mr. Penn's gentle spirit and kind heart will live on forever within the hearts of his family and friends, and he will be remembered always by his adoring audience.

RECOGNIZING LOCAL SOLDIERS FOR THEIR SERVICE TO THIS NATION

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. HIGGINS. Mr. Speaker, I stand here today to express gratitude to a number of soldiers from Western New York who have recently completed a tour of duty where they fought heroically on behalf of the United States of America.

In particular, I would like to recognize SGT Benn, SSG Benson, SGT Carr, SFC Collins, MAJ Dukes, SSG Hendricks, SSG Jindra, SGT Kulesz, SSG LaBuda, SSG Lemay, SFC Liberatore, SFC Press, SSG Printup, SPC Santiago and SFC Schuler, just a few of our local heroes who selflessly put their lives on the line to protect and improve the lives of those in this country and others worldwide.

These decorated men and women have demonstrated supreme courage and commitment through their call to duty and fight for liberty. Their valiant efforts are the reason why we continue to be the "land of the free and the home of the brave."

Mr. Speaker, on behalf of the residents of the 27th Congressional District and all Americans I wish to extend my sincerest appreciation to these courageous and noble soldiers. Their service and sacrifices help protect the safety and freedoms that make this Nation great.

DR. MYRTIS POWELL HONORED AS A GREAT LIVING CINCINNATIAN

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mrs. SCHMIDT. Mr. Speaker, I rise today to honor Myrtis Powell, Ph.D., an educator, civic leader and community activist, who will be formally honored as a Great Living Cincinnatian on February 16 by the Greater Cincinnati Chamber of Commerce.

The Chamber has bestowed this award on distinguished members of the community annually since 1967. Recipients of this prestigious award are chosen on the basis of professional achievement; community service; leadership; compassion; and vision. Past honorees have included Neil Armstrong, Dr. Albert Sabin and Charles Scripps.

The eldest of 14 children, Dr. Powell was born in Evergreen, Alabama, where she earned her high school degree when she was just 16 years old. With a quest for knowledge and a passion for learning, Dr. Powell's life has been defined by her distinguished career in education.

Dr. Powell moved to Cincinnati in 1955 to live with her aunt. While working full time in various secretarial and clerical positions, she climbed the ladder of higher education by taking evening and part-time classes at the University of Cincinnati. In 1969, she earned a bachelor's degree in Administrative Management; in 1974, she received a master's degree in Sociology; and in 1978, earned a doctorate in Sociology and Higher Education Administration. Dr. Powell also holds a certificate in Executive Management from the Harvard Business School.

Throughout her life, Dr. Powell has blazed a trail for women and African-Americans. She is the first African-American to be an associate dean at the University of Cincinnati; the first African-American to hold an upper management position at Miami University, where during her tenure she improved the student affairs office and increased the minority community on campus; and the first African-American to serve as a program officer at the Edna McConnell Clark Foundation in New York City.

She recently retired from her post as President and CEO of the Cincinnati Youth Collaborative, an organization that provides youth employment, mentoring, and tutoring for those in need.

Dr. Powell remains active in the community, and serves on the boards of Mayerson Academy, Bethesda Hospital Inc., Union Central Life, the Center for Holocaust and Humanity Education, Art Links, CET, and the Greater Cincinnati Foundation. She has received many honors, including designation as a Cincinnati Enquirer Woman of the Year, Talbot House Community Service Award, Glorying the Lion Awards from the Urban League, Miami's Alumni Association A.K. Morris Award, the YWCA Career Achievement Award, the Beacon of Light Award from Lighthouse Youth Services, and the Joseph A. Hall Award from the United Way and Community Chest.

Dr. Powell resides in the Cincinnati suburb of Amberly. Her late husband, Lavatus Powell Jr., was a vice president at Procter & Gamble and a community leader. She has one daughter, three stepchildren and five grandchildren.

All of us in the Cincinnati area congratulate Dr. Myrtis Powell on being named a Great Living Cincinnatian.

PERSONAL EXPLANATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. SHUSTER. Mr. Speaker, On Wednesday, February 8, 2006 on the Motion to Instruct Conferees regarding the Tax Relief Extension Reconciliation Act (H.R. 4297) I meant to vote "No" on the motion but inadvertently voted "Yes."

CELEBRATING THE ANNIVERSARY OF THE "BLUE & GOLD" WITH CUB SCOUT PACK 890

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. HIGGINS. Mr. Speaker, it is with great pleasure that I recognize the young men from Cub Scout Pack 890 from Woodlawn, New York as they celebrate the traditions and contributions of the Boy Scouts of America on this, the 76th anniversary of Cub Scouting.

Since 1910 Cub Scouts have embraced their motto "Do Your Best" and promoted the values of: citizenship, compassion, cooperation, courage, faith, health, honesty, perseverance, positive attitude, resourcefulness, respect, and responsibility among its membership.

Today we have more than 885,000 Cub Scouts across America, learning valuable life lessons through the scouting program, who will be the next generation of leaders.

On Sunday, February 12, 2006 Pack 890 will celebrate the Anniversary of Scouting with a "Blue & Gold" dinner; blue representing truth, spirituality, steadfast loyalty and the sky above and gold which stands for warm sunlight, good cheer and happiness.

Mr. Speaker, thank you for the opportunity to recognize Cub Scout Pack 890, whose members have learned at a very young age the importance of teamwork and giving back to one's community. We should be proud knowing they are this Nation's future.

HONORING THE COMMUNITY OF CHICAGO'S KOREA TOWN

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. EMANUEL. Mr. Speaker, I rise today in recognition of the achievements of the Korea Town area of Chicago's 5th Congressional District.

Chicago is home to many culturally and ethnically based communities, and Korea Town is one of the most thriving and influential areas in our city. Anchored on Lawrence Avenue, local businesses both serve and showcase the Korean community and its heritage. The residents of this neighborhood have played a large role in its recent revitalization, boosting civic pride as the neighborhood has flourished.

Korea Town is home to many Korean restaurants, merchants, and bars popular among both residents of and visitors to Chicago. The area also serves as the hub for Chicago's communication among the Korean-American community, as it boasts Korean television and radio stations, newspaper and magazine headquarters, and other businesses that cater to the growing number of Koreans and Korean-Americans in Chicago.

Recently, the Illinois Department of Transportation put up a designation marker on Chicago's John F. Kennedy Expressway to show the way to Korea Town. This sign will lead visitors to a symbol of over 40 years of hard work of the Korean American community, as well as the many successes of immigrant communities in Chicago and across the country.

Korea Town is one of the neighborhoods that make Chicago great, boasting some of the city's wonderful opportunities for dining, shopping and family-friendly recreation. Last year, both the Chicago City Council and the Illinois General Assembly passed resolutions honoring the cultural heritage of Korea Town and the contributions of Chicago's Korean community, and I am proud to represent Korea Town and many Korean-Americans in the U.S. House of Representatives.

Mr. Speaker, I ask you to join me in recognition of the rich cultural heritage of Chicago's Korea Town, and honor the many contributions of Chicago's Korean-American community.

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall votes and would like the record to reflect that I would have voted as follows:

Rollcall No. 5—"yes."
Rollcall No. 6—"yes."
Rollcall No. 7—"yes."

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Ms. WOOLSEY. Mr. Speaker, I was unavoidably detained and therefore unable to vote on rollcall votes 5, 6, and 7. Had I been present, I would have voted "aye" on rollcall vote 5, "aye" on rollcall vote 6 and "aye" on rollcall vote 7.

SERGEANT FIRST CLASS JOHN D. MORTON

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. CHANDLER. Mr. Speaker, I rise today to honor an American hero. SFC John D. Morton made the ultimate sacrifice when he gave his life in Afghanistan while supporting Operation Enduring Freedom. John was not only a courageous soldier, but a dearly loved father, brother, son and friend. It is with heartfelt sadness and my deepest sympathies that I stand before you and pay homage to a true defender of freedom.

As a senior at Powell County High School, SFC John Morton felt the call of duty and enlisted in the United States Army. His service to our country sent him all over the world—Somalia, Haiti, Iraq and Afghanistan. He was assigned to the 74th Infantry Detachment (Long Range Surveillance), 173rd Airborne Brigade based in Vicenza, Italy.

On December 15, 2005, John's patrol was on a mission in the mountainous area around Kandahar, Afghanistan when they were confronted by Taliban fighters. John suffered a fatal wound to the chest. On December 28, 2005, SFC John Morton was laid to rest at Arlington National Cemetery.

John had a strong commitment to his country and to the uniform that he wore. He believed in his mission in Afghanistan and in the war in Iraq. Along with being an American soldier, John was a beloved father and husband. It is with grief, sadness and humility that I thank John's parents and two sisters. I also wish to thank John's wife, Sarah, and his three children Joshua, Scarlette and Olivia for making the ultimate sacrifice.

John's death is a great loss to the state of Kentucky, to our country, but most of all, to the entire Morton family. I know in my heart that SFC John Morton will always be remembered as an American hero.

PROTESTS AT MILITARY FUNERALS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. EVANS. Mr. Speaker, approximately 138,000 troops are serving in Iraq and hundreds of thousands more are stationed at bases all over the world. These men and women bravely volunteered to serve their country and fight to preserve the democratic ideals we as Americans hold dear. It is because of them and the sacrifices they make, I rise today to bring attention to a very serious issue.

On a rainy November day in my district, a group of protesters gathered at the funeral of SGT Kyle Wehrly—the first resident of Galesburg, IL to die in Iraq. During the funeral, they shouted cruel, hateful words at the mourners. Upon hearing the protesters might show up at the funeral, a group of students from Knox College in Galesburg organized to silently stand in front of the protesters, raising their umbrellas to block the hateful words and placards from the family members and friends of Sergeant Wehrly.

In response to the emotionally charged and widespread attention this incident and other similar protests brought to the State, Illinois Lieutenant Governor, Pat Quinn, proposed a new law preventing protests at funeral services throughout the State. The Let Them Rest in Peace Act prohibits protests within a 300-foot zone around any funeral or memorial in Illinois from 30 minutes before a service until 30 minutes after. "No grieving military family should be subjected to vile epithets and signs at the funeral service of their loved one who has made the ultimate sacrifice for our country," Quinn said in a recent press release. "This legislation strikes an important balance between the First Amendment religious rights of families to bury their dead with reverence and the expression rights of those seeking to harass mourners at a funeral service."

I wholeheartedly support free speech and the right of every American to exercise that right. I also strongly believe the rights of families privately mourning the loss of loved ones are violated and the contributions of our fallen military heroes are belittled when funerals are targeted for picketing and other public demonstrations. Picketing of funerals only cause emotional disturbance and distress to grieving families, which is why I support the Lieutenant Governor's proposal. The Let Them Rest in Peace Act allows family members to peacefully mourn while preserving free speech. Under the Lieutenant Governor's law, people can still protest, they just have to do it from 300 feet away.

I commend the students of Knox College for the decency they showed the family and friends of Sergeant Wehrly by peacefully and silently creating a barrier between them and the hateful, painful words of the protesters. I hope their actions help bring further attention to this issue so we can better honor our men and women in uniform, while continuing to uphold our treasured first amendment rights.

TRIBUTE TO A TRUE AMERICAN HERO, DURWARD LEE "SWEDE" REYMAN

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor a true American hero, Durward Lee "Swede" Reyman. Swede quit high school a week after the attack on Pearl Harbor in 1941, at the age of 18. He volunteered to join the Army Air Corps to protect and defend the country he dearly loves.

After serving in various locations in the United States he was trained for Arctic Search and Rescue and was sent to serve 1 year in northern Quebec, Canada, where he was responsible for driving sled dogs. Upon returning to the States he volunteered for the paratroops and was assigned to the Army Parachute Infantry. He completed jump training in February of 1945 in Fort Benning, GA. Swede was then sent to the Pacific as part of the 11th Airborne, 188th Parachute Infantry Regiment, 3rd Battalion where he made a combat jump on Luzon Island in the Philippines. Swede made a total of seven jumps during his time in the military.

Following the drop of atomic bombs in Japan in 1945, Swede's unit was the first to set foot in the country of Japan. They served as the Honor Guard for GEN Douglas MacArthur during his arrival in Japan.

Following the war, Swede returned home and married his sweetheart Hope, and together they raised four sons, D.L. Junior, William Craig, James Mark, and Jeffrey Charles. Jeffery served 4 years in the United States Air Force.

Swede has been actively involved in ceremonies marking the anniversaries of World War II events. He went to France for the 50th anniversary of D-Day in June 1994 and made a jump with several other WWII survivors. Additionally he made jumps in Russia and Australia in 1995 in ceremonies commemorating the 50th anniversary of V-EDay.

Swede's favorite phrase that he says to himself daily is "They gave their tomorrows for our todays." He doesn't know who to attribute this quote to, but he states that it always makes him think of the cemeteries full of veterans who died and were buried far from home. They had bravely fought and died for our freedoms.

Today I am proud to honor Swede for his courage, patriotism, and service to our Nation. He helped protect our democracy and kept our homeland safe by placing his life on the line. Swede truly is the embodiment of all the values that have molded America into the great Nation it is today.

Mr. Speaker, we maintain the blessings of our freedoms only because we have citizens like Swede Reyman who are willing to fight to defend them for us. It is for these reasons Swede deserves the very highest praise and deep appreciation from the residents of Colorado and from this esteemed body.

HONORING PETER M. AYLWARD

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. RADANOVICH. Mr. Speaker I rise today to honor a great soldier, a great husband, a great father and a great American—soon-to-be BG Peter M. Aylward.

This Friday, February 17, 2006, my good friend COL Peter Aylward will be promoted to the rank of brigadier general. Peter is currently serving as the joint staff and deputy director for Anti-Terrorism, Force Protection and Homeland Defense. Peter has served our country in many ways including being a member of the White House Task Force for Disaster Reduction and Tsunami Warning and Planning and led the DOD Pandemic Influenza Task Force for the Assistant Secretary of Defense for Homeland Defense.

As 1 of 11 children, Peter is a Massachusetts native who began his illustrious military career in 1976 when he enlisted in the 1/26 Cavalry Squadron as a reconnaissance specialist. Peter earned multiple degrees from the University of Massachusetts, Lowell, a masters from the Marine Corp University and a master's degree from the National Defense University. He has served in a variety of command and staff assignments and won multiple honors and medals including the Defense Superior Service Medal, Legion of Merit, Defense Meritorious Service Medal, the Meritorious Service Medal with three oak leaf clusters, the Joint Service Commendation Medal with one oak leaf cluster, the Army Commendation Medal with one silver and one bronze oak leaf clusters, the Joint Service Achievement Medal with one oak leaf cluster, the Army Achievement Medal with one oak leaf cluster and many other awards.

Mr. Speaker, we are fortunate to have such a great and dedicated man protecting our country. It is truly an honor to publicly salute BG Peter M. Aylward on the House floor today and bestow our heartfelt thanks for his tireless efforts on behalf of all Americans. I thank Peter, his wife Sandra and their sons, James and Jeremy, for all the time they have given up as a family to make sure our country is safe. We sleep easier because of Peter's commitment and dedication, and I congratulate him on his recent promotion.

TRIBUTE TO GRAYCE BODGEN ARNOLD

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. GRIJALVA. Mr. Speaker, Grayce Bodgen Arnold was originally from Philadelphia, PA, and arrived in Arizona through her husband, John Patton Arnold, who had been commissioned by Popular Mechanics and the Triple A Automotive Association to publish the first motor tourist guide of Mexico in the mid 1950's. The family, then including their first two children, moved to Nogales, AZ. The family later moved to settle in Tucson, where their third child, Janie, was born.

Throughout this time Grayce had been developing her cooking and artistic talent. While she lived in Doylestown, PA, her neighbor Sara Lee was a constant presence in Grayce's kitchen, sampling her cooking. At the same time she was also working on her artistic talent, she worked with famed Tucson artist Ted DeGrazia at his studio. In addition to her artistic and cooking talents, she also developed her business skills.

Through the years, her business ventures brought her in contact with many people, including film stars Faye Dunaway and Joanna Cassidy, and then Governor George W. Bush. Also it was at this time that her designs for Patagonia's first three postcards came out, displaying her civic involvement to promote Patagonia as a tourist destination.

In 1976, Grayce's son, Dr. John David Arnold, bought the Miner's Old Home in Patagonia, which was built in 1905. At the time, the house was not in good condition, but was remodeled to be made fit for living, and is where Grayce lived until the end of her life. This is also where Grayce Gift and Candle Shop operated from for almost three decades. Grayce's artistic talents are displayed in her shop, which is more than a shop, instead it is more like part museum and art gallery. Grayce's artistic collections include her award winning sand cast candle dioramas, creative masks and one of her greatest sculptures, her rendition of the Tarahumara man squatting in contemplation in traditional dress.

Grayce was inspiring; she was so full of life, physically active and ran her own business until the age of 97. She would be the first to tell you that age is irrelevant, after all, while in her sixties she belly danced, remarried and launched her artistic career. She always told her children, "be creative, never stop dreaming, and help others." She was an amazing woman who will be remembered to those who loved her and to the many whose lives she touched.

HONORING CAPTAIN KEVIN C. MURRAY

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. WU. Mr. Speaker, I rise today to honor CAPT Kevin C. Murray, who lost his life while performing his duties as a Columbia River bar pilot on the night of January 9, 2006.

Where the Columbia River meets the Pacific Ocean is spectacularly beautiful, yet it is also the worst river bar passage in North America. Columbia River bar pilots have steered vessels in the lower Columbia across the treacherous bar since 1846, making it one of the oldest businesses in the Pacific Northwest. This shallow bar has claimed some 2,000 vessels and 700 lives since the early 19th century.

During a transfer back to the pilot boat *Chinook*, in heavy winter seas, Captain Murray, 50, a resident of Ilwaco, WA, and Boothbay, ME, was thrown into the ocean waters. Despite the valiant efforts of his crew, Captain Murray succumbed to the frigid ocean temperatures. He is survived by his wife, Lori Stetson Murray, and his mother, Phyllis Murray, of Boothbay Harbor, ME.

Captain Murray was a seasoned, experience scholar of the seas. He began his career working on towing vessels, towing semi-submersible oil rigs in and out of the Gulf of Mexico. He later captained a 700-foot oil tanker, the *Blue Ridge*, and held an unlimited master's license allowing him to captain any size vessel in any waters in the world. He had extensive experience in the waters from Alaska to San Francisco, resulting in his recruitment by the Columbia River Bar Pilots in 2004. Fellow Columbia River bar pilots remember Captain Murray as a wonderful person, a strong, silent type, with a quiet, hidden sense of humor.

I extend my heartfelt condolences to Lori, his wife; Phyllis, his mother; and all of his family and friends. This tragic drowning, the first loss of a Columbia River bar pilot since 1973, highlights the danger that these brave pilots face daily in navigating the Columbia River bar, also known as the "graveyard of the Pacific". The bar pilots navigate cruise ships, U.S. Navy vessels, foreign vessels and cargo vessels, inbound and outbound on the Columbia River through the bar. Their skills and work are crucial aspects of the economic health of the deepwater ports of Oregon and Washington and the livelihood of the Pacific Northwest.

Mr. Speaker, I rise not only to honor Captain Murray, but to honor all of his fellow bar pilots on the Columbia River, who stand as their own class of heroes of the sea.

TRIBUTE TO REVEREND DR. C.W. NEWSOME

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. GEORGE MILLER of California. Mr. Speaker, it was with overwhelming sadness that I learned of the passing of The Reverend Dr. C.W. Newsome last week. For more than 40 years my friend and mentor Rev. Charles Newsome served as a moral compass for our community. For more than 40 years he was our spiritual rock and for more than 40 years he was our seeker of justice. There was no question in his mind or ours why God put him on this earth. Rev. Charles Newsome came to us to lead the way in the struggle for economic and social justice and to heal the scars of racism on our country and our community. And he did. With strength and trust given to him by the people he served, he fought for the rights of all people to seek opportunity and to be free from bigotry. He understood that there was no other way for us to build a lasting integrated and strong community. Year after year our friend led the efforts for better housing, schools, jobs, and health care for everyone. So very often he took his church, North Richmond Missionary Baptist Church, and its members into the forefront of these battles. Rev. Newsome knew the strength of the church depended on its involvement with the daily needs of its members and our community. Over these many years I have enjoyed our conversations, treasured his friendship, and highly valued his counsel on a wide variety of issues.

Reverend Newsome was born on June 15, 1924, in Brenham, Texas. Prior to his commitment to the faith ministry, he served valiantly as a U.S. Marine, in the Segregated Corps, fighting against Nazi fascism in the European Theater of World War II. An injury forced him to leave the service and he eventually came to Richmond, continuing to support our country's effort by working in the shipyards. His participation in shipbuilding and that of the countless African Americans who migrated west during the war, led Richmond to become one of the leading industrial hubs of the world. Today his legacy and that of all of the men and women who built our country's warships has been memorialized as Rosie the Riveter National Historic Park.

With an insatiable appetite for learning, Reverend Newsome attended Contra Costa College for his AA Degree, the University of California Berkeley for his undergraduate work, Bishop College in Dallas to study theology, and received his Doctorate from Reeds Christian College—Western Theology Seminary in Los Angeles. Following the completion of his studies, he began his life's work. Rev. Newsome's ministry has included Organizing Pastor of Holy Jerusalem Missionary Baptist Church in Richmond, and heading the Community Baptist Church in Santa Rosa, California. In 1966 he took on the pastoral duties at North Richmond Baptist Missionary Church. Building on his congregation's stature in the community as the first "Negro Baptist Church of Contra Costa County", Rev. Newsome continued to break new ground in the name of social justice. He led laborers to fight for equality in the workplace and led families to fight for safety in our schools and on our streets.

It was just two years ago that I came to this Well to mark Reverend Newsome's retirement after 38 extraordinary years as Pastor of North Richmond Missionary Baptist Church. This congregation under his leadership has become a beacon of hope in a community struggling against issues of social and economic injustice.

To Reverend Newsome's wife, Alice, his daughters Patricia Cooper and Redonda Newsome, and his son, Reverend Charles Newsome, I extend my heartfelt condolences. Their loss is shared not only by those who knew Reverend Newsome but by all who have been touched by the work he has done. We will be forever grateful for his skill, strength and courage as he sought to make our community and our country a better place for all of us. We are so grateful to his family and his church for sharing him with us for so many years. We celebrate his life without sorrow because we know God has much need of him.

"What does the Lord require of us—to do justice, to love kindness and to walk humbly with thy God"—Micah 6.

HONORING MEREDITH KIESEL

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. ISRAEL. Mr. Speaker, I rise today to honor the accomplishment of Meredith Kiesel, a 7th grader from Northport, NY, who won first place in the World Hunger Essay Contest. Ms. Kiesel understands our country's need for a plan to eliminate hunger and food insecurity.

SHOULD FOOD BE A BASIC HUMAN RIGHT?

(By Meredith Kiesel)

I think that food should be a basic human right. In our society we have human rights. Some of these rights include freedom of speech, education, the right to vote, to think freely, and to practice and believe in any religion. These rights make our country great and strong. Food is used to give us energy, and to keep us focused on what we are doing. When a person misses a meal they become very tired and hungry.

Every person who has food can contribute to local food pantries and to food drives. If every person contributed, many people would have food. If a local grocery store donated extra food to a food drive or a shelter it would help people who cannot afford food. People who cannot get a job suffer because they do not have money to buy food. If food was a human right these people could get food to support themselves and their families.

Many people who cannot afford food do not have enough energy to do ordinary things. Kids who do not have enough food in their bodies cannot study and learn and cannot do sports or activities that are in their school. They cannot do it because they do not have enough energy. Even with eight hours they will not have the energy without food. If food was a human right they could go out for sports teams or play in their local neighborhood parks and study and become successful.

Food is very important for our bodies and minds. It helps us to think and do regular activities. Without proper nutrients our bodies cannot function properly. These are very important reasons as to why food is very important. The whole world should have food as a basic human right. It would help make the world a happier and healthier place to live.

HONORING FARRAGUT HIGH SCHOOL FOOTBALL COACH EDDIE COURTNEY UPON RECEIVING THE INAUGURAL COURTNEY COURAGE AWARD

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. DUNCAN. Mr. Speaker, on January 18th of this year, Farragut High School Head Football Coach Eddie Courtney was named the first recipient of the Eddie Courtney Courage Award named in his honor.

This ceremony took place at the end of a grueling and testing season for Coach Courtney and his Admiral football team. Coach Courtney was diagnosed with Hodgkin's disease last spring and despite months of radiation and chemotherapy, he guided the Admirals to the Class 5A quarterfinals and an 11–3 record. Throughout his intensive treatment, he never missed a team function, including summer conditioning workouts, cutting the grass and lining the field before games and scrimmages.

Mr. Speaker, I ask the readers of the CONGRESSIONAL RECORD and my fellow colleagues to join me in honoring the courage, strength and leadership of Farragut High School Head Football Coach Eddie Courtney. I also include the following news article printed in the Knoxville News-Sentinel.

[From the Knoxville News-Sentinel, Jan. 19, 2006]

COURTNEY AWARD STANDS FOR COURAGE

(By Drew Edwards)

Farragut High School football coach Eddie Courtney was named the first recipient and namesake of the Courage Award at the PrepXtra football awards banquet Wednesday night in the Wolf Kaplan Center inside Neyland Stadium.

Courtney was diagnosed with Hodgkin's disease last spring and guided the Admirals to the Class 5A quarterfinals and an 11-3 record. Throughout months of radiation and chemotherapy, the 52-year-old coach never missed a team function, including summer conditioning workouts.

He continued to perform his other duties, including cutting the grass and lining the field.

"It started with (my faith) and having great friends," Courtney said. "And I'm here because of the game of football. As a player, it was always just suck-it-up and go."

Farragut linebacker Nick Reveiz said Courtney's attitude rubbed off on the team.

"He's a man, and that's the true definition of a man," Reveiz told the News Sentinel in November. "He takes what life gives him. He doesn't whine about anything. That's one person that no matter what comes his way, no matter how unfair it is, no matter what happens, he's not going to complain about anything. He's going to take what's given and make the best out of it."

Courtney finished his radiation treatments last month and will visit doctors once every two months for the next year.

The Eddie Courtney Courage Award will be given each year to a player, coach or contributor to local high school football who has shown the spirit to face fear or danger with confidence, resolution and dignity.

HONORING JOAN CARR ON RECEIVING THE ATHENA AWARD

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. McCOTTER. Mr. Speaker, I rise today to acknowledge and honor Joan Carr, who is the recipient of the ATHENA award, which honors outstanding women for their leadership.

Since her retirement from the nursing profession, Joan has selflessly served as a volunteer for WWCSD Health & Welfare Advisory for the Wayne Westland School District Family Resource Center. She has led numerous community projects, including the Red Wagon Literacy Project, Kindergarten Backpack Project and Literacy Family Fun Night. Dedicated to her community, she has tirelessly worked to identify the needs of families within the Wayne Westland School District, and is considered a mentor and role model to women in her community.

Mr. Speaker, Joan Carr has forged a legacy of commitment and dedication to helping families in the Cities of Wayne and Westland. I ask my colleagues to join me today in honoring Joan, and I congratulate her upon receiving this honor.

HONORING THE WOODVILLE FIGHTING EAGLES 2A BASEBALL TEXAS STATE CHAMPIONS

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. BRADY of Texas. Mr. Speaker, I rise today to honor the Woodville High School Fighting Eagles on their 2005 2A Texas State Baseball Championship. Woodville, Texas, is a wonderful community in Tyler County and a proud part of the Eighth Congressional District. For any community in America a state championship is quite an accomplishment and one worth honoring.

While the young men and their coaches worked their way through each level of competition, everyone in the community rallied behind the team driving all over the state to cheer them on to a State Championship victory.

Team starting pitcher Casey Beck was named most valuable player at the State Championship Game. The team clinched the championship with a victory over Holliday High School located near Wichita Falls, Texas, by a score of 2 to 1. In a story that belongs in a climatic Hollywood sports movie, Beck, after throwing 134 pitches in his team's semifinal victory the day before was called in as a relief pitcher in the last two innings of the championship game.

The Austin American Statesman quoted Beck as saying "My arm was really weak. When I was warming up between innings, I had nothing. Coach came over and asked me if I had one inning left, and I told them I'd give it my all. Then that became two innings."

Mr. Speaker, there is something else that makes the people of Tyler County and the City of Woodville stand out. These families and businesses first opened their homes to Hurricane Katrina victims, then to Rita evacuees from other areas of the state. Following their awesome display of compassion and generosity, Hurricane Rita with 150 mph winds, unexpectedly made Woodville a direct target.

In light of the recent Gulf Coast hurricane season, and specifically Hurricane Rita that devastated Tyler County and its surrounding communities, the team's victory has helped keep this tight knit community even stronger.

Casey Beck's performance in the championship game represents the attitude and "get it done" spirit of the people of Tyler County. Regardless of how tired they are they are going to give it one or two more innings down the stretch, face down one hurricane and then another.

The team was coached on to victory by Head Coach Neil Hennigan and Varsity Assistant Coaches Joe Wilroy, Beau Burnett and Reggie Williams. The members of the championship team included: Casey Beck, Braeden Riley, Reese Winters, Jordan O'Neal, Zack Rigby, Daniel Spivey, Jess Conner, Trevor Rainey, Aaron Hicks, Evan Fortenberry, Logan Alec, Justin Kirkpatrick, Allen Mitchum, Jacoby Williams, Josh Kirkpatrick, Chad Prince, Joel Gentz, Brian MacGinnis, Paul Price, Cullen Williams, and Jack Hickman.

These young men and their coaches have together accomplished so much and made a community and region so proud. Mr. Speaker, I hope the House of Representatives will join me in honoring the Fighting Eagles and the community they represent.

INTRODUCTION OF THE GIFT OF LIFE CONGRESSIONAL MEDAL ACT OF 2006

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. STARK. Mr. Speaker, I rise today to introduce the "Gift of Life Congressional Medal Act of 2006." This legislation creates a Congressional commemorative medal for organ donors and their families, recognizing the brave and selfless act of organ donation. I want to thank Senator FRIST, a heart and lung transplant surgeon himself, for introducing companion legislation in the Senate.

There is a serious shortage of available and suitable organs for donation. Over 90,000 people are currently waiting for an organ transplant; over 2,200 of these are children under age 18. Over 30,000 new patients are added to the waiting list each year. Because of low donor rates, in 2004 alone over 6,150 people died for lack of a suitable organ. An estimated 12,000 people die each year that meet the criteria for organ donation. Less than half actually become organ donors. Recognition of these gifts of life would publicize the critical need to increase organ donation.

Physicians can now successfully transplant kidneys, lungs, pancreases, intestine, livers, and hearts with considerable success. But, without expanded efforts to increase organ donation, the supply of suitable organs will continue to lag behind the need. Incentive programs and public education are critical to maintaining and increasing the number of organs donated each year.

Health and Human Services, HHS, has already implemented initiatives to raise the public awareness of this vital act of giving life. The Gift of Life Congressional Medal Act is a great opportunity for us to work with HHS to draw attention to this life-saving issue. It sends a clear message that donating one's organs is an act that should receive the profound respect of our Nation.

The Gift of Life Congressional Medal Act establishes a nonprofit fund to be used to design, produce, and distribute a Congressional commemorative medal to organ donors or to a surviving family member. Enactment of this legislation would have no cost to the Federal Government. The Treasury Department would provide a small initial loan for start-up purposes, which would be fully repaid. Subsequently, the program would be self-sufficient through charitable donations.

This is non-controversial, non-partisan legislation to increase the rate of organ donation. I ask my colleagues to help bring an end to transplant waiting lists and recognize the enormous faith and courage displayed by organ donors and their families. This bill honors these brave acts, while publicizing the critical need for increased organ donation. I urge swift passage of the Gift of Life Congressional Medal Act.

COMMEMORATION OF THE VISIT OF THE BLACKWATER COMMUNITY SCHOOL DELEGATION TO WASHINGTON, DC, FEBRUARY 14, 2006

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. GRIJALVA. Mr. Speaker, I rise today to recognize a delegation from my district visiting our Nation's Capital. This delegation represents the Blackwater Community School on the Gila River Indian Reservation, who belong to the Akimel O'Otham.

I would like to acknowledge Henry Pino, president of the Blackwater Community School Board; board member Francisco Osife; board secretary Peggy Winchester; and the superintendent and principal of the school, Jacquelyn Power. Through the talent and commitment of these individuals, the students of

Blackwater are in great hands. Blackwater Community School has a motto—"Quality Education Begins Here." It was evident in our discussion today that these educators and administrators live up to such an inspiring motto every day.

Blackwater Community School was built in 1939, it was the first operated by the Bureau of Indian Affairs in Arizona, and still educates children and families in its historic, refurbished buildings. The children are in grades kindergarten through second, and a charter expanded the student enrollment to third and fourth grades.

Blackwater has led the way as the highest performing school determined by federal and state officials. Most recently, the National Indian School Board Association honored the school with its coveted 4Cs Award.

The school also has one of the most successful family literacy programs in the nation that educates pre-school children and their parents together. The program is called Family and Child Education (FACE), the FACE program at Blackwater has earned an enviable reputation as a proud member of the National Adult Education Honor Society.

I would like to offer my congratulations to the distinguished delegation from Blackwater Community School for the tremendous job that they are doing on the Gila River Indian Reservation.

CONGRATULATIONS TO FATHER EVAGORAS CONSTANTINIDES

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. VISCLOSKY. Mr. Speaker, it is with great sincerity and admiration that I wish to congratulate Father Evagoras Constantinides on the 50th Anniversary of his ordination into the Holy Priesthood. Father Constantinides will be recognized at a banquet in his honor at the Saints Constantine and Helen Greek Orthodox Cathedral on Sunday, February 26, 2006, which will also be a celebration of the 60th Wedding Anniversary of Father Evagoras and his wife, Presvytera Mary.

Father Constantinides was born in Lapithos, Cyprus in 1918 and was educated in his village through his second year of high school, where he graduated with the Gold Medal Award for academic excellence. He entered Athens College in 1932, where he was accepted on a yearly scholarship with the school's science section. Father Constantinides had no trouble maintaining his scholarship for six years, and he graduated with honors while receiving the Delta Public Speaking Prize and the English Language Prize. This dedication and commitment to his studies exemplifies the hard work on which Father Constantinides prides himself.

After finishing college in Greece, Father Constantinides traveled to the United States to continue his studies and broaden his experiences. In 1938, he enrolled at Fenn College, which is now Cleveland State University, where he studied civil engineering. During his four years at the University, he served as a Greek teacher and as the Hellenic Board of Education Secretary for the Greek Orthodox Community of the Annunciation of Cleveland, Ohio. Although he enjoyed his time in Cleveland, his final year was interrupted by World War II. As a British subject, Father Constantinides entered the Canadian Army as a private in the fall of 1942. After completing his basic training, he was enrolled in the officer training program, from which he graduated as a 2nd Lieutenant in the Engineer Corps with proficiency in explosives, mines, and demolitions. His outstanding ability as a military officer, coupled with his excellent intellect, allowed Father Constantinides the opportunity to work for the United States Central Intelligence Group translating Japanese documents and the Greek Constitution into English.

After being discharged in 1947, Father Constantinides returned to the United States and began extensively studying theology. On March 11, 1956, Father Constantinides was ordained into the priesthood, and on September 1, 1969, he was appointed pastor of the Saints Constantine and Helen parish in Gary, Indiana. Since arriving in Northwest Indiana, the graciousness and generosity of Father Constantinides has touched many lives. In 1971, Father Constantinides was instrumental in the construction of the Hellenic Cultural Center in Merrillville, Indiana, as well as in the design and construction of the Saints Constantine and Helen Cathedral, one of the ten largest Orthodox churches in the Americas, in 1975. During his years of service, Father Constantinides has also become deeply involved in the work of Hospice of the Calumet Area.

In addition to the many contributions within his own parish, Father Constantinides has committed himself to improving the community, the nation, and the world. To name just a few of the appointments and accolades bestowed upon Father Constantinides throughout his years of service, he was honored with the office of Protopresbyter in 1972, and he served as the Treasurer and member of the National Presbyters Council from 1970–1974, and again from 1980–1982. He received the Greek Orthodox Archdiocese of North and South America Service Award and Gold Cross in 1976 for his struggles and lobbying activities for the liberation of invaded Cyprus. Father Constantinides has shared his immense wisdom and faith in various countries, including Russia, Kenya, Uganda, and India. Remarkably, Father Constantinides has even found time to author four Sunday school books for children and has translated six Orthodox Service books from Greek to English.

Since his retirement in June 1995, Father Constantinides has devoted his time to the Orthodox Christian Mission Center through writing, lecturing, and substituting at churches in the Chicago Diocese, but he has also been able to devote much of his time to his loving wife, Mary, and their four children. Presvytera Mary has stood by her husband's side for the past 60 years. I am sure Father Constantinides would agree that the unwavering support of his loving wife has been a major factor in the many achievements he has reached in his lifetime. Father Evagoras and Presvytera Mary are a shining example of true dedication to their vows and each other.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in thanking Father Evagoras Constantinides for his contributions to the members of his parish, the citizens of Northwest Indiana, and his fifty years of service to people throughout the world. I also ask that you join me in congratulating Father Evagoras and Presvytera Mary Constantinides on their 60th wedding anniversary. Their love for each other and for all mankind is truly an inspiration to us all, and I am proud to be their representative in Congress.

HONORING DR. PAUL LICHTMAN

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mrs. McCARTHY. Mr. Speaker, I rise today to honor Dr. Paul Lichtman, a science teacher from Uniondale High School. Teaching is one of the most honorable and important professions a person could choose. Dr. Lichtman is at the top of his profession, which his students have always known, and others realize as well. He has been honored by the New York State Assembly, the Nassau County Legislature, the Town of Hempstead Supervisor and the Town Board, and recently was named the Siemens Foundation's top mentor among those who helped 1,600 high school students enter its 2005 national competition. In typical Dr. Lichtman style, he has donated the $15,000 that comes with the award to purchase more equipment for the school's research room.

Dr. Lichtman earned his Pharm.D. in 1990, specializing in toxicology and worked for several years as a manufacturing pharmacist. He was a science research coordinator and teacher at Massapequa High School and Hillcrest High School prior to making his way to Uniondale.

Dr. Lichtman's program is one of only in three in the nation, other than in some magnet schools, where students do most of their research in a school lab rather than at a hospital or university. In just six short years, Dr. Lichtman has increased the number of research students from zero to over 80. His students, mostly minorities, have long credited Dr. Lichtman not just for his encouragement and mentoring in the classroom but also for teaching life lessons that can be used and applied throughout their lives.

The students develop a full research proposal by conducting a complete literature search and designing the methodology, which is then approved by Dr. Lichtman. Students implement the projects in the school's research lab, present their results at science competitions and propose and carry out further studies. The students' projects have resulted in practical applications that have been implemented, such as reduction of storm water runoff contaminants. Many of his students have been nominated for science awards and have placed in various science fairs and competitions, which is a testament to Dr. Lichtman.

Mr. Speaker, I applaud Dr. Lichtman, and all of our teachers, for their wonderful work, and their contribution to our leaders of tomorrow.

IN HONOR OF JOSEPH STROUD

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. FARR. Mr. Speaker, I rise today to congratulate Joseph Stroud, a Californian poet that has received the prestigious Witter Bynner fellowship award. The fellowship, funded by the Witter Bynner Foundation for Poetry, was developed in 1972 to promote the art of poetry and encourage grants that illuminate the positive effects that poetry has on society. As part of the fellowship, the two recipients are asked to organize a local poetry event as well as attend a poetry reading at the Library of Congress. Stroud has contributed tremendously to the art, and it is fitting that we mention him today.

He began his distinguished career as a professor of poetry and English at Cabrillo College in 1969 and for 35 years inspired the minds of many young and eager writers. Yet it was not until late that his literary prowess exploded on the cultural scene with the publication of his third book of poetry Below Cold Mountain. Stroud, who resides in Santa Cruz, California and Shay Creek in the Sierra Nevada, has also been active in the social diffusion of poetry locally while co-hosting KUSP's "Poetry Show".

Stroud's work encompasses various typologies of poetry from short-line form to lyrical prose and rhymes. His work takes readers with him on his travels and describes topics ranging from landscapes to commonplace objects in the finest detail or the greatest abstraction.

Stroud has completed works of great social and cultural importance and it is important that we recognize him for his contribution to the arts. Together with the Witter Bynner Foundation and members of the United States Congress, I welcome Mr. Stroud to our nation's capital and join in congratulating him for his success and thank him for his contributions to American literature.

COMMENDING THE LAUNCH OF SAEMSORI

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. LEACH. Mr. Speaker, I want to take this opportunity to congratulate the Eugene Bell Foundation, the Korean American Coalition of the Midwest, and other involved churches, community leaders and organizations on the occasion of their launch of the Saemsori initiative last week. By seeking to promote reunion between Korean-Americans and their family members in North Korea, it is a project with potential ramifications that are both personal and global.

As Members of this body are well aware, there currently exist many challenging issues between the United States and North Korea. In the current context, the most reasonable place to begin seeking a more positive dynamic is in the field of people-to-people relation. And the most natural and urgent way to seek those improvements is to pursue the reunion of Korean families. Although detailed statistics are not available, an estimated quarter of the 1.5 to 2 million strong Korean-American community have familial and historical ties to the North. The pains of separation are felt acutely by many Americans.

One of the most unique aspects of our Nation is that we are a society of immigrants with ties to many parts of the world. Traditionally, second and third generation American citizens have taken the lead in advising Congress and the executive branch on ways and means of forging closer, more mutually beneficial relations with their ancestral homelands, and in focusing American concern on the circumstances and challenges facing their former countrymen. In our unique, citizen-centered democracy, leadership on initiatives eventually undertaken by any administration often comes from outside government.

For this reason, I believe that the launch of Saemsori is an appropriate occasion to reflect on the singular role that Korean-American churches, civic organizations, and business leaders are playing in the way that the United States relates to the entire Korean peninsula, both North and South. Those who pursue reunion for the sake of their families are reflecting basic American values and rendering a service to the imperative of peaceful relations between peoples of the world.

HONORING CHARLES C. PHILLIPS

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today to remember the life of one of my distinguished constituents, Charles Clifford Phillips of Newport News, Virginia. Born in January of 1921, Charlie grew up in Friendship, South Carolina, where he, like many rural Americans of that time, worked on his father's farm. Anxious to see the world and to serve his country, he left South Carolina at the age of 17 and joined the Army Air Corps. After the entry of the United States into World War II, Charlie was sent to the Pacific Theater as a bomber turret gunner in the famous Red Raiders Bomber Group (22d Bomb Group, 2d Squadron). Like so many others of his generation, he asked no questions and he made no complaints. He fought and won a war that guaranteed the security of every American and hundreds of millions of others.

With his job done abroad, he returned to America to begin a new life and new family. He met the love of his life, Buena Mae Spurling, in a restaurant in Maryville, Tennessee. They eventually moved to Newport News, Virginia in 1955, where he joined the C&O Railroad and worked until his retirement 28 years later. He and his beloved wife of 60 years built a family of upstanding, hardworking Americans who carry his love of country and his belief in God.

This country lost a great American on December 23, 2005, just 2 days before Christmas and 2 weeks before his 85th birthday. Charlie closed his eyes for the last time surrounded by his family. I am told that he left this world as he lived in it, with dignity and honor.

I extend to the family of Charles Clifford Phillips my deepest sympathy and my prayers during this difficult time. I am sure you are so very proud of him. It is obvious through his service to our country during World War II and his love for his family, that he was truly a great man.

I would also like to enter into the RECORD the obituary of Charles C. Phillips.

OBITUARY OF CHARLES C. PHILLIPS

NEWPORT NEWS.—Mr. Charles C. Phillips, 84, a native of Marion, S.C., a resident of Newport News since 1955, went home to be with the Lord on Dec. 23, 2005. He was a Christian and Veteran of WWII, serving in the U.S. Army Air Corps, 22 Bomb Group (BG), 2nd Squadron, "Robinson's Red Raiders" in the Pacific Theatre. The 22 BG originated out of Langley Air Field in 1941 and was deployed to the Pacific one day after Pearl Harbor. He received several decorations and the unit had several Presidential citations, participating in numerous campaigns as a bomber turret gunner. Mr. Phillips retired from C&O Railroad after 28 years of service. He was the son of the late Chalmers Corcellus and Susan Wall Phillips of S.C. He was preceded in death by his brothers, Marvin, Zach and Wallace Phillips, and sister, Margaret Wagner Worrell. Survivors include his wife of 60 years, Buena Mae Phillips (whom he loved most in the world); two daughters, Margaret "Cookie" Tyndall and Michelle Kellam, and husband, Chris; two sons, Charles C. Phillips Jr. and wife, Patricia, and William L. Phillips; one sister, Geraldine Graham of Florence, S.C.; eight grandchildren; five great-grandchildren and numerous nieces and nephews whom he held very dear. He was provided loving care in his remaining days by his loving family, most notably his son-in-law G. Christopher Kellam and his grandson Caleb J. Kellam. Funeral services will be held at 11 a.m. Saturday, Dec. 31, in the World Outreach Worship Center, 1233 Shields Road, Newport News, VA 23608-2062, with Pastor Bob Collins officiating. The family suggests that memorials may be made to the World Outreach Worship Center.

HONORING JACK FARIS

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mrs. BLACKBURN. Mr. Speaker, America was built by entrepreneurs. We wouldn't be the powerhouse we are without the millions of people who had an idea, grew that idea, and turned that idea into a business. In America small business owners create the most jobs and drive economic growth.

Today I want to honor someone who has fought for those entrepreneurs. As president and CEO of the National Federation of Independent Business, Jack Faris has been a tireless advocate on behalf of small business owners. He understands the pressures facing our entrepreneurs and he has fought to be certain America doesn't stifle the freedom that gives so many the opportunity to go out and build a business. Jack Faris believes in dreaming big dreams and turning those into reality.

Jack knows our prosperity and our freedom are tied to a thriving small business community and he's never shied away from making certain policymakers understand that fact.

Even though Jack is retiring as president and CEO of the NFIB, we know he'll continue to support our small businesses. We thank him for his work on behalf of such a worthy cause.

HONORING AMY JARED AND HER DEDICATION TO THE ARTS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. GORDON. Mr. Speaker, I rise today to honor Amy Jared for her dedication to art education. Amy, a native of Cookeville, Tennessee, developed an art outreach program that was recently honored with the Nation's highest award for community arts programs.

As Art Education Manager at the Philadelphia Museum of Art, Amy developed a Latino Outreach Program that was named one of 15 finalists in the 2005 Coming Up Taller Awards. Since 1998, the awards have recognized the Nation's outstanding community arts and humanities programs. The Coming Up Taller Awards are a project of the President's Committee on the Arts and the Humanities in partnership with the Institute of Museum and Library Services, the National Endowment for the Arts and the National Endowment for the Humanities.

During her time with the Philadelphia Museum of Art, Amy also initiated all of the studio-based outreach programs with Philadelphia's public schools, expanded the museum's afterschool studio art classes and developed weekend art classes. In 1998, her art education programs received an Award of Excellence in Programming from the American Association of Museums. For five consecutive years, her children's studio programs were honored with a Best of Philly award.

Amy recently left the museum to return to teaching art in schools. I have no doubt that she will do an outstanding job. Her students certainly will be fortunate to have such a talented and engaging teacher.

I congratulate Amy for being recognized as a Coming Up Taller Award finalist, and I wish her all the best in her future endeavors.

INTRODUCTION OF THE ROYALTY RELIEF FOR AMERICAN CONSUMERS ACT OF 2006

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. MARKEY. Mr. Speaker, the American people expect their leaders to articulate a vision and a comprehensive strategy for America's energy future. They expect us to be focused on reducing the high energy costs to American consumers and completely eliminating our dependence on expensive and volatile Middle Eastern oil. In contrast, several weeks ago the New York Times released an investigative report revealing that payments made by energy companies are not keeping up with the skyrocketing cost of energy. Today, the Times, revealed that big oil companies stand to receive future royalty giveaways from the Bush administration of nearly $7 billion. This royalty relief for Exxon Mobil, BP, and Chevron Texaco comes at a time when consumers are paying record high energy prices.

It is time to start providing royalty relief to the American public, and to end it for multinational energy companies that just made more profit in one year than any industry in modern history.

Today, Representatives MALONEY, MILLER, WAXMAN, EMANUEL, INSLEE, PALLONE, GRIJALVA and I are introducing the "Royalty Relief for American Consumers Act of 2006" to ensure that the taxpayers will receive the billions of dollars in royalty payments they are owed by the big oil companies as payment to drill on public land. Our legislation would prohibit royalty relief on any future oil and gas leases, call for a renegotiation of current leases, and prohibit the purchasing of new leases by those companies that refuse to renegotiate.

Oil companies pay a fraction of the value of the oil and gas produced on federal land as a royalty to the Federal Government. However, on Valentine's Day, we have learned of yet another sweetheart deal that the administration is giving to big oil. Across the country, Americans can't afford roses and chocolates because they are getting squeezed at the pump for every last nickel and dime they have—meanwhile the Bush administration is giving its sweethearts in the oil industry $7 billion that rightfully belongs to America's taxpayers.

In the 1990's and again last year, the Republican Congress voted to suspend royalty payments by oil and gas companies for oil and gas produced in Federal waters in the Gulf of Mexico.

Now, the President's own budget directs the Department of the Interior to allow companies to pump nearly $65 billion worth of oil and natural gas without paying royalties. Apparently the administration doesn't feel that the record profits being reported by Exxon Mobil and the other big oil companies are high enough. The Bush policy of subsidizing wealthy oil companies has proven to be wildly effective in boosting oil company profits, but it continues to harm American consumers. It is time for this administration to stop letting oil companies make the greatest profits we have ever seen in the history of the world while not paying their bills to the American public.

The "Royalty Relief for American Consumers Act of 2006" will ensure that the American taxpayers receive the money they are owed by the oil companies in the future. Our legislation will help reverse the Bush administration's policy to "Leave No Oil Company Behind" and instead provide relief to the American consumers who are currently footing the bill.

TRIBUTE TO YOGGI RILEY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to my long time friend, Yoggi Riley, in recognition of her February 3, 2006, retirement from the U.S. Postal Service. Ms. Riley had a long and distinguished career with the Postal Service—almost 38 years. She proved herself a leader through her tireless work with the Postal Workers Union. Throughout her career she helped improve the lives of countless other postal workers through her union service.

In September 1967, Yoggi began working at the Post Office Department as a special delivery messenger. After witnessing the hardships experienced by the postal workers on the picket lines during the 1970 New York postal workers strike, which spread throughout the country, she joined the San Fernando Valley Area Local Branch of the American Postal Workers Union, APWU. This decision not only changed her life, but because of her tenacity as a union leader, it ultimately impacted the lives of many others. While her desire to help fight for and protect the rights of her fellow employees was kindled by that strike, it has continued to burn brightly throughout her career.

Yoggi's exceptional leadership as a union representative became apparent during the 1970s. In 1979, she was elected President of the local union and ultimately served two terms. During her tenure, the quality of service and the reputation of the local union increased markedly. Although she turned over the reins of leadership to spend more time with her family, whenever the union needed her she rose to the occasion. When organized labor fell on hard times and employees were required to work longer hours for less pay, the local union sought out Yoggi's help. She returned as Office Manager, and served as Secretary and then as Treasurer.

Her leadership was tested in the mid-nineties when postal management attempted to change the definition of a special delivery messenger and in the process deprive workers of their right to be represented by the union of their choice. During this crisis, she sprang into action, helped confront management, and enlisted the support of the national union. She then entered into a test case to resolve the issue through arbitration. Acting in concert with the national union, an agreement was reached with management that all messengers would remain, as stated in the law, in their union of choice. This was a great victory for postal workers.

Yoggi settled into a job as Mailing Requirement Clerk advising postal customers about the best way to make and prepare their mailings. In 2001, the Postal Service recognized Yoggi with its Diversity Award, an honor justly deserved. Although she has now retired from the UPS, Yoggi has not retired from her quest to help postal workers. In recognition of her passion and ability to help postal workers, the APWU has asked Yoggi to conduct seminars on retirement and to help other workers appropriately prepare for that transition. Not surprisingly, she has taken on this challenge with zeal and will, no doubt, continue to make a tremendous impact.

Yoggi is a very special woman. In addition to all she has done on behalf of postal workers, she has also devoted herself to raising a family. She is married to Lester Riley and they have two children and six grandchildren. The time and energy she gave to coaching children's baseball and t-ball was so well known that the community renamed the playing field across from her home after her.

Mr. Speaker, I ask my colleagues to join me in saluting Yoggi Riley, congratulating her on her retirement, and wishing her success in all her future endeavors.

TRIBUTE TO BARBARA SUDLER HORNBY

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Ms. DEGETTE. Mr. Speaker, I would like to recognize the wonderful life and exceptional accomplishments of a remarkable woman. This distinguished citizen possessed an impressive record of civic leadership and invaluable service, Her achievements in preserving the heritage of Colorado merit our recognition and gratitude, It is to commend this eminent citizen that I rise to honor Barbara Sudler Hornby.

When we think about the enduring legacy of Denver and Colorado, we think of Barbara Hornby. Her life was an affirmation of our heritage and its importance to future generations. When we celebrate her life, we celebrate not only the history and edifices she worked so diligently to protect, but the stewardship and conservation of our common cultural heritage.

Barbara Hornby was born in Hawaii to U.S. Naval Commander Leo Welch and Barbara Petrikin Welch in 1925. She graduated from the University of Colorado in 1944 and during the remainder of the Second World War, she worked at Ft. Logan, Buckley Field and did research for the University of Denver. Six years later, she married Denver architect James Sudler II and while working in his architectural firm, developed the skills that would serve her well in future endeavors. Following the death of Mr. Sudler, she married former Denver Post senior editor Bill Hornby who shared both her life and her work.

Barbara Hornby served as the executive director of Historic Denver and later as both director and president of the Colorado Historical Society. She supervised the development of the four-million dollar Georgetown Loop Historic Mining and Railroad Park. She served on the Denver Landmark Commission, was vice chairwoman and trustee of the Colorado Historical Foundation and was Colorado's Historic Preservation Officer. In 1995, Colorado Preservation Inc. honored her with the Dana Crawford Award and in 2000, the University of Colorado honored her as Outstanding Alumnus of the Year.

Barbara's accomplishments affirm that she was indeed the keeper of our sense of place. Through Barbara, we learned to savor the richness, diversity and legacy of our forbearers, She knew that preserving our history gives us roots and an understanding of who we are as Coloradans. She raised awareness of our unique heritage and taught us to take responsibility for preservation. She reminded us to respect our historic edifices and recognize that they are living monuments for future generations. We owe a tremendous debt of gratitude to Barbara for the care in which she protected and preserved our heritage. William Faulkner said, "The Past is never dead. It is not even past." When we consider the life and accomplishments of Barbara Hornby, we see that the past is not dead, that it enriches the present and gives foundation to the future.

Our thoughts and our prayers are with Barbara's children, James Sudler III and Eleanor Sudler and her husband Bill Hornby. Please join me in celebrating the life of Barbara Sudler Hornby, as distinguished citizen. The strong leadership she exhibited during her life continues to enrich our culture and sustain our heritage as Coloradans and Americans.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Ms. LEE. Mr. Speaker, on Wednesday, February 8, 2006, due to urgent personal matters I missed rollcall votes nos. 5, 6, and 7. Had I been present, I would have voted "aye" on H. Res. 670, H. Res. 657, and the Rangel motion to instruct on H.R. 4297.

IN RECOGNITION OF GRENADA'S 32 YEARS OF INDEPENDENCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. RANGEL. Mr. Speaker, I rise today to recognize Grenada's 32 years of independence and to enter into the RECORD an article published by Caribnews chronicling historic challenges faced by the country. I congratulate Grenadians in their native country, the United States and abroad on their perseverance to celebrate how far their great nation has come. Thirty-two years ago, on a momentous February 7, the beautiful country of Grenada achieved its independence from Great Britain.

Since its independence, Grenada—comprised of the islands of Grenada, Carriacou and Petit Martihas—has continued to flourish as a nation. As the first of the Windward and Leeward islands to declare its independence, Grenada obtained its autonomy under the Grenada United Labour Party government of late Prime Minister Sir Eric Matthew Gairy. Since the early days of independence, Grenada has struggled to find its voice. Despite violent power struggles and a U.S.-led invasion, the people of Grenada have overcome strife in order to forge ahead with their parliamentary democracy.

Today, Grenada stands as a spectacular island with lush mountains, crystal waterfalls, golden beaches and fragrant spice trees that give the island its epithet "Isle of Spice". It is also a vital trade partner, with significant global exports such as nutmeg, mace, cocoa, bananas, vegetables, and fish. But most importantly what is treasured most by Americans is not Grenada's landscape or exports but the Grenadians, who we regard with much esteem as our friends.

Thirty-two years ago this month, Grenada did not only put into motion independence, but national development and progress as well. Mr. Speaker, please join me in wishing Grenada continued political and social advancement on this very special day marking their 32nd anniversary of self-rule.

[From the Caribnews, Feb. 7, 2006]

GRENADA WILL RISE AGAIN

(By Michael D. Roberts)

For the Caribbean island nation of Grenada, Carriacou and Petite Martinique the devastation wrought by two powerful hurricanes has turned back what progress was being made under the Keith Mitchell Administration. And the undulating nature of activities of national development has also been a major challenge even before Hurricanes Ivan and Emily.

It has been like constantly taking three steps forward and one backwards in an eerie dance led by the caprices of the international global market and the negative effects of run-away capitalism. Indeed, the much touted benefits of market globalization have served up its own peculiar and erratic brand of progress now and stagnation then. Grenada, Carriacou and Petite Martinique now finds itself in serious economic straights brought on by brutal and devastating "acts of God."

Indeed, these past 32 years have been challenging ones for the 120 square mile tri-island Caribbean nation. And as the nation of some 90,000 people plunge into the uncertainties of a brand new and rapidly redefined world stage, new challenges lie ahead in less than ideal socio-economic circumstances. For one thing the jury is still out on the gains and achievements of the Grenadian economy, since 1984, as it relates to the improvement of the quality of life of all the people. If the mainspring of Grenadian progress, since its independence from Britain on February 7, 1974, is the country's command over the forces of production, then its history to date is one of sporadic and uneven development mixed with episodes of retrogression.

From the dominance of British-imposed slavery and colonialism Grenada painfully moved towards full political independence during the militant epoch of the 1960s and 1970s. Granted independence under less than favorable conditions the country took charge of its own destiny replacing the colonial master with local elected officials whose experience in governance was learned from and at institutions set up by their former masters. In this context therefore Grenadian structural forms of today—government, parliament and judiciary—were and are a caricature of British Westminster democracy that has failed to adequately provide for institutions and instruments of equality within the society.

It was these spawned social, political and economic disparities that let to the rise and eventual fall of the regime of Sir Eric Matthew Gairy [from 1950 to 1979] and the subsequent triumph—and demise—of the Grenada

Revolution (1979–1983). During the 29-year Gairy Regime, Grenada exhibited limited growth and development, with perhaps the sole measure of its progress being the newfound political consciousness of a hitherto cowed and oppressed people.

It was Gairy who bucked the ruling status quo of an alliance in the towns of a mulatto upper class, a growing merchant stratum, and a landed British gentry, oftentimes absent from the island. But what started as a populist movement and progressive anti-colonial struggle degenerated into home-gown depostism by the early 1970s as Sir Eric cemented a strangle hold on all parts of Grenadian society.

With each year since indepedence—granted during serious internal unrest and political turmoil—the Gairy Regime became more and more oppressive, and it was out of these socio-economic and political conditions that the Grenada Revolution of March 13, 1979 materialized. This break in the evolutionary chain of political and economic development ushered in a brief period of unprecedented economic growth and development. The basis for this was the ruling New Jewel Movement's suspension of the stultifying and archaic British-model constitution, an economic program of planned development based on three pillars—the public, private and cooperative sectors—a grass-roots type of participatory democracy, and an overall policy of national development based along non-capitalist lines.

But successful though the Revolution was, in economic and political terms, it quickly imploded, self-destructed due to a combination of immaturity, intolerance to dissenting view, and a failure to understand that the political and ideological direction of the Revolution did not sit well with a people long accustomed, or conditioned to accepting the flawed Westminster model of democratic development as the only way. The one-man one vote position was therefore central to the core of the Grenadian view of democratic rule.

Still, even the most strident detractors of the Grenada Revolution would agree that the period 1979–1983 saw unparalleled economic growth and development that has not been equaled or duplicated up to this day. In fact it is safe to conclude that the reversal of the gains of the Grenada Revolution, that began with the interim Government of 1983, and continued with the election of the old Herbert Blaize New National Party (NNP) in 1984, ushered in the modern period of Grenadian retrogression.

Kathy McAfee in her celebrated book "Storm Signals—Structural Adjustment and Development Alternatives in the Caribbean" (Oxfam America 1991), in a chapter entitled "Grenada: Development by Conquest," argues that "by the fall of 1988, after five years of US stewardship, almost none of the developmental goals set by the US had been met. Grenada was deeper in debt than at any time in the nation's past. AID-sponsored efforts to balance the government's budget had failed. The country's tax system, after being thoroughly re-designed by US consultants, had largely collapsed. AID was withholding promised grants to Grenada's government in an effort to force it to comply with structural adjustment conditionalities." McAfee says that unemployment was at an all-time high, some 30 percent, and agricultural productivity continued its long-term decline, while Grenada's manufacturing sector remained small and stagnant.

In 2006 nobody disagrees that agriculture, Grenada's economic backbone, is in serious trouble and that production for export has taken a big hit. Moreover, the World Trade Organization (WTO) ruling removing the protected status for Caribbean bananas in the European market has caused more headaches for the country. Added to this by the year 2000 the task of completely destroying all the hard-won gains of the people during the Grenada Revolution was now completed.

Here are a few examples of some of the structures and other economic and social programs that are now extinct that have set Grenada back for many years. The National Transportation Service (NTS) is no more, the Marketing and National Importing Board (MNIB) is a shell of its former self. Post-Revolutionary governments allowed about six (6) fully equipped modern fishing trawlers to rot and sink to the bottom of the St. George's sea rather than utilize them. Grenada no longer exports eggplants and other crops to European markets; the country's agro-processing plant that canned fruit juices for export under the Revolution is no more, as is the fish processing plant that began to produce dry salted fish for export. The coffee processing plant in Grenville is now extinct. Only the Grenada International Airport remains because this structure, woefully under-utilized, cannot be easily physically dismantled.

But what solution did these post 1983 govenments propose for Grenada's socio-economic developmnent? The answer for many of them was privatization. This process continues today. According to a leading expert on privatization in the Caribbean, Jamaica's Richard L. Bernal, with the overthrow of the Maurice Bishop Government in 1983, the new Government in Grenada committed itself to privatization. "By 1992, in response to a weak fiscal situation, Grenada had begun a "self-imposed" three-year structural adjustment program in which privatization of State Owned Enterprises was an integral component. In that year, 90 percent of the shares of the National Commercial Bank were sold, with the majority shares going to the Republic Bank of Trinidad and Tobago, and 10 percent to Grenadians and others from the Eastern Caribbean," ["Privatization in the English-speaking Caribbean: An Assessment"] (the Center for Strategic and International Studies) October 22, 1999].

In the same publication, Bernal noted that ". . . rapid and extensive divestment without a proper framework can lead to disastrous results . . . It is also important to ensure that there is a proper context in which privatization can take place. A competent executing agency with a qualified staff is needed, together with the appropriate regulatory framework and the necessary safety nets to protect displaced workers."

So me of these "disastrous results" have visited Grenada since the start of the program, in particular the perception by the public that governments have been just selling off, national assets to raise money. Indeed, there is little to show for privatization. There are also sound arguments that while privatization brings a bag of mixed blessings, in the Grenada context there was and is no competent and experienced monitoring authority to oversee the divestment of state assets. The upshot is that as a panacea for Grenada's economic ills the jury is still out on the privatization program.

And yet the ruling New National Party (NNP) government led by Dr. Keith Mitchell cannot be slighted for not demonstrating some measure of boldness when it comes to policy decisions and hard political issues. Buffeted and hindered by a hostile world economic climate the Government has tried to push the Grenadian economy forward with an admixture of privatization, international aid (hitherto to 2004 mostly from Taiwan), re-focussing on tourism, and physical infrastructural development. This program will be one of the key challenges to the government in the coming years as Hurricanes Ivan and Emily was almost responsible for putting the Grenada government into receivership.

Overall, if one was to characterize the progress and development of Grenada, Carriacou and Petite Martinique these past 32 years, one would have to conclude that it has been a period of turbulence mixed with brief periods of respite, tranquility and development. These past 32 years have seen every form of political upheaval and some of the ugliest forms of repression and brutality. It is a history that has divided Grenadians and continues to drive a fundamental wedge in any movement towards national unity and reconciliation.

For example: the events of October 19, 1983 that saw the execution of popular Prime Minister Maurice Bishop and some members of his Cabinet, that led to the subsequent invasion on Grenada on October 25, 1983, is still the salt in the wound for most Grenadians. There is no closure as yet and this will be yet another challenge going forward.

But if unity has been illusive thus far, and economic problems further aggravate and create political alliances and divisions, then any commentary on the merits, achievements, and future of Grenada's independence would lead one to the conclusion that independence is a pipe dream. Right? Wrong. While economic independence is not yet a reality, political independence is a fact of life in Grenada. Indeed, without wanting to sound cynical, the mistakes made during the 32 years of Grenadian independence were made by the, Grenadian people and their leaders. And nobody ever said that national development, progress and independence would be a cakewalk.

In fact, national development is painful, especially so for a small, agriculturally dependent nation that will never reach critical mass. But these pains are necessary if the country must move forward because the school of hard knocks is where experience is gained, and is perhaps the best teacher on the issue of progress and retrogression—the twin sisters of development. And Grenada's small size is both a blessing and a curse. Its size makes for presumably an easier and more efficient governmental structure and management. With fiscal prudence popular shared services can reach the vast majority of the people and greatly improve the quality of life.

RELATING TO CONSIDERATION OF S. 1932, DEFICIT REDUCTION ACT OF 2005

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today in strong opposition to House Resolution 653, the Budget Reconciliation Spending Cuts Act. There are many reasons to vote against the bill today, including the massive cuts to critical programs, such as Medicare, Medicaid, and child support enforcement. But the unconscionable cuts to student aid are reason enough to vote against this bill.

Education has always been—and continues to be—the great equalizer in this country. Student loans in particular have helped to level the playing field for thousands of worthy students who cannot afford the high cost of a college education.

For that reason, it is shocking and disappointing that over 30 percent of the cuts in this bill are to student aid programs that help our kids afford a college education. To pass this bill, and cut funding for essential education programs, is to forsake our commitment to our children's future and to the future of our country.

Skyrocketing student loan interest rates and fees, including a new 1 percent "insurance fee" on college loans will make it even harder for many parents to send their children to college and on the road to a better and more prosperous life.

Mr. Speaker, the passage of this bill will shatter the dreams of thousands of students whose only hope for a college education is through the support of federal financial aid.

And it will weaken our country's future, because we will be denied the talents and contributions of these students, whose skills we need to compete in our highly skilled global economy. If we are to remain the greatest and most powerful nation in the world, we must educate and develop the talents of all our children.

Adding to the tragic consequences of this bill is that the cuts to Medicare, Medicaid, child support enforcement, and student aid do nothing to reduce the shocking 3.4 trillion dollars deficit. The President's cuts to these critical programs are simply for the purpose of giving more tax cuts to the wealthiest 1 percent of our country.

Mr. Speaker, H. Res. 653 is an ill-conceived and misguided bill that endangers the future of our children and the future of our country. I urge my colleagues to vote against this bill.

PAYING TRIBUTE TO PVT. JOSHUA MICHAEL MORBERG, KILLED WHILE SERVING HIS COUNTRY IN IRAQ

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the memory of Army Pvt. Joshua Michael Morberg, who was killed on Tuesday, December 27th 2005, at the age of 20, while serving in Iraq. I recognize him today for his dedicated service to this country for the cause of freedom in a global community.

Pvt. Joshua Morberg came from a long line of military veterans. His grandfather had been in World War II and Korea and he had many other family members who have served in every military branch.

As a child Joshua was described as "curious", always asking questions and desiring to gain more knowledge. His uncle stated that he could never own a radio because Josh would always take it apart and never quite put it back together again. Growing up he learned to play the violin and in high school he learned to speak Japanese.

Ever since he was a little boy Joshua wanted to be a soldier. So, in 2004, he graduated early from Washoe High School to join the military. Joshua had only been in Iraq for a few weeks. On Tuesday, December 27th, while on duty in Baghdad, another patrol came under attack. Despite the clear danger, Joshua led the effort to help his fellow soldiers. Tragically, Joshua was killed, along with another soldier, when an improvised explosive device was detonated.

For his brave service and individual act of courage Joshua was awarded a Bronze Star Medal with Valor device, the Purple Heart and a Good Conduct Medal.

Joshua is survived by his parents, sister Grayce and "The Rat Pack", who had been his lifelong friends.

Mr. Speaker, I appreciate the opportunity I have today, to recognize and honor Pvt. Joshua Morberg in front of my colleagues on the floor of the House.

COMMEMORATION OF BOB MARLEY'S BIRTHDAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. RANGEL. Mr. Speaker, I rise to remember once again the timeless reggae musician Bob Marley and to enter into the RECORD an eloquent CARIBNEWS commentary by Michael Roberts commemorating what would have been the singer's 61st birthday February 6 had he not died in 1981 of cancer.

As Roberts mentions in his editorial, Marley's musical genius generated from his hopes of empowerment and political uplifting for his Jamaican people. "Marley was a staunch advocate of conscious lyrics and he urged Black people to think positive and do positive things," Roberts explains. Not only was Marley a lyricist and a leader but he was an international ambassador advocating for the solidarity of the Caribbean. "His music and lyrics advocated a kind of Black-centered Christianity which would 'free our minds'. Thus Marley, although born in Jamaica, was a citizen of the Caribbean and Third World," Roberts writes.

Mr. Speaker, please join me again in remembering the legacy of Bob Marley during Black History Month.

[From the CARIBNEWS, Feb. 6, 2006]

CELEBRATING THE 61TH EARTH DAY OF REGGAE SUPERSTAR ROBERT MARLEY

(By Michael D. Roberts)

Black Ambassador, musical innovator, and gifted with visionary talents, Bob Marley's music today speaks volumes about a man whose every word and sentence was written with the emancipation of his people in mind. And in his own way he identified the problems and offered solutions to them. That is why the music of the supreme Rastaman endures to this day. Indeed, the greatness of Bob Marley is that his popularity and staying quality outlasts all the present crop of reggae artistes.

This Black History Month Marley would have turned 61 years—had he lived. And we can only speculate as to what music he would have concocted in that fertile and creative mind of his as he "trod down Babylon." To my mind the supreme Rastaman still sings getting better with each passing day. In the dancehalls of Brooklyn, the Caribbean basements of Canada, or the open tropical spaces of the Caribbean, Bob Marley's timeless music lives on. His works continue to give new hope to the world's oppressed and solace to the downtrodden as he urges Black people to "Get up, Stand up, Stand up for your rights."

A versatile entertainer, he was singer, songwriter, expert guitarist and above all a pragmatic rastaman. Robert Nesta Marley was born in St. Ann, Jamaica, on February 6, 1945. He died May 11, 1981. Bob Marley, as he is popularly known the world over, was the individual most responsible for taking reggae out of Jamaica and making it international.

With uncanny vision Marley altered indigenous traditional Jamaican roots music making it more acceptable to the international market and consumer. Curiously, before he would win over his critics, and Jamaica music purists, Marley came under heavy fire, in those early days because it was felt that he was prostituting the roots reggae music.

Along with his group the Wailers, that he formed in 1964, and which included two other great reggae leaders in their own right—Peter Tosh and Bunny Livingston, known worldwide as Bunny Wailer—Bob Marley was the great popularizer of reggae. It was he and the Wailers who infused this "island music" with American pop and rock, making it attractive to all music consumers and which gave it its enduring, lasting, "always fresh" quality.

But even when Marley sung so-called lovey-dovey ballads and drew the ire of the "rude boys" of Jamaica's slums and garrison communities, his message was inherently and basically political; he preached an end to racial oppression and urged Blacks to be proud of their heritage. So in his own right Marley was a Third World music pioneer who eventually turned into a superstar.

Marley was a staunch advocate of conscious lyrics and he urged Black people to think positive and do positive things. Nowadays it is fashionable to hear gurus of self-help working their spiel about positive thoughts. You would think that they had listened to the Great Rastaman. Like Malcolm X and Marcus Mosiah Garvey, Bob Marley was acutely aware of the necessity to deal firmly with situations that demanded strong action. That did not mean that he advocated unbridled, confrontational violence but he understood that the poor and oppressed had a duty to resist these things which were part of "Babylon."

It is perhaps this prophetic quality that has made Robert Nesta Marley a Third World legend and reggae's only superstar. So as we celebrate the anniversary of his birth on February 6, we must remember his passing and pay respect to his works. He was, undoubtedly, Jamaica's most outstanding ambassador and one who yearned for all the people of the Caribbean to come together.

His music and lyrics advocated a kind of Black-centered Christianity which would "free our minds." Thus Marley, although born in Jamaica, was a citizen of the Caribbean and Third World. He transcended the narrow borders of nations moving with his pulsating music to the world community of man.

But Marley was not merely satisfied to simply fight for deliverance from "Babylon" in the Western Hemisphere through his music and powerful lyrics. He preached resistance to all forms of oppression. His songs of protest and of agitation composed after exposure to the inequalities prevalent in Jamaican and Caribbean society have been adopted by people in many countries struggling for, what his talented compatriot, Peter Tosh and fellow Wailer, called "equal rights and justice."

Marley's contribution to Jamaican and world musical culture still stands out as a monumental achievement of human endeavor. It was he more than anyone else who took the indigenous musical art form of a Caribbean island, framed and packaged it to suit international tastes, and then sold it to the world. Today the world still sings "these songs of freedom," as the Dreadlocked One demanded.

Let us always remember that his music and his works were aimed, in the fashion of another great Jamaican, Marcus Mosiah Garvey, at liberating his race. Marley's tenure on this earth was a potent reminder that Black people are still not yet free. His creative genius accomplished what most international politicians dream of achieving and he did it by being just—Bob Marley, humble and sincere.

There is something for everybody in the works of Bob Marley. Some folks love him for his upbeat, uptempo music like "One Love" Jamaica's national song; others like his spiritual side found in such works as "Redemption Song" and "Three Little Birds." And still there are many who cling to the masterful works of protest music in songs like "Bad Card" and "Ambush In The Night."

No matter what people remember Bob Marley for, his works "Idureth for Iver." So "get up, stand up, stand up for your rights," and listen to the Supreme Rastaman who trod into Babylon "inna this generation"—Triumphantly.

Considered today reggae classics, Marley's music never ceases to refresh and reinvigorate each and every time that it is played. Indeed, it is his music's staying power that keeps alive the image and spirit of Bob Marley as fans from all walks of life, and social standing—from the townships of Soweto in South Africa to the plush, affluent homesteads of Beverly Hills—celebrate his 61st earth day.

HONORING SANDY GERMANY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me today in recognizing Sandy Germany the National President of the Veterans of Foreign Wars Ladies Auxiliary. The Curtis-Wolverton Post Veterans of Foreign Wars Post 3243 Ladies Auxiliary is welcoming Mrs. Germany to their facility on February 22 in Fenton, Michigan. This is an official visit to the State of Michigan by Mrs. Germany.

Sandy Germany was elected to her position at the 92nd National Convention of the Ladies Auxiliary of the Veterans of Foreign Wars in August 2005. Reflecting the beliefs of the Ladies Auxiliary she underscored the need to remember the sacrifices of the men and women that have fought to preserve our freedom. This belief is an underpinning of the Ladies Auxiliary as they work to preserve the memory of our courageous Army, Navy, Marine Corps, and Air Force.

Sandy Germany is a life member of the Kichler-Pippen Auxiliary Post 5658. She is eligible to be a member through her brother, her father and her son. Her son, Curtis, is currently serving with the U.S. Army in Korea and Iraq. She has served in many positions with the Ladies Auxiliary in addition to being employed as the Town Clerk in Elberta, Alabama. She is a mother and grandmother, giving of her time, as a Life Member, to the VFW National Home for Children. Sandy also belongs to the American Legion Auxiliary and the Military Order of the Cooties Auxiliary.

Mr. Speaker, I ask the House of Representatives to join me in recognizing the life and service of Sandy Germany. I commend her for her commitment to helping our service personnel and for working to preserve the ideals that set our Nation apart from all others.

PAYING TRIBUTE TO HENRY PRENDES, KILLED IN THE LINE OF DUTY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor a great American, Sergeant Henry Prendes of the Las Vegas Metropolitan Police Department, who was killed in the line of duty on Wednesday February 1, 2006. Sgt. Prendes was shot as he approached the front door of a house in southwest Las Vegas, while responding to a 911 call, at the age of thirty seven.

Sgt. Henry Prendes joined the Las Vegas Metropolitan Police Department on February 26, 1991. He spent his first years patrolling the east Las Vegas neighborhood surrounding Charleston and Lamb Boulevards and was quickly promoted to Field Training Officer. On January 2, 1999, after working one year for the narcotics office as a detective, Henry Prendes was promoted to Sergeant. As a Sergeant he worked for the Crimes against Youth and Family Department, and later as Patrol Sergeant in the South West Area Command.

Sgt. Prendes was a native of Nevada and graduated from Las Vegas High School where he was Vice President of his senior class and captain of the football team. He is survived by his wife Dawn and two daughters from a previous marriage, Kylee and Brooke. Sgt. Prendes, along with his family, was a devoutly religious man. He engaged in bible study at home with his wife and mentored children in his spare time. Before he died, he was in the process of building a 17 acre youth camp in Montana called, Creation Camp Jesus.

Sgt. Henry Prendes could be described as everyone's friend, always having a smile on his face, and always helping those in need. Some help people because they are police officers, but Henry was a police officer to help people.

Mr. Speaker, I am grateful to honor the memory of Sgt. Henry Prendes.

IN RECOGNITION OF THE DANCE THEATRE OF HARLEM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. RANGEL. Mr. Speaker, I rise today to express how content I was to see President Bush recognize the national treasure that is the Dance Theatre of Harlem at a dinner and performance Monday, February 6 at the White House and to enter into the RECORD a Washington Post article dated Wednesday, February 8 commemorating the event.

In a tribute to the theatre which stands today as the first black classical ballet company, and its esteemed founder Arthur Mitchell, President Bush and many others were able to be exposed to the cultural jewel I am honored to have situated in my Congressional district.

The Dance Theatre of Harlem, founded in 1968, is a leading arts and cultural institution dedicated to the advancement and cultural enrichment of youth from diverse backgrounds. Since its founding, it has brought modem and intrepid new forms of artistic expression to audiences throughout New York City and the world—embodying the beauty of the American spirit.

Even as the performing company enjoyed international acclaim, being the first U.S. ballet company to perform in Russia and then performing in South Africa, the theatre has strengthened its roots in Harlem. Currently the school enrolls some 700 students per year in community, pre-professional and professional programs and offers courses in various dance forms ranging from ballet and tap to modern-, jazz- and African dance, and even Irish step dancing. With its exceptional dancers, dazzling choreography, and cultural pride, the Dance Theatre of Harlem continues to be a beacon for all communities.

Mr. Speaker, again please join me in saluting the Dance Theatre of Harlem and expressing my gratitude to President Bush for recognizing its contributions.

[From the Washington Post, Feb. 8, 2006]

EN POINTE AT THE WHITE HOUSE

WITH A FETE FOR FOUNDER ARTHUR MITCHELL, THE BUSHES GIVE A LIFT TO DANCE THEATRE OF HARLEM

(By Sarah Kaufman)

There were ballerinas and cavaliers, Broadway singers and a country crooner, but it took the Rev. Al Green to really get the party started at the White House on Monday night.

The soul man turned soul saver worked his magic on the East Room crowd, gathered to honor the Dance Theatre of Harlem and its famed founder, Arthur Mitchell.

"I-I-I-I, I'm so in love with you," Green rasped in his signature falsetto, arcing back like a bow about to launch its arrow.

Of course, there were many in the audience of 80 or so who could sing Green's enduring hit "Let's Stay Together" in their sleep. But was one of them President Bush? Green put him to the test.

"Ooh, loving you forever," Green purred, "is what I—" Suddenly, he thrust the microphone right up to the lips of the surprised president, who recovered enough to mouth something back.

Whatever it was could not be heard, but Green was more than satisfied.

"He said 'Nee-eee-eeed!'" squealed the amazed hitmaster, hitting even higher notes than he'd been singing. "He did! He said 'Neeeeed!'" After laughter and applause for the president's grace note, the set then became a singalong—was that Karl Rove joining in?—and then a dance-along, after Mitchell, a former star of the New York City Ballet, pulled Laura Bush up onstage.

President Bush, apparently pumped up after parrying to Green's thrust, followed suit, taking with him Shirley Massey, wife of Walter Massey, president of Morehouse College.

"We got the president up onstage!" exclaimed Mitchell afterward. Not a man who ordinarily likes to share the spotlight, Mitchell nevertheless gave Bush points for effort, if not for style. "He did really well," Mitchell said. "He was tapping his foot, and . . . moving. You know."

Mitchell is no stranger to the White House—he says he has been invited there by every president since John F. Kennedy. He's been there so often he knew many of the waiters by name. But this night was different. The dinner and performance by members of the Dance Theatre of Harlem and others were the work of entrepreneur and philanthropist Catherine Reynolds, chairwoman of the board of the predominantly black ballet company. The show will air this summer on PBS.

"What better place to showcase Dance Theatre of Harlem during Black History Month than the White House?" she said. "It's a ballet company in the midst of Harlem—that in and of itself is so American."

The presidential affair, she said, sprang from a conversation she had a few months ago with Laura Bush about the ailing company, on hiatus for the past year and a half because of rising debt.

Reynolds said the first lady asked, "'How can I help?'" Reynolds had her answer ready, and the result was a cozy little black-tie dinner in Mitchell's honor, with the guests seated at intimate round tables mounded with roses. Among the invited: Attorney General Alberto Gonzales, undoubtedly relieved to be anywhere but in the Senate hot seat where he'd spent the day; donors and arts officials such as the Ford Foundation's Susan Berresford, Kennedy Center President Michael Kaiser and Lonnie Bunch, founding director of the National Museum of African American History and Culture; and a contingent of the black elite, such as "60 Minutes" correspondent Ed Bradley and Spelman College President Beverly Daniel Tatum.

The menu favored creamy comfort foods: puree of parsnip soup, cheesy grits and spinach alongside roast kobe beef, a yellow pepper and avocado terrine, and whipped-cream-dolloped lemon custard cakes with coconut ice cream and a blackberry-ginger sauce, thick as syrup. It was not fare for the calorie-conscious. But there weren't many of those to be seen, anyway; the dancers were off warming up for the performance that was to follow.

Filing into the East Room after dinner, we found ourselves chatting with Andrew Card, Bush's chief of staff, who seemed eager to show his own artsy side.

"I hit a crossroads when I was a senior in high school," Card said, describing a choice he faced between accepting a scholarship to the Hartt School of Music (on the strength of his trumpet playing) in West Hartford, Conn., or a Navy ROTC scholarship at the University of South Carolina.

Guess which one he chose.

Still, he said, "I believe in the arts very strongly. Every once in a while I get the trumpet out. Of course, my wife wants me to play it in the closet."

It being Monday night, and close to 9 by this time—fans of Fox's "24" know how sacrosanct that hour is—we pressed Card on another issue: Did he ever tune in to the Kiefer Sutherland thriller, which recently revealed that the chief of staff of the show's president is a murderous villain of presidency-destroying dimension?

Card's eyebrows shot up merrily. "I hear the chief of staff is kind of a bad guy. Didn't he drug the first lady?" Yep, and Card's TV counterpart also conspired to engineer a nerve gas leak to incriminate a terrorist organization to prove it had weapons of mass destruction.

Card backed up in mock horror. "I'm not him," he said emphatically, eyes wide, waving his arms in front of himself to ward off any notion of a link to reality. "I didn't do that." And then he was gone, spurred by a desperate need to catch up with his wife.

Addressing the audience, Mitchell pointed out his company's oft-reported origins, that it was the assassination of Martin Luther King Jr. in 1968 that inspired him to found a classical ballet company of African American dancers—which is, all these years later, still a unique institution.

Left unsaid was what it would mean for black ballet dancers if such a company could not survive. In fact, none of the speeches mentioned Dance Theatre of Harlem's having come so close to financial ruin, or the fact that its laid-off dancers' unemployment claims ran out long ago.

Bush, seated with his wife in the front row and within a few feet of the small stage, smiled throughout the show, which included children as well as professionals. Hands clasped in his lap, he kept up a steady piston action with one knee—an intriguing tic, yet what did it mean? Restlessness? Excitement? A dream of mashing the pedals on a mountain bike?

Harolyn Blackwell, Audra McDonald and LeAnn Rimes each sang solos as well as songs that accompanied more dancing. It was all very classy, very polite, if somewhat restrained.

Enter Al Green, the great uncorker, who got throats to open and hands to clap—some on the beat, quite a few off—and got the president to join in the dance.

"The whole evening was so relaxed," Mitchell enthused afterward. "That was a major miracle."

Speaking of miracles, Mitchell stated his favored outcome: "I hope this opens the door, that dance becomes a line item in the federal budget so we can take the arts all across America."

A different miracle may be a bit closer to actually coming to pass. When she became board chairman and vowed to get the troupe back on its feet, Reynolds told The Washington Post that "failure is not an option." So how close to success—and public performances—is the company now?

"We're close," she said. "We'll probably be making an announcement in the summer."

HONORING WILLIAM AND DOROTHY ZEHNDER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. KILDEE. Mr. Speaker, on February 17, the Saginaw County Convention and Visitors Bureau will present its Pinnacle Award to William "Tiny" and Dorothy Zehnder for their remarkable contributions to the convention and tourist industry in Saginaw County. The Zehnder family has had a positive impact on Frankenmuth, Michigan, and changed the area forever. Theirs is one of the great American success stories, replete with foresight, courage, and hard work.

In 1950, the Zehnder family purchased the Fischer Hotel, and William Zehnder became the manager. Dorothy Zehnder became the kitchen manager, a role she continues today. At that time, the Zehnder family had 21 years of experience running their own restaurant across the street from the Fischer Hotel. After a series of improvements to the Fischer Hotel culminating in a major renovation in the late 1950s, the Fischer Hotel was renamed the Frankenmuth Bavarian Inn. The décor and architecture of the Bavarian Inn started the transformation of Frankenmuth into "Michigan's Little Bavaria." The weeklong opening celebration held in 1959 proved to be very popular and has turned into the annual Frankenmuth Bavarian Festival. The addition of the Glockenspiel and Wooden Bridge has enhanced the character of Frankenmuth's downtown area.

Dorothy developed most of the recipes served in the restaurant. The restaurant can accommodate 1200 diners at one time, and annually over 750,000 pounds of chicken is served to its guests. Dorothy plays a vital role in ensuring the food is prepared correctly and served promptly. Many local Frankenmuth leaders started their work life in the Bavarian Inn kitchen under Dorothy's tutelage. Today the Frankenmuth Bavarian Inn is one of the top ten family-owned restaurants in America.

In addition to the restaurant, their holdings include Bavarian Inn Lodge, Frankenmuth River Place, Castle Shops, Freeway Fritz, Frankenmuth Motel, and several gift shops on Main Street. The Zehnders employ over 1,000 people and serve one million visitors each year making Frankenmuth a top tourist destination.

Tiny Zehnder's vision for the Frankenmuth community has made it a great place for families to gather, live, and work. The Zehnders buy locally and utilize Michigan commodities. They are always looking for ways to improve their business and their community. They have passed on their skills and work ethic to their children. The Bavarian Inn enterprise is a multi-generational operation with their children and grandchildren managing and working in various capacities. Tiny and Dorothy Zehnder are an inspiration to everyone and excellent role models for our youth. I ask the House of Representatives to rise with me and applaud the outstanding success of the Zehnders and congratulate them as they are honored by the Saginaw community.

HONORING MR. ROCKY SANTILLI FOR HIS CROWNING AS 2006 KING OF BASEBALLTOWN

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. HOLDEN. Mr. Speaker, I rise today to honor Mr. Rocky Santilli of Leesport Township in Berks County, Pennsylvania, for his 2,000+ career wins as a fast-pitch softball manager, and his naming as the 2006 King of Baseballtown.

Mr. Santilli started his managerial career in 1959 with the Leesport-based Rising Sun Sunners, and has since amassed over 2,000 victories along with dozens of trophies and honors. With Santilli at the helm, the Sunners captured three Amateur Softball Association (ASA) national titles, a number of gold medals at the Olympic Festival, and a share of the International Softball Federation (ISF) Men's World Fast Pitch Championship.

Due to his impressive record with the Sunners, Mr. Santilli was honored with the opportunity to pilot the United States softball team four times at the Pan Am games. The U.S brought home silver medals in all four games, finishing just behind Canada.

In 1991, Rocky Santilli was inducted into the ISF Hall of Fame on behalf of his remarkable career. Two years later he was enshrined in the ASA National Hall of Honor and the Pennsylvania Sports Hall of Fame. In 1998 Mr. Santilli returned to coaching and led the Schuylkill Valley High School girls' softball squad to a 64–67 record over 7 years. In 2004, Rocky Santilli retired as a legend.

Mr. Speaker, I had the privilege of meeting Rocky several years ago through Sheriff John H. Kramer, and it is an honor today to recognize such a talented and accomplished man who has brought pride and inspiration to the people of my district. I ask you and my other distinguished colleagues to join me in congratulating Mr. Rocky Santilli on his 2006 King of Baseballtown award, recognizing his remarkable career in softball, and thanking him for the many contributions he has made toward the well-being of the citizens of Pennsylvania.

IN RECOGNITION OF GEORGE SMALL'S SERVICE TO THE UNITED STATES ARMY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. PORTER. Mr. Speaker, I rise today to recognize the contributions of a great American, George Small. I honor him today for his service to our great Nation in the United States Army during World War II.

Mr. Small entered active duty from the Army Reserves as a 2nd Lieutenant on April 25, 1941. After receiving training at the Army's Chemical Warfare School, he became Base Chemical Officer in Albuquerque, New Mexico. From Albuquerque, Mr. Small was transferred to Clark Airbase until he was ordered to Bataan in the Philippines on December 24, 1941.

Mr. Small was assigned to the 31st Infantry until the surrender of Bataan on April 9, 1942. Prior to the 31st Infantry's surrender, Mr. Small was suffering from malaria and malnutrition caused by the malaria. He was released just 3 days before he began what would become known to history as the Bataan Death March. Although weak, Mr. Small survived the death march and the 17-day journey in the infamous "Hell Ships" to Japan.

While being held by the Japanese, Mr. Small's weight declined to approximately 98 pounds. He was held as a Japanese Prisoner of War for 3 years and 5 months until his liberation on September 10, 1945.

Mr. Small was awarded the American Defense Service Medal with one Bronze Star, an American Campaign Medal, the Asiatic Pacific Campaign Medal with two Bronze Stars, the Distinguished Unit Badge with two Oak Leaf Clusters, the Combat Infantry Badge, the Philippine Liberation Ribbon with one Bronze Star, the World War II Victory Medal, and the POW Medal for his meritorious service.

Mr. Small was discharged from the Army on November 26, 1946 and decided to stay in the Army Reserves until his retirement as a Major on March 1, 1968. Mr. Small will celebrate his 98th birthday on February 24, 2006. Mr. Small's will to survive and dedication to the United States Army is a testament to his character, and it is an honor to recognize him today.

Mr. Speaker, it is with great pride and heartfelt gratitude that I salute a great American hero, George Small, for his service and dedication to our great Nation.

SHORTCHANGING OUR TROOPS: RUMSFELD SPENDS BILLIONS TO FIGHT FICTIVE SUPERPOWERS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. RANGEL. Mr. Speaker, I rise to introduce into the RECORD the editorial entitled "Still Shortchanging the Troops" which appeared on February 10, 2006, in the New York Times. The military industrial complex is in your face America, front and center, rewarding corporate America, contractors and Halliburton, but shortchanging the troops.

The New York Times in its lead editorial on February 10, 2006, made a scathing criticism of Secretary Donald Rumsfeld's recently revealed Defense Department budget. As the Times put it: "It's amazing how Donald Rumsfeld's Defense Spending plan can produce a $439 billion and still skimp on the one thing the American Military desperately needs: expanded ground forces so the weakened and cannibalized Army" can meet the needs of Iraq without hurting its ability to respond to other threats.

I do not believe more ground troops are needed in Iraq. I think this editorial is referencing the fact that the troops fighting in Iraq are returning two, three and four times and have borne more than their fair share of President Bush's Iraq war. I support Congressman MURTHA's position that our ground troops in Iraq have become the targets in Iraq; the one unifying idea for all the splintered factions fighting a civil war there is that Americans must get out of their country. However, there is much I do agree with in the editorial.

I agree that it is a disgrace to spend only a small part of its 7 percent budget increase for increase of pay and recruitment bonuses while a "large chunk of this nearly $30 billion goes to more new weapons and postponing overdue cuts in wasteful Air Force and Navy projects unrelated to fighting terrorism. This highlights as nothing else can the disconnect with what Secretary Rumsfeld says he cares about and what he really cares about.

When the Secretary of Defense is at a press conference or a briefing, he consistently talks about this war and the brave men and women sacrificing in Iraq to keep us safe. He and President Bush have repeatedly expressed the view that we are fighting the terrorists "over there, so we don't have to fight them over here." Support the troops has become the rallying call for those who blindly accept platitudes in place of plans and rhetoric instead of substantive answers to the many legitimate questions being asked by millions of US. citizens. Secretary Rumsfeld misses no opportunity to label Americans who do not give unquestioning support to the President's war as unpatriotic and worse giving support to terrorists and harming our troops in Iraq.

It is quite obvious to me that neither President Bush nor Secretary Rumsfeld support our troops in Afghanistan and Iraq. The President precipitously sent our troops into battle on false information and with no plan for the peace. Iraq has become a haven for terrorists and is currently in a civil war in which our troops are caught with nowhere to go. Secretary Rumsfeld sent them into combat without the necessary armored trucks and tanks and without the necessary body armor. Even from the beginning of the war, there were stories about parents having to buy their sons and daughters armor and of parents collecting used bullet proof vests from policemen. Even after Rumsfeld was asked when he would get his armor, Rumsfeld had nothing but the most unsettling reply. You go to war with the Army you have, not the Army you wish you had. No, Secretary Rumsfeld, you go to war with a properly equipped army and an exit plan to get the troops out of harm's way when the mission is accomplished.

Even after this incident, when Secretary Rumsfeld was questioned by Members of Congress about the lack of proper armor, the troops did not receive what they needed. A recently released report from the Navy and Military pathologist showed that 80 percent of deaths from torso injuries could have been prevented if the troops had had the proper body armor. The Navy had ordered the armor. As of January 7, the Army had not. This indicates a neglect of the troops, not support for the troops.

I am also glad that the Times repeats a truth well worth repeating and one I hope the country will finally understand and will not only demand Secretary Rumsfeld's resignation but hold him responsible for the many unnecessary deaths in Iraq caused by his refusal to listen to his own senior generals.

According to the Times and according to my belief and that of many of my Democratic colleagues: "The prospects of Iraq might have been very different today if Mr. Rumsfeld had listened to some of his own senior generals and occupation officials and authorized significantly larger ground forces from the beginning. The early looting might have been contained before it shattered political confidence and vital infrastructure. The insurgency might never have gotten such a head start. . . . But the obstinate ideologues in Mr. Rumsfeld's Pentagon have never accepted the fact that the reality of Iraq did not fit their assumptions. The budget and the four-year plan released with it read almost as if the current conflict had never happened and could never happen again."

The budget priorities reveal Mr. Rumsfeld's utter disdain for our troops and an almost unbelievable disconnect from what is actually happening in Iraq. In his speech before the National Press Club on February 3, 2006, Secretary Rumsfeld reiterated his view of the war Americans now face, a war he calls a "generational war." This is the war both he and the President have variously described as the war on fascist Islamic fundamentalists; or against al Qaeda terrorists, or ideologues determined to replace our American values with the values of those who hate freedom and hate our way of life.

A very important point made by the Times editorial and the one I want to particularly emphasize is the complete disconnect between the Pentagon budget and spending plan set out and explained to the National Press Club on February 3, 2006, and what Mr. Rumsfeld is spending on in 2007. The President and Mr. Rumsfeld have told the Nation it will be fighting for the next 30 years or perhaps forever a long war against an army we can't see because it does not represent a nation state; it may not wear a uniform; it could be in any country at any time. But, as the Times points out: "Instead of reallocating resources toward the real threat America faces, the military services continue to pour their money into fighting fictive superpowers in the wild blue yonder and on and below the seven seas. Pentagon budgeters showed themselves so pathetically unable to restrain spending on expensive ships and planes that they actually cut back, rather than increased the overall size of the Army over the next few years to pay for it.

It would cost about $4 billion to $5 billion a year to give the Army 30,000 more troops, the minimum it needs to check its alarming slide. Instead the Pentagon chose to begin the construction of two unneeded new stealth destroyers, which will end up costing $2 billion to $3 billion each.

It also decided to splurge on a new nuclear attack submarine for $2.6 billion and to shell out $5.5 billion for separate Navy and Air Force versions of new stealth fighter jets, plus another $5.5 billion for yet a third version that either can use. In all the Pentagon is asking for $84 billion to buy weapons systems—twice what it got in 1996—and $73 billion more for research and development.

This budget would be wasteful even under a worst-case assumption that had a second superpower arising within the life span of these weapons, turning hostile to America and arming itself to the teeth with the most advanced weapons. There's still unnecessary spending that could be used to repair the Army, which has been ground down at least as much by Pentagon miserliness as by Iraqi insurgents.

The citizens of this country, all of them care about the troops. Disagreeing with the President's policies or lack of them does not mean an American does not care about the troops. I would argue those questioning the President care more about the troops than the President. In the same way, Secretary Rumsfeld, preparing for wars with fictive superpowers while still ignoring the very real need of the troops in Iraq, reveals a chilling lack of concern for the troops.

[From the Washington Post, Feb. 3, 2006]

Army Pledges No Cutbacks in National Guard

(By Ann Scott Tyson)

Facing pressure from both parties in Congress and state National Guard leaders, the Army yesterday committed to keeping the National Guard's authorized manpower at 350,000 and promised to fund it up to that level.

"If they recruit 350,000, the funding's there. Their authorization remains 350,000," Gen. Peter Schoomaker, the Army's chief of staff, said at a Pentagon news conference yesterday.

Because of recruiting shortfalls, the Guard has about 333,000 soldiers on the rolls, but Guard leaders say they are confident of reaching the goal of 350,000 this year. "We are on a glide path to get to 350,000," said Lt. Gen. Clyde Vaughn, director of the Army National Guard, who appeared at the briefing with Schoomaker.

The Army had proposed cutting the budgeted Guard strength by about 17,000 positions, in part by replacing six combat brigades that each have 3,500 to 4,000 slots with brigade headquarters that have only a few hundred, said Maj. Gen. Roger P. Lempke, president of the Adjutants General Association of the United States.

The National Guard, which represents about 38 percent of the U.S. military's force structure, has served heavily in Iraq, deploying seven combat brigades as well as headquarters and other units with tens of thousands of troops since the war began. Last fall, it surged 50,000 troops to respond to hurricanes Katrina and Rita.

"There's a very strong sense out there among our political leadership that the Guard should not be reduced in any way right now," Lempke said yesterday. "We don't know where the war is going. We're very heavily deployed" and the suggested cuts "didn't set well," said Lempke, whose association represents the senior leaders of the Army and Air National Guard in the 54 states, territories and the District of Columbia.

A bipartisan group of 75 U.S. senators yesterday sent Defense Secretary Donald H. Rumsfeld a letter stating they "strongly oppose" reported proposals by the Pentagon to cut National Guard force levels.

"We respectfully oppose proposals to cut the end-strength of the National Guard," said the letter from Sen. Chrstopher S. Bond (R–Mo.) and Sen. Patrick J. Leahy (D–Vt.), co-chairs of the Senate's National Guard Caucus. The letter signed by 73 other senators.

Lempke said he welcomed the Army's commitment to keep end strength at 350,000, which he said will help ensure budget money is allocated for the necessary training and recruitment.

Schoomaker said the Army would progress with a plan to cut the number of National Guard combat brigades from 34 to 28, but reiterated a plan to replace them with six support brigades. One reason for the reduction in combat brigades, he said, was that many of the units were not fully manned or equipped, a situation worsened when soldiers and gear were shifted to units deploying for Iraq—a process the Army calls "cross-leveling."

"We've used 34 brigades all over the world, and we've had to cross-level big time since 9/11 to make that happen," Vaughn said.

The Army plan calls for ensuring the 28 remaining combat brigades will be fully manned, trained and equipped to be ready to deploy, Schoomaker said. Toward this goal, the Army has budgeted about $21 billion from 2005 to 2011 to modernize equipment for the National Guard, which he said was a fourfold increase over funding levels in 1999.

"This is a tremendous investment," Schoomaker said. "This is not taking things down; this is building wholeness up."

[From the New York Times, Feb. 10, 2006]

Still Shortchanging the Troops

It's amazing how Donald Rumsfeld's Defense Department can produce a $439 billion spending plan and still skimp on the one thing the American military desperately needs: expanded ground forces so the weakened and cannibalized Army can meet the requirements of Iraq without hurting its ability to respond to other threats.

While the Pentagon intends to increase pay and recruitment bonuses, no part of its nearly 7 percent budget increase is aimed at raising overall troop strength. Instead, a large chunk of this nearly $30 billion bonanza goes to buying more new weapons and postponing overdue cuts in wasteful Air Force and Navy projects unrelated to fighting terrorism.

The prospects for Iraq might be very different today if Mr. Rumsfeld had listened to some of his own senior generals and occupation officials and authorized significantly larger ground forces from the beginning. The early looting might have been contained before it shattered political confidence and vital infrastructure. The insurgency might never have gotten such a head start. The incineration tactics of Falluja and the Abu Ghraib nightmare might have been avoided. And the Army's downward spiral of readiness, recruitment and morale might never have begun. But the obstinate ideologues in Mr. Rumsfeld's Pentagon have never accepted the fact that the reality of Iraq did not fit their assumptions. The budget and the four-year plan released with it read almost as if the current conflict had never happened and could never happen again.

Instead of reallocating resources toward the real threats America faces, the military services continue to pour their money into fighting fictive superpowers in the wild blue yonder and on and below the seven seas. Pentagon budgeters showed themselves so pathetically unable to restrain spending on expensive ships and planes that they actually cut back, rather than increased, the overall size of the Army over the next few years to pay for it.

It would cost about $4 billion to $5 billion a year to give the Army 30,000 more troops, the minimum it needs to check its alarming slide. Instead the Pentagon chose to begin the construction of two unneeded new stealth destroyers, which will end up costing $2 billion to $3 billion each.

It also decided to splurge on a new nuclear attack submarine for $2.6 billion and to shell out $5.5 billion for separate Navy and Air Force versions of new stealth fighter jets, plus another $5.5 billion for yet a third version that either can use. In all, the Pentagon is asking for $84 billion to buy weapons systems (twice what it got in 1996) and $73 billion more for research and development.

This budget would be wasteful even under a worst-case assumption that had a second superpower arising within the lifespan of these weapons, turning hostile to America and arming itself to the teeth with the most advanced weapons. There's still unnecessary spending that could be used to repair the Army, which has been ground down at least as much by Pentagon miserliness as by Iraqi insurgents.

The military contractors are doing just fine. It's the troops in Iraq who need help from Washington.

IN RECOGNITION OF DR. RICHARD P. McCORMICK

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. PALLONE. Mr. Speaker, I rise to pay tribute to Dr. Richard P. McCormick, professor, dean, and historian of Rutgers—the State University of New Jersey, as well as president of the New Jersey Historical Society, who passed away on January 16, 2006. Having faithfully served the University and the State of New Jersey for over six decades, Dr. McCormick died after an extended illness at the age of 89.

Born December 14, 1916, in Queens, New York, Richard Patrick McCormick moved to Tenafly, New Jersey, and attended Rutgers College, graduating with a bachelor's degree in 1938. In 1940, he earned a master's degree in history from Rutgers Graduate School–New Brunswick and then received his doctorate in 1948 from the University of Pennsylvania.

After teaching in the history department for three years, Dr. McCormick was appointed the Rutgers University Historian in 1948, at which time he developed a full-year course on New Jersey's history. A prolific writer, Dr. McCormick was awarded the biennial book prize from the American Association for State and Local History in 1968 for his work "Rutgers, a Bicentennial History." He remained at Rutgers where he chaired the history department from 1966 to 1969, chaired the Rutgers College Coeducational Committee in 1971, and served as dean of Rutgers College from 1974 to 1977.

Following his retirement in 1982, Dr. McCormick remained active on campus and was awarded an honorary doctor of letters degree by the University, a rare distinction for faculty members. In 1990, he was inducted into the Rutgers Hall of Distinguished Alumni, and in 2002, the American Historical Association granted Dr. McCormick the Award for Scholarly Distinction for lifetime achievement. Additionally, this past fall, the Rutgers College Educational Opportunity Fund created the Richard P. McCormick Social Justice Award in recognition of his 1969 efforts to address African-American issues at the school, despite protests on three of the University's campuses. These honors, among others, depict a man of great worth who will surely be missed.

Dr. McCormick is survived by his wife of 60 years, Katheryne Levis McCormick, as well as their daughter, Dorothy Boulia; son, the current president of Rutgers, Richard L. McCormick; and three grandchildren.

Mr. Speaker, it is my pleasure to commemorate Dr. McCormick and to thank his family for the countless contributions that he made to the community and the State of New Jersey. His dedication to education, history, and activism will not be forgotten.

RECOGNIZING MR. ADAM BROWN OF BOILING SPRINGS, PENNSYLVANIA

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. PLATTS. Mr. Speaker, I rise today to recognize the patriotic essay on military service by one of my young constituents, Mr. Adam Brown of Boiling Springs, Pennsylvania.

Adam's essay entitled, "Narratives of Soldiery," was submitted for publication by Mr. Larry Babitts, a twice-wounded, two-war combat veteran and commander of the Military Order of the Purple Heart, Capitol City—West Shore Chapter 11, Boiling Springs, Pennsylvania. In his essay, Adam pays tribute to the courageous service and sacrifice of those men and women in uniform who selflessly guard our individual freedoms and liberties here at home and throughout the world.

Mr. Speaker, I am pleased to submit Adam's essay for publication in the CONGRESSIONAL RECORD, at Mr. Babbits' request. Adam's essay reminds all Americans that it is our solemn national duty to support our fellow citizens who volunteer to forfeit their own security to defend and preserve the rights and liberties that make our Nation the world's pinnacle of freedom. In Adam's words, "there is no greater gift than serving your country."

NARRATIVES OF SOLDIERY

(By Adam Brown)

Hang your head in shame, those who think themselves too good for service, for there is no man who may say it with truth. Those who find themselves in wealth's company and belittle the soldier, hold your self-righteous tongues in the presence of men greater than yourselves. Before your mercurial words lash on the backs of the men who fight, remember this; the dream that you live was delivered by those men whom you belittled. For a rich man who thinks himself too valuable for soldiery is worth less than the vagabond who answers his nation's call.

All men of a free nation are indebted to nation that grants them that freedom. And the soldier, violent so as his acts may be, is the vessel with which those freedoms are delivered. Go Curser of the warrior, exercise your freedoms; speak what you will, worship what you will, and congregate where you will, but rest your head at night with an uneasy conscience. For when your nation looked for your service in time of war, you lowered your head, so as not to be recognized, so let your head stay lowered in dishonor. Wise is the common man who recognizes his debt, and pays it with his service, for there is no greater gift than serving your country.

Common man, you may walk the roads of your country knowing one absolute truth, every time you fought on our behalf, every time you killed out of orders, and every time you held a dying brother, you earned your rights. Every American gets them, but you, oh noble veteran, have earned them in a way the nay-sayer will never. And his riches can never buy what you have earned. Keep this knowledge sacred, that in paying the debt to your country, all others now owe that debt to you. You now owe no man, only God.

Common man of soldiery, what you have done will be forever with you, both your valiance and your nightmares. For every soldier remembers, be it right or wrong, taking life. So when you wake in your bed with cold sweat, find comfort; find comfort in the fact that the actions that give you nightmares, have also brought you honor. And search for a small measure of peace. In a world that was fair, no one would ask you to be strong again, because you have shown enough strength for your entire lifetime. But, alas, this world lacks perfection, and you are never rid of what is asked of you.

Though it isn't fair, still you must be strong, strong for your family, and your community. Do not search for recognition for what you have done; it will come of itself. It seems impossible to find enough toughness in oneself to remain the pillar of strength for so many, but you can do it, and you must do it. People will look to you as the military, be it invited or not. So your actions reflect on the military, the entire military, regardless of your branch, it is for this reason you must still be strong. Though you may not think it, you will find inner strength to hold up all that you need to.

You who retreats from honor's light, again you are addressed. When a soldier enters your presence, dare you not to criticize or even meet eyes with him. For you did cower, and no self-justification will nullify that fact. You have the luxury of speaking ill of the nation, and its leader. Carry with you any politics you may, speak ill of your government if you see fit, for that is the first liberty we took upon creating our country, but see the line between the government, and the soldier. For that line is a canyon for which there is no compare. And if you truly think ill of your government, do not impose upon a soldier, your dissatisfaction. For if not for him you would hail: a British crown, a Mexican president, a slave holder, a German Furher, a Japanese Emperor, a Korean Dictator, a Russian Czar, or an Arab Sheik. This list is long and the common soldier did fight and prevail over all these. So you have no place to quarrel with such a noble man. Keep in mind, the soldier is merely the sword of his people, to do what they wish. One does not blame the sword for who it cuts down, or why it cuts, the sword only does what its wielder commands. Yet forget not your duty, to speak against the government if it should become tyrannical, because you are bound by honor to see the sword not abused.

Some men measure success in gold and things of beauty; I pity these men. Some measure success in popularity, these men too, I pity. For success is nothing more than accomplishing something correctly, every man has done this, and every man has failed at this. Men place too much importance on success, and in doing so have neglected the most important of all virtues, honor. But what is honor? Honor cannot be tasted, seen, or heard, but felt; not just by he who is honorable, but everyone around him as well. Honor is standing defiantly in the face of that which is wrong and stating with a stem voice and clenched fists, "This is not right, and I will not let this stand." Those words will emanate to the heavens and rally the angels' cheers. Those words will shake hell to hysteria and send demons fleeing in fear.

Take a moment. Common Man of the Soldier, and find simple comfort in the fact that not all turn a blind eye to what you have done. For what you carry with you; you are honored.

PAYING TRIBUTE TO JO ELLE HURNS OF THE LAUGHLIN CHAMBER OF COMMERCE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Jo Elle Hurns, an outstanding individual who has given nine years of invaluable service to the Laughlin Chamber of Commerce.

Before joining the Laughlin Chamber of Commerce, Jo Elle Hurns worked for twenty years in the Colorado River Communities, her first five years as a reporter. In 1990, she went to work as Marketing Director for Don Laughlin.

In 1997, Jo Elle Hurns became the Executive Director of the Laughlin Chamber of Commerce. In this position, she began by assisting the community with economic development plans for the region, including creating a consensus among nine different jurisdictions to fund the $28 million reconstruction of Needles Highway. Her efforts in lobbying at local, state and federal levels for major infrastructure improvements in Laughlin included trails, successful multi-million dollar grant attainment and the sale of federal lands for further residential and commercial growth. Due to her heartfelt commitment to raise funds and develop programs for dozens of social service agencies including the Colorado River United Way, she greatly influenced the effectiveness of many organizations in giving service to the area.

Jo Elle Hurns was also very involved in serving the community. From 1995 to 2000 she was on the Laughlin Town Board, and in 2005 and 2006 she was a member of the Nevada Alliance for the Boys and Girls Club. She received the Spirit of the Colorado River Award in 2001, and for the past six years has been the Distinguished Woman of Southern Nevada.

Mr. Speaker, I am grateful for the opportunity to honor Jo Elle Hurns for her service to Laughlin and the State of Nevada.

H.R. 4744, TO DESIGNATE THE DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC IN TULSA OKLAHOMA AS THE ERNEST CHILDERS DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. SULLIVAN. Mr. Speaker, this evening, I introduced H.R. 4744, legislation to designate the Department of Veterans Affairs (VA) Outpatient Clinic in Tulsa, Oklahoma as the Ernest Childers VA Outpatient Clinic to honor one of our nation's finest military heroes.

Ernest Childers holds the distinction of being the first Native American to receive the Congressional Medal of Honor for his heroic action in 1943 at the battle of Oliveto, Italy, when he charged German machine gun nests against machine gun fire. Although suffering a broken foot in the assault, Childers ordered covering fire and advanced up a hill, singlehandedly killing two snipers, silencing two machine gun nests and capturing an enemy mortar observer. His courageous action helped American troops win the battle and save the lives of American soldiers. Childers was also awarded the Purple Heart and the Bronze Star for his actions.

Born in Broken Arrow, Oklahoma, Childers, enlisted in the Oklahoma National Guard in 1937 to earn extra money while attending the Chilocco Indian School in north-central Oklahoma. While stationed at Fort Sill in Oklahoma, he was deployed to Africa to fight in World War II. Childers retired from the Army in 1965 as a Lieutenant Colonel but remained very active in the Tulsa community serving Indian youth, which led to the naming of a middle school in Broken Arrow, Oklahoma in his honor in 1985.

As a proud Creek Indian, in 1966, Childers was honored by the Tulsa Chapter of the Council of American Indians as "Oklahoma's most outstanding Indian." Of his military service in World War II, Childers once said, "The American Indian has only one country to defend, and when you're picked on, the American Indian never turns his back." A fitting quote from a man who exemplified courage under fire and dedication to defending our nation.

Until his death on March 17, 2005, Childers was Oklahoma's last Congressional Medal of Honor recipient still living in the state. I am proud to introduce this legislation to honor his life and legacy. We were honored to have him grace us with his model character, defend us with his bravery, and leave us all with a life well-lived.

IN MEMORY OF ELIZABETH DAILEY

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today to express my sorrow for the loss of Stafford County Treasurer Elizabeth Dailey, who recently passed away at the young age of 47. A leader in the community, Elizabeth was a person who sincerely cared about the citizens of Stafford, and worked to make life easier for them. In her tenure as Treasurer since 1993, Elizabeth provided Stafford with service, giving citizens individual assistance with complicated tax and financial issues. As Treasurer, she was an innovative leader and a true public servant. As a colleague, she was regarded as a trusted friend. Everyday, she was a loving wife and mother.

Elizabeth Dailey will truly be missed. I express my utmost condolences to her friends and family, and in a special way, would like to thank Elizabeth's husband Donald and daughter Nicole for sharing this very special lady with the citizens of Stafford County.

CELEBRATING BLACK HISTORY MONTH

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Ms. SOLIS. Mr. Speaker, I rise to join our Nation in honoring the many great contributions of the African American Community by celebrating Black History Month.

Overcoming enormous obstacles and racial barriers, the African American community has made vast contributions to all aspects of American society—music, literature, sports, education, science, business, and politics. We must remember not only our outstanding heroes such as Dr. Martin Luther King Jr., Frederick Douglass, former Congresswoman Shirley Chisholm, Rosa Parks, and Coretta Scott King, this month, but also the extraordinary lives of everyday African Americans who have helped build our great Nation.

I want to particularly honor the lives of two exceptional women who we lost recently: Rosa Parks and Mrs. Coretta Scott King. Their lives and their work for civil rights reflect the struggle and contributions that African Americans have made to our society. Their actions set America on a course of inclusion and tolerance, which continues to benefit us everyday. We must follow their steps and build upon their great accomplishments for equality and justice.

During this month and throughout the year, I encourage those living in California's 32nd Congressional District and around the country to take the time to honor the African American community by learning about its vast accomplishments and rich culture.

HONORING THE LIFE OF MR. DONALD COLEMAN

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. COSTA. Mr. Speaker, I rise today to celebrate the life of Donald Coleman, reporter for the California newspaper, The Fresno Bee.

Donald Coleman was a gentleman, a fine reporter and truly a person with a passion for life. For those of us who had the good fortune to know him or work with him there is now a very empty space. Personally, I will miss the times that Don and I shared together in the Tower District where he would humorously point out the flaws and shortcomings we all experience in life.

As we reflect upon a life well lived, we should rededicate ourselves to caring and helping those less fortunate than ourselves. And in that sense, Don was a good role model for all of us. Donald Coleman cared deeply about his family, his friends and the people who live in our Valley. His passion for people was an inspiration for all of us to try harder the next day. I know after seeing Don I always tried harder the next day. Ralph Waldo Emerson once said, "The only way to have a friend is to be one." I want to thank you, Donald Coleman, for having been a friend to those of us, who had the good fortune to know you.

The following is a wonderful description of the life and times of Donald Coleman that appeared in the Fresno Bee:

> Donald Coleman, the face of The Fresno Bee for many in far-flung rural communities and a fixture in Fresno's Tower District, died of an apparent heart attack Tuesday morning. He was 57.
>
> "We are deeply saddened by the sudden death of reporter Donald Coleman. His good cheer and graciousness were well known throughout many departments here, and he had scores of friends in the community as well. We will not only miss Don as a journalist, but also as a friend," said Charlie Waters, executive editor of The Fresno Bee.
>
> Funeral arrangements are pending.
>
> Mr. Coleman's Mercedes rolled into flowerpots in front of the downtown Starbucks on Kern Street at 11:37 a.m. Police said they found him unconscious in the front seat.
>
> His job was covering the rural communities surrounding the city of Fresno.
>
> "He had a lot of concern with what was happening in these small, poorer farming communities. His heart was out here, and he personally was out here. He would visit. He would write our stories," said Joseph Amador, a former Mendota mayor. Colleagues recalled his extraordinary compassion, which he sometimes masked with impish cantankerousness.
>
> Every December, Mr. Coleman unfurled his "Bah Humbug" sign, a banner passed on to him years ago by a cigar-chomping, old-time reporter. But every August, he threw a Christmas party, complete with a tree. The price of admission was a donation for the food banks in a season when people often forget to donate.
>
> He showed up to tutor first-graders at Kirk Elementary School even if it was his day off. Tuesday mornings were his regular visiting day.
>
> Mr. Coleman came to journalism later in life, one of the older students to graduate with a journalism degree from California State University, Fresno, in 1988, the year he started working at The Bee. Earlier in life, he was a college football player, a seminary student, a banker, a law student and an airline employee.
>
> He was at times The Bee's only black news reporter.
>
> "We discussed racial issues many times, and I learned a great deal from him. In many ways, I think he was a pioneer," said Jim Tucker, host of "Valley Press" and one of Mr. Coleman's journalism professors.
>
> Outside of work, Mr. Coleman was the consummate man about town, friend to everyone, especially in the Tower District.
>
> "He was the unofficial secretary of state. He knew everyone, and everyone knew him: hairstylists, lawyers, bartenders, professors, artists, poseurs and idiots. Don was wonderful to everyone. The word that comes to mind is sweet. He was the most decent guy. I don't know why he put up with all of us," said longtime friend Andrew Simmons.
>
> He was passionate about travel and family—he carried a picture of his grandmother in his wallet. He bought lottery tickets, planning his Jamaican escape. Bee colleagues on Tuesday recalled his running shtick when the jackpots were high.
>
> "It's my last day," he'd say. "Do you want to say goodbye?"

75TH ANNIVERSARY OF THE OTTAWA NATIONAL FOREST

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. STUPAK. Mr. Speaker, I rise today to honor a northern Michigan natural phenomenon that will be celebrating its 75th Anniversary of restoring the natural beauty and resources of Michigan's Upper Peninsula (U.P.). This year the Ottawa National Forest will celebrate 75 years of service but an endless impact on the vibrant habitat.

During the early 1900's, loggers flocked to Michigan's western U.P. to take advantage of what seemed to be an endless supply of pine trees. Used for fuel, paper products and the timber necessary to build cities like Detroit and Chicago, the once lush, vast forests were gutted and left as a desolate wasteland by the late 1920's.

In 1931 the fate of that land would change forever when President Herbert Hoover signed a proclamation establishing the Ottawa National Forest as a means of reviving the barren forest. Seventy-five years later, the restoration of the Ottawa National Forest has been described as a true success story.

Now managed for multiple uses, the Ottawa National Forest provides many products and services based on its mission of caring for the land and serving people. The Ottawa National Forest also provides a great economic impact to the region. It supplies local communities both with wood products as well as jobs. Additionally, the Ottawa National Forest is an incredible draw for tourism with such recreational activities as hiking, camping, fishing, hunting, boating and snowmobiling to name a few.

Mr. Speaker, the success of the Ottawa National Forest in revitalizing the cherished natural resource of Michigan's western Upper Peninsula pine forests is a shining example of how effective a mission carried out over time and the implementation of sensible management practices can make such a significant impact in the world.

I ask the United States House of Representatives to join me in congratulating the Ottawa National Forest employees from past and present on 75 years of living the proud tradition of the Forest Service mission and wish them all the best in the future toward another successful 75 years.

MR. BENJAMIN SOLOMON, LETTER TO THE EDITOR OF THE NEW YORK TIMES

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to bring to the attention of my colleagues a letter that was published in the November 8th edition of the New York Times. The letter was composed by my constituent—Mr. Benjamin Solomon of Evanston, Illinois. Mr. Solomon writes about the critical importance of openness in government, the serious nature of war, and the importance of honoring our nation's veterans. I hope that the words of Mr. Solomon, who is a veteran of World War II, are taken into serious consideration.

[From the New York Times, Nov. 8, 2005]

KILLED, THEN EXPLOITED

> To the Editor:
>
> "The Mysterious Death of Pat Tillman," by Frank Rich (column, Nov. 6), left me sick at heart. I am a World War II veteran in my later 80's who still thinks of his tent mates who were lost to enemy action.
>
> Pat Tillman, the Arizona Cardinals defensive back who volunteered for the Army, was killed last year in Afghanistan, apparently by friendly fire. The cynical exploitation of his death and the lies surrounding it are a betrayal of this brave soldier and his family, of all the others who made the same sacrifice in Iraq, and of the ideals of decency we claim for our nation.
>
> The thought that the responsible high-level officials in the Pentagon and the White House are still in power frightens me.
>
> BENJAMIN SOLOMON,
> *Evanston, Ill., Nov. 6, 2005.*

HONORING BILL FERGUSON

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. SALAZAR. Mr. Speaker, I rise today to honor one of my constituents and a personal friend, Bill Ferguson. Bill Ferguson, or "Fergie" as friends like to call him has had a long and distinguished career as a rancher and public servant in Ouray County, Colorado.

Bill Ferguson was raised in Colorado. In the late 1970s he settled in the town of Ridgway. While Bill worked hard as a carpenter and his wife Liza as a waitress, they were able to save enough money to start their own business. The Park Nursery Garden Center soon became the premier native nursery in the area. Fergie also established a 120 acre ranch where he and Liza continue to raise 80–100 head of cattle per year. Both his ranch and his nursery are a great asset to the county and reflect Bill's life long ethic of caring for the land he was part of.

In the 1990's, Bill was instrumental in developing a Geographical Information System program that eventually became the Southwest

Data Center. The Center is still a vital tool for land use planning and management for Ouray County, surrounding governments and local citizens in Southwest Colorado.

In 1999, Bill was appointed to the Ouray Board of County Commissioners and won reelection in November of 2000. Bill fought hard for the best interest of his community through the end of his term in 2005. He worked to protect Ouray County's financial interest, preserve the open government process and helped restore the people's faith in government. As a county commissioner, Bill was noted for being the primary force behind legislation to designate Ouray County as a "Right to Farm" community, preserving the rights of farmers and ranchers to conduct their business without interference.

A water rights' owner, Bill was appointed by Ouray County for two terms to sit on the Colorado River Conservation District Board of Directors, which is the oldest and most prestigious water conservation district in Colorado. As Ouray County's representative to the Colorado River District, Bill worked on land and water conservation projects for conservations trusts. According to fellow board members, Bill was always the best joke teller—a tough title to earn on a water district board, which is typically filled with amateur comedians. Bill also served on the Colorado River Water Users Association developing GIS-based maps for educational purposes.

With such a long list of accomplishments, it is easy to see that Bill is a leader in every sense of the word, but especially when it comes to water. Bill always has helped lead the fight to protect Western Slope water. I was honored to fight alongside him on many crucial battles to defend our rural way of life.

I have been proud to know and work with Bill Ferguson on issues that are important to the Western Slope of Colorado. He has been a great personal friend, colleague and mentor on many water issues and I am honored to represent him in Congress.

GOLD FOR GREENSBORO'S JOEY CHEEK

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. COBLE. Mr. Speaker, when someone thinks sports and the Sixth District of North Carolina, most thoughts turn toward basketball, baseball and auto racing. I think it is safe to say that not many people would immediately leap to speed skating on ice. That's no longer the case, however, thanks to Joey Cheek of Greensboro. The Sixth District is now the speed skating capital of the world because Joey Cheek captured the gold medal in the Winter Olympics in Turin, Italy, by winning the 500 meter long-track speed skating event.

Proving he is a true champion in every sense of the word, immediately after he won the gold medal, Joey Cheek announced he was donating the $25,000 he won from the U.S. Olympic Committee to refugee relief efforts in Africa. As reported in today's edition of the Greensboro News & Record, Joey said his thoughts are turning back to North Carolina. "I am really excited about going home," the News & Record reported. "Honestly, it doesn't even feel real. I'm so thrilled and so happy. But it doesn't seem to make sense. It's like it happened to someone else, and I'm just happy to sort of receive the good will for it. I'm just really excited and looking forward to the next couple of days to maybe realizing I'm an Olympic champion, will be forever, which is the coolest part of it."

Cheek is scheduled to compete in the 1,000 and 1,500 meter events next. In fact, the 1,000 meter race is considered to be Joey's strongest event, so there may be more Olympic hardware coming his way. Four years ago, he won the bronze medal in the Salt Lake City Olympics in the 1,000 meter race, so this gold medal is not at all surprising to those who follow the sport. Joey Cheek has been a skater since he was eight years old and used to skate in roller rinks in Greensboro. At 15, he switched to the ice and it's been a straight line to the winner's podium in Turin.

Joey's mother is in Turin to witness family history first-hand, while his father is following from his home office in Winston-Salem. Once all of the racing is completed, Joey hopes to return to Greensboro where he plans to obtain a law degree and practice law in North Carolina. Whatever he decides to do, as he has shown both on and off the ice in Italy, Joey Cheek will be a champion and the Sixth District of North Carolina is proud to call him one of our own.

UT SOUTHWESTERN, MEDICAL CENTER AND BAYLOR HEALTH CARE SYSTEM-DALLAS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to salute UT Southwestern Hospital and Baylor Health Care System, Dallas for their ranking in the top 5 percent of hospitals in the United States. Over the years, both medical centers experienced phenomenal growth, fueled by people with an extraordinary vision. UT Southwestern Hospital and Baylor Health Care System received high grades for quality patient outcomes, clinical excellence, patient safety, and women's health in a survey of 5,122 nonfederal hospitals in the United States, conducted by Health Grades Inc. UT Southwestern Medical Center is the seventh-largest hospital in Dallas-Fort Worth providing inpatient hospital care to more than 90,000 people and oversees approximately 2 million outpatient visits. Annually, UT Southwestern Medical Center delivers more than 18,800 babies and provides $282 million in unreimbursed professional service in Dallas and surrounding counties. Baylor Health Care System, established in 1903 as Texas Baptist Memorial Sanitarium, is the first health care system to provide supplemental newborn screening for more than 30 inherited metabolic diseases. Baylor provides exemplary health care with over 2,554 beds, 15,000 employees, and 3,300 physicians.

I am confident that UT Southwestern Medical Center and Baylor Health Care System will continue to provide exemplary hospital care to the North Texas community and surround areas and remain at the pinnacle of Medical institutions committed to providing compassionate health care. On behalf of the thousands of Greater Dallas Metroplex residents who have benefited from UT Southwestern Medical Center and Baylor Health Care System, I congratulate them for their contribution for improving the health of the community through high quality patient care and commitment to clinical excellence.

COMMENDING MR. EDUARDO "LALO" GUERRERO

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. GRIJALVA. Mr. Speaker, I rise today on Arizona's 94th birthday to commend one of Arizona's most talented sons, Mr. Eduardo "Lalo" Guerrero, "the Father of Chicano Music."

From the beginning of his career when his first group, Los Carlistas, represented Arizona at the New York World's Fair of 1939 until his death last March, Lalo Guerrero symbolized the best of American and Latino culture. Born December 24, 1916 in Barrio Viejo, the oldest neighborhood of Tucson, Arizona, Mr. Guerrero sang songs that spoke directly to the Chicano people of the southwest throughout the course of his 60-year career.

The child of immigrants, Mr. Guerrero attributed his musical talent to his mother Concepción, who taught him to play the guitar. He has been quoted modestly, "I only wrote and sang about what I was." By doing so, Mr. Guerrero became a voice for people who rarely were shown in mainstream culture, a fact he sang about in his famous song "No Chicanos on TV."

No other Chicano artist has come close to writing and recording more great songs in virtually every genre of Latin music, including salsa, norteña, banda, rancheras, boleros, corridos, cumbias, mambos, cha chas, socially relevant songs, swing, rock & roll and blues. In addition to being a world-class singer, he also created children's music, comedy songs and parodies.

Mr. Guerrero stood beside other great leaders in the community, among them César E. Chávez and Ruben Salazar, writing corridos about the struggles and importance of social protest. Celebrating his bicultural roots, the music pioneer and activist was the first to record bilingual songs, becoming a symbol of hope and strength to his people.

Mr. Guerrero is credited by such artists as Carlos Santana, Linda Ronstadt, and Los Lobos for opening the door for Latino musicians.

In 1996, Mr. Guerrero was awarded the National Medal of the Arts by President and Mrs. Clinton. In 1980, the Smithsonian Institution declared him a "National Folk Treasure" and he received a National Heritage Fellowship from the National Endowment for the Arts in 1991.

Mr. Guerrero was inducted into the Tejano Hall of Fame and was honored with Lifetime Achievement Awards from the Mexican Cultural Institute representing the Mexican Government, Luis Valdez's The Teatro Campesino and Ricardo Montalban's Nosotros Organization among other prestigious groups. Los Angeles and his adopted home of Palm Springs, California have declared "Lalo Guerrero Day" in those cities and proclamations have been awarded from numerous other cities and organizations.

Mr. Guerrero is an American original. He is a son of this Nation, a Nation of diverse people, cultures and music. Lalo Guerrero exemplifies the richness of our country and the hope of all people. His story is a gift to us all.

HONORING DR. HENRY L. COOK, SR.

HON. SANFORD D. BISHOP

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. BISHOP of Georgia. Mr. Speaker, this President's Day marks the nineteenth annual Black History Observance in Columbus, Georgia, but it also affords us the opportunity to recognize Dr. Henry L. Cook, Jr., who has chaired the event since 1988.

For 35 years Dr. Cook has practiced dentistry in Columbus. A graduate of Tuskegee University and Meharry Medical College, he has defined excellence in his field and continues to serve on the Georgia Board of Dentistry, the Georgia Dental Association and the Georgia Medicaid Advisory Committee, among other boards and organizations.

Yet beyond his chosen profession, Dr. Cook has used his life in service to others and his community. A veteran of the United States Air Force, he has received countless distinguished service awards for his work. He has served as Chairman of the Board of the Minority Assistance Corporation, the Columbus Technical College, the Columbus Technical Foundation, the Columbus Business Development Center and the A.J. McClung YMCA and has served on the Muscogee Board of Education, the Metro Board of Health and the Columbus Chamber of Commerce.

As chairman of the Annual Black History Committee, Dr. Cook has cemented the legacy of African Americans into the history of Columbus, Georgia. Under his guidance, the Annual Black History Observance, which was started by the late former Congressman Richard Ray to improve his relationship with the African-American community, has grown into a celebration of Black history that pays tribute to the individuals, organizations and institutions that have made lasting contributions to the history of Black Americans.

Dr. Cook is married to the former Mamie Richmond and has three children, Dr. Cathy L. Cook, Dr. Henry L. Cook, II and Ms. Rosa Zanders. His extraordinary legacy in dentistry continues through Cathy and Henry II, who continue the family dental practice.

This Monday, I will have the honor of presenting Dr. Henry L. Cook, Sr. with the Legacy Leadership Award and Congressman JOHN LEWIS, a true American hero and history maker, will be the featured guest speaker. However, here in this hallowed hall, I rise on behalf of the people of the Second Congressional District and the State of Georgia to honor the extraordinary contributions that Dr. Cook has made to the African-American community, the City of Columbus, the State of Georgia and our great Country. His service is a model for all and we are grateful.

TRIBUTE TO MS. AURELIA GREENE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise during this month dedicated to the celebration of African Americans who have made great contributions to the world, to pay tribute to New York Assemblywoman Aurelia Greene. Aurelia is a dedicated public servant who has worked tirelessly to uplift and empower her constituents.

A native of the Bronx, Aurelia is a graduate of Livingston College at Rutgers University, where she majored in community development. For the past 24 years she has served as Assemblywoman for the 77th Assembly District, effectively using her urban planning skills to negotiate on behalf of her constituents for affordable housing, quality education, employment opportunities, affordable healthcare, senior services, and improved transportation and infrastructure.

As a member of the State Assembly, Aurelia is known for her strong work ethic and robust legislative agenda. She authored legislation, which became law in 2002, prohibiting predatory lending practices in relation to high cost home loans. In addition, she was instrumental in ensuring the passage of the Apprenticeship bill, which provided funds for supplemental and related instruction to apprentices registered by the New York State Department of Labor. And in 1994, she was awarded a gold helmet by the New York State Head Injury Association for her bicycle helmet legislation.

As a result of her competence as a legislator and considerable personal charm, Aurelia has been successful in rising through the ranks of the New York State Assembly. She previously served as Deputy Majority Leader and is the first woman to chair the Assembly Standing Committee on Banks. In addition, she recently became the first African American to serve as Speaker Pro Tempore in the State Assembly.

Mr. Speaker, earlier this week we said a final goodbye to Mrs. Coretta Scott King, a woman of great resolve and patience, who helped to change the world. Today we honor a woman who stands on her shoulders. Working tirelessly to change the world in her own right, Ms. Greene is the hope and dream of countless men and women of African descent who silently contributed to the pages of history. As a result of the efforts of the likes of Mrs. King and Rosa Parks, Aurelia's contributions to this nation have not gone unnoticed.

For her unyielding spirit, and willingness to serve others, I ask that my colleagues join me in paying tribute to Ms. Aurelia Greene and in honoring the great women upon whose shoulders she stands.

TRIBUTE TO MS. PAULA J. MARTIN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise during this month, dedicated to the celebration of African Americans who have made great contributions to the world, to pay tribute to Ms. Paula J. Martin, a woman who has worked vigorously to ensure the less fortunate of her community have the necessary skills to succeed in life.

Paula serves as the Executive Director of the Harlem Center for Education (HCE), a community based non-profit organization located in East Harlem, New York. Among its programs, HCE counts two federal TRIO Talent Search projects and one Educational Opportunity Center Project. Paula has been involved in TRIO programs for over 32 years.

During the 20 years she has served as Executive Director of HCE, the organization has grown from an operational budget of $137,000 to one that is currently over $1,000,000. Her unique ability to secure timely grants has allowed the Harlem Center for Education to grow and reach more deserving young people and adults.

Like most of the students with whom she works, Paula is a first generation college student. A graduate of Hunter College High School, she went on to receive a bachelor's degree from Syracuse University and a master's degree in developmental psychology from Columbia University. This achievement alone is worthy of praise; but Paula did not stop there. She decided to dedicate her entire professional career to empowering individuals who shared her life struggles, thus helping to ensure that the cycle of poverty is broken.

Booker T . Washington once said: "Success is to be measured not so much by the position that one has reached in life as by the obstacles which he has overcome." Indeed, Paula has overcome great obstacles to achieve the position that she now holds and would surely be considered a great success by Washington's standards. However, what impresses me the most about this incredible woman is that she was not satisfied with achieving success for herself. Like Washington, she has worked tirelessly to pull others up from the depths of despair, providing them with opportunities to find success in their own lives.

Mr. Speaker, this country owes much of its greatness to the countless men and women of color who silently contributed to the pages of history. Today, I ask that my colleagues join me in saluting them for their efforts and in paying tribute to the great leaders who stand upon their shoulders, such as Ms. Paula J. Martin.

TRIBUTE TO MR. DENNIS TERRY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise during this month dedicated to the celebration of African Americans who have made great contributions to the world, to pay tribute to Mr. Dennis Terry, an individual who has worked throughout his life to fortify the bonds that unite the people of the Bronx in order to help them find success.

Born in North Carolina, Dennis has been a Bronx resident since 1969. He is a graduate of Howard University in Washington, DC. Dennis is a retired manager from Lilco (now known as Keyspan) and is currently engaged in part-time consulting.

The extensive involvement of Dennis in the community and civic life of his borough and city is reflected in his numerous organizational affiliations. These affiliations include: Mid-Bronx Senior Citizen's Council (chairperson); Concourse Day Care Center (member); and HAC Family Services (member). Dennis' past affiliations include: Bronx Lebanon Hospital Center (former chairperson); The Bronx Health Link (former chairperson); SOBRO (member, Executive Committee); The New York Urban League (member and former chairman of the Bronx Advisory Board); Community Planning Board 4 (former chairman); and the Mayor's Community Planning Board 4 Task Force.

Throughout his lifetime of community involvement, Dennis has sought to construct collaborative platforms and organizational networks that maximize the strength of the Bronx's multi-ethnic, multi-cultural, and religious diversity. Dennis' efforts have enabled the institutions that he has been affiliated with, and in many cases led, to define, develop, and deliver much needed services. He has focused his public service in the areas of senior and child care, healthcare, housing, employment, and economic development.

Mr. Speaker, Dr. King once stated that "All men are caught in an inescapable network of mutuality." This is a statement that Dennis understands all too well. The Bronx is a melting pot of ethnic and religious groups, none of which can survive without the help of another. Fortunately, the Bronx is home to individuals like Dennis Terry, a man of vision and understanding who has helped tear down the walls that so often divide us. He has forced us to see the great potential we can unleash when we work together.

He stands on the shoulders of giants, yet he himself has become a giant, espousing a philosophy of tolerance and understanding in order to uplift his fellow citizens. For his selfless attitude and unyielding spirit, I ask that my colleagues join me in honoring Mr. Dennis Terry and the giants upon whose shoulders he stands.

TRIBUTE TO MS. GLORIA DENARD

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 2006

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise during this month dedicated to the celebration of African Americans who have made great contributions to the world, to pay tribute to Ms. Gloria Denard, an accomplished musician who has helped to improve the quality of life for the people of her community.

Born into a family of musicians and raised in the Bedford-Stuyvesant neighborhood of Brooklyn, Gloria was destined to be a great musician herself. Under the tutelage of her mother, she began her musical training at the tender age of three. Later in life, she studied at Julliard where she concentrated on classical music and majored in voice with a piano minor.

After Julliard, Gloria married and moved to East Harlem. She performed nationally and internationally, including stints in Italy, Bermuda, Greenland and Canada.

Although she enjoyed great success as a musician, Gloria was consumed by the desire to improve the quality of life of the people in her community. To that end, she established Manna House Workshops to serve the social and cultural needs of her talented neighbors. Gloria, who by this time had two children, worked without salary and maintained a staff of six teachers. In 1970 she decided to purchase a five story building and establish the current home of Manna House Workshops. After 38 years of service, Manna House Workshops continues to serve as a bright beacon of hope in its community, providing training in music and dance to all who enter their doors.

In 1980, Gloria conceived Music for Entertainment Education and Enlightenment (MEEE), a jazz concert series featuring emerging and professional artists presented in the Manna Mini Theatre. In addition, she has maintained her own vocal career and has released two CDs including "Come Feel the Things You Cannot Touch" and "Two for Jazz". An additional CD will be released in March of this year. She also produces and hosts a cable show every month entitled "The Best Kept Secret" on the Manhattan Neighborhood Network.

Mr. Speaker, it is impossible to discuss the contributions of African Americans to the history of the world and not mention the great influence they have had upon music. Often great beauty comes from great pain and suffering. It was this sacred art that helped so many find light in times of darkness and peace in times of stifling oppression. From gospel to blues to jazz, and most recently, hip hop, African Americans have not only provided the world with new forms of entertainment, but have found a way to provide insight into their struggles and aspirations. A student of this art, Gloria teaches music to the next generation, hoping to instill in them a sense of self confidence and pride so that they may one day share their gifts with the world.

For her beautiful voice and spirit, and her willingness to help others find their own voice, I ask that my colleagues join me in paying tribute to Ms. Gloria Denard, and the countless African Americans who came before her and enabled her to find her own voice.

SENATE—*Wednesday, February 15, 2006*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN ENSIGN, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Great King above all Gods. Your anger is but for a moment and Your favor is for a lifetime. You satisfy those who are thirsty and fill the hungry with good things.

We thank You for this great land where we have freedom to worship You without limitations or censor. We praise You for the freedom we find in Your presence and for Your power to liberate us from debilitating habits and addictions. Today, bless our lawmakers in their work. Use them to eradicate the barriers that divide us. Make their diligent labors enable us to live in justice and peace.

Lord, whatever light may shine or shadow fall, help us all to meet life with steady eyes and to walk in wisdom until we reach our journey's end. We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN ENSIGN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, February 15, 2006.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN ENSIGN, a Senator from the State of Nevada, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. ENSIGN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will have a 30-minute period of morning business which will be equally divided between the aisles. After that time we will begin debate on the motion to proceed to the USA PATRIOT Act. Last night there was an objection from the Democratic side to my unanimous consent request to begin consideration of that bill and, because of that objection from the other side of the aisle and expected filibuster, I was forced to file cloture on the motion to proceed. That motion is debatable, and I will alert my colleagues on the other side of the aisle that they will need to remain on the floor during this motion.

We only have a few days remaining before the Presidents Day recess, and we need to get to the substance of the underlying bill, the PATRIOT Act. Members have a right to filibuster proceeding to that measure, but I believe we will be able to invoke cloture by a wide margin, again, showing wide support for this important piece of legislation. I will announce the exact timing of the cloture vote when we have that locked in, but it could be as early as 1 o'clock in the morning when we could hold that vote. We will be in discussions with the Democratic leader in terms of the time of that vote and we will be able to announce that later today.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK.) Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Nevada is recognized.

ECONOMIC GROWTH

Mr. ENSIGN. Mr. President, my home State of Nevada is a State that is friendly to business. We pride ourselves on the opportunities that businesses have to thrive and grow in our State, while providing an excellent quality of life for employees and their families. As chairman of the Republican High Tech Task Force, I come into contact with many companies, all who hear my pitch for why they should expand into Nevada. But as good as businesses have it in Nevada, or if they move to Nevada, what we do here in Washington, DC will ultimately help make or break their success. And when businesses fail to thrive, so does our economy.

Investors in a business in California may be sitting down today to determine whether their 2-year plan includes expanding to Nevada with, for instance, a manufacturing plant that will employ 200 people. They are excited about the possibilities, but there are too many blank spaces when it comes time to crunch the numbers. Weighing heavily in their calculations, they are concerned that the current dividends and capital gains tax rates will expire in 2008. Because of the uncertainty of those critical factors, they are leery about the prospects.

They will make that decision about expanding and reinvesting in their businesses today. Not next year and not the year after that. Today. But we have tied one hand behind their back. We are standing in the way of their growth and potential if we do not extend the dividends and capital gains tax rates. They need that assurance today so that they can expand, create jobs, and help our economy continue to grow.

The economic growth we have seen since lower tax rates were enacted in the Jobs and Growth Tax Relief Reconciliation Act of 2003 is exactly why we must extend the rates. Dividend distributions are up. Corporate investment in new property, plant, and equipment has surged. The economy has grown for 10 consecutive quarters.

These are impressive results, and they are not just about business succeeding. The impact is being felt by families, seniors, and low-income individuals. With more than 50 percent—50 percent—of American households owning stocks or mutual funds, the reach of dividends and capital gains rates is significant. Today, many senior citizens rely on dividends and capital gains to supplement their Social Security. And lower and middle-income families are benefiting as well.

Without this extension, our economy will take a hit, and so will working families across Nevada. Instead of closing doors on them, we need to create certainty in our Tax Code and opportunity for our economy. Although the tax rates don't expire until 2008, we don't have the luxury of waiting 2 years to extend this. By then, too many investors and businesses will have made their decisions not to grow, not to build, and not to hire. It will be too late.

We are part of a global economy that is constantly moving and changing. If we don't allow investment to fuel our competitiveness and innovation, we will pay the price, and so will future generations.

It is not just one business in California deciding whether to move to Nevada, and it is not just the 200 employees who could have found work there; it is about investors and companies across our Nation and it is about working families throughout this country, and it is about the future of our economy.

There aren't many factors that Congress controls when it comes to capital and business investment. This is one of them, and we must join together to ensure continued economic growth.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

THE ECONOMY

Mr. THOMAS. Mr. President, I come to the floor also to talk about where we are and, more importantly, where we need to go with respect to the economy that impacts all of us in various ways. It seems appropriate to emphasize some of the key points about the health of our economy, about what is doing very well, and about what we need to be working on now to ensure that this continues, and also to have 20/20 vision about where we want to be and what we need to do to get there.

I am disappointed about the slowness in our moving this year and a certain amount of obstructionism that seems to be going on in terms of moving forward. Nevertheless, we ought to keep in mind that over the last year, we have been able to accomplish a great deal and the challenge is there to move forward.

We have been able to keep the taxes relatively low, which, obviously, is a key factor in our economy, and we need to make sure it continues that way. We have certainly been able to do what is necessary to work toward having a strong health care program in this country, and that is a great challenge for us. We did do something last year with pharmaceuticals, making them available, and even though the process was a little difficult, now we are seeing great increases in the number of people who are able to obtain pharmaceutical drugs at a more reasonable rate.

We have assured that there will be more opportunities for job training and training in technologies so that we will have more research and will be able to continue to lead the world in terms of our economy.

I think one of the more important things we did last year was to pass an energy bill that gives us some direction in terms of one of the most important elements of our economy. There were other accomplishments as well last year. We passed legislation to end frivolous lawsuits, which has had a great impact on many aspects of our economy. We put some judges in place with a fair process.

We need to be reminded sometimes of how well our economy is doing in terms of real growth. The GDP growth experienced in 2005 was at a rate of 3.5 percent for the year as a whole, while inflation remained at 2 percent. So that is very good. Those are very good numbers, and it is better than what we have experienced over a number of years, and certainly it is exactly what we want to do.

Real disposable income rose at 4 percent in December. We are up 1.4 percent for the year 2005. The aftertax income per person has risen almost 8 percent. Real household net worth is at an all-time high. This is good, and we need to make sure we understand that.

Retail sales have risen, again, 7 percent in December and 6.4 percent for the whole year. So that is very good.

Employment growth remains high. Employers created 2 million new jobs in 2005, resulting in a less than 5-percent unemployment rate at the end of the year.

Since 2003, when the tax cut went into effect, there have been almost 5 million new jobs created. That is a good sign, and we ought to understand it is the impact of that tax cut. Job growth is often affected and impacted, as is the total economy, by what we do with taxes. We have a great deal of controversy about it, of course. When we have the unusual expenses of the war on terrorism and of Katrina, it makes it difficult as we look at our budget. But the fact is the discretionary part of the budget has been held down. We need to get the job completed in Iraq, complete our work there and reduce that spending and bring our troops home. All of us want to do that.

The point I want to make is we have had a very favorable impact from what has been done over the last couple of years, and the thing we are seeking to do right now is continue those tax reductions that will strengthen the economy and continue to help. As I said, employment remains high. That is good. Job creation is what we want to do. We have to deal with immigration, of course. Even though we do need immigrants and workers here, we need to be legal. But we have this job creation thing that we need to continue to work on.

One of the real challenges we have before us is to deal some more with energy. As I said, last year we passed energy policies that I think were excellent. Now, of course, we have to implement those policies. We dealt last year with the question of alternative fuels in the future, whether we will be able to use wind energy, be able to use bioenergy, be able to use ethanol, all of these kinds of things. Those are future activities, and we will be able to do that. That challenge is to have the technology and the funding for the research to be able to move into those fields. That is something we can do and indeed we must do.

Coupled with that is another challenge. Those changes are going to be over a relatively long time, at least several years, where we are faced immediately with shortages and dependence on world production and with costs. We are working on a budget that will provide funding for doing research in the short term.

There are opportunities, for instance, in Wyoming and many of the energy production States where we have new sources of fairly immediate energy. We can do some things with coal, for example, our largest fossil fuel. We can make some conversions from coal into gas; we can make conversion into hydrogen and do those things in a fairly short term. Of course, gas is more flexible than coal, so if we can do something there, that would be good. We have an opportunity to go into shale oil which is a different source than we have used in the past. It takes research to get there. We need to be doing that.

Coupled with that, of course, to keep our economy going and make sure we deal with the energy issue is conservation and efficiency. There is a great challenge there, to use less energy in our economy and be more conservative in our use—whether it is automobiles or buildings. Clearly, we can do more in that area than we have done. That is a challenge we have before us. That will have a great impact on the economy.

Home sales are at a record level. More people than ever own their homes, and that is a great thing. We need to ensure that continues to happen and we have the tax incentives and other regulations in order to do that.

When we put in place some of the tax reductions that helped the economy, another impact of it has been an increase in revenues. Tax cuts not only leave more money in the pockets of Americans but have also resulted in fairly dramatic increases in receipts to the Treasury. Tax collections from nonsalaried income were up 32 percent as a result of tax reductions on capital gains and these sorts of things. They cause more investment and more activities, which are then taxed and bring money in. Capital gains collections brought in almost $80 billion, up from almost $50 billion from 2002.

The broad point is we are able to do some things that strengthen the economy, that allow people to create more jobs and invest more in the economy by reducing taxes and, at the same time, because of the economic growth, increase revenue.

All these results point to continuing to pursue that. Actually, in January we ran up one of the highest surpluses in the last 4 years—$21 billion. That is a great thing. Now we have to take a little longer look at spending on the other side so we can balance these things out.

Health care is another concern. We need to take some long looks at that. We need to provide the opportunity for health care for everyone. Accessibility becomes difficult because of the costs. I am from a rural area. Rural health care is one of the issues we have. We have done some things there.

Overall, we have seen some real growth in the economy and some good things happening. We have an opportunity to continue to do that. I hope we will get moving with the things that are here and continue to do the things that help this economy and do good for the American people.

The PRESIDING OFFICER (Mr. COBURN). The Senator from the great State of Oregon.

Mr. WYDEN. I ask unanimous consent to speak for up to 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ALTERNATIVE MINIMUM TAX

Mr. WYDEN. Mr. President, millions of Americans are now going through a paperwork nightmare, trying to complete their taxes. They are trying to find their 1099s and their W-2s and their schedule this and schedule that. They shout across the room: Honey, can you find the copy of the receipt for that copier we bought back in March?

What I am going to do between now and April 15 is highlight some of the ways this Tax Code gratuitously complicates the lives of all our citizens—middle-income folks, low-income folks, and the affluent. I am going to be pointing out specific provisions in the Tax Code and try to describe how it does not have to be this way. We do not have to have a "deadwood" tax bureaucracy, where we now have had more than 14,000 changes. That comes to something akin to three for every working day in the last 20 years.

Our citizens are going to spend more this year complying with the Tax Code than this country spends on higher education. We are going to spend $140 billion complying with the needless kind of bureaucracy that I am going to describe this morning. It is my intent between now and April 15 to discuss this. I am going to start today with the alternative minimum tax, which is true water torture for middle-class folks who basically have to figure out two taxes, their taxes and the alternative minimum tax. There is a whole set of complicated procedures here. After I complete this week's presentation on the alternative minimum tax, it is my intention to go next to the earned income tax, which is also mindlessly complicated.

Then I intend to focus on a number of the provisions for those who are very affluent that strike me, again, as defying common sense in how they are written.

Today, I want to begin by focusing on the alternative minimum tax. It is, of course, a crushing tax for millions of middle-income people, folks who definitely do not consider themselves fat cats. Across this country, 3.6 million taxpayers were impacted by the alternative minimum tax this year. The number is expected to rise to over 19 million by 2006 unless the Congress acts this year.

The form that you use for the alternative minimum tax is form 6251. The first line sums up what all of this has come to. The first line says:

> If filing Schedule A (form 1040), line 41 (minus any amount on form 8914, line 2) and go to line 2. Otherwise enter the amount from form 1040, line 38 (minus any amount on form 8914, line 2) and go to line 7. (If less than zero, enter as a negative amount.)

I think it is pretty obvious that what I have read is, for all practical purposes, incomprehensible. You would have to have a Ph.D. in economics. What it means is that in order to fill out form 6251 for your minimum tax you have to fill out not just form 1040 but also form 8914. How much time is that going to add to tax preparation? What about trying to understand form 8914, for those who may have to fill it out?

Are people in this country going to have to become CPAs to fill out this tax requirement that affects millions of middle-class people? I bring this up because it does not have to be this way.

I would like to now post the alternative that I have developed in my Fair Flat Tax Act, S. 1927. On line 1, instead of all the mumbo jumbo I read—it is real simple—all you have to state is whether you are single, married, head of a household, qualifying widower.

I filled out my one-page 1040 form that my legislation mandates in about a half hour. That alone is a bit of a revolution in the Senate Finance Committee, or the tax-writing committee in the other body, because it has been a long time since anybody who wrote tax laws could fill out their own returns. I bring this up only by way of saying let's make sure people understand how much deadwood and legal mumbo jumbo and needless complication there is in the Tax Code. That is why I have started today with the burdensome requirements of the alternative minimum tax. But I am going to go on, in the weeks ahead, to a number of other kinds of provisions.

As a result of what I read on the alternative minimum tax, lots of folks simply turn to tax preparers. This year we will spend $140 billion on tax preparation. That is more than the Government spends on higher education. It is pretty obvious why. There were 14,000 changes in the Tax Code since the last major overhaul, three significant changes for every working day in the last 20 years.

What I do in my fair flat tax legislation is simply say to the distinguished Presiding Officer of the Senate, the distinguished Senator from Oklahoma: You take your income from all your sources, you subtract your deductions, you add your credits, add it all up, send it to the IRS, and say: Have a nice day, I am done.

One page, 1040 form—somebody called me about it yesterday and we discussed how long it took me to do it. I mentioned I could do mine in half an hour. They said: Ron, it only took me 15 minutes.

That is what this is all about. I am not sure the Congress understands how this body has permitted this mindless bureaucracy, a bureaucracy that only can be described as deadwood, a bureaucracy that has lost all kind of connection with what the middle class in this country is all about. And I want to change it.

I believe we ought to start tax reform by simplifying the Code. Then let us change the tax system so that all Americans have the opportunity to climb the ladder of success. One way you do that is to change a set of rates that now have the second richest person in America, Warren Buffett, paying a lower tax rate than his receptionist. The Tax Code discriminates against work.

I am not interested in soaking anybody. I believe in markets, and I believe in creating wealth, but as we saw today where we have very low rates in savings for the middle class, it is because they cannot keep up. Their wages aren't even keeping up with inflation. Their concerns are about those matters where the second word is "bill"—the tax bill, the medical bill, the gas bill, the heating bill, and the education bill.

We say with my legislation that we are going to end the discrimination against work. We will protect 90 percent of all interest income earned by our citizens—their house, the capital gains they may be able to enjoy if they sell it, their savings accounts, their life insurance. I want us to build a new savings ethic. I do that in this legislation as well. But for the life of me, I can't figure out why we can't get both political parties to get moving on this issue.

The President has an advisory commission. They asked me what I thought about it. I said: Look, I have a one-page 1040 form which will simplify this code for everybody. The President's commission report is a bit longer, but for purposes of Government work, they are pretty close together.

So why not start with simplification? Why not start with the rates I have proposed which I would like to bring to the attention of the Senate? The first bracket of rates in my legislation is 15 percent, the second bracket is 25 percent, and the third bracket is 35 percent. That is what Ronald Reagan proposed. Those are the exact brackets Ronald Reagan proposed in 1986.

Now, much has changed. I would be the first to acknowledge that. Certainly the AMT hits much harder than anything that was anticipated in the 1980s. But I am interested in being flexible with respect to the rates.

If the Senate, after bipartisan deliberation on a fair flat tax, wanted to have 13, 23, and 33, that would be fine with me. The principle is we ought to say marginal rates are important; they send a very significant message with respect to growth. But let us treat all income the same. Let us particularly get rid of some of this mindless kind of bureaucracy.

We are having a hearing today on the tax gap, the money that is not collected that ought to be paid. We all realize that is a good opportunity to generate revenue to help the middle class. If we pick up some of that money, we will drive the rates down for everybody in this country even more than I am proposing.

People ask me what I stand for. I stand for the proposition that every American ought to have the opportunity to climb the ladder of success. And let us start by changing the Tax Code, where the second wealthiest person in the United States, Warren Buffett, pays a lower tax rate than his receptionist. How is the receptionist going to be in a position to be in the middle class if we don't treat them fairly?

I also think it is worth noting that when you graduate from a college in Oklahoma or in Illinois, when you go out into the marketplace and in the first job with your new college degree, after all that hard work, you are going to pay a higher tax rate than Warren Buffett, the second wealthiest person in this country.

We need incentives for investment.

I protect 90 percent of the interest income earned by people who are saving and showing the kind of financial discipline which is necessary to get ahead.

But we can have a Tax Code that is simpler, flatter, and fairer.

I wrap up by saying to both Democrats and Republicans, I believe this is really what you are all about.

For Democrats, what could be more important than a message about giving the middle class a fair shake, the opportunity to climb the ladder of success and get out from under some of this bureaucracy?

Our friend from Illinois is here, Senator DURBIN. His colleague from the House, Congressman EMANUEL, has tax clinics in Chicago for families who can't fill out the earned income tax credit because it is too complicated. I have outlined how absurd the requirements are for the alternative minimum tax and why it is difficult for folks to comply. But this is something which affects everybody—poor folks with the earned income tax credit and the middle-class folks with the alternative minimum tax.

As far as I can tell, many of the affluent in this country are saying to themselves: What really counts is finding a better accountant to get me more tax dodges because that is the way you get ahead in this country, not by innovating but by finding an accountant to get you more tax dodges.

It doesn't have to be this way. The Code doesn't have to be as complicated as it is. The Code doesn't have to discriminate against people who work for a living. The late President Reagan accepted that principle in the 1986 tax reform.

We can do this. Certainly the administration, after talking about how they were interested in tax reform and forming a commission, is going to ask me and, I believe, other Members of Congress: Where are the deadlines?

This is an opportunity for the administration to have a big second-term initiative. Ronald Reagan did this in the middle of his second term because he reached out to Senators such as Bill Bradley and the chairman of the Ways and Means Committee in the other body, Congressman Rostenkowski.

It is time to cleanse this Code. It has been 20 years since real reform, 14,000 changes, spending more on preparation than the Government spends on higher education. That is a disgrace. It is not right to working people. It is not right to all taxpayers, regardless of their income.

It is my intention to come back to this Chamber again and again—but particularly between now and April 15—as I have done today with the alternative minimum tax.

I would like to pose once more the language for folks who are middle income and trying to comply with the alternative minimum tax. If anybody who is not a CPA can figure out the first line of the AMT, I urge them to call me. My guess is they can't. They will have to call their accountant to sort it out.

I also wish to point out for people trying to get help this morning that the IRS has an 800-number. We will post it on our Web site: 1-800-829-1040.

As I wrap up this presentation, let me contrast this, which is the dead wood in the tax bureaucracy today, with the legislation I have filed, the Fair Flat Tax Act, which replaces the legal mumbo-jumbo I have shown you with our section 1—just a handful of lines—describing whether you are single, married, head of household, or a widower.

I know colleagues are waiting to speak.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. WYDEN. Certainly.

Mr. DURBIN. I would like to ask the Senator from Oregon through the Chair—first, I would like to tell him that about 10 or 15 years ago, in my hometown, my accountant in Springfield, IL, passed away, a man who had done the tax returns for my wife and me. After years of being a lawyer, I thought to myself: I can do this. I will fill out my own income tax return.

I went back home Sunday afternoon and sat down to fill out what is a pretty simple income tax return for a Member of Congress. It took me 3 or 4 hours, and then I had to come back to it the next day, and I filed it. I then found out I had made several glaring errors. This was before TurboTax, H&R Block's Web site, and all the rest of these things. But I thought: Let me do it myself. I tell the Senator from Oregon that I have an abiding respect for what he just said after that humbling experience.

I would like to ask the Senator whether he thinks we would have more impetus for simplifying tax returns if Members of Congress had to file their own tax returns, prepare their own tax returns, and then submit to the American people the fruits of their labor as to whether they made mistakes?

Mr. WYDEN. Mr. President, I thank the distinguished Senator from Illinois, who as usual is being a bit too logical. The fact is, if Members of the Congress had to go through this—because we will have a lot who are paying the AMT, many who have investments of a variety of sorts—I believe that alone could trigger a bit of a revolution around here. I think the challenge is for people to see just the kind of tax hole we have dug ourselves into over the last 20 years—14,000 changes, needless complications.

I really do not see how a middle-class person can get ahead with a Tax Code that discriminates against work. The Senator from Illinois has been a champ for the middle-class kind of family.

Here is the way it works. If a cop in Chicago gets a $500 pay raise, that cop pays 25 percent of his or her pay raise to the Federal Government in income taxes, and then they pay Social Security payroll taxes on top of that. If somebody in downtown Chicago makes all their money from capital gains and investment, they pay 15 percent on their capital gains and no Social Security payroll tax.

Again, I have tried to emphasize that I am not for soaking anybody. I believe in markets, and I believe in creating wealth, as I believe Senators of both political parties do. But as the Senator from Illinois has pointed out, if Senators were really forced to deal with these kinds of situations themselves, starting with the Tax Code complications, when they fill it out on their own, that could start a revolution around here.

I believe this is a bipartisan opportunity that comes along rarely.

I will wrap up with one last point.

I believe the Social Security reform showed a lot about what our citizens think about a vital American program. A lot of Americans love Social Security dearly, and there are a lot of rallies outside the offices of Members of Congress, with folks carrying signs saying, "I love Social Security." I tell colleagues that there will be no rally outside your office with people carrying signs saying, "We Love the IRS Code." This is something which could be reformed, could be changed on a bipartisan basis.

Mr. DURBIN. Mr. President, if the Senator will yield for one question which I think gets to the concern people have about tax reform, it seems like a zero-sum game in this respect: If you end up lowering the taxes paid by someone in order to keep the same return to Government in revenue, you have to raise the taxes for others.

So I ask the Senator to step back from his proposal for a minute. Who are the winners and losers?

Mr. WYDEN. The Senator asks a good question. First, a quick word on my proposal, which is available from the Congressional Research Service and Jane Gravell, the top economist who is there to discuss it with Senators. It would actually reduce the deficit by about $100 billion over 5 years, making downpayments in terms of deficit reduction.

But here is what the distribution profile looks like in terms of our legislation. We believe that upwards of 70 percent of the people in this country would get a solid tax cut. These are middle-class folks making $60,000, $70,000, $80,000, and $90,000. Essentially, what the Congressional Research Service has shown is that millions of middle-class people would get relief. It is upwards of 70 percent. We have calculated that about 15 percent of the people in this country would be treated about the same.

For example—and it is matter of public record, and I can discuss it—I have a Senate wage of about $160,000, and I have a bit of investment income. I come out about the same under my proposal as under the status quo. We have to make 6 or 7 percent of the people in this country who make virtually all their income from capital gains and dividends—not from wages—pay a bit more.

So that is what the distributional effect of one actual proposal looked like. That was again very similar to what happened in 1986 when Ronald Reagan, after having started his Presidency with a set of tax changes—and my colleague will remember they were largely for investment—did an about-face and passed a reform proposal that gave real relief to middle-class people.

I want to close by thanking the Senator from Illinois, who I know has a great interest in this subject and has been a strong champion of the middle class.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, it is my understanding the Senator from New Hampshire is going to make some remarks and I ask unanimous consent that I be recognized after he has completed his remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

USA PATRIOT ACT ADDITIONAL REAUTHORIZING AMENDMENTS ACT OF 2006—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2271, which the clerk will report.

The assistant legislative clerk read as follows:

> Motion to proceed to consider S. 2271, a bill to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

The PRESIDING OFFICER. Who seeks time?

The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I rise today to speak in support of the motion to proceed and in support of the underlying legislation itself. This bill was introduced to make changes, changes to the PATRIOT Act conference report that was delayed at the end of last year, just as we were ready to adjourn for the holidays.

That conference report had some flaws and weaknesses. I began focusing on and working on reauthorization of the PATRIOT Act well over a year and a half ago, recognizing that we could do more to improve the original Act, we could make this bill more balanced by adding better protections for civil liberties even as we reauthorized the law enforcement tools in the PATRIOT Act to give law enforcement power to conduct terrorism investigations.

I don't think there is anyone in this Chamber who believes we should not provide law enforcement with tools necessary to deal with the threat of terrorism, both domestically and overseas. But whenever we give law enforcement new tools, new powers, we want to make sure they are balanced, balanced by the ability of individuals who think they have been singled out unfairly to raise objections in court, balanced by the ability of individuals to seek legal advice, balanced by restricting the use of these tools to ensure they are only used in appropriate circumstances. That is what protecting civil liberties is all about.

As the process of reauthorizing the PATRIOT Act began well over a year and a half ago, a bipartisan group of Senators, including myself, joined to highlight a number of areas where we felt the legislation could and should be improved and strengthened to provide the kinds of protections I mentioned.

We spoke with Justice Department officials, not a month or 2 months before this process began, but, as I've said, over a year and a half ago, raising our concerns in a clear, articulate fashion, trying to make certain that DOJ knew full well that there was a bipartisan group that would push to make changes to improve the PATRIOT Act and that we would be willing to stand up for those changes and stand up on principle.

Unfortunately, the people who should have been engaged in this discussion process early on simply were not and much of the work was left to the very end of the process, and continued after the law was originally set to expire at the end of last year. As a result, changes that should have been made early were not, and we found ourselves with reauthorization legislation that could not win enough bipartisan votes to gain passage at the end of December.

What I wish to do today is to talk about the changes that were made to the PATRIOT Act earlier in the reauthorization process that better safeguard civil liberties, and the changes that are in this underlying legislation that I think will allow us to move forward with some confidence that we have made additional improvements since the cloture vote in December.

In the conference report that was delayed, I certainly agree that there were many significant improvements made to the original PATRIOT Act. For example, improvements were made to add clarity to a roving wiretap order to require more specificity as to the target or location of the surveillance to be conducted. Improvement was made to add clarity to delayed notification search warrants, which are search warrants that are conducted without immediately telling the targets of the search.

I think delayed notice search warrants are appropriate tools for law enforcement, but at a certain point law enforcement either needs to inform the target of the search or get agreement from a judge to further delay the notification. In the delayed conference report we added clarity. We added a requirement that a target must be notified of a search within 30 days unless a judge agrees to continue delaying the notification.

We were successful when we took a stand at the end of last year in moving the sunset period in the draft conference report from a 7-year sunset on the most controversial provisions of the PATRIOT Act to a 4-year sunset period, so that 215 subpoena power, a very significant subpoena power for law enforcement to access the most sensitive of records, the lone wolf provisions and the roving wiretap provisions I mentioned, would have to be reviewed four years from now.

All of these were improvements to the PATRIOT Act. But a number of us still had many concerns, concerns in three particular areas.

First, our most significant concern was and is the breadth of the standard for obtaining a 215 subpoena. We felt—and we still feel—it is unnecessarily broad. It could result in the gathering of information that is not only extraneous, but pertains to innocent Americans. We think that standard should be more narrow so that there be shown that an individual who is a target of this subpoena be connected to a suspected terrorist or suspected spy. The current standard of mere relevance to a terrorist investigations is unnecessarily broad.

Second, we feel there should be a clear judicial review, a review before a judge, of the gag order associated with the 215 subpoena. If you are the recipient of one of these subpoenas, that subpoena comes with a restriction on your ability to tell anyone about the subpoena. But you ought to be able to challenge that gag order before a judge.

Third, we feel the provision in the conference report that required the recipient of a national security letter to disclose the name of their attorney to the FBI was punitive and might have the result of discouraging an individual from seeking legal advice. Over the last 6 weeks, I have worked with a number of my colleagues, Democrats and Republicans, on changes to the PATRIOT Act, negotiating with the Justice Department, making Members of the House aware of what we were pursuing, working with Chairman ARLEN SPECTER, who has been very helpful throughout this whole process. Senator LEAHY, Senator DURBIN, Senator FEINGOLD have all been part of these discussions and I have worked to share with them the concepts we were working on, the language we were working on in the areas where there were still differences, differences between those who wanted to pass the conference report as it was and those of us who felt we could strike a better balance.

In the end, we have worked out an agreement on language that has received bipartisan support and makes changes to the conference report in three areas.

First, we add a clear, explicit judicial review process for the 215 subpoena gag order. It is a judicial review process that is very similar to the judicial review process for the National Security Letter gag order set forth in the conference report. I think it is important that we stand for the principle that a restriction on free speech such as a gag order can be objected to in a court of law before a judge. You can at least have your case heard. That does not mean you will win, necessarily, but you can at least have your case heard.

Second, we were able to get language striking the requirement that the recipient of a National Security Letter disclose the name of their attorney to the FBI. Again this is a punitive provision, and it could have the unintended effect of discouraging people from seeking legal advice.

Third, we added clarification to National Security Letters as they pertain to libraries. Our agreement adds a provision that makes very clear that libraries operating in their traditional role, including the lending of books, including making books available in digital form, including providing basic Internet access, are not subject to National Security Letters.

These are three areas that were highlighted as being of concern at the end of last year. I did—and I think the others would agree—we all did everything possible to stay focused on these areas of concern. We made improvements in each of these three areas. I think we ought to be able to move forward now with the reauthorization, knowing full well that in an effort such as this, no party ever gets everything they want. But having shown that there is a bipartisan group of Members of the Senate and I believe Members of the House as well who will look carefully at these measures, who will push hard for improvements, I think the oversight of the PATRIOT Act will be improved. I know that the reporting to Congress as to how this act is used will be improved. Requirements to report on the use of 215 subpoenas and the minimization procedures used to get rid of data and information on innocent Americans collected through 215 subpoenas and National Security Letters are improvements.

So I feel confident we have legislation that is a vast improvement over current law in terms of protecting civil liberties. We have oversight that is improved and, frankly, we have a strong coalition within Congress that is committed to doing an effective job in making sure these important law enforcement tools are used effectively but also used fairly.

I know not all my colleagues will support this final package. I know in particular Senator FEINGOLD, who has worked extremely hard on this issue, is not able to support this final package. He will speak more eloquently than I can as to the concerns that remain, but among his concerns is the breadth of the 215 standard and the feeling that we ought to be able to agree on and work toward a standard that will prevent fishing expeditions, that will better protect civil liberties but still enable law enforcement to do their job. I share that concern and that goal, but I at the same time recognize we have an obligation to take the many gains we received throughout the reauthorization process and reauthorize this legislation so we can move forward, focus on our outstanding concerns, and focus on the agenda that still sits before Congress.

I thank the President for the time and the opportunity to lay out the improvements that are in the package before us. I look forward to the debate and the discussion, but I do hope we can, in a deliberate fashion, complete work on this legislation that now has gained bipartisan support, has gained additional votes from Republicans, including Senator CRAIG, Senator HAGEL, Senator MURKOWSKI, who have raised concerns, Senator DURBIN, Senator FEINSTEIN, and others on the Democratic side who have stood with us too since the end of last year in the hopes of improving the balance of the conference report. I think we do the country a service by enacting this legislation now with a commitment to continue to try to improve it wherever we can.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. FEINGOLD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator cannot reserve the right to object. Is there objection?

Mr. SUNUNU. I ask consent that the Senator be allowed to make his point.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I object to raising the quorum call.

The PRESIDING OFFICER. Without objection, the quorum call is terminated, and the Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I ask unanimous—I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I be recognized to speak at 11 a.m. on the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. Feingold. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, it will come as no surprise that I would like to talk about the PATRIOT Act today, and certainly I listened to the remarks of the Senator from New Hampshire and have greatly enjoyed the experience of working with him on this issue for the last couple of years.

I, of course, come to a very different conclusion about the matters before us. I strongly oppose proceeding to the consideration of S. 2271, which is legislation introduced by some of my friends and colleagues to implement the deal on the PATRIOT Act that was struck by the White House last week.

Some may argue that there is no harm in passing a bill that could charitably be described as trivial. But protecting the rights of law-abiding Americans is not trivial, and passage of S. 2271 is the first step toward passage of the flawed PATRIOT Act conference report.

I will oppose both measures, and I am prepared to discuss at length my reasons for doing so. I do greatly respect the Senators who negotiated this deal, but I am gravely disappointed in the outcome. The White House would agree to only a few very minor changes to the same PATRIOT Act conference report that could not get through the Senate just back in this past December. These changes do not address the major problems with the PATRIOT Act that the bipartisan coalition has been trying to fix for the past several years.

In fact, the Senator from New Hampshire described the issues that brought us together, the points that brought us together. This agreement doesn't relate, in any significant way, to the provisions that we were concerned about that brought us together in a bipartisan way.

What came out of this agreement is, quite frankly, a figleaf to allow those who were fighting hard to improve the act to step down, claim victory, and move on. What a hollow victory that would be and what a complete reversal of the strong, bipartisan consensus that we saw in this body a couple months ago.

What we are seeing, I regret to say, is quite simply a capitulation on the intransigent and misleading rhetoric of the White House that sees any effort to protect civil liberties as a sign of weakness. Protecting American values is not weakness. Standing on principle is not weakness. Committing to fight terrorism aggressively without compromising the rights and freedoms this country was founded upon is not weakness either.

We have come too far and fought too hard to agree to reauthorize the PATRIOT Act without fixing any of the major problems with the act. A few insignificant face-saving changes don't cut it. So I cannot support this deal. I strongly oppose proceeding to legislation that would implement it.

I understand the pressure my colleagues have been under on this issue, and I again want to say I appreciate all the hard work they have done on the PATRIOT Act. It has been very gratifying to work on a bipartisan basis on this issue. It is unfortunate the White House is so obviously trying to make this into a partisan issue because it sees some political advantage in doing so. But whether the White House likes it, this will continue to be an issue where both Democrats and Republicans have concerns, and we will continue to work together for changes in the law. I am sure of that. But I will also continue to strongly oppose any reauthorization of the PATRIOT Act that doesn't protect the rights and freedoms of law-abiding Americans who have absolutely no connection whatsoever to terrorism.

This deal does not meet that standard. Frankly, Mr. President, it doesn't even come close. I urge my colleagues to oppose it and I, therefore, ask that they oppose even proceeding to this legislation.

I wanted to take some time to lay out the background and context for this ongoing debate over the PATRIOT Act, a debate that will not end with the reauthorization of the 16 provisions that are now set to expire March 10. And I want to discuss my concerns about this reauthorization deal with some specificity.

Mr. President, because I was the only Senator to vote against the PATRIOT Act in 2001, I want to be very clear from the start. I am not opposed to reauthorization of the PATRIOT Act. I supported the bipartisan compromise, the reauthorization bill the Senate passed last July without a single Senator objecting. I believe that bill should become law.

The Senate reauthorization bill is not a perfect bill, but it is actually a good bill. If that were the bill we considered back in December or the bill we were considering today, I would be speaking in support of it. In fact, we could have completed the process of reauthorizing the PATRIOT Act months ago if the House had taken up the bill that the Senate approved without any objection from any Senator on either side of the aisle.

I also want to respond to those who argue that any people who are continuing to call for a better reauthorization package want to let the PATRIOT Act expire. That is nonsense. Not a single Member of this body is calling for any provision—not only that the bill should not be reauthorized, but no Senator is calling for even one provision at all to actually expire. There are any number of ways we can reauthorize the act, while amending its most problematic provisions, and I am not prepared to support reauthorization without adequate reform.

Let me also be clear about how this process fell apart at the end of last year and how we ended up having to extend the PATRIOT Act temporarily past the end of 2005. In December, this body, in one of its prouder moments in recent years, refused to let through a badly flawed conference report. A bipartisan group of Senators stood together and demanded further changes. We made very clear what we were asking for. We laid out five issues that needed to be addressed to get our support.

Let me quickly read excerpts from a letter that we sent out explaining our concerns:

> The draft conference report would allow the Government to obtain sensitive personal information on a mere showing of relevance. This would allow Government fishing expeditions. As business groups like the U.S. Chamber of Commerce have argued, the Government should be required to convince a judge that the records they are seeking have some connection to a suspected terrorist or spy.
>
> The draft conference report does not permit the recipient of a section 215 order to challenge its automatic, permanent gag order. Courts have held that similar restrictions violate the First Amendment. The recipient of a section 215 order is entitled to meaningful judicial review of the gag order.
>
> The draft conference report doesn't provide meaningful judicial review of a national security letter's gag order. It requires the court to accept as conclusive the Government's assertion that a gag order should not be lifted, unless the court determines the Government is acting in bad faith. The recipients of NSLs are entitled to meaningful judicial review of a gag order.

> The draft conference report does not sunset the NSL authority. In light of recent revelations about possible abuses of NSLs, the NSL provision should sunset in no more than four years so that Congress will have an opportunity to review the use of this power.
>
> The draft conference report requires the Government to notify the target of a "sneak and peek" search no earlier than 30 days after the search, rather than within seven days, as the Senate bill provides and as pre-PATRIOT Act judicial decisions required. The conference report should include a presumption that notice will be provided within a significantly shorter period in order to better protect Fourth Amendment rights. The availability of additional 90-day extensions means that a shorter initial timeframe should not be a hardship on the Government.

Those are the key parts of the letter that we sent late last year. Now, you might ask, in this newly announced deal on the PATRIOT Act, have any of these problems been solved? Have any of the five problems identified by the SAFE Act authors been solved?

The answer is simple, Mr. President. The answer is: No, not a single one. Only one of these issues has been even partially addressed by this deal. The White House applied immense pressure and pulled out its usual scare tactics and succeeded in somehow convincing people to accept a deal that makes only a tiny substantive improvement to a bill that was actually rejected in December. This is simply not acceptable.

I want to explain in detail my biggest concerns with the conference report, as modified by S. 2271, the legislation that the majority leader is seeking to take up. First, I want to clear up one frequent misconception. I have never advocated repeal of any portion of the PATRIOT Act. In fact, as I have said repeatedly over the past 4 years, I supported most of that bill. There were many good provisions in that bill. As my colleagues know, the PATRIOT Act did a lot more than expand our surveillance laws. Among other things, it set up a national network to prevent and detect electronic crimes, such as the sabotage of the Nation's financial sector; it established a counterterrorism fund to allow the Justice Department offices, disabled in terrorist attacks, to keep operating; and it changed the money laundering laws to make them more useful in disrupting the financing of terrorist organizations. One section even condemned discrimination against Arab and Muslim Americans.

Even some of the act's surveillance sections were reasonable. One provision authorized the FBI to expedite the hiring of translators. Another added terrorism and computer crimes to the list of crimes for which criminal wiretap orders could be sought. And some provisions helped to bring down what has been called frequently "the wall"—the wall that had been built up between intelligence and law enforcement agencies.

Whenever we start debating the PATRIOT Act, we hear a lot of people saying we must reauthorize the PATRIOT Act in order to ensure that the wall doesn't go back up. So let me make it clear. I supported the information-sharing provisions of the PATRIOT Act. One of the key lessons we learned in the wake of September 11 was that our intelligence and law enforcement agencies were not sharing information with each other, even where the statutes permitted it.

Unfortunately, the wall was not so much a legal problem as it was a problem of culture. That is not just my conclusion. The report of the 9/11 Commission made that very clear. I am sorry to report we have not made as much progress as we should have in bringing down those very significant cultural barriers to information sharing among our agencies. The 9/11 Commission report card that was issued toward the end of last year gave the Government a "D" for information sharing because our agencies' cultures have not changed enough. A statement issued by Chairman Kean and Vice Chairman Hamilton explained, "You can change the law, you can change the technology, but you still need to change the culture. You still need to motivate institutions and individuals to share information." And so far, apparently, our Government has not met that challenge.

Talking about the importance of information sharing, as administration officials and other supporters of the conference report have done repeatedly, is part of a pattern that started several years ago on this issue of renewing or revising the PATRIOT Act. Rather than engage in a true debate on the controversial parts of the PATRIOT Act, as some in this body have done—to their credit—during this reauthorization process, many proponents of the PATRIOT Act point to the noncontroversial provisions of the act and talk about how important they are. They say this bill must be passed because it reauthorizes those noncontroversial provisions. But, that doesn't advance the debate; it muddies the waters because we all agree that those provisions should be continued.

The point is we don't have to accept bad provisions to make sure the good provisions become law, or continue to be law.

I hope I actually advance the debate. I want to spend some time explaining my specific concerns with the conference report and the deal that was struck to make a few minor changes to it. It is unfortunate the whole Congress could not come together, as the Senate did around the Senate's bipartisan compromise reauthorization bill. In July, the Senate Judiciary Committee voted unanimously in favor of a reauthorization bill that made meaningful changes to the most controversial provisions of the PATRIOT Act to protect the rights and freedoms of innocent Americans.

Shortly thereafter, that bill passed the full Senate by unanimous consent. It was not entirely easy for me to support the Senate bill, which fell short of the improvements contained in the bipartisan SAFE Act. But at the end of the day, the Senate bill actually contained meaningful changes to some of the most problematic provisions in the PATRIOT Act—provisions I have been trying to fix since October 2001—so I decided to support it. I made it very clear at the time, however, that I viewed the bill as the end point of negotiations, not the beginning. In fact, I specifically warned my colleagues "that the conference process must not be allowed to dilute the safeguards in this bill." Obviously, I meant it, but it appears that people either were not listening or weren't taking me seriously. This conference report, as slightly modified by this deal, unfortunately does not contain many important reforms to the PATRIOT Act we passed in the Senate, so I cannot support it. And I will fight.

I wish to remind my colleagues of the serious problems with the PATRIOT Act which we have been discussing for several years now. Let me start with section 215, the so-called library provision, which has received probably the most public attention of any one of the controversial provisions. I remember when the former Attorney General of the United States called the librarians who were expressing disagreement with this provision "hysterical." What a revelation it was when the Chairman of the Judiciary Committee, the Senator from Pennsylvania, opened his questioning of the current Attorney General during his confirmation hearing by expressing concerns about this provision of the PATRIOT Act, section 215. He got the Attorney General to concede that, yes, in fact, this provision probably went a bit too far and could be improved and clarified. And that was really an extraordinary moment. It was a moment that was very slow in coming, and it was long overdue.

I give credit to the Senator from Pennsylvania because it allowed us to start having a real debate on the PATRIOT Act. Credit also has to go to the American people, who stood up, despite the dismissive and derisive comments of Government officials, and said, with loud voices: The PATRIOT Act needs to be changed.

My colleagues know as well as I do that these voices came from the left and the right, from big cities and small towns across America. So far, more than 400 State and local governmental bodies have passed resolutions calling for revisions to the PATRIOT Act. I plan to read some of those resolutions on the floor during this debate, and there are a lot of them. Nearly every one mentions section 215.

Section 215 is at the center of this debate over the PATRIOT Act. It is also one of the provisions that I tried unsuccessfully to amend here on the floor in October of 2001. So it makes sense to start my discussion of the specific problems I have with the conference report with the infamous "library" provision.

Section 215 of the PATRIOT Act allows the Government to obtain secret court orders in domestic intelligence investigations to get all kinds of business records about people, including not just library records but also medical records and various other types of business records. The PATRIOT Act allowed the Government to obtain these records as long as they were "sought for" a terrorism investigation. That is all they had to say. That is a very low standard. It didn't require that the records concern someone who was suspected of being a terrorist or spy or even suspected of being connected to a terrorist or a spy. It didn't require any demonstration of how the records would be useful in the investigation. Under section 215, if the Government simply said it wanted records for a terrorism investigation, the secret FISA Court was required to issue the order—no discretion required to issue the order, period. To make matters worse, recipients of these orders are also subject to an automatic gag order. They cannot tell anyone that they have been asked for records.

Some in the administration and even in this body took the position that people shouldn't be able to criticize these provisions until they could come up with a specific example of "abuse." The Attorney General has repeatedly made that same argument, and he did so again in December in an op-ed in the Washington Post when he dismissed concerns about the PATRIOT Act by saying that "there have been no verified civil liberty abuses in the 4 years of the Act's existence."

First of all, that has always struck me as a strange argument since 215 orders are issued by a secret court and people who receive them are prohibited by law from discussing them. In other words, the law is designed—it is actually designed—so that it is almost impossible for you to know if abuses have occurred. But even more importantly, the claim about lack of abuse just isn't credible anymore, given what we now know about how this administration views the surveillance laws that this body, this Congress, writes. We now know that for the past 4-plus years, the Government has been wiretapping the international communications of Americans inside the United States without obtaining the wiretap orders required by statute.

If we want to talk about abuses, I can't imagine a more shocking example of an abuse of power than to violate the law by eavesdropping on American citizens without first getting a court order based on some evidence, some evidence that they are possibly criminals or terrorists or spies. So I don't want to hear again from the Attorney General or anyone on this floor that this Government has shown it can be trusted to use the power we give it with restraint and care.

The Government should not have those kinds of broad, intrusive powers in section 215—not this Government, not any government. The American people shouldn't have to live with a poorly drafted provision which clearly allows for the records of innocent Americans to be searched and just hope that the Government uses it with restraint. A government of laws doesn't require its citizens to rely on the good will and good faith of those who have these powers, especially when adequate safeguards could easily be written into the law—easily be written into the law—without compromising their usefulness as a law enforcement or antiterrorist tool.

After lengthy and difficult negotiations, the Judiciary Committee came up with language that achieved that goal. It would require the Government to convince a judge that a person has some connection to terrorism or espionage before obtaining their sensitive records. When I say "some connection," that is what I mean. The Senate bill's standard is the following: No. 1, that the records pertain to a terrorist or spy; No. 2, that the records pertain to an individual in contact with or known to a suspected terrorist or spy; or No. 3, that the records are relevant to the activities of a suspected terrorist or spy. That is the three-prong test in the Senate bill, and I believe it is more than adequate to give law enforcement the power it needs to conduct investigations while also sufficiently protecting the rights of innocent Americans. It would not limit the types of records the Government could obtain, and it does not go as far to protect law-abiding Americans as I would prefer, but it would make sure the Government cannot go on fishing expeditions into the records of completely innocent people.

The Senate bill would also give recipients of the 215 order an explicit, meaningful right to challenge those orders and the accompanying gag orders in court. These provisions passed the Senate Judiciary Committee unanimously after tough negotiations late into the night, and as anyone familiar with the Judiciary Committee knows, including the Chair, that is no mean feat, to get that done in the Judiciary Committee on any issue.

The conference report did away with this delicate provision. First and most importantly, it does not contain the critical modifications to the standard for section 215 orders. The Senate permits the Government to obtain business records only if it can satisfy one or more of the prongs of the three-prong test I just described. This is a broad standard, and it has a lot of flexibility. But it retains the core protection—the core protection—that the Government cannot go after someone who has no connection whatsoever to a terrorist or spy or their activities.

The conference replaces the three-prong test with a simple relevance standard. It then provides a presumption of relevance that the Government meets one of the three prongs. It is silly to argue that this is adequate protection against a fishing expedition. The only actual requirement in the conference report is that the Government show that those records are just relevant to an authorized intelligence investigation—that is all—just relevant to an authorized intelligence investigation. Relevance is a very broad standard that could arguably justify the collection of all kinds of information about all kinds of law-abiding Americans. The three prongs are just examples of how the Government can satisfy the relevance standard. That is not simply a loophole or an exception that swallows the rule; the exception is the rule. The exception basically destroys the meaning of the carefully considered three-prong test we all supported in the Senate.

I will try to make this as straightforward as I can. The Senate bill requires the Government to satisfy one of three tests. Each test requires some connection between the records and a suspected terrorist or spy. But the conference report says that the Government only is required to satisfy a new fourth test, and that test is only relevance and which does not require a connection between the records and a suspect. So the other three tests no longer provide any protections at all.

This issue was perhaps the most significant reason I and others objected to the conference report. So, naturally, the question today is, How was this issue addressed by the White House deal to get the support of some Senators? The answer is, It wasn't. Not one change was made on the standard for obtaining section 215 orders, and that is a grave disappointment. The White House refused to make any changes at all. Not only would it not accept the Senate version of section 215, which no Member of this body objected to back in July, it wouldn't make any change in the conference report on this issue at all.

Another significant problem with the conference report that was rejected back in December is that it does not authorize judicial review of the gag order that comes with a section 215 order. While some have argued that the review by the FISA Court of a Government application for a section 215 order is equivalent to judicial review of the accompanying gag order, that is simply inaccurate. The statute does not give the FISA Court any latitude to make an individualized decision about whether to impose a gag order when it issues a section 215 order. It is required by statute to include a gag order in every section 215 order. That means the gag order is automatic and permanent in every case.

This is a serious deficiency and one which very likely violates the First Amendment. In litigation challenging a similar, permanent, automatic gag rule in a national security letter statute, two courts have found first amendment violations because there is no individualized evaluation of the need for secrecy. I have those decisions here, and perhaps I will have a chance to read them during this debate.

This question of judicial review of the section 215 gag order is one issue that is actually addressed in some way by the White House deal—addressed but not solved. Far from it. Under the deal, there is judicial review of section 215 gag orders, but it can only take place after a year has passed, and it can only be successful if the recipient of the section 215 order proves that the Government has acted in bad faith. As many of us have argued in the context of national security letters, that is a virtually impossible standard to meet. What we need is meaningful judicial review of these gag orders, not just the illusion of it.

I do acknowledge one change made by the White House deal that I do think is an improvement over the conference report. The conference report clarifies that the recipients of both section 215 orders and national security letters, which I will discuss in detail in a moment, can consult an attorney, but it also includes a provision that requires the recipients of these letters to notify the FBI if they consult with the attorney and to identify the attorney to the FBI. Obviously, this could have a significant chilling effect on the right to counsel. The deal struck with the White House makes clear that recipients of section 215 orders in national security letters would not have to tell the FBI if they consult with an attorney. That is an improvement over the conference report but, unfortunately, it is only one relatively minor change.

Let me now turn to a very closely related provision that has finally been getting the attention it deserves: national security letters, or NSLs—an authority that was expanded by section 358 and 505 of the PATRIOT Act. This NSL issue has flown under the radar for years, even though many of us have been trying to bring more public attention to it. I am gratified that we are finally talking about NSLs, in large part due to a lengthy Washington Post story published last year on the use of these authorities.

What are NSLs, and why are they such a concern? Let me spend a little time on this because it is quite important. National security letters are issued by the FBI to businesses to obtain certain types of records. So they are similar to section 215 orders, but with one very critical difference: the Government does not need to get any court approval whatsoever to issue them. It doesn't have to go to the FISA Court and make even the most minimal showing. It simply issues the order signed by the special agent in charge of a field office or some other FBI headquarters official.

NSLs can only be used to obtain certain categories of business records, in fairness, while section 215 orders can be used to obtain "any tangible thing."

But even the categories reachable by an NSL are quite broad. NSLs can be used to obtain three types of business records: subscriber and transactional information related to Internet and phone usage; credit reports; and financial records, a category that has been expanded to include records from all kinds of everyday businesses like jewelers, car dealers, travel agents and even casinos.

Just as with section 215, the PATRIOT Act expanded the NSL authorities to allow the Government to use them to obtain records of people who are not suspected of being, or even of being connected to, terrorists or spies. The Government need only certify that the documents are either sought for or relevant to an authorized intelligence investigation, a far-reaching standard that could be used to obtain all kinds of records about innocent Americans. And just as with section 215, the recipient is subject to an automatic, permanent gag rule.

The conference report does little to fix the problems with the national security letter authorities. In fact, it could be argued that it makes the law worse. Let me explain why.

First, the conference report does nothing to fix the standard for issuing an NSL. It leaves in place the breathtakingly broad relevance standard. Now, some have analogized NSLs to grand jury subpoenas, which are issued by grand juries in criminal investigations to obtain records that are relevant to the crime they are investigating. So, the argument goes, what is the big deal if NSLs are also issued under a relevance standard for intelligence investigations?

Two critical differences make that analogy break down very quickly. First of all, the key question is: Relevant to what? In criminal cases, grand juries are investigating specific crimes, the scope of which is explicitly defined in the criminal code. Although the grand jury is quite powerful, the scope of its investigation is limited by the particular crime it is investigating. In sharp contrast, intelligence investigations are, by definition, extremely broad. When you are gathering information in an intelligence investigation, anything could potentially be relevant. Suppose the Government believes a suspected terrorist visited Los Angeles in the last year or so. It might then want to obtain and keep the records of everyone who has stayed in every hotel in L.A., or booked a trip to L.A. through a travel agent, over the past couple years, and it could argue strongly that that information is relevant to a terrorism investigation because it would be useful to run all those names through the terrorist watch list.

I don't have any reason to believe that such broad use of NSLs is happening. But the point is that when you are talking about intelligence investigations, "relevance" is a very different concept than in criminal investigations. It is certainly conceivable that NSLs could be used for that kind of broad dragnet in an intelligence investigation. Nothing in current law prevents it. The nature of criminal investigations and intelligence investigations is different, and let's not forget that.

Second, the recipients of grand jury subpoenas are not subject to the automatic secrecy that NSL recipients are. We should not underestimate the power of allowing public disclosure when the Government overreaches. In 2004, Federal officials withdrew a grand jury subpoena issued to Drake University for a list of participants in an antiwar protest because of public revelations about the demand. That could not have happened if the request had been under section 215 or for records available via the NSL authorities.

Unfortunately, there are many other reasons why the conference report does so little good on NSLs. Let's talk next about judicial review. The conference report creates the illusion of judicial review for NSLs, both for the letters themselves and for the accompanying gag rule, but, if you look at the details, it is drafted in a way that makes that review virtually meaningless. With regard to the NSLs themselves, the conference report permits recipients to consult their lawyer and seek judicial review, but it also allows the Government to keep all of its submissions secret and not share them with the challenger, regardless of whether there are national security interests at stake. So you can challenge the order, but you have no way of knowing what the Government is telling the court in response to your challenge. The parties could be arguing about something as garden variety as attorney-client privilege, with no national security issues, and the Government would have the ability to keep its submission secret. That is a serious departure from our usual adversarial process, and it is very disturbing.

The other significant problem with the judicial review provisions is the standard for getting the gag rule overturned. In order to prevail, the recipient has to prove that any certification by the Government that disclosure would harm national security or impair diplomatic relations was made in bad faith. Again, this is a standard of review that is virtually impossible to meet. So what we have is the illusion of judicial review. When you look behind the words in the statute, you realize it's just a mirage.

Does the White House deal address these problems? It does not. In fact, as I have already discussed, it expands that same very troubling standard of review to judicial review section 215 gag orders.

The modifications to the conference report agreed to by the White House do contain one other purported change to one of the NSL statutes. This modification states that the FBI cannot issue an NSL for transactional and subscriber information about telephone and Internet usage to a library unless the library is offering "electronic communication services" as defined in the statute. But that just restates the existing requirements of the NSL statute, which currently applies only to entities—libraries or otherwise—that provide "electronic communication services." So that provision has no real legal effect whatsoever. Perhaps that explains why the American Library Association issued a statement calling this provision a "figleaf" and expressing disappointment that so many Senators have agreed to this deal.

I also want to take a moment to address, again, an argument that has been made about the NSL provisions of the conference report. It has been argued that many of the complaints I have about the NSL provisions of the conference report apply equally to the NSL provisions of the Senate bill and therefore, because I supported the Senate bill, by some convoluted theory my complaints are therefore invalid and I should support the conference report.

That just makes no sense. The NSL section of the Senate bill was one of the worst sections of the bill. I didn't like it then, and I don't like it now. But in the context of the larger package of reforms that were in the Senate bill, including the important changes to section 215 that I talked about earlier and the new time limit on "sneak and peek" search warrants that I will talk about in a moment, I was able to accept that NSL section even though I would have preferred additional reforms.

The argument has been made that after supporting a compromise package for its good parts, I guess the idea is I am supposed to accept a conference report that has only the bad parts of the package even though the good parts have been stripped out. That is just nonsense, and every Member of this chamber who has ever agreed to a compromise—and I must assume that includes every single one of us—knows it.

The other point I want to emphasize here is that the Senate bill was passed before the Post reported about the use of NSLs and the difficulties that the gag rule poses for businesses that feel they are being unfairly burdened by them. At the very least, I would think that a sunset of the NSL authorities would be justified to ensure that Congress has the opportunity to take a close look at such a broad power. But the conferees and the White House refused to make that change. Nor would they budge at all on the absurdly difficult standard of review, the so-called conclusive presumption; in fact, the White House insisted on repeating it in the context of judicial review of section 215 gag orders.

This points out a real problem I have with the White House deal. In our letter in December, my colleagues and I, Democratic and Republican, complained about the unfair standard for judicial review of the gag order in connection to NSLs. So how can the supporters of this deal argue that applying that same standard to challenges to the gag rule for section 215 orders is an improvement? A standard that was unacceptable in December has somehow miraculously been transformed into a meaningful concession. That is just spin. It doesn't pass the laugh test.

I suspect that the NSL power is something that the administration is zealously guarding because it is one area where there is almost no judicial involvement or oversight. It is the last refuge for those who want virtually unlimited Governmental power in intelligence investigations. And that is why the Congress should be very concerned and very insistent on making the reasonable changes we have suggested.

I next want to address "sneak and peek" searches. This is another area where the conference report departs from the Senate's compromise language, another area where the White House deal makes no changes whatsoever, and another reason that I must oppose the conference report.

When we debated the PATRIOT Act in December, the senior Senator from Pennsylvania made what seems on the surface to be an appealing argument. He said that the Senate bill requires notice of a sneak and peek search within 7 days of the search, and the House said 180 days. The conference compromised on 30 days. "That's a good result," he says. "They came down 150 days, we went up only 23. What's wrong with that?"

Let me take a little time to put this issue in context and explain why this isn't just a numbers game—an important constitutional right is at stake.

One of the most fundamental protections in the Bill of Rights is the fourth amendment's guarantee that all citizens have the right to "be secure in their persons, houses, papers, and effects" against "unreasonable searches and seizures." The idea that the Government cannot enter our homes improperly is a bedrock principle for Americans, and rightly so. The fourth amendment has a rich history and includes in its ambit some very important requirements for searches. One is the requirement that a search be conducted pursuant to a warrant. The Constitution specifically requires that a warrant for a search be issued only where there is probable cause and that the warrant specifically describe the place to be searched and the persons or things to be seized.

Why does the Constitution require that particular description? For one thing, that description becomes a limit on what can be searched or what can be seized. If the magistrate approves a warrant to search someone's home and the police show up at the person's business, that search is not valid. If the warrant authorizes a search at a particular address, and the police take it next door, they have no right to enter that house. But of course, there is no opportunity to point out that the warrant is inadequate unless that warrant is handed to someone at the premises. If there is no one present to receive the warrant, and the search must be carried out immediately, most warrants require that they be left behind at the premises that were searched. Notice of the search is part of the standard Fourth Amendment protection. It's what gives meaning, or maybe we should say "teeth," to the Constitution's requirement of a warrant and a particular description of the place to be searched and the persons or items to be seized.

Over the years, the courts have had to deal with Government claims that the circumstances of a particular investigation require a search without notifying the target prior to carrying out the search. In some cases, giving notice would compromise the success of the search by leading to the flight of the suspect or the destruction of evidence. The two leading cases on so-called surreptitious entry, or what have come to be known as "sneak and peek" searches, came to very similar conclusions. Notice of criminal search warrants could be delayed but not omitted entirely. Both the Second Circuit in U.S. v. Villegas and the Ninth Circuit in U.S. v. Freitas held that a sneak and peek warrant must provide that notice of the search will be given within 7 days, unless extended by the court. Listen to what the Freitas court said about such searches:

> We take this position because surreptitious searches and seizures of intangibles strike at the very heart of the interests protected by the Fourth Amendment. The mere thought of strangers walking through and visually examining the center of our privacy interest, our home, arouses our passion for freedom as

> does nothing else. That passion, the true source of the Fourth Amendment, demands that surreptitious entries be closely circumscribed.

So when defenders of the PATRIOT Act say that sneak and peek searches were commonly approved by courts prior to the PATRIOT Act, they are partially correct. Some courts permitted secret searches in very limited circumstances, but they also recognized the need for prompt notice after the search unless a reason to continue to delay notice was demonstrated. And they specifically said that notice had to occur within 7 en days.

Section 213 of the PATRIOT Act didn't get this part of the balance right. It allowed notice to be delayed for any reasonable length of time. Information provided by the administration about the use of this provision indicates that delays of months at a time are now becoming commonplace. Those are hardly the kind of delays that the courts had been allowing prior to the PATRIOT Act.

The sneak and peek power in the PATRIOT Act caused concern right from the start. And not just because of the lack of a time-limited notice requirement. The PATRIOT Act also broadened the justifications that the Government could give in order to obtain a sneak and peek warrant. It included what came to be known as the "catch-all" provision, which allows the Government to avoid giving notice of a search if it would "seriously jeopardize an investigation." Some think that that justification in some ways swallows the requirement of notice since most investigators would prefer not to give notice of a search and can easily argue that giving notice will hurt the investigation.

That is why it sounds to many like a catch-all provision.

Critics of the sneak and peek provision worked to fix both of the problems when they introduced the SAFE Act. First, in that bill, we tightened the standard for justifying a sneak and peek search to a limited set of circumstances—when advance notice would endanger life or property, or result in flight from prosecution, the intimidation of witnesses, or the destruction of evidence. Second, we required notice within 7 days, with an unlimited number of 21-day extensions if approved by the court.

The Senate bill, as we all know, was a compromise. It kept the catch-all provision as a justification for obtaining a sneak and peek warrant. Those of us who were concerned about that provision agreed to accept it in return for getting the 7-day notice requirement. And we accepted unlimited extensions of up to 90 days at a time. The key thing was prompt notice after the fact, or a court order that continuing to delay notice was justified.

That is the background to the numbers game that the Senator from Pennsylvania and other supporters of the conference report point to. They want credit for walking the House back from its outrageous position of 180 days, but they refuse to recognize that the sneak and peek provision still has the catch-all justification and unlimited 90-day extensions.

Here is the crucial question that they refuse to answer. What possible rationale is there for not requiring the Government to go back to a court within 7 days and demonstrate a need for continued secrecy? Why insist that the Government get 30 days free without getting an extension? Could it be that they think that the courts usually won't agree that continued secrecy is needed after the search is conducted, so they won't get the 90-day extension? If they have to go back to a court at some point, why not go back after 7 days rather than 30? From the point of view of the Government, I don't see the big deal. But from the point of view of someone whose house has been secretly searched, there is a big difference between 1 week and a month with regard to the time you are notified that some one came into your house and you had absolutely no idea about it.

Suppose, for example, that the Government actually searched the wrong house. As I mentioned, that's one of the reasons that notice is a fourth amendment requirement. The innocent owner of the place that had been searched might suspect that someone had broken in, might be living in fear that someone has a key or some other way to enter. Should we make that person wait a month to get an explanation rather than a week? Presumably, if the search revealed nothing, and especially if the Government realized the mistake and does not intend to apply for an extension, it will be no hardship, other than embarrassment, for notice to be given within 7 days.

That is why I'm not persuaded by the numbers game. The Senate bill was already a compromise on this very controversial provision. And there is no good reason not to adopt the Senate's provision. I have pointed this out repeatedly, and no one has ever come forward and explained why the Government can't come back to the court within 7 days of executing the search. Instead, they let the House get away with a negotiating tactic—by starting with 180 days, they can argue that 30 days is a big concession. But it certainly wasn't.

Let me put it to you this way: If the House had passed a provision that allowed for notice to be delayed for 1,000 days, would anyone be boasting about a compromise that requires notice within 100 days, more than 3 months? Would that be a persuasive argument? I don't think so. The House provision of 180 days was arguably worse than current law, which required notice "within a reasonable time," because it creates a presumption that delaying notice for 180 days, 6 months, is reasonable. It was a bargaining ploy. The Senate version was what the courts had required prior to the PATRIOT Act. And it was itself a compromise because it leaves in place the catch-all provision for justifying the warrant in the first place. That is why I believe the conference report on the sneak and peek provision is inadequate and must be opposed. And the fact that this so-called deal with the White House does not address this issue is yet another reason why I see no reason why I, or anyone, should change their position on this.

Let me make one final point about sneak and peek warrants. Don't be fooled for a minute into believing that this power is needed to investigate terrorism or espionage. It's not. Section 213 is a criminal provision that applies in whatever kinds of criminal investigations the Government has undertaken. In fact, most sneak and peek warrants are issued for drug investigations. So why do I say that they aren't needed in terrorism investigations? Because FISA also can apply to those investigations. And FISA search warrants are always executed in secret, and never require notice. If you really don't want to give notice of a search in a terrorism investigation, you can get a FISA warrant. So any argument that limiting the sneak and peek power as we have proposed will interfere with sensitive terrorism investigations is a red herring.

I have spoken at some length about the provisions of this conference report that trouble me, and the ways in which the deal struck with the White House does not address those problems with the conference report. But to be fair, I should mention one aspect of the conference report that was better than a draft that circulated prior to the final signing of that report. The conference report includes 4-year sunsets on three of the most controversial provisions: roving wiretaps, the so-called "library" provision, and the "lone wolf" provision of the Foreign Intelligence Surveillance Act. Previously, the sunsets on these provisions were at 7 years, and it is certainly an improvement to have reduced that number so that Congress can take another look at those provisions sooner.

I also want to acknowledge that the conference report creates new reporting requirements for some PATRIOT Act powers, including new reporting on roving wiretaps, section 215, "sneak and peek" search warrants, and national security letters. There are also new requirements that the Inspector General of the Department of Justice conduct audits of the Government's use of national security letters and section 215. In addition, the conference report includes some other useful oversight provisions relating to FISA. It requires that Congress be informed about the

FISA Court's rules and procedures and about the use of emergency authorities under FISA, and gives the Senate Judiciary Committee access to certain FISA reporting that currently only goes to the Intelligence Committee. I am also glad to see that it requires the Department of Justice to report to us on its data mining activities.

But adding sunsets and new reporting and oversight requirements only gets you so far. The conference report, as it would be modified by S. 2271, remains deeply flawed. I appreciate sunsets and reporting, and I know that the senior Senator from Pennsylvania worked hard to ensure they were included, but these improvements are not enough. Sunsetting bad law in another 4 years is not good enough. Simply requiring reporting on the Government's use of these overly expansive tools does not ensure that they will not be abused. We must make substantive changes to the law, not just improve oversight. This is our chance, and we cannot let it pass by.

Trust of Government cannot be cannot be demanded or asserted or assumed; it must be earned. And this administration has not earned our trust. It has fought reasonable safeguards for constitutional freedoms every step of the way. It has resisted congressional oversight and often misled the public about its use of the PATRIOT Act. We know now that it has even authorized illegal wiretaps and is making misleading legal arguments to try to justify them. We sunsetted 16 provisions of the original PATRIOT Act precisely so we could revisit them and make necessary changes—to make improvements based on the experience of 4 years with the Act, and with the careful deliberation and debate that, quite frankly, was missing 4 years ago. This process of reauthorization has certainly generated debate, but if we pass the conference report, even with the few White House modifications, in some ways we will have wasted a lot of time and missed our opportunity to finally get it right.

The American people will not be happy with us for missing that chance. They will not accept our explanation that we decided to wait another 4 years before really addressing their concerns. It appears that is now an inevitable outcome. But I am prepared to keep fighting for as long as it takes to get this right. For now, I urge my colleagues to oppose the motion to proceed to this legislation to implement the White House deal. We can do better than these minor cosmetic changes.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ALLEN pertaining to the introduction of S.J. Res. 31 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. ALLEN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THUNE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I understand the current business. I ask unanimous consent that my presentation appear in the RECORD as in Morning Business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DORGAN are printed in today's RECORD under "Morning Business.")

Mr. DORGAN. Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, we are again enduring another filibuster of the PATRIOT Act. It is frustrating to me in the sense that I believe, properly understood, the PATRIOT Act provides tremendous protections to the people of the United States which don't now exist, and that those protections are crafted in a way which is sensitive to and consistent with the great civil liberties which we all cherish.

Two months ago, in December, we had a long debate, and since then, we have had to extend the PATRIOT Act for some time without reauthorizing it. Leaders have met and worked and dealt with some concerns. I know four Republican Senators who had concerns, and their concerns have been met. I think others also have likewise felt their concerns have been met. They are not large changes, but it made the Senators happy and they feel comfortable with voting for the bill today. That is good news. It is time to pass it.

I believe the American people expect that we will be able to have an up-or-down vote on this legislation. That has been blocked. There has been a majority in favor of the legislation for some time.

To get to cloture, we have to use 30 hours of debate, which will probably last throughout the day and into tomorrow. We will get there this time. I am confident. When we do, we will have a fairly strong vote, I believe, in favor of the legislation. We certainly should.

I urge my colleagues to work with us as best they can to move this forward in an expeditious way that allows for the up-or-down vote that is necessary.

I have talked about it a number of times, but I thought today I would focus on the question of why the PATRIOT Act matters, or are these just academic issues? Are they issues of an FBI agent wanting to violate our civil rights and spy on us? Some group in Government out here with black helicopters trying to find out what people are doing and then take away our liberties?

That is a great exaggeration. This is not what is at stake here. This bill is consistent with our great American liberties. It has not been held unconstitutional. Overwhelmingly, the powers given in this act are powers that law enforcement officers have had for years. They have been able to utilize them to catch burglars, murderers, drug dealers, and the like.

The local district attorney can subpoena my library records, medical records, and bank records. The Drug Enforcement Administration Act by administrative subpoena—not even a grand jury subpoena—can subpoena my telephone toll records. That has always been the law. That is the law today. We have provisions that allow our investigators to do that for terrorists. One would think somehow we are ripping the Constitution into shreds, that this is somehow a threat to our fundamental liberties. It is not so.

Let me point out I had the privilege, for over 15 years, to be a Federal prosecutor and work on a daily basis with FBI agents, DEA agents, and customs agents. These are men and women who love their country. They believe in our law. They follow the law. In my remarks, I will demonstrate these agents, unlike what is seen on television, follow what we tell them to do. If they do not follow what we tell them to do, they can be prosecuted, removed from the FBI, the DEA or the Federal agency for which they work. In fact, they know that and they remain disciplined and men and women of integrity who follow the law. Therefore, do not think, when we pass restrictions on how they do their work, that it is not going to be followed; that if it is a really big case, such as on "Kojak," that they will go in and kick in the door without a warrant. That does not happen.

In 2001, we know at least 19 foreign terrorists were able to enter this country and plan and execute the most devastating terrorist attack this Nation has ever seen. The reasons the United States and terror investigators, the people we had out there at the time—FBI, CIA, and others—failed to uncover and stop the September 11 conspiracy have now been explored carefully by a joint inquiry of the House and Senate Intelligence Committees and other congressional committees and commissions, as well as the 9/11 Commission. These very commissions and inquiries have reviewed, in painstaking detail, the various pre-September 11 investigations that were out there—investigations, inquiries, preliminary inquiries—gathering information that raised people's suspicions about terrorism.

These investigations could have but unfortunately did not stop the September 11 plot. We have seen how close the investigators came to discovering or disrupting the conspiracy, only to repeatedly reach dead ends or obstructions to their investigations.

Those are the facts they found. Some of the most important pre-September 11 investigations, we know exactly what stood in the way of a successful investigation. It was the laws Congress wrote, seemingly minor, but, nevertheless, with substantive gaps in our antiterror laws, preventing the FBI from fully exporting the best leads it had on the al-Qaida conspiracy. One pre-September 11 investigation, in particular, came tantalizingly close to substantially disrupting or even stopping the terrorist plot. But this investigation was blocked by a flaw in our antiterror laws that has since been corrected by this PATRIOT Act being filibustered today.

This investigation involved Khalid Al Midhar. Midhar was one of the eventual suicide attackers on the American Airlines flight 77 which was flown into the Pentagon across the river from here, killing 58 passengers on the plane, the crew, and 125 people at the Pentagon. Patriots all.

An account of a pre-September 11 investigation of Midhar is provided in the 9/11 Commission Staff Statement No. 10. The 9/11 Commission looked at what information we did have prior to these events, and this is what the staff statement notes:

> During the summer of 2001, a CIA agent asked an FBI official [a CIA agent responsible for foreign intelligence talked with an FBI official responsible for the security and law enforcement international] to review all of the materials from a Al Qaeda meeting in Kuala Lumpur, Malaysia one more time. The FBI official began her work on July 24th prior to September 11, 2001. That day she found the cable reporting that Khalid Al Mihdhar had a visa to the United States. A week later she found the cable reporting that Mihdhar's visa application—what was later discovered to be his first application—listed New York as his destination . . . The FBI official grasped the significance of this information.
>
> The FBI official and an FBI analyst working on the case promptly met with INS representatives at the FBI Headquarters. On August 22nd, INS told them that Mihdhar had entered the United States on January 15t, 2000, and again on July 4, 2001 . . . The FBI agents decided that if Mihdhar was in the United States, he should be found.

At this point, the investigation of Khalid Al Midhar came up against the infamous legal "wall" that separated criminal and intelligence investigations at the time.

The Joint Inquiry Report of the House and Senate Intelligence Committees describes what happens next:

> Even in late August 2001 when CIA told FBI, State, INS, and Customs that Khalid al-Mihdhar, Nawaf al-Yazmi, and two other "Bin Laden-related individuals" were in the United States, FBI Headquarters refused to accede to the New York field office recommendation that a criminal investigation be opened, which might allow greater resources to be dedicated to the search for the future hijackers . . .

The FBI has attorneys. They read our statutes, they read the laws we pass, they tell the agents what they can and cannot do because they are committed to complying with the laws we place upon them.

> The FBI attorneys took the position that criminal investigators CANNOT be involved and that criminal information discovered in the intelligence case would be "passed over the wall" according to procedures. An agent in the FBI's New York field office responded by an e-mail, saying—

And I will quote the agent in a second but the scene is this: The FBI field office in New York concluded, after obtaining information from CIA that this individual, one of the hijackers, was a dangerous person and should be found. And the FBI field office—it is a big deal to be a special agent in charge of the New York field office, the biggest one in the country—recommended to FBI headquarters that we act on it. The FBI lawyers read the laws we passed and said "you cannot." This is what the agent in New York responded when he heard this, sent it by e-mail. See if this doesn't chill your spine a bit.

He said:

> Whatever has happened to this, someday someone will die and, wall or not, the public will not understand why we were not more effective in throwing every resource we had at certain problems.

That was his reaction. It was a natural reaction.

How did we get this wall? It occurred in a spate of reform legislation after abuses of Watergate and the Frank Church committee hearings. They decided that in foreign intelligence—that is one thing, domestic is another—foreign intelligence does not always follow every rule. We ought to have a clear line between the FBI, which is over here in America, and we ought not give them information that the CIA had because they thought somehow this was going to deny us our civil liberties, which was not very clear thinking, in my view.

But these were good people. They were driven maybe by the politics of the time or what they thought was good at the time. They created this wall we have demolished with the PATRIOT Act—and good riddance it is. There is no sense in this.

The 9/11 Commission has reached the following conclusion about the effect the legal wall between criminal and intelligence investigations had on the pre-September 11 investigation of Khalid Al Midhar. This is what the 9/11 Commission concludes:

> Many witnesses have suggested that even if Mihdhar had been found, there was nothing the agents could have done except follow him onto the airplane. We believe this is incorrect. Both Hazmi and Mihdhar could have been held for immigration violations or as material witnesses in the Cole bombing case.

This was our warship, the USS *Cole*, that was bombed by al-Qaida, killing a number of American sailors in Yemen; an attack on a warship of the United States by al-Qaida. What does it take to get our attention?

This report continues:

> Investigation or interrogation of any of these individuals, and their travel and financial activities, also may have yielded evidence of connections to other participants in the 9/11 plot. In any case, the opportunity did not arise.

There was a realistic chance, had these rules not existed, rules that this PATRIOT Act eliminates, we would have been able to move forward with an investigation that had some prospect of actually preventing September 11 from occurring.

Some say, Jeff, you cannot say that for certain; and I am not saying it for certain, but I have been involved in investigations. You never know. You get a bit of information, you follow up on a lead or two, you get a search warrant, you surveil an activity, and all of a sudden you find that bit of evidence that takes you even further into an organization committed to a criminal activity or a terrorist plot you never knew existed. This is reality of law enforcement work today. We ask them every day to do this. And those investigating terrorist cases are giving their very heart and soul to it. They are trying every way possible, consistent with the law, not outside the law, to gather all the information they can to be successful.

So we know the PATRIOT Act was enacted too late to have aided in the pre-September 11 investigations, unfortunately. But it did raise our consciousness of the lack of wisdom on the reform legislation that was passed the year before—all with good intentions.

Let me mention another matter of a similar nature.

Another key pre-September 11 investigation was also blocked by a seemingly minor gap in the law. The case involves Minneapolis FBI agents' summer 2001 investigation of al-Qaida member Zacarias Moussaoui.

Hearings before the 9/11 Commission raised agonizing questions about the FBI's pursuit of Moussaoui. Commissioner Richard Ben-Veniste noted the possibility that the Moussaoui investigation could have allowed the United

States to "possibly disrupt the [9/11] plot." Commissioner Bob Kerrey, a former Member of this Senate, even suggested that with better use of the information gleaned from Moussaoui, the "conspiracy would have been rolled up."

Moussaoui was arrested by Minneapolis FBI agents several weeks before the 9/11 attacks. Do you remember that? He was arrested early that summer. Instructors at a Minnesota flight school became suspicious when Moussaoui, with little apparent knowledge of flying, asked to be taught how to pilot a 747. The instructors were concerned about it. They were on alert. They did what good citizens would do. Remember, this is before 9/11. But they were concerned about this oddity. They called the FBI in Minneapolis, which immediately suspected that Moussaoui might be a terrorist.

FBI agents opened an investigation of Moussaoui and sought a FISA that is the Foreign Intelligence Surveillance Court—national security warrant to search his belongings. But for 3 long weeks, the FBI agents were denied that FISA warrant. During that 3 weeks—you know the truth—the September 11 attack occurred.

After the attacks—and largely because of them the agents were then able to obtain an "ordinary" criminal warrant. So after the attacks, the agents were issued an "ordinary" criminal warrant to conduct the search. And when they conducted the search, his belongings then linked Moussaoui to two of the actual 9/11 hijackers and to a high-level organizer of the attacks who was later arrested in Pakistan.

The 9/11 Commissioners were right to ask whether more could have been done to pursue the case. This case was one of our best chances of stopping or disrupting the 9/11 attacks. Could more have been done? The best answer is probably no—based on the law that existed at that time.

The FBI agents were blocked from searching Moussaoui because of an outdated requirement of the 1978 FISA statute. Unfortunately, one of that statute's requirements was that the target of an investigation—if it were to be subject to a search under a FISA warrant, a foreign intelligence warrant—the agent had to have proof that he was not a lone-wolf terrorist, but he must have been an agent of a foreign power or a known terrorist group. The law did not allow searches of apparent lone wolves, like Zacarias Moussaoui was thought to be at the time. They did not have the evidence to show otherwise.

So according to the FBI Director, the man in charge of the FBI, Robert Mueller—a former prosecutor of many years and a skilled lawyer—the gap in FISA probably would have prevented the FBI from using FISA against any of the September 11 hijackers. As the Director noted in his testimony before the Judiciary Committee:

> Prior to September 11, [of] the 19 or 20 hijackers . . . we had very little information as to any one of the individuals being associated with . . . a particular terrorist group. .

So in other words, their lawyers in the FBI were saying: Well, you can't use the FISA. I know you want to. I know you have suspicions. And I know he looks like a terrorist. And we would like to search his belongings and see if he has any connection with any terrorist organization and maybe find out if they have any bombs or plans there. But you can't do it because we lack one little bit of proof. We can't prove he's connected to a terrorist group or a foreign nation. Sorry. Can't do it.

So the "lone-wolf" gap was fixed by the Intell reauthorization, and adopted as part of the PATRIOT Act. We need to reauthorize it and continue it into law.

What the various reports and commissions investigating the 9/11 attacks have shown us thus far is that where our antiterror laws are concerned, even seemingly little things, minor things—it might seem like they were OK at the time—can make a big difference, a life and death difference.

Before September 11, few would have thought that the lack of authority in FISA for the FBI to monitor and search lone-wolf terrorists might be decisive as to our ability to stop a major terrorist attack on U.S. soil. Indeed, that is true. We did not think about it. We did not think clearly about it.

And before September 11, though there was some attention to the problems posed by the legal wall between the intelligence-gathering agencies and the criminal investigative agencies, there was little sense of urgency to fix those matters. We accepted it. The FBI accepted it. It was the way you had to do business. You could not violate the law. I am sorry, you cannot investigate. You cannot participate with the CIA. Even though you may think he is a terrorist instigator, you cannot participate because there is a wall that the Congress created.

So at the time, these all seemed like legal technicalities—not real problems, the kind of problems that could lead to the deaths of almost 3,000 American citizens.

Today, we face the same challenge—recognizing why it is so important to fix small gaps in the law that can lead to large consequences and real-life disasters. Congress must not take the position that enough time has been passed since 9/11. Congress must not allow the information wall to be reconstructed by blocking the passage of the PATRIOT Act, or allow the tools we have given to our terrorism investigators by the PATRIOT Act to be taken away.

We must pass the PATRIOT Act reauthorization conference report. It is that simple. It permanently plugs most of the holes that we know existed in our terrorism laws. The report retains a few sunsets. I do not think they are necessary. I think they were good, sound changes in the law. But people are nervous that they might be abused, so they will automatically sunset if we do not extend them. OK, we will do that. If that will get some people more comfortable so they will pass this bill, we will do that.

And the report has a long list of additional civil liberties protections.

It is a compromise product that came out of our Judiciary Committee, I believe with a unanimous vote, and with a unanimous vote on the floor of the Senate, and went to conference. A few changes were made in conference. But where there were conflicts, overwhelmingly, the conflicts were decided in favor of the Senate product. And it was that product that finally hit the floor of the Senate in December. And we have had this filibuster going ever since. Hopefully, now we are in a position to end it.

I urge my colleagues to examine the nature of the PATRIOT Act as it is now configured. Read it carefully. Ask any questions you have. Make sure you understand what powers police have today in your hometowns all over America. And do not get confused that some of the things provided for might sound if—you listen to critics—as if they are new and far-reaching and utterly dangerous. They are part of everyday law enforcement—overwhelmingly, they are—and I believe are consistent with the highest commitment of American citizens to civil liberties.

I would also mention this. There are almost 3,000 people who are no longer with us today. They have zero civil liberties as a result of the most vicious and hateful attack on 9/11. That is not an academic matter. That is a fact. As that FBI agent said: Someday the American people are not going to understand how we were not able to intercept and investigate these groups.

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I appreciate the Senator from Alabama joining the debate about the PATRIOT Act. I am going to respond very briefly to his remarks because I know there are other Senators on the floor who wish to speak about other issues, and I will defer to them in a moment.

But the Senator complained that the Senate is enduring another filibuster on this issue. I suppose that is one way to characterize it. What I would characterize it as is those of us who have concerns about this bill are enduring again speech after speech that has absolutely nothing to do with the issues at hand. That is irrelevant to the concerns we have raised about the PATRIOT Act.

Throughout his speech, the Senator from Alabama talked about issues that are not about the concerns we have raised. In fact, again, we are subjected to this idea that somehow those of us who raise these concerns are not concerned about what happened to this Nation on 9/11, that we do not feel exactly as much as the Senator from Alabama the pain and the tragedy of the loss of those 3,000 lives.

Not a single concern I have raised about this bill would have anything to do with this Government's ability to crack down on people who are trying to attack this country. In fact, that is the whole point. All of the changes we seek are to try to make sure we distinguish those who are completely innocent and unrelated to the terrorists from those who, in fact, are involved in espionage or terrorism.

The Senator talks about academic issues. But these are not academic issues. The fact is, when he brings up anything specific, he is changing the subject. He is bringing up noncontroversial issues. He talks about this wall. I talked about this in my speech before: the wall between the CIA and FBI. No Member of this body disputes that wall needed to be taken down. The wall has been taken down. I do not want it to be put back up. That is not in controversy.

And virtually the entire speech by the Senator from Alabama was about specific issues—the Midhar case and the Moussaoui case. All of that part of his speech was about something that is not in controversy. If he wants to offer that as a bill right now to simply continue that provision, he can put me down as a cosponsor. So it is completely irrelevant to what we are discussing and what my concerns are at this point.

The Senator says that somehow people are running around saying that the FBI is kicking down people's doors without a warrant. Nobody ever said that. I understand how the sneak-and-peek provisions work. We have been on this issue for a while. We know that in sneak and peek there has to be a warrant.

The question there is not whether there are warrantless searches of people's homes. The question is, when somebody is allowed, through a judicial order and a warrant, to come into somebody's house when they do not get notice of it, how long somebody should have to endure the possibility that their home has been searched and they do not get notice after the fact that somebody came into their house when they were not there. So again, the argument is entirely unrelated to the concern.

The concerns we have raised are important, but they are limited. I am going to insist in this debate that we debate the concerns that we have put forward.

Finally, Mr. President, I am amused by the Senator talking about how we passed a bill in the Judiciary Committee by a unanimous vote. You bet we did. The Senator from Alabama voted for it and I voted for it. The whole Senate did not oppose the bill. Now every single thing I have advocated to change in the PATRIOT Act, in terms of the product of this body, is what I am advocating today. The Senator is acting as if those are dangerous provisions. Well, he voted for them. He voted for the stronger standard on 215. He voted for 7 days on the sneak-and-peek provisions. So how can they be dangerous if the Senator from Alabama actually voted for those provisions with me in the Judiciary Committee?

These are not dangerous changes. These are not irresponsible changes. These are not changes that have anything to do with legitimate efforts to try to stop the terrorists.

I so thank the Senator. I always enjoy debating him. He is the one Senator who has come down here and engaged on this today. I appreciate that. But I wish the debate could be about the questions that have arisen having to do with notice issues in sneak and peek, whether there is going to be a stronger provision on national security letters, whether there is going to be a provision on library business records to make sure it is tied to terrorists. The only reason I am doing this has to do with those kinds of provisions, not the issues the Senator from Alabama raised on which I happen to, in large part, agree.

Mr. SESSIONS. If the Senator will yield, I have talked about the details of this bill and individual complaints the Senator has about this or that provision in some detail. I will do so again. At this point, what we are facing is a filibuster of the motion to proceed that impacts the entire legislation.

I would ask the Senator if the Senator remembers that when the bill came out of the Senate, it said there would be a 7-day notice if there were a sneak-and-peek search warrant. The House bill had 180 days before notice would be given. The conferees moved far to the side of the Senate and made it a 30-day notice. Is that the basis of the Senator's desire to filibuster this entire bill, the difference between 7 and 30 days, recognizing in this body we seldom get anything exactly as we want it?

Mr. FEINGOLD. Mr. President, if the Senator is asking me a question, I am happy to respond.

The PRESIDING OFFICER. The Senator from Wisconsin controls the time.

Mr. FEINGOLD. I spoke at some length this morning about this issue which I call the numbers game on the sneak and peek. Of course, the sneak-and-peek provision is not my only concern. There are four or five areas. But I am very concerned about the length of time that somebody does not get notice that the FBI has come into their home without their being aware of it and the idea that somehow, after very careful court decisions said there will be exceptions to the requirements of the fourth amendment for perhaps 7 days—that was the standard in the court decisions upon which these unusual sneak-and-peek provisions were based—then to somehow have it become reasonable to have a whole month, a 30-day period, strikes me as extreme.

The 7-day standard was not picked out of the air. The 7-day standard was based on those court decisions which made the unusual law, in terms of our history as a country in the prohibition against unreasonable searches and seizures—the 7 days was based on those court decisions. So, yes, 30 days, four times more, is unreasonable.

After the Government has come into somebody's home and they have had 7 days, why is it that they should not have to come back and get permission to do that for a longer period of time? What is the need for the Government to have 30 days to not tell somebody to do that, when you remember that the Senate version you and I both voted for had the 7-day period?

Mr. SESSIONS. Well, we all don't get exactly what we want, I say to the Senator, No. 1.

No. 2, under current law, the so-called sneak-and-peek search by which you can, if you are investigating a major criminal enterprise or a terrorist group, actually conduct a search without actually telling the person the day you conducted it, the courts allow you as much time as they choose to allow you, for the most part. Some courts may have said 7 days. I am not aware at all that is the law in this country. It is what the judge says. This sets the standard. It says 30 days, and then they have to be repeated after that.

We have a bill on the floor that is a matter of life and death. I would ask my colleague to be somewhat more amenable to the fact that he won a pretty good victory in conference but just didn't get everything he wanted in conference by going from the House version of 180 down to 30.

Mr. FEINGOLD. Mr. President, I could say: Gee, it went from 180 to 30. I could tell my constituents in Spooner, WI: Look, the Government is going to come into your home under a special circumstance when you are not around, and it might not have even been the right house, and we are making this exception for 7 days because of emergencies in important situations. You and I both agree in certain circumstances that might occur. But the idea that for a whole month, that for 30 days the Government of the United States of America can come into your home without telling you they have been there, even if they have made a mistake, and they have no responsibility to tell a completely innocent person they made a mistake, to me is serious business.

If the Senator could make a credible argument as to why it is important for the Government to have a whole month after this 7-day period or 3 more weeks after the 7-day period, it would be one thing. But nobody has even made the argument that it is important for the Government to have 30 days to conduct this search. It is essentially an unreasonable period of time. I think it is important. The erring here should be on the side of people's liberty. It should be on the side of people protecting their homes from unreasonable searches and seizures. It should not be: What is the problem here? The Senator should be happy he got something better than the House version. I don't accept that, as somebody who believes the fourth amendment still has meaning.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. FEINGOLD. I yield to the Senator from West Virginia.

Mr. BYRD. Would the Senator yield and let me make a few remarks?

Mr. FEINGOLD. Absolutely.

The PRESIDING OFFICER. Does the Senator yield his time?

Mr. FEINGOLD. I yield my time.

Mr. LEAHY. Mr. President, I don't want to interfere with the Senator. I see quite a few pages of remarks there. I don't want to interfere with that, but I understood the Senator from Virginia and the Senator from Arkansas were going to introduce legislation, to be followed by remarks of mine on the bill before us in my capacity as the ranking member of the Senate Judiciary Committee, which has jurisdiction over this piece of legislation. My remarks will only be 5 or 6 minutes, but I wish to make them now or as soon as the Senators from Virginia and Arkansas have finished.

Mr. WARNER. Mr. President, there had been an informal agreement among colleagues, subject to the Senator who is principally on the floor at this point in time—and I will let him speak for himself—that we were going to introduce a bill. It would take 4 or 5 minutes for my remarks and 4 or 5 for the Senator from Arkansas. We were intending to do that at the conclusion of the colloquy between Senators FEINGOLD and SESSIONS.

Am I correct on that, the Senator had indicated that we could proceed?

Mr. FEINGOLD. Certainly, I had no objection to that.

The PRESIDING OFFICER. There is no recognized time agreement by the Chair at this time.

Mr. WARNER. Then I make a unanimous consent request that the Senator from Arkansas and I have 15 minutes equally divided, to be followed by Senator LEAHY for such time as he may need and then the distinguished Senator from West Virginia.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. BYRD. Mr. President, reserving the right to object—I do not intend to object—I need to complete my remarks by 4:35. I have about 20 minutes here.

Mr. WARNER. Then I revise the request. The Senator from Arkansas and I can drop to, say, 10 minutes, and 5 minutes for the Senator from Vermont. Well, let's drop it down to 8 minutes——

Mr. LEAHY. I would need about 6 minutes. And that is cutting down a half-hour speech to accommodate the Senator from West Virginia, but I have been here for a couple hours ready to give this speech.

Mr. BYRD. Mr. President, I have waited many hours here many times. I never make a fuss about it. I will just leave the floor and——

Mr. WARNER. Mr. President, before the Senator leaves, what amount of time would the senior Senator from West Virginia like?

Mr. BYRD. I have 61 pages, large type. But that will take about 20 minutes—15, I think.

Mr. LEAHY. I have 5 or 6 pages of large type.

Mr. BYRD. My problem is, I need to get through by 4:30 or 4:35.

Mr. WARNER. Mr. President, I would suggest to my distinguished colleague from Arkansas, recognizing that Senator BYRD has an extenuating circumstance he has to take care of, I would be perfectly willing to step aside and regain into the queue following the Senator.

Mr. BYRD. The Senator is more than generous and more than kind.

Mr. LEAHY. The understanding is that I will be done by 4:15 to accommodate the Senator from West Virginia.

Mr. FEINGOLD. Mr. President, reserving the right to object, I ask to be recognized at the completion of the Senator's speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, last week, the Judiciary Committee held an important hearing. That hearing should be the beginning of the process of congressional oversight into what has been called "the President's program." This is a domestic spying program into emails and telephone calls of Americans without a judge's approval, apparently conducted by the National Security Agency. Having participated in the hearing and reviewed the transcript of the Attorney General's testimony, I understand the fear that this administration is engaged in an elaborate cover-up of illegality. I urge them to come clean with us and the American people.

Perhaps their recent change of course and briefings with the full Intelligence Committees of the Senate and House will be a start. We need the whole truth not self-serving rationalizations. Since our hearing the Bush administration has had to adjust its course. That is good. They have had to acknowledge that they cannot simply ignore Congress and keep us in the dark about this illegal spying program. The classified briefings of the Intelligence Committees are a first step but cannot be used to cover up the facts through secrecy and arbitrary limitations. That is unacceptable. This domestic spying program has raised serious concern, not only among Democrats and Republicans here in Congress, but also among the Federal judges providing oversight over terrorist surveillance and even high-ranking Justice Department officials.

I commend Chairman SPECTER for beginning this investigation. He and I have a long history of conducting vigorous bipartisan oversight investigations. If the Senate is to serve its constitutional role as a real check on the Executive, thoroughgoing oversight is essential. Today, Chairman SPECTER has announced a second Judiciary Committee hearing will be held on February 28. We expect by then to have received answers to the written questions that have already been sent to the Attorney General.

The question facing us is not whether the Government should have all the tools it needs to protect the American people. Of course it should. The terrorist threat to America's security remains very real, and it is vital that we be armed with the tools needed to protect Americans' security. That is why I coauthored the PATRIOT Act 5 years ago. That is why we have amended the Foreign Intelligence Surveillance Act five times since 9/11 to provide more flexibility.

And that is why within days of the despicable attacks we passed the Authorization for the Use of Military Force on September 14, 2001, to send the United States Armed Forces into Afghanistan to get those who planned and carried out the vicious attacks on September 11.

We all agree that we should be wiretapping al-Qaida terrorists. Congress has given the President authority to wiretap legally, with checks to guard against abuses when Americans' conversations and email are being monitored. But instead, the President has chosen to proceed outside the law, without those safeguards. He has done so in a way that is illegal and illogical. It remains confusing that the Attorney General testified last week that the Bush administration has limited "the President's program" of illegal wire taps to calls with an international component.

The administration's rationale is not limited to calls and emails with an international component or to know al-Qaida operatives.

It sounded at our hearing as if what the Bush Attorney General and former White House counsel was saying is that this particular "program" is limited because they were afraid of public outrage. The Attorney General said as much to Senator KOHL and confirmed to Senator BIDEN that the Bush administration does not suggest that the President's powers are limited by the Constitution to foreign calls. Their descriptions of the President's program seem to have more to do with public relations than anything else. It was even branded with a new name in the last few days after it has been known for years as simply "the President's program."

Senator FEINSTEIN was right to observe after the Attorney General dodged and weaved and would not directly answer her questions: "I can only believe—and this is my honest view—that this program is much bigger and much broader than you want anyone to know." The Attorney General's strenuous efforts to limit the hearing to "those facts the President has publicly confirmed" and "the program that I am here testifying about today" suggest that all of us must be skeptical about the secret games the Attorney General was playing through controlling the definition of "the program" to include only what he understood to exist at the beginning of last week. Senator FEINSTEIN was not fooled. None of us should be. Such limiting definitions are what the Bush Administration used to redefine "torture" in order to say that we do not engage in "torture" as they redefined it. These are the word games of coverup and deception. It is not al-Qaida surprised that our Government eavesdrops on its telephone calls and emails. Al-Qaida knows that we eavesdrop and wiretap. It is the American people who are surprised and deceived by the President's program of secret surveillance on them without a judge's approval for the last 5 years—especially, after the Attorney General, the Justice Department, the head of the NSA and the President have all reassured the American people over and over that their rights are being respected—when they are not.

I wish the President had effectively utilized the authority Congress did grant in the Authorization for the Use of Military Force in September 2001 to get Osama bin Laden and those responsible for the terrible attacks on September 11. That resolution was what it said it was, authorization to send troops to Afghanistan to get those responsible for 9/11. President Bush should have gotten Osama bin Laden when Congress authorized him to use our military might against al-Qaida in 2001 in Afghanistan. Instead of pursuing him to the end, he pulled our best forces out of the fight and diverted them to preparing for his invasion of Iraq.

Last week the Attorney General left key questions unanswered and left impressions that are chilling. Under his approach, there is no limit to the power the President could claim for so long as we face a threat of terrorism. That is a real threat, which we have long faced and will continue to face for years if not decades toe. The Attorney General's testimony only hinted at the full dimensions of the Bush administration's illegality. He would not reassure us that Americans' domestic calls, emails, or first class mail have not been illegally spied upon.

He sought to choose his words carefully to say that he was only willing to speak about the President's "program" as it existed that day. That means we do not yet know the full dimensions of the program as it has evolved over time from 2001 to today. That means we do not know what other illegal activities the Bush administration is still endeavoring to hide from us.

Along with other Senators I asked about the lack of any limit to the legal rationale the Bush administration has embraced. Their rationalization for their actions is rationalization for any action. Under their view of the President's power, he can order houses and businesses searched without a warrant. Americans can be detained indefinitely. Detainees can be tortured. Property could be seized. Their rational is a prescription for lawlessness and the opposite of the rule of law.

Regrettably, the Attorney General's testimony last week left much to be desired. He did not provide convincing answers to basic questions, relevant information or the relevant underlying documents. Facts are a dangerous thing in a coverup. They are seeking to rewrite history and the law and control the facts that Congress can know.

The Bush administration refusal to provide the contemporaneous evidence of what the Congress and the Bush administration were indicating to each other regarding what the Authorization for the Use of Military Force was intended to mean, speaks volumes. Does anyone think that if they had any evidence in support of their after-the-fact rationalization they would hesitate to provide it, to trumpet it from the highest media mountain? Of course not.

Their failure to provide the information we asked for is not based on any claim of privilege, nor could it be. It is just a deafening, damning silence. So what is so secret about precisely when they came to this legal view, this rationalization of their conduct? Could it have come after the illegal conduct had been initiated? Could it have come after the President sought to immunize and sanitize the illegal conduct? Could it have come months or years later than the impression Attorney General Gonzales is attempting to create? Is that why the Bush administration is also refusing to provide to us the formal legal opinions of our Government, the binding opinions of the Office of Legal Counsel from 2001 and 2004 that we have also requested? Would review of those opinions show that the after-the-fact legal rationalizations changed over time and in 2001 were not those that the Attorney General has repackaged for public consumption in their current public relations campaign? Now that we know of the existence of the years-old secret domestic spying program that included the warrantless wiretapping of thousands of Americans, the Bush administration says that we should just trust them. That is a blind trust this administration has not earned. We have seen this administration's infamous and short-lived "Total Information Awareness" program and know how disastrous the FBI's Carnivore and Trilogy computer programs have been.

I have read recent reports of a secret Pentagon database containing information on a wide cross-section of ordinary Americans, including Quakers meeting in Florida and Vermont, and have gotten no satisfactory explanation of the Defense Department's Counterintelligence Field Activities that spy on law-abiding Americans. I read about a secret Homeland Security database and datamining activities, as well. Today we read about another database with the names of more than 325,000 terrorists but we do not know how many are Americans, how many are listed incorrectly or how the mistakes will be corrected.

There are new and disturbing reports that the Defense Department and the FBI have been monitoring U.S. advocacy groups working on behalf of civil rights or against the continuing occupation of Iraq.

This is all too reminiscent of the dark days when a Republican President compiled enemies lists and eavesdropped on political opponents and broke into doctors offices and used the vast power of the executive branch to violate the constitutional rights of Americans. That President resigned in disgrace after articles of impeachment were reported in the House of Representatives.

I was first elected to the Senate in the aftermath of Watergate and the White House "plumbers" and the illegality that led to the impeachment inquiry of President Nixon. The Foreign Intelligence Surveillance Act was passed in 1978 as part of the reform and reaction to those abuses. It was enacted after decades of abuses by the Executive, including the wiretapping of Dr. Martin Luther King, Jr., and other political opponents of earlier Government officials.

It was enacted after the White House "horrors" of the Nixon years, during which another President asserted that whatever he did was legal because he was the President. The law has been extensively updated in accordance with the Bush administration's requests in the aftermath of 9/11 and has been modified further in the last 4 years. It is the governing law. The rule of law and freedoms we enjoy as Americans are principles upon which this Nation was founded and what we are defending and fighting for abroad. This type of covert spying on American citizens and targeted groups on American soil betrays those principles and it is unacceptable.

What happens to the rule of law if those in power abuse it and only adhere to it selectively? What happens to our liberties when the government decides it would rather not follow the rules designed to protect our rights? What happens is that the terrorists are allowed to achieve a victory they could never achieve on the battlefield. We must not be intimidated into abandoning our fundamental values and treasured freedoms. We cannot let them scare us into giving up what defines us as Americans.

There can be no accountability unless the Republican Congress begins to do its job and joins with us to demand real oversight and real answers. Senators take an oath of office, too. We swear to support and defend the Constitution of the United States, to bear true faith and allegiance to it, and to faithfully discharge our duties so help us God. Let each Senator fulfill that pledge and the Senate can resume its intended place in our democracy.

Let us protect our national security and the national heritage of liberty for which so many have given so much.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Vermont for his characteristic kindness and courtesy. I thank the distinguished Senator who has been alone in opposing this act in the beginning, at a time when I wish I had voted as he did.

In June 2004, 10 peace activists outside of Halliburton, Inc., in Houston gathered to protest the company's war profiteering. They wore paper hats and were handing out peanut butter and jelly sandwiches, calling attention to Halliburton's overcharging on a food contract for American troops in Iraq.

Unbeknownst to them, they were being watched. U.S. Army personnel at the top secret Counterintelligence Field Activity, or CIFA, saw the protest as a potential threat to national security.

CIFA was created 3 years ago by the Defense Department. Its official role is forced protection; that is, tracking threat and terrorist plots against military installations and personnel inside the United States. In 2003, then Deputy Defense Secretary Paul Wolfowitz authorized a fact-gathering operation code named TALON, which stands for Threat and Local Observation Notice, which would collect raw information about suspicious incidents and feed it to CIFA.

In the case of the "peanut butter" demonstration, the Army wrote a report on the activity and stored it where? In its files. Newsweek magazine has reported that some TALON reports may have contained information on U.S. citizens that has been retained in Pentagon files. A senior Pentagon official has admitted that the names of these U.S. citizens could number in the thousands. Is this where we are heading? Is this where we are heading in this land of the free? Are secret Government programs that spy on American citizens proliferating? The question is not, is Big Brother watching? The question is, how many big brothers have we?

Ever since the New York Times revealed that President George W. Bush has personally authorized surveillance of American citizens without obtaining a warrant, I have become increasingly concerned about dangers to the people's liberty. I believe that both current law and the Constitution may have been violated, not just once, not twice, but many times, and in ways that the Congress and the American people may never know because of this White House and its penchant for control and secrecy.

We cannot continue to claim we are a nation of laws and not of men if our laws, and indeed even the Constitution of the United States itself, may be summarily breached because of some determination of expediency or because the President says, "Trust me."

The Fourth Amendment reads clearly:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The Congress has already granted the executive branch rather extraordinary authority with changes in the Foreign Intelligence Surveillance Act that allow the Government 72 hours after surveillance has begun to apply for a warrant. If this surveillance program is what the President says it is, a program to eavesdrop upon known terrorists in other countries who are conversing with Americans, then there should be no difficulty in obtaining a warrant within 72 hours. One might be tempted to suspect that the real reason the President authorized warrantless surveillance is because there is no need to have to bother with the inconveniences of probable cause. Without probable cause as a condition of spying on American citizens, the National Security Agency could, and can, under this President's direction, spy on anyone, and for any reason.

How do you like that? How about that? We have only the President's word, his "trust me," to protect the privacy of the law-abiding citizens of this country. One must be especially wary of an administration that seems to feel that what it judges to be a good end always justifies any means. It is, in fact, not only illegal under our system, but it is morally reprehensible to spy on citizens without probable cause of wrongdoing.

When such practices are sanctioned by our own President, what is the message we are sending to other countries that the United States is trying to convince to adopt our system? It must be painfully obvious that a President who can spy on any citizen is very unlike the model of democracy the administration is trying to sell abroad.

In the name of "fighting terror," are we to sacrifice every freedom to a President's demand? How far are we to go? Can a President order warrantless, house-to-house searches of a neighborhood where he suspects a terrorist may be hiding? Can he impose new restrictions on what can be printed, what can be broadcast, what can be uttered privately because of some perceived threat—perceived by him—to national security? Laughable thoughts? I think not.

This administration has so traumatized the people of this Nation, and many in the Congress, that some will swallow whole whatever rubbish that is spewed from this White House, as long as it is in some tenuous way connected to the so-called war on terror. And the phrase "war on terror," while catchy, certainly is a misnomer. Terror is a tactic used by all manner of violent organizations to achieve their goal. This has been around since time began and will likely be with us until the last day of planet Earth.

We were attacked by bin Laden and by his organization, al-Qaida. If anything, what we are engaged in should more properly be called a war on the al-Qaida network. But that is too limiting for an administration that loves power as much as this one. A war on the al-Qaida network might conceivably be over someday. A war on the al-Qaida network might have achievable, measurable objectives, and it would be less able to be used as a rationale for almost any Government action. It would be harder to periodically traumatize the U.S. public, thereby justifying a reason for stamping "secret" on far too many Government programs and activities.

Why hasn't Congress been thoroughly briefed on the President's secret eavesdropping program, or on other secret domestic monitoring programs run by the Pentagon or other Government entities? Is it because keeping official secrets prevents annoying congressional oversight? Revealing this program in its entirety to too many Members of

Congress could certainly have unmasked its probable illegality at a much earlier date, and may have allowed Members of Congress to pry information out of the White House that the Senate Judiciary Committee could not pry out of Attorney General Gonzales, who seemed generally confused about for whom he works—the public or his old boss, the President.

Attorney General Gonzales refused to divulge whether purely domestic communications have also been caught up in this warrantless surveillance, and he refused to assure the Senate Judiciary Committee and the American public that the administration has not deliberately tapped Americans' telephone calls and computers or searched their homes without warrants. Nor would he reveal whether even a single arrest has resulted from the program.

What about the first amendment? What about the chilling effect that warrantless eavesdropping is already having on those law-abiding American citizens who may not support the war in Iraq, or who may simply communicate with friends or relatives overseas? Eventually, the feeling that no conversation is private will cause perfectly innocent people to think carefully before they candidly express opinions or even say something in jest.

Already we have heard suggestions that freedom of the press should be subject to new restrictions. Who among us can feel comfortable knowing that the National Security Agency has been operating with an expansive view of its role since 2001, forwarding wholesale information from foreign intelligence communication intercepts involving American citizens, including the names of individuals to the FBI, in a departure from past practices, and tapping some of the country's main telecommunication arteries in order to trace and analyze information?

The administration could have come to Congress to address any aspects of the FISA law in the revised PATRIOT Act which the administration proposed, but they did not, probably because they wished the completely unfettered power to do whatever they pleased, the laws and the Constitution be damned.

I plead with the American public to tune in to what is happening in this country. Please forget the political party with which you may usually be associated and, instead, think about the right of due process, the presumption of innocence, and the right to a private life. Forget the now tired political spin that if one does not support warrantless spying, then one may be less than patriotic.

Focus on what is happening to truth in this country and then read President Bush's statement to a Buffalo, NY, audience on April 24, 2004:

> Any time you hear the United States Government talking about wiretap, it requires—a wiretap requires a court order. Nothing has changed, by the way. When we are talking about chasing down terrorists, we are talking about getting a court order before we do so.

That statement is false, and the President knew it was false when he made it because he had authorized the Government to wiretap without a court order shortly after the 2001 attacks.

This President, in my judgment, may have broken the law and most certainly has violated the spirit of the Constitution and the public trust.

Yet I hear strange comments coming from some Members of Congress to the effect that, well, if the President has broken the law, let's just change the law. That is tantamount to saying that whatever the President does is legal, and the last time we heard that claim was from the White House of Richard M. Nixon. Congress must rise to the occasion and demand answers to the serious questions surrounding warrantless spying. And Congress must stop being spooked by false charges that unless it goes along in blind obedience with every outrageous violation of the separation of powers, it is soft on terrorism. Perhaps we can take courage from the American Bar Association which, on Monday, February 13, denounced President Bush's warrantless surveillance and expressed the view that he had exceeded his constitutional powers.

There is a need for a thorough investigation of all of our domestic spying programs. We have to know what is being done by whom and to whom. We need to know if the Federal Intelligence Surveillance Act has been breached and if the Constitutional rights of thousands of Americans have been violated without cause. The question is: Can the Congress, under control of the President's political party, conduct the type of thorough, far-ranging investigation which is necessary. It is absolutely essential that Congress try because it is vital to at least attempt the proper restoration of the checks and balances. Unfortunately, in a Congressional election year, the effort will most likely be seriously hampered by politics. In fact, today's Washington Post reports that an all-out White House lobbying campaign has dramatically slowed the congressional probe of NSA spying and may kill it.

I want to know how many Americans have been spied upon. Yes, I want to know how it is determined which individuals are monitored and who makes such determinations. Yes, I want to know if the telecommunications industry is involved in a massive screening of the domestic telephone calls of ordinary Americans like you and me. I want to know if the U.S. Post Office is involved. I want to know, and the American people deserve to know, if the law has been broken and the Constitution has been breached.

Historian Lord Acton once observed that:

> Everything secret degenerates, even the administration of justice; nothing is safe that does not show how it can bear discussion and publicity.

The culture of secrecy, which has deepened since the attacks on September 11, has presented this Nation with an awful dilemma. In order to protect this open society, are we to believe that measures must be taken that in insidious and unconstitutional ways close it down? I believe that the answer must be an emphatic "no."

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to be recognized at the conclusion of the remarks of the Senator from Virginia and the Senator from Arkansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia is recognized.

Mr. WARNER. I thank the Chair.

(The remarks of Mr. WARNER and Mr. PRYOR pertaining to the introduction of S. 2290 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

PRESCRIPTION DRUGS

Ms. STABENOW. Mr. President, I came to the Senate back in 2001 focused in part on lowering the cost of prescription drugs and the importance of making sure every American senior, every person with disabilities on Medicare, had the opportunity to receive their medicine through the Medicare system, which has been so very successful. We had a lot of work, a lot of effort go back and forth on the Medicare bill as time went on, related to Medicare Part B, and it changed from being about our seniors to being about what was best for those in the industry, particularly the pharmaceutical industry. We began to see a bill that was written, in fact, for the industry rather than for our seniors.

I stand here this evening calling on my colleagues to join with us on this side of the aisle to fix this, to get it right for people. We have a Medicare prescription drug plan that has been adopted that costs twice as much for the American taxpayer as it should, much more for most seniors than it should, and provides less in options and less in medicines than it should. It makes no sense to continue with something which is so confusing, with the cost gaps, which does not allow our poorest seniors to get the medicines they need or, if they do, they are paying more than they did last year. It makes no sense.

We stand here getting ready to go on a recess next week without having fixed the basics of what is wrong with this program. We know that at the beginning of January, our poorest seniors on Medicaid were switched over to the Medicare Program. But too much of the time the computers didn't work, the pharmacists did not have records in the system, and seniors didn't know what plans they were in. They were arbitrarily put into a plan that may not cover their medicines today or costs much more than it should. We saw the administration indicate that while this was being fixed, the pharmacists should go ahead and give people their medicines for the first 30 days. In many cases, States have stepped in to try to continue to help our seniors to get the life-saving medicine they desperately need while all of this gets figured out.

At the end of 30 days, it wasn't figured out. That was the end of January. Here we are now on February 15, and we are into a 2-month extension, a 60-day extension to try to figure out this mess for our seniors.

Pharmacists are told to continue giving people their medicine. Of course, it is the right thing to do. People should not be losing their medicine. But now I am getting calls from pharmacists who are deeply concerned because they are trying to decide whether their small family-owned pharmacy, for example, will be able to continue to pay its own bills without reimbursement or they are going to have to choose whether to help the people in the community they care about, whom they were set up to serve, and want to serve and are serving.

The question is, What is going to happen? Are the pharmacies going to get paid? Are the States going to get reimbursed? What happens to the seniors at the end of March? Are we going to see another 30 days or another 60 days because of a failed system that is confusing? We need to fix this, and it can be fixed.

On this side of the aisle, Senator JAY ROCKEFELLER has legislation many of us cosponsored to make sure that States are reimbursed. We need to make sure those who are providing the medicines now will get this worked out and will be reimbursed.

We also have another series of issues that need to be addressed with this system. People have until May 15, 3 months from today, to decide whether they are going to sign up to be a part of the Medicare system in terms of their prescription drugs and wade through all of this. In Michigan, there are about 65 plans. God bless them if they can get through it, or their children or friends can help them get through all of this and figure out the plan they are going to be on. But once they figure it out, they are locked into the plan after May 15 for a year. Shockingly, the people they sign up with aren't locked into the same agreement for a year. The drug companies can change what is covered. They don't have to cover the plan.

If my mother has worked through a plan that covers four medicines, for example, after May 15 if they decide they will only cover two, or maybe they decide not to cover any of them, that is OK under the current system. It is not OK for the American people. It is not OK for people who are counting on us to have a plan that works.

What if they want to raise the price? You lock into a system, looks like a good deal, figure out the premium that works for you, figure out the copay, what is covered, after May 15 you are locked in for a year. But the plan could change the price, and it could change it every day, if they wanted to. That is outrageous, absolutely outrageous.

A colleague of mine, Senator BILL NELSON, introduced a bill I am cosponsoring with others to extend that May 15 date to the end of the year to at least give people a year to figure out what is going on.

But in addition to that, we need to say once somebody is locked into a plan, everybody is locked in. You can't say I am obligated or my mother is obligated to pay a monthly premium and a copay on a plan they sign up for but the other side can change the contract, change the price, and no longer cover the medicine. That is outrageous. It makes absolutely no sense whatsoever.

I have an example of a gentleman with MS who called my office a couple of weeks ago. He worked through all of the plans and made a determination on a plan that would cost him $50 a month for his medicine. He got ready to go to the pharmacy and thought he would call to make sure the price he had was right. He called and found out that, no, that has been changed now. It is over $500. He is fortunate because he could and did drop that plan because it is not May 15. If that were after May 15, this gentleman with MS would be locked into a plan costing him over $500 for something he thought he was getting for $50. Who in their right mind would say that is OK? We can do better than that. We have to do better for our seniors and for the people with disabilities.

To add insult to injury, we have a situation where negotiating for group prices is actually prohibited in this new Medicare bill. How does that make any sense at all? You are talking about over 31 million people on Medicare. That would be a pretty good group discount if they were negotiating together for a group discount. But that is prohibited. So we are locking in the highest possible prices. The taxpayers are paying more, the seniors are paying more, and people with disabilities are paying more because they are not allowed to do group pricing.

The VA, on behalf of veterans, doesn't pay top dollar. They get about a 40-percent discount. That makes sense. There is no reason why that should not be happening here with a plan that in fact is written for seniors and the disabled.

What happened? What happened when people didn't get the choices they wanted, which is the one I am advocating for, which is a real benefit to Medicare—sign up, go to your pharmacy, know what your prices are, like Medicare. What happened? Why didn't that plan get enacted instead of this privatized approach forcing people to go through private insurance companies or HMOs to get the help they need? How did that happen? How did it happen that Medicare is stopped from negotiating the best deal? How did that happen? How did it happen that seniors have to sign up for a plan and be locked in for a year, but the people on the other side providing the benefit, getting the premium and the copay, don't have to have prices that are locked in for a year or the range of medicines they will cover locked in for a year?

When you look at what happened, unfortunately, this is the legislative process at its worst. Unfortunately, for somebody who came here wanting desperately to make sure that we are providing low-cost medicine for everybody through various means but certainly for our seniors, this was an extremely disturbing process that occurred that resulted in this new law.

The reality is while we were negotiating on the Senate floor, the head of the Centers for Medicare and Medicaid was at the same time negotiating himself a job with a pharmaceutical industry. We now know that at least 10 people from the administration working in Medicare and Medicaid have now gone out to work with the industry. We also know that in the House, one of the committee chairs, at the same time he was negotiating this bill, was negotiating a salary for himself of $2.5 million to go to work for PhRMA, which is a lobbying arm for the brandname pharmaceutical industry. That is outrageous. When we talk about reform, when we talk about what needs to be done here, we need to start with that. That is the kind of thing that, in fact, we address in our honest government bill that has been passed and submitted by the Democrats in the Senate. We need to deal with that.

But the reality is we have a bill that was written for the interests of people in the industry, not for seniors and the disabled in this country, and not for the taxpayers either.

When you lock in the biggest prices possible, you are not looking out for taxpayers' interests any more than looking out for the interests of seniors or the disabled. This needs to be fixed. There needs to be a sense of urgency about this.

I know at home there is an outrage about this. This needs to be fixed. There are those potentially who can be helped by this bill. I hope everybody who can receive assistance under this new benefit will be able to wade through the bureaucracy and figure out or have somebody help them get some help for themselves. Every day, there is a sense of urgency for people, but we have to fix this overall.

In my book, we need to start over and get this right and decide we are going to worry about the person right now, at almost 7 o'clock tonight, on a Wednesday night, who has probably had dinner already and is sitting down maybe deciding what medicine they take tonight—or do I have my pills for tomorrow? Do I cut them in half so they will last longer? Maybe I can take them every other day. Maybe I am a wife whose husband takes the same blood pressure medicine and can share, even though it is dangerous for your health to do that.

This is the United States of America. We can do better than that. We can do better than a Medicare bill that costs too much and provides too little and does not put Americans first. We can do better than that.

My colleagues on this side of the aisle stand ready and are going to speak out every single day to create a sense of urgency about getting this done. We need to work together. Things only happen when we work together on a bipartisan basis. We need to do that. But we cannot let another month or two go by without having fixed the things that are right in front of us. We can't let time go by and not have dealt with the issues that lock people into a system that can raise their prices and take away their medicine while they have to continue to pay. That is outrageous.

There is a better way to do this through Medicare. That is the way it should have been done from the very beginning. There is absolutely no reason we can't go back and get this right.

I hope everyone who cares about this issue will be speaking out, will do everything they can to raise this issue and call on us to act and get this right. This is not the finest hour of this Congress or this administration. We can do much better than what has been done.

I am going to continue to do everything in my power to both fix this in the short run for people and then make sure we have a real prescription drug benefit for people as we go forward. Medicine isn't a frill. This is about life and death for too many people. We need to go back and get this right. I am hopeful that, working together, we will.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I want to speak a few minutes after hearing the Senator from Michigan. I thought, first of all, her accusations have to be answered. First of all, she made a fairly serious charge on a friend of mine, the Congressman from Pennsylvania, Bucks County, Jim Greenwood, and implied that not only was his vote and his work in trying to secure prescription drugs for seniors part of a deal with the pharmaceutical industry, which I think there is no foundation for whatever, and I believe it also probably is in very poor taste for this Senate to start hanging out people who have left and demeaning their name on the basis of whom they go to work for. If we counted on both sides, we would find plenty of ammunition to do that. I think that is probably not the decorum of the Senate. I hope we will not hear that again.

I have lots of differences with former Congressman Greenwood in terms of social issues, but I have always found him to be an honorable man, above board and straightforward in both his intellect and the way he carried himself. To disadvantage his reputation the way that was done I find unconscionable.

No. 2, the Senator from Michigan did run a campaign on lowering prescription drugs. Her campaign was increased competition and reimportation, as well as Government control of every aspect of the pharmaceutical industry to lower the prices.

The program this country has I would not have supported. I do not believe it is the Government's role for us to supply to seniors in this country, but this program will supply drugs at half the cost of what most seniors who have been paying for their prescription drugs pay. To scare seniors into thinking they have a prescription drug program and they will not have one in 2 months or 2 weeks or 6 months is the type of tactic that undermines the integrity of this Senate and is one of the reasons people in this country are losing confidence in elected representatives. Quite frankly, the difference is going to be a lot of seniors today are having medicines they would not otherwise have.

I don't like it, but it is understandable, and we must recognize any program of this magnitude, when it starts, is going to have trouble. They are having far less problems now. The vast majority of people and the vast majority of pharmacists are not having a problem with the program. It will still have some bugs for the next couple of months. It will get better every month.

The goal of the program was to make sure those people who were choosing between food and medicine did not have to make that choice. Even though I'm not a fan of this program, it is accomplishing its goals. To scare seniors with this tactic, to try to scare seniors into thinking something they have now will go away, is unconscionable and is beyond the decorum of the Senate.

I yield the floor.

Mr. LEAHY. Mr. President, as one of the authors of the original USA PATRIOT Act, as someone who voted to reauthorize an improved version of the act back in July 2005, and as an American concerned with our security, I am glad that we are making progress, but I have some misgivings about the bill being considered today. I will vote to proceed and hope there is an opportunity to improve the bill and the PATRIOT Act reauthorization even further.

I believe that the PATRIOT Act provides important and valuable tools for the protection of Americans from terrorism. These matters should be governed by law and not by whim. Legislative action should be the clear and unambiguous legal footing for Government powers.

I am glad that the sunsets that Congressman Armey and I insisted be included in the 2001 act brought about reconsideration and some refinement of the powers authorized in that measure. Those sunsets contributed to congressional oversight. Without them I expect the Bush administration would have stonewalled our requests for information and for review of the way they were implementing the statute. The sunsets were the reason we have been going through a review and renewal process over the last few months. Now the challenge to Congress is to provide the effective oversight that will be needed in the days ahead and to ensure that there is effective court review of actions that affect the rights of Americans.

Several specific provisions of this bill reflect modest improvement over both the original PATRIOT Act and the reauthorization proposal initially produced by the House-Senate conference. It is with these improvements in mind that I will support Senator SUNUNU's bill.

These improvements, like those contained in the conference report, were hard won. The Bush administration pursued its usual strategy of demanding sweeping Executive powers and resisting checks and balances. As usual, it was short on bipartisan dialogue and long on partisan rhetoric. And as usual, the Republican majorities in the House and Senate did their utmost to follow the White House's directives and prevent any breakout of bipartisanship. But a ray of bipartisanship did break out, and this reauthorization package is the better for it.

Senator SUNUNU's bill modifies a provision I objected to that would have required American citizens to tell the FBI before they exercise their right as Americans to seek the advice of counsel. Chairman SPECTER and I worked together to correct this provision and Senator SUNUNU has improved it further. I commend his efforts in this regard.

Another important change provided by the Sununu bill builds upon another objection I had and an idea I shared with him to ensure that libraries engaged in their customary and traditional activities not be subject to national security letters as Internet service providers. This is a matter I first raised and feel very strongly about. I commend Senator SUNUNU for the progress he has been able to make in this regard. The bill is intended to clarify that libraries as they traditionally and currently function are not electronic service providers, and may not be served with NSLs for business records simply because they provide Internet access to their patrons. Under this clarification, a library may be served with an NSL only if it functions as a true Internet service provider, as by providing services to persons located outside the premises of the library, but this is an unlikely scenario. In most if not all cases, if the Government wants to review library records for foreign intelligence purposes, it will need a court order to do so. The language I proposed to Senator SUNUNU in this regard was less ambiguous than that to which the Bush administration would agree. Still, my intent, Senator SUNUNU's intent, and the intent of Congress in this regard should be clear. It is to strengthen the meaning and ensure proper implementation of this provision that I will support this bill. As a supporter, I trust my intent will inform those charged with implementing the bill and reviewing its proper implementation.

It is regrettable that the Bush administration would not engage all of us in a bipartisan conversation on ways we could improve the bill. The White House Counsel only spoke to the Republican Senators. In that setting, they negotiated to achieve what they viewed as improvements. It is less than we would have liked. I know that the Republican Senators who worked on this bill were well intentioned and I commend their efforts. Regrettably, I note that one set of changes included in this bill I strongly oppose.

The Bush administration has used the last round of discussions with Republican Senators to make the gag order provisions worse, in my view, by forbidding any challenge for one year. The Bush administration has simply refused to listen to reason on this and insists on this thumb on the scale of justice. In addition, the bill continues and cements into law procedures that, in my view, unfairly determine challenges to gag orders. The bill allows the Government to ensure itself of victory by declaring that, in its view, disclosure "may" endanger national security or "may" interfere with diplomatic relations. This is the type of provision to which I have never agreed in connection with national security letters or section 215 orders. It will serve to prevent meaningful judicial review of gag orders and, in my view, is wrong.

I will continue to work to improve the PATRIOT Act. I will work to provide better oversight of the use of national security letters and to remove the un-American restraints on meaningful judicial review. I will seek to monitor how sensitive personal information from medical files, gun stores, and libraries are obtained, used, and retained. While we have made some progress, much is left to be done.

In 2001, I fought for time to provide some balance to Attorney General Ashcroft's demands that the Bush administration's antiterrorism bill be enacted in a week. We worked hard for 6 weeks to make that bill better and were able to include the sunset provisions that contributed to reconsideration of several provisions over the last several months. Last year I worked with Chairman SPECTER and all the members of the Judiciary Committee and the Senate to pass a reauthorization bill in July. As we proceeded into the House-Senate conference on the measure, the Bush administration and congressional Republicans locked Democratic conferees out of their deliberations and wrote the final bill. That was wrong. In December, working with a bipartisan group of Senators, we were able to urge reconsideration of that final bill. Senators SUNUNU and CRAIG were able to use that opportunity to make some improvements. I commend them for what they were able to achieve and hope that my support for their efforts has been helpful. I wish that along the way the Bush administration had shown a similar interest in working together to get to the best law we could for the American people. When the public's security and liberty interests are at stake, it seems especially prudent and compelling to me that every effort should be made to proceed on a bipartisan basis toward constructive solutions. Instead, the White House has chosen once again to try to politicize the situation.

Since the conference was hijacked, I have tried to get this measure back on the right track. We have been able to achieve some improvements, and that is no small feat given the resistance by this White House to bipartisan suggestions. I regret that this bill is not better and that the intransigence of the Bush administration has prevented a better balance and better protections for the American people. I will continue to work to provide the tools that we need to protect the American people. I will continue to work to provide the oversight and checks needed on the use of Government power and will seek to improve this reauthorization of the PATRIOT Act.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I understand an agreement has been reached to have the cloture vote on the motion to proceed tomorrow morning and then a cloture vote on the bill on that Tuesday after we return from the recess.

I point out the agreement essentially implements the schedule that would have been followed had I required the Senate to go through all the procedural hoops necessary to reach a vote on the White House deal. It, of course, maintains the 60-vote threshold for passing this legislation.

I thank the two leaders for working with me. I have no desire to inconvenience my colleagues or force votes in the middle of the night, as I understand the majority leader was threatening.

I have been trying all day to get an agreement to allow debate and votes on a small number of amendments to this bill. I do not understand what the majority leader is afraid of or concerned about in rejecting this reasonable request. So while I do not object to the agreement that will be propounded in a few minutes, I hope once we are on the bill tomorrow, I will be able to offer amendments and have them voted on.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, we are at a continuation of a sequence of events which has resulted in a lot of delay, a lot of postponement, really reflecting these insufferable attempts to put off the Nation's business with obstruction and stalling. It is disturbing to me because we have so many issues to address in securing America's future, securing America's future in terms of security, securing America's future when it comes to looking at health care issues, education issues, securing America's prosperity as we look at competition and innovation and things we can do to invest in math and science education, and making us more competitive and creating jobs with respect to China and India.

There are so many issues, many of which were outlined by the President of the United States in the State of the Union Address. Yet we are going through this stall ball, which is reflected now on the PATRIOT Act, where we have the PATRIOT Act reauthorization being filibustered by the Democrats, which started in December when we had a filibuster on the reauthorization, and the filibuster now on the motion to proceed. Now, with that continued postponement and filibuster, there is no way to complete this reauthorization of the PATRIOT Act before we go on recess. There is no way to do it using the tools of the Senate, using the tools of the filibuster.

And a filibuster I can understand if you are shaping the bill or if the outcome is not absolutely predetermined. But the outcome here is absolutely predetermined. There will be overwhelming support in this body for this bill. It is important to the safety and security of the American people. It breaks down barriers between the intelligence community and our law enforcement community, and it does so protecting the civil liberties of Americans.

There is overwhelming support. The outcome is determined. Yet we have been in a quorum call for most of the day, and using the rules of the Senate. Again, people say: Well, if it is a filibuster, why aren't people talking all the time? With the rules of the Senate, you do not have to be talking, but you control the Senate in terms of time. With that, we are able to file cloture motions, and then you wait another 30 hours, and it is a series of cloture motions, which stretches the time out, again, really wasting precious time on the floor of the Senate when we should be governing, answering, responding to the problems of everyday Americans, the challenges of everyday Americans.

Looking at what we have gone through recently, for example, the pensions bill, we passed the pensions bill on November 16, 2005, with a vote of 97 to 2, overwhelming support. I asked the Democrats to appoint conferees on December 15 of last year. I asked them to appoint conferees again, renewing that request on February 1. I have been in continued conversation and discussions with the Democratic leadership. Again: Not yet, postponement. We know the issues pertaining to the pensions bill. We can't respond until we can get to conference. The House is ready with conferees, but we can't go to conference until we appoint conferees. Yet once again, those names are not given.

I have been in discussion with the Democratic leader. I understand we will be able to appoint conferees in the next 24 hours or so. But it is the pattern of postponement, delay, obstruction, and stopping the Nation's business that disturbs me.

The asbestos bill, I said long ago that we would spend this period on asbestos. We were forced by the other side of the aisle to file cloture on the motion to proceed just to get on that bill, a bill that does address victims who are suffering from asbestos-related disease and who are not being compensated fairly. We voted in favor of cloture 98 to 1. Then we had delayed consideration of the bill by 3 days by forcing cloture, and then we had insistence on a day of debate only—again, postponement.

The Alito nomination ended up being successful; the advice and consent was carried out. But once again, there was a week delay beyond which we had worked out a time line before we could bring the Alito nomination to the floor.

Earlier this week and over the last couple of weeks, we have had to deal with the tax reconciliation bill to go to conference. The Democrats forced the Senate to consider the bill three separate times just to get to conference. We had 20 hours of debate the first time, with 17 rollcall votes, and then we had another 20-hour limitation, with 7 more rollcall votes. Then we had a series of votes yesterday morning on motions to instruct before we get to conference. All of that didn't change the bill at all. These are nonbinding motions to instruct—but again, another manifestation of stalling, postponing, delaying.

It is frustrating because whether it is the tax relief bill or the Alito nomination or the asbestos bill or the pensions bill or, now, the PATRIOT Act, it is a pattern that, if we are going to be working together in the Nation's interest, we cannot continue over the course of the year; otherwise, we will not get anything done when we do have challenging problems with health care costs too high, things that we can do on education in terms of math and science, making our country and our students more competitive in the future, addressing issues surrounding funding our military.

So with that, I plead to my colleagues on both sides of the aisle to work together to make progress. Let's be doing what we are supposed to be doing and that is governing in the Nation's interest.

Mr. President, I ask unanimous consent that the cloture vote on the pending motion to proceed occur at 10:30 a.m. tomorrow with the mandatory quorum waived; provided further that if cloture is invoked, notwithstanding rule XXII, the Senate proceed immediately to the bill; I further ask consent that if a cloture motion is filed on the bill during Thursday's session, then that cloture vote occur at 2:30 p.m. on Tuesday, February 28; provided further that if cloture is invoked on the bill, then at 10 a.m. on Wednesday, March 1, the bill be read a third time and the Senate proceed to a vote on the bill with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. DORGAN. Mr. President, I will spend a few minutes talking about energy.

There was a letter to the editor in the Wall Street Journal, I believe, this morning or yesterday morning, responding to an editorial where I had given a response to an editorial. The writer to the Wall Street Journal was taking me to task for saying there is not a "free market" in energy or in oil. My point was there is no free market in oil. He said he doesn't know what I have been drinking or where I got these thoughts. He said there is a free market in oil.

Let me describe all of this in the context of President Bush's State of the Union Address in which he suggested that we are "addicted" to oil and we need to move toward greater independence with respect to oil, especially coming from off our shores.

First, on the subject of a free market, there is no free market in oil. A substantial portion of oil comes from halfway around the world, under the sand in the Middle East, in Saudi Arabia, Kuwait, Iraq, and Iran. A substantial part of the world supply of oil comes from that region. And those OPEC ministers, having formed a cartel, sit around a room and decide how much they are going to pump and at what price. That is a cartel. Cartels are the antithesis of the free market system. Yet the OPEC countries have this cartel, produce a great amount of oil, and they decide how they are going to manipulate price and supply. That is No. 1.

No. 2, you have the large oil companies, bigger and much stronger because of the blockbuster mergers in recent decades, especially in the last one. These oil companies used to be one company, and now they are a company with several names, such as ExxonMobil. That used to be Exxon, and that used to be Mobil. They decided to fall in love and get married, and now it is ExxonMobil. Last year, ExxonMobil made $36.1 billion—the highest profit ever recorded in corporate America. ExxonMobil.

Then there is Chevron-Texaco. It used to be Chevron, and there was Texaco. They discovered they liked each other and they got hitched, making it Chevron-Texaco.

And then we have ConocoPhillips, which used to be separate companies. Once they decide to marry up and merge, they save all these names.

So there is ExxonMobil, Chevron-Texaco, and ConocoPhillips. Maybe some day they will all merge, and when you put them all together, they will be ExxonMobil ChevronTexaco ConocoPhillips—just one company. The blockbuster mergers mean these companies are bigger, stronger, and have greater capacity to influence the marketplace.

So you have the OPEC ministers in a closed room talking about supply and price and how they affect supply and price and the manner in which they want to affect it. You have the oil companies, larger and stronger, having more muscle to influence the marketplace. And third, you have the futures market. The futures market, rather than simply providing liquidity for training, has become an orgy of speculation. So those three things are what determine the price of oil and the price of gasoline. It has very little to do with the so-called free market. Yet we hear all these people talk about the free market.

Do you think it is the free market that gives us a company such as ExxonMobil, with profits of $36.1 billion last year? That is not a free market. That is the price of oil which is somewhere between $60 and $70 a barrel. That is up from $40 a barrel average price of the year before, at which point this company had the highest profits in their history. So it went from an original price of $40 a barrel to over $60 a barrel, and the company had no additional expenses at all. That price went to that level and it stayed relatively at that level, and it has dramatically boosted the profits of all of these oil companies—Shell, $25.3 billion; B.P., $22.3 billion; $36.1 billion for ExxonMobil.

Listen, all the gain is here with the big oil companies and the OPEC countries. All the gain is here, and all the pain is on the side of the consumers, people trying to heat their home in the winter, people driving to the gas pump trying to figure out how much it is going to take to fill up their tank. They are paying the higher prices, and all that goes into these coffers, higher profits. And that is sent also to the OPEC countries.

The President talks about an addiction to oil. I would use that term. We are hopelessly addicted to oil. I don't suggest that we have an oil anonymous organization where we show up on Wednesday nights and confess that we drove our Humvee 10 blocks to pick up a bagel. What do we confess to? Well, we have a 6,000-pound vehicle and we decided we needed to run an errand to buy a piece of ribbon. That is not what I suggest, nor is it what I expect the President suggest.

Addiction to oil. Let's think about that. We suck 84 million barrels of oil out of this Earth every day. Every single day. 84 million barrels are sucked out of the Earth. One-fourth of it, 21 million barrels of oil, goes to this country, the United States of America. We use fully one-fourth of all the oil that is extracted from this planet every single day. Sixty percent of all that oil we use in this country comes from off our shore, and much of it from troubled parts of the world. If, God forbid, something should happen to the supply of oil from Saudi Arabia tomorrow, we would have a huge problem.

Our economy is, in fact, attached to the ability to get oil from other parts of the world that are very troubled parts of our planet. If terrorists, for some reason, interdicted the supply of oil, shut off the supply of oil tomorrow morning, our economy would be in deep trouble. Obviously, there are national security interests here. Does it make sense from a national security standpoint to have the American economy running on 60-percent foreign oil, much of it coming from troubled parts of the world? The answer to that is no. Of course not. So in addition to national security issues, you have the issue of the unfairness, of huge profits for the major oil companies, huge profits for the OPEC countries, Saudi Arabia, Kuwait and others, and then substantial pain for people, many of whom can't afford it, pain in the form of higher prices.

Energy independence: That is the watchword. Energy independence, they say. What does all this mean? Let me go back for a moment to January 13, 2002. January 13, 2002 is the day the Ambassador for Saudi Arabia showed up at the White House in the Oval Office. Prince Bandar, the Saudi Ambassador, was then told at a meeting in the White House on January 13 that this country was going to attack Iraq, invade the country of Iraq. It is interesting that not until the next day did the President notify the U.S. Secretary of State.

On January 13, at a meeting in the Oval Office—and again, this comes from Bob Woodruff's book "Bush at War"—the President called in and notified the Saudi Ambassador to the United States that we were going to war with Iraq. The following day, the President notified his own Secretary of State that he had made a decision to go to war with Iraq. Interesting. It describes something about the relationship this country has with Saudi Arabia and the importance it places on that relationship.

This occurred, by the way, as my colleagues know, following 9/11/2001. Fifteen of the 19 hijackers were Saudi citizens. Of the 19 hijackers who flew the planes that hit this country, 15 of them were Saudi citizens. We had Saudi citizens rounded up on private airplanes leaving this country. Then in January of 2002, the President calls the Saudi Ambassador to the Oval Office and tells him we are going to war with Iraq. The following day, he tells our own U.S. Secretary of State Colin Powell that he has decided to go to war with Iraq. I recite that because it describes a very special relationship this country has had with Saudi Arabia, and perhaps a very unhealthy relationship. Under the Saudis' noses and eyes, I believe, there has existed a network of madrassas, schools and other activities in which terrorist organizations developed and flourished, and we bore the brunt of that on 9/11/2001. As long as they left Saudi Arabia alone, it was going to be all right; They could develop their terrorist cells.

The fact is when we go to the gas pumps in this country and fill our tank and pay the kind of money we are paying for that petroleum, there is a fair amount of evidence, and it is written evidence coming from numerous studies, that we are actually helping to finance terrorism. There are many steps we have to take to deal with that.

The first and most important step, however, is for us to understand this addiction to oil from the Middle East. The addiction to oil from Saudi Arabia and Kuwait and Iraq and elsewhere is a very unhealthy circumstance for our country. It is relatively easy to talk about addiction and fairly simple to talk about the need for energy independence. It is quite another thing to get there. I mentioned a moment ago driving a 6,000-pound car to go get a bagel. By that I meant a Humvee. Understand, I have never driven a Humvee, but I understand they weigh about 6,000 pounds, and I don't mean to demean anybody who would drive a 6,000-pound Humvee. But I do have, as I have indicated before, only broken knowledge of Latin, and when I drive up to a stoplight beside a Humvee and look over and see a Humvee on the street next to me, I think of a Latin phrase I learned in high school, not in formal class, but the phrase was "totus porcus." I look at Humvees, 6,000-pound vehicles, and I understand that no one has been serious in this country about suggesting that we change the way we do things.

Are we suggesting that we get better gas mileage in our automobiles in any significant way? I looked at a vehicle the other day that is an identical vehicle to the same model that was produced 10 years ago. Guess what. It has exactly the same rated gas mileage. In 10 years, we can't add 1 mile per gallon. Whether it is conservation, efficiency, better gas mileage, or any dozens of other issues on the side of using petroleum products, or if it is on the side of producing petroleum products, we don't have a national plan. We don't have a plan that represents this country's crucial interests in actually getting to some kind of independence or some percentage of independence of foreign oil. We need one, and if the President's call in his State of the Union is an honest attempt to get there, I am with him. But it is not so much what we say, it is what we do that will determine our energy future.

I was proud in the last week or two to join my colleagues Senator DOMENICI, Senator BINGAMAN, and Senator TALENT in offering legislation to open the Gulf of Mexico for additional production. We believe there is somewhere around 6 trillion cubic feet of natural gas available for production in lease 181. It was ready for production in 2001 and the President took it off the books because his brother was Governor of Florida and didn't want it produced, so it has not been produced. But the fact is on a bipartisan basis here in the Senate we have a fair number of people on the bill that has been introduced. So let's produce, let's get that natural gas and get it into the pipeline.

The issue of additional production, especially coming from renewable fuels, makes a great deal of sense to me. I talked about lease 181, that is drilling, and that is production from drilling, oil and natural gas. We have a pipeline that needs to get done that we have already supported, from Alaska to the United States, transporting substantial portions of natural gas to the United States, but those who are supposed to be doing that have been dragging their feet on that. We do need fossil fuels to be producing more. But we also in the area of renewable fuels need to understand, we can decide to substitute for traditional fuels a substantial amount of renewable energy if we decided our country could do that.

Wind energy. Wind energy has great potential. Taking energy from the wind and producing electricity from it, perhaps even using electricity in the process of electrolysis to separate hydrogen from water and creating hydrogen fuel to run a hydrogen fuel-celled vehicle. All of that makes great sense. But you only do that as a country if you set goals and decide that is the direction you want to head.

Biofuels, ethanol. I was part of a group that set a new renewable fuel standard, saying we are going to get to 7.5 billion gallons of ethanol by the year 2012, doubling the use of ethanol in our country. That means you go in the farm fields on a renewable basis every year, produce corn, as an example, and produce ethanol fuel from corn that extends America's energy supply and also produces a new market for family farmers. All of these things are doable. Other countries have done them. Brazil is an example of a country that has done remarkable things with the extension of renewable fuels. Our country has not because we have not had a plan. Now we are getting there.

Last year's energy bill was a start. The bill we have introduced on lease 181 is another piece. There is much more to do, but we will not do anything close to move toward something you could call energy independence unless we as a country have a rational plan, a thoughtful plan.

There has been a lot of discussion about who created this energy plan of ours. It goes all the way back to the year 2001 when there were secret meetings and we had people coming to town to participate in these meetings, and virtually all of these countries, I understand, played a role in meetings such as that, although we can't find the names because they claim that the meetings were not public. The Vice President and others convened meetings, developed an energy policy, but it has not been a policy that has done anything other than lead us toward greater dependence on foreign sources of oil.

Slightly over 60 percent of our oil is coming from off our shores. That is scheduled in a very short order to go to nearly 70 percent. It has been an inevitable climb, from 60 to now 70. We are going to have to decide as a country, are we going to change that or aren't we? There is not much more we can do for this country's economic security and national security that is more important than to take this kind of energy plan and to decide to embark on something that will strengthen this country and make us less dependent on unstable parts of the world for the production of our energy and for the transport of our oil.

It is interesting to me that we never see that which goes in our gas tanks. My father ran a gasoline station, among other things. So when I was a kid, on nights and Saturdays and weekends, I was pumping gas. Some people say my occupation hasn't changed very much. But I pumped gas, and people would drive up and I filled their car with gas. I did that when I was a kid for years and years. When you think about this, we never see that product. So it comes from under the sands of Saudi Arabia. The Lord has seen fit to give us this wonderful bounty called the United States of America. There is no other country quite like it. Yet we have this prodigious appetite for energy. We use one-fourth of all the oil that is sucked out of this earth every day, and a substantial part of the oil, for some reason, exists halfway around the world under the sands of a very troubled part of our globe.

So in Saudi Arabia, where there are dramatic deposits of oil—we are not quite sure how large those deposits are because the Saudis won't let anyone verify all that—it is pulled out of that sand. It is cheaper to pull it out of that sand than anywhere else on the face of the Earth, and then it is put in a pipe, it goes to a refinery, put in another pipe, goes to a dock, put on a ship, comes to this country on a tanker, is offloaded into a refinery, goes on a pipeline, perhaps goes to a truck, gets sent to a gasoline station, pumped through an underground tank and pumped through a hose into your car, and no one has ever seen it. Nobody has ever seen that gallon of gasoline. That is the way it works. But literally in this country our economy and our future are held prisoner by this unbelievable dependence on foreign oil.

It affects everything we do. It affects our foreign policy. We have gone to war over oil. It affects everything. So the question for this President and this Congress, not tomorrow but today, is how do you reach some sort of independence? How do we make our country less dependent on something we desperately need for our future economic opportunity and growth, less dependent on oil from overseas? I know there are as many suggestions on how to write a new energy policy as there are Members of the Senate. But I do not believe, with all due respect, that there is a Republican or Democratic way to write an energy policy or a conservative or liberal way to write an energy policy. I think there is a right way and a wrong way and a smart way and a pretty stupid way. But it seems to me that we need to begin to find the best of what each of our political parties has to offer in terms of an energy policy and find a way to construct, from the best of what both have to offer, something to assure us that our economy will have the energy that it needs for the future.

This is not some academic discussion, as is often the case on the floor of the Senate. There are people who, this winter, do not have enough money to heat their homes because prices are too high. That does not, by the way, have anything to do with supply and demand. You see these profits, the highest profits in history for the oil companies. You don't see gasoline lines. Has anybody seen any gas lines around here, people lining up for hours to get gas? No. There is no shortage. In fact, something came across my desk yesterday—an oil company is shutting down a portion of its refinery because it wants to restrict supply. Why? It wants to keep prices where they are. They like these high prices.

There are a lot of ramifications. There are enormous riches for the big oil companies and enormous pain for the American consumer, and that is the short term. The question in the short term is always: Who is going to stand up for the American consumer? I introduced a bill, along with my colleague, Senator DODD, from Connecticut, a couple of months ago, that would have imposed a windfall profit tax on these oil company profits, only on the profits above $40 a barrel. Incidentally, last year, 2004, represented the highest profits in history at $40 a barrel. We proposed a windfall profits tax at 50 percent on profits over $40 a barrel, with all the proceeds to be sent back to the American consumers as a rebate.

Interestingly enough, I guess it was 65 Senators voted against that because they do not want to take money from the oil industry and provide it as a rebate to consumers. I think you ought to even the score a bit. There is no justification for these profits. These companies have not exhibited additional expenses. These are extraordinary profits, the highest in the history of corporate America, and all the American consumers are feeling the pain. That is the short term. We have tried, in the short term, to address it with the windfall profits tax rebate bill and we have not been successful. But that is not over.

Then in the intermediate to longer term, we have to do more. We need a real plan for energy independence, a real plan, one that addresses alternative fuels and renewable fuels, enhances the recovery of fossil fuels in a way that is protective of our environment. We need to be doing all of that together, reaching a set of goals that our country establishes. You can't do this without leadership.

So my hope is that, both from the White House and also from here, we will begin to see some leadership toward energy independence—I mean some real leadership. Talking about it is one thing. It doesn't mean anything. People have been talking about this forever. It is a waste of breath unless it results in real planning.

I have mentioned before the book McCullough wrote about John Adams. It was a fascinating book and had lingering questions from John Adams as he was traveling around the world representing this new country they were trying to form. He spent time in France and England. He would write back to his wife Abigail. At least as I read the book, it would seem that he would write to Abigail and lament to her in his letters: Where will the leadership come from to form this new country of ours? Where will the leadership emerge to put this new country we want to form together? Then in the next letter he would write: Well, then, there's really only us—there's me, there's George Washington, there's Ben Franklin, there's Thomas Jefferson, there's Madison, there's Mason—and of course in the rearview mirror of history we know the "only us" now represents some of the greatest human talent ever assembled. But every generation of Americans asks the identical question: Where will the leadership come from? Where will the leadership emerge, real leadership, to steer this country in the right direction?

With respect to energy policy which relates to both our economic security and our national security, time is wasting, and there is not a more important subject for us to address, beginning now. The question remains: Where will the leadership come from? That question is addressed to both the White House and the Congress, asking for, finally, what the best of both political parties ought to have to offer this country.

AMERICAN ASSOCIATION ON MENTAL RETARDATION AWARD WINNERS

Mr. DURBIN. Mr. President, I am pleased today to join the Illinois chapter of the American Association on Mental Retardation, AAMR, in recognizing the recipients of the 2006 Direct Service Professional Award. These individuals are being honored for their outstanding efforts to enrich the lives of people with developmental disabilities in Illinois.

These recipients have displayed a strong sense of humanity and professionalism in their work with persons with disabilities. Their efforts have inspired the lives of those for whom they care, and they are an inspiration to me as well. They have set a fine example of community service for all Americans to follow.

These honorees spend more than 50 percent of their time at work in direct, personal involvement with their clients. They are not primarily managers or supervisors. They are direct service workers at the forefront of America's effort to care for people with special needs. They do their work every day with little public recognition, providing much needed care and assistance that is unknown except to those with whom they work.

It is my honor and privilege to recognize the Illinois recipients of AAMR's 2006 Direct Service Professional Award: Cheryl Case, Lisa Cutter, Jane Flores, Cindy Block, Patricia Bzdyl, Don Collins, Judy Hicks, Holly Spence, Della Reese, Sarah McRae, and Kathy Slimmer.

I know my fellow Senators will join me in congratulating the winners of the 2006 Direct Service Professional Award. I applaud their dedication and thank them for their service.

HONORING OUR ARMED FORCES

ARMY SPECIALIST PATRICK HERRIED

Mr. JOHNSON. Mr. President, on February 6, 2006, one of South Dakota's sons made the ultimate sacrifice while serving in Iraq. Army SP Patrick Herried died when an improvised explosive device detonated under the armored military vehicle he was driving. He was a member of the 4th Squadron, 14th Calvary Regiment, 172nd Stryker Brigade Combat Team based in Fort Wainwright, AK.

Specialist Herried was a 1994 graduate of Roosevelt High School in Sioux Falls and was fondly remembered by his classmates and teachers. Like many South Dakotans, he was passionate about sports and the outdoors. He was a member of the Roosevelt High School football team and enjoyed skateboarding and mountain biking.

Specialist Herried joined the Army in the hopes that it would lead to a better career and even college. His mother, Rita, agreed that the Army had a positive impact on her son. "He was just a good kid," she said. "Really quiet, but very directed since he's been in the service. He was a good son."

Patrick's family and friends are in my thoughts and prayers during this trying time. Coming to terms with the loss of any soldier who gives their life in defense of freedom is difficult. While we are awed by Patrick's selfless sacrifice, we are reminded that his life ended much too soon. It is my sincere hope that Patrick's family may take some small measure of comfort knowing our Nation is eternally grateful for his dedicated service to our country.

CORPORAL JESSE ZAMORA

Mr. BINGAMAN. Mr. President, I rise today to pay tribute to the life of CPL Jesse Zamora. I regret to inform my colleagues that Corporal Zamora was killed in Beiji, Iraq on February 3, 2006.

Those close to Corporal Zamora recognized an indomitable love of country and a passionate desire to serve his Nation in the military at an early age. Friends and family recall that as a young man, Corporal Zamora would often drive into the desert near Las Cruces in his pickup to practice his marksmanship. This simple custom is indicative of his discipline and certainly contributed to his great skill as a soldier. In 2002, shortly after graduating from high school, Corporal Zamora enlisted in the Army, fully knowing that his country would soon be going to war abroad. This brave decision illustrates the selflessness that endeared Corporal Zamora in the hearts of his family members, his friends, and his brothers in arms. It also demonstrates his passionate, disciplined approach to service and the selfless demeanor that is at the core of what the American Army prides its servicemembers on honor, duty, humility, and loyalty.

His mother Paola, stepfather Sergio, sister Christy, are all in our thoughts. His brother Tyrel is another brave member of the U.S. Army, and I hope that we can soon guarantee him a swift and safe journey home.

Corporal Zamora was assigned as an infantryman to the 101st Airborne Division. We can never fully express our gratitude for our veterans' service; I ask that we stop now to thank Corporal Zamora and acknowledge the sacrifice of his family for their Nation.

POPULARITY OF "GROUNDHOG DAY"

Mr. GRASSLEY. Mr. President. yesterday and a few weeks ago. I invoked the movie "Groundhog Day" starring Bill Murray to provide a perspective on consideration of our tax reconciliation package. For the edification of my esteemed colleagues and other interested parties, I ask unanimous consent that an article originally published in the February 14. 2005, issue of "National Review" titled. "A Movie for All Time," be printed in the RECORD. This article provides some information on the film and its enduring popularity.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the National Review, Feb. 14. 2005]

A MOVIE FOR ALL TIME

(By Jonah Goldberg)

Here's a line, you'll either recognize, or you won't: "This is one time where television really fails to capture the true excitement of a large squirrel predicting the weather." If you don't recognize this little gem, you've either never seen Groundhog Day or you're not a fan of what is, in my opinion, one of the best films of the last 40 years. As the day of the groundhog again approaches, it seems only fitting to celebrate what will almost undoubtedly join It's a Wonderful Life in the pantheon of America's most uplifting, morally serious, enjoyable, and timeless movies.

When I set out to write this article, I thought it'd be fun to do a quirky homage to an offbeat flick, one I think is brilliant as both comedy and moral philosophy. But while doing what I intended to be cursory research—how much reporting do you need for a review of a twelve-year-old movie that plays constantly on cable?—I discovered that I wasn't alone in my interest. In the years since its release the film has been taken up by Jews, Catholics, Evangelicals, Hindus, Buddhists, Wiccans, and followers of the oppressed Chinese Falun Gong movement. Meanwhile, the Internet brims with weighty philosophical treatises on the deep Platonist, Aristotelian, and existentialist themes providing the skin and bones beneath the film's clown makeup. On National Review Online's group blog, The Corner, I asked readers to send in their views on the film. Over 200 e-mails later I had learned that countless professors use it to teach ethics and a host of philosophical approaches. Several pastors sent me excerpts from sermons in which Groundhog Day was the central metaphor. And dozens of committed Christians of all denominations related that it was one of their most cherished movies.

When the Museum of Modern Art in New York debuted a film series on "The Hidden God: Film and Faith" two years ago, it opened with Groundhog Day. The rest of the films were drawn from the ranks of turgid and bleak intellectual cinema, including standards from Ingmar Bergman and Roberto Rossellini. According to the New York Times, curators of the series were stunned to discover that so many of the 35 leading literary and religious scholars who had been polled to pick the series entries had chosen Groundhog Day that a spat had broken out among the scholars over who would get to write about the film for the catalogue. In a wonderful essay for the Christian magazine Touchstone, theology professor Michael P. Foley wrote that Groundhog Day is "a stunning allegory of moral, intellectual, and even religious excellence in the face of postmodern decay, a sort of Christian-Aristotelian Pilgrim's Progress for those lost in the contemporary cosmos." Charles Murray, author of Human Accomplishment, has cited Groundhog Day more than once as one of the few cultural achievements of recent times that will be remembered centuries from now. He was quoted in The New Yorker declaring, "It is a brilliant moral fable offering an Aristotelian view of the world."

I know what you're thinking: We're talking about the movie in which Bill Murray tells a big rat sitting on his lap, "Don't drive angry," right? Yep, that's the one. You might like to know that the rodent in question is actually Jesus—at least that's what film historian Michael Bronski told the Times. "The groundhog is clearly the resurrected Christ, the ever-hopeful renewal of life at springtime, at a time of pagan-Christian holidays. And when I say that the groundhog is Jesus, I say that with great respect."

That may be going overboard, but something important is going on here. What is it about this ostensibly farcical film about a wisecracking weatherman that speaks to so many on such a deep spiritual level?

THOROUGHLY POSTMODERN PHIL

A recap is in order. Bill Murray, the movie's indispensible and perfect lead, plays Phil Connors, a Pittsburgh weatherman with delusions of grandeur (he unselfconsciously refers to himself as "the talent"). Accompanied by his producer and love interest, Rita (played by Andie MacDowell), and a cameraman (Chris Elliott), Connors goes on assignment to cover the Groundhog Day festival in Punxsutawney, Pa., at which "Punxsutawney Phil"—a real groundhog—comes out of his hole to reveal how much longer winter will last. Connors believes he's too good for the assignment—and for Punxsutawney, Pittsburgh, and everything in between. He is a thoroughly postmodern man: arrogant, world-weary, and contemptuous without cause.

Rita tells Phil that people love the groundhog story, to which he responds, "People like blood sausage, too, people are morons." Later, at the Groundhog Festival, she tells him: "You're missing all the fun. These people are great! Some of them have been partying all night long. They sing songs 'til they get too cold and then they go sit by the fire and get warm and then they come back and sing some more." Phil replies, "Yeah, they're hicks, Rita."

Phil does his reporting schtick when the groundhog emerges and plans to head home as quickly as possible. Unfortunately, a blizzard stops him at the outskirts of town. A state trooper explains that the highway's closed: "Don't you watch the weather reports?" the cop asks. Connors replies (blasphemously, according to some), "I make the weather!" Moving on, the cop explain's he can either turn around to Punxsutawney or freeze to death. "Which is it?" he asks. Connors answers, "I'm thinking, I'm thinking." Reluctantly returning to Punxsutawney, Connors spends another night in a sweet little bed and breakfast run by the sort of un-ironic, un-hip, decent folks he considers hicks.

The next morning, the clock radio in his room goes off and he hears the same radio show he'd heard the day before, complete with a broadcast of "I Got You Babe" and the declaration, "It's Groundhog Day!" At first, Connors believes it's an amateurish gaffe by a second-rate radio station. But slowly he discovers it's the same day all over again. "What if there is no tomorrow?" he asks. "There wasn't one today!"

And this is the plot device for the whole film, which has seeped into the larger culture. Indeed, "Groundhog Day" has become shorthand for (translating nicely) "same stuff, different day." Troops in Iraq regularly use it as a rough synonym for "snafu," which (also translated nicely) means "situation normal: all fouled-up." Connors spends an unknown number of days repeating the exact same day over and over again. Everyone else experiences that day for the "first" time, while Connors experiences it with Sisyphean repetition. Estimates vary on how many actual Groundhog Days Connors endures. We see him relive 34 of them. But many more are implied. According to Harold Ramis, the co-writer and director, the original script called for him to endure 10,000 years in Punxsutawney, but it was probably closer to ten.

But this is a small mystery. A far more important one is why the day repeats itself and why it stops repeating at the end. Because the viewer is left to draw his own conclusions, we have what many believe is the best cinematic moral allegory popular culture has produced in decades—perhaps ever.

Interpretations of this central mystery vary. But central to all is a morally complicated and powerful story arc to the main character. When Phil Connors arrives in Punxsutawney, he's a perfect representative of the Seinfeld generation: been-there-done-that. When he first realizes he's not crazy and that he can, in effect, live forever without consequences—if there's no tomorrow, how can you be punished?—he indulges his adolescent self. He shoves cigarettes and pastries into his face with no fear of lovehandles or lung cancer. "I am not going to play by their rules any longer," he declares as he goes for a drunk-driving spree. He uses his ability to glean intelligence about the locals to bed women with lies. When that no longer gratifies, he steals money and gets kinky, dressing up and play-acting. When Andie MacDowell sees him like this she quotes a poem by Sir Walter Scott: "The wretch, concentrated all in self/Living, shall forfeit fair renown/And, doubly dying, shall go down/To the vile dust, from whence he sprung/Unwept, unhonored, and unsung."

Connors cackles at her earnestness. "You don't like poetry?" She asks. "I love poetry," he replies, "I just thought that was Willard Scott."

Still, Connors schemes to bed Rita with the same techniques he used on other women, and fails, time and again. When he realizes that his failures stem not from a lack of information about Rita's desires but rather from his own basic hollowness, he grows suicidal. Or, some argue, he grows suicidal after learning that all of the material and sexual gratification in the world is not spiritually sustaining. Either way, he blames the groundhog and kills it in a murder-suicide pact—if you can call killing the varmint murder. Discovering, after countless more suicide attempts, that he cannot even die without waking up the next day he begins to believe he is "a god." When Rita scoffs at this—noting that she had twelve years of Catholic school (the only mention of religion in the film)—he replies that he didn't say he was "the God" but merely "a god." Then again, he remarks, maybe God really isn't all-powerful, maybe he's just been around so long he knows everything that's going to happen. This, according to some, is a reference to the doctrine of God's "middle knowledge," first put forward by the 16th-century Jesuit theologian Luis de Molina, who argued that human free will is possible because God's omniscience includes His knowledge of every possible outcome of every possible decision.

THE METAMORPHOSIS

The point is that Connors slowly realizes that what makes life worth living is not what you get from it, but what you put into it. He takes up the piano. He reads poetry—no longer to impress Rita, but for its own sake. He helps the locals in matters great and small, including catching a boy who falls from a tree every day. "You never thank me!" he yells at the fleeing brat. He also discovers that there are some things he cannot change, that he cannot be God. The homeless man whom Connors scorns at the beginning of the film becomes an obsession of his at the end because he dies every Groundhog Day. Calling him "pop" and "dad," Connors tries to save him but never can.

By the end of the film, Connors is no longer obsessed with bedding Rita. He's in love with her, without reservation and without hope of his affection being requited. Only in the end, when he completely gives up hope, does he in fact "get" the woman he loves. And with that, with her love, he finally wakes on February 3, the great wheel of life no longer stuck on Groundhog Day. As NR's own Rick Brookhiser explains it, "The curse is lifted when Bill Murray blesses the day he has just lived. And his reward is that the day is taken from him. Loving life includes loving the fact that it goes."

Personally, I always saw Nietzsche's doctrine of the eternal return of the same in this story. That was Nietzsche's idea—metaphorical or literal—to imagine life as an endless repetition of the same events over and over. How would this shape your actions? What would you choose to live out for all eternity? Others see Camus, who writes about how we should live once we realize the absurdity of life. But existentialism doesn't explain the film's broader appeal. It is the religious resonance—if not necessarily explicit religious themes—that draws many to it. There's much to the view of Punxsutawney as purgatory: Connors goes to his own version of hell, but since he's not evil it turns out to be purgatory, from which he is released by shedding his selfishness and committing to acts of love. Meanwhile, Hindus and Buddhists see versions of reincarnation here, and Jews find great significance in the fact that Connors is saved only after he performs mitzvahs (good deeds) and is returned to earth, not heaven, to perform more.

The burning question: Was all this intentional? Yes and no. Ultimately, the story is one of redemption, so it should surprise no one that it speaks to those in search of the same. But there is also a secular, even conservative, point to be made here. Connors's metamorphosis contradicts almost everything postmodernity teaches. He doesn't find paradise or liberation by becoming more "authentic," by acting on his whims and urges and listening to his inner voices. That behavior is soul-killing. He does exactly the opposite: He learns to appreciate the crowd, the community, even the bourgeois hicks and their values. He determines to make himself better by reading poetry and the classics and by learning to sculpt ice and make music, and most of all by shedding his ironic detachment from the world.

Harold Ramis and Danny Rubin, the writer of the original story, are not philosophers. Ramis was born Jewish and is now a lackadaisical Buddhist. He wears meditation beads on his wrist, he told the New York Times, "because I'm on a Buddhist diet. They're supposed to remind me not to eat, but actually just get in the way when I'm cutting my steak." Rubin's original script was apparently much more complex and philosophical—it opened in the middle of Connors's sentence to purgatory and ended with the revelation that Rita was caught in a cycle of her own. Murray wanted the film to be more philosophical (indeed, the film is surely the best sign of his reincarnation as a great actor), but Ramis constantly insisted that the film be funny first and philosophical second.

And this is the film's true triumph. It is a very, very funny movie, in which all of the themes are invisible to people who just want to have a good time. There's no violence, no strong language, and the sexual content is about as tame as it gets. (Some e-mailers complained that Connors is only liberated when he has sex with Rita. Not true: They merely fall asleep together.) If this were a French film dealing with the same themes, it would be in black and white, the sex would be constant and depraved, and it would end in cold death. My only criticism is that Andie MacDowell isn't nearly charming enough to warrant all the fuss (she says a prayer for world peace every time she orders a drink!). And yet for all the opportunities the film presents for self-importance and sentimentality, it almost never falls for either. The best example: When the two lovebirds emerge from the B&B to embrace a happy new life together in what Connors considers a paradisiacal Punxsutawney, Connors declares, "Let's live here!" They kiss, the music builds, and then in the film's last line he adds: "We'll rent to start."

MASTER SERGEANT WOODROW WILSON KEEBLE

Mr. JOHNSON. Mr. President, few Americans will recognize MSG Woodrow Wilson Keeble's name, but he was an American hero who served in two wars and who deserves our Nation's most prestigious recognition.

I first became aware of Master Sergeant Keeble's bravery in 2002 after being contacted by members of the Sisseton-Wahpeton Sioux Tribe who were requesting that his Distinguished Service Cross be upgraded to the Congressional Medal of Honor. The Medal of Honor is our Nation's highest military honor, and while it is awarded on behalf of Congress, the Department of Defense determines the qualifications and eligibility for the decoration.

Master Sergeant Keeble, a member of the Sisseton-Wahpeton Sioux Tribe, was an Army veteran of both World War II and the Korean War. For his service, he was awarded the Purple Heart, the Bronze Star, the Silver Star, and the Distinguished Service Cross.

The last decoration was awarded for his actions near Kumsong, North Korea in October 1951. After many days of fighting in the bitter cold, and though he was wounded, Master Sergeant Keeble single handedly took out three enemy machinegun emplacements.

The first hand accounts of his actions that day read like something out of an old Hollywood movie. What he did was real, and his bravery in the face of enemy fire was so remarkable that the men in his company twice submitted recommendations that he receive the Congressional Medal of Honor. In both cases, the recommendation was lost.

Like so many veterans, Master Sergeant Keeble returned home after the war a humble man, not interested in pursuing medals or personal honors. He died in 1982, and without the dedicated effort of his family and fellow veterans, most of us would have never had the opportunity to learn about Master Sergeant Keeble. Today, there is an ongoing effort to document his actions through the eyewitness testimony of those veterans who served with him. This is a valuable effort and will help preserve an important part of our Nation's history.

After first hearing in 2002 of his heroic actions, I contacted the Secretary of the Army to request a review of Master Sergeant Keeble's case. Based on an affidavit from a member of the company that the original recommendations for the Medal of Honor had been lost, I asked the Secretary to waive the normal 3-year statute of limitations requirement for consideration of the Medal of Honor.

Since that time, I have been in close contact with the Army. The recommendation to posthumously award the Medal of Honor to Master Sergeant Keeble has been reviewed by an Army Decorations Board, a Senior Army Decorations Board, and now awaits final action by the Secretary of the Army. At this point, I do not know if the Secretary's decision will be positive or negative, but I remain in contact with his office almost every month as I have for the past 4 years.

While all of us who care about this case are frustrated by the amount of time this has taken, the thorough review process is an indication of the importance of the Medal of Honor and the seriousness of this decision.

As more people learn about Master Sergeant Keeble's story, more people are joining in the effort to pay tribute to his service. While I do not know what the Army's ultimate decision will be in this case, I can think of no one more deserving of this honor than Master Sergeant Keeble.

TRIBUTE TO DAVID EVANS

Mr. LUGAR. Mr. President, I today pay tribute to David Lee Evans, who had been a member of the staff of the Committee on Foreign Relations. He was a much loved Senate employee who was universally respected for his professionalism, patience, and generosity. Dave passed away last week at age 65.

Dave was born on October 23, 1940, in Baltimore, MD. He graduated from Kenwood High School, and attended Howard Community College. Dave served the Government as a journeyman printer and as a member of the Foreign Relations Committee staff for nearly 23 years. In addition to his service as a printer with the Government Printing Office, he had been Chief Clerk and Assistant Chief Clerk to the committee during the 1970's. Dave ably served under Foreign Relations Committee Chairmen Fulbright, Sparkman, Church, Helms, BIDEN and myself.

Committee members and staff relied heavily on Dave to shepherd our many publications through all aspects of the printing process. As a returning chairman in 2003, I brought in a new majority staff, many of whom were working for a Senate committee for the first time. Dave was indispensable in teaching these staff members committee printing procedures and patiently answering their many questions. Dave's skills, technical ability and good humor made it possible to meet our many deadlines.

During the last 6 years that Dave served the committee, we printed more than 400 documents, including executive and legislative reports, hearings, and other materials. Without Dave's tireless efforts and hard work, the committee would not have been able to produce such a huge volume of material. Dave took great pride in his work and ensured that the material he produced met his and the committee's high standards. Every publication Dave printed reflected favorably on the committee, the Senate, and the U.S. Government as a whole.

In addition to his extensive public service, Dave will be remembered as a loyal friend and loving husband and father. He is survived by his wife Angela, who is currently the Executive Clerk of the Committee on Foreign Relations; four children, David T. Evans, Christopher Evans, Kathleen Canby, and Susan Hennegan; a stepson, Jeffrey Morris; six grandchildren; and a brother.

All who knew Dave will miss his kindness and grace. The thoughts of the entire Foreign Relations Committee are with his family as they remember and celebrate the life of an exemplary man.

Mr. BIDEN. Mr. President, I associate myself with the remarks that our chairman, Senator LUGAR, has just made regarding our fine printer David L. Evans, who died last week at the age of 65 after a courageous battle with cancer.

Dave did two tours as a GPO printer assigned to the Committee on Foreign Relations, first in the 1970s, and then again from 1999 until about a year ago. For a time in the late 1970s, he also served directly on the staff of the committee as its deputy clerk and then its chief clerk. The committee, and the country, are indebted to him for his service for performing some of the numerous jobs that are essential to the operation of this institution, but which are largely unrecognized by the public.

Dave was a big and wonderfully gentle man. He reveled in the opportunity to serve his country, even though it meant working long days, and sometimes well into the night, to ensure that the committee's hearings and reports were printed promptly and properly. Why he put up with us I don't know, but it was an honor to have him on our staff, and to know that the published output of our committee had been subject to his careful and professional scrutiny. He was unfailingly courteous and pleasant to his co-workers, and never complained about his heavy workload.

Like so many others in this country afflicted with cancer, Dave was taken from us too soon. We will miss him greatly. Our thoughts and prayers are with all his family and especially his wife Angie Evans, who shared Dave's work ethic and continues to bless us with her service to the committee.

ADDITIONAL STATEMENTS

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

• Mr. SMITH. Mr. President, I today speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On May 17, 2003, Sakia Gunn was fatally stabbed during a confrontation about her being a lesbian. Gunn and four other girls were waiting for a bus in downtown Newark, NJ, when Richard McCullough and another man drove up and asked them to go to a party. When the girls responded that they were lesbians, the two men began spewing homophobic insults and McCullough proceeded to stab her.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. By passing this legislation and changing current law, we can change hearts and minds as well.•

ATLANTA GAS LIGHT

• Mr. CHAMBLISS. Mr. President, I rise today to congratulate Atlanta Gas Light on its 150th anniversary. Atlanta Gas Light was incorporated on February 16, 1856, and first brought lighting to the streets of Atlanta on Christmas Day, 1855, enabling accelerated growth and the safe transportation of individuals and supplies necessary for the expansion of Atlanta and its surrounding communities.

At the end of the Civil War, Atlanta Gas Light quickly rebuilt its gasworks to facilitate the rebuilding of Atlanta and contributed to the rise of that great city to a major commercial center in the Southeast. In the 1920s, it invested in the State of Georgia's future by creating the infrastructure necessary to allow natural gas to flow under the city streets and into homes, ending the need to manufacture gas and expanding the use of gas throughout the Southeast region. In the early 20th century, it began expanding its services to cities and towns throughout the State of Georgia.

Atlanta Gas Light has faithfully served the State of Georgia and its citizens for each of its 150 years, delivering natural gas to customers throughout the State safely and reliably. This great company and its top-notch employees deserve special recognition. They have contributed millions of dollars and hours to improve the communities in which they work and live.

Atlanta Gas Light and its Georgia parent, AGL Resources, continue to provide exemplary service to their customers and remain a vital part of the economic development of the State of Georgia. I am pleased to take this opportunity to commemorate the contributions and services rendered by Atlanta Gas Light in its 150 years of operation and look forward to its continued service for the next 150 years.•

CONGRATULATING MS. SARA J. KIEFFNER

• Mr. BUNNING. Mr. President, today I rise to congratulate Ms. Sara J. Kieffner for being selected as one of the Cincinnati Enquirer newspaper's Women of the Year.

The Enquirer has done well to bestow this honor on Ms. Kieffner. Among her many causes, she has done much for the St. Elizabeth Medical Center Foundation. She has also devoted herself to promoting breast health awareness and to raising funds for the Fischer Homes Breast Center. If that weren't enough, she is also active with the Redwood Rehabilitation Center, the American Cancer Society's Northern Kentucky chapter, United Ministries, and her church, Gloria Dei Lutheran.

Since The Enquirer's Women of the Year program was started in 1968, over 350 women in Greater Cincinnati and northern Kentucky have been singled out for their efforts to improve the community for everyone.

Ms. Kieffner has certainly deserved this citation. As a Senator and a member of her community, I am proud of her dedication. Her accomplishments serve as an example to all citizens of the Commonwealth.•

TRIBUTE TO WILLIAM A. COOPER

• Mr. COLEMAN. Mr. President, I rise to extend my congratulations to Mr. William A. Cooper for long standing service as CEO at TCF Financial Corporation, a financial holding company based in Minnesota.

Bill Cooper came to TCF Financial in 1985 with an impressive financial leadership record which included serving as a senior auditor for Touche, Ross and company, a Detroit firm, and as President of Huntington Bank of Ohio.

But based on my personal relationship with Bill, I would say his high school graduating class might have voted him "least likely to become a banker." The banker's stereotype is reserved, cautious, and circumspect. Bill Cooper is bold, innovative, and refreshingly outspoken. Like his hero Ronald Reagan, there is never a bit of doubt as to where Bill Cooper stands.

During his tenure as CEO, Bill Cooper directed an impressive expansion of TCF Financial in Minnesota and elsewhere through his innovative leadership. From 1985 until his retirement in January, he helped to transform TCF Financial from a small banking enterprise into a thriving operation offering industry leading consumer services.

Bill Cooper is a complete citizen. He not only led a thriving business that provided thousands of jobs and financial services to a big proportion of our Minnesota population. Bill used his voice, his philanthropy, and his influence to improve as many sectors of our State as he could get his hands on.

His work on education not only shaped Minnesota public policy, his personal involvement changed the lives of hundreds of disadvantaged students forever. He has always had strong opinions and had the integrity to walk his talk.

Although Mr. Cooper has retired as CEO of TCF, he has not completely given himself up to the ski slopes or the golf courses as he continues to remain active in the financial world and in his community.

Minnesota has been fortunate to have a business leader like Mr. Cooper who not only has enriched the economy of Minnesota and elsewhere but has also used his good name, time, and money for the good of the community. Minnesota celebrates its lakes and farms and excellent community assets. One of the secrets of our success is community leaders like Bill Cooper who shoulder the burdens of leadership.

I congratulate Bill Cooper, the staff of TCF, and his family on his great career and leadership in the community.•

CELEBRATING THE 2006 BILL TALLMAN MEMORIAL WOMEN IN SCIENCE CONFERENCE

• Mr. JOHNSON. Mr. President, it is with great pride that I rise to recognize the Bill Tallman Memorial Women in Science Conference, which is taking place in five communities across South Dakota from March 6th through April 28th. Since 2002, the Women in Science Conference has helped to increase interest in science and technological careers among young women in my State. This year's conference is named in honor of the event's distinguished founder, Bill Tallman, who unexpectedly passed away last October while helping with recovery efforts for victims of the devastating hurricanes that hit the gulf coast region.

The cover of a recent Time magazine features a rather amusing photo of a child wearing a lab coat and oversized safety goggles, accompanied by the question, "Is America Flunking Science?" Though the image is meant to provoke a laugh, its associated question is anything but humorous. By a number of measures, our country is losing the competitive edge in scientific and technological fields that has for decades been a key driver of our economy. At a national level, one of the factors that undoubtedly contributes to this unfortunate trend is a failure to adequately engage young women in scientific pursuits. It is discouraging to think of how many important discoveries were never made because of our failure to cultivate young female researchers.

In my view, the Women in Science Conference in South Dakota is a shining example of what we as a nation need more of to retain and enhance our superiority in science and technology. The conference provides young women in South Dakota with first-hand exposure to women who are leading important scientific work. These distinguished individuals share the rewards and challenges of their work in vivid, concrete terms, and serve as role models for young women who may not have previously considered a career in science.

The Women in Science Conference is a product of a partnership between several forward-thinking entities, including the National Weather Service, and several nonprofit and private-sector sponsors. Without their contributions, this valuable event would not be possible.

It is a fitting tribute to Bill Tallman that this year's event should be named in his honor. Bill not only recognized the need for an important event like this, he actually made it happen. I know it was one of his proudest achievements, and I congratulate everyone who participates in the Women in Science Conference for helping to carry on his vision. Bill began his career by engaging young minds as a high school math teacher, and then served his country during a 20-year career as a meteorologist with the U.S. Air Force. Next he joined the National Weather Service, and was eventually asked to lead its Aberdeen, SD, office. At a time of national tragedy, few were surprised at Bill's willingness to serve again by leaving home to help those who had suffered through the devastating hurricanes that hit the gulf coast in 2005.

Bill Tallman's presence will be sorely missed by all the people whose lives he touched. It is my distinct pleasure to honor his life and legacy by recognizing the Bill Tallman Memorial Women in Science Conference today in the Senate.•

MRS. PRANKE'S SIXTH GRADE

• Mr. CONRAD. Mr. President, it is with great pride that I rise today to recognize a special group of students. It is not often enough that we have the opportunity to acknowledge heartwarming acts of kindness, but the actions of Mrs. Pranke's sixth grade class in Sheyenne, ND, have touched my hearts and the heart of their neighbors and friends.

Throughout their years together, this special group of students has worked on more than one occasion to serve their community. As third graders, they collected box tops to purchase new games for schoolmates. When they were in the fifth grade, they initiated a fundraiser and donated the proceeds to benefit the Ronald McDonald House in Fargo, ND.

As one final project, Mrs. Pranke's sixth graders decided to treat themselves to a class trip to celebrate their years together before moving on to junior high school.

The students began holding fundraisers for their trip. Shortly after all the funds had been raised, they learned that the father of one of their classmates had fallen critically ill. The students quickly realized that they were faced with unique circumstances. After learning of their classmate's situation and the medical costs the family would bear, the children chose to donate the funds to their classmate's family and forgo their class trip.

By choosing to help with their hard-earned money rather than keep it for themselves, these extraordinary students proved that their hearts are deep and their love for one another is real.

Again, I commend Mrs. Pranke's exceptional group of sixth graders. Their selfless act has reaffirmed that values and kindness have not been lost in a world that so often focuses on the negative. I wish them all the best as they finish their final year together and continued success as they begin a new chapter of their education next year.•

MESSAGE FROM THE HOUSE

At 1:40 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1989. An act to designate the facility of the United States Postal Service located at

57 Rolfe Square in Cranston, Rhode Island, shall be known and designated as the "Holly A. Charette Post Office".

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4152. An act to designate the facility of the United States Postal Service located at 320 High Street in Clinton, Massachusetts, as the "Raymond J. Salmon Post Office".

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 322. Concurrent resolution expressing the appreciation of Congress for the contributions of the United Service Organizations, Incorporated (the USO), to the morale and welfare of the members of the Armed Forces and their families.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2275. An act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

The message further announced that pursuant to section 11142 of SAFETEA–LU (Public Law 109–59), Mr. Rangel, the Ranking Minority Member of the Committee on Ways and Means, hereby appoints to the National Surface Transportation Infrastructure Financing Commission the following individuals: Mr. Elliot "Lee" Sander (Director of the Rudin Center for Transportation Policy Management at New York University, and Senior Vice President and Director of Strategic Development at DMJM Harris) of New York City, York and Mr. Craig Lentzsch (CEO of Coach USA and KBUS Holdings) of Dallas, Texas.

At 6:29 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4745. An act making supplemental appropriations for fiscal year 2006 for the Small Business Administration's disaster loans program, and for other purposes.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 322. Concurrent resolution expressing the Sense of Congress regarding the contribution of the USO to the morale and welfare of our servicemen and women of our armed forces and their families; to the Committee on Armed Services.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4152. An act to designate the facility of the United States Postal Service located at 320 High Street in Clinton, Massachusetts, as the "Raymond J. Salmon Post Office".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5762. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for Stationary Combustion Turbines" ((RIN2060–AM79) (FRL No. 8033–4)) received on February 14, 2006; to the Committee on Environment and Public Works.

EC–5763. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oil Pollution Prevention; Non-Transportation Related Onshore Facilities" (FRL No. 8033–9) received on February 14, 2006; to the Committee on Environment and Public Works.

EC–5764. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 8030–7) received on February 14, 2006; to the Committee on Environment and Public Works.

EC–5765. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978; Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units; and Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units" ((RIN2060–AM80) (FRL No. 8033–3)) received on February 14, 2006; to the Committee on Environment and Public Works.

EC–5766. A communication from the Chairman and President (Acting), Export-Import Bank of the United States, transmitting, a report of draft legislation relative to providing a five-year reauthorization of the Export-Import Bank of the United States; to the Committee on Banking, Housing, and Urban Affairs.

EC–5767. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department of Veterans Affairs' report on its competitive sourcing efforts for Fiscal Year 2005; to the Committee on Veterans' Affairs.

EC–5768. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Chronic Beryllium Disease Prevention Program; Worker Safety and Health Program; to the Committee on Energy and Natural Resources.

EC–5769. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Annual Report of the Administration of the Government in the Sunshine Act for Calendar Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–5770. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Add Kazakhstan, Romania, Russia, Turkey, and Ukraine to List of Regions in Which Highly Pathogenic Avian Influenza Subtype H5N1 is Considered to Exist" (APHIS–2006–0010) received on February 14, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5771. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mediterranean Fruit Fly; Add Portions of Los Angeles, San Bernardino, and Santa Clara Counties, CA, to the List of Quarantined Areas" (APHIS–2005–0116) received on February 14, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–263. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to increasing efforts to protect our borders; to the Committee on Homeland Security and Governmental Affairs.

HOUSE RESOLUTION NO. 149

Whereas, The current war on terrorism began on September 11, 2001, when terrorists unleashed an air assault on America's military and financial power centers, hijacking commercial jets and crashing them into the World Trade Center in New York, and the Pentagon in Washington, D.C. Thousands of innocent people were murdered, and the nation suffered billions of dollars in damages from this terrorist attack; and

Whereas, In response to these attacks, in order to better coordinate security and emergency response efforts, the federal government created a federal Homeland Security Department and increased funding for antiterrorism efforts throughout the nation. Border security is an essential component of creating a safe and secure homeland and the federal Homeland Security Department is responsible for protecting our borders. As a border state that includes some of the busiest points of entry in the country, Michigan is acutely aware of the importance of this issue; and

Whereas, In order to increase our safety and security, Congress should pass legislation that provides increased manpower and more sophisticated technology at the national borders. United States border security should be able to apprehend illegal immigrants and potential terrorists before they enter the country and cause mayhem; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to increase efforts to protect our borders; and be it further

Resolved, That copies of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Michigan congressional delegation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. INHOFE for the Committee on Environment and Public Works.

*Terrence L. Bracy, of Virginia, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2010.

*Dennis Bottorff, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2011.

*Robert M. Duncan, of Kentucky, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2011.

*William B. Sansom, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2009.

*Susan Richardson Williams, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2007.

*Donald R. DePriest, of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2009.

*Howard A. Thrailkill, of Alabama, to be a Member of the Board of Directors of the Tennessee Valley Authority for the term prescribed by law.

By Mr. LUGAR for the Committee on Foreign Relations.

*Bernadette Mary Allen, of Maryland, to be Ambassador to the Republic of Niger.

Nominee: Bernadette M. Allen.

Post: Montreal.

Nominated: Niamey.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Bernadette M. Allen: $100, 2004, National Democratic Committee.

2. Never married: N/A.

3. No children: N/A.

Raymond E. Allen, Jr., none; Lucille C. Johnson (deceased), (None).

5. Raymond E. Allen, Sr. (deceased), (none); Evangeline Allen (deceased), (none); Mary G. Clark (deceased), (none); William Clark (deceased), (none).

6. Adrian T. Allen (brother), none; Cheryl S. Allen (in-law), none.

7. Marnita L. Allen (sister), none.

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*Janice L. Jacobs, of Virginia, to be Ambassador to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador to the Republic of Guinea-Bissau.

Nominee: Janice L. Jacobs.

Post: Dakar, Senegal.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self: None.

2. Spouse: Kenneth B. Friedman, none.

3. Children and Spouses: Eric A. Fichte, son, single, none; Kurt M. Fichte, son, single, none.

4. Parents: Robert Jacobs, father (deceased 1995), and Oma Lee Jacobs, mother (following amounts contributed in 2000, 2001, 2002, 2003 and 2004), $100, National Republican Party; $80, National Republican Women's Group. Total each year $180. Total 2000–2004–$900.

5. Grandparents: Clarence Jacobs, paternal grandfather (deceased 1963); Zylphia May Porter, paternal grandmother (deceased 1965); William Delmus Corgan, maternal grandfather (deceased 1932); Carrie Corgan Holt, maternal grandmother (deceased 1987).

6. Brothers and Spouses: Robert Jacobs, brother (deceased 2004), Virginia Lowe, sister-in-law, Lawrence J. Jacobs, brother, none; Sandra Pittman Jacobs, sister-in-law, none.

7. Sisters and Spouses: Linda Jacobs Wineberg, sister, $75.00 one-time contribution sometime in 2004 Kerry campaign; Paul Wineberg, brother-in-law, none.

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*Steven Alan Browning, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to the Republic of Uganda.

Nominee: Steven Alan Browning.

Post: Uganda.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self: none.

2. Spouse: none.

3. Children and Spouses: Son: Jefferson Andrew Dolan, Spouse: Kristin Thielen Dolan, Daughter: Stephanie Jayne Marie Dolan, Spouse: Tay Voye, none.

4. Parents: Cheaney Harris Browning (deceased), and Rosemary Miller Browning, none.

5. Grandparents: (all deceased), none.

6. Brothers and Spouses: Brother: Rickey Van Browning, Spouse: Barbara Sterling Browning, none.

7. Sisters and Spouses: (no sister).

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*Patricia Newton Moller, of Arkansas, to be Ambassador to the Republic of Burundi.

Nominee: Patricia Newton Moller.

Post: U.S. Embassy Bujumbura, Burundi.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self: Patricia Newton Moller, None.

2. Spouse: Gilbert Joseph Sperling, None.

3. Children and Spouses: Renee Emiko Sperling (stepdaughter), none, Jeff Durkin (spouse of Renee), none, Christopher Estvan Sperling (stepson), none, Stephanie Taleff (spouse of Christopher), none, Gilbert Hanspeter Sperling (stepson), none, Noriyo Komachi (spouse of Gilbert), none.

4. Parents: James Wilson Newton, none, Thelma Bell Newton, none.

5. Grandparents: Katie Irvin Bell (deceased), none, William Hester Bell (deceased), none, Charles Henry Newton (deceased), none, Willie Elnora Blackman Newton (deceased), none.

6. Brothers and Spouses: n/a.

7. Sisters and Spouses: Nancy Newton-Waldeck, none, Michael Waldeck (spouse of Nancy), none.

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*Jeanine E. Jackson, of Wyoming, to be Ambassador to Burkina Faso.

Nominee: Jeanine Elizabeth Jackson.

Post: Ambassador, Burkina Faso.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self: none.

2. Spouse: none.

3. Children and Spouses: none.

4. Parents: (deceased)

5. Grandparents: (deceased)

6. Brothers and Spouses: none.

7. Sisters and Spouses: none.

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*Kristie A. Kenney, of Virginia, to be Ambassador to the Republic of the Philippines.

Nominee: Kristie A. Kenney.

Post: Chief of Mission, Manila.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self: none.

2. Spouse: William R. Brownfield, none.

3. Children and Spouses: We have no children.

4. Parents: Jeremiah J. Kenney, Jr. (deceased), 05/08/2005 (no contributions prior to death); Elizabeth J. Kenney, no contributions.

5. Grandparents: Jeremiah J. Kenney (deceased), 1972; Selma J. Kenney (deceased), 1985; George Cornish (deceased), 1945; and Irma Cornish (deceased), 1972.

6. Brothers and Spouses: John J. Kenney (divorced), no contributions.

7. Sisters and Spouses: n/a.

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*Robert Weisberg, of Maryland, to be Ambassador to the Republic of Congo.

Nominee: Robert Weisberg.

Post: Brazzaville.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self: none.

2. Spouse: none.

3. Children and Spouses: Cyrus Weisberg, none.

4. Parents: Maurice Weisberg, none; Annette Weisberg (deceased).

5. Grandparents: Edward Weisberg (deceased:) Rebecca Weisberg (deceased); Arthur Koerner (deceased); and Elizabeth Koerner (deceased).

6. Brothers and Spouses: No brothers.

7. Sisters and Spouses: No sisters.

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*Janet Ann Sanderson, of Arizona, to be Ambassador to the Republic of Haiti.

Nominee: Janet Ann Sanderson.

Post: Ambassador to Haiti.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self: None.

2. Spouse: n/a.
3. Children and Spouses: n/a.
4. Parents: John M. Sanderson, None; Patricia M. Sanderson, (deceased).
5. Grandparents: Emil and Marjorie Budde (deceased); Gail and John Sanderson (deceased).
6. Brothers and Spouses: Michael Sanderson and Michelle McMahon, None.
7. Sisters and Spouses: n/a.

*James D. McGee, of Florida, to serve concurrently and without additional compensation as Ambassador to the Union of Comoros.

Nominee: James David McGee.

Post: Union of Comoros.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self: None.
2. Spouse: None.
3. Children and Spouses: n/a.
4. Parents: Ruby Mae McGee, none; and Jewel L. McGee (deceased), n/a.
5. Grandparents: James West Senior (deceased), n/a; Malvena West (deceased), n/a; David McGee (deceased), n/a; and Mary McGee (deceased), n/a.
6. Brothers and Spouses: Ronald N. McGee, none; Kathy McGee, none.
7. Sisters and Spouses: Mary Ann Dillahunty, none; Tyrone Dillahunty, none.

*Gary A. Grappo, of Virginia, to be Ambassador to the Sultanate of Oman.

Nominee: Gary A. Grappo.

Post: Muscat, Oman.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self: none.
2. Spouse: none.
3. Children and Spouses: Michelle (21), Alexander (19) & Kristina (17) Grappo; none.
4. Parents: Anthony and Viola Grappo, none.
5. Grandparents: Severio & Maria Marchese, and Alexander & Louise Grappo (deceased); none.
6. Brothers and Spouses: Anthony P. & Deb Grappo; $2,000, 12/2001, Outback Steakhouse PAC; $4,995, 11/2002, Outback Steakhouse PAC; $5,000, 12/2003, Outback Steakhouse PAC; and $5,000, 12/2004, Outback Steakhouse PAC.
7. Sisters and Spouses: none.

*Patricia A. Butenis, of Virginia, to be Ambassador to the People's Republic of Bangladesh.

Nominee: Patricia A. Butenis.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self: none.
2. Spouse: n/a.
3. Children and Spouses: n/a.
4. Parents: Hafia Butenis, none; Charles P. Butenis (deceased).
5. Grandparents: Alexander Michalezka (deceased); Anastasia Michalezka (deceased); Casimir Butenis (deceased); Petronella Leszinski (deceased).
6. Brothers and Spouses: n/a.
7. Sisters and Spouses: Linda Butenis Vorsa, none; Nicholi Vorsa, none; Donna Butenis Mulraney, none; Andrew Mulraney, none.

*Donald T. Bliss, of Maryland, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization.

*Claudia A. McMurray, of Virginia, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

*Bradford R. Higgins, of Connecticut, to be an Assistant Secretary of State (Resource Management).

*Bradford R. Higgins, of Connecticut, to be Chief Financial Officer, Department of State.

*Jackie Wolcott Sanders, of Virginia, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador.

*Jackie Wolcott Sanders, of Virginia, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations.

*Michael W. Michalak, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as United States Senior Official to the Asia-Pacific Economic Cooperation Forum.

*Ben S. Bernanke, of New Jersey, to be United States Alternate Governor of the International Monetary Fund for a term of five years.

Mr. LUGAR. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning with Anne Elizabeth Linnee and ending with Kathleen Anne Yu, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on December 13, 2005.

Foreign Service nominations beginning with Lisa M. Anderson and ending with Gregory C. Yemm, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on December 14, 2005.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE (for herself and Mr. LOTT):

S. 2287. A bill to amend the Internal Revenue Code of 1986 to increase and permanently extend the expensing of certain depreciable business assets for small businesses; to the Committee on Finance.

By Mr. FEINGOLD (for himself and Mr. MCCAIN):

S. 2288. A bill to modernize water resources planning, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BUNNING:

S. 2289. A bill to amend title XVIII of the Social Security Act to increase the per resident payment floor for direct graduate medical education payments under the Medicare program; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. WARNER, and Mr. TALENT):

S. 2290. A bill to provide for affordable natural gas by rebalancing domestic supply and demand and to promote the production of natural gas from domestic resources; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, and Mr. BINGAMAN):

S. 2291. A bill to provide for the establishment of a biodefense injury compensation program and to provide indemnification for producers of countermeasures; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER (for himself, Mr. LEAHY, Mr. CORNYN, Mr. CHAMBLISS, and Mrs. FEINSTEIN):

S. 2292. A bill to provide relief for the Federal judiciary from excessive rent charges; to the Committee on the Judiciary.

By Mr. ALLEN:

S. J. Res. 31. A joint resolution proposing an amendment to the Constitution of the United States relative to require a balancing of the budget; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 241

At the request of Ms. SNOWE, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 267

At the request of Mr. CRAIG, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 267, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 548

At the request of Mr. CONRAD, the name of the Senator from Michigan

(Ms. STABENOW) was added as a cosponsor of S. 548, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

S. 577

At the request of Ms. COLLINS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 577, a bill to promote health care coverage for individuals participating in legal recreational activities or legal transportation activities.

S. 829

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 829, a bill to allow media coverage of court proceedings.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1262

At the request of Mr. FRIST, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1262, a bill to reduce healthcare costs, improve efficiency, and improve healthcare quality through the development of a nationwide interoperable health information technology system, and for other purposes.

S. 1568

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1568, a bill to enhance the ability of community banks to foster economic growth and serve their communities, and for other purposes.

S. 2123

At the request of Mr. ALLARD, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2123, a bill to modernize the manufactured housing loan insurance program under title I of the National Housing Act.

S. 2172

At the request of Ms. LANDRIEU, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2172, a bill to provide for response to Hurricane Katrina by establishing a Louisiana Recovery Corporation, providing for housing and community rebuilding, and for other purposes.

S. 2283

At the request of Mr. FRIST, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2283, a bill to establish a congressional commemorative medal for organ donors and their families.

S. RES. 372

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 372, a resolution expressing the sense of the Senate that oil and gas companies should not be provided outer Continental Shelf royalty relief when energy prices are at historic highs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mr. LOTT):

S. 2287. A bill to amend the Internal Revenue Code of 1986 to increase and permanently extend the expensing of certain depreciable business assets for small businesses; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce legislation that allows small businesses to expense more of their equipment and business assets, which will create incentives to invest in new technology, expand their operations, and most important, create jobs. Small businesses are the engine that drives our Nation's economy and I believe this bill strengthens their ability to lead the way. I am pleased to join my colleague from Mississippi, Senator TRENT LOTT, as we work to move this important initiative for small businesses from legislation to law.

As the Chair of the Senate Committee on Small Business and Entrepreneurship, I drafted this bill in response to the repeated requests from small businesses in my State of Maine and from across the Nation to allow them to expense more of their investments like the purchase of essential new equipment. The bill modifies the Internal Revenue Code and would double the amount a small business can expense from $100,000 to $200,000, and make the provision permanent as President Bush also proposed this change in his fiscal year 2007 tax proposals. With small businesses representing 99 percent of all employers, creating 75 percent of net new jobs and contributing 51 percent of private-sector output, their size is the only 'small' aspect about them.

By doubling and making permanent the current expensing limit and indexing these amounts for inflation, this bill will achieve two important objectives. First, qualifying businesses will be able to write off more of the equipment purchases today, instead of waiting five, seven or more years to recover their costs through depreciation. That represents substantial savings both in dollars and in the time small businesses would otherwise have to spend complying with complex and confusing depreciation rules. Moreover, new equipment will contribute to continued productivity growth in the business community, which economic experts have repeatedly stressed is essential to the long-term vitality of our economy.

Second, as a result of this bill, more businesses will qualify for this benefit because the phase-out limit will be increased to $800,000 in new assets purchases. At the same time, small business capital investment will be pumping more money into the economy. Accordingly, this is a win-win for small business and the economy as a whole.

This legislation is a tremendous opportunity to help small enterprises succeed by providing an incentive for reinvestment and leaving them more of their earnings to do just that. I urge my colleagues to join me in supporting this vital legislation as we work with the President to enact this investment incentive into law.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE AND PERMANENT EXTENSION FOR EXPENSING FOR SMALL BUSINESS.

(a) IN GENERAL.—Paragraph (1) of section 179(b) of the Internal Revenue Code of 1986 (relating to dollar limitation) is amended by striking "$25,000 ($100,000 in the case of taxable years beginning after 2002 and before 2008)" and inserting "$200,000".

(b) INCREASE IN QUALIFYING INVESTMENT AT WHICH PHASEOUT BEGINS.—Paragraph (2) of section 179(b) of such Code (relating to reduction in limitation) is amended by striking "$200,000 ($400,000 in the case of taxable years beginning after 2002 and before 2008)" and inserting "$800,000".

(c) INFLATION ADJUSTMENTS.—Section 179(b)(5)(A) of such Code (relating to inflation adjustments) is amended—

(1) in the matter preceding clause (i)—

(A) by striking "after 2003 and before 2008" and inserting "after 2007", and

(B) by striking "the $100,000 and $400,000 amounts" and inserting "the $200,000 and $800,000 amounts", and

(2) in clause (ii), by striking "calendar year 2002" and inserting "calendar year 2006".

(d) REVOCATION OF ELECTION.—Section 179(c)(2) of such Code (relating to election irrevocable) is amended to read as follows:

"(2) REVOCABILITY OF ELECTION.—Any election made under this section, and any specification contained in any such election, may be revoked by the taxpayer with respect to any property, and such revocation, once made, shall be irrevocable.".

(e) OFF-THE-SHELF COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) of such Code (relating to section 179 property) is amended by striking "and before 2008".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

By Mr. FEINGOLD (for himself and Mr. MCCAIN):

S. 2288. A bill to modernize water resources planning, and for other purposes; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, today I introduce the Water Resources Planning and Modernization Act of 2006, a bill that will bring our water resources policy into the 21st century. I am pleased to be joined in this legislation by the senior Senator from Arizona, Mr. MCCAIN. We have worked together for some time to modernize the Army Corps of Engineers and I thank Senator MCCAIN for his continued commitment to this issue.

While the bill I introduce today builds on previous bills we have introduced, it also reflects a recognition that we must respond to the tragic events of the recent past and make thoughtful and needed adjustments to all aspects of water resources planning. The entire process, starting with the principles upon which the plans are developed all the way to discussions of where we invest limited Federal resources, requires attention and revision. Congress cannot afford to authorize additional Army Corps projects until it has considered and passed the Water Resources Planning and Modernization Act. From ensuring large projects are sound to using natural resources to protect our communities, modernizing water resources policy is a national priority.

As we all know, our nation is staring down deficits that just a few years ago were unimaginable. Our current financial situation demands pragmatic approaches and creative collaborations to save taxpayer dollars. The bill I introduce today provides a unique opportunity to endorse such approaches and such collaborations.

The Water Resources Planning and Modernization Act of 2006 represents a sensible effort to increase our environmental stewardship and significantly reduce the government waste inherent in poorly designed or low priority Army Corps of Engineers projects. It represents a way to both protect the environment and save taxpayer dollars. With support from Taxpayers for Common Sense Action, National Taxpayers Union, Citizens Against Government Waste, American Rivers, National Wildlife Federation, Earthjustice, Environmental Defense, Republicans for Environmental Protection, Sierra Club, and the World Wildlife Fund, the bill has the backing of a strong, creative coalition.

Several years have passed since I tried to offer an amendment to the Water Resources Development Act of 2000 to require independent review of Army Corps of Engineers' projects. Much has changed since the 2000 debate, and yet too much remains the same. We now have more studies from the National Academy of Sciences, the Government Accountability Office, and others—even the presidentially appointed U.S. Commission on Ocean Policy—to point to in support of our efforts. We have also had a disaster of historic proportion. Hurricane Katrina highlighted problems that we would be irresponsible to ignore.

The Water Resources Planning and Modernization Act of 2006 can be broadly divided into five parts: focusing our resources, identifying vulnerabilities, updating the Army Corps of Engineer's planning guidelines, guaranteeing sound projects and responsible spending, and valuing our natural resources.

Our current prioritization process is not serving the public good. To address this problem, the bill reinvigorates the Water Resources Council, originally established in 1965, and charges it with providing Congress a prioritized list of authorized water resource projects within one year of enactment and then every two years following. The prioritized list would also be printed in the Federal register for the public to see. The Water Resources Council described in the bill, comprised of cabinet-level officials, would bring together varied perspectives to shape a list of national needs. In short, the prioritization process would be improved to make sure Congress has the tools to more wisely invest limited resources while also increasing public transparency in decision making both needed and reasonable improvements to the status quo.

Taking stock of our vulnerabilities to natural disasters must also be a priority. For this reason, the bill also directs the Water Resources Council to identify and report to Congress on the Nation's vulnerability to flood and related storm damage, including the risk to human life and property, and relative risks to different regions of the country. The Water Resources Council would also recommend improvements to the Nation's various flood damage reduction programs to better address those risks. Many of these improvements were discussed in a government report following the 1993 floods so the building blocks are available: we just need to update the assessment. Then, of course, we must actually take action based on the assessment. To help speed such action, the legislation specifies that the administration will submit a response to Congress, including legislative proposals to implement the recommendations, on the Water Resources Council report no later than 90 days after the report has been made public. We cannot afford to have this report, which will outline improvements to our flood damage reduction programs, languish like others before it.

The process by which the Army Corps of Engineers analyzes water projects should undergo periodic revision. Unfortunately, the corps' principles and guidelines, which bind the planning process, have not been updated since 1983. This is why the bill requires that the Water Resources Council work in coordination with the National Academy of Sciences to propose periodic revisions to the corps' planning principles and guidelines, regulations, and circulars.

Updating the project planning process should involve consideration of a variety of issues, including the use of modern economic analysis and the same discount rates as used by all other Federal agencies. Simple steps such as these will lead to more precise estimates of project costs and benefits, a first step to considering whether a project should move forward.

To ensure that corps' water resources projects are sound, the bill requires independent review of those projects estimated to cost over $25 million, those requested by a Governor of an affected State, those which the head of a Federal agency has determined may lead to a significant adverse impact, or those that the Secretary of the Army has found to be controversial. As crafted in the bill, independent review should not increase the length of time required for project planning but would protect the public both those in the vicinity of massive projects and those whose tax dollars are funding projects.

We must do a better job of valuing our natural resources, such as wetlands, that provide important services. These resources can help to buffer communities from storms and filter contaminants out of our water. Recognizing the role of these natural systems, the Water Resources Planning and Modernization Act of 2006 requires that corps' water resources projects meet the same mitigation standard as required by everyone else under the Clean Water Act. Where States have adopted stronger mitigation standards, the corps must meet those standards. I feel very strongly that the Federal government should be able to live up to this requirement. Unfortunately, all too often, the corps has not completed required mitigation. This legislation will make sure that mitigation is completed, that the true costs of mitigation are accounted for in corps' projects, and that the public is able to track the progress of mitigation projects.

Modernizing all aspects of our water resources policy will help restore credibility to a Federal agency historically rocked by scandal and currently plagued by public skepticism. Congress has long used the Army Corps of Engineers to facilitate favored pork-barrel projects, while periodically expressing a desire to change its ways. Back in 1836, a House Ways and Means Committee report referred to Congress ensuring that the corps sought "actual reform, in the further prosecution of public works." Over 150 years later, the need for actual reform is stronger than ever.

My office has strong working relationships with the Detroit, Rock Island, and St. Paul District Offices that service Wisconsin, and I do not want this bill to be misconstrued as reflecting on the work of those district offices. What I do want is the fiscal and management cloud over the entire Army Corps to dissipate so that the corps can continue to contribute to our environment and our economy without wasting taxpayer dollars.

I wish the changes we are proposing today were not needed, but unfortunately that is not the case. In fact, if there were ever a need for the bill, it is now. We must make sure that future corps' projects produce predicted benefits, are in furtherance of national priorities, and do not have negative environmental impacts. This bill gives the corps the tools it needs to a better job and focuses the attention of Congress on national needs, which is what the American taxpayers and the environment deserve.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 2288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Water Resources Planning and Modernization Act of 2006".

SEC. 2. DEFINITIONS.

In this Act:

(1) Council.—The term "Council" means the Water Resources Council established under section 101 of the Water Resources Planning Act (42 U.S.C. 1962a).

(2) Secretary.—The term "Secretary" means the Secretary of the Army.

SEC. 3. NATIONAL WATER RESOURCES PLANNING AND MODERNIZATION POLICY.

It is the policy of the United States that all water resources projects carried out by the Corps of Engineers shall—

(1) reflect national priorities for flood damage reduction, navigation, and ecosystem restoration; and

(2) seek to avoid the unwise use of floodplains, minimize vulnerabilities in any case in which a floodplain must be used, protect and restore the extent and functions of natural systems, and mitigate any unavoidable damage to natural systems.

SEC. 4. MEETING THE NATION'S WATER RESOURCE PRIORITIES.

(a) Report on the Nation's Flood Risks.—Not later than 18 months after the date of enactment of this Act, the Council shall submit to the President and Congress a report describing the vulnerability of the United States to damage from flooding and related storm damage, including the risk to human life, the risk to property, and the comparative risks faced by different regions of the country. The report shall assess the extent to which the Nation's programs relating to flooding are addressing flood risk reduction priorities and the extent to which those programs may unintentionally be encouraging development and economic activity in floodprone areas, and shall provide recommendations for improving those programs in reducing and responding to flood risks. Not later than 90 days after the report required by this subsection is published in the Federal Register, the Administration shall submit to Congress a report that responds to the recommendations of the Council and includes proposals to implement recommendations of the Council.

(b) Prioritization of Water Resources Projects.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Council shall submit to Congress an initial report containing a prioritized list of each water resources project of the Corps of Engineers that is not being carried out under a continuing authorities program, categorized by project type and recommendations with respect to a process to compare all water resources projects across project type. The Council shall submit to Congress a prioritized list of water resources projects of the Corps of Engineers every 2 years following submission of the initial report. In preparing the prioritization of projects, the Council shall endeavor to balance stability in the rankings from year to year with recognizing newly authorized projects. Each report prepared under this paragraph shall provide documentation and description of any criteria used in addition to those set forth in paragraph (2) for comparing water resources projects and the assumptions upon which those criteria are based.

(2) Project prioritization criteria.—In preparing a report under paragraph (1), the Council shall prioritize each water resource project of the Corps of Engineers based on the extent to which the project meets at least the following criteria:

(A) For flood damage reduction projects, the extent to which such a project—

(i) addresses the most critical flood damage reduction needs of the United States as identified by the Council;

(ii) does not encourage new development or intensified economic activity in flood prone areas and avoids adverse environmental impacts; and

(iii) provides significantly increased benefits to the United States through the protection of human life, property, economic activity, or ecosystem services.

(B) For navigation projects, the extent to which such a project—

(i) produces a net economic benefit to the United States based on a high level of certainty that any projected trends upon which the project is based will be realized;

(ii) addresses priority navigation needs of the United States identified through comprehensive, regional port planning; and

(iii) minimizes adverse environmental impacts.

(C) For environmental restoration projects, the extent to which such a project—

(i) restores the natural hydrologic processes and spatial extent of an aquatic habitat;

(ii) is self-sustaining; and

(iii) is cost-effective or produces economic benefits.

(3) Sense of congress.—It is the sense of Congress that to promote effective prioritization of water resources projects, no project should be authorized for construction unless a final Chief's report recommending construction has been submitted to Congress, and annual appropriations for the Corps of Engineers' Continuing Authorities Programs should be distributed by the Corps of Engineers to those projects with the highest degree of design merit and the greatest degree of need, consistent with the applicable criteria established under paragraph (2).

(c) Modernizing Water Resources Planning Guidelines.—

(1) In general.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Council, in coordination with the National Academy of Sciences, shall propose revisions to the planning principles and guidelines, regulations, and circulars of the Corps of Engineers to improve the process by which the Corps of Engineers analyzes and evaluates water projects.

(2) Public participation.—The Council shall solicit public and expert comment and testimony regarding proposed revisions and shall subject proposed revisions to public notice and comment.

(3) Revisions.—Revisions proposed by the Council shall improve water resources project planning through, among other things—

(A) focusing Federal dollars on the highest water resources priorities of the United States;

(B) requiring the use of modern economic principles and analytical techniques, credible schedules for project construction, and current discount rates as used by all other Federal agencies;

(C) discouraging any project that induces new development or intensified economic activity in flood prone areas, and eliminating biases and disincentives to providing projects to low-income communities, including fully accounting for the prevention of loss of life as required by section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281);

(D) eliminating biases and disincentives that discourage the use of nonstructural approaches to water resources development and management, and fully accounting for the flood protection and other values of healthy natural systems;

(E) utilizing a comprehensive, regional approach to port planning;

(F) promoting environmental restoration projects that reestablish natural processes;

(G) analyzing and incorporating lessons learned from recent studies of Corps of Engineers programs and recent disasters such as Hurricane Katrina and the Great Midwest Flood of 1993; and

(H) ensuring the effective implementation of the National Water Resources Planning and Modernization Policy established by this Act.

(d) Revision of Planning Guidelines.—Not later than 180 days after submission of the proposed revisions required by subsection (b), the Secretary shall implement the recommendations of the Council by incorporating the proposed revisions into the planning principles and guidelines, regulations, and circulars of the Corps of Engineers. These revisions shall be subject to public notice and comment pursuant to subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act"). Effective beginning on the date on which the Secretary carries out the first revision under this paragraph, the Corps of Engineers shall not be subject to—

(1) subsections (a) and (b) of section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–17); and

(2) any provision of the guidelines entitled "Economic and Environmental Principles and Guidelines for Water and Related Land

Resources Implementation Studies" and dated 1983, to the extent that such a provision conflicts with a guideline revised by the Secretary.

(e) AVAILABILITY.—Each report prepared under this section shall be published in the Federal Register and submitted to the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives.

(f) WATER RESOURCES COUNCIL.—Section 101 of the Water Resources Planning Act (42 U.S.C. 1962a) is amended in the first sentence by inserting "the Secretary of Homeland Security, the Chairperson of the Council on Environmental Quality," after "Secretary of Transportation,".

(g) FUNDING.—In carrying out this section, the Council shall use funds made available for the general operating expenses of the Corps of Engineers.

SEC. 5. EFFECTIVE PROJECT PLANNING.

(a) DEFINITIONS.—In this section:

(1) AFFECTED STATE.—The term "affected State" means a State that is located, in whole or in part, within the drainage basin in which a water resources project is carried out and that would be economically or environmentally affected as a result of the project.

(2) DIRECTOR.—The term "Director" means the Director of Independent Review appointed under subsection (c).

(3) STUDY.—The term "study" means a feasibility report, general reevaluation report, or environmental impact statement prepared by the Corps of Engineers.

(b) PROJECTS SUBJECT TO INDEPENDENT REVIEW.—

(1) IN GENERAL.—The Secretary shall ensure that each study for each water resources project described in paragraph (2) is subject to review by an independent panel of experts established under this section.

(2) PROJECTS SUBJECT TO REVIEW.—A water resources project shall be subject to review under this section if—

(A) the project has an estimated total cost of more than $25,000,000, including mitigation costs;

(B) the Governor of an affected State requests in writing to the Secretary the establishment of an independent panel of experts for the project;

(C) the head of a Federal agency charged with reviewing the project determines that the project is likely to have a significant adverse impact on cultural, environmental, or other resources under the jurisdiction of the agency, and requests in writing to the Secretary the establishment of an independent panel of experts for the project; or

(D) the Secretary determines that the project is controversial based upon a finding that—

(i) there is a significant dispute regarding the size, nature, or effects of the project;

(ii) there is a significant dispute regarding the economic or environmental costs or benefits of the project; or

(iii) there is a significant dispute regarding the potential benefits to communities affected by the project of a project alternative that was not fully considered in the study.

(3) WRITTEN REQUESTS.—Not later than 30 days after the date on which the Secretary receives a written request of any party, or on the initiative of the Secretary, the Secretary shall determine whether a project is controversial.

(c) DIRECTOR OF INDEPENDENT REVIEW.—

(1) IN GENERAL.—The Inspector General of the Army shall appoint in the Office of the Inspector General of the Army a Director of Independent Review. The term of a Director appointed under this subsection shall be 6 years, and an individual may serve as the Director for not more than 2 nonconsecutive terms.

(2) QUALIFICATIONS.—The Inspector General of the Army shall select the Director from among individuals who are distinguished experts in engineering, hydrology, biology, economics, or another discipline relating to water resources management. The Inspector General of the Army shall not appoint an individual to serve as the Director if the individual has a financial interest in or close professional association with any entity with a financial interest in a water resources project that, on the date of appointment of the Director, is under construction, in the preconstruction engineering and design phase, or under feasibility or reconnaissance study by the Corps of Engineers. The Inspector General of the Army may establish additional criteria if necessary to avoid a conflict of interest between the individual appointed as Director and the projects subject to review.

(3) DUTIES.—The Director shall establish a panel of experts to review each water resources project that is subject to review under subsection (b).

(d) ESTABLISHMENT OF PANELS.—

(1) IN GENERAL.—Not later than 90 days before the release of a draft study subject to review under subsection (b)(2)(A), and not later than 30 days after a determination that a review is necessary under subparagraph (B), (C), or (D) of subsection (b)(2), the Director shall establish a panel of experts to review the draft study. Panels may be convened earlier on the request of the Chief of Engineers.

(2) MEMBERSHIP.—A panel of experts established by the Director for a project shall be composed of not less than 5 nor more than 9 independent experts (including 1 or more engineers, hydrologists, biologists, and economists) who represent a range of areas of expertise.

(3) LIMITATION ON APPOINTMENTS.—The Director shall apply the National Academy of Science's policy for selecting committee members to ensure that members of a review panel have no conflict with the project being reviewed.

(4) CONSULTATION.—The Director shall consult with the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this section.

(5) NOTIFICATION.—To ensure that the Director is able to effectively carry out the duties of the Director under this section, the Secretary shall notify the Director in writing not later than 120 days before the release of a draft study for a project costing more than $25,000,000 or for which a preliminary assessment suggests that a panel of experts may be required.

(6) COMPENSATION.—An individual serving on a panel of experts under this section shall be compensated at a rate of pay to be determined by the Inspector General of the Army.

(7) TRAVEL EXPENSES.—A member of a panel of experts under this section shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the panel.

(e) DUTIES OF PANELS.—A panel of experts established for a water resources project under this section shall—

(1) review each draft study prepared for the project;

(2) assess the adequacy of the economic, scientific, and environmental models used by the Secretary in reviewing the project and assess whether the best available economic and scientific data and methods of analysis have been used;

(3) assess the extent to which the study complies with the National Water Resources Planning and Modernization Policy established by this Act;

(4) evaluate the engineering assumptions and plans for any flood control structure whose failure could result in significant flooding;

(5) receive from the public written and oral comments concerning the project;

(6) submit an Independent Review Report to the Secretary that addresses the economic, engineering, and environmental analyses of the project, including the conclusions of the panel, with particular emphasis on areas of public controversy, with respect to the study; and

(7) submit a Final Assessment Report to the Secretary that briefly provides the views of the panel on the extent to which the final study prepared by the Corps adequately addresses issues or concerns raised by the panel in the Independent Review Report.

(f) DEADLINES FOR PANEL REPORTS.—A panel shall submit its Independent Review Report under subsection (e)(6) to the Secretary not later than 90 days after the close of the public comment period or not later than 180 days after the panel is convened, whichever is later. A panel shall submit its Final Assessment Report under subsection (e)(7) to the Secretary not later than 30 days after release of the final study. The Director may extend these deadlines for good cause shown.

(g) RECOMMENDATIONS OF PANEL.—

(1) CONSIDERATION BY SECRETARY.—If the Secretary receives an Independent Review Report on a water resources project from a panel of experts under subsection (e)(6), the Secretary shall, at least 30 days before releasing a final study for the project, take into consideration any recommendations contained in the report, prepare a written explanation for any recommendations not adopted, and make such written explanations available to the public, including through posting on the Internet.

(2) INCONSISTENT RECOMMENDATIONS AND FINDINGS.—Recommendations and findings of the Secretary that are inconsistent with the recommendations and findings of a panel of experts under this section shall not be entitled to deference in a judicial proceeding.

(3) SUBMISSION TO CONGRESS AND PUBLIC AVAILABILITY.—After receiving an Independent Review Report under subsection (e)(6) or a Final Assessment Report under subsection (e)(7), the Secretary shall immediately make a copy of the report available to the public. The Secretary also shall immediately make available to the public any written response by the Secretary prepared pursuant to paragraph (1). Copies of all independent review panel reports and all written responses by the Secretary also shall be included in any report submitted to Congress concerning the project.

(h) RECORD OF DECISION.—The Secretary shall not issue a record of decision or a report of the Chief of Engineers for a water resources project subject to review under this section until, at the earliest, 14 days after the deadline for submission of the Final Assessment Report required under subsection (e)(7).

(i) PUBLIC ACCESS TO INFORMATION.—The Secretary shall ensure that information relating to the analysis of any water resources project by the Corps of Engineers, including all supporting data, analytical documents, and information that the Corps of Engineers has considered in the justification for and analysis of the project, is made available to the public on the Internet and to an independent review panel, if a panel is established for the project. The Secretary shall not make information available under this paragraph if the Secretary determines that the information is a trade secret of any person that provided the information to the Corps of Engineers.

(j) COSTS OF REVIEW.—

(1) IN GENERAL.—The cost of conducting a review of a water resources project under this section shall not exceed—

(A) $250,000 for a project, if the total cost of the project in current year dollars is less than $50,000,000; and

(B) 0.5 percent of the total cost of the project in current year dollars, if the total cost is $50,000,000 or more.

(2) WAIVER.—The Secretary may waive these cost limitations if the Secretary determines that the waiver is appropriate.

(k) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to a panel of experts established under this section.

SEC. 6. MITIGATION.

(a) MITIGATION.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended—

(1) in paragraph (1), by striking "to the Congress" and inserting "to Congress, and shall not choose a project alternative in any final record of decision, environmental impact statement, or environmental assessment,", and by inserting in the second sentence "and other habitat types" after "bottomland hardwood forests"; and

(2) by adding at the end the following:

"(3) MITIGATION REQUIREMENTS.—

"(A) MITIGATION.—To mitigate losses to flood damage reduction capabilities and fish and wildlife resulting from a water resources project, the Secretary shall ensure that mitigation for each water resources project complies fully with the mitigation standards and policies established by each State in which the project is located. Under no circumstances shall the mitigation required for a water resources project be less than would be required of a private party or other entity under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

"(B) MITIGATION PLAN.—The specific mitigation plan for a water resources project required under paragraph (1) shall include, at a minimum—

"(i) a detailed plan to monitor mitigation implementation and ecological success, including the designation of the entities that will be responsible for monitoring;

"(ii) specific ecological success criteria by which the mitigation will be evaluated and determined to be successful, prepared in consultation with the Director of the United States Fish and Wildlife Service or the Director of the National Marine Fisheries Service, as appropriate, and each State in which the project is located;

"(iii) a detailed description of the land and interests in land to be acquired for mitigation, and the basis for a determination that land and interests are available for acquisition;

"(iv) sufficient detail regarding the chosen mitigation sites, and types and amount of restoration activities to be conducted, to permit a thorough evaluation of the likelihood of the ecological success and aquatic and terrestrial resource functions and habitat values that will result from the plan; and

"(v) a contingency plan for taking corrective actions if monitoring demonstrates that mitigation efforts are not achieving ecological success as described in the ecological success criteria.

"(4) DETERMINATION OF MITIGATION SUCCESS.—

"(A) IN GENERAL.—Mitigation under this subsection shall be considered to be successful at the time at which monitoring demonstrates that the mitigation has met the ecological success criteria established in the mitigation plan.

"(B) EVALUATION AND REPORTING.—The Secretary shall consult annually with the Director of the United States Fish and Wildlife Service and the Director of the National Marine Fisheries Service, as appropriate, and each State in which the project is located, on each water resources project requiring mitigation to determine whether mitigation monitoring for that project demonstrates that the project is achieving, or has achieved, ecological success. Not later than 60 days after the date of completion of the annual consultation, the Director of the United States Fish and Wildlife Service or the Director of the National Marine Fisheries Service, as appropriate, shall, and each State in which the project is located may, submit to the Secretary a report that describes—

"(i) the ecological success of the mitigation as of the date of the report;

"(ii) the likelihood that the mitigation will achieve ecological success, as defined in the mitigation plan;

"(iii) the projected timeline for achieving that success; and

"(iv) any recommendations for improving the likelihood of success.

The Secretary shall respond in writing to the substance and recommendations contained in such reports not later than 30 days after the date of receipt. Mitigation monitoring shall continue until it has been demonstrated that the mitigation has met the ecological success criteria.".

(b) MITIGATION TRACKING SYSTEM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a recordkeeping system to track, for each water resources project constructed, operated, or maintained by the Secretary and for each permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344)—

(A) the quantity and type of wetland and other habitat types affected by the project, project operation, or permitted activity;

(B) the quantity and type of mitigation required for the project, project operation, or permitted activity;

(C) the quantity and type of mitigation that has been completed for the project, project operation, or permitted activity; and

(D) the status of monitoring for the mitigation carried out for the project, project operation, or permitted activity.

(2) REQUIRED INFORMATION AND ORGANIZATION.—The recordkeeping system shall—

(A) include information on impacts and mitigation described in paragraph (1) that occur after December 31, 1969; and

(B) be organized by watershed, project, permit application, and zip code.

(3) AVAILABILITY OF INFORMATION.—The Secretary shall make information contained in the recordkeeping system available to the public on the Internet.

SEC. 7. PROJECT ADMINISTRATION.

(a) CHIEF'S REPORTS.—The Chief of Engineers shall not submit a Chief's report to Congress recommending construction of a water resources project until that Chief's report has been reviewed and approved by the Secretary of the Army.

(b) PROJECT TRACKING.—The Secretary shall assign a unique tracking number to each water resources project, to be used by each Federal agency throughout the life of the project.

(c) REPORT REPOSITORY.—The Secretary shall maintain at the Library of Congress a copy of each final feasibility study, final environmental impact statement, final reevaluation report, record of decision, and report to Congress prepared by the Corps of Engineers. These documents shall be made available to the public for review, and electronic copies of those documents shall be permanently available, through the Internet website of the Corps of Engineers.

Mr. McCAIN. Mr. President, I am pleased to join with Senator FEINGOLD in introducing the Water Resources Planning and Modernization Act of 2006. This legislation is designed to take a post-Katrina approach to Army Corps of Engineers projects. It would provide for a more effective system for selecting and funding Army Corps projects that help to protect our citizens against damage caused by floods, hurricanes and other natural disasters.

Last August this Nation witnessed a horrible national disaster. When Hurricane Katrina hit, it brought with it destruction and tragedy beyond compare; more so than our Nation has seen in decades. Some six months later, the Gulf Coast region is still largely in the early stages of attempting to rebuild and recover and there is a long road ahead. As our Nation continues to dedicate significant resources to the reconstruction effort, we must be vigilant in our oversight obligations and take appropriate actions based on the many lessons learned from this tragedy.

One area that most would agree deserves needed attention concerns the Army Corps system. Funding is distributed in a manner that is not always awarded the most urgent projects. Because of this, citizens can end up paying for unnecessary and irresponsible Army Corps projects with their tax dollars and their safety. It is time for us to take a new approach to how the Army Corps does business. With lessons learned from Katrina, we can and must shepherd in a new era within the Army Corps that prioritizes critical projects and allows the American taxpayers to know that their money is being spent in an effective and efficient manner.

The Water Resources Planning and Modernization Act is the only Corps related measure that has been introduced in the Senate since Katrina tragically struck that truly takes a lessons-learned approach. Any measure acted upon by this Congress regarding the Corps simply must account for the most up to date information available. We owe it to the American public.

Historically, Congress has considered water projects costing many billions of taxpayer dollars as essential expenditures—regardless of the environmental costs or public benefits. That is why the modernization procedures in this bill are designed to achieve more critical and cost-effective expenditures for Corps water projects that will yield more environmental, economic, and social benefits. The need for these changes has been acknowledged by many for some time, but never has the need to spend scarce taxpayer dollars wisely been as crucial as it is now.

The Corps procedures for planning and approving projects, as well as the Congressional system for funding projects, are broken, but they can be fixed. The reforms in our bill are based on thorough program analysis and common sense. I commend Senator FEINGOLD for his efforts to build on and improve upon the legislation we have previously introduced. Corps modernization has been a priority that Senator FEINGOLD and I have shared for years but never before has there been such an appropriate atmosphere and urgent need to move forward on these overdue reforms.

Provisions of the legislation we are introducing today provide for a process to modify and modernize the Corps planning and approval procedures to consider economic, public, and environmental objectives. Independent review of Corps projects and a clear national prioritization of Corps projects would ensure that the most beneficial projects are constructed. Effective measures for mitigation of environmental and other damage caused by projects would be required and monitored.

With support from Taxpayers for Common Sense Action, National Taxpayers Union, Citizens Against Government Waste, American Rivers, National Wildlife Federation, Earthjustice, Environmental Defense, Republicans for Environmental Protection, Sierra Club, and the World Wildlife Fund, the bill has broad interest and impact.

Water projects that provide economic and environmental benefits to our Nation's citizens—the hardworking American taxpayers—serve the common good and reflect our common interest in fiscal responsibility.

I urge my colleagues to support this legislation.

By Mr. BUNNING:

S. 2289. A bill to amend title XVIII of the Social Security Act to increase the per resident payment floor for direct graduate medical education payments under the Medicare program; to the Committee on Finance.

Mr. BUNNING. Mr. President, today I am introducing important legislation that will have an impact on many of the hospitals in my State, along with hundreds of hospitals in other States. This legislation deals specifically with the Medicare payments for Direct Graduate Medical Education—also known as DGME.

I am pleased that Congressman RON LEWIS from Kentucky's Second District is the lead sponsor of a companion bill already introduced in the House of Representatives.

Medicare pays teaching hospitals for its share of the cost of training new physicians. These payments are known as DGME payments. Teaching hospitals initially reported their direct costs to the Department of Health and Human Services in the mid-1980s. These reported amounts are now the basis for which each teaching hospital is reimbursed.

Unfortunately, there was a disparity in the types of costs each hospital reported, which has lead to large disparities in payments between hospitals. Hospitals are also being reimbursed on data that is 20 years old, at this point.

To help rectify this problem, in 1999 Congress established a floor for calculating Medicare payments for DGME at 70 percent of the national average. In 2001, Congress raised the floor to 85 percent of the national average.

The legislation I am introducing today would bring all of Medicare's DGME hospitals up 100 percent of the national average. This is an important change that would help many teaching hospitals in Kentucky and across the Nation be fairly reimbursed for training our young doctors.

For example, there are 19 hospitals in Kentucky that currently receive reimbursements below the national average. This means that Kentucky hospitals lose more than two million a year because of the lower reimbursement rate. Across the country, there are about 600 hospitals being reimbursed below the national average.

This legislation takes an important step to ensure that Medicare's payment policy for teaching hospitals are fair and that these institutions can continue to do the important work they do. I hope my colleagues will take a close look at the bill and can support it.

By Mr. PRYOR (for himself, Mr. WARNER, and Mr. TALENT):

S. 2290. A bill to provide for affordable natural gas by rebalancing domestic supply and demand and to promote the production of natural gas from domestic resources; to the Committee on Energy and Natural Resources.

Mr. WARNER. Mr. President, I am privileged to rise with the distinguished Senator from Arkansas to introduce a bill today entitled the Reliable and Affordable Natural Gas Energy Reform Act of 2006

In September of 2005, at the time the Senate was examining a number of energy proposals under the distinguished chairmanship of Senator DOMENICI, I introduced a bill at that time quite similar to this one, although it included oil. This measure sticks to gas, and gas only, to enable the several States across our Nation to take such steps under State law, in combination with the Governors and the respective legislatures of the several States that desire to explore and the desire to drill for energy off their shores. That bill as yet is still on the docket.

Since that time I have had the great pleasure of joining my colleague from Arkansas to put this bill in. I am delighted that he indicated he would like to step forward and take the lead. I readily accede to that request.

So much of the concern about drilling offshore is understandably in—and I am not here to criticize—the environmental community. I think my colleague from Arkansas can help me eventually convince the environmental community that the time has come for offshore drilling.

Two things have occurred in the interim between the 1988 moratorium, namely advancement in technology so we can safely, by engineering, put the wells in; and the second is the ever-tightening noose around the citizens of the United States of America with regard to their energy sources. The third thing that is occurring is the growing competition for energy worldwide—India coming on with enormous consumption requirements, and China with even larger consumption requirements.

I think the time has come that the Congress begin to reexamine its old policies with regard to those lands offshore of our several States.

At this time, I yield the floor to my colleague from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, as the distinguished Senator from Virginia acknowledged, we have a problem when it comes to the high cost of natural gas. We feel strongly that this bill which we are cosponsoring can be part of the solution.

About one-quarter of all natural gas is used to produce electricity, but the rest is used to manufacture plastics that go into things such as cars, computers, and medical equipment. Fertilizer and pharmaceutical production is highly dependent on natural gas. In fact, for nitrogen fertilizer, a total of 93 percent of the production cost of that fertilizer is the component of natural gas.

The price of natural gas—which, by the way, is one-quarter of the energy of this country—has more than doubled in the past year and it is anticipated that over the next 20 years you will see a 40-percent increase for the usage and need of natural gas in the United States.

Another thing about natural gas that makes it very different than oil is natural gas is not easy to ship across oceans. Certainly there is some liquid natural gas technology out there, but a vast majority—all but a tiny fraction of the natural gas we use in this country—comes from United States wells, or comes out of Canada. We have a great reserve of natural gas, not only in the Continental United States, not only in Alaska, but also off our shores. Most notably, the one that most people are aware of is in the Gulf of Mexico.

Our legislation will allow the Secretary of the Interior to offer natural gas leases as part of the Outer Continental Shelf leasing program.

Let me say this: As Senator WARNER of Virginia said a few moments ago, we are referring only to natural gas. We have been very careful to make sure this bill does not include petroleum or oil.

I hope no one will be confused by an earlier draft because we included some references to oil, but we have very carefully taken all of those out of the bill. I think the bill is very clear on that point now, that this refers only to natural gas supply and exploration.

Mr. WARNER. Mr. President, will the Senator yield for a moment on that point?

Mr. PRYOR. Yes.

Mr. WARNER. Mr. President, we earlier distributed material which referred to oil which was in an earlier draft. I have been in contact with the environmental community, and so forth. It is clear to me at this point in time that we have in this bill just gas. My fervent hope and belief is that the environmental community will see the advancements in technology and the tremendous requirements of this country for natural gas, that we can restrict it to gas.

At a later time, if we are successful in proving that the natural gas can be drawn and is safe, which I am confident we can do, maybe due to world circumstances and domestic circumstances we could go back at that time and revisit the issue of oil.

I thank the Senator.

Mr. PRYOR. I thank the Senator.

Mr. President, another very important point, which is the essence of this legislation, goes to the moratorium on exploration of the Outer Continental Shelf. This bill allows that moratorium to stay in place until the year 2012. It allows coastal States to, either out of that moratorium, if they so choose, or if after that moratorium expires, to opt into continuing that moratorium. It gives States, legislatures, Governors, State officials, elected officials, et cetera, the ability to control some of the things that are going on on their coastlines.

I think that is a very important point here because this could be a good revenue source for these States. It could be a good economic boom to some of these States. Certainly we have included revenue sharing, which I think is important to make this work.

I am very pleased that Senator WARNER and I have been able to work together and come up with what we think is a very commonsense solution, or at least part of a solution, to a very serious problem our country is facing.

Arkansas farmers—and I am sure it is true with most other States' farmers as well—had a difficult and disastrous year last year when it came to agriculture. One of the main reasons it has been so hard is their costs have gone up—the high cost of fertilizer and fuel. They use a lot of natural gas when it comes to drying grain, et cetera. The high cost of energy is killing our farmers, and it is certainly hurting our manufacturing sector as well.

The high price of natural gas is bad for the economy, but it is also bad for our energy security. That is one thing which I don't think we can overemphasize here today. I think it is critical that we have a high level of energy security for this country. I am proud to join my very distinguished colleague from Virginia to do our very best to offer a solution to help American families and help American businesses.

I yield the floor.

Mr. WARNER. Mr. President, our committee, under the leadership of Senator DOMENICI, is putting forward a proposal. I spoke with him today. This bill does not, in my judgment—and I hope he concurs eventually—conflict in any way with the objectives he is trying to achieve. He is a man who thinks forwardly and is so knowledgeable on the question of energy, the domestic situation here and the worldwide implication, and I think eventually he will be looking at something, and this may be a vehicle on which the Energy Committee will focus as they take the next step and begin to recognize the need to have some offshore drilling.

I thank my colleague on the Energy Committee.

I conclude my remarks by saying I am proud of the State of Virginia and its legislature. In the last session of the Virginia State legislature in the year 2005, both houses passed legislation authorizing precisely what we have here. In other words, let us go out and take a look at the shelf, find out what may or may not be off the coast of Virginia, and determine the accessibility and the feasibility and interest among industry to come and participate in the drilling.

But, unfortunately our former Governor—and I get along very well with Governor Warner—for reasons which he expressed, felt at this time the legislation shouldn't go forward in this session of the Virginia General Assembly. Again, the Senate stepped forward and passed legislation along the lines of what the General Assembly of Virginia did last year. It is my hope the House will do likewise, and that our new Governor, Governor Kaine, will take it under consideration, should both houses act—and hopefully they will act upon it favorably. Virginia is in a key location, and its citizens could benefit enormously if in fact earlier analysis of the shelf off of our State is confirmed as possessing resources of energy, namely natural gas.

I thank my colleague from Arkansas. He is a marvelous working partner. I look forward to working with him.

I yield the floor.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, and Mr. BINGAMAN):

S. 2291. A bill to provide for the establishment of a biodefense injury compensation program and to provide indemnification for producers of countermeasures; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to join Senator KENNEDY in introducing a bill, the Responsible Public Readiness and Emergency Preparedness Act, that will correct a grievous mistake made by some of my Republican colleagues. Our legislation will take responsible steps to protect the American people from one of the greatest threats facing our nation—a pandemic flu, bioterror attack or infectious disease outbreak.

Congress should have no higher priority than protecting the safety, security, and health of the American people. Public health experts have warned that a severe avian flu epidemic could lead to worldwide panic, cost millions of lives, and result in untold economic damage.

In order to prevent these dire projections from becoming a reality, we have no choice but to be prepared for such an event. One of the indispensable components of a biodefense plan is the availability of safe and effective vaccines and medicines. To achieve this goal, a biodefense plan must have two critical components. First, it must encourage drug companies to develop and manufacture effective medicines to counteract a disease or flu. Second, it must encourage first responders, health care workers, and ordinary citizens to take those medicines before, during, or after an attack or outbreak.

In December of last year, some of my Republican colleagues inserted language that contained neither of these critical components into the Department of Defense Appropriations conference report. This was done at the last minute, in the middle of the night, without the opportunity for discussion and debate, and without the knowledge or consent of many of the conferees.

Unfortunately, this Republican plan will do nothing to protect the American people. Rather than encouraging companies to make safe and effective medicines, it will provide a perverse incentive by protecting those companies that make ineffective or harmful products. And rather than encouraging

Americans to be vaccinated or take a needed medication, it will discourage them from doing so by failing to provide guaranteed care for the few who will inevitably be injured by these products. Make no mistake about it: this plan will fail to protect our Nation.

I say this with confidence because we have been down this path before. Three years ago, the Bush administration launched a program to inoculate millions of first responders against smallpox. Ignoring public health experts, the administration failed to establish a compensation program to provide help to those injured by the vaccine. Doctors, nurses, firefighters and other first responders who would be on the front lines in the event of a smallpox attack by terrorists were not willing to roll the dice and risk the future of their families without compensation for their losses if they were injured, disabled, or even killed by its side effects. Most refused to participate, and the program was a failure.

On November 9 of last year, while testifying before the Senate Foreign Relations Committee, Dr. Julie Gerberding, the Director of the Centers for Disease Control and Prevention (CDC), was asked about the expected success of a biodefense plan that does not include fair compensation to people injured by the very medicines they thought would help them. She responded: "Well, I certainly feel that from the standpoint of the smallpox vaccination program, that the absence of a compensation program that was acceptable to the people we were hoping to vaccinate was a major barrier—and I think we've learned some lessons from that."

On November 20 of last year, while appearing on NBC's Meet the Press, Secretary of Health and Human Services Mike Leavitt said that along with limits on liability, "adequate compensation . . . needs to be made for those who are hurt."

Many groups representing the public health community and first responders, including the American Public Health Association, the American Nurses Association, and the American Federation of State, County, and Municipal Employees, have been outspoken about the need for a compensation program.

Yet despite our past experience, despite the position taken by those at high levels in the administration, and despite the warnings of those who would be on the front lines in the event of an outbreak, the Republican leadership in Congress included language in the Defense Appropriations conference report that repeats the mistakes of the past, and endangers American lives. If and when we have a vaccine to protect against a pandemic flu, we must provide first responders with a reasonable assurance that it will be as safe as can reasonably be expected, and that they and their families will be taken care of should they be injured. This plan does not provide that assurance, and once again, first responders will refuse to participate.

Those who inserted this provision into the Conference Report during late night backroom negotiations claim that it includes compensation. But make no mistake—there is no guaranteed compensation in this bill. There is a provision to set up a compensation fund, but there is absolutely no guarantee that this fund will ever see a penny. The authors of this provision are claiming to take care of the injured, without providing any guarantee that it will ever happen. They are making an empty promise.

Not only will this plan fail to compensate those first responders and ordinary citizens injured or even killed by a vaccine, but it will also protect manufacturers even when they act with disregard for the safety of their products. This is an incredibly dangerous and inappropriate incentive. We should be encouraging manufacturers to make safe products, not protecting them when they make products that harm the American people.

Let me make it perfectly clear that I am not against the idea of providing limited liability protection for manufacturers in order to encourage the development of vaccines and medicines to protect the American people in the event of an outbreak or bioterror attack. But such liability protection must adhere to certain principles. First, it must not protect manufacturers that act with careless disregard for the safety and effectiveness of their product. And second, because even the safest vaccine will harm a small percentage of the people who take it, liability protection must be coupled with an adequate compensation program so that injured patients are properly cared for and not left destitute.

The legislation that Senator KENNEDY and I are introducing today adheres to these principles. It repeals the Republican provision passed in December, and replaces it with tried-and-true solutions that will encourage the production of vaccines and drugs without leaving patients to fend for themselves if they are injured. Our legislation will ensure that the reputable and responsible manufacturers of needed medicines—and the doctors, nurses, and hospitals who administer them in good faith—will be protected from frivolous lawsuits that might deter them from making and administering such medicines. But those injured by these medicines will be justly compensated for their injuries.

Congress has adopted this type of solution in the past. The compensation program established by our bill is modeled on one of those past successes—the Vaccine Injury Compensation Program (VICP). The VICP has successfully incentivized the manufacturers of recommended childhood vaccines, encouraged families to have their children vaccinated, and compensated those who are injured.

Senator KENNEDY and I spent several months last year negotiating with Senator ENZI, Senator BURR, Senator GREGG, Senator FRIST, and others on the Health, Education, Labor, and Pensions Committee to try to reach a bipartisan compromise on this issue. We made several proposals, modeled on past Congressional action, to protect manufacturers from frivolous lawsuits while providing fair and adequate compensation to those who are injured.

Unfortunately, the decision was made to forego this bipartisan process. Instead, a non-germane provision was inserted into a massive appropriations bill in the final hours of last session of Congress. Furthermore, it is my understanding that this language was inserted after members had signed the Conference Report, some doing so with the understanding that this language was not included. I am disturbed and disappointed by this blatant abuse of power and disregard for Senate procedures. I can only assume that the supporters of this provision used this tactic because they knew that their plan would not stand up to public scrutiny and Senate debate.

I am confident that if the Senate were to consider this issue carefully, we would choose to reject the failed policies of the past, and enact a policy that really protects the American people—a biodefense program that encourages manufacturers to make safe and effective vaccines and medicines, and provides compensation to those individuals who are injured by those vaccines and medicines.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Responsible Public Readiness and Emergency Preparedness Act".

SEC. 2. REPEAL.

The Public Readiness and Emergency Preparedness Act (division C of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148)) is repealed.

SEC. 3. NATIONAL BIODEFENSE INJURY COMPENSATION PROGRAM.

(a) ESTABLISHMENT.—Section 224 of the Public Health Service Act (42 U.S.C. 233) is amended by adding at the end the following:

"(q) BIODEFENSE INJURY COMPENSATION PROGRAM.—

"(1) ESTABLISHMENT.—There is established the Biodefense Injury Compensation Program (referred to in this subsection as the

'Compensation Program') under which compensation may be paid for death or any injury, illness, disability, or condition that is likely (based on best available evidence) to have been caused by the administration of a covered countermeasure to an individual pursuant to a declaration under subsection (p)(2).

"(2) ADMINISTRATION AND INTERPRETATION.—The statutory provisions governing the Compensation Program shall be administered and interpreted in consideration of the program goals described in paragraph (4)(B)(iii).

"(3) PROCEDURES AND STANDARDS.—The Secretary shall by regulation establish procedures and standards applicable to the Compensation Program that follow the procedures and standards applicable under the National Vaccine Injury Compensation Program established under section 2110, except that the regulations promulgated under this paragraph shall permit a person claiming injury or death related to the administration of any covered countermeasure to file either—

"(A) a civil action for relief under subsection (p); or

"(B) a petition for compensation under this subsection.

"(4) INJURY TABLE.—

"(A) INCLUSION.—For purposes of receiving compensation under the Compensation Program with respect to a countermeasure that is the subject of a declaration under subsection (p)(2), the Vaccine Injury Table under section 2114 shall be deemed to include death and the injuries, disabilities, illnesses, and conditions specified by the Secretary under subparagraph (B)(ii).

"(B) INJURIES, DISABILITIES, ILLNESSES, AND CONDITIONS.—

"(i) INSTITUTE OF MEDICINE.—Not later than 30 days after making a declaration described in subsection (p)(2), the Secretary shall enter into a contract with the Institute of Medicine, under which the Institute shall, within 180 days of the date on which the contract is entered into, and periodically thereafter as new information, including information derived from the monitoring of those who were administered the countermeasure, becomes available, provide its expert recommendations on the injuries, disabilities, illnesses, and conditions whose occurrence in one or more individuals are likely (based on best available evidence) to have been caused by the administration of a countermeasure that is the subject of the declaration.

"(ii) SPECIFICATION BY SECRETARY.—Not later than 30 days after the receipt of the expert recommendations described in clause (i), the Secretary shall, based on such recommendations, specify those injuries, disabilities, illnesses, and conditions deemed to be included in the Vaccine Injury Table under section 2114 for the purposes described in subparagraph (A).

"(iii) PROGRAM GOALS.—The Institute of Medicine, under the contract under clause (i), shall make such recommendations, the Secretary shall specify, under clause (ii), such injuries, disabilities, illnesses, and conditions, and claims under the Compensation Program under this subsection shall be processed and decided taking into account the following goals of such program:

"(I) To encourage persons to develop, manufacture, and distribute countermeasures, and to administer covered countermeasures to individuals, by limiting such persons' liability for damages related to death and such injuries, disabilities, illnesses, and conditions.

"(II) To encourage individuals to consent to the administration of a covered countermeasure by providing adequate and just compensation for damages related to death and such injuries, disabilities, illnesses, or conditions.

"(III) To provide individuals seeking compensation for damages related to the administration of a countermeasure with a non-adversarial administrative process for obtaining adequate and just compensation.

"(iv) USE OF BEST AVAILABLE EVIDENCE.—The Institute of Medicine, under the contract under clause (i), shall make such recommendations, the Secretary shall specify, under clause (ii), such injuries, disabilities, illnesses, and conditions, and claims under the Compensation Program under this subsection shall be processed and decided using the best available evidence, including information from adverse event reporting or other monitoring of those individuals who were administered the countermeasure, whether evidence from clinical trials or other scientific studies in humans is available.

"(v) APPLICATION OF SECTION 2115.—With respect to section 2115(a)(2) as applied for purposes of this subsection, an award for the estate of the deceased shall be—

"(I) if the deceased was under the age of 18, an amount equal to the amount that may be paid to a survivor or survivors as death benefits under the Public Safety Officers' Benefits Program under subpart 1 of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.); or

"(II) if the deceased was 18 years of age or older, the greater of—

"(aa) the amount described in subclause (I); or

"(bb) the projected loss of employment income, except that the amount under this item may not exceed an amount equal to 400 percent of the amount that applies under item (aa).

"(vi) APPLICATION OF SECTION 2116.—Section 2116(b) shall apply to injuries, disabilities, illnesses, and conditions initially specified or revised by the Secretary under clause (ii), except that the exceptions contained in paragraphs (1) and (2) of such section shall not apply.

"(C) RULE OF CONSTRUCTION.—Section 13632 (a)(3) of Public Law 103–66 (107 Stat. 646) (making revisions by Secretary to the Vaccine Injury Table effective on the effective date of a corresponding tax) shall not be construed to apply to any revision to the Vaccine Injury Table made under regulations under this paragraph.

"(5) APPLICATION.—The Compensation Program applies to any death or injury, illness, disability, or condition that is likely (based on best available evidence) to have been caused by the administration of a covered countermeasure to an individual pursuant to a declaration under subsection (p)(2).

"(6) SPECIAL MASTERS.—

"(A) HIRING.—In accordance with section 2112, the judges of the United States Claims Court shall appoint a sufficient number of special masters to address claims for compensation under this subsection.

"(B) BUDGET AUTHORITY.—There are appropriated to carry out this subsection such sums as may be necessary for fiscal year 2006 and each fiscal year thereafter. This subparagraph constitutes budget authority in advance of appropriations and represents the obligation of the Federal Government.

"(7) COVERED COUNTERMEASURE.—For purposes of this subsection, the term 'covered countermeasure' has the meaning given to such term in subsection (p)(7)(A).

"(8) FUNDING.—Compensation made under the Compensation Program shall be made from the same source of funds as payments made under subsection (p).".

(b) EFFECTIVE DATE.—This section shall take effect as of November 25, 2002 (the date of enactment of the Homeland Security Act of 2002 (Pub. L. 107–296; 116 Stat. 2135)).

SEC. 4. INDEMNIFICATION FOR MANUFACTURERS AND HEALTH CARE PROFESSIONALS WHO ADMINISTER MEDICAL PRODUCTS NEEDED FOR BIODEFENSE.

Section 224(p) of the Public Health Service Act (42 U.S.C. 233(p)) is amended—

(1) in the subsection heading by striking "SMALLPOX";

(2) in paragraph (1), by striking "against smallpox";

(3) in paragraph (2)—

(A) in the paragraph heading, by striking "AGAINST SMALLPOX"; and

(B) in subparagraph (B), by striking clause (ii);

(4) by striking paragraph (3) and inserting the following:

"(3) EXCLUSIVITY; OFFSET.—

"(A) EXCLUSIVITY.—With respect to an individual to which this subsection applies, such individual may bring a claim for relief under—

"(i) this subsection;

"(ii) subsection (q); or

"(iii) part C.

"(B) ELECTION OF ALTERNATIVES.—An individual may only pursue one remedy under subparagraph (A) at any one time based on the same incident or series of incidents. An individual who elects to pursue the remedy under subsection (q) or part C may decline any compensation awarded with respect to such remedy and subsequently pursue the remedy provided for under this subsection. An individual who elects to pursue the remedy provided for under this subsection may not subsequently pursue the remedy provided for under subsection (q) or part C.

"(C) STATUTE OF LIMITATIONS.—For purposes of determining how much time has lapsed when applying statute of limitations requirements relating to remedies under subparagraph (A), any limitation of time for commencing an action, or filing an application, petition, or claim for such remedies, shall be deemed to have been suspended for the periods during which an individual pursues a remedy under such subparagraph.

"(D) OFFSET.—The value of all compensation and benefits provided under subsection (q) or part C of this title for an incident or series of incidents shall be offset against the amount of an award, compromise, or settlement of money damages in a claim or suit under this subsection based on the same incident or series of incidents.";

(5) in paragraph (6)—

(A) in subparagraph (A), by inserting "or under subsection (q) or part C" after "under this subsection"; and

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A), the following:

"(B) GROSSLY NEGLIGENT, RECKLESS, OR ILLEGAL CONDUCT AND WILLFUL MISCONDUCT.—For purposes of subparagraph (A), grossly negligent, reckless, or illegal conduct or willful misconduct shall include the administration by a qualified person of a covered countermeasure to an individual who was not within a category of individuals covered by a declaration under subsection (p)(2) with respect to such countermeasure where the qualified person fails to have had reasonable grounds to believe such individual was within such a category."; and

(D) by adding at the end the following:

"(D) LIABILITY OF THE UNITED STATES.—The United States shall be liable under this subsection with respect to a claim arising out of the manufacture, distribution, or administration of a covered countermeasure regardless of whether—

"(i) the cause of action seeking compensation is alleged as negligence, strict liability, breach of warranty, failure to warn, or other action; or

"(ii) the covered countermeasure is designated as a qualified anti-terrorism technology under the SAFETY Act (6 U.S.C. 441 et seq.).

"(E) GOVERNING LAW.—Notwithstanding the provisions of section 1346(b)(1) and chapter 171 of title 28, United States Code, as they relate to governing law, the liability of the United States as provided in this subsection shall be in accordance with the law of the place of injury.

"(F) MILITARY PERSONNEL AND UNITED STATES CITIZENS OVERSEAS.—

"(i) MILITARY PERSONNEL.—The liability of the United States as provided in this subsection shall extend to claims brought by United States military personnel.

"(ii) CLAIMS ARISING IN A FOREIGN COUNTRY.—Notwithstanding the provisions of section 2680(k) of title 28, United States Code, the liability of the United States as provided for in the subsection shall extend to claims based on injuries arising in a foreign country where the injured party is a member of the United States military, is the spouse or child of a member of the United States military, or is a United States citizen.

"(iii) GOVERNING LAW.—With regard to all claims brought under clause (ii), and notwithstanding the provisions of section 1346(b)(1) and chapter 171 of title 28, United States Code, and of subparagraph (C), as they relate to governing law, the liability of the United States as provided in this subsection shall be in accordance with the law of the claimant's domicile in the United States or most recent domicile with the United States."; and

(6) in paragraph (7)—

(A) by striking subparagraph (A) and inserting the following:

"(A) COVERED COUNTERMEASURE.—The term 'covered countermeasure', means—

"(i) a substance that is—

"(I)(aa) used to prevent or treat smallpox (including the vaccinia or another vaccine); or

"(bb) vaccinia immune globulin used to control or treat the adverse effects of vaccinia inoculation; and

"(II) specified in a declaration under paragraph (2); or

"(ii) a drug (as such term is defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act), biological product (as such term is defined in section 351(i) of this Act), or device (as such term is defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act) that—

"(I) the Secretary determines to be a priority (consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) to treat, identify, or prevent harm from any biological, chemical, radiological, or nuclear agent identified as a material threat under section 319F–2(c)(2)(A)(ii), or to treat, identify, or prevent harm from a condition that may result in adverse health consequences or death and may be caused by administering a drug, biological product, or device against such an agent;

"(II) is—

"(aa) authorized for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act, so long as the manufacturer of such drug, biological product, or device has—

"(AA) made all reasonable efforts to obtain applicable approval, clearance, or licensure; and

"(BB) cooperated fully with the requirements of the Secretary under such section 564; or

"(bb) approved or licensed solely pursuant to the regulations under subpart I of part 314 or under subpart H of part 601 of title 21, Code of Federal Regulations (as in effect on the date of enactment of the National Biodefense Act of 2005); and

"(III) is specified in a declaration under paragraph (2)."; and

(B) in subparagraph (B)—

(i) by striking clause (ii), and inserting the following:

"(ii) a health care entity, a State, or a political subdivision of a State under whose auspices such countermeasure was administered;" and

(vi) in clause (viii), by inserting before the period "if such individual performs a function for which a person described in clause (i), (ii), or (iv) is a covered person".

By Mr. SPECTER (for himself, Mr. LEAHY, Mr. CORNYN, Mr. CHAMBLISS, and Mrs. FEINSTEIN):

S. 2292. A bill to provide relief for the Federal judiciary from excessive rent charges; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition to speak in support of legislation, cosponsored by Senators LEAHY, CORNYN, CHAMBLISS, and FEINSTEIN, which I am introducing today to address a major problem affecting the Federal judiciary, specifically excessive rental charges by the General Services Administration for courthouses and other space occupied by the courts across the country. This legislation would prohibit the GSA from charging the Federal judiciary rent in excess of the actual costs incurred by GSA to maintain and operate Federal court buildings and related costs.

Unlike many other elements of the Federal Government, the judiciary is required to pay a large and ever-increasing portion of its budget as rent to another branch of government, the GSA. In fiscal terms, since 1986, the Federal courts' rental payments to GSA have increased from $133 million to $926 million in fiscal year 2005. This rental payment represents an increasing slice of the judiciary's relatively small overall budget. The percentage of the judiciary's operating budget devoted to rent payments has escalated from 15.7 percent in fiscal year 1986 to 22 percent in fiscal year 2005. By contrast, only three percent of the Department of Justice budget goes toward GSA rent, and the Executive Branch as a whole spends less than two-tenths of one percent of its budget on GSA rent.

In his 2005 Year-End report on the Federal Judiciary, Chief Justice John Roberts cited escalating GSA rents as one of the two serious threats to the independence of the Federal judiciary, the other being judges' pay. The increased rents, coupled with across-the-board cuts imposed during fiscal years 2004 and 2005, resulted in a reduction of approximately 1,500 judicial branch employees as of mid-December when compared to October 2003, and a 24-month moratorium on courthouse construction has been imposed.

On May 13, 2005, a bipartisan group of 11 Senators on the Judiciary Committee wrote to Stephen A. Perry, Administrator of GSA, to exercise his statutory authority to exempt the judiciary from rental payments in excess of those required to operating and maintaining Federal court buildings and related costs. On May 31, 2005, Mr. Perry wrote back and denied this sensible request. Mr. Perry referred to the judiciary as "one of our largest and most valued tenants," but a more apt description would have been one of its most valued profit centers.

The judiciary paid $926 million to GSA in fiscal year 2005, but GSA's actual cost of providing space to the judiciary was only $426 million, a difference of $500 million. The judiciary in essence is being used as a profit center by GSA, which accomplishes this by charging for such fictitious costs as real estate tax which GSA does not in fact pay and forcing the judiciary to pay for buildings that have been fully amortized, not only once but several times.

This legislation provides a relatively modest and simple fix to this near crisis in the Federal judiciary, and I urge my colleagues to support it.

By Mr. ALLEN:

S.J. Res. 31. A joint resolution proposing an amendment to the Constitution of the United States relative to require a balancing of the budget; to the Committee on the Judiciary.

Mr. ALLEN. Madam President, I rise to speak on a resolution regarding a constitutional amendment I am introducing today. It is the third part of my three-point plan to restore fiscal accountability and common sense to Washington. It is a resolution, in particular, to amend the Constitution to require a balanced Federal budget.

The continued growth in Government, coupled with our enormous deficit, make a balanced budget amendment a vital tool for bringing this fiscal house back in order and restraining the growing appetite of the Federal Government to take more money from the people in taxes, and this is money that is coming from families, working people, from men and women who run their own small businesses; and also when the Federal Government is taking more money, it means they can be meddling in more things that are best left to the people or the States—if Government needs to be involved at all.

The Federal Government ought to be paying attention and be focused on its key reasons for being created in the first place by the people in the States, and that is national defense—making sure the military is strong and that they have the most advanced equipment and armament for our men and women in uniform as they secure our freedom. We need a national missile defense system. Those are the sorts of things that are the primary responsibility of the Federal Government, as well as key research areas, whether it is in nanotechnology, aeronautics, or in other areas working with not just Federal agencies but the private sector and our colleges and universities.

As this Senate gets to work on the fiscal year 2007 budget, our country's fiscal discipline and accountability must be improved. We have a budget deficit not because the Federal Government has a revenue problem; it is because the Federal Government has a spending problem. The Government doesn't tax too little, it spends too much. We must focus our efforts on spending the people's money much smarter, not taking more of their money because it is convenient or expedient.

Now, to control spending, I have revived a pair of ideas that Ronald Reagan advocated when he was President. In Ronald Reagan's farewell address to the American people, he said there were two things he wished he had accomplished as President, and what he wanted future Presidents, both Republican and Democrat, to have. They were the line-item veto and a constitutional amendment to balance the budget.

As always, and so often, Ronald Reagan was right. That is why I have made the line-item veto and the balanced budget amendment the first two points of my three-point plan to bring fiscal accountability and responsibility to Washington.

Let's start first with the line-item veto. When I was honored by the people of Virginia as Governor of the Commonwealth of Virginia, I had the power of the line-item veto. I used it 17 times. I saw how useful a tool that was as Governor to knock out undesirable, nonessential spending, or untoward or undesirable policies. It is a power—the line-item veto—or an authority that actually 46 Governors in the U.S. enjoy. It is a very powerful tool to cut wasteful spending and undesirable programs. In fact, after you use it a few times, you don't have to use it as much, because the legislative branch understands that, gosh, he actually is going to use that power, and when it comes to the final budget or appropriations bills, the undesirable or wasteful programs or spending are not in it.

The President of the United States, in my view, should have the same power I had as Governor of Virginia, and that is the line-item veto. Together with Senator JIM TALENT of Missouri, last September we introduced a constitutional amendment to provide the President with line-item veto authority. It is high time for that. The reason we need a constitutional amendment is that there were times when we were trying do it statutorily. I would be in favor of statutory methods, rather than an amendment, but the Supreme Court struck down the last effort. I think the President, as well as the Congress, ought to be accountable for some of these spending items that create such controversy and are absurd or wasteful. By the way, we need to vote on this. If this goes to the States, I have no question that the States will quickly ratify such a constitutional amendment because, after all, they give their Governors such power.

Secondly, we need a balanced budget amendment. This is something many States have, the Commonwealth of Virginia, and virtually the rest of the States. One of the best ways, in my view, to eliminate the Federal deficit and limit the size and scope of the Government is to wrestle it down with the chains of the Constitution.

I would also add that balancing the budget is not just a matter of making sure that expenditures are equal to revenue; it is about making sure the Federal Government fulfills its proper, focused, constitutional role—and not expanding into everything that is not necessarily a Federal prerogative, but best left to the people or the States. We all know that a big, bloated Federal Government stifles innovation, saps initiative, and reduces personal responsibility.

The third part of my plan is a proposal I offered last week, which I know won't be all that popular in this Chamber, but I think it will be much appreciated and understood by real people in the real world.

I have proposed legislation that provides a powerful incentive for Senators and Congressmen to perform their jobs on time, as people do in the private sector. We have a full-time legislature here and we go into session on January 3. One of our prime responsibilities is to pass appropriations bills before the next fiscal year, which is October 1. But it is, to me, deplorable that full-time legislators cannot get their job done on time by October 1. Then, of course, we end up with continuing resolutions, and several months later, some time after Thanksgiving but before Christmas, all kinds of unknown, unscrutinized spending occurs. It gets passed in the dead of night, thinking nobody will notice what is in all these appropriations bills—and actually a lot of people don't know what is in those appropriations bills.

That is why I want to impose on Congress what I call the "paycheck penalty." The paycheck penalty says to Members of Congress, if you fail to pass all your appropriations measures by the start of the fiscal year, October 1, which is your job, what you are paid to do, your paychecks will be withheld until you complete your job.

Now, taken together, these three measures will eliminate the need to raise taxes to eliminate the deficit. The tax reductions enacted in the last 5 years have helped our country get out of recession. It has incented more investment, created many new jobs—in fact, 4.5 million new jobs—in the private sector; thereby, from all this economic growth and prosperity and more people working in businesses, large, medium, and small doing better, tax receipts to the Government have increased. To illustrate the point, from 2004 to 2005, tax receipts to the Federal Government grew at a rate of 14.5 percent, or $274 billion. This growth is more than twice the rate of economic growth. So the economic growth is strong, but the tax revenues are twice as much to the Federal Government. To further this point, the President's budget forecasts that tax revenues will grow an additional 6.1 percent, or $132 billion, from 2005 to 2006.

From the tax cuts of the Reagan administration to the tax cuts we passed in this new century, the fact is that lower taxes stimulate economic growth, stimulate job creation, and stimulate expansion, which in turn increases revenues to the Federal Government. More important, low taxes make this country more competitive for investment and jobs here, rather than people going to invest in places such as China or elsewhere in the world. When people are able to keep more of what they earn, they spend it, save it, invest it, they may expand their business, and they may get more innovative capital equipment, and the fact is lower taxes make this country more competitive and people more prosperous.

The opportunity created by Americans spending the fruits of their own labor, as opposed to the Government, is the path to bringing fiscal sanity to the Federal budget. So to avoid future pressure for counterproductive, harmful tax increases, and to achieve a balanced budget, we must make these dramatic changes in how the Federal Government spends the taxpayers' money: the line-item veto, balanced budget amendment, and the paycheck penalty for Members of Congress who have not done their jobs on time.

As we closed 2005, Madam President, the Federal Government was responsible for a gross Federal debt of $8.2 trillion. One must ask, how did we get here? Consider these statistics from the last 5 years: Federal spending has increased 33 percent. In 2005, the per-household spending by our Government has grown to $21,878 per year. That figure is compared to the per-household tax, on average, of $19,062 per year, leaving an annual per-household deficit of about $2,800. The macro result is an annual budget deficit in the hundreds of billions of dollars.

We are in a time of war, this war on terror, and enormous national disasters have also befallen our country in Louisiana, Alabama, Texas, and in Florida, in the past year. That is why I am introducing this resolution. Even when those occur, this amendment does require the Federal Government to achieve a balanced budget within 5 years of ratification by the States. Each year, the budget deficit would be reduced by 20 percent, until the Federal budget is balanced. This is a phased-in approach, which is realistic and provides needed time for Congress to amend the budget and appropriations processes to provide for a balanced budget. I fully understand that national and global events can significantly affect our country's budgetary needs. Thus, I have included a provision that allows for a waiver in the event of war. However, to ensure deficits resulting from a war do not continue in perpetuity, the provision provides for a 5-year window following the end of the conflict to reduce any deficits that may have accumulated.

Domestic catastrophes can also wreak havoc on the Federal Government's budget, as well as those of the States in Louisiana, Mississippi and, to some extent Florida, which we have recently seen devastated by hurricanes. To address such circumstances, the resolution also includes a provision that would allow expenditures in excess of revenues, provided three-fifths of each House of Congress approves, which I think Congress would have done in these situations if this were in effect last year and presently.

Now the risks of budget deficits and national debt are well known: the collapse of the dollar, a significant reduction in national savings, and the inability to fund programs vital to the Nation's security and well-being. It also means if you are putting in more and more tax revenues to finance the debt, there is less money there for key areas such as national defense, homeland security, education, research in science, and also engineering. So to prevent these events, we need an institutional mechanism to get this overspending under control.

Based on past performance, it will take, of course, a change in the Constitution. To paraphrase Thomas Jefferson, we need to bind the Congress with a change in the Constitution to prevent present Congresses from burdening future generations with perpetual debt.

I believe all of us, if we look at it seriously and responsibly, recognize and grasp the seriousness of this problem. I am hopeful that this Senate will be able to make the difficult choices to make sure that the next generation of Americans is not burdened with overwhelming debt or higher taxes from a burdensome, large Federal Government. A balanced budget amendment to the Constitution, I sincerely believe from my experiences as Governor of the Commonwealth of Virginia, will be a very valuable, useful, and effective tool in making that goal a reality. The same applies to the line-item veto authority for the President. I also believe very strongly that this Senate and the other body, the House, can get the appropriations bills done on time by October 1. If not, I think paychecks ought to be withheld until it is done.

So I hope that my colleagues recognize the seriousness, the importance, and the urgency of these responsible measures, these ideas. These measures include getting our fiscal house in order, protecting the taxpayers from tax increases in the future, and making sure this country is the world capital of innovation. These measures include investment by the private sector, more competitiveness compared to other countries because of lower taxes, Federal regulatory policies, sound energy policy with more development and exploration here at home, as well as using clean coal and advanced nuclear and biofuels and new technologies. We also must make sure our fiscal house is in order for Americans to compete and succeed in the future.

I urge my colleagues to consider this resolution and join me in this effort for America's future.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2889. Mr. FRIST (for Mr. SPECTER) proposed an amendment to the bill H.R. 32, to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks.

SA 2890. Mr. FRIST (for Ms. COLLINS) proposed an amendment to the bill S. 1777, to provide relief for the victims of Hurricane Katrina.

TEXT OF AMENDMENTS

SA 2889. Mr. FRIST (for Mr. SPECTER) proposed an amendment to the bill H.R. 32, to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TRAFFICKING IN COUNTERFEIT MARKS.

(a) SHORT TITLE; FINDINGS.—

(1) SHORT TITLE.—This section may be cited as the "Stop Counterfeiting in Manufactured Goods Act".

(2) FINDINGS.—The Congress finds that—

(A) the United States economy is losing millions of dollars in tax revenue and tens of thousands of jobs because of the manufacture, distribution, and sale of counterfeit goods;

(B) the Bureau of Customs and Border Protection estimates that counterfeiting costs the United States $200 billion annually;

(C) counterfeit automobile parts, including brake pads, cost the auto industry alone billions of dollars in lost sales each year;

(D) counterfeit products have invaded numerous industries, including those producing auto parts, electrical appliances, medicines, tools, toys, office equipment, clothing, and many other products;

(E) ties have been established between counterfeiting and terrorist organizations that use the sale of counterfeit goods to raise and launder money;

(F) ongoing counterfeiting of manufactured goods poses a widespread threat to public health and safety; and

(G) strong domestic criminal remedies against counterfeiting will permit the United States to seek stronger anticounterfeiting provisions in bilateral and international agreements with trading partners.

(b) TRAFFICKING IN COUNTERFEIT MARKS.—Section 2320 of title 18, United States Code, is amended as follows:

(1) Subsection (a) is amended by inserting after "such goods or services" the following: ", or intentionally traffics or attempts to traffic in labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature, knowing that a counterfeit mark has been applied thereto, the use of which is likely to cause confusion, to cause mistake, or to deceive,".

(2) Subsection (b) is amended to read as follows:

"(b)(1) The following property shall be subject to forfeiture to the United States and no property right shall exist in such property:

"(A) Any article bearing or consisting of a counterfeit mark used in committing a violation of subsection (a).

"(B) Any property used, in any manner or part, to commit or to facilitate the commission of a violation of subsection (a).

"(2) The provisions of chapter 46 of this title relating to civil forfeitures, including section 983 of this title, shall extend to any seizure or civil forfeiture under this section. At the conclusion of the forfeiture proceedings, the court, unless otherwise requested by an agency of the United States, shall order that any forfeited article bearing or consisting of a counterfeit mark be destroyed or otherwise disposed of according to law.

"(3)(A) The court, in imposing sentence on a person convicted of an offense under this section, shall order, in addition to any other sentence imposed, that the person forfeit to the United States—

"(i) any property constituting or derived from any proceeds the person obtained, directly or indirectly, as the result of the offense;

"(ii) any of the person's property used, or intended to be used, in any manner or part, to commit, facilitate, aid, or abet the commission of the offense; and

"(iii) any article that bears or consists of a counterfeit mark used in committing the offense.

"(B) The forfeiture of property under subparagraph (A), including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the procedures set forth in section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section. Notwithstanding section 413(h) of that Act, at the conclusion of the forfeiture proceedings, the court shall order that any forfeited article or component of an article bearing or consisting of a counterfeit mark be destroyed.

"(4) When a person is convicted of an offense under this section, the court, pursuant to sections 3556, 3663A, and 3664, shall order the person to pay restitution to the owner of the mark and any other victim of the offense as an offense against property referred to in section 3663A(c)(1)(A)(ii).

"(5) The term 'victim', as used in paragraph (4), has the meaning given that term in section 3663A(a)(2).".

(3) Subsection (e)(1) is amended—

(A) by striking subparagraph (A) and inserting the following:

"(A) a spurious mark—

"(i) that is used in connection with trafficking in any goods, services, labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature;

"(ii) that is identical with, or substantially indistinguishable from, a mark registered on the principal register in the United States Patent and Trademark Office and in use, whether or not the defendant knew such mark was so registered;

"(iii) that is applied to or used in connection with the goods or services for which the mark is registered with the United States Patent and Trademark Office, or is applied to or consists of a label, patch, sticker, wrapper, badge, emblem, medallion, charm, box, container, can, case, hangtag, documentation, or packaging of any type or nature that is designed, marketed, or otherwise intended to be used on or in connection with the goods or services for which the mark is registered in the United States Patent and Trademark Office; and

"(iv) the use of which is likely to cause confusion, to cause mistake, or to deceive; or"; and

(B) by amending the matter following subparagraph (B) to read as follows:

"but such term does not include any mark or designation used in connection with goods or services, or a mark or designation applied to labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature used in connection with such goods or services, of which the manufacturer or producer was, at the time of the manufacture or production in question, authorized to use the mark or designation for the type of goods or services so manufactured or produced, by the holder of the right to use such mark or designation.".

(4) Section 2320 is further amended—

(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following:

"(f) Nothing in this section shall entitle the United States to bring a criminal cause of action under this section for the repackaging of genuine goods or services not intended to deceive or confuse.".

(c) Sentencing Guidelines.—

(1) Review and amendment.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of any offense under section 2318 or 2320 of title 18, United States Code.

(2) Authorization.—The United States Sentencing Commission may amend the Federal sentencing guidelines in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that section had not expired.

(3) Responsibilities of united states sentencing commission.—In carrying out this subsection, the United States Sentencing Commission shall determine whether the definition of "infringement amount" set forth in application note 2 of section 2B5.3 of the Federal sentencing guidelines is adequate to address situations in which the defendant has been convicted of one of the offenses listed in paragraph (1) and the item in which the defendant trafficked was not an infringing item but rather was intended to facilitate infringement, such as an anti-circumvention device, or the item in which the defendant trafficked was infringing and also was intended to facilitate infringement in another good or service, such as a counterfeit label, documentation, or packaging, taking into account cases such as U.S. v. Sung, 87 F.3d 194 (7th Cir. 1996).

SEC. 2. TRAFFICKING DEFINED.

(a) Short Title.—This section may be cited as the "Protecting American Goods and Services Act of 2005".

(b) Counterfeit Goods or Services.—Section 2320(e) of title 18, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) the term 'traffic' means to transport, transfer, or otherwise dispose of, to another, for purposes of commercial advantage or private financial gain, or to make, import, export, obtain control of, or possess, with intent to so transport, transfer, or otherwise dispose of;";

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

"(3) the term 'financial gain' includes the receipt, or expected receipt, of anything of value; and".

(c) Conforming Amendments.—

(1) Sound recordings and music videos of live musical performances.—Section 2319A(e) of title 18, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) the term 'traffic' has the same meaning as in section 2320(e) of this title.".

(2) Counterfeit labels for phonorecords, computer programs, etc.—Section 2318(b) of title 18, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) the term 'traffic' has the same meaning as in section 2320(e) of this title;".

(3) Anti-bootlegging.—Section 1101 of title 17, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) Definition.—In this section, the term 'traffic' has the same meaning as in section 2320(e) of title 18.".

SA 2890. Mr. FRIST (for Ms. Collins) proposed an amendment to the bill S. 1777, to provide relief for the victims of Hurricane Katrina; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Katrina Emergency Assistance Act of 2005".

SEC. 2. UNEMPLOYMENT ASSISTANCE.

(a) In General.—Notwithstanding section 410 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177), in providing assistance under that section to individuals unemployed as a result of Hurricane Katrina—

(1) the President shall accept applications for assistance during—

(A) the 90-day period beginning on the date on which the applicable major disaster was declared; or

(B) such longer period as may be established by the President; and

(2) subject to subsection (b), the President shall provide assistance to any unemployed individual, to the extent the individual is not entitled to unemployment compensation under any Federal or State law, until that individual is reemployed in a suitable position.

(b) Limitation for Period of Assistance.—The total amount of assistance payable to an individual under subsection (a) may not exceed payments based on a 39-week period of unemployment.

SEC. 3. REIMBURSEMENT FOR PURCHASES.

(a) Definitions.—In this section:

(1) Disaster period.—The term "disaster period" means, with respect to any State that includes an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina or Hurricane Rita, the period beginning on the earliest date on which any area of the State was so declared and ending on the latest date for which any such declaration of an area of the State terminates.

(2) Katrina or rita survivor.—The term "Katrina or Rita Survivor" means an individual who—

(A) resides in an area for which a major disaster has been declared in accordance with 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina or Hurricane Rita; or

(B) resided in an area described in subparagraph (A) during the 7 days immediately preceding the date of declaration of a major disaster described in subparagraph (A).

(3) Major disaster.—The term "major disaster" has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(b) Reimbursement.—

(1) In general.—Notwithstanding any other provision of law, the President may reimburse a community for each purchase of supplies (such as food, personal hygiene products, linens, and clothing) distributed to Katrina or Rita Survivors.

(2) Eligible purchases.—Reimbursement under paragraph (1) shall be available only with respect to supplies that—

(A) are purchased with taxpayer dollars; and

(B) would otherwise be eligible for reimbursement if purchased by a Katrina or Rita Survivor.

(c) Period of Applicability.—This section and the authority provided by this section apply only to a community assisting Katrina or Rita Survivors from a State during the disaster period of the State.

SEC. 4. INTERNATIONAL STUDENTS DISPLACED BY KATRINA.

It is the sense of Congress that the Bureau of Immigration and Customs Enforcement within the Department of Homeland Security should suspend or refrain from initiating removal proceedings for international students and scholars who are deportable solely due to their inability to fulfill the terms of their visas as a result of a national disaster, such as Hurricane Katrina.

SEC. 5. CONTRACTING AUTHORITY.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Under Secretary for Emergency Preparedness, shall propose new inspection guidelines that prohibit an inspector from entering into a contract with any individual or entity for whom the inspector performs an inspection for purposes of determining eligibility for assistance from the Federal Emergency Management Agency.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, February 28, 2006, at 10 a.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to review the proposed fiscal year 2007 Forest Service budget.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Frank Gladics (202–224–2878), Elizabeth Abrams (202–224–0537) or Sara Zecher (202–224–8276) of the Committee staff.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 15, 2006, at 9:30 a.m., in open session to consider the following nominations: Honorable Preston M. Geren to be Under Secretary of the Army; Honorable Michael L. Dominguez to be Deputy Under Secretary of Defense for Personnel and Readiness; Mr. James I. Finley to be Deputy Under Secretary of Defense for Acquisition and Technology; and Mr. Thomas P. D'Agostino to be Deputy Administrator for Defense Programs, National Nuclear Security Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 15, 2006, at 10 a.m., to conduct a hearing on "Rebuilding Needs in Katrina-Impacted Areas."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, February 15, 2006, at 10 a.m., on Video Franchising.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, February 15, 2006, at 2:30 p.m., on Nanotechnology.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, February 15 at 10:30 a.m. The purpose of this hearing is to receive testimony regarding S. 2197 to improve the global competitiveness of the United States in science and energy technology, to strengthen basic research programs at the Department of Energy, and to provide support for mathematics and science education at all levels through the resources available through the Department of Energy, including at the national laboratories.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a business meeting on February 15, 2006 at 9:30 a.m. to consider the following agenda:

Agenda

Nominations: Terrence L. Bracy—Nominee to a position on the Board of Trustees at the Morris K. Udall Scholarship and Excellence in National Environmental Foundation and the following 6 to Members of the Board of Directors of the Tennessee Valley Authority: Dennis C. Bottorff, Robert M. Duncan, Susan Richardson Williams, William B. Sansom, Howard A. Thrailkill, and Donald R. DePriest.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a hearing on February 15, 2006 at 9:35 a.m. to receive testimony on EPA's proposed Budget for FY 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 15, 2006, at 9:45 a.m. to hold a hearing on the President's Budget for Foreign Affairs and a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, February 15, 2006, at 11:15 a.m. for a hearing titled, "Hurricane Katrina: The Homeland Security Department's Preparation and Response.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Wednesday, February 15, 2006 at 10 a.m. in the Dirksen Senate Office Building Room 226.

Witness

Panel I: Members of Congress, TBA.

Panel II: Stephen G. Larson to be United States District Judge for the Central District of California; Jack Zouhary to be United States District Judge for the Northern District of Ohio; and John F. Clark to be Director of the United States Marshals Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 15, 2006 at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMPLOYMENT AND WORKPLACE SAFETY

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Workplace Safety, be authorized to hold a hearing during the session of the Senate on Wednesday, February 15 at 10 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on Wednesday, February 15 at 2:30 p.m. The purpose of the hearing is to review the progress made on the development of interim and long-term plans for use of fire retardant aircraft in Federal wildfire suppression operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. FEINGOLD. Mr. President, I ask unanimous consent that floor privileges be granted, during the consideration of S. 2271, H.R. 3199, to Bob Schiff, Lara Flynt, Paul Weinberger, Mary Irvine, and Sumner Slichter.

The PRESIDING OFFICER. Without objection, it is so ordered.

STOP COUNTERFEITING IN MANUFACTURED GOODS ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 32 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The bill clerk read as follows:

> A bill (H.R. 32) to amend title 18 United States Code, to provide criminal penalties for trafficking in counterfeit marks.

There being no objection, the Senate proceeded to consider the bill.

Mr. SPECTER. Mr. President, I want to take a moment to speak about H.R. 32, the Stop Counterfeiting in Manufactured Goods Act of 2005, sponsored by Representative KNOLLENBERG and 59 House cosponsors. The counterfeiting of goods bearing American held trademarks is an important problem that I am committed to fighting, as reflected by my sponsoring S. 1699, the Senate companion bill to H.R. 32, earlier this year with Senator LEAHY and Senators ALEXANDER, BAYH, BROWNBACK, COBURN, CORNYN, DEWINE, DURBIN, FEINGOLD, FEINSTEIN, HATCH, KYL, LEVIN, REED, STABENOW, and VOINOVICH.

H.R. 32, the Stop Counterfeiting in Manufactured Goods Act of 2005 addresses a problem that has reached epidemic proportions as a result of a loophole in our criminal code: the trafficking in counterfeit labels. Criminal law currently prohibits the trafficking in counterfeit trademarks "on or in connection with goods or services." However, it does not prohibit the trafficking in the counterfeit marks themselves. As such, there is nothing in current law to prohibit an individual from selling counterfeit labels bearing otherwise protected trademarks within the United States.

This loophole was exposed by the Tenth Circuit Court of Appeals in *United States* v. *Giles*, 213 F.3d 1247 (10th Cir. 2000). In this case, the United States prosecuted the defendant for manufacturing and selling counterfeit Dooney & Bourke labels that third parties could later affix to generic purses. Examining title 18, section 2320, of the United States Code, the Tenth Circuit held that persons who sell counterfeit trademarks that are not actually attached to any "goods or services" do not violate the Federal criminal trademark infringement statute. Since the defendant did not attach counterfeit marks to "goods or services," the court found that the defendant did not run afoul of the criminal statute as a matter of law. Thus, someone caught redhanded with counterfeit trademarks walked free.

H.R. 32 closes this loophole by amending title 18, section 2320 of the United States Code to criminally prohibit the trafficking, or attempt to traffic, in "labels, patches, stickers" and generally any item to which a counterfeit mark has been applied. In so doing, H.R. 32 provides U.S. Department of Justice prosecutors with the means not only to prosecute individuals trafficking in counterfeit goods or services, but also individuals trafficking in labels, patches, and the like that are later applied to goods.

Congress must act expeditiously to protect U.S. held trademarks to the fullest extent of the law. The recent 10-count indictment of four Massachusetts residents of conspiracy to traffic in approximately $1.4 million of counterfeit luxury goods in the case of U.S. v. Luong et al., 2005 D. Mass. underscores the need for this legislation. According to the indictment, law enforcement officers raided self-storage units earlier this year and found the units to hold approximately 12,231 counterfeit handbags; 7,651 counterfeit wallets; more than 17,000 generic handbags and wallets; and enough counterfeit labels and medallions to turn more than 50,000 generic handbags and wallets into counterfeits. Although the U.S. Attorneys Office was able to pursue charges of trafficking and attempting to traffic in counterfeit handbags and wallets, they were not able to bring charges for trafficking and attempting to traffic in the more than 50,000 counterfeit labels and medallions. As such, these defendants will escape prosecution that would have otherwise been illegal if they had only been attached to an otherwise generic bag. This simply does not make sense. Had the Stop Counterfeiting in Manufactured Goods Act of 2005 been in effect at the time of indictment, U.S. prosecutors would have been able to bring charges against the defendants for trafficking and attempting to traffic in not only counterfeit goods, but also counterfeit labels.

As Assistant Attorney General Alice Fisher said:

> Those who manufacture and sell counterfeit goods steal business from honest merchants, confuse or defraud honest consumers, and illegally profit on the backs of honest American workers and entrepreneurs.

This point is underscored by the Bureau of Customs and Border Protection estimate that trafficking in counterfeit goods costs the United States approximately $200 to $250 million annually. With each passing year, the United States loses millions of dollars in tax revenues to the sale of counterfeit goods. Further, each counterfeit item that is manufactured overseas and distributed in the United States costs American workers tens of thousands of jobs. With counterfeit goods making up a growing 5 to 7 percent of world trade, this is a problem that we can no longer ignore.

To be sure, counterfeiting is not limited to the popular designer goods that we have all seen sold on corners of just about every major metropolitan city in the United States. Counterfeiting has a devastating impact on a broad range of industries. In fact, for almost every legitimate product manufactured and sold within the United States, there is a parallel counterfeit product being sold for no more than half the price. These counterfeit products range from children's toys to clothing to Christmas tree lights. More frightening are the thousands of counterfeit automobile parts, batteries, and electrical equipment that are being manufactured and placed into the stream of commerce with each passing day. I am told that the level of sophistication in counterfeiting has reached the point that you can no longer distinguish between the real and the counterfeit good or label with the naked eye. However, just because these products look the same does not mean that they have the same quality characteristics. The counterfeit products are not subject to the same quality controls of legitimate products, resulting in items that are lower in quality and likely to fall apart. In fact, counterfeit products could potentially kill unsuspecting American consumers.

In addition to closing the "counterfeit label loophole," the Stop Counterfeiting in Manufactured Goods Act strengthens the criminal code and provides heightened penalties for those trafficking in counterfeit marks. Current law does not provide for the seizure and forfeiture of counterfeit trademarks, whether they are attached to goods or not. Therefore, many times such counterfeit goods are seized one day, only to be returned and sold to an unsuspecting public. To ensure that individuals engaging in the practice of trafficking in counterfeit marks cannot reopen their doors, H.R. 32 establishes procedures for the mandatory seizure, forfeiture, and destruction of counterfeit marks prior to a conviction. Further, it provides for procedures for the mandatory forfeiture and destruction of property derived from or used to engage in the trafficking of counterfeit marks.

When this legislation was sent over to the Senate from the House, concerns were raised to Senator LEAHY and myself about the language in Section 2(bbb)(1)(B) of this bill pertaining to the forfeiture authority of the U.S. Department of Justice. In focusing our attention to this section, we discussed the scope of the facilitation language, which parallels the drug and money laundering forfeiture language in 21 U.S.C. 853 and 18 U.S.C. 982, respectively, and how it might relate to Internet marketplace companies, search engines, and ISPs. Specifically, we were aware of concerns regarding the potential misapplication of the facilitation language in Section 2(b)(1)(B) to pursue forfeiture and seizure proceedings against responsible Internet marketplace companies that serve as third-party intermediaries to online transactions.

Mr. LEAHY. Mr. President, Section 2(b)(1)(B) authorizes U.S. Attorneys to pursue civil in rem forfeiture proceedings against "any property used, in any manner or part, to commit or to facilitate the commission of a violation of subsection (a)." The intent of this language is to provide attorneys and prosecutors with the authority to bring a civil forfeiture action against the property of bad actors who are facilitating trafficking or attempts to traffic in counterfeit marks. The forfeiture authority in Section 2(b)(1)(B) cannot be used to pursue forfeiture and seizure proceedings against the computer equipment, website or network of responsible Internet marketplace companies, who serve solely as a third party to transactions and do not tailor their services or their facilities to the furtherance of trafficking or attempts to traffic in counterfeit marks. However, these Internet marketplace companies must make demonstrable good-faith efforts to combat the use of their systems and services to traffic in counterfeit marks. Companies must establish and implement procedures to take down postings that contain or offer to sell goods, services, labels, and the like in violation of this act upon being made aware of the illegal nature of these items or services.

It is the irresponsible culprits that must be held accountable. Those who profit from another's innovation have proved their creativity only at escaping responsibility for their actions. As legislators it is important that we provide law enforcement with the tools needed to capture these thieves.

I say to Senator SPECTER, it is also my understanding that the U.S. Sentencing Commission recently promulgated new Federal sentencing guidelines to account for the changes in how intellectual property crimes are committed. Could the Senator clarify for the record why we have authorized the U.S. Sentencing Commission to further amend the Federal sentencing guidelines and policy statements for crimes committed in violation of title 18, section 2318 or 2320, of the United States Code?

Mr. SPECTER. I say to Senator LEAHY, as the Senator is aware, periodically Congress directs the Sentencing Commission to update the Federal sentencing guidelines upon the periodic directive of Congress to reflect and account for changes in the manner in which intellectual property offenses are committed. The recent amendments to which you refer were promulgated by the Sentencing Commission pursuant to the authorization in the Family Entertainment and Copyright Act of 2005, also known as FECA. These amendments to the Federal sentencing guidelines, which took effect on October 24, 2005, address changes in penalties and definitions for intellectual property rights crimes, particularly those involving copyrighted pre-release works and issues surrounding "uploading." For example, these guidelines provide for a 25 percent increase in sentences for offenses involving pre-release works. In addition, the Commission revised its definition of "uploading" to ensure that the guidelines are keeping up with technological advances in this area.

I would like to make it clear for the record that the directive to the Sentencing Commission in section 3 of H.R. 32 is not meant as disapproval of the Commission's recent actions in response to FECA. Rather, section 3 covers other intellectual property rights crimes that Congress believes it is time for the Commission to revisit. Specifically, section 3 directs the Commission to review the guidelines, and particularly the definition of "infringement amount," to ensure that offenses involving low-cost items like labels, patches, medallions, or packaging that are used to make counterfeit goods that are much more expensive, are properly punished. It also directs the Commission to ensure that the penalty provisions for offenses involving all counterfeit goods or services, or devices used to facilitate counterfeiting, are properly addressed by the guidelines. As it did in response to the No Electronic Theft Act of 1997 and FECA, I am confident that the Commission will ensure that the Federal sentencing guidelines provide adequate punishment and deterrence for these very serious offenses and I look forward to the Commission's response to this directive.

Mr. LEAHY. I say to Senator SPECTER, thank you for that clarification. As you are aware, there has been overwhelming support for this legislation. It has been very heartening to see such overwhelming support for this important bill. Counterfeiting is a threat to America. It wreaks real harm on our economy, our workers, and our consumers. This bill is a tough bill that will give law enforcement improved tools to fight this form of theft. The bill is short and straightforward, but its impact should be profound and far reaching.

Mr. SPECTER. At this point, I would like to take this opportunity to thank Representative JIM SENSENBRENNER, chairman of the House Judiciary Committee, and Representative JOE KNOLLENBERG for their leadership in the House with regard to H.R. 32. In January of 2005, Representative KNOLLENBERG introduced H.R. 32 in the House. When the bill was in committee, he fostered negotiations between the Department of Justice, the U.S. Chamber of Commerce, and the International Trademark Association to ensure that it passed the House. I would also like to thank my colleague Senator LEAHY, ranking member of the Senate Judiciary Committee, and Senators ALEXANDER, BAYH, BROWNBACK, COBURN, CORNYN, DEWINE, DURBIN, FEINGOLD, FEINSTEIN, HATCH, KYL, LEVIN, REED, STABENOW, and VOINOVICH for their cosponsorship of S. 1699, the companion legislation to H.R. 32. It is through the hard work of all of these Members that we were able to achieve truly bipartisan support for language that will ensure the protection of American-held trademarks.

Mr. LEAHY. Some of our most important legislation is produced not only when we reach across the aisle in the name of bipartisanship, but when we work across Chambers and reach true consensus. I would also like to thank Senators ALEXANDER, BAYH, BROWNBACK, COBURN, CORNYN, DEWINE, DURBIN, FEINGOLD, FEINSTEIN, HATCH, KYL, LEVIN, REED, STABENOW, and VOINOVICH for their cosponsorship of the Senate companion legislation. Counterfeiting is a serious problem that does not lend itself to a quick and easy solution. This legislation is an important step towards fighting counterfeiting. I hope we can build on the success of this law.

Mr. President, I am pleased to join with Senator CORNYN in another of our bipartisan efforts to improve the lives of Americans through effective and efficient Government. The Protecting American Goods and Services Act of 2005, which was passed unanimously out of the Senate last November as S. 1095, is now part of a package that includes the Stop Counterfeiting in Manufactured Goods Act, which I co-sponsored with Senator SPECTER as S. 1699. The Protecting American Goods and Services Act strengthens our ability to combat the escalating problem of counterfeiting worldwide. In order to effectively fight intellectual property theft, we need stiff penalties for counterfeiters and those who are caught with counterfeit goods with the intent to traffic their false wares. Ours is a short bill—indeed, it is only two pages long—but it will have global implications in the fight against piracy.

Counterfeiting is a growing problem that costs our economy hundreds of billions of dollars every year and has been linked to organized crime, including terrorist organizations. According to the International Anti-Counterfeiting Coalition, counterfeit parts have been discovered in helicopters sold to NATO, in jet engines, bridge joints, brake pads, and fasteners in equipment designed to prevent nuclear reactor meltdowns. The World Health Organization estimates that the market for counterfeit drugs is about $32 billion each year.

Several years ago, Senator HATCH joined me in sponsoring the Anti-Counterfeiting Consumer Protection Act of 1996, which addressed counterfeiting by amending several sections of our criminal and tariff codes. That law made important changes, particularly by expanding RICO, the Federal antiracketeering law, to cover crimes involving counterfeiting and copyright and trademark infringement: Then, as now, trafficking in counterfeit goods hurts purchasers, State and Federal Governments, and economies at every level.

Perhaps most disturbingly, the U.S. Customs Service reports that terrorists have used transnational counterfeiting operations to fund their activities: The sale of counterfeit and pirated music, movies, software, T-shirts, clothing, and fake drugs "accounts for much of the money the international terrorist network depends on to feed its operations."

Last year, as in years past, I worked with Senator ALLEN on an amendment to the Foreign Operations bill that provides the State Department with vital resources to combat piracy of U.S. goods abroad. The bill we ultimately passed included $3 million for this important purpose. Yet more work both at home and abroad remains. When you consider that the economic impact of tangible piracy in counterfeit goods is estimated to be roughly $350 billion a year and to constitute between 5 percent and 7 percent of worldwide trade, a few million dollars is a worthwhile investment.

We have certainly seen how this form of theft touches the lives of hard-working Vermonters. Burton Snowboards is a small company, whose innovation has made it an industry leader in snowboarding equipment and apparel. Unfortunately, knock-off products carrying Burton's name have been found across the globe. Vanessa Price, a representative of Burton, testified about counterfeiting at the Judiciary Committee's March 23, 2004, hearing on this topic. In addition to learning about the economic costs of counterfeiting, I asked her after the hearing about the risks posed to consumers by these goods. Her answer was chilling:

> In the weeks since my Senate testimony, I discovered a shipment of counterfeit Burton boots for sale through a discount sports outfit . . . After examining the poor quality of the counterfeit boots, we determined that anyone using the boots for snowboarding risks injury due to a lack of reinforcement and support in the product's construction.

Customers and businesses lose out to counterfeiters in other ways, too. SB Electronics in Barre, VT, has seen its capacitors reverse engineered and its customers lost to inferior copycat models. Vermont Tubbs, a furniture manufacturer in Rutland, has seen its designs copied, produced offshore with inferior craftsmanship and materials, and then reimported, so that the company is competing against cheaper versions of its own products. And Hubbardton Forge in Castleton, VT, has seen its beautiful and original lamps counterfeited and then sold within the United States at prices—and quality—far below their own. This is wrong. It is unfair to consumers who deserve the high quality goods they think they are paying for, and it is unfair to innovators who play by the rules and deserve to profit from their labor.

This bill helps to combat this growing scourge.

S. 1095 criminalizes the possession of counterfeit goods with the intent to sell or traffic in those goods, and it expands the definition of "traffic" to include any distribution of counterfeits with the expectation of gaining something of value—criminals should not be able to skirt the law simply because they barter illegal goods and services in exchange for their illicit wares. Finally, the bill will criminalize the importation and exportation of counterfeit goods, as well as of bootleg copies of copyrighted works into and out of the United States.

By tying off these loopholes and improving U.S. laws on counterfeiting, we are sending a powerful message to the criminals who belong in jail, and to our innovators.

Mr. FRIST. Mr. President, I ask unanimous consent that the Specter substitute at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid on the table, and that any statements thereon be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2889) was agreed to, as follows:

(Purpose: To amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks, clarify the prohibition on the trafficking in goods or services, and for other purposes)

Strike all after the enacting clause and insert the following:

SECTION 1. TRAFFICKING IN COUNTERFEIT MARKS.

(a) SHORT TITLE; FINDINGS.—

(1) SHORT TITLE.—This section may be cited as the "Stop Counterfeiting in Manufactured Goods Act".

(2) FINDINGS.—The Congress finds that—

(A) the United States economy is losing millions of dollars in tax revenue and tens of thousands of jobs because of the manufacture, distribution, and sale of counterfeit goods;

(B) the Bureau of Customs and Border Protection estimates that counterfeiting costs the United States $200 billion annually;

(C) counterfeit automobile parts, including brake pads, cost the auto industry alone billions of dollars in lost sales each year;

(D) counterfeit products have invaded numerous industries, including those producing auto parts, electrical appliances, medicines, tools, toys, office equipment, clothing, and many other products;

(E) ties have been established between counterfeiting and terrorist organizations that use the sale of counterfeit goods to raise and launder money;

(F) ongoing counterfeiting of manufactured goods poses a widespread threat to public health and safety; and

(G) strong domestic criminal remedies against counterfeiting will permit the United States to seek stronger anticounterfeiting provisions in bilateral and international agreements with trading partners.

(b) TRAFFICKING IN COUNTERFEIT MARKS.—Section 2320 of title 18, United States Code, is amended as follows:

(1) Subsection (a) is amended by inserting after "such goods or services" the following: ", or intentionally traffics or attempts to traffic in labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature, knowing that a counterfeit mark has been applied thereto, the use of which is likely to cause confusion, to cause mistake, or to deceive,".

(2) Subsection (b) is amended to read as follows:

"(b)(1) The following property shall be subject to forfeiture to the United States and no property right shall exist in such property:

"(A) Any article bearing or consisting of a counterfeit mark used in committing a violation of subsection (a).

"(B) Any property used, in any manner or part, to commit or to facilitate the commission of a violation of subsection (a).

"(2) The provisions of chapter 46 of this title relating to civil forfeitures, including section 983 of this title, shall extend to any seizure or civil forfeiture under this section. At the conclusion of the forfeiture proceedings, the court, unless otherwise requested by an agency of the United States, shall order that any forfeited article bearing or consisting of a counterfeit mark be destroyed or otherwise disposed of according to law.

"(3)(A) The court, in imposing sentence on a person convicted of an offense under this section, shall order, in addition to any other sentence imposed, that the person forfeit to the United States—

"(i) any property constituting or derived from any proceeds the person obtained, directly or indirectly, as the result of the offense;

"(ii) any of the person's property used, or intended to be used, in any manner or part, to commit, facilitate, aid, or abet the commission of the offense; and

"(iii) any article that bears or consists of a counterfeit mark used in committing the offense.

"(B) The forfeiture of property under subparagraph (A), including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the procedures set forth in section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section. Notwithstanding section 413(h) of that Act, at the conclusion of the forfeiture proceedings, the court shall order that any forfeited article or component of an article bearing or consisting of a counterfeit mark be destroyed.

"(4) When a person is convicted of an offense under this section, the court, pursuant to sections 3556, 3663A, and 3664, shall order the person to pay restitution to the owner of the mark and any other victim of the offense as an offense against property referred to in section 3663A(c)(1)(A)(ii).

"(5) The term 'victim', as used in paragraph (4), has the meaning given that term in section 3663A(a)(2).".

(3) Subsection (e)(1) is amended—

(A) by striking subparagraph (A) and inserting the following:

"(A) a spurious mark—

"(i) that is used in connection with trafficking in any goods, services, labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature;

"(ii) that is identical with, or substantially indistinguishable from, a mark registered on the principal register in the United States Patent and Trademark Office and in use, whether or not the defendant knew such mark was so registered;

"(iii) that is applied to or used in connection with the goods or services for which the mark is registered with the United States Patent and Trademark Office, or is applied to or consists of a label, patch, sticker, wrapper, badge, emblem, medallion, charm, box, container, can, case, hangtag, documentation, or packaging of any type or nature that is designed, marketed, or otherwise intended to be used on or in connection with the goods or services for which the mark is registered in the United States Patent and Trademark Office; and

"(iv) the use of which is likely to cause confusion, to cause mistake, or to deceive; or"; and

(B) by amending the matter following subparagraph (B) to read as follows:

"but such term does not include any mark or designation used in connection with goods or services, or a mark or designation applied to labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature used in connection with such goods or services, of which the manufacturer or producer was, at the time of the manufacture or production in question, authorized to use the mark or designation for the type of goods or services so manufactured or produced, by the holder of the right to use such mark or designation.".

(4) Section 2320 is further amended—

(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following:

"(f) Nothing in this section shall entitle the United States to bring a criminal cause of action under this section for the repackaging of genuine goods or services not intended to deceive or confuse.".

(c) SENTENCING GUIDELINES.—

(1) REVIEW AND AMENDMENT.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of any offense under section 2318 or 2320 of title 18, United States Code.

(2) AUTHORIZATION.—The United States Sentencing Commission may amend the Federal sentencing guidelines in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that section had not expired.

(3) RESPONSIBILITIES OF UNITED STATES SENTENCING COMMISSION.—In carrying out this subsection, the United States Sentencing Commission shall determine whether the definition of "infringement amount" set forth in application note 2 of section 2B5.3 of the Federal sentencing guidelines is adequate to address situations in which the defendant has been convicted of one of the offenses listed in paragraph (1) and the item in which the defendant trafficked was not an infringing item but rather was intended to facilitate infringement, such as an anti-circumvention device, or the item in which the defendant trafficked was infringing and also was intended to facilitate infringement in another good or service, such as a counterfeit label, documentation, or packaging, taking into account cases such as U.S. v. Sung, 87 F.3d 194 (7th Cir. 1996).

SEC. 2. TRAFFICKING DEFINED.

(a) SHORT TITLE.—This section may be cited as the "Protecting American Goods and Services Act of 2005".

(b) COUNTERFEIT GOODS OR SERVICES.—Section 2320(e) of title 18, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) the term 'traffic' means to transport, transfer, or otherwise dispose of, to another, for purposes of commercial advantage or private financial gain, or to make, import, export, obtain control of, or possess, with intent to so transport, transfer, or otherwise dispose of;";

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

"(3) the term 'financial gain' includes the receipt, or expected receipt, of anything of value; and".

(c) CONFORMING AMENDMENTS.—

(1) SOUND RECORDINGS AND MUSIC VIDEOS OF LIVE MUSICAL PERFORMANCES.—Section 2319A(e) of title 18, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) the term 'traffic' has the same meaning as in section 2320(e) of this title.".

(2) COUNTERFEIT LABELS FOR PHONORECORDS, COMPUTER PROGRAMS, ETC.—Section 2318(b) of title 18, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) the term 'traffic' has the same meaning as in section 2320(e) of this title;".

(3) ANTI-BOOTLEGGING.—Section 1101 of title 17, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) DEFINITION.—In this section, the term 'traffic' has the same meaning as in section 2320(e) of title 18.".

The bill (H.R. 32), as amended, was read the third time and passed.

KATRINA EMERGENCY ASSISTANCE ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 229, S. 1777.

The PRESIDING OFFICER. The clerk will report the bill by title.

A bill (S. 1777) to provide relief for the victims of Hurricane Katrina.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEIBERMAN. Mr. President, I have been pleased to work with Senator COLLINS to draft and reach agreement on this legislation to provide relief for the victims of Hurricane Katrina.

The package that the Senate is passing today does not contain everything that I would like, but I think the provisions of this bill will make a real difference for the families and their communities.

The challenges facing our country in the aftermath of Hurricane Katrina are like nothing we have faced in modern times—if ever.

This legislation has four parts.

First, this measure will provides an additional 13 weeks of Federal Disaster Unemployment Assistance for those who lost their jobs because of Hurricane Katrina, thereby extending the duration of benefits from the current 26 weeks to 39 weeks. More than 46,000 gulf coast workers were left jobless as a result of Hurricane Katrina, and this legislation is urgently needed, as these workers will run out of their 26 weeks of Federal assistance starting March 4.

Those who qualify for Disaster Unemployment Assistance, or DUA, generally do not qualify for regular unemployment benefits. They mostly include the self-employed, like fisherman and small business owners, who make up a vital sector of the economy in the gulf coast. Their weekly DUA assistance, which corresponds to the amounts provided in regular unemployment benefits in the States, is modest, at best. In Louisiana, for example, the weekly DUA benefit averages just $100 a week.

The version of this legislation that I proposed on the Senate floor on September 15, 2005, would have also increased the minimum DUA benefit to $135 a week, or half the national average unemployment benefit, and that was retained in our bill reported out of the Homeland Security and Governmental Affairs committee; the compromise amendment now before the Senate leaves the benefit levels under current statute unchanged.

The fact that so many families remain unemployed almost 6 months after the storm is a grave reminder that we as a Nation still have far to go to realize our promise of hope to the proud people of New Orleans and rest of the gulf coast who suffered the worst natural disaster this Nation has ever known. Extending these limited benefits by 13 weeks, just as we did for the families left jobless after the events of September 11, is the least we can do to allow these displaced families some measure of security as they look for work while facing mounting expenses and countless other challenges in rebuilding their lives and their communities.

In the current amendment, we added language in section 2(a)(2) clarifying what we understand to be the current law regulating the DUA program—that an individual is not eligible to collect DUA at any given time if the individual is, at the same time, eligible to receive any other unemployment benefits available under Federal or State law. Individuals whose regular unemployment benefits expire may then be eligible to receive DUA if no other Federal or State jobless benefits are available. However, under no circumstances can they collect more than the 39 weeks in total benefits. This provision is consistent with current DUA law as applied by the U.S. Department of Labor. We are simply extending the benefit period from 26 weeks under current law to 39 weeks.

Two, the second provision in the bill would allow communities to be reimbursed for buying certain supplies in bulk—such as linens, cots, or toiletries—and giving them out to individual victims of either Hurricane Katrina or Hurricane Rita.

Third, the bill expresses the sense of Congress that international students should not be deported solely due to their inability to fulfill the terms of their visas as a result of a national disaster such as Katrina.

Fourth and finally, the legislation requires that the Secretary of Homeland Security must establish new inspection guidelines saying that inspectors who determine eligibility for FEMA assistance may not enter into contracts with those for whom they perform inspections.

This bill does not make all of the changes to disaster assistance programs that I would have liked. But that is the nature of compromise. In my opinion, the Disaster Unemployment Assistance program, in particular, needs further strengthening. I hope there may be an opportunity in the future to consider further improvements. But I am very pleased that we have been able to make very meaningful improvements that will help families weather this terrible storm.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2890) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Katrina Emergency Assistance Act of 2005".

SEC. 2. UNEMPLOYMENT ASSISTANCE.

(a) IN GENERAL.—Notwithstanding section 410 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177), in providing assistance under that section to individuals unemployed as a result of Hurricane Katrina—

(1) the President shall accept applications for assistance during—

(A) the 90-day period beginning on the date on which the applicable major disaster was declared; or

(B) such longer period as may be established by the President; and

(2) subject to subsection (b), the President shall provide assistance to any unemployed individual, to the extent the individual is not entitled to unemployment compensation under any Federal or State law, until that individual is reemployed in a suitable position.

(b) LIMITATION FOR PERIOD OF ASSISTANCE.—The total amount of assistance payable to an individual under subsection (a) may not exceed payments based on a 39-week period of unemployment.

SEC. 3. REIMBURSEMENT FOR PURCHASES.

(a) DEFINITIONS.—In this section:

(1) DISASTER PERIOD.—The term "disaster period" means, with respect to any State that includes an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina or Hurricane Rita, the period beginning on the earliest date on which any area of the State was so declared and ending on the latest date for which any such declaration of an area of the State terminates.

(2) KATRINA OR RITA SURVIVOR.—The term "Katrina or Rita Survivor" means an individual who—

(A) resides in an area for which a major disaster has been declared in accordance with 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina or Hurricane Rita; or

(B) resided in an area described in subparagraph (A) during the 7 days immediately preceding the date of declaration of a major disaster described in subparagraph (A).

(3) MAJOR DISASTER.—The term "major disaster" has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(b) REIMBURSEMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President may reimburse a community for each purchase of supplies (such as food, personal hygiene products, linens, and clothing) distributed to Katrina or Rita Survivors.

(2) ELIGIBLE PURCHASES.—Reimbursement under paragraph (1) shall be available only with respect to supplies that—

(A) are purchased with taxpayer dollars; and

(B) would otherwise be eligible for reimbursement if purchased by a Katrina or Rita Survivor.

(c) PERIOD OF APPLICABILITY.—This section and the authority provided by this section apply only to a community assisting Katrina or Rita Survivors from a State during the disaster period of the State.

SEC. 4. INTERNATIONAL STUDENTS DISPLACED BY KATRINA.

It is the sense of Congress that the Bureau of Immigration and Customs Enforcement within the Department of Homeland Security should suspend or refrain from initiating removal proceedings for international students and scholars who are deportable solely due to their inability to fulfill the terms of their visas as a result of a national disaster, such as Hurricane Katrina.

SEC. 5. CONTRACTING AUTHORITY.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Under Secretary for Emergency Preparedness, shall propose new inspection guidelines that prohibit an inspector from entering into a contract with any individual or entity for whom the inspector performs an inspection for purposes of determining eligibility for assistance from the Federal Emergency Management Agency.

The bill (S. 1777), as amended, was read the third time and passed.

ORDERS FOR THURSDAY, FEBRUARY 16, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, February 16. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for up to 30 minutes, with the first 15 minutes under the control of the Democratic leader or his designee, and the second 15 minutes under the control of the majority leader or his designee; provided further, that following morning business, the Senate resume consideration of the motion to proceed to S. 2271, as under the previous order. I further ask that the time until the cloture vote at 10:30 a.m. be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, if the majority leader will withhold completing business for a moment, I wish to have a few minutes to respond.

Mr. FRIST. Let me finish my comments before we close.

Mr. DURBIN. Of course.

PROGRAM

Mr. FRIST. Mr. President, tomorrow—to explain what we did—following morning business, the Senate will resume debate on the motion to proceed to the PATRIOT Act amendments act. The cloture vote on that motion to proceed will occur at 10:30 in the morning. Under the agreement, once cloture has been invoked on the motion to proceed, we will proceed immediately to the bill, and a cloture vote on the bill itself will occur at 2:30 p.m. on Tuesday, February 28, with a vote on final passage at 10 a.m. on Wednesday, March 1.

Mr. DURBIN. I thank the leader.

Mr. President, I will respond to some comments he made a few minutes ago. First, about the asbestos bill, I think the record speaks for itself. A 393-page bill came to the floor of the Senate. It was a fairly complicated bill, which would have affected hundreds of thousands, maybe millions, of Americans over the next 50 years, and created a $140 billion trust fund. It involved payments of billions of dollars into that trust fund by American businesses from a list that was never publicly disclosed. Then as the bill arrived on the floor, as we expected, the chairman of the Senate Judiciary Committee filed a substitute to the bill, wiping away the 393-page bill, replacing it with a 392-page bill, and then we proceeded to debate.

One amendment was called by the Senator from Texas, Mr. CORNYN. Objection was made on the floor to Senator CORNYN's amendment, and a motion to table and stop debate on his amendment was passed. At that point, we went into a question about whether that bill would satisfy the requirements of the Budget Act. Then, without another amendment being offered, the majority leader announced the Republican side was going to file a cloture motion to close down debate and amendments on this bill.

To suggest that somehow we are inundating this body with amendments and debate is to overlook the obvious: One amendment was offered by a Republican Senator from Texas, and as we were waiting for the budget point of order, the majority leader suggested that we would close down debate on the bill, and that was the end of the story.

So this argument that somehow we are dragging our feet here and somehow miring down the process with amendments—the record speaks for itself. That was not the case on the asbestos bill. Last night, when the budget point of order was called, it was sustained. That means, in common terms, that the bill was returned to committee because it was not written properly.

It was not written in a way to comply with our Budget Act. So that is the state of affairs on the asbestos bill.

Now comes the PATRIOT Act. If there is any suggestion in the majority leader's remarks that anything that has happened on the floor of the Senate yesterday or today in any way endangers America, I think the record speaks for itself. That is not a fact. The current PATRIOT Act, as written, continues to protect America until March 10. We could continue debating right here on the floor of the Senate up until March 9 and even on March 10, and we would never have a gap in coverage of the PATRIOT Act as a law. So there is no endangerment of America, no lessening of our defense against terrorism by the possibility that the Senate might stop, reflect, consider, and even debate the PATRIOT Act.

I am sorry that my colleague, Senator FEINGOLD of Wisconsin, is not here to speak for himself, but he has been an extraordinary leader on this issue. He has taken a position which I think is nothing short of politically bold, if not courageous, in standing up and saying, even in the midst of terrorism, we need to take the time and debate the core values and issues involved in the PATRIOT Act.

What has Senator FEINGOLD asked for? He has asked for an opportunity to offer perhaps four amendments, four amendments, and he has gone on to say that he doesn't want days or long periods of time to debate them. He will agree to limited debate on each amendment. Nothing could be more reasonable. What he said is the Senate needs to face reality. This is an important bill. It involves our constitutional rights. And whether I would agree or disagree with any of Senator FEINGOLD's amendments, I would fight, as long as I had the breath in my body and the strength to stand, that he have the right to express his point of view and bring this matter to a vote in the Senate. That is not unreasonable, nor is Senator FEINGOLD unreasonable in his position. And for the suggestion to be made on the floor that somehow we have dragged this out for a lengthy period of time overlooks the obvious.

The offer was made for two votes tomorrow on Senator FEINGOLD's amendment and then a cloture vote tomorrow on the bill and, if cloture were invoked, pass the bill tomorrow. That offer was rejected by the Republican majority. Why? Not because of fear of terrorism but fear of debate. Not because of fear of threats to America but fear of threats that some amendment may be adopted, somehow upsetting an apple cart. Well, that is unfortunate. But this Democratic process is an open process—at least I hope it is—and we should protect the rights of Members on both sides of the aisle to offer amendments with reasonable periods of debate. We should have actual debate on the floor and then make a decision.

One of my favorite friends and colleagues from the House was a fellow named Congressman Mike Synar of Oklahoma. He passed away about 10 years ago. I liked Mike so much. He was a close personal friend. He used to lament that so many of his colleagues in the House of Representatives were loathe to even engage in a debate on a controversial issue. He would listen to Members of the House of Representatives whining and crying about having to face a vote on a controversial issue, and Mike Synar used to say: If you don't want to fight a fire, don't be a fireman. If you don't want to vote on tough issues, don't be a Member of the U.S. House of Representatives.

Well, the Mike Synar rule applies here. If you don't want to face the reality of the debate on critical constitutional and legal issues, I don't know why one would run for the Senate.

What Senator RUSS FEINGOLD of Wisconsin has asked us to do is to consider amendments to the PATRIOT Act. What is wrong with that? That is as basic as it gets. That is why we are here. And whether I would vote for or against those amendments, I would defend his right to offer them, and I hope that the record will reflect what I have just said. He was ready to stand, offer the amendments with limited debate, and then move this bill to a cloture vote tomorrow, which, if it were invoked, would see the passage of the bill as soon as tomorrow. That offer by Senator FEINGOLD was rejected.

So to say that we are foot-dragging on this side of the aisle or that any Democratic Senator such as Senator FEINGOLD is not trying to cooperate does not accurately state what we have been through to this moment on the PATRIOT Act.

I will close by saying that despite partisan differences, there is partisan cooperation in this Chamber, and I wish to say as I close these remarks that I want to salute Senator JOHN SUNUNU on the Republican side of the aisle; he has worked night and day over the last several months to come up with what I consider to be a reasonable way to end the current debate on the PATRIOT Act.

We stood together, we worked together, we brought the issue to the floor. I don't think it is unreasonable to give Senator FEINGOLD his moment to offer amendments with limited debate, bring them to a vote, put the Senate on the record, and move forward. To suggest otherwise does not reflect an accurate presentation of the facts as they occurred.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I find my colleague's comments in response to my statement that the problem is that we are seeing this whole pattern of obstruction and postponement—it is not just one bill, it is this whole series of bills—I find his comments responsive to several of the things I said but not really responsive to this pattern. I really just want to make that a comment and not get into a long debate about it. But I do want to point out that pattern of the things that I mentioned, like the PATRIOT Act as my colleague pointed out, it is time to bring this to a close.

This thing is going to pass overwhelmingly, and that is exactly right. I rejected options to continue to amend this forever. The problem, in part, that got us to this point is every time we come to an agreement which is a bill that, as written, will have overwhelming support in this body, somebody will come forward and say: One more amendment, one more amendment, one more amendment.

It is exactly right. It is time to bring this to a close. This will pass with overwhelming support—not today, as it should have, or tomorrow or Monday or Tuesday, but on Wednesday morning. It is going to pass with overwhelming support.

My point is this whole delay, this postponement, is stopping the Nation's business as we have to address other important issues—whether it is our budgetary issues, whether issues on health care or education or LIHEAP, flood insurance or lobbying reform. All these issues get put off another 4 or 5 days—yes, using the rights we have on this floor. I respect that. But to no avail. It is hurting the American people, not helping the American people.

Asbestos—this is a complicated bill. It is a bill many of us have been working on for 3 years. We started the bill, not Tuesday or Monday of this week and not Friday of last week or Thursday or Tuesday, but I think it was Monday morning that we said: Let's talk about this bill, let's debate this bill and have unlimited debate. As I pointed out, they said: No, we are not going to go to the bill. We are not going to go to a bill which is an important bill which has to be addressed.

We have 700,000 individuals who have filed claims for their illnesses, and 300,000 of those claims are still pending in the courts. Tragically, as I mentioned earlier, some of the most ill among those are among the worst served because of the delay in having the cases considered, and then, once considered, even if they get compensation for every dollar that is spent, 60 cents goes to the system and the trial lawyers and only 40 cents goes to the patient.

Yet, because of this mentality of Democrats, obstructing—they say you are not going to go to the bill. You are going to have to file a motion to proceed and cloture on that motion to proceed to the bill, which is a waste of 2 days. Then the vote was either 98 to 2 or 98 to 1. So once we got to the vote, they said: We will be with you, let's go ahead and consider it. And then to hear my colleagues say: We didn't have an opportunity to debate, when it was a request from your side of the aisle that we take a whole day, that we not have amendments but just to talk about it again—I am not sure why—but then to complain that we did not have time to offer amendments when it came to that first day—I think it was Wednesday; no amendments today—it is a little bit disingenuous, especially as it fits this larger pattern I laid out of the tax relief bill just to get to conference requiring three separate considerations on this floor, 17 rollcall votes for the first 20-hour limitation, the second 20-hour limitation requiring seven more rollcall votes, motions to instruct here all yesterday morning, nonbinding motions.

The pensions bill, I still do not fully understand why there is delay in getting the pensions bill to conference, when the first request was made in December and the second one earlier this year, and then now, on an important bill, when people are out there saying we have to address the pension bill—it passed the Senate, passed the House of Representatives—we have to get it to conference so we can come up with a final product for the President to sign.

Instead of arguing each of these individual bills, I just wanted to make the point that it is a pattern that we cannot continue. We have to work together in the Nation's interest, in the interests of the American people. Unless things are changed, we are not going to be delivering what we are responsible to do.

Anyway, that is a little bit out of my frustration with the other side of the aisle in terms of the way they have conducted business, and I believe we can work together in a civil way to address these important issues in the coming days.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:50 p.m., adjourned until Thursday, February 16, 2006, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, February 15, 2006*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"We place our trust in the word of the Lord. All our hope is in Your Holy Name."

Eternal God and Father of us all, February weather would deceive us and have us think spring is yet a long way off. Yet even as the snows penetrate the depths of the earth, Your laws nurture new life. Winter's weight breaks off what seems unfruitful branches; and rushing streams wash away all that is rootless.

Invigorate the House of Representatives; that restorative justice may inspire new confidence in this Nation; and the work of Congress may produce a fruitful land.

May the daily work of Your people silence a cynical world with blossoms of truth. And early growth release the scent of eternal life in the seasons of our lifeline and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DEMOCRATS CANNOT HAVE IT BOTH WAYS

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to discuss the NSA terrorist surveillance program. It seems that on this issue the Democrats want to have their cake and eat it, too. They want to say they are tough on national security while at the same time demonizing anything that President Bush does to protect our country.

On the one hand, we have the junior Senator from Massachusetts calling the program "illegal." Other Democrats have deemed this a "domestic spying program." And when this program came to light, leading Democrats acted outraged as if they did not know about it. But now these same Democrats are admitting that in fact they were briefed on the program all along and are arguing that they actually support the NSA program. So which is it?

Mr. Speaker, Democrats must decide. They cannot have it both ways. The American people deserve to know where the Democratic Party stands on this issue. If they disagree with the terrorist surveillance program, then they need to say so and offer up a real alternative. But let me remind them: criticism, demagoguery and demonizing are not alternatives.

MEDICARE PART D DISASTROUS PROGRAM

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, the Medicare part D plan is getting some rave reviews. You might be surprised to hear a Democrat say that; but, yes, it is: Rave reviews from the CEOs of pharmaceutical companies, insurance companies and a few political hacks downtown appointed by President Bush.

But from seniors, there is incredible confusion; and if they find their way through this myriad of confusing plans and find one that provides the drugs they need, they find now there is a new barrier. These are the most restrictive insurance products in history in terms of prior approval for needed drugs.

One company has 39 different forms, which its CEO denied until he was shown them. Then he said, Oh, yes, that is right. I guess we do. They require doctors to conduct all sorts of tests for drugs that seniors have been taking for years to prove that they really need them. And even then if you get a plan that lets you through and does give you your drugs, they can change that benefit on a weekly basis, but seniors cannot change plans on a weekly basis.

And then there is the doughnut hole. I had my first constituent call about the doughnut hole. She has exhausted her benefits. She is on Social Security disability, and she has to pay $2,850 out of pocket for drugs to stay alive. She does not have $2,850.

PRAISING ACCOMPLISHMENTS OF USAID IN IRAQ

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, since 2003, the United States Agency for International Development has supported efforts to revitalize Iraq's economy, improve education, develop a vibrant civil society, and assist Iraqis in the development of their new democracy which protects American families by denying terrorists training camps.

Thanks to USAID, 10 sewage treatments plants in Iraq have been refurbished; 97 percent of Iraqi children have been immunized against polio; 8.6 million new textbooks have been supplied to Iraqi schools; 790,000 Iraqis participated in town meetings on democracy during their historic elections; five cities in Iraq have 19 refurbished or expanded water treatment plants; nearly 3,000 Iraqi schools have been rehabbed; 2,500 Iraqis have been trained to provide primary health care; 1,200 megawatts of new rehabilitation generation capacity have been added to Iraqi's electricity grid.

Today, the Victory in Iraq Caucus will host USAID Iraq director Dawn Liberi to learn more about progress taking place throughout Iraq. I urge my colleagues to join me for this important event.

In conclusion, God bless our troops and we will never forget September 11.

HEADLINES

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, yesterday Press Secretary Scott McClellan said, "We are moving on to the priorities of the American people. That is our focus."

Well, Scott, here are the headlines my constituents care about:

"Ex-CIA Official Says Iraq Data Was Distorted; White House Knew of Levee Failure; Brown Faults White House and Agency for Poor Response; Doctors, Pharmacists Say Medicare Benefit Limits Drugs For Seniors; Government Will Forgo $7 Billion in Oil, Gas Royalties; Bush Budget Would Kill Popular Health Projects; Government Was Underpaid $345 Billion; American Bar Association Says Bush Exceeded Constitutional Powers in Surveillance Program; Washington Lobbyists Spent $1.6

Billion in First Half of 2005 Lobbying Congress; Photograph Shows Abramoff with Bush in May 2001; Iran Restarts Uranium Program."

Scott, if you are listening, the American people are ready and waiting. As they say in the news industry, good night and good luck.

HONORING THE LIFE OF VIRGINIA HAMMERSCHMIDT

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor the life of a member of our congressional family, Mrs. Virginia Hammerschmidt, the wife of former Congressman John Paul Hammerschmidt. Virginia and John Paul were married for almost 58 years before she passed away over the holiday recess.

Any of us who have had the honor of serving in this House know that the full support, encouragement and guidance of a loving spouse makes our job so much easier. John Paul served in this institution for 26 years. I am sure that he would be the first to tell you that he could not have done it without Ginny by his side.

Many of John Paul's former colleagues are still serving in the House today, and they remember Ginny with fondness. Gracious, dignified, sincere, these are some of the words people have used to describe her. I had the privilege of being in her company on numerous occasions and can personally attest to what a warm, caring person she was. She will be missed by many. She touched the lives of so many in Arkansas and here in these halls.

Mr. Speaker, I ask my colleagues to keep John Paul, his son, John Arthur, and the rest of the Hammerschmidt family in their thoughts and prayers.

PRESCRIPTION DRUG DEBACLE

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, the Miami Herald got it right when it described the Republican Medicare prescription drug plan as an "unmitigated disaster."

For years, American seniors have been looking for help in paying for their prescription drugs. Republicans chose to pass a confusing law that forces seniors to go outside of their trusted Medicare to receive drug coverage from one of many private insurance plans. We have all heard stories of seniors leaving pharmacies without their drugs after being told their name could not be found in the system. Talk about incompetence.

But then again, this prescription drug plan is another sorry example of how congressional Republicans have turned this House over to the special interests. Republicans chose to help the pharmaceutical and insurance companies rather than help the seniors who desperately need assistance with skyrocketing drug prices.

Democrats have a plan to take this House back from the special interests so we do not have another prescription drug debacle in the future.

RAISING AWARENESS TO COMBAT HUMAN TRAFFICKING

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, yesterday in Cannon Caucus, I hosted an event for diplomats based in D.C. to watch portions of a film entitled "Human Trafficking."

We had 97 countries, over 160 diplomats, many ambassadors there. They were very interested to learn what other countries are doing, the cooperation and partnership between nations and leaders around the world to combat trafficking in persons. They are very interested in increased training for their staff, particularly consular staff, and the many NGOs and their resources that are available.

I want to thank the governmental leaders, the law enforcement personnel, NGOs, business people, and ordinary citizens around the world who are helping combat this horrible exploitation and violence against women and children.

I look forward to talking with them again about creative ways to stop trafficking, not just through stronger legislation and prosecution of traffickers but through other means, particularly providing assistance to victims, their families, addressing corruption, interdicting assets.

I commend to my colleagues this film, "Human Trafficking." It will be shown on TV on April 22 to educate yourself on this issue.

DISTURBING REVELATIONS ON YUCCA MOUNTAIN

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, a newspaper article headline states, "Yucca In need of Repair After 9 Years." It says that Yucca Mountain research facilities, from ground support to railroad tracks, need repairs after just 9 years of use.

Now this is the same Yucca Mountain that the Energy Department is proposing to put hundreds of thousands of tons of toxic radioactive nuclear waste for hundreds of thousands of years.

Just this past week Energy Secretary Bodman said, "There are problems with the U.S. Geological Survey work that was done," and we now know that the work was fudged and they made up the data. "There are problems with the EPA standards," and we know they are short by 290,000 years. "And there are problems with the efforts of the Department of Energy."

What did the Department of Energy just say: They can no longer estimate how long it will take to ready Yucca Mountain to accept nuclear waste or how much it will cost.

The latest estimate is $308 billion, and now the Energy Department says that might not be right. It is time that we stop this boondoggle, end this project and let us figure out a sane and sensible way of dealing with nuclear energy in this country.

CONGRATULATING KENNESAW STATE LADY OWLS

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to congratulate Kennesaw State University women's cross country team on winning the 2005 Atlantic Sun Conference championship.

The Lady Owls exhibited dedication, teamwork and perseverance all season long, and it paid off. I congratulate head coach Stan Sims and the whole team on their accomplishments.

The Lady Owls were the only team to have all competitors finish in the top 20. In fact, Patrina Haines finished second in the field, and her teammate Erin Sutton, whose grandfather, Jack Sutton, works in my district office, was named Atlantic Sun Conference's Freshman of the Year and earned a spot on the all-conference team.

Winning a conference championship is quite an achievement, but this victory is even more inspiring when you consider it was the Lady Owls' first year participating in Division I sports. If this season is any indication, we can expect many more winning seasons for the Kennesaw State University team.

Mr. Speaker, these athletes have brought much pride to Kennesaw State University and the entire Kennesaw community. I ask that you join me in celebrating their accomplishment.

CUTS AT NATIONAL RENEWABLE ENERGY LABORATORY WRONG POLICY

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, here is another chapter in the competitiveness saga. A couple weeks ago in the President Bush's State of the Union address he stated, "So tonight, I announce the Advanced Energy Initiative, a 22 percent increase in clean-energy research at the Department of Energy to push for breakthroughs."

This was followed a week later by an announcement from the National Renewable Energy Laboratory in Colorado of cuts in outside contracts, cuts in operating expenses, and the laying off of 35 staff, including eight researchers, one in photovoltaics and seven in biomass and hydrogen.

The words and the actions simply do not match. The researchers will leave the lab, affecting our economy and distancing us further from solutions in energy technologies. We will lose their knowledge and their creativity.

There is a lot of talk about lost competitiveness, outsourcing of jobs, and lost opportunities in the alternative energy market. We could lead the world in energy technologies if we invest in alternative energies.

Mr. Speaker, which is it: Are we pushing for breakthroughs or are we cutting research?

□ 1015

SBA KATRINA LOAN FUNDING

(Ms. BEAN asked and was given permission to address the House for 1 minute.)

Ms. BEAN. Mr. Speaker, more than 5 months after Hurricane Katrina ravaged New Orleans and the gulf coast, many small business owners are still struggling with no relief in sight. Businesses are strained from a lack of customers, employees, infrastructure, electricity, and most particularly the access to capital that they need to get back to business. With no other funds available, many small business owners turn to the SBA for assistance. The Small Business Administration is prepared to help entrepreneurs through its disaster loan programs.

Yet today, real criticisms continue to surround the SBA over the agency's failure to provide adequate assistance to the gulf coast's businesses. Since the devastation from Hurricanes Katrina, Rita and Wilma, the SBA has declined approximately 80 percent of all disaster loans, with a backlog of over 200,000 pending applications. On January 30, the SBA released a statement that approximately 51,000 applicants have been approved for financial assistance from the agency; but with over 312,000 total applicants, this is a dismal ratio between those businesses and individuals who are getting loans and those who are left waiting.

As a member of the House Committee on Small Business and because of my own experience as a small business owner, I am well aware of the stimulative effect that small to medium-size firms can have on our regional economies. In the gulf region it couldn't be more critical to ensure small business owners reopen their doors to provide essential services and jobs that allow families to get back on their feet.

We can do better. I ask my colleagues to help me in this effort.

AMERICAN HEART MONTH/WOMEN & HEART ACT

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I remind my colleagues that February is American Heart Month. Throughout this month, we recognize the millions of Americans struggling with heart disease and recommit ourselves to helping them. And we acknowledge the efforts of organizations like the American Heart Association, which help all of us prevent and treat heart disease.

What is not well enough known is that heart disease, stroke, and other cardiovascular diseases are the number one killer of women in the United States. Each year, 480,000 women die from heart disease. That is one every minute.

In addition to experiencing classic chest pain, women often have a greater tendency to exhibit atypical symptoms of heart attack, such as difficulty breathing, nausea and unexplained fatigue. So they are often misdiagnosed.

Yesterday, Representative CUBIN and I introduced the Women & HEART Disease Act. This legislation will increase awareness, education, data collection, and the detection of heart disease in women so that we can improve the prevention, diagnosis, and treatment of women with cardiovascular disease.

I urge each of my colleagues to support this bill and other efforts to address the costly scourge of this disease.

ON THE DRUG PLAN DEBACLE AND THE COST OF CORRUPTION

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, leave it to Washington Republicans to create a chaotic and confusing system that has left a large majority of seniors just saying no. The Republican prescription drug plan shows the everyday cost congressional corruption has on the American people.

Republicans promised American seniors they would have access to prescription drugs through private plans beginning January 1, but to date it has been an utter failure. In many instances, beneficiaries who tried to have their prescriptions filled under the new system were either told that their enrollment could not be verified or that their drugs were not covered. As a result, many beneficiaries, particularly those that are called dually eligible for both Medicare and Medicaid, were at risk for receiving no coverage at all.

Rather than choosing to work to alleviate drug costs for seniors, Republicans were more interested in coming up with a bill that benefited their friends in the pharmaceutical and insurance industries, friends who have been very loyal to them over the years.

America must do better, we can do better and put special interests aside so that we can help those people who truly need our assistance. Let's start thinking about our senior citizens.

VIOLENCE AMONG GIRLS

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, a Chicago Sun Times article today reveals that fighting among girls in schools is up. As a matter of fact, fights involving girls are up 31 percent, assaults are up 18 percent, and battery is up 15 percent. So far this school year, 529 girls in the Chicago schools have been written up for fighting in incident reports to the district's bureau of safety and security. While girls have been steadily catching up to boys in violence rates in the past 25 years, there are few programs to address this great need.

As we go into budget talks and budget negotiations, let us be mindful of this need and allocate resources to stem this tide of growing violence among girls.

BUSH'S BUDGET AND ITS FAILURES TO MAKE AMERICANS SAFE

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, it appears that the Bush administration refuses to learn anything from 9/11 or Hurricane Katrina. Once again this year, President Bush's budget shortchanges America's security, failing to make it the number one priority. Here are some startling examples of how the President refuses to make Americans as safe as they should be:

First, the budget underfunds key programs that provide local communities with the resources to protect our borders, our ports, mass transit, and critical infrastructure. Second, the budget continues the trend of cutting grants for our first responders, cutting overall funding for three key first responder grant programs by 35 percent below 2 years ago. Third, the budget zeros out funding for interoperability grants, grants that would allow Federal, State, and local governments the ability to communicate during a major disaster or terrorist attack.

President Bush claims he is protecting the homeland, but he refuses to back it up with the funding necessary to prepare agencies at all levels for the worst case scenarios. Hasn't he learned anything from Katrina?

Pull FEMA out from under Homeland Security.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KOLBE). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

RECORD votes on postponed questions will be taken later today.

SENSE OF CONGRESS REGARDING PALESTINIAN AUTHORITY

Mr. HYDE. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 79) expressing the sense of Congress that no United States assistance should be provided directly to the Palestinian Authority if any representative political party holding a majority of parliamentary seats within the Palestinian Authority maintains a position calling for the destruction of Israel.

The Clerk read as follows:

S. CON. RES. 79

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that no United States assistance should be provided directly to the Palestinian Authority if any representative political party holding a majority of parliamentary seats within the Palestinian Authority maintains a position calling for the destruction of Israel.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from New York (Mr. ACKERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. Con. Res. 79.

This resolution was sponsored in the other body by our former colleague Senator THUNE of South Dakota and was cosponsored by Senators BROWNBACK, CHAMBLISS, JOHNSON, LIEBERMAN, TALENT and VOINOVICH. It passed the Senate by unanimous consent on February 1, 2006.

On January 25, 2006, Palestinians turned out in large numbers from all walks of life to forge a new government that can respond to their various needs. The Palestinian people voted for change and improvement in their livelihoods. They were largely frustrated by the growing occupation in the West Bank, the inability of the Fatah-backed Palestinian Liberation Organization to deliver on the expectations of the peace process, and internal strife and rampant corruption. The Palestinian citizens used the power of democracy to send a loud and a clear message to their leadership.

Speaking in a press conference shortly after the elections, President Bush noted the power of democracy, saying, "When you give people the vote, you give people the chance to express themselves at the polls, and if you're unhappy with the status quo, they will let you know. Obviously, the people were not happy with the status quo. The people are demanding honest government. The people want services."

The Bush administration's pursuit of freedom and democracy in the Arab world has strengthened the weight and role of "people power" in the region's political development. Representative democracy may result in the coming to power of groups in the Middle East or, for that matter, in Spain, that are critical of the United States or our policies in the Middle East. Certainly the recent Palestinian parliamentary elections pose a unique challenge. Over 50 percent of the seats in the Palestinian Legislative Council will be filled from a list chosen by an armed group that believes in the destruction of Israel, a United Nations member state, and is recognized as a terrorist organization by the international community.

This result demonstrates the serious contradiction we see in Palestinian territories between the ideal of a democratic government characterized by the rule of law and the reality of a political process in which armed rejectionist groups participate. Should the United States at this point abandon all means to remain constructively engaged with the Palestinian people and the Palestinian Authority under President Mahmoud Abbas? Tying the hands of the administration is not in the interest of United States national security. We need to react with some care. Hurting the Palestinian people will reward terrorist regimes like Syria and Iran which seek to exploit the suffering of the Palestinians for their own selfish reasons.

S. Con. Res. 79 is direct and to the point. It sends a strong message about the expectations of the United States and the international community toward Hamas when it comes to Hamas' attitude toward Israel. We declare that the United States will not provide direct assistance to a government that believes in the destruction of Israel.

The election of the Change and Reform Party, Hamas' alter ego, has raised questions about other forms of assistance to a future Palestinian government. The Quartet, in which the United States is a core member, concluded that "it was inevitable that future assistance to any new government would be reviewed by donors against that government's commitment to the principles of nonviolence, recognition of Israel, and acceptance of previous agreements and obligations, including the Roadmap."

Many might be surprised to know that the United States does not provide ongoing, direct financial assistance to the Palestinian Authority. The majority of funds are channeled through the United States Agency for International Development to nongovernmental organizations under a strict vetting process. The United States has provided direct assistance only four times, three of which have been under this administration, with the funds being closely regulated and monitored.

United States and other assistance to the Palestinian people is vital to meeting basic needs and avoiding a humanitarian disaster. According to the World Bank, unemployment in the West Bank and Gaza is 23 percent. Forty-three percent of the population is living below the poverty line. United States assistance to nonprofit organizations is also critical to achieving our objective of a two-state solution. Closing the door on moderates in Palestinian civil society will contribute to the growth of warlordism and chaos.

☐ 1030

The United States has a vital national security interest in a Middle East in which two states, Israel and Palestine, will live side by side in peace and security, based on the terms of United Nations Security Council Resolutions 242 and 338. A viable, contiguous, and prosperous Palestinian state is necessary to achieve the security that Israel longs for.

I believe the administration is responding appropriately to the situation at hand. Currently, the U.S. is reviewing all forms of assistance to the Palestinian people. However, neither the administration nor the Congress should make final decisions in advance of the formation of the new Palestinian cabinet, which is likely to occur in the coming weeks. If it is necessary to address this issue by legislation, we can do so at the appropriate time and will not prejudice their consideration by agreeing to this resolution at this time.

As disappointed as we are by the results, I congratulate the Palestinian people for conducting what were arguably the freest and fairest democratic elections in the Arab world. I hope their leaders will be wise and represent the true interests of the Palestinians as the process moves forward. As Secretary Rice stated in Davos this month, "The Palestinian people have apparently voted for change, but we believe that their aspirations for peace and a peaceful life remain unchanged."

Mr. Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the resolution.

First, let me thank Chairman HYDE and Ranking Member LANTOS for bringing this matter to the floor.

Yesterday, I read a news article quoting a Hamas representative who thanked the United States for providing Hamas with "the weapon of democracy." The weapon of democracy. Like other Hamas spokesmen, this man was being completely frank. In my experience, people who think they are on a mission from God generally do not dissemble about their intentions. The decision by the Bush administration to press for elections that did not exclude Hamas, as the Oslo agreements required, is seen by Hamas, quite literally, as a gift from heaven. Indeed, it is a fact of surpassing strangeness that the same President who would not deal with Yasser Arafat because he was tainted by terrorism is in large measure responsible for insisting on the elections that brought Hamas to power.

Allowing Hamas to compete was substantially our grave mistake. Electing Hamas, however, was the Palestinian people's own free choice. No one questions the mechanics of the election itself, only the nature of the elected. Let us recall that Hitler's National Socialists, the Nazi party, also came to power in free elections. References of this type are usually inappropriate. The Holocaust was a unique, horrible event, and nothing should ever be done to diminish it or turn it into another rhetorical cheap shot. But in this case the comparison of how coming to power was the same is very apt.

What is Hamas? Hamas is declared to be, by our government and the European Union, a terrorist organization. It is an ally and an aid recipient of Iran. It is an organization of religious zealots who put bombs in stores and clubs and restaurants, hotels and discos and buses and proclaim their work to be the will of God. It is an organization that insistently proclaims its intention to exterminate the State of Israel and to replace it with an Islamic state under Sharia law. It is an organization that proudly declares its beliefs that Jews are the descendants of "pigs and monkeys." Hamas is responsible not only for the cold-blooded murder of hundreds of Israeli citizens but also dozens of Americans.

And while they may be crazy, they are not stupid. They are watching us very closely, and they are looking for any sign of weakness, any departure from principle, any signal of grudging acceptance. It is absolutely vital that they see nothing of the sort. When Hamas looks at America, at the administration, at the Congress, they must see nothing but fierce, unrelenting, and implacable rejection.

There can be no political absolution for this pack of killers; and the very idea of giving our taxpayers' money to these bloody-handed fanatics, people who have slaughtered our own citizens, is offensive. Suggesting that we do it indirectly, that we merely subsidize rather than fund their rule, is no less unacceptable.

People in the executive branch trying to figure out how to square this circle should pay close attention to this debate. I would say to them: Before you urge the President to ask the Congress to provide assistance to the Palestinians, you had better start counting votes. This Congress is more likely to restore British sovereignty over the United States than it is to appropriate even $1 for the West Bank or Gaza.

Hamas is a terrorist organization, and the United States has clear policy for dealing with terrorists: We do not do it. We do not legitimize them, and we do not acknowledge phony distinctions between their political and their terrorist "wings." We do not forgive them for the hundreds they have murdered in exchange for a handful of promises. And we certainly do not pay them. Not in cash, not in coupons, not in vouchers, not in green stamps, not in airline miles. Americans do not give money to terrorists, to terrorist governments, and to people who elect terrorists. We have better things to do with our money.

When President Abbas was first elected, I was among those who were strongly encouraging the administration to boost his prestige and help build him up with assistance and projects. But he never demanded that Hamas and other terrorist groups disarm and disband. Now we see that after a year of trying things the way Abu Mazen wanted and not feeling they got any real benefits, Palestinians have voted to go in a different direction. That is their right. But it is absolutely critical that our policies adjust to reflect their decisions.

Just as I believed that the Palestinian choice of Abu Mazen's vision of nonviolence and peace deserved our support and assistance, I think the election of Hamas, with its dogmatic adherence to terror and its insistence on Israel's extermination, deserves our strongest condemnation and is an unmistakable change in how we do business.

Elected terrorists are still terrorists. We should not give them legitimacy. We should not deal with them diplomatically. And, most obviously, we should not give them hundreds of millions of dollars from our taxpayers. U.S. foreign assistance is a gift, not a right. The Palestinian Authority, as long as it is led by Hamas, is a terrorist organization responsible for the deaths of dozens of Americans and obviously disqualified from this kind of aid.

Not doing business as usual means, by definition, that things have to change across the board. Only a comprehensive rejection of Hamas's leadership can satisfy the requirements of continued U.S. leadership in the war on terror. The message and the methods of Hamas must not only fail but they must be seen to fail throughout the world and especially in the Middle East.

Compromising with Hamas and doing a little bit of business here, a little bit of business there, accepting phony commitments and using back-door intermediaries will prove to Islamic radicalists that there is no price they pay for terrorism as long as you succeed in taking the reins of power. We cannot afford to send that message to the Palestinians or to anybody else.

I strongly encourage the adoption of this resolution and prompt consideration by the House of additional legislation to respond to the challenge to America and our interests that are posed by Hamas.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Very briefly in response, I would like to say that I am taken by the arguments of Mr. ACKERMAN. I think he has a message, a point of view, that is legitimate and worthy of attention.

I do not agree with him. I think that having Hamas, with all its flaws, participate in the democratic process, something alien to their spirit, is a sign of strength on our part, not weakness. And I think the effort, a legitimate effort, to help bring into the democratic process all of the dissident elements is worth it because, unless this situation gets solved, staring at each other with muscles flexed and weapons cocked gets us nowhere. But we shall see.

Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the chairman for yielding me this time.

I rise in support of the resolution before us, S. Con. Res. 79, because this resolution is a reinforcement and a restatement of longstanding U.S. policy to prohibit direct assistance to the Palestinian Authority except under such strict and specific circumstances in furtherance of U.S. foreign policy and our security objectives.

It has long been U.S. policy to bring both sides of the Israeli-Palestinian conflict to the negotiation tables and to work out a peaceful compromise. For years, we supported Abu Mazen economically and politically, hoping and praying and wishing that it would strengthen the moderate constituency that does exist in the Palestinian territories. Yet time and again we have repeatedly asked the Palestinian leadership to dismantle the Islamist terrorist infrastructure in its midst, to disarm these jihadists, to promote tolerance and to accept Israel. But this was not to be.

The U.S. has spent hundreds of millions of dollars on programs to address the needs of the Palestinian people. Those include work programs, infrastructure projects, in addition to humanitarian aid, aimed at providing food, sanitation services, and medicine to the Palestinian people. We have done all of this, Mr. Speaker, in an effort to foster the conditions that would bring about peace and security for both the Israeli and the Palestinian people.

Last summer, Israel underwent a sacrifice of historic proportions by withdrawing from Gaza. Why did Israel do this? Israel withdrew from Gaza in hopes of making progress toward a peaceful solution to this conflict. Yet, despite all of these efforts, Hamas, an Islamist extremist jihadist entity, was allowed to participate in the recent Palestinian elections and, as all of us know, won control of the Palestinian government. U.S. monetary and political investment has produced little, if anything, in return.

In fact, soon after these Palestinian elections in January, Hamas placed disturbing videos on its Web site, videos which glorified bloodshed and terror. One of the clips included a farewell scene between a mother and her Palestinian terrorist son as she helps him dress for his suicide mission against Israel. Another clip is of two Hamas terrorists expressing their message to the Jews. And the first terrorist says: "My message to the loathed Jews is that there is no God but Allah. We will chase you everywhere. We are a nation that drinks blood, and we know that there is no blood better than the blood of the Jews. We will not leave you alone until we have quenched our thirst with your blood and our children's thirst with your blood. We will not leave until you leave the Muslim countries."

The second Hamas terrorist made the following statement: "In the name of Allah, we will destroy you, blow you up, take revenge against you, and purify the land of you, pigs that have defiled our country. This operation is revenge against the sons of monkeys and pigs."

These horrific clips, again, were posted on an official Web site of the entity that now controls the Palestinian Authority.

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Hamas' victory in the parliamentary elections poses a direct threat to U.S. strategies for regional stability. We must not and cannot allow taxpayer funds to directly or indirectly assist or support in any way Hamas or any other Palestinian terrorist groups that glorify blood, bloodshed and terror and use violence as a political tool. We must take immediate steps to prevent any further manipulation of U.S. assistance to the Palestinians.

Mr. ACKERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just in brief response to my good friend, the chairman, Mr. HYDE, who always stands up and fights so well and eloquently for democracy, my concern about allowing Hamas to participate in the election is not just my opinion. This was part of the Oslo Accords, to which the Israelis and Palestinians both agreed and signed. It is a governing document that no group that participates in violence and commits themselves to the destruction of the other will be allowed to participate in the election. That is the law. That is the doctrine.

I just express my dismay that our President, with his great leadership against terror, would take a pass and lean on the Israelis to allow this election to take place with Hamas.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, this resolution is an unequivocal statement of principle, a statement of our continuing support for our ally, the democratic State of Israel, as well as an explicit rejection of the hateful ideology that seeks her destruction. And I hope every Member will support it.

The resolution states quite simply that the United States should not provide direct assistance to the Palestinian Authority "if any representative political party holding a majority of parliamentary seats within the Palestinian Authority maintains a position calling for the destruction of Israel," or, in fact, the destruction of another free country.

The resolution, of course, is necessitated by the electoral victory of Hamas, an internationally recognized terrorist organization that is publicly committed to the destruction of Israel. Anyone who questions this need only read the Charter of Allah, the platform of the Islamic Resistance Movement, otherwise known as Hamas.

Consider just one passage. Ms. ROS-LEHTINEN has referred to some other statements incorporated in other documents, but this is their basic charter: "In order to face the usurpation of Palestine by the Jews, we have no escape from raising the banner of jihad." Destruction of a people. Destruction of children, families, of a nation.

Mr. Speaker, the Palestinian people voted in January in what appears to be a free and fair election, and the democratic expression of the people will and should always be encouraged. It is clear, however, that this victory by Hamas is, in significant part, a reaction by Palestinian voters to the rampant corruption in the Fatah movement that began and continued under Yaser Arafat. However, the Palestinian side must recognize that the election of Hamas to a parliamentary majority will not change or alter the absolute, irrevocable precondition for peace, the dismantlement of the Palestinian terrorist infrastructure. In fact, I believe that the international community must now exert its collective will upon Hamas and insist that it renounce the tactics of terror and proactively dismantle that terrorist infrastructure.

Finally, Mr. Speaker, let me say to our friends in Israel that the United States-Israel relationship today is stronger than ever and we are fully committed to our ally's security, sovereignty, and success.

I urge my colleagues to vote for this resolution.

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentlewoman from Nevada (Ms. BERKLEY), a member of the committee.

Ms. BERKLEY. Mr. Speaker, it seems that every time the Palestinian people take one step forward, they take two steps back. When Abu Mazen was elected, he pledged to root out terrorism and end corruption within the Palestinian Authority. Unfortunately, he has done nothing to help his people. He has continued the corruption that is rampant in the Palestinian Authority, and he has refused to disarm and dismantle the terrorists and their terrorist organizations.

We all know that Yaser Arafat did a tremendous disservice to the Palestinian people. He was a disgrace to humanity. Abu Mazen and the Fatah Party have done, sadly, no better. They had a historic opportunity to make peace. Instead, they chose a path of continued corruption, terror, and violence.

This resolution sends a strong and unambiguous message: if you choose terrorism, the United States will not support you. Road map to peace is also unambiguous. The Palestinian Authority must denounce terrorism, disarm and dismantle the terrorist infrastructure and shut down the terrorist organizations before, before, there can be a two-state solution.

Hamas has never accepted Israel's right to exist, and it has never accepted the peace process. It continues to support terrorism and violence. In fact, Hamas not only supports it, it is it. Since 1989, Hamas has killed more than 500 people, including more than two dozen American citizens.

Just last week, and this is after the election, so if anybody thinks being elected to the Palestinian Authority is going to moderate Hamas, just last week the leader of Hamas reiterated their commitment to destroy the Zionist state. Hamas also promised that the armed struggle will not end.

Hamas' control of the new Palestinian government further undercuts the ability of its government to engage in true reforms and further strengthens the enemies of Israel and those who oppose peace.

Hamas must disavow its stated goal of destroying Israel and change its charter to recognize Israel's right to exist as a free and independent Jewish state. Until the Palestinian government recognizes Israel's right to exist as a Jewish state, renounces its demand for right of return, which will create two Palestinian states, not a Jewish state and a Palestinian state, ceases all forms of incitement and violence, condemns terrorism, dismantles its terrorist infrastructure, and, most important, removes terrorist organizations from the government, Congress must end all U.S. aid.

If negotiating with terrorists is not an option for this country, and it is not, then funneling Americans' hard-earned tax dollars to terrorists certainly is not an option either.

I argued unsuccessfully while I was standing in this very spot that the United States Congress should not give additional aid to the Palestinian Authority until they demonstrated with deeds, not rhetoric, with deeds that they were serious about making peace with Israel and took concrete steps to show us that they were indeed serious. Unfortunately, my colleagues did not agree with me, and we continued to fund Abu Mazen and the Palestinian Authority, although they did nothing to earn our trust and they certainly did nothing to earn taxpayers' hard-earned dollars.

I urge in this resolution that my colleagues stand with me in supporting the resolution that will end all U.S. aid to the Palestinian Authority until Hamas recognizes Israel's right to exist and, indeed, does it with deeds, not words.

Mr. CROWLEY. Mr. Speaker, I rise in strong support of S. Con. Res. 79.

The United States exercising the option of cutting off assistance to the Palestinian Authority because of the participation of Hamas in the Palestinian Government should not be a surprise to the Palestinian people.

This House spoke out strongly with the passage of H. Res. 575, which clearly stated before the elections that we did not approve of terrorist organizations participating in the Palestinian elections.

Today's resolution should bring home that the United States will not provide aid to a government run by terrorists.

The Hamas victory is unacceptable because it provides a group of murderers with a seat at the table. I can not understand how the most secular Palestinian people would support an organization whose goal is to take their rights away.

The United States must stand by our friend and ally Israel in this relationship as should the rest of the world. The United States should refuse to lend legitimacy to an organization whose primary goals include the elimination of the State of Israel and the use of violent measures to attack the Israeli people.

The United States cannot support any government that continues to approve of and utilize terrorism. Terrorism takes many forms, dressing up a political party in the trappings of an election does not negate the underlying mission of what Hamas seeks to achieve, the abolition of the Jewish State.

We must make it clear to the Palestinian people that the United States does not approve of terrorist actions and will not provide financial assistance to any group or organization that condones, plans, or enacts violent activities.

The United States has designated Hamas as a terrorist organization, and as such should not provide any funding to them.

The victory of Hamas indicates the Palestinians are not interested in achieving peace with Israel and does not move the Palestinian people towards their goal of statehood.

The United States should not supply any government aid to the Palestinian authority until Hamas renounces all terrorist activities, recognizes the right of the State of Israel's right to exist, and fully disarms its terrorist organization.

The United States has worked for years to find a peaceful solution to the Israeli-Palestinian conflict.

But a solution will not come about with the current leadership of Hamas involved in any form of Palestinian Government.

In order to help facilitate the development of a true and lasting peace between the Israeli people and the Palestinian Authority, the United States, European Union and other countries must speak with a united voice that the activities of Hamas in any sort of elected Palestinian Government is anathema.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution.

A few weeks ago, the Palestinian people stunned the world by giving majority control of the Palestinian Legislative Council to Hamas, an entity determined to be a foreign terrorist organizations by both the United States and the Europe Union. Some may point out that the Fatah party's fragmentation combined with the nature of the electoral system chosen by the Palestinian Authority led to this strong Hamas majority.

We will be discussing these and other explanations for Hamas's victory over the coming weeks and months. But they do not change the reality that 74 out of 132 seats in the Palestinian Legislative Council were won by an organization that not only preaches the destruction of Israel, but has sent suicide bomber after suicide bomber to kill innocent civilians, including young children, and that has been implicated in the deaths of Americans. Mr. Speaker, the resolution we are considering today is simple and to the point: There should be no money for the Palestinian Authority as long as its legislature is controlled by a party that is both a terrorist organization and advocates the destruction of Israel.

This is not some plot to effect regime change—this is merely to send a message that the civilized world does not tolerate and will not support terrorists. This resolution means no American funding for the Palestinian Authority as long as Hamas controls the legislature, since there is absolutely no credible sign that Hamas intends to change its ugly charter or do anything else to demonstrate that it now accepts Israel's right to exist. Mr. Speaker, our action on this resolution today will not be the final word of the Congress on this issue. We will return to it again and again.

Last week, our colleague from Florida, Congresswoman ROS-LEHTINEN, and I—with over 50 of our colleagues—introduced H.R. 4681, the Palestinian Anti-Terrorism Act of 2006, and I am confident that it will soon be brought to the floor. H.R. 4681 puts legislative teeth into the resolution we are considering today. It would, among other things, prohibit by law the funding of a Palestinian Authority controlled by a terrorist organization.

Mr. Speaker, the basic thrust of American foreign policy is to fight terrorism globally, and it is self-evident that the United States will not fund an organization such as Hamas that continues to advocate and carry out terrorist acts in the Middle East. Nor will we fund a government which is controlled by a terrorist organization or in which major institutions, such as the legislature, are controlled by a terrorist organization. This should not come as a surprise to anyone. In December, the House of Representatives overwhelmingly adopted House Resolution 575 by a vote of 397–17 which warned that there would be serious consequences—including financial consequences—for U.S.-Palestinian relations if Hamas were to take over the Palestinian Authority.

Mr. Speaker, not one thin dime of American taxpayer money should be devoted to supporting a terrorist organization. Nor should one thin dime be devoted to making a terrorist organization look good. Our desire to support strictly humanitarian assistance for the Palestinian people, of course, will continue unabated. But we should not fund major projects, whatever their purpose. Such projects would only make a Hamas government look like a success story. They would be taken as evidence that Hamas can defy the international community and continue to receive financial support, while supporting terrorism, rejecting Israel's right to exist, and spitting on pre-existing Israeli-Palestinian agreements.

Mr. Speaker, that is why the Ros-Lehtinen-Lantos legislation will put severe restrictions on all Palestinian assistance that is not strictly for humanitarian purposes. The notion that an organization hell-bent on destroying the sole democratic state in the Middle East should be receiving or exploiting U.S.-taxpayer funds is simply unacceptable. We will be relentless in isolating and fighting terrorists. Hamas officials and their representatives will not be given visas to visit the United States. American officials will not deal with Hamas representatives unless—and this is a major unless—unless they publicly and without reservation recognize the right of the democratic State of Israel to exist, renounce terrorism as a means of achieving their goals and objectives, and accept all previous Israeli-Palestinian agreements. And we will fight direct assistance to a terrorist-controlled Palestinian Authority through any international institution. Hamas must understand that their ability to deal with the United States and to be accepted in the community of civilized nations rests on a thorough repudiation of their hateful policies.

Governments have made such changes in the past. Organizations and movements have made such changes in the past. And certainly, Hamas has that opportunity. But if Hamas does not clearly take full advantage of this opportunity, our legislation will soon come into effect and we will prohibit American funds. If Hamas does take advantage of this opportunity and definitively and unequivocally meets these requirements, then our government would be willing to deal with it, continue assistance, and work to see that the long-suffering Palestinian people have a better life in the future. Otherwise, I fear the Palestinians and prospects for Middle East peace will face a long, difficult winter that could be measured in years not months.

Mr. Speaker, I support this resolution, and I urge all my colleagues to do likewise.

Mr. CARDIN. Mr. Speaker, I rise in support of S. Con. Res. 79, which expresses the sense of Congress that no U.S. assistance should be provided directly to the Palestinian Authority if any representative political party holding a majority of parliamentary seats within the Palestinian Authority maintains a position calling for the destruction of Israel.

On January 25, Hamas won a majority of the seats in the Palestinian Authority parliamentary elections. Their charter calls for the "obliteration" of Israel and states that they can achieve their objectives only through violence. They have rejected the "two-state" solution and Road Map peace process. They continue to call for a Palestinian State which includes and ultimately subsumes the sovereign territory of Israel.

Mr. Speaker, this House has already gone on record on the issue of assistance to the Palestinian Government should Hamas become part of the government. On December 14, 2005, the House passed H. Res. 575, which I cosponsored, which in part calls upon the United States to reassess its financial assistance to, and its diplomatic relations with, the Palestinians should Hamas join the government.

I am pleased that the Quartet issued a statement on January 30, 2006, which "concluded that it was inevitable that future assistance to any new government would be reviewed by donors against that government's commitment to the principles of nonviolence, recognition of Israel, and acceptance of previous agreements and obligations, including the Roadmap."

I also agree with the Quartet that the Palestinian Authority must move quickly to ensure law and order, prevent terrorist attacks, and dismantle the infrastructure of terror. Finally, the new government must also take concrete steps to establish the rule of law, tolerance, reform and sound fiscal management in the Palestinian territories.

The foundation of the Road Map peace process hinges on Palestinian recognition of the right of Israel to exist and a pledge by the Palestinians to end violence and terrorism. Just as the United States will not negotiate with terrorists, neither will Israel. We cannot allow American taxpayer dollars to fall into the hands of terrorists who have no intention of renouncing violence.

I therefore urge my colleagues to support this important resolution.

Mr. BERMAN. Mr. Speaker, a top Hamas leader was recently quoted as saying the U.S. would "get used to Hamas in a year or two."

I'm afraid he's sadly mistaken. America will never accept a Palestinian Authority controlled by a terrorist organization—1 year, 5 years, 10 years or 50 years from now.

Hamas must face reality. Either they meet the conditions of the international community—recognize Israel's right to exist as a Jewish state, renounce terrorism and disarm—or face a massive reduction of assistance and isolation.

The civilized world should not bend to Hamas; they must bend to us.

This resolution—to be followed soon by binding legislation—sends an unambiguous signal to Hamas and the rest of the world that Congress will not bankroll a terrorist government responsible for the deaths of thousands of innocent civilians and committed to the destruction of Israel.

Mr. SCHIFF. Mr. Speaker, I rise in strong support of this simple resolution and of its central underlying premise—that this Nation will not support a Palestinian Government that is not unambiguous in its recognition of Israel's right to exist and unequivocal in its support for a two-state solution to the decades-long conflict between Israel and the Palestinians. I also commend the distinguished chairman and the ranking member of our committee who have dedicated themselves to working for true peace in the Middle East.

The Hamas victory in last month's Palestinian Legislative Council election is a major setback to the prospects for peace. Last year's withdrawal from Gaza and parts of the West Bank by Israel was a positive step after several years of bitter fighting between the two communities.

While much of the world was taken by surprise by the Hamas victory, we really should not have been shocked. Last summer, even as Israeli soldiers physically removed settlers from their homes, the Israeli Government, the United States Government, the European Union and others were emphatic in telling the Palestinian Authority and the Palestinian people that they now bore the burden of centralizing authority in Gaza and maintaining security there. This country and our allies sought to strengthen the P.A. with aid and diplomatic support. Unfortunately, the Palestinian Authority was unable to seize the opportunity to show the Palestinian people the true benefits of peace.

Polling before the election and exit polling done on election day shows clearly that Palestinian voters chose Hamas because they were fed up with the corruption of Fatah and its inability to deliver a wide range of basic social and economic benefits. Hamas may be best known to Americans as a violent terrorist organization, but within the P.A. it has also run schools, medical clinics and day care centers.

The same polling that showed Palestinian disgust with Fatah also showed that a large majority of Palestinians favor a two-state solution and peace with Israel. The problem now is how do we, the United States, Israel and the rest of the international community, convince Hamas that the only way forward is to abandon its dream of driving Israel into the sea and replacing it with an Islamist Palestine.

Frankly, Mr. Speaker, I do not know if this is possible, but I have become convinced after multiple refusals by Hamas spokesmen to repudiate its call for Israel's destruction, that the only way forward is to ratchet up the pressure. This resolution is, I believe, a good first step. It does not mandate specific action by the administration, but reiterates the message that this country will not support a Hamas government that will not recognize Israel.

Those who cling to the dream of Israel's destruction must realize that this resolution is a warning and that continued intransigence will be met with sterner countermeasures.

Mrs. CAPPS. Mr. Speaker, I rise in support of S. Con. Res. 79 and am pleased that the House leadership has decided to pursue this thoughtful and constructive response to the success of Hamas in the recent Palestinian Legislative Council elections.

With passage of this resolution, the Congress will be on record in opposition of any direct U.S. aid to the Palestinian Authority if the majority party in parliament maintains a position calling for the destruction of Israel.

This reflects longstanding U.S. policy. And it is clearly the right policy. Hamas is a ruthless terrorist organization with the blood of innocents on its hands. When Hamas assumes control of the Palestinian parliament, it must recognize Israel's right to exist and renounce terror. If not, the Palestinian Authority should receive no direct U.S. aid. It's as simple as that.

But I would like to use this opportunity, Mr. Speaker, to point out that the outcome of the Palestinian election does not lend itself to simple analysis. And the U.S. response to this development must not be knee-jerk and simplistic.

Let us first remember that the Palestinian people went to the polls and conducted an election that was remarkably democratic, free, fair, and devoid of violence. We may not like the results, but we should take note of what is among the most democratic elections the Arab world has ever seen.

And while Hamas attracted the most votes, there is little evidence that Palestinian voters were in fact endorsing Hamas's call for Israel's destruction. Exit polls show that three-quarters of all Palestinian voters support reconciliation between Israel and the Palestinians based on a two-state solution. Armed with the ballot, Palestinians gave political voice to their anger and anguish over two related problems—the rampant corruption and cronyism within the Fatah establishment, and the lack of any tangible improvement of the quality of life under Israeli occupation.

So what should the United States do in response to this election? One thing we cannot do is simply throw up our hands and refuse to engage in efforts to help Israel and the Palestinians achieve peace. We cannot turn back the clock. Every week that goes by without any progress to achieve a solution to this conflict increases the threat to U.S. national interests. This was true before Hamas came to power and it is just as true today.

Yesterday, I received a letter from the Assistant Secretary of State for Legislative Affairs assuring me that the administration "remain(s) committed to working toward the peaceful resolution of the Israeli-Palestinian conflict . . ." This is a positive statement, and Congress should play a positive role in partnership with the President to advance our interests in the region.

For this reason, I am concerned about some legislative proposals that have been introduced in the House which would, in my view, sharply curtail our ability to engage constructively in the Israeli-Palestinian conflict.

Future legislation should include a mix of sticks and carrots—not just sticks. Clearly, direct aid to a Hamas-led Palestinian Authority must be stopped right now, but we should keep the door open for future aid if the P.A. undertakes the changes and reforms we are demanding of them. Permanently restricting our assistance provides little incentive and dramatically limits the President's options. Similarly, we must distinguish between the Hamas elements of the Palestinian Government and members of the PLO with whom the U.S. and Israel have negotiated for many years. Terminating diplomatic contact with the entire Palestinian leadership will do nothing but undermine the very moderates who oppose violence and support dialogue with Israel.

In addition, I am concerned about legislative efforts that would restrict the delivery of U.S. humanitarian assistance to the Palestinian people through credible and transparent nongovernmental organizations. I am pleased that the recent report in the New York Times about a coordinated American-Israeli effort to "starve" the Palestinian people has been strongly denied by both countries. The average Palestinian on the West Bank and Gaza leads a very difficult life and the further deterioration of economic conditions will not only be devastating for the Palestinians, but will also weaken Israel's security.

Mr. Speaker, today the House is taking an important step by stating unequivocally that U.S. assistance will not flow to a government dominated by a terrorist group bent on Israel's destruction. I hope, in the weeks and months ahead, as the situation in Israel and Palestine evolves, we can come back to this floor and enact thoughtful legislation that helps the Palestinian people, secures the State of Israel, and advances our own important interests in the Middle East.

Mr. GARRETT of New Jersey. Mr. Speaker, I proudly pledge my support for S. Con. Res 79, which expresses Congress's disapproval of any foreign aid distributed to the Palestinian Authority if a group holding the majority of seats supports the destruction of one of America's closest allies, Israel.

The recent election by the Palestinian people that put Hamas in control of their governing body should be troubling to all. This organization, with a foundation of hate and a track record of evil, has as its platform, one goal—the annihilation of the Jewish State of Israel.

It is quite troublesome that a people, desperate to prove to the world that they are deserving of recognition, peaceful, would with overwhelming support put in power a group solely motivated by the ruin of the peaceful and freedom-loving Nation of Israel.

Hamas is responsible for the tragic deaths of thousands of innocent Israelis and Americans, including women and children. They have refused to take part in any peace talks, including the Oslo Accords. They have refused to participate in previous, formal governmental operations that have worked with Israel. And they actively recruit children to accomplish their malevolent and homicidal agenda.

For generations, we have been working towards a plan that will finally bring peace to the most unstable region in the world—the Middle East. In recent years, peace looked as close as it ever has, held together by fragile promises of Arab leaders to end their over half-century assault on the nonviolent and democratic State of Israel. The control of the Palestinian Authority by Hamas could very well tip the scales away from a peaceful resolution.

Congress, who holds the purse strings of the peoples' money, should never provide any aid to any organization set on such destructive results. As a Member of Congress representing a district whose sightline used to include the Twin Towers, I know all too well the devastating effects of vengefulness and abhorrence.

I am proud of Congress's actions today and commend those who have worked to bring this resolution to the floor. I was similarly proud to stand with my colleagues in December when with strong bipartisan support, we passed H. Res. 575, warning against the very inclusion of Hamas and other terrorist groups in the Palestinian elections. I am also a proud original cosponsor of H.R. 4668, a House bill denying aid to a Hamas-controlled Palestinian Authority.

As our only ally in a region filled with unrest and American hatred, I vow to continue to stand firm with the State of Israel. The rise to power by the terrorist establishment Hamas only spells trouble for Israel and the United States, as well as for all our collaborative efforts to reverse the trend of a region that has been a breeding ground for terrorists sought on eliminating freedom and liberty from this world.

Mr. NADLER. Mr. Speaker, I rise to support S. Con. Res. 79, a resolution expressing the sense of Congress that no United States assistance should be provided directly to the Palestinian Authority so long as the Hamas-led government maintains a position calling for the destruction of Israel.

In fact, I will go further and say that the United States should freeze all aid to the Palestinian Government until Hamas denounces violence, renounces terrorism, and recognizes the State of Israel's right to exist within secure borders. Hamas's mission is the destruction of the State of Israel, and its methods include wholesale violence against civilians. To fund that regime is to legitimize terrorism against innocent people.

Hamas has been responsible for more than 425 terrorist attacks since the start of the second Intifada in the fall of 2000. These attacks have resulted in the deaths of 377 people, including approximately 27 Americans since 1993.

With Hamas in the majority—an organization designated as a terrorist group by the United States and the European Union—the Palestinian Authority is now led by a regime whose actions and covenant directly reject a diplomatic and peaceful resolution to the Israeli-Palestinian conflict. Hamas must publicly acknowledge Israel's right to exist as a free, Jewish state, denounce terrorism and dismantle its terrorist infrastructure, halt anti-Israel incitement, and commit itself to the peace process. The logical consequence of Hamas's failure to follow these civilized principles must be a freeze on foreign aid from the international community.

Today, the Palestinian Authority receives approximately $1.1 billion a year in foreign aid. According to a report prepared by the Congressional Research Service, the Palestinian Authority receives about $320 million a year in direct foreign aid, and about double that amount in indirect aid.

I am concerned that the international community may not be united in its opposition to Hamas. There is already disagreement within the Quartet, with President Putin declaring that Russia will not stop foreign aid to the Palestinian Authority. I have already written President Putin to urge him not to fund Hamas, and I hope he will reconsider his decision. But the problem goes beyond Russia.

Arab nations, many of them purported friends of the United States, have openly declared that they will step in and fund the Hamas-led government. Saudi Arabia and Qatar have already pledged $33 million. Several countries in Latin America, including Argentina, Brazil, Venezuela, and Bolivia, have invited Hamas officials to visit with their governments. The international community must neither fund, nor legitimize Hamas.

Therefore, I am circulating a letter to President Bush urging him to build an international consensus to withhold foreign aid as a way to isolate the Hamas-led government until Hamas denounces violence, renounces terrorism, and recognizes the State of Israel's right to exist within secure borders. Many Members of Congress have joined me in this effort, and I hope with this action by Congress today, more Members will join our efforts.

Mr. SHAW. Mr. Speaker, the Palestinian elections last month provided the Palestinian Authority an incredible opportunity to take the necessary step in the Israeli-Palestinian peace process. However, Hamas continues to incite violence and advocate for the destruction of Israel.

The resolution before us today states that the United States will not support sending tax dollars in the form of aid to a terrorist government. This resolution sends the message that America does not do business with a government that calls for the total destruction of one of our allies.

Hamas, for its part, continues to support the killing of Israeli civilians and denies the legitimacy of the state of Israel. Hamas has a choice, they can renounce violence, govern and work towards peace, or they can choose violence and the consequences that follow.

Last fall, I sent a letter to President Abbas calling on him to institute clear criteria for participation in Palestinian elections. Groups or individuals such as Hamas who support violence, racism, intolerance and hatred should have no right to participate in democratic elections.

Mr. Speaker, I do not see President Abbas working towards peace. This resolution reiterates that America does not deal with terrorists. I urge Members to support this resolution.

Mr. PAUL. Mr. Speaker, I intend to vote in favor of this legislation because I support any statement by Congress indicating hesitation to send U.S. taxpayer money abroad.

Unfortunately this legislation is motivated by politics rather than a genuine desire to limit unconstitutional foreign aid programs. The wording of the resolution itself does not close the door to providing U.S. aid to the Palestinians even if Hamas, the political party that won recent parliamentary elections, takes its seats in parliament without altering its stated policies toward Israel. Indeed, the legislation states that "no United States assistance should be provided directly to the Palestinian Authority" if Hamas occupies a majority of seats in the Palestinian parliament. This obviously suggests that the money can be spent "indirectly" in any case.

So this is hardly a strong statement opposing any and all aid to the Palestinians, which is the position that I hold.

I find it interesting that the same proponents of the United States government exporting democracy overseas are now demanding that something be done when people overseas do not vote the way the U.S. Government thinks they should. It seems that being for democracy means respecting that people overseas may not always vote the way Washington wants them to vote. If our aim is to ensure that only certain parties or individuals are allowed to lead foreign nations, why not just admit that democracy is the last thing we want? That attitude is evident in the fact that the U.S. Government spent more than $2 million trying to manipulate the Palestinian vote in favor of parties supported by Washington. You cannot have it both ways. Although it is always a good idea to eliminate foreign aid, we should be careful about calling the manipulation of elections overseas an exercise in "democracy promotion."

Mr. MCDERMOTT. Mr. Speaker, I have been occupied with the Ways and Means Committee all day and have not been able to participate in floor debate. I wish I had been able to participate in the discussion of S. Con. Res. 79 which was on the floor this morning because I have a question about the resolution.

My question is: How does this resolution further the cause of peace in the Middle East or make Israel more secure?

The resolution states that it is the sense of Congress that the U.S. should not directly aid the Palestinian Authority "if any representative political party holding a majority of parliamentary seats within the Palestinian Authority maintains a position calling for the destruction of Israel."

Of course there is a party with that sentiment, Hamas, and—as we all know—that U.S. law prohibits aid to Hamas. As far as I know, neither President Bush nor Secretary Rice nor anyone else in our Government has proposed trying to find a loophole through which the U.S. can bankroll Hamas.

So we have a resolution opposing an action which is already prohibited in existing law. We are bravely opposing doing something illegal that no one at all in the administration or Congress has proposed to do.

Why? Why did we come to the floor and vote on this? Who does it help?

I am submitting two articles for the RECORD along with this statement. The first, "The Right Way to Pressure Hamas," is an editorial from this morning's New York Times.

It discusses the rumors that the U.S. and Israel are trying to create conditions that would lead to new elections to oust Hamas, presumably in favor of Fatah.

The editorial notes that "in the long, sorry history of the Israeli-Palestinian dispute, there is not a shred of evidence to support the notion that pushing the Palestinian population into more economic desperation would somehow cause them to moderate their political views. In fact, experience teaches the exact opposite."

The Times goes on to say that a wise course "would be to step back and desist from deliberately provoking the Palestinians, and give Hamas a chance to reconsider its own options."

The second article, "Talking with the Guys from Hamas," appeared last Saturday in the Daily Star, a well-respected, moderate Beirut daily. I urge every member to take time to read it.

Its author, Rami Khouri, notes that a "Hamas-led Palestinian government and the new Israeli government to be elected next month face a historic opportunity."

He predicts that Hamas "will surely continue its 3-year slow shift toward more pragmatism and realism because it is now politically accountable to the entire Palestinian population, and to world public opinion."

However, Khouri warns: "It is not very helpful—as so may pro-Israel American apologists do—to focus mainly on Hamas' theology or its 1987 founding charter, any more than one should deal with Israeli parties that base their claim to all of Palestine—Eretz Israel on the book of Genesis account of God's land patrimony to the Jewish people."

So, what was the point of today's vote? To spell out for Hamas that Congress is going to stand in the way if Secretary Rice suddenly decides to try to send them a big aid package? To tell the President that he'd better not be trying to exploit some loophole to subsidize Hamas?

To clarify for Israel that the position that Harry Truman took isn't being abandoned after 58 years?

Mr. Speaker, time and time again, my Republican colleagues have come to the floor with resolutions opining on various issues.

Regrettably, they often serve to worsen the problems under consideration and to boil complex issues down to radio talk show-sized sound bites. This is a sensitive, dynamic time in Arab-Israeli relations, and I hope members can restrain themselves from show-boating.

As Rami Khouri suggests: "Political theologians and collectors of historical ideologies, please go home for a while."

[From the Daily Star, Feb. 11, 2006]

TALKING WITH THE GUYS FROM HAMAS

(By Rami G. Khouri)

I had the opportunity Thursday to explore first-hand the implications of the victory of Hamas in last month's Palestinian parliamentary elections. I went to talk to Hamas leaders at the Palestinian refugee camp of Burj al-Barajneh in Beirut, where poor, disenfranchised Palestinian refugees live in rather atrocious material conditions.

After two-and-a-half hours of discussions among Hamas, other Palestinian parties and an Anglo-American visiting delegation, I now know better why Hamas swept the Palestinian elections. The human contact also reveals what the news does not convey: this exiled, marginalized, downtrodden and vulnerable refugee community walks today with its head held higher than any other group of people in the entire Middle East, because of its unique combination of self-confidence, perseverance, success and legitimacy. Hamas is the only Arab party that enjoys an authentic mandate from its people, genuinely manifested through victory in two free elections at the municipal and national levels.

What does one learn from such encounters? The two most significant themes that emerge from discussions with Hamas officials—and from their many statements—are a commitment to national principles and a clear dose of political pragmatism. Both dimensions are important, and cannot be separated.

It is not very helpful—as so many pro-Israeli American apologists do—to focus mainly on Hamas' theology or its 1987 founding charter, any more than one should deal with Israeli parties that base their claim to all of Palestine-Eretz Yisrael on the Book of Genesis account of God's land patrimony to the Jewish people. Political theologians and collectors' of historical ideologies, please go home for a while.

Now that Hamas will share or hold power, they are likely to persist in both their principled and pragmatic ways. They will assert rather than drop their existing principles related to domestic governance, resisting Israel and liberating the Israeli-occupied territories, and potentially coexisting with an Israeli state under certain conditions. It is foolhardy to expect Hamas to reverse its principles at the moment when it has achieved a historic victory precisely because it has adhered to them. At the same time, it will surely continue its three-year-old slow shift toward more pragmatism and realism, because it is now politically accountable to the entire Palestinian population, and to world public opinion. Incumbency means responsibility and accountability, which inevitably nurture practicality and reasonable compromises.

Here is where Hamas' experience is instructive, and why it is so important to speak with them to understand how they are likely to behave. My sense from such discussions, along with 35 years of watching Islamists at work, is that they do make compromises and practical concessions. But they only do so on four conditions: they talk and compromise in a political context of negotiations between two equal parties; they give only when they get something of equal value in return; they respond emphatically to the consensus position of their national constituency; and they do not compromise on what they identify as core national rights of equality, dignity, liberty and sovereignty.

One more vital point to remember: Hamas and Hizbullah are the only two Arab groups that have ever forced Israel's fabled military to withdraw involuntarily from occupied Arab land (South Lebanon and Gaza). American presidents and other purveyors of fantasy are free to call this sort of unilateralism a "courageous initiative for peace," as George W. Bush said of Ariel Sharon. The rest of the rational world calls this what it is: a retreat, and a tacit admission of defeat. Hamas will build on the policies that achieved this, not repudiate them.

Hamas lives in the real world, not in fantasyland. It and its supporters are not so impressed with having tea in the White House. They are much more focused on bringing back a degree of personal dignity, communal self-respect, and national integrity to Palestinian life. They also know that the majority of Palestinians, other Arabs and world nations wish to coexist in negotiated peace with the state of Israel, if Israel in turn reciprocates the sentiment to the Palestinians and other Arabs whose lands it has occupied. How to reconcile these realities is a priority issue for them in the coming months.

I expect that Hamas will combine its legacy of both principles and pragmatism in slowly making important decisions on key issues in coming months. These will include sharing power in Palestine, reforming corrupt and mediocre national institutions, galvanizing an effective national Palestinian leadership representing all Palestinians in the world, negotiating peace with Israel while resisting its occupation, and fostering the development of a society that is not necessarily ruled by Islamic law.

A Hamas-led Palestinian government and the new Israeli government to be elected next month face a historic opportunity, if they are prepared to see each other as representing peoples and nations with equal rights. Hamas has reached this triumphant moment precisely because it has insisted on such equality, rather than pandering to Israeli-American promises as other Palestinian leaders did without success.

Hamas can be pragmatic only because its resistance and consistent principles have brought it success. Understanding the dynamic relationship between these factors is the key to movement forward to a win-win situation for all, including Palestinians, Israelis and the slightly dazed denizens of fantasylands far away.

[From the New York Times, Feb. 15, 2006]

THE RIGHT WAY TO PRESSURE HAMAS

America and Israel have to walk a very narrow line in defining their relations with a democratically elected Palestinian government built around Hamas, a party that not only endorses terrorism but also commits it. They cannot possibly give political recognition or financial aid to such a government. Neither can any country that claims to oppose terrorism. That defines the right side of the line.

On the wrong side lies the kind of deliberate destabilization that, according to a report by our Times colleague Steven Erlanger, Washington and Jerusalem are now discussing. That would involve a joint American-Israeli campaign to undermine a Hamas government by putting impossible demands on it, starving it of money and putting even greater restrictions on the Palestinians with an eye toward forcing new elections that might propel the defeated and discredited Fatah Party back to power.

Set aside the hypocrisy such a course would represent on the part of the two countries that have shouted the loudest about the need for Arab democracy, and consider the probable impact of such an approach on the Palestinians. They are already driven to distraction by fury, frustration and poverty. Is it really possible to expect that more punishment from the Israelis and the Americans, this time for not voting the way we wanted them to, would lead them to abandon Hamas?

In the long, sorry history of the Israeli-Palestinian dispute, there is not a shred of evidence to support the notion that pushing the Palestinian population into more economic desperation would somehow cause them to moderate their political views. In fact, experience teaches the exact opposite.

Fatah lost last month's election because its incompetence and corruption drove Palestinian voters into the arms of the more austere, social-services-oriented Hamas. If the new government fails to deliver because it puts continued terrorism over the well-being of the Palestinian people, it may indeed be booted out of office. But a Hamas that could explain continued Palestinian misery by a deliberate American-Israeli plan to reverse the democratic verdict of the polls would be likely to become only stronger.

Washington publicly asserts that no such plan is being discussed. A far wiser course for the United States to pursue would be to step back and desist from deliberately provoking the Palestinians, and give Hamas a chance to reconsider its own options. Some hints about its intentions may emerge from the way its leaders respond to overtures by the Russian president, Vladimir Putin. Last week, Mr. Putin indicated that he intended to invite them to Moscow for a visit.

Mr. Putin's move was controversial in the West, and perhaps he should have provided more warning. But that would be a minor snub indeed if he prods Hamas toward renouncing terrorism, accepting Israel's right to exist and reviving the peace process.

Ms. JACKSON-LEE of Texas. Mr. Speaker and my fellow Representatives, we have before us a resolution that, in its brevity, expresses the apprehension, concern, and resoluteness of our country in response to the victory of Hamas in the Palestinian elections 3 weeks ago.

I stand here to support the sense of Congress that an organization that does not recognize the right of another sovereign state to exist should not be the recipient of our aid. I have grave reservations about this resolution, however. Rather than pressure Hamas to recognize Israel, we may instead add more fire to the hostilities and prematurely halt the peace process by asserting this punitive resolution.

I hope that the Palestinian Authority will engage in diplomatic relations and come to an understanding that is satisfactory to all involved. The violence and suicide bombings are still present in our minds, and our objective is to never have to witness events such as these again.

But I also know that the Palestinian people need our help desperately. They are vulnerable. They need food, shelter, warmth, sanitation, medicine, schools. But they also need safety, protection, confidence, and a reason to believe that they may someday witness and achieve stability and peace. By joining in the sense of Congress today and refusing aid to a government that does not recognize Israel, we cannot forget the Palestinian people, who still urgently need our humanitarian aid.

Some may say that the majority voted for a historically terrorist political party. But the picture is never as simple as it seems on the surface—Palestinians had a choice between corruption and terrorism. They have seen the wasted resources and the ineffectiveness. They voiced their disgust in their leadership by democratically voting them out of office. The elections were a success in that regard—campaigning was energetic and nonviolent, and the election turnout was beyond expectations. They chose to replace the party in power with an alternative that promised more solidity, more leadership, and more hope for the future.

I do, however, implore that Hamas recognize the state of Israel and renounce violence. We can help them achieve many great things, including their own sovereign state. I hope that they will take us up on our offer.

Israel has found a way to exist as both a religious state and as an international diplomatic partner while protecting its own interests. Many Arab states have also tried this with varying degrees of success. Hamas needs to understand that you can run your country holding religious values close, while participating in a secular process that will give you what you seek. Daily, we see reports that Hamas refuses to acknowledge Israel's right to exist. Although we understand the anger, we've been shocked and dismayed at the violence in the Islamic community as a result of the publication of offensive cartoons. Unfortunately these images are present in our minds as we consider our relationship with the Middle East. I strongly urge Hamas to reassess its tactics and its position in relation to its goals, as well as reassess how best it can serve its people in its new position of government leadership. I know that your religion values human life. Prove it by protecting your people, and assuming the authority you have democratically earned by recognizing Israel's right to exist, just as you assert your right to exist.

The Israeli national anthem is entitled "The Hope," and it expresses an optimistic, yet sober understanding of what is needed to attain peace. Today, as a Member of Congress, I will join my colleagues in telling the Palestinian Authority that it must step onto the international diplomatic arena with honesty, openness, and a willingness to compromise. I still believe that a State of Palestine and a State of Israel will someday be able to coexist in peace, but in order for that to happen, both must acknowledge one another.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in strong support of this resolution as a first step toward helping our close ally, Israel, from an increasing threat. This resolution responds to the troubling results of the Palestinian Legislative Council, PLC, elections last month, in which Hamas—the radical Islamic Palestinian organization that has sought to expel Jews and destroy the state of Israel to establish an Islamic Palestinian state based on Islamic law—won a majority of the seats.

Hamas has been recognized by the United States and the European Union as a terrorist organization, and has committed hundreds of acts of terrorism against Israeli citizens since its creation in 1987.

The group has employed car bombings, suicide bombings, mortar attacks, Qassam rocket attacks, and assassinations to achieve its stated goal of destroying Israel, and in doing so has killed thousands of innocent Israelis, as well as several Americans, including 5 during a series of bombings in 1996.

In FY 2005, $275 million was appropriated to the West Bank and Gaza, with $50 million of that funding going directly to the Palestinian Authority. We can never allow U.S. taxpayer dollars to get in the hands of a Hamas-controlled government to be used against Israel.

The Palestinian people voted and selected Hamas, but that does not mean we must support an organization that is counter to real peace in the Middle East. Elections are serious business, and I am disappointed the Palestinian people selected a group who does not want peace.

Passing this resolution is just a first step to notify a Hamas led government; the US and its allies can not support a government in Gaza and the West Bank that does not recognize Israel's right to exist.

Mr. Speaker, these election results are extremely troubling and this resolution shows solidarity and concern for the security of Israel and its people. I urge my colleagues to join me in supporting this resolution to send a strong message to Hamas that we will not recognize them as a legitimate government so long as they promote terrorism.

Mr. BROWN of Ohio. Mr. Speaker, I rise in support of S. Con. Res. 79, a resolution urging that no U.S. assistance should be provided directly to the Palestinian Authority if any representative political party holding a majority of parliamentary seats within the Palestinian Authority maintains a position calling for the destruction of Israel.

With Hamas's victory in the Palestinian elections and the continued nuclear aggression of Iran, it is now more important than ever for the U.S. to reaffirm its support for Israel.

With Hamas's new power comes new responsibility. It is time for Hamas to recognize Israel's right to exist. It is time for Hamas to lay down its arms and realize the road to peace lies through direct negotiations with Israel.

We must call on Hamas to put an end to violence and terror. They must cease their rhetoric of hate. The U.S. and the international community must strongly urge Hamas to recognize Israel's right to exist.

Mr. FARR. Mr. Speaker, Hamas maintains and asserts a radical, violent ideology within its charter—the destruction of Israel. I believe that S. Con. Res. 79, which reaffirms that no U.S. funds should go to the Palestinian Authority if the majority party maintains a position calling for the destruction of Israel, is a good first step in creating a more peaceful region. Voting in support of this Resolution is not a hard choice.

But harder choices and questions lay ahead. Should we choose a knee-jerk reaction that cuts off all communication, as well as all assistance to the Palestinian people? The alternative is taking a deep breath and reflecting on more constructive ways to bring about a long-term, sustainable peace within the region, while maintaining our opposition to a political party that supports the idea of the destruction of another nation.

The reasons behind Hamas's victory are complicated. Polling data continues to show that the majority of Palestinians want peace and believe in a two-state solution. Palestinians are tired of a corrupt government and are exhausted by living in poverty. The U.S. Government's actions should not feed these root causes of Palestinian discontent. In fact, we should be supportive of efforts to mitigate these problems, including continued support for NGO-run humanitarian assistance. This path of moderation, I believe, will help bring more security to Israel, Gaza and the West Bank, and some day a Palestinian State.

Silence does not create peace and we shouldn't turn our backs on the Middle East and push all Palestinians down a path of isolation and extremism. The U.S. and Israel must remain engaged and push for a peace process that supports moderate Palestinian voices and peaceful leaders and urge Hamas to conduct itself as a legitimate political authority by renouncing the ideology of the destruction of Israel.

I urge Hamas to change its charter and urge the U.S. State Department to choose peace.

Mr. SHAYS. Mr. Speaker, I appreciate this resolution being brought to the floor so quickly and urge its passage.

The Hamas victory in Palestinian parliamentary elections is of great concern to me and many others and presents a major challenge to the peace process. There is simply no way our government can meet with or provide assistance to a government led by a terrorist organization.

Hamas ran a campaign based on cleaning out the corruption of the Fatah party. The Palestinian people responded to this pledge, but sadly in the process elected a terrorist government. Unless Hamas recognizes the State of Israel's right to exist, ceases incitement and permanently disarms and dismantles their terrorist infrastructure, the United States will not work with this government, nor can we expect Israel to.

Mr. AL GREEN of Texas. Mr. Speaker, today I would like to express my support of S. Con. Res. 79. This resolution reaffirms the long-standing policy of the United States against dealing with terrorists by expressing the sense of Congress that no aid should be given to the Palestinian Authority should any political party holding a majority of Parliamentary seats advocate for the destruction of the state of Israel. In the past years, the United States has given aid to the Palestinian Authority in the hopes of meeting the humanitarian needs of the Palestinian people. It is my hope that we will be able to provide for Palestinians who are in need of our help, but it is imperative that our assistance contribute to peace in the region.

As a nation committed to peace, assisting a Palestinian Authority with a political party holding a majority of the seats that actively calls for the destruction of the state of Israel is a step backwards on the path to peace. The internationally backed Roadmap requires that the Palestinian Authority launch "sustained, targeted, and effective operations aimed at confronting all those engaged in terror." The Palestinian Authority cannot call for the destruction of Israel if it is to be a serious partner for peace. The members of the Palestinian Authority must assure us that they are interested in a better future for the Palestinian people and to do so, they must take steps to recognize Israel and its right to exist.

It is up to the United States and the international community to ensure that we do not directly aid the Palestinian Authority should the majority party maintain a position calling for the destruction of Israel. This resolution clarifies our commitment to peace, real peace, by sending a clear, swift signal to those persons in the Palestinian Authority who refuse to recognize Israel's right to exist.

While the Palestinian Authority was democratically elected, true democracy requires a willingness to negotiate with other states. I urge the Palestinian Authority to acknowledge the existence of the state of Israel and to announce a willingness to negotiate with Israel and; in doing so, make a declaration to the world that it is committed to true democracy and peace.

Mr. ACKERMAN. Mr. Speaker, I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KOLBE). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 79.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

PAYING TRIBUTE TO SHIRLEY HORN

Mr. PORTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 300) paying tribute to Shirley Horn in recognition of her many achievements and contributions to the world of jazz and American culture, as amended.

The Clerk read as follows:

H. CON. RES. 300

Whereas on October 20, 2005, the United States lost jazz legend Shirley Horn, who contributed greatly to the musical landscape of the Nation through her artistry and musical talent;

Whereas Shirley Horn was born in 1934 in Washington, DC, and started her musical career at the age of four on her grandmother's piano;

Whereas at the tender age of 12, Shirley Horn studied composition and piano at Howard University and was invited to attend the prestigious Juilliard School in New York City when she was 18;

Whereas jazz gives a powerful voice to the American experience and is born of a diverse society, uniting people across the divides of race, region, and national boundaries, and draws from life experience and human emotion;

Whereas over her long and distinguished career, Shirley Horn performed and worked with jazz legends, including Miles Davis and Quincy Jones;

Whereas Shirley Horn recorded over two dozen albums and was lauded with numerous honors, including the Grammy Award for best jazz vocal performance in 1998, election into the Lionel Hampton Jazz Hall of Fame in 1996, an honorary doctorate from the Berklee College of Music in 1998, the 2003 Jazz at Lincoln Center Award, inclusion in ASCAP's Wall of Fame as the 2005 living legend, and the 2005 NEA Jazz Master, the Nation's highest honor in jazz;

Whereas Shirley Horn never forgot her roots and continued to support and perform in her local community of Washington, DC, receiving the Mayor's Arts Award for Excellence in an Artistic Discipline; and

Whereas Shirley Horn's voice and piano had a profound effect on her listeners around the world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) notes with deep sorrow the death of Shirley Horn and extends heartfelt sympathy to her husband and family; and

(2) recognizes Shirley Horn's many achievements and contributions to the world of jazz and American culture and notes the loss to American culture with her passing.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 300, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 300, which pays tribute to Ms. Shirley Horn, one of the leading jazz musicians of her generation. Ms. Horn passed away this past October, leaving behind a legacy of unsurpassing musical achievement and a family thankful for her dedication as a wife, a mother, and a grandmother. I thank the resolution's author, Mr. CONYERS, for drawing our attention to Ms. Horn's accomplishments and her status as one of America's artistic treasures.

Ms. Horn's talent was evident in early life. She began playing the piano at age 4 and started formal musical training at age 5. At the age of 12, she studied composition at Howard University in Washington, DC and received a scholarship to the Julliard School in New York at the age of 18. Unable to afford the high costs of living in New York, Ms. Horn instead remained in Washington, again studying music at Howard University.

Ms. Horn released her first album in 1961. The record, entitled "Embers and Ashes," established her as a gifted jazz musician and attracted the attention of such musical luminaries as Miles Davis and Quincy Jones. Following the release of "Embers and Ashes," Ms. Horn recorded two more albums and spent several years touring major jazz clubs throughout the United States.

However, Ms. Horn struggled with the travel demands of an active tour schedule and chose to spend the bulk of her time at home with her husband and daughter, occasionally playing at local jazz clubs in the Washington and Baltimore areas. Then, in 1980, while attending a musicians' convention in Washington, she was rediscovered while playing at a hotel piano with a group of old friends.

This rediscovery led to several years of touring and recording, with audiences and critics alike responding enthusiastically to her resurgence. Ms. Horn received nine Grammy nominations during this period, culminating in her 1998 Grammy Award for Best Jazz Vocal Performance for "I Remember Miles," her tribute to Miles Davis.

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Ms. Horn's awards also include a 2003 Jazz at Lincoln Center award for Artistic Excellence, and being named the 2005 National Endowment for the Arts Jazz Master, this country's highest honor for jazz, composers and musicians. In 2004, Ms. Horn was honored during a star-studded tribute and concert at Washington's Kennedy Center.

Musically, Ms. Horn will be remembered for the interaction between her voice and the piano and her slow, intimate ballads that have influenced the new generation of jazz artists. She will also be remembered for her dedication to family and the sacrifices she has made to be a good wife, mother and grandmother.

Mr. Speaker, as a musician myself, certainly nowhere near the accomplished musician as Ms. Horn was, I would like to also state from the personal side that I truly believe that the avenue to world peace is through music. I think she played a major role in bringing different cultures, different groups together for generations. I applaud her for that.

I would like to thank Mr. CONYERS for bringing this national treasure to our attention today and providing this opportunity to pay tribute to Ms. Horn's accomplishments. I ask my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I would yield myself such time as I might consume.

Mr. Speaker, I am pleased to join with my musician colleague from Nevada in support and in consideration of this resolution. I want to thank my colleagues from Michigan and Washington for their leadership in bringing this resolution that pays tribute to the renowned Shirley Horn to the floor today. Mr. CONYERS and Ms. NORTON introduced this resolution to honor Ms. Horn after she passed away on October 20, 2005.

Mr. Speaker, there are jazz singers who go for the bangs and booms of rhythm and speed. And then there is Shirley Horn, who took it slow. She moseyed along the piano keys, gently stepping and loving the ivories with her fingers. Her raspy voice and her way with the grand piano made her legendary.

Shirley Horn was born on May 1, 1934, in Washington, DC. She tinkled the keys of the piano ever since she was 4 years old with encouragement from her mother, who dreamed of her daughter being a black classical pianist.

Discovered by Miles Davis when she was just a teenager singing in a bar in Washington, DC, she was admired by jazz greats. She won a Grammy award in 1999, her first win after nine nominations. She also was inducted into the Lionel Hampton Jazz Hall of Fame in 1996.

Ms. Horn did not reach stardom until she was well into her fifties. She put off her performing in clubs in D.C. in order to raise her daughter. She made certain that she balanced performing and raising her family.

Later in life, she continued to share her music, even though she had many health barriers to overcome. Nevertheless, she persevered.

For example, even after having her foot amputated due to complications with diabetes, she still played her music even though it was difficult for her to use the pedals on the piano. Ms. Horn once said, and I quote, "I have to do it. I think when I was born, it's like God said, 'Music!' and that was it. All my life, that's all I knew. It's in me, it's jammed up, and it's got to come out." She let her great raspy voice fill our ears, and she let us sit and listen to her slow leisurely stroll along the 88 keys of the grand piano.

Generations to come will listen to her music, appreciate the ability of her voice to communicate deep intimacy, set to just the right tempo, and honor her great accomplishments as a jazz legend and as a black woman.

Mr. Speaker, music is an international language. Those who are gifted to convey it can communicate with individuals from every spectre of life, individuals from many different countries, individuals who speak different languages and understand different dialects. That is the value of the musician, and that has been the value of Shirley Horn.

Mr. CONYERS. Mr. Speaker, I rise in support of this resolution, which honors the life of my friend, Shirley Horn. Shirley, who passed away on October 20, 2005, was one of this country's last great jazz vocalists, one in the triumvirate of Ella Fitzgerald and Carmen McRae. Her luminous voice gave rise to whispery vocals that made songs lucky to be sung by her. Many fans noted that her songs simply melted in the air. She was a giant in the world of music and will forever remain an icon of American culture. I had the privilege of sharing my memories of her at her memorial service last year, surrounded by her family and countless friends.

Shirley was born here in Washington in 1934 and started her career in music at the age of ten on her grandmother's piano, unaware of the impact she would have on the world. She studied music at Howard University and was invited to attend the prestigious Juilliard School in New York. While financial difficulties at home kept her from Juilliard, they did not impede her spirit and drive.

While she started as a piano virtuoso, she was seventeen when she was coaxed into singing at a Washington, DC club called One Step Down. A customer promised her a turquoise teddy bear if she would sing "My Melancholy Baby." Shirley said she was so shy, but she wanted that teddy bear enough to sing the song.

It was none other than Miles Davis and Quincy Jones who plucked her from that local club to international fame, and the story is worth repeating. Miles called her out of the blue after the release of her very first album, "Embers and Ashes," and asked her to open for him at the Village Vanguard in New York. Not surprisingly for a young artist, she thought it was a joke and did not believe it until she went to New York and actually heard Miles's children singing from the album. Miles and his trumpet later joined a concert of hers but would not come out from behind a pillar while playing "My Funny Valentine."

With encouragement from Miles and Quincy, two other jazz icons, Shirley went on to record over two dozen albums and was lauded with numerous awards. After seven consecutive Grammy nominations, she won in 1998 for best jazz vocal performance. It was fitting that the winning album was "I Remember Miles," a tribute to her mentor and friend, Miles Davis. I cannot think of a more fitting honor for Shirley and Miles.

But her contributions to music go far beyond one album. On recordings for Verve Records, she collaborated with Miles Davis, Wynton Marsalis, Gary Bartz, and Toots Thielman. She even recorded the soundtrack for the movie "For Love of Ivy." The person who asked her to do the soundtrack was the star of the film, Sidney Poitier. She also recorded a tribute album to Ray Charles called "Here's to Life, Light out of Darkness."

She also was elected into the Lionel Hampton Jazz Hall of Fame, received an honorary doctorate from Berklee College of Music, and won the 2003 Jazz at Lincoln Center Award.

Importantly, she never forgot her family or her background. She lived mainly in Washington during the early part of her career so that she could take care of her daughter. Recording equipment and jazz legends like Elvin Jones came to her house to record albums.

She even remembered how one person could make a difference in the lives of others. Just as Miles recognized her talent and took her under his wing, Shirley reached out to a young drummer named Aaron Weiman and took him under her wing. And none other than pianists-singers Diana Krall and Norah Jones count her as mentors.

I again express my deepest sympathies to her family and urge my colleagues to vote "yes" on this resolution.

TAKOMA PARK, MD,
February 14, 2006.

Representative JOHN CONYERS, JR.,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN CONYERS: I am writing in support of House Concurrent Resolution 300, saluting the life and music of Shirley Horn.

Shirley Horn was an American original. She was an outstanding jazz singer and musician. She lived that uniquely American music, jazz, respected its traditions: and passed them on for all to share. In small clubs, and in large auditoriums, Shirley Horn performed throughout the United States and around the world. This resolution honors Shirley for all time. It is richly deserved. I applaud its introduction and urge the House to vote to pass it.

Shirley Horn worshiped words and the stories they told—and her renditions of standards and other songs were lyrical magic.

When we first met, she sat right next to me at the piano for a whole night at Washington's famous and now defunct jazz club, the One Step Down. At first, I was intimidated by a giant of America's music sitting no more than three feet away. This was someone who worked with Miles Davis and so many other greats! But, she was warm and infinitely gracious to a young, developing pianist. A wonderful friendship grew over the last 7 years of her life and Shirley Horn became my 'third' grandma.

Through the terrible illness that eventually took her life, she always thought about leaving her hospital bed and playing music. She yearned to sing, play piano, and perform alongside her long-time band members, Steve Williams on drums and Ed Howard on bass.

Her love of lyric and melody inspired me, musicians and singers, and audiences around the world. Shirley was wonderful at making all the songs she sung and played beautiful, rich, and full of emotion and stories.

She made famous a song entitled" Here's to Life" written by Phyllis Molinary and Artie Butler. This was the closing song at many of her concerts. She ended with the last lyric, which was "Here's to life / Here's to Love / Here's to You."

Here's to you, Shirley,

I urge all house members to support House Concurrent Resolution 300.

AARON WEIMAN.

SILVER SPRING, MD,
February 14, 2006.

Hon. JOHN CONYERS,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE CONYERS: I was thrilled to learn that you introduced and the House of Representatives will soon consider are solution to honor the life of Shirley Horn.

As her drummer for approximately 30 years, and her, as she would say, soul mate, I can honestly say Shirley Horn is already and has been among the great ambassadors—to America and to the World—of this truly authentic American art form, jazz.

I also have to include, that through her music, piano and voice, Shirley Horn taught us, the very important things in life—heart felt honesty, companionship, love and the art of swing, the later I personally believe native of this country.

Shirley Horn, being a complete musician, was able to interpret to me, on my instrument, the drums, precisely what she wanted. It was then I realized her knowledge of the importance of each instrument. That included her ability to show me the way to express what had to be said purely and simply.

We traveled the world and each performance was an adventure. Of notable performances, I must recall the evening hosted by President Bill Clinton and First Lady Hilary Clinton. Even with the audiences who didn't speak our language, Shirley Horn was able to communicate her message of song, melody and love, truly qualities of an ambassador.

During my time with Shirley Horn, I was able to record and perform with many of the greats of this music; Miles Davis, Milt Jackson, Gary Bartz, Roy Hargrove, Wynton Marsalis, Toots Thielemans, Joe Henderson. And a particularly educating experience, we recorded at her home with two colossal men of my instrument: Elvin Jones and Billy Hart. There was no end to what she was able to give.

Now we have the rest of our lives to ingest and pass on her legacy.

Our Nation was enriched by Shirley Horn and her wonderful legacy.

My sincere thanks and appreciation for asking the House of Representatives and the U.S. Senate to honor this great Lady.

Sincerely,

STEVE WILLIAMS.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PORTER. Mr. Speaker, I again appreciate having the opportunity to speak on this resolution today, and my strong feelings that we should recognize her for her many accomplishments. I would ask that my colleagues support this resolution as amended.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KOLBE). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 300, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

NATIONAL FLOOD INSURANCE PROGRAM ENHANCED BORROWING AUTHORITY ACT OF 2006

Mr. NEY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2275) to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program, as amended.

The Clerk read as follows:

S. 2275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Flood Insurance Program Enhanced Borrowing Authority Act of 2006".

SEC. 2. INCREASE IN BORROWING AUTHORITY.

The first sentence of subsection (a) of section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)), as amended by the National Flood Insurance Program Further Enhanced Borrowing Authority Act of 2005 (Public Law 109–106; 119 Stat. 2288), is amended by striking "$18,500,000,000" and inserting "$20,775,000,000".

SEC. 3. EMERGENCY SPENDING.

Amendments made pursuant to this Act are designated as emergency spending, as provided under section 402 of H. Con. Res. 95 (109th Congress).

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a pleasure to be here with my colleague from Massachusetts on an important bill. It is designed, of course, to increase the borrowing authority of the National Flood Insurance Program.

In the immediate aftermath of Hurricane Katrina, I introduced H.R. 3669, the National Flood Insurance Program Enhanced Borrowing Authority Act of 2005. That piece of legislation increased insurance by $2 billion, which went a long way in helping the Department's flood insurance response.

The bill before us today would provide a total of about $20.775 billion in borrowing authority to help ensure that the NFIP have sufficient funding on a cash basis in the short-term. This bill would allow FEMA to continue paying claims resulting from Hurricanes Katrina, Rita and Wilma, while the administration further evaluates the extent of the damage and the most appropriate means to cover all potential future claims.

These claims from those whose homes and businesses have been damaged or destroyed by Hurricanes Katrina, Rita and Wilma are not a new obligation. They are the result of a legal promise we made to these homeowners and business owners, a commitment we made when Congress passed the National Flood Insurance Act of 1968 and subsequent revisions.

Homeowners and business owners across the country agreed to pay premiums, communities agreed to adopt building codes to mitigate flood dangers, and the Federal Government agreed to provide insurance coverage to policyholders after a disaster. Every single one of these claims represents someone who has taken the responsible course of action by purchasing flood insurance and paying premiums to the government.

We not only have a legal obligation to honor our commitments, we have a moral obligation to provide the coverage we promised to provide to these people. I think the thrust of this bill is so important for people. I understand the argument some of my colleagues are making about the need to have further reforms for the National Flood Insurance Program.

I note the Committee on Financial Services held a markup in November of 2005 that addressed several reform initiatives to enhance accountability and ensure 2004 reforms are implemented. We had the support of Chairman OXLEY and our ranking member Mr. FRANK of Massachusetts on a bipartisan basis.

Mr. Speaker, I just want to make it clear, we had reforms. This is not going to be the last of these bills that we are going to see, and we will work towards having some reforms.

In addition, the Subcommittee on Housing and Community Opportunity held four hearings on this important program last year, including an August field hearing in rural Ohio, in my district. The Housing subcommittee will have continuous oversight of this important program, NFIP and look for all possible legislative solutions that will make this program as efficient and responsive as it can be.

Floods have been and continue to be one of the most destructive and costly natural hazards to our Nation. Early last year, there have been three major floods in the district that I represent, all three of these incidents qualify for Federal relief granted by the President, and this flooding event, in January of last year, resulted in historic levels of damage in several communities.

Now, we have a major disaster of the likes of which we haven't seen before down in the gulf, and the national flood insurance is a valuable tool in addressing the losses incurred throughout the country due to these floods. I urge the support of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to reinforce what the gentleman from Ohio, the chairman of the subcommittee, said. In the Committee on Financial Services, on a bipartisan basis, we marked up a bill that would authorize increased funding, but accompanied that with some reform. Let me go back to a couple of years ago, when, at the initiative of a bipartisan pairing of Members, our former colleague, Mr. Bereuter of Nebraska and our continuing colleague, the gentleman from Oregon (Mr. BLUMENAUER) took up the cause of reforming the flood insurance program.

We began that process. Frankly, I find it a little ironic. Some of those who have been critical recently of the flood insurance program were some of those who resisted our efforts to make tougher reforms back then. But at the insistence of those two Members who I mentioned, the chairman of the full committee, the gentleman from Ohio (Mr. OXLEY); the chairman of the subcommittee Mr. NEY and I and others worked hard. We did insist on some reforms. We didn't get everything we wanted.

This year, as the gentleman from Ohio pointed out, or last year, in this Congress, we again had a very serious markup in our full committee. It was controversial. One or two items that some of us supported were defeated, but we worked this out, and we had a bill to come to the floor that would have increased borrowing authority, but would also have further reformed the program, and this is a case, by the way, where environmentalism and protecting the taxpayers go together. It is not in anybody's interest to have buildings put into places inappropriately.

Unfortunately, the Senate did not show any interest in doing the same, and we have heard some comments from some Members of the Senate about reform, but their preference for reform seems very abstract. It does not often make its way into legislation.

The Senate sent us a bill, which, as I understand it, they intended to keep going until July. Frankly, that troubled me, because if we were to extend this program until July, given this being the even year of the session, with all that implies, the likelihood of our getting to the reforms would have diminished. What I like about this bill, and I hope it is a reassurance to some of those who want reforms, our understanding is you can't be precise if you don't know exactly how the spendout is going to be, but this should run out in May. That means that we have got to pass legislation again on this subject, as the gentleman from Ohio said.

I want to serve notice now, and I think I speak for the Members on my side, and I know this is something that both the subcommittee chairman and the full committee chairman agree with in desirability, we need to do further reforms. We are not talking about depriving people of the benefit of this program, we are talking about improving it from an environmental and efficiency standpoint.

By the way you do people no favor if you encourage them to build where they are then going to be the victims of a diaster. I know the chairmen of the full and subcommittee feel strongly about this.

Let me speak for myself. I will support this bill. I will not support a further grant of increased borrowing authority unless we have had a chance to deal with the reforms. If some of the changes that I support are voted on, and I am defeated, I accept that.

But to be confronted with a situation where the Senate sends us legislation that simply extends the money without any consideration of reform will be unacceptable to me. I don't want to victimize the people who are there, but it is simply does not comply with our duties to the taxpayers, to the environment, and elsewhere, to the public interest, to simply continue to put more money into this program without further reforms.

As I said, we did begin the process. So I will support this now. I am pleased that the chairman of our committee has noted we have a bill which was marked up in our committee, which has some reform. I hope we will bring our further bill to the floor with those reforms and let Members work their will on it and send it to the Senate.

But I again want to stress, I agree with those who say we need more reforms. I congratulate the leadership of the committee who have scaled this back in terms of how long it will last, so that we will not get an extension that makes it unlikely that we will be able to do some further reform.

☐ 1115

I do not plan to support a further increase in funding to keep this program going until both Houses have dealt seriously with the need for reform.

Mr. Speaker, I reserve the balance of my time.

Mr. NEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I appreciate the gentleman yielding.

Mr. Speaker, today this Congress is being asked to raise the amount of money that the FEMA flood insurance program is allowed to borrow from $18.5 billion to $21.2 billion.

Now, obviously, we all understand that the disaster of Katrina was unprecedented in the history of our Nation. And our Nation responded by appropriating unprecedented funds to deal with this catastrophe. But at some point enough is enough, and today I rise to express my concerns about the fairness of this program.

I have a very difficult time allocating any additional funds to the FEMA flood insurance program because of the way that program is treating the people of Michigan. FEMA is currently going about a remapping of communities in my State that will bring thousands more of my constituents and perhaps tens of thousands across the State of Michigan into the flood plain. This will force those with federally guaranteed mortgages to purchase FEMA flood insurance.

Mr. Speaker, let me share a few numbers with you and ask you to determine for yourself whether or not Michigan needs to pay more into this insurance pool.

Since 1978, that was the year Michigan actually opted into the program, the people of Michigan have paid premiums totaling over $138 million; and in that same time, FEMA has paid outside claims totaling less than $38 million. So since 1978, as you can see through this chart, Michigan has subsidized this program to the tune of over $100 million. And the people of FEMA seem to agree.

In fact, there was an article I think last week in the Detroit Free Press which quoted FEMA spokesperson Eugene Kinerney saying this about Michigan's participation in the program. He said, "You guys subsidize other policies in other parts of the country, absolutely." That is what FEMA said. So in what appears to me to be a grab for even more of our money, along comes FEMA saying, even though you have never had a flood, you live in a flood plain and you need to purchase insurance, even though the Great Lakes are at historically low levels; even though my State of Michigan has only had claims totaling 27 percent of what we have paid into the program; even though only eight other States received a lower percentage in their premiums than Michigan.

If a private insurance company tried to do this same thing, they would be hauled in front of our State insurance commissioner and have to beg to keep their license. I refuse to support any more legislation that enables this type of irresponsible management that seems to be the norm in the FEMA flood insurance program. In fact, one of my constituents who is a township supervisor in a township called Clay Township, this is a community on St. Clair River going in to Lake Huron; this is a community that is going to be hit very hard by this remap, I asked him, what do you think about FEMA remapping our area? He said, why would FEMA want to come here and raise the elevations when our water levels are at low levels? Well, they are broke, are they not?

I know this: my district is along the shore of Lake St. Clair, the St. Clair River and Lake Huron. We also have many rivers and tributaries, and they occasionally flood, but not as often as the amount of these claims paid shows.

We also look down at the water, not up like they do in places like New Orleans. We do not need any more of my constituents forced into this program, and we do not need others across the State of Michigan forced into it either.

In Michigan we are struggling economically. We have been hit by an economic hurricane of higher energy costs, low-cost foreign-manufactured goods, and competition from lower-wage States, many of which are recipients of the subsidy that the people of Michigan provide to the FEMA flood program. We have the highest unemployment in the entire Nation, and our citizens can absolutely not afford to continue to pay higher costs for insurance that they do not even use. Yet once again we are being asked to subsidize the insurance payouts to people in other States.

Before we allow this to happen, FEMA must show the methodology behind this program and show how it makes sense. I think this is an issue of basic fairness; and until that time, I will not support any expansion of the program; and I urge my colleagues to do the same.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER), who has been one of the two leading Members of Congress in recent years to try to improve this program.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this measure and I appreciate the leadership that has been exhibited by Mr. FRANK of Massachusetts, Mr. OXLEY, and Mr. NEY. The Committee on Financial Services is trying to get this right. It provides a back drop as the story of Katrina continues to unfold.

Our Republican colleagues are going to put together a critique that is somewhat hard hitting. But the real failure is not just limited to the administration's response and problems with FEMA. The real failure is a much greater policy failure.

Over a long period of time, a variety of circumstances have put people at risk. The tragedy is that we are not better equipped today. There will be another catastrophic natural disaster before we have actually finished the job with Katrina. God forbid that there be a terrorist act on top of it.

Now, this bill provides an opportunity for a simple mid-course correction that would be a longer-term reform of the flood insurance program. As Mr. FRANK of Massachusetts mentioned, I have been working on this for the last 6 years officially with some limited success. I understand some of the difficulties and the reluctance. I am pleased that we are making some progress, but it is long past time to be timid. We know what to do. We face a disaster zone from the California coast to the tip of Florida. Drought, flames, storms, a whole mixture of issues are what we are going to be facing. We should be having something on the floor soon like the bill offered by our colleague from Louisiana, Mr. BAKER. And for heaven's sake, we need to be trying to look in a comprehensive form to be sure that we do not end up making the same sort of mistakes.

Today we are going to vote on increasing the borrowing authority. It is appropriate. I will vote for it. There is no way that we can have the rate payers absorb these catastrophic events. But I am extremely disappointed that somehow the bill we have before us does not have the measures to include more people to participate in the program, spread the financial risk, make people safer, and make participation mandatory.

In the hearings that took place in the other body this month, there was near unanimous support from groups as wide ranging as the National Taxpayers Union, the Association of Floodplain Managers, the National Wildlife

Federation, the Consumer Federation, on and on. They know that we want to reduce or eliminate subsidies for people living in the most hazardous areas and for second homes.

We need to expand the mandatory purchase requirements for people who live behind levees and experience residual risk. We need to fully support FEMA's efforts to update flood plain maps and include areas beyond the hundred-year flood plain.

We finally have implemented the reforms made in the Flood Insurance Act of 2004. I appreciate the hard work that the Financial Services Committee did in putting the spotlight on FEMA and working with our friends in other committees. But we need now for FEMA to promulgate the regulations to implement it, otherwise the reform is meaningless.

We cannot overstate the importance of mitigation. FEMA and the Multihazard Mitigation Council just released a report on the benefits of mitigation, which found that for every dollar spent, our government saves an average of $4. The insane system we have here now, however, is that mitigation costs Mr. OBEY and costs Mr. LEWIS of California hard dollars. If it is in a supplemental, billions of dollars come in and they are off budget and that is easier. We have got to change that as well.

We do ourselves no favors by lowering our sights, tempering our expectations, and failing to do what we know how to do in the best interests of the taxpayer and the people who are in harm's way. Delay will simply mean more lives lost, more property damage. It will cost the taxpayer more money, not under the limits that the Appropriations Committee operates under; but it will be taxpayer money nonetheless.

We continue the cycle of responding after the fact to disasters instead of doing everything beforehand to fulfill our obligations and to act in the best interests of our constituents everywhere.

I echo the words of Mr. FRANK of Massachusetts: I hope this is the last time we have legislation of this nature before us. I appreciate the subcommittee's hard work, and I for one will support it today; but I add my voice as someone who will fight like the devil one more suboptimal effort.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not have any additional speakers. I want to thank the gentleman from Oregon, and I also want to point out just a few things.

We had the Bunning-Bereuter-Blumenauer provisions in our bill to have FEMA enforce the 2004 that the gentleman from Oregon had mentioned was in there, also increased insurance coverage. We had raising the penalties on lenders who do not enforce the regs. So there were a lot of the reforms that we had in there.

I am going to tell you today, we have a commitment, of course, and I know the gentleman from Oregon understands that and we all do here today, we have a commitment to these people that paid in and we need to pay back to these people because they paid their money; but we need to have the reforms.

The other thing is if anybody stands here today and says this is going to last us, we will be okay until August, I want to tell you we will not be okay until August. This will not take us through to August. I predict to you today FEMA can say what it wants, it can communicate what it wants. This will not last maybe 2 months or more. I predict we will be back. We have to do the reforms. I personally commit to work with you on it.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. NEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I understand there probably has been some confusion about how long things are going to go. I will say I am now convinced that the problem is FEMA has no idea of what the spend-out rate is, and this is a further indication.

While we are on the subject, since we are talking about FEMA, I do have to say it is not on a related subject, it is not related, but the decision by FEMA to evict people who have lost their homes, who are living in hotels because some of them did not fill out the right forms, is the single cruelest most senseless public policy I have seen. It serves no purpose. It is an infliction of further misery on people who have already been beset. And it is an example of incompetence and callousness compounding each other.

Let me get back to this. Here I sympathize with my friends on the majority who have the responsibility of trying to make sense out of what they are hearing. We do not want to cut off the people who need help. I appreciate what the gentleman said. Let me say we have put a bill out. I hope we will see that bill on the floor soon, that we will get to vote on it, that we will send it to the Senate. And until and unless we get Senate consideration on the kinds of things we are talking about, I will vote for this one, but for no further ones.

Mr. NEY. Reclaiming my time, I predict we will be back here within 60 days, 60 or 90 days, I will bet that we will be back here, so we will have to work towards the reforms. Also, our subcommittee was the first committee of the House to go down to New Orleans and to Gulfport, Mississippi. We went down with our ranking member, the gentlewoman from California (Ms. WATERS). Some Democrats and Republicans on the staff went down there and they did a fine job. They saw what we saw. This is going to be a long, long process.

I will tell you we will be back here within 90 days again because they can say it will last, but it will not last.

Mr. FRANK of Massachusetts. I think, given the calendar, we should do it as quickly as possible.

Mr. HENSARLING. Mr. Speaker, I would like to insert the following letter into the RECORD of the debate on S. 2275, National Flood Insurance Program Enhanced Borrowing Authority.

WASHINGTON, DC,
February 14, 2006.

Hon. DENNIS HASTERT,
Speaker of the House, The Capitol, Washington, DC.
Hon. JOHN BOEHNER,
Majority Leader, The Capitol, Washington, DC.

DEAR SPEAKER HASTERT AND MAJORITY LEADER BOEHNER: As you know, the President's Fiscal Year 2007 budget requests a $5.6 billion increase in FEMA's borrowing authority because its flood insurance program, the National Flood Insurance Program (NFIP), is unable to cover current claims against it from the unprecedented losses resulting from Hurricane Katrina.

Since 1968, the NFIP has offered property owners in coastal and river areas federally subsidized flood insurance. It currently insures approximately 4.7 million homeowners, renters and other policyholders, who pay premiums for coverage. Total insured assets are above $800 billion with some 20,100 communities participating. In heavy loss years, when losses exceed its premiums, FEMA is authorized to borrow from the U.S. Treasury up to $1.5 billion. This borrowing has historically been repaid with interest within very short time periods from NFIP premiums and fees.

However, the catastrophic damage and losses resulting from the 2005 Gulf Coast hurricanes is far exceeding the available resources in the National Flood Insurance Fund. Consequently, Congress last year eventually raised FEMA's borrowing authority to $18.5 billion. But despite this, flood damage claims from the 2005 hurricanes are now estimated to be in excess of $20 billion and growing, surpassing all combined payments in the program's history. This will again necessitate Congress raising the limit on FEMA's borrowing authority to pay these claims. And, if additional flooding occurs in 2006, these costs will only grow higher.

Unfortunately, this new borrowing will likely never be repaid by the beneficiaries. According to CBO, it "is highly unlikely that the program will be able to repay that amount of borrowing out of its income from premiums and fees." It is estimated that the interest expenses alone from these loans would consume a large portion of the program's annual revenues for the foreseeable future. It would take decades to repay these costs, assuming no other flooding—undoubtedly, these payouts will be forgiven at some point.

Lacking this ability to repay within a reasonable period, we view deficit-financed spending from any additional FEMA borrowing above its current $18.5 billion level to be essentially identical to those of a conventional federal spending program. Therefore, spending flowing from additional federal borrowing authority should be fully paid for by spending reductions elsewhere in the federal budget.

In addition, any long-term extension must include comprehensive structural reforms to the program. The hurricanes of 2004 and 2005 have made it clear that legislative action is urgently needed to make the NFIP actuarially sound and able to build sufficient cash reserves to cover higher than expected losses. For instance, comprehensive reform would better align premium rates with the policyholder's associated risk while reducing direct subsidies of over $1.3 billion annually, starting with the elimination of all subsidies for vacation homes, and address the repetitive loss problem, where subsidies flow to homes to be rebuilt over and over after multiple flood losses, while ensuring proper flood mitigation measures and mapping are in place, enforced and used to reduce losses from future floods. We believe these and other reforms are critical to reducing the taxpayers' risk exposure while strengthening and improving the flood insurance program.

This week, Congress is scheduled to extend FEMA's borrowing authority through April. While this spending should be offset, we appreciate your work with House conservatives to ensure this a short-term extension that will allow substantial time for a vigorous and comprehensive reform of the flood insurance program over the coming months. If this imperative reform effort falters, we will oppose any future increases to FEMA's borrowing authority that are not fully offset.

We look forward to working with you and committee leadership to ensure that this component of federal assistance is both timely and fiscally responsible, and that any package of reforms continues to meet core federal responsibilities.

Sincerely,

MIKE PENCE,
Member of Congress.
JEB HENSARLING,
Member of Congress.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of S. 2275, to temporarily increase the borrowing authority of Federal Emergency Management Agency, FEMA, for carrying out the National Flood Insurance Program NFIP.

The National Flood Insurance Program was developed in 1968 in response to private insurers' unwillingness to issue flood insurance to homeowners residing in areas prone to flooding. The program makes available federally subsidized insurance policies for purchase to communities willing to comply with NFIP standards. Those standards include the adoption of floodplain mapping and building regulations. Currently, over 20,000 communities, supporting 4.7 million people, participate in the program. Statistics show that compliance with NFIP guidelines works—Communities in compliance, suffer 80 percent less property damage than that those not in compliance.

The act before us today will increase FEMA's borrowing authority for administration of the program from $18.5 billion to $21.2 billion. Two point seven billion dollars may seem like a lot, but it is a necessary step towards prevention, and prevention should be our ultimate goal. It is important remember that the $2.7 billion is not a handout—it must be repaid by profits made from premiums and interest accrued from the loan.

Hurricane Katrina opened everyone's eyes to the importance of flood insurance. Flooding is not a problem that just comes around when a hurricane hits, neither is it going to disappear after the damage inflicted on the gulf coast is repaired.

Most are unaware that the United States suffers $2 billion of damage annually. In fact, in my home district of Houston, from 1978 to 1995, almost $300 million in flood insurance claims were made. If those facts are not startling enough, consider that the NFIP, the arm of FEMA that makes coverage available to communities in need, is now bankrupt.

Even more alarming is the fact that current evidence indicates that the insurance industry has acted irresponsibly, without compassion, and only in the interest of profits. In 2004, the insurance industry had a record year netting $800 billion in policy holder premiums. The insurance industry must realize that they have a responsibility to the public, as well as to generate profits for their companies, and that they must find a way for the two to coexist. A staggering 40 percent of property owners along the gulf coast do not have flood insurance coverage. As we have now been reminded in the wake of Katrina, the absence of coverage creates a difficult situation.

The NFIP was created to serve as a safety net to those unable to purchase flood insurance from private companies, and their services are once again in need. The act before us today is an important step in the right direction, but a dramatic change in national policy is the only way we can ensure that the necessary change will take place. I ask my colleagues to rise in support of S. 2275.

Mr. GENE GREEN of Texas. Mr. Speaker, Congress should act to increase the borrowing authority for the National Flood Insurance Program to honor the debt incurred by the United States.

If we do not act, people who have paid their flood insurance premiums will not receive their claims for their flood damage. No one wants to live in a nation that does not honor its debts.

In addition, I am concerned that Congress is reacting to the unprecedented flooding damage of 2005 by blaming the victims and innocent parties.

Federally backed flood insurance is necessary because the private sector will not supply this product since the damages are too concentrated geographically and chronologically for the risk to be sufficiently spread by private firms.

We recently passed a Federal flood insurance reform bill in 2003 and many of those provisions have not come into force, so I think it is premature to require Congress to approve more "reforms" before honest, premium paying policy holders are allowed to receive their payments.

The Katrina disaster was a tragedy, because the mass New Orleans flooding was probably preventable; if the levees had been built and maintained as they should have been.

Now my constituents in Houston, who do not live below sea level and do not live on the ocean coastline, will have to pay the price.

There are over 120,000 families in the 100-year floodplain who are required to have flood insurance. In Harris County we have updated our maps using airborne infrared radar, so they are accurate. There are another 155,000 families in the 500-year floodplain.

These people did not develop irresponsibly, in fact many of them didn't move into the floodplain, but the floodplain moved to them. Subsidence and later development has expanded floodplains and put innocent homeowners in the floodplain.

We should not blame these people for geographic factors beyond their control. Reforms of the NFIP should focus instead new development in floodplains, eliminating flood insurance for beach houses, and ensuring that the program keeps its commitments to its policy holders.

If we greatly increase premiums or expand the number of people required to have flood insurance, we should take into account the shock this can have on low-income families, and consider my legislation, H.R. 103, to offer 50 percent discounts for the first 5 years to low-income homeowners who suddenly have to pay premiums after a floodplain is redrawn to include them.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the Senate bill, S. 2275, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1130

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from Ohio?

There was no objection.

SMALL BUSINESS ADMINISTRATION'S DISASTER LOANS PROGRAM SUPPLEMENTAL APPROPRIATIONS, 2006

Mr. LEWIS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4745) making supplemental appropriations for fiscal year 2006 for the Small Business Administration's disaster loans program, and for other purposes.

The Clerk read as follows:

H.R. 4745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2006:

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Disaster Loans Program Account" for the cost of direct loans authorized by section 7(b) of the Small Business Act, $712,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That the amount provided under this heading is hereby derived by transfer from the amount provided for "Disaster Relief" in Public Law 109–62: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this supplemental appropriations bill, H.R. 4745, provides critical funding to assist victims of Hurricanes Katrina, Rita and Wilma by making $712 million in loan subsidy funds available for the Small Business Administration's disaster loans program.

The funding provided in this bill translates into $4.8 billion in loans that will now be available to victims of the gulf coast hurricanes.

To date, the Small Business Administration has approved more than 60,000 business and home loan applications, awarding $4.3 billion in loans. Loans continue to be approved at a record pace, yet 160,000 applications remain in the pipeline, and the application period remains open for 3 more weeks.

Without this critical infusion of funds, the Small Business Administration is in danger of depleting its loan funds prior to the Congress considering the administration's next supplemental request for hurricane-related costs.

This bill simply provides a temporary fix by shifting funds previously appropriated for the Federal Emergency Management Agency and redesignating them for the Small Business Administration's disaster loan program.

I also note that the SBA administrator has informed the Appropriations Committee that the need could be much higher than the amount provided in this bill. However, the committee has used the best available estimates to determine the short-term funding requirements and will continue to review the matter as it considers the next supplemental request submitted by the administration.

This funding is needed immediately as a stopgap measure so that lending to affected homeowners and businesses can continue uninterrupted.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, as the gentleman from California has indicated, the majority is bringing to the floor a bill that transfers $712 million from FEMA to SBA for Katrina-related costs. We are told that SBA projects they will run out of money by February 21 without the action contained in this bill. That is despite the fact that the Congress has just passed a supplemental appropriation for Katrina that was signed into law on December 30 of 2005.

At that time, Congress actually provided SBA emergency supplemental funding totaling $441 million. SBA stated that the reason their projections were inadequate was because the size of the loans were much larger than previous disasters, from approximately $30,000 to $60,000 per loan.

Even though Katrina and other hurricanes hit in late August, because the SBA was so slow in approving loans, they had no idea of the size. Once the SBA began to approve loans at a quicker pace, they apparently discovered that they would probably be short of funds, but even that, Mr. Speaker, is not the whole story.

SBA believes they will need an additional $400 to $600 million on top of what is being provided here to provide funding for all the hurricane victims of Katrina, Rita and Wilma. The difference is expected to be presented during the larger Iraq-Katrina supplemental, which is supposed to be coming any day.

The fact that the administration had no idea that one of the key agencies on the ground in Louisiana was almost out of money seems to me to be just another example of the wholly inadequate response which the Nation has seen in the aftermath of these hurricanes. The administration's initial response was disorganized and indecisive. The people who knew what they were doing, the experienced career employees of FEMA and other first responders, were apparently ignored by incompetent and unqualified political cronies who should never have been in the positions of leadership that they had.

I would have thought that 9/11 would have been a wake-up call. I would have thought that Katrina would be a wake-up call. I think that every Member of this House has the right to be tired of being disappointed by the folks who cannot shoot straight when it comes to providing the needed relief.

Let me also, Mr. Speaker, express my concern about the fact that this Congress is not taking action to address another problem which is an emergency, namely, the energy crisis in this country. Despite some relief being caused by warmer than usual temperatures, the latest figures issued on February 7 by the Department of Energy confirm that the cost of heating one's home has still risen dramatically this winter. Comparing this winter to last, average prices for natural gas are up by 31 percent, average prices for home heating oil are up 25 percent, and average prices for propane are up 18 percent just over that year.

In spite of those price increases, this year's appropriation for the Low Income Heating Assistance Program is actually $21 million less than last year. A shortfall in LIHEAP is even more serious than these price figures would suggest, Mr. Speaker, because, first, this winter's increase comes on top of price increases over the past several years that far outpace the appropriations this Congress has provided for LIHEAP.

Since the winter of 2001–2002, the average price of home heating oil has more than doubled, the average price of natural gas has gone up 95 percent, and propane is up 68 percent, yet funding for LIHEAP has increased only 20 percent over that period.

So high energy prices were causing a serious problem even before the gulf hurricane disrupted oil and gas production, and that drove prices still higher. The hurricanes simply made an existing problem worse.

I would also point out that these big increases in heating bills mean big increases in the number of people who need our assistance, as well as increases in the amount of aid that they need. The LIHEAP program has been serving only about 16 percent of those who are eligible based on Federal income standards, and I think we ought to be able to do better than that.

I would say that with the number of recipients rising faster than the appropriation, the average grant has been going down. At the very same time, prices are going up. The energy assistance directors estimate nationwide that the average LIHEAP grant shrunk by about 10 percent over the last 4 years.

So it seems to me, Mr. Speaker, the need for supplemental funding for LIHEAP is apparent. I wish that we could provide it. I wish it were before the House today in a vehicle which would allow an honest discussion of what funding level is needed, in a vehicle that would allow the House to work its will, offer whatever amendments Members think are appropriate so we can approve at a funding level commensurate with national need.

It would seem to me that at the very least we should be providing emergency funding to bring the LIHEAP program up to the authorized level of $5.1 billion. This is an emergency now, not in April or May, and I wish that this Congress saw fit to deal with this problem.

We obviously have enough time today. I am told that when this debate is over we are going to be rolling these votes or delaying them until about 4:30

or 5 o'clock. That would have been plenty of time to have a spirited, full debate on the issue, give Members the opportunity to offer whatever amendments they needed in order to fulfill our responsibilities to attack national problems. We are not doing that today with respect to that problem. We are meeting a temporary need in SBA, and I am sure Members will want to vote for that, but we ought to be doing a lot more.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WOLF), my colleague, who is the chairman of our Subcommittee on Science, State, Justice and Commerce.

Mr. WOLF. Mr. Speaker, I thank the chairman for the time and rise in support of the bill and would say that the subcommittee will be holding hearings to get to the bottom of this.

The funding provided in the bill translates into $4.8 billion in loans that will now be available to victims of the gulf coast hurricanes. The bill simply provides a temporary fix by shifting funds previously appropriated to the Federal Emergency Management Agency and redesignating them for the Small Business Administration disaster loan program.

The funding is needed immediately as a stopgap measure so that lending to affected homeowners and businesses can continue uninterrupted.

As a personal comment, when we listen to the different debates and comments and all the shows and all the attacking, the things going on in this city, I think it is really time for both parties to come together and to attempt to deal with some of these issues that we have in this country in a less partisan way. There was a very good article that David Broder did in the Washington Post about a week-and-a-half ago when he talked about when President Ronald Reagan was shot outside the Hilton, Tip O'Neill went to his bedside at the George Washington University Hospital and held his hand and prayed with him. There were differences in the country those days, but there was just a different tone.

So I would hope that we could return to the days of Ronald Reagan and Tip O'Neill whereby the differences were less sharp and more civil to do which, quite frankly, with the problems that this country has both domestically and internationally, come together to do the best thing for the country.

With that, I appreciate the gentleman bringing up this bill.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
January 30, 2006.

DEAR COLLEAGUE: You may have missed the David Broder column below that appeared in the Sunday, January 29, Washington Post on the same day my pastor preached a sermon based on Ephesians 4:29-32 about being kind to one another.

There will always be real differences in our views on issues, but there should not be an absence of kindness and civility in our dealings with one another.

It would be a good idea for the Congress and the country to adopt the Ronald Reagan/"Tip" O'Neill model.

Sincerely,

FRANK R. WOLF,
Member of Congress.

[From the Washington Post, Jan. 1, 2006]

WHEN PARTISAN VENOM DIDN'T RULE

(By David S. Broder)

The stench of partisanship is so strong in Washington these days that it is difficult to remember that it was not always the case that Republicans and Democrats were at each other's throats. But, in truth, there was a time when friendship and simple human compassion were far more powerful than any political differences.

A wonderful reminder of that fact can be found among the oral histories compiled by two dozen of Ronald Reagan's main associates that are being released Sunday by the Miller Center of Public Affairs at the University of Virginia. The transcripts are available at www.millercenter.org.

One of the tapes was furnished by Max Friedersdorf, who ran the White House congressional liaison staff for Reagan. Friedersdorf recounts in the interview what happened while the president was recovering at George Washington University Hospital after the assassination attempt outside the Washington Hilton hotel on March 30, 1981.

Reagan was seriously wounded by John Hinckley, and the day after the shooting, Friedersdorf got a call in the White House from James Baker, Reagan's chief of staff, who was at the hospital. "Get over here," Baker commanded.

"I went over to GW Hospital and went up to the president's room," Friedersdorf said, "and Jim was outside the room with Mrs. Reagan and her Secret Service agent. Baker said, "I want you to stay here until I tell you to leave."

What had happened, Friedersdorf learned, was that Nancy Reagan "was all upset," because Sen. Strom Thurmond had come over to the hospital a few hours earlier and somehow had talked his way through the lobby, up the elevator and into Reagan's room, where he attempted to chat with the gravely wounded president.

"Mrs. Reagan was outraged, distraught," Friedersdorf said. So Baker directed him to take up the watch, and "if any congressman or senator comes around here, make sure the Secret Service doesn't let anybody up, even on this floor."

Friedersdorf said he remained on duty during daylight hours for the next three or four days, and then word came from Baker that the president had recovered enough to start to see people.

The first person to be admitted, Friedersdorf said, was Thomas P. "Tip" O'Neill, the speaker of the House.

When the Massachusetts Democrat arrived, Nancy Reagan slipped out of the room and Friedersdorf retreated to a corner of the suite where he could remain unobtrusive. "Tip got down on his knees next to the bed, and said a prayer for the president, and he held his hand and kissed him and they said a prayer together . . . the 23rd Psalm.

"The speaker stayed there quite a while. They never talked too much. I just heard him say the prayer, then I heard him say, 'God bless you, Mr. President, we're all praying for you.'

"The Speaker was crying. The president still, I think was a little, he was obviously sedated, but I think he knew it was the speaker because he said, 'I appreciate your coming down, Tip.' He held his hand, sat there by the bed, and held his hand for a long [time]."

When I reached Friedersdorf last week at his retirement home in Florida, I asked him how it happened that Reagan's first guest was the leading Democrat on Capitol Hill. "Well," he said, "Tip was third in line of succession [after the vice president] and the fact he was a Democrat didn't bother anybody. We didn't even think about it. Tip had been calling constantly to see how the president was doing. And there was a bond there.

"I remember," Friedersdorf continued, "the first dinner the Reagans had in the private residence was for Tip and his wife, and my wife and I were there. Tip and the president had a drink or two and started swapping Irish stories.

"Often, after that, Tip would say pretty harsh things about some of our legislative proposals, and the staff would want Reagan to answer him. But they trusted each other, and the president would say, 'That's just Tip,' and let it go."

I asked Friedersdorf if he could imagine that sort of relationship flourishing now between the Republican president and the top Democrats in Congress.

"Absolutely not," he said. Sadly, I think he is right.

Mr. MANZULLO. Mr. Speaker, I commend the Chairman of the Appropriations Committee, Mr. LEWIS, and the Chairman of the Science, Departments of State, Justice, and Commerce Subcommittee, Mr. WOLF, for the expeditious consideration of this legislation. Without passage of this legislation today, the disaster loan program of the Small Business Administration would not be able to offer critical disaster loan assistance to anyone across the nation after February 21. This legislation is also budget neutral—it simply redirects $712 million previously appropriated to the Federal Emergency Management Agency to the SBA's disaster loan account. This bill does not create any new spending. However, HR 4745 will enable the SBA to support about $4.8 billion in disaster loans to homeowners, renters, and businesses through May 1 when the next Katrina-related supplemental is expected to be completed.

This legislation is needed because SBA is, in a sense, a victim of its own success. Despite all of the huge hurdles and unfair attacks the SBA has received in recent weeks, the SBA has approved over $4.3 billion in disaster loans to more than 60,000 residents and business owners in the Gulf States region in five and a half months—despite not being able to get into the region until after the first month after Hurricane Katrina hit the Gulf coast. In comparison, it took the SBA more than 12 months to approve a similar amount of disaster loans to the victims of the Northridge Earthquake in California in 1994.

The SBA disaster loan program offers low-interest loans up to $200,000 for homeowners and $1.5 million for small business owners in a disaster area for those items not covered by insurance for the purpose of long-term recovery. Most of the victims of Hurricanes Katrina and Rita did not have flood insurance because they weren't in a designated flood plain. Thus, the average size of a typical SBA disaster loan has doubled for this event.

Combine this with the fact that this is the largest unprecedented natural disaster ever to hit the United States, I trust that my colleagues can see why it is very difficult to accurately predict exactly how much should be appropriated for the SBA disaster loan program for an entire year.

I commend the hard work of the SBA and their disaster loan officers, led by Administrator Hector Barreto and Associate Administrator Herb Mitchell, in providing this record-amount of assistance to Gulf States victims. I urge my colleagues to support HR 4745 so that these fine public servants can continue their good work not just in the Gulf States region but also for other parts of the United States that may unfortunately be hit by a natural disaster in the coming weeks and months.

Mr. RANGEL. Mr. Speaker, as a result of this Administration's failed leadership and mismanagement of resources, H.R. 4745, Hurricane Katrina Small Business Loan Supplemental is a corrective measure. The supplemental funding needed is directly in response to the gross incompetence and poor planning by the Bush Administration. This proposed legislation comes on the heels of Congress providing more than $400 million for Katrina disaster loans two months ago. This highlights that the Small Business Administration is unable to accurately assess the needs on the ground and funds that have already been allocated have been mismanaged. Running out of disaster loans for Hurricane Katrina victims is an embarrassment to this Administration and a slap in the face to those who survived Hurricane Katrina. The facts are clear; the Bush Administration is failing to help Gulf Coast residents rebuild their homes and their lives.

Immediate assistance must be given to the region's local small businesses. Currently, only 37 percent of Hurricane Katrina disaster loan applications have been approved from a total of 280,000. Furthermore, less than 10 percent of those loans approved have been paid out. As it stands now, there is a backlog of 105,664 pending applications. Congress must take action to ensure that this mismanagement does not continue to compound the devastation of Hurricane Katrina survivors. The Gulf Coast region is depending upon swift deliberate action to revive its economy and put it on the road to full recovery. However, the Bush Administration is steeped in incompetence, mismanagement and cronyism.

Nearly 750,000 families remain displaced from their homes and are paying the price for this Administrations lack of strong leadership. Additionally, this administration has rejected the only bi-partisan plan to rebuild Louisiana. The recent budget proposal indicates misplaced priorities and seeks to slash funding for small businesses, community development and rural development. These funds are precisely what the Gulf Coast requires in order to rebuild. Furthermore, the abuse and the fraud persist in this Administration regarding no-bid contractual agreements which are not capable of rebuilding communities effectively and efficiently in the Gulf Coast.

The Bush Administration has not met the needs of Katrina families, small businesses and communities. To further compound this colossal failure in leadership, the Republicans are refusing low-income energy (LIHEAP) assistance funds today, even though home heating costs are up and federal grants are down. Additionally, 12 states have already run out of energy assistance, and some people may have their heat shut off in the next month. I must underline that these are poor families that are struggling to make ends-meat. Congress has cut home energy assistance by $21 million, while the number of people applying for help with their heating bills has reached a 12-year high. Families are essentially paying 17 percent more this year for home heating and 67 percent more since this Administration took office. While millions of Americans are cold at home, oil companies are reporting record profits and Republicans are ensuring that this does not change.

It is clear that Democrats are moving to the beat of a different drum than this Administration. We are committed to putting an end to the corruption, mismanagement and poor leadership that has adversely impacted Hurricane Katrina survivors.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 4745, but not without reservations. During the last 5 months the Small Business Administration has issued $4.12 billion in disaster assistance loans to homeowners and businesses in declared disaster areas, processing 214,000 applications. It has approved approximately $1 billion in loans to businesses surviving the destructive attacks by hurricanes in 2005.

On the surface it would appear that the SBA is performing well. However, upon closer inspection, reports indicate, that in Louisiana, the roughly 185,000 applications made on behalf of homeowners, a shocking 60,000 were denied. The SBA is distributing a large amount of aid, but that aid is not reaching all of those in serious need. This is evident by the House Minority Small Business Committee's statement that 80% of overall disaster loans have been denied.

I bring these statistics to the forefront of my argument not to completely admonish the agency, but to make the point that if we are to appropriate more funds, they must be better distributed.

The administration's low interest rates on loans are necessary for the reconstruction of the economy in Gulf Coast region, and vital if any sense of stability is to be achieved. The denied applicants often have no other sources of loans, unable to secure the necessary credit.

The interest rates are of particular importance and have increasingly been coming under attack. The Bush administration has announced that as part of its 2007 budget proposal that it would require recipients of loans to pay higher interest rates after five years.

The SBA may be approving loans at an unprecedented rate, but it is failing to sufficiently respond to the situation. The destruction caused by the hurricanes occurred on an enormous scale, which is why more funds should be appropriated to the organization only on the condition that it make better use of those funds. The administration is doing a disservice to potential recipients of aid by denying them the resources that should be made available to them.

In the wake of these wide-scale disasters, we should not be cutting funds, but rather focusing on better and wider-reaching distribution of those funds and the waiving of restrictive regulations that prevent help going to deserving Katrina and Rita survivors to bring relief to those in need. I urge my colleagues to support the appropriation of additional funds to the SBA, but with confidence that in the future the SBA can make the necessary changes to ensure the widest distribution of loans.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today concerned that H.R. 4745, legislation making a supplemental appropriation for the Small Business Administration disaster loan program, is another example of the continued mismanagement of the Gulf Coast recovery effort.

This $712 million supplemental comes before us today as we discover that the SBA will completely run out of funding for disaster loans sometime in the next week. It is clear that the $441 million previously appropriated to this program was far from adequate to meet demand for the loans. As a result, the SBA has approved only 37 percent of the 280,000 disaster loan applications the agency has received and is facing a backlog of over 105,000 applications. Of the loans approved, only 10 percent have been actually paid to the homeowners and small businesses that are relying on this critical funding to rebuild their livelihoods in the wake of this unprecedented natural disaster.

How this administration could so grossly underestimate the need for these loans is beyond me. From the very beginning, the response by our Government to this disaster has been wholly inadequate—and this shortfall is just another sad example of the consequences of the poor planning, lack of leadership and incompetence demonstrated in the wake of Hurricane Katrina. Rebuilding the Gulf Coast is going to take a long term commitment of will and resources by the Federal Government. Yet, time and again, this administration has failed to level with Congress and the American people on the full costs needed to support the rebuilding effort.

The needs of the families, small business and communities of the Gulf Coast are too important to be shortchanged by estimation errors or budgetary gimmicks. I hope that any Katrina legislation this Congress may consider in the next few months includes a full accounting of the funding truly needed to meet our commitment to the Gulf Coast.

Mr. OBEY. Mr. Speaker, I was told that I had one other Member who wanted to speak, but she is detained in another meeting. So I think if the gentleman is interested in yielding back the balance of his time, we could do that on this side as well.

Mr. LEWIS of California. Mr. Speaker, I have no additional speakers. I might mention that the gentleman and I, our ranking member, have been working hard to try to bring ourselves together and go down and visit the gulf coast. I think we are going to be able to accomplish that sometime in the near term. It is on both of our agenda, but, in the meantime, I have no additional speakers, and I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 4745.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. OBEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4745.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 44 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 1746

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WESTMORELAND) at 5 o'clock and 46 minutes p.m.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H. CON. RES. 341, RESOLUTION OF CONDEMNATION REGARDING IRAN

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I ask unanimous consent that it be in order at any time to consider in the House the concurrent resolution (H. Con. Res. 341); that the concurrent resolution be considered as read; and that the previous question be considered as ordered on the concurrent resolution and preamble to final adoption without intervening motion or demand for division of the question except (1) 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations and (2) one motion to recommit which may not contain instructions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

Senate Concurrent Resolution 79, by the yeas and nays; and H.R. 4745, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second will be conducted as a 5-minute vote.

SENSE OF CONGRESS REGARDING PALESTINIAN AUTHORITY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate concurrent resolution, S. Con. Res. 79.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 79, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 1, not voting 13, as follows:

[Roll No. 10]

YEAS—418

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)

Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Abercrombie

NOT VOTING—13

Berman
Bishop (UT)
Blumenauer
Campbell (CA)
Evans
Hinchey
Hunter
Miller, Gary
Osborne
Pitts
Wamp
Wasserman Schultz
Woolsey

☐ 1812

So (two-thirds of those voting having responded in the affirmative) the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BERMAN. Mr. Speaker, I was unable to vote on S. Con. Res. 79 today because I was traveling on official business to a Middle East regional security conference in Athens, Greece, and then on to Egypt and Israel for meetings with top government officials. Had I been present, I would have voted "yea."

SMALL BUSINESS ADMINISTRATION'S DISASTER LOANS PROGRAM SUPPLEMENTAL APPROPRIATIONS, 2006

The SPEAKER pro tempore (Mr. WESTMORELAND). The pending business is the question of suspending the rules and passing the bill, H.R. 4745.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 4745, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 5, not voting 17, as follows:

[Roll No. 11]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—5

Duncan
Flake
Gutknecht
Royce
Tancredo

NOT VOTING—17

Berman
Bishop (UT)
Blumenauer
Campbell (CA)
DeFazio
Evans
Hinchey
Hunter
Leach
Marshall
Miller, Gary
Murtha
Osborne
Pitts
Wamp
Wasserman Schultz
Woolsey

☐ 1821

Mr. ROYCE changed his vote from "yea" to "nay."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. CLYBURN. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 678) and ask for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 678

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON INTERNATIONAL RELATIONS.—Mr. Carnahan.

(2) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Barrow.

(3) COMMITTEE ON VETERANS AFFAIRS.—Mr. Salazar.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AL GORE STATEMENTS OUT OF LINE

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, most of us have been respectful on the issue of security, even though some of our colleagues on the other side of the aisle obstruct for reasons that many times we do not discern. But there has been a trend of late of Democrat leaders traveling overseas to deliver speeches bashing America.

This past weekend, former Vice President Al Gore gave a speech in

Saudi Arabia declaring that America had committed terrible abuses against Arabs after September 11. He said that Arabs had been indiscriminately rounded up and held in unforgivable conditions.

Mr. Speaker, there are some things that you simply do not do as a former American leader, and one of them is to bash your country on foreign soil. His comments are out of line, incorrect, and further proof of his disconnect with reality. He owes an apology to the countless men and women working around the clock trying to keep this country from experiencing another September 11. Our colleagues across the aisle ought to take him to task for his irresponsibility.

VICE PRESIDENT MUST ALSO FOLLOW LAWS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am delighted to follow my colleague from Tennessee to talk about the bad behavior of vice presidents.

Let me first of all say that when you are a civilian, you are a civilian. But I rise today to express my deepest disappointment in the behavior of the Vice President of the United States of America. A man was injured on the soil of Texas; and, lo and behold, it took us 20 hours before the American people and the President of the United States could have one iota of information.

I wish the attorney in Texas best wishes and good health, but I want to say to the Vice President of the United States that the inherent powers of the presidency do not inure to you, where you are allowed to travel secretly on Air Force II, to not allow the press to follow you as any public servant would have and to hide and cover up a drastic and tragic incident that occurred in the United States of America or anywhere around the world.

I believe the Vice President should own up to what occurred. I understand he made some remarks today, a little too short and a little too delayed. I believe we have seen again a cover-up of this administration, and the Vice President is the chief cover-upper of the United States of America.

Mr. Vice President, you, too, are subject to the laws of the United States of America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WESTMORELAND). The Chair reminds all Members to direct their comments to the Chair.

REIMPORTED PRESCRIPTION DRUGS BEING DESTROYED

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I would like to bring to everyone's attention that Customs and Border Protection has recently begun confiscating and destroying prescription drugs intercepted at the U.S.-Canadian border. Unfortunately, CBP is offering no recourse to appeal this action.

While we all know that reimporting prescription drugs from Canada has not been legal in the United States for decades, this practice is not helping our seniors. However, if Border Patrol is suddenly going to enforce a law that many believed that government was no longer interested in enforcing, then they certainly should notify shippers and purchasers. Instead of simply confiscating and destroying these prescription drugs, they should include a warning in the first instance. The majority of the people purchasing these drugs are seniors on fixed incomes and likely do not have the money to repurchase them once they are destroyed.

I urge Customs and Border Protection to at least warn customers when agents intercept these packages. A simple letter would save a lot of grief for many, many seniors who use this procedure and not just seniors but other Americans who choose to purchase their drugs from a Canadian connection.

SAY NO TO HEALTH SAVINGS ACCOUNTS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, when President Bush served as governor of Texas, that State had more uninsured people than any other State in the union, and his system continues until today: Texas still has more uninsured people percentage-wise as well as numerically.

Today, President Bush visited Ohio to try to sell his latest health care scheme. The reality is his health savings accounts are simply tax shelters for the healthy and wealthy, leaving more Americans worse off. Indeed, the numbers of the uninsured in Ohio have grown dramatically during his administration. More than one out of four people under the age of 65 went without health insurance, and almost half of Ohio's households with children are uninsured, while 76 percent of the uninsured are members of working families.

The President's travel stop today reminds me of his Social Security drive to privatize that a year ago. The American people said no. Our working families deserve better and should not buy this latest ploy for health savings accounts either that are going to leave most Americans in the drink.

HONORING SARAH TERRY

(Mr. GOODE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODE. Mr. Speaker, Sarah Terry, who is the director of the Farmville Fifth District Office, has battled breast cancer for the last several years and has undergone numerous chemotherapy treatments.

She has served as Executive Director of the Farmville Area Chamber of Commerce, a member of the Longwood University Board of Visitors, and a leading promoter of outdoor activities such as hiking and cycling. She is a leading proponent of the Virginia Life Fund for the Uninsured, which has raised funds for catastrophic health care for those who cannot afford insurance.

Sarah's enthusiasm for life, her community and her fellow Americans is contagious; and she is a true inspiration for many. We are grateful for the contributions that she has made; and we look forward to her continued outstanding service to Farmville, Virginia, and America.

□ 1830

HEALTH CARE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, we are always glad to have the President of the United States in Ohio, but his health care policies miss an important fact, and that is that $1 out of every $4 for health care in the United States goes to the for-profit sector. $1.6 trillion is spent every year on health care in the United States, but over $400 billion goes for corporate profits, advertising, marketing, the cost of paperwork, up to 30 percent for the cost of paperwork.

We have over 46 million Americans who lack health insurance, who lack access to quality health care. H.R. 676, the Conyers-Kucinich-Kaptur bill, presents Americans with an alternative, universal, single-payer, not-for-profit health care, Medicare for all.

There is no reason why anyone in this country should be lacking health care when America has the resources right now. It would not cost much more than what we are paying right now. As a matter of fact, Americans are paying for a universal standard of care. They are just not getting it because it is all about corporations making a profit. It is not about people. Support Medicare for all.

CHECKS AND BALANCES

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, I would remind the gentleman from Ohio that Tulane Medical Center opened today with a lot of fanfare. That is one of those dreadful private, for-profit corporations; and they are the first such hospital back in business in New Orleans. Ray Nagin said he wished he could bottle that and extend it to other companies.

Mr. Speaker, I rise tonight to talk about the domestic surveillance that was in the news earlier. My colleagues may not have noticed a rather insightful op ed piece that appeared in the Washington Times on January 6 of this year penned by an Alan Nathan.

Mr. Nathan writes that neither Congress nor the judiciary can remove this repeatedly court-recognized inherent authority granted to the President under the Constitution, just as the President cannot remove any of their powers guaranteed in the same great document.

When called upon, all intelligence organizations in the United States are structured to operate in conjunction with the military and accordingly become an integral part of the President's domain as Commander in Chief. Congress voted for this on September 14, 2001, in the war resolution invoked under the War Powers Act of 1973 authorizing the President to use force against all nations.

Given that the battleground includes this country, where the attacks were made, Democrats and Republicans objecting to his actions should be hard pressed to find him derelict in his duty.

Mr. Speaker, we should take the words of Mr. Nathan to heart. They were germane January 6. They are germane now.

ELECTION AS CHAIRMAN OF COMMITTEE ON EDUCATION AND THE WORKFORCE

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the House Republican Conference, I offer a privileged resolution (H. Res. 679) and ask for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 679

Resolved, That the following Member be, and is hereby, elected to the following standing committee of the House of Representatives:

COMMITTEE ON EDUCATION AND THE WORKFORCE: Mr. McKeon, Chairman.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WESTMORELAND). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MEDICARE PART D

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Medicare part D. Now, with great fanfare in the dark of the night, this Congress passed this plan, a plan written by and for the pharmaceutical industry. The pharmaceutical industry is the number one beneficiary. According to some academics, it should raise their profits by 28 percent over the next 5 years, not bad for the pharmaceutical industry.

Some forget history. The first time this bill came up on the floor of the House, it was being hotly debated, and then suddenly at 5 o'clock the House had to adjourn. Why did the House have to adjourn? Because the Republicans were going downtown to have their huge annual fundraiser, and a number of the principal fund-raisers were from the pharmaceutical industry. They are very, very generous to those who benefit them.

The pharmaceutical industry does really well. The insurance industry gets subsidies to offer these plans, even though they say that these are going to be great plans. They are getting subsidies to offer them. Still, seniors aren't lining up in great numbers for the plans because they are unbelievably complex plans.

Now, there are a number of problems that have come to our attention recently. In fact, even the chairman of Walgreen's, no lefty Democratic institution there, said that the government needs to intervene because the multiplicity of plans is just so unbelievable that people cannot understand them. Even worse than that, these plans are the most restrictive insurance product in history for requiring prior approval and testing before drugs are approved.

When the CEO of Coventry Health Care was contacted regarding the 39 different forms with multiple procedures the physicians would have to access in order to give drugs with prior approval to seniors, he said that could not be true. He checked, he came back, and he said it was true. He said, for instance, there are things like Accutane which could cause birth defects.

I know that we are pushing the boundaries of science, but I don't think too many 65-and-over American women eligible for Medicare have to worry about that. There are some other disorders for which Accutane can be a very helpful and legitimate treatment.

What they are doing is, first off, you have to buy into a plan. They can change the benefits weekly. Even if you took that plan because it offers the drugs you need on a weekly basis, the insurance industry can change it. Then even if they keep those drugs available, they are going to require that your doctor and you jump through incredible hoops to get prior approval.

Even seniors in nursing homes who have been on drugs for 10 and 15 years with a very well-known and documented condition, their doctors are being required to order expensive tests to justify continuing prescriptions for those seniors; and in some cases prescriptions have been interrupted, jeopardizing the patients.

This is a plan that wasn't set up to be convenient or easy for seniors to use to provide a meaningful benefit. It was set up first to benefit the pharmaceutical industry, then the insurance industry. The plausible excuse for that is to provide some coverage for seniors, coverage which, by the way, is going to cost taxpayers $800 billion.

Because, guess what, the bill, as written by the pharmaceutical industry, and passed by the Republican Congress and signed by the President, says that the Federal Government is outlawed, outlawed, from negotiating lower drug prices for seniors. That is prohibited by Federal law, despite the fact that the VA does it, and recent studies show that the VA is acquiring drugs between 40 and 80 percent cheaper than are being offered under these plans to our seniors.

The pharmaceutical industry said it would not be fair if the government negotiated lower drug prices for everybody on Medicare. It would not be fair to do that.

Come on, the most profitable industry consistently in the world, and they say that would not be fair; the industry that is gouging profits out of Americans, while selling drugs for half or a third the price overseas, and then crying all the way to the bank, when seniors here have to pay three and four times as much for those particular drugs.

What would be fair is to have the government negotiate lower drug prices for everybody eligible for Medicare. You can walk in. You do not have to have any insurance; you are going to get that big discount. Then the government could offer a simple plan, one plan, that would give benefits to cover that additional cost, and they could do that on a sliding scale basis.

We could save, over the next 5 years, the taxpayers of the United States $600 billion and provide a more meaningful benefit to all our seniors than this plan is doing. But we will not do that here, because the seniors aren't big campaign contributors like the pharmaceutical and insurance industries. Hopefully, there will be a revolt among America's seniors, and they will demand we change this plan, do something meaningful and save the Treasury $600 billion.

WESLEY SMITH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. DEAL) is recognized for 5 minutes.

Mr. DEAL of Georgia. Mr. Speaker, many institutions affect the progress of communities and States across this Nation as we continually evolve in our march of civilization. Usually, those of us in government in particular think about those institutions being governmental units, or maybe even churches or philanthropic foundations. We usually think those are the institutions that affect this.

Recently I was reminded of a rather profound affect that the banking institutions of this country have on our history, and especially history of my congressional district and my State. Yesterday, my good friend Wesley Smith celebrated 35 years of service as president of Northwest Georgia Bank. Now, most of you do not know where that is. But it is in, as its name implies, in northwest Georgia, headquartered in Ringgold, Georgia, right below the Tennessee line just south of Chattanooga.

Wesley, in those 35 years, has become the longest-serving president of this rather dynamic banking institution, which itself was created in 1904. During the tenure of Wesley Smith, the bank has grown from $6 million to more than $500 million, has tripled its number of branch offices, and now operates in both Georgia and Tennessee.

Wesley has served as chairman of the Georgia Bankers Association and is currently serving on the board of directors of the American Bankers Association. His service on community boards, chambers of commerce, college foundations, and other charitable efforts are simply too numerous to mention.

But as I said, banking institutions have a unique history in and of themselves. In order to celebrate the 100th anniversary of the Northwest Georgia Bank, a book was written, and it is a delightful read. It is one of those kinds of books that at first glance you would say is only self-serving, but it is not, as I read it. It reminded me of the history of my part of the country.

This bank, first of all, had its initial beginnings back in 1856. It was part of an empire that was built in those days as the banking industry was beginning to take root in our country.

But in 1856, we all know what came shortly thereafter, and that was the devastation of the Civil War. In Ringgold, which is there in the gap of Lookout Mountain, it was one of the major trade routes of olden days and certainly was one of the trade routes with a railroad coming out of Chattanooga.

Many of you recall the story of the race of the General, the locomotive that was stolen during the Civil War, and it was recovered just north of the Ringgold area. But the bank itself was thriving, as was the community of Ringgold, until the Civil War. Being directly in the path of General Sherman's march after he left Chattanooga, the town of Ringgold and the bank were destroyed.

As a result of that, for 40 years this community was without a bank. It had been literally burned to the ground, as had most of the town. But then in 1904 a gentleman, who had gained quite a reputation as a dynamic individual in the banking industry and was putting together a chain of banks, by the name of W.S. Witham came to Ringgold and started the bank again in that community.

It survived in spite of closings in 1927 and 1933, survived the Great Depression, survived Roosevelt's bank holiday period, and continued to prosper, even with its ups and downs and even in spite of a daring daylight bank robbery where the president was held at gunpoint in this small community.

Well, that is a very quick history of an institution in my part of the world. I congratulate the Northwest Georgia Bank, which is certainly unique. I most certainly congratulate my friend Wesley Smith for his 35 years of service as the president of that institution.

I remind all of us again that we sometimes take for granted that not only the things that happen in governmental units affect the history of our country, but also institutions like banks play a vital role in weaving that tapestry that holds us all together.

□ 1845

HOUSE FOR SALE

The SPEAKER pro tempore (Mr. WESTMORELAND). Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, the special interests may have gained access to the Capitol, but the American people are paying for it.

My colleague from Oregon talked about the prescription drug bill. It is a classic example when you see what happens to seniors across all of our districts who are not more than confused but have to fill out more than 30 pages of forms to get a single drug, where the drug companies or HMOs or insurance companies that are providing the plan can switch drugs like that at any moment, but they cannot switch out.

The basic tenet of business is to take care of the customer first. If this was designed with the customer in mind, it really does come as a surprise.

But I will tell you what is happening in the industry of healthcare specifically as we talk about the pharmaceutical industry and the prescription drug bill is happening in the energy area. The energy industry last year spent $87 million to lobby the United States Congress. Now what did they get for that $87 million? They got $14.5 billion in taxpayer support to drill for oil. We are paying ExxonMobil, Texaco $14.5 billion to drill for oil when energy is at a little over 60 bucks a barrel. For their $87 million of investment, they got taxpayers to fork over $14.5 billion. And we pay at the pump nearly 3 bucks a gallon, the highest price in a long time, and yet we also pay on April 15 with tax breaks for big oil, Texaco, ExxonMobil, Chevron, and all the other big oil companies, BP Amoco.

They also got a waiver in the lost revenue from royalties, that they are supposed to pay about $7 billion in royalties for drilling in the Gulf of Mexico. We also support them with another $2 billion for deepwater drilling in the Gulf of Mexico. So $87 million has gotten big oil companies $14.5 billion in taxpayer support, passed on $7 billion in royalties that they own, and another $2 billion on top of that for deepwater drilling, a little north of $20 billion. You cannot get a return on your investment like that even on Wall Street, but that is just one area where the American people are paying for the type of access that the special interests have.

There is a for sale sign here on the People's House, and for the last 5 years that for sale sign has allowed any special interest access and the American people are paying for it. When the Speaker's gavel comes down, it is intended to open the People's House, not the auction house; and for the last 5 years it has been nothing but an auction house here.

My colleague talked about the prescription drug companies. They are going to get, over the next 8 years, an additional $139 billion in profits that they would not get, a 25 percent, 28 percent increase in their profit margin. They spent about $173 million lobbying the United States Congress. They got $139 billion in additional profits. The HMOs and the private insurers got an additional $130 million they would not have seen any other way if it was not for the prescription drug bill.

And what did our seniors get? Plans in which none of them can figure it out, total confusion, drugs that are being dropped, some drugs that are skyrocketing. When they used to pay 4 and 5 bucks, they are now $150, and other drugs have dropped. Absolute confusion and plans that are locked in for 1 year.

All the while, what else do they get? We cannot negotiate prices just like Sam's Club does when they do bulk purchasing. We cannot allow our seniors access to Canadian and British drugs and drugs from Ireland and France and Germany so they can get competition from free trade and choice, and we cannot allow generics on the market quicker so that they can compete with name brand drugs. In every step of the way, that prescription drug bill avoided and outlawed the very principles of a free market, all in favor of creating a captive market for the prescription drug companies; and, once again, the taxpayers and the seniors are supporting and literally backstopping the prescription drug companies and HMOs and insurance companies. We taxpayers are paying for it.

As my colleague said, the bill was sold here on the floor for $394 billion. Before the ink was dry, it was reported to cost $790 billion, twice the actual cost. There are some in government that knew that was what it was going to cost. So all of the taxpayers now are going to have to pay $800 billion over 10 years; and the pharmaceutical companies, HMO companies, and private insurance companies are going to walk off with huge profits.

And all the while what has happened to the American people? Energy is up, in the last 2 years, 78 percent. Gasoline. Health care costs are up 58 percent. On average for a family of four, $3,600 over the last 5 years. College costs are up 38 percent; yet we may end up cutting college aid.

Mr. Speaker, I would like to note that we have a for sale sign on the front of the lawn here at the people's Capitol, and this November this election should be to return that gavel to its rightful owner, the American people.

VOCA: ROUND II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, that great Iron Lady from across the ocean, Margaret Thatcher, made the comment that you may have to fight a battle more than once to win it.

Let me give you a little historical background. I have spent all my life in the criminal justice system, first as a prosecutor in Texas and 22 years as a criminal court judge, heard about 20, 25,000 criminal cases, everything from stealing to killing. I saw a lot of people come to the courthouse.

But another group of people also worked their way to the courthouse, and they did not want to be there either, and that was the victims of crime. They were young, they were old, they were men, they were women, they were children. They were the silent group of people who were prey because of criminals.

Victims do not really have a lobby because most of them have to take care of themselves after they become victims of crime, until recently. In 1984, a novel program was started under the Reagan administration called VOCA, Victims of Crime Act; and the idea was pretty simple: Criminals in the Federal courts that are convicted pay into a court cost fund. That money then is used for victims and helps pay for their injuries, for their medical expenses, sometimes the funeral expenses. A great idea: Make criminals pay for the system they have created. Make them pay the rent on the courthouse. And that has been going along fairly well, so well that approximately $1.2 billion is now in that fund. And it is not taxpayer money. It is not the Federal Government's money. It is money that belongs to victims, money that has been obtained from criminals. And it is a crucial resource for different organizations throughout the United States.

Most victims groups, programs, agencies operate under a shoestring. Many of them are just trying to keep lights on, and they receive this VOCA funding. We are talking about domestic violence shelters. We are talking about rape crisis centers. Victim compensation funds, funeral services, and medical expenses all receive benefit from VOCA funding. One example is in Houston, the Children's Assessment Center, a program like 400 others throughout the United States, where sexually abused children go so that they can be treated not only for their medical injuries but their emotional pain and get themselves prepared for trial.

We have approximately 4,400 agencies in this country that depend on that VOCA victim fund. We are talking about 3.6 million victims a year. VOCA is the only Federal program that supports services to victims of all types of crimes: homicide, drunk driving, elder financial exploitation, identity theft, robbery, and rape.

So what is the problem, Mr. Speaker? Well, the bandit budget bureaucrats are up to their old tricks. They are stealing this money from the victims fund, and they want it to go into the abyss of the Federal treasury.

This may all sound familiar. It is familiar. A year ago those same individuals wanted to do the same thing, and because of different victims groups in the United States, that was stopped. That VOCA fund stayed with victims. It did not go into the abyss of the Federal treasury. But now those bureaucrats are up to these old tricks again, and they want that money to be taken from victims and put into the abyss of the Federal budget.

Mr. Speaker, that money does not belong to the Federal Government. It is not taxpayer money. It is money that belongs to victims.

Victims continue to get victimized in the criminal justice system, and now this is another way of victimizing victims once again.

Mr. Speaker, when I came to the House of Representatives, I, along with Jim Costa from California from the other side of the aisle and Katherine Harris from Florida, started the Victims Rights Caucus to bring the awareness of the plight of victims to this House. Because you see, Mr. Speaker, it is the first duty, the first responsibility, of government to protect the people. Government does a pretty good job of that. We are fighting the war on terror in Afghanistan and Iraq and other places in the world. We are doing a good job.

But we have got a war on terror going on here, and those are the terrorists that live among us, those street terrorists, criminals. And when they are captured and when they are prosecuted and they are put in jail, make them pay. Make them pay financially to support victims, their medical injuries and their needs after they have come to the criminal justice system.

So this money cannot be taken from the victims fund. We will fight this battle again, as Margaret Thatcher said. The victims posse, as I call them, those victims organizations throughout the United States, they are a posse because most of them are volunteers, and they will do what they can to make sure that this money stays left alone, that it stays in the VOCA fund, that it remains moneys for victims and to be used for victims as well.

This is a user fee for criminals. They need to pay. In fact, they need to pay more. The robber barons are taking this money; and, Mr. Speaker, this ought not to be.

CAMPAIGN CONTRIBUTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, Americans are upset about what they view is a compromised, bought-out Congress. They hear of favors passing hands, deals being made, arms being twisted, while votes are held open to the wee hours of the night. They are sick of it, and they should be.

Minor procedural forms are being proposed within this Congress and are being touted as answers. But truly these proposals are window dressing, and they totally ignore the massive iceberg of campaign money that infects every single officeholder at the Federal level. The old expression goes, "If you really want to know what is going on, follow the money." Thank goodness for Political Moneyline and other Web sites that help reveal what is really going on in Washington.

The reforms being proposed in this Congress do not get at the real problem. Each party is afraid of disarmament and certainly unilateral disarmament to get the money out. Ross Perot had it right a few years ago when he said, Those people in Congress, they are really good people caught in a very bad system.

Congress has nibbled around the edges of reform, and there are some congressional rule changes that may do the same. But to help move toward real reform, I am introducing a package of four bills dealing with the need for real limits on campaign spending as well as slamming shut the revolving door on lobbyists that allows too much foreign-generated influence and money inside this legislative branch.

My proposals are as follows: First, a sense of Congress resolution that recognizes that the Supreme Court erred and was not complete when, in the case of Buckley v. Valeo, they stated that free speech equaled money, that no matter how much you spent was okay because money was equated with free speech. Well, if that is true, the converse is true. If you do not have the money, you lack free speech. And more and more Americans are being shut out of the highest levels of lawmaking in this country because they simply do not have the money to compete.

My second bill is the constitutional amendment itself that would give Congress and the States the power to limit the contributions and expenditures made by, in support of, candidates for Federal, State, or local office. That is a tough proposal, but it is one that I think our children and grandchildren will thanks us for.

□ 1900

The third measure is the Ethics in Foreign Lobbying Act of 2006, which would prohibit contribution expenditures by foreign-owned corporations and would establish within the Federal Elections Commission a clearinghouse of public information regarding political activities of foreign principals and agents of foreign principals.

It was interesting that some major Russian interests were involved with Mr. Abramoff. As this scandal unravels, we are going to find some very interesting characters sitting at the bottom of that heap.

Finally, the fourth bill is the Foreign Agents Compulsory Ethics and Trade Act of 2006, which would impose a lifetime ban on high-level government officials from representing, aiding, or advising foreign governments and foreign political parties. It imposes a 5-year prohibition on representing, aiding or advising foreign interests, including commercial interests, before the Government of the United States. It is not enough just to shut the gym to former Members who are lobbyists. You have to get at the heart of the problem.

Campaign finance authority Herbert Alexander estimated that $540 million was spent during the 1976 period on all elections in the United States. By 2000, that figure had risen to over $4 billion. To run for this job in the House in 1976 cost on average $87,000. Today, the average Member has to spend nearly $1 million, and some $2 million, 10 times what was spent just 30 years ago, and the population hasn't gone up by 10 times.

A winning Senate race back in 1976, you could spend about half a million dollars, which is a lot of money where I come from. Today, the average amount spent is over $5 million; and in places like New York, that is chicken feed.

Mr. Speaker, we have become a plutocracy. America, wake up. Please support real reform for our children and grandchildren.

A MODERN ECONOMY NEEDS MODERN STATISTICS

The SPEAKER pro tempore (Mr. WESTMORELAND). Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, today's job seekers have a vast technological arsenal at their disposal. They can search online for job openings. They can e-mail their contact of networks for leads. They can fax their resumes and conduct job interviews via video conferencing. And if they get enough of the rat race, they can start their own business. That is what goes on today, becoming their own boss.

This dynamic, technologically advanced picture of the American workforce is fundamentally different from that that existed in the late 1930s and 1940s. At that time, most workers typically had lifelong employment in long-established companies. And heavy industrial manufacturers were among the most common employers.

In six and a half decades, Americans have experienced a sea change in how we look for work, where we work, and how often we find new work. We have progressed into a wired, upwardly mobile, flexible workforce. Small business, self-employment, and independent contracting have become the hallmarks of our entrepreneurial innovation-driven economy.

With such a drastic transformation, you would expect the way we measure employment would have evolved too. Yet our most frequently cited survey of job creation remains mired in a Depression-era mindset and research method. The Bureau of Labor Statistics' payroll survey tracks payroll employment by surveying established businesses. This results in monthly job creation numbers. The household survey, on the other hand, tracks employment by household and produces the unemployment rate from that.

While the household survey tracks all types of employment, from someone who holds a lifelong job at a big business to someone who just became their own boss, the public and private sectors have historically relied on the payroll survey to gauge national job growth. When we look back to the pre-World War II economy, favoring the payroll survey makes sense.

Today, however, Mr. Speaker, the employment landscape is entirely different. Just look at the area I represent in Southern California, with its biotechnology facilities, independent IT contractors and small, specialized consulting firms. Yesterday's start-up is today's big business, and today's brainstorm is tomorrow's start-up. It is not surprising then that the payroll and household numbers portray quite different results.

The disparity between the job survey became particularly apparent throughout the early stages of the post-recession recovery that we enjoyed in 2002 and 2003. While the payroll survey lagged for months, the household survey demonstrated a strong and growing workforce, where self-employment accounted for one-third of all the new job creation that we saw.

Following the end of the recession in November of 2001, job creation in the household survey rebounded by the following May. Although there were some ups and downs in the ensuing months, the household job numbers never again dipped below the November 2001 level. By November of 2003, more than 2.2 million net new jobs had been created, and the pre-recession job numbers had been surpassed.

By contrast, the payroll survey did not demonstrate net job growth until August of 2003 and did not return to the November 2001 level until April of 2004, nearly 2 years after the household survey had caught up. And the payroll survey's pre-recession job numbers were not surpassed until February of 2005, a year ago. This prolonged lag in the payroll survey's job creation numbers led to claims, and you will recall this, of the "jobless recovery."

Mr. Speaker, while every other major indicator of economic strength surged forward, from the gross domestic product numbers to productivity, the payroll survey persisted as an anomaly of negative news.

Only the household survey was able to accurately portray the strength of our workforce because of its ability to track the nontraditional employment that the payroll survey misses. In an already-dynamic economy, the increased churn created by economic expansion only highlighted the growing inadequacies of a Depression-era payroll survey. Using the 20th century methods to take a snapshot of the 21st century employment picture simply did not work.

To launch an overhaul of our job surveys, I introduced H. Res. 14, which called on the Bureau of Labor Statistics to review and modernize the way we collect our jobs data. BLS conducted a report that analyzed the two surveys and evaluated options for change. While the report stopped far short of proposing a complete reform of the surveys, it did acknowledge that a growing discrepancy exists between the two numbers and determined that further analysis is necessary.

Mr. Speaker, I am pleased that BLS has taken this very important first step. But it is only a first step. We must continue to push for reform so that our job surveys effectively track job creation. After all, policymakers rely on accurate economic data to draft effective legislation, and businesses need the right numbers to plan for their future. In an economy where the only constant is change, unreliable numbers will result in off-target legislation and poor business decisions.

A modern economy needs modern statistics, and we must make sure that we give it that.

U.S.-INDIA NUCLEAR COOPERATION DEAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I am always pleased to lend my personal support to strengthening the partnership between India and the United States, and today I rise to express my support for the recent civil nuclear energy cooperation agreement between the world's two largest democracies. I also urge my colleagues to support such an agreement when it comes under consideration in Congress.

Based on their shared values of diversity, democracy and prosperity, the United States and India have a natural connection. The growing bilateral relationship between the United States and India is creating new and profound opportunities between our two countries. We have shared democratic values and national interests that have fostered a transformed relationship that is central to the future success of the international community, and that includes the global war on terrorism and slowing the spread of weapons of mass destruction. Building this strategic partnership was unforeseen a few years ago, but its success is important in creating a strong democratic foundation in Asia.

Mr. Speaker, India, which has long been a victim of terrorism, was the first to offer its services to the United States in its war on terrorism in Afghanistan. The Bush administration has made separation of India's military and civilian nuclear facilities an important benchmark by which to judge India's seriousness. In separating these facilities and placing the civilian ones under safeguards, it shows India's commitment to its role in the global community.

Mr. Speaker, the United States-India civil nuclear agreement strengthens energy security for both the United States and India and promotes the development of stable and efficient energy markets in India to ensure adequate and affordable supplies. Development and expansion of U.S.-India civil nuclear cooperation should, over time, lessen India's dependence on imported hydrocarbons, including those from Iran.

Mr. Speaker, India is taking necessary steps to build its relationship with the international community. Although India has never been a signatory of the Nuclear Nonproliferation Treaty, it should not be considered as a problem state with regard to nonproliferation issues. It has no record of proliferating dual-use nuclear technology to other countries. India understands the danger of the proliferation of weapons of mass destruction and has agreed to key international nonproliferation requirements.

Finally, Mr. Speaker, once the Bush administration outlines the details of the civil nuclear energy cooperation agreement, then Congress must begin steps to enact the changes necessary for implementation, and I would urge all my colleagues on a bipartisan basis to move in that direction and support it. The United States has established a remarkable strategic partnership with India, and a civil nuclear cooperation would be a great accomplishment. Its implementation is important for national security and for U.S.-India relations. Our two nations have made extraordinary progress over the last several years, and the path that lies ahead is critical to our improving relationship.

HEALTH CARE TRANSPARENCY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, Americans, American patients, are fortunate. They have access to the greatest health care system in the world. But for many, the cost to access that care is prohibitively high. So it is ironic, Mr. Speaker, that the world's largest free market economy, government control and lack of true market forces have led to diminished sophistication among medical consumers and increased health care costs.

Dr. Uwe Reinhardt, a professor of political economy at Princeton University, frames the problem by stating: "To move from the present chaotic pricing system toward a more streamlined system that could support genuinely consumer-directed health care will be an awesome challenge. Yet without major changes in the present chaos, forcing sick and anxious people to shop around blindfolded for cost-effective care mocks the very idea of consumer-directed care."

A lack of transparency has created a system where customers don't have the ability to hold providers accountable. We have reached a point where even doctors and nurses and other providers have difficulty in being cost conscious, because nobody really knows what anything costs any more. In a system like this, cost increases are a given.

Mr. Speaker, there is no bigger proponent of medical health savings accounts than myself. A little less than 10 years ago when the Archer Medical Savings Accounts were first made available, I went out and got one. I think it is a good method of providing health insurance, particularly for those young Americans who want to be entrepreneurs that Chairman DREIER was just talking about. But right now there is a problem, because there is a lack of transparency in the system; and that opacity in the system prevents them from being good consumers.

A more transparent pricing system would help give providers and patients more control over their health care dollar, but there are great incentives for providers to keep consumers blindfolded. For instance, every year hospitals normally raise their price list for services. Because hospitals can increase their net revenue by raising their list prices, this provides them the incentive to increase their list prices.

But hospitals also negotiate a discount in payments for patients covered by certain health plans, and these discounted amounts are not always available to individuals who may be interested in self-pay, such as the holder of a health savings account.

Additional breakdowns of hospital operating costs and how that impacts billings would be essential information to a consumer trying to select the lowest-cost provider. Since this information is obscured, the consumer can exert no pressure on a hospital to implement rational pricing structure.

What happens when pricing information becomes available to consumers? The results can be dramatic. When the Medicare prescription drug discount card was introduced in 2004, seniors could log on to Medicare.gov and see cost comparisons of what drugs cost at area pharmacies. I would submit that Lasik surgery and plastic surgery are the other such examples when transparency is brought to the marketplace.

☐ 1915

Some health plans are getting into the transparency game. Aetna health plan has initiated a pilot project in Cincinnati, Ohio, that gives enrollees information on what doctors charge and gives enrollees the ability to take action before services are performed. This type of information is vital to hold providers and plans accountable for what they charge and what the patient pays.

Giving new consumer-based coverage options like health savings accounts the opportunity to plug into a fully transparent system, it gives consumers information on cost, price and quality and would transform the American health care system in a radical manner, providing care for more Americans both rich and poor. Patients with portable health care dollars that can be paid at the point of service are extremely attractive to most health care providers who otherwise normally have to wait for an insurance company to process a claim and remit the payment sometimes months or even years after a service has been rendered. To attract the business of these patients who are willing to pay cash at the time of delivery, providers could list their charges, competing for business on price and quality.

With nearly 3 million now enrolled in health savings accounts to date and the number growing daily, health care providers and hospitals would be wise to allow transparency to pervade the system and ride the coming consumer wave.

Now, Congress can play a role in leveling the playing field in favor of the health care consumer. HSAs should be supported or made more attractive to consumers by increasing their portability and maximizing the tax benefits of these accounts. Congress has already established several quality reporting programs that are available to the public. The same should go for medical costs. There is no reason to continue the system of opacity in medical pricing.

Congress should take the lead in developing a collaborative approach with all provider stakeholders to make the costs more transparent to consumers.

The Greek dramatist Sophocles said that, "wisdom outweighs any wealth." The American health care system needs a healthy dose of wisdom; and consumers can deliver, given the chance.

MISSED OPPORTUNITIES

The SPEAKER pro tempore (Mr. MARCHANT). Under a previous order of the House, the gentleman from Texas (Mr. GENE GREEN) is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, the President gave the annual State of the Union speech and also released his budget recently. The speech and the budget were short on many important issues that face our families and neighbors every day.

I was glad he talked about supporting our troops; and I agree. However, I did not hear a call for creation of additional divisions to give our regular military and reserves more time at home between deployments. He announced no plans to stop extending the enlistments for the young men and women serving our country, some of whom are serving their third tours in the Middle East.

We also need better equipment and training for the people who volunteer to serve our country. Instead, this budget request maintains and grows weapons systems that are no use to our troops on the ground, rather than adding the manpower we need for Iraq and Afghanistan, and reduces the authorized size of the National Guard by 17,000 soldiers.

I did not hear a renewed commitment to fully fund our veterans health care either. When someone serves and is injured we owe them a debt to make sure they receive health care second to none. President Bush's VA budget request for 2007 does add nearly $3 billion in real appropriations to veterans health care compared to the 2006 budget. However, it does so by charging a new annual enrollment fee for VA care, nearly doubling drug copayments and driving 1.2 million veterans out of the system created specifically for them.

A chart in the President's budget request anticipates approximately 1.2 million fewer veterans in Priority Groups 7 and 8 in 2007. These groups are forced in this budget request to pay new $250 enrollment fees and nearly double in pharmaceutical co-payments. This is not looking out for those who have served our country.

The President touched briefly on health care problems in our country. Health care is the number one domestic concern of the American people, 46 million of whom lack health insurance.

The administration's solution is expanding health savings accounts, HSAs, eliminating State mandates on health insurance policies, and the annual call to federalize medical malpractice lawsuits. HSAs have not been successful with consumers. An October, 2005, report determined that 1 percent of U.S. adults chose HSAs and only one-third of that 1 percent recommend HSAs to someone else. Another one-third of that percent would like to change plans. HSAs only fit a small portion of our society and have not helped to ensure our 46 million uninsured Americans.

Even worse, HSAs will draw healthier, higher income employees out of health insurance pools, leaving the sicker and lower income folks to share the higher risk. The unfortunate result would be increased out-of-pocket costs for those most in need of affordable health care and a weakened employer-based health insurance system.

To solve our health problems, we need bolder leadership, not plans that do not work. Let us expand the State Children's Health Insurance Program, the CHIP program, to working parents, allow early retirees over 55 to buy into Medicare, and help States with Medicaid costs so that they can expand programs for the uninsured.

Decades ago our country made a decision to use employer-based insurance unlike other industrial democracies. We have tried to bridge the gap of what employers can provide, but we still have 46 million people uninsured. Congress and the administration have a duty to bridge that gap for Americans.

I also did not hear anything in the State of the Union Speech about the administration's efforts to secure pensions. Companies are eliminating traditional pensions or going into bankruptcy to get out of commitments to their employees. At a time when the baby boomer generation is reaching retirement age, we cannot depend on Social Security, especially with an administration who wants to privatize it.

The President also did not mention anything on the biggest issues facing Americans, increasing disparity in income. Since World War II, Americans had a history of creating a great middle income majority. We are losing that great middle class as we have more and more millionaires but more and more poor people.

In 2001, the median income in 2004 dollars was $46,058. In January of 2006, it was $44,389, almost $2,000 less. Median income Americans are losing ground while median home prices have increased from $139,700 in 2001 to 215,900 in 2004.

Health insurance costs have gone up from a monthly average in 2001 of $135 to $222. College tuition for our children has increased, while government assistance has remained flat. I could go on and on about lower income and high prices, including costs of gas for our cars and utilities to heat and cool our homes. We need a concerted effort by Congress and the administration to reverse this trend that the rich get richer and the poor get poorer.

Middle income Americans are getting poorer. We have real needs in this country, and it is all too clear that the President's State of the Union speech and the administration's budget have not addressed the concerns of America.

CONSUMER-DRIVEN HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, it seems that tonight is health care night. We just heard from two of our colleagues from Texas, one of whom I agree with and one of whom on a lot of points I do not necessarily agree with. But, Mr. Speaker, I do rise tonight to express my deep concern over the high cost of health care and the toll it has taken on our families and our businesses and our economy.

I was very encouraged to hear President Bush discuss the important issue of health care reform during a speech in Ohio today. A recent NBC news poll showed 76 percent of Americans believe health care reform is a top priority for our Nation and we absolutely must act to create a more transparent accessible and affordable system, as the gentleman from Texas (Mr. BURGESS) just said.

Before coming to Congress, I practiced medicine as an OB–GYN for 26 years. I know that America has the best doctors, hospitals, research facilities in the world, but all of that is for naught if people, Mr. Speaker, cannot afford the care that they need.

However, different Americans have different health care needs, and we cannot resort to a Hillary-care program, to a one-size-fits-all system of care. We rejected that in 1993, and we reject it here today in 2006. Instead, we need reform that allows Americans to be better health care consumers.

When we shop for a new car or home what do we do? We compare prices to get the best deal and the best product. Health care should be no different. Too many Americans are paying the high cost of health care out of their own pockets, and the family budget is suffering. This is exactly why we need real practical initiatives like health savings accounts and association health plans, despite what the gentleman from Texas (Mr. GENE GREEN) just said. We need this to make health care affordable, portable and secure.

The number of people that are buying high deductible health plans along with these health savings plans is not decreasing, as the gentleman suggested, but it is increasing. Three million today and by 2010 14 million. I am very supportive and proud that the President talked about this and is going to expand health savings plans for the future. These initiatives will help businesses across America afford health benefits for their employees, which in turn will reduce the number of uninsured in this country.

I am as concerned, Mr. Speaker, as all of my colleagues are of the fact that we have maybe 41 or 42 million people in this country without health care. But this is the way you get them the health care so they can get a policy with a very low premium that covers the catastrophic and they can stash away money each year in that health savings account. It can grow just like an IRA and they can use this money in many instances for medical care that is not covered under a traditional health care policy. I am talking about things like dental care, a hearing aid or visual care.

So along with flexibility in our health care system, this is another very important point, and Mr. BURGESS just spoke about that.

We must be technologically advanced. You heard, Mr. Speaker, Chairman DREIER talk a little bit about job statistics and how we do not need to be using twentieth century machinations to determine what our growth and our job rate is. We need to have a better system that more accurately reflects the job growth in this country. It is the same thing with the health care system. It must be technologically advanced.

Mr. Speaker, I recently went to Antarctica and, amazingly, I could get cash from an ATM machine with no glitch in Antarctica. But if I had fallen ill during my travels, the hospital there could not have accessed my medical records or known what medications I am on; and I happen to be on several heart medications.

This is a recipe for disaster, and to fix this crucial shortcoming I have introduced legislation to increase tax breaks for physicians who invest in the new technology of electronic medical records. Physicians are more likely to adopt this new technology if our Tax Code helps offset the substantial, and they can be substantial, initial costs.

We have seen the success of this tactic with other tax relief for small businesses. H.R. 4641, the Adopt HIT Act, will help our doctors save money, time and, most importantly, Mr. Speaker, save lives.

Reforming health care will make coverage more affordable and accessible for both workers and employers, especially our small businessmen and women. But affordable health care is only half of the equation. After all, the most affordable health care in the world is, Mr. Speaker, irrelevant if a patient cannot get in to see a doctor when he is sick or visit the emergency room when he is injured.

As a practicing physician for nearly 30 years, I have seen the results of our troubled medical tort system firsthand. In many communities, hospitals have closed, women have to travel across State lines for prenatal care, emergency rooms lack the on-call specialists they need to save lives. This should not happen in America, home to the greatest physicians in the world.

I call on my colleagues to join me in the effort to create a consumer-driven system of care for our country.

HONORING MORGAN PARK HIGH SCHOOL STUDENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

Mr. RUSH. Mr. Speaker, today I want to tell this Congress and this Nation about a high school success story. Today I would like to acknowledge students and teachers from the Morgan Park High School located in my district, the first congressional district on the south side of the City of Chicago.

Morgan Park High School students posted world-class advanced placements test scores. Mr. Speaker, it must be noted, particularly as this is the month that we celebrate black history, February, it must be noted that out of the more than 15,000 high schools and 31 countries worldwide, more students at Morgan Park High School passed their AP exams in two courses, English language composition and European history, than at any other high school in the Nation or in the world.

□ 1930

The vast majority of these students were African American. The number of African-American students passing these college-level exams at Morgan Park High School is even more amazing considering the fact that African Americans are the most underrepresented racial group in the country in AP classrooms.

Mr. Speaker, thanks to the excellent teaching and tutelage of their teachers, Ms. Judith Keyhoe, Ms. Marilyn Jackson and Mr. Martin Luzzo, all of the Morgan Park students deserve special recognition and congratulations from this Congress today.

Morgan Park High School is a great example of what dedicated administrators, committed teachers, motivated students, and involved parents can accomplish; and I ask all my colleagues to please join me in congratulating Morgan Park High School, this fine school, for their wonderful academic achievement.

Now, Mr. Speaker, I would like to just take a moment to name the individual students that allowed Morgan Park High School to soar to these unprecedented heights. These students are: Jorge Anguiano, Jenele Anderson, Desney Avery, Nicole Banks, Brian Belcher, Aryelle Berry, Evan Beverly, Jasmine Bomer, Justin Booz, Christina Boyce, Jenise Chappell, Monique Childress, Angelo Dasilva, Eric Dorsey, Natalie Dowdell, Patrice Gardner, Jeffrey Gonzales, Brandon Hamilton, Zellonda Harris, Rachel Hoffman, Dominique Jones, Edward King, Latasha Kinnard, Juwaun Mcclain, Amanda Moore, Tichina Moore, Eduardo Morales, Jeffrey Nelson, Cecilia Ortiz, Kimberly Randle, Ashley Rouse, Lajoi Royston, Renata Sago, Bradley Thomas, Jerome Wade, Langston Wesley, Alexandria Willis, Rachel Woods, Joshua Young.

To the students at Morgan Park High School, we take our hats off to you. Keep up the good work. Make sure that you keep on the path to success. This Congress, this Nation, is very proud of you. God bless you.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PRICE of Georgia. Mr. Speaker, what a great pleasure it is to come and speak to the House tonight about a number of different topics. I want to thank the leadership and the conference for giving me the opportunity to lead an hour here and talk about things that are of utmost importance to our citizens all across this Nation.

When I have talked with some of my constituents, many of my constituents at home, over and over and over again I hear them say, what is going on up there in Washington, why has the discussion, the personal animosity that seems to be brought to so many of our debates, why is that occurring? It is a great question because it does a disservice to us all; it really does.

What we are beginning tonight is what we are calling the Official Truth Squad. This is our new logo of the Official Truth Squad, and we thought that was appropriate because there are so many times that you hear on the floor inaccuracies here, and so we thought it was appropriate to put together a group of folks that would come as often as needed to bring some truth.

To start that truth, I just wanted to set kind of the premise of why people are so disgusted, what kinds of things that are being said that make people so doggone disgusted with some of the language that is going on up here in Washington.

These are real quotes; and I think it is important, Mr. Speaker, that people hear these things because, again, it does a disservice to the whole debate. These are quotes from Howard Dean, who is the chairman of the Democratic party. This is a quote just a year ago: "I hate Republicans and everything they stand for." Can you imagine that? What an awful thing to say to at least a third of the Nation, if not more, to individuals who voted in the last general election for President, over half of the individuals that voted, and that kind of tenor is just wrong. It is just wrong. It does not help anything.

Just 6 months ago or so, he said: "Republicans, a lot of them haven't made an honest living in their lives." What kind of nonsense is that? What kind of disservice does that do to our Nation?

We have heard some of that same kind of tone here on the House floor, and so we endeavored to put together a group that would talk about the truth, talk about real things, and try to bring some real information to our citizens all across this Nation.

Daniel Patrick Moynihan, I do not have the exact quote, but he said something like, everyone is entitled to their own opinion but they are not entitled to their own facts; everyone's entitled to their own opinion but not their own facts. So we thought we would bring some facts, and we will do that over this next hour and over the next number of days as we come and talk with folks.

This Official Truth Squad grew out of the freshman class group of 24 or 25 of us who get together on a frequent basis, and we thought it was an appropriate thing to do to counter what has come to be known as the culture of cynicism, the culture of pessimism and the culture of negativity that we oftentimes hear from the other side. So we hope to bring a much more positive outlook, a much more positive view, frankly, of our Nation and to bring some facts to the table that I think and we think are appropriate just so people have the right kind of information out there to make decisions, to figure out what their government is doing and what it is not doing and what it ought to be doing.

With that, I am pleased to be joined by my colleagues, and first to come talk to you about some things as its relates to the economy and the budget is the gentlewoman from North Carolina (Ms. FOXX). She is a member of the freshman class. I have come to know and respect her so highly. She has a background in education and is just as principled as they come and as frankly positive as one could be about the outlook for our Nation. So the gentlewoman is going to spend a few moments and talk with you about the economy and the budget.

Ms. FOXX. Mr. Speaker, I thank the gentleman from Georgia (Mr. PRICE) very much for inaugurating the Truth Squad here tonight. I think it is high time that many of us came here to the well and shared the truth against many of the negative things that have been said night after night after night on this floor.

I am very positive about our country. It is the greatest country in the world, and it is the only place I know of where people are dying to get into. We need to make sure that the positive things about this country are talked about.

I want to talk a little bit tonight about the important role this Congress is going to continue to play in balancing our budget by spending our constituents' money wisely and by putting our national priorities in order. I also am looking forward to exposing this hypocrisy that has been exhibited here night after night by people who are quick to lament our Nation's problems but unwilling to take positive action towards solutions.

The Congress must become a better steward of the taxpayers' dollars, and we must do it now. Our constituents deserve to send less of their hard-earned dollars to Washington and spend more on their families, businesses, and dreams. By cutting spending and cutting taxes, we will allow citizens to have more time with their families because they will not be having to work so much. Our constituents meticulously budget their dollars at their kitchen tables, and we owe it to them to do the same thing here in Washington. It is their dollars we spend, not ours.

Cutting Federal spending is not an easy thing to do. We have seen this even as freshmen. However, it is the right thing to do, and my colleagues who join me here tonight recognize this important distinction and important responsibility to do what is right over what is easy.

We had the chance recently to slow the growth of Federal spending, and I am proud that this House did the right thing by passing the Deficit Reduction Act. However, those very same Democrats who come here night after night and complain about the deficit were unwilling to roll up their sleeves and get to work to actually solve the problem. They had their chance to contribute to a solution with the Deficit Reduction Act, but they took the easy way out by voting against the bill. The Deficit Reduction Act is one of the long-term solutions for the future that we are supporting.

It is easy to hand out money willy-nilly. However, it is not easy to find areas to reduce chronic spending; but reduce Federal spending we must, and we must demand more accountability for that spending.

My constituents work hard, and more of them are working than ever before. More people are working all over this country than ever before. They have adapted to our changing economy; and as a result of sound economic policy, more of them are in good jobs than ever before. We have reduced the tax burden on American workers and small businesses, and our economy is strong.

The money coming into the Federal Government has increased dramatically; but, unfortunately, the money we spend has increased dramatically, also. It is the taxpayers' money we spend; and we must be responsible, meticulous, frugal and effective in the ways the Federal Government spends this money.

As this Congress takes up the fiscal year 2007 budget, I hope my colleagues will maintain that mentality. We have made great progress with the Deficit Reduction Act, but we must do much more to transition from deficit reduction to deficit elimination.

I also call on the Democrats to contribute to the solution and to do the right thing by finding commonsense ways to reduce Federal spending. While we are here tonight to expose some blatant hypocrisy by the quick-to-complain Democrats, I would also like to invite them to start doing the right thing. I would love to see some Democrats join us in calling for reduced spending. I would love to see them back it up with a vote for reduced spending. It is not the easy thing to do, but it is the right thing to do.

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It is unfair to leave our children and grandchildren with massive debts resulting from overspending. The President's budget is a further attempt to help spare younger generations from debts that they do not deserve, but we must keep making progress with what the President outlined.

Mr. Speaker, I would like to thank my colleagues for joining me tonight in highlighting this important issue. I am really proud to be a part of the Truth Squad, made up only of House

Republicans: and I would like to reiterate my hope that Democrats will join us in doing the right thing, however difficult, by slowing Federal spending. I look forward to working with them to restore fiscal accountability and restraint so we can continue to trim and soon eliminate the Federal deficit.

Mr. Speaker, I thank Mr. PRICE for hosting this hour, and I am looking forward to many more evenings of our presenting to the American people the facts about our economy.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the gentlewoman's participation and involvement. It brings light to the appropriate problem and the appropriate solution. The problem is too much spending. The problem that we have here in Washington is too much spending, which means the appropriate solution is to decrease that spending. The Deficit Reduction Act was a move in the right direction, to decrease spending by $40 billion.

Mr. Speaker, I know it is hard to believe, but we did not get a single vote from anybody on the other side of the aisle for something that is a move in the right direction. Was it as much as we would like? Certainly not. But without any help from the other side, things get much more difficult. We appreciate the gentlewoman bringing us the truth as it surrounds the budget.

I am pleased now to yield to the gentlewoman from Tennessee (Mrs. BLACKBURN) who, although not a member of the freshman class, we have adopted because she brings such clarity of thought to the issues. She has presented the optimistic and positive view of our Nation and the hard work we are doing to move our Nation forward. I am pleased she is able to join us tonight and talk a little bit about the budget.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Georgia, and kudos to Mr. PRICE and the other freshmen class members for starting the Truth Squad. I know that each and every one of you are going to do a great job as you take issue by issue that comes before this body, issues that are so important to the American people because we want to be certain that we do a few things while we are here, that we are good stewards of the taxpayers' money, that we are diligent in preserving freedom because we know that our children and our grandchildren deserve the opportunity to have the ability to dream big dreams and, as we said last night, to grow up in a safe, free and secure world. We want that for them, and we want that for every American citizen.

Certainly being certain that we focus on our economic security is important. As I said, last night we talked about national security and that importance, that we have that free, safe world. Tonight we will be looking at economic security. Congresswoman FOXX always speaks so well, and I loved what she was saying about the spending habits of Washington.

Mr. Speaker, some of my constituents remind me regularly that Washington does not have a revenue problem, Washington has a spending problem. This great big bureaucracy that is built up around Washington has a tendency to eat up those tax dollars that come from the local communities in Washington and somehow never get back out there to the programs.

I think one thing we all would agree on is that Washington is never going to get enough of your money. It is never going to get enough of your money. It has an endless appetite for your money. Certainly Ronald Reagan's statement that there is nothing so close to eternal life on earth as a Federal Government program, we see that borne out every single day. We as conservatives keep focusing on that spending problem. We keep focusing on ways to reduce Federal spending.

Certainly we have made some inroads. The gentleman mentioned the Deficit Reduction Act which was and is a plan that is going to yield a savings for the American people. In this, we saw the 1 percent reduction. How we pushed to get those bills in there. Last year, we had bills, and the gentleman from Georgia joined me in sponsoring those bills for 1, 2 and 5 percent across-the-board reductions so that we would begin to prioritize.

That is what the American people want us to do, to prioritize, to make decisions about where is the best way, the very best way for this government to function so that it is continuing to provide the services and the infrastructure that we need to be the greatest Nation in the world. That is what they want to see from us. We were so pleased to see those reductions included in that Deficit Reduction Act. Yes, indeed, we are going to be working to be certain that we do that again this year.

One of the good things about the Truth Squad and what you all are going to do over the next many months is to bring forward ideas, to bring forward ideas. How do we make this government more efficient, how do we make it more effective, how are we certain that we are prioritizing and meeting the needs and desires of the American people, and how do we hold the Federal Government accountable for the dollars that they are going to spend. Because it is not government's money, it is the taxpayers' money.

I know that Representative CONAWAY is going to speak in a few more moments. I hope he is going to talk about the Federal Programs Offset Reduction Act that he introduced today. I am cosponsoring that bill. That is the type of innovative idea that we need to see brought forward. If you are going to propose a new program, then, by golly, get in this budget and find something that is duplicative, that has outlived its usefulness, that is wasteful and eliminate it. If you are going to do something new, take away something that is not working.

As I have co-chaired the Task Force on Waste, Fraud and Abuse, that has been one of the creative suggestions and one of the recommendations, programs like that that we are looking for. We are looking forward to supporting Mr. CONAWAY in that work because we know it is our responsibility to be a good steward. We know that it is our responsibility to keep in mind that Washington is never going to get enough of the taxpayers' money, and we know that it is our responsibility to remember that Washington does not have a revenue problem. It gets plenty of money. Washington has a spending problem.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentlewoman from Tennessee for coming and providing great light for some of the principles that we ought to be holding dear here.

One, we ought to be good stewards of the taxpayers' money. We oftentimes see Washington just spending too doggone much money. People know that. They understand and appreciate that.

They also understand that Republicans are the team that has the ideas, as Mrs. BLACKBURN said, to decrease spending. She has provided great leadership in providing a bill that would reduce spending across the board at the Federal level by 1, 2 and 5 percent each. So take your pick. Where do you feel comfortable? I, frankly, would support as much as we can do. I know she would as well.

Mr. Speaker, I am pleased to yield to the gentleman from Texas (Mr. CONAWAY), another member of the freshman class of the 109th Congress, a Member I have come to respect very highly for so many things but especially for his financial acumen. He is a CPA in his real job, his real life, and he has brought great interest and enthusiasm to the challenges we have in the economy and in the budget. He sits on the Budget Committee. I am pleased to have him join us to talk about the budget and where we are headed in the future.

Mr. CONAWAY. Mr. Speaker, I thank the gentleman from Georgia for not only those kind words but also for creating the Truth Squad and being the motivating factor behind that. I think it is going to do us good to come here from time to time to talk about these things.

I also want to thank my colleague from Tennessee for those very kind words. The bill the gentlewoman is talking about would actually be a change in the House rules for next session, the 110th Congress, and that is if you can find something that the Federal Government is not already currently doing, in order to convince us that new program should come into existence, you have to do away with an existing program of equal or greater spending.

In other words, if your new program is not more important than some other program in the vast array of public programs, basically you are telling us this new proposed program is the least important thing that our Federal Government can do. If that is the case, obviously why would we do it?

Now the great thing about being freshmen, except for Mrs. BLACKBURN, is that we do not know what we are not supposed to suggest and we do not know what, quote/unquote, cannot be done. I know this is going to cross jurisdictional lines within committees, and some would say that it puts a damper on the creative spirit that brings these new programs to life. In the short run, maybe that is not a bad idea. Nancy Reagan had it right when she said just say no to drugs. Maybe we should say just say no to new programs for a little cooling off period and get an evaluation.

The President in his budget came up with 141 programs that through the evaluation process, an objective evaluation process, that could be targets for this program.

What I would like to talk about tonight is the reason why the discussions we are having tonight are so important and try to add a little sense of urgency to the overall issue of the budget for 2007. That is the long-term look, the 50-year look at the growth in the Federal Government, growth in Federal spending.

I would argue with just about anybody that the single biggest threat to our way of life is the growth in Federal spending over the next 50 years. Now I say that with a recognition that we are at war, the global war on terror is important and it is a crisis that we ought to have to deal with, but I think spending of the Federal Government will ruin the American way of life.

If you look at studies done by the Congressional Budget Office, they have recently posted one to their Website, CBO.gov. If you look at that long-term study in the growth in Federal spending, it will frighten you or it should frighten you and add a sense of urgency to the need for what we are doing here and what we are discussing here tonight, and that is to try to trim back the rate of growth in this government.

Today, we spend an equivalent amount of 20 percent of our gross domestic product. It is consumed by the Federal Government. That $2.7 trillion, in round numbers, that we will approve for the 2007 budget is about 20 percent of GDP. Our current tax revenues, all revenues for the Federal Government, are about 18 percent. So we are creating a deficit that we all have to deal with and decry. Nobody defends the deficit and nobody thinks it is the best way to go, but being an accountant and a CPA, those are the facts. As the photographer said, if you want a prettier picture, you need to bring me a prettier face.

But let us look at that spending out over 45 years. In the year 2050, if you look at the CBO report, the Federal Government will consume about 50 percent of gross domestic product. My colleague from Atlanta knows the world has never seen a free market enterprise country where the central government can consume half the GDP and the rest of the country prosper on the other half. It just does not work that way.

So we have two choices as I see it. One, reduce the rate of growth and reduce the programs that are not sustainable and bring the projected growth in Federal Government in line with what tax revenues can be. Or out of whole cloth, come up with a brand new economic system, a brand new way of doing business that will allow the central government to consume half, and the rest of us prosper and grow and have a better standard of living on the other half.

Today, we had hearings in the Budget Committee. We had General David Walker, the head of the Government Accountability Office; we had Douglas Holtz-Eakin, who was the immediate past chair or the director of the Congressional Budget Office; and we had Elizabeth Sawhill from the Brookings Institute, three individuals with impeccable credentials in this area. They bring a great deal of credibility to the table.

Today in the hearings they were unanimous in the problem we are talking about, in their agreement with the problem we are talking.

Now GAO's estimate is about 40 percent of GDP by 2050, and the Congressional Budget Office is about 50 percent. There is a margin of error there that is irrelevant when you look at revenues. The question was asked, can we grow our way out of this problem? And the short answer was eloquent in its brevity. All three simply said, no, we cannot grow our way out of it.

□ 2000

We cannot grow our way out of it, an elegance to that answer that was deafening in the room. So we cannot grow our way out of it.

It requires us to begin to make choices today that are easier than the choices available to us next year, and are clearly easier today than any choice we will have 3 years from now regarding how we will begin to reduce the rate of growth in this Federal Government.

As I have said, in this Chamber we give speeches, and with hyperbole we typically overreach and puff and brag in order to convince our colleagues that our particular argument is correct.

But a threat to our way of life, the threat to my grandchildren, your grandchildren, is there. It is imminent when you look at the long term. The bad news about it is it is not imminent in the sense that it is going to happen tomorrow afternoon.

We as Americans just tend to deal with today's issue, tomorrow's issue, maybe next week's issue; but we rarely want to take a look at 45 years down the road and make some hard choices that we have today. Let me finish up with one quick anecdote about the importance of doing this.

I have six wonderful grandchildren that I am incredibly proud of. When I talk in the district to town hall meetings and groups like this, I typically ask all the grandparents to raise their hands. You get a good smattering of those folks.

I say, which grandparent in the room today would take their grandchildren to their local bank and say, Mr. Local Banker, I want to borrow every dollar in this bank, but I want my grandchildren to sign the note. I want them to be responsible for paying it off. I am going to take the money, and I am going to spend it on a few good things, but I want to spend it the way I see fit. But I want you to look at my grandchildren and make them pay off that debt.

There is not a grandparent in the room that says yes. There is not a grandparent anywhere that I know of who would take that. Then I look at them and say that is exactly what we are doing as a group. Our collective conduct is doing just that. By 2050, we will have an economic model that cannot be sustained, and the size of the Federal Government cannot be supported by any level of taxation that would make sense.

In an attempt to add some sense of urgency to the importance of what our colleagues, you and our other colleagues, are talking about tonight with respect to this year's budget and next year's budget and next year's spending, the long look is important. As I said to start with, I believe that this is the single biggest threat to our way of life that we face, that is, acknowledging the fact that we are at war with some pretty terrible people.

Dr. Price, I appreciate you allowing me to speak with the group tonight. I appreciate you allowing me this time, and thank you for your leadership in this Truth Squad effort as we go forward in the second session of the 109th Congress.

Mr. PRICE of Georgia. Thank you so much, Congressman CONAWAY, for your clarity. Clarity of thought is not often seen here in Washington. You have just laid out for us, really, a pretty foreboding picture that in a relatively short period of time, less than one lifetime, the government, if not changed, will spend 45, 50 percent of the GDP on government, on government programs. That just cannot be done, as you say.

The positive thing that you mention is we can solve it. We can solve it if we all knuckle down and get to work together, which I think is the uplifting message that we need to give to the American people, because it can be solved. We just have to do it together and do it positively.

Thank you so much for coming and joining us this evening.

We are joined now by THELMA DRAKE, Congresswoman DRAKE, who is another member of the freshman class and another member of the Official Truth Squad who oftentimes comes to the floor and just provides great insight into so many different areas. She is a Representative from Virginia, has owned a small business, understands what it means to sign the front side of a paycheck, and has great insight into the economy and the budget itself. I want to thank you so much for joining us tonight.

She is going to talk a little bit more about the budget.

Mrs. DRAKE. Thank you, Congressman PRICE. I want to thank you for this effort, because this is a big effort to bring people together to come and talk about America. I really chuckled when I heard Congresswoman BLACKBURN talk about Ronald Reagan's quote, that no program has eternal life like a Federal program.

You will remember, in the President's budget last year, in our very first year as freshmen here, that he did propose cuts in programs, and he has proposed cuts in programs this year.

The theory behind that is there is no way to end programs without making very, very hard choices. But I do admire that the President and this Congress are willing to look at does a program work, what are the results, and how could that money be used if it were used somewhere else. There are two things that I hear back home, and one is, when are you going to balance the budget, and when are you going to control spending?

But then, of course, if a program is cut, the next thing I hear is, why was that program cut? Of course, you and I understand, when we say cut, now, with these programs, we are talking about cutting. But usually when someone says something was cut, they usually mean it is a reduction in the growth of spending. I think that is clear that we need to talk about that so the public does not believe that there has actually been a reduction.

With my staff, I look at them and say, don't tell me percentages; give me the dollar amount for last year, the dollar amount for this year, and then we can stop talking about cuts. Medicaid. We have heard from constituents at home who say I want to talk to you about cuts in Medicaid. I say, do you mean the 7 percent growth as opposed to the 7.4 percent growth that was projected before?

But last year as a freshman, when people would come to me, and they would say the President has cut my program, I would explain the President's philosophy, which was, let's look for programs that work, let's look for programs that don't.

So I would say, maybe the President has made a mistake, and maybe his information is wrong. If you would like to come back to me with the good information, we will take it to the President.

Not one person ever came back.

I learned as a child in school that taxes are what we pay for civilization. We as Americans all believe in that. We know that we have a responsibility to Americans who are less fortunate. We have the grave responsibility of defending this Nation, of educating our children, that we have huge responsibilities on us. But one of the greatest responsibilities, I think, is to ensure that every dollar we spend of taxpayer money is spent wisely.

But what I was really thinking about, when I came over here tonight, because I came over here tonight to talk about how great our Nation is, as I came to the floor, one of the things I thought was how quickly we as Americans have recovered since the very devastating attacks of 9/11.

We gathered our strength and our resolve and, through the courage of our fighting men and women, have taken the battle to the terrorists who despise our love of freedom and our open society. We have risen as a beacon of hope to those who live in the Middle East and yearn for the freedoms that we have.

Perhaps the most important thing about Americans and what we have been attacked for, and please believe me, the targets that they took were not chosen at random, when the terrorists attacked the Twin Towers on 9/11, they did that because they are important symbols to our commitment to capitalism and to free and open markets. They struck us at our core. What they intended to injure was our spirit.

It was here that they failed, because they underestimated the strength of the American people. The American people know that while bricks and mortar can be torn down, that our resolve and commitment to the principles that define us cannot be harnessed.

We have weathered a very difficult recession. We have weathered the attacks of 9/11. We have experienced the burst of the telecom bubble; and now we find ourselves, once again, in an economy that is exploding with growth and opportunity.

Today our economy is experiencing significant growth. Since the second quarter of 2003, we have experienced an average of 3.8 percent quarterly gross domestic product growth. Nearly 4.7 million new jobs have been created since that time, and today's unemployment rate is at 4.7 percent. That is lower on average than the seventies, eighties and nineties. 2.1 million jobs have been created in the past year, and 193,000 were created in the past month alone.

Congressman PRICE, I would say that tells a very important story about our Nation. Real after-tax income has grown by 7 percent since 2001. The average hourly wage is up 3.3 percent over the past 12 months, the largest 12-month increase in just under 3 years. Inflation remains low. Consumer confidence is at a 3-year high, and homeownership is at an all-time high. Tax revenues for fiscal year 2005 grew by 14.6 percent over fiscal year 2004. That has resulted in a $120 billion reduction in the deficit.

This is a perfect example that there is such a thing as taxpayer behavior, that when you allow people to keep their own money, they create jobs, they save it, they invest it, they spend it, they grow our economy. I believe, and I know that you believe, that our tax policy must support our economy, and it must grow our revenues.

Congress is currently in the process of renewing aspects of the legislation, the tax cuts, that have brought a lot of this economic growth about.

But today is not a day to rest on our laurels. Leadership is about creating a vision of where we want to go and how we want to get there. It is not enough to create a favorable climate for economic growth. This majority has a clear vision of how we can help Americans succeed in this climate.

You and I both serve on the House Education and Workforce Committee. We both know how hard our committee has worked to provide greater educational opportunities for Americans from all backgrounds, as well as to provide assistance for prospective employees to receive the skills and training they need to be competitive in today's workforce. You and I know the committee will continue to work hard this year.

I also think it is important, as I close, to just talk about who in America pays taxes. One of the things that we have heard over and over again is that the tax cuts are for the top 1 percent of America. Americans do not realize that 50 percent of our people pay over 96 percent of the taxes. The top 50 percent pay 96.5 percent of our taxes.

That means the bottom 50 percent wage earners pay 3.5 percent of our taxes. Forty-four million Americans are estimated to owe zero Federal taxes this year and will receive a dollar-for-dollar rebate for their withholding tax, thanks to the 10 percent bracket that was created.

I think it is the least-told story of the year, how great our economy has done, the success of the tax policies. I think it is a story America needs to hear, and I thank you for giving us the opportunity to stand and talk about America, how great our Nation is, how wonderfully our economy is growing, and that we are committed to the policies that will continue that growth, continue to improve the lifestyles of all Americans.

Mr. PRICE of Georgia. What a wonderful vision you have created and the great story that you have told about the recovery after 9/11 and the incredible economy that we have going in America right now.

Often at home, people do not understand that. They aren't getting told that, certainly not on the nightly news and not in the newspaper. Thank you so very, very much for joining us.

I also want to just highlight what Representative DRAKE said about the words that are used here in Washington. So often you hear about cutting this and cutting that. In fact, things are not being cut. We will talk a little bit more about that in just a minute.

Oftentimes, things are just decreasing the rate of increase, which is a little different way to say it, but it has been said that Washington is the only place where a decrease in the amount of growth that was projected is considered a cut. We just have to suffer with that.

That is why we are joining you tonight as the Official Truth Squad, to bring some real facts, some truth to the issue of the economy. I wanted to expand a little bit on what I hear at home when people talk about the kind of news that they see on television or the kind of things that they most often read in the paper.

□ 2015

They want to know why are they not hearing these good things about America.

To highlight once again some of the statistics about our economy, 17 straight quarters of growth, 17 straight quarters of growth. The home ownership rate in our Nation now is at an all-time high. Nearly 70 percent of Americans own their own home, 70 percent. What an incredible story that is, and it cuts across all demographic lines and all sectors of our society. And that is positive. That is a positive thing, that is a good thing, and it is the result of the economic policies that have been put in place here in this Congress.

Unemployment rate: 4.7 percent. Four point seven percent. And most economists will tell you that 5 percent unemployment is full employment because we have got people looking for jobs or looking to change their job or moving, those kinds of things. Five percent is full employment. Right now, our unemployment rate is 4.7 percent. Four point seven million new jobs in the last 5 years. Good news. Great news. It really is.

And because you occasionally get that, this is today's Wall Street Journal. The other side likes to talk about their third-party validators. Here is a third-party validator, a Wall Street Journal, front page story today: "Retail Sales surge 2.3 percent, Underlining Economy's Health. A 2.3 percent increase in sales. That just shows the kind of wonderful and good economy that we have got going. So we have got a plan. We have got a plan to continue to increase the wonderful performance of this economy.

I wanted to talk a little bit more about some truthful aspects that ought to be discussed, and Representative DRAKE talked about this, this chart here, again trying to bring some truth to the issue of who pays taxes. Oftentimes, we hear that the wealthy do not pay any taxes in this Nation at all and they have all sorts of ways to get around paying taxes. And this graph is so telling because oftentimes we hear, Mr. Speaker, that a picture is worth a thousand words, and this picture is.

We have got six bars here. The first bar here is the top 1 percent of wage earners in this Nation, and then, on this ordinate here, we have got the percent of taxes that they pay. Out of 100 percent of taxes here in America, what percent did the top 1 percent of wage earners pay? Thirty-four point two seven percent. Over a third of the taxes in this Nation paid by the top 1 percent wage earners. And if you go on down, the top 5 percent pay over 50 percent of the taxes in this Nation.

These numbers are not my numbers. These are official numbers, and it just is really telling.

When we look down at that fifth bar, the largest bar there, that is the top percent, 50 percent of wage earners. That is half of the wage earners in this Nation. And the top 50 percent, as Congresswoman DRAKE said, pay 96.54 percent of the taxes. The bottom 50 percent of wage earners pay less than 4 percent.

So when you hear that the wealthy in this Nation are not paying their fair share, I do not know about you, but I would say that this distribution is not unfair to those at the lower end of our scale, and it ought not be. But this is the truth. This is the truth. When you hear those other lines and you hear those other statements, you just know that it is not the truth.

This chart here talks about the revenue growth that we have had. This is the amount of money coming into the Federal Government. And you have heard it said oftentimes that in Washington we do not have a revenue problem, we have got a spending problem. And, indeed, we do. Washington spends too much of the hard-working taxpayers' money. But I think this chart is telling. Because what this shows from the year 2000, and it is projected out to the year 2011, there is a dip here at about 2002, 2003 in revenue coming into the Federal Government. And currently in 2006, the amount of money that came into the Federal Government is $2.3 trillion. A lot of money. A lot of money.

But being an individual who likes to know why things happen, I want to know why that increase occurred: and I think it is important to know that at this point at almost the lowest point of revenue over the past 5 years, 6 years in this Nation, what happened is that we decreased taxes. We decreased taxes through the President's recommendations and through the hard work of this Republican Congress, decreased taxes to all taxpayers in this Nation.

And what happens when you put more money in people's pockets? Incredibly, what happens is that there is more revenue that comes into the Federal Government because they become more productive. They spend more, but they save more, and they have greater incentive, greater incentive, frankly, to work. So the truth of the matter about revenues in this Nation is that they are up because of decreases in taxes.

Numbers do not lie. Senator Moynihan said everybody is entitled to their own opinion, but they are not entitled to their own facts. And the facts will show that, in fact, after the tax decreases what happened is an increase in revenue.

Now, oftentimes our friends on the other side of the aisle like to say, and, in fact, we have heard it here tonight and I wrote it down because I hear it so often but it is put in different ways, but we heard tonight that government assistance to education has been flat under this leadership. "Government assistance has been flat." Well, again, you are welcome to your own opinions, but you are not welcome to your own facts.

Here are the education totals: The annual growth over the last 5 years, the annual growth over the last 5 years, 2000, nearly $40 billion in growth in education expenditures from the Federal Government. Forty billion dollars. In 2001, over $40 billion of growth. In 2002, nearly $50 billion in growth. And you see the other columns there: 2003, 2004, 2005, continual increases. This is not the increase from 1 year to the next. This is the absolute amount of money, new money, Federal Government money being spent on education.

So when you hear people say that the amount of money going into the education of our children and our young people has not increased or it has decreased or it has been cut or it is not growing at all or it is flat, that is simply not true. Simply not true. Again, you are welcome to your own opinions. You are not welcome to your own facts.

What about Pell grants. Pell grant funding? Pell grants are those grants that the Federal Government appropriately provides to those individuals who want to seek a higher education degree and they simply do not have the resources to be able to assist them. What has happened to Pell grants since the year 2000? Remember the sounds that you hear from the other side that these cuts have been disastrous, that you are cutting and you are slashing? In fact, the annual growth in Pell grants over the last 5 years average, average, a 10.3 percent increase per year. That does not sound like a cut to me. That does not sound like a cut to me.

So what this chart shows is significant growth year after year after year, billions of dollars over the last 6 years annually. Not a cut. Not a cut. And that is appropriate. It is appropriate that we do that, but what we are here tonight to bring to the American people, Mr. Speaker, are some facts, some truth that we would like to share with the American people.

What I would like to do this evening in my brief time remaining is to just bring a little truth and fact to where Federal Government spending occurs. Because I think it is important for the American people to know and appreciate just what their Federal Government is spending their hard-earned taxpayer money on.

This is a pie chart. It is relatively simple, and there are about six major categories of spending that the Federal Government has. And you have heard a lot about automatic spending that occurs, and those automatic areas are the area of Social Security, the area of Medicare, and 20.5 percent for things like Medicaid and pensions and the like, and then there is net interest. Then there is the discretionary side, which really is the only side that we have been able to affect to any great degree. One is defense, which is about 20 percent of the Federal budget, and the other is 19.2 percent, which covers everything else that the Federal Government does. So I think it is important to get an appreciation for where Federal Government money is going. Social Security, 21 percent right now. Medicare, 11.9 percent. Other entitlements or other automatic spending, 20.5 percent.

We were talking about the amount of spending, where the Federal Government spends its money; and the previous pie chart showed what we have right now, in 2005. Currently, the Federal Government spends 54 percent on what are called mandatory programs, and it really ought not be called mandatory. We could call it automatic. It is oftentimes called entitlements.

But in that portion of this pie chart are Medicare, Medicaid, Social Security, some Federal pensions and the like. But those are programs that have formula within them that allow them just to continue to perpetuate year after year after year. And this area of the pie chart is what Representative CONAWAY talked about. That is the area that will consume 50 percent, 50 percent of the entire gross domestic product.

Currently, this is 20 percent of the budget. This, over the next 10 years, will grow to 62 percent. As you can see, this trend, in 1995, it was 49 percent; 2005, 54 percent; 2015, 62 percent. That trend is one that we cannot sustain as a Nation. It just cannot happen, unless you do what the other side talks about repeatedly, which is to raise taxes; and, as Congressman CONAWAY talked about, in fact, you cannot even grow your way out of it. You cannot even raise taxes enough to cover that and sustain our way of life as a Nation. So I think it is incredibly important that when we are talking here on the floor of the House that we talk about real facts, real facts, honest information for the American people.

Mr. Speaker, with that, I would just like to say what a pleasure it has been to come before the American people tonight and to gather a group of what we are calling the official truth squad of primarily the freshmen class. And, Mr. Speaker, as president of the freshman class, Representative JINDAL from Louisiana has been wonderfully supportive of these efforts to bring truth to the floor of the House. What a wonderful thing.

We live in an incredible and a great and a wonderful Nation. It is a Nation that has, through liberty and through freedom, benefited more citizens than ever known in the history of the world. We believe, on this Republican side of the aisle, that it is important that government does do some things, but we do not want government running every part of our life.

There are a couple of things the government should do well. It should defend us well. It should have a balanced budget and be able to keep the commitments that it makes. We have a clear and a positive plan to build a safer world and a more hopeful America. We believe that Washington spends too much money, too much of the taxpayers' hard-earned money, and we have a commitment to balance the budget through controlling the growth in spending.

The other side, as I mentioned, tends to be interested in doing one thing, and that is raising your taxes. There is a plan afoot right now that they have to increase and raise your taxes. It seems to be oftentimes the only solution that they have.

But, Mr. Speaker, we were sent to Washington to solve problems. Difficult problems, yes. But my colleagues and I and the official truth squad will be here many, many times over the coming months to bring reality to the discussions that we are having, to bring some truth to the discussions that we are having, and to remember what Senator Moynihan said, and that is that you are welcome to your own opinions but you are not welcome to your own facts.

With that, Mr. Speaker, I thank the leadership once again so very much for the opportunity to present this hour.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 32. An act to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1777. An act to provide relief for the victims of Hurricane Katrina.

□ 2030

DEMOCRATIC CAUCUS INNOVATIVE AGENDA

The SPEAKER pro tempore (Mr. JINDAL). Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. GEORGE MILLER) is recognized for 60 minutes as the designee of the minority leader.

Mr. GEORGE MILLER of California. Mr. Speaker, I am claiming this time on behalf of myself and other colleagues who will be joining me shortly to talk about what really has made America such an economic power in the world and such a leader in both economics and in innovation, and that is in the 1960s when President Kennedy made the case to send a person to the Moon and to bring that person back safely, it was more than a moon shot. It was an expression of optimism about the talent in this country and about the resources in this country.

In the process of sending that individual to the Moon and back, we also built a great infrastructure. We built a great infrastructure that consisted of one of the great public-private partnerships in the history of the world, a partnership between our academic institutions, our research institutions, the private sector, and the U.S. Government. In putting that partnership together, we created both the physical resources to create the rocket ships and the infrastructure at NASA, and also the intellectual basis and foundation to make the discoveries necessary.

That is where America has been for the last 50 years. It has ridden out on the point of scientific discovery, of the discovery of knowledge, the acquisition of knowledge, and in the resulting innovation, in the resulting economic growth and the world leadership in those areas. It has served this country well. It has made it the richest country in the world. It has made it the strongest country in the world because of that innovation, because of that scientific discovery.

Some of that was done through the National Science Foundations. Some of that was done through the National Institutes of Health, the National Institutes of Medicine, in conjunction with other research facilities and with the private sector.

It was very interesting as the Democrats started to consider the need for reinvestment in America's innovation infrastructure; and we thought about what would it mean at this time to push ahead for the next generation of innovation, the next generation of innovators, the next generation of manufacturing jobs in this country, the next generation of other jobs in this country and the economic growth that could continue to drive the American standard of living for America's families.

As we talked to those who had been so very successful in the world of technology and biotechnology and venture capitalists who have gone forth to try and fund these bright young people and their ideas, those people who today are the CEOs and the presidents and the founders of some of the most successful companies in the history of the world, American companies in the technology field and the biotech field, it is interesting that all of them fully understood that they were the inheritors, they were the inheritors of that public-private partnership, of that investment that was made in the scientific discovery, that investment that was made in new young mathematicians and scientists and engineers; the fact that this country decided that it was important enough for our national security, for our economic security, that we would fully pay people's way with fellowships so they could spend their full time in the quest of that new knowledge, those skills, those talents, and achieved their Ph.D.s and other advanced degrees in math, science, and engineering.

All of these people today recognize that when they were starting their companies in the garages of California, in the small business parks of New Jersey, in the small business parks and the university research labs across this country, they were the inheritors of that investment made by this Nation.

They also told us in these meetings that they felt in that public-private partnership the public side had been lagging, the public side had not been keeping up with the kind of investments that were going to be necessary if we in fact were going to have long-term, high-risk, high-reward research taking place in this country, the kind of research that does lead you to the next generation of innovation, to the next generation of jobs and economic growth and world leadership, that we need to reinvest in that.

They talked about how we doubled and this Congress made a decision on a bipartisan basis to double the budget of NIH. But they also made it clear that the doubling of the budget wasn't simply a one-time target; it was the beginning of the process at the National Institutes of Health, at the National Institutes of Medicine.

They also noted when we decided to double the budgets at the National Institutes of Health, we did it at a cost to the physical sciences, that the physical sciences also had been lagging. It is interesting we see after now having achieved the bipartisan goal of doubling the budget of the National Institutes of Health, we see in the President's most recent submission a diminishment, a cutting of that budget of the National Institutes of Health while the President is talking about increasing the physical sciences, the budgets of the National Science Foundation and the other governmental research.

This cannot be a rob-Peter-to-pay-Paul effort. It cannot be that. This cannot be done by robbing the physical sciences to help the life sciences or robbing the life sciences to help the physical sciences. A great country must make advances in scientific discovery in all of these fields: and clearly, clearly, that needs to be done if we are going to attract private capital to partner up with the Federal dollars in the basic researches across the agencies of this country.

We also talked with them about what would be the driver of much of the new innovation, what would give them a task which would generate new scientific discovery and innovation; and many of them said we have got to deal with the energy problem in this country. The technology is a big part of America becoming more energy independent and trying to achieve a sense of energy independence over the next 10 years in alternative fuels, in alternative technologies, in alternative energy sources, rather than simply relying on the fossil fuel policy of the current administration and the current budget of this country. Those kinds of investments in energy.

They also thought we should try to recreate a long-term, high-risk, high-reward research facility within the Department of Energy so people could go out on the edge again of the kind of knowledge that had to be acquired if we are going to achieve the goal of energy independence. But, once again, you don't do it on a nickel-and-dime policy. You have to make a sustained major commitment.

When you double the budget of the National Institutes of Health and you are looking for the kind of research that is so critical to preventative medicine, to dealing with the new communicable diseases that are traveling around the world and the health care of this country, you have to make a sustained investment. If you are going to do it in the physical sciences, you have to make a sustained investment.

So that is what my colleagues and I would like to talk about, how America turns to the next generation and provides them the promise and investment in their talents, their skills, and their future. We think we can do that by looking at what has led to this American model of success.

We will also talk about the fact that this model is under challenge from countries in Asia, from India, from China, from Korea, from Japan, from Taiwan; that the idea that America is number one, the position we hold in the world today, in innovation, in Nobel prizes, in patents issued and copyrights, that that is not a position that is ours by birthright. It came because of the investment and the hard work.

That is now being challenged from all across the world. People are now able to take the American model and leapfrog it because of the technologies, because of the scientific discovery that we have made.

I see one of my colleagues from New Jersey, Mr. RUSH HOLT, who participated in the drafting of the innovation agenda for the Democratic Caucus, an agenda that has received wide acclaim from the private sector in terms of our ability to go forward again on a new and higher level of sustained effort at scientific discovery and innovation and economic growth.

I am delighted to the yield to the gentleman.

Mr. HOLT. Mr. Speaker, I thank the gentleman for yielding.

When we held our meetings around the country with entrepreneurs, with business leaders, with scientists, with researchers, we found much to be optimistic about. We are in many ways still the powerhouse for new ideas, for innovation; but the indications are all pointing in the wrong direction.

You do not have to look very far in my district, and I am sure in yours and just about every district in the country, to find people who are worried about outsourcing. Jobs, indeed, are going overseas, the kinds of jobs we would like to keep here.

You can go to almost any university, and you will find that what used to be the destination of choice for bright students around the world, they wanted to study in the United States, it is not so true any more. Yes, we have good universities, but the signs are pointing in the wrong direction.

What was known over the centuries as good old American know-how, where really every American, every shopkeeper, every farmer, every manufacturer was something of a scientist, they took their education seriously, well, the signs are pointing in the wrong direction now.

Our kids are not competing as well in international comparisons. The President stood in this Chamber a couple of weeks ago and said it is time to make a commitment to research and development, to science education. Then a few days later he presented the budget. In real terms, the Federal R&D portfolio, research and development spending, will decline under the President's budget.

Mr. GEORGE MILLER of California. If the gentleman will yield on that point, the gentleman was part of this and we traveled to North Carolina and to New Jersey and to Boston and to California and Seattle talking to people about this innovation agenda; and when we put the innovation agenda together, so many CEOs and venture capitalists and others said this is it, you are exactly on the right track, this is what America needs.

It was interesting to see the President come forward in the State of the Union as you mentioned and embrace the innovation agenda, many components of this effort. Then it was so disappointing to see the budget that was published afterwards, and even more disappointing when the Republican leadership slammed this innovation agenda as just simply more spending, when in fact the President mirrored what was in our agenda right down to switch fuels.

Mr. HOLT. That is right. The President embraced much of this. This need not be, should not be, a partisan matter. We are presenting tonight something we call the Democratic Innovative Agenda. It doesn't have to be the Democratic Innovative Agenda. We are presenting it because for 5 years it hasn't been presented. It is because these things need to be done. These entrepreneurs, these venture capitalists, these researchers that we have been meeting with said, please do it; it is not getting done.

So we are presenting it, and I guess I would even challenge the majority to take this issue away from us if they only would. But in fact we have the budget in front of us. The President's budget, as I say, not only reduces research and development spending in total, the NIH budget in real terms will decline for the third year in a row, and math-science partnerships at the National Science Foundation zeroed, zeroed out.

How in the world are we going to grow the kind of innovative economy that we want, that we need, that we used to have, if we are cutting the National Science Foundation?

Mr. DELAHUNT. If the gentleman will yield for a moment, I want to welcome Congressman MILLER and Congressman HOLT to the 30-Something Group. The two of you have created, of course, a new definition of the 30-Something Group, but we will let that pass for the moment.

□ 2045

I think it is important to frame the issue that we have, you or Congressman MILLER, detail for those of us here and those who are watching the international comparisons that you have expressed a concern about. Because I think we all hear terms like the global village and the global economy, and I think we recognize that that is the reality. But I know I hear figures, for example, where China is going to graduate a multiple of four or five times what this country will do in terms of students that have majored in the sciences and math.

Mr. RYAN of Ohio. I just want to show you the graph that we have here. I would like to welcome all the gray hairs to the 30-Something group. And you, obviously, Mr. DELAHUNT, the gentleman from Massachusetts, has been here for a while, so your gray hair is—

Mr. DELAHUNT. Really dark.

Mr. HOLT. The rest of us have been here for a while.

Mr. RYAN of Ohio. You brought up the issue of global standards, and this is a chart that illustrates what you were talking about.

This is the students who will graduate with engineering degrees this year. In China, 600,000; India, 350,000; and the U.S., 70,000; and a good portion of the U.S. graduates will be foreign born who will probably return to one of these countries but fits under the U.S. statistics.

How are we going to possibly try to jump start our economy if we are not going to address this issue? Under our innovation proposal we are saying we want to create 100,000 new engineers and scientists in the next 4 years. We are limited to what we can do because this President and the Republican House and the Republican Senate have run up such tremendous budget deficit that we have to pay down. When we get in charge we will have to pay down the debt for a while and reduce the deficit, but we are focused and we have a way to pay for this 100,000 new engineers and scientists in the next 4 years.

Mr. DELAHUNT. I think these are the points we have to stress is that the trends, as you allude to, are running in the wrong direction; and I guess if we do not jump start with this initiative and work with our colleagues on the other side of the aisle, we are going to suffer. The future of the 30-something generation is at risk here.

Mr. MEEK of Florida. Congressman HOLT, I just want to tell you real quick, you said that you hope the majority highjacks this issue which the President tried to do during his State of the Union, but his budget does not speak to that, Mr. MILLER. His budget does not speak to innovation. He is saying one thing, and he is going in another direction. Because for him to cut student aid to students to even start the whole innovation moment, education is the way Americans have bettered themselves. Individuals have gone to college for the first time. Communities are better because of it.

Now this President wants to come and he says the word "innovation" that means that we are heading in that direction. It does not necessarily mean that.

So I believe, unlike what they have done in other areas, we have talk about homeland security and international strategy. They highjacked it and said it was theirs. The President was against it for many weeks and months. He finally saw it our way because our way was the American people's way.

The same thing happened with the whole issue when it came down to the 9/11 Commission. We said there should be a comprehensive review on what happened during 9/11. They tried to put together these little partisan committees. The American people said they wanted it. Thank God for the survivors of 9/11 and the families that lost loved ones in 9/11. The President was against it. The majority side was against it. The Republicans, finally, they said, oh, we should have a 9/11 Commission. What a great idea.

But this issue as it relates to innovation and investing in America, I do not think they are going to come with us.

Mr. HOLT. If the gentleman would yield, I am sure he understands that when I invite the other side to seize this issue, I do not mean with just rhetoric. We as a country need an investment in education, an investment in research, an investment in innovation. And the irony is our colleagues were on the floor a few minutes ago talking about how the economy is going to grow.

I will tell you if the economy grows it will be because of productivity growth resulting from investment in a smart, well-trained workforce and in new ideas; and that means really putting something up more than rhetoric.

In math and science education, which are critical to this, the President with all of the rhetoric and the other side here with all of the rhetoric are now funding teacher professional development for math and science teaching at less in actual dollars, I do not mean in inflation adjusted dollars, less than it was be funded when the President took office 5 years ago. We have lost ground in actual dollars, not even counting the purchase power.

Mr. RYAN of Ohio. I want to make a distinction here. This President finds the time and the energy and the commitment to put $16 billion in corporate welfare into the energy bill, finds the time and the energy and the commitment to put billions upon billions of dollars in the Medicare prescription drug bill that is going to some of the most profitable industries in the country, including the pharmaceutical industry. So the fact of the matter is we have got a President who is committed as he could possibly be to corporate welfare for the most profitable industries in the country, but yet we just want to train math and science teachers. We just want to create 100,000 new engineers and scientists, Mr. President. That is all we want to do, Mr. Speaker.

Mr. DELAHUNT. And we want to fully fund, if the gentleman would yield, we want to fully fund the landmark legislation that was passed in a bipartisan way under the leadership of Mr. MILLER and others and Republicans that was described as the No Child Left Behind Act.

What has happened to that, Mr. MILLER?

Mr. GEORGE MILLER of California. What has happened to that is we made a promise to the country. We put it out in the bill. We negotiated with the President of the United States. And now what we find is in this budget the President is about $55 billion behind where he promised the country he would be on the funding of No Child Left Behind.

What is interesting is, while the President is creating those deficits in education funding, the private sector is telling us one of the key items in terms of economic growth in this country is to fully fund No Child Left Behind. They are not telling us, the Federal Government, to create 100,000 new scientists. They are saying we want to partner with you. We will employ these people in internships in summer jobs, in graduate jobs, full-time jobs. We want to work with you because it is so critical to the future growth of our companies.

These are some of the most successful companies in the history of the world. They are worried about whether or not America will be able to generate the workforce necessary so they can continue to do business in this country and we can have jobs in this country.

And what happens? The President says he wants to do it in the State of the Union. It is not in this budget, and the new majority leader slams the program as simply more spending. This was not our agenda. This was not partisan. We specifically laid this out as a challenge to this Congress, to 435 Members of Congress to take up what the private sector now has been telling them for years to do with the permanent extension of modernization of the R&D tax credits, the full funding of No Child Left Behind, the doubling of the National Science Foundation, maintaining the doubling of the National Institute of Health, to get broadband across this country so that economic growth can take place all over the country in the rural areas, people can start jobs, and education can be brought there.

And what do we find out? You just get a big partisan slam from the Republican side of the aisle. Most of the CEOs who helped us draft this program and consulted with us in Boston and in California and in Austin and in North Carolina are Republicans. But they can see the challenge of what China and India that Mr. RYAN just talked about. The trend line for American scientists and engineers is going down; in our most fierce competitors it is soaring up.

Mr. DELAHUNT. Can I suggest that what we will see with that trend line in terms of the increase of the number of scientists and mathematicians and computer personnel is those jobs, those well-paying jobs will also trend towards China and India and OPEC and all those countries that we are borrowing from today. And we discussed this last night, that we have borrowed from that, are funding those tax cuts that translate into 1 percent of Americans, the most affluent, receiving 40 percent of the benefits. We are putting ourselves on a trajectory that will put America permanently behind.

Mr. GEORGE MILLER of California. And that is what this is about. We have lost a huge number of manufacturing jobs overseas. We have lost other jobs overseas. This is a fight and a struggle to make sure that there will be new jobs created in America. I think it is called the Advanced Manufacturing Association, many people out of the Midwest, in Mr. RYAN's area who are worried about the next generation of manufacturing in this country. That is going to come through scientific discovery and innovation, and that is what we are trying to promote here, and what you get from the Republicans is "we are not going there."

Mr. MEEK of Florida. Mr. MILLER, the real issue here is that Mr. HOLT talks about the good old American spirit and being able to say that we want to conquer, we want to move forward with innovation.

You talk about the support, your support of No Child Left Behind; and, as you know, many States, Republican governors and Democratic governors have sued the U.S. government on the underfunding of No Child Left Behind.

I just want to make sure and our good friend, Mr. JAY INSLEE is here, and I am willing to give up the podium because he has been working on this issue. But for a very long time, Mr. HOLT, Mr. MILLER and others, you have been a part of putting together this innovation agenda that we have, printed well before the President's State of the Union as he comes up to say words of quote/unquote wisdom and encouragement, but at the same time put action behind it.

We have put action behind it. We as House Democrats have asked the majority to be a part of this experience of innovation. You are challenging the majority. But I am telling you, Mr. HOLT, I kind of know these folks right now. I kind of know they say one thing and they do another. And the issues that Mr. RYAN pointed out is the fact that it is not attractive to them for them to go out of their way to do what they need to do on behalf of their constituents and also on behalf of the American people.

And I urge the majority, I challenge the majority to go on the HouseDemocrats.gov, get a copy of our innovation agenda that talks about how we can put this country on the right track, not in a matter of 20 or 40 or something years but right now. We can start right now with that investment.

So I want to thank Mr. MILLER and yourself and others who spent a lot of time to put this together, not to just keep the printer in business but to make sure that we can do the things that we need to do on behalf of the American people.

Mr. HOLT. If the gentleman would yield, he is absolutely right to use the word "investment." That is where the growth comes from, and it is probably worth taking a moment to talk about the difference between authorization and appropriation.

Authorization is what the Congress says we need to do for the coming years. Appropriations is whether you are going to put some meat behind it.

Rhetoric is cheap.

The National Science Foundation was supposed to be, according to the majority, on a doubling path. It is not. As I just told you, it is actually decreasing.

No Child Left Behind, as Mr. MILLER pointed out, is $55 billion behind what was authorized, in other words, what was determined to be necessary to carry it out.

Now, let me put this in terms of a typical classroom has been shortchanged about $25,000. Now, ask a teacher what she or he could do over the last few years with an extra $25,000 for teacher training, for special programs, for technology, for what it takes to have what we have demanded through No Child Left Behind.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. JINDAL). Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for the remainder of the hour as the designee of the minority leader.

Mr. RYAN of Ohio. I accept the time, Mr. Speaker.

I wanted to, first of all, thank Mr. MILLER for his leadership. I am able to sit on the committee with him, on the Education Committee, and we go through these struggles all the time. But before we get to our friend, Mr. INSLEE from out west, who is very familiar with technology because of the mass amounts in his district, I want to put forth before I do that the 30-Something Group is pretty consistent. We do not want this to be about BILL DELAHUNT or RUSH HOLT or KENDRICK MEEK or GEORGE MILLER saying something.

□ 2100

We want to have a third-party validator, and so before we kick it over to the gentleman from Washington (Mr. INSLEE), I just want to say what some high-tech CEOs are talking about when they refer to our innovation agenda, the Democratic Innovation Agenda.

John Chambers, president and CEO of Cisco Systems, Incorporated: "The innovation agenda focuses on the right issues for building on our Nation's competitiveness, from investing in basic R&D, expanding science and math education and broadband infrastructure, to creating a globally competitive business environment . . . I look forward to working with both sides of the aisle to implement these laudable goals." That is the CEO of Cisco Systems.

How about the Federal Government affairs managing director of Microsoft: "The policy agenda announced today by Democratic Leader PELOSI and her colleagues in the House Democratic Caucus to promote investment in education, research and development and innovation marks a positive step forward in the struggle to maintain our Nation's competitive edge in the global marketplace . . . At Microsoft, we are committed to changing the world through innovative technology and, in order to fulfill that commitment, we need a pool of well-educated, skilled workers. We ask Congress to give these issues serious consideration and support."

This is the CEO of Cisco Systems. This is the Federal Government affairs director at Microsoft. This is not TIM RYAN from Ohio who is toeing the line for the Democratic Party. This is the CEOs, many of them Republicans, saying this is the kind of investment we need to make. Go to our Web site and you can see the whole packetful of quotes that will be up there from CEOs from around the world.

Mr. MEEK of Florida. They are begging.

Mr. RYAN of Ohio. They are begging for the leadership that we should be providing in this Chamber.

Mr. MEEK of Florida. They deserve it.

Mr. RYAN of Ohio. Mr. Speaker, I yield to the gentleman from Washington (Mr. INSLEE), my good friend.

Mr. INSLEE. Mr. Speaker, I appreciate you mentioning this little small business that has had a little success, it is called Microsoft, in my district that has been one area that has recognized the power of innovation. There are many others in my district.

I will just tell you, I want to mention a couple of my favorite constituents, about why they believe this Democratic Innovation Agenda makes sense, that we should seize the creative powers of Americans and put it in harness.

One of my favorite constituents, my mother, I talked to her today, and she was brimming with laughter. We had a great talk, and it was great to hear her laughing because she went through a tough patch with some health problems about 6 months ago, and it was a tough time for her.

Since then, she has got on a medical technology that was developed in Seattle by some brilliant doctors doing research in basic and applied research; and because of their work now done over a decade ago, my mother was laughing today and probably is alive today. The reason that she was laughing today is that someone had the wherewithal and the foresight to make an investment in basic research medical technology involving the blood system over 10 years ago.

We have rolled out this idea to increase and accelerate research in medical technology because we belief there are a lot of people that can use this; but unfortunately, the budget the President has submitted to Congress today, we had Mr. Leavitt, Secretary of Health and Human Services today, he let us know that they are proposing to cut blood research by $20 million. At this time of the most rapid time of potential scientific growth, when we have mapped the human genome, when we could be looking at the dawn of medical technology, that we could make penicillin look like a small investment, they want to cut medical research.

Mr. HOLT. Mr. Speaker, if the gentleman would yield, just on that subject very quickly, the budget that the administration that President Bush presented to us a week or so ago cuts the funding in 18 out of 19 institutes at the National Institutes of Health, including the National Cancer Institute by $40 million and the National Heart, Lung and Blood Institute by $21 million.

Mr. INSLEE. Mr. Speaker, I will just mention my other constituent who is a friend of mine. I will just call him Bill. He is a 55-year-old guy, great guy, plays basketball. He had prostate cancer. He is being treated now with new technology developed, again, in Seattle, bragging about the hometown team a little bit here, about three or 4 years ago. We hope things are going to go well.

We have rolled out saying we should accelerate our budget for research into cancer because we are on the cusp of some major breakthroughs, principally because of our genetic development to map predisposition and risk factors to this regard. But what does the President's budget want to do? They want to cut $40 million out of the cancer budget for research this year, $40 million. They want to cancel 634 grant programs now existing for research in some of these emerging fields.

Mr. RYAN of Ohio. Mr. Speaker, would the gentleman yield for just 10 seconds. This is at the same time that this President and this Republican House and the Republican Senate have the political gumption to give $16 billion in corporate subsidies to the energy companies and billions upon billions of dollars in corporate welfare to the health care industry and the pharmaceutical companies, at the same time they are cutting these programs.

I just want the American people, Mr. Speaker, to be aware of what is happening here. They are not just cutting this stuff because we are in tight fiscal times. They are cutting it, and at the same time giving corporate welfare to the tune of billions upon billions upon billions of dollars to the wealthiest industries in the country, to the most profitable industries in the country.

Mr. MEEK of Florida. Mr. Speaker, I just want 10 seconds, too.

The Republican side says, trust me. I guarantee you that the President cannot do it by himself. He needs this Republican Congress to do it, and they have given him everything that he has asked for. This President, who is so-called conservative, oh, we want to watch spending, has not vetoed one spending bill. This is the biggest borrow-and-spend administration almost in the history of this country. Here is the chart to prove it. It is. The President, not by himself, his picture is here. We should have the Republican Conference here because they helped him make this history. Unfortunately, it is bad for Americans.

There was $1.05 trillion borrowed from foreign countries, $1.05 trillion that he has done and accomplished in 4 years. Forty-two Presidents, including his father, were not able to accomplish that goal.

Mr. DELAHUNT. Combined.

Mr. MEEK of Florida. They borrowed $1.01 trillion. World War I, World War II, Korean War, Great Depression, and every other issue that we had facing the country, economic slowdowns, what have you, gas prices, what have you, were unable to borrow from China, Saudi Arabia and other countries.

So when we talk about the will of this administration and what they are doing and what the President says and they do another thing, he cannot do it by himself. He needs this Republican majority, and that is the reason why the American people, Mr. Speaker, have to make a change in providing the kind of leadership that they need in this Congress to make sure that they are represented.

So I am so glad that the gentleman from Washington (Mr. INSLEE) is here because you represent the very people, they are in your district, that are talking about innovation. Mr. RYAN read it off. These are statements that these CEOs have made. They are literally begging. They are saying we hope y'all work together. We had the creator of "Star Wars" here the other day. He said I hope y'all get together; you are talking about the same thing.

The difference between what the Republicans are saying and what we are saying, we actually mean it. We will do it if given the opportunity. They are in control. They have the majority. They agenda the bills before committee.

I am sorry, but we both asked for 10 seconds and we took 20.

Mr. RYAN of Ohio. I only took 15 or 20 seconds. You took a minute and a half.

Mr. MEEK of Florida. I will admit to that.

Mr. RYAN of Ohio. For the record.

Mr. INSLEE. Mr. Speaker, just on that note about the difference between rhetoric and reality, it can be pretty stunning here in Washington, D.C.

The President said something that was a profound shift from his policies of the last 5 years when he said that the Nation had to break our addiction to oil during his State of the Union speech, which was amazing for him to say because every policy that he has championed up to now has continued that addiction to oil. Nonetheless, we welcomed it. We always welcome him to take lines from our speeches, and we hope that it could be mean a real shift in policy.

Unfortunately, the very week that the President said we needed to break our addiction to oil and said we needed to do more research into new energy technology, the same week he said that, his administration gave the pink slip to 100 researchers at the Renewable Energy Lab in Colorado, the very sort of warriors that we expect to help us develop these new clean energy sources. In his budget, he laid off I think it is something like 20 percent of the researchers at the very lab that we want, as Democrats, in our proposal to beef up. The reason we want to beef it up is we have seen the incredible productivity gains that have been obtained already.

Eighty percent decreases in the cost of solar cell technology in the last 12 years, 80 percent. While gas and oil have gone through the roof, solar cell technology has gone down 80 percent.

Mr. HOLT. Mr. Speaker, would the gentleman care to answer a question for me: How does the President propose to broke our, as he calls it, addiction to oil, and indeed, we do need to be weaned from our dependence on oil, if his budget, presented a few days after the State of the Union here in the House, provides funding for renewable energy and energy efficiency below the level at which it existed when he took office 6 years ago?

Mr. INSLEE. Well, that is what we call in the business a rhetorical question, and we were just optimistic. We all walked down the steps 6 inches in the air when the President said this the other day; but the next morning reading the budget, it was just a slap in the face. It was a slap in the face to anyone in America who believes that we truly do need to have new technological advances.

What we are proposing is that we should grab a hold, as we did in the new Apollo energy project or the original Apollo energy project, we need a new Apollo energy project that will have the same type of creativity and challenge to the American people that Kennedy had in his State of the Union speech on May 9, 1961. He said we are going to the Moon in 10 years. We did it. We now need a budget that will say we have the same degree of aggression and optimism that we had in that to wean ourselves off of foreign oil. Nothing else will do.

We Democrats are proposing to take a major step forward in that regard with flex fuel vehicles, which are on the street today. We just need to get more of them by using cellulosic ethanol which increases the return per acre of biofuels by a factor of three to four above existing ethanol levels. That is what we need to do.

Mr. DELAHUNT. If I may, you sum it up so well and yet you have to make an investment; and the reality, as we have discussed, is that investment is not forthcoming. It just is not because, as Mr. RYAN indicated, it is going elsewhere, and it is going to feed that corporate welfare that is eating the budget, along with tax cuts for the most affluent of America.

Mr. MEEK of Florida. Mr. Speaker, could you say that again just in case a Member might have walked into his office and walked away?

Mr. DELAHUNT. Well, there is only so much money. The pie is not infinite, and the pie gets bigger around here because this administration and this Congress authorize the borrowing of money that we will have to pay back in the future with interest to China, to India, to the OPEC nations, and to other investors.

So there is nothing left, other than the rhetoric that we hear, to invest in the priorities that we believe the American people would embrace such as innovation. Let me just cite one example, if I can.

This is a report by The Washington Post less than a month ago, and remember, Democrats have had nothing to do with this because we are barred by Republicans from participating in the behind-closed-door negotiations to establish those priorities. Think of what a democratic process that is. Let me read to you:

"House and Senate GOP negotiators, meeting behind closed doors last month to complete a major budget-cutting bill," this was their effort to save money, "agreed on a change . . . that would save the health insurance industry $22 billion over the next decade, according to the nonpartisan Congressional Budget Office."

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One version would have targeted private HMOs participating in Medicare by changing the formula that governs reimbursement, lowering the payments to those insurance companies by $26 billion over the next decade. But after lobbying by the health insurance industry, the final version made a critical change that had the effect of eliminating all but $4 billion, according to CBO.

In other words, they turned around and said we apologize to those HMOs, those insurance companies, and we will give you back $22 billion of the $26 billion, and we will not let it happen again. Think of what we could do with that $26 billion in terms of innovation.

Mr. HOLT. My colleague from Florida mentioned George Lucas, the writer, director, producer of Star Wars, who was here yesterday to talk about this Democratic innovation agenda. The point I wanted to emphasize is we are not just talking about government spending, we are talking about investing so that innovators like George Lucas, and you might say that is just entertainment. Well, that is innovation. It makes money for the United States. In fact, he probably has done more for our balance of trade than any other single individual you can name.

But he was asking us to train the bright kids, the scientists and engineers that he needs. He was asking us, as we lay out in our innovation proposal, to reward risk takers and entrepreneurs, to protect intellectual property, to do those things that make it possible for innovators to succeed in the United States.

So it is not just about spending. The innovation creates the agenda, it creates the atmosphere as well as the pipeline for that innovative economy that we are talking about. That is what George Lucas was saying when he was here yesterday.

Mr. MEEK of Florida. He was not asking, he was literally begging for the Congress to work together in a bipartisan way to make it happen. Just the day before he was with us, the President gave him the National Technology Award. We are talking about walking the walk, not just talking. The bottom line is he came and he understood. We were committed prior to the technology award being awarded.

We have a chart before Mr. DELAHUNT, and it is one thing for us to let the Republican majority know what they can do if they really want to do it.

It is another thing for us to break it down. I want to make sure that the American people understand that we are about making something happen. Regardless of who gets the credit, we are working on behalf of the American people and the American spirit, taking from Mr. HOLT and what he says all the time. That is what took us to the moon. That is what brought us up front as it relates to innovation and inventions, being the first.

Mr. Speaker, I yield to Mr. DELAHUNT.

Mr. DELAHUNT. Let me refer to this chart. I think it is very telling. How can we afford those tax cuts that are trillions of dollars at this point in time, particularly if they ever became permanent.

Mr. RYAN of Ohio. Tax cuts for the wealthiest 1 percent of the people in the whole, entire country.

Mr. MEEK of Florida. Do not leave out the oil industry.

Mr. DELAHUNT. I will not leave out the oil industry or the pharmaceutical industry. We just heard what happened behind closed doors. But how are we affording to do that and at the same time ignoring the kind of initiatives that are embraced in this project for innovation that we have been discussing and that the President speaks about but does not fund.

Let me tell you how we take care of the corporate welfare program and how we take care of those tax cuts. We borrow or they borrow. The Republican majority borrows the money. I think it is particularly dangerous to do that not just because it will create deficits that could very well implode our economy and reduce the United States in terms of its economic capacity and future, but in addition it is dangerous because from whom do we borrow this money?

As of November, 2005, this is what the chart reveals: $682 billion from Japan; $249.8 billion from China; and yesterday we had a hearing in the International Relations Committee that discussed, and the Republican chairman and others that were clearly from the right of the political spectrum were describing China as a potential enemy and adversary, and yet we are borrowing money from the Chinese to support tax cuts for wealthy Americans.

Mr. HOLT. Could the gentleman tell us, if the Republican budget is carried out this year, how much more we will have to borrow in the next year? I can tell you it is going to be about $400 billion, added to various columns on your chart there. Some of it will be borrowed here in the United States, but a large number of dollars will be borrowed from Japan, China, U.K., Caribbean countries, Taiwan, OPEC, and Korea, as you show here.

Mr. DELAHUNT. I find it particularly interesting that we are borrowing money from OPEC. Not only are we purchasing oil from OPEC, but we are borrowing money from OPEC. And yet to hear the rhetoric in this Chamber and our committee rooms about OPEC, one would consider them, well, to use George Lucas, the Darth Vader of the international order in terms of its impact on America. Mr. Speaker, we have borrowed, we owe them almost $70 billion. What are we doing?

Mr. RYAN of Ohio. If the gentleman would yield, I want to make a point that we have kind of left out when talking about technology. We talk about the $682 billion from Japan and the $249 billion from China that we are borrowing.

Earlier in the evening, we talked about the 600,000 engineers that are going to graduate in China. They are taking, they are basically lending us money, we are paying them back with interest, and they are investing that money right here to train engineers to the tune of 600,000 a year.

Do you think these engineers are working just in private industry in a communist country? No, they are working for the Chinese military. They are working on the next-best technology that the Chinese military, their communist government, could maybe put up possibly in the international community. We are funding our own enemy's military because we are fiscally reckless here at home.

Mr. MEEK of Florida. Mr. Speaker, I want to thank the gentleman for pointing that out.

I have a picture here of Secretary Snow, appointed by the President and confirmed by the Republican Senate. I think it is important to understand, when you start talking about what is going on, how we are borrowing and how they are out of control on the Republican side. Here is a blown-up letter dated December 29, 2005, literally the Secretary of the Treasury begging that we need to raise the debt limit because we will be able to continue to finance government operations. This is not government operations of Iraq or Afghanistan. This is government operations of these United States.

Secretary Snow, I go back, and repetition is good because I want to make sure that folks understand. Gentlemen, I want to say this, and you cannot say this enough. They have broken records, borrowing $1.057 trillion from foreign nations. Like I said before, the President cannot just do this by himself, so I am going to put a picture of the Republican leadership there to say they are a part of this incompetence as it relates to borrowing from foreign nations that we have concern about like China.

So, Mr. DELAHUNT, you have hit the nail right on the head. Mr. HOLT, you are 210 percent right. We cannot talk about innovation, but in the meantime we have other priorities with the special interest. I think it is important. I want to make sure that staff gets a picture of the Republican conference because I think it is important. I think we need to put the pressure on not only on individual decisions but on decisions that the majority has made that has put this country in the back seat as it relates to innovation and as it relates to many other areas that we should be leading in.

Mr. HOLT. A little earlier this evening folks on the other side were saying that revenues have continued to grow because of the tax cuts. No, what has grown because of the tax cuts is this deficit, this borrowing. So much of it from China, Japan, even OPEC, as my friend from Massachusetts has pointed out.

Mr. DELAHUNT. I think it was interesting to hear our friends and colleagues on the other side say we have to hold them accountable in Washington. We have to hold those bureaucrats, we have to hold them accountable. Let us get on with the job. I find that confusing.

I thought, now maybe you can give me some guidance here. I thought the Republicans were the majority party in this House and in the Senate for a substantial period of time, and I am confident that President Bush was elected in 2000 and it is 2006 and it has been 6 years. Who is in charge? Who is in charge, Mr. Speaker?

They are the ones that should be held accountable. This is not about bureaucrats. I understand it is an election year and all of a sudden they are going to position and posture themselves as outsiders. Outsiders, that is a bad joke. They run this place. They run this town. They know how to exercise power.

Mr. RYAN of Ohio. In fact, I thought that was a joke. In fact, I wrote it down in a journal, and I laughed about it later in the day because I thought it was a joke. Then I find out that they are serious.

Mr. Speaker, I yield to Mr. INSLEE.

Mr. INSLEE. Under the current control of the Federal Government, if China invades Taiwan, we will have to borrow money from China to fight the war. That is a very sad irony, if not a joke.

I wanted to point out one thing before we finish, an aspect of the Democratic Innovation Agenda that we have not talked about, and that is our efforts to help small businesses innovate because Democrats recognize that small businesses are tremendous engines of innovation. That is where a lot of our creative genius comes out. I want to point out a few things that we have proposed to make sure that small businesses are successful in innovating, and one is we have a constellation of proposals that will help small businesses across what is called the valley of death which is where they cannot get financing when they have a good idea but cannot quite get to commercialization. We would make sure that the Small Business Innovation Research Program is held up and supported. This administration is actually cutting the availability of small businesses to use the innovation grant program to get their innovations to market. They purport to believe in the power of business but will not help them with that.

Second, we propose that we will help reward risk taking and entrepreneurship by promoting broad-based stock options, and not just for top dogs in corporations but for the rank and file.

Third, we want to protect intellectual property by making sure that patent fees go to help the patent process so these businesses can get their patents.

Fourth, we want to help specially tailored guidelines for small businesses to help with the Sarbanes-Oxley requirement in accounting.

I point these out because I think it is fair to say that the Democrats have put forth four very concrete proposals to make sure small businesses can thrive in a challenging environment. That is important because we know that government is not the source of all great ideas in our society. We want small businesses to achieve, and we have good proposals for that to happen.

Mr. RYAN of Ohio. Mr. Speaker, I yield to Mr. HOLT and thank him for his good leadership.

Mr. HOLT. I thank the Thirty-Something group for allowing us to join you. Yesterday with Mr. Lucas, he and I were the only ones there with gray hair. I thank you for having us here tonight.

Mr. RYAN of Ohio. Mr. Speaker, to get ahold of us, any of the Members who are in their offices or anyone else, the Website is www.housedemocrats.gov/30Something. All of the charts you saw here tonight are available on our Web site, and we will be back in an hour.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CONAWAY). Without objection, the 5-minute Special Order speech of the gentleman from California (Mr. GEORGE MILLER) is vacated.

There was no objection.

THE END OF DOLLAR HEGEMONY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes.

Mr. PAUL. Mr. Speaker, my Special Order tonight deals with the subject, the end of dollar hegemony. Mr. Speaker, 100 years ago it was called dollar diplomacy; after World War II and especially after the fall of the Soviet Union in 1989 the policy had all been to dollar hegemony.

After all of this great success, our dollar dominance is coming to an end. It has been said, rightly, that he who holds the gold makes the rules. In earlier times it was readily accepted that fair and honest trade be required in an exchange of something of real value. First, it was simply barter of goods, and then it was discovered that gold held a universal attraction and was a convenient substitute for more cumbersome barter transactions.

Not only did gold facilitate exchange of goods and services, it served as a store of value for those who wanted to save for a rainy day. Though money developed naturally in the marketplace as governments grew in power, they assumed monopoly control over money. Sometimes governments succeeded in guaranteeing the quality and purity of gold; but in time, governments learned to outspend their revenues.

New or higher taxes always incurred the disapproval of the people, so it was not long before the kings and caesars learned how to inflate their currencies by reducing the amount of gold in each coin, always hoping their subjects would not discover the fraud. But the people always did, and they strenuously objected.

This helped pressure leaders to seek more gold by conquering other nations. The people became accustomed to living beyond their means and enjoyed the circuses and bread. Financing extravagances by conquering foreign lands seemed a logical alternative to working harder and producing more. Besides, conquering nations not only brought home gold; they brought home slaves as well. Taxing the people in conquered territories also provided an incentive to build empires.

This system of government worked well for a while, but the moral decline of the people led to an unwillingness to produce for themselves. There was a limit to the number of countries that could be sacked for their wealth, and this always brought empires to an end. When gold no longer could be obtained, their military might crumbled. In those days, those who held the gold truly wrote the rules and lived well.

That general rule has held fast throughout the ages. When gold was used and the rules protected honest commerce, productive nations thrived. Whenever wealthy nations, those with powerful armies and gold, strived only for empire and easy fortunes to support welfare at home, those nations failed.

Today, the principles are the same, but the process is quite different. Gold is no longer a currency of the realm; paper is. The truth now is he who prints the money makes the rules, at least for the time being. Although gold is not used, the goals are the same: compel foreign countries to produce and subsidize the country with military superiority and control over the monetary printing presses.

Since printing paper money is nothing short of counterfeiting, the issuer of the international currency must always be the country with the military might to guarantee control over the system. This magnificent scheme seems the perfect system for obtaining perpetual wealth for the country that issues the de facto world currency.

The one problem, however, is that such a system destroys the character of the counterfeiting nation's people just as was the case when gold was the currency, and it was obtained by conquering other nations. This destroys the incentive to save and produce while encouraging debt and runaway welfare.

The pressure at home to inflate the currency comes from the corporate welfare recipients, as well as those who demand handouts as compensation for their needs and perceived injuries by others. In both cases, personal responsibility for one's actions is rejected.

When paper money is rejected, or when gold runs out, wealth and political stability are lost. The country then must go from living beyond its means to living beneath its means until the economic and political systems adjust to the new rules; rules no longer written by those who ran the now defunct printing press.

Dollar diplomacy, a policy instituted by William Howard Taft and his Secretary of State, Philander C. Knox, was designed to enhance U.S. commercial investments in Latin America and the Far East. McKinley concocted a war against Spain in 1898 and Teddy Roosevelt's corollary to the Monroe Doctrine preceded Taft's aggressive approach to using the U.S. dollar and diplomat influence to secure U.S. investments abroad.

This earned the popular title of "dollar diplomacy."

The significance of Roosevelt's change was that our intervention now could be justified by the mere appearance that a country of interest to us was politically or fiscally vulnerable to European control. Not only did we claim a right, but even an official government obligation to protect our commercial interest from Europeans.

This new policy came on the heels of the gunboat diplomacy of the late 19th century, and it meant we could buy influence before resorting to the threat of force. By the time dollar diplomacy of William Howard Taft was clearly articulated, the seeds of the American empire were planted, and they were destined to grow in the fertile political soil of a country that lost its love and respect for the Republic bequeathed to us by the authors of the Constitution. Indeed they did. It was not too long before dollar diplomacy became dollar hegemony in the second half of the 20th century.

This transition only could have occurred with a dramatic change in monetary policy and the nature of the dollar itself. Congress created the Federal Reserve system in 1913. Between then and 1971, the principle of sound money was systematically undermined. Between 1913 and 1971, the Federal Reserve found it much easier to expand the money supply at will for financing war or manipulating an economy with little resistance from Congress while benefiting the special interests that influence Congress.

Dollar dominance got a huge boost after World War II. We were spared the destruction that so many other nations suffered, and our coffers were filled with the world's gold. But the world chose not to return to the discipline of the gold standard, and the politicians applauded. Printing money to pay the bills was a lot more popular than taxing or restraining or unnecessary spending. In spite of the short-term benefits, imbalances were institutionalized for decades to come.

The 1944 Bretton Woods agreement solidified the dollar as the preeminent world reserve currency, replacing the British pound. Due to our political and military muscle, and because we had a huge amount of physical gold, the world readily accepted our dollar, defined as 1/35 of an ounce of gold as the world's reserve currency.

The dollar was said to be as good as gold and convertible to all foreign banks at that rate. For American citizens, however, it remained illegal to own. This was a gold exchange standard that from inception was doomed to fail.

The U.S. did exactly what many predicted she would do: she printed more dollars for which there was no gold backing. But the world was content to accept these dollars for more than 25 years with little question, until the French and others in the late 1960s demanded we fulfill our promise to pay 1 ounce of gold for each $35 they delivered to the U.S. Treasury. This resulted in a huge gold drain that brought an end to a very poorly devised pseudo-gold standard.

It all ended on August 15, 1971, when Nixon closed the gold window and refused to pay out any of our remaining 280 million ounces of gold. In essence, we declared our insolvency, and everyone recognized that some other monetary system had to be devised in order to bring stability to the markets. Amazingly, a new system was devised which allowed the U.S. to operate the printing presses for the world reserve currency, with no restraints placed on it, not even a presence of gold convertibility, none whatsoever.

Though the new policy was even more deeply flawed, it nevertheless opened the door for dollar hegemony to spread. Realizing the world was embarking on something new and mind-boggling, elite money managers with especially strong support from U.S. authorities struck an agreement with OPEC to price oil in U.S. dollars exclusively for all worldwide transactions.

This gave the dollar a special place among world currencies, in essence backed the dollar with oil. In return, the U.S. promised to protect the various oil-rich kingdoms in the Persian Gulf against threat or invasion or domestic coup. This arrangement helped ignite the radical Islamic movement among those who resented our influence in the region.

The arrangement gave the dollar artificial strength with tremendous financial benefits for the United States. It allowed us to export our monetary inflation by buying oil and other goods at a great discount as dollar influence flourished.

This post-Bretton Woods system was much more fragile than the system that existed between 1945 and 1971. Though the dollar-oil arrangement was helpful, it was not nearly as stable as the pseudo-gold standard under Bretton Woods. It certainly was less stable than the gold standard of the late 19th century.

During the 1970s, the dollar nearly collapsed as oil prices surged and gold skyrocketed to $800 an ounce. By 1979, interest rates of 21 percent were required to rescue the system. The pressure on the dollar in the 1970s, in spite of the benefits accrued to it, reflected reckless budget deficits and monetary inflation during the 1960s. The markets were not fooled by LBJ's claim that we could afford both guns and butter.

Once again, the dollar was rescued, and this ushered in the age of true dollar hegemony, lasting from the early 1980s to the present. With tremendous cooperation coming from the central banks and international commercial banks, the dollar was accepted as if it were gold.

Federal Chairman Alan Greenspan, on several occasions before the House Banking Committee, answered my challenges to him about his previously held favorable views on gold by claiming that he and other central bankers had gotten paper money, that is the dollar system, to respond as if it were gold. Each time I strongly disagreed and pointed out that if they had achieved such a feat they would have defied centuries of economic history regarding the need for money to be something of real value. He smugly and confidently concurred with this.

In recent years, central banks and various financial institutions, all with vested interest in maintaining a workable fiat dollar standard, were not secretive about selling and maintaining large amounts of gold to the market, even while decreasing gold prices raised serious questions about the wisdom of such a policy. They never admitted to gold price fixing, but the evidence is abundant that they believed that if the gold price fell, it would convey a sense of confidence to the market, confidence that they, indeed, had achieved amazing success in turning paper into gold.

Increasing gold prices historically are viewed as an indicator of distrust in paper currency. This recent effort was not a whole lot different than the U.S. Treasury selling gold at $35 an ounce in the 1960s in an attempt to convince the world the dollar was as sound and as good as gold.

Even during the Depression, one of Roosevelt's first acts was to remove free-market pricing as an indication of a flawed monetary system by making it illegal for American citizens to own gold. Economic law eventually limited that effort, as it did in the early 1970s, when our Treasury and the IMF tried to fix the price of gold by dumping tons into the market to dampen the enthusiasm of those seeking a safe haven for a falling dollar after gold ownership was relegalized.

Once again, the effort between 1980 and 2000 to fool the market as to the true value of the dollar proved unsuccessful. In the past 5 years, the dollar has been devalued in terms of gold by more than 50 percent. You just cannot fool all the people all the time, even with the power of the mighty printing press and the money-creating system of the Federal Reserve.

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Even with all the shortcomings of the fiat monetary system, dollar influence thrived. The results seemed beneficial, but gross distortions built into the system remained. And true to form, Washington politicians are only too anxious to solve the problems cropping up with window dressing while failing to understand and deal with the underlying flawed policy. Protectionism, fixing exchange rates, punitive tariffs, politically motivated sanctions, corporate subsidies, international trade management, price controls, interest rate and wage controls, supernationalist sentiments, threat of force, and even war are resorted to, all to solve the problems artificially created by a deeply flawed monetary and economic system.

In the short run, the issuer of a fiat reserve currency can accrue great economic benefits. In the long run, it poses a threat to the country issuing the world currency. In this case, that is the United States. As long as foreign countries take our dollars in return for real goods, we come out ahead. This is a benefit many in Congress fail to recognize as they bash China for maintaining a positive trade balance with us. But this leads to a loss of manufacturing jobs to overseas markets as we become more dependent on others and less self-sufficient. Foreign countries accumulate our dollars due to their high savings rates and graciously lend them back to us at low interest rates to finance our excessive consumption and our wars.

It sounds like a great deal for everyone, except the time will come when our dollars, due to their depreciation, will be received less enthusiastically or even be rejected by foreign countries. That could create a whole new ball game and force us to pay a price for living beyond our means and our production. The shift in sentiment regarding the dollar has already started, but the worst is yet to come.

The agreement with OPEC in the 1970s to price oil in dollars has provided tremendous artificial strength to the dollar as the preeminent reserve currency. This has created a universal demand for the dollar and soaks up the huge number of new dollars generated each year. Last year alone, M3 increased by over $700 billion. The artificial demand for our dollar, along with our military might, places us in the unique position to "rule" the world without productive work or savings and without limits on consumer spending or deficits. The problem is it cannot last.

Price inflation is raising its ugly head, and the NASDAQ bubble, generated by easy money, has burst. The housing bubble likewise created is deflating. Gold prices have doubled, and Federal spending is out of sight, with zero political will to rein it in. The trade deficit last year was over $728 billion. A $2 trillion war is raging, and plans are being laid to expand the war into Iran and possibly Syria. The only restraining force will be the world's rejection of the dollar. It is bound to come and create conditions worse than 1979–1980, which required 21 percent interest rates to correct. But everything possible will be done to protect the dollar in the meantime. We have a shared interest with those who hold our dollars to keep the whole charade going.

Greenspan, in his first speech after leaving the Fed, said that gold prices were up because of concern about terrorism and not because of monetary concerns or because he created too many dollars during his tenure. Gold has to be discredited and the dollar propped up. Even when the dollar comes under serious attack by market forces, the central banks and the IMF will surely do everything conceivable to soak up the dollars in hope of restoring stability. Eventually, they will fail.

Most importantly, the dollar/oil relationship has to be maintained to keep the dollar as the preeminent currency. Any attack on this relationship will be forcefully challenged, as it already has been.

In November, 2000, Saddam Hussein demanded euros for his oil. His arrogance was a threat to the dollar; his lack of any military might was never a threat. At the first Cabinet meeting with the new administration in 2001, as reported by Treasury Secretary Paul O'Neill, the major topic was how we could get rid of Saddam Hussein though there was no evidence whatsoever he posed a threat to us. This deep concern for Saddam Hussein surprised and shocked O'Neill.

It is now common knowledge that the immediate reaction of the administration after 9/11 revolved around how they could connect Saddam Hussein to the attacks to justify an invasion and overthrow of his government. Even with no evidence of any connection to 9/11 or evidence of weapons of mass destruction, public and congressional support was generated through distortions and flat-out misrepresentations of the facts to justify overthrowing Saddam Hussein.

There was no public talk of removing Saddam Hussein because of his attack on the integrity of the dollar as a reserve currency by selling his oil in euros, yet many believe this was the reason for our obsession with Iraq. I doubt it was the only reason, but it may well have played a significant role in our motivation to wage war. Within a very short period after the military victory in Iraq, all Iraqi oil sales were carried out in dollars. The euro was immediately abandoned.

In 2001, Venezuela's ambassador to Russia spoke of Venezuela's switching to the euro for all their oil sales. Within a year, there was a coup attempt against Chavez, reportedly with assistance from our CIA.

After these attempts to nudge the euro toward replacing the dollar as the world's reserve currency were met with resistance, the sharp fall of the dollar against the euro was reversed. These events may well have played a significant role in maintaining dollar dominance.

It has become clear the U.S. administration was sympathetic to those who plotted the overthrow of Chavez and was embarrassed by its failure. The fact that Chavez was democratically elected had little influence on which side we supported. Now a new attempt is being made against the petrodollar system. Iran, another member of the "Axis of Evil," has announced her plans to initiate an oil bourse in March of this year. Guess what? The oil sales will be priced in euros, not dollars.

Most Americans forgot how our policies have systematically and needlessly antagonized the Iranians over the years. In 1953, the CIA helped overthrow a democratically elected Mohammed Mossadegh and installed the authoritarian Shah, who was friendly to the U.S. The Iranians were still fuming over this when the hostages were seized in 1979. Our alliance with Saddam Hussein in his invasion of Iran in the early 1980s did not help matters and obviously did not do much for our relationship with Saddam Hussein. The administration's announcement in 2001 that Iran was part of the Axis of Evil did not improve the diplomatic relationship between our two countries.

Recent threats over nuclear power, while ignoring the fact that they are surrounded by countries with nuclear weapons, does not seem to register with those who continue to provoke Iran. With what most Muslims perceive as our war against Islam and this recent history, there is little wonder why Iran might choose to harm America by undermining the dollar. Iran, like Iraq, has zero capability to attack us, but that did not stop us from turning Saddam Hussein into a modern-day Hitler ready to take over the world. Now Iran, especially since she has made plans for pricing oil in euros, has been on the receiving end of a propaganda war not unlike that waged against Iraq before our invasion.

It is not likely that maintaining dollar supremacy was the only motivating factor for the war against Iraq nor for agitating against Iran. Though the real reasons for going to war are complex, we now know the reasons given before the war started, like the presence of weapons of mass destruction and Saddam's connection to 9/11, were false.

The dollar's importance is obvious, but this does not diminish the influence of the distinct plans laid out years ago by the neoconservatives to remake the Middle East. Israel's influence as well as that of the Christian Zionists likewise played a role in prosecuting this war. Protecting our oil supplies has influenced our Middle East policy for decades.

But the truth is that paying the bills for this aggressive intervention is impossible the old-fashioned way, with more taxes, more savings, and more production by the American people. Much of the expense of the Persian Gulf War in 1991 was shouldered by many of our willing allies. That is not so today. Now more than ever, the dollar hegemony, its dominance as the world's reserve currency, is required to finance our huge war expenditures. This $2 trillion never-ending war must be paid for one way or another. Dollar hegemony provides the vehicle to do just that.

For the most part, the true victims are not aware of how they pay the bills. The license to create money out of thin air allows the bills to be paid through price inflation. American citizens as well as average citizens of Japan and China and other countries suffer from price inflation, which represents the tax that pays the bills for our military adventures. That is, until the fraud is discovered and the foreign producers decide not to take dollars nor hold them very long in payment for those goods. Everything possible is done to prevent the fraud of the monetary system from being exposed to the masses who suffer from it. If oil markets replace dollars with euros, it would in time curtail our ability to continue to print, without restraint, the world's reserve currency.

It is an unbelievable benefit to us to import valuable goods and export depreciating dollars. The exporting countries have become addicted to our purchases for their economic growth. This dependency makes them allies in continuing the fraud, and their participation keeps the dollar's value artificially high. If this system were workable long term, American citizens would never have to work again. We, too, could enjoy "bread and circuses" just as the Romans did, but their gold finally ran out and the inability of Rome to continue to plunder conquered nations brought an end to her empire.

The same thing will happen to us if we do not change our ways. Though we do not occupy foreign countries to directly plunder, we nevertheless have spread our troops across 130 nations of the world. Our intense effort to spread our power in the oil-rich Middle East is not a coincidence. But, unlike the old days, we do not declare direct ownership of the natural resources. We just insist that we can buy what we want and pay for it with our paper money. Any country that challenges our authority does so at great risk.

Once again, Congress has bought into the war propaganda against Iran just as it did against Iraq. Arguments are now made for attacking Iran economically and militarily if necessary. These arguments are based on the same false reasons given for the ill-fated and costly occupation of Iraq.

Our whole economic system depends on continuing the current monetary arrangement, which means recycling the dollar is crucial. Currently, we borrow over $700 billion every year from our gracious benefactors, who work hard and take our paper for their goods. Then we borrow all the money we need to secure the empire, which includes the entire DOD budget of $450 billion, plus more. The military might we enjoy becomes the backing of our currency. There are no other countries that can challenge our military superiority, and therefore they have little choice but to accept the dollars we declare are today's "gold." This is why countries that challenge the system, like Iraq, Iran, and Venezuela, become targets of our plans for regime change.

Ironically, dollar superiority depends on our strong military, and our strong military depends on the dollar. As long as foreign recipients take our dollars for real goods and are willing to finance our extravagant consumption and militarism, the status quo will continue, regardless of how huge our foreign debt and current account deficit become.

But real threats come from our political adversaries who are capable of confronting us militarily yet are not bashful about confronting us economically. That is why we see the new challenge from Iran being taken so seriously. The urgent arguments about Iran's posing a military threat to the security of the United States are no more plausible than the false charges levied against Iraq. Yet there is no effort to resist this march to confrontation by those who grandstand for political reasons against the Iraq War.

It seems that the people and Congress are easily persuaded by the jingoism of the preemptive war promoters. It is only after the cost of human life and dollars are tallied up that the people object to unwise militarism.

The strange thing is that the failure in Iraq is now apparent to a large number of Americans, yet they and Congress are acquiescing to the call for a needless and dangerous confrontation with Iran.

But then again our failure to find Osama bin Laden and destroy his network did not dissuade us from taking on Iraqis in a war totally unrelated to 9/11. Concern for pricing oil only in dollars helps explain our willingness to drop everything and teach Saddam Hussein a lesson for his defiance in demanding euros for oil.

□ 2200

Once again, there is the urgent call for sanctions and threats of force against Iran at the precise time Iran is opening a new oil exchange with all transactions in Euros.

Using force to compel people to accept money without real value can only work for a short time. It ultimately leads to economic dislocation, both domestic and international, and always ends with a price to be paid. The economic law that honest exchange demands only things of real value as currency cannot be repealed. The chaos that one day will ensue from our 35-year experiment with worldwide fiat money will require a return to money of real value. We will know that day is approaching when oil-producing countries demand gold or its equivalent for their oil rather than dollars or Euros. The sooner the better.

NEED FOR REFORM IN LIGHT OF LOBBYING SCANDAL

Mr. Speaker, I would like to now switch topics and address another subject, and this is regarding the need for reform in light of the recent lobbying scandal.

Mr. Speaker, the Abramoff scandal has been described as the biggest Washington scandal ever, bigger than Watergate, bigger than ABSCAM, bigger than Koreagate, bigger than the House banking scandal, bigger than Teapot Dome. Possibly so. It is certainly serious and significant.

It has prompted urgent proposals of suggested reforms to deal with the mess. If only we had more rules and regulations, more reporting requirements and stricter enforcement of laws, the American people will be assured we mean business. Ethics and character will return to the Halls of Congress. It is argued that new champions of reform should be elected to leadership positions to show how serious we are about dealing with the crisis of confidence generated by the Abramoff affair. Then all will be well.

But it is not so simple. Maybe what we have seen so far is just the tip of the iceberg and the insidious crisis staring us in the face that we refuse to properly identify and deal with.

It has been suggested we need to change course and correct the way Congress is run. A good idea, but if we merely tinker with current attitudes about what role the Federal Government ought to play in our lives, it won't do much to solve the ethics crisis.

True reform is impossible without addressing the immorality of wealth redistribution. Merely electing new leaders and writing more rules to regulate those who petition Congress will achieve nothing.

Could it be that we are all looking in the wrong places for our solution to a recurring, constant, and pervasive corruption in government? Perhaps some of us in Congress are mistaken about the true problem. Perhaps others deliberately distract us from exposing the truth about how miserably corrupt the budget process in Congress is.

Others simply are in a State of denial. But the denial will come to an end as the Abramoff scandal reveals more and more. It eventually will expose the scandal of the ages, how and to what degree the American people have become indebted by the totally irresponsible spending habits of the U.S. Congress as encouraged by successive administrations, condoned by our courts, and enjoyed by the recipients of the largesse.

This system of government is coming to an end, a fact that significantly contributes to the growing anxiety of most Americans, especially those who pay the bills and receive little in return from the corrupt system that has evolved over the decades.

Believe me, if everybody benefited equally, there would be scant outcry over a little bribery and influence peddling. As our country grows poorer and more indebted, fewer people benefit. The beneficiaries are not the hard-working, honest people who pay the taxes. The groups that master the system of lobbying and special interest legislation are the ones who truly benefit.

The steady erosion of real wealth in this country and the dependency on government generated by welfare-ism and warfare-ism presents itself as the crisis of the ages. Lobbying scandals and the need for new leadership are mere symptoms of a much, much deeper problem.

There are quite a few reasons a relatively free country allows itself to fall into such an ethical and financial mess. One major contributing factor for the past 100 years is our serious misunderstanding of the dangers of pure democracy.

The Founders detested democracy and avoided the use of the word in all the early documents. Today, most Americans accept without question a policy of sacrificing life, property and dollars to force democracy on a country 6,000 miles away. This tells us how little opposition there is to democracy. No one questions the principle that a majority electorate should be allowed to rule the country, dictate rights, and redistribute wealth. Our system of democracy has come to mean worshiping the notion that a majority vote for the distribution of government largesse, loot confiscated from the American people through an immoral tax system, is morally and constitutionally acceptable.

Under these circumstances, it is no wonder a system of runaway lobbying and special interests has developed. Add this to the military industrial complex that developed over the decades due to a foreign policy of perpetual war and foreign military intervention, and we shouldn't wonder why there is such a powerful motivation to learn the tricks of the lobbying trade and why former Members of Congress and their aides become such high-priced commodities.

Buying influence is much more lucrative than working and producing for a living. The trouble is in the process; the process invites moral corruption. The dollars involved grow larger and larger because of the deficit financing and inflation that pure democracy always generates.

Dealing with lobbying scandals while ignoring the scandal of unconstitutional runaway government will solve nothing. If people truly believe that reform is the solution through regulating lobbyists and increasing congressional reporting requirements, the real problem will be ignored and never identified. This reform only makes things worse.

Greater regulation of lobbyists is a dangerous and unnecessary proposition. If one expects to solve a problem without correctly identifying its source, the problem persists. The first amendment clearly states "Congress shall make no laws respecting the right of the people to petition the government for a redress of grievances." That means no law.

The problem of special interest government that breeds corruption comes from our lack of respect for the Constitution in the first place. So what do we do? We further violate the Constitution, rather than examine it for guidance as to the proper role of the Federal Government.

Laws addressing bribery, theft, and fraud already on the books are adequate to deal with the criminal activities associated with lobbying. New laws and regulations are unnecessary.

The theft that the Federal Government commits against its citizens and the power that Congress has assumed illegally are the real crimes that need to be dealt with. In this regard, we truly need a new direction: get rid of the evil tax system, the fraudulent monetary system and the power of the government to run our lives, the economy and the world, and the Abramoff types would be exposed for the mere gnats they are. There would be a lot less of them since the incentive to buy politicians would be removed.

Even under today's flawed system of democratic government, which is dedicated to redistributing property by force, a lot could be accomplished if government attracted men and women of good will and character. Members could just refuse to yield to the temptations of office and reject the path to a lobbying career.

But it seems once government adopts the rules of immorality, some of the participants in the process yield to the temptation as well, succumbing to the belief that the new moral standards are acceptable.

Today, though, any new rules designed to restrain special interest favoritism will only push the money further under the table.

Too much is at stake. Corporations, bureaucrats, lobbyists and politicians have grown accustomed to the system and have learned to work within it to survive. Only when the trough is empty will the country wake up. Eliminating earmarks in the budget will not solve the problem.

Comparing the current scandal to the big one, the Abramoff types are petty thieves. The government deals in trillions of dollars, the Abramoffs in mere millions. Take a look at the undeclared war we are bogged down in 6,000 miles from our shore. We have spent $300 billion already, but Nobel Prize winner Joseph Stiglitz argues that the war will actually cost between $1 trillion and $2 trillion when it is all over. That is trillions, not billions. Even that figure is unpredictable, because we may be in Iraq for another year or 10. Who knows.

Considering the war had nothing to do with our national security, we are talking big bucks being wasted in lining the pockets of well-connected American corporations. Waste, fraud, stupidity, and no-bid contracts characterize the process; and it is all done in the name of patriotism and national security. Dissenters are accused of supporting the enemy. Now, this is a ripoff that a little tinkering with House rules and restraints on lobbyists won't do much to solve.

Think of how this undeclared war has contributed to our national deficit, undermined military preparedness, antagonized our allies, and exposed us to an even greater threat from those who resent our destructive occupation. Claiming we have no interest in the oil of the entire Middle East hardly helps our credibility throughout the world.

The system of special interest government that has evolved over the last several decades has given us a national debt of over $8 trillion, a debt that now expands by over $600 billion every year. Our total obligations are estimated to be between $15 trillion and $20 trillion. Most people realize that the Social Security system, the Medicare system and the new prescription drug program are unfunded. Thousands of private pension funds are now being dumped on the U.S. Government and American taxpayers. We are borrowing over $700 billion each year from foreigners to finance this extravagance, and we now qualify as the greatest international debtor Nation in history.

Excessive consumption using borrowed money is hardly the way to secure a sound economy. Instead of reining in government spending, Congress remains oblivious to the financial dangers and panders to special interests by offering no resistance whatsoever to every request for new spending. Congress spends $2.7 trillion annually in an attempt to satisfy everyone's demands. The system has generated over $200 trillion in derivatives.

These problems can't be addressed with token leadership changes and tinkering with the budget. A new and dramatic direction is required.

As current policy further erodes the budget, special interests and Members of Congress become even more aggressive in their efforts to capture a piece of the dwindling economic pie. That success is the measure of effectiveness that guarantees a Member's reelection.

The biggest ripoff of all, the paper money system that is morally and economically equivalent to counterfeiting, is never questioned. It is the deceptive tool for transferring billions from the unsuspecting poor and middle class to the special-interest rich, and in the process the deficit-propelled budget process supports the spending demands of all the special interests, left and right, welfare and warfare, while delaying payment to another day and sometimes even to another generation.

The enormous sums spent each year to support the influential special interests expand exponentially and no one really asks how it is accomplished. Raising taxes to balance the budget is out of the question, and rightfully so. Foreigners have been generous in their willingness to loan us most of what we need, but even that generosity is limited and may well diminish in the future.

But if the Federal Reserve did not pick up the slack and create huge amounts of new credit and money out of thin air, interest rates would rise and call a halt to the charade. The people who suffer from a depreciated dollar don't understand why they suffer, while the people who benefit promote the corrupt system. The wealthy clean up on Wall Street and the unsophisticated buy in at the market tops. Wealth is transferred from one group to another, and it is all related to the system that allows politicians and the central banks to create money out of thin air. It is literally legalized counterfeiting.

Is it any wonder jobs go overseas? True capital only comes from savings, and Americans save nothing. We only borrow and consume. A counterfeiter has no incentive to take his newly created money and build factories. The incentive for Americans is to buy consumers goods from other countries whose people are willing to save and invest in their factories and jobs. The only way we can continue this charade is to borrow excess dollars back from the foreign governments who sell us goods and perpetuate the pretense of wealth that we enjoy.

The system of money contributes significantly to the problems of illegal immigration. On the surface, immigrants escaping poverty in Mexico and Central America come here for the economic opportunity that our economy offers. However, the social services they receive, including education and medical benefits, as well as the jobs they get, are dependent on our perpetual indebtedness to foreign countries. When the burden of debt becomes excessive, this incentive to seek prosperity here in the United States will change.

The prime beneficiaries of a paper money system are those who use the money early, governments, politicians, bankers, international corporations and the military industrial complex. Those who suffer most are the ones at the end of the money chain, the people forced to use depreciated dollars to buy urgently needed goods and services to survive. And guess what? By then, their money is worth less, prices soar, and their standard of living goes down.

□ 2215

The consequences of this system, fully in place for the past 34 years, are astronomical and impossible to accurately measure. Industries go offshore, and the jobs follow. Price inflation eats away at the middle class and deficits soar, while spending escalates rapidly as Congress hopes to keep up with the problems it created.

The remaining wealth that we struggle to hold on to is based on debt, future tax revenues, and our ability to manufacture new tax dollars without restraint.

There is only one problem. It all depends on trust in the dollar, especially by foreign holders and purchasers. This trust will end, and signs of the beginning of the end are already appearing.

During this administration, the dollar has suffered severely as a consequence of the policy of inflating the currency to pay our bills. The dollar price of gold has more than doubled. This means the dollar has depreciated in terms of gold, the time-honored and reliable measurement of a nation's currency, by an astounding 55 percent. The long-term economic health of a nation is measured by the soundness of its currency. Once Rome converted from a republic to an empire, she depreciated her currency to pay the bills. This eventually led to Rome's downfall. That is exactly what America is facing unless we change our ways.

Now, this is a real scandal worth worrying about. Since it is not yet on Washington's radar screen, no attempt at addressing the problem is being made. Instead, we will be sure to make those the Constitution terms petitioners to redress their grievances fill out more forms. We will make government officials attend more ethics courses so they can learn how to be more ethical.

A free nation as it moves towards authoritarianism tolerates and hides a lot of the abuse in the system. The human impulse for wealth creation is hard to destroy, but in the end it will happen here if true reform of our economic, monetary, and political system is not accomplished.

Whether government programs are promoted for good causes, helping the poor, or bad causes, permitting a military industrial complex to capitalize on war profits, the principles of the market are undermined. Eventually, nearly everyone becomes dependent on the system of deficits, borrowing, printing press money, and the special interest budget process that distributes the loot by majority vote.

Today, most business interests and the poor are dependent on government handouts. Education and medical care is almost completely controlled and regulated by an overpowering central government. We have come to accept our role as world policeman and nation builder with little question despite the bad results and inability to pay the bills.

The question is, what will it take to bring about the changes in policy needed to reverse this dangerous trend? The answer is, quite a lot; and, unfortunately, it is not on the horizon. It probably will not come until there is a rejection of the dollar as the safest and strongest world currency and a return to commodity money like gold and silver to return confidence.

The Abramoff-type scandals come and go in Washington, patched over with grandiose schemes and reform that amount to nothing more than government and congressional mischief. But our efforts should be directed toward eliminating the greatest of all frauds, printing press money that creates the political conditions breeding the vultures and leaches who feed off the corrupt system.

Counterfeiting money never creates wealth. It only steals wealth from the unsuspecting. The Federal Reserve creation of money is exactly the same. Increasing the dollars in circulation can only diminish the value of each existing dollar. Only production and jobs can make a country wealthy in the long run. Today, it is obvious our country is becoming poorer and more uneasy as our jobs and capital go overseas.

The Abramoff scandal can serve a useful purpose if we put it in the context of the entire system that encourages corruption. If it is seen as an isolated case of individual corruption and not an expected consequence of big government run amok, little good will come of it. If we understand how our system of government intervenes in our personal lives, the entire economy and the internal affairs of other nations around the world, we can understand how it generates the conditions where lobbyists thrive.

Only then will some good come of it. Only then will we understand that undermining the first amendment right of people to petition the government is hardly a solution to this much more serious and pervasive problem.

If we are inclined to improve conditions we should give serious consideration to the following policy reforms, reforms the American people who cherish liberty would enthusiastically support. Let us have no more No Child Left Behind legislation. Let us have no more prescription drugs programs. No more undeclared wars. No more nation building. No more acting as the world policeman. No more deficits. No more excessive spending everywhere. No more political and partisan resolutions designed to embarrass those who may well have legitimate and honest disagreements with current policy. No inferences that disagreeing with policy is unpatriotic or disloyal to the country. No more pretense of budget reforms while ignoring off-budget spending in the ever-growing 14 appropriations bills.

Cut funding for corporate welfare, foreign aid, international NGOs, defense contractors, the military industrial complex, and rich corporate farmers before cutting welfare for the poor at home. No more unconstitutional intrusions into the privacy of law-abiding American citizens. Reconsider the hysterical demands for security over liberty by curtailing the ever-expanding oppressive wars on drugs, tax violators and gun ownership.

Finally, why not try something novel like having Congress act as an independent and equal branch of government? Restore the principle of the separation of powers so that we can perform our duty to provide checks and balances on an executive branch and an accommodating judiciary that spies on Americans, glorifies the welfare state, fights undeclared wars, and enormously increases the national debt.

Congress was not meant to be a rubber stamp. It is time for a new direction.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. CONAWAY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to come and address the U.S. House of Representatives. I want to thank Democratic Leader NANCY PELOSI and our Democratic Whip, Mr. STENY HOYER, and also our chairman, Mr. JAMES CLYBURN, and I think it is also Mr. LARSON who is our vice chair, and the rest of the ranking members and other members of the Democratic Caucus.

Mr. Speaker, an hour ago we were talking about the issues of fiscal responsibility. We were talking about trying to make sure that the American taxpayer gets what they deserve out of this government, this government that they have elected to come to Washington, D.C., to represent them, to make sure that they get the biggest bang for their tax dollar.

I think it is important to point out, Mr. Speaker, that we are having some real financial issues right now. Some may say on the majority side, and I do respect the members on the majority side, and I know that there are a few members on the majority side that feel the way we feel here on the minority side, on the Democratic side of the aisle, that we have to get our fiscal house in order. And we are not there yet. I can say here boldly and honestly that we are not there.

There are a number of third-party validators that are talking about the fiscal irresponsibility on the majority side and by this President that has put this country in financial jeopardy. You have individuals saying we want to cut the deficit in half, but, meanwhile, back at the ranch, they want to borrow from countries like China. They want to borrow from countries like Saudi Arabia and give those countries a piece of the American pie, Mr. Speaker.

I think it is important that in the last hour, when we talked about innovation, we talked about putting America first. We talked about not cutting student loans to everyday Americans. We talked about assisting that next generation and the generations that we expect to be able to stand up and make this and continue to make this country free and put us ahead as it relates to inventions, as it relates to innovation.

We are talking about on this side of the aisle, Mr. Speaker, that we embrace and we appreciate our troops and our veterans. But, meanwhile, in the President's budget, it talks about cuts in veterans affairs. It talks about higher co-payments for veterans.

I must say, Mr. Speaker, I am a Democrat, but guess what? I represent Republicans, Independents, green party, and Democrats back in my district; and they feel the way that I do.

I have not had one constituent say, Congressman, I want you to go to Washington, D.C., and make sure that you borrow as much money as possible so that I can pay it back with interest. Congressman, I want you to go to Washington, D.C., and be irresponsible with my tax dollars and make sure that we do not have accountability as it relates to unbid contracts. Congressman, I want you to look the other way when it comes down to making sure that you have the proper oversight so that we do not have this culture of corruption, cronyism and incompetence that we are seeing on the majority side and in the White House right now.

I think it is very, very important, Mr. Speaker, the perception that the American people and the reality that they are seeing right now. This is not the Kendrick Meek or the 30-Something or the Tim Ryan report. This is what is being printed every day in the papers.

It is not that the Congress is taking a bold step to make sure that the children of America have what they need; making sure that we have the kinds of innovation that the President spoke about, Mr. Speaker; making sure that the veterans do not have to pay a higher co-payment for health insurance that we promised them as a country.

We salute one flag right now, Mr. Speaker, not because of coincidence. Because individuals have died for that opportunity. We have individuals that have served and served in many theaters to make sure that we can salute one flag, and the bottom line is we should not turn our backs on those individuals.

What Mr. RYAN and I are going to talk about in this 30-Something hour is the tax on corruption, the corruption tax that the American people have to pay and the American children have to pay, and men and women that have worn a uniform have to pay.

Guess what? It is not just Democrats. It is not just Republicans. It is not just independents. It is the American people. It is not just the folks that vote. It is not just the folks that do not vote. It is not the folks who are seeking status that have green cards in this country that are legally here. It is happening right now.

Mr. Speaker and Mr. RYAN, I just want to say before I yield, I feel good about the fact that we were talking about the K Street Project 2 years ago. Night after night, week after week, we talked about it. We were honest and upfront with the American people that something was fundamentally wrong when you have a K Street Project, talk about it, put a press release out about it, about how we have this relationship with the special interests.

What about a relationship with the American people, Mr. Speaker? So now we have a lobbyist here in this town that has admitted to guilt, Mr. RYAN, that has said, I have broken the law. We do not have to have a trial because the evidence is so strong. We do not have to have a jury pool. We do not have to have people come in and waste 6 months of their lives on a jury pool and a jury selection. I will admit to guilt.

Days after this particular lobbyist said, I am guilty, I am willing to help the government in seeking out those Members that were part of this.

Mr. RYAN of Ohio. Would the gentleman yield?

Mr. MEEK of Florida. I am closing in a minute, Mr. RYAN, because we have been talking about this. I admit to guilt, and I am willing to help the government. All of a sudden, all of a sudden, Mr. Speaker, the Republican majority says, you know, we are done. The K Street Project is no longer in existence. As a matter of fact, this little thing that we call K Street, what are you talking about? I do not know what you are talking about. We are just going to rip it up. It is not anything that we really care about. We are going to do away with that.

It is almost like, as I would say, Mr. RYAN, and as I will yield to you, the game warden cannot be the lead poacher. I will say that to you right now. I think it is important that we be upfront with the American people because they are paying a hard, strong corruption tax, Mr. RYAN.

☐ 2230

Mr. RYAN of Ohio. You are exactly right, and it is that. It is the cost of the American people of the kind of corruption that is inherent in this system today as the Republicans run the House and the Senate and the White House.

Let me just say this so we are clear. After record profits had been earned by the oil industry, they received in the energy bill $12 billion in corporate welfare, but nothing is done by this Congress to address lowering gas prices or home heating oil.

Now, Halliburton, the former company of Vice President CHENEY, got billions of dollars in no-bid contracts, and they have since been fined $2 million for over charging the government and are suspected of costing the government $1.4 billion. Halliburton has been fined for basically stealing the taxpayers' money.

The oil industry is getting $12 billion in subsidies, and nothing is being done to lower Mom and Dad or Grandma or Grandpa's gas cost, and the top Medicare administrator, Tom Scully, negotiated to get a lobbying job at the same time he was negotiating the Medicare prescription drug bill, which helped companies more than it helped senior citizens. You say corruption tax, and that is what I mean. Tit-for-tat, taxpayer pays for it. Corporate welfare to the oil industries, nothing to lower gas prices, citizens pay that corruption tax.

Mr. MEEK of Florida. This is reality. It is not something that you are making up. This is reality for individuals that may be hard core supporters of the majority; that is fine. I am a supporter of the American people. We are not here on behalf of party. We are here on behalf of the American people.

Mr. RYAN of Ohio. There have been a few Members who I consider very good friends on the other side of the aisle who have over the past few weeks and few months have really come out and said we have got to get rid of the corporate welfare, we do have to make these changes, we do have to get rid of the things that are going on with the oil industry.

The problem is, is they are just a handful of those people, and the rest are putting the kibosh on the minority of the minority of the minority of the Republican party, just like they are doing to the Democrats.

Mr. MEEK of Florida. These will be the very Members that if the American people allow us to lead, that what you are talking about, would be a bad chapter in American history. Well, we can put this country on the right track that will partner with us in a bipartisan spirit, and all it takes, and you know and I know, is a majority vote to make anything happen in this House.

Mr. RYAN of Ohio. Absolutely. Let us just look at one thing we have been talking about here.

One of the major costs of the kind of institutional corruption that is going on right now is what is going on with the interest on the debt. The Nation's debt is now over $8 trillion with a T, and the interest in the 2007 President's budget, the interest alone is almost two-hundred-and-twenty-some billion dollars out of this budget. Now, when you look and you compare what we have to pay in interest on the debt compared to what we are paying for education or homeland security or veterans, it is totally and utterly disproportionate to the kind of investments we need to be making, because this money, and on the chart here, we are borrowing this money from the Japanese government. We are borrowing the money from the Chinese Government. We are borrowing the money from OPEC countries.

We are ceding our country away to these other foreign interests, and at the same time, we are asking Japan and China to borrow money because we do not have enough because we are giving out corporate subsidies to the oil companies and corporate welfare to the pharmaceutical companies. While we are doing that, we have to go and borrow the money from the Chinese government, and then we have to borrow it from the OPEC countries, and as we showed before earlier, an hour or so ago, the Chinese Government is taking this money, they are lending it to us, collecting the interest and investing that money in the training of engineers to the tune of 600,000 engineers that they are going to train next year while we are training 70.

That really is the bottom line, that these kind of decisions are leading and costing. They are leading to enormous problems for our country, and they are costing us a lot of money. They are really beginning, I think, to push the burden down on to the next generation. We cannot continue to sustain the kind of deficits that we are running. The next year or 2007 year's budget deficit is projected at over $400 billion, $400 billion, and that is unacceptable while we are giving the oil industry $12 billion and $16 billion to the energy industry, and we are giving to the tune of $50, $60, $70 billion to the health care industry in subsidies.

It is a coincidence, or maybe it is not, that the oil industry's profits are going through the roof. So it begs the question, why are we subsidizing them? The energy companies, profits going up, subsidizing them, too. Pharmaceutical companies, profits through the roof, subsidize them, too. This is pay-to-play in Washington, D.C., and all the while, it is happening at the expense of average people. All this is happening at the cost of the American people.

There is a corruption tax. There is a K Street tax to average people who are trying to do business, trying to make ends meet in middle America and all across the country, and they are having a very difficult time of it. They are paying the cost of K Street and the cost of the corruption that is going on.

Mr. MEEK of Florida. With interest I must add, and I will tell you that it is very, very unfortunate when we tell children who want free and reduced lunch that we cannot do what they need us to do.

I think also what is wrong is when we tell veterans that they have to pay higher copayments because we do not have the money to be able to assist them in their health care.

I think another thing that is wrong, when we tell individuals that pay taxes every day, that we cannot assist them as it relates to innovation and finding other opportunities to be able to find alternative fuel to fuel their vehicles or home.

I think it is also a travesty when we have no-bid contracts. Time after time again, reports are released here in Washington, D.C., on how we failed the American people domestically and how we failed the American people as it relates to their U.S. tax dollars overseas as its relates to the war. There are billions of dollars that are unaccounted for and that cannot be attached to what its purpose was supposed to be in Iraq.

This is not fiction. This is fact, and tomorrow night and I want to say this to the staff and make sure that the rest of the 30 Somethings hear, we want to talk a little bit about what happened to the other $9 billion U.S. tax dollars in Iraq. We both serve on the Committee on Armed Services and I think it is important that the American people know. It is unacceptable, unacceptable for us to do or for the Republican majority to do what they have done as it relates to a lack of oversight.

I think it is important that we talk a little bit more about innovation and our plans to move America forward, but I want to make sure that the American people and the Republican side know, the Members on the other side of the aisle know, here is our plan right here. This is a summary of our plan. It is on the Web site, housedemocrats.gov, very simple. It is not a secret. It has been there for a long time. The only reason why it is there in the Web site, and the only reason why we have it in legislative bills, Mr. Speaker, is the fact that we cannot move innovation.

Let us talk about innovation for a minute because I want to make sure we do not fake anyone out and have folks confused. Innovation means we are committed to making sure this generation and future generations are ready to lead in the way that the past generation has done and this present generation are trying to do right now.

Mr. RYAN of Ohio. Can I say something? There has been this whole discussion over the last 10 or 15 years, and it started with President Reagan's government, you know, government is the problem. I think it is fair to just on balance say that we understand government cannot solve all the problems nor should it, and we understand the private sector can solve a lot of these problems, but there are areas where the two need to work together. That is what we are talking about with The Innovation Agenda.

A lot of the recommendations that we have here are coming from CEOs, Republicans, who are saying this is what we do, and if you look at the history of the country, railroads, the space program, the interstate highway, National Institutes of Health research and development that has been going on for years and years, National Science Foundation, they are critical.

Universities are government. They are publicly funded, publicly subsidized, and they are doing all kinds of research for all kinds of really good causes.

So we have a responsibility here, and our responsibility is to take the public's tax dollars here that they give us and spend it wisely and spend it in a way that there is accountability.

Now, $9 billion lost in Iraq is not accountability. Borrowing from the Chinese and the OPEC countries and the Japanese governments to fund our deficits, that is not accountability. That is reckless fiscal policy, and it prevents us from investing in the kind of innovation that we want to invest into. That is the cost to the country of this nonsense that is going on down here, $400 billion deficits, and we are spending $16 billion in corporate welfare to subsidize the oil industry? $400 billion projected deficit for 2007, and we give it in a giveaway to the pharmaceutical companies? That is irresponsible fiscal policy because we do not have the money to give them in the first place.

I will stand up here if we had the money and make the argument that we still should not give it to them, but we are borrowing money that we do not have to give to people that do not need it. That would be like giving Bill Gates a tax cut. We have given Bill Gates a tax cut, too. We are giving people money that we do not have and they do not need it, and it is coming at the expense of things and investment in technology, and innovation is a part of this.

I just want to read a couple of quotes because the 30 Somethings are all about the third party validator. There may be some people who say, well, there goes the Democrats, there goes the 30 Somethings, they are the on the floor, they do not have any solution. What are they talking about? This is a third party validator about our Innovation Agenda that Leader PELOSI came up with.

Mr. MEEK of Florida. This is good, third party validator outside of the political process. They do not carry a voting card here in the U.S. House. They are not a stakeholder. The only stake that they hold is having Americans to be able to fill jobs that they want to provide.

Mr. RYAN of Ohio. That is exactly right. John Chambers, president and CEO of Cisco Systems, Incorporated: "The Innovation Agenda focuses on the right issues for building on our Nation's competitiveness, from investing in basic R&D, expanding science and math education and broadband infrastructure, to creating a globally competitive business environment. This agenda thoughtfully addresses how government can best play a role in improving our economic competitiveness by focusing on innovation. I look forward to working with both sides of the aisle to implement these laudable goals."

□ 2245

That is the CEO of Cisco Systems.

And then we have the managing director of Federal Government Affairs for Microsoft saying, "At Microsoft Technology we are committed to changing the world through innovative technology; and in order to fulfill that commitment we need a pool of well-educated, skilled workers. We ask Congress to give these issues serious consideration and support."

We need a pool of skilled workers, American skilled workers, and we need to increase it. Our innovation agenda calls for 100,000 new scientists and engineers over the course of the next 4 years and putting broadband in every household in the country in the next 5 years. And we probably could do it quicker, but we have this tremendous trade deficit and budget deficit here in the United States that will not allow us to do it because of the reckless fiscal policies of the Republican Party that run the House, the Senate and the White House.

Mr. Speaker, this is what we are competing with. China is going to produce 600,000 engineers next year; India, 350,000 engineers next year; the United States of America, Mr. Speaker, 70,000 engineers next year. That is unacceptable.

And I recognize that they have larger populations than we do, but when we have many of our school districts that have 70 or 80 percent of the kids living in poverty, we are never going to be able to catch this number because we do not have enough players on the field. This is a broad approach that the Democratic Party has.

Our friends on the other side of the aisle, and many of them are very dear friends, they have been in charge of this House since 1994, and we have the highest budget deficits that we have ever had in the history of the country. They have had to pass a debt limit increase five times since President Bush has been in office.

Mr. MEEK of Florida. And they want to do it again.

Mr. RYAN of Ohio. And they are going for number six.

We need to get the fiscal house in order and start making targeted investments in education and making sure that we have enough people to compete on a global economy. This is brutal competition that we are facing. I have an opportunity to spend 2 weeks in China in August, but the brutal competition that we must face in order to continue to lead the world because we cannot have a tier one military with a tier two economy. And you want to maintain your superiority in the world, you better have a tier one military, and if you want a tier one military, you better have a tier one economy. If you want to have a tier one economy, you better make the kind of investments that the Democratic Party wants to make in order to start evening out some of these numbers so we have job growth in the United States, so we are filling the need and filling that pool of well-educated, skilled workers that companies need.

Mr. MEEK of Florida. Mr. Speaker, Mr. RYAN knows he had me at hello on all of that.

When he says Mr. MEEK, he is really talking to the Republican majority. I will say to my colleagues, because I want to be sure that they have good and accurate information from third-party validators, they can go to www.HouseDemocrats.gov/30something and you can get the charts, get what Mr. RYAN is talking about.

Most of these people that are third-party innovators as relates to innovation, they can care less who says that we brought innovation into the United States again, that we are investing in innovation. They just want it to happen. These individuals are Republicans, Independents and Democrats that are begging us to give them the workforce that they need. They want to hire the American worker. They want to make sure that local communities and States have the kind of economy that they need. I think it is important.

Mr. Speaker, it goes a little deeper. This is not just about one or two people and the decisions they are making. I have a real problem, and I do not want to change the channel here, but I have a real problem with the fact that it is so easy for the Republican majority to abuse not only the spirit of the rules in the House of Representatives but also when we start dealing with the Constitution of the United States.

We had a budget reconciliation vote that came up here, I do not know, maybe three or four times, not because the Members did not show up to vote, it is because the Members did not want to vote on budget reconciliation that cut student aid and that will bring about the kind of innovation that Mr. RYAN is talking about, that cut free and reduced lunch, that directed the Veterans Affairs Committee to make millions of dollars in cuts in veterans affairs over a period of years, that did a lot of other things, that gave giveaways to the oil industry. They did not want to vote on it.

I remember we were on this floor on the eve of I believe it was veterans' weekend. They did not want to vote on it, leave here and march in a parade and someone may holler out, congressman, congresswoman, how can you march with the veterans here, waving a flag, talking about I am with you all the way; meanwhile, you voted with your colleagues on the Republican side that closed our clinic. They just could not do it.

So now we are in a situation when we talk about respect for the way we do business, the President signed the budget reconciliation bill that was not identical. Let me go back to Government 101 here. They have to be identical pieces of legislation between the House and Senate for the President of the United States to sign.

Mr. RYAN, you remember the old cartoon, I am just a bill, I am on Capitol Hill. It talked about going from committee to committee, and you pass the House and go to the Senate or you start in the Senate and go to the House, and then you go to the President of the United States. One bill, same language, identical, side by side.

You cannot have language in one bill that says one thing and have a budget that says something else. Not one line, not one word can be different. The President and the administration that we know, and we are going to get into this tomorrow night, and like I said, I challenge the majority side to try to go in the bathroom and look in the mirror and say, "I can go out there and say this is right." We are 110 percent right on this, just like we were right on the K Street Project. We are talking fact here.

The President signed a bill that many have said is unconstitutional. It is not an identical bill. All of us know it. The issue about secrecy and misleading the public is becoming an everyday occurrence here in Washington, DC.

I think it is fundamentally wrong for us to salute one flag, believe in the bedrock of a Constitution and to allow individuals that are in control now to say a couple of words are different and there is more money here than there, what is the big deal. I signed it, it is done, we are in control, and who is going to question us, Mr. Speaker. They say, who is going to call us before the committee and say, excuse me, who is going to send subpoenas to the White House and say, did you know these bills were not identical? Who is going to call in the leadership of the House and Senate and say, how could you do something when you knew they were not identical bills? Well, it is not a big deal because they are in charge.

Mr. Speaker, if the American people were to bring about the kind of paradigm shift that this country deserves in the next election, my goodness, it will take up a lot of time here in Congress to be able to fix what is broken.

Maybe the Republican majority may say we need to start working on a bipartisan basis and start working with the Democrats on some of these issues. Maybe we can really look at Social Security and make sure that it is sound and solid for generations even beyond the 40 years it will be solvent, and maybe we need to look at health care and not this health savings plan because we already know that does not work. Let us look at some of the Democratic alternatives and let us have a conference report, let us have a bipartisan conference report that we actually invite Democrats to participate in.

Mr. Speaker, we have legislation right now that the first time that the ranking members, and I want to break this down so we all understand, the ranking members who are the lead Democrats on the committee, see for the first time a bound bill, this wide, this thick, coming to the floor and it is their first time seeing it. That is not because they decided to sit in their office and eat pecans, but because they were not told where negotiations were taking place.

There are a lot of rooms in this Capitol, and I think it is important that we spend a lot of time, not some time, but a lot of time letting the American people know that here on the Democratic side of the aisle we have history on our side in balancing the budget. We have history on our side in making sure that we have a very strong U.S. economy where everyone shares in it, everyone makes money. Small businesses are able to do what they have to do, and making sure that we have integrity in a government that people know when they pay their taxes that those dollars are going in the right place. We balanced the budget.

I challenge the Republican majority to say the same thing. Not that we cut it in half or took a quarter of it. That is not what we did. We balanced the budget with surpluses as far as the eye could see.

I challenge the Republican side to come with one proposal and say any time in the history of the Republic that they have done that, period dot. That is just the bottom line. History speaks to it, the CONGRESSIONAL RECORD speaks to it, and the Congressional Budget Office speaks to it.

It is not the Kendrick Meek Report or the Tim Ryan Report. We are not here to entertain the Congress. We are here to make sure that these individuals that are in control on the majority side understand that we mean serious business about saving this country not on behalf of Republicans or Democrats or Independents but on behalf of the American people.

Are we passionate? You are doggone right we are passionate. We are passionate for all of the right reasons. We are not here arguing on behalf of someone who said let us just talk about things are bad because we need to make up some kind of story because we want to be in control of the U.S. Congress. This is fact. This is fact.

I do not care if you have a club of hard-core individuals saying that I want to support corruption, cronyism and incompetence. Only the recipients of corruption, cronyism and incompetence are the cheerleaders for that kind of activity.

Mr. RYAN, they would not even come up to the 1 percent of Americans that have benefited from the bad policies that the majority side has put forward. I can tell you right, and the record reflects and it reflects in the President's budget of who is on the side and who they are standing up for in that budget.

In that budget, they are cutting veterans affairs. In that budget, they are cutting student aid. In that budget, they are giving tax giveaways to the individuals that are on K Street, obviously that have access to this administration and to the majority.

So I would say this. The record speaks to what we are sharing with the Members. The record speaks to the fact that we on this side, without one Republican vote, Mr. Speaker, not one. One would think maybe two might have said I am going to vote to balance the budget. A big fat zero. My 8-year-old and my 11-year-old can understand what a zero is. Not one. For anyone to come to the floor and say the Democrats want such and such, let me tell you, we cannot do anything but raise the question and put pressure on the majority side to do the right thing.

We said there could be a 9/11 Commission. The Republicans did not want it. The American people joined in us.

We said there should be a national strategy on homeland security and we should have a department addressing the issues of homeland security. Republicans did not want it. The American people joined with us, and we have a Department of Homeland Security.

We said we need to come to Washington, DC, and deal with body armor on behalf of the troops in Iraq. The Republicans said they have their armor. Donald Rumsfeld came down from the Department of Defense and said we have a strategy, we have a plan. Oil is going to pay for the war. All of these things that we now know are incorrect. We said it, and then the Republican majority started responding to it.

I can tell you in this case, as it relates to fiscal responsibility, the record does not reflect a past history of this Republican majority doing the right thing and balancing the budget.

□ 2300

We didn't say that we were going to cut the budget in half. We said, we'll balance the budget. And we did. We have an innovation agenda, if given the opportunity, and we invite our Republican friends that are over there, that a few of them think the way we think, move with us in moving this agenda together. We are talking about all of the good stuff that the American people are asking for, Mr. RYAN. They are asking for creating an educated, skilled workforce in the areas of science, math, engineering and information technology. They are asking for an investment as it relates to Federal research and development initiatives in promoting public-private partnerships. We are saying that we want every American to have access to affordable broadband. That is making sure that they have access to the Internet, making sure their children have access, seniors and every household can afford it. What is the deal about saying, some people can afford it, some people can't? We are a country. We are not a bunch of individuals. And we are saying that we will achieve energy independence in developing emerging technology and clean substantive alternatives to strengthen national security and protect our environment, not within 20 years, not within 50 years, not within 100 years. We are talking about 10 years, Mr. Speaker. It can happen.

We know together, Mr. RYAN, in America, we can do better. We are willing to partner with the American people like we have done before. But I can tell you right now, Mr. RYAN, this Republican majority, they didn't get it 10 years ago, they are not getting it now, and they won't get it tomorrow.

Mr. RYAN of Ohio. As you were talking about, the Democrats have a history of balancing budgets in this Chamber. In 1993, without one Republican vote, the Democrats balanced the budget and it was signed into law by President Clinton, led to great surpluses, the greatest expansion in the history of the country and created over 20 million jobs.

Now, the Democrats have tried, while we have been down here, to try to get our friends on the Republican aisle to show some fiscal discipline, to show a little bit of fiscal restraint. And we have tried. There is a provision here called PAYGO, pay-as-you-go. If you spend money, you have got to pay for it. If you cut revenues, you have got to pay for it. If you increase spending in a certain program, you have got to pay for it. Pay-as-you-go.

Now, over the last few years, Democrats have tried to reinstate PAYGO which led to all these surpluses in the nineties, and then our friends on the Republican side got rid of this a few years back. But over the last few years, we have tried to put these PAYGO rules in. Let me give you three third-party validators, not TIM RYAN, not KENDRICK MEEK, this is in the CONGRESSIONAL RECORD. March 30, 2004. Republicans voted by a vote of 209–209, ties lose, to reject a motion offered by Representative MIKE THOMPSON, Democrat from California, to instruct the budget conferees to put the pay-as-you-go requirements in the 2006 budget resolution. That is 2004, vote number 97, if you would like to check it out, Mr. Speaker. Also, May 5, 2004, Republicans voted by a vote of 208–215 to reject a similar motion by Representative DENNIS MOORE, Democrat from Kansas. That is 2004, vote number 145. And then again, November 18, 2004, Republicans voted to block consideration of the Charlie Stenholm amendment to the debt limit increase bill which would have restored pay-as-you-go requirements. That is 2004, vote number 534, basically saying, we need to put a system in place to make sure that this Congress doesn't just spend money recklessly like they are doing now.

$9 billion lost in Iraq.

$16 billion to the energy companies, the oil industry in particular, the most profitable industry in the world right now.

Billions upon billions upon billions of dollars to the pharmaceutical industry in corporate welfare. And we are not balancing the budget. We are taking the money again and we are borrowing it. We are borrowing money we don't have and we are giving it to people who have a lot of money.

This is the interest payments that we are making in the red. This is the investments that we are making in education, homeland security and veterans.

Mr. MEEK, I know we are beginning to wrap up and work our way out here, but I just want to share this with the Speaker and the Members of Congress. What else could the government do if we weren't so far in debt and had to pay all this interest?

Mr. MEEK of Florida. I think that is important, Mr. RYAN.

Mr. RYAN of Ohio. It is an important answer. What else could the government do with the interest the country pays every day on the publicly held debt? We could invest $1 million a day, Mr. MEEK, in every single congressional district. Every district. So at the end of the year, you would have $365 million to invest into your congressional district in South Florida. I know that you have a lot of needs down there, as do I in Ohio.

Mr. MEEK of Florida. $1 million a day. Mr. Speaker, we need to let that sink in. $1 million a day can be able to assist a small business in providing health care for their employees. $1 million on the back end of that can prevent individuals from paying high copays, because that is what is taking the American people under, this whole health care issue.

$1 million a day will be able to resolve some of the issues of overcrowding and the underfunding of No Child Left Behind in my district.

$1 million a day, goodness gracious, maybe we will be able to prevent many young Americans from making youthful indiscretions so that they don't have to be on the taxpayers' dole and being incarcerated.

Mr. RYAN of Ohio. And we talk about getting our children prepared to become engineers and scientists in part of our innovation agenda. Just what we pay every day on the debt could enroll almost 61,000 children in Head Start for an entire year. We are getting young kids who are at risk into the Head Start program which has shown that there is constant improvement and they fare much better than kids who don't get in.

Mr. MEEK of Florida. Mr. RYAN, I know you want to move on and you have several other examples on that chart.

Mr. RYAN of Ohio. I want to talk about how the veterans could be helped.

Mr. MEEK of Florida. We don't want to hold the veterans off. But what I want to just say real quick, Mr. RYAN, $1 million a day would be able to solve many issues in the gulf coast right now of individuals who are homeless. We are evicting individuals out of temporary housing at this point and making them homeless. Not people overseas, not folks in Iraq, people that pay taxes every day here in the United States. They are in Mississippi. They are in Alabama. They are definitely in Louisiana. They are in Texas. They are in places that are a part of this country. We are telling them that we can't do it.

We have individuals that come to the floor, Mr. RYAN, saying we have got to wean the American people off the Federal tax dollar. We need to wean the special interests and irresponsibility and the corruption tax that we are putting on the backs of Americans. We are putting a heavy corruption tax on the backs of Americans. I just want to say this out loud because I want to make sure, Mr. Speaker, that the Members know. I want them to see this ball coming and it is not a softball. It is a baseball. We are going to talk about this corruption tax and we are going to talk about it and we are going to talk about it and we are going to point out to the Members what it is costing the American people. We are going to point out to the Members what it is costing their constituents. And if we want to continue the kind of corruption tax and if we want to continue to have this air and environment of corruption, cronyism and incompetence here in Washington, D.C. and it is costing the very people that woke up one given Tuesday morning very early to vote for representation, then you go home and explain to them how you stood idly by and allowed this kind of activity to continue.

So, Mr. RYAN, I just wanted to say that very quickly, because we are talking about spending the taxpayers' dollars in a responsible way. I think it is important for us to talk about the present. So I just want to put the Members on notice right now. I want to make sure the Republican majority can get in a huddle and start talking about how we are going to deflect this issue on the corruption tax, because I am going to tell you right now, this culture of corruption that is ongoing right now in Washington, D.C., and I am not talking about individuals. I am talking about the corruption tax based on the policies that have passed out of this institution. When it is okay, Mr. RYAN, for the President to sign a bill that is not identical, that deals with the budget of these United States and then someone says, excuse me, Mr. President, you know you just signed a bill that is unconstitutional? And the message comes back, well, it's okay, it's gone now, there's nothing we can do about it, there is something wrong. I think that is a crack in the face to democracy, Mr. RYAN.

Mr. RYAN of Ohio. I agree 100 percent with you, my friend.

Mr. MEEK of Florida. Please go to the veterans.

Mr. RYAN of Ohio. I wanted to finish up. I want to just say thank you to you for coming down here every night and making these points in such a passionate way.

The debt and the deficit I think really as you are talking about are part of this corruption tax. And I know I wanted to get into this, but these are the numbers here. This is what we owe. This is what the national debt is. $8.2 trillion. You want to let a number sink in? Try to wrap your brain around that sucker. $8.2 trillion. Every Member of Congress, every child, every adult, every senior citizen, your share of that debt is $27.500. So take your credit card debt, take your house, take your car, add it all up and throw another $27,500 on it. Take your college loans and throw another $27,500 on it because of the fiscal irresponsibility of this Congress and this administration.

This number has gone up dramatically over the past 5 years. The Republican majority has raised the debt limit, allowing the Treasury Department to borrow more money, five times. And they are not done. Five times, Mr. MEEK. And they are not done. Many high-powered Members of Congress got this letter from Secretary of Treasury John Snow saying that the United States needs the Republican Congress to raise the debt ceiling one more time.

Mr. MEEK of Florida. As soon as possible. That is what the letter says.

Mr. RYAN of Ohio. As soon as possible. This particular letter was sent December 29 to Senator MCCONNELL.

Dear Senator MCCONNELL:

The administration now projects that the statutory debt limit, currently $8.184 trillion, will be reached in mid February of 2006.

Mr. MEEK of Florida. That is right now.

Mr. RYAN of Ohio. And at that time unless the debt limit is raised or the Treasury Department takes authorized extraordinary actions, we will be unable to continue to finance government operations.

Now, that is where we are. Because of that number, my friends, because of that number and that number, the government will shut down unless we go out and borrow more money. That is irresponsible. I have got a friend back home. I won't give his last name. His first name is Dave. He is a banker. He consistently addresses this issue as we talk, how the country cannot keep going on and on and on borrowing this kind of money without putting the burden on the next generation.

For those people who don't think this matters, your share of your tax revenues are going to pay off the interest on this debt. And those payments are going to the Chinese government and the OPEC countries. Mr. MEEK. That is a shame. That is a dirty shame.

Mr. MEEK of Florida. Mr. RYAN, we could do better. We could do better if we were in the majority. But we are not. I can tell you that I miss our friend, DEBBIE WASSERMAN SCHULTZ, who is usually here who puts it best. We are trying, but she knows how to hit the nail right on the head.

Mr. RYAN of Ohio. A lot of air comes out of the balloon.

Mr. MEEK of Florida. When she speaks because I think it is important for people to understand that this thing is bigger than the two of us and that it is bigger than the 30-somethings. And that you are addressing not only Americans in Ohio but Americans throughout the country. $27.500 that is owed by every Americans, not just Democrats, not just Republicans, not just Independents, not just Green Party, Mr. Speaker, that is every American. So we look forward to Ms. WASSERMAN SCHULTZ coming back and sharing with the American people what they need to know.

Mr. RYAN. I know that we are going to come in for a landing here in about 3 to 4 minutes, and you know that we have a meeting to talk about some of the information that we just received today that is going on in this House of Representatives, Mr. Speaker. There are not enough hours in the day.

☐ 2315

Literally, there are not enough hours in the day; and, thanks to the majority, we are having to spend these hours in a late night, Mr. Speaker, trying to turn the ship and save this country on a fiscal standpoint.

Do not get me wrong. We are not talking about individual decisions. We know that people make bad decisions. Individuals make bad decisions, and we can survive an individual bad decision. But when we have an entire culture of corruption and the corruption tax that is going on here in the United States as I speak now, Mr. Speaker, we have got to burn the midnight oil. We have got to drink an extra cup of coffee in the morning. We have got to go to the gym and take a hot shower so we can make this thing happen. And we are going to continue to meet and caucus, do the things that we need to do.

I want to commend our staff to do the same thing. I want to commend you, Mr. RYAN, Ms. WASSERMAN SCHULTZ, and the rest of the 30-somethings for doing what we do. Because I am going to tell you something. It is extra-extraordinary. We have got to be here in the morning just like everyone else to get out and do what we need to do on behalf of our constituents. We have got to go to more meetings possibly, Mr. Speaker, than the majority has to go to because we are in the business of making sure that we represent not only our constituents but the American people in this time.

There will be books written about this time right now, about the irresponsibility that took place in this country's history, the highest deficit in the history of the Republic, more corruption and investigations and people of interest right now in the history of this country. This is not, oh, well, in 10 years or more people of interest or investigations in 20 years. In the history of this country. So this calls for special attention.

So I call upon the Members of this Congress to look in the mirror real quick. Do you want to talk about lobbying reform? Well, I can tell you this right now, and this just comes from the book of common sense: I am pretty sure the lobbyists did not call up Capitol Hill and say, hey, listen, we want you to start a K Street project because we want to be forced to hire ex-staffers from the Republican Party. That is just what we want. Or we want to make sure that we have to give X amount of campaign contributions to a particular party. They did not call that up.

So what I am going to say right now, Mr. Speaker, is I think that we need to make sure that we do the right thing.

Mr. RYAN, I just want to say, sir, that I appreciate your candor. I appreciate your courage. It would be something very, very wrong for us to do if we came to the floor and talked about fiction. This is fact. So I look forward to any Member that wants to talk about balancing the budget, Mr. Speaker. I am ready, set, go. My chin strap is buckled, and my mouthpiece is in. I want to talk about it. I am saying let's get down, low man wins. I am ready to do what we have to do. If you want to talk about it, I can tell you right now on this side of the aisle, we have done it. And until the Republican majority can say that we have done it, then there is really no discussion.

Mr. RYAN held up the letter from Secretary Snow. I held it up an hour ago. The man is saying for the sixth time, Mr. Speaker, that we have to raise the debt limit. It does not sound like things are in order. It does not sound like there is fiscal responsibility. It does not sound like there are individuals that are being responsible with taxpayer dollars.

And the bottom line, Mr. RYAN, is the Republican majority is in charge. Not Democrats. Republicans are in charge, for the sixth time in a row, raising the debt limit. For the sixth time in a row, irresponsibility.

So I look forward, Mr. RYAN, to our meeting after we leave the floor. I look forward to hitting the alarm clock in the morning, taking my kids to school, and coming to the Capitol. I look forward to our cup of coffee in the morning in the cafeteria downstairs talking about what is the game plan for today.

So thank you, sir, for your service to the country; and I want to thank Ms. WASSERMAN SCHULTZ in her absence, too.

Mr. RYAN of Ohio. Thank you.

Mr. MEEK of Florida. If you would give the Web site out.

Mr. RYAN of Ohio. The Web site is www.housedemocrats.gov/30something. We ask the Members to send us something if they have any comments about what we have been talking about.

Mr. MEEK of Florida. With that, Mr. Speaker, we thank the Democratic leader for allowing us to be here.

OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, FEBRUARY 14, 2006 AT PAGE 1570

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2166. An act to direct the Election Assistance Commission to make grants to States to restore and replace election administration supplies, materials, records, equipment, and technology which were damaged, destroyed, or dislocated as a result of Hurricane Katrina or Hurricane Rita; to the Committee on House Administration.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HINCHEY (at the request of Ms. PELOSI) for today and the balance of the week on account of illness.

Mr. OSBORNE (at the request of Mr. BOEHNER) for today and the balance of the week on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GENE GREEN of Texas) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Ms. HERSETH, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. BURGESS, for 5 minutes, today and February 16.

Mr. GINGREY, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1777. An act to provide relief for the victims of Hurricane Katrina; to the Committee on Transportation and Infrastructure, in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Thursday, February 16, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6189. A letter from the Secretary, Department of Commerce, transmitting a report of a violation of the Antideficiency Act by the National Oceanic and Atmospheric Administration, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6190. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral David L. Brewer III, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

6191. A letter from the Acting President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to the Kingdom of the Netherlands pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6192. A letter from the Director, Child Nutrition Division, FNS, Department of Agriculture, transmitting the Department's final rule — Child and Adult Care Food Program: Age Limits for Children Receiving Meals in Emergency Shelters (RIN: 0584-AD56) received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6193. A letter from the Acting Director, OSRV, MSHA, Department of Labor, transmitting the Department's final rule — Training Standards for Shaft and Slope Construction Workers at Underground Mines and Surface Areas of Underground Mines (RIN: 1219-AB35) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6194. A letter from the Acting Director, OSRV, MSHA, Department of Labor, transmitting the Department's final rule — Low- and Medium-Voltage Diesel-Powered Electrical Generators (RIN: 1219-AA98) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6195. A letter from the Acting Director, OSHA Directorate of Standards and Guidance, Department of Labor, transmitting the Department's final rule — Roll-Over Protective Structures [Docket No. S-270-A] (RIN: 1218-AC15) received January 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6196. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Annual Funding Notice for Multiemployer Defined Benefit Pension Plans (RIN: 1210-AB00) received January 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6197. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Valuation of Benefits; Mortality Assumptions (RIN: 1212-AA55) received January 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6198. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Disclosure to Participants; Benefits Payable in Terminated Single-Employer Plans — received January 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6199. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received January 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6200. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — February 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6201. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting the annual report on Military Assistance, Military Exports, and Military Imports for Fiscal Year 2005, as required by Section 655 of the Foreign Assistance Act of 1961 (FAA), as enacted 10 February 1996, by Section 1324 of Pub. L. 104–106, and 21 July 1996, by Section 148 of Pub. L. 104–164; to the Committee on International Relations.

6202. A letter from the Associate Director, PP&I, OFAC, Department of the Treasury, transmitting the Department's final rule — Economic Sanctions Enforcement Procedures for Banking Institutions — January 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6203. A letter from the Associate Director, PP&I, OFAC, Department of the Treasury, transmitting the Department's final rule —

Partial Withdrawal of Proposed Rule — January 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6204. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Hague Convention on Intercountry Adoption; Inventory Adoption Act of 2000: Accreditation of Agencies; Approval of Persons (RIN: 1400-AA-88) received January 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6205. A letter from the Acting Secretary to the Council, Council of the District of Columbia, transmitting a copy of Council Resolution 16-443 the, "Transfer of Jurisdiction Over a Portion of U.S. Reservation 475, Fort Mahan Park Approval Resolution of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6206. A letter from the General Counsel, General Accounting Office, transmitting the FY 2005 report of the instances in which a federal agency did not fully implement a recommendation made by the GAO in connection with a bid protest decided the prior fiscal year, pursuant to 31 U.S.C. 3554(e)(2); to the Committee on Government Reform.

6207. A letter from the Chairman, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's Form and Content Reports for the fourth quarter of FY 2005 and the first quarter of FY 2006 as preparedby the U.S. General Services Administration; to the Committee on Government Reform.

6208. A letter from the Deputy CHCO/Director, HCM, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6209. A letter from the General Counsel, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6210. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6211. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6212. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6213. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6214. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6215. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6216. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6217. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6218. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6219. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6220. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6221. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6222. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6223. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting a report on the proposed fiscal year 2007 budget; to the Committee on Government Reform.

6224. A letter from the Director, Office of Personnel Management, transmitting the Office's Congressional Budget Justification and Performance Budget for FY 2007; to the Committee on Government Reform.

6225. A letter from the Secretary, Smithsonian Institution, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Institution's report on competitive sourcing efforts for FY 2005; to the Committee on Government Reform.

6226. A letter from the Executive Secretary/Chief of Staff, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6227. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Approval of Tungsten-Iron-Copper-Nickel, Iron-Tungsten-Nickel Alloy, Tungsten-Bronze (Additional Formulation), and Tungsten-Tin-Iron Shot Types as Nontoxic for Hunting Waterfowl and Coots; Availability of Environmental Assessments (RIN: 1018-AU04; RIN: 1018-AU09; RIN: 1018-AU13; RIN: 1018-AU28) received January 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6228. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Iowa Regulatory Program [Docket No. IA-015-FOR] received January 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6229. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Groundfish Fisheries of the Exclusive Economic Zone Off the Coast of Alaska; Recordkeeping and Reporting [Docket No. 050628170-5328-02; I.D. 062105B] (RIN: 0648-AR67) received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6230. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Cape Sarlchef Research Restriction Area Opening for the Groundfish Fisheries of the Bering Sea and Aleutian Islands Management Area [Docket No. 051017269-6002-02; I.D. 100705C] (RIN: 0648-AT54) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6231. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Department's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1B [Docket No. 050112008-5102-02; I.D. 121205D] received January 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6232. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 feet (18.3 Meters) Length Overall and Longer Using Hook-and-line Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 120705A] received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6233. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Tilefish Fishery; Adjustment to the Fishing Year 2006 Tilefish Full-time Tier 1 Permit Category Commercial Quota [Docket No. 010319075-1217-02; I.D. 122905B] received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6234. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 010406B] received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6235. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Quota Adjustment for the Closed Area 1 Hook Gear Haddock Special Access Program [Docket No. 050630174-5234-02; I.D. 121505A] received January 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6236. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Gulf of Mexico Essential Fish Habitat Amendment [Docket No. 050915240-5332-02; I.D. 090905A] (RIN: 0648-AS66) received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6237. A letter from the Deputy Assistant Administrtaor for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic;

Gulf of Mexico Commercial Grouper Fishery Trip Limit [Docket No. 051114298-5338-02; I.D. 110105C] (RIN: 0648-AT12) received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6238. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #10 — Adjustment of the Recreational Fishery from Leadbetter Point, Washington, to Cape Falcon, Oregon [Docket No. 050426117-5117-01; ID. 110905E] received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6239. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 122305A] received January 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina. Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (Rept. 109-377). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TANCREDO (for himself, Mr. Payne, Mr. Jefferson, Mr. Bishop of Georgia, Mr. McNulty, Mr. Holt, Mr. Wolf, and Mr. Al Green of Texas):

H.R. 4754. A bill to establish a student loan forgiveness program for members of the Sudanese Diaspora to enable them to return to southern Sudan and contribute to the reconstruction effort of southern Sudan; to the Committee on Education and the Workforce.

By Mrs. KELLY (for herself, Mr. Costello, Mr. King of New York, Mr. Davis of Kentucky, Mr. English of Pennsylvania, Mr. Walsh, Mr. Ney, Mr. LoBiondo, Mr. Sweeney, Mr. Simmons, Mr. Renzi, Mr. McHugh, Mr. Gerlach, Mr. Boehlert, Mrs. Emerson, Mr. DeFazio, Ms. Berkley, Mr. Pascrell, Mr. Salazar, Mr. Holden, Mr. Andrews, Mr. Schiff, Mr. Bishop of New York, Mr. Conyers, Mr. Honda, Mr. Pallone, Mr. Pastor, Mr. Michaud, Mr. Boswell, Ms. Bean, Mr. Davis of Illinois, and Mr. Larsen of Washington):

H.R. 4755. A bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BUTTERFIELD (for himself, Mr. Jones of North Carolina, Mr. Bishop of Georgia, and Mr. Berry):

H.R. 4756. A bill to amend the Internal Revenue Code of 1986 to limit the agri-biodiesel credit to oils produced from plants and animals; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 4757. A bill to amend title XVIII of the Social Security Act to provide for a permanent hold harmless provision for sole community hospitals under the Medicare prospective payment system for covered outpatient department services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia:

H.R. 4758. A bill to amend the Tennessee Valley Authority Act of 1933 to increase the membership of the Board of Directors and require that each State in the service area of the Tennessee Valley Authority be represented by at least 1 member; to the Committee on Transportation and Infrastructure.

By Mr. DOOLITTLE (for himself, Mr. Herger, Mr. Sam Johnson of Texas, and Mr. McKeon):

H.R. 4759. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election for Federal office; to the Committee on House Administration, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMANUEL (for himself, Ms. Schakowsky, Mr. Rush, Mr. Gutierrez, Mr. Davis of Illinois, and Mr. Evans):

H.R. 4760. A bill to amend title XXI of the Social Security Act to make all uninsured children eligible for the State children's health insurance program, to encourage States to increase the number of children enrolled in the Medicaid and State children's health insurance programs by simplifying the enrollment and renewal procedures for those programs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JINDAL (for himself, Mr. Baker, Mr. Boustany, and Mrs. Drake):

H.R. 4761. A bill to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes; to the Committee on Resources.

By Ms. MILLENDER-McDONALD:

H.R. 4762. A bill to secure the Federal voting rights of a person upon the unconditional release of that person from prison and the completion of sentence, including parole; to the Committee on the Judiciary.

By Mr. OBERSTAR:

H.R. 4763. A bill to provide a comprehensive Federal response to problems relating to methamphetamine abuse; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Science, Education and the Workforce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMMONS (for himself, Mr. Abercrombie, Mr. Shays, Mr. Weldon of Pennsylvania, Mr. Farr, Mr. Delahunt, Mr. Grijalva, Mr. Olver, Mr. Peterson of Minnesota, and Mrs. Johnson of Connecticut):

H.R. 4764. A bill to amend section 1368 of title 18, United States Code, to include rescue dogs in its protection; to the Committee on the Judiciary.

By Mr. WEINER:

H.R. 4765. A bill to require the Secretary of Homeland Security to designate high threat helicopter flight areas and to provide special rules for screening of passengers and property to be transported on passenger helicopters operating to or from such areas and for helicopters flights in such areas, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico (for herself and Mr. Renzi):

H.R. 4766. A bill to amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes; to the Committee on Education and the Workforce.

By Ms. ROS-LEHTINEN (for herself, Mr. Hyde, Mr. Lantos, Mr. Ackerman, Mr. Mack, Mrs. Jo Ann Davis of Virginia, Ms. Harris, Mr. Wilson of South Carolina, Mr. Pence, Mr. Burton of Indiana, Mr. McCaul of Texas, Mr. Issa, Mr. Poe, Mr. Chabot, Mr. Sherman, Mr. Berman, Ms. Schakowsky, Mr. Tancredo, Mr. Crowley, Mr. Faleomavaega, Mr. Schiff, Mr. Engel, Mr. McCotter, Mr. Cardoza, Mr. King of New York, Mr. Mario Diaz-Balart of Florida, and Mr. Lincoln Diaz-Balart of Florida):

H. Con. Res. 341. Concurrent resolution condemning the Government of Iran for violating its international nuclear nonproliferation obligations and expressing support for efforts to report Iran to the United Nations Security Council; to the Committee on International Relations.

By Mr. ANDREWS:

H. Con. Res. 342. Concurrent resolution expressing the sense of Congress relating to a free trade agreement between the United States and Taiwan; to the Committee on Ways and Means.

By Mr. BOEHLERT (for himself, Mr. Hinchey, Mr. Fossella, Mrs. McCarthy, Mr. Walsh, Mr. Engel, Mr. Sweeney, Mr. Nadler, Mr. Bishop of New York, Mr. McHugh, and Mr. McNulty):

H. Con. Res. 343. Concurrent resolution recognizing the 50th anniversary of the Commission on Independent Colleges and Universities; to the Committee on Education and the Workforce.

By Mr. PALLONE (for himself and Mr. Crowley):

H. Con. Res. 344. Concurrent resolution expressing the sense of Congress that the Government of the Republic of India and the State Government of Jammu and Kashmir should take immediate steps to remedy the situation of the Kashmiri Pandits and should act to ensure the physical, political, and economic security of this embattled community; to the Committee on International Relations.

By Mr. KIND (for himself, Mr. Oxley, Ms. Woolsey, and Mr. LaHood):

H. Res. 680. A resolution recognizing Dr. I. King Jordan for his contributions to Gallaudet University and the deaf and hard of hearing community; to the Committee on Education and the Workforce.

By Mr. LIPINSKI (for himself and Mr. Inglis of South Carolina):

H. Res. 681. A resolution supporting the goals and ideals of National Engineers Week, and for other purposes; to the Committee on Science.

By Mr. BLUMENAUER (for himself, Mr. Walden of Oregon, Mr. DeFazio, Ms. Hooley, Mr. Wu, Mr. Kennedy of Minnesota, Mr. Lantos, Mr. Shadegg, Mr. George Miller of California, Mrs. McCarthy, Mr. Hunter, and Mr. Baird):

H. Res. 682. A resolution congratulating the University of Portland Pilots women's soccer team for winning the 2005 National Collegiate Athletic Association Division I Women's Soccer Championship; to the Committee on Education and the Workforce.

By Mr. FOSSELLA (for himself and Mr. Ford):

H. Res. 683. A resolution honoring Benjamin Franklin on the 300th anniversary of his birth; to the Committee on Government Reform.

By Mr. GILLMOR (for himself and Mr. Shimkus):

H. Res. 684. A resolution supporting the goals of National Manufacturing Week, congratulating manufacturers and their employees for their contributions growth and innovation, and recognizing the challenges facing the manufacturing sector; to the Committee on Energy and Commerce.

By Mr. KUCINICH:

H. Res. 685. A resolution requesting the President and directing the Secretary of State and Secretary of Defense provide to the House of Representatives certain documents in their possession relating to any entity with which the United States has contracted for public relations purposes concerning Iraq; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 69: Mrs. Northup and Ms. Foxx.
H.R. 216: Ms. Foxx.
H.R. 219: Mr. Petri.
H.R. 282: Mr. Etheridge.
H.R. 303: Mr. Doyle, Mr. Lantos, and Mr. Taylor of North Carolina.
H.R. 356: Mr. Fitzpatrick of Pennsylvania.
H.R. 398: Ms. Baldwin.
H.R. 450: Mr. Hayworth, Mr. Holt, and Mr. Hinojosa.
H.R. 503: Mr. Fattah and Mr. Kline.
H.R. 515: Mr. Rahall and Ms. Baldwin.
H.R. 550: Mr. Wolf.
H.R. 561: Mr. Brown of Ohio.
H.R. 697: Mr. Lantos.
H.R. 783: Mr. Ross.
H.R. 839: Ms. Bean and Mr. Clay.
H.R. 874: Mrs. Northup and Mr. Hefley.
H.R. 896: Mr. McIntyre, Mr. Lewis of Kentucky, and Ms. Ginny Brown-Waite of Florida.
H.R. 930: Mr. Kline.
H.R. 986: Mr. Weldon of Pennsylvania.
H.R. 1120: Mr. Boehlert.
H.R. 1124: Mrs. Napolitano.
H.R. 1172: Mr. Gutierrez, Mr. Wu, and Mr. Abercrombie.
H.R. 1227: Mr. Johnson of Illinois.
H.R. 1249: Mrs. Wilson of New Mexico, Mr. Rothman, Mr. Emanuel, and Mr. Lantos.
H.R. 1259: Mr. Jones of North Carolina and Mrs. Blackburn.
H.R. 1269: Mr. Frank of Massachusetts.
H.R. 1290: Mr. Ehlers.
H.R. 1384: Mr. Bishop of Georgia.
H.R. 1418: Mr. Price of North Carolina.
H.R. 1498: Mr. Higgins, Mr. Akin, Ms. Baldwin, Mr. Coble, and Mr. Renzi.
H.R. 1642: Mr. Green of Wisconsin, Mr. Filner, Mr. Keller, Mr. Frank of Massachusetts, Mr. Gingrey, Mr. Poe, and Ms. Bean.
H.R. 1749: Mr. Sodrel.
H.R. 2052: Ms. Norton.
H.R. 2076: Mr. Frank of Massachusetts.
H.R. 2234: Mr. Weldon of Pennsylvania, Mr. Lipinski, and Mr. Van Hollen.
H.R. 2331: Mr. Nadler.
H.R. 2348: Mr. Wilson of South Carolina.
H.R. 2533: Mr. McIntyre.
H.R. 2561: Mr. Barrow.
H.R. 2617: Mr. Meehan.
H.R. 2727: Mr. Wynn.
H.R. 2835: Mr. Jefferson.
H.R. 2861: Mr. Moore of Kansas, Ms. Schakowsky, and Mr. Andrews.
H.R. 2960: Ms. Eshoo.
H.R. 3063: Mr. Platts and Mrs. McCarthy.
H.R. 3111: Mr. Goodlatte.
H.R. 3127: Mr. Garrett of New Jersey, Mr. Saxton, Mr. Sabo, Mr. Reynolds, Mr. Boozman, Mr. Fattah, Mr. Bishop of New York, and Ms. Hooley.
H.R. 3145: Ms. Bordallo, Mr. Abercrombie, and Mr. Boswell.
H.R. 3183: Mr. Tiahrt.
H.R. 3255: Mr. Akin.
H.R. 3284: Mr. Andrews.
H.R. 3334: Mr. Allen.
H.R. 3352: Mr. Ford.
H.R. 3442: Mr. Olver.
H.R. 3476: Mr. Murtha.
H.R. 3524: Mr. Pastor and Mr. Hastings of Florida.
H.R. 3591: Mr. Chocola.
H.R. 3656: Mr. Ortiz.
H.R. 3659: Mr. Ortiz.
H.R. 3854: Mr. Smith of Washington.
H.R. 3858: Mr. Ackerman, Mr. Gilchrest, and Mr. Stark.
H.R. 3888: Mr. Ford.
H.R. 3940: Mr. Butterfield.
H.R. 3949: Mr. Bishop of New York and Mrs. Lowey.
H.R. 3962: Mr. Gillmor.
H.R. 3997: Mr. Ney.
H.R. 4005: Mr. Clay, Mr. Kennedy of Rhode Island, and Mr. Shaw.
H.R. 4050: Mr. Nussle.
H.R. 4098: Mr. Bonner, Mr. McCotter, and Mr. Cummings.
H.R. 4106: Mr. Conyers.
H.R. 4156: Mr. Frank of Massachusetts.
H.R. 4166: Mr. McGovern and Mr. Kildee.
H.R. 4197: Mr. Doggett, Mr. Price of North Carolina, Ms. McCollum of Minnesota, Mr. Larson of Connecticut, Mr. Olver, and Ms. Pelosi.
H.R. 4222: Mr. Stark.
H.R. 4239: Mr. English of Pennsylvania.
H.R. 4242: Mr. English of Pennsylvania.
H.R. 4300: Ms. McKinney, Mr. Fortenberry, and Mr. Fitzpatrick of Pennsylvania.
H.R. 4315: Mr. Ryan of Wisconsin, Mr. Oberstar, Mr. Gordon, Mr. Brown of Ohio, and Mr. Kind.
H.R. 4332: Mrs. Emerson.
H.R. 4341: Mr. Sodrel, Mr. Miller of Florida, Mr. Goode, Mrs. Cubin, Mr. Boozman, Ms. Hart, Mr. English of Pennsylvania, and Mr. Rahall.
H.R. 4361: Mrs. Maloney, Mr. Souder, and Mr. Conyers.
H.R. 4364: Mr. Pence, Mr. Alexander, Mr. Ryun of Kansas, Mr. Norwood, Mr. Hensarling, Mr. Bishop of Georgia, Mr. Lewis of Kentucky, and Mr. Akin.
H.R. 4394: Mr. Brown of Ohio and Mr. Conyers.
H.R. 4411: Mr. Inglis of South Carolina and Mr. Petri.
H.R. 4450: Mr. King of Iowa.
H.R. 4452: Mr. Hastings of Florida, Mr. Kildee, Mr. Lewis of Georgia, Ms. Wasserman Schultz, and Mr. McGovern.
H.R. 4491: Mr. Cummings.
H.R. 4526: Mr. Feeney, Mr. Flake, Mr. King of Iowa, and Mr. Inglis of South Carolina.
H.R. 4542: Mr. Barrow, Mr. Gonzalez, Mr. Poe, and Ms. Schwartz of Pennsylvania.
H.R. 4547: Mr. Rogers of Michigan, Mr. Graves, and Mr. McCotter.
H.R. 4574: Ms. Solis, Ms. Watson, Mr. Gutierrez, and Ms. Pelosi.
H.R. 4582: Mr. Markey.
H.R. 4621: Mr. Wilson of South Carolina, Mr. Cardoza, Mr. Paul, Mr. Platts, Mr. Weldon of Pennsylvania, and Mr. Peterson of Minnesota.
H.R. 4623: Mr. Foley and Mr. Moran of Virginia.
H.R. 4625: Ms. Harris.
H.R. 4669: Mr. Miller of Florida and Mr. Bartlett of Maryland.
H.R. 4670: Mr. Miller of Florida and Mr. Wolf.
H.R. 4671: Mr. Bartlett of Maryland, Mr. Miller of Florida, and Mr. Smith of New Jersey.
H.R. 4681: Mrs. Northup, Mr. Ferguson, Mr. Weldon of Pennsylvania, Mr. Sessions, Mr. Meeks of New York, Ms. Harman, and Mr. Waxman.
H.R. 4696: Mr. Kuhl of New York.
H.R. 4704: Mr. Thompson of Mississippi.
H.R. 4708: Mr. Conyers, Mr. Wexler, and Mr. Waxman.
H.R. 4710: Mr. Conyers and Mr. Berman.
H.R. 4713: Mr. Kucinich and Mrs. Cubin.
H.R. 4714: Mr. Peterson of Minnesota.
H.R. 4722: Mr. Gene Green of Texas.
H.R. 4727: Mr. McDermott.
H.R. 4729: Mr. Gillmor.
H.R. 4736: Mr. McGovern and Ms. Lee.
H.R. 4737: Mr. Farr, Mr. Berman, and Mrs. Capps.
H.R. 4741: Mr. Bass and Mr. English of Pennsylvania.
H.J. Res. 39: Mr. Hunter and Mr. Jones of North Carolina.
H.J. Res. 71: Mr. Hayworth, Mr. Foley, Mr. Green of Wisconsin, Mr. Fitzpatrick of Pennsylvania, and Mr. Goode.
H.J. Res. 73: Mr. DeFazio and Mr. Allen.
H. Con. Res. 10: Mr. Rahall.
H. Con. Res. 42: Mr. Shays.
H. Con. Res. 90: Mrs. Davis of California and Mr. Nadler.
H. Con. Res. 137. Mr. Brown of South Carolina.
H. Con. Res. 179: Mr. Petri.
H. Con. Res. 235: Ms. Carson.
H. Con. Res. 278: Mr. Sabo, Mr. Kildee, and Mr. Wexler.
H. Con. Res. 299: Ms. Schwartz of Pennsylvania.
H. Con. Res. 301: Mr. Schwarz of Michigan.
H. Res. 116: Mr. George Miller of California.
H. Res. 127: Mr. Doyle and Mr. Farr.
H. Res. 295: Mr. Fossella.
H. Res. 498: Mr. Davis of Illinois, Mr. Cardin, and Mr. Boehlert.
H. Res. 556: Mr. Gibbons.
H. Res. 561: Mr. Wexler.
H. Res. 566: Mr. Jefferson, Mr. Costello, Mr. Gordon, Ms. Woolsey, and Mr. English of Pennsylvania.

H. RES. 589: MR. LATOURETTE, Mr. TIBERI, and Mr. BARRETT of South Carolina.

H. Res. 608: Mr. MEEKS of New York and Mr. AKIN.

H. Res. 641: Mr. CLAY, Mr. DEFAZIO, Ms. JACKSON-LEE of Texas, Ms. NORTON, Mrs. JONES of Ohio, Ms. WATERS, Mr. LEWIS of Georgia, and Mr. TOWNS.

H. Res. 662: Mr. SIMMONS, Mr. KENNEDY of Minnesota, Mr. FITZPATRICK of Pennsylvania, Mr. BOUSTANY, Mr. PLATTS, Mr. GERLACH, Mr. UPTON, Mrs. DRAKE, Mr. ROGERS of Alabama, and Mr. LEWIS of Kentucky.

H. Res. 672: Mr. WEXLER and Mr. PAYNE.

H. Res. 673: Mr. ROGERS of Michigan, Mr. MCCOTTER, and Mr. ISSA.

EXTENSIONS OF REMARKS

TRIBUTE TO ALICE HOEPPNER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. SKELTON. Mr. Speaker, it has come to my attention that a long and exceptionally distinguished career has come to an end. Mrs. Alice Hoeppner, of Lexington, MO, retired on December 31, 2005, from her position as deputy county clerk for Lafayette County.

Mrs. Hoeppner first entered public service while she was attending Lexington High School, Lexington, MO. On July 12, 1948, she began working for the probate court in the Lafayette County Courthouse. Later she joined the County Clerk's office on a part-time basis.

In 1950, Alice married Bennie Hoeppner, and in 1951, she resigned her job to raise her children, Patricia, Steve and Tony.

In September 1974, then-Lafayette County Clerk Edgar Oetting asked her to work for him full-time as the deputy county clerk. She remained full-time, also serving under County Clerk Linda Nolting and under the current County Clerk, Linda Niendick.

Mr. Speaker, Mrs. Alice Hoeppner has dedicated herself to serving Lafayette County. I know the Members of the House will join me in wishing her all the best as she moves on to the next step in her life.

HONORING SERGEANT JEREMIAH BOEHMER

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Ms. HERSETH. Mr. Speaker, I want to take this opportunity to honor the life of SGT Jeremiah Boehmer, who died February 5, 2006, while serving in Iraq.

Every Member of the House of Representatives has taken a solemn oath to defend the Constitution against all enemies, foreign and domestic. While we certainly understand the gravity of the issues facing this legislative body, SGT Jeremiah Boehmer lived that commitment to our country. Today, we remember and honor his noble service to the United States and the ultimate sacrifice he has paid with his life to defend our freedoms and foster liberty for others.

The lives of countless people were enormously enhanced by Jeremiah's compassion and service. Jeremiah, who represented the best of the United States, South Dakota, and the military continues to inspire all those who knew him and many who did not. Our Nation and the State of South Dakota are far better places because of his service, and the best way to honor him is to emulate his devotion to our country.

I join with all South Dakotans in expressing my sympathies to the family of SGT Jeremiah Boehmer. His commitment to and sacrifice for our Nation will never be forgotten.

TRIBUTE TO ODELL BARRY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. UDALL of Colorado. Mr. Speaker, I am pleased to recognize a Coloradan who has made a substantial impact on our State while serving as a role model for achievement in the African-American community. I am proud to acknowledge the accomplishments of Mr. Odell Barry and to congratulate him on his recent election to the Ford-Warren Library's "Blacks in Colorado" Hall of Fame. It is a well-bestowed honor, and befitting the life and works of a wonderful man.

Originally from Ohio, Odell Barry began his Colorado experience in a way that ensures the admiration and affection of many of our residents—as a Denver Bronco. Playing in 1964 and 1965, he still holds a place in the Broncos' record books with the second-most kickoff return yards in a season. Mr. Barry's athletic accomplishments are the envy of many, and I am sure he will not mind my saying that I am old enough to recall them.

After his retirement from professional football, Odell involved himself heavily in the civic affairs of Northglenn, CO, a community in my district. He built a successful business with his wife, Glenda, and raised his family. These years were a preamble to his historic 1980 election as the first African-American mayor of Northglenn and the second African-American mayor of a major metropolitan city—after Mayor Penfield Tate of Boulder—in Colorado. As mayor of Northglenn, Odell Barry helped to steer the city through major commercial and economic growth at a difficult time in the history of Colorado's economy. His open and warm-hearted style won many admirers and he was particularly committed to improving recreational opportunities for young people. He was instrumental in advocating transportation improvements, including construction of the new Denver International Airport.

Odell was the first African-American citizen to become a charter member of Rotary International, the first African-American citizen to become president of the Colorado Civil Defense Association, the chair of the Colorado Economic Development Commission, and a crucial advocate for building, and bringing a professional baseball team, the Colorado Rockies, to Colorado.

I have no doubt that Odell and Glenda will continue to accomplish great things, serving as role models for Americans of all ages and colors. In recognition of his latest achievement and for his already secure place in Colorado history, I ask my colleagues to join me in recognizing Odell Barry and congratulating him on becoming the newest addition to the Ford-Warren Library's esteemed "Blacks in Colorado" Hall of Fame.

RECALLING THE TRAGIC DAY OF FEBRUARY 24, 1996

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on February 24th the Cuban people commemorate a glorious and tragic date in the history of Cuba. The 1895 war of independence began exactly 111 years ago; the Cry of Baire constitutes one of the most heroic acts of the Cuban people. Intimately connected with this date is the heroism of Marti, Gomez, Maceo, Banderas, and the thousands of freedom fighters known as mambises who shall forever ennoble the Cuban nationality.

Tragically, February 24th will also be forever connected with the murders which took place on that date ten years ago. The Cuban tyrant, ultimately insulted by the courage demonstrated by the Brothers to the Rescue when they dropped pamphlets and other pieces of paper over Havana with pro-democracy slogans and copies of the Universal Declaration of Human Rights, ordered the murder of the men and women who were going to fly on February 24th in civilian planes carrying out humanitarian missions for Brothers to the Rescue.

The Cuban tyrant prepared his murders well. An agent of his by the name of Roque, who had occasionally flown for the Brothers to the Rescue organization, was ordered to return the day before to Cuba. Roque was going to publicly declare after the murders of February 24th that he was a survivor from the mission and that the humanitarian group's planes were taking arms to "Concilio Cubano", a coalition of dissident organizations inside Cuba which had announced its intention to host a public meeting in Havana on February 24th and whose membership was brutally repressed by the dictatorship. Roque would also announce that the planes had been shot down over Cuban waters.

We all know that Pablo Morales, Armando Alejandre Jr., Mario de la Peña, and Carlos Costa were brutally murdered on February 24, 1996. I am sure that those four martyrs of freedom, peace, and patriotism will be duly memorialized in the democratic Cuba of tomorrow, as they are in South Florida today.

The intervention of destiny saved the third Brothers to the Rescue plane which flew on February 24, 1996. That intervention of the imponderable made it possible for the world and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for history to know that the planes were shot down over international waters, while engaged in a peaceful and humanitarian mission.

Mr. Speaker, let us remember the four martyrs from the Brothers to the Rescue, let us remember all the political prisoners, and let us remember the countless men and women who have given their best years, and often their lives, for the freedom of Cuba. My colleagues, this February 24th, we must recommit ourselves to the cause of freedom and liberty for all who languish in the darkness of totalitarianism. My Colleagues, we must recommit ourselves to hastening the dawn of a free and democratic Cuba.

IN MEMORY OF THE MOST REVEREND BISHOP MICHAEL F. McAULIFFE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of the Most Reverend Bishop Michael F. McAuliffe of Jefferson City, MO.

McAuliffe was born on November 22, 1920, in Kansas City, Kansas, son of John and Bridget McAuliffe. His education included the St. John High School Seminary in Kansas City, St Louis' Preparatory Seminary and the Theological College of Catholic University of America in Washington, DC. On May 31, 1945, he was ordained a priest. In 1954, he earned a doctorate in Sacred Theology.

He served many parishes and education assignments. One of these assignments was superintendent of the diocesan schools in the Kansas City area. On July 2, 1969, Pope Paul VI appointed McAuliffe as the second Bishop of Jefferson City. He served in this position for 28 years. During his tenure, he had an active interest in parochial education. Approximately 13 years ago, he started the Diocesan Excellence in Education Fund.

McAuliffe retired in 1995, at age 75, but remained the bishop until Pope John Paul II appointed the current bishop in 1997.

Mr. Speaker, the Most Reverend Bishop Michael McAuliffe was a valuable leader in both the church and his community. I know the members of the House will join me in extending heartfelt condolences to his friends and family.

HONORING SPECIALIST ALLEN KOKESH, JR.

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Ms. HERSETH. Mr. Speaker, I want to take this opportunity to honor the life of SPC Allen Kokesh Jr., who died February 7, 2006, from wounds suffered while serving in Iraq.

Every member of the House of Representatives has taken a solemn oath to defend the constitution against all enemies, foreign and domestic. While we certainly understand the gravity of the issues facing this legislative body, SPC Allen Kokesh Jr., lived that commitment to our Country. Today, we remember and honor his noble service to the United States and the ultimate sacrifice he has paid with his life to defend our freedoms and foster liberty for others.

The lives of countless people were enormously enhanced by Allen's compassion and service. Allen, who represented the best of the United States, South Dakota, and the military continues to inspire all those who knew him and many who did not. Our Nation and the State of South Dakota are far better places because of his service, and the best way to honor him is to emulate his devotion to our Country.

I join with all South Dakotans in expressing my sympathies to the family of SPC Allen Kokesh Jr. His commitment to and sacrifice for our Nation will never be forgotten.

A TRIBUTE TO CAL FRAZIER

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize and honor the life of Mr. Cal Frazier, a great Coloradan who passed away on January 30, 2006, at his home in Lakewood, CO. He will be missed by friends and loved ones, and his leadership in civic affairs and education will be missed as well.

Orphaned as a teenager, Cal Frazier studied at Palmer High School in Colorado Springs and earned a scholarship to the University of Puget Sound in Tacoma, WA. There he met his future wife, Jean H. Frazier, and upon graduation became an elementary school teacher. This was the beginning of a long and illustrious career in the education system. While still in Washington, Cal taught high school, became a principal, a special education director, and earned his masters and doctoral degrees in education.

After his stint in Washington, Colorado was fortunate to have him back. Cal began to teach in yet another capacity at the University of Colorado–Boulder, giving him experience in virtually all levels of our education system. In 1973, with all of his hard-earned expertise and credibility, he was appointed to serve as the commissioner of the Colorado Department of Education, beginning a 15-year term of service. Even after his official retirement, Cal continued to serve on boards and commissions devoting his life toward improving the education system.

Those who knew Cal Frazier have fond memories of his remarkable impact on the education system. He was a role model and a leader on many levels. Beyond his many accomplishments in life, Cal Frazier taught Coloradans through his deeds as well as his words. He will be remembered as someone who did not need to be in the front of a classroom to be a teacher.

I had the opportunity to work with Cal briefly on the "Education to Elevate Colorado's Economy (E3) Summit" last fall. I was struck immediately by his thoughtfulness, wisdom and humor. Given the critical importance of addressing the needs of our Colorado education community, I was heartened to know that people like Cal were at the helm.

If the measure of a life well-led is the impact that a person has on others, then Cal's impact is broad and deep. We all owe him a debt of gratitude and respect, and I ask my colleagues to join me in celebrating and remembering a life of service while expressing our deepest sympathies for his family's loss.

COUNCIL OF KHALISTAN SENDS NEW YEAR GREETINGS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. TOWNS. Mr. Speaker, last month the Council of Khalistan sent out New Year's greetings to the Sikh Nation. In the letter the Council noted that the flame of freedom still burns brightly in Punjab, Khalistan, despite India's ongoing effort to stamp out the freedom movement. In both January and June of 2005, Sikhs were arrested for making speeches in support of freedom Khalistan, the Sikh homeland, and raising the Khalistani flag. When did making speeches and hoisting a flag become crimes in a democracy?

The letter took note of Prime Minister Manmohan Singh's apology to the Sikh Nation for the massacres of November 1984 that killed over 20,000 Sikhs. This clearly admits India's culpability for this horrible massacre. While that apology is a positive step and we applaud it, it was not accompanied by any compensation to the victims' families. Nor was it accompanied by an apology for the military attack on the Golden Temple or any other Indian government atrocity against the Sikhs. Nevertheless, it shows India's awareness of the rising tide of freedom in Punjab, Khalistan.

Last month, the Indian government bulldozed the homes of Sikh farmers in Uttaranchal Pradesh, farms they had worked all their lives for, and expelled them from the state. This is the height of discrimination against the Sikhs. No Sikhs are allowed to own land in Rajasthan and in Himachal Pradesh, but outsiders are allowed to buy land in Punjab. The government encourages Hindus to buy land in Punjab. Is this secularism in action? Is this democracy at work?

Mr. Speaker, these are just the latest acts against the legitimate freedom movement in Punjab, Khalistan. The repression has been ongoing. The Indian government has murdered over 250,000 Sikhs, according to figures compiled by the Punjab State Magistracy and human-rights groups. In addition, the Movement Against State Repression, MASR—an organization that should be unnecessary in a democratic state—reported in one of its studies that the Indian government admitted to holding 52,268 Sikh political prisoners. Some have been held since 1984! These are in addition to tens of thousands of other political prisoners, according to Amnesty International. And the Indian government has killed over 90,000 Kashmiri Muslims, over 300,000 Christians in Nagaland, tens of thousands of Christians and Muslims throughout the country, and tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and other minorities. And the repression continues, not only in Punjab, Khalistan, but throughout the country.

We can and must do something about it. We can stop our aid and trade with India until it respects full human rights for all people living within its borders. And we can and should declare our support for self-determination in Punjab, Khalistan, in Kashmir, as promised to the UN in 1948, in Nagalim, and wherever the people are seeking freedom. India claims to be democratic and the essence of democracy is the right to self-determination. Democracies also respect the human rights of the minority. Why is India afraid to put this simple question to a free and fair vote? Where is its commitment to democratic principles, Mr. Speaker?

Mr. Speaker, I would like to place the Council of Khalistan's open letter in the Record at this time.

Council of Khalistan,
Washington, DC, January 23, 2006.

May Guru Bless the Khalsa Panth in 2006 With Freedom, Happiness, Unity, and Prosperity

Dear Khalsa Ji: Waheguru Ji Ka Khalsa, Waherguru Ji Ki Fateh!

Happy New Year to you and your family and the Khalsa Panth. May 2006 be your best year ever. I wish you health, joy, and prosperity in the new year.

The flame of freedom continues to burn brightly in the heart of the Sikh Nation. No force can suppress it. The arrests of Sikh activists, mostly from Dal Khalsa, last January and again in June merely for raising the Khalistani flag and making pro-Khalistan speeches shows that the movement to free our homeland is on the rise. It has gotten the attention of the world.

The Indian government is reacting to the rising tide of freedom for the Sikh Nation. Prime Minister Manmohan Singh apologized to the Sikh Nation for the Delhi massacres of November 1984 that killed over 20,000 Sikhs. It is good that he apologized and it clearly shows India's responsibility, but what good does it do the Sikh Nation? Where are the apologies for the golden Temple attack and the other atrocities? Where is the compensation for the victims' families?

Earlier this month, Sikh farmers were expelled from Uttaranchal Pradesh and their land was seized. They were beaten up by the police. Their homes were bulldozed by paratroopers. Their homes in many cases were built using their life savings and by their own hands. We condemn this act of state terrorism by the government of Uttaranchal Pradesh. As you know, Sikhs are prohibited from buying land in Rajasthan and Himachal Pradesh. Now Uttaranchal Pradesh joins that list. Yet there are no restrictions on land ownership in Punjab by non-Sikhs. People from anywhere can buy land in Punjab, including people from Rajasthan and Himachal Pradesh. India is trying to subvert Khalistan's independence by overrunning Punjab with non-Sikhs while keeping Sikhs from escaping the brutal repression in Punjab. We must redouble our efforts to free our homeland, Punjab, Khalistan. That is the only way to keep these atrocities from continuing and to protect the Sikh Nation. This is a direct challenge to the Sikh leadership, irrespective of their party affiliation.

Any organization that sincerely supports Khalistan deserves the support of the Sikh Nation. However, the Sikh Nation needs leadership that is honest, sincere, consistent, and dedicated to the cause of Sikh freedom. But we should only support sincere, dedicated, honest leaders. We must be careful if we are to continue to move the cause of freedom for Khalistan forward in 2006 as we did in 2005.

The Akali Dal conspired with the Indian government in 1984 to invade the Golden Temple to murder Sant Bhindranwale and 20,000 other Sikh during June 1984 in Punjab. If Sikhs will not even protect the sanctity of the Golden Temple, how can the Sikh Nation survive as a nation?

The Akali Dal has lost all its credibility. The Badal government was so corrupt openly and no Akali leader would come forward and tell Badal and his wife to stop this unparalleled corruption. Now Badal and his son have accused Chief Minister Amarinder Singh of being tied in with Khalistanis. If this were true, what would be wrong with it? The Akali leaders also walked out when I predicted at a seminar around the celebration of Guru Nanak's birthday that Khalistan will soon be free, a prediction that was greeted with multiple enthusiastic shouts of "Khalistan Zindabad." How will these Akalis, including Badal and his son, account for themselves? Remember the words of former Jathedar of the Akal Takht Professor Darshan Singh: "If a Sikh is not a Khalistani, he is not a Sikh." Badal and his son are not Sikhs.

The corruption of the Badal government was just part of a pattern of corruption in India. Jobs are sold, legislative seats are rigged, judges preside over cases being tried by their family members, and so many other forms of corruption occur. As Dr. M.S. Rahi has pointed out in his excellent new paper on the corruption, this kind of corruption leads to the kind of atrocities that have unfortunately become so routine in India.

The Council of Khalistan has stood strongly and consistently for liberating our homeland, Khalistan, from Indian occupation. For over 18 years we have led this fight while others were trying to divert the resources and the attention of the Sikh Nation away from the issue of freedom in a sovereign, independent Khalistan. Yet Khalistan is the only way that Sikhs will be able to live in freedom, peace, prosperity, and dignity. It is time to start a Shantmai Morcha to liberate Khalistan from Indian occupation.

Never forget that the Akal Takht Sahib and Darbar Sahib are under the control of the Indian government, the same Indian government that has murdered over a quarter of a million Sikhs in the past twenty years. These institutions will remain under the control of the Indian regime until we free the Sikh homeland, Punjab, Khalistan, from Indian occupation and oppression and sever our relations with the New Delhi government.

The Sikhs in Punjab have suffered enormous repression at the hands of the Indian regime in the last 25 years. Over 50,000 Sikh youth were picked up from their houses, tortured, murdered in police custody, then secretly cremated as "unidentified bodies." Their remains were never even given to their families! More than a quarter of a million Sikhs have been murdered at the hands of the Indian government. Another 52,268 are being held as political prisoners. Some have been in illegal custody since 1984! Even now, the capital of Punjab, Chandigarh, has not been handed over to Punjab, but remains a Union Territory. How can Sikhs have any freedom living under a government that would do these things?

Sikhs will never get any justice from Delhi. Ever since independence, India has mistreated the Sikh Nation, starting with Patel's memo labelling Sikhs "a criminal tribe." What a shame for Home Minister Patel and the Indian government to issue this memorandum when the Sikh Nation gave over 80 percent of the sacrifices to free India.

How can Sikhs continue to live in such a country? There is no place for Sikhs in supposedly secular, supposedly democratic India. Let us work to make certain that 2006 is the Sikh Nation's most blessed year by making sure it is the year that we shake ourselves loose from the yoke of Indian oppression and liberate our homeland, Khalistan, so that all Sikhs may live lives of prosperity, freedom, and dignity.

Sincerely,
Dr. Gurmit Singh Aulakh,
President, Council of Khalistan.

FREEDOM FOR RENE GÓMEZ MANZANO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to remind my colleagues about Rene Gómez Manzano, a heroic political prisoner in totalitarian Cuba.

Mr. Gómez Manzano is a lawyer and a distinguished member of the pro-democracy opposition in Cuba. Along with fellow Cuban patriots Martha Beatriz Roque and Felix Bonne Carcasses, he is a leader of the Assembly to Promote Civil Society. The Assembly is an umbrella organization of over 300 groups of Cubans who have asserted their independence from the totalitarian state. On May 20, 2005, the Assembly carried out a meeting of approximately 200 Cubans who publicly demonstrated their rejection of totalitarianism and their support for democracy and the rule of law in Havana. Mr. Gómez Manzano was one of the primary architects of that historic, admirable accomplishment. Accordingly, he has been the constant target of Castro's machinery of repression. He has been harassed by the tyrant's thugs and, now, unjustly incarcerated as a political prisoner for his peaceful activities.

Almost a decade earlier, in 1997, after co-authoring the important and historic work "La Patria es de Todos"—"The Homeland Belongs to All"—with Martha Beatriz Roque, Felix Bonne Carcasses and another Cuban patriot, Vladimiro Roca, Mr. Gómez Manzano was arrested by the dictatorship and sentenced to various years in the gulag. During his unjust imprisonment, and after being released, Mr. Gómez Manzano never wavered in his commitment to bring freedom, democracy and human rights to the Cuban people. Unfortunately, in an additional act of extreme and despicable repression by the dictatorship, Mr. Gómez Manzano, along with dozens of others, was arrested once again on July 22, 2005, before he could attend a peaceful demonstration in front of the French Embassy in Havana to protest the resumption of the European Union's policy of so-called engagement with the terrorist regime in Havana.

I have never had the honor of personally meeting Mr. Gómez Manzano, but I can certainly say that I know him quite well. I have spoken to him by telephone during various congressional hearings and other public events dedicated to highlighting the suffering and oppression of the Cuban people. He is a great patriot, a man of the law, a man of peace, and an apostle of freedom for Cuba.

Mr. Speaker, it is completely unacceptable that, while the world stands by in silence and acquiescence, Mr. Gómez Manzano languishes in the gulag because of his belief in freedom, democracy, human rights and the rule of law. We cannot permit the brutal treatment of a man of peace like Mr. Gómez Manzano by a demented and murderous tyrant for simply supporting freedom for his people. My colleagues, we must never forget those who are locked in gulags because of their desire for freedom for their countries. My colleagues, we must demand the immediate and unconditional release of Rene Gómez Manzano and every political prisoner in totalitarian Cuba.

TRIBUTE TO FRED SIEMS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. SKELTON. Mr. Speaker, it has come to my attention that a long and exceptionally distinguished career in public service has come to a close. Mr. Fred Siems has retired from his position as Blue Springs city administrator.

In 1978, Siems became the first professional city administrator in Blue Springs. He served in this position for 27 years, overseeing the city's growth from approximately 10,000 to almost 52,000 people. He retired at the end of December 2005 as Missouri's longest-serving city administrator in one city.

During his tenure, he was honored with the Mid-America Regional Council leadership award. The International City/County Management Association recognized him as its outstanding city administrator.

Mr. Fred Siems has distinguished himself as a community leader. I am certain that my colleagues will join me in wishing Fred and his family all the best in the days to come.

HONORING SPECIALIST PATRICK HERRIED

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Ms. HERSETH. Mr. Speaker, I want to take this opportunity to honor the life of SPC Patrick Herried, who died February 6, 2006, while serving in Iraq.

Every member of the House of Representatives has taken a solemn oath to defend the Constitution against all enemies, foreign and domestic. While we certainly understand the gravity of the issues facing this legislative body, SPC Patrick Herried lived that commitment to our country. Today, we remember and honor his noble service to the United States and the ultimate sacrifice he has paid with his life to defend our freedoms and foster liberty for others.

The lives of countless people were enormously enhanced by Patrick's compassion and service. Patrick, who represented the best of the United States, South Dakota, and the military continues to inspire all those who knew him and many who did not. Our Nation and the State of South Dakota are far better places because of his service, and the best way to honor him is to emulate his devotion to our country.

I join with all South Dakotans in expressing my sympathies to the family of SPC Patrick Herried. His commitment to and sacrifice for our Nation will never be forgotten.

HONORING CHICAGO'S 2006 WINTER OLYMPIANS

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. EMANUEL. Mr. Speaker, I rise today to recognize and honor the Chicago area athletes competing this month in the Winter Olympics in Turin, Italy.

The Olympic Games bring the world together in celebration of the best that every nation has to offer. I am proud that five Chicagoans are joining the world's best at the 2006 Winter Olympics.

Chris Chelios is serving as the captain of the men's hockey team for the third consecutive Olympics. At 44 years old, Chelios is the oldest Olympic hockey player since 1928, but is still expected to be a driving force for the Americans. After attending Mount Carmel High School, Chelios represented his hometown as a blueliner for the Blackhawks throughout most of the 1990s.

Nineteen-year-old Northwestern University student Margaret Crowley has several opportunities to represent her country in speed skating, competing in the 3,000 meter and Team Pursuit events. She was the U.S. junior champion in 2004 and the runner-up in 2005. In addition to her extensive training schedule, Crowley has found the time to study economics, French and literature.

Shani Davis is the first African-American to qualify for the U.S. Olympic speed skating team. Shani grew up on Chicago's South Side and was inspired by fellow Illinois native Bonnie Blair. Davis also competed in the 2002 Salt Lake City Games and was the 2005 World All-Around Speedskating Champion.

Ben Agosto is a native Chicagoan who has paired with Tanith Belbin to compete in ice dancing in Turin. They are favored to win a medal, which would be only the second ever for an American team, and the first in 30 years. The pair combines salsa, rhumba and cha cha as part of their original dance routines on the ice.

Chicago native Evan Lysacek is competing in his first Games as a figure skater. After graduating from Neuqua Valley High School in Naperville, he overcame a serious hip injury to land a spot on the U.S. team headed to Turin.

Mr. Speaker, it is with great pride that I honor these five Olympians that are representing the U.S. in Turin. On behalf of my fellow Chicagoans and Americans, I wish these elite athletes and all of their teammates the best of luck in their respective events, and I thank them for representing the United States at the 2006 Winter Olympics.

HONORING THOSE WHO SERVED IN THE UNITED STATES COLORED TROOPS DURING THE CIVIL WAR

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. COOPER. Mr. Speaker, I make remarks today to honor 2000 heroic men—men who fought for freedom and justice and a stronger, united America. These men made the ultimate sacrifice for our country. They gave their lives so that their children and grandchildren and generations to come would know an America where hopes for a better life would be a dream for all to share.

The 2000 men I honor today were members of the United States Colored Troops during the Civil War. They are buried at the rear of the Nashville National Cemetery, their service and their sacrifice too often overlooked by visitors to that hallowed ground.

This weekend, Tennessee will take an important step in saluting, and thanking, African-American soldiers for their important service during the Civil War. Tennessee will become the first state in the U.S. to erect a statue to recognize the bravery of these 2000 men, and all of the 180,000 African-American soldiers who fought in the Civil War. The statue is more than an historic monument. It will be a permanent and powerful reminder for all Americans and the world that the strength of our great Nation comes from the belief laid down by our founding fathers that "all men are created equal. . . ."

It was a desire to transform that belief into reality that these men took up arms. They believed in a new vision of America and they knew it was an America worth fighting for. And now, during Black History Month, we come together to unveil this statue and to offer the praise and appreciation that has been so long overdue.

The life-size bronze is the result of years of hard work on the part of many. The African American Cultural Alliance and its founder and executive director, Kwame Leo Lillard, led this effort. But many individuals and organizations throughout the community also dedicated themselves to the task. Creative Artists of Tennessee, the Black Veterans Association, the 13th U.S.C.T. Regiment, the Tennessee Historical Commission, Tennessee State University Department of History, and One Point Solutions, along with federal, state and local governments have all been involved in this campaign.

I am proud and honored that Nashville will be home to this important memorial to all those who served in the U.S. Colored Troops during the Civil War. Unlike the battle in so many other cities, the Battle of Nashville did not take place on one battlefield. It was fought in the city itself and at locations scattered around the edges of town. No portion of the city has been preserved as a park to commemorate those who fought and died in this battle. They are quietly honored at the Nashville National Cemetery. And now, with the addition of this statue, all of the troops who sacrificed so much to preserve our great Nation, will receive the special recognition they deserve.

IN RECOGNITION OF THE CONTRIBUTIONS AND SERVICE OF POLICE COMMANDER OF THE EL CERRITO POLICE DEPARTMENT KENNETH S. MOSBY

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mrs. TAUSCHER. Mr. Speaker rise to recognize the exceptional value of Commander Kenneth S. Mosby's long and notable career. Kenneth has served Contra Costa County and the City of El Cerrito with great distinction and in retiring from his position as a Police Commander brings to close a career with local Law Enforcement Agencies Department that spans 29 years.

Kenneth S. Mosby began his law enforcement career with the Richmond Unified School District as a security officer in 1976. Four years later Kenneth joined the El Cerrito police department where he has served with distinction. During his tenure, he married Cheryl and together they are raising their son, Kevin.

While with the El Cerrito Police department Kenneth served in a number of different roles. He worked as a Major Crime Scene Evidence Technician; a Field Training Officer and a Forgery Detective. He also served as a Narcotics/Intelligence Officer where he notably participated in the state wide marijuana eradication programs in the summers of 1984 and 1985. Having performed these duties with great technical competence, efficiency and distinction, Kenneth was promoted to the rank of Sergeant in 1991 and to Detective Sergeant in 1995.

After his many years of dedicated service, Kenneth was promoted to the rank of Commander in 1997. As Police Commander of the El Cerrito Police Department, Kenneth has served his community with great dedication and pride and upon the occasion of his retirement is deserving of special recognition and the highest commendation.

Mr. Speaker, I take great pride and pleasure in drawing special public attention to Commander Kenneth S. Mosby and extend to him sincere best wishes for continued success in his future endeavors.

EMERGENCY FUNDING IN H.R. 4745

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. LEWIS of California. Mr. Speaker, section 402 of House Concurrent Resolution 95, the congressional budget resolution for fiscal year 2006, requires a statement to be published in the CONGRESSIONAL RECORD explaining how the funding contained in H.R. 4745, making supplemental appropriations for fiscal year 2006 for the Small Business Administration's disaster loan program, which will be considered in the House today, meets the criteria of emergency funding specified in such section.

Funding for the Small Business Administration's disaster loan program is provided in response to essential, urgent, and compelling needs resulting from the extreme natural disasters that occurred in the Gulf of Mexico region in calendar year 2005. Hurricanes Katrina, Rita, and Wilma resulted in the most expensive natural disasters ever to strike the U.S., and their scope and cost were completely unforeseen. The emergency funds provided in H.R. 4745 are justified under the criteria outlined in H. Con. Res. 95.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Ms. WOOLSEY. Mr. Speaker, I was unavoidably detained yesterday and missed Roll Call votes No. 8 and No. 9. Had I been present, I would have voted "aye" on rollcall vote No. 8 and "aye" on Roll Call vote No. 9.

PERSONAL EXPLANATION

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. GIBBONS. Mr. Speaker, I rise today to explain how I would have voted on February 14, 2006 during Rollcall votes No. 8 and No. 9 during the second session of the 109th Congress. The first vote was for H. Con. Res. 322—Expressing the sense of Congress regarding the contribution of the USO to the morale and welfare of our servicemen and women of our armed forces and their families, the second was S. 1989—Holly A. Charette Post Office Designation Act.

If I had been present, I would have voted "yea" on these rollcall votes.

IN SUPPORT OF THE CANINE VOLUNTEER PROTECTION ACT OF 2006

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. SIMMONS. Mr. Speaker, I rise today to introduce the Canine Volunteer Protection Act of 2006. I do so because I am an advocate of protecting our service animals while they perform their duties.

In the aftermath of Hurricane Katrina, there were reports of first responders having difficulty working with local authorities. In some instances their dogs were threatened and their handlers were harassed as these first responders bravely carried out their duties. It was because of these reports, Mr. Speaker, that a constituent of mine, Ms. Amy Stegal of Stafford Springs, CT, contacted me and asked that we provide protection for these invaluable canine rescuers.

Ms. Stegal is affiliated with Connecticut Canine Search and Rescue, CCSAR. This important organization was incorporated in 1994 as a volunteer, nonprofit organization dedicated to providing a professional team response to all emergency service agency requests for lost, missing or drowned persons; advancing education in search and rescue procedures; and offering support for families of lost and missing persons.

Mr. Speaker, these dogs and their handlers heroically volunteer their time and expertise in times of natural disaster, yet they are not protected by Federal law. The Canine Volunteer Protection Act would give members of volunteer canine search and rescue teams, such as CCSAR members, the same protections current law gives other law enforcement animals. This includes both a monetary fine and/or imprisonment of those persons who willfully and maliciously harm any search and rescue dog.

I urge my colleagues to support this measure to protect search and rescue teams as they selflessly perform their rescue missions. I thank Ms. Stegal of Stafford Springs for bringing this important issue to my attention.

PERSONAL EXPLANATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. BLUMENAUER. Mr. Speaker, had I been present for the votes on Wednesday, February 8, 2006, I would have voted as follows:

Rollcall Vote 7: I would have voted in favor of the motion to instruct conferees on H.R. 4297, the Tax Relief Extension Reconciliation Act. I strongly support the extension of the "patch" for the Alternative Minimum Tax, AMT, which helps middle income taxpayers who are being unfairly drawn into paying higher taxes.

Rollcall Vote 6: I would have voted in favor of H. Res 657, honoring the contributions of Catholic schools.

Rollcall Vote 5: I would have voted in favor of H. Res. 670, congratulating the National Football League champion Pittsburgh Steelers for winning Super Bowl XL.

Had I been present for the votes on Wednesday, February 1, 2006, I would have voted as follows:

Rollcall Vote 4: I would have voted against H. Res. 653, providing for consideration of the budget reconciliation bill for fiscal year 2006, S. 1932. I strongly oppose the Republican budget reconciliation.

Rollcall Vote 3: I would have voted in favor of H. Res. 648, to eliminate floor privileges and access to Member exercise facilities for registered lobbyists who are former Members of officers of the House.

Rollcall Vote 2: I would have voted against the ruling of the chair on the McDermott point of order stating that the provisions of H. Res. 653 violate the Congressional Budget Act of 1974 by imposing an unfunded mandate.

TRIBUTE TO SHEPARD KING

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise to pay tribute to the late Shepard King, a remarkable man with tremendous talent, energy and generosity whose many contributions to our entire South Florida community comprise an enduring and lasting legacy that will be with us for many years to come.

Shepard King was a doer and an achiever. He was co-chair of the National Tax, Trusts & Estates Practice at the law firm of Greenberg Traurig, LLP, one of Florida's most successful and influential firms. He served as a President of the Miami Chapter of the American Jewish Committee, AJC, and strongly believed in its mission. Additionally, Shep served as a Director of the Miami-Dade County Bar Association; an Adjunct Faculty Member in the Masters in Taxation Program of the UM School of Law; a Member of the American College of Tax Counsel; the Executive Council, Tax Section of The Florida Bar; the Law Revision Council of Florida; the Board of Directors, the Greater Miami Jewish Federation; co-founder, the Family Business Institute at Florida International University and Hands Across the Campus; and Chairman, South Florida Conference on Soviet Jewry.

Through the work of Ms. Bernita M. King, Mr. Russell L. King and the American Jewish Committee, however, Shephard King's legacy will is alive and well because of the Shep King Endowment Fund, which was established in 2004, one year after Shep King passed away. Throughout his life, he had a profound appreciation for the insights and opportunities that his education had provided him, and he always encouraged his own children and others to get as much education as possible.

Because he believed so strongly in the power of education, the Shep King Endowment Fund is dedicated to providing scholarships to underprivileged children in South Florida. The Endowment aims to identify recipients while they are still in elementary school and to provide hands-on guidance, as well as financial support, to aid children and offset private school educational expenses during junior high school, high school and college. Although the scholarship is established through the United Jewish Philanthropies, the recipients are of any race, religion, or ethnicity. Currently, the first Shep King Scholar is studying at a private junior high school in Miami, and an additional student is anticipated to be added this fall.

My hope is that over the years, the Shep King Endowment Fund can bring the opportunities that come through education to many others and that Shep's legacy will continue to live on through their accomplishments.

IN HONOR AND RECOGNITION OF DICK GODDARD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of my friend, Dick Goddard, for his life-long activism and advocacy in promoting and protecting the welfare of animals, especially humankind's best friends, our dogs and cats.

Mr. Goddard has served as WJW TV8's, FOX8 News, Chief Meteorologist for 40 years. His interesting intellectual insights and quick wit reflect in every forecast and have endeared him to thousands of daily, faithful viewers. For decades, Mr. Goddard has channeled his celebrity profile, both, on and off camera, to promote and support programs that benefit the animal companions of our community. From neuter and spay programs, to featuring dog and cat adoptions twice weekly during the 6 o'clock news broadcast, Mr. Goddard's unwavering and compassionate focus has provided safe and secure homes for hundreds of unwanted pets.

Mr. Goddard has built strong connections with area animal shelters and volunteers his time and talents in raising tens of thousands of dollars for more than 60 animal welfare organizations throughout Ohio. He regularly attends and promotes animal welfare events and is the point person in our community regarding animal-related concerns. Mr. Goddard's commitment and compassion is equaled and supported by many volunteers, including Patti Fisher and Mary Pennington, who've worked behind-the-scenes with Mr. Goddard for nearly 20 years.

Mr. Speaker and colleagues, please join me in honor and recognition of Mr. Dick Goddard, whose personal and professional integrity, affable nature, and deep concern for our community lends a voice of protection, rescue, warmth and shelter for stray and abandoned dogs and cats throughout our region. I also wish my friend a very happy birthday and a lifelong forecast of peace, health and happiness, under blue and sunny skies.

ON THE OCCASION OF THE 18TH ANNIVERSARY OF THE NAGORNO KARABAKH FREEDOM MOVEMENT

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. McNULTY. Mr. Speaker, I join today with many of my colleagues in extending my congratulations to the people of Nagorno Karabakh on the anniversary of the Nagorno Karabakh Freedom Movement.

On February 20, 1988, the people of Nagorno Karabakh officially petitioned the Soviet government to reunite with Armenia and reverse the injustice perpetrated by the Soviet dictator, Joseph Stalin.

This peaceful and legal request was met with violent reaction by the Soviet and Azerbaijani leadership, and escalated into full military aggression against Nagorno Karabakh. The people of Nagorno Karabakh bravely defended their right to live in freedom on their ancestral land.

Today, Nagorno Karabakh continues to strengthen its statehood with a democratically elected government, a capable defense force, and an independent foreign policy.

I stand with the people of Nagorno Karabakh in celebrating their continuing freedom and democracy.

HONORING VINCE YOUNG AND HIS 2005 ROSE BOWL VICTORY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. GREEN of Texas. Mr. Speaker, today I congratulate Vince Young on leading the University of Texas Longhorns to their 2005 Rose Bowl Victory.

Vince is a fellow Houstonian who has successfully overcome numerous obstacles to the success that he now enjoys. As a young child, he was hurt in a horrible accident that left his body battered and bruised. Vince worked tirelessly to recuperate with a tenacity not often demonstrated by 7-seven-year old children and, with the help of his mother and his grandmother, he recovered. Under the guidance of his family, Vince also fought his way through the difficulties and temptations that so many young people must face in today's world.

As a student at James Madison High School in Houston, Vince demonstrated a natural athletic prowess. His stellar performance as a high school quarterback earned him the attention of universities nationwide. Vince chose to attend the University of Texas at Austin, an institution known for academic excellence and a tradition of athletic achievement. There, he triumphed as a student-athlete. In 2003, he became the starting quarterback for the Longhorns and began a college football career that was certainly meant for the record books. As a starter, Vince garnered the best win record in the University of Texas' history, which consists of 29 wins and only 2 losses, the sixth best winning percentage in NCAA history.

During the 2005 season, Vince's strength, accuracy, agility, and speed led the Longhorns to an undefeated season and a Big 12 Championship. His outstanding performance earned him nationwide accolades and culminated in a stunning victory over the USC Trojans at the 2005 NCAA Championship game. Under Vince's leadership, the talented team earned the University of Texas its first national title since 1970.

Vince's trademark is his versatility, which is expressed both on and off the football field. Throughout his college career, he was heavily involved in community service activities. His particular interest in assisting youth has been demonstrated through his mentorship of elementary and middle school students, his performance as a student-teacher and mentor for middle school math and science students through the LEAP, Learn, Enjoy and Play, Program, and his volunteer activities at the Austin YMCA. Vince has also served as a speaker at several youth organizations in Austin and is active in community service projects through his church.

In a State where football players at all levels are often treated as royalty and who, at times, come to expect indulgences that others are denied, Vince has consistently demonstrated a depth of character to which all young people should aspire. He is a charismatic leader who has set a tremendous example for all of us and who has shown that hard-work, dedication, and heart are a recipe for success.

I wish to extend my sincere congratulations to Vince for his victorious Rose Bowl performance. But more importantly, I would like to express my thanks to him for representing the city of Houston with such class. I wish him continued success as he grows both as a football player and a man.

PAYING TRIBUTE TO CARLOTTA WALLS LANIER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Carlotta Walls LaNier for her contributions to the American human rights movement and her continued service as a role model and educator for the youth of this country.

Carlotta is truly a woman of living history. She was born on December 18, 1942, in Little Rock, Arkansas, and was one of the nine African American teenagers who integrated Little Rock Arkansas' Central High School in 1957, following the U.S. Supreme Courts' ruling in Brown v. Board of Education. Implementing such a ruling required a presidential order to provide troops to protect Carlotta and the other students breaking through the racial barrier. Despite threats on her and her family's life, and countless other incidents of intimidation and prejudice, Carlotta graduated in 1960. History would later call these brave Americans the "Little Rock Nine."

Inspired by Rosa Parks, Carlotta had the desire to get the best education available, Carlotta enrolled at Michigan State University. She attended Michigan State for 2 years before moving with her family to Denver. In 1968, she earned a B.S. from Colorado State College (now the University of Northern Colorado) and began working at the YWCA as a program administrator for teens.

Carlotta was awarded the prestigious Spingarn Medal by the NAACP in 1958. She has been a member of the Colorado Aids Project, Jack and Jill of America, the Urban League and the NAACP, as well as the president of the Little Rock Nine Foundation, a scholarship organization dedicated to ensuring equal access to education for African Americans. She has also served as a trustee for the Iliff School of Theology. In 1999 at the White House, members of Congress and the President bestowed upon Carlotta and the other members of the Little Rock Nine the nations' highest civilian award, the Congressional Gold Medal, for their sacrifice and contribution to the cause of equality.

Mr. Speaker, Carlotta Wells LaNier continues to spread her influence by speaking today, to the students of Cornerstone Christian Academy in Henderson, Nevada, as part of a Black History Month Celebration. I am honored to recognize this great woman.

TRIBUTE TO THE DELAWARE RIVER POWER SQUADRON

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to congratulate the Delaware River Power Squadron on the occasion of its 90th anniversary.

Delaware River Power Squadron is dedicated to boating safety through education and civic activities in several locations in Philadelphia while also serving the boating public throughout southern Pennsylvania, the Delaware River, and the Chesapeake Bay.

First organized in 1915, it was not until May of 1916 that the Delaware River Power Squadron was formally recognized as a unit. Since then members of the Delaware River Power Squadron have formed an additional 20 squadrons in the District 5 region of United States Power Squadrons including eastern Pennsylvania, southern New Jersey, Delaware, Maryland, Virginia, and the District of Columbia.

Delaware River Power Squadron has worked with the armed forces of the United States in time of war to provide training materials and patrol teams, and continues to work in partnership with government agencies such as the Coast Guard, the Army Corps of Engineers, the National Oceanic and Atmospheric Administration, the National Ocean Service, the National Safe Boating Council, and others to provide safe boating education, reliable waterway charts, vessel safety examinations, environmental support, and homeland security.

Delaware River Power Squadron is a constituent of the United States Power Squadron, which is comprised of over 49,000 members in 448 squadrons and divided geographically into 33 districts. Membership is open to all interested persons 18 and older without regard to race, religion, gender, or any other characteristic protected by the non-discrimination laws of the United States.

I ask that you and my distinguished colleagues join me in congratulating the Delaware River Power Squadron for the past 90 years of service and dedicated commitment to the community.

PERSONAL EXPLANATION

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. COSTA. Mr. Speaker, on rollcall No. 5, H.R. 670 and rollcall No. 6, H.R. 657 on February 8, 2006, had I been present, I would have voted "yea".

THE FACE OF POVERTY IN AMERICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. RANGEL. Mr. Speaker, the devastation of Hurricane Katrina exposed what America did not want to see. Beyond the tragedy of this natural disaster, Katrina shined a spotlight on America's poor and disadvantaged. The convenience of disregarding the plight of the poor came to an abrupt halt as a result of Katrina and its aftermath. Katrina pulled the cover off of what prior reports by the U.S. Census Bureau found, which stated for the past four years, the poverty rate has steadily increased; which is a reverse trend from 1993 to 2000.

Katrina also exposed the gross disparities relating to poverty in America. According to the Census Bureau 2004 report, the Black poverty rate of 24.7 percent is almost twice that of the general population. This translates to about 9.4 million African Americans, almost one in-four living below the poverty line. Consequently, those affected by the Katrina devastation were disproportionately Black and poor. Despite the rhetoric of conservative pundits who claim that poverty in the Black community is due to irresponsibility, statistics show that individuals living below the poverty line are hard working citizens who go to work everyday. It should be underscored that poverty is a result of a lack of income. Americans fall into poverty simply because they do not have enough financial resources. So it is plausible that even when people are working in the market place they can still fall into poverty. Statistics show that one-in-ten African Americans above 16 who were poor worked full-time jobs.

Furthermore, 37 million Americans are living in poverty. Statistics in 2004 indicate that 13 million American children lived below the poverty line, translating into three-in-seventeen. This was an increase of roughly 200,000 from 2003, which means 3,000 children were falling into poverty each week. Moreover, African American children under the age of 18 consist of 43 percent of all poor African Americans. Senior citizens, those 65 and older, have a poverty rate of 23.8 percent. In comparison with other counterparts, statistics show that more African Americans and Hispanics are in poverty at a higher rate than whites and other racial classifications. African American children represent 17 percent of American children, but they make up 31 percent of all poor children in America.

Conservatives are quick to attribute poverty to dysfunctional family structures. However, renowned economist such as William Springs suggests that this is a gross over simplification. He contends that poverty is the "result of economy-wide forces and public policy." Mr. Speaker, I share this analysis, hence, it places the onus on policy makers to enact legislation centered on relieving the burden poverty. After the passage of the Civil Rights Act of 1964, the Economic Opportunity Act of 1964 and the Voting Rights Act of 1965 the Black poverty rate decreased to 32.2 percent. During the years of 1993 to 2000 which were marked by strong fiscal policy the poverty rate for African Americans dropped annually.

Katrina exposed America's weakness, not only in the Federal Government's delinquent response, but also relative to our inability to address poverty particularly in the minority community. As we consider the 2007 fiscal budget, we must see the opportunity to provide provisions that alleviate poverty in the Gulf Coast and urban communities across the Nation. Tax cuts for the wealthy and the slashing of social programs will not suffice.

Mr. Speaker, a recent article in the "The Crisis", entitled Poverty in America: The Poor are getting Poorer, by William E. Spriggs captures the statistical data and reports that highlight the issue of poverty in America, especially the disparities as to race.

HONORING KJELL BERGH ON THE OCCASION OF HIS 60TH BIRTHDAY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise to honor Mr. Kjell Bergh on the occasion of his 60th birthday. Mr. Bergh is a respected Minnesota business leader and a true citizen of the world, working extensively with civic and business organizations and governments around the globe. Mr. Bergh will be celebrating his birthday with his family and friends in Minnesota on February 18.

Born in Kristiansund, Norway, Mr. Bergh was educated at the University of Oslo and Macalester College in St. Paul, Minnesota, earning his B.A. in International Relations there in 1970. In 2004, Mr. Bergh received his masters degree from the Fletcher School of Law and Diplomacy at Tufts University.

Mr. Bergh is well known as the owner of several major automotive dealerships in Minnesota. In addition, he owns travel agencies specializing in tours and adventure travel in Scandinavia and Africa. Along with his business connections, he has fostered an impressive commitment to our community here in Minnesota, earning numerous awards for his work and serving on many boards of prominent businesses, academic institutions and non-profit organizations. His international links have inspired a similarly strong commitment to communities around the world, particularly in Africa.

In 2000, Bergh was named Honorary Consul to the United Republic of Tanzania by President Benjamin Mkapa, lending his expertise on trade, education and tourism. He is highly respected for his dedicated service to environmental and community issues such as anti-poaching and building hospitals and schools. He has been a valued resource to me and my office on the many issues facing Africa.

Among Bergh's many distinctions and awards for his service, perhaps he has the best reason to be proud of the royal decorations from his native Norway. He was bestowed Knight First Class, Royal Order of Merit by King Harald V and the prestigious St. Olav medal by the late King Olav V. In addition, he received the Royal order of the Polar Star from the Sweden's King Carl Gustaf.

Mr. Speaker, please join me in honoring Mr. Kjell Bergh on his 60th birthday. Amid his busy life and his many accomplishments and awards, I know that he is looking forward to spending this special day with the most important people in his life—his family and friends.

HONORING THE SERVICE OF CARL PAPA, JR.

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. DUNCAN. Mr. Speaker, I rise today to pay tribute to a great Tennessean, Carl Papa, Jr. After 33 years of dedicated service to East Tennessee, Mr. Papa has retired as the Chief Pretrial Services Officer for the United States District Court for the Eastern Tennessee District.

Carl Papa, Jr. was born on June 29, 1949, in Camden, New Jersey. He graduated from Collingswood High School in Collingswood, New Jersey, in 1968. He attended Milligan College in East Tennessee, graduating in August 1972 with a Bachelor of Arts in Psychology and Sociology.

Carl was hired by the Tennessee Department of Corrections in October 1972 as a Probation and Parole Officer. On January 5, 1976, he was appointed as the U.S. Probation Officer in the Eastern District of Tennessee by the Honorable Robert Love Taylor. Meanwhile, Carl attended the University of Tennessee, my alma mater, where he earned a Masters of Science in 1982.

He served as the U.S. Probation Officer for East Tennessee until April 19, 1993, when he was appointed the Chief Pretrial Services Officer for the Eastern Tennessee District. He retired from his position on the federal court on January 20, 2006. After 30 years of serving the community in federal court, and 33 years of public service to the citizens of East Tennessee, Mr. Papa has begun a well-earned retirement.

Carl has two children. Carl's son, Benjamin C. Papa, resides in Nashville with his children, Eli and Ella. His daughter, Bethany Burnette, lives in Knoxville. Carl has been married to Donna C. Crumpton since May 28, 2004.

I wish to express my gratitude on behalf of my fellow residents of East Tennessee for the dedication Mr. Papa has shown over the past 33 years. I wish him and his family all the best as he begins the next stage of his life. I urge all of my colleagues to join me in thanking Mr. Papa for his service to our community.

TRIBUTE TO ILEEN GREEN

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor Ileen Green, daughter to Marilyn and Harry Griver, a sister, a teacher, a mother, a peace activist, and most recently, a grandmother.

Ileen Green has spent the majority of her adult life giving to others in many special ways. Her dedication to Philadelphia students is the easiest to pinpoint. She has been a dedicated teacher in middle school and elementary school for over 20 years. Shortly after she started her career in teaching she taught one of the first desegregation classes here. She fought for everyone to have a fair opportunity for and good education. She was an activist. She became pregnant a few years later, having to leave her job as a school teacher, temporarily. She named her daughter Kelly, after an African American male student who was in her first desegregation class. "He was very gifted and special," she always said.

As a single mom and, without any outside support, Ileen raised her family, at the time women lacked many equal rights. She was unable to even sign a lease for an apartment unless a man signed it as well. There were limited opportunities for women in business and childcare was an expense she couldn't afford. Ileen worked from home, telemarketing, and made just enough to pay the bills. Her family struggled over the years. Ileen decided this wasn't enough. Ileen decided to go into business for herself and became a very successful saleswoman. This however required many travel obligations that separated her from her daughter. Ileen wanted to keep her family close and so she decided to return to teaching, where she has stayed.

Her loving daughter Kelly describes her as "the type of mother all my friends wanted. She never hesitated to give advice, support, and hugs. Several times my mother took on the extended responsibilities of becoming a foster mom. All the while, active in women's rights groups, focused on her work, and yet always finding time to be her daughter's best friend and greatest supporter."

Ileen has found herself in poor health for the last decade but through it all she returns to work finding strength in doing what she loves most, making a difference in the lives of children. Even now, in kidney failure, and facing serious decline in her health she still will not give up. She returns to the classroom, and provides the love, kindness, and education today's children desperately need. She teaches because she loves what she does and she does it well.

Ileen Green has been through her fair share of struggles. Single motherhood, survival of domestic abuse, and financial hardships have not been able to stifle her spirit. Through it all, she has continued to be a kind, loving, generous, and sincere woman and mother. The kind that her daughter, as a recent mother herself, hopes to be. In recognition of her years of service to her community I ask that you and my other distinguished colleagues rise to honor her.

PERSONAL EXPLANATION

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. COSTA. Mr. Speaker, on rollcall No. 7, H.R. 4297, had I been present, I would have voted "yea".

IN RECOGNITION OF AFRICARE'S 35TH ANNIVERSARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. RANGEL. Mr. Speaker, I rise today to recognize the 35th anniversary of the founding of the Africare organization. Africare is the oldest and largest African-American led organization committed to providing direct aid to the African continent—a leader in the fields of long-term sustainable development and health care, especially with regard to HIV/AIDS treatment and prevention.

The thousands of African families who have benefited through Africare's humanitarianism stand as a testament to the power of the organization's selfless mission. I am proud to offer my congratulations to Africare for many years of service embodying one of our Nation's most commendable ideal—extending our hand and heart to our fellow brothers and sisters throughout the world.

Africare helps Africa. Over the course of its history, Africare has become a pioneer among private, charitable U.S. organizations assisting Africa. The organization has supported hundreds of grassroots projects in Africa that have changed the lives of families living on the continent. Africare's programs address needs in the principal areas of food security and agriculture as well as health and HIV/AIDS. Africare also supports water resource development, environmental management, basic education, microenterprise development, governance initiatives and emergency humanitarian aid. Africare reaches families and communities in 26 countries in every major region of Sub-Saharan Africa, from Mali to South Africa and from Senegal to Mozambique.

The founders of Africare had a vision—to transform the lives of Africans and infuse into the often-forgotten and deprived continent much needed sustenance. In 1970, West Africa was suffering through one of the most severe droughts in its history which threatened the livelihood of livestock and crops. Villagers were fleeing their homes in search of water. Millions of human lives held in the balance.

Among those providing help—medical aid in Niger—were 17 American volunteers, led by Dr. William Kirker, and his wife Barbara. Together they named their group "Africare." The Kirkers themselves had been working in Africa, to improve African health care, since 1966. Although the work by the Kirkers was invaluable, more was needed to be done to stifle the crisis sweeping through the area. Diori Hamani, then president of the Republic of Niger, sought more support from the U.S., in particular from the African-American community. C. Payne Lucas, then director of the Peace Corps Office of Returned Volunteers in Washington was one individual who answered the call. He went on to become the first president of Africare, spending 30 years at the organization. He brought a unique blend of passion and steadfast commitment during his 40-year career in African development.

Under the leadership of the Kirkers and Lucas, Africare flourished and continued to make valuable contributions towards the development of the African continent. At the annual Africare dinner last October the 13th, the founders of Africare were recognized in remarks made by Africare vice president Jeannine Scott. The event was attended by notable individuals including that year's Africare Distinguished Humanitarian Service Award recipient, General Colin Powell, the former U.S. Secretary of State, Mr. Alphonso Jackson, Secretary of Housing and Urban Development, Dr. Dorothy Height, president emeritus of the National Council of Negro Women, and my colleagues Representatives WILLIAM JEFFERSON of Louisiana and BARBARA LEE of Texas, as well as other civil and business leaders.

At the anniversary dinner, Africare vice president Jeannine Scott introduced the founders of Africare and recounted the story of how the organization was founded. I thought it would be useful for you to understand the history of the organization and I therefore ask that the text of her speech be entered into the RECORD.

PRESENTATION OF THE FOUNDERS OF AFRICARE

(By Jeannine B. Scott)

Dr. Kirker and his wife Barbara are here with us tonight and we are honored to pay tribute to them and the vision they had to found an organization to initially respond to the many health care needs of our brothers and sisters in Africa.

In addition to these founders, we have with us some of the first volunteers who served with them. They are:

James Sattler, an attorney in Hawaii who donated his services at the very beginning of Africare's life;

Joan Victoria Saccardi—a volunteer on Africare's very first trip to Africa, and who faced her own bouts of illness while carrying out the work she believed in;

And Cosco Carlbom was also one of the dedicated volunteers on the very first trip, providing vital technical expertise and was one of only a handful of volunteers to complete the entire two-year mission.

Please join me in welcoming these very first Africare pioneers.

Another early Africare supporter, Myra Takaski, was not able to join us here tonight. Through the Savings and Loan she headed, Ms. Takaski provided Africare with all the clerical and support services the young organization needed. Our thoughts are with her this evening.

Out of the looming dilemma that Africa was facing, His Excellency Ambassador Oumarou Youssoufou, the First Secretary at the Niger Embassy, contacted his old friend C. Payne Lucas who had been Peace Corps director in Niger, beseeching him on the part of then president Hamani Diori to lend his expertise and leadership to the organization.

Ambassador Youssoufou and Mr. Lucas discussed the idea. Mr. Lucas was then working at the Peace Corps headquarters in Washington and was interested in new ways to improve the quality of life in Africa. C. Payne also remembered a question that had been posed to him years earlier by President Diori: "Why don't black Americans, whose ancestors came from the continent, respond to the needs in Africa?"

Mr. Lucas agreed to assume the leadership of the organization, insisting on two important conditions. The first was to expand Africare's focus to include not only health, but water and agriculture as well. His second condition was to ensure that the organization would be rooted in the African-American community and would serve to educate all Americans about Africa—its human, spiritual, historical, and material wealth.

With these objectives on the table, Mr. Lucas became the first executive director of Africare. He reincorporated the organization in Washington, D.C. and recruited another Peace Corps staff member Dr. Joseph C. Kennedy to serve as his deputy.

With an interest-free loan of $30,000 and a second-hand 4x4 vehicle turned over to the program in Niger after a cross-Saharan trek—both provided by a dedicated benefactor, the late Mrs. Lorraine Aimes Watriss—the "reborn" Africare was on its way.

For the next year, the only paid employee of Africare was a secretary. C. Payne himself accepted no salary and donated the basement of his house as Africare's first office. In addition to grants, Africare collected donations from ordinary people, often just a few dollars, or nickels and dimes and Mr. Lucas would say, at a time. Seeing the value of organization, the Nigerian Embassy then agreed to house Africare, volunteering the first floor of its Chancery near Dupont Circle.

It was surely not easy. But the vision and sincerest of commitments were its impetus to succeed. And succeed, I am sure ladies and gentlemen you will agree they did!

It is from these humble beginnings that the Africare you see, know and support today emerged and grew under the guidance of Mr. Lucas and Dr. Kennedy.

Thanks to their 30+ years of efforts, energy, sacrifice, risking their careers and more, a solid foundation was laid:

Enabling the original vision to become a true and tangible reality;

Fostering a legacy that has led to the transfer of over half a billion dollars for more than 2,000 economic and humanitarian assistance projects to some 36 countries throughout Africa;

Touching over 2 million lives directly on the continent;

Training and mentoring hundreds, if not thousands of young Africans and Americans to follow in their footsteps;

Constructing Africare House—home to many whose convictions and activities embrace Africa;

Educating the American people of the greatness that is Africa!

In honoring our founders this evening I would like to ask Dr. and Mrs. Kirker, along with the first Africare volunteers present here tonight, Mr. Sattler, Ms. Saccardi, and Mr. Carlbom, to join me here on the stage.

I would also like to acknowledge His Excellency Ambassador Oumarou Youssoufou. He could not be with us tonight, but is ably represented by his daughter Zouera Youssoufou. I would like to invite her onto the stage in her father's place.

I would also like to call a teacher, colleague, my professor and friend, Dr. Joseph C. Kennedy to join us here on stage.

And finally, I have the distinct honor to call a visionary leader and guide, and my mentor, Mr. C. Payne Lucas.

It is truly an honor for us to pay tribute to all of you here tonight. Please join me, ladies and gentlemen, in welcoming Africare's earliest pioneers and leaders: Dr. William Kirker and Mrs. Barbara Kirker, Mr. Sattler, Ms. Saccardi, and Mr. Calbom, Dr. Joseph C. Kennedy and Mr. C. Payne Lucas—the people who made tonight's 35th anniversary possible.

I ask that the text of a statement by Africare president Julius E. Coles which outlines Africare's work today also be entered into the RECORD.

Although Africare's initial focus was on providing medical care to the needy of Africa, the methods used to raise the standard of living in Africa soon grew more diverse.

When C. Payne Lucas took the helm of Africare in 1972, he saw that in order to make a meaningful difference in the lives of Africans, the organization had to do more than provide occasional medical care. In order to change the situation in Africa, Africare would also have to assist Africans in gaining access to the tools necessary to take control of their own lives.

Following in Lucas's vision, Africare has focused on three main areas: health and HIV/AIDS, humanitarian relief, and food security. Over the years, we have developed close working relationships with African governments.

By working in tandem with governments at the national and local levels, as well as with countless communities and villages throughout Africa, we have shown ourselves to be trustworthy partners in development.

In response to Africa's need for additional medical care, we have committed ourselves to addressing the health issues that adversely affect the families we serve. Africare's programs have a strong HIV/AIDS component that tackles an entire spectrum of issues related to the disease. HIV/AIDS awareness and education programs focusing on concrete behavior change given the people we work with the knowledge they need to keep themselves safe from infection. Africare also works to address the needs of people living with AIDS and provide care for children orphaned by the disease.

Africare has also taken steps to encourage stable, long-term increases in the standard of living. Africare's Food For Development staff members in countries across Africa help locals to achieve food security by delivering food supplies and providing technical assistance to local farmers. Using food resources and funds ftom the U.S. government, Africare administers both emergency food distribution as well as Food For Work programs in which food supplies are exchanged for community service. Africare staff also helps locals to maximize the productivity of their land through modern farming techniques. By planting new crops and using innovative farming methods, African families can increase their annual yield and better withstand otherwise disastrous events like droughts and famines.

Africare also provides humanitarian relief services to victims of natural and manmade disasters across Africa. Our current programs distribute Title II food supplies to victims of famine and drought. Africare also works intensively with refugees to ensure that people forced to flee their homelands are provided not only with the supplies they need to survive, but the skills and resources to rebuild damaged societies.

In addition to the three pillars of health and HIV/AIDS, food security, and emergency relief, Africare works through a variety of means to facilitate positive changes in the daily life of Africa. By building wells and springs, Africare develops resources from which entire communities can draw safe, clean drinking water. Through education initiatives, children and adults gain the literacy skills necessary for long-term success and access to practical health and nutrition information. Our environmental programs have planted thousands of trees which enrich ecosystems and will reduce soil erosion, benefiting future generations. Africare's focus on stable societies includes initiatives to foster civil society and responsive governance. Africare supports indigenous nongovernmental organizations and encourages peaceful transitions in changing societies.

Microfinance programs encourage women to start small businesses which help communities become more resistant to economic downturns.

Over the past 35 years, Africare has been able to work with millions of people in 35 countries across the continent. Our organization has grown to be leader in the field and a model of how Africans and Americans of all races can work together towards a common goal. Now we are more convinced than ever of the necessity of helping to build a stronger, more stable Africa. As we continue with our work, we will also continue to grow and evolve to meet the changing needs of Africa.

Mr. Speaker, Africare is an institution of which all Americans should be proud. Please join me in saluting Africare for all it has done over the last 35 years and wishing it well as it continues to bring hope and inspiration to millions of people throughout Africa.

TRIBUTE TO MARCH BEING THE AMERICAN RED CROSS SOUTHEASTERN PENNSYLVANIA CHAPTER MONTH

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to acknowledge that March is the American Red Cross Month for the Southeastern chapter.

The American Red Cross Southeastern Pennsylvania Chapter was officially formed on January 22, 1916, to "carry out a system of national and international relief in times of peace, and apply that system in mitigating the suffering caused by pestilence, famine, fire, floods, and other great national calamities, and to devise and carry out measures for preventing those calamities."

The American Red Cross trained more that 11 million Americans in valuable life-saving skills last year, 64,144 of them right in Philadelphia. Of a population of 4 million, the American Red Cross Southeastern Pennsylvania Chapter, responded to 804 local disasters and provided relief services for 1,280 families and a total of 4,012 people. Operating 18 disaster shelters, helped 2,933 military families, and trained 61,822 individuals in Red Cross health and safety courses, and another 24,631 people in the community disaster education. The American Red Cross has housed 367 families whose homes were unexpectedly destroyed by natural disasters.

The American Red Cross has helped collect life-saving blood from 92,587 donors. 175,000 residents across the 5 counties on southeastern Pennsylvania have been a part of this to help their fellow citizens in times of need. The American Red Cross is the place that more than 25,000 people in these 5 counties turned to after the tsunami, and their contributions made it possible from 22,459 Red Cross volunteers from 40 countries to provide help and hope to 840,000 victims 2 continents away.

One in 5 Americans is touched by the Red Cross every single year. The southeastern Pennsylvania Chapter of the Red Cross promotes economic self-sufficiency and community health through its Nurses Assistant Training program which educated 180 students last year.

I ask that you and my distinguished colleagues join me in recognizing March as the American Red Cross Southeastern Pennsylvania Chapter month.

TRIBUTE TO ROBERT WEBB

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. DUNCAN. Mr. Speaker, I would like to call your attention to the life and death of a great Tennessean.

Mr. Robert Webb accomplished more good for the people of Southeast Tennessee than many others of greater fame.

Robert Webb was born in Fort Sanders, Tennessee, in 1919. On December 22nd of 2005, he passed away at the age of 86 years. His life's work was spent nurturing Knoxville's educational needs.

Mr. Webb graduated from the renowned Bell Buckle, Tennessee, Webb School founded by his grandfather and former Senator, Robert "Old Sawney" Webb, before earning his bachelor's and master's degree from my alma mater, the University of Tennessee in Knoxville. Between degrees, he served our Country admirably in WWII.

After brief teaching stints at the Bell Buckle School and the Webb School of Claremont, California, Mr. Webb founded Knoxville's Webb School in 1955.

The school started with four boys in the basement of Sequoyah Hills Presbyterian Church. Shortly thereafter, Webb added a Girls' School.

The School stood at the forefront of educational equality when it declared an open-door policy in 1965. Mr. Webb followed this pronouncement with a then-controversial speech in favor of racial integration made to a convention of Southern private-school leaders.

Despite criticism, Mr. Webb persevered to make Knoxville's Webb School one of Tennessee's finest private educational institutions. It currently enrolls over 1,000 students in kindergarten through 12th grade, and all members of its 2005 graduating class were accepted into college.

It is significant to note that Robert Webb chose the following motto for his school: "Leaders, Not Men." This is a telling statement of how he approached service to the community and the Nation, with a willingness to blaze difficult trails so that others could follow.

Throughout his later years, Mr. Webb remained active in the community, leading the establishment of the Museum of East Tennessee History, and fundraising for the historic Bijou Theatre in Knoxville.

It is clear that his contributions to the legacy of private education in the South, and the cultural edification of Knoxville, will not soon be forgotten.

On behalf of the 2nd Congressional District of Tennessee, I express heartfelt condolences for the Webb Family, and great appreciation for the life work of Robert Webb.

I call to the attention of the readers of the CONGRESSIONAL RECORD an article written by Judge Bill Swann in the Knoxville News Sentinel that accompanies these remarks.

[From the Knoxville News Sentinel]

ROBERT WEBB: GREAT TEACHERS LIVE ON

(By Bill Swann)

I remember the wonder with which Jerome Taylor and I grasped—it was September 1956, the first week in Mr. Webb's Latin class, my first week at Webb School—that you could actually say a thing some other way than English. It was a transforming moment.

There were a lot of those in my four years at Webb. Some of them were "Aha" moments, like that encounter with my first foreign language. Some of them were fill-the-backpack moments—times you knew you were loading up with information you would always need and use. Some of them were character moments—times when I was a good citizen or a poor citizen and learned the consequences. Coach Sharp had a lot to do with those.

I can still remember the wonder with which I realized that I had landed at a school where learning was an unquestioned good, where there was no such thing as "geekiness," when I realized that all of us were there because we wanted to learn.

There were 16 of us in the class of 1960. I can name them all, fondly and with pride: Jim Hart, LeClair Greenblatt, Clark Smeltzer, "E.R" Boles, David Creekmore, Hugh Faust, Jim Bradley, Doug Newton, Chip Osborn, Sam Colville, Peter Krapf, Ed McCampbell. Sterling Shuttleworth, Kit Ewing. Jeff Goodson and me. Yes. "me," direct object of the verb "to name" in the previous sentence. Thank you, Miss Freeman.

Fondly, because of the friendships, successes, embarrassments, mistakes, follies and secrets. With pride, because of our progress in four years to a Webb-shaped maturity. There were also moments of grace: Jeff Goodson teaching me to tie a bow tie; it took Jeff three days, but it stuck Sam Colville teaching me to drive straight shift, in his own creampuff '55 Chevy with three on the column. It took him all track season, driving from the new campus to Fulton High School. Coach Sharp had gotten us practice privileges at Fulton. The new campus on Cedar Bluff Road didn't have a track; it barely had a football field.

By now we have read the obituaries, the newspaper articles, the tributes. All the talk about Robert Webb in the community, Bob Webb the force for social good.

For me and for many of us, there is no Robert Webb, no Bob Webb. There is only the great and fine man we called and always will call "Mr. Webb." He limped into our lives in the basement of Sequoyah Hills Presbyterian Church and changed each one of us forever.

So Mr. Webb is dead? I don't think so. "But," they say—the people who believe Mr. Webb is dead—"there was the memorial service. The singing of hymns. There was the great obit by Jack Neely in Metropulse. There was the long obit in the News Sentinel He's dead, they say. Nope, Mr. Webb is not dead; never will be.

In my life and I hope in yours there is an unbroken line of great teachers. For me, the line is: Miss Freeman, who taught me seventh-grade English at Tyson Junior High School. Mr. Webb, who introduced me to Latin, in the ninth grade. Ted Bruning, my English teacher for the four years at Webb. RE. Sharp, the teacher of life skills at Webb. And John Sobieski, professor of civil procedure at the "University of Tennessee law school.

The line is unbroken not because these great teachers are all still alive but because they are all still with me. They always will be. They live in my house. They are with me when I talk to my children, they are with me when I try to be my best, they are with me when I reach out to others. These five fine people required hard work and excellence in their own lives and expect the same of me.

I had some good teachers at Harvard and Yale. But I had my great teachers, my five great teachers, right here in Knoxville. I don't know what that means. Perhaps the best teaching is done by those who are not overly impressed with themselves, by those who know that you never stand so tall as when you reach down to help someone, by those who love learning and want you to share that love.

Henry Brooks Adams said. "A teacher affects eternity. He never knows where his influence stops." Mr. Webb affected our eternities. He trained us to excellence. Mr. Webb wanted the best from each of us, there in the basement of the church. We delivered him our best because of his enthusiasm for learning. We delivered him our best because of his evident joy in the life of the mind. We delivered him our best because of his love of life itself.

He wanted us to be leaders. We became leaders because we wanted to be like him. He took mere human beings and produced leaders. You know the Latin in the coat of arms: You went to Webb.

A TRIBUTE TO PATRICK JOSEPH BRADLEY

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor Patrick Joseph Bradley, loving husband of Joan (Nicoletti), father of Jesse 21 and Nicholas 16 and brother of James, Daniel, Joseph and Allen Bradley passed away Thursday, February 2, 2006.

Pat was a devoted husband to his wife Joan and a wonderful father who participated in every activity concerning both his sons. Pat coached both Jesse and Nicholas' sports teams and tirelessly volunteered at the Water Tower Recreation Center. Thanks to Pat's efforts as a Democratic Committeeman and Board Member of the Chestnut Hill Youth Sports League he was able to secure thousands of dollars in funding for the Water Tower Recreation Center.

As a very active member in the community he served as a board member of Chestnut Hill Youth Sports League, a Democratic Committeeman to the 9th ward 4th division. As a pillar of the community he was also a founding member of Chestnut Hill Run for the Hill Member Jenks Home and School Association. In tribute to a wonderful husband, father, brother and pillar of the community, I ask that you and my other distinguished colleagues rise to honor him and all of his accomplishments.

SUPPORTING THE PEOPLE OF TAIWAN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Ms. ROS-LEHTINEN. Mr. Speaker, last spring, China passed the anti-secession law to give Chinese leaders the right to use force against Taiwan if they suspect separatist activities in Taiwan. This law assumes the unification of China and Taiwan and proposes that those opposed to the unification are subject to punishment. In addition to the enactment of the anti-secession law, China's rapid military build-up has given the Taiwanese people a sense of dread.

In a recent public opinion poll, 70 percent of Taiwanese people oppose China's institution of the "anti-secession" law. Mr. Speaker, the freedom loving people of Taiwan deserve to be treated with respect. I stand with the people of Taiwan in their zeal for freedom and liberty.

TRIBUTE TO MR. ED WYNN OF NAPA, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Napa County Chief Investigator Ed Wynn of Napa, California as he retires after 35 years of distinguished public service.

A California native, Ed was born in Berkeley to parents Dick and Katherine Wynn. Ed graduated from Napa High School in 1967 and earned his Bachelor of Arts degree from Golden Gate University in 1977.

Mr. Speaker, Ed's brutal honesty, strong leadership and commitment to doing the right thing have made him indispensable to protecting the residents of Napa County. While earning his degree, Ed was hired by the Napa County Sheriff's Office in September of 1970 to serve as a Deputy Sheriff and head the Napa County jail. After 15 years of increasing responsibilities, Ed was promoted to Chief Investigator in 1995. Over the last 10 years, he has been a leader and a mentor within his division and throughout the entire District Attorney's office.

Ed has also been a leader in our community by dedicating his time to numerous organizations, including Native Sons of the Golden

West, Moose Lodge, Legions of Valor Association and the Navy League Association. He has also served as a basketball coach for St. John's Middle School and the Napa County Recreational Youth League.

Mr. Speaker, as any of his friends or colleagues will tell you, Ed is a man of integrity, justice and honor. One of Ed's most discernible characteristics is his love for our country. He is a true American hero. Shortly after Ed graduated from high school in 1967, he enlisted in the Marines. That same year Ed was deployed to Vietnam. During his tour, Ed fought valiantly for our country. He courageously risked his own life to save the lives of others and was nearly killed on three separate occasions. In recognition of his bravery, Ed was awarded three purple hearts, the Navy Achievement Medal with Combat "V", the Bronze Star Medal with Combat "V" and the Navy Cross, the nation's second highest honor.

I believe I speak on behalf of Ed's wife, Joyce, his children Dan, Mike, Jim, Holly and his three grandchildren Mathew, Tyson and Madison when I say we are all extremely proud of him.

Mr. Speaker, it is appropriate that we take this time to thank and honor Ed Wynn for his unwavering dedication to Napa County and to our country. On behalf of the entire United States Congress and our grateful nation, I wish Ed the best in all his future endeavors.

HONORING UNIVERSITY OF PORTLAND WOMEN'S SOCCER TEAM

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. BLUMENAUER. Mr. Speaker, today I am honored to introduce this resolution congratulating the 2005 University of Portland women's soccer team for winning the National Collegiate Athletic Association Division I National Championship. The Pilots completed an undefeated season, capturing the National Championship by scoring four goals in their final game against the University of California, Los Angeles.

Not only is this the University of Portland's second championship in four years, but the 2005 season was the most successful for the team to date. The Pilots set the University's women's soccer record with an undefeated season.

The story of the 2005 season is illustrated with broken records. The loyal fans of the University of Portland set the NCAA season attendance record for both men's and women's soccer teams and led the Nation in average home attendance.

There is no way one could speak to the accomplishments of the University of Portland soccer program without heralding the amazing talent of the coaching staff, both past and present. The program was brought to excellence by the late Clive Charles who was respected by soccer enthusiasts worldwide. In 2002, Charles led the Pilots to their first ever championship in any sport. Sadly, Charles died in 2003 from complications of prostate cancer.

With Head Coach Garrett Smith now at the helm, the Pilots have continued their superiority on the soccer field. Coach Smith has devoted 18 honorable years to the University of Portland soccer program, both as a player and a coach, and his ability to lead his team with creativity and vision has earned him great respect.

I wish warm congratulations to every player, coach, student, alumnus, faculty member, and supporter of the University of Portland. There is much to celebrate up on the "Bluff" and the women's soccer team is a great example of the excellence the University produces and I hope you will join me in supporting this resolution.

STATEMENT ON METHYL BROMIDE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. KUCINICH. Mr. Speaker, I gave the attached statement, in support of the banning of methyl bromide on February 15, 2006.

STATEMENT OF REP. DENNIS J. KUCINICH, SUBCOMMITTEE ON ENERGY AND RESOURCES, HOUSE COMMITTEE ON GOVERNMENT REFORM: HEARING ON "METHYL BROMIDE: ARE U.S. INTERESTS BEING SERVED BY THE CRITICAL USE EXEMPTION PROCESS?"

I was dismayed when I learned that today we would be discussing efforts to perpetuate—and possibly increase—the use of methyl bromide. Continuing to allow it to be manufactured and used is bad for the environment, bad for human health, bad for international relations, bad economics, and is simply unnecessary.

Methyl bromide has been responsible for a significant amount of the degradation of our protective ozone layer. In 2005, the size of the resulting hole in that layer over the Antarctic reached 9.4 million square miles, an area almost as big as the combined areas of the U.S. and Canada, according to NASA. Current estimates say that it will take another 50 years for the hole to repair itself.

Too much UV–B, which is filtered by the ozone layer, causes cataracts and suppresses our immune systems, making us more vulnerable to viruses and bacteria. It also contributes to skin cancer. It was this threat to human health that was a major reason that the international community agreed to ban it. It was a display of unprecedented cooperation in the face of an environmental threat.

Methyl bromide puts our own workers and consumers at risk too. When it is injected into the soil, it kills almost every living thing in the soil. It is no wonder that it also causes chronic health problems for the workers who apply it and the nearby communities who are also exposed to it. Exposure has effects on the neurological system including functional impairment, lethargy, twitching, tremors, and paralysis in extreme cases. It has also been linked to prostate cancer and birth defects in some studies.

Continuing the manufacture of methyl bromide is bad economics. Since the international community agreed to phase out methyl bromide, companies who play by the rules have been planning for its phaseout. They have incurred real financial costs by investing in alternatives, anticipating the phase-out required by the Montreal Protocol. Failing to adhere to the U.S. promise to phase out methyl bromide puts these companies who were playing by the rules at an unfair competitive disadvantage. Those who do the right thing and obey the law should be rewarded for their good faith efforts, not punished.

Consider the international relations implications as well. An attempt to let the U.S. allow methyl bromide to be used without going through the specified channels—like other countries are required to do—would further harm our standing in the international community. It sends a signal to other countries that we will only honor our agreements until we change our mind. It harms negotiations on future agreements. It furthers the stereotype of the U.S. as the bull in the proverbial global china shop.

The EPA is currently trying to address the methyl bromide issue by substituting chemicals, like methyl iodide, that aren't as harmful to the ozone layer but are still highly toxic. Instead, we need to look to alternatives for pest control that not only preserve the ozone layer but also protect worker health, community health, consumer health, and ecological health. In fact, that's exactly what Americans want.

One of the biggest growth industries right now is organic food. According to the Congressional Research Service, "The annual rate of market growth since 1990 has remained steady at about 20%." When given a choice between food grown with toxic chemicals or food grown organically, people choose the latter, especially when the price is comparable, which is increasingly the case as economies of scale become more prevalent.

One of methyl bromide's biggest uses is for strawberry crops. Jake Lewin, director of marketing for California Certified Organic Farmers says ". . . strawberries can be grown without pesticide. We've got 60 growers who don't use (methyl bromide) . . . The bottom line is small and large growers have successfully produced strawberries without pesticides."

So we are talking about yielding to the management of chemical producers and agribusiness—whc by the way rarely have to apply the toxic pesticide themselves or live in the adjacent communities—at a drastic cost to our health and that of the earth. It speaks to a systematic deference to corporations at the expense of the biological systems on which we intimately depend for life. It is unwise and unnecessary. I call for the immediate and permanent phase-out of methyl bromide.

TRIBUTE TO JOHNSON COUNTY, KANSAS, AFRICAN-AMERICAN TRAILBLAZERS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. MOORE of Kansas. Mr. Speaker, I rise to lend my support and appreciation to the Johnson County, Kansas, chapter of the NAACP, whose Youth Council, along with the Johnson County Library, will be holding a program at the Mount Olive Baptist Church in Merriam, Kansas, on Saturday, February 18th, to honor and reflect upon Johnson County's African-American "trailblazers." Specifically, this program will honor the following six individuals, families and organizations:

JULIUS MC FARLIN

Julius McFarlin, born in Conway, Arkansas, was instrumental in organizing the chartering of the Branch of the NAACP in Johnson County. While waiting for the Branch to be officially chartered, McFarlin served as its President from 1972–1977. In September 1977 the Branch, named the Merriam, Kansas, NAACP, was chartered and Mr. McFarlin continue serving as its President until 1998. McFarlin is still active with the Branch and is a Life-Time Member.

Not only is Mr. McFarlin a "Trailblazer" with his work with the NAACP, in 1973, McFarlin realized a need to become involved in the community and was elected to the Merriam City Council, Precinct One, Ward One—thus becoming the first African-American elected to a political office in Johnson County, Kansas. McFarlin served until 2000.

Believing in giving back to the community in which he so faithfully served, McFarlin's community involvement includes managing baseball teams for youths; prior service on the Board of South Park Neighborhood Council; a current member of the Mt. Olive Baptist Church, in which he serves as the Chairman of the Trustee Board; and prior service on the Johnson County Mental Health Board; Public Works Board and City Finance Committee.

Married to his bride of 60 years, the lovely Marzella (Wilson) McFarlin, Julius McFarlin is truly a Johnson County "Trailblazer".

DR. NORGE W. JEROME

Dr. Norge W. Jerome, a Nutritional Anthropologist, International Health and Nutrition Scientist, and Women in Development Specialist, is currently Professor Emeritus of Preventive Medicine and Public Health, at the University of Kansas School of Medicine. Dr. Jerome has served as Senior Research Fellow at the Center for University Cooperation in Development, Bureau of Science and Technology, U.S. Agency for International Development (A.I.D.), Department of State, in Washington, D.C., and as Director of the Office of Nutrition at A.I.D. Dr. Jerome also served as Interim Associate Dean for Minority Affairs, at the University of Kansas School of Medicine, as well as having published widely, with 2 books and over 100 articles to her credit.

Dr. Jerome was born and raised on the southern Caribbean island of Grenada and came to the United States to study at Howard University. She became a naturalized U.S. citizen in 1973 and went on to earn a B.S. degree (Magna Cum Laude) from Howard University; her M.S. and PhD. degrees are from the University of Wisconsin, Madison.

Dr. Jerome led a pioneering role in launching nutritional anthropology as a discipline within anthropology. Dr. Jerome has received numerous honors, tributes and awards and served on many national and international committees and panels concerned with women's health and development issues.

For her many contributions, not only to this community, but worldwide, Dr. Jerome is being recognized as a Johnson County "Trailblazer".

MAYOR CARL WILKES

Carl Wilkes and his wife of 42 years, Wanda, have been residents of Merriam, Kansas, for 40 years. Carl has a 31-year career in public service for local and federal governments and currently serves as a Field Supervisor for the Housing Services Division of Johnson County's Human Services and Aging Department.

Carl Wilkes was instrumental in the development and receipt of funds for the first transportation program for the elderly in Johnson County, "Dial-A-Ride". Carl also established—in conjunction with United Community Services—the Multi-Service Center, served as its Executive Director and developed and secured funding for the City of Kansas City, Kansas, Section 8 Housing Program and served as its Director.

Carl Wilkes has received numerous awards and recognition for his service, such as Certificates of Commendation; the Meritorious Public Service Award and the Distinguished Service Award, to name a few. Nevertheless, Carl Wilkes will always be remembered in Johnson County as the first African-American to be elected as Mayor of a local community. On April 23, 2001, Carl Wilkes was sworn in as the 10th Mayor of Merriam, Kansas. On recount, his election was determined by two votes. Carl Wilkes is currently serving his second term as Mayor of the City of Merriam, Kansas.

Carl Wilkes is truly a "Trailblazer" and deserving of such recognition.

MT. OLIVE BAPTIST CHURCH—MERRIAM, KANSAS

In 1922, the members of Shiloh Baptist and First Baptist in Merriam, Kansas, combined their two churches to form Mount Olive Baptist Church.

Mt. Olive members were, and still are, active in church, community and political affairs. During the 1940s Mt. Olive played an important role in helping the parents who were involved in the seminal 1949 decision involving school desegregation—Webb vs. Merriam Board of Education. Mt. Olive, during this litigation, which lasted for approximately two years, opened up its doors for school to be set up and receive instruction. The support of Mt. Olive members helped them to achieve this wonderful victory.

It was also during the late 1940s and early 1950s that the Mt. Olive Baptist Church, allowed the NAACP to utilize its basement for its meetings and continue to be a voice in the community for civil rights and equality advocating. To this day, the Mt. Olive Baptist Church is still committed to the spiritual grown of all and concerned about matters that impact the community.

For its contributions to the development of Johnson County, Kansas, the Mt. Olive Baptist Church is truly a "Trailblazer".

ALFONSO AND MARV WEBB

In 1947, parents of 39 school children attempted but failed to enroll their children in the new South Park Grade School, which was less than a mile from their homes. The parents did not want to send their children to the Madame C.J. Walker School, which did not have running water, electricity or up-to-date textbooks. Instead, the parents elected, with the permission of the pastor of the Mt. Olive Baptist Church, to set up school at the church and in homes. Two of these parents were Alfonso and Mary Webb.

Preceding the Brown vs. The Topeka Board of Education decision, Mr. and Mrs. Alfonso Webb, on behalf of their minor children, Harvey and Eugene Webb, the plaintiffs, filed suit in the 1948 desegregation case, Webb vs. School District #90. Included in this litigation were Shirley Ann Turner and Herbert Turner, minor children of Thelma and Earnest Turner, and Delores Gay and Patricia Black, minor children of Thomas Black.

The Kansas Supreme Court ruled that the black students would attend the previously all white South Park Elementary School. In September 1949 the black students were admitted without incident.

Alfonso and Mary Webb were truly "Trailblazers."

THE MC CALLOP FAMILY

Robert L. McCallop was born in Wilder, Kansas, in 1894. Robert reflected the success of African-Americans all across the country. He took something that many of us take for granted and turned it into an achievement based upon business and education.

In 1934 Robert turned the back of a truck into a bus to provide transportation for African-American children so that they could attend school in Wyandotte County, Kansas. The McCallop Company was the first black-owned bus company in Johnson County.

Thanks to the McCallop family, black children in Johnson County in the 1930s through the 1950s were able to get an education. Because of segregated times, African-American Johnson County children were unable to attend secondary school within the county. Instead, they were forced to cross over to Wyandotte County to attend Sumner High School.

Oscar Johnson, former educator and President of the Johnson County Branch of the NAACP, states: "the McCallops were a family so intact, so committed to stay the course in a community that wasn't always welcoming. Yet, they thrived and flourished despite the odds they faced".

William, sibling of Robert McCallop, and his wife Ruth, will appear at Saturday's event to accept this award for the contributions the McCallops has given to this county and the McCallops are truly "Trailblazers".

Mr. Speaker, I thank you for the opportunity to pay tribute to these distinguished Johnson Countians and to Mt. Olive Baptist Church, and I know that all members of the United States House of Representatives join with me in saluting these "trailblazers."

TRIBUTE TO EARL FOWLER

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. ETHERIDGE. Mr. Speaker, I rise to recognize Chief Earl Fowler of Raleigh, North Carolina. Chief Fowler recently retired, ending 54 years of service to the Raleigh Fire Department by the Fowler family.

B.T. Fowler, the chief's father, joined the Raleigh fire department in 1956 and served with distinction until 1986, when he retired as a fire inspector and became the department's historian.

After serving in the U.S. Navy, Earl Fowler followed his father's footsteps and joined the Raleigh department in 1971, where he rose through the ranks as a firefighter, district chief, fire marshal and assistant chief. He became chief in 1999.

I have had the pleasure to work with Chief Fowler over the years, and he has served with humility, honor and professionalism. His fellow chiefs have recognized him as "a leader and a visionary," as well as "a creative thinker and motivator."

Today, I am honored to recognize Chief Fowler and to thank him for his many years of dedication and service to the people of Raleigh and of the Second Congressional District.

TRIBUTE TO ELIZABETH BIRT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. BURTON of Indiana. Mr. Speaker, it is with great sorrow that I rise today to pay tribute to a good friend and former member of my staff, Ms. Elizabeth Ann Birt, who died following an auto accident while on vacation in Colorado late last year. Liz is survived by her three children: Sarah, Matthew, and Andrew.

In 1996, Liz's son Matthew was diagnosed with autism, a devastating neurological disorder that, according to the Centers for Disease Control and Prevention, now afflicts approximately 1 in 166 American children. My own grandson is autistic so I know first-hand how traumatic this news can be for parents of newly diagnosed autistic children. All too often, parents give up on the search for answers because raising a child with autism requires so much more time and energy than raising a so-called average child.

Liz, however, did not back away from the fight. No matter how tired and discouraged she might have been, Liz was determined to show the world that one person can make a difference just by asking questions. Her courageous and infectious enthusiasm ignited a quest for truth and justice for the autistic children of this country. There can be no doubt that Liz fought hard for what she believed in and in the end, her brilliant mind, strong spirit, and passion for the truth made her a hero to the autism community.

In fact, it is through her work on autism that I first came to know Liz; and not long after I became Chairman of the Government Reform Committee in 1997, I invited her to join my staff to help lead the Committee's investigation into the autism epidemic sweeping our country. As a valued legal advisor/investigator for the Committee, Liz helped us to elevate the level of public debate about this disease, as well as educate policymakers at all levels of government about the evolving science concerning the toxic effects of thimerosal—a mercury-based preservative commonly used in vaccines.

Like many of us who have been involved in this debate over the years, when Liz first heard about the connection between autism and thimerosal, she was skeptical. But she read everything she could find, requested government documents and studies, and in the end became convinced that thimerosal was in fact the cause of her son Matthew's autism. Armed with this knowledge, Liz helped to cowrite the groundbreaking congressional staff report, "Mercury in Medicine—Taking Unnecessary Risks," published in the Congressional Record in 2003, which challenged the conventional thinking of the Federal Government, the public health systems, the medical communities, and the pharmaceutical companies on the subject of thimerosal and autism-spectrum disorders.

In addition to her government service, Liz served the autism community through her leadership in many nonprofit organizations. As the co-founder of the "Coalition for SafeMinds" (Sensible Action for Ending Mercury-induced Neurological Disorders), founder of Medical Interventions for Autism, founding board member of the National Autism Association, and co-creator of the Extreme Sports Camp in Aspen, Colorado, Liz brought joy, hope, and inspiration to many autistic children and their parents. In addition, Liz was one of the founding members of the autism community's first political action organization, A-CHAMP (Advocates for Children's Health Affected by Mercury Poisoning). Liz was especially proud of this venture; and in a short period of time A-CHAMP has become one of the driving forces behind the growing and highly successful movement to ban mercury at the State level.

I believe, as Liz did, that strong evidence points to the mercury unnecessarily used in vaccines as part of the autism problem, and that thimerosal played a key role in my grandson developing autism. The science is undeniable: mercury is a base element—and it remains a base element even when mixed with other materials—and the most toxic substance known to man outside of radioactive materials.

The fact is that no one has ever identified a positive health benefit to mercury in the human body, and as more science accumulates and more people learn about the dangers of mercury, more time runs out for those who continue to advocate that mercury in vaccines and other medical devices is safe. Eventually, even they will have to admit that it flies in the face of logic to suggest, much less believe, that a substance so dangerously toxic outside the body is harmless once injected into the human body.

Until that day comes, I know that I, and others like Liz who believe as I do, will not be silent about this issue or give up in our fight to make our world a safer and healthier place. And when that day does come, we will all owe a debt of gratitude to Liz Birt for leading the way and becoming a leader in a fight she would rather not have been fighting.

Liz will be sadly missed by all who knew and loved her. I respectfully ask my colleagues to join me in sending their deepest sympathies and heartfelt prayers to Liz's family. May God bless them.

HONORING DAVE WOOD, E. FLOYD FORBES AWARD RECIPIENT

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. COSTA. Mr. Speaker, I rise today to commend Mr. Dave Wood for his achievement in receiving the distinguished E. Floyd Forbes Award. This prestigious tribute is awarded to those who have proven exemplary service to the National Meat Association (NMA) and the meat and poultry industry.

Mr. Wood currently serves as the chairman of the Beef Division for Harris Ranch, Inc., a notable company who praises and recognizes his service, dedication and loyalty.

Upon graduation from California State University Cal Poly, San Luis Obispo in 1970, Mr. Wood relocated to the San Joaquin Valley and accepted a position with Harris Ranch, Inc. With the inception of his career, Mr. Wood embarked on a campaign to expand the company's feeding division, successfully doubling cattle productivity. Mr. Wood's unwavering demeanor and strong work ethic led him to assume more responsibilities within the company; opening the floodgates for his ingenious creativity to take form. Mr. Wood's contributions to Harris Ranch, Inc., include the establishment of the Partnership for Quality (PQ) program—a marketing technique that increased Harris Ranch, Inc.'s, reputation by providing consumers with consistent, high quality beef. He also developed a line of fully-cooked premium heat and serve entrees as well as a number of fresh seasoned products to meet diversified consumer demand.

Mr. Wood's expertise goes beyond his role at Harris Ranch, Inc., with the ownership and management of Dave Wood Ranches and Wood Livestock, a cow-calf operation that is part of the Harris Ranch Partnership for Quality program. He is also co-owner of the historic Dressler Ranch near Bridgeport, California, a cattle and stocker cattle operation and he serves as a partner in Wood & Devine Cattle Co., Devine & Wood Farming, Inc., and Double D Farms.

In addition to those commitments, Mr. Wood has assumed leadership roles in several industry organizations including a member of the board of directors of Cattle-Fax, chairman of the Beef Committee and chairman of the National Meat Association's predecessor, the Western States Meat Association. He has sought other leadership opportunities including, serving as: Chairman of the Cattlemen's Beef Promotion and Research Board, chairman of the California Beef Council, executive committees of the California Cattleman Association and United States Export Federation.

Mr. Wood's legacy of good stewardship and constant regard for upholding the industry's high standards has led him to receive several awards that recognize those efforts, including the Cattle Business of the Century Award from the National Cattlemen's Beef Association and the National Cattlemen's Beef Association Environmental Stewardship Award. Mr. Wood was also the recipient of the 2003 Vision Award from the National Cattlemen's Foundation, a prestigious award given to individuals whose creativity and imagination inspire others and improve the world around them.

On a personal level, he is a caring and loving father of David, who works with his father on the cattle ranch and is his pride and joy. Dave Wood is a gentleman who cares about his Country, his work and most importantly the friendships of life. Every day he tries to make a difference.

It is with great pride and honor that I join Mr. Wood's family, friends and colleagues in commending his hard work and applaud his recognition as the recipient of the E. Floyd Forbes Award. Mr. Wood's passion and commitment make him a most deserving recipient of this award and a true pillar of this industry.

HONORING AXEL CARL HANSEN, M.D., DHL

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mrs. CHRISTENSEN. Mr. Speaker, to be young, gifted, and Black during the first quarter of the 20th century presented unique and overwhelming challenges that not many African Americans could transcend. Among those who did was the distinguished physician, Dr. Axel Carl Hansen.

He has been a recognized researcher, scholar and expert in the field of ophthalmology for over 50 years. The combination of his unique commitment to human egalitarianism and equal educational opportunities for African Americans interested in ophthalmology has been a perennial beacon of light to those entering and those within the profession.

Dr. Hansen was born in my district, on St. Thomas, U.S. Virgin Islands, on March 4, 1919, and received his elementary education in the private schools of the island. His college-preparatory training was obtained at the Charlotte Amalie High School in St. Thomas, from where he graduated in June 1937. His leadership and scholastic skill were evident early in life. In his senior year in high school, he was president of his class, editor of the school's weekly newspaper, The Reflector, and editor of his class yearbook, The Last Carib. A member of the Quill and Scroll Journalist Society, he received the national society's "honorable mention" for a news article he wrote and published in The Reflector and won first prize from the Virgin Islands Daily News for an essay, "Nature's Masterpiece", which appeared in the initial issue of The Virgin Islands Magazine. He was one of two members of his graduating class to receive the honor society's Forum Award for outstanding accomplishments.

In the fall of 1937, Axel Hansen left the Virgin Islands to attend Fisk University in Nashville, Tennessee, where he graduated with a baccalaureate degree. He received his M.D. degree from Meharry Medical College in Nashville in March 1944 and pursued internship and 1 year residency at Homer G. Phillips Hospital in St. Louis in ophthalmology and otolaryngology.

Dr. Hansen, following that post-graduate training, was recruited by Dr. Charles Drew, the famous African American pioneer of blood storage, to return to St. Croix, Virgin Islands and assist in the delivery of medical care. As a municipal physician and general practitioner there, one of his responsibilities was the medical care of patients with leprosy. He modernized the treatment of that disease in the Virgin Islands by substituting the new sulfone drugs for the long used, but less efective, chaulmoogra oil.

Returning to the United States in 1946 to further his training in diseases and surgery of the eyes, ears, nose, and throat, Dr. Hansen spent 2 years at Meharry Medical College's George W. Hubbard Hospital. The year 1948–1949 was devoted to advanced training in the specialty at Provident Hospital in Chicago and the University of Chicago. Upon completion of his training he returned to Meharry Medical College as a full time instructor and he began a private practice.

Later, during a 3-year sojourn in the Virgin Islands, he served a year as president of the medical staff at the Knud-Hansen Memorial Hospital, and was the founder and first secretary of the U.S. Virgin Islands Medical Society.

In 1960, Dr. Hansen was appointed Associate Professor of Ophthalmology and Otolaryngology at Meharry Medical College and rose to the rank of Professor and head of the Department of Ophthalmology. He also served as medical director of the College's Hubbard Hospital for 6 years.

In 1968, he reported the first two cases of Norrie's Disease—a rare eye disease—in the United States, and has published several medical articles on that and other subjects.

His creativity has not been limited to medicine. Dr. Hansen also published a self-illustrated book of original poems, and a book, From These Shores, which consists of biographical profiles of influential individuals from the Danish West Indies.

The physician became the first African-American ophthalmologist to be certified by the American Board of Ophthalmology in the State of Tennessee. He is a Diplomate of that Board, a Fellow of the American Academy of Ophthalmology, a Fellow of the American College of Surgeons and a Fellow of the American Association for the Advancement of Science. He is also a member of Alpha Omega Alpha Honor Medical Society and Phi Beta Kappa Honor Society. Among his many citations are the honorary degree of Doctor of Humane Letters and the Distinguished Alumnus Award from Fisk University.

In 1987, he was the commencement speaker at his alma mater, Charlotte Amalie High School, from which he had graduated 50 years earlier.

Dr. Hansen retired from Meharry in 1985 as a Distinguished Service Professor Emeritus. In 1996, the American Academy of Ophthalmology awarded him the Academy's Outstanding Humanitarian Award, the second African American to receive that honor.

Today, Dr. Hansen is retired and living in Nashville, Tennessee.

Mr. Speaker, I ask that the Members of the U.S. House of Representatives join me in honoring this esteemed physician, educator, author and humanitarian.

HONORING THE HURLEY AUXILIARY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. KILDEE. Mr. Speaker, I would like to recognize the achievements of a remarkable group of women and men in my hometown of Flint, Michigan, the Hurley Medical Center Auxiliary. On February 21, they will celebrate their 50th anniversary by holding a luncheon for the members and local dignitaries.

First organized on February 15, 1956, over 100 women attended the first membership meeting. In October 1959, the membership amended the constitution to allow men to join the organization. Currently there are 200 members donating 40,000 volunteer hours to Hurley Medical Center annually in 14 service areas.

Since its inception the Hurley Auxiliary has raised and given $3.2 million dollars for Medical Center programs. Especially important to the auxiliary members is the care provided to children. During the 1950s they conducted the "Wish a Child Well" wishing well fundraisers and today the group is a significant donor to the Children's Miracle Network. The Auxiliary has generously supported pediatric programs and the Neonatal Intensive Care Unit.

Because of the Auxiliary membership's commitment to serving all patients, they have also raised money to purchase vans for Hurley's Senior Services. The vans allow seniors to have door-to-door transportation for doctor's visits. The vans are handicapped accessible and were paid by the Auxiliary through fundraisers, the gift shop and hospitality carts.

The Hurley Auxiliary has also contributed to the Michigan Association of Hospital Auxiliaries. Five Hurley members have served as president of the East Central District and two members have been president of the Michigan Association of Hospital Auxiliaries.

Mr. Speaker, I ask the House of Representatives to join me in congratulating the Hurley Auxiliary for 50 years of dedicated service to Hurley Medical Center and working to provide the best available medical care for its patients.

IN RECOGNITION OF DR. SUDHIR PARIKH

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. PALLONE. Mr. Speaker, on behalf of Congressman JOE CROWLEY (NY) and myself, I rise today to congratulate a Dr. Sudhir Parikh, a prominent Indian-American physician, activist and philanthropist, who was selected earlier this year to receive the prestigious Pravasi Bharatiya Samman Award for 2006, the highest civilian honor bestowed by India on non-resident Indians.

Every year, the Government of India nominates extremely worthy and valuable members of the non-resident community for this award who have made a difference to global well-being. It is clear that Dr. Parikh was chosen on his strong credentials.

Dr. Sudhir Parikh, who migrated to the United States in the late 1970s and is a reputed allergist in the tri-state area of New York, New Jersey and Connecticut, has made a significant difference in U.S.-India relations in the past several years. Dr. Parikh is a former president of the nationally recognized American Association of Physicians of Indian Origin, as well as a former president of the Indian American Forum for Political Education. He used these prominent organizations to promote Indian-American issues in Congress and to raise awareness within the Indian community. Today, he serves as president to the Federation of Indian Associations, continuing his critical role in bringing our two countries together.

He has contributed more than $2 million individually to various causes from cancer research to tsunami relief and rehabilitation of earthquake victims in Gujarat. Besides his individual efforts, Dr. Parikh also joined with organizations like the American Indian Foundation, Share & Care, the Nargis Dutt Cancer Foundation and the Art of Living Foundation to raise funds.

As members of the Congressional Caucus on India and Indian Americans, we are pleased to have a friend like Sudhir, who has helped tremendously in building the membership of the Caucus and helped set up a new caucus in the U.S. Senate. He is a tireless advocate for the Indian community's interests and the global interests of India.

Mr. Speaker, Dr. Parikh is an asset to the Indian American community and his efforts are deserving of this great award. Sudhir fully embodies the commitment and values that the NRI Award represents.

TRIBUTE TO SANDY GERMANY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. LEVIN. Mr. Speaker, I rise today to recognize Ms. Sandy Germany, National President of the Ladies Auxiliary to the Veterans of Foreign Wars of the United States.

Ms. Germany is being honored for her commitment and dedication to veterans all over our country who have served with bravery and honor in our Nation's conflicts. As a Life Member of Kiehler-Pippen Auxiliary #5658, her involvement hits close to home with her own father, Pete Frauenhoffer, who served in the Army Air Corps in World War II, her brother, Ronald, who served two tours in Vietnam in the United States Air Force and her son, Curtis, who has been in the military since 1986 serving in the U.S. Army in Korea and recently in Iraq.

The Ladies Auxiliary to the Veterans of Foreign Wars of the United States is dedicated to the principle of freedom for all people around the world. The organization's plans for 2005–2006 include helping veterans and their families by caring for their children at the VFW National Home for Children, providing special assistance through the Rehabilitation Program, volunteering in VA Medical Centers, sending care packages to the troops in Iraq, Afghanistan, Kuwait and Qatar, and teaching young people about the responsibilities of citizenship.

Ms. Germany was elected and installed as National President of the Ladies Auxiliary to the Veterans of Foreign Wars of the United States at its 92nd National Convention in Salt Lake City, Utah, on August 25, 2005.

She has served in many positions for the organization, including Auxiliary President. As District and State President, she earned Runner-Up Outstanding President of the Year. She also served as National Junior Girls Units Director, as National District Council Member #8, and eight years as State Secretary.

Ms. Germany is also a life member of the VFW National Home for Children and belongs to the American Legion Auxiliary and the Military Order of the Cooties Auxiliary.

Mr. Speaker, I ask my colleagues to join me in recognizing Sandy Germany, a woman who has dedicated herself to all veterans, our community and the State of Michigan.

RECOGNIZING THE UNI-CAPITOL WASHINGTON INTERNSHIP PROGRAM

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to recognize the Uni-Capitol Washington Internship Program, an international internship program that was highlighted in a Roll Call article last week. I have been a proud participant in the program since its inception seven years ago.

The Uni-Capitol Washington Internship Program gives Australian university students the opportunity to intern in the office of a Member of the Congress. Each year, 12 students from all across Australia are selected to come to Washington to participate in the administrative and legislative processes that underpin the functioning of Congress as a democratic institution. Such experiences are invaluable opportunities for these students to gain knowledge and a deep understanding of the internal workings of the United States Government while bringing their own skills and backgrounds to their respective Congressional offices.

The Uni-Capitol Program selects undergraduates from 7 universities by matching the applicants with Members and Senators who share their views. The students who are selected come from a variety of academic disciplines, but all have an interest in learning about and promoting the U.S.–Australia relationship. The Program facilitates this by enabling the formation of genuine friendships and the exchange of views and ideas between the Australian interns and their respective offices. I have often enjoyed the interaction that has occurred between my Australian and American interns. This, my colleagues, is how we build relationships which will ensure that the U.S. and Australia remain friends and allies for years to come.

My office is currently hosting Sarah Dillon who is completing a double degree in law and international studies at Deakin University. She has been an exceptional addition to my staff and has provided us with an international perspective on constitutional governments, a passion for relieving suffering in Darfur, and the culinary delights of vegemite.

Sarah is participating with 11 other very qualified students. Andrew Brookes from Melbourne University is in Senator CHRISTOPHER DODD's office; Ryan Conroy from Deakin University is in Representative SAM FARR's office; Jenna Davey-Burns from Melbourne University is in Representative LOUISE SLAUGHTER's office; Douglas Ferguson from the University of Canberra is in Senator DEBBIE STABENOW's office; Jessica Gurevich from Melbourne University is in Representative MIKE CASTLE's office; Scott Ivey from the University of Western Australia is in Representative LORETTA SANCHEZ's office; Saul Lazar from Deakin University is in Senator CHUCK HAGEL's office; Abbie McPhie from Melbourne University is in Representative JERROLD NADLER's office; Linda Nelson from the University of Wollongong is with the House Science Committee's majority staff; Marianna O'Gorman, from the University of Queensland is in Delegate ENI FALEOMAVAEGA's office; and Rachel Thomson from the University of Western Australia is with the Joint Economic Committee's minority staff.

I would also like to commend Eric Federing who founded and continues to direct this international internship program. Eric is a former senior House and Senate staffer of more than a dozen years, and I congratulate him on making his vision a reality. In the process, Eric continues to make a great contribution to the mutual understanding and appreciation shared by Australians and Americans, myself included.

I am proud that my office is part of this program, as I believe it provides a unique and important bridge between the United States of America and Australia. The program has been, and will continue to be, an extremely beneficial experience for all involved. I implore my colleagues to participate in this worthwhile program in the coming years.

IN GRATITUDE TO MR. JESUS SALAS

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to recognize the extraordinary accomplishments and contributions of a leader in the Fourth Congressional District. Mr. Jesus Salas retired in December 2005, concluding an 18-year teaching career at Milwaukee Area Technical College, MATC. Though his teaching career has ended, he will no doubt continue his life's work advancing the cause of civil rights and justice.

A noted pioneer in the fight for civil rights, Mr. Salas participated in a series of landmark actions in the 1960s. Together with Father Groppi, Mr. Salas helped organize the Welfare Rights March in downtown Milwaukee, and was a leader in the landmark march from Milwaukee to the State capitol in Madison. He was part of a multi-racial group of civil rights leaders who together protested segregated housing, pushed for greater worker protections and demanded greater access to education for people of color.

Mr. Salas has exhibited a profound commitment to the rights of migrant workers. He pushed for enforcement of laws that would protect migrant workers from exploitative conditions, including low wages, unhealthy working conditions and poor housing. As the founder of Obreros Unidos, Mr. Salas led the first sustained effort at unionizing migrant workers in the Great Lakes region, and he served as the first Hispanic executive director of United Migrant Opportunity Services, Inc.

Furthermore, Mr. Salas is a staunch advocate for education. He fought to improve access to college education for Hispanic youth, while also demanding that educational institutions provide curricula that reflect the history and accomplishments of the Hispanic community. As a result of his efforts, the University of Wisconsin-Madison created a Chicano studies program, the Milwaukee Area Technical College instituted a bilingual education program, and the University of Wisconsin-Milwaukee created the Spanish Speaking Outreach Institute—now the Roberto Hernandez Center—to recruit, advise and support Hispanic students. Generations of Hispanic leaders to come will be able to thank Mr. Salas for working to ensure the increased educational opportunities they will enjoy.

I know Mr. Salas will continue to identify and advocate for educational innovations in his role as a member of the University of Wisconsin Board of Regents. Along with members of the Fourth Congressional District's Hispanic community, I extend to him my heartfelt congratulations and wish him all the best in his future endeavors.

A PROCLAMATION CONGRATULATING VICE ADMIRAL THAD ALLEN FOR HIS NOMINATION TO COAST GUARD COMMANDANT POST

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. RUPPERSBERGER. Mr. Speaker, Mr. COBLE, Mr. BROWN of South Carolina, and I would ask that you join us today in congratulating Vice Admiral Thad Allen in his nomination for the post of Commandant.

Mr. Speaker, on September 11, 2001 the United States of America experienced the greatest terrorist attack to ever reach U.S. soil. We were not prepared for such a horrific event, as we never imagined terrorists would take such drastic measures.

While we've always been a strong nation with resilient leaders, the post 9–11 world we live in has taught the American citizens that we must be prepared for the unknown. The people who lead this country must be amongst the elite. It has been challenging to restore the confidence Americans have in their leaders since that attack. As elected officials it has been our duty and privilege to protect and uphold the safety and the ideals of our citizens. We must be diligent in choosing people to manage this Country.

The White House announced that the Coast Guard's Chief of Staff, Vice Admiral Thad Allen was nominated for the Commandant Post. At this time, we ask that our colleagues join with us in congratulating him on this nomination.

Vice Admiral Thad Allen is known for his loyalty, hard work, and dedication to his post. The American people can be proud to have this man working for them. He first showed his distinct leadership skills as he led Atlantic services in the Coast Guard's reaction to the September 11th attacks. Then, just last year we watched with anticipation as he replaced FEMA Director, Michael Brown. His strength as a leader changed the dynamic of the relief efforts, helping to ensure our citizens received the assistance they sought.

Vice Admiral Thad Allen restored the faith the American people so desperately needed in a leader. Without a doubt, he is revered for his work after the Hurricane Katrina disaster. We are confident he will not disappoint with the Commandant Post. He has served as the Chief of Staff and Commanding Officer at the G.G. Headquarters, Commander of Atlantic Area, and Commander of the Fifth and Seventh Coast Guard Districts.

Mr. Speaker, we ask that you join with us today in congratulations to Vice Admiral Thad Allen for his nomination to the Commandant Post. A man of his caliber is truly an inspiration.

RECOGNITION OF THE HONORABLE FRANK L. OLIVER OF 195TH LEGISLATIVE DISTRICT OF PENNSYLVANIA

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. FATTAH. Mr. Speaker, I rise today to honor Pennsylvania State Representative Frank L. Oliver, for his outstanding service and invaluable dedication to the people of the 195th Legislative District of the State of Pennsylvania.

Representative Oliver, a lifelong Philadelphian, began his tenure in the State House in 1973. He serves on the Agricultural and Rural Affairs Committee, the Democratic Policy Committee, and most notably, as Chairman of the Health and Human Services Committee, a post he has held since 1995. As Chairman, he has overseen proposed regulations of the Pennsylvania Departments of Health and Public Welfare, and the Healthcare Cost Containment Council.

Most recently, Mr. Oliver recommended a study on ways to improve urban public health, specifically investigating the lack of supermarkets in urban areas. Within months of the study's completion, the General Assembly passed, and Governor Rendell signed into law, an economic stimulus package that will provide financial assistance to urban and rural supermarkets in underserved areas. Pennsylvania is the first state to create a statewide supermarket-directed development program of this kind.

Also notable in his legislative career is Mr. Oliver's "Healthier Women Today for a Better Tomorrow" initiative. The plan calls for expansion of family leave, strengthening of domestic violence laws, funding for community outreach to at-risk families with young children, and providing access to treatment options for breast and cervical cancer.

Representative Oliver's extensive legislative accomplishments are a testament to his unwavering commitment to the causes of the residents of the City of Philadelphia and the State of Pennsylvania. For that reason I am proud to recognize his accomplishments here in the United States House of Representatives.

HONORING ST. MARGARET OF SCOTLAND CATHOLIC CHURCH ON THE OCCASION OF ITS 100TH YEAR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. BONNER. Mr. Speaker, today I rise to pay tribute to St. Margaret of Scotland Catholic Church on the occasion of its 100th year.

St. Margaret of Scotland Catholic Church has been a vital partner of the city of Foley and the state of Alabama. The church was founded in 1906, and for a century, this congregation has been worshipping God and serving the people of south Alabama.

The congregation of St. Margaret of Scotland Catholic Church has used its resources and opportunities to provide hope, comfort, instruction, and inspiration to so many along the Gulf Coast. Over the past two years, this parish has responded to the needs of the victims of Hurricanes Ivan and Katrina, including providing temporary housing, utilities and food for six evacuated families.

St. Margaret of Scotland Catholic Church has lovingly served the people of Foley through its contributions to Catholic Social Services for Baldwin County, Relay for Life, and Foley Alcoholics Anonymous.

It is my sincere hope that the St. Margaret of Scotland Catholic Church will continue to be such a source of inspiration, hope, and comfort to the people of Foley for another 100 years, and I rise today to salute this congregation and the many contributions they have made toward the betterment of south Alabama.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Ms. LEE. Mr. Speaker, on Tuesday, February 14, 2006 due to urgent personal matters I missed Rollcall votes Nos. 8 and 9. Had I been present, I would have voted "aye" on H. Con. Res. 322 and S. 1989.

CONGRATULATING MR. GARY DENICK ON THE OCCASION OF HIS RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Mr. Gary Denick on the occasion of his retirement after serving the U.S. House of Representatives for 28 years.

Mr. Denick joined the production staff of the House Recording Studio as a camera operator in 1978. He rose to production director and became director in 2002. Mr. Denick was even part of the history making crew that provided the first floor coverage of House proceedings.

Mr. Denick began his career in 1972 as a soldier in the U.S. Army after graduating from Miami University of Ohio. He was trained as a television specialist, served a tour of duty in the Republic of Korea and was honorably discharged in 1975. Over the course of his nearly three decades with the House Recording Studio, countless members and their staffs have come to know Gary and call him a friend, me included.

Mr. Speaker, I ask my colleagues to join me in congratulating a dedicated professional and friend to many throughout this body. I know Mr. Denick's colleagues, his family, and his many friends join with me in praising his accomplishments and extending thanks for his many efforts over the years on behalf of the House Recording Studio and the U.S. House of Representatives.

CONGRATULATING MR. DAN HORNAK ON THE OCCASION OF HIS RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 2006

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Mr. Dan Hornak on tHe occasion of his retirement after serving the U.S. House of Representatives for 20 years.

From an elementary school teacher, to a sheriff's deputy, to a television news cameraman, there is not much that Dan Hornak has not tried. He joined the House Recording Studio staff in 1986 as a camera operator and rose to the position of television director. Over the course of his two decades with the House Recording Studio, countless members and their staffs have come to know Dan and call him a friend, me included.

In the midst of his professional schedule, Dan also found time to discover, restore, and return a stolen oil portrait to Italy. Among his many goals for retirement, Dan includes writing a book about returning this stolen portrait.

Mr. Speaker, I ask my colleagues to join me in congratulating a dedicated professional and friend to many throughout this body. I know Mr. Hornak's colleagues, his family, and his many friends join with me in praising his accomplishments and extending thanks for his many efforts over the years on behalf of the House Recording Studio and the U.S. House of Representatives.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 16, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 28

9:30 a.m.
Armed Services
To hold hearings to examine current and future worldwide threats to the national security of the United States; to be followed by a closed session in SH-219.
SH-216

Indian Affairs
To hold oversight hearings to examine Indian gaming activities.
SR-485

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine USF contribution.
SD-562

Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2007 for the Forest Service.
SD-366

2 p.m.
Veterans' Affairs
To hold hearings to examine legislative presentation of the Disabled American Veterans.
SH-216

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine USF distribution.
SD-562

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine the Bureau of Reclamation Reuse and Recycling Program (Title XVI of Public Law 102-575).
SD-366

MARCH 1

9:30 a.m.
Indian Affairs
To hold joint hearings with the House Committee on Resources to examine the settlement of Cobell v. Norton.
SH-216

10 a.m.
Energy and Natural Resources
To hold an oversight hearing to examine the state of the economies and fiscal affairs in the Territories of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.
SD-366

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Library of Congress, Open World Leadership Council, and Government Accountability Office.
SD-138

2:30 p.m.
Commerce, Science, and Transportation
Disaster Prevention and Prediction Subcommittee
To hold hearings to examine winter storms.
SD-562

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine the role of the Forest Service and other Federal agencies in protecting the health and welfare of foreign guest workers carrying out tree planting and other service contracts on National Health System lands, and to consider related Forest Service guidance and contract modifications issued in recent weeks.
SD-366

3 p.m.
Health, Education, Labor, and Pensions
To hold hearings to examine reauthorization of the Ryan White CARE Act relating to fighting the AIDS epidemic of today.
SD-430

MARCH 2

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine voice over Internet protocol.
SD-562

MARCH 7

9:30 a.m.
Armed Services
To hold hearings to examine military strategy and operational requirements in review of the Defense Authorization Request for fiscal year 2007 and the future years defense program.
SD-106

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine rural telecom.
SD-562

2:45 p.m.
Armed Services
Strategic Forces Subcommittee
To hold hearings to examine the nuclear weapons and defense environmental cleanup activities of the Department of Energy in review of the defense authorization request for fiscal year 2007 and the future years nuclear security program.
SR-232A

MARCH 8

2:30 p.m.
Armed Services
To hold hearings to examine the Department of Defense quadrennial defense review; to be followed by a closed session in SR–222.
SH–216

MARCH 9

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine aviation security and the Transportation Security Administration.
SD–562

MARCH 13

3 p.m.
Armed Services
To hold a closed briefing on an update from the Joint Improvised Explosive Device Defeat Organization.
SR–222

MARCH 14

9:30 a.m.
Armed Services
To hold hearings to examine military strategy and operational requirements in review of the Defense Authorization Request for fiscal year 2007 and the future years defense program.
SH–216

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine wireless issues spectrum reform.
SD–106

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine Wall Street perspective on telecom.
SD–106

MARCH 15

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Secretary of the Senate, Architect of the Capitol, and the Capitol Visitor Center.
SD–138

MARCH 16

9:30 a.m.
Armed Services
To hold hearings to examine military strategy and operational requirements in review of the defense authorization request for fiscal year 2007 and the future years defense program; to be followed by a closed session in SH–219.
SH–216

10 a.m.
Commerce, Science, and Transportation
Disaster Prevention and Prediction Subcommittee
To hold hearings to examine impacts on aviation regarding volcanic hazards.
SD–562

MARCH 28

10 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine Federal Aviation Administration budget and the long term viability of the Aviation Trust Fund.
SD–562

2:30 p.m.
Commerce, Science, and Transportation
National Ocean Policy Study Subcommittee
To hold hearings to examine offshore aquaculture.
SD–562

MARCH 30

10 a.m.
Commerce, Science, and Transportation
Disaster Prevention and Prediction Subcommittee
To hold an oversight hearing to examine National Polar-Orbiting Operational Environmental Satellite System.
SD–562

APRIL 4

10 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine Federal Aviation Administration funding options.
SD–562

APRIL 5

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Sergeant at Arms and U.S. Capitol Police Board.
SD–138

APRIL 26

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of construction on the Capitol Visitor Center.
SD–138

MAY 3

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Government Printing Office, Congressional Budget Office, and Office of Compliance.
SD–138

MAY 24

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of construction on the Capitol Visitor Center.
SD–138

HOUSE OF REPRESENTATIVES—*Thursday, February 16, 2006*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 16, 2006.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

Colonel Kenneth J. Leinwand, U.S. Army, Ft. Meade Installation Chaplain, Ft. Meade, Maryland, offered the following prayer:

Almighty and sovereign God, in reverent humility, we turn heart and mind to You as we begin today's deliberations on behalf of the American people. We are eternally grateful for the priceless privilege of living in this great land. May we be worthy guardians of our precious heritage of freedom and democracy which inspires millions worldwide who long to be free from the yoke of tyranny and despair.

We pray that Your spirit of justice and compassion will guide us as we wrestle with the enormous challenges facing our country. Grant us clear, prophetic vision, forthrightness, steadfast strength, and courage to legislate and secure the American Dream for all people. Let not impatience and expediency cloud our judgment and diminish the trust bestowed upon us by the citizens we represent.

Lastly, Lord, we pray Your protection for all Americans, especially those who serve in uniform in distant lands. Guard and protect these, Your faithful servants, under the shadows of Your wings. Grant them mission success and return them home in safety and peace.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING COLONEL KENNETH J. LEINWAND

The SPEAKER pro tempore. Without objection, the Chair recognizes the gentleman from Maryland for 1 minute.

There was no objection.

Mr. CARDIN. Madam Speaker, I want to join the United States House of Representatives today in welcoming Colonel Kenneth J. Leinwand, the installation chaplain for Ft. Meade. Colonel Leinwand is the highest-ranking active duty Jewish chaplain in the United States military.

The Colonel has been an active duty Army chaplain since 1977. He has served in Iraq, Desert Storm, Bosnia and Kosovo. From 2002 to 2004 he also served as the command chaplain for all U.S. Army ground forces in Europe. Colonel Leinwand has a deep respect and understanding of the religious plurality that exists in today's military. Throughout his almost 30-year military career, he has provided spiritual comfort and solace to soldiers of all faiths.

Colonel Leinwand has been awarded the Legion of Merit, the Bronze Star, the Meritorious Service Medal with four oak leaf clusters, and the Army Commendation Medal with one oak leaf cluster.

As installation chaplain for Ft. Meade, Colonel Leinwand has direct authority over four other chaplains and is responsible for all religious programs.

Madam Speaker, Colonel Leinwand has accomplished many firsts in the military as a rabbi and as a chaplain, and it is a great honor to have him with us today. I join the House of Representatives in welcoming him.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 one-minute speeches on each side.

NSA TERRORIST SURVEILLANCE PROGRAM

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, I don't know about you, but I want to use all the tools in our arsenal to catch the terrorists and prevent another 9/11. That doesn't mean I advocate any infringements on the privacy of law-abiding citizens. Contrary to what some might have you believe, that is not what the NSA's Terrorist Surveillance Program is about. This program is not about domestic surveillance of law-abiding American citizens. The NSA Terrorist Surveillance Program is narrowly focused and is aimed only at international calls and targeted to track al Qaeda and other known terrorist groups.

Madam Speaker, we are engaged in war right now, a war of the most unconventional means, and we need to be able to track, anticipate, and most importantly inhibit the actions of known terrorists who communicate with their comrades in the United States.

Madam Speaker, we need to protect the President's lawful authority to intercept terrorist communications in this country, not demean it. Otherwise we won't have anything to protect or defend at all.

DEMANDING DOCUMENTS ON PR CONTRACTS USED TO "SELL" THE WAR

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Madam Speaker, the taxpayers of the United States of America have a right to know whether or not their tax dollars were or are being used to manipulate the news, falsify intelligence, or mislead the public.

Very serious questions have been raised about a number of contracts that have been given to public relations firms, firms that then went ahead and devised a whole plan to try to sell the war in Iraq to the American people. I have introduced a resolution of inquiry in the House of Representatives that demands all documents pertaining to contracts that the United States Government has signed with the intent to sell the war in Iraq.

This resolution directs the President, the Secretary of State, and the Secretary of Defense to provide the House with certain documents relating to any entity which the United States has contracted with for public relations purposes concerning Iraq.

The people of this country have a right to know if there was an effort to deliberately mislead them, and the taxpayers have a right to know how their

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tax dollars are being spent. Support the resolution of inquiry. Reclaim the power of Congress.

ILLEGAL IMMIGRATION IS A MATTER OF NATIONAL SECURITY

(Mr. KELLER asked and was given permission to address the House for 1 minute.)

Mr. KELLER. Madam Speaker, I rise today to talk about the national security implications of illegal immigration. Last year, our Border Patrol agents arrested 155,000 illegal aliens from countries other than Mexico who attempted to cross into the United States by the Mexican border. They included illegal immigrants from Iran, Iraq and Afghanistan.

This poses a very serious national security problem, according to CIA director Porter Goss. On a recent trip to the Mexican-California border, I spoke with Border Patrol agents who had apprehended suspects on the terrorist watch list. On the day I was there, two illegals from Pakistan were captured. When we go to the airport, our names are checked against a terrorist watch list, we have to produce photo ID, we remove our shoes, we walk through a metal detector, and we send our luggage through an X-ray machine to check for bombs.

Who is doing checks on the 8,000 people who arrive here illegally every day? The House has recently passed a tough border security bill. I urge the Senate to act now in the name of national security.

TOKYO ROSE—2006 STYLE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, during the great World War II, the Japanese were searching for a way to demoralize the American forces that they faced. The Japanese psychological propaganda warfare experts came up with a message that they thought would work very well for them. They gave the script to their famous broadcaster, Tokyo Rose. Every day she would broadcast this same message packaged in various ways hoping to have an impact on American GI morale.

What was the message? It had three points: One, your President is lying to you. Two, the war is illegal. Three, you cannot win this war.

Madam Speaker, does that sound familiar? Maybe that is because some in the media and some individuals have picked up the same message and are broadcasting it to our troops in Iraq and Afghanistan and to our enemies. The only difference is these people claim to support our troops before they demoralize them.

Come to think of it, Tokyo Rose used to tell our troops she was on their side, too. But the Tokyo Rose propaganda machine was unsuccessful, just as the propaganda cynics of today will be unsuccessful in this war on terror. And that's just the way it is.

POSITIVE ECONOMIC PREDICTIONS FOR 2006

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, yesterday, as he delivered his first economic update to Congress, Federal Reserve Chairman Ben Bernanke from Dillon, South Carolina, reported that the American economy performed impressively in 2005. While hailing increases in payroll employment, gross domestic product and productivity, he noted that our economy achieved significant gains, overcoming incredible obstacles.

Chairman Bernanke also predicted that the economy will continue to grow in 2006. His positive economic outlook equals more jobs for American workers, more income for American families, and more opportunities for American consumers.

Today, I urge my colleagues to join me in supporting permanent tax cuts that will ensure economic expansion throughout our country. President Bush's tax cuts started this strong wave of economic growth, creating 5 million jobs. We must remain committed to continuing this important policy.

In conclusion, God bless our troops, and we will never forget September 11.

WOMEN'S NATIONAL HEART MONTH

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Madam Speaker, I rise today to recognize February as National Heart Month. Heart disease is the number one killer of women in America, taking the lives of nearly half a million women per year, about one per minute. It claims the lives of more women than the next five causes of death combined.

Unfortunately, only 13 percent of women view heart disease as a real threat. This is especially troubling, considering my home State of West Virginia consistently has one of the highest rates of heart disease among women in the Nation. We are making progress, but there is more to be done.

Thankfully, the American Heart Association encourages women to love their hearts through their Go Red For Women campaign. In the heart of every woman is the power to take care of herself and influence the decisions of those around her. By instilling healthy habits now, it will impact the heart health of the entire family. The key is to provide women with the necessary knowledge and tools so they can take positive action to reduce their risks of heart disease and stroke in their lives.

Women should learn more about heart disease and implement healthy habits to avoid future risks. Sixty-four percent of women who died suddenly of coronary heart disease had no previous symptoms. High blood pressure, smoking, and cholesterol are all risk factors.

Today, make your promise to make your heart healthy. By loving your own heart, you can save it. If women make a promise to be heart healthy, together we can wipe out the disease.

JUDY McDONALD

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Madam Speaker, I come today to the floor of the House to honor the achievements of one of my constituents in the First Congressional District of Texas, Judy McDonald. Judy has been a model citizen and someone who deserves to be honored because of the way she has honored East Texas. Her lifetime of work has made our country, East Texas, and Nacogdoches a better place to live.

As the first female mayor in Nacogdoches and one of the first female mayors in Texas, Judy worked tirelessly to increase economic opportunities and strengthen the local economy. She has been someone who has never shied away from firsts. She was the first woman to serve on the advisory board of what is now known as Texas Utilities and was later the first woman from East Texas to be named to the Texas Utilities governing board.

The reason she deserves the honor itself does not lie in the fact that she is a woman, but in the beauty and generosity of her heart and soul. Through all of her many endeavors and accomplishments, she remains a wonderful wife to her husband, Archie, and a magnificent mother to their two sons, Tucker and Christopher.

I am proud to say she is not only a great friend of East Texas, but she is a friend of mine. Madam Speaker, with this one piece of advice to anyone encountering Judy, if she is pushing a project, you have two options: number one, get on board; or, number two, get run over.

SOCIAL SECURITY

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Madam Speaker, in the President's budget he asks for a few hundred million dollars over the next few years for the cost of privatizing Social Security. When he was here at the State of the Union address, he commented that Congress rejected his proposals to privatize Social Security. All the Democrats to his surprise got up and cheered, because we think it is a terrible idea to privatize Social Security

To do to Social Security what they are doing to the pension system, eliminating private pensions and making people depend only on 401(k)s, we think is a terrible idea. What the President telegraphed, by putting in his budget the money to pay for the cost of privatizing Social Security, is that if the Republicans retain control of Congress in this election, they are going to try it again.

They will privatize Social Security if the Republicans control Congress again next year. If anybody thinks that privatizing Social Security is a bad idea, that we should not destroy Social Security, you better vote Democratic this year.

☐ 1015

RESOLUTION OF CONDEMNATION REGARDING IRAN

Ms. ROS-LEHTINEN. Madam Speaker, pursuant to the previous order of the House, I call up the concurrent resolution (H. Con. Res. 341) condemning the Government of Iran for violating its international nuclear nonproliferation obligations and expressing support for efforts to report Iran to the United Nations Security Council, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 341

Whereas Iran is a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968 (commonly referred to as the "Nuclear Non-Proliferation Treaty"), under which Iran is obligated, pursuant to Article II of the Treaty, "not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices";

Whereas Iran signed the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, done at Vienna June 19, 1973 (commonly referred to as the "Safeguards Agreement"), which requires Iran to report the importation and use of nuclear material, to declare nuclear facilities, and to accept safeguards on nuclear materials and activities to ensure that such materials and activities are not diverted to any military purpose and are used for peaceful purposes and activities;

Whereas the International Atomic Energy Agency (IAEA) reported in November 2003 that Iran had been developing an undeclared nuclear enrichment program for 18 years and had covertly imported nuclear material and equipment, carried out over 110 unreported experiments to produce uranium metal, separated plutonium, and concealed many other aspects of its nuclear facilities and activities;

Whereas the Government of Iran informed the Director General of the IAEA on November 10, 2003, of its decision to suspend enrichment-related and reprocessing activities, and stated that the suspension would cover all activities at the Natanz enrichment facility, the production of all feed material for enrichment, and the importation of any enrichment-related items;

Whereas in a Note Verbale dated December 29, 2003, the Government of Iran specified the scope of suspension of its enrichment and reprocessing activities, which the IAEA was invited to verify, including the suspension of the operation or testing of any centrifuges, either with or without nuclear material, at the Pilot Fuel Enrichment Plant at Natanz, the suspension of further introduction of nuclear material into any centrifuges, the suspension of the installation of new centrifuges at the Pilot Fuel Enrichment Plant and the installation of centrifuges at the Fuel Enrichment Plant at Natanz, and, to the extent practicable, the withdrawal of nuclear material from any centrifuge enrichment facility;

Whereas on February 24, 2004, the Government of Iran informed the IAEA of its decision to expand the scope and clarify the nature of its decision to suspend to the furthest extent possible the assembly and testing of centrifuges and the domestic manufacture of centrifuge components, including those related to existing contracts, informed the IAEA that any components that are manufactured under existing contracts that cannot be suspended will be stored and placed under IAEA seal, invited the IAEA to verify these measures, and confirmed that the suspension of enrichment activities applied to all facilities in Iran;

Whereas the IAEA Board of Governors' resolution of March 13, 2004, which was adopted unanimously, noted with "serious concern that the declarations made by Iran in October 2003 did not amount to the complete and final picture of Iran's past and present nuclear programme considered essential by the Board's November 2003 resolution", and also noted that the IAEA has discovered that Iran had hidden more advanced centrifuge associated research, manufacturing, and testing activities, two mass spectrometers used in the laser enrichment program, and designs for hot cells to handle highly radioactive materials;

Whereas the same resolution also noted "with equal concern that Iran has not resolved all questions regarding the development of its enrichment technology to its current extent, and that a number of other questions remain unresolved";

Whereas in November 2004, the Governments of the United Kingdom, France, and Germany entered into an agreement with Iran on Iran's nuclear program (commonly referred to as the "Paris Agreement"), securing a formal commitment from the Government of Iran to voluntarily suspend uranium enrichment operations in exchange for discussions on economic, technological, political, and security issues;

Whereas on August 29, 2005, Iran's Atomic Energy Organization announced it has mastered the technique of using biotechnology to extract purer uranium, adding that this method "substantially decreases the cost . . . in the process that leads to the production of yellowcake", which is a part of the early stages of the nuclear fuel cycle;

Whereas Article XII.C of the Statute of the IAEA requires the IAEA Board of Governors to report the noncompliance of any member of the IAEA with its IAEA safeguards obligations to all members and to the Security Council and General Assembly of the United Nations;

Whereas Article III.B-4 of the Statute of the IAEA specifies that "if in connection with the activities of the Agency there should arise questions that are within the competence of the Security Council, the Agency shall notify the Security Council, as the organ bearing the main responsibility for the maintenance of international peace and security";

Whereas on September 24, 2005, the IAEA Board of Governors adopted a resolution finding that Iran's many failures and breaches of its obligations to comply with the Safeguards Agreement constitute noncompliance in the context of Article XII.C of the Statute of the IAEA and that matters concerning Iran's nuclear program have given rise to questions that are within the competence of the Security Council as the organ bearing the primary responsibility for the maintenance of international peace and security;

Whereas President of Iran Mahmoud Ahmadinejad expressed, in an October 26, 2005, speech, his hope for "a world without America" and his desire "to wipe Israel off the map" and has subsequently denied the existence of the Holocaust;

Whereas on January 3, 2006, the Government of Iran announced that it planned to restart its nuclear research efforts;

Whereas in January 2006, Iranian officials, in the presence of IAEA inspectors, began to remove IAEA seals from the enrichment facility in Natanz, Iran;

Whereas Secretary of State Condoleezza Rice stated, "[i]t is obvious that if Iran cannot be brought to live up to its international obligations, in fact, the IAEA Statute would indicate that Iran would have to be referred to the U.N. Security Council";

Whereas President Ahmadinejad stated, "The Iranian government and nation has no fear of the Western ballyhoo and will continue its nuclear programs with decisiveness and wisdom.";

Whereas the United States joined with the Governments of Britain, France, and Germany in calling for a meeting of the IAEA Board of Governors to discuss Iran's noncompliance with its IAEA safeguards obligations;

Whereas on February 4, 2006, Resolution GOV/2006/14 of the IAEA Board of Governors relayed an "absence of confidence that Iran's nuclear programme is exclusively for peaceful purposes resulting from the history of concealment of Iran's nuclear activities, the nature of those activities and other issues arising from the Agency's verification of declarations made by Iran since September 2002";

Whereas Resolution GOV/2006/14 further expressed "serious concern that the Agency is not yet in a position to clarify some important issues relating to Iran's nuclear programme, including the fact that Iran has in its possession a document on the production of uranium metal hemispheres, since, as reported by the Secretariat, this process is related to the fabrication of nuclear weapon components";

Whereas on February 4, 2006, the IAEA Board of Governors reported Iran's noncompliance with its IAEA safeguards obligations to the Security Council;

Whereas Iran has, since February 4, 2006, taken additional steps confirming its unwillingness to comply with its nuclear nonproliferation obligations; and

Whereas Iran has been designated a state sponsor of terrorism for over two decades and the Department of State has declared in its most recent Country Reports on Terrorism that Iran "remained the most active state sponsor of terrorism": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) condemns in the strongest possible terms the many breaches and failures of the Government of Iran to comply faithfully with its nuclear nonproliferation obligations, including its obligations under the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non- Proliferation of Nuclear Weapons, done at Vienna June 19, 1973 (commonly referred to as the "Safeguards Agreement"), as reported by the Director General of the IAEA to the IAEA Board of Governors since 2003;

(2) commends the efforts of the Governments of France, Germany, and the United Kingdom to seek a meaningful and credible suspension of Iran's enrichment- and reprocessing-related activities and to find a diplomatic means to address the non-compliance of the Government of Iran with its obligations, requirements, and commitments related to nuclear nonproliferation;

(3) calls on all members of the United Nations Security Council, in particular the Russian Federation and the People's Republic of China, to expeditiously consider and take action in response to the report of Iran's noncompliance in fulfillment of the mandate of the Security Council to respond to and deal with situations bearing on the maintenance of international peace and security;

(4) declares that Iran, through its many breaches for almost 20 years of its obligations under the Safeguards Agreement, has forfeited the right to develop any aspect of a nuclear fuel cycle, especially with uranium conversion and enrichment and plutonium reprocessing technology, equipment, and facilities;

(5) calls on all responsible members of the international community to impose economic sanctions designed to deny Iran the ability to develop nuclear weapons; and

(6) urges the President to keep Congress fully and currently informed concerning Iran's violation of its international nuclear nonproliferation obligations.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Pursuant to the order of the House of Wednesday, February 15, 2006, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

Mr. KUCINICH. Madam Speaker, I ask unanimous consent to claim time in opposition.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Ms. ROS-LEHTINEN. Reserving the right to object, we understand that the ranking member is on his way, and he seeks time on the bill. Therefore, accordingly, I would object to that request.

The SPEAKER pro tempore. Objection is heard.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of House Concurrent Resolution 341, a resolution that I had the pleasure of drafting with my good friends, the distinguished chairman of the House International Relations Committee, HENRY HYDE, and our ranking member, Congressman TOM LANTOS.

I want to express my appreciation to our leadership for recognizing the importance for the House to be heard on this important issue and for moving this resolution expeditiously to the floor today.

Madam Speaker, for at least two decades, the Iranian regime has been pursuing a covert nuclear program using multiple approaches and technology to achieve a nuclear status. It has undertaken a number of efforts for the manufacture and testing of centrifuges, including at facilities owned by military industrial organizations.

It has sought completion of a heavy water reactor that would be well suited for plutonium production, while seeking uranium enrichment through the use of lasers.

The Iran saga within the context of the International Atomic Energy Agency began almost 4 years ago. Every step along the way, Iran has demonstrated contempt for the request of the International Atomic Energy Agency and has mocked the EU 3 nations composed of France, Great Britain and Germany, as they provided incentives to convince Iran to suspend its enrichment activities.

It is important to quickly summarize the sequence of events of the last few years, Madam Speaker, in order to fully comprehend the need for this resolution as a basis for stronger legislative action regarding Iran.

In November of 2003, for example, the IAEA reported that Iran had been developing an undeclared nuclear enrichment program for close to two decades and had covertly imported nuclear material and equipment, had carried out over 110 unreported experiments to produce uranium metal, it had separated plutonium, and it had concealed many other aspects of its nuclear facilities and activities.

That same month, Iran informed the International Atomic Energy Agency of its decision to temporarily suspend enrichment-related and reprocessing activities. It stated that the suspension would cover all activities in the Natanz enrichment facility, the production of all feed material for enrichment and the importation of any enrichment-related items.

But that was not to be, Madam Speaker. Iran continuously reinterpreted its commitment. By September of 2004, Iran announced that it had resumed large-scale uranium conversion. The International Atomic Energy Agency called on Iran to stop. Then Secretary of State Colin Powell called for the Iran case to be referred to the United Nations Security Council for sanctions to be imposed.

Faced with this possibility, Iran temporarily halts these activities in those nuclear facilities known to the International Atomic Energy Agency and the EU 3.

By April of 2005, Iran announces that it will resume uranium conversion in the Isfahan facility. This was met with a warning from the EU 3 that their negotiations on trade and economic incentives with Iran would end if Iran acted on this threat.

In August of 2005, the new radical leader is installed as Iran's new president. Immediately following, Iran proceeded to remove the International Atomic Energy Agency seals on the uranium conversion plant at Isfahan, announced that it could successfully use biotechnology for its nuclear program, decreasing the cost for the production of the feed material for nuclear weapons. It announced that it would provide nuclear technology to other Islamic states. Iran's defense minister said that it is Iran's absolute right to have access to nuclear arms, and Iran's leader publicly stated his willingness to share nuclear expertise with other Islamic nations.

The IAEA inspectors were finally allowed into the Parchin military site. However, after all the time Iran was given to sanitize this site, that is to hide, to remove all signs of their nuclear activities, even IAEA inspectors and foreign diplomats acknowledged in news reports that they did not expect the inspections to yield any firm results.

Experts further noted that there may be no nuclear material present at Parchin if the Iranians did dry testing of nuclear bomb simulations.

Fast forward to Tuesday of this very week, Madam Speaker, on Valentine's Day, 2006, the Iranian Atomic Energy Organization announced it has restarted uranium enrichment efforts which could also be developed for use in nuclear weapons.

In sum, referral of the Iran case to the U.N. Security Council has been a long time coming. We are gratified that the International Atomic Energy Agency Board of Governors earlier this month voted to report the Iran case to the Security Council, but it should not stop there, Madam Speaker.

H. Con. Res. 341 therefore calls on all members of the U.N. Security Council to immediately consider the report and take the necessary steps to address Iran's behavior. The resolution frames the debate by condemning in the strongest possible terms the Iranian regime's repeated violations of its international obligations.

More importantly, it underscores that, as a result of these violations, Iran no longer has the right to develop any aspect of a nuclear fuel cycle.

As President Bush stated on February 11, 2004, proliferators must not be allowed to cynically manipulate the NPT to acquire the material and the infrastructure necessary for manufacturing illegal weapons.

H. Con. Res. 341 reiterates previous U.S. calls to responsible members of the international community to impose economic sanctions to deny Iran the resources and the ability to develop nuclear weapons.

But the grave threat posed by Iran is not limited to its nuclear pursuit. H. Con. Res. 341 therefore refers to Iran's support for Islamic jihadist activities worldwide.

Madam Speaker, it includes language highlighting that Iran has been designated as a state sponsor of terrorism for over two decades and, according to our own State Department reports on global terrorism, it remains the most active state sponsor of terrorism worldwide.

Madam Speaker, too much time has already passed. Let us not waste anymore. Let us begin by adopting this resolution and send a strong message to the Iranian regime and other potential proliferators that this behavior will not be tolerated.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution, Madam Speaker, unless the international community acts quickly and decisively, the world's chief terrorist state may soon possess the greatest weapon of terror ever created.

A critical first step was taken on February 2 at an emergency session of the member states of the International Atomic Energy Agency's Board of Governors. By a vote of 27-3 they reported Iran's history of deception, lies and noncompliance to the United Nations Security Council.

The ayatollahs of terror in Tehran were sent a bold and unambiguous message that their clandestine efforts to build nuclear weapons and their transparent lies of peaceful intent will no longer be tolerated by the civilized world.

Madam Speaker, Tehran sponsors terrorism as an official state policy. I wish to repeat this. Tehran sponsors terrorism as official state policy.

I ask my colleagues to imagine this terrorist state armed with nuclear weapons and in possession of large amounts of nuclear weapons material. Even if it did not put these destructive materials up for sale, a nuclear armed Iran would terrorize and destabilize the entire Middle East. Terrorist-in-chief Ahmadinejad himself advocates wiping Israel from the map.

Madam Speaker, Iran has flouted every nuclear safeguard agreement and reneged on every single commitment it has made. The International Atomic Energy Agency has documented that Iran acquired designs, equipment and facilities to produce nuclear weapons grade uranium and plutonium from the same nuclear black market that used to supply Libya. Iran experimented with trigger material for a nuclear bomb. There is every reason to believe that Tehran has acquired actual bomb blueprints, as Libya used to do.

Iran has also reneged on its remaining empty assurances to negotiate in good faith with Britain, France and Germany by breaking the international seals on its uranium enrichment facility.

Ahmadinejad, in a rare moment of lucidity, revealed Tehran's view of the relative balance of power in these negotiations; and I quote, "the West needs us more than we need them."

With billions of dollars of existing western investment in Iran's oil and gas fields, Tehran's ruling elite has shrewdly calculated that the West will not impose far-reaching and meaningful sanctions against Iran over the nuclear issue.

Madam Speaker, we must change Tehran's calculations, hopefully by diplomacy and pressure but with international sanctions if necessary. The United Nations Security Council should require all members of the U.N. to reject any and all investment and nonhumanitarian trade with Iran until Tehran verifiably gives up its nuclear fuel and weapon material production capabilities.

□ 1030

But, Madam Speaker, we cannot wait for the Security Council to act. Responsible European and Asian governments must immediately ensure that their companies, banks, and other financial organizations will suspend and terminate their existing investments in Iraq.

Some banks and oil companies are already leaving Iran over just the possibility of sanctions. Those that remain must be given immediate incentives by the international community to stop business as usual with a developing nuclear weapon terrorist state. As part of this, the United States must finally use the sanctions authority in U.S. law to punish and deter those who continue to invest in and thereby aid and abet a state bent on adding nuclear weapons to its arsenal of terror.

Madam Speaker, this is the first resolution of the year regarding Iran. I guarantee you it will not be the last one. We must reauthorize the Iran Sanctions Act, which will be accomplished through the Iran Freedom Support Act, a bill offered by my good friend, the gentlewoman from Florida, and myself.

Madam Speaker, our allies in Europe have learned a hard lesson: playing nice with a terrorist regime gets you nothing. Now that the Europeans are with us in demanding Security Council action, it is imperative that they take the next step by imposing a comprehensive sanctions regime against Tehran.

Madam Speaker, I urge all of my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I am proud to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, first of all, let me thank the gentlewoman from Florida for allowing me to speak on this resolution, and also let me thank the gentleman from California (Mr. LANTOS) and completely associate myself with the remarks that he just made. I think he is right on target.

Madam Speaker, the passage of yesterday's resolution on the Palestinian Authority once again expressed our position against funding an ideology of terror in hope of maintaining the peace process in the Middle East. Today's resolution has a more direct message with the prospect, hopefully, of addressing the entire world.

In our current struggle against terrorism, no country is more uncertain and dangerous than Iran. With an uncompromising foreign policy and repressed trade, it often feels like the only commodity that Iran exports involves disdain for Western culture. It is indeed disheartening to see a nation of good people commandeered by an individual with nuclear aspirations. Mahmoud Ahmadinejad and Iran must not be allowed to carry out threats against Israel, the United States, or any other peaceful nation. Nuclear weapons and the ideology of Wahabism are a dangerous combination, and they must be prevented.

So, Madam Speaker, I ask my colleagues to support this resolution. I commend the gentlewoman from Florida and the gentleman from California for bringing it forward. I believe it is time for the United Nations Security

Council to take action against nuclear proliferation in Iran, and I ask the leaders of Iran to reconsider the path that they have chosen.

Mr. LANTOS. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Missouri (Mr. SKELTON), the distinguished ranking member of our Armed Services Committee.

Mr. SKELTON. Madam Speaker, I thank the gentleman from California for allowing me to make comments on this, and I compliment the gentlewoman from Florida for her leadership in this regard as well.

I rise in support of H. Con. Res. 341. This condemns Iran for violating its nonproliferation agreements and expresses support for efforts to report Iran to the United Nations Security Council.

Thank you, Mr. LANTOS, for the opportunity to briefly address House Concurrent Resolution 341 on the Iranian nuclear situation. I think it is deadly serious.

Madam Speaker, the situation in Iran is a critical matter that demands serious attention and serious action from this administration as well as from Congress. It threatens the security of our Nation, the future of the nonproliferation regime and stability in the Middle East.

International support for referring Iran to the United Nations Security Council is very encouraging, but it is not enough to address the complexity of the nuclear situation or broader longer-term problems posed by Iran, including its involvement in Iraq, which evidently is quite substantial.

Direct American leadership is long overdue. There must be a comprehensive interagency effort to develop and implement the necessary plan, and Congress must do its part. This must be a top bipartisan priority. And yet while the U.S. must act expeditiously, it must also act effectively. We must sufficiently consider all tools at our disposal, and we must take care not to inadvertently make matters worse by our rhetoric or by our actions.

For example, we should consider "smart sanctions" that would target Iran's leadership, avoid harming the Iranian population and have strong international support.

There are no easy answers or simple solutions; but as I have emphasized numerous times now, there are many tools at our disposal, many more than this administration has used to date. I am committed to doing whatever I can to effectively address the problems posed by Iran, and I ask my colleagues to join me in this effort.

Ms. ROS-LEHTINEN. Madam Speaker, I yield 4 minutes to the gentleman from Texas (Mr. PAUL), a member of the International Relations Committee.

Mr. PAUL. Madam Speaker, I thank the gentlewoman for yielding me this time.

I rise to express a note of caution regarding this resolution. I see this resolution somewhat like some of the resolutions that we debated and passed prior to our commitment to go into Iraq. As a matter of fact, some of the language is very similar. If you substitute the word "Iraq" for "Iran," you would find out that these concerns are very similar.

I do not quite have the concern that others have expressed that Iran is on the verge of having a nuclear weapon. They have never been found in violation. There has been a lot of talk and a lot of accusation, but technically they have never been found in any violation.

My concern for this type of language and these plans is that nothing ever changes. This is the type of thing that occurred before. Of course, we went into Iraq, and yet today the success in Iraq is very questionable. Fifty-five percent of the American people say it was a mistake to have gone into Iraq. Only forty percent of the people support staying in Iraq. Attitudes have shifted now since the success in Iraq has been so poor.

We went into Afghanistan to look for Osama bin Laden, and we sort of got distracted. We have forgotten about him just about completely. Instead we went into Iraq. Though the Iraq war is not going well, all of a sudden we are looking to take on another burden, another military mission. I find some things in the resolution that are very confrontational because it invokes sanctions. People say, well, sanctions are not that bad. That is no shooting or killing. But sanctions and boycotts and embargoes, these are acts of war. And, of course, many times our administration has expressed the sentiment that if necessary we are going to use force against Iran; we are going to start bombing. And why do we follow this policy? Especially since it literally helps the radicals in Iran. This mobilizes them. There is an undercurrent in Iran that is sympathetic to America, and yet this brings the radicals together by this type of language and threats. There is no doubt that our policy helps the hard-liners.

There has been no talk, it has been implied, but there has been no serious talk that Iran is a threat to our national security. There is no way. Even if they had nuclear weapons, they are not going to be a threat to our national security. Pakistan, that is not a democratic nation. It happens to be a military dictatorship. They have nuclear weapons. India has nuclear weapons. As a matter of fact, the nuclear weapons serve as a balance of power between two countries. The Soviets, had 30,000 nuclear weapons, and we followed a policy of containment. We did not say we have to go into the Soviet Union and bomb their establishment. No. Finally that problem dissipated. And yet we create unnecessary problems for ourselves. We go looking for trouble, and I see this as very detrimental for what we are doing with this resolution.

There is one portion of the resolution that concerns me about our urging the Russians and China to take a firm stand, and that has to do with the resolved clause No. 3: it says to the people of Russia and China to "expeditiously consider and take action in response to any report of Iran's noncompliance" in fulfillment of the mandate of the Security Council to respond and deal with situations . . .

Any report? I mean, some report in the newspaper? Is it an IAEA report? Or whatever. That is so open-ended that this is a risky, risky resolution.

I urge a "no" vote on this resolution.

Mr. LANTOS. Madam Speaker, let me just indicate to my friend from Texas that he has now discovered the ultimate oxymoron, a benign Islamic fanaticism hell bent on developing weapons of mass destruction. This takes the concept of oxymoron to a new height.

Madam Speaker, I am pleased to yield 4½ minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip.

Mr. HOYER. Madam Speaker, the international community, not just America, is being challenged again by a dangerous, deceptive lawbreaker whose defiant pursuit of nuclear weapons threaten America's national security interests as well as international peace and security. Now, this is an obligation that the Iranians undertook freely and voluntarily. It was not imposed upon them.

I believe that this grave and gathering danger commands the collective attention, effort, and action of the entire international community. This time the nations of the world which are committed to peace, security, and the rule of law must embrace their responsibilities, not flinch from them, as, unfortunately, has been too often the case.

Through this resolution today, the House speaks with one voice in condemning in the strongest possible terms the many breaches and failures of the government of Iran to comply with its nuclear nonproliferation obligations. In this resolution, we call on all responsible members of the international community to impose economic sanctions designed to deny Iran the ability to develop nuclear weapons and to encourage its people to get the government to change its dangerous and reckless policies.

□ 1045

We urge the members of the United Nations Security Council to take action in response to Iran's noncompliance with its international obligations.

Let no one harbor any illusions: The government of Iran, which is recognized as a state sponsor of terrorism, believes it can exploit international irresolution, and it will prey on vacillation. The international community must stand as one against this lawbreaker, whose record leaves no doubt of its motivations.

Iran failed to properly disclose the existence of a fuel enrichment plant and facility at Natanz until both were revealed by opposition groups. It has failed to meet its obligations under its safeguard agreement with the International Atomic Energy Agency to report all nuclear material it has imported. It confirmed that it had conducted research on uranium conversion processes, but only after it denied doing so. On February 4, in response to a 27–3 vote by the International Atomic Energy Agency board to report Iran to the Security Council, Iran ended voluntary cooperation with the agency and announced it would start large-scale enrichment activities.

I suggest to us and to our international allies that standing silent, standing back, standing without action, is not an option. It goes without saying that an Iran armed with nuclear weapons constitutes a threat to the national security interests of the United States of America. Let me remind all of us, the gentleman from Texas indicated that they were not a threat to us. There are 250,000 Americans as we debate this resolution right now in range of Iranian weapons, so it is not just those who live in the Middle East who are put at risk, it is those of us who are there, and the security of the international community is put at risk.

Our concerns are only heightened by the inflammatory, irresponsible statements of the Iranian president, who has stated his hope for "a world without America." That is the nation that stands on the doorstep of becoming a nuclear power. He has further stated his desire to "wipe Israel off the map." The United States will not stand still for that. A regime that has the objective to have nuclear weapons will make the Middle East more dangerous in an extraordinary geometric way.

Madam Speaker, when the Security Council considers Iran's flagrant and deceptive abuse in March, I urge it to act as one. Today, I urge us to act as one in sending a very clear, very clear, unmistakable message: This will not stand.

Mr. LANTOS. Madam Speaker, I am pleased to yield 4 minutes to my good friend from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I want to thank my friend and indicate that I rise in opposition.

This rhetoric that we are hearing on the House floor from people who I have to say I do respect greatly is eerily reminiscent of the debate in this House prior to the United States authorizing an attack on Iraq. I think we can look back today and say that the U.S. rushed into war against Iraq, only to find that there were no weapons of mass destruction.

Madam Speaker, I will include for the RECORD an article from the Washington Post dated August 2, 2005, which says, "A major U.S. intelligence review has projected that Iran is about a decade away from manufacturing the key ingredients for nuclear weapons, roughly doubling the previous estimate of 5 years." It goes on to say that "this carefully hedged assessment, which represents consensus among U.S. intelligence agencies, contrasts with forceful public statements by the White House. Administration officials have asserted but have not offered proof that Tehran is moving determinedly toward a nuclear arsenal."

I also include for the record the remarks of Angela Merkel, who is the leader of Germany, who says that we have not used all of our available windows of opportunity. She saw an opportunity for a negotiated settlement. As a matter of fact, in this news dispatch out of Berlin from yesterday, the German chancellor says there are real chances for a diplomatic deal to defuse the ongoing crisis over Iran's nuclear program.

Madam Speaker, I include for the record a news report out of Moscow and Tehran of yesterday which says that Iran and Russia will hold talks on Monday on a Russian offer to conduct uranium enrichment for Iran in the Russian territory. This would avert what is a building crisis.

Madam Speaker, I include for the record an analysis that was done of the joint resolution on Iraq, this was done by myself, that pointed out the flaws in a resolution that was presented to this House. This is an analysis from October 2, 2002, that relates to analyzing the Iraq resolution. I think this would be very valuable when you compare it side by side with the resolution that we have now.

Madam Speaker, I want to call to the Members' attention the same article that Mr. PAUL called to Members' attention, section 3 of the enactment clause, which calls on members of the United Nations Security Council, particularly the Russian Federation and the People's Republic of China, to expeditiously consider and take action in response to the report of Iran's noncompliance. This is in response to a report of Iran's noncompliance and fulfillment of the mandate of the Security Council to respond and deal with situations bearing on the maintenance of international peace and security.

The importance of this point and this amendment is that this point undermines and sets aside the only possibility for a peaceful resolution of this crisis, namely the offer by Russia to enrich uranium for Iran to use in its nuclear power plants. Iran would not operate any enrichment processing facilities of its own, so we have an opportunity to put aside this crisis if we see what is developing now. This resolution, unfortunately, would scuttle the Russian-led negotiated settlement. I ask Members to consider that this resolution would put us on the threshold of war.

Now, I stand with Mr. LANTOS in defense of the right of Israel to survive. I voted for legislation yesterday that challenges any nation that would call for the destruction of Israel, and we should do that. But we don't have to go to war against Iran or to set the stage for a war against Iran when we have diplomatic means of resolving this. We should continue to pursue diplomacy.

Madam Speaker, I include the articles referred to earlier for the RECORD.

[From washingtonpost.com, Aug. 2, 2005]

IRAN IS JUDGED 10 YEARS FROM NUCLEAR BOMB

(By Dafna Linzer)

A major U.S. intelligence review has projected that Iran is about a decade away from manufacturing the key ingredient for a nuclear weapon, roughly doubling the previous estimate of five years, according to government sources with firsthand knowledge of the new analysis.

The carefully hedged assessments, which represent consensus among US. intelligence agencies, contrast with forceful public statements by the White House. Administration officials have asserted, but have not offered proof, that Tehran is moving determinedly toward a nuclear arsenal. The new estimate could provide more time for diplomacy with Iran over its nuclear ambitions. President Bush has said that he wants the crisis resolved diplomatically but that "all options are on the table."

The new National Intelligence Estimate includes what the intelligence community views as credible indicators that Iran's military is conducting clandestine work. But the sources said there is no information linking those projects directly to a nuclear weapons program. What is clear is that Iran, mostly through its energy program, is acquiring and mastering technologies that could be diverted to bombmaking.

The estimate expresses uncertainty about whether Iran's ruling clerics have made a decision to build a nuclear arsenal, three U.S. sources said. Still, a senior intelligence official familiar with the findings said that "it is the judgment of the intelligence community that, left to its own devices, Iran is determined to build nuclear weapons."

At no time in the past three years has the White House attributed its assertions about Iran to U.S. intelligence, as it did about Iraq in the run-up to the March 2003 invasion. Instead, it has pointed to years of Iranian concealment and questioned why a country with as much oil as Iran would require a large-scale nuclear energy program.

The NIE addresses those assertions and offers alternative views supporting and challenging the assumptions they are based on. Those familiar with the new judgments, which have not been previously detailed, would discuss only limited elements of the estimate and only on the condition of anonymity, because the report is classified, as is some of the evidence on which it is based.

Top policymakers are scrutinizing the review, several administration officials said, as the White House formulates the next steps of an Iran policy long riven by infighting and competing strategies. For three years, the administration has tried, with limited success, to increase pressure on Iran by focusing attention on its nuclear program. Those efforts have been driven as much by international diplomacy as by the intelligence.

The NIE, ordered by the National Intelligence Council in January, is the first major review since 2001 of what is known and what is unknown about Iran. Additional assessments produced during Bush's first term were narrow in scope, and some were rejected by advocates of policies that were inconsistent with the intelligence judgments.

One such paper was a 2002 review that former and current officials said was commissioned by national security adviser Stephen J. Hadley, who was then deputy adviser, to assess the possibility for "regime change" in Iran. Those findings described the Islamic republic on a slow march toward democracy and cautioned against U.S. interference in that process, said the officials, who would describe the paper's classified findings only on the condition of anonymity.

The new estimate takes a broader approach to the question of Iran's political future. But it is unable to answer whether the country's ruling clerics will still be in control by the time the country is capable of producing fissile material. The administration keeps "hoping the mullahs will leave before Iran gets a nuclear weapons capability," said an official familiar with policy discussions.

Intelligence estimates are designed to alert the president of national security developments and help guide policy. The new Iran findings were described as well documented and well written, covering such topics as military capabilities, expected population growth and the oil industry. The assessments of Iran's nuclear program appear in a separate annex to the NIE known as a memorandum to holders.

"It's a full look at what we know, what we don't know and what assumptions we have," a U.S. source said.

Until recently, Iran was judged, according to February testimony by Vice Adm. Lowell E. Jacoby, director of the Defense Intelligence Agency, to be within five years of the capability to make a nuclear weapon. Since 1995, U.S. officials have continually estimated Iran to be "within five years" from reaching that same capability. So far, it has not.

The new estimate extends the timeline, judging that Iran will be unlikely to produce a sufficient quantity of highly enriched uranium, the key ingredient for an atomic weapon, before "early to mid-next decade," according to four sources familiar with that finding. The sources said the shift, based on a better understanding of Iran's technical limitations, puts the timeline closer to 2015 and in line with recently revised British and Israeli figures.

The estimate is for acquisition of fissile material, but there is no firm view expressed on whether Iran would be ready by then with an implosion device, sources said.

The time line is portrayed as a minimum designed to reflect a program moving full speed ahead without major technical obstacles. It does not take into account that Iran has suspended much of its uranium-enrichment work as part of a tenuous deal with Britain, France and Germany. Iran announced yesterday that it intends to resume some of that work if the European talks fall short of expectations.

Sources said the new timeline also reflects a fading of suspicions that Iran's military has been running its own separate and covert enrichment effort. But there is evidence of clandestine military work on missiles and centrifuge research and development that could be linked to a nuclear program, four sources said.

Last month, U.S. officials shared some data on the missile program with U.N. nuclear inspectors, based on drawings obtained last November. The documents include design modifications for Iran's Shahab-3 missile to make the room required for a nuclear warhead, U.S. and foreign officials said.

"If someone has a good idea for a missile program, and he has really good connections, he'll get that program through," said Gordon Oehler, who ran the CIA's nonproliferation center and served as deputy director of the presidential commission on weapons of mass destruction. "But that doesn't mean there is a master plan for a nuclear weapon."

The commission found earlier this year that U.S. intelligence knows "disturbingly little" about Iran, and about North Korea.

Much of what is known about Tehran has been learned through analyzing communication intercepts, satellite imagery and the work of U.N. inspectors who have been investigating Iran for more than two years. Inspectors uncovered facilities for uranium conversion and enrichment, results of plutonium tests, and equipment bought illicitly from Pakistan—all of which raised serious concerns but could be explained by an energy program. Inspectors have found no proof that Iran possesses a nuclear warhead design or is conducting a nuclear weapons program.

The NIE comes more than two years after the intelligence community assessed, wrongly, in an October 2002 estimate that then-Iraqi President Saddam Hussein had weapons of mass destruction and was reconstituting his nuclear program. The judgments were declassified and made public by the Bush administration as it sought to build support for invading Iraq five months later.

At a congressional hearing last Thursday, Gen. Michael V. Hayden, deputy director of national intelligence, said that new rules recently were imposed for crafting NIBs and that there would be "a higher tolerance for ambiguity," even if it meant producing estimates with less definitive conclusions.

The Iran NIE, sources said, includes creative analysis and alternative theories that could explain some of the suspicious activities discovered in Iran in the past three years. Iran has said its nuclear infrastructure was built for energy production, not weapons.

Assessed as plausible, but unverifiable, is Iran's public explanation that it built the program in secret, over 18 years, because it feared attack by the United States or Israel if the work was exposed.

In January, before the review, Vice President Cheney suggested Iranian nuclear advances were so pressing that Israel may be forced to attack facilities, as it had done 23 years earlier in Iraq.

In an April 2004 speech, John R. Bolton—then the administration's point man on weapons of mass destruction and now Bush's temporarily appointed U.N. ambassador—said: "If we permit Iran's deception to go on much longer, it will be too late. Iran will have nuclear weapons."

But the level of certainty, influenced by diplomacy and intelligence, appears to have shifted.

Asked in June, after the NIE was done, whether Iran had a nuclear effort underway, Bolton's successor, Robert G. Joseph, undersecretary of state for arms control, said: "I don't know quite how to answer that because we don't have perfect information or perfect understanding. But the Iranian records what the Iranian leaders have said . . . lead us to conclude that we have to be highly skeptical."

[From Expatica.com, Feb. 15, 2006]

IRANIAN NUCLEAR DEAL IS STILL POSSIBLE: MERKEL

German Chancellor Angela Merkel said Wednesday she still saw real chances for a diplomatic deal to defuse the ongoing crisis over Iran's nuclear programme.

"We still have not used all our available window of opportunity," Merkel said in a Stern magazine interview, adding that she saw "real chances for a negotiated solution."

Merkel said Iran had to recognize that its decision to resume uranium enrichment and to cut inspection rights for International Atomic Energy Agency (IAEA) inspectors had left Tehran isolated.

Germany, France and Britain—the EU-3—led talks over the past few years aimed at reaching a deal exchanging aid and trade for cut-backs in Iran's nuclear research which the US and many European countries believe is aimed at nuclear weapons.

But last month the EU-3 declared negotiations had reached a "dead end" and referred Iran to the IAEA which voted to send Tehran to the UN Security Council.

Tehran insists its nuclear programme is for peaceful purposes.

[The Indian Express, Feb. 16, 2006]

URANIUM ENRICHMENT: IRAN, RUSSIA TALKS ON MONDAY

Iran and Russia will hold talks on Monday on a Russian offer to conduct uranium enrichment for Iran on Russian territory. "The Iran side has provided official notification on their arrival . . ," Interfax reported.

The confirmation from Iran comes a day after Iranian parliament speaker Gholam Ali Haddad Adel had called for Venezuela to join his country in forming an alliance to counter threats from the world's nuclear powers during his visit to that country. He had accused the US of attacking Iran's nuclear programme in order to undermine Iran's independence.

Haddad Adel, part of the Iranian delegation, had thanked President Hugo Chavez's government for its "favorable position" towards Iran, especially its support on the International Atomic Energy Agency board earlier this month, when Venezuela voted against referring Iran to the UN Security Council.

Asked by reporters if Iran would accept Moscow's proposal to enrich uranium on Russian soil, Haddad Adel had said: "If that means we are deprived from peaceful use of nuclear energy . . . we could study the Russian proposal."

Haddad Adel had also denied his country had flouted international rules by resuming small-scale uranium enrichment activities at Natanz, the country's main enrichment plant. "All we've done is reinitiate nuclear energy research at the laboratory level. We have not said anything new or committed any crime."

Iran's economy minister, meanwhile, warned that oil prices could rise to unexpected levels if the Islamic republic was subjected to sanctions over its disputed nuclear programme.

"Any sanctions in the current situation would be more detrimental for the West than for Iran," Davoud Danesh-Jaafari was quoted as saying by the state TV. "Iran is in a very important regional situation, and any disturbance of the economic and political situation of the country could turn the regional situation into a crisis and increase price of oil higher than what the West expects," he said.

"Iran has a high economic capacity, and by relying on its experience during the war (with Iraq from 1980–88) is ready to face any problem," he added.

ANALYSIS OF JOINT RESOLUTION ON IRAQ BY DENNIS J. KUCINICH

Whereas in 1990 in response to Iraq's war of aggression against an illegal occupation of Kuwait, the United States forged a coalition of nations to liberate Kuwait and its people in order to defend the national security of the United States and enforce United Nations Security Council resolutions relating to Iraq;

Key issue: In the Persian Gulf war there was an international coalition. World support was for protecting Kuwait. There is no world support for invading Iraq.

Whereas after the liberation of Kuwait in 1991, Iraq entered into a United Nations sponsored cease-fire agreement pursuant to which Iraq unequivocally agreed, among other things, to eliminate its nuclear, biological, and chemical weapons programs and the means to deliver and develop them, and to end its support for international terrorism;

Whereas the efforts of international weapons inspectors, United States intelligence agencies, and Iraqi defectors led to the discovery that Iraq had large stockpiles of chemical weapons and a large scale biological weapons program, and that Iraq had an advanced nuclear weapons development program that was much closer to producing a nuclear weapon than intelligence reporting had previously indicated;

Key issue: UN inspection teams identified and destroyed nearly all such weapons. A lead inspector, Scott Ritter, said that he believes that nearly all other weapons not found were destroyed in the Gulf War. Furthermore, according to a published report in the Washington Post, the Central Intelligence Agency has no up to date accurate report on Iraq's WMD capabilities.

Whereas Iraq, in direct and flagrant violation of the cease-fire, attempted to thwart the efforts of weapons inspectors to identify and destroy Iraq's weapons of mass destruction stockpiles and development capabilities, which finally resulted in the withdrawal of inspectors from Iraq on October 31, 1998;

Key issues: Iraqi deceptions always failed. The inspectors always figured out what Iraq was doing. It was the United States that withdrew from the inspections in 1998. And the United States then launched a cruise missile attack against Iraq 48 hours after the inspectors left. In advance of a military strike, the U.S. continues to thwart (the Administration's word) weapons inspections.

Whereas in 1998 Congress concluded that Iraq's continuing weapons of mass destruction programs threatened vital United States interests and international peace and security, declared Iraq to be in "material and unacceptable breach of its international obligations" and urged the President "to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations" (Public Law 105–235);

Whereas Iraq both poses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations;

Key issues: There is no proof that Iraq represents an imminent or immediate threat to the United States. A "continuing" threat does not constitute a sufficient cause for war. The Administration has refused to provide the Congress with credible intelligence that proves that Iraq is a serious threat to the United States and is continuing to possess and develop chemical and biological and nuclear weapons. Furthermore there is no credible intelligence connecting Iraq to Al Qaida and 9/11.

Whereas Iraq persists in violating resolutions of the United Nations Security Council by continuing to engage in brutal repression of its civilian population thereby threatening international peace and security in the region, by refusing to release, repatriate, or account for non-Iraqi citizens wrongfully detained by Iraq, including an American serviceman, and by failing to return property wrongfully seized by Iraq from Kuwait;

Key issue: This language is so broad that it would allow the President to order an attack against Iraq even when there is no material threat to the United States. Since this resolution authorizes the use of force for all Iraq related violations of the UN Security Council directives, and since the resolution cites Iraq's imprisonment of non-Iraqi prisoners, this resolution would authorize the President to attack Iraq in order to liberate Kuwait citizens who may or may not be in Iraqi prisons, even if Iraq met compliance with all requests to destroy any weapons of mass destruction. Though in 2002 at the Arab Summit, Iraq and Kuwait agreed to bilateral negotiations to work out all claims relating to stolen property and prisoners of war. This use-of-force resolution enables the President to commit U.S. troops to recover Kuwaiti property.

Whereas the current Iraqi regime has demonstrated its capability and willingness to use weapons of mass destruction against other nations and its own people;

Whereas the current Iraqi regime has demonstrated its continuing hostility toward, and willingness to attack, the United States, including by attempting in 1993 to assassinate former President Bush and by firing on many thousands of occasions on United States and Coalition Armed Forces engaged in enforcing the resolutions of the United Nations Security Council;

Key Issue: The Iraqi regime has never attacked nor does it have the capability to attack the United States. The "no fly" zone was not the result of a UN Security Council directive. It was illegally imposed by the United States, Great Britain and France and is not specifically sanctioned by any Security Council resolution.

Whereas members of al Qaida, an organization bearing responsibility for attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq;

Key Issue: There is no credible intelligence that connects Iraq to the events of 9/11 or to participation in those events by assisting Al Qaida.

Whereas Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of American citizens;

Key Issue: Any connection between Iraq support of terrorist groups in Middle East, is an argument for focusing great resources on resolving the conflict between Israel and the Palestinians. It is not sufficient reason for the U.S. to launch a unilateral preemptive strike against Iraq.

Whereas the attacks on the United States of September 11, 2001 underscored the gravity of the threat posed by the acquisition of weapons of mass destruction by international terrorist organizations;

Key Issue: There is no connection between Iraq and the events of 9/11.

Whereas Iraq's demonstrated capability and willingness to use weapons of mass destruction, the risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify action by the United States to defend itself;

Key Issue: There is no credible evidence that Iraq possesses weapons of mass destruction. If Iraq has successfully concealed the production of such weapons since 1998, there is no credible evidence that Iraq has the capability to reach the United States with such weapons. In the 1991 Gulf War, Iraq had a demonstrated capability of biological and chemical weapons, but did not have the willingness to use them against the United States Armed Forces. Congress has not been provided with any credible information, which proves that Iraq has provided international terrorists with weapons of mass destruction.

Whereas United Nations Security Council Resolution 678 authorizes the use of all necessary means to enforce United Nations Security Council Resolution 660 and subsequent relevant resolutions and to compel Iraq to cease certain activities that threaten international peace and security, including the development of weapons of mass destruction and refusal or obstruction of United Nations weapons inspections in violation of United Nations Security Council Resolution 687, repression of its civilian population in violation of United Nations Security Council Resolution 688, and threatening its neighbors or United Nations operations in Iraq in violation of United Nations Security Council Resolution 949;

Key Issue: The UN Charter forbids all member nations, including the United States, from unilaterally enforcing UN resolutions.

Whereas Congress in the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102–1) has authorized the President "to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677";

Key Issue: The UN Charter forbids all member nations, including the United States, from unilaterally enforcing UN resolutions with military force.

Whereas in December 1991, Congress expressed its sense that it "supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 687 as being consistent with the Authorization of Use of Military Force Against Iraq Resolution (Public Law 102-1)," that Iraq's repression of its civilian population violates United Nations Security Council Resolution

688 and "constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region," and that Congress, "supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 688";

Key Issue: This clause demonstrates the proper chronology of the international process, and contrasts the current march to war. In 1991, the UN Security Council passed a resolution asking for enforcement of its resolution. Member countries authorized their troops to participate in a UN-led coalition to enforce the UN resolutions. Now the President is asking Congress to authorize a unilateral first strike before the UN Security Council has asked its member states to enforce UN resolutions.

Whereas the Iraq Liberation Act (Public Law 105–338) expressed the sense of Congress that it should be the policy of the United States to support efforts to remove from power the current Iraqi regime and promote the emergence of a democratic government to replace that regime;

Key Issue: This "Sense of Congress" resolution was not binding. Furthermore, while Congress supported democratic means of removing Saddam Hussein it clearly did not endorse the use of force contemplated in this resolution, nor did it endorse assassination as a policy.

Whereas on September 12, 2002, President Bush committed the United States to "work with the United Nations Security Council to meet our common challenge" posed by Iraq and to "work for the necessary resolutions," while also making clear that "the Security Council resolutions will be enforced, and the just demands of peace and security will be met, or action will be unavoidable";

Whereas the United States is determined to prosecute the war on terrorism and Iraq's ongoing support for international terrorist groups combined with its development of weapons of mass destruction in direct violation of its obligations under the 1991 ceasefire and other United Nations Security Council resolutions make clear that it is in the national security interests of the United States and in furtherance of the war on terrorism that all relevant United Nations Security Council resolutions be enforced, including through the use of force if necessary;

Key Issue: Unilateral action against Iraq will cost the United States the support of the world community, adversely affecting the war on terrorism. No credible intelligence exists which connects Iraq to the events of 9/11 or to those terrorists who perpetrated 9/11. Under international law, the United States does not have the authority to unilaterally order military action to enforce UN Security Council resolutions.

Whereas Congress has taken steps to pursue vigorously the war on terrorism through the provision of authorities and funding requested by the President to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001 or harbored such persons or organizations;

Key Issue: The Administration has not provided Congress with any proof that Iraq is in any way connected to the events of 9/11.

Whereas the President and Congress are determined to continue to take all appropriate actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations;

Key Issue: The Administration has not provided Congress with any proof that Iraq is in any way connected to the events of 9/11. Furthermore, there is no credible evidence that Iraq has harbored those who were responsible for planning, authorizing or committing the attacks of 9/11.

Whereas the President has authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States, as Congress recognized in the joint resolution on Authorization for Use of Military Force (Public Law 107–40); and

Key Issue: This resolution was specific to 9/11. It was limited to a response to 9/11.

Whereas it is in the national security interests of the United States to restore international peace and security to the Persian Gulf region;

Key Issue: If by the "national security interests" of the United States, the Administration means oil, it ought to communicate such to the Congress. A unilateral attack on Iraq by the United States will cause instability and chaos in the region and sow the seeds of future conflicts all over the world.

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for the Use of Military Force Against Iraq".

SEC. 2. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS

The Congress of the United States supports the efforts by the President to—

(a) strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and

(b) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.

Key Issue: Congress can and should support this clause. However Section 3 (which follows) undermines the effectiveness of this section. Any peaceful settlement requires Iraq compliance. The totality of this resolution indicates the Administration will wage war against Iraq no matter what. This undermines negotiations.

Sec. 3. Authorization for Use of United States Armed Forces.

Authorization. The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq; and

(2) enforce all relevant United Nations Security Council Resolutions regarding Iraq.

Key Issue: This clause is substantially similar to the authorization that the President originally sought.

It gives authority to the President to act prior to and even without a UN resolution, and it authorizes the President to use U.S. troops to enforce UN resolutions even without UN request for it. This is a violation of Chapter VII of the UN Charter, which reserves the ability to authorize force for that purpose to the Security Council, alone.

Under Chapter VII of the Charter of the United Nations, "The Security Council shall determine the existence of any threat to the peace . . . and shall make recommendations to maintain or restore international peace and security." (Article 39). Only the Security Council can decide that military force would be necessary. "The Security Council may decide what measures . . . are to be employed to give effect to its decisions (Article 41) . . . [and] it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security." (Article 43). Furthermore, the resolution authorizes use of force illegally, since the UN Security Council has not requested it. According to the UN Charter, members of the UN, such as the U.S., are required to "make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces. . ." (Article 43, emphasis added). The UN Security Council has not called upon its members to use military force against Iraq at the current time.

Furthermore, changes to the language of the previous use-of-force resolution, drafted by the White House and objected to by many members of Congress, are cosmetic:

In section (1), the word "continuing" was added to "the threat posed by Iraq".

In section (2), the word "relevant" is added to "United Nations Security Council Resolutions" and the words "regarding Iraq" were added to the end.

While these changes are represented as a compromise or a new material development, the effects of this resolution are largely the same as the previous White House proposal.

The UN resolutions, which could be cited by the President to justify sending U.S. troops to Iraq, go far beyond addressing weapons of mass destruction. These could include, at the President's discretion, such "relevant" resolutions "regarding Iraq" including resolutions to enforce human rights and the recovery of Kuwaiti property.

Presidential Determination.—

In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon thereafter as may be feasible, but no later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq, and

(2) acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorists attacks that occurred on September 11, 2001.

(c) War Powers Resolution Requirements.—

(1) Specific statutory authorization.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) Applicability of other requirements.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

(a) The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 2 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of Public Law 105–338 (the Iraq Liberation Act of 1998).

(b) To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of Public Law 93–148 (the War Powers Resolution), all such reports may be submitted as a single consolidated report to the Congress.

(c) To the extent that the information required by section 3 of Public Law 102–1 is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of Public Law 102–1.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume to refute some of the statements that have been made against the resolution.

Madam Speaker, H. Con. Res. 341 clearly outlines the Iran threat, not just as assessed by the United States, not just as assessed by the Europeans, but by the International Atomic Energy Agency. After dealing with the Iran case for over 3 years, it reaffirms the position of the United States, of the U.S. Congress, as articulated through the passage of previous measures, that Iran has forfeited any right for any access to nuclear technology or materials.

In response to previous statements regarding this resolution and sanctions, stating that it would isolate the Iranian people, on the contrary, Madam Speaker, sanctions would empower the Iranian people because it would weaken this regime.

More importantly, due to the Iran economy's vulnerabilities, the sanctions and the denial of billions of dollars of oil investments would deny the regime in Tehran the funds that they need to carry out this nuclear program and to continue with its extremist terrorist activities.

In closing, I would like to remind my colleagues that in the summer of 2001 Iran's ayatollah expressed Iran's commitment to bring America to its knees. Those were his statements. He added that "the giant will fall," the giant being the United States of America.

Combine this with what the director of the National Intelligence Agency, John Negroponte, said in his recent testimony. He said, while the assessment of when Iran would go nuclear is about 5 to 10 years from now, he also expressed grave concerns that we did not really know the extent of Iran's nuclear activities. He said that Iran's 20-year pursuit of a covert program means that we cannot truly confirm any specific timeframe.

Mr. Negroponte also said that Iran's missile program, with a nuclear capability, posed a serious concern for our U.S. security interests.

Madam Speaker, I am proud to yield 4 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. I thank the chairwoman for yielding.

Madam Speaker, I rise in support of this resolution. This resolution rightfully condemns Iranian noncompliance with its nonproliferation obligations and calls upon the U.N. Security Council to expeditiously consider this matter.

Madam Speaker, this is a grave matter, one deserving of this House's full and careful consideration. Iran, the most active state sponsor of terrorism, is seeking nuclear weapons. Its regime denies it, but the U.S. and many other nations know otherwise. Iran has a long record of deceiving international inspectors and has a history of dealing with the A.Q. Khan network. As chairman of the Subcommittee on Terrorism and Nonproliferation, nothing worries me more than this deadly combination of terrorism and WMD.

For a closed country such as Iran, we actually know a great deal about the Iranian nuclear program. IAEA inspectors have played a key role in spotlighting Iranian behavior. In its most recent update to the 35 member IAEA Board of Governors, inspectors reported that Iran has in its possession a document on the production of uranium metal hemispheres. This is of great significance, as the IAEA identified this document as being related to the fabrication of nuclear weapon components, the first time the international body has attributed a nuclear weapons purpose to activities by Iran.

Madam Speaker, if Iran were to go nuclear, many other countries in this combustible region, including Saudi Arabia, Egypt, Syria and Turkey, to name a few, might follow. This proliferation would pose a grave threat to our security and certainly the security of our allies.

Some criticize our European partners for failing in their negotiations with Iran. I agree that it has taken us too long to get to this point, but, frankly, when you think about it, our hand is strengthened at this point because of the European involvement.

At the IAEA vote the other week, we had the permanent five members of the Security Council united. I am under no illusions that this united front will last, but it is an important first step.

We will also hear from some that the administration has outsourced its diplomacy to the Europeans and has stood by as Iran moves toward a nuclear weapon. I will remind those that we alone cannot meet all security threats. We need partners. It is time to start challenging the norms that have developed over time.

The Iranians skillfully talk about their inalienable rights under the nonproliferation treaty to develop the full nuclear fuel cycle, including its most sensitive aspects. Indeed, in the eyes of the IAEA, Iran's crime has been its failure to report its nuclear materials and the technology, not the nuclear activities themselves, including uranium enrichment.

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Under the guise of the NPT, Iran is walking right up to the edge of developing nuclear weapons. This is a violation of the spirit if not the letter of the NPT.

My subcommittee will soon take a close look at this issue. This notion of rights has to be challenged, because if we don't, the world will be a very, very dangerous place.

Mr. Speaker, there are no easy answers. We need to think long and hard about what types of sanctions are constructive in reaching the goal of preventing Iran from developing nuclear weapons. This challenge will require careful and marked consideration by the administration, Congress, and our partners as we move forward. It is too serious for anything else.

Mr. LANTOS. Mr. Speaker, I include for the record the statement of the American representative to the IAEA Special Board of Governors meeting on February 4.

Mr. Chairman, I wish to join other colleagues in expressing condolences to the Egyptian delegation, and through them to the Egyptian people, for yesterday's tragedy on the Red Sea.

My government is pleased to have joined an overwhelming majority of Board members in signaling to Iran through adoption of this resolution the Board's firm determination that Iran must meet its nonproliferation obligations.

The Board's September 24, 2005 resolution found Iran in noncompliance with its safeguards obligations pursuant to Article XII.C.

That resolution also found that pursuant to Article III.B.4, Iran's nuclear program raises questions that fall within the competence of the UNSC.

At that time and again in November, we deferred reporting Iran to the Council to give Iran yet another opportunity to choose diplomacy over confrontation.

Unfortunately, Iran did not take that opportunity. As a result, the Board today carried forward the statutory process begun in September, by voting to report this Board's past findings and concerns regarding Iran's noncompliance.

I agree with the distinguished Ambassador of Egypt that today's report to the Security Council will not divest the IAEA of the challenge posed by Iran.

We continue to expect the Agency's investigation of Iran's nuclear program to proceed actively and urgently and we look forward to the Director General's implementation report in March. We note that the DG's report will also be conveyed to the UNSC immediately after our next meeting.

By reporting Iran to the Security Council now, we seek to add the Council's weight to reinforce the Agency's role, reinforce its investigation, and add an imperative for Iran to choose a course of cooperation and negotiation over a course of confrontation.

The Agency has a specific mandate to deal with nuclear safeguards issues. This mandate is without prejudice to the rights and responsibilities of the Security Council to address matters that raise questions of international peace and security, as we have found is the case with Iran.

That is why the IAEA Statute expressly contemplates the Security Council's involvement in such instances of noncompliance. And that is why the Board made clear in September that such a report is mandatory.

In his recent State of the Union address, President Bush emphasized that, "the Iranian government is defying the world with its nuclear ambitions, and the nations of the world must not permit the Iranian regime to gain nuclear weapons."

We believe that this Board decision sends a strong and clear message to Iran's leaders to abandon their pursuit of a nuclear weapons capability.

We continue to seek a diplomatic solution and we do not envision diplomacy ending as a result of this report.

Quite the contrary, we see this as part of a new phase of diplomacy, one aimed at strengthening the ongoing efforts of the Agency to investigate Iran's deeply troubling nuclear activities, and underscoring the calls on Iran to resolve our concerns through peaceful diplomacy rather than threats and confrontation.

Through this path, and only through this path, can Iran persuasively demonstrate that it has now chosen to confine its nuclear program to exclusively peaceful purposes.

And through this path Iran can also start to restore its standing in the international community to the benefit of the Iranian people.

Thank you Mr. Chairman.

Mr. LANTOS. Mr. Speaker, I include for the RECORD the resolution adopted by the Board of Governors of the International Atomic Energy Agency.

IMPLEMENTATION OF THE NPT SAFEGUARDS AGREEMENT IN THE ISLAMIC REPUBLIC OF IRAN: RESOLUTION ADOPTED ON 4 FEBRUARY 2006

THE BOARD OF GOVERNORS

(a) *Recalling* all the resolutions adopted by the Board on Iran's nuclear programme,

(b) *Recalling* also the Director General's reports,

(c) *Recalling* that Article IV of the Treaty on the Non Proliferation of Nuclear Weapons stipulates that nothing in the Treaty shall be interpreted as affecting the inalienable rights of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of the Treaty,

(d) *Commending* the Director General and the Secretariat for their professional and impartial efforts to implement the Safeguards Agreement in Iran, to resolve outstanding safeguards issues in Iran and to verify the implementation by Iran of the suspension,

(e) *Recalling* the Director General's description of this as a special verification case,

(f) *Recalling* that in reports referred to above, the Director General noted that after nearly three years of intensive verification activity, the Agency is not yet in a position to clarify some important issues relating to Iran's nuclear programme or to conclude that there are no undeclared nuclear materials or activities in Iran,

(g) *Recalling* Iran's many failures and breaches of its obligations to comply with its NPT Safeguards Agreement and the absence of confidence that Iran's nuclear programme is exclusively for peaceful purposes resulting from the history of concealment of Iran's nuclear activities, the nature of those activities and other issues arising from the Agency's verification of declarations made by Iran since September 2002,

(h) *Recalling* that the Director General has stated that Iran's full transparency is indispensable and overdue for the Agency to be able to clarify outstanding issues (GOV/2005/67),

(i) *Recalling* the requests of the Agency for Iran's cooperation in following up on reports relating to equipment, materials and activities which have applications in the conventional military area and in the civilian sphere as well as in the nuclear military area (as indicated by the Director General in GOV/2005/67),

(j) *Recalling* that in November 2005 the Director General reported (GOV/2005/87) that Iran possesses a document related to the procedural requirements for the reduction of UF6 to metal in small quantities, and on the casting and machining of enriched, natural and depleted uranium metal into hemispherical forms,

(k) *Expressing* serious concerns about Iran's nuclear programme, and agreeing that an extensive period of confidence-building is required from Iran,

(l) *Reaffirming* the Board's resolve to continue to work for a diplomatic solution to the Iranian nuclear issue, and

(m) *Recognising* that a solution to the Iranian issue would contribute to global non-proliferation efforts and to realising the objective of a Middle East free of weapons of mass destruction, including their means of delivery,

1. *Underlines* that outstanding questions can best be resolved and confidence built in the exclusively peaceful nature of Iran's programme by Iran responding positively to the calls for confidence building measures which the Board has made on Iran, and in this context *deems* it necessary for Iran to:

re-establish full and sustained suspension of all enrichment-related and reprocessing activities, including research and development, to be verified by the Agency;

reconsider the construction of a research reactor moderated by heavy water;

ratify promptly and implement in full the Additional Protocol;

pending ratification, continue to act in accordance with the provisions of the Additional Protocol which Iran signed on 18 December 2003;

implement transparency measures, as requested by the Director General, including in GOV/2005/67, which extend beyond the formal requirements of the Safeguards Agreement and Additional Protocol, and include such access to individuals, documentation relating to procurement, dual use equipment, certain military-owned workshops and research and development as the Agency may request in support of its ongoing investigations;

2. *Requests* the Director General to report to the Security Council of the United Nations that these steps are required of Iran by the Board and to report to the Security Council all IAEA reports and resolutions, as adopted, relating to this issue;

3. *Expresses* serious concern that the Agency is not yet in a position to clarify some important issues relating to Iran's nuclear programme, including the fact that Iran has in its possession a document on the production of uranium metal hemispheres, since, as reported by the Secretariat, this process is related to the fabrication of nuclear weapon components; and, noting that the decision to put this document under Agency seal is a positive step, *requests* Iran to maintain this document under Agency seal and to provide a full copy to the Agency;

4. *Deeplv regrets* that, despite repeated calls from the Board for the maintaining of the suspension of all enrichment related and reprocessing activities which the Board has declared essential to addressing outstanding issues, Iran resumed uranium conversion activities at its Isfahan facility on 8 August 2005 and took steps to resume enrichment activities on 10 January 2006;

5. *Calls on* Iran to understand that there is a lack of confidence in Iran's intentions in seeking to develop a fissile material production capability against the background of Iran's record on safeguards as recorded in previous Resolutions, and outstanding issues; and to reconsider its position in relation to confidence-building measures, which are voluntary, and non legally binding, and to adopt a constructive approach in relation to negotiations that can result in increased confidence;

6. *Requests* Iran to extend full and prompt cooperation to the Agency, which the Director General deems indispensable and overdue, and in particular to help the Agency clarify possible activities which could have a military nuclear dimension;

7. *Underlines* that the Agency's work on verifying Iran's declarations is ongoing *and requests* the Director General to continue with his efforts to implement the Agency's Safeguards Agreement with Iran, to implement the Additional Protocol to that Agreement pending its entry into force, with a view to providing credible assurances regarding the absence of undeclared nuclear material and activities in Iran, and to pursue additional transparency measures required for the Agency to be able to resolve outstanding issues and reconstruct the history and nature of all aspects of Iran's past nuclear activities;

8. *Requests* the Director General to report on the implementation of this and previous resolutions to the next regular session of the Board, for its consideration, and immediately thereafter to convey, together with any Resolution from the March Board, that report to the Security Council; and

9. *Decides* to remain seized of the matter.

Mr. LANTOS. Mr. Speaker, I include for the RECORD a brief by the Deputy Director General For Safeguards on Iran's development of nuclear weapons.

DEVELOPMENTS IN THE IMPLEMENTATION OF THE NPT SAFEGUARDS AGREEMENT IN THE ISLAMIC REPUBLIC OF IRAN AND AGENCY VERIFICATION OF IRAN'S SUSPENSION OF ENRICHMENT-RELATED AND REPROCESSING ACTIVITIES

The purpose of this brief is to provide an update on the developments that have taken place since November 2005 in connection with the implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran (Iran) and on the Agency's verification of Iran's voluntary suspension of enrichment related and reprocessing activities. The brief provides factual information concerning those developments; it does not include any assessments thereof.

Iran has continued to facilitate access under its Safeguards Agreement as requested by the Agency, and to act as if the Additional Protocol is in force, including by providing in a timely manner the requisite declarations and access to locations.

1. ENRICHMENT PROGRAMME

As detailed in the Director General's report of 18 November 2005, during meetings that took place in October and November 2005, the Agency requested Iran to provide additional information on certain aspects of its enrichment programme. Responses to some of these requests were provided during discussions held in Tehran from 25 to 29 January 2006 between Iranian officials and an Agency team, headed by the Deputy Director General for Safeguards. This information is currently being assessed.

1.A. Contamination

As part of its assessment of the correctness and completeness of Iran's declarations concerning its enrichment activities, the Agency is continuing to investigate the source(s) of low enriched uranium, LEU, particles, and some high enriched uranium (HEU) particles, which were found at locations where Iran has declared that centrifuge components had been manufactured, used and/or stored.

1.B. The 1987 offer

As previously reported to the Board, Iran showed the Agency in January 2005 a copy of a hand-written one-page document reflecting an offer said to have been made to Iran in 1987 by a foreign intermediary concerning the possible supply of a disassembled centrifuge (including drawings, descriptions and specifications for the production of centrifuges); drawings, specifications and calculations for a "complete plant"; and materials for 2000 centrifuge machines. The document also made reference to: auxiliary vacuum and electric drive equipment; a liquid nitrogen plant; a water treatment and purification plant; a complete set of workshop equipment for mechanical, electrical and electronic support; and uranium re-conversion and casting capabilities.

On 25 January 2006, Iran reiterated that the one-page document was the only remaking documentary evidence relevant to the scope and content of the 1987 offer, attributing this to the secret nature of the programme and the management style of the Atomic Energy Organization of Iran (AEOI) at that time. Iran stated that no other written evidence exists, such as meeting minutes, administrative documents, reports, personal notebooks or the like, to substantiate its statements concerning that offer.

1.C. Genesis of the mid-1990s offer

According to Iran, there were no contacts with the network between 1987 and mid-1993. Statements made by Iran and by key members of the network about the events leading to the mid-1990s offer are still at variance with each other. In this context, Iran has been asked to provide further clarification of the timing and purpose of certain trips taken by AEOI staff members in the mid-1990s.

P-1 centrifuge component deliveries in the mid-1990s: Iran has been unable to supply any documentation or other information about the meetings that led to the acquisition of 500 sets of P-1 centrifuge components in the mid-1990s. The Agency is still awaiting clarification of the dates and contents of these shipments.

P-2 centrifuge programme: Iran still maintains that, as a result of the discussions held with the intermediaries in the mid-1990s, the intermediaries only supplied drawings for P-2 centrifuge components (which contained no supporting specifications), and that no P-2 components were delivered along with the drawings or thereafter. Iran continues to assert that no work was carried out on P-2 centrifuges during the period 1995 to 2002, and that at no time during this period did it ever discuss with the intermediaries the P-2 centrifuge design, or the possible supply of P-2 centrifuge components. In light of information available to the Agency indicating the possible deliveries of such components, which information was shared with Iran, Iran was asked in November 2005 to check again whether any deliveries had been made after 1995.

In connection with the R&D work on a modified P-2 design said by Iran to have been carried out by a contracting company between 2002 and July 2003, Iran has confirmed that the contractor had made enquiries about, and purchased, magnets suitable for the P-2 centrifuge design. The Agency is still awaiting clarification of all of Iran's efforts to acquire such magnets. 2.

2. URANIUM METAL

Iran has shown the Agency more than 60 documents said to have been the drawings, specifications and supporting documentation handed over by the intermediaries, many of which are dated from the early- to mid-1980's. Among these was a 15-page document describing the procedures for the reduction of UF_6 to metal in small quantities, and the casting of enriched and depleted uranium metal into hemispheres, related to the fabrication of nuclear weapon components. It did not, however, include dimensions or other specifications for machined pieces for such components. According to Iran, this document had been provided on the initiative of the network, and not at the request of the AEOI. Iran has declined the Agency's request to provide the Agency with a copy of the document, but did permit the Agency during its visit in January 2006 to examine the document again and to place it under Agency seal.

3. TRANSPARENCY VISITS AND DISCUSSIONS

On 1 November 2005, the Agency was given access to a military site at Parchin, with a view to providing assurances regarding the absence of undeclared nuclear material and activities at that site, where several environmental samples were taken. Final assessment is still pending the results of the analysis of those samples.

Since 2004, the Agency has been awaiting additional information and clarifications related to efforts made by the Physics Research Centre (PHRC), which had been established at Lavisan-Shian, to acquire dual use materials and equipment that could be used in uranium enrichment and conversion activities. The Agency has also requested interviews with the individuals involved in the acquisition of those items.

On 26 January 2006, Iran presented to the Agency documentation the Agency had previously requested on efforts by Iran, which it has stated were unsuccessful, to acquire a number of specific dual use items (electric drive equipment, power supply equipment and laser equipment, including a dye laser). Iran stated that, although the documentation suggested the involvement of the PHRC, the equipment had actually been intended for a laboratory at a technical university where the Head of the PHRC worked as a professor. However, Iran declined to make him available to the Agency for an interview. The DDG-SG reiterated the Agency's request to interview the professor, explaining that it was essential for a better understanding of the envisioned and actual use of the equipment, which included balancing machines, mass spectrometers, magnets and fluorine handling equipment (equipment that appears to be relevant to uranium enrichment).

On that same day, the Agency also presented to Iran a list of high vacuum equipment purchased by the PHRC, and asked to see, and to take environmental samples from, the equipment in situ. The following day, some of the high vacuum equipment on the Agency's list was presented at a technical university, and environmental samples were taken from it.

On 26 January 2006, Iran provided additional clarification about its efforts in 2000 to procure some other dual use material (high strength aluminium, special steel, titanium and special oils), as had been discussed in January 2005. High strength aluminium was presented to the Agency, and environmental samples were taken therefrom. Iran stated that the material had been acquired for aircraft manufacturing, but had not been used because of its specifications. Iran agreed to provide additional information on inquiries concerning the purchase of special steels, titanium and special oils. Iran also presented information on Iran's acquisition of corrosion resistant steel, valves, and filters, which were made available to the Agency on 31 January 2006 for environmental sampling.

On 5 December 2005, the Agency reiterated its request for a meeting to discuss information that had been made available to the Agency about alleged undeclared studies, known as the Green Salt Project, concerning the conversion of uranium dioxide into UF_4 ("green salt"), as well as tests related to high explosives and the design of a missile re-entry vehicle, all of which could have a military nuclear dimension and which appear to have administrative interconnections. On 16 December 2005, Iran replied that the "issues related to baseless allegations." Iran agreed on 23 January 2006 to a meeting with the DDG-SG for the clarification of the Green Salt Project, but declined to address the other topics during that meeting. In the course of the meeting, which took place on 27 January 2006, the Agency presented for Iran's review a copy of a process flow diagram related to bench scale conversion and communications related to the project. Iran reiterated that all national nuclear projects are conducted by the AEOI, that the allegations were baseless and that it would provide further clarifications later.

4. SUSPENSION

The Agency has continued to verify and monitor all elements of Iran's voluntary suspension of enrichment related and reprocessing activities.

In a letter dated 3 January 2006, Iran informed the Agency that it had decided to resume, as from 9 January 2006, "those R&D on the peaceful nuclear energy programme which ha[d] been suspended as part of its expanded voluntary and non-legally binding suspension" (GOV/INF/2006/1). On 7 January 2006, the Agency received a letter from Iran requesting that the Agency remove seals applied at Natanz, Farayand Technique and Pars Trash for the monitoring of suspension of enrichment related activities (see GOV/INF/2006/2). The seals were removed by Iran on 10 and 11 January 2006 in the presence of Agency inspectors.

Since the removal of the seals, Iran has started what it refers to as "small scale R&D". As of 30 January 2006, Agency inspectors had not seen any new installation or assembly of centrifuges, or the feeding of UF_6 material for enrichment. However, substantial renovation of the gas handling system is underway at the Pilot Fuel Enrichment Plant (PFEP) at Natanz, and quality control of components and some rotor testing is

> being conducted at Farayand Technique and Natanz. Due to the fact that all centrifuge-related raw materials and components are without IAEA seals, the Agency's supervision of the R&D activities being carried out by Iran cannot be effective except at PFEP, where containment and surveillance measures are being applied for the enrichment process. The two cylinders at Natanz containing UF_6, from which seals had been removed on 10 January 2006, were again placed under Agency containment and surveillance on 29 January 2006.
>
> The uranium conversion campaign which commenced at the Uranium Conversion Facility (UCF) in Esfahan on 16 November 2005 is continuing and is expected to end in March 2006. All UF_6 produced at UCF thus far has remained under Agency containment and surveillance.
>
> Using satellite imagery, the Agency has continued to monitor the ongoing civil engineering construction of the Iran Nuclear Research Reactor (IR–40) at Arak.

Mr. LANTOS. Mr. Speaker, before yielding back our time, may I just say fanaticism in the field of international affairs is always dangerous. But fanaticism armed with nuclear weapons is not just dangerous; it is unacceptable. Iran is determined to move in the direction of developing nuclear weapons. The civilized world cannot stand by.

I urge all of my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume in closing.

Mr. Speaker, I thank the gentleman, my good friend, the gentleman from California (Mr. LANTOS), for his wise words. It is always a pleasure to work with him as well as with our chairman, HENRY HYDE.

Mr. Speaker the International Atomic Energy Agency in its February 4, 2006 resolution said that after nearly 3 years the agency is not yet in a position to conclude that there are no undeclared nuclear materials or activities in Iran.

Iran needs to hear our message loud and clear. The United Nations Security Council now has the Iran case after 20 years of Iran's covert activities and after 3 years of mocking the international community. Let us send a message loud and clear today. Let us pass this resolution.

Mr. SHAYS. Mr. Speaker, I strongly support H. Con. Res. 341, condemning Iran for violating its international nuclear nonproliferation obligations. Mr. Speaker, the United Nations Security Council must quickly consider Iran's repeated violations of international nuclear norms, impose a comprehensive sanctions regime and send an unequivocal message that the world rejects its nuclear ambitions.

In addition to its refusal to cooperate with the International Atomic Energy Agency, IAEA, Iran's President, Mahmoud Ahmadinejad has drawn considerable attention for his heinous calls for the United States' greatest ally, Israel, to be "wiped off the map" and his bold denial of the Holocaust. When offered a number of reasonable solutions to avert an international standoff, the Ahmadinejad regime has unwisely refused.

It is a positive sign that Russia and Iran are continuing discussions on a proposal the U.S. and others have endorsed. This plan would have Russia enrich Iran's uranium and remove it once it's spent, thereby maintaining safeguards on the nuclear fuel. I am hopeful an agreement will be reached, but have no qualms about this body sending a resolute message to Iran that its breaches and failures to comply with its nuclear nonproliferation obligations will be met with strong resistance.

Mr. STARK. Mr. Speaker, I rise today in opposition of House Concurrent Resolution 341, which calls on the UN Security Council to expeditiously take action in response to reports of Iran's noncompliance with its nuclear nonproliferation obligations.

I am gravely concerned about nuclear proliferation in Iran and in any other nation. But, this resolution is the wrong resolution at the wrong time.

Right now, Russia is negotiating with Iran to avert their domestic production of enriched uranium. Russia and China also supported the International Atomic Energy Agency, IAEA, decision to refer Iran to the Security Council, but requested that any action against Iran be delayed to March so these negotiations can continue.

Yet, here we are on February 16th trying to supersede those negotiations by calling on the UN Security Council to act now. This strikes me as a step toward more unilateralism.

In addition to my concern about interfering with ongoing negotiations, the latest U.S. National Intelligence Council analysis projects that Iran is a decade away from manufacturing the key ingredient for a nuclear weapon. This expert analysis gives me further reason to question this rush to unilateral action.

I urge my colleagues to give peaceful negotiations the opportunity to succeed and vote against this resolution.

Mr. MCDERMOTT. Mr. Speaker, some time yesterday, a Member introduced House Concurrent Resolution 341. Earlier today, without benefit of hearings or markup by any committee or subcommittee of the House, it was brought to the floor and the vast majority of members voted for it.

They voted, I believe, for it for the best of reasons: to strengthen efforts by the international community to convince Iran to meet its obligations as a party to the Nuclear Non-Proliferation Treaty.

The resolution makes a number of important and factual points about Iran's lack of cooperation with IAEA and then sets out six statements of Congressional policy. The first two condemn Iran's breaches of its obligations and commend the efforts of several nations to find a diplomatic means to return Iran to compliance. The final clause urges the President to keep Congress informed on this issue. All well and good.

But, for some reason, the fourth declaration goes beyond what international treaties require and beyond anything that Congress has carefully studied. It reads as follows:

> [Congress] declares that Iran, through its many breaches for almost 20 years of its obligations under the Safeguards Agreement, has forfeited the right to develop any aspect of a nuclear fuel cycle, especially with uranium conversion and enrichment and plutonium reprocessing technology, equipment and facilities.

Now, let's be clear on what "nuclear fuel cycle" means. It means any use of nuclear technology, including the use of nuclear energy for the provision of civilian electrical power.

I think there is some level of agreement that our problem with Iran is not about nuclear power plants. And it is abundantly clear that Iran intends to insist on its right to nuclear energy. If Iran's leaders want to insist that they only seek to produce electricity, we should work with the IAEA to make sure there are so many inspectors assigned to Iran that they can't produce anything except electricity. A Congressional declaration that a country cannot use nuclear power for peaceful, minutely inspected, civilian purposes is neither practical nor helpful.

Had there been hearings, I believe that the difficulties with this approach would have been identified. But once again, the Republican House leadership hasn't bothered with regular process, hasn't bothered with hearings and witnesses or even markups and amendments. The Republican leadership doesn't want to hear dissent, doesn't want to hear concerns, doesn't want to hear anything but "yes, sir!"

In addition, the convoluted language of the third declaration seems to call upon the Russian Federation to cease its unilateral efforts to bring Iran into compliance with its treaty obligations. Whether an arrangement can be designed that allows Iran access to nuclear power without creating its own enrichment facilities remains to be seen, but the attempt should not be scorned.

So now the House is on record that the Iranian people should never be allowed to use nuclear power and that Russia should stop talking to Iran about solving this problem. If the resolution had not been brought to the floor today, just one day following its introduction, these problems might have been avoided.

Mr. LEWIS of Georgia. Mr. Speaker, I rise today in strong support of this resolution.

Iran must be condemned for following the path of nuclear proliferation. This past Tuesday, February 14, 2006, Iran announced that it has resumed uranium enrichment efforts, sending a signal to the world that it is taking steps to arm itself with nuclear weapons. Iran said it will no longer allow international inspectors to access its nuclear facilities. Therefore we must work to ensure that Iran is unsuccessful in the path that it has chosen.

Nuclear weapons are the most dangerous and most horrible weapons man has ever invented. These weapons pose a threat to human kind; and an even graver threat when in the hands of a nation that supports terrorism. We need to work to reduce the numbers of nuclear weapons in our world.

Iran must join the community of nations and lay down the instruments for the development of nuclear weapons. We must encourage all nations to lay down the burden and instruments of the most destructive weaponry known to human kind. There is enough madness on this little planet that we do not need to add more. There is not any room in our society for more nations to arm themselves with weapons of mass destruction.

Mr. Speaker, I strongly support this resolution. We must unite the community of nations and use all diplomatic means to rid our world of rogue nuclear threats.

Mr. CARDIN. Mr. Speaker, I rise in strong support of H. Con. Res. 341, which condemns the Government of Iran for violating its international nuclear nonproliferation obligations, and expressing support for efforts to report Iran to the United Nations Security Council.

Iran is actively seeking weapons of mass destruction, which poses a threat to the national security of the United States and to the world. Iran has repeatedly violated its obligations to the international community, specifically the 1973 Safeguards Agreement with the International Atomic Energy Agency, IAEA. In 2002 the world learned that Iran was illegally continuing to develop a secret nuclear program, which has led to years of negotiations with the international community. Last August, however, the Iranian government resumed its conversion of uranium. Earlier this month the IAEA voted 27 to 3 to report Iran to the United Nations Security Council for further action. I urge the Security Council to use all the tools at its disposal to pressure Iran to meet its commitments to the IAEA.

The House should additionally take up and pass legislation to strengthen the Iran-Libya Sanctions Act, ILSA. The House should pass H.R. 282, the Iran Freedom Support Act, which I have co-sponsored. The bill would strengthen ILSA, provide assistance to pro-democracy groups in Iran, and require that ILSA remain in effect until the President certifies to Congress that Iran has permanently and verifiably dismantled its weapons on mass destruction programs and has committed to combating their proliferation.

I am pleased that the United States has continued to work closely with the international community—including the European Union, Russia, and China—on this urgent matter. I urge the President to keep Congress fully and current informed on this matter, as called for in this resolution. I urge the international community to impose economic sanctions designed to deny Iran the ability to develop nuclear weapons.

We cannot allow a rogue nation such as Iran to obtain nuclear weapons. Iran has actively supported terrorist groups, such as Hezbollah in Lebanon and Palestinian Islamic Jihad. Iran has funded suicide bombers in Israel and militant organizations elsewhere. Many of these terrorist groups are seeking weapons of mass destruction, WMD, so that they can kill or injure thousands or even millions of people. The Iranian President has publicly expressed his hope for "a world without America," his desire to "wipe Israel off the map," and has denied the existence of the Holocaust.

I urge my colleagues to support this resolution.

Mr. KIRK. Mr. Speaker, I support House Concurrent Resolution 341 condemning the Government of Iran for violating its international nuclear nonproliferation obligations and expressing support for efforts to report Iran to the United Nations Security Council. As co-chairman of the Iran Working Group, I am increasingly concerned about Iran's movement towards the brink of a nuclear showdown. In response to the historic International Atomic Energy Agency, IAEA, referral of Iran to the United Nations Security Council, UNSC, Iran retaliated by halting snap inspections by IAEA inspectors. There are even reports that Iran resumed uranium-enrichment at its Natanz nuclear plant, a process that had been suspended for two years following the disclosure of Iran's covert program. Iranian President Ahmadinejad warned that Iran could withdraw from the Nuclear Nonproliferation Treaty if international pressure increased over its nuclear program.

President Ahmadinejad repeatedly states that his nation will develop nuclear capabilities, and continually rebuffs efforts of nations such as Russia and the EU–3 in providing a way out of a conflict. Given the Iranian President's genocidal intentions of "wiping Israel off the map," we cannot allow Iran to advance on its path towards a nuclear future.

The Congress must consider many options to prevent Iran from acquiring a nuclear weapon. That is why I introduced House Concurrent Resolution 177, which calls on our allies and the U.S. to consider quarantining gasoline sales to Iran should the Iranians reject the international effort to end the nuclear impasse.

Despite being one of the world's top oil producing nations, Iran is highly dependent on foreign gasoline due to severe mismanagement of its domestic energy supply. The need is so great that the Iranian government regularly debates rationing gasoline to manage its short supply. An oil embargo on exports from Iran could hurt Western economies, but a gasoline quarantine on imports to Iran would fall heavily on Iran alone.

Now is the time for the Security Council to take strong action against Iran. I urge my colleagues to join me in support of House Concurrent Resolution 341.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of this resolution to condemn the Iranian government for violating its international nonproliferation obligations and to support efforts to report Iran to the United Nations Security Council.

Last week, the 35-nation International Atomic Energy Agency's, IAEA, Board of Governors overwhelmingly voted to report Iran to the U.N. Security Council, an important step in the international effort to prevent Iran from attaining nuclear weapons.

Iran has made clear its plans to enrich uranium by building its centrifuge program and constructing a heavy-water reactor which could provide plutonium for nuclear weapons. Additionally, the IAEA revealed that Iran was in possession of a document describing the procedure for fabricating uranium metal and casting it into hemispheres, which form the core of a nuclear weapon.

Following the vote on the resolution, Iranian President Mahmoud Ahmadinejad ordered Iran's nuclear commission to end its cooperation with the IAEA and begin full-scale production of enriched uranium, which can be used to build nuclear weapons.

The thought of Iran with a nuclear weapon is a frightening one, and if this issue is not addressed promptly Iran will soon have the ability and materials to produce such weapons. Nuclear proliferation alone is a threat to American interests and security; nuclear proliferation to a country with a radical Islamic leader who has supported terrorism is an even more immediate threat.

Mr. Speaker, I urge my colleagues to join me in supporting this resolution to condemn Iran's decision to advance its nuclear program and to urge the U.N. Security Council to address this issue at once.

Mr. MARKEY. Mr. Speaker, I rise in support of H. Con. Res. 341. Iran has obligations under the Nuclear Nonproliferation Treaty, NPT, to not carry out a nuclear weapons program. Iran has ignored its obligations by carrying out a covert uranium enrichment program. It is becoming increasingly clear that this enrichment program is not merely aimed at producing nuclear fuel for a civilian energy program. According the IAEA, Iran has documents in their possession for casting of enriched and depleted uranium metal into hemispheres—something which has no legitimate civilian purpose and which appears clearly to be related to the fabrication of nuclear weapons components. Possession of these documents is a violation of the NPT.

I support the work of the IAEA to monitor Iran's nuclear program, to press for Iran to agree to the Additional Protocol for enhanced monitoring and inspection of that program. The British, the French, and the Germans have tried for years to convince Iran to move away from nuclear weapons capability and to agree to increased international monitoring of its nuclear activities. Iran has rejected their efforts and made it clear that it is not willing to accept the type of negotiated solution proposed by the Europeans.

Right now we face a crisis that challenges the future of the international nuclear nonproliferation regime. If the international community cannot address the issue of Iran, then we risk the collapse of the NPT.

I hope the U.N. Security Council can resolve this issue. Now that this matter has been referred to the Security Council, the international community needs to begin a dialogue about how best to respond to Iran's action. We need to start thinking about tough and enforceable sanctions that can send a clear signal to Tehran that ignoring the will of the international community on this issue has consequences.

As we call upon Iran to stop their clandestine program, however, we must remember the United States also has obligations to the NPT. We can not ask the world to enforce regulation on Iran while we shirk our obligations to the NPT by opening up nuclear trade with India, a country which has not signed the Treaty. If we seek special exemptions from international and domestic nonproliferation law for India while simultaneously seeking strict enforcement of such laws for Iran, an NPT signatory, we will undermine our credibility as a leader on nonproliferation. Iran will accuse us of hypocrisy, and other nations may seek similar special exemptions.

For example, we know that China has long had a close relationship with Pakistan's nuclear program. Pakistan has already asked the U.S. to make special exemptions for them from international and domestic nonproliferation law. China has called for that as well. Are we going to also exempt Pakistan from the international system of controls and safeguards established by the NPT and by U.S.

law? Are we going to stand by and do nothing if China goes ahead and sends the same type of nuclear technology and materials that we are talking about sending to India?

We also know that Russia has historically had a close relationship with the Iranian nuclear program. They've been trying to get the Iranians to agree to a nuclear fuel supply arrangement in return for foregoing a domestic Iranian enrichment program. But what if Moscow decides now to go far beyond that and afford Iran broader access to controlled nuclear technology, citing what we're proposing to do with India?

I think that if we want to send a strong signal to Iran that its flouting of international nuclear nonproliferation norms is unacceptable and will have adverse consequences, then now is not the time to be thinking of granting selective exemptions from nonproliferation laws and treaties for other nations, even if they are our friends. We need to be principled leaders on the most important of all issues facing our country. We do not want Iran, with a regime that has made it clear that it desires the destruction of Israel, a regime that is known to have provided material support to terrorist groups, to obtain its own nuclear arsenal.

The time for us to act as an international community is now. There are forces within Iran that want to move away from extremism. We need to send a strong signal that the international community does not accept the current Iranian government's nuclear aspirations, and that there will be consequences, there will be sanctions, if Tehran persists in its current course of action.

Mr. SCHIFF. Mr. Speaker, I rise today as a cosponsor of this resolution. Iran's resumption of nuclear activities and its non-compliance with international commitments must be met by a united Congress and a united international community.

For almost 3 years, the United States, the European Union, Russia, the IAEA and other parties have been working to negotiate an end to those parts of Iran's nuclear program that could allow it to produce nuclear weapons. Iran has continued to mislead the international community about its efforts. It has alternated diplomatic overtures with clandestine activity on its nuclear program.

In June 2004, just a few months after making assurances to the international community, Iran was criticized by the IAEA for failing to cooperate with an inquiry of its nuclear activities. In November 2004, Iran agreed to suspend much of its uranium enrichment in a deal with the EU. However, in August 2005, Iran resumed its uranium conversion at its Isfahan plant and in January 2006, broke IAEA seals at its Natanz facility. It has since resumed enriching uranium at that facility.

Experts indicate that Iran could produce a nuclear weapon in as little as 3 to 5 years. According to a report issued by the IAEA to member governments on January 31, 2006, Iran has a clandestine effort, dubbed Green Salt, which has been working on uranium processing, high explosives and a missile warhead design. The report clearly demonstrates a nexus between Iran's efforts to develop a nuclear fuel cycle and Tehran's military, thus undercutting the Iranian government's repeated denials that it seeks to develop nuclear weapons.

Iran's growing nuclear capability is compounded by a series of recent statements by Iran's president, in which he declared that a fellow member of the United Nations must be wiped off the map. These remarks demonstrate a disregard for human life and undermine the central principle of the United Nations. The world community cannot stand by while an outlaw regime announces its desire to annihilate millions of people and attempts to develop the nuclear weapons to do so. The community of nations has properly condemned these threats; now we must ensure that Iran will never develop the capability to act on them.

I am hopeful that all members of the United Nations Security Council will take a strong stand for international peace and security when this issue is considered by the Security Council in March. I can think of no greater priority for the Council and believe that concerted action by the Council's Permanent Members represents the best opportunity to defuse this crisis.

As a gesture of appreciation from the Congress, I, along with Mr. Kirk of Illinois and Mr. Andrews of New Jersey, am circulating a letter to the other Permanent Members of the Security Council. The letter thanks them for their support in reporting Iran to the Security Council and urges them to establish consequences to continued non-compliance. I encourage my colleagues to sign the letter.

I am hopeful that with a united Congress and a united international community, we can prevent Iran from acquiring nuclear weapons which could destabilize the entire region and which could be used to carry out Iran's professed desire to wipe millions of its neighbors off the map.

Mr. BERMAN. Mr. Speaker, several years ago, we learned that Iran was operating a secret program to enrich uranium and carry out other sensitive nuclear fuel cycle activities.

Iran's failure to report these activities to the International Atomic Energy Agency was a blatant violation of its obligations under the Nuclear Non-proliferation Treaty.

The more we learn about Iran's program, the more obvious it's become that Iran's true intention is not peaceful power generation, but the development of a nuclear arsenal that could threaten the United States, our allies in the Middle East, and even Europe.

Any seeds of doubt on this issue have been dispelled once and for all by Iran's rejection of a sensible proposal put forward by Great Britain, France and Germany, and more recently, its move to resume uranium enrichment.

The election of Iranian President Ahmadinejad has made the urgency of preventing Iran from acquiring nuclear weapons that much greater.

With his comments about the Holocaust being a "myth," endorsement for "wiping Israel off the map," and enthusiastic support of Hezbollah, Hamas and other terrorist organizations, this vile anti-Semite has made his true intentions crystal clear.

The IAEA's decision to refer Iran to the U.N. Security Council is a long-overdue step in the right direction.

But tough words must be backed by tough action. We must continue to push the other members of the Security Council—especially China and Russia—to meet their international obligations.

Congress should also pass H.R. 282, the Iran Freedom Support Act. This important legislation will close a loophole in the Iran-Libya Sanctions Act that has allowed successive administrations to avoid penalizing foreign firms that continue to invest in Iran's oil and gas sector.

Mr. HYDE. Mr. Speaker, I rise in support of H. Con. Res. 341. This resolution is closely modeled on a resolution, Senate Concurrent Resolution 78, introduced in the Senate by the majority leader, Senator Frist, csponsored by Senator Reid, the minority leader, Senators Lugar and Biden, and a bipartisan group totaling 32 Senators, and adopted unanimously on January 27. Our colleague, Representative Ros-Lehtinen of Florida, has worked with me and other members of the House Committee on International Relations, including our distinguished ranking Democrat, the gentleman from California, Mr. Lantos, on this resolution. She has updated the text of the Senate resolution in the light of recent events and in the light of the understanding that we in the House have about Iran's actions and intentions.

This House may be divided on precisely how to respond to every aspect of the Iranian challenge, but we are certainly united, as our vote will show, in our support for the current efforts to bring the weight of the Security Council of the United Nations to bear against Iran's continuing violations of its formal and informal obligations concerning its nuclear activities.

These efforts are not only American efforts, but ones which involve many responsible members of the international community. The administration deserves credit for coaxing some of the reluctant states to this point: the International Atomic Energy Agency, IAEA, has indeed reported to the Security Council on the Iranian nuclear program. Although the IAEA may make additional reports during the next month, the die is cast: the Security Council is in a position to take action, and it should do so. It should respond to what is clearly a threat to international peace and security—and making such responses in a collective way is precisely the purpose it is meant to serve.

The administration deserves credit for having brought along the IAEA Board of Governors and, in particular, all of the permanent members of the Security Council, to this stage in the process. The signal to Iran could not have been more stark.

Critical to arriving at this point was the support extended by the Bush administration for the so-called "ED-3" process, in which Britain, France, and Germany conducted negotiations with Iran—negotiations that ultimately failed to contain Iran's efforts, to be sure, but which succeeded in keeping the international community moving forward in unison.

At this point, we need to continue to keep the pressure on, but let us keep the pressure on the recalcitrant party—the Iranians—and not begin internecine warfare among the Western powers. It is only with the cooperation of other States that we can truly pressure Iran.

As we consider other legislation in the next months—and the consideration of this resolution does not, in my mind, prejudice the ability of the House to consider other legislation—we should bear in mind that we need allies in this struggle. Sticking our finger in the eye of other states which are, in general terms, "on our side" will do nothing to bring Iran to heel.

Another reason to work with our friends is that if the Security Council does not achieve consensus on how to deal with Iran, we will need to work with them to arrive at a "Plan B," as an alternative. That plan should consist, in all likelihood, of a series of comprehensive economic and diplomatic sanctions.

Those sanctions should be designed to serve several purposes. First, they should make it clear to the Iranian people that their leaders' course of action needs to change. Second, they should serve to inflict some pain on the Iranian leadership in an effort to coerce those leaders to behave in a responsible way. Finally, they should reduce the resources available to the Iranian state to continue their nuclear weapons program.

In summary, Mr. Speaker, this is an important resolution; it indicates quite clearly that we are behind the administration's approach. I hope that we will continue to support it in the days ahead.

Mr. SHAW. Mr. Speaker, I rise today to voice my support of the resolution condemning Iran for violating its nonproliferation obligations and expressing support for efforts to report them to the United Nations Security Council.

Early last month, the Iranian regime announced that it planned to restart its nuclear research program. This was in clear violation of a 2004 agreement that had been reached with Britain, France and Germany to suspend uranium enrichment operations.

Iran claims that the program is aimed at generating electricity, but I think the United States and the world know better. In fact, the International Atomic Energy Agency has already voted to report Iran to the U.N. Security Council.

The president of the Iranian regime, Mahmoud Ahmadinejad, has also caused concern in the United States and Europe with his confrontational statements denying the Holocaust happened and stating his desire to annihilate Israel.

The United States fully expects the Security Council to add its weight to the IAEA's calls for Iran to return to the 2004 agreement, suspend all enrichment and reprocessing activity, cooperate fully with the IAEA and return to negotiations with Great Britain, France and Germany.

Only then will the Iranian regime restore any confidence that it is in fact, not seeking nuclear weapons under the guise of an "electricity program."

Mr. Speaker, with their continued defiance it's imperative that the United Nations act quickly. We must send a clear message to the Iranian regime that he world will not permit them to obtain nuclear weapons.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). All time for debate has expired.

Pursuant to the order of the House of Wednesday, February 15, 2006, the concurrent resolution is considered read and the previous question is ordered on the concurrent resolution and on the preamble.

The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 4, answered "present" 4, not voting 20, as follows:

[Roll No. 12]

YEAS—404

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Kucinich
McDermott
Paul
Stark

ANSWERED "PRESENT"—4

Abercrombie
Capuano
Kaptur
Lee

NOT VOTING—20

Berman
Bishop (UT)
Blumenauer
Campbell (CA)
Carson
Cummings
Davis (IL)
Evans
Hinchey
Hinojosa
Hunter
McKinney
Miller, Gary
Osborne
Rangel
Simpson
Wamp
Wasserman Schultz
Westmoreland
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1131

Mr. MOORE of Kansas changed his vote from "nay" to "yea."

Ms. LEE changed her vote from "yea" to "present."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BERMAN. Mr. Speaker, I was unable to vote today on H. Con. Res. 341 because I was traveling on official business to a Middle East regional security conference in Athens, Greece, and then on to Egypt and Israel for meetings with top government officials. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. CARSON. Mr. Speaker, I was unavoidably detained and unable to record my vote for rollcall vote 12. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. CAPUANO. Mr. Speaker, I was prepared today to vote for this resolution but a late language change has made that impossible.

The phrase "and take action" was added to paragraph three which now reads: "calls on all members of the United Nations Security Council . . . to expeditiously consider *and take action* . . . to respond to and *deal with* situations bearing on the maintenance of international peace and security" (emphasis added). Because of that change, I cannot support this resolution. However, since I do believe that Iran poses a serious threat to the world and demands the attention of the world, I could not vote against the proposal. Therefore, I voted "present."

I strongly agree that Iran poses a real security threat to the world and I encourage continued vigilance. However, I have real concerns that the wording of this resolution might be interpreted by the Bush administration as all that is necessary to take military action. Although the day may come when I do support such action, today is not that day. I do not trust the Bush administration to come back to Congress if they wish to pursue military action. My lack of trust is, unfortunately, based on past actions. I voted to support military action against Afghanistan but the President is insisting today that Congress in so voting also granted him the legal authority to intercept telephone calls and other forms of communication without a warrant. I completely reject that assertion and I am concerned with future interpretations of H. Con. Res. 341. I regret that I cannot trust the President of the United States to use military force prudently and when all nonviolent means have been exhausted. I regret that I cannot support this resolution.

PRIVILEGES OF THE HOUSE—PRIVILEGED RESOLUTION REGARDING CULTURE OF CORRUPTION SURROUNDING BUDGET RECONCILIATION

Ms. PELOSI. Mr. Speaker, pursuant to rule IX, I rise in regard to a question of the privileges of the House, and I offer a privileged resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 687

Whereas the Republican Leadership has engaged in a continuing pattern of withholding accurate information vital for Members of the House of Representatives to have before voting on legislation, and has inserted numerous controversial provisions into completed conference reports in the dead of night without notifying Democratic Members of the House, the press, or the public;

Whereas on February 1, 2006 the Republican Leadership permitted a vote on House Resolution 653 to concur in a Senate amendment to the conference agreement on Budget Reconciliation, despite the inclusion of inaccurate numbers in provisions that cost the Medicare program an additional $2 billion dollars;

Whereas although the Senate Enrolling Clerk had mistakenly changed critical numbers which had a major financial significance for Medicare, and had notified the House of those errors two weeks prior to the vote on February 1, the Republican Leadership deliberately chose to ignore that notification and instead allowed the House to vote on an incorrect version of this legislation;

Whereas the conference agreement on Budget Reconciliation passed the House by the narrowest of margins, 216–214, with every Democrat voting in opposition, and knowledge of this mistake may have influenced the outcome of this vote, which is why the Republican Leadership chose not to pursue the proper course in correcting this legislation;

Whereas as a result of the concealment of these errors in the enrollment of the bill, the law signed by the President of the United States on February 8, 2006 is not the same as the text cleared by the House on February 1, 2006;

Whereas the effect of these actions raises serious constitutional questions and jeopardizes the legal status of this legislation and The Washington Post has reported: "Now there are questions about the legality of signing a bill the House technically did not pass" (The Washington Post, February 9, 2006);

Whereas Republican incompetence led to numerous errors in this legislation, and two additional errors in the Senate amendment that was agreed to by House Resolution 653 were found by the Congressional Budget Office in a report dated January 27, 2006, five days BEFORE the House voted on the final conference report: "The (conference report on Budget Reconciliation) contains two apparent errors in legislative language: one in section 8006 regarding direct loans to parents of postsecondary students, and one in section 10002 regarding bankruptcy fees." (CBO Report on S. 1932, January 27, 2006);

Whereas in this ongoing pattern of abuse of power, the Republican Leadership on December 17, 2005 deliberately misled Members of the House by inserting into a completed conference report without debate or notification a provision granting liability protection for drug companies from cases involving consumers injured by avian flu vaccine; (HR 2863, the Defense Appropriations Conference Report);

Whereas the Republican Leadership inserted this liability vaccine provision at midnight, AFTER conferees signed what they understood to be the final document seven hours earlier, thereby breaking their word and assurances that "Avian Flu shall be funded at the House level, and will not include either indemnity or compensation provisions." (House Appropriations Committee Summary, December 17, 2005, 4:40 PM);

Whereas during passage of the Prescription Drug bill in 2003, the Republican Leadership and the committees of jurisdiction ignored the warnings from knowledgeable experts that the true cost of the legislation was potentially hundreds of billions of dollars higher than the official estimate, and intentionally misled Members of the House by withholding information for the sole purpose of winning passage of this extremely controversial bill by a single vote in the middle of the night; and

Whereas the Republican Leadership's culture of corruption and its repeated efforts to thwart the normal legislative process by cutting corners, inserting hand-written provisions into completed conference reports in the dead of night, and rushing through legislation with major errors, forces Members to vote on controversial legislation without thorough time for review and must be denounced: Now, therefore, be it

Resolved, That the Committee on Standards of Official Conduct shall begin an immediate investigation into the abuse of power surrounding the inaccuracies in the process and enrollment of the Budget Reconciliation legislation cleared for the President on February 1, 2006.

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO TABLE OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Speaker, I move to table the resolution.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. PELOSI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 219, noes 187, answered "present" 6, not voting 20, as follows:

[Roll No. 13]

AYES—219

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris

Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—187

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

ANSWERED "PRESENT"—6

Doyle
Green, Gene
Jones (OH)
Mollohan
Roybal-Allard
Stupak

NOT VOTING—20

Berman
Bishop (UT)
Blumenauer
Campbell (CA)
Carson
Evans
Hinchey
Hinojosa
Hunter
Kingston
Melancon
Miller, Gary
Osborne
Price (GA)
Simpson
Thomas
Wamp
Wasserman Schultz
Whitfield
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1155

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. CARSON. Mr. Speaker, I was unavoidably detained and unable to record my vote for rollcall vote 13. Had I been present I would have voted "no."

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I regret that I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall No. 12, and "no" on rollcall No. 13.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, the first thing I want to say is to my good friend, JOHN BOEHNER, congratulations on his election as majority leader. It is a great honor to be selected by your colleagues in the House, of course, but of your own party to be one of its leaders.

JOHN BOEHNER has, of course, been a leader in his party for many years now, chairman of a major committee, sponsor of one of the hallmark pieces of legislation the Bush administration points to as a great success. He worked in a bipartisan fashion on that bill.

I look forward to working with him. I know our side of the aisle looks forward to working with him. I want to congratulate him on his election.

Mr. Leader, let me ask you about a couple of things, and I will mention the PATRIOT Act. I know you are not sure what that status is. There are a couple of pieces of legislation, three pieces of legislation, that we do anticipate in the relatively near future. I wonder if you might comment on them.

I know we are not meeting next week and will not be back until the 28th of February. The tax reconciliation conference report, I talked to Mr. RANGEL about that this morning. His understanding is the conference is ongoing. Might you have any idea of when the tax reconciliation conference report, assuming it is approved, might come to the floor?

I yield to my friend.

Mr. BOEHNER. I want to thank my colleague for yielding, and I thank you for your kind words of success. It is an honor to have been chosen as the new majority leader. Some of you can recall some words that I said earlier. When I won, I felt like the dog who caught the car. I have my teeth on the bumper. Maybe they are just around the bumper today.

I want to thank my colleague for his kind words. The House will have a district work period next week. But when we come back and in the weeks following, up to the Easter recess, I would expect that the House will deal with the concurrent resolution on the budget. I believe that the House and Senate will receive today a supplemental spending request from the White House for the ongoing efforts in Iraq.

We expect the supplemental will include money for the ongoing efforts in Iraq and the war on terror. We also believe that the request will include money for the ongoing efforts in Katrina and Rita, in the cleanup efforts in the gulf area. Sometime over the next month or so, 6 weeks, we expect that we will be taking that up.

We also believe that when we get back, maybe in the first week that we are back, a possible motion to go to conference on the pension bill.

The tax reconciliation conference is under way. It is hard to predict when they will come to an agreement, but I would be surprised if it were the week that we came back.

Mr. HOYER. Thank you for that information. Mr. Leader, in terms of the budget itself, the budget resolution for 2007, when is your expectation that that might be on the floor? We understand that it might be marked up in committee the first week in March. Would it be your expectation that it would be on the floor the second week in March?

I yield to my friend.

Mr. BOEHNER. That is a bit unclear as of yet. It would be nice if we could do it that second week in March, but I think it is a little too early to predict exactly when it will be on the floor.

Mr. HOYER. I thank the gentleman for that. You mentioned the supplemental appropriation. We understand it may be coming down today. Has it come down? It is supposed to arrive today. Do you have any information as to how quickly we would attempt to consider and move the supplemental appropriation bill?

□ 1200

Mr. BOEHNER. Clearly, sometime in the coming weeks, but I think the Appropriations Committee will have their hands full looking at the request, going through all of the items in the request. I think we would like to have it through the House before the Easter recess, but, again, they have got an awful lot of work to do in the Appropriations Committee.

Mr. HOYER. I thank the leader for those comments.

I would say, Mr. Leader, not as a question but as an observation, as you know, there has been a great deal of concern on both sides of the aisle with reference to the PATRIOT Act, the provisions in the PATRIOT Act and to the extension of the PATRIOT Act. Obviously, the majority of the PATRIOT Act is in permanent law, but there are some portions that needed to be reauthorized.

I do not ask you a question because I know that this is still up in the air, but we are hopeful that as soon as the majority may have a better view of the scheduling of the PATRIOT Act, the sooner you could inform us of that would be better.

Mr. BOEHNER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Ohio.

Mr. BOEHNER. As the gentleman knows, the Senate has taken up the reauthorization of the PATRIOT Act. When the Senate completes their work it will come here, and I think those of us in the House never want to predict the speed at which the Senate may or may not move this bill.

Mr. HOYER. Mr. Speaker, reclaiming my time, I will tell the majority leader that I will not ask you the question trying to predict the actions of the other House in the future. I thank him for his comments, and again congratulate the leader on his election.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. BOEHNER. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 345) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 345

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, February 16, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, February 28, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, February 17, 2006, through Tuesday, February 21, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 27, 2006, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONDITIONAL ADJOURNMENT TO MONDAY, FEBRUARY 20, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, February 20, 2006, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 345, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentleman from Ohio?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, MARCH 1, 2006, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING THE HONORABLE SILVIO BERLUSCONI, PRIME MINISTER OF THE REPUBLIC OF ITALY

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, March 1, 2006, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting the Honorable Silvio Berlusconi, Prime Minister of the Republic of Italy.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, MARCH 1, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, March 1, 2006.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

APPOINTMENT OF HON. MAC THORNBERRY, HON. FRANK R. WOLF, AND HON. TOM DAVIS TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH FEBRUARY 28, 2006

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 16, 2006.

I hereby appoint the Honorable MAC THORNBERRY, the Honorable FRANK R. WOLF, and the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 28, 2006.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

NEW ORLEANS' TULANE HOSPITAL REOPENS

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, my committee, the Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, held a field hearing down in the City of New Orleans during the January break. For me, it was my second trip to that storm-ravaged area; and, once again, you just cannot help but be overwhelmed by the size and the scope of the destruction that has happened down on our gulf coast area.

But Mr. Speaker, although we were there primarily to study the health care issues going on, and there were some significant problems down there, we saw the facility at LSU, Charity Hospital, one of the venerable old institutions in this country's history for training of medical doctors, completely in tatters. But there was not all bad news. There was some good news. Right across the street at Tulane University Medical Center, HCA, the Hospital Corporation of America, had that facility almost up and ready to go.

Mr. Speaker, I am happy to report that yesterday they held the ribbon-cutting for New Orleans Tulane Hospital as it reopened. In fact, Mr. Speaker, according to a news report, more than 100 nurses and doctors, in lab coats and scrubs, performed the wave in celebration, prompting Mayor Ray Nagin to ask them what was in their coffee. "I don't know what you're taking at Tulane, but I want some of that," he said.

Well, Mr. Mayor, it is old-fashioned American ingenuity and entrepreneurship. It works every time it is tried. I hope we will see more of that down in New Orleans.

ADMINISTRATION MISSING IN ACTION

(Ms. CORRINE BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. Mr. Speaker, last week, like so many Members, I attended the funeral celebration of Coretta Scott King. Her words: Struggle is a never-ending process. Freedom is never really won. You earn it and win it in every generation.

And, of course, President Carter was profound when he talked about the face of racism; and that face is the face of the Katrina victims. As we take a look at the devastation, man-made devastation that this administration, the Bush administration have, as the report says, it is no question they did not do a good job in the past. But we are not talking about the past. We are talking about the present. We are talking about 6 months later, here and now, and the Bush administration is missing in action.

But the sad thing is that the leadership in this House, the leadership in the other body is also missing in action. We have failed the people of the United States in the People's House.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

OUR NEW 51ST STATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, there was a very subtle illegal guestworker plan stuck in the budget the administration just submitted to Congress. That budget calls for the United States to allow over one million new illegal immigrants to infiltrate our borders during 2007.

As a matter of fact, last year's budget is allowing one million illegal aliens to enter this year as well. That is how many immigrants enter our country illegally each year under our current enforcement plans.

We know it will happen because it happens every year under current enforcement policy; and we are going right ahead with the same old plan, knowing in advance that it will be a near total failure.

We continue talking about how we are adding 1,500 new border agents in 2007. That won't be in the field until 2009, letting another two million illegal aliens to walk across our border.

We talk about how we are adding technology and fencing, but that won't be ready until 2010, allowing another million illegals in our country.

Right now, with our current budget and reform plans, we are, by default, agreeing to allow an additional four million illegal aliens into our country. That is equivalent to the population of South Carolina or Oregon.

Think about that. We are being asked to add a 51st state populated entirely by low-income illegal aliens.

Mr. Speaker, I cannot find an excuse for this. We know right now how to bring this flood of illegal immigration to a virtual halt, and I think within the next 2 weeks. We need somewhere between 36 and 48,000 troops immediately deployed to the southern border.

Now, the Minuteman Project in April showed that with between 18 and 24 additional enforcement personnel per mile, we can effectively secure our border for the first time. And it was not just the Minuteman Project that revealed these statistics. The U.S. Border Patrol conducted similar demonstration projects in 1993. Operation Blockade in El Paso and Operation Gatekeeper in San Diego produced the identical same results.

We have a good idea on how much a deployment like this would cost. $2.5 billion a year. But, you know what? That is less than 4 percent of the minimum $70 billion a year we are currently spending covering the health care, education and the different costs for illegal immigrants.

We already know how long it would take to get these troops on line and end this nightmare. One week. That is how long it took NORTHCOM to place 70,000 National Guard and regular Army troops on the Gulf Coast in response to Katrina, and we are still railing about how that took too long. One week.

If the burden of the National Guard is too heavy, we can ask our governors to loan the Nation's 15,000 State defense forces to help. We can call up the Coast Guard Auxiliary and the U.S. Air Force Civil Air Patrol.

We have laws in place, thanks to changes we made in the 108th Congress. Title 32, Section 9, U.S. Code now allows our governors to call out their National Guard for homeland security missions such as this at 100 percent Federal expense.

□ 1215

Governor Janet Napolitano of Arizona has supposedly made such a call on the Department of Defense. Her State legislature voted earlier this week to force her to follow up on that request.

Mr. Speaker, we need every Member of the House to urge their Governor to deploy all necessary forces to combat this invasion. We need the President to order the Department of Defense to fund this mission at 100 percent, and we need new legislation forcing the issue if action is not forthcoming. We can solve this problem if only Congress has the will.

THE VICTIMS OF HURRICANE KATRINA

The SPEAKER pro tempore (Mr. BOOZMAN). Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Mr. Speaker, as I said in my 1-minute and I want to repeat, because so many Members and people from all over the country went to the great celebration of the life of Coretta Scott King, her words: "Struggle is a never ending process. Freedom is never really won. You earn it and you win it in every generation."

And clearly we have a failure in this generation. If you would take a look, as President Carter said, at the faces of the Katrina victims: the faces of the poor, old, black and white, poor, infrastructure not in place. Thousands of people died because of the inefficient government. The report that was released, "A Failure of Initiative," was released by the House Select Committee on Katrina, which criticized the poor preparation for the response to Hurricane Katrina. We all know that the slow response to Hurricane Katrina led to mass destruction in the gulf region, particularly in New Orleans. The loss of lives, the loss of homes. But those were just a few problems which were revealed. But the sad fact is that those conditions exist today. Six months later those conditions still exist. The question I ask now is whether the Bush administration is prepared today for a disaster of any proportion, man made or natural disaster.

There is no question that the Bush administration failed in its response to Hurricane Katrina. The sad thing is, and I want to repeat, that it continues to fail the victims of the storm today. I am calling on the people's House. The Congressional Black Caucus leadership has put together a comprehensive bill, H.R. 4197, a bill that would lead to the recovery of the gulf coast region for the scope of Hurricane Katrina's massive devastation, some of the points made in the committee's report and one that we made today in our press conference.

This devastation stands today, 6 months later. The region of New Orleans looks like a hurricane disaster, bombed-out area. It sends a serious indictment that we can spend $6 billion a month in Iraq, and yet we cannot solve the problems right here at home.

Where is the leadership in this House? Where is the leadership in the other body? And where is the leadership in the Bush administration? And I am starting with the top, the President, George W. Bush.

And I thank God that when we had our disasters in Florida that we had another administration that we worked with, the Clinton administration. I did not deal with the FEMA that was inept. Because we have had fires in Florida, we have had tornadoes in Florida, we have had hurricane after hurricane in Florida; but we dealt with a different administration, an administration that was willing to come to the community, that one piece of paper, if it was not filled out, we were able to get services. And how do you get that piece of paper? Well, we controlled that piece of paper.

God help us. God help America. And will the people in the people's House speak up for the people in the gulf region.

(1) The failure of a complete evacuation of New Orleans;

(2) Levees protecting New Orleans were not built for the most severe hurricanes, leading to a breach in the system;

(3) The collapse of local law enforcement and lack of effective public communications led to civil unrest and further delayed relief.

These are just a few of the problems which reveal that the government was not adequately prepared for a disaster of this proportion. The question that I ask now is whether the government is prepared today for a disaster of any proportion, man-made or natural.

There is no question the Bush administration failed in its response to Hurricane Katrina. The sad thing is that it continues to fail the victims of the storm still today.

Along with my colleagues in the Congressional Black Caucus, we are urging the Bush administration to support our hurricane relief bill, H.R. 4197, a bill that if passed into law, would be a great first step towards the recovery and restoration of the gulf coast region.

GENERAL MESSAGE POINTS FOR CBC PRESS CONFERENCE

The House Select Committee Report on Katrina, "A Failure of Initiative," is a scathing indictment of the incompetence of the actions of the Bush Administration and the federal government.

Unfortunately, almost six months after Hurricane Katrina devastated the Gulf Coast region, the incompetence of the Bush Administration continues everyday to the detriment of the 1.5 million people who were displaced.

Natural disasters will continue to occur and we are not prepared to handle them. Man-made disasters may happen unexpectedly, and we clearly are not prepared to handle them either.

The Congressional Black Caucus has been active legislatively and we have been in regular contact with the people of the Gulf Coast region. We are in the planning stages of scheduling another visit to the region and holding a hearing in Washington around our legislation and related topics. We will also be holding the people in decision-making positions, like the President, Secretary Chertoff, the FEMA director, the Secretary of Housing and Urban Development and the Congressional leadership in the House and Senate accountable for their actions.

WASHINGTON, DC.—With respect to the House Select Committee Report on Hurricane Katrina, Congresswoman Corrine Brown made the following statement:

I would like to begin with a quote from Coretta Scott King: "Struggle is a never ending process. Freedom is never really won. You earn it and win it in every generation."

My colleagues and I in the Congressional Black Caucus, the Hispanic Caucus, and the Asian Caucus, were utterly disappointed upon reading the report, "A Failure of Initiative," which was released by the House Select Committee on Katrina, and criticizes the poor preparation and response to the hurricane.

We all know that the slow response to Hurricane Katrina led to the massive destruction of the Gulf Coast region, particularly New Orleans. The numerous warnings, inadequate planning and apathy in preparing the region for the scope of Hurricane Katrina's massive devastation are some of the points made in the Committee's report.

Unfortunately, the government's botched response has ruined the lives of millions of Americans, who are now forced to go without the most basic human needs. In the report, The Select Committee identified failures at all levels of government which led to the destruction of the region.

SIMPLIFIED USA TAX

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from North Carolina (Mr. JONES).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, today I would like to focus on an issue that is critical to the survival of America's manufacturing base and the stabilization of American growth and job creation.

While Washington continues to explore initiatives to restrain outsourcing and level the playing field for U.S. employers in the international trading system, it is imperative that we maximize the Federal Government's most potent economic tool, tax policy, to promote growth.

In order for U.S. employers and businesses to remain competitive in the 21st century's global market, Congress must create a Tax Code that serves as a source of support to American companies rather than as a hindrance.

I recently introduced legislation, the Simplified USA Tax, or SUSAT, to help untangle the web of red tape that individual and corporate taxpayers have to navigate every year. My proposal includes a new and better way of taxing businesses that will allow them to compete and win in global markets in a way that exports American-made products, not American jobs. I have studied this issue and I believe that, if enacted in America, this innovative approach to business taxation will set the worldwide standard and create an opportunity for the United States to thrive.

In fact, many of the provisions included in my bill were recommended by the President's advisory panel on Federal Tax Reform as part of their Growth and Investment Initiative.

Under my proposal all businesses, incorporated or not, are taxed alike at an 8 percent rate on the first $150,000 of profit and at 12 percent on all amounts above that small-business level. Additionally, all businesses will be allowed a credit of 7.65 percent payroll tax that they pay under the current law. One of the most pro-growth elements in SUSAT is that all costs for plant and equipment inventory in the U.S. will be deductible in the year of purchase.

There is broad-based support for expensing in Washington. Recent data show that orders for capital goods were on a steady decline from early 2000. However, when Congress passed "bonus depreciation," an initiative that I worked on with my colleague, Mr. WELLER from Illinois, as part of the 2002 and 2003 tax bills, the trend was immediately reversed and orders for goods steadily rose.

Every economic principle and every piece of data tells us that immediate expensing must be a major component of any tax reform package. It has the highest bang for the buck, about $9 of growth for every $1 of tax cut. It has bipartisan appeal, and it directly translates into greater competitiveness and better paying jobs.

Another key component of SUSAT which will make American businesses more competitive is border adjustability. SUSAT would end the perverse practice, unique among our trading partners, of taxing our own exports. The absence of some type of border tax adjustments for exports of American-made goods places our businesses, particularly manufacturers, at a major disadvantage.

Any entrepreneur will tell you that whether a product is taxed at the corporate level or through a consumption tax paid at the register, the burden will fall largely on businesses, which includes the employees and shareholders. So when our trading partners rebate the taxes paid to their businesses and we do not, it necessarily means that we are at a disadvantage.

Under SUSAT, all export sales income is exempt and imports are taxed at a 12 percent rate. In turn, all companies that produce abroad and sell back into U.S. markets will be required to bear the same tax burden as companies that produce and sell from here in the United States. This policy will finally take away the bias in favor of imports built into our current tax structure, which, in my view, has contributed to our record trade deficit, which continues to increase at a breath-taking rate.

Mr. Speaker, we noticed that on Monday the WTO rejected an appeal of an early ruling which found transition rules repealing the export subsidy known as FSC/ETI. This decision requires us to come back and look again at fundamental reform. Not only are our products at a disadvantage in the global marketplace; the EU now has a legal right to impose sanctions on American products, giving them an even greater competitive disadvantage. Monday's decision makes tax reform even more timely and even more essential.

The other underlying absurdity in our Tax Code is that we currently condition territoriality on foreign subsidiaries reinvesting profits in foreign countries instead of repatriating the profits for investment in the United States. I authored a provision with Senator ENSIGN that made it into the tax law that effectively allowed the repatriation of over $300 billion in foreign profits that have come back into the United States and have been reinvested into our homeland.

Anyone who has any doubts that U.S. companies have an incentive to keep money abroad has just to look at those figures. Until we change our current structure, the foreign companies will continue to reap the economic benefits of our tax laws' backwards incentives.

The time has come for us to move forward on fundamental tax reform, and I challenge my colleagues in the House and on the Ways and Means Committee to move forward on this issue to engage the Treasury. At a time when we need to make sure we are doing everything to make our economy competitive, now is the time to move forward on tax reform.

MEDICARE PART D IMPLEMENTATION, MEDICAID REIMBURSEMENT, AND COMMUNITY PHARMACISTS

Ms. HERSETH. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from South Dakota?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from South Dakota (Ms. HERSETH) is recognized for 5 minutes.

Ms. HERSETH. Mr. Speaker, I rise today to discuss a problem of potentially catastrophic proportions. It is not a matter of foreign policy or national security, and it is not natural disasters like this past summer's hurricanes or the ongoing drought in States like my home State of South Dakota.

No. This is a man-made disaster. This debacle is of government creation and, in particular, legislative irresponsibility. This is a crisis that we, as elected representatives, have an obligation and a duty to address. I rise to discuss the crisis facing our community pharmacists, particularly those who serve rural communities.

As I mentioned on Tuesday of this week, of all the health care professionals struggling with the implementation of the new Medicare drug benefit, pharmacists appear to be the most negatively affected. This past weekend I spent several hours meeting with health professionals from South Dakota communities, small and large, to discuss their ongoing efforts to implement the new Medicare prescription drug benefit.

These meetings proved incredibly beneficial to me and to my staff, and I have scheduled more of them in the near future. I encourage my colleagues to take the time to sit down with those administering the program in their districts. It is important that you hear from them first hand. But because of the urgency of this issue, I feel compelled to share with you now some thoughts on the crisis facing rural and community pharmacists.

Here is what is happening: PHARMACIES large and small receive no or inadequate compensation for the time they spend filling prescriptions. This is particularly troubling for those serving "dual-eligible" beneficiaries, those who qualify for both Medicare and Medicaid; and those in assisted living facilities who take large numbers of prepackaged medication. Much of the responsibility of ensuring the drug benefit's implementation has been assumed by the pharmacist. To the extent that it is working at all, we have them to thank. In many ways for many of the pharmacists I spoke with, much of the damage has already been done.

On the horizon, however, are significant cuts to the Medicaid program that will be achieved primarily by changing the way we reimburse pharmacies for prescription drugs. That is right. The choices we made during the budget reconciliation process once again targeted our Nation's pharmacists, without asking for corresponding sacrifices from the insurance companies or the pharmaceutical manufacturers, which is outrageous.

□ 1230

It is truly shameful. And the implications will be significant. After absorbing significant losses during the rollout of the Medicare drug program, pharmacists will soon be hit by changes to the Medicaid program, and many simply will not survive. This one-two punch is not only bad policy, it is inexcusable.

Health and Human Services Secretary Mike Leavitt even praised pharmacists last week for their "heroic" efforts in shouldering the burden for implementing Medicare Part D. Their reward for their selfless and heroic behavior? Drastic pharmacy reimbursement cuts in the Medicaid program that will have a devastating impact on our communities, disproportionately impacting the poorest and sickest Americans and that will no doubt put hundreds if not thousands of small businesses out of business.

I encourage my colleagues to talk to their pharmacists, learn more about this situation, and work with me in a bipartisan manner to ensure that we are not sacrificing the health of our Nation and the good-will of our community pharmacists by taking the path of least resistance and caving to large and powerful interests.

JOB STATISTICS NOT ACCURATELY TRACKING JOB GROWTH

The SPEAKER pro tempore (Mr. BOOZMAN). Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, last night I stood here in the well to talk about our out-of-date job surveys that we have, the payroll versus the household surveys. I discussed the changing nature of job creation in the 21st century economy.

We have evolved into a technologically advanced, upwardly mobile, highly flexible workforce. The types of jobs, the way jobs are created and our methods for finding new work have all changed dramatically in the 6½ decades since our job surveys were developed; and yet, Mr. Speaker, our surveys remain fundamentally unchanged over that period of time. The result has been job statistics that are increasingly incapable of accurately tracking job growth in a dynamic economy.

This afternoon I would like to talk about another economic indicator that is unable to fully portray the true state of our modern economy, that being the gross domestic product.

Growth in GDP is our broadest measure of economic strength; and, as such, it is perhaps the most commonly cited and heavily relied upon statistic. And yet, like our job surveys, our methods for calculating GDP were developed in the industrial age and have remained unchanged while our economy has been transformed dramatically, as we all know.

The need for assessing and tracking GDP was borne out of the Great Depression. As our Nation faced the worst economic crisis in its history, policymakers found that they lacked the tools to assess whether our economy was getting better or getting worse, so the Department of Commerce began the first accounting of national income and output. In an industrial economy, this meant tallying such tangibles as machines, tractors and buildings.

Purchasing new factory equipment or building a new facility was counted as long-term investment, while spending on research or training was not. For example, AT&T's investment in Bell Labs where the transistor radio was invented didn't show up at all in the GDP numbers. Even at the time, the economists who developed the methodology recognized the limitations. But an economy based on heavy industrial manufacturing could be adequately analyzed, by and large, on the basis of tangible, easily identified and easily quantified investments.

However, as we all know, Mr. Speaker, today's economy is drastically different from the economy that we faced following the Great Depression. Our knowledge-based economy is based on ideas rather than things. Investing in research and development, developing brand equity and exporting best practices are driving successful businesses in our innovation economy. Yet they are absent from our most important measure of economic vitality, and by missing these intangible but fundamentally important factors, our GDP numbers are misleading.

For example, Mr. Speaker, since 2000, the 10 largest U.S. companies that report research and development spending have increased capital spending by only 2 percent. That means that the types of investments that are captured in the GDP calculation, new buildings and more equipment, have been meager over the last half decade. Based on this number, we would be led to believe that some of the country's greatest engines of growth are stagnating and failing to make long-term investments.

But, Mr. Speaker, these same 10 companies have actually increased R&D, research and development spending, by a whooping 42 percent over that period of time. They are investing rigorously in tomorrow's innovations, better products, better services, better ways of doing things. Our economy's creative thinkers are propelling our economy forward and ensuring growth in the future. Yet our old economy calculations miss this good economic news entirely.

To give another example, look at how the value of Apple's iPod is incorporated into GDP. While superior design, quality and marketing, all developed in my State of California, have led to a global powerhouse brand, the actual product, the iPod, is assembled in China. So when the Commerce Department's Bureau of Economic Analysis calculates our GDP, it does not count the $800 million, nearly a billion dollars, that Apple spent in research and development and brand development last year. It merely counts the number of units shipped here from China and sold in the United States. As Business Week put it in an article 2 weeks ago, this sort of accounting reduces Apple, one of the world's greatest innovators, to nothing but a reseller of imported goods.

Mr. Speaker, there is no doubt that quantifying intangibles like technical innovation and marketing savvy presents some formidable challenges; and adopting hasty changes that make our GDP numbers too confusing or complicated would obviously be no improvement to the status quo. It is essential that we begin to look at ways to make our economic statistics more meaningful by bringing them into the 21st century. We need to do that by looking at these major modifications.

KEEPING MERCURY OUT OF VACCINATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, over the past couple of weeks in the newspapers and on television and on the radios across this country people have been warned not to eat too much tuna and other seafood because of the mercury content in the fish. They said that women who are pregnant and women and men who are eating a lot of these seafood products could have neurological problems created because they are eating so much seafood with mercury in them.

I think that it is good that they are telling the American people that. But at the same time that that is going on, our health agencies are allowing mercury to be put into almost every vaccine an adult gets and many of the vaccines that children get.

Since the late 1920s and early 1930s, there has been a product called Thimerosal put into many of the vaccines, in fact, most of the vaccines that people get today. Thimerosal is 50 percent ethyl mercury, and mercury is toxic to the neurological system of the human being. Yet we have talked about this for 4, 5, 6 years now, and we cannot get the mercury out of the vaccines. It is being used as a preservative.

The interesting thing about it is that it has never been tested. You might say it was tested back in 1929, because they said they tested it on 27 people that had meningitis. All of them died from meningitis, but none of them died from the mercury they were being injected with. But they died anyhow from the meningitis. There wasn't enough time to find out about the neurological problems that might ensue because they were having mercury injected into their bodies.

Our children today, before they go to the first grade, get between 25 and 30 shots. Most of those shots used to contain mercury. Now there are only about three or four that contain mercury. Nevertheless, it has caused severe neurological problems in children.

We have gone from where 1 in 10,000 children were found to be autistic to one in 166. It is an absolute epidemic. We have also seen a tremendous increase in people that have Alzheimer's and other neurological diseases. Yet we continue to allow our health agencies to allow the pharmaceutical industry to put mercury into the vaccines going into every single human being into this country, and in particular our military personnel overseas.

Now we are hearing about the bird flu, Mr. Speaker, and we are going to spend billions of dollars preparing this country for a possible bird flu epidemic. That means they are going to create vaccines, and those vaccines, in all probability, will have mercury in them, which means that every single person that is vaccinated with the bird flu vaccine will probably be getting Thimerosal in them, which is 50 percent ethyl mercury.

It does cause severe neurological problems when it is given over a long period of time. Your brain accumulates this mercury. It doesn't chelate out of the body in a very efficient way. So if you get 10 shots, that mercury stays and keeps building up, and it gets worse and worse as time goes by. The health agencies know this is a problem, and yet we continue to allow mercury to be put into these vaccines.

So today, since the people of this country are being warned about not eating too much fish that contains mercury like tuna and so forth, I think it is high time that the health agencies of this country get the mercury out of all vaccines that are being injected into children and adults in this country because of the danger to their neurological system. It is extremely important.

It can be done. This Thimerosal is supposedly a preservative. If we go to single shot vials, which don't cost much more than the multi-shot vials being used, you can take the mercury out of them because you don't need that preservative in there, you don't need that kind of purifying agent, if you will, in that vaccine.

It is extremely important, Mr. Speaker, that we get mercury out of all vaccines. Right now, with the warnings being given to people not to eat too much fish with mercury in them, it is high time our health agencies get mercury out of all vaccines.

RAISING CONCERNS ABOUT UNITED ARAB EMIRATES' TAKING OVER U.S. PORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I rise today to bring to the House's attention a transaction that is being contemplated on five of our major ports, five important ports of entry in the United States. New Orleans, Miami, Newark, Philadelphia and New York are all being considered as an asset to be transferred to the United Arab Emirates soon after review of the transactional details.

I am concerned about this transaction for several reasons. First and foremost, it has occurred under what is called Council for Foreign Investments, as it is known, chaired by the Secretary of the Treasury, Mr. Snow, and multiple agencies of the United States Government to review transactions launched by foreign entities to purchase assets here in the United States.

Why am I concerned about the United Arab Emirate's ownership and potential management of our ports of entry, these five strategic ports? For many reasons.

Just yesterday, it was reported that the United Arab Emirates was in negotiations urging a more robust trade relationship with Iran. Just yesterday, they were making a decision to move forward with a more robust trading platform with Iran.

I am sure most of our colleagues realize that in recent days we have gone to enormous lengths to convince our allies and our friends around the world to put pressure on Iran in order to reduce the likelihood of their using nuclear weapons or building nuclear capabilities. So at a time when we are trying to get our international partners to put pressure on Iran, the United Arab Emirates is doing the exact opposite by encouraging and engaging in trade debate with Iran.

The United Arab Emirates has worked with us since 9/11 on helping us fight the War on Terror, but it has always been well known and documented that a number of the terrorist activity planning and financing was taking place in these very countries that would now have control of our ports.

In this country, if we were asked to turn over our airport security to another foreign national, people would be rightfully outraged. But in this particular transaction, we cannot seem to get any information as to what are the requirements of security, what are the requirements for people and personnel who would be employed there, what are the kind of safeguards of inspection of cargo.

I have long stated my concern on port security. I feel we have failed to adequately secure cargo coming into this country. Now I am told in my inquiry to Secretary Snow that they couldn't really answer any of my questions yesterday in the committee because it was a more secretive or at least private transaction that could not be commented on.

As a Member of Congress, it bothers me that we have a transaction being considered and contemplated where we have no information provided to Members of Congress.

□ 1245

Tomorrow, President Bush travels to my home State of Florida, and he will visit the port of Tampa, not a port being considered for sale, but a port nonetheless, a very important port of commerce in the State of Florida.

I hope the President as he flies to Florida will contemplate the utilization of the law known as Exxon-Florio, which allows the President to intercede and stop a transfer of assets if it is reflected to be of some national security concern.

We have recently seen, because of the outpouring of opposition to the Chinese Government's acquisition of a United States domestic oil producer, we have seen that deal unravel because of domestic pressure on not allowing the Chinese Government to take ownership of a domestic refinery operation.

Now, I hope the same outrage is expressed by our constituents in trying to figure out what is involved in this transaction. How can we bring to fruition, at least we hope, a termination of these engagements, and continue the operation of the ports as they currently are conducted.

Again, they are the largest seaports in the United States on the eastern seaboard, including New Orleans, so the potential threat to our country is not imagined, but is real. We have heightened security, as I mentioned, at the airports. We are trying to heighten security at the seaports, but I believe we will be impeded if we do not look at this transaction.

It is not a foreign entity; it is a foreign government that seeks to have controlling interest in these six ports on the eastern seaboard. We again inquired of Secretary Snow yesterday. We inquired yesterday of Ambassador Portman. I hope some answers are forthcoming as to how they strategically thought through this transaction

But it is my fervent hope that as we continue to debate and discuss this issue that the President again will use the authority granted to him by the Congress and intercede and not allow the transaction to take place.

THE NEED FOR STRAIGHT TALK ON NATIONAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. VAN HOLLEN) is recognized for 5 minutes.

Mr. VAN HOLLEN. Mr. Speaker, as I talk to my constituents, Democrats, Republicans and Independents alike, there is an increasing concern that the Bush administration is not talking straight to the American people on important issues of national security.

We know that during the lead-up to the war in Iraq, the intelligence community was put under pressure to come up with a certain view of the facts. And where we put ideology over facts, instead of having the facts shape our policy, it was the other way around.

We have now learned recently from a former CIA analyst, Paul Pillar, that not only did we play with the facts with respect to whether or not there were weapons of mass destruction and whether or not there were links between al Qaeda and Saddam Hussein, but we also ignored many of the facts brought to us by some of the intelligence community with respect to the difficulties we would confront in Iraq in the case of a military invasion there.

And what happened, and he has laid this out very clearly, is the administration cherry-picked the information. They always took the rosy view of the facts as they presented us with their support of their case and tended to ignore those facts that did not support their case.

Now, whether you were for or against taking military action in Iraq, we should all be able to agree as Americans that it is important that we listen to those people who have experience, who have the professional know-how, people in our intelligence community who have spent years looking into issues around the world and in this case, issues with respect to the Middle East.

So I think it should concern all Americans that the administration decided to ignore warnings from nonpartisan individuals who brought information to their attention. And it is not just the failure to take heed of that information. Now we are seeing the consequences in terms of the manpower in different intelligence agencies.

U.S. News and World Report has a story about how we are losing many of the most experienced people in the CIA as a result of the fact that they feel pressure to take a political position or that they are forced out of their positions. We are losing many of our most experienced people in the ranks of our intelligence community, and that certainly is not good for our national security.

We would have thought that after 9/11 we would have heeded some lessons, and in fact we formed a bipartisan 9/11 Commission that came out with a number of recommendations. One of their recommendations was to do more about the so-called "lose nukes," nuclear weapons in the former Soviet Union.

Unfortunately, if you look at what has been done to date, it is very little. We are not doing what we should with respect to the Nunn-Lugar program; and that is why if you look at the most recent report by the 9/11 Commission, they have given this administration and this Congress Ds and Fs, failing grades, in a whole range of categories, making it clear that we have not learned our lessons and that we are not more prepared.

In fact, we know we are not prepared because all we have to do is look at the government's response to Hurricane Katrina and the recent reports that have come out in the last couple of days showing the total failure of initiative by the Federal Government.

You know, a lot of people talk a good game about being prepared to deal with national security threats; but the fact of the matter is when you take the lid off and look underneath as to what is actually being done, the news is not good: more people leaving our intelligence agencies, the fact that we are continuing to get failing grades from the 9/11 Commission.

And just the other day in the Government Reform Committee, we had a hearing with a number of whistleblowers, all from national security agencies. These are people who have uncovered abuses within national security agencies, from the FBI to the NSA.

And instead of welcoming these individuals who have come forward to present the administration and the public with some truths, the testimony of these individuals, all under oath, sworn under oath, is that they are actually being punished for having come forward to try and tell the truth.

Now, again, I do not care what party affiliation you may have; it is not in the security interests of this country for us to punish people who come forward and tell the truth and reveal abuses that are going on within different national security agencies. That undermines our national security. That undermines our credibility as a government.

So I would just suggest that as we listen to a lot of the rhetoric from the administration, we remember that, unfortunately, this is the gang that cannot shoot straight with the American people. And in the last couple of days we have learned that that is not just figuratively true, it is also, unfortunately, actually true.

BALLOTS NOT BULLETS

The SPEAKER pro tempore (Mr. CONAWAY). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 60 minutes as the designee of the minority leader.

Ms. MCKINNEY. Mr. Speaker, I would like to begin my remarks this afternoon by congratulating first of all the people of Haiti, a small, very poor country that is our neighbor, but a country whose people still believe in the power of democracy. They still believe in the power of the vote. And so despite all odds, despite all intimidation, the people of Haiti overwhelmingly showed up at the polls and they voted. And not only did they show up at the polls and vote; they demanded that their vote be counted.

Now, we understand that there were about 85,000 ballots that had nothing on them. They were probably ready to have something put on them. But the people of Haiti demanded that the vote that was actually voted and the results of that actual vote count be the results of the election.

And I am also down here this afternoon to congratulate not only the people of Haiti, who prevailed, but to congratulate Rene Preval, who was their candidate of choice.

Now, the people of Haiti have to be congratulated because they have gone to the polls over and over and over and over again. They have gone to the polls. A few years ago, when I had just come to Congress, they went to the polls, before I got to Congress, they went to the polls and they elected a former priest, a man of the cloth, a man of the community, of the neighborhood, a man of the poor to represent them.

And hired thugs who were on the CIA payroll, whose leader enjoys the solace and solitude of America's neighborhoods, he should not even be here, helped to oust President Aristide.

And so the hopes and aspirations of the people of Haiti, who were finally able to throw off the yoke of American-imposed and -supported dictatorship, saw their hopes and their dreams vanish once again.

But thank goodness there was an administration in Washington, DC and there was a change in the face of the Democratic Caucus and so Members of the Congressional Black Caucus would not stand to allow this outrage to continue. And so working in concert with the Clinton administration, the members of the Congressional Black Caucus worked day in and day out and successfully saw the return of Jean Bertrand Aristide to power.

But that was not enough. Because, as soon as Clinton was out of office, and the George W. Bush administration was in office, something else happened, after the people of Haiti voted to renew President Aristide's mandate. And what happened happened 2 years ago.

The people of Haiti, in free, fair and transparent elections, elected Jean Bertrand Aristide to another term in office. U.S. Armed Forces showed up at his house and took him and his family away, put them on a plane, destination unknown. Kind of like what happened with the Katrina survivors.

So once again, the people of Haiti saw that when they went to the polls, participated in the process, put their full faith and confidence in the power of the ballot box, ballot box, not bullets, that bullets from some place else could come and dash their dreams. So now former President Aristide lives in South Africa.

I have to acknowledge the tremendous role that was played by my sister Congresswoman, Ms. WATERS. Here she is. Now I am all discombobulated because my sister is here.

□ 1300

I will let her tell her story.

MAXINE, can I invite you to please tell the story of how you saved a little piece of America's honor by making sure that Jean Bertram Aristide was at least safely delivered to his final destination.

Mr. Speaker, I yield to my sister.

Ms. WATERS. I thank you very much, Congresswoman. I am very pleased that you have taken time to come to this floor to talk about what has just happened in Haiti.

As you know, Haiti for too long has been dropped off of the corporate media's agenda. And whenever they have written stories, for the most part it has been distorted information which helped to lead to the unrest and the destabilization of Haiti. But you are absolutely correct. There was a coup d'etat that removed President Aristide from office. They did drop him off in the Central Republic of Africa.

I got together with Randal Robinson and a few other people, and we chartered a plane, and we traveled to the Central Republic of Africa, and we negotiated with President Bokassa I think it is, who was holding him there and was afraid to release him because they had some kind of agreement with the French and also because the United States had brought him there. But we were able to convince them after many hours up in that country that they should let him go.

As a matter of fact, they did not want us to leave. They had said we could not leave the night we came in. We basically said to them we had to leave and we had to leave with him and that if I was not back in Washington by the next day or so, then they would consider that he had kidnapped me also and that he was holding Aristide prisoner. And they did not want that reputation. They were negotiating at the World Bank at the time, and they did not know what it all meant, but we finally got him out of there.

We took him to Jamaica where they kept him for 6 weeks. P.J. Patterson, the president there, gave him refuge until President Mbeki could be reelected in South Africa. After his reelection, he gave him asylum in South Africa, and that is where he is now, and now he is working with the university. But the fact of the matter is he is alive and he is well.

I hope that he gets some joy in understanding that the Lavalas Party did win, even though there was an attempt maybe to deny them the win. The people rose up. The people went into Port-au-Prince, and the people went to the Montana Hotel, and they were basically nonviolent, but they went in numbers. And they had no choice but to work something out.

I think Congresswoman McKINNEY is telling you about the ballots and we will be talking about that a little more. I yield back and thank you very much, Congresswoman.

PARLIAMENTARY INQUIRY

Ms. McKINNEY. Mr. Speaker, I have a parliamentary inquiry. I would like to suspend my special order. The gentlewoman from California (Ms. WATERS) has requested a 5-minute special order.

The SPEAKER pro tempore (Mr. CONAWAY). The gentlewoman may yield to the gentlewoman from California (Ms. WATERS) on her time.

Ms. McKINNEY. Mr. Speaker, I have an hour, so I will yield to the gentlewoman.

CONGRATULATING RENE PREVAL, PRESIDENT-ELECT OF HAITI

Ms. WATERS. Thank you very much, Congresswoman. I appreciate your generosity.

Mr. Speaker, I really came to the floor today to congratulate Rene Preval, the President-elect of Haiti. Rene Preval was just declared the winner in Haiti's presidential elections this morning with 51.15 percent of the vote. President-elect Preval has said that his first priority as president will be to provide relief to the two-thirds of Haiti's population that is living in extreme poverty. His plans include universal public school education and at least a free meal a day for all of the poor children.

A little bit about him. He was first elected President of Haiti in 1995 as a member of the Lavalas Party, the party that represented the poor majority. He succeeded President Aristide and served until President Aristide's reelection in 2000. President Aristide, of course, as we have just talked about, was forced to leave Haiti 2 years ago in a coup d'etat that was planned and implemented and orchestrated by the United States, France and Canada.

This election that took place on Tuesday, February 7 was very interesting. At first, the early results showed an overwhelming victory for Rene Preval. Many polling stations posted their results the day after the election, and Preval won between 60 and 90 percent of the vote in all of these polling places. But then something happened. By Thursday, the election officials, the one heading the CEP, reported that, well, no, at that time by Thursday they reported that he had 61.5 percent of the votes counted thus far.

Then Haiti's anti-Aristide elites who opposed him, Rene Preval, they were opposing him because they believed that he was influenced by President Aristide and he would carry out President Aristide's policies, policies that benefit Haiti's poor. These elites, of course, are the same people who helped to organize the coup d'etat in 2004 and the same people who have been responsible for oppressing the people of Haiti for decades in order to continue to operate the sweatshops and to profit from cheap labor and keeping the living standards low.

Well, the elites reacted to the news of Preval's decisive victory and we believe that there really was something in play, an attempt to steal the election. And there was evidence of election fraud. It was abundant. Just yesterday hundreds and possibly thousands of burned ballots marked for Preval were found in a garbage dump.

The counting rules used by Haiti's Provisional Electoral Council seemed to be rules that were designed to deny Preval a victory. About 125,000 ballots, or 7.5 percent of the votes cast, were declared invalid because of alleged irregularities. And another 4 percent of the votes were allegedly blank, but nevertheless they included them in the vote count, thereby pushing Preval's percentage below 50 percent.

When they announced that he was allotted 47 percent, I mean, not only did I, I simply could not believe my ears, the people of Haiti, the Lavalas Party, people normally referred to as shemeres, they said, oh, no. Not only do we want our President. These are people who were denied polling places in Cite Soleil and Bellair and other poor places.

Ms. McKINNEY. I would like to point out that there were certain Members of Congress who actually traveled with Condoleezza Rice and they came back and said that Condoleezza Rice had promised that there would be some ballot access in Cite Soleil; isn't that correct?

Ms. WATERS. I am told that they were given assurances that there would be an election and there would be polling places in all of the provinces and that the rumors that we were hearing about the CEP not having the polling places in Cite Soleil and Bellair would not happen. So when they said it I was suspicious, and I thought that perhaps she was saying that to try to appease them at the time.

But we know that the Secretary of State has not paid any attention to Haiti. This is not on her radar, and I did not expect that there would be any follow-through to ensure that the people would have access to the ballot.

As a matter of fact, they did have the polling places. But people got up in the wee hours of the morning, and they walked for hours, and they stood in line and they demanded that the polling place be open. When they got there, the polling places were supposed to be open. They were not. They demanded they open them. They stayed in line, and they voted in record numbers. They voted in record numbers. And that is why, when the announcement came that somehow his majority had fell below 50 percent, we were all upset, and I fired off a press release that was not too nice at all.

The Haitian people have suffered tremendously for decades. Haiti has been ruled by brutal dictators such as Papa Doc and Baby Doc Duvalier. They really were doing the bidding of the elites there. They kept their feet on the necks of the people so that the elites could profit from the cheap labor and from slave labor. These dictators controlled a brutal army that protected the interests of the wealthy elite and foreign visitors while oppressing poor people.

Haitians worked in sweatshops for foreign investors, receiving just pennies a day. Those who protested the exploitation and demanded better living conditions were arrested or killed by the army. The U.S. Government trained the army and supported the elite. After all of this suffering it would have been outrageous for the U.S. government to allow of the anti-Aristide elites to deny the Haitian people who have withstood so much pain, poverty and disenfranchisement and who persevered on election day, walked for miles, and waited for hours, the right to be governed by the president of their choice.

Well, the people have spoken, and I think it is clear, and this interim government that was put in, Mr. Latour from Boca Raton and the others, they should pack up their bags and go home. They should get out of the way and allow this new President to do everything in his power to really exercise democracy in Haiti. They stole it and they took it from President Aristide.

He was a priest who came from Cite Soleil, who was of the liberation theology, who preached for the least of these and who fought for the poor and fought for them, became a voice for them, speaking to them in Creole, in ways that had never been done before because the elite spoke in French to keep the poor people from even knowing what they were talking about. They never had a responsive government. Now they have got to give Preval a chance.

My message today is, Mr. Andy Apid of the Group of 184 that helped to implement the coup d'etat, Mr. Apid, get out of the way of Mr. Preval and allow him to preside.

To the Group of 184, to the elites who have profited so mightily on the backs of these poor people, they have to get out of the way.

To Mr. Wolfowitz over at the World Bank, you need to meet with Mr. Preval right away.

The International Monetary Fund, the funding agencies, USAID, let us get the resources in there to put in a water system so that people can have clean water. Let us support a health care system. Let us deal with the poor. Let us make sure that they have an opportunity to live and to grow and to have a decent quality of life.

I am optimistic.

And for all of those who have denied the people the right to just have a decent quality of life, I am not personally, and I think you, Congresswoman, we are going to say, okay, let bygones be bygones. If you do not try to oust this president, if you do not try to kill him, if you do not try to jail him, we are willing to work with you. We are willing to work in every way that we can to involve our country and our government in a way that it should have been involved before, for the people, on behalf of our neighbors in this very poor country.

So my message today to all of those who have undermined Haiti for so long, who have profited on the backs of the people for so long, give Haiti a chance, give this President a chance. We look forward to working with everybody, but we are certainly going to work with Mr. Preval. We are going to be there with him. We are going to back him up. We are going to stand with him. Now is an opportunity for a new day in Haiti.

Mr. Speaker, I would yield back the balance of my time, and I thank you so much, Congresswoman, for sharing this moment with me.

Ms. McKINNEY. I am absolutely blown away by the things that Congresswoman MAXINE WATERS just said. She reminded us that the French and the Americans and the Canadians, which I did not realize that the Canadians were involved in this, they all got together to oust a duly elected president.

But now let me just tell you that from 2000 in Florida this President was not duly elected. I will say that because the election was stolen, and we all know that the election was stolen. And it is interesting that you would use invalid ballots, blank ballots. This is the same mechanism that was used to disenfranchise black people in this country in 2000 in the presidential election. And so now, of course, they surface again in Haiti, invalid ballots, blank ballots. But the people of Haiti took to the streets.

□ 1315

They demanded a fair vote count, and they got a fair vote count, and they got a President.

I want to thank my sister congresswoman for joining me on the House floor but also for those strong and powerful words. Because she is absolutely right, that it is our responsibility now that the people's voices have been heard and so now we have to respect that. We need to respect that.

I want to shift gears for just a moment, and I do not think this poster should present a surprise to anyone as to what I am going to talk about now, and that is Hurricane Katrina. I want to remind people of these images that went all over the world. The black person who is trying to go through the water for food is looting. That is what Associated Press writes. That is what Associated Press wrote, the black person was looting. Agence France-Press saw these white people, and they were finding bread and soda. Blacks loot; whites find. There is nothing more stark.

This is the beginning of the Hurricane Katrina story, and this is the way Hurricane Katrina was portrayed to the American people and throughout the world. We need to question all of the press images from not just Associated Press but every newspaper and on television.

What were our administration leaders doing as New Orleans was filling with water? The President was on vacation in Texas at the ranch. The Vice President was on vacation in Wyoming. He was fly fishing. The Secretary of State was visiting New York City and even in the midst of what was happening in New Orleans, she got booed, so the press reports tell us, because she took in a play, and then after she took in a play she went shopping for Ferragamo shoes and bought $7,000 worth, reportedly, of Ferragamo shoes, and then, after that, she decided to play a little tennis. Donald Rumsfeld took in a Padres' game in San Diego, and Michael Chertoff, who is the Secretary of the Department of Homeland Security, who is charged with taking care of the United States in a time of great trial and stress and catastrophe, stayed at home.

So, as a result, the select committee that was formed by this Congress to investigate the government's preparations for and actions during Hurricane Katrina issued a report yesterday. The name of the report, "A Failure of Initiative." It is a huge report.

The bottom line is that Secretary Chertoff needs to resign. It is amazing to me to see the Secretary on television through the powers of C-SPAN doing an intellectual dance, trying to defend the indefensible.

What happened to the people of the gulf States region and what is happening to them today is indefensible. And if thousands of families are being kicked out of their temporary homes, their temporary housing which was the hotel rooms, that is the responsibility at the end of the Secretary of the Department of Homeland Security who said, okay, we will let FEMA go ahead with that call. Of course, the President bears responsibility, too, and he has accepted responsibility, but I have not yet heard Secretary Chertoff accept responsibility.

Another sad fact about Hurricane Katrina and its aftermath is that in the metropolitan Atlanta area we have about 60- to 70,000 Katrina survivors. They want to go back home, many of them, but there is so much uncertainty because, as the congresswoman from Florida said earlier, there is still uncertainty as to how the Hurricane Katrina survivors are going to be treated.

I have introduced legislation that will force the EPA to look at tests and make public the environmental circumstances under which people will be returning, in particular to New Orleans. It is a shame that we would have to have legislation in order to get the EPA to do its job, but, right now, structures are being tested for habitability on their structural soundness but not on their environmental soundness, and we have that toxic sludge that is everywhere.

So I would ask that this Congress look at the omnibus piece of legislation that was dropped in and signed by all of the members of the Congressional Black Caucus which addresses all aspects of the problem faced by those Katrina survivors.

In addition, I find it curious that the panel that produced this, what some people are calling, scathing report was boycotted by the Democrats. Well, it was boycotted by the Democratic leadership. I chose to participate in it because there is one thing about participating in Congress. We are elected, we come here, we write, and we speak, and everything that we write and speak for the CONGRESSIONAL RECORD will survive as long as there is a CONGRESSIONAL RECORD and academicians and scholars, lawyers can search the CONGRESSIONAL RECORD to understand the environment within which certain actions were taken, certain legislation was passed. Attorneys and judges all rely on the CONGRESSIONAL RECORD, as well as scholars and academicians and historians and archivists. So the power of the CONGRESSIONAL RECORD is one that must not be thrown away.

I participated in the hearing and my remarks are included in the panel's report, but the leadership was suggesting that, instead, we needed an independent commission, like the 9/11 Commission. I do not have a problem with an independent commission, but to use the 9/11 Commission as a paragon of an example of how you ferret out the truth and find out what actually happened in a tragic event I think is not appropriately stated. Because yesterday in the Armed Services Committee we had three people who appeared before the Armed Services Committee in an Able Danger hearing. Able Danger is the data mining program that has been in the newspaper a lot because of the persistence of the gentleman from Pennsylvania (Mr. WELDON), one of our colleagues. These experts from the military and from intelligence said that if they had been allowed to do their job, their work product could quite possibly have prevented September 11. It provided the American intelligence community with the tools necessary to understand what was happening to our country in real time, but the program was shut down, and when efforts were made to brief the 9/11 Commission on what this Able Danger work product had demonstrated and had shown, their work was denigrated. Their work product was denigrated, and they were not given an opportunity to present their findings to the Commission as directly.

It has been said in public statements that their work was historically insignificant. Yet we have three people in open session yesterday say to us that if they had been allowed to do their job, to do their work, that quite possibly September 11 could have been prevented. And instead of grasping on to this information, the staff of the 9/11 Commission said that these people were not credible and that the results that they touted were historically insignificant and, therefore, this program was ignored.

Now I do not know why it was ignored, but the gentleman from Pennsylvania (Mr. WELDON) has had a lot to say about Able Danger and what it meant to our country and why it was shut down. I would encourage people to pay attention to Able Danger and the hearings that the House Armed Services Committee is having.

Also, there was one other thing very sad that came out of the hearing that we had yesterday, and that is poor whistle-blower treatment. In fact, whistle-blower mistreatment and all kinds of allegations were made against average, ordinary Americans who had extraordinary jobs that put them in a position to know something, and because they saw something was wrong and they tried to inform the higher ups that something was wrong, they were personally mistreated at the workplace and away from the workplace, even comments made about their personal and private lives.

□ 1330

What that says to us is that we have got to do a better job in this place of allowing the truth to come out. I remember when I was in Congress during my previous tenure, and at that time we were working very hard on U.S. foreign policy in Africa. We wanted the truth to come out about the real events surrounding the Rwandan genocide. It seemed that everybody who was associated with not telling the truth, or making sure that we didn't get access to the truth, got a promotion.

I have become fond of saying, it seems that it is only in Washington, DC where you can be incompetent and get a promotion. Anywhere else in America, if you are incompetent, you lose your job, but not so here in this country.

As we contemplate the enormity of what the Able Danger panelists told us in open testimony yesterday, as we contemplate as a country the enormity of this revelation, let us also weigh it against what is happening now. What is happening now is that the war drums are beating once again.

I have a constituent who is over the age of 40, and he has been told he has got to report for duty to go to Iraq. Over 40. The drumbeats for war are sounding, not just against Iraq now, but also against Iran and Syria.

In the face of these beating drums, the backdrop is that this administration is being investigated. This administration being investigated has two ongoing investigations. The Department of Justice just opened another one today, which makes this the third investigation, the third investigation on wiretapping. This administration is being investigated and has drawn indictments and a guilty plea. The Vice President's former chief of staff, Lewis Libby, has been indicted, and Lawrence Franklin, who is being investigated by Paul McNulty, has been sentenced for 12 years for passing classified material over to another country.

This administration is being investigated on how we got into the first war, and now they want us to go to a second war, to open another front on this war. It is about time that we say no more war. No more war, Mr. Bush.

I also want to, as I remember the gentleman in my district who is over 40 years of age who has been told that he has got to report for duty in Iraq, remember Kevin Benderman, whose wife frantically contacted my office asking for help for her husband. Kevin Benderman went to Iraq one time. He was asked to do things that he thought as a human being went against his conscience.

We know that collateral damage is not just a number: 100,000; 200,000. It is people. It is little boys and little girls. It is women. Kevin Benderman said, I am not going to kill innocent people. Don't ask me to do that. I have done it once. Once is too much.

He decided that he would apply for conscientious objector status. Well, Kevin Benderman is in the brig because he did not want to kill innocent little girls and little boys and women and men in Iraq. He is in the brig.

Last weekend, there was an action to free Kevin Benderman. It's a shame.

I didn't expect to take all of my time, but I was pleased that my sister from California chose to come down and say a few words of congratulations to the people of Haiti and to the new President-elect, Rene Preval.

I was clicking around on the computer, and I came across a very interesting article written by Thom Hartmann, and it can be found on Common Dreams at commondreams.org. The title of it is "Rumsfeld and Cheney Revive Their 70's Terror Playbook."

Basically what they say in this article, which I am going to submit for the RECORD, is that when they were in office before, this dynamic duo decided to cook up an idea of Soviet military dominance to frighten the American people and justify huge defense contracts, or the huge defense budget, which then would result in defense contracts.

Let me just read. They said that the Soviets had a new secret weapon of mass destruction. They succeeded in recreating an atmosphere of fear in the United States, and making themselves and their defense contractor friends richer than most of the kingdoms of the world. Trillions of dollars and years later, it was proven that they had been wrong all along, and the CIA had been right. Rumsfeld, Cheney, and Wolfowitz lied to America in the 1970s about Soviet weapons of mass destruction and the Soviet supersub technology.

But the Cold War was good for business and good for the political power of its advocates, from Rumsfeld to Wolfowitz to Cheney, who have all become rich, in part, because of the arms industry.

I am going to place this into the RECORD, because it appears that America has been through this before.

[From the Common Dreams News Center, Feb. 13, 2006]

RUMSFELD AND CHENEY REVIVE THEIR 70s TERROR PLAYBOOK

(by Thom Hartmann)

Donald Rumsfeld and Dick Cheney are at it again.

Last week, Rumsfeld told the press we should be preparing for "the Long War," saying of the war this administration has stirred up with its attack on Iraq that, "Just as the Cold War lasted a long time, this war is something that is not going to go away."

The last time Rumsfeld talked like this was in the 1970s, in response to the danger of peace presented by Richard Nixon.

In 1972, President Richard Nixon returned from the Soviet Union with a treaty worked out by Secretary of State Henry Kissinger, the beginning of a process Kissinger called "détente." On June 1, 1972, Nixon gave a speech in which he said: "Last Friday, in Moscow, we witnessed the beginning of the end of that era which began in 1945. With this step, we have enhanced the security of both nations. We have begun to reduce the level of fear, by reducing the causes of fear—for our two peoples, and for all peoples in the world."

But Nixon left amid scandal and Ford came in, and Ford's Secretary of Defense (Donald Rumsfeld) and Chief of Staff (Dick Cheney) believed it was intolerable that Americans might no longer be bound by fear. Without fear, how could Americans be manipulated? And how could billions of dollars taken as taxes from average working people be transferred to the companies that Rumsfeld and Cheney—and their cronies—would soon work for and/or run?

Rumsfeld and Cheney began a concerted effort—first secretly and then openly—to undermine Nixon's treaty for peace and to rebuild the state of fear.

They did it by claiming that the Soviets had a new secret weapon of mass destruction that the president didn't know about, that the CIA didn't know about, that nobody knew about but them. It was a nuclear submarine technology that was undetectable by current American technology. And, they said, because of this and related-undetectable-technology weapons, the US must redirect billions of dollars away from domestic programs and instead give the money to defense contractors for whom these two men would one day work or have businesses relationships with.

The CIA strongly disagreed, calling Rumsfeld's position a "complete fiction" and pointing out that the Soviet Union was disintegrating from within, could barely afford to feed their own people, and would collapse within a decade or two if simply left alone.

As Dr. Anne Cahn, Arms Control and Disarmament Agency from 1977 to 1980, told the BBC's Adam Curtis for his documentary "The Power of Nightmares": "They couldn't say that the Soviets had acoustic means of picking up American submarines, because they couldn't find it. So they said, well maybe they have a non-acoustic means of making our submarine fleet vulnerable. But there was no evidence that they had a non-acoustic system. They're saying, 'we can't find evidence that they're doing it the way that everyone thinks they're doing it, so they must be doing it a different way. We don't know what that different way is, but they must be doing it.'

"INTERVIEWER (off-camera): Even though there was no evidence.

"CAHN: Even though there was no evidence.

"INTERVIEWER: So they're saying there, that the fact that the weapon doesn't exist . . .

"CAHN: Doesn't mean that it doesn't exist It just means that we haven't found it."

But Rumsfeld and Cheney wanted Americans to believe there was something nefarious going on, something we should be very afraid of. To this end, they convinced President Ford to appoint a commission including their old friend Paul Wolfowitz to prove that the Soviets were up to no good.

Wolfowitz's group, known as "Team B," came to the conclusion that the Soviets had developed several terrifying new weapons of mass destruction, featuring a nuclear-armed submarine fleet that used a sonar system that didn't depend on sound and was, thus, undetectable with our current technology. It could—within a matter of months—be off the coast of New York City with a nuclear warhead.

Although Wolfowitz and Rumsfeld's assertions of this powerful new Soviet WMD was unproven—they said the lack of proof proved the "undetectable" sub existed—they nonetheless used their charges to push for dramatic escalations in military spending to selected defense contractors, a process that continued through the Reagan administration.

Rumsfeld and Wolfowitz helped re-organized a group—The Committee on the Present Danger—to promote their worldview. The Committee produced documentaries, publications, and provided guests for national talk shows and news reports. They worked hard to whip up fear and encourage increases in defense spending, particularly for sophisticated weapons systems offered by the defense contractors for whom many of these same men would later become lobbyists.

And they succeeded in recreating an atmosphere of fear in the United States, and making themselves and their defense contractor friends richer than most of the kingdoms of the world.

Trillions of dollars and years later, it was proven that they had been wrong all along, and the CIA had been right. Rumsfeld * * * and Wolfowitz lied to America in the 1970s about Soviet WMDs and the Soviet super-sub technology.

Not only do we now know that the Soviets didn't have any new and impressive WMDs, but we also now know that the Soviets were, in fact, decaying from within, ripe for collapse any time, regardless of what the US did—just as the CIA (and anybody who visited Soviet states—as I had—during that time could easily predict). The Soviet economic and political system wasn't working, and their military was disintegrating.

But the Cold War was good for business, and good for the political power of its advocates, from Rumsfeld to Wolfowitz to Cheney who have all become rich in part because of the arms industry.

Today, making Americans terrified with their so-called "War On Terror" is the same strategy, run for many of the same reasons, by the same people. And by hyping it—and then invading Iraq to bring it into fruition—we may well be bringing into reality forces that previously existed only on the margins and with very little power to harm us.

Most recently we've learned from former CIA National Intelligence Officer for the Middle East and South Asia Paul Pillar that, just like in the 1970s, the CIA disagreed in 2002 with Rumsfeld and Cheney about an WMD threat—this time posed by Iraq—even as Rumsfeld, Cheney, and Wolfowitz were telling America how afraid we should be of an eminent "mushroom cloud."

We've seen this movie before. The last time, it cost our nation hundreds of billions of dollars, vastly enriched the cronies of these men, and ultimately helped bring Ronald Reagan to power. This time they've added on top of their crony enrichment program the burden of over 2200 dead American servicemen and women, tens of thousands wounded, as many as a hundred thousand dead Iraqis, and a level of worldwide instability not seen since the run-up to World War Two.

When Hillary Clinton recently noted that the only political card Republicans are any longer capable of playing is the card of fear, she was spot-on right. They're now even running radio and TV commercials designed to terrorize our children ("Do you have a plan for a terrorist attack?"), the modern reincarnation of "Duck and Cover."

Now that former Homeland Security Secretary Tom Ridge has confessed that many of the terror alerts that continually popped up during the 2004 election campaign were, as USA Today noted on 10 May 2005, based on "flimsy evidence" or were done over his objection at the insistence of "administration officials," it's increasingly clear that the Bush administration itself is the source of much of the "be afraid!" terror inflicted on US citizens over the past 5 years.

It's time for patriotic Americans of all political affiliations, and for our media, to join with Senator Clinton, former CIA official Paul Pillar, and the many others who are pointing this out, and refuse to allow the Bush administration to inflict terror on Americans—and the world—for political gain.

As Franklin D. Roosevelt said in his first inaugural address in 1932, when Americans were terrorized by the Republican Great Depression, the echoes of World War One, and the rise of Communism in Russia: This is preeminently the time to speak the truth, the whole truth, frankly and boldly. Nor need we shrink from honestly facing conditions in our country today. This great Nation will endure as it has endured, will revive and will prosper. So, first of all, let me assert my firm belief that the only thing we have to fear is fear itself—nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance.

Indeed, the best hope for the growth of democracy around the world and the survival of individual liberty in the United States is for us to turn away from Rumsfeld's and Cheney's politics of terror and fear, and once again embrace the great vision of this nation, held by her great statesmen and women from 1776 to today. Indeed, they are still among us, as we saw most recently when a brave few senators stood up to filibuster the nomination of Samuel Alito.

In this election year, we must redouble our efforts to swell their ranks, to involve ourselves in local and national political groups, and to return America to her destiny as the world's beacon of courage, liberty, and light.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CONAWAY.) The gentlewoman will suspend. The gentlewoman is reminded to refrain from personalities toward the Vice President.

Ms. MCKINNEY. Mr. Speaker, I know the gentleman is not suggesting that I cannot say the name of the Vice President. I am reading an article. Is the gentleman suggesting?

The SPEAKER pro tempore. The gentlewoman will suspend. The gentlewoman may state the name of the Vice President or make policy references, but she should refrain from engaging in personalities with regard to the Vice President, even by quoting the words of another.

Ms. MCKINNEY. I did not make a personal reference, so I will move on with my time. I would commend this article to this Congress: "Rumsfeld and Cheney Revive Their 70's Terror Playbook," and everything I have said is quoted right here in this article. Now, I think the last thing this Congress wants to do is try to snuff out the right of people to speak.

The next thing I would like to draw to your attention is an excerpt from a book. The name of the book is "War is a Racket." It is written by Major General Smedley Butler, and this is how it goes:

War is a racket. It always has been. It is possibly the oldest, easily the most profitable, surely the most vicious. It is the only one international in scope. It is the only one in which the profits are reckoned in dollars and the losses in lives. A racket is best described, I believe, as something that is not what it seems to the majority of the people. Only a small inside group knows what it is about. It is conducted for the benefit of the very few at the expense of the very many. Out of war, a few people make huge fortunes.

In the world war, because this was written at the time of World War I, a mere handful garnered the profits of the conflict. At least 21,000 new millionaires and billionaires were made in the United States during the world war. That many admitted to their huge blood gains in their income tax returns.

How many other war millionaires falsified their tax returns, no one knows. How many of these war millionaires shouldered a rifle? How many of them dug a trench? How many of them knew what it meant to go hungry in a rat-infested dugout? How many of them spent sleepless, frightened nights ducking shells and shrapnel and machine gun bullets? How many of them parried a bayonet thrust of an enemy? How many of them were wounded or killed in battle?

Millions and billions of dollars would be piled up by a few. Munitions makers, bankers, ship builders, manufacturers, meat packers, speculators, they would fare well. Yes, they are getting ready for another war. Why shouldn't they? It pays high dividends. But what does it profit the men who are killed? What does it profit their mothers, their sisters, their wives and their sweethearts? What does it profit their children? What does it profit anyone except the very few to whom war means huge profits? Yes, what does it profit the Nation?

But the soldier pays the biggest part of the bill. If you don't believe this, visit the American cemeteries on the battlefields abroad, or visit any of the veterans hospitals in the United States where there are thousands of the living dead. The very able chief surgeon told me that mortality among veterans is three times as great as among those who stayed at home. Boys with a normal viewpoint were taken out of the fields and offices and factories and classrooms and put into the ranks.

☐ 1345

There they were remolded. They were made over. They were made to about face, to regard murder as the order of the day. They were put shoulder to shoulder and through mass psychology they were entirely changed. We used them for a couple of years and trained them to think nothing at all of killing or of being killed.

Then, suddenly, we discharge them and told them to make another about face. This time they had to do their own readjustment, without mass psychology, without officers aid and advice and without nationwide propaganda. We did not need them anymore, so we scattered them about without any speeches or parades.

Too many of these fine young boys are eventually destroyed mentally because they could not make the final about face alone. In the government hospitals, these boys are in a barracks with steel bars and wires all around outside the buildings and on the porches. These already have been mentally destroyed. These boys do not even look like human beings. Oh, the looks on their faces. Physically, they are in good shape. Mentally, they are gone. There are thousands and thousands of these cases, and more and more are coming in all the time. Another step is necessary in this fight to smash the war racket.

To summarize, three steps must be taken to smash the war racket. One, we must take the profit out of war. Two, we must permit the youth of the land who would bear arms to decide whether or not there should be war. And three, we must limit our military forces to defense purposes. He says home defense purposes. This is an excerpt from Smedley Butler's War is a Racket.

Now, juxtapose what this man of war said to the drumbeats of war that we hear in our media now, that are emanating from high places within this administration, people who have not borne the rifle, who have not been in war. In fact, when America called them because America needed them, they were full of deferments. And yet they want to put a young man like Kevin Benderman who does not want to kill children and women and innocent people in Iraq anymore in the brig, and they would tell our country that we need to prepare for a long war. We do not prepare for a long war. Certainly not George Bush's war. And if Tom Hartman is right in his assessment, we do not need to prepare for Dick Cheney's war either.

We have had some discussion in this body about war, and one of my colleagues from Pennsylvania did what Major General Smedley Butler said we ought to do. He visited the young men and women who have been asked to fight this war, who are on the front lines of Donald Rumsfeld's long war. There he was compelled to make a change, a change in his conviction, that perhaps this is not the right war for America; and he came back to this Congress and he said so. I am talking about my colleague from Pennsylvania, Mr. MURTHA.

We need to really think about where we are as a country. We need to think about who we are as a country, as Americans. What does it mean to be an American?

Look at the people of Haiti who have nothing but their hopes and aspirations in democracy. And despite dictatorship and coup d'etat and dictatorship and coup d'etat again, they went to the polls and they demanded that their votes be counted.

We, too, have, in this country, the opportunity to express ourselves at the ballot box. The way I stand here is the way all 535 Members of Congress stand here, because people choose to participate or people choose not to.

In my case, I was put out of Congress because I spoke up about September 11. And the people of the Fourth Congressional District of Georgia said, we are not going to stand for that, and they sent me back, showing the power of the vote, as the people of Haiti have demonstrated to the world the power of the vote. I would hope all Americans would value the power of the vote and exercise it.

OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore (Mr. CONAWAY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the courtesy that the leadership has extended me in hosting this hour. We are going to talk about a number of things this hour, but I think it is important for the folks at home to know what this hour is. This is called the leadership hour, and what that means is that the leadership of the Republican party allows individuals to come to the floor for this hour. The leadership of the Democrat party allows individuals to come to the floor and speak about topics that are of interest to Congress and of interest to the American people, of interest to the world.

And what you have just heard is an interesting presentation that, apparently, the leadership of the Democrat party endorses. I am not certain what, how one would describe it or how one would categorize it, but it was more fiction than truth. I would love to hear the other side, the leadership of the other side stand up and say what they disagree with about what has just been presented.

You know, when I go home and I talk to constituents, one of the things that they say over and over and over again is that they just cannot understand the tone that is going on in Washington. What is going on? Why are people so angry? And I do not understand it, frankly.

We are all elected here to come solve problems, and that is the challenge that we have been given. But the tone that we get so often is this culture of cynicism. It is a culture of pessimism. It is a culture of negativity. To make statements about our members of the executive branch and leaders who are elected in ways that just have no foundation does a disservice to everybody.

So I am a member of the freshman class, and as a member of the freshman class we get together once a week. And one of the things that we talked about toward the end of last year was we need to try to raise the level of the rhetoric here. We need to try to put a more positive message out because of the tone that we so often hear in Washington.

So we have developed what we call the Official Truth Squad. This is a group of individuals who are willing to come to the floor and talk about messages, talk about things that are of interest to the American people in a positive light and also to bring truth to the debate. Because, as you oftentimes hear, those who have been watching, we are given great latitude in what we can say and, in fact, it does not have to be the truth. Many people put issues out here and things are not countered, so people begin to believe them. You know, they say that in Washington, if somebody says something three times, that makes it true. Well, it just is not so, Mr. Speaker, as those around the Nation know.

So what we would like to do is to talk about things in a truthful way to try to make certain that we counter much of the negativity that has been presented. You know, Senator Moynihan had a wonderful, wonderful quote that he had. It was, you know, everybody's entitled to their opinion, but they are not entitled to their facts. And I think that is so true.

So this afternoon, what we, the Official Truth Squad, are going to be talking about is national security. It kind of dovetails with the discussion that we have just heard.

I am pleased to be joined by many of my colleagues in the freshman class and others, and I would like to introduce first to talk about national security, Congresswoman JEAN SCHMIDT. Congresswoman SCHMIDT is from Ohio. She comes with great expertise, representation at the State level, and has a passion for not just America, a positive passion for America, but a passion for national security and national defense.

So, Congresswoman SCHMIDT, I would like to yield to you and have you bring us some words about national security.

Mrs. SCHMIDT. Mr. Speaker, Congressman PRICE, I rise today to speak on the importance that we as a Nation do all that we can to prevent another terrorist attack on our homeland.

Like many of my colleagues, I will never forget the attacks of September 11. My daughter lived in New York City at the time. I remember that morning all too well because I did not know where she was. I did not know how close she was to the proximity of the attacks. For hours and hours, literally, almost 2 days, I could not get through to her, worrying about her safety and her well-being, worrying about how she was. My husband and I were so blessed and so grateful that she was just scared, but certainly safe.

But, you know, thousands of other people were not lucky like us. Thousands of others lost their loved ones in that attack. We must do everything in our power to prevent another attack from happening.

I rise today to congratulate the hardworking men and women of our intelligence agencies and the first responders on preventing another attempt like 9/11. I, like most Americans, wake up each morning safe, proceed with my day without even worrying about the threat of an attack because I know, from law enforcement to our national security apparatus, thousands of highly trained professionals are diligently watching and working. Men and women using the latest technologies and a lot of muscle are hard at work around the clock making sure that those that want to hurt us are kept at bay.

I hope everyone understands that the desire of the terrorist organizations to launch a deadly attack has not gone away. It has not subsided. They are out there. They want to attack us.

What has changed is our ability to thwart the attacks. That ability has dramatically increased. The latest in database technology, coupled with surveillance technologies, is proving to be a powerful force in identifying potential attackers. We owe a great deal of gratitude to these men and women on the front lines of our defense here at home as well as abroad.

Just this week the media reported that some 200,000 people across the globe are on our watchlist, persons that we have reason to believe wish us harm, wish us death, wish our Nation destruction.

□ 1400

But most importantly, 200,000 persons we have already identified as potential threats. When we wake up each morning and turn on our television sets and there is no news of an attack, we do not even think that there might have been one. That in itself is a tribute to the hard work of our national security team. We go about our lives without fear of an attack each day because of the job they are doing. We must give them every tool needed to complete their mission. Their mission is not only important; it is a matter of life and death.

Much has been said about the National Security Agency's surveillance program in the media. Much of it is nonsense and distortion. Mr. Speaker, I asked my constituents in a survey what they think of the National Security Agency's surveillance program. Over 2,000 people have responded to date. Almost 80 percent support the program, eighty percent is a huge supermajority of folks representing all kinds of ideologies and political affiliations. Eighty percent. The media just does not always get it, Mr. Speaker, but the American people do.

The American people first and foremost want to be safe in their homes and go about their lives without the fear of another attack. They exhibit far more common sense than the media ever gives them credit for. One of our colleagues from the great State of Texas has a great saying that Texas could use a whole lot less of Washington and Washington could use a whole lot more of Texas. Unfortunately, someday, I believe, and I really hope and pray in the very far distant future, we may well be attacked again. That attack may well be much larger in scope than we ever could believe, much larger than 9/11. On that day I hope and I pray we can say honestly and wholeheartedly we did everything we could to prevent it.

It is our job, Mr. Speaker. It is our job as Members of Congress to make sure that Americans are safe, safe and free, safe and free from the terrorist attack of yesterday and tomorrow. We have to continue to do that. To do nothing less is not just irresponsible; it is un-American.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentlewoman from Ohio for her leadership on this issue.

And what a moving story that was about the communication that you had with your daughter, and it brings back the memory of September 11 to all of us and where we were and what we were doing that day.

As Members of Congress, as you know, we have some opportunities to get some information about our intelligence and about what things are happening in the world that we are not often able to share, and I am moved by the stories like that that I hear; but I also, when I go home, tell folks that the fact that we have not been attacked again is not a mistake. It is not a mistake. We have thousands, millions of men and women who are just working night and day to make certain that we are safe as a Nation, and I am proud of that fact. I am proud of that fact.

Joining us now is Congressman TED POE. Congressman POE is a judge from Texas, a leader in his area, his community and his State and certainly in our Nation, and an individual who has such an incredible fund of knowledge as it relates to national security and specifically border security. I know that in Georgia we have got major challenges. I know that in Texas there are major challenges.

So I yield to Congressman POE to discuss some things about national security and border security.

Mr. POE. Thank you, Dr. PRICE. I appreciate this opportunity to share this time with you and discuss the things that are important to our country.

As you know, my background has always been one that enforced the law, law enforcement, down in Texas. I prosecuted, and then I tried cases as a judge for 22 years, and now I am here. So I probably see things from maybe a different background and perspective than many other people. And I always like to relate what is going on today to history. As our good friend, the gentlewoman from Ohio (Mrs. SCHMIDT), just said about September 11, we are working on 3½ years since that event occurred, and it is still fresh in the minds of many Americans.

On that day I was driving my Jeep to the courthouse, and I am listening to the country western station here on the radio that a plane had hit the World Trade Center. And then a few minutes later, a second plane hits the World Trade Center. People on the highway that morning, some of them were pulling over to listen to the national broadcasting of what was occurring, that attack on America. Then the third plane crashes in Pennsylvania because some good people on that plane, some real American heroes, took control of that situation and saved some building, either this building or the White House, from being hit that morning. And then that fourth plane that hit the Pentagon.

And later that day, I, like many other people, was watching television, and I noticed that when those planes hit the World Trade Center that there were thousands of Americans, thousands of people from all over the world, when those planes hit the World Trade Center, they were running as hard as they could to get away from that terror, that terror in the skies. I am not faulting them for that, but that is what took place.

But there was another group of people, not very many, but a group of individuals who, when those planes hit the World Trade Center, they were running as hard as they could to get to that terror. They were volunteers: emergency medical technicians; firefighters; and cops, police officers. And while it is very important that we continue to remember the people who died that day, we also need to remember the people that lived because those first responders did the first duty of government, which is to protect the public; and we will never know how many lives they saved. Many of them gave their own lives that day, because it is the duty of our country to protect America, to protect us against criminals that live among us and to protect us against those criminals that live in other lands that want to do us harm. And we cannot say enough about those first responders that are still working throughout our country protecting us at home.

Because of those events, one thing led to another and we took the war on terror to the enemy. And now we have the greatest military ever assembled on Earth in Iraq and Afghanistan and other parts of the world fighting and winning the war on terror.

I was privileged, as many Members, to go to Iraq. I got to go there a year ago on election day, one of two Members that were there on election day, January 30, when Iraq had their first free elections in the history of their country. But I was also there to see our military, and I think it is very important that if Members of Congress are going to send our young men and women into combat, we ought to be there on the ground to see firsthand what the situation is like. That is why I went. That is why I am going back. And it is interesting to me, Dr. PRICE, how there are some who criticize what is taking place in Iraq and Afghanistan but yet refuse to go there to see what it is like. I have invited those people to go with me. Some of them are down the hallway. We call that the U.S. Senate. To go with me, I will plan the trip and all they have got to do is show up. But if we are going to send people into combat, we need to see what it is like so we can make better judgment calls on this end. But our troops, the morale is tremendous.

It is interesting how we see a lot in the media about the war on terror, but very seldom do we ever see an interview of some soldier, sailor, marine, somebody in the Air Force, a personal story about their reflections on what they are doing in the war on terror.

Some people ask, why are we fighting the war on terror over there? Well, there is more to it than that. We are also fighting the war by establishing a democracy in Iraq and Afghanistan because democracies are the enemy of terrorists. They do not want democracies. They want chaos. They want dictatorships. They want a safe haven where they can strike throughout the world. So that is why the war is there in Iraq and Afghanistan. It is because those two countries are going to be democracies, just like Japan and Germany were democracies at the end of World War II. And the cynics and the skeptics, oh, they lived back then too, said it is not going to happen, that the Japanese cannot have a democracy and certainly not the Germans. Now look at them. Democracies, world powers today.

So democracy, of course, takes time. It took us 7 years to free ourselves from the British. The British did not get the point. They came back in 1812, burned this building down, and we had to fight them again. And the Iraqi people are doing a tremendous job of securing their own nation.

I had a general tell me when I was in Iraq, and he said this in a kind way but he was serious, about the Americans being there and the Iraqi security forces. He said, If the Americans stay much longer, we are going to start charging them rent for being here. And what he was saying was another version of what the plan is. The plan is relatively simple: secure the stability of the country, train the Iraqi security forces, and let them take care of their own country. And that is what is going on. And we see now on a daily basis the casualties of the Iraqi security forces. Those people are giving up their own lives for their own democracy, fighting the war on terror.

So we are winning that war. The national security, public safety, is an obligation of this country, at home, overseas, and to fight that war wherever it occurs.

Just one other thing I would like to mention. I do not want to take up too much of your time, Doc, but there is a third area where we have to have national security. It is not just locally with our first responders, our police officers, and our small towns and big cities. It is not just overseas where we have the war on terror going and our military doing a good job working with the CIA and the FBI. But then we have the national security issue of the dignity and sovereignty of this country, and I am talking about border security.

I live down in southeast Texas. The southern Texas border, some have said, is a war zone because it is an area of national concern for three reasons: we have the narcoterrorists coming across the border. Those are drug dealers that are armed better than our own sheriffs, bringing in that cancer to sell throughout the United States. That is a national concern. It is also a national security problem.

The second thing is we have those next terrorists that come into the United States. They are probably not going to fly over to Reagan National Airport, get off the airplane, look around and see what damage they can do. They are probably not going to do that. But they are probably going to come across our Texas border, our southern border, and do some harm to us. We know that that is the plan of many of those terrorists because our borders are open.

And, of course, we have the third problem of just purely folks coming here illegally. It is not that people are coming here that is the problem. It is the way they are coming here. If we are going to have the rule of law, the government has the responsibility to support and make sure the rule of law is enforced.

One example of how our national security maybe needs to be revved up a little more on our southern border, let me speak specifically about our narcoterrorists. I have been down to the southern Texas border with our sheriffs, and we had 16 of the Texas border sheriffs up here last week. I do not know if you saw them or not. It would be hard to miss 16 Texas sheriffs walking down Pennsylvania Avenue.

Mr. PRICE of Georgia. They are big.

Mr. POE. They were impressive fellows. And let me tell you something, Doc. They look like Texas sheriffs. You have that image. They all look like that. But they are concerned about border security as well, and it is more than just the terrorists that are coming over. It is the narcoterrorists that are coming in. But one of them not too long ago took this photograph.

☐ 1415

His deputies took this photograph. This is a photograph in the Rio Grande

River taken from the Texas side looking over to the Mexican side. In this, you have a raft. You see there are six or seven individuals who are all dressed in black camo outfits, armed with AK-47s. You will see one of them right here, an AK-47. On their backs they have backpacks which were later determined to be cocaine, bringing it to the United States.

And who are these people? It turns out that probably these individuals are Guatemalan mercenaries hired by the drug cartels to bring drugs into the United States. It is an epidemic, it is a border war, and it is a violent war.

So I would just hope that we in Congress can make sure that we enforce the rule of law, enforce the first obligation of government, which is to protect the public. Public safety is our number one concern.

Let me just conclude by saying that we should make sure that people throughout the world know that this country believes in freedom and liberty because of all of the benefits of it, whether you are here in the United States or some other country, like Iraq or Afghanistan.

President Kennedy said it probably better than anybody when he made the comment that let every nation know that, whether it wishes us well or ill, that we will pay any price, we will bear any burden, we will meet any hardship, we will support any friend, and we will oppose any foe to assure the survival and success of liberty. He couldn't have said it better.

Mr. PRICE of Georgia. Congressman POE, I thank you ever so much for your leadership in this area. Your knowledge is just so very, very helpful to all of us, not just in Congress but literally across the Nation. As you were relating your story about where you were on 9/11, we all have those stories, and I get chills listening to you and what you were describing. I remember that day just as clearly as everybody else.

It is just phenomenal when you think about again the fact that we have so many wonderful men and women working right now to make certain that that doesn't happen again and for bringing clarity to what is happening in Iraq, the positive news that is coming from Iraq.

As the Official Truth Squad, we have got some truths I would like to just share with the American people and with our colleagues, because you oftentimes don't hear of all of the good things that are happening over there. We are making incredible, incredible progress, regardless of what you think about how we got there or the like of it, incredible progress. I know this is tough to read, but I will go through a few points.

In August of 2004, about a year-and-a-half ago, there were only a handful of Iraqi army battalions in the battle, in the fight. Today, there are 100 Iraqi Ministry of Defense combat battalions in the fight, in the battle.

In July, 2004, there were no operational army division or brigade headquarters. Today, there are eight brigade headquarters and 37 battalions that have assumed battle space.

In July, 2004, again about a year and a half ago, there were no operational special police commandos, public order, mechanized police or emergency response units under the Ministry of the Interior in Iraq. Today, there are 28 such battalions in the fight.

November, 2004, just a little over a year ago, there were there 115,000 trained and equipped Iraqi security forces. How many today? 227,000 trained and equipped security forces. There are more if you count all of the local police officers.

The experience and ability of the Iraqi forces has increased remarkably. This is General Peter Pace who said just a week ago in December the Iraqi armed forces had more independent operations than did the coalition forces. Did you hear that, Mr. Speaker? The Iraqi forces were providing more independent operations than the coalition forces. That didn't make any headline. You didn't hear that on the news or read that in your newspaper. That is progress for freedom, it is progress for liberty, and it is progress for, frankly, I believe the stability of that region certainly and ultimately the world.

We are sharing some thoughts, Mr. Speaker, about national security, and the operation Official Truth Squad is pleased to have Congresswoman MARSHA BLACKBURN join us again. Congresswoman BLACKBURN is just an incredible leader from Tennessee. She has I know a great interest in the area and great expertise in what it means to provide national security, homeland security and to fight for liberty and freedom.

Congresswoman BLACKBURN, thank you so much for joining us today.

Mrs. BLACKBURN. Thank you so much. I thank the gentleman from Georgia for his exceptional work on the Truth Squad and his commitment to this, to being certain that we get the message out.

You know, I, like you, believe in the American dream and believe in the goodness of this great country and search each and every day for ways that we can all work together to be certain that we preserve freedom and hope and liberty for future generations. I think that is a worthy goal.

We had talked about national security one night on this floor. Yesterday, we talked about economic security. Today, we are back on the national security focus. I like what you are saying, because you are addressing the military efforts that are taking place so that we are fighting terrorists over there and we are not having to fight them over here.

As Judge POE was saying, we have got different fronts in this war, with our first responders and the work they do on our home streets, with our border agents and the work they are doing along the border, and then also with our military operations. I think it is something that we want to keep our focus on as we address this situation in the Middle East and being certain we are addressing taking this fight to the heart of where terrorism has had its breeding ground and addressing it right there on their own soil.

A couple of points, too, I think that we need address as we talk about homeland security and we talk about national security and the war on terror. Things that we want to remember is our President and the leadership, our military leadership, has told us from day one, this is going to be a very long war. It is not going to be easy. But this is going to be a long war, and we need to remember that and use that to keep it in perspective.

We feel like we take two steps forward and one step back so very, very often, and it is going to be a long time. But preserving freedom and the fight for freedom, that is a worthy, worthy goal.

I think another thing we need to keep in mind is that when all of this started in 2003, our President and our military leadership said, basically, it is a seven-step process and told us at that point we would go in, secure the country, they would appoint an interim government, they would appoint a constitution writing committee, they would go through the process of writing that constitution, ratifying that constitution, then they would hold their national elections and install their national government, and then the seventh and final point will be to dissolve the coalition.

Right now, the Iraqi people are in the process of installing that government; and following that government standing up on its feet, then we will begin to dissolve the coalition.

Another thing we have to keep in mind, I love your points, Mr. PRICE, about what is taking place there and the progress that is being made. One of the things that I have enjoyed talking with my constituents about is how dealing with Iraq has to be an orderly process, and a part of that orderly process is being certain that we do some things in conjunction with other things. We want to be certain we raise up the military at the same time we are raising up the government so that one can support the other.

Mr. PRICE of Georgia. Mr. Speaker, I want to make certain that people are hearing what you are saying. Because so oftentimes we hear there is no plan, the President doesn't have a plan, we don't have a plan. But what you have said so clearly is that when the President talked about this in the spring of

2003, 3 years ago, that he outlined a seven-step process. As far as I can tell, we are on the sixth step of that. So the plan is there.

Mrs. BLACKBURN. That is correct, and I thank the gentleman for those comments. That is correct. Going through an orderly process. And now as that government is standing up, and that is the sixth step, and as we move forward, we look at being certain that the military operations and your government operations, and you need that infrastructure. We know in our own Nation it has worked well to have divisions in our government with your executive and legislative and judicial branches. So as we stand the military up and the government with those different branches standing up, we also have an eye on education and what is being done to help lift the people.

We forget many times that many of these individuals did not have access to an education. When I first went into Iraq in October of 2003, one of the things that stunned me and one of the facts that I was really quite amazed to learn was that the country's population was about 65 percent female and, out of that, about 70 percent of that female population was considered to be illiterate. That is so troublesome to know, with the education process for women, the education process for children, the fact that young girls are able to go to school, and putting in place the schools, I think it is 2,800 schools that our U.S. military has helped to rehabilitate and get the doors open. And, of course, USAID has supplied notebooks and backpacks and the things that are necessary to begin to put that quality of life in place.

So it is the ability to go in and assist with those processes and the functions of the military, the government and the community, the quality of life that will enable Iraq to stand up and to stand on their own two feet and to enjoy, enjoy successes, and that is what General Pace was speaking of, with their forces actually conducting more operations than the coalition forces. I think that is really quite remarkable.

You think of how far they have come in 3½ years. To us, many times, yes, we live in a world where we expect instant everything. We watch a 30-minute TV show or a one-hour TV show, and we want the problem solved within that period of time.

Freedom is a little bit harder. It doesn't move quite that quickly. Three-and-a-half years, look how far they have come in their steps to freedom and their steps to readiness.

I will close with saying my last trip into Iraq over New Year's this year and spending time with some of our troops and then spending time with three women who are each one running a different woman's organization in Iraq was a very touching time. One of the things they repeatedly do is to express thanks to our coalition forces and then to place a reminder with us, don't leave us now. Do not leave us now. Be certain that we are standing on our own two feet before you leave us.

I thank the gentleman again. The freshman class is doing a wonderful job with the Truth Squad. It is always a pleasure to come and stand here in this wonderful hall before this great body and join you in talking about the good work that is being done and the focus of this Republican Conference to address the security of this great Nation.

Mr. PRICE of Georgia. I thank the gentlelady for coming and being such an integral part of the discussion and the leadership in this House of Representatives. Again, I think it is incredibly important that we appreciate that those that say that there is no plan, hasn't ever been a plan, that that is just not truthful.

Again, we are the Official Truth Squad, and the truth of the matter is that there has been a plan, and that plan was outlined very eloquently by the gentlelady from Tennessee, a seven-step process. The final step is to have coalition forces leave, and we are on the sixth of seven steps. So we are moving incredibly well and orderly, moving through a process that is bringing about freedom and liberty to people who, frankly, may never have even hoped that it could occur.

The gentlelady was so appropriate in defining those different areas of the Nation that we are addressing, not just the military but standing up the government, education, educating individuals who in their wildest dreams could never have dreamed of the opportunity to have the kind of education that they are able to receive now because of their freedom.

As a physician, I know that the health care services that are being provided there in Iraq now are of a higher quality than before and accessible to all, which certainly was not the case before.

So truth, truth is so incredibly important when you talk about public policy. If we don't deal in truth when we talk about these issues that come before our Nation, then it is difficult to reach the right conclusion. It is difficult to reach the right solution. So that is why we are so enthusiastic about the need and the importance of truth.

☐ 1430

I have been searching for a number of quotes on truth. This is one that I am very fond of. George Washington, in a letter to Edmund Randolph in 1795 said that there is but one straight course, one appropriate course, one straight course, and that is to seek truth and pursue it steadily.

Seeking truth and pursuing it steadily. And I think that is what is so imperative, because so often you hear from the folks who want to blame America first, all of the things where they have stretched, stretched is being generous, the truth; and so it is appropriate that we come here day after day, literally, and put forward to the American people the appropriate information that is necessary for individuals to have the truth.

And the other quote that I have shared with folks before is the one from Senator Moynihan, that is, that everyone is entitled to their own opinion, but not their own facts. And so with that, I would like to talk about another aspect of truth. And one of the things, as I mentioned before, we have some great latitude in this Chamber to talk about things and to say things that may not necessarily be so.

Just yesterday, as a matter of fact, in one of the speeches that was given from the well on the other side, a Member of the other side said, we are talking on this side of the aisle, that is, the Democratic, the minority side, Mr. Speaker, that we embrace and we appreciate our troops and veterans. That is a wonderful thing.

But meanwhile, this is the statement on the floor, meanwhile in the President's budget it talks about cuts in veterans affairs, cuts in veterans affairs. I know this is a little hard to read over here, but, in fact, the truth of the matter, in particular $34.3 billion for medical care a $3.5 billion, 11.3 percent increase over the 2006 enacted level, and an increase of 69 percent since President Bush took office.

So what you see here is the allegation, and here is the truth. There are a couple of other ways to show that, to demonstrate that with certainty, and it is even more vivid. This chart, this graph, shows the Department of Defense military discretionary budget in billions of dollars from 2000 to projected 2007. That asterisk there is because we have not adopted the 2007 budget yet, will not do so until later this year.

But the President's proposal is listed. What you see here are the levels of expenditures, Federal expenditures for the Department of Defense. Now remember the allegation is that there are cuts in the military: 2000, $287 billion; 2001, $303 billion; 2002, $328 billion.

You notice that we are going in a direction that looks like it is increasing. Only in Washington can a cut be an increase. Only in Washington can a cut be an increase: 2003, $365; 2004, $376; 2005, $400 billion; and last year, $411 billion.

Now I do not know about you, Mr. Speaker, but where I come from those are not cuts, those are increases, and appropriate increases, appropriate increases to our defense establishment and to the veterans who are serving so well.

What about medical care? You hear about veterans medical care. All the time the allegation was, as was in that quote just yesterday, that veterans medical care is being cut. Well, here is the before and after. 1995: what happened in 1995 was that the Republicans took control of the House of Representatives, and you see before then the gradual increases, mostly fixed to inflation, sometimes not even at inflation.

And then the entire budgetary allotment for medical care, veterans medical care, is in the yellow bars there from 1995 to 2005. And what you see is an increase from $16.2 billion to $29.9 billion.

Mr. Speaker, that does not look like a cut to me. That does not look like a cut to America. That does not look like a cut to veterans. They know the truth. And it is so important. You cannot reach the right conclusions, you cannot reach the right solutions if you are not talking truthfully. So we are pleased to come to the floor and talk about what is true.

What about discretionary spending on veterans, not just medical care, but discretionary spending on veterans? This is the same kind of graph: before 1995 and since 1995. Again, remember the allegation is that this money, discretionary spending for veterans, is being cut.

Well, Mr. Speaker, again, I mean, my eyes may deceive me sometimes, but I cannot for the life of me figure out how moving from $17.6 billion in 1995 to $30.7 billion in 2005 could ever be described as a decrease or a cut.

This is a commitment by the Republican leadership and the Republican House to make certain that we appropriately, appropriately, provide resources for veterans, our military individuals who serve us so incredibly well.

But, again, truth. The truth is that the resources have been increased every single year, that there has been no cut. And so I am pleased to have the opportunity to be able to come and share that kind of truthful information with the American people.

I am honored to be joined right now by another colleague, another gentleman from Texas, another judge from Texas, Congressman GOHMERT, who has a wealth of experience in his State and is a true leader in the area of national security knowledge and intelligence.

So we appreciate Congressman GOHMERT you coming and joining us today. Please, I look forward to your remarks.

Mr. GOHMERT. Mr. Speaker, I appreciate that from my good friend from Georgia. And it is an honor to not only be on the floor here, but to serve with the kind right honorable gentleman from Georgia, a physician to the body before he got here and now a physician to the heart of America since he is here. So that is an honor.

But, you know, you were talking about, and to observe the House rules we do not call people by their first names here, so, Dr. Price, you were talking about truth. And one of the great disappointments over the last few decades has been the United Nations. It should be an integral part of our national security.

Yet it has failed miserably. It has taken the wrong side so often, and yet we had an administration and a President who wanted someone as an ambassador to the U.N. who would be truthful, call things like they were.

And as we saw in the Senate, when it came time to confirm Mr. Bolton, they threw on the brakes. Oh, my gosh, this guy can be rude. He will actually tell people what he thinks. We do not want someone going to the U.N. representing the United States that tells them what he thinks. Goodness, that might offend them. They need some offending.

We needed Mr. Bolton in there. Son of a gun, that is his history. He tells people what he thinks. He got to the U.N. and he has been doing that, but without any thanks to the Democrats in the Senate that blocked it at every turn.

But as we look today, a matter of national security is what is happening with Iran. Iran wants to have nuclear weapons. They have said that Israel has no right to exist. They want to nuke it out of existence. This is a dangerous country. And so what have we done? Well, we are sending that to the U.N. to let them see what they can do.

Well, we are better off with Mr. Bolton there helping us and representing our interests. But the trouble is, that is one person in a myriad of people who are just overwhelmed with self-interest. And I really rise in frustration to the toothless tiger that we call the United Nations. You know, it was born out of the best of intentions. It was born out of the greatest and noblest aspirations, that we would bring peace to a war-torn world and justice to the oppressed.

Yet what has happened is living proof that there is no such thing as institutional evolution. What has evolved has not been a higher, better entity in the United Nations. The U.N. has devolved into a mire of self-aggrandizement and self-absorption. They provided wealth to family members in the U.N., wealth to their own cronies, along with some of the most evil oppression in history.

The U.N. sometimes barks, but never has any bite. It reminds me of a school teacher I had once years ago who often defended the bullies in our class and would lash out at anybody that tried to defend themselves against the bully. She would not help the oppressed; she took up for the bullies. That is what has started happening with the U.N.

They do not want to help address the issue of bullies; they want to turn their heads, continue to help family members and cronies. But anyway, the U.N. has been a willing accomplice to some of the world's worst, most oppressive people; and sometimes it has been one of the biggest obstacles to people's liberty, freedom, and self-respect.

We all know, or we should know, that referring Iran to the U.N. is problematic because of the lies and the intentional distortions. Iran has said that they want to destroy another nation, and yet the U.N. has shown they have no stomach for doing what is required. They pass resolution after resolution. But when it comes to putting teeth in anything, they just do not do it. They will try to justify what they are doing.

I mean, I guess asking the U.N. to protect us would be tantamount to saying let us send in Scott Ritter to protect us from an oncoming train. I mean, he will notice the train's existence, try to justify why it is about to run over him and everybody on the track, but he will do no good. The U.N., that is the kind of actions they take. They try to justify things' existence, lash out at those being bullied, but not do what needs to be done.

The U.N.'s word means nothing, and its corruption and deceit are an embarrassment, and it is no longer an advocate or a defender of truth and justice. In fact, they are often the impediment to those very things. It is high time we confronted them with that.

And I would submit, Dr. Price, that sending an item to the U.N. for action is a bit like sending raw food to a kitchen that is filled with corruption, confusion, and selfishness. You are lucky if they act in that kitchen before the food spoils. And even if they do act before the food spoils, odds are they are going to consume it, and you will never seen it again.

That is kind of what it is like when you send something to the U.N. They are either going to let it spoil, let it go rotten, or they are going to use it to their own self-fulfillment. What a sad nightmare this once great dream has become in the United Nations. I hope and pray that they will assist us with this international problem in Iran, because it involves our own national security. Some want to turn their heads and say, just like they did with Hitler, well, if we just let him have a little bit of what he wants, then he will leave us alone.

But that kind of ambition and that kind of desire for world conquest does not ever go away. It continues to proceed on, and in some cases unimpeded where you meet pacifists. Dr. Price, I saw back a couple of years ago a bunch of signs being held by protesters about the war in Iraq. And they actually said this: war never brought about peace. That is it. War never brought about peace.

I thought, my goodness, these people never studied history. War never brought peace? That is the only time there has been any kind of sustained peace where people had liberty during that peace is when there has been a war and the good guys won.

So it is unfortunate that we have uneducated people who do not know history, refuse to learn from history. But I appreciate so much your efforts at bringing truth. And as you and I have talked about, and you have said, sunlight is one of the best disinfectants there is.

So bringing truth out. I know at times we struggle as we listen to things that were not true. It is like there is a culture of deceit in this body, and the people need to know the truth.

Mr. PRICE of Georgia. Mr. Speaker, I want to thank Congressman GOHMERT for his kind words and for his truth. Sometimes truth is a bitter pill to swallow.

☐ 1445

Mr. GOHMERT. But you prescribe that, do you not?

Mr. PRICE of Georgia. But the area of support that the United States has received for freedom and for liberty around the world from the United Nations is often time lacking. And that is a bitter pill to swallow, but it does not mean that you do not keep working. It does not mean that you do not keep trying. But I think it is important, the perspective you bring, to maybe hopefully wake up some Americans who need to hear the information and appreciate that the U.N. needs to be moving in a bit of a different direction.

I thank you so much for your participation.

Mr. GOHMERT. If the gentleman would yield for one more moment, you come from a background as a physician of healing people. I come from a background of being a judge and chief justice and wanting to see justice. And it is amazing how we can work together and America allows that kind of freedom. So thank you for your efforts at bringing about what they used to say, as Superman started, truth, justice and the American way.

Mr. PRICE of Georgia. I thank Congressman GOHMERT so much for your comments and for your participation.

What we are doing is the Official Truth Squad. The Official Truth Squad is primarily a group of freshmen Congressmen and women frustrated by the tone in Washington, frustrated by the animosity and doing our doggonedest to raise the level of discussion, raise the level of the rhetoric, be a little more positive, and put out the word that, yes, there are individuals in Congress who love this Nation, who believe that it is the finest Nation on the face of the Earth and are proud of the work that we are doing and trying to correct the record sometimes, bringing truth to light.

To that end, I think it is important that we sometimes highlight statements by people who may have a certain forum or a certain podium that simply is untrue, because it is important that somebody stand up and say, no, that is not the case; and I refer now to comments that were made just this past Sunday by former Vice President Al Gore.

He was visiting Saudi Arabia and he was talking to an audience there, and oftentimes when he talks sometimes there is a bit of hyperbole, but this is not hyperbole. These are flat-out lies. This is just not the truth. What he said was that the U.S. government has committed "terrible abuses" against Arabs after the September 11, 2001, attacks. He went on to say that the United States "indiscriminately rounded up" and held in "unforgivable conditions."

Now, I ask you, Mr. Speaker, where is the evidence for that? I ask you, where is the evidence for that? That is as unconscionable and irresponsible a comment as I have ever heard uttered.

I ask the Democratic leadership, are you supportive of these comments? Is that what you believe? The silence from the other side really is, again, a disservice to the debate. It does a disservice to the Nation, frankly.

So I call on my colleagues to stand up and be counted on this. If you got the evidence, then let us show it. But to make those kind of comments, especially overseas, there used to be some protocol or some common courtesy that former members of the executive branch, especially when traveling overseas, would not criticize a sitting President or the United States. Well, those common courtesies are long since gone.

Again, that is kind of what the Official Truth Squad is all about, raise the level of the rhetoric and hopefully be able to bring some truth to light.

I have a few minutes left, and I wanted to talk about the National Security Agency and the domestic terrorism surveillance. When I talk with constituents back home in Georgia and I ask them and I ask big groups, tell me if you were running the country and you knew that there were certain cell phones or certain telephones of communication devices that were owned or utilized by terrorists, international terrorists, and you knew that, and you knew when one of those individuals was going to make a call into the United States, would you want to know who they were talking to? Would you want to know what number they were calling?

I have not gotten a single person yet to tell me that they would not want to know that. Not one.

The American people know the truth about this program, this domestic terrorist surveillance program. They know that what this government is doing is protecting them. It is protecting them. So much so that when the discussion initially occurred about this program, the Members on the other side, many Members of the other side stood up and just shouted it down, just said awful things about the individuals performing it, awful things about its being in place.

Then they heard from their constituents. Most districts, it is 65, 75, 80 percent of folks at home who believe this type of program is appropriate. We are not talking about listening to American calls. We are talking about, appropriately so, to calls from known terrorists, outside the United States into the United States. I would suggest to the House, Mr. Speaker, I would suggest to the American people that if we were not doing that, if we were not doing that, we would be irresponsible.

Well, the Members on the other side of the aisle certainly got that information at home. Because this past Sunday on Meet the Press Mr. Russert had the sitting ranking member of the House of Representatives on the Intelligence Committee, Representative HARMAN, and former Senator Daschle, who was the minority leader in the Senate when this program began, and asked them some very specific questions.

One of the questions he asked was, Senator Daschle, were you briefed? He was talking about this program. Senator Daschle's response, it goes into long details, but, yes, we were briefed. We were briefed.

As the President said, if he wanted to break the law, why did he come to Congress and tell him what he was doing? So the truth is that this is an appropriate program. The truth is Congress knew about it in the appropriate ways.

Representative HARMAN was asked, do you support the program? And she says, I still support the program. This is the thing they are arguing so much about and complaining so much about.

Senator Daschle, should the President stop this program? Senator Daschle replies, no, absolutely not.

Mr. Russert asked Representative HARMAN, do you think the program should be stopped? Representative HARMAN, no, I think the program should go on.

So, Mr. Speaker, truth is an important thing to talk about when we are discussing about matters of public policy.

As Congressman GOHMERT and others have mentioned, I am a physician. I am an orthopedic surgeon. I practiced for nearly 20 years in the Atlanta area, and I know if you do not listen to the right results of tests, if you do not investigate, if you do not get the right information, if you do not get the truth, you cannot make the right diagnosis. And the same is true in public policy. If you are not talking about things in a truthful manner, if you are not putting out information that is accurate, then there is no way that you can reach the right solution.

Mr. Speaker, I am proud of the leadership that the Speaker is providing. I am proud of the leadership the Republican leadership is providing about the area and the issue of national security. Because this is not a Republican issue, it is not a Democrat issue, it is an American issue, and it may be the most important thing that we have to do as Members of the House of Representatives.

So my hope and prayer truly is that all Members of the House and the Senate will work together in this most solemn, solemn of challenges and tasks that we have and ensure the protection of our Nation.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania) laid before the House the following resignation as a member of the Committee on Science:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 15, 2006.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Effective today, February 15th, I resign my seat on the Committee on Science pending my appointment to the Committee on International Relations.

Sincerely,
RUSS CARNAHAN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes.

Mr. RYAN of Ohio. Mr. Speaker, we appreciate the opportunity once again to come to the floor of the House of Representatives as the 30-Something Working Group. Myself along with KENDRICK MEEK, Mr. MEEK from Florida, and also Ms. WASSERMAN SCHULTZ from Florida, we have been coming here now, Mr. Speaker, for a couple of years talking about the condition of the United States, our fiscal situation, Mr. Speaker, our investment situation or lack of investment in the United States of America, and also what we believe is the Democratic Caucus and Leader PELOSI and STENY HOYER and the issues that we are trying to put forward.

It has been a very interesting week here for the Democratic Caucus, Mr. Speaker. We had a wonderful guest, George Lucas, the famous writer, director, producer of the great Star Wars movies; and he was here to talk about the innovation agenda that the Democratic party is beginning to put forward. And we have, Mr. Speaker, an innovation agenda to keep America competitive in the 21st century.

As we look at what has been happening here in the United States, this kind of breaks down into two or three separate categories. One, if we want to be a strong country, we have got to start here at home; and we got to start making the investments here in the United States. Research and development, education, health care, alternative energy technologies must start here; and we must begin to grow our economy here, Mr. Speaker, if we are going to be of any good to anyone else here in the world.

Unfortunately, our friends across the aisle on the Republican side have failed miserably in their attempt to try to balance the budget here in the United States of America. We have, as citizens of this country, regardless of what political party you belong to, we have as a country an $8.2 trillion national debt, $8.2 trillion dollars. Each citizen in this country owes $27,000 to our national debt. If a baby is born today, that baby owes $27,000 to the United States government to help us pay our debt. If you are a senior citizen, you owe $27,000 to the United States Government. And if we keep going down the path that we have been on, and here it is, $8.2 trillion as of Valentine's Day, 2006, and your share of the national debt is $27,500.

Mr. Speaker, we have a real situation in the United States of America. So not only do we owe this, not only does each person owe that, what do we do? So if we are running a $400 billion annual deficit or $300 billion, what do we do to fund business in the United States of America? We have got to go out and borrow the money. And this President in the first 4 years of his term borrowed more money from foreign interests than every single administration prior to his in the last 224 years. This President borrowed $1.05 trillion from foreign interests in 4 years, more than every other president before him.

Is that making America stronger, Mr. Speaker? I do not think it is. I think it weakens our country. And here it is. This President in a Republican House and a Republican Senate has borrowed $1.05 trillion from 2001 to 2005. And all of these Presidents did not borrow as much from foreign interests as this one has.

And that puts us, Mr. Speaker, that puts us at a position of weakness because guess who we are borrowing the money from to pay the bills. We borrow some from U.S. interests, but this is a chart that outlines who else we are borrowing this money from. $682 billion we have borrowed from Japan; $249 billion we have borrowed from China; $67.8 billion from OPEC.

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Are you kidding me? We are borrowing money from OPEC to help fund and plug the hole in our annual deficits here? Meanwhile, they are making money hand over fist. This is a very dangerous situation that we are in, Mr. Speaker, because here is the end result. Here is where the rubber meets the road.

As we all take out loans to pay for our homes or our cars or our kids' education, unfortunately you cannot just borrow the money at zero percent interest. You have got to pay interest on the money you borrow. So the interest on $8.2 trillion is a lot of money. So what does that mean for our annual payments that we have to make just on the interest?

This chart is the 2007 budget in billions of dollars. This big red bar that gets up to $230 billion is what we are going to pay in the 2007 budget projected on interest on the debt, just the interest. We are not paying it down. We are just paying the interest on it, and this nice lavender bar that barely gets up over $50 billion is what we are going to spend on education and then homeland security and then veterans.

The irresponsible policies of this administration put our fiscal house in disorder because we are spending so much money on just paying the interest on the money we owe the Chinese and the Japanese and the OPEC countries. That is a great deal for those countries, great deal for them, but what about us?

A stronger America starts here at home. So until we fix this problem, there is no issue we can go on addressing because it straps our hands behind our back, Mr. Speaker, because we want to make investments in education, research and development, Pell grants to lower the cost of college tuition, put research money into figuring out an alternative energy source so we are not dependent on some of these OPEC countries.

But check this out: this is the interest on the debt that I just showed. This is what we could spend every day in this country if we did not have to pay all this interest on the debt. We could invest $1 million a day into every congressional district.

I represent a district in northeast Ohio, Youngstown, Ohio; Akron, Ohio; Niles, Ohio; Warren, Ohio; Portage County. Kent State University is in my district. This is an older area in the northeast of the great State of Ohio, the great Buckeye State. $365 million I could have to go back to this area and invest in the schools, Head Start, all kinds of other different things just from my district; and every other Member in here, Mr. Speaker, would get $365 million, a tremendous difference. Give it to the Chinese banks, the Chinese Government; give it to the Japanese banks, the Japanese Government; give it to OPEC or give it to the kids who are trying to go to school in Youngstown, Ohio, of which 80 percent live in poverty that go to Youngstown city schools. I know what I would like to choose.

Some other things here. We could provide health care to 79,925 more veterans if we would not have to pay the interest on the debt like in the late 1990s when we made the very difficult decision here, and I am glad the gentleman from Florida (Mr. MEEK) is joining us for this point.

A very difficult decision in 1993 when President Clinton got into office. We were running budget deficit after budget deficit every year, and our Democratic House and a Democratic Senate, with a Democratic President, balanced the budget in 1993 without one Republican vote. I am not saying some Republicans would not vote for it now, but at that time, when the heat was on, without one Republican vote, and it led to balanced budgets, surpluses as far as the eye could see, investments into education, Hope scholarship, the whole nine yards and the greatest economic expansion in the history of this country.

More important, the private sector, because interest rates were low, the private sector was able to go out and create over 20 million new jobs. We cannot create jobs here in government. That is not our duty. That is not our responsibility. This is the chart, Reagan, Reagan, Reagan, Bush, Bush, Bush, all in the red; and Clinton in the late 1990s, after the 1993 budget was implemented, we started having surpluses in the late 1990s, projected out as far as the eye could see because of fiscal discipline.

That is what our job is here, balance the budget, keep interest rates low, invest in the education and research, like this country has always done, and the private sector will join and take over.

Some other things. If we did not have to pay the interest on the debt, we could enroll 60,000 kids into Head Start. You want to talk about being compassionate, you want to talk about if you practice the Christian faith, being a Christian, I think somewhere that means making sure we can invest into those poor districts, those poor children, and I am so glad that Mr. MEEK is joining us because we started out here, and that "we" being me, talking about the impact of the budget deficit and the fiscal situation that we are in right now and the damage that it is causing to the American economy and the lack of investment because we are paying the interest on the debt to many of these countries overseas.

So thank you very much for joining us. I know you were busy in a Homeland Security Committee hearing, and I appreciate you coming up to support the 30-somethings.

Mr. MEEK of Florida. Mr. RYAN, anytime we get the opportunity to share with the Members of this House and the American people what the truth is all about, and sometimes the truth hurts, as we share with America and also the majority our positive message for change and putting this country on the right track, because we know that working together with the American people that we are going to put this country on the right track.

I mentioned once before, just as late as last night, on some of the last hours of our Innovation Agenda that we have, the Innovation Agenda that we would like to carry out, Mr. Speaker, but the bottom line is the difference between the Republican message on innovation and investment in our young people and our message is the fact that the Republican majority has everything at their fingertips to bring about true innovation here in the United States. They have control of the House of Representatives, have control of the U.S. Senate, have control of the executive branch. We are stopping the Republican majority from moving forward. We have made some very strong statements, and I encourage the Members to go to housedemocrats.gov, and you can download our agenda for innovation.

The real issue is that we want to create an educated, skilled workforce for the future; and the bottom line is that we want to make sure that we can move forward in the math and sciences and engineering. We cannot get there by just saying it, Mr. Speaker. We have to put the investment in.

But guess what, guess what, the President's budget does not speak to what he said here in the Chamber during the State of the Union, that he is committed to innovation. If you are committed to innovation, you do not cut off the very lifeblood that young people need to be able to pursue an undergraduate degree or a graduate degree. You do not say that we are going to slash student assistance. We are no longer going to assist you in a way of being able to achieve the American Dream in educating yourself.

I think it is also important that we have made a commitment on this side of the aisle to guarantee access to broadband in every home.

Mr. RYAN of Ohio. In 5 years.

Mr. MEEK of Florida. In 5 years. We do not want some neighborhoods to have access to broadband and other neighborhoods, they do not have access. If we are going to move together as a people and society, people in rural America, folks in urban America, individuals that are living from paycheck to paycheck, we have got to level the playing field.

This thing of two Americas is not going to get us past other countries in this world that are competing against us. U.S. companies, what I want you to do before we leave this hour, if you would, just read off the comments of the CEOs again. You know, someone might have heard it once before, but they need to hear it again.

American technology companies are saying, please, please come together in a bipartisan way, please move in the direction of innovation so we can be competitive; but we cannot complain, Mr. Speaker, when they have to go overseas and hire individuals from other countries to fill jobs that can be provided to Americans right here. So that is the difference between us and the majority.

Mr. RYAN of Ohio. Let me share a statistic that is Americans' ranking with broadband penetration as of January of 2005. Korea has almost a 25 percent penetration; China, 20 percent; Iceland, 15 percent; the U.S., 11 percent. This is one area where we are falling behind in a big way.

Another area that you touched upon, this is the number of engineers, people with engineering degrees this year: China, 600,000; India, 350,000; U.S., 70,000. We cannot compete in a brutal, brutal global economy if we are not making the kinds of investments that are going to increase this number. Now, I understand that the Chinese and India, they have more people than we do, all the more reason that we need every single citizen in our country on the field with the opportunity to play and to help make investments in the United States and create wealth in the United States.

That is what this Innovation Agenda does, broadband penetration, next 5 years in every household as Mr. MEEK said, increasing the number of engineers and scientists by 100,000 in the next 4 years. That is in the Democratic Innovation Agenda, and let me just share with who assisted the Leader PELOSI and the Democratic Caucus with putting this together.

John Chambers, president and CEO of Cisco Systems, Incorporated, said that, "The Innovation Agenda focuses on the right issues for building our Nation's competitiveness, from investing in basic R&D, expanding science and math education and broadband infrastructure, to creating a globally competitive business environment . . . I look forward to working with both sides . . . to implement these laudable goals."

That is not TIM RYAN; that is not KENDRICK MEEK; that is not NANCY PELOSI. That is the CEO of Cisco saying get our act together and make the proper investments that need to be made.

Also, the Federal Government affairs person at Microsoft says that "we ask Congress to give these issues serious consideration and support." And he says, "At Microsoft, we are committed to changing the world through innovative technology and, in order to fulfill that commitment, we need a pool of well-educated, skilled workers."

This is not just one party. These are CEOs, probably even Republicans; and if you go to our Web site, we have all of the quotes from a lot of people, from the American Corn Growers Association, TechNet.

Mr. MEEK of Florida. We need the corn growers, Mr. RYAN.

Mr. RYAN of Ohio. We need corn. I love corn; but these are folks that are not just aligned with us philosophically. This is a very pragmatic approach to how to keep America competitive, and I think our plan is much better than the plan or lack of plan that the other side has. They have been in charge of this House since 1994 and have not been able to make strides in this area, and the numbers bear that out. These are facts. This is not something that we have made up.

Mr. MEEK of Florida. The reality of the situation is the fact that the Republican side will come to this floor, if not within minutes, in another couple of hours or when we come back off of the break that we are taking for a week to go back to our districts and work and what have you, they will come and say, oh, we have an innovation agenda. They will come and say, we want to cut the budget, we want to cut the deficit in half, and we believe in the things that the President believes in, we believe in veterans affairs, we believe that veterans should have health care, we believe that American families should have health care. They will say all of these great things; but guess what, the evidence does not reflect the action that they have taken.

The President comes here and says that he believes in innovation, he believes in investing in America's future, and in so many words, he believes in the good old American spirit of saying that we will be first, that we will leap forward, that we will lead the world in the areas of education and in sciences and engineering, all of those things.

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All of those things, but his budget doesn't reflect that, Mr. RYAN. One may say, well, why do you have to identify the negative part of this argument? I have to identify it, Mr. RYAN, because it is the reality of the legislative process, because the President sets the tone on what the budget will look like.

You have our Republican majority here, and we have these partisan votes all the time. They vote in the spirit of the President's budget. Now, one says trust us with the money, Mr. RYAN. Every time we come to the floor, I have to identify what is going on as it relates to trust us with the money.

Here is our friend, Secretary of the Treasury, Mr. Snow. He is a good guy. He is a good guy.

Mr. RYAN of Ohio. Good guy.

Mr. MEEK of Florida. But I want to make sure we understand that he has a responsibility to make sure that this government doesn't run out of money. He is paying attention to what is going on, Mr. Speaker. By him paying attention, all he can do is react to the bad policies that come out of this Chamber, right here. He didn't do it by himself. He doesn't have the checkbook to write checks that he is not authorized to write.

He is almost what you might call, Mr. RYAN, the accountant for the United States of America, the individual that makes sure we get a warning when we are heading down the wrong track. Here is a letter to Senator MCCONNELL by Secretary Snow, dated the 29th of last year. This is almost on New Year's Eve, Members. This is like on New Year's Eve. This is during the high holy time. This is during the time that folks are with family and all and the Congress is out of session.

But the last act of the Secretary, probably in 2005, was to write this letter, to write this letter so that hopefully maybe one day someone will pick it up and say, oh, wow.

In this letter he is saying that we project that the debt limit, which is currently at $8.1 trillion, will be reached by mid-February, 2006, which is now, ladies and gentlemen.

At that time, unless the debt limit is raised, or the Department of Treasury authorized extraordinary actions, we will be unable to continue financing government operations. It is not that we are not going to be able to keep the snack room open over at the Department of the Treasury. We will not be able, Mr. Speaker, to continue government operations.

What is government operations? Government operations is making sure that we have enough dollars to be able to fulfill what the American people want us to fulfill, make sure that we have adequate education dollars, and make sure that we can run the government and that we have agencies that are performing services for the people, make sure that the troops have what they need that are in harm's way right now, all of these very, very important things, to make sure that the veteran hospitals are open, to make sure that children with free and reduced lunch are able to get what they need. They are saying unless the debt ceiling is raised, we will not be able to do any of that.

Now, Mr. Snow, I can tell you, who is appointed by the President of these United States and confirmed by the U.S. Senate, is not a member of the Democratic Caucus. As a matter of fact, he can be an independent, because he is just an accountant for the United States of America, Mr. Speaker. The bottom line is, it is not his fault, but he wrote that letter 2 days before the end of 2005. While the rest of us are thinking about New Year's resolutions, he is back here in reality, because the Congress left here trying to pass a budget.

He knows that he is going to have to write another letter. There are five other letters that have been written like this by this Republican majority because of their actions. Now, this is letter number six, Mr. RYAN?

Mr. RYAN of Ohio. I think so.

Mr. MEEK of Florida. It is letter number six, letter number seven, letter number eight is coming. The reason we have to do it is because we have to pay on the debt, and it is irresponsible policy by saying that we want to make tax cuts permanent for billionaires.

Meanwhile, Mr. RYAN, we cannot carry out an innovation agenda, we can't carry out a true health care agenda. The President comes here and says, hey, let's talk about health care. Okay, let's talk about health care. No, it is not really a discussion. I just want to expand a program that only those that have disposable income to put on the side for a rainy day for when they get sick, but the folks that are living from paycheck to paycheck, I want to tell you something, many of those individuals are making good money. Many of those individuals are trying to pay for college loans and tuition, many of them are trying to do that. Many of them have sick family members. They don't have $1,000 or $2,000 to put to one side for the rainy day fund for when they get sick. That is not a health care policy. That is a health care policy for a couple of folks that can afford to do it.

I think it is important that we engage, Mr. RYAN, as we do, we come to this floor in this 30-something Working Group, we engage the majority, not in the political sense, but in the sense of saying that the American people deserve better. In the same breath, Mr. Speaker, I think it is important that we identify, not only to the Members but to the American people, the only way we will be able to get on track to be able to deal with the issue of health care, to deal with the issue of innovation, to be able to make sure that we do away with the culture of corruption and cronyism and incompetence and do away with the corruption tax that the American people are paying because of the incompetence and the cronyism and the corruption that is going on right now in Washington D.C.

This is not my report. This is you pick up the paper, you turn on the television. It is going on, Mr. RYAN. We talked about the K Street Project. Folks are saying, well, that is not news. We know it exists. We have Members on the majority side boasting about the K Street Project: Yes, we created it. What's the problem?

Now, after a certain lobbyist here in this town gets indicted, does he go to trial? No. Was there a jury pool call? No. He said, guess what, I am guilty, and I am willing to help.

Then all of a sudden, 3 days later, oh, well, the K Street Project, we are doing away with that, as though it was right in the first place. I use that example, Mr. RYAN, so that the Members and the

American people understand that what we are talking about now is not fiction; it is fact.

I said that last night, Mr. Speaker, and I am going to say it every time we come to the floor. We are not promoting fiction. We are promoting facts. That is where we are right now. Mr. RYAN.

Mr. RYAN of Ohio. We talked about raising the debt limit. If you go back and review what happened during the Clinton administration, two times President Clinton had to raise the debt ceiling. Twice. Those were early on. They passed the balanced budget in 1993 without one Republican vote. Democratic House, Democratic Senate, Democratic White House, balanced the budget, helped the private sector create and provided the environment for the private sector to create over 20 million new jobs.

We need to provide that environment again for the private sector to go out and do its work. We are not going to create the jobs here. We cannot create any jobs. It is not our job to create jobs.

Our job is to create an environment in which people can go out and seize the opportunity that we helped create. So Clinton did it twice. This President has done it five times already, and he has only been in office 5 years. President Clinton was in office 8 years.

Democrats know how to balance budgets and make proper investments. If you look at the execution of government, from this President, this Republican House, the Republican Senate. Katrina, a disaster, the way FEMA reacted, an absolute disaster. The way the American people in that region were treated and are still being treated, and the money that is being wasted, because there are 11,000 trailers sitting in Hope, Arkansas, that cost $300 million that are now sinking in the mud that no one is living in.

I mean, give me a break. You look at the war in Iraq. We just find out in the last few days, $9 billion. Nobody knows where it is. Where is it? I don't know. Somebody find it. We don't know where it is. What would you do with it? I don't have it. I gave it to him. What did you do with it? He got it. It is like watching a Three Stooges episode. $9 billion of public money wasted.

Halliburton, overcharging for food and all kinds of other stuff. Halliburton has already been fined $2 million for wasting the taxpayers' money. Fraud. Come on. All we are saying here is there is a way to execute government, and we know how to do it. You could know better than anybody else, Mr. MEEK, living in south Florida, with how FEMA operates and how they don't always follow the proper procedure. We can compare that to FEMA as it was executed under President Clinton.

Mr. MEEK of Florida. Mr. RYAN.

Mr. RYAN of Ohio. I will be happy to yield.

Mr. MEEK of Florida. As you know, I am the ranking member on the Management, Integration and Oversight Subcommittee in Homeland Security.

Mr. RYAN of Ohio. I know that.

Mr. MEEK of Florida. I will tell you the reason why I was a little delayed here, Mr. RYAN, is we had two individuals, one from General Services and another from the Department of Homeland Security. We are about to move into what we call this American Shield Initiative, which is along our borders using technology to protect America from illegal immigration.

We set out with an initial program, Mr. Speaker, similar to the one that is about to start now. In that program, there was a quarter of a billion dollars wasted because of incompetence. A quarter of a billion dollars. Now, let me tell you, a quarter of a billion dollars, Mr. RYAN, it is not even in some sort of program that was at some university and someone was to work on some sort of research project and it went south. This is protecting the borders of the United States of America, a quarter of a billion dollars. The four individuals that were involved, Mr. Speaker, only received a demotion. A demotion.

Mr. Speaker, let me tell you, I used to be a State trooper. If you have a trooper that damaged equipment, let us just say $1 million, they are gone, period, dot. It is not anything to where you say, oh, well, Tom, I know it was rough and all, and you made a mistake. Guess what, it's just a quarter of a billion dollars, just the taxpayers' money. Don't worry about it. Forget about it.

Mr. RYAN of Ohio. They will get over it.

Mr. MEEK of Florida. They will get over it.

Mr. RYAN, we have to disabuse ourselves of that kind of attitude here in Washington D.C.

Let me tell you something. My constituents who can either be Republican, Democratic, Independent, or Green Party, would be highly disappointed, highly disappointed if we were in charge and this were going on. But we are not in charge. We are asking to be in charge of this Chamber.

What is happening right now, Mr. Speaker, and what is being printed in the press right now, Mr. Speaker, and what is being said in the Halls of Congress right now, Mr. Speaker, is unprecedented in the history of this Congress.

When we speak into the CONGRESSIONAL RECORD, Mr. RYAN, here on this 30-something, I sleep well. I sleep well because I know that, hopefully, historians will look at this time and say, you know something, the minority side was saying that we could do better, and that we can do better, and that we will do better. We have the history on our side to the majority side. On the Democratic side, we have the history of balancing the budget. Do you? No.

We have the history of investing in education and making sure that children have what they need to learn and teachers have what they need to teach.

On your side? No. We have the history of putting together things as it relates to a bipartisan agenda on innovation and education. Leave No Child Behind, working with the Republican side, passing that piece of legislation, being there at the bill signing. Then when it came down to funding that bipartisan piece of legislation, it was the Democrats standing there all alone while on the Republican side we had desert tumbleweeds flying through saying, well, you know, we just don't have the money to do that. Meanwhile, on the other side, we have got to give this tax break to the top bracket of Americans who are millionaires. As a matter of fact, not only do we want to give it to them, we want to make it permanent.

Mr. RYAN, we start talking about the commitment to making sure that we carry on our constitutional responsibilities. Mr. Speaker, I think it is very clear that we are prepared, and that we are ready. The President came here talking about innovation. He must have been walking down the hall and picked up a copy of the Democratic plan and said, oh, maybe we need to talk about this.

We have CEOs who are Independents and Republicans and are Democrats, who are now talking that they are supporting a Democratic initiative.

No, what they are supporting is an American initiative that we are committed to.

Mr. RYAN of Ohio. An initiative endorsed by the CEO of Cisco Systems; the managing director of government affairs at Microsoft; and a laundry list, American Corn Growers; CEO of AEA; I mean, come on, Information Technology Industry Council, vice president. This is not a Democratic-supported agenda. This was the Democrat's ideas, but this is supported by Democrats and Republicans because it is the right thing to do for the country.

□ 1530

Increase the research and development tax credit. Double the funding to the National Science Foundation. These are things that, these are smart business decisions. We are in the business of government. If you were in a business, you would not run yourself into debt and run annual deficits as far as the eye can see. You would not stop funding education or pull back or not make that kind of investment. You would not cut funding to research and development. That is your lifeline, that is how you keep yourself competitive, and that is all we want to do and try to give every kid an opportunity to get up in there.

Mr. MEEK of Florida. Mr. RYAN, you showed this chart a little earlier, but you cannot show it enough.

Mr. RYAN of Ohio. I do not think you can.

Mr. MEEK of Florida. I just want to make sure, Mr. RYAN, that the American people understand what is happening in the present. We do not even have to go as far back as what happened 4 or 5 years ago or what happened 2 years ago. We just have to talk about what is happening right now.

Once again, this President could not do it by himself, Mr. Speaker, needed the partisan vote in this Chamber on the Republican side to accomplish $1.05 trillion in borrowing from foreign nations. Knocking on the door of China, saying can you help us, because we are fiscally irresponsible.

That is what the debt ceiling letter comes from, Mr. Speaker. We did not write this letter. Democrats did not set this letter into motion. It was the Republican policies in this Republican House that set this policy into motion raising the debt ceiling, not paying as we go. This is not the responsibility of the minority on the Democratic side. It is the majority.

I want to make sure, because we need to break this thing down in 1, 2, 3, A, B, C, so that no one can go back home and tell their constituents, well, you know, you have got a point there, but I did not quite catch that, and I did not know that we have borrowed $1.05 trillion more than 42 Presidents before this President, 42 other administrators before this President, $1.05 trillion that other Presidents and administrations and Congresses have borrowed from foreign nations in 224 years.

Folks say, well, you all act like you are alarmed by this. We are alarmed, Mr. Speaker. The American people should be alarmed, Republicans and Democrats. It is almost like saying, Mr. Speaker, if you had your daughter or son that you gave a credit card to and they went out and they just charged that credit card up, as a matter of fact, they charged it to the point that it is at the limit. Let us say they had a $2,500 limit on it. What the Republican Congress is doing now, Mr. Speaker, is that they are going, even though they are maxed out, they are calling the credit card company that happens to be China, that happens to be Saudi Arabia, that happens to be other countries of interest, as it relates to the defense of this country, saying we have maxed out right now. We need your help to pay our bills.

And then at the same time, Mr. Speaker, as I continue to go to C here, through the ABCs, they are saying this on one side, but, on the other side, they are saying, hey, make the tax cuts permanent. Make them permanent for the most well-financed Americans, for the top tier of the individuals that are making 2 and $3 million a year. On this side of the debate, Mr. Speaker, they are saying it is okay to give not only royalties but other benefits and tax breaks to the oil industry while they are making record profits. They are saying that it is okay.

But then here in the middle are the American people; and the American people are having to suck it up, Mr. RYAN. The American people who want to educate themselves, parents who want to see their children educated. If you have a prepaid college program, you better revisit that program, because it will not assist your child or your son or your daughter in paying for their college because we will just yank the carpet out from under young people. And the Republican majority did.

We voted against it. The Democrats voted against it. So if we are going to have a paradigm shift, and I am hoping that we put the pressure on the Republican majority, that we are here to play. We mean business. We are very serious about having the opportunity to give this country what it deserves, and that means representation, representation for them and not the special interests.

Mr. Speaker, I speak all of the time about I do not have a picture of the special interests in my office, saying I really dislike the special interests. I really dislike individuals that are paid lobbyists. I really dislike them. No, no. It is not them. It is the individuals that allow the raw needs of those special interests to make it into statutory language. It is those individuals that appropriate in those areas where it gets into the appropriations act and into the budget just the way they wrote it, without saying, you know, I know you have a concern, I know you have an issue and you have needs, but we have to make sure that the American people are represented in this budget. We have to make sure that the American people are represented in this bill. We have to make sure that the future of this country as it relates to innovation plays a major role in what we do here, and that is where we are lacking, Mr. Speaker.

So, you know, Mr. RYAN, as we go on, and many Members will return back to their districts and speak to individuals that live there. We challenge those Americans to challenge your Member of Congress. It is almost too late for us to wait until Election Day for you to speak the way you want to speak. But you have the opportunity. I tell you, give the Republican majority the benefit of the doubt that they are going to take a paradigm shift. But I am going to let you know right now, the evidence does not speak to a paradigm shift or a change in thinking or their ways.

So I say, Mr. RYAN, that, yes, we do have a couple of friends over here on this side of the aisle that believe what we believe. And it will be those individuals, those very few, Mr. Speaker, that will join in with a Democratic leadership if the American people see fit to have it so that will allow us to move in a bipartisan way. And it will not be like it is now, and it will not be business as usual, and it will not be, well, I don't care if you do not like it.

Mr. RYAN of Ohio. We cannot afford business as usual.

Mr. MEEK of Florida. We cannot afford business as usual.

So Mr. RYAN, I think it is important as we are in, you know, the closing minutes of our time here of sharing with, I know it is, you know, 15, 20 minutes it is closing for us because we like to share the information.

Mr. RYAN of Ohio. Fourth quarter.

Mr. MEEK of Florida. We are in the fourth quarter right now. We like to share the information, and we like to give it to folks the way it is. There is no icing on this, Mr. Speaker. Because there is no icing when a child is denied an opportunity to enroll in a free lunch.

Mr. RYAN of Ohio. No gravy.

Mr. MEEK of Florida. There is no icing on the cake when it comes down to a family that is trying to figure out how they are going to pay a copayment or they need to keep running down to the drugstore to get children's Motrin or Tylenol. There is no icing on the reality of individuals having to wait at an HMO or at a clinic, that they are on a waiting list to be seen by a doctor. There is no icing on the reality of the American experience right now.

So I think it is important for children, if it is from, you know, from a double-wide to the west side, wherever they may live, who do not have the opportunity to broadband access so that they can be just as advanced as the next community or as the next family. That is what we are talking about. It is not a liberal agenda. It is a sound agenda to put this country back on the right track, and it is serious business, and anyone that feels that it is not serious business, we challenge them to say otherwise.

Mr. RYAN of Ohio. I agree with you 100 percent, Mr. MEEK; and I appreciate your passion. The $9 billion, you talked about some of the irresponsible domestic fiscal problems, challenges that we have here in the United States. They are unbelievable, the magnitude that they are at right now and the magnitude that our friends on the other side let it get so far out of hand. But not only here at home do they have problems governing and balancing budgets and trying to put our fiscal house in order here. $9 billion lost in Iraq. Okay?

Third party validator. This is not TIM RYAN from Ohio. This is not KENDRICK MEEK from Florida. This is not NANCY PELOSI saying this. This is the Inspector General that said nearly $9 billion of money spent on Iraq reconstruction is unaccounted for because of inefficiencies and bad management, according to a watchdog report published Sunday. And the IG says the same thing. Unable to account for the funds. $8.8 billion was reported to have been spent on salaries, operating and capital expenditures and reconstruction projects between October of 2003 and 2004. The CPA, Coalition Provisional Authorities, have left auditors with no guarantee the money was properly used. Severe inefficiencies and poor management. What is going on over there? Haliburton is inflating their numbers to increase their profits at the expense of the United States taxpayer.

Back home with Katrina, we have——

Mr. MEEK of Florida. Mr. RYAN, it is okay. I am talking about, Mr. RYAN, for the majority. It is okay. No, it is fine.

Mr. RYAN of Ohio. No, I understand what you are saying.

Mr. MEEK of Florida. Oh, people make mistakes of wide application, you know.

Mr. RYAN of Ohio. And you may like this one because this totally reaffirms what you just said. It affirms it, but then it even reaffirms it. At the House Budget Committee hearing this morning, the committee hearing was on discretionary spending.

Mr. MEEK of Florida. Just this morning, Mr. RYAN.

Mr. RYAN of Ohio. Just this morning, today, Thursday. One of the things OMB and the White House are emphasizing this year is this great new agency rating system that they have put together with ratings from effective to ineffective. Okay? And they looked at FEMA and the administration's self-performance, so this is the fox watching the hen house here. Mitigation programs were rated moderately effective. Disaster recovery, adequate. Disaster response, adequate.

Mr. MEEK of Florida. Is that like a C, Mr. RYAN? Is that like a C minus?

Mr. RYAN of Ohio. I do not know what it is.

Mr. MEEK of Florida. It is not a B or an A, am I correct?

Mr. RYAN of Ohio. If anybody in America that watched what was going on during Katrina thinks that FEMA's response was adequate, then we have a total communication problem here, and we maybe need to come up with a couple new words, because the performance there was not adequate. Brownie's performance was not adequate. The Secretary of Homeland Security's performance was not adequate. Appointing an attorney to an equestrian society is not adequate. That is inadequate, and this country deserves better.

Government, you cannot, and this is the problem, what I really disagree with our friends on the other side. I do not believe that government is the answer. We cannot create jobs, and I do not believe that. The private sector creates jobs. We create a good environment.

Our friends on the other side for the past 12 to 20 years have just been saying government is the problem. Well, you know what? Government was the problem there because you do not have any respect for what is going on. Who else is going to come in in a disaster, other than FEMA? That is our responsibility. Who else is going to help with broadband access all over the country? The government.

Now, we do not want the government in everything; and I, quite frankly, think the government is too involved in too much right now. But there are targeted areas where the government can be effective. One of those is emergency response, and we are getting inadequate performance from this administration.

Another one is when you go to war. Who is going to go to war? Two private businesses? McDonalds against Burger King in the great grudge match? No. Countries go to war. Governments go to war. And $9 billion just unaccounted for, inadequate, ineffective, inefficient, waste of the taxpayers' money and, quite frankly, a disgrace, Mr. MEEK. And this is why I think that we need some wholesale changes.

One final point before I yield to my friend.

Part of the problem is, we have a one-party government here. Republicans control the House, Republicans control the Senate, Republicans control the White House. Somebody should be getting kicked around if you cannot find $9 billion that was supposed to be spent on a war in Iraq and it is not and no one can find it. Where are the oversight hearings from our friends on the other side? We are in the minority. We do not have subpoena power.

Mr. MEEK of Florida. Mr. RYAN, there were hundreds of hearings for far less under the Clinton administration. Hundreds.

Mr. RYAN of Ohio. You know what? If this was a sexual escapade there would be hearings all over the place. But this is about $9 billion in taxpayers' dollars that is gone, and no hearings. No one is getting there.

In fact, here comes the report. I don't even know what I just did with it. Here comes the report, the article about the $9 billion. Paul Bremer says and the Pentagon disputes the Inspector General's report. Not, we better find out what happened because we do not want it to happen again and we are the guardians of the public tax dollars. We have got to make sure what happened never happens again.

□ 1545

That is not what we get from this outfit. We get: It was not us. It wasn't me. I don't know. What did you say? I cannot hear you. And these guys say, Inspector General, watchdog groups, $9 billion unaccounted for. The Pentagon says, We disagree.

Well, then, where is it? Show it to us. We are not wiretapping you.

How do I know? How do I know? Because you told them? You are the same group that told me that the war was only going to cost the American taxpayer $50 billion and now we are up to $400 billion, and you said we would be greeted as liberators, and that never happened. And you said we would use the oil for reconstruction. That never happened, Mr. Speaker. Why should we believe anything that is coming out of this administration or the Republican Congress right now? It cannot be trusted.

Mr. MEEK of Florida. Mr. Speaker, here is the bottom line: history does not speak straight talk to the American people about what is happening here under the Capitol dome. But I feel obligated to report it. I think it is important that in the last budget reconciliation bill that we had that passed this floor and the Senate that the Republican leadership did know 5 days before it came to the House for a vote, in the final conference report, that it was an inaccurate report and it was an identical bill between the House and the Senate.

It is so interesting that one of the issues, one of the areas where the language was wrong was regarding direct loan payments to parents of post-secondary students in one section. One of the other sections dealt with bankruptcy fees. We did not know it. The majority knew it and the White House knew it and they still signed it. And it is unconstitutional, but they are saying that that is okay.

I think, also, it is important to identify, Mr. RYAN, when we start talking about individuals being able to receive good information, I asked the Members, I challenged the Members to go on democraticleader.house.gov, pull up the statement that was put out on February 15, which was just yesterday, on Wednesday, talking about the partisan committee, Mr. Speaker, that was put together to look into Katrina, and basically you know what they are saying? No recommendations for changes or corrections, but they are saying what did we get out of the Department of Homeland Security? We did not get the answers that we deserve. What did we learn from the process that we are not prepared to take on a natural disaster?

All right. Let us talk about natural disaster versus terrorist attacks. A natural disaster is something that we see is coming in many cases, outside of an earthquake or what have you, but in many cases we see it coming, nine times out of ten, whether it be a great rain, flood, what have you. What happens, as I am speaking here on the floor hypothetically, God forbid, if a terrorist attack takes place? How do we respond to it? We are not prepared, and we have to be prepared.

Mr. RYAN. I want to thank you for coming down and starting this hour. I look forward to working with you, Ms. WASSERMAN SCHULTZ, and others on the 30-something Working Group as we try to improve this government.

But I will tell you right now and I will share it with the Members and the American people that we must have a paradigm shift in this Chamber if you want the accountability that you deserve.

Mr. RYAN of Ohio. I appreciate that.

Mr. Speaker, as we wind down here, just to sum this all up, I think we have addressed an issue tonight. We found a theme, Mr. MEEK, about incompetence. And it is not personal. Democrats at one point many, many years ago maybe did not do right by the American people, who knows. But I am saying this is not personal. But there is a real trend going on here with Katrina, with the war, and this administration and the Republican House and the Republican Senate's inability to execute the responsibilities of government.

We are running huge annual budget deficits to the tune of $400 billion next year. They are going to raise the debt limit for the fifth or sixth time in the Bush administration to over $8.2 trillion. The fiscal house is a mess. We are borrowing money from China, Japan, and OPEC countries. Inability and an incompetence when it comes to governing in the United States of America.

And then we talk about corruption, and there is personal corruption and then there is stuff that affects the people, Mr. MEEK, and what is happening here is with the Medicare prescription drug plan, for example.

Mr. MEEK of Florida. Corruption tax.

Mr. RYAN of Ohio. There is a corruption tax that is being levied on the American people because you pay for the end result. The American people pay, Mr. Speaker, at the end of the day. When a Medicare negotiator, the head of the Medicare program, is negotiating the Medicare prescription drug program that costs $700 billion and at the same time is negotiating his lobbying job that he is going to go to when he is done working for the Federal Government and the Medicare prescription drug plan is a mess. When the oil industry gets $12 billion in corporate welfare and they have the highest profits they have ever had, setting records, and who pays at the end of the day? The American consumer. And we cannot get enough money to people who are trying to get heating oil and lower gas costs.

So from the budget to the execution of Katrina and the war, failing to balance the budget, borrowing money from China and Japan, giving away corporate welfare to the oil industry and the health care industry at the cost to the American taxpayers, two of the most profitable industries in the world, and at the same time when members of this administration are not only negotiating that bill but are negotiating personal contracts for themselves, there is something wrong here and we need to fix it.

And the Democrats have a plan because if it were not for their behavior, we would be able to implement our Innovation Agenda that would go on and create millions of jobs in this country. We would incentivize research and development with our R&D tax credit that we have in here. We would be able to double the funding for the National Science Foundation for more research and development that the private sector could come in and benefit from. We could do all these things, but we need to ask the American people politely but forcefully we want a chance to govern this country because we have the ideas and commitment to make this happen.

Mr. Speaker, other Members of this House can get a hold of our information and our charts that we have used today at www.housedemocrats.gov/30something.

Mr. MEEK, do you have any closing remarks?

Mr. MEEK of Florida. No. Mr. RYAN, I just want to make sure that the Members know that they can get all the charts and information that we shared today off of that Web site starting tomorrow, sir. Thank you.

Mr. RYAN of Ohio. Wonderful.

IRAQ

The SPEAKER pro tempore (Mr. SODREL). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, this Member appreciates the privilege to address you, Mr. Speaker, and to stand on the floor of the people's House, the United States House of Representatives, and convey some thoughts that I think need to be shared with you, Mr. Speaker, and hopefully picked up by the American people.

As I listen to the presentation and delivery that continually comes here on this floor night after night, Mr. Speaker, and as I analyze the tone and the attitude and the lament that flows continually from the other side of the aisle, I hear this constant strain, this constant strain of, and this is a quote, "It would be different if we were in charge, but we are not in charge," meaning the minority party.

But I am going to say this, that the members of the minority party have the same individual responsibilities as the members of the majority party. Each one of us is 1/435th of this task that we have here, 1/435th of the total voice of the American people, designed by our Founding Fathers, written into our Constitution, drafted in such a way that we do redistricting in America and we do so every 10 years. We draw new lines. We make sure that each of us represents pretty close to the same number of people, approximately 600,000 people. And the voice when you hear me speak, Mr. Speaker, is the voice, hopefully, of the 600,000 people in western Iowa that I have the honor to represent. And I would like to think that when the voice of any of us steps down here and speaks, it is the voice of the collective opinions of their constituents within the districts of all the Members of this House of Representatives.

If one listened to this debate here on the floor night after night after night, one could easily, an uninformed person, come to the conclusion that if you are a member of the Democrat Party, if you are a member of the minority party, you are really powerless to do anything about this.

Take, for example, the case in point, the alleged $9 billion that is wasted in construction in Iraq. And I would point out, Mr. Speaker, that I came to the floor the night before last, and I spent perhaps 55 minutes outlining the effort in the Middle East, the effort in Iraq, and particularly the construction projects that have been initiated there. I led a CODEL over to the Middle East and particularly into Iraq for the very purpose to identify, follow through, observe the projects that had been initiated, those that had been constructed, to go in and probe and ask questions and get a sense of where those dollars, that $18.5 billion that was part of an overall appropriations bill, where they went, how they were spent, under what conditions, and what are the projects that have been initiated and the projects that have been completed.

I did not bring the poster over here tonight that has that chart on it, Mr. Speaker, but I do bring it in my memory. And as I discussed this with the United States Army, who had a responsibility for somewhere in the neighborhood of $13 billion in those projects, they have initiated over 3,300 projects with those dollars. They have completed over 2,200 projects with those dollars, and there remains another 1,100 projects that are either in the process of construction right now, soon to be completed, or they will soon be initiated, and the last projects will be completed some time after the first of next year. They will be the last pieces of that fallen place.

And I heard the statement on the floor the night before last that all of that money was wasted. All of it. So if it is not even going to be qualified that one single dollar out of $18.5 billion went to something good, I wonder how much value one would put on the rest of the statements that are made by that side of the aisle and by that "informative" team, and I put that in quotes, Mr. Speaker.

So I watched as they were nearing completion on the mother of all generators up by Kirkuk, a project that has 750,000 pounds of generator and turbine to drive that generator mounted there and is up and generating electricity for the people in that area.

We have heard the complaint that Iraq's oil production is not up to where it was at the beginning of the war, that there is less electricity available and less electricity production than there was before the war. Or before the liberation, I prefer to say, Mr. Speaker. And I can categorically inform you that that is simply not true. The oil royalties before liberation in March of 2003 that came into the Iraqi Government were $5 billion a year. The royalties for the oil that was exported and collected, royalties for the last year were $26 billion.

Now, one cannot conclude that oil production is down with five times the royalties being paid to the Iraqi people to help fund their overall budget. And, yes, we have put money in that and resources in that. We have put minimal dollars into oil development and production, and we have done so because we have said the United States is not in this for the oil.

We are in this for freedom for the Iraqi people. We are in this to erase the habitat that breeds terror, and there has been extraordinary success that has been accomplished there. But to own the oil or to invest United States taxpayer dollars into that oil infrastructure and then turn around and turn it back over to the Iraqis was never part of our plan. We did suggest that oil revenue in Iraq would go to pay for the reconstruction in Iraq. And after we had been there for 6 or 7 months, it was apparent that that kind of revenue just was not going to flow, that the infrastructure in Iraq was so dilapidated, that it had not been reconstructed, had not been modernized in at least 35 years.

So think, for example, of massive oil fields that have significant quantities of oil, oil so rich that it seeps to the top of the ground up by Kirkuk, but yet not drill a well. Or not drill wells in significant numbers. I should qualify that statement. To not build pipelines, to not build refineries, to not build a system to extract that oil, refine the oil, and distribute the oil to the rest of the world so that you can continue to increase your production while world consumption is going up, those are things that did not happen under Saddam Hussein's regime.

So the production that was there 35 years ago simply diminished gradually in increments as Saddam took those resources for his own uses and starved the Iraqi people. But the production of oil is up. The production and generation of electricity is up, Mr. Speaker. An average day of electricity before the liberation, and I will pick a month, early March, 2003, would produce over 2,000 megawatts of electricity.

□ 1600

Today, it is over 5,000 on peak days, and it falls off maybe 1,000 on your average days. But it is still significantly more production.

Now, the statement will be made on the other side of the aisle, if they are paying attention and if they are astute, they will say, but Baghdad has less electricity than they had before liberation.

Mr. Speaker, that also is true. And the reason for that is because Saddam focused his electrical resources into Baghdad. Baghdad had 10 to 12 hours of electricity every day under Saddam Hussein's regime. The rest of the country got very little at any time, an hour or two a day. Now it has been shifted so the distribution of that electricity roughly doubled the generation of electricity by setting up new generation plants, setting up new transmission systems and new distribution systems. And one of the things that is a constraint there now is not being able to wield that power anywhere in Iraq where it is needed, not having a central terminal where switches can be thrown and you can send electricity to Mosul or Kirkuk or Tikrit or into Baghdad, into sections and zones that need it. That is also going to be rectified within the next half a year or so so that the need for electricity can be targeted to the regions of Iraq where it is going to be the most valuable.

And the predictability that has been established there, it used to be unpredictable under Saddam for the outlying cities, more predictable in Baghdad because he took care of Baghdad. Today, it is predictable in most areas of Iraq. But the areas of Iraq outside of Baghdad have gone from one to two hours of electricity a day to 10, 11 and 12 hours of electricity a day, at predictable times, so people that are running a business or doing a little manufacturing or maybe there is someone doing their laundry, they can plan their lives around having a stream of electricity.

We don't know what that is like, to have to think about managing our lives so that when the electricity is on we turn on the washing machine, plug in the iron, turn on the air conditioner and go start the pump to pump water for our livestock or even our irrigation. We don't think about that. But that has been a fact of life in that part of the Middle East from the beginning of electricity.

So all of the country of Iraq is far better off in access to electricity and consistent supply, substantially better off, four to five times better off, with the exception of Baghdad.

Baghdad is about one-fourth of the population of all of Iraq, excuse me, I should say one-fifth of the population of all of Iraq, and their daily electrical supply is down from what it was. It is no longer 10 to 12 hours a day, it is 2 to 4 hours a day. And that needs to be ramped up, Mr. Speaker, and it will be. As soon as they are able to wield this power in a more efficient fashion and get a couple more generating systems up on line, then Baghdad will be moved up into the level with the rest of the country and provide some stability for that city as well.

But it is important that Baghdad be brought into the level of electrical supply as the rest of the country. As Baghdad goes, so goes Iraq. With that kind of a population of about 5 million people, it is the core of the country. It a large metropolitan area, of course, Mr. Speaker.

But they made significant progress. Some of that money went to great good. Some of that money went to security. When you are going in to lay a sewer plant because there are children playing in raw sewerage in the streets of Sadr City and you have insurgents shooting at your construction workers, some of that money needed to go for security, and some of it did.

But if there is some money missing over there, and Paul Bremer says it is not, and if the Inspector General says it is, then I go back to the King law of physics, and that is everything has to be somewhere.

So if it is alleged that $9 billion are missing, Mr. Speaker, then my challenge to the people that make that allegation would be, where is it? Did it disappear into thin air? Whose hands did it go into? Was there graft and corruption? If so, what? Be a little more definitive. Don't throw out just some wild allegations that here is some money that is missing and it is somebody else's responsibility to address this.

We all have the same responsibility, 1/435th of the responsibility, all of us responsible to the people of the United States of America. And to stand here and admonish night after night after night that if they were just in the majority somehow they would do their job, but they are in the minority so they don't have to do their job, that their job is to criticize people in the majority, well, that is a bitter pill to swallow for those of us who get out of bed here, go to work, work late and do the research, and our staff goes to work in our district and here on the Hill, and we have a network with people around this city, around this country and in our districts and in our States and, in fact, around the world.

I have watched my colleagues over here on this side of the aisle age in the few years I have been here. I can look at them today and see lines that weren't there 3 and 4 years ago. I see hair that is absolutely gray that had a trace of it 3 and 4 years ago. They are working hard for the people of this country. And things happen around the world, and anything you can find to criticize can't be laid at the feet, not everything, of the people on this side of the aisle that work hard for the people of the United States of America.

In fact, I don't agree with all the decisions that are made by the majority of this Congress, and who in the world would? If you agreed with the decisions that were made by the majority of the United States Congress and you served in this place, or you are someone who hopefully aspires to come serve in this body someday, if you agree with the majority opinion, that means you are not thinking for yourself.

Of course, we are critical among ourselves. We are critical among ourselves as a Republican majority. We are critical on the other side of the minority's opinion. But in the end we have to stand on our own integrity, use our own intelligence, use our own research and be objective, open up our eyes and ears, read, listen, hear, think, analyze and resolve to do the right thing for the American people in a bipartisan fashion that brings us toward a conclusion and towards a successful conclusion. And that success is not defined as if the Democrats were just in the majority in the House and in the Senate and had the White House the world would be a different place. Yes, I am convinced it would be a very different place, Mr. Speaker. But that is not how you define success.

You have to lay out a plan and vision for the American people. You need to stick to that plan. It has to have vision. It has to have foresight. It has to have a short-term, midterm and long-term vision. It has to be something that the American people can subscribe to and believe in, something they can work for and work towards. In fact, Mr. Speaker, it needs to be something that the American people can sacrifice for so that they know that the delayed gratification can one day turn this country into a better country, tomorrow, next week, next month, next year, next decade, next generation, next century, and on and on into the future of this great Nation, the United States of America.

So I would submit, Mr. Speaker, that it is not that "it would be different if we were in charge." No, it won't be different. You will still hear complaints. What makes things different is if you lay out a vision.

So, in the brief time that is here on the floor of this Congress, Mr. Speaker, I don't propose to be able to lay out a complete and total vision for America. I would touch a few subject matters that were raised here and then move on to the subject I came down here to talk about.

One is the issue of foreign debt. I would agree, we are borrowing money from foreign countries in order to provide for the funding to run this government, and that is because we have deficit spending.

I am one that stands here and says I am for a balanced budget. I am for a balanced budget without taxing the people of America any more than we are today. In fact, the Bush tax cuts that were passed in 2002 and in 2003 were tax cuts that don't affect the bottom line of our deficit in a measurable fashion. But what they did do was stimulate the economy.

I would back us all up to the day, Mr. Speaker, that we had a recognizable, identifiable dot.com bubble. We saw great growth in this economy. It was speculative growth in the economy for the most part.

People said, well, we are in the information age. We have gone through the stone age, we have gone into the industrial age, and now we have transformed ourselves into the information age, and the information age is an era by which the ability to store and transfer knowledge in and of itself apparently had a lot of value.

Because whenever we would come up with a microchip that could store and transfer information more effectively and more software programs and more creativity that had to do with all of the intel industrial out there, the investors of the world looked at this and said, my gracious, I can't wait to jump on that, I can't wait to buy some shares of this intel company, because it is going to grow, and I am going to double and triple and quadruple my money, and I will be a rich person someday because we are in the information age. Surely, this company can store and transfer information faster and better than ever before. That has to have value.

So that created this dot.com bubble, because we forgot something. We forgot that the marketability of everything that we have has to come back down to something that has substance, that is sustainable, and that is this, and it has always been the case in the economy, you have to produce a good or a service that has a marketable value.

Now, what does information have for a marketable value? Well, companies will want to be able to purchase information and the ability to store and transfer and sort that information because it makes them more efficient in their decisionmaking process and in the delivery process of their products or service.

So if I am in manufacturing, I will have sales and I will have inventory coming in and I will be manufacturing things and my inventory will be going out. We will have our marketing and distribution. All of those things happen to be working.

Now ways that I can use the dot.com industry on that, this information age, is that if I can sort my inventory better, if I can order more efficiently and precisely, if I can get better bargains because I am doing an Internet negotiation auction as opposed to a purchasing agent sitting there on an old black dial telephone, yes, information has value then.

If it allows me to store just-in-time inventory so I can bring the trucks of my raw materials in just in time, so I cut down on my own inventory, that capital investment, turn it into a product and turn it out the door more efficiently, and if it helps my sales people get out there and market that product, and if I can get that product made with computerized equipment so that it is done with better precision and more cost-effectiveness and better quality and get that on the truck and get it delivered to the customer in just-in-time delivery time, reliable, all of that information has value.

So we paid for those things because information had value. But we created our ability to store and transfer information way beyond our ability to utilize it within our economy. In fact, we created it to the point where information itself had a recreational value, and that recreational value became in some components of the Internet.

So here is the day today where a vast majority of the households in America have Internet access, including mine, wireless. I was one of the first ones wireless, one of the first ones with high-speed Internet in my office. Actually I was the first one in the telephone service company where my construction office is and my campaign office. That office was the very first customer for high-speed Internet services for that telephone company.

Out in the country where Marilyn and I live, it is another telephone service company, we were the very first customer there to have DSL high-speed Internet services in our house, because we also ran the business out of the house and we needed access to high speed. So I love technology. It has value.

But, in the end, when you pay for all of this information and this technology and even when you market it to people for recreational purposes, that means their disposable income, people say I have an extra 25 or 40 or 50 dollars a month that I want to put into this Internet. Even though I can get along without it, I really like the convenience of being able to send out the e-mails to my friends and be able to find the answer to any question I want to ask just simply by going up on the Internet, do a search, and here it is.

So we marketed that as well off of the information age. But we produced the ability to store and transfer information way beyond our ability to market it. That was the dot.com bubble. You knew I would come back to that, Mr. Speaker. That was the dot.com bubble.

So this bubble in our economy was the speculative bubble that was created because there was investment made in the information age that went beyond the amount of information that could be sustained by the economy. And, like any bubble, bubbles will burst, and that bubble did burst, and it burst about the same time, just before we had a transition from President, from President Clinton to President George W. Bush.

The bursting of the dot.com bubble, Mr. Speaker, and we forget that so often, and as we saw our economy take the downturn and plummet and try to adjust for the bursting of the dot.com bubble, we also saw two planes go into the Twin Towers on September 11, 2001, right dead center into the financial center of America and the world. At the same time, a plane went into the ground in Pennsylvania and into the Pentagon.

We were all of a sudden from a nation that was scrambling to recover from a dot.com bubble, we were thrust into a worldwide war on terror, with our financial centers crashed down around us and left just a smoking hole in the ground at the Twin Towers. Our economy went down with that. It already was headed down, and as it ran down the hill, it was pushed off the cliff by September 11.

So what did we do here in this Congress? A number of things to react. And the decisions that were made were astonishing in their efficiency. I look back on that era and I commend the people in this Chamber and across in the United States Senate and the President, Mr. Speaker, because two big decisions were made and made fairly quickly.

One I will just briefly reference, the PATRIOT Act, the need to be able to protect us from an intelligence perspective from those who would wish to do us harm and protect the privacy rights of the American people at the same time.

I have sat through 12 hearings of the PATRIOT Act. We need to reauthorize that, Mr. Speaker. That piece of legislation is far better in its quality, and we have improved it some, more than anyone had a right to expect, considering the pressure that this Congress was under at the time to make those changes.

But the PATRIOT Act has sustained itself, and to this date, not a single critic, not in the United States House of Representatives, not in the government function, not in a hearing, even under specific requests of the witnesses that were there in the hearings, not a single critic has been able to name an individual who has had their privacy rights and constitutional rights usurped by the PATRIOT Act. Only hypotheticals, Mr. Speaker, and as we know, hypotheticals don't get you very far in this world.

□ 1615

So that was one thing, one action that was taken by this Congress that was an amazingly efficient action, and we are to this day 4 years beyond, and we have not suffered another attack on American property or people on this soil since that period of time.

So the PATRIOT Act was extraordinarily effective. The Bush tax cuts came right behind that, because we knew that with the bursting of the dot-com bubble, and the attacks of September 11 and the crashing down into a smoking hole with 3,000 American lives along with it, was our financial future.

Now, if we had listened to the naysayers on this side of the aisle at that period of time, we would have said, gee, we got to have a balanced budget here, so let us raise taxes. That is how we will get ourselves out of the smoking hole of the Twin Towers. We would have raised taxes so we had enough money to do what? Arm this huge police force to go out and serve warrants and try to identify these al Qaeda people that wish us ill and go around the world and work with Interpol, and maybe we can bring them to justice in handcuffs.

Some of them said we are not really at war here, and some of them said, well, no, you need to understand them. Some of them said that one man's terrorist is another man's freedom fighter. Those words were spoken here, Mr. Speaker. And I think they were completely and utterly wrong.

I think the people who have pledged to do us ill mean it. I think they have proven it. And I think it is up to us not just to protect and defend ourselves in this country, but carry the battle to them; and we need to do that with a strong economy.

The Bush tax cuts provided that. And in spite of the criticism, in spite of the things that have been laid out in opposition that say that the deficit is because of the tax cuts, can you go back and calculate the loss of revenue because of the tax cuts and will you see there has been an increase in revenue that came from the growth in our economy. The number is over 14 percent over anticipated revenue over the last year, Mr. Speaker, and the deficit that was projected is significantly reduced, and that is because we have had tax cuts that stimulate business.

So I do not think I would want to have people in charge that do not believe in free enterprise or people that believe that you could tax your way into prosperity. These are the kinds of people that if you give them the goose that lays the golden egg, they wouldn't think you could feed the goose, but they do think you can cut the goose apart and take the eggs and then go on and live in happy prosperity with that basket of golden eggs the rest of your life.

That is the attitude that comes. At some point it goes backwards on you. We have to have a revenue stream. We need a low broad tax scale so that we can stimulate this economy.

With regard to the foreign debt, if we can balance this budget, we can eliminate the increase in foreign debt. If we can produce a surplus, we can pay down the national debt, which reduces the foreign debt. But we have debt to American domestic indebtedness, as well as foreign debt. Both of those concern me. The foreign debt concerns me more than the American domestic debt.

We also have, Mr. Speaker, a negative balance of trade. That number should come out fairly quickly, within the next 30 days. As I recall, it was about this time last year when the 2004 balance of trade number came to us, $617.7 billion negative.

That meant that we purchased $617.7 billion more from foreign countries than we sold, than we exported to them. And some say, yeah, and it was all purchasing oil that was part of that, that was most of that deficit. But, Mr. Speaker, it was a significant portion. I do not deny that. It was over $200 billion that we spent in purchasing oil from foreign countries that added to this $617 billion in red ink trade deficit.

And I submit that we can fix that a number of ways. One of them is drill in ANWR, get that oil coming down here. That will be at least a million barrels a day. That will reduce our dependency on foreign oil.

We are bringing in liquefied natural gas that has got to be compressed in the Middle East and brought over here on a compressed tanker and brought into a terminal and converted back to gas again and delivered up here into the United States.

We sit on enough natural gas under the non-national parks, Federal lands in America, to heat every home in this country for the next 150 years. And we can drill natural gas wells, but we cannot get the distribution systems laid, we cannot get the roads built, because the environmentals are in the way.

They seem to think that we should not develop our natural resources, that this Earth is for every species except homosapiens, Mr. Speaker; and I submit that we are here to have dominion, to manage all of the species. But these resources are here for us.

We got that message clearly from God in Genesis, and I stand by that need for us to develop our natural resources. So we should drill on Federal lands for natural gas and oil. We should do it in an environmentally friendly fashion.

We should build a distribution system so we can heat our homes in America and run our factories and produce our fertilizer. Being from the Corn Belt, Mr. Speaker, I have to say that corn uses more nitrogen to produce it than any other crop. All crops use nitrogen. Corn just uses more than any other. And the production of nitrogen fertilizer uses natural gas.

It is essential in the production of nitrogen fertilizer. In fact, the very cost of the fertilizer, the composition of that cost, out of every dollar of nitrogen fertilizer, 90 cents out of that dollar is the very cost of natural gas.

So if we can cut the cost of natural gas in half, we would nearly cut the cost of nitrogen fertilizer in half. But instead, we have watched fertilizer go from $2 up to $15 in America because we are not drilling on our federally owned lands. We cannot get access to get the gas out, if we can get in there to drill.

We are not drilling on the Outer Continental Shelf because there are environmentalist extremists in the way. These are people that argue, well, if you drill a natural gas well on the Outer Continental Shelf, it will pollute our beaches. So I simply say, please submit to me a single case in all of history when a natural gas well polluted anything.

If you have a natural gas leak, what happens to it, especially offshore in the ocean? The gas bubbles up to the top of the ocean and dissipates. It does that whether you drill wells or whether you do not, because a significant amount of that natural gas just percolates up out of the ocean floor anyway.

So it would not be measurable if we had a natural gas leak, but the gas does not pollute anything; it just dissipates into the air. So before it all does that, we should go get that gas, tap into that gas, pipe it in here to the United States, and put it into these States that can use it for fertilizer.

And so those things, those things alone would go a long way, Mr. Speaker, towards reducing our dependency on foreign oil. Reducing our dependency on foreign oil helps our balance of trade. But these are components of the fix, Mr. Speaker, and I would say there is one more step we need to take, and then I will go back to how we repair this balance of trade and how we eliminate the foreign debt, how we eliminate the domestic debt of this country and get us on sound fiscal foundation.

One more component, before I go to that solution, Mr. Speaker, and that component is to produce a balanced budget. Produce a balanced budget so we do not have deficit spending, so we do not have to borrow. If we produce that balanced budget without raising taxes so that we diminish the production in this country, then we can have this robust economy that we have today.

And this robust economy that we have is an economy that has grown at a rate of more than 3 percent increase on its gross domestic product each quarter for the last 10 quarters at a minimum. It has reduced the unemployment rate to under 5 percent over that period of time. By anybody's measure, that is the longest, most healthy economic growth period since the early part of the Reagan years. So more than a generation has passed since we have seen this kind of growth.

And I would point out that during the Reagan years we had high inflation, the early part of the Reagan years. Before we got it under control, we had high inflation, we had high interest rates. So that kind of economic growth and that kind of lower unemployment ratings, there was not as good an environment as it is today, because we have got gradual growth, we have got controlled growth, we have got not too hot in our economy, we have got not too cold in our economy, Mr. Speaker, we have got just right.

It is cruising along here at a more than 3 percent growth, less than 5 percent unemployment. It is not as good as it can be. Unemployment can be better than this. By historical standards, it is a high standard. So I would say let us balance the budget without raising taxes. Let us get our spending down. Let us tighten our belts, Mr. Speaker; let us get our house in order.

If you were running a company or running a business or taking care of your family budget, and you realized that on the portion of your budget that had discretion on the parts that you were going to spend, now we all have fixed costs, we have to make our house payment or rent, we have to keep the lights on, we have to keep the heat up some, maybe we have some other fixed costs there, we have to buy some groceries, and this cost of living, you can make a minimal budget on the amount that is a fixed cost.

That is the equivalent to the entitlements in this Federal budget, those things that are fixed today that are very difficult to change, those items in our budget such as Medicare, Medicaid, Social Security, and even to a lesser degree interest. They are all fixed costs. They are growing, entitlement costs. We have to have national defense, certainly, in this time. So if you would reduce those things down to eliminating the nondiscretionary spending, which is Medicare, Medicaid, Social Security, and you eliminate the Department of Defense, and by the way I would reduce Homeland Security's funding, they have raised that budget out of sight without the accountability that I would like to see.

But if we go to non-defense discretionary spending, those things that we do have control over, those things that if it were your family budget, your going-out-to-dinner money, your vacation money, your recreational-tickets-to-the-ball-game money, going-off-to-golf money, those kind of things that you would naturally tap into if your budget got tight, the discretionary spending portion.

If you looked at your budget and said, well, I have got it in mind for $2,500 this year that I am going to spend to make my life a little richer, but I am spending too much, and one of the ways I can balance my budget is simply take that hundred percent of your $2,500 for your recreational discretionary spending, reduce it down by 5 percent, down to 95 percent.

Now who would not do that if they were running a family budget, or if you are running a company, Mr. Speaker? Would you not do that? Would you not look at those items that you could control and simply say, I am not going to take this procedure of spending the red, I am going to tighten my belt? I am going to do without for a little while so I can get my budget back under control.

Well, what I have described is all we really need to do in this Congress, Mr. Speaker. We need only address the other spending, the non-defense discretionary spending portion, and we need to reduce it by 5 percent.

Now I do not think this is the best way to balance the budget; but it is a way, an understandable way to balance the budget. Reduce that by 5 percent and we have balanced this budget, and in fact it balances the budget under current increases of the entitlement spending on out another 15 to 18 years, which becomes almost as far as we can to predict any economy, in fact beyond our ability to predict the economy.

So we can balance this budget. We do not have the will to balance the budget, so we borrow money because the people on this side of the aisle cannot get along without their programs. They are afraid somebody will throw them out of office if they say tighten your belt.

There are some people on this side of the aisle who feel the same way. They band together. It only takes about 10 or 12 people on this side of the aisle to see to it. Everybody on this side of the aisle will vote against the budget, I guarantee it.

There will be a budget come to the floor of this Congress within a month, and that budget will be debated on this floor. It will be one that is crafted to be as responsible as it can be. When it is done, I will make the prediction that not one Democrat votes for a responsible budget that comes here on this floor, not one, because it is a political vote and it is not an economic vote.

And so the belt is tightened over here. We try to send the right message. And then the criticism flows out of the other side. You cut my program. You squeezed this out. You starved children. You froze old folks. That is an old line. You hear it over and over again, Mr. Speaker.

I have not noticed that it works with the thinking people that have watched history flow. But we should balance this budget. I testified before the Budget Committee the day before yesterday, Mr. Speaker, and I requested that they produce a balanced budget. Whether they can produce the votes to pass it or not, I do not think they can get the votes to pass it, they need to put a target up on the wall so the American people know what it would take to balance the budget.

And I will be supportive of that in seeking to produce and develop a balanced budget. I cannot hide behind the Budget Committee and say, well, my friend, Mr. NUSSLE, did not produce a balanced budget. He is doing the best he can. He has got to get 218 votes, and it has been astonishing his ability to do so. He can take a 2.4 or $2.7 trillion budget and spin it around his head and calculate it all out, break it apart in pieces and put it back together.

He can go out and get the votes that he needs to get that done. I am impressed with the work that he has done. But I still challenged them to produce a balanced budget so that we know what we have to do and that will help inspire the American people to come forward and say, let me tighten my belt. I am willing to tighten my belt if my neighbor tightens his. Cut my program here, if you like, just do not cut me out of proportion to the person over here. I will take my fair share of the load as long as you do not put the unfair share on me and give that other person a pass.

But we cannot get there in this debate, because the demagoguery gets so heavy. And in fact last year we had reconciliation in the Ag Committee. We needed to reduce the spending over 5 years by about $3.7 billion. We needed to find a way to do that. That is $3.7 billion out of an annual expenditure of about 34 billion, by the way. So multiply that by five and you are up there in this 165 or $170 billion range to find $3.7 billion in savings there.

In the food stamp program alone there has been identified, even today, by Secretary Johanns' announcement a 5.88 percent error rate in handing out food stamps.

□ 1630

Now that error rate, I suppose it could be by that percentage that we missed that many people that should have had food stamps, but I do not think so, Mr. Speaker. I cannot imagine that there would be an error on that side that we did not reach out and help enough people. In fact, we are out there marketing those services to people in a fashion that I think we are going to find them instead of them finding us.

I would submit that nearly all of that 5.88 percent of error rating in the food stamp program is all on giving food stamps to people who did not qualify, and this does not constrain some of the qualifications. We could tighten those qualifications down, too.

For example, when people come into this country legally, we say you have to be here for 5 years before you can access benefits, welfare benefits from our Federal Government. We could raise that up by a couple of years without too much pressure, raise the standards. But 5.88 percent of inaccuracy translates into over $2 billion a year in waste. And that $2 billion a year over 5 years is easy math. $10 billion dollars could be saved there.

But, you know, even though the numbers were bigger last year, I could not get one soul on that side of the aisle to support one dollar in cuts when we had the waste lying right in front of us, Mr. Speaker. And, in fact, there has been more waste there than they have even alleged took place in Iraq. But that does not disturb them because the waste is going into the households of some of their constituents and they have to answer to them. It is not the matter of the waste that concerns them. It is the opportunity to be critical.

So I actually came to this floor, Mr. Speaker, to talk about a different subject matter, but, as I listened, it changed the subject for me. So now I promised that I would come with a solution on how to repair this deficit in foreign trade and how to fix the foreign debt.

I would lay out real clearly, there is a policy out here, there is a bill, H.R. 25, the FAIR Tax. The FAIR Tax is a piece of legislation that takes the tax off of production in America and puts it on consumption. It is a consumption tax. It is a national sales tax, and it truly is an aptly named bill, the FAIR Tax.

Now, the way we fix this foreign trade deficit with a fair tax is simply this, that whenever anyone goes to buy something off a shelf, a product, and pays retail price for that product, imputed into that cost is the Federal tax composition. For example, if you are a corporation and you are producing a widget, you are going to need to calculate into that your corporate income tax, any other Federal excise taxes that are part of that that you would have to incorporate in your share of the wage withholding in the employees. There are a number of other taxes into that. You build that tax all into the price.

Corporations do not pay taxes. Private companies, sole proprietorships, partnerships, LLCs, they do not pay taxes. Mr. Speaker, that may be a shock to a lot of the American people, but I will explain this. That is that, no, corporations do not pay taxes because they have to add those taxes into the price of the products that they produce, the goods and the services, and pass that along to the consumer. If they did not do that, they would go broke. How could a corporation have any capital to work with if they were going to pay that tax and not incorporate it into the price of what they sold? So they pass that price along, and it is built into the pricing mechanism of everything that they sell.

When that product reaches the retail level, it has in it when you take it off the shelf, a person, and that $1-widget you lift off the shelf has 22 cents of imputed Federal tax built into that, 22 cents. So if we could pull the Federal tax out of those goods and services, the goods would go down by 22 cents, so your $1 widget becomes an 88-cent widget.

But if it is a service and you take the tax out of that service, it is higher yet. Now your 1 dollar's worth of service that you pay your plumber, say your $100 plumber bill becomes a $75 plumber bill because 25 percent of that is imputed price, is built in there to pay the taxes, passed along to, no big surprise, Mr. Speaker, people.

People pay taxes. Corporations do not pay taxes. Businesses do not pay taxes. They collect them. And the reason they do is because government has found out that they are more efficient in collecting taxes than government can be. So we put that on the burden of the businesses to collect the taxes. They impute it into the prices of the goods and services they are producing. They tack it onto that price, and you, the consumer, go up to the shelf, pull that widget off of there for $1, and it is really 78 cents.

Mr. Speaker, let me correct the earlier statement. I am doing my math on the run here. It is a 78 cent widget as opposed to $1 on the shelf because you get to take 22 cents out of that price.

Now, another truism, Ronald Reagan said, what you tax you get less of. And we know that. If you have to pay taxes, it is a disincentive. So if you were going to produce a product and we were going to tax you for it, you would look at that equation and say, why should I do that? I have to pay too much taxes on this.

How about if you are going to work an extra 10 hours a week and it comes in at time and a half and it puts you in another tax bracket and we come along and say, but Uncle Sam will get 50 cents out of every dollar that you earn. Now your $30 an hour that you can make on overtime becomes $15 an hour. Are you going to work or are you going to say, hey, boss, I would like a little time to go fishing, maybe a little golf and spend some time with the kids. I do not really need this overtime because I do not get to keep it. No, the tax is a disincentive to produce.

So when Reagan said, what you tax you get less of, Mr. Speaker, that is the equation that is there. And yet the Federal Government in its wisdom, I will say lack of wisdom, has the first lien on all productivity in America, every bit of productivity in America. Whether it is a good or whether it is a service, when Americans step up to the time clock and punch their time card in at eight o'clock on Monday morning, thunk, Uncle Sam holds his hand out like that and he gets the first of everyone's productivity. And Uncle Sam holds his hand there until you paid your taxes for that day. Then he puts it in his pocket and then you can go to work for the State and that gets put in the other pocket, your State, Uncle Sam, and the other various taxes that come along with this. And then at some point late in the afternoon you are working for you.

Or you can compute it the other way, and you can take a look at Tax Freedom Day. I do not know the exact date. It changes a little bit year to year. How many days do we work before we are working for ourselves? Tax freedom day falls in April or May. I am not sure of the precise date.

Uncle Sam has the first lien on your labor, he has the first lien on the earnings from your checkbook or passbook savings account, and he has the first lien on the delayed earnings of your 401(k) and also any mutual funds you have invested, all of the interest dividend earnings, the capital gains. You buy a piece of property and you turn around and sell that property, the margin will be taxed, and Uncle Sam will be there with his hand out. That productivity that comes from labor or capital is the productivity that Uncle Sam taxes. He taxes it all.

What I am proposing, Mr. Speaker, is that we step in here and we recognize that and we take the tax off of all productivity in America. Eliminate the IRS, the Internal Revenue Service, eliminate the IRS Code, wipe that thing out all the way back to the early 1900s, 92, 93 or 94 years ago that that began, Mr. Speaker, and pass the elimination of the repeal of the 16th amendment so that we no longer have a constitutional authority to put an income tax on our people.

That sounds really interesting and exciting and thrilling, and it is, but we have to find a way to replace the revenue, and that is the hardest question. I have asked a lot of different questions myself on how to do that, but as I worked this policy out 25 or 27 or 28 years ago, Mr. Speaker, I came to the conclusion then that the only way we could fund the loss of revenue for eliminating the IRS would be to produce a consumption tax, a sales tax, like 45 States have today.

The system is there. It is there to collect the sales off all of that revenue. It is a very simple equation to say to the States, keep the system you have in place, change the rates so we can fund the Federal Government. We will pay you one-tenth of 1 percent commission for collecting the Federal tax through your State Department of Revenue. You send the check out here to the U.S. Treasury, and we will put that into the general fund here.

It is an easy tax to collect. And the other five States that have to generate a sales tax collection system, it has been done in 45 States. It has to be a lot easier than having these 100,000 plus IRS agents running all over here into our kitchens and our offices, prying into our business, making Monday morning quarterback judgmental decisions on the decisions of family and business that we have made and tried to do things in an honorable and ethical fashion and still be dinged for interest and penalty. When you cannot get two IRS agents themselves to agree on this convoluted tax policy that is so confusing that I can find no one on this planet, even the people on this side of the aisle would not argue that if we had a chance to do this over that we would construct anything that looks like what we have with the IRS Code today. It is a disaster.

The cost of collection is beyond the comprehension of people who have not drilled into this and put the pieces together and tried to add it up. But I will give you the total on when you compile the costs of collecting from the IRS.

Now there is some literature that is out there, and some of this has come from Harvard University's Department of Economics, some of it is coming from other economists, but it kind of works out this way, Mr. Speaker. By the time we pay the IRS and fund their infrastructure and build their buildings and maintain them, pay their travel and the overall expenses of the entire agency, that 100,000 plus that are out there every day, I am sure with a smile on their face, trying to increase the tax revenue, and I give them credit for being good servants, but I think they can do a little better in the private sector. They are smart people.

By the time we fund the IRS and by the time we pay for our tax preparers, our H&R Block people, if you will, Mr. Speaker, as a euphemism. By the time we pay ourselves say $10 an hour to sit up half the night on April 14, then you add to that the disincentives we talked about on why people will not work that extra 15 hours of overtime because the tax liabilities are too great.

When you open up the economy, when you accept the increase in productivity that we will have if people are not punished in producing and investing and saving, that adds up to a number that in 1991 was over $700 billion and today it is over $1 trillion.

Think in terms of this. This economy, think of it as a huge cruise ship out there sailing across the ocean in smooth sailing and this is chugging along at maybe 10 knots. Because it is not going any faster than that, Mr. Speaker, because we are dragging this anchor. This anchor we are dragging is the IRS, the cost of compliance, the decisions that are made to not invest, the disincentives for producing because of the tax liability. You add that up to that trillion dollars a year and think of that sitting in a treasury chest hooked to our anchor chain, and we are chugging along in this economy at about 10 knots.

Now, we passed a FAIR tax, H.R. 25. We get to cut that anchor chain, that trillion dollars we are dragging across the bottom. It floats to the top. We throw it on board our cruise ship, and we get to invest that in our economy. Right away the 10 knots turns to 20 knots, and we are going along in 10 years in a doubled economy, at least doubled economy from the freedom that comes from taking that anchor that we are dragging and turning it into something that is productivity. It is really that simple to take that economic incentive of the trillion dollars and roll that back into our economy.

There is another perhaps $11 trillion in stranded capital that is stranded overseas that cannot be repatriated into the United States because of the tax disincentive that is there; and that money would come back to the United States, too. The United States of America would become the destination nation of choice for that capital that is stranded out there in foreign countries. It is really naturally American capital, $11 trillion. A trillion dollars a year that we are dragging around in our treasure chest anchor across the bottom of the ocean, the doubling of our economy that comes.

I would point out also, Mr. Speaker, that to get a handle on the magnitude of a trillion dollars injected into our economy every year that today is an anchor that turns into an asset, think in terms of, if you will, Mr. Speaker, 1992 Bill Clinton was elected President. He was elected President in part because he alleged and there were some statistics that supported his argument, I do not agree with it totally but there were, that our economy was in a downturn.

So when he took office and was sworn in on the other side of the Capitol building, Mr. Speaker, one of the first things he did was to ask for a $30 billion economic incentive plan. So he went to the Congress and said, we need to borrow $30 billion, 30 with a B, and we need to put it into make work projects, much like Americorps is today, and once we put this $30 billion into the hands of these young people that will go out and go to work in our communities to make the world a better place here, that money will be spent. It will stimulate our economy. It will get us out of this economic doldrums that it was bad enough that it removed George Bush, Sr., from office.

That was some of the psychology of the voters of the American people at the time. President Clinton came to Congress and asked for $30 billion. Congress debated and deliberated and they negotiated, and they reduced the $30 billion, Mr. Speaker, down to finally $17 billion. It would have been borrowed money. But, finally, they all looked at the $17 billion dollars and said, it is not worth the trouble.

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We are not going to go ahead and borrow $17 billion, put it into make-work programs, try to get it into the hands of the people so the money could be spent to stimulate the economy, because it was not worth the trouble; but if it was even arguable that it was at $17 billion and if it was a matter of consensus that it would have been at $30 billion borrowed money, annual spending $30 billion, think, Mr. Speaker, what $1 trillion of wasted money, $1 trillion of maintenance costs and overhead costs that go because of the IRS for tax collection.

Think what that $1 trillion turned into the asset side of the ledger, into the productive sector of the economy could mean. That $1 trillion would stimulate this economy massively; and inject in behind that $11 trillion that sits overseas, and you can see, I think, with ease, Mr. Speaker, what would happen to the economy in this country.

We would double this economy in 10 years. We see the soundness of our dollar come back. We quit punishing people for savings and investment. Why are you putting money in your savings account with after-tax dollars? How can you get ahead doing that? Or when you make an investment and it is trapped here in a real estate investment, a capital investment, and you see an opportunity to make some money and roll it into something else and meanwhile give an opportunity to a young person to start a business or establish a residence and you sell that property, why do we punish you for that? Why do we give you incentive to hang on to that property until your inheritance right? Because you are afraid of being taxed?

This frees up the capital in America that would not be a punishment for transferring that capital into other hands, that theoretically in every case will do something more productive than it is today. Otherwise they could not afford to bid on the value of that property. That is the theory.

So the things that we need to do in this economy that are good, Mr. Speaker, are the things such as we need to incent savings and the fair tax incents savings. We need to incent investment, and of course, savings is investment. We need to tell people to put your dollars into mutual funds and a company investment and capital investments and we will not punish you for that. We will let you make all the money you can make, and if you want to sell these shares and invest them over here, then do so.

You can make the very best decision that you like, and we are not going to be in here with Uncle Sam's hand in the way, grabbing something out of every single transaction, not having a first lien on all productivity in America, but incenting earnings, savings and investment, research and development, Mr. Speaker, capital investment, higher education. That is where this money is going to go. The future of this capital would go into those three things, Mr. Speaker.

So I would point out that there is a divide in the House of Representatives. There is a divide in our philosophy. There is a divide that I believe is rooted in this philosophy that of all of us here on this planet, if you could somehow shake us up, erase our institutional memories, start us as unbiased people again, and scatter us all over the globe, without having a network that is going to tell us how to think or indoctrinate us, some of the people would see their glass as half full, and they would begin filling that glass up in an industrious fashion, in a faithful Christian fashion many of them, and filling their glass up because that is the thing to do, go out and earn, save, invest, buy, sell, trade, make, gain.

When we do that, everybody prospers. Pull everyone up the ladder next to us and strive for a better future for ourselves and for the succeeding generation, for our babies that we have in our arms and for our children that are growing up and for our grandchildren. That is what this does for the next generations that are here and across this country, Mr. Speaker.

Half of the people, well, probably not half, a portion of the people see the glass as half full, and they would seek to fill it up, and they seek to help others fill their glass.

There is another percentage of the people, the ones that are on the floor with their lamentations night after night after night that say, but my glass is half empty; and you know, I have sat in here for a lifetime and that person over there that was filling their glass did not put a single thing in my glass the whole time. Never mind they did not lift a finger themselves to do a thing, but they see it as a glass half empty. They see it as the economy is a zero sum game. They see it as a pie that is never going to be bigger, that only can be sliced up and however you distribute that pie, it will always be unfair in their mind's eye.

But we see this as a Nation of opportunity, individual rights and a Nation of opportunity, and we challenge people to be the best you can be, be as productive as you can be, and we struggle to put policies in place and encourage people to be as productive as they can be.

That is why I support H.R. 25, the fair tax, because it encourages everyone to do as good as they can, to produce as much as they can. It punishes no one for productivity. It takes the tax off of productivity, puts it on consumption, and thereby incents earnings, savings, investment, higher ed, research and development, capital investment. All of those things improve the productivity of the American worker, and those things increase the overall revenue and income of Americans.

We really have a choice. We can accept the standard of living of the rest of the world. We can watch them catch up with us. We are on this treadmill. We are on the front of the treadmill, and as they catch up with us, we can begin to accept their standard of living or we can go faster and we can go faster with technology, with education, with capital investment.

Those are the things that we need to do, Mr. Speaker; and so I would point out that before I came over here on the floor I did not know if I would use it, but I used some of this technology that I spoke of earlier and tapped in and did a little search for "the 10 'Cannots' of Abe Lincoln," and Abe Lincoln had this figured out and laid it out in 10 Cannots, and many things he has gotten credit for that he did not do. I have no idea if he actually did this or not, but I am going to give him credit because I think a lot of the man. I would point these points out, and I would like to drill them into the brains of everybody that votes for the future of America on this floor and across this country Mr. Speaker.

Abe Lincoln said 10 points. You cannot bring about prosperity by discouraging thrift. The fair tax encourages thrift and savings. You cannot bring about prosperity by discouraging thrift, Abe Lincoln's statement. So we want to encourage thrift.

He said you cannot keep out of trouble by spending more than your income. You heard me say, Mr. Speaker, balanced budget. We want to come with a balanced budget, and we want to put a tax policy in place that encourages more productivity so that we can spread this tax out among more people and have a lower rate and more individual productivity. The sum total of the strength of a nation's economy is the total productivity of its people.

Item number three, you cannot establish security on borrowed money. Brings us all to a pause, Mr. Speaker, because we are paying for Department of Defense spending on borrowed money. It is necessary that we have Department of Defense spending, but that is something that causes me to want to back up, take a look and determine that we can pay our way, pay as we go. That means tighten the belt; we are at war.

Item number four, you cannot help small men by tearing down big men. A little bit different verbiage in those days than there is today. In other words, you cannot help the poor by tearing down the weak. And I think he actually says that.

Item number five, you cannot strengthen the weak by weakening the strong. Use your strength, build on those, help others, ask them, come on up the ladder with me; but do not pull someone down that has climbed up a few rungs. I keep hearing it over and over again, let us pull those people down: the oil companies made too much money. Why did they? Because the environmentalists would not let us drill for more and the price went up. They invested at least in the energy future of America. They will quit doing that if we punish them. You cannot strengthen the weak by weakening the strong.

You cannot lift the wage earner by pulling down the wage payer. Another solid point that needs to be hammered home.

You cannot help the poor man by destroying the rich. It is important that we have people that have a level of prosperity. They build new houses. They move out of those houses and build a bigger and newer house. They sell that house to someone that can afford it and on and on and on until they get down a level of ways where you and I can afford. So you cannot help the poor man by destroying the rich.

You cannot further the brotherhood of man by inciting class hatred. Class hatred is incited every single night on the floor of the House of Representatives, Mr. Speaker. It does not help the brotherhood of man. It drives a wedge between the brotherhood of man.

You cannot build character and courage by taking away man's initiative and independence. One of the ways that that is done is to create independence, and I spoke about individual initiative and individual responsibility and individual rights, and I pray that we can protect and defend those rights for all Americans, rich or poor, weak or strong, whatever color, whatever sex they might be. We need to guarantee their individual rights and protect them and give them that opportunity.

The tenth one, you cannot help men permanently by doing for them what they could and should do for themselves. I remember that statement of Lincoln's.

So all of these principles of Abraham Lincoln's, the 10 Cannots, have been violated on the floor over here night after night after night. If we could get back to those principles, Mr. Speaker, if we could get to this point where we understood that individual rights, individual responsibility, if we all could begin to climb that ladder, if we could see our glass as half full and begin to fill out, and as we did that, reached out and help our fellow man, if we could take the tax off all productivity in America, we could prepare this future for the young people, for the children, for those that are here tonight, Mr. Speaker, and with that, I thank you for your indulgence.

RECALL DESIGNEE

The SPEAKER pro tempore (Mr. CONAWAY) laid before the House the following communication from the Speaker of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE SPEAKER,
Washington, DC, February 16, 2006.
Hon. KAREN HAAS,
Clerk of the House,
Washington, DC.

DEAR MADAM CLERK: Pursuant to House Concurrent Resolution 1, and also for purposes of such concurrent resolutions of the current Congress as may contemplate my designation of Members to act in similar circumstances, I hereby designate Representative Boehner to act jointly with the Majority Leader of the Senate or his designee, in the event of my death or inability, to notify the Members of the House and the Senate, respectively, of any reassembly under any such concurrent resolution. In the event of the death or inability of that designee, the alternate Members of the House listed in a letter placed with the Clerk are designated, in turn, for the same purposes.

Sincerely,
J. DENNIS HASTERT,
Speaker of the House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that on February 16, 2006, the Speaker delivered to the Clerk a letter listing Members in the order in which each shall act as Speaker pro tempore under clause 8(b)(3) of rule I.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SIMPSON (at the request of Mr. BOEHNER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. CORRINE BROWN of Florida) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. HERSETH, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. GOHMERT) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1989. An act to designate the facility of the United States Postal Service located at 57 Rolfe Square in Cranston, Rhode Island, shall be known and designated as the "Holly A. Charette Post Office".

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, pursuant to the order of the House of today, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 2 p.m. on Monday, February 20, 2006, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 345, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon (at 4 o'clock and 57 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until 2 p.m. on Monday, February 20, 2006, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 345, in which case the House shall stand adjourned pursuant to that concurrent resolution.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6240. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Technical and Clarifying Amendments to Rules for Exempt Markets, Derivatives Transaction Execution Facilities and Designated Contract Markets, and Procedural Changes for Derivatives Clearing Organization Registration Applications (RIN: 3038-AC23) received February 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6241. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Foreign Futures and Options Transactions—February 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6242. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Black Stem Rust; Movement Restrictions and Addition of Rust-Resistent Varieties [Docket No. 04-003-2] received February 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6243. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Add Argentina to the List of Regions Considered Free of Exotic Newcastle Disease [Docket No. 04-083-3] received February 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6244. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Administration's final rule—Tuberculosis in Cattle and Bison; State and Zone Designations; Minnesota [Docket No. APHIS-2006-0004] received February 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6245. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Brucellosis in Cattle; State and Area Classifications; ID [Docket No. APHIS-2006-0001] received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6246. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Treatments for Fruits and Vegtables [Docket No. 03-077-2] received January 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6247. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Walnuts Grown in California; Increased Assessment Rate [Docket No. FV05-984-2 FR] received January 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6248. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearment Oil for the 2005-2006 Marketing Year [Docket No. FV05-985-IFR A] received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6249. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Milk in the Upper Midwest Marketing Area; Order Amending the Order [Docket No. AO-361-A39; DA-04-03-A] received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6250. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 2005-2006 Marketing Year [Docket No. FV06-982-1 IFR] received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6251. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2005-2006 Crop Year for Tart Cherries [Docket No. FV05-930-1 FR] received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6252. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Increased Assessment Rate [Docket No. FV06-905-1 IFR] received February 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6253. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Food Additives Permitted for Direct Addition to Food for Human Consumption; Synthetic Fatty Alcohols [Docket No. 1994F-0153] (formerly Docket No. 94F-0153) received January 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6254. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling: Health Claims; Soluble Dietary Fiber From Certain Foods and Coronary Heart Disease [Docket No. 2004P-0512] received January 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6255. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling; Ingredient Labeling of Dietary Supplements That Contain Botanicals; Withdrawal [Docket No. 2003N-0346] received January 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6256. A letter from the Director, Defense Research and Engineering, Department of Defense, transmitting Notification of intent to obligate funds for an additional project for inclusion in the Fiscal Year 2006 Foreign Comparative Testing (FCT) Program, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

6257. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that the Program Acquisition Unit Cost for the Global Hawk System Program exceeds the Acquisition Program Baseline values by more than 15 percent, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

6258. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting the Department's certification that the survivability and lethality of the LHA(R) Flight O Amphibious Assault Ship would be unreasonably expensive and impracticable, pursuant to 10 U.S.C. 2366(c)(1); to the Committee on Armed Services.

6259. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting the Department's certification that the survivability testing of the lead DD(X) Destroyer would be unreasonably expensive, pursuant to 10 U.S.C. 2366(c)(1); to the Committee on Armed Services.

6260. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report as of December 31, 2005, entitled, "Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account"; to the Committee on Armed Services.

6261. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Suspension of Community Eligibility [Docket No. FEMA-7905] received January 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6262. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Suspension of Community Eligibility [Docket No. FEMA-7897] received February 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6263. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Prohibition on Use of Community Development Block Grant Assistance for Job-Pirating Activities [Docket No. FR-4556-I-02; HUD-2005-0076] (RIN: 2506-AC04) received January 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6264. A letter from the Assistant to the Board, Federal Reserve Board, transmitting the Board's final rule—Electronic Fund Transfers [Regulation E; Docket Nos. R-1210 and R-1234] received January 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6265. A letter from the Assistant to the Board, Federal Reserve Board, transmitting the Board's final rule—Electronic Fund Transfers [Regulation E; Docket No. R-1247] received January 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6266. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Fidelity Bond and Insurance Coverage for Federal Credit Union—received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6267. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Post-Employment Restrictions for Certain NCUA Examiners—received January 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6268. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Requirements for Insurance (RIN: 3133-AD14) received January 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6269. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Audit Requirement for Credit Union Service Organizations—January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6270. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Liberia that was declared in Executive Order 13348 of July 22, 2004, pursuant to 50 U.S.C. 1641(c) 50 U.S.C. 1703(c); to the Committee on International Relations.

6271. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Army's proposed lease of defense articles to the Government of Singapore (Transmittal No. 01-06); to the Committee on International Relations.

6272. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Air Force's proposed lease of defense articles to the Government of Italy (Transmittal No. 05-06); to the Committee on International Relations.

6273. A letter from the Assistant Secretary for International Security Policy, Department of Defense, transmitting the Department's FY 2007 Cooperative Threat Reduction Annual Report; to the Committee on International Relations.

6274. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Memorandum of Justification regarding the determination under Title II of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 2002, pursuant to Public Law 107-115; to the Committee on International Relations.

6275. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Intercountry Adoption—Preservation of Convention Records (RIN: 1400-AB69) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6276. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Government of Russia (Transmittal No. DDTC 003-06); to the Committee on International Relations.

6277. A letter from the Chairman, U.S.-China Commission, transmitting the record of the Commission's September 15, 2005 hearing on "China's Military Modernization and the Cross-Strait Balance"; to the Committee on International Relations.

6278. A letter from the Chairman, Broadcasting Board of Governors, transmitting in accordance with Section 641 5(a) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Board's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

6279. A letter from the Assistant Secretary, Department of the Treasury, transmitting purusant to Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, a report on the Department's competitive sourcing efforts for FY 2005; to the Committee on Government Reform.

6280. A letter from the Secretary, Mississippi River Commission, Department of the Army, Department of Defense, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act covering the calendar year 2005, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6281. A letter from the Secretary, Department of Energy, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2005; to the Committee on Government Reform.

6282. A letter from the Acting Deputy Chief Financial Officer, Department of Housing and Urban Development, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2005; to the Committee on Government Reform.

6283. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting in accordance with Section 645 of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Agency's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

6284. A letter from the Director of Administration, National Labor Relations Board, transmitting purusant to Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, a report on the Department's competitive sourcing efforts for FY 2005; to the Committee on Government Reform.

6285. A letter from the Director, U.S. Trade and Development Agency, transmitting in accordance with Section 645 of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and Section 641 of Division H of Pub. L. 108-447, the Agency's report on competitive sourcing efforts for FY 20054; to the Committee on Government Reform.

6286. A letter from the Director, U.S. Trade and Development Agency, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Agency's report on competitive sourcing efforts for FY 2005; to the Committee on Government Reform.

6287. A letter from the Director, U.S. Trade and Development Agency, transmitting the Agency's Annual Report for FY 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6288. A letter from the Board of Governors, United States Postal Service, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2005, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6289. A letter from the Public Printer, Government Printing Office, transmitting the Office's Annual Report for Fiscal Year 2005; to the Committee on House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3505. A bill to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes; with an amendment (Rept. 109-356, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 2355. A bill to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce; with an amendment (Rept. 109-378). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MALONEY (for herself and Ms. Ginny Brown-Waite of Florida):

H.R. 4767. A bill to require the Food and Drug Administration to conduct consumer testing to determine the appropriateness of the current labeling requirements for indoor tanning devices and determine whether such requirements provide sufficient information to consumers regarding the risks that the use of such devices pose for the development of irreversible damage to the skin, including skin cancer, and for other purposes; to the Committee on Energy and Commerce.

By Ms. HART (for herself, Mr. English of Pennsylvania, Mr. Peterson of Pennsylvania, Mr. Gerlach, Mr. Shuster, Mr. Sherwood, Ms. Schwartz of Pennsylvania, Mr. Dent, Mr. Pitts, Mr. Holden, Mr. Murphy, Mr. Platts, and Mr. Fitzpatrick of Pennsylvania):

H.R. 4768. A bill to designate the facility of the United States Postal Service located at 777 Corporation Street in Beaver, Pennsylvania, as the "Robert Linn Memorial Post Office Building"; to the Committee on Government Reform.

By Mr. NORWOOD (for himself and Mr. Strickland):

H.R. 4769. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Controlled Substances Import and Export Act, and the Public Health Service Act to impose requirements respecting Internet pharmacies, to require manufacturers to implement chain-of-custody procedures, to restrict an exemption respecting the importation of controlled substances for personal use, and for other purposes; to the Committee on Energy and Commerce.

By Ms. PRYCE of Ohio (for herself and Mr. Lewis of Georgia):

H.R. 4770. A bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964; to the Committee on Financial Services.

By Mr. KIRK (for himself, Mr. McHugh, Mr. Emanuel, Mrs. Miller of Michigan, Mr. Case, Mr. Ehlers, Ms. Slaughter, Mr. Miller of Florida, Ms. McCollum of Minnesota, Mr. Kline, Mrs. Biggert, Mr. Evans, Mrs. Johnson of Connecticut, Ms. Schakowsky, Mr. Grijalva, Mr. Schwarz of Michigan, and Ms. Bean):

H.R. 4771. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to require application to all vessels equipped with ballast water tanks, including vessels that are not carrying ballast water, the requirement to carry out exchange of ballast water or alternative ballast water management methods prior to entry into any port within the Great Lakes, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CHABOT (for himself, Mr. Gordon, Mr. Gallegly, Mr. Flake, Mr. Sensenbrenner, Mr. Boyd, Mr. Feeney, and Mr. Pombo):

H.R. 4772. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges under the United States Constitution have been deprived by final actions of Federal agencies or other government officials or entities acting under color of State law, and for other purposes; to the Committee on the Judiciary.

By Mr. EMANUEL:

H.R. 4773. A bill to direct the Secretary of Education to make grants to States and local educational agencies to establish teacher mentoring programs; to the Committee on Education and the Workforce.

By Mr. UPTON (for himself, Mr. Doyle, Mr. Holden, Mr. Gillmor, Mr. Schwarz of Michigan, Mr. Leach, Mr. Bass, Mr. Camp of Michigan, Mr. Ehlers, Mr. Coble, Mr. Gilchrest, and Mr. Kildee):

H.R. 4774. A bill to amend the Clean Air Act to require that, after the year 2012, all gasoline sold to consumers in the United States for motor vehicles contain not less than 10 percent renewable fuel and for other purposes; to the Committee on Energy and Commerce.

By Mr. THORNBERRY:

H.R. 4775. A bill to extend all of the authorizations of appropriations and direct spending programs of the Farm Security and Rural Investment Act of 2002 until after implementing legislation for the Doha Development Round of World Trade Organization negotiations is enacted into law, and for other purposes; to the Committee on Agriculture.

By Mr. SODREL (for himself, Mr. BURTON of Indiana, Mr. BUYER, Mr. HOSTETTLER, Mr. SOUDER, Mr. PENCE, Mr. MCHENRY, Mr. BARRETT of South Carolina, Mr. KING of Iowa, Mr. GOODE, Mr. WELDON of Florida, Mr. FEENEY, Mr. GARRETT of New Jersey, Mr. ISSA, Mr. JINDAL, Mr. KUHL of New York, Mr. AKIN, Mrs. MYRICK, Mr. SHADEGG, Mrs. MUSGRAVE, Mr. PITTS, Mr. POE, Mr. CULBERSON, Mr. HENSARLING, Ms. FOXX, Mr. CONAWAY, Mr. GOHMERT, Mr. COLE of Oklahoma, Mr. HAYWORTH, Mr. FORTENBERRY, Mrs. SCHMIDT, Mrs. DRAKE, Mr. LEWIS of Kentucky, and Mr. PAUL):

H.R. 4776. A bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the content of speech occurring during sessions of State legislative bodies, and for other purposes; to the Committee on the Judiciary.

By Mr. GOODLATTE (for himself, Mr. BOUCHER, Mr. WOLF, Mr. MCINTYRE, Mr. PITTS, Mr. PENCE, Mr. SHADEGG, Mr. ADERHOLT, Mr. AKIN, Mr. ALEXANDER, Mr. BACHUS, Mr. BAKER, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BASS, Mr. BOEHLERT, Mr. BONNER, Mr. BOOZMAN, Mr. BOUSTANY, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUYER, Mr. CANTOR, Mrs. CAPITO, Mr. CHABOT, Mr. COBLE, Mr. CONAWAY, Mr. CRENSHAW, Mr. CULBERSON, Mrs. JO ANN DAVIS of Virginia, Mr. TOM DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DEFAZIO, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. DRAKE, Mr. DUNCAN, Mr. EHLERS, Mrs. EMERSON, Mr. EVERETT, Mr. FORBES, Mr. FORTENBERRY, Mr. FRANKS of Arizona, Mr. FORTUÑO, Mr. FRELINGHUYSEN, Ms. FOXX, Mr. GALLEGLY, Mr. GILCHREST, Mr. GILLMOR, Mr. GINGREY, Mr. GOHMERT, Mr. GOODE, Mr. GUTKNECHT, Ms. HART, Mr. HAYES, Mr. HEFLEY, Mr. HERGER, Mr. HOBSON, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. JENKINS, Mr. JINDAL, Mrs. JOHNSON of Connecticut, Mr. JONES of North Carolina, Mr. KELLER, Mrs. KELLY, Mr. KENNEDY of Minnesota, Mr. KING of Iowa, Mr. KINGSTON, Mr. KUHL of New York, Mr. LEWIS of California, Mr. LINDER, Mr. LUCAS, Mr. DANIEL E. LUNGREN of California, Mr. MCCRERY, Mr. MCKEON, Mr. MILLER of Florida, Mr. MORAN of Kansas, Mr. MORAN of Virginia, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. NORWOOD, Mr. NUSSLE, Mr. OSBORNE, Mr. PETERSON of Minnesota, Mr. POE, Mr. PUTNAM, Mr. RAMSTAD, Mr. REGULA, Mr. REHBERG, Mr. REYNOLDS, Mr. ROGERS of Alabama, Mr. ROGERS of Michigan, Mr. SCHWARZ of Michigan, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMMONS, Mr. SMITH of Texas, Mr. SODREL, Mr. SOUDER, Mr. SULLIVAN, Mr. TERRY, Mr. THOMAS, Mr. TIAHRT, Mr. WALDEN of Oregon, Mr. WALSH, Mr. WELDON of Florida, Mr. WESTMORELAND, Mr. WICKER, Mr. WILSON of South Carolina, Mrs. WILSON of New Mexico, Mr. BRADY of Texas, Mr. DELAY, and Mr. LAHOOD):

H.R. 4777. A bill to amend title 18, United States Code, to expand and modernize the prohibition against interstate gambling, and for other purposes; to the Committee on the Judiciary.

By Mr. ABERCROMBIE:

H.R. 4778. A bill to require the Secretary of the Army to conduct a survey and monitoring of off-shore sites in the vicinity of the Hawaiian Islands where chemical munitions were disposed of by the Armed Forces, to support research regarding the public and environmental health impacts of chemical munitions disposal in the ocean, and to require the preparation of a report on remediation plans for such disposal sites; to the Committee on Armed Services.

By Mr. BURGESS (for himself and Mr. GENE GREEN of Texas):

H.R. 4779. A bill to award a Congressional Gold Medal to Byron Nelson in recognition of his significant contributions, to the game of golf as a player, a teacher, and a commentator; to the Committee on Financial Services.

By Mr. SMITH of New Jersey (for himself, Mr. LANTOS, Mr. WOLF, Mr. PAYNE, Mr. ROHRABACHER, and Mr. RYAN of Ohio):

H.R. 4780. A bill to promote freedom of expression on the Internet, to protect United States businesses from coercion to participate in repression by authoritarian foreign governments, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPITO (for herself and Mr. GILLMOR):

H.R. 4781. A bill to authorize the Secretary of Labor to make grants for the establishment of information technology centers in rural areas; to the Committee on Education and the Workforce.

By Mrs. CAPPS (for herself, Mr. GEORGE MILLER of California, Mr. THOMPSON of California, Mr. FARR, Ms. PELOSI, Ms. ESHOO, Mrs. DAVIS of California, Ms. SOLIS, Ms. WOOLSEY, Ms. HARMAN, Ms. MILLENDER-MCDONALD, Ms. LORETTA SANCHEZ of California, Ms. LEE, Mr. CARDOZA, Mr. STARK, Mr. BECERRA, Mr. BERMAN, Mr. SHERMAN, Mr. LANTOS, Mrs. NAPOLITANO, Mr. HONDA, Ms. MATSUI, Ms. ZOE LOFGREN of California, Mr. FILNER, Mr. SCHIFF, Ms. LINDA T. SÁNCHEZ of California, Mrs. TAUSCHER, Ms. WATSON, Ms. ROYBAL-ALLARD, Ms. WATERS, Mr. WAXMAN, and Mr. BACA):

H.R. 4782. A bill to permanently prohibit oil and gas leasing off the coast of the State of California, and for other purposes; to the Committee on Resources.

By Mr. DAVIS of Florida (for himself, Mr. HASTINGS of Florida, Mr. BOYD, and Ms. CORRINE BROWN of Florida):

H.R. 4783. A bill to prohibit offshore drilling on the outer Continental Shelf off the State of Florida, and for other purposes; to the Committee on Resources.

By Mr. DeFAZIO:

H.R. 4784. A bill to direct the Secretary of Interior to convey certain Bureau of Land Management Land to the City of Eugene, Oregon; to the Committee on Resources.

By Ms. DeLAURO:

H.R. 4785. A bill to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Act of 1981 program for fiscal year 2006, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENT (for himself, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. ENGLISH of Pennsylvania, Ms. HART, Mr. PETERSON of Pennsylvania, Mr. GERLACH, Mr. WELDON of Pennsylvania, Mr. FITZPATRICK of Pennsylvania, Mr. SHUSTER, Mr. SHERWOOD, Mr. KANJORSKI, Mr. MURTHA, Ms. SCHWARTZ of Pennsylvania, Mr. DOYLE, Mr. PITTS, Mr. HOLDEN, Mr. MURPHY, and Mr. PLATTS):

H.R. 4786. A bill to designate the facility of the United States Postal Service located at 535 Wood Street in Bethlehem, Pennsylvania, as the "H. Gordon Payrow Post Office Building"; to the Committee on Government Reform.

By Mr. DOOLITTLE:

H.R. 4787. A bill to amend the Lobbying Disclosure Act of 1995 to require reporting of Federal funds received by clients of lobbyists; to the Committee on the Judiciary.

By Mr. FALEOMAVAEGA (for himself, Mr. PALLONE, Mr. ABERCROMBIE, Mr. CASE, Ms. BORDALLO, and Mr. FORTUÑO):

H.R. 4788. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; to the Committee on Resources.

By Mr. HASTINGS of Washington:

H.R. 4789. A bill to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district; to the Committee on Resources.

By Mr. HERGER (for himself, Mr. CHOCOLA, Mr. LEWIS of Kentucky, and Mrs. MUSGRAVE):

H.R. 4790. A bill to amend the Internal Revenue Code of 1986 to expand expensing for small business; to the Committee on Ways and Means.

By Ms. HERSETH (for herself, Mr. CASE, Mr. EVANS, Ms. CORRINE BROWN of Florida, Mr. GUTIERREZ, Mr. SERRANO, Mr. FILNER, Mr. STRICKLAND, Ms. CARSON, Mr. KUCINICH, Mr. WEXLER, Mr. CONYERS, Mr. PETERSON of Minnesota, Ms. MATSUI, Mr. AL GREEN of Texas, and Mr. FARR):

H.R. 4791. A bill to amend title 38, United States Code, to increase the amount of assistance available to disabled veterans for specially adapted housing and to provide for annual increases in such amount; to the Committee on Veterans' Affairs.

By Mr. LARSEN of Washington (for himself and Mr. MCDERMOTT):

H.R. 4792. A bill to fix the Medicare Part D prescription drug program by requiring the Secretary of Health and Human Services to negotiate fair prices for prescription drugs on behalf of Medicare beneficiaries, to further reduce drug costs to consumers by allowing the importation of prescription drugs under the Federal Food, Drug, and Cosmetic Act, to provide seniors with adequate time to consider their options under Medicare part D by extending the 2006 Medicare prescription drug enrollment period through December 31, 2006, without penalty, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE (for himself and Mr. MEEHAN):

H.R. 4793. A bill to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Act of 1981 program for fiscal year 2006, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McDERMOTT (for himself, Mr. EMANUEL, and Mr. LEVIN):

H.R. 4794. A bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments; to the Committee on Ways and Means.

By Ms. MILLENDER-McDONALD:

H.R. 4795. A bill to amend the Higher Education Act of 1965 to require accrediting agencies and associations to comply with due process throughout the accreditation process, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MORAN of Kansas (for himself, Mr. JONES of North Carolina, and Mrs. EMERSON):

H.R. 4796. A bill to amend title XVIII of the Social Security Act to improve implementation of the Medicare prescription drug benefit; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 4797. A bill to protect America's citizen soldiers; to the Committee on Armed Services.

By Mr. POMBO:

H.R. 4798. A bill to facilitate remediation of perchlorate contamination in water sources in the State of California, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself and Mr. MEEHAN):

H.R. 4799. A bill to establish the Office of Public Integrity as an independent office within the legislative branch of the Government, to reduce the duties of the Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Rules, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SOLIS (for herself, Mr. PALLONE, Mrs. CAPPS, Mr. TOWNS, Ms. SCHAKOWSKY, Mr. WYNN, Mr. WAXMAN, Mr. DINGELL, Mr. ALLEN, Mr. BROWN of Ohio, and Ms. DEGETTE):

H.R. 4800. A bill to amend the Toxic Substances Control Act to implement the Stockholm Convention on Persistent Organic Pollutants, the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; to the Committee on Energy and Commerce.

By Mr. STUPAK:

H.R. 4801. A bill to extend the deadlines for distributing certain funds secured by the Michigan Indian Land Claims Settlement Act and for other purposes; to the Committee on Resources.

By Mr. STUPAK:

H.R. 4802. A bill to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian Tribe, and for other purposes; to the Committee on Resources.

By Mr. THOMAS (for himself, Mr. HERGER, and Mr. DANIEL E. LUNGREN of California):

H.R. 4803. A bill to amend title 28, United States Code, to provide for an additional place of holding court in the eastern district of California, and for other purposes; to the Committee on the Judiciary.

By Mr. TIBERI (for himself and Mr. FRANK of Massachusetts):

H.R. 4804. A bill to modernize the manufactured housing loan insurance program under title I of the National Housing Act; to the Committee on Financial Services.

By Mr. BOEHNER:

H. Con. Res. 345. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. RAMSTAD (for himself and Mr. JEFFERSON):

H. Con. Res. 346. Concurrent resolution expressing the sense of Congress relating to a free trade agreement between the United States and Taiwan; to the Committee on Ways and Means.

By Mr. SIMMONS (for himself and Mr. NEAL of Massachusetts):

H. Con. Res. 347. Concurrent resolution honoring the National Association of State Veterans Homes and the 119 State veterans homes providing long-term care to veterans that are represented by that association for their contributions to the health care of veterans and the health-care system of the Nation; to the Committee on Veterans' Affairs.

By Ms. SLAUGHTER (for herself, Mr. McGOVERN, Mr. HASTINGS of Florida, and Ms. MATSUI):

H. Res. 686. A resolution amending the Rules of the House to restore transparency, accountability, and oversight, and for other purposes; to the Committee on Rules, and in addition to the Committee on Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PELOSI:

H. Res. 687. A resolution raising a question of the privileges of the House; which was laid on the table.

By Mr. BAIRD:

H. Res. 688. A resolution amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes; to the Committee on Rules.

By Mr. SMITH of Texas (for himself, Mr. DOGGETT, and Mr. McCAUL of Texas):

H. Res. 689. A resolution expressing the sense of the House with respect to the 10th anniversary of the beginning of the National Domestic Violence Hotline; to the Committee on Education and the Workforce.

By Mr. CONAWAY (for himself, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mrs. BLACKBURN, Mr. CANTOR, Mr. CHABOT, Mr. CULBERSON, Mr. FLAKE, Ms. FOXX, Mr. GARRETT of New Jersey, Mr. GOHMERT, Mr. GOODE, Mr. HENSARLING, Mr. HOSTETTLER, Mr. ISSA, Mr. JINDAL, Mr. KING of Iowa, Mr. McHENRY, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. POE, Mr. PRICE of Georgia, Mr. SESSIONS, Mr. SHADEGG, and Mr. SODREL):

H. Res. 690. A resolution amending the Rules of the House of Representatives to curtail the growth of Government programs; to the Committee on Rules.

By Mr. ENGEL (for himself, Mr. EVANS, Mrs. MALONEY, Mr. McGOVERN, Mr. WEINER, Ms. JACKSON-LEE of Texas, Mr. LYNCH, Mr. McNULTY, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Mr. WEXLER, and Mr. HOLT):

H. Res. 691. A resolution supporting the goals and ideals of Anti-Slavery Day; to the Committee on International Relations.

By Mr. FALEOMAVAEGA (for himself and Mr. FLAKE):

H. Res. 692. A resolution commending the people of the Republic of the Marshall Islands for the contributions and sacrifices they made to the United States nuclear testing program in the Marshall Islands, solemnly acknowledging the first detonation of a hydrogen bomb by the United States on March 1, 1954, on the Bikini Atoll in the Marshall Islands, and remembering that 60 years ago the United States began its nuclear testing program in the Marshall Islands; to the Committee on International Relations.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. OWENS, Mr. GRIJALVA, Mrs. CHRISTENSEN, and Mr. KILDEE):

H. Res. 693. A resolution expressing the sense of the House of Representatives with respect to childhood stroke; to the Committee on Energy and Commerce.

By Mr. MICHAUD:

H. Res. 694. A resolution expressing the sense of the House of Representatives that, following a year of record setting profits, major petroleum products companies should incorporate the Low Income Home Energy Assistance Program into their corporate citizenship and responsibility programs; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SOLIS (for herself, Mrs. CAPPS, Mrs. MALONEY, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. NADLER, Ms. MILLENDER-McDONALD, Ms. McCOLLUM of Minnesota, Ms. WATERS, Mr. GRIJALVA, Mr. EVANS, Ms. DELAURO, Ms. BALDWIN, Mr. FARR, Ms. PELOSI, Ms. SLAUGHTER, Mr. McDERMOTT, Mrs. JONES of Ohio, and Ms. SCHAKOWSKY):

H. Res. 695. A resolution honoring the life and accomplishments of Betty Friedan; to the Committee on Government Reform.

By Mr. UDALL of Colorado (for himself and Mr. WAMP):

H. Res. 696. A resolution expressing the sense of the House of Representatives that there should be established a National Physical Education and Sports Week and a National Physical Education and Sports Month; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 147: Mr. DENT and Mr. UPTON.
H.R. 376: Mr. BOYD and Mr. MICHAUD.
H.R. 390: Mr. CONYERS.
H.R. 500: Mr. LEWIS of Kentucky and Mr. HUNTER.
H.R. 515: Mr. JEFFERSON, Mr. PASCRELL, and Mr. SALAZAR.
H.R. 517: Mr. GIBBONS.
H.R. 552: Mrs. SCHMIDT.
H.R. 561: Mr. SCHWARZ of Michigan.
H.R. 591: Mrs. LOWEY.
H.R. 676: Mr. AL GREEN of Texas.
H.R. 752: Mr. PASTOR, Mr. DAVIS of Illinois, and Ms. KAPTUR.
H.R. 916: Mr. GALLEGLY and Mr. DOYLE.
H.R. 952: Mr. SCHIFF.
H.R. 963: Mr. SAXTON.
H.R. 994: Mr. CONYERS, Mr. CHOCOLA, Mrs. MUSGRAVE, Mr. ENGLISH of Pennsylvania, Mr. SAM JOHNSON of Texas, Mr. TOWNS, Mr. BERMAN, and Mrs. LOWEY.
H.R. 1053: Mr. GONZALEZ.
H.R. 1200: Mr. GUTIERREZ.
H.R. 1259: Mr. BRADLEY of New Hampshire and Mr. HOSTETTLER.
H.R. 1282: Mr. BERMAN.
H.R. 1306: Mr. DEAL of Georgia.
H.R. 1310: Mr. UDALL of Colorado and Mr. BROWN of Ohio.
H.R. 1323: Mr. EMANUEL.
H.R. 1375: Mr. YOUNG of Florida.
H.R. 1426: Mr. GORDON and Mr. NADLER.
H.R. 1471: Mr. ALLEN.
H.R. 1506: Mr. BLUMENAUER.
H.R. 1595: Mr. MCCOTTER.
H.R. 1632: Ms. SCHAKOWSKY.
H.R. 1655: Mr. MCNULTY.
H.R. 1704: Mr. MOORE of Kansas.
H.R. 1806: Mr. DINGELL and Mr. KILDEE.
H.R. 2014: Mr. LATOURETTE and Mr. WU.
H.R. 2101: Mr. BRADY of Pennsylvania.
H.R. 2122: Ms. HOOLEY and Mr. WU.
H.R. 2390: Mr. FRANK of Massachusetts and Mr. PASCRELL.
H.R. 2410: Mr. CLAY.
H.R. 2684: Mr. GONZALEZ.
H.R. 2872: Mr. GIBBONS and Mr. BLUMENAUER.
H.R. 2943: Mr. POE and Mr. WESTMORELAND.
H.R. 3096: Mr. STUPAK, Mr. CLAY, and Ms. SCHAKOWSKY.
H.R. 3099: Mr. HASTINGS of Florida, Mr. CASE, Mr. CAPUANO, Mr. ABERCROMBIE, and Mr. CONYERS.
H.R. 3127: Mrs. MCCARTHY.
H.R. 3142: Mr. SCHIFF, Ms. MCCOLLUM of Minnesota, and Mr. KUCINICH.
H.R. 3145: Mr. BOEHLERT, Mr. DAVIS of Illinois, and Mr. CHANDLER.
H.R. 3159: Mr. LANGEVIN, Mr. FITZPATRICK of Pennsylvania, Mr. PLATTS, Mr. FILNER, Mr. EHLERS, Mr. MCINTYRE, Ms. SCHWARTZ of Pennsylvania, Mr. SHUSTER, Mr. SMITH of Texas, and Mr. MOORE of Kansas.
H.R. 3312: Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BROWN of Ohio, Mr. MCDERMOTT, Mr. BOSWELL, Mr. BOUCHER, Ms. BORDALLO, Mr. HINCHEY, Mr. PAYNE, and Mr. ABERCROMBIE.
H.R. 3334: Mr. CONYERS.
H.R. 3352: Mr. BROWN of Ohio, Ms. HOOLEY, Ms. WATSON, Mrs. MCCARTHY, Mr. ROTHMAN, and Mr. BOEHLERT.
H.R. 3381: Mr. PASCRELL.
H.R. 3476: Mr. DOYLE and Mr. ISRAEL.
H.R. 3478: Mr. KENNEDY of Minnesota, Mr. LATHAM, Mr. SENSENBRENNER, Mr. ORTIZ, and Mr. YOUNG of Florida.
H.R. 3509: Ms. FOXX.
H.R. 3559: Mr. PASTOR, Ms. BALDWIN, and Mr. THOMPSON of Mississippi.
H.R. 3628: Mr. EDWARDS, Ms. DELAURO, Mr. MCCOTTER, Mr. DOGGETT, and Mr. LAHOOD.
H.R. 3630: Mr. BACHUS.
H.R. 3644: Mr. GORDON.
H.R. 3875: Mr. MARCHANT, Mrs. WILSON of New Mexico, Mr. SENSENBRENNER, and Mr. HAYES.
H.R. 3962: Mr. TAYLOR of Mississippi and Mr. SNYDER.
H.R. 4005: Mr. YOUNG of Florida.
H.R. 4042: Mr. BEAUPREZ.
H.R. 4059: Mr. CUMMINGS.
H.R. 4188: Mr. LANTOS and Mr. GRIJALVA.
H.R. 4197: Mrs. MALONEY and Mr. CASE.
H.R. 4200: Mr. KENNEDY of Minnesota.
H.R. 4229: Mr. GEORGE MILLER of California, Mr. TIERNEY, and Mr. WEINER.
H.R. 4231: Mr. MICHAUD.
H.R. 4239: Ms. BALDWIN.
H.R. 4242: Mr. FRANKS of Arizona.
H.R. 4315: Mr. UDALL of Colorado.
H.R. 4460: Mr. PAYNE and Mr. RUPPERSBERGER.
H.R. 4479: Mr. KILDEE, Ms. MCCOLLUM of Minnesota, and Ms. MOORE of Wisconsin.
H.R. 4526: Mr. MILLER of Florida.
H.R. 4533: Ms. SCHAKOWSKY.
H.R. 4537: Mr. GENE GREEN of Texas.
H.R. 4542: Mr. GERLACH and Ms. SLAUGHTER.
H.R. 4547: Mr. BARRETT of South Carolina and Mrs. MYRICK.
H.R. 4548: Mr. NUSSLE.
H.R. 4551: Mr. SAM JOHNSON of Texas and Mr. KUHL of New York.
H.R. 4573: Mr. LEWIS of Kentucky and Mr. GRAVES.
H.R. 4622: Mr. RUPPERSBERGER.
H.R. 4641: Mr. GOODE.
H.R. 4657: Mr. BISHOP of New York and Mr. DAVIS of Tennessee.
H.R. 4679: Mr. GOODE.
H.R. 4681: Mr. JOHNSON of Illinois.
H.R. 4685: Mr. GONZALEZ.
H.R. 4699: Mr. CHABOT, Mr. FLAKE, and Mr. FORD.
H.R. 4705: Mr. MCNULTY.
H.R. 4706: Mr. OWENS.
H.R. 4708: Mr. GENE GREEN of Texas.
H.R. 4709: Mr. CHABOT, Mr. CASE, Mr. ROTHMAN, Mr. BERMAN, Mr. BOUCHER, and Mr. KUCINICH.
H.R. 4715: Mr. MCHUGH.
H.R. 4729: Mr. MCGOVERN, Mr. STUPAK, and Mr. BOSWELL.
H.R. 4730: Mr. TOM DAVIS of Virginia.
H.R. 4740: Mr. SCHWARZ of Michigan and Mr. KLINE.
H.R. 4746: Mr. BISHOP of Georgia and Mr. ENGLISH of Pennsylvania.
H.R. 4748: Mr. BAKER.
H.R. 4749: Mr. MCDERMOTT, Mr. MORAN of Virginia, Mr. SANDERS, Mr. KUCINICH, Mr. HINCHEY, and Ms. MCCOLLUM of Minnesota.
H.R. 4755: Mr. LEWIS of Kentucky, Mr. TIBERI, Mr. NADLER, and Mr. FITZPATRICK of Pennsylvania.
H.R. 4761: Mr. ALEXANDER, Mr. BROWN of South Carolina, Mr. FORTUÑO, Mr. WICKER, Mr. GIBBONS, Mr. BONNER, Mr. PICKERING, Mr. FALEOMAVAEGA, Mr. JEFFERSON, and Mr. MCCRERY.
H.J. Res. 71: Mr. KUHL of New York.
H.J. Res. 78: Mr. PLATTS.
H. Con. Res. 179: Mr. JEFFERSON.
H. Con. Res. 277: Mr. TOM DAVIS of Virginia and Mr. KING of New York.
H. Con. Res. 299: Mr. GORDON.
H. Con. Res. 323: Ms. WASSERMAN SCHULTZ and Mr. PAYNE.
H. Con. Res. 341: Mr. BARRETT of South Carolina, Ms. WATSON, and Mr. WEXLER.
H. Res. 81: Mr. NUSSLE.
H. Res. 158: Mr. MEEHAN and Mr. UDALL of Colorado.
H. Res. 295: Mr. THOMPSON of Mississippi and Mr. CONYERS.
H. Res. 323: Mr. RAHALL.
H. Res. 521: Mr. CARDIN, Mr. FILNER, Mr. MCINTYRE, Ms. KAPTUR, Ms. ESHOO, Mr. CARDOZA, Mr. WAXMAN, and Mr. LINCOLN DIAZ-BALART of Florida.
H. Res. 578: Ms. BEAN and Mr. SHAYS.
H. Res. 589: Mr. PEARCE.
H. Res. 600: Ms. WASSERMAN SCHULTZ, Mr. OWENS, and Mr. GUTIERREZ.
H. Res. 608: Mr. PEARCE.
H. Res. 635: Mr. OLVER and Mr. TIERNEY.
H. Res. 641: Ms. WOOLSEY, Mr. AL GREEN of Texas, Mr. DAVIS of Illinois, Mr. MEEKS of New York, and Mr. WATT.
H. Res. 643: Mr. BACA, Mr. MORAN of Virginia, and Mr. ABERCROMBIE.
H. Res. 675: Mr. ANDREWS, Mr. SMITH of New Jersey, and Mr. BERMAN.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6 by Mr. ABERCROMBIE on House Resolution 543: Sherrod Brown and Thomas H. Allen.

Petition 10 by Ms. HERSETH on House Resolution 585: Jerrold Nadler.

SENATE—*Thursday, February 16, 2006*

The Senate met at 9:36 a.m. and was called to order by the Honorable MITCH MCCONNELL, a Senator from the State of Kentucky.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, our God, the heavens declare Your glory and the firmament shows Your handiwork. Give us today the faith and willingness to follow You with faithfulness. Thank You for revealing Yourself to us and the wonders of Your creation. Reveal to us creative ways to contribute to Your purposes.

Sustain our Senators in their work. Remind them that true prayer is more than words; it is acting in Your name. Lead them to a commitment to continue Your liberating thrust in our world. Use them to unshackle captives and to lift heavy burdens.

Help us all to follow the narrow path of service. We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MITCH MCCONNELL led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 16, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MITCH MCCONNELL, a Senator from the State of Kentucky, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. McCONNELL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ISAKSON). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The Chair recognizes the distinguished acting majority leader.

SCHEDULE

Mr. McCONNELL. Mr. President, this morning we will have a period of morning business for up to 30 minutes and then resume consideration of the motion to proceed to S. 2271, the USA PATRIOT Act Reauthorizing Amendments Act.

As a reminder, at 10:30 this morning we will have a cloture vote on the motion to proceed to that bill. As under the previous order, if cloture is invoked, we will proceed immediately to the bill itself. We still have a number of items to complete before next week's recess. The leader will have more to announce on the schedule later in the day.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the Democratic leader or his designee, and the second half of the time under the control of the majority leader or his designee.

The Senator from Georgia is recognized.

USA PATRIOT ACT

Mr. ISAKSON. Mr. President, within the hour, we will cast our votes on whether to proceed on the debate on the extension of the PATRIOT Act, which I intend to vote for, both to proceed and then finally for that act.

I rise this morning to reflect on my strong support for the PATRIOT Act and also express some of my frustration with those who have questioned its use with regard to our civil liberties.

I was born in the United States of America in 1944. I am 61 years old. The inalienable rights endowed by our Creator that our forefathers built this Government on, of life and liberty and the pursuit of happiness, have been the cornerstones of my life. They are the foundation of all our civil liberties. They allowed me to pursue a business career, a marriage, the raising of a family, the educating of children, and allowed me to proceed to the highest office I could have possibly ever imagined: a Member of the Senate. Because of God's blessings and the blessings of this country, last week I was blessed with two grandchildren, born 61 years after I was but into a country that still is founded on the cornerstones of the great civil liberties of life, liberty, and the pursuit of happiness.

But Sarah Katherine and Riley Dianne, my two granddaughters, were born into a totally different world—the same country but a different world. Today, terror is our enemy, and it uses the civil liberties that we cherish to attempt to do us harm; in fact, to destroy us. In fact, the freedom of access to communication, to employment, to travel, even to our borders, are the tools and the weapons of those who would do our civil liberties harm and in fact take them away. Because of this, do we give up our civil liberties? Absolutely not. But because of this, we must watch, listen, and pursue our enemies with the technologies of the 21st century. The PATRIOT Act does not threaten our civil liberties. It is our insurance policy to preserve them.

We obviously must be diligent with anything we give Government, in terms of a tool or a power to communicate or to watch or to surveil. But do we turn our back on everything we cherish and that has made us great out of fear we might lose it when, in fact, it is our obligation to protect it? We are in the ultimate war between good and evil. Our enemy today, terror, is unlike any enemy we have ever had. All our previous enemies wanted what we had—our resources, our wealth, our ingenuity, our entrepreneurship, our natural resources, our money, our wealth. Terror doesn't want that. Terror doesn't want what we have. Terror doesn't want us to have what we have. They don't want me to be able to speak freely in this body and speak my mind, or my constituents in Georgia to do the same, even if what they say is diametrically opposed to me. They don't want me to freely carry a weapon and defend myself. They don't want a free press that can publish and write its opinion. They don't want any of the inalienable rights and the guarantees and the civil liberties that we have because they know it stands against the tyranny and the control and the suppression that their radical views have brought to a part of the world.

This place you and I call home and the rest of the world calls America is a very special place. You don't find anybody trying to break out of the United States of America. They are all trying to break in. And they are for a very special reason. The civil liberties and the guarantees of our Constitution and the institutions that protect our country—the reasons that you and I stand here today.

While I respect the dissent of any man or woman in this Chamber about the PATRIOT Act, I regret that we have delayed our ratification of the single tool that turned us around post-9/11, in terms of our ability to protect our shores and our people.

I remind this Chamber and everyone who can listen and hear what I am saying that when the 9/11 Commission reviewed all that went wrong prior to 9/11, it recognized that what went right post-9/11 was the passage of the PATRIOT Act. It acknowledged, without our ability to connect the dots, we could not protect the country.

Once again, I cherish our civil liberties. I see the PATRIOT Act not as a threat to them but an insurance policy to protect them. As we go to a vote in less than an hour, I encourage every Member of the Senate to vote to proceed and then debate, as we will, the issues and the concerns. But in the end, we should leave this Chamber, today or tomorrow, sending a message to those who would do us harm and sending a message to those whom we stand here today to preserve and protect, that we will not let any encumbrance stop our pursuit of those who would destroy or injure us, our children or our grandchildren.

At the end, at the age of 61 and with the opportunity to serve in the Senate, the rest of my life will be about those grandchildren. Riley Dianne Isakson and Sarah Katherine Isakson are less than a month old. They have a bright future. The PATRIOT Act is going to ensure that the very civil liberties that will allow them to pursue happiness to its maximum extent will still exist because America did not turn its back or fear our ability to compete in a 21st century of terror with the type of 21st century laws we need to surveil, to protect, and to defend those who would hurt or those who would harm this great country, the United States of America.

I yield the floor.

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. BOND. Mr. President, I rise to address some troubling information about natural gas, energy, and the prices of energy as well as its availability. This information came from a hearing held in the Air subcommittee of the EPW Committee last week, and I think it is of sufficient importance to all Members and all States in the Nation that I rise to speak to my colleagues about it.

We all know that American families and workers are suffering from high energy costs. They will suffer even more if we do not balance our environmental concerns with their energy needs. That is why the hearing held last week in the Air subcommittee is all the more important. If we fail to heed the warning our families and workers are sending us about high energy costs and their lost jobs, their lost incomes, their lost standards of living, then we risk doing even more harm.

The people I am talking about include manufacturing workers who used to make chemicals, plastic products, automobile parts or fertilizer. Many of them are now out of work because their employer moved to a foreign country with cheaper natural gas prices.

The pain, obviously, doesn't stop with workers. Families suffer from lost wages. Most of those who are lucky enough to get a new job will be working for lower wages. Does that mean that those wages have to move even lower? Do they have to live with a broken-down car even longer?

In addition, seniors on fixed incomes are particularly vulnerable to high natural gas prices. Across the Midwest, indeed across the country, many depend on natural gas to heat their homes in the winter and cool their homes in the summer. What do we tell them: Wear a coat inside during the winter and turn on a fan during the summer? We all know of the tragedies that hit our seniors in summer heat waves. What do we tell their families?

Some have said we should tell our workers and their families that we are going to hurt them even more in order to fight climate change. We will pass proposals to cap carbon emissions which, by the way, will raise energy prices even more. For some, I guess today's energy prices are not high enough. Some are willing to drive power and heating bills even higher in their fight against global warming. Some do not care that there are no technologies currently available to capture and store carbon dioxide. But they are working on finding those. We are not there yet.

Some are willing to stop using cheap and abundant fuels, such as coal, and force ourselves to use only the expensive and very limited supply of natural gas. Every year, recently, we have had an opportunity to vote on the McCain-Lieberman proposal. Every year we hear about how it will deliver a $100 billion hit or more to the economy. Thankfully, every year the Senate kills this job killer.

Last year, as part of the Energy bill debate, we passed a sense of the Senate stating support for climate change strategies that did not hurt the economy. I think we can all agree with that. It sounds simple, but as we consider the "McCain-Lieberman lite" proposals, we have to look at whether a second generation of proposals will actually spare our families and workers from more pain.

Since we still do not have the technologies to capture and store carbon, they will present other dubious arguments. Some will pin their hopes on projections that future natural gas prices will fall from triple historic levels, where they are now, to only double historic levels, where they were a few years ago. This will somehow make carbon caps affordable.

Not only do I doubt that natural gas prices will return to historic lows, States represented by Members advocating these proposals are actively trying to block actions necessary to increase natural gas supply and get prices down. Government natural gas projections, which we found very dubious, include a prediction that natural gas prices will fall in the coming decades. However, that prediction depends upon liquefied natural gas imports rising by 600 percent by 2030, a sixfold increase in LNG imports. I find such hopes mind-boggling. How could we increase LNG imports by 600 percent at the same time we have coastal States from Maine, Massachusetts, Rhode Island, Connecticut, and Delaware opposing or blocking LNG terminals?

By the way, these Northeastern States blocking natural gas imports through their States are the very ones proposing we punish Midwestern States using coal by forcing them to switch to natural gas to make electricity—the natural gas that they will not allow us to get through LNG.

Others who claim carbon caps will be affordable, pin their hopes on rosy economic analyses that say we can buy our way out of the problem. They propose, instead of cutting carbon emissions, powerplants will be able to purchase, hopefully, cheap credits from others who, hopefully, cut their own carbon emissions elsewhere.

They are running models from MIT, Stanford, and Harvard that say the price of buying carbon cuts in other countries will be cheaper than forcing U.S. powerplants to reduce their own carbon emissions. I can't dispute these are smart people, but I wonder if they are reading the newspaper. Their models show a ton of carbon cuts costing just over $1 a ton. At that price, they say it would be affordable. Unfortunately, last week the price to purchase a ton of carbon reductions was $31. You do not have to be from Harvard to do that math. That is 31 times more expensive. Do we believe that the cost of carbon credits will drop by 97 percent after we impose our own cap, when you see the increasing demand for energy from India and China? That I do not believe is likely.

Europe's system to cap carbon is certainly in a shambles. European countries are failing miserably to meet their Kyoto carbon-cut requirements. Thirteen of the fifteen original EU signatories are on track to miss their 2010 emissions targets—by as much as 33 percent in Spain and 25 percent in Denmark. Talks to discuss further cuts beyond that, when Kyoto expires, have only produced agreement to talk further. It sounds similar to the Senate these days. We can talk well, but doing things is difficult.

If Europe is, for all practical purposes, ignoring their Kyoto carbon commitments and there is no agreement to continue with carbon caps after Kyoto, how can we expect the creation of enough credits? In the alternative, if Europeans suddenly decide to rush and meet their commitments by buying up massive amounts of credits to meet their shortfalls, how will there be enough credits for a U.S. demand bigger than all of Europe combined?

While these questions are complicated, their consequences are simple. A mistake on our part could add significantly to the misery of our manufacturing workers. A mistake on our part will add to the hardships families face paying their heating and power bills. And one more thought: Iran and Saudi Arabia are furiously busy expanding their petrochemical industry, based upon their vast supplies of natural gas.

I ask unanimous consent an article on that subject be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOND. This means that not only more cheap foreign chemicals, but it means potentially more closed U.S. plants. We must also ask whether we want to add to our oil addiction a new chemical dependency on Iraq, Iran, and the Middle East.

Before we make any hasty decisions, I believe we must have answers to these questions, and we must answer these questions as we begin to debate further carbon cap proposals.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXHIBIT 1

[From MEHRNEWS.com. Jan. 2, 2006]

IRAN STRIVING TO RANK FIRST IN ETHYLENE PRODUCTION

Iran plans to be number one in producing ethylene in the world—reaching 12 million tons output within the next 10 years—by allocating 17.5 billion dollars in investment for development of petrochemical projects in the Fourth Five-Year Development Plan (2005–2010).

The figure stood around 12.5 billion dollars for the first to third development plans (1990–2005) in total.

Out of the 25 projects under implementation, the National Petrochemical Company (NPC) have completed 17 and would finish the rest soon, said Hassan Sadat, manager of plans in the NPC.

NPC plans to have an output of 25.6 million tons capacity by March 2010 jumping up from 7.3 million tons in 1999, he added.

The investment in the sector is forecast to increase by 40 percent in the fourth plan.

Sadat said that the output of polymers would reach 10 million tons within the next 10 years. The production of chemical fertilizers, methanol, and aromatic materials would increase to 8 million tons each. NPC has estimated that the country earns some 20 billion dollars from export of petrochemicals only by the date.

At present, nearly 52,000 employees work in petrochemical sector that enjoys modern technologies such as ABS, PET—PAT, engineering polymers, isocyanides, DME, and acetic acid.

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. FEINGOLD. Madam President, I yield the remaining time in morning business on our side.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

USA PATRIOT ACT ADDITIONAL REAUTHORIZING AMENDMENTS ACT OF 2006—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2271, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to the consideration of S. 2271, a bill to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 10:30 is equally divided between the two leaders or their designees.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, the upcoming cloture vote on the motion to proceed to S. 2271, introduced by my friend Senator SUNUNU, is the first opportunity for my colleagues to go on record on whether they will accept the White House deal on PATRIOT Act reauthorization. Back in December, 46 Senators voted against cloture on the conference report. I think it's clear by now that the deal makes only minor changes to that conference report. The Senator from Pennsylvania, chairman of the Judiciary Committee and primary proponent of the conference report in this body, was quoted yesterday as saying that the changes that the White House agreed to were "cosmetic." And then he said, according to the AP, "But sometimes cosmetics will make a beauty out of a beast and provide enough cover for senators to change their vote."

The Senator from Alabama said on the floor yesterday: "They're not large changes, but it made the Senators happy and they feel comfortable voting for the bill today." I agree with both of my adversaries on this bill that the changes were minor and cosmetic. I explained that at length yesterday, and no one else other than Senator SUNUNU came down to the floor to defend the deal.

Some of my colleagues have been arguing, however, that we should go along with this deal because the conference report, as amended by the Sununu bill, improves the PATRIOT Act that we passed 4½ years ago.

It's hard for me to understand how Senators who blocked the conference report in December can now say that it's such a great deal. It's not a great deal—the conference report is just as flawed as it was 2 months ago. No amount of cosmetics is going to make this beast look any prettier. That said, let me walk through some of the provisions of the conference report that are being touted as improvements to the original PATRIOT Act.

First, there's the issue that was the linchpin of the bill the Senate passed without objection in July of last year, that of course is the standard for obtaining business records under Section 215. Section 215 gives the Government extremely broad powers to secretly obtain people's business records. The Senate bill would have required that the Government prove to a judge that the records it sought had some link to suspected terrorists or spies or their activities. The conference report does not include this requirement. Now, the conference report does contain some improvements to section 215, at least around the edges. It contains minimization requirements, meaning that the executive branch has to set rules for whether and how to retain and share information about U.S. citizens and permanent residents obtained from the records. And it requires clearance from a senior FBI official before the Goverment can seek to obtain particularly sensitive records like library, gun and medical records. But the core issue with section 215 is the standard for obtaining these records in the first place.

Neither the minimization procedures nor the high level signoff changes the fact that the Government can still obtain sensitive business records of innocent, law-abiding Americans. The standard in the conference report—"relevance"—will still allow Government fishing expeditions. That is unacceptable. And the Sununu bill does not change that.

Next, let me turn to judicial review of these section 215 orders. After all, if we are going to give the Government such intrusive powers, we should at least let people go to a judge to challenge the order. The conference report does provide for this judicial review. But it would require that the judicial review be conducted in secret, and that Government submissions not be shared with the challenger under any circumstances, without regard for whether there are national security concerns in any particular case. This would make it very difficult for a challenger to get meaningful judicial review that comports with due process.

And the Sununu bill does not address this problem.

What we have are very intrusive powers, very limited judicial review—and then, on top of it, anyone who gets a section 215 order can't even talk about it. That's right—they come complete with an automatic, indefinite gag order. The new "deal" supposedly allows judicial review of these gag orders, but that's just more cosmetics. As I explained yesterday, the deal that was struck does not permit meaningful judicial review of these gag orders. No judicial review is available for the first year after the 215 order has been issued. Even when the right to judicial review does finally kick in, the challenger has to prove that the Government acted in bad faith. We all know that is a virtually impossible standard to meet.

The last point on section 215 is that the conference report, as amended by Sununu bill, now explicitly permits recipients of these orders to consult with attorneys, and without having to inform the FBI that they have done so. It does the same thing with respect to national security letters. This is an important clarification, but keep in mind that the Justice Department had already argued in litigation that the provision in the NSL statute actually did permit recipients to consult with lawyers. So this isn't much of a victory at all. Making sure that recipients don't have to tell the FBI if they consult a lawyer is an improvement, but it is a minor one.

Next let's turn to national security letters or NSLs. These are the letters that the FBI can issue to obtain certain types of business records, with no prior court approval at all.

The conference report does provide for judicial review of NSLs, but it also gives the Government the explicit right to enforce NSLs and hold people in contempt for failing to comply, which was not previously laid out in the statute. In stark contrast to the Senate bill, the conference report also would require that the judicial review be conducted in secret and that Government submissions not be shared with a challenger under any circumstances without regard to whether there are national security concerns in any particular case. So just like the section 215 judicial review provision, this will make it very difficult for challengers to be successful. Again, the Sununu bill does not address this problem.

Of course, NSLs come with gag orders, too. The conference report addresses judicial review of these gag orders, but it has the same flaw as the Sununu bill with regard to judicial review of the section 215 gag rule. In order to prevail, you have to prove that the Government acted in bad faith, which, again, would prove to be virtually impossible. The Sununu bill does not modify these provisions at all.

Let me make one last point on NSLs. The Sununu bill contains a provision which states that libraries cannot receive an NSL for Internet records unless the libraries provide "electronic communication services" as defined by statute. But that statute already applies only to entities that satisfy this definition, so this provision is essentially just restating existing law. It is no improvement at all. Those cosmetics wear pretty thin when you look closely at this deal.

Let's turn to sneak-and-peek search warrants. As I laid out in detail yesterday, the conference report takes a significant step back from the Senate bill by presumptively allowing the Government to wait an entire month to either notify someone that agents secretly searched their home or to get approval from a judge to delay the notice even longer. The Senate said it should be 1 week. I have yet to hear any argument at all, even in direct debate from the Senator from Alabama, much less a persuasive argument, why that amount of time is insufficient for the Government.

The core fourth amendment protections are at stake. This is not like flipping a coin: Let's make it 7 days; no, make it 30 days. This involves people coming into somebody's house without their knowledge and how long that should be allowed without telling them you were in their house. Once again, the Sununu bill does nothing to address this issue.

Let me talk briefly about roving intelligence wiretaps under section 206 of the PATRIOT Act. We have not discussed this issue much, in part because the conference report does partially address the concerns raised about this provision. But the conference report language is still not as good as the Senate bill was on this issue. Unlike the Senate bill, the conference report does not require that a roving wiretap include sufficient information to describe the specific person to be wiretapped with particularity. The Sununu bill does not address this problem.

Supporters of the conference report say it contains new 4-year sunsets for three provisions: section 206, section 215, and the so-called lone wolf expansion of the Foreign Intelligence Surveillance Act that passed as a part of the intelligence reform bill in 2004. We agree, I am sure, that sunsets are not enough. This reauthorization process is our opportunity to fix the problems of the PATRIOT Act. Just sunsetting bad law again is hardly a real improvement. Of course, neither the conference report nor the Sununu bill contains a sunset for the highly controversial national security letter authorities which were expanded by the PATRIOT Act, even though many of us said back in December that was a very important change we wanted to see made.

I have the same response to those who point to the valuable new reporting provisions in the conference report: We must make substantive changes to the law, not just improve oversight.

I have laid out at length the many substantive reasons to oppose the deal. But there is an additional reason to oppose cloture on the motion to proceed; that is, it appears the majority leader is planning to prevent Senators from offering and getting votes on amendments to this bill.

I was on the Senate floor for 9 hours yesterday. I was not asking for much, just a guarantee that once we moved to proceed to the bill I could offer and get votes on a handful of amendments relavant to the bill. There was a time—in fact, I was here—when Senators did not have to camp out on the floor to plead for the opportunity to offer amendments. In fact, offering debate and voting on amendments is what the Senate is supposed to be all about. That is how we craft legislation. But my offer was rejected.

It appears as if the other side may try to ram this deal through without a real amending process. I hope that even colleagues who may support the deal will oppose such a sham process. It makes no sense to agree to go forward without a guarantee that we will be allowed to actually try to improve the bill. It is a discourtesy to all Senators, not just me, to try to ram through controversial legislation without the chance to improve it.

In sum, I oppose the sham legislative process the Senate is facing, and I oppose the flawed deal we are being asked to ratify. Notwithstanding the improvements achieved in the conference report, we still have not adequately addressed some of the most significant problems of the PATRIOT Act. I must oppose proceeding to this bill which will allow this deal to go forward. I cannot understand how anyone who opposed the conference report back in December can justify supporting it now. The conference report was a beast 2 months ago, and it has not gotten any better looking since then.

I urge my colleagues to vote no on cloture. I reserve the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 2271: to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive National Security Letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

Bill Frist, James Inhofe, Richard Burr, Christopher Bond, Chuck Hagel, Saxby Chambliss, John E. Sununu, Wayne Allard, Johnny Isakson, John Cornyn, Jim DeMint, Craig Thomas, Larry Craig, Ted Stevens, Lindsey Graham, Norm Coleman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2271, the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER (Mr. ENSIGN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 96, nays 3, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—96

Akaka
Alexander
Allard
Allen
Bancus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Voinovich
Warner
Wyden

NAYS—3

Byrd
Feingold
Jeffords

NOT VOTING—1

Vitter

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

USA PATRIOT ACT ADDITIONAL REAUTHORIZING AMENDMENTS ACT OF 2006

The PRESIDING OFFICER. Under the previous order, the motion to proceed to S. 2271 was agreed to, and the clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2271) to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 2895

Mr. FRIST. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. FRIST) proposes an amendment numbered 2895.

Mr. FRIST. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following: This Act shall become effective 1 day after enactment.

Mr. FRIST. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2896 TO AMENDMENT NO. 2895

Mr. FRIST. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. FRIST) proposes an amendment numbered 2896 to Amendment No. 2895.

Mr. FRIST. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word and insert: Act shall become effective immediately upon enactment.

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion on the bill to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 2271: to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive National Security Letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

Bill Frist, Arlen Specter, Thad Cochran, Richard Burr, Mel Martinez, Jim Bunning, Jon Kyl, Craig Thomas, Mike Crapo, David Vitter, Bob Bennett, Norm Coleman, Michael B. Enzi, Lindsey Graham, Jeff Sessions, Saxby Chambliss, John Cornyn, John Thune.

Mr. FRIST. Mr. President, the actions just taken, coupled with the agreement we came to last night, set out a sequence I will review later today. We will have final passage once we get back from the recess. I am very disappointed in the fact that on a bill I know will pass overwhelmingly, by 90 to 10 or 95 to 5, it has been required of us from the other side of the aisle to be here all day yesterday, today, tomorrow, through the recess, Monday when we get back, Tuesday when we get back, and final passage on Wednesday morning, when we know what the outcome will be. It bothers me in two regards. First of all, it is a very important piece of legislation. It breaks down and further defines that rough relationship between our law enforcement community and our intelligence community. It is an important tool for the safety and security of the American people and the protection of civil liberties. The bill has been improved and will be overwhelmingly supported.

Secondly, I am disappointed because it means that we effectively have to put off other important business before this body with this postponement and this delay, issues that are important, that are immediate, that need to be addressed. The issue of lobbying reform is underway, and we need to address that on the floor sometime in the near future, such as the issues of LIHEAP and heating, flood insurance, a whole range of bills.

It also plays into what has been this pattern of postponement and delay and obstruction. If you look back at what we finished yesterday, the asbestos bill, we were forced to file cloture on the motion to proceed, which delays, in essence, for 3 days, consideration of that bill. We had debate for a day, with the other side encouraging not to take amendments on that day, allowing 2 days for amendments, but, in effect, spending 2 weeks on a bill on which we could have been moving much quicker.

Another example—I mentioned it last night in closing—is the pensions bill, a bill that passed this body on November 16, 2005, last year, 3 months ago. We asked the Democrats to appoint conferees on December 15 of last year. We renewed that request on February 1. We have been prepared. We have our conferees ready to go. We know what the ratio is, but we still have not been able to send that important bill to conference. In that regard, I wanted to formally, again, make another request, but we absolutely must begin that conference.

UNANIMOUS-CONSENT REQUEST—H. R. 2830

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 357, H.R. 2830, that all after the enacting clause be stricken and the text of S. 1783, as passed by the Senate, be inserted thereof, that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, the Senate insist upon its amendment and request a conference with the House, and the Chair be authorized to appoint conferees at a ratio of 7 to 5.

Mr. REID. Mr President, reserving the right to object, first of all, on the PATRIOT Act, it is very unusual to bring a bill to the floor and allow no amendments.

I understand the history of this legislation. We had a cloture vote, and cloture was not invoked. It was a bipartisan vote that has now been resolved and that Senator SUNUNU has worked hard to bring it to the Senate. I think the majority of the Senate clearly favors this legislation, but Senator FEINGOLD wants to offer amendments. Senator LEAHY wants to offer an amendment.

First of all, we could agree to the motions that are now pending before the Senate on the PATRIOT Act. The so-called filling the tree was used to block Senator FEINGOLD. We could adopt those amendments just like that because they are only date changes and mean very little. They mean nothing, frankly.

We could move every bill quickly here if we had no amendments. The distinguished majority leader is saying we are taking time with these amendments. That is what we do. Senator FEINGOLD has agreed reluctantly, but he agreed, and I appreciate that very much. And Senator LEAHY also agreed that there would be two amendments offered, one dealing with section 215, the other would deal with the so-called gag order. These two amendments would take an extremely limited amount of time to debate. We could vote on them today and finish this legislation. The majority leader has decided not to do that. He filled the tree, and that is his right. We understand that. But I think it is a mistake. I think it sets a bad tone for what we are trying to accomplish.

In regard to the matter before the Senate now, the unanimous consent request, which I will respond to, deals with an important piece of legislation. I acknowledge that, and we need to complete it. It will affect millions of working Americans. The bill has strong bipartisan support. It passed out of here by a vote of 97 to 2. As I reminded the distinguished majority leader off microphone, we in the minority worked very hard to get the bill passed. We eliminated amendments that people wanted to offer. It was a bipartisan effort by virtue of the extremely good vote we had.

We are eager to get to work on producing a conference report that will both strengthen the Pension Benefit Guaranty Corporation and provide certainty to employers who sponsor other types of pensions. The virtual unanimity with which the bill passed the Senate does not mean, however, that there aren't issues that need to be resolved with the House.

We have 13 titles, and it involves many issues, including changing the myriad of rules that guide employers' pension funding requirements, establishes the proper interest rate for employer funding purposes, and for calculating lump-sum distributions paid to departing employees. There are a couple of other provisions, such as it increases premiums of the Pension Benefit Guaranty Corporation, protects older workers who are hurt by changes, the so-called cash balance pension plans, and finally, one of the issues is establishing rules to help employees with 401(k) plans get unbiased investment advice. It expands 401(k) plans to make it easier for employees to be automatically enrolled in these plans so they get better savings for their retirements and changes the rules to protect spousal benefits.

Some of these issues are very technical in nature, and there are very few Senators who understand them because they have worked on them. For example, on our side, Senator HARKIN is an expert, and all of those people on the Labor Committee acknowledge his expertise in one field. Senator MIKULSKI, the ranking member of the subcommittee, is an expert in other areas.

So the point I am making is that the majority has said you will have a conference committee with seven Republicans and five Democrats. I am saying we need eight Republicans and six Democrats. It would allow me to offer somebody who I think is vitally important in allowing a better product to come back from the conference, at least the ability to debate it better.

We are not holding up this pension conference. We are not holding it up. I say the argument is just as easily made that it is being held up by the majority because they refuse to allow us to have 6 members to conference, 6 out of 100, on something that will affect hundreds of millions of Americans. I don't think that is asking too much.

So we are willing to go to conference in 5 seconds, 5 minutes. I have my conferees ready to go. We need six. It may sound easy putting these conference committees together, but it is not. I see on the floor the former majority leader and the former minority leader of the Senate, and Senator FRIST, the present majority leader, is here. They know how difficult these conference committees are. But I have a unique problem on this bill, and I need another Democratic member. So I object, unless the ratio is eight Republicans and six Democrats.

This is not arm wrestling. This doesn't have to show who is the toughest, that we are all going to hang in there, and we are not going to allow this to happen. We are in the minority. We understand that. But we have certain rights also. I don't think it is asking too much to increase the size of this conference. One more Democrat is all we are asking for. In exchange for that, of course, you get another Republican.

So I hope the ratio—the majority will have two extra Republicans on the conference—is something to which the distinguished majority leader will agree.

Mr. LOTT. Reserving the right to object, if I can make a parliamentary inquiry: First of all, did Senator REID ask for a different UC?

Mr. REID. Yes, I did, Mr. President. I ask that the request of the distinguished majority leader be amended to allow an eight-to-six conference, eight Republicans, six Democrats.

Mr. LOTT. Reserving the right to object to that, Mr. President, I hesitate to tread into these waters because I know how difficult it is to be in the position that these two leaders are in. They have to make tough choices. They have to take into consideration what happens once you get into conference. You have to look at personalities. But frankly, I think seven and five is too big. That is, to me, a pretty large number of Senators to be going to conference. I understand that Senator REID has other Senators who would like to be conferees, and I am sure Senator FRIST has other Senators who would like to be conferees. In fact, most Senators would like to be a conferee on everything, particularly coming out of their committee. That is what this is all about. I wanted to be a conferee on the tax reconciliation bill. I worked on it for a year, but I am not. The leader made the choice to go with two others, and I am off. I am not happy about that, and I have explained it to him. It is called leadership. It is called tough choices.

By the way, this has been hanging around since December 10. I believe that is when our leadership first said: Let's go to conference. I remind my colleagues and our leaders, this is a bipartisan bill. This is a bill that passed the Senate overwhelmingly. This is a bill that passed the House overwhelmingly. But it is a complex area. We need time to work out the difficulties and disagreements on pensions and how it affects aviation. None of it is going to be easy. I would think some Senators might want to take second thoughts about whether to be on this conference because it will be difficult.

But we have a time problem. If we don't appoint these conferees this week in the Senate and the House, we won't be able to begin when we come back, and then another week will be frittered away. When you look at the calendar, we will have something like maybe 25 days to reach an agreement because there is a drop-dead date on this.

First of all, at least two airlines are hanging in the balance of bankruptcy. They could very easily dump their pensions on the PBGC and say we are out of here. They are trying not to do that. They are trying to do the responsible thing for themselves, the taxpayers, and everybody.

Secondly, the reason why April 15 is a very serious date is because that is when the next quarterly payment is due. Within 2 weeks, companies are going to have to make a decision: Do I comply or not? Do I dump my pension on PBGC or do I go into bankruptcy?

We have a time problem. So I know it is not easy, but we need to get this done. I know the leaders have been talking back and forth trying to reach an agreeable number to deal with all this, but I say to my friends, it is time to make a decision, and we all have to understand we don't all get to be conferees. I understand that. I don't like it, but I understand it.

So I object to a larger number for a lot of reasons, and I urge the two leaders to come to a quick agreement. Let's get this done in the next 24 hours. Let's show for the first time this year that we can deal with something, as hard as it may be, in a bipartisan way. So I object.

The PRESIDING OFFICER. Objection is heard to modifying the unanimous consent request. Is there objection to the basic request?

Mr. REID. Mr. President, reserving the right to object, I say to my friend, the junior Senator from Mississippi, this is the first request we have had for a conference. The majority and minority staffs have worked on this. They have made significant headway, and I appreciate the work they have done. The House has not appointed their conferees, and they are certainly not going to today or tomorrow. So I think what we need to do is understand the importance of this and understand that we are ready to go to conference. We are ready to go to conference. It is a question of how many conferees we have.

I hope that my friends on the other side of the aisle would agree that it is important to go to conference and that we move forward as quickly as we can, allowing people from the Finance Committee—this isn't one committee. One reason it is complicated is that there are issues dealing with finance and the HELP Committee. So I object to the distinguished majority leader's request.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. FRIST. Mr. President, the issue is an important one because of the time constraints that were outlined by my colleague from Mississippi. This is something we have to work through. It is pretty simple, pretty straightforward, as my colleague from Mississippi said. We just went through appointing the conferees for the tax reconciliation bill. I had on the floor here a few minutes ago three different people who passionately wanted to be conferees—who worked on it, who deserve to be, yet they are not. Part of leadership is basically saying no. Seven to five is a reasonable number that many people think is too large. Seven to five is what it will be. I am hopeful that over the next few hours we can come to some resolution and appoint conferees. The House is ready to go to conference. We are ready. We asked to go to conference on December 15 of last year, yet we are not to conference.

This is a specific problem. Both the Democratic leader and I have talked about this for days, that we both have challenges, but it is something that is pretty straightforward. The bill has been passed, it is ready to go to conference, is addressing a major problem facing people across America, and we need to address it.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may offer an amendment which is at the desk, amendment No. 2892.

Mr. REID. Will the distinguished Senator yield?

Mr. FEINGOLD. I yield to the Senator from Nevada.

Mr. REID. I should have done this. I have people sending me notes. Are we having anymore votes today?

Mr. FRIST. Let's decide within the next hour. With the schedule, I know there is still going to be an effort to offer amendments and the like. Why don't we get together and have some sort of announcement shortly to our colleagues.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent the pending amendment be set aside so I may offer an amendment at the desk, No. 2892.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FEINGOLD. Mr. President, we can obviously see what is going on here when the majority leader offered those two amendments earlier. He was filling the amendment tree. That means he is trying—in fact, he is going to do everything he can, and he will succeed, if he wishes—to refuse to allow Senators to improve this bill. Those amendments are nothing more than meaningless amendments, the amendments he has offered, that have to do with the effective date of the bill. They are nothing other than an attempt to prevent me or any other Senator from trying to amend this legislation.

Not only was this a take-it-or-leave-it deal from the White House, but now the majority leader and perhaps other Senators are apparently afraid of what happens if the Senate actually does its work on this issue and has open votes on the merits of these issues.

I want everyone to know that is the game that is being played here, on a bill that has major implications for the rights and freedom of the American people. Obviously, when the majority leader talks about how urgent it is that this be passed, he is conveniently ignoring the fact that this current law is in effect until March 10, and there is no risk whatsoever that the bill would not be renewed.

I am going to speak for a few minutes about the various amendments I have filed and that the majority leader is preventing me from offering.

AMENDMENT NO. 2892

Amendment No. 2892 is the amendment that would implement the standard for obtaining section 215 orders that was in the Senate bill the Judiciary Committee approved by a vote of 18 to 0 and that was agreed to in the Senate without objection. I hope my colleagues remember that. When the majority leader fills the tree, he is not preventing some type of esoteric amendments nobody has ever seen or heard of. Every member of the Judiciary Committee already voted for that very provision and no Senator in the entire Senate, including the majority leader, objected to that being in the Senate bill. So this is not some kind of a last-minute deal. This is something the majority leader himself never objected to. It is a reasonable amendment that every Senator in one way or another has basically supported.

Of all the concerns that have been raised about the PATRIOT Act since it was passed in 2001, this is the one that has received the most public attention, and rightly so. This is the one that is often referred to as the "library provision." A reauthorization bill that doesn't fix this provision, in my view, has no credibility.

Section 215 of the PATRIOT Act allows the Government to obtain secret court orders in domestic intelligence investigations to get all kinds of business records about people, including not just library records, but also medical records and various other types of business records. The PATRIOT Act allowed the Government to obtain these records as long as they were "sought for" a terrorism investigation. That is a very low standard. It didn't require that the records concern someone who was suspected of being a terrorist or spy, or even suspected of being connected to a terrorist or spy. It didn't require any demonstration of how the records would be useful in the investigation. Under section 215, if the Government simply said it wanted records for a terrorism investigation, the secret FISA court was required to issue the order—period. To make matters worse, recipients of these orders are also subject to an automatic gag order. They cannot tell anyone that they have been asked for records.

Because of the breadth of this power, section 215 became the focal point of a lot of Americans' concerns about the PATRIOT Act. These voices came from the left and the right, from big cities and small towns all across the country. So far, more than 400 State and local government bodies have passed resolutions calling for revisions to the PATRIOT Act. And nearly every one mentions section 215.

The Government should not have the kind of broad, intrusive powers that section 215 provides—not this Government, not any government. The American people shouldn't have to live with a poorly drafted provision that clearly allows for the records of innocent Americans to be searched, and just hope that Government uses it with restraint. A Government of laws doesn't require its citizens to rely on the good will and good faith of those who have these powers—especially when adequate safeguards can be written into the laws without compromising their usefulness as a law enforcement tool. Not one of the amendments I am offering would threaten the ability of law enforcement to do what is needs to do to investigate and prevent terrorism.

After lengthy and difficult negotiations, the Judiciary Committee came up with language that achieved that goal. It would require the Government to convince a judge that a person has some connection to terrorism or espionage before obtaining their sensitive records. And when I say some connection, that's what I mean. The Senate bill's standard is the following: No. 1, that the records pertain to a terrorist or spy; No. 2, that the records pertain to an individual in contact with or known to a suspected terrorist or spy; or No. 3, that the records are relevant—just relevant—to the activities of a suspected terrorist or spy. That's the three-prong test in the Senate bill and I think it is more than adequate to give law enforcement the power it needs to conduct investigations, while also protecting the rights of innocent Americans. It would not limit the types of records that the Government could obtain, and it does not go as far to protect law-abiding Americans as I might prefer, but it would make sure the Government cannot go on fishing expeditions into the records of innocent people.

The conference report did away with this delicate compromise. It does not contain the critical modification to the standard for section 215 orders. The Senate bill permits the Government to obtain business records only if it can satisfy one or more prongs of the three-prong test. This is a broad standard with a lot of flexibility. But it retains the core protection that the Government cannot go after someone who has no connection whatsoever to a terrorist or spy or their activities.

The conference report replaces the three-prong test with a simple relevance standard. It then provides a presumption of relevance if the government meets one of the three-prongs. It is silly to argue that this is adequate protection against a fishing expedition. The only actual requirement in the conference report is that the Government show that those records are relevant to an authorized intelligence investigation. Relevance is a very broad standard that could arguably justify the collection of all kinds of information about law-abiding Americans. The three-prongs now are just examples of how the Government can satisfy the relevance standard. That is not simply a loophole or an exception that swallows the rule. The exception is the rule, rendering basically meaningless the three-prong test that we worked so hard to create in the Senate version of the bill.

This issue was perhaps the most significant reason that I and others objected to the conference report. So how was this issue addressed by the White House deal to get the support of some Senators? It wasn't. Not one change was made on the standard for obtaining section 215 orders. That is a grave disappointment. The White House refused to make any changes at all. Not only would it not accept the Senate version of section 215, which, no member of this body objected to back in July—including the majority leader—it wouldn't make any change in the conference report on this issue at all.

So today I offer an amendment to bring back the Senate standard on section 215. It simply replaces the standard in the conference report with the standard from the Senate bill. I urge my colleagues to support this change, which we all consented to 6 months ago, and which was one of the core issues that many of us stood up for in December when we voted against cloture on the conference report.

I know that some will say they must oppose this amendment because it would disrupt a delicate agreement that has been achieved with the White House. I disagree. There is no reason we can't reauthorize the PATRIOT Act and fix section 215—in fact, there is every reason we should do so. This body has expressed its strongly held views on this issue before, and it should do so again. If this issue went to a vote in the House I'm confident we would have strong support because the House has already indicated a willingness to modify section 215 to protect the privacy of innocent Americans. That is the first amendment I wanted to offer. Let me next turn to amendment No. 2893.

AMENDMENT NO. 2893

The second one is amendment No. 2893. This amendment would ensure that recipients of business records orders under section 215 of the PATRIOT Act and recipients of national security letters can get meaningful judicial review of the gag orders that they are subject to.

Recipients of both section 215 orders and national security letters are subject to automatic, indefinite gag orders. This means both that a recipient cannot tell anyone what the section 215 order or NSL says, and that the recipient can never even acknowledge that he or she received a section 215 order or NSL. Now I understand there may very well be a need to protect the confidentiality of these business records orders and NSLs in many cases, particularly with regard to the identity of the people whose records they seek. But I do not understand why even the fact of their existence must be a secret, forever, in every case. Even classified information can undergo declassification procedures and ultimately become public, when appropriate.

So I think that meaningful judicial review of these gag orders is critically important. In fact, these automatic, permanent gag rules very likely violate the first amendment. In litigation challenging the gag rule in one of the national security letter statutes, two courts have found first amendment violations because there is no individualized evaluation of the need for secrecy.

So what does the reauthorization package do about this serious problem? Under the conference report, as modified by the Sununu bill, recipients would theoretically have the ability to challenge these gag orders in court, but the standard for getting the gag orders overturned would be virtually impossible to meet. It is not the meaningful judicial review that the sponsors of the SAFE Act and so many others have been calling for.

Let me start with the NSL provision of the conference report. In order to prevail in challenging the NSL gag order, the recipient would have to prove that any certification by the Government that disclosure would harm national security or impair diplomatic relations was made in bad faith. There would be what many have called a "conclusive presumption" the gag order stands—unless the recipient can prove that the Government acted in bad faith. We all know that is not meaningful judicial review. That is just the illusion of judicial review.

Does the White House deal address this problem? It does not. In fact, it applies that same very troubling standard of review to judicial review of section 215 gag orders.

The conference report that was rejected back in December did not authorize judicial review of the gag order that comes with a section 215 order at all. That was a serious deficiency. But the White House deal does not solve it. Far from it. Under the deal, there is judicial review of section 215 gag orders, but subject to two limitations that are very problematic. First, judicial review can only take place after at least a year has passed. And second, it can only be successful if the recipient of the section 215 order proves that the Government has acted in bad faith, just as I have described with the NSL provision.

My amendment would eliminate the "bad faith" showing currently required for overturning both section 215 and NSL gag orders. And it would no longer require recipients of section 215 orders to wait a year before they can challenge the accompanying gag orders.

That is not everything I would want to address with regard to this issue. I am also concerned that the judicial review provisions allow the Government to present its evidence and arguments to the court in secret. But this amendment which I would like to offer is a good solid start. At a time when the Government is asserting extraordinary powers and seeking to exercise them without any oversight by the courts, judicial review of Government assertions that secrecy is necessary more essential than ever.

We cannot face the American people and claim that overreaching by the government under the PATRIOT Act cannot happen because the courts have the power to stop it—and then turn around and prevent the courts from doing their job. The illusion of judicial review is almost worse that no judicial review at all. In America, we cannot sanction kangaroo courts where the deck is stacked against one party before the case is even filed. Obviously, I hope that my colleagues will support this very reasonable amendment, if we are given a chance to vote on it. I think many would find it quite pervasive and particularly some of the people who were part of the White House negotiations.

AMENDMENT TO ADD NSL SUNSET

The third amendment I would like to offer, No. 2891, would add to the conference report one additional 4-year sunset provision. It would sunset the national security letter authorities that were expanded by the PATRIOT Act. It would be simply add that sunset to the already existing 4-year sunsets that are in the conference report with respect to section 206, section 215, and the lone wolf provision.

National Security Letters, or NSLs, are finally starting to get the attention they deserve. This authority was expanded by sections 358 and 505 of the PATRIOT Act. The issue of NSLs has flown under the radar for years, even though many of us have been trying to bring more public attention to it. I am gratified that we are finally talking about NSLs, in large part due to a lengthy Washington Post story published last year about these authorities.

What are NSLs, and why are they such a concern? Let me spend a little time on this because it really is important.

National security letters are issued by the FBI to businesses to obtain certain types of records. So they are similar to section 215 orders, but with one very critical difference. The Government does not need to get any court approval whatsoever to issue them. It doesn't have to go to the FISA court and make even the most minimal showing. It simply issues the order signed by the special agent in charge of a field office or an FBI headquarters official.

NSLs can only be used to obtain certain categories of business records, While section 215 orders can be used to obtain "any tangible thing." But even the categories reachable by an NSL are quite broad. NSLs can be used to obtain three types of business records: subscriber and transactional information related to Internet and phone usage; credit reports; and financial records, a category that has been expanded to include records from all kinds of everyday businesses like jewelers, car dealers, travel agents and even casinos.

Just as with section 215, the PATRIOT Act expanded the NSL authorities to allow the Government to use them to obtain records of people who are not suspected of being, or even of being connected to, terrorists or spies. The Government need only certify that the documents are either sought for or relevant to an authorized intelligence investigation, a far-reaching standard that could be used to obtain all kinds of records about innocent Americans. And just as with section 215, the recipient is subject to an automatic, permanent gag rule.

The conference report does nothing to fix the standard for issuing an NSL. It leaves in place the breathtakingly broad relevance standard. And the White House deal doesn't do anything about this either.

It is true that the Senate bill does not contain a sunset on the NSL provision. But the Senate bill was passed before the Post brought so much attention to this issue by reporting about the use of NSLs and the difficulties that the gag rule poses for businesses that feel they are being unfairly burdened by them. At the very least, I would think that a sunset of the NSL authorities is justified to ensure that Congress has the opportunity to take a close look at such a broad power. And let me emphasize, the sunset in this amendment would only apply to the expansions of NSL authorities contained in the PATRIOT Act, not to pre-existing authorities.

I suspect that the NSL power is something that the administration is zealously guarding because it is one area where there is almost no judicial involvement or oversight. It is the last refuge for those who want virtually unlimited Government power in intelligence investigations. And that is why the Congress should be very concerned, and very insistent on including a sunset of these expanded authorities. A sunset is a reasonable step here. It helps Congress conduct oversight of these authorities, and requires us to revisit them in 4 years. Ideally we could go ahead and actually fix the NSL statutes now, but sunsetting the expanded powers would at least be a step in the right direction.

Adding this sunset does not change the law in any way. I cannot imagine that adopting this amendment would blow up the White House deal. This is a reasonable amendment, and again I want my colleagues to have a chance to vote on it.

SNEAK AND PEEK AMENDMENT

The fourth amendment that I have, No. 2894, concerns so-called "sneak and peek" searches, whereby the Government can secretly search people's houses. The Senate bill included compromise language that was acceptable to me and the other proponents of the SAFE Act. The conference report departs from that compromise in one very significant respect, and the White House deal doesn't address this at all. My amendment would restore the key component of the Senate compromise by requiring that subjects of sneak and peek searches be notified of the search within 7 days, unless a judge grants an extension of that time because there is a good reason to still keep the search secret. It makes no other change to the conference report other than changing 30 days to 7 days.

Let me take a little time to put this issue in context and explain why the difference between 30 days and 7 days is necessary to protect an important constitutional right.

One of the most fundamental protections in the Bill of Rights is the fourth amendment's guarantee that all citizens have the right to "be secure in their persons, houses, papers, and effects" against "unreasonable searches and seizures." The idea that the Government cannot enter our homes improperly is a bedrock principle for Americans, and rightly so. The fourth amendment has a rich history and includes in its ambit some very important requirements for searches. One is the requirement that a search be conducted pursuant to a warrant. The Constitution specifically requires that a warrant for a search be issued only where there is probable cause and that the warrant specifically describe the place to be searched and the persons or things to be seized.

Why does the Constitution require that particular description? Well, for one thing, that description becomes a limit on what can be searched or seized. If the magistrate approves a warrant to search someone's home and the police show up at the person's business, that search is not valid. If the warrant authorizes a search at a particular address, and the police take it next door, they have no right to enter that house. But here is the key. There is no opportunity to point out that the warrant is inadequate unless that warrant is handed to someone at the premises. If there is no one present to receive the warrant, and the search must be carried out immediately, most warrants require that they be left behind at the premises that were searched. Notice of the search is part of the standard fourth amendment protection. It's what gives effect to the Constitution's requirement of a warrant and a particular description of the place to be searched and the persons or items to be seized.

Over the years, the courts have faced claims by the Government that the circumstances of a particular investigation require a search without notifying the target prior to carrying out the search. In some cases, giving notice would compromise the success of the search by causing the suspect to flee or destroy evidence. The two leading court decisions on so-called surreptitious entry, or what have come to be known as "sneak and peek" searches, came to very similar conclusions. They held that notice of criminal search warrants could be delayed, but not omitted entirely. Both the Second Circuit in U.S. v. Villegas and the Ninth Circuit in U.S. v. Freitas held that a sneak and peek warrant must provide that notice of the search will be given within 7 days, unless extended by the court. Listen to what the Freitas court said about such searches:

> We take this position because surreptitious searches and seizures of intangibles strike at the very heart of the interests protected by the Fourth Amendment. The mere thought of strangers walking through and visually examining the center of our privacy interest, our home, arouses our passion for freedom as does nothing else. That passion, the true source of the Fourth Amendment, demands that surreptitious entries be closely circumscribed.

So when defenders of the PATRIOT Act say that sneak and peek searches were commonly approved by courts prior to the PATRIOT Act, they are partially correct. Some courts permitted secret searches in very limited circumstances, but they also recognized the need for prompt notice after the search unless a reason to continue to delay notice was demonstrated. And they specifically said that notice had to occur within 7 days.

Section 213 of the PATRIOT Act didn't get this balance right. It allowed notice to be delayed for any "reasonable" length of time. What is "reasonable"? Information provided by the administration about the use of this provision since 2001 indicates that delays of months at a time are now becoming commonplace. Those are hardly the kind of delays that the courts had been allowing prior to the PATRIOT Act.

I know that the conference report requirement of notice within 30 days was a compromise between the Senate and House provisions. And so, the Senator from Pennsylvania and others will strongly oppose this amendment, if I ever get to offer it. But let me point out that the House passed the Otter amendment to completely eliminate the sneak and peek provision by a wide bipartisan margin. I hardly think the House will balk at this reasonable amendment that allows these sneak and peek reviews but says that after 7 days you have to go back and get an application for more time, or you have to give notice to the persons whose house is intruded upon.

More importantly, here is the crucial question that no one has been able to answer so far. Listen carefully to the arguments made by the opponents of the amendment and see if they answer it this time, if we ever get a chance to debate it. What possible rationale is there for not requiring the Government to go back to a court within 7 days after a sneak and peek search and demonstrate a need for continued secrecy? What is the problem here? Why insist that the Government get 30 days of secrecy, instead of 7 days, without getting an extension from the court? Could it be that they think that the courts usually won't agree that continued secrecy is needed after the search is conducted, so they won't get the 90-day extension? If they have to go back to a court at some point, why not go back after 7 days rather than 30? From the point of view of the Government, I don't see the big deal.

It amazes me to hear Senators on the floor saying 7 days, 30 days. What is the difference? This is about big government coming into your home without your knowledge and saying it doesn't matter that you are not given notice in 7 days as opposed to 30 days. I tell you that it matters to people in my State, and it would matter to me. Government shouldn't be in your house without notice except for very narrowly identified circumstances that are consistent with the court decisions that allowed the sneak-and-peek provisions in the first place. There is a big difference between 1 week and 1 month when it comes to something like the Government secretly coming into your home.

Suppose, for example, that the Government actually searched the wrong house. As I mentioned, that is one of the reasons that notice is a fourth amendment requirement. The innocent owner of the place that had been searched might suspect that someone had broken in his house, and he might be living in fear that someone has a key or some other way to enter his house. The owner might wonder: When is the intruder going to return? Do the locks have to be changed?

I implore my colleagues to look at this issue from the point of view of an innocent person in their own home somewhere in their own home State. Why would we make that person wait a month to get an explanation rather than a week? Presumably, if the search revealed nothing, and especially if the Government realized the mistake and does not intend to apply for an extension, it will be no hardship other than a little embarrassment for notice to be given within 7 days.

If, on the other hand, the search was successful and revealed illegal activity and notifying the subject would compromise an ongoing investigation, the Government should have no trouble at all getting a 90-day extension of the search warrant. All they have to do is walk into the court and tell the judge: Judge, we found something, and we are now keeping the place under surveillance because there is ongoing criminal activity taking place there, so give us more time before we serve the search warrant.

That is all you have to say. What is so hard about that? We all know the judges will give them that. It is perfectly reasonable.

The Senate bill is already a compromise on this very controversial provision. There is no good reason not to adopt the Senate's position. I have pointed this out repeatedly and no one has ever come to the Senate and come up with any explanation of why the Government cannot come back to the court within 7 days of executing the search. The Senate provision was what the courts required prior to the PATRIOT Act. It worked fine then. It can work now.

Let me make one final point about sneak-and-peek warrants. Do not be fooled for a minute that this power has anything to do with just investigating terrorism or espionage. It does not. Section 213 is a criminal provision that applies in any kind of criminal investigation. In fact, most sneak-and-peek warrants are issued for drug investigations. So why do I say they are not needed in terrorism investigations? Because FISA, the Foreign Intelligence Surveillance Act, can also apply to these investigations. FISA search warrants are always executed in secret and never require notice—not in 7 days, not in 30 days, not in 180 days, not ever. So if you do not want to give notice of a search in a terrorism investigation, you can get a FISA warrant. So any argument that adopting this amendment will interfere with sensitive terrorism investigations is false. It is false, plain and simple.

I look forward to hearing the response of the opponents on this issue. I am beginning to lose faith I will ever hear from them. But I also urge my colleagues to listen carefully: Will anyone come forward and argue convincingly that 7 days, which the entire Senate approved in July, is too short of a period of time? If not, we should adopt this amendment.

I have had the opportunity the last few minutes to describe the four remaining amendments I have filed. I have tried to explain them clearly. These are provisions that are either consistent with or the same as provisions that we approved in the Senate last year by unanimous vote in the Judiciary Committee and in a unanimous consent agreement in the Senate, which not one single Senator, including the majority leader, objected to. Or they were central to the concerns raised by so many Senators late last year. So these are obviously not extreme ideas. They are very reasonable ideas.

The idea that right after the motion to proceed was approved the majority leader would come and "fill up the tree," which means preventing me from offering these amendments on the Senate floor, is a disservice to the Senate and it is a disservice to the American people. The American people are concerned about this legislation. Whether Members of this Senate want to admit it, there is a lot of concern about this legislation. The goal should be to make sure that the law enforcement in our country has the tools it needs to fight those who are involved in terrorism or spying. But the goal should also be to reassure the American people that we are not somehow trying to take away the rights and freedoms and privacy of perfectly innocent Americans. I would think all of us would want that to be the way this legislation is perceived.

The act of preventing reasonable amendments, under a limited timeframe, on provisions that have already been approved by the Senate or that so many Senators have raised concerns about, is a guarantee of causing anxiety and concern on the part of the American people that something is wrong, that somehow the power grab by this administration is out of control.

I implore my colleagues to join me in imploring the majority leader to allow us to offer these reasonable amendments. That is not only the right thing to do, it is our responsibility, as Members of this Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALENT. Mr. President, I have come to the Senate floor this afternoon to speak for a few minutes about a specific provision, a significant provision in the PATRIOT Act, the Combat Meth Act. This is the most comprehensive antimethamphetamine legislation ever to be introduced, much less passed, in the Senate. I am hopeful that it will be passed in the Senate, of course, in this legislation and be sent to the President's desk for his signature and then for implementation.

Methamphetamine is the worst drug threat that I have confronted in my 20 years in public life. When I say that, I hope it has some impression on people. But when career law enforcement officers stand up in various forums and say that, I hope people are afraid because this drug should make us afraid. It is almost the "perfect storm" of drugs. It is almost immediately addictive.

Most people who try methamphetamine get addicted the first time they try it. There is no such thing as casual or recreational use of this drug. It is very damaging to the person who uses it. It changes the structure of the brain. It turns people who use it into more aggressive-type individuals. Other drugs, as bad as they are, tend to make people more passive. Methamphetamine makes them paranoid. I was speaking with another Senator about this bill a few minutes ago over the telephone, and he mentioned to me that in his State one woman who had been a meth user told him that when she was high on meth, she thought her 3-year-old was trying to kill her. This is not uncommon. There is almost no known medical cure for it.

Our substance abuse counselors do a heroic job and people have gotten off of methamphetamine, but I do want to state that we don't have a methadone for methamphetamine. On top of all of these things, as bad as they are by themselves, this is a drug which, to this point, has not only been consumed and sold in our neighborhoods, as other drugs are, it has been primarily, in many States, made in our own neighborhoods in local labs.

The process for making methamphetamine is highly dangerous and toxic. So in addition to all of the problems that go with addiction to deadly drugs, we have, on top of that, a whole set of other problems that you don't have with other drugs that are caused by the fact that methamphetamine is actually made in our neighborhoods. Since the process for making it is toxic, homes in which methamphetamine is made, or in cars—because sometimes they make it in vans—they become toxic waste dumps, huge environmental waste problems for local officials to clean up. The fact that the drug is made in home labs creates a whole new set of problems for kids. It is bad enough for a kid if they are growing up in a home where drugs are being used, but if methamphetamine is being cooked, the children become contaminated with toxins.

When they pull kids out of those environments, they have to decontaminate them. It can cause permanent health problems. I had a St. Louis County firefighting officer tell me that half of the vehicle fires they were fighting were methamphetamine related. Those are chemical fires. It has strained local budgets to the breaking point because our counties, in addition to all of the other law enforcement activity, have had to try to knock down, in some cases, hundreds of labs in rural counties. In many cases, there are more rural counties where they have 5, 6, 8, 10 or 12 deputies trying to patrol the whole county. It is the "perfect storm" of drugs.

The only silver lining in the cloud is the fact that in order to make methamphetamine, you must have pseudoephedrine. There are lots of ways to make it, but you need pseudoephedrine for making it. For local cooks, the only way to get pseudoephedrine is through cold medicines, antihistamines. This opened up the possibility for stopping the local labs that take advantage of this.

Before going any further—I only have a few minutes—I have to stop and congratulate and pay tribute to Senator FEINSTEIN. This bill that we are going to pass—I hope and believe—within the next week or 2, stands on the shoulders of the work that she has put in since the mid-1990s, when she recognized the danger of pseudoephedrine. She and I are the chief cosponsors of the measure in the Senate. She has been a pleasure to work with, and her knowledge and expertise were important in getting the bill this far. I think she can accurately regard this bill as a personal triumph.

What does the legislation do? It is a comprehensive approach. There are a number of things in it. It will put pseudoephedrine behind the counters in pharmacies and stores. Legitimate consumers will still be able to get it, but if you are buying medicines containing pseudoephedrine without a prescription, you are going to have to show an ID and sign a log book, and you won't be able to buy more than 3.6 grams of cold medicine at a time, and 9 grams in one month, which is far more than the average use of any adult for cold medicine anyway. The States that have experimented and have had measures such as this—and Oklahoma is a leader, and Iowa has been a leader, and they deserve credit. My home State of Missouri also has a law. The States that have passed laws such as this have experienced anywhere from a 70- to an 80-percent reduction in local labs.

Senator FEINSTEIN and I and all the cosponsors of the bill are hopeful that we will get the same results nationally, and we will protect our people, moreover, from people crossing State lines to buy the pseudoephedrine in jurisdictions that don't have this legislation. We had a case in Missouri recently when a couple of meth cooks left Franklin County, MO, in eastern Missouri, drove across Illinois into Indiana and bought over 100 packages of cold medicine in Indiana, which is about 140 to 150 grams of pseudoephedrine; they were in the process of driving it back to Franklin County to support the local lab structure there, when they were caught by the Indiana troopers. We are grateful for those troopers.

That is what is going to go on until we have a national standard. This bill provides a national standard that will be effective 30 days after Presidential signature, and we can expect a 70- to 80-percent reduction in local labs around the country as a result of this.

There are a number of other provisions in the Combat Meth Act that are important, which will provide critical resources to local law enforcement to do the cleanup. When you cook meth in a home, it becomes a toxic waste dump, costing thousands of dollars to clean up. Thousands of our deputies and sheriffs and police officers have had to become trained in environmental cleanup because of this drug. We are going to provide additional resources to help them. It will enhance enforcement of meth trafficking by requiring additional reporting and certification from countries that export large amounts of pseudoephedrine. It is going to help local social services help the kids who are tragically trapped in this environment. There is money for drug-endangered children rapid response teams. We can help localities with that. We provide extra tools to prosecute meth cooks and traffickers.

It is a comprehensive measure, but it is by no means all that we need to do. This is a significant first step, and Senator FEINSTEIN and I believe it will at least substantially eliminate these labs, which then will eliminate a whole set of enormous problems above and beyond the problems caused by addiction to methamphetamine.

We are continuing to work with the State Department, the DEA, and other agencies to try to interdict shipments of methamphetamine or pseudoephedrine from abroad. We need to work with relevant committees to come up with a new kind of methamphetamine technical assistance center in Washington, which can help develop better protocols and assistance to help those people who are on meth and want to get off of it. I think it is an important part of the drug war to say to people: Look, if you are addicted to a drug and you want help, we want to help you. If what you want to do is cook this drug or make it and sell it to our kids, we are going to stop you.

That is a piece that we need to work on, and I think we will work on it. We have had assurances from the relevant Committee chairs and ranking members that we can do that. We need to pass this bill now. I am grateful—and I know Senator FEINSTEIN is as well—to the leaders in both parties for their bipartisan leadership and to the Judiciary Committee, Senator SPECTER and Senator LEAHY, for allowing us to put this bill on the PATRIOT Act. We are grateful, also, to the Senate for its unanimous support of this bill over the last few months.

Mr. President, we can do important things. We can do good things for people, and we can do them the right way. That is how I look at the Combat Meth Act. It is going to make a difference immediately in neighborhoods and communities around the country, and it has been done on a thoroughly bipartisan basis from the beginning, when Senator FEINSTEIN and I cosponsored it.

So I am pleased to be here to speak on behalf of the bill as a whole and also on behalf of this specific provision. I hope we can move expeditiously to final passage so that this important legislation can be signed by the President and can become law.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I rise to speak about S. 2271, Senator SUNUNU's bill to amend the PATRIOT Act. I commend Senator JOHN SUNUNU of New Hampshire for his extraordinary efforts on this bill.

For over 2 years he has been part of a bipartisan coalition, which I have been happy to join him in, working to reform the PATRIOT Act. We support the PATRIOT Act. We want it to include checks and balances to protect the constitutional rights of Americans. In other words, we want to improve the PATRIOT Act, not abandon it.

We came together across party lines for this effort because our national security and constitutional rights are important to every American. The PATRIOT Act should not be a political football.

When we launched this effort 2 years ago, the administration said changing even one word in the PATRIOT Act was unacceptable. I have said that when it comes to writing laws, with the exception of the Ten Commandments which were handed down on stone tablets, there are no perfect laws; we should always try to improve them.

Now, with Senator SUNUNU's bill and the PATRIOT Act conference report, we will reauthorize the PATRIOT Act with significant reforms, reforms we proposed as long as 2 years ago.

Let me say up front this outcome is far from perfect. There is still a lot of work to be done.

But the administration was willing to let the PATRIOT Act expire rather than accept some of the reforms we proposed. We will not let that happen. The PATRIOT Act will not expire on our watch.

We are going to reauthorize the PATRIOT Act with new checks and balances that will help protect innocent Americans, but we will not stop our fight for additional necessary reforms.

Let me take a few minutes to review the history of the PATRIOT Act. During a time of national crisis, shortly after September 11, the President came to us, asking Congress for new tools and new authority to fight terrorism. While the ruins of the World Trade Center were still smoldering, Congress responded on a bipartisan basis, with dispatch, to give this administration what they wanted to be able to fight terrorism. We passed the PATRIOT Act with overwhelming bipartisan support.

We understood it was a unique moment in history. We had to act quickly. Even then we were concerned that perhaps the PATRIOT Act went too far. So we included sunsets so we could review this law after four years and reflect on whether we had made the right decision.

There is now a widespread, bipartisan consensus that the PATRIOT Act went too far in several specific areas. The vast majority of the provisions of the PATRIOT Act are not controversial. But in a few specific areas, there is broad agreement that the PATRIOT Act does not include adequate checks and balances to protect the civil liberties of innocent Americans.

As a result, Senator LARRY CRAIG and I introduced the Security and Freedom Enhancement Act, also known as the SAFE Act, to address these specific areas of concern. We were joined by our colleagues Senators SUNUNU, FEINGOLD, MURKOWSKI, and SALAZAR.

We crossed a broad and wide political divide to come together. This is really the gathering of political odd fellows, but we all shared the same goal: protecting constitutional freedoms while still protecting the security of America.

The administration threatened to veto the SAFE Act if it ever came before them. They claimed that it would "eliminate" some PATRIOT Act powers. In fact, the SAFE Act would not repeal a single provision of the PATRIOT Act. It would retain the expanded powers created by the PATRIOT Act but place important limits on these powers.

The bill attracted an enormous amount of support from across the political spectrum, from the most conservative to the most liberal groups in Washington. I have never seen another bill like our SAFE Act that attracted that kind of support.

It also was supported by the American Library Association because it would prevent the Government from snooping through the library records of innocent Americans.

I thank America's librarians for their efforts and tell them that it paid off. They were not taking a hysterical position, as some in the administration branded it. They were taking the right position—standing up for the freedoms we hold dear in this country.

The conference report, as amended by the Sununu bill, includes a number of checks and balances that are based on provisions of the SAFE Act.

Under the PATRIOT Act, the FBI is now permitted to obtain a John Doe roving wiretap, a sweeping authority never before authorized by Congress. A John Doe roving wiretap does not specify the person or phone to be wiretapped. In other words, the FBI can obtain a wiretap without telling a court whom they want to wiretap or where they want to wiretap.

Like the SAFE Act, the PATRIOT Act conference report would continue to allow roving wiretaps, but it places a reasonable limit on these so-called John Doe roving wiretaps. In order to obtain a John Doe roving wiretap, the Government would now be required to describe the specific target of the wiretap to the judge who issues the wiretap order. This will help protect innocent Americans.

Under the PATRIOT Act, the FBI can search your home without telling you until some later date. These sneak-and-peek searches are not limited to terrorism cases.

Like the SAFE Act, the conference report would require the Government to notify a person who is subjected to a sneak-and-peek search within a specific period of time, 30 days, rather than the undefined delay currently permitted by the PATRIOT Act. The court could allow additional delays of notice under compelling circumstances.

Section 215 of the PATRIOT Act is often called the library records provision. This section has been the focus of much of our efforts.

Under section 215, the FBI can obtain your library, medical, financial, or gun records simply by claiming they are seeking the records for a terrorism investigation. If the FBI makes this claim, the court must issue an order. It has no ability to even question the FBI about why they want to look into your sensitive personal information. This type of court approval is nothing more than a rubberstamp.

Defenders of this section often compare to it a subpoena by a grand jury in a criminal case, but it couldn't be more different. A person who receives a grand jury subpoena can challenge it in court. A person who receives a section 215 order cannot go to a judge to challenge the order, even if he believes his rights have been violated.

Courts have held that it is unconstitutional to deny someone the right to go to court to challenge an order like this.

Also, unlike a person who receives a grand jury subpoena, the recipient of a section 215 gag order is subject to an automatic permanent gag order.

And a person who receives a Section 215 order has no right to go to a judge to challenge the gag order. Courts have held that gag orders that cannot be challenged in court violate the first amendment.

Like the SAFE Act, the PATRIOT Act conference report, as amended by Senator SUNUNU's bill, will place some reasonable checks on section 215.

In order to obtain a section 215 order, the Government will now have to convince a judge that they have reasonable grounds to believe the information they seek is relevant to a terrorism investigation. The court will have the ability to question the FBI before issuing a section 215 order.

This is an improvement, but I'm still concerned that the Government is not required to show a connection to a suspected terrorist in order to obtain section 215 order. I will speak more about this later.

The FBI will also be required to follow so-called minimization procedures. These procedures should help to protect innocent Americans by limiting the retention and dissemination of information obtained with section 215 orders.

The recipient of section 215 order will now have the ability to consult with an attorney.

Judicial oversight will also be enhanced. The recipient of a section 215 order will now have the right to challenge the order in court on the same grounds as he could challenge a grand jury subpoena.

And, if Senator SUNUNU's bill passes, the recipient of a section 215 order will also have the right to challenge the gag order in court.

The PATRIOT Act expanded the Government's authority to use national security letters which are also known as NSLs.

An NSL is a type of administrative subpoena. It is a document signed by an FBI agent that requires businesses to disclose the sensitive personal records of their customers.

An NSL does not require the approval of a judge or a grand jury. A business that receives an NSL is subject to an automatic, permanent gag order.

As with section 215 orders, a person cannot go to a judge to challenge an NSL or the NSL's gag order, and he can't consult with an attorney.

Like the SAFE Act, the PATRIOT Act conference report, as amended by Senator SUNUNU's bill, will place some reasonable checks on NSLs.

Most important, the Sununu bill clarifies that the government cannot issue a national security letter to a library that is functioning in its traditional role, which includes providing computer terminals with basic Internet access.

As with section 215 orders, the recipient of an NSL will now have the right to consult with an attorney, and the right to challenge the NSL or the NSL's gag order in court.

Like the SAFE Act, the conference report will also require public reporting on the use of PATRIOT Act authorities, including the number section 215 orders and NSLs issued by the Government.

Finally, the conference report includes a sunset on three provisions of the law, including section 215, so Congress will again have an opportunity to review the PATRIOT Act at the end of 2009.

As I said earlier, the conference report is not perfect. That's the nature of a compromise.

I am especially concerned about the need for additional checks on section 215 and national security letters.

The conference report would allow the Government to use section 215 orders or NSLs to obtain sensitive personal information without showing some connection to a suspected terrorist. I fear that this could lead to Government fishing expeditions that target innocent Americans.

In this country, you have the right to be left alone by the Government unless you have done something to warrant scrutiny.

When the FBI is conducting a terrorism investigation they shouldn't be able to snoop through your library, medical, or gun records unless you have some connection to a suspected terrorist.

I am also very concerned about unnecessary limits on judicial review of section 215 national security letter gag orders. The conference report requires the court to accept the Government's claim that a gag order should not be lifted, unless the court determines the Government is acting in bad faith. This will make it difficult to get meaningful judicial review of a gag order.

As I said earlier, our bipartisan coalition is going to keep working for additional reforms to the PATRIOT Act.

In fact, Senator CRAIG, Senator SUNUNU and I plan to introduce an updated version of the SAFE Act to address the problems that still exist with the PATRIOT Act.

Our great country was founded by people who fled a government that repressed their freedom in the name of security. The Founders wanted to ensure that the United States Government would respect its citizens' liberties, even during times of war. That's why there is no wartime exception in the Constitution.

The 9/11 Commission said it best: The choice between security and liberty is a false one. Our bipartisan coalition believes the PATRIOT Act can be revised to better protect civil liberties. We believe it is possible for Republicans and Democrats to come together to protect our fundamental constitutional rights and give the Government the powers it needs to fight terrorism. We believe we can be safe and free.

That's why we're going to reauthorize the PATRIOT Act with new checks and balances. And that's why we'll keep fighting for additional reforms to the PATRIOT Act.

Senators CRAIG, SUNUNU, and others have joined me in improving the PATRIOT Act as originally written. There are still serious problems with the PATRIOT Act, but I think this conference report, as amended by Senator SUNUNU's bill, is a positive step forward. That is why I am supporting it.

I promise, as they say, eternal vigilance, watching this administration and every administration to make certain they don't go too far. If they overstep, if they step into areas of privacy and constitutional rights, I will speak out and do my best to change the PATRIOT Act and make it a better law.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Iowa.

REPORT ON FDA APPROVAL PROCESS FOR VNS

Mr. GRASSLEY. Mr. President, I want to address my fellow Senators, in cooperation with my friend, Senator BAUCUS from Montana, on an issue that our respective staffs have been working on together for a long time. As chairman of the Finance Committee and as ranking member, we are releasing today a report. We come to the floor with our duties in mind to our constituents, to Medicaid and Medicare beneficiaries, and to all Americans, to speak of urgent matters that should concern all of us.

For more than 2 years, I have followed, with increasing concern, the performance of the Food and Drug Administration. It seems as though every week, if not every day, some new danger or risk is brought to light about an FDA-approved drug or device. As chairman and ranking member of the committee, Senator BAUCUS and I have a responsibility to American taxpayers to ensure that Medicare and Medicaid programs pay for medical products that have been appropriately approved in accordance with all laws and regulations. Whether a product is safe, whether a product is effective is not only a major public safety concern; it also has important financial concerns.

We understand there is a human element to the Food and Drug Administration's approval process. As a society, we recognize the anguish of families who must rely on the development of innovative, experimental, new medical products and treatments that may or may not save the life of a loved one. Our Nation is lucky to have a private marketplace that is incredibly resourceful and prolific in the field of medicine. An integral role of the Food and Drug Administration is to get these potentially lifesaving products to the market without undue delay. We also have a Government-regulated system where patients have the option to receive potentially lifesaving but unproven products by participating voluntarily in clinical trials. In the end, however, our Nation's well-founded medical system, despite its weaknesses, must always rest on sound science.

The report we are releasing today focuses on the FDA's approval process for medical devices. It is indisputable that all medical devices carry risks, but Food and Drug Administration approval is still considered the gold standard for safety and effectiveness. However, our committee staff report raises legitimate questions about the FDA's decision to approve a specific medical device. Last February, a number of concerns were raised to our committee about an implantable device called the vagus nerve stimulator or VNS, as I will refer to it. This product, VNS, is manufactured by a company called Cyberonics. Senator BAUCUS and I asked our committee staff to review the concerns that were given to us and report their findings. This report has three major findings which I will summarize briefly.

First, the Food and Drug Administration approved VNS for treatment-resistant depression, a new indication for this surgically implanted device. That was based upon a senior manager overruling more than 20 Food and Drug Administration scientists, medical, and safety officers, as well as managers, who reviewed the data on VNS. The high-level official approved the device despite a resolute conclusion by many at the FDA that the device did not demonstrate a reasonable assurance of safety and effectiveness.

Second, the Food and Drug Administration has not made public the level of internal dissent involved in this device approval, despite the fact that the FDA has publicized differences of scientific opinion within the agency when it has announced other controversial regulatory decisions.

Third, the Food and Drug Administration has not ensured that the public has all the accurate, science-based information on the safety and effectiveness of the VNS for treatment-resistant depression. So health care providers, relying on the FDA's information about this device, may not be able to convey complete risk information to each patient.

In the end, this senior Food and Drug Administration official not only overruled more than 20 Food and Drug Administration employees, but he stated to our committee staff that the public would not be made aware of the scientific dissent over whether the device is reasonably safe and effective. Until today, this official's detailed conclusions remain confidential and unavailable to the public. We are releasing these confidential conclusions in the appendix to the report. Some of his own conclusions raise serious questions in our minds. For example, I quote from his override memorandum:

> I think it needs to be stated clearly and unambiguously that [certain VNS data] failed to reach, or even come close to reaching, statistical significance with respect to its primary endpoint. I think that one has to conclude that, based on [that] data, either the device has no effect, or, if it does have an effect, that in order to measure that effect a longer period of follow-up is required.

The events and circumstances surrounding the Food and Drug Administration's review and approval of VNS for treatment-resistant depression, which you will find detailed in this report we are releasing, raises critical questions about the Food and Drug Administration's so-called "authoritative" approval process. I am greatly concerned that the Food and Drug Administration standard for approval may not have been met here. If that is the case, it raises further difficult questions, including whether Medicare and Medicaid dollars should be used to pay for this device now.

Accordingly, we are forwarding the report to Secretary Leavitt, Administrator McClellan, and Acting Commissioner von Eschenbach for their consideration and comment. These are difficult matters that deserve their full attention.

Before I close, I commend the commitment and dedication of the more than 20 FDA scientists who tried to do the right thing in this case, as they probably do in every case, and not stray from evidence-based science. I applaud their effort on behalf of the American people.

I ask unanimous consent that the executive summary of the report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I. EXECUTIVE SUMMARY

The United States Senate Committee on Finance (Committee) has exclusive jurisdiction over the Medicare and Medicaid programs. Accordingly, the Committee has a responsibility to the more than 80 million Americans who receive health care coverage under Medicare and Medicaid to oversee the proper administration of these programs, including the payment for medical devices regulated by the Food and Drug Administration (FDA). Given the rising health care costs in this country, and more importantly, in the interest of public health and safety, Medicare and Medicaid dollars should be spent on drugs and devices that have been appropriately deemed safe and effective for use by the FDA, in accordance with all laws and regulations.

In February 2005, Senator Charles Grassley (R-IA) and Senator Max Baucus (D-MT), Chairman and Ranking Member of the Committee, initiated an inquiry into the FDA's handling of Cyberonics, Inc.'s (Cyberonics) pre-market approval application to add a new indication—treatment-resistant depression (TRD)-to Cyberonics's Vagus Nerve Stimulation (VNS) Therapy System, an implanted pulse generator. The Chairman and Ranking Member initiated the inquiry in response to concerns that were raised regarding Cyberonics's VNS Therapy System for TRD. On July 15, 2005, the FDA approved the device for TRD.

The investigative staff of the Committee reviewed documents and information obtained and received from the FDA and Cyberonics and found the following:

As the federal agency charged by Congress with ensuring that devices are safe and effective, the FDA approved the VNS Therapy System for TRD based upon a senior official overruling the comprehensive scientific evaluation of more than 20 FDA scientists, medical officers, and management staff who reviewed Cyberonic's application over the course of about 15 months. The official approved the device despite the conclusion of the FDA reviewers that the data provided by Cyberonics in support of its application for a new indication did not demonstrate a reasonable assurance of safety and effectiveness sufficient for approval of the device for TRD.

The FDA's formal conclusions on safety and effectiveness do not disclose to doctors, patients or the general public the scientific dissent within the FDA regarding the effectiveness of the VNS Therapy System for TRD. The FDA has publicized differences of scientific opinion within the agency when it has announced other controversial regulatory decisions. Throughout the review of Cyberonics's application, the team of FDA scientists, medical officers, and management staff involved recommended that the device not be approved for TRD. However, at every stage of the review, the team was instructed by the FDA official, who ultimately made the decision to approve the device, to proceed with the next stage of pre-market review.

The FDA has not ensured that the public has all of the accurate, science-based information regarding the VNS Therapy System for TRD it needs. Health care providers relying on the FDA's public information on the safety and effectiveness of this device may not be able to convey complete risk information to their patients, because not all of the relevant findings and conclusions regarding the VNS Therapy System have been made available publicly.

The FDA has an important mission:

The FDA is responsible for protecting the public health by assuring the safety, efficacy, and security of human and veterinary drugs, biological products, medical devices, our nation's food supply, cosmetics, and products that emit radiation. The FDA is also responsible for advancing the public health by helping to speed innovations that make medicines and foods more effective, safer, and more affordable; and helping the public get the accurate, science-based information they need to use medicines and foods to improve their health.

As part of that mission, the FDA weighs the risks and benefits of a product, in this case a medical device, to determine if the product is reasonably safe and effective for use.

The facts and circumstances surrounding the FDA's approval process for the VNS Therapy System for TRD raise legitimate questions about the FDA's decision to approve that device for the treatment of TRD. While all implantable medical devices carry risks, it is questionable whether or not the VNS Therapy System for TRD met the agency's standard for safety and effectiveness. The FDA's approval process requires a comprehensive scientific evaluation of the product's benefits and risks, including scientifically sound data supporting an application for approval. Otherwise health care providers and insurers as well as patients may question the integrity and reliability of the FDA's assessment of the safety and effectiveness of an approved product. In the case of VNS Therapy for TRD, the FDA reviewers concluded that the data limitations in Cyberonics's application could only be addressed by conducting a new study prior to approval. However, in the present case, instead of relying on the comprehensive scientific evaluation of its scientists and medical officers, it appears that the FDA lowered its threshold for evidence of effectiveness. Contrary to the recommendations of the FDA reviewers, the FDA approved the VNS Therapy System for TRD and allowed Cyberonics to test its device post-approval.

In addition, given the significant scientific dissent within the FDA regarding the approval of the VNS Therapy System for TRD, the FDA's lack of transparency with respect to its review of the device is particularly troubling. The FDA has limited the kind and quality of information publicly available to patients and their doctors and deprived them of information that may be relevant to their own risk-benefit analysis. Patients and their doctors should have access to all relevant findings and conclusions from the comprehensive scientific evaluation of the safety and effectiveness of the VNS Therapy System for TRD to enable them to make fully informed health care decisions.

Mr. GRASSLEY. I yield the floor for my colleague.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I join the chairman of the Finance Committee, Senator GRASSLEY, in commending our Finance Committee staff on the report that we release today. This report deals with an important public safety matter. The Food and Drug Administration approval process has long been considered the gold standard in this country. We rely on the FDA to review drugs and to review medical devices. We rely on the FDA to tell us, by providing a seal of approval, that drugs and devices are safe and that they are effective.

While all drugs and devices carry some risk, some are more risky than others. But if the FDA determines a drug or device is safe to bring to the market, Americans generally feel we can use the treatment without undue concern. We Americans rely on the FDA to ensure that manufacturers provide sufficient warnings of their products' risks so that health care providers and patients can make informed health care decisions.

The FDA has a complex approval process. A review team, including scientists, doctors, and specialists, surveys all the data and makes a recommendation regarding whether to approve a drug or device. The review team then forwards its recommendation to management for review. This process can be lengthy and intense.

Last year, concerns were brought to the Finance Committee regarding how the review process had unfolded in the case of a device known as the VNS Therapy system. Cyberonics makes the VNS system and was seeking approval of the device for use in patients with treatment-resistant depression. Chairman GRASSLEY and I asked our committee staffs to look into what had gone on.

The Finance Committee has the responsibility for the Medicare and Medicaid Programs and the millions of Americans who receive health care, including the use of safe and proper medical devices. Medicare and Medicaid only pay for drugs and devices which

FDA has approved. So approval affects patients' budgets and the Federal budget, as well.

In the case of the VNS Therapy system, the FDA review team was comprised of more than a dozen FDA staff, including doctors, scientists, safety officers, and statisticians. This review team unanimously recommended against FDA approval. The team argued that the data were insufficient to justify approval and that additional premarket testing was in order. Three levels of management concurred with the team's recommendation. The uppermost manager—the Director of the Center for Devices—disagreed. With the stroke of a pen, he overruled the analysis and conclusions of his staff, and he approved the device. Now the FDA seal of approval has been attached to that VNS Therapy system by one person, over the objections of several technical experts who studied the device.

Without this report from the Finance Committee, the public would not know that the team of scientists and doctors who reviewed this device did not believe it should be approved. Without this report, there would be no way for providers and patients to make fully informed health care decisions because they would not be aware of all of the risks.

In short, we present this report out of a concern for public safety. We believe that doctors and patients considering this device should know that it was approved over the objection of a team of seasoned scientists. It is important for the public to know what the FDA scientists and doctors thought about the risk to which patients would be exposed. The FDA has not made public any information regarding the level of scientific dissent. So I am glad we have this report.

I am greatly concerned about this unusual turn of events at the FDA. I hope this is not a sign of things to come. I hope that FDA approval can remain the gold standard, and I hope Medicare and Medicaid can continue to pay for FDA-approved products knowing they are safe.

I thank Chairman GRASSLEY for his work. He has worked diligently, as he always does, particularly when wrongs should be exposed. I appreciate it when we can work together to improve the efficacy and safety of American health care.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

(The remarks of Mr. BAUCUS and Mr. DURBIN pertaining to the introduction of S. 2303 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, at this moment, I wish to address the bill pending before the Senate, and that is S. 2271.

I commend Senator JOHN SUNUNU of New Hampshire, who is here in the Chamber. Were it not for his hard work, we would not be here today. For weeks, while many of us were doing other things back home, Senator SUNUNU was working assiduously with the White House to find a way to address some very vexing and challenging issues when it came to modifying the PATRIOT Act. He has done an excellent job. I commend him and tell him that I have enjoyed working with him over the last 2 years, where we have crossed party lines and tried to find ways to keep the PATRIOT Act as a tool to make America safe but also at the same time to protect our basic liberties.

Every step of the way, as we considered changes to the PATRIOT Act, we have been supported by our Nation's librarians. These are wonderful men and women—professionals—who are dedicated to the libraries across America, which are such rich resources. I thank the librarians of America, especially for their heroic efforts to amend the PATRIOT Act in a responsible way and, equally as important, to defend our Constitution.

I understand that section 5 of Senator SUNUNU's bill, S. 2271, will help protect the privacy of Americans' library records. I ask the indulgence of the Chair that I might enter into a colloquy with Senator SUNUNU relative to section 5. I would like to ask Senator SUNUNU, through the Chair, if he could explain to me what section 5 will accomplish.

Mr. SUNUNU. Mr. President, I am pleased to be on the floor today and pleased to be able to see the light at the end of the tunnel on PATRIOT reauthorization, thanks to the work of Senator DURBIN and others. We have legislation before us that will make the adjustments to the PATRIOT Act reauthorization conference report mentioned by the Senator from Illinois. He specifically mentioned section 5 of our legislation. As he began to describe, section 5 is intended to clarify current law regarding the applicability of National Security Letters to libraries.

A National Security Letter is a type of administrative subpoena, a powerful tool available to law enforcement officials, to get access to documents. It is a document signed by an FBI agent that requires a business to provide certain kinds of personal records on their customers to the Government. These subpoenas are not approved by a judge before being issued.

What we did in this legislation is add clarifying language that states that libraries operating in their traditional functions: lending books, providing access to digital books or periodicals in digital format, and providing basic access to the Internet would not be subject to a national security letter. There is no National Security Letter statute existing in current law that permits the FBI explicitly to obtain library records. But, as was indicated by the Senator from Illinois, librarians have been concerned that existing National Security Letter authority is vague enough so that it could be used to allow the Government to treat libraries as they do communication service providers such as a telephone company or a traditional Internet service provider from whom consumers would go out and get their access to the Internet and send and receive e-mail.

Section 5 clarifies, as I indicated, that a library providing basic Internet access would not be subject to a national security letter, simply by virtue of making that access available to the public.

Mr. DURBIN. I thank the Senator from New Hampshire. It is my understanding that most public libraries, as he explained, offer Internet access to the public. Because of this, they are concerned that the Government might consider them to be communications service providers similar to the traditional providers, such as AT&T, Verizon, and AOL.

So if I understand it correctly, your bill clarifies that libraries, simply because they provide basic Internet access, are not communications service providers under the law and are not subject to national security letters as a result. I ask the Senator from New Hampshire, through the Chair, is that a correct conclusion?

Mr. SUNUNU. Mr. President, I absolutely believe that the conclusion of the Senator from Illinois is correct. A library providing basic Internet access would not be subject to a National Security Letter as a result of that particular service and other services that are very much in keeping with the traditional role of libraries.

Some have noted or may note that basic Internet access gives library patrons the ability to send and receive e-mail by, for example, accessing an Internet-based e-mail service. But in that case, it is the Web site operator who is providing the communication service—the Internet communication service provider itself—and not the library, which is simply making available a computer with access to the Internet.

So I certainly share the concerns of the Senator from Illinois and others who have worked very long and hard on this and other provisions. I think it does add clarity to the law as he described, in addition to providing other improvements to the PATRIOT Act as they relate to civil liberty protections. All along, this has been about providing law enforcement with the tools that they need in their terrorism investigations while, at the same time, balancing those powers with the need to protect civil liberties. I think, in the legislation before us, we have added clarity to the law in giving access to the courts to object to section 215 gag orders and, of course, striking a very punitive provision dealing with counsel and not forcing the recipient of a National Security Letter to disclose the name of their attorney to the FBI.

All of these are improvements to the underlying legislation, and I recognize that we had a overwhelming, bipartisan vote today to move forward on this package. I anticipate that we will have similar bipartisan votes in the days ahead to conclude work on this legislation and get a much improved PATRIOT Act signed into law.

Mr. DURBIN. I thank the Senator from New Hampshire, as well, because that clarification is important. So if a library offers basic Internet access, and within that access a patron can, for example, send and receive e-mail by accessing an Internet-based e-mail service such as Hotmail, for example, that does not mean the library is a communications service provider and, therefore, it does not mean that a library could be subject to these national security letters of investigation.

By way of comparison, a gas station that has a pay phone isn't a telephone company. So a library that has Internet access, where a person can find an Internet e-mail service, is not a communications service provider; therefore, it would not fall under the purview of the NSL provision in 18 U.S.C. 2709. It is a critically important distinction. I thank the Senator from New Hampshire for making that clear and for all of his good work on this bill.

Libraries are fundamental to America. They symbolize our access to education. They are available to everyone, regardless of social or economic status.

When we first introduced the SAFE Act, I went to the Chicago Public Library to make the announcement. The library was established in 1873, and for over 130 years it has given the people of the City of Chicago the ability to read and learn and communicate. Here is what the mission statement says at that public library:

> We welcome and support all people and their enjoyment of reading and pursuit of lifelong learning. We believe in the freedom to read, to learn, and to discover.

We have to ensure, in the Senate and in Congress, in the bills that we pass, including the PATRIOT Act, that this freedom to read, learn, and discover is preserved for our children and our grandchildren.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNFUNDED MANDATES

Mr. ALEXANDER. Mr. President, the National Governors Association meeting will be held in Washington during the week we return from recess. That brings back some fond memories for me because I remember the 8 years I served as Governor. Each time we came here, and the highlight of it every year, was a dinner in the White House with the Chief Executive of the United States and the chief executive of each of our States.

While the Governors are in town, or as they are coming to town, I want to take the opportunity to wave the lantern of federalism on a few issues under discussion here in the Senate that will affect strong State and local governments. I know the Presiding Officer cares deeply about the same issues because his service as mayor made him aware of those issues, just as I was as Governor.

During the year after I came to the Senate, when we were debating the Internet tax issue, someone said in exasperation that I had appeared not to have gotten over being a Governor. I hope that can be said on the day I leave here, because most of our politics here in the Senate is about how we resolve conflicts of principles. One of the most important principles upon which our country is founded is the principle of federalism, the idea that we are a big, diverse, complex country and that we need strong States and strong cities and strong counties and strong communities to absorb all of our differences. We are not a small, homogeneous nation and our federalism is absolutely key to our success as a country.

I have not gotten over being Governor. It causes me especially to remember how the Republican majority came to power in 1994, a majority of which I am proud to be a part. There was a Contract with America. I wasn't part of the Congress at that time, but I remember it very well. I remember one of the most important aspects of the Contract With America was: no more unfunded Federal mandates. I remember also that a large number of Republicans, along with Leader Gingrich, stood on the Capitol steps and said: If we break our promise, throw us out.

Since I wish to make sure our majority doesn't get thrown out, I want to remind all of us, including many who serve in the Senate, who voted in 1995 to stop unfunded Federal mandates, this still is an important part of our responsibilities here. I have three examples of that in our discussions.

The Senate recently reaffirmed its commitment to the idea of avoiding unfunded Federal mandates. I suppose I should stop for a moment and explain what I mean by "unfunded Federal mandate." That is a Washington phrase we throw around. Here is the way I understand it. Nothing used to make me madder as Governor—and I daresay it might also be true of the Presiding Officer, who was a mayor—than for some Senator or Congressman to come up with a big idea in Washington, pass it into law, hold a press conference and take credit for it, and send the bill to me to pay at the State capitol. Then the next thing you know, that same politician would be back somewhere in Tennessee making a big speech about local control. That is an unfunded Federal mandate—when the big idea is here and the law is passed here and then the bill is sent down to the county commissioner or to the mayor or to the legislature or to the Governor and it is said: It was our idea but you pay for it.

Ten years ago when Bob Dole was the majority leader, the first thing the new Republican Congress did—it was called S. 1 at that time—was to pass the Unfunded Mandates Reform Act. It created a new point of order that could be raised against legislation imposing unfunded Federal mandates on State and local governments. Everyone felt pretty good about that because they said this new law will create a so-called penalty flag that can be thrown when some Federal official came up with a good idea, passed it into law, and sent the bill back to us in the States. However, until recently that penalty flag has never been thrown, not in the first 10 years of its existence. However, last year, in our Budget Act, that point of order was given some more teeth. In the budget resolution under which we operate today, an unfunded mandate point of order raised in the Senate requires 60 votes in order to be waived instead of the simple majority required under the Unfunded Mandates Reform Act.

In October of last year, 2005, this 60-vote point of order was raised for the first time in the Senate against two amendments to an appropriations bill that would have raised the minimum wage. That would have been an unfunded Federal mandate. This new provision was put into the Budget Act by Senator GREGG, who had been the Governor of New Hampshire. It had my support as well as that of a number of other Senators. So I would like to call to the attention of my colleagues, and the Governors as they are coming to town, three issues that are currently under discussion here that raise the specter of unfunded Federal mandates.

No. 1 is the taxation of Internet access issue. State and local governments and members of the telecommunications industry, I believe, need to come up with a solution to that question before the current moratorium expires in 2007.

No. 2, the Federal Government needs to fully fund the implementation of the so-called REAL ID Act, which we passed last year and which has to do with border security.

No. 3, the Federal Communications Commission needs to exempt colleges and universities from expensive new requirements that will require colleges to modify their computer networks to facilitate surveillance, which will have the effect of adding about $450 to every tuition bill across this country.

Let's take those one by one. First is the Internet access tax moratorium. My colleagues will remember that after we had a spirited debate that went on for about a year and a half, President Bush signed into law the Internet Tax Nondiscrimination Act. There was a lot of discussion, a lot of compromise, a lot of negotiation. What we were arguing about was, on one hand we wanted to increase the availability of high-speed Internet access to all Americans—that is a national goal—but at the same time we didn't want to do harm to State and local governments by taking away from them, as a part of our act, billions of dollars upon which they relied for paying for schools, paying for colleges, paying for other local services.

The bill we came out with at the end of 2004 was a good compromise for several reasons. First, it was temporary, not permanent. It called for a 4-year extension of the Internet access tax moratorium that was already in place, so this one will expire in a year and a half.

Second, our agreement allowed States already collecting taxes on Internet access to continue to do so. That was a part of the "do no harm" theory that many of us championed.

Finally, it made clear that State and local governments could continue to collect taxes on telephone services even if telephone calls are made over the Internet, which they increasingly are.

In January of this year, the General Accounting Office released a report interpreting the Internet Tax Nondiscrimination Act. The GAO interpreted the moratorium in a more limited way than what I, and I am sure many of the other Senators, intended when we were drafting the bill.

While the interpretation may suit me fine because it goes in the direction I was arguing, the GAO interpretation may demonstrate very clearly how important it is to deal with this complex issue in some other way. That is why it needs to be resolved by representatives of industry and by mayors and Governors working together to suggest to us a path for the future. I understand the National Governors Association has convened meetings with representatives of the telecommunications industry and State and local governments. I hope all the parties will take those negotiations seriously, reinvigorate those efforts, and present us with a workable compromise we can then consider and enact.

Let me suggest again the principles that I believe should guide this discussion. No. 1, separate the issue of taxation and legislation. Both are very complex issues that can have serious implications for industry and State and local governments and consumers, but they are not the same effects. The goal should be simplicity. Regulations surely ought to be streamlined to allow new technology to flourish. Voice over Internet protocol or, in plain English, making telephone calls over the Internet, is very different than plain old telephone service, and our regulatory structure needs to recognize that and be welcoming to this change. The goal in taxing the industry should also be simplicity and certainty. For example, a company that operates in almost 11,000 State and local jurisdictions, all of whom might tax telecommunications, might have to file more than 55,000 tax returns a year. No one wants to see that happen and that is far too big a burden for a large company, much less a small startup company. But in searching for a solution, we do not want to do harm to State and local governments.

The Senator from California, the Senator from Delaware, the Senator from Ohio—many Senators pointed out that State and local governments rely heavily today on telecommunications taxes as a part of their tax base.

In our State of Tennessee, our Governor said it is a matter of $300 million or $400 million in State revenues. That would be as much money as we would raise from instituting an income tax. It is a lot of money. So we should not take an action in Washington, even for a good purpose, that has the effect of undercutting State and local decisionmaking. My point very simply is, deregulate voice over Internet protocol? Yes. We absolutely should do it. But we must find a way to do it that doesn't force States and local governments to provide subsidies to the telephone companies. If the Federal Government wants to provide a subsidy to the telephone companies, the Federal Government ought to pay for it and not create an unfunded Federal mandate.

The second example of the possibility of an unfunded Federal mandate came with the passage of the REAL ID legislation. We are about to enter into a debate about immigration. We hear about it all the time. It is a serious problem. We have 10 million to 15 million people living in our country who are illegally here. That is not right for a country that honors the rule of law, and we have to fix it. One way some have suggested to fix it was the so-called REAL ID law. But the effect of that was basically to turn driver's license examiners in Tennessee and every other State into CIA agents by making State driver's licenses national ID cards, and then forcing the States to pay for it.

I don't want to talk today about whether it is a good idea or a bad idea to turn State driver's license employees into CIA agents, or whether we should have a national ID card. The fact is the law says that is what they are going to do and that is what we are going to have. What I want to talk about today is how do we pay for that.

REAL ID, according to the National Conference of State Legislators, will cost States $500 million over 5 years to implement. That is $100 million a year. This is not technically an unfunded mandate because the law actually gives States a choice, but here is the choice: In Minnesota or Tennessee or any other State, either upgrade your driver's licenses according to the Federal rules, or your residents will not have the ability to collect their Social Security check or board an airplane. So that is not much of a choice.

All across the country, because of the REAL ID law, this is a new responsibility for States and it is going to cost a half billion dollars. Yet in fiscal year 2006, only $38 million was appropriated for States to cover the cost of REAL ID. In fiscal year 2007, the President's budget contains no funding for REAL ID, even though $33.1 billion is to be spent on homeland security.

I intend to work this year to see that REAL ID does not become an unfunded mandate. If the Federal Government wants to create a national ID card and they want to force the States to do it, then the Federal Government ought to pay for it.

My final example: the Federal Communications Commission needs to make sure that compliance with the Communications Assistance for Law Enforcement Act, called CALEA, does not become an unfunded Federal mandate on colleges and universities.

This CALEA law is a law that communications systems have to be engineered in such a way as to make it easy for Federal agents to subject phone calls to surveillance. In August of last year, the Federal Communications Commission, recognizing that more and more telephone calls are being made over the Internet, extended the requirements of this law to colleges and university computer networks.

Implementing this order, according to technology experts, could cost $5 billion to $6 billion, a figure that translates into a $450 increase in annual tuition at most American universities.

The pages here who are listening to this are already looking forward to tuition increases when they go to college that are high enough, and they don't need another $450 on top of it.

Over the last several years, tuition college costs have increased faster than inflation. Public school tuition jumped 10 percent in 1 year—in 2004. Even though Federal funding for colleges and university has gone up, State funding has been fairly flat. So we have seen a big increase in tuition, and this is another $450.

Given these concerns, even though the FCC might have a laudable objective in making it easier to overhear or keep track of phone calls in computer networks on college campuses, if the Federal Government wants to order that, the Federal Government ought to pay for it.

I have written to the FCC urging it to exempt colleges and universities from the requirement of August 2005 in order to allow time for the development of an alternative to this $450 tuition increase.

I ask unanimous consent that my letter to the FCC on this issue be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. SENATE,
Washington, DC, February 6, 2006.

Hon. KEVIN MARTIN,
Chairman, Federal Communications Commission, Washington, DC.

DEAR CHAIRMAN MARTIN: I am writing to urge the Commission to exempt private telecommunications networks operated by colleges, universities, and research institutions from coverage under the Communications Assistance for Law Enforcement Act (CALEA). Requiring these networks to come into compliance with the provisions of CALEA, according to the American Council on Education (ACE), could cost billions of dollars for new equipment alone. These compliance costs would constitute an enormous unfunded federal mandate and would more than likely be passed on to students in the form of increased college tuition.

According to the statute, private communications networks are not subject to CALEA. The Commission's order states that higher education networks "appear to be private networks for the purposes of CALEA." However, other language in the order suggests that to the extent that these networks are connected to the Internet they *are* subject to CALEA. In considering how to resolve this apparent conflict, the Commission should take into account the enormous costs to higher education that would result if these private networks are not exempted. According to technology experts employed by higher education institutions, compliance costs could amount to billions of dollars for new switches and routers. Additional costs would be incurred for installation and the hiring and training of staff to oversee the operation of the new equipment. Cash-strapped schools—particularly state-funded, public schools—would be faced with the choice of bearing these additional costs or, according to ACE, increasing annual tuition by an average of $450. Coming on the heels of ten years of college costs increasing faster than inflation, such a tuition increase would make it even more difficult for students to take advantage of higher education in the United States.

At this time, no evidence has been presented that the current practice with regard to wiretaps within college and university networks has proven problematic. In 2003, only 12 of 1,442 state and federal wiretap orders involved computer communications. According to the Association of Communications Technology Professionals in Higher Education, few, if any, of those wiretaps involved college and university networks.

With the explosive growth of voice over Internet Protocol (VoIP) services in recent years, the number of wiretaps involving computer communications is likely to increase. However, before sending a multi-billion dollar bill to U.S. college students, I would urge the Commission to consider an exemption for these private networks. Such an exemption could give colleges and universities more time to work with the FCC to come up with a cost effective way to support law enforcement efforts with regard to computer communications. I appreciate your consideration of this request.

Sincerely,

LAMAR ALEXANDER.

Mr. ALEXANDER. Mr. President, these are some of the big ideas in Washington, all of which may be laudable. The idea of freeing high-speed Internet from overregulation and subsidizing it, the idea of national ID cards administered when you get your driver's license so that we can do a better job of protecting our borders, and the idea of reengineering computer systems on college campuses so that it will be easier for us to fight the war against terrorists—all three may be wonderful ideas, but all three amount to unfunded Federal mandates, if they are done the wrong way.

I began my remarks by reminding all my colleagues—and especially our colleagues on this side of the aisle, those in the majority—that the Republican Party came to a majority in 1994 on a platform of no more unfunded mandates. Republican leaders said: If we break our promise, throw us out. I don't want us thrown out any more than I want any more unfunded Federal mandates.

So my purpose today, as the Governors begin to come to town, is to wave the lantern of federalism a little bit and raise a red flag to remind my colleagues that there is now a 60-vote point of order for any unfunded Federal mandates going through here and that I and others will be watching carefully to make sure that we keep our promise.

This is a body in which we debate principles, and one of the most important principles that we assert is the principle of federalism. It does not always trump every other principle that comes up, but my feeling is it has been too far down. I want to raise it up higher, and I intend to use that 60-vote point of order to assert the principle of federalism when unfunded Federal mandates appear on this floor.

Thank you, Mr. President. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I wish to speak for a moment, first of all, about the process we are going through and then about the substance of a couple of amendments that our colleague from Wisconsin would have liked to have introduced and have a vote on it with respect to the PATRIOT Act.

Our constituents might be wondering why we are on the floor of the Senate on this Thursday afternoon discussing the PATRIOT Act. After all, haven't we passed it? Of course, the answer is, in a sense, we have passed it now several times. But there are colleagues on the other side of the aisle who have decided that rather than let the will of the Senate be carried out with adoption of the PATRIOT Act so this bill can be sent to the President so he can then sign it, thus reauthorizing the act for another 4 years and giving the tools to fight terrorism to our intelligence and law enforcement officials that, rather, they are going to make us comply with all of the procedural technicalities which they can throw in our way which accomplishes absolutely nothing but requires us to take several more days to finish the process.

What can be gained from this? Nothing at all except that we waste more time thus making it more likely that we will not have time to do other business of the Senate, especially as it gets toward adjournment later on in the year.

What we are seeing is taking something very important for the protection of the American people—the PATRIOT Act—and using it for what I believe are improper purposes and simply delay action in the Senate so that we will have less time to act on other items.

There is no basis for delaying the PATRIOT Act. The votes are there to go to the conference and have the House of Representatives approve it, again, as it already has, so it can be sent to the President. There are no amendments that are going to be brought up. We are going to have a final vote on Tuesday—and that is it. But rather than being able to accomplish that result today, we are having to waste all of this time.

What kind of a message does this send to our allies who are, first of all, a little skittish about some of the news leaks about our surveillance programs in which they participate, to some extent. We get good information from our intelligence service, and I suspect they are worried about the lack of control over our intelligence process. They are not sure, I suspect, what to make of this debate about the PATRIOT Act. They thought we had it resolved so they could work with it on the basis of the laws they understood. They are not sure.

I often wonder what Osama bin Laden is thinking. I suspect he is not getting live coverage, but he is probably getting reports somehow or other, and he must be shaking his head: I thought I was pretty clear, I am really making threats against these guys, and they are playing around. They are not taking my threats seriously.

I, for one, am taking his threats very seriously—and so does the Director of the CIA and so does Ambassador Negroponte.

Our intelligence officials and the people we have asked to do this job for us take this threat dead serious. They have asked the Congress to give them the tools they need to fight this terrorist threat. Part of the tool is this PATRIOT Act, which has now been revised and reformed and amended and gone over again, and, finally, there are now three more changes to it—and it is done.

We have the ability now to simply pass it on to the President so he can sign it, and for 4 more years everybody knows exactly what we have to work with here.

Remember the 9/11 Commission following the tragedy of September 11, when we asked this commission to analyze what we could have done better and what went wrong, part of what they said was wrong was that there was confusion in our law enforcement intelligence community about what they could and should do.

In fact, legal interpretations differed so much they felt there was a wall that separated the intelligence agencies and the law enforcement agencies from even talking to each other.

One of the things the PATRIOT Act does is makes clear that there is no such wall; that at least our law enforcement and intelligence folks can talk to each other about these terrorists.

It is most distressing that we can't simply get this bill passed on to the President so that everybody knows we have it reauthorized again for another 4 years.

As I said, if there were any rationale behind this, other than simply delaying so that we can't do other business, you might have something to bite your teeth into and debate on the floor. But in truth, this thing, when it passes, is going to be overwhelming. I doubt that we will have a handful of votes against it. In fact, we may have less than a handful, which would be 5 votes against this when we vote on it. But I thought at least it would be interesting to see what some of the objectives posed by some of the most vociferous critics of the PATRIOT Act are, what those criticisms are, to examine them so we can see exactly what the complaints are about, about what the President has called an essential tool in the war on terrorism.

When you look at the suggested amendments—again, amendments which we are not going to be voting on because we have already been through that process three times and that has thankfully come to an end—I wanted to examine a couple of amendments our colleague from Wisconsin would have offered to illustrate it is not something we should be wasting our time on. One of them has to do with something that has been in existence for 40 years, called national security letters. It is essentially a subpoena for records that is just like a grand jury subpoena.

The county attorney or the district attorney goes to the grand jury and says: I think we need the following documents in order to see whether we can make our case. They write up this piece of paper, it is delivered, say, to a hotel, and it asks for the business records: We want to know everyone who checked in and out of the hotel for the last 3 days because we think maybe this person we are after may have checked into this hotel—that would verify his presence on the night of the murder, or whatever the case—so the hotel gives them the records.

There is no expectation of privacy in the records. When the hotel clerk says: Here, sign in—and he turns it over, you can see exactly everyone else who has signed into the hotel. There is nothing private about it.

These national security letters have been used for many different government agencies. If you are investigated for Medicare fraud, for example, your doctor might get one of these security letters asking for information.

Back when the security letters were authorized, we did not have terrorism. Now we have terrorism in a big way in the last decade or dozen years. Law enforcement authorities say: You know that process we have of getting business records through the security letters is a good process, and we ought to apply that to terrorism, too. Why not? If we can investigate drug dealers or bank fraud criminals or people like that with this kind of a subpoena for records, why shouldn't we be able to do it for terrorists? That is a much bigger deal.

Now for the first time our colleagues are saying maybe we should have a court process to review this. That process exists in a totally different context. If we want a much more formal procedure, there is something called a Section 215 warrant. That is court supervised. This is the sort of light version. If it is contested, of course, you have to go to court. Most of the time the records are easily given because they are not private records.

For the first time in the context of terrorism our colleagues are saying this is an invasion of privacy and we need a court to review this. My point is, it must be very confusing to law enforcement to have Congress debating something like this when there is no rationale for changing the law of 40 years that has been applied in everyday context throughout the country, and all of a sudden where we would want the most streamlined procedure, where we would care most about the cops, where we need speed because we do not know whether an attack is imminent, for example, in the situation that is much more serious, now we are saying we need to throw some roadblocks in the way of the law enforcement tool. It does not make sense.

I thought I would take two of the amendments—we are not going to be debating the amendments, but this is the kind of thing raised as an objection to the PATRIOT Act—the kind of amendments that would be offered. It shows how unnecessary this approach is.

Let me note one other thing. There have been a lot of unnecessary amendments attached to the PATRIOT Act. It is getting to the point where I wonder whether we can really do the job, our law enforcement community can really do the job that our constituents want it to do. For example, by my count, the final bill that we will send to the President requires 12 different reports or audits of our Nation's antiterror investigators. Obviously, oversight is important. Reports to the Congress are important. But it seems to me this is overkill. Our intelligence agencies should be devoting their resources primarily to investigating suspected terrorists, not to investigating each other. All of these reports simply add to the burden they already have.

And we wonder sometimes after the fact, when a September 11 commission reports that they were too burdened to do their job, how that could possibly be. Congress sometimes can be part of the problem as well as part of the solution.

All of the changes have been negotiated and renegotiated, as I said. At some point, we need to complete the bill. There are other amendments I would like to add, but I had my chance and this is not the time to be reopening the process for yet another round of amendments. It seems to me we ought to be moving on.

I will mention this one amendment. It is actually an amendment numbered 2893 that would have been offered by the Senator from Wisconsin. This amendment would strip away the protections for classified information about suspected terrorists and terrorist organizations in the manner I discussed a moment ago. The amendment not only risks revealing our level of knowledge of our data collection methods to those who would do us harm, but it also threatens to undermine our relations with allies who supply us with a lot of information in this war or terror. They do not do that so it can be given out to the public. The purpose of classification is to see that the information remains secret. But this particular amendment would allow classified information to be compromised during the challenge to a nondisclosure order for national security letters or a FISA business records order. FISA is the Foreign Intelligence Surveillance Act. It serves no substantial interest but, as I said, can be very damaging to our national security.

Let me put this in perspective. A section 215 order—which I discussed before, which is a FISA order and is always accompanied by a nondisclosure requirement—already is judicially reviewed, as I said. There has to be a court action on it before it can be issued. And under the amendment that was offered by the Senator from New Hampshire, a third party recipient of a section 215 order also would be able to have the courts review the section 215 order after its issue, which is a second round of review. We have added that in. To my mind this is redundant and unnecessary, but that has been added. That is one of those compromises to enable us to get to this point.

Let me put this issue in perspective. A section 215 order, which provides that second round of review, is much different than a national security letter which, as I said earlier, has been around since the 1970s. They have always been accompanied by a nondisclosure requirement. In other words, when the third party is served with this subpoena that says: Would you please give us these records, you are not supposed to tell the person that a law enforcement entity is seeking the records. Obviously, you do not want to tip them off that you are investigating them. There is a nondisclosure requirement. You cannot tell the person that the Government has come asking for the records. That requirement has always been automatic, and there has never been any provision for any judicial review of that nondisclosure requirement.

The national security letters, like virtually all other subpoenas, are also not judicially reviewed before they are issued. The conference report, for the first time in the history of these national security letters, authorizes judicial review of the need for the nondisclosure of the subpoenas. That was another compromise that was added. You not only have it in the formal section 215 requirement but also in the less formal security letter process. It allows the recipient to challenge the nondisclosure requirement, and it ensures the automatic nature of the nondisclosure requirement.

Now the FBI will have to evaluate each national security letter. The nondisclosure of the NSL and the nondisclosure requirement can only apply if the FBI certifies that the public disclosure of the service of the NSL will harm national security. In other words, before it is issued, the FBI has got to have a certification that the recipient of the letter may not disclose it because to do so would be to harm national security. That certification is based upon a very solemn judgment exercised by the Attorney General.

Critics condemn this provision as giving only the illusion of judicial review. When they say that, it bears mention that what they are condemning is language that is being added to a statute that never provided any kind of judicial review before that. For over a quarter of a century there has been none whatsoever, and yet there is a complaint this judicial review is not good enough. The sponsor of the amendment argues that the standard employed for the review of the security letter and the section 215 nondisclosure requirement is too high and can never be met.

It is high, but it is very high for a reason. If a challenge is made, the FBI needs to reevaluate whether there is a continued need for the disclosure. But if the FBI certifies that disclosure of the NSL would harm national security, that reclassification is conclusive. Now, when you say "conclusive," that is a very high standard.

In this respect, the proponents of the amendment are correct; that is a high standard. But it is the only way the determination can work.

Think about it for a moment. Only the FBI, the people who are investigating the matter, not individual district judges, are in a position to determine when the disclosure of classified information would harm national security. Obviously, that is not something that a Federal district judge has any expertise on. You have to have, literally, a trial to determine whether that proposition were true in each particular case.

The reason nondisclosure might be necessary should be obvious. If a suspected terrorist or his associates, for example, are funneling money through a particular bank in a city, and if that bank were to make public the fact that it had received a security letter requesting records in a terrorism investigation, that disclosure would easily tip off the terrorists and their associates that they are under investigation. You do not want to do that.

It is also important that the FBI make the final determination whether the disclosure would harm national security. And only the agents in charge of these counterterrorism investigations will be able to evaluate how the disclosure of a particular piece of information could potentially, for example, reveal sources and methods of intelligence and who, therefore, might be tipped off as a result of the disclosure.

We are all aware of this current controversy regarding the briefing of select members of the Intelligence Committee over a particular surveillance activity involving international communications with members of al-Qaida or people suspected of being with al-Qaida. The reason not every member of the Intelligence Committee is briefed is because of what we would call "sources" in this case. Methods of surveillance are so secret, so classified, that it has been determined that even some members of the Intelligence Committee should not be fully briefed on exactly how this methodology works.

So you can imagine when the FBI has sources of intelligence to protect or certain methods of intelligence gathering to protect, the last thing you want is for a judge to decide that those should simply be made public.

That is why this conclusive presumption is in the law, why it is so important, and why we cannot have this section amended to open that to public disclosure of that sensitive information. Yet this amendment numbered 2893 would allow every one of the 800 Federal district judges in the country, in fact, to be their own director of national intelligence and decide for themselves whether exposing classified information would inappropriately reveal the sources and methods I discussed, whether that might tip off terrorists to what we already know about them, and whether it would harm relations with our allies who, perhaps, have provided us with the information. Obviously, that cannot be allowed. We cannot expect our allies in the war on terror to cooperate with us if we treat this sensitive information that they provide to us with anything other than the most careful consideration. And we cannot expect our agents to be successful in detecting terrorist plots if every step of the way, every time they gather information through either a security letter or the more formal section 215 process, they can be sued and forced to divulge classified information about whom and where they are looking and what methods they are using.

This amendment would do serious harm to U.S. national security. And to what end? What powerful privacy interest or civil rights interest dictates a third party asked to produce business records in its possession must be allowed to disclose the existence of the investigation or must be given access to other classified information in order to plead that matter before the judge?

When the FBI is investigating organized crime in the United States and grand juries compel testimony or require the production of records, we do not let those witnesses or the parties holding the records publicize the fact that they had been subpoenaed or publicize that there was an ongoing investigation. We recognize that secrecy is important in an organized crime investigation and it outweighs any interest that third parties might have in talking about the investigation.

Why wouldn't we recognize the same realities in a terrorism investigation, an area where the safety and security of the American people are much higher? That is the kind of amendment that would be offered. Thankfully, as I said, we decided to go forward with the process and not have any more amendments and have the vote next week which will enable us to send this bill to the President.

My point in discussing this is to demonstrate there is no reason to have further debate or amendments, and we could have gotten done this afternoon and known we had reauthorized the act for another 4 years.

The only other amendment I want to discuss is amendment No. 2892, blocking these section 215 orders even where relevance is shown. This amendment is highly problematic because it would bar antiterrorism investigators from obtaining some third party business records even where they can persuade a court that those records are relevant to a legitimate antiterrorism investigation. We all know the term "relevance." It is a term that every court uses. It is the term for these kinds of orders that are used in every other situation in the country. Yet the author of the amendment argues that relevance is too low a standard for allowing investigators to subpoena records.

Consider the context. The relevance standard is exactly the standard employed for the issuance of discovery orders in civil litigation, grand jury subpoenas in a criminal investigation, and for each and every one of the 335 different administrative subpoenas currently authorized by the United States Code. These national security letters have existed since the 1970s, and they have always employed a relevance standard.

Why now that we are faced with a terrorism threat, and we decide this same investigative tool should be available to investigate terrorists would we impose a higher standard to get the information? If anything, you would be talking about applying a lower standard because of the importance of the threat and the fact that sometimes speed is of the essence.

As the Department of Justice Office of Legal Policy recently noted in a published report—I want to quote this—"Congress has granted some form of administrative subpoena authority to most Federal agencies, with many agencies holding several such authorities." The Justice Department "identified approximately 335 existing administrative subpoena authorities held by various executive-branch entities under current law."

As I said, 215 orders already are harder to get than regular subpoenas, even though the subject matter would suggest that perhaps they ought to be easier to get. In the case of these section 215 orders, the law requires that the FBI first seek a determination of relevance from a judge, which makes it harder to get a 215 order than it is to get any other grand jury subpoena or virtually any other kind of administrative subpoena because none of them require preapproval from a judge. Even a grand jury subpoena is not approved or reviewed by a judge or the grand jury before it is issued. It is issued directly by the prosecutor.

It is interesting: there was a recent online article in National Review Online by Ramesh Ponnuru, a very good writer and student of this issue, who made the following comments. This is a quotation. He noted that critics say:

> that investigators shouldn't be able to get business records merely by convincing a judge that the records are "relevant" to an ongoing terrorism investigation. Yet that relevance standard, from Section 215 of the law, is the exact same standard employed for discovery orders in civil litigation, for grand-jury subpoenas in criminal investigation, and for each of the 335 different administrative subpoenas currently authorized by the U.S. Code. Getting a 215 order is harder than getting a grand-jury subpoena or almost any kind of administrative subpoena, since judges don't have to review the latter [before they are issued].

Again, this is the current law. So even without an amendment, which would make it even more difficult, the law we are talking about with regard to terrorism investigations makes it more difficult in a terrorism investigation to get a subpoena than in any other situation. Yet the proponents of this amendment would make it even more difficult than that.

Now, let's imagine what this means. Here is a scenario:

> Let's imagine that intelligence agents have discovered that suspected Al Qaida agent Mohammed Atta is in the United States and that he has hired another individual to work for him. Under the Patriot Act legislation being considered now, it will be easier for the federal government to subpoena records in order to make sure that Atta is paying that individual the minimum wage than it will be to obtain records to find out if Atta is using him to engage in international terrorism.

That is not right. I was going to say something else. I will just say that is not right. This is the existing law. This is before we would make it even more difficult with the amendment I discussed a minute ago.

So without making further arguments on this point, I think you can see that we have girded this PATRIOT Act with levels of civil rights protection and privacy rights protection that we do not have in any other part of the code, even though the need for speed and the need for agility to get after these terrorists is, I would argue, a much more important matter than investigating Medicare fraud or bank fraud or money laundering of whatever it might be.

We have not imposed all of those civil rights or privacy protections in those sections of the code, but here we are going to add them and make it even more difficult for the FBI and other law enforcement and our intelligence agencies to do the job we want them to do. Then, of course, if something happens, we will haul them before Congress and say: Why couldn't you get your job done? And when they say: Well, the statute was a little tough for us to comply with, we will say: That will be no excuse.

So we need to be very careful what we do in considering further amendments to the law.

Mr. President, let me conclude by saying that the other amendments that would have been offered are in the same vein, making it unnecessarily difficult for our intelligence agents and our law enforcement officers to do the job we have asked them to do.

When my colleagues and I have had before us on the floor of the Senate amendments to add armor to humvees or to have better bulletproof vests or to have other kinds of equipment or tools for them to carry out the missions we ask them to perform when we send them into harm's way, we do not hesitate long to give our military everything they need because we want them to succeed in their mission. We do not want them to be left vulnerable in any way. Why? Because we want to be protected and we want them to be protected.

Yet when it comes to giving our intelligence agencies the tools to fight terrorism, we shirk back and say: Well, we are going to do it, but first we are going to add several layers of additional requirements to make it more difficult for you to do your job.

In the law and in this fight against terrorism, we are generally not fighting with airplanes and ships and the like. This is a different kind of war. This is a war against a very secretive enemy all over the globe. There is really only one way to get to this enemy, and that is with good intelligence to find out who they are, where they are, and what they are up to.

So the equipment we are giving to them, the tools for them to fight terror are these provisions of the PATRIOT Act and FISA and the other activities that have been discussed. This is what enables them to perform their missions. We cannot load these tools up with so many restrictions and legal loopholes that it is impossible for them to do their job. If we expect them to be able to protect us, we have to write these laws in clear, understandable, fair, and effective ways, certainly protecting our civil rights. But I think I have demonstrated we have done that.

If you do not need all these protections if you are investigating bank fraud, then I would say, as the lawyers say: A fortiori. They are less necessary in an investigation of terrorism, where speed may be required, where secrecy is absolutely critical, and therefore where the kind of protections that have been offered are very problematic to these folks doing their job.

So the bottom line is this: We have a good act, the PATRIOT Act. It is going to be reauthorized for another 4 years. We have already added numerous protections of civil liberties to it. It is, therefore, quite appropriate that the time for amendments has come to an end, that we not have any more of these amendments brought before us—I think I have demonstrated the harm those amendments would do—that we get on to the job of getting this legislation reauthorized so we can say to our constituencies we were able to provide the tools to fight terrorism that will protect them and their families.

That is our charge. There is only so much we as legislators can do, but this is something we can do, and we need to get about doing it.

The PRESIDING OFFICER. The Senator from Hawaii.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 2305 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I am sorry we are now facing another filibuster and delay of efforts to reauthorize the PATRIOT Act. We have taken 3 days this week to deal with legislation Senator SUNUNU introduced to assuage concerns he and others had about the bill. Senator SUNUNU's proposed bill guaranteed that at least four more Members of the Senate were on board to completely support a cloture vote on and final passage of the Conference Report. It certainly brought on board all the Republicans who expressed concern over the bill. But we are still going through the process of grinding down certain provisions to get an up-or-down vote on reauthorizing the PATRIOT Act. That is all we are asking for, an up-or-down vote, to determine whether we want to extend the provisions of the PATRIOT Act. That is being held up. We have many other things that are important for us to do for our country, but we have been forced to spend an extraordinary amount of time on this.

If you look around, you will see that people are not engaging the issue. The complaints—Senator KYL talked about some of them—are insubstantial. They are not the kind of serious concerns people have portrayed them to be. The act itself provides quite a number of provisions that simply allow investigators to use the same tactics to investigate terrorists, people who want to kill us, that they use to investigate wage-and-hour disputes, to investigate your taxes, to investigate drug dealers and pharmacists and drug dispensers and doctors. It is important that investigators continue to have these tools at their disposal.

It is unfortunate we have had this obstruction. We have seen a pattern of it, frankly. The more time we spend on delaying these kinds of provisions, means that at the end of the year there will be a jammed-up calendar. We will have appropriations bills that have to pass, and other bills that need to pass. All the days we had at the beginning of the year have now been frittered away on rearguing things that we have argued and settled before.

I don't mind debate. Senator FEINGOLD has come down and spent a number of hours expressing his concerns. I respect him. He is a most articulate opponent of the act. He has certainly studied the act. We don't agree, but I respect that. But we went through all this in December for days on the floor of the Senate, debating these same issues. With Senator SUNUNU's compromise and suggestions for improvement that have been accepted, the basis for many of those complaints have gone away. Now we are taking another big, long time to reargue settled issues. I believe the majority leader, Senator FRIST, is justified in his frustration that something that has been debated completely and fully and that now has a clear majority of Senators prepared to support it is being held up, delaying all the processes of the Senate.

Let's talk about the merits of the bill and how the law deals with certain issues for which we have heard objections. One of the biggest items and perhaps the biggest issue that Senator FEINGOLD and opponents have raised has been the delayed search warrants. The bill that came out of the Senate was passed by unanimous consent. We moved the PATRIOT Act reauthorization out of the Judiciary Committee by a unanimous vote. We moved it out of the Senate by a unanimous vote. The House passed a bill by an overwhelming majority. The House and the Senate bills went to conference, and they discussed it. We made concessions on each side.

Senator SPECTER, chairman of the Judiciary Committee, a man who certainly has been respectful to civil liberties, has stated that he believes about 80 percent of the compromise that was reached favored the Senate version, not the House version. The House conceded on more issues than the Senate. They gave more than the Senate did. The bill that came out of conference was very close to the Senate bill. Then we hit the Senate floor, after having a unanimous vote, and now we have a filibuster. It is, indeed, frustrating.

Let me talk about the delayed search warrants. What the PATRIOT Act does is to codify, to make a part of the law of the country, provisions for delayed notice search warrants. Delayed notice search warrants are not, as some have said in the Senate, an unusual procedure. Delayed notice search warrants have been in use for decades, long before we passed the PATRIOT Act. This act did not create any new authority or close any gap because there was no gap to close. The PATRIOT Act simply created a nationally uniform process and standard for obtaining a delayed notice search warrant.

Some have said: The court said 7 days is what you ought to delay notice. That is the maximum time you should delay notice. That is not quite accurate. The Ninth Circuit, the most liberal circuit in the United States, the most reversed circuit in the United States by the Supreme Court, has held in one case that delayed notice search warrants that explicitly provided for notice within a reasonable period of time by the judge issuing the warrant pass constitutional muster under the fourth amendment. They said a delayed notice search warrant does pass constitutional muster. Then they went on to ask, though, what is a reasonable period of time? They defined it as 7 days, absent a strong showing of necessity. That is what the Ninth Circuit said, the most liberal circuit in America. But other courts, such as the Fourth Circuit, have upheld much longer initial delays as constitutional. For example, the Fourth Circuit has determined that a 45 day period for delayed notice is constitutional. The Fourth Circuit did not even suggest that 45 days was the upper limit. They simply concluded it was reasonable in those circumstances. The truth is, there is no standard set under current law by the courts that would mandate a specific period of time for a delayed notice.

When the House of Representatives passed its version of PATRIOT Act reauthorization, it called for 180 day delayed notification period. The vote in the House was 257 to 171, a bipartisan vote of Republicans and Democrats, to approve overwhelmingly a delay of 180 days. The bill we sent to conference had a 7 day delayed notification provision in it. When the conference reported the bill, it tilted much closer to the Senate bill. It came out with 30 days, less than the 45 that the Fourth Circuit had approved, more than the Ninth Circuit had said. And it was a perfectly logical process we went through.

About the importance of delayed search warrants in terrorist investigations, I can't express how strongly I believe that this has the potential to be the most significant provision in our legislation, the PATRIOT Act. Time and time again, Federal investigators, working with State and local investigators, determine that groups are involved in terrorist activities. They don't know all the people who are involved. They don't know the full extent, but they have probable cause to establish that they are violating or planning to attack the United States or are participating in a conspiracy to kill people to further their terrorist goals. So what do you do then?

Under the PATRIOT Act—not the National Security Act or what we have talked about, the national security intercepts you have heard so much about in the paper: those are international and involve the President's inherent authority—under the traditional law of America, what do you do if you have probable cause to believe these groups are meeting, that there is some sort of sleeper cell in existence, you have proof, not just suspicion, proof to the level of probable cause that they are participating in this scheme?

One of the most potentially beneficial things would be to get a search warrant for that house. But if you do it under normal conditions, when you have to conduct a search warrant if the defendant is not there, you provide him notice that you have conducted a search warrant. When you come to the door and before you go in, if no one is there, you have to leave a return on the door showing that you searched the place and any items you seized and who to contact. That is what you normally do in a search warrant.

Police officers do that every day. But first they go to a judge and they swear under oath that they have probable cause, and not only say they have it, they spell it out. And judges, on appeal, can review it. If the judge who approved the search warrant was in error, they can reverse it or the evidence can be excluded from trial. So you go to a judge. We are not in any way changing that great principle that a U.S. Federal judge or a State judge would have to approve a search warrant. You are not changing in any way the principle that they have to have probable cause under oath that evidence exists at the scene of the place searched which would be relevant to an investigation. All of that is the same as it has always been.

But the one critical thing—and this has been legitimated by courts and approved by the U.S. Supreme Court—is that you can, in certain cases, ask that the notice which you would normally give to the owner of the residence or the person who has custody and control of that location be delayed.

Now, this can be absolutely critical in a case of national security. It is so important. Please, I want you to understand that. You may be able to go in that area and find names, phone numbers, records, or bank deposits that would identify a whole group of other people, and you are not ready to arrest them that moment because you don't know where they are located. You need to check this out and follow up on it. If you arrest that bad guy and give notice to the people right there, the whole world will know it, and they will spread the word and they will scatter. That is exactly what will happen. So that is why, in certain instances, law enforcement officers have sought, and courts have approved without the PATRIOT Act, delayed notice search warrants.

So then when do you notify the person? All the PATRIOT Act says is that the police officers can delay notification for 30 days. At the end of that 30 days, if they don't come back to the court and show a legal basis to continue to delay to notify the defendant, they have to notify the defendant on the 30th day. That is all this Conference Report says. That is reasonable. It is not an abuse of the power of the Congress. It is not in any way contradictory to the great traditions of law enforcement in America. It has nothing to do with the President's Executive powers to fight a war. This is under the criminal law aspect of American justice.

I asked for delayed notices on rare occasions when I was a Federal prosecutor. I am telling you, whether investigating a big drug gang or a Mafia group, these are the kinds of things which can make all the difference in the world. And it is even more important in terrorist investigations because these people will scatter and because it is a matter of life and death. That is all I am saying. There is nothing unusual or strange about it.

The Department of Justice wrote a letter which said that a delayed notice warrant differs from an ordinary search warrant only in that the judge authorizes the officer executing the warrant to wait for a limited period before notifying the subject of the search because immediate notice would have an adverse result, as defined by statute, that could undermine the investigation. So this is all this is about. I think few people would dispute it. Yet we have a filibuster because some Senators apparently believe that 30 days destroys the Constitution. They believe that it violates the Constitution to ask the police officer to wait 30 days before they notify the defendant.

The House of Representatives, by an overwhelmingly bipartisan vote of 257 to 174, voted to allow the officers to delay 180 days. So now we have been here 3 days debating this issue this week. This is the No. 1 complaint they have about the bill. I don't know what it is that got us to this point.

The conference report before us today eliminates the possibility of an open-ended delayed notice. It requires notice within 30 days unless the court grants an extension. Current law allows for simply a reasonable delay, which is whatever the judge may decide in a given case. Well, they say, why do you need 30 days? Well, the Fourth Circuit found that 45 days is good enough. I will give this example which the Department of Justice gave: Operation Candy Box. A delayed notice was permitted in a multijurisdictional investigation targeting a Canadian-based ecstasy and marijuana-trafficking organization. The delay allowed for a successful, uninterrupted, month-long investigation that resulted in the arrest of over 130 people. Without delayed notice, agents would have been forced to reveal the existence of the investigation prematurely.

As a Federal prosecutor myself, I want to tell you, one of the biggest decisions in any investigation of any organized criminal group or terrorist group is the decision of when to conduct the takedown. When do you arrest them? Do you run out as soon as you know there is a group and you have evidence on one of them—do you run out and grab that one? How stupid can you be? If you grab one, the rest will know it and know you are going to come after them; they are going to scatter or they will destroy evidence. They will run and hide, and they may create a sleeper cell in a different city and continue their plans to kill Americans or to sell dope or whatever it is they are doing illegally. So you have to plan the takedown.

When you are dealing with cases involving life and death, you have to be very careful about it. Don't think the agents don't work with prosecutors and staff people and plan out these takedowns to the most minute detail. When do you do it? Do you catch six low-level flunkies and let the big guys get away? No. Someone might say the big guy is coming into town the next day, so we will have a team there and we will have probable cause to arrest him. Then you get a search warrant. When do you execute the warrant? You want to execute it at a time of your choosing so you can wrap up as many of the members of the organization as possible at one time. That is what it is all about.

Sometimes you need to know more about this organization. You don't know all the people who are involved. That is where a delayed notice warrant can allow you to obtain information about other people who are involved and do further investigations and find out, maybe, that two or three dangerous criminals should also be arrested at or about the same time. They will provide you the probable cause to arrest them because you cannot arrest people without probable cause in America. You have to have evidence. You cannot just arrest somebody on suspicion.

So where do you get the evidence? Some people in this Senate forget that police officers are not magicians; they have to gather evidence. How do you get it? One way you find out the evidence is to conduct a lawful search on a warrant approved by a Federal judge or a State judge. If it is a Federal crime, it would be a Federal judge. Then you may execute a delayed notice warrant, and you may find more evidence of other people that can be corroborated and you can build up probable cause. And instead of having probable cause to arrest just 2 defendants, you may have probable cause to arrest

8 of them, and maybe you take down the whole sleeper cell. Maybe there are 8 in this town and 4 more in Boston and some more in San Diego or in Washington, DC. You can arrest all three or four cells at the same time. Would that not be the ideal thing?

I am telling you that this is what law enforcement officers attempt to do every day. They do it according to the laws that we require.

In 2002, the issuance of a delayed notice search warrant helped break a massive multistate methamphetamine ring. The delayed notice allowed investigators to locate illegal drugs, which provided further leads, eventually resulting in the seizure of mass quantities of drugs and the identification of those involved in the criminal organization. More than 100 people were charged with drug-trafficking offenses, and a number of them have been convicted.

In another case, a delayed warrant was issued to search an envelope which was sent to the target of an investigation. An envelope had been sent to the person, and they got a warrant to search the envelope. The search confirmed that the target was operating an illegal money exchange and was funneling money to the Middle East, including to an associate of an Islamic jihad operative. Delayed notice allowed the investigators to conduct a search without compromising an ongoing wiretap they had been carrying on based on probable cause, and with the approval of a U.S. District judge. But they didn't just conduct a wiretap; they were conducting this wiretap and they needed to find out if money or drugs were moving so they could seize that or allow the package to continue and then arrest the person who received it.

That is what we are talking about here. That is why there is nothing extreme in any way about the delayed notice search warrant law.

Well, what about the national security letters? You have heard a lot about that issue. The complaint is that Senators have said this will allow you to obtain information from people not connected to terrorists or spies. The national security letters, which existed long before the PATRIOT Act, can only be in a certain specific and limited number of circumstances.

Now, I will talk about those in a moment, but they are listed in 5 statutes, so it is not an open-ended provision. It only deals with national security issues. The procedures set forth in this act which allow those letters to issue are in no way extreme. They in no way threaten the great liberties all of us share but indeed are essential tools in this age of national security threats to our country, and they can be critical, critical, critical facts for investigators to enable them to identify those cells which may be in this country trying to attack and kill American citizens, as we saw on September 11.

I want to emphasize that national security letters existed long before the PATRIOT Act and can be used in only very limited circumstances for national security issues. In fact, it is a particularly valuable tool that is utilized frequently by investigators. The New York Times said there have been a lot of national security letters issued since 9/11. Well, we are doing a lot more investigation. Every FBI office in America is pursuing every lead that pops up, unlike what we were doing before 9/11, and are verifying and checking out and determining the kinds of things that are necessary to find out, such as if someone may be connected to a terrorist organization and may be planning an attack on the United States. Isn't that what we demanded after 9/11? But the numbers that have been published are clearly exaggerated. They are not accurate, and they have been criticized by the officials who are involved. I add that parenthetically.

The PATRIOT Act originally made very few changes to the national security letter procedure. It merely made relevance the standard for obtaining a national security letter and allowed special agents in charge to issue them. The special agent in charge would be the special agent in charge of the FBI office in New York City, for example, or in Boston or in Birmingham, AL, and those special agents in charge supervise everyone in the office. They are considered to be high-ranking FBI officials responsible for the law enforcement issues relating to their agency in that district. So this was what we originally passed.

However, now under this conference report, the national security letters are to be used only for investigations involving terrorism and espionage, and they must pertain to "an authorized investigation" involving "national security."

These are national security investigations. National security letters cannot be used to obtain unlimited categories of material. They can only be used to obtain very limited categories of material in the possession of third parties, not the defendant. The great protections against the searching of your home have not been undermined. What we are talking about here are records that are under the dominion and control of a third party. You can say they are your bank records, but they are the bank's records. You can say they are your telephone company records, but they are the telephone company's records.

The law has always made a big distinction between the kind of proof you have to have for someone to come in and search your desk, to search your automobile, to search your home, than the kinds of procedures they have to go through to get the record at the local motel that might have your name on it. It is not your record, it is the motel's record. You have a diminished expectation of privacy. The courts have consistently held this view ever since the issue has been discussed. It is a fundamental part of daily law enforcement in America.

So they can be used only to obtain these kinds of records, not records you have under your control that would require a search warrant approved by a judge on probable cause, as I discussed earlier, as you would in a delayed search warrant case. It is a big deal. I am telling you, in a case such as this, I bet you search warrants would be 30 pages of affidavits to justify what they are searching for. But these are simply subpoenas, basically, for these records.

These records, as I said, belong to companies, and the individuals to whom they refer have a reduced privacy interest in them. These national security letters cannot be used to obtain "content information" that involve any communications you may have made or the words of those communications with the phone company, but simply what the billing record said and the phone numbers you called. But you can't get, through a national security letter, the words of your phone call or intercept or record your phone call in any way, or your e-mails. The content of your e-mails can't be obtained with a national security letter. The national security letter is simply a request by a national security investigator for records.

If the recipient such as the bank, for example, objects, the FBI cannot compel production without going to court. The conference report specifically allows the recipient, however, of a national security letter to move to quash or dismiss or modify the national security letter and to challenge the nondisclosure order that accompanies the national security letter, and to talk to their attorneys about it if they choose, and other people who may be necessary to comply with the national security letter.

Some people say the nondisclosure requirement can keep you from speaking with your attorney. This legislation specifically allows you to talk to your attorney or anybody else who is related to it before you decide to utilize a motion to quash.

Let me share this with you. Imagine, now, you are an investigator, an FBI agent, and you have serious cause to believe that an individual may be connected to a terrorist organization. You want to find out if they have been calling Kabul, Baghdad or Islamabad. It is critically important, at a preliminary stage in an investigation such as this—critically important, I emphasize—that the people being investigated not know that they are being investigated, that the investigators are on to them. That is why we placed in the law the limitation that the person or entity subpoenaed should not go and tell the people that the Feds are out there asking for your bank records or your telephone records. How can you conduct an investigation? From these records is the way the police officers and FBI agents get the probable cause to conduct a search warrant.

How do you get probable cause to conduct a search warrant? You take lesser steps to obtain information that is available to you. and it builds up until you get enough to have probable cause to go a judge to get a search warrant to search the home and you may even want to delay notice to the people at the home until you can be sure that everybody in this organization is known to you and they can all be arrested before they can get away. So that is what this is all about. It is perfectly logical and part of our law enforcement heritage.

In the conference report that is before us. it also provides an express right to judicial review for all types of national security letters, allowing courts to modify or quash the order if compliance would be unreasonable, oppressive or otherwise unlawful. It also changed the certification requirement. It requires a higher level of certification before you can ask for nondisclosure in the issuance of a national security letter. The nondisclosure requirement is not automatic. Local FBI cannot ask it. The local special agent in charge can't ask for it. Now it has to be invoked by one of the top officials of the DOJ in Washington, an official who must certify that disclosure would "endanger the national security of the United States."

I want to say that is too high a standard. We are going to fail to execute requests for mere documents in control of banks and telephone companies and motels and records of that kind because a DOJ official in Washington is going to be nervous about whether he has enough proof to certify that this matter would endanger the security of the United States. That is too high a standard. But it is in this bill because the civil libertarians wanted to put it in here.

Any county district attorney in America this very day can issue a subpoena to a bank or to a telephone company to get your phone records or the records from your doctor. This is not unusual that investigators can obtain documents in the possession of third parties. Please hear me. I know Senator KYL made the comment that it is easier for an investigator to obtain your business records relating to whether you have paid withholding tax than it is for an investigator, under this case, to get records of whether you are connected to a terrorist organization.

I would add a few other examples. A Federal drug officer. a DEA agent, can walk into any pharmacy in America today and examine the pharmacy records that exist to see if somebody has submitted false documents, is overpurchasing drugs or the pharmacist is failing to keep records. He can examine all the records that are there. He doesn't have to have a warrant or a national security letter.

The IRS agents investigating whether you paid your taxes can subpoena your bank records by an administrative subpoena that does not require a grand jury approval or approval of any prosecutor. He can do it as an part of an administrative subpoena because they are not your records. But if he goes into your house and tries to take your personal documents, that is not so because he has to have a search warrant. A provision requiring this high level of certification is important protection for sure, and the standard imposed on the top FBI official I believe is too high. I believe one day we are going to regret it.

An express right to challenge the nondisclosure requirement is included in the conference report. An express right to disclose the receipt of a subpoena to a attorney is protected. There is the requirement that the Department of Justice Inspector General must audit certain past and future uses of national security letters and provide a public report on the aggregate number of national security letters issued concerning U.S. persons. But IRS agents out there in every community in America are issuing subpoenas for your records by the thousands every week. They don't have to maintain these records.

Senator FEINGOLD and others, I am sure, would be pleased to note that the House passed a 1-year misdemeanor for knowing and willful disclosure of a national security letter with no intent to obstruct the investigation. which the Senate dropped in conference. The House of Representatives' bill said if you violate the requirement that you not disclose, and run out and tell the people whose records have been subpoenaed. you would be subject to a misdemeanor. But, oh, no, they objected to that. So now. apparently, there is no penalty if someone violates the act and tells the terrorists that you are investigating them. That ought to make people happy. We ought to feel a lot better that our liberties are being protected.

Under the conference report, recipients of a national security letter can challenge the nondisclosure requirement after 2 years. a time period where the national security interests involved will be dissipated. The Sununu bill on the floor today, that was designed to complement the conference report and to alleviate some concerns a few Senators had, allows nondisclosure to be challenged after 1 year and each and every year thereafter. Some opponents of the report wish to see sunsets placed on National Security Letters. National security letters have never been subject to sunset. They are currently governed by six permanent statutes in the code already. No abuses of national security letters have surfaced, and a New York Times article that suggests these large numbers have been issued contains many inaccuracies and that is not accurate.

I want to emphasize that. Nondisclosure is absolutely critical in national security cases. Frankly. in reality, bankers and medical doctors and others who may have records subpoenaed or requested by the national security letter, for the most part, do not desire to tell the person if the FBI agent asks them not to. But they go to their lawyers, and we have gotten so lawyerly today, the lawyer may tell them: Well, I think you have an obligation to tell this bad guy that the FBI came by and picked up his records. If you don't tell him, maybe he can sue you.

So this is a protection for the bank, for the phone company, for the doctor who gets these records subpoenaed because then he can rightly tell anybody who complains after the fact: I would have told you, but the Federal Government told me not to.

Section 215. the FISA Court business record production orders. is another matter of importance. Section 215 orders for the production of business records allows the FBI to go to the FISA Court and seek these orders. You have to go to court now and seek a judicial order of the FISA Court for "the production of tangible things, including books. records. papers. documents and other items" for an investigation to obtain foreign intelligence information. It doesn't allow the FBI to go out and do it on their own. They have to go to court and present evidence that would justify production—basically. a form of subpoena authority. Section 215 orders must be preapproved by a judge and cannot be used to investigate ordinary crimes or even domestic terrorism. only foreign terrorism.

Orders for the production of business records under the USA PATRIOT Act. section 215. are not and cannot be used for so-called fishing expeditions. The fishing expedition complaint is wrong—wrong—wrong—for three reasons. First, section 215 orders are court orders that must be authorized by Federal judges prior to issuance. Judicial review will cull out fishing expedition requests. Second. section 215 orders are available only for authorized national security investigations, not your run-of-the-mill investigation, a category that certainly does not include fishing expeditions. And the conference report clarifies that the orders cannot be used for threat assessments. Third. rigorous guidelines issued by the Attorney General govern when the FBI may use a section 215 order.

There has also been uproar over the three-part relevance test. The Senate bill included an unworkable and burdensome three-part relevance test. You recall—relevance plus. I opposed it. It was not good. I steadfastly believe that it was the kind of confusion that blocks legitimate action under this law and would undermine the ability for the investigators to do what we intended to authorize them to do. The test would have compromised the ability of the Government to get section 215 orders. The language of the three-prong test was ambiguous and would inevitably have resulted in major complications in terrorist investigations.

As we saw by the attacks on 9/11, seemingly small or technical barriers can make a critical difference to the success of a terrorism investigation. That is exactly what the three-prong test would have done.

Senator KYL, who spoke earlier this afternoon, Senator ROBERTS, who is chairman of the Intelligence Committee, and I sent a letter to Chairman SPECTER, expressing our strong concerns with the three-prong test and asking him not to include it in the conference report. He did as we suggested. The conference report retains the three-part test only as a way to prove relevance. The conference report lists the three prongs of the Senate test as ways the materials sought are presumed to be relevant.

No. 1, the records pertain to a foreign power or an agent of a foreign power; No. 2, the records are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or, No. 3, the records pertain to an individual in contact with or known to a suspected agent of a foreign power.

As Senator PATRICK LEAHY explained in 2001, the ranking Democrat on our committee:

> The FBI has made a clear case that a relevance standard is appropriate for counterintelligence and counterterrorism investigations as well as for criminal investigations.

Let me just say this. Your county attorney in every county in America can issue a subpoena for your bank records, your telephone records, on the basis of relevance to an ongoing investigation.

That is how subpoenas are issued. It has always been a relevance standard. I don't see anything unusual about this at all. We provided additional protection for relevance.

The conference report also requires the application for a 215 order to include a statement of fact which shows "reasonable grounds to believe that the records are relevant to an authorized national security investigation." The original PATRIOT Act simply required a showing that the records "were sought" for an authorized investigation. This is a Senate provision which was included in the conference report which certainly made it more difficult to obtain these national security letters, and I assume it made colleagues who have been objecting happy to see this higher burden of proof placed on the investigators. Frankly, I believe that was unnecessary.

Both the conference report and bill we are currently debating—Senator SUNUNU's PATRIOT Act Amendments bill—imposed new civil rights safeguards on the use of section 215 orders contained in the PATRIOT Act as it currently exists. So by blocking the PATRIOT Act which presently exists from being reauthorized by the Conference Report, civil rights are being diminished since the report provides enhanced protection.

The conference report clarifies and makes clear that a recipient of a 215 order has an explicit right to disclose or seek an order through an attorney and to challenge the order in court. Senator SUNUNU's bill which we are debating today and which I am certain will pass goes a bit further. I do not know that it is critical, but I am willing to accept things that are not perfect by my standards because I know we need to reauthorize the PATRIOT Act, and this is a condition of reauthorizing it. Senator SUNUNU's bill lays out the process by which a person receiving a section 215 production order may challenge the legality of that order. They can file a petition with the FISA Court, and that petition is "immediately" assigned to a judge who, in 72 hours after the assignment, "shall conduct an initial review of the petition."

The conference report also retains a 4-year sunset on section 215. In other words, this provision will expire in 4 years unless reauthorized. I don't know why that is necessary, but people apparently believed it was, and so we put it in there.

The conferees added a requirement that the Justice Department institute "minimization procedures" limiting the retention and dissemination of information obtained through a section 215 order for certain particularly sensitive material. The FBI request for these orders must be approved by one of three top officials at the FBI: the Director, the Deputy Director, or the Executive Assistant Director. One of those three top officials in the FBI has to sign off on it if it includes library records, medical records that would identify a person, library patron lists, book sales records, firearms sales records, tax return records, or educational records. This is a Senate provision that was accepted by the conference.

The IRS agents can walk in any time and get your tax records, for heaven's sake, but we can't get a terrorist's tax records without going through the FISA Court. A DEA agent can go into a pharmacy and examine every record in there to find out how many drugs you may have bought or anybody else may have bought. The IRS can subpoena your bank records by administrative subpoena without even the approval of a Federal prosecutor. This is not any erosion of American liberties, is the only point I am making.

Again, this does not allow them to go into your house, into the desk you own at your office, and search your personal belongings. It does not allow any Federal agent to open the trunk of your automobile, to go in your automobile, open your glove compartment, and seize anything you may have that is in your personal custody and control. You still have to have a search warrant approved by a judge on probable cause. This involves materials held by third parties.

Documents which can be obtained in this fashion are limited to the types of tangible things which could be obtained under grand jury subpoena or other Federal court orders, and the FBI must craft procedures to minimize retention and dissemination of materials gathered under this provision. OK. We will try to destroy them in so many months to minimize the danger that somebody will have a file on you. I am telling you, if you like those shows on television, the real-life cold-case files, you see where the records held for 10, 15 years turn out to be the key documents in convicting some murderer 15 years down the road. I really do not like this idea that a properly obtained document or record kept as part of a confidential investigative file has to be destroyed prematurely. But that is what we have here so people's liberties won't be undermined.

Under the conference report, the Department of Justice must conduct two audits of the FBI's use of 215 orders, enhanced congressional and public reporting is required, and the inspector general is required to conduct an audit of all section 215 requests since the passage of the PATRIOT Act. The ironic thing is if those who support a filibuster succeed in preventing a vote on the bill, these additional civil liberties safeguards won't become law.

The language about the libraries included in Senator SUNUNU's bill is also a concern of mine. Opponents of section 215 have tried to create the impression that the FBI is using section 215 to visit libraries nationwide to check the reading records of ordinary Americans. How often have you heard that?

Rebecca Mitchell, director of the Alabama Public Library Service, has a different point of view. She wrote me a letter on August 15 and said:

> I want to personally thank you for your strong leadership to stand on the PATRIOT Act. Our libraries should not be used as a tool for terrorism. I know you have received negative comments from the American Library Association on your stand, but this is not the opinion of most librarians in our State. Please continue to fight to keep our Nation free.

The point I tried to make was that there is no special protection for a library record which would bar a Federal terrorist investigator from obtaining those records. Your local county attorney can subpoena them the same as any Federal investigator to try to stop a terrorist.

Neither section 215 nor any other provision of the PATRIOT Act specifically mentions libraries or is directed at libraries. Nevertheless, as Director Mitchell points out, it is important that library records remain obtainable as one of the kinds of "tangible records" a section 215 order can reach. Intelligence or investigators may have good and legitimate reasons for extending to library/bookstore records.

I would just point out that I prosecuted a number of cases. I prosecuted one guy—they made a television show about it—and we got his records and got a search warrant and seized items he had. He had a book called "Death Dealers Manual." He had a book called "Deadly Poisons." That was relevant evidence to help convict him of a crime.

So we are not going to allow a prosecutor access to this information. A guy may say: I don't know anything about medicine; I have never studied it. If the prosecutor goes down and checks with the library and subpoenas the records and sees that he bought three books on medicine, that may be relevant evidence to an important case. So to say that somehow library records can't be subpoenaed as part of an investigation goes beyond the pale, frankly. But because the Library Association had a fit and they complained, we have put in special protections for libraries, virtually like the spousal privilege or the priest-penitent.

I will conclude my remarks by saying that I do remain frustrated—not at the good intentions of my colleagues. They are well intentioned. Our colleagues really want to improve liberty in America. But the truth is, they have gotten off base. We have let outside groups with agendas confuse people about this legislation—confuse them as to whether historic civil liberties are being undermined when they are not—and as a result, we have had more difficulty passing this bill than we should have.

I see the Senator from Texas is presiding. I appreciate his patience in listening to me. As a former attorney general of Texas and a former member of the Supreme Court of Texas, he is a thorough scholar in these issues. I am proud to say that though he wouldn't agree with everything I have said, but in general he agrees with my view that this act is sound. He has been a steadfast advocate for it and understands the necessity of it and that it does not undermine any of the classical liberties we as Americans take for granted.

I yield the floor.

Mr. OBAMA. Mr. President, 4 years ago, following one of the most devastating attacks in our Nation's history, Congress passed the USA PATRIOT Act to give our Nation's law enforcement the tools they needed to track down terrorists who plot and lurk within our own borders and all over the world—terrorists who, right now, are looking to exploit weaknesses in our laws and our security to carry out even deadlier attacks than we saw on September 11th.

We all agreed that we needed legislation to make it harder for suspected terrorists to go undetected in this country. Americans everywhere wanted that.

But soon after the PATRIOT Act passed, a few years before I ever arrived in the Senate, I began hearing concerns from people of every background and political leaning that this law didn't just provide law enforcement the powers it needed to keep us safe, but powers it didn't need to invade our privacy without cause or suspicion.

Now, at times this issue has tended to degenerate into an "either-or" type of debate. Either we protect our people from terror or we protect our most cherished principles. But that is a false choice. It asks too little of us and assumes too little about America.

Fortunately, last year, the Senate recognized that this was a false choice. We put patriotism before partisanship and engaged in a real, open, and substantive debate about how to fix the PATRIOT Act. And Republicans and Democrats came together to propose sensible improvements to the Act. Unfortunately, the House was resistant to these changes, and that's why we're voting on the compromise before us.

Let me be clear: this compromise is not as good as the Senate version of the bill, nor is it as good as the SAFE Act that I have cosponsored. I suspect the vast majority of my colleagues on both sides of the aisle feel the same way. But, it's still better than what the House originally proposed.

This compromise does modestly improve the PATRIOT Act by strengthening civil liberties protections without sacrificing the tools that law enforcement needs to keep us safe. In this compromise:

We strengthened judicial review of both national security letters, the administrative subpoenas used by the FBI, and Section 215 orders, which can be used to obtain medical, financial and other personal records.

We established hard-time limits on sneak-and-peak searches and limits on roving wiretaps.

We protected most libraries from being subject to national security letters.

We preserved an individual's right to seek counsel and hire an attorney without fearing the FBI's wrath.

And we allowed judicial review of the gag orders that accompany Section 215 searches.

The compromise is far from perfect. I would have liked to see stronger judicial review of national security letters and shorter time limits on sneak and peak searches, among other things.

Senator FEINGOLD has proposed several sensible amendments—that I support—to address these issues. Unfortunately, the Majority Leader is preventing Senator FEINGOLD from offering these amendments through procedural tactics. That is regrettable because it flies in the face of the bipartisan cooperation that allowed the Senate to pass unanimously its version of the Patriot Act—a version that balanced security and civil liberty, partisanship and patriotism.

The Majority Leader's tactics are even more troubling because we will need to work on a bipartisan basis to address national security challenges in the weeks and months to come. In particular, members on both sides of the aisle will need to take a careful look at President Bush's use of warrantless wiretaps and determine the right balance between protecting our security and safeguarding our civil liberties. This is a complex issue. But only by working together and avoiding election-year politicking will we be able to give our government the necessary tools to wage the war on terror without sacrificing the rule of law.

So, I will be supporting the PATRIOT Act compromise. But I urge my colleagues to continue working on ways to improve the civil liberties protections in the PATRIOT Act after it is reauthorized.

Mrs. FEINSTEIN. Mr. President, today the Senate will take up the conference report on the USA-PATRIOT Reauthorization and Improvement Act, as modified by an agreement reached last week.

I am the original Democratic cosponsor of the unanimously passed Senate bill, as well as a cosponsor of the Combating Methamphetamine Epidemic Act and the Reducing Crime and Terrorism at America's Seaports Act, both of which are incorporated into the conference report.

I will vote in favor of cloture on this bill, and will vote in favor of the bill when and if it comes to a vote.

At the end of last year, after careful consideration, I voted against cloture on the conference report. I took this step because of two basic concerns, both of which have been substantially diminished by the agreement which is before us today. These changes, and the fact that a consensus agreement has been reached, are the reason I am changing my position.

My first concern was with some of the provisions of the conference report. Specifically, the conference report did not provide adequate judicial review of so-called gag orders associated with the issuance of national security letters, and required those who wanted to contest these orders before a court to disclose information about their legal counsel to the FBI. This was unnecessary and inappropriate, and it has been changed.

The revised conference report clarifies that a gag order will be reviewed by a Federal court and ensures that this review will include an inquiry into whether the Government is acting in bad faith. The compromise also eliminates the onerous requirement of prior notification to the FBI about legal counsel.

On the other hand, the revised conference report does not go as far as I would have preferred. It does not adopt the original Senate language with respect to the standard to be applied for granting a Foreign Intelligence Surveillance Act warrant for physical items, including business records. This issue, usually referred to by its PATRIOT Act section number, 215, remains very controversial, and I believe the language could permit inappropriate fishing expeditions if not carefully monitored. However, the agreed-upon language does make clear that libraries performing traditional functions are largely exempt from the more intrusive aspects of the law.

Importantly, the conference report retains and extends sunset provisions on the most controversial provisions, including section 215. This is critical, as these sunset provisions, which expire in 2009, are an important element of the continued vigorous oversight necessary to ensure this law is carried out in an appropriate manner.

The second concern I had was that it appeared that efforts to forge a compromise bill had fallen apart, with acrimony and rancor marking the progress of negotiations. This was, in my view, tragic.

I have long been a supporter of the USA-PATRIOT Act. I believe it is a critical tool in defending the Nation against terrorism. But I believe that it is a tool that is most effective when it is accepted as a bipartisan, nonpolitical, effort. Simply put, if there is one area where partisan debate and petty politics have no place, it is in the area of national defense against terrorism.

So I believed strongly that a compromise bill supported by Members of both parties was essential. I recognize that achieving consensus means, almost by definition, that nobody will be completely happy with the outcome. As I noted, there are changes I would have made to this law, and I am sure most of my colleagues, Democrats and Republicans, would like other changes. But compromise and consensus require concessions and flexibility. That is why I will vote today against cloture, and why I plan to vote for the bill itself.

I explained my views in a letter I sent to the Attorney General in December. In that letter I explained, and I quote:

> It was clear to me that Senate and House negotiators had come very close to reaching agreement on the Conference Report. I believe this was critical, because only through such a consensus approach can we ensure that the Patriot Act does not continue to be polluted with partisan rancor. This law is extremely important to the safety of America, and its effectiveness depends in large part on ordinary Americans believing it is a product not of partisan politics, but of reasoned debate and compromise. Because I believed consensus was so close at hand, and so important, I voted to provide Congress additional time to resolve the last points of disagreement.
>
> Thus I was disheartened to hear that the Administration has determined not to encourage further discussion on improving and refining the Conference Report—rather, to stand fast, and urge Senators to change their votes. I hope that this is not the case. . . .
>
> With that hope, I ask that you direct your staff to work with both Republicans and Democrats to address the few remaining issues. I am confident that good-faith discussion, honest debate, and careful drafting can reduce, perhaps even eliminate, some of the points of disagreement. . . .
>
> It is critical that the Congress and the Administration demonstrate our ability to work towards consensus and agreement. I hope you will work with me to that end.

The USA–PATRIOT Act has come to be terribly misunderstood. Some think it is related to Guantanamo Bay and the detention of prisoners. Others are convinced that it authorizes torture or the secret arrest of Americans. It does none of these things.

At the same time, some have irresponsibly sought to characterize anyone who seeks to improve, or criticize, the law as somehow "playing into the hands of the terrorists." They have implied that the USA–PATRIOT Act would expire in its entirety, and that we would be left with no defenses against terrorist attacks. This, too, is untrue.

When I spoke on this floor in December, advocating working together, I said, "Congress has a long, and honorable, tradition of putting aside party politics when it comes to national security . . . it is critical that this approach be carried forward to the end, and that Congress reauthorize the USA–PATRIOT Act in a way that Americans can be confident is not the product of politics."

I am pleased that we followed that tradition and that we put aside our differences and reached agreement. The fact that the White House and the Attorney General backed down from their intransigence and were willing to discuss and compromise is also a welcome change, and hopefully a sign of a more open approach to these issues in the future.

I expect this bill will pass into law. I believe it will make America safer. It is the responsibility of the Congress to "provide for the Common Defense," and I believe we live up to that duty in this bill.

But our job will not end here. We must immediately turn to our oversight responsibilities. For instance, I understand that Senator SPECTER will be continuing his inquiry into the NSA Surveillance Program, and tomorrow the Senate Intelligence Committee will hopefully agree to take up their oversight responsibilities with respect to this program. The Judiciary Committee will also soon be holding a hearing designed to look at the FBI's progress in accepting its newly expanded intelligence missions and assess whether these efforts have been successful and whether they conform with the rule of law.

I look forward to expanding on the spirit of compromise that this bill represents.

I ask unanimous consent the letter to the Attorney General dated January 9, 2006, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 9, 2006.

Hon. ALBERTO GONZALES,
Attorney General of the United States, Department of Justice, Washington, DC.

DEAR MR. ATTORNEY GENERAL, Last month the Senate decided to continue debate on the USA-Patriot Act Reauthorization and Improvement Act conference report, and extended the sixteen provisions of the USA-Patriot Act until February 3, 2006. Although I am the original Democratic co-sponsor of the unanimously passed Senate bill, I voted to continue debate. I explained my reasons at length on the floor, but in summary they are simple.

It was clear to me that Senate and House negotiators had come very close to reaching agreement on the Conference Report. I believe this was critical, because only through such a consensus approach can we ensure that the Patriot Act does not continue to be polluted with partisan rancor. This law is extremely important to the safety of America, and its effectiveness depends in large part on ordinary Americans believing it is a product not of partisan politics, but of reasoned debate and compromise. Because I believed consensus was so close at hand, and so important, I voted to provide Congress additional time to resolve the last points of disagreement.

Thus I was disheartened to hear that the Administration has determined not to encourage further discussion on improving and refining the Conference Report—rather, to stand fast, and urge Senators to change their votes. I hope that this is not the case.

With that hope, I ask that you direct your staff to work with both Republicans and Democrats to address the few remaining issues. I am confident that good-faith discussion, honest debate, and careful drafting can reduce, perhaps even eliminate, some of the points of disagreement.

As I understand it, the key remaining points involve: (1) the standard to be applied by courts in determining whether to issue a so-called "gag order" in the context of National Security Letters; (2) the time limitations applicable to delayed-notice search warrants; and (3) the legal standard applicable to orders to permit seizure of physical items pursuant to the Foreign Intelligence Surveillance Act (Section 215).

Although I am not an appointed conferee, I have asked my staff to work with representatives from the Department of Justice (including the Federal Bureau of Investigation) and the Office of the Director of National Intelligence. I ask you to facilitate that work.

It is critical that the Congress and the Administration demonstrate our ability to work towards consensus and agreement. I hope you will work with me to that end.

Yours truly,

DIANNE FEINSTEIN
U.S. Senator.

Mr. BYRD. Mr. President, as the Senate considers legislation to reauthorize the PATRIOT Act, I am concerned that these efforts fall far short in protecting the constitutional rights of American citizens.

Last December, a bipartisan group of Senators, including myself, was rightly concerned about the PATRIOT Act conference report's failure to safeguard civil liberties, and the Senate rightly rejected that conference report.

Now we have a bill that purports to address those earlier concerns but in fact fails to do so.

It is unfortunate that valiant efforts by Senators on both sides of the aisle have not produced more meaningful changes to the PATRIOT Act. Now we are faced with an alternative that is weak and unacceptable. This bill does not make the essential adjustments needed to protect the rights of the American people.

While this bill makes some changes, such as clarifying that recipients of national security letters do not have to disclose to the FBI whether they consult an attorney, most of the so-called improvements are anemic. Worse still, section 215 of the PATRIOT Act, which casts the net of surveillance so wide as to ensnare virtually any law-abiding citizen's business or medical records, has remained untouched and unimproved.

This bill pays lip service to judicial review of gag orders placed on recipients of section 215 business records and the national security letters. However, the bill goes on to set a nearly insurmountable barrier to Americans who wish to challenge the gag order or the seizure of their records. The bill requires that the recipient prove that the Government acted in bad faith in obtaining the information. An individual may not challenge a gag order for a year, infringing on that individual's right to seek redress in their own defense.

Under the current "improvement", the Government may conduct "sneak and peek" searches, without notifying individuals for 30 days. This is more than a three-fold increase in the time period for notification that the Senate bill allowed.

Safety, the American people are told, involves a trade. They are told they must surrender their liberty in order to preserve their safety. This Orwellian compact is an insult to the constitutional liberties guaranteed to American citizens.

Let me be clear. No one in this Chamber discounts the responsibility of government to keep the American people safe in their homes. Keeping the homeland safe obviously must be of the utmost concern for the Nation and this Congress. But such efforts cannot come at the expense of civil liberties. Freedom and safety are not mutually exclusive.

All Americans know the threat that al-Qaida poses to our country. Osama bin Laden and his ilk must be prevented from executing another terrorist attack on our country. But there are many ways to fight al-Qaida.

One of the ways is to protect those same freedoms that the Taliban took away from the people of Afghanistan living under their tyrannical rule. When Americans are free to speak our minds, when we are free from the intrusions of Big Brother, when we are free to exercise—rather than sacrifice—our most prized protections, that is a blow against those who seek to denigrate our country and our Constitution.

If there is any question about the seriousness with which we as a body hold our Nation's security, let us recall last July, when 100 hundred Senators stood together—something virtually unheard of in the current divisive and partisan climate. On July 29, 2005, the Senate came together to protect the Constitution and the basic rights it affords our citizens. Senators from every State of the Union, from every political persuasion, agreed to a version of the PATRIOT Act that would reauthorize the provisions that were set to expire and which provided the Government with the tools to aggressively pursue the war on terror, while protecting the rights of law-abiding citizens. We demonstrated that as a bipartisan body, we could stand strong against the enemy while preserving the privacy of our citizens. Sadly, the strength and zeal with which we once came together have languished, and the hopes of meaningful improvement of the PATRIOT Act have been abandoned.

We must continue to make national security our top priority, as it always has been, but we can do that without sacrificing sacred liberties. I cannot support this watered-down version of an improved PATRIOT Act. The safeguards in this bill are regrettably thin, and we must not claim that such shabby protections of the constitutional rights of our people are the best that we can do.

The PRESIDING OFFICER (Mr. CORNYN). The Democratic leader.

PENSION CONFERENCE

Mr. REID. Thank you very much, Mr. President.

I hope we have the opportunity as soon as we get back to move forward on the pension conference. I hope we can do it even tonight. I don't want to see this pension bill, which is a matter that has been moved to this point on our legislative calendar on a very bipartisan basis, turned into a partisan issue. There has been too much work on a bipartisan basis to advance this bill, and it is very important to the American business community and to American workers. Billions and billions of dollars are at stake.

In fact, once the majority got serious about pension reform, consideration of this bill in the Senate has been a model of bipartisan cooperation. It would not have passed late last year without the Senate's Democratic caucus pushing for its consideration and working with Republicans to create a process by which a bipartisan consensus could be forged and acted upon by the Senate in a reasonable amount of time.

I agree that there have been unnecessary delays with regard to this legislation, and I regret that the full Senate could not act on this legislation until late last year. Consideration in the House and Senate was delayed last year for two reasons.

First of all, the administration pension proposal was narrowly focused on improving the solvency problems at the PBGC and failed to strike the necessary balance between improving pension funding and continuing the attractiveness of defined benefit pension plans to employers. It would have hastened the demise of defined pension plans, which today cover about one in five workers and provide workers greater retirement security because they provide a guaranteed stream of retirement income. The administration proposal generated little support among Republicans, but they weren't willing to buck the White House on policy grounds and instead deferred action on this legislation. That was unfortunate, but that is the way it is.

Consideration of the bill was also delayed by the decision of the House Republican leadership to hold pension reform hostage in order to advance their failed Social Security privatization plan. The House Republican leadership, as late as June of last year, was still delaying even committee consideration of the pension bill and wanted to couple pension reform with the proposal to privatize Social Security. It wasn't fair to hold this important bill hostage in order to advance the politically unpopular Social Security privatization plan. The political message to all those who cared about fixing the pension system was: Get behind our privatization plan for Social Security or you won't get your pension bill.

For example, the San Francisco Chronicle reported on April 30 of last year that "House Republican leaders vowed Friday to push through Congress an overhaul not just of Social Security but 'retirement security,' grabbing the baton President Bush handed them at his prime." In fact, Mr. President, not only prime time but at a news conference he held promising to run with it.

The prime is past.

> The savvy legislative tactician who thrives on complex issues, Thomas outlined a much broader legislative front than President Bush has proposed. Thomas suggested changes to private savings and pensions outside of Social Security as well as to the 70-year-old program, saying he would deliver a "retirement package for aging Americans."
>
> Chairman Thomas suggested this wide ranging proposal could splinter the Democrats.

The Boston Globe reported months later in June:

> Republicans in Congress want to turn aging baby boomer fears of pension defaults heightened by the well-publicized failure of the United Airlines plan to their advantage with plans to link broad-based pension overhaul with elements of President Bush's plan for personal Social Security accounts, a move GOP leaders hope will break a logjam on Capitol Hill.
>
> The strategy reflects a realization by GOP leaders that their Democratic colleagues and even some Republicans are steadfastly opposed to private accounts funded by a portion of Social Security payroll tax.
>
> Republican leaders hope to build on momentum generated by the pension defaults and the shaky state of the federal agency that insures pensions to make a case that retirement security needs an across-the-board makeover and the type of personal security accounts Bush has talked about should be part of the solution.

Consequently, pension legislation languished in the Senate until the end of July. The inability of Senate Republicans on the Committee on Finance to produce a majority in favor of Social Security privatization, pressure by Senate Democrats to move ahead separately on pension reform, and high profile bankruptcies in the airline industry created enough pressure to break this logjam in the Senate.

Again, it was on a bipartisan basis. There was no filibuster, no obstruction, just inaction by the majority.

Despite these delays, Senators GRASSLEY, ENZI, BOXER, and KENNEDY, the chairman and ranking members of the Committees on Finance and HELP, worked through the committee and on the floor to draft and pass a bipartisan pension bill. The Committee on Finance reported its bill at the end of July. The HELP Committee reported its bill at the beginning of December. Committees agreed on a bipartisan basis to a compromise bill that merged the two approaches at the end of September.

The actual legislative work on this was relatively short, certainly, for something as complex as this. The bill passed the full Senate on November 16. At that time, I commended Members on both sides for the diligent work in hammering out a consensus bill, and again questioned why the Senate waited until November to address this important issue. In fact, I worked with the distinguished majority leader in making sure there were not a lot of extraneous amendments, and we could move forward.

There is no reason the Senate cannot move forward on this. We need to agree on a reasonable number of conferees. This is a bill, a very complex bill. What I am asking is there be three people from our HELP Committee who are Democrats, and four from the Committee on Finance, a total of seven. This is a very important bill. The reason we are not going to conference is the majority is not willing to give the Democrats another member—that is, they refuse to go with the ratio which the Republicans get, the best of that deal; they get two extra Senators. Now they say we have to do it with—I assume they want me to do two from HELP and three from the Committee on Finance. That is unfair.

I need, the country needs, a pension reform bill. That can only be done by going to conference. I plead with the majority, let's work this out. There is no reason we should not have a ratio of 8 to 6 that allows me to have three people from the HELP Committee who are experts in this field. They will move quickly. They are willing to work unending hours to resolve this matter.

A report in this morning's Congressional Quarterly suggests that outside interests are pushing for a very small conference, the smaller the better, in order to prevent some Senators who have positions on this most important issue, Senators who have worked on it for many years, from participating in the conference. That is too bad.

This legislation has reached this point and we are here today because of strong bipartisan support for moving forward. It has not been a partisan process thus far and I hope it will not become a partisan process. I expect the conference to be conducted in a bipartisan manner, no matter who gets appointed on what side. I am afraid the Republican majority has decided they want to create a political issue instead of trying to find a way around the impasse. The way around it is easy. 7 to 5 or 8 to 6. I hope we can continue working in a bipartisan way in order to get this bill to conference and enacted into law. It is an important piece of legislation.

It does not seem to me to be asking too much that the HELP Committee, which is so vitally important to the moving of this legislation, have three Democrats on the HELP Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are not.

Ms. COLLINS. Mr. President, I ask unanimous consent to speak as in morning business for up to 12 minutes in order to introduce a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 2311 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

KATRINA EMERGENCY ASSISTANCE

Mr. COCHRAN. Mr. President, I am pleased to be able to express my appreciation to my friend from Maine, Ms. COLLINS, for the passage of the Katrina Emergency Assistance Act of 2005. This important legislation passed the Senate by unanimous consent on Wednesday, February 16, after several months of negotiations. I commend her efforts and the efforts of the Senate Committee on Homeland Security and Governmental Affairs to take the initiative to address the recovery issues still facing the gulf coast.

Senator COLLINS and Senator LIEBERMAN have both visited Mississippi and Louisiana and have seen the devastation and the progress that has been made and the work still left to be done.

Hurricane Katrina was certainly one of the deadliest and costliest natural disasters in United States history.

On Monday, August 29, 2005, Hurricane Katrina made landfall in Louisiana as a category 4 hurricane, with winds up to 145 mph, then turned eastward towards Mississippi, making landfall at 9 a.m., with winds of 125 mph and with a storm surge over 20 feet high. At its peak, the storm stretched 125 miles across the gulf coast

Almost 6 months later, the Congress and numerous Federal departments and agencies are still working to help those affected by the hurricane.

The Katrina Emergency Assistance Act will help people in a variety of important ways.

This legislation provides an additional 13 weeks of Federal Disaster Unemployment Assistance for those who lost their jobs as a result of Hurricane Katrina, extending the duration of benefits from 26 weeks to 39 weeks.

Thousands of residents of the gulf coast lost their jobs as a result of Hurricane Katrina. It is important to continue to provide this assistance while businesses, both large and small, reopen and expand.

The Katrina Emergency Assistance Act authorizes the Federal Government to reimburse local communities and community organizations for purchasing and distributing essential supplies during a disaster situation. Mayors, supervisors, local emergency managers, first responders, and others in the disaster area should be free to purchase necessities such as food, ice, clothing, toiletries, generators, and other essential items.

These individuals are often the first to respond to a disaster, and they should be assured that their city, county, or organization will be reimbursed for these essential services.

This legislation also requires the Department of Homeland Security to establish new guidelines for inspectors determining the eligibility of individuals for Federal disaster assistance. This provision will help ensure the timely delivery of assistance, while prohibiting conflicts of interest.

This legislation also expresses the sense of the Congress that the Bureau of Immigration and Customs Enforcement should refrain from initiating removal proceedings against international students due to their inability to complete education requirements as a result of a national disaster.

Numerous students from around the world are studying in this country at any given time. These students should not be punished as a result of disaster that interferes with their legitimate educational plans.

Senators COLLINS and LIEBERMAN and the members of the Homeland Security and Governmental Affairs Committee have worked hard to provide assistance and respond to Hurricane Katrina.

The committee is close to completing its exhaustive investigation of the response of the entire Federal Government will soon begin the process of drafting legislation to improve future Federal response efforts.

I look forward to working with them to address the concerns of Mississippians and to improve the process of response and recovery.

I urge my colleagues in the House of Representatives to give every consideration to this important legislation. The Katrina Emergency Assistance Act is the result of months of drafting and negotiating by Senators COLLINS and LIEBERMAN and has the full backing of the United States Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PENSION REFORM

Mr. FRIST. Mr. President, a few moments ago the minority leader was on the floor following up on a discussion that we had had earlier today. I would like to take a moment to respond to his request regarding the pension reform bill conference committee.

It looks as though we will have to continue to discuss this over the next 24 hours because we have not made very much progress on a bill that is critically important to the safety and security of the American people. It is being postponed for no good reason. That is what it boils down to.

These feeble attempts to explain why we keep putting the bill off are unacceptable at this point. We have to go back to the time line because the facts do speak for themselves.

The Senate passed the pension reform bill on November 16 of last year. So that is—November, December, January, February—almost 3 months ago exactly, or close to it. It was passed by a vote of 97 to 2. Almost all of our colleagues in here, 97 to 2, voted for this bill. The House passed its bill about a month later, on December 15. They passed it overwhelmingly, 294 to 132. Shortly after the House passed the bill, we proposed going to conference with a ratio of 7 to 5. That was back in December. It took the other side of the aisle until yesterday to respond.

It looks as if it is, again, a pattern of delay and obstruction. They have had over 2 months to broach this concern and resolve the dispute within their caucus as to who would serve on this conference. Our side had to make tough choices, as we talked about this morning. My colleague from Mississippi and another colleague who wasn't on the floor spoke to me thereafter and said: Why wasn't I on that tax reconciliation bill conference?

Yesterday, we appointed conferees—two from our side of the aisle and one from their side of the aisle, a total of three. To make these decisions, it takes leadership and calls for leadership just to say this is going to be the number, and let's proceed ahead, and with both the Republican and Democratic caucuses we have to make tough choices and tell our colleagues that not everybody can serve on every conference committee.

It may be that there is a legitimate dispute on the other side of the aisle about who should get to serve. But, again, I question this pattern of obstruction and delay and postponement. This may well be another instance of election year delays to slow down the legislative process and try to attempt to keep us from governing in a responsible way.

If there is a legitimate disagreement about who they should get to serve on their side of the aisle, I have a proposal that might resolve that matter. We can talk about it tomorrow. I would propose appointing six Democratic conferees, which would address their problem, and nine Republican conferees. This should more than accommodate the request of the Democratic leader, while allowing us to maintain equal representation of the two committees, the HELP Committee and the Finance Committee, which have jurisdiction of this bill.

In the meantime, as we discuss and debate this issue, the clock is ticking. We need to appoint conferees right away because, as was explained earlier on the floor today, the first quarter of the fiscal year ends on March 31. Within 2 weeks of that happening, companies have to make contributions to their pension plans. If we don't go ahead and pass comprehensive pension plan reform before then, those contributions may result in bankrupting those companies.

So I close with simply saying that time is of the essence. We cannot delay. We need to act now to once and for all get this done, to get to conference so that we can resolve the issues on this particular bill.

Mr. President, in direct response to a number of issues that have been raised on the bill on the floor right now, the PATRIOT Act, I have a few comments to make. Once again we have a slow-walking of the policymaking process on the floor. We are slow-walking the PATRIOT Act, a bill that we absolutely know will make this country safer and more secure—an improved bill.

Tuesday night, cloture was filed on the motion to proceed to S. 2271, which is a stalling tactic or a filibustering tactic. On the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006, which is the formal name of this important bill, we had to file cloture because otherwise this bill will continue to be filibustered and postponed indefinitely. Today, we invoked cloture. I think the vote was 96 to 3; I believe that is correct. That shows there is overwhelming support for this bill. I think that reflects what should be the reality, and that is that this bill is going to pass with overwhelming majority support. Yet we have, in essence, wasted yesterday and today, tomorrow, Monday, and Tuesday, until we are allowed to vote on this bill Wednesday morning following the break.

Once again, the other side seems to be throwing up roadblock after roadblock, demanding unnecessary procedural steps to slow down, to hinder reauthorization of what law enforcement has described as its No. 1 terrorist-fighting tool, the PATRIOT Act.

If the delays in any way would change the outcome or alter the outcome, I could understand it, but that is simply not the case. The outcome of this bill is not in any doubt. The PATRIOT Act will pass with overwhelming bipartisan support. It is just being delayed for delay's sake and, to me, that is simply unacceptable. The American people, unfortunately, pay a price for all of this in two ways.

First of all, the improved PATRIOT Act, which strengthens that ability to remove those burdens between the law enforcement and intelligence act, is one dimension.

Second is, all the pressing issues of securing America's freedom, America's health, improving education, promoting progrowth policy to increase and promote the prosperity of America, all of that gets pushed off to the future.

The original PATRIOT Act passed with overwhelming, near unanimous support in its original version. We know it has been instrumental in the successful tracking and arrest of key terrorist figures.

Just last week, we learned how, in 2002, a terror plan to hijack a commercial airliner and fly it into the Los Angeles Library Tower was thwarted. Authorities discovered that Khalid Sheik Mohammed, the mastermind of 9/11, had recruited a suicide hijacking cell to bring down the 73-story skyscraper—the tallest building on the West Coast.

Authorities were able to hunt down and capture Khalid Sheik Mohammed, along with his accomplice, Hambali, the leader in al-Qaida, in Southeast Asia, the leader of the terrorist cell, and three of its terrorist members.

It was a tremendous victory in the war on terror, and it saved countless innocent lives. But it also reminded us that our enemies are ruthless. It reminded us that they are determined to kill scores of Americans, hundreds of Americans, right here on American soil. They are determined to exploit any weakness or slip through any potential loophole.

We cannot let our guard down. We must never, ever let our guard down. We have to stay on the offensive. On 9/11, the enemy was able to allude law enforcement, in part, because our agencies weren't able to share key intelligence information. That is why, within 6 weeks of the attacks on America, Congress passed the USA PATRIOT Act with overwhelming bipartisan support. It was near unanimous. The vote was 98 Senators voting in favor.

The PATRIOT Act went to work immediately, tearing down the information wall between agencies, and it allowed the intelligence community and law enforcement to work more closely in pursuit of terrorists and their activities. Since then, it has been highly effective in tracking down terrorists and making America safer. Because of the PATRIOT Act, the United States has charged over 400 suspected terrorists. More than half of them have already been convicted. Law enforcement has broken up terrorist cells all across the country, from New York to California, Virginia, down to Florida.

In San Diego, officials were able to use the PATRIOT Act to investigate and prosecute several suspects in an al-Qaida drug-for-weapons plot. The investigation led to several guilty pleas. The PATRIOT Act also allowed prosecutors and investigators to crack the Virginia jihad case involving 11 men who had trained for jihad in Northern Virginia in Pakistan and in Afghanistan. We need to continue to provide these tools to track and foil terrorist plots before harm can be done to innocent Americans.

The PATRIOT Act has been debated thoroughly. It has been negotiated. It has been drafted, and it has been redrafted again. It is time to bring this process to a close. The bill before us is the result of sincere, good-faith efforts and builds on the work that was accomplished last year to renew the PATRIOT Act. It strengthens our civil liberties protections as well as the core antiterrorist safeguards that have been so critical in fighting the war on terror.

In 2006, the USA PATRIOT Act, as written, once passed, will help us to combat terrorist financing and money laundering, protect our mass transportation systems and railways from attacks such as the one on the London subway last summer, and to secure our seaports. It will help us fight methamphetamine drug abuse, America's No. 1 drug problem today, by restricting access to the ingredients used to make that poisonous drug, methamphetamines.

So the question before us now is pretty straightforward. It is simple. Why delay all of these provisions any longer? Why wait to move forward to make America safer? Why wait to give law enforcement the same tools they already use against white-collar criminals and drug offenders? It doesn't make sense to postpone, to delay, to wait.

Those who are delaying the bill claim they are taking a stand for stronger civil liberty protections. Yet they admit that the renewal of the PATRIOT Act is a vast improvement over current law. Again, why wait to enact the dozens of civil liberties protections in this bill that they have supported for so long. We have a duty and responsibility to protect our fellow Americans. Indeed, it is our highest duty as Senators.

I urge my colleagues to move forward to renew the PATRIOT Act. The time to act is now. It is the only, the best, and the right thing to do.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAFEE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEART FOR WOMEN ACT

Ms. MURKOWSKI. Mr. President, I wish to take a few moments to speak very briefly about heart disease. Many people might not know but February is American Heart Month, and heart disease, as we certainly know, is the Nation's leading cause of death.

Many women believe heart disease is a man's disease. Unfortunately, there are many women in this country who do not view this as a serious health threat. Yet every year since 1984, cardiovascular disease has claimed the lives of more women than men. In fact, cardiovascular disease death rates have declined in men since 1979, which is great news, but the death rate for women during that same period has actually increased. The numbers are disturbing.

Cardiovascular diseases claim the lives of more than 480,000 women per year. That is nearly a death a minute among females and nearly 12 times as many lives as claimed by breast cancer. One in four females has some form of cardiovascular disease. Again, these are statistics many of us would find alarming, certainly, but also find that it is new information, something we didn't know.

I am pleased to join with my colleague from Michigan, Senator STABENOW, to introduce important legislation we have entitled the HEART For Women Act, or Heart Disease Education, Analysis, and Research, and Treatment For Women Act. This important bill improves the prevention, diagnosis, and treatment of heart disease and stroke in women.

In Alaska, we have some very troubling statistics as they relate to heart disease. In Alaska, cardiovascular diseases are the leading cause of death, totaling nearly 800 deaths per year. Women in Alaska have higher death rates from stroke than do women nationally. Mortality amongst Native Alaskan women is dramatically on the rise, whereas it is appearing to decline among Caucasian women in the lower 48. So these statistics, again, should cause us concern.

Despite being the No. 1 killer, many women and their health care providers do not know the biggest health care threat to women is heart disease. In fact, a recent survey found that 45 percent of women still do not know heart disease is the No. 1 killer of women.

Perhaps even more troubling is the lack of awareness amongst our health care providers. According to the American Heart Association figures, less than one in five physicians recognize more women suffer from heart disease than men. Only 8 percent of primary care physicians—and even more astounding—only 17 percent of cardiologists recognize that more women die of heart disease than men. Additionally, studies show women are less likely to receive aggressive treatment because heart disease often manifests itself differently in women than in men.

This is why this HEART Act is so important. Our bill takes a three-pronged approach to reducing heart disease death rates for women through education, research, and screening.

First, the bill would authorize the Department of Health and Human Services to educate health care professionals and older women about the unique aspects of care and prevention, diagnosis, and treatment of women with heart disease and stroke.

Second, the bill would require disclosure of gender-specific health information that is already being reported to the Federal Government. We already have many agencies that are collecting the information based on gender, but they don't disseminate or analyze the gender differences. This bill would release that information so it could be studied and important health trends in women could be detected.

Lastly, the bill would authorize the expansion of the Centers for Disease Control and Prevention's WISEWOMAN program. WISEWOMAN is the acronym for the Well-Integrated Screening and Evaluation For Women Across the Nation program. The WISEWOMAN program provides free heart disease and stroke screening to low-income, uninsured women. But the program currently is limited to 14 States. In the State of Alaska, we are fortunate to have two WISEWOMAN program sites, and these programs screen for high blood pressure, cholesterol, and glucose in Native Alaskan women, and they have been providing invaluable counseling on diet and exercise. One program in Alaska has successfully screened 1,437 Native Alaskan women and has provided them with culturally appropriate intervention programs that have truly produced lifesaving results.

Heart disease, stroke, and other cardiovascular diseases cost Americans more than any other disease—an estimated $403 billion in 2006, including more than $250 billion in direct medical costs. We as a Nation can control these costs. Prevention through early detection is the most cost-effective way to combat the disease.

A few days ago we celebrated Valentine's Day, and we saw images of hearts then and we are still seeing them around now. We shouldn't forget that the heart is more than a symbol—it is a vital organ that can't be taken for granted. Coronary disease can be treated effectively, and sometimes even prevented. It does not have to be the No. 1 cause of death in women, and that is why I encourage my colleagues to support the HEART for Women Act.

COMMONSENSE GUN SAFETY LAWS SAVE LIVES

Mr. LEVIN. Mr. President, an analysis by the Violence Policy Center, VPC, of the most recent data available from the Centers for Disease Control and Prevention, CDC, revealed that the national per capita death rate from guns was 10.36 people per 100,000 in 2003. In addition, 10 States had per capita gun death rates of more than 15 gun deaths per 100,000 people. Not coincidentally, the States with the highest per capita gun death rates also have some of the most lax gun safety laws in the country. This is further evidence that commonsense gun safety laws do save lives.

Each year the Brady Campaign to Prevent Gun Violence produces a "Gun Violence Report Card" in which it assigns individual States a grade on their gun safety laws of A through F. In its analysis, the Brady campaign evaluates State gun safety laws on factors such as: whether it is illegal for a child to possess a gun without supervision; whether it is illegal to sell a gun to a child; whether gun owners are held responsible for leaving loaded guns easily accessible to children; whether guns are required to have child-safety locks, loaded-chamber indicators and other childproof designs; whether cities and counties have authority to enact local gun safety laws; whether background checks are required at gun shows and between private parties; and, whether it is legal to carry concealed handguns in public.

When the analysis of the CDC gun death data for 2003 is compared with the Brady campaign's report card for the same year, we find that the States with the lowest rates of gun deaths also received the highest grades from the Brady campaign. In fact, four of the five States with the lowest gun death rates received an "A-," the highest grade awarded by the Brady campaign that year, and the fifth received a "B-." These five States had an average rate of 3.81 gun deaths per 100,000 people, less than half of the national average. Conversely, four of the five States with the highest rates of gun deaths received an "F," while the fifth received a "D-." These five States had an average rate of 17.9 gun deaths per 100,000 people.

According to the Brady campaign, none of the top 15 States with the highest rates of gun deaths have laws requiring background checks on guns purchased at gun shows or from private sellers. Under current Federal law, when an individual buys a firearm from a licensed dealer, there are requirements for a background check to ensure that the purchaser is not prohibited by law from purchasing or possessing a firearm. However, this is not the case for all gun purchases. For example, when an individual wants to buy a firearm from a private citizen who is not a licensed gun dealer, there is no Federal requirement that the seller ensure that the purchaser is not in a prohibited category. This creates a loophole in the Federal law, providing prohibited purchasers, including convicted criminals, with potential easy access to dangerous firearms. Fortunately, some States, including the five with the lowest rates of gun deaths, have enacted laws to help close this loophole.

Congress should work to enact national gun safety standards, including mandatory background checks on all gun sales, to help reduce the high rate of gun deaths across the country. The States who have already enacted commonsense gun safety legislation have shown that their laws make a difference and we should follow their lead.

RELIGIOUS FREEDOM

Mr. SANTORUM. Mr. President, Thomas Jefferson called religious freedom the "first freedom." As founder and leader over the last 3 years of the Congressional Working Group on Religious Freedom, I wanted to take this opportunity to pay tribute to this pivotal liberty. Last month, President Bush also recognized this important freedom by declaring "Religious Freedom Day," observed on January 16.

Americans are among the most religious peoples on Earth and are of many faith traditions. Nearly 80 percent of Americans state they pray regularly. Within a few blocks of this Capitol, there are churches, meeting houses, synagogues, mosques, temples, and house of worship of every variety.

The free exercise of religion is a hallmark of our Nation. It is the reason many of our ancestors came here. It is the reason we are able to live peacefully together as a religiously diverse people. Cherished by the American people as the most precious of those rights given by God, religious freedom has been given the pride of place in our Constitution, in the first clause of the first amendment of the Bill of Rights.

Freedom of thought, conscience, and religious belief, as Jefferson and the American Founders recognized, is the prerequisite for the exercise of other basic human rights. Freedom of speech, press, and assembly depend on a free conscience. No basic freedom can be secure where religious freedom is denied.

But these rights do not just belong to Americans. They are universal; they belong to every person in this world. No one, from the worst dictator to the most powerful government, can take away the right for a person to believe as he or she wishes. However, the expression of this belief is too often repressed through the imposition of persecution and death.

Since the Nazi Holocaust against the Jewish people, the principle of religious freedom has gained recognition in foreign policy. The right to religious freedom found worldwide acceptance in the 1948 Universal Declaration of Human Rights, to which many nations have agreed. "Everyone," the declaration asserts, "has the right to freedom of thought, conscience and religion." As the declaration makes explicit, "this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

The declaration's article 18 thus provides for the acceptance of religious pluralism; the freedom to convert to another faith; the right to express unorthodox beliefs in one's individual capacity; the right, not only to worship in private or behind the walls of a building but to express one's faith in society. These are powerful concepts that challenge many societies, including at times our own.

For example, I have introduced the Workplace Religious Freedom Act, a bill which would restore a balanced approach to religious freedom in the workplace. It would clarify current law, which requires employers to accommodate the religious beliefs of their employees, unless doing so would cause significant difficulty or financial hardship for the employer. While most employers recognize the value of respecting religion in the workplace, sometimes employees are forced to choose between dedication to the principles of their faith and losing their job because their employers refuse to reasonably accommodate certain needs. It is supported by a broad spectrum of groups, liberal and conservative, who share this Nation's commitment to the freedom of conscience.

The International Religious Freedom Act of 1998, which I supported, institutionalized religious freedom as a guiding doctrine in America's foreign relations. The act established within the State Department an office, headed by an Ambassador-at-Large, to monitor and report annually on the status of religious freedom in every country; and it created the U.S. Commission on International Religious Freedom as an independent Government agency to study and propose new policies to advance religious freedom abroad.

Because of this legislation, regular reports are being issued by the State Department on the status of religious freedom in every country. Citizens now have access to information not easily available previously. The U.S. Government is now designating countries as being of particular concern solely because of their records on religious freedom. While more actions can be taken, our Government is making this freedom a priority.

The founder of Pennsylvania, William Penn, and many others fled to this land seeking religious freedom. Centuries later, the United States remains a beacon for the religiously repressed around the world. Our Congressional Working Group on Religious Freedom includes persons from diverse countries and faith backgrounds who have found religious freedom in America and who now dedicate their lives to speaking out for the persecuted around the world.

A regular participant in our Working Group is Ali Alyami. Dr. Alyami is a Muslim from Saudi Arabia, but he is not a follower of Wahhabism, the extremist, state-sanctioned brand of Islam in Saudi Arabia, and so he faces marginalization and repression in his homeland.

Another is Bob Fu, an evangelical Christian leader who was arrested in his native China for praying in an unauthorized house-church before finding refuge in the United States and moving to Philadelphia.

Eden Naby, an Assyrian Christian, spoke at our "Christmas under Siege" meeting last month about the accelerating attrition rate of religious minorities fleeing ethnic cleansing and extremism in Iraq.

Seung-Woo Kahng attested to the cruelties suffered by an underground church-leader in North Korea.

Michael Muenir, a Copt originally from Egypt, reported to our group about the failure of Egyptian justice when Copts are murdered by Islamic fanatics, discrimination against the Copts in the upper echelons of government and military, and the obstacles to getting government permission to build or even repair churches in Egypt.

Bat Ye'or, a Jewish author originally from Egypt, spoke of the rising tide of anti-Semitism throughout Europe.

These and many more like them are grateful to have the freedom in the United States to speak out about the need for religious freedom in many countries throughout the world.

When we look at the overall state of religious freedom in the world, state-sponsored religious persecution of the harshest severity—torture, imprisonment, and even death—occurs today under three types of regimes: the remnant communist regimes; repressive Islamist states; and nationalist authoritarian states. Many of the countries represented in these categories are those that have been officially designated by the U.S. State Department as "countries of particular concern," or "CPCs," for their "egregious, systematic, and continuing" violations of religious freedom.

The first type of regime is that of the remnant communist states, such as China, North Korea, and Vietnam. For example:

North Korea systematically crushes public expressions of religion and puts in harsh concentration camps those accused of being religious, along with up to three generations of their family members.

China seeks to control all religion and punishes religious leaders who worship without authorization with fines, "reeducation" camp, and other forms of incarceration. It also harshly treats Falun Gong practitioners, who have reported to us about torture and murder at the hands of authorities.

Vietnam beats and tortures its Hmong and tribal Christians until they recant their faith.

A second main type of regime fostering state-sponsored persecution is that of repressive Islamic states. For example:

In recent years, the Sudanese Government prosecuted a genocidal war in its south in which over 2 million Christians and followers of traditional African religions were killed and thousands enslaved for resisting the forcible imposition of Islamic law. Khartoum is now employing the genocidal tactics honed in the religious conflict with the south in a race-based conflict in its western Darfur region.

Iran's fanatical regime has tortured and killed many thousands of its own nationals for religious reasons. One Iranian political dissident, a Muslim professor named Hashem Aghajari, aptly protested at his July 2004 blasphemy trial that he was being punished for "the sin of thinking."

Saudi Arabia continues to indoctrinate its students in an ideology of religious hatred and exports such propaganda to other Muslims communities throughout the world, including here in the United States: Saudi researchers themselves found that the state's curriculum "misguides the pupils into believing that in order to safeguard their own religion, they must violently repress and even physically eliminate the 'other.' "

The third type of regime where religious persecution is prevalent is that of nationalist authoritarian states, such as Burma and Eritrea. For example:

In Burma, the government subjects all publications, including religious publications, to control and censorship. The government generally prohibits outdoor meetings of more than five persons, including religious meetings.

In Eritrea there are reports that police have tortured those detained for their religious beliefs, including using bondage, heat exposure, and beatings. Also, some detainees were required to sign statements repudiating their faith or agreeing not to practice it as a condition for release.

Lastly, we have unfortunately seen a global trend of growing anti-Semitism which has also been brought before our working group. It has been seen in Iran where the President has notoriously denied the Holocaust and threatened the existence of Israel, in the streets of Russia, in the capitals of Europe, and even on the campuses of American universities. The Protocols of the Elders of Zion, an abominable anti-Semitic forgery of a Russian czar, is resurfacing at Iranian government-sponsored book fairs, on Egyptian-controlled television broadcasts and in Saudi-published textbooks. This precise work was used by Hitler to indoctrinate Nazi youths. We must take this threat seriously.

Natan Sharansky, himself once a Soviet religious prisoner, a "Jewish refusenik," states that a test of a free society is whether "people have a right to express their views without fear of arrest, imprisonment, or physical harm." None of the CPCs cited above are free societies. It is no coincidence that regimes that pose the gravest threats to our national security—Iran and North Korea today—are also ones that tyrannically crush freedom of belief. The protection and promotion of religious freedom is as fundamental to our national interest, as it is to our ideals.

When we promote religious freedom for these countries and others, when we as members of the Senate speak publicly on religious freedom, when we raise the issue on our trips abroad and in our meetings with foreign officials, when we make sure that members of the administration and embassy officials around the world raise these values regularly with foreign governments, when we speak on behalf of persecuted dissidents, and when we act consistently in our own country, we will not only be working to ensure every person can worship as they see fit. We will also be ensuring a safer, peaceful, more secure world where the rights of all—the freedoms of all—are respected and celebrated.

RENT RELIEF TO FEDERAL JUDICIARY

Mr. CORNYN. Mr. President, I rise to discuss S. 2292, a bill to provide rent relief to the Federal judiciary. Our Federal judges and court administrators have expressed serious concerns about the rental charges assessed by the General Services Administration, GSA, in courthouses and other space occupied by the courts around the country. If enacted, this legislation would require the administrator of general services to charge the judicial branch no more rent than that which represents the actual costs of operating and maintaining its facilities. Specifically, it prohibits the General Services Administration from including amounts for capital costs, real estate taxes, except for those taxes actually paid by the administrator of general services to lessors, or administrative fees in rental charges.

The current budgetary problems caused by the judiciary's rental payments must be addressed. In fiscal terms, since 1986, the Federal Courts' rental payments to GSA have increased from $133 million to $912 million. The percentage of the judiciary's operating budget devoted to rent payments has escalated sharply from 15.7 percent in 1986 to about 22 percent in 2004. During this same time, the share of the Federal budget provided to the judiciary has dwindled as Congress has sought to tackle our Nation's increasing budget deficit. Even as overall resources available to the judiciary dwindle, analysts project that rental payments will reach approximately $1.2 billion by 2009, which will be an estimated 25 percent of the judiciary's annual operating budget.

I believe that the courts are doing everything they possibly can to contain their costs without adversely affecting the administration of justice. The Federal judiciary has imposed a 24-month moratorium on the construction of any new courthouses and has stopped planning for many projects. If rent relief is not granted to the judiciary, more personnel cuts will be required in the near future, including the loss of another 4,000 jobs over the next 4 years.

In my view, this constitutes a near crisis in the Federal judiciary. Space and appropriate personnel play a significant role in our judicial system. The ready availability of appropriate courtrooms, jury deliberation and assembly rooms, and workspace for support staff all facilitate the administration of justice. Appropriate space for drug testing and monitoring of persons under supervision by Federal probation officers is of the utmost importance. It is critical that the courts have all the tools they need to carry out their mission. Providing this relief to the judiciary will allow them to improve the administration of justice for all Americans.

Additionally, serious building-related security problems in existing courthouses are also a key consideration. Courthouses should have secure passage for detainees to be transported, separating public passageways from these individuals. Unfortunately, this is not the case in many courthouses, including several courthouses in my home state of Texas. As an example, I recently wrote to Attorney General Gonzales to urge him to ensure that funding is granted to fix security concerns identified at the Midland Federal Courthouse as soon as possible. Affording the judiciary rent relief so they can devote more money to courthouse security is a good first step.

Finally, I think it is important to point out that this bill addresses the unequal treatment generally afforded the lower Federal courts. Many of the buildings used by other agencies and branches of the Federal Government are exempt from rent. For example, the Department of Defense pays no rent to GSA on the Pentagon or on military bases. The Treasury Department, which once housed GSA, pays no rent on the main Treasury building or on its Mints. The Supreme Court—unlike the lower Federal courts—pays no rent. Likewise, the Federal Reserve Board, the FDIC, and many other quasi-federal agencies do not pay rent to GSA. There is no rent paid on Federal prisons, embassies, NIH facilities, nuclear facilities, VA hospitals, EPA labs, or national parks and national forest facilities. Congress does not pay rent on the Capitol Building we're deliberating in today. Nor does Congress pay rent on the Senate or House office buildings or surrounding structures. Congress is charged rent by GSA only for a small amount of space for congressional State and district offices. The Federal judiciary—specifically, the lower Federal courts—lack that same advantage. This bill takes a step towards granting the judiciary equal treatment.

It is important that all who enter our Nation's courts are ensured fair and equitable treatment. This bill is a critical component in achieving this goal. I will work with Senator SPECTER and the other co-sponsors to get this bill moving through the judiciary committee as soon as possible.

PROVIDING RELIEF FOR THE FEDERAL JUDICIARY FROM EXCESSIVE RENT CHARGES

Mr. LEAHY. Mr. President, yesterday Chairman SPECTER introduced a bill I cosponsored to provide relief for the Federal judiciary from excessive rent charges assessed by the General Services Administration, GSA, for the use of courthouses and other spaces occupied by the courts across the Nation. Since 1986, the Federal courts' rental payments to GSA have increased dramatically, with the percentage of the judiciary's operating budget devoted to rent payments escalating from 15.7 percent in 1986 to approximately 22 percent in 2004. If no changes are made, this percentage is expected to continue to rise sharply. This legislation brings these rent charges under control by capping the rent charges at GSA's actual costs of operating and maintaining accommodations provided to the judicial branch, by specifying that certain capital costs, taxes, and administrative fees shall not be included in GSA's rent charges, and by establishing a means for repayment over time for the future costs of repair and alteration projects performed by GSA.

As the ranking member of the Senate Judiciary Committee, I have been concerned about the adverse effect of these rent payments on the administration of justice. On May 13, 2005, a bipartisan group of 11 members of the Judiciary Committee, including Chairman SPECTER and myself, sent a letter to GSA asking it to exercise its authority to exempt the judicial branch from all rental payments except those required to operate and maintain Federal court buildings and related costs. GSA's response has not been adequate. As set forth in that letter, the excessive rent paid by the judiciary will exacerbate severe personnel shortages by forcing more cuts and could also have impacts on courthouse security. The rent relief provided in this bill will help ensure that the judiciary continues to have the tools it needs to carry out its unique and vital function.

KATRINA ON THE GROUND

Mr. KERRY. Mr. President, on August 29, 2005, Hurricane Katrina tore through the gulf coast States leaving in its wake death and destruction that none of us will soon forget. In the immediate aftermath, graphic images of people struggling to escape the flooding in New Orleans and digging through the rubble of their homes in Mississippi and Alabama filled our television sets and newspapers. People were outraged at the Government's response. They volunteered their time to aid in rescues. They donated their money to help the victims. But many soon moved on.

The problems faced by the residents of the gulf coast, however, have not gone away. Rebuilding is underway, but it will take years. We cannot forget the work that still needs to be done or the people who are still struggling.

That is why I am so impressed with a new volunteer initiative called Katrina on the Ground. Katrina on the Ground, or KOTG, will bring together students from across the country to help rebuild the hurricane-ravaged cities of Mobile, AL, Biloxi, MS, and New Orleans, LA, during their spring break vacations. Each student will provide at least one week of assistance in the region after receiving a day of training in Selma, AL. This is a stunning commitment of time and energy given that many students spend their spring breaks at the beach or on vacation.

Choosing the 21st Century Youth Leadership camp in Selma, AL, as a training site was not a coincidence. Selma, as we all know, is where Dr. Martin Luther King, Jr. led his last great march in 1965—the march that led to the Voting Rights Act of 1965. KOTG's founders hope to build on the spirit of the civil rights movement, invigorating a new generation of leaders to effect change. As Kevin Powell, one of the founders points out, "There has been nothing like this since the student-led anti-apartheid movement of the 1980s or . . . the student sit-ins and freedom rides of the 1960s." A student army, 500 to 700 strong, sends a powerful message to residents of the gulf coast and the rest of the Nation that we care and we have not forgotten.

I commend these students, KOTG's partner organizations, and its founders KOTG for their creativity, their compassion, and their commitment to public service. KOTG gives us hope for the future and demonstrates that the leaders of tomorrow are already here, ready, and willing to face the toughest challenges of our time.

COMMITTEE TESTIMONY OF LYNETTE MUND

Mr. DORGAN. Earlier this month, Lynette Mund, a teacher and coach from West Fargo, ND, testified before the Senate Commerce Committee about the importance of women's athletics.

Lynette is a great athlete in her own right. She was a three-time national champion in basketball. Her home State of North Dakota has always been proud of her and is lucky to have her contributions at West Fargo High School.

Her excellent statement laid out the struggles of providing the opportunity for young women to participate in sports. I ask unanimous consent that her statement be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF LYNETTE MUND—PROMOTING WOMEN IN SPORTS, FEBRUARY 1, 2006

Good morning, Chairman STEVENS, Senator INOUYE and Members of the Committee. On behalf of the state of North Dakota, I would like to thank the Commerce Committee for hearing my testimony.

My name is Lynette Mund and I am a teacher and head girls basketball coach at West Fargo High School in West Fargo, North Dakota. I am here today to testify to the importance of women's athletics and the struggles of providing athletic opportunities to young girls in rural communities. I will also discuss what I am doing to encourage more young girls to participate in sports in North Dakota.

Girls and women being involved in athletics has been a long discussed issue. Many questions have been asked, such as "Can girls' bodies handle it?" "Are girls mentally tough enough?" "Does it really make a difference in a girl's life?" I am here as evidence that the answers to the previous questions are all "Yes". The fact that I am in Washington, DC, testifying in front of the U.S. Senate Commerce Committee shows what a difference sports can make in a girl's life. Twenty years ago, I was a 12-year-old girl who was milking cows on my parent's dairy farm in rural North Dakota, and now I am here in our nation's capital with some of the most influential people in our country listening to what I have to say. I have always loved sports, but I had no idea where they would take me and the confidence they would give me.

At age 13, I was a skinny 8th grader who was stepping out on the basketball court to start my first varsity game, and by age 23, I was a 3-time NCAA Division II National Champion and a college graduate from North Dakota State University who had the confidence to leave North Dakota and move to the "big city" of St. Louis, MO. However, while I was in St. Louis, I always had a desire to move back to North Dakota and give back part of what I had been given. That opportunity presented itself when I was offered the head girls basketball coaching position at West Fargo High School. Being back in North Dakota not only afforded me the chance to work with female athletes in West Fargo, but I was also able to continue working with young girls back near my hometown of Milnor, ND, which has a population of 700 people.

As I stated earlier, I grew up on a dairy farm. I was a relatively naive young lady without much self-confidence. I had always dreamed of going to college, but I knew it would not be affordable without a college scholarship. I remember standing out in the milk barn and hearing on the radio that a local basketball star, Pat Smykowski, had gotten a college scholarship to play basketball, and right then and there I knew that was what I wanted to do. Thankfully, due to the efforts of many great women before me, the chance to participate in college athletics was available; something my mother and many women from her generation never had an opportunity to do. My mom used to talk about wanting to play sports but not having the chance to compete. I sometimes sit and wonder how different my life would be without athletics. I wonder if I would have had the money to attend college, if I would have had the confidence to move away from my home state, and if I would have had the nerve to fly to Washington, DC, all by myself and speak in front of U.S. Senators. However, all of these things happened because I participated in athletics. As a result, I want to inform and inspire other young girls from rural North Dakota.

One of the biggest challenges in rural North Dakota is that there are very few opportunities for athletes to improve their skills. That is why over the last 12 years, I have offered over 40 basketball camps in North Dakota and Minnesota. I am proud to have given over 800 young women the opportunity to participate in their first basketball camp. For many of these young girls, my camps are the only exposure they will have to an athletic camp for the whole year. Over the years, I have had the chance to see some of my former campers continue their careers in high school athletics, some of which I have actually had to coach against! However, it was always worth it to see how far these young ladies have come and the confidence they now carry. At the time they attended camp, you should have seen their eyes when I told them they could have the chance to play in high school or college someday. Some of these girls did not even realize this was an option for them. By exposing these young girls to athletics at an early age, it allows them to see that sports is an option. This is relevant to the future of women's athletics because equal access to sports in college only works if girls have the opportunity to get involved in athletics at an early age.

Getting these young ladies involved is even more evident when I look at athletic participation numbers for girls in North Dakota. According to figures from the 2004–2005 North Dakota High School Activities Association, females made up 49 percent of the student population in North Dakota. However, only 40 percent of the student-athletes were females. It is one of my goals to bring this number closer to 49 percent. This is important to me because I have first hand knowledge of how athletics can have a positive effect on a young woman.

I have been very fortunate to coach camps along with a high school basketball team.

This year, I have 3 seniors at West Fargo who will be receiving athletic scholarships and playing college basketball next fall. I have had the chance to watch these young ladies grow and mature since their freshman year. They exude a confidence that was not there 3 years ago. They know they have the ability to do whatever they want in life and the self-assurance they will be successful.

By providing my basketball camps and coaching high school basketball, I hope that other young girls from my home state realize that there are many opportunities to participate in athletics, and even a young girl from a town of less than 1000 people can be a National Champion, a college graduate, and a successful, confident professional.

Thank you very much for your time.

ADDITIONAL STATEMENTS

IN MEMORY OF FEMINIST PIONEER BETTY FRIEDAN

• Mrs. BOXER. Mr. President, I rise to pay tribute to the life of one of the late 20th century's most influential feminists, Betty Friedan. Friedan died on February 4, 2006, at her home in Washington, DC, at the age of 85.

At her Smith College 15-year reunion, she famously prepared a survey of her classmates, the results of which eventually became her landmark book, "The Feminine Mystique." With this book, published in 1963, Friedan helped ignite the second wave of the feminist movement, and the book is now regarded as one of the most influential American books of the 20th century.

Friedan was the cofounder of three groundbreaking women's organizations which have greatly improved women's economic, personal, and political lives. In 1966, Friedan cofounded the National Organization for Women, NOW, and served as its first president until 1970. She also helped found what is now NARAL Pro-Choice America and the National Women's Political Caucus.

Friedan fought tirelessly for equal pay, safe and legal abortion, maternity leave, childcare for working parents, and an end to sex discrimination.

Friedan's survivors include her sons, Daniel Friedan and Jonathan Friedan; daughter Emily Friedan; nine grandchildren; a sister, Amy Adams; and a brother, Harry Goldstein. Her former husband Carl Friedan died in December 2005.

Like other strong, outspoken women, Betty Friedan was widely and loudly criticized in the 1960s and 1970s for being too strong, vocal, and unrealistic. Betty Friedan endured that criticism to make her mark in the world.

Women have made tremendous strides since "The Feminist Mystique" was first published. We have a stronger voice in our communities and in our workplaces. I am proud to serve as 1 of 14 women in the Senate, and we now have 68 women in the House of Representatives. We have made progress, but much more needs to be done.

As we remember the life and accomplishments of Betty Friedan, let us rededicate ourselves to achieving full equality for women in America.•

HONORING ROY PALMER VARNER

• Mr. ISAKSON. Mr. President, today I wish to remember the life of Roy Palmer Varner of Marietta, GA. Like many of his generation, Roy Varner bore witness to some of the most important moments and changes in our Nation's history. But Roy Varner wasn't merely a passing observer of the events of the 20th Century, he was an active and influential participant in them.

A native son of Georgia, Roy Varner possessed a deep sense of duty and service, which was tested on December 7, 1941. Without hesitation, he joined the effort to defend freedom by enlisting in the Army and soon found himself in the 101st Airborne Division. On June 6, 1944, Mr. Varner joined thousands of his brothers in parachuting ahead of the Allied invasion at Normandy. A few months later, the effort to liberate Europe turned toward Holland, and when his name was called again, Mr. Varner did not hesitate to reenter the fray as a part of Operation Market Garden. For men like Roy Varner, there was no question of the righteousness of their task. They knew it would be a difficult journey, and that not all of them would live to see it through. But they were loyal, patriotic men of faith who understood the weight of their responsibility and never questioned their belief that their mission would be successful. And that, is why we call them the Greatest Generation.

After the war, Mr. Varner returned to his home in Cobb County, GA, and married Mary Munro, who would stand loyally by his side for the next 56 years. In the early 1950s, Mr. Varner began what would become a long and successful career as a commercial real estate developer. Although his work took him all over the Southeast, the mark that he left on the early development of Cobb County was his most lasting. As a real estate businessman in Atlanta for over 30 years, I knew him personally and saw the product of his vision and hard work take shape in the projects he developed. Mr. Varner's influence on the community was also evident in his work as the chairman of the industrial committee for the Cobb County Chamber of Commerce and his service as a member of the Marietta Rotary Club.

As a businessman, Roy Varner personified the values of honesty and hard work, but he was also a man of intellect and faith, and, above all, a family man. The son of a minister, Mr. Varner embarked on his life with a certain zeal that only comes with a belief in God, and he actively served his church community as a lay leader and fundraiser. A firm believer in the value of education, Mr. Varner attended Woodrow Wilson Law School after being honorably discharged from the Army and remained a scholar of history, art, literature, and world events for the rest of his life. He lived by his ideals and passed his principles on to his four children and ten grandchildren, who have continued his work and his legacy and who are the living embodiment of the values and beliefs that shaped his life and influenced the lives of so many others.

On February 8, 2006, Mary Varner lost her husband and the world lost a truly great man. He deeply influenced his family and community, left an indelible mark on the landscape of Cobb County and, as a member of the Greatest Generation, helped influence the course of history. He fought for our country and he helped to build our Nation. But, as is often the case with men like Roy Varner, his contributions cannot easily be measured. He will be remembered by many different people for many different reasons, but Roy Varner should be remembered by this body as nothing less than an American hero.•

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 1:17 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1989. An act to designate the facility of the United States Postal Service located at 57 Rolfe Square in Cranston, Rhode Island, as the "Holly A. Charette Post Office".

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 2:20 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 79. Concurrent resolution expressing the sense of Congress that no United States assistance should be provided directly to the Palestinian Authority if any representative political party holding a majority of parliamentary seats within the Palestinian Authority maintains a position calling for the destruction of Israel.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 300. Concurrent resolution paying tribute to Shirley Horn in recognition of her many achievements and contributions to the world of jazz and American culture.

H. Con. Res. 341. Concurrent resolution condemning the Government of Iran for violating its international nuclear nonproliferation obligations and expressing support for efforts to report Iran to the United Nations Security Council.

H. Con. Res. 345. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

MEASURES REFERRED

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 300. A resolution expressing the sense of the House of Representatives that the United States Court of Appeals for the Ninth Circuit deplorably infringed on parental rights in Fields v. Palmdale School District. A bill to amend the Internal Revenue Code of 1986 to provide for Gulf tax credit bonds and advance refundings of certain tax-exempt bonds, and to provide a Federal guarantee of certain State bonds. A concurrent resolution paying tribute to Shirley Horn in recognition of her many achievements and contributions to the world of jazz and American culture; to the Committee on the Judiciary.

H. Con. Res. 341. Concurrent resolution condemning the Government of Iran for violating its international nuclear nonproliferation obligations and expressing support for efforts to report Iran to the United Nations Security Council; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2320. A bill to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

*Preston M. Geren, of Texas, to be Under Secretary of the Army.

*James I. Finley, of Minnesota, to be Deputy Under Secretary of Defense for Acquisition and Technology.

*Thomas P. D'Agostino, of Maryland, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration.

Air Force nomination of Maj. Gen. Ronald F. Sams to be Lieutenant General.

Air Force nominations beginning with Brigadier General David L. Frostman and ending with Colonel Paul M. Van Sickle, which nominations were received by the Senate and appeared in the Congressional Record on December 13, 2005.

Air Force nomination of Brig. Gen. Glenn F. Spears to be Major General.

Air Force nomination of Brig. Gen. Dennis G. Lucas to be Major General.

Air Force nomination of Maj. Gen. Jack L. Rives to be Judge Advocate General of the United States Air Force.

Air Force nomination of Col. Steven J. Lepper to be BrigadierGeneral.

Army nominations beginning with Col. Malinda E. Dunn and ending with Col. Clyde J. Tate III, which nominations were received by the Senate and appeared in the Congressional Record on July 19, 2005.

Army nomination of Brig. Gen. Richard G. Maxon to be Major General.

Army nominations beginning with Brigadier General Michael D. Barbero and ending with Brigadier General Curtis M. Scaparrotti, which nominations were received by the Senate and appeared in the Congressional Record on December 13, 2005.

Army nomination of Lt. Gen. Thomas F. Metz to be Lieutenant General.

Army nomination of Maj. Gen. David P. Valcourt to be Lieutenant General.

Army nomination of Lt. Gen. Raymond T. Odierno to be Lieutenant General.

Army nomination of Maj. Gen. Stanley A. McChrystal to be Lieutenant General.

Marine Corps nominations beginning with Colonel Ronald L. Bailey and ending with Colonel Robert S. Walsh, which nominationswere received by the Senate and appeared in the Congressional Record on February 6, 2006.

Navy nomination of Rear Adm. Robert T. Conway, Jr. to be ViceAdmiral.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with James C. Ault and endingwith Maryanne C. Yip, which nominations were received by the Senate and appeared in the Congressional Record on October 17, 2005.

Air Force nomination of Barbara A. Hilgenberg to be Colonel.

Air Force nomination of Evelyn S. Gemperle to be Colonel.

Air Force nominations beginning with John W. Ayres, Jr. and ending with Alan E. Johnson, which nominations were received by the Senate and appeared in the Congressional Record on January 27, 2006.

Air Force nominations beginning with David Harrision Burdette and ending with Dominic O. Ubamadu, which nominations were received by the Senate and appeared in the Congressional Record on January 27, 2006.

Air Force nominations beginning with Karen Marie Bachmann and ending with Mary V. Lussier, which nominations were received by the Senate and appeared in the Congressional Record on January 27, 2006.

Air Force nominations beginning with Raymond L. Hagan, Jr. and ending with William H. Willis, Sr., which nominations were received by the Senate and appeared in the Congressional Record on January 27, 2006.

Air Force nominations beginning with Russell G. Boester and ending with Richard T. Shelton, which nominations were received by the Senate and appeared in the Congressional Record on January 27, 2006.

Air Force nominations beginning with Diana Atwell and ending with Anne C. Sproul, which nominations were received by the Senate and appeared in the Congressional Record on January 27, 2006.

Air Force nominations beginning with Gerald Q. Brown and ending with Lisa L. Turner, which nominations were received by the Senate and appeared in the Congressional Record on January 27, 2006.

Air Force nominations beginning with Mark J. Batcho and ending with David J. Zemkosky, which nominations were received by the Senate and appeared in the Congressional Record on January 27, 2006.

Air Force nominations beginning with Tarek C. Abboushi and ending with John J. Ziegler III, which nominations were received by the Senate and appeared in the Congressional Record on January 27, 2006.

Air Force nomination of Jeffrey J. Love to be Lieutenant Colonel.

Air Force nomination of Fritzjose E. Chandler to be Major.

Air Force nomination of Jose F. Eduardo to be Major.

Air Force nominations beginning with Darwin L. Alberto and ending with Amy S. Woosley, which nominations were received by the Senate and appeared in the Congressional Record on January 27, 2006.

Air Force nomination of Julie K. Stanley to be Colonel.

Air Force nominations beginning with John Julian Aldridge III and ending with Susan L. Siegmund, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2006.

Air Force nominations beginning with Isidro Acosta Cardeno and ending with Larry A. Woods, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2006.

Air Force nominations beginning with Evelyn L. Byars and ending with Sheralyn A. Wright, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2006.

Air Force nominations beginning with Ronald A. Abbott and ending with Jose Villalobos, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2006.

Air Force nominations beginning with Dale R. Agner and ending with David A. Williams, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2006.

Air Force nominations beginning with Mark Robert Ackermann and ending with Sheila Zuehlke, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2006.

Air Force nominations beginning with Javier A. Abreu and ending with Kyle S. Wendfeldt, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2006.

Air Force nominations beginning with Eric J. Ashman and ending with Kenneth C. Y. Yu, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2006.

Air Force nominations beginning with Bruce S. Abe and ending with Ann E. Zionic, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2006.

Air Force nominations beginning with Steven J. Acevedo and ending with Steven R. Zieber, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2006.

Army nominations beginning with Roberto C. Andujar and ending with Kenneth A. Young, which nominations were received by the Senate and appeared in the Congressional Record on December 13, 2005.

Army nominations beginning with Craig J. Agena and ending with John S. Wright, which nominations were received by the Senate and appeared in the Congressional Record on December 13, 2005.

Army nominations beginning with Daniel G. Aaron and ending with Marilyn D. Wills, which nominations were received by the Senate and appeared in the Congressional Record on December 13, 2005.

Army nominations beginning with William G. Adamson and ending with x2451□, which nominations were received by the Senate and appeared in the Congressional Record on December 13, 2005.

Army nomination of Michael J. Osburn to be Colonel.

Army nominations beginning with Margarett E. Barnes and ending with David E. Upchurch, which nominations were received by the Senate and appeared in the Congressional Record on December 20, 2005.

Army nominations beginning with John W. Alexander, Jr. and ending with Donald L. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on January 27, 2006.

Army nominations beginning with Susan K. Arnold and ending with Everett F. Ytes, which nominations were received by the Senate and appeared in the Congressional Record on January 27, 2006.

Army nominations beginning with James A. Amyx, Jr. and ending with Scott Willens, which nominations were received by the Senate and appeared in the Congressional Record on January 27, 2006.

Army nominations beginning with John E. Adrian and ending with David A. Young, which nominations were received by the Senate and appeared in the Congressional Record on January 27, 2006.

Army nominations beginning with Timothy S. Adams and ending with Pj Zamora, which nominations were received by the Senate and appeared in the Congressional Record on January 27, 2006.

Army nominations beginning with Jude M. Abadie and ending with John D. Yeaw, which nominations were received by the Senate and appeared in the Congressional Record on January 27, 2006.

Army nominations beginning with Lisa R. Leonard and ending with Bret A. Slater, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2006.

Army nominations beginning with Mitchell S. Ackerson and ending with Glenn R. Woodson, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2006.

Army nomination of Andrew H. N. Kim to be Colonel.

Army nominations beginning with Rendell G. Chilton and ending with David J. Osinski, which nominations were received by the Senate and appeared in the Congressional Record on February 6, 2006.

Marine Corps nomination of Brian R. Lewis to be Major.

Marine Corps nomination of William A. Kelly, Jr. to be Chief Warrant Officer W4.

Marine Corps nomination of Phillip R. Wahle to be Lieutenant Colonel.

Marine Corps nomination of James A. Croffie to be Lieutenant Colonel.

Marine Corps nominations beginning with James H. Adams III and ending with Richard D. Zyla, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2006.

Marine Corps nominations beginning with David T. Clark and ending with Nieves G. Villasenor, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2006.

Marine Corps nominations beginning with Ralph P. Harris III and ending with Charles L. Thrift, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2006.

Marine Corps nominations beginning with Stephen J. Dubois and ending with John D. Paulin, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2006.

Marine Corps nominations beginning with Jay A. Rogers and ending with Stanley M. Weeks, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2006.

Marine Corps nominations beginning with Sean P. Hoster and ending with Timothy D. Wheeler, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2006.

Marine Corps nominations beginning with Neil G. Anderson and ending with Edward M. Moen, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2006.

Marine Corps nominations beginning with Carl Bailey, Jr. and ending with James A. Jones, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2006.

Marine Corps nominations beginning with Gregory M. Goodrich and ending with Mark W. Wascom, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2006.

Marine Corps nominations beginning with Jack G. Abate and ending with James Kolb, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2006.

Marine Corps nominations beginning with Peter G. Bailiff and ending with Timothy D. Sechrest, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2006.

Marine Corps nominations beginning with Israel Garcia and ending with James I. Saylor, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2006.

Marine Corps nominations beginning with Ben A. Cacioppo, Jr. and ending with Walter D. Romine, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2006.

Marine Corps nominations beginning with Peter M. Barack, Jr. and ending with John D. Somich, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2006.

Marine Corps nominations beginning with Benjamin J. Abbott and ending with Ruth A. Zolock, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2006.

Navy nominations beginning with Christopher P. Bobb and ending with Vincent J. Wood, which nominations were received by the Senate and appeared in the Congressional Record on December 21, 2005.

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

*Randall S. Kroszner, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 1994.

*Kevin M. Warsh, of New York, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2004.

*Edward P. Lazear, of California, to be a Member of the Council of Economic Advisers.

By Mr. SPECTER for the Committee on the Judiciary.

Timothy C. Batten, Sr., of Georgia, to be United States District Judge for the Northern District of Georgia.

Thomas E. Johnston, of West Virginia, to be United States District Judge for the Southern District of West Virginia.

Aida M. Delgado-Colon, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

Leo Maury Gordon, of New Jersey, to be a Judge of the United States Court of International Trade.

Carol E. Dinkins, of Texas, to be Chairman of the Privacy and Civil Liberties Oversight Board.

Alan Charles Raul, of the District of Columbia, to be Vice Chairman of the Privacy and Civil Liberties Oversight Board.

Paul J. McNulty, of Virginia, to be Deputy Attorney General.

Stephen C. King, of New York, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 2008.

Reginald I. Lloyd, of South Carolina, to be United States Attorney for the District of South Carolina for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN (for himself, Mr. Frist, Mr. Nelson of Florida, and Mrs. Hutchison):

S. 2293. A bill to authorize a military construction project for the construction of an advanced training skills facility at Brooke Army Medical Center, San Antonio, Texas; to the Committee on Armed Services.

By Mrs. BOXER (for herself and Mrs. Feinstein):

S. 2294. A bill to permanently prohibit oil and gas leasing off the coast of the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. AKAKA:

S. 2295. A bill to require the Secretary of the Army to conduct a survey and monitoring of off-shore sites in the vicinity of the Hawaiian Islands where chemical munitions were disposed of by the Army Forces, to support research regarding the public and environmental health impacts of chemical munitions disposal in the ocean, and to require the preparation of a report on remediation plans for such disposal sites; to the Committee on Armed Services.

By Mr. INOUYE (for himself, Mr. Stevens, Mr. Levin, and Mr. Leahy):

S. 2296. A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHUMER:

S. 2297. A bill to clarify the applicability of deadlines relating to construction of hydroelectric projects to certain hydroelectric projects located or proposed to be located on the Upper Hudson River in the State of New York; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:

S. 2298. A bill to facilitate remediation of perchlorate contamination in water sources in the State of California, and for other purposes; to the Committee on Environment and Public Works.

By Ms. LANDRIEU:

S. 2299. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to restore Federal aid for the repair, restoration, and replacement of private nonprofit educational facilities that are damaged or destroyed by a major disaster; to the Committee on Homeland Security and Governmental Affairs.

By Ms. STABENOW (for herself and Mr. Lott):

S. 2300. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to market exclusivity for certain drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mrs. Clinton):

S. 2301. A bill to suspend temporarily the duty on synthetic quartz or synthetic fused silica; to the Committee on Finance.

By Mr. LOTT:

S. 2302. A bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BAUCUS:

S. 2303. A bill to ensure that the one half of the National Guard forces of each State are available to such State at all times, and for other purposes; to the Committee on Armed Services.

By Mr. BURR (for himself, Mr. Kennedy, Mr. Lott, and Mr. Menendez):

S. 2304. A bill to recognize the right of the Commonwealth of Puerto Rico to call a constitutional convention through which the people of Puerto Rico would exercise their right to self-determination, and to establish a mechanism for congressional consideration of such decision; to the Committee on Energy and Natural Resources.

By Mr. AKAKA (for himself, Mr. Obama, Mr. Bingaman, Mr. Inouye, Mr. Lautenberg, Mr. Jeffords, Mr. Kerry, and Mr. Lieberman):

S. 2305. A bill to amend title XIX of the Social Security Act to repeal the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid program; to the Committee on Finance.

By Mr. LEVIN (for himself, Mr. DeWine, Mr. Dorgan, and Mr. Bond):

S. 2306. A bill to amend the National Organ Transplant Act to clarify that kidney paired donation and kidney list donation do not involve the transfer of a human organ for valuable consideration; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. Enzi, and Mr. Thomas):

S. 2307. A bill to enhance fair and open competition in the production and sale of agricultural commodities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SPECTER (for himself, Mr. Byrd, Mr. Cochran, Mr. Harkin, Mr. Inouye, Mr. Kennedy, and Mr. Santorum):

S. 2308. A bill to amend the Federal Mine Safety and Health Act of 1977 to improve mine safety, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN:

S. 2309. A bill to amend the Internal Revenue Code of 1986 to modify the definition of agri-biodiesel; to the Committee on Finance.

By Mr. WARNER:

S. 2310. A bill to repeal the requirement for 12 operational aircraft carriers within the Navy; to the Committee on Armed Services.

By Ms. COLLINS:

S. 2311. A bill to establish a demonstration project to develop a national network of economically sustainable transportation providers and qualified transportation providers, to provide transportation services to older individuals, and individuals who are blind, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN:

S. 2312. A bill to require the Secretary of Health and Human Services to change the numerical identifier used to identify Medicare beneficiaries under the Medicare program; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. Dayton):

S. 2313. A bill to amend title XVIII of the Social Security Act to permit medicare beneficiaries enrolled in prescription drug plans and MA-PD plans that change their formalities or increase drug prices to enroll in other plans; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. Schumer, Mr. Kerry, and Mrs. Boxer):

S. 2314. A bill to suspend the application of any provision of Federal law under which persons are relieved from the requirement to pay royalties for production of oil or natural gas from Federal lands in periods of high oil and natural gas prices, to require the Secretary to seek to renegotiate existing oil and natural gas leases to similarly limit suspension of royalty obligations under such leases, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURNS:

S. 2315. A bill to amend the Public Health Service Act to establish a federally-supported education and awareness campaign for the prevention of methamphetamine use; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself and Mr. Lautenberg):

S. 2316. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the Outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. Hatch, and Ms. Stabenow):

S. 2317. A bill to amend the Trade Act of 1974 to require the United States Trade Representative to identify trade enforcement priorities and to take action with respect to priority foreign country trade practices, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself and Mr. Warner):

S. 2318. A bill to provide driver safety grants to States with graduated driver licensing laws that meet certain minimum requirements; to the Committee on Environment and Public Works.

By Mr. OBAMA:

S. 2319. A bill to provide for the recovery from Hurricane Katrina, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. Coleman, and Ms. Collins):

S. 2320. A bill to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. Cornyn, Mrs. Hutchison, Mr. Kennedy, Mr. Leahy, Mr. Hatch, and Mr. Specter):

S. Res. 373. A resolution expressing the sense of the Senate that the Senate should continue to support the National Domestic Violence Hotline, a critical national resource that saves lives each day, and commemorate its 10th anniversary; to the Committee on the Judiciary.

By Mr. FRIST (for himself and Mr. Reid):

S. Res. 374. A resolution to authorize testimony, document production, and legal representation in United States of America v. David Hossein Safavian; considered and agreed to.

By Mr. FRIST (for himself and Mr. Reid):

S. Res. 375. A resolution to authorize testimony and legal representation in State of New Hampshire v. William Thomas, Keta C. Jones, John Francis Bopp, Michael S. Franklin, David Van Strein, Guy Chichester, Jamilla El-Shafei, and Ann Isenberg; considered and agreed to.

By Mr. REID:

S. Res. 376. A resolution to authorize representation by the Senate Legal Counsel in the case of Keyter v. McCain, et al; considered and agreed to.

By Mr. FRIST:

S. Res. 377. A resolution honoring the life of Dr. Norman Shumway and expressing the condolences of the Senate on his passing; considered and agreed to.

By Mr. GRAHAM (for himself, Mr. Chambliss, Mr. Feingold, Mr. Kohl, Mrs. Murray, Ms. Collins, Ms. Snowe, Ms. Murkowski, Mrs. Feinstein, Mr. Brownback, Mrs. Dole, Mr. Jeffords, and Mr. Specter):

S. Res. 378. A resolution designating February 25, 2006, as "National MPS Awareness Day"; considered and agreed to.

By Mr. SANTORUM (for himself, Mr. Nelson of Florida, Mr. Burr, Mrs. Dole, and Mr. Allen):

S. Res. 379. A resolution recognizing the creation of the NASCAR-Historically Black Colleges and Universities Consortium; considered and agreed to.

By Mr. ALEXANDER (for himself, Mr. Coleman, Mrs. Clinton, Mr. Coburn, Mr. Cochran, Mr. Domenici, Mr. Graham, Mr. Johnson, Ms. Landrieu, Mr. Levin, Mr. Pryor, Mr. Santorum, Mr. Hagel, Mr. Durbin, Mrs. Lincoln, Mrs. Feinstein, Mr. Kennedy, Mr. DeMint, Mr. Stevens, Mr. Lautenberg, Mrs. Dole, Mr. Reid, Ms. Cantwell, Mr. McConnell, Mr. Allard, Mr. Talent, Mr. Allen, Mr. Menendez, Mr. Nelson of Florida, Ms. Stabenow, Mr. Bunning, Mr. DeWine, Mr. Obama, Ms. Snowe, Mr. Isakson, Mr. Kohl, and Mr. Frist):

S. Res. 380. A resolution celebrating Black History Month; considered and agreed to.

By Mr. SALAZAR (for himself, Mr. ENSIGN, Ms. LANDRIEU, Mr. AKAKA, Mr. JOHNSON, Mr. KERRY, and Mrs. CLINTON):

S. Res. 381. A resolution designating March 1, 2006, as National Sibling Connection Day; to the Committee on the Judiciary.

By Mr. ISAKSON:

S. Con. Res. 81. A concurrent resolution recognizing and honoring the 150th anniversary of the founding of the Sigma Alpha Epsilon Fraternity; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 267

At the request of Mr. CRAIG, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 267, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 382

At the request of Mr. ENSIGN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 382, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 707

At the request of Mr. ALEXANDER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 707, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 912

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 912, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 1035

At the request of Mr. INHOFE, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1289

At the request of Ms. MIKULSKI, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from California (Mrs. FEINSTEIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1289, a bill to provide for research and education with respect to uterine fibroids, and for other purposes.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1791

At the request of Mr. SMITH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 1934

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1934, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 1998

At the request of Mr. CONRAD, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2126

At the request of Mrs. CLINTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2126, a bill to limit the exposure of children to violent video games.

S. 2157

At the request of Mrs. BOXER, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2157, a bill to amend title 10, United States Code, to provide for the Purple Heart to be awarded to prisoners of war who die in captivity under circumstances not otherwise establishing eligibility for the Purple Heart.

S. 2178

At the request of Mr. SCHUMER, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2182

At the request of Mr. ISAKSON, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2182, a bill to terminate the Internal Revenue Code of 1986, and for other purposes.

S. 2287

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2287, a bill to amend the Internal Revenue Code of 1986 to increase and permanently extend the expensing of certain depreciable business assets for small businesses.

S. 2290

At the request of Mr. PRYOR, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2290, a bill to provide for affordable natural gas by rebalancing domestic supply and demand and to promote the production of natural gas from domestic resources.

S. 2291

At the request of Mr. KENNEDY, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2291, a bill to provide for the establishment of a biodefense injury compensation program and to provide indemnification for producers of countermeasures.

S. RES. 371

At the request of Mr. THOMAS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. Res. 371, a resolution designating July 22, 2006, as "National Day of the American Cowboy".

S. RES. 372

At the request of Mr. KERRY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. Res. 372, a resolution expressing the sense of the Senate that oil and gas companies should not be provided outer Continental Shelf royalty relief when energy prices are at historic highs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself, Mr. FRIST, Mr. NELSON of Florida, and Mrs. HUTCHISON):

S. 2293. A bill to authorize a military construction project for the construction of an advanced training skills facility at Brooke Army Medical Center, San Antonio, Texas; to the Committee on Armed Services.

Mr. FRIST. Mr. President I am reminded daily of the sacrifice of the men and women of this country who serve or have loved ones who serve in our armed forces. As a Tennessean I often think of the courage and honor displayed by members of the 101st Airborne out of Fort Campbell and the many Guardsmen and Reservists from my State who have served in both Iraq and Afghanistan. These soldiers, many of whom call Tennessee home, make great sacrifices for our Nation. I am saddened to think about those who have been wounded in recent military operations and in some cases are so severely injured that they require extensive medical care, along with years of treatment and rehabilitation. Their future quality of life and ability to provide for their families depends on the treatment and rehabilitation they receive from the country they have served.

As a physician I marvel at the great work of my colleagues in the Armed Services Medical Commands who treat the most severely injured military personnel. The use of improvised explosive devices in Iraq has resulted in many injuries including amputations, head trauma, and in some cases partial and full paralysis. We must meet the care and rehabilitation needs of the soldiers who have sacrificed so much for our country.

With this in mind I have joined with Senator LIEBERMAN to sponsor a bill to authorize the construction of a world-class state-of-the-art advanced training skills facility at Brooke Army Medical Center. This center will not only serve military personnel disabled in operations in Iraq and Afghanistan, but will also provide care to those severely injured in other operations and in the normal performance of their duties, both combat and non-combat related.

This center will provide necessary space and facilities for the rehabilitation needs of the patients and their caregivers. It will be constructed on a site sufficient in size to meet the needs of the center's patients and caregivers and will include top of the line indoor and outdoor facilities, a child care center, and other needed support facilities. I am proud of the service of our military personnel both past and present, and this new facility will go a long way in helping to meet their needs both now and into the future.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2294. A bill to permanently prohibit oil and gas leasing off the coast of the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, today, with my friend and colleague from California, DIANNE FEINSTEIN, I introduce the "California Ocean and Coastal Protection Act." This bill will permanently protect California's coast from the dangers of new offshore drilling.

In California, there is strong and enduring public support for the protection of our oceans and coastlines. Many years ago, my State decided that the potential benefits that might be derived from future offshore oil and gas development were not worth the risk of destroying our priceless coastal treasures. Regular chronic leakage associated with normal oil and gas operations, as well as catastrophic spills such as the horrific Santa Barbara rig blowout in 1969, irreparably contaminate our ocean, beaches, and wetlands.

The beauty of California's coast is so important that California passed legislation permanently prohibiting oil and gas exploration in State waters in 1994. This protection is limited, however, to California's territorial waters—only three nautical miles out from shore.

The Federal waters off the coast of California, which extend beyond State waters to 200 nautical miles out, are increasingly at risk of drilling. Despite years of bipartisan support for the moratoria on new offshore drilling in Federal waters, recent efforts are threatening our coasts. Some recent proposals would immediately lift the moratoria and allow for drilling within 20 miles off our coasts. Last year's energy bill included provisions to conduct an inventory of oil and gas resources on the outer Continental Shelf (OCS). This inventory would be performed with seismic guns that could have devastating impacts on marine life.

Because of these threats, I am introducing legislation to provide permanent protection for California's coast from future drilling. It would also prohibit the harmful inventory of OCS resources from being conducted off California's coast.

The people of California agree that we must do everything we can to protect our coasts. This bill will finally provide the permanent protection against future drilling that Californians have demanded for a generation.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the California Ocean and Coastal Protection Act, introduced by Senator BOXER and myself, to permanently protect California's coast from oil and gas drilling.

We simply cannot gamble away California's majestic coastline. An oil spill would scar our coastline, costing billions and destroying ecosystems. We cannot allow this to happen. The time has come to permanently protect this treasure.

California is virtually unified in its opposition to lifting the moratoria on drilling the Outer Continental Shelf.

Governor Schwarzenegger has publicly opposed offshore oil drilling and has called for the Federal Government to buy back the remaining 36 undeveloped Federal offshore oil and gas leases on the Outer Continental Shelf off the coast of central California.

The Governor has said that he "oppose(s) any efforts to weaken the federal moratorium for oil and gas leasing off the coast of California and I support efforts to make the moratoria and the Presidential deferrals for California permanent." Letter to Congressman POMBO, 11/3/05.

That is what the bill we are introducing today would do—permanently protect California's coast from oil and gas drilling.

California's Resources Secretary Mike Chrisman, the secretary of California Environmental Protection Agency, Alan Lloyd, and the Lieutenant Governor, Cruz Bustamante, have also been on record opposing any effort to lift the congressional moratorium on offshore oil and gas leasing activities.

Secretary Chrisman, who is also the chairman of the California Ocean Protection Council, has in fact stated "Any pending federal legislation regarding Outer Continental Shelf (OCS) oil and gas leasing must retain all protections from the Congressional leasing moratorium and should seek to make these protections permanent." Letter to Congressman POMBO, 9/27/05.

Californians are all too familiar with the consequences of offshore drilling. An oil spill in 1969 off the coast of Santa Barbara killed thousands of birds, dolphins, seals, and other animals. We know this could happen again.

A healthy coast is vital to California's economy and our quality of life. Ocean-dependent industry is estimated to contribute $17 billion to California each year.

Californians have spoken loud and clear that they do not want drilling on the Outer Continental Shelf. This bill will provide the coast of California with the permanent protection needed.

By Mr. AKAKA:

S. 2295. A bill to require the Secretary of the Army to conduct a survey and monitoring of off-shore sites in the vicinity of the Hawaiian Islands where chemical munitions were disposed of by the Army Forces, to support research regarding the public and environmental health impacts of chemical munitions disposal in the ocean, and to require the preparation of a report on remediation plans for such disposal sites; to the Committee on Armed Services.

Mr. AKAKA. Mr. President, I rise today to introduce legislation aimed to address the disposal of chemical weapons by the military from World War II until 1970. A report titled, Off-Shore Disposal of Chemical Agents and Weapons Conducted by the United States, lists possible sites and types of munitions that may be found in Hawaii.

The Department of Defense has made tremendous strides in protecting the health and welfare of our citizens. However, it still is working on being better stewards of our environment. I am pleased the Army has taken preliminary steps to investigate these munition disposal sites in and around Hawaii. Given the health and safety threats that these munitions may pose, I am introducing legislation to ensure the Army will obtain a full accounting of the munitions found and the state of their condition. Furthermore, it requires the Army to monitor these areas for any health, safety, and environmental risks that these weapons may pose. Lastly, and more important, the Army will provide a report on remediation plans for these areas.

Sadly the issue of disposing hazardous ordnance and waste is not new to the State of Hawaii. Our citizens are keenly aware of the dangers that hazardous waste poses to the health and safety of the public and the environment. In fact, Departments of Defense installations are responsible for generating half of all hazardous waste in Hawaii. For these reasons, it is important for Congress to send the right message, specifically in this case, and ensure that the Army completes its survey, monitors the sites, and provides a plan for remediation. I urge my colleagues to join me in passing this important legislation to ensure that, if the Department of Defense is responsible for disposing of hazardous materials, wherever it may be, then it should be held accountable for monitoring and providing a plan for remediation.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. LEVIN, and Mr. LEAHY):

S. 2296. A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. INOUYE. Mr. President, I rise to speak in support of the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act. I am introducing this bill today in commemoration of February 19, 1942, the day that President Roosevelt signed a document that authorized the internment of about 120,000 persons of Japanese ancestry. Each year, on the anniversary of this date, the internment is remembered both for the pain it caused, and the civics lessons that can be learned. I am certain that these lessons will propel this great Nation forward toward more equal justice for all.

The story of U.S. citizens taken from their homes in the west coast and confined in camps is a story that was made known after a fact-finding study by a Commission that Congress authorized in 1980. That study was followed by a formal apology by President Reagan and a bill for reparations. Far less known, and indeed, I myself did not initially know, is the story of Latin Americans of Japanese descent taken from their homes in Latin America, stripped of their passports, brought to the U.S., and interned in American camps.

This is a story about the U.S. government's act of reaching its arm across international borders, into a populous that did not pose an immediate threat to our nation, in order to use them, devoid of passports or any other proof of citizenship, for hostage exchange with Japan. Between the years 1941 and 1945, our government, with the help of Latin American officials, arbitrarily arrested persons of Japanese descent from streets, homes, and workplaces, and brought approximately 2,300 undocumented persons to camp sites in the U.S., where they were held under armed watch, then used for prisoner exchange. Those used in an exchange were sent to Japan, a foreign country that many had never set foot on since their ancestors' immigration to Latin America.

Despite their involuntary arrival, Latin American internees of Japanese descent were considered by the Immigration and Naturalization Service as illegal entrants. By the end of the war, many Japanese Latin Americans had been sent to Japan. Those who were not used in a prisoner exchange were cast out into a new and English-speaking country, and subject to deportation proceedings. Some returned to Latin America, but some remained in the U.S., where their Latin American country of origin refused their re-entry because they were unable to present a passport.

When I first learned of the wartime experiences of Japanese Latin Americans, it seemed unfathomable, but indeed, it happened. It is a part of our national history, and it is a part of the living histories of the many families whose lives are forever tied to internment camps in our country.

The outline of this story was sketched out in a book published by the Commission on Wartime Relocation and Internment of Civilians formed in 1980. This Commission had set out to learn about Japanese Americans. Towards the close of their investigations, the Commissioners stumbled upon this extraordinary effort by the U.S. government to relocate, intern, and deport Japanese persons living in Latin America. Because this finding surfaced late in its study, the Commission was unable to fully uncover the facts, but found them significant enough to include in its published study, urging a deeper investigation.

I rise today to introduce the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act, which would establish a fact-finding Commission to extend the study of the 1980 Commission. This Commission's task would be to determine facts surrounding the U.S. government's actions in regards to Japanese Latin Americans subject to the program of relocation, internment, and deportation. I believe that examining this extraordinary program would give finality to, and complete the account of federal actions to detain and intern civilians of Japanese ancestry.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Based on a preliminary study published in December 1982 by the Commission on Wartime Relocation and Internment of Civilians, Congress finds the following:

(1) During World War II, the United States—

(A) expanded its internment program and national security investigations to conduct the program and investigations in Latin America; and

(B) financed relocation to the United States, and internment, of approximately 2,300 Latin Americans of Japanese descent, for the purpose of exchanging the Latin Americans of Japanese descent for United States citizens held by Axis countries.

(2) Approximately 2,300 men, women, and children of Japanese descent from 13 Latin American countries were held in the custody of the Department of State in internment camps operated by the Immigration and Naturalization Service from 1941 through 1948.

(3) Those men, women, and children either—

(A) were arrested without a warrant, hearing, or indictment by local police, and sent to the United States for internment; or

(B) in some cases involving women and children, voluntarily entered internment camps to remain with their arrested husbands, fathers, and other male relatives.

(4) Passports held by individuals who were Latin Americans of Japanese descent were routinely confiscated before the individuals arrived in the United States, and the Department of State ordered United States consuls in Latin American countries to refuse to issue visas to the individuals prior to departure.

(5) Despite their involuntary arrival, Latin American internees of Japanese descent were considered to be and treated as illegal entrants by the Immigration and Naturalization Service. Thus, the internees became illegal aliens in United States custody who were subject to deportation proceedings for immediate removal from the United States. In some cases, Latin American internees of Japanese descent were deported to Axis countries to enable the United States to conduct prisoner exchanges.

(6) Approximately 2,300 men, women, and children of Japanese descent were relocated from their homes in Latin America, detained in internment camps in the United States, and in some cases, deported to Axis countries to enable the United States to conduct prisoner exchanges.

(7) The Commission on Wartime Relocation and Internment of Civilians studied Federal actions conducted pursuant to Executive Order 9066 (relating to authorizing the

Secretary of War to prescribe military areas). Although the United States program of interning Latin Americans of Japanese descent was not conducted pursuant to Executive Order 9066, an examination of that extraordinary program is necessary to establish a complete account of Federal actions to detain and intern civilians of enemy or foreign nationality, particularly of Japanese descent. Although historical documents relating to the program exist in distant archives, the Commission on Wartime Relocation and Internment of Civilians did not research those documents.

(8) Latin American internees of Japanese descent were a group not covered by the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b et seq.), which formally apologized and provided compensation payments to former Japanese Americans interned pursuant to Executive Order 9066.

(b) Purpose.—The purpose of this Act is to establish a fact-finding Commission to extend the study of the Commission on Wartime Relocation and Internment of Civilians to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

SEC. 3. ESTABLISHMENT OF THE COMMISSION.

(a) In General.—There is established the Commission on Wartime Relocation and Internment of Latin Americans of Japanese descent (referred to in this Act as the "Commission").

(b) Composition.—The Commission shall be composed of 9 members, who shall be appointed not later than 60 days after the date of enactment of this Act, of whom—

(1) 3 members shall be appointed by the President;

(2) 3 members shall be appointed by the Speaker of the House of Representatives, on the joint recommendation of the majority leader of the House of Representatives and the minority leader of the House of Representatives; and

(3) 3 members shall be appointed by the President pro tempore of the Senate, on the joint recommendation of the majority leader of the Senate and the minority leader of the Senate.

(c) Period of Appointment; Vacancies.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(d) Meetings.—

(1) First meeting.—The President shall call the first meeting of the Commission not later than the later of—

(A) 60 days after the date of enactment of this Act; or

(B) 30 days after the date of enactment of legislation making appropriations to carry out this Act.

(2) Subsequent meetings.—Except as provided in paragraph (1), the Commission shall meet at the call of the Chairperson.

(e) Quorum.—Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(f) Chairperson and Vice Chairperson.—The Commission shall elect a Chairperson and Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall serve for the life of the Commission.

SEC. 4. DUTIES OF THE COMMISSION.

(a) In General.—The Commission shall—

(1) extend the study of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act—

(A) to investigate and determine facts and circumstances surrounding the United States' relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States; and

(B) in investigating those facts and circumstances, to review directives of the United States armed forces and the Department of State requiring the relocation, detention in internment camps, and deportation to Axis countries; and

(2) recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(b) Report.—Not later than 1 year after the date of the first meeting of the Commission pursuant to section 3(d)(1), the Commission shall submit a written report to Congress, which shall contain findings resulting from the investigation conducted under subsection (a)(1) and recommendations described in subsection (a)(2).

SEC. 5. POWERS OF THE COMMISSION.

(a) Hearings.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this Act—

(1) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(b) Issuance and Enforcement of Subpoenas.—

(1) Issuance.—Subpoenas issued under subsection (a) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(2) Enforcement.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) Witness Allowances and Fees.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(d) Information From Federal Agencies.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to perform its duties. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(e) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 6. PERSONNEL AND ADMINISTRATIVE PROVISIONS.

(a) Compensation of Members.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Travel Expenses.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) Staff.—

(1) In general.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate the employment of such personnel as may be necessary to enable the Commission to perform its duties.

(2) Compensation.—The Chairperson of the Commission may fix the compensation of the personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) Detail of Government Employees.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) Procurement of Temporary and Intermittent Services.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) Other Administrative Matters.—The Commission may—

(1) enter into agreements with the Administrator of General Services to procure necessary financial and administrative services;

(2) enter into contracts to procure supplies, services, and property; and

(3) enter into contracts with Federal, State, or local agencies, or private institutions or organizations, for the conduct of research or surveys, the preparation of reports, and other activities necessary to enable the Commission to perform its duties.

SEC. 7. TERMINATION.

The Commission shall terminate 90 days after the date on which the Commission submits its report to Congress under section 4(b).

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal year 2007.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

By Mrs. FEINSTEIN:

S. 2298. A bill to facilitate remediation of perchlorate contamination in water sources in the State of California, and for other purposes; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I'm pleased to introduce this bill today to help California drinking water providers address the growing problem of perchlorate contamination.

The California Perchlorate Contamination Remediation Act authorizes funds for perchlorate remediation of contaminated water sources.

The bill provides: $50 million in grants for cleanup and remediation of perchlorate in water sources, including groundwater wells; and $8 million for research and development of new, cheaper, and more efficient perchlorate cleanup technologies.

The bill also expresses the sense of Congress that the Environmental Protection Agency should promulgate a national drinking water standard for perchlorate as soon as practicable.

The Defense Department and NASA use perchlorate in rocket fuel, missiles, and at least 300 types of munitions.

The Defense Department has used perchlorate since the 1950s. Perchlorate has a short shelf-life, and must be periodically replaced in the country's rocket and missile inventories.

Perchlorate readily permeates through soil and can spread quickly from its source. Over the last half century, improper disposal has allowed perchlorate to seep into surface and groundwater supplies.

Perchlorate contamination of drinking and irrigation water is a serious threat to public health.

Perchlorate interferes with the uptake of iodide into the thyroid gland. Since iodide helps regulate thyroid hormone production, perchlorate disrupts normal thyroid function. In adults, the thyroid helps regulate metabolism.

Infants and children are especially susceptible to the effects of perchlorate because the thyroid plays a critical role in proper development. Even unborn babies can be affected by perchlorate. Insufficient thyroid hormone production can severely retard a child's physical and mental development.

Perchlorate first appeared in drinking water wells in Rancho Cordova, CA in 1964. In 1985, the Environmental Protection Agency discovered perchlorate in several wells in the San Gabriel Valley in Southern California.

By 1997, it was detected in 4 counties in California and in the Colorado River, and by 1999 perchlorate was discovered in the water supplies of 12 States.

According to the California Department of Health Services at least 350 water sources in California, operated by 84 different local water agencies, now have perchlorate contamination.

But perchlorate is not just a California problem. A study by Government Accountability Office found perchlorate in the water supplies of 35 States.

The scope and magnitude of the perchlorate problem is still being defined and we are only beginning to discover the extent to which perchlorate has penetrated the food supply.

Recent sampling by the Centers for Disease Control and Prevention found perchlorate in people living in States without contaminated drinking water. This suggests people all over the country are exposed to at least trace levels of perchlorate.

In November 2004, the Food and Drug Administration released the results of its recent evaluation of perchlorate in the Nation's food. The FDA detected perchlorate in 90 percent of the lettuce samples taken from 5 different States, including California.

The FDA also found perchlorate in 101 out of 104 milk samples taken from retail stores around the country. Samples labeled as organic also contained perchlorate.

Last February, a study by researchers from Texas Tech University found perchlorate in all 36 samples of breast milk they tested. The milk was collected from women in 18 States, including California.

With such widespread contamination in my State and across the country, I have serious concerns about the health and well-being of the most vulnerable among the population—infants, toddlers, pregnant women, and those with compromised immune systems.

Let me speak for a moment about the challenges our water agencies are facing. As the population grows, so do the demands on our water supply. During times of drought, these demands are particularly challenging.

States and communities rely upon their local water supplies, but are increasingly finding that these supplies are contaminated with perchlorate and other pollutants.

When Federal agencies fail to protect adjacent water supplies from perchlorate contamination, the problem falls to local and regional water agencies to fix.

These agencies already face staggering challenges both in delivering drinking water and managing wastewater services. Compounding these challenges with cleanup responsibilities for Defense Department activities is unfair, unreasonable, and unacceptable.

Perchlorate contamination in California is primarily the result of releases from 12 defense sites and several government contractor sites.

I applaud those contractors that have taken an active role in the cleanup of perchlorate. Unfortunately, clean up has only begun at a handful of contaminated sites.

In many cities and counties around California, wells are being taken out of service because of perchlorate contamination. Sometimes cities and water agencies are forced to bring in water from other sources, often at a much higher price. Other times, they must install costly perchlorate removal equipment.

This bill will provide much needed funds to water agencies for perchlorate remediation projects.

Now that perchlorate has been detected in the water sources of 35 States, it has become a national problem requiring a national solution.

I've approached several of my colleagues with a proposal that would address perchlorate contamination on a national level. My hope is that those representing States facing this problem will work with me on this issue.

Today there is no Federal drinking water standard for perchlorate. In the absence of a Federal standard, States have acted independently to establish health-related guidance or regulatory limits for perchlorate in drinking water.

The result is that each State has adopted a different preliminary guideline for perchlorate.

Let me give you a few examples: California established a Public Health Goal of 6 parts per billion; Texas has a Drinking Water Action Level of 4 part per billion; Nevada has a Public Notice Standard of 18 parts per billion; New York has a Drinking Water Planning Level of 5 parts per billion; Arizona has a Health-Based Guideline of 14 parts per billion; and Massachusetts has an interim public health goal of 1 part per billion.

Each of these States has adopted a different kind of regulatory guideline for perchlorate sending a confusing message to the public about what level is safe. It also frustrates the water agencies that strive to provide safe drinking water to consumers.

Clearly, it is time for the Federal Government to establish a national standard for perchlorate.

This bill would assist California water providers in their efforts to remove perchlorate from contaminated drinking water sources by providing $50 million dollars for 50 percent federally matched grants.

To address the challenge of removing perchlorate from all of our water supplies, we must invest in costeffective and timely remediation solutions. To underwrite this effort, $8 million will be authorized for grants for research and development of new, cheaper, more efficient perchlorate cleanup technologies.

It is time for the EPA to fulfill its obligation to protect public health. This bill expresses the sense of Congress that the EPA should promulgate a national drinking water standard for perchlorate under the timeline of the Safe Drinking Water Act as soon as practicable.

Perchlorate contamination has placed an enormous financial burden on the water agencies who strive to provide high quality, safe drinking water to the citizens of California. Cleaning up contaminated water sources is equivalent to creating new water, a growing need in my state and throughout the West.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "California Perchlorate Contamination Remediation Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) because finite water sources in the United States are stretched by regional drought conditions and increasing demand for water supplies, there is increased need for safe and dependable supplies of fresh water for drinking and agricultural purposes;

(2) perchlorate, a naturally occurring and manmade compound with commercial and national defense applications, is used primarily in military munitions and rocket fuels, and also in fireworks, road flares, blasting agents, and automobile airbags;

(3) perchlorate has been detected in fresh water sources intended for drinking water and agricultural use in 35 States and the District of Columbia;

(4)(A) perchlorate has been detected in the food supply of the United States; and

(B) many fruits and vegetables, including lettuce, wheat, tomato, cucumber, and cantaloupe, contain at least trace levels of perchlorate, as do wine, whiskey, soy milk, dairy milk, and human breast milk; and

(5) if ingested in sufficient concentration and for adequate duration, perchlorate may interfere with thyroid metabolism, the effects of which may impair normal development of the brain in fetuses, newborns, and children.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide grants for remediation of perchlorate contamination of water sources and supplies (including wellheads) in the State;

(2) to provide grants for research and development of perchlorate remediation technologies; and

(3) to express the sense of Congress that the Administrator should establish a national drinking water standard for perchlorate.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) CALIFORNIA WATER AUTHORITY.—The term "California water authority" means a public water district, public water utility, public water planning agency, municipality, or Indian tribe that is—

(A) located in a region identified under section 4(b)(3)(B); and

(B) in operation as of the date of enactment of this Act.

(3) FUND.—The term "Fund" means the California Perchlorate Cleanup Fund established by section 4(a)(1).

(4) STATE.—The term "State" means the State of California.

SEC. 4. CALIFORNIA PERCHLORATE REMEDIATION GRANTS.

(a) PERCHLORATE CLEANUP FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the "California Perchlorate Cleanup Fund", consisting of—

(A) any amount appropriated to the Fund under section 7; and

(B) any interest earned on investment of amounts in the Fund under paragraph (3).

(2) EXPENDITURES FROM FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), on receipt of a request by the Administrator, the Secretary of the Treasury shall transfer to the Administrator such amounts as the Administrator determines to be necessary to provide grants under subsections (b) and (c).

(B) ADMINISTRATIVE EXPENSES.—An amount not to exceed 0.4 percent of the amounts in the Fund may be used to pay the administrative expenses necessary to carry out this subsection.

(3) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

(C) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

(i) on original issue at the issue price; or

(ii) by purchase of outstanding obligations at the market price.

(D) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(E) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(b) CLEANUP GRANTS.—

(1) IN GENERAL.—Subject to paragraph (3), the Administrator shall provide grants to California water authorities, the total amount of which shall not exceed $50,000,000, to pay the Federal share of the cost of activities relating to cleanup of water sources and supplies (including wellheads) in the State that are contaminated by perchlorate.

(2) FEDERAL SHARE.—The Federal share of the cost of an activity described in paragraph (1) shall not exceed 50 percent.

(3) ELIGIBILITY; PRIORITY.—

(A) ELIGIBILITY.—A California water authority that the Administrator determines to be responsible for perchlorate contamination shall not be eligible to receive a grant under this subsection.

(B) PRIORITY.—

(i) ACTIVITIES.—In providing grants under this subsection, the Administrator shall give priority to an activity for the remediation of—

(I) drinking water contaminated with perchlorate;

(II) a water source with a high concentration of perchlorate; or

(III) a water source that serves a large population that is directly affected by perchlorate contamination.

(ii) LOCATIONS.—In providing grants under this subsection, the Administrator shall give priority to an activity described in clause (i) that is carried out in 1 or more of the following regions in the State:

(I) The Santa Clara Valley.

(II) Regions within the natural watershed of the Santa Ana River, including areas in Riverside and San Bernardino Counties.

(III) The San Gabriel Valley.

(IV) Sacramento County.

(V) Any other region that has a damaged water source as a result of perchlorate contamination, as determined by the Administrator.

(c) RESEARCH AND DEVELOPMENT GRANTS.—

(1) IN GENERAL.—The Administrator shall provide grants, the total amount of which shall not exceed $8,000,000, to qualified non-Federal entities (as determined by the Administrator) for use in carrying out research and development of perchlorate remediation technologies.

(2) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided under paragraph (1) shall not exceed $1,000,000.

SEC. 5. EFFECT OF ACT.

Nothing in this Act affects any authority or program of a Federal or State agency in existence on the date of enactment of this Act.

SEC. 6. SENSE OF CONGRESS.

It is the sense of Congress that the Administrator should establish a national drinking water standard for perchlorate that reflects all routes of exposure to perchlorate as soon as practicable after the date of enactment of this Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $58,000,000, to remain available until expended.

By Ms. LANDRIEU:

S. 2299. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to restore Federal aid for the repair, restoration, and replacement of private nonprofit educational facilities that are damaged or destroyed by a major disaster; to the Committee on Homeland Security and Governmental Affairs.

Ms. LANDRIEU. Mr. President, I rise provide a bit of background regarding legislation that I am introducing today. The bill that I am sending to the desk would provide independent colleges and universities with direct, immediate aid through the Federal Emergency Management Agency, FEMA. Additionally, the bill would assist the recovery of non-profit education institutions from the extensive damage they sustain during natural disasters.

During crises, the critical role that small colleges and universities play in our communities is often overlooked or underestimated. In Louisiana, many of our colleges and universities are not only important in educating our students, but also in bolstering our economy.

In my home State, this legislation would benefit Delgado Community College, Dillard University, Loyola University New Orleans, Nunez Community College, Our Lady of Holy Cross College, Southern University at New Orleans, Sowela Technical Community College, Tulane University of Louisiana, University of New Orleans, McNeese State University and Xavier University of Louisiana.

Under current law, "education" has been omitted from the list of "critical services" for which facility repair assistance can be awarded directly and immediately. Until 2000, when Congress changed the law, education was always eligible for direct FEMA assistance for facility damages. This legislation simply restores education to its rightful position as a recognized critical service.

This is the only place in Federal law governing disaster assistance that makes this distinction between nonprofit and public colleges and universities. This equity must be restored. This legislation is not a demand for the start of a new program, but the restoration of these institutions long-held position under Federal law.

Recent media reports in the New York Times and USA Today have featured stories depicting the massive backlog of applications for aid options for those institutions not eligible for immediate, direct FEMA assistance. When disasters strike these institutions, which often already have limited resources, they incur an extensive range of costs for which they cannot secure any immediate Federal reimbursement or resources. These institutions cannot afford to lose a semester and neither can their students. They should be able to go directly to FEMA immediately, just as others do.

Congressman KENDRICK MEEK introduced a companion bill, H.R. 4517, in December and I look forward to working with him on this legislation. Our colleges and universities are something we cannot afford to ignore and they are vital to rebuilding the State of Louisiana. I hope that my colleagues will come together in support of this important legislation to support our colleges and universities in this time of need.

Ms. STABENOW (for herself and Mr. LOTT):

S. 2300. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to market exclusivity for certain drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. STABENOW. Mr. President, I rise today to introduce the Lower PRICED Drugs Act. I want to thank Senator TRENT LOTT for joining me on this important legislation, and for his leadership in increasing the availability of affordable generic drugs.

I am very pleased that our legislation is supported by AARP, General Motors Corporation, AFL-CIO, Alliance for Retired Americans, Families USA, the Generic Pharmaceutical Association, the Pharmaceutical Care Management Association, PCMA, the National Association of Chain Drug Stores, and the Coalition for a Competitive Pharmaceutical Marketplace—an organization including large national employers and insurers.

We know that greater availability of generic drugs translates into dramatic savings for consumers, manufacturers, businesses, and taxpayers. Of the 25 top selling drugs in 2004, the only one that did not increase in price was a drug available both in generic and over-the-counter form. And, according to the National Association of Chain Drug Stores, while the average retail price for a brand drug in 2004 was $96.01 the average retail price for a generic was $28.74, a savings of nearly 70 percent.

It's a very well known principle of economics: competition lowers prices.

But we don't need to rely on economic theory; we only have to look at what is happening with drug prices. Of the top five brand name drugs, by retail sales, the average price for 1 month's use of the cheapest among them is just over $76, and the 3rd most popular drug—zocor—is more than $140 per month. That's $1,680 per year for an important drug to lower cholesterol levels. The average price of the most popular five drugs—none of which faces generic competition—is over $114.

There is nothing to hold down the prices of these drugs, and in fact, even though many of them have been on the market for years and years, their prices continue to increase. I first checked the prices of these drugs last November, and then again on Monday of this week. The prices this week are higher, by several dollars in many cases, than they were last year.

However, consider the prices consumers pay for drugs for which there are generic equivalents. The most frequently dispensed generic drugs are hydrocodone, lisinopril, atenolol, amoxicillin and hydrocholorothiazide. Not only are these important drugs, used to treat pain, high blood pressure, and bacterial infections, considerably more affordable than their brand name equivalents, the average generic price is $9.34, representing a savings of more than 60 percent from the average brand price of $24.74, but the presence of competition has another important effect: The average price of these brand name drugs is a lot lower than the average price of brand drugs that don't face competition.

While the generic provisions in the Medicare Modernization Act, MMA, made important progress, there still isn't timely competition in the pharmaceutical market.

New loopholes have been found to keep generics off the market, and keep prices higher than they need to be. In fact, in 2004, a year after AMA passed, brand name prescription drug prices rose by 7.1 percent, the biggest single-year price hike in 5 years.

Our bill would close several loopholes that prevent and delay generics from coming to market. It will increase access to affordable generic drugs and save consumers, businesses and Federal health programs billions of dollars annually.

The Lower PRICED Drugs Act would prevent abuse of the current pediatric exclusivity provision. It would ensure that pediatric exclusivity is used as intended, to generate information about the use of drugs in children, and prevent brand drug companies from keeping more affordable generic alternatives of drugs not suitable for children, or never studied in children, off the market.

For example, Pravigard PAC contains two widely used medications: pravastatin, used to lower cholesterol, and aspirin. Despite the fact that aspirin isn't safe in children, the manufacturer received a six-month pediatric extension. What sense does that make?

The manufacturer of Pravigard PAC even includes the following warning in the patient information they put out:

> Who should *not* (manufacturer's emphasis) take PRAVIGARD PAC?
>
> Do not take PRAVIGARD PAC if you: Are 18 years of age or younger. Children younger than 18 years should not use any product with aspirin in it.

Pediatric marketing extensions should not be given for products not suitable for children, like those containing aspirin.

Using pediatric marketing protections to extend brand name monopolies should be reserved for studies that help us learn more about drugs for kids, not to keep lower-cost generic alternatives of drugs for adults off the market.

Our bill would also remove an arbitrary roadblock to the entry of generic versions of certain antibiotics, close a loophole that allows drug companies to use the current complex rules for challenging drug patents as a delaying tactic against the introduction of generics and prevent abuses of the citizen petition process.

I look forward to working with Senator LOTT to create more competition, more choices, and more savings for American consumers of prescription drugs, and I urge colleagues to join us in this effort.

I ask unanimous consent to have the text of the bill and the letters of support we have received at this time printed in the RECORD.

There being no objection, the text of the material was ordered to be printed in the RECORD, as follows:

S. 2300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Prices Reduced with Increased Competition and Efficient Development of Drugs Act" or the "Lower PRICED Drugs Act".

SEC. 2. GENERIC DRUG USE CERTIFICATION.

(a) IN GENERAL.—Section 505(j)(2)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(2)(A)) is amended—

(1) in clause (vii), by striking "; and" and inserting a semicolon;

(2) in clause (viii), by striking the period and inserting "; and";

(3) by inserting after clause (viii) the following:

"(ix) if with respect to a listed drug product referred to in clause (i) that contains an antibiotic drug and the antibiotic drug was the subject of any application for marketing received by the Secretary under section 507 (as in effect before the date of enactment of the Food and Drug Administration Modernization Act of 1997) before November 20, 1997, the approved labeling includes a method of use which, in the opinion of the applicant, is claimed by any patent, a statement that—

"(I) identifies the relevant patent and the approved use covered by the patent; and

"(II) the applicant is not seeking approval of such use under this subsection."; and

(4) in the last sentence, by striking "clauses (i) through (viii)" and inserting "clauses (i) through (ix)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any abbreviated new drug application under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) that is submitted on, before, or after the date of enactment of this Act.

SEC. 3. PREVENTING ABUSE OF THE THIRTY-MONTH STAY-OF-EFFECTIVENESS PERIOD.

(a) IN GENERAL.—Section 505(j)(5)(B)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)(B)(iii)) is amended—

(1) in the second sentence by striking "may order" and inserting "shall order"; and

(2) by adding at the end the following: "In determining whether to shorten the thirty-month period under this clause, the court shall consider the totality of the circumstances, including whether the plaintiff sought to extend the discovery schedule, delayed producing discovery, or otherwise acted in a dilatory manner, and the public interest.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any stay of effectiveness period under section 505(j)(5)(B)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)(B)(iii)) pending or filed on or after the date of enactment of this Act.

SEC. 4. ENSURING PROPER USE OF PEDIATRIC EXCLUSIVITY.

(a) DRUG PRODUCT.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended by striking "drug" each place it appears and inserting "drug product".

(b) MARKET EXCLUSIVITY FOR NEW DRUGS.—Section 505A(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(b)) is amended—

(1) in the matter preceding paragraph (1), by—

(A) striking "health" and inserting "therapeutically meaningful";

(B) striking "and" after "(which shall include a timeframe for completing such studies),"; and

(C) inserting ", and based on the results of such studies the Secretary approves labeling for the new drug product that provides specific, therapeutically meaningful information about the use of the drug product in pediatric patients" after "in accordance with subsection (d)(3)";

(2) in paragraph (1)(A)—

(A) in clause (i), by—

(i) striking "the period" and inserting "any period"; and

(ii) inserting "that is applicable to the drug product at the time of initial approval" after "in subsection (j)(5)(F)(ii) of such section"; and

(B) in clause (ii), by—

(i) striking "the period" and inserting "any period"; and

(ii) inserting "that is applicable to the drug product at the time of initial approval" after "of subsection (j)(5)(F) of such section"; and

(3) in paragraph (2)—

(A) in subparagraph (A)—

(i) in clause (i), by striking "a listed patent" and inserting "a patent that was either listed when the pediatric study was submitted to the Food and Drug Administration or listed as a result of the approval by the Food and Drug Administration of new pediatric labeling that is claimed by the patent, and"; and

(ii) in clause (ii) by striking "a listed patent" and inserting "a patent that was either listed when the pediatric study was submitted to the Food and Drug Administration or listed as a result of the approval by the Food and Drug Administration of new pediatric labeling that is claimed by the patent, and"; and

(B) in subparagraph (B), by striking "a listed patent" and inserting "a patent that was either listed when the pediatric study was submitted to the Food and Drug Administration or listed as a result of the approval by the Food and Drug Administration of new pediatric labeling that is claimed by the patent, and".

(c) MARKET EXCLUSIVITY FOR ALREADY-MARKETED DRUGS.—Section 505A(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(c)) is amended—

(1) in the matter preceding paragraph (1), by—

(A) striking "health" and inserting "therapeutically meaningful";

(B) striking "and" after "the studies are completed within any such timeframe,"; and

(C) inserting ", and based on the results of such studies the Secretary approves labeling for the approved drug product that provides specific, therapeutically meaningful information about the use of the drug product in pediatric patients" after "in accordance with subsection (d)(3)";

(2) in paragraph (1)(A)—

(A) in clause (i)—

(i) by striking "the period" and inserting "any period"; and

(ii) by inserting "that is applicable to the drug product at the time of initial approval" after "in subsection (j)(5)(F)(ii) of such section"; and

(B) in clause (ii)—

(i) by striking "the period" and inserting "any period"; and

(ii) by inserting "that is applicable to the drug product at the time of initial approval" after "of subsection (j)(5)(F) of such section"; and

(3) in paragraph (2)—

(A) in subparagraph (A)—

(i) in clause (i), by striking "a listed patent" and inserting "a patent that was either listed when the pediatric study was submitted to the Food and Drug Administration or listed as a result of the approval by the Food and Drug Administration of new pediatric labeling that is claimed by the patent, and"; and

(ii) in clause (ii), by striking "a listed patent" and inserting "a patent that was either listed when the pediatric study was submitted to the Food and Drug Administration or listed as a result of the approval by the Food and Drug Administration of new pediatric labeling that is claimed by the patent, and"; and

(B) in subparagraph (B), by striking "a listed patent" and by inserting "a patent that was either listed when the pediatric study was submitted to the Food and Drug Administration or listed as a result of the approval by the Food and Drug Administration of new pediatric labeling that is claimed by the patent, and".

(d) THREE-MONTH EXCLUSIVITY.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended by—

(1) by striking "six months" each place it appears and inserting "three months";

(2) by striking "six-month" each place it appears and inserting "three-month";

(3) by striking "6-month" each place it appears and inserting "three-month";

(4) in subsection (b)(1)(A)(i), by striking "four and one-half years, fifty-four months, and eight years, respectively" and inserting "four years and three months, fifty-one months, and seven years and nine months, respectively"; and

(5) in subsection (c)(1)(A)(i), by striking "four and one-half years, fifty-four months, and eight years, respectively" and inserting "four years and three months, fifty-one months, and seven years and nine months, respectively".

(e) DEFINITION.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended by adding at the end the following:

"(o) DRUG PRODUCT.—

"(1) IN GENERAL.—For purposes of this section, the term 'drug product' has the same meaning given such term in section 314.3(b) of title 21, Code of Federal Regulations (or any successor regulation).

"(2) SEPARATE DRUG PRODUCTS.—For purposes of this section, each dosage form of a drug product shall constitute a different drug product.".

GENERIC PHARMACEUTICAL ASSOCIATION,
Arlington, VA, February 15, 2006.

Hon. DEBBIE STABENOW,
U.S. Senate.
Hon. TRENT LOTT,
U.S. Senate, Washington, DC.

DEAR SENATORS STABENOW AND LOTT: On behalf of the Generic Pharmaceutical Association, I would like to commend you on your efforts to making life-saving medicines more affordable and accessible. Your commitment to improving access to generic drugs will ensure that more patients receive and utilize the prescription drug treatments they need. Additionally, generic drugs are an essential cost containment tool for public health programs such as Medicaid and Medicare, and your efforts will allow for these programs to cover more treatments and help more beneficiaries.

As you know, despite continued efforts to close unintended loopholes that delay generic competition, unnecessary barriers to market entry remain. These loopholes delay the timely introduction of affordable medicines, forcing consumers, insurers, and the government to pay brand prices for years to come. Your proposed legislation, the Lower Priced Drugs Act, includes important provisions to facilitate greater access to generic antibiotics, combat against frivolous patent abuse by brand companies, provide greater accountability into the citizen petition process, and bring meaningful reform to the pediatric exclusivity period.

The Generic Pharmaceutical Association supports the Lower Priced Drugs Act, and the industry applauds your efforts to control the rising costs of prescription drugs. We strongly encourage consideration and passage of this legislation to bring meaningful reform to the system and increase the quality and affordability of healthcare for all Americans.

Sincerely,

KATHLEEN JAEGER,
President & CEO.

AARP,
February 15, 2006.

Hon. DEBBIE STABENOW,
U.S. Senate, Washington, DC.

DEAR SENATOR STABENOW: AARP is pleased to endorse the "Lower Prices Reduced with Increased Competition and Efficient Development of Drugs Act," which we believe will help bring lower priced generic drugs to the marketplace.

Prescription drug therapies have become more prevalent in modern medicine. However, the cost of these therapies has skyrocketed in recent years. Brand name prescription drugs continue to rise at more than double the rate of inflation. Consumers, governments, and health care payers cannot continue to shoulder these costs. More must be done to make drug therapies more affordable.

Brand name prescription drug manufacturers are rewarded for their innovation and research in the form of patent exclusivity. Unfortunately oftentimes some brand name manufacturers seek to artificially extend the life of their patents by utilizing legal loopholes or engaging in unnecessary litigation. AARP believes the legislation sponsored by you and Senator Lott takes a necessary step towards closing some of these loopholes.

Generic drugs cost far less than their brand name equivalents. Your proposal would close an FDA loophole by allowing a generic drug manufacturer to bring certain antibiotics to market, thereby providing the ability to take advantage of these lower-priced drugs. In addition, your legislation seeks to prevent brand name manufacturers from abusing the current 30-month stay-of-effectiveness period by engaging in unnecessary litigation as a means to artificially extend the life of their patents. Equally important is the requirement that in order to be granted a patent extension under the pediatric exclusivity rules, a brand name manufacturer must engage in meaningful research into pediatric use. Finally, your legislation would prevent the filing of citizen petitions solely as a means to halt the approval of generic drugs.

This bill makes some important strides in helping to make lower cost drugs available and we look forward to working with you and your colleagues to advance this initiative. If there are any further questions, please do not hesitate to call me, or have your staff call Anna Schwamlein of our Federal Affairs staff at (202) 434-3770.

Sincerely,

DAVID P. SLOANE,
Sr. Managing Director,
Government Relations and Advocacy.

CCPM,
February 15, 2006.

Hon. TRENT LOTT,
Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATORS LOTT AND STABENOW: On behalf of the Coalition for a Competitive Pharmaceutical Market CCPM, we commend you for your commitment to increase timely access to affordable generic medications for all Americans. We greatly appreciate your work and applaud you for the introduction of The Lower Prices Reduced with Increased Competition and Efficient Development of Drugs Act The Lower Priced Drugs Act.

CCPM is an organization of employers, insurers, generic drug manufacturers, pharmacy benefit managers and others committed to improving consumer access to safe, affordable pharmaceuticals. CCPM members strongly support public policies that help manage soaring prescription drug costs, which have increased by double-digit rates annually and are unsustainable. Continuing to obtain and provide prescription drug coverage is a tremendous challenge, with the skyrocketing costs pressuring reductions in benefits and undermining the ability of CCPM members to compete in the global marketplace. The Lower Priced Drug Act will help CCPM members in this effort.

We have made significant strides working with congress to close some of the loopholes that keep generic drugs off the market even after brand drug patents have expired. However, other abuses and misuses of the Hatch-Waxman law still exist and need to be fixed. The Lower Priced Drugs Act addresses several remaining obstacles to generic drugs while ensuring patient safety. The American people will benefit from this legislation's efforts to 1) reform the application of pediatric exclusivity to apply only to those products for which pediatric exclusivity was intended; 2) provide an avenue for approval of additional generic antibiotics; 3) reduce efforts to delay generic entry for other pharmaceutical products when patents are challenged in court, and; 4) reform the citizen petition process at the FDA.

Generic drugs are equally safe and effective as brand drugs and save consumers, employers, and Federal and State Government programs such as Medicare and Medicaid, billions of dollars. CCPM supports your legislation, and we thank you for continuing the fight to find market driven solutions to the rising costs of prescription drugs. We look forward to working with you to ensure that the Lower Priced Drugs Act is carefully considered and becomes law.

Sincerely,

ANNETTE GUARISCO,
Chair, Coalition for a Competitive
Pharmaceutical Market (CCPM).

GENERAL MOTORS CORPORATION,
Washington, DC. February 15, 2006.

The Hon. TRENT LOTT,
U.S. Senate,
Hon. DEBORAH STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATORS LOTT AND STABENOW: On behalf of the General Motors Corporation, I am writing in support of the "Lower Prices with Increased Competition and Efficient Development of Drugs Act," the Lower Priced Drugs Act of 2006. GM believes that the leadership role that you are playing makes an important contribution toward sound policies that will help bring more affordable generic drugs to the market and save consumers billions of dollars.

GM supports "The Lower Priced Drugs Act" as it would increase access to safe, effective and affordable drugs for our 1.1 million beneficiaries and all other Americans. We commend you for your leadership and bipartisan efforts to improve our health care system. We look forward to working with you to pass this important piece of legislation.

Sincerely,

KEN W. COLE,
Vice President.

By Mr. BAUCUS:

S. 2303. A bill to ensure that the one half of the National Guard forces of each State are available to such State at all times, and for other purposes; to the Committee on Armed Services.

Mr. BAUCUS. Mr. President, I rise to support one of our Nation's most important domestic policy issues—national security. I understand that some would expect me to say competitiveness or health care or farms or the environment or education, but what is happening with national security today greatly concerns me.

In the future, I will continue to address different aspects of this issue of national security. I will address the war on terror and future threats to our Nation. But today I will focus on the primary point of failure in keeping the United States safe: how we are meeting our responsibility to the troops.

The support of our troops is at the core of every national security issue we face. I urge Members of Congress from both sides of the aisle to join me in providing our troops with the tools they need to succeed.

We are so fortunate to have such a vast number of Americans who are committed to fighting for our country, to laying their lives on the line every day to protect the freedoms we enjoy. The first thing we must do for our warfighters is to keep them safe.

I want to know why, after 4 years of fighting the war on terror, our soldiers do not have the very best that they need to get the job done.

Last week, President Bush presented his fiscal year 2007 budget to the Congress. Even though the defense budget accounts for most of the discretionary budget, we still have service members without the equipment they need.

Last month, a Pentagon study revealed that dozens of American lives, soldiers' lives, would not have been lost in Iraq if soldiers had the proper side body armor. To make matters worse, the military is already operating with an equipment shortage. When troops deploy overseas, often most of their equipment is left behind, left in the theater and not replaced at armories and air wings. This leaves us vulnerable at home and dangerously affects national security. How will we be protected if our soldiers are not?

The administration proposes to spend $439 billion on national security this year. That is 45 percent more Pentagon funding than when President Bush took office 5 years ago.

There is a war supplemental on the way—more money. Let me make it clear that I do not oppose the defense budget. I respect that it is the job of the Secretary of Defense to assess the needs of the military in the coming year. I commend him. For example, I commend him on increasing the funding for special operations. But despite this vast budget, our troops are still taking a hit.

The funding for high-tech weapons systems doubled in current dollars from $42 billion in 1996 to $84 billion in 2007. In order to pay for these big-ticket items, the 2007 budget reins in personnel costs.

The military pay raise is only 2.2 percent. Previous years, it has been between 3 and 4 percent. During the Clinton administration, we saw military pay raises as high as 4.8 percent. It is unacceptable to me that the President proposes an increase in pay for our military that is less than the current rate of inflation, which is 3.4 percent. Our military personnel are losing ground with this so-called increase, and this at a time when we are asking so much of them—a time when we are at war. Troops have had multiple and lengthy deployments.

Haven't we all heard the stories of 18-year-olds swiftly driving humvees down the roads of Iraq, praying that they will avoid roadside bombs and shoulder-fired missiles? Some of these young men and women joined the military after 9/11 seeking retribution; others joined intent on finding a way to college. They are all patriots who should be honored.

I am concerned that we are in a fight right now between force structure and weapons systems. Our troops are caught in the crossfire. If they lose, we lose—at a time when we desperately need boots on the ground, particularly here at home.

We are well aware that our National Guard has risen to the challenges of the war on terror in an unprecedented way. Our national security, however, is compromised on the homefront. Our States do not have the ability to respond with sufficient combat structure to domestic security missions, natural emergencies, and disasters.

Former Secretary of Defense Melvin Laird noted last week:

> When you call out Guard and Reserve units, you call out America.

Our Active-Duty Forces have fought bravely on our behalf, and the Guard has fought with them.

Montana is just one of the States with an infantry battalion that is facing major changes due to the Army's proposal to reduce 34 combat brigades to 28. We have based much of our State's military strategy on the capabilities and equipment our infantry battalion provides.

The combat brigades provide a balance of combat force structure to the combat service support units already in the State. This balance is essential to ensure that we have the full spectrum of capabilities within Montana for homeland defense and national security.

I am introducing a bill today which will ensure that each adjutant general will have the resources of 50 percent of their National Guard troops available to them at all times in the State. Deployments overseas will not be allowed to exceed that number. This bill recognizes the national security contribution of the Air National Guard and the Army National Guard, in particular the brigade combat teams and their subordinate units. This will help the country to achieve a standard level of emergency preparedness.

When those troops come home, Active and Reserve, they must come home to jobs and veterans' benefits. That is the only right thing to do. In its 2007 budget for the Department of Veterans Affairs, the administration calls for a 6-percent increase in total veterans spending to $36 billion. Much of this increase, however, depends on the adoption of new health care fees. For example, the budget proposes a $250 enrollment fee and an increase in prescription drug copayments to $15, from $8, for higher income, less disabled veterans. If these new fees are adopted, they would dissuade 200,000 veterans from even enrolling in the VA health care system. The veterans themselves are paying for the increase to the veterans budget. That is what is happening.

I frequently hear that questioning issues of national security undermines the missions of our troops and that some Members of Congress just criticize and do not have a plan. Well, here is the plan: It is imperative that we provide everything possible for our troops in order to keep the United States safe. We have a responsibility to speak up on their behalf because I firmly believe that when we neglect our troops—including our National Guard men and women—we are gambling with the national security of our Nation.

We have the best soldiers, airmen, marines, and sailors in the world. I have tremendous respect for all of them, and I am committed to helping them succeed. We are engaged in a war now, and we must give our troops the tools to win overseas while simultaneously protecting our homefront.

I urge my colleagues to pay close attention to this bill I am introducing. I hope that at the appropriate time, we can get it enacted, basically get some more balance to our force structure, and also make sure our National Guard and Army and Air Guard have the support they need, not only for themselves but to keep our country safe and secure.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I commend my colleague for raising this important issue which affects every State in the Union. Of our National Guard in Illinois, 80 percent have been deployed overseas, and more this year. At this point, they have come home to empty parking lots where they used to have vehicles and equipment which they trained on and would use at times of national emergency.

We cannot allow this Guard to become a hollow Army. It must be a viable force. I look forward to reviewing the bill the Senator introduced to see if I can join him in this effort to strengthen our Guard nationwide.

By Mr. BURR (for himself, Mr. KENNEDY, Mr. LOTT, and Mr. MENENDEZ):

S. 2304. A bill to recognize the right of the Commonwealth of Puerto Rico to call a constitutional convention through which the people of Puerto Rico would exercise their right to self-determination, and to establish a mechanism for congressional consideration of such decision; to the Committee on Energy and Natural Resources.

Mr. KENNEDY. Mr. President, it's a privilege to join Senator BURR and other colleagues in supporting the Puerto Rico self-determination act.

Puerto Rico and its four million residents have enjoyed a positive relationship with the United States since the island's commonwealth status was established over 50 years ago. But it's important for all of us to protect the right of the Puerto Rican people to self-determination, and this legislation will do so.

Our bill calls for a constitutional assembly in Puerto Rico composed of delegates elected by the Puerto Rican people. The delegates will determine the appropriate options for inclusion in a referendum to enable the Puerto Rican people to decide the future status of the island.

Congress will have the final say on the referendum, but the process should start with the people of Puerto Rico and not in Washington. A constitutional assembly will best serve their interest by letting us know their wishes.

The people of Puerto Rico are U.S. citizens, and many of them have served our Nation with great courage and sacrifice in Iraq and Afghanistan. At the very least we owe them a fair and democratic process in determining their future.

The recommendations in the report released in December by the White House task force on the status of Puerto Rico do not adequately address this basic issue, since the options suggested in the report do not give Puerto Ricans the fair choice they deserve.

The possibility of change in the current status has stirred intense debate in recent years, and this bill is intended to allow a fair solution that respects the views of all sides in the debate. I urge my colleagues to support this legislation as the most effective way to resolve this issue and give the people of Puerto Rico the respect they deserve.

By Mr. AKAKA (for himself, Mr. OBAMA, Mr. BINGAMAN, Mr. INOUYE, Mr. LAUTENBERG, Mr. JEFFORDS, Mr. KERRY, and Mr. LIEBERMAN):

S. 2305. A bill to amend title XIX of the Social Security Act to repeal the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationally as a condition for receipt of medical assistance under the Medicaid program; to the Committee on Finance.

Mr. AKAKA. Mr. President, I rise to introduce legislation to repeal a provision in the Deficit Reduction Act that will require people applying or reapplying for Medicaid to verify their citizenship with a U.S. passport or birth certificate. I thank my cosponsors of this legislation, Senators OBAMA, BINGAMAN, INOUYE, LAUTENBERG, JEFFORDS, KERRY, and LIEBERMAN for their support.

This provision must be repealed before it goes into effect July 1, 2006. We have arrived at this conclusion because it will create barriers to health care, and from information we have gathered from agencies, it is unnecessary and will be an administrative burden to implement. These are reasons for this legislation. The Center on Budget and Policy Priorities estimates that more than 51 million individuals in this country would be burdened by having to produce additional documentation. In 16 States—Arizona, California, Florida, Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, and Washington—more than a million Medicaid beneficiaries will be required to submit the additional documents to receive or stay on Medicaid. In Hawaii, an estimated 392,000 people who are enrolled in Medicaid will be required to produce the additional documentation.

The requirements will disproportionately impact low-income, racial and ethnic minorities, indigenous people, and individuals born in rural areas without access to hospitals. Due to discriminatory hospital admission policies, a significant number of African-Americans were prevented from being born in hospitals. One in five African Americans born during 1939–1940 do not have birth certificates.

We need to ensure that Medicaid beneficiaries are not discriminated against and do not lose access to care, simply because they do not have a passport or birth certificate. Data from a survey commissioned by the Center on Budget and Policy Priorities is helpful in trying to determine the impact of the legislation. One in 12 U.S.-born adults, who earn incomes less than $25,000, report they do not have a U.S. passport or birth certificate in their possession. Also, more than 10 percent of U.S.-born parents, who have incomes below $25,000, do not have a birth certificate or passport for at least one of their children. An estimated 3.2 to 4.6 million U.S. born citizens may have their Medicaid coverage threatened simply because they do not have a passport or birth certificate readily available.

Some groups are at a greater risk for losing their Medicaid coverage. Nine percent of African-American adults reported they did not have the needed documents. Seven percent of people over age 65 also report that they do not have birth certificates. Many others will also have difficulty in securing these documents, such as Native Americans born in home settings, Hurricane Katrina survivors, and homeless individuals.

It is difficult enough to get access to health care, let alone acquire a birth certificate or a passport before seeking treatment. Some beneficiaries may not be able to afford the financial cost or time investment associated with obtaining a birth certificate or passport. The Hawaii Department of Health charges $10 for duplicate birth certificates. The costs vary by State and can be as much as $23 to get a birth certificate or $87 to $97 for a passport. Taking the time and obtaining the necessary transportation to acquire the birth certificate or a passport, particularly in rural areas where public transportation may not exist, creates a hardship for Medicaid beneficiaries. Failure to produce the documents quickly may result in a loss of Medicaid eligibility.

Further compounding the hardship is the failure to provide an exemption for individuals suffering from mental or physical disabilities from the new requirements. I am really afraid that those suffering from diseases such as Alzheimer's may lose their Medicaid coverage because they may not have or be able to easily obtain a passport or birth certificate.

It is likely these documentation requirements will prevent beneficiaries who are otherwise eligible for Medicaid to enroll in the program. This will result in more uninsured Americans, an increased burden on our healthcare providers, and the delay of treatment for needed health care.

The hardships that will be imposed are unnecessary due to existing requirements that check immigration status. A 2005 study by the Health and Human Services Office of the Inspector General concluded there is no substantial evidence indicating that illegal immigrants claiming to be U.S. citizens are successfully enrolling in Medicaid.

Twenty-eight of 47 Medicaid directors, surveyed by the Health and Human Services Inspector General, indicated that requiring documentary evidence of citizenship would delay eligibility determination. Twenty-five believe that providing additional evidence would result in increased eligibility personnel costs. State Medicaid Agencies would likely have to hire additional personnel to handle the increased workload with significant, additional administrative and financial costs. Twenty-one believe that it would be burdensome or expensive for applicants to obtain a birth certificate or other documentation.

In my home State, the Hawaii Primary Care Association estimates the administrative costs for our Department of Human Services will result in an increased cost of $640,000. Mr. John McComas, the Chief Executive Officer, of AlohaCare, stated, "We anticipate that there will be significant administrative costs added to our already overburdened Medicaid programs. These provisions are absolutely unnecessary and place an undue burden on the Medicaid beneficiary, to our entire Medicaid program, and ultimately to our entire state."

I am frequently frustrated by the inability of the Congress to enact measures to improve health care for Americans. A misconceived provision to mandate these additional documentation requirements will cause real people real pain, and create public health and administrative difficulties. The provision in the Deficit Reduction Act will force every current and future Medicaid beneficiary to produce a passport or birth certificate. I look forward to my colleagues working with me to repeal this provision. I am hopeful that as my friends in the Senate go home during recess, they talk with their constituents at health centers, State Medicaid offices, and social service organizations, and hear how important it is to them for this legislation to be enacted to protect access to Medicaid.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD, as well as letters of support and concern from AlohaCare, the Association of Asian Pacific Community Health Organizations, Maternal and Child Health Access, the Hawaii Primary Care Association, and Siren.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2305

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF REQUIREMENT FOR DOCUMENTATION EVIDENCING CITIZENSHIP OR NATIONALITY AS A CONDITION FOR RECEIPT OF MEDICAL ASSISTANCE UNDER THE MEDICAID PROGRAM.

(a) REPEAL.—Subsections (i)(22) and (x) of section 1903 of the Social Security Act (42

U.S.C. 1396b), as added by section 6036 of the Deficit Reduction Act of 2005, are each repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(A) in subsection (i)—

(i) in paragraph (20), by adding "or" after the semicolon at the end; and

(ii) in paragraph (21), by striking "; or" and inserting a period;

(B) by redesignating subsection (y), as added by section 6043(b) of the Deficit Reduction Act of 2005, as subsection (x); and

(C) by redesignating subsection (z), as added by section 6081(a) of the Deficit Reduction Act of 2005, as subsection (y).

(2) Subsection (c) of section 6036 of the Deficit Reduction Act of 2005 is repealed.

(c) EFFECTIVE DATE.—The repeals and amendments made by this section shall take effect as if included in the enactment of the Deficit Reduction Act of 2005.

MATERNAL AND CHILD HEALTH ACCESS,
Los Angeles, CA, February 16, 2006.
Hon. DANIEL AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: I am pleased to write a letter of support for your bill to amend title XIX of the Social Security Act to repeal the amendments made by the Deficit Reduction Act of 2005 requiring documentation of citizenship or nationality as a condition for receipt of medical assistance under the Medicaid program.

Maternal and Child Health Access has provided assistance to thousands of families seeking medical coverage since the early 1990s. In addition to the families we serve, we educate and train other social service agencies and clinics about health coverage programs and thus have the opportunity to hear their experiences in assisting low-income people to apply for Medicaid. In California, we are ecstatic that nearly 90% of the children eligible have been enrolled in Medicaid or our S–CHIP program, Healthy Families. We have celebrated the fact that with few exceptions, the process of obtaining health care coverage for low-income families presents fewer barriers than in prior years. The requirement that Medicaid applicants provide birth certificates would be an unfortunate reversal of that trend.

Even now, even with no requirement for such documentation, Eligibility Workers mistakenly demand birth certificates as part of the Medicaid application process. We see that the need to provide such documentation causes untoward delays in obtaining health care. For example, my office recently assisted the family of a two-year-old child who had never had Medi-Cal due to the Los Angeles County Eligibility Worker's erroneous demand for a birth certificate from the client's home state, which had been impossible to obtain. The child's health care visits were delayed and inferior to what a two-year-old should have had.

In California, birth certificates cost $17 and require a notarized application, or sworn statement under penalty of perjury. In addition to the added expense of notarizing, an additional $25–$50 depending on the ability of often-unscrupulous notaries to charge, making people swear under penalty of perjury is intimidating and will discourage people from applying. It takes four to six months to obtain birth certificates for newborns and if obtained in person, require travel to a different office than for duplicate copies that might be needed for adults or other children who need them. I see no flexibility in the amendments as passed to allow for families with no disposable income to obtain the birth certificates timely.

There is absolutely no need for a drastic measure of this sort. A comprehensive study conducted last year by the Health and Human Services Inspector General, "Self-Declaration of U.S. Citizenship Requirements for Medicaid," July 2005, failed to find any substantial evidence that illegal immigrants are fraudulently getting Medicaid coverage by claiming they are citizens. Notably, the Inspector General did not recommend requiring that documentation of citizenship be required. State officials interviewed by the Inspector General's office also noted that such a requirement would add significant administrative costs and burdens. Half of the state officials interviewed said they would have to hire more eligibility personnel to handle the increased workload.

Requiring a birth certificate will cause delays in obtaining needed medical coverage and care and unnecessary costs for applicants, states and counties. If we truly care about ensuring that children, pregnant women, disabled people, seniors and others in need obtain the health care that may enable them to continue to be productive citizens or ensure their readiness for school, we should not be putting unnecessary costly barriers in their way.

I thank you on behalf of the low income people my agency serves daily.

Sincerely,

LYNN KERSEY,
MA, MPH, Executive Director.

HAWAI'I PRIMARY CARE ASSOCIATION,
Honolulu, HI, January 25, 2006.
Hon. DANIEL AKAKA,
Re Proposed birth certificate or passport requirement for Medicaid application.

DEAR SENATOR AKAKA: The Hawai'i Primary Care Association would like to register our strong opposition to recently proposed federal legislation that would require a birth certificate or passport for each Medicaid applicant, and to ask for your assistance to avert this mandate. We object to this change because it is completely unnecessary to prevent application fraud but would be a considerable barrier to legitimate applicants and add to the cost incurred by public and private agencies to complete and process applications.

Unnecessary barrier. In the ample experience of community health centers in Hawai'i and the Primary Care Association's Hawai'i Covering Kids Project, immigrants, fearful of jeopardizing their immigration status, are hesitant to apply for programs for which they are clearly eligible. Undocumented immigrants are even less likely to call attention to themselves, for obvious reasons. The Hawai'i State Department of Human Services, which monitors and checks into self-declared eligibility status, has found no evidence of fraud in this area.

The following are some of the ways this proposed requirement would deter legitimate applicants: Some people do not have birth certificates because they were born at home or in areas with no official registries (e.g., on plantations). People who are mentally ill or homeless may be unable to produce original or duplicate birth certificates. In the event of a hurricane or other disaster, many people will be unable to find documents, and public agencies may be in disarray so that they can't provide duplicates. In an emergency medical situation, an uninsured person may not be able to find a birth certificate. The Hawai'i Department of Health (DOH) charges $10 for duplicate birth certificates. Procuring one for each family member that is applying or renewing not only takes the applicant away from work or other activities to stand in line at DOH, but also can be prohibitively expensive. The application and enrollment procedure will take longer and result in delays in coverage that might cause serious health problems and put the health care provider and individual at financial risk.

Processing costs. If this regulation is implemented it will result in more administrative costs for DHS and for agencies that assist applicants. All current Medicaid customers must also be asked to submit a birth certificate or passport. This requires paper, envelopes, and mailing costs. When documents arrive at a Medicaid office, they must be matched to a record, noted in the electronic case file, and stored in the customer's case file. If the customer does not produce the required document, the case will be closed. However, this person is otherwise eligible for benefits, therefore when she/he locates a birth certificate a new application will not only be submitted, but also the Medicaid office must review it and open a new case. Hawai'i's Medicaid offices receive approximately 66,000 applications annually. New applications without birth certificates or passports attached will be sent ten-day pending notices. This requires paper, envelopes, and mailing costs. If the document is not received in the time allotted, the application will be denied. If mailing notices and updating or closing each current Medicaid file takes at least 10 minutes of public workers' time, the current Med-QUEST enrollment of over 200,000 customers will take 33,333 hours and cost $640,000.

Assumptions: 15 minutes to send notices and update or close files. 2,080 is the number of work hours per year. Salary plus operating costs per worker is $40,000 per year.

Cost: 16 eligibility workers will work full-time for a year at a cost of $640,000.

In summary, we believe there is no good reason to implement the proposed regulations and ample reasons to maintain the current procedure that allows self-declaration. We ask for your help in this matter to make sure Medicaid continues to serve the most vulnerable members of our communities.

Sincerely,

BETH GIESTING,
Executive Director.

DEAR SENATOR AKAKA: I have just been informed about your bill to repeal the citizenship documentation requirements contained in the reconciliation bill. On behalf of the Services, Immigrant Rights and Education Network (SIREN), I write to express our support for Senator Akaka's bill.

SIREN is a leading organization in Silicon Valley dedicated to providing immigrant rights advocacy, community education and naturalization assistance to Santa Clara County's diverse immigrant communities. We believe that a requirement to check citizenship status for Medicaid recipients will be costly and an additional barrier to accessing this much needed program. In addition, it is unnecessary and continues the stereotype that immigrants are in this country to access social services, which we know to be false. Immigrants come to this country to create a better life for themselves and their families. They contribute to the social and economic fabric of our country every day.

Thank you for your efforts to protect immigrants and to save our country from a needless expense.

Warmly,

LARISA CASILLAS.

ASSOCIATION OF ASIAN PACIFIC
COMMUNITY HEALTH ORGANIZATIONS,
Oakland CA, February 10, 2006.
Hon. DANIEL AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: The Association of Asian Pacific Community Health Organizations, AAPCHO, a national non-profit association of community health centers, is writing to support your efforts to repeal an amendment requiring individuals to provide evidence of citizenship when applying for Medicaid benefits.

We believe that these amendments, which are introduced in the Deficit Reduction Act of 2005, will not only raise the ranks of the uninsured, but more importantly, that they will leaves scores of our most vulnerable citizens without critically needed health care services.

As you well know, there are currently over 45 million people without health insurance, many of whom are Asian American, Native Hawaiian and Pacific Islander. Requiring Medicaid beneficiaries to provide a birth certificate or passport to prove their citizenship could lead to millions of low-income Americans either losing Medicaid coverage and becoming uninsured, or being delayed coverage for necessary medical care. At AAPCHO's member community health centers across the country, this regulation would instantly put the lives and health of a significant number of low-income adults, children, elderly, and disabled individuals at risk.

We thank you for continuing your fight to provide health care for our most vulnerable populations, and we appreciate your introduction of this important bill.

Sincerely,
JEFFREY B. CABALLERO, MPH,
Executive Director.

ALOHACARE,
Honolulu, HI, February 6, 2006.
Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: We applaud your concerns about the proposed changes in Medicaid. We wish to lend our support to the Amendment that you are proposing that will remove one of the most draconian aspects of the proposal in Section 6037 of the Budget Reconciliation Bill that will require that everyone who is applying for Medicaid, whether current or new, to provide proof of their citizenship.

The primary forms of documentation acceptable would be either a passport or a birth certificate presented in conjunction with proof of identity such as a drivers' license. For people who are naturalized citizens naturalization papers would be accepted. This essentially means that native-born citizens would have to produce birth certificates or passports.

The new requirements, which a recent study by the Inspector General of the Department of Health and Human Services shows to be unnecessary, would almost certainly create significant enrollment barriers to millions of low-income citizens who would otherwise meet all Medicaid eligibility requirements. Because of Hawaii's demographics we believe that we would be heavily impacted.

On July 1, 2006 these new requirements will apply to all applications or redeterminations of Medicaid eligibility that occurred after that date, without exceptions, even for people who are extremely old or have severe physical or mental impairments, such as Alzheimer's disease.

A major concern is that many people on Medicaid do not travel or have not had a need for a passport. Others no longer live near where they were born or have long since lost their birth certificate. Many of the elderly in Hawaii were born outside of hospitals or places where birth certificates were not commonly issued.

We anticipate that there will be significant administrative costs added to our already overburdened Medicaid programs. These provisions are absolutely unnecessary and will place an undue burden on the Medicaid beneficiary, to our entire Medicaid program, and ultimately to our entire state.

Please don't hesitate to contact us if we can be of any assistance to you in your efforts to protect the Medicaid beneficiaries in Hawaii.

Sincerely yours,
JOHN MCCOMAS,
Chief Executive Officer, AlohaCare.

Mr. OBAMA. Mr. President, as our Nation faces staggering healthcare costs, rising rates of chronic conditions, and a growing wage gap between the haves and the have-nots, we must acknowledge the vital importance of this Nation's safety net—the Medicaid program. The Medicaid program is the provider of healthcare for more than 50 million Americans—young and old, black and white, and the disabled.

As many of us would argue, and as stated by the President in this year's State of the Union Address, the government has a responsibility to help provide healthcare for the poor and the elderly. I ask you to question whether we meet that responsibility with section 6036 of the Deficit Reduction Act that requires citizenship documentation for individuals seeking Medicaid. In order for our country to have healthy children, a healthy workforce and healthy communities, we must not deter Americans from seeking medical care, and yet this provision would do just that.

Much of the public scrutiny on Medicaid spending has focused on the costs of providing care to undocumented immigrant populations. Some believe that requirements for documentation of citizenship will curtail alleged abuse of the Medicaid program by illegal immigrants. Yet, a study conducted by the HHS Inspector General failed to find any substantial evidence that illegal immigrants are fraudulently getting Medicaid coverage by claiming they are citizens, and he did not recommend any new requirements for documentation of citizenship.

If the requirement to document citizenship will not affect illegal immigrants, who are in fact not using the Medicaid program, than we must ask ourselves who will be affected by this requirement?

Let's think about the senior with Alzheimer's disease and the difficulty she experiences in remembering the name of her daughter, let alone where she placed her birth certificate. Let us think about the families who survived Hurricane Katrina, who lost their homes with all their possessions, including their passports. Let us think about the children being raised by cash-strapped grandparents and other relatives, who will incur additional costs for obtaining required documents.

About one out of every twelve U.S.-born adults, or 1.7 million Americans, who have incomes below $25,000 report that they do not have a U.S. passport or birth certificate in their possession. In addition, studies have shown that there are up to 2.9 million Medicaid-eligible children without such documentation.

These figures are even higher for other populations. While 5.7 percent of all adults at all income levels report they lack birth certificates or passports, this percentage rises to 7 percent for senior citizens age 65 or older, and 9 percent each for African American adults, adults without a high school diploma and adults living in rural areas. Notably, these figures do not include many other groups who would also experience difficulty in securing these documents, such as Native Americans born in home settings, nursing-home residents, Hurricane Katrina survivors, and homeless individuals. The documentation requirements in section 6036 would apply to all current beneficiaries and future applicants, allowing for no exceptions, even for those with serious mental or physical disabilities such as Alzheimer's disease or those who lack documents due to homelessness or a disaster such as Hurricane Katrina.

The costs to individuals applying for Medicaid coverage is matched by the overwhelming administrative costs associated with the documentation requirements. If birth certificates or passports are required for Medicaid enrollment, approximately 50 percent of state officials have reported that they would have to hire additional personnel to handle the increased workload with significant, additional administrative and financial costs. The National Association for Public Health Statistics and Information Systems predicts a 50 percent increase in the volume of birth certificate requests if requirements for birth certificates or passports for Medicaid applications are imposed, resulting in significant delays in processing all birth certificate applications. State resources are already stretched too thin, and we should not impose additional and unnecessary burdens.

At a time when this administration is touting health care tax breaks, which will benefit those who need the least help, it is critical that members of Congress remember the worst off and the most vulnerable members of our society. Medicaid is their lifeline to a healthy and productive future, and we should not obstruct access to this program.

Senator AKAKA, Senator BINGAMAN and I have introduced this bill to eliminate requirements for citizenship documentation from Medicaid, and I urge all of my colleagues to support us in passing this critical act.

By Mr. LEVIN (for himself, Mr. DEWINE, Mr. DORGAN, and Mr. BOND):

S. 2306. A bill to amend the National Organ Transplant Act to clarify that kidney paired donation and kidney list donation do not involve the transfer of a human organ for valuable consideration; to the Committee on Health, Education, Labor, and Pensions.

Mr. LEVIN. Mr. President, I am pleased today to be joined by Senators DEWINE, DORGAN and BOND in introducing legislation that will save lives by increasing the number of kidneys available for transplantation. Our bill addresses relatively new procedures that did not exist when the National Organ Transplant Act—NOTA—was passed more than two decades ago. No Federal dollars will be needed to implement it. More importantly, it will make it possible for thousands of people who wish to donate a kidney to a spouse, family member or friend, but find that they are medically incompatible, still to become living kidney donors.

Kidney paired donations involve two living donors and two recipients—the intended recipient of each donor is incompatible with the intended donor but compatible with the other donor in the arrangement. For example, person A wants to donate her kidney to her husband, person B, but cannot because of a biological incompatibility. Likewise, person C wants to donate to his wife, person D, and cannot because of a biological incompatibility. However, testing reveals that A and D are biologically compatible, and C and B are biologically compatible. Therefore, a paired kidney donation can be made whereby A donates to D and C donates to B. Every paired donation transplant avoids burdening the kidney waiting list and increases access to organs for all kidney transplant candidates.

Kidney list donations involve three individuals: a living donor; the recipient of the living donor's kidney, who is allocated the organ through the waiting list; and the donor's intended recipient who receives an allocation priority on the kidney waiting list. In this circumstance, a person intends to donate a kidney to a recipient but is found to be medically incompatible, and there are no other donor-recipient pairs available for a simultaneous paired donation. The person donates his or her kidney, and the kidney is allocated to a medically suitable patient on the national Organ Procurement and Transplantation Network—OPTN—waiting list according to OPTN organ allocation policy. The donor's originally intended recipient then receives allocation priority through the national system to receive a deceased donor kidney, thus fulfilling the donor's original intent to donate to a particular person. It is estimated that clearing the way for these procedures will not only save lives, it would save Medicare tens of millions of dollars each year in avoided costs for renal dialyses of these patients. By permitting living paired donations, this bill will also have the effect of increasing the number of kidneys available to patients already on the kidney waiting list.

The legislation we are introducing removes an unintended impediment to kidney donations by clarifying ambiguous language in Section 301 of the National Organ Transplant Act—NOTA. That section has been interpreted by a number of transplant centers to prohibit such donations. In Section 301 of NOTA, Congress prohibited the buying and selling of organs. Subsection (a), titled "Prohibition of organ purchases," says: "It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human organ for valuable consideration. . . ." The legislation we are introducing does not remove or alter any current provision of NOTA, but simply adds a line to Section 301 which states that paired donations do not violate it. When we originally enacted NOTA we expressly exempted several other actions from the valuable consideration provision, such as expressly permitting reimbursement of travel and subsistence costs for living donors, and for reimbursement of their lost wages. We did not know to include paired kidney donation events with these exceptions because they were not being performed then.

Congress surely never intended that the living donation arrangements that permit either a kidney paired donation or a kidney list donation be impeded by NOTA. Our bill simply makes that clear. A number of transplant professionals involved in these and other innovative living kidney donation arrangements have proceeded in the reasonable belief that these arrangements do not violate Section 301 of NOTA, and they are being performed in many states already. This legislation is necessary because some have questioned whether these paired donation situations might somehow involve valuable consideration in that the mutual promises to donate could be considered a thing of value being given in exchange for an organ. We do not believe that this is the case. Certainly, Congress never intended to impede paired donation when it outlawed buying and selling of organs.

There is no known opposition to this legislation. It is supported by numerous medical organizations, including the United Network for Organ Sharing, the American Society of Transplant Surgeons, the American Society of Transplantation, the National Kidney Foundation and the American Society of Pediatric Nephrology.

It is important that we make the intent of Congress explicit so that transplant centers which have hesitated to implement paired donation programs can feel free to do so; and in order that the Organ Procurement and Transplant Network, which is operated by UNOS under contract with the U.S. Department of Health and Human Services, may implement a national registry of pairs who need to find other compatible pairs so that their loved ones can get the transplant they so desperately need.

The experts in the field of organ donation and transplantation estimate that our legislation will result in well over 2,000 additional transplants annually and that Medicare would save millions in kidney dialysis costs. By its own estimate, Medicare spends more than $55,000 annually for each dialysis patient, which equates to more than $3.6 billion per year. Savings to Medicare due to removal of an additional 2,000 patients from the dialysis program through living kidney donation would exceed $110 million. Since the median waiting time for each patient is four years, removal of each patient translates into a total Medicare savings of $220,000.

It is our hope that the Senate will promptly act on this necessary legislation.

Mr. DEWINE. Mr. President, I rise today to join with my colleagues, Senators LEVIN, DORGAN, and BOND, to introduce the Living Kidney Organ Donation Clarification Act.

This important legislation would clarify Section 301 of the National Organ Transplant Act (NOTA). Section 301 makes it a felony "for any person to knowingly acquire, receive or otherwise transfer any human organ for valuable consideration for use in organ transplantation." This provision simply makes it illegal to buy and sell human organs. The bill that Senator LEVIN and I are introducing would clarify that paired donations do not violate Section 301.

When NOTA was first enacted, the only living organ donations took place between a single biologically compatible living donor and recipient. In the past decade, a new type of living donation procedure has developed. It's called the paired organ donation. The best way to describe a paired donation is through an example: Patient A is on the waiting list for a kidney transplant. Various family and friends have offered to donate a kidney to Patient A, but none of the potential donors are compatible. However, one of Patient A's potential donors is compatible with Patient B, who is also on the waiting list for a kidney. Patient B has a potential donor who is compatible with Patient A. Patient A and B could exchange donors and both get transplants.

With the development of paired donations, concerns have arisen that the mutual promises to donate organs could be considered "valuable consideration" under Section 301 of NOTA. It is important to note that while paired donations were not conceived at the time NOTA was written over 20 years ago, they are in keeping with all of NOTA's provisions and protections and should be permitted. Paired donors may not receive a monetary payment, except for reimbursement for expenses. I don't think that Congress would have intended to prohibit the practice of paired donations with the enactment of NOTA.

The benefits of paired donations are tremendous. Successful kidney transplants eliminate the need for dialysis for the recipient, as well as decrease costs to Medicare. And, the practice of paired donations has the potential to increase the number of living donor transplants dramatically, as there are a large number of potential living donors who are biologically incompatible with their intended recipients.

My own State of Ohio has the first state-sponsored program that arranges paired kidney donations. There have been at least four paired kidney donations in Ohio during the last two years arranged through the Paired Donation Kidney Consortium. With over 62,000 men, women, and children waiting for a kidney donation, we cannot afford to turn our back on the paired donation procedure.

That is why it is critically important that Section 301 of NOTA be clarified to permit these donations. Clarification of the intent of Congress would encourage transplant centers throughout the country to implement their own paired donation programs. It also would enable the Organ Procurement and Transplant Network to create a national list of pairs of incompatible donors so that as many recipients can be matched up as possible.

I encourage my colleagues to join me in cosponsoring this bill.

Mr. DORGAN. Mr. President, I am pleased to join Senators LEVIN, DEWINE and BOND to introduce the Kidney Transplant Clarification Act of 2006. This legislation will help save lives by increasing the number of kidney donations made by living donors.

There are currently 90,608 people in the United States who are on the national organ transplant waiting list. More than two-thirds of those on the waiting list suffer from end stage renal disease and are in need of a kidney transplant. Unfortunately, the number of people on the waiting list continues to grow far faster than the number of organ donors. In North Dakota alone, there are currently 91 patients who are waiting for a kidney transplant.

The good news is that patients with end stage renal disease who require a kidney transplant no longer need to wait for a kidney from a deceased donor or from a blood relative. Advances in medical science now make it possible for friends and spouses to donate a kidney to a patient in need. Of the 16,004 kidney transplants in 2004, 6,647 were from living donors.

The bad news is outdated Federal laws inappropriately stand in the way of widely adopting several innovative approaches that would increase the number of kidney donations from the living.

One of these strategies is called a paired kidney donation. Here is how it works: Joe wants to donate a kidney to his wife Kathleen but can't because of incompatibility. Likewise, Suzy wants to donate a kidney to her husband Scott but can't because of incompatibility. A paired donation helps match up these couples so Joe can donate a kidney to Scott and Suzy can donate a kidney to Kathleen.

The other approach is called a kidney list donation. Here is how it works: Rebecca wants to donate a kidney to her husband Grant but can't because of incompatibility. In this case, she decides to donate a kidney to someone who is already on the national waiting list. Once the donation is made, Grant is added to the waiting list but is given allocation priority for a kidney that becomes available in the future.

The Kidney Transplant Clarification Act will clarify that paired and list kidney donations are allowed under the National Organ Transplant Act, removing a barrier that has prevented more kidney donations from living donors from occurring.

The National Organ Transplant Act, which was enacted in 1984, prohibits any person to acquire, receive or donate any human organ for anything of value. The purpose of this law is to prohibit the buying and selling of human organs. I agree with this law. The last thing that we want to do is sanction organ trafficking. Yet, when this law was enacted, paired and list kidney donations did not exist. It is important that we clarify that these innovative strategies to increase the number of kidney donations from living donors are allowed under current law.

The Kidney Transplant Clarification Act will not only save lives, it will save the federal government and taxpayers money. Patients with end stage renal disease require dialysis, which is covered by Medicare. According to the Centers for Medicare and Medicaid Services, Medicare spends about $55,000 per patient per year for dialysis. On average, patients with end stage renal disease wait 4 years before receiving a kidney transplant. This means that every kidney donation made from a living donor has the potential to reduce the number of people on the waiting list and save the government as much as $220,000.

Mr. President, I encourage my colleagues to support this legislation.

By Mr. HARKIN (for himself, Mr. ENZI, and Mr. THOMAS):

S. 2307. A bill to enhance fair and open competition in the production and sale of agricultural commodities; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, today I, along with Mr. ENZI and Mr. THOMAS are introducing the "Competitive and Fair Agricultural Markets Act of 2006." This legislation seeks to even the playing field for agricultural producers by strengthening and clarifying the Packers and Stockyards Act of 1921 and the Agricultural Fair Practices Act of 1967 and requiring better enforcement of both laws by USDA.

A quick lesson in agricultural history makes clear that producers are no stranger to a marketplace often tilted against them. Roughly 100 years ago, rapid consolidation and collusive practices by meatpacking and railroad and other companies prompted Congress to eventually pass several new laws designed to ensure a competitive and fair marketplace for agricultural producers. Because earlier legislation was seen as lacking to protect livestock and poultry producers. Congress passed the Packers and Stockyards Act in 1921 to prohibit packers and processors from engaging in unfair, unjustly discriminatory, or deceptive practices.

Consolidation is happening in all sectors of agriculture and having a negative effect on producers and consumers across the Nation. Consolidation in itself is not a violation of the Packers and Stockyards Act, but when some entities become larger and more powerful that makes enforcement of the Packers and Stockyards Act absolutely critical for independent livestock and poultry producers. The statistics speak for themselves. Today, only four firms control 84 percent of the procurement of cattle and 64 percent of the procurement of hogs. Economists have stated that when four firms control over 40 percent of the industry, marketplace competitiveness begins to decline. Taken together with fewer buyers of livestock, highly integrated firms can exert tremendous power over the industry.

The dramatic changes in the marketplace are alarming, and I have expressed my concerns to USDA on several occasions—but they showed hardly any concern and even less action. The Grain Inspection, Packers and Stockyards Administration (GIPSA) at USDA has the responsibility to enforce the Packers and Stockyards Act. For years, I have had doubts whether GIPSA was effectively enforcing this important law. Concerned by the lack of action by GIPSA, I asked USDA's Inspector General to investigate this matter. Recently, the Inspector General issued a report on GIPSA that confirmed these concerns. The report described widespread inaction, agency management actively blocking employees from conducting investigations into anti-competitive behavior and a scheme to cover up the lack of enforcement by inflating the reported number of investigations conducted.

The Inspector General's troubling findings reveal gross mismanagement by GIPSA. This failure is not just at GIPSA but includes high-level officials at USDA who did nothing to identify and correct problems within GIPSA. Today, the legislation I introduce will reorganize the structure in how USDA enforces the Packers and Stockyards Act. This legislation will create an office of special counsel for competition matters at USDA. This office will oversee more effective enforcement of the Packers and Stockyards Act and other laws and focus attention on competition issues at USDA by removing unnecessary layers of bureaucracy. The new special counsel on competition would be appointed by the President with advice and consent from the U.S. Senate. Some would argue that this reorganization is not needed, especially given that USDA has agreed to make the necessary changes recommended by the recent Inspector General's report. However, what is important to remember here is that USDA has a long history of agreeing to making changes and then never following through with them. The Inspector General made recommendations to improve competition investigations in 1997 and the Government Accountability Office made similar recommendations again in 2000. It is 2006, yet those recommendations were never implemented and GIPSA is in complete disarray. In addition, no one above the level of deputy administrator at GIPSA seemed to have any idea that any problems were going on, despite the fact I was sending letters to the Secretary of Agriculture pointing out that USDA was failing to enforce the law. A change is needed.

In addition to the creation of a special counsel, this legislation also makes many important clarifications to the Packers and Stockyards Act so that producers need not prove an impact on competition in the market in order to prevail in cases involving unfair or deceptive practices. Court rulings have created many hoops for producers to go through in order to succeed in cases where they were treated unfairly. For example, the United States Eleventh Circuit Court of Appeals ruled that a poultry grower operation failed to prove how its case involving an unfair termination of its contract adversely affected competition. The court indicated that the grower had to prove that their unfair treatment affected competition in the relevant market. That is very difficult to prove and was never the intent of the Packers and Stockyards Act.

This legislation also makes modifications to the Packers and Stockyards Act so that poultry growers have the same enforcement protections by USDA as livestock. Currently, it is unlawful for a livestock packer or live poultry dealer to engage in any unfair, unjustly discriminatory or deceptive practice, but USDA does not have the authority to enforce and correct such problems because the enforcement section of the law is absent of any reference to poultry. This important statutory change is long overdue. In addition, to better reflect the integrated nature of the poultry industry, this legislation also ensures that protections under the law extend to all poultry growers, such as breeder hen and pullet operations, not just those who raise broilers.

The Agricultural Fair Practices Act of 1967 was passed by Congress to ensure that producers are allowed to join together as an association to strengthen their position in the marketplace without being discriminated against by handlers. Unfortunately, this Act was passed with a clause that essentially abolishes the actual intent of the law. The Act states that "nothing in this Act shall prevent handlers and producers from selecting their customers" and it also states that it does not "require a handler to deal with an association of producers." This clause in effect allows handlers to think of any reason possible under the sun not to do business with certain producers, as long as the stated reason is not because they belong to an association. Currently, the Agricultural Fair Practices Act focuses on the right of producers to join together without discrimination for having done so.

I propose to expand the Agricultural Fair Practices Act to provide new needed protections for agricultural contracts. As I have mentioned earlier, consolidation in all sectors of agriculture is reducing the number of buyers of commodities and for the very few who are left, many require contracts to conduct business. Some producers have little or no choice but to contract with a firm with questionable practices or face leaving the industry they have known for their whole lives.

This amendment to the Agricultural Fair Practices Act requires that contracts be spelled out in clear language what is required by the producer. This legislation prohibits confidentiality clauses by giving producers the ability to share it with family members or a lawyer to help them make an informed decision on whether or not to sign it. It prevents companies from prematurely terminating contracts without notice when producers have made large capital investments as a condition of signing the contract. And it only allows mandatory arbitration after a dispute arises and both parties agree to it in writing. Producers should not be forced to sign contracts with arbitration clauses thereby preventing them from seeking legal remedy in the courts.

History is repeating itself—in fact consolidation in the industry is even worse today. Producers deserve to have a fair and evenhanded market in which to conduct business. They should not be at the mercy of unfair and heavily consolidated markets that spurred Congress to enact legislative reforms, such as the Packers and Stockyards Act, years ago. This legislation won't be able to turn back the clock, but it will strengthen laws and enforcement of them so that markets operate more fairly.

By Mr. SPECTER (for himself, Mr. BYRD, Mr. COCHRAN, Mr. HARKIN, Mr. INOUYE, Mr. KENNEDY, and Mr. SANTORUM):

S. 2308. A bill to amend the Federal Mine Safety and Health Act of 1977 to improve mine safety, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, today, I am introducing legislation to overhaul the Mine Safety and Health Act to make this Nation's mines the safest in the world. The recent events at the Sago mine in Tallmansville and the Alma Mine in Mellville, WV, and the death of a miner of Pikeville, KY, demonstrates that improvements need to be made in all areas of mine safety. The West Virginia disasters remind us of the one at the Pennsylvania Quecreek mine where on July 24, 2002, a mining machine broke through an abandoned section of the mine, unleashing 60 million gallons of groundwater and trapping 9 miners. Some 78 hours after the accident, all 9 miners were pulled safely from the mine. Unfortunately, the 12 men at the Sago mine were not as lucky.

A recent article in the Pittsburgh Post Gazette stated: "The rest of the world will move on. In the weeks and months to come, there will be other disasters, other wars, other political scandals. But for the families of the 12 men who died inside the mine in Tallmansville, WV, for the one who survived, for their relatives and friends, for the investigators searching for the cause of the mine explosion, for the people of these coal-rich hills 100 miles south of Pittsburgh, Sago will be a daily litany. Some questions about the January 2 accident may never be answered."

Mining is a dangerous business. There have already been 4 coal mine accidents since the January 2, 2006, Sago disaster. One on January 10, when a miner was killed in Kentucky after a mine roof cave-in, another on January 19, when 2 miners became trapped at the Alma mine in Melville, West Virginia, and two more accidents on February 1, 2006, where a miner was killed at an underground mine when a wall support popped loose, and a second fatality when a bulldozer struck a gas line at a surface mine sparking a fire and killing the operator. Last year, the safest year on record, there were 22 fatalities in underground coal mines, in

20 separate accidents with 4 men killed in my home State of Pennsylvania; 3 in West Virginia; 8 in Kentucky and 7 in other States.

The Sago mine had 208 citations, orders and safeguards issued against it in 2005, with nearly half of these violations cited as "significant and substantial". Eighteen of the violations were cited as "withdrawal orders", which shut down activity in specific areas of the mine until problems were corrected.

While the budget for mine safety and health has increased by 42 percent over the past 10 years, these increases barely keep pace with inflationary costs. This has forced the agency to reduce staffing by 183 positions over that same time period. In FY 2006, the final appropriation was $2.8 million below the budget request and $1.4 million below the FY 2005 appropriation due to the 1 percent across-the-board reduction that was required to stay within the budget resolution ceiling.

I chaired a hearing on January 23, 2006. that included testimony from Federal mining officials and mine safety experts from labor, business, and academia, which resulted in many of the proposals in my legislation.

Specifically, the legislation that I am introducing today amends the Mine Safety and Health Act by requiring: 1. MSHA to release the internal review and accident investigation reports to the House and Senate authorizing and appropriating committees, within 30 days of completing their investigation of a mine disaster. 2. MSHA to publish formal rules for conducting accident investigations and hearing procedures. 3. That fines for a flagrant violation be increased from $60,000 to $500,000; defining that violation as a reckless or repeated failure to make reasonable efforts to eliminate a known violation of a standard that substantially and proximately caused, or reasonably could have been expected to cause death or serious bodily injury; and prohibiting the reduction of penalties by an administrative law judge for any violation termed as "flagrant or habitual". 4. That no fine less than $10,000 can be assessed for a safety violation that could cause serious illness or injury, and no less than $20,000 can be assessed to a habitual violator for a violation that could significantly and substantially contribute to a safety or health hazard. 5. MSHA inspectors to follow-up on all violations no later than 24 hours. 6. MSHA to ensure that the ventilation and roof control plans are reviewed on a quarterly basis. 7. That mining companies be subject to a fine of no less than $100,000 if MSHA officials are not informed of a disaster within 15 minutes of an accident. The MSHA Director may waive the penalty if it is found that failure to give notice was caused by circumstances outside the control of the mine operator. 8. That mine representatives not be present during accident investigation interviews with miners. 9. MSHA to train all mine personnel in the proper usage of wireless devices and do refresher training courses during each calendar year. 10. That rescue teams do training exercises twice a year and conduct emergency rescue drills at operating mines—on a surprise, unannounced basis. 11. That communications between rescue teams be strictly confined between the command center and the team members. 12. MSHA to have a central communications Emergency Call Center—which includes manned telephone operation with all calls answered by a live operator, 24 hours a day, seven days a week. This provision will apply to all types of mining operations. To assist in implementing and operating the Emergency Call Center, MSHA shall—on a quarterly basis—provide the Center with a mine emergency contact list. 13. That wireless Emergency Tracking Devices be made available to each miner by the operator which will enable rescuers to locate miners in case of an accident. 14. That wireless text messaging or other wireless communications devices be made by the operator and shall be worn by underground personnel to enable rescuers or mine operators to communicate with underground personnel. 15. MSHA to place secondary telephone lines in a separate entry in order to increase the likelihood that communications could be maintained between miners and those on the surface in the event of an emergency. 16. That strategically placed oxygen stations be provided to miners with four days of oxygen—in the section of the mine where miners are working. 17. That fines will be increased from $5,500 to $55,000 for operators who fail to correct a violation. 18. That an operator who knowingly exposes workers to situations likely to cause death or serious bodily injury or willfully violates a mandatory health or safety standard will have fines increased from $25,000 to $250,000. 19. That if any person gives advance notice of the mine inspection the fine will be increased from not more than $1,000 to not more than $20,000. 20. That if any person makes a false statement regarding complying with the MSHA Act the fine will be increased from $10,000 to $100,000.

All metal, non-metal and coal mines as defined in section 3 of the Act, shall be subject to a user fee of $100.00 for each penalty assessed, to be collected by MSHA and deposited into its account to augment funding above fiscal year 2006 enacted appropriations, for the following activities: reimburse operators for the costs of training, research and development, rescue teams, safe rooms, and other miner safety supplies and equipment, and supplement MSHA funding of technical support, educational policy and development, and program evaluation and information activities.

These amendments that I have proposed to the Mine Safety and Health Act will improve the conditions in this Nation's mines. The provisions set forth in this legislation will provide increased protections for miners; put in place new equipment and technology to locate miners working underground; increase their oxygen supplies and speed up rescue operations so that the tragedy of the last few months will be not be repeated. I ask that you join me in cosponsoring this legislation.

By Mr. HARKIN:

S. 2309. A bill to amend the Internal Revenue Code of 1986 to modify the definition of agri-biodiesel; to the Committee on Finance.

Mr. HARKIN. Mr. President, I am introducing today a bill of modest scope but of great importance. The legislation would modify the existing Federal biodiesel tax credit in two ways—to make clear that only biodiesel produced from feedstocks listed, such as soy oil, are eligible and also to ensure the credit is available only for fuel of the highest quality.

Biodiesel is a home-grown renewable fuel that helps wean our country off of its oil addiction, creates economic growth and jobs in rural areas while enhancing our environment and public health.

In my State of Iowa, which leads the Nation in biodiesel production, there are three plants in operation and several more coming on-line. Each plant bolsters farm income, provides good jobs to surrounding communities and additional tax revenues to municipalities.

The biodiesel tax credit was enacted into law just a few years ago. It was extended through 2008 in the energy bill. I have been a leading proponent of the tax credit since day one. However, the tax credit has recently subsidized biodiesel production from outside the U.S. While I am certainly not averse to trade, and generally believe that it is a good thing for renewable energy to supplant fossil fuels wherever it comes from, the practice does not enhance domestic energy security, a goal which the President endorsed in his recent State of the Union address.

It would be terribly unfortunate if the Federal Government, which has sought to bolster our domestic energy security and environmental quality through the development of renewable fuels, suddenly found itself unintentionally undermining that goal. Congress intended the biodiesel tax credit to go to support production from a finite set of feedstocks. We are now off-track given how the Internal Revenue Service has been interpreting the law. The agency has improperly determined that biodiesel produced from a variety of feedstocks, even those not listed in statute, are eligible for the credit.

So I have put together a bill, as I said, that is modest in scope. The bill fixes the tax credit language by making biodiesel made from any source not listed in the statute ineligible for the tax credit.

In addition, I have added a performance standard to help ensure that only high-quality biodiesel may receive tax benefits. There have been reports of late that some biodiesel doesn't perform as well as it should in certain situations, and this provision should help address that problem. The performance standard set forth in the bill specifies that only fuel listed with a cloud point of 45 degrees or less is eligible for the credit. Cloud point measures the point at which a fuel such as biodiesel will cloud or gel due to cold temperatures. My understanding is that cloud point is generally recognized as the best quality indicator for satisfactory performance.

The bill as crafted should not interfere in any way with our international trade obligations under the World Trade Organization (WTO) rules since it does not differentiate between oilseeds of U.S. and foreign origin. This view is shared by several trade experts consulted by my staff.

I stand ready to work with my colleagues on the Senate Finance Committee, which has direct jurisdiction over this issue, to move this legislation forward.

In sum, I think this legislation is necessary to promote domestic energy security, ensure appropriate performance, and do so in a way that is compliant with our international trading obligations.

By Mr. WARNER:

S. 2310. A bill to repeal the requirement for 12 operational aircraft carriers within the Navy; to the Committee on Armed Services.

Mr. WARNER. Mr. President, I rise today to introduce an important piece of legislation related to our Navy and National Security.

The Department of Defense has submitted its report to the Congress on the Quadrennial Defense Review for 2005 and, as we are all well aware, in the 4 years since the previous Quadrennial Defense Review.

The global war on terror has dramatically broadened the demands on our naval combat forces. In response, the Navy has implemented fundamental changes to fleet maintenance and deployment practices that have increased total force availability, and it has fielded advances in ship systems, aircraft, and precision weapons that have provided appreciably greater combat power than 4 years ago.

These commendable efforts reflect the superb skills, resolve, and dedication of the men and women of our Armed Forces, as they adapt to the added dimension of international terror while providing for the security of our Nation.

However, we must consider that the Navy is at its smallest size in decades, and the threat of emerging naval powers superimposed upon the Navy's broader mission of maintaining global maritime security, requires that we modernize and expand our Navy.

The longer view dictated by naval force structure planning requires that we invest today to ensure maritime dominance 15 years and further in the future; investment to modernize our aircraft carrier force with 21st century capabilities, to increase our expeditionary capability, to maintain our undersea superiority, and to develop the ability to penetrate the littorals with the same command we possess today in the open seas.

The 2005 Quadrennial Defense Review impresses these critical requirements against the backdrop of the national defense strategy and concludes that the Navy must build a larger fleet. The Navy, in its evaluation of the future threat, has determined that a force level of 313 ships, 32 ships greater than today's operational fleet, is required to maintain decisive maritime superiority.

These findings are in whole agreement with previous concerns raised by Congress as the rate of shipbuilding declined over the past 15 years. Now we must finance this critical modernization, and in doing so we must strike an affordable balance between existing and future force structure.

The centerpiece of the Navy's force structure is the carrier strike group, and the evaluation of current and future aircraft carrier capabilities by the Quadrennial Defense Review has concluded that 11 carrier strike groups provide the decisively superior combat capability required by the national defense strategy. Carefully considering this conclusion, we must weigh the risk of reducing the naval force from 12 to 11 aircraft carriers against the risk of failing to modernize the naval force.

Maintaining 12 aircraft carriers would require extending the service life and continuing to operate the USS *John F. Kennedy* (CV-67). The compelling reality is that today the 38-year-old USS *John F. Kennedy* (CV-67) is not deployable without a significant investment of resources. Recognizing the great complexity and risks inherent to naval aviation, there are real concerns regarding the ability to maintain the *Kennedy* in an operationally safe condition for our sailors at sea. In the final assessment, the costs to extend the service life and to make the necessary investments to deploy this aging aircraft carrier in the future prove prohibitive when measured against the critical need to invest in modernizing the carrier force, the submarine force, and the surface combatant force.

We in the Congress have an obligation to ensure that our brave men and women in uniform are armed with the right capability when and where called upon to perform their mission in defense of freedom around the world. Previously, we have questioned the steady decline in naval force structure, raising concerns with regard to long term impacts on operations, force readiness, and the viability of the industrial base that we rely upon to build our Nation's Navy. Accordingly, I am encouraged by and strongly endorse the Navy's vision for a larger, modernized fleet, sized and shaped to remain the world's dominant seapower through the 21st century.

However, to achieve this expansion while managing limited resources, it is necessary to retire the aging conventional carriers that have served this country for so long. To this end, Mr. President, I offer this legislation which would amend section 5062 of Title 10, United States Code to eliminate the requirement for the naval combat forces of the Navy to include not less than 12 operational aircraft carriers.

By Ms. COLLINS:

S. 2311. A bill to establish a demonstration project to develop a national network of economically sustainable transportation providers and qualified transportation providers, to provide transportation services to older individuals, and individuals who are blind, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, in recent years, we have become increasingly aware of the great challenges facing our Nation as our population ages. While much discussion revolves around health care, social security, and pension systems, there is another daunting challenge that is rarely addressed in a comprehensive way.

I am referring to the challenge of senior transportation.

We Americans love our automobiles. From the time most of us were old enough to drive, we have been behind the wheel. Cars mean freedom—not in some grand philosophical sense—but in the real and practical sense that matters to us in our everyday lives. Having a car, and being able to drive it, means the freedom to go where we want, when we want.

But as we age, we will find it harder and harder to use the freedom given to us by automobiles. Because as we age, our abilities decline, and driving becomes less and less simple. And then the day comes when we wonder whether we should keep driving at all, and if we don't, how we will get about our daily lives.

That day has already come for millions of our senior citizens.

All around the Nation, older Americans are struggling to stay active and independent while their ability to drive themselves declines. A few live in communities with well-developed public transportation services geared to our senior citizens, but most do not. Many seniors drive as long as they can, perhaps longer than they think they should, simply because they feel they have no alternative.

That is why I am today introducing the Older Americans Sustainable Mobility Act of 2006. Despite its rather awkward name, this legislation has a great purpose. It would create a 5-year demonstration project, overseen by the Administration on Aging, to establish a national, nonprofit senior transportation network to help provide some transportation alternatives to our aging population. The goal of this network is to build upon creative, successful models that are already showing how the transportation needs of older Americans can be met in a manner that is economically sustainable.

This last point is important. Senior transportation is a complex and expensive logistical problem. We cannot expect to address this problem by creating a brand new, expansive, Federal Government program that requires the commitment of vast sums year after year in order to succeed. We can't afford that, and that really isn't what older Americans want.

What older Americans want is what most of us have and take for granted—the freedom and mobility that our automobiles provide.

My legislation would build upon models that have demonstrated how senior citizens can stay active and mobile even after they stop driving. One such model is ITNAmerica, which has been operating in my home State of Maine since the mid-1990s and has since branched out to communities across the Nation. ITNAmerica uses private automobiles to provide rides to senior citizens whenever they want, almost like a taxi service. Riders open an account which is automatically charged when the service is used. Riders can get credits for rides through volunteer services, through donations—and this is what I think is most intriguing—by donating their private car to the program after they have decided that they should no longer drive.

Kathy Freund, the founder of ITNAmerica, sees this as a way of taking something people see as a liability, and turning it into an asset. Through Kathy's extraordinary vision and hard work, ITNAmerica has developed a model that works because it allows older Americans to make the transition away from driving themselves without asking them to sacrifice their independence, or to learn at an older age how to navigate public transportation systems that may simply be inappropriate for their needs, or widely unavailable in many parts of the country. They can still be mobile, they can still go where they want and when they want, and they can go by car.

Senior citizens will often keep their vehicles long after they have stopped driving. I am sure you have seen these vehicles in your State as I have in mine. You will see them sitting in driveways—unattended and poorly maintained, sometimes not driven for many months at a time. In this form, these cars are "wasting" assets. But ITNAmerica has found that the value of these cars can be unlocked by allowing seniors to exchange them for rides. That is why my bill calls for the creation of a once-in-a-lifetime tax benefit for seniors who exchange their cars for rides, valued at the amount of the ride-credit they are provided.

One of my senior citizen constituents, June Snow from Falmouth, ME, has been using the system that I described—the ITNAmerica system—since 1995, when her eyesight began to fail. At first, she used the program only to get into the city, Portland, and only after dark, when she found it more difficult to drive. But more recently she has traded her car for rides, and now she depends on the system to go everywhere she needs to go. She finds that the program allows her to get around town, to run errands, and do the things she has to do and wants to do without worrying about whether she will be able to get safely from one place to another. She told me: It's not like riding a bus, where you have to work with their schedules, and they won't stop and help you with your groceries. They won't make you get your feet wet walking through the snow to the bus stop.

But what she loves most is the personal attention she gets from the drivers, most of whom are volunteers. "They help you to the door, and they even carry your bundles and put them in the trunk," she says.

My bill also creates a limited-time matching grant program to help communities establish sustainable transportation alternatives for seniors as part of a national network. Programs that wish to compete for these matching grants must be able to show that they can become self-sustaining after 5 years, and that they can operate after that period without reliance on public funds. So what I am proposing, is that we just provide some seed money as a catalyst, to get these programs going, with the full expectation—indeed the requirement—that they become self-sustaining without any public funds after the initial period. My bill also provides smaller grants to help transportation providers acquire the technology they need to connect to this network, and grants to encourage efforts to get the baby boomers more involved in supporting transportation alternatives in their communities. The total cost of these grant programs would be only $25 million over the full 5 year period. Then the program sunsets, and these wonderful transportation programs that would be created all over the country would be sustainable on their own without public funding.

The challenge of providing transportation alternatives to our Nation's senior citizens is literally growing by the day. The bill I am offering is one step toward a reasonable, practical, solution to this important challenge. I think all of us know of neighbors and family members who reach their senior years and really shouldn't be driving anymore but are very reluctant to give up those car keys because there are simply no workable alternatives for them. This bill would provide those alternatives, and I urge my colleagues to support the legislation.

By Mr. DURBIN:

S. 2312. A bill to require the Secretary of Health and Human Services to change the numerical identifier used to identify Medicare beneficiaries under the Medicare program; to the Committee on Finance.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Number Protection Act of 2006".

SEC. 2. REQUIRING THE SECRETARY OF HEALTH AND HUMAN SERVICES TO CHANGE THE NUMERICAL IDENTIFIER USED TO IDENTIFY MEDICARE BENEFICIARIES UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish and implement procedures to change the numerical identifier used to identify individuals entitled to benefits under part A of title XVIII of the Social Security Act or enrolled under part B of such title so that such an individual's social security account number is not displayed on the identification card issued to the individual under the Medicare program under such title or on any explanation of Medicare benefits mailed to the individual.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

By Mr. DURBIN (for himself and Mr. DAYTON):

S. 2313. A bill to amend title XVII of the Social Security Act to permit medicare beneficiaries enrolled in prescription drug plans and MA–PD plans that change their formalities or increase drug prices to enroll in other plans; to the Committee on Finance.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Drug Honest Pricing Act of 2006".

SEC. 2. PERMITTING MEDICARE BENEFICIARIES ENROLLED IN PRESCRIPTION DRUG PLANS AND MA-PD PLANS THAT CHANGE THEIR FORMULARIES OR INCREASE DRUG PRICES TO ENROLL IN OTHER PLANS.

(a) Special Enrollment Period.—

(1) In general.—Section 1860D-1(b)(3) of the Social Security Act (42 U.S.C. 1395w-101(b)(3)) is amended by adding at the end the following new subparagraphs:

"(F) Enrollment under plans that change their formularies.—In the case of a part D eligible individual who is enrolled in a prescription drug plan that uses a formulary, if the plan removes a covered part D drug from its formulary or changes the preferred or tiered cost-sharing status of such a drug and the individual is adversely affected by such change, there shall be a 60-day special enrollment period for the individual beginning on the date on which the individual receives a notice of such removal or change.

"(G) Enrollment under plans that increase negotiated prices.—In the case of a part D eligible individual who is enrolled in a prescription drug plan in which the negotiated price used for payment for any covered part D drug increases by 10 percent or more from the negotiated price used for payment for the drug as of January 1 of the year (as disclosed to the Secretary pursuant to section 1860D-2(d)(4)(A)).".

(2) Informing beneficiaries of negotiated prices.—Section 1860D-2(d) of the Social Security Act (42 U.S.C. 1395w-102(d)) is amended by adding at the end the following new paragraph:

"(4) Informing beneficiaries of negotiated prices.—

"(A) Requiring plans to disclose negotiated prices to the secretary.—Not later than November 8 of each year (beginning with 2006), each sponsor of a prescription drug plan shall disclose to the Secretary (in a manner specified by the Secretary) the negotiated price used for payment for each covered part D drug covered under the plan that will apply under the plan on January 1 of the subsequent year.

"(B) Secretary to make negotiated prices available on the CMS website.—Not later than November 15 of each year (beginning with 2006), the Secretary shall make information disclosed under subparagraph (A) available to the public through the Internet website of the Centers for Medicare & Medicaid Services.

"(C) Requiring plans to inform beneficiaries of January 1 negotiated price.—Not later than January 10 of each year (beginning with 2007), each sponsor of a prescription drug plan shall appropriately inform (as determined by the Secretary) part D eligible individuals enrolled in the plan for the year of the negotiated price used for payment for each covered part D drug that is covered under the plan that was disclosed to the Secretary under subparagraph (A).".

(b) Regulations.—The Secretary of Health and Human Services shall promulgate regulations to carry out the amendments made by this section.

(c) Effective Date.—The amendments made by subsection (a) shall take effect on January 1, 2007.

By Mr. BURNS:

S. 2315. A bill to amend the Public Health Service Act to establish a federally-supported education and awareness campaign for the prevention of methamphetamine use; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURNS. Mr. President, I rise today to introduce legislation to curb meth use in the United States. We have often been told that an ounce of prevention is worth a pound of cure, but this adage is particularly true with methamphetamine addiction. But the problems associated with meth do not end with a one-time high-they are only just beginning. All too often, we hear horror stories about the change in the brain's chemical composition that results from meth use. There's no guarantee that a meth user's brain will be the same after they use meth just once.

The impact of meth, both emotionally and physically, is significant. The individuals that use meth are also not the only ones harmed by this devastating drug—meth problems manifest themselves in family relationships, place strain on treatment facilities and public health needs, and the community, at large must bear the costs associated with meth, such as drug-endangered children and the remediation of meth labs. The most efficient use of Federal dollars should be directed toward prevention—and that is why I have introduced legislation today.

With consideration of the PATRIOT Act and the inclusion of the Combat Meth Act provisions which I fully support, I strongly believe that an emphasis on prevention is essential, and the discussion today is a topical one. We must change the attitude of the consumer. So long as there is a demand for meth, there will always be willing sellers.

My legislation would allow communities to apply for assistance for any campaign which would have a demonstrated reduction of meth use. A 100 percent match is required of all applicants to ensure that the community organization or local government applying for funds has a stake in the outcome. However, my legislation also recognizes the difficulty this matching requirement may have on rural areas, or Indian reservations, which typically have a high level of meth use, but lack the necessary resources. For these applicants, the match will be cut in half.

I hope my colleagues will join me in helping to prevent this public health crisis called meth from becoming any worse. I have seen the Senate's Anti-Meth Caucus start with six members when I created it last year, and membership now stands at over 30 members. In the Senate, we realize the serious nature and scope of the problem facing our States—now it's time to act.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 2316. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the Outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Energy and Natural Resources.

Mr. MENENDEZ. Mr. President, I rise today with my colleague from New Jersey, Senator LAUTENBERG, to introduce legislation designed to protect our State's coastline from the threat of encroaching oil and gas development. The Clean Ocean and Safe Tourism Anti-Drilling Act, or COAST Anti-Drilling Act, bans oil and gas drilling off the New Jersey shore, and in the entire Atlantic seaboard from Maine to North Carolina.

This bill is necessary because of last week's publication of the Minerals Management Service's, MMS, draft 5-year plan for the Outer Continental Shelf, which proposes to open the waters off the coast of Virginia to oil and gas leasing in 2011. In some places, this means drilling less than 75 miles off the coast of New Jersey. While the MMS may believe you can assign a part of the ocean as belonging to a certain state, oil spills will not respect those boundaries. Seventy-five miles is more than close enough for a spill to affect the New Jersey shore, potentially devastating our beaches and the state's critical tourist economy.

According to the New Jersey Commerce and Economic Growth Commission, tourism is a $22 billion dollar industry in the State, responsible for more than 430,000 jobs, over 10 percent of the total jobs in the State. To risk all of that, and the coastal economies of every State along the Atlantic coast, for what is estimated to be a fairly small potential reserve of oil and gas is simply not worth it.

The MMS recently released new estimates for recoverable oil and gas in the outer continental shelf, and the entire Atlantic seaboard adds up to less than 6 percent of the nation's estimated OCS gas reserves, and less than 3 percent of the oil reserves—barely a 6-month supply. And that's from Maine to Florida, so the area off any individual State will be a small fraction of that.

This is not an issue of trying to lower the price of natural gas, or making the United States more energy independent. This is about protecting New Jersey's environment and economy. This is about protecting the coastline where New Jersey families live, work, and play. I look forward to working with my colleagues from neighboring States, and from States around the country, to ensure that our beaches are protected for generations to come.

By Mr. BAUCUS (for himself, Mr. HATCH, and Ms. STABENOW):

S. 2327. A bill to amend the Trade Act of 1974 to require the United States Trade Representative to identify trade enforcement priorities and to take action with respect to priority foreign country trade practices, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I—along with Senator HATCH and Senator STABENOW—introduce the Trade Competitiveness Act of 2006, a bill that will provide the administration with additional tools, resources, and accountability to enforce international trade agreements.

This bill is the first in a comprehensive package of legislation that I will introduce during the next few weeks to bolster American competitiveness.

The United States is still a world leader in almost every way imaginable. But we need a bold agenda to maintain America's economic leadership and preserve high-wage American jobs here at home.

I just got back from China and India, and that trip only underscored the challenges we face in the global economy. To rise to this challenge, my bills will address trade and all other keystones of America's competitiveness—education, energy, health, savings, research, and tax policy.

But today, we start with international trade. Trade and investment in international markets is a challenge that I have asked U.S. companies to embrace.

I want American companies to get aggressive about getting their products and their people into foreign markets to bolster the U.S. presence around the world and bring jobs and dollars back home.

But when American companies embrace these new market opportunities, they need to know that the American government will back them up. They need to know that we will do all that we can to make sure our trading partners play by the rules.

That is why trade enforcement is critical. And this bill will step up trade enforcement in five ways.

Number one: Under my legislation, every year, the USTR will be required to identify the biggest trade barriers hurting the U.S. economically. The USTR will have to get Congress's input. And the USTR will be required to act, through the WTO or in some other way, to break those barriers down.

Number two: My bill will create a "Chief Trade Enforcement Officer" at the USTR. This person will be confirmed by the Senate. His or her entire job will be to investigate enforcement concerns and recommend action to the USTR. This person will also answer to Congress when it has concerns about enforcement.

Number three: This new Trade Enforcement Officer is going to have some backup. My bill will create a "Trade Enforcement Working Group" in the Executive Branch. It will be chaired by the USTR, and include representatives of the Departments of Commerce, State, Agriculture, and Treasury. They will help the Chief Trade Enforcement Officer get the job done.

Number four: This new Trade Enforcement Officer will need resources to get the job done. My bill provides $5 million additional to the USTR for enforcement. Right now, the President's Fiscal Year 2007 budget effectively cuts enforcement funds.

Number five: This bill will send a strong message to the International Monetary Fund. It will urge our Administration to tell the IMF to get aggressive with countries that manipulate their own currency to obtain a trade advantage. It will also urge the IMF to undertake reforms so it becomes more transparent and more representative of the emerging economies in Asia.

Senator HATCH wanted to make sure that the Federal Government does not lose sight of Federal and State sovereignty when negotiating, implementing, and enforcing trade agreements. That's an important issue to consider, and I'm glad it's in this bill.

The bottom line is that improving enforcement of our trade agreements will allow American companies to play hard and win big in the global marketplace. A level playing field is the foundation of American competitiveness on trade. This bill will help to provide it.

By Mr. DODD (for himself and Mr. WARNER):

S. 2318. A bill to provide driver safety grants to States with graduated driver licensing laws that meet certain minimum requirements; to the Committee on Environment and Public Works.

Mr. DODD. Mr. President, I rise with my colleague from Virginia, Senator WARNER, to introduce the Safe Teen and Novice Driver Uniform Protection, STANDUP, Act of 2006—an important piece of legislation that seeks to protect and ensure the lives of the 20 million teenage drivers in our country.

We all know that the teenage years represent an important formative stage in a person's life. They are a bridge between childhood and adulthood—the transitional and often challenging period during which a person will first gain an inner awareness of his or her identity. The teenage years encompass a time for discovery, a time for growth, and a time for gaining independence—all of which ultimately help boys and girls transition successfully into young men and women.

As we also know, the teenage years also encompass a time for risk-taking. A groundbreaking study published last year by the National Institutes of Health concluded that the frontal lobe region of the brain which inhibits risky behavior is not fully formed until the age of 25. In my view, this important report requires that we approach teenagers' behavior with a new sensitivity. It also requires that we have as a Nation an obligation to steer teenagers towards positive risk-taking that fosters further growth and development and away from negative risk-taking that has an adverse effect on their well-being and the well-being of others.

Unfortunately, we see all too often this negative risk-taking in teenagers when they are behind the wheel of a motor vehicle. We see all too often how this risk-taking needlessly endangers the life of a teenage driver, his or her passengers, and other drivers on the road. And we see all too often the tragic results of this risk-taking when irresponsible and reckless behavior behind the wheel of a motor vehicle causes severe harm and death.

According to the National Highway Traffic Safety Administration, motor vehicle crashes are the leading cause of death for Americans between 15 and 20 years of age. Between 1995 and 2004, 63,851 young Americans between the ages of 15 and 20 died in motor vehicle crashes—an average of 122 teenage deaths a week. Teenage drivers have a fatality rate that is four times higher than the average fatality rate for drivers between 25 and 70 years of age. Teenage drivers who are 16 years of age have a motor vehicle crash rate that is almost ten times the crash rate for drivers between the ages of 30 and 60.

A recent analysis by the American Automobile Association's Foundation for Traffic Safety concluded that teenage drivers comprise slightly more than one-third of all fatalities in motor vehicle crashes in which they are involved, whereas nearly two-thirds of all fatalities in those crashes are other drivers, passengers, and pedestrians.

Finally, the Insurance Institute for Highway Safety concludes that the chance of a crash by a driver either 16 or 17 years of age is doubled if there are two peers in the motor vehicle and quadrupled with three or more peers in the vehicle.

Crashes involving teenage injuries or fatalities are often high-profile tragedies in the area where they occur. However, when taken together, these individual tragedies speak to a national problem clearly illustrated by the staggering statistics I just mentioned. It is a problem that adversely affects teenage drivers, their passengers, and literally everyone else who operates or rides in a motor vehicle. Clearly, more work must be done to design and implement innovative methods that educate our young drivers on the awesome responsibilities that are associated with operating a motor vehicle safely.

One such method involves implementing and enforcing a graduated driver's license system, or a GDL system. Under a typical GDL system, a teenage driver passes through several sequential learning stages before earning the full privileges associated with an unrestricted driver's license. Each learning stage is designed to teach a teenage driver fundamental lessons on driver operations, responsibilities, and safety. Each stage also imposes certain restrictions, such as curfews on nighttime driving and limitations on passengers, that further ensure the safety of the teenage driver, his or her passengers, and other motorists.

First implemented over ten years ago, three-stage GDL systems now exist in 38 States. Furthermore, every State in the country has adopted at least one driving restriction for new teenage drivers. Several studies have concluded that GDL systems and other license restriction measures have been linked to an overall reduction on the number of teenage driver crashes and fatalities. In 1997, in the first full year that its GDL system was in effect, Florida experienced a 9 percent reduction in fatal and injurious motor vehicle crashes among teenage drivers between 15 and 18 years of age. After GDL systems were implemented in Michigan and North Carolina in 1997, the number of motor vehicle crashes involving teenage drivers 16 years of age decreased in each State by 25 percent and 27 percent, respectively. And in California, the numbers of teenage passenger deaths and injuries in crashes involving teenage drivers 16 years of age decreased by 40 percent between 1998 and 2000, the first three years that California's GDL system was in effect. The number of "at- fault" crashes involving teenage drivers decreased by 24 percent during the same period.

These statistics are promising and clearly show that many States are taking an important first step towards addressing this enormous problem concerning teenage driver safety. However, there is currently no uniformity between States with regards to GDL system requirements and other novice driver license restrictions. Some States have very strong initiatives in place that promote safe teenage driving while others have very weak initiatives in place. Given how many teenagers are killed or injured in motor vehicle crashes each year, and given how many other motorists and passengers are killed or injured in motor vehicle crashes involving teenage drivers each year, Senator WARNER and I believe that the time has come for an initiative that sets a national minimum safety standard for teen driving laws while giving each State the flexibility to set additional standards that meet the more specific needs of its teenage driver population. The bill that Senator WARNER and I are introducing today—the STANDUP Act—is such an initiative. There are four principal components of this legislation which I would like to briefly discuss.

First, The STANDUP Act mandates that all States implement a national minimum safety standard for teenage drivers that contains four core requirements recommended by the National Transportation Safety Board. These requirements include implementing a three-stage GDL system, implementing at least some prohibition on nighttime driving, placing a restriction on the number of passengers without adult supervision, and implementing a restriction on the use of electronic communications devices, such as cell phones, during non-emergency situations.

Second, the STANDUP Act directs the Secretary of Transportation to issue voluntary guidelines beyond the three core requirements that encourage States to adopt additional standards that improve the safety of teenage driving. These additional standards may include requiring that the learner's permit and intermediate stages be six months each, requiring at least 30 hours of behind- the-wheel driving for a novice driver in the learner's permit stage in the company of a licensed driver who is over 21 years of age, requiring a novice driver in the learner's permit stage to be accompanied and supervised by a licensed driver 21 years of age or older at all times when the novice driver is operating a motor vehicle, and requiring that the granting of an unrestricted driver's license be delayed automatically to any novice driver in the learner's permit or intermediate stages who commits a motor vehicle offense, such as driving while intoxicated, misrepresenting his or her true age, reckless driving, speeding, or driving without a fastened seatbelt.

Third, the STANDUP Act provides incentive grants to States that come into compliance within three fiscal years. Calculated on a State's annual share of the Highway Trust Fund, these incentive grants could be used for activities such as training law enforcement and relevant State agency personnel in the GDL law or publishing relevant educational materials on the GDL law.

Finally, the STANDUP Act calls for sanctions to be imposed on States that do not come into compliance after three fiscal years. The bill withholds 1.5 percent of a State's Federal highway share after the first fiscal year of non-compliance, three percent after the second fiscal year, and six percent after the third fiscal year. The bill does allow a State to reclaim any withheld funds if that State comes into compliance within two fiscal years after the first fiscal year of non-compliance.

There are those who will say that the STANDUP Act infringes on States' rights. I respectfully disagree. I believe that it is in the national interest to work to protect and ensure the lives and safety of the millions of teenage drivers, their passengers, and other motorists in our country. I also believe that the number of motor vehicle deaths and injuries associated with teenage drivers each year compels us to address this important national issue today and not tomorrow.

The teenage driving provisions within the STANDUP Act are both well-known and popular with the American public. A Harris Poll conducted in 2001 found that 95 percent of Americans support a requirement of 30 to 50 hours of practice driving within an adult. 92 percent of Americans support a six-month learner's permit stage, 74 percent of Americans support limiting the number of teen passengers in a motor vehicle with a teen driver, and 74 percent of Americans also support supervised or restricted driving during high-risk periods such as nighttime. Clearly, these numbers show that teen driving safety is an issue that transcends party politics and is strongly embraced by a solid majority of Americans. Therefore, I ask my colleagues today to join Senator WARNER and myself in protecting the lives of our teenagers and in supporting this important legislation.

I ask unanimous consent that text of this legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe Teen and Novice Driver Uniform Protection Act of 2006" or the "STANDUP Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The National Highway Traffic Safety Administration has reported that—

(A) motor vehicle crashes are the leading cause of death of Americans between 15 and 20 years of age;

(B) between 1995 and 2004, 63,851 Americans between 15 and 20 years of age died in motor vehicle crashes, an average of 122 teenage deaths per week;

(C) teenage drivers between 16 and 20 years of age have a fatality rate that is 4 times the rate for drivers between 25 and 70 years of age; and

(D) teenage drivers who are 16 years of age have a motor vehicle crash rate that is almost ten times the crash rate for drivers aged between 30 and 60 years of age.

(2) According to the American Automobile Association, teenage drivers comprise slightly more than ⅓ of all fatalities in motor vehicle crashes in which they are involved and nearly ⅔ of all fatalities in those crashes are other drivers, passengers, and pedestrians.

(3) According to the Insurance Institute for Highway Safety, the chance of a crash by a 16- or 17-year-old driver is doubled if there are 2 peers in the vehicle and quadrupled with 3 or more peers in the vehicle.

(4) According to the National Highway Traffic Safety Administration, the cognitive distraction caused by hands-free and hand-held cell phones is significant enough to degrade a driver's performance, particularly teenage drivers between 15 and 20 years of age.

(5) Although only 20 percent of driving by teenage drivers occurs at night, more than 50

percent of the motor vehicle crash fatalities involving teenage drivers occur at night.

(6) In 1997, the first full year of its graduated driver licensing system, Florida experienced a 9 percent reduction in fatal and injurious crashes among teenage drivers between the ages of 15 and 18, compared with 1995, according to the Insurance Institute for Highway Safety.

(7) The Journal of the American Medical Association reports that crashes involving 16-year-old drivers decreased between 1995 and 1999 by 25 percent in Michigan and 27 percent in North Carolina. Comprehensive graduated driver licensing systems were implemented in 1997 in these States.

(8) In California, according to the Automobile Club of Southern California, teenage passenger deaths and injuries resulting from crashes involving 16-year-old drivers declined by 40 percent from 1998 to 2000, the first 3 years of California's graduated driver licensing program. The number of at-fault collisions involving 16-year-old drivers decreased by 24 percent during the same period.

(9) The National Transportation Safety Board reports that 39 States and the District of Columbia have implemented 3-stage graduated driver licensing systems. Many States have not yet implemented these and other basic safety features of graduated driver licensing laws to protect the lives of teenage and novice drivers.

(10) A 2001 Harris Poll indicates that—

(A) 95 percent of Americans support a requirement of 30 to 50 hours of practice driving with an adult;

(B) 92 percent of Americans support a 6-month learner's permit period; and

(C) 74 percent of Americans support limiting the number of teenage passengers in a car with a teenage driver and supervised driving during high-risk driving periods, such as night.

SEC. 3. STATE GRADUATED DRIVER LICENSING LAWS.

(a) MINIMUM REQUIREMENTS.—A State is in compliance with this section if the State has a graduated driver licensing law that includes, for novice drivers under the age of 21—

(1) a 3-stage licensing process, including a learner's permit stage and an intermediate stage before granting an unrestricted driver's license;

(2) a prohibition on nighttime driving during the intermediate stage;

(3) a prohibition, during the learner's permit intermediate stages, from operating a motor vehicle with more than 1 non-familial passenger under the age of 21 if there is no licensed driver 21 years of age or older present in the motor vehicle;

(4) a prohibition during the learner's permit and intermediate stages, from using a cellular telephone or any communications device in non-emergency situations; and

(5) any other requirement that the Secretary of Transportation (referred to in this Act as the "Secretary") may require, including—

(A) a learner's permit stage of at least 6 months;

(B) an intermediate stage of at least 6 months;

(C) for novice drivers in the learner's permit stage—

(i) a requirement of at least 30 hours of behind-the-wheel training with a licensed driver who is over 21 years of age; and

(ii) a requirement that any such driver be accompanied and supervised by a licensed driver 21 years of age or older at all times when such driver is operating a motor vehicle; and

(D) a requirement that the grant of full licensure be automatically delayed, in addition to any other penalties imposed by State law for any individual who, while holding a provisional license, convicted of an offense, such as driving while intoxicated, misrepresentation of their true age, reckless driving, unbelted driving, speeding, or other violations, as determined by the Secretary.

(b) RULEMAKING.—After public notice and comment rulemaking the Secretary shall issue regulations necessary to implement this section.

SEC. 4. INCENTIVE GRANTS.

(a) IN GENERAL.—For each of the first 3 fiscal years beginning after the date of enactment of this Act, the Secretary shall award a grant to any State in compliance with section 3(a) on or before the first day of that fiscal year that submits an application under subsection (b).

(b) APPLICATION.—Any State desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a certification by the governor of the State that the State is in compliance with section 3(a).

(c) GRANTS.—For each fiscal year described in subsection (a), amounts appropriated to carry out this section shall be apportioned to each State in compliance with section 3(a) in an amount determined by multiplying—

(1) the amount appropriated to carry out this section for such fiscal year; by

(2) the ratio that the amount of funds apportioned to each such State for such fiscal year under section 402 of title 23, United States Code, bears to the total amount of funds apportioned to all such States for such fiscal year under such section 402.

(d) USE OF FUNDS.—Amounts received under a grant under this section shall be used for—

(1) enforcement and providing training regarding the State graduated driver licensing law to law enforcement personnel and other relevant State agency personnel;

(2) publishing relevant educational materials that pertain directly or indirectly to the State graduated driver licensing law; and

(3) other administrative activities that the Secretary considers relevant to the State graduated driver licensing law.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $25,000,000 for each of the fiscal years 2007 through 2009 to carry out this section.

SEC. 5. WITHHOLDING OF FUNDS FOR NON-COMPLIANCE.

(a) IN GENERAL.—

(1) FISCAL YEAR 2010.—The Secretary shall withhold 1.5 percent of the amount otherwise required to be apportioned to any State for fiscal year 2010 under each of the paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if that State is not in compliance with section 3(a) of this Act on October 1, 2009.

(2) FISCAL YEAR 2011.—The Secretary shall withhold 3 percent of the amount otherwise required to be apportioned to any State for fiscal year 2011 under each of the paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if that State is not in compliance with section 3(a) of this Act on October 1, 2010.

(3) FISCAL YEAR 2012 AND THEREAFTER.—The Secretary shall withhold 6 percent of the amount otherwise required to be apportioned to any State for each fiscal year beginning with fiscal year 2012 under each of the paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if that State is not in compliance with section 3(a) of this Act on the first day of such fiscal year.

(b) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

(1) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2011.—Any amount withheld from any State under subsection (a) on or before September 30, 2011, shall remain available for distribution to the State under subsection (c) until the end of the third fiscal year following the fiscal year for which such amount is appropriated.

(2) FUNDS WITHHELD AFTER SEPTEMBER 30, 2011.—Any amount withheld under subsection (a)(2) from any State after September 30, 2011, may not be distributed to the State.

(c) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—

(1) IN GENERAL.—If, before the last day of the period for which funds withheld under subsection (a) are to remain available to a State under subsection (b), the State comes into compliance with section 3(a), the Secretary shall, on the first day on which the State comes into compliance, distribute to the State any amounts withheld under subsection (a) that remains available for apportionment to the State.

(2) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any amount distributed under paragraph (1) shall remain available for expenditure by the State until the end of the third fiscal year for which the funds are so apportioned. Any amount not expended by the State by the end of such period shall revert back to the Treasury of the United States.

(3) EFFECT OF NON-COMPLIANCE.—If a State is not in compliance with section 3(a) at the end of the period for which any amount withheld under subsection (a) remains available for distribution to the State under subsection (b), such amount shall revert back to the Treasury of the United States.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 373—EXPRESSING THE SENSE OF THE SENATE THAT THE SENATE SHOULD CONTINUE TO SUPPORT THE NATIONAL DOMESTIC VIOLENCE HOTLINE, A CRITICAL NATIONAL RESOURCE THAT SAVES LIVES EACH DAY, AND COMMEMORATE ITS 10TH ANNIVERSARY

Mr. BIDEN (for himself, Mr. CORNYN, Mrs. HUTCHISON, Mr. KENNEDY, Mr. LEAHY, Mr. HATCH, and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 373

Whereas 2006 marks the 10th year that the Hotline has been answering calls and saving lives;

Whereas, 10 years ago this month, the Hotline answered its first call;

Whereas the Hotline is a project of the Texas Council on Family Violence headquartered in Austin, Texas, and provides crisis intervention, information, and referral to victims of domestic violence, their friends, and their families;

Whereas the Hotline operates 24 hours a day and 365 days a year;

Whereas the Hotline provides its users with anonymous assistance in more than 140 different languages, and a telecommunications device for the deaf, deaf-blind, and hard of hearing;

Whereas the Hotline was created by Congress in the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1902);

Whereas Congress continues its commitment to families of the United States by strengthening and renewing this important legislation in 2000 and most recently in December, 2005;

Whereas, since taking its first call in 1996, the Hotline has answered over 1,500,000 calls;

Whereas, since its inception, the Hotline has become a vital link to safety for victims of domestic violence and their families;

Whereas today, Hotline advocates answer as many as 600 calls per day and an average of 16,500 calls per month from women, men, and children from across the United States;

Whereas, as public awareness grows about domestic violence, the Hotline has seen a significant increase in call volume, with calls to the Hotline increasing by 200 percent over the last 10 years;

Whereas, because no victim should ever get a busy signal, the Hotline recently unveiled cutting edge technology that will allow more victims to connect to life saving services; and

Whereas the 10th anniversary of the Hotline marks a true partnership between the Federal Government and private businesses as each has come together in a collaborative effort to save lives: Now, therefore, be it

Resolved, That the Senate should—

(1) continue to support the National Domestic Violence Hotline; and

(2) commemorate the 10th anniversary of this critical national resource that saves lives each day.

Mr. BIDEN. Mr. President, I rise today with my colleagues Senators CORNYN, HUTCHISON, HATCH, SPECTER, LEAHY and KENNEDY to submit a Resolution commemorating the 10th anniversary of a critical American resource—the National Domestic Violence Hotline. Operating 24 hours a day, 365 days every year, in more than 140 different languages, with a TTY line available for the deaf, the Hotline offers confidential and anonymous help for victims of domestic violence, their families and friends.

Located in Austin, TX, the National Domestic Violence Hotline was created in the Violence Against Women Act of 1994. As I began to draft that Act over 15 years ago, I held many Congressional hearings and listened to hours of testimony from experts about how to craft an effective, coordinated community response to battering. One of the realities that was raised over and over in those hearings was how very difficult it was, and still is, for a battered woman to admit the abuse. It was, and still is, very difficult for a battered woman to report the abuse to the police or local prosecutor. In the Violence Against Women Act we created a safe haven—a place to talk about the abuse that offered lots of solutions and total anonymity, the National Domestic Violence Hotline.

On February 21, 1996, the Hotline answered its first call, and since then has received over 1.5 million calls. Today, Hotline advocates answer as many as 600 calls per day and an average of 16,500 calls per month from women, men and children across the nation. These are real lives that have been dramatically changed by their first call to the National Domestic Violence Hotline. Over 60 percent of the Hotline callers report that this is their very first attempt to deal with the abuse—they hadn't told a friend yet, or reported it to the police.

Each day Hotline advocates listen and respond to heart-wrenching pleas for help and information, and each day they offer their callers hope and help. I am pleased that the Senate can recognize their hard work with today's Senate Resolution commemorating its 10th anniversary. It is but a small token of this body's gratitude for the National Domestic Violence Hotline.

SENATE RESOLUTION 374—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN UNITED STATES OF AMERICA v. DAVID HOSSEIN SAFAVIAN

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 374

Whereas, in the case of *United States of America* v. *David Hossein Safavian*, Crim. No. 05–370, pending in the United States District Court for the District of Columbia, testimony and documents have been requested from Bryan D. Parker, an employee on the staff of the Committee on Indian Affairs;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved that Bryan D. Parker, and any other employee of the Committee on Indian Affairs from whom testimony or the production of documents may be required, are authorized to testify and produce documents in the case of United States of America v. David Hossein Safavian, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Bryan D. Parker, and any other Members, officers, or employees of the Senate, in connection with the testimony and document production authorized in section one of this resolution.

SENATE RESOLUTION 375—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN STATE OF NEW HAMPSHIRE v. WILLIAM THOMAS, KETA C. JONES, JOHN FRANCIS BOPP, MICHAEL S. FRANKLIN, DAVID VAN STREIN, GUY CHICHESTER, JAMILLA EL-SHAFEI, AND ANN ISENBERG

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 375

Whereas, in the cases of State of New Hampshire v. William Thomas (C–05–49153–AR), Keta C. Jones (C–05–49153–A–AR), John Francis Bopp (C–05–49153–B–AR), Michael S. Franklin (C–05–49153–C–AR), David Van Strein (C–05–49153–D–AR), Guy Chichester (C–05–49153–E–AR), Jamilla El-Shafei (C–05–49153–F–AR), and Ann Isenberg (C–05–49153–G–AR), pending in Concord District Court, New Hampshire, testimony has been requested from Carol Carpenter, an employee in the office of Senator Judd Gregg;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent an employee of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Carol Carpenter and other employees of Senator Gregg's office from whom testimony may be required are authorized to testify in the cases of State of New Hampshire v. William Thomas, Keta C. Jones, John Francis Bopp, Michael S. Franklin, David Van Strein, Guy Chichester, Jamilla El-Shafei, and Ann Isenberg, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Carol Carpenter and other employees of Senator Gregg's office in connection with the testimony authorized in section one of this resolution.

SENATE RESOLUTION 376—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF KEYTER v. McCAIN, ET AL.

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 376

Whereas, pursuant to Senate Resolution 213, 109th Congress, the Senate Legal Counsel is currently representing Senators John McCain and Jon Kyl in the case of Keyter v. McCain, et al., filed in the United States District Court for the District of Arizona, Civ. No. 05–1923–PHX–DGC;

Whereas, the plaintiff filed an amended complaint naming Senators Bill Frist, Joseph I. Lieberman, Mitch McConnell, Rick Santorum, and Ted Stevens as additional defendants in the action;

Whereas the District Court dismissed the action for lack of jurisdiction and for failure to state a claim upon which relief may be granted;

Whereas the plaintiff has appealed the dismissal of the action to the United States Court of Appeals for the Ninth Circuit; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senators Bill Frist, Joseph I. Lieberman, Mitch McConnell, Rick Santorum, and Ted Stevens in the case of Keyter v. McCain, et al.

SENATE RESOLUTION 377—HONORING THE LIFE OF DR. NORMAN SHUMWAY AND EXPRESSING THE CONDOLENCES OF THE SENATE ON HIS PASSING

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 377

Whereas Norman Shumway was an inspirational leader and medical pioneer;

Whereas Dr. Norman Shumway performed the first successful heart transplant in the United States, and was considered the father of heart transplantation in America;

Whereas Dr. Norman Shumway's seminal work with Dr Richard Lower at Stanford Medical Center set in motion the longest and most successful clinical cardiac transplant program in the world,;

Whereas Dr. Norman Shumway co-edited a definitive book on thoracic organ transplantation along with his daughter who is also a cardiac surgeon;

Whereas Dr. Norman Shumway continued to research the medical complexities of heart transplants when many were abandoning the procedure because of poor outcomes due to rejection;

Whereas Dr. Norman Shumway trained hundreds of surgeons who have gone on to lead academic and clinical cardiac surgical programs around the world;

Whereas Dr. Norman Shumway served our country in the United States Army from 1943 to 1946, and in the United States Air Force from 1951 to 1953;

Whereas Dr. Norman Shumway earned his medical degree from Vanderbilt University in 1949, and his doctorate from the University of Minnesota in 1956;

Whereas Dr. Norman Shumway was awarded with numerous honorary degrees by his peers, including the American Medical Association's Scientific Achievement Award and the Lifetime Achievement Award of the International Society for Heart and Lung Transplantation;

Whereas Dr. Norman Shumway is survived by his son, Michael, and three daughters, Amy, Lisa and Sara, and his former wife, Mary Lou; and

Whereas Dr. Norman Shumway has left a legacy of life around the world thanks to his tireless work of understanding and perfecting heart transplantation: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of Dr. Norman Shumway;

(2) recognizes his contribution to medical science and discovery;

(3) expresses its sympathies to the family of Dr. Norman Shumway; and

(4) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Dr. Norman Shumway.

SENATE RESOLUTION 378—DESIGNATING FEBRUARY 25, 2006, "NATIONAL MPS AWARENESS DAY"

Mr. GRAHAM (for himself, Mr. CHAMBLISS, Mr. FEINGOLD, Mr. KOHL, Mrs. MURRAY, Ms. COLLINS, Ms. SNOWE, Ms. MURKOWSKI, Mrs. FEINSTEIN, Mr. BROWNBACK, Mrs. DOLE, Mr. JEFFORDS, and Mr. SPECTER) submitted the following resolution; which was considered and agreed to:

S. RES. 378

Whereas Mucopolysaccharidosis (referred to in this preamble as "MPS") is a genetically determined lysosomal storage disorder that renders the human body incapable of producing certain enzymes needed to breakdown complex carbohydrates;

Whereas complex carbohydrates are then stored in almost every cell in the body and progressively cause damage to those cells;

Whereas the cell damage adversely affects the human body by damaging the heart, respiratory system, bones, internal organs, and central nervous system;

Whereas the cellular damage caused by MPS often results in mental retardation, short stature, corneal damage, joint stiffness, loss of mobility, speech and hearing impairment, heart disease, hyperactivity, chronic respiratory problems, and, most importantly, a drastically shortened life span;

Whereas the nature of the disorder is usually not apparent at birth;

Whereas without treatment, the life expectancy of an individual afflicted with MPS begins to decrease at a very early stage in the life of the individual;

Whereas recent research developments have resulted in the creation of limited treatments for some MPS disorders;

Whereas promising advancements in the pursuit of treatments for additional MPS disorders are underway;

Whereas, despite the creation of newly developed remedies, the blood brain barrier continues to be a significant impediment to effectively treating the brain, thereby preventing the treatment of many of the symptoms of MPS;

Whereas treatments for MPS will be greatly enhanced with continued public funding;

Whereas the quality of life for individuals afflicted with MPS, and the treatments available to them, will be enhanced through the development of early detection techniques and early intervention;

Whereas treatments and research advancements for MPS are limited by a lack of awareness about MPS disorders;

Whereas the lack of awareness about MPS disorders extends to those within the medical community;

Whereas the damage that is caused by MPS makes it a model for many other degenerative genetic disorders;

Whereas the development of effective therapies and a potential cure for MPS disorders can be accomplished by increased awareness, research, data collection, and information distribution;

Whereas the Senate is an institution than can raise public awareness about MPS; and

Whereas the Senate is also an institution that can assist in encouraging and facilitating increased public and private sector research for early diagnosis and treatments of MPS disorders: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 25, 2006, as "National MPS Awareness Day"; and

(2) supports the goals and ideals of "National MPS Awareness Day".

SENATE RESOLUTION 379—RECOGNIZING THE CREATION OF THE NASCAR-HISTORICALLY BLACK COLLEGES AND UNIVERSITIES CONSORTIUM

Mr. SANTORUM (for himself, Mr. NELSON of Florida, Mr. BURR, Mrs. DOLE, and Mr. ALLEN) submitted the following resolution; which was considered and agreed to:

S. RES. 379

Whereas the Bureau of Labor Statistics reports that, while there are 1,300,000 automotive technicians currently employed, industry figures confirm that an additional 50,000 technicians are needed to fill open positions each year;

Whereas the National Automotive Dealers Association reports that 57 percent of the operating profit of automotive dealers is generated by the parts and service departments of automotive dealers;

Whereas the findings of the National Automotive Dealers Association reveal that dealers consider it difficult to locate qualified technicians;

Whereas 42 percent of all dealer technicians have been engaged in that line of work for less than 1 year;

Whereas the National Association for Stock Car Auto Racing, Inc. (referred to in this preamble as "NASCAR"), the NASCAR Universal Technical Institute, and a collaboration of Historically Black Colleges and Universities (referred to in this preamble as "HBCUs") have agreed to create a consortium to increase the number of quality job opportunities available to African American students in key racing and other related automotive business activities, including automotive engineering and technology, automotive safety, sports marketing, and other automotive industry areas;

Whereas the NASCAR-HBCUs Consortium is establishing a formal plan to increase the number of quality job opportunities available to African American students within NASCAR in key racing and other related automotive business activities through the NASCAR Universal Training Institute and the NASCAR Diversity Internship Program;

Whereas NASCAR has agreed to enhance their identification of employment opportunities, including internships, full time jobs, entry level management positions, part-time jobs for college students, and post-graduate job placement for students pursuing undergraduate and graduate degrees at partner HBCUs;

Whereas the NASCAR-HBCUs Consortium has developed a program to increase the awareness, access, and participation of African American students in the NASCAR Universal Training Institute and NASCAR Diversity Internship Program for the racing and other related automotive industries; and

Whereas the NASCAR-HBCUs Consortium will seek opportunities to establish and enhance the funding of targeted job development activities by partner HBCUs, and generate support for the HBCUs in their efforts to enhance curriculum development in sports marketing, finance, human resource management, and other automotive industry areas: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the National Association for Stock Car Auto Racing, Inc. (referred to in this resolution as "NASCAR"), the NASCAR Universal Technical Institute, and a collaboration of Historically Black Colleges and Universities (referred to in this resolution as "HBCUs"), for their creation of a consortium to increase the number of quality job opportunities available to African American students in key racing and other related automotive business activities;

(2) commends HBCUs, including Alabama A&M University, Alabama State University, Bethune Cookman College, Howard University, North Carolina A&T University, Talladega College, and Winston-Salem State University, for their efforts to increase the number of quality job opportunities available to African American students in key racing and other related automotive business activities; and

(3) encourages the Departments of Education and Labor and other appropriate agencies of the Federal Government to provide suitable assistance and support to ensure the success of that effort.

SENATE RESOLUTION 380—CELEBRATING BLACK HISTORY MONTH

Mr. ALEXANDER (for himself, Mr. COLEMAN, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. DOMENICI, Mr. GRAHAM, Mr. JOHNSON, Ms. LANDRIEU, Mr. LEVIN, Mr. PRYOR, Mr. SANTORUM, Mr. HAGEL, Mr. DURBIN, Mrs. LINCOLN, Mr. FEINSTEIN, Mr. KENNEDY, Mr. DEMINT, Mr. STEVENS, Mr. LAUTENBERG, Mrs. DOLE, Mr. REID, Ms. CANTWELL, Mr. MCCONNELL, Mr. ALLARD, Mr. TALENT, Mr. ALLEN, Mr. MENENDEZ, Mr. NELSON of Florida, Ms. STABENOW, Mr. BUNNING, Mr. DEWINE, Mr. OBAMA, Ms. SNOWE, Mr. ISAKSON, Mr. KOHL, and Mr. FRIST) submitted the following resolution; which was considered and agreed to:

S. RES. 380

Whereas the first African Americans were brought forcibly to the shores of America as early as the 17th century;

Whereas African Americans were enslaved in the United States and subsequently faced the injustices of lynch mobs, segregation, and denial of basic, fundamental rights;

Whereas in spite of these injustices, African Americans have made significant contributions to the economic, educational, political, artistic, literary, scientific, and technological advancements of the United States;

Whereas in the face of these injustices, United States citizens of all races distinguished themselves in their commitment to the ideals on which the United States was founded, and fought for the rights of African Americans;

Whereas the greatness of the United States is reflected in the contributions of African Americans in all walks of life throughout the history of the United States, including through—

(1) the writings of Booker T. Washington, James Baldwin, Ralph Ellison, and Alex Haley;

(2) the music of Mahalia Jackson, Billie Holiday, and Duke Ellington;

(3) the resolve of athletes such as Jackie Robinson, Jesse Owens, and Muhammed Ali;

(4) the vision of leaders such as Frederick Douglass, Thurgood Marshall, and Martin Luther King, Jr.; and

(5) the bravery of those who stood on the front lines in the battle against oppression, such as Sojourner Truth and Rosa Parks;

Whereas the United States of America was conceived, as stated in the Declaration of Independence, as a new country dedicated to the proposition that "all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness";

Whereas United States citizens of all races demonstrate their commitment to that proposition through actions such as those of—

(1) Allan Pinkerton, Thomas Garrett, and the Rev. John Rankin, who served as conductors in the Underground Railroad;

(2) Harriet Beecher Stowe, who shined a light on the injustices of slavery;

(3) President Abraham Lincoln, who issued the Emancipation Proclamation, and Senator Lyman Trumbull, who introduced the 13th Amendment to the Constitution of the United States;

(4) President Lyndon B. Johnson, Chief Justice Earl Warren, Senator Mike Mansfield, and Senator Hubert Humphrey, who fought to end segregation and the denial of civil rights to African Americans; and

(5) Americans of all races who marched side-by-side with African Americans during the civil rights movement;

Whereas, since its founding, the United States has been an imperfect work in making progress towards those noble goals;

Whereas the history of the United States is the story of a people regularly affirming high ideals, striving to reach them but often failing, and then struggling to come to terms with the disappointment of that failure before recommitting themselves to trying again;

Whereas, from the beginning of our Nation, the most conspicuous and persistent failure of United States citizens to reach those noble goals has been the enslavement of African Americans and the resulting racism;

Whereas the crime of lynching succeeded slavery as the ultimate expression of racism in the United States following Reconstruction;

Whereas the Federal Government failed to put an end to slavery until the ratification of the 13th Amendment in 1865, repeatedly failed to enact a Federal anti-lynching law, and still struggles to deal with the evils of racism; and

Whereas the fact that 61 percent of African American 4th graders read at a below basic level and only 16 percent of native born African Americans have earned a Bachelor's degree, 50 percent of all new HIV cases are reported in African Americans, and the leading cause of death for African American males ages 15 to 34 is homicide, demonstrates that the United States continues to struggle to reach the high ideal of equal opportunity for all citizens of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the tragedies of slavery, lynching, and segregation, and condemns them as an infringement on human liberty and equal opportunity so that they will stand forever as a reminder of what can happen when the citizens of the United States fail to live up to their noble goals;

(2) honors those United States citizens who—

(A) risked their lives during the time of slavery, lynching, and segregation in the Underground Railroad and in other efforts to assist fugitive slaves and other African Americans who might have been targets and victims of lynch mobs; and

(B) those who have stood beside African Americans in the fight for equal opportunity that continues to this day;

(3) reaffirms its commitment to the founding principles of the United States of America that "all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness";

(4) commits itself to addressing those situations in which the African American community struggles with disparities in education, health care, and other areas where the Federal Government can help improve conditions for all citizens of the United States; and

(5) calls on the citizens of the United States to observe Black History Month with appropriate programs, ceremonies, and activities.

SENATE RESOLUTION 381—DESIGNATING MARCH 1, 2006, AS NATIONAL SIBLING CONNECTION DAY

Mr. SALAZAR (for himself, Mr. ENSIGN, Ms. LANDRIEU, Mr. AKAKA, Mr. JOHNSON, Mr. KERRY, and Ms. CLINTON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 381

Whereas sibling relationships are among the longest lasting and most significant relationships in life;

Whereas brothers and sisters share history, memories, and traditions that bind them together as family;

Whereas it is estimated that over 65 percent of children in foster care have siblings, and are often separated when they are placed in the foster care system, adopted, or confronted with different kinship placements;

Whereas children in foster care have a greater risk of emotional disturbance, difficulties in school, and problems with relationships than their peers;

Whereas the separation of siblings as children causes additional grief and loss;

Whereas organizations and private volunteers advocate for the preservation of sibling relationships in foster care settings and provide siblings in foster care with the opportunity to reunite;

Whereas Camp to Belong, a nonprofit organization founded in 1995 by Lynn Price, heightens public awareness of the need to preserve sibling relationships in foster care settings and gives siblings in foster care the opportunity to reunite; and

Whereas Camp to Belong has reunited over 2,000 separated siblings across the United States, the United States Virgin Islands, and Canada: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 1, 2006, as "Siblings Connection Day";

(2) encourages the people of the United States to celebrate sibling relationships on this day; and

(3) supports efforts to respect and preserve those sibling relationships that are at risk of being disrupted due to the placement of children into the foster care system.

SENATE RESOLUTION 81—RECOGNIZING AND HONORING THE 150TH ANNIVERSARY OF THE FOUNDING OF THE SIGMA ALPHA EPSILON FRATERNITY

Mr. ISAKSON submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 81

Whereas the Sigma Alpha Epsilon Fraternity was founded on March 9, 1856, by 8 young men at the University of Alabama in Tuscaloosa, Alabama, in order to establish a band of brothers;

Whereas the founders of the fraternity believed in promoting the intellectual, moral, and spiritual welfare of their members;

Whereas the mission of the Sigma Alpha Epsilon Fraternity is to promote the highest standards of friendship, scholarship, and service for its members;

Whereas the Sigma Alpha Epsilon Fraternity adheres to its creed known as "The True Gentleman" and lives up to its ideals and aspirations for conduct with fellow man;

Whereas, for 150 years, the Sigma Alpha Epsilon Fraternity has played an integral role in the positive development of the character and education of more than 280,000 men;

Whereas the brothers of Sigma Alpha Epsilon, being from different backgrounds, ethnic groups, and temperaments, have shared countless friendships and a common belief in the founding ideals of the fraternity;

Whereas tens of thousands of Sigma Alpha Epsilon men have served our nation's military and hundreds have given the ultimate sacrifice for our freedom;

Whereas alumni from Sigma Alpha Epsilon serve as leaders in their respective fields, including government, business, entertainment, science, and higher education;

Whereas the Sigma Alpha Epsilon Fraternity has 190,000 living alumni from as many as 290 chapters at colleges and universities in 49 states and Canada, making it the largest social fraternity in the world; and

Whereas Sigma Alpha Epsilon continues to enrich the lives of its members who, in turn, give back to their families, communities, and other service groups: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes and honors the 150th anniversary of the founding of the Sigma Alpha Epsilon Fraternity;

(2) commends its founding fathers and all Sigma Alpha Epsilon brothers, past and present, for their bond of friendship, common ideals and beliefs, and service to community; and

(3) expresses its best wishes to this most respected and cherished of national fraternities for continued success and growth.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2891. Mr. FEINGOLD (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2271, to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes; which was ordered to lie on the table.

SA 2892. Mr. FEINGOLD (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2271, supra; which was ordered to lie on the table.

SA 2893. Mr. FEINGOLD (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2271, supra; which was ordered to lie on the table.

SA 2894. Mr. FEINGOLD (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2271, supra; which was ordered to lie on the table.

SA 2895. Mr. FRIST proposed an amendment to the bill S. 2271, supra.

SA 2896. Mr. FRIST proposed an amendment to amendment SA 2895 proposed by Mr. FRIST to the bill S. 2271, supra.

SA 2897. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2271, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2891. Mr. FEINGOLD (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2271, to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, after line 11, add the following:

SEC. 6. NATIONAL SECURITY LETTER SUNSET.

Section 102(b) of the applicable Act is amended to read as follows:

"(b) SECTIONS 206, 215, AND 505 SUNSET.—

"(1) IN GENERAL.—Effective December 31, 2009, the following provisions are amended so that they read as they read on October 25, 2001:

"(A) Sections 105(c)(2), 501, and 502 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1802(c)(2), 1861, 1862).

"(B) Section 2709 of title 18, United States Code.

"(C) Sections 636 and 637 of the Fair Credit Reporting Act (15 U.S.C. 1681u, 1681v).

"(D) Section 1114(a)(5) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(5)).

"(2) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in paragraph (1) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect.".

SA 2892. Mr. FEINGOLD (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2271, to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, after line 11, add the following:

SEC. 6. FACTUAL BASIS FOR REQUESTED ORDER.

Section 501(b)(2)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)(A)), as amended by the applicable Act, is amended to read as follows:

"(A) a statement of facts showing that there are reasonable grounds to believe that the records or other things sought—

"(i) are relevant to an authorized investigation conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

"(ii) either—

"(I) pertain to a foreign power or an agent of a foreign power;

"(II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

"(III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and".

SA 2893. Mr. FEINGOLD (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2271, to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike line 9 and all that follows through page 6, line 2 and insert the following:

SEC. 3. JUDICIAL REVIEW OF FISA ORDERS AND NATIONAL SECURITY LETTERS.

(a) FISA.—Section 501(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861), as amended by the applicable Act, is amended by striking paragraphs (1) and (2) and inserting the following:

"(1)(A) A person receiving an order to produce any tangible thing under this section may challenge the legality of that order, including any prohibition on disclosure, by filing a petition with the pool established by section 103(e)(1).

"(B) The presiding judge shall immediately assign a petition submitted under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1).

"(C)(i) Not later than 72 hours after the assignment of a petition under subparagraph (B), the assigned judge shall conduct an initial review of the petition.

"(ii) If the assigned judge determines under clause (i) that—

"(I) the petition is frivolous, the assigned judge shall immediately deny the petition and affirm the order; and

"(II) the petition is not frivolous, the assigned judge shall promptly consider the petition in accordance with the procedures established pursuant to section 103(e)(2).

"(D) The assigned judge may modify or set aside the order only if the judge finds that the order does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the order, the judge shall immediately affirm the order and order the recipient to comply therewith. The assigned judge shall promptly provide a written statement for the record of the reasons for any determination under this paragraph.

"(2) A petition for review of a decision to affirm, modify, or set aside an order, including any prohibition on disclosure, by the United States or any person receiving such order shall be to the court of review established under section 103(b), which shall have jurisdiction to consider such petitions. The court of review shall provide for the record a written statement of the reasons for its decision and, on petition of the United States or any person receiving such order for writ of certiorari, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.".

(b) JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.—Section 3511(b) of title 18, United States Code, as amended by the applicable Act, is amended—

(1) in paragraph (2), by striking "If, at the time of the petition," and all that follows through the end of the paragraph; and

(2) in paragraph (3), by striking "If the recertification that disclosure may" and all that follows through "made in bad faith.".

SA 2894. Mr. FEINGOLD (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2271, to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, after line 11, add the following:

SEC. 6. LIMITATION ON REASONABLE PERIOD FOR DELAY.

Section 3103a(b)(3) of title 18, United States Code, as amended by the applicable Act, is amended by striking "30 days" and inserting "7 days".

SA 2895. Mr. FRIST proposed an amendment to the bill S. 2271, to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes; as follows:

At the end of the bill add the following: This Act shall become effective 1 day after enactment.

SA 2896. Mr. FRIST proposed an amendment SA 2895 proposed by Mr. FRIST to the bill S. 2271, to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes; as follows:

Strike all after first word and insert: Act shall become effective immediately upon enactment.

SA 2897. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2271, to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, lines 22 through 24, strike "Not less than 1 year after the date of the issuance of the production order, the recipient of" and insert "A person receiving".

On page 4, strike lines 12 through 19.

On page 4, line 20, strike "(iii)" and insert "(ii)".

At the end of the bill, add the following:

SEC. 6. JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS; ELIMINATION OF THE "CONCLUSIVE PRESUMPTION".

Section 3511(b) of title 18, United States Code, as amended by the applicable Act, is amended—

(1) in paragraph (2), by striking the last sentence; and

(2) in paragraph (3), by striking the last sentence.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, March 2, 2006, at 10 a.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to review the proposed Fiscal Year 2007 Department of Interior budget.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Elizabeth Abrams (202–224–0537) or Shannon Ewan (202–224–7555) of the Committee staff.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Tuesday, February 28, 2006, at 9:30 a.m., to mark up an original bill to make the legislative process more transparent.

For further information regarding this hearing, please contact Susan Wells at the Rules and Administration Committee on 224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 16, 2006, at 9:30 a.m., in open session to receive testimony on the priorities and plans for the atomic energy defense activities of the Department of Energy and to review the fiscal year 2007 President's budget request for atomic energy defense activities of the Department of Energy and the National Nuclear Security Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 16, 2006, at 10 a.m. to conduct an oversight hearing on the semi-annual monetary policy report of the Federal Reserve.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 16 at 10 a.m. The purpose of this hearing is to receive testimony regarding S. 2253, to require the Secretary of the Interior to offer certain areas of the 181 areas of the Gulf of Mexico for oil and gas leasing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 16 at 2:30 p.m. The purpose of this hearing is to discuss the Energy Information Administration's 2006 annual energy outlook on trends and issues affecting the United States energy market.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, February 16, 2006, at 10:30 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Administration's Trade Agenda for 2006".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 16, 2006, at 10 a.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, February 16, 2006 at 10 a.m in SD-G50.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, February 16, 2006, at 9:30 a.m. in the Senate Dirksen Building Room 226.

Agenda

I. Nominations: Timothy C. Batten, Sr. to be U.S. District Judge for the Northern District of Georgia; Thomas E. Johnston to be U.S. District Judge for the Southern District of West Virginia; Aida M. Delgado-Colon to be U.S. District Judge for the District of Puerto Rico; Leo Maury Gordon to be a Judge of the United States Court of International Trade; Carol E. Dinkins to be Chairman of the Privacy and Civil Liberties Oversight Board; Alan Charles Raul to be Vice Chairman of the Privacy and Civil Liberties Oversight Board; Paul J. McNulty to be Deputy Attorney General; Steven G. Bradbury to be an Assistant Attorney General for the Office of Legal Counsel; Reginald Lloyd to be U.S. Attorney for the District of South Carolina; Stephen King to be a Member of the Foreign Claims Settlement Commission of the United States.

II. Bills: H.R. 683, Trademark Dilution Revision Act of 2005 Smith—TX; S. 1768, A bill to permit the televising of Supreme Court proceedings Specter, Leahy, Cornyn, Grassley, Schumer, Feingold, Durbin; S. 829, Sunshine in the Courtroom Act of 2005 Grassley, Schumer, Cornyn, Leahy, Feingold, Durbin; Graham, DeWine;

S.___, Comprehensive Immigration Reform [Chairman's Mark]; S. 489, Federal Consent Decree Fairness Act Alexander, Kyl, Cornyn, Graham, Hatch.

III. Matters: S.J. Res. 1, Marriage Protection Amendment Allard, Sessions, Kyl, Hatch, Cornyn, Coburn, Brownback.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, February 16, 2006, for a committee hearing on the Administration's proposed fiscal year 2007 Department of Veterans Affairs budget. The hearing will take place in room 418 of the Russell Senate Office Building at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 16, 2006 at 2:30 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. CRAIG. Mr. President, I ask unanimous consent that the subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 16 at 1:30 p.m.

The purpose of the hearing is to receive testimony on the following bills: S.J. Res. 28, a joint resolution approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower; S. 1870, a bill to clarify the authorities for the use of certain National Park Service properties within Golden Gate National Recreation Area and San Francisco Maritime National Historical Park, and for other purposes; S. 1913, a bill to authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes; S. 1970, a bill to amend the National Trials System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes; H.R. 562, a bill to authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932-1933; and H.R. 318, a bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL OCEAN POLICY STUDY

Mr. CRAIG. Mr. President, I ask unanimous consent that the National Ocean Policy Study be authorized to meet on Thursday, February 16, 2006, at 2:30 p.m., on the NOAA Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Bernadette Mary Allen, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

Janice L. Jacobs, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea-Bissau.

Steven Alan Browning, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uganda.

Patricia Newton Moller, of Arkansas, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

Jeanine E. Jackson, of Wyoming, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso.

Kristie A. Kenney, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines.

Robert Weisberg, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Congo.

Janet Ann Sanderson, of Arizona, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti.

James D. McGee, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Comoros.

Gary A Grappo, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Sultanate of Oman.

Patricia A. Butenis, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh.

Donald T. Bliss, of Maryland, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization.

Claudia A. McMurray, of Virginia, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

Bradford R. Higgins, of Connecticut, to be an Assistant Secretary of State (Resource Management).

Bradford R. Higgins, of Connecticut, to be Chief Financial Officer, Department of State.

Jackie Wolcott Sanders, of Virginia, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador.

Jackie Wolcott Sanders, of Virginia, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations.

Michael W. Michalak, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as United States Senior Official to the Asia-Pacific Economic Cooperation Forum.

INTERNATIONAL MONETARY FUND

Ben S. Bernanke, of New Jersey, to be United States Alternate Governor of the International Monetary Fund for a term of five years.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Terrence L. Bracy, of Virginia, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2010.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Ronald F. Sams, 5888

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General David L. Frostman, 2235
Brigadier General James W. Graves, 4813
Brigadier General Linda S. Hemminger, 5711
Brigadier General John M. Howlett, 8450
Brigadier General Harold L. Mitchell, 1941
Brigadier General Hanferd J. Moen, Jr., 4733
Brigadier General William M. Rajczak, 8761
Brigadier General David N. Senty, 6128
Brigadier General Erika C. Steuterman, 3209

To be brigadier general

Colonel John M. Allen, 7694
Colonel Robert E. Bailey, Jr., 4059
Colonel Eric W. Crabtree, 0505
Colonel Dean J. Despinoy, 2656
Colonel Wallace W. Farris, Jr., 0582
Colonel John C. Fobian, 0618
Colonel Thomas W. Hartmann, 2331
Colonel James R. Hogue, 4929
Colonel Mark A. Kyle, 0227
Colonel Carol A. Lee, 8418
Colonel Jon R. Shasteen, 5384
Colonel Robert O. Tarter, 9864
Colonel Howard N. Thompson, 2169
Colonel Christine M. Turner, 3200
Colonel Paul M. Van Sickle, 8889

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Glenn F. Spears, 2012

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S. C., section 12203:

To be major general

Brig. Gen. Dennis G. Lucas, 9054

The following named officer for appointment in the Regular Air Force of the United States to the position and grade indicated under titled 10, U.S.C., section 8037:

To be judge advocate general of the United States Air Force

Maj. Gen. Jack L. Rives, 0540

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Steven J. Lepper, 1477

IN THE ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Malinda E. Dunn, 7123
Col. Clyde J. Tate III, 1356

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Richard G. Maxon, 0268

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Michael D. Barbero, 1169
Brigadier General Salvatore F. Cambria, 8655
Brigadier General John M. Custer III, 4336
Brigadier General Richard P. Formica, 7015
Brigadier General David P. Fridovich, 6568
Brigadier General Kathleen M. Gainey, 4227
Brigadier General William T. Grisoli, 3836
Brigadier General Carter F. Ham, 0921
Brigadier General Jeffery W. Hammond, 0841
Brigadier General Frank G. Helmick, 8189
Brigadier General Paul S. Izzo, 1942
Brigadier General Francis H. Kearney, III,
Brigadier General Stephen R. Layfield, 7666
Brigadier General Robert P. Lennox, 8104
Brigadier General William H. McCoy, Jr., 5356
Brigadier General Timothy P. McHale, 0796
Brigadier General John W. Morgan, III, 7279
Brigadier General Michael L. Oates, 3680
Brigadier General Robert M. Radin, 0402
Brigadier General Curtis M. Scaparrotti, 8351

The following named officer for appointment in the United States Army to the rank indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Thomas F. Metz, 5686

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. David P. Valcourt, 6455

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Raymond T. Odierno, 8425

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Stanley A. McChrystal, 3565

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Ronald L. Bailey, 2330
Colonel Michael M. Brogan, 2241
Colonel Jon M. Davis, 8884
Colonel Timothy C. Hanifen, 3096
Colonel James A. Kessler, 4042
Colonel James B. Laster, 4280
Colonel Angela Salinas, 8578
Colonel Peter J. Talleri, 9793
Colonel John A. Toolan, Jr, 4023
Colonel Robert S. Walsh, 8100

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Robert T. Conway, Jr., 2950

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN995 AIR FORCE nominations (74) beginning JAMES C. AULT, and ending MARYANNE C. YIP, which nominations were received by the Senate and appeared in the Congressional Record of October 17, 2005.

PN1201 AIR FORCE nomination of Barbara A. Hilgenberg, which was received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1202 AIR FORCE nomination of Evelyn S. Gemperle, which was received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1203 AIR FORCE nominations (4) beginning JOHN W. AYRES JR., and ending ALAN E. JOHNSON, which nominations were received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1204 AIR FORCE nominations (6) beginning DAVID HARRISION BURDETTE, and ending DOMINIC O. UBAMADU, which nominations were received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1205 AIR FORCE nominations (6) beginning KAREN MARIE BACHMANN, and ending MARY V. LUSSIER, which nominations were received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1206 AIR FORCE nominations (6) beginning RAYMOND L. HAGAN JR., and ending WILLIAM H. WILLIS SR., which nominations were received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1207 AIR FORCE nominations (5) beginning RUSSELL G. BOESTER, and ending RICHARD T. SHELTON, which nominations were received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1209 AIR FORCE nominations (12) beginning DIANA ATWELL, and ending ANNE C. SPROUL, which nominations were received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1210 AIR FORCE nominations (16) beginning GERALD Q. BROWN, and ending LISA L. TURNER, which nominations were received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1211 AIR FORCE nominations (34) beginning MARK J. BATCHO, and ending DAVID J. ZEMKOSKY, which nominations were received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1212 AIR FORCE nominations (405) beginning TAREK C. ABBOUSHI, and ending JOHN J. ZIEGLER III, which nominations were received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1213 AIR FORCE nomination of Jeffrey J. Love, which was received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1214 AIR FORCE nomination of Fritzjose E. Chandler, which was received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1215 AIR FORCE nomination of Jose F. Eduardo, which was received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1216 AIR FORCE nominations (64) beginning DARWIN L. ALBERTO, and ending AMY S. WOOSLEY, which nominations were received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1231 AIR FORCE nomination of Julie K. Stanley, which was received by the Senate and appeared in the Congressional Record of January 31, 2006.

PN1232 AIR FORCE nominations (10) beginning JOHN JULIAN ALDRIDGE III, and ending SUSAN L. SIEGMUND, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2006.

PN1233 AIR FORCE nominations (16) beginning ISIDRO ACOSTA CARDENO, and ending LARRY A. WOODS, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2006.

PN1234 AIR FORCE nominations (19) beginning EVELYN L. BYARS, and ending SHERALYN A. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2006.

PN1235 AIR FORCE nominations (24) beginning RONALD A. ABBOTT, and ending JOSE VILLALOBOS, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2006.

PN1236 AIR FORCE nominations (43) beginning DALE R. AGNER, and ending DAVID A. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2006.

PN1237 AIR FORCE nominations (213) beginning MARK ROBERT ACKERMANN, and ending SHEILA ZUEHLKE, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2006.

PN1238 AIR FORCE nominations (34) beginning JAVIER A. ABREU, and ending KYLE S. WENDFELDT, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2006.

PN1239 AIR FORCE nominations (139) beginning ERIC J. ASHMAN, and ending KENNETH C. Y. YU, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2006.

PN1254 AIR FORCE nominations (28) beginning BRUCE S. ABE, and ending ANN E. ZIONIC, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1255 AIR FORCE nominations (280) beginning STEVEN J. ACEVEDO, and ending STEVEN R. ZIEBER, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

THE ARMY

PN1106 ARMY nominations (33) beginning ROBERTO C. ANDUJAR, and ending KENNETH A. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of December 13, 2005.

PN1107 ARMY nominations (69) beginning CRAIG J. AGENA, and ending JOHN S. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of December 13, 2005.

PN1108 ARMY nominations (56) beginning DANIEL G. AARON, and ending MARILYN D. WILLS, which nominations were received by the Senate and appeared in the Congressional Record of December 13, 2005.

PN1109 ARMY nominations (419) beginning WILLIAM G. ADAMSON, and ending x2451●, which nominations were received by the Senate and appeared in the Congressional Record of December 13, 2005.

PN1148 ARMY nomination of Michael J. Osburn, which was received by the Senate and appeared in the Congressional Record of December 20, 2005.

PN1149 ARMY nominations (2) beginning MARGARETT E. BARNES, and ending DAVID E. UPCHURCH, which nominations were received by the Senate and appeared in the Congressional Record of December 20, 2005.

PN1217 ARMY nominations (13) beginning JOHN W. ALEXANDER JR., and ending DONALD L. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1218 ARMY nominations (35) beginning SUSAN K. ARNOLD, and ending EVERETT F. YATES, which nominations were received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1219 ARMY nominations (26) beginning JAMES A. * AMYX JR., and ending SCOTT * WILLENS, which nominations were received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1220 ARMY nominations (62) beginning JOHN E. * ADRIAN, and ending DAVID A. * YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1221 ARMY nominations (151) beginning TIMOTHY S. * ADAMS, and ending PJ * ZAMORA, which nominations were received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1222 ARMY nominations (160) beginning JUDE M. * ABADIE, and ending JOHN D. * YEAW, which nominations were received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1240 ARMY nominations (3) beginning LISA R. LEONARD, and ending BRET A. SLATER, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2006.

PN1256 ARMY nominations (20) beginning MITCHELL S. ACKERSON, and ending GLENN R. WOODSON, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1293 ARMY nomination of Andrew H. N. Kim, which was received by the Senate and appeared in the Congressional Record of February 6, 2006.

PN1294 ARMY nominations (10) beginning RENDELL G. CHILTON, and ending DAVID J. OSINSKI, which nominations were received by the Senate and appeared in the Congressional Record of February 6, 2006.

IN THE FOREIGN SERVICE

PN1112 FOREIGN SERVICE nominations (149) beginning Anne Elizabeth Linnee, and ending Kathleen Anne Yu, which nominations were received by the Senate and appeared in the Congressional Record of December 13, 2005.

PN1118 FOREIGN SERVICE nominations (300) beginning Lisa M. Anderson, and ending Gregory C Yemm, which nominations were received by the Senate and appeared in the Congressional Record of December 14, 2005.

IN THE MARINE CORPS

PN1224 MARINE CORPS nomination of Brian R. Lewis, which was received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1225 MARINE CORPS nomination of William A. Kelly Jr., which was received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1245 MARINE CORPS nomination of Phillip R. Wahle, which was received by the Senate and appeared in the Congressional Record of January 31, 2006.

PN1246 MARINE CORPS nomination of James A. Croffie, which was received by the Senate and appeared in the Congressional Record of January 31, 2006.

PN1247-1 MARINE CORPS nominations (337) beginning JAMES H. ADAMS III, and ending RICHARD D. ZYLA, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2006.

PN1248 MARINE CORPS nominations (6) beginning DAVID T. CLARK, and ending NIEVES G. VILLASENOR, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2006.

PN1258 MARINE CORPS nominations (2) beginning RALPH P. HARRIS III, and ending CHARLES L. THRIFT, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1260 MARINE CORPS nominations (3) beginning STEPHEN J. DUBOIS, and ending JOHN D. PAULIN, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1261 MARINE CORPS nominations (2) beginning JAY A. ROGERS, and ending STANLEY M. WEEKS, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1262 MARINE CORPS nominations (2) beginning SEAN P. HOSTER, and ending TIMOTHY D. WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1263 MARINE CORPS nominations (2) beginning NEIL G. ANDERSON, and ending EDWARD M. MOEN JR., which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1264 MARINE CORPS nominations (2) beginning CARL BAILEY JR., and ending JAMES A. JONES, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1265 MARINE CORPS nominations (2) beginning GREGORY M. GOODRICH, and ending MARK W. WASCOM, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1267 MARINE CORPS nominations (3) beginning JACK G. ABATE, and ending JAMES KOLB, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1269 MARINE CORPS nominations (4) beginning PETER G. BAILIFF, and ending TIMOTHY D. SECHREST, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1270 MARINE CORPS nominations (5) beginning ISRAEL GARCIA, and ending JAMES I. SAYLOR, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1271 MARINE CORPS nominations (5) beginning BEN A. CACIOPPO JR., and ending WALTER D. ROMINE JR., which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1272 MARINE CORPS nominations (5) beginning PETER M. BARACK JR., and ending JOHN D. SOMICH, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1273-1 MARINE CORPS nominations (593) beginning BENJAMIN J. ABBOTT, and ending RUTH A. ZOLOCK, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

IN THE NAVY

PN1157 NAVY nominations (19) beginning CHRISTOPHER P. BOBB, and ending VINCENT J. WOOD, which nominations were received by the Senate and appeared in the Congressional Record of December 21, 2005.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

SENATE LEGAL COUNSEL AUTHORIZATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of three Senate resolutions which were submitted earlier today.

The PRESIDING OFFICER. The clerk will please report the resolutions by title.

The legislative clerk read as follows:

A resolution (S. Res. 374) to authorize testimony, document production, and legal representation in United States of America v. David Hossein Safavian.

A resolution (S. Res. 375) to authorize testimony and legal representation in State of New Hampshire v. William Thomas, Keta C. Jones, John Francis Bopp, Michael S. Franklin, David Van Strein, Guy Chichester, Jamilla El-Shafei, and Ann Isenberg.

A resolution (S. Res. 376) to authorize representation by the Senate Legal Counsel in the case of Keyter v. McCain, et al.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. FRIST. Mr. President, S. Res. 375 concerns a request for testimony and representation in related criminal trespass actions in Concord District Court in the State of New Hampshire. In these actions, eight defendants have been charged with criminally trespassing on the premises of Senator JUDD GREGG's Concord, NH, office on December 5, 2005, for refusing repeated requests to leave Senator GREGG's office at the end of the business day in order to allow the office to close. Trials on the charge of trespass are scheduled to commence on or about March 1, 2006. The State has subpoenaed a member of the Senator's staff who witnessed the defendants' conduct. The enclosed resolution would authorize that staff member, and any other employees of Senator GREGG's office from whom evidence may be required, to testify in connection with these actions.

Mr. REID. Mr. President pursuant to Senate Resolution 213, 109th Congress, the Senate authorized the Senate legal counsel to represent Senators JOHN MCCAIN and JON KYL in a pro se civil action in which the plaintiff complained that the Senator defendants violated their duties under the common law and the Federal Criminal Code by failing to investigate or prosecute the alleged commission of 1.6 million crimes. After the Senate legal counsel moved to dismiss the action, the plaintiff sought to amend the complaint to name 29 additional defendants, including Senators BILL FRIST, JOSEPH I. LIEBERMAN, MITCH MCCONNELL, RICK SANTORUM, and TED STEVENS, as well as 14 judges and 10 executive branch officials.

In a January 13, 2006, Memorandum Opinion and Order, the district court accepted the amended complaint for filing and dismissed it. The court held that plaintiff's criminal claims failed on the merits and that plaintiff's civil claims were barred under the Federal Tort Claims Act for plaintiff's failure to exhaust his administrative remedies under the act. The court also prohibited the plaintiff from filing in that court any further claim arising out of the subject matter of the case against any of the 31 defendants.

Plaintiff appealed the dismissal of his case. Accordingly, this resolution would authorize the Senate legal counsel to represent the five additionally named Senator defendants on appeal in defending the dismissal of the amended complaint against all of the Senator defendants.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 374) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 374

Whereas, in the case of United States of America v. David Hossein Safavian, Crim. No. 05–370, pending in the United States District Court for the District of Columbia, testimony and documents have been requested from Bryan D. Parker, an employee on the staff of the Committee on Indian Affairs;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved that Bryan D. Parker, and any other employee of the Committee on Indian Affairs from whom testimony or the production of documents may be required, are authorized to testify and produce documents in the case of United States of America v. David Hossein Safavian, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Bryan D. Parker, and any other Members, officers, or employees of the Senate, in connection with the testimony and document production authorized in section one of this resolution.

The resolution (S. Res. 375) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 375

Whereas, in the cases of State of New Hampshire v. William Thomas (C–05–49153–AR), Keta C. Jones (C–05–49153–A–AR), John Francis Bopp (C–05–49153–B–AR), Michael S. Franklin (C–05–49153–C–AR), David Van Strein (C–05–49153–D–AR), Guy Chichester (C–05–49153–E–AR), Jamilla El-Shafei (C–05–49153–F–AR), and Ann Isenberg (C–05–49153–G–

AR), pending in Concord District Court, New Hampshire, testimony has been requested from Carol Carpenter, an employee in the office of Senator Judd Gregg:

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent an employee of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Carol Carpenter and other employees of Senator Gregg's office from whom testimony may be required are authorized to testify in the cases of State of New Hampshire v. William Thomas, Keta C. Jones, John Francis Bopp, Michael S. Franklin, David Van Strein, Guy Chichester, Jamilla El-Shafei, and Ann Isenberg, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Carol Carpenter and other employees of Senator Gregg's office in connection with the testimony authorized in section one of this resolution.

The resolution (S. Res. 376) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 376

Whereas, pursuant to Senate Resolution 213, 109th Congress, the Senate Legal Counsel is currently representing Senators John McCain and Jon Kyl in the case of Keyter v. McCain, et al., filed in the United States District Court for the District of Arizona, Civ. No. 05–1923–PHX–DGC;

Whereas, the plaintiff filed an amended complaint naming Senators Bill Frist, Joseph I. Lieberman, Mitch McConnell, Rick Santorum, and Ted Stevens as additional defendants in the action;

Whereas the District Court dismissed the action for lack of jurisdiction and for failure to state a claim upon which relief may be granted;

Whereas the plaintiff has appealed the dismissal of the action to the United States Court of Appeals for the Ninth Circuit; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senators Bill Frist, Joseph I. Lieberman, Mitch McConnell, Rick Santorum, and Ted Stevens in the case of Keyter v. McCain, et al.

HONORING THE LIFE OF DR. NORMAN SHUMWAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 377, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 377) honoring the life of Dr. Norman Shumway and expressing the condolences of the Senate on his passing.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, S. Res. 377 is the resolution honoring the life of Dr. Norman Shumway and expressing condolences on behalf of this body.

I wish to pay tribute to a medical pioneer, a man who inaugurated a new era of medicine, my mentor in surgery and friend. Sadly, Dr. Shumway passed away late last week at the age of 83. He left behind a legacy as an inspirational leader, a healer, a guiding spirit who made my own professional field of heart transplants a reality. When all those around him said it was impossible, said it was a pipe dream, said it couldn't be done, his vision and his determination and his unrelenting commitment and pioneer attitude has saved thousands and thousands of lives.

I had the distinct honor of studying under the tutelage of Dr. Shumway at Stanford University Medical Center in the early 1980s. I witnessed his rare gifts. Those gifts included a blend of long-term thinking, a love of medicine and healing, and a true pioneering spirit that inspired and attracted like-minded individuals from across the country and, indeed, around the world.

He was fond of remarking that his role as a surgeon was comparable to that of being the world's greatest first surgical assistant in the operating room. When you are treating a patient, when you are operating on a patient, the surgeon stands on one side of the table and the first assistant across the way on the other side. It is that image of Dr. Shumway, on the other side, instructing, teaching, cultivating that expertise in the young surgeon, that stands out most vividly in my mind, the constant cajoling and instructing in very gentle, humble ways, the certainty of that guiding hand which would reach over if there was a slightly wrong move or a hesitant move that was made. I think his comment about being the world's greatest first assistant reflects that humility but also that comfort level and that competence that, coupled with his pioneering spirit, has proved to be revolutionary in the field of medicine and surgery. Now his humble, yet visionary, work is reflected in surgical programs all over the world because he was that first assistant, as he instructed and taught and inspired. Those surgeons he trained are now literally populating academic and clinical programs all over this country and indeed throughout the world. He loved his role as healer, and he cherished the opportunity not only to operate and to innovative but to inspire and to plant seeds, all a part of his mode of inspirational teaching.

I have worked with a lot of cardiac surgeons, heart surgeons, in programs around the world, including Boston, MA, over in England, out on the west coast, down in the South at Vanderbilt and, more than anybody I interacted with over the 20 years I have spent in medicine. Dr. Shumway was the one, was the single one, who had the broadest, as well as the deepest, influence because of his unparalleled commitment to teaching in an inspirational way that encouraged others to go out and teach and to spread the word and to spread the technique and to spread what he indeed pioneered: heart transplantation, lung transplantation, heart-lung transplantation.

He was a brilliant man, a pioneering spirit. Yet he was always accessible. He was always there on rounds. He believed in the team approach, of relying on the technician running the heart-lung machine, relying on the nurses who, with him, made rounds each morning and each evening to see his patients.

His teachings were filled with turns of phrases and catchy one-liners and, in my own mind, as I stand here and recall listening to him, he would say things such as: Never be afraid to double dribble. I think about it a lot because what he was saying was if that first stitch you are about ready to put in isn't perfect, put in another stitch; don't be so bold, don't be so confident, don't be so cocky, where if you have a question you don't make absolutely sure that something is perfect. Never be afraid to double dribble.

Dr. Shumway looked for somebody who had the passion for healing, and he would encourage their active pursuits. It is almost as if he had a sixth sense, both for inspiration but also in recognizing in others an ability or a desire to be innovative, to create, to think outside of the box in order to benefit humanity.

He considered it part of his mission to nurture and cultivate his trainees' ambition and their drive and their desire. It didn't matter what your age was. It didn't matter what schools you had gone to. It didn't matter whether you were a first-year resident, an intern, or a fifth-year resident; if you had a good idea, if you had a creative idea, he would nurture it and he would put an environment around you to allow that idea to grow, to prove itself, to go down in defeat. He would even set up a laboratory around an intern or a first-year resident who had a creative idea that he thought just may work.

It was a very different mentality than most people in his field of surgery in medicine. The traditional medical establishment, as I mentioned earlier, thought heart transplantation could never be done. Yet that sort of "a little bit out of the box" thinking, that pioneering spirit, did inspire some of the great innovations in medicine in the 20th century: Heart transplants, which he is known for, with the first successful heart transplant in our country—it came at the era I was there—the combined heart-lung transplant, where essentially you remove all of the organs from the top of the chest down to the diaphragm, taking that heart-lung out to transplant and repair and to have it replaced to give life to individuals with otherwise fatal diseases; the early work with left ventricular assist devices; the invention of the cardiac biopsy, where the catheter is inserted through the neck and you can actually sample pieces of the heart with a technique that takes literally about 2 or 3 minutes but allows you to determine whether a patient is rejecting that heart or has inflammation of that heart; the immunosuppressive protocols which made heart transplantation possible. These were all pioneering fields he jumped into, that he created, that he explored, and he did so with a disciplined approach, a scientific approach, an approach characterized by perseverance over a long period of time, in spite of a lot of people questioning and putting forth doubts as he went forward.

In talking to a number of people who asked about this man and what his contributions have been, it has come to my attention, as I reflect upon it, that he has also encouraged people to go out and explore new fields. Some of the cardiac surgeons he trained—one went into public service for a period of time, but others went on to become lawyers, to become heads of the great universities of the country and, indeed of the world. Given the unique type of drive that inspired a person to study with Dr. Shumway, it is probably not all that unexpected because he did encourage people to figure out what their strengths were and how they could better humanity—whether it is the scientist in the laboratory, whether it is the clinical surgeon, whether it is the academic surgeon, whether it is the lawyer who ultimately best understood the delivery of health care and went off to participate in legal aspects of health care today.

He also encouraged people to take risks, and to take risks in a very positive way, because if people did not work outside of their comfort zone he felt progress could never be made. But encouraging people to take those risks, he did so with science, with a strong foundation, with a good understanding of what limitations are, with a strong understanding of cost and risk and benefits. But that element of risk taking, calculated risk taking, is a legacy he has left many of us, and many of the people who have trained with him—thinking and saying and believing that is the only way progress in society takes place.

Dr. Shumway was a legend in his field and his presence will be sorely missed. As I look back, I would never have had that blessing, and it is a blessing, to be able to transplant the human heart and I would have never transplanted a human heart if I had not had the opportunity to study under Dr. Norman Shumway. I would have never in my life been able to transplant the human lung, to give life to people who have an otherwise fatal disease, if I had not trained with and studied under Dr. Norman Shumway. I would have never put in any left ventricular assist devices for struggling, ailing hearts when people have had massive heart attacks. I would have never been able to do neonatal transplants on little infants. I mention those only because without that man and his vision, his philosophy of conceiving something and believing in it and doing it, it would have affected my life greatly. Indeed, in all likelihood I would not be on the floor of the Senate today if I had not had that exposure to Dr. Norman Shumway.

Having had the honor of working with him, he was an inspirational leader. He was the guiding light who seemed to be able to pull it all together with his vision and with his determination and his dedication. He has affected the lives of thousands and indeed hundreds of thousands of people through his teaching and through his training around the world.

He was my mentor, he was a great surgeon and a true friend, and someone I will miss dearly.

I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 377) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 377

Whereas Norman Shumway was an inspirational leader and medical pioneer;

Whereas Dr. Norman Shumway performed the first successful heart transplant in the United States, and was considered the father of heart transplantation in America;

Whereas Dr. Norman Shumway's seminal work with Dr Richard Lower at Stanford Medical Center set in motion the longest and most successful clinical cardiac transplant program in the world;

Whereas Dr. Norman Shumway co-edited a definitive book on thoracic organ transplantation along with his daughter who is also a cardiac surgeon;

Whereas Dr. Norman Shumway continued to research the medical complexities of heart transplants when many were abandoning the procedure because of poor outcomes due to rejection;

Whereas Dr. Norman Shumway trained hundreds of surgeons who have gone on to lead academic and clinical cardiac surgical programs around the world;

Whereas Dr. Norman Shumway served our country in the United States Army from 1943 to 1946, and in the United States Air Force from 1951 to 1953;

Whereas Dr. Norman Shumway earned his medical degree from Vanderbilt University in 1949, and his doctorate from the University of Minnesota in 1956;

Whereas Dr. Norman Shumway was awarded with numerous honorary degrees by his peers, including the American Medical Association's Scientific Achievement Award and the Lifetime Achievement Award of the International Society for Heart and Lung Transplantation;

Whereas Dr. Norman Shumway is survived by his son, Michael, and three daughters, Amy, Lisa and Sara, and his former wife, Mary Lou; and

Whereas Dr. Norman Shumway has left a legacy of life around the world thanks to his tireless work of understanding and perfecting heart transplantation: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of Dr. Norman Shumway;

(2) recognizes his contribution to medical science and discovery;

(3) expresses its sympathies to the family of Dr. Norman Shumway; and

(4) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Dr. Norman Shumway.

NATIONAL MPS AWARENESS DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 378, which was submitted earlier.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 378) designating February 25, 2006, as "National MPS Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 378) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 378

Whereas Mucopolysaccharidosis (referred to in this preamble as "MPS") is a genetically determined lysosomal storage disorder that renders the human body incapable of producing certain enzymes needed to breakdown complex carbohydrates;

Whereas complex carbohydrates are then stored in almost every cell in the body and progressively cause damage to those cells;

Whereas the cell damage adversely affects the human body by damaging the heart, respiratory system, bones, internal organs, and central nervous system;

Whereas the cellular damage caused by MPS often results in mental retardation, short stature, corneal damage, joint stiffness, loss of mobility, speech and hearing impairment, heart disease, hyperactivity, chronic respiratory problems, and, most importantly, a drastically shortened life span;

Whereas the nature of the disorder is usually not apparent at birth;

Whereas without treatment, the life expectancy of an individual afflicted with MPS begins to decrease at a very early stage in the life of the individual;

Whereas recent research developments have resulted in the creation of limited treatments for some MPS disorders;

Whereas promising advancements in the pursuit of treatments for additional MPS disorders are underway;

Whereas, despite the creation of newly developed remedies, the blood brain barrier continues to be a significant impediment to effectively treating the brain, thereby preventing the treatment of many of the symptoms of MPS;

Whereas treatments for MPS will be greatly enhanced with continued public funding;

Whereas the quality of life for individuals afflicted with MPS, and the treatments available to them, will be enhanced through the development of early detection techniques and early intervention;

Whereas treatments and research advancements for MPS are limited by a lack of awareness about MPS disorders;

Whereas the lack of awareness about MPS disorders extends to those within the medical community;

Whereas the damage that is caused by MPS makes it a model for many other degenerative genetic disorders;

Whereas the development of effective therapies and a potential cure for MPS disorders can be accomplished by increased awareness, research, data collection, and information distribution;

Whereas the Senate is an institution than can raise public awareness about MPS; and

Whereas the Senate is also an institution that can assist in encouraging and facilitating increased public and private sector research for early diagnosis and treatments of MPS disorders: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 25, 2006, as "National MPS Awareness Day"; and

(2) supports the goals and ideals of "National MPS Awareness Day".

NASCAR-HISTORICALLY BLACK COLLEGES AND UNIVERSITIES CONSORTIUM

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 379, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 379) recognizing the creation of the NASCAR-Historically Black Colleges and Universities Consortium.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 379) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 379

Whereas the Bureau of Labor Statistics reports that, while there are 1,300,000 automotive technicians currently employed, industry figures confirm that an additional 50,000 technicians are needed to fill open positions each year;

Whereas the National Automotive Dealers Association reports that 57 percent of the operating profit of automotive dealers is generated by the parts and service departments of automotive dealers;

Whereas the findings of the National Automotive Dealers Association reveal that dealers consider it difficult to locate qualified technicians;

Whereas 42 percent of all dealer technicians have been engaged in that line of work for less than 1 year;

Whereas the National Association for Stock Car Auto Racing, Inc. (referred to in this preamble as "NASCAR"), the NASCAR Universal Technical Institute, and a collaboration of Historically Black Colleges and Universities (referred to in this preamble as "HBCUs") have agreed to create a consortium to increase the number of quality job opportunities available to African American students in key racing and other related automotive business activities, including automotive engineering and technology, automotive safety, sports marketing, and other automotive industry areas;

Whereas the NASCAR-HBCUs Consortium is establishing a formal plan to increase the number of quality job opportunities available to African American students within NASCAR in key racing and other related automotive business activities through the NASCAR Universal Training Institute and the NASCAR Diversity Internship Program;

Whereas NASCAR has agreed to enhance their identification of employment opportunities, including internships, full time jobs, entry level management positions, part-time jobs for college students, and post-graduate job placement for students pursuing undergraduate and graduate degrees at partner HBCUs;

Whereas the NASCAR-HBCUs Consortium has developed a program to increase the awareness, access, and participation of African American students in the NASCAR Universal Training Institute and NASCAR Diversity Internship Program for the racing and other related automotive industries; and

Whereas the NASCAR-HBCUs Consortium will seek opportunities to establish and enhance the funding of targeted job development activities by partner HBCUs, and generate support for the HBCUs in their efforts to enhance curriculum development in sports marketing, finance, human resource management, and other automotive industry areas: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the National Association for Stock Car Auto Racing, Inc. (referred to in this resolution as "NASCAR"), the NASCAR Universal Technical Institute, and a collaboration of Historically Black Colleges and Universities (referred to in this resolution as "HBCUs"), for their creation of a consortium to increase the number of quality job opportunities available to African American students in key racing and other related automotive business activities;

(2) commends HBCUs, including Alabama A&M University, Alabama State University, Bethune Cookman College, Howard University, North Carolina A&T University, Talladega College, and Winston-Salem State University, for their efforts to increase the number of quality job opportunities available to African American students in key racing and other related automotive business activities; and

(3) encourages the Departments of Education and Labor and other appropriate agencies of the Federal Government to provide suitable assistance and support to ensure the success of that effort.

CELEBRATING BLACK HISTORY MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 380, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 380) celebrating Black History Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 380) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 380

Whereas the first African Americans were brought forcibly to the shores of America as early as the 17th century;

Whereas African Americans were enslaved in the United States and subsequently faced the injustices of lynch mobs, segregation, and denial of basic, fundamental rights;

Whereas in spite of these injustices, African Americans have made significant contributions to the economic, educational, political, artistic, literary, scientific, and technological advancements of the United States;

Whereas in the face of these injustices, United States citizens of all races distinguished themselves in their commitment to the ideals on which the United States was founded, and fought for the rights of African Americans;

Whereas the greatness of the United States is reflected in the contributions of African Americans in all walks of life throughout the history of the United States, including through—

(1) the writings of Booker T. Washington, James Baldwin, Ralph Ellison, and Alex Haley;

(2) the music of Mahalia Jackson, Billie Holiday, and Duke Ellington;

(3) the resolve of athletes such as Jackie Robinson, Jesse Owens, and Muhammed Ali;

(4) the vision of leaders such as Frederick Douglass, Thurgood Marshall, and Martin Luther King, Jr.; and

(5) the bravery of those who stood on the front lines in the battle against oppression, such as Sojourner Truth and Rosa Parks;

Whereas the United States of America was conceived, as stated in the Declaration of Independence, as a new country dedicated to the proposition that "all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness";

Whereas United States citizens of all races demonstrate their commitment to that proposition through actions such as those of—

(1) Allan Pinkerton, Thomas Garrett, and the Rev. John Rankin, who served as conductors in the Underground Railroad;

(2) Harriet Beecher Stowe, who shined a light on the injustices of slavery;

(3) President Abraham Lincoln, who issued the Emancipation Proclamation, and Senator Lyman Trumbull, who introduced the 13th Amendment to the Constitution of the United States;

(4) President Lyndon B. Johnson, Chief Justice Earl Warren, Senator Mike Mansfield, and Senator Hubert Humphrey, who fought to end segregation and the denial of civil rights to African Americans; and

(5) Americans of all races who marched side-by-side with African Americans during the civil rights movement;

Whereas, since its founding, the United States has been an imperfect work in making progress towards those noble goals;

Whereas the history of the United States is the story of a people regularly affirming high ideals, striving to reach them but often failing, and then struggling to come to terms with the disappointment of that failure before recommitting themselves to trying again;

Whereas, from the beginning of our Nation, the most conspicuous and persistent failure of United States citizens to reach those noble goals has been the enslavement of African Americans and the resulting racism;

Whereas the crime of lynching succeeded slavery as the ultimate expression of racism in the United States following Reconstruction;

Whereas the Federal Government failed to put an end to slavery until the ratification of the 13th Amendment in 1865, repeatedly failed to enact a Federal anti-lynching law, and still struggles to deal with the evils of racism; and

Whereas the fact that 61 percent of African American 4th graders read at a below basic level and only 16 percent of native born African Americans have earned a Bachelor's degree, 50 percent of all new HIV cases are reported in African Americans, and the leading cause of death for African American males ages 15 to 34 is homicide, demonstrates that the United States continues to struggle to reach the high ideal of equal opportunity for all citizens of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the tragedies of slavery, lynching, and segregation, and condemns them as an infringement on human liberty and equal opportunity so that they will stand forever as a reminder of what can happen when the citizens of the United States fail to live up to their noble goals;

(2) honors those United States citizens who—

(A) risked their lives during the time of slavery, lynching, and segregation in the Underground Railroad and in other efforts to assist fugitive slaves and other African Americans who might have been targets and victims of lynch mobs; and

(B) those who have stood beside African Americans in the fight for equal opportunity that continues to this day;

(3) reaffirms its commitment to the founding principles of the United States of America that "all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness";

(4) commits itself to addressing those situations in which the African American community struggles with disparities in education, health care, and other areas where the Federal Government can help improve conditions for all citizens of the United States; and

(5) calls on the citizens of the United States to observe Black History Month with appropriate programs, ceremonies, and activities.

Mr. FRIST. Mr. President, on S. Res. 380, I ask unanimous consent that I be added as a cosponsor, if I am not currently one.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 2320

Mr. FRIST. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 2320) to make available funds included in the Deficit Reduction Act of 2005 for the Low Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

Mr. FRIST. Mr. President, I ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XXIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR FRIDAY, FEBRUARY 17, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Friday, February 17. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and that Senator SALAZAR then be recognized to deliver George Washington's Farewell Address, as under the previous order. I further ask that following the address, the Senate stand in recess subject to the call of the Chair, and that when the Senate reconvenes, there be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, today, by a vote of 96 to 3, the Senate voted overwhelmingly to proceed to the PATRIOT Act Amendments Act. I am disappointed that the other side of the aisle has forced us to spend these extra days, several extra days to get on to this bill.

Under the agreement that was reached last night, I want to remind my colleagues that a cloture vote on the bill will occur at 2:30 p.m. on Tuesday, February 28, and then we will have a vote on final passage at 10 a.m., March 1.

Tomorrow we will be in session, but there will be no rollcall votes. We have some outstanding legislative items to complete before the Presidents Day recess next week, so we will be in session and working tomorrow, Friday.

In Senate tradition tomorrow, we will also hear Washington's Farewell Address which will be read by Senator SALAZAR when the Senate convenes.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:28 p.m., adjourned until Friday, February 17, 2006, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, February 16, 2006:

DEPARTMENT OF STATE

BERNADETTE MARY ALLEN, OF MARYLAND, TO BE AMBASSADOR TO THE REPUBLIC OF NIGER.

JANICE L. JACOBS, OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF SENEGAL, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR TO THE REPUBLIC OF GUINEA-BISSAU.

STEVEN ALAN BROWNING, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR TO THE REPUBLIC OF UGANDA.

PATRICIA NEWTON MOLLER, OF ARKANSAS, TO BE AMBASSADOR TO THE REPUBLIC OF BURUNDI.

JEANINE E. JACKSON, OF WYOMING, TO BE AMBASSADOR TO BURKINA FASO.

KRISTIE A. KENNEY, OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF THE PHILIPPINES.

ROBERT WEISBERG, OF MARYLAND, TO BE AMBASSADOR TO THE REPUBLIC OF CONGO.

JANET ANN SANDERSON, OF ARIZONA, TO BE AMBASSADOR TO THE REPUBLIC OF HAITI.

JAMES D. MCGEE, OF FLORIDA, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR TO THE UNION OF COMOROS.

GARY A. GRAPPO, OF VIRGINIA, TO BE AMBASSADOR TO THE SULTANATE OF OMAN.

PATRICIA A. BUTENIS, OF VIRGINIA, TO BE AMBASSADOR TO THE PEOPLE'S REPUBLIC OF BANGLADESH.

DONALD T. BLISS, OF MARYLAND, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE COUNCIL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.

CLAUDIA A. MCMURRAY, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS.

BRADFORD R. HIGGINS, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF STATE (RESOURCE MANAGEMENT).

BRADFORD R. HIGGINS, OF CONNECTICUT, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF STATE.

JACKIE WOLCOTT SANDERS, OF VIRGINIA, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

JACKIE WOLCOTT SANDERS, OF VIRGINIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HER TENURE OF SERVICE AS ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS.

MICHAEL W. MICHALAK, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES SENIOR OFFICIAL TO THE ASIA-PACIFIC ECONOMIC COOPERATION FORUM.

INTERNATIONAL MONETARY FUND

BEN S. BERNANKE, OF NEW JERSEY, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF FIVE YEARS.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

TERRENCE L. BRACY, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2010.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RONALD F. SAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL DAVID L. FROSTMAN
BRIGADIER GENERAL JAMES W. GRAVES
BRIGADIER GENERAL LINDA S. HEMMINGER
BRIGADIER GENERAL JOHN M. HOWLETT
BRIGADIER GENERAL HAROLD L. MITCHELL
BRIGADIER GENERAL HANFERD J. MOEN, JR.
BRIGADIER GENERAL WILLIAM M. RAJCZAK
BRIGADIER GENERAL DAVID N. SENTY
BRIGADIER GENERAL ERIKA C. STEUTERMAN

To be brigadier general

COLONEL JOHN M. ALLEN
COLONEL ROBERT E. BAILEY, JR.
COLONEL ERIC W. CRABTREE
COLONEL DEAN J. DESPINOY
COLONEL WALLACE W. FARRIS, JR.
COLONEL JOHN C. FOBIAN
COLONEL THOMAS W. HARTMANN
COLONEL JAMES R. HOGUE
COLONEL MARK A. KYLE
COLONEL CAROL A. LEE
COLONEL JON R. SHASTEEN
COLONEL ROBERT O. TARTER
COLONEL HOWARD N. THOMPSON
COLONEL CHRISTINE M. TURNER
COLONEL PAUL M. VAN SICKLE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. GLENN F. SPEARS

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DENNIS G. LUCAS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE REGULAR AIR FORCE OF THE UNITED STATES TO THE POSITION AND GRADE INDICATED UNDER TITLED 10, U.S.C., SECTION 8037:

To be judge advocate general of the United States Air Force

MAJ. GEN. JACK L. RIVES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. STEVEN J. LEPPER

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. MALINDA E. DUNN
COL. CLYDE J. TATE III

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. RICHARD G. MAXON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL MICHAEL D. BARBERO
BRIGADIER GENERAL SALVATORE F. CAMBRIA
BRIGADIER GENERAL JOHN M. CUSTER III
BRIGADIER GENERAL RICHARD P. FORMICA
BRIGADIER GENERAL DAVID P. FRIDOVICH
BRIGADIER GENERAL KATHLEEN M. GAINEY
BRIGADIER GENERAL WILLIAM T. GRISOLI
BRIGADIER GENERAL CARTER F. HAM
BRIGADIER GENERAL JEFFERY W. HAMMOND
BRIGADIER GENERAL FRANK G. HELMICK
BRIGADIER GENERAL PAUL S. IZZO
BRIGADIER GENERAL FRANCIS H. KEARNEY III
BRIGADIER GENERAL STEPHEN R. LAYFIELD
BRIGADIER GENERAL ROBERT P. LENNOX
BRIGADIER GENERAL WILLIAM H. MCCOY, JR.
BRIGADIER GENERAL TIMOTHY P. MCHALE
BRIGADIER GENERAL JOHN W. MORGAN III
BRIGADIER GENERAL MICHAEL L. OATES
BRIGADIER GENERAL ROBERT M. RADIN
BRIGADIER GENERAL CURTIS M. SCAPARROTTI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE RANK INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. THOMAS F. METZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID P. VALCOURT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RAYMOND T. ODIERNO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STANLEY A. MCCHRYSTAL

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL RONALD L BAILEY
COLONEL MICHAEL M BROGAN
COLONEL JON M DAVIS
COLONEL TIMOTHY C HANIFEN
COLONEL JAMES A KESSLER
COLONEL JAMES B LASTER
COLONEL ANGELA SALINAS
COLONEL PETER J TALLERI
COLONEL JOHN A TOOLAN, JR
COLONEL ROBERT S WALSH

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ROBERT T. CONWAY, JR.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH JAMES C. AULT AND ENDING WITH MARYANNE C. YIP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 17, 2005.

AIR FORCE NOMINATION OF BARBARA A. HILGENBERG TO BE COLONEL.

AIR FORCE NOMINATION OF EVELYN S. GEMPERLE TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN W. AYRES, JR. AND ENDING WITH ALAN E. JOHNSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 27, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH DAVID HARRISION BURDETTE AND ENDING WITH DOMINIC O. UBAMADU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 27, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH KAREN MARIE BACHMANN AND ENDING WITH MARY V. LUSSIER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 27, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH RAYMOND L. HAGAN, JR. AND ENDING WITH WILLIAM H. WILLIS, SR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 27, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH RUSSELL G. BOESTER AND ENDING WITH RICHARD T. SHELTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 27, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH DIANA ATWELL AND ENDING WITH ANNE C. SPROUL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 27, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH GERALD Q. BROWN AND ENDING WITH LISA L. TURNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 27, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH MARK J. BATCHO AND ENDING WITH DAVID J. ZEMKOSKY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 27, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH TAREK C. ABBOUSHI AND ENDING WITH JOHN J. ZIEGLER III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 27, 2006.

AIR FORCE NOMINATION OF JEFFREY J. LOVE TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF FRITZJOSE E. CHANDLER TO BE MAJOR.

AIR FORCE NOMINATION OF JOSE F. EDUARDO TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH DARWIN L. ALBERTO AND ENDING WITH AMY S. WOOSLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 27, 2006.

AIR FORCE NOMINATION OF JULIE K. STANLEY TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN JULIAN ALDRIDGE III AND ENDING WITH SUSAN L. SIEGMUND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH ISIDRO ACOSTA CARDENO AND ENDING WITH LARRY A. WOODS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH EVELYN L. BYARS AND ENDING WITH SHERALYN A. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH RONALD A. ABBOTT AND ENDING WITH JOSE VILLALOBOS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH DALE R. AGNER AND ENDING WITH DAVID A. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH MARK ROBERT ACKERMANN AND ENDING WITH SHEILA ZUEHLKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH JAVIER A. ABREU AND ENDING WITH KYLE S. WENDFELDT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH ERIC J. ASHMAN AND ENDING WITH KENNETH C. Y. YU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH BRUCE S. ABE AND ENDING WITH ANN E. ZIONIC, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH STEVEN J. ACEVEDO AND ENDING WITH STEVEN R. ZIEBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2006.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH ROBERTO C. ANDUJAR AND ENDING WITH KENNETH A. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 13, 2005.

ARMY NOMINATIONS BEGINNING WITH CRAIG J. AGENA AND ENDING WITH JOHN S. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 13, 2005.

ARMY NOMINATIONS BEGINNING WITH DANIEL G. AARON AND ENDING WITH MARILYN D. WILLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 13, 2005.

ARMY NOMINATIONS BEGINNING WITH WILLIAM G. ADAMSON AND ENDING WITH X2451□, WHICH NOMINATIONS

WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 13, 2005.

ARMY NOMINATION OF MICHAEL J. OSBURN TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MARGARETT E. BARNES AND ENDING WITH DAVID E. UPCHURCH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 20, 2005.

ARMY NOMINATIONS BEGINNING WITH JOHN W. ALEXANDER, JR. AND ENDING WITH DONALD L. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 27, 2006.

ARMY NOMINATIONS BEGINNING WITH SUSAN K. ARNOLD AND ENDING WITH EVERETT F. YATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 27, 2006.

ARMY NOMINATIONS BEGINNING WITH JAMES A. AMYX, JR. AND ENDING WITH SCOTT WILLENS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 27, 2006.

ARMY NOMINATIONS BEGINNING WITH JOHN E. ADRIAN AND ENDING WITH DAVID A. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 27, 2006.

ARMY NOMINATIONS BEGINNING WITH TIMOTHY S. ADAMS AND ENDING WITH PJ ZAMORA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 27, 2006.

ARMY NOMINATIONS BEGINNING WITH JUDE M. ABADIE AND ENDING WITH JOHN D. YEAW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 27, 2006.

ARMY NOMINATIONS BEGINNING WITH LISA R. LEONARD AND ENDING WITH BRET A. SLATER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2006.

ARMY NOMINATIONS BEGINNING WITH MITCHELL S. ACKERSON AND ENDING WITH GLENN R. WOODSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2006.

ARMY NOMINATION OF ANDREW H. N. KIM TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH RENDELL G. CHILTON AND ENDING WITH DAVID J. OSINSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 6, 2006.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH ANNE ELIZABETH LINNEE AND ENDING WITH KATHLEEN ANNE YU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 13, 2005.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH LISA M. ANDERSON AND ENDING WITH GREGORY C. YEMM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 14, 2005.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF BRIAN R. LEWIS TO BE MAJOR.

MARINE CORPS NOMINATION OF WILLIAM A. KELLY, JR. TO BE CHIEF WARRANT OFFICER W4.

MARINE CORPS NOMINATION OF PHILLIP R. WAHLE TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF JAMES A. CROFFIE TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATIONS BEGINNING WITH JAMES H. ADAMS III AND ENDING WITH RICHARD D. ZYLA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2006.

MARINE CORPS NOMINATIONS BEGINNING WITH DAVID T. CLARK AND ENDING WITH NIEVES G. VILLASENOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2006.

MARINE CORPS NOMINATIONS BEGINNING WITH RALPH P. HARRIS III AND ENDING WITH CHARLES L. THRIFT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2006.

MARINE CORPS NOMINATIONS BEGINNING WITH STEPHEN J. DUBOIS AND ENDING WITH JOHN D. PAULIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2006.

MARINE CORPS NOMINATIONS BEGINNING WITH JAY A. ROGERS AND ENDING WITH STANLEY M. WEEKS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2006.

MARINE CORPS NOMINATIONS BEGINNING WITH SEAN P. HOSTER AND ENDING WITH TIMOTHY D. WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2006.

MARINE CORPS NOMINATIONS BEGINNING WITH NEIL G. ANDERSON AND ENDING WITH EDWARD M. MOEN, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2006.

MARINE CORPS NOMINATIONS BEGINNING WITH CARL BAILEY, JR. AND ENDING WITH JAMES A. JONES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2006.

MARINE CORPS NOMINATIONS BEGINNING WITH GREGORY M. GOODRICH AND ENDING WITH MARK W. WASCOM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2006.

MARINE CORPS NOMINATIONS BEGINNING WITH JACK G. ABATE AND ENDING WITH JAMES KOLB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2006.

MARINE CORPS NOMINATIONS BEGINNING WITH PETER G. BAILIFF AND ENDING WITH TIMOTHY D. SECHREST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2006.

MARINE CORPS NOMINATIONS BEGINNING WITH ISRAEL GARCIA AND ENDING WITH JAMES L. SAYLOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2006.

MARINE CORPS NOMINATIONS BEGINNING WITH BEN A. CACIOPPO, JR. AND ENDING WITH WALTER D. ROMINE, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2006.

MARINE CORPS NOMINATIONS BEGINNING WITH PETER M. BARACK, JR. AND ENDING WITH JOHN D. SOMICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2006.

MARINE CORPS NOMINATIONS BEGINNING WITH BENJAMIN J. ABBOTT AND ENDING WITH RUTH A. ZOLOCK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2006.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER P. BOBB AND ENDING WITH VINCENT J. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 21, 2005.

SENATE—*Friday, February 17, 2006*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Creator of all things, we praise You, the giver of every good and perfect gift. Thank You for Your amazing grace and Your wonderful love. Thank You also for the wonders of nature, for the beauty of the Earth, and for the glory of the skies.

Strengthen our Senators today with Your loving providence. Keep them strong and compassionate for the poor and powerless. Help them to see the unprecedented opportunities they possess to change our world for the good. Give them faith, courage, and goodwill to relate constructively to enemies as well as friends.

Lord, as we enter the Presidents Day weekend, we think about the lives and Presidencies of Lincoln and Washington. We thank You for the wisdom and strength that You gave both of them to govern our Nation through turbulent times. May our hearts say, along with Washington, "Providence has at all times been my only dependence, for all other sources seem to have failed us."

Transform us all by the power of Your grace. We pray in Your mighty name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. Under the order of the Senate of January 24, 1901, as modified on February 2, 2006, the Senator from Colorado, Mr. SALAZAR, having been appointed by the Vice President, will now read Washington's Farewell Address.

Mr. SALAZAR, at the rostrum, read the Farewell Address, as follows:

To the people of the United States:

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured, that this resolution has not been taken without strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country—and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me, still more for the steadfast confidence with which it has supported me and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals, that, under circumstances in which the passions agitated in every direction were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently, want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite movement that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess, are the work of joint councils and joint efforts—of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the same agency of the *North*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The *East*, in a like intercourse with the *West*, already finds, and in the progressive improvement of interior communications by land and water will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value! they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations—*northern* and *southern*—*Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourself too much against the jealousies and heart burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen, in the negotiation by the executive—and in the unanimous ratification by the Senate—of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a Constitution of government, better calculated than your former, for an intimate Union and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests. However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions, that experience is the surest standard by which to test the real tendency of the existing constitution of a country, that facility in changes upon the credit of mere hypotheses and opinion exposes to perpetual change from the endless variety of hypotheses and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable; liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is indeed little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view and warn you in the most solemn manner against the baneful effects of the spirit of party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it in the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms, kindles the animosity of one part against another, forments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true—and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that the public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all; religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others should be excluded and that in place of them just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity, or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war .the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity and adopts through passion what reason would reject; at other times, it makes the animosity of the nation's subservient to projects of hostility, instigated by pride, ambition and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained and by exciting jealously, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity gilding with the appearances of virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealously to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest guided by justice shall counsel.

Why forgo the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world—so far, I mean, as we are now at liberty to do it, for let me not be understood as capable of patronizing infidelity to existing engagements. (I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy)—I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand: neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce but forcing nothing; establishing with powers so disposed, in order to give trade a stable course—in order to give to trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another—that is must pay with a portion of its independence for whatever it may accept under that character—that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good, that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April 1793 is the index to my plan. Sanctioned by your approving voice and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take—a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions and to progress, without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat, in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDENT pro tempore. Under the previous order, the Senate will stand in recess subject to the call of the Chair.

Thereupon, the Senate, at 10:58 a.m., recessed subject to the call of the Chair and reassembled at 10:59 a.m. when called to order by the Presiding Officer (Mr. ISAKSON).

RECOGNIZING SENATOR SALAZAR'S READING OF WASHINGTON'S FAREWELL ADDRESS

Mr. ALLARD. Mr. President, I take a moment to recognize Senator SALAZAR, who just read Washington's Farewell Address to the people of the United States. This is an honor that is bestowed alternately between Republicans and Democrats on alternate years. By his selection to deliver Washington's Farewell Address, we are all very proud. We feel, by honoring him, you honor the people of Colorado. We thank the leadership in the Congress for bestowing that honor on my colleague from Colorado, as well as the people of Colorado.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business with Senators permitted to speak for up to 15 minutes each.

The Chair recognizes the Senator from Colorado.

ESSAY OF AIR FORCE CADET

Mr. ALLARD. Mr. President, I received a letter from the director, legislative liaison of the Office of the Secretary of the Air Force, on behalf of the Air Force Chief of Staff. He called to my attention an essay that was written by a fourth class cadet at the U.S. Air Force Academy. His name is Joseph R. Tomczak. I was moved by this essay to the point that I want to take my time this morning to read it to Members of the Senate because it articulates, in a very succinct way, why our young people today look to the Armed Forces as a career, and why they make the decisions they do to fight for freedom and to fight for this country.

We all greatly respect all people who take the time to serve in our Armed Forces, whether it is during a short enlistment period or they make it their lifetime career. This essay is well stated, and I think not only does it speak as to why a cadet would decide to serve in one of our academies—in this case, it happens to be the Air Force Academy—but it gives us insight as to why people would pick the Armed Forces to serve in during part of their adult lifetime or why they would dedicate their entire life to a career in the U.S. Armed Forces.

So here is the essay. It is titled, "Winter Break."

> So after our sunburns have faded and the memories of our winter break have been reduced to pictures we've pinned on our desk boards, and once again we've exchanged t-shirts and swim suits for flight suits and camouflage, there still remains the question that every cadet at the U.S. Air Force Academy in Colorado Springs has asked themselves at some point: Why did we come back? Why, after spending two weeks with our family would we return to one of the most demanding lifestyles in the country? After listening to our friends who are home from State or Ivy League schools chock full of wisdom about how our war in Iraq is unjust and unworldly, why would we return? And after watching the news and reading the papers which only seem to condemn the military's every mistake and shadow every victory, why would we continue to think it is worth the sacrifice of a normal college life?
>
> Is it because the institution to which we belong is tuition-free? Anyone who claims this has forgotten that we will, by the time we graduate, repay the U.S. taxpayer many times over in blood, sweat, and tears. Is it because the schooling we are receiving is one of the best undergraduate educations in the country? While the quality of the education is second to none, anyone who provides this as a main reason has lost sight of the awesome responsibility that awaits those who are tough enough to graduate and become commissioned officers in the U.S. Air Force.
>
> I come back to the academy because I want to have the training necessary so that one day I'll have the incredible responsibility of leading the sons and daughters of America in combat. These men and women will never ask about my academy grade point average, their only concern will be that I have the ability to lead them expertly—I will be humbled to earn their respect.
>
> I come back to the academy because I want to be the commander who saves lives by negotiating with Arab leaders . . . in their own language. I come back to the academy because, if called upon, I want to be the pilot who flies half way around the world with 3 mid-air refuelings to send a bomb from 30,000 feet into a basement housing the enemy . . . through a ventilation shaft 2 feet wide. For becoming an officer in today's modern Air Force is so much more than just command; it is being a diplomat, a strategist, a communicator, a moral compass, but always a warrior first.
>
> I come back to the Air Force Academy because right now the U.S. is fighting a global war that is an away game in Iraq—taking the fight to the terrorists. And whether or not we think the terrorists were in Iraq before our invasion, they are unquestionably there now. And if there is any doubt as to whether this is a global war, just ask the people in Amman, in London, in Madrid, in Casablanca, in Riyadh, and in Bali. This war must remain an away game because we have seen what happens when it becomes a home game. . . I come back to the academy because I want to be a part of that fight. I come back to the academy because I don't want my vacationing family to board a bus in Paris that gets blown away by someone who thinks that it would be a good idea to convert the Western world to Islam. I come back to the academy because I don't want the woman I love to be the one who dials her frantic cell phone call while huddled in the back of an airliner with 100 other people seconds away from slamming into the Capitol building. I come back to the academy because during my freshman year of high school I sat in a geometry class and watched nineteen terrorists change the course of history live on television. For the first time, every class currently at a U.S. Service Academy made the decision to join after the 2001 terror attacks. Some have said that the U.S. invasion of Iraq and Afghanistan only created more terrorists. . . I say that the attacks of September 11th, 2001 created an untold number of American soldiers; I go to school with 4,000 of them.—And that's worth missing more than a few frat parties.

That essay has been submitted by Joseph R. Tomczak, cadet fourth class, U.S. Air Force Academy.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

STAFF SERGEANT WILLIAM A. ALLERS III

Mr. McCONNELL. Mr. President, I come to the floor today to reflect on the tremendous dedication and sacrifice that our country's soldiers exhibit every day. In particular, I want to call to my colleagues' attention a personal portrait of a young man who laid down his life defending freedom—a freedom this country has known for centuries, and that the people of Iraq have recently embraced.

While words cannot soothe the anguish of those who knew and loved him, they can help explain the heroism of his sacrifice, and so we pause today to remember and celebrate the life of SSG William A. Allers III.

Sergeant Allers was accustomed to combat situations, as the battle-hardened veteran of more than 150 combat patrols and 50 security escorts while serving in Iraq. In fact, Sergeant Allers served valiantly in more than 25 combat engagements in his time there.

On Tuesday, September 20, 2005, a Kentucky National Guard armored Humvee ran over an improvised explosive device on a dusty road near Al Khalis, Iraq—a dangerous city located within the Sunni Triangle, known as the hideout of killers and criminals who kidnap innocents for ransom. The Guard unit was patrolling the streets of this city, located about 40 miles north of Baghdad, when they were attacked. Three soldiers from the distinguished 617th Military Police Company were in the Humvee. Of the three, two were injured, and Sergeant Allers was killed. He was 28 years old.

For his service to a grateful Nation, Sergeant Allers was awarded the Bronze Star, the Purple Heart and the Combat Action Badge. He had also received the Army Commendation Medal and the Kentucky Distinguished Service Medal. His commanding officer, Captain Todd Lindner, made clear to all that the 617th Military Police Company had lost an outstanding soldier. "Bill worked hard to keep high morale in his team," Capt. Lindner said, "and was a catalyst for the morale in our entire company."

To fully appreciate the impact Bill Allers had on those around him, however, it helps to know something about how he grew up. Billy, as he was known as a kid, was an adventurer. His father, William Allers II, has said that if there was a puddle of water, you would find Billy playing in it. A neighborhood friend of Bill's added, "if you [went] to look for Billy, you found him up in a tree."

Through this sense of adventure, Billy earned his childhood nickname. One day when Billy was about 4 or 5, his dad brought home a truckload of mushroom soil for the vegetable garden. Out of pure luck, this pile was deposited at the end of the long driveway of the Allers' home—and to Billy and his best friend, it had all the makings of a great jump ramp.

Before Mr. Allers had time to finish a glass of ice water inside the house, the two boys lined up their Big Wheels, sped down the blacktop and launched themselves nearly six feet into the air. Ever since that intrepid stunt, whenever they were seen together, the two were called the "Dukes of Hazzard" Boys. Billy's father jokes that this experience taught him that his son was a true "country boy."

Growing up, Bill Allers impressed people not only with his daredevil Big Wheel jumps, but also with his big heart and ability to lead others. During Bill's 4 years on the Fallston High School track team, in Fallston, MD, where he grew up, his strength of character began to shine through. His high school track coach put it this way: "As we went through the 4 years, he molded into a leader, and he wanted to be part of the team, and he wanted the team to do as well as possible, and [he] would always encourage the younger participants when he became one of the seniors."

Coach Greg Thompson went on to say, "He was selfless. He just was for everyone else and he wanted to see everybody else excel. And he wasn't worried about himself."

A truly gifted athlete, Bill mastered the high jump. He was also the "anchor" of the two-twenty and four-forty relay teams, meaning he was the one to carry the baton for the final stretch toward the finish line. If the relay team was behind, they trusted Bill to make up the ground and win the race.

Bill took pride in his team and his role on it, and he worked very hard to become the best competitor he could be. Evidently, he mastered that too, because Bill's relay team won medals at the Maryland High School State Championships in 1994.

When he was not running track, Bill worked part-time for a local landscaping and nursery company in Fallston. Part-time might not be a fair description, however, since it was all his parents could do to keep him from working 40 hours a week. Bill loved digging his hands into the soil and working to improve the environment that surrounded him.

In Iraq, that urge to build and create gave Bill his greatest joy—the gratitude the Iraqis had for the work he and his squad were doing to restore their country. A few months before Sergeant Allers reached his final resting place in Arlington National Cemetery, on a peaceful slope in a section reserved for those honored soldiers who have fallen in Iraq, he told his family about the work he was doing to restore that desert nation.

Bill's father said that Bill took great comfort from the gratitude the children of Baghdad showed to the American soldiers. His younger brother, Dave Allers, added, "He told us the kids over there really adored seeing soldiers out there. The soldiers handed out stationery, candy and gum. It opened up a whole new world to them. [Bill] was ecstatic that he was doing something good."

Sergeant Allers's love of the great outdoors also explains his affinity for the Commonwealth of Kentucky. Bill may have grown up in Maryland, but he was first exposed to the Bluegrass State when he was assigned to Fort Knox, KY, to learn the tradecraft of the cavalry scout.

After serving a tour of duty that took him around the world and back, Bill decided to leave active-duty Army life and make Leitchfield, KY, his home. He was captivated by our rolling hills, champion horses, and friendly people. Wanting to continue his service to our country, he also decided to join the Kentucky National Guard, where he served with distinction until his final sacrifice.

Mr. President, in just these few short words I think I've made clear that this was a young man who gave so much of himself to better the lives of those around him. Now he is gone. We wish we could ease the grief of his family: his father, William, his brother, Dave, and his grandmother, Virginia, who have joined us today in the gallery, and his 9-year-old son, Gregory.

I hope their heartache is tempered by the knowledge that America will forever celebrate Sergeant Allers's heroism, and his sacrifice. As will the Iraqi children he safeguarded. And his courage, his bonds of love and friendship, and his spirit will not be forgotten.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination on today's Executive Calendar: Calendar No. 525. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

Reginald I. Lloyd, of South Carolina, to be United States Attorney for the District of South Carolina for the term of four years, vice J. Strom Thurmond, Jr., resigned.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I should first propound an inquiry of the Chair: What is the situation? What is the order of business?

The PRESIDING OFFICER. The Senate is in a period of morning business, and Senators may speak for up to 10 minutes each.

The Senator has 9 minutes remaining.

WIRETAPPING OF AMERICAN CITIZENS

Mr. BYRD. Mr. President, in his radio address on December 17, 2005, President Bush disclosed that after September 11, 2001, he authorized the National Security Agency, NSA, to undertake wiretapping of American citizens to try to prevent terrorist attacks. The President argued that his actions were, in his words, "fully consistent" with his constitutional responsibilities.

The President wrongly asserted—Mr. President, the President wrongly asserted—that his authority to order warrantless electronic surveillance of U.S. citizens on American soil is supported by his inherent Presidential powers and the joint congressional resolution that authorized the use of force after September 11.

A huge swath—a huge swath—of America, including many expert legal minds, does not—I say, does not—agree with the arguments put forth by the administration. These arguments are transparently contrived, intellectually deficient, indefensible excuses being served up like tripe to silence legitimate criticism of the White House.

Let me say that again. A huge swath of America, including many expert legal minds, does not agree with the arguments put forth by the administration. These arguments are transparently contrived, intellectually deficient, indefensible excuses being served up like tripe to silence legitimate criticism of the White House, a White House so infused with its own hubris that it has talked itself into believing that its inhabitants are above the law. But they are not. They are not above the law. President Bush is not above the law. No President is above the law. No United States Senator is above the law. No man is above the law. No one in the United States of America is above the law. Remember, this is a nation of laws, not of men.

Yesterday, the Senate's Select Committee on Intelligence jettisoned its constitutional responsibility to make certain that our laws are not being breached, and that the spirit and text of our revered Constitution remain in force. It is a sad day, indeed, to see such an important committee wilt under political pressure applied by the Vice President in partisan meetings held behind closed doors. The committee adjourned last night without considering a Democratic proposal to begin an investigation of the warrantless spying program, even though Senator JAY ROCKEFELLER, the vice-chairman of the Intelligence Committee, had been assured that his proposal would receive a vote.

I want to commend my colleague, Senator ROCKEFELLER. He has worked hard to protect the people's liberties, to make sure that this administration, even in its most secret circles, follows the law and the Constitution. It has not been an easy task, but it is one that Senator ROCKEFELLER has carried diligently.

Like Senator ROCKEFELLER, I will not sit idly by and allow the President's possible breaking of the law to be swept under the rug. I refuse to go quietly into the night, abdicating my responsibility as a U.S. Senator to a secretive executive branch, which refuses to brief the Congress of the United States on its clandestine spying on U.S. citizens without a warrant—an administration that believes it can, on its own, nullify constitutional provisions intended to protect the freedoms of millions of Americans for over 200 years.

This travesty must not stand. The peeping and snooping and spying must be investigated.

I am today announcing my intention to submit to the Congress legislation that will establish a nonpartisan, independent, 9-11-style commission to investigate and determine the legality of the President's actions.

There is a critical need for a thorough investigation of all domestic surveillance programs.

As I stated on Wednesday in my remarks on this subject, we, the American people—not just the NSA or the White House—have a legitimate need to know what is being done, by whom, and to whom. If there is a justifiable and valid reason to surveil a potential terrorist in the U.S., we certainly can find a way to do it legally. If there is a need to provide more efficient tools to fight terror, Congress has the responsibility to deliberate and, if warranted, to approve them. The President should ask Congress for them; not seize new powers that have never been enumerated by any U.S. court.

Congress would be pleased to entertain his request, as we have in the past, by updating FISA and the PATRIOT Act, but not—I repeat, not—before a full investigation to determine if laws have been broken—an investigation which will give members a fuller understanding of just what these surveillance programs entail. A little sunshine on this process is long overdue. Congress cannot fix what the White House does not want us to fully understand.

Congress needs to know if the Foreign Intelligence Surveillance Act or any other U.S. law has been broken, and whether the constitutional rights of thousands of Americans have been violated without cause. It is essential that Congress obtain the answers to these questions, not for partisan political reasons, but because our system of checks and balances requires it.

James Madison advised in Federalist 47 that: the accumulation of all powers, legislative, executive and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

The assumption of power by an unchecked executive, who arrogantly believes that he can seize the authority to spy on innocent Americans and wantonly violate the fourth amendment is the beginning of the tyranny Madison so feared.

Mr. President, I ask unanimous consent that the text of the fourth amendment of the Constitution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONSTITUTION: FOURTH AMENDMENT

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Mr. BYRD. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

LIHEAP

Mr. STEVENS. Mr. President, our country needs additional funding for LIHEAP. Temperatures in rural Alaska have reached 62 below zero. These temperatures have frozen heating systems and water and sewer lines in many of our villages. Alaskans are struggling this winter and paying over $5 per gallon to heat their homes. In fact, the mayor of a North Slope community told me that at one point, a village paid $8 per gallon.

While the home heating picture is not as bleak in other parts of our country, all Americans are feeling the effects of high energy prices.

In December, I tried to address this situation by including emergency LIHEAP funding in the Defense Appropriations Bill. Our bill created a new revenue stream by authorizing oil and gas development in the Coastal Plain of ANWR—and used this revenue to provide funding for several emergencies. Our bill included $2 billion for LIHEAP and funding for the hurricane victims, first responders, and farmers.

The ANWR provision would have created a long-term, dedicated funding stream for home energy assistance.

Most of my colleagues on the other side of the aisle successfully filibustered consideration of this package under the guise of a Rule XXVIII violation. They then noted to remove the ANWR provision and the funds it provided from the bill, including emergency funding for LIHEAP.

It was a sad display of good policy dying a quick death at the hands of partisan politics. It was a particularly sad day for the people this funding was designed to help.

Despite this, Americans still need heating assistance this winter. I hoped the Senate would put partisan politics aside and create a long-term funding stream for LIHEAP in December. I believe that would have been the best solution.

The measure before us today is the only other solution available, and I urge my colleagues to pass emergency LIHEAP assistance.

S. RES. 374 (PASSED THURSDAY, FEBRUARY 16)

Mr. FRIST. Mr. President, S. Res. 374 concerns a request for testimony, document production, and representation in a criminal case. The U.S. Department of Justice has brought a case in Federal court in the District of Columbia against the former chief of staff of the General Services Administration. The five-count indictment includes charges of making false statements and obstructing the investigation of the Committee on Indian Affairs into allegations of misconduct by lobbyists in the course of the representation of Native American tribes.

Both the Government and the defense are seeking trial testimony and documents from committee staff who assisted in the conduct of the Committee's investigation. The chairman and vice chairman of the committee would like to assist by providing necessary evidence in this trial, consistent with any rulings of the Court. Accordingly, this resolution would authorize committee staff, where appropriate, to testify and to produce documents in this case with representation by the Senate Legal Counsel.

LAURA DALE DUFFIELD

Mr. KYL. Mr. President, I rise today to announce to the Senate the arrival in this world of Laura Dale Duffield. Miss Duffield was born to her parents Cara and Steven this last Friday, and is reported to weigh over 7 pounds. Her father, Steven, is the Judiciary Policy Analyst and Counsel for the Republican Policy Committee, which I chair.

I would like to take a moment to note for posterity some of the events taking place in the world at the time that young Laura joins us. Most important among the matters recently before the Senate, I think, is the confirmation several weeks ago of the nomination of Samuel Alito to be a Justice of the Supreme Court of the United States. In the fall of last year, the Senate also confirmed the nomination of John Roberts to be the Chief Justice of the United States. Steven played an important role in both confirmations, supplying Republican Senators with information and draft speeches about the nominees, and even staffing me on the Judiciary Committee during the nominees' hearings. This is the first time that there has been a change in the membership of the Supreme Court since 1994—before Laura's parents even began law school. Chief Justice Roberts replaces Chief Justice Rehnquist, who originally had been appointed to the Court in 1971, in between the time that Laura's parents were born. Justice Alito replaces Justice O'Connor, who had been appointed to the Court when Laura's parents still were in grade school.

In the years to come, we of course will have many opportunities to evaluate these two new Justices and their impact on the law. At the present time, based on what I saw ofthese nominees at their hearings before the Judiciary Committee, I think that they give us reason to be hopeful about the future. I think that we can reasonably expect both nominees to usher in a new era of the rule of law in this country—to restore the Supreme Court to its intended role, of declaring what the Constitution means in light of how it was reasonably understood when it was enacted. For many years now, Americans often have felt powerless at the hands of a Court that has pursued its own political agenda—an agenda without a basis in the text, structure, or history of the Constitution. I am optimistic that in the years to come, the Supreme Court might play a less prominent role in American life, and might allow the American people and their elected representatives a more prominent role in making the laws that govern them.

This year also marks the 5th year since the terrorist attacks on the Trade Center in New York and on the Pentagon. Those attacks still set much of the national agenda, from the wars in Afghanistan and Iraq to the legislation that we are considering in the Senate. On the day that Laura was born, last Friday, the headline in the Washington Post was, "Patriot Act Compromise Clears Way for Senate Vote." I will include this news story in the RECORD following my remarks. Last December, the PATRIOT Act—an important antiterrorism law that enhances investigators ability to detect and disrupt terrorist plots—was held up in a legislative filibuster. Occasionally, the Senate takes to heart its intended role as a brake on legislative action and throws one of its periodic tantrums. But fortunately, just in advance of Laura's arrival, the impasse over this indispensable law has been cleared.

Finally, this moment in time also is marked in this place by legislative action on a slew of reforms to our civil-justice and bankruptcy laws; an attempt to reform our immigration system and control our border; and an attempt to reverse the verdict of the Civil War by authorizing Native Hawaiians to secede from their State. Mention of these projects, however, serves only to highlight their insignificance relative to the arrival of a new child in the world. I doubt that Steven even will remember the laborious policy papers that he produced on all of these topics as he watches Laura grow older.

I congratulate Steven and Cara on the arrival of their daughter—on the fact that there is now one more person in the world whom we will all call "Duffield"—and I wish them good fortune in caring for and cultivating their new charge.

I ask unanimous consent that the following Washington Post news story be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From washingtonpost.com, Feb. 10, 2006]

PATRIOT ACT COMPROMISE CLEARS WAY FOR SENATE VOTE

(By Charles Babington)

Efforts to extend the USA Patriot Act cleared a major hurdle yesterday when the White House and key senators agreed to revisions that are virtually certain to secure Senate passage and likely to win House approval, congressional leaders said.

The law—passed in the wake of the 2001 terrorist attacks and scheduled to lapse in key areas last year—makes it easier for federal agents to secretly tap phones, obtain library and bank records, and search the homes of suspected terrorists. Several Democrats said the compromise announced yesterday lacks important civil liberties safeguards, and even the Republican negotiators said they had to yield to the administration on several points.

But with virtually all 55 GOP senators now on board, and Democrats joining them, the plan appears to have enough support to overcome the Senate filibuster that has thwarted a four-year renewal of the statute for months. Senators said they think the White House will be able to coax the Republican-controlled House to agree as well, even though House leaders have complained that senators' demands had weakened the measure.

"It was a bipartisan group of us that really believed we could do better . . . to protect civil liberties even as we gave law enforcement important tools to conduct terrorism investigations," Sen. John E. Sununu (R–N.H.) told reporters. He said that he and his fellow negotiators had to make more concessions to the administration than they wanted to, but that Congress will monitor the law's application over the coming years and perhaps revise it.

Sen. Richard J. Durbin (Ill.), one of several Democrats who agreed to back the compromise yesterday, said "it falls far short" of the bill that was passed by the Senate last year but rejected by the House. "But if you measure it against the original Patriot Act . . . we've made progress" toward "protecting basic civil liberties at a time when we are dealing with the war on terrorism," Durbin said.

Senate Minority Leader Harry M. Reid (D–Nev.) called the compromise "a step in the right direction."

The proposal would restrict federal agents' access to library records, one of the Patriot Act's most contentious provisions. A form of secret subpoena known as a National Security Letter could no longer be used to obtain records from libraries that function "in their traditional capacity, including providing basic Internet access," Sununu and others said in a statement. But libraries that are "Internet service providers" would remain subject to the letters, Durbin said.

The Senate proposal would no longer require National Security Letter recipients to tell the FBI the identity of their lawyers.

The compromise bill also addresses "Section 215 subpoenas," which are granted by the Foreign Intelligence Surveillance Act court. Recipients of such subpoenas originally were forbidden to tell anyone about the action. The proposed Senate measure would allow them to challenge the "gag order" after one year, rather than the 90-day wait in earlier legislation.

Sununu said the administration insisted on the longer waiting period. "You now have a process to challenge the gag order," he said, defending the concession. "That didn't exist before."

Sununu said he and his allies were disappointed that the compromise does not require agents to "show a connection to a suspected terrorist or spy" before obtaining a Section 215 subpoena. Instead, a FISA judge would have to agree that there are reasonable grounds to believe the items being sought are relevant to an investigation into terrorism.

Several liberals condemned the bill. "I am gravely disappointed in this so-called deal," said Sen. Russell Feingold (D–Wis.). "The White House agreed to only a few minor changes" that "do not address the major problems," he said, adding: "We've come too far and fought too hard to agree to reauthorize the Patriot Act without fixing those problems."

But Justice Department spokesman Brian Roehrkasse said the Senate compromise "maintains the tools necessary to fight terrorism while further strengthening safeguards to protect civil liberties."

"We are hopeful that the Congress will now move forward to renew the Patriot Act," he said.

In a related area yesterday, several Democrats said the administration must do more to explain and justify the domestic surveillance program conducted by the National Security Agency.

"If they came with the idea that this is going to stop an investigation on the part of the Senate intelligence committee, they were wrong," committee Vice Chairman John D. Rockefeller IV (D–W.Va.) told reporters after a closed briefing by two top administration officials. "There were certain kinds of questions which could easily have been answered but weren't. . . . Where we really wanted hard information that was important to us, that gave us the size and the scope and the reach and the depth of the program," he said, "they were not forthcoming."

Sen. Dianne Feinstein (D–Calif.) said after the briefing: "For the life of me, I don't understand why the administration won't say, 'Sure, you have a right to look at this. We'd like to expand it.'"

ADDITIONAL STATEMENTS

TRIBUTE TO WILLIAM A. COOPER

• Mr. COLEMAN. Mr. President, earlier this week, I paid tribute to Mr. William A. Cooper, honoring his career and service to the State at the occasion of his retirement. Today, I would like to have printed into the RECORD the following statement from the esteemed Minnesotan and former Senator Rudy Boschwitz in honor of our friend Bill Cooper.

The statement follows:

THE TAXPAYERS' FRIEND RETIRES (?)

Not many people can say they saved the taxpayers billions. Bill Cooper can. Well, some credit must be given to the team he brought to Minnesota and some locals that he found here and made a part of that team. But Bill was clearly the leader. Without him it is highly doubtful that TCF would have survived.

It must be mentioned at the very outset that without his wife, Sherry, it would have been highly doubtful that Bill himself would have survived, much less be able to endure the pressures and hours that first saving and then building a major institution entails.

It started about 20 years ago in the midst of the Savings & Loan crisis when S&L's were going broke left and right including some big ones here in Minnesota. The eventual cost to the taxpayer was in the neighborhood of $100 billion. Extraordinarily high interest rates combined with poor management and complicated by the lugubrious sounding phenomena of disintermediation had brought S&L's nationwide to their knees. Twin City Federal Savings and Loan (TCF), the largest and mightiest of them all in the Upper Midwest, appeared to be the next candidate for failure and a Government bailout to protect its depositors.

But, finally the Directors of TCF acted. By a single vote margin (many credit Community Activist and Leader, Harry Davis, with casting that vote) their decision was to bring in a fellow named Bill Cooper to save the sinking ship—though I suspect those embattled Directors must have had considerable doubt about the prospects for success.

My estimate may be wrong, but I suspect a TCF failure would have been one of the bigger ones nationally and cost the taxpayer $3 billion or more.

Instead, today TCF National Bank with its 500+ branches is a strong growing institution with stockholder value exceeding $3 billion. And much to Bill Cooper's credit, that value has been spread generously to his team (and other stockholders) returning riches beyond the dreams of the many who joined under Bill's leadership to create a new TCF.

This commendation could as well be entitled "Only in America." I don't know the intricacies of Bill's life from his boyhood forward, but I do know that he was a policeman on the beat in Detroit; that he went to college in the evenings; got his degree in accounting and joined the many other young aspirants as an "associate" at a large national accounting firm. There he was put to work auditing bank clients and the rest, as they say, is history.

I joined the Board of TCF in 1991. The stock was about $2½ at the time (naturally I didn't buy enough of it). I served on the Board for about 9 years till my 70th birthday when the by-laws stipulated my retirement, though my feeling of closeness to the institution and its people continues unabated. It should! I continue to contribute to it's PAC and am the recipient (for another 3–4 years) of a retirement income from TCF.

I have been a Director of a number of national corporations. None has been as well managed as TCF. A single word summarizes Bill Cooper's role: Leadership. It is a totally focused leadership. At TCF there is no question about who is in charge. It is Bill Cooper (and with Lynn Nagorske as CEO I suspect there will continue to be no question). Bill has no problem in being tough, direct and fair. Bill does not turn away from the vagaries of the most difficult decisions. He is a remarkable leader both at the Bank and in his Community. The fact that in my 15-year association there have been few leadership changes at TCF—other than through retirements—attest to the quality and strength of Bill's leadership which includes delegating responsibility and expecting and very objectively measuring performance.

Does such a man really retire? I don't think so. Certainly not entirely. Not a man of Bill's curiosity and drive. Besides, he still has young kids in school and college educations loom ahead. The idea of Bill sitting around, playing golf, and not rising to new challenges is incongruous. It won't happen. And it will be fun watching what develops.•

PENSION RIGHTS CENTER'S 30TH ANNIVERSARY

• Mr. HARKIN. Mr. President, I would like to recognize the great achievement of the Pension Rights Center as it celebrates its 30-year anniversary. Since its founding on February 17, 1976, the center has championed the pension rights of working Americans and their families. The center is one of the country's foremost leaders on pension issues from a consumer perspective and has made an enormous difference in the lives of millions of workers, retirees and their families.

Over the years, the center has played a key role in identifying pension inequities and promoting reasonable solutions. They have played an instrumental role in shaping and ultimately helping to secure Federal laws and regulations that have expanded pension rights for widows, divorced spouses, and working people. The center is also the most trusted resource for pension information for policymakers, researchers, and the media on the highly complex pension issues translated from a consumer perspective.

The center has led the way in helping individuals with their pension problems and in helping develop and coordinate the country's first nationwide pension information and assistance services for older Americans. The center provides backup legal training and technical assistance for the U.S. Administration on Aging's Pensions Counseling and Information Program. There are now currently six regional counseling projects that provide free assistance to thousands of individuals in 17 States.

The center also has spearheaded the Conversation on Coverage, an innovative public policy initiative that has brought together a wide range of experts—including businesses, unions, financial institutions, and national retiree, women's, and consumer organizations—to find common ground approaches to increasing pension coverage. The Conversation on Coverage's three working groups are in the process of finalizing recommendations to expand pensions and savings for millions of Americans.

The center's work is needed now more than ever. As baby boomers get closer to retirement, it is becoming clearer and clearer that they likely will not enjoy the retirement security that their parents have enjoyed. Younger workers are even more at risk. Many employers are backing away from their longstanding commitment to providing for their workers' retirement security.

Thousands of pension plans have been terminated or frozen and thousands more are considering additional pension cutbacks. The center has always been at the forefront of protecting workers' pensions and in proposing innovative and workable solutions, and their efforts will be all the more critical in the days and years ahead.

I wish the Pension Rights Center, its founder, Karen Ferguson, and the dedicated staff a very healthy 30th anniversary.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2320. A bill to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, February 17, 2006, she had presented to the President of the United States the following enrolled bill:

S. 1989. An act to designate the facility of the United States Postal Service located at 57 Rolfe Square in Cranston, Rhode Island, shall be known and designated as the "Holly A. Charette Post Office".

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SANTORUM (for himself, Mr. DODD, Mr. BENNETT, Ms. LANDRIEU, Mr. DEWINE, Mr. LOTT, Mr. BUNNING, Mr. HATCH, Mr. BURNS, Mr. INHOFE, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. CLINTON, Mr. SCHUMER, Ms. STABENOW, Mr. DAYTON, Mr. GRASSLEY, Mr. CRAIG, Mr. BURR, Mr. CRAPO, Mrs. LINCOLN, and Mr. HARKIN):

S. 2321. A bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 2322. A bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 2323. A bill to extend the temporary suspension of duty on certain high-performance loudspeakers; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 2324. A bill to suspend temporarily the duty on certain audio headphones; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 2325. A bill to reduce temporarily the duty on certain audio headphones achieving full-spectrum noise reduction; to the Committee on Finance.

By Mr. DOMENICI:

S. 2326. A bill to provide for immigration reform, and for other purposes; to the Committee on the Judiciary.

By Mr. ALLEN (for himself, Mr. KERRY, Mr. SUNUNU, and Mrs. BOXER):

S. 2327. A bill to require the FCC to issue a final order regarding white spaces; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 2328. A bill to extend the temporary suspension of duty on certain synthetic filament yarns; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 2329. A bill to extend the temporary suspension of duty on certain filament yarns; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 2330. A bill to extend the temporary suspension of duty on certain R-core transformers; to the Committee on Finance.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 2331. A bill to amend the Internal Revenue Code of 1986 to extend the period for which the designation of an area as an empowerment zone is in effect; to the Committee on Finance.

By Mr. STEVENS:

S. 2332. A bill to amend the Communications Act of 1934 to promote and expedite wireless broadband deployment in rural and other areas, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS (for himself, Mr. INOUYE, Mr. BURNS, Mr. MCCAIN, Mr. ROCKEFELLER, Mr. LOTT, Mr. LAUTENBERG, Mr. SUNUNU, Mr. PRYOR, and Mr. NELSON of Florida):

S. Res. 382. A resolution recognizing Kenneth M. Mead's service as the Inspector General of the Department of Transportation; considered and agreed to.

By Mr. BIDEN (for himself, Mr. BROWNBACK, Mr. OBAMA, Mr. LUGAR, Mr. FEINGOLD, and Mr. DODD):

S. Res. 383. A resolution calling on the President to take immediate steps to help improve the security situation in Darfur, Sudan, with an emphasis on civilian protection; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 370

At the request of Mr. LOTT, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 370, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 779

At the request of Mr. DORGAN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 779, a bill to amend the Internal Revenue Code of 1986 to treat controlled foreign corporations established in tax havens as domestic corporations.

S. 910

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 910, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 1479

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1479, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 2266

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2266, a bill to establish a fellowship program for the congressional hiring of disabled veterans.

S. 2278

At the request of Ms. STABENOW, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2278, a bill to amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 2284

At the request of Ms. MIKULSKI, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2284, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2312

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2312, a bill to require the Secretary of Health and Human Services to change the numerical identifier used to identify Medicare beneficiaries under the Medicare program.

S. 2314

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S.

2314, a bill to suspend the application of any provision of Federal law under which persons are relieved from the requirement to pay royalties for production of oil or natural gas from Federal lands in periods of high oil and natural gas prices, to require the Secretary to seek to renegotiate existing oil and natural gas leases to similarly limit suspension of royalty obligations under such leases, and for other purposes.

S. RES. 379

At the request of Mr. SANTORUM, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. Res. 379, a resolution recognizing the creation of the NASCAR-Historically Black Colleges and Universities Consortium.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 2322. A bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise to introduce the Consumer Assurance of Radiologic Excellence Act of 2006. This bill would improve the quality and value of diagnostic medicine. If the RadCARE Act is enacted, patients and providers alike will benefit from more efficient and accurate diagnoses and safer, more appropriate therapies, all afforded at a substantially decreased cost to the taxpayer.

Most of us feel anxious when we see the doctor, regardless of whether the evaluation reveals a problem. That is particularly true when we are concerned about cancer. How reassuring it is for us to believe that our physicians have available to them the full range of diagnostic tests and therapeutic procedures necessary to manage our care in the best way possible. We expect, too, that everyone who participates in our care is highly qualified to perform the services they provide. It is an expectation that each of us deserves to have but, all too often, is unrealistic.

Effective treatments are predicated on accurate diagnoses, and every treatment has the potential to cause harm. Missed, inaccurate, or delayed diagnoses can lead to unnecessary or dangerous therapies, with avoidable medical costs the least of the consequences. Physicians and patients should be able to trust that the technical providers such as the radiologic technologists, ultrasonography technologists, and medical radiation technologists who actually perform these tests are well qualified to do their jobs and have the appropriate credentials help to provide this assurance.

Cancer of many different types has become much more common; indeed, cancer is the second leading cause of death in America, behind only heart disease. Medical imaging tests play an increasingly important role in diagnosing a wide variety of malignant diseases and in determining the results of treatment. Radiation therapy is a common form of cancer therapy and used in more than half of all cancer cases. As our population ages, we should anticipate that such procedures and therapies will be performed with greater frequency on older Americans, with the cost borne more and more often by federally financed health care programs. For example, in 2004, Medicare paid over $1 billion for radiation therapy.

Improvements in health care often occur through technological innovations. For example, today's providers depend much more on diagnostic medical imaging than they did in the past, which has led to a rapid increase in the number of procedures performed, procedures that are not limited just to patients with cancer. Over 300 million radiologic procedures are performed annually in the United States, with 70 percent of Americans undergoing some type of medical imaging exam or radiation therapy treatment annually.

These innovations, while of undeniable potential benefit, come with substantial costs. Radiology costs are reaching over $100 billion annually; diagnostic imaging is one of the fastest growing cost areas in American health care. These costs are not limited to charges alone. Sedation, administered to facilitate a diagnostic imaging study, may compromise breathing or heart function. Therapeutic interventions based, in part, on these studies are fraught with potential complications, and the risk increases if the diagnostic information is incomplete or inaccurate. Similarly, a decision not to intervene carries its own risks, especially if the facts on which the decision is made are in error.

Congress has already taken some steps to assure the public that those who provide these services meet sufficient standards of technical proficiency. The Mammography Quality Standards Act of 1992 established standards for technologists performing one crucial diagnostic test; substantial quality improvement has been the result. The Consumer-Patient Radiation Health and Safety Act of 1981 encouraged the States to set standards for the technical competence of those who provide diagnostic imaging or radiation therapy services to patients but left compliance with those standards optional. Unfortunately, to date, nine States and the District of Columbia have enacted no regulatory statutes at all while, in a further six States, those regulations remain incomplete. Some provider disciplines have no specified standards of education, training, and experience at all. In fact, a provider with only a few hours of course work or a couple of weeks of on-the-job training may be responsible for obtaining the image a physician uses to diagnose your cancer or to deliver the radiation that is crucial to the treatment of your tumor. One doesn't have to be a doctor to recognize that this is not good medicine to rely solely on the good intentions of those who employ these providers.

In its report to Congress this March, MedPAC—the Medicare Payment and Advisory Commission—recognized that, while the issue is complex, technical excellence in diagnostic imaging and radiation therapy plays a central role in improving the public health and lowering costs of care. The RadCARE Act seeks to implement those recommendations that speak to credentialing of technical providers and brings to completion work begun with the Consumer-Patient Radiation Health and Safety Act.

Many will benefit if we pass the RadCARE Act. Better diagnostic images will help physicians to make faster, more accurate diagnoses or, alternatively, to exclude problems from further consideration. Risks such as sedation-related complications and radiation exposure will decrease. Patients will receive therapies that are more considered, precise, and safe. Provider and consumer confidence in the health care process will rise. Qualified technologists will be recognized for their professional achievements and motivated to improve their practice. Taxpayers, even if they are fortunate enough not to require diagnostic or therapeutic radiologic services, will appreciate that their tax dollars are not being wasted on poor quality, repetitive diagnostic examinations or unsafe therapies.

Could the RadCARE Act have unintended, adverse consequences? Some argue that meaningful credentialing of these technical providers will decrease access to care—that it is better to have non-credentialed providers than none at all. Certainly, establishing and maintaining a health care workforce that is adequate in size is an important goal for us to achieve. I would make the case, though, for quality—that bad information is worse than no information at all. It is reassuring to note that, in those States that do regulate this type of technical practice, the number of practitioners has remained stable. To further address this concern, the RadCARE Act gives the Secretary of Health and Human Services the flexibility necessary to modify regulations promulgated under this legislation, so that access to services is not compromised but standards are preserved.

Some fear that credentialing technical providers will increase health care expenses by inflating personnel costs. Again, in those jurisdictions that regulate this type of technical practice, wage inflation has not occurred. Regardless, while I believe that workers should be compensated, fairly and proportionately, for the work that they do, the cost savings from delivering care correctly far outweigh any potential cost increase that might result from higher salaries.

Others are concerned that the RadCARE Act could infringe on the States' right to regulate health care practice or that Congress lacks the capacity to define the standards of practice that should apply. The Act does not codify any particular State action; rather, it provides a substantial economic incentive to the States to establish, at least, minimum standards, an action for which there is precedent in the Mammography Quality Standards Act and one that is consistent with current public and private sector initiatives, such as "pay for performance," that tie reimbursement to recognized best practices. Similarly, the RadCARE Act does not specify what standards should be followed but gives the Secretary the opportunity to derive those standards from those most qualified to provide them: the professional community. Indeed, the Act is supported by the Alliance for Quality Medical Imaging and Radiation Therapy, a consortium of over 275,000 technical professionals.

I invite my colleagues to join me and Senator Kennedy as sponsors of this bill to increase the quality and value of these important diagnostic procedures and lessen the possibility of life-threatening medical mistakes.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 2322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consumer Assurance of Radiologic Excellence Act of 2006".

SEC. 2. PURPOSE.

The purpose of this Act is to improve the quality and value of healthcare by increasing the safety and accuracy of medical imaging examinations and radiation therapy treatments, thereby reducing duplication of services and decreasing costs.

SEC. 3. QUALITY OF MEDICAL IMAGING AND RADIATION THERAPY.

Part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by adding at the end the following:

"Subpart 4—Medical Imaging and Radiation Therapy

"SEC. 355. QUALITY OF MEDICAL IMAGING AND RADIATION THERAPY.

"(a) Establishment of Standards.—

"(1) In general.—The Secretary, in consultation with recognized experts in the technical provision of medical imaging and radiation therapy services, shall establish standards to ensure the safety and accuracy of medical imaging studies and radiation therapy treatments. Such standards shall pertain to the personnel who perform, plan, evaluate, or verify patient dose for medical imaging studies and radiation therapy procedures and not to the equipment used.

"(2) Experts.—The Secretary shall select expert advisers under paragraph (1) to reflect a broad and balanced input from all sectors of the health care community that are involved in the provision of such services to avoid undue influence from any single sector of practice on the content of such standards.

"(3) Limitation.—The Secretary shall not take any action under this subsection that would require licensure by a State of those who provide the technical services referred to in this subsection.

"(b) Exemptions.—The standards established under subsection (a) shall not apply to physicians (as defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r))), nurse practitioners and physician assistants (as defined in section 1861(aa)(5) of the Social Security Act (42 U.S.C. 1395x(aa)(5))).

"(c) Requirements.—

"(1) In general.—Under the standards established under subsection (a), the Secretary shall ensure that individuals, prior to performing or planning medical imaging and radiation therapy services, demonstrate compliance with the standards established under subsection (a) through successful completion of certification by a professional organization, licensure, completion of an examination, pertinent coursework or degree program, verified pertinent experience, or through other ways determined appropriate by the Secretary, or through some combination thereof.

"(2) Miscellaneous provisions.—The standards established under subsection (a)—

"(A) may vary from discipline to discipline, reflecting the unique and specialized nature of the technical services provided, and shall represent expert consensus as to what constitutes excellence in practice and be appropriate to the particular scope of care involved;

"(B) may vary in form for each of the covered disciplines; and

"(C) may exempt individual providers from meeting certain standards based on their scope of practice.

"(3) Recognition of individuals with extensive practical experience.—For purposes of this section, the Secretary shall, through regulation, provide a method for the recognition of individuals whose training or experience are determined to be equal to, or in excess of, those of a graduate of an accredited educational program in that specialty, or of an individual who is regularly eligible to take the licensure or certification examination for that discipline.

"(d) Approved Bodies.—

"(1) In general.—Not later than the date described in subsection (j)(2), the Secretary shall begin to certify qualified entities as approved bodies with respect to the accreditation of the various mechanisms by which an individual can demonstrate compliance with the standards promulgated under subsection (a), if such organizations or agencies meet the standards established by the Secretary under paragraph (2) and provide the assurances required under paragraph (3).

"(2) Standards.—The Secretary shall establish minimum standards for the certification of approved bodies under paragraph (1) (including standards for recordkeeping, the approval of curricula and instructors, the charging of reasonable fees for certification or for undertaking examinations, and standards to minimize the possibility of conflicts of interest), and other additional standards as the Secretary may require.

"(3) Assurances.—To be certified as an approved body under paragraph (1), an organization or agency shall provide the Secretary satisfactory assurances that the body will—

"(A) be a nonprofit organization;

"(B) comply with the standards described in paragraph (2);

"(C) notify the Secretary in a timely manner if the body fails to comply with the standards described in paragraph (2); and

"(D) provide such other information as the Secretary may require.

"(4) Withdrawal of approval.—

"(A) In general.—The Secretary may withdraw the certification of an approved body if the Secretary determines the body does not meet the standards under paragraph (2).

"(B) Effect of withdrawal.—The withdrawal of the certification of an approved body under subparagraph (A) shall have no effect on the certification status of any individual or person that was certified by that approved body prior to the date of such withdrawal.

"(e) Existing State Standards.—Standards established by a State for the licensure or certification of personnel, accreditation of educational programs, or administration of examinations shall be deemed to be in compliance with the standards of this section unless the Secretary determines that such State standards do not meet the minimum standards prescribed by the Secretary or are inconsistent with the purposes of this section.

"(f) Rule of Construction.—Nothing in this section shall be construed to prohibit a State or other approved body from requiring compliance with a higher standard of education and training than that specified by this section.

"(g) Evaluation and Report.—The Secretary shall periodically evaluate the performance of each approved body under subsection (d) at an interval determined appropriate by the Secretary. The results of such evaluations shall be included as part of the report submitted to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives in accordance with 354(e)(6)(B).

"(h) Delivery of and Payment for Services.—Not later than the date described in subsection (j)(3), the Secretary shall promulgate regulations to ensure that all programs under the authority of the Secretary that involve the performance of or payment for medical imaging or radiation therapy, are performed in accordance with the standards established under this section.

"(i) Alternative Standards for Rural and Underserved Areas.—The Secretary shall determine whether the standards established under subsection (a) must be met in their entirety for medical imaging or radiation therapy that is performed in a geographic area that is determined by the Medicare Geographic Classification Review Board to be a 'rural area' or that is designated as a health professional shortage area. If the Secretary determines that alternative standards for such rural areas or health professional shortage areas are appropriate to assure access to quality medical imaging, the Secretary is authorized to develop such alternative standards.

"(j) APPLICABLE TIMELINES.—

"(1) GENERAL IMPLEMENTATION REGULATIONS.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate such regulations as may be necessary to implement all standards in this section except those provided for in subsection (d)(2).

"(2) MINIMUM STANDARDS FOR CERTIFICATION OF APPROVED BODIES.—Not later than 24 months after the date of enactment of this section, the Secretary shall establish the standards regarding approved bodies referred to in subsection (d)(2) and begin certifying approved bodies under such subsection.

"(3) REGULATIONS FOR DELIVERY OF OR PAYMENT FOR SERVICES.—Not later than 36 months after the date of enactment of this section, the Secretary shall promulgate the regulations described in subsection (h). The Secretary may withhold the provision of Federal assistance as provided for in subsection (h) beginning on the date that is 48 months after the date of enactment of this section.

"(k) DEFINITIONS.—In this section:

"(1) APPROVED BODY.—The term 'approved body' means an entity that has been certified by the Secretary under subsection (d)(1) to accredit the various mechanisms by which an individual can demonstrate compliance with the standards promulgated under subsection (a) with respect to performing, planning, evaluating, or verifying patient dose for medical imaging or radiation therapy.

"(2) MEDICAL IMAGING.—The term 'medical imaging' means any procedure used to visualize tissues, organs, or physiologic processes in humans for the purpose of diagnosing illness or following the progression of disease. Images may be produced utilizing ionizing radiation, radiopharmaceuticals, magnetic resonance, or ultrasound and image production may include the use of contrast media or computer processing. For purposes of this section, such term does not include routine dental diagnostic procedures.

"(3) PERFORM.—The term 'perform', with respect to medical imaging or radiation therapy, means—

"(A) the act of directly exposing a patient to radiation via ionizing or radio frequency radiation, to ultrasound, or to a magnetic field for purposes of medical imaging or for purposes of radiation therapy; and

"(B) the act of positioning a patient to receive such an exposure.

"(4) PLAN.—The term 'plan', with respect to medical imaging or radiation therapy, means the act of preparing for the performance of such a procedure to a patient by evaluating site-specific information, based on measurement and verification of radiation dose distribution, computer analysis, or direct measurement of dose, in order to customize the procedure for the patient.

"(5) RADIATION THERAPY.—The term 'radiation therapy' means any procedure or article intended for use in the cure, mitigation, treatment, or prevention of disease in humans that achieves its intended purpose through the emission of radiation.".

SEC. 4. REPORT ON THE EFFECTS OF THIS ACT.

(a) Not later than 5 years after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the Agency for Healthcare Research and Quality, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the effects of this Act. Such report shall include the types and numbers of providers for whom standards have been developed, the impact of such standards on diagnostic accuracy and patient safety, and the availability and cost of services. Entities reimbursed for technical services through programs operating under the authority of the Secretary of Health and Human Services shall be required to contribute data to such report.

By Mr. DOMENICI:

S. 2326. A bill to provide for immigration reform, and for other purposes; to the Committee on the Judiciary.

Mr. DOMENICI. Mr. President, I rise today to introduce a bill regarding immigration: the Welcoming Immigrants to a Secure Homeland Act of 2006.

As a border State Senator and the son of immigrants, I have a unique perspective on immigration. I understand the need to provide a secure homeland for my constituents who see the problems caused by illegal entries into our country every day. I also understand the need to welcome immigrants to our country, so that America remains a country where hardworking, entrepreneurial, and intelligent immigrants can prosper. My perspective is the basis for the WISH Act.

I believe we can welcome immigrants to a secure homeland by addressing five areas.

First, we must improve security at our international borders. On November 17, 2005, I introduced the Border Security and Modernization Act of 2005, S. 2049. That bill calls for improvements to our port of entry infrastructure, increased Department of Homeland Security, DHS, and Department of Justice personnel, new technologies and assets for border security, increased detention capacity, and additional Federal assistance for States. I believe these actions will provide the necessary increased security at our borders.

Second, we must improve enforcement of our immigration laws. The WISH Act addresses this situation by increasing the number of DHS personnel who investigate human smuggling laws, employment of immigrants, and immigration fraud. My bill also increases penalties for violations of immigration laws and provides for a system to verify a worker's employment eligibility.

Third, we must create a new guest worker visa that is easier to obtain and lets individuals who want to come to the United States to work know that if they are hardworking and industrious, we want them in America. The WISH Act creates such a visa, which is valid for up to 9 years if the guest worker remains employed. After the applicant has worked in the United States for 6 of those years, he or she may apply for permanent resident status. An applicant's spouse and unmarried minor children may be admitted to the United States with the guest worker. To ensure that such visas are issued only to legitimate guest workers, my bill requires applicants to provide information on his or her criminal history, gang membership, immigration history, and involvement with groups that have engaged in terrorist acts, genocide, persecution, or plans to overthrow the United States. It also provides for the completion of all necessary background checks.

Fourth, we must account for the millions of undocumented aliens residing in the United States. I believe that the vast majority of these aliens are honest, hard-working individuals who are contributing to our country in positive ways, so the WISH Act allows them to obtain the guest worker visa I just mentioned without leaving the United States if he or she pays a fine. This will allow for these aliens, and their immediate families, to remain in the country doing the work they already do. In order to provide for their timely and orderly transition into legal guests, my bill requires undocumented aliens to apply for this visa or leave the United States. Failure to take one of those actions means they will be removed from the United States and will be unable to return. For aliens who have been working in the United States for at least 5 years before enactment of the WISH Act, my bill allows them to apply for any visa, adjustment of status, or immigration benefit except adjustment of status to that of a permanent resident after they have worked as legal guests for 5 years. However, such applications may not be granted until the alien has returned to his home country.

Lastly, we must create a more welcoming environment for students and visitors to our country. Before the horrific events of September 11, 2001, the United States was a preferred place for foreign students to attend school. This was beneficial to our country because students came to the United States to study, but they stayed here to work. They did business with colleagues they met at U.S. schools. Our country was obtaining some of the most brilliant minds not only from within our borders but from across the world. Unfortunately, restrictions and limitations put on visas in recent years have forced many of the business leaders of the next generation to attend school in other more welcoming countries. To reverse this trend, the WISH Act allows full-time foreign college and graduate students to work and travel while studying in the United States and provides for foreign students who graduate from a U.S. college with honors to stay in the United States to work after graduation.

I am personally involved in this issue both because I represent a border State and because I remember the day, when I was 5 or 6 years old, that my parents learned that the lawyer who advised them about citizenship was wrong and my mother was an illegal alien. Federal officials came to our house to arrest my mother while my father was at work. It was a frightening situation for my entire family that occurred through no fault of my mother, who had lived in America for more than 30 years as an exemplary citizen and who was told by an attorney that she was an American.

I believe that we can, and must, do our best to prevent situations like this from occurring in the future. I believe that the measures in the WISH Act, together with the measures in my Border Security and Modernization Act, will play an important role in that effort, and I am pleased to introduce this bill today.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Welcoming Immigrants to a Secure Homeland Act of 2006" or "WISH Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPROVING ENFORCEMENT

Subtitle A—Increased Enforcement Resources and Penalties

Sec. 101. Additional worksite enforcement and fraud detection agents.
Sec. 102. Penalties for unauthorized employment and false claims of citizenship.
Sec. 103. Penalties for misusing social security numbers or filing false information with the Social Security Administration.

Subtitle B—Information Integrity and Security

Sec. 111. Social security cards.
Sec. 112. Electronic information.

Subtitle C—Mandatory Electronic Employment Verification of All Workers in the United States

Sec. 121. Employment eligibility verification system.
Sec. 122. Good faith compliance.

TITLE II—NONIMMIGRANT GUEST WORKERS

Sec. 201. Nonimmigrant guest worker category.
Sec. 202. Guest worker program.
Sec. 203. Special rule for Mexico.
Sec. 204. Statutory construction.
Sec. 205. Authorization of appropriations.

TITLE III—NONIMMIGRANT GUEST WORKER STATUS FOR UNAUTHORIZED ALIENS

Sec. 301. Nonimmigrant guest worker status for unauthorized aliens.
Sec. 302. Statutory construction.
Sec. 303. Authorization of appropriations.

TITLE IV—EMPLOYMENT MANAGEMENT SYSTEM

Sec. 401. Employment management system.
Sec. 402. Labor investigations and penalties.

TITLE V—PROTECTION AGAINST IMMIGRATION FRAUD

Sec. 501. Grants to support public education and training.

TITLE VI—HIGHLY EDUCATED AND SKILLED WORKERS

Sec. 601. Removal of numerical limitations for nonimmigrants with advanced degrees.
Sec. 602. Aliens not subject to numerical limitations on employment-based immigrants.
Sec. 603. Off-campus work authorization for foreign students.
Sec. 604. Temporary visas for graduating students.
Sec. 605. Travel authorization.
Sec. 606. Additional employees and technologies.

TITLE VII—TRAVEL RESTRICTIONS FOR TEMPORARY VISITORS

Sec. 701. Travel restrictions.

TITLE VIII—TEMPORARY AGRICULTURAL WORKERS

Sec. 801. Sense of the Senate on temporary agricultural workers.

TITLE I—IMPROVING ENFORCEMENT

Subtitle A—Increased Enforcement Resources and Penalties

SEC. 101. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) WORKSITE ENFORCEMENT.—During each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 2,000 the number of positions for investigators dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324 and 1324a) for such fiscal year.

(b) FRAUD DETECTION.—During each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for Immigration Enforcement Agents dedicated to immigration fraud detection for such fiscal year.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 102. PENALTIES FOR UNAUTHORIZED EMPLOYMENT AND FALSE CLAIMS OF CITIZENSHIP.

Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in paragraphs (1)(A), (2), and (4) of subsection (a), by striking "knowing" each place it appears and inserting "if the person or entity knows or should have known"; and

(2) in subsection (b)(2)—

(A) by striking "The individual" and inserting the following:

"(A) IN GENERAL.—The individual"; and

(B) by adding at the end the following:

"(B) PENALTIES.—Any individual who falsely represents that the individual is a citizen or national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized by the Attorney General or by the Secretary of Homeland Security to be hired, recruited, or referred for such employment for purposes of obtaining employment shall, for each such violation, be subject to a fine of not more than $5,000 and a term of imprisonment not to exceed 3 years."; and

(3) in subsection (f)(1), by striking "$3,000" and inserting "$5,000".

SEC. 103. PENALTIES FOR MISUSING SOCIAL SECURITY NUMBERS OR FILING FALSE INFORMATION WITH THE SOCIAL SECURITY ADMINISTRATION.

(a) MISUSE OF SOCIAL SECURITY NUMBERS.—

(1) IN GENERAL.—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(A) in paragraph (7), by adding after subparagraph (C) the following:

"(D) with intent to deceive, discloses, sells, or transfers his own social security account number, assigned to him by the Commissioner of Social Security (in the exercise of the Commissioner's authority under section 205(c)(2) to establish and maintain records), to any person; or:";

(B) in paragraph (8), by adding "or" at the end; and

(C) by inserting after paragraph (8) the following:

"(9) without lawful authority, offers, for a fee, to acquire for any individual, or to assist in acquiring for any individual, an additional social security account number or a number that purports to be a Social Security account number;".

(2) EFFECTIVE DATES.—Paragraphs (7)(D) and (9) of section 208(a) of the Social Security Act, as added by paragraph (1), shall apply with respect to each violation occurring after the date of the enactment of this Act.

(b) REPORT ON ENFORCEMENT EFFORTS CONCERNING EMPLOYERS FILING FALSE INFORMATION RETURNS.—The Commissioner of Internal Revenue and the Commissioner of Social Security shall submit an annual report to Congress on efforts taken to identify employers that file incorrect information returns and impose appropriate penalties on such employers.

Subtitle B—Information Integrity and Security

SEC. 111. SOCIAL SECURITY CARDS.

(a) MACHINE-READABLE, TAMPER-RESISTANT CARDS.—

(1) ISSUANCE.—

(A) IN GENERAL.—Not later than 3 months after the date of the enactment of this Act, the Commissioner of Social Security shall initiate a program to develop and issue machine-readable, tamper-resistant social security cards.

(B) COMPLETION.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security shall—

(i) only issue machine-readable, tamper-resistant social security cards; and

(ii) begin a program to replace existing social security cards with machine-readable, tamper-resistant social security cards.

(2) AMENDMENT.—Section 205(c)(2)(G) of the Social Security Act (42 U.S.C. 405(c)(2)(G)) is amended—

(A) by inserting "(i)" after "(G)"; and

(B) by striking "The social security card shall be made of banknote paper," and inserting the following:

"(ii) The social security card shall be machine-readable and tamper-resistant;".

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection and the amendments made by paragraph (2).

(b) MULTIPLE CARDS.—Section 205(c)(2)(G) of such Act, as amended by subsection (a)(2), is further amended by adding at the end the following:

"(iii) The Commissioner of Social Security shall not issue a replacement social security card to any individual unless the Commissioner of Social Security determines that the purpose for requiring the issuance of the replacement document is legitimate.".

(c) REPORT ON INCORPORATION OF BIOMETRIC IDENTIFIERS.—Not later than 6 months after the date of the enactment of this Act, the Commissioner of Social Security, in cooperation with the Secretary of Homeland Security, shall submit to Congress a report on the viability of using biometric authentication with employment authorization documents.

(d) EFFECTIVE DATE.—The amendments made by subsections (a)(2) and (b) shall take effect 1 year after the date of the enactment of this Act and shall only apply to social security cards issued after such date.

SEC. 112. ELECTRONIC INFORMATION.

(a) CONFIDENTIALITY.—

(1) ACCESS TO DATABASE.—No officer or employee of any agency or department of the United States, other than individuals responsible for the enforcement of immigration laws or for the evaluation of an employment verification program at the Social Security Administration, the Department of Homeland Security, or the Department of Labor, may have access to any information contained in a database maintained pursuant to the Employment Eligibility Verification System described in section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note), as amended by section 121 of this Act.

(2) PROTECTION FROM UNAUTHORIZED DISCLOSURE.—Information contained in a database maintained pursuant to the Employment Eligibility Verification System shall be adequately protected against unauthorized disclosure for other purposes, as provided in regulations established by the Commissioner of Social Security, in consultation with the Secretary of Homeland Security and the Secretary of Labor.

(b) IMPROVEMENTS TO INFORMATION INTEGRITY.—

(1) IN GENERAL.—The Commissioner of Social Security shall identify the sources of false, incorrect, or expired Social Security numbers and take steps to eliminate such numbers from the Social Security system.

(2) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Commissioner of Social Security shall submit to Congress a report that—

(A) identifies the sources of false, incorrect, or expired Social Security numbers;

(B) describes the actions carried out by the Commissioner to identify and eliminate the numbers described in paragraph (1); and

(C) describes the actions that the Commissioner plans to take to ensure the removal of the numbers described in paragraph (1) from the Social Security system during the 1-year period beginning on the date that the report is submitted.

Subtitle C—Mandatory Electronic Employment Verification of All Workers in the United States

SEC. 121. EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

(a) RENAMING OF BASIC PILOT PROGRAM.—Subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) is amended—

(1) in section 401(c)(1), by striking "basic pilot program" and inserting "Employment Eligibility Verification System"; and

(2) in section 403(a), by striking "(a)" and all that follows through "agrees to conform" and insert the following:

"(a) EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.—A person or other entity that participates in the Employment Eligibility Verification System shall agree to conform".

(b) MANDATORY PARTICIPATION.—

(1) LARGE EMPLOYERS.—Beginning not later than 2 years after the date of the enactment of this Act and notwithstanding any other provision of law, any person or other entity that hires 50 or more individuals for employment in the United States shall participate in the Employment Eligibility Verification System described in section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act, as amended by subsection (a).

(2) MIDSIZED EMPLOYERS.—Beginning not later than 4 years after the date of the enactment of this Act and notwithstanding any other provision of law, any person or other entity that hires 25 or more individuals for employment in the United States shall participate in such Employment Eligibility Verification System.

(3) SMALL EMPLOYERS.—Beginning not later than 6 years after the date of the enactment of this Act and notwithstanding any other provision of law, any person or other entity that hires 1 or more individuals for employment in the United States shall participate in such Employment Eligibility Verification System.

(4) PARTICIPATION OF EMPLOYERS NOT SUBJECT TO REQUIREMENT.—Nothing in this subsection shall be construed to prevent any person or other entity that is not required to participate in such Employment Eligibility Verification System under this subsection from voluntarily participating in such Employment Eligibility Verification System.

(5) CONFORMING AMENDMENT.—Section 402(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) is amended in the second sentence by striking the comma after "(e)" and inserting "or section 121(b) of the Welcoming Immigrants to a Secure Homeland Act of 2006,".

(c) AFFORDABILITY OF SYSTEM.—The Secretary of Homeland Security shall work in cooperation with the Secretary of Labor and the Commissioner of Social Security to make such Employment Eligibility Verification System affordable to any person or entity that hires individuals for employment in the United States.

(d) ELECTRONIC FILING.—Any employer participating in such Employment Eligibility Verification System may complete and allow for newly hired individuals to complete employment verification documents electronically.

(e) REPORT ON IMPROVEMENT OF EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security, in cooperation with the Secretary of Labor and the Commissioner of Social Security, shall submit to Congress a report on ways to improve such Employment Eligibility Verification System.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be required to carry out such Employment Eligibility Verification System in every State and to allow every employer in the United States to participate.

SEC. 122. GOOD FAITH COMPLIANCE.

Any employer that complies with the requirements of this subtitle, the amendments made by this subtitle, and title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) has established an affirmative defense that the employer has not violated the employment verification requirements under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a).

TITLE II—NONIMMIGRANT GUEST WORKERS

SEC. 201. NONIMMIGRANT GUEST WORKER CATEGORY.

(a) NEW GUEST WORKER CATEGORY.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by adding at the end the following:

"(W) an alien having a residence in a foreign country who is coming to the United States to perform labor or service and who meets the requirements of section 218A.".

(b) TECHNICAL AMENDMENTS.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) in subparagraph (U)(iii), by striking "or" at the end; and

(2) in subparagraph (V)(ii)(II), by striking the period at the end and inserting a semicolon and "or".

SEC. 202. GUEST WORKER PROGRAM.

(a) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 218 the following new section:

"SEC. 218A. GUEST WORKER PROGRAM.

"(a) IN GENERAL.—The Secretary of Homeland Security may grant a temporary visa to a nonimmigrant described in section 101(a)(15)(W) who demonstrates an intent to perform labor or services in the United States and who meets the requirements of this section.

"(b) REQUIREMENTS FOR ADMISSION.—In order to be eligible for nonimmigrant status under section 101(a)(15)(W), an alien shall meet the following requirements:

"(1) ELIGIBILITY TO WORK.—The alien shall establish that the alien is capable of performing the labor or services required for an occupation under section 101(a)(15)(W).

"(2) EVIDENCE OF EMPLOYMENT.—The alien shall establish that the alien has a job offer from an employer that utilizes the Employment Management System described in section 218C.

"(3) APPLICATION FEE.—The alien shall pay a $250 visa issuance fee in addition to the cost of processing and adjudicating such application. Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees.

"(4) MEDICAL EXAMINATION.—The alien shall undergo a medical examination (including a determination of immunization status) at the alien's expense, that conforms to generally accepted standards of medical practice.

"(5) APPLICATION CONTENT AND WAIVER.—

"(A) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of being admitted as a nonimmigrant under section 101(a)(15)(W).

"(B) CONTENT.—In addition to any other information that the Secretary determines is required to determine an alien's eligibility for admission as a nonimmigrant under section 101(a)(15)(W), the Secretary shall require an alien to provide information concerning the alien's criminal history and gang membership, immigration history, and involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the Government of the United States.

"(C) WAIVER OF RIGHTS.—

"(i) AUTHORITY TO REQUEST.—The Secretary may request that an alien include with the application a waiver of rights that states that the alien, in exchange for the discretionary benefit of admission as a nonimmigrant under section 101(a)(15)(W), agrees to waive any right—

“(I) to administrative or judicial review or appeal of an immigration officer's determination as to the alien's admissibility; or

“(II) to contest any removal action, other than on the basis of an application for asylum pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, if such removal action is initiated after the termination of the alien's period of authorized admission as a nonimmigrant under section 101(a)(15)(W).

“(ii) REFUSAL TO WAIVE.—The Secretary may not refuse to grant nonimmigrant status under section 101(a)(15)(W) because an alien does not submit the waiver described in clause (i).

“(D) KNOWLEDGE.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions and statements on the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

“(c) IMPLEMENTATION AND APPLICATION TIME PERIODS.—The Secretary of Homeland Security shall ensure that the application process is secure and incorporates antifraud protection.

“(d) ADMISSIBILITY.—

“(1) IN GENERAL.—In determining an alien's admissibility as a nonimmigrant under section 101(a)(15)(W)—

“(A) the Secretary of Homeland Security may waive paragraphs (5), (6)(A), (7), or (9)(B) or (C) of section 212(a) for conduct that occurred on a date prior to the date of the enactment of the Welcoming Immigrants to a Secure Homeland Act of 2006; and

“(B) the Secretary of Homeland Security may not waive—

“(i) subparagraph (A), (B), (C), (E), (G), (H), or (I) of section 212(a)(2) (relating to criminals);

“(ii) section 212(a)(3) (relating to security and related grounds); or

“(iii) subparagraphs (A), (C), or (D) of section 212(a)(10) (relating to polygamists, child abductors, and illegal voters); and

“(C) for conduct that occurred prior to the date that the Welcoming Immigrants to a Secure Homeland Act of 2006 was introduced in the Senate, the Secretary of Homeland Security may waive the application of any provision of section 212(a) not listed in subparagraph (B) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or when such waiver is otherwise in the public interest.

“(2) CONSTRUCTION.—No provision in paragraph (1) shall be construed as affecting the authority of the Secretary of Homeland Security to waive the provisions of section 212(a) under any other provision of law.

“(3) WAIVER FEE.—An alien who is granted a waiver under subparagraph (1) shall pay a $100 fee upon approval of the alien's visa application.

“(4) RENEWAL OF AUTHORIZED ADMISSION AND SUBSEQUENT ADMISSIONS.—Notwithstanding paragraph (1), an alien seeking renewal of authorized admission or subsequent admission as a nonimmigrant under section 101(a)(15)(W) shall establish that the alien is not inadmissible under section 212(a).

“(e) BACKGROUND CHECKS.—The Secretary of Homeland Security shall not admit, and shall not issue a visa to, an alien seeking admission under section 101(a)(15)(W) until all appropriate background checks, including any that the Secretary, in the Secretary's discretion, may require, have been completed.

“(f) DURATION.—

“(1) INITIAL ADMITTANCE.—An alien may be admitted as a nonimmigrant under section 101(a)(15)(W) for a period of 3 years.

“(2) SUBSEQUENT ADMITTANCE.—

“(A) ADDITIONAL PERIODS.—The period described in paragraph (1) may be extended for 2 additional 3-year periods if the alien establishes that the alien is employed by an employer that utilizes the Employment Management System described in section 218C.

“(B) RENEWAL APPLICATION.—An alien admitted as a nonimmigrant under section 101(a)(15)(W) who is seeking an additional period of admittance shall submit a renewal application no more than 90 days and no less than 45 days before the end of the alien's 3-year period of admissibility under such section. Such application shall include evidence of the alien's employment with an employer that utilizes the Employment Management System described in section 218C.

“(C) FEE.—An alien shall submit a fee of $100 along with the renewal application described in subparagraph (B).

“(3) REQUIREMENT TO RETURN HOME.—Unless an alien is granted a change of status pursuant to section 245 (as described in subsection (l)), an alien admitted as a nonimmigrant under section 101(a)(15)(W) shall, upon the expiration of a period of authorized admittance, leave the United States and be ineligible to reenter as an alien under section 101(a)(15)(W) or receive any other immigration relief or benefit under this Act or any other law, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, until the alien has resided continuously in the alien's home country for a period of not less than 3 years.

“(g) STANDARDS FOR DOCUMENTATION.—

“(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the documents issued to provide evidence of nonimmigrant status under section 101(a)(15)(W) are machine-readable and tamper-resistant, and allow for biometric authentication. The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into such documents.

“(2) CONSULTATION.—The Secretary of Homeland Security shall consult with the head of the Forensic Document Laboratory and such other Federal agencies as may be appropriate in designing the document.

“(3) USE OF DOCUMENTATION.—The document may serve as a travel, entry, and work authorization document during the period that the document is valid.

“(h) FAILURE TO DEPART.—

“(1) INADMISSIBILITY FOR FAILURE TO DEPART.—Subject to paragraph (2), an alien admitted as a nonimmigrant under section 101(a)(15)(W) who fails to depart the United States prior to the date that is 10 days after the date that the alien's authorized period of admission under this section ends is not eligible for and may not receive any immigration relief or benefit under this Act or any other law for a period of 10 years.

“(2) EXCEPTION.—The prohibition in paragraph (1) may not be applied to prohibit the admission of an alien under section 208 or 241(b)(3), or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

“(i) FAMILY MEMBERS.—

“(1) IN GENERAL.—The spouse or child of an alien admitted as a nonimmigrant under section 101(a)(15)(W) may be admitted to the United States—

“(A) as a nonimmigrant for the same amount of time, and on the same terms and conditions, as the alien admitted as a nonimmigrant under section 101(a)(15)(W); or

“(B) under any other provision of law, if such family member is otherwise eligible for admission.

“(2) APPLICATION FEE.—The spouse or child of an alien admitted as a nonimmigrant under section 101(a)(15)(W) who is seeking to be admitted pursuant to this subsection shall submit, in addition to any other fee authorized by law, an additional fee of $100.

“(j) TRAVEL OUTSIDE THE UNITED STATES.—

“(1) IN GENERAL.—An alien admitted as a nonimmigrant under section 101(a)(15)(W) and the spouse or child of such alien admitted pursuant to subsection (i)—

“(A) may travel outside of the United States; and

“(B) may be readmitted to the United States without having to obtain a new visa if the period of authorized admission under section 101(a)(15)(W) has not expired.

“(2) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under paragraph (1) may not extend the period of authorized admission in the United States permitted for an alien admitted under section 101(a)(15)(W) or for the spouse or child of such alien admitted under subsection (i).

“(k) EMPLOYMENT.—

“(1) PORTABILITY.—An alien admitted as a nonimmigrant under section 101(a)(15)(W) may be employed by any United States employer that utilizes the Employment Management System described in section 218C.

“(2) CONTINUOUS EMPLOYMENT.—

“(A) REQUIREMENT FOR EMPLOYMENT.—An alien admitted under section 101(a)(15)(W) shall be employed while in the United States. An alien who fails to be employed for 30 consecutive days is ineligible for employment in the United States unless the alien departs the United States and thereafter provides evidence of an offer of employment with any United States employer that utilizes the Employment Management System described in section 218C.

“(B) WAIVER.—The Secretary of Homeland Security may, in the Secretary's sole and unreviewable discretion, waive the application of subparagraph (A) for an alien and authorize the alien for employment without requiring the alien to depart the United States.

“(l) ADJUSTMENT OF STATUS TO LAWFUL PERMANENT RESIDENT.—

“(1) ELIGIBILITY.—An alien admitted as a nonimmigrant under section 101(a)(15)(W) shall be eligible for an adjustment of status pursuant to section 245 after such alien has completed a period of employment in the United States of not less than 6 years.

“(2) FAMILY ELIGIBILITY.—The spouse or child of an alien granted an adjustment of status as described in paragraph (1) shall be eligible as a derivative beneficiary for adjustment of status.

“(m) NUMERICAL LIMIT.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Homeland Security may not admit more than 500,000 aliens as nonimmigrants pursuant to section 101(a)(15)(W) during a fiscal year.

"(2) AUTHORITY TO INCREASE LIMITATION.—The Secretary of Homeland Security may waive the numerical limitation described in paragraph (1) for a fiscal year if the Secretary determines that businesses in the United States would benefit from such waiver.".

(b) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security shall begin accepting applications for nonimmigrant status under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 201, not later than 6 months after the date of the enactment of this Act.

(c) CONFORMING AMENDMENT.—Section 248(1) of the Immigration and Nationality Act (8 U.S.C. 1258(1)) is amended by striking "or (S)" and inserting "(S), or (W)".

SEC. 203. SPECIAL RULE FOR MEXICO.

(a) IN GENERAL.—No alien who is a citizen or national of Mexico shall be eligible for status as a nonimmigrant under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 201, a change of status under section 218B of the Immigration and Nationality Act, as added by section 301, an exemption from numerical limitations under section 201(b)(1)(F) of the Immigration and Nationality Act, as added by section 602, or for an immigration benefit described in section 603, 604, or 605 until the date that Government of Mexico enters into a bilateral agreement with the Government of the United States, as described in subsection (b).

(b) REQUIREMENTS FOR BILATERAL AGREEMENT.—The bilateral agreement referred to in subsection (a) shall require the Government of Mexico—

(1) to accept the return of a citizen or national of Mexico who is ordered removed from the United States not later than 5 days after such order is issued;

(2) to cooperate with the Government of the United States—

(A) to identify, track, and reduce—

(i) gang membership and violence in the United States and Mexico;

(ii) human trafficking and smuggling between the United States and Mexico; and

(iii) drug trafficking and smuggling between the United States and Mexico; and

(B) to control illegal immigration from Mexico into the United States;

(3) to provide the Government of the United States with—

(A) the passport information and criminal record of any citizen or national of Mexico who is seeking admission to the United States or is present in the United States; and

(B) admission and entry data maintained by the Government of Mexico to facilitate the entry-exit data systems maintained by the United States; and

(4) to carry out activities to educate citizens and nationals of Mexico regarding eligibility for status as a nonimmigrant under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 201, or a change of status under section 218B of the Immigration and Nationality Act, as added by section 301 of this Act, to ensure that such citizens and nationals are not exploited while working in the United States.

(c) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit to Congress a report on the bilateral agreement described in this section and the activities of the Government of Mexico to carry out such agreement.

SEC. 204. STATUTORY CONSTRUCTION.

Nothing in this title, or any amendment made by this title, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for facilities, personnel (including consular officers), training, technology and processing necessary to carry out the amendments made by this title.

TITLE III—NONIMMIGRANT GUEST WORKER STATUS FOR UNAUTHORIZED ALIENS

SEC. 301. NONIMMIGRANT GUEST WORKER STATUS FOR UNAUTHORIZED ALIENS.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 218A, as added by section 202, the following new section:

"SEC. 218B. CHANGE OF STATUS OF UNAUTHORIZED ALIENS.

"(a) IN GENERAL.—The Secretary of Homeland Security shall grant nonimmigrant status under section 101(a)(15)(W) to an alien who is in the United States illegally if such alien meets the requirements of this section.

"(b) GENERAL REQUIREMENTS.—An alien may be eligible for a change of status under this section if the alien meets the following requirements:

"(1) PRESENCE.—An alien must establish that the alien was physically present in the United States prior to the date of introduction of the Welcoming Immigrants to a Secure Homeland Act of 2006 in the Senate and was not legally present in the United States under any classification set forth in section 101(a)(15) on that date.

"(2) EMPLOYMENT.—An alien must establish that the alien was employed in the United States prior to the date of introduction of such Act in the Senate, and has not been unemployed in the United States for 30 or more consecutive days since that date.

"(3) MEDICAL EXAMINATION.—An alien shall, at the alien's expense, undergo a medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

"(c) APPLICATION CONTENT AND WAIVER.—

"(1) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining a change of status under this section.

"(2) CONTENT.—In addition to any other information that the Secretary determines is required to determine an alien's eligibility for a change of status under this section, the Secretary shall require that the alien—

"(A) provide answers to questions concerning the alien's criminal history and gang membership, immigration history, and involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the Government of the United States;

"(B) provide any Social Security account number or card in the possession of the alien or relied upon by the alien; and

"(C) provide any false or fraudulent documents in the alien's possession.

"(3) WAIVER OF RIGHTS.—

"(A) AUTHORITY TO REQUEST.—The Secretary may request that an alien include with the application a waiver of rights that states that the alien, in exchange for the discretionary benefit of obtaining a change of status under this section, agrees to waive any right—

"(i) to administrative or judicial review or appeal of an immigration officer's determination as to the alien's admissibility; or

"(ii) to contest any removal action, other than on the basis of an application for asylum pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, if such removal action is initiated after the termination of the alien's period of authorized admission as a nonimmigrant under section 101(a)(15)(W).

"(B) REFUSAL TO WAIVE.—The Secretary may not refuse to grant nonimmigrant status under section 101(a)(15)(W) because an alien does not submit the waiver described in subparagraph (A).

"(C) KNOWLEDGE.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions, statements, and terms of the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

"(4) APPLICATION FEE AND FINES.—

"(A) REQUIREMENT TO PAY.—An alien applying for a change of status under this section shall pay—

"(i) a $250 visa issuance fee in addition to the cost of processing and adjudicating such application; and

"(ii) a fine of $1000.

"(B) CONSTRUCTION.—Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees.

"(d) ADMISSIBILITY.—

"(1) IN GENERAL.—In determining an alien's eligibility for a change of status under this section—

"(A) the alien shall establish that the alien—

"(i) except as provided as in subparagraph (B), is admissible to the United States; and

"(ii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion;

"(B) paragraphs (5), (6)(A), and (7) of section 212(a) shall not apply to the admissibility of such alien;

"(C) the Secretary of Homeland Security may waive any other provision of section 212(a), or a ground of ineligibility under paragraph (4), in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

"(2) WAIVER FEE.—An alien who is granted a waiver under subparagraph (C) shall pay a $100 fee upon approval of the alien's visa application.

"(e) INELIGIBLE.—An alien is ineligible for the change of status provided by this section if the alien—

"(1) is subject to a final order or removal under section 240;

"(2) failed to depart the United States during the period of a voluntary departure order under section 240B;

"(3) has been issued a Notice to Appear under section 239, unless the sole acts of conduct alleged to be in violation of the law are that the alien is removable under section 237(a)(1)(C) or is inadmissible under section 212(a)(6)(A);

"(4) fails to comply with any request for information made by the Secretary of Homeland Security;

“(5) commits an act that makes the alien removable from the United States.

“(f) IMPLEMENTATION AND APPLICATION TIME PERIODS.—

“(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the application process for an adjustment of status under this section is secure and incorporates antifraud protection.

“(2) APPLICATION.—An alien must submit an initial application for a change of status under this section not later than 3 years after the date of the enactment of the Welcoming Immigrants to a Secure Homeland Act of 2006. An alien that fails to comply with this requirement is ineligible for a change of status under this section.

“(3) COMPLETION OF PROCESSING.—The Secretary of Homeland Security shall ensure that all applications for a change of status under this section are processed not later than 3 years after the date of the application.

“(4) LOCATION.—An alien applying for a change of status under this section need not depart the United States in order to apply for such a change of status.

“(g) FAILURE TO ACT.—An alien unlawfully in the United States who fails to apply for a change of status pursuant to this section or fails to depart from the United States prior to the date that is 6 years after the date of the enactment of the Welcoming Immigrants to a Secure Homeland Act of 2006 is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

“(h) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

“(1) BIOMETRIC DATA.—An alien may not be granted a change of status under this section unless the alien submits biometric data in accordance with procedures established by the Secretary of Homeland Security.

“(2) BACKGROUND CHECKS.—The Secretary of Homeland Security may not grant a change of status under this section until all appropriate background checks, including any that the Secretary, in the Secretary's discretion may require, are completed to the satisfaction of the Secretary of Homeland Security.

“(i) DURATION, EXTENSION, AND REENTRY.—

“(1) DURATION AND EXTENSION.—The period of authorized admission for an alien granted a change of status under this section shall be 3 years, and may be extended for 2 additional 3-year periods if the alien establishes that the alien has a job with an employer that utilizes the Employment Management System described in section 218C.

“(2) APPLICATION FOR EXTENSION.—

“(A) IN GENERAL.—An alien granted a change of status for a 3-year period under this section who is seeking an extension of such status shall submit an application for such extension no more than 90 days and no less than 45 days before the end of such 3-year period. The application shall provide evidence of employment with an employer that utilizes the Employment Management System described in section 218C.

“(B) FEE.—An alien who submits an application for an extension described in subparagraph (A), shall pay a $100 fee with such application.

“(3) REENTRY.—Unless an alien is granted a change of status or adjustment of status pursuant to subsection (n), an alien granted a change of status pursuant to this section shall, upon the expiration of the time period for authorized admission under this section, leave the United States and be ineligible to reenter the United States as a nonimmigrant under section 101(a)(15)(W), or receive any other immigration relief or benefit under this Act or any other law, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, until the alien has resided continuously in the alien's home country for a period of not less than 3 years.

“(j) STANDARDS FOR DOCUMENTATION.—

“(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the document issued to provide evidence of status under this section shall be machine-readable, tamper-resistant, and allow for biometric authentication. The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document.

“(2) CONSULTATION.—The Secretary of Homeland Security shall consult with the head of the Forensic Document Laboratory and such other Federal agencies as may be appropriate in designing the document.

“(3) USE OF DOCUMENT.—The document may serve as a travel, entry, and work authorization document during the period of its validity.

“(k) FAILURE TO DEPART.—

“(1) INADMISSABILITY FOR FAILURE TO DEPART.—Subject to paragraph (2), an alien who fails to depart the United States prior to the date that is 10 days after the date that the alien's authorized period of admission under this section ends is not eligible for and may not apply for or receive any immigration relief or benefit under this Act or any other law for a period of 10 years.

“(2) EXCEPTION.—The prohibition in paragraph (1) may not be applied to prohibit the admission of an alien under section 208 or 241(b)(3) of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984.

“(l) TRAVEL OUTSIDE THE UNITED STATES.—

“(1) IN GENERAL.—An alien granted a change of status under this section and the spouse or child of such alien admitted pursuant to subsection (o)—

“(A) may travel outside of the United States; and

“(B) may be readmitted without having to obtain a new visa if the period of authorized admission under this section has not expired.

“(2) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under paragraph (1) may not extend the period of authorized admission in the United States permitted for an alien under this section or for the spouse or child of such alien admitted under subsection (o).

“(m) EMPLOYMENT.—

“(1) IN GENERAL.—An alien granted a change of status under this section shall be employed by an employer that utilizes the Employment Management System described in section 218C not more than 3 months after the date the alien applies for a change of status under this section.

“(2) LIABILITY FOR PENALTIES OR FEES.—The employer of an alien granted a change of status under this section shall not be liable for any civil or criminal penalties or fees for hiring the alien prior to such change of status if the employer begins to utilize such Employment Management System pursuant to this subsection.

“(3) PORTABILITY.—An alien may be employed by any other United States employer who utilizes the Employment Management System established by section 218C.

“(4) CONTINUOUS EMPLOYMENT.—

“(A) REQUIREMENT FOR EMPLOYMENT.—An alien granted a change of status under this section who fails to be employed for 30 consecutive days is ineligible for reentry or employment in the United States unless the alien departs the United States and is admitted for reentry under a provision of this Act or any other provision of law.

“(B) WAIVER.—The Secretary of Homeland Security may, in the Secretary's sole and unreviewable discretion, waive the application of subparagraph (A) for an alien and authorize the alien for employment without requiring the alien to depart the United States.

“(n) LIMITATION ON CHANGE OF STATUS OR ADJUSTMENT OF STATUS.—

“(1) IN GENERAL.—An alien described in paragraph (2) may apply for a visa, an adjustment of status, or other immigration benefit, other than for adjustment of status to lawful permanent resident, after the alien has resided lawfully in the United States pursuant to a change of status granted as described in this section for a period of not less than 5 years, but such application shall not be granted until the alien has returned to the alien's home country.

“(2) REQUIREMENTS TO APPLY.—An alien described in this paragraph is an alien who—

“(A) has been granted a change of status under this section; and

“(B) during the 5-year period ending on the date of the enactment of the Welcoming Immigrants to a Secure Homeland Act of 2006—

“(i) was physically present in the United States; and

“(ii) unemployed for no more than 30 consecutive days.

“(o) FAMILY MEMBERS.—

“(1) IN GENERAL.—The spouse or child of an alien admitted as a nonimmigrant under this section may be admitted to the United States—

“(A) as a nonimmigrant for the same amount of time, and on the same terms and conditions, as the alien granted a change of status under this section; or

“(B) under any other provision of law, if such family member is otherwise eligible for admission.

“(2) APPLICATION FEE.—The spouse or child of an alien admitted under this section who is seeking to be admitted pursuant to this subsection shall submit, in addition to any other fee authorized by law, an additional fee of $100.

“(p) NUMERICAL LIMIT.—There shall be no numerical limitation on the number of aliens granted a change of status under this section.

“(q) PENALTIES FOR FALSE STATEMENTS.—

“(1) CRIMINAL PENALTY.—

“(A) VIOLATION.—It shall be unlawful for any person—

“(i) to file or assist in filing an application for a change of status under this section and knowingly or willfully falsify, misrepresent, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

“(ii) to create or supply a false writing or document for use in making such an application.

“(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

"(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).".

(b) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security shall begin accepting applications for a change of status under section 218B of the Immigration and Nationality Act, as added by subsection (a), not later than 6 months after the date of the enactment of this Act.

SEC. 302. STATUTORY CONSTRUCTION.

Nothing in this title, or any amendment made by this title, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary for facilities, personnel (including consular officers), training, technology, and processing necessary to carry out the amendments made by this title.

TITLE IV—EMPLOYMENT MANAGEMENT SYSTEM

SEC. 401. EMPLOYMENT MANAGEMENT SYSTEM.

The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 218B, as added by section 301, the following new section:

"SEC. 218C. EMPLOYMENT MANAGEMENT SYSTEM.

"(a) ESTABLISHMENT.—

"(1) PURPOSE.—The Secretary of Homeland Security, in consultation with the Secretary of Labor, the Secretary of State, and the Commissioner of Social Security, shall develop and implement a program to authorize, manage, and track the employment of aliens described in section 218A or 218B.

"(2) SCHEDULE.—The program required by subsection (a) shall commence prior to any alien being admitted as a nonimmigrant under section 101(a)(15)(W) pursuant to section 218A or granted a change of status under section 218B.

"(3) REQUIREMENTS.—The program required by this subsection shall—

"(A) enable an employer seeking to hire an alien described in section 218A or 218B to apply for authorization to employ such alien;

"(B) be interoperable with Social Security databases and shall provide a means of immediately verifying the identity and employment authorization of an alien described in section 218A or 218B;

"(C) require an employer to utilize readers, scanners, or other affordable technology at the location of employment or at a nearby Federal facility to transmit the biometric and biographic information contained in the alien's evidence of status to the Secretary of Homeland Security;

"(D) require an employer that employs an alien described in section 218A or 218B to notify the Secretary not more than 5 business days after the date of the termination of the alien's employment and prohibit such an employer from hiring another such alien for such employment until the employer provides such notice; and

"(E) collects sufficient information from employers to enable the Secretary of Homeland Security to identify—

"(i) whether an alien described in section 218A or 218B is employed;

"(ii) an employer who has hired an alien described in section 218A or 218B;

"(iii) the number of aliens described in section 218A or 218B that are employed by an employer; and

"(iv) the occupation, industry and length of time that an alien described in section 218A or 218B has been employed in the United States.

"(b) APPLICATION TO EMPLOY ALIENS DESCRIBED IN SECTION 218A OR 218B.—

"(1) REQUIREMENT FOR APPLICATION.—An employer shall submit to the Secretary of Homeland Security an application to request an authorization to employ aliens described in section 218A or 218B. Such application shall—

"(A) establish that such aliens will be employed by a legitimate company;

"(B) include an attestation that the employer will comply with the terms of the program required by subsection (a) and with all other applicable Federal, State, and local laws and regulations, including provisions to protect employees; and

"(C) include the number of such aliens the employer is seeking to employ.

"(2) FORM OF APPLICATION.—The Secretary shall permit an employer to submit the application described in paragraph (1) in a written or electronic form.

"(c) PROTECTION OF UNITED STATES WORKERS.—An employer may not hire an alien described in section 218A or 218B for a vacancy unless the employer submits an attestation to the Secretary of Homeland Security that—

"(1) the employer has advertised the position in a national, electronic job registry maintained by the Secretary of Labor for not less than 30 days;

"(2) the employer has offered the position to any eligible United States worker who applies and is equally or better qualified for the vacancy for which such an alien is sought and who will be available at the time and place of need, and the employer will maintain records for not less than 1 year that describe the reason that a United States worker who applied for such vacancy was not hired;

"(3) the employer shall comply with the terms of the program required by subsection (a), including the terms of any temporary worker monitoring program established by the Secretary of Homeland Security; and

"(4) an alien hired for the vacancy shall be paid not less than the greater of—

"(A) the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)); or

"(B) the applicable State minimum wage;

"(5) the employer will pay such alien in a timely manner and accurately maintain all payroll records for such alien; and

"(6) the employment of such alien shall not adversely affect the working conditions of other similarly employed United States workers.

"(d) APPROVAL.—After determining that there are no United States workers who are qualified and willing to obtain the employment for which the employer is seeking an alien described in section 218A or 218B, the Secretary of Homeland Security may approve the application submitted by the employer under subsection (b). Such approval shall be valid for a 10-year period unless the employer violates a term of this section, in which case the Secretary may, in the discretion of the Secretary, revoke the approval.

"(e) PENALTIES.—An employer who employs an alien described in section 218A or 218B without obtaining authorization from the Secretary of Homeland Security pursuant to this section is subject to—

"(1) the same penalties and provisions as an employer who violates paragraph (1)(A) or (2) of section 274(a); and

"(2) any penalties prescribed by the Secretary of Homeland Security by regulation, which may include monetary penalties and ineligibility to employ an alien described in section 218A or 218B.".

SEC. 402. LABOR INVESTIGATIONS AND PENALTIES.

(a) IN GENERAL.—The Secretary of Homeland Security, in cooperation with the Secretary of Labor, shall conduct random audits of employers who employ aliens described under section 218A or 218B of the Immigration and Nationality Act, as added by section 202 and 301, respectively.

(b) PENALTIES.—The Secretary of Homeland Security shall establish penalties, which may include ineligibility to employ an alien described in section 218A or 218B of the Immigration and Nationality Act, as added by section 202 and 301, respectively, for employers who fail to comply with section 218C of such Act, as added by section 401 of this Act, and shall establish protections for aliens who report employers who fail to comply with such section 218C.

TITLE V—PROTECTION AGAINST IMMIGRATION FRAUD

SEC. 501. GRANTS TO SUPPORT PUBLIC EDUCATION AND TRAINING.

(a) PURPOSE.—The purpose of this title is to provide grants to nonprofit entities, immigrant communities, and other interested entities to provide education and training to appropriate individuals regarding the changes to immigration law made by this Act, and the amendments made by this Act, and to provide support to such entities.

(b) AUTHORITY.—The head of the Office of Justice Programs of the Department of Justice is authorized to award grants to nonprofit entities, immigrant communities, and other interested entities for the purposes described in subsection (c).

(c) USE OF GRANTS.—The grants awarded under this section shall be used to fund public education, training, technical assistance, government liaisons, and related costs (including personnel and equipment) incurred by nonprofit entities that provide services to aliens who may be effected by the changes in immigration law made by this Act, and the amendments made by this Act, and to educate, train and support nonprofit organizations, immigrant communities, and other interested parties regarding such changes. Such grants shall be used for educating—

(1) immigrant communities and other interested entities on the individuals and organizations that can provide authorized legal representation in immigration matters under regulations prescribed by the Secretary of Homeland Security, and on the dangers of securing legal advice and assistance from a person who is not authorized to provide legal representation in immigration matters;

(2) interested entities on the requirements for obtaining nonprofit recognition and accreditation to represent immigrants under regulations prescribed by the Secretary of Homeland Security, and providing nonprofit agencies with training and technical assistance on the recognition and accreditation process; and

(3) nonprofit organizations, immigrant communities and other interested entities on the process for obtaining benefits under this Act, and the amendments made by this Act, and the availability of authorized legal representation for low-income persons who may qualify for benefits under this Act.

(d) IN GENERAL.—The head of the Office of Justice Programs shall ensure, to the extent possible, that the entities awarded grants under this section shall serve geographically diverse locations and ethnically diverse populations who may qualify for benefits under the Act or the amendments made by this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Justice Programs at the Department of Justice $10,000,000 to carry out this section for each of fiscal years 2007 through 2011.

TITLE VI—HIGHLY EDUCATED AND SKILLED WORKERS

SEC. 601. REMOVAL OF NUMERICAL LIMITATIONS FOR NONIMMIGRANTS WITH ADVANCED DEGREES.

(a) IN GENERAL.—Section 214(g)(5)(C) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(5)(C)) is amended by striking ", until the number of aliens who are exempted from such numerical limitation during such year exceeds 20,000".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to an alien who—

(1) has submitted an application for a visa that is pending on the date of the enactment of this Act; or

(2) files such an application on or after such date.

SEC. 602. ALIENS NOT SUBJECT TO NUMERICAL LIMITATIONS ON EMPLOYMENT-BASED IMMIGRANTS.

(a) IN GENERAL.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

"(F) Aliens who have earned an advanced degree in science, technology, engineering, or math from an accredited university in the United States and have been working in a related field in the United States under a nonimmigrant visa during the 3-year period preceding their application for an immigrant visa under section 203(b).

"(G) Aliens described in subparagraph (A) or (B) of section 203(b)(1) or who have received a national interest waiver under section 203(b)(2)(B).

"(H) The spouse and child of an alien who is admitted as an employment-based immigrant under section 203(b).".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to an alien who—

(1) has submitted an application for a visa that is pending on the date of the enactment of this Act; or

(2) files such an application on or after such date.

SEC. 603. OFF-CAMPUS WORK AUTHORIZATION FOR FOREIGN STUDENTS.

(a) IN GENERAL.—Aliens admitted as nonimmigrant students described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) may be employed in an off-campus position unrelated to the alien's field of study if—

(1) the alien has enrolled full time at the educational institution and is maintaining good academic standing;

(2) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(A) has attempted to recruit a citizen of the United States to fill such position for a period of not less than 3 months recruiting United States; and

(B) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(i) the actual wage level for the occupation at the place of employment; or

(ii) the prevailing wage level for the occupation in the area of employment; and

(3) the alien will not be employed more than—

(A) 20 hours per week during the academic term; or

(B) 40 hours per week during vacation periods and between academic terms.

(b) DISQUALIFICATION.—If the Secretary of Labor determines that an employer has provided an attestation under subsection (a)(2) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under this section.

SEC. 604. TEMPORARY VISAS FOR GRADUATING STUDENTS.

Notwithstanding any other provision of law, the Secretary of Homeland Security shall grant a temporary nonimmigrant visa to an alien to permit the alien to remain in the United States while awaiting the issuance of an employment based nonimmigrant visa if the alien—

(1) graduated with honors from an established college or university in the United States while admitted to the United States pursuant to a visa issued under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15));

(2) has a bona fide offer of employment from an employer who utilizes the Employment Management System described in section 218C of the Immigration and Nationality Act, as added by section 401; and

(3) submits to the Secretary an application for such visa.

SEC. 605. TRAVEL AUTHORIZATION.

Notwithstanding any other provision of law, the Secretary of Homeland Security shall permit an alien attending an established college or university in the United States to travel outside of the United States if—

(1) the alien is admitted to the United States pursuant to a visa issued under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15));

(2) the purpose of such travel is to attend a meeting, seminar, lecture, or similar event in a field related to the alien's field of study; and

(3) the alien submits to the Secretary a request for authorization for such travel not later than 30 days prior to the alien's proposed date of departure.

SEC. 606. ADDITIONAL EMPLOYEES AND TECHNOLOGIES.

(a) INCREASED EMPLOYEES.—During each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 100 the number of Homeland Security personnel dedicated to processing applications for visas applied for pursuant to subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15).

(b) IMPROVED PROCEDURES.—The Secretary of Homeland Security shall improve technology and automated procedures to enhance visa clearance procedures for visas applied for pursuant to subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated during each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

TITLE VII—TRAVEL RESTRICTIONS FOR TEMPORARY VISITORS

SEC. 701. TRAVEL RESTRICTIONS.

Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(s) The Secretary of Homeland Security—

"(1) may not prohibit an nonimmigrant admitted under section 101(a)(15)(B) from traveling up to 100 miles from an international border of the United States; and

"(2) may permit such a nonimmigrant to travel further from such a border.".

TITLE VIII—TEMPORARY AGRICULTURAL WORKERS

SEC. 801. SENSE OF THE SENATE ON TEMPORARY AGRICULTURAL WORKERS.

It is the sense of the Senate that consideration of any comprehensive immigration reform during the 109th Congress should include reform for immigration laws related to employment of agricultural workers.

By Mr. ALLEN (for himself, Mr. KERRY, Mr. SUNUNU, and Mrs. BOXER):

S. 2327. A bill to require the FCC to issue a final order regarding white spaces; to the Committee on Commerce, Science, and Transportation.

Mr. ALLEN. Mr. President, today I rise to introduce and present to my colleagues the Wireless Innovation Act of 2006. I am pleased to be the lead sponsor of this legislation, and I want to thank my colleagues Senator KERRY and Senator SUNUNU for working with me on this important issue.

The goal of the Wireless Innovation Act is to unleash the power of advanced technological innovation to facilitate the development of wireless broadband Internet services. Specifically, our legislation allocates certain areas within the broadcast spectrum that are otherwise unassigned and unused, known as white spaces, for wireless broadband services.

Unfortunately today, many people, from rural areas to big cities, either do not have access to broadband Internet service or simply cannot afford it. Our legislation will enable entrepreneurs to provide affordable, competitive high-speed wireless broadband services in areas that otherwise have no connectivity to broadband Internet. Additionally, in areas where broadband access currently is provided, either from a Cable modem or DSL connection, our legislation will allow for a third alternative choice for consumers.

The Wireless Innovation Act encourages the most robust and efficient use of this Nation's spectrum. After the transition to digital television is complete in February of 2009, 64 percent of the spectrum allocated to broadcast television use in the Richmond, VA, area will be vacant. Instead of sitting dormant, this valuable spectrum can be used to provide greater Richmond area residents with affordable wireless broadband, which some estimate to be as low as $10 per month. These white spaces exist in virtually every geographic area of the country, and I believe it is a valuable public resource that should be used for the benefit of all American consumers.

I recognize and fully appreciate the value that our television broadcasters serve in each and every local community. That is why our legislation protects incumbent local television stations from potential interference that may be caused using white spaces. In fact, my legislation ensures that all unlicensed devices must comply with the clear rules established by the Federal Communications Commission so there is no interference to licensed systems. These rules, along with the power of technology, can protect the television broadcast stations from any harmful interference.

Using white spaces to deliver wireless broadband across the country creates a new opportunity for innovators and entrepreneurs to provide a competitive broadband service at extremely low cost. This is especially compelling in rural areas where distance is so frequently the enemy of wire-line networks and the primary reason for the high cost of rural broadband deployment.

At a time when the United States is lagging behind much of the world in broadband penetration—and more than 60 percent of the country does not subscribe to broadband service primarily because it is either unavailable or unaffordable—our legislation would put this country one step closer to closing the economic digital divide and achieving ubiquitous broadband Internet access throughout the country.

Providing a way to encourage the widespread adoption of broadband Internet access is vital to helping us keep pace with the new global economy. The benefits to Americans will include more jobs, better access to information and commerce, increased productivity, improved healthcare delivery, and more access to education and videoconferencing.

While the foreseeable benefit of this legislation is facilitating the development of wireless broadband services, the true beauty of unlicensed spectrum is that it allows for continued advancement and innovation, yielding benefits that are unimaginable today. A decade ago, no one could have imagined WiFi Internet access and yet, through the use of unlicensed spectrum, it was created. Four years ago, I worked on legislation with Senator BOXER to make more unlicensed spectrum available in the upper spectrum bands for further advancement and deployment of WiFi services. The Federal Communications Commission followed our lead and eventually made this spectrum available. Since then, WiFi has flourished.

Today, WiFi Internet access can be found in consumers' homes, Starbucks Coffee shops, book stores, entire cities such as Alexandria, VA, and even here in the Senate Office buildings. The Telecommunications Industry Association estimates that sales of WiFi equipment reached $4.35 billion in 2004, and predicts spending on WiFi infrastructure will increase to $7 billion in 2008. It is now time to enable the next generation of wireless innovation by allowing these white spaces to be used for next generation wireless broadband services.

A guiding principle I have followed throughout my time in public service is that the Internet should remain as accessible as possible to all people in all parts of the country forever. That is why I sponsored the Internet Tax Nondiscrimination Act, signed by the President in December 2004. That guiding principle is also what leads me, together with Senators KERRY and SUNUNU to introduce the Wireless Innovation Act today. With passage of this legislation, we can move forward to create an alternative that promotes broadband adoption using advances in technology and spectrum efficiency.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wireless Innovation Act of 2006" or the "Winn Act".

SEC. 2. WHITE SPACES.

(a) COMPLETION OF ORDER.—Not later than 180 days after the date of enactment of this Act, the Federal Communications Commission shall complete its proceeding and issue a final order regarding white space in the matter of Unlicensed Operation in the TV Broadcast Bands, ET Docket No. 04-186.

(b) CONDITIONS.—In completing the requirement described in subsection (a), the Federal Communications Commission shall in such final order—

(1) permit unlicensed, non-exclusive use of unassigned, non-licensed television broadcast channels between 54 MHz and 698 MHz;

(2) establish technical guidelines and requirements for the offering of unlicensed service in such band to protect incumbent licensed services and licensees from harmful interference; and

(3) require unlicensed devices operating in such band to comply with existing certification processes.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 2331. A bill to amend the Internal Revenue Code of 1986 to extend the period for which the designation of an area as an empowerment zone is in effect; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce a bill that will help struggling communities, like Aroostook County in my home State of Maine, take full advantage of the special tax incentives for creating economic growth and community revitalization in empowerment zones. The bill enables those economically depressed communities, already taking advantage of these incentives, to secure the full 15 years of targeted growth originally granted to the areas first designated as empowerment zones.

I believe all empowerment zone communities need 15 years to reverse the decades of decline that originally impacted their economies. I have long supported empowerment zone incentives, and I believe that these targeted tax incentives provide struggling communities the best chance for sustained, long lasting economic renewal. In Maine, I have seen first hand empowerment zones' ability to revitalize faltering communities, with new jobs, and the creation of the economic activity needed for vibrant and strong cities and towns.

Empowerment zones are vital to the health of rural Maine. The story of Aroostook County demonstrates how decades of decline can force people to leave rural areas in order to find better, more stable, employment opportunities. Since the 1960s, difficult economic circumstances have caused a continuous decline in Aroostook County's population. In 1994, Loring Air Force Base closed, the major employer in Aroostook County at the time, further decimating the area's already struggling economic base and population. The Pentagon wrote, in their assessment of closure at Loring that, "closing Loring Air Force Base would result in a population loss of approximately 22,000 persons, (the) direct and indirect employment loss of nearly 9,900 jobs, and regional income loss of just over 92 million dollars." Today, over 11 years after the Air Force left Aroostook County, the population hovers near a sparse 73,000 people with 14 percent of these households still living in poverty.

In 1994, Congress designated the first empowerment zones setting 2009, a 15-year timeframe, as the date that these tax incentives would expire. The 2009 expiration date of empowerment zone status was held firm for Round II communities designated in 1997, and the Round III communities designated in 2002; granting communities like Aroostook County, which was designated in 2002, as little as 7 years to use tax incentives to reverse decades of decline and economic neglect.

Unfortunately, Aroostook's economic problems will not be fixed within the 7 short years this area qualifies for empowerment zone tax incentives. Instead a long-term and lasting commitment of at least 15 years is necessary to help Aroostook communities work their way to stronger economic prosperity. Many communities, like Aroostook County, that were unable to qualify for empowerment zone status until 2002 are in need of the long-term 15-year commitment in which to address their stubborn causes of poverty.

Businesses operating within empowerment zones receive a 20-percent wage credit for the first $15,000 they pay in wages to local residents. Other tax incentives encourage businesses, and industries, to further commit to these communities. Companies with businesses in empowerment zones are eligible for an additional $35,000 worth of 179 business expensing—making these long-term business obligations more attractive, affordable, and likely. Empowerment zones are also eligible for expanded tax exempt financing for building the infrastructure communities need to attract long-term developers and business partners.

To qualify for empowerment zone status, communities develop comprehensive strategic plans that depend on these tax incentives to help them transform their economies. Each community's plan focuses on establishing long-term partnerships between private businesses, nonprofits, State, local, and Federal Government agencies, to help develop the local economy. Together these parties use the community's strategic blueprint to implement interconnected projects that address the factors creating the area's economic sickness. These types of projects focus on building needed business and industrial infrastructure, developing an educated workforce and diversifying local economies away from a reliance on one employer or industry.

In 2002, Aroostook County was designated an empowerment zone based on population loss, one of only two empowerment zones designated because of population decline. The county formed the Aroostook Partnership for Progress to spearhead their empowerment zone strategy, initiatives, and projects. Since its formation, the Partnership for Progress has steadfastly dedicated their time and resources to create a projected 1,500 new jobs and negotiated over $1.2 million worth of investments into Aroostook County. These numbers indicate the ability of empowerment zone incentives to drive investment and strengthen local businesses in the area.

Through the Aroostook Partnership for Progress, and the businesses working in the empowerment zone, are making significant progress—the factors causing poverty in this rural part of Maine can not be eradicated quickly. Aroostook County's strategic plan will take time to implement as infrastructure, industry, and other projects create greater economic capabilities and diversification. Though Aroostook County is working valiantly to overcome the factors causing their economic decline they will need more than 7 years to overcome 40 years of difficulties. I know that there are many other struggling Round II and Round III empowerment zone communities, like Aroostook, who need the maximum order to reverse the poverty and underdevelopment also plaguing those areas.

I urge my colleagues to recognize the importance of making a long-term commitment to communities using empowerment zone incentives to work their way out of long-term poverty. I hope that each Senator will support the communities in their States, currently undertaking the painful process of economic transformation, by supporting passage of this economic development bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 382—RECOGNIZING KENNETH M. MEAD'S SERVICE AS THE INSPECTOR GENERAL OF THE DEPARTMENT OF TRANSPORTATION

Mr. STEVENS (for himself, Mr. INOUYE, Mr. BURNS, Mr. MCCAIN, Mr. ROCKEFELLER, Mr. LOTT, Mr. LAUTENBERG, Mr. SUNUNU, Mr. PRYOR, and Mr. NELSON of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 382

Whereas Kenneth M. Mead has announced his retirement as the Inspector General of the Department of Transportation after nearly 9 years of service in that position;

Whereas, Kenneth M. Mead and his staff conducted investigations independently, impartially, and with rigorous professionalism into myriad issues affecting transportation and transportation policy;

Whereas, Kenneth M. Mead and his staff provided independent, thorough, and relevant commentary and recommendations on a wide-range of Federal transportation policies and programs, including aviation operations and safety, highway, auto and truck operations and safety, transportation security, rail operations and safety, and pipeline and hazardous materials transportation safety;

Whereas, during Kenneth M. Mead's tenure as Inspector General, the events of September 11, 2001, had a dramatic impact on the Federal government's relationship with the aviation industry and posed significant challenges for ensuring the safety and security of public transportation in general and the United States aviation industry in particular;

Whereas Secretary of Transportation Norman Mineta recognized Kenneth M. Mead's contributions by describing him as "a tireless advocate for setting the highest possible standards of integrity, accountability, and performance" in the Department's efforts to make the Nation's transportation system as safe and efficient as possible: Now, therefore, be it

Resolved, That the United States Senate commends Kenneth M. Mead for his more than 8 years of faithful and exemplary service to the Nation as the Inspector General of the Department of Transportation, and expresses its deep appreciation and gratitude for his long and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Kenneth M. Mead.

SENATE RESOLUTION 383—CALLING ON THE PRESIDENT TO TAKE IMMEDIATE STEPS TO HELP IMPROVE THE SECURITY SITUATION IN DARFUR, SUDAN, WITH AN EMPHASIS ON CIVILIAN PROTECTION

Mr. BIDEN (for himself, Mr. BROWNBACK, Mr. OBAMA, Mr. LUGAR, Mr. FEINGOLD, and Mr. DODD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 383

Whereas, the April 8, 2004, N'Djamena Ceasefire Agreement, calling for an end to hostilities in Darfur, Sudan, has been flagrantly violated by all parties to the agreement;

Whereas the Government of Sudan continues to commit crimes against humanity and engage in genocidal acts in Darfur;

Whereas the signing of the Comprehensive Peace Agreement between the Government of Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/SPLA) on January 9, 2005, has not resulted in an improvement of the security situation in Darfur;

Whereas United Nations Secretary-General Kofi Annan has indicated that, "People in many parts of Darfur continue to be killed, raped, and driven from their homes by the thousands.";

Whereas United Nations officials have stated that at least 70,000 people have died due to violence and insecurity in Darfur, but that the total may be as high as 400,000 people;

Whereas nearly 2,000,000 people have been internally displaced, 3,000,000 people are dependant on international assistance to survive, and over 200,000 people are refugees in neighboring Chad due to the conflict in Darfur;

Whereas escalating tensions along the border between Chad and Sudan have increased instability in Darfur;

Whereas neither the mandate nor the troop strength of the African Union Mission in Sudan (AMIS) is adequate to protect civilians in Darfur;

Whereas the United States has demonstrated leadership on the Sudan issue by having United States Permanent Representative to the United Nations John Bolton, in his first action as President of the United Nations Security Council, request in February 2006 that Secretary-General Annan initiate contingency planning for a transition from AMIS to a United Nations peacekeeping operation;

Whereas, although the United Nations Security Council has concurred with this recommendation and taken steps toward establishing a United Nations peacekeeping mission for Darfur, it could take up to a year for such a mission to deploy fully;

Whereas, as the deteriorating security situation in Darfur indicates, the people of Darfur cannot wait that long for security to be reestablished;

Whereas the international community currently has no plan to address the immediate security needs of the people of Darfur; and

Whereas all members of the international community must participate in efforts to stop genocide, war crimes, and crimes against humanity in Darfur:

Now, therefore, be it

Resolved, That the Senate—

(1) strongly condemns—

(A) the continued attacks on civilians in Darfur by the Government of Sudan and Government-sponsored militias; and

(B) the continued violations of the N'Djamena Ceasefire Agreement by the Government of Sudan and rebels in Darfur, particularly the Sudan Liberation Army;

(2) commends the Africa Union Mission in Sudan (AMIS) for its actions in monitoring the N'Djamena Ceasefire Agreement in Darfur and its role in diminishing some acts of violence;

(3) calls upon all parties to the N'Djamena Ceasefire Agreement—

(A) to abide by the terms of the N'Djamena Ceasefire Agreement; and

(B) to engage in good-faith negotiations to end the conflict in Darfur;

(4) calls upon the Government of Sudan immediately—

(A) to withdraw all military aircraft from the region;

(B) to cease all support for the Janjaweed militia and rebels from Chad; and

(C) to disarm the Janjaweed;

(5) calls on the African Union to request assistance from the United Nations and NATO to strengthen its capacity to deter violence and instability until a United Nations peacekeeping force is fully deployed in Darfur;

(6) calls upon the United Nations Security Council to approve as soon as possible, pursuant to Chapter VII of the Charter of the United Nations, a peacekeeping force for Darfur that is well trained and equipped and has an adequate troop strength;

(7) urges the President to take steps immediately to help improve the security situation in Darfur, including by—

(A) proposing that NATO—

(i) consider how to implement and enforce a declared no-fly zone in Darfur; and

(ii) deploy troops to Darfur to support the African Union Mission in Sudan (AMIS) until a United Nations peacekeeping mission is fully deployed in the region; and

(B) requesting supplemental funding to support a NATO mission in Darfur and the African Union Mission in Sudan (AMIS);

(8) calls upon NATO allies, led by the United States, to support such a mission; and

(9) calls upon NATO headquarters staff to begin prudent planning in advance of such a mission.

Mr. BIDEN. Mr. President, today, with my friend from Kansas, Senator BROWNBACK, I am submitting a resolution urging the President to help stop genocide in Sudan. The killing in Darfur has gone on way too long.

In July of 2004, Congress declared the actions that were taking place in Darfur, Sudan genocide. Two months later, the administration issued a report which reached the same conclusion. In the 17 months since then, little has changed for the people of Darfur. Two million people have been chased from their homes, 3 million rely on international aid, and over 200,000 are refugees in Chad.

The security situation in Darfur remains dire. The Secretary General and other United Nations officials have warned that the region is on the verge of chaos. In parts of Darfur, the U.N. and other aid agencies have had to pull back staff.

The U.N., led by the United States, has taken the first step towards authorizing a peacekeeping force, but it could be a year from now—a year—before such a force completely deploys.

What are the men, women and children of Darfur supposed to do in the meantime? Hope for the best? Keep their fingers crossed that they are not attacked by the janjaweed, or caught in the cross-fire between the government and rebel forces?

Some believe that the crisis in Darfur is over. All the violence, these folks argue, is small scale, and residual in nature. They argue that the African Union successfully halted the killing of innocent civilians. Maybe that is why the administration has no concrete plan to improve the security situation in Darfur until the U.N. can get on the ground.

What I would say to those who argue that the worst is over is this: over the course of the last 2 years, the government of Sudan and its surrogates killed as many as 400,000 people and drove one third of the population of Darfur off their land. Two million people remain in internally displaced or refugee camps. Attacks continue. It may be true that they are not as systematic as they were 6 months or a year ago, but I submit to you that it is not because the African Union stopped the attacks. It is because systematic attacks are no longer necessary for the government to continue to terrorize civilians. It is because as many as 400,000 people already are dead, and hundreds if not thousands of villages have already been destroyed. The attacks may be less systematic, but they are not over. And it does not make them less horrific.

I traveled to the Chad-Sudan border in May of 2005. One of the sector commanders from the African Union force came across the border to meet with me. He told me point blank, that he had neither the manpower, the equipment nor the mandate to stop attacks on civilians. But we in the west have the manpower and the equipment—and, if the political will is there, we can secure the right mandate. And that is why we must help.

This resolution calls for the President to provide such help through NATO. It calls on the President to propose that NATO get involved by sending troops to Darfur to support the African Union until the United Nations can get on the ground, and considering how NATO can enforce a no-fly zone in Darfur. The resolution calls on NATO to begin planning in anticipation of such a mission.

Let me be clear about what I am not proposing in this resolution. I am not proposing a third peacekeeping mission be sent to Darfur. I am suggesting that NATO increase the support it is already lending to the African Union with a small number of fully equipped troops to help with command and control, communications, and dissemination of intelligence, on the ground. And I am proposing that these troops stay in Darfur only until the U.N. force has deployed all of its troops. My colleagues should also note that the resolution urges the Security Council to authorize a Chapter VII mission for Darfur—one with an adequate number of well-trained and equipped soldiers—as quickly as possible, so that NATO troops are not engaged in an open ended mission.

The world watched nearly a million people get slaughtered in Rwanda 12 years ago this April. We did nothing. But I'd like to think that we learned from that mistake. We did act in Bosnia, and then in Kosovo, to stop ethnic cleansing. Neither mission was popular. But President Bill Clinton took decisive action because the consequences of inaction were simply too high: We could not stand by and allow Yugoslav President Slobodan Milosevic and his thugs to fill up more mass graves. We cannot fail to take action in Darfur as well.

MEASURE PLACED ON THE CALENDAR—S. 2320

Mr. FRIST. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The Senator is correct.

The clerk will read the bill for a second time.

The assistant legislative clerk read as follows:

A bill (S. 2320) to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

Mr. FRIST. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection is heard.

The bill will be placed on the calendar.

EXECUTIVE SESSION

NOMINATIONS DISCHARGED

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session; provided further that the Commerce Committee and the Foreign Relations Committee be discharged from further consideration of the following nominations: from the Commerce Committee, Coast Guard nominations PN 1299; and from the Foreign Relations Committee, Richard Boucher, PN 1167; further that the Senate proceed to their consideration en bloc.

Finally, I ask unanimous consent that the nominations be confirmed, with the motions to reconsider laid upon the table, the President be immediately notified of the Senate's action.

and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE COAST GUARD

The following named officers for appointment to the grades indicated in the United States Coast Guard under title 14, U.S.C., section 211:

To be lieutenant

Michael W. Albert, 4214
David J. Aldous, 4430
Leonard H. Allen, 0928
David M. Alvarez, 0963
Samuel L. Alvord, 6368
David F. Ambos, 0287
Jason K. Appleberry, 5911
Segundo J. Argudo, 4880
Reginald I. Baird, 8124
Ryan A. Barone, 3060
Scott P. Barton, 7711
Anne M. Becker, 0033
Robert W. Bilbo, 2735
Michael L. Bowman, 0311
Lance J. Brant, 7571
Richard J. Burke, 6168
Victor G. Buskirk, 8496
Andres Camargo, 4804
Donald B. Campbell, 3717
James D. Cannon, 9517
Christy S. Casey, 9504
Justin M. Cassell, 0248
John T. Catanzaro, 4687
Robert S. Clarke, 8990
Paul J. Coleman, 3522
Jeffrey M. Collins, 0868
Ross E. Comer, 0871
Carlos M. Crespo, 3972
Paul J. Crookshank, 8903
Martin J. Dietsch, 9728
Brian J. Donahue, 3050
William R. Dunbar, 3078
Bryan L. Dunlap, 8771
Charles Engbring, 0090
Tom Engbring, 0194
Jay S. Fair, 1544
PaulA. Fawcett, 7959
Krystyon N. Finch, 2998
Jason F. Frank, 8726
Frank A. Fusco, 2948
Carlos F. Gavilanes, 9324
Greg S. Gedemer, 4014
Aaron G. Green, 3493
Catharine D. Gross, 6216
Anthony D. Guild, 1163
Mark A. Haag, 4847
Christopher E. Haley, 8103
Joy E. Hall, 2194
Robert P. Hill, 0933
Frank L. Hinson, 6470
Giles C. Hoback III, 4401
Matthew M. Hobbie, 0161
Robert E. Hollinger, 0295
Timothy D. Howard, 4135
Thomas P. Hrynyshyn, 5519
Donald K. Isom, 5873
Jack W. Jackson, 4607
Thomas A. Jacobson, 2569
Weston R. James, 5408
Douglas A. Jannusch, 0307
John W. Kaser, 8473
Richard J. Kavanaugh, 4923
Tonya G. Kelley, 1069
Raymond S. Kingsley, 9696
Andrew C. Kirkpatrick, 7592
Shawn A. Lansing, 8373
Patrick J. Lee, 3913
Joseph J. Leonard, 0609
John R. Luff, 9370
Ezekiel J. Lyons, 0353
Richard A. Mach, 9782
Steven D. Mahany, 1437
Robert J. Manning, 5299
Charles Marino, 3132
Ronaydee M. Marquez, 9661
Timothy R. Martin, 0393
Stephen Matadobra, 8550
James J. Mazel, 7927
Brian K. McCaul, 3421
James M. Mclay, 0276
Kerri W. Merklin, 8680
Robert A. Moomaw, 0941
David J. Moore, 0855
Ferdinand Morales, 7256
Michael J. Munnerlyn, 7667
John R. Nims, 1165
Jessica E. Noel, 0945
Bryan K. Oditt, 4344
David M. Otani, 0931
Hector M. Pacheco, 3844
Charles N. Parham, 0927
Michaell. Parker, 9843
Jeffrey C. Peterson, 0216
Jose L. Ramirez, 9640
Christian P. Rigney, 0243
Justo E. Rivera, 3304
David J. Roberts, 6087
Richard D. Russell, 1107
Paul T. Sanger, 6433
Brent R. Schmadeke, 0334
William A. Schrade, 4854
John R. Scott, 2880
Heather D. Skowron, 2520
Samuel L. Slay, 6921
Bradley J. Smith, 0853
Jason S. Smith, 7822
Lawrence W. Sohl, 2458
Lane A. Solak, 7027
Gabriel J. Somma, 0820
Lane G. Steffenhagen, 5339
Thomas M. Stokes, 0809
John R. Strasburg, 9623
Roderick A. Stroud, 7440
Jonathan E. Sullivan, 0906
Carol M. Swinson, 0299
John K. Titchen, 9571
Terry R. Trelford, 0228
Shaun T. Vaccaro, 0280
Thomas C. Vaughn, 9415
Stephen E. West, 0827
Todd C. Wiggen, 3435
Charles Wojaczyk, 6729
Marcus P. Wong, 8058
Maurice S. York, 0984
Steven M. Youde, 0681
Jacob A. Zalewski, 0831
Peter J. Zauner, 9068
Peter E. Zohimsky, 0023

To be lieutenant junior grade

Regina E. Adams, 5107
Jereme M. Altendorf, 2127
Walner W. Alvarez, 9641
Jennifer J. Andrew, 2240
Edward S. Aponte, 0723
Michael P. Attanasio, 4695
Geoffrey M. Barela, 0503
Ellen P. Batt, 0702
James R. Bendle, 0912
Jeffrey S. Bogdanovich, 2183
Thomas R. Bolin, 7320
Jeffrey M. Bolling, 5992
Barnaby W. Bosanquet, 4639
Devon S. Brennan, 6868
Collin R. Bronson, 7156
Melanie A. Burnham, 5564
Matthew A. Calvert, 8560
Manuel B. Camargo, 4478
James J. Camp, 6443
Taylor J. Carlisle, 2075
Luis O. Carmona, 9642
Christopher L. Carter, 6646
Timothy S. Casares, 7536
Xochitl L. Castaneda, 9964
Eric W. Chang, 4687
David M. Coburn, 4739
Harlan J. Copeland, 6322
Trevor C. Cowan, 3206
Robert H. Creigh, 5236
Michael Crowe, 2096
Dorain M. Dailey, 6981
Willy J. Dasal, 6494
Ali W. Davis, 2101
Kelvin J. Davis, 0881
John F. Dewey, 4005
Adam H. Drews, 9580
Glen R. Enzfelder, 2100
Bryan M. Estell, 8392
Kerry A. Feltner, 6324
Alan J. Fitzgerald, 1493
Robert F. Fitzgerald, 1819
David L. Flanders, 1732
Angelique Flood, 0433
Jason S. Franz, 5355
Brett A. Freels, 4286
Tracy D. Funck, 2524
Matthew A. Gabbianelli, 8395
Oscar R. Galvez, 3159
Lisa L. Garcez, 4482
Joseph S. Giammanco, 3483
Erin K. Gilson, 8717
Christopher L. Grooms, 5939
Danielle R. Hartley, 1557
James R. Herrera, 1420
Jason D. Hetherington, 6069
Neal D. Hinkel, 9754
Crist M. Holveck, 3264
Jason A. Hopkins, 2078
Kenneth C. Jones, 5643
Thomas D. Jones, 0220
Luann J. Kehlenbach, 7426
Steven A. Koch, 5098
Matthew R. Kolodica, 3267
Duane W. Lemmon, 2119
Preston O. Logan, 0516
Jeffrey D. Lynch, 2087
Jonathan M. Mangum, 6474
Ezra L. Manuel, 4957
Arthur P. Martin, 6386
Matthew K. Matsuoka, 5918
Doreen McCarthy, 5096
Kevin J. McDonald, 5225
Stacy L. McNeer, 6687
John M. McWilliams, 3246
Nathan S. Menefee, 4778
Matthew J. Meskun, 5090
Anthony R. Migliorini, 4806
Douglas J. Miller, 4717
Robert S. Morris, 2107
Merridith R. Morrison, 2083
Ernesto Muniztirado, 0160
Walter L. Ouzts, 2058
John G. Peterson, 5187
Todd P. Porter, 0444
Beau G. Powers, 3462
Kevin J. Rapp, 7300
Joseph R. Raymond, 5385
Jeffrey H. Rubini, 9446
Michael K. Saffold, 7009
Tanya C. Saunders, 4246
Karey J. Sayre, 7079
Ray A. Slapkunas, 4790
Adam C. Spencer, 3058
Jon D. Stewart, 2121
Mary W. Stewart, 2066
Calvin Summers, 6289
Nicholas J. Tabori, 7197
Danny M. Tcheng, 2187
Miguel E. Torrez, 1043
Otis C. Travers, 2063
Douglas M. Trent, 9772
Kristofer A. Tsairis, 3196
Christopher B. Tuckey, 3183
Matthew D. Vanderbeck, 4282
Kou Vang, 7926
Kraig L. Washington, 9367
Matthew G. Weber, 4738
Justin L. Westmiller, 8669
Kevin S. Wilkinson, 5049
Shay R. Williams, 0040

Timothy J. Williams, 2085
Christopher Wolfer, 9017
John D. Wood, 3780
Brett R. Workman, 4503
Warren N. Wright, 4148
Ben Wroblewski, 4736
Damian N. Yemma, 6401
Christopher J. Young, 2132

DEPARTMENT OF STATE

Richard A. Boucher, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Assistant Secretary of State for South Asian Affairs.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

SIGNING AUTHORIZATION

Mr. FRIST. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader and the senior Senator from Virginia be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT AUTHORIZATION

Mr. FRIST. I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by current action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT OF THE HOUSE AND SENATE

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the consideration of H. Con. Res. 345, the adjournment resolution; provided that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 345) was agreed to, as follows:

H. CON. RES. 345

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, February 16, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, February 28, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, February 17, 2006, through Tuesday, February 21, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 27, 2006, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE SMALL BUSINESS ADMINISTRATION

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4745, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4745) making supplemental appropriations for fiscal year 2006 for the Small Business Administration's disaster loans program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. LANDRIEU. Mr. President, after the close of business on February 9, 2006, the Small Business Administration, SBA, notified my office that the SBA Disaster Loan Program was going to run out of money 4 days later on February 13, 2006. I was outraged that my office was only made aware of the situation because USA Today was about to do a story on it. The Disaster Loan Program is one of the most important lifelines that the people of my State are relying on to pull themselves out of the destruction wrought by Hurricanes Katrina and Rita. When SBA first knew about the funding shortfall in this program, the Senators from Louisiana, Mississippi, Florida, Texas, and Alabama should have been the first people told. No doubt some of my colleagues may only have learned about this in the media. That is not how a Federal agency should notify Congress of important developments.

The administration has requested, and the Appropriations Committee has approved, a reprogramming of $100 million from SBA's salaries and expenses account to the Disaster Loan Program to keep it funded for another 2 weeks. The program will still need additional funding beyond this. H.R. 4745, that is before the Senate today, will allow for a reallocation of $712 million in funds from the Federal Emergency Management Agency to SBA in order to keep the Disaster Loan Program running until the end of April. They hope that by then Congress will have acted on an additional Katrina supplemental appropriations bill to keep the Disaster Loan Program funded through the end of the fiscal year. I certainly support this legislation and I am pleased that SBA acted to keep the Disaster Loan Program funded.

But even with these temporary extensions, this latest incident is just another example of the poor performance of SBA under the its Administrator Hector Barreto. SBA told us that it has known about this problem since December when they realized that their average disaster loan size for damage as a result of Katrina was double what they had previously experienced in the program. So all of their estimates were off. They knew that the amount of money they had budgeted for disaster loans to businesses and homeowners for the program would not last. But they never said anything to us about it—until they thought that the press would tell us first.

The Small Business Committee held hearings focusing on SBA's disaster response to Katrina and Rita, so the agency knew that this was a major concern to the chair and ranking member of the committee, Senator SNOWE and Senator KERRY, as well as myself and my colleague from Louisiana, Senator VITTER. The committee staff is in almost daily contact with SBA, giving SBA ample opportunity to discuss upcoming issues that would warrant congressional attention. No one at SBA raised this issue, everything was fine.

When the administration released the Federal budget for 2007, SBA made no mention that the Disaster Loan Program was going to need additional funding. The SBA's Chief Financial Officer took part in budget briefings for staff along with other SBA officials. Again no mention that the Disaster Loan Program was running out of money.

Mr. President, if this was an isolated incident or oversight, I would not be nearly as disappointed. But this is far from an isolated event. My constituents have been complaining about SBA and the Disaster Loan Program since the earliest days after the disaster. Katrina and Rita catastrophically destroyed or damaged over 18,000 businesses and over 200,000 homes in Louisiana alone. Early on after the storm, disaster victims had to wait months for their loans to be approved. The agency did not have enough staff on the ground to do damage assessments. The situation has improved since those early days, and the SBA has finally heeded our calls to contract out the loss verification process to speed things up. I commend them for coming to their senses on that, but I still believe that the SBA's slow start has led to business failures and has left many homeowners without any hope of returning home.

Furthermore, SBA's failure to accurately track the finances of the Disaster Loan Program, and more importantly, its neglect in keeping Congress updated on this developing problem, is evidence of a culture of inefficiency that goes through to the highest levels of the SBA. I want to know what these officials knew and when they knew it, because certainly no one in Congress was told until February 1. That is 12 days—I repeat 12 days—before the program was set to run out of money.

Mr. President, Katrina and Rita threw the gulf coast into a state of uncertainty. SBA's handling of the Disaster Loan Program has only made this feeling of uncertainty worse. We need more than a string of temporary fixes to the financial viability of the program to ensure that the dollars will be there for the people in the gulf who are trying to rebuild. We need a permanent solution or else the management mistakes of the past will continue to plague the SBA's disaster response for future disasters.

Mr. KERRY. Mr. President, the Small Business Administration's disaster loan program is facing another shutdown this month unless Congress passes a bill to provide the program with more funding. A shutdown of this program would further slow the recovery of the gulf, where hundreds of thousands of business owners and homeowners have been waiting months for the administration to process and disburse loans to help them pay their bills and start rebuilding their businesses and homes.

As of this week, according to the SBA's data, out of more than 60,000 loans approved for businesses and homeowners, only 23,000 have been partially or fully disbursed. And out of the almost 375,000 applications received, 190,000 are still waiting to be processed. The families and businesses waiting should not be subjected to yet another roadblock to assistance through the disaster loan program.

The mismanagement of the SBA's disaster loan program has been well-documented on national news programs like CNN and in major papers like the Washington Post and USA Today. The Committee on Small Business and Entrepreneurship has held two hearings on the matter. Adding to the problems, the SBA was not paying attention to the books and didn't realize it was making larger loans and spending more than it had estimated. This lack of oversight brought the program to the brink of shutting down.

When the President's budget was released on February 6, the SBA discovered it only had enough money to make it to February 13. Instead of being forthcoming about the problem when the SBA and its financial team came up to brief the oversight Committee on SBA's budget and financial standing, they were silent. Luckily, as has been the pattern since President Bush has been in office, the Congress stepped in to pass emergency legislation to keep one of SBA's small business programs up and running.

Specifically, Congress approved a last-minute request from the administration to reprogram $100 million from SBA's disaster administrative funds into the account for disaster loans. Unfortunately, not only did SBA wait until the last minute to seek assistance, but the assistance it sought was not enough to keep the program running long—just enough to keep the program running from February 14 to maybe the end of the month. To make it through the year, the SBA needs an estimated $1.3 billion.

Demonstrating yet another lapse in judgment, the administration did not plan to seek the entire amount to avoid another shutdown but instead decided to take a piecemeal approach. Their plan was to ask now for enough money to make it through July and then later in the year to seek the rest of the needed funding. I disagreed with this approach and urged the President and Senator Majority Leader FRIST to request the entire funding at one time and to move the funding measure as a freestanding bill so that it could pass before the Congress breaks for the Presidents Day recess. Waiting until Congress comes back on February 28 would be too risky given that SBA only has the $100 million it requested to keep going.

Given all that is at stake for the families and businesses in the gulf, I am very glad that today, before we recess, the Senate is considering H.R. 4745, a bill to provide funding to the SBA's disaster loan program. I am glad that Congress has come to the administration's rescue to pass another emergency bill, one that is freestanding. I only wish the bill provided the full $1.3 billion instead of $712 million. This will only keep the program running through April. However, the House has already recessed, so we are not in the position to add more funding at this time.

I hope this bill gives some peace of mind to those in the gulf waiting for help, and I hope that when we come back we can be just as swift in approving a final measure to fully fund the disaster loan program.

In closing, I ask unanimous consent that letters from me and my colleagues to President Bush and Majority Leader FRIST be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON SMALL
BUSINESS & ENTREPRENEURSHIP,
Washington, DC, February 10, 2006.

Re Averting Shutdown of SBA's Disaster Loan Program.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We have just received word that the Small Business Administration's (SBA) disaster loan program was on the brink of running out of money next week, on February 13, 2006. Our Committee was not notified until this week that the SBA needed more funding, and according to documents I have just received, not even the appropriators were notified until recently. Instead of waiting until the last minute to try and avoid a shutdown, further exacerbating the disaster loan program's failure to meet the urgent needs of hurricane victims in the Gulf, the Administration should have notified Congress of this problem sooner. This is reminiscent of the way in which the Administration handled the shutdown of its largest small business lending program two years ago and the way it handled the shortage of funds to pay SBA's disaster loan staff during the 2004 Florida hurricanes.

Mr. President, your FY2007 budget was released on Monday, and you deployed your staff out to the various oversight Committees this week to promote your priorities for the various agencies and departments and to justify the requests. Among other key SBA employees, Committee staff met with the SBA's Chief Financial Officer. No one should be in a better position to know the Agency's fiscal standing in its accounts. Yet, not once did the CFO or anyone from the SBA mention a need for additional disaster loan funding.

For too long, you have ignored the mismanagement of the SBA. The draconian cuts to the SBA by this Administration have proven deleterious to the delivery of resources important to small businesses across the nation. The near-shutdown of the disaster loan program demonstrates the shortsightedness of these budget cuts.

It is time to get the SBA's disaster loan program running smoothly and remove the red tape that is keeping so many homeowners and business owners from getting much-needed disaster assistance. As of yesterday, SBA's data showed that almost six months after Hurricane Katrina hit, 50 percent of the loans requested by homeowners are waiting to be processed, and 35 percent of the business owners are waiting for their loan applications to be processed.

I understand that the Administration's reprogramming request of $100 million approved yesterday by Congress will only provide enough funding to keep the program running for about 14 more days. To avoid a shutdown during Fiscal Year 2006, the SBA disaster loan program needs an estimated $1.3 billion. Currently, your Administration is planning to request $1 billion to be reallocated from the billions sitting idle at FEMA. Unfortunately this will only fund the disaster loan program through July, requiring an additional request for the remaining $300 million in supplemental appropriations to make it through the end of the fiscal year in September. Rather than continue this piecemeal approach to budgeting, I urge you to request the full amount to operate the program properly now and make sure the needs of the Gulf and future disaster victims are met.

Sincerely,

JOHN F. KERRY.

U.S. SENATE, COMMITTEE ON SMALL
BUSINESS & ENTREPRENEURSHIP
Washington, DC, February 14, 2006.

Re Passing Legislation To Prevent Shutdown of SBA's Disaster Loan Program.

Hon. WILLIAM H. FRIST, M.D.,
U.S. Senate Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. MAJORITY LEADER: We are writing to ask your immediate attention in passing critical legislation to prevent the Small Business Administration's (SBA) Disaster Loan program from shutting down.

As you are aware, the SBA Disaster Loan program would have run out of money yesterday, February 13, 2006, if the Congress had not approved a last-minute request from the Administration to reprogram $100 million. The SBA has told the Committee that the reprogrammed funding will only keep the program running for about 12 more days and estimates it will need an additional $1.3 billion to avoid a shutdown in FY2006.

Instead of seeking the full amount, SBA has informed the Committee that the Administration intends to request only part of the needed money now, through a reallocation of $1 billion from the unspent funds in the Federal Emergency Management Agency's (FEMA) Disaster Relief Fund. Unfortunately this will only fund the disaster loan program through July, requiring an additional request for the remaining $300 million in supplemental appropriations to make it through the end of the fiscal year in September.

Rather than continue this piecemeal approach to budgeting, we believe the Congress should pass legislation with the entire estimated amount so that there is stability in the delivery of disaster relief to meet the needs of the Gulf victims, as well as any future disaster victims. We also believe that the request should move as a free-standing bill, rather than combining it with other bills that run the risk of delay because of unrelated controversies.

In summary, we seek your cooperation to immediately pass a free-standing bill in the Senate that would authorize FEMA to reallocate from its Disaster Relief Fund $1.3 billion to the SBA's Disaster Loan program. And we request that any reallocated funds from the Disaster Relief Fund be restored as soon as possible through the next supplemental emergency funding bill that Congress enacts.

Sincerely,
JOHN F. KERRY.
CARL LEVIN.
MARK PRYOR.
MARY LANDRIEU.
MARIA CANTWELL.
TOM HARKIN.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4745) was read the third time and passed.

RECOGNIZING KENNETH M. MEAD'S SERVICE AS INSPECTOR GENERAL OF THE DEPARTMENT OF TRANSPORTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 382, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 382) recognizing Kenneth M. Mead's service as Inspector General of the Department of Transportation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I take this opportunity to commend Kenneth Mead's service as inspector general of the Department of Transportation. I am joined by Commerce Committee Cochairman Senator INOUYE and committee members Senators BURNS, MCCAIN, ROCKEFELLER, LOTT, LAUTENBERG, SUNUNU, PRYOR, and BILL NELSON.

On February 11, 2006, Mr. Mead announced his retirement as the inspector general of the Department of Transportation after nearly 9 years of service in that position. In those 9 years of service, Mr. Mead and his staff conducted countless investigations in an independent, impartial, and professional manner regarding numerous issues affecting the Department.

Mr. Mead appeared before the committee as a witness on several occasions throughout his tenure, and the committee always found that he provided independent, thorough, and relevant commentary and recommendations concerning a wide range of Federal transportation policies and programs. His contributions to transportation safety are greatly appreciated by the current and former members of the committee.

On behalf of the Commerce Committee, I ask that the Senate recognize and commend Kenneth M. Mead for his more than 8 years of exemplary service to the Nation as the inspector general of the Department of Transportation, and we express our deep appreciation and gratitude for his long and outstanding service.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 382) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 382

Whereas Kenneth M. Mead has announced his retirement as the Inspector General of the Department of Transportation after nearly 9 years of service in that position;

Whereas, Kenneth M. Mead and his staff conducted investigations independently, impartially, and with rigorous professionalism into myriad issues affecting transportation and transportation policy;

Whereas, Kenneth M. Mead and his staff provided independent, thorough, and relevant commentary and recommendations on a wide-range of Federal transportation policies and programs, including aviation operations and safety, highway, auto and truck operations and safety, transportation security, rail operations and safety, and pipeline and hazardous materials transportation safety;

Whereas, during Kenneth M. Mead's tenure as Inspector General, the events of September 11, 2001, had a dramatic impact on the Federal government's relationship with the aviation industry and posed significant challenges for ensuring the safety and security of public transportation in general and the United States aviation industry in particular;

Whereas Secretary of Transportation Norman Mineta recognized Kenneth M. Mead's contributions by describing him as "a tireless advocate for setting the highest possible standards of integrity, accountability, and performance" in the Department's efforts to make the Nation's transportation system as safe and efficient as possible: Now, therefore, be it

Resolved, That the United States Senate commends Kenneth M. Mead for his more than 8 years of faithful and exemplary service to the Nation as the Inspector General of the Department of Transportation, and expresses its deep appreciation and gratitude for his long and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Kenneth M. Mead.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 286, 294, 521, 522, 524, 526, 527, 528, 544, 545, and 546.

Finally, I ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE NAVY

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Craig O. McDonald, 8124

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Raymond P. English, 2452

EXECUTIVE OFFICE OF THE PRESIDENT

Carol E. Dinkins, of Texas, to be Chairman of the Privacy and Civil Liberties Oversight Board.

Alan Charles Raul, of the District of Columbia, to be Vice Chairman of the Privacy and Civil Liberties Oversight Board.

Stephen C. King, of New York, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 2008.

DEPARTMENT OF DEFENSE

Preston M. Geren, of Texas, to be Under Secretary of the Army.

James I. Finley, of Minnesota, to be Deputy Under Secretary of Defense for Acquisition and Technology.

DEPARTMENT OF ENERGY

Thomas P. D'Agostino, of Maryland, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration.

FEDERAL RESERVE SYSTEM

Randall S. Kroszner, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 1994.

Kevin M. Warsh, of New York, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2004.

EXECUTIVE OFFICE OF THE PRESIDENT

Edward P. Lazear, of California, to be a Member of the Council of Economic Advisers.

NOMINATION OF CAROL DINKINS

Mr. CORNYN. Mr. President, I rise today in support of the nomination of Carol Dinkins of Houston, TX, to be the chair of the Privacy and Civil Liberties Oversight Board.

Congress recently created this important position based on the recommendation of the 9/11 Commission. The Privacy and Civil Liberties Oversight Board is designed to monitor and uphold our nation's commitment to defend civil liberties. Part of the board's responsibilities will be to provide honest, responsible, and fair review of the development and implementation of laws, regulations, and executive branch policies—specifically with respect to our Federal Government's commitment to protect America from the ongoing threat of terrorism.

The board will play an important role in ensuring that privacy and civil liberty concerns are appropriately considered. Such oversight is important because, as a Nation, we proudly revere our civil liberties. We must remain committed to vigorously defend them, in order to ensure that we remain a beacon of freedom to the rest of the world.

Congress strives to strike a careful and wise balance between national security and civil liberties. While this is not always easy, I believe we do so with the best interests of our Nation in mind—and do so in an honest and good faith manner.

Ms. Dinkins is the right person for this important position, as she has proven throughout her distinguished career to share these values. Her vast public service and private-sector experience will allow Carol Dinkins to offer unique perspectives to the privacy board. As Deputy Attorney General under President Reagan—the second-highest ranking position in the Department of Justice—Ms. Dinkins was responsible for the day-to-day management of the Justice Department's more than 60,000 employees. Moreover, she played a significant role in the development of the Reagan administration's criminal justice and anti-terrorism policies.

Ms. Dinkins has also been a longtime partner in the distinguished Texas law firm of Vinson & Elkins. She has devoted a substantial amount of her time to a variety of public service initiatives, including service on the American Bar Association, and has also donated significant time to activities designed to promote conservation and protect the environment.

I am proud to support Carol Dinkins for this position and am confident that she will serve the Nation with honor and distinction.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Mr. WARNER. Will the Senator yield for a moment?

Mr. FRIST. Yes.

Mr. WARNER. I thank the majority leader for working with the minority leader to get these three nominations confirmed. Two are under the category of the Department of Defense, and the third is Energy. Nevertheless, the Energy nominee works carefully with the Committee on Armed Services, which makes up 60 percent of the Department of Energy's budget. Together with my colleague, Senator LEVIN, we have worked very hard, and this is probably one of the shortest periods in which we have been able to completely go through the advice and consent process very carefully, meticulously, but in a very timely fashion. I will have further remarks about these nominations, but the Department is very much in need of these key personnel, particularly the Under Secretary of the Army, a former member of Congress.

I thank the leader for his cooperation in insisting that we get these nominations done in a timely manner, and I thank the staff. There is a lot of staff work that went into this effort.

ORDERS FOR MONDAY, FEBRUARY 27, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of H. Con. Res. 345 until 2 p.m. on Monday, February 27. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and that the Senate then conduct a period for the transaction of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each. I further ask that following morning business, the Senate resume consideration of S. 2271, the PATRIOT Act amendments bill, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, today the Senate will adjourn for the Presidents Day recess. When we reconvene on Monday, February 27, we will resume consideration of the PATRIOT Act amendments bill, and under the agreement reached this week, we will have a vote on the motion to invoke cloture on the bill at 2:30 p.m. on Tuesday, February 28, and a vote on passage at 10 a.m. the following day, on Wednesday. The vote on Tuesday will be the first vote of the week.

I thank Senator SALAZAR for today's reading of George Washington's Farewell Address. This tradition has been long-standing. It began in 1892 and became an annual event in the Senate beginning in 1893. Ever since that point in time, we celebrate Washington's birthday with the reading of the 7,641-word address, and the address has been made available to each of our colleagues. I have had the opportunity to read that 7,641-word address. It means a lot to be able to share those words which have been so meaningful and such a tremendous tradition for this body and our heritage and, speaking very directly to the future as well, the tradition that we will continue to pass on and respect.

ORDER FOR ADJOURNMENT

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment following the remarks of my distinguished colleague from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

DEPARTMENT OF DEFENSE NOMINATIONS

Mr. WARNER. Mr. President, I again thank the distinguished majority leader. He made reference to the George Washington Farewell Address. I remember 25 years ago, a quarter of a century ago, I gave the address and I was awakened on that day to 25 inches of snow. The only people who came to the Congress that day were the Presiding Officer, a clerk, and myself to deliver that address. I remember I walked from my then-residence some 2 miles in the snow. There was a farmer's march here, and they were all in a tent camp, and a tractor drove me up the hill the final 3 or 4 blocks. It was one of the few moments of any fame in my life. I was picked by The New York Times as the "Man of the Week" for forging through the storm to give that very important address. Since then, it has all been downhill for me.

I wish to address the Senate with regard to these nominations for the Department of Defense. I ask unanimous consent to have printed in the RECORD a brief biography of each of these distinguished Americans who have stepped forward to take on these responsibilities.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

James I. Finley

Jim has over 30 years of multi-national business leadership and management experience. Programs span air, land, sea and space for the DoD, all services and DARPA, and include the FAA Automatic Surface Detection Radar systems and the NASA Space Shuttle Program. Systems and subsystems experience includes mission analysis, design, development and deployment of weapon delivery, flight control, navigation, information management, C4ISR, battle space management, chem/bio defense systems. His education includes a Masters of Business Administration, MBA, and Bachelors of Science in Electrical Engineering, BSEE.

With a background that includes marketing, finance, program management, engineering and manufacturing, he brings a broad experience base of technology including international technology transfer, outsourcing, product development, multi-plant operations management, lean manufacturing implementation, demand flow technology programs, six sigma/black belt systems, information technology systems, purchasing, logistics, facilities, security, product support and total quality management.

His leadership and strategic planning abilities have led many companies, including large and small operations, to achieve double-digit financial growth. Jim has also participated in many acquisitions and divestitures providing business analysis including strategic fit, organizational alignment, marketing assessments, project evaluations and manufacturing audits.

Jim has achieved significant operational recognition and success through progressive, increasing management responsibilities at General Electric, Singer, Lear Siegler, United Technologies and General Dynamics, where he was a Corporate Officer, President of Information Systems and Chair of the Business Development Council. In 2002, Jim formed his own consulting company, The Finley Group, LLC, that provides business assistance and advice for all facets of the business cycle including start-up, growth, acquisition and divestiture.

He resides in Ghanhassen, Minnesota, and enjoys golf, cycling, fishing, reading and volunteer's work.

Pete Geren

Pete Geren joined the Department of Defense in September of 2001 to serve as Special Assistant to the Secretary of Defense with responsibilities in the areas of inter-agency initiatives, legislative affairs and special projects.

Prior to joining the Department of Defense, Geren was an attorney and businessman in Fort Worth, Texas.

From 1989 until his retirement in 1997, Geren was a member of the U.S. Congress, representing the Twelfth Congressional District of Texas for four terms. He served on the Armed Services, Science & Technology and the Public Works and Transportation Committees during his tenure in the Congress.

Geren received his BA degree from the University of Texas in 1974 and his JD from University of Texas Law School in 1978. He and his wife, Beckie, have three daughters, Tracy, Annie and Mary.

Thomas Paul D'Agostino

Mr. Thomas Paul D'Agostino is the Assistant Deputy Administrator for Program Integration and leads the Office of Defense Programs at the Department of Energy's National Nuclear Security Administration, NNSA. Mr. D'Agostino directs the Stockpile Stewardship Program, SSP, which is responsible for maintaining the safety, security, and reliability of the Nation's nuclear weapons stockpile. The NNSA's nuclear weapons complex includes three national research laboratories, the Nevada Test Site, and four production plants,

Defense Programs oversees the SSP, which employs over 30,000 people around the country. This approximately $5.2 billion program encompasses operations associated with manufacturing, maintaining, refurbishing, and dismantling the nuclear weapons stockpile. Defense Programs also provides oversight and direction of the research, development, and engineering support to maintain the safety and reliability of the nuclear weapons stockpile in the absence of underground testing, and assures the capability for maintaining the readiness to test and develop new warheads, if required.

In other previous assignments, Mr. D'Agostino served as the Deputy Director for the Nuclear Weapons Research, Development, and Simulation Program where he directed the formulation of the programs and budget for the research and development program that supports the SSP. From 1989 to 1996, Mr. D'Agostino worked in numerous assignments within the Federal Government in the startup of the Department's tritium production reactors and at the Naval Sea Systems Command as a program manager for the SEAWOLF submarine propulsion system.

Mr. D'Agostino is currently a Captain in the U.S. Naval Reserves where he has served with the Navy Inspector General and with the Deputy Chief of Naval Operations for Submarine Warfare in developing concepts for new attack submarine propulsion systems. He also served with the Deputy Chief of Naval Operations for Plans, Policy, and Operations, N3/5, in the Navy Command Center in the Pentagon. In this capacity, he was the French Desk Officer for the Chief of Naval Operations responsible for all Politico-Military interactions with the French Navy and served as the Duty Captain at the Navy Command Center.

He spent over eight years on active duty in the Navy as a submarine officer to include assignments onboard the USS Skipjack, SSN 585, and with the Board of Inspection and Survey where he was the Main Propulsion and Nuclear Reactor Inspector. In this position, he performed nuclear reactor and propulsion engineering inspections for over 65 submarines and nuclear-powered ships in the Atlantic and Pacific Fleets.

Mr. D'Agostino's awards include the Navy Commendation Medal with Gold Stars, Navy Achievement Medal, Navy Expeditionary Medal, Meritorious Unit Commendation, National Defense Service Medal, Presidential Rank Meritorious Executive Award, and numerous other awards. Mr. D'Agostino is married to Beth Ann Alemany of Manchester, CT, and has two children. Mr. D'Agostino is a member of the Senior Executive Service.

Education: Naval War College, Newport, RI, MS National Security Studies, 1997 (Distinguished Graduate), Johns Hopkins University, Baltimore, MD, MS Business Finance, 1992, United States Naval Academy, Annapolis, MD, BS Physical Science, 1980.

Mr. WARNER. In a time of great concern for those of us who, on a daily basis, work the situations primarily in Iraq and Afghanistan. I hope to make I think my sixth or seventh trip to that region in the not-too-distant future, and I am hopeful that a number of Senators will find the opportunity to make similar trips because the situation in both areas, in my judgment, still has a high degree of fragility and a high degree of uncertainty. We have to reinforce the resolve of our Nation, working with our coalition partners, to achieve the goals that were set down by the respective governments in the coalition and, indeed, the wise and strong leadership of the President of the United States, in the absolute necessity that we enable both of these nations to establish that form of democracy that they consider best suits them.

Great progress has been made in Afghanistan. Elections have been held there. We have seen recent elections likewise in Iraq. Progress is being made. I will have further remarks on this subject when the Senate returns after the recess. But it is absolutely imperative that the various factions in Iraq—Shia, Kurds—work together to bring in a representative group from the Sunni faction to establish this government. It seems to be off to a start, a little slower—I will speak for myself—than I had hoped. But we have to impress upon the leadership in those three political divisions that time is running out. That government must be formed. They must pick individuals of unquestioned strength and integrity to run the Ministries—primarily the Ministry of Defense, the Ministry of the Homeland—the Interior.

I think we have given an extraordinary measure, through loss of life, loss of limb, through economic support. It is an enormous drain. We will soon be dealing with enormous sums of money in continuing supplementals to allow those people in Iraq, as well as Afghanistan, to achieve their level of democracy.

As does every Member of this Chamber, I feel for those members of the family in the United States, and indeed for those of our coalition partners, who have lost a family member or are bringing back their family member to nurture that individual who has been wounded so they can once again resume their life and their own responsibilities.

SURVEILLANCE

I wish to comment on a different subject which has given me a great deal of concern, and that is this question of surveillance. I will unhesitatingly now say, given the statements yesterday by the distinguished chairman of the Intelligence Committee—I am privileged to serve on that committee—that in consultation with the White House, we will proceed, hopefully, on a constructive and fair and objective, to the extent we can get politics out of it, look at the existing laws and determine such modifications as can be agreed upon.

I have continuously taken that stance, quietly, in consultation with my colleagues here, with members of the gang of 14, I may say, which has taken a constructive role in other areas—they have given some consideration and they have a position on that after we return. But it is imperative that we approach this in a bipartisan way.

The intelligence system underpins—it is the foundation on which we conduct our operations of the military in harm's way. It is what we call a force multiplier, meaning for every bit of factual, sound, accurate intelligence effort that can be given to the Armed Forces engaging the enemy, the likelihood is that it produces an advantage such that you possibly would have fewer military people to carry out the mission if you know with great precision what has to be done. We refer to it as a force multiplier in the annals of military planning and history, throughout our recent history. That system has undergone some stresses, occasioned by the wise—I was a partner through this—legislation to establish the means by which our Nation, through its military and civilian representatives, deals with those taken as prisoners. That is behind us.

We are now faced with the imperative necessity to give our President every possible power in which to continue to utilize the wide spectrum of assets this Nation has to gain that same intelligence to guide us in the days and the weeks and the months to come and, indeed, I say the years to come because the war on terrorism is going to go on long after I have departed this Earth, and it will be the responsibility of my children and my grandchildren, regrettably, for their lifetimes.

That is the turn of events that we now experience in this troubled world. Consequently, our President, as the leader of the most powerful Nation of the free world, must be given all the powers that we possibly can under our Constitution, preserving the integrity of what we call our basic rights and freedoms as given by the Constitution. But at the same time, without that valuable intelligence, we run a greater and greater risk to preserve these freedoms if we do not have it strong and in place and fully functioning.

I hope we can arrive at some legislative package—and it should not be seen as the administration giving in to the Congress or the Congress overriding. No, we must work as coequal branches in partnership.

Recently I had a chance to have a private conversation with the Attorney General of United States and, indeed, the senior officers who are engaged in intelligence gathering. I felt they should build a bridge between the two branches of Government and let us cross it together and decide how we can strengthen this system and leave no doubt—I underscore that—no doubt in the minds of every American citizen that our President is acting within the law, acting consistent with the Constitution of the United States as those powers were enumerated 200-plus years ago but still are as vitally important today as ever.

But this world has moved so far, for example, in the 30-odd years of the FISA Act, which is the core piece of legislation at the moment that is out in the public domain with years of study—so much new technology has come on that it is time to look at the revisions which need to be made under that act.

I do not think we should hold tenaciously on this question of the constitutional authority of Government as being the sole province of the administration for interpretation. Having trained in the law myself, I don't express any great expertise, but I know men and women of clear and sound and patriotic conscience on both sides of this issue looking at the words of the Constitution will determine exactly what the powers of our President are. Yes, this is a political potion and element to the debate, but still beyond that there are men and women of good, sound character and will on both sides of that issue.

People say: Well, let it be resolved by the courts. It may well come to pass.

But each day we let this uncertainty exist has the potential to further impair the intelligence system. Those of our citizens engaged in it and those partners we share intelligence with around the world are beginning to wonder if there is an uncertainty about the status and the authority of what we are doing out on the front lines gathering intelligence, as well as all the way through the chain back to those in positions of responsibility in Washington and elsewhere. You might not get the degree of intelligence that you need.

We have to remove that uncertainty, and move this Nation forward ever so strongly in its collection capabilities, and remove from those citizens—I am not one who follows the polls, and I am not one dictated to by the polls, but the reality is a lot of citizens of clear conscience believe the President may not be acting within the law. We have to remove that. We want every person in the United States to believe our President is acting within the law as we pursue this war on terrorism.

I am very pleased to support what the distinguished Chairman PAT ROBERTS said about the meeting yesterday, and that there will be, in a consultative process, an analysis made by the Congress and the administration in resolving this, and possibly we can seek legislation. It will be a challenge because of the question of the degree of knowledge that we have with regard to how collection is undertaken and how we translate that into law. That will be an unusual challenge facing this body, and we are going to have to reach down and search in our souls and put politics to one side and determine that we are acting in the present and long-term interests of this country—that we have to do it in such a way that when it is concluded we have across the board supported the American public to continue to move forward stronger.

I yield the floor.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 27, 2006, AT 2 P.M.

The PRESIDING OFFICER. Under the previous order, pursuant to H. Con. Res. 345, the Senate stands adjourned until 2 p.m. on Monday, February 27, 2006.

Thereupon, at 1:25 p.m., the Senate adjourned until Monday, February 27, 2006, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate February 17, 2006:

DEPARTMENT OF AGRICULTURE

LINDA AVERY STRACHAN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE MARY KIRTLEY WATERS.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

RANDALL L. TOBIAS, OF INDIANA, TO BE ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE ANDREW S. NATSIOS, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED. FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

BRENT ROYAL BOHNE, OF MINNESOTA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JACQUELINE K. MCKENNAN, OF MONTANA
WILLIAM STEUER, OF TEXAS

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

KATHLEEN A. FITZGIBBON, OF VIRGINIA
TIMOTHY E. GERHARDSON, OF VIRGINIA
DEHAB GHEBREAB, OF VIRGINIA
WILLIAM ALEXANDER JAMES, OF THE DISTRICT OF COLUMBIA
MONA A. KUNTZ, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN

THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JONATHAN A. ALAN, OF NORTH CAROLINA
SUMERA ASHRUF, OF MARYLAND
EVANGELINE LARSON BAKER, OF NEW YORK
DAVID H. BALL, OF FLORIDA
DEBRA ANNE BENAVIDEZ, OF VIRGINIA
SARAH MARIE BERAN, OF THE DISTRICT OF COLUMBIA
VALERIE K. BILGRI HOLM, OF WISCONSIN
MELISSA ANNE BROWN, OF NEW YORK
PHILIP S. CARGILE, OF VIRGINIA
NICOLE ANN CHULICK, OF NEVADA
JEFFREY S. COLLINS, OF FLORIDA
AARON DAVIET, OF TENNESSEE
RACHEL E. DAWLEY, OF TEXAS
MICHAEL LANIER DICKERSON, OF MARYLAND
MAYA HOWE DIETZ, OF WASHINGTON
BENJAMIN A. EAST, OF CONNECTICUT
EMILY SANFORD FISHER, OF NEW YORK
MARK LEWIS FLEMING, OF VIRGINIA
JOHN PETER GINKEL, OF MISSOURI
RYAN M. GLIHA, OF ARIZONA
HEATHER GRANT, OF FLORIDA
LAURA J. GRITZ, OF WASHINGTON
WILLIAM MICHAEL HAMMAKER, OF WASHINGTON
CHRISTINE M. HARBAUGH, OF MONTANA
JANICE D. HARRIMAN, OF FLORIDA
MAYA CATHERINE HARRIS, OF MARYLAND
RYAN L. HASS, OF WASHINGTON
PATRICK C. HORNE, OF TEXAS
ELIZABETH A. HUSE, OF VIRGINIA
JULIA I. JACOBY, OF NEW YORK
MELISSA A. JARRETT, OF MARYLAND
STEPHANIE R. KUCK, OF WASHINGTON
CHRISTINE MARIE LAWSON, OF SOUTH CAROLINA
ETIENNE S. LEBAILLY, OF WASHINGTON
VIRAJ M. LEBAILLY, OF WASHINGTON
JESSE S. LEVINSON, OF RHODE ISLAND
LYNN E. LEWIS, OF THE DISTRICT OF COLUMBIA
JENNIFER R. LITTLEJOHN, OF NEW YORK
BARON PHILEN LOBSTEIN, OF TEXAS
PETER W. LORD, OF FLORIDA
CHRISTIAN M. MARCHANT, OF KENTUCKY
BARBARA JO MASILKO, OF NEBRASKA
PATRICK T. MCEACHERN, OF VIRGINIA
PAMELA GAYLE MILLS, OF THE DISTRICT OF COLUMBIA
KENT MORRIS, OF CALIFORNIA
PETER D. NEWMAN, OF FLORIDA
ERINN PATRICK NICLEY, OF OHIO
STACY LYNN PEARCE, OF NEW MEXICO
TRISTRAM D. PERRY, OF MASSACHUSETTS
MARC R. PORTER, OF WEST VIRGINIA
J. STEVEN RAMIREZ, OF TEXAS
HILARY FULLER RENNER, OF VIRGINIA
PHILIP JOCELYN ANGOLD RICHARDS, OF NEW YORK
DAWN MICHELLE ROBERTS, OF CALIFORNIA
BRIAN R. RORAFF, OF ILLINOIS
TARA E. VERDONK ROUGLE, OF MONTANA
JUHA P. SALIN, OF WASHINGTON
JESSE LEON SANDERS, OF FLORIDA
RACHEL I. SCHNELLER, OF MONTANA
HARVEY WILLIAM SERNOVITZ, OF WISCONSIN
JENNIFER Y. SHALOFF, OF MARYLAND
GREGORY J. SHAW, OF WASHINGTON
DIANE LYN SOVEREIGN, OF NEVADA
SARAH SPODEK, OF VIRGINIA
MARY KATHERINE STANA, OF VIRGINIA
DONALD HALL STEELE, JR., OF WASHINGTON
JONAS DAMIEN STEWART, OF KANSAS
KURT H. STOPPKOTTE, OF FLORIDA
ANDREW DAVID STOWE, OF WASHINGTON
THOMAS W. TANNER II, OF VIRGINIA
ANDREA JOYCE TOMASZEWICZ, OF NEW JERSEY
ALEXANDER TRATENSEK, OF VIRGINIA
CHRISTINA D. TRIBBLE, OF CALIFORNIA
SCOTT C. WALKER, OF CALIFORNIA
RACHEL ANNE WALLACE, OF VIRGINIA
VALERIE JEAN WHEAT, OF VIRGINIA
MARK VINCENT ZIMMER, OF VIRGINIA

THE FOLLOWING-NAMED INDIVIDUAL TO BE A SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF THE TREASURY

DAVID G. LOEVINGER, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT ASA CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED: CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

DEPARTMENT OF STATE

WILLIAM J. BOOTH, OF CALIFORNIA

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, ATLANTIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. DAVID B. PETERMAN, 8115

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. CHARLES D. WURSTER, 7274

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50A:

To be vice admiral

REAR ADM. (LH) ROBERT J. PAPP, 7417

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT OF THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

To be vice admiral

VICE ADM. VIVIEN S. CREA, 5806

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

THOMAS L. MCKNIGHT, 9240

THE FOLLOWING NAMED INDIVIDUALS IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

BARTLETT H. HAYES, 0324

To be major

ORLANDO L. COLONCONCEPCION, 5838
MIGUEL A. MEDINA, 7501
ZAIGA K. SEARS, 0131

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624:

To be colonel

JACK L. KAPLAN, JR., 8831

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MARIANNE E. WATSON, 1853

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

STERLING W. HEYMEN, 9875
TIMOTHY J. WOJTECKI, 0748

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

*DAVID ABDALLA, 3720
*LANNY J. ACOSTA, JR., 0922
*WILLIAM A. ALFORD III, 1400
KATHLEEN ALLRED, 2014
*ROBERT W. AYERS, 8132
*SCOTT T. AYERS, 9844
BRIAN C. BALDRATE, 3251
*MICHAEL D. BANKS, 8844
*JAMES A. BARKEI, 2066
THOMAS H. BARNARD, 9110
*ROBERT M. BLACKMON, 1761
*TONYA L. BLACKWELL, 5944
JENNIFER B. BOTTOMS, 6530
*DEREK D. BROWN, 9022
*KEVIN L. BROWN, 2524
*WILLIAM E. BROWN, 1613
*CHRISTOPHER B. BUCHANAN, 2647
*CHRISTOPHER B. BURGESS, 1048
MATTHEW A. CALARCO, 9875
*LAURA J. CALESE, 0909
*DOUG J. CHOI, 2845
*SEAN M. CONDRON, 6554
*REBECCA K. CONNALLY, 4237
JOSE A. CORA, 6414
*DAVID L. CROSWELL, 4902
*THOMAS F. CRUMLEY, 9747
*VERONICA DELAVEGA, 1631
*RICARDO J. DIAZ, 1254
*JENNIFER L. DONAHUE, 3904
*RYAN B. DOWDY, 5010
*DAVID H. DRAKE, 8024
*SCOTT E. DUNN, 3068
*BRETT T. EGUSA, 3200
*JACQUELINE L. EMANUEL, 6891
*TERRI J. ERISMAN, 9424
*JOSEPH M. FAIRFIELD, 9688
WADE N. FAULKNER, 7158
*ANITA J. FITCH, 7974
*SHAWN W. GORDON, 4274
EUGENE J. GREGORY, 9233
TOSHENE C. GRILLS, 1952
*LISA L. GUMBS, 6294
*CHRISTOPHER HAINES, 8662
*PETER G. HARTMAN, 1216
KELLY L. HUGHES, 2503
*THOMAS F. HURLEY, 6197
*JOSEPH J. JANKUNIS, 7988
*ELLEN S. JENNINGS, 1012
DEMARIS J. JOHANEK, 3201
*DANYELE M. JORDAN, 6056
*KATHLEEN KELLY, 4728
*CHRISTOPHER A. KENNEBECK, 8430
*FANSU KU, 4162
*TYESHA E. LOWERY, 4755
*ROB W. MACDONALD, 6419
*KATHY J. MARTIN, 1391
*CHRISTINALYNN E. MCCOY, 2871
*ERIN K. MCMAHON, 3695
*SEAN C. MCMAHON, 5240
*MATTHEW A. MILLER, 5283
*LARRY C. MINASIAN, 1909
*KESABII L. MOSELEY, 6543
*JEFFREY J. MULLINS, 5094
WALTER E. NARRAMORE, 6357
*ROBERT M. NEWELL, 2747
*MAY L. NICHOLSON, 0351
*TERRANCE J. ONEILL, JR., 7337
*JOSEPH N. ORENSTEIN, 4091
*MARCI J. PETTAY, 6129
PATRICK D. PFLAUM, 8686
*STEVEN M. RANIERI, 7332
*JOSEPH S. RATERMANN, 8627
*RUNO C. RICHARDSON, 0417
MARK A. RIES, 3832
*JAVIER E. RIVERAROSARIO, 0865
*JEREMY W. ROBINSON, 1496
*LESLIE A. ROWLEY, 7650
*WILLIAM J. SCHAEFER, 6474
*ALYSSA M. SCHWENK, 6371
DANIEL J. SENNOTT, 3538
*ROBERT L. SHUCK, 0227
*CARLA A. SIMMONS, 9663
*JULIE A. SIMONI, 9991
*ERIC K. STAFFORD, 5160
*DEREK C. STRATMAN, 4366
JOSHUA M. TOMAN, 8579
*ANGELA D. TUCKER, 7984
LANCE B. TURLINGTON, 5760
ROBERT A. VEDRA, 6100
*BRADLEY M. VOORHEES, 4308
*KAY K. WAKATAKE, 0492
*RANA D. WIGGINS, 0421
*AMBER J. WILLIAMS, 5661
*ROBURT C. YALE, 0572

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

ANDRE B. ABADIE, 9915
*RACHID G. ABINADER, 0415
*GEORGE C. ABRAMS, JR., 7449
*JOHN J. ACEVEDO, 1667
DAVID W. ACKER, 6896
JASON D. ADAMS, 3012
*RYON F. ADAMS, 6760
*WILLIAM T. ADAMS, 4005
WINFIELD A. ADKINS, 1220
*WILLIAM A. ADLER, 8144
JASON P. AFFOLDER, 4882
JAMES R. ALBANO, 5176
ADAM A. ALBRICH, 5547
*ALEXANDER B. ALEJO, 0858
ANREE C. ALEXANDER, 3253
CLINTON D. ALEXANDER, 6661
*CHRISTOPHER S. ALFEIRI, 4118
RANDY G. ALFREDO, 7928
MARY O. ALFREDOCKIYA, 6885
*SCOTT ALLEN, 3787
*KATHY L. ALLISON, 9722
*DENNIS T. ALMADA, 7833
*PETER W. ALMEIDA, 6513
*MAURICE O. ALSING, 2672
EDWARD ALVARADO, JR., 1978
*LEITH A. AMES, 5401
MARK W. ANDERS, 0535
*BRANDON C. ANDERSON, 7373
*BRIAN E. ANDERSON, 2044
*DAVID K. ANDERSON, 2558
ERIC D. ANDERSON, 5662
*JIMMY L. ANDERSON, 5981
*LATONDRA M. ANDERSON, 1990
*MATTHEW A. ANDERSON, 8633
RONNIE D. ANDERSON, JR., 5736
*SCOTT A. ANDERSON, 1639
*WYETH S. ANDERSON, 7735
*TERRI L. ANDREONI, 3131
JOMICHAEL L. ANDREWS, 0977
*GEORGE T. ANTONIOU, 8303
DEANN R. APARICIO, 0502
*CHARLES R. APPLEBY III, 8917
SCOTT D. APPLEGATE, 0969
*JOHN V. ARBINO, 5393
*JOEL R. ARELLANO, 4770
JOHN L. ARGUE, 5456

*MATTHEW J. ARMSTRONG, 5307
ROBERT C. ARMSTRONG, 1506
*RICHARD S. ARNOLD, 4910
*JORGE A. ARREDONDO, 5148
*MATTHEW D. ARTHURS, 8500
ANTHONY J. ASBORNO, 6233
WILLIAM C. ASHMORE, 5393
KARL M. ASMUS, 3094
*MARVIN L. ATCHINSON II, 2994
*JOHN A. ATILANO II, 7013
*ADONTIS ATKINS, 2163
*CHERI L. ATKINS, 4517
*ANDREW G. ATTAR, JR., 9496
*JONATHAN P. AUNGER, 3165
EDWARD P. AUSTIN, 6451
*JULIAN E. AVENT, 4932
PACE R. AVERY, 9020
GWYN A. AYER, 9524
*CHRISTIAN C. AYERS, 9746
*NICHOLAS E. AYERS, 7630
*JEFFREY B. BACON, 0891
KEVIN S. BADGER, 5647
TIMOTHY M. BAER, 3589
*TOLEDO F. BAEZ, 4260
MICHAEL D. BAGULLY, 9112
*RUSSELL F. BAILES, 3369
*ANTHONY I. BAILEY, 8166
*MARK C. BAILEY, 5840
*MICHAEL J. BAIM, 3267
HEIDI A. BAIRD, 6875
*KEVIN M. BAIRD, 2792
*JAMES F. BAKER III, 3873
*JASON L. BAKER, 7245
*JAMES A. BALADAD, 6106
*RICHARD R. BALESTRI, 6216
EDWARD J. BALLANCO, 2164
FREDA V. BALLARD, 7887
*TODD M. BALLOU, 6771
*FRANKLIN F. BALTAZAR, 7289
BENJAMIN S. BANE, 1427
GRANT B. BANKO, 8545
*DANNY BANKS, 1586
RICHARD R. BANKS, 6289
*FREDDIE L. BARBER, 3986
FREDRICK L. BARBER, 1023
DANIEL T. BARD, 0979
*JOHN M. BAREFIELD, 2446
*CARRIE L. BARHORST, 5285
*CHRISTOPHER B. BARKER, 4482
*DEREK C. BARKER, 8001
*CHRISTOPHER E. BARKOCY, 7614
*DANIEL J. BARNARD, 5628
*WILBUR L. BARNES, JR., 9127
*ROBERT L. BARNEY, JR., 2167
*MARTIN A. BARR, JR., 9344
*JEREMY A. BARTEL, 4536
*DANIEL A. BARTLETT, 6731
*GABRIEL W. BARTON, 1702
*RICHARD M. BARTON, 3177
*FREDERICK D. BASKIN, 1899
ARCHIE L. BATES III, 1575
*KIMBERLY A. BATES, 8361
CARY A. BATHRICK, 4363
*TAMMY L. BAUGH, 6536
MATTHEW H. BAUSCH, 5147
*AARON A. BAZIN, 7478
*RONALD BEADENKOPF, 6379
*KEVIN S. BEAGLE, 1357
*ERIC D. BEATY, 0032
*JOSEPH D. BECKER, 6233
*ANTHONY J. BEHRENS, 4499
*GEORGE W. BEITZEL, JR., 5177
JAMES P. BEKURS, 8017
*KEVIN A. BELDEN, 8065
*JESSE W. BELL III, 8320
JULIA BELL, 0419
MYRON L. BELL, 0931
*HEATHER O. BELLUSCI, 9067
MICHAEL R. BELTON, 2858
*ANDREW D. BENDER, 0965
*CLAUDE A. BENNETT, JR., 9342
*MICHAEL P. BENTLEY, 8644
CORY N. BERG, 2893
JEFFREY S. BERGMANN, 8768
*VALENT P. BERNAT III, 6231
*JOSEPH B. BETHEL, 6700
*ROBERT A. BEVILLE, 4708
JEFFREY BIGGANS, 0097
*BRADLEY S. BIGGS, 5589
*JOHN R. BILLMYER, 8632
*MICHAEL R. BINETTI, 9828
*DANIEL S. BISHOP, 9782
*DUSTIN D. BISHOP, 7528
*BENJAMIN L. BLACKMAN, 2869
LYNYETTA C. BLACKSHEAR, 7075
*MARC C. BLAIR, 2390
*WILLIAM R. BLAIR IV, 0157
MICHAEL J. BLANKARTZ, 0383
*JAMES F. BLANTON, 3415
MICHAEL A. BLISS, 3858
*LORRAINE H. BLOOD, 7483
KEVIN D. BOATES, 6815
*W. M. BOCHAT, 1956
*THOMAS J. BOCZAR, 7188
*CHARLES R. BOLES, 8677
*KEVIN G. BOLKE, 6572
HECTOR M. BONETGUTIERREZ, 5249
*ANTHONY J. BONIFACE, JR., 2773
PETER C. BONIN, 0750
*PHILLIP J. BORDERS, 5001
*JASON BORG, 5318
ROBERT G. BORN, 4680
STEPHANIE L. BOUNDS, 0101
HESTON F. BOWER, 4265
*BRADLEY L. BOYD, 1131
*KENNETH C. BRADFORD, 0588
KENDRICK E. BRADLEY, 0860
*BERNARD N. BRADY, 6803
*BRIAN J. BRANDT, 9207
RICHARD M. BRATT, 6711
MICHAEL A. BRAULT, 4284
ANDREW S. BRAZEE, 3736
THOMAS K. BREDE, 5568
SEAN P. BRESLIN, 7331
JOHN R. BRETTHORST, 0656
GARLAND L. BRIAN, JR., 6887
*DEANNA L. BRIDENBACK, 6450
*ANGEL M. BRITO, 9210
*JOHN B. BROAM, 3418
*STEPHEN H. BROCK, JR., 6599
*ALBERTINA BROCKINGTON, 6092
*WILLIAM P. BRODANY, 3336
*MARK L. BRODHAGE, 4998
*VERA A. BROOKER, 3597
*DEXTER M. BROOKINS, 5910
*DEMETRIUS D. BROOKS, 3638
*GREGORY L. BROWN, 6914
HALBERT BROWN, 2467
JASON P. BROWN, 9203
JOSEPH D. BROWN, 7059
KATHY M. BROWN, 8411
*KERMIT W. BROWN, 1079
*KOREY E. BROWN, 7614
LELAND B. BROWN, JR., 6685
*MICHAEL W. BROWN, 4589
*ROBERT L. BROWN, JR., 8275
*TIMOTHY T. BRUCE, 2414
*DAN R. BRUE II, 1690
*STEVEN U. BRUNER, 5767
*JAY A. BRUNS, 9498
*REGINALD E. BRYANT, 1812
*HAROLD L. BUCHANAN, 4084
MICHAEL D. BUCHHEIT, 9193
MICHAEL P. BUCHKOSKI, 1595
*JUSTIN W. BUDD, 1214
DAVID L. BUFFALOE, 2747
GEOFFREY R. BULL, 8883
WILLIAM W. BURCH, 9311
MICHAEL D. BURCHAM, 4193
JAMES T. BURGESS, 4897
*KENNETH J. BURGESS, 9761
ANDRE L. BURKS, 3440
PHILLIP G. BURNS, 8613
THOMAS F. BURRELL IV, 1102
*VIDA T. BURRELL, 3367
BRADFORD M. BURRIS, 3528
DAVID P. BURRIS, 8752
EDGAR C. BURSTION, 5212
DEREK F. BURT, 7208
JON A. BUSHMAN, 1611
*JOHN R. BUSSOLARI, 8512
*TERRY A. BUTCHER, 2951
*TERRY L. BUTLER, 7470
CHRISTOPHER M. BYRD, 3250
JASON A. BYRD, 7663
LAURA I. BYRD, 3336
CHRISTOPHER O. CADIGAN, 7063
CYRUS T. CADY, 2300
*MYLES B. CAGGINS III, 3108
JOSEPH R. CALDWELL, 8069
*JAMES M. CALLIS II, 0952
JONATHAN A. CAMPBELL, 2093
*RICHARD CAMPBELL II, 4336
VICTORIA J. CAMPBELL, 0168
WHITNEY A. CAMPBELL, 4651
*EDWARD R. CARACCILO, 0879
*CAREN L. CARBONE, 7348
*SHAWN B. CARDEN, 5679
*CRAIG B. CARDON, 6851
*GILBERT M. CARDONA, 2066
*TOMMY L. CARDONE, JR., 7421
*THOMAS J. CAREY, 0041
*KEVIN B. CARLSON, 5911
SCOTT W. CARPENTER, 2058
*NICKOLAS R. CARPER, 2008
BRADLEY M. CARR, 7527
*RAY A. CARR, 4801
*JOHN F. CARSON, JR., 6137
JOHN G. CARVAN, 7662
*DEAN J. CASE II, 1793
ELIZABETH A. CASELY, 0185
*RAYMOND C. CASHER, 8394
BRAD C. CASSISE, 7430
JOHN H. CATHELL, 8062
SHANE D. CELEEN, 2160
JUAN C. CERVANTES, 5841
STEPHEN D. CHADWICK, 7569
*JOHN H. CHAFFIN IV, 4671
MATTHEW G. CHAMBERS, 7156
JAMES K. CHAMP, 2977
*JUANITA A. CHANG, 6862
PATRICIA A. CHARLES, 1312
TEDROSE H. CHARLES, 0531
JAMES F. CHASTAIN, JR., 4608
JOHN C. CHECCO, 7459
*JOHN R. CHERRY, 9282
*DOUGLAS P. CHIMENTI, 1052
GABRIEL A. CHINCHILLA, 6848
*VERONICA A. CHINN, 4557
*KEITH A. CHISOLM, 4465
*ALICIA M. CHIVERS, 8547
*BRYAN J. CHIVERS, 4277
SUNG H. CHON, 6209
*JAMES Y. CHONG, 0888
*JAMES E. CHRISTMAN, 1652
JONG H. CHUNG, 1580
MICHAEL V. CIARAMELLA, 0869
*JOSEPH P. CIMATO, 5750
TERRY L. CLARK, 6948
*TODD J. CLARK, 3245
*THEOTIS CLEMONS, 5381
*ANDREW C. CLINE, 9478
*JENNIFER R. CLINE, 5029
GLEN E. CLUBB, 9725
*ADAM M. COBB, 4451
*MATTHEW D. COBURN, 1050
*JOHN H. COCHRAN, 2427
*TIMOTHY L. COCHRAN, 9898
*JAMES L. COE II, 5064
*JAMES B. COGBILL, 4548
*JOSEPH M. COLACICCO, 8198
FRANK S. COLASANTO, 0897
*ANTHONY L. COLE, 9078
*CECILIO R. COLEMAN, 2227
*EDWARD J. COLEMAN, 6491
LISA D. COLEMAN, 3729
*DANIEL T. COLLINS, 6063
*JAMES M. COLLINS, 4863
*MICHAEL J. COLLINS, 3129
*STEPHEN M. COLLINS, 9407
TONYA L. COLLINS, 8552
JOHN S. COMBS, 9350
RICHARD L. COMITZ, 6337
CHRISTOPHER H. CONWAY, 9484
*MICHAEL P. CONWAY, 5351
*BUFORD COOK III, 6532
*JARED A. COOK, 9064
PAUL A. COOK, 9367
*SEAN S. COOK, 7564
*JOHN M. COOPER, 7678
REX A. COPELAND, 0438
JORGE O. CORDEIRO, 6959
MALCOLM S. CORNISH V, 7211
*EDWIN R. CORONA, 6162
*PATRICK O. CORR, 8314
*PATRICK M. COSTELLO, 3432
*ANTHONY J. COVERT, 6553
*JACK D. CRABTREE III, 7245
*CHERYL A. CRANFORD, 8066
RICHARD T. CRANFORD, 7654
*WILLIAM A. CRAWFORD, 9520
*JOHN E. CREWS, 7754
*MIRKO L. CRNKOVICH, 8159
ROBERT E. CROFT, 1658
GREGORY C. CROMWELL, 3293
MICHAEL C. CROSSLEY, 8319
*JUSTIN C. CRUPPER, 2305
*WILLIAM T. CUNDY, 6864
*MCKINLEY B. CUNNINGHAM, 4272
*NATHANIEL A. CURRY, 1136
PATRICK E. CURRY, 9886
KEVIN R. CUTRIGHT, 4629
*FLOYD D. CUZICK, JR., 8832
*JARED K. CZAP, 2589
*MATTHEW F. DABKOWSKI, 0857
PATRICK J. DAGON, 4349
*JEFFREY S. DAHLGREN, 1196
*CHRISTOPHER R. DANBECK, 2583
ANTHONY E. DANIELS, 6973
MARK R. DANNER, 2367
JULIE A. DANNUNZIO, 4247
PATRICK S. DAULTON, 4301
*ROBERT S. DAVIDSON, 8977
BOBBY H. DAVIS, 0570
*RONNIE J. DAVIS, 1646
*SOPHIA L. DAVIS, 3291
*WILLIAM C. DAVIS, 0613
EUGENE R. DAY, 4666
*ATLEY D. DE, 9419
*MICHAEL E. DEBOER, 0039
V. J. DEBOER, 9866
*MARTY R. DECKARD, 3189
*DAVID M. DEFELICE, JR., 0880
*AIMEE S. DEJARNETTE, 5861
*HENRY E. DELACRUZ, 0822
*DANIEL E. DELANY, 7070
*BRIAN V. DELEON, 9209
*DOROTHY L. DELEON, 7412
*OSCAR DELGADO, 8630
JOSHUA J. DELMANZO, 1502
*DAVID A. DEMARTELAERE, 1299
RICHARD K. DEMBOWSKI, 4658
*AARON DEMMING, 0899
TROY M. DENOMY, 4943
MATTHEW C. DENSMORE, 6352
*SHANE A. DENTINGER, 0187
ANDREW T. DEPONAI, 5998
*BRIAN P. DESANTIS, 3305
DALE C. DESTEFANO, 6066
*JOHN M. DEVENY, 6151
*DARYL G. DEVERAWADEN, 9916
*JOSEPH A. DEWEY, 4160
*BRANDON L. DEWIND, 7245
DAVID P. DIAMOND, 7134
*BETH C. DIAZ, 0667
JEFFREY W. DICKEY, 5891
BRIAN S. DIETZMAN, 0310
*CLIFFORD A. DIFFENDAFFER, 9592
ALAN H. DINERMAN, 9964
*MITZI L. DIX, 8295
FRED I. DIXON, 3234
HANSJORG W. DOCHTERMANN, 7951
*JAMES R. DOEMEL, 0366
*ROBERT P. DOHR, 2395
*MICHELLE K. DONAHUE, 4021
*STEPHEN P. DONDERO, 1326

*SAMUEL T. DONNELLY, 5684
*BRIAN M. DONOVAN, 5138
MARC C. DORRER, 4533
STEPHEN D. DORRIS, 0827
GREGORY A. DORSEY, 6396
*MARION A. DORTCH, JR., 6464
*SEAN C. DOUGLAS, 5821
SHAVOKA D. DOUGLAS, 9348
*KEISHA R. DOUGLASS, 7153
*LORI A. DOWGIELEWICZ, 4924
JON A. DRAKE, 9944
RODNEY E. DRAYTON, 4593
*WILLIAM D. DRIVER, 3594
*TIMOTHY E. DRUELL, 2840
*ANTHONY R. DUBAY, 7345
*MELANIE A. DUGAR, 6403
*MIGUEL J. DUMASROSA, 0299
SEAN D. DUNCAN, 2256
*SKYE D. DUNCAN, 1399
*SEAN C. DUNKLE, 9133
*WILLIAM M. DUNN, 6018
*MICHAEL E. DUNNE, 6706
*BRADFORD T. DUPLESSIS, 2126
*ANDREW S. DURBIN, 2861
*ERIC S. DURHAM, 1471
J. K. DURKIN, 4010
*BETH A. DUYNSLAGER, 9849
*CHRISTOPHER L. DYKES, 0639
*JAMES P. DYKES, 2760
*SHAWN L. EAST, 1492
DAVID S. EATON, 7327
*TODD A. ECKSTEIN, 8174
*WILLIAM P. ECKSTEIN, 1054
*WILLIAM R. EDMONDS, 7644
JASON T. EDWARDS, 8930
NATHANIEL M. EDWARDS, 7013
*RONALD L. EGGELSTON, 8236
*BRIAN A. ELI, 1369
*DANIEL L. ELLIOTT, 8840
*KEITH D. ELLIOTT, 2381
*ANTHONY R. ELY, 9059
*BURLIN L. EMERY, 7856
AMANDA M. EMMENSROSSI, 1627
*L. S. ENGRAV, 5798
*CHRISTINE V. ENRIQUEZ, 9968
STEVEN A. ERICKSON, 9116
JEFFREY G. ERTS, 3761
*EDWIN H. ESCOBAR, 5777
*GREGORIO R. ESPINOSA, 8515
PAUL F. EVANGELISTA, 7240
*ERIC J. EVERTS, 0352
*JOSEPH M. EWERS, 5998
*STEVEN C. FAHLENKAMP, 0749
*EDIE M. FAIRBANK, 3364
*NILDA T. FAJARDO, 2870
ROBERT FALCON, 0904
*JOHN C. FARELLI, 6352
*STEVEN R. FARRELL, 6456
*STUART L. FARRIS, 9873
*KONE C. FAULKNER, 4755
*GRANT S. FAWCETT, 2370
DONALD A. FAWTHROP, 7834
MICHAEL J. FEELEY, 9815
*ALBERTO R. FELICIANO, 5147
*BRAD D. FENSKE, 3356
*DONALD R. FERGUSON, JR., 8522
*TERESA M. FERRIS, 4190
*DAVID E. FIELDER, JR., 0896
*JAY D. FINE, 2193
*BRUCE D. FINKLEA, 2243
*CALVIS R. FINNEY, 5934
*JOEL D. FISCHER, 7858
*GRAHAM M. FISHBURN, 0651
BRADLEY M. FISHER, 9632
*WARREN C. FISHER, 5106
*SHAWN P. FITZGERALD, 9304
*JOHN A. FIVIAN, 4454
*JONATHAN E. FLANAGAN, 4042
*MICHAEL S. FLEMING, 1028
PHILLIP A. FLEMING, 5228
*SHIRLE Y. FLEMING, 7708
AMANDA H. FLINT, 4621
RICHARD J. FONYI, 6398
*BRADLEY C. FOOSE, 2088
*MARVIN H. FORD, JR., 4477
*MARCEL D. FORTIER, 3442
*SARAH V. FORYSIAK, 6646
DAMIEN E. FOSMOE, 8324
*KNUD E. FOSS, 6836
LAWRENCE D. FOSS, 6693
*MATTHEW J. FOULK, 5768
CHRISTOPHER D. FOUST, 3499
DAVID A. FOWLES, 0618
*ALRIC L. FRANCIS, 2803
STEPHEN M. FRANK, 3455
TODD V. FRANKEN, 8177
*JOEL D. FRANKLIN, 4054
*TIMOTHY B. FRANKLIN, 5544
*TOY R. FRASIER, JR., 0088
WILLIAM E. FREEMAN, 2355
JASON R. FREIDT, 6613
*GREGORY FREY, 8022
*KENNETH J. FREY, 3837
JOHN A. FRICK, 5332
*JEROME P. FROSTMAN, 5154
*CLINTON N. FULLER, 5746
*GLENN A. FULLER, 9563
*JOSHUA J. FULMER, 8486
JAMES C. GABELER, 2147
*DANIEL M. GADE, 9097
*ALEXANDER GALLEGOS, 8631
THOMAS L. GALLI, 8943
*ANDREW P. GAMBLIN, 3573
RICHARD J. GANSZ, 1765
JAMES K. GANT, 4465
ROGELIO J. GARCIA, 8663
BENJAMIN A. GARDNER, 9747
WHITNEY B. GARDNER, 2335
BENJAMIN C. GARNER, JR., 3889
RONALD A. GARST, 4406
RICHARD J. GASH, 9404
*CHARLES V. GATES II, 6604
*GREGORY S. GATRELL, 3427
*PETE A. GBORTOE, 9723
*REGINALD A. GEANS, 7988
*LARRY V. GEDDINGS, JR., 6608
*KERRY L. GEORGE, 6434
*RICHARD L. GEREN, 8116
*CHRISTOPHER J. GHIZ, 9892
CHAD A. GIACOMOZZI, 4240
*GREGORY K. GIBBONS, 0947
*HISE O. GIBSON, 1261
STEPHEN M. GILBERTSON, 8738
*BRYAN E. GILBRECH, 2701
FRANCIS K. GILDEA, 4721
*DERERICK D. GILES, 9142
*DAVID W. GILL, 2965
*FREDERICK A. GILLIAND, 8475
*ANDREW L. GILMAN, 9160
*MARK A. GILMORE, 3645
*ISSAC G. GIPSON, 6041
*TROY S. GLASSMAN, 5003
*ANTHONY G. GLAUDE, 7995
ROBERT A. GLECKLER, 5365
KENNETH A. GLIDEWELL, 7738
*RICHARD B. GLISSON, 5668
BURTON C. GLOVER, 6893
*SAMUEL B. GLOVER, JR., 8171
*BRET A. GLOWTH, 9382
LISA N. GNIADY, 6708
BRIAN L. GODBEY, 7784
ADELAIDO GODINEZ III, 2402
*JOSEPH C. GOETZ II, 6649
KEVIN R. GOLINGHORST, 6873
*LUCIANO GONZALEZ, 8407
TRINIDAD GONZALEZ, JR., 6664
*GLEMA A. GORDON, 7740
MICHAEL A. GORRECK, 1467
AMY L. GOUGE, 6086
*EDWIN E. GOULD III, 5543
*SCOTT D. GOULD, 8956
*RONALD D. GOUVAIA II, 6882
*CHAD D. GOYETTE, 1120
*MATTHEW R. GRAGG, 7207
*CAREY R. GRAHAM, 1139
*BRIAN S. GRASS, 4939
*BARBARA I. GRAY, 2426
*DONALD L. GREEN, 8720
*PAUL GREEN, 9370
SCOTT C. GREENBLATT, 8341
*JAMES I. GREENLEE II, 1229
*JAMES D. GREER, 7353
*KENNETH W. GREER, 8397
LADD O. GREGERSON, 2043
*MARTIN A. GRIFFITH, 3697
*MICHELLE L. GRIFFITH, 7091
*ANTOINETTE B. GRIMES, 3239
MICHAEL T. GRISSOM, 8214
ALAN R. GRONEWOLD, 9330
JERALD S. GROSS, 7968
*JOHN M. GUERRERO, 2351
*MONIQUE G. GUERRERO, 9563
*GUILLERMO GUILLEN, 8765
ROBERT K. GUNTHER, 9298
NIKOLAUS F. GURAN, 0263
*DAVID W. GURSKY, 6310
CHARLES M. GUTOWSKI, 7972
RAYMOND GUZMANCORREA, 5052
*CHAD K. HACKLEY, 9839
*DUANE L. HADDOCK, 9382
RICHARD HADNAGY, 5858
*ROBBIN A. HAFEN, 6248
ALLEN G. HAHN, 1430
*DAVID M. HALE, 5967
*WAYNE A. HALE, 6452
*GREGG M. HALEY, 7497
*JAY W. HALEY, 4728
*ETHAN L. HALL, 7771
*LEMAR R. HALL, 7130
*SAMUEL HALL, 2675
JASON D. HALLOCK, 4239
JAMES M. HALLORAN, 3364
*STEWART S. HAMBLEN, 1378
*KIMBERLY K. HAMILTON, 1988
TIMOTHY D. HAMILTON, 5309
*BRIGITTE R. HAMPTON, 0547
*SANG D. HAN, 4456
*JAMES J. HANDURA, 4097
*JOHN W. HANKINS, 0205
KENNETH S. HANLEN, 4801
*KEVIN F. HANRAHAN, 4169
*JAY A. HANSEN, 9736
*GREGORY P. HARDY, 9302
*BERNARD J. HARRINGTON, 7695
*BRIAN C. HARRINGTON, 1945
*JEFFERY D. HARRIS, 1655
REGINALD M. HARRIS, 5173
*JAMES H. HARROWER, 5398
*JULIA A. HARVEY, 1164
*MICHAEL J. HARVEY, 3166
DAVID P. HARVIE, 5698
*JOSEPH J. HASPER, JR., 5475
*JONATHAN P. HASTINGS, 7013
*KARL HATALA, 4778
*ROBERT D. HATHAWAY, 7896
MARK R. HAUSER, 2905
*PAUL R. HAVERSTICK, JR., 8448
DOUGLAS J. HAYES, 1994
*DAWN D. HAYMAN, 4925
*GEORGIA E. HAYNES, 7783
*RONALD L. HAYWARD, JR., 3132
*REBECCA D. HAZELETT, 3529
KYLE D. HEAD, 4147
*GORDON A. HEAP, 3257
KENNETH G. HECKEL, 0161
*DANIEL K. HEDMAN, 7605
JACQUELYN K. HELLMEIER, 7307
*SHAWN M. HELM, 3605
*JOSH W. HELMS, 9560
*THERESA K. HELUS, 0871
*COREY P. HEMINGWAY, 0117
*ERIC T. HENDRICKSON, 1246
MARTIN J. HENDRIX III, 2233
*CHRISTOPHER M. HENNIGAN, 4161
*SCOTT K. HENRY, 3675
*TWYLLA W. HENRY, 9896
*BART G. HENSLER, 1212
BRADLEY R. HERD, 9337
ARMANDO HERNANDEZ, 0020
*PATRICK W. HERRIFORD, 9954
JOHN J. HERRMAN, 6137
*EDWARD R. HERRMANN, 7099
JOHN C. HERRON, 6901
JASON L. HESTER, 1799
DAVIEN L. HEYWARD, 6499
*JAMES N. HICKMAN III, 3991
PAUL D. HICKS, 5749
*PAUL J. HILASKI, 7430
ERIK E. HILBERG, 9796
*ADAM W. HILBURGH, 1239
*MATTHEW B. HILL, 8969
*ROBERT A. HILLIARD, 7062
SCOTT B. HILLMER, 9081
DAVID T. HILLS, 3816
GERALD E. HIMES, JR., 0018
*ERIK O. HINCKLEY, 1061
*JAMISON R. HINES, 4505
*YOLANDA M. HINES, 1236
*JADE E. HINMAN, 5578
CHARLES L. HITER, 4572
RANDALL W. HOBERECHT, 1310
TIMOTHY D. HOCH, 9918
*JEREMY C. HOFFMAN, 6158
KRISTA M. HOFFMAN, 9889
*RUSSELL G. HOGAN, JR., 6308
DERIC J. HOLBROOK, 7413
DANIEL A. HOLLAND, 7866
*JONATHAN R. HOLLAND, 3903
*SCOTT L. HOLLAND, JR., 5799
*THOMAS J. HOLLAND III, 8447
*WILLIAM W. HOLLAR, 0381
*ANDREW M. HOLMES, 4176
ROBERT E. HOLMES, 2583
SHAWN R. HOLZHAUSER, 2701
*RICHARD A. HOOVER, 2107
MARK H. HOOVESTOL, 1028
*KRISTOPHER D. HOPKINS, 0773
*BRONSON L. HORAN, 1707
RYKER E. HORN, 1560
*WILLIAM W. HORN V, 2152
HARRY A. HORNBUCKLE, 6727
*CAROLINE K. HORTON, 4593
*ALBERT S. HORVATH III, 9393
CHRISTOPHER G. HOSSFELD, 7189
*THOMAS M. HOUGH, 9272
*TREVOR W. HOUGH, 2994
*JOEL L. HOUK, 4398
JASON R. HOUSE, 4174
*MARTIEN G. HOUTKOOPER, 1383
THOMAS H. HOWARTH, 9516
*TAMMY L. HOWELL, 3824
CHRISTOPHER L. HOWSDEN, 6082
*DANIEL R. HUBBARD, 3633
*EDWARD C. HUDSON III, 9411
*JAMES W. HUFFMAN III, 8076
*EMANUEL HUGGINS, 2879
RICHARD J. HUGHBANK, 5365
*CARLA C. HUGHES, 4326
FRED L. HUH, 6927
MARK E. HUHTANEN, 3699
*DANIEL W. HULL, 0631
*SHANNON S. HUME, 1549
MICHAEL L. HUMMEL, 3433
TIMOTHY D. HUMMEL, 9363
*ROBERT W. HUMPHREYS, 2563
*BRYAN W. HUNT, 3165
*ARLO G. HURST, 4135
*JOHNATHAN M. HURWITZ, 4592
DALLAS H. HUTCHISON, 5309
KENNETH F. HUTCHISON, 8093
*DENNIS P. IFURUNG, 0758
JULIO E. ILLAS, 9093
*CHRISTOPHER A. INGELS, 0903
KIRK A. INGOLD, 9059
*MATTHEW L. INGRAHAM, 4207
*KEVIN D. INGRAM, 6650
JAMES E. INGUAGIATO, 3183
*VINCENT P. INTINI, 9933
*IAN J. IRMISCHER, 6037
*COUNTESS D. IRVIN, 1912
*FRANCIS W. IRWIN III, 7389
MATTHEW L. ISAACSON, 2142
MICHAEL R. IVY, 6793
*BRETT G. JACKSON, 3183
*CHRISTOPHER A. JACKSON, 5154
*KEVIN L. JACKSON, 5727

*MARCUS W. JACKSON, 3871
*DAVID A. JAILLITE, 1750
*NATALIE A. JAMES, 0266
STUART M. JAMES, 0924
*ERIC M. JAMISON, JR., 3586
*KARL D. JANSEN, 5258
*ANTHONY M. JARRETT, 2099
ROBERT S. JARZYNA, 3034
JOSEPH D. JASPER, 4540
JASON K. JEFFERIS, 6721
*KEVIN E. JEFFERSON, 6032
JEREMY J. JEFFERY, 5101
*JOHN JEFFERY, 0936
JEREMY E. JELLY, 5237
*JAMES E. JENKINS II, 0979
JEREMIAH J. JETTE, 9239
*KATHLEEN L. JEZERCAK, 4054
*GREGORY J. JOHANEK, 4193
BARTON L. JOHNKE, 4301
*ANTHONY N. JOHNSON, 1646
BENJAMIN F. JOHNSON, 1765
BRAD A. JOHNSON, 8610
CHRISTOPHER G. JOHNSON, 4778
*DAVID D. JOHNSON, 9060
DEREK G. JOHNSON, 2824
*DERRICK T. JOHNSON, 0673
DEXTER S. JOHNSON, 3168
*GREGORY S. JOHNSON, 0028
HERMAN L. JOHNSON, JR., 3472
JENNIFER R. JOHNSON, 1981
*JEREMY M. JOHNSON, 3295
*JOSEPH S. JOHNSON, 4304
PETER H. JOHNSON, 5361
RYAN W. JOHNSON, 6229
*THEODORE A. JOHNSON, 8110
*TIMMY E. JOHNSON, 0994
TIMOTHY W. JOHNSON, 8759
*WILLIE K. JOHNSON, 1456
*CHRISTOPHER P. JONES, 3071
*DANIEL D. JONES, 8032
*DIKILA L. JONES, 8024
GARRETT P. JONES, 1023
*HUMBERTO I. JONES, 2621
JUAN S. JONES, 1530
*KEITH JONES, JR., 3718
*LOLITA C. JONES, 8917
*SAMANTHA M. JONES, 7281
*STEVEN J. JONES, 1253
TONY L. JONES, 6043
*DEXTER A. JORDAN, 9960
KIMBERLY D. JORDAN, 1235
*TAYLOR M. JORDAN, 7687
CARLA T. JOYNER, 8306
*DOUGLAS C. JUDICE, 2995
*GBENGA B. KAFFO, 4734
*SHAWN K. KAHLER, 3596
WILLIAM A. KAHMANN, 2028
*JEFFREY A. KALIL, 9799
*JAMES A. KARCANES, 1691
*DAVID V. KARSON, 8962
*GARY L. KASAVICHA, 4543
JEFFREY L. KEATING, 3500
*CHRISTOPHER J. KEESAL, JR., 8536
KEVIN D. KELLER, 0865
*JOSEPH D. KELLY, 0825
JASON E. KERR, 2505
TODD K. KICKBUSCH, 3791
MICHAEL W. KIELPINSKI, 7715
*JOHN P. KILBRIDE, 8910
*JONG H. KIM, 8201
*TINA KIM, 6212
*MICHAEL J. KIMBALL, 6921
MINDY A. KIMBALL, 6484
DARYL KIMBROUGH, 5248
MATTHEW J. KIME, 8449
CLETIS R. KING, JR., 8440
LOUIS L. KING, 7781
IOANNIS E. KIRIAZIS, 2797
MALEE KIRK, 0143
DAVID M. KIRKLAND, 5884
TODD R. KISHPAUGH, 1126
*ERIC T. KISS, 2078
*RANDALL L. KLINGENSMITH, 6153
BRANDON C. KLINK, 6961
*DAVID C. KNAPP, 4489
*SETH A. KNAZOVICH, 3714
GREGORY E. KNIGHT, 8318
SCOTT P. KNIGHT, JR., 1278
*LUKE E. KOERSCHNER, 2524
AARON T. KOHLER, 5813
MICHAEL J. KOLINSKI, 7738
*MARK D. KOLVA, 1346
JACK L. KOONS III, 3079
*MICHAEL J. KOPACKO, 9617
*PAUL A. KOPELEN, 4448
*CHRISTOPHER M. KORPELA, 6550
*DONALD A. KORPI, 2880
*MICHAEL J. KOVACEVIC, 0601
*GLENN E. KOZELKA, 7782
GARY R. KRAMLICH II, 6296
*PAUL T. KRATTIGER, 0519
*JAMES C. KRAUS, 1314
*MICHELLE A. KRAWCZYK, 4849
*KEVIN M. KREIE, 9984
*CHARLES E. KRIEGER, JR., 5358
*JASON K. KRISTOLAITIS, 7948
*KEITH R. KRUELSKI, 3472
*DAVID M. KRZYCKI, 1901
*SEAN H. KUESTER, 1718
*CURT E. KUETEMEYER, 9921
*BRIAN E. KULM, 8021
*JOHNATHON M. KUPKA, 4057
TIMOTHY J. KURGAN, 4306
SARAH A. KURPE, 8753
*JACKSON A. KURTZMAN, 1157
MICHAEL J. KUZARA, 2163
DONALD B. LAAUWE, 2175
*ROBERT A. LAFLAMME, 1239
*ROBERT K. LAMBERT, 2276
*JAMES A. LAMBORN, 3666
CHESS P. LAMM, 7831
*TIMOTHY J. LANCASTER, 9162
CHRISTOPHER S. LANDERS, 9559
*KEN LANDGREN, 6687
*CALVIN J. LANE, 8359
*ROBERT S. LANE, 6678
*ANDREW H. LANIER IV, 9994
*EDWARD S. LANIER, 4342
*RONALD M. LARGE, 5243
*ERIC D. LARSEN, 3606
*JAMES T. LARSON, 4904
*JOHN R. LARSON, 9275
*PAUL L. LARSON, 8686
JONATHAN C. LAUER, 1833
*JENNIFER K. LAURETO, 9322
*NORMAN S. LAWRENCE, 2853
*JAMES D. LEAF, 6713
*MEREDITH M. LEBARD, 5793
*GERARDO L. LEBRON, 3701
BRYAN C. LECLERC, 2309
*MARC F. LEDUC, 9064
*BROOK G. LEE, 9302
*JAMES R. LEE, 6830
JAMES W. LEE, 1650
*MARILYN D. LEE, 5943
STEPHEN H. LEE, 7312
WILLIAM R. LEGGETT III, 8681
JOSEPH W. LEHMAN IV, 0260
*JASON A. LEIBLE, 5318
*FRANCISCO J. LEIJA, 6621
*MARK S. LENT, 3539
*PHILIP V. LENZ, 9306
PHILLIP R. LENZ, 3109
*ANDREW M. LEONARD, 6927
*THEODORE J. LEONARD, 4570
*VYLIUS M. LESKYS, 2921
*MARK S. LESLIE, 3036
PAUL B. LESTER, 6033
*ALLEN D. LETH, JR., 0575
*CHRISTIAN D. LEVY, 7439
*DERRICK T. LEWIS, 1090
JEREMY R. LEWIS, 6422
*MAURICE S. LEWIS, 2704
ROBERT S. LEWIS, 5401
*MARTIN E. LEWTON, 8610
STEVEN W. LIBBY, 9634
JASON S. LIGGETT, 6584
ROSS F. LIGHTSEY, 9964
SHANE F. LIPTAK, 8480
*JOHN D. LITCHFIELD, 4329
*PEARLIE A. LLOYD, 0800
ERIC E. LOCHNER, 6849
*JAMES R. LOCKRIDGE II, 3081
DONALD T. LOGSDON, 4380
LUIS O. LOMAS, 9310
JEFFERY L. LONG, 0745
EDWARD M. LOPACIENSKI, 0767
*ALJONE D. LOPES, 1591
*JOHN LOPEZ, 8936
AMARYLIS LOPEZRENTA, 7565
*LISA S. LOUREY, 5747
BRYAN M. LOVE, 5353
*JEFFREY A. LOVELL, 1920
*DAVID M. LOW, 8572
*CHRISTOPHER W. LOWE, 5026
*JAMES F. LOWE, 4221
THOMAS W. LUCARIO, 3595
JEFFERY P. LUCAS, 2293
AARON B. LUCK, 7366
SONISE LUMBACA, 8032
BENJAMIN R. LUPER, 9789
DAVID E. LUTTRELL, 5592
*MATTHEW A. LUTZ, 4792
H. C. LYLE, 9743
*DANITA C. LYNCH, 8483
*JAMES F. LYNN, 1337
ERIC E. LYON, 2941
*SCOTT L. MACE, 0993
*CORY J. MACK, 4124
SEAN T. MACMILLEN, 6156
KEVIN M. MACNEIL, 6616
*AMANDA L. MACWHIRTER, 9634
MARK H. MADDEN, 0012
FREDRIC R. MADDOX, 4215
LANDIS C. MADDOX, 2370
YOLANDA B. MADDOX, 4028
*PAUL D. MADRID II, 7146
HEATHER D. MAGINN, 4371
*MARY L. MAGSINO, 2687
*FREDRICK W. MAHLER III, 0341
*OSCAR MALAVE, 6948
*MARTY MALDONADO, 5300
JOSEPH J. MALIZIA, JR., 8317
AMANDA L. MANLEY, 4181
*MICHAEL C. MANNER, 3894
RICHARD W. MANNING, 1276
*WHEELER R. MANNING, 0592
BRYON L. MANSFIELD, 3233
*SCOTT E. MARIHUGH, 6335
*DANIEL K. MARK, 2355
*DAVID A. MARKIEWICZ, 0875
BENJAMIN J. MARLIN, 4696
BRAD K. MARTIN, 3753
DENNIS MARTIN, 5057
*GRANT M. MARTIN, 0429
*JEANETTE A. MARTIN, 1102
LAWRENCE D. MARTIN, 3648
*TIMMY R. MARTIN, 4028
*JON B. MARTINEZ, 6496
*JOSE E. MARTINEZ, 9634
NOMATHEMBI MARTINI, 9040
*SAMUEL MARTIROSIAN, 9802
*BENJAMIN L. MARX, 2496
*BRIAN J. MARZAN, 9332
DAMIEN E. MASON, 4678
SCOTT R. MASSON, 1406
*JOHN T. MASTERNAK, 8370
*MATTHEW G. MASTICK, 9748
*CHARLES L. MATALLANA, 7402
*RODNEY W. MATHEWS, 1028
*JERRY L. MATHIS, 8098
*BRIAN D. MATTHEWS, 4369
DANIEL J. MATTHEWS, 3503
LEE C. MATTHEWS, 0916
RYAN D. MATULKA, 1216
*COLLIS D. MAYFIELD, 0534
*NEIL A. MAZURANIC, 4878
ERIC P. MCALLISTER, 6922
SIM J. MCARTHUR, 6698
THOMAS J. MCCARRON III, 0048
JOSHUA MCCAW, SR., 3576
ROBERT L. MCCORMICK, 0109
*DAVID P. MCCOY, 4581
KELLIE J. MCCOY, 9080
*MATTHEW Y. MCCULLEY, 3189
JOSHUA L. MCCULLOUGH, 9783
*CHRISTOPHER R. MCDANIEL, 5927
*G.P. MCDANIEL, 3617
JOHN F. MCDANIEL, 3878
DAMON M. MCDONALD, 3505
*JOHN W. MCDONALD, 4295
ROBERT L. MCDONALD, JR., 6886
DAVID H. MCDOWELL, 5662
*JACKIE D. MCDOWELL, 2641
WILLIAM C. MCDOWELL, 9649
*REBECCA B. MCELWAIN, 8584
*JAMES T. MCGAHEY, 6889
*DENNIS J. MCGEE, 1633
*MICHAEL E. MCGRATH, 5396
THOMAS M. MCGRATH, 0760
SCOTT L. MCKEE, 8814
JASON J. MCKENNA, 2276
*JOHN A. MCLAUGHLIN, 4930
*RODNEY W. MCLAUGHLIN, 3287
MONDREY O. MCLAURIN, 5896
*CRAIG A. MCNAMARA, 8410
*DAVID M. MCNEILL, 1602
AARON M. MCPEAKE, 3766
CLAYTON D. MEALS, 5047
ROBERT H. MEDINA, 1668
*JOHN W. MEEK, 7053
*MARC M. MEEKER, 8626
*ROBERT E. MEINE, 2301
CHRISTIAN B. MEISEL, 6438
*GLENN O. MELLOR, 7728
*GABRIEL M. MENCHACA, 8364
GUSTAVO R. MENDIOLA, JR., 7337
*NORBERTO R. MENENDEZ III, 5353
*BRANDON G. MENO, 2653
*JAIME MERA, 2800
*ROBERTO J. MERCADOROMERO, 7666
JEFFREY P. MERSIOWSKY, 3186
*CHASE G. METCALF, 3491
EDWARD MEYERS, 6619
*BENJAMIN D. MILLER, 7004
MARK D. MILLER, 6656
*MARY E. MILLER, 8189
TERREL L. MILLER, 0098
DARIN W. MILLS, 7611
*DENNIS J. MILLS, 5656
*GARY D. MILLS, 9096
LARRY E. MILNE, 6362
*NATHAN A. MINAMI, 9115
*MICHAEL A. MINENI, JR., 9159
*KEVIN L. MITCHELL, 4088
TODD D. MITCHELL, 7986
*MATTHEW C. MOBLEY, 1897
*TODD A. MOE, 0914
*WILLIAM B. MOEN, 7154
*PEDRO MOLINA, 4630
DAVID J. MOLINARI, 3761
FRANCIS J. MONACO, 5447
WILLIAM S. MONCRIEF, 6249
*PATRICK A. MONROE, 8850
*DELFIN L. MONROY, 5425
RICK L. MONTANDON, 2943
AARON L. MONTGOMERY, 6530
*ANDREW E. MONTOYA, 9413
*FERNANDO MONTOYA, 5242
HAROLD S. MONTOYA, 9598
*CHARLOTTE H. MOODY, 3315
*JERRY A. MOON, 5594
BUCKY L. MOORE, 4316
FELICIA R. MOORE, 7678
*FRANK A. MOORE, 0304
JOHN C. MOORE, 2366
KEVIN L. MOORE, 8873
*LARRY D. MOORE, 3085
*LARRY R. MOORE, 1492
*LATASSHA R. MOORE, 1014
*TOBIN C. MOORE, 4185
*WENDELL S. MOORE, 7607
*JERRY L. MORALES, 6150
*SHAWN A. MORELLI, 8813
*ANDREW J. MORGAN, 1682
BRYAN A. MORGAN, 3898

RAYMOND H. MORGAN III, 1616
EILEEN MORITZ, 0553
*KEALII T. MORRIS, 8645
*MICHAEL J. MORRIS, 7172
*ROBERT C. MORRIS III, 5198
SCOTT B. MORRIS, 8142
*BRENT D. MORROW, 1886
DARYL R. MORSE, 7050
*RUSSELL W. MORTON, 4152
*MITCHELL W. MOSLER, 5345
*KELVIN E. MOTE, 8224
*JOHN M. MOTSZKO, 8193
*DENNIS R. MOULDER, 9286
*MICHAEL G. MOURITSEN, 3249
*JUSTIN T. MUFALLI, 3753
LAWRENCE A. MULLANY, 4963
*AUGUST MULLER IV, 1106
*MICHAEL S. MULLINS, 9465
JASON J. MURPHY, 8608
*SCOTT A. MURPHY, 9530
*WESLEY D. MURRAY, 9299
*ANTHONY T. MURTHA III, 6565
*CHARLES A. MUSANTE, 0450
RONALD F. MYERS, 0793
SCOTT A. MYERS, 0655
*TODD A. MYERS, 2452
*RAYMUND O. NACINO, 8378
*KENNETH L. NAPIER, 5868
KIMBERLY D. NASH, 1045
*WALID R. NASR, 4540
*STEVEN M. NATOLE, 6978
JUAN P. NAVA, 2793
*OCTAVIO NAVEDOCORTES, 9101
JASON F. NAYLOR, 6977
*ALEXIS A. NEAL, 1621
JOHN J. NEAL, 2651
*BYRON C. NEEDUM, 5862
CHAD B. NEIDIG, 8300
JAMES H. NELSON, 8182
ROSS F. NELSON, 7762
*DON A. NESTOR, JR., 0128
*KATHLEEN P. NEUMANN, 2888
*PAMELA A. NEWBERN, 8064
*ROBERT S. NEWELL, 3635
JOEL D. NEWSOM, 0518
*LOI M. NGUYEN, 6881
MELVIN J. NICKELL, 8319
*KURT R. NIELSON, 5748
MICHAEL C. NIENHAUS, 2421
*WAYNE O. NITZSCHNER, 5050
DELTON NIX, JR., 2161
*REGINA R. NIXON, 6535
*MICHAEL J. NOBLE, 8649
*CHRISTOPHER D. NOE, 1401
ERIC M. NOE, 3056
*EDWIN W. NORDAN, JR., 0023
BRIAN C. NORTH, 6628
RONALD G. NOVAK, JR., 1343
*ANDREW J. NOVITSKE, 3902
BRIAN J. NOVOSELICH, 4250
CURTIS W. NOWAK, 8813
JACK W. NOYES, 1320
*DORIS NUNEZ, 7700
DEXTER C. NUNNALLY, 0763
*CHRISTOPHER M. NYLAND, 2617
*LUIS G. OAKLEY, JR., 6480
MICHAEL A. OBADAL, 2508
CHRISTOPHER M. OBRIEN, 0922
JAMES M. OBRIEN II, 7030
JOHN W. OCANA, 3747
BUCKLEY E. ODAY III, 3836
ERIC A. OGBORN, 1327
MARK A. OLSEN, 2390
STANTON W. OLSEN, JR., 1611
*BRIAN S. OLSON, 3905
*ERIC R. OLSON, 0063
*MATTHEW N. OLSON, 9712
*BRIAN R. OMARA, 8176
*JASON B. ORLICH, 5012
*BRIAN A. ORLOSKY, 8496
*OSVALDO N. ORTIZ, 2430
SANTIAGO J. OTEROORTIZ, 5469
*RALPH W. OVERLAND, 7205
CHRISTOPHER E. OXENDINE, 1347
*TYLER J. OXLEY, 4316
ROBERT J. OZANICH, 9015
JEFFREY O. PAINE, 3953
*JOSEPH B. PALAORO, 0981
MATTHEW S. PALMER, 5469
*DANIEL R. PALMETER, 3073
JAMES G. PANGELINAN, 3527
*MICHAEL G. PANTON, 8555
JASON M. PAPE, 6442
DAVID R. PARAVECCHIA, 5518
ANDREW Y. PARK, 1487
*JOHN P. PARKER, 1640
JOHN R. PARKER, 9943
*DAVID W. PARKES, 5115
*JOHN C. PASTELLA, 7988
*JERRY M. PATAK, 0900
*DANIEL S. PATE, 8033
*MICHELE L. PATELLO, 7980
*DUANE M. PATIN, 0416
*EARLINE B. PATRICK, 7464
MICHAEL A. PATRICK, 9895
PAUL E. PATTERSON, 9218
REBECCA D. PATTERSON, 4049
*MICHAEL K. PAVEK, 1739
*TIMOTHY P. PAYMENT, 8864
*SCOTT A. PEACHEY, 4624
*SCOT D. PEARS, 3057
JAMES R. PECKHAM, JR., 4777
*MICHAEL L. PEELER, 5349
JUSTIN M. PELKEY, 4302
THEODORE J. PELZEL, 4877
JASPER E. PENNINGTON, 6349
*FELIX A. PEREZ, 5734
*NOEL PEREZ, 1949
*ELI M. PEREZRIVERA, 6601
*JOHN M. PERRINE, 2441
*BRENDA F. PERRY, 7257
PHILIPPE R. PERSAUD, 3249
*JUSTIN C. PERUSEK, 5778
*BRIAN L. PETERSON, 6892
*DONALD PETERSON, JR., 4799
JACOB A. PETERSON, 1228
*RODNEY V. PFALZER, 3734
*KARL R. PFUETZE, 0857
MATTHEW A. PHELPS, 5282
*FREDERICK R. PHILIPP, 3096
*JESSE A. PHILLIPS, 5158
*MICHAEL B. PHILLIPS, 3400
ERIC J. PIAZZA, 3959
*JAMES W. PIERCE, 6929
SHARLENE M. PIGG, 4275
*KENNETH D. PINDELL, JR., 8514
*MARK D. PINKERTON, 6510
*JOHN P. PIPPO, 3587
*SEAN R. PIRONE, 6496
CHRISTOPHER L. PITMAN, 7792
*RODGER PITT, 4820
CYNTHIA L. PITTMAN, 3446
WILLIAM D. PITTMAN, 0349
STEPHEN J. PLATT, 1333
*DAVID M. POLIZZOTTI, JR., 7206
*GREGORY T. POLLARD, 7458
CARL A. POPPE, 7841
*GREGORY B. PORTER, 8219
*JAMICA J. POWELL, 9095
DANIEL R. POWERS, 5320
GISELLE POZZERLE, 5521
CHRISTOPHER D. PRATT, 3828
*COREY S. PRESSLEY, 2812
*SCOTT S. PRESTON, 4857
*SCOTT L. PREUSSER, 5315
*STEVEN E. PRICE, 7402
*JOHN E. PRIOR, 8435
WILLIAM H. PRIVETTE, 6756
P. PROZIK, JR., 5924
TOBY W. PRUDHOMME, 6567
*STANLEY O. PULLEY III, 7076
*BRUCE R. PULVER, 1042
*TERRENCE C. PURNELL, 5520
JOSEPH A. PUSKAS II, 7534
SEAN P. PUTNAM, 8482
*JOHN H. QUINONES, 4562
*RICHARD J. RACHOW, 5334
FRANZ L. RADEMACHER, 1590
*MICHAEL J. RADKE, 9327
*JOSHE E. RAETZ, 0918
*KELLY A. RAFTERY, 1490
*TAGE J. RAINSFORD, 9215
TIMOTHY P. RAKER, 6841
*BRYAN G. RAMEY II, 4583
ROBEL RAMIREZBERRIOS, 1823
*RAMON L. RAMOS, 4125
*SHARON M. RAMP, 9806
*ROBERT C. RAMSEY, 5042
*WILLARD L. RAMSEY, 7585
ZARA R. RAMSEY, 3850
*DARREN A. RAPAPORT, 7656
DAVID J. RAPONE, 1159
MARK G. RASMUSSEN, 1335
ROBERT W. RATCLIFFE, 8159
*JAMES S. RAWLINSON, 9078
MARK D. RAY, 8051
*OWEN G. RAY, 2537
SHELLEY A. RAYMOND, 7912
JOSEPH D. REAP, 5302
*MICHAEL A. REARDON, 6836
*NATHANIEL S. REDDEN, 5110
ALAN A. REILEIN, 2671
MICHAEL C. REMBOLD, 6780
KIMBERLY H. RETCHLESS, 7793
*GARY J. RETZLAFF, JR., 4501
*HATTIE L. RICHARDSON, 9839
*JOHN E. RICHARDSON, 2978
*WESLEY P. RICHARDSON, 1825
*JOSEPH C. RICHEY, 7535
DAVID M. RICHKOWSKI, 6731
JAMES G. RIELY, 4682
HELMUT E. RIEPL, 3580
*MATT F. RIESENBERG, 8390
*WILLIAM RILEY, 9293
BENJAMIN A. RING, 1286
KIRK M. RINGBLOOM, 8037
*STUART C. RINKLEFF, 0545
*NED C. RITZMANN, 7276
*JOSE R. RIVAS, 3291
*MICHAEL E. RIVERA, 3197
*ARMANDO RIVERON, 8189
*LAWONDA D. ROBERTS, 2732
*MARIO F. ROBERTS, 2500
*NICOLE Y. ROBERTS, 5393
GLENN S. ROBERTSON, 0072
*TREVOR O. ROBICHAUX, 7103
*CHRIS E. ROBINSON, 4526
*KEVIN B. ROBINSON, 2188
*TERRY D. ROBINSON, 6578
*CHRISTOPHER L. ROBISHAW, 0073
*WILLIAM A. ROCKEFELLER III, 1454
ISMAEL R. RODRIGUEZ, 9524
*MICHAEL J. RODRIGUEZ, 3801
ALBERTO RODRIGUEZCRUZ, 0372
*BLAIR T. ROGENESS, 2629
*SAMUEL E. ROGERS III, 5709
JONATHAN W. ROGINSKI, 8724
*ANGEL D. ROJAS, 8443
*MICHAEL S. ROLIN, 7916
JAE C. ROOD, 2413
STEPHEN E. ROOKARD, JR., 4544
PHILIP J. ROOT, 6576
JORGE E. ROSAS, 5455
*RYAN K. ROSEBERRY, 3585
*GREGORY S. ROSS, 0955
*JASON L. ROSS, 6718
JASON W. ROSS, 7200
ERIC G. ROTH, 8547
*ROBERT J. ROULEAU, 2129
*EDWARD D. ROUSE, 3827
MARK W. ROWAN, 6232
*MARK W. ROWELL, 2482
*DAVID M. ROZELLE, 9169
*TIMOTHY L. RUCKMAN, 7315
*ANTHONY J. RUDD, 0665
*ARTURO RUIZ, 7382
*STEPHEN P. RUMBLEY, 5114
*ROBERT J. RUSKIEVICZ, 8757
TERRY S. RUSSELL, 2460
*PETER S. RUSSO, 2818
*RENEE D. RUSSO, 1455
*JONATHAN P. RUTGERS, 5594
ERIC P. RUUD, 9594
KEVIN C. SAATKAMP, 1414
*JOHN W. SABALA, 7926
MICHAEL A. SABB, 9581
BOBBY L. SADLER, JR., 7179
*IVAN SALGADO, 0451
*JOSE D. SALINAS, 5278
*IKE L. SALLEE, 6089
*AMADO SANCHEZ IV, 4909
*SANDRA J. SANCHEZ, 0703
*JACK W. SANDER III, 0305
*LLOYD N. SANDERS, 0917
MELVIN E. SANDERS, 8576
ADAM R. SANDERSON, 5752
*PAMELA E. SANTIAGO, 7302
JEFFREY SARGENT, 7057
STEVEN M. SATTINGER, 8657
MATTHEW M. SAVOIE, 6799
*BLAIR J. SAWYER, 9363
*ERIC G. SAYER, 5941
TODD A. SCATTINI, 4350
ANTHONY SCHEVALIER, 2052
*CHRISTOPHER L. SCHILLING, 1078
*DAVID K. SCHLAPPY, 2281
TODD A. SCHMIDT, 2715
TROY A. SCHNACK, 5902
MICHAEL P. SCHOCK, 3544
*TODD A. SCHOEBERL, 7809
EARL B. SCHONBERG, JR., 9067
*JENNIFER M. SCHROEDER, 4510
*JENNIFER L. SCHULKE, 7793
*JEFFREY L. SCHULTZ, 2265
*STEVEN P. SCHULTZ, 8456
TODD SCHULTZ, 6362
GREGORY E. SCHWARZ, 0422
*JOHN G. SCHWEMMER, JR., 2833
DANIEL A. SEGURA, 5172
*ERIC C. SELF, 3174
KIMBERLY A. SEMELROTH, 7815
*JOHN H. SENSLEY, 5496
*DAVID S. SENTELL, 1409
*MANUEL D. SEPULVEDA, 0134
BRADY M. SEXTON, 1144
MARC N. SHAFER, 8408
GREGORY K. SHARPE, 0790
*SCOTT A. SHAW, 7146
TIMOTHY R. SHAW, 5742
MICHAEL A. SHEKLETON, 8726
*JONATHON C. SHEPARD, 1055
*ANDREW D. SHERMAN, 4375
*JOHN T. SHERWOOD, 8640
*JACK E. SHIELDS III, 6003
STANLEY J. SHIN, 2569
*THEODORE K. SHINN, 7742
*ANDREW J. SHORT, 1530
BILLY D. SIEKMAN, 4990
AJAY V. SIHRA, 3571
*DEBORAH D. SILER, 5247
*JONATHAN K. SIMMONS, 8087
*CRISTIAN J. SIMON, 4873
*LAWRENCE E. SKELLY III, 2512
APRIL D. SKOU, 0720
ANNA M. SLEMP, 3903
*JAMES R. SLEMP, 2133
TIMOTHY A. SLEMP, 1147
*DOUGLAS E. SLOAN, 5674
JARED A. SLOAN, 2675
*KENNETH D. SLOVER, 3429
*CAYLA W. SLUSHER, 4058
*JAMES L. SMALLWOOD, 9943
SUSAN A. SMELTZER, 6963
BRIAN J. SMITH, 2895
*CANDY S. SMITH, 1361
CHRISTOPHER W. SMITH, 3082
*CRAIG C. SMITH, 0230
DIRK H. SMITH, JR., 9244
*ERIC J. SMITH, 3644
*KELSEY A. SMITH, 1991
KENNETH D. SMITH, 6116
*KURT J. SMITH, 7474
*MICHAEL J. SMITH, 3867
*MICHAEL R. SMITH, 7723
*RANDY A. SMITH, 8553
RICHARD F. SMITH, 0158

ROBERT W. SMITH, JR., 9023
*SEAN M. SMITH, 7760
*STEVE M. SMITH, 2009
TAUSHA E. SMITH, 3890
JAMES L. SNYDER, 4447
MATTHEW C. SOBER, 3079
*JOSEPH A. SOKOLOSKI, 4684
*MICHAEL P. SOLOVEY, 7902
*ROBERT J. SOLTIS, 0603
*BRYAN B. SOPKO, 8349
*MICHAEL J. SOWA, 0194
*WALTER J. SOWDEN, 5728
*MARK A. SPEAR, 3544
*JAMES R. SPIES, 4874
WARREN E. SPONSLER, JR., 0564
*BRYANT D. SPRINGER, 0034
*SAIPRASAD SRINIVASAN, 9331
*CHRISTOPHER M. STALLINGS, 3200
*GREGORY D. STALLINGS, 8830
*PATRICK A. STAMM, 7058
*DAVID R. STANLEY, 1074
DERRICK STANTON, 0104
*MARK A. STAUFFER, 3401
ROBERT W. STEFFEL, 2821
JEREMY A. STERMER, 5482
*NICHOLAS A. STERNBERG, 4344
*DAVID C. STEVENSON, 4539
HEATHER A. STEVENSON, 2093
THOMAS M. STEVENSON, 1804
TERRY L. STEWART, 7507
*TIMOTHY D. STEWART, 7785
*PATRICK T. STICH, 5060
*THOMAS V. STOCKS, 6423
ANTHONY A. STOEGER, 3243
MARK W. STOUFFER, 5444
ROBERT S. STREATOR, 6219
*CHARLES S. STRICKLER, 9954
*ERIC S. STRONG, 5503
*JAMES F. STRUNA II, 7751
*JONATHAN L. STUDER, 2328
*ROBERT STURDIVANT, 9191
*MARCOS J. SUAREZMORALES, 3522
*JOE J. SUDDITH, JR., 1647
CHARLES A. SULEWSKI, JR., 4936
TREVOR N. SULLINS, 6854
*MICHAEL G. SUMMERS, 5555
*STEPHEN M. SUSANN, 6503
LEVI J. SUTTON, 7378
WILLIAM W. SUTTON, 0223
TODD T. SVACINA, 3691
*STEVEN S. SWANSON, 5209
JOSEPH T. SWIECKI, 4617
*STEVEN J. SWINGLE, 2949
MICHEAL C. SWINSON, 2833
*THOMAS E. SWITAJEWSKI, JR., 0076
*JOHN P. SWOOPES, 6547
*THOMAS R. SYERS, 3102
RICHMOND L. SYLVESTER, JR., 3903
*JOHN A. SYLVESTRI, 4486
*GARCIA D. SYPNIEWSKA, 8673
*ALBERT TABAREZ, JR., 5067
*STEVEN L. TABAT, 9243
*JOHN D. TABB, 2196
JASON C. TALIAFERRO, 7501
*BRADLEY C. TANDE, JR., 9767
ANDREW K. TAPSCOTT, 3785
JOHN T. TATOM, 8253
*DAVID S. TAYLOR, 8706
*JACK S. TAYLOR, 9763
*MICHAEL R. TAYLOR, JR., 7402
WILLIAM B. TAYLOR, 8612
MICHAEL F. TEASTER, JR., 0391
BRET A. TECKLENBURG, 6603
NADINE A. TERESE, 9374
JOSE R. TERRONES, 9118
JONATHAN D. TESSMANN, 7573
*NAVIN S. THAKUR, 5213
*SIRIANOSAC THEPSOUMANE, 2698
DARRIN E. THERIAULT, 8635
*CELESTER THOMAS, 8809
CHEVELLE THOMAS, 7588
*JARRETT A. THOMAS II, 2047
*JEFFREY L. THOMAS, 2108
*SCOTT THOMAS, 8852
GERALD S. THOMPSON, 7226
KENNETH D. THOMPSON, 5142
*LANNY T. THOMPSON, 4979
*MICHAEL S. THORNTON, 2790
*ROBERT L. THORNTON, JR., 6401
*EDWARD W. THREAT, 1522
*JEFFREY A. TIEGS, 2917
*LARRY E. TINDELL, 9516
PATRICK G. TOBEY, 8383
*JEFFREY P. TOCZYLOWSKI, 4300
*JASON P. TOEPFER, 7026
*CHRISTOPHER L. TOMLINSON, 8391
*DAVID E. TOMPKINS, JR., 9060
EMMA L. TOOPS, 0941
*JOSEPH M. TORRAIN, 6434
FREDERICK J. TOTI, 1089
BRUCE L. TOWNLEY, 6626
PHILIP S. TOWNSEND, 4303
*PON V. TRAN, 3270
*TIMOTHY G. TRIMBERGER, 5752
*VERN L. TUBBS, JR., 9104
JOHN C. TUCKER, 5510
JOHN T. TUCKER III, 2677
*ANDREW P. TURNER, 0449
*JAMES E. TURNER II, 9543
JAMES L. TURNER V, 0435
JOHN T. TURNER, JR., 6578
*KATHLEEN T. TURNER, 3734
*MICKEY A. TURNER, 3132
*STEPHEN D. TURNER, 2060
JASON B. TUSSEY, 5544
*MARSHALL P. TWAY, 7585
*PETER J. TWEDELL, 0180
*DONALD R. TWISS, 4032
*DOUGLAS M. TWITTY, 1586
*MANUEL A. UGARTE, 7377
*CHADWICK L. UHL, 8775
*SIEGFRIED J. ULLRICH, 7072
THADDEUS L. UNDERWOOD, 4690
*SHANE M. UPTON, 4324
*TRENT D. UPTON, 3936
*HEIDI A. URBEN, 4902
*TIMOTHY R. VAIL, 7422
*TIMOTHY VALADEZ, 1297
*DINO C. VALVERO, 8362
*MARK W. VANDERSTEEN, 0918
*RYAN L. VANGEL, 8172
*KRAIG S. VANVLECK, 4097
LANCE K. VANZANDT, 9563
MICHAEL W. VARGO, 6237
DAMON S. VARNADO, 1216
*ENRIQUE T. VASQUEZ, JR., 4607
*BRIAN D. VAUGHAN, 5698
*ANIBAL VAZQUEZCARRASQUILLO, 5044
*JAMES P. VELESKY, 6599
WILLIAM R. VENABLE, 4309
CLINTON D. VERGE, 2675
CRAIG W. VIETH, 0585
*JAIME N. VILLAMIZAR, 7140
DANIEL J. VOGEL, 1973
*JOSHUA S. VOGEL, 6869
BRIAN D. VOGT, 1822
*TOBIAS O. VOGT, 6572
ERIC C. VOIGT, 2352
*MICHAEL J. VOLPE, 8060
TODD R. VYDARENY, 2778
ROBERT D. WAGNER, 4146
*DAVID L. WAKEFIELD, 1325
THOMAS J. WALDRON, 6560
DAMIEN E. WALKE, 2062
ALLEN D. WALKER, 1483
*DARRELL E. WALKER, 4326
*MARVIN L. WALKER, 2523
*MERLE T. WALKER, 5290
*YOULANDA M. WALKER, 4942
MICHAEL W. WALL, 8349
AMY E. WALLACE, 5392
JAMIE L. WALLACE, 9042
KELVIN T. WALLACE, 9908
BENJAMIN M. WALLEN, 6607
JAMES N. WALSER, 1642
GEORGE WALTER, 7559
*BENJAMIN J. WALTERS, 9248
*KEITH R. WALTERS, 9282
LAWRENCE R. WALTON, 1606
*JAMES R. WANNER, 1590
*KATHLEEN WANNER, 3154
CHARLES W. WARD, 8732
DAVID A. WARE, 2913
JASON E. WARNER, 2005
*YULONDA D. WASHINGTON, 0444
DAVID R. WATERS, 9447
*ANDREW J. WATSON, 7782
*MILES A. WATSON, SR., 3857
SCOTT T. WATSON, 9549
*WILLIAM K. WATSON, 3985
KRISTA L. WATTS, 8394
WALLACE E. WEAKLEY, JR., 5478
*CHRISTOPHER M. WEATHERS, 1002
WILLIAM D. WEAVER, 4472
*BRYAN T. WEBINGER, 8493
*LISA L. WEEMS, 0951
*KELLY F. WEINBERG, 1070
*MATTHEW J. WEINRICH, 5485
*STEPHEN T. WELLEIN, 4091
*CHRISTOPHER B. WELLS, 0751
PATRICK J. WELLS, JR., 1441
JOHN J. WERNAU, 3052
*JOHN T. WHELAHAN, JR., 0421
*JOHN R. WHERRY, JR., 5602
*LATHESSA A. WHITAKER, 0919
*GILBERT W. WHITE, 6459
*JEFFREY R. WHITE, 2832
*JOHN C. WHITE, JR., 1649
*ROBERT M. WHITE, 1857
*WILLIAM WHITE, 8026
*HARRY F. WHITING, 7422
*MICHAEL A. WHITLEY, JR., 2159
CHRISTOPHER W. WHITMARK, 3267
GLEN P. WHITNER, 7524
ERIN A. WHITNEY, 3891
*STEPHEN A. WICKERSHAM, 9466
*ROBERT D. WIGGINS, 1413
PAUL J. WILCOX, 0566
JONATHAN M. WILEY, 1892
*RUSE M. WILEY, 1968
WILLIAM H. WILKINS III, 7427
CATHERINE T. WILKINSON, 0049
KENNETH J. WILKINSON, 2563
WILLIAM T. WILLEY, 4245
*ALFLOYD WILLIAMS, JR., 7108
BLAIR S. WILLIAMS, 2387
COLIN L. WILLIAMS, 5259
*FREDRICK O. WILLIAMS, 0775
*ISAAC A. WILLIAMS, 4824
*IVY J. WILLIAMS, 5369
*JOSEPH E. WILLIAMS, 2179
*JOSEPH WILLIAMS, JR., 2704
*KEVIN D. WILLIAMS, 3897
*KEVIN J. WILLIAMS, 3825
*ROBERT M. WILLIAMS, 4892
JEREMY R. WILLINGHAM, 5182
*MICHAEL S. WILLIS, 8012
CHRISTOPHER W. WILLS, 9353
*BAHAIZ A. WILSON, 7315
*EDWARD S. WILSON, 1420
*JAMES T. WILSON, 2901
*LUCINDA R. WILSON, 0776
*THOMAS G. WILSON, JR., 5586
JONATHAN C. WINCHESTER, 8560
*ARMIN K. WINDMUELLER, 7356
*STEVEN M. WINKLEMAN, 2235
*ERIC J. WINTERROWD, 8931
*MALCOLM L. WISE, 2372
*YOLANDA K. WISE, 7468
MICHAEL L. WISER, 6220
THADDEUS A. WOJTUSIK, 8105
*RICHARD G. WOLF, 9412
*CHRISTOPHER R. WOLFE, 7804
*CHERYL A. WOMACK, 6475
SUNG H. WON, 0763
*ANDERSON T. WONG, 4270
*CHRISTOPHER L. WONG, 7495
*MANUEL S. WONG, 4055
*DAVID C. WOOD, 3376
*MICHAEL J. WOOD, 1755
*ROBYN D. WOOD, 6161
*DAVID C. WOODRUFF, JR., 6403
*MATTHEW S. WOODRUFF, 2581
*SOLOMON WOODS, 7648
*STEPHEN N. WOODSIDE, 3592
STACY B. WOODSON, 4542
*ROBIN S. WOODY, 2900
*BRET T. WOOLCOCK, 1433
TROY W. WORCH, 2590
*GREGORY R. WORLEY, 1546
J. B. WORLEY III, 3619
*MATTHEW W. WORRELL, 5639
JOSEPH W. WORTHAM II, 5539
*RYAN L. WORTHAN, 4296
*ERIC M. WRIGHT, 2223
GEOFFREY W. WRIGHT, 6818
*JOHN A. WRIGHT, 4827
*KRISTIN L. WRIGHT, 2639
VICKIE V. WYATTNETTLES, 0975
WILLIAM B. WYLES, 4782
THOMAS A. YAROCH, 6078
*GUY YELVERTON III, 1635
ABEL E. YOUNG, 6308
DILLARD W. YOUNG, 3924
JAMES E. YOUNG, 7160
*MARK E. YOUNG, 1562
DAVID G. YOUNGBLOOD, 0677
*MATTHEW M. ZAIS, 0102
*KEVIN C. ZAMMERT, 7020
RICHARD L. ZANARDI, 4182
*ROBERT C. ZANCA, 9446
JEFFREY S. ZANELOTTI, 4599
*NOEL E. ZARZA, 7648
JONATHON L. ZAVORKA, 0238
*ALEXANDER R. ZEHNDER, 2630
*JOSEPH J. ZELAZNY, 0412
DAVID M. ZELKOWITZ, 6047
*JAMES S. ZIRKLE, 1719
JAMES E. ZOPELIS, 5404
*TODD S. ZWOLENSKY, 5845
STEVEN P. ZYNDA, 7448
*X1970
X0197
X2787
*X2076
*X1444

DEPARTMENT OF JUSTICE

DAVID F. KUSTOFF, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE TERRELL LEE HARRIS, RESIGNED.

JOHN CHARLES RICHTER, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS, VICE ROBERT GARNER MCCAMPBELL, RESIGNED.

AMUL R. THAPAR, OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE GREGORY F. VAN TATENHOVE, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, February 17, 2006:

DEPARTMENT OF DEFENSE

PRESTON M. GEREN, OF TEXAS, TO BE UNDER SECRETARY OF THE ARMY.

JAMES I. FINLEY, OF MINNESOTA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY.

DEPARTMENT OF ENERGY

THOMAS P. D'AGOSTINO, OF MARYLAND, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL NUCLEAR SECURITY ADMINISTRATION.

FEDERAL RESERVE SYSTEM

RANDALL S. KROSZNER, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 1994.

KEVIN M. WARSH, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2004.

EXECUTIVE OFFICE OF THE PRESIDENT

EDWARD P. LAZEAR, OF CALIFORNIA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF STATE

RICHARD A. BOUCHER, OF MARYLAND, TO BE ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) CRAIG O. MCDONALD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. RAYMOND P. ENGLISH

EXECUTIVE OFFICE OF THE PRESIDENT

CAROL E. DINKINS, OF TEXAS, TO BE CHAIRMAN OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

ALAN CHARLES RAUL, OF THE DISTRICT OF COLUMBIA, TO BE VICE CHAIRMAN OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

DEPARTMENT OF JUSTICE

STEPHEN C. KING, OF NEW YORK, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 2008.

REGINALD I. LLOYD, OF SOUTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH CAROLINA FOR THE TERM OF FOUR YEARS.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH MICHAEL W. ALBERT AND ENDING WITH CHRISTOPHER J. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2006.

EXTENSIONS OF REMARKS

TRIBUTE TO RUTH COLE DUSENBURY

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor Ruth Cole Dusenbury whose life was a shining example of responsible citizenship. Born in Maryland in 1929, Ruth's busy life led her to Holyoke, Colorado in 1974 where she became part owner of Speer Cushion Company and was an active participant in numerous professional organizations and civic groups.

Ruth was an energetic advocate for small business concerns. From 1976–1987 Ruth served in the local Business and Professional Women's Organization in all offices as well as District Chairman. She served as State Legislative Chairman for 2 years and she attended 3 national conventions as well as 6 state conventions. She was a member of a delegation of businesspeople from throughout the United States to the Republic of China in 1986. Mrs. Dusenbury participated in the State Leadership Initiative sponsored by then Secretary of State Natalie Meyers.

In 1993, Ruth was a member of the Statehouse Conference on Small Business and, in 1995, she was elected as a delegate to the White House Conference on Small Business in Washington DC. Ruth was an active member of the National Federation of Independent Businesses, serving as a delgate to national meetings in 1996 and 1998.

Ruth also had a deep love of the arts. She was a board member of the Holyoke Community Arts Council for 30 years. She was a charter member of the Colorado Arts Consortium and participated in regional activities as well as at a national level with the National Association of Local Arts Agencies. Additionally, Ruth was President of the Colorado Arts Coalition for 2 years, an advocacy group for the arts.

The Republican Party also consumed a great deal of Ruth's time and energy. She was a campaign worker for Nixon/Agnew, Senator Hank Brown, Representative and Senator WAYNE ALLARD, Senator Ben Nighthorse Campbell, Governor Bill Owens, and numerous state and local candidates. Ruth was the Republican chairman of Phillips County, Colorado and served as a delegate to the state conventions numerous years. She was an alternate to the Republican National Convention in 1984.

Ruth led by example and her enthusiastic community involvement demonstrated her passion for making a positive impact on the world around her. We have been saddened by the recent loss of this woman. She gave so much to her community and her state for so many years. Ruth Dusenbury was also well known as a loving wife and mother. She is leaving behind her loving husband Wally and two beautiful daughters.

HONORING THE EDUCATORS HALL OF FAME

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. NEUGEBAUER. Mr. Speaker, I would like to bring to my colleagues' attention an important event in my congressional district. On February 27, 2006, the African-American Chamber of Commerce in Lubbock, Texas, is holding the third annual induction ceremony for the Educators Hall of Fame. This unique event honors Lubbock's local educators and recognizes the essential role they play in the community.

This year, the Educators Hall of Fame will honor six teachers who, among other accomplishments, prepared students for leadership before and during the civil rights movement. These educators are unsung heroes who helped build a foundation during those turbulent times for the march toward full equality promised by our Constitution. For the first time, three non African-Americans will be honored for their commitment to help African-American youth during that time. This year's inductees into the Educators Hall of Fame are Dr. Sam Ayers, Ms. Lottie Barrow, Lubbock Independent School District Superintendent Wayne Havens, Ms. Nora Hutchinson, Ms. Rose Mediano, and Ms. Mae Phea.

The Lubbock African-American Chamber of Commerce should be commended for their initiative to recognize the important work done by education professionals. These educators are being honored because they believe that America can be made a better place through education. Their years of service have touched the lives of many and improved our community, State and country.

CONGRATULATING J.H. ROSE HIGH SCHOOL'S 2005 VARSITY FOOTBALL TEAM

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. JONES of North Carolina. Mr. Speaker, though it is now 2006, I want to take the opportunity to recognize a great success story from my district last year.

One great story of accomplishment from Eastern North Carolina in 2005 is an outstanding athletic achievement by the Rampants of Junius H. Rose High School in Greenville, North Carolina.

This past December, the Junius H. Rose High School varsity football team finished an undefeated season by claiming then third consecutive North Carolina High School Athletic Association 4–A state football title.

Rose High School is one of only four 4–A teams in North Carolina to win at least three consecutive titles, with a total of four state titles.

I am very proud of the Rose High varsity football team's hard work and determination in establishing this winning tradition. Rose coach Greg Thomas, the 2004 AP state prep coach of the year, has declared that the ultimate goal of his team each year is winning a state championship.

I wish to congratulate all of the team's coaches and players:

Coaches: Greg Thomas, Todd Lipe, Lee Nicholson, Walt Pollard, Stephen Walters, Ronald Pugh, Ron Jones, Nick Anderson, Ty Nelson, Brent Jamison, Phoenix Evans, Will Wiberg, Robert Grant, Bill Grimm.

Players: Jonathan Williams, Maurice Weaver, Josiah Andrews, Rashard Green, Brian Blick, Jamie Williams, Chris Townsend, John Wilhelmsen, Scott Hodges, Carmeron Johnson, Brandon Taylor, J J Bryant, Marcus Best, Adam Carraway, Malcolm Blount, Demetrius Dixon, Anthony Adams, Phillip Turner, Montrel Miles, Brandon Cox.

Carter Gagnon, McGiver Nicholson, Akeem Thomas, E J Gilbert, Eborn Rawl, Matt Board, Drew Batts, Gabe McCuller, Byron Tyson, Javan Burney, Beau Corey, Danny Jones, Joe James, Billy Cates, Beau Benfield, Jonathan Little, Mike Royston, Bryan Deans, Jameson Bryant, Taylor Ward.

Ian Baro, Tyrone Spinks, Larry Chamblis, Charlie Craigle, Brentley Richardson, William Batts, Malcolm Rook, Jimmie Booth, William Brewington, Demarus Williams, John Phillips, Jake Ovitt, Clay Douglas, Garrett Oakley, Morgan Randall, Max Joyner, Louis Muldrow, Sammy Becirovic, Trey Coleman, Anthony Williams.

Mr. Speaker, I, like many of my colleagues in Congress, have had the fortunate opportunity of playing on a high school state championship team. More than 40 years later, I can still vividly recall in my mind the wonderful memory of the night my high school basketball team at Hargrave Military Academy won the Military League Championship.

I close by once again congratulating the J.H. Rose High School coaches and players for their hard work and their success in achieving an athletic victory which they will remember with pride for years to come.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

REGARDING THE INTRODUCTION OF A BILL TO REQUIRE ACCREDITING AGENCIES AND ASSOCIATIONS TO COMPLY WITH DUE PROCESS THROUGHOUT THE ACCREDITATION PROCESS

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Ms. MILLENDER-McDONALD. Mr. Speaker, according to recent reports, 46 percent of all U.S. undergraduates are enrolled in a community college. Community college is an important alternative for our students, especially minority students. Over 47 percent of African American undergraduates, 56 percent of Hispanic undergraduates, 48 percent of Asian/Pacific Islander undergraduates, and 57 percent of Native American undergraduates are enrolled in community colleges.

Why do community colleges serve an increasingly vital role to the students in our districts?

For many students, tuition to a 4-year college or university is prohibitively expensive. Community college tuition is at least one-tenth that of 4-year colleges and often maintain transfer relationships with nearby colleges and universities.

For others, financial constraints require students to work long hours at one or more full-time jobs while attending school. Community colleges provide more lenient enrollment requirements that allow students to attend school around their work schedules and attain a degree, albeit in longer than the traditional 4-year time frame.

For still others, community college offers students the ability to obtain technical and vocational training while enrolled in academic courses for credit toward an associate degree.

In short, community colleges offer the flexibility and accessibility that are essential to ensuring that all of our students, not just the ones who are able to attend 4-year colleges and universities, obtain postsecondary educations.

Public community colleges receive 40 percent of their revenue from State funds and 5 percent from Federal funds. Over 37 percent of community college students receive financial aid of some kind.

These funding sources are dependent on the school maintaining its accreditation. It would then make sense that any attempts to revoke accreditation would be highly regulated and easily appealed.

This is not the case in my district. Compton Community College is in grave danger of losing its accreditation. One would think that school officials would have received fair and adequate notice of the deficiencies that may lead to its loss of accreditation. One would think that a thorough due process standard would apply to any attempts to appeal a decision to revoke accreditation. One would think that the community at large would be able to attend a public hearing where the fate of their community treasure would be decided. One would think all of these things, but the fact is that none of these standards apply.

That is why I have introduced a bill that will strengthen the due process available to community colleges nationwide that face threats of accreditation revocation.

Community colleges are community treasures. Accreditation boards should be doing all they can to keep community colleges alive, rather than taking steps to summarily cement their failure. In the event that a determination is made to revoke accreditation, every school in this Nation should have access to a full and fair review of their cases and every member of the community should have the ability to witness and participate in the process. This bill will strengthen those rights.

Electing to close down a community college, which is what loss of accreditation effectively means, is a serious decision and it must be accompanied by serious oversight. That is what this bill will put in place.

CONGRATULATING MIKE POTTER FOR WINNING THE CELLFLIX FESTIVAL GRAND PRIZE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to congratulate a young constituent of mine who recently demonstrated his creativity and technological prowess on a very large stage. Mike Potter of Broomfield, Colorado, now a junior at Ithaca College, recently won the Grand Prize in the "Cellflix Festival," a prize that included $5,000 and a tremendous amount of respect for individual ingenuity and creativity.

The "Cellflix Festival" is a competition that asks participants to submit a short film shot entirely on a cellular telephone camera. Within these constraints, Mike Potter submitted a film called Cheat, a charming and short exhibition that celebrates his grandparent's loving relationship. In it, Mike's grandfather quizzes his grandmother on newspaper headlines, offering her a kiss as a prize for each time she correctly guesses whether a headline is true or false. Sometimes, Mike's grandfather confesses at the end, he cheats. Described by one contest judge as "contagious," Mike Potter's creative short shows how much can be accomplished artistically with a limited medium, and one in which most of us are only vaguely aware.

I don't know about all my colleagues, but I have only barely mastered the use of a blackberry and my cell phone is still just a convenient technology for communicating. It never occurred to me until I saw the story about Mike Potter that the device I take for granted could be used as a means of artistic expression.

What's really intriguing about Mike's work is that it shows how young people, better versed in the ways of technology than any previous generation, may be blazing new trails of innovation and creative expression that will have implications for our economy and the entertainment industry.

I ask my colleagues to join me in congratulating Mike Potter on his recent award and in wishing him well in his future endeavors. I certainly look forward to seeing what else he can produce, and I am proud to represent such a creative young person in Congress.

CELEBRATING THE LIFE OF HARRY T. MOORE

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. CUMMINGS. Mr. Speaker, as our Nation celebrates Black History Month, I rise today to pay homage to the life and legacy of Harry T. Moore, a devoted husband, father, educator, and one of the first civil rights martyrs of our time. His tireless efforts and unselfish sacrifice in the name of social justice continues to inspire and empower Americans of all stripes, even now, over fifty years after his death.

Harry Tyson Moore was born in Houston, Florida on November 18, 1905. After his father's death his mother sent her only son to live with his three aunts in Jacksonville, Florida. In the prosperous and intellectual community of Jacksonville, Mr. Moore cultivated his intelligence and excelled. After graduating from Florida Memorial College in 1925, he moved to Cocoa, Florida. He settled in Brevard County teaching fourth grade at the only African-American elementary school in the area.

While there, he went on to meet his future wife, Hariette Vyda Simms. In time, Mr. Moore became principal of the Titusville Colored School, which taught children from the fourth to ninth grade. In March 1928 and September 1930, the Moore's welcomed two daughters into the world. With his family and professional life in place, Mr. Moore began an additional career in political activism.

In 1934, Mr. Moore founded the Brevard County NAACP chapter. In 1937, by working with the Black Florida State Teacher's Association and NAACP attorney Thurgood Marshall, he catalyzed a movement to equalize the salaries of Black and White teachers. Although he lost the court battle, he would ultimately win the war. Make no mistake, his actions inspired many others and ultimately, Mr. Moore helped achieve pay parity among teachers of color and their White counterparts.

In 1941, he organized the Florida State Conference of the NAACP and worked as an executive secretary without compensation. His platform also broadened as he began to add his voice to issues such as Black voting disenfranchisement, segregated education, and later in 1943, lynchings and police brutality. He began to organize protests, and write and circulate letters voicing his concerns about the issues.

He also organized the Progressive Voter's League and with his persistence and diligence, in 1948, helped over 116,000 Black voters register, which represented 31 percent of the African-American voting population in the Florida Democratic Party. In 1946, due to his role in the League, Mr. Moore and his wife were terminated from their jobs. Mr. Moore then took on a full-time position as an organizer for the NAACP. However, in 1949, over Mr. Moore's objection, the national

NAACP office raised the dues from $1 to $2, causing a substantial amount of members to revoke their membership. This marked only the beginning of a strained relationship between Mr. Moore and the national NAACP office.

During that same year, the landmark Groveland rape case occurred, in which four African-American men were falsely accused of raping a White woman. Although the men were brutally beaten and no evidence suggested that the woman was raped, one of the men was killed, one was given a life sentence, and the other two were sentenced to death. With Mr. Moore's assistance in conjunction with the legal counsel of the NAACP, the case went to the U.S. Supreme Court and the conviction for the two sentenced to death was overturned. However, Sheriff Willis McCall, a known White supremacist, shot the two men to death as he was driving them to their pre-trial hearing. Recognizing this tragic injustice, Mr. Moore vigorously advocated for the indictment of Sheriff McCall.

Sadly, Mr. Moore never lived to see the outcome of his work in this case. On the eve of his 25th wedding anniversary and Christmas Day 1951, Mr. Moore and his wife were killed when a bomb placed underneath their bed in the floor detonated. Mr. Moore died in his mother's arms on the way to the hospital while Harriet died only nine days later.

Following the Moores' murder, there was a public outcry in the African-American community. Despite massive amounts of mail sent to President Truman and the Florida Governor in protest and the many protests and memorials organized demanding justice, no arrests were made in relation to the horrendous crime.

In no uncertain terms, Harry T. Moore led without permission, without acknowledgement, and without fear. What made his vision so tangible was the fact that he believed he could achieve what he set before himself. In a speech his daughter gave in 2002, she stated, "Daddy started the movement. He had absolutely nobody but us, and yet he accomplished all of those things—the voting, the teacher salaries all of the lynchings that he investigated. That's a very important part of history."

Mr. Speaker, Harry T. Moore's story is one of such importance as we celebrate Black History Month and reflect on the success of past and present leaders. For these stories are not only told to recall the achievements of African-American trailblazers, but to offer the next Harry T. Moore the hope, promise, direction, and purpose needed to rise from the ordinary to achieve the extraordinary.

I shall conclude with an excerpt of the heartfelt words written by Langston Hughes in memory of Harry T. Moore:

In his heart is only love
For all the human race,
And all he wants is for every man
To have his rightful place.

And this he says, our Harry Moore,
As from the grave he cries:
No bomb can kill the dreams I hold
For freedom never dies!

TSUNAMIS, FLOODS AND EARTHQUAKES, SEEN AND UNSEEN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. RANGEL. Mr. Speaker, I rise today to enter into the RECORD "Witness for Justice #248" entitled Tsunamis, Floods and Earthquakes; Seen and Unseen, published December 26, 2005 by the United Church of Christ of Cleveland, Ohio. The article eloquently written by Rev. Sala W.J. Nolan, Minister for Criminal Justice and Human Rights of this Church on 700 Prospect Ave. in Cleveland reminds us of the existence of unseen tsunamis, floods and earthquakes that continue to overrun communities around the world—stifling the voices of those forgotten. Recalling the 2005 Indian Ocean tsunami that killed nearly 300,000, and Hurricane Katrina that took the lives of more than 1,000 Gulf Coast residents, leaving even scores more homeless and displaced, Rev. Nolan speaks of unseen tsunamis, floods and earthquakes that manifest throughout the world in the form of racism and other forms of injustice. "They take place in U.S. prisons, which house one-fourth of all prisoners in the world and young Black men exist at 8 times the population rate of the Black men of South Africa at the height of Apartheid," explains Rev. Nolan. The "invisible flood of incarceration" as described by Rev. Nolan—the imprisonment of our Black and Hispanic youth—is robbing our communities of future entrepreneurs, doctors, lawyers, political and community leaders and tearing them away from their families—leaving them to languish and surrender their dreams within a less-than-colorblind criminal justice system with a swift, revolving door.

I also join Rev. Nolan in her concern over the erosion of freedoms not protected in a political environment where the Republican-controlled White House and Congress have mistakenly justified the infringement of personal freedoms for the sake of a safer America. Rev. Nolan says that since the PATRIOT Act has passed, "our government has acquired vastly broadened authority to monitor, arrest and detain citizens. We have learned that freedoms not protected will erode." Since the 2001 terrorist attacks, the Bush administration has jailed and deported immigrants who have been living in our country for many years, obeying our laws, contributing to our society and working hard to support their families. It has created an atmosphere of fear and suspicion of anybody who seems to be a foreigner. We must force this secret tsunami to retreat off our lands and we must restore freedoms to those left most victimized by the misplaced political zeal for power—the poor, the enslaved, and the tortured.

I join Rev. Nolan in all her concerns and her wish for a more just America free of unseen tsunamis, floods and earthquakes. Witness for Justice #248, Dec. 26, 2005.

TSUNAMIS, FLOODS AND EARTHQUAKES: SEEN AND UNSEEN

(By Sala W.J. Nolan)

As 2005 draws to a close, we have much suffering to address. The tsunami of last December 26 still reverberates throughout the world. The worst hurricane season in U.S. history has damaged the Gulf Coast in ways that will extend to generations. And an earthquake has devastated Kashmir, where relief is terribly complicated by Indian and Pakistani political claims.

The events were life shattering and will leave enduring legacies. They are especially notable because of the human suffering that was unmasked. We saw aging and Africa-American citizens in the wake of Katrina, without food and water or medical care, left abandoned on bridges and in nursing homes and sports arenas. The visible poverty among so many citizens of the richest country in the world—and their utter abandonment by the institutions obligated to serve them—shocked the planet.

Every day there are unseen tsunamis, floods and earthquakes. They take place in U.S. prisons, which house one-fourth of all the prisoners in the world and young Black men at eight-times the population rate of the Black men of South Africa at the height of Apartheid. They happen among immigrants in the housing projects of France. They occur among the farmers of Vieques and fishers of the Marshal Islands whose livelihoods and health have been damaged by years of bomb testing and with school-aged children in broken neighborhoods; with Afghan nationals in the cells of Guantanamo; and in secret prisons in Eastern Europe and Saudi Arabia. All over our world, where governments and institutions fail to protect their citizens or actively harm them, the earthquake happens. And when those who suffer are forgotten, the devastation is terrible.

Consider the political activists who were imprisoned in the late 1960s and 1970s. Richard Williams was one of them. Following 9/11, he was placed in isolation for 15 months without cause. He was given poor medical care, which often occurs in prison. He passed this month, at the age of 58, and we remember him. Remember Marilyn Buck, Leonard Peltier, Oscar Lopez and others who have languished in prison. Remember Assata Shakur, who has a price on her head. In June, ten environmental and animal protection activists from the San Francisco Bay area were subpoenaed to a grand jury after police raids failed to produce evidence of criminal wrongdoing. Since the Patriot Act passed, our government has acquired vastly broadened authority to monitor, arrest and detain citizens. We have learned that freedoms not protected will erode.

Recently, I traveled to the Gulf Coast after the hurricanes, carrying supplies and assessing what we could do to help. I met a little boy, about 10 or 11, collecting toys for his younger brother and sister. When his turn came, there were no appropriate toys in the can for him. He turned away, dejected. Then I remembered that my 5-year-old niece had given me her most precious rubber frog and told me to give it to somebody special. I pulled the frog out of my pocket and gave it to the boy. His face lit up and he ran off with it, laughing and teasing his little brother. In that moment, the disaster was forgotten and he was just a boy again.

The prisons of the U.S. hold fathers and mothers whose children, more likely than not, will grow up in an earthquake of poverty and chaos. You probably know some of them, because the invisible flood of incarceration is enormous, but you may not know the secrets that keep because discrimination is a powerful force in their lives. Remember them. What could you do for the children?

What could you do for someone who is ill? How much could be done by remembrance and a well-placed word for political prisoners and indigenous peoples of contaminated lands. Remember those who suffer from the secret tsunamis of out world today, and consider that is in your hand. What will you do with what you have?

CONGRATULATING BREEANNA AND SADIE LANCASTER

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate sisters Breeanna and Sadie Lancaster for their outstanding performance in the Pony of the Americas Horse Show.

Breeanna and Sadie both placed in the top 10 of the recent show and received awards at the State Chapter Banquet on January 15, 2006.

Breeanna placed first overall in the 9-to-12 years-old category. She scored first place in showmanship, reining, western riding, trail, bareback equitation, and horsemanship and jumping competitions; second place in western pleasure and junior English pleasure, and third place in junior western pleasure, junior trail and open and Indian costume competitions.

Sadie placed second overall in the 9-to-12 years-old category. She placed first in times and senior English pleasure competitions; second place in reining.

At the banquet, Breeanna was named "Top Rider" for the Texas POA Club for 2005 and Sadie was the third overall in the State chapter. Breeanna was also given the Lance P. Scott Award for the most overall points in a year. She was also awarded the Diane Goodman Tennant Showmanship Traveling Award given annually to the point exhibitor who accumulated the most showmanship points in their age group for that year.

These young ladies exemplify hard work and a commitment to excellence. Both ladies have overcome obstacles to persevere and to have winning seasons.

I extend my sincere congratulations to Ms. Breeanna and Ms. Sadie Lancaster for their extreme dedication and persistence to their extra curricular activities. These young ladies serve as an inspiration for all.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. GALLEGLY. Mr. Speaker, on Wednesday, February 9, 2006, I was unable to be present to vote on the motion to suspend the rules and agree to H. Res. 670, congratulating the National Football League champion Pittsburgh Steelers for winning Super Bowl XL, rollcall vote 5; on the motion to suspend the rules and agree to H. Res. 657, honoring the contribution of Catholic schools, rollcall vote 6; and on the motion to instruct conferees on H.R. 4297, the Tax Relief Extension Reconciliation Act, rollcall vote 7. Had I been present, I would have voted "yea" on motions to suspend the rules and pass H. Res. 670 and H. Res. 657 and "nay" on the motion to instruct conferees on H.R. 4297.

TRIBUTE TO BONNIE TERRY

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. GONZALEZ. Mr. Speaker, I rise today to honor a dear friend who left us far too soon. On January 27, 2006, Bonnie Terry lost her long struggle with breast cancer despite drawing on the same determination she had used to change the lives of many others. I miss her laugh and her belief that any problem was solvable so long as we worked together. Bonnie Terry was a community activist, a pillar of faith for the United Methodist Church, and a shining example of the power of people to make the world a better place.

This is a loss not only for her family, friends, and colleagues but also for San Antonio. We lost a relentless yet optimistic advocate for a range of causes. The causes she fought for reads like a master list of different organizations to help the disadvantaged. Bonnie worked with Habitat for Humanity, United Way, American Red Cross and Network Power/Texas, which promotes women's issues. During and after the 1998 floods, Bonnie served as executive director of the San Antonio Interfaith Flood Recovery Alliance. Our community is now poorer for her absence.

So relentless was her drive, not even illness stopped Bonnie from working. While fighting breast cancer, she visited my office during the Alamo Breast Cancer Foundation's annual visit last May. She told her story to me and to other lawmakers. Like so many other Americans, she had fallen into the widening fissures of our health care system and found herself in need of the type of help she had spent her life providing to others. Bonnie testified for the need for insurance support for cancer treatment at a National Breast Cancer Coalition meeting in Washington seeking legislative policy for access for quality care. Moreover, Bonnie made a point of attending the coalition's meeting with Senator HILLARY CLINTON.

Like many in our city, Bonnie hailed from elsewhere, but there should be no doubt that she made San Antonio her home. Born in Germany, Bonnie was the child of a military family that eventually settled in San Antonio. She graduated from Jefferson High School, San Antonio College, and the University of Texas at San Antonio. However, even while working on her bachelor's degree, it was apparent that Bonnie would match her education to her faith in making her life's work. People will always seek a higher purpose in life. Bonnie found hers in serving others and in doing so making their lives better.

If Bonnie's determination was the vessel for her actions, faith was her North Star. Steeped in the United Methodist Church, Bonnie sought to implement the teachings of the Lord. She served as an urban missionary at Travis Park United Methodist Church where she energized a food bank and outreach program, which the Reverend Bert Clayton, a long-time friend, said this was one of her greatest feats. Her next project focused on the downtown's homeless community. The Reverend John Flowers, pastor at Travis Park, said Bonnie helped envision a day center for homeless or transitional people there that opened in 2004.

My prayers and thoughts go out to her sisters, brothers, nieces and nephews. I hope it comforts them in their time of grief that Bonnie was a beloved figure in San Antonio. We will miss her.

TRIBUTE TO MRS. SALLY FOX

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to pay tribute to the public service and remarkable community involvement of Mrs. Sally Fox.

Born in Denver, CO, to school teachers, Mrs. Fox devoted much of her life to public schools in Colorado. In addition to other volunteer efforts, Mrs. Fox served as president of the Burlington Elementary School PTA in Longmont.

Mrs. Fox also dedicated much of her life as a local grassroots activist. She served as secretary for House District 52, as well as secretary for Colorado Representative Ron Strahle. Mrs. Fox also served as a Precinct Committee person since 1979 and has been a delegate to Fourth Congressional District and State assemblies.

In addition to her grassroots involvement and volunteerism, Mrs. Fox currently manages the Oak Ridge Federal Government Office Building in Fort Collins. She has also worked as mall manager at The Square and as manager of maintenance at the Market Place, both in Fort Collins.

Beyond her community involvement, it is her love and devotion to her family that is most impressive. April 2006 will mark Sally's 43rd wedding anniversary to her husband, Charles. She is the proud mother of a son and daughter, and a grandmother of three. Mrs. Fox has a special appreciation for family heirlooms. She is especially proud of an African violet given to her by her mother. It has bloomed continuously since her mother's death in 1991.

Mr. Speaker, the grassroots involvement and love of family by women like Mrs. Sally Fox is what makes our country great. I urge my colleagues to join me in recognizing Mrs. Fox and her tremendous contributions to her community.

CONGRATULATIONS TO PAUL R. BEANE

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. NEUGEBAUER. Mr. Speaker, on February 17, 2006, a legend in Lubbock radio will celebrate 50 years in the broadcasting business. Mr. Paul R. Beane currently serves as general manager and morning radio program host at KRBL, 105.7 FM.

Mr. Beane's long career began in 1956 at KGVL in Greenville, TX, and he has worked in all aspects of radio since that time. Over the years, he has worked at 18 radio and television stations in Texas and Louisiana, spending the majority of time in and around my hometown of Lubbock. He is a familiar face and voice to the people of west Texas and we appreciate his efforts to bring us news, information and entertainment.

Many Lubbock residents have fond memories of Paul's broadcasts. I particularly remember his "News Flash" announcements before giving the news update.

In this day and age of weblogs, podcasts and e-mail updates, it is refreshing to turn on the radio, hear Paul's voice and get the news from a genuine reporter and trusted member of the community.

Mr. Speaker, I would like to congratulate Paul Beane on his 50th anniversary in broadcasting.

CONGRATULATING FARMVILLE CENTRAL HIGH SCHOOL'S 2005 VARSITY BASEBALL TEAM

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. JONES of North Carolina. Mr. Speaker, though it is now 2006, I want to take the opportunity to recognize, on two separate occasions, two great success stories from my district last year.

One great success story from eastern North Carolina in 2005 is an outstanding athletic achievement from my hometown of Farmville.

Though Farmville Central High School's 2005 boy's varsity baseball team began their season with a rocky start, the Jaguars were able to turn their season around and capture the school's very first State baseball championship.

I am very proud of my hometown team's record and their historic victory in the North Carolina High School Athletic Association State I–A championship in June of 2005.

I wish to congratulate all of the team's coaches and players: Head Coach John Galeazzi; Assistant Coaches Ed Hines and Brian Perry; Statistician Joe Allen; Athletic Director Dixon Sauls; Players: Justin Bagley, Chad Bagley, Brad Bagley, Bill Fisher, Cameron Moore, Robbie Jones, Spencer Albritton, Jonathan Landen, Brandon Cox, Landon Walker, Tommy Cobb, Chris Tomlin, Jordan Corbett, Will Rhem, Mike Dail, Warren Rhem, and Craven Taylor.

Mr. Speaker, I, like many of my colleagues in Congress, have had the fortunate opportunity of playing on a high school State championship team. More than 40 years later, I can still vividly recall in my mind the wonderful memory of the night my high school basketball team at Hargrave Military Academy won the Military League Championship.

I close by once again congratulating the coach and players of the 2005 Farmville Central High School varsity baseball team for their hard work, and for their success in achieving an athletic victory which they will remember with pride for years to come.

COMMEMORATING NATIONAL HEART MONTH

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Ms. MILLENDER-McDONALD. Mr. Speaker, heart disease and stroke, the largest threats to women's lives are largely preventable.

Prevention is easy: eating a healthy diet, exercising frequently, refraining from smoking, and maintaining weight, cholesterol and blood pressure are all ways that women can protect themselves against heart disease and stroke which kill 1 in 2.4 women annually.

But most women in the United States do not know that they are at a higher risk for deadly heart attacks, hypertension, and strokes than they are for any other disease.

According to an American Heart Association survey, only 57 percent of American women know that heart disease is the leading killer of women. The women who have yet to learn of these deadly diseases are the women who are at the greatest risk.

Only 38 percent of African-American women and 42 percent of Latina women know about the dangers posed by heart disease and stroke.

All women need this knowledge. They need to know that they are at risk and they need to know there is a causal connection between the lifestyle choices they make and their personal risk for death by heart disease and stroke.

That is why I am here to announce my firm commitment to National Heart Month and that is why I co-sponsor forward thinking legislation like the HEART for Women Act that will contribute to heightened awareness.

Efforts like National Heart Month, the American Heart Association's "Go Red for Women" initiative, and the National Institutes of Health's "The Heart Truth" awareness campaign all contribute to a greater awareness among women about the dangers posed by heart disease and stroke.

The more women know about how their everyday choices affect their long-term health, the better those choices will be. This information is a part of a national movement that will save women's lives.

We must do our part to ensure that every woman in our communities, especially the ones who are at the greatest risk, is touched by these campaigns. We encourage all women to visit their doctors and talk about the many positive steps they can take towards heart disease prevention.

Knowledge is power and we need to ensure that outreach efforts are made to African-American and Latina communities so that they can share in this power.

National Heart Month is timely, it is necessary, and the information it seeks to impart is a matter of life and death.

HONORING ROBIN BOHANNAN AND HER LEADERSHIP AT BOULDER COUNTY AIDS PROJECT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize and honor Ms. Robin Bohannan, the outgoing executive director of the Boulder County AIDS Project. Ms. Bohannan's career at BCAP is a remarkable example of compassion, public service, and personal dedication.

Ms. Bohannan began her career at the Boulder County AIDS Project in an important and appreciated voluntary role. Still a small organization at this time, BCAP built its foundation on the strength of volunteers just like her. As she spent more time volunteering, Ms. Bohannan became an indispensable part of BCAP and was able to take a full-time paid position as a case manager in 1991.

In the early 1980s and even into the 1990s HIV/AIDS was not only a burgeoning health crisis, it was a defining issue of social conscience. Workplace and housing discrimination, severe social stigma, and public ignorance merged with a terrible and often baffling array of medical challenges to create terrible obstacles for those living with the illness. Robin Bohannan was an early warrior in the battle against HIV/AIDS and all these years later, her efforts serve as a model for how one person can make a lasting contribution to the greater community.

For her years of service, her devotion to others, her role in building a community of support, and her ability to harbor equal parts courage and compassion, I ask my colleagues to join me in honoring Ms. Robin Bohannan upon her resignation as executive director of the Boulder County AIDS Project. I am sure that her future endeavors will continue her legacy of service to Colorado.

SALUTING C. THOMAS KEEGEL

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Mr. C. Thomas Keegel. Mr. Keegel joined the Teamsters in 1959 as a member of Local 544 in Minneapolis, Minnesota. He was a driver for the Sterling Cartage Company.

From driver to recording secretary of Local 544, Mr. Keegel has held elected office for 25 out of the 47 years he has been a member of the Teamsters Union.

Since being elected to general secretary-treasurer in March of 1999, Mr. Keegel has not only balanced the union's budget for the first time in nearly a decade, but has helped set an example of clarity and ethics for local union chapters.

In addition, Mr. Keegel has taken a leading role in continuing the Teamster's comprehensive anti-corruption policy, instituting sweeping reforms and safeguards in every area of the union's finances, as well as initiating legal actions to recover money stolen from the union in past years.

It is for these reasons that I stand in recognition of the work and dedication Mr. C. Thomas Keegel has demonstrated to labor workers across this country and especially the International Brotherhood of Teamsters.

COMMEMORATING THE LIFE OF HATTIE McDANIEL

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. CUMMINGS. Mr. Speaker, I rise today to pay tribute to the life of Hattie McDaniel, a woman of firsts, whose career as an acclaimed singer and actress on film, television, and radio inspired and illuminated the lives of many. Her dynamic career afforded her the opportunity to break barriers in the entertainment industry, which allowed her to inevitably create a path for other gifted and aspiring African-Americans in the arts to travel.

Ms. McDaniel was born on June 10, 1895 in Wichita, KS, to Henry McDaniel, a Baptist minister and freed slave and Susan Holbert, a spiritual singer. She was raised in Denver, CO, and was the 13th child of the family. Realizing her talents at an early age, her father put her in the family performance troupe he organized and managed.

Her experience aided her in winning a medal in dramatic art at age 15. However, in 1910, she dropped out of school and gained employment as a band vocalist with Professor George Morrison's Negro Orchestra. She toured the country and in 1915 became the first African-American to sing on network radio in the United States.

Ms. McDaniel worked in minstrel vaudeville shows until the Depression. During this time, she moved to Milwaukee and worked as a domestic. In 1930, while working as a bathroom attendant, her vocal abilities were discovered by the club manager. Subsequently, she landed a job in the club singing for a year and never looked back.

In 1931, Ms. McDaniel moved to Hollywood in pursuit of a film career, a time in which many African-Americans were solely portrayed as domestics and servants. These roles were often deemed to be stereotypical and insulting in the African-American community. However, Ms. McDaniel did not share this belief, and instead of turning her back on the roles, she worked against the stereotype from within the system.

As a result, she was able to build a remarkable three-decade career comprised of over 300 movies, and was able to accomplish what many others would still consider unattainable. She was praised for many of her roles including the role of Queenie in Show Boat in 1936; however, her most memorable role and greatest achievement was through her portrayal of Mammy in Gone with the Wind in 1939.

Similar to the characters she played in other movies, she portrayed Mammy as a humble, submissive, and trusted servant that also possessed an assertive and chastising attitude. Her subservient yet stern demeanor gained her immense respect both on and off the camera. In fact, her clever and brilliant performance in Gone with the Wind led her to becoming the first African-American Best Supporting Actress nominee and winner at the 1940 Academy Awards. She became the first African-American guest to be invited to the ceremony and was also the first and last recipient of the prestigious honor for 25 years.

Unfortunately, Ms. McDaniel's accomplishments were not revered by everyone. Although heavily criticized by African-Americans, some whites were equally condemnatory. Many blacks protested at the movie premiere describing Mammy as a symbolic reminder of slavery. In fact, Ms. McDaniel had to make the painful decision not to attend the Gone with the Wind premiere in Atlanta because of the highly charged racist climate in the South at that time.

In response to critics of her career, she simply stated, "it's better to get $7,000 a week for playing a servant than $7 a week for being one." In fact, as her career progressed, Ms. McDaniel was able to broaden her career and shift into playing more dramatic, less stereotypical roles which encapsulated the depth of her talents.

Ms. McDaniel was also an advocate for racial equity and integration. When Whites tried to block her from moving into her Los Angeles home, she rallied her Black neighbors and they took the case to the Supreme Court and won. Additionally, she served as the chair of the African-American sector of the Hollywood Victory Committee, which provided entertainment for segregated black soldiers. She also organized fundraisers for African-American youth education.

In 1947, she was cast as a regular in The Beulah Show radio show. In 1951, The Beulah Show expanded to the small screen. Unfortunately, Ms. McDaniel appeared in only three episodes before she lost her battle with breast cancer and died in 1952.

Her dying wish was to be buried in the Hollywood Cemetery on Santa Monica Boulevard but because of her race, the owner at the time refused. However, in 1999, the new owner overturned the decision and asked that her remains be transferred to the cemetery. The family did not want to disturb her remains and respectfully declined. Nevertheless, the cemetery was dedicated to honoring her wish and as a result erected a cenotaph memorial on the lawn overlooking the lake in her memory.

Ms. McDaniel was a resilient, gifted, and witty figure in American history and her accomplishments are merely the testimonies of her diligence. She has two stars on the Hollywood Walk of Fame—one for her contributions to radio and one for her motion pictures contributions.

One of Hattie McDaniel's favorite and most famous sayings was, "Humble is the way." Although she had an admirable career, she had to travel an arduous path to attain it. However, through her humility and determination, she was able to carve her rightful place in American history. That is why I introduced legislation in the 108th Congress seeking to have her image memorialized on a postage stamp. As a result, on January 26, 2006, the Postal Service did indeed select to honor this great woman by making her the 29th image to appear on the Black Heritage commemorative stamp series. I also congratulate fellow Marylander, Ms. Ethel Kessler of Bethesda, for designing the stunning image on the stamp.

Mr. Speaker, though her spirit is gone with the wind, her legacy will always resonate through her artistic works and thus will continue to live on forever.

TRIBUTE TO THE SESQUICENTENNIAL OF ATASCOSA COUNTY

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor the sesquicentennial of Atascosa County, which is a county in the 28th district of Texas and was founded in 1856. This year marks the 150th anniversary of Atascosa's beginnings and we will kick off a year long celebration at the annual Tux and Boots Ball on Saturday, January 28, in Pleasanton, TX.

Mr. Speaker, Atascosa County is south of San Antonio on the Rio Grande Plain region of south central Texas. The first census taken in Atascosa County was in 1860 and counted 1,578 people. Today, Atascosa County's population is at more than 43,000 residents.

The earliest schools in Atascosa County were organized around the time of the Civil War. By 1914, there were 37 schools in the county. By the 1940s the school districts had begun to consolidate. The total number of persons over the age of 25 who had completed 4 years of high school rose from 1,300 in 1950 to 2,083 in 1960. In addition, the number of residents with some college rose from 395 in 1950 to 473 in 1960. By the year 2000, when the census counted 38,628 people living in Atascosa County, over 65 percent of residents age 25 and older had 4 years of high school. Agriculture, government services, and some light manufacturing are key elements of the area's economy. The largest communities in the county are Jourdanton, the county seat, and Pleasanton, the county's largest town. Other communities include Campbelton, Poteet, Lytle, Charlotte, Christine, Leming, McCoy, and Peggy. Some of the county's wonderful attractions include the Poteet Strawberry Festival, the Jourdanton Days Celebration, and the Cowboy Homecoming and Rodeo in Pleasanton. As we look back on the last 150 years with pride, we also look forward to a promising future for Atascosa.

Mr. Speaker, I am proud to honor Atascosa County on their 150th anniversary and all of their accomplishments.

IN RECOGNITION OF THE LAUNCHING OF THE CARIBBEAN SINGLE MARKET ECONOMY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. RANGEL. Mr. Speaker, I rise today to congratulate Caribbean leaders for their achievement of the Caribbean Single Market Economy and to enter into the RECORD a Caribnews editorial celebrating this milestone. The CSME—the initial phase of a historic regional economic integration project uniting 13 countries within the Caribbean—culminates a movement that was years in the making.

With the creation of this newest trade bloc that includes Barbados, Belize, Guyana, Jamaica, Suriname, Trinidad and Tobago, the countries have agreed to lift tariffs and allow all citizens to open businesses. In conjunction with Antigua, Dominica, Grenada, St. Kitts-Nevis, St. Lucia and St. Vincent and the Grenadines, the countries will also be able to provide services and move capital throughout the single market without restrictions. The implications of the CSME are sweeping, with plans advancing to replace national travel documents with a regional passport and the possibility of a common currency to be used by participating countries and a consolidation of economic policies.

The CSME is a fitting and progressive response to the evolving global environment characterized by disappearing borders. I have full faith that CSME will create a larger spectrum of opportunities for employment, investment, production and trade for the people of the Caribbean islands. The coming together of regional economies into one bloc will undisputedly give the countries strength in facing other trade blocs and superpowers across the negotiating tables.

Mr. Speaker, please join me again in congratulating the leaders of the participating' bean nations for forging ahead with the CSME and wishing them well in their next steps.

CARIBBEAN SINGLE MARKET: SEALED, SIGNED AND DELIVERED

"Sealed," stated one front-page newspaper headline in the Caribbean on Tuesday morning.

"Caribbean leaders sign on formal document," hailed another paper.

And a third publication completed the process when it made it clear that the pact had been "delivered."

In effect, the Caribbean Single Market, the long awaited important step towards deep economic and social integration had moved closer to completion when several CARICOM leaders signed on the dotted line on Monday, committing their countries to be bound by and live up to the provisions of the treaty establishing the CSME.

The signing took place, quite appropriately, on the Mona campus of the University of the West Indies, the quintessential Caribbean educational institution, and the occasion wasn't simply historic but vital if the countries of the region are to realize their full potential.

Admittedly, there were some unfortunate aspects of the ceremony. One of them was a hard fact of Caribbean life: at least one nation, the Bahamas, opted out all together while Haiti, a country in chaos with a dysfunctional interim government wasn't invited to the party. Another setback, of sorts, was the decision by the members of the Organization of Eastern Caribbean States to push back the deadline for their implementation of the CSM. Originally, the deadline was January 1, then it was moved to March and now we are being told that it would be the end of June. Don't be surprised if the OECS countries demand another extension.

The countries, which are moving ahead with the CSM, are Barbados, Belize, Guyana, Jamaica, Suriname and Trinidad and Tobago. Antigua, Dominica, Grenda, St. Kitts-Nevis, St. Lucia and St. Vincent and the Grenadines, the OECS nations are coming on board during the second half of the year.

The pact, a work in progress, calls for the removal of all barriers to trade in goods and services, limited freedom of movement by a handful of skilled people, such as UWI graduates, sports figures and journalists, the setting of a regional standard for goods being produced in or entering the region from other countries and recognition of Caribbean Court of Justice. Eventually, it could result in a common currency and the harmonization of economic policies.

What it wouldn't involve is a political union.

These desirable and important objectives should become a reality by 2008, the year when the CSME should become fully implemented. No one should under-estimate the complexity and the challenges the region faces as it moves forward.

Jamaica's Prime Minister, P.J. Patterson, underscored that point when he cautioned the leaders and others at the signing ceremony "formidable challenges still exist as we move boldly forward in the pursuit of closer regional collaboration within a global economy that is admittedly hostile to the interest of small island developing nations."

The problem for small states is that global competitiveness can undermine economic growth, slowdown social development and diminish competitiveness. As if those weren't bad enough, the mountains of red tape and the foot-dragging by some countries can reduce the CSM's effectiveness and appeal.

But there is little reason to despair.

When Caribbean Free Trade Agreement, CARIFTA, the forerunner of CARICOM and CSME, it started with three countries—Antigua, Barbados and Guyana. The list grew in later years. That's likely to happen with the CSME.

Secondly, the Caribbean Court of Justice is now a functioning judicial body. Yes, it's true that only Barbados and Guyana have so far accepted the CCJ as their court of last resort, relinquishing the necessity to turn to the Privy Council in London as the final arbiter. Again, foot-dragging is standing in the way of a broader court. Political considerations in Jamaica and Trinidad and Tobago have turned out to be roadblocks for expansion but that's not the case in the OECS.

A word about the OECS and its reasons for not signing the final acceptance on Monday. The members are pushing for the creation of a Caribbean Development Fund, which would help bridge the gap in finance, which the elimination of tariffs would create. That's a realistic situation, one that the larger economies have recognized and are trying to solve. The Fund must be established, no ifs, ands or buts.

Interestingly, Edwin Carrington, CARICOM's long-serving Secretary-General, in his speech on Monday borrowed from the lyrics of one of Bob Marley's most popular songs, "One Love," and invoked the memory of that great Caribbean icon when he insisted "Let's get together and feel alright, I say let's stay together and be all right."

We may be some distance away from achieving that togetherness but at the very least we are on the road to it becoming a fact of life.

CONGRATULATIONS TO THE FLOWER MOUND LIBRARY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize the Flower Mound Public Library for their receipt of the 2006 Alibris Collection Award.

The Alibris Collection Award is an annual grant of up to $3,000 worth of books to an academic, public, special, or K–12 library supporting specific collection development projects that advance the mission, priority areas, and goals of the selected library.

The purpose of the award is to help provide materials for libraries with replacement projects, retrospective collection development projects, or routine collection building needs.

The library tied for first place with the College State School Library in Anchorage, Alaska. Both schools were presented this award on January 22, 2006.

The library will be contributing the prize money to the—"Sit! Stay!! READ!!! Program." This program is designed to help kids with reading disabilities. Working in conjunction with Delta Society trained dogs, the program pairs children with a pet, which helps the children relax and improve their confidence. This creates a non-judgmental audience and thus a lighter stress load on the children allowing them to truly embrace and improve their skills.

I extend my sincere congratulations to the Flower Mound Public Library for their contributions to the community and youth education as well as their dedication to excellence. This truly original program deserves much applause.

SUPPORT FOR ANIMAL FIGHTING PROHIBITION ENFORCEMENT ACT

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. GALLEGLY. Mr Speaker, I rise to express my support for H.R. 817, the Animal Fighting Prohibition Enforcement Act. More than 150 local police and sheriff's departments have requested this legislation and I am pleased that the committee is considering it.

A few years ago, Congress enacted legislation to tighten Federal law and close some loopholes that allowed the barbaric practices of animal fighting to thrive nationwide, in spite of bans in virtually every State.

But Congress didn't finish the job. We left in place weak penalties that have proven ineffective. Misdemeanor penalties simply don't provide a meaningful deterrent. Those involved in animal fighting ventures—where thousands of dollars typically change hands in the associated gambling activity—consider misdemeanor penalties a "slap on the wrist" or merely a "cost of doing business." Moreover, we've heard from U.S. Attorneys that they are reluctant to pursue animal fighting cases with just a misdemeanor penalty.

In recent years, we have seen a marked rise in the frequency of animal fighting arrests in communities across the country. Local police and sheriffs are increasingly concerned about animal fighting, not only because of the animal cruelty involved, but also because of the other crimes that often go hand-in-hand, including illegal gambling, drug traffic, and acts of human violence.

In addition, there are concerns cockfighters spread diseases that jeopardize poultry flocks and even public health. We in California experienced this first-hand, when cockfighters spread exotic Newcastle disease, which was so devastating to many of our poultry producers in 2002 and 2003. That outbreak cost U.S. taxpayers "nearly $200 million to eradicate, and cost the U.S. poultry industry many millions more in lost export markets," according to Agriculture Secretary Ann Veneman.

It is time Congress finishes the job and helps State and local law enforcement officials who have requested stronger Federal laws to rid animal fighting from communities that do not want it.

TRIBUTE TO THE PAISANO 25TH ANNIVERSARY

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. GONZALEZ. Mr. Speaker, I rise today to recognize the 25th anniversary of the Paisano, the student newspaper at the University of Texas at San Antonio, UTSA. The Paisano is the oldest independent student newspaper in the State of Texas. In January 1981, the first issues of the Paisano were distributed to the UTSA community. A quarter of a century later, the Paisano often publishes 7,000 to 10,000 issues a week for the downtown and 1604 campuses.

Because UTSA is a young school, student enterprises like the Paisano were important in creating a sense of community. Other schools have longer histories but few have more school pride. Students know that the Paisano is their forum to celebrate their college years and examine their community and world.

Put simply, students run the paper. They write the stories, sell the advertising, and create budgets for the paper. But they receive neither college credit nor compensation from the university for their efforts. Yet, the invaluable experience of running a business has compensated them far more than a paycheck ever could.

Through the Paisano Educational Trust, dedicated students, faculty, and staff publish the Paisano. All overhead for the paper's publication, including rent, equipment, utilities, and printing costs are funded through advertising revenues. Countless hours of student work have kept this paper operating.

Many of the former student staff now serve San Antonio and south Texas in numerous capacities. They are school teachers, writers, journalists, editors, accountants, lawyers, website creators, hotel managers, and environmental researchers. Over these last 25 years, they have helped transform San Antonio into the vibrant city poised for greater things on the verge of the 21st century.

The Founders knew that a free press was essential to democracy as a medium for free expression. The Paisano allows students to voice their concerns and to articulate their disparate experiences. This newspaper has provided a forum for students to participate in the give-and-take exchange of ideas vital to an academic institution and our society.

As UTSA continues its transformation into a flagship university, I expect that the Paisano will continue to reflect the richness and diversity of the student body and South Texas. Today, I celebrate their first 25 years and wish them many more.

TRIBUTE TO MR. JIM BEATTY

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor the contributions and life-time achievements of Mr. Jim Beatty. He is an outstanding member of his community who has shown dedication through his endless service and volunteer efforts.

After graduating from Adams State College in Alamosa, CO, he served in the Air Force as an intelligence officer during the Korean war. Following his service in the military, Mr. Beatty used the G.I. bill to attend law school at the University of Colorado.

Soon after receiving his law degree, Mr. Beatty became senior partner at the Fisher & Beatty law office. Mr. Beatty also became very involved in the Fort Collins community. He was a member of the Fort Collins Junior Chamber of Commerce and, at age 35, was youngest president of the Rotary Club. He was also actively involved in the Fort Collins PTA and coached Little League. Mr. Beatty frequently volunteered his legal services to local service clubs and organizations.

Mr. Beatty has been actively involved in State and local politics. In the 1960's and 1970's, he served as a precinct committee person and successfully motivated every Republican in his precinct to vote.

In 1980, Mr. Beatty was elected to the Colorado State Senate, where he served until 1988. During his time in the State Senate, Mr. Beatty proved himself to be an intelligent and very effective legislator. He served as chair or vice-chair of eight legislative committees, including the Judiciary, Finance, Legal Affairs, Appropriations, and Joint Budget committees.

Mr. Speaker, I am honored to represent Mr. Beatty in Congress and I am very grateful for his unselfish and prolific service to his community. I urge my colleagues to join me in recognizing the many contributions and achievements of Mr. Jim Beatty.

50TH ANNIVERSARY OF MAEDGEN ELEMENTARY SCHOOL

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. NEUGEBAUER. Mr. Speaker, I would like to take this opportunity to bring an important anniversary to my colleagues' attention. My elementary school, Maedgen Elementary School, in Lubbock, TX, is celebrating its 50th anniversary this year. Maedgen first opened in the spring of 1955 and has been educating Lubbock's youngest citizens ever since. The school was named in honor of Charles Ernest Maedgen—1882–1964—an early resident of Lubbock who had a strong interest in the community and in education.

I am proud to be a Maedgen alumnus and am looking forward to attending the anniversary commemoration on February 24, 2006. I have many fond memories of my elementary school years. Mrs. Dunn, my first grade teacher, had a big influence on my life. I particularly remember a chart she placed in the front of the classroom to teach reading. Mrs. Dunn, using that chart, unlocked the world of reading for me. I also have memories of Mr. Ford, my principal. Some days I think I spent as much time in his office as he did

Many things have changed in our world and in education over the past 50 years. Teaching methods have changed, and technology that we never could have imagined 50 years ago now plays a big role in students' education. For example, computers, instead of charts, are used to teach reading now. I am pleased that Maedgen Elementary School is still serving the Lubbock community by teaching our children and giving them the tools to build a successful life. Congratulations to all who have worked over the past 50 years teaching and serving Lubbock children at Maedgen, and best wishes for much success to all future students, teachers and administrators.

SALUTING JAMES P. HOFFA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to salute James P. Hoffa, president of the International Brotherhood of Teamsters. Mr. Hoffa has spent the past 47 years in diligent and loyal service to the Teamsters Union and workers across the country.

Sworn in at the age of 18 by his father, James has been a member of the Teamsters Union since 1959. He learned early in his life the importance of workers' rights as he joined his father on picket lines as a young boy.

Since taking office in March of 1999, Mr. Hoffa has been rebuilding the International Brotherhood of Teamsters. During his tenure as President, union membership has increased and the budget has been balanced for the first time in nearly a decade.

The Teamsters have also increased their global outreach, creating a new office of global strategies to focus resources on building alliances with workers from around the world, and by holding meetings of the International Transportation Workers Federation, ITF, with union leaders representing 624 transport unions that consist of 4.5 million workers from 142 countries.

Most recently, Mr. Hoffa faced intense challenges while the union family chose to take different directions for its future. It is my hope that these changes will be positive for the Teamsters and provide Mr. Hoffa with a continued opportunity to lead.

It is for these reasons that I stand to recognize the work and dedication of Mr. James Hoffa, and his commitment to workers and the International Brotherhood of Teamsters.

PRESIDENT CHEN'S LUNAR NEW YEAR'S DAY REMARKS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. TOWNS. Mr. Speaker, in his Lunar New Year's Day remarks to the nation, Taiwan President Chen Shui-bian expressed his concern over Taiwan's lack of representation in major international organizations and the Taiwanese people's need to revisit the issue of national unification with China.

Taiwan has tried to rejoin the United Nations and the World Health Organization but its efforts have been blocked by China and its diplomatic allies year after year. To break out of China's diplomatic suppression of Taiwan, President Chen was wondering if Taiwan should apply for membership in the United Nations under a new name, "Taiwan."

Apart from Taiwan's lack of international presence, Taiwanese people have developed a strong feeling that the balance of power in the Taiwan Strait has shifted to China's favor. Last spring, China passed its antisecession law codifying the use of force against Taiwan. In recent years, China's military build-up along the coast of Taiwan has engendered suspicion and deep distrust of China's intentions toward Taiwan.

The Taiwanese people fear a military confrontation in the Taiwan Strait. It is therefore not surprising that their president would voice their apprehensions in his Lunar New Year's Day remarks. President Chen was wondering aloud if Taiwan should consider abolishing the National Unification Commission and the Guidelines for National Unification in view of China's repeated hostile actions taken against Taiwan. At the moment, this issue is being studied by Taiwan's National Security Council. President Chen must seek to explore venues, other than the National Unification Commission and the Guidelines for National Unification, to safeguard Taiwan's future.

To help ease Taiwanese apprehension, we, as friends of Taiwan, must ask President Bush to assure the people of Taiwan that America will adhere to its commitments to Taiwan under the Taiwan Relations Act and that America would defend Taiwan if China were to invade Taiwan. Also, I think it is worthwhile for President Bush to further express America's strong concern over China's passage of the antisecession legislation. The enactment of the law has in effect changed the status quo in the Taiwan Strait, thereby threatening the stability of the region.

Once again, President Bush should openly inform Chinese leaders that the future of Taiwan must be solved through peaceful means and with the consent of the people of Taiwan. Last but not least, President Bush should encourage Chinese leaders to resume a meaningful dialogue with Taiwan President Chen Shui-bian over cross-strait issues under the principles of sovereignty, democracy, peace and parity.

Mr. Speaker, Taiwan President Chen Shui-bian has not reneged on his inaugural pledges to his people. In the last 6 years he has not declared independence for Taiwan. He would like Chinese leaders to openly pledge to the world that China would not use force against Taiwan either now or in the future—a statement that we here in the Congress would welcome as well.

TRIBUTE TO COACH GENE BESS

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mrs. EMERSON. Mr. Speaker, I rise today to honor the accomplishment of Three Rivers Community College basketball coach Gene Bess. Coach Bess is a fixture of the southern Missouri community of Poplar Bluff and a legend of college basketball coaching. This season, he will accomplish a tremendous feat for a coach in any sport at any level: Coach Bess will win his 1,000th game.

Three Rivers Community College is lucky to have a great coach—a model of perseverance and service. In Coach Bess, the Three Rivers Raiders have a mentor, a leader, and a friend to coach them both on and off the court. For southern Missouri, Coach Bess is more than an expert on basketball and leadership—he is a student of the game of life. He is also a reminder that accomplishing our goals requires planning, hard work and plenty of sacrifice. After notching 1,000 wins, Coach Bess has also become an expert on sportsmanship. His players are instructed in the art of fair play right along with the other fundamentals of the game.

Most remarkable about Coach Bess to me and to many is that the basketball team is not the first priority in his life. He is proud of the fact that his faith and his family always come before his work. This is just one secret of his success.

But today I join with Coach Bess's family, his friends, his colleagues at Three Rivers, the hundreds of young men who have played on his teams, and the proud fans of the Eighth Congressional District to congratulate Coach Bess on achieving a rare milestone. In his long tenure as coach of the Three Rivers Raiders, Coach Bess has never had a losing season. His 1,000th victory marks a record that is unsurpassed at any level.

We are proud of this tradition, proud of this record, and most proud of Coach Bess.

IN HONOR OF BETTY FRIEDAN

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in support of the resolution introduced by Congresswoman SOLIS to honor the late Betty Friedan, an influential and inspirational feminist pioneer, author, and leader who passed away on February 4. Throughout her life, Ms. Friedan fought for gender equality and social justice.

Ms. Friedan was born on February 4, 1921, in Peoria, IL. She graduated summa cum laude from Smith College in 1942 and did graduate work in psychology at the University of California at Berkeley. Ms. Friedan is best known for her 1963 book The Feminine Mystique, a groundbreaking work, which exposed for the first time the contradiction between expectations for women and the reality they were living. This best-seller challenged the prevalent assumption that women's interests were limited to housework and child rearing and called for greater opportunities for women in the workplace. The Feminine Mystique is viewed as one of the primary triggers of the second wave of feminism.

Betty Friedan played a significant role in the women's movement of the late 1960s and 1970s. In 1966, she co-founded the National Organization for Women, NOW, which remains one of our country's largest feminist organizations, and served as NOW's first president from 1966 to 1970. Ms. Friedan tirelessly advocated for equal treatment for women. She was a powerful voice for a multitude of reforms ranging from laws against sex discrimination to equal pay for equal work. Under her leadership, in 1968, NOW became the first organization to announce support for legalization of a woman's right to choose.

Women and men have benefited from the bravery and leadership of Betty Friedan. The Feminine Mystique continues to be read in college classrooms around the country, inspiring young people to continue Ms. Friedan's pursuit of equality.

It is with great sadness that I send my deepest condolences to the Friedan family. Ms. Friedan's lasting contributions to women's rights and social justice will always be remembered. Let us honor Ms. Friedan's memory by committing ourselves to promoting equality for all Americans.

Mr. Speaker, please join me in paying tribute to the life of Ms. Betty Friedan.

GREAT LAKES INVASIVE SPECIES CONTROL ACT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. KIRK. Mr. Speaker, today I introduced a bill to require all vessels, including those with no ballast water on board (NOBOBs), to undergo ballast water exchange before entering the Great Lakes.

Invasive species pose a dangerous threat to the Great Lakes. These creatures can cause irreparable ecological and economic damage to a variety of locations and industries. Although no federal agency accumulates such statistics comprehensively, an estimate by the American Association for the Advancement of Science put damage to the U.S. economy at $123 billion annually. We must do better to prevent the introduction of invasives into the Great Lakes environment.

One method by which these species enter the Great Lakes is through ballast water tanks. Current law requires ships carrying ballast water to undergo ballast water exchange to flush out invasive species before entering the Great Lakes from another port. However, 90 percent of all ships entering the Great Lakes have no ballast water on board. These NOBOBs are not subject to the same ballast water exchange laws, even though they still have ballast tanks. Invasive species often survive in the sediment at the bottom of these tanks. When these ships operate in the Great Lakes, they may add and then pump out new ballast water before leaving. This mixes with residual ballast water and sediments, and provides an unregulated pathway for the introduction of new invasive species when the ballast water is released.

In other words, the contamination begins.

We must not leave 90 percent of ships entering the Great Lakes untreated. This bipartisan legislation requires all ships with ballast tanks, including NOBOBs, to undergo ballast water exchange. In addition, the bill commissions a study of the effectiveness and environmental soundness of other ballast treatment options. The language fixes a current problem and works towards an even stronger solution for the future.

Mr. Speaker, this legislation, while small, has enormous consequences for the health and safety of one of our national treasures. I am proud to introduce this ballast water legislation to significantly reduce the infiltration of invasive species into the Great Lakes.

NATIONAL PHYSICAL EDUCATION AND SPORTS WEEK

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. UDALL of Colorado. Mr. Speaker, as obesity and the associated health risks continue to increase in America's youth, it is important to encourage children to participate in physical activity.

To help spread this message, today I am introducing with Congressman ZACH WAMP of Tennessee, a resolution urging the declaration of a National Physical Education and Sports Week and National Physical Fitness and Sports Month.

This resolution notes the increase in childhood obesity along with the negative consequences of extremely overweight and obese people including a decrease in the average life span and rising health care costs stemming from obesity related illness. It also includes findings from the United States Surgeon documenting that regular physical activity is associated with improved health-related quality of life. It resolves the sense of the House of Representatives regarding "National Physical Education and Sports Week" and "National Physical Fitness and Sports Month."

Research shows that sound physical education programs can help students learn healthy habits for life. Through regular exercise and information on proper nutrition, children can develop habits for maintaining a healthy weight into adulthood. We must encourage our children to adopt healthier lifestyles because America's children are experiencing obesity in growing numbers, and data continues to highlight the link between obesity and diabetes, heart disease and other life-threatening medical conditions.

"National Physical Education and Sports Week" and "National Physical Fitness and Sports Month" would remind citizens of the importance of maintaining a consistent exercise program and healthy lifestyle.

I urge the support of this resolution and look forward to its consideration.

TRIBUTE TO GEORGE DUNKLIN, SR.

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. BERRY. Mr. Speaker, I rise here today to pay tribute to one of my father's great friends, Mr. George Dunklin, Sr., who is a true leader in Arkansas' agriculture community. With more than 60 years of work in the cottonseed oil and fertilizer industries, George Dunklin, Sr. is one of the state's most gifted businessmen.

As the former President of the most successful cottonseed oil mill in the country, George Dunklin, Sr. knows how to run a successful business. From the day his father bought the Planters Cotton Oil mill in 1935, to his days as President of the cooperative, George Dunklin Sr. has worked hard to transform the cottonseed industry. He spent 66 years building a profitable enterprise, and left a lasting mark on MidSouth agriculture.

Years of hard work earned George Dunklin Sr. distinguished positions as the President of the National Cottonseed Association in 1975, a member of the Cotton Advisory Committee to the Secretary of Agriculture, President of the Mississippi Valley Oilseed Processors Association, and recipient of the 1990 Harvey W. McGeorge Award for Distinguished Service to Agriculture. But George Dunklin, Sr.'s talents did not stop there. He was even elected to the Arkansas Sports Hall of Fame in 1991 for his accomplishments in tennis.

George Dunklin has been married to the former Mary Elisabeth Black of DeWitt, Arkansas for 57 years and is the father of two children, Deborah Tipton of Memphis and George Dunklin, Jr. of DeWitt. He and his wife have five grandchildren, Megan Dunklin, Robert Tipton, Mary Tipton, Hillary Dunklin and Lauren Dunklin.

On February 21, 2006, our community will meet in Pine Bluff, Arkansas to honor George Dunklin, Sr. for his remarkable contributions to Arkansas agriculture. I ask my colleagues in Congress to join me in congratulating him on this occasion and thanking him for over half a century of dedicated service, as a great friend, and a great American.

TRIBUTE TO DR. TOM BLACKWELL

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mrs. MYRICK. Mr. Speaker, I rise today to acknowledge the great work of one of my constituents, Dr. Tom Blackwell. Dr. Blackwell is a credit to the medical community in Charlotte, North Carolina, where he serves as an emergency room physician and EMS specialist at Carolinas Medical Center.

In early September, Dr. Blackwell and his team took their hospital on wheels—Carolinas MED–1—to Waveland, Mississippi to care for sick and injured Hurricane Katrina victims.

This mobile medical unit is a one-of-a-kind creation, originally devised by Dr. Blackwell to respond to terror attacks and other national disasters. Its two tractor trailers transform into a 14-bed hospital with operating facilities, radiology, and pharmacy support.

More than 350 doctors, nurses, and other North Carolina medical professionals spent about 2 months in Mississippi—caring for nearly 5,000 patients in a debris-strewn K-mart parking lot. They bravely dealt with life-threatening injuries and other medical needs—from attending to heart attack patients to delivering babies.

Our mobile hospital workers were praised for their effectiveness in the Final Report of the Committee to Investigate the Response to Hurricane Katrina, released on February 15, 2006. Charlotteans and Carolinians alike can be very proud of their neighbors who participated in MED–1's mission to the Gulf Coast, and I thank them for their outstanding service to fellow Americans in need.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. OWENS. Mr. Speaker, I was absent on Tuesday, February 14, 2006, due to unavoidable circumstances in my Congressional District. Had I been present, I would have voted: Yea to H. Con. Res. 322—Expressing the Sense of Congress regarding the contribution of the USO to the morale and welfare of our servicemen and women of our armed forces and their families; and Yea to S. 1989—the Holly A. Charette Post Office Designation Act.

IN RECOGNITION OF MR. FREDDIE HART

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to Mr. Freddie Hart, a well known Alabamian who will soon have a street dedicated to him in his honor on Friday, February 17, 2006.

Mr. Hart was born Fred Segrest on December 21, 1926 to sharecropper parents in Lochapoka, Alabama. He was later raised in Phenix City, Alabama. He taught himself to play the guitar at the age of five and only finished school past the second grade. He later pursued his musical interests by getting involved in bands, and landed his first recording contract with Capitol Records. In 1959, his first hit recording was "The Wall." In 1971, his song "Easy Lovin" went to number one on the charts, won two Grammys, and was named "Song of the Year" for 1971 and 1972 by The Country Music Association. In 1991, he was awarded the Governor's Achievement Award, and in 2001 was inducted in the Alabama Music Hall of Fame.

I am delighted Mr. Hart will soon be honored with this important recognition, and congratulate him for his many accomplishments. It is my honor to pay tribute to Mr. Hart today in the House, and wish him many more years of success.

HONORING THE UTAHNS COMPETING IN THE 2006 WINTER OLYMPIC GAMES

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. MATHESON. Mr. Speaker, all Utahns have watched with pride and anticipation as the U.S. Olympic team began competing at the Torino Winter Olympic Games this month. I am especially proud of the Utah athletes on the team.

They are Alpine skiers Steve Nyman, Ted Ligety, and Erik Schlopy; Nordic skiers Brett and Eric Camerota, Carl Swenson and Wendy Wagner; Ski jumper Anders Johnson; Freestyler Joe Pack; Bobsled members Shauna Rohbock, Steve Holcomb and Bill Schuffenhauer; and Luge team member Preston Griffall.

Utah is home to a long and distinguished tradition of winter sports. Names like Alf Engen and Stein Erikson are two of the winter sports icons that have helped make Utah synonymous with skiing.

When Utah welcomed the world to the 2002 Winter Olympic Games, we showcased the greatest snow on earth and the finest hospitality. By building world-class winter sports venues, such as the Kearns Skating Oval and the Bear Hollow Bobsled and Luge track and Nordic ski jumps, Utah also became a vital link in our country's support and training system for young athletes.

It has been said—and rightly so—that the Olympic Games are all about the athletes—about the gifted and dedicated men and women who display the drive, the courage and the integrity to represent America on the world athletic stage. With so much tension and trouble around the world today, it is heartening to see the best and the brightest from 80 nations coming together in peaceful competition, celebrating each other's culture and contribution to their sport.

I would like to salute all the athletes, especially my fellow Utahns, who bring us this inspiring and heart-warming interval from the beauty of winter.

HONORING STEVE MESLER, U.S. BOBSLED OLYMPIAN FROM BUFFALO, NY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to recognize 2006 Winter Olympian Steve Mesler. Steve, originally from the West Side of Buffalo, is to compete in the four man bobsled race Friday, February 25. This will be his first time competing in the Winter Olympics, as he served as an alternate in the 2002 games.

Steve Mesler is truly a scholar-athlete. Born and raised in Buffalo, he graduated from City Honors High School in 1996 after participating in four consecutive city track and field championships. He also received the Buffalo Bills Academic/Community Service/Athletic Scholarship. Steve attended the University of Florida with a track and field scholarship. He graduated from the University of Florida, where he is still ranked six all-time among University of Florida decathletes with 6,817 points, with honors for a degree in Exercise and Sports Science.

After ending his track and field career in 2001, Steve traveled to San Diego for bobsled training camp. Although he was new to the sport he learned quickly. Four months after beginning the sport he was selected to travel with the 2002 men's Olympic Bobsled team to Salt Lake City, Utah as an alternate. Steve won his first World Cup medal in 2002–2003 season.

The men's bobsled competition consists of four runs, two runs per day for two days timed to hundredth of a second. The final standings are determined by the total time over the four runs; the winner is the sled with the lowest time. As a part of the nine man Olympic bobsled team, Steve Mesler is expected to push for Todd Hays, the 2002 Olympic silver medalist. Steve has much courage and determination—he and his team have come back from their four man sled crash at the November 2005 World Cup in Lake Placid, NY.

Steve is truly a member of the City of Good Neighbors. He describes himself as a kid from Buffalo having grown up playing street hockey and soccer. He is a die-hard Buffalo Bills fan; his favorite bill was Thurman Thomas, and his family partakes in Buffalo traditions such as tailgating—even when temperatures reach as low as 30 degrees.

The 2006 men's Olympic bobsled team is expected to bring home a medal, and I am proud to have Steve Mesler represent my district, my state, and our country at the 20th Olympic Winter Games in Torino, Italy.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Ms. WOOLSEY. Mr. Speaker, I was unavoidably detained yesterday and missed Rollcall votes #10 and #11. Had I been present, I would have voted "yea" on Rollcall vote #10 and "yea" on Rollcall vote #11.

SENSE OF CONGRESS REGARDING PALESTINIAN AUTHORITY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. WAXMAN. Mr. Speaker, this resolution is an important first step to cut off direct aid to the Palestinian Authority now that Hamas will be in power. However, it is only one component of the dramatic overhaul that needs to take place as we redefine our relationship with the new Palestinian government.

Responsible for attacks that have murdered hundreds and injured thousands, Hamas is first and foremost a terrorist organization. Its fund raising and training operations run through the same shadowy networks as Al-Qaeda and Hezbollah. Its philosophy and practice are grounded in the spread of extremist hatred, anti-Semitism and violence.

The United States must set a strong example and be firm in urging the international community to join us in cutting off all funding and diplomatic contacts with the Palestinian Authority once Hamas takes control.

The Palestinian election may have been conducted in a free and fair manner, but it does not make the Hamas victory any more legitimate. Until it disarms, renounces violence, and recognizes Israel's right to exist, the group should continue to be dealt with as a rogue entity.

There is no room for ambiguity. Governments that wage the global war on terrorism should not be propping up a terrorist regime. International organizations that believe in the peace process should not be financing a Palestinian leadership bent on Israel's destruction. Nations that disavow anti-Semitism should not be providing assistance that would give an even greater pulpit for Hamas to spew its hatred.

It is alarming that despite these realities President Putin and others have made overtures to Hamas leaders. There should be no distinction between terrorists in Chechnya who target Russian school children and those from the West Bank and Gaza who blow up Israeli pizza stores and public buses. Equivocation only emboldens their use of such heinous tactics.

If there is hope of pressuring Hamas to change, the world must unite behind a clear message: We will not support a terrorist-state, but stand ready to assist when and if a Palestinian government emerges that is ready, willing and able to embrace a peaceful future.

INTRODUCTION OF LEGISLATION REGARDING THE LABELING OF INDOOR TANNING DEVICES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mrs. MALONEY. Mr. Speaker, the American people are not aware that indoor tanning is dangerous. While many people understand that tanning outside is harmful, they mistakenly believe that tanning in a salon is a safe alternative to sunbathing. It's time we examined the labeling requirements for tanning devices. Today I, along with my colleague from Florida, Representative GINNY BROWN-WAITE, introduce the Tanning Accountability and Notification Act, which would require the FDA to determine whether the current labeling of indoor tanning devices communicates sufficient information about the risks indoor tanning devices pose for the development of irreversible skin damage, including skin cancer.

According to a 2005 survey conducted by the American Academy of Dermatology (AAD), in their quest for a sunless tan, almost 30 million Americans visit indoor tanning salons each year. Of these 70% are women between the ages of 16 and 49. The dermatologists have concluded that indoor tanning is not safe. One of the reported side effects of indoor tanning is an elevated risk of skin cancer. According to the AAD, regular tanning bed use was associated with a 55% increase in the risk of developing melanoma, especially in women between the ages of 20 and 29. FDA and numerous leading United States' and international health care organizations have expressed concerns that the consuming public is not aware that indoor tanning devices emit ultraviolet radiation that is similar to and sometimes more powerful than UV radiation emitted by the sun. This legislation will ensure Americans make informed choices about preserving the health of their skin.

TAIWAN: LUNAR NEW YEAR

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. GINGREY. Mr. Speaker, last Spring the People's Republic of China passed an anti-secession law targeting the Republic of China on Taiwan. This law gives Communist leaders the right to use force against Taiwan if they suspect separatist activities. In addition to the enactment of the anti-secession law, Communist China's rapid military build-up has brought substantial concern to the Taiwanese people. With 700 Communist missiles posted along the coast of Taiwan, mainland China makes a bold statement that military action is a viable possibility. In response to China's unilateral change of the status quo in the Taiwan Strait, it is my understanding that President Chen has expressed concern about Taiwan's future in his Lunar New Year's Day remarks.

If China really wants to unify Taiwan, it is my hope that they will listen to the advice of President Chen who requests mainland China to relinquish the use of force, listen to the people of Taiwan, and stop obstructing Taiwan from participating in international organizations like the United Nations and the World Health Organization. It is also my understanding that President Chen has, on many occasions, stated that the development of cross-strait relations must conform to the principles of sovereignty, democracy, peace and prosperity. China has no right by the principle of self-determination to change the status quo either through the anti-secession law or military intimidation. Like President Chen, I believe Taiwan's future must be made by the free will of the 23 million residents of Taiwan.

Taiwan is a free and democratic nation and deserves to be treated properly and with respect from the international community. Exclusion from the United Nations has deprived Taiwan its international identity. The Republic of China on Taiwan is content on returning to the international community and it is speculated that President Chen might even reapply to the United Nations under the new name of "Taiwan."

It is my understanding that in the last six years, President Chen has not broken any of his pledges and has, in turn, offered many goodwill gestures to the People's Republic of China. I believe President Chen's remarks deserve our undivided attention and consideration.

Maintaining the status quo is currently the peaceful alternative and it is my understanding that President Chen once again reaffirmed his 2000 inaugural pledge to maintain status quo with mainland China, not declare independence, not change the name of the government, or add any other language to the Republic of China's Constitution that promotes an independence referendum.

Mr. Speaker, I ask my colleagues to support peace in the region and hope that the People's Republic of China will reciprocate President Chen's goodwill by renouncing the use of force against Taiwan. However, should the need arise, we must not forget our responsibilities under the Taiwan Relations Act to make sure the Republic of China on Taiwan has the military capability to defend itself and assert its free voice to the international community.

HONORING GABRIEL AND SARA MATOS

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I rise today in recognition of Gabriel and Sara Matos, for their dedication to citizen activism and crime prevention. Mr. and Mrs. Matos have been dedicated to preventing crime and protecting their community for many years, and have worked to encourage and spread citizen activism through their efforts.

On September 30, 2005, Mr. and Mrs. Matos were recognized for their dedication as recipients of the Citizens Crime Watch of Miami-Dade County's top award, the "Miami-Dade County Citizens' Crime Watch Chairperson of the Year." Their hard work through this organization has protected the community by allowing them to work closely with law enforcement and politicians on zoning and crime issues.

The couple have been leaders of the Concerned Citizens of West Dade, Inc. since they created it nearly fifteen years ago. They were instrumental in the adoption of an anti-graffiti ordinance, and as chairpersons of their neighborhood crime watch, have helped to keep their neighborhood safe, as well as motivating other neighborhoods in their community to set up Crime Watch groups.

I congratulate Gabriel and Sara Matos, and on behalf of the residents of Miami-Dade County, I thank them for their dedication to their community.

RECOGNITION OF LANCE CORPORAL JONATHAN KYLE PRICE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of Lance Corporal Jonathan Kyle Price who was recently killed in action fighting for freedom in Ramadi, Iraq.

Lance Cpl Price was a 19 year-old from Woodlawn, Illinois and was assigned to the 3rd Battalion, 10th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, N.C. He graduated from Woodlawn High School in Woodlawn, Ill.

Price paid the ultimate sacrifice for his country. He is survived by his mother and stepfather, Cheryl Price Hunsell and John Hunsell of Woodlawn; his father, David Price of Indianapolis, Ind.; a brother, John R. Hunsell of Woodlawn; two sisters, Krystal Martin and husband Eric of St. Louis and Rachel Hunsell of Woodlawn; his fiancee, Brea Tate of Mt. Vernon and many other family, friends and loved ones. I am proud of the service this young man gave to his country and the service his fellow troops perform everyday. Not enough can be said about Lance Cpl Price. It is soldiers like him that are risking their lives day in and day out to ensure our freedom here at home and to others throughout the rest of the world. I salute him and my best wishes go out to his family and all the troops fighting to ensure freedom and democracy. God bless them and may God continue to bless America.

TRIBUTE TO MAYOR RICK ALLEN

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to pay tribute to a great American, a dedicated Oregonian, an avid Oregon Duck fan, and a good friend of mine, Mayor Rick Allen. Throughout his career, Mayor Allen has played a significant role in shaping the City of Madras, while paving the way for future development and growth. Today, we thank him for his years of public service and recognize the numerous contributions he's made during his tenure in office.

Mr. Speaker, following graduation from Madras High School in 1975, Rick took over as the manager of the local bowling ally. It was there that he began learning the ways of the business world. His hard work at the bowling alley gave him the experience and knowledge that led him to his next business endeavor as the manager of the Tiger Mart. It didn't take long until Rick had purchased Tiger Mart and turned it into a thriving gas station and mini mart. Soon, he'd be on to even bigger and better endeavors.

First elected in 1982, at the young age of 25, Rick embarked into the world of politics as a member of the Madras City Council. His business savvy brought efficiency and effectiveness to his elected post and to the operation of local government. Rick served 6 years as a member of the city council, and served as the mayor for the last 2 years. Following his service on the city council, Mayor Allen went on to serve 8 years as a Jefferson County Commissioner, continuing his role of public stewardship.

Mr. Speaker, following a brief departure from elected office, Rick's dedication and devotion to his community called him back for a second tour of duty. In 2000, the City of Madras faced great uncertainty with alleged scandals and wrongdoings within the city government. During these tumultuous times, Rick recognized the need for stability and consistent leadership, which encouraged and inspired him to mount a write-in candidacy to once again return to serve as the Mayor of Madras. He was overwhelmingly elected in 2001, securing 80 percent of the vote and upon election immediately went to work to rebuild and restore trust within the community.

Mr. Speaker, those who know Rick best will tell you that he's not one to back down from a challenge and he's not afraid to make an unpopular decision if he believes it is best for the community. During his tenure, Rick tackled challenges and controversy head on. He was a visionary for growth, led the charge for expansion, and has been a champion for economic development in the region. Under his leadership, the city acquired industrial land near the airport while making significant improvements and enhancements to the airport property. Rick has been a strong advocate for recreation and rafters who float along the lower Deschutes River. He was a key player in East Madras Development Project, which will establish 1,700 new homes, an 18-hole golf course, over 60 acres of open space, and 20 acres set aside for the local schools.

Mr. Speaker, these illustrate just a few of Mayor Allen's accomplishments during a long and distinguished career. I ask that my fellow colleagues join me in congratulating this extraordinary man and great American. For years to come the region will flourish and residents will benefit from the foundation and vision that Mayor Allen has pursued. I wish Rick the best in future endeavors, and personally, I would like to thank him for all he's done for the people of Jefferson County, the Second Congressional District, and the great state of Oregon.

TRIBUTE TO CLOYCE DICKERSON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me today in congratulating Cloyce Dickerson as he receives the Walter Reuther Award from UAW Local 659. Cloyce will be honored at a reception on Sunday by the membership of the Local.

The Walter Reuther Award is given to UAW members, public officials and community leaders, in acknowledgement of their contributions to the advancement of working people and their families. 41 years ago Cloyce Dickerson began his career with General Motors Chevrolet Manufacturing Plant and started his lifelong commitment to improving conditions for his fellow workers.

He was employed with Chevrolet as a skilled tradesman and a Building Repairman. He worked for the UAW in the capacities of Alternate Committeeman, UAW/CAP Council Member, Jobs Bank Coordinator, Attendance Coordinator, EAP Coordinator-International Appointment, Health and Safety Representative-International Appointment, Quality Network Representative-International Appointment, served on Person to Person Committee, the Joint Council, and was chair of the UAW Black Caucus.

In addition he also was a founding member of the North End "GOTV" Headquarters, a member of Christ Fellowship Missionary Baptist Church, former Vice-President and life member of the NAACP–Flint Branch, a board member of Big Brother/Big Sisters, works with Boys and Girls Club, and the Democratic Black Caucus. As the father of six and the grandfather of nine, Cloyce understands the importance of instilling community values in our youth and was recently honored by the Flint Human Relations Commission with the Service to Youth Award.

Cloyce was inducted into the Afro-American Hall of Fame in 1998. In 2005 the Bruin Club of Flint gave him the Athletic Alumni Award because of his athletic prowess during his high school and college years. Cloyce was an All Conference and All State honoree basketball player during his years attending Central High School. Attending Mott Community College, Cloyce was on the school's 1964 Regional Championship Basketball team.

Mr. Speaker, may the members of the House of Representatives join me in honoring a remarkable, committed, compassionate man, Cloyce Dickerson, and he is recognized for his lifelong contributions to the UAW and its members.

GIRL SCOUTS OF NASSAU COUNTY FOCUS ON THE IMPORTANCE OF GOOD SELF IMAGE FOR GIRLS

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mrs. MCCARTHY. Mr. Speaker, I am proud to recognize the Girl Scouts of Nassau County for their work to promote health and self-esteem, to build courage, confidence and character in girls and young women.

The Girl Scouts provide an extremely important service, always working to find new ways to address the key issues facing girls and young women. Recently, the Girl Scout Research Institute released a study which concluded that feeling acceptance and emotional health are critical toward achieving healthy habits. The study was quite timely, released just before National Eating Disorder Awareness Week, which is February 27 through March 3. The study brings everyday girls' voices to the forefront of discussions on health and self esteem issues.

The Girl Scouts of Nassau County offer a range of healthy living activities that address the girl as a whole rather than just the food she eats, her weight and her exercise habits. Dove, the beauty brand, made that point by running a Superbowl commercial. The commercial aimed to widen the definition of beauty and inspire healthy, positive self-images among women. The talents of the Girl Scouts of Nassau County Chorus were recruited, and the young ladies provided the vocals for the commercial, singing the Cyndi Lauper song "True Colors."

Mr. Speaker, it is with pride that I commend and honor the following Girl Scouts of Nassau County and their adult leaders for their achievements and dedication to improving the self image and health of girls and young women. Natalie Aiken, Kara Arena, Alice Azzara, Catherine Azzara, Jennifer Azzara, Chantice Barr, Emily Berger, Gillian Berkowitz, Emme Bih, Stella Bowles, Nicolle Bowman, Antoinette Burke, Tracy Carrella, Kara Curtin, Lauren Dash, Meryl Dickstein, Vicky Eberle, Emma Hood, Alexis Jacobsen, Emily Jacobson, Enrica Maccarone, Julia Marsh, Mykela Martinez, Carlie Mendoza, Christina Mendoza Emily Mervosh, Carly Mignone, Allison Monastero, Marrianne Monastero, Michelle Monastero, Tatiana Montano, Rosalita Morante, Casey Murphy, Laurie Murray, Melanie Pavlidis, Rachel Ruggiero, Katy Schwartz, Samantha Simon, Erin Stark, Megan Stark, Kristen Talbot, Gina Vollaro, Samantha Watterson, Angelica Weber, Amelia Weck, Brenda Weck, Jr., Elizabeth Woods, Courtney Wright, Crystalyn Wynter, Laura Bissett-Carr, Marie Rauch, Donna Rivera-Downey, Melanie Trainor.

INTRODUCTION OF THE CITIZEN SOLDIER PROTECTION ACT OF 2006

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. PAUL. Mr. Speaker, today I am introducing the Citizen Soldier Protection Act of 2006. This legislation will protect our American soldiers from being forced to serve under a United Nations or other foreign command and from being forced to wear the insignia of the United Nations or other foreign states.

Mr. Speaker, there have been instances where members of the U.S. Armed Forces were compelled, without lawful authority, to serve under United Nations or other foreign command and to wear as part of their military uniform visible indicia or insignia of the United Nations and foreign states. This is absolutely unacceptable, as the Constitutional role of the United States Armed Forces is to protect the United States of America. It is the responsibility of the U.S. Congress to ensure that the men and women who sign up for the noble duty of defending our country do not end up serving under a foreign flag or foreign commander. And American soldiers certainly should not be forced to serve the sovereignty-destroying plans of the United Nations!

I hope my colleagues will join me in defending our men and women in uniform by cosponsoring Citizen Soldier Protection Act of 2006.

IN CELEBRATION OF THE 30TH ANNIVERSARY OF THE PENSION RIGHTS CENTER

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. GEORGE MILLER of California. Mr. Speaker, I rise to celebrate the 30th anniversary of the Pension Rights Center. Since its founding on February 17, 1976, the center has been a leading voice and champion for the retirement security of the American people. The center is the only organization in the United States solely dedicated to protecting and promoting the pension rights of American workers, retirees, and their families. Its founder, Karen Ferguson, has dedicated her career and much of her life to improving the retirement security of the American people.

From the beginning of our private pension law, the Pension Rights Center has fought to ensure fair treatment for all workers, but especially for the most vulnerable members of our society—widows, divorced spouses, and dislocated workers. Every day for the past 30 years, the Pension Rights Center has been the voice of the voiceless. The center was instrumental in the passage of the Retirement Equity Act of 1984 which improved pension protections for widows and divorcees, expanded pension coverage to younger workers and reduced pension vesting requirements for all workers. The center also played a key role in the development and passage of the Tax Reform Act of 1986 which expanded pension coverage requirements for all workers and improved benefits for low-income workers by limiting the integration of pension and Social Security benefits. Year after year, the center has led the way to highlight problems in the law and work with Congress and the executive branch on creative and thoughtful solutions that make our pension system fairer for all. From plan asset reversions to cash balance conversions, the Pension Rights Center has alerted the Nation to the retirement problems of the day and helped us find a fair way to protect the pension promises made to employees and retirees.

In addition to its policy work, the center has helped tens of thousands of individuals with their pension problems. The center has worked with the Departments of Labor and Treasury, IRS, and the PBGC to improve their pension assistance functions. The center developed and coordinates a nationwide network of pension information and assistance services for older Americans, through the internet and telephone, a network of actuarial and legal volunteers, and the publication of resource materials. The U.S. Administration on Aging's Pensions Counseling and Information Program relies on the Pension Rights Center to provide technical assistance and training to its six regional pension counseling projects that provide free assistance to individuals in 17 States.

With the baby-boom generation reaching retirement age and a growing number of companies terminating or freezing their pension plans, it is increasingly likely that coming generations will not have the retirement security that their parents enjoyed. That's why the center has spearheaded the Conversation on Coverage, bringing together a diverse and bipartisan range of experts—from business, unions, financial institutions, and retiree, women's and consumer organizations—to find common-ground approaches to improving pension coverage. The Conversation on Coverage's Working Groups currently are finalizing recommendations that hold the promise of expanding pensions and retirement savings for millions of Americans. I look forward to their final recommendations, and hope that the Conversation's work will help turn the tide of employers leaving the traditional pension system and encourage everyone to pull together for the sake of our long-term retirement security.

For three decades, the center has been at the forefront of protecting retirement income security. Today, its work is more important than ever. We wish the Pension Rights Center, its founder Karen Ferguson, Karen Friedman, John Hotz, Kathy Reusing, Victoria Kanios, Nancy Hwa, Raelene LaPlante, Joellen Leavelle, Kathryn Jantz, Kyle Garrett, Ted Stein, Rebecca Carr and the rest of the dedicated staff a very happy 30th anniversary. Their work shines, not just because of their wisdom and talent, but because of their strong conviction and dedication to promoting a secure retirement for every American.

TRIBUTE TO DANIEL "ED" BARROW

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. MOORE of Kansas. Mr. Speaker, I rise today to pay tribute to a pioneer in the air traffic control field, Daniel "Ed" Barrow, who will celebrate his 90th birthday later this year.

Born in Boone, IA, and raised in Unionville, IN, Ed Barrow attended Indiana Central College in Indianapolis, IN. After teaching school in Elwood, IN, Barrow began working for the Indiana State Employment Office, where he saw a job posting for an air controller trainee. As the holder of a student pilot's license, he met the primary qualification. As his daughter, Marilyn Smith, related to me, "He decided to try for the position. A trucker stopped at his Marathon station. The driver was going to Pittsburgh, so Dad hitched a ride with him. When he got to Pittsburgh, he took the bus to New York City. While in New York, Dad stayed in the YMCA. The training was very hard, so he asked Mother to keep checking with the Employment Office to see if he could come back if he 'washed out'."

This led to a lengthy career for Ed Barrow with the Civil Aeronautics Administration, the predecessor agency of the Federal Aviation Administration, FAA. As a result, the Barrow family was posted at various locations around the United States, including Roeland Park and Overland Park, KS, both of which are located in the Third Congressional District.

During the outset of his career as an air traffic controller, Ed Barrow and his colleagues received their information on the telephone and then plotted the information on paper maps. In the mid-1950s, Ed was the chief of the Washington National Airport control tower; he later went to work in the Washington, DC, headquarters of the Civil Aeronautics Administration. Among other projects, he worked on Operation Northern Tier, which resulted in the long range radar system's installation nationwide in the FAA's Air Route Traffic Control Centers.

In the mid-20th century, air traffic control was revolutionized by the introduction of radar, a system the British initially developed for air defense prior to World War II. After the war, the Civil Aeronautics Administration began applying this technology to the problem of keeping civilian flights safely separated. In 1946, the agency used a system developed for the Navy to open a radar-equipped airport tower for demonstration purposes. By 1950, the first Airport Surveillance Radar systems were deployed in the United States.

Ed Barrow's participation was key to the development of our modern "positive air traffic control system," which requires all aircraft at or above 18,000 feet to be under positive air traffic control in order to ensure that they were provided separation from all other aircraft operating at the same altitudes. As chief of the FAA's Air Traffic Control Procedures Division, he was responsible for all of the procedures and phraseology used by American civilian and military air traffic controllers and ultimately oversaw the complete rewriting of the Air Traffic Control Procedures Manual. He established a set of Military Operations Areas, MOAs, in which military training and tactics would be contained and FAA controllers would then take the fighters to and from these MOAs and the military would then operate within these designated areas. Barrow also established that an FAA controller would be assigned to the NORAD facility to ensure the competency of the NORAD controllers. This all superseded an earlier agreement with the North American Air Defense, NORAD, Command of the U.S. Air Force which allowed NORAD to control fighter/inceptors independently of the FAA air traffic control system, which had become increasingly hazardous to the safety of both civilian and military aircraft.

Later, Ed Barrow was assigned to Kansas City, MO, to the headquarters of the director of the FAA's Central Region, where he was responsible for aviation safety in an 11 State area, including the operational activities of the Air Traffic Division, the Flight Standards Safety Division and the Airways Facilities Division.

As his friend and coworker, Glen Tigner, recently told his daughter, Marilyn: "Your Dad often gave that country boy approach to critical matters, but believe me he was sharp as a tack. He was a real leader among men, instilling in them the attitude that they would follow him anywhere, anytime, anyhow . . . a man one would proudly serve. He will be remembered as the best of the best."

Ed Barrow's service to his country was recognized by the Department of the Air Force, which presented him with a Decoration for Exceptional Civilian Service. It reads: "In recognition of his exceptional performance as Airways Operations Specialist, Directorate of Operations, Headquarters USAF, from 15 October 1954 to 15 May 1956. The constant, increasing demands on the United States Air Force and other users of the airspace since the advent of jet operations presented almost insurmountable problems in the air traffic field. Through his superior knowledge, extreme conscientiousness, and outstanding application, Mr. Barrow developed completely new concepts to meet the requirements so that the Air Force now leads in air traffic control, so vital to the emergency war plans."

Mr. Speaker, I am pleased to take this opportunity to share with the House this tribute to the distinguished public service career of Daniel "Ed" Barrow, as he approaches his 90th birthday, and to wish him many happy returns in the years to come.

TRIBUTE TO TERRY R. JORDE ON HER ELECTION AS CHAIRMAN OF THE INDEPENDENT COMMUNITY BANKERS OF AMERICA

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. POMEROY. Mr. Speaker, today I rise to recognize the remarkable achievement and leadership of a great North Dakotan, a remarkable business CEO and a wonderful woman—Terry R. Jorde. Today on the occasion of Terry Jorde's election as chairman of the Independent Community Bankers of America, ICBA, we celebrate her service and success. Firsts for Jorde are commonplace: She is the first North Dakotan and the first woman so honored.

Terry Jorde is president and CEO of Country Bank USA, a locally owned community bank in Cando, ND. Her career embodies the spirit of Cando—a town literally named for the "Can Do" spirit of the town's founders.

Terry Jorde started her banking career at age 21 as a teller and bookkeeper, and in 11 years she advanced to election as president and CEO of the bank. Jorde successfully led the bank through the agricultural crisis in the early 1990's, achieving strong growth in profitability and diversifying the bank's geographic and revenue base.

ICBA's election of Terry Jorde as the organization's chairman comes in recognition of her service to ICBA members. Independent Community Bankers of America is dedicated to enhancing services and values of the Nation's community bankers for the benefit of their customers. Locally owned community banks are the bankers for municipalities and school districts. Community bankers generally know personally many small business owners and establish lending relationships with these individuals and their businesses. These small businesses, in turn, provide the majority of new jobs in our economy.

Like other community bankers around the Nation, Terry Jorde provides tremendous leadership in her communities of Cando and Devils Lake, which is critical to economic development and community revitalization. In any given week, she might spend 6 hours in a hospital board meeting, 4 hours in an economic development corporation meeting, and another 4 hours working with other local community bankers to develop a financial incentive package for a potential new business in Cando. She knows that community service is an important and cost-effective way to invest her time. The vitality of Country Bank depends on the economic success and vitality of the local communities of Cando and Devils Lake.

Jorde has taken that service mission to the national and State levels. She has been an important voice for rural America calling for a strategic vision that brings together a broad rural coalition of various private sector entities, government and educational institutions to focus on the many challenges facing our rural communities. She has testified before congressional committees and had the privilege of being the only active banker to sit on the FDIC's Advisory Committee on Banking Policy. Terry is past president of the Independent Community Banks of North Dakota and a past member of the Federal Reserve Board Consumer Advisory Council. She also served on the board of the North Dakota Department of Financial Institutions.

With ICBA, Jorde has served on the Executive Committee as treasurer and as chairman of ICBA's Services Network, the holding company that oversees the trade association's six for-profit subsidiaries. She has also been chairman of ICBA's Securities Corp. and ICBA's Agriculture-Rural America Committee.

Terry Jorde is a business development leader, serving on the board of the Towner County Economic Development Corp., the Towner County Medical Center, the Cando Community Foundation, and the North Dakota Development Fund. She is also currently a member of Fannie Mae's National Advisory Council.

Terry Jorde holds a bachelor's degree in finance from the University of Illinois in Champaign-Urbana. She and her husband also farm 1,200 acres of potatoes, and they are the parents of three children.

North Dakota is very proud that her outstanding leadership skills and banking expertise are being recognized with this important national association position.

INTRODUCTION OF THE "INTERNET GAMBLING PROHIBITION ACT"

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. GOODLATTE. Mr. Speaker, I am pleased to introduce today bipartisan legislation, the Internet Gambling Prohibition Act, along with my colleague Representative RICK BOUCHER of Virginia, to address the ever increasing problem of illegal Internet gambling in our Nation.

The Internet is a revolutionary tool that dramatically affects the way we communicate, conduct business, and access information. As it knows no boundaries, the Internet is accessed by folks in rural and urban areas alike, in large countries as well as small. The Internet is currently expanding by leaps and bounds; however, it has not yet come close to reaching its true potential as a medium for commerce and communication.

One of the main reasons that the Internet has not reached this potential is that many folks view it as a wild frontier, with no safeguards to protect children and very few legal protections to prevent online criminal activity. The ability of the World Wide Web to penetrate every home and community across the globe has both positive and negative implications—while it can be an invaluable source of information and means of communication, it can also override community values and standards, subjecting them to whatever may or may not be found online.

Gambling is an excellent example of this situation. It is currently illegal in the United States unless regulated by the States. With the development of the Internet, however, prohibitions and regulations governing gambling have been turned on their head. No longer do people have to leave the comfort of their homes and make the affirmative decision to travel to a casino; they can access the casino from their living rooms.

Since 1868, the Federal Government has enacted Federal gambling statutes when a particular type of gambling activity has escaped the ability of States to regulate it. For over 100 years, Congress has acted to assist States in enforcing their respective policies on gambling when developments in technology of an interstate nature, such as the Internet, have compromised the effectiveness of State gambling laws.

The negative consequences of online gambling can be as detrimental to the families and communities of addictive gamblers as if a bricks and mortar casino was built right next door. Online gambling can result in addiction, bankruptcy, divorce, crime, and moral decline just as with traditional forms of gambling, the costs of which must ultimately be borne by society.

Gambling on the Internet is especially enticing to youth, pathological gamblers, and criminals. There are currently no mechanisms in place to prevent youths—who make up the largest percentage of Internet users—from using their parents' credit card numbers to register and set up accounts for use at Internet gambling sites. In addition, pathological gamblers may become easily addicted to online gambling because of the Internet's easy access, anonymity and instant results. Finally, Internet gambling can provide a nearly undetectable harbor for criminal enterprises. The anonymity associated with the Internet makes online gambling more susceptible to crime.

I have long been an advocate of the Internet and of limited government regulation of this new medium. However, that does not mean that the Internet should be a regulatory free zone or that our existing laws should not apply to the Internet. I think we can all agree that it would be very bad public policy to allow offline activity deemed criminal by States to be freely committed online and to go unpunished simply because we are reluctant to apply our laws to the Internet.

Gambling on the Internet has become an extremely lucrative business. Numerous studies have charted the explosive growth of this industry, both by the increases in gambling websites available, and via industry revenues. Some estimates show that it is now a $12 billion a year industry.

Most Internet gambling sites are offshore. Virtual betting parlors accepting bets from individuals in the United States have attempted to avoid the application of United States law by locating themselves offshore and out of our jurisdictional reach. These offshore, fly-by-night Internet gambling operators are unlicensed, untaxed and unregulated and are sucking billions of dollars out of the United States. In addition, the FBI and the Department of Justice has testified that Internet gambling serves as a vehicle for money laundering activities and can be exploited by terrorists to launder money.

Current law already prohibits gambling over telephone wires. However, because the Internet does not always travel over telephone wires, these laws, which were written before the invention of the World Wide Web, have become outdated. My legislation simply clarifies the state of the law by bringing the current prohibition against wire line interstate gambling up to speed with the development of new technology. It also makes clear once and for all that the prohibition is not limited to sports-related bets and wagers.

In addition, my legislation will add a new provision to the law that would prohibit a gambling business from accepting certain forms of non-cash payment, including credit cards and electronic transfers, for the transmission of illegal bets and wagers. This provision provides an enforcement mechanism to address the situation where the gambling business is located offshore but the gambling business used bank accounts in the United States. The bill also provides an additional tool to fight illegal gambling by giving Federal, State, local and tribal law enforcement new injunctive authority to prevent and restrain violations of the law.

The legislation I am introducing will return control to the States by protecting the right of citizens in each State to decide through their State legislatures if they want to allow gambling within their borders and not have that right taken away by offshore, fly-by-night operators. The regulation of intrastate gambling is within the jurisdiction of the States, so the bill leaves the regulation of wholly intrastate betting or wagering to the States with tight controls to be sure that such betting or wagering does not extend beyond their borders or to minors.

Internet gambling is a serious problem that must be stopped. The Internet Gambling Prohibition Act will help eliminate this harmful activity before it spreads further. I urge my colleagues to support this very important legislation.

STATEMENT ON THE PRESIDENT'S FY 2007 BUDGET

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. LANGEVIN. Mr. Speaker, today I rise in opposition to President Bush's proposed budget for fiscal year 2007. Once again, the President claims he can have it both ways by making permanent tax cuts while halving the deficit by 2009. However, the numbers tell a different story. This year's budget proposal, if enacted by Congress, would result in a budget deficit of $423 billion, the largest in our Nation's history, and this amount would increase dramatically once the tax cuts take effect in 2011. Every American family knows that you cannot continue to spend more money than you take in, and the President must acknowledge this fact before it is too late.

To reduce this record deficit, we must make difficult choices, and both spending and taxes need to be on the table. The President has not made these difficult choices, and should Congress follow this budget, working families will be left on their own as the Government again favors only the wealthiest Americans.

In order to partially pay for the irresponsible tax policies, the President attempts to cut spending in several areas, notably health care and education. Medicare would be reduced by $36 billion over 5 years by reducing already low payments to health care providers, who would be less willing to accept Medicare patients. The National Institutes of Health, which researches life-saving cures for numerous diseases such as cancer and Parkinson's Disease, would in effect receive a cut outside of funds earmarked for biodefense. While I support measures to increase our preparedness for outbreaks such as a potential pandemic flu, these funds should not come at the expense of research to cure ailments like heart disease.

In December, I distributed surveys to every school and district in my congressional district to determine the level of emergency preparedness. Most respondents indicated they had not properly rehearsed their emergency plans, and nearly a quarter of the schools and districts did not even know whom to ask for help. Fortunately, the Department of Education's Safe and Drug-free Schools and Communities program provides grants to help schools develop and implement emergency plans. However, President Bush proposes eliminating this program that has helped so many schools across our country. There are countless examples of these misguided priorities in the budget.

In 2004, Congress nearly unanimously passed the Individuals with Disabilities Education Improvement Act to put the program on track to full funding, but this budget includes only $10.7 million for State grants. This means that once again, the Federal Government will only provide less than half of the amount promised to States to educate children with special needs. The budget also zeros out the TRIO programs—Gear Up, Talent Search and Upward Bound—which encourage economically disadvantaged Rhode Island students to seek higher education.

Even though energy independence was a major theme of the President's State of the Union Address, he is not funding his own proposals. After announcing America is "addicted to oil," the President has increased Energy Efficiency and Renewable Energy programs by a paltry 0.2 percent. In addition, programs to increase energy efficiency and research hydropower and geothermal energy are cut. We need real leadership on this issue. The brightest minds in America put a man on the moon, and we need a similar effort to develop clean and renewable energy sources. A 0.2 percent increase will not accomplish that goal.

If the President truly wanted to make our country more competitive, he would not have avoided funding the Small Business 7(a) loan guarantee program and reduced Trade Adjustment Assistance, which retrains workers who lose their jobs because of foreign trade.

If the President wanted to enrich our communities, he would not have reduced funding for the community development block grants, COPS program, or Weatherization Assistance for energy efficient homes.

If the President wanted to make health care more accessible, he would not have increased fees for groups such as military retirees and Medicare beneficiaries. On top of all these cuts and fee increases, we still have the highest deficit in history as a result of the irresponsible tax policies the President seeks to continue. This is not the direction America should be moving.

The President had a tremendous opportunity to reflect the values and priorities of the American people. He could have asked for shared sacrifice and inspired us to achieve new heights. Instead, he has given us more of the same: tax cuts for the wealthiest, program cuts for the most vulnerable, and the middle class is left on their own. America deserves better.

TRIBUTE TO CYNTHIA MATHEWS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. FARR. Mr. Speaker, I have the privilege of rising this evening to honor Cynthia Mathews, a dedicated member of our community who recently retired after 40 years of service with Planned Parenthood Mar Monte organization. I have had the pleasure of working with Cynthia for many of those years and I can attest to her commitment to our community as well as her steadfast support of civil liberties that will continue to protect women's health.

In 1965, Cynthia began her involvement with Planned Parenthood as a volunteer in San Diego County. She later served as both staff and board member of the organization. She was instrumental in ensuring the well-being of young mothers by organizing an abortion referral service to Mexico prior to the Therapeutic Abortion Act of 1967.

After moving to Santa Cruz in 1970, Cynthia was instrumental in forming Planned Parenthood of Santa Cruz County, where she served as the agency's first executive director. After a brief absence during which she gave birth to her second child, she rejoined the organization in 1979. Cynthia guided the growing affiliate to eventually become part of Planned Parenthood Mar Monte, a network that includes much of California and Nevada. Officially, she was a part-time public affairs staff member, however, all who know her were aware that she worked well beyond her outlined duties. Cynthia actively built coalitions, engaged volunteers, sustained Planned Parenthood's community presence, and protected the civil liberties and health of her community.

Beyond Planned Parenthood, Cynthia's outstanding reputation as a public figure and liberal activist is strengthened by her tireless dedication to the City of Santa Cruz. Ms. Mathews has served as a city council member, a founding member of the Downtown Neighbors Association, a member of the Planning Commission and Zoning Board, a participant in Vision Santa Cruz, a cochair of the Santa Cruz High Centennial Campaign, and a volunteer on four successful election campaigns for schools and municipal revenues. She now holds the seat of Mayor of Santa Cruz. Through her involvement in these organizations she has positively affected the quality of life for many residents in our community. She is an ideal role model for those who seek to create change through activism and I am honored to have worked with her throughout the many positions she has held. Though Cynthia has retired from her official position with Planned Parenthood Mar Monte, her position as Mayor will allow me to continue to work with her to support and strengthen our community and ensure that women have safe access to quality reproductive healthcare.

Mr. Speaker, in a time where women's health and medical care is threatened by budget deficits and a conservative agenda, I am immensely thankful for Cynthia's selfless service. I am confident that her legacy will continue as the women she has mentored take up the torch and encourage a new generations of voters to honor their promise to America's women.

IN HONOR OF THE ASSOCIATED GENERAL CONTRACTORS OF ST. LOUIS

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. AKIN. Mr. Speaker, I rise today to recognize and commend the Associated General Contractors (AGC) of St. Louis. In 2005 alone the AGC has been involved in more that $52 billion worth of construction projects that employed approximately 80,000 workers. The members of the AGC provide the skill, teamwork and spirit of innovation that makes a lasting contribution to our community; building facilities that support and enhance the quality of life in the St. Louis region. Whether it is a church or school, road or utilities, these skilled craftspeople conduct themselves and their work in a safe manner so as to avoid accidents and injuries. Their commitment to exceptional standards has been recognized by both the U.S. Department of Labor and the Occupational Safety and Health Administration (OSHA) along with receiving the coveted first place award for safety excellence from the National AGC Safety Awards (NASA) Program for 2004 and prior years. The AGC has also created a special safety training unit, Operation Safesite, which includes two full-time construction professionals who provide on the jobsite training along with construction training school classes. I applaud the AGC's vision and commitment toward improving construction safety in the St. Louis metropolitan community. I would like to recognize February 21–February 28 as Construction Safety Week in St. Louis County.

97TH ANNIVERSARY OF THE NAACP, FEBRUARY 12, 2006

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in honor of the 97th Anniversary of the National Association for the Advancement of Colored People, NAACP, which was founded on February 12, 1909. Throughout its existence, the NAACP has faithfully promoted equality in all areas of American society, from suffrage and public accommodation to justice in our nation's courts and equality in employment.

For nearly a century, the NAACP has pushed for an inclusive American society, one that would grant all people the equality they deserve, regardless of the shade or color of their skin. The NAACP's principled efforts towards the advancement of people who were long denied their rightful place in the workforce, the schools, and the ballot box have continued to come to fruition with the Civil Rights Acts, the Fair Housing Act, and other breakthroughs in the establishment of justice and quality in this country.

The mission of the NAACP continues today and the Saint Paul Branch of the NAACP continues to work towards equality, education and justice for all. My local NAACP chapter is well known for its tireless work addressing the injustices affecting individuals and the diverse communities of Minnesota. Recently, they have worked to bring our community together to seek healing and justice after an appalling act of discrimination and intimidation was perpetrated upon a local church. In addition, Saint Paul NAACP is instilling hope through its establishment of the Help a Child to Read Project, where volunteers are connected with students to develop their reading ability.

A key component of the success of the NAACP has been the implementation of a holistic approach, through the promotion of understanding and education, to the eradication of race and other problems that have long plagued our society. This nonviolent approach has put students through college, given the vote back to the voiceless, and ensured that the American people will not continue to be divided by differences, but rather be brought together by mutual compassion and kinship.

It is with great admiration and encouragement that I commend the NAACP on this occasion of their 97th Anniversary. The necessity of the continued push for equality and justice for all citizens presents a great burden on all our shoulders, but the work of groups such as the NAACP gives our society the necessary guidance and reminder of our responsibilities towards one another.

Mr. Speaker, please join me in paying tribute to the courageous and guiding history of the National Association for the Advancement of Colored People on this day of their 97th Anniversary.

WELCOMING OUR TROOPS HOME

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. OTTER. Mr. Speaker, I rise today to call the attention of the House to the brave men and women from my district returning home from fighting for freedom and democracy in Iraq.

During a visit to Iraq last year, I was fortunate enough to witness firsthand these patriots' dedication to their country and commitment to expanding the frontiers of freedom. I also was reminded of the great sacrifice that they and their families make to secure the blessings of liberty to all Americans, and help bring hope to people who have been oppressed for decades.

From decorated Marine Sergeant Luke B. Miller's selfless rescue of critically injured Marines in Karabilah to the opening of a medical clinic in Kikuk by the 116th Brigade Combat Team, these men and women serve as an example of our mission to fight terrorism and tyranny wherever it exists. The heroic efforts of these and many other individuals bring great and lasting credit to Idaho and all American armed forces.

I encourage my colleagues to join me, Mr. Speaker, in applauding and recognizing the exemplary individuals from Idaho who are returning home from Iraq. Their courage, dedication, and patriotism truly mark them as America's newest generation of heroes. They deserve our utmost respect and heartfelt thanks.

HONORING PROFESSOR NELLIE McKAY

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Ms. BALDWIN. Mr. Speaker, I rise today to pay tribute to the life and work of Professor Nellie McKay of the University of Wisconsin-Madison. At the time of her death, Professor McKay was known world-wide as one of the most distinguished scholars of African-American literature.

Nellie McKay was the daughter of immigrants who sought for her the education and advancement that was denied them. She realized all their dreams and more.

After earning her doctorate in English and American literature from Harvard and teaching in Boston, Professor McKay, to the dismay of many of her friends, moved to the midwestern city of Madison. Craig Werner, the current chairman of the UW–Madison Afro-American studies department said, "When she came here, there was not a single university that was paying any attention to black women's literature. Now, there isn't a single university that isn't."

Professor McKay chaired the Afro-American studies department at Madison and helped turn it into the nationally recognized program that it is today. She co-edited, with Henry Louis Gates, Jr., The Norton Anthology of African American Literature, a groundbreaking work that remains a cornerstone of the genre.

Professor McKay's scholarship (more than 60 books, articles, and essays) was matched by her commitment to her students, both in and out of the classroom. She is remembered fondly as a teacher who challenged her students academically and challenged her colleagues to make the university a more welcoming place for all people. By all accounts, she succeeded at both. But she would be the first to say that her work is ongoing, to be continued, now, by others.

Nellie McKay did the unthinkable—sacrificing a department chair at Harvard, and its attendant fame, to continue living and working in Madison. We are grateful for her sacrifice and so much richer for it.

With the passing of Nellie McKay, the world has lost a great scholar and Wisconsin has lost a great teacher, citizen, and friend.

RECOGNIZING THE 80TH ANNIVERSARY OF NEWSTALK RADIO 1370 WCOA

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the 80th Anniversary of NewsTalk Radio 1370 WCOA.

On February 3, 1926, WCOA aired as Pensacola Florida's first radio station. Ever since, Pensacola has been proud to call WCOA one of her own.

Beginning with John E. Frenkel, Sr., who originally came up with the call letters WCOA, or "Wonderful City of Advantages", for generations, its radio personalities have entertained the Gulf Coast. Along the journey, WCOA gave us Don Priest, Ted Cassidy, Sally Henderson, along with so many others. It is no wonder why, with a current broadcast team made up of Luke McCoy, Don Parker, Jim Roberts, and Bryan Newkirk, many Northwest Floridians can be found tuning into 1370 daily. This station earned the respect and loyalty of its listeners.

During its inaugural year, a hurricane devastated the city of Pensacola and took WCOA off the air. Soon thereafter and ever since, it has stood as a source of information that people rely on during the times of emergency and has been designated as the Emergency Alert System radio station in the area.

After broadcasting music for many years, in 1991 the station turned to an all news/talk format. While WCOA broadcasts programs that feature prominent national radio personalities, such as, Rush Limbaugh and Bill O'Reilly, it is proud to be home to many local shows, including Pensacola Speaks, one of the longest running call-in shows in the United States.

Mr. Speaker, on behalf of the United States Congress, I am proud to recognize the 80th Anniversary of NewsTalk Radio 1370 WCOA and its service to the communities of Northwest Florida.

INTRODUCTION OF BILL TO RESTRAIN FEDERAL COURTS FROM INTERFERING IN THE INDEPENDENCE OF STATE LEGISLATURES AND TO PROTECT THE FREEDOM OF SPEECH AND CONSCIENCE OF STATE LEGISLATORS

HON. MICHAEL E. SODREL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. SODREL. Mr. Speaker, today, I am introducing legislation to address a problem in Indiana that threatens to spread across the nation. A federal court in Indiana has imposed itself on the independence of state legislators. A federal district court judge, David Hamilton, in the case of Hinrichs v. Bosma, has ruled ministers invited to deliver invocations before the Indiana State Legislature, and the legislators themselves, must not make any reference to Jesus Christ or to the Christian religion. This decision goes beyond freedom of religion, to threaten freedom of speech, and imperils the foundation principles of our representative republic. If federal courts can regulate any speech of the members of a legislative body, then those courts can regulate all speech.

The U.S. Constitution guarantees to each state a representative form of government, and it is Congress' duty to enforce this guarantee. This decision by Judge Hamilton is an unprecedented assault by the federal courts on the independence of a state legislative body. The courts are now going beyond interpreting laws, and have begun inserting themselves in the legislative process. Hundreds of years of precedent argue against this court decision. It violates the principles of separation of legislative and judicial powers, and separate sovereignty between state and federal power. Judge Hamilton's court is presuming to dictate what state legislators may or may not say, and decide how they should represent their constituents.

To protect the speech, conscience, and independence of legislators from unelected and unaccountable judges serving for life, I am introducing a bill to do the following: remove the review of content of speech in the legislature from the jurisdiction of federal courts; provide immunity for the content of speech during a legislative session by a legislator or lawfully invited guests, excluding witnesses, unless such speech constituted treason, an admission of a crime, or a breach of the peace; prohibit the use of federal funds to enforce this or similar decisions; and prohibit the use of fines against the state as a body in order to enforce such a decision.

It is vital to representative government to preserve the ability of state legislators to represent their constituents as their consciences provide through the power of free speech. I ask the Congress to act to stop this cancer on the legislative power.

HEROIC FREEDOM FIGHTERS ABOARD USS "HOUSTON" WILL NEVER BE FORGOTTEN

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. POE. Mr. Speaker, the USS *Houston*, a 9050-ton Northampton class light cruiser, was built in Newport News, Virginia. Named for the great city of Houston, she was commissioned in June 1930 and reclassified as a heavy cruiser a year later. She played a crucial role in World War II and became a flagship of the U.S. Fleet.

For 10 years, she served around the world on various missions and even transported President Roosevelt on certain occasions. But, in November 1940, as WWII deepened she returned to the Philippines for her second deployment as Asiatic Fleet flagship. A year later, she was sent south to Australian and Netherlands East Indies waters. As the heaviest unit of the Allied naval force in that area, she was actively employed in the desperate struggle against the Japanese East Indies' offensive.

The USS *Houston* was ordered to leave the area on February 28, 1942. Along with the Australian light cruiser *Perth*, the USS *Houston* encountered a strong Japanese navy force supporting an amphibious landing on western Java. On March 1, 1942, in a courageous night battle against all odds, *Houston* and *Perth* were sunk by enemy gunfire and torpedoes.

Six hundred and ninety-two U.S. Sailors and Marines, ⅔ of the crew, including the Captain, perished that evening. The remaining 368 surviving crewmen were captured by the Japanese Imperial Army. The ship became known as the "Galloping Ghost of the Java Coast."

Details of *Houston's* fate was not known by the world for almost 3 and ½ years, and the full story of her brave plight was not fully told until after the war was over and her survivors were liberated from prison camps.

Next Saturday in my home state of Texas, survivors, their families, friends and representatives of the Naval Order of the U.S. and several foreign nations will converge at the USS *Houston* Memorial in Sam Houston Park for a memorial service to honor the warship and her courageous crew.

The members of the Greatest Generation that were aboard the USS *Houston* were true American heroes. They represent the finest the Nation has ever produced. We honor the brave sailors, Marines and their crew who served on the USS *Houston* and we thank them for the sacrifices they made for freedom. We also pay tribute to the families of those who lost their lives in doing so. The heroic freedom fighters aboard the USS *Houston* will never be forgotten. They have made Texas proud. That's just the way it is.

RECOGNIZING CITY OF RIO RANCHO'S 25TH ANNIVERSARY

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. UDALL of New Mexico. Mr. Speaker, today I would like to recognize the City of Rio Rancho on its 25th anniversary of being incorporated.

Started nearly 50 years ago as an investment and retirement community, Rio Rancho has blossomed into the third-largest city in the State of New Mexico and one of the fastest growing communities in our country.

Rio Rancho has become a model for its commitment to economic development, acquiring technology-based jobs, providing affordable housing, and establishing a first-rate public school system. The city has made these significant advancements while maintaining a high quality of life for residents. For these qualities and much more, the "City of Vision" is to be commended.

It is my privilege and honor to serve as Rio Rancho's Member of Congress. I look forward to the "City of Vision's" continued success and prosperity.

Once again, best wishes and congratulations on turning 25 Rio Rancho.

HONORING THE 50TH ANNIVERSARY OF THE BUSINESS AND PROFESSIONAL WOMEN'S FOUNDATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mrs. MALONEY. Mr. Speaker, I rise to honor a unique and valuable organization that for the past 50 years has been partnering with employers to build successful workplaces and empowering workingwomen to achieve their full potential. The Business and Professional Women's Foundation will be celebrating its 50th anniversary all year long starting on its incorporation date, February 27, 2006. I ask all of my colleagues to join me in saluting the Business and Professional Women's Foundation's record of helping workingwomen and their families in the areas of research, education, knowledge and policy.

Established in 1956, the BPW Foundation is a nonprofit research, and educational institution governed by a volunteer Board of Trustees. As a national convener, the foundation has influenced, informed, and educated presidents, Members of Congress, state officials, policymakers, women of influence—making research and educational resources available that accurately portray the challenges and important role of workingwomen.

This year, the Business and Professional Women's Foundation will actively engage workingwomen and employers in dynamic discussions, innovative research projects, and exciting educational opportunities. These activities will empower workingwomen and help build successful workplaces. Even as the BPW Foundation embraces its 50-year history as a research and education institution, it is setting the stage for a whole new phase of growth and engagement.

The 50th anniversary celebration will highlight the history of the BPW Foundation and its many milestones in the areas of research, education, knowledge and policy. The BPW Foundation has made its mark over the past 50 years, making a tangible difference in the lives of American workingwomen and their families. To date, $6 million in scholarships, grants, and loans have been awarded to more than 8,000 women and valuable research has been published that assists employers to improve work environments and workingwomen to pursue career advancement.

Mr. Speaker, it is an honor to pay tribute to the Business and Professional Women's Foundation. As the first foundation to conduct research about workingwomen, their 5 decades of commitment to workingwomen has made an incredible difference in women's lives. I am confident that they will "Light the Way" for future generations of workingwomen. I ask all of my colleagues to join me in thanking the BPW Foundation for their contribution to our country.

TRIBUTE ON THE RETIREMENT OF BISHOP JAMES H. GARLAND

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to an outstanding man of faith, The Most Reverend James H. Garland, the Bishop Emeritus of the Diocese of Marquette. On December 13, 2005, Bishop Garland officially retired as the Bishop of Marquette; serving as Diocesan Administrator until January 25, 2006, when The Most Reverend Alexander K. Sample was ordained and installed as the twelfth Bishop of Marquette. On February 26, 2006, the Diocese of Marquette will host a retirement gathering for Bishop Garland to show their appreciation for his ministry and leadership. Bishop Garland has been committed to the ministry and service for the Diocese of Marquette for 13 years, and 47 years as an ordained priest. Bishop Garland's contribution to the Catholic Church and his faith has touched so many lives in Michigan's Upper Peninsula and beyond.

Bishop Garland was born to Ada and Leo Garland on December 13, 1931. Growing up on a farm in Wilmington, OH, young James Garland learned the value of hard work by sharing chores with his four brothers and two sisters. That Midwest work ethic would come in handy years later when he studied at Ohio State University. In 1953, Bishop Garland graduated from Ohio State receiving a bachelor's degree in Education.

Immediately upon graduating, Bishop Garland began studying at the seminaries of the Archdiocese of Cincinnati and in 1960 received a Master's Degree in Philosophy from Mount Saint Mary's Seminary of the West. Several years later in 1965, he went on to obtain a Master's Degree in Social Work from the Catholic University of America in Washington, D.C.

Bishop Garland served in several parishes after being ordained to the priesthood for the Archdiocese of Cincinnati on August 15, 1959. Through the years, he directed offices of Catholic Charities in Springfield and Dayton, OH before directing the Archdiocesan Offices of Catholic Charities. On June 2, 1984 Pope John Paul II appointed Bishop Garland to the Episcopacy and then, on July 25, 1984, ordained him Titular Bishop of Garriana and Auxiliary to the Archbishop of Cincinnati. At the Archdiocese of Cincinnati, he directed the Archdiocesan Departments of Community Services and Pastoral Services.

It was not until November 11, 1992 that Marquette, MI was blessed with the wisdom and guidance of James H. Garland when he was installed as the eleventh Bishop of the Diocese of Marquette. Since that time, Bishop Garland has served on the Administrative Committee and Board of the United States Conference of Catholic Bishops. From November 1992 to November 1995 he also served as Chairman of the United States Catholic Conference Committee for the Campaign for Human Development. From November 1995 to November 1997 he served as the Chairperson of the Bishops of the Region VI of the National Conference of Catholic Bishops.

During his time as Bishop of the Diocese of Marquette, Bishop Garland also began the Legacy of Faith to raise $10 million toward the Diocese's endowment campaign. To accomplish such a feat, he recruited the Bishop's Ambassadors to help achieve the objective of allowing future generations the opportunity to experience all that the tradition of faith has to offer. Among the many wonderful causes this campaign has aided, it has benefited Catholic schools and the Upper Peninsula Catholic Social Services. My wife Laurie and I have proudly served as Ambassadors humbly assisting with this valiant effort.

Throughout his nearly 50 years of ministry, Bishop Garland has touched many lives and bestowed many lessons of faith. Although Bishop Garland is retiring, he will continue to help people and serve his faith. He plans to stay in Marquette to remain involved with the church. When called upon, he looks forward to substituting for local priests and celebrating confirmations.

Mr. Speaker, I ask the U.S. House of Representatives to join me in thanking Bishop James H. Garland for his service to the Diocese of Marquette, to the Holy Catholic Church and his tireless dedication to the value of education and involvement in his faith community. Beyond the incredible credentials, leadership roles and accomplishments that span his lifetime, Bishop Garland has shown unwavering commitment to the people he has served. He has truly done God's work through his teachings and as a role model for parishioners.

REMEMBERING JACK HERRITY OF FAIRFAX COUNTY, VIRGINIA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. WOLF. Mr. Speaker, it is an honor for Mr. TOM DAVIS of Virginia and I to remember the Honorable John F. "Jack" Herrity, former chairman of the Fairfax County, Virginia, Board of Supervisors, who passed away on February 1. If anyone is worthy of the title "Mr. Fairfax," Jack Herrity is that person.

A driven leader during his time with the Fairfax County Board, Jack was the guiding force in setting the firm foundation for a growing and developing Fairfax County. His leadership brought us the Fairfax County Parkway, Interstate 66 inside the Beltway and the Dulles Access Road. The Virginia General Assembly aptly named the Fairfax County Parkway in his honor in 1995.

After attending Georgetown University as an undergraduate and as a law student, Jack formed Jack Herrity and Associates, a pension planning and insurance business. But public service was Jack's forte. He quickly became engaged in northern Virginia politics, serving on the Fairfax County Board of Supervisors from 1971 to 1987. He was elected chairman of the board in 1975 and served three terms. He recognized the potential of Fairfax County to become the largest jurisdiction in the Washington area and helped develop the once sleepy rural crossroads, Tysons Corner, into the thriving commercial district it is today.

Jack Herrity carved a place which is now and will forever be unmatched in Fairfax County history. We honor and remember Jack for his countless accomplishments and unwavering dedication to the people of Fairfax County. We insert for the RECORD a Washington Post obituary from February 2. Jack will be deeply missed by the people of Fairfax County, and at home by his family.

[From the Washington Post, Feb. 2, 2006]

(By Lisa Rein and Peter Baker)

John F. "Jack" Herrity, the former chairman of the Fairfax Board of Supervisors who ushered in a development boom that transformed the county from sleepy bedroom community to suburban colossus, died yesterday of heart failure. He was 74.

Herrity, whose scrappy battle with a weak heart first endeared him to Fairfax voters in the 1970s, succumbed to an aortic aneurysm at Inova Fairfax Hospital, where he was admitted two weeks ago with chest pain. He had a heart transplant 12 years ago.

In his heyday, Herrity dominated Northern Virginia politics as few others have, commanding attention with his pugnacious style and unabashedly pro-growth policies. His was a classic rise-and-fall political story—from his landslide victories as the Fairfax economy soared to unprecedented heights to his crushing defeat in 1987 when the onslaught of new cars finally overwhelmed county roads and voter patience.

Herrity was engaged in county affairs until the end. From his hospital bed last week, he was asking former aides to help run his likely campaign for board chairman next year, a race he lost in 2003 in a Republican primary. He was busy fighting plans to extend Metrorail to Dulles International Airport, saying the expense could not be justified. And, in an about-face some local politicians saw as cynical, he had joined in recent months with grass-roots activists—and the woman who defeated him, slow-growth Democrat Audrey Moore—to fight dense development planned for the county's last slivers of open space. He was at meetings almost every night.

"To Jack's credit, if he had a difference of opinion [with the county's leadership], he never sat on his hands," Eric Lundberg, the Fairfax GOP chairman, said. "He was willing to engage in the battle."

Herrity could be seen most mornings in a floppy wide-brimmed hat walking his black Labrador retriever, Raven, on the W & OD trail near his Vienna home, where he lived with his wife, JoAnn Spevacek-Herrity. They married in November.

"He's a piece of our history," said Board Chairman Gerald E. Connolly (D), who ordered county flags flown at half-staff yesterday. "He was a political adversary, but he would do it more often than not with a certain twinkle in his eye. It was more the love of the fight than the substance of the moment."

Herrity was the fourth person to serve as countywide chairman but the first to hold the job for a full term, let alone three. He defined the role as a quasi-mayoral position even though it has no real executive power.

He played a major role in building what was commonly referred to as the economic engine of Virginia. By fostering a superheated business environment, he helped lure Fortune 500 companies such as what was then known as the Mobil Corp. to Fairfax and convert a suburban crossroads called Tysons Corner into a commercial center larger than downtown Miami.

"Instead of jobs going out of the county," Herrity wanted jobs to stay in the county," Northern Virginia developer John T. "Til" Hazel said.

During this period of growth under Herrity, more than 1,000 people moved into Fairfax every month. The county grew into the largest jurisdiction in the Washington area. From Herrity's first election as chairman in 1975 to his ouster in 1987, the county's population jumped by more than a third, from 554,500 to 746,600—surpassing most U.S. cities and even several states. Today, more than 1 million people live in Fairfax.

He was an advocate for improving the county's road network and pushed to widen Interstate 66 inside the Capital Beltway. He first opposed, then campaigned hard for a major new road cutting through the county's midsection.

The General Assembly named the Fairfax County Parkway in his honor in 1995.

It was his quick-witted, never-say-die brand of politics that earned him a loyal following during a crucial transition period in Fairfax history.

With his burly build, balding pate and ever-present U.S. flag lapel pin, Herrity became a familiar figure in political and civic circles. Known simply as Jack, he crisscrossed the 399-square-mile county almost every day in search of any gathering of two or more people, often driving so fast that he collected a glove compartment full of speeding tickets that became legendary.

Throughout his tenure, Herrity was notorious for his penchant for the outrageous, shoot-from-the-hip statements.

When county officials were thinking about building a major government center, he suggested that they instead "build a circus tent and put the bureaucrats in it." He called Metro, which opened while he was in office, a "Mighty Expensive Transportation Rip Off."

His tart tongue extended to his rivals as well. In 1987, he derided Moore as a gadfly with so little support on the board that, if she made the motion, she "couldn't get a second to go to the bathroom." Four years later, he dismissed Rep. Thomas M. Davis III (R-Fairfax) as a "left-wing liberal" whose support from a taxpayers group was "like the chicken endorsing the fox." His relationships with both had softened in recent years.

Herrity saw no reason to apologize for his close alliance with the region's powerful developers, who he said had helped create a quality of life envied across the country—high-paying jobs, good schools, low crime.

But his ties to the real estate industry became his political undoing.

His 1986 conviction on a misdemeanor conflict-of-interest charge for failing to disclose a relationship with a builder only cemented Herrity's public image as a handmaiden of developers. By then, voter support for the breakneck pace of construction had dissolved amid maddening traffic gridlock. He suffered a major indignity in 1987 when he lost his prized office to Moore by more than 21 percentage points.

He never fully accepted defeat. Years later, his address in his telephone book was still the county government headquarters.

"This was Jack's life," Davis recalled. "When he was defeated he couldn't move on to something else. He was a doer. He could never sit still."

The comeback Herrity methodically plotted collapsed in 1991 when he lost the GOP nomination for chairman to Davis, his onetime protege, who also handpicked a Republican to run against him in the 2003 primary for board chairman. Since his departure from elective politics, Herrity also failed at bids for Virginia governor in 2001 and county GOP chairman in 2004.

Born in Arlington, reared in Prince George's County and educated at St. Anthony's High School in the District (now All Saints High School), John Frances Herrity was the product of a working-class Irish Catholic family of elevator mechanics, union leaders and loyal Democrats. He spent much of his youth hustling on the basketball court.

After high school and a tour in the Coast Guard, the rambunctious young Herrity settled down to his studies at Georgetown University, where he earned undergraduate and law degrees and met his first wife.

After marrying in 1958, he eventually went into the insurance business, where he worked as a consultant after his return to the private sector.

It did not take long for Herrity to jump into local civic affairs. He soon formed a homeowners association and became the local Democratic precinct captain. But like many Democrats in his era, he became alienated with his party's lurch to the left and switched to the GOP just in time for his first run for office—that of Springfield District supervisor in 1971.

HONORING CURTIS DANIEL "DAN" REAGAN

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. CULBERSON. Mr. Speaker, I rise today to honor Curtis Daniel "Dan" Reagan of Austin, Texas. Dan Reagan has been a champion for quality transportation and his leadership, knowledge, and vision have helped improve the safety and reliability of the Texas transportation system.

Dan Reagan began his career with the Federal Highway Administration (FHWA), then the Bureau of Public Roads (BPR), on June 12, 1967 following his graduation from the University of Texas at Austin. He spent almost 3 years in the BPR Highway Engineer Training Program, learning all phases of organizational responsibility and honing his engineering and management skills in Point Reyes, California; Olympia, Washington; Payson, Arizona; Washington, D.C.; Tallahassee, Florida; Ft. Worth, Texas; and Austin, Texas. Mr. Reagan then held numerous positions in Baton Rouge, Louisiana, and Montgomery, Alabama, including Assistant Area Engineer, Area Engineer, Assistant Planning Engineer, Planning Engineer, and Research Engineer. While stationed in Baton Rouge, Mr. Reagan attended graduate school at Louisiana State University, taking classes in Transportation Engineering.

In June 1981, Mr. Reagan was assigned to the former FHWA Region One Office in Albany, New York, where he held several positions, including Director of Planning, Director of Planning and Program Development, and Deputy Regional Administrator. As the Deputy, he was responsible for all aspects of the Federal-aid Program in the eight Northeast States, the Commonwealth of Puerto Rico, and the Territory of the U.S. Virgin Islands. Then from October 1994 to July 1995, Dan became the Acting Regional Administrator.

On February 4, 1996, Dan Reagan was appointed the Federal Highway Administration's Division Administrator for Texas. With a staff of 50 employees, he was responsible for delivering the second largest Federal-aid Program in the Nation and implementing FHWA's National Strategic Plan throughout Texas, in partnership with the Texas Department of Transportation. While serving as the Texas Division Administrator, Dan Reagan established the FHWA's first International Programs Engineer position for the entire Texas border, created a forum known as the Texas Environmental Resource Stewards that brings together the leaders of state and federal agencies impacting transportation to resolve issues in advance, and paved the way for such landmark public-private partnerships as TTC–35, TTC–69, and the Central Texas Turnpike Project.

Mr. Speaker, I am very proud to honor and thank Dan Reagan and his family, on the occasion of his retirement, for a lifelong professional commitment of service to the traveling public. I wish Dan Reagan much happiness and good health in the years to come.

PAYING TRIBUTE TO MARCI BERKA REIMERS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of my good friend, Marci Berka Reimers.

Marci was born on May 21, 1957 at Crawford County Hospital in Denison, IA. She was the second of four children born to Marvin and Donna Berka. Marci had two sisters and a brother named Randy, who I am proud to call my best friend.

After graduating from Humboldt Community High School in 1975, Marci married Brian Reimers on November 29 of that same year. As a young couple they lived in Maryville, MO while Brian attended Northwest Missouri State University. Marci worked in retail while Brian was in college. In 1977, Brian accepted a teaching position at Riceville, IA and they lived in that community for two years. In 1979 they moved to Ogden, IA where Marci was instrumental in helping her husband build a first-time wrestling program for that community. Brian has been a teacher, coach, and athletic director at Ogden High School for 26 years, and he will be inducted in the Iowa High School Wrestling Hall of Fame this month. Marci and Brian were blessed with two sons, Luke and Seth.

Luke was born November 7, 1978. He graduated from Simpson College in Indianola, IA. He and his wife Kara, who live in Waukee, IA, gave Marci and Brian the gift of a granddaughter on February 10, 2005. Ella Grace has been the joy of her grandmother's eyes.

Seth was born April 18, 1982. He graduated from Northwest Missouri State University in 2004. While attending NWMSU he was in Army ROTC and received the George C. Marshall ROTC award in 2004. Following graduation, Seth became a U.S. Army Ranger and is currently a 2nd Lieutenant stationed at Fort Drum, NY where he is awaiting deployment to Iraq sometime this year.

Marci was Vice President of City State Bank in Ogden, IA where she was employed for 26 years. She was also a real estate loan officer. In addition, Marci served as treasurer for the Ogden Scholarship & Loan Foundation, which is a private loan foundation providing over one-half million dollars in scholarships to Ogden community members.

Mr. Speaker, Marci was a role model and mentor for many children and adults in Ogden. She served as an advisor, friend, and pillar of support to people of all ages. She was loved for her kind spirit, her strong sense of patriotism, and her ability to clearly live her life based on the principles of respect and dignity for others. Marci worked side-by-side with Brian to build one of the most successful wrestling programs in the state of Iowa. She worked hand-in-hand with Ogden parents and athletes to promote the true spirit of athletics and helped shape many young athletes into responsible American citizens.

Education held a high priority in her life and she encouraged many young men and women to further their education and make a difference in the world. A scholarship has been established in her honor for one young woman each year through the Board of Directors at City State Bank. Marci was an active member of Zion Lutheran Church in Ogden, IA, where she taught Sunday school and served on numerous church committees throughout her life. Her faith in God was remarkable and she demonstrated a life example for all those she touched.

Mr. Speaker, as one of two boys, I always considered Marci the little sister I never had, and regarded her as a member of my own family.

HONORING ARMY SPEC. SERGIO ANTONIO MERCEDES SAEZ

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. RANGEL. Mr. Speaker, I rise today to honor Army Spec. Sergio Antonio Mercedes Saez, a 23 year old soldier who lost his life on Sunday, February 5th in Iraq. He leaves behind a grieving family and a legacy of service and sacrifice of which our community is proud.

Mr. Mercedes, born in Puerto Rico, split his childhood between New York's Washington Heights and his parents' native Dominican Republic before enlisting in the military three years ago. He was serving his second tour of duty, assigned to the 2nd Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team, 101st Airborne Division, when the vehicle that he was riding accidentally rolled over in a canal.

Like so many of our young people, Mr. Mercedes was full of hopes and dreams, not only for himself, but also for his wife Jocelyn and his soon to be born son, which they had agreed to name Christopher Alejandro. He planned on bringing them both back to live in my district, where so many of his family still live and where he could take advantage of his G.I. benefits to get an education.

Yet, he also knew that our freedom was not a gift but a right that had to be earned and secured through shared sacrifice. So although he had his whole life ahead of him, he did not hesitate to serve his country. He answered the call when asked to share the load of this war.

I know that his family, both in Washington Heights and the Dominican Republic, are pained by his death. His loved ones, including his wife, his mother Carmen and his father Sergio Antonio, will never get to see the smile that so often lit up their lives.

Yet they can be proud of the way he served his country. We can all celebrate the life he led, the example he showed and the legacy he left for his son and his community. And we can make sure that the gift that he and other soldiers have given to us is never forgotten.

REMEMBERING DORIS GREGORY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 2006

Mr. GINGREY. Mr. Speaker, yesterday, our Nation lost a very special citizen with the passing of Doris Gregory of Millington, MI.

Born to Vern and Golda Ostrander in 1922, Doris Gregory endured the Great Depression before she married Normal Narsted in 1939 and was blessed with 3 children.

When the United States entered World War II, Norman bravely volunteered to serve in the U.S. Army. Unfortunately, Normal was killed during a patrol mission in March 1945. Although she was left brokenhearted, Doris carried on with her family responsibilities and love for community.

Despite many hardships, Doris Gregory approached life with unbridled optimism and energy. Her friends were abundant and strangers to her were, like the words of playwright Tennessee Williams, "simply friends she hadn't met." She was loved and respected by everyone who knew her and was always willing to lend a helping hand.

Doris found great joy volunteering her time. After retirement, she served as the treasurer of the town of Millington and was instrumental in establishing the Millington Senior Center.

While we have said goodbye to Doris this week, her legacy of compassion will continue to shine in the hearts of her friends and family. May God bless Doris Gregory; she will be missed.

SENATE—*Monday, February 27, 2006*

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Abiding God, this is the day You created, and we rejoice. Thank You for Your unspeakable gifts and wondrous love. Lead the Members of this body with Your truth. Help them to walk faithfully according to Your precepts. Keep them near You as You teach them the power of sacrifice. Prepare them for the testing of their faith, and keep them from being intimidated by the forces of evil. Keep them from strife and division, as You give them prudent speech and a desire for unity.

Help us all to walk with obedience and living faith. And Lord, today we dedicate ourselves to You all over again.

We pray in Your glorious Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. McCONNELL. Mr. President, today we have returned from the Presidents Day break to resume our debate on the PATRIOT Act. At 3 today, following our morning business period, we will return to consideration of S. 2271, the PATRIOT Act amendments bill. Tomorrow at 2:30, we will have a cloture vote on the underlying bill. If cloture is invoked, we will proceed to vote on passage of the bill at 10 a.m. on Wednesday. The 2:30 cloture vote on Tuesday will be the first vote of this week.

There are a number of important committee meetings going on this week, including the discussion on lobbying reform. The majority leader has stated that it is his expectation to begin consideration of that reform legislation next week. We will also have a joint meeting to hear an address from the Honorable Silvio Berlusconi, the Prime Minister of Italy. That address will be at 11 a.m. on Wednesday, and Senators should gather in the Chamber at 10:30. The Senate will proceed at 10:40 to the Hall of the House of Representatives for that address.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I see here two friends on the Republican side who wish to speak. Senator ALEXANDER wishes to speak, I understand, as soon as morning business is announced, and Senator WARNER.

Mr. WARNER. If the Senator is asking, yes, I will take 7 or 8 minutes.

Mr. REID. When morning business is announced, Senator WARNER will be recognized for up to 10 minutes and Senator ALEXANDER—for how long?

Mr. ALEXANDER. Five minutes.

Mr. REID. And when they finish their statements, I ask that the Senator from New York be recognized after morning business is announced.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I thank the Chair.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there is now a period for the transaction of morning business up to 3 o'clock, with Senators permitted to speak for up to 10 minutes each. Does that apply?

Mr. McCONNELL. The Democratic leader is simply arranging the order; is that correct?

Mr. REID. That is right.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Virginia.

PORT SALE REVIEW

Mr. WARNER. Mr. President, we awakened this morning with the news, confirmed, that major steps are going forward in connection with this very important issue of the ports. I use that generic term, "the ports," because it relates to a transaction that has been thus far approved by the administration whereby a company, owned by the United Arab Emirates, will be engaging in terminal operations in a half dozen or so of our terminals here in the U.S., having acquired those assets from a British firm which has been conducting those operations for some time.

I am very pleased that the leadership of the Senate—notably my distinguished majority leader, with whom I have been in conversation in the past 72 hours—is taking a leadership role. I hope the other side shortly will speak to their role in bringing into focus the importance of this issue and facilitating the several committees of the Senate to have hearings, briefings, or otherwise acquire the facts.

Last week, I believed it was imperative that a certain amount of facts get into the public domain as quickly as possible. On short notice, I held a briefing—in contrast to a full hearing—a briefing by the Senate Armed Services Committee and the principals, basically the Deputy Secretaries of the various departments and agencies which have the primary responsibility within the group of 12 of the organization known as CFIUS, or the Committee for Foreign Investment in the United States.

The manner in which the President, acting upon the recommendation of the CFIUS group, indicated that he and the administration approved of this transaction will be examined in the context of these committee hearings and also the intelligence that was a key factor because everyone is constantly concerned about the security of this Nation as it relates to the war on terrorism and most specifically the port security situation. Very legitimate concerns, very legitimate arguments, very legitimate positions, in some ways, have been stated at all levels of our society. I believe it is important, before people become rigid in their thinking, that they at least possess all of the basic facts.

My remarks today will not address the past. I am concentrating on looking forward, as I have spent a great deal of time in the past week on this situation. This particular contract, this one commercial situation, is of importance to many parties and of importance to this country, but it has ramifications across our global economy. Our Nation is daily dealing in a one-market economic market. Really it is a one-world market of diplomacy among the free nations as well. Indeed, it is a one-world market in terms of our individual and collective securities, particularly in the war on terrorism.

It has been fascinating to me, although I have visited the UAE in times past, to focus once again on this pivotal and rapidly growing nation, a nation of several emirates which have

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

drawn together, a nation which is becoming one of the major financial markets in the world and major investors in the world.

According to the United States Trade Representative, the United States and UAE engaged in $4.6 billion worth of trade in 2003—and that figure has doubled since then according to the Financial Times. More than 500 U.S. companies have regional headquarters in the Emirates. Oil and Gas are leading industries in the UAE, as the country holds approximately 8 percent of the world's crude oil reserves and has the 5th largest natural gas reserves. In addition, at the end of 2005 Emirates purchased 42 Boeing 777 aircraft for approximately $9.7 billion. This represents some of the vast investments by UAE in America and American investment in the UAE.

On Saturday afternoon I went to the Department of Defense. I went down to the Joint Staff, where I met with the key officers who are dealing with a variety of issues relating to this and other matters to verify that over 500 U.S. warships docked—and I use the word "docked" because they went right to the piers. Our sailors went off; others came on to work with the ships. They didn't anchor out in the harbor and send in the lighters and the other transportation. It is the only port in that region in which we can dock our major supercarriers.

In addition, there are airfields that are supporting the ongoing operations we have in Afghanistan and Iraq.

It is important to look at security concerns. I personally went down and received the briefings—I hope others do—on the intelligence assessment that went into the first review of CFIUS negotiations. The facts speak for themselves. Ambassador Negroponte will be before the Armed Services Committee, and I will propound questions on the procedures and his own assessment. Hopefully that can be put into the public domain.

As we embark on this new voluntary 45-day investigative period—and I have some association with the company in this. They asked to come to see me, having followed with great interest the hearings at my committee, over which I presided, in which I, in a very even-handed way, I believe, we began to address these issues. I spent several hours with them. They were going to file here, within the next few days, the key documents with the Treasury Department which will trigger the 45-day time investigation.

I believe our leadership should focus on that time period. It ends up on, basically, April 15, at the very time we proceed on another recess. They, the company, hope to conclude by May 1. I am sure the leadership of both sides, working with the administration, will try to find some way so Congress can stay abreast of the proceedings, rather than receive the entire record and decision making of CFIUS on the eve of going on another recess period.

Also, we have to be extremely careful in this 45-day process because we will be setting precedents as to how our Nation proceeds under the CFIUS process. We have to proceed with a certain amount of confidentiality because when other free enterprises come to invest in the U.S., they will go before CFIUS for review. Thousands of these cases have been handled. We have been doing it since, roughly, 1988, and even going back before that under the Defense Production Act to the 1950s. While it is important that we know more of the facts; we have to do it in a way to preserve a certain degree of confidentiality in the business world. Otherwise, there could very well be a chilling effect on foreign investment in the U.S. We don't want companies to say we can't come to the United States because in the course of trying to do our business—which is a private transaction so often between two companies—our proprietary information could be compromised.

This is going to pose a challenge.

My last point—I am gravely concerned about the image of America. I have checked into the press coverage of this in the Arab world, and I regret to say that it is extremely disturbing. We cannot, in the course of our responsible work in the Congress and the continuing responsible work of the administration, allow our actions to be viewed by others as being biased. Congress must look at this not only as a business deal between two companies but also consider the global diplomatic, economic, and military security issues associated with this acquisition.

It is imperative we not send a mixed message to—or impose a double standard on—our allies by expecting assistance in the global war on terror and an open door policy toward investing in their country while sending a message that they are not welcome to invest in ours. We have to show that, yes, we are concerned about security, but in doing so and working through this process, we should not be perceived as treating elements of the Arab world and governments of the Arab world as second-class citizens. It is imperative that at the conclusion of this—however it comes out, and I am hopeful it will come out positively—the U.S. is viewed by the Arab world as a reliable working partner and that recognizes the importance, particularly in the war on terrorism, of having the support of a number of Arab nations to protect our interests and those of other nations in the free world.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Tennessee is recognized.

CELL PHONE USE ON PLANES

Mr. ALEXANDER. Mr. President, I thank the leadership for allowing me these few minutes. There are a number of grave issues facing our country. The Senator from Virginia has talked about the management of ports. The governors from across America are meeting here to talk about National Guard strength and about the rising costs of Medicare. We are all interested in those issues, but this issue I rise to speak about is one that threatens our national unity as much as any of those graver issues.

Let me put it this way: Where is Dave Barry when we really need him? As he would say, what I am about to say to you, I am not making up.

Apparently someone has discovered that it may not be true, as is now suggested at the beginning of each airline flight, that using our cellular phones will cause our planes to plunge directly to the Earth. As a result, airlines and cell phone companies, as the presiding officer, who is chairman of the relevant committee, well knows, are encouraging the Federal Communications Commission and the Federal Aviation Administration to allow the approximately 2 million Americans who fly each day to talk on their cell phones while they are traveling.

There are many issues facing our country, but as I say, I can't think of one that threatens our national unity quite so much as this proposal to turn airplanes into cacophonous, steel-sheathed missiles of Babel rocketing through the skies.

Imagine squeezing into your 17-inch middle seat between an oversized gentleman shouting into his Blackberry and an undersized teenager yapping into her cell phone, while in front of you a foreign traveler orders dinner and across the aisle a saleswoman lectures her child—all of them raising their voices to be heard. It would be 5 hours of perfect hell from Dulles to Los Angeles—a rising, deafening chorus of "Can you hear me now?" In multiple languages.

I can promise you that this noisy symphony will cost the airlines money. To begin with, passengers will demand expensive headphones to drown out the noise. These headphones will be twice as expensive to replace when passengers begin wrapping them around the throats of the yapper in the next seat. Not to mention the added cost of the medical bills that will be the result of fistfights or the cost of emergency landings to remove brawling passengers. To prevent these airplane fistfights, the airlines would need to hire three times as many air marshals. And I cannot imagine how many they would have to hire for a long flight to Alaska.

Stop and think for a moment about what we hear now in airport lobbies from those who wander aimlessly or stand next to us yelling every imaginable personal detail into a microphone dangling from one ear. We hear them babbling about last night's love life, rearranging next week's schedule, or lamenting their children's behavior. We hear them barking orders to an assistant, dictating messages, or engaging in negotiations. All of this is done, of course, in a loud, unnatural cell phone voice and completely oblivious to those of us nearby who are being forced to learn more about this person than we would ever want to know. An airplane is a close environment, and we are assigned to one seat, strapped in, and limited in our choice of seatmates. We are also limited in the ability to walk around or walk away.

I have just one cell phone to turn off for my country, but I will assure you that there are many other airline travelers who will gladly make the same sacrifice. I offer as evidence the statement of a senior member of the House Transportation Committee and former chairman of the Aviation Subcommittee, Mr. Duncan of Tennessee, which he made on July 14 of last year; the thoughtful comment by Court Television anchor Fred Graham from USA Today, November 14, 2002: and another USA Today article, this one by Craig Wilson on June 1, 2000.

I ask unanimous consent that each of these articles be printed in the RECORD at the end of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit No. 1)

Exhibit 1

[From USA Today, Nov. 14, 2002]

Keep Skies Cellphone-Free

(By Fred Graham)

As a person who makes his living in New York, I am accustomed to an occasional hassle. But as a person who commutes weekly on the airlines from Washington to my job in New York, I can see that many more hassles may be on the way.

The reason is that the airlines' longtime ban on cellphone chatter while aloft may be lifted. Thus air passengers could be confronted with the nightmare of all cellphone annoyances: being assigned a seat next to a traveler who shouts into a cell phone for the duration of the trip.

Warning flags surfaced recently when USA TODAY reported that two electronics companies—AirCell and a unit of Verizon—are racing to develop technology that will eliminate the interference problems that led to the ban on cellphone use during flights. The troubling aspect of the article is that the statements attributed to airline and Federal Communications Commission (FCC) officials seemed to assume that if the technological problems could be solved, that would settle the matter. The bottom line: The electronics companies would make huge profits, and cell phone users would be accommodated in the air. There was no mention of the impact that this could have on the comfort and civility of traveling by air.

Airline passengers have heretofore been spared cellular unpleasantries because government regulators decreed that cellphone transmissions might interfere with airplane electronics or with cellular frequencies on the ground. This made air travel a blissful refuge from the cellphone indignities that have spoiled many a trip on a train or bus. Anyone who has used mass ground transportation in recent years has witnessed it: passengers squirming in discomfort as a nearby cell phone user prattled on about matters that no stranger would want to hear.

No way to escape chatty seatmates.

The reality is that air travel is unique in ways that would make cell phone use far more upsetting than in any other form of travel. Airline passengers in tourist class are usually tightly packed in these days. If an air passenger is offended by the cellphone excesses of his seatmate, he often cannot move to another seat, and a flight to Los Angeles could be interminable. I have witnessed a near-fistfight over obnoxious cellphone use on an Amtrak train. That was unpleasant, but fistfights on airplanes could be dangerous.

There's good evidence that cellphone users on airplanes don't suffer grievously from the current cellular ban. Many jetliners offer their own telephones within arm's reach of every passenger, which, if used frequently, could be just as annoying as a cellphone. But fortunately these calls are very expensive, so passengers rarely use them. This suggests that very few air passengers really need to get messages to people on the ground, and that much cellular chatter, if it were allowed, would serve mostly to relieve the boredom of the flight.

One small step for sanity.

The government regulators and the airlines should take a bold step: Declare that, even if cell phone use in the air ceases to be a threat to the aircraft, it should still be banned as a threat to the peace and comfort of the passengers.

But with so much money at stake, it seems reasonable to expect that once the safety problems are solved, the regulators and airlines will permit cellphone calls from airplanes. If so, the airlines should copy the "quiet car" concept that Amtrak has crafted by designating one car of passenger trains off-limits to cellphone use.

Airliners could have a "quiet space" toward the front of each plane, and every passenger who agrees not to use a cellphone should have the right to be seated there—with the blissful assurance that the cellphone users would be chattering away in the rear.

[From USA Today, May 31, 2005]

(By Craig Wilson)

Cell Phone Bullies Change the Tone at Airports

It was 6 in the morning in Las Vegas. I had not been up all night like most everyone else in town, but I felt as if I had, mainly because everything was surreal, even by Vegas standards.

I was at the airport, drinking my coffee, wondering why I had booked such an early flight home, when a man appeared out of nowhere and began screaming into his cell phone that "the fools" at the gate area would not give him the seat he was always assigned. It was his seat, after all, in the emergency exit row. He always sat there.

I know this because he was telling not only the person on the phone, but also all of us in the 702 area code.

What he had done was call the airline's customer service number. He was unhappy with the answers he was getting from the gate agent who was standing right before him.

I haven't seen anyone his age, or size, throw such a temper tantrum in a long time. In fact, I'm not sure I've ever seen anyone throw such a tantrum.

And then he was gone. Poof.

Maybe angry gods swept him away, or the security guards shuffled him out, or maybe his own two feet were embarrassed for him and carried him off, but he was gone—much to the relief of everyone waiting to board.

It could just be bad timing on my part, but I'm running into more cell phone jerks these days. They're everywhere.

Just the other day, a man regaled a boarding area at Washington's Reagan National Airport with his business of the day. It was very clear very early that he was very important. He was berating one of his underlings for all the world to hear.

Being a bit of a jerk myself, I decided to try a little experiment. Instead of fleeing, as I would usually do, I remained next to the man. He continued his lecture—staring at me on occasion as if I shouldn't be eavesdropping!—then moved a few feet away. So I quietly moved with him. I followed for three more moves until he finally told the person on the phone he'd call back. Some jerk was following him around, he said. Actually, jerk wasn't the word he used.

I chuckled all the way to New York's LaGuardia.

A number of airlines are looking into the possibility of cell phones being allowed in flight. The Federal Communications Commission and the Federal Aviation Administration have to agree before it can happen, but reports indicate it could come to pass as early as next year. Heaven help us all.

If so, I have a couple of wishes. I want whoever votes to allow cellphones on planes to take a flight with the young man who threw the fit at sunrise in Las Vegas. And I want them to sit right next to him. But not in his emergency row. I want him to be unhappy and calling people to tell them so.

I also want them to take a flight with the businessman who was berating his colleague back at headquarters. I'm just curious about whether he has whipped the office into shape yet.

Then give me a call. I'll be home, because I doubt I'll ever fly again.

Duncan Statement: Subcommittee on Aviation Hearing Cell Phones on Aircraft: Nuisance or Necessity?

Mr. MICA. Mr. Duncan.

Mr. DUNCAN. Thank you very, Mr. Chairman. And thank you for calling this hearing. I was one of the more than 7,000 who sent letter or comment to the Federal Communications Commission in very, very strong opposition to the lifting of this cell phone ban. And I can tell you, I come down very strongly on the nuisance side of this equation. I remember reading a couple of years ago that Amtrak tried out a cell phone free car on its Metroliner train from New York City, and so many people rushed to that car that they immediately had to add on another cell phone free car. Around that same time, I read about a restaurant in New York City that banned cell phones from one of its dining rooms, and the next day it had to double that by adding on a second dining room because so many people wanted to participate.

Among the comments to the FCC, passenger Richard Olson wrote the Commission: A fellow passenger's signal was breaking up, so his remedy was to talk loudly. The flight attendant had to ask him to quit using the phone. On the ground, we can walk away from these rude, inconsiderate jerks. In there, we are trapped.

The Boston Globe wrote about a conversation that Gail James of Shelton, Washington found on one flight. She said, quote: I was seated next to a very loud man who was explaining his next porn movie on his cell phone. Everyone on the plane was subjected to his explicit blabbering. Should cell use during flight be allowed, we had all better be prepared for a whole lot of air rage going on.

A CNN/USA Today Gallup poll found that 68 percent were opposed to lifting this ban; only 29 percent in favor.

Now, cell phone technology is, in many ways, a wonderful thing. It can be used, as we all know, to help in emergencies, to let someone know that they are going to be late for an appointment, to call for directions when you are lost. But I also wish that we had much more cell phone courtesy. I think most people do not realize that they talk much more loudly in general on a cell phone than they do in a private conversation. And almost everyone has a cell phone today. A former Knoxville city councilman told me at the first of this past school year that three young girls were in the office at Fulton High School in Knoxville saying they could not pay a $50 activities fee, but all three of the girls had cell phones on which they were probably $50 a month cell phone bills. Today, cell phones are heard going off. I have heard them go off at funerals, weddings, at movie theaters, restaurants, congressional hearings. One was even answered by a reporter asking President Bush a question, and apparently it caused President Bush to get very upset as it should have. Gene Sorenson wrote recently in the Washington Post, quote: I don't mean to interrupt your phone conversation, but I thought you should know that I can hear you. I would close the door, but I can't seem to find one on the sidewalk, the path at Great Falls, in line at Hecht's, or at table 4 by the window. It is not like I'm eavesdropping. As titillating as it sounds, I am not drawn into your conversation about yoga class, tonight's dinner, or Fluffy's oozing skin rash.

Although cell phones have been around for a while, we still associate one with privacy. Put one to your ear, and you will think you are in your kitchen, office, or, what was called a phone booth. But take a moment to look around. You are in public.

On June 21, Robert McMillan wrote in The Washington Post about some of the comments to the FCC, and he quoted Steven Brown who described the perfect trajectory of what he called hell: Just imagine that ring conversation being mere inches from your head and on both sides of you while occupying the middle seat for a five-hour flight from L.A. to New York. Hideous.

In addition, I know there are security concerns and some concerns regarding possibly the effect on aircraft avionics. But I hope that we do not lift this ban, and I hope that it becomes very clear in this hearing that there is a great deal of opposition to this proposed change. And I thank you very much for calling this hearing.

Mr. MICA. I thank the gentleman. Mr. DeFazio.

Mr. DEFAZIO. Thank you, Mr. Chairman. Mr. Chairman, this is not an issue of first impression for this committee. I remember a number of years ago we had a hearing on cell phones. We had a professor from Embry-Riddle who said—sorry, Mr. Chairman.

Yeah. Yeah. No, we are in this thing. Yeah. No, it will be. Yeah. Yeah. Okay. Yeah. Okay. Yeah. Sorry. I'm sorry, Mr. Chairman. Okay. Bye, yeah. Yeah. All right. See you. Bye.

Mr. MICA. You are just lucky you didn't do that with Mr. Young.

Mr. DEFAZIO. I know. I would have been in deep trouble. We are going to put Chairman Young in charge of this issue.

But that is the point. I mean, and he told us and at the time I was suspicious that we were being held captive by the industry to these air phones, you know, and their extortionate charges. But he said, convincingly, that there was a possibility, particularly in a fly-by-wire aircraft, small but possible, of a damaged cell phone or other transmitting device causing a problem. Now they are trying to deal with that with this pico technology, I guess. But I am not sure that totally addresses his problem. I think the * * *

Mr. ALEXANDER. Mr. President, each of these travelers argues for preserving one of the last refuges of privacy—the quiet of an airline cabin where one may read a book, listen to music, sleep, or be left alone. This privacy may not be enshrined in the Constitution, but surely it is enshrined in common sense.

If there must be cell phones on airplanes, common sense suggests following Fred Graham's advice: Create soundproof conference rooms in the back of the which passengers may rent for the privilege of yelling into their cell phones. Or perhaps technology itself will rescue us. Perhaps the Federal Communications Commission or airline plane executives in a real outburst of common sense will earn the gratitude of 2 million Americans who fly each day by deciding text messages, yes, but conversations, no.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from New York is recognized.

PORT SECURITY

Mr. SCHUMER. Mr. President, before he leaves the Chamber, I wish to thank my colleague from Virginia. I am not sure we see exactly eye to eye on this proposal, but no one doubts the sincerity, the integrity, and the intelligence and fervor with which our chairman of the Armed Services Committee seeks to do good for following through on what he believes is necessary for this country. I hope we can work together and come to an amiable arrangement. Obviously, because of his work, our two sides are closer together today than we were a week ago.

Mr. WARNER. Mr. President, I thank my distinguished friend and colleague. I would like to stay here and have the benefit of his remarks, but I am a member of the Homeland Security Committee. We are having a hearing on this subject now.

But I say to my good friend that he is privileged to represent a State which is at the vortex of commercial transactions of world trade and the one-world market of which I just spoke. I hope, in the ensuing days as we begin to debate this and discuss it, he will avail himself of his industrial base in his State and the finances in his State to get a broader picture of the magnitude of the investment by the Government of Kuwait and, indeed, other Arab nations in the United States of America. Consequently, it is essential that we view this situation as one that is not influenced by any bias or prejudice or duality or double standards. No.

I say to my friend, just ask your businessmen why would a company such as the UAE organization be looking to acquire just the franchises to operate terminals—not own terminal. We have to get that out. The terminals will remain in State control. Why would they want to invest $6.8 billion in projects throughout the world and in any way facilitate any individual or group to try an act of terror and be forced to jeopardize their own investment? We have to attribute to these people, even though they are beyond our shores, a tremendous business acumen, concern over their own security and their own interest.

Having the opportunity to meet with the Mr. Bilkey Saturday evening—he asked to see me, and I was happy to do that—I learned a great deal about the knowledge and level they have of how to put a greater security situation in the transit of these containers. Let us give them an opportunity.

I thank my friend for his remarks.

Mr. SCHUMER. Mr. President, I thank my colleague, and I certainly agree. I have talked to a good number of people in the business community and in the ports community of New York. The issue is a complicated one but one that is hardly clear-cut. But I will continue to pursue that.

I also will make just one other point: that is, the worry many of us have is not that the head of this company would be wanting to facilitate terrorism but, rather, that terrorists might too easily infiltrate such an organization. I will get to that in a little bit of time.

(The remarks of Mr. SCHUMER pertaining to the introduction of S. 2333 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. In my capacity as a Senator from Tennessee, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Democratic leader is recognized.

APPOINTING PENSION CONFEREES

Mr. REID. Mr. President, right before the recess, the distinguished majority leader and I had an exchange regarding the pension reform conference. Everyone acknowledges the conference is necessary. The pension reform bill is headed to conference. It is a very important piece of legislation that will affect the pensions of millions of working Americans. It has strong bipartisan support. It passed this Senate by a vote of 97 to 2.

This has boiled down to something that is fairly simple: Who will be the conferees? We have a right, of course, on our side to choose who we believe should be in the conference. The distinguished majority leader has the right to choose whom he wants to be in the conference. Arbitrarily, the majority leader said that conference would have seven Republicans and five Democrats. That is not acceptable. We have said that because of the complexity of this issue we need another Democrat. We are willing to maintain the margin of two where Republicans would have an advantage. But we believe it should be eight to six. Republicans would get another conferee. Democrats would get another conferee.

Now, certainly, we are eager to work on producing a conference report that will protect the benefits working Americans have earned, provide certainty to employers who sponsor pensions, and strengthen the Pension Benefit Guaranty Corporation. I can see nothing harmful about having six Democrats instead of five. It is important to get the right people into the room when these issues are being discussed and decisions are being made. Remember, this conference will have jurisdictional aspects relating to the Finance and the HELP Committees.

When we had the corporate tax bill last year, there were 23 conferees—23 conferees. We are saying there should be, again, eight Republicans and six Democrats. Conferees on this legislation will need to resolve a number of important and very technical issues because we have different feelings than does the House. And when I say "we," I mean Democrats and Republicans, as indicated by the overwhelming vote to get it out of here.

I have confidence in the abilities of the two lead Senators on our side, Senators KENNEDY and BAUCUS. But this is one conference where the addition of a couple more sets of eyes is likely to lead to better legislation. So I would hope the majority leader would focus his attention on this issue and let the conference go forward. The only thing holding this up is whether this conference will have six Democrats or five in arriving at a bill that will be brought back to this body.

REMEMBERING THE ADMINISTRATION

Mr. REID. Mr. President, I rise to talk a little bit about this administration, the administration of George W. Bush. Unless there is a significant turnaround, this administration will not be remembered for its accomplishments. It, in fact, will be remembered for its incompetence. And this dangerous incompetence has made America less secure.

From Social Security to border security, the American people know that incompetence lies at the heart of this administration's failures. Ultimately, this incompetence has come with a price. It has made our country less safe and less secure.

We can talk about a lot of things, but this afternoon I will talk about a few. Let's talk about the prescription drug program. I support a Medicare drug benefit, but this administration has botched the program so badly that relatively no one has signed up for it. The President, in his Saturday address, said 25 million Americans have signed up for this program.

That is simply not true. Twenty of those twenty-five million, prior to this legislation passing, already had prescription drug benefits. And now, under this program, they have a lot less than they had before. So after all this talk, there are a few million new people who have signed up, and tens of millions of people are still left trying to figure out what to do and how to do it.

Of the seniors currently in the program, millions are paying more for their drugs than they were under the previous coverage. This includes thousands of seniors in Nevada who face more restrictions and higher costs. Millions more seniors were wrongly dropped from the system, leaving them without coverage for the life-saving drugs.

I had the opportunity, this morning, to meet with the Governors. They are terribly concerned because of this legislation being so poorly managed and, frankly, poorly written. The States have had to advance their hard-earned moneys to pay for the drug coverage of people who simply are cut off. They want to know when they are going to be reimbursed.

What about the President's incompetence in the war on terror?

In 2002, Osama bin Laden was trapped in the mountains of Afghanistan.

But instead of redoubling our resources to capture him, the President shifted to Saddam Hussein, and bin Laden was left to fight another day. As a result, the al-Qaida leader continues to plot and threaten us as we speak.

Meanwhile, terrorist attacks across the globe are up sharply over the last 5 years, and al-Qaida has morphed into a global terror franchise.

Government reform. What has the President done? President Bush promised to create a new tone in Washington. He has, but it hasn't been a pleasant tone. His incompetence has created the biggest culture of corruption our Nation has ever seen, with scandals in the House, the Senate, and the White House, and the country is paying a price for this corruption: higher gas prices, higher health care costs, and deficits year after year. Every Bush budget has broken a record of paying a higher deficit than the year before. But the problem is that he keeps breaking his own record.

It is difficult for me to comprehend how my friends on the other side of the aisle can allow this to go on. We were told by Alan Greenspan, when we were in the majority, that the deficit was the most important thing facing this country. So we did something about it—the Budget Deficit Reduction Act of 1993—and not a single Republican voted for it in the House or the Senate. Vice President Gore had to break the tie in the Senate. In the last 3 years of the Clinton administration, less money was being spent than we were taking in. We retired the debt by about a half trillion dollars. That certainly has not been the case during the Bush years.

Whether we like it or not, President George W. Bush will be President for the next 2½ years. We need him to govern competently. We cannot afford more of what we have seen since 2001. So today I offer three issues: The port security issue, Iraq, and Katrina—these are only three—where President Bush can work with us in order to turn his record into a record of progress and competence.

First, our ports. Now, the President said he would not allow any legislation to go forward; he would veto it. Of course, there has been a change of tone because even Michael Savage—I was in Reno and I wanted to listen to the news, and I flipped it on about 10 to 9 or 8—I don't remember the hour. Michael Savage was on. I never listen to him. I heard a lot about him, so listened. He spent that 10 minutes berating the President. Michael Savage does not very often do that. It is not only Michael Savage, but everybody in America is so upset about this port situation. Their decision to outsource our ports to Dubai shows they still don't understand the realities that exist in this world.

How in the world was the decision made to give another country control of our ports? It is not another company but another country that will be taking care of our ports. That is a state-owned company. The administration's decisionmaking process could not be more flawed. On the one hand, we have Secretary of Treasury Snow, who I am told from his CFX retirement got about $100 million, being asked to rule on this. Part of his CFX responsibility was CFX's involvement in ports. He was the one who made the final signoff on this, not Chertoff. This was not a security issue; it was a business issue. I am sorry to say that any time in this administration when it is business versus security, business wins.

No effort was made to brief Congress, relevant States, or the port authorities. The decision seems to have ignored the truth about Dubai, one of the seven city states of the United Arab Emirates. Of course, we are told now that the United Arab Emirates wants to be a friend of the United States. Everybody knows we need more friends in the world, that is for sure. But we cannot ignore the historical connection of the United Arab Emirates to terrorism and the proliferation of terrorism. The United Arab Emirates was only one of three nations in the world to recognize the government of the Taliban, the government which allowed Osama bin Laden and al-Qaida development.

The 9/11 Commission found that UAE represented a persistent counterterrorism problem for the United States. Terrorism money has been laundered through UAE, and 11 of the hijackers flew from Dubai to the United States in preparation for the attacks.

Bin Laden's operatives are said to have used Dubai as a logistical hub after 9/11. In 2004, it was exposed that Dubai was the center of the world's largest nuclear weapons proliferation ring, as the AQ Khan network used Dubai to traffic nuclear weapons technology to the highest bidders.

Finally, according to Freedom House, a nonpartisan and highly respected organization often cited by the Bush administration, the United Arab Emirates is not free, not democratic, and has been found to engage in human trafficking and forced child labor. So, of course, we need them to be our ally. I think they can be our ally on a range of issues, but right now we better stop and look at what we are doing.

There are significant national security considerations involved in this deal that have never been considered by the President. They must be considered in the post-9/11 world. That is what the law and our Nation's security require. After fumbling this process so badly, the President decided yesterday to accept the company's 45-day investigation of the port sale.

While this is a good first step, the administration's consistent involvement in this, which has not been positive, makes me skeptical. There is no indication that they will do better in 45 days than they did in 14.

The lesson of 9/11 is that we cannot leave any stone unturned. So I call upon this administration to take three steps concerning our ports and this sale, in particular. First, during the next 45 days, I urge the President to take a hard look at the national security implications of this arrangement. He cannot leave this decision to under secretaries and deputies. He needs to get involved and provide leadership.

Second, he needs to work with Congress to fix the review process. We need to make sure that all future sales of critical infrastructure go under an automatic 45-day review, and that the President personally signs off on deals such as this, and that Congress is kept informed throughout the process.

Finally, there is something else the President needs to do with our ports: Make a real commitment to port security. We have known for years how vulnerable our ports are. Only 5 percent of the containers coming into this country are inspected. For years, we have tried to make them more secure. Unfortunately, every time we bring a measure to the floor, it is defeated on a party-line vote. They have fought us every step of the way, going as far as eliminating grants to port security in next year's budget.

If the President is serious about protecting our ports, he will reconsider this decision and join with Democrats to do everything we can to keep our ports safe.

The President's second chance to turn incompetence into progress comes in Iraq. To be successful in Iraq, there must be victory on three fronts: the security front, the political front, and the economic or reconstruction front. Unfortunately, on all three fronts there is only incompetence by the administration right now.

On the security front, we have gone from having one Iraqi battalion capable of operating independently to zero. We have gone backward. Our troops and our generals are performing bravely, doing their job with honor every day. Unfortunately, they have been let down by our civilian leaders time and time again. The political leaders of this administration didn't have a plan to win the peace. They sent our troops into battle without the equipment they needed. According to Paul Bremer, Provincial Governor of Iraq, in his book, this administration denied the military's request to put more troops on the ground so we could control Baghdad and Iraq's borders. We know that General Shinseki said we would need more than 200,000 troops. He was fired. We know Larry Lindsay, who was the President's chief economic adviser, said the war would cost us $100 billion. He was fired.

The political front has been mired by similar incompetence. To achieve political victory, we need the Iraqi people to work together, but the raging violence between the Shia and Sunnis last week shows how far we are from that goal.

President Bush cannot fulfill his responsibilities simply by placing a periodic phone call to the Iraqi leadership. He needs to be personally involved. The job of bringing all the factions together has been delegated to our fine Ambassador on the ground. The Secretary of State was in the region last week, but she apparently didn't have time to stop in Iraq and impress upon the Iraqi leadership the importance of coming together to form a government.

On the reconstruction front, things are just as bleak. The Iraqi people still lack basic infrastructure. We don't know how many Iraqis are getting drinkable water. Their oil and electrical output continues to decline, and it is lower than before the war started. On reconstruction, only $3 billion has been delivered. The money has been spent, mired in fraud, with teams of Justice Department lawyers investigating contractor fraud and crimes by Americans running this civil authority.

It is long past time for President Bush to come forward with a strategy to complete the mission in Iraq. We are losing ground on the three key fronts: economic, military, and political. The window of opportunity for the Iraqi people and this administration to get things right grows smaller every day.

If the President is serious about our security, he will identify a strategy for achieving the remaining objectives that must be met in Iraq. We will pay a real price if the incompetence continues in Iraq. As the New York Times reported Friday, leaders across the Middle East fear that violence could spread from Iraq across the entire region. The President must get a handle on Iraq and do it now.

On these three issues and other issues, we reach out to the President. We are willing to work with the President, but he must understand that it cannot be only his way; we have to work together. If we do this, we can have a better country.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Ms. MURKOWSKI). Morning business is now closed.

USA PATRIOT ACT ADDITIONAL REAUTHORIZING AMENDMENTS ACT OF 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2271, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2271) to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

Pending:

Frist amendment No. 2895, to establish the enactment date of the Act.

Frist amendment No. 2896 (to amendment No. 2895), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, as we begin the debate and discussion on the USA PATRIOT Act, I urge my colleagues to invoke cloture to cut off debate tomorrow when the vote is scheduled at 2:30, and then proceed to pass the PATRIOT Act.

The PATRIOT Act was passed by the Congress and signed into law by the President shortly after September 11, 2001, to provide additional tools for law enforcement, and it was reviewed extensively by the Committee on the Judiciary, which I chair, last year; and the Judiciary Committee came out with a unanimous report, with all 18 members on the committee concurring in the final product.

We considered this a unique, if not remarkable event, considering that our Judiciary Committee has people at all positions on the political spectrum. So to have unanimous agreement was, we thought, quite an accomplishment. When the matter came to the floor of the Senate, it was passed by unanimous consent, which again was unique, if not remarkable, in that on a matter as complex and controversial as the PATRIOT Act all of the Senators were in agreement that it should be enacted.

We then went to conference with the House of Representatives and, as expected, the House had different views than what the Senate had in mind. But we worked through in a collegial way with Chairman SENSENBRENNER and others on the House side and came to a conference report which we submitted to the Senate.

We fell short of having enough votes to impose cloture when objections were reached to a number of provisions which had been included in the conference report.

There have since been some changes made in the legislation which is pending before the Senate. I compliment my colleagues, Senator SUNUNU, Senator CRAIG, Senator MURKOWSKI, who is presiding today, and Senator HAGEL, for a number of additions which led those four Republican Senators who had not voted for cloture to find the PATRIOT Act acceptable, taking the conference report and making these additions.

It is our expectation that there will be a number of Democrats, I think most of whom oppose cloture, so we have an expectation of receiving 60 votes tomorrow to be able to move the bill ahead.

The changes which were made as a result of these modifications provide for explicit judicial review of a section 215 nondisclosure order, a provision to remove from the conference report the requirement that a person inform the FBI of the identity of an attorney to whom disclosure was made or will be made to obtain legal advice or legal assistance with respect to a national security letter, and an additional provision to clarify current law that libraries that have been functioning in their traditional roles, including providing Internet access, are not subject to section 2709 national security letters.

These changes were, in my opinion, not major but helpful in the sense they have satisfied a number of Senators, I think, and are very constructive and enable us to move forward, which I expect will enable us to obtain cloture.

With the revised bill which is now before the Senate for a cloture vote tomorrow, it is my hope my colleagues will cut off debate, invoke cloture, and let us move ahead to the passage of the PATRIOT Act. It is not a bill to my precise satisfaction, but in the Congress of the united States, we reach accommodations and we reach compromises. My preference would have been to have the Senate bill enacted, but there were significant concessions made on both sides, especially by the House of Representatives, in agreeing to a 4-year sunset provision.

What I intend to do tomorrow is to propose additional legislation in this field which would take the current bill with the improvements made by Senator SUNUNU and his group and add a number of additional safeguards on civil liberties which will improve the bill even further, in my opinion, and to consider that on additional legislation in the Senate.

In so doing, I fully realize we will have to go through the legislative process. We will have hearings in the Judiciary Committee. We will make this the subject of oversight on what the law enforcement officials, specifically the FBI, will be doing, and we will ultimately, hopefully, report out of the Judiciary Committee a bill with the provisions which I am now about to enumerate which will, if successful in conference and to be signed by the President into law, return the bill to its form which passed the Judiciary Committee unanimously last year and passed the Senate unanimously.

The provisions in the bill which I will introduce tomorrow—I wanted to give my colleagues notice of what I intend to do—would be a provision, first, on the notice on search warrants to require that the target receive notification of the execution of a delayed notice search warrant within 7 days as the Senate-passed PATRIOT Act provided. The conference report provides for notice within 30 days, which was a significant compromise when the House of Representatives moved from 180 days to 30 days and the Senate moved from 7 days to 30 days, but it continues to be my view that the 7-day requirement is the best requirement.

The bill will further provide that section 215 will have the Senate-passed three-part test which will require a statement of facts accompanying an application to show that the records sought, first, pertained to a foreign power or an agent of a foreign power, second, relevant to the activities of a suspected agent of a foreign power who is the subject of an authorized investigation, or three, pertain to an individual in contact with a suspected agent of a foreign power.

I will put in the RECORD a memo detailing the differences between the Senate bill and the House bill and the conference report.

This provision goes to the heart of strenuous objections raised by people who filibustered the bill who objected to a fourth provision which gave the judge discretion to allow for a court order if there were a terrorism investigation involved generally which did not have one of this three-part test.

My view is that the three-part test is decisively preferable, although I do think in the spirit of compromise on our bicameral legislation, having the discretion of the judge to authorize the order if he found it warranted in light of the terrorism investigation was acceptable. This is preferable, and this will be included in the new bill to be introduced.

A third change will provide for judicial review of national security letters to eliminate the conclusive presumption in the conference report on the national security letter provision. The bill removes the ability of the Government to prevent judicial review of the nondisclosure requirement if it certifies in good faith that "disclosure may endanger the national security of the United States or interfere with diplomatic relations."

This provision in the conference report was identical with what passed the Judiciary Committee unanimously and was adopted unanimously by the Senate. Those who have objected to this conclusive presumption say it was overlooked and that on further consideration they objected to it.

Upon additional analysis, it is my view this conclusive presumption is better out of the report, which gives the court the discretion to allow for the judicial review of these national security letters.

A fourth provision involves judicial review of the section 215 order nondisclosure requirement and it eliminates the mandatory 1-year waiting period for judicial review of nondisclosure requirement on 215 orders. The additions by Senator SUNUNU and his colleagues provide for a 1-year waiting period. My own view is it is preferable there not be a waiting period at all, that the court have the discretion to enter the orders immediately if it finds cause to do so.

The fifth provision of the legislation which I intend to introduce tomorrow adds a 4-year sunset to the national security letter with authorities created in the conference report so that the bill provides that on December 31, 2009, the law governing national security letters will be returned to what it was in February of the year 2006.

Here again we have a situation where the PATRIOT Act did not deal with national security letters, but this, again, is a tightening up of the bill to provide additional safeguards for civil liberties.

So what we have here, in essence, is the Senate bill which passed the committee unanimously and the Senate unanimously was then modified by a conference report which, to repeat—I don't like to do it, but it is worth a summary—I found acceptable; not as good as the Senate bill but acceptable. Then we have these three provisions added by Senator SUNUNU and his group—again giving them credit—which has made it acceptable to those four Republican Senators and I believe enough Democrats to get the 60 votes, perhaps additional votes, to be able to submit the bill to the House of Representatives for its consideration and, hopefully, ultimate passage to be signed by the President, which is an acceptable bill; again, not as good as the Senate bill but acceptable.

I want my colleagues who oppose the bill in the form submitted for cloture tomorrow to know that if the issue is not concluded, I will be introducing legislation which will bring back the original Senate bill with some additional improvements, and between now and tomorrow, we will be soliciting cosponsors to see if others will choose to support this bill which, as I say, returns the essentials of the Senate bill with some improvements. The commitment is made in my capacity as chairman that we will proceed to have oversight hearings, that the Director of the FBI is due in on March 29. He will be questioned about these specific provisions, asked for justification for the more restrictive provisions which are in the conference report, plus the provisions by Senator SUNUNU and his colleagues, and there will be continuing oversight in the interim.

We will have hearings on the legislation which I intend to introduce tomorrow, looking toward the prospect of ultimately passing it, if it is passed by the Senate and if it is submitted to the House in conference and that turns out to be the bicameral will of the two bodies.

I do believe that where we are now with the conference report and the additions, we have an acceptable bill—not as good as it could be—and we will attempt to perfect it even more as I have outlined.

I ask unanimous consent that a copy of the legislation which I intend to introduce tomorrow be printed in the RECORD so my colleagues can see it, together with the memorandum which I described in the course of my discussion.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION ON REASONABLE PERIOD FOR DELAY.

Section 3103a(b)(3) of title 18, United States Code, is amended by striking "30 days" and inserting "7 days".

SEC. 2. JUDICIAL REVIEW OF FISA ORDERS AND NATIONAL SECURITY LETTERS.

(a) FISA.—Subsection (f) of section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by striking paragraphs (2) and (3) and inserting the following:

"(2)(A) A person receiving an order under this section may challenge the legality of that order, including any prohibition on disclosure, by filing a petition with the pool established by section 103(e)(1).

"(B) The presiding judge shall immediately assign a petition submitted under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1).

"(C)(i) Not later than 72 hours after the assignment of a petition under subparagraph (B), the assigned judge shall conduct an initial review of the petition.

"(ii) If the assigned judge determines under clause (i) that—

"(I) the petition is frivolous, the assigned judge shall immediately deny the petition and affirm the order; or

"(II) the petition is not frivolous, the assigned judge shall promptly consider the petition in accordance with the procedures established pursuant to section 103(e)(2).

"(D)(i) The assigned judge may modify or set aside the order only if the judge finds that there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person. If the judge does not modify or set aside the order, the judge shall immediately affirm the order and order the recipient to comply therewith. The assigned judge shall promptly provide a written statement for the record of the reasons for any determination under this paragraph.

"(ii) If the judge denies a petition to modify or set aside a nondisclosure order, the recipient of such order shall be precluded for a period of 1 year from filing another such petition with respect to such nondisclosure order.

"(3) A petition for review of a decision to affirm, modify, or set aside an order, including any prohibition on disclosure, by the United States or any person receiving such order shall be to the court of review established under section 103(b), which shall have jurisdiction to consider such petitions. The court of review shall provide for the record a written statement of the reasons for its decision and, on petition of the United States or any person receiving such order for writ of certiorari, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.".

(b) JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.—Section 3511(b) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "If, at the time of the petition," and all that follows through the end of the paragraph; and

(2) in paragraph (3), by striking "If the recertification that disclosure may" and all that follows through "made in bad faith.".

SEC. 3. FACTUAL BASIS FOR REQUESTED ORDER.

Section 501(b)(2)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)(A)) is amended to read as follows:

"(A) a statement of facts showing that there are reasonable grounds to believe that the records or other things sought—

"(i) are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

"(ii) either—

"(I) pertain to a foreign power or an agent of a foreign power;

"(II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

"(III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and".

SEC. 4. NATIONAL SECURITY LETTER SUNSET.

Section 102 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (H.R. 3199, 109th Congress, 2d Session) is amended by adding at the end the following:

"(c) OTHER SUNSETS.—

"(1) IN GENERAL.—Effective December 31, 2009, the following provisions are amended so that they read as they read on February 27, 2006:

"(A) Section 2709 of title 13, United States Code.

"(B) Sections 626 and 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u, 1681v).

"(C) Section 1114 of the Right to Financial Privacy Act (12 U.S.C. 3414).

"(2) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in paragraph (1) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect.".

SEC. 5. RULE OF CONSTRUCTION.

Amendments to provisions of law made by this Act are to such provisions, as amended by the USA PATRIOT Improvement and Reauthorization Act of 2005 (H.R. 3199, 109th Congress, 2d Session) and by the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006 (S. 2271, 109th Congress, 2d Session).

To: SENATOR SPECTER
From: SJC Crime Unit
Subject: Amendments to PATRIOT Act Authorities
Date: February 27, 2006

Per your request, your staff has drafted a stand alone bill that will address the most significant outstanding concerns of Senator Feingold, Senator Leahy and yourself (as well as the other proponents of the SAFE Act) regarding the PATRIOT Act Reauthorization Conference Report. The bill is based, in part, on the amendments that Senator Feingold attempted to introduce during the PATRIOT Act debates of the week of February 13, 2006. Your bill will accomplish the following:

Delayed Notice Search Warrants: Requires that the target receive notification of the execution of a delayed notice search warrant within 7 days, as did the Senate passed PATRIOT Act. The Conference Report provides for notice within 30 days as a compromise with the House, which passed an 180-day delay in its bill.

Section 215: Implements the Senate-passed "three-part test" to obtain a section 215 order. Thus, the bill will require the statement of facts accompanying an application to show that the records sought: (1) pertain to a foreign power or an agent of a foreign power; (2) are relevant to the activities of a suspected agent of a foreign power who is the subject of an authorized investigation, or (3) pertain to an individual in contact with a suspected agent of a foreign power. A memo detailing the differences between the Senate bill, the House bill, and the Conference Report is attached.

Judicial Review of National Security Letters: Eliminates the "conclusive presumption" in the Conference Report's NSL provision. The bill removes the ability of the government to prevent judicial review of the nondisclosure requirement if it certifies, in good faith, that "disclosure may endanger the national security of the United States or interfere with diplomatic relations."

Judicial Review of Section 215 order nondisclosure requirement: Eliminates the conclusive presumption and the mandatory one-year waiting period for judicial review of the non-disclosure requirement on 215 orders.

Sunsets on National Security Letters: Adds a four-year sunset to the National Security Letter authorities created in the Conference Report. Thus, the bill provides that on December 31, 2009, the law governing NSL's will be returned to what it was in February 2006.

Mr. SPECTER. Madam President, in the absence of any Senator on the floor seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I come to the floor to comment on the reauthorization of the PATRIOT Act and to voice my support for the PATRIOT Act.

I also want to take a few moments to compliment my colleagues, Senator SUNUNU and Senator CRAIG, for their very hard work over the course of these last few weeks making these amendments possible.

I also want to recognize Senators HAGEL, DURBIN, SALAZAR, and FEINGOLD for the bipartisan approach which we were able to take in addressing this issue.

I know the changes that were agreed to do not address all of the concerns of the Senator from Wisconsin before we went on recess, nor do they address all of my concerns. But I want to make sure that the Senator is aware of how much I appreciate his leadership on this issue.

There are a number of Members within this body who did not share our opposition to the conference report when it was first reported out, and there are many, on the hand, who would have liked to have seen the conference report expand the powers granted to the executive branch under the PATRIOT Act. That is certainly their prerogative and their right to advocate that position. It is not a position I agree with, unless we have adequate safeguards that can be put in place to provide a reasonable level of judicial oversight.

I want to be clear on a couple of points regarding my earlier opposition to the conference report.

First, it is not my desire to repeal the PATRIOT Act in its entirety nor to allow the authorization provided in the 16 provisions we are considering to expire.

If that was my intent, if that is what I had hoped to do, it would have been a pretty simple task to object to any language coming out of the conference—to have objected to the language that unanimously passed the Senate in July. But that wasn't the case. Those of us who voiced objection to the earlier draft of the conference report just didn't say: No, we don't like it. We didn't say that. We didn't say that we opposed it entirely. We said we offered up the specific examples of changes to the conference report that we needed to see in order to support it. It was truly our desire to improve the conference report—not to kill it.

I commend the chairman of the Senate Judiciary Committee, Senator SPECTER, who was on the floor earlier, for his efforts to represent the views which we had expressed in conference. The senior Senator from Pennsylvania clearly hasn't had much time to take a breather lately, but he was a tough negotiator. He was able to squeeze some additional changes out of the conferees, most notably the shorter sunshine timeframe for section 216, roving wiretaps, and the lone-wolf provision.

Unfortunately, the House and the administration refused to consider our other concerns.

There have been some who have asked me: You got the sunset provisions. Wasn't that the primary issue? Why the continued opposition?

For some, the sunset provisions were the primary issue. But that was not necessarily the case for our group, and that was not necessarily my primary concern.

When we introduced the SAFE Act last April—that is the legislation which was sponsored by Senators CRAIG and DURBIN and cosponsored by many of us—the SAFE Act did not contain any sunsets. We were prepared to make permanent each of the 16 provisions in question today.

What we were seeking, instead, was language that would create a level of judicial review and public disclosure that would head off any potential abuse and unnecessary infringement on individual freedoms.

Now, it has been said by some that those seeking changes to the PATRIOT Act have not been able to point to any case of abuse to support their cause. And that may be the case. But do we have to wait for that abuse to happen? I would prefer we put safeguards in place now, not afterwards, safeguards that continue to allow our law enforcement and intelligence officers to obtain the information they need for the security of our Nation.

Now, in particular, I was, and I remain, concerned about the presumed relevance standard under a section 215 order. With the increased power under the PATRIOT Act to obtain "any tangible item" from any entity, it would also seem appropriate that the government have a greater responsibility to demonstrate its rationale for seeking those terms. While the conference report improves upon the current statute by requiring in most cases some connection or contact with a foreign power or an agent of a foreign power, I am concerned the presumed relevance language significantly diminishes the judicial oversight the Senate-passed bill provided.

While I remain concerned about this standard, I am pleased that what has been agreed to is the explicit judicial review of a section 215 gag order—a right that previously was not clearly available to recipients. Now, this does not address all of my section 215 concerns. I do have more. But it does remain an improvement over the conference report and over current law.

I was also pleased that language was agreed to that permits a national security letter to be served on a library only if that library is acting as a wire or electronic communications service provider. I have noticed some have been critical of the language that is included in this amendments act, saying: Well, you still have the ability to go after the libraries. But, again, I will stress, it permits a national security letter to be served on a library only if that library is acting as a wire or electronic communications service provider. So the fact they may happen to offer their library patrons the use of the Internet does not make them a wire or electronic communications service provider. This language that is incorporated in the amendments act was part of legislation I had introduced in 2003 in an effort to modify the PATRIOT Act. I believe it is an important protection for our Nation's libraries.

I know this is not the last debate we will have on the PATRIOT Act, nor is it likely the last piece of legislation we will consider on the subject. Some of the provisions we see—the continued sunset provisions for section 215, the roving wiretaps, and the lone wolf provision—assure us of that. But earlier, about a half an hour ago, on the floor, the chairman of the Judiciary Committee came to the floor and spoke of legislation he will be introducing tomorrow.

As I was listening to the chairman—and I obviously have not looked at the legislation as of yet, but I understand from his comments it is essentially his purpose with this legislation to go back to the language we had in that legislation that passed unanimously out of the Senate Judiciary Committee and passed unanimously out of this body—provisions he has detailed as they relate to search warrants, the strengthening of section 215, a 4-year sunset on NSLs, and NSL judicial review. So I will anxiously await the opportunity to review that legislation Chairman SPECTER has indicated just this afternoon will be available to us.

I am encouraged, once again, we will be able to look at those areas where I and others have been very concerned that we have not provided adequately for that balance between providing our law enforcement the tools they need while, at the same time, maintaining the individual liberties we as Americans expect and certainly deserve. So, as I indicated, I look forward to reviewing that legislation.

But the legislation we are considering today—the conference report—I believe has made improvements on the original product of the PATRIOT Act, and so with passage of the additional protections, it is my intention to vote for cloture on the PATRIOT Act reauthorization bill.

Mr. LEAHY. Mr. President, the Republican leadership has made a mistake and is abusing its power by choking off debate on this important bill. Regrettably the majority leader has chosen to prevent any effort to offer amendments to the bill and has effectively stifled open debate. While I voted to proceed to consideration of the bill, I do not condone the Republican leadership's current abuse.

I have filed an amendment that would improve the bill by correcting one of the most egregious "police state" provisions regarding gag orders. The Bush-Cheney administration used the last round of discussions with Republican Senators to make the gag order provisions worse, in my view, by forbidding any court challenge for 1 year. The conference report places no similar restriction on recipients of national security letters, and there is no justification for its inclusion here.

In addition, the bill continues and cements into law procedures that, in my view, unfairly determine legitimate challenges to gag orders. It allows the Government to ensure itself of victory by certifying that, in its view, disclosure "may" endanger national security or "may" interfere with diplomatic relations. Unless the Government is acting in bad faith, the court must accept the certification as conclusive and must rule in favor of the Government.

This is the type of provision to which I have never agreed. The conference report uses identical language in connection with NSL gag orders, and I resisted it in that context. I agreed with Senator SUNUNU, who said in December that it would prevent meaningful judicial review because NSL recipients would never be able to show bad faith on the part of the Federal Government. Senator SPECTER has also been critical of this provision.

My amendment would have corrected these unnecessary excesses. It struck both the 1-year waiting period for challenging a gag order and the "conclusive presumption" in favor of the Government. These changes are simple but they are essential if we are to avoid creating rigged procedures where the Government always wins, regardless of the merits.

By its abuse of the rules, the Republican leadership is preventing any opportunity to correct these matters. That is wrong. The Senate may have accepted or rejected my effort to remove this un-American restraint on meaningful judicial review of gag orders, but I should have had the opportunity to offer it.

In the weeks following 9/11, some of us worked hard in cooperation with the Bush-Cheney administration on what came to be the USA PATRIOT Act. I remind the current Republican leadership that even then, in those extraordinary times, we allowed Senators to offer amendments. We took difficult votes. I would have liked to have supported some of those amendments but, in my role as the chair of the Judiciary Committee, I felt that I could not at that time. But I did not and the majority leader, Senator DASCHLE, did not fill the amendment "tree" with sham amendments. Instead, we worked out an agreement to proceed with amendments and votes on those amendments.

In 2001, I fought for time to provide some balance to Attorney General Ashcroft's demands that the Bush-Cheney administration's antiterrorism bill be enacted in a week. We worked hard for 6 weeks to make that bill better and were able to include the sunset provisions that contributed to reconsideration of several provisions over the last several months. Last year I worked with Chairman SPECTER and all the members of the Judiciary Committee and the Senate to pass a reauthorization bill in July. As we proceeded in House-Senate conference on the measure, the Bush-Cheney administration and congressional Republicans locked Democratic conferees out of their deliberations and wrote the final bill. That was wrong.

Last December, working with a bipartisan group of Senators, we were able to urge reconsideration of that final bill. Senators SUNUNU and CRAIG were able to use that opportunity to make some improvements. I commend them for what they were able to achieve and hope that my support for their efforts has been helpful. I wish that along the way the Bush-Cheney administration had shown interest in working together to get to the best law we could for the American people.

Since the House-Senate conference was hijacked, I have tried to get this measure back on the right track. We have been able to achieve some improvements. I regret that this bill is not better and that the intransigence of the Bush-Cheney administration has prevented a better balance and better protections for the American people. Just as I worked for an opportunity for Senator SUNUNU to seek improvements to the conference report. I will now vote against these unfair efforts to forestall any amendments to this measure. I remain committed to working to provide the tools that we need to protect the American people. That includes working to provide the oversight and checks needed on the uses of Government power and to improve the reauthorization of the PATRIOT Act.

In light of the abuse being perpetrated by the Republican leadership, I will vote against their stifling of meaningful debate and their obstruction of efforts to improve the bill, the conference report and the PATRIOT Act. I will vote against cloture on the bill without any opportunity to offer amendments. I urge the Republican leadership to reconsider its actions and allow a few amendments to be offered to the bill so that we can seek to improve it before final passage by the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BLACK HISTORY MONTH

Mr. DURBIN. Today, I would like to take the opportunity to honor the contributions of African Americans, particularly since this year marks the 80th anniversary of historian and scholar Carter G. Woodson's launch of Negro History Week in 1926. Since then, the contributions of African Americans to American history have been recognized and celebrated, and February has been designated "Black History Month."

I especially want to pay tribute to Mrs. Rosa Parks and Mrs. Coretta Scott King, the mother and the first lady, respectively, of the modern civil rights movement, who inspired ordinary African Americans to demand equal rights as American citizens. Their recent deaths remind us, during this month in particular, to take the time to reflect on the vital heritage and important contributions of African Americans.

This year also marks what would have been Dr. Martin Luther King, Jr.'s 77th birthday, and it is important that we continue to honor the values of faith, compassion, courage, truth, and justice that guided his dream for America. We have made great progress, especially in the area of racial justice, but we still haven't reached the Promised Land. If he were alive today, what would Dr. King, leader of the civil rights movement and the Poor People's Campaign, say about the fact that one in five American children are living in poverty today? What would he say about the fact that here, in the wealthiest Nation on Earth, 45 million people have no health insurance and millions more are underinsured?

What would Asa Philip Randolph, the labor leader who organized the Pullman car porters and fought against discrimination and segregation in the Armed Forces, say about the growing income inequality in America and the fact that corporate profits have increased 50 percent in the last 5 years—but low wage workers haven't had a raise in 7 years because the Congress of the United States refuses to raise the minimum wage? A parent who works 40 hours a week, 52 weeks a year for minimum wage today doesn't even earn enough to lift herself and her child out of poverty. Would Asa Randolph call that progress? Would he call that justice?

What would Fannie Lou Hamer, a civil rights activist who fought for low-income housing, school desegregation, and daycare, have said if she had seen the pictures of people stranded on rooftops in New Orleans and left homeless by Katrina in Biloxi, Pearl River, and so many other communities throughout the gulf coast? I suspect she would ask the same questions we all asked: How could this happen in America? In 2005?

This year, America lost Rosa Parks, the mother of the civil rights movement. Many others of those who marched and worked with her have passed on as well. How do those of us who believe in their dream keep it alive? We keep it alive by continuing the fight begun by them and by remembering and acting on what Dr. King said: America has no second- or third-class citizens. We should all have an equal voice, and an equal chance to succeed.

Yes, we have made progress in some areas. I think Charles Hamilton Houston, civil rights attorney who as a faculty member at Howard University prepared Thurgood Marshall to argue cases against discrimination, would be pleased to see my colleague from Illinois—the son of a Kenyan father and Kansan mother—serving in the U.S. Senate. I think he would have smiled in sad approval as he saw Rosa Parks lay in honor in the rotunda of the U.S. Capitol—one of the highest honors we can accord a person and one she so rightly deserved. I think Mr. Houston would be pleased that at least one of the murderers of James Chaney, Michael Schwerner, and Andrew Goodman has finally been convicted of that horrible deed. Dr. King would also approve of the fact that the U.S. Senate finally, finally last year, condemned lynching.

I think another civil rights leader, John Jones, the first African American to hold elective office in Illinois, would also approve of the fact that 81 percent of African Americans aged 25 and older had at least a high school diploma, an increase from less than 1 in 5 in the 1950s. Today, African Americans own 1.2 million businesses that generate $69.8 billion or about $735,586 per firm. Mr. Jones would also be proud to hear that 60 percent of African Americans age 18 and older voted in the 2004 Presidential election, which equaled 14 million voters.

Yes, African Americans have made great achievements, but Dr. King would also remind us that we have further to go. One example is Georgia's new voter-identification law, which was approved over the objections of noncareer lawyers at the Department of Justice who warned that the plan would unfairly disenfranchise minority voters. Therefore, in the spirit of Dr. King's message of equality and racial justice, we need to reauthorize and strengthen the Voting Rights Act—with all of its sections—this year.

Throughout the 1950s and 1960s, those in the civil rights movement worked to secure basic civil rights and voting rights in statute. The cost for those in the movement was high: church burnings, bombings, shootings, and beatings. I walked in those same footsteps during my recent pilgrimage with U.S. Representative John Lewis to Selma and Montgomery, AL. It is important that we recognize the contributions of these extraordinary people because the legacy they left behind is an expression of important American values—equality, nondiscrimination, fairness, and ensuring the full participation of everyone in our society. Therefore, I celebrate this month with pride and reflection, knowing that although we have come a long way, we still have a great distance to go in order to fulfill our Nation's ideals of equality and equal opportunity.

REPORT ON FOREIGN TRAVEL

Mr. SPECTER. Mr. President, I have sought recognition to report on a trip I made to Europe and the Mideast during the holiday recess, December 22 to December 31, 2005. The trip included stops in Brussels, Belgium; Tallinn, Estonia; Amman, Jordan; Baghdad, Iraq; Tel Aviv, Israel and Frankfurt, Germany.

This trip enabled me to learn about the important transformations countries in Eastern and Western Europe are making as we enter the 20th century and away from the Cold War era. Additionally, my travels through the Mideast provided me tremendous insight into the evolving political structure of the region as well as the United States' progress on the war on terror.

Prior to my departure many interesting and significant events occurred which helped shape the focus of my travels including: the eventual extension of the PATRIOT Act, the successful elections in Iraq, the New York Times disclosure of domestic eavesdropping and the tight fiscal budget constraints placed on the Fiscal Year 2006 appropriations process. The broader implications of these events were issues which I frequently encountered in my travels.

The first full day of my trip, December 23, 2005, began in Brussels, Belgium where I met with a number of members of two of the three U.S. Missions in Belgium: the U.S. Mission to the European Union, and officials from the U.S. Embassy in Belgium. The briefing was provided by: Will Imbrie, DCM; Ted Andrews, POL; Mike McKinley, Deputy Head of the U.S. Mission to the E.U.; Lee Litzenberger, Political Minister Counselor—U.S. Mission to the E.U.; and Dale Bendler, Special Adviser to the Ambassador. The discussions focused on a number of issues including the war on terror, war crimes, NATO and perceptions of President Bush by Belgians. Ambassador Korologus's staff briefed me on his efforts to build a strong transatlantic relationship between the United States, the European Union, Belgium and NATO. I found it interesting that Belgium is the 14th largest trade partner of the United States and that the country is making a substantial contribution to the war on terror financially. I support Ambassador Korologus's efforts and look forward to working with him and his staff in the future.

Mike McKinley informed me that Belgians are unhappy with the war in Iraq and that they see a difference with the war waged in Afghanistan. It is perceived that the United Nations support of the war in Afghanistan, as opposed to Iraq, is the reason the country has sent troops to Afghanistan as well as the horrendous acts of terrorism on 9/11. Mr. McKinley also informed me that the European countries, through the EU, will make significant contributions to the rebuilding of Afghanistan—5 billion euros over a 5-year period. Mr. Imbrie stated that the perception of President Bush in Belgium has improved not as a result of his most recent speeches, but because of the clear success of elections in Iraq.

Mr. McKinley also briefed me on the strong relationship the European Union has with the North Atlantic Treaty Organization, with 19 members of the E.U. also a part of the 25 nations in NATO. Mr. Imbrie discussed the transformation which is being attempted with NATO, forcing its member countries to acknowledge that a threat within the NATO states is less likely than the threat of terrorism which exists from outside. The transformation also asks countries to be postured in such a way that deployment of support is quick and efficient. Mr. McKinley stated his strong belief that NATO is producing positive results and is essential as a vehicle available to deploy resources throughout the region and the world.

A particular issue discussed relevant to my work on the Judiciary Committee is that of a law recently changed in Belgium which enabled the prosecution of war crimes committed anywhere in the world, at any time. The law has been reformed now to state that the person bringing the charge must be the offended individual and reside in Belgium. He cited two recent examples of the law's successful implementation.

Of particular interest to me were Mr. Bendler's descriptions of the exchange of information between Belgian officials and the U.S. He cited a recent case where a Belgian citizen suspected of being a potential terrorist was tracked and later lost, only to be found again in Iraq. The individual's intention was to be a suicide bomber and to harm U.S. forces. With the help of the information provided by Belgians, U.S. forces were able to prevent any loss of life to U.S. troops. I believe this type of cooperation between nations is an important step forward in the war on terror.

On December 24, 2005, I headed to Tallinn, Estonia, my first trip to the Baltic country. I was met by Jeff Goldstein, the Deputy Chief of the Mission, and was briefed on the country's history and its future. Estonia is a small country of approximately 1.4 million people, with nearly 400,000 individuals living in Tallinn. Tallinn is a beautiful city with much to offer both culturally and economically. Mr. Goldstein addressed a number of significant issues including the country's declining birthrate, its high tech economy, its AIDS epidemic, and the ability of its residents to receive free schooling in European Union countries.

The issue of a declining birthrate in Estonia is one of tremendous importance. With a country of only 1.4 million people, the decline is being felt and the country is forced with the prospect of having to close some of its schools. To address this problem the Estonian government is seeking an aggressive strategy to reverse this decline. Specifically, the government is offering parents 15 months of paid maternity leave—a rate not to exceed three times the national average salary. Additionally, the employer is required to hold the mother's position open for up to three years. This aggressive strategy is expected to result in nearly 300 more births from last year's total.

While in Estonia, I was fortunate to examine the country's rich cultural heritage. On December 25, 2005, I was provided a guided walking tour of Tallinn by a local guide, Stanislav Lomunov. This nearly 2-hour tour included a stop in the Alexander Nevsky Russian Orthodox Church. Following the tour, I met with Rabbi E. Shmuel Kot, the Chief Rabbi of Estonia, and participated in the Jewish communities lighting of the first Chanukah candle. This ceremony was followed by a tour of the local Jewish Community Center and site of a new temple already under construction. I later spent the evening with the Rabbi and his family, including four beautiful children, for a candle lighting ceremony at his home accompanied with potato latkes made by his wife.

One of the most interesting aspects of Estonia is its economy. Mr. Goldstein explained to me that the economy is very focused on the high-tech sector and is one of the original producers of software allowing consumers to make phone calls over the internet, Kazza and internet gambling. The country has a tremendous tourism industry with nearly 3,000 hotel rooms to be built by 2007. Additionally, the country serves as an exit port for much of Russia's oil. What I found most interesting is the country's implementation of a 22 percent flat tax since 1996.

I departed from Estonia for Jordan on December 26, 2005, arriving nearly 1 hour late due to snow in Estonia. I was met at the airport by U.S. Ambassador David Hale and immediately proceeded to a meeting with King Abdullah at his private residence. Ambassador Hale described Jordan's reaction to the recent bombings of hotels in the country, stating the Nation had never been more unified and that the terrorist attacks caused the country to review its security measures and civil liberties. The increased security was visible with armed guards and roadblocks at hotels throughout the city.

During my meeting with King Abdullah, the focus of our discussions was on the future of Iraq and terrorism. The King expressed to me the need for the Iraqi government to be moderate and not extremist. He believes a moderate government will provide the Iraqi people something to build upon and help provide a stable country.

Regarding Iran's progress towards acquiring nuclear capabilities, the King expressed the view that the international community as a whole needs develop a plan to address the issue.

I brought up the recent Judiciary Hearing I held to examine Saudi Arabia's promotion of radical Islam. The King said that the difference comes down to ideology and the he is trying to stamp out fear. The Saudi government is not addressing the issue of ideology, and an interpretation of the Koran, that promotes the use violence. It was encouraging to learn, though, that the Saudi government is beginning to base its educational model on that of Jordan's. He stated another way to promote reform is to hold the Saudis to task and require transparency in their actions.

Immediately following my meeting with the King, I proceeded to the office of Jordan's Prime Minister Maruf al-BAKHIT, who served in Jordanian Army for 35 years and is former Jordanian National Security Advisor. We began our discussion with the topic of Iraq. The Prime Minister believes that it would be disastrous for Iraq if the U.S. were to pull out. He is hopeful that soon the Iraqi forces will be able to defend themselves. The elections went well in his opinion and hopefully this is a positive sign that the process is moving forward.

We discussed Jordan's judicial system. He explained to me that the country's judicial system has moved away from military courts to a civil court system with one mixed civil/military court. The system is not a jury system but a inquisitorial system where the judge may call any consultant he/she desires. Judges go through a 2-year training program before they are selected to preside over a court. Currently, the country is continuing a plan to upgrade the courts and expedite its cases. The Prime Minister believes that good progress has been made in the last 2–3 years of this plan which includes new technology.

The following morning, Tuesday, December 27, I flew into Iraq. After a 2-hour flight on a C–130 and a 10 minute flight on a helicopter, including 35 pounds of body armor and a helmet, I arrived in Baghdad. I immediately proceeded to a meeting with MG Tim Donovan, chief of staff, Multinational Force-Iraq. General Donovan explained that U.S. forces in Iraq had significantly hindered al-Qaida and other insurgents ability to operate in Iraq. Additionally, he described the hope that in 2006 the United States will serve a more supporting role than it currently does. I asked him what the U.S.'s role will be as the Iraqi security force continues to increase. General Donovan explained to me that the U.S. should serve a reduced role as Iraqi security forces increase and that they are currently working on more U.S. reductions.

The general assesses the future of Iraq's democracy as developing and expressed his view that Iraqis need to move beyond cultural divides. He emphasized that the country needs to develop a middle class to make democracy succeed.

I inquired about the status of Iraq's oil industry. He explained that the industry is old and so is its infrastructure. Currently, they are able to export 3 million barrels a day. But in order for them to expand upon their capacity there will need to be an investment in technology and infrastructure.

Following my meeting with General Donovan, I proceeded to have lunch with Brenda Zollinger, a Horsham, PA native. She described to me her work in the Army over the last 8 years. What I took away most from our conversation is her belief that the military is doing a good job taking care of our troops.

After lunch I met with officials involved in the Department of Justice's Regime Crime Liaison's Office, RCLO; Mr. Kevin Dooley, CAPT Stephen Burris, USN, and Mr. Eric Blinderman. The RCLO was created by a National Security Presidential Directive in 2004, and serves to assist the Iraqi High Tribunal and to provide security and support for the Tribunal. In the briefing I learned that the judicial system is an inquisitorial system based on a five-judge panel which needs a simple majority to adjudicate. Additionally, the court has no burden of proof beyond a reasonable doubt.

I expressed the view that Saddam has committed so many atrocities that the trial should be very simple if the evidence was put forward in an organized and methodical way. This can not be done with Saddam controlling the microphone to make speeches. I think it is a shame that the trial could not have been held sooner.

Mr. Dooley and Captain Burris accompanied me to the courthouse and provided me a tour of both Saddam's cell and the courtroom. I also viewed the security control room where all actions of the courthouse are monitored.

Following the tour, I proceeded to meet with members of Saddam's trial including: the Presiding Judge Rizgar, the Chief Prosecutor Jafaar and the Chief Investigating Judge Ra-id.

I asked Presiding Judge Rizgar how Saddam could be controlled. He gave me the answer that a doctor deals with the patient, not the individual illness. He elaborated by stating that it is the job of every judge to respect all parties in a case. Additionally, he voiced his opinion that Iraq is on the doorstep of a new life and a careful image of its judicial system must be projected. With respect, I stated my concern to the Presiding Judge that Saddam is a vicious, evil man and that is not coming out in the trial. The Judge explained that he is following Iraqi law and judicial procedures. He explained to me that the court would decide Saddam's fate and that more testimony needed to be heard.

The chief prosecutor explained to me his work on the case, stating the prosecution of Saddam will be long and detailed. He believes that documents and evidence provided to the court and the judges should be given to the public for all to see.

I proceeded from the courthouse back to the U.S. Headquarters for a meeting with LTG Martin Dempsey, Commander, Multinational Security Training Corps—Iraq. Much of what we discussed was of a classified matter, however I can share information about the goals of the Multinational Security Training Corps. First, they are working to build and sustain the Ministries of Interior and Defense's institutional capabilities. Additionally, they are working to generate capable forces and develop those forces in a professional manner. Finally, they are working on the transition and transformation of multinational units to Iraqi security forces.

Lieutenant General Dempsey stressed to me the need for Iraqis to demonstrate strong leadership because it is that leadership that will be the key enabler to develop the security ministries. Currently, there are 223,000 Iraqis in their security services, 75,000 of which serve as police officers in Iraq. The U.S. is currently assisting Iraq in producing 3,500 qualified police officers a month. As of March 14, 2005, 3 out of the 45 Iraqi battalions were leading the efforts to secure their nation. Presently, there are 45 of the 100 Iraqi battalions leading the efforts to secure their nation. This is a tremendous increase in only a 9-month period.

Lieutenant General Dempsey echoed the remarks of Major General Donovan in stating the Iraqis must achieve government unity by setting aside their cultural differences and uniting as a country.

Before leaving Iraq, I met with the following U.S. Embassy Officials: David Litt, Major General Harris, James Yellin, RADMR Scott Van Buskirk, Tom Delare, John Smith, Michael Oreste, Don Allegro, Don Brady, Minnie Wright, Captain Stephen Burris, Kevin Dooley, Liz Colton and Eric Blinderman to discuss Iraq's future and how the Embassy was helping to create a more stable society. It was stated that the odds are good for achieving a collective party in the Iraq elections. I was informed that there are many criminal cases waiting for investigation and prosecution in the judicial system. However, the detention facilities are not adequate and the police do not have enough room for the criminals. On the economic front, the U.S. is working to set the stage for the International Monetary Fund agreement and is working to create a system which prevents corruption. The consensus view seems to be that success of an Iraqi nation depends on the strength of the Iraqis themselves.

The flight out of Iraq was identical to the flight in with the significant exception that the C–130 taking me back to Amman was once stationed at Willow Grove Air Base and was named the Spirit of Philadelphia.

I arrived in Tel Aviv, Israel on December 28, 2005. My first meeting was with Peter Vrollman, Gene Cretz, William Weinstein, Peter Hussee, Jim Beaver, and William Clark of the U.S. Embassy. The discussion began with an analysis of the state of play in Israeli politics. It is expected that Sharon, whose health does not seem to be a major concern, will win the March elections and work in some form of coalition government with the Labor party. With respect to Hamas, it is thought there is a possibility that it could win nearly 3 percent or even outright in the Palestinian elections creating complicated policy questions for Israel. Hamas is described as a sophisticated, strategic and organized while Fattah is in some disarray nor do they have the resources necessary to get votes on certain demographics. One of the reasons that Hamas is doing so well in these elections is their municipality leaders are well respected members of the community and have done good work for those communities. If Hamas does win and Israel is forced to deal with them there are actions that can hinder Hamas economically such as revenue collected by Israel at the customs boarder which is provided to the Palestinian Authority.

It appears that the economy is improving in Israel and this may be a result of the decline in terrorist events.

I met with Ehud Barak later that afternoon; I was honored to see a copy of my book, "Passion for Truth" on his bookshelf. Barak told me that Ariel Sharon has changed the political map of Israel in a positive way for Israelis and his decisions are slowly moving Israel in the right direction. Barak described the political landscape in Israel like musical chairs, you can defeat people but everyone is still around, they do not go away. Barak asked me about the situation in the United States, particularly about NSA's wiretapping. I explained to him that the Judiciary Committee plans to hold hearings on the issue. He also asked me about the visit to Iraq the day before and my outlook for the country. I explained to him that there are a number of highly qualified men and women working there and that I am hopeful 2006 will be a year the Iraqi's take on more responsibility .

Continuing our discussion on Iraq, Barak conveyed to me his opinion that the United States should stay the course in Iraq, and not to would cause devastating consequences not only for

Iraq, but also for the Middle East and the World. He did state the view that the President must continue to project a positive image because a compromised image can create problems itself. Additionally, the U.S. must focus on training Iraq security services and reducing the visibility of its own units.

Immediately following my meeting with Barak I proceeded to meet with Shimon Peres. Accompanying Peres was his friend Rishon Lezion Mayor Meir Nitzan, who was there to describe the ever changing dynamic of Israeli politics.

I asked Peres about the new party Kadima and he explained to me that the new party would be the largest party and would control the government. He went on to describe Israel's changing political dynamic by the demise of the right wing, an extremist wing. Additionally, he described the Labor party's belief that the economy is writing policy. But to him, a modern economy needs to be open to social change and not be driven by economic factors.

We went on to discuss the Palestinian Authority and he said if Hamas were to win it would be a wasted victory because Hamas is a religious based group and therefore there is no room to compromise.

Peres also believes President Bush's decision to go to war in Iraq was the right thing to do and that the President was the victim of an intelligence mistake. This marks the third leader to support President Bush's decision to seek a regime change in Iraq. He added that Saddam accepted the U.N. resolutions following the first Gulf War but chose to ignore them.

Before the meeting ended I asked Peres if he was really smiling the in picture where he is shaking hands with Yasser Arafat. He recalled the moment and stated that without Arafat there would have been no agreement but with Arafat the agreement would never be fulfilled.

After an overnight rest stop in Frankfurt, Germany, we returned to the United States.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. JOHN BACHMAN

• Mr. GRAHAM. Mr. President, I rise today to commemorate Newberry College and its founder, Dr. John Bachman, on the occasion of the school's 150th anniversary. Since its establishment in 1856, Newberry College has become one of South Carolina's leading institutes of higher education. I am proud to recognize Newberry and honor Dr. Bachman.

Dr. Bachman originally came to South Carolina from New York in 1815. Settling in Charleston, he became pastor of St. John's Lutheran Church, where he served faithfully and honorably for 56 years. Dr. Bachman quickly became a pillar of the Charleston community. He baptized hundreds of locals into membership at St. John's during his tenure and is even known to have educated slaves as well as freemen of African descent. He helped found and served twice as president of the South Carolina Lutheran Synod from 1824 to 1833 and again from 1839 to 1840. As Synod president, Dr. Bachman took action that led to establishment in 1831 of a school to train Lutheran ministers, now known as the Lutheran Theological Southern Seminary of Columbia, SC.

A seminal and active member of the "Circle of Naturalists," Dr. Bachman had a keen interest in the natural history of South Carolina's Lowcountry. He is known to have discovered or described many birds and mammals previously unknown to science and frequently published letters and short articles about his natural history observations in local and regional publications including the South Carolina Medical Journal.

In December 1856, Dr. Bachman helped found Newberry College as a Lutheran-based liberal arts institution north of Columbia at Newberry. Dr. Bachman served as first president of the Newberry College Board of Trustees beginning in January 1857. During his tenure, he took many actions to assure the high quality of secular and religious education that has existed for 150 years.

Dr. Bachman was a true academic, devoted to his church and to God, to science and natural history, to his community and country, and to secular and religious education. He died at the age of 84 in February 1874, but Dr. Bachman's legacy is alive and well at Newberry College. On April 20, 2006, the Newberry Alumni Association will begin the school's Sesquicentennial Celebration with a major 4-day symposium entitled "Nature, God, and Social Reform in the Old South: The Life and Work of the Rev. John Bachman."

It is with great respect that I commemorate the life's work of Dr. John Bachman and recognize the rich history he inaugurated at Newberry College.•

TRIBUTE TO ERIC NAMESNIK

• Mr. LEVIN. Mr. President, I, along with my colleague Senator STABENOW, would like to take this opportunity to bring our colleagues' attention to a tragic event that took place last month in Pittsfield Township, MI. On January 11, 2006, Eric Namesnik, a two-time Olympic silver medalist and University of Michigan swimming standout, died from injuries sustained during a traffic accident on January 7. Eric was best known in the swimming community for his discipline, toughness, tremendous dedication, and many accomplishments, most notably in the 1992 and 1996 Olympic Games. During his career, Eric broke the American 400-meter Individual medley, IM, record four times. Eric, affectionately known by many as "Snik," was remembered by his family, friends and the community in a celebration of his life at Canham Natatorium at the University of Michigan on January 17.

Eric was born in Butler, PA, on August 7, 1970, and enrolled at the University of Michigan in 1988. As a Wolverine, Snik helped lead the men's swim team to four straight Big Ten Championships and enjoyed the distinction of finishing in the top six nationally during all 4 of his years at Michigan. In 1991 and 1993, Eric earned the No. 1 world ranking in the 400-meter IM. Eric won silver in the 400-meter IM in the 1992 Olympics in Barcelona and in the 1996 Olympics in Atlanta. Eric also won two silver medals at the 1991 world championships and a bronze medal at the 1994 world championships.

To give you a sense of Eric as a person, Chuck Wielgus, executive director of USA Swimming, offered these words. "The loss of Eric Namesnik is shocking for the entire swimming community. Snik represented everything great about the Olympic movement. His work ethic, toughness and dedication were the embodiment of an Olympian, and they made him one of the most admired competitors the sport of swimming has seen." His long-time coach at Michigan, Jon Urbanchek, said of Eric, "What he did for Michigan is immeasurable. It's not just how fast he swam, but the good person he was, the character. He had his life in perspective and knew that his family was at the center of his life. Eric was an unbelievable human being."

After Eric's competitive swimming career ended, he accepted a position as an assistant swim coach at the University of Michigan. From 1997 to 2004, he helped coach 11 Olympians, and the Wolverines won three Big Ten titles. After coaching at Michigan for 7 years, Eric became the head coach of the Wolverine Aquatics Swim Club in Ann Arbor and an assistant men's swimming coach at Eastern Michigan University.

Eric's love for swimming was evidenced not only by his many accomplishments throughout his long and distinguished career in the pool, but also by his efforts to help shape the lives of many young people learning the sport. At Wolverine Aquatics, Eric served as an inspirational role model for hundreds of up-and-coming swimmers. Today, his swimmers are wearing blue wristbands inscribed "Swim 4 Snik" in his honor and swim caps with the words "Snik" and one of Eric's mantras: "D3," which stands for desire, determination and dedication.

In keeping with the kind of person Eric was, his last act was to give life to others through the gift of organ donation. He is survived by his wife Kirsten, their two young children, Austin and Madison, his mother and father, Kay and John, and his sister Leesa. Mr. President, Eric Namesnik's medals may have been silver but his heart was pure gold. He will be deeply missed.●

HONORING THE MEMORY OF CURT GOWDY

● Mr. THOMAS. Mr. President, I rise today to pay tribute to the life and memory of Curtis Edward Gowdy. Sadly, Curt passed away on February 20, at the age of 86.

Curt was born on July 31, 1919, in Green River, WY. Curt's passion for sports began early in life. He grew up in Laramie, WY, hunting and fishing in some of America's most beautiful country. When Curt began playing basketball in high school, he became Wyoming's leading high school scorer, standing only 5 feet 9 inches tall. After high school graduation, Curt enrolled at the University of Wyoming, where he played as a forward on the Cowboy basketball team, earning three varsity letters. He also lettered three times in tennis before graduating from the University in 1942 with a degree in business statistics.

With college behind him, Curt joined the Army Air Forces to serve his country as a fighter pilot in World War II. However, a ruptured disk from an earlier sports injury disqualified him from service, and he was medically discharged. While recuperating from a spinal operation in Cheyenne, a radio station asked him to announce for the eastern Wyoming high school football championship game in November of 1943. And so began the career of one of the greatest play-by-play sports announcers our country has ever known.

Soon after covering the Wyoming high school football championship, Curt was hired by a CBS radio affiliate in Oklahoma City to call University of Oklahoma football games. In 1949, he joined Mel Allen to broadcast New York Yankee games, and 2 years later, he became the No. 1 broadcaster for the Boston Red Sox. He remained the radio voice of the Red Sox for 15 years. As Dick Vitale stated, "Gowdy had a love affair with the microphone and his fans had a love affair with him." During this time, Curt also began television broadcasting, covering college and American Football League games in addition to baseball.

When NBC picked up the AFL games in 1966, Curt Gowdy became the leading personality of NBC Sports. He covered World Series, Super Bowls, NCAA final four championships, Olympic Games and somehow found time for his "Game of the Week" broadcast. Curt also remained the host and producer of ABC's "The American Sportsman" for nearly 20 years.

In later years, Curt was the host and producer of the public television series, "The Way It Was," reminiscing of great games with a panel of players who had participated in them. Gowdy also provided historic commentary for the HBO Sports program "Inside the NFL." In 2003, Gowdy returned to Fenway Park to call a Red Sox game against the Yankees as part of an ESPN promotion that brought back great broadcasters. He also coauthored two books, "Cowboy at the Mike" and "Seasons to Remember: The Way It Was in American Sports."

For his outstanding work, Curt was recognized in many ways. In 1970, he was the first sportscaster to be awarded the Peabody Award for Outstanding Journalistic Achievement. He was named the National Sportscaster of the Year seven times, and he received several Emmy awards for his work in television, including a lifetime achievement Emmy in 1992.

Curt was also inducted into numerous sports halls of fame. These include the broadcast wing of the Baseball Hall of Fame, the Sports Writers and Broadcasters Hall of Fame, the Oklahoma Sports Hall of Fame, the American Sportscasters Hall of Fame, the International Fishing Hall of Fame, the Rose Bowl Hall of Fame, the Boston Red Sox Hall of Fame, the Wyoming Sports Hall of Fame, the Wyoming Outdoor Hall of Fame, and the University of Wyoming Athletics Hall of Fame. In 1993, he received the Pro Football Hall of Fame Pete Rozelle Award for longtime exceptional contributions to radio and television in professional football. In addition, the Basketball Hall of Fame media award was named in honor of Curt, who served as president of the Basketball Hall of Fame for seven consecutive 1-year terms.

Wyoming swells with pride for our native son. Our State declared March 27, 1972, "Curt Gowdy Day," and held a large celebration in his honor. During the festivities, the University of Wyoming awarded Curt an honorary law degree, and the State named an 11,000-acre State park after him. Most recently, Curt was selected as a Wyoming Citizen of the Century Sports Finalist.

Mr. President, Curt made a point to get back to his home State regularly. He once referred to Wyoming fondly as the place "where I grew up with a fly rod in one hand and, a little later, a radio mike in the other." Those of us who had the pleasure of knowing Curt remember him that way. He will be sorely missed.●

TRIBUTE TO PRESTON ROBERT TISCH

● Mr. LAUTENBERG. Mr. President, I wish to pay my respects to someone I knew very well, Preston Robert Tisch, who passed away last month of brain cancer. He was a distinguished American who, along with his brother, Laurence, built a giant financial enterprise. Bob was eminently successful at everything he did, particularly in his role as a husband, father, and grandfather.

I, like all who had contact with Bob Tisch, treasure my times with him. I send my deepest condolences to his wife and family. I ask to have printed in the RECORD a statement released by the New York Giants organization that so perfectly describes the life and accomplishments of Bob Tisch.

He will be long remembered for his productive life and his legacy of important leadership in all of his endeavors. We are all better off for Bob Tisch's contributions to our country.

The material follows.

PRESTON ROBERT TISCH (1926–2005)

Preston Robert "Bob" Tisch, the Giants' Chairman and Co-Chief Executive Officer, one of the nation's most respected and successful businessmen, a former United States Postmaster General, and an extremely generous philanthropist, died Tuesday night.

Tisch passed away from inoperable brain cancer, which was first diagnosed in the summer of 2004. He was 79. His death comes just three weeks after the passing of his fellow owner, Wellington Mara, who died of cancer on October 25 at the age of 89.

Tisch realized a longtime dream in 1991 when he completed negotiations with Wellington Mara's nephew, Tim Mara, and his family and paid $75 million for a 50 percent interest in the Giants.

"I was very fortunate," Tisch said in a 2002 interview. "I got a call from (former Cleveland and Baltimore owner) Art Modell telling me that Tim Mara wanted to sell his half of the team and asking me if I would be interested in purchasing it. I met with Wellington Mara and John Mara and said I'd be very interested. There were no problems with them, and then I bought my share of the team from Tim Mara. It's been a great relationship and a great boon to me. I'm very happy to be the 50 percent owner of the New York Giants."

Tisch played an active role in the organization. As a member of the National Football League's Finance and Super Bowl Policy Committees, he attained a prominence in the sports arena equal to his position in the world of business.

Owning the Giants was one of many careers Tisch pursued simultaneously. Forbes magazine ranks him 56th on its list of the country's 400 wealthiest people and estimates his net worth to be about $3.9 billion.

He was the Chairman and Director of the Loews Corporation, one of the country's most successful financial companies. The company, with a 2004 net income of $1.2 billion and assets exceeding $74 billion, owns and operates 91 percent of CNA Financial Corporation; 100 percent of Lorillard; 100 percent of Boardwalk Pipelines, which consists of Texas Gas Transmission and Gulf South Pipelines; 52 percent of Diamond Offshore Drilling; 100 percent of Loews Hotels and 100 percent of Bulova.

Tisch served as Postmaster General of the United States from August 1986 until returning to New York in March 1988. Prior to his appointment as Postmaster, he served as

President and Chief Operating Officer of Loews Corporation and its corporate predecessor, Loews Theaters, Inc., a position held from 1960 until his appointment as Co-Chairman and Co-CEO.

Tisch also served as Chairman of the New York Convention & Visitors Bureau for 19 years and currently serves as the Bureau's (now called NYC & Co.) Chairman Emeritus. He was also founding Chairman of the New York City Convention and Exhibition Center Corporation and Chairman of the Citizens Committee for the Democratic National Conventions held in New York City in 1976 and 1980.

In May 1990, Mayor David Dinkins appointed Tisch as New York City's Ambassador to Washington, D.C. Through 1993, he served as a liaison between the City of New York and his friends and colleagues in both the national government in Washington, D.C. and the business community in New York City.

From 1990–1993, Tisch served as Chairman of the New York City Partnership, Inc. and the New York Chamber of Commerce and Industry, where he was instrumental in developing a campaign to enhance New York's position as an international business center. After completing his stint as chairman, Tisch remained on the Board of Directors of both organizations, now merged.

Tisch was also a Trustee of New York University.

The Giants, however, were truly a labor of love for Tisch, a lifelong sports fan. He attended every Giants game, home and away, and spent as much time working in his stadium office as possible. His two sons are now important members of the organization: Steven as executive vice president and Jon as treasurer.

The process of going from fan to owner took at least three decades for Tisch.

"I came to New York in 1960, and a couple of propitious things happened," he said. "Our company owned a radio station at that time, WHN. During the 1950s they broadcast Giants games. The president of the radio station had ten 50-yard-line tickets at Yankee Stadium. When we sold the radio station he decided he wanted to stay with us, so he came over to Loews Theaters to become the controller. So for about seven or eight years, I had the use of these tickets.

"Also, when we came to New York we moved to Scarsdale, and I got to know Allie Sherman, who was then coach of the Giants. Actually, Allie's son Randy and my son Jon were born one day apart. So we got to know the Sherman family. Then in 1975 or '76, Pete Rozelle moved to Harrison. We lived in the city, but we have a house in Harrison, which was a mile away from where Pete Rozelle and his family resided. We became very friendly with Pete Rozelle. So I have a history in the last 40-some odd years of being involved. I went to most of the owners meetings and all the Super Bowls with Pete Rozelle. I was chairman of a group of his friends called Rozelle's Raiders—I was responsible for getting him to the right place at the right time. He finally gave me a whistle and a sign that said 'Rozelle's Raiders.' I've been very lucky. In my own mind, I've been involved in football since 1960."

It was about that time that Tisch first began to consider buying a professional team.

"I had tried several times before (purchasing his interest in the Giants)," he said. "Steve Ross, who ended up as CEO of Time-Warner, Inc. and I tried to buy the Jets in about 1967 or '68 and it didn't work out. I looked at other things. In 1988, when I came out of the Postal Service, I decided I would try to buy a sports team. I looked at many of them, both in football and basketball. I looked at the Dallas Cowboys and a couple of other teams. But I made up my mind I was never going to buy a team that was more than one hour from New York. I was interested in becoming owner of the new franchise that was in Baltimore. We were putting together a group when the opportunity came about to become the 50 percent owner of the New York Giants, which I jumped at and dropped everything else."

He completed the negotiations with Tim Mara just a few months after the Giants won Super Bowl XXV.

Tisch's business success was but a small part of his life's achievements. His generosity and commitment to civic and charitable causes was legendary. Tisch was a tireless and influential participant in civic affairs throughout his adult life.

In February 2000, he helped found Take the Field, Inc., a non-profit organization dedicated to renovating and rebuilding the athletic fields at New York City's public high schools. Tisch, a product of those schools who graduated from Erasmus Hall High in Brooklyn, was Chairman of Take the Field, Inc. He launched the organization with a $1 million donation, and as of earlier this year had raised more than $147 million in public and private dollars.

Tisch and two partners in Take the Field, Tony Kiser and Richard Kahan, believed the private sector had to play a leading role in repairing sports fields at schools throughout the city that had been slowly destroyed by more than two decades of neglect. Tisch approached then-mayor Rudy Giuliani with his idea. The city agreed to match every dollar raised by Take the Field with three of its own, and the mission was to re-do every athletic field in the city that was classified as "needy."

"Take the Field is one of the most innovative and wonderful ideas of my life in the city," said New York Mets owner Fred Wilpon, one of Tisch's best friends. "And it doesn't happen without Bob. At a time in his life when he could have just sat back and enjoyed everything he had accomplished, he went to work."

That's what Tisch did throughout his life. He was a founding Co-Chairman of Citymeals-on-Wheels, President of the Board of Directors from 1993 to 2002, and later served on the Board as Honorary Chairman. He also served as chairman of Public Private Initiative, a public private partnership that raises funds for important community programs, from 1997 to 1998.

Tisch's philanthropy continued even after he became gravely ill. His family picked a physician at the Duke University Medical Center to supervise his treatment for the brain cancer. Tisch and his family recently donated $10 million to the Duke Comprehensive Cancer Center and the school's Brain Tumor Center.

The gift accounted for the majority of a $16.3 million package of subsidies that Duke will use to support research into the treatment of brain tumors.

"I was very, very impressed by the program at Duke, and very taken by more than just its medical approach," said Steve Tisch. "For me, there was the intangible that became so important, of the spiritual and emotional commitment that these programs and their doctors have."

Duke officials have pledged to use $5 million from the Tisch family to underwrite the hiring of additional researchers. The medical center is matching that with $5 million of its own money. Another $2.5 million from the Tisch family will finance the screening of drugs that might be useful in treating brain tumors. Duke officials are now calling the treatment center the Preston Robert Tisch Brain Tumor Center.

Given his many accomplishments and interesting ventures, Tisch was asked in that 2002 interview what was most rewarding to him.

"My brother (Laurence, who died of cancer at age 80 two years ago today on November 15, 2003) and I took the Loews Corporation from a corporation that did about $20 million worth of business and built it up to a $13 billion company, which is now run by the next generation," Tisch said. "Building the company and seeing it grow has been extremely gratifying. I also enjoyed my time at the Postal Service when I was appointed Postmaster General. People said, 'How can you stand a job like that?' I loved it. I made one mistake—I stayed two years when I should have stayed three years.

"Then, of course, my involvement with the New York Giants has been very rewarding. I've been very, very lucky in my life and what I've been able to achieve."

Everyone who knew him, worked with him or were touched by his generosity were just as fortunate.

Preston Robert Tisch was born on April 29, 1926 in New York City. He attended Bucknell University before entering the Army in 1944. After military service in World War II, he earned a B.A. degree in economics from the University of Michigan in 1948. Tisch is survived by his wife, the former Joan Hyman, and their three children, Steven, Laurie, and Jonathan, and nine grandchildren.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on February 17, 2006, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 4745. An act making supplemental appropriations for fiscal year 2006 for the Small Business Administration's disaster loans program, and for other purposes.

Under authority of the order of the Senate of February 17, 2006, the enrolled bill was signed subsequently on Friday, February 17, 2006, by the Majority Leader (Mr. FRIST).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5772. A communication from the President of the United States, transmitting, pursuant to law, the report relative to the intent to add Liberia to the list of least-developed beneficiary developing countries under the Generalized System of Preferences (GSP); to the Committee on Finance.

EC-5773. A communication from the President of the United States, transmitting, pursuant to law, a report relative to United States assistance for the interdiction of aircraft engaged in illicit drug trafficking; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1052. A bill to improve transportation security, and for other purposes (Rept. No. 109–216).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2013. A bill to amend the Marine Mammal Protection Act of 1972 to implement the Agreement on the Conservation and Management of the Alaska-Chukotka Polar Bear Population (Rept. No. 109–217).

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 683. A bill to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself, Mr. COLEMAN, Mr. MENENDEZ, Ms. SNOWE, Mrs. CLINTON, Mr. COBURN, Mr. REED, Ms. COLLINS, Mr. LAUTENBERG, Mr. DURBIN, Mrs. BOXER, Mr. SANTORUM, and Ms. MIKULSKI):

S. 2333. A bill to require an investigation under the Defense Production Act of 1950 of the acquisition by Dubai Ports World of the Peninsular and Oriental Steam Navigation Company, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. COLLINS:

S.J. Res. 32. A joint resolution disapproving the results of the review conducted by the Committee on Foreign Investment in the United States (CFIUS) into the purchase of Peninsular and Oriental Steam Navigation (P&O) by Dubai Ports World (DP World); to the Committee on Banking, Housing, and Urban Affairs.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 146, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 331

At the request of Mr. JOHNSON, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 380

At the request of Ms. COLLINS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 380, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 407

At the request of Mr. JOHNSON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 407, a bill to restore health care coverage to retired members of the uniformed services, and for other purposes.

S. 484

At the request of Mr. WARNER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 503

At the request of Mr. BOND, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 919

At the request of Mr. DAYTON, his name was withdrawn as a cosponsor of S. 919, a bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates, and for other purposes.

S. 1086

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1330

At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1330, a bill to amend the Internal Revenue Code of 1986 to provide incentives for employer-provided employee housing assistance, and for other purposes.

S. 1512

At the request of Mr. SARBANES, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1512, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated.

S. 1780

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1780, a bill to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low-income Americans to gain financial security by building assets, and for other purposes.

S. 1841

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1841, a bill to amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006.

S. 1908

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr.

DEWINE) was added as a cosponsor of S. 1908, a bill to authorize the Under Secretary of Technology of the Department of Commerce to award grants to establish up to eight Nanoscience to Commercialization Institutes throughout the United States to develop commercial applications for nanotechnology.

S. 2075

At the request of Mr. DURBIN, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2075, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 2115

At the request of Ms. STABENOW, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2115, a bill to amend the Public Health Service Act to improve provisions relating to Parkinson's disease research.

S. 2165

At the request of Ms. MIKULSKI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2165, a bill to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes.

S. 2178

At the request of Mr. SPECTER, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2235

At the request of Mr. SCHUMER, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2235, a bill to posthumously award a congressional gold medal to Constance Baker Motley.

S. 2237

At the request of Mr. SANTORUM, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2237, a bill to withhold United States assistance from the Palestinian Authority until certain conditions have been satisfied.

S. 2253

At the request of Mr. DOMENICI, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2253, a bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing.

S. 2266

At the request of Mr. SANTORUM, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2266, a bill to establish a fellowship program for the congressional hiring of disabled veterans.

S. 2284

At the request of Ms. MIKULSKI, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 2284, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2318

At the request of Mr. DODD, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2318, a bill to provide driver safety grants to States with graduated driver licensing laws that meet certain minimum requirements.

S. 2321

At the request of Mr. SANTORUM, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. RES. 180

At the request of Mr. SCHUMER, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Res. 180, a resolution supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families.

S. RES. 313

At the request of Ms. CANTWELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 313, a resolution expressing the sense of the Senate that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic.

S. RES. 371

At the request of Mr. THOMAS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Res. 371, a resolution designating July 22, 2006, as "National Day of the American Cowboy".

S. RES. 378

At the request of Mr. GRAHAM, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. Res. 378, a resolution designating February 25, 2006, as "National MPS Awareness Day".

S. RES. 383

At the request of Mr. BIDEN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 383, a resolution calling on the President to take immediate steps to help improve the security situation in Darfur, Sudan, with an emphasis on civilian protection.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHUMER (for himself, Mr. COLEMAN, Mr. MENENDEZ, Ms. SNOWE, Mrs. CLINTON, Mr. COBURN, Mr. REED, Ms. COLLINS, Mr. LAUTENBERG, Mr. DURBIN, Mrs. BOXER, Mr. SANTORUM, and Ms. MIKULSKI):

S. 2333. A bill to require an investigation under the Defense Production Act of 1950 of the acquisition by Dubai Ports World of the Peninsular and Oriental Steam Navigation Company, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SCHUMER. Mr. President, I come to the Chamber today first to announce introduction of legislation, S. 2333, which would deal with the Dubai Ports issue. The legislation is bipartisan. It has five Democratic and five Republican sponsors, although the number is growing. The lead Republican sponsor is my friend from Minnesota, Mr. COLEMAN, who had hoped to be here today, but I believe his flight was delayed, and he is just arriving about now.

First, I would like to speak about the recent developments in Dubai Ports World's takeover of several major ports. I believe the bipartisan legislation which I and others will introduce today is the path forward with respect to this deal and securing our Nation's ports and making sure that homeland security is the No. 1 priority.

As we know, the administration and DP World executives reached an agreement yesterday to allow for a 45-day investigation of security concerns raised by this deal. That is good news. I salute the administration and President Bush for doing so.

The bottom line is that many of us have called for this 45-day investigation—many of us from both parties over the last week and a half—and the fact that the President is doing it is very good news. To dig in one's heels doesn't make much sense, particularly when it comes to homeland security. So the new agreement is a major step forward, and it is a key part of what many of us have been asking for in recent weeks. But there are still some outstanding questions. That is why we will be introducing our legislation this afternoon. The devil is in the details. It is plain and simple.

Here are some of the questions that have yet be to answered.

First, we must make sure that the CFIUS Committee conducts a full, thorough, and independent investigation. We can ask for no less, given that the security of our homeland is at stake. Reports that I and others have received have been that the previous investigation was cursory, was casual, was not as thorough as it might be. There are reports, for instance, that people simply looked in the record books to see if there was something wrong that DP World had done. That is not the kind of investigation you need when for the first time they are going to operate the ports here in the United States. And because the committee has already taken a position, even if it is in a casual and cursory way, we have to make sure they are able to approach this with an open mind. We need real independence here.

Make no mistake about it: the CFIUS Committee in the past has too often made economic and diplomatic considerations at a greater level than homeland security consideration. That is buttressed by the fact that there are reports in the newspapers that the homeland security representative on the committee first objected and then withdrew his objection.

Again, we have to make sure there is a broader question: that is, whether the CFIUS Committee is the right committee to begin with to do this. Are they structured properly in a post-9/11 world?

When they were first set up more than 20 years ago, part of the purpose was almost to provide a security justification for economic deals that had to go through. But even in the confines of present law, we have to make sure that the investigation is thorough, complete, and independent.

Let me mention one point in this regard. I had been very perturbed when I learned that the Port Authority of New York/New Jersey, in charge of our ports, was not even consulted about this deal. Had they been consulted, they would have talked about all kinds of problems that they saw, and as a result they are now suing to block the deal. But how thorough could an investigation be if the governmental agency in charge of running the ports, in charge of security in the ports, in our largest port on the east coast, was not even consulted?

So the first question is, will the investigation be thorough, will it be complete, and will it be independent? Will those who have already brushed aside any complaints or worries be able now to have an open mind? I hope so. I am not prejudging, but it is a question that has to be asked as the investigation proceeds.

The second question is, what will happen with the report once it is completed? If the report is kept secret and only given to the President, then what good was the new 45-day investigation? After all, the President has already said he is for this, and I would like to hear the President say that if new concerns are brought up by the report, he would reconsider his support of this merger. We have not heard that yet. So at that point, we are sort of in a position where it is almost like Alice in Wonderland, where you first have the verdict and then the trial. For this 45-day investigation to have real merit, since it does go to the President by law and he gets the right to say "yes" or "no," it would help with the American people to say he has an open mind as well; he is not locked into a position.

My belief is this: I think the report should be made available to the Senate and the House, to any Member of the Senate and House who wishes to see it, and should be made public, at least the nonclassified parts of the report. It can be done on a redacted basis.

Why? First of all, we do need independent judgment. Again, because the President has come out so firmly for this proposal, to allow the House and Senate to see the full report makes a great deal of sense and because the American people have so many concerns. Go to any street corner in any city or town or suburb in this country and you will hear questions asked about this. Every time I have been on an airplane—and I have been on airplanes in various parts of the country—people actually get out of their seats and come over to me and say: What is going on here? So making the report public, at least in a redacted way, so the classified parts are not obviously exposed, makes a great deal of sense. So that is our second question.

The third question is evaluation. It seems to me that in this particular area where there has been such concern, there ought to be, in a constitutionally and legislatively proper way, an ability for this body and the other body to disapprove the deal. And that is what our legislation calls for. It calls for a 30-day period after the report is issued before any merger is consummated so that Congress can disapprove the deal. As you know, Mr. President, there are strict laws on how Congress can approve and disapprove administrative actions, and we have consulted those documents and our disapproval is in keeping with the way you should structure such a disapproval.

So those are the three major questions that our legislation asks. The legislation, S. 2333, which 10 of us, 5 Democrats and 5 Republicans, are introducing this afternoon, deals not only with the 45-day review which the President has already agreed to but the giving of the final report to the House and Senate and to the public in a nonclassified way and gives the Congress the 30-day right for disapproval.

Now, there is one other question not engaged by our legislation that has to be answered and that is this: Because this is a voluntary agreement between the administration and DP World, I have concerns about, because the merger is going to go forward, how securely walled off is the American part of this new enterprise from the rest. If you read the document that has been made public, it is sort of contradictory, in a certain sense. We want to make sure that those walls are thick, that nobody in the Dubai Ports World organization can influence decisions made here, at least while the investigation is going forward. These will be other questions that I think we should ask.

Now, what is the status, what will we do with this legislation? Well, the President's agreeing to a 45-day investigation obviates the need to ask for a vote in this Chamber immediately, although I am confident that if the legislation were brought to the floor, it would receive an overwhelming vote, probably a veto-proof majority. However, we will keep this legislation at the ready as we follow the investigation. If the investigation should falter or it should not be made public, then the legislation might well be brought to the floor again. The bottom line is, those of us who have great concern about this deal are in a period of watchful waiting. We are hopeful that the bipartisan compromise we have put together will sort of spread. We are hopeful that the President's going along with the 45-day investigation is an indication that we can continue to work together. None of us relishes the occasion to bring this legislation to the floor. It would be much better if the President would agree to all of its terms. But at the moment, we will carefully watch and wait, doing our best to make sure that the investigation is complete, thorough, and independent, doing our best to make sure that Members of Congress and the public can see all the appropriate parts of the investigation and then, should the need arise, have an opportunity to disapprove of this merger.

One other point, larger point. Whatever happens with this merger, in terms of its effect on the United States and its ports, there is one bit of good that can come out of this sorry mess: namely, that this Congress, that this administration focus much more on port security. There is no question that we have not done enough in terms of port security. In the air, we have done a pretty good job. We have spent about $8 billion, and while not all of it was spent perfectly, we are a lot safer from terrorism in the air than we were before. But in our ports, which are perhaps more vulnerable and wide open, we haven't done enough. Amendment after amendment after amendment that I and others have brought up over the last 4 years has been defeated, oftentimes on party-line votes. There is a need to do many things. There is a need to make sure that every container that comes into this country can be inspected, can be done mechanically for nuclear material. There is a need to make sure that those containers do not contain biological or chemical weapons. There is a need to make sure that the containers are far more tamperproof than they are today—not all of them are; far too many are not—so that there can't be something slipped into that container while it is on board ship or has already been loaded or checked out at the port of embarkation. There is a need to make sure that personnel both on our side of the ocean and on the other side of either ocean have been thoroughly checked out, in terms of their background, so that terrorist organizations cannot infiltrate because we all know in terrorism handbook 101, infiltration is probably the best way to smuggle some terrible weapons onto our shores.

We also have to make sure that we have greater personnel, greater machinery, greater computers and technology so that a higher percentage of containers, not just the 1 in 20, can be inspected; 1 in 20 is too great a gamble and too great a risk.

As we move forward, I hope that these will happen. And one other thing that ought to be done. We ought to take a look at the CFIUS committee, which in the past has too often taken the path of least resistance and doesn't give foreign takeovers the critical national security review they deserve.

According to a 2005 report, "The manner in which the Committee on Foreign Investment in the United States implements Exon-Florio may limit its effectiveness. For example, Treasury in its role as Chair and some others narrowly define what constitutes a threat to national security."

This week, the Banking Committee will hold hearings on CFIUS reform, and I look forward to working with Chairman SHELBY and Senator SARBANES to carefully examine the CFIUS process, something I have had trouble with in the past.

In conclusion, the last 2 weeks have been extraordinary. Rarely do we see these days a bipartisan, bicameral unity to ensure our Nation is protected, and those of us who worked hard at this, I say to my colleagues, can be proud that we have already seen some major progress. The 45-day investigation will commence. We must keep our vigilance and make sure the rest of the process is done fairly and carefully and independently because the security of our country depends upon it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Investment Security Improvement Act of 2006".

SEC. 2. INVESTIGATION UNDER DEFENSE PRODUCTION ACT OF 1950.

(a) INVESTIGATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President or the President's designee shall conduct an investigation, under section 721(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(b)), of the acquisition by Dubai Ports World, an entity owned or controlled by the Emirate of Dubai, of the Peninsular and Oriental Steam Navigation Company, a company that is a national of the United Kingdom, with respect to which written notification was submitted to the Committee on Foreign Investment in the United States on December 15, 2005. Such investigation shall be completed not later than 45 days after the date of the enactment of this Act.

(2) SUSPENSION OF EXISTING DECISION.—The President shall suspend any decision by the President or the President's designee pursuant to section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) with respect to the acquisition described in paragraph (1) that was made before the completion of the investigation described in paragraph (1), including any such decision made before the date of the enactment of this Act.

(b) REQUIREMENTS FOR INVESTIGATION.—The investigation under subsection (a) shall include—

(1) a review of foreign port assessments conducted under section 70108 of title 46, United States Code, of ports at which Dubai Ports World carries out operations;

(2) background checks of appropriate officers and security personnel of Dubai Ports World;

(3) an evaluation of the impact on port security in the United States by reason of control by Dubai Ports World of operations at the United States ports affected by the acquisition described in subsection (a); and

(4) an evaluation of the impact on the national security of the United States by reason of control by Dubai Ports World of operations at the United States ports affected by the acquisition described in subsection (a), to be carried out in consultation with the Commandant of the Coast Guard, the Commissioner of the Bureau of Customs and Border Protection, the heads of other relevant Federal agencies, and relevant State and local officials responsible for port security at such United States ports.

(c) REPORT.—Not later than 15 days after the date on which the investigation conducted pursuant to this section is completed, the President shall submit to Congress a report that—

(1) contains the findings of the investigation, including—

(A) an analysis of the national security concerns reviewed under the investigation; and

(B) a description of any assurances provided to the Federal Government by the applicant and the effect of such assurances on the national security of the United States; and

(2) contains the determination of the President of whether or not the President will take action under section 721(d) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(d)) pursuant to the investigation.

(d) CONGRESSIONAL BRIEFING.—

(1) IN GENERAL.—Not later than the date on which the report described in subsection (c) is submitted to Congress pursuant to such subsection, the President or the President's designee shall provide to the Members of Congress specified in paragraph (2) a detailed briefing on the contents of the report.

(2) MEMBERS OF CONGRESS.—The Members of Congress specified in this paragraph are the following:

(A) The Majority Leader and Minority Leader of the Senate.

(B) The Speaker and Minority Leader of the House of Representatives.

(C) The Chairman and Ranking Member of the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, and the Committee on Homeland Security and Governmental Affairs of the Senate.

(D) The Chairman and Ranking Member of the Committee on Financial Services, the Committee on Homeland Security, and the Committee on Ways and Means of the House of Representatives.

(E) Each Member of Congress who represents a State or district in which a United States port affected by the acquisition described in subsection (a) is located.

SEC. 3. CONGRESSIONAL ACTION.

(a) IN GENERAL.—If the determination of the President contained in the report submitted to Congress pursuant to section 2(c) of this Act is that the President will not take action under section 721(d) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(d)) and not later than 30 days after the date on which Congress receives the report, a joint resolution described in subsection (b) is enacted into law, then the President shall take such action under section 721(d) of the Defense Production Act of 1950 as is necessary to prohibit the acquisition described in section 2(a), including, if such acquisition has been completed, directing the Attorney General to seek divestment or other appropriate relief in the district courts of the United States.

(b) JOINT RESOLUTION DESCRIBED.—For purposes of subsection (a), the term "joint resolution" means a joint resolution of the Congress, the sole matter after the resolving clause of which is as follows: "That the Congress disapproves the determination of the President contained in the report submitted to Congress pursuant to section 2(c) of the Foreign Investment Security Improvement Act of 2006 on __________.", with the blank space being filled with the appropriate date.

(c) COMPUTATION OF REVIEW PERIOD.—In computing the 30-day period referred to in subsection (a), there shall be excluded any day described in section 154(b) of the Trade Act of 1974 (19 U.S.C. 2194(b)).

By Ms. COLLINS:

S.J. Res. 32. A joint resolution disapproving the results of the review conducted by the Committee on Foreign Investment in the United States (CFIUS) into the purchase of Peninsular and Oriental Steam Navigation (P&O) by Dubai Ports World (DP World); to the Committee on Banking, Housing, and Urban Affairs.

Ms. COLLINS. Mr. President, I rise to introduce a joint resolution disapproving the conclusion of the Committee on Foreign Investment in the United States, CFIUS, to allow Dubai Ports World, DP World, to take over certain port operations in the United States. My colleague and good friend, Congresswoman JANE HARMAN, will be introducing this resolution in the House of Representatives.

This resolution would do the following: 1. Disapprove the CFIUS review of the transaction; 2. direct the CFIUS to conduct a 45-day investigation in order to ensure that the sale will not have an adverse effect on national security; and 3. direct CFIUS to brief

Members of Congress on the findings of its investigation before the transaction is allowed to proceed if the Committee maintains that it should go forth.

The pending sale raises potential maritime security concerns. The sale would transfer control of Peninsular & Oriental, P&O, Ports North America to DP World, a foreign government-owned entity. P&O Ports has extensive terminal and stevedoring operations along the eastern seaboard and on the gulf coast. It encompasses not only terminal facility leases in six major U.S. ports, as has been reported widely in the media, but also stevedoring and terminal operations in a total of 21 U.S. ports, including my home State in Portland, ME.

We have long acknowledged the vulnerability of our ports—both as a potential target and as a conduit through which terrorists, their weapons or other contraband may enter the U.S. coming from a State with three international cargo ports, I am keenly aware of the importance of our seaports to our national economy and to the communities in which they are located. In addition to our ports' economic significance, the link between maritime security and our national security is evident.

The attacks of 9/11 have forced us to reassess and rebuild our entire approach to security. Against an enemy determined to cause maximum harm to both the American people and the American economy, we are building a structure that, in great part, relies upon private-public partnerships. Nowhere is this more apparent than in our ports—where terminal operators, longshoremen, port authorities, importers, carriers, and others have worked with the United States Coast Guard, Customs and Border Protection, and state and local law enforcement to put security plans in place.

The foreign government in question, that owns DP World, is the government of Dubai, part of the United Arab Emirates, UAE. While UAE is an ally in the war on terrorism, it also has been used as a base of terrorist operations and financing. In fact, the 9/11 Commission reported that UAE was "both a valued counterterrorism ally of the United States and a persistent counterterrorism problem." The attacks of 9/11 were planned in part in the UAE, and much of the financing for those operations was funneled through the UAE banking system. The facts warrant a thorough 45-day investigation by CFIUS, not a cursory review.

This incident has revealed significant shortcomings in the CFIUS process. It is not adequately transparent and does not provide for sufficient oversight reporting to appropriate committees and the leadership of Congress. The Exon-Florio provision of the Defense Production Act gives the President the authority to suspend or prohibit any foreign acquisition, merger or takeover of a U.S. corporation that is determined to threaten the national security of the U.S. Through Executive order, the President established the CFIUS to review transactions pursuant to Exon-Florio and make a recommendation regarding the exercise of his authority. It may be appropriate for the reviews, which may involve proprietary data and classified information, to be held confidential. However, once a decision has been reached by the CFIUS, it is wholly appropriate, and even necessary, that Members of Congress be briefed on the findings of the review and the basis for the decision.

I am truly troubled by the review process that was followed with respect to this purchase. The more I learn, the more questions are raised. The law requires a 45-day investigation in cases where an acquirer is controlled by a foreign government, as in the case of DP World, and the acquisition could affect the national security of the U.S. However, the CFIUS did not conduct an investigation, as the plain language of the statute would demand.

I am pleased that, in a recent development, the administration has agreed to undertake a 45-day investigation as a result of discussions with DP World and congressional leadership. Perhaps its recommendation, once briefed to Congress, will allay concerns that have been raised. Perhaps the national security implications, apparent on the face of the deal, will be adequately addressed through a more rigorous process. Given the remaining uncertainties, however, I felt it was important to proceed with the introduction of this resolution, in conjunction with my colleague in the House, Congresswoman HARMAN.

The silver lining of recent events is that they have served to highlight the critical importance of port security to our Nation. Last November, Senator MURRAY and I introduced the GreenLane Maritime Cargo Security Act of 2005. This comprehensive legislation authorizes $835 million annually for programs and initiatives to better secure our Nation's ports.

It would help build a coordinated approach to maritime and port security across all levels of government and with our overseas trading partners, improving our Nation's security as it expedites trade with those governments and businesses that join in this goal.

The bill addresses the problem of uncoordinated supply-chain security efforts, directing the Secretary of Homeland Security to develop a strategic plan to enhance security for all modes of transportation by which containers arrive in, depart from, or move through seaports of the United States. The strategic plan also must include protocols for the resumption of trade in the case of an incident.

This legislation recognizes that America's ports, large and small, are our partners in keeping our Nation safe and our economy strong.

I seek my colleagues support both for this resolution and for the GreenLane bill.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce a correction for the information of the Senate and the public.

The Committee on Energy and Natural Resources hearing to review the proposed Fiscal Year 2007 Forest Service budget will be held on Tuesday, February 28, 2006, at 10 a.m. in Room SD-366 of the Dirksen Senate Office Building.

For further information, please contact Frank Gladics (202-224-2878), Elizabeth Abrams (202-224-0537) or Sara Zecher (202-224-8276) of the Committee staff.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been rescheduled before the Committee on Energy and Natural Resources.

The hearing originally scheduled for Wednesday, March 1, 2006 at 10 a.m. in Room 366 of the Dirsken Senate Office Building will now be held at 9:30 a.m. on March 1, 2006, in the same room.

The purpose of the oversight hearing is to receive testimony regarding the state of the economies and fiscal affairs in the Territories of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510-6150.

For further information, please contact Josh Johnson at 202-224-5861 or Steve Waskiewicz at 202-228-6195.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, March 7, 2006 at 9:30 a.m. in Room 366 of the Dirksen Senate Office Building.

The purpose of the hearing is to discuss the goal of energy independence.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510-6150.

For further information, please contact Frank J. Macchiarola 202-224-1219 or Shannon Ewan at 202-224-7555.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. SNOWE. Mr. President, the chair wishes to inform Members that the Committee on Small Business & Entrepreneurship will hold a public hearing to consider, "The Nomination of Eric Thorson to be the Inspector General of the Small Business Administration" on Wednesday, March 1, 2006 at 2 p.m., in room 428A Russell Senate Office Building.

The Chair urges every member to attend.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Monday, February 27, 2006, at 2:30 p.m. for a briefing on the Dubai Ports World purchase of Peninsular & Oriental Steam Navigation Company.

THE PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 2300

Mr. McCONNELL. Mr. President, I ask unanimous consent that S. 2300 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, FEBRUARY 28, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. tomorrow, Tuesday, February 28. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period of morning business for up to an hour, with the first half under the control of the majority leader or his designee and the second half under the control of the Democratic leader or his designee. I further ask that following morning business, the Senate resume consideration of S. 2271, the PATRIOT Act amendments bill, and that the time until 12:30 p.m. be equally divided, and that the time from 2:15 to 2:30 be equally divided as well.

I further ask consent that from 12:30 until 2:15 p.m. the Senate stand in recess for the weekly policy luncheons, and that the live quorum under rule XXII be waived with respect to the 2:30 vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, today the Senate resumed consideration of the PATRIOT Act amendments bill. At 2:30 tomorrow afternoon we will have a vote on the motion to invoke cloture on the bill. This will be the first vote of the week. Once cloture is invoked, we will proceed on Wednesday at 10 a.m. to the vote on the passage of that bill.

As a reminder to all of our colleagues, on Wednesday at 11 a.m., Prime Minister of Italy Berlusconi will address a joint meeting of Congress. Senators should plan their schedules accordingly.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:07 p.m., adjourned until Tuesday, February 28, 2006, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate February 27, 2006:

DEPARTMENT OF COMMERCE

JOHN G. EMLING, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE BRETT T. PALMER, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

WILLIAM LUDWIG WEHRUM, JR., OF TENNESSEE, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JEFFREY R. HOLMSTEAD, RESIGNED.

DEPARTMENT OF JUSTICE

TIMOTHY ANTHONY JUNKER, OF IOWA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS, VICE JOHN EDWARD QUINN.

PATRICK CARROLL SMITH, SR., OF MARYLAND, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE GREGORY ALLYN FOREST, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED CADETS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C. SECTION 211:

To be ensign

STEPHANIE M ADAMS, 8263
MARK P AGUILAR, 3548
BRIAN J AHEARN, JR, 1348
PAUL R ALEXANDER, 9486
JUSTIN ANDREWS, 4555
MARY E ARLINGTON, 1681
MARY K ARVIDSON, 7728
HOWARD B BAKER, JR, 2528
STEVEN J BALDOVSKY, 6408
CHARLES J BARE, 8162
DUSTIN G BARKER, 1937
SIMON P BARR, 4645
NORA E BASILE, 8320
GREG M BATCHELDER, 1345
TODD C BATTEN, 2046
PHILIP S BAXA, 7026
LAUREN E BECK, 0507
RACHEL C BECKMANN, 1369
VICTORIA D BEIMESCHE, 9525
IAN R BELANGER, 9616
MARTIN J BERG, 2202
JASON L BERGER, 7606
CAROLINE E BLADEN, 4750
SAMUEL A BLASE, 3804
KRYSTLE M BOBBINS, 8234
REBECCA J BOICE, 7908
JEREMIAH W BOWLES, 8932
JOSH D BRANDT, 7482
STEPHEN W BRICKEY, 3204
THOMAS A BRITTINGHAM, 9666
MARK D BRUNO, JR, 6766
KRISTEN N BUCHER, 1830
ERIN S BUSTIN, 2854
THOMAS J CAREY, 7936
MATTHEW A CARLTON, 2461
CHRISTOPHER D CART, 9425
DANIEL B CATHELL, 4891
JAMES E CEPA, 4457
BENJAMIN D CHAMBERLAIN, 7355
JARED N CHERNI, 9619
BRADLEY R CLEMONS, 5078
AARON M CMIEL, 8635
JASON D COFFEY, 9123
JOSEPH R COFFMAN, 9300
RICHARD C COLBY, 7027
SOMMERS J COLE, 2653
DAVID J CONNOR, 2797
ADAM W CONOVALOFF, 1411
CHAD M CONRAD, 7082
REBECCA M CORSON, 1749
LEE D COYLE, 3657
RYAN T CROSE, 0868
ASHLEY A CROUCH, 2511
THOMAS S CROWLEY, 6613
RACHEL S CRUZCOSA, 1029
NOLAN J CUEVAS, 5829
KATHRYN R CYR, 1066
ELEANOR L DAHL, 4231
GREGORY T DAHL, 0534
STEVEN T DAVIES, 0773
MEGAN A DAVISON, 2115
AMANDA L DEIS, 4075
CHRISTINA D DELGADO, 7878
ANDREW B DENNELLY, 3545
CHARITY D DREW, 9302
REGINA R DUNN, 8924
JARED W ENGLAND, 3231
KYLE L ENSLEY, 5989
ELISA K FAWCETT, 3149
BRENDAN W FLYNN, 5514
SHANNON T FROBEL, 6990
TRAVIS R GAGNON, 5838
DIANNA D GARFIELD, 8472
CHRISTIANA M GELETZKE, 9179
BRIAN C GISMERVIK, 2218
MOLLY Y GOTTER, 4723
PHILIP J GRANATI, 2615
ANDREW M GRANTHAM, 0702
ALAN E GROSSE, 9069
STEPHEN A HART, 4544
BRIAN J HEDGES, 6510
TYLER K HEFFNER, 9700
CHERYL E HICKEY, 4417
PRESTON J HIEB, 9088
JEROD M HITZEL, 2498
THOMAS E HOLLINBERGER, 8847
JARED H HOOD, 1658
JESSE L HOUCK, 7498
DIANA J ISIDORE, 6619
RYAN T JAMES, 3665
ANDREW B JANTZEN, 2408
MICHAEL E JARBEAU, 5513
SARAH M JEFFERSON, 6479
DAN N KAHN, 4817
JOSHUA A KAPUSTA, 4568
DANIEL J KEARNEY, JR, 6808
AMANDA G KEITH, 2595
DANIEL P KILCULLEN, 8694
MOLLY E KILDUFF, 2213
GARY G KIM, 9637
STEPHANIE V KIMMEL, 8535
JAY F KIRCHER, 3535
KRISTEN M KRAEMER, 3172
BENJAMIN J KREBS, 7838
WALTER C KROLMAN, 2796
KATHERINE M LAPPE, 6017
JONATHAN M LARAIA, 5536
KEVIN B LAUBENHEIMER, 4596
DANIEL W LAVINDER, 9609
BENJAMIN J LEE, 6541
BENJAMIN S LEUTHOLD, 8311
AARON B LEYKO, 7731
JACOB S LONDON, 4088
KAREN C LOVE, 3065
GEORGE G MACDONNELL, 4406
RYAN W MACA, 1895
GLYNN S MACKENZIE, 0872
ERIC R MAJESKA, 3870
JENNIFER S MAKOWSKI, 7979
PETER E MALONEY, 5737
MICHAEL H MANUEL, 2950
CORY J MCCOLLOW, 0469
CHRISTIAN B MCGHEE, 0072
BRENDAN J MCKINNON, 8518
NIKEA L MCNEILL, 4424
TIMOTHY L MCDONALD, 3907
JOSE M MELENDEZ II, 5250
JULIE A MILLER, 3721

COLE R MORGAN, 4603
SARAH E MORIN, 4458
CHRISTOPHER G MORRIS, 3658
LAUREN E MOSEMAN, 6280
MATTHEW K NAKAGAWA, 1062
BRIAN J NAUGHTON, 0551
JASON M NELSON, 6303
CHRISTOPHER M NICHOLS, 0152
KRISTEN NICHOLSON, 1523
RICHARD D NINES, 0931
SEAN M NORRIS, 0344
JEFFREY T NOYES, 8942
JACOB T PAARLBERG, 6201
MICHAEL P PANTER, 0906
CHARLES W PARIS III, 8010
JARRETT S PARKER, 8113
ROBIN E PASSERO, 2644
CHRISTOPHER J PELAR, 0743
KRISTEN R POTTER, 2093
ANDREW D PRITCHETT, 7375
TRISHA A PRONOVOST, 0767
ERIC A QUIGLEY, 2254
EDWARD J QUINN, 6685
RYAN R RAMOS, 4465
SHELLY D RAUDENBUSH, 7819
WESTON D RED ELK, 0428
FRANK M REED III, 2341
AARON J RENSCHLER, 5177
FAITH A REYNOLDS, 6678
MATTHEW D RICHARDS, 1317
CALLAN D ROBBINS, 9851
MORGAN J ROY, 9835
BRIAN C RUNION, 5753
WILLIAM J SANDERS III, 6254
BRIAN G SATTLER, 8793
KENNETH R SAUERBRUNN, 2761
JAMESEN G SAVIANO, 2197
JAMES J SCHOCK, 7917
ANDREW C SERB, 4131
MATTHEW J SEXTON, 9220
DANIEL J SHEPPARD, 3297
JOSHUA S SHIMABUKURO, 9420
RHIANNON S SIMSER, 9785
NICOLAS S SITES, 5309
DAVID A SMITH, 8007
JOSH L SMITH, 4192
MELISSA A SMITH, 4166
SARAH L SMITH, 9363
WEBSTER M SMITH, 4193
JEFF J SMOLIK, 9583
IAN M STARR, 2048
PAUL W STEPLER, 8177
BRIAN M STEUERWALD, 3752
MATTHEW T STEVICK, 7521
JESSE A STEWART, 4098
DANIEL A TESLER, 6503
JOHN B THOMAS, 1838
KIET A TRAN, 5513
CYNTHIA S TRAVERS, 5478
JONATHAN P TSCHUDY, 6805
PETER E VERMEER II, 7944
ANDREW O VICKS, 0563
DAVID R VIHONSKI, 8645
MICHAEL A VILES, 4232
RODERICK E WALKER II, 5127
EDWARD J WARGO III, 3978
STEVEN D WELCH, 4677
JEFFREY D WEST, 7561
BRENNA M WHITE, 6626
JONATHAN D WHITE, 4004
RYAN T WHITE, 7579
PAUL A WINDT, 7312
NICHOLAS A WOESSNER, 6925
JONATHAN M WOLSTENHOLME, 3292
MICHAEL A WURSTER, 7111
GRANT C WYMAN, 4578
JEREMY L YANDELL, 7395
YVONNE C YANG, 3731
ALEXANDER T YUILLE, 1100

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNTIED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. FRANKLIN L. HAGENBECK, 3956

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES L. SNYDER, 3847

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MICHAEL C. BACHMANN, 0069

THE FOLLOWING NAMED OFFICER FOR PROMOTION IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C. SECTION 12203:

To be rear admiral (lower half)

CAPT. MICHAEL W. BROADWAY, 4334

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C. SECTION 12203:

To be rear admiral (lower half)

CAPT. PATRICK E. MCGRATH, 4262
CAPT. JOHN G. MESSERSCHMIDT, 7746
CAPT. TIMOTHY D. MOON, 5084
CAPT. MICHAEL M. SHATYNSKI, 1839

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

EICHEL C. JOSEPH, 1215

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JAMES E. BARKER, 6694

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

CHANTEL NEWSOME, 0832

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

CLAYTON D. CHILCOAT, 1658

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 28, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 1

9 a.m.

Judiciary

Immigration, Border Security and Citizenship Subcommittee

Terrorism, Technology and Homeland Security Subcommittee

To hold joint hearings to examine Federal strategies to end border violence.

SD-226

9:30 a.m.

Energy and Natural Resources

To hold an oversight hearing to examine the state of the economies and fiscal affairs in the Territories of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

SD-366

Homeland Security and Governmental Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2007 for the Department of Homeland Security.

SD-342

Indian Affairs

To hold joint hearings with the House Committee on Resources to examine the settlement of Cobell v. Norton.

SD-106

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Department of Education.

SD-124

Armed Services

Personnel Subcommittee

To hold hearings to examine active component, reserve component, and civilian personnel programs in review of the defense authorization request for fiscal year 2007.

SR-232A

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine regulatory relief proposals.

SD-538

Budget

To hold hearings to examine the President's budgetary proposals for fiscal year 2007 for the Department of Health and Human Services.

SD-608

Health, Education, Labor, and Pensions

Education and Early Childhood Development Subcommittee

To continue hearings to examine S. 2198, to ensure the United States successfully competes in the 21st century global economy.

SD-430

10:30 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Library of Congress, Open World Leadership Council, and Government Accountability Office.

SD-138

2 p.m.

Small Business and Entrepreneurship

To hold hearings to examine the nomination of Eric M. Thorson, of Virginia, to be Inspector General, Small Business Administration.

SR-428A

2:30 p.m.

Armed Services

Airland Subcommittee

To hold hearings to examine Army Transformation and the future combat systems acquisition strategy in review of the defense authorization request for fiscal year 2007 and the future years defense program.

SR-232A

Commerce, Science, and Transportation

Disaster Prevention and Prediction Subcommittee

To hold hearings to examine winter storms.

SD-562

Environment and Public Works

To hold hearings to examine the status of the Yucca Mountain Project.

SD-628

Judiciary

To hold hearings to examine judicial nominations.

SD-226

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine the role of the Forest Service and other Federal agencies in protecting the health and welfare of foreign guest workers carrying out tree planting and other service contracts on National Health System lands, and to consider related Forest Service guidance and contract modifications issued in recent weeks.

SD-366

Intelligence

To receive a closed briefing to examine certain intelligence matters.

SH-219

3 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine reauthorization of the Ryan White CARE Act relating to fighting the AIDS epidemic of today.

SD-430

4 p.m.

Armed Services

Business meeting to consider pending military nominations.

SR-222

MARCH 2

9 a.m.

Foreign Relations

To hold a closed briefing on the challenges and responses with respect to a nuclear Iran.

S-407, Capitol

9:30 a.m.

Armed Services

To hold hearings to examine the defense authorization request for fiscal year 2007 and the future years defense program.

SH-216

Judiciary

Business meeting to consider pending calendar business.

SD-226

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine implementation of the Exon-Florio Amendment, focusing on Dubai Ports World acquisition of Peninsular and Oriental Steam Navigation Company.

SD-G50

Budget

To hold hearings to examine the President's proposed budget for fiscal year 2007.

SD-608

Commerce, Science, and Transportation

To hold hearings to examine USF distribution.

SD-562

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2007 for the Department of the Interior.

SD-366

Health, Education, Labor, and Pensions

To hold hearings to examine the state of mine safety and health.

SD-430

Homeland Security and Governmental Affairs

Business meeting to consider S. 2128, to provide greater transparency with respect to lobbying activities.

SD-342

Veterans' Affairs
To hold hearings to examine legislative presentations of the Fleet Reserve Association, the Air Force Sergeants Association, the Retired Enlisted Association, the Gold Star Wives of America, and the Military Officers Association of America.
SD–106

10:30 a.m.
Foreign Relations
To hold hearings to examine the challenges and responses with respect to a nuclear Iran.
SD–419

2 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine military installations, military construction, environmental programs, and base realignment and closure programs in review of the defense authorization request for fiscal year 2007.
SR–222

2:30 p.m.
Appropriations
Energy and Water Subcommittee
To hold hearings to examine an outline of the Global Nuclear Energy Plan and the future of nuclear power.
SD–124

Intelligence
To receive a closed briefing to examine certain intelligence matters.
SH–219

MARCH 7

9:30 a.m.
Armed Services
To hold hearings to examine military strategy and operational requirements in review of the Defense Authorization Request for fiscal year 2007 and the future years defense program.
SD–106

Energy and Natural Resources
To hold hearings to examine the goal of energy independence.
SD–366

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine rural telecom.
SD–562

Veterans' Affairs
To hold hearings to examine the legislative presentation of the Veterans of Foreign Wars.
SH–216

2:45 p.m.
Armed Services
Strategic Forces Subcommittee
To hold hearings to examine the nuclear weapons and defense environmental cleanup activities of the Department of Energy in review of the defense authorization request for fiscal year 2007 and the future years nuclear security program.
SR–232A

MARCH 8

2:30 p.m.
Armed Services
To hold hearings to examine the Department of Defense quadrennial defense review; to be followed by a closed session in SR–222.
SH–216

MARCH 9

9:30 a.m.
Armed Services
To resume hearings to examine the defense authorization request for fiscal year 2007 and the future years defense program.
SD–106

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine aviation security and the Transportation Security Administration.
SD–562

Veterans' Affairs
To hold hearings to examine the legislative presentations of the Paralyzed Veterans of America, the Blinded Veterans of America, The Non-Commissioned Officers Association, the Military Order of the Purple Heart, and the Jewish War Veterans.
SH–216

10:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the United States Department of Agriculture's management and oversight of the Packers and Stockyards Act.
SR–328A

MARCH 13

3 p.m.
Armed Services
To hold a closed briefing on an update from the Joint Improvised Explosive Device Defeat Organization.
SR–222

MARCH 14

9:30 a.m.
Armed Services
To hold hearings to examine military strategy and operational requirements in review of the Defense Authorization Request for fiscal year 2007 and the future years defense program.
SH–216

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine wireless issues spectrum reform.
SD–106

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine Wall Street perspective on telecom.
SD–106

MARCH 15

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the the Secretary of the Senate, Architect of the Capitol, and the Capitol Visitor Center.
SD–138

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine innovation and competitiveness legislation.
SD–562

MARCH 16

9:30 a.m.
Armed Services
To hold hearings to examine military strategy and operational requirements in review of the defense authorization request for fiscal year 2007 and the future years defense program; to be followed by a closed session in SH–219.
SH–216

10 a.m.
Commerce, Science, and Transportation
Disaster Prevention and Prediction Subcommittee
To hold hearings to examine impacts on aviation regarding volcanic hazards.
SD–562

Veterans' Affairs
To hold hearings to examine the homeless programs administered by the VA.
SR–418

MARCH 28

10 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine Federal Aviation Administration budget and the long term viability of the Aviation Trust Fund.
SD–562

2:30 p.m.
Commerce, Science, and Transportation
National Ocean Policy Study Subcommittee
To hold hearings to examine offshore aquaculture.
SD–562

MARCH 29

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine the importance of basic research to United States' competitiveness.
SD–562

MARCH 30

10 a.m.
Commerce, Science, and Transportation
Disaster Prevention and Prediction Subcommittee
To hold an oversight hearing to examine National Polar-Orbiting Operational Environmental Satellite System.
SD–562

Veterans' Affairs
To hold hearings to examine the legislative presentations of the National Association of State Directors of Veterans Affairs, the AMVETS, the American Ex-Prisoners of War, and the Vietnam Veterans of America.
SD–106

APRIL 4

10 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine Federal Aviation Administration funding options.
SD–562

APRIL 5

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Sergeant at Arms and U.S. Capitol Police Board.
SD–138

APRIL 26

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine fostering innovation in math and science education.
Room to be announced

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of construction on the Capitol Visitor Center.
SD-138

MAY 3

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Government Printing Office, Congressional Budget Office, and Office of Compliance.
SD-138

MAY 17

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine accelerating the adoption of health information technology.
Room to be announced

MAY 24

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of construction on the Capitol Visitor Center.
SD-138

JUNE 14

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine alternative energy technologies.
Room to be announced

POSTPONEMENTS

MARCH 2

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine voice over Internet protocol.
SD-562

SENATE—*Tuesday, February 28, 2006*

The Senate met at 9:45 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the State of Virginia.

PRAYER

The PRESIDING OFFICER. Today's prayer will by offered by the guest Chaplain, Bishop Steven E. Wright, National Chaplain for the American Legion, from Layton, UT.

The guest Chaplain offered the following prayer:

Let us pray:

Our Father who art in heaven, we humbly thank Thee for untold blessings poured out upon the people of this great Nation. From our earliest beginnings, we have placed our trust in Thy power to guide and defend us. We reaffirm that trust as we seek Thy strength, Thy wisdom, Thy inspiration, and Thy love to be upon our Senators in their deliberations and efforts and decisions this day.

We thank Thee for the valiant men and women of our Armed Forces, as well as for our veterans, and ask Thee to bless them and their families with safety and with Thy comforting love. We pray likewise for each individual and family unit, and ask Thee to particularly bless fathers and mothers with ability to instill virtue in its many forms in their children.

We express our love and gratitude for Thy tender mercies in all our trials and challenges, and do so with a concluding moment of silence, allowing each to offer the personal benediction of his and her own heart and faith.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN, a Senator from the State of Virginia, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 28, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE ALLEN, a Senator from the State of Virginia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ALLEN thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will begin with a period for morning business for up to 60 minutes. Following that time, the Senate will resume debate on S. 2271, the PATRIOT Act amendments legislation. The debate will be equally divided until the hour of 12:30, and at 12:30 the Senate will recess until 2:15 p.m. for the weekly policy meetings. When we reconvene at 2:15, there will be 15 minutes for closing remarks prior to the cloture vote, which is scheduled for 2:30. That cloture vote on the PATRIOT Act amendments bill will be the first vote of the day. We fully expect cloture to be invoked, and therefore we have an agreement that the vote on passage of the bill will occur at 10 a.m. tomorrow, on Wednesday.

On Wednesday, in addition to the PATRIOT Act amendments bill, we will return to the conference report on the underlying PATRIOT Act. That conference report will require an additional cloture vote and we will have that vote on Wednesday afternoon.

I remind my colleagues that on Wednesday we will have a joint meeting with the House of Representatives in order to hear an address by the Prime Minister of Italy. That address will begin at 11 o'clock tomorrow morning, and therefore Senators are asked to gather in the Senate Chamber at 10:30 so we can proceed together at 10:40 to the Hall of the House of Representatives. I will have more to say about the remaining schedule for this week and the next at the close of business today.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

APPOINTMENT OF CONFEREES ON PENSION REFORM

Mr. REID. Mr. President, employer-sponsored pension plans have been a critical part of employment security for America's workers. Over 40 million Americans rely on these pension plans that promise a monthly retirement benefit for life. Increasingly, the retirement security offered by pension plans is at risk, and more and more employers opt out of offering pension plans because of increased costs and growing administrative difficulties. Further complicating the situation is the fact that the agency that insures workers' pensions, the Pension Benefit Guaranty Corporation, faces huge deficits as a result of the termination of pension plans throughout the country. These pension plans were maintained by companies in the troubled steel and airline industries.

For all these reasons and more, we know that Congress must act on pension reform legislation so employees can continue to count on the retirement security provided by employer-sponsored pension plans. That is why Senate Democrats strongly supported pension reform legislation and were eager to go to conference on this bill. We recognize this is an important bill and strongly believe the Senate and House must get to work immediately to hammer out the compromises necessary to produce a final bill.

Senators agree. I think, from our perspective, we are united, Democrats and Republicans. Senate Democrats believe we can and should name conferees right now, this morning, and send the bill to the House so they can name their conferees. Nevertheless, some recent press reports on the status of the pension reform bill have suggested that Democrats are preventing this bill from moving to conference.

I wish to take a few minutes and correct this record. We strongly support the improvements this legislation will bring to our private pension system. We support improvements this legislation will bring, improvements to our private pension system. We want to improve pension funding so employees will know their employer's pension promise will be fulfilled. Democrats believe it is important to provide certainty to employers who are trying to plan their pension costs. Democrats believe it is important to clarify the rules governing cash balance pension plans so older workers are protected. Democrats believe it is important we act quickly to provide relief to those airlines that want to maintain their pension plans but need some time to recover from the downturn following the attacks of 9/11. Democrats believe it is imperative that we shore up the finances of the PBGC.

In other words, Democrats want this bill to go to conference today, and we can do that if the majority will agree to a reasonable number of conferees. Throughout this process, Senate Democrats have worked closely with Republicans to move pension reform legislation in an expedited manner. The pension reform bill was reported by the Finance Committee by voice vote on July 26 of last year. The HELP Committee reported the bill on September 28 by a vote of 18 to 2. After consideration, the two committee bills had to be reconciled into one proposal. Senators ENZI, GRASSLEY, KENNEDY, and BAUCUS worked long and hard on a bipartisan basis to produce that legislation. At each step during this process, Democrats worked with the Republicans to produce a bipartisan bill.

When it came time to consider the bill on the Senate floor, Democrats again worked to move this legislation forward. Senate Democrats worked with the majority leader to reach agreement on a limited number of amendments. Democrats also worked to limit debate so the bill could move forward. Democrats did not have to forego their rights to offer amendments to the pension bill, but we did. Democrats didn't have to forego their rights to debate issues raised by this legislation, but we did. There are any number of steps that can be taken to slow down the progress of legislation if a Member of the Senate is so inclined. Democrats have not chosen to take any of these steps and are not choosing to take any of these steps now.

We are eager to go to conference on this legislation and we are not contesting the Republicans' desire to have a two-vote advantage in the conference. The majority leader set the margin at 7 to 5. We believe fairness is 8 to 6. All we are asking is that each committee which is a party to this legislation be adequately represented. We believe that appointing 14 conferees in a ratio of 8 to 6 gives the Senate the best opportunity to bring back a bill from the conference that will garner strong support by the Senate.

The majority leader has said he will go 9 to 6. That is not fair, to have a three-vote advantage. I urge the majority to consider its opposition to our very reasonable request so we can get to work on this legislation. Together we can improve our Nation's pension system and make America better.

Mr. President, simply it is this: Are we going to go to conference on this bill? We want to go. Arbitrarily, the majority leader said it will be a 7-to-5 ratio. We wanted 8 to 6. We will go to conference right now. It doesn't seem fair. We are not holding up the conference. We are not holding up the conference as indicated by the fact that we are willing to go from 7 to 5 to 8 to 6.

The distinguished Senator from Tennessee comes back with the suggestion that, well, we will go 9 to 6. That isn't fair. We want to go to conference, but we want at least to have a semblance of fairness. We are willing to go with the two-vote margin but not three votes.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 1 hour, the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Missouri.

ORDER FOR FILING DEADLINE

Mr. BOND. Mr. President, I ask unanimous consent that the filing deadline for first-degree amendments to S. 2271 occur at 12 noon today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE PATRIOT ACT

Mr. BOND. Mr. President, I come to the floor today to speak about the war on terror, progress in Iraq, and the PATRIOT Act. In spite of the negative press you see on the nightly news, Iraq is progressing toward the goal of being independent, free, and democratic. It has been nearly 3 years since our brave men and women in the military and our other agencies freed a people from the grip of a tyrannical and murderous dictator and began to work to establish a democratic society in the heart of the Middle East. In doing so, they are also making the world and all of us much safer.

Since then, the people of Iraq have set up a constitutional government and braved death by voting in free elections.

Surely more remains to be done, but let there be no doubt, progress is being made. But challenges remain. We recognize that and we must.

The recent bombing of a mosque in Samarra has highlighted the challenges Iraq continues to face. Who did it?

Following the attack, a prominent Iraqi Shiite cleric, al-Sistani, recognizing the hallmarks of al-Qaida, called, for the first time, for street demonstrations against the bombing, and thousands of his angry supporters protested, shouting slogans against al-Qaida and its supporters, accusing them of fueling hatred and violence, which is surely what they did.

News of the attack only underscores why we are in Iraq and what is at stake. When our delegation met with Sunni, Shiite, and Kurd leaders last month in Baghdad, those leaders recognized, as our able Ambassador emphasized, the dangers of sectarian violence. They committed to work together, knowing that they have to bring about a national unity government.

Recent news reports suggest that with the intervention of enlightened leaders such as al-Sistani, people are beginning to work together again. But the disturbing news of the bombing of the mosque and resulting reactions and killings simply seems to embolden all the hand-wringing naysayers who have incessantly talked of civil war in Iraq and American withdrawal. A greater lesson, however, lies within this tragic development.

Simply put, what is the alternative? Is America to retreat from Iraq and simply seek to be left alone and leave the world's problems to others to fix?

In the age of bin Laden, al-Zarqawi, and al-Sistani, that is a course America and the world cannot afford to take. We should have learned our lesson on 9/11.

As the Wall Street Journal recently pointed out, the fact is that under the Bush administration's policy, four democratic governments have come to power in the Middle East—Iraq, Afghanistan, Lebanon, and Palestine. Yes these democracies will face serious challenges along the way, from insurgents to bloody ethnic feuding.

These are very serious challenges, and we are witnessing these challenges right now.

Let us be blunt. There is always the possibility that a murderous dictator can come to power in a democracy. That is how Hitler got in, in Germany. No one said this approach is perfect. It isn't, especially when Hamas wins in Palestine. But democracy isn't supposed to be perfect or easy or smooth. It was not such as we set up our Government.

But what is the alternative to promoting democracy, no matter how great the challenges become? I submit there is no viable alternative. It is democracy, and only democracy, that will offer these countries the possibility of greater civic freedoms, greater economic freedoms, and the hope for a politically moderate future.

It is only because of American leadership, our brave soldiers, our brave civilians, and the hopeful leadership, the enlightened leadership of people such as Hamid Karzai, Jalal Talabani, and Saad Hariri that these countries and their people stand a chance of a better life and the world stands a chance to be a safer place. Along with it, America stands a chance of having important friends in a part of the world that in the past has been no friend to America.

Some of my colleagues have said we need to get out of Iraq. I agree—as soon as we train the Iraqi military and the police to ensure security but not until that is done.

But even when Iraq is stabilized, we will continue to see the threat of violence from the Islamofascists such as al-Qaida, Ansar al-Islam, Jamia Islamia.

As President Bush warned, this is going to be a decade-long war. Thus, our battles will go on overseas to deny foreign safe havens to murderous terrorist groups.

At home, the threat is still grim. And with recent disclosures, regrettably, of our most sensitive intelligence, according to CIA Director Porter Goss, we have experienced very severe damage to our capabilities.

It is even more important now that we provide our domestic law enforcement agencies the tools they need. That is why it is imperative we pass the PATRIOT Act as soon as possible. It is past time that we do so. 9/11 was not so long ago that we should have forgotten what it felt like that day.

You know and I know what it was like. We all need to remember. The results of hamstringing our domestic intelligence abilities are not so distant. The reasons we passed the PATRIOT Act have not gone away.

I am glad that an overwhelming number of Senators will join together to provide our terror fighters with the tools they need. For those for whom this was a hard decision, I applaud your courage. However, our actions pale in comparison to the courage exercised by those of us who protect us every day. It is to them we give these tools, to them we entrust our safety, to them we owe our freedoms, to them we owe our lives.

Why would we not give them the tools they need to hold terror at bay? Why should we slow their hunt for terror suspects here at home? Why would we take from them the tools that have aided in the capture of over 400 terrorist suspects?

Renewing the PATRIOT Act will do this and more. It strikes a balance between national security and personal liberties. In the words of our colleagues on the other side of the aisle, it is a better bill now than it was before.

Negotiators have addressed many concerns. A balance has been struck on national security letters. Nondisclosure requirements prevent terrorists from learning the progress of investigations and investigative techniques. New language allows recipients of NSL letters to overturn the nondisclosure requirements, if a judge finds there is no reason to believe that disclosures may endanger the national security of the United States, interfere with criminal, counterterrorism or counterintelligence investigation, interfere with diplomatic relations or endanger the life or physical safety of any person.

Could we allow anything else?

Language was added clarifying that libraries, where functioning in their traditional roles, are not subject to national security letters. The agreement removes the requirement that a person inform the FBI of the identity of any attorney to whom disclosure was made or will be made to obtain legal advice or assistance.

For those of us who care about port security—quite a few people have been talking about it—this legislation includes the Reducing Crime and Terrorism at America's Seaports Act of 2005.

Those who join me in supporting this measure will make it a Federal crime to use fraud or false pretenses to enter America's ports; establish a new, general Federal crime to interfere forcibly with inspections of vessels by Federal law enforcement or resist arrest or provide law enforcement officers with false information; add "passenger vessels" to the forms of mass transit protected against terrorist attacks under Federal law; make it a Federal crime to place any substance or device in the navigable waters of the United States with the intent to damage a vessel or its cargo or to interfere with maritime commerce; and make it a Federal crime to transport explosives, biological, chemical, radioactive weapons or nuclear material aboard a vessel in the United States, in waters subject to U.S. jurisdiction on the high seas or aboard a vessel of the United States.

In addition, I care very deeply about fighting the drug scourge sweeping rural America, especially in the Midwest. Folks in my State know all too well that methamphetamine is perhaps the most deadly, fiercely addictive, and rapidly spreading drug the United States has known. It is cheap, potent, and available everywhere.

During the past decade, while law enforcement officers continue to bust record numbers of clandestine labs, methamphetamine use in some communities has increased by as much as 300 percent.

The PATRIOT Act reauthorization includes the most comprehensive antimeth package ever introduced in the Congress by my colleagues Senator JIM TALENT of Missouri and Senator DIANNE FEINSTEIN of California. This Combat Meth Act will make certain legitimate consumers have access to the medicine they need while cutting off the meth cooks from the large amounts of ingredients they need to cook meth.

For all of these reasons, we must reauthorize the PATRIOT Act now. Our terror fighters cannot wait, our ports cannot wait, and our communities suffering from the scourge of meth cannot wait.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

MILITARY RECRUITERS

Mr. ENSIGN. Mr. President, I rise to speak about a very important issue—access for our military recruiters on our high school campuses.

Later today, I will introduce a resolution in support of our military recruiters.

I rise and stand here today in a country free from tyranny, free from dictatorship, and free from oppression. I stand here today protected by the rights that are guaranteed to me by the Constitution of the United States. I am free to stand here because I am protected by the men and women of our nation's Armed Forces. It is because of our Nation's military that I enjoy the freedoms that are laid out in our country's Constitution.

These freedoms are enjoyed by every citizen of this great country.

The No Child Left Behind Act contains a provision that provides military recruiters and college and university recruiters with access to some student information. The intent behind this provision was to ensure that military recruiters were put on a level playing field with recruiters from our Nation's colleges and universities. At the time this language was included in NCLB military recruiters across the country were being denied access to student information that college and university recruiters were given full access to.

The text contained in No Child Left Behind is very simple. It states that "each local educational agency receiving assistance under this Act shall provide, on a request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings."

Recently, there have been numerous news reports on this topic. The debate has swirled around a provision also in NCLB that allows a student or parent to request that contact information not be released to recruiters. School districts are required to inform parents and students that they have the option to make this request.

In some areas the debate on this provision has gone much further. The city of San Francisco recently voted in favor of Measure I, a symbolic measure that opposes, but does not forbid, military recruiting on public high school or college campuses. The city cannot forbid military recruiting at public high schools as doing so would put the schools at risk of losing all federal funding. I cannot fathom why the city passed this Measure. Students in San Francisco should have access to the same information that all other students have, and should be allowed to hear what the military has to offer them.

I understand the concerns surrounding privacy of personal information in today's society. However, I find it appalling that people have taken this provision and used it to rally against our troops, against our military system, and against our President.

We are here today because we are secured by the presence of our military that protects our freedoms. My question is why are we so frightened by the very instrument that helps keep us free?

Service in our armed forces is 100 percent voluntary and has been since the end of the Vietnam War. In order to maintain a voluntary force, the services must offer incentives to allow them to compete with the private sector for young, bright students about to graduate from high school. Recruiters search for the best and the brightest in our Nation's high schools to keep our forces strong and able to fight the forces that are against our way of life.

In the last 30 years, millions of young Americans have been given technical skills, received money for college tuition and preferred loans for first-time home purchases by choosing to serve in our military. Not only are these young soldiers given skills that can lead them to future employment, they are also given unique leadership training. Our military trains leaders not just for war, but for success in life.

Yet, it is perplexing to me that many parents today seem to look at military service as being akin to joining a radical cult or a violent gang. Military recruiters are going to our Nation's high schools to inform high school students of the opportunities that are available in our Armed Forces. Military recruiters are on campuses to provide information to students that is often not available in the mainstream media or in many high school counseling offices. Military recruiters are on high school campuses to dispel the many myths that surround service opportunities in the Army, Navy, Air Force, and Marines and Coast Guard.

Some parents are concerned about reports of recruiter abuse. In fact, following televised reports of recruiter abuse, the U.S. Army stopped recruiting activities for one day to review procedures that its 7,500 recruiters use.

In one case the network reported a recruiter suggesting how a volunteer might cheat to pass a drug test, and in another, a sergeant threatened a prospect with arrest if he didn't report to a recruiting station. Two cases out of 7,500 Army recruiters operating out of some 1,700 recruiting stations nationwide prompted the Army to stand down, to refocus recruiters on their mission, reinforcing the Army's core values, and ensure its procedures were carried out consistently at all recruiting stations. It sounds like a pretty responsible reaction to me. It sounds like an institution concerned about doing things the right way.

We must not forget the brave young men and women who do sign up for a tour of duty with the military. They swear to uphold and to protect the Constitution. We must not forget they take that duty seriously. They protect each and every one of us from outside threats, not just threats of violence but also threats to our constitutionally protected freedoms of speech and religion.

In his book "The Greatest Generation," Tom Brokaw recounts a generation of Americans who sacrificed all they had to preserve our freedoms. Young men even went so far as to lie about their age so they could enjoy the honor of fighting for our country in World War II. Their country needed them, and they responded with uncommon valor and courage. The crucible of war formed who we are as a country today. Today, our soldiers, sailors, airmen, and marines stand on the shoulders of those warriors. We celebrate their accomplishments in movies and books. We regale them with the honors they earned and deserve. I wonder what sort of message we are sending to today's youth if we honor the soldiers of yesterday but shun the soldiers of today.

My fear is that freedom is becoming almost too free, too entitled to more and more Americans. As long as we are free to switch cell phone service or download music from any Web site, we believe our freedoms are intact. But freedom is about so much more than that. Freedom is having the ability to speak our mind and stand for what we believe. Freedom means having the right to publicly disagree with the decisions of elected leaders. Freedom is a right, but it comes with a responsibility.

As a parent, I have the direct responsibility to teach my children about the honor in serving our fellow man, our community, and in serving our country. As parents, from the time our children are born, we worry about their health, the friends they keep, the decisions they make, and the grades they bring home from school. We worry about drugs, letting them drive, and about preparing them for a life after mom and dad. But when we shield young adults from the things that scare us as parents, we belittle our children. It is our responsibility to share the world with our children, in many cases, the good with the bad. It is our responsibility to instill in them a sense of pride in our country and in the freedom we enjoy.

We cannot shield our children from information about military service because in doing so, we underestimate our children's capacity to judge for themselves what their future should be. It is vital that our young adults in high school have access not only to future employment and educational opportunities but also to the opportunities provided in the U.S. military. And most importantly, it is absolutely necessary that our Nation's military have the opportunity to recruit the best and the brightest our Nation has to offer. If we continue to discriminate against our military recruiters, we risk undermining the well-being of our military. We risk fracturing the base on which our Army, our Navy, our Air Force and our Marines is built. It is vital that recruiters have access to our Nation's young adults to continue the traditions of our Armed Forces.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. I inform the Senator from Florida that there is approximately 8 minutes remaining of the time reserved for the majority leader; there is 30 minutes reserved for the Democratic leader. The Senator may request to speak out of turn and have his time allocated toward the Democratic leader's time.

Mr. NELSON of Florida. I ask unanimous consent to do so.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Florida is recognized.

CONFISCATION OF SENIORS' PRESCRIPTION DRUGS

Mr. NELSON of Florida. Mr. President, I share with the Senate that there have been a couple of occurrences in Florida over the course of this recess that might be worth noting.

The first is, seniors were assured by the Food and Drug Administration 2 years ago that our senior citizens would not be harassed by the confiscation of their prescription drugs when they order those prescriptions by the Internet or by mail from Canada for a limited supply. The Food and Drug Administration assured me that the overall intent of the law was to stop the massive purchases of drugs out of State in which they would go on the black market, but that for senior citizens seeking a 90-day supply, since the prescriptions are so much cheaper ordering them through Canada, there was not going to be the harassment of the confiscations.

That has dramatically changed. Over the course of the last week and a half, I have received over 100 complaints of senior citizens from all over Florida having their prescriptions, when ordered by mail or Internet from Canada, confiscated. This is serious business. This could be a matter of life and death for senior citizens who cannot afford to pay the retail price and are depending on that medicine in order to help them with whatever their ailments are—in some cases, life-threatening situations. Fortunately, we have not had any one of those reported to me, but the harassment has started.

I certainly hope there is no connection between this spike in the number of instances with Customs taking senior citizens' prescriptions. I hope there is no connection between that and trying to force senior citizens into the Medicare prescription drug benefit, the Medicare Part D. Naturally, seniors are quite resistant to the new plan.

We have talked in the Senate over and over, and I have offered amendments, all of which have had a majority vote, but under the parliamentary procedure of having to waive the Budget Act, I had to get 60 votes. I have gotten over 50 but not the 60 votes needed in order to delay the implementation of the prescription drug benefit, the deadline for signing up, which is May 15.

Naturally, seniors are resistant because they do not understand it. They are confused and in some cases bewildered. They have 40 to 50 plans to pick from. They are confused and they are frightened because if they do not pick a plan by the May deadline, they will be penalized 1 percent a month or 12 percent a year, or if they pick the wrong plan, they are stuck with that plan for a year and they have the fear that suddenly the need to change their prescription by their doctor may occur and the formulary they pick may not cover the new prescription.

This resistance is a fact. I hope we do not see any of this harassment connected with trying to force seniors into the prescription drug bill.

I call on the Department of Homeland Security, Customs, to stop harassing our senior citizens by confiscating their prescriptions for purchase of a short supply, which is bought at so much of a reduced cost.

That is not the total answer, just getting the drugs from Canada. That is bandaiding the problem. The problem is having a Medicare prescription drug benefit offered to senior citizens where Medicare can use its huge buying power of bulk purchases in order to bring down the price of the drugs, as the Veterans' Administration has been doing for the last two decades. But until we can get to that point, until we can change the law, until we can get the votes to change the law, in the meantime, some of our senior citizens who have trouble making financial ends meet have to buy their drugs through Canada at a much reduced price.

I bring this to the attention of the Senate. I bring it to the attention of Customs, as I have through correspondence. It is time to stop harassing our senior citizens.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. I ask unanimous consent to have 12 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. I thank the Chair.

(The remarks of Mr. MENENDEZ pertaining to the introduction of S. 2334 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Texas is recognized.

ORDER FOR FILING DEADLINE

Mr. CORNYN. Mr. President, I ask unanimous consent that the filing deadline for all amendments to S. 2271 occur at 12 noon today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I yield back the remaining Republican time for morning business.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

USA PATRIOT ACT ADDITIONAL REAUTHORIZING AMENDMENTS ACT OF 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2271, which the clerk will report.

The bill clerk read as follows:

A bill (S. 2271) to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

Pending:

Frist Amendment No. 2895, to establish the enactment date of the Act.

Frist Amendment No. 2896 (to Amendment No. 2895), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 p.m. will be equally divided.

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I wish to speak about the USA PATRIOT Act. As you know, the Senate has recently agreed to another temporary extension of this act. We have twice since December been in a position of having to offer, instead of permanent reauthorization, a temporary fix. Yet at a time when so many in this body are continuing to talk about security, this one piece of legislation, in my humble opinion, has been more important in terms of protecting the security of the United States than anything else we have done since September 11.

This critical law, which, of course, provides law enforcement agencies with the vital tools necessary to fight and win the war on terror, should not be allowed to expire. I, frankly, am at a loss to explain why we are spending so much time trying to get to final closure on this legislation when the merits of the legislation seem to be so obvious—primarily by providing tools to law enforcement and intelligence agencies of this country, tools that are already in broad use in other aspects of law enforcement investigations.

Unfortunately, it seems to me that there has been a certain amount of hysteria whipped up over this to cause people to have unreasonable fear and concern about civil liberties, when, in fact, the balance between security and civil liberties has been struck in an entirely appropriate way in this legislation.

We must make it a top priority of the Senate to reauthorize this legislation as soon as possible, as it would be unconscionable to compromise the safety of the American people and undermine the progress we have made since 9/11 and delay critical investigations.

An agreement reached in December between the House and Senate conferees preserved the provisions of this act which have made America safer since 9/11 while increasing congressional and judicial oversight, which should alleviate the concerns of those who believe the law enforcement tools somehow endanger civil liberties. And even recently, the White House and leaders of the House and Senate have made additional concessions in an attempt to reach a final agreement to reauthorize the PATRIOT Act.

Unfortunately, it seems that there are a few who are continuing in their effort to stop reauthorization of the PATRIOT Act, insisting on imposing their will on a bipartisan majority of the Senate, the House, and the President of the United States. The handful of diehards who continue to oppose this legislation are simply unwilling to accept the compromise that has been agreed to by both Houses of Congress, despite efforts from all quarters to try to accommodate reasonable concerns. Most reasonable people would agree that it is a practical impossibility for each legislator to get every single thing they want out of any particular piece of legislation, but that doesn't mean the American people should be left with nothing and be stripped bare of the protections the PATRIOT Act has been so effective at delivering.

The art of compromise is, at times, a bitter pill, particularly when matters of such profound consequence as our national security and waging the war on terror hang in the balance. I personally supported leaving sections 215, 213, and other provisions of the PATRIOT Act alone. I also wanted to add administrative subpoenas to the PATRIOT Act and to add judicial review for national security letters.

I also feel very strongly about ensuring that the 9/11 Commission's recommendations with regard to risk-based funding for homeland security grant moneys are implemented and personally pushed for such a provision during these negotiations. Senator SPECTER made it clear to me that he would try to seek consensus but that my demands would not be met in all regards.

While I did not get everything I wanted and while I believe what I wanted was in the best interests of my country, I support this bill. I am simply unwilling to return the American people to the pre-9/11 law enforcement tools which so poorly served our national interests at that time. And while this legislation is not perfect in every regard, it represents what I believe are the best efforts of the Congress to arrive at an acceptable compromise.

The national security has been well served by the PATRIOT Act since its original passage in a way that is both consistent with our national values and the protection of civil liberties. The war on terror must be waged in a manner consistent with American values and American principles.

The hysteria over this legislation is simply hard for me to understand. The fact that people in too many instances have not focused on the hard-fought attempts to balance our security and civil liberty concerns is, I believe, a disservice to the American people. This debate does not concern a typical policy disagreement about taxes or other issues; in fact, the stakes are much higher.

The PATRIOT Act was enacted in 2001 by an overwhelming bipartisan margin—98 to 1 in the Senate and 357 to 66 in the House. At that time, Senators on both sides of the aisle agreed that this legislation struck a wise and careful balance between national security and civil liberties.

The law, to date, has had a successful track record. In addition to helping prevent any terrorist attacks in this country since 9/11 and playing such a critical role in dismantling several terrorist cells within the United States, the Department of Justice inspector general has consistently found no systemic abuses of any of the act's provisions.

I support these recent concessions that have made this bill what it is today—and one in particular. Before these changes, a recipient of a 215 order seemingly could challenge the nondisclosure obligation at any time. The new revisions make clear that a recipient cannot challenge this requirement for 1 year, and it ensures that the conclusive presumption applies to these orders as well—something that was not clear before reaching this compromise agreement.

The remaining changes seemed to me to be quite sensible; that is, recipients of a 215 order or a national security letter do not have to tell the FBI that they have or will consult an attorney or that a library is not an electronic or wire communications provider unless, of course, they happen to be such a provider.

Prior to the PATRIOT Act, we know there were barriers that seriously hindered information sharing among law enforcement agencies and intelligence agencies, and those barriers imperiled our Nation. This was described by Patrick Fitzgerald in his testimony before the Senate Judiciary Committee. I quote:

> I was on a prosecution team in New York that began a criminal investigation of Osama bin Laden in early 1996. The team—prosecutors and FBI agents assigned to the criminal case—had access to a number of sources. We could talk to citizens. We could talk to local police officers. We could talk to foreign police officers. Even foreign intelligence personnel. We could talk to foreign citizens. And we did all of those things as often as we could. We could even talk to al-Qaida members—and we did. We actually called several members and associates of al-Qaida to testify before a grand jury in New York. And we even debriefed al-Qaida members overseas who agreed to become cooperating witnesses. But there was one group of people we were not permitted to talk to. Who? The FBI agents across the street from us in lower Manhattan assigned to a parallel intelligence investigation of Osama bin Laden and al-Qaida. We could not learn what information they had gathered. That was the wall.

I am confident I am not the only one who is astounded at that statement. Consider our progress in the war on terror since the PATRIOT Act's enactment: Information sharing between intelligence and law enforcement personnel has been critical in dismantling terrorist operations, including the Portland Seven in Oregon, as well as a terrorist cell in Lackawanna, NY.

It has helped prosecute several people involved in an al-Qaida drugs-for-weapons scheme in San Diego, two of whom have already pleaded guilty.

Furthermore, nine associates of an al-Qaida-associated Northern Virginia violent extremist group were convicted and sentenced to prison terms ranging from 4 years to life.

Two Yemeni citizens have been charged and convicted for conspiring to provide material support to al-Qaida and Hamas.

An individual has been convicted of perjury and illegally acting as an agent of the former Government of Iraq by a jury in January of 2004.

And the executive director of the Illinois-based Benevolence International Foundation, who has had a long-standing relationship with Osama bin Laden, pleaded guilty to racketeering and furthermore admitted that he diverted thousands of dollars from his charity organization to support Islamic militant groups in Bosnia and Chechnya.

These tools simply must remain available to those on the front lines who continue to wage the war on terror. The very safety of our Nation depends on it.

I would like to share with my colleagues—and perhaps some of them have seen this op-ed piece—a piece written by Debra Burlingame, the sister of Charles F. "Chic" Burlingame III, the pilot of American Airlines flight 77 which crashed into the Pentagon on September 11, 2001. This op-ed was originally published in the Wall Street Journal, and I believe it articulates precisely why this legislation must be reauthorized without delay.

I will read an excerpt, and I ask unanimous consent that the complete op-ed be printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. Mr. President, Ms. Burlingame writes:

> A mere four-and-a-half years after victims were forced to choose between being burned alive and jumping from 90 stories, it is frankly shocking that there is anyone in Washington who would politicize the Patriot Act. It is an insult to those who died to tell the American people that the organization posing the greatest threat to their liberty is not al Qaeda but the FBI. Hearing any member of Congress actually crow about "killing" or "playing chicken" with this critical legislation is as disturbing today as it would have been when Ground Zero was still smoldering. Today we know in far greater detail what not having it cost us.

She continues:

> The Senate will soon convene hearings on renewal of the Patriot Act—

And indeed we had those hearings—

> and the NSA terrorist surveillance program. A minority of Senators want to gamble with American lives and "fix" national security laws which they can't show are broken. They seek to eliminate or weaken anti-terrorism measures which take into account that the Cold War in its slow-moving, analog world of landlines and stationary targets is gone. The threat we face today is a completely new paradigm of global terrorist networks operating in a high-velocity digital age using the Web and fiber-optic technology. After four-and-a-half years without another terrorist attack, these senators think we're safe enough to cave in to the same civil liberties lobby that supported that deadly FISA wall in the first place. What if they, like those lawyers and judges, are simply wrong?
>
> Why should we allow enemies to annihilate us simply because we lack the clarity or resolve to strike a reasonable balance between a healthy skepticism of government power and the need to take proactive measures to protect ourselves from such threats? The mantra of civil-liberties hard-liners is to

> "question authority"—even when it is coming to our rescue—then blame that same authority when, hamstrung by civil liberties laws, it fails to save us. . . .More Americans should not die because the peace-at-any-cost fringe and antigovernment paranoids still fighting the ghost of Nixon hate George Bush more than they fear al Qaeda. Ask the American people what they want. They will say that they want the commander in chief to use all reasonable means to catch the people who are trying to rain terror on our cities. Those who cite the soaring principle of individual liberty do not appear to appreciate that our enemies are not seeking to destroy individuals, but rather whole populations.

She concludes:

> The public has listened to years of stinging revelations detailing how the government tied its own hands in stopping the devastating attacks of September 11. It is an irresponsible violation of the public trust for members of Congress to weaken the Patriot Act or jeopardize the NSA terrorist surveillance program because of the same illusory theories that cost us so dearly before, or worse, for rank partisan advantage. If they do, and our country sustains yet another catastrophic attack that these antiterrorism tools could have prevented, the phrase "connect the dots" will resonate again—but this time it will refer to the trail of innocent American blood which leads directly to the Senate floor.

I urge my colleagues to heed the words of Ms. Burlingame. And today I join my voice with hers and the millions of Americans who are calling for us to do our duty and to do our utmost to protect this country and the American people.

Mr. President, I yield the floor.

EXHIBIT 1

[From opinionjournal.com, Jan. 30, 2006]

OUR RIGHT TO SECURITY

(By Debra Burlingame)

One of the most excruciating images of the September 11 attacks is the sight of a man who was trapped in one of the World Trade Center towers. Stripped of his suit jacket and tie and hanging on to what appears to be his office curtains, he is seen trying to lower himself outside a window to the floor immediately below. Frantically kicking his legs in an effort to find a purchase, he loses his grip, and falls.

That horrific scene and thousands more were the images that awakened a sleeping nation on that long, brutal morning. Instead of overwhelming fear or paralyzing self-doubt, the attacks were met with defiance, unity and a sense of moral purpose. Following the heroic example of ordinary citizens who put their fellow human beings and the public good ahead of themselves, the country's leaders cast aside politics and personal ambition and enacted the USA Patriot Act just 45 days later.

A mere four-and-a-half years after victims were forced to choose between being burned alive and jumping from 90 stories, it is frankly shocking that there is anyone in Washington who would politicize the Patriot Act. It is an insult to those who died to tell the American people that the organization posing the greatest threat to their liberty is not al Qaeda but the FBI. Hearing any member of Congress actually crow about "killing" or "playing chicken" with this critical legislation is as disturbing today as it would have been when Ground Zero was still smoldering. Today we know in far greater detail what not having it cost us.

Critics contend that the Patriot Act was rushed into law in a moment of panic. The truth is, the policies and guidelines it corrected had a long, troubled history and everybody who had to deal with them knew it. The "wall" was a tortuous set of rules promulgated by Justice Department lawyers in 1995 and imagined into law by the Foreign Intelligence Surveillance Act (FISA) court. Conceived as an added protection for civil liberties provisions already built into the statute, it was the wall and its real-world ramifications that hardened the failure-to-share culture between agencies, allowing early information about 9/11 hijackers Khalid al-Mihdhar and Nawaf al-Hazmi to fall through the cracks. More perversely, even after the significance of these terrorists and their presence in the country was known by the FBI's intelligence division, the wall prevented it from talking to its own criminal division in order to hunt them down.

Furthermore, it was the impenetrable FISA guidelines and fear of provoking the FISA court's wrath if they were transgressed that discouraged risk-averse FBI supervisors from applying for a FISA search warrant in the Zacarias Moussaoui case. The search, finally conducted on the afternoon of 9/11, produced names and phone numbers of people in the thick of the 9/11 plot, so many fertile clues that investigators believe that at least one airplane, if not all four, could have been saved.

In 2002, FISA's appellate level Court of Review examined the entire statutory scheme for issuing warrants in national security investigations and declared the "wall" a nonsensical piece of legal overkill, based neither on express statutory language nor reasonable interpretation of the FISA statute. The lower court's attempt to micromanage the execution of national security warrants was deemed an assertion of authority which neither Congress or the Constitution granted it. In other words, those lawyers and judges who created, implemented and so assiduously enforced the FISA guidelines were wrong and the American people paid dearly for it.

Despite this history, some members of Congress contend that this process-heavy court is agile enough to rule on quickly needed National Security Agency (NSA) electronic surveillance warrants. This is a dubious claim. Getting a FISA warrant requires a multistep review involving several lawyers at different offices within the Department of Justice. It can take days, weeks, even months if there is a legal dispute between the principals. "Emergency" 72-hour intercepts require sign-offs by NSA lawyers and preapproval by the attorney general before surveillance can be initiated. Clearly, this is not conducive to what Gen. Michael Hayden, principal deputy director of national intelligence, calls "hot pursuit" of al Qaeda conversations.

The Senate will soon convene hearings on renewal of the Patriot Act and the NSA terrorist surveillance program. A minority of senators want to gamble with American lives and "fix" national security laws, which they can't show are broken. They seek to eliminate or weaken anti-terrorism measures which take into account that the Cold War and its slow-moving, analog world of landlines and stationary targets is gone. The threat we face today is a completely new paradigm of global terrorist networks operating in a high-velocity digital age using the Web and fiber-optic technology. After four-and-a-half years without another terrorist attack, these senators think we're safe enough to cave in to the same civil liberties lobby that supported that deadly FISA wall in the first place. What if they, like those lawyers and judges, are simply wrong?

Meanwhile, the media, mouthing phrases like "Article II authority," "separation of powers" and "right to privacy," are presenting the issues as if politics have nothing to do with what is driving the subject matter and its coverage. They want us to forget four years of relentless "connect-the-dots" reporting about the missed chances that "could have prevented 9/11." They have discounted the relevance of references to the two 9/11 hijackers who lived in San Diego. But not too long ago, the media itself reported that phone records revealed that five or six of the hijackers made extensive calls overseas.

NBC News aired an "exclusive" story in 2004 that dramatically recounted how al-Hazmi and al-Mihdhar, the San Diego terrorists who would later hijack American Airlines flight 77 and fly it into the Pentagon, received more than a dozen calls from an al Qaeda "switchboard" inside Yemen where al-Mihdhar's brother-in-law lived. The house received calls from Osama Bin Laden and relayed them to operatives around the world.

Senior correspondent Lisa Myers told the shocking story of how, "The NSA had the actual phone number in the United States that the switchboard was calling, but didn't deploy that equipment, fearing it would be accused of domestic spying." Back then, the NBC script didn't describe it as "spying on Americans." Instead, it was called one of the "missed opportunities that could have saved 3,000 lives."

Another example of opportunistic coverage concerns the Patriot Act's "library provision." News reports have given plenty of ink and airtime to the ACLU's unsupported claims that the government has abused this important records provision. But how many Americans know that several of the hijackers repeatedly accessed computers at public libraries in New Jersey and Florida, using personal Internet accounts to carry out the conspiracy? Al-Mihdhar and al-Hazmi logged on four times at a college library in New Jersey where they purchased airline tickets for AA 77 and later confirmed their reservations on Aug. 30. In light of this, it is ridiculous to suggest that the Justice Department has the time, resources or interest in "investigating the reading habits of law abiding citizens."

We now have the ability to put remote control cameras on the surface of Mars. Why should we allow enemies to annihilate us simply because we lack the clarity or resolve to strike a reasonable balance between a healthy skepticism of government power and the need to take proactive measures to protect ourselves from such threats? The mantra of civil-liberties hard-liners is to "question authority"—even when it is coming to our rescue—then blame that same authority when, hamstrung by civil liberties laws, it fails to save us. The old laws that would prevent FBI agents from stopping the next al-Mihdhar and al-Hazmi were built on the bedrock of a 35-year history of dark, defeating mistrust. More Americans should not die because the peace-at-any-cost fringe and antigovernment paranoids still fighting the ghost of Nixon hate George Bush more than they fear al Qaeda. Ask the American people what they want. They will say that they want the commander in chief to use all reasonable means to catch the people who are trying to rain terror on our cities. Those who

> cite the soaring principle of individual liberty do not appear to appreciate that our enemies are not seeking to destroy individuals, but whole populations.
>
> Three weeks before 9/11, an FBI agent with the bin Laden case squad in New York learned that al-Mihdhar and al-Hazmi were in this country. He pleaded with the national security gatekeepers in Washington to launch a nationwide manhunt and was summarily told to stand down. When the FISA Court of Review tore down the wall in 2002, it included in its ruling the agent's Aug. 29, 2001, email to FBI headquarters: "Whatever has happened to this—someday someone will die—and wall or not—the public will not understand why we were not more effective and throwing every resource we had at certain problems. Let's hope the National Security Law Unit will stand behind their decisions then, especially since the biggest threat to us now, [bin Laden], is getting the most 'protection.'"
>
> The public has listened to years of stinging revelations detailing how the government tied its own hands in stopping the devastating attacks of September 11. It is an irresponsible violation of the public trust for members of Congress to weaken the Patriot Act or jeopardize the NSA terrorist surveillance program because of the same illusory theories that cost us so dearly before, or worse, for rank partisan advantage. If they do, and our country sustains yet another catastrophic attack that these antiterrorism tools could have prevented, the phrase "connect the dots" will resonate again—but this time it will refer to the trail of innocent American blood which leads directly to the Senate floor.

Mr. CORNYN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, later today we will have a cloture vote on S. 2271. We should not end debate on this bill, and we should not pass this bill. Doing so will only help implement the deeply flawed deal that was struck with the White House to reauthorize the PATRIOT Act without enacting the core civil liberties protections for which so many of us have fought. So I urge my colleagues to vote no on cloture.

Everybody in this body wants to reauthorize the PATRIOT Act. Many of the expiring provisions are entirely noncontroversial. But we also need to fix the provisions that went too far, that do not contain the checks and balances necessary to protect our rights and freedoms. This reauthorization process is our chance to get it right, and moving forward with this bill takes us one step closer to wasting that chance.

Back in December, 46 Senators voted against cloture on the PATRIOT Act conference report. I think it is clear by now that the deal makes only minor changes to that conference report, which remains as flawed today as it was 2 months ago. The Senator from Pennsylvania, the chairman of the Judiciary Committee and the primary proponent of the conference report in this body, was quoted as saying that the changes that the White House agreed to were "cosmetic." And then he said, according to the AP:

> But sometimes cosmetics will make a beauty out of a beast and provide enough cover for Senators to change their vote.

Since this deal was announced, editorial pages of newspapers also have pointed out how minimal these changes are and have urged Senators not to change their votes. Let me read a few examples.

The editorial board of the Roanoke Times in Virginia had this to say on February 11:

> A compromise that is expected to clear the way for the law's reauthorization is a victory of fear over strength. The "compromise" the White House and congressional leaders reached this week on reauthorization of the USA PATRIOT Act is a compromise of the basic freedoms that define this Nation. The Bush administration has made a few minor concessions, enough to give the handful of defiant Senate Republicans and some of their Democratic allies cover to extend the broad antiterrorism bill and claim they have done what they could to protect the civil liberties of innocent Americans. They have not.

That same day from the New York Times we heard this:

> The PATRIOT Act has been one of the few issues on which Congress has shown backbone lately. Last year, it refused to renew expiring parts of the act until greater civil liberties protections were added. But key members of the Senate have now caved, agreeing to renew these provisions in exchange for only minimal improvements. At a time when the public is growing increasingly concerned about the lawlessness of the Bush administration's domestic spying, the Senate should insist that any reauthorization agreement do more to protect Americans against improper secret searches.

From my own home State, this is from the Wisconsin State Journal on February 18:

> In recent weeks, Senators have worked with the White House to produce a compromise. However, the compromise remains far short of what is required to protect Americans' civil liberties. Regrettably, the Senate has backed down from its earlier stand and is poised to pass the inadequate bill.

These editorial boards and millions of Americans across the country recognize what everybody in this body already knows: that this deal makes only minor—yes, cosmetic—changes to the conference report that was blocked in December. The deal is woefully inadequate, and let me explain why.

I start by reminding my colleagues of the context for this deal. Back in November and December, when so many of us were fighting for improvements to the conference report, we made very clear what we were asking for. We laid out five issues that needed to be addressed to get our support, and I am going to read quickly excerpts from a letter we sent explaining our concerns because I think it will help demonstrate why this deal is so bad and so inadequate. Here are the problems we identified and the changes we asked for several months ago.

On section 215, we said:

> The draft conference report would allow the Government to obtain sensitive personal information on a mere showing of relevance. This would allow Government fishing expeditions. As business groups like the U.S. Chamber of Commerce have argued, the Government should be required to convince a judge that the records they are seeking have some connection to a suspected terrorist or spy.

Next, we discussed gag orders, both for section 215 orders and national security letters:

> The draft conference report does not permit the recipient of a section 215 order to challenge its automatic, permanent gag order. Courts have held that similar restrictions violate the First Amendment. The recipient of a section 215 order is entitled to meaningful judicial review of the gag order.
>
> The draft conference report does not provide meaningful judicial review of an NSL's gag order. It requires the court to accept as conclusive the Government's assertion that a gag order should not be lifted, unless the court determines the Government is acting in bad faith. The recipients of NSLs are entitled to meaningful judicial review of a gag order.

We then moved on to national security letters more generally. The draft conference report does not sunset the NSL authority. In light of recent revelations about possible abuses of NSLs, the NSL provision should sunset in no more than 4 years when the Congress will have an opportunity to review the use of this power.

Finally, we addressed sneak-and-peek search warrants. The draft conference report requires the Government to notify the target of a sneak-and-peek search no earlier than 30 days after the search rather than within 7 days as the Senate bill provides and as pre-PATRIOT Act judicial decisions required. The conference report should include a presumption that notice will be provided within a significantly shorter period in order to protect fourth amendment rights. The availability of additional 90-day extensions means that a shorter initial timeframe should not be a hardship on the Government.

Again, these quotes are from a letter we sent late last year. Now, you might ask, in this newly announced deal on the PATRIOT Act, have any of these five problems been solved?

The answer is no, not a single one. Only one of these issues has even been partially addressed by this deal, but it has not been fixed.

This deal only makes a few small changes. First, it would permit judicial review of section 215 gag orders, but under conditions that would make it very difficult for anyone to obtain meaningful judicial review. Under the deal, judicial review can only take place after a year has passed, and it can only be successful if the recipient of the section 215 order proves that the Government has acted in bad faith. As many have argued in the context of the national security letters, now that is a virtually impossible standard to meet. We need meaningful judicial review of these gag orders, not just the illusion of it.

Second, the deal would specifically allow the Government to serve national security letters on libraries if the library comes within the current requirements of the NSL statute. This is a provision that appears to just restate current law. Even the American Library Association has called it nothing other than a fig leaf.

Third, the deal would clarify that people who receive a national security letter or a section 215 order would not have to tell the FBI if they consult with an attorney. Now, this last change is a positive step, but it is only one relatively minor change. So that is what we are left with: one relatively minor improvement. That is nowhere near enough.

Ordinarily, when we debate a flawed bill such as this one, we at least have the chance to improve it on the Senate floor by offering amendments, and I have been trying to do just that to make sure we don't miss the opportunity to address the core problem with the PATRIOT Act that so many of us have been fighting to fix. Before the recess, I filed four amendments to S. 2271, but I was prevented from calling them up because the majority leader used the procedural tactic of filling the amendment tree in order to prevent Senators from offering and getting votes on amendments. Using procedural maneuvers like this to prevent the Senate from debating and voting on amendments is an insult to the institution, and it is an insult to every one of my colleagues. We are being told that we have no choice but to accept the deal that a few Members cut with the White House, without being allowed to even try to change a single word.

We do have a choice—to oppose cloture on this bill and insist that any deal include meaningful civil liberties protections. I don't know if the majority leader fears that my amendments would actually pass or if he just wants to protect Senators from having to explain why they oppose basic protections for law-abiding Americans, but that should not be how the Senate does its business. Offering, debating, and voting on amendments is what the Senate is supposed to be all about. That is how we are supposed to craft legislation. Trying to ram this deal through without a real amending process is a cynical maneuver that we should all reject, regardless of how we may feel about the merits of the bill.

If my colleagues want to vote against my amendments, that is their right. But no one has the right to turn this body into a rubberstamp.

Let's take a step back and consider the process that got us here today. As we know, conference reports are not amendable. They come to this body as a take-it-or-leave-it proposition. Those are the rules, and we all understand them and play by them. In December, we understood that. In December, we just said no. We said no to the PATRIOT Act conference report.

Now we have a new bill, the product of a side deal with the White House, that is essentially an amendment to the conference report. It is even drafted that way. Each section of the bill amends the underlying law, as amended by the conference report. That is right. The bill we are considering today amends a law that hasn't even been passed by the Senate, much less signed into law. As I understand it, this bill, should both Houses of Congress pass it, will have to sit on the President's desk unsigned until the President signs the conference report bill into law.

The proponents of this deal want to effectively amend the conference report which couldn't pass the Senate in December, even though conference reports are unamendable, and they want to do it by circumventing the regular legislative process with a bill that no one is being allowed to amend, even though the bill did not go through committee, let alone a conference. How is that fair? Why should a handful of members of this body be able to amend an unamendable conference report with a deal struck by the White House, and then prevent the Senate from working its will on that deal?

How can one group of Senators amend the conference report but prevent other Senators from trying to do the same thing? How is that possible?

The answer is that it is not possible unless the Senate lets it happen. And the vote we will have later today is the vote where we will find out if the Senate will let it happen.

I hope even colleagues who may support the deal will oppose such a sham process. It makes no sense to agree to end debate without a guarantee that we will be allowed to actually try to improve the bill, and it is a discourtesy to all Senators, not just me, to try to ram through controversial legislation without the chance to improve it.

My amendments are limited and reasonable. I spoke about them at length before the recess, but let me just take a few minutes to explain again what they would do.

First, amendment No. 2892 would implement the standard for obtaining section 215 orders that was in the Senate bill that the Judiciary Committee approved by a vote of 18 to 0, and that was agreed to in the Senate without objection. This is obviously a very reasonable amendment that every Senator in one way or another has basically supported.

It took hard work, but the Judiciary Committee came up with language on section 215 that protects innocent Americans, while also allowing the Government to do what it needs to do to investigate and prevent terrorism. The Senate standard would require the Government to convince a judge that a person has some connection to terrorism or espionage before obtaining their sensitive records.

The Senate standard is the following: One, that the records pertain to a terrorist or spy; two, that the records pertain to an individual in contact with or known to a suspected terrorist or spy; or—and I emphasize "or"—three, that the records are relevant to the activities of a suspected terrorist or spy. That is the standard my amendment would impose.

This would not limit the types of records that the Government could obtain, and it does not go as far to protect law-abiding Americans as I might prefer, but it would make sure the Government cannot go on fishing expeditions into the records of innocent people.

The conference report did away with this delicate compromise, replacing the three-prong test with a simple and quite broad relevance standard which could arguably justify the collection of all kinds of information about perfectly law-abiding Americans.

Of all the concerns that have been raised about the PATRIOT Act since it was passed in 2001, section 215 is the one that has received the most public attention, and rightly so. A reauthorization bill that doesn't fix this provision, in my view, has no credibility.

My second amendment is amendment No. 2893, which would ensure the recipients of business records orders under section 215 of the PATRIOT Act and also recipients of national security letters can get meaningful judicial review of the gag orders they are subject to.

Under the conference report, as modified by the Sununu bill, recipients of these documents would theoretically have the ability to challenge the gag orders in court, but the standard for getting the gag orders overturned would be virtually impossible to meet. In order to prevail in challenging the NSL or section 215 gag order, the recipient would have to prove that any certification by the Government that disclosure would harm national security or impair diplomatic relations was made in bad faith. There would be what many have called a conclusive presumption that the gag order stands, unless the recipient can prove that the Government acted in bad faith. Again, I simply don't think that anyone could reasonably call this meaningful judicial review.

My amendment would eliminate the bad faith showing currently required for overturning both section 215 and NSL gag orders. And it would no longer require recipients of section 215 orders to wait a year before they can challenge the accompanying gag orders, which is actually a new requirement in the Sununu bill.

My third amendment, amendment No. 2891, would add to the conference report one additional 4-year sunset provision. It would sunset the national security letter authorities that were expanded by the PATRIOT Act. It would simply add that sunset to the already existing 4-year sunsets that are in the conference report with respect to section 206, section 215, and the so-called lone wolf provision.

National security letters, or NSLs, are finally starting to get the attention they deserve. This authority was expanded by sections 358 and 505 of the PATRIOT Act. The issue of NSLs has flown under the radar for years, even though many of us have been trying to bring more public attention to it.

National security letters are issued by the FBI to businesses to obtain certain kinds of records without any—any—sort of court approval whatsoever. NSLs can be used to obtain three types of business records: subscriber and transactional information related to Internet and phone usage; credit reports; and financial records, a category that has been expanded to include records from all kinds of everyday businesses such as jewelers, car dealers, travel agents, and even casinos. This is a very broad power. I can think of no reason Congress would not want to place a sunset on these authorities to ensure we have the opportunity to take a close look at them.

Finally, my fourth amendment, amendment No. 2894, concerns so-called sneak-and-peek searches, whereby the Government can secretly search people's houses in everyday criminal investigations and not provide notice of the search until afterward. The key issue here is how long the Government should be allowed to wait, at least in most cases, before it notifies individuals that their homes have been searched. The Senate bill said 7 days, 7 days should be the presumption, with the ability to get extensions if necessary, but the conference report does away with that and instead allows a delay of 30 days in most cases.

My amendment would restore the key component in the Senate compromise by requiring that subjects of sneak-and-peek searches be notified of the search within 7 days unless a judge grants an extension of that time because there is good reason to still keep the search secret.

It makes no other change in the conference report other than changing 30 days to 7 days.

Those are my amendments. They are eminently reasonable. They are consistent with provisions that we approved in the Senate last year or they were central to the concerns raised by so many Senators late last year. So these are obviously not extreme ideas, and the Senate should be allowed to vote on these four amendments. All of us have as much right as the Senators who struck a deal with the White House to try to amend the conference report.

I am happy to report that the Senator from Pennsylvania, the chairman of the Judiciary Committee, thinks these are reasonable amendments, too. In fact, he thinks they are so reasonable that late yesterday he announced that he is going to combine them into a single bill and introduce it today and try to move it through the Judiciary Committee. That is right. The chairman of the Judiciary Committee, the chief proponent in this body of the PATRIOT Act reauthorization conference report and of the White House deal the Senate is being asked to ratify, has taken the four amendments I just described and, with a few minor tweaks, he has introduced them as a bill.

I must say, I guess I am flattered and, of course, I will support that bill, but there is an alternative to the lengthy and uncertain legislative process that awaits the chairman's new bill, and that is to simply allow the Senate to vote on my amendments this week. The chairman could offer them with me. We could make a pretty powerful team on this issue, maybe. We have the perfect and logical vehicle for these amendments to the PATRIOT Act before us right now. All we need to do is add the chairman's reasonable proposals to this bill and send it to the House, where it would almost certainly pass if the leadership would simply allow it to be voted on.

These provisions, most of which come right out of the bill that passed the Senate without objection last July, could become law in a matter of weeks rather than a year or more from now, if ever.

My amendments and Senator SPECTER's bill are simply what the bipartisan group asked for back in December when we blocked the PATRIOT Act reauthorization conference report. Our requests were reasonable then, and they are reasonable now. The only reason we are considering a package that doesn't include them is that the White House played hardball, and the decision was made by some to capitulate.

Mr. President, I oppose the flawed deal we are being asked to ratify, and I oppose the sham process that the Senate is facing here. We still have not fixed some of the most significant problems of the PATRIOT Act, and if we allow the conference report to go through, the chairman's sincere hopes notwithstanding, I fear that we will lose that chance for at least another 4 years. So I must oppose cloture on this bill, which will allow the deal to go forward.

Before I yield the floor, let me ask one more time for unanimous consent to set the pending amendments aside so that I may call up amendment No. 2892, the amendment to modify the standard for section 215 orders.

The PRESIDING OFFICER. In my capacity as Senator from New Hampshire, I object.

Objection is heard.

Mr. FEINGOLD. Mr. President, that objection says it all. I urge my colleagues to vote no on cloture, not only because this deal is flawed but also because of the tactics being used to prevent votes on reasonable, relevant amendments—reasonable, relevant amendments that would improve the flawed bill we are debating.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

Mr. SUNUNU. Mr. President, I want to speak briefly about the bill before us, a bill that I introduced and the details of which I helped work out over a period of 5 or 6 weeks following the delay of the conference report to reauthorize the PATRIOT Act at the end of last year.

I recognize that this legislation, like almost any piece of legislation that is dealt with in Congress and in the Senate, in particular, represents a compromise. If you pursue every piece of legislation insisting that you get everything you asked for in that bill, in all likelihood you will never get anything you are seeking, and you certainly would not be able to count on the long-term support of others in this institution who might have requests or initiatives with which you might not agree. A compromise is always necessary.

But I think in this case the legislation represents a substantial step forward in terms of better safeguarding our civil liberties from where we were with the current law and, equally important, allows us to lock in, to get enacted into law a number of other improvements that many of us worked very hard on in a bipartisan way.

I understand that Senator FEINGOLD doesn't support the legislation. That is certainly his right, his prerogative. But I think he shortchanges the nature of these improvements.

I want to touch on the three elements of this bill so that all Senators and the public understand how these three provisions take us forward. Maybe the agreement represented in this bill does not move us as far forward as he or I or others in the Senate might like, but its moves us forward nonetheless.

First, in this bill, we create an explicit review of the gag order that accompanies a 215 subpoena. He has criticized the fact that there is a 12-month waiting period for taking that gag order before a judge.

In our legislation, the SAFE Act, we had a 3-month waiting period. We asked for a 3-month waiting period, and we ended up with a 12-month waiting period. That is the nature of compromise, but we did get an explicit judicial review of the gag order. I think the principle that any gag order be given an opportunity for review before a judge is not only a step forward but a victory on principle, which is extremely important in this legislation, and I think it will guide us in the future when we might deal with similar questions.

Second, we struck a provision in the delayed conference report that requires the recipient of a national security letter to disclose the name of their attorney to the FBI. That is a provision that doesn't occur anywhere else in the law. It is a provision that I think could have discouraged people from seeking legal advice. And in the case of a national security letter—a subpoena issued without the approval of a judge—we are not talking about a few dozen subpoenas or a few dozen individuals or businesses affected; we are talking about tens of thousands. Striking that requirement regarding the recipient of an NSL notifying the FBI the name of their attorney, I think, again, is a very important step forward not only in encouraging people to seek legal advice but also a very important principle to set down in this bill.

A third improvement which was not even considered in the remarks of Senator FEINGOLD is clarification that a library engaged in the traditional role of lending books, providing books to patrons in digital format, or providing access to the Internet, is not subject to a national security letter. This is an important clarification of congressional intent, an important clarification of the existing law which, unfortunately, is not clear on this point.

It is not clear because the underlying law uses definitions that were written 20 years ago before the age of the Internet. I hope the Judiciary Committee will take up a full review and evaluation of the definitions and the standards regarding technology and the underlying law that is referenced here. In lieu of that, the least we can do is provide clarification as to how and when this law applies to institutions such as libraries. We have done so in a positive and meaningful way.

There are two areas Senator FEINGOLD mentioned where we had not made progress. I am more than willing to recognize we did not get everything asked for, even as we significantly improved the conference report. One is the standard of conclusive presumption which is a standard he does not support. I do not support imposing this standard of inclusive presumption for overturning the 215 and NSL gag orders, but the fact remains, as was pointed out by Chairman SPECTER during our original debate at the end of last year, that this is a standard that was in the Senate bill that was passed unanimously last summer. It is quite challenging tactically to try to negotiate out a provision that all Senators supported and voted for in the original Senate bill.

The second issue is the most problematic, the one where I would like to have made more progress. That is in changing the standard for getting a 215 subpoena from one of mere relevance to terrorism investigation, as is the current law and the standard in the conference report, to having a clear connection to a suspected or known terrorist or foreign power. We did not succeed in getting an improvement to the standard itself. However, through the course of negotiations, because of the work done by me and Senator FEINGOLD and others, we were able to get other requirements and criteria to be met by the government before a 215 subpoena can be issued which I will speak to in a moment.

These three provisions, again, are significant steps forward from the delayed conference report. They are a step forward in the very areas that were raised as concerns at the end of the session. In conversations with Senator FEINGOLD and Senator CRAIG and others after we defeated cloture on the conference report in December, we came back to the four priorities about which most of our discussions with the administration took place. We made progress on two of those priorities and added the provision clarifying the applicability of national security letters to libraries. That is a real success, indeed.

It is unfortunate in this debate on the underlying bill has included language such as "capitulation" and "caving." But it certainly does not bother me. I am very comfortable with the process we used to get these improvements. I am certainly very comfortable with the stand I took, the priorities I raised, and the end result as far as this reauthorization process goes. The conference report is a significant improvement over current law and the bill before us today is a significant improvement to the conference report. However, it is unfair to those Members who might not have had the opportunity to work directly on these issues in Judiciary or directly in our working group but feel this is a good, appropriate improvement and a good compromise, to suggest that they are only changing their vote for political reasons. There were many individuals—Democrats and Republicans—who were never willing to take a stand on this issue, even though they may have agreed with Senator FEINGOLD, me, or others, about our concerns. They may have wished the issue would go away. There were some Members who claimed to support us but, frankly, when given the opportunity to weigh in with the administration or to help move the process forward, they chose not to.

It is unfair to criticize those who worked with us—Democrats and Republicans—to push this issue forward, to make these improvements, to suddenly bring their motivation into question when they decide to support a compromise. I do not think that serves the institution of the Senate well, especially as we had before the recess a 93-to-6 vote to move forward. We have leadership on both sides of the aisle supporting this package. I think the ultimate vote on final passage of my bill and the delayed conference report will yield a very strong bipartisan agreement also.

We can take issue with the level of progress that was made, we can take issue with the underlying substance of the original PATRIOT Act, the conference report, or these additional improvements, but everyone I have dealt with in this process has worked in a very direct, straightforward way. There has been a desire to find common ground, and in finding that common ground, to come to a consensus that allowed this conference report to move forward.

In addition to the three improvements I described, we had previously gained improvements in a number of other areas in the conference report. I talked about the 215 standard and the fact we were not successful in changing the standard as it exists in current law. We were successful, though, in getting into the conference report the requirement that a statement of facts is provided, a statement of articulable facts supporting the 215 subpoena request. We now have minimization requirements in the conference report that require the Justice Department to eliminate extraneous information, information collected on innocent Americans, and to report to Congress exactly how that is done. We were successful in adding clarity to the roving wiretap provision so it is less likely to be abused or misused. We were able to improve the sneak-and-peek search warrant.

Senator FEINGOLD indicated we supported a 7-day notification period. In the bill we have a 30-day notification period. The original PATRIOT Act contains no specific requirement on notice other than that notice must be given to the subject of a search "in a reasonable amount of time," which I think everyone would recognize leaves things to the whim of a prosecutor or a judge unnecessarily.

We have 4-year sunsets for the most controversial provisions of this bill, including the 215 subpoena power, the roving wiretaps, and the lone wolf provisions.

Through the work of Senator LEAHY, in particular, we were able to get a criminal penalty for inadvertent disclosure of national security letters dropped from the conference report. All of these represent significant changes from the original act, significant changes included in the conference report. And in addition to the three changes in this underlying legislation, we have a better product and one that will receive strong bipartisan support.

I look forward to passage of the bill. I was pleased to work with my colleagues on both sides of the aisle in getting this done. In doing so, in forcing us to take more time and forcing the administration to add additional protections for civil liberties to the legislation and putting together a bipartisan group willing to demand these things, we sent an important message, a message that we have a group willing to work in Congress to achieve these improvements and a message to the administration that when we are dealing with these issues, they need to be engaged and active and working toward consensus from the very beginning of the process.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arisen, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:14 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

USA PATRIOT ACT ADDITIONAL REAUTHORIZING AMENDMENTS ACT OF 2006—Continued

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Ohio, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, in a few minutes the Senate is going to vote on whether one small group of Senators, with the blessing of the majority leader, can effectively amend a conference report while other Senators are precluded from offering amendments by a procedural tactic. I urge my colleagues, regardless of their views on the White House deal or PATRIOT Act reauthorization, to vote against cloture. Senators should not be precluded from offering amendments to important pieces of legislation.

In December, 46 Senators voted against cloture on the PATRIOT Act reauthorization conference report. The deal we are asked to bless today makes only minor or, in the words of the Senator from Pennsylvania, "cosmetic" changes to that conference report. But regardless of whether you agree with me that the deal does not address the key civil liberties issues identified as problems with the conference report in December, there is no question this is a deal the vast majority of the Senate had no role in. A few Senators worked out a few changes with the White House, and we are now being asked to take it or leave it. That is not how the Senate is supposed to work.

I have filed four reasonable amendments. They reflect provisions that were included in the bill the Senate passed in July without objection or that were central to the concerns raised by so many Senators late last year. They are so reasonable the Senator from Pennsylvania plans to introduce a bill incorporating them and has pledged to pursue it after the conference report becomes law. There is no reason we should put off addressing these important concerns that long when we could be debating and voting on them this week.

I am also willing to have time agreements limiting debate on my amendments as long as they get votes. But, again, the majority leader has simply said no. He has filled the amendment tree, effectively blocking me or any other Senator from trying to improve this bill during debate. The majority leader has told us the conference report will be amended by this deal cut with the White House by a few Senators, and there is nothing the rest of us can do about it.

But, of course, there is something we can do about it. We can reject this parliamentary game. These kinds of strong-arm tactics are not right. They are an abuse of the process. They are beneath the Senate, and I hope my colleagues will send a strong message that it will not be tolerated on this bill or any other bill. So I urge my colleagues to vote no on cloture and to allow the Senate to consider amendments to improve the PATRIOT Act.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING AVAILABLE FUNDS FOR THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM, 2006—MOTION TO PROCEED

CLOTURE MOTION

Mr. FRIST. Mr. President, I now move to proceed to Calendar No. 363, S. 2320, the LIHEAP bill, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 2320: a bill to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

Bill Frist, Lindsey Graham, John Warner, Norm Coleman, Lisa Murkowski, George Allen, Lamar Alexander, Elizabeth Dole, Rick Santorum, Susan Collins, Mitch McConnell, Ted Stevens, Christopher Bond, George Voinovich, John Thune, Johnny Isakson, Orrin Hatch, Craig Thomas.

Mr. FRIST. Mr. President, I now withdraw the motion.

The PRESIDING OFFICER. The motion to proceed is withdrawn.

USA PATRIOT ACT ADDITIONAL REAUTHORIZING AMENDMENTS ACT OF 2006—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 2271: to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

Bill Frist, Arlen Specter, Thad Cochran, Richard Burr, Mel Martinez, Jim Bunning, Jon Kyl, Craig Thomas, Mike Crapo, David Vitter, Bob Bennett, Norm Coleman, Michael B. Enzi,

Lindsey Graham, Jeff Sessions, Saxby
Chambliss, John Cornyn, John Thune.

Mr. REID. Mr. President, I rise to explain why I will oppose cloture on the PATRIOT Act Amendments Act. In brief, I will vote against cloture to register my objection to the procedural maneuver under which Senators have been blocked from offering any amendments to this bill.

While I will vote against cloture, I nonetheless support the underlying bill offered by the Senator from New Hampshire, which improves the PATRIOT Act. The Sununu bill puts in place more checks on the expanded authorities granted to the Government by the PATRIOT Act, without interfering with the Government's ability to protect Americans from terrorism.

I support the PATRIOT Act. I voted for it in 2001, and I voted for a reauthorization bill that passed the Senate unanimously last summer. In December, however, I voted against cloture on a conference report to reauthorize the PATRIOT Act. I opposed that bill because it returned from the House-Senate conference without adequate checks to protect the privacy of innocent Americans.

In my view Congress should give the executive branch the tools it needs to fight terrorism, combined with strong oversight to protect against Government overreaching and abuse of these tools.

Senator SUNUNU has negotiated several needed improvements with the White House. His bill would allow for judicial review of the gag order imposed by the PATRIOT Act when the Government seeks business records. It would also restrict Federal access to library records, and it would eliminate the requirement that recipients of a national security letter tell the FBI the identity of any lawyer they consult.

The Sununu bill is a step in the right direction, and therefore I will support it.

Of course even a good bill can be improved. That is why we have an amendment process in the Senate. The junior Senator from Wisconsin has tried to offer a small number of relevant amendments that I believe would make this bill even better. I am disappointed that he has been denied that opportunity by a procedural maneuver known as "filling the amendment tree."

This is a very bad practice. It runs against the basic nature of the Senate. The hallmark of the Senate is free speech and open debate. Rule XXII establishes a process for cutting off debate and amendments, but rule XXII should rarely be invoked before any amendments have been offered. There is no reason to truncate Senate debate on this important bill in this unusual fashion.

I will vote against cloture to register my objection to this flawed process.

I expect that cloture will be invoked and that the Sununu bill will pass. I also expect that the PATRIOT Act reauthorization will pass, now that it has been improved. But the passage of these measures should not be the end of our work. The Senate should continue the effort to strengthen civil liberties in the war on terror.

I welcome the bill of Senator SPECTER which includes many of the improvements Senator FEINGOLD seeks. I look forward to working with him to have his legislation enacted into law as soon as possible.

In this and other areas, we should give the Government the tools it needs to protect our national security, while placing sensible checks on the arbitrary exercise of executive power.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 2271, the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) necessarily absent.

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 69, nays 30, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—69

Alexander
Allard
Allen
Bennett
Biden
Bond
Brownback
Bunning
Burns
Burr
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kohl
Kyl
Landrieu
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Rockefeller
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—30

Akaka
Baucus
Bayh
Bingaman
Boxer
Byrd
Cantwell
Dayton
Dodd
Dorgan
Durbin
Feingold
Harkin
Jeffords
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lieberman
Menendez
Mikulski
Murray
Obama
Reed
Reid
Salazar
Sarbanes
Stabenow
Wyden

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Democratic leader.

SENATOR LEAHY'S 12,000TH VOTE

Mr. REID. Mr. President, today PAT LEAHY, senior Senator from Vermont, reached a Senate milestone, to say the least. A few minutes ago he cast his 12,000th vote. He has voted in the Senate 12,000 times. This is quite an accomplishment. He joins a very elite club, led by the distinguished senior Senator from West Virginia, Senator BYRD, who has voted more than 17,000 times; Senator KENNEDY, more than 14,000 times; Senator INOUYE, more than 14,000 times; Senator STEVENS, more than 14,000 times; Senators BIDEN and DOMENICI, just over 12,000 times.

PAT LEAHY came to the Senate in 1974, the youngest Senator in Vermont history and the only Democrat ever elected to the U.S. Senate in the entire history of the State of Vermont—the only one, the first and only. He has been in the Senate 32 years. In each of those votes, Senator LEAHY voted to make Vermont a better and stronger place.

Senator LEAHY has a lot of things in mind when he comes to cast a vote, but No. 1 on the list is Vermont. That is one of the principal reasons Vermont is a great place to live, work, and raise a family.

I have worked very closely with PAT LEAHY. He is a Senator's Senator. He is able to be as partisan as any Senator we have, but he is also a person who can be as bipartisan as any Senator who has ever served in the Senate. The first example of that is his work with his colleague, the chairman of the Judiciary Committee, ARLEN SPECTER of Pennsylvania.

I like PAT LEAHY for lots of reasons. His legislative skills, of course, are one of the reasons. But, to me, everything pales when I think of his wife Marcelle. She is a wonderful human being. PAT LEAHY is who he is because of the wife he has chosen. They have been married more than 40 years. She is a registered nurse. Marcelle Leahy is as kind and gentle as anyone would expect a nurse to be. I care about her a great deal.

PAT and Marcelle are very proud of their three children and certainly very proud of their grandchildren. All of us who have been in talking distance of PAT LEAHY have heard about his grandchildren. He is not bashful about bragging on his grandchildren. His newest grandchild was born earlier this month—in fact, about 27, 28 days ago.

I don't think Vermont could ask for anyone better than PAT LEAHY. I have been very impressed with his work. On the Judiciary Committee, he has been an advocate for fairness. He has worked with us on judges. It has been difficult and tiresome at times, but he has always done what I believe to be an outstanding job and a fair job.

For farmers, his work on issues relating to dairy has been historic. He has saved hundreds of family farms just in Vermont, and thousands and thousands around the country in his work on agriculture. His environmental credentials are unsurpassed by anyone.

Some would question his musical taste, but as far as I am concerned, that is also great. Emmylou Harris, to whom he introduced me, is my favorite. I think I met her personally because of a birthday party PAT LEAHY had. Then, of course, I am happy to say that PAT LEAHY and I are Deadheads.

He is a wonderful man and a great Senator. I congratulate him on reaching this milestone and look forward to watching him cast thousands of votes in the years ahead.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I join in paying tribute to the distinguished Senator from Vermont, Senator LEAHY. Our friendship precedes the service of both of us in the Senate. I first met Senator LEAHY at the National District Attorneys Convention in Philadelphia in 1970. Senator LEAHY was the district attorney of Burlington, VT, and I was the district attorney of Philadelphia. That friendship was renewed when I was elected to the Senate in 1980. Senator LEAHY had already been here for 6 years. We have worked together for 25 years plus on Judiciary and Appropriations and on the Subcommittee on Labor, Health, Human Services and Education. It has been a very close working relationship, and never as close as it has been for the past 14 months as we have worked together on the Judiciary Committee with some very significant accomplishments for the Senate and for the American people.

Last year, when I had a problem or two, besides working with Senator LEAHY on the administration of the Judiciary Committee I had a period where I was bald. On our frequent visits together, the only way we could be distinguished was by the color of our ties. I usually wore red and he customarily wore green, so people knew who was who.

Earlier today I received this picture of Senator LEAHY with his new grandson. The grandson is a few weeks old, but I am pleased to report to C-SPAN viewers, if there are any, that the grandson has more hair than Senator LEAHY.

PAT LEAHY is a great Senator and he is a great friend. It is a great achievement to cast 12,000 votes. I have been here for a good many of them, and he has even been right some of the time. I am delighted to join in praising my good friend Senator PAT LEAHY.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, when you reflect back to that many votes, that many thousands of votes, very quickly you could go back and look at various issues PAT LEAHY has been involved with. I think that is important to do. It reflects a great legacy for our country, what he has stood for, the values and principles.

I wish to add to the accolades what I have found, and that is, as I have gone around the world over the last several years in humanitarian causes, part of which is done as official CODELs as a Senator but even more than that as a volunteer physician, going on the ground into communities, into villages all over the world, what is interesting to me—people don't care about the majority leader, they don't care about the typical names you hear from the Senate floor, but PAT LEAHY's name comes up again and again from the underserved, from the people who have suffered the tragedy of landmine injuries. It is remarkable. It is something we don't talk about on the floor a lot. But to have real people thousands of miles away coming forward with his name reflects the great legacy he leaves, that he continues to leave, and I am sure there will be another 12,000 votes as we come forward.

I do want to express both to him and to Marcelle, a nurse, who greatly influenced his life and for whom he has so much love that he expresses so directly to so many of us in casual conversations or the sorts of occasions that people don't see—that is the PAT LEAHY I want to recognize today—congratulations.

The PRESIDING OFFICER. The majority whip.

Mr. MCCONNELL. Mr. President, it has been my distinct pleasure to be either the ranking member of the Foreign Operations Subcommittee or the chairman with my good friend PAT LEAHY. Part of what Senate etiquette tells us is we are supposed to refer to each other as "my good friend," but in the case of PAT LEAHY, it is not only Senate etiquette but it is the case that he has become a good friend.

Twelve thousand votes is quite an accomplishment, but beyond that, I have enjoyed the spirit of bipartisanship with which we have pursued each Foreign Operations Appropriations bill for each of the last 14 years, whether he was chairman or I was chairman. We tried to develop the expenditures of the Federal Government in a way that made sense for America and also had an impact on the rest of the world.

The majority leader has mentioned the landmine crusade Senator LEAHY has led for a long time. He is indeed known around the world for that. It has been an extraordinary crusade. He deserves enormous credit for leading it and is widely known around the world for that.

I thank him for his extraordinary service over the last 14 years in which I have been associated with him. It has been a pleasure to work with him every year. I, too, wish him 12,000 more votes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, it is hard to put in words what I feel as I listen to my good friends, HARRY REID and ARLEN SPECTER, BILL FRIST and MITCH MCCONNELL, saying such nice things. They are friends. We work together. HARRY—I should say, following Senate protocol, the distinguished Senator from Nevada, Senator REID—was kind enough to first and foremost mention my wife Marcelle. There is no conceivable way I could have accomplished any of this without Marcelle. She has been my guiding light for well over 40 years. Nothing I have done could I have accomplished without her.

Senator SPECTER was kind enough to hold up the picture of the latest member of our clan, Patrick Lucas Jackson. I think of that because I came here holding the actual pictures in my mind of my three children, Kevin, Alicia, and Mark, and their spouses, Carolyn, Lawrence, and Kristine, but also the pictures of four wonderful grandchildren: Roan, Francesca, Sophia, and now Patrick. To have them mentioned I realize there is another generation, and I hope their children will be proud of what their father does, but I especially hope the grandchildren, who will be the hope of our future, will feel the same way.

BILL FRIST, the distinguished Republican leader, and Senator MITCH MCCONNELL, the distinguished deputy Republican leader, were kind to speak of the landmine issue and things we worked out together—both of them being Senators who have done so much in that same area.

Sometimes we deal in issues people look at as just local issues or issues that affect only a few. What we have done in this case—Senator MCCONNELL, who was so good to move to name the war victims fund the Leahy War Victims Fund—is something I will never forget; Senator FRIST, who voluntarily goes into parts of Africa and elsewhere to use his medical skills. We talk of these kinds of things—the landmine issue; things Senator MCCONNELL and I have done to bring medicine to parts of the world that never see it; efforts to eradicate polio, childhood diseases, to bring to people the ability to actually feed themselves. The people we help don't contribute to campaigns. When Senator MCCONNELL and I pass a bill here on the floor, they don't know who we are. They do not know whether it is Republicans or Democrats. None of them know that. We will never meet most of them, but we like to think—I like to think—we have made their lives better.

We speak of what we bring to this body. We all come from different backgrounds. It is not just our political background; it is how we are raised, it is what our faith is. And if we believe in the best of what we learned when we were being raised or the best of what it is we believe in, then we have to help these people who will never be helped otherwise, and I have been proud to do that. I like to think what was instilled in me by my parents, Howard and Alba Leahy or in Marcelle by her parents, Phil and Cecile Pomerleau, brought about some of this, or just the upbringing in the special little State of Vermont.

I will close with this. I didn't expect to say anything, but I was kind of overwhelmed by what was said by a dear friend like ARLEN SPECTER, whom I have known since we were both prosecutors, a job that some days we think was the best job we ever had. It made me reflect on what a great honor it is for all of us, Republicans and Democrats and Independents, to serve in this body. Only 100 of us get a chance to do it at any one time, and someday we will be replaced by others. What an honor it is to be here and what a responsibility it is.

I have seen the Senate go through many changes, but I have also seen the personal relationships the press doesn't see, the public doesn't see, the personal relationships we have built across the aisle and with each other. When we do, the country is better, the Senate is better, and people's lives are better.

I must say that I was awed and humbled the first day I walked on the floor as a 34-year-old to be sworn in, where 30 minutes before I was the State's attorney sitting in a county in Vermont and 30 minutes later was then the junior Senator from Vermont. I still feel that same awe every time I walk on this floor. The day I stop feeling that awe, I will stop walking here.

With that, I have said more than Vermonters usually do. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUNNING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. Mr. President, I come to the floor to speak about the PATRIOT Act. I support the reauthorization of this law. It is vital we reauthorize it and make it permanent. Finally, we will be able to move this reauthorization forward with a series of votes this week. It has been lingering out there too long, especially since the House passed it over 2 months ago.

The Senate needs to be taken seriously in the domestic fight against terrorism. Two months is too long to wait. I fear our delays have sent the wrong message to our antiterrorism investigators and prosecutors as well as those who would do us harm.

In this body I hear a lot of critics of the President and his efforts to fight terrorism. Those critics always have problems but rarely do they have any solutions other than to do nothing. Doing nothing led us to 9/11, and we would be foolish to go back.

The PATRIOT Act was one of the first things we did after September 11 to make sure something like that never happens again. It passed the Senate 98 to 1. This Chamber can be pretty partisan at times, but at that time 98 Senators thought it went far enough to protect civil liberties.

But now we hear how the PATRIOT Act is bad. The conference report we received in December makes permanent most of the expiring provisions of the existing law but with additional protections for civil liberties. But that was not enough, and 47 Senators filibustered the bill. So here we are today, 2 months later, about to pass some changes to the conference report and finally send something to the President.

Now, do not get me wrong. I think the improvements in the conference report are positive. We absolutely should write protections into the law where they do not tie the FBI's hands in stopping terrorist attacks. But the FBI was not using the PATRIOT Act to bother law-abiding Americans. We did not need to delay the law for 2 months. And we do not need to rewrite it from scratch, as some of my colleagues in the body are suggesting.

It is important to protect Americans' civil liberties, and the original PATRIOT Act and the updated one do this. But I think some Senators are missing the point. Civil liberties do not mean much when you are dead. And that is what the PATRIOT Act is about: stopping us from ending up dead at the hands of terrorists.

Some Senators make the PATRIOT Act sound like some huge expansion of law enforcement powers. That is simply not true. The PATRIOT Act brought our laws up to date with modern technology. It gave antiterrorist investigators the same tools as other investigators, and it tore down the artificial wall between intelligence and law enforcement. In other words, it removed the legal barriers that kept us from being able to prevent things like the September 11 attacks.

As Senators, it is our job to fix the laws when they put Americans in danger. It is sad that it took September 11 for those problems to be exposed. But it is even sadder still that some want to second-guess those changes and turn our antiterror laws into a partisan issue. But the safety of Americans is not a partisan issue. We have to do everything we can within the Constitution to protect Americans from both foreign and domestic threats. We all swore an oath to do so when we joined this body.

The PATRIOT Act is critical to protecting Americans, and now is the time to pass this bill once and for all.

Just last week, we were reminded that there are those in America who want to do us harm. Three men in Ohio were indicted for conspiring to commit acts of terrorism, including trying to make bomb vests that could be used on the battlefield in Iraq or in a shopping mall in America. The enemy is not sleeping, and now is not the time for us to lose our resolve.

Under the PATRIOT Act, we have captured over 400 terrorist suspects. That is a lot of people who want to do us harm. Over 200 terrorists have been convicted or pled guilty in investigations helped by the PATRIOT Act.

Using the PATRIOT Act, our investigators have seized cash and drugs being used to fund terrorism. They have also captured weapons and broke up plans to smuggle weapons into the country, including antiaircraft missiles.

Home-grown terrorists have been caught, also. The list of successes goes on and on. There are terrorists behind bars instead of advancing plots against us because of the PATRIOT Act tools and, more importantly, there are many Americans alive who may be dead if those terrorists were successful in carrying out their plots.

We need the PATRIOT Act. We need to get it reauthorized and signed into law. Our terrorist investigators need their tools to be permanent. This gives them certainty. We need to send a strong message to the terrorists that we will come after them with everything we can.

I urge my colleagues to support these bills and to drop their obstruction so we can do our job to protect all Americans.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINEZ). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET PRIORITIES

Mrs. MURRAY. Mr. President, as we return from the President's Day recess, the Senate will be debating the future direction of our country.

This debate will come in the form of the discussions we have on the Federal Government's budget.

A budget is a statement of our priorities. Families across our country make difficult decisions every day while living within their own budgets, choosing one priority over another and working hard to fulfill their own American dream.

Likewise, our national budget and the way we spend tax dollars reflects our priorities as a Nation. We make difficult choices, establish priorities and try to set our Nation on a course to prosperity.

Unfortunately, the President's recent submission of his fiscal year 2007 budget and subsequent request for supplemental appropriations for the ongoing war in Iraq do not reflect the priorities our Nation needs to move ahead, and it makes the wrong choices in spending and saving.

Taken together, they represent a callous disregard for fiscal reality and a failure to prioritize our country's most important needs.

No American family would dare manage their finances this way, and I am on the floor today to say that we must take a different course.

In the 3 years since the start of Operation Iraqi Freedom, our country and Congress have stood with the President in staunch support of our troops.

While we are both proud and duty-bound to provide the resources our men and women in uniform need to do their jobs safely and effectively, it is disingenuous to continue to ask for "emergency" spending to pay for military action that has been ongoing for years.

Year in and year out, the President asks the Congress to provide the resources for his Iraq policy outside the bounds of the traditional budget process, and in each one of those years, concerns over accountability swell and demands for a plan that will allow our troops to fulfill their mission and return home go unanswered.

Like every American, we all want to succeed in our mission in Iraq. We want to achieve our military and policy goals, and to bring our troops home safely.

We know that this will require sacrifice and that a U.S. presence will be required for some period of time.

Despite these obvious facts, the administration continues to operate from the pretense that the cost of this ongoing war is unknowable and thus requires emergency spending.

The continued adherence to this policy deliberately misleads the American people about the cost of this war.

But it also misses a central point, the real emergency is here at home in our classrooms, in communities from the Gulf Coast to the Pacific Northwest, in our hospitals, and in our firehouses.

The Senate has shown unwavering support for our men and women fighting overseas. These heroes deserve every bit of aid we can provide—be it the best body armor, the best equipment, or the best pay and health care.

Time and again Democrats have stood shoulder to shoulder with the Bush administration to do just that—and in many cases we have pushed to provide more than the President requested for our troops, our veterans, and their families.

My concern—and I know many of my colleagues share it as well—is that while we provide the best for our men and women overseas, we are doing far less for the men, women and children fighting to get ahead on our own shores.

They too deserve the best—the best education, the best health care, and the best protection from terrorist attack. I don't think anyone in this Chamber today can honestly say that we are achieving that goal.

I am here to say that this Senator will not stand idly by as we send billions to support and protect the heroes overseas while cutting basic needs for the heroes waking up every morning across our great Nation trying to provide themselves and their children a better life. We can and must do both.

So, as the Senate prepares to consider the budget and support our troops, I am going to ask that we stand up to protect and support hard working American families right here at home. That means: Providing affordable, accessible health care for every American, ensuring the best education for our young people, taking care of our veterans when they return home, pointing our Nation down a path toward energy, independence, and protecting our homeland from both terrorists and natural disasters.

The costs of mismanagement, corruption, and lack of investment at home are creating a crisis of confidence in our current path among the American people. We must change course.

There is precedent in our Nation's history for future oriented investment during difficult times—in fact, troubled times demand that we don't just wallow in current events, but better prepare for our future.

In 1862, our great Country was torn apart. The Civil War defined our Nation and determined our future. But war was not the only thing that was debated that year, and war was not the only thing that determined our Nation's fate: 1862 was also the year that legislation creating the land-grant college system was passed by Congress and signed into law by President Lincoln.

Think of it, in the midst of war, when the Union's very existence was in question, our leaders took the forward looking step of establishing a path by which average Americans could improve themselves and contribute to the welfare of our Nation. And you know what—it worked.

Today, those same land-grant colleges and universities are the envy of the world because of the great education they provide many Americans and the economic benefit they provide to our country.

Today, we too, are in the grip of war, and there are forces arrayed against us that seek to do us real and lasting harm—we must combat our enemies with every ounce of energy we have.

But like previous generations of American leaders, we also have an obligation to prepare the American people for the challenges we will confront in the future and to ensure that we are strong and secure in meeting those challenges head-on. Today, our efforts in this regard are woefully inadequate.

To be strong in the future—to have the ability to fight the wars of the future, create the economy of the future, and lead the world in human liberty and freedom—we must create an environment of hope and opportunity here at home. And yes, this is an emergency.

We all support our troops, and we will support the President's efforts to provide for their well-being and to ensure that they have the tools and resources they need to carry out their missions.

But, candidly, we must be able to both support our troops and create a country full of hope and optimism for them to return to.

To accomplish this we need to make changes in policy and allocation of resources, and I am going to demand that we consider these important questions when we debate the budget and the Iraq war supplemental appropriations request.

As I have said before on this floor, the Federal budget is the statement of our priorities as a people, and it should be a moral, thoughtful document.

Today, America's need for sound fiscal policy and a solid commitment to prosperity at home is not being met.

We can do better. If the President and the majority won't lead our country toward a more hopeful, prosperous future, then we will.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak and have my speech recorded as if in morning business. I will use the time allotted with my hour postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 2341 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESCRIPTION DRUGS

Mr. DURBIN. Mr. President, during this President's Day recess, I journeyed to Illinois and made stops in several cities. There were many places to visit, but I chose to visit drugstores. In each one of these towns, large and small, I sought out pharmacists—whether it was Collinsville, IL, or Decatur, IL, or Chicago—to talk about the Medicare prescription Part D plan. I thought the pharmacist was the right person to speak to because these pharmacists are on the front line in health care. Across America, many Americans view the pharmacist as their friend when it comes to their medical conditions and their health. So they have a good, trusting relationship.

Also, of course, Medicare prescription Part D is the first time we are trying to provide prescription drugs to people under Medicare, something we should have done from the beginning, but we are doing now. We are not doing it very well.

What I learned during my visit to Illinois is the fact that there are thousands of people in my home State who are struggling to make the right decision when it comes to their Medicare prescription drug program. They are struggling because there are some choices, and the choices are very difficult to evaluate. In Illinois, there are about 42 different plans from which seniors can choose. If you seek the information on the plan, you are directed to a Web site. A Web site may be of value to many people who are following the Senate proceedings, but to many senior citizens it is terror incognito; it is unknown territory.

Only one in four senior citizens have ever logged onto a computer. They do not have the luxury of going to the appropriate Web site using their mouse to click through the options trying to figure out the best choice. They are lucky, in many cases, to have one of their kids who will sit with them and work through the options.

But, I tell you, some of the professional people I run into, educated people I run into, quickly tell me that this is not an easy thing to navigate. With 42 plans, you had better make the right choice.

Most seniors start with the basic drug they are currently taking and they go to the prescription drug plan to see if that drug is offered by the drug plan. Then they calculate the prices of the drugs to try to determine how much they are going to have to spend to get into the program, or once in the program how they will pay for their drugs. What they come to learn, to their chagrin, is that many of the drugs which are part of the formulary or the drugs that are being offered in a program today are changed tomorrow. The drug you needed, the drug you are looking for may be discontinued tomorrow.

In other words, instead of a discount you may have to pay the full price. It is really a classic bait-and-switch situation.

Second, the price that is quoted to you for this drug may change as well. It is like following the stock market. You have had two different plans. These seniors are trying to choose the right one. The drugs that are covered can change day to day. The prices can change day to day. And seniors have to make their choice and live with it for a year.

It is fundamentally unfair. It is unfair that the drug plans can change right as these seniors have made their choice. And the seniors can't change their drug plan for a year.

I have introduced legislation that would give senior citizens that option, an option that if the price of the drug goes up 10 percent or more, or it is dropped from the formulary, you can change your plan without a penalty. I think that is only reasonable.

I also have to tell you that many of these pharmacists are at their wit's end. They care for these people. They really do. These are customers of a lifetime, and they come to these drugstores—some of them—distraught over what they are going through with Medicare prescription Part D, and the pharmacist tries to help. He gets on the phone. He may call that drug plan and try to make sure that the seniors are being treated fairly. He may ignore the plan, which says don't give some tablets over the course of a month, and give the person what he knows they need.

These are things he does at his own peril in terms of his own financial well-being.

I talked to one pharmacist who said that the drug Ambien, which is used by some who can't sleep at night had been prescribed, and one of the seniors who signed onto one of the plans brought in his monthly prescription for Ambien and was told he could only have 18 pills.

So the plan decided that whatever the doctor had said notwithstanding, whatever the condition, the senior citizen, 12 days out of 30, was not going to have their medication.

That is the kind of thing these seniors are facing. It is no wonder, to me, that the seniors I meet and the pharmacists who are trying to help them are really upset about this plan. They understand, as I do, that this plan wasn't written for senior citizens. This plan was written for health insurance companies that make these plans available, as well as the pharmaceutical companies. They are the big winners in many respects, first, because Medicare is not offering an overall plan for every senior to choose. I think that is where we should have started.

We have a Medicare plan in America. People were brought into it in a matter of a few months, and it has worked very well for 40 years. There could have been a Medicare prescription drug plan which would have been the basic template, the standard model that is available to every senior. If someone in the private sector wants to compete and offer an alternative, they could have. I would have voted for that. But Medicare should have been able to offer the basic fundamental model plan that every senior could turn to, and it would have been successful because Medicare, with the potential of bargaining for 40 million senior citizens, could sit down with that drug company and tell them you can't raise the price of drugs 10 percent a year, we just won't let you under the plan.

You know what happened. The same thing happened in Canada. That is exactly what the Canadian Government did to these same American drug companies. They told them if they wanted to sell to the Canadian health plan, they couldn't keep raising the cost of the drugs every single year.

That is why exactly the same drugs manufactured in the United States sell for a fraction of the cost in Canada because the Canadian Government stepped in.

When we tried to do that on the floor of the Senate, the pharmaceutical companies fought us and won big time. Now we have 500 plans across America trying to negotiate better prices. And you know what that means: You don't get the discount, the bulk discount, and the lower prices that can occur.

We know the VA had already tried this. They offered the veterans who come to veterans clinics and hospitals prescription drugs at reduced rates because they bargained with the same drug companies, but these drug companies didn't want to give up their power in this negotiation. So they insisted that Medicare would not write a basic plan. They insisted that there be 500 plans across America. They knew they would make more money that way.

I am sure they will—but at the expense of senior citizens and taxpayers.

There is also this strange, inexplicable, indefensible element in Medicare prescription Part D known as the donut hole. The donut hole says as follows: Once you have spent out of pocket $2,200 for prescription drugs during the course of a year, you are on your own—no protection, no payment. Everything from that point on is out of pocket. Until you have spent an additional $2,900 and reached $5,100 total spending, then the plan kicks in and is generous to you.

The donut hole means that seniors truly in need of medication can find themselves at some point during the course of a year reaching into their savings to pay for their prescription drugs. How often does that occur?

When I went to the Order of Saint Francis Health Center in Peoria, IL, I met with the pharmacy, Wayne Beckman, and his wife Bev. I asked Bev if they had run into anyone who is concerned about this donut hole where they already spent out $2,200. She said: There was a woman in here yesterday who already reached $2,200 in the month of February. She was a transplant patient. She needed expensive medication.

So, now, this woman having gone through all of these surgeries, all of this medical care, has to reach into her pocket and pay out $2,900 before the Medicare plan kicks in again.

Could we have dreamed up a more complex and convoluted approach to providing prescription drugs to seniors?

I learned during the course of my visit that many of these seniors are desperate. They know they have to decide by May 15 to sign up for a plan. Some of them are not taking drugs at this moment but are afraid if they do not sign up for some plan and start paying for it that they will be penalized, which is part of the law as well. So they are trying to decide what the best decision might be.

I really wish my colleagues in Congress would get out of these marble halls and get into some drugstores. I wish they would stop listening to lobbyists and start listening to pharmacists. If they did, they would realize what a bad law this is. This was passed 2 years ago. We were supposed to have all the time in the world to get this right, make sure that when the moment came that this plan went into place nothing like this would occur. Yet it does.

Some of the, I guess, most painful stories involve victims who are in nursing homes—people who have really spent down everything they have in life. They have nothing left. How do they live? Social Security, Medicare, and Medicaid. Medicaid, of course, is health insurance for the poorest among us.

These poor people who usually don't have many friends, other than maybe a couple of family members, are sick in the nursing homes. Many of them are caught in the middle of this Medicare prescription Part D and what it does to them. Someone takes their prescription to a pharmacy and finds out they will not fill a month's prescription, only 10 days, and Governors across America have had to step in to protect these people, these poor people, literally poor people, who need a helping hand.

What a sad turn of events. What could have been a source of pride for America, for seniors, for all has turned out to be a national embarrassment, an embarrassment that could have been avoided.

My colleagues have to understand unless and until we work to make Medicare prescription drugs Part D a program that reaches out and helps people, a program that is simple, fair, gives true discounts on their prescriptions, then we have not done a service to our seniors. These men and women are parents and grandparents, the greatest generation who served in America's past in so many different ways. How can we put them in this predicament? They, unfortunately, had to go to the back of the line when it came to passage of this bill. The prescription drug companies, as well as the insurance companies, were the ones that wrote the bill.

I know what we have to do. We have to take from this calendar, after we finish the PATRIOT Act, we have to push aside all the special interest legislation. We spent a week and a half on a bill last week, the clash of the special interest titans over asbestos. We have to set those aside and say, for at least a week, instead of taking up special interest legislation, we are going to take up the Medicare prescription drug bill. We are going to make this work. We are going to finally put something together that is an honor to the people who are part of our Medicare system.

I don't know if we can do that. When the President signed this bill, people said: You are going to have to change some parts of it. He said: I am not going to touch it, not a word.

The President should show a little humility. All of us in public life should from time to time. As we look at this Medicare prescription drug program, we know it is not working for America, it is not working for seniors. It is causing much too much heartache, much too much concern.

This much I will say I have learned, having been in public life a few years. There is one thing about senior citizens, they know who is on their side. They have long memories. I might add, they vote. If the leaders in Congress, the Republican leaders, the President's own party, do not understand how badly this Medicare prescription Part D program is working, some of the seniors may give them their medicine in November. They have to understand we have a responsibility to these people, not to the lobbyists in the hallway who represent the drug companies. They are doing quite well, thank you.

We have a responsibility to the people whom we were sent to represent. They may not have a lobbyist, but they have a vote and a voice and we will hear from them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

MORNING BUSINESS

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BLACK HISTORY MONTH

Mr. FRIST. Mr. President, each year, during the month of February, America celebrates the achievements, contributions, and history of the African-American community.

In previous years, I have had the honor of joining my colleague Congressman John Lewis on his civil rights pilgrimage to Alabama and Tennessee.

It is an extraordinary journey that changes all who partake.

It connects us to our history, our geography, our shame and redemption, and to the astonishing bravery and commitment of the civil rights leaders who fought for America's honor: Martin Luther King, Jr., his wife Coretta Scott, Rosa Parks, the Greensboro Four, to name a few.

Their willingness to face violence and intimidation, injustice and oppression, with steadfast love and bravery transformed America.

Indeed, it led to a great awakening that continues to reverberate around the world.

This year, as we celebrate those extraordinary individuals and events, let us also recognize the exceptional leaders in our midst who toil every day for justice and racial reconciliation.

This year, I have the pleasure of presenting Mr. Jeffrey T. Higgs of Memphis, TN, with my office's first ever American New Trailblazer Award in honor of Black History Month.

In January, my office sent out requests to over 200 recipients of our African-American leader's newsletter. We asked our readers to nominate individuals of extraordinary character and achievement.

We received the nominations of published authors, clergy, local community leaders, and business professionals. All were deserving candidates and I am both humbled by and proud of their example of service.

After culling through the nominations, we chose Mr. Higgs for his outstanding work as executive director of LeMoyne-Owen College Community Development Corporation.

For over 15 years, Mr. Higgs has been involved in urban community housing, economic development and micro lending.

As CEO of the multi-million-dollar organization, he has led the efforts to revitalize the community surrounding LeMoyne-Owen College.

Among his many development projects, he led the renovation of the historic JE Walker House. Today, the building serves as a community resource center for housing development, computer training, economic development and investment.

Currently, Mr. Higgs is leading the charge for 2 major capital projects generating over $25 million in economic activity.

His sponsor for the award, Bridget Chisolm, President and CEO of BBC Consulting, wrote to tell us that Mr. Higgs is, "truly a Renaissance man and community trailblazer. We are blessed to have such a leader striving to make a good city great."

Indeed, America is blessed to have individuals like Mr. Higgs selflessly serving his fellow citizens.

I congratulate Mr. Higgs for his contributions to his community. And I thank him for carrying forward the torch of social justice.

As we close this month of celebration, let us remember that the movement is not over. So much has changed in so very short a time. But the great hope of the movement has yet to be realized: full equality not only before the law, but in the lives of every citizen.

It is citizens like Mr. Higgs who are working to make that happen.

I close with a quote from the great Dr. King.

In his historic speech following the march to Selma, the Reverend told his fellow freedom marchers,

> We must come to see that the end we seek is a society at peace with itself, a society that can live with its conscience. And that will be a day not of the white man, not of the black man. That will be the day of man as man.

RECOGNITION OF NATIONAL AFRICAN AMERICAN HISTORY MONTH

Mr. SARBANES. Mr. President, "Celebrating Community: A Tribute to Black Fraternal, Social and Civic Institutions" is the theme this year of African American History Month. On this last day of the Month I want to pay a special tribute to the Alpha Phi Alpha, which is the oldest of the African American Greek-letter collegiate fraternities and sororities. Alpha, which I am proud to say has its headquarters in Baltimore, this year celebrates its centennial. For the past one hundred years Alpha has upheld the principles of scholarship, fellowship, good character and the uplifting of humanity principles that command our respect and admiration.

It has been my privilege to work closely with Alpha in the effort to establish an appropriate memorial to Dr. Martin Luther King, Jr. in our Nation's Capital. More than 20 years ago I introduced legislation to assure that a monument would be built, and it took a decade to get the legislation enacted. Since 1996, when the bill was signed into law, we have moved steadily forward. The site on the Mall is set, lying between the Memorial to President Franklin Roosevelt and the Lincoln Memorial. The magnificent design is in hand. The challenging work of raising the necessary funds continues, and in this Alpha and the other African American campus organizations play a vital role. I look forward to the day, not too far in the future, when we will have on the Mall a monument worthy of Dr. King's legacy, to remind us and future generations of the struggles the civil rights movement endured, and to inspire us all to continue the movement.

Even as we celebrate our progress toward a memorial to Dr. King, we mourn the loss of two great Americans, Rosa Parks and Coretta Scott King.

When Rosa Parks died 4 months ago, all Americans mourned her passing. Fifty years ago, with a singular courageous act that in the words of the New York Times became a "mythic event," she galvanized the civil rights movement and helped to write a new and hopeful chapter in our history. As the Times put it, "(W)hat seems a simple gesture of defiance so many years later was in fact a dangerous, even reckless move" at the time. Her steadfastness in the face of harsh and unjust laws struck a chord in the nation's conscience and challenged us to build a society worthy of the principles on which it was founded. When Ms. Parks was awarded the Congressional Gold Medal in 1999, I was honored to have an opportunity to meet her. At the time of her death I joined with my Senate colleagues in honoring her at her memorial service.

We lost a second courageous leader with the death more recently of Coretta Scott King. She was a student at the New England Conservatory of Music with plans for a musical career when she met her future husband, but she was from the beginning his steadfast partner in the arduous fight for civil rights and a more decent and humane society. After Dr. King's death she continued the fight with the quiet dignity and determination that were her hallmarks. It was a privilege to work with Mrs. King on the legislation establishing Martin Luther King day as a national holiday; I deeply regret that she could not live long enough to see the memorial to her husband built as well.

Last month we honored Dr. Martin Luther King and his legacy. If he were with us today, Dr. King would be deeply gratified by the national tributes paid to Ms. Parks and Mrs. King. In the 50 years since Martin Luther King, Jr., Coretta Scott King and Rosa Parks first challenged the Nation to live up to its founding principles, we have come a long way. We have changed our laws fundamentally to assure the rights of all Americans. We have worked together—at the local, State and national level—to create hope and opportunity where there was none, and to guarantee respect for every person.

The role of the Black fraternal, social and civic institutions in bringing about these changes cannot be overstated. Over the years they have fought for justice in courts of law and in the court of public opinion, and worked tirelessly to promote equality and opportunity for all.

Still, much remains to be done. Working together we continue to build the society for which Rosa Parks and Coretta Scott King stood, and fought. Success in this effort is the finest tribute we can pay to them.

Mr. LAUTENBERG. Mr. President, I rise to recognize Black History Month and pay tribute to the enormous and varied contributions African Americans have made to our Nation.

The other evening, on the final night of the Olympics, Tom Brokaw of NBC News did a story about an American soldier named Vernon Baker who fought in Italy in World War II. Mr. Baker is now 86 years old. He was just a young man on the day in 1945 when he wiped out three Nazi machine gun nests and took out an enemy observation post.

Mr. Baker came home from the war without much fanfare. But like the 1.7 million other Black soldiers who served our Nation during World War II, he came home a changed man. After fighting on foreign soil against an enemy that claimed superiority to other races, these men could no longer accept second-class treatment in their own country.

World War II was the catalyst that finally convinced a significant portion of the American people that segregation was wrong. It was the beginning of the end of segregation in our Nation.

After World War II, 432 Americans were awarded the Congressional Medal of Honor. Not one of them was African American. Finally, in 1997, the Government bestowed our Nation's highest medal on six Black veterans of World War II. Vernon Baker was the only one of those men still alive to accept his award.

Mr. Baker's story mirrors Black history in our Nation in the last half of the 20th century. It is a story of determination and hope. During World War II, African Americans fought to keep our Nation free, even when their own freedom was not fully enjoyed. In the same way, the ideas and talent of African Americans have always enriched American life, even as their own lives were impoverished by racism and the vestiges of slavery.

From the Nobel laureate Toni Morrison to the great composer Duke Ellington, from the brilliant jurist Thurgood Marshall to my old friend Larry Doby, the first Black baseball player in the American League, from the uplifting leadership of Martin Luther King, Jr., to the heroism of Vernon Baker, African Americans have inspired and enlightened our Nation.

I join the people of New Jersey in celebrating the contributions of African American citizens during Black History Month.

NATIONAL EATING DISORDERS WEEK

Mr. REID. Mr. President, I rise today in recognition of National Eating Disorders Awareness Week to heighten awareness and emphasize prevention of eating disorders.

More than 10 million Americans today struggle with eating disorders, including anorexia nervosa, bulimia nervosa, and compulsive eating. Not only do these serious illnesses afflict people of all races and socioeconomic groups, eating disorders are now striking more men and children. The harm to the victims and their families can be tragically devastating, yet too often they continue to suffer in silence.

This week, I hope that we can take an important step to reach out to them and let them know that help is available. Inadequate information, misunderstandings, or shame should never be a barrier to recovery.

For this reason, I proudly sponsored Eating Disorders Information and Education Act of 1997 and the very first Senate resolution, S. Res. 197, to designate a National Eating Disorders Awareness Day. And it is the same reason I rise today. I hope that my colleagues will join me in this effort to improve eating disorder awareness, prevention, and treatment.

Mr. President, I ask unanimous consent that a letter from Ms. Chelsey Cogil, a resident of Zephyr Cove, NV, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR SENATOR REID: Hello! My name is Chelsey Cogil and I am writing to inform you that National Eating Disorders Awareness Week is coming up next month starting on February 26th and lasting until March 4th.

Coming from a family where eating disorders run common, I know first hand the importance of spreading eating disorder awareness and prevention.

I would be absolutely delighted if you would make a statement, in support of National Eating Disorders Awareness Week, about the importance of spreading eating disorders awareness. Below are some statistics that I encourage you to read.

Thank you for your time and help!

Very Sincerely,

CHELSEY COGIL,
Zephyr Cove, NV.

The Renfrew Center Foundation for Eating Disorders, "Eating Disorders 101 Guide: A Summary of Issues, Statistics and Resources," published September 2002, revised October 2003, http://www.renfrew.org: 1 in 5 women struggle with an eating disorder or disordered eating; Up to 24 million people suffer from an eating disorder in the United States; Up to 70 million people world wide struggle with an eating disorder; Nearly half of all Americans personally know someone with an eating disorder; Eating disorders have the highest mortality rate of any mental illness; The mortality rate associated with anorexia nervosa is 12 times higher than the death rate of ALL causes of death for females 15–24 years old. Anorexia is the 3rd most common chronic illness among adolescents; Eating disorders are higher among young women with type 1 diabetes than among young women in the general population.

IN RECOGNITION OF AMERICAN HEART MONTH

Mr. DORGAN. Mr. President, February is American Heart Month. As co-chair of the Congressional Heart and Stroke Coalition, I rise today to urge my colleagues to commit to the fight against this devastating disease.

Heart disease remains the Nation's leading cause of death. Stroke is the No. 3 killer. More than 70 million adults in the United States suffer from heart disease, stroke, or other cardiovascular diseases. Cardiovascular diseases will cost our Nation an estimated $403 billion in 2006, including more than $250 billion in direct medical costs.

Although we need to continue to fund research to unlock the many mysteries that remain, we can make real progress in the fight against cardiovascular diseases by applying the knowledge that we already have today. A recent study funded by the National Heart, Lung and Blood Institute found that by quitting smoking, reducing obesity and controlling blood pressure and cholesterol levels, you can add 10 years to your life.

Thanks to our prior investments in cardiovascular research and prevention programs, we are now at a point where we have the tools in hand to make substantial progress. Yet, we find ourselves at a crossroads. As the population ages, the number of Americans affected by cardiovascular diseases will rapidly increase if we don't take the right steps today. It is estimated that by 2050, the number of deaths from heart disease will increase by nearly 130 percent.

Now is the time to redouble our efforts to fight heart disease, stroke and other cardiovascular diseases, not back away from our commitment. Yet, the President's budget proposal for fiscal year 2007 would cut funding for medical research and cardiovascular disease prevention programs.

The administration has even proposed eliminating a program to help rural communities purchase automated external defibrillators, AEDs. Last year, over my objection, Congress cut funding for this program by more than 80 percent. This makes no sense to me. AEDs are small, laptop size devices that help restore normal heart function after cardiac arrest. AEDs save lives, especially when placed in areas where large numbers of people congregate and in rural communities where emergency medical personnel are not readily available.

That is why I was pleased to see the Architect of the Capitol announce last month that AEDs will be placed around the Capitol complex. However, I find it highly ironic that Congress decided to purchase AEDs for its own buildings while slashing funding for programs that help rural communities purchase the same devices.

In the next several weeks, we will have a serious debate in the Senate about the administration's budget proposal. The decisions we will make will clearly show our priorities. I urge my colleagues to make the fight against heart disease, stroke and other cardiovascular diseases a top priority.

HAWAII CREDIT UNION LEAGUE

Mr. AKAKA. Mr. President, every year, members of the Hawaii Credit Union League meet with me during their trip to Washington, DC. They keep me abreast of their work in Hawaii by providing affordable financial services to their members. I would like to recognize credit unions and other mainstream financial services organizations that provide access to financial services that improve the lives of their members. Without credit unions, even more of our constituents would be susceptible to predatory lending and high-cost financial services. For example, individuals that lack credit union or bank accounts are considered to be unbanked. The unbanked rely on alternative financial service providers to cash checks, pay bills, send remittances, utilize payday loans, and obtain credit. However, their earnings are unnecessarily diminished in the process by their reliance on these high-cost, and often predatory, financial services. These hardworking families can ill-afford this hit to their paychecks. Not having a credit union or bank account prevents families from being able to save securely to prepare for the loss of a job, a family illness, a down payment on a first home, or education expenses for their children.

I am proud that we have credit unions in Hawaii that provide innovative services to more effectively meet the needs of their members such as offering payday loan alternatives to members of the armed services. Payday loans are small cash loans repaid by borrowers' postdated checks or borrowers' authorizations to make electronic debits against existing financial accounts. Typically, the principal for payday loans is in the range of $100 to $500 with full payment due in 2 weeks. Finance charges on payday loans are normally in the range of $15 to $30 per $100 borrowed, which translates into triple digit interest rates of 390 percent to 780 percent when expressed as an annual percentage rate, APR. A common practice is loan flipping, which is the renewing of loans at maturity by paying additional fees without any principal reduction. This practice often creates a cycle of debt that is hard to break. Furthermore payday lenders often locate near military bases because they know that a military servicemember's government paychecks represent a reliable source of fees and military personnel may be court marshaled or dishonorably discharged for failing to repay their debt.

I am proud that the Windward Community Federal Credit Union in Kailua, on the island of Oahu, has developed an affordable alternative to payday loans. I commend the staff of the Windward Community Federal Credit Union for their outstanding program which benefits the marines and other members that they serve. I have introduced legislation that would encourage credit unions and other financial institutions to offer this sort of low-cost, short-term credit product. S. 1347, the Low-Cost Alternatives to Payday Loans Act, would promote low-cost alternatives to payday loans by authorizing the Secretary of the Treasury to award demonstration project grants. I will continue to work with my colleagues on the Banking, Housing, and Urban Affairs Committee to enact this important legislation.

I also have included efforts to increase access to credit union and bank accounts in an attempt to combat refund anticipation loans, RALs. While the earned income tax credit, EITC, helps working families meet their food, clothing, housing, transportation, and education needs, EITC refunds are unnecessarily diminished by excessive use of RALs. Interest rates on RALs can range from 97 percent to more than 2,000 percent. Considering the low repayment risk of this type of loan, the interest rates and fees charged on this type of product are not justified. Often, those who take out RALs are lower income families for whom these costs are a particular burden.

I have introduced the Taxpayer Abuse Prevention Act, which would restrict predatory practices associated with RALs and expand access to mainstream financial services. The bill would expand the eligibility of electronic transfer accounts, ETA, which are low-cost accounts at banks and credit unions intended for recipients of certain Federal benefit payments, to include EITC benefits. These accounts will allow taxpayers to receive direct deposit refunds into an account without the need for a refund anticipation loan. Additionally, my bill would mandate that low- and moderate-income taxpayers be provided opportunities to open low-cost accounts at federally insured banks or credit unions via appropriate tax forms. Providing taxpayers with the option of opening a bank or credit union account through the use of tax forms provides an alternative to RALs and immediate access to financial opportunities found at banks and credit unions.

In addition, I have worked with my friend, the Senator from New Mexico, Mr. BINGAMAN, on the Taxpayer Protection and Assistance Act. The legislation includes a provision that authorizes a grant program to link tax preparation services with the opening of a bank or credit union account. This will help encourage the estimated four million unbanked EITC recipients to establish a relationship with a mainstream financial institution. In turn, they will no longer be forced to pay the excessive fees RAL providers assess. Once the previously unbanked have established a credit union or bank account, they will be able to benefit from the wide range of financial services that mainstream financial institutions provide.

I will continue to work to expand access to mainstream financial institutions so that more individuals can benefit from lower cost opportunities found at credit unions and banks. I thank the representatives from the Hawaii Credit Union League for all of their work in providing financial services and increasing the financial literacy knowledge of their members. I also will continue to work to enact legislation that promotes the utilization of the services of credit unions and banks so that even more people can improve their lives by having access to low-cost accounts, cheaper remittances, less expensive loans, and insured savings accounts.

* * *

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On June 15, 2005, Dwan Prince was savagely beaten by three men as Prince stood outside of his apartment building in New York, NY. The apparent motivation for the attack was Prince's sexual orientation. According to police, the three attackers shouted anti-gay slurs throughout the attack on Prince.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that are born out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

* * *

LETTER ON THIRD ARMORED CAVALRY REGIMENT

Mr. SANTORUM. Mr. President, I rise today to share with my colleagues a letter written by the mayor of Tall-at Afar, Ninewa, Iraq, concerning the 3rd Armored Cavalry Regiment of the U.S. Army. This unit of brave soldiers is completing its second deployment to Iraq. As the unit prepares to come home, they have recently received this letter from the mayor of that city:

> In the Name of God the Compassionate and Merciful To the Courageous Men and Women of the 3rd Armored Cavalry Regiment, who have changed the city of Tall-at Afar from a ghost town, in which terrorists spread death and destruction, to a secure city flourishing with life.
>
> To the lion-hearts who liberated our city from the grasp of terrorists who were beheading men, women and children in the streets for many months. To those who spread smiles on the faces of our children, and gave us restored hope, through their personal sacrifice and brave fighting, and gave new life to the city after hopelessness darkened our days, and stole our confidence in our ability to reestablish our city.
>
> Our city was the main base of operations for Abu Mousab Al Zarqawi. The city was completely held hostage in the hands of his henchmen. Our schools, governmental services, businesses and offices were closed.
>
> Our streets were silent, and no one dared to walk them. Our people were barricaded in their homes out of fear; death awaited them around every corner. Terrorists occupied and controlled the only hospital in the city. Their savagery reached such a level that they stuffed the corpses of children with explosives and tossed them into the streets in order to kill grieving parents attempting to retrieve the bodies of their young.
>
> This was the situation of our city until God prepared and delivered unto them the courageous soldiers of the 3rd Armored Cavalry Regiment, who liberated this city, ridding it of Zarqawi's followers after harsh fighting, killing many terrorists, and forcing the remaining butchers to flee the city like rats to the surrounding areas, where the bravery of other 3rd ACR soldiers in Sinjar, Rabiah, Zumar and Avgani finally destroyed them.
>
> I have met many soldiers of the 3rd Armored Cavalry Regiment; they are not only courageous men and women, but avenging angels sent by The God Himself to fight the evil of terrorism.
>
> The leaders of this Regiment; COL McMaster, COL Armstrong, LTC Hickey, LTC Gibson, and LTC Reilly embody courage, strength, vision and wisdom. Officers

> and soldiers alike bristle with the confidence and character of knights in a bygone era. The mission they have accomplished, by means of a unique military operation, stands among the finest military feats to date in Operation Iraqi Freedom, and truly deserves to be studied in military science. This military operation was clean, with little collateral damage, despite the ferocity of the enemy. With the skill and precision of surgeons they dealt with the terrorist cancers in the city without causing unnecessary damage.
>
> God bless this brave Regiment; God bless the families who dedicated these brave men and women. From the bottom of our hearts we thank the families. They have given us something we will never forget. To the families of those who have given their holy blood for our land, we all bow to you in reverence and to the souls of your loved ones. Their sacrifice was not in vain. They are not dead, but alive, and their souls hovering around us every second of every minute. They will never be forgotten for giving their precious lives. They have sacrificed that which is most valuable. We see them in the smile of every child, and in every flower growing in this land. Let America, their families, and the world be proud of their sacrifice for humanity and life.
>
> Finally, no matter how much I write or speak about this brave Regiment, I haven't the words to describe the courage of its officers and soldiers. I pray to God to grant happiness and health to these legendary heroes and their brave families.
>
> NAJIM ABDULLAH ABID AL-JIBOURI
> *Mayor of Tall-at Afar, Ninewa, Iraq.*

This mayor's gratitude towards the soldiers of the 3rd Armored Calvary Regiment speaks volumes of the sacrifice and bravery that all of our soldiers are displaying in Iraq. Our service men and women are making a difference in Iraq by spreading democracy and fighting the terrorists. These soldiers ought to be proud of their efforts—we certainly are, and so are the Iraqis.

CLEAN WATER AUTHORITY RESTORATION ACT

Mr. FEINGOLD. Mr. President, for the last 33 years, the American people have relied upon the Clean Water Act to protect and restore the health of the Nation's waters. The primary goal of the act to make rivers, streams, wetlands, lakes, and coastal waters safe for fishing, swimming and other recreation, suitable for our drinking water supply, and available for wildlife and fish habitat—has become accepted by the public not only as a worthy endeavor but also as a fundamental expectation of government providing for its citizens. It is our responsibility to provide adequate protection to ensure that our freshwater resources are able to enhance human health, contribute to the economy, and help the environment.

Despite being one of our Nation's bedrock environmental laws, the Clean Water Act faces new and unprecedented challenges.

The Supreme Court recently heard two Clean Water Act cases, the outcome of which will have significant implications for Federal efforts to protect the Nation's waters from pollution and destruction. Fortunately, an unprecedented array of local, State, regional, and national officials, professional organizations, and public interest groups from across the country and the political spectrum have joined in the defense of the Clean Water Act. The unparalleled collection of interested parties includes the attorneys general of 33 States plus the District of Columbia; four former Administrators of the Environmental Protection Agency—Russell Train, Douglas Costle, William Reilly, and Carol Browner; nine current and former members of the U.S. Senate and U.S. House of Representatives who were directly involved in the passage of the 1972 Act and its reaffirmation in 1977; the Association of State Wetlands Managers, the Association of State Floodplain Managers, the Association of State and Interstate Water Pollution Control Administrators, and the International Association of Fish and Wildlife Agencies; numerous hunting, fishing, wildlife and outdoor recreation organizations and businesses, including Ducks Unlimited, the National Wildlife Federation, Trout Unlimited, the American Sportsfishing Association, Bass Pro Shops, the Orvis Company, and the Wildlife Management Institute, among others; and a number of local, regional, and national environmental groups. All of these interests filed briefs expressing strong support of the Clean Water Act's core safeguard: the requirement to obtain a permit before discharging pollutants into waters of the United States.

With such strong support for the Clean Water Act, which is grounded in the language, history, and purpose of the law itself, I hope that the Supreme Court will follow its own precedent and reaffirm Federal protections for streams, headwaters, tributaries, and wetlands that have long been covered by the Act.

Whatever the outcome of these critical cases, Congress must reaffirm the historical scope of the Clean Water Act. The best way to do this is through passage of the Clean Water Authority Restoration Act, S. 912. This bill simply confirms that the Act has always covered all of these waters, consistent with Congress's clear intent, by codifying the regulatory definition of "waters of the United States" that has been in use since 1973.

The bill addresses protections for certain so-called isolated streams and wetlands in the wake of the Supreme Court's 2001 decision in Solid Waste Agency of Northern Cook County v. Army Corps of Engineers and will help to ward off any future legal challenges to the scope of the act.

Our Nation's streams, ponds, isolated wetlands, and other bodies of water are too important to not take action to protect them. We owe future generations nothing less than healthy waters.

WDEV: SOUNDS LIKE HOME

Mr. LEAHY. Mr. President, 2006 marks the 75th anniversary of a true Vermont treasure. Locally owned and operated, WDEV of Waterbury, VT, first came to the airwaves on July 16, 1931. Its continuing and expanded presence in Central Vermont and the Champlain Valley ever since then is a rare and stellar example these days of the invaluable resources that independent, community-based media can offer.

WDEV station owner and President Ken Squier took the reins of WDEV from his parents, Guila and Lloyd, who first operated the station at the same time my own parents were operating a small Waterbury newspaper nearby, and his parents and mine were friends. If things had gone differently Ken and I might have had a media conglomerate in the making. Growing up in the station's studios, Ken's life was steeped in the culture and the craft of community radio. He understood WDEV's role in community life, and when he assumed operation of the station, his approach to community-based programming became the foundation of the station's lineup. Today the residents of Waterbury and its surrounding communities turn the dial to WDEV to find everything from a trading post to buy and sell their goods and treasures, to such off-beat program offerings as "Music to Go to the Dump By." WDEV is the place to go for everything from local news to high school sports to school closings. It has become a vital source of news, information and entertainment to its devoted audience. WDEV is an authentic piece of the Vermont that we cherish.

Under Ken's guidance and initiative, WDEV has broadened its scope, becoming the anchor for the Radio Vermont Group, which now operates stations devoted to classical and country music, as well as news, sports and community events. It has taken to the web, where WDEV now streams two of its most popular morning news programs, "The Morning News Service" and "The Mark Johnson Show."

Ken has shepherded WDEV through the years with his acute sensitivity to the local perspective. I have always enjoyed stopping in to the station for a quick chat, or greeting Ken and the station's longtime personalities at local events, from parades to political rallies. I look forward to chatting with Eric Michaels, Radio Vermont's general manager and vice-president, every month during his daily morning show. The connection that WDEV and the voices it carries have to the community is as distinctive and unique as Vermont is to our country.

Vermont Life recently published a well-crafted piece, "Community Radio

Speaks," featuring the history and highlights of WDEV's 75 years on the air.

I join my fellow Vermonters in congratulating Ken, Eric, and all the people who, in 75 successful years, have made WDEV a station with a true touch for its Vermont audience.

I ask unanimous consent the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Vermont Life, Spring 2006]

COMMUNITY RADIO SPEAKS

(By Marialisa Calta)

"Rural radio is important to people," intones Eric Michaels in his mellifluous radio-announcer's voice. He is taking a break from his duties as on-the-road producer of WDEV's "Music to Go to the Dump By," broadcasting, on this particular Saturday in September, from the Tunbridge World's Fair. "We feel that if we are out in the community, working hard, people will know us and respect us. We take our work very seriously." A cow in a nearby 4–H exhibit moos loudly, and Michaels, fiddling with his equipment, sends a song over the airwaves, a country-western tune called "I Don't Look Good Naked Anymore."

There, in a nutshell, is the contradiction—and the strength—of WDEV, which celebrates 75 years of broadcasting from Stowe Street in Waterbury this July. Smart local commentary is mixed with ridiculous tunes. Conservative local pundit Laurie Morrow's show, "True North," broadcasting an hour or two before nationally known liberal icon Amy Goodman's "Democracy Now." Patsy Kline, the Texas Tuba Band, stock car racing from Barre's Thunder Road and Harwood Union High School boy's basketball share airspace with Miles Davis, Red Sox baseball, state legislative reports and Mozart.

It's the place on the dial (550 AM, 96.1 FM and 96.5 FM) where a Vermonter can tune in for the Dow Jones average of the milk prices. Where the Associated Press delivers news from the world, and Bethany Dunbar, an editor at The Barton Chronicle, delivers the news from the Northeast Kingdom.

A listener whose normal fare comes from "dedicated" channels—all-sports, all-talk, all-country-music, all-jazz—and who accidentally tuned in to WDEV might find the station bewildering, if not downright schizophrenic. But, as Middlebury College professor and author Bill McKibben points out, the hodgepodge of views, opinion, musical styles, reports (sports, business, agriculture, politics, news) pretty much reflects the hodgepodge of views, opinion, musical tastes and interests that make up the average Vermont community.

McKibben, who included WDEV in a story about the virtues of a life lived on a small scale that he wrote for Harper's Magazine two years ago, said that when you listen to the station "you hear . . . things that other people are interested in. Which is pretty much the definition of community."

You also hear—and this may be WDEV's genius—the actual voices of the community. It is nearly impossible for anyone who has lived in WDEV's broadcast area (which extends south to Route 4 and north nearly to the Canadian border) to listen to the station for even a few hours without hearing the voice of someone the listener knows. It might be Dan DiLena reading his menu from the Red Kettle in Northfield or Ben Koenig of the Country Bookshop in Plainfield singing about his store in a hokey Caribbean accent. It might be Ed from Morrisville, phoning in to "The Trading Post" at 6:30 a.m. to sell an old-fashioned grinding wheel and a prickly pear cactus. It might be a birthday wish going out to someone the listener works with. Or a caller to any one of the talk shows: "The Mark Johnson Show," Morrow's "True North" or progressive activist Anthony Pollina's "Equal Time." If you listen to WDEV long enough you will get a sense of what your neighbors are doing and thinking. Which is a pretty good way to not only define community but to keep it alive and well.

At the heart of this rich local stew is the station owner and president, Kenley Dean Squier, who, at 70, has made a national name for himself (and was part of two Emmy-award winning broadcast teams) as a television broadcaster covering stock-car racing and other sports for CBS, NBC, ABC, ESPN, Fox, Turner Broadcasting and the Speed Channel, among others. Squier is a walking conundrum, a serious fan of jazz and classical music with a deep background in the auto racing world of NASCAR. He is a man equally at home interviewing, say, Governor Jim Douglas about fuel shortages or health care or hosting "Music to Go to the Dump By," and reading advertising copy (including, full disclosure, an ad for this magazine, a sponsor). He employs an enormous—by corporately held radio standards—staff of more than 30 yet he is famously cheap; Bryan Pfeiffer, who cohosts "For the Birds," (a show about birding), loves to joke about the single light bulb that Squier allows, the bulb that all the broadcasters purportedly have to share, unscrewing it from one broadcast booth and taking it to another.

It is not unusual for Squier, in a single broadcast, to support the death penalty, criticize the Bush administration and fulminate about the rise of corporate monopolies. His station may broadcast conservative Ann Coulter and independent Congressman Bernie Sanders in the same morning. "It's as if Rush Limbaugh and Al Franken shared a brain," wrote McKibben.

"His watchword is 'relevant,'" says Mark Johnson, who has been hosting a two-hour weekday call-in show on the station since 1998. "It's all about what's meaningful to the community."

And you can describe "meaningful" in different ways. The All Men's Moscow Marching Transistor Radio Band, for example, depends on WDEV to provide music for its parade up the main street of the village of Moscow every July 4th. Farmers depend on weatherman Roger Hill's forecasts for haying. Kids tune in on snowy mornings to hear about school closings. Representative Sanders recalls that once, when he was on the air, a station newscaster interrupted him to inform listeners about an accident on Main Street in Waterbury.

Squier was born to radio; for Christmas 1935, his parents Guila and Lloyd Squier (then the program director) sent out a holiday card depicting the infant Ken in front of a set of building blocks spelling out the call letters WDEV. The station itself was only four years old, having been started in 1931 by the visionary Harry Whitehill, owner and operator of the Waterbury Record and the Stowe Journal. Whitehill was a man of many trades; he sold stationary, pens and ink, party gods and wrapping paper from his newspaper headquarters at 9 Stowe Street in Waterbury. He was also Vermont's Collector of Customs, an active post during Prohibition and a job that brought him frequently to St. Albans. In 1929, Whitehill heard Vermont's first commercial radio station, WDQM, there, and, reasoning that "more people can hear than can read," he returned to his newspaper to proclaim: "We need a radio station." "Radio was big city . . . worldly stuff," writes Squier, who chronicled the birth of the station in an unpublished history of WDEV. On July 16, 1931, the dulcet tones of Miss Kate Lyons of Waterbury Center singing "The Rose in the Garden" were sent over the airwaves, marking the station's official launch. The antenna was a copper wire strung from the newspaper office to a nearby funeral parlor.

It was a glorious venture, an opportunity, as U.S. Senator Warren R. Austin put it, "to sell a cow or an idea, quickly to a great number of people." The engineer for that first broadcast was 28-year-old Lloyd Squier, the son of the Whitehills" housekeeper. The young Squier (now known as "The Old Squier" and frequently heard on the station via old recordings) soon moved up to program director responsible for an entire hour of airtime a day. Fred Somers & Sons Hardware (still on Main Street in Montpelier) was an early sponsor.

Within a year, the station was broadcasting local sports, legislative hearings and other events of note. By 1936, the WDEV offices were a "mini-media Mecca" according to Ken Squier, complete with Western Union, New England Telephone and Telegraph Co., the radio station and the newspapers all under the same roof. "Because of radio, people can live among the most beautiful hills on earth, our own Vermont hills, and yet in an instant feel the pulse of world affairs by simply turning a switch," said then-Lieutenant Governor George Aiken in dedicating a new tower and transmitter that year.

Nowadays, what makes WDEV stand out is not that it brings us world news, but that—unlike the huge networks of radio stations fed formatted shows from a remote central location—it brings us the local happenings. The staff, on any given day, might be broadcasting from a State House hearing, the opening of the Farm Show or a county fair, a race at Thunder Road (which Ken Squier co-owns), a high school hockey game, a ribbon-cutting at a local lumber store or from a phone booth in downtown Montpelier, as Michaels did during the flood of 1992. (Michael's phoned-in report—replete with operator's request for additional coins—aired on the morning of the flood when the rising waters prevented him from getting through the city). Events like the flood, in fact, underscore the station's importance; Squier enlisted every employee—from the news staff to the sales reps—as reporters that day. The payoff came when then-Governor Howard Dean, asked at a press conference how he was keeping abreast of flood news, answered that he had been listening to WDEV.

Another of the station's strengths is the number of unforgettable radio personalities who have taken on larger-than-life characteristics in listeners' minds: Buster the Wonder Dog (Squier's own border collie); the station's country band, the Radio Rangers; Farmer Dave; the Old Squier; Ma Ferguson; Glen Plaid; Seymour Clearly and Spike the Cat. Past and current broadcasters—the late "Cousin Harold" Grout (who hosted "The Trading Post" for at least 30 years), the late Rusty Parker (who suffered a fatal heart attack in 1982 while broadcasting the morning news) and many more—seem like old friends to regular listeners.

In addition to sports of local interest—70 local high school basketball and hockey games, Norwich University hockey, local motor sports events, Red Sox games and Mountaineers baseball—WDEV has pioneered "sporting events" that have become community institutions: the Winter Croquet Tournament, Opening Day at the ABCD Deer Camp, Opening Day at Perch Camp (an ice-fishing extravaganza), the State Agency of Transportation Snow Plow Championships and the Joe's Pond Ice Out competition, to name a few.

There is no doubt in this era of corporately owned radio stations that a locally owned station like WDEV and its Radio Vermont affiliates (WLVB-FM in Morrisville, a country station, and WCVT-FM, a classical music station in Stowe) are anomalies.

An analogy can be made, in fact, between the physical landscape and the aural landscape of Vermont. Think of corporate-owned stations—what Mark Johnson calls "electronic jukeboxes"—as sprawl. Public radio is analogous to state parks and land in conservation trusts. WDEV is analogous to the working landscape. Like tractors and manure pits, it's not always pretty. But it's real. And it's distinctive.

"It's a station that understands the community and understands what the real issues are," says Congressman Sanders. He has held hearings on the recent trends in communication law that enable large media conglomerates to own large numbers of stations. "Local ownership of media is increasingly important and increasingly rare," he said in a telephone interview. "When it goes, something valuable is lost."

Loyal listeners would say that "something" is a piece of Vermont.

HONORING GREGORY McCARTHY'S SERVICE TO THE DISTRICT

Ms. LANDRIEU. Mr. President, when I began serving on the Senate Appropriations Subcommittee on the District of Columbia in January of 2001, my knowledge of the city's relationship with Congress was limited to someone who had lived here for only a few years. I quickly learned, however, not only the workings of the committee, but also the unique relationship between the District of Columbia and the Congress. One of the first people who helped me learn of this relationship and how to best serve the District was the energetic, dedicated chief advocate for DC Mayor Anthony Williams, Mr. Gregory McCarthy.

Behind all of the big ideas, the hours of debate and the finely cut deals, there is the staff. The staff must work the long hours to merge the big ideas and the little details into policy and legislation that achieves the goals set forth by their boss. Gregory McCarthy was an exemplary staffer who did all of this and more. Gregory has worked tirelessly on behalf of the Nation's Capital to create policy that benefited the city, met the needs of the elected officials of the District of Columbia, and satisfied the oversight function of the Congress. While working in the Mayor's Office, he helped build the credibility of the city, from the Halls of Congress, to the many visitors to the capital city, to the bond rating agencies. And all the while, Gregory served as the best source for a history lesson on the District, the current status of a program, and the gauge of the Mayor on any issue that any member of the DC Appropriations Subcommittee could ask for.

Gregory McCarthy exemplifies the public service that fuels a government which serves the people. It is this type of public service that benefits students in the District of Columbia especially. Through Gregory's hard work, he navigated the strong and varying positions of Members of Congress and local officials in order to create the first federally sponsored, private school voucher program. While I have been a tough critic of the program, I have always said that Gregory and the city represented the District's constituents well by seeking more school options, and through their tireless discussion and debate came a program that supports traditional public schools and public charter schools, as well as private school scholarships. Gregory's efforts to improve education for District residents have not been limited to elementary and secondary alternatives. Similarly, he has worked to authorize and fund college grants for more than 8,000 DC residents so that those who wish to pursue a degree of higher education may see their dreams become a reality.

Gregory McCarthy shepherded these and numerous other programs through a frequently arduous District of Columbia appropriations process. The residents of the District have benefited greatly from his years of public service. When the year 2006 draws to an end, a new mayor will be elected and a new staff of dedicated public servants will work to improve this great city. As this new crew weaves their way through charted and uncharted territories, they will build on the positive relationships that Mayor Williams, Gregory McCarthy, and other members of the Mayor's staff have worked so hard to create. As Mr. McCarthy leaves the District of Columbia government for his next challenge, I offer him my congratulations and best wishes. From my own experience in working with him, I know that Gregory will succeed in whatever he pursues next.

ADDITIONAL STATEMENTS

NEW YORK YMCAS

• Mrs. CLINTON. Mr. President, I would like to take this opportunity to recognize the excellent work New York YMCAs are doing to build healthier communities. They are taking important steps to address health problems, such as obesity, smoking, and physical inactivity, by participating in the Pioneering Healthier Communities Project, Gulick Project, YMCA Healthy Kids Day, and Steps to a HealthierUS partnership. These projects are part of the initiative, YMCA Activate America, whose goal is to promote healthy living among millions of Americans.

The Pioneering Healthier Communities Project—a partnership with the Centers for Disease Control and Prevention—brings leaders together to promote cultural and environmental changes in neighborhoods supportive of healthy lifestyles. Each year YMCAs are selected to convene teams of representatives from the government and public health and private sectors to improve healthy living. This year, the YMCAs of Rye and Greater Rochester were selected and convened teams, resulting in creative plans to help youngsters. For example, the Rye YMCA implemented the Fitkids Program to increase healthy menu choices and promote physical activity and healthy eating in four school systems. The YMCA of Greater Rochester introduced the Coordinated Approach to Child Health, CATCH, Program, which promotes physical activity and healthy food choices and prevents tobacco use in children, as well as the Family Cooks Program, which teaches children using a hands-on approach to nutritious cooking.

In addition, YMCAs in greater New York and greater Rochester are participating in the Gulick Project—an initiative that is dramatically improving the way they work with individuals and families to support healthy living. Through the Gulick Project, YMCAs in New York and in other States are enhancing their programs, facilities, and staff to effectively meet the needs of those who want to be active and healthy but continuously stop and start the process. Cutting-edge work at four YMCA branches in Prospect Park, Cross Island, Long Island city and West Side, as well as at other Gulick YMCAs in the Nation, is leading to the development of best practices.

Moreover, YMCAs in New York are actively involved in YMCA Healthy Kids Day, a grassroots event that encourages children and families to adopt and uphold behaviors that support healthy living through fun and engaging activities. Healthy Kids Day recognizes that there is local help for parents, from schools to public libraries and YMCAs. In 2006, more than a half million people will participate in Healthy Kids Day with events in more than 1,300 communities across the country.

New York YMCAs are also engaged in a variety of health initiatives through partnerships with the Steps to a HealthierUS, which offers grants to address health problems like obesity and asthma and risk factors like physical inactivity and poor nutrition. For instance, Broome County YMCA has partnered with the Steps program to develop Mission Meltaway, an 8-week program that educates participants on ways to control weight. This partnership has also established nutrition and physical activity policies for all YMCA afterschool programs. Similarly, the Chautauqua County YMCA has joined with the Steps program to create a wellness resource center and expand a weight loss management program, among other things. Through the Steps program, the Rockland County YMCA is improving nutritious offerings at snack time in child care programs called "healthy snack Wednesdays." The Watertown Family YMCA has teamed up with the Steps program to implement Kids NutriFit, a project that will increase physical activity in children ages 5 to 12 by engaging them in traditional play and teaching them about healthy snacking.

Many health problems are linked to habits common in American lifestyles, including overeating, underexercising, and poor diets. YMCAs in New York and their community partners are vigorously promoting healthy lifestyle choices and behaviors through innovative programs. I applaud their hard work and dedication to build healthy families and communities in New York and look forward to continuing to work with them.

As an advocate for strong and healthy children and families, I will continue to fight for increased funding for programs that promote access to healthy food and nutrition education in our schools and communities. Specifically, I have supported Farm-To-Cafeteria programs, which promote using locally grown produce in school cafeterias through community grants, and the USDA Team Nutrition program, which funds coordinated efforts between Federal, State and local entities to offer nutrition education to children. Through my own Farm-to-Fork initiative, I also have been working to get local New York State produce in schools, colleges, and universities. Healthy food options in school cafeterias teach kids about good nutrition and the importance of agriculture, as well as support local farms by keeping food dollars within the community.

Obesity, which has doubled in children and tripled in adolescents over the last two decades, is another serious health issue I am committed to addressing. Last year, I reintroduced the Improved Nutrition and Physical Activity Act, IMPACT Act, that awards grants to train primary care physicians and other health professionals in identifying, treating, and preventing obesity and eating disorders and allows States to use preventive health and health services block grants for activities and community education programs targeting obesity and eating disorders. This bill also promotes funding programs that encourage healthy eating and physical activity and collecting and analyzing data to determine the fitness levels and energy expenditures of children.

I have used nonlegislative avenues to address obesity and eating disorders as well. I wrote an article in the New York Daily News last summer highlighting long-term physical and emotional problems that can result from childhood obesity, such as cardiovascular disease, Type 2 diabetes, cancer, and depression, not to mention low self-esteem, academic problems, and discrimination. I have urged making childhood obesity a real priority for families, schools, government and businesses and outlined steps to do this, including educating parents and children about the importance of a healthy lifestyle, restoring physical education programs during and after school hours, and enlisting health care professionals to join the antiobesity campaign. Working with the Eating Disorders Coalition, I sponsored a congressional briefing called Schools, Students, Obesity and Eating Disorders to raise awareness of obesity, eating disorders, and physical activity in school-age youth.

I am dedicated to promoting safe and fit lifestyles in our children and to fighting for healthier and stronger communities. Together we can combat the health problems afflicting our youth today and create a better, more promising future. I commend the exemplary efforts of New York YMCAs as they contribute to this mission on many fronts.●

TRIBUTE TO JANET ALTMAN SPRAGENS

● Mrs. CLINTON. Mr. President, on February 19, 2006, our Nation lost a great lawyer, educator, advocate, and public servant. Janet Altman Spragens was a lifelong resident of Washington, DC, and a professor at American University's Washington College of Law for 33 years.

I met Janet when she was a young graduate student at Northwestern University and taught social studies at my alma mater, Maine South High School in Park Ridge, IL. She was a Wellesley graduate, and as I was making choices about where I would go to college, she urged me to consider Wellesley. I am grateful to Janet for helping me make that important decision in my life.

Janet went on to law school and developed an expertise in tax law. She used that expertise to benefit our Nation's underserved taxpayers by advocating for them in Congress and, in 1990, founding the Federal Tax Clinic. The clinic continues to operate today and the American Bar Association's Tax Section called it one of the earliest and most successful low-income taxpayer clinics in the country.

Janet Altman Spragens made a difference in the lives of many Americans who never will have the pleasure and privilege of knowing her. I join her family and friends in mourning her loss and ask that her obituary in the Washington Post be printed in the RECORD.

The material follows:

[From the Washington Post, Feb. 22, 2006]

JANET SPRAGENS, 62: LAW PROFESSOR SET UP TAX CLINIC TO AID POOR

(By Joe Holley)

Janet R. Spragens, 62, a tax professor at American University's Washington College of Law and the founder of the nation's first tax clinic for low-income taxpayers, died Feb. 19 of cancer at her home in the District.

Ms. Spragens joined the faculty of the Washington College of Law in fall 1973 and founded the Federal Tax Clinic in 1990. Its purpose is to provide third-year law students the opportunity to learn by doing instead of just reading legal theory and to provide assistance to people who frequently are not served well by the legal system.

"Janet came to realize that the tax system is a place where low- and moderate-income taxpayers don't have the resources to protect themselves," said Andy Pike, an associate dean at the law school.

The clinic's clients have included cabdrivers, single working mothers, travel agents, construction workers, retirees, high school teachers, household workers and others who find themselves caught up in the complexity of the nation's administrative and judicial systems. As Ms. Spragens told a House committee in 2001, many are non-English speakers who are frightened and confused. The clinic charges no fees for its services.

Since the clinic was founded, participation in it has been "standing-room only," said its supervising attorney, Nancy Abramowitz, referring both to students and clients. The program's success has spawned others at law schools across the nation.

Born in Washington into a family of lawyers, Ms. Spragens considered becoming a teacher before deciding to pursue a career as a lawyer who taught. She received a bachelor's degree from Wellesley College in 1964 and a master's degree in education from Northwestern University in 1965. She received a law degree from George Washington University Law School in 1968.

As a student teacher during her year at Northwestern, she taught future Sen. Hillary Rodham Clinton (D-N.Y.), then a high school senior. In her memoir, "Living History," Clinton credits Ms. Spragens with urging her to broaden her horizons by leaving the Midwest and attending college in the East. Like Ms. Spragens, Clinton chose Wellesley.

During her third year of law school, Ms. Spragens served as a clerk to U.S. District Judge Oliver Gasch. She was an attorney with the appellate section of the Justice Department's tax division before joining the faculty of the Washington College of Law in 1973. At the time, she was the only female member of the full-time faculty.

Federal funding for the tax clinic, thanks to Ms. Spragens' efforts, came about almost accidentally. Testifying in 1997 before the National Commission on Restructuring the Internal Revenue Service, she was asked what could be done to alleviate tax problems confronting the working poor.

"She said, somewhat offhandedly, just provide funds to create more clinics for the provision of services to this needy population across the country," Abramowitz noted. "The rest is history."

Ms. Spragens also was concerned about unethical tax preparers who prey on low-income taxpayers and about the complexities of the earned income tax credit, which is designed to help the working poor. "They are just overwhelmed by the complexity," she told The Washington Post in 2001.

Ms. Spragens served as executive director of the American Tax Policy Institute from 1996 to 2001, was a member of the council for the American Bar Association section on taxation since 1999 and had chaired the section's low-income taxpayer and teaching taxation committees. She was director of the Israel program at the Washington College of Law and was visiting professor of law at the University of Haifa Faculty of Law in 2000.

For her work on behalf of low-income taxpayers, she received the 2006 ABA Section on Taxation Pro Bono Award.

Her marriage to Jeffrey Spragens ended in divorce.

Survivors include two daughters, Robin Spragens Trepanier of Washington and Lee Spragens of Los Angeles; her mother, Sophie B. Altman of Washington; two sisters, Susan Altman of Washington and Nancy Altman of Bethesda; and a brother, Robert Altman of Potomac.●

IN HONOR OF ED McNAMARA

● Mr. LEVIN. Mr. President, last week, Michigan lost a distinguished public servant and a visionary leader, and I lost a good friend. Ed McNamara passed away at the age of 79 after a lifetime of service to our State, including 16 years as Wayne County executive and 17 years as mayor of Livonia. He fought relentlessly to make Michigan a better place, and he succeeded in ways small and large. And as he made a difference in the lives of average people, he did so with a sparkle in his eye and humor on his lips.

Ed was an old pol in the best sense of the word. He loved his constituents, he loved serving them, and he made a difference in their lives. Ed brought health care to the poor, saved a countywide bus system, and revitalized the county's parks. He paved the roads, helped save the Rouge River, and made big investments in the people and infrastructure of Southeastern Michigan.

When Ed took office as county executive, Wayne County, which includes the city of Detroit, was facing a $135 million deficit. Ed quickly eliminated that red ink and revived the county's bond rating as a first step toward the greater revitalization he envisioned. Ed McNamara never stopped believing in Wayne County, and we will be reaping the rewards of that leadership for years to come. Just this month, Detroit hosted the Super Bowl at Ford Field, which Ed helped to build. Last year, Detroit hosted Major League Baseball's All-Star Game at Comerica Park, which Ed helped to build. And visitors to each of these events flew into the Detroit Metro Airport terminal named in his honor, which Ed helped to build.

Ed's legacy will also live on in the many people he has inspired and mentored, including the Governor of Michigan. Like them, I have learned so much from him in the years that I have known him. It has been a joy to know a man of such energy, talent, kindness, and warmth.

Ed's abundant good nature spread hope and opportunity for the multitude that he touched. His life demonstrated what a difference one person can make. He will be greatly missed by the people he loved and led. Our thoughts and prayers are with his wife Lucille and his children and grandchildren.●

TRIBUTE TO CENTER FOR PROVISIONAL ACCELERATED LEARNING

● Mrs. BOXER. Mr. President, I rise today to recognize the Center for Provisional Accelerated Learning, PAL, in San Bernardino, CA. For the past 20 years, the Provisional Accelerated Learning Center has been an outstanding community center for service and support.

The PAL Center was the vision of Dr. Mildred Dalton Henry, a retired professor emeritus from California State University at San Bernardino. In August 1983, Dr. Henry, community resident Alonza Thompson, and other members of the community worked together to establish a community-based learning center.

Today, these PAL Center founders can look back at 20 successful years of community outreach and mentorship that has changed the lives of many. Many students have written about the gratitude and fond memories they hold for the PAL Center and the positive effect it had on their lives.

At the PAL Center, individuals from throughout the community can receive quality educational services and individual life assistance and support. The PAL Center values cultural diversity and strives to assist individuals from all walks of life. In many communities throughout our Nation, troubling situations have forced many individuals to go without the assistance that could change their lives. In San Bernardino, these same individuals can count on the PAL Center to help them plan for and take action to face life's challenges and plan for successful futures.

I applaud the service and dedication of the community heroes at the Center for Provisional Accelerated Learning in San Bernardino. Their efforts have made a lasting impression on their community, and set a standard for our nation. Please join me in honoring them on their 20th anniversary.●

RECOGNIZING THE WILLIAMS INSTITUTE

● Mrs. BOXER. Mr. President, I am very pleased to take a few moments to recognize the work of The Williams Institute—formerly the Williams Project—on Sexual Orientation Law and Public Policy at UCLA Law School, as it gathers for its Fifth Annual Update.

Founded 5 years ago with the generous support of Charles R. Williams, the Williams Institute produces substantive scholarship on matters pertaining to sexual orientation law and public policy. The first and only institution of its kind in the United States, the institute produces scholarship on sexual orientation issues through the collaborative efforts of scholars, judges, advocates, and students. Those working for the Williams Institute have published an array of documents ranging from amicus briefs that have proved useful in key court cases to books that have helped legal scholars comprehend the ramifications of a constantly evolving body of law.

Educating members of the legal community in America through continuing legal education, lectures, symposia, classes, and speakers is a critical part of the Williams Institute's mission. This focus on disseminating information, coupled with the intellectual and material resources of UCLA, has made the Williams Institute into a national center for the interdisciplinary exploration of sexual orientation law and policy matters by scholars, judges, practitioners, advocates, and students.

The Williams Institute actively strives to produce well-informed young lawyers. To this end, student involvement in the organization is of paramount importance. Students partake in research with faculty scholars and contribute to the wide breadth of scholarship produced by the Williams Institute.

I invite my colleagues to join me in commending the work of the Williams Institute. In a nation where equal treatment under the law is a central tenet of citizenship, the Williams Institute plays a critical role in ensuring that America lives by its creed.●

IN CELEBRATION OF THE CENTENNIAL ANNIVERSARY OF SAN FRANCISCO'S JAPANTOWN

● Mrs. BOXER. Mr. President, I take this opportunity to recognize the centennial anniversary of San Francisco's historic Japantown. Today San Francisco's Japantown is one of only three remaining Japantowns in California. The other two are in Los Angeles and San Jose. For the past 100 years, Japantown has been an integral part of San Francisco's rich and diverse cultural history. At 100 years old, it is the first and oldest Japantown in the continental United States.

The first Japanese immigrants arrived in San Francisco in the 1860s. Originally settling in the South Park and Chinatown areas, the Japanese community relocated to the Western Addition after the great earthquake and fire of 1906 destroyed much of San Francisco. When Japantown relocated to the Western Addition in 1906, the

Japanese community had the opportunity to grow. More Japanese businesses, shops, churches, schools, restaurants, and hotels moved to the area and supported community development. Before long, the area became known as Nihonmachi, or Japantown. At the height of its growth in 1940, more than 5,000 Japanese lived in Japantown, and there were more than 200 Japanese-owned businesses.

We are not proud of what happened to the Japanese-American community during World War II in the early 1940s. In 1942, President Franklin D. Roosevelt signed Executive Order 9066, which forced "all persons of Japanese ancestry, including aliens and non-aliens" into internment camps until the end of World War II. The internment was fueled by racism and war hysteria and will forever tarnish our country's history. As time has proved, there was no excuse for our Government's decision to intern American citizens. Since those dark days, our Nation has made great strides toward tolerance and inclusion.

In 1983, as part of Fred Korematsu's successful petition to the Federal District Court in San Francisco to overturn his conviction for violating evacuation orders, the court also ruled that the internment of American citizens of Japanese descent during World War II was legally unsupportable. In 1989, Congress passed legislation formally apologizing for the internment of Japanese-American citizens during World War II and authorized a reparations fund for internment survivors. Though we still have further to go to assure equality for all, most Americans now realize that diversity is one of our country's greatest strengths.

When the Japanese community returned to San Francisco after World War II, it was difficult to rebuild the extensive community that existed before the war. However, despite the many barriers, the Japanese community did rebuild Japantown. And although San Francisco's Japantown is smaller today than it was in the past, it still plays a large and important role in our community. Not only does it serve as a reminder of our past, it provides us with an opportunity to celebrate the history, challenges, triumphs, and contributions of the Japanese-American community in San Francisco.

For 100 years, San Francisco's Japantown has served as a cultural resource for the San Francisco Bay area and California. I thank the San Francisco Japantown community for its many efforts to educate the community about Japanese culture and traditions. I congratulate them on their centennial anniversary and wish them another 100 years of success.•

IN MEMORIAM TO DAVE TATSUNO

• Mrs. BOXER. Mr. President, I take this opportunity to honor the life of Dave Tatsuno, whose courageous documentation of life in a Japanese-American internment camp contributed immensely to our knowledge of this dark time in U.S. history. Mr. Tatsuno passed away on January 26, 2006. He was 92.

Mr. Tatsuno, born in 1913 to a family who had come to the United States in the late 19th century, was raised in San Francisco, in my home State of California. Mr. Tatsuno changed his first name from Masaharu to Dave when he successfully ran for student body president of his junior high school; Masaharu was too long to fit on his campaign posters. In 1936, Mr. Tatsuno graduated from UC Berkeley with a degree in business and went to work at Nichi Bei Bussan, a department store in San Francisco that his father founded.

After Japan attacked Pearl Harbor in 1941, President Franklin D. Roosevelt signed Executive Order 9066, which forced "all persons of Japanese ancestry, including aliens and non-aliens" into internment camps until the end of World War II. Mr. Tatsuno and his family were forced to move to the Topaz Relocation Center, an internment camp in Topaz, AZ. Over the next 3 years, Mr. Tatsuno secretly filmed life in the camp with an 8-millimeter Bell & Howell camera that Walter Honderick, his supervisor at the internment camp's co-op store, helped smuggle in. Because the camera was forbidden, Mr. Tatsuno kept it hidden in a shoe box, taking it out only when guards were not looking. These images of daily life in Topaz—of church services, of people gardening, of birthday celebrations—have left viewers with a stark image of what life was like during those hard years.

After the Tatsuno family was released from the internment camp, Mr. Tatsuno's footage of life in Topaz was turned into a 48-minute silent film, "Topaz." In 1996, the Library of Congress placed "Topaz" on its National Film Registry, which was established in 1989 by Congress to preserve culturally, historically, or aesthetically significant films. Mr. Tatsuno's film is one of only two home movies on the registry's 425-film list; the other film is Abraham Zapruder's footage of the John F. Kennedy assassination. The original footage for "Topaz" is now a part of the permanent collection at the Japanese American National Museum in Los Angeles.

After the war, Mr. Tatsuno helped his father reopen Nichi Bei Bussan and took over the business when his father retired. Through this work, Mr. Tatsuno became a prominent and respected businessman and civic leader in San Francisco and San Jose, where he eventually made his home. He also remained engaged and interested in film. His compassion and thoughtfulness inspired many others and he will be deeply missed.

Mr. Tatsuno is survived by three daughters, Arlene Damron, Valerie Sermon, and Melanie Cochran; two sons, Rod Tatsuno and Sheridan Tatsuno; his sister, Chiye Watanabe; four grandchildren; and two great-grandchildren. I extend my deepest sympathies to his family.

Dave Tatsuno played down the importance of his role in chronicling the history of the Japanese-American internment camps, always giving credit to Walter Honderick. But Dave Tatsuno will long be remembered for his courage and perseverance in difficult times. His film will have a lasting effect on many generations to come.•

RECOGNIZING WESTSIDE CENTER FOR INDEPENDENT LIVING

• Mrs. BOXER. Mr. President, I am very pleased to take a few moments to recognize the tremendous accomplishments of the Westside Center for Independent Living, WCIL, based in Santa Monica and Los Angeles, as this unique organization celebrates its 30th year of service.

WCIL has devoted innumerable hours and incredible effort toward giving senior citizens and members of our community with disabilities the gift of independence. The WCIL was founded in 1976 during the height of the "independent living movement." Originating in Berkeley in 1970, the independent living movement has strived to provide disabled persons with the opportunity to manage their own lives. Today, centers such as the WCIL have become a vital staple of urban life across the Nation.

Through an array of innovative methods, the center allows seniors and disabled persons to become more fully integrated into our community. One such technique is the peer training system, whereby veterans of the independence training program share their tested knowledge with people who are new to the program. Such pairing instills a sense of confidence in new participants, as it lets them know that they are not alone and that others like them have succeeded in leading a more independent life.

WCIL's Advocacy Action Group works with the disabled community and elected officials to modernize existing disability legislation. The group collects the ideas and complaints of disabled people and transforms them into substantive legislation. Through true grassroots campaigning and issue advocacy, the group ensures that elected officials stay abreast of current accessibility issues in their community.

Recognizing the necessity for information regarding accessibility throughout Los Angeles, the WCIL, in partnership with UCLA, has established Living Independently in Los Angeles, LILA. LILA provides a host of useful information regarding the accessibility of public and private places, community organizations working for the betterment of those with disabilities, and advocacy groups. Thanks to LILA, numerous disabled persons are better equipped to navigate Los Angeles.

The center provides invaluable educational services, including public awareness about the Americans with Disabilities Act. Countless businesses, community organizations, and local community members credit WCIL for helping them to ensure that buildings and offices are accessible for Americans with disabilities.

I am pleased to join the thousands of beneficiaries of this important organization in commending the Westside Center for Independent Living. The Center's work has bettered the lives of countless disabled and senior citizens and has enabled them to participate more fully in our community. The center's efforts have clearly shown that "a disability need not be disabling."•

TRIBUTE TO DAVID L. CROW

• Mrs. BOXER. Mr. President, I rise to pay tribute to the distinguished public service of David L. Crow. After 15 years at the helm of the largest air-pollution control district in the Nation, he will soon retire as the air pollution control officer and executive director of the San Joaquin Valley Air Pollution Control District, SJAPCD. During his tenure, the district grew from a fledgling union of regional air boards into one of the Nation's most active air-pollution control districts.

After completing his undergraduate and graduate studies at California State University, Fullerton, David built a solid resume in public service before he assumed the leadership of the SJAPCD in 1991. He served as the acting city manager for Foster City, CA, budget director and director of policy development for Fresno County, as well as deputy county administrative officer for Fresno County before lending his considerable talents to improving air quality in the Central Valley.

David accepted the challenge to address and solve the air-quality issues in a region that perennially rank among the worst nationwide in summertime smog and wintertime particulate pollution. Under his stewardship, the Valley air basin has made great strides in reducing ozone exceedances, as it has seen a 50-percent reduction in the emissions from statutory sources. The SJAPCD has implemented programs such as the "Check Before You Burn" winter wood-burning restriction program; a system to reduce smoke emissions from agricultural burning, and creating cost-effective rules to encourage conservation management practices for farms.

During his tenure as the head of the San Joaquin Valley Air Pollution Control District, David has earned a reputation as a skilled consensus-builder who forged partnerships between interests which seldom agreed. Under his leadership, the air-pollution district has distributed over $100 million to implement a myriad of projects to reduce serious air pollution in the region. David Crow's efforts, and those of the talented staff that he helped build, are helping to improve the air quality in California's Central Valley, one of the fastest growing regions in the Nation.

Throughout his career, David Crow has proven to be a highly effective administrator who was committed to protecting the public's health. As he gets set to spend more time with his wife Vicky and sons, Ryan and Matthew, I wish him continued success and good luck in all his future endeavors.•

CALIFORNIA HIGHWAY PATROL OFFICER EARL HARWOOD SCOTT

• Mrs. BOXER. Mr. President, today I rise to honor the memory of a dedicated public servant, Officer Earl Harwood Scott of the California Highway Patrol. Officer Earl Harwood Scott spent nearly 5 years with the California Highway Patrol, providing the citizens of California with safety and service. On the morning of February 17, 2006, while on motor patrol near the City of Salida, Officer Scott was mercilessly murdered in the line of duty during a traffic stop.

The California Highway Patrol was in Officer Scott's bloodlines. Officer Scott's father, Sergeant William Scott, as well as two uncles, are proud retired California Highway Patrol veterans. Officer Scott was to celebrate his 5-year anniversary with the California Highway Patrol on February 19. Officer Scott dutifully served the citizens and communities of Stanislaus and San Joaquin counties with great dedication and integrity. Officer Scott's commitment to help others, combined with his passion for law enforcement, enabled him to become a model California Highway Patrol officer. Officer Scott's colleagues shall always remember his gregarious nature and commitment to his job.

Officer Scott is survived by his father, William Scott, and his mother, Judith. When he was not on duty, Officer Scott enjoyed spending time with his neighbors, especially the children who would often play darts and watch sporting events in his garage. Officer Earl Harwood Scott served the State of California with honor and distinction and fulfilled his oath as an officer of the law. His contributions and dedication to law enforcement are greatly appreciated and will serve as a shining example of his legacy.

We shall always be grateful for Officer Scott's heroic service and the sacrifices he made while serving the community and protecting the people he loved.•

HONORING THE LIFE OF ANDREA BRONFMAN

• Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to Andrea Bronfman, a respected philanthropist and a dear friend. Andrea passed away on January 23, 2006, at the age of 60.

Born in Great Britain in 1945, Andrea quickly demonstrated remarkable compassion for those in need and an ardent desire to improve the world around her. She was married to Charles Bronfman in 1982, and together they raised five children and six grandchildren. While their wonderful family was certainly one of Andrea's proudest achievements, she will also be fondly remembered for her generous nature, her passion for life, and her multitude of charitable endeavors.

Andrea's philanthropy benefited citizens of all countries and faiths, but she is best known for her activism within the Jewish community and her devotion to Israel, Jewish life, and the Jewish people. In addition to serving on the boards of several well-respected Jewish organizations, she and Charles cofounded Birthright Israel, a program that offers young adults a chance to travel to Israel and experience the roots of their ancestry firsthand. As a result of these good works and her undying devotion to Jewish life, Andrea was named an honorary citizen of Jerusalem in 2002 and was given the key to the city by then-Mayor Ehud Olmert.

Throughout her life, Andrea proved herself to be a true pillar of decency and generosity both within the Jewish community and outside of it. Not content just to fund projects, Andrea was actively involved in the community and was constantly devising new undertakings that would benefit society and help more people. Most recently she served as founder and deputy chairman of The Gift of New York, a nonprofit initiative that provided free admission to concerts, theatrical productions, and sporting events to the families of those who died at the World Trade Center in 2001. Andrea recognized that grief is not an emotion that subsides after a few months. Long after the rubble of 9/11 had been cleared, she ensured that the bereaved families knew that their loss and heartache had not been forgotten.

Our hearts go out to Andrea's family and friends as they deal with the inevitable pain and sadness that come from an unexpected death. To mitigate that pain somewhat, we can remember and be grateful that Andrea lived a life filled with love, kindness, and compassion. Her dedication to humanitarian causes and deep devotion to her faith served as an inspiration to everyone who knew her and benefited from her achievements and generosity. While her determination and spirit will be missed, her legacy will live on through the millions of people her work has touched.

I ask my colleagues to join me in paying tribute to Mrs. Andrea Bronfman and the legacy she left to philanthropy and caring about people whether she knew them or not.●

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY BLOCKING PROPERTY OF PERSONS UNDERMINING DEMOCRATIC PROCESSES OR INSTITUTIONS IN ZIMBABWE—PM 41

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency blocking the property of persons undermining democratic processes or institutions in Zimbabwe is to continue in effect beyond March 6, 2006. The most recent notice continuing this emergency was published in the *Federal Register* on March 4, 2005 (70 FR 10859).

The crisis constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions has not been resolved. These actions and policies pose a continuing unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue this national emergency and to maintain in force the sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 27, 2006.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5774. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2006–19) received on February 16, 2006; to the Committee on Finance.

EC–5775. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Notional Principal Contracts" (UIL: 9300.20–00) received on February 16, 2006; to the Committee on Finance.

EC–5776. A communication from the Regulations Coordinator, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "HIPAA Administrative Simplification: Enforcement" (RIN0991–AB29) received on February 16, 2006; to the Committee on Finance.

EC–5777. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of 4 officers to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5778. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Report to Congress on Head Start Monitoring for Fiscal Year 2004"; to the Committee on Health, Education, Labor, and Pensions.

EC–5779. A communication from the Ombudsman for Part E, Energy Employees Compensation Program, Department of Labor, transmitting, pursuant to law, the Ombudsman's 2005 First Annual Report; to the Committee on Health, Education, Labor, and Pensions.

EC–5780. A communication from the Chairman and President (Acting), Export Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to India; to the Committee on Banking, Housing, and Urban Affairs.

EC–5781. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board's semiannual report entitled "Monetary Policy Report"; to the Committee on Banking, Housing, and Urban Affairs.

EC–5782. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Texas Regulatory Program" (Docket No. TX–055–FOR) received on February 16, 2006; to the Committee on Energy and Natural Resources.

EC–5783. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the United States Merchant Marine Academy's Board of Visitors; to the Committee on Commerce, Science, and Transportation.

EC–5784. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice Providing Examples of Non-Reportable Transactions and a Reporting Safe Harbor for Certain Reportable Transactions, Involving Notional Principal Contracts" (Notice 2006–16) received on February 16, 2006; to the Committee on Finance.

EC–5785. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and U.S. civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC–5786. A communication from the Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, the Agency's 2005 Competitive Sourcing Report; to the Committee on Environment and Public Works.

EC–5787. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Georgia Update to Materials Incorporated by Reference" (FRL No. 8022–4) received on February 22, 2006; to the Committee on Environment and Public Works.

EC–5788. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Dearborn County Sulfur Dioxide Emission Limits" (FRL No. 8036–3) received on February 22, 2006; to the Committee on Environment and Public Works.

EC–5789. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Arizona" (FRL No. 8022–5) received on February 22, 2006; to the Committee on Environment and Public Works.

EC–5790. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans: State of Iowa" (FRL No. 8037–9) received on February 22, 2006; to the Committee on Environment and Public Works.

EC–5791. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Wisconsin; Wisconsin Construction Permit Permanency SIP Revision" (FRL No. 8037–6) received on February 22, 2006; to the Committee on Environment and Public Works.

EC–5792. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Indian General Assistance Program 2006 Grants Administration Guidance" (FRL No. 8024–7) received on February 22, 2006; to the Committee on Environment and Public Works.

EC–5793. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "New Hampshire: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 8038–3) received on February 22, 2006; to the Committee on Environment and Public Works.

EC-5794. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "State Implementation Plan Revision and Alternate Permit Program; Territory of Guam" (FRL No. 8030-3) received on February 22, 2006; to the Committee on Environment and Public Works.

EC-5795. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Disapproval and Promulgation of Air Quality Implementation Plans; Colorado; Affirmative Defense Provisions for Startup and Shutdown; Common Provisions Regulation and Regulation No. 1" (FRL No. 8029–7) received on February 22, 2006; to the Committee on Environment and Public Works.

EC-5796. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Texas; Revision to the Rate of Progress Plan for the Beaumont/Port Arthur Ozone Nonattainment Area" (FRL No. 8034–7) received on February 22, 2006; to the Committee on Environment and Public Works.

EC-5797. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuels and Fuel Additives: Removal of Reformulated Gasoline Oxygen Content Requirement for California Gasoline and Revision of Commingling Prohibition to Address Non-Oxygenated Reformulated Gasoline in California" (FRL No. 8035–2) received on February 22, 2006; to the Committee on Environment and Public Works.

EC-5798. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuels and Fuel Additives: Removal of Reformulated Gasoline Oxygen Content Requirement and Revision of Commingling Prohibition to Address Non-Oxygenated Reformulated Gasoline" (FRL No. 8035-1) received on February 22, 2006; to the Committee on Environment and Public Works.

EC-5799. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "TSCA Inventory Update Reporting Partially Exempted Chemicals List; Addition of Certain Vegetable-based Oils, Soybean Meal, and Xylitol" ((RIN2070–AC61) (FRL No. 7760–7)) received on February 22, 2006; to the Committee on Environment and Public Works.

EC-5800. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Notice of Availability of Final Aquatic Life Ambient Water Quality Criteria for Nonylphenol" (FRL No. 8035-8) received on February 22, 2006; to the Committee on Environment and Public Works.

EC-5801. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Notice of Availability of Final Recommended Aquatic Life Ambient Water Quality Criteria for Diazinon" (FRL No. 8035–9) received on February 22, 2006; to the Committee on Environment and Public Works.

EC-5802. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticide Management and Disposal; Standards for Pesticide Containers and Containment; Notification to the Secretary of Agriculture" ((RIN2070-AB95) (FRL No. 7749-1)) received on February 22, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5803. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Ante-Mortem Inspection of Horses" (RIN0583-AD21) received on February 27, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5804. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Changes in Fees for Meat, Poultry, and Egg Products Inspection Services—Fiscal Years 2006-2008" (RIN0583-AD12) received on February 27, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5805. A communication from the Chairman, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Golden Parachute and Indemnification Payments" (RIN3055-AA08) received on February 27, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5806. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the Commission's annual report regarding the implementation of the Government in the Sunshine Act for calendar year 2005; to the Committee on Rules and Administration.

EC-5807. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Department's Buy American Report for Fiscal Year 2004; to the Committee on the Judiciary.

EC-5808. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Fiscal Year 2004 Annual Report to Congress for the Office of Justice Programs' Bureau of Justice Assistance; to the Committee on the Judiciary.

EC-5809. A communication from the Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Exemption of Privacy Act System of Records for the Bureau of Prisons: 'Inmate Electronic Message Record System (JUSTICE/BOP–013)'" (AAG/A Order No. 004-2006) received on February 27, 2006; to the Committee on the Judiciary.

EC-5810. A communication from the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Covelo Viticultural Area" ((RIN1513-AA90) (T.D. TTB–42)) received on February 27, 2006; to the Committee on the Judiciary.

EC-5811. A communication from the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Rattlesnake Hills Viticultural Area" ((RIN1513-AA77) (T.D. TTB–43)) received on February 27, 2006; to the Committee on the Judiciary.

EC-5812. A communication from the Acting Assistant to the Secretary, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Filipino Veterans' Benefits Improvements" (RIN2900-AK65) received on February 27, 2006; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 1614, a bill to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes (Rept. No. 109-218).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ (for himself, Mrs. CLINTON, Mr. LAUTENBERG, Mr. NELSON of Florida, and Mrs. BOXER):

S. 2334. A bill to ensure the security of United States ports, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAYH:

S. 2335. A bill to clarify the role of the Director of National Intelligence, amend the Defense Production Act of 1950 to clarify the notification and investigation requirements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SALAZAR:

S. 2336. A bill to establish the South Park National Heritage Area in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Ms. SNOWE, Mr. DEWINE, Mr. KERRY, Mr. AKAKA, and Mr. DURBIN):

S. 2337. A bill to increase access to postsecondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself, Ms. CANTWELL, and Mr. WYDEN):

S. 2338. A bill to extend the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits; to the Committee on Environment and Public Works.

By Mr. COBURN:

S. 2339. A bill to reauthorize the HIV Health Care Services Program under title 26 of the Public Health Service Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER (for himself, Mr. COLEMAN, and Mr. ISAKSON):

S. 2340. A bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries; to the Committee on Finance.

By Mr. DORGAN:

S. 2341. A bill to prohibit the merger, acquisition, or takeover of Peninsular and Oriental Steam Navigation Company by Dubai Ports World; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself, Mr. REED, and Mr. LAUTENBERG):

S. Res. 384. A resolution designating March 2, 2006, as "Read Across America Day"; considered and agreed to.

By Mr. ENSIGN:

S. Res. 385. A resolution expressing the gratitude and appreciation to the men and women of the Armed Forces who serve as military recruiters, commending their selfless service in recruiting young men and women to serve in the United States military, particularly in support of the global war on terrorism; to the Committee on Armed Services.

By Mr. KERRY:

S. Con. Res. 82. A concurrent resolution to establish a procedure for the appointment of an independent Congressional Ethics Office to investigate ethics violations in the Senate and the House of Representatives; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 337

At the request of Mr. GRAHAM, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 337, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

S. 345

At the request of Mr. DURBIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 345, a bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the medicare program.

S. 408

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 471

At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 471, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 709

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 709, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 1052

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 1052, a bill to improve transportation security, and for other purposes.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1528

At the request of Mr. MCCONNELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1528, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of horses, and for other purposes.

S. 1791

At the request of Mr. SMITH, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 1881

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1881, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco otherwise known as the "Granite Lady", and for other purposes.

S. 2123

At the request of Mr. ALLARD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2123, a bill to modernize the manufactured housing loan insurance program under title I of the National Housing Act.

S. 2178

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2185

At the request of Mr. HAGEL, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2185, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 2197

At the request of Mr. DOMENICI, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2197, a bill to improve the global competitiveness of the United States in science and energy technology, to strengthen basic research programs at the Department of Energy, and to provide support for mathematics and science education at all levels through the resources available through the Department of Energy, including at the National Laboratories.

S. 2198

At the request of Mr. DOMENICI, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2198, a bill to ensure the United States successfully competes in the 21st century global economy.

S. 2199

At the request of Mr. DOMENICI, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2199, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to promote research and development, innovation, and continuing education.

S. 2200

At the request of Mr. LUGAR, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2200, a bill to establish a United States-Poland parliamentary youth exchange program, and for other purposes.

S. 2201

At the request of Mr. OBAMA, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Rhode Island (Mr. REED) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2231

At the request of Mr. BYRD, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2231, a bill to direct the Secretary of Labor to prescribe additional coal mine safety standards, to require additional penalties for habitual violators, and for other purposes.

S. 2259

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2259, a bill to establish an Office of Public Integrity in the Congress and a Congressional Ethics Enforcement Commission.

S. 2284

At the request of Ms. MIKULSKI, the name of the Senator from Colorado

(Mr. SALAZAR) was added as a cosponsor of S. 2284, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2291

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2291, a bill to provide for the establishment of a biodefense injury compensation program and to provide indemnification for producers of countermeasures.

S. 2302

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 2302, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. 2305

At the request of Mr. AKAKA, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 2305, a bill to amend title XIX of the Social Security Act to repeal the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid program.

S. 2307

At the request of Mr. HARKIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2307, a bill to enhance fair and open competition in the production and sale of agricultural commodities.

S. 2320

At the request of Ms. SNOWE, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 2320, a bill to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

S. 2321

At the request of Mr. SANTORUM, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2333

At the request of Mr. SCHUMER, the names of the Senator from Florida (Mr. NELSON), the Senator from Hawaii (Mr. AKAKA) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2333, a bill to require an investigation under the Defense Production Act of 1950 of the acquisition by Dubai Ports World of the Peninsular and Oriental Steam Navigation Company, and for other purposes.

S. RES. 236

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Res. 236, a resolution recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes.

S. RES. 373

At the request of Mr. BIDEN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 373, a resolution expressing the sense of the Senate that the Senate should continue to support the National Domestic Violence Hotline, a critical national resource that saves lives each day, and commemorate its 10th anniversary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MENENDEZ (for himself, Mrs. CLINTON, Mr. LAUTENBERG, Mr. NELSON of Florida, and Mrs. BOXER):

S. 2334. A bill to ensure the security of United States ports, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MENENDEZ. Mr. President, I am proud that I have introduced today along with Senators CLINTON, LAUTENBERG, NELSON, and BOXER legislation that would guarantee that foreign governments cannot control the operations of the ports of the United States. I thank Senator CLINTON for her leadership on this issue as we fight together, along with Senator SCHUMER and others, to keep the Port of New York/New Jersey safe.

I think we all know why public attention has been focused on this deal over the past 2 weeks. Our ports are the gateway to this country. They are the gateway for much that we eat, that we drink, that we wear, drive, and use on a daily basis. But just as they bring in goods we enjoy, the ports are also our Achilles' heel, the vulnerability that could be exploited in an attempt to bring us down if terrorists transport a nuclear, biological, or chemical weapon to our ports. That is why our legislation sets a new standard for the future control of our ports.

Our legislation would protect our national security by keeping our ports from falling into the hands of foreign governments. Our legislation bans foreign government-owned companies from operating in our ports and requires the President to report to Congress on how to manage national security risks arising from any existing port contracts. Our legislation would also end the secrecy associated with the Dubai deal by making the executive branch notify Congress as well as State and local officials of future deals. The legislation also includes a new public comment period.

Never again should the American public find out about a secret deal through the newspapers after the fact. Never again should Congress learn about the sale of a key U.S. infrastructure asset to a foreign state-owned company only after the deal is done. And never again can we compromise national security by turning our port operations over to another country, whether friend or foe.

Our message with this legislation today is clear: Never again.

I think all Americans instinctively know we cannot simply turn over our critical national security infrastructure such as terminal operations at our ports to a foreign government. Foreign governments act very differently than even foreign companies. Foreign governments act in their own national interests and in their own national security interests. Privately held foreign companies are controlled by stockholders and answer to the needs of the market, not the needs of a government. One must only study the way in which Venezuelan President Hugo Chavez has used his state-owned oil company to pursue the interests of the Government of Venezuela to understand that state-owned companies often behave very differently than publicly traded ones.

That is why our legislation bans foreign governments from owning, leasing, or operating any facilities in our ports. We believe that just as we would not turn over the operations of our airport facilities to a foreign government, why should we turn the operations of our ports, which are the biggest hole in our national security blanket, over to a foreign government.

The opponents of this thought process, of this bill, like to argue this is the reality of global trade. But the people making this argument are the same ones who constantly remind us that the world has changed since September 11 and that we must adapt our security response accordingly. Whatever happened before September 11, the world has changed since then and we cannot rely on our old methods of looking at the world in a traditional way.

One of the things the September 11 Commission told us was to think outside of the box. A simple envelope became a weapon of great injury when it was filled with anthrax; an airplane used to travel commercially or for pleasure was turned into a weapon of mass destruction. Think outside the box. And if we cannot think outside the box in the context of understanding how the ports in the United States, in the hands of a foreign government in an operational capacity, can have a security consequence, we are in trouble in this post-September 11 world. This is an area in which security must take priority over commercial transactions.

Make no mistake about it: the legislation is urgently needed, and I am writing the President today expressing my concern that this new 45-day review leaves the President with no authority to act to stop Dubai Ports World from taking control of United States port operations. I am not sure that is clear with this 45-day review. This transaction was set to close on March 2, and we want to stop the clock now and make sure that 45-day investigative review period is precedent to the fulfillment of that agreement.

We also believe it is time to end the secrecy surrounding these deals. This secrecy apparently allowed the executive branch to ignore our own laws. These laws require a 45-day investigation of deals involving government-owned companies which could affect national security. Clearly a deal to turn over part of our port operations to a foreign government-owned company would impact national security. We know the Coast Guard warned the administration that there were intelligence gaps that made it impossible to determine the threats raised by the deal. Yet it is only now, after enormous external pressure, that this 45-day review period may be carried out. But starting an investigation that should have already been carried out under the law is not enough, and that is why, from my position on the Banking Committee, during hearings later this week, I plan to seek to discover why the law wasn't followed. I am looking forward to working with both the chairman and ranking member to come up with comprehensive solutions to these problems that emanated under the Committee on Foreign Investment in the United States.

As I said before, I am also concerned about the secrecy in this process. Many New Jersey residents have written or called me asking why the process in approving the deal was so secretive and why Congress was kept in the dark. It is clear to me, to the people of New Jersey, using their common sense, and to the American public that we must have transparency and openness as we address these national security issues.

Without our legislation, the committee that reviews this process doesn't even have to tell Congress about the deal until after it has made a decision. And even after they make a decision, they have no obligation to inform the American public. In the particular case of the Dubai Ports deal, the committee sent out no information and the press only learned about it when Dubai Ports World decided to put out its own press release. That is why our legislation would require the notification of Congress, State, and local authorities where appropriate, as well as a public comment period to allow the public impacted by any future deals to share their concerns with the Federal Government.

These are basic reforms which I think most Americans would agree seem necessary, almost obvious when it comes to protecting our ports. The fight to secure our ports cannot and will not end with this legislation.

Let me be clear: Our ports are not secure. I have been arguing on this for quite a long time as a former Member of the House of Representatives representing the Port of Elizabeth and Newark, the third largest port, the Port of New York/New Jersey and other ports on the eastern seaboard. For all the money the Nation has poured into improving our security, several critical links in the chain have been ignored, and this week the spotlight has shone brightly on one aspect of the problem: our ports, the port of entry for thousands of containers every day, holding everything from clothing to electronics. But these containers could also contain much more dangerous cargo such as a nuclear, chemical, or biological weapon.

The bottom line is we don't know what is in the vast majority of containers entering this country because despite repeated warnings from security experts from both within and without our Government, only 1 out of every 20 containers that passes through our ports is screened, and 95 percent receive no screening whatsoever other than a cursory glance at a cargo manifest.

It is crucial that we also develop a national transportation plan that includes a comprehensive strategy for protecting our ports. A weapon of mass destruction detonated in a shipping container at the Port of New York/New Jersey or any other seaport could cause tens of thousands of casualties and economic losses approaching a trillion dollars. According to the U.S. Coast Guard, $5.4 billion will be needed over the next 10 years for port security. Yet since the 9/11 attacks, Congress has provided less than $800 million.

This is not a new problem, and it should not be surprising that the administration has let this problem fester. They have continuously focused on the security of only one aspect of our critical infrastructure to the detriment of the rest. That is something we can no longer continue to accept.

In New Jersey we face the reality of failures in our national security every day when we look across the river at Ground Zero and mourn the loss of over 700 fellow New Jerseyans who died on September 11, 2001. The problem of port security is not in some distant future or some distant issue but an everyday reality, as we look at our own port which brings in hundreds of thousands of containers from around the world every day: 145 million tons last year from over 5.000 ships. This is a port that generates over 200.000 jobs and $25 billion of economic activity. It is a great economic engine. It is also a great risk.

In today's reality, a foreign government, if it were to be operating the facilities at one of those ports and simply wanted to do something as benign maybe as shutting it down at a critical moment, such as when we are sending supplies to our troops in the field—we use our commercial ports increasingly to send military equipment and supplies to back our troops in the field—imagine if it were shut down at a critical moment when we needed those supplies to be generated across the sea.

That is why we have to face these realities together. We must stand together across party lines and across States to fight for the safety and security of our families. Our ports are on the front lines in our fight against terrorism, and with this legislation, we say we will never again allow a deal which would compromise the national security of our ports, the safety of New Jersey, or the security of the United States.

I urge my fellow Senators on both sides of the aisle to join with us in this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Port Security Act of 2006".

SEC. 2. PROHIBITION ON LEASES OF REAL PROPERTY AND FACILITIES AT UNITED STATES PORTS BY FOREIGN GOVERNMENT-OWNED ENTITIES.

(a) IN GENERAL.—Section 271(d) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(d)) is amended—

(1) by striking "Subject to subsection (d)" and inserting the following:

"(1) IN GENERAL.—Subject to subsection (e)"; and

(2) by adding at the end the following new paragraph:

"(2) PROHIBITION ON LEASES OF REAL PROPERTY AND FACILITIES AT UNITED STATES PORTS BY FOREIGN GOVERNMENT-OWNED ENTITIES.—The President shall prohibit any merger, acquisition, or takeover described in subsection (a)(1) that will result in any entity that is owned or controlled by a foreign government leasing, operating, managing, or owning real property or facilities at a United States port.".

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a report on the leasing, operating, managing, or owning real property or facilities at United States ports by entities that are owned or controlled by foreign governments.

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) a list of all entities that are owned or controlled by foreign governments that are leasing, operating, managing, or owning real property or facilities at United States ports;

(B) an assessment of the national security threat posed by such activities; and

(C) recommendations for any legislation in response to such threat.

SEC. 3. INCREASED TRANSPARENCY OF MANDATORY INVESTIGATIONS.

Section 271(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking "The President" and inserting the following:

"(1) IN GENERAL.—The President";

(3) by adding at the end the following new paragraphs:

"(2) NOTIFICATION TO CONGRESS.—Not later than one day after commencing an investigation under paragraph (1), the President shall provide notice of the investigation and relevant information regarding the proposed merger, acquisition, or takeover, including relevant ownership records to—

"(A) the Majority Leader and Minority Leader of the Senate;

"(B) the Speaker and Minority Leader of the House of Representatives;

"(C) the Chairmen and Ranking Members of the Committee on Finance, the Committee on Homeland Security and Government Affairs, the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate;

"(D) the Chairmen and Ranking Members of the Committee on Ways and Means, the Committee on Homeland Security, the Committee on Financial Services, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

"(E) the Members of Congress representing the States and districts affected by the proposed transaction.

"(3) NOTIFICATION TO PUBLIC OFFICIALS OF INVESTIGATIONS OF PROPOSED TRANSACTIONS AFFECTING UNITED STATES PORTS.—In the case of an investigation under paragraph (1) of a proposed merger, acquisition, or takeover that will result in any entity that is owned or controlled by a foreign government leasing, operating, managing, or owning real property or facilities at a United States port, the President shall, not later than one day after commencing an investigation under paragraph (1), notify the Governors and heads of relevant government agencies of the States in which such ports are located and provide to such Governors and relevant agency heads information regarding the proposed merger, acquisition, or takeover, including relevant ownership records.

"(4) PUBLIC COMMENTS.—

"(A) SOLICITATION OF PUBLIC COMMENTS.—Not later than 7 days after commencing an investigation under paragraph (1), the President shall publish in the Federal Register a description of the proposed merger, acquisition, or takeover, including a solicitation for public comments on such proposed merger, acquisition, or takeover.

"(B) SUMMARY OF PUBLIC COMMENTS.—Not later than 10 days prior to the completion of an investigation under paragraph (1), the President shall publish in the Federal Register a summary of the public comments received pursuant to subparagraph (A).".

SEC. 4. TECHNICAL CORRECTION.

Section 271(e) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(e)) is amended by striking "subsection (c)" and inserting "subsection (d)".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply to any merger, acquisition, or takeover considered on or after October 1, 2005 under section 271 of the Defense Production Act of 1950 (50 U.S.C. App. 2170).

Mr. CORNYN. Mr. President, I am glad to hear our new colleague from New Jersey talking about our national security, and certainly this is one subject which always concerns us. It is the primary role of our National Government to provide for the security of the American people. I hope that in the debate, though, about the control of our ports, we don't operate on the basis of looking for political advantage but, rather, we take a calm and deliberate review of the facts.

I heard this morning, in the Armed Services Committee, from the Director of National Intelligence, who said that after a review of this transaction, it was his opinion, as the lead Government official for the intelligence community in our Nation, that any risk in this transaction was low. Certainly, that was useful information to have, and I anticipate that we will continue to hear more as the Homeland Security and Governmental Affairs Subcommittee continues to look into this transaction, and I trust we will do our due diligence during this 45-day review period.

But I hope we don't make this a political football. I hope we don't paint this with such a broad brush that we consider any Arab nation our enemy when, in fact, this Nation has been an ally in the global war on terror. I hope we will make our judgments based on behavior and not where someone comes from or their ethnicity or other origins because, of course, fanning the flames of prejudice based upon those sorts of considerations would be inappropriate entirely.

By Mr. LIEBERMAN (for himself, Ms. SNOWE, Mr. DEWINE, Mr. KERRY, Mr. AKAKA, and Mr. DURBIN):

S. 2337. A bill to increase access to postsecondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, I rise today to introduce, along with Senators SNOWE, AKAKA, KERRY, DURBIN, and DEWINE, the College Pathway Act of 2006. The intent of this bill is to provide a means of addressing the critical issue of college access and postsecondary academic success. College access for all will continue to be a struggle until the predictors of successful college performance are assimilated into high school curricula. The degree to which high school students are successfully prepared for college continues to be at the forefront of educational concerns. Reports abound repeating the same message: our high school students, particularly students from low-income and minority populations, are not being adequately prepared for the challenges of postsecondary education. The College Pathway Act seeks to foster alliances among the interested and integral stakeholders in the educational arena to create consistency in content and assessment standards between P-12 and higher education. We do this by encouraging the establishment of P–16 Commissions. We must rise to the challenge and forge a pathway to enhance both college access and academic success.

Postsecondary education is an important aspiration for most students and the future strength of our economy and workforce will largely depend on the postsecondary educational attainments of students across the country regardless of ethnicity or economic status. High school preparation is a major part of the problem. Published reports on the status of this topic stress the lack of preparedness of high school graduates for postsecondary education. Most will need remedial help in college. More than 70 percent of high school graduates enter two and four year colleges, but at least 28 percent immediately take remedial English or math courses. At some point during their college years, 53 percent of students will take one remedial English or math class if not more. For low-income and minority students, the percentage is higher. States require a certain number of English and math courses to be completed prior to graduation, however, the certainty of course content reflecting the knowledge and skills important for college success is not ensured.

Students find themselves taking high school courses lacking in rigor and challenging content, particularly in the areas of math and science. If asked, 39 percent of students who have gone on to a postsecondary institution will admit they were not adequately prepared for college and there were gaps in their overall preparation. College instructors estimate that 42 percent of their students are not adequately prepared. The quality and intensity of the secondary school curriculum are the most significant predictors of college success; and are more significant than race, socioeconomic status, secondary school grade point average, or ACT and SAT scores. These findings are particularly significant for minority groups enrolling in college. Students who engage in challenging secondary coursework will attend and persist in pursuing higher education at a greater rate than those who follow programs of study that are not rigorous in content. All states have English and mathematics standards and assessments at the high school level, yet assessment standards and tests often do not reflect the demands put on students in postsecondary education and in the workplace. High school curricula must be aligned with college entry requirements. The American Diploma Project states that the challenge ahead is to create a system of assessments and graduation requirements that considered together signify readiness for college and work. We, as Federal policymakers, have an essential role to play in making this a reality and creating college access for all.

In part, the misalignment between postsecondary institutions and high school stems from current governance systems in place for P–12 educational systems and higher education. Both systems are generally governed, financed and operated differently. This gap must be bridged between the two systems. Creating a pipeline of shared information between the two entities and the business community will promote an exchange of necessary and useful information. Working to align standards from the early grades through grade 12 recognizes that skill acquisition and content assimilation build one upon the other and acknowledges that high-school graduation and college success is a culmination of preparation originating in the beginning years of school. Aligning curricula across school levels creates a more seamless education and ensures that students are prepared for each subsequent grade with particular attention to math, science, and engineering. Aligning P–12 and postsecondary education would reduce the number of students who arrive at college needing remedial coursework.

The need to develop high-quality data systems is also critical to improving high school student outcomes. Accountability for high school graduation numbers and drop-out rates is critical to addressing education reform in our high schools. Currently reports have indicated that the quality of high school graduation and drop-out data is often not reliable and does not reflect the actual numbers.

Tracking student growth over time using longitudinal student-unit databases will provide the most accurate information for policy decisions and assessments. Furthermore, information provided about student achievement over time can be linked to teachers, programs and schools serving those students. The National Governor's Association (NGA) recently convened a Task Force on State High School Graduation Data—which included representatives from the American Federation of Teachers, the Business Roundtable, the Council of Chief State School Officers, the Education Commission of the States, the Educational Testing Service, the Education Trust, the National Association of State Boards of Education, the National Conference of State Legislatures, the National Education Association, Standard and Poor's and the State Higher Education Executive Officers—to make recommendations about how States can develop a high-quality, comparable high school graduation measure, as well as complementary indicators of student progress and outcomes and data systems capable of collecting, analyzing, and reporting the data States need. The task force members concurred as a group on their mission and devised a compact to implement efforts to guide States in developing high quality data-systems ideally using a longitudinal student unit record data system. This compact was signed by 51 governors in all States and Puerto Rico. The ultimate goal is better outcomes for students. Better information can lead to better policies and program implementation. Our bill therefore includes incentives for States to develop or enhance such data systems.

The College Pathway Act supplies a remedy to the critical issue of the disconnect existing between high school outcomes and college expectations. Through the formation of partnerships between P–12 and higher education systems in the States, academic success in postsecondary education becomes the priority agenda item for reform. We anticipate that P–16 Commissions will bring about an increase in the percentage of academically prepared students, particularly low-income and minority students, and a decrease in the percentage of college students requiring remedial coursework, particularly with respect to math, science, and engineering.

The College Pathway Act of 2006 awards grants to States to establish P–16 Commissions in order to align P–12 outcomes with postsecondary institutions' expectations. The Commissions under the leadership of the governor or governor's designee, will convene stakeholders of the statewide P–12 education and higher education community, and may include parent groups, State legislative representatives, and particularly members of the business community. The commissions' goal to create a mission addressing college preparation will be the first and critical step of this process.

Many States across our country have already seen the wisdom of a P–16 commission and have been working on goals and implementation. The results, although preliminary for many States, are vastly encouraging. Our bill will provide support both to States with existing P–16 bodies, or States seeking to establish such commissions. It will give priority to the States also seeking to establish or enhance data systems.

The College Pathway Act of 2006 can offer States an opportunity to craft a vision that will reach all students over time so that their educational pathway of access to and success in college will be ensured.

I urge my colleagues to act favorably on this measure. I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "College Pathway Act of 2006".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Postsecondary education is an important aspiration for most students and the future strength of the United States economy and workforce will largely depend on the postsecondary educational attainments of all people of the United States, regardless of sex, race, or ethnic background.

(2) Parents and students recognize the value of postsecondary education. Ninety-seven percent of secondary school students expect to attend college, and more than 75 percent of secondary school graduates enroll in some postsecondary education within 2 years of secondary school graduation.

(3) Notwithstanding those expectations, only 32 percent of students graduate from secondary school adequately prepared to enter a 4-year institution of higher education. Students living in poverty and students of color are roughly half as likely to be college-ready.

(4) Despite the reality that most students will enter college after secondary school, secondary school graduation requirements are not aligned with the expectations of postsecondary education.

(5) Rather than beginning college-level work upon entering postsecondary education, many students (nearly 1 in 3) enroll in developmental coursework, and more than half will take at least 1 class of developmental coursework before leaving postsecondary education. Students who need to take a class of developmental coursework in college have less than a 40 percent chance of completing their course of study, and students who take 3 or more classes of developmental coursework face reducing their prospects of completing their course of study to less than 1 in 5.

(6) The quality and intensity of the secondary school curriculum—

(A) are the most significant predictors of college success; and

(B) are more significant than race, socioeconomic status, secondary school grade point average, or ACT and SAT scores.

(7) States around the Nation have developed secondary school academic standards, but there is often no relationship between those standards and institutional expectations for college-level study. Students, families, and school personnel need information to address the gap that exists between satisfying various kindergarten through grade 12 standards and meeting the standards that indicate success in higher education. The lack of clear information affects all students, but the effect is particularly grave for students living in poverty who are more reliant on schools and public sources of information to gauge their preparedness for college-level work.

(8) Numerous reports have cited the need to improve mathematics and science achievement in prekindergarten through grade 12.

(9) Current data systems are not designed to measure the efficacy of State actions intended to prepare students to enter and succeed in postsecondary education. State-level data systems usually contain only data related to kindergarten through grade 12, and often are not compatible with postsecondary education data systems.

SEC. 3. PURPOSES.

The purposes of this Act are the following:

(1) To broaden the focus of Federal, State, and local higher education programs to promote academic success in postsecondary education, particularly with respect to mathematics, science, and engineering.

(2) To increase the percentage of low-income and minority students who are academically prepared to enter and successfully complete postsecondary-level general education coursework.

(3) To decrease the percentage of students requiring developmental coursework through grants that enable States to coordinate the public prekindergarten through grade 12 education system and the postsecondary education system—

(A) to ensure that covered institutions articulate and publicize the prerequisite skills and knowledge expected of incoming postsecondary students attending covered institutions, in order to provide students and other interested parties with accurate information pertaining to the students' necessary preparations for postsecondary education;

(B) to establish and implement middle school and secondary school course enrollment guidelines—

(i) to ensure that public secondary school students, in all major racial and ethnic groups, and income levels, complete academic courses linked with academic success at the postsecondary level; and

(ii) to increase the percentage of students in each major racial group, ethnic group, and income level who graduate from secondary school and enter postsecondary education with the academic preparation necessary to successfully complete postsecondary-level general education coursework, particularly with respect to mathematics, science, and engineering;

(C) to implement programs and policies that increase secondary school graduation rates; and

(D) to collect and analyze disaggregated longitudinal student data throughout P–16 education in order to—

(i) understand and improve students' progress throughout the P–16 education system;

(ii) understand problems and needs throughout the P–16 education system; and

(iii) align prekindergarten through grade 12 academic standards and higher education standards so that more students are prepared to successfully complete postsecondary-level general education coursework.

SEC. 4. DEFINITIONS.

In this Act:

(1) IN GENERAL.—The terms "local educational agency", "parent", "secondary school", and "State" have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ACADEMIC ASSESSMENTS.—The term "academic assessments" means the academic assessments implemented by a State educational agency pursuant to section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(3) ACADEMIC STANDARDS.—The term "academic standards" means the challenging academic content standards and challenging student academic achievement standards adopted by a State pursuant to section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)).

(4) COVERED INSTITUTION.—The term "covered institution" means an institution of higher education that participates in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(5) DEVELOPMENTAL COURSEWORK.—The term "developmental coursework" means coursework that a student is required to complete in order to attain prerequisite knowledge or skills necessary for entrance into a postsecondary degree or certification program.

(6) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(7) P–16 EDUCATION.—The term "P–16 education" means the educational system from prekindergarten through the conferring of a baccalaureate degree.

(8) P–16 EDUCATOR.—The term "P–16 educator" means an individual teaching in P–16 education.

(9) SECRETARY.—The term "Secretary" means the Secretary of Education.

(10) STUDENT.—The term "student" means any student enrolled in a public school.

SEC. 5. P–16 EDUCATION STEWARDSHIP SYSTEM GRANTS.

(a) PROGRAM AUTHORIZED.—From amounts appropriated under section 10 for a fiscal year, and subject to subsection (b), the Secretary shall award grants, on a competitive basis, to States to enable the States—

(1) to establish—

(A) P–16 education stewardship commissions in accordance with section 7; or

(B) P–16 education stewardship systems consisting of—

(i) a P–16 education stewardship commission in accordance with section 7; and

(ii) a P–16 education data system in accordance with section 8; and

(2) to carry out the activities and programs described in the State application and plan submitted under section 6.

(b) AWARD BASIS.—In determining the approval and amount of a grant under subsection (a), the Secretary shall give priority to an application from a State that desires the grant to establish a P–16 education stewardship system described in subsection (a)(1)(B).

(c) PERIOD OF GRANTS.—

(1) STATES ESTABLISHING P–16 EDUCATION STEWARDSHIP SYSTEMS.—Each grant made under this section to a State to establish a P–16 education stewardship system described in subsection (a)(1)(B) shall be awarded for a period of 5 years.

(2) STATES ESTABLISHING P–16 EDUCATION STEWARDSHIP COMMISSIONS.—Each grant made under this section to a State to establish a P–16 education stewardship commission described in subsection (a)(1)(A) shall be awarded for a period of 3 years.

SEC. 6. STATE APPLICATION AND PLAN.

(a) IN GENERAL.—A State desiring a grant under section 5 shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) CONTENTS.—Each application submitted under this section shall include, at a minimum, the following:

(1) A demonstration that the State, not later than 5 months after receiving grant funds under this Act, will establish a P–16 education stewardship commission described in section 7.

(2) For a State applying for a grant under section 5(a)(1)(B), a demonstration that the State, not later than 2 years after receiving grant funds under this Act, will implement, expand, or improve a P–16 education data system described in section 8.

(3) A demonstration that the State will work with the State P–16 education stewardship commission and others as necessary to examine the relationship among the content of postsecondary education admission and placement exams, the prerequisite skills and knowledge required to successfully take postsecondary-level general education coursework, the prekindergarten through grade 12 courses and academic factors associated with academic success at the postsecondary level, particularly with respect to mathematics, science, and engineering, and existing academic standards and academic assessments.

(4) A description of how the State will, using the information from the State P–16 education stewardship commission, increase the percentage of students taking courses that have the highest correlation of academic success at the postsecondary level, for each of the following groups of students:

(A) Economically disadvantaged students.

(B) Students from each major racial and ethnic group.

(C) Students with disabilities.

(D) Students with limited English proficiency.

(5) A description of how the State will distribute the information in the P–16 education stewardship commission's report under section 7(c)(4) to the public in the State, including public secondary schools, local educational agencies, school counselors, P–16 educators, institutions of higher education, students, and parents.

(6) An assurance that the State will continue to pursue effective P–16 education alignment strategies after the end of the grant period.

SEC. 7. P–16 EDUCATION STEWARDSHIP COMMISSION.

(a) P–16 EDUCATION STEWARDSHIP COMMISSION.—

(1) IN GENERAL.—Each State receiving a grant under section 5 shall establish a P–16 education stewardship commission that has the policymaking ability to meet the requirements of this section.

(2) EXISTING COMMISSION.—The State may designate an existing coordinating body or commission as the State P–16 education stewardship commission for purposes of this Act, if the body or commission meets, or is amended to meet, the basic requirements of this section.

(b) MEMBERSHIP.—

(1) COMPOSITION.—Each P–16 education stewardship commission shall be composed of the Governor of the State, or the designee of the Governor, and the stakeholders of the statewide education community, as determined by the Governor or the designee of the Governor, such as—

(A) the chief State official responsible for administering prekindergarten through grade 12 education in the State;

(B) the chief State official of the entity primarily responsible for the supervision of institutions of higher education in the State;

(C) bipartisan representation from the State legislative committee with jurisdiction over prekindergarten through grade 12 education and higher education;

(D) representatives of 2- and 4-year institutions of higher education in the State;

(E) representatives of the business community; and

(F) at the discretion of the Governor, or the designee of the Governor, representatives from prekindergarten through grade 12 and higher education governing boards and other organizations.

(2) CHAIRPERSON; MEETINGS.—The Governor of the State, or the designee of the Governor,

shall serve as chairperson of the P–16 education stewardship commission and shall convene regular meetings of the commission.

(c) DUTIES OF THE COMMISSION.—

(1) MEETINGS OF COVERED INSTITUTIONS.—

(A) IN GENERAL.—Each State P–16 education stewardship commission shall convene regular meetings of the covered institutions in the State for the purpose of assessing and reaching consensus regarding—

(i) the prerequisite skills and knowledge expected of incoming freshmen to successfully engage in and complete postsecondary-level general education coursework without the prior need to enroll in developmental coursework, particularly with respect to mathematics, science, and engineering; and

(ii) patterns of coursework and other academic factors that demonstrate the highest correlation with success in completing postsecondary-level general education coursework and degree or certification programs.

(B) FINDINGS OF COVERED INSTITUTIONS.—The covered institutions shall communicate to the P–16 education stewardship commission the findings of the covered institutions, which—

(i) shall include the consensus on the prerequisite skills and knowledge, patterns of coursework, and other academic factors described in subparagraph (A);

(ii) shall address, at minimum, the subjects of reading, mathematics, science, grammar, and writing, and may cover additional academic content areas;

(iii) shall be descriptive of content and purpose, and shall not be limited to a simple listing of secondary course names; and

(iv) may be different for 2- and 4-year institutions of higher education.

(2) COMMISSION RECOMMENDATIONS.—Not later than 18 months after a State receives a grant under section 5, and annually thereafter for each year in the grant period, the State P–16 education stewardship commission shall—

(A) develop recommendations regarding the prerequisite skills and knowledge, patterns of coursework, and other academic factors described in paragraph (1)(A); and

(B) develop recommendations and enact policies to increase the success rate of students in the students' transition from secondary school to postsecondary education.

(3) COMMISSION FINDINGS.—Not later than 3 years after a State receives a grant under section 5(a)(1)(B), the State P–16 education stewardship commission shall—

(A) compile and interpret the findings from the P–16 education data system; and

(B) include the compilation and interpretation of the findings in the report described in paragraph (4)(A).

(4) REPORTS.—

(A) IN GENERAL.—Not later than 18 months after a State receives a grant under section 5, and annually thereafter for each year in the grant period, the State P–16 education stewardship commission shall prepare and submit to the Secretary a clear and concise report that shall include the recommendations described in subparagraphs (A) and (B) of paragraph (2).

(B) DISTRIBUTION TO THE PUBLIC.—Not later than 60 days after the submission of a report under subparagraph (A), each State P–16 education stewardship commission shall publish and widely distribute the information in the report to the public in the State, including—

(i) all public secondary schools and local educational agencies;

(ii) school counselors;

(iii) P–16 educators;

(iv) institutions of higher education; and

(v) students and parents, especially students entering grade 9 in the next academic year and the parents of such students, to assist the students and the parents in making informed and strategic course enrollment decisions.

SEC. 8. P–16 EDUCATION DATA SYSTEM.

(a) ESTABLISHMENT.—Not later than 2 years after a State receives a grant under section 5(a)(1)(B), the State shall establish a State-level longitudinal data system that provides each student, upon enrollment in a public school or in a covered institution in the State, with a unique identifier that is retained throughout the student's enrollment in P–16 education in the State.

(b) FUNCTIONS OF DATA SYSTEM.—The State shall, through the implementation of the data system described in subsection (a), carry out the following:

(1) Identify factors that correlate to students' ability to successfully engage in and complete postsecondary-level general education coursework without the need for prior developmental coursework.

(2) Implement procedures to track developmental coursework enrollment rates.

(3) Implement procedures to assist with identifying correlations between course-taking patterns in public secondary education and increased academic performance in higher education.

(4) Implement procedures to assist with identifying the points at which students exit the P–16 education system, including the assimilation of valid and reliable secondary school dropout data.

(5) Incorporate data to track postsecondary degree and certification completion rates and student persistence patterns.

(6) Ensure that the data system is compliant with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g).

(7) Disaggregate the data described in paragraphs (1) through (5) by race, ethnicity, income level, sex, secondary school attended, and type of institution of higher education attended.

(c) EXISTING DATA SYSTEMS.—A State may employ, coordinate, or revise an existing data system for purposes of this section if such data system produces valid and reliable information that satisfies the requirements of subsection (b).

SEC. 9. REPORTS; TECHNICAL ASSISTANCE.

(a) STATE REPORTS.—

(1) ANNUAL REPORT.—Each State that receives a grant under section 5 shall submit an annual report to the Secretary for each year of the grant period that shall include a description of the activities undertaken under the grant to improve academic readiness for postsecondary-level general education coursework and course completion.

(2) DISSEMINATION.—Each State shall prepare, publish, and widely disseminate the report described in paragraph (1) to the public in the State, including secondary schools, local educational agencies, school counselors, P–16 educators, institutions of higher education, students, and parents.

(b) SECRETARY REPORTS.—

(1) ANNUAL REPORT.—The Secretary shall submit an annual report to Congress that includes—

(A) findings from the State reports submitted under subsection (a)(1);

(B) a description of the actions taken by the Department of Education to assist States with creating P–16 education stewardship commissions and P–16 education data systems;

(C) a description of the actions and incentives planned by the States' P–16 education stewardship commissions—

(i) to help States align academic standards, courses, and academic assessments with postsecondary academic expectations, courses, and assessments;

(ii) to help States increase the percentage of minority and low-income students prepared to enter and succeed at the postsecondary level; and

(iii) to reduce postsecondary developmental coursework enrollment rates of minority and low-income students;

(D) a description of the actions and incentives planned to help States reduce postsecondary developmental coursework enrollment rates;

(E) an assessment of the effectiveness of P–16 education stewardship commissions in improving college readiness and eliminating the need for developmental coursework; and

(F) recommendations regarding how to make the P–16 education stewardship commissions more effective, and whether the establishment of such commissions should be encouraged throughout the United States.

(2) AVAILABILITY.—The Secretary shall make the annual report described in paragraph (1) available to the public and to each State and institution of higher education.

(c) TECHNICAL ASSISTANCE.—The Secretary shall provide, upon request, technical assistance to States and institutions of higher education seeking technical assistance under this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $55,000,000 for fiscal year 2007 and such sums as may be necessary for each of fiscal years 2008 through 2011.

Ms. SNOWE. Mr. President, I rise today to talk about a bill that will improve college access by creating a framework to ensure that high school graduates amass the skills and knowledge they need to succeed in college—the College Pathway Act. My colleague, Senator LIEBERMAN, and I have been working hand-in-hand to identify the degree to which high school students are unsuccessfully prepared for college and develop practical solutions to this issue. The bill we introduce today is the product of our combined efforts.

Today, 97 percent of secondary school students expect to attend college, however, high school students are not prepared academically for the rigors of college coursework. Although States around the country have developed high school standards, there is often a disconnect that exists between high school standards and college expectations. Today, 53 percent of post-secondary students require remedial English or mathematics. Graduation rates for those requiring remedial classes are less then 40 percent. And that is why Senator LEIBERMAN and I are working together in response to the concerns that too many students start college without the proper tools.

Part of the problem is that colleges and high schools generally have separate statewide governing boards for their pre-kindergarten through 12th grade and higher education systems. The College Pathway Act awards grants enabling States the opportunity of a voluntary establishment of prekindergarten through the 16th grade commissions in States, consisting of representatives of the pre-kindergarten through 12th grade and higher education communities, the governor's office, appropriate State legislators and members of the business community. These partnerships within the commission would promote academic success in postsecondary education, increase the percentage of academically prepared low-income and minority students, and decrease the percentage of college students requiring remedial coursework, particularly with respect to math, science and engineering.

This commission offers a framework for aligning lower, middle and high school curriculum and assessment standards with post-secondary expectations. Students who are properly prepared before entering college are far more likely to succeed in college. Indeed, many States across the Nation are looking to the pre-kindergarten through 12th grade concept to improve alignment. Federal funding for establishment of pre-kindergarten through 12th grade commissions would allow States to implement or expand their current programs. In addition, many States are attempting to improve data collection systems in order to better evaluate those programs that lead to success. Our bill would also offer support to those States which voluntarily seek to enhance and improve the effectiveness of their data systems. We believe that by promoting coordination of grades pre-kindergarten through 12th grade, States will better align education systems helping to ensure that all students are prepared to successfully engage in and complete post-secondary level coursework.

Our Nation must make a solid commitment to ensuring that every individual has the opportunity to pursue a higher education. We should pursue policies that will prepare students to begin their college career. I believe that education is the great equalizer in our society that gives every citizen of our Nation the same opportunity to succeed in the global economy of the 21st century. That's why I will continue to target access to higher education for America's students. The College Pathway Act will help to further this goal.

Mr. AKAKA. Mr. President, I would like to voice my strong support as an original cosponsor of The College Pathway Act, introduced by my colleagues from Connecticut and Maine, Senators LIEBERMAN and SNOWE. I greatly appreciate their foresight in creating legislation that will help Hawaii and other states bring greater links between education at all levels, as well as with business and industry.

I know the field of education well, having served as a teacher, vice principal, principal, and school administrator in Hawaii before holding public office. I taught at the elementary, middle, and secondary levels, and continue to hold great interest in developments in these areas, as well as in early childhood and higher education. From these experiences, I have advocated that education should be an interconnected pathway, from pre-kindergarten through postsecondary levels and beyond, into the workforce.

We need all stakeholders in education and the labor force to work together, seamlessly. The LIEBERMAN-SNOWE bill will help to further this very aim in Hawaii and other States with existing entities, and to assist other States in meeting similar, meaningful goals through the creation of similar entities. By encouraging States to establish P-16, or as in Hawaii's case, P-20 commissions, to align lower, middle, and high school curricular and assessment standards with what is expected in higher education, we will better assure college readiness and reach a fundamental goal: greater rates of college completion.

To describe the Hawaii P-20 initiative in more detail, the initiative brings together public and private educators at all levels, working in collaboration with representatives of state government, the business community, labor, and educational support agencies to focus on improving learner achievement. Its vision statement says, all Hawaii residents will be educated, caring, self-sufficient, and able to contribute to their families, to the economy, and to the common good, and will be encouraged to continue learning throughout their lives.

The initiative, which recently unveiled its strategic plan, is a joint commitment of the Hawaii Department of Education, the Good Beginnings Alliance, and the University of Hawaii, working with a statewide P-20 Council to develop a seamless system of educational delivery. I encourage anyone with interest in this effort to view the details of the plan at www.p20hawaii.org. A main goal of the initiative is to prepare my State's learners to succeed in a society fast becoming more global, technological and complex. Ultimately, it seeks to improve the quality of life for all of Hawaii.

I am pleased to support this effort and work toward providing this and similar programs in other states with the resources to achieve their aims. The Lieberman-Snowe bill does this, and I look forward to working with my colleagues toward its enactment.

By Mr. SPECTER (for himself, Mr. COLEMAN, and Mr. ISAKSON):

S. 2340. A bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Community Cancer Care Preservation Act, which will ensure Medicare beneficiaries' access to community-based cancer treatment and provide Medicare reimbursement assistance for oncologists providing vital cancer care services.

Cancer takes a great toll on our friends, families, and our Nation. In the United States, cancer causes one out of every four deaths and was responsible for 570,000 deaths last year. In 2005, over 2 million new cases of cancer were diagnosed, the most prevalent of which were breast, prostate, lung, and colorectal.

While these statistics are daunting, the rate of cancer deaths in the United States has decreased since 1993. This decrease is the result of earlier detection and diagnosis, more effective and targeted cancer therapies, and greater accessibility to quality care provided by oncologists. These vital services have allowed millions of individuals to lead healthy and productive lives after successfully battling cancer.

In 2004, 42.7 million individuals were enrolled in Medicare; of those beneficiaries over 29 percent have had cancer during their lives, 12.5 million beneficiaries. With such a large percentage of our seniors facing this horrible disease, the need for access to community cancer care is critical.

Community cancer clinics treat 84 percent of Americans with cancer. Community cancer centers are freestanding outpatient facilities that provide comprehensive cancer care in the physician's office setting located in patients' communities. These clinics are especially critical in rural areas where access to larger cancer clinics is not available. They provide patients with earlier diagnosis, more effective cancer therapies, and innovative supportive care that reduces fatigue, nausea/vomiting, and pain. The accessibility of treatment in the hands of skilled community oncologists has decreased the cancer mortality rate.

On December 8, 2003, the Medicare Prescription Drug Improvement and Modernization Act was signed into law by President Bush. This legislation contained numerous provisions that were beneficial to America's seniors and medical facilities; however, it also provided a reduction to Medicare's reimbursement for oncology treatment. The provisions sought to bring a balance to the reimbursement for the cost of cancer drugs and services. Previous to the implementation of the law, CMS reimbursed the cost of cancer treatment drugs at a very high level. This level provided sufficient funding to supplement the costs of care, storage of the prescription drugs, and the costs of cancer care services, which were not being provided adequate funding. The law enacted reimbursement reductions for the cost of prescription drugs while increasing the funding provided for cancer care services; however, that increase did not sufficiently offset oncologists' losses from the reduction in cancer drug reimbursement.

The Congressional Budget Office estimated that Medicare reimbursements to oncologists would be reduced by $4.2 billion from 2004–2013. PricewaterhouseCoopers estimates that reductions will reach $15.7 billion over that time. This increased reduction will have a debilitating effect on oncologists' ability to provide cancer treatment to Medicare beneficiaries, especially those in the community setting.

For 2006, the Centers for Medicare and Medicaid Services (CMS) estimates that the beneficiary reimbursement for services provided by community cancer care will be cut by 6.6 percent, a $200 to $300 million reduction. However, this reimbursement reduction may be larger than estimated. CMS did not factor in the delay in drug manufacturer price increases for cancer therapies and the bad debt of beneficiaries who may not pay their Medicare 20 percent co-insurance payment. When accounting for these reductions, the overall cut to cancer care will likely exceed $300 million.

The Medicare Prescription Drug and Modernization Act mandated a transitional increase of 32 percent in service fees in 2004, falling to 3 percent in 2005, and 0 percent in 2006. This was done to provide time for CMS to pay for essential unpaid medical services, such as pharmacy facilities and treatment planning. In 2005, CMS created a cancer care demonstration project as a quality enhancement initiative to examine the effects of oncology drugs on patients. This demonstration project also provided $300 million in critical funding because CMS had not increased the reimbursement for essential unpaid medical services. On June 29, 2005, I sent a letter with 38 other Senators to President Bush requesting an extension to the demonstration project through 2006. CMS, however, announced a new oncology demonstration project for 2006 that examines the quality of cancer care in relation to treatment guidelines, but at $180–$210 million less than the previous funding level.

Accordingly, I am introducing legislation to provide community oncologists with the tools to withstand the CMS reforms brought forth under the Medicare Prescription Drug and Modernization Act. The bill's $1.7 billion price tag, over the next 5 years, is a relatively small cost in the face of the vast reductions in CMS's reimbursement to oncologists. Let me briefly summarize the provisions of this legislation.

1. Sales Price Updates: Currently, CMS updates the prices for cancer treatment drugs quarterly. This delay in price updating forces community cancer clinics to often pay increased prices for prescription drugs for up to six months without increased reimbursement. This legislation requires the sales price for oncology drug reimbursement be updated as changes occur in the price to provide a more accurate reimbursement to oncologists for the cost of drugs. This will provide a reimbursement to oncologists that is fair and reflective of market costs.

2. Removal of the Prompt Pay Discount: The prompt pay discount is a discount from the wholesaler to the physician for prompt payment on prescription drugs. This is a benefit for physicians that operate an efficient and organized practice and allows them to gain extra revenue as an incentive for conducting business in that manner. The current average sales price for prescription drugs from CMS takes into account the prompt pay discount provided by wholesalers. The inclusion of these funds, which are not guaranteed unless the practice operates in a very efficient way, decreases the amount of reimbursement from CMS. My legislation would remove the discount from the CMS average sales price requiring CMS to reimburse oncologists at the price they pay for drugs without the inclusion of discounts.

3. Quality Care Demonstration Project Extension: The quality care demonstration project provided information to CMS that was gathered by oncologists about the effects of oncology drugs on patients. This project was altered and funds were reduced provided to conduct the informational interviews to oncologists. The bill would extend the 2005 quality cancer care demonstration project through 2006. The project collects information from cancer patients on the effects of cancer treatment including fatigue, nausea/vomiting, and the treatment of these symptoms.

4. Increase in Payments for Oncological Drug Storage: The CMS reimbursement for oncology prescription drugs does not provide adequate funding for storage and care needs. The prescription drugs for cancer care often require special provisions including refrigeration and handling as some drugs that are highly toxic. These special provisions result in an increased cost, which is why my legislation provides a two percent increase in payments to account for the storage and care of oncology drugs.

5. Reports Regarding Cancer Care: The legislation would also require a report from the Secretary of Health and Human Services on a plan to increase the number of cancer patients in clinical trails and a Congressional Budget Office Report on the effects of the Medicare Prescription Drug Improvement and Modernization Act of 2003 on cancer care. These reports will assist Congress and the Administration in its future decisions impacting cancer care.

As Chairman of the Labor, Health and Human Services, and Education (LHHS) Appropriations Subcommittee, I have sought to increase funding for the National Institutes of Health (NIH) and the National Cancer Institute (NCI). Since becoming Chairman of the LHHS Subcommittee, the funding for NIH has increased from $11.3 billion in fiscal year 1996 to $29.4 billion in 2006, an increase of 147 percent, while funding for the NCI increased from $2.3 billion in fiscal year 1996 to $4.9 billion in 2006, an increase of 113 percent.

On February 16, 2005, I was diagnosed with stage IVB Hodgkin's lymphoma and had my first chemotherapy treatment two days later. I had a total of 12 treatments, my last on July 22, 2005, and tests following that final treatment concluded that I am cancer free. As a recipient of cancer treatment for Hodgkin's lymphoma cancer, I have an acute understanding of the problems that confront patients as well as physicians that administer their care.

This legislation provides Medicare reimbursement assistance for community oncologists and ensures Medicare beneficiaries' access to community-based cancer treatment. I encourage my colleagues to work with Senators COLEMAN, ISAKSON and me to move this legislation forward promptly.

By Mr. DORGAN:

S. 2341. A bill to prohibit the merger, acquisition, or takeover of Peninsular and Oriental Steam Navigation Company by Dubai Ports World; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DORGAN. Mr. President, the Commerce Committee is having a hearing this afternoon—and I have been at a portion of that hearing—dealing with the question of Dubai Ports World, which is a company largely owned by the United Arab Emirates. This is a company that has been given the green light by this administration to manage six of America's largest seaports.

This has caused a substantial amount of controversy and discussion. In the last couple of days some of that controversy has been resolved, at least in the minds of some, because the company owned by the United Arab Emirates has asked the administration for a 45-day review of the circumstances of this deal, and they will not take control of the management of the American ports for these 45 days.

It is rather unusual for a company to be asking that the United States Government do a 45-day review of the circumstances of whether a United Arab Emirates company should be managing America's ports. Speaking for myself, I don't need 45 days to understand this. I don't need 45 minutes to understand it. I know a bad idea when I see one.

The President has made up his mind. President Bush has said he will veto any legislation that is offered here in the Congress that would upset this deal which would allow the company owned by the United Arab Emirates to manage America's ports. If the President feels he should veto a piece of legislation, that is his right. He has not vetoed any bill since he became President of the United States, but if his proposition is he wants to veto a piece of legislation and turn over America's seaports, six of America's large seaports, to management by the United Arab Emirates, so be it. But I think the President would be making a very serious mistake.

Our country is under a terrorist threat. We get regular briefings on that in the Senate, and the American people know that from watching the news. We understand the terrorist threats take the form of threat to air travel because the terrorists, as we know, last used commercial jet airplanes to fly into the World Trade Center towers in New York City. We understand the threats at our airports. That is why when you go to the airport and try to board a plane they have you take off your belt, take off your shoes, and run you through a metal detector. There is great concern about the threat of terrorism and security at our airports.

There is also great concern about security at our seaports.

I have spoken, I am guessing, about a dozen times on the floor of this Senate about the security at our seaports since the time of the 9/11 attacks.

I recall shortly after 9/11 when a fellow from a Middle East country decided to ship himself in a container on a container ship. He got inside a container, and he got loaded on a container ship. Here was this man with a container. He had a cot to sleep on, he had a GPS device, a radio, a supply of water, and he was shipping himself, I believe, to Canada, and there was concern that he was a terrorist and he was going to enter the country by shipping himself in a container on a container ship.

I have spoken here, I suppose, almost a dozen times talking about the danger of having anywhere from 5.7 to 5.9 million containers coming into this country every year, millions of containers on a container ship coming into this country every year, and somewhere around 4 percent of them and perhaps as much as 5 percent are inspected; the rest are not.

I went to a port facility once. We don't have ports in North Dakota. But I went to a port facility to visit and see what the security was. They were showing me a container they had taken off a ship. The container they opened happened to be frozen broccoli from Poland, bags and bags and bags of frozen broccoli. I said, How do you know what is in the middle of this container? I see there are bags of frozen broccoli. How do you know that is all that is here in the container? Well, we don't know. That is why we are inspecting this particular container. How many containers do you inspect? We know the answer to that. Out of every 100, 96 are not inspected.

That is a threat to our country's seaports.

What about a terrorist organization deciding they want to try to steal a nuclear weapon someplace? After all, there are tens of thousands of them—somewhere, we believe, between 20,000 and 30,000 nuclear weapons that exist in this world. Steal a nuclear weapon and put it in a container, on a container ship and run it up to a dock, appear at one of America's major cities. What about the prospect of that happening? Then we would not see 3,000 deaths. No, we would see 100,000 deaths or more.

Seaport security is a very serious issue.

Now, in the midst of all of these issues of national security, we hear that something called CFIUS—the Committee on Foreign Investments in the United States, composed of some 12 Federal agencies coming together as a committee, evaluating foreign investment in the United States—decided it is all right if this company called Dubai Ports World, a company owned by the United Arab Emirates, is allowed to manage six of America's largest ports, including ports in New York, New Jersey, Miami, Louisiana, and Maryland.

That is not all right with me.

I just came from a committee hearing where we had some people say, Well, you are going to offend somebody here. The United Arab Emirates is a country that has been very helpful to us in the fight on terrorism. The last thing we want to do is offend them.

What about offending common sense? Should we be offending common sense here in the Senate? I don't think so. Common sense would say to us when threatened by terrorist threats, security in this country ought to be security provided by the United States. We can't provide for our own security in our management of U.S. ports?

The United Arab Emirates is probably a perfectly wonderful country. It is not a democracy, I will tell you. And two of the hijackers on 9/11/2001 were UAE citizens. And the United Arab Emirates was only one of three countries that recognized the Taliban Government which played host to Osama bin Laden in Afghanistan.

Let me read something from the 9/11 Commission report. On page 137:

> Early in 1999, the CIA received a recording that Osama bin Laden was spending much of his time at one of several camps in the Afghanistan desert south of Kandahar. At the beginning of February, bin Laden was reportedly located at the vicinity of Sheik Ali Camp, a desert hunting camp being used by visitors from a Gulf State. Public sources have stated that those terrorists were from the United Arab Emirates.

I will not read all of this.

According to the reports, the military was doing targeting work to hit the camp where Osama bin Laden was thought to be, to hit it with cruise missiles. But no strike was launched. And Mr. bin Laden apparently soon moved on and the immediate strike plans became moot.

According to the CIA and defense officials, the reason the strike was not launched against bin Laden was that policymakers were concerned about the danger that a strike would kill a prince from the United Arab Emirates who was visiting with bin Laden.

The 9-11 Commission report also talks about an official airplane for the United Arab Emirates at a landing strip there. They believed the UAE officials were visiting with Mr. bin Laden. So apparently, any opportunity for this country to target Mr. bin Laden before 9/11 was in part fouled by the relationship between at least some in the Royal Family of the United Arab Emirates and Mr. bin Laden.

One of our Cabinet officers said, Well, this issue is not just about national security, but also about trade and about commerce.

Look, trade and commerce do not ever trump national security. If there are national security issues, then they have to be dealt with and have to be recognized.

We are told, Well, everyone signed off on this; there is not a problem here. But now we find out today that not everybody did sign off on this. Yesterday we found out that the Coast Guard expressed reservations about the deal in a secret report, which had already been made public. The report said:

> There are many intelligence gaps concerning the potential for DPW or PNO assets to support terrorist operations. That precludes an overall threat assessment of the potential DPW and PNO ports merger.

So don't tell me that the Coast Guard signed off on this. They raised questions about it, as they should have.

I have a GAO report that I showed a few moments ago in the Commerce Committee. This is the title of the July 2005 GAO report: "The DOD Cannot Ensure its Oversight of Contractors Under Foreign Influence is Sufficient."

If the Department of Defense cannot ensure proper oversight of foreign contractors, the Department of Homeland Security can? I don't think so. The Department of Homeland Security, after all, responded to Hurricane Katrina. Look at the mess they made with that. Now they are saying, even though the Department of Defense cannot ensure oversight of foreign contractors, Homeland Security is going to be able to do that with respect to the security of our ports? I don't think so.

So national security is an issue. And saying so is not a slap in the face at any country. It is just recognizing the obvious.

Something else that has not been talked about should be talked about.

We have moved at a full gallop toward globalization. We are in a global economy, we are told. Well, the fact that we are in a global economy should not persuade us not to think. One of the questions ought to be raised by all is—aside from the national security interests, which are significant interests—one of the other questions is, why would our country not have the capability to provide its own port management, its own port security?

There are certain things we do that we know we must do. Again, go to the airport and see what they tell you about your shoes and belt and see a little 6-year-old boy spread-eagle against the wall being "wanded" and ask yourself: Why is that happening? Because we have decided there is a security threat at airports. Terrorists use a commercial airliner as a guided missile to destroy buildings in our country and to murder Americans. So we have issues of national security to respond to a threat with airport screening.

What about our seaports? Does anyone think there is any less danger with somewhere around 5.7 to 5.9 million containers coming into our country, with 96 percent of them not having been screened? Does anyone think there is less danger to America to have just one of those containers be pulled up slowly at an American pier or port or dock that has a weapon of mass destruction?

We are spending billions and billions of dollars building an antiballistic missile defense system that does not work, regrettably. We have spent billions of dollars and are spending billions more trying to hit a bullet with a bullet because we are concerned that a rogue nation or a terrorist will get hold of a ballistic missile, put on its tip a nuclear weapon, and send it to us somewhere around 15,000 miles per hour. By far, the more significant threat is for a ship to pull up at one of our docks at about 5 miles per hour, loaded with containers, most of which have never been inspected, containing in one circumstance a weapon of mass destruction. That is by far a more significant threat to our country.

I have spoken, I suppose, a dozen times over the years since 2001 about port security. Not because we have any ports in North Dakota, because we do not. But it is obvious to me that if you are going to begin to provide security for this country, we do not just do it by metal detectors at airports; we do it at seaports and rail security, as well. And with respect to seaports, it seems completely illogical to me from a national security standpoint that we would decide to turn over to foreign countries the management of our ports, our seaports.

People have said today: Are you kidding? This is done all the time, for God's sake. Get a life. This is going on everywhere. You do not understand the global economy. We have had other countries managing our seaports.

This has become an issue that most American people recognize is a problem. But a number of Members in the Congress do not recognize it as a problem. Some do. But I heard opening statements at a committee hearing suggesting this debate is about racial profiling, it is about offending a good neighbor. Well, that is all nonsense. This is about demanding at least some level of common sense be used in establishing public policy.

The President says: We did the right thing. I have already made up my mind, he says, and we approved it. And I will veto anything that would overturn that approval.

Then he says, when asked by the company that is owned by the United Arab Emirates to review it for 45 more days, the President says: Yes, we will review it for 45 more days. But, again, he put out a statement today saying: I've already made up my mind.

At a committee hearing this afternoon, others on the committee said: Well, some of you have already made up your mind. Shame on you.

As I said, it would not take me 45 days to figure it out. It does not take 45 minutes to figure it out. We ought to, as a country, be able to find ways to manage our seaports. And we ought to, as a country, take responsibility for our own national security. After all, it is not every country in the world where you pin a little pin on the map that says: Here's target one, here's the bull's eye of the target for terrorists. They want to attack this country. This is where they want to attack. We understand that.

All of us feel fortunate we have not been attacked again since 2001. But we all know, as well, that there is much yet to do. Seaport security is one of those areas in which we have to do much better.

My colleague who sat behind me some years, Senator Fritz Hollings from South Carolina, would come to the Senate and speak at great length about this. He would offer funding for more seaport security. It was routinely turned down. All of us offered this and were routinely turned down. We did not have the money. And we are inspecting 4 to 5 percent.

Someday, God forbid, if something happens at a seaport, we will all stand and scratch our heads and say: Why didn't we try to find a way to do this better, more inspections? Why didn't we understand that is more vulnerable even than airport security? Why didn't we figure that out?

This is an opportunity. I understand this will be controversial. I understand the President is going to be upset if the Congress takes action.

I will offer legislation today that is very simple. It does not tiptoe around 45 days and all these things. It just says this should not happen.

If that offends someone, I am sorry. But I do not want to offend common sense. And it seems to me, in this country there is a deep reservoir of common sense at the local cafe or down at the hardware store to say it would make the most sense, given the fact we are targeted by terrorists, it would make the most sense for our country to take responsibility for itself. This is not about globalism. It is not about the global economy. It is not about offending someone. It is about deciding as a country to assume responsibility for your security.

Let me make one other point. Yes, we need friends. Yes, we need the United Arab Emirates to be our friend and other countries as well to cooperate with us. But wouldn't it have been nice, for example, if we had more cooperation when Dr. Kahn in Pakistan was arranging to have nuclear materials and nuclear plans and nuclear parts sent around to North Korea and to Iran and to other countries? Our children will pay for that, unfortunately. And most of that material went through the United Arab Emirates' ports.

Wouldn't it have been nice if we had more friends? We need more friends. But, it seems to me, we ought not buy friendship by deciding that we will put a company controlled by the United Arab Emirates in the position of managing America's ports. Once again, this is merely common sense.

The GAO report of last summer ought to be instructive to us. If the Department of Defense cannot ensure its oversight of contractors under foreign influence, how on Earth can Homeland Security ensure oversight of a contractor that is owned by a foreign government in the Middle East? How on Earth can we expect that to happen?

I come to the Senate to talk a lot about trade. In this age of globalism people say: You are just a xenophobic isolationist stooge who does not get it. The world has changed. It is a global world. Everyone does everything everywhere.

It seems to me it is not inappropriate even in a global economy to pursue our own interests from time to time, and that is especially true when it deals with the subject of terrorism. Does the global economy mean that you outsource or offshore everything? Is there anything you cannot do without?

Some 15 years ago, I used to question Carla Hills, the trade ambassador, at various hearings. Managed trade was anathema to her, and it has been to virtually every administration. Yet virtually every country we do trade with has managed trade. They have managed trade with a set of objectives. I used to continually ask Carla Hill: Is there anything the loss of which would give you problems?

For example, if, in a completely open system of trade we lost our entire steel industry—it was gone, no steel mill and no steel produced domestically—would that give you a problem? The answer was, no, whatever happens, happens. That is nonsense. There are certain things that a country must hang on to to remain a strong economic power, a world economic power.

Maybe this, also, in addition to the national security issues—which I think are very important—maybe it is also an opportunity to wake up and answer the question: What is appropriate in a global economy? Is everything on the table? Everything for sale? Everything up for trading and grabs? Is offshoring just fine, notwithstanding what it means to the American economy?

Perhaps, if we use this opportunity to ask those questions, we will have done this country a favor.

In the meantime, I will introduce the simplest piece of legislation introduced on this subject. It simply says: "Just say no."

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 384—DESIGNATING MARCH 2, 2006, AS "READ ACROSS AMERICA DAY"

Ms. COLLINS (for herself, Mr. REED, and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 384

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107–110) and the Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and providing additional resources for reading assistance; and

Whereas more than 40 national associations concerned about reading and education have joined with the National Education Association to use March 2, the anniversary of the birth of Theodor Geisel, also known as Dr. Seuss, to celebrate reading: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2, 2006, as "Read Across America Day";

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of Dr. Seuss and in celebration of reading; and

(4) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 385—EXPRESSING THE GRATITUDE AND APPRECIATION TO THE MEN AND WOMEN OF THE ARMED FORCES WHO SERVE AS MILITARY RECRUITERS, COMMENDING THEIR SELFLESS SERVICE IN RECRUITING YOUNG MEN AND WOMAN TO SERVE IN THE UNITED STATES MILITARY, PARTICULARLY IN SUPPORT OF THE GLOBAL WAR ON TERRORISM

Mr. ENSIGN submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 385

Whereas the Armed Forces are an all volunteer force, which makes recruiting the necessary number of volunteers for each individual service a challenging task;

Whereas the military recruiters have enabled the individual branches of the Armed Forces to meet the demands of the modern battlefield through the enlistment of quality soldiers, sailors, airmen, and Marines;

Whereas military recruiters work long strenuous hours, in rural and urban areas of the country, and away from the traditional military support systems;

Whereas military recruiters, like many of their deployed colleagues, have forfeited and sacrificed time with their families and placed their mission above all else;

Whereas military recruiters support the global war on terrorism by filling our Nation's military ranks with qualified personnel needed to combat and eradicate terrorists through military power;

Whereas, in the past fiscal year, military recruiters provided the Nation with more than 200,000 new active duty, reserve, officer, and enlisted accessions;

Whereas military recruiters have provided young men and women across the Nation the opportunity to further their education through the use of congressionally mandated incentives such as the Montgomery GI Bill, and various college loan repayment programs, thereby allowing returning veterans greater opportunity to achieve their full potential as successful members of society;

Whereas military recruiters are the face and voice of the Armed Forces in communities in every State across the Nation, as well as Puerto Rico, Europe, Korea, and Guam;

Whereas military recruiters develop close working relationships with families, schools, business professionals, and numerous civic organizations;

Whereas military recruiters are an essential element of the Department of Defense and play a key role in the security of our Nation: Now, therefore, be it

Resolved, That the Senate—

(1) commends the men and women of our Armed Forces who serve as military recruiters for their service to our country and their dedicated, professional, and noteworthy performance of duty during difficult times of sustained combat and the global war on terrorism; and

(2) reaffirms its commitment to supporting all aspects of the recruiting services of the Armed Forces, by providing sufficient legislative support and incentives in order that recruiters may continue to meet and exceed the personnel requirements of the Armed Forces.

SENATE CONCURRENT RESOLUTION 82—TO ESTABLISH A PROCEDURE FOR THE APPOINTMENT OF INDEPENDENT CONGRESSIONAL ETHICS OFFICE TO INVESTIGATE ETHICS VIOLATIONS IN THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. KERRY submitted the following concurrent resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. CON. RES. 82

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONGRESSIONAL ETHICS OFFICER.

(a) ESTABLISHMENT.—There is established in the legislative branch an independent authority to be known as the Congressional Ethics Office to be headed by a Congressional Ethics Officer.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Congressional Ethics Officer shall be appointed in accordance with paragraph (2).

(2) APPOINTMENT.—The majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the minority leader of the House of Representatives, the chairman and ranking member of the Committee on Standards of Official Conduct of the House of Representatives, and the chairman and the ranking member of the Select Committee on Ethics of the Senate shall nominate the Congressional Ethics Officer at the beginning of a Congress. The Congressional Ethics Officer shall be confirmed by both the Senate and the House of Representatives.

(c) TERMS.—

(1) IN GENERAL.—The Congressional Ethics Officer shall serve a term of 2 years and may be reappointed for 2 additional terms.

(2) DEATH OR RESIGNATION.—In the case of the death or resignation of the Congressional Ethics Officer a successor shall be appointed in the same manner to serve the remaining term of that Congressional Ethics Officer.

(d) REMOVAL.—The Congressional Ethics Officer may be removed only by resolution of the Senate or the House of Representatives.

(e) DUTIES.—It shall be the duty of the Congressional Ethics Officer to—

(1) receive requests for review of an allegation described in section 2(b);

(2) make such informal preliminary inquiries in response to such a request as the Congressional Ethics Officer deems to be appropriate;

(3) if, as a result of those inquiries, the Congressional Ethics Officer determines that a full investigation is not warranted, submit a report pursuant to section 2(f); and

(4) if, as a result of those inquiries, the Congressional Ethics Officer determines that there is probable cause, the Congressional Ethics Officer—

(A) may determine a full investigation is warranted and conduct such investigation; and

(B) shall provide a full report of the investigation which shall be available for public inspection to either the Select Committee on Ethics of the Senate or the Committee on Standards of Official Conduct of the House of Representatives.

(f) COMPENSATION OF CONGRESSIONAL ETHICS OFFICER.—

(1) IN GENERAL.—The Congressional Ethics Officer shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5,

United States Code, for each day (including travel time) during which he or she is engaged in the performance of the duties of the Congressional Ethics Officer.

(2) TRAVEL EXPENSES.—The Congressional Ethics Officer and members of the Congressional Ethics Officer staff shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Congressional Ethics Officer.

(g) STAFF.—

(1) IN GENERAL.—The Congressional Ethics Officer may, without regard to the civil service laws and regulations, appoint, and terminate an executive director and such other additional personnel as are necessary to enable the Congressional Ethics Officer to perform his or her duties. The staff of the Congressional Ethics Office shall be nonpartisan.

(2) STAFF COMPENSATION.—The Congressional Ethics Officer may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(3) DETAILEES.—Any Federal Government employee may be detailed to the Congressional Ethics Officer without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) TEMPORARY SERVICES.—The Congressional Ethics Officer may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(5) STAFFING.—Except at a time when additional personnel are needed to assist the Congressional Ethics Officer in his or her review of a particular request for review under section 2, the total number of staff personnel employed by or detailed to the Congressional Ethics Officer under this subsection shall not exceed 50.

(h) INAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SEC. 2. REVIEW OF ALLEGATIONS OF MISCONDUCT AND VIOLATIONS OF ETHICS LAWS.

(a) DEFINITIONS.—As used in this section, the term "officer or employee of Congress" means—

(1) an elected officer of the Senate or the House of Representatives who is not a member of the Senate or the House of Representatives;

(2) an employee of the Senate or the House of Representatives, any committee or subcommittee of the Senate or the House of Representatives, or any member of the Senate or the House of Representatives;

(3) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

(4) an employee of a joint committee of Congress.

(b) REQUEST FOR REVIEW.—Any person, including a person who is not an officer or employee of Congress, may present to the Congressional Ethics Officer a request to review and investigate an allegation of—

(1) improper conduct that may reflect upon the Senate or the House of Representatives;

(2) a significant violation of law;

(3) a violation of the Senate Code of Official Conduct (rules XXXIV, XXXV, XXXVII, XXXVIII, XXXIX, XL, XLI, and XLII of the Standing Rules of the Senate) or the ethics rules of the House of Representatives; or

(4) a significant violation of a rule or regulation of the Senate or the House of Representatives, relating to the conduct of a person in the performance of his or her duties as a member, officer, or employee of the Senate or the House of Representatives.

(c) SWORN STATEMENT.—

(1) IN GENERAL.—A request for review under subsection (b) shall be accompanied by a sworn statement, made under penalty of perjury under the laws of the United States, of facts within the personal knowledge of the person making the statement alleging improper conduct or a violation described in subsection (b).

(2) FALSE STATEMENT.—If the Congressional Ethics Officer determines that any part of a sworn statement presented under paragraph (1) may have been a false statement made knowingly and willfully, the Congressional Ethics Officer may refer the matter to the Attorney General for prosecution.

(d) PROTECTION FROM FRIVOLOUS CHARGES.—

(1) IN GENERAL.—Any person who—

(A) knowingly files with the Congressional Ethics Office a false complaint of misconduct on the part of any legislator or any other person shall be subject to a $10,000 fine or the cost of the preliminary review, whichever is greater, and up to 1 year in prison; or

(B) encourages another person to file a false complaint of misconduct on the part of any legislator or other person shall be subject to a $10,000 fine or the cost of the preliminary review, whichever is greater, and up to 1 year in prison.

(2) SUBSEQUENT COMPLAINTS.—Any person subject to either of the penalties in paragraph (1) may not file a complaint with the Congressional Ethics Office again.

(3) BAN ON FILINGS PRIOR TO ELECTION.—The Congressional Ethics Office may not accept charges filed in the—

(A) 30 days prior to a primary election for which the Member in question is a candidate; and

(B) 60 days prior to a general election for which the Member in question is a candidate.

(e) SUBPOENA.—The Congressional Ethics officer may bring a civil action to enforce a subpoena only when directed to do so by the adoption of a resolution by the Senate or the House of Representatives, as appropriate.

(f) REFERRAL OF REPORTS TO THE SELECT COMMITTEE ON ETHICS OF THE SENATE, THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT OF THE HOUSE OF REPRESENTATIVES OR THE DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—If, after making preliminary inquiries, the Congressional Ethics Officer finds probable cause that a violation of the ethics rules has occurred, the Congressional Ethics Officer shall submit to the members of the Senate, members of the House of Representatives, and the Department of Justice a report that—

(A) states findings of fact made as a result of the inquiries;

(B) states any conclusions that may be drawn with respect to whether there is substantial credible evidence that improper conduct or a violation of law may have occurred; and

(C) states its reasons for concluding that further investigation is not warranted.

(2) NO ACTION.—After submission of a report under paragraph (1), no action may be taken in the Senate or the House of Representatives to impose a sanction on a person who was the subject of the Congressional Ethics Officer's inquiries on the basis of any conduct that was alleged in the request for review and sworn statement.

SEC. 3. ADDITIONAL RESPONSIBILITIES.

The Congressional Ethics Officer shall—

(1) periodically report to Congress any changes to the ethics law and regulations governing Congress that the Congressional Ethics Officer determines would improve the investigation and enforcement of such laws and regulations; and

(2) provide an annual report to Congress on the number of ethics complaints and a description of the ethics investigations undertaken during the prior year.

Mr. KERRY. Mr. President, today I am submitting a concurrent resolution establishing an independent Congressional Inspector General to investigate ethics violations in the Senate and the House of Representatives.

Every Member of Congress must be held to the highest ethical standards. Those who violate the public trust must be held accountable for their actions. Unfortunately, our current system does not measure up. Too often, Congress has been unable or unwilling to effectively investigate or appropriately punish those Members who commit serious ethical violations.

In December 2005, an NBC/Wall Street Journal poll showed that just five percent of Americans believe all Members of Congress are honest and trustworthy. The same poll showed that most Americans believe that most Members of Congress are dishonest and are not trustworthy.

This is simply unacceptable. We have to restore the faith of the American people in the Congress. Thus, I am submitting a resolution to establish an independent Congressional Inspector General with the authority to investigate and punish violations of the ethics rules by Members of Congress, Congressional staff and the Capitol Police.

The Congressional Inspector General will make a preliminary investigation into all ethical misconduct allegations to determine whether there is probable cause that a full investigation is warranted. The Congressional Inspector General has expansive authority to investigate ethics allegations, including improper conduct that may reflect upon the Senate or House of Representatives, significant violations of law, violations of the Senate Code of Official Conduct or the ethics rules of the House of Representatives, and violations of Congressional rules or regulations relating to the conduct of Members in their performance of official duties. If a full investigation is warranted, a public report will be developed for the House and Senate Ethics Committees or the Justice Department describing any credible evidence of improper conduct or a violation of law.

To insure that this new ethics process is not abused, anyone who knowingly files a false ethics complaint will be subject to a $10,000 fine or the costs incurred by the investigation, whichever is greater. They could also be subject to up to one year in prison and will be banned from making further complaints.

The Congressional Inspector General will not be able to accept new charges filed 30 days prior to a primary election for which the Member of Congress in question is a candidate or 60 days prior to a general election for which the Member of Congress is a candidate.

The Congressional Inspector General will also provide periodic reports to Congress on how to update our ethics laws and how to improve the investigation and enforcement of current ethics laws. Finally, it would release an annual report of violations by Members of Congress and Congressional staff.

I also strongly support other legislation to develop independent oversight of the Congressional ethics process including the Congressional Ethics Enforcement Commission Act of 2006 that was introduced by Senator OBAMA earlier this year. I look forward to working with my colleagues to develop ethics reform legislation in the upcoming months.

We need to change the way business is done in Washington. We must convince the American people that our government responds to the needs of our people, not to special interests. This resolution will help restore the faith of the American people in their government. Together we can work to change our government for the better.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, March 1, 2006, at 9:30 a.m., in room 106 of the Dirksen Senate Office Building to conduct a joint oversight hearing with the House Committee on Resources on the Settlement of Cobell v. Norton.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BUNNING. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 28, 2006, at 9:30 a.m., to receive testimony on current and future worldwide threats to the national security of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BUNNING. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 28, 2006, at 10:30 a.m., to conduct a hearing on the evaluation of the administration's FY 07 Budget for the Federal Transmit Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BUNNING. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on February 28, 2006, at 10 a.m. on USF Contributions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BUNNING. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on February 28, 2006, at 2:45 p.m., on Security of Terminal Operations at U.S. Ports.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUNNING. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, February 28 at 10 a.m.

The purpose of this hearing is to review the proposed FY 2007 Forest Service Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BUNNING. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Education and Early Childhood Development, be authorized to hold a hearing during the session of the Senate on Tuesday, February 28, 2006, at 10 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, February 28, 2006, at 9:30 a.m., in room 485 of the Russell Senate Office Building to conduct an oversight hearing on Off-Reservation Gaming: Land into Trust and the Two-Part Determination.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BUNNING. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Wartime Executive Power and the NSA's Surveillance Authority II" on Tuesday, February 28, 2006, at 9:30 a.m., in the Dirksen Senate Office Building Room 226. The witness list is attached.

Witnesses

The Honorable R. James Woolsey, Vice President Global Strategic Security Division, Booz Allen Hamilton, McLean, VA; Harold Hongju Koh, Dean, Yale Law School, New Haven, CT; Ken Gormley, Associate Professor of Constitutional Law, Duquesne University School of Law, Pittsburgh, PA; Douglas W. Kmiec, Professor, Pepperdine University School of Law, Malibu, CA; Bruce Fein, Fein & Fein, Washington, DC; Robert F. Turner, Associate Director, Center for National Security Law, University of Virginia, Charlottesville, VA; Robert Levy, Senior Fellow in Constitutional Studies, CATO Institute, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BUNNING. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, February 28, 2006, at 9:30 a.m., to mark up an original bill to make the legislative process more transparent.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BUNNING. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, February 28, 2006, to hear the legislative presentation of the Disabled American Veterans.

The hearing will take place in room 216 of the Hart Senate Office Building at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. BUNNING. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Tuesday, February 28, 2006, at 10 a.m. for a hearing entitled, "Enhancing Educational and Economic Opportunity in the District of Columbia."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. BUNNING. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate on Tuesday, February 28 at 2:30 p.m.

The purpose of the hearing is to receive testimony on the Bureau of Reclamation's Reuse and Recycling Program (title XVI of P.L. 102-575).

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF ESCORT COMMITTEE

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the Honorable Silvio Berlusconi, Prime Minister of the Republic of Italy, into the House Chamber for a joint meeting tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SIBLING CONNECTION DAY

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 381 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 381) designating March 1, 2006, as National Sibling Connection Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 381) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 381

Whereas sibling relationships are among the longest lasting and most significant relationships in life;

Whereas brothers and sisters share history, memories, and traditions that bind them together as family;

Whereas it is estimated that over 65 percent of children in foster care have siblings, and are often separated when they are placed in the foster care system, adopted, or confronted with different kinship placements;

Whereas children in foster care have a greater risk of emotional disturbance, difficulties in school, and problems with relationships than their peers;

Whereas the separation of siblings as children causes additional grief and loss;

Whereas organizations and private volunteers advocate for the preservation of sibling relationships in foster care settings and provide siblings in foster care with the opportunity to reunite;

Whereas Camp to Belong, a nonprofit organization founded in 1995 by Lynn Price, heightens public awareness of the need, to preserve sibling relationships in foster care settings and gives siblings in foster care the opportunity to reunite; and

Whereas Camp to Belong has reunited over 2,000 separated siblings across the United States, the United States Virgin Islands, and Canada: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 1, 2006, as "Siblings Connection Day";

(2) encourages the people of the United States to celebrate sibling relationships on this day; and

(3) supports efforts to respect and preserve those sibling relationships that are at risk of being disrupted due to the placement of children into the foster care system.

READ ACROSS AMERICA DAY

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 384, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 384) designating March 2, 2006, as "Read Across America Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 384) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 384

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107-110) and the Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and providing additional resources for reading assistance; and

Whereas more than 40 national associations concerned about reading and education have joined with the National Education Association to use March 2, the anniversary of the birth of Theodor Geisel, also known as Dr. Seuss, to celebrate reading: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2, 2006, as "Read Across America Day";

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of Dr. Seuss and in celebration of reading; and

(4) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

ORDERS FOR WEDNESDAY, MARCH 1, 2006

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, March 1. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of S. 2271, the PATRIOT Act amendments bill, and that the time be equally divided until the 10 a.m. vote on passage. I further ask that following the vote, the Senate stand in recess until 12 noon for a joint meeting of Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CHAMBLISS. Mr. President, today the Senate voted for cloture on the PATRIOT Act amendments bill. Tomorrow morning at 10 a.m., there will be a vote on passage of the bill. Following the vote, Senators will gather in the Senate Chamber at 10:30 and proceed as a body to the Hall of the House of Representatives for a joint meeting of Congress with Italian Prime Minister Berlusconi. Members should plan their schedules accordingly. Following that joint meeting, we will proceed to the PATRIOT Act conference report. It may be necessary to have a couple of procedural votes prior to the vote on invoking cloture on the PATRIOT Act conference report. I would expect those votes to begin sometime shortly after noon when the Senate reconvenes following the joint meeting.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CHAMBLISS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:19 p.m., adjourned until Wednesday, March 1, 2006, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, February 28, 2006*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. ADERHOLT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 28, 2006.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"Oh, Lord, You have examined me and You know me through and through. You discern even my thoughts from afar."

It is our nature, Lord God of heaven and earth, to hold us in Your living presence always. It is our nature to think of You or think of others only momentarily. So fixed on ourselves. So limited are we.

Be with each of us, that we may be our very best, and prove ourselves worthy of Your love and Your grace. Be with Congress and its work and deliberations today, that this government may merit the trust of the American people and manifest the strength of the democracy to the nations of the world.

Without You, O Lord, we can do nothing. With You and in You we can establish a kingdom of peace, goodness and justice now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 17, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 17, 2006, at 1:45 p.m.:

That the Senate agreed to H. Con. Res. 345.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk of the House.

UNITED NATIONS HUMAN RIGHTS COUNCIL

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, a year ago we were filled with hope that the proposed United Nations Human Rights Council would correct the deeply flawed human rights mechanisms in that body. We thought that once and for all repressive regimes would be held accountable for their crimes.

However, our hopes were quickly dashed last Thursday when the latest proposal for the new Human Rights Council was made public. Rather than taking the time to do something constructive, to make things right, the international community chose consensus over substance. There was a race to the lowest common denominator. And the result? A flawed proposal which empowers dictatorships while weakening democratic countries such as the United States and Israel.

Much more work needs to be done, Mr. Speaker. We must ensure that the new council is not mere cosmetic changes, but true reform. Let us support our U.S. Ambassador, John Bolton, by rejecting this so-called reform. It is nothing but a farce.

BUSH ADMINISTRATION IGNORES THE LAW ON SECURING OUR PORTS

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, the Bush administration should have never approved a deal to allow the United Arab Emirates to operate at least six major U.S. ports. The administration claims it went through the proper process in approving the deal, but the administration did not conduct a 45-day investigation that is legally required. It would be nice if someone over at the White House would actually read the laws passed here in Congress.

If the Bush administration had done its homework, they would have discovered that a 45-day investigation is mandatory in cases like this where the company is controlled by a foreign government and the acquisition could affect our national security.

Had Congress not expressed outrage with the plan, a 45-day investigation would not be taking place today. However, investigation is simply not enough. I have absolutely no confidence that the Bush administration will conduct a proper investigation without pressure from Congress. Democrats and Republicans here in the House must stand against this proposal. We already know our ports are vulnerable. We should not add to that vulnerability by turning our port operations over to another country.

OUR ECONOMY IS DOING GREAT

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, our economy is doing great. But Americans will not find that out from the Main Street media. New York Times, January 2006: the U.S. economy slowed sharply at the end of 2005.

Atlanta Journal Constitution, January 2006: economic growth slows to a snail's pace.

The New York Times again, January 2006: pockets of concern slow a strong U.S. economy.

But what the facts show, the U.S. economy grew 3.1 percent during 2005. The unemployment rate is 4.7 percent, the lowest since July 2001.

The Congressional Budget Office projects economic growth at 3.6 percent in 2006. Personal incomes grew above inflation last year in 49 out of 50 States. Two million jobs were created last year, and more Americans are working than ever before. Average weekly earnings grew faster in 2005 than the average growth during the Clinton years.

Do not believe the headlines. Our economy is the envy of the industrialized world, and we are doing great.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PORT SECURITY

(Mr. FEENEY asked and was given permission to address the House for 1 minute.)

Mr. FEENEY. Mr. Speaker, I rise to express my concern with the potential port management transfer to Dubai Ports World.

Less than 1 month ago, our President stood in front of us and told us that homeland security was the number one issue this Nation faces. And, in fact, this administration has a strong and great record in defending our homeland.

But last week, when I was home, Americans throughout my district expressed deep concern that this fast track deal had not been given the type of scrutiny that all of us took a constitutional oath to do when we said we would protect our country.

I need to say that, although the United Arab Emirates has been recently a good friend, including a friend in the war on terror, this deal deserves much more discourse and much more scrutiny before it goes forward.

I plan to support legislation to provide congressional oversight for such important decisions in the future and to put a hold on this deal unless and until Congress satisfies itself, as the administration has, that America's interests and security will not be imperiled.

STATUS OF THE ECONOMY

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, my son Johnny and his new bride bought a house last fall. He is a baseball coach at our local high school. He has joined a record number of people, the largest in the history of the United States, who own their own home. The great American Dream, to own your own home.

The naysayers say the economy is struggling, but the facts do not prove out to be the truth. More people own their own home in America than at any time in the history of our Nation.

We are growing. We have an unemployment rate of 4.7 percent, and that is one of the lowest in history. Texas unemployment is at an all-time low in modern history. Our economy grew a solid 4.1 percent in the third quarter, the 10th straight quarter of GDP at a rate above 3 percent.

We are producing more. We are growing more. We are providing more jobs. We need to prevent the tax increases that many in this body wish to make. We need to make sure that we maintain a good tax structure and keep the tax cuts in position so that this growth will continue. It is good for the American Dream.

PORT ACQUISITION

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, it is said that Washington does two things well, nothing and overreact. And both have been in high relief in the last week in our Nation's Capital.

Americans learned just a few days ago of the approval by the Committee on Foreign Investment of the United States that a company owned by the United Arab Emirates had purchased the ability to operate ports in six major American cities.

Those on the do-nothing side argued very quickly that the contract had been vetted in the CFIUS program, a 30-day perfunctory review. They argued that no more review was necessary, despite the fact that the UAE had been the home to the banks that funneled money to the 19 hijackers on 9/11 and, in fact, had endorsed the Taliban government in Afghanistan before that attack.

On the overreact side, many in Congress, especially, it seems, Democrats in the Senate, called for a complete cancellation of the contract without regard to the fact that since 9/11 the United Arab Emirates has been a strong ally of the United States, providing a safe harbor for more than 500 of our ships to be refueled and readied.

For my part, I joined those in Congress who called for a thorough investigation of this contract in the next month and a half and in an agreement reached this weekend between the administration, Congress, and the companies involved of a 45-day review to go forward.

But in order for this contract to be moved forward, the American people must be absolutely certain that doing so will not compromise the methods and practices that the Coast Guard, Customs, and Homeland Security employ to protect our ports.

OUR ECONOMY

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to applaud the Republican fiscal policies that have led the United States economy to an expansion rate of 3.5 percent in 2005. Over the last year we have experienced real economic successes as a result of our legislation that puts American families first.

In 2005 we witnessed historically low unemployment rates, a GDP growth rate of 4.3 percent, and 30 straight months of employment gains. It is no wonder consumer confidence rose last month to the highest level in several years. The current unemployment rate of 4.7 percent is lower than the average rates in the 1970s, 1980s, and 1990s.

Our policies, Mr. Speaker, are working. And just last month our payroll employment rose by another 193,000 jobs.

Mr. Speaker, our economy is strong. Household net worth is at an all-time high. Construction spending is at an all-time high. Homeownership is at an all-time high.

I think we can all see the trend developing here. As a Congress, we must adhere to the principles of lower taxes and more responsible government spending. These are the policies that have a proven track record of growing our economy. I am greatly encouraged that economic forecasters project our robust economy will continue in 2006.

RECOGNIZING PRESIDENT BUSH'S HISTORIC TRIP TO INDIA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, while preparing for his upcoming visit to India, President Bush recently highlighted the unique role India is playing in the 21st century. As the largest democracy in the world and one of the largest economies in the world, India possesses a rare combination of freedom and innovation which is paving the way for the country's bright future.

The United States already shares a strong strategic partnership with India, enhanced by the extraordinary success of 2.2 million Indian-Americans. Our nations are working together to defeat the global threat of terrorism, support democracy around the world, and encourage fair trade. Last year, exports from America to India increased by 30 percent, clearly indicating a bright future for U.S.-India trade with mutual benefit.

By traveling to India this week, President Bush is taking another step to cement the bonds of this strong relationship. I appreciate his leadership, and I am confident that he will witness the same positive developments I saw during my recent trip to India.

In conclusion, God bless our troops, and we will never forget September 11.

SECURING OUR HOMELAND

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, we are hearing a good bit about national security today; and whether it is ports or the PATRIOT Act, we know that there are things that we in this body can do and steps we can take to be certain that America is a safer place for our children, for our families to live, to work, to enjoy our lives.

Mr. Speaker, the PATRIOT Act as it comes back around and as we hear more about this and hear more about the reauthorization of this, I would encourage our colleagues to remember this is a tool that has proven to be successful and useful in our national security. It has proven to be a useful tool in keeping America safe. It has proven to be useful to law enforcement. It deserves reauthorization. It deserves reconsideration, and I encourage all Members of this body to support reauthorization of the PATRIOT Act.

RESIGNATION AS MEMBER OF COMMITTEE ON EDUCATION AND THE WORKFORCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Education and the Workforce:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 16, 2006.
Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER, Effective today, February 16th, I resign my seat on the Committee on Education pending my appointment to the Committee on Transportation and Infrastructure.

Sincerely,
JOHN BARROW.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 17, 2006.
Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 17, 2006, at 1:25 p.m.:

That the Senate passed without amendment H.R. 4745.

With best wishes, I am,

Sincerely,
KAREN L. HAAS,
Clerk of the House.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ADERHOLT). Pursuant to clause 4 of rule I, Speaker pro tempore TOM DAVIS signed the following enrolled bill on Friday, February 17, 2006:

H.R. 4745, making supplemental appropriations for fiscal year 2006 for the Small Business Administration's disaster loans program, and for other purposes.

APPOINTMENT OF MEMBERS TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 276h, and the order of the House of December 18, 2005, the Chair announces on February 16, 2006, the Speaker appointed the following Members of the House to the Mexico-United States Interparliamentary Group:

Mr. KOLBE, Arizona, Chairman
Mr. MCCAUL, Texas, Vice Chairman

COMMUNICATION FROM THE HON. CURT WELDON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable CURT WELDON, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 17, 2006.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony and documents issued by the U.S. District Court for the Eastern District of Pennsylvania.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,
CURT WELDON,
Member of Congress.

PORT SECURITY

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. DELAURO. Mr. Speaker, the idea that any foreign government could control our ports sets off alarm bells for many Americans. And it ought to. Our Nation's ports are among our most critical infrastructure.

And that is why I cannot fathom why the Bush administration would willingly transfer the operation of 20 U.S. ports to a company owned by the United Arab Emirates, a country who may be an ally today but has had a checkered past when it comes to supporting terrorism. In approving the transaction, we see once again how the administration conducts business behind a veil of secrecy, cutting corners, failing to follow the law and acting at the behest of not the American citizens but industry. Indeed, they only agreed to the 45-day review the law requires after the company suggested it. And while mid-level officials were signing off on this deal, the President was nominating a top DP World executive to serve in his administration, a blatant conflict of interest.

Mr. Speaker, despite the fact that Dubai Ports World says there will be a firewall between the company and its U.S. ports, make no mistake, their employees will be operating these ports as of Thursday.

And whether the issue is ports, the Iraq War, the wiretapping of American citizens, what concerns me is this Republican Congress has never once asked this administration the tough questions. It has to. Congress must not once again give in to a policy that is clearly not in the public interest.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

FACILITATING SHAREHOLDER CONSIDERATION OF PROPOSALS TO MAKE SETTLEMENT COMMON STOCK AVAILABLE UNDER THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 449) to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971, and for other purposes.

The Clerk read as follows:

S. 449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL AMENDMENT TO ALASKA NATIVE CLAIMS SETTLEMENT ACT.

Section 36(d)(3) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629b) is amended—

(1) by striking "(d)(3)" and inserting "(3)";

(2) in the matter preceding subparagraph (A), by striking "of this section" and inserting "or an amendment to articles of incorporation under section 7(g)(1)(B)";

(3) in subparagraph (A)—

(A) by striking ", or" and inserting "; or"; and

(B) by striking "such resolution" and inserting "the resolution or amendment to articles of incorporation"; and

(4) in subparagraph (B), by striking "such resolution" and inserting "the resolution or amendment to articles of incorporation".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 449, which is sponsored by Alaska Senator LISA MURKOWSKI, corrects a problem related to the issuance of stock by Native corporations pursuant to the Native Alaska Claims Settlement Act of 1971.

The bill eases certain restrictions placed on Native corporations that have made it practically impossible for many of them to issue new stock to young Alaska Natives. The same legislation has already been passed by the House as part of H.R. 3351, the Native American Technical Corrections Act.

In passing this bill today, we should recognize and applaud the efforts of the congressman for all of Alaska, Mr. YOUNG, who has labored for years to bring this bill before the House today.

I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 449 is noncontroversial legislation to make it easier for Alaska Native corporations to issue new stock.

Although S. 449 has neither been the subject of a hearing nor a markup in the Committee on Resources, it is sensible legislation which seeks to allow for expanded partition by Alaska Natives in the Native corporations established pursuant to the Alaska Native Claims Settlement Act of 1971. I am not aware of any opposition to S. 449 and urge support for its passage.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of S. 449, a bill to facilitate shareholder consideration of proposals to make settlement common stock under the Alaska Native Claims Settlement Act (ANCSA) available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971.

The Alaska Native Claims Settlement Act (ANCSA), as originally enacted, limited Alaska Native Regional Corporations from enrolling Natives born after December 18, 1971, as shareholders in their respective corporations. Subsequent amendments to ANCSA have allowed Regional Corporations to include Natives born after December 18, 1971 (often referred to as "New Natives" or "Shareholder Descendants"), if existing shareholders of the Corporation adopt a resolution at an annual meeting. Thus far, very few Native Corporations have adopted resolutions to include Shareholder Descendants, in part because the standard of adopting a resolution is too high.

As the law now exists, Alaska Native Corporations (ANCs) may issue new stock to children of their original shareholders born after 1971 and missed enrollees and additional stock to Native Elders, but they may not do so unless a majority of the corporation's shares approve such a change at a meeting of the corporation's shareholders. However, because not all shareholders attend corporation meetings, it is difficult at any meeting to achieve a vote in which a majority of all shareholders, whether or not represented at the meeting, agree to have new stock issued.

S. 449 amends the law to require that only a majority of shares represented at the meeting itself assent to the issuance of new stock, so long as a quorum is present, in order for new stock to be issued.

Mr. Speaker, I urge my colleagues to vote in favor of this important legislation.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S. 449.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ACT COMMEMORATING THE LITE, OR LIFETIME INNOVATIONS OF THOMAS EDISON

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1096) to establish the Thomas Edison National Historical Park in the State of New Jersey as the successor to the Edison National Historic Site, as amended.

The Clerk read as follows:

H.R. 1096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Act Commemorating the LITE, or Lifetime Innovations of Thomas Edison".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to recognize and pay tribute to Thomas Alva Edison and his innovations; and

(2) to preserve, protect, restore, and enhance the Edison National Historic Site to ensure public use and enjoyment of the Site as an educational, scientific, and cultural center.

SEC. 3. THOMAS EDISON NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—There is established the Thomas Edison National Historical Park as a unit of the National Park System (hereafter the "Historical Park").

(b) BOUNDARIES.—The Historical Park shall be comprised of—

(1) all property owned by the United States in the Edison National Historic Site as well as all property authorized to be acquired by the Secretary of the Interior for inclusion in the Edison National Historic Site before the date of the enactment of this Act, as generally depicted on the map entitled the "Edison National Historic Site", numbered 20003B, and dated April 1977; and

(2) all property authorized to be acquired for inclusion in the Historical Park by this Act or other law enacted after the date of the enactment of this Act.

(c) MAP.—The map of the Historical Park shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the Historical Park in accordance with this Act and with the provisions of law generally applicable to units of the National Park System, including the Acts entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.) and "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes," approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) ACQUISITION OF PROPERTY.—

(1) REAL PROPERTY.—The Secretary may acquire land or interests in land within the boundaries of the Historical Park, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange.

(2) PERSONAL PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, interpretation of the Historical Park.

(c) COOPERATIVE AGREEMENTS.—The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the Historical Park.

(d) REPEAL OF SUPERSEDED LAW.—Public Law 87–628 (76 Stat. 428), regarding the establishment and administration of the Edison National Historic Site, is repealed.

(e) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the "Edison National Historic Site" shall be deemed to be a reference to the "Thomas Edison National Historical Park".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1096 redesignates the Edison National Historic site as the Thomas Edison National Historic Park. The park will encompass all lands currently contained in the historic site and property designated for inclusion by the Secretary of the Interior prior to passage of this act.

Typically, an historic site is considered by the National Park Service to contain a single historical feature, while generally a National Historic

Park extends beyond single properties or buildings. Based on this definition, Edison Historic Site will be more appropriately designated as a National Historic Park. Supporters of the park anticipate that this redesignation will bring more attention, visitation, and revenue to the Edison Historic Site.

I urge my colleagues to support H.R. 1096.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legacy left by Thomas Edison is among the most important in American history. Through his generosity, the National Park Service is able to interpret the legacy for future generations, and H.R. 1096 will help further that important goal.

In addition to the sponsor, other members of the New Jersey delegation, including Representatives ROB ANDREWS, FRANK PALLONE, DONALD PAYNE, and BILL PASCRELL, are to be commended for their efforts in bringing this legislation to the floor.

I urge our colleagues to support H.R. 1096.

Mr. Speaker, I reserve the balance of my time.

Mr. RENZI. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. GARRETT), the author of the bill.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today in support of H.R. 1096, a piece of legislation that benefits an important historic landmark from my home State of New Jersey, the Thomas Edison National Historic Site.

I also want to thank my colleagues from the other side of the aisle for their support and their hard work on this as well, Congressman DONALD PAYNE and Congressman BILL PASCRELL for all their work in joining with me in sponsoring this important legislation.

Tom Edison's contributions, most notably the incandescent light bulb, the motion picture camera, and the phonograph, have had a profound effect on the way people live their lives around the world. In fact, Life Magazine once honored him as the most important individual for the last 1,000 years.

The Thomas Edison National Historic Site in West Orange, New Jersey is a national treasure, encompassing Edison's home of 45 years, his laboratories and offices, and a vast collection of artifacts and historic documents.

Since 1997, the Edison Preservation Foundation has successfully partnered with the National Park Service to provide resources for the restoration of the site's historic buildings, artifacts and such, and plans to establish an endowment to support it for future operation including education programs for children. This partnership is really a great example of the public/private partnership working together and can serve as a role model for other programs in the future considering scarce financial Federal resources.

Unfortunately, both the historic structures where Edison lived and worked and irreplaceable treasures they now hold are at serious risk due to extensive water and damage and age-related decay. Although the site historically has been a major education destination for students from around the region, the need for renovations has led to a temporary closure of the site to visitors. While private support through the efforts of the Edison Preservation Foundation is crucial to efforts to restore the site, a long-term commitment from the Federal Government is also necessary for future success. So to ensure this long-term commitment, we have H.R. 1096, which commemorates Edison's lifetime accomplishments; redesignates, consistent with the National Park Service guidelines, the Edison Historic Site as the National Historic Park; and authorizes appropriations for the support of the site. This legislation will enable the Edison site to more effectively compete for scarce Federal funds and it would also strengthen the Edison Preservation Foundation's ability to raise private dollars.

Finally, Thomas Edison's legacy is an important component of the history of the State of New Jersey and the United States. So it is important that this Congress affirm its support for the Edison site by advancing this legislation.

Mr. RAHALL. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PAYNE) and commend him for his excellent leadership on this legislation.

Mr. PAYNE. Mr. Speaker, today I rise in strong support of H.R. 1096, the Act Commemorating the Lifetime Innovations of Thomas Edison. The Thomas Edison Historic Site in West Orange, New Jersey is a national historic treasure, and I am privileged to have it located in my congressional district and have had the pleasure of visiting the site on a number of occasions.

The laboratory complex consists of buildings that date back to 1887. These labs house the technology and the technological innovations and artifacts that changed the course of not only America but the entire world. We have visitors from throughout the world that come to the site, many from Asian countries where technology has become a very important part of their development and in many instances even bow to the statue and pictures of Thomas Edison because they revere the importance of technology that has really lighted the world through his inventions. The labs house the technology and innovations. And from the light bulb to the motion picture camera, Edison's unparalleled innovations are being preserved for current and future generations. The first movie was made there, the Black Maria it is called, and the movie studio is as it was over 100 years ago. The light bulb, the phonograph and records that were cast there at this site all need to be preserved.

Over the years, I have witnessed a positive impact of this unit of the National Park Service. The Edison laboratory complex has opened its doors and resources to assisting in the education of the community, particularly our young people who have had an opportunity to study and to have innovative lessons there. As a former teacher, I am well aware of the value of having a piece of history accessible to augment the learning process by providing lesson plans for teachers, hosting onsite and virtual tours, and facilitating programs and activities for students. The Edison site has provided an invaluable learning experience for these young people.

Thomas Edison devoted his life to technological innovations. His work ethic and commitment to improving the quality of life for others is a lesson that is extremely applicable today. Edison's improvement on the telephone and telegraph machines put him on the cutting edge of communications technology. As we in Congress consider the reauthorization of the 1996 Telecommunications Act, Edison's legacy reminds us of how far we have come.

This June we will celebrate the reopening of the Edison complex. For 2 years the National Park Service and the Thomas Edison Preservation Foundation have worked together to restore and revitalize this historic site.

□ 1430

Over 400,000 artifacts and 5 million pages of documents that trace Edison's process of inventions have been deteriorating due to poor environmental conditions and age-related decay. Many years ago, I made a request to allocate an appropriations to address these issues, and we were able to get $5 million about 10 years ago. The result is what we see today.

I am very appreciative that my colleagues approve this appeal. The repairs and enhancements of this century-old building will improve the preservation of the priceless artifacts, ensuring that this treasure will remain an educational and cultural destination for generations to come. Passage of this bill will ensure the long-term success of the Edison Historical Site and demonstrate the congressional commitment to our history. I urge my colleagues to support this important legislation.

Mr. RENZI. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, it gives me great pleasure to be able to thank my good friend from New Jersey, Mr. PAYNE, for his eloquence in commenting on this very important site that will be established. The site is a national historic treasure and contains the world's largest collections of materials related to Thomas Edison.

As a member of the House Science Committee, clearly we should use every opportunity to focus on America's researchers and inventors and emphasize that Thomas Edison is one of America's greatest inventors, who has shown not only his love for research and invention, but his inexhaustible energy and genius that produced 1,093 patents in his lifetime, frankly, more than any other American.

Just this weekend we spent time in the city of Houston with the State of the Black Union, and one of the issues dealt with the digital divide among African Americans. The idea of highlighting the importance of invention and the importance of technology of that time by establishing and making better the Edison National Historical Site is, I think, an asset not only to the Nation but certainly to the place where it is lodged. I frankly think that America is a Nation that has great creativity, and I am proud to be an American for that very reason. We are problem-solvers.

Mr. Speaker, as we celebrate the further recognition of the works of Thomas Edison by establishing the Thomas Edison National Historical Park in the State of New Jersey, it causes me to be moved to comment on some of the statements that have been made earlier on the floor of the House and the week's events as relates to signs of showing that we are not creative in our governance of America today, that is, of course, the debate and the recognition of the recent contract with UAE as relates to the taking over of a number of ports throughout America.

Frankly, let me just say that this is not a debate about the UAE, though we now know today that the Coast Guard has indicated that they are not sure that there is not a potential for there to be a security risk in light of port operations being in the hands of foreign entities.

My concern, of course, in this whole debate is the fact that we are dealing with foreign entities in one of our most difficult areas to secure. We know that a ship laden with weapons of mass destruction can be volatile and dangerous.

Mr. RENZI. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I will not yield at this point.

POINT OF ORDER

Mr. RENZI. Mr. Speaker, I raise a point of order on the germaneness of the subject matter.

The SPEAKER pro tempore (Mr. ADERHOLT). The gentleman will state his point of order.

Mr. RENZI. Mr. Speaker, although I appreciate very much the gentlewoman's comments as they relate to Thomas Edison and in particular her teaching, which enlightened me on his being the greatest inventor in American history, I would ask that we look at the germaneness of the subject matter and confine debate to the relevance of the subject matter, please.

The SPEAKER pro tempore. The gentleman is correct. Debate should be confined to the pending question.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as my good friend from the Republican side wishes to extinguish debate, let me just indicate, as I started out before, that Thomas Edison represents innovativeness. Unfortunately, our present administration is not innovative.

So, Mr. Speaker, I am hoping that my colleagues will join me in being innovative by not yielding to any compromises that may quash the thoughtfulness that we would have in dealing with our homeland security, which, of course, also involves technology.

I hope that we will have a reasonable debate. My good friend from the other side of the aisle, I hope he will engage in this debate so that legislation that I am offering that is creative, that deals with putting a moratorium on any of these operations owned by foreign entities, a study by the GAO, a study by Homeland Security about our security, I hope that we will have the opportunity, Mr. Speaker, to be relevant at another time.

Again, let me say I congratulate the sponsors of this legislation dealing with the Thomas Edison National Historical Park. It exudes innovativeness and respect for creativity in America.

It is sad to say that the last week's activities and our failures for America's ports show no creativity. It is time for Congress to be as creative as it can be in securing the Nation's homeland.

Mr. PASCRELL. Mr. Speaker, I wish to include these in the extension of remarks.

I want to speak in strong support of H.R. 1096—legislation to help restore the Thomas Edison National Historic Site. I congratulate my colleague SCOTT GARRETT for introducing this worthy legislation. It has been a privilege to work closely with Representative GARRETT and Representative DON PAYNE, whose district houses a large portion of the Edison site, to preserve this national treasure.

I am proud that I represent a region of New Jersey that has given birth to some of the greatest innovations in our Nation's history: Thomas Edison's Glenmont estate in West Orange and the Great Falls National Historic District in Paterson—America's First Industrial City. Each of these impressive areas—only 10 miles apart—sprang from the imagination of two of the great pioneers in American history: Thomas Edison and Alexander Hamilton. Both of these sites—the Edison National Historic Site and the Great Falls Historic District—have been included among the most endangered historic areas in our Nation. The artifacts of both sites are in terrible physical condition and are in grave peril of being lost to the country forever.

Together, these majestic places tell the inspiring story of the rise of the greatest technological and economic power the world has ever known. I strongly believe that it is the role of the Federal Government to partner with the local community to preserve the glory of these places for all future generations to behold.

Although these sites are both close to my heart, I want to specifically voice my support for the preservation and rehabilitation of the Edison National Historic Site, which embodies Edison's legacy as a pioneer of American technology. The Edison National Historic Site, encompassing Edison's home and laboratory complex, is regarded as one of America's original research and development facilities. Half of Edison's astonishing 1,093 patents were earned during the 44 years he lived in West Orange.

The classic inventions created at this site include the phonograph, electric generating systems, the dry storage battery, and the motion picture camera. Edison left a vast collection of artifacts, models, photographs, drawings, and furnishings at the Edison site. In addition, he left nearly 3,500 notebooks documenting every experiment, idea, failure, observation and business strategy of his long career.

Even as Thomas Edison lives on as one of the leading visionaries of our time, his home and labs have tragically fallen into severe disrepair due to age-related decay. The public and private sector must work together to ensure that adults and young people alike will always be able to rediscover the genius of Edison and the impact he has had on all of our daily lives. The support of the National Park Service has enabled the Edison Preservation Foundation to create a vital public-private partnership to maintain the site as a major community and educational resource.

Despite this progress, Congressional support through H.R. 1096 is vital to the Edison site's long-term success. The legislation is an important symbol of Congress's commitment to preserving the legacy of one of America's most influential inventors and to restoring a Federal site that is a historic landmark. I urge the House of Representatives to move forward and approve this important legislation.

Mrs. MILLER of Michigan. Mr. Speaker, I rise in strong support of H.R. 1096, which commemorates the lifetime innovations of Thomas Edison.

This legislation will ensure the preservation of Thomas Edison's laboratory in New Jersey. Edison set a tremendous example for all Americans to follow, and, through this legislation, Americans of future generations will be able to learn from the lessons he taught us.

Before Thomas Edison opened his lab in New Jersey, he called Port Huron, Michigan, his hometown. That town has done a fine job in its own right to preserve the memory of Thomas Edison, and I am proud to represent it in the House.

In 2004, Port Huron rededicated the Edison Rock as part of the 125th Anniversary of the invention of the light bulb. The event featured the actor Mickey Rooney who starred in the 1940 movie "Young Tom Edison", which chronicled Tom's formative years.

I think the Edison Rock is a fitting tribute—not only because it is very big and very heavy—something like 62 tons—but because, like most rocks, it is very old.

That's significant.

In order to rank the importance of Thomas Edison's achievement of the first, practical light bulb you have to go back a long, long way—

In fact, you have to go back to the very beginning—to the Bible and the Book of Genesis, where it says: "And God said, let there be light—and there was light. "

Of course, God meant there was sunlight—and don't get me wrong—that was a great start.

But the only problem with sunlight is that it lasts only when the sun is out.

It wasn't until thousands of years later when Thomas Edison said,—"Let there be light"—and finally we had light during the other half of the day.

The significance of this invention can never be exaggerated.

Electric light was the spark that ignited the Industrial Revolution and all the technological breakthroughs that followed.

America's work ethic is also part of Edison's extraordinary legacy. Although Edison was undoubtedly a genius, he never thought of himself as one. In fact, he always claimed that his inventions were the product of hard work. "Genius is one percent inspiration, 99 percent perspiration" was one of his most famous quotes.

Thomas Edison actually struggled for years and built more than 6,000 prototypes before he came up with the successful design for the light bulb.

He made us believe that through hard work, anything can be accomplished.

Edison gave us many gifts—the light bulb—the phonograph—the motion picture camera—as well as hundreds of other inventions that have shaped our modem world.

The phrase—"Good old American ingenuity" describes the "can-do" spirit of our nation—our ability to take on any problem and come up with a solution.

Edison was the personification of American opportunity. He didn't grow up as a member of the privileged class.

He was just an average American, who through a lot of hard work and a little inspiration became one of the most famous and influential people in history.

And so he gave us many gifts—the light bulb, the phonograph, the motion picture camera as well as hundreds of other inventions that have shaped our modern world.

But possibly his greatest gift to us was his representation of the American spirit.

For when we think of Thomas Edison, we believe that anything is possible.

Edison's ability to take on the most difficult problems of mankind—and come up with an invention that could make everyone's life better is a source of American pride.

We believe that American know-how and American ingenuity are among the characteristics that make our nation great.

That's why I'm confident in our nation.

I'm confident in our ability to do whatever it takes to assure the safety of our nation and the success of liberty.

And it's our nation that continues to bring the light of liberty to the world.

And finally, we believe that you can grow up in Port Huron, Michigan—or thousands of other communities across America—and in everyone of them you have the opportunity to reach for greatness.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 1096, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. RENZI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

STE. GENEVIEVE COUNTY NATIONAL HISTORIC SITE STUDY ACT OF 2005

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1728) to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ste. Genevieve County National Historic Site Study Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) AREA.—The term "Area" means Ste. Genevieve County, Missouri, which includes the Bequette-Ribault, St. Gemme-Amoureaux, and Wilhauk homes, and the related and supporting historical assets located in Ste. Genevieve County, Missouri.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 3. STUDY.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary shall, in consultation with the State of Missouri—

(1) complete a study on the suitability and feasibility of designating the Area as a unit of the National Park System, which shall include the potential impact that designation of the area as a unit of the National Park System is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted; and

(2) submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings of the study.

(b) CONTENTS.—The study under subsection (a) shall be conducted in accordance with Public Law 91-383 (16 U.S.C. 1a-1 et seq.).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1728, introduced by Congressman RUSS CARNAHAN of Missouri and amended by the Resources Committee, would authorize the Secretary of the Interior to conduct a study of the feasibility of designating the French Colonial Heritage Area in eastern Missouri as a unit of the National Park System. This area contains some of the only existing examples of the French colonial period settlement in North America dating to circa 1785.

I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do commend the gentleman from Missouri, Representative CARNAHAN, for valuing the historic and cultural resources which make his district unique and for seeking ways to interpret and share those resources more broadly.

I spoke with him personally on the phone last night. He is in his district at the current time attending very important activities, but this legislation is just as important to him. Otherwise, he would be here speaking on this personally.

If the study we are authorizing today should support such a move, we look forward to working with Representative CARNAHAN on legislation to make this area a unit of the National Park System.

I urge my colleagues to support H.R. 1728.

Mr. CARNAHAN. Mr. Speaker, I rise today in support of H.R. 1728, the Ste. Genevieve County National Historic Site Study Act of 2005.

This bill will authorize the Secretary of the Interior to study the feasibility of designating areas within Ste. Genevieve County, Missouri, as a unit of the National Park System.

This study is important to the area, as it will help preserve the great history in the region.

Ste. Genevieve's historical significance derives from French colonial settlement in Missouri.

It was an outpost of the French empire and demonstrates France's efforts to colonize the central region of North America.

Today, Ste. Genevieve remains steeped in French tradition, both culturally and architecturally.

The historic region in Ste. Genevieve has a rich collection of resources, including a significant number of 18th century French colonial structures.

Included in the proposed site study are two of the only five remaining vertical log houses known to survive in North America.

Built around 1800, each stands together on their original sites, standing as a reflection of our history, which needs to be preserved for our future.

In addition to these two homes, historic downtown Ste. Genevieve, as well as a common field used by French settlers, known as Le Grand Champ, are further examples of the history and tradition that exists in Ste. Genevieve County.

This bill is important because the study will not only ensure the preservation of local colonial history, but it will result in economic development from increased tourism and entrepreneurship.

I'd like to thank Chairman POMBO and Ranking Member RAHALL for their work on this bill. I would also like to thank my colleague and co-sponsor, Congresswoman EMERSON for her support.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 1728, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating portions of Ste. Genevieve County in the State of Missouri as a unit of the National Park System, and for other purposes.".

A motion to reconsider was laid on the table.

RECOGNIZING THE CREATION OF THE NASCAR-HISTORICALLY BLACK COLLEGES AND UNIVERSITIES CONSORTIUM

Mr. KELLER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 677) recognizing the creation of the NASCAR-Historically Black Colleges and Universities Consortium.

The Clerk read as follows:

H. RES. 677

Whereas the Bureau of Labor Statistics reports that, while there are 1.3 million automotive technicians currently employed, industry figures confirm that an additional 50,000 technicians are needed to fill open positions each year;

Whereas the National Automotive Dealers Association reports that 57 percent of their dealers' operating profit is generated by their parts and service departments; that dealers consider it difficult to find a qualified technician; and that 42 percent of all dealer technicians have been engaged in that line of work less than one year;

Whereas the National Association for Stock Car Auto Racing, Inc. ("NASCAR"), the NASCAR Universal Technical Institute, and a collaboration of Historically Black Colleges and Universities ("HBCUs") have agreed to create a strategic alliance focused on increasing the number and quality of job opportunities for African-American students in key racing and other related automotive business activities including automotive engineering and technology, automotive safety, sports marketing, and other automotive industry areas;

Whereas NASCAR and its partner HBCUs are establishing a formal structure to increase the number and quality of job opportunities for African-American students with NASCAR in key racing and other related automotive business activities through the NASCAR Universal Training Institute and the NASCAR Diversity Internship Program;

Whereas NASCAR has agreed to efforts to enhance the identification of employment opportunities with NASCAR such as Internships, full time jobs, including entry level management positions, part-time jobs for college students, and post-graduate job placement for students pursuing undergraduate and graduate degrees at partner HBCUs;

Whereas NASCAR and its partner HBCUs have developed a program to increase awareness, access to, and participation by African-American students in the NASCAR Universal Training Institute and NASCAR Diversity Internship Program by partner HBCUs for the racing and other related automotive industries; and

Whereas NASCAR and the partner HBCUs will seek opportunities to establish and enhance the funding of targeted job development activities by partner HBCUs, and to generate support for the HBCUs in their efforts to enhance curriculum development in sports marketing, finance, human resource management and other automotive industry areas: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the National Association for Stock Car Auto Racing, Inc., the NASCAR Universal Technical Institute, and a collaboration of Historically Black Colleges and Universities, and their creation of a strategic alliance to increase the number and quality of job opportunities for African-American students in key racing and other related automotive business activities;

(2) commends NASCAR, the NASCAR Universal Technical Institute, the NASCAR Technical Training Institute, and the Historically Black Colleges and Universities, for their efforts to increase the number and quality of job opportunities for African-American students in key racing and other related automotive business activities; and

(3) encourages the Departments of Education and Labor and other appropriate agencies of the Federal government to support this effort.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KELLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. KELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 677.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H. Res. 677, a measure to recognize the creation of the NASCAR-Historically Black Colleges and Universities Consortium. I thank the gentleman from Alabama (Mr. ROGERS) for offering this legislation and for his support of this important partnership.

It is fitting that we are considering this resolution on the final day of Black History Month, 4 weeks during which our Nation has celebrated the countless contributions of African Americans to our Nation's history.

Historically Black Colleges and Universities, or HBCUs, have played an important role in enriching the lives of not just African Americans, but our entire country. In fact, President Bush once noted, "Our Historically Black Colleges and Universities opened the door to knowledge when other doors were barred. And today they offer exciting opportunities to young people to contribute to their country."

While compromising only 3 percent of our Nation's 2- and 4-year institutions, HBCUs are responsible for producing 28 percent of all bachelor's degrees, 15 percent of all master's degrees, and 17 percent of all first professional degrees earned by African Americans. And through its new partnership with the popular sport of NASCAR, the impact of HBCUs is sure to grow.

The new NASCAR-HBCU Consortium will promote diversity throughout NASCAR, including its marketing, service, and engineering departments. This is particularly meaningful as our Nation seeks to increase the number of students studying math and science in college. According to the Department of Education's most recent figures, only about 9 percent of students receiving a bachelor's degree in math or science are African Americans, so the creation of this consortium could not have come at a better time.

The United States must produce more students interested in math and science in order for our Nation to excel in an increasingly global economy.

HBCUs are sure to be at the forefront of this effort.

Mr. Speaker, I applaud NASCAR for recognizing the contributions HBCUs have made to American education and culture and, more importantly, the contributions they will make in the future. I am proud that the House has taken the lead in promoting the efforts of this consortium, which will ensure new and exciting career opportunities for undergraduate and graduate students attending HBCUs. I ask my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 677, which recognizes the creation of the recently formed partnership between NASCAR and Historically Black Colleges and Universities. This partnership is aimed at increasing the number and quality of job opportunities for African American students in the NASCAR workforce, as well as other related fields, including automotive engineering and technology, automotive safety, sports marketing and other automotive industry areas.

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This year, 2006, marks NASCAR's 57th year of racing. Sadly, during its 57 years, NASCAR has had just five black drivers to ever compete in a Cup Series race.

In 1963, Wendell Scott finished 10th or better in the points standings three times, and came away with the victory. However, Scott did not receive his trophy until a month after the fact.

Second place finisher Buck Baker, who was white, was awarded the trophy in fear of fan uproar. Today, nearly 45 years later, the number of black NASCAR fans have increased, but minority drivers and automotive technicians are still nearly nonexistent.

According to an ESPN poll, approximately 6.6 million NASCAR fans are black, yet no black driver has competed at the Cup Series level since Willie T. Ribbs ran three races 20 years ago.

The on-track program is not NASCAR's only effort at diversifying the predominately white sport. NASCAR offers awards, diversity scholarships to minority undergraduate and graduate students attending HBCUs.

The scholarship program is in its sixth year, and the NASCAR diversity internship program is in its seventh year. The internship program is a 10-week paid summer internship that introduces minority students to NASCAR and various career opportunities throughout the industry.

Many of the summer interns have graduated and are currently pursuing engineering and sports management careers. As the automotive industry grows and becomes more technologically demanding in the coming decades, this partnership between NASCAR and Historically Black Colleges and Universities will become increasingly vital.

Mr. Speaker, I support the resolution and urge my colleagues to do so.

Mr. Speaker, I reserve the balance of my time.

Mr. KELLER. Mr. Speaker, I yield as much time as he may consume to the author of this important resolution, the gentleman from Alabama (Mr. ROGERS).

Mr. ROGERS of Alabama. Mr. Speaker, I rise today in strong support of H. Res. 677, a resolution recognizing the importance of the NASCAR-HBCU Consortium. On February 8, 2006, the National Association for Stock Car Auto Racing, NASCAR, announced a new collaboration with Historically Black Colleges and Universities and the Universal Technical Institute.

The effort, known as the NASCAR-HBCU Consortium, focuses on increasing the number of job opportunities for African American students in racing, technology, automotive safety and sports marketing. I am especially pleased that over 40 Members of Congress have joined my colleague, Representative WATT, and me in introducing this resolution.

Being from Alabama, I have firsthand knowledge of many of the partners in this consortium. As a race fan, I have spent many days at the Talladega Super Speedway, a facility that I am proud to represent here in Congress. In addition, I have the honor of representing three of the leading HBCUs in the Nation: Talladega College, Alabama State University, and Tuskegee University. Their excellence and commitment to education are known across our Nation.

In Alabama, we have been blessed by a thriving and growing automotive industry. Both Honda and Hyundai have built large plants in my congressional district, and they employ thousands of Alabamians with good jobs at good wages.

Mr. Speaker, it is critical that all our young folks have the skills to compete for these jobs. This new partnership should help more of tomorrow's workers take advantage of these new opportunities.

I also call on the United States Departments of Education and Labor to support this consortium as well. And finally I would like to thank Speaker HASTERT for his participation at the announcement of this consortium.

Also I wish to thank Majority Leader BOEHNER and Chairman MCKEON for expediting this resolution for consideration. With that, I respectfully ask the House for its support of this resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she might consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE. Mr. Speaker, I want to thank the gentleman for his leadership in managing this legislation as it comes to the floor, and let me give my appreciation to Mr. ROGERS and Mr. WATT for really pinpointing an area that has such vast popularity and recognition and finding in it an opportunity for education and jobs.

This partnership between NASCAR, the National Association for Stock Car Auto Racing, as well as the HBCUs, is close to a partnership longing to be established.

This relationship that deals with a sport that has come to be one of the most popular in the United States of America, one that probably has the greatest Sunday afternoon or Saturday afternoon audience of any of our sports, and maybe our sports combined, now can stand as a symbol of opportunity and civil rights.

It is a symbol now of a combination of the needs of the NASCAR sports industry, and Historically Black Colleges. How important it is that we discuss and debate this on the last day of commemorating African American History Month.

Let me point out what is most exciting about this effort. One, HBCUs are known to be one of the greatest resources for talented African American students and others. In addition, Historically Black Colleges are found mostly in the South, where it is known that the NASCAR effort is most popular, but also the heart of that effort.

Of course, it combines education, skills and job opportunity. So this partnership is all that we would ask it to be. We now look to the Department of Education to really engage itself in whatever efforts are necessary to promote, encourage and facilitate this partnership. Let us provide the necessary resources, governmental if at all, necessary to ensure that the partnership continues.

Finally, let me say, let me encourage the young people who might be listening to this debate that the opportunity now stands for you to put your internship, full-time jobs, including entry-level management positions, part-time jobs and postgraduate job placement for students pursuing undergraduate and graduate degrees at partner HBCUs.

The skills would be, of course, the technical aspects of this business, and that is relating to the automotive business activities, including automotive engineering and technology, automotive safety, sports marketing and other automotive industry areas.

Mr. Speaker, as I conclude, I want to congratulate my colleagues and also say that this is, of course, planting the seeds. I have been discussing with my universities in Texas the idea of looking at sports management to cover the NFL, the NBA, and American baseball. These are important economic engines, and it is certainly a very important step that this resolution, H. Res. 677, is going forward, partnering HBCUs with NASCAR.

Mr. KELLER. Mr. Speaker, I do not have any more speakers, and reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure now to yield such time as he may consume to the cosponsor of this resolution and the chairman of the Congressional Black Caucus, Representative MEL WATT.

Mr. WATT. Mr. Speaker. I thank the gentleman, Mr. DAVIS, for yielding the time.

I am honored to be an original cosponsor with my friend, Congressman ROGERS from Alabama, of this legislation. Some people probably are wondering why this kind of interesting coalition has come together.

Well, for me, it is about having the Lowes Motor Speedway in Charlotte, North Carolina, not inside my congressional district, it is actually in an adjoining congressional district represented by one of my other North Carolina colleagues. But we know the value of NASCAR and motor sports in North Carolina and in the area from which I come.

The second thing that converges here is the recognition that I have five Historically Black Colleges and Universities in my district, and two of them have already become a part of this partnership and will benefit from NASCAR's diversity initiative: North Carolina A&T State University in Greensboro, North Carolina, and Winston-Salem State University in Winston-Salem, North Carolina.

Representative DAVIS has indicated the history of NASCAR when it comes to drivers, and that is important, but I want to emphasize that this is not only about having drivers in the cars. NASCAR is a massive conglomerate of entities, and a lot of people view NASCAR or motor sports as just the guys that are out there running around the track or the guys in the pits. There are marketing opportunities, there are accounting opportunities; this is a major corporate undertaking here. There are engineering opportunities.

I was so very impressed when I went to one of the shops there to know that this is not just somebody putting a car out there, it is massaging the tolerances and doing what is necessary to get those cars, engineering-wise, to perform at their maximum performance level. So we think this has tremendous potential for job opportunities for an increase of diversity.

Now, is this unique? It may be somewhat unique for NASCAR, but it is certainly not unique for the Congressional Black Caucus. The Congressional Black Caucus, which I am honored to chair, has been in the forefront of pushing job opportunities in every area of our lives: in the sports arena, in the business arena, in the financial services arena, you just name it, go down the list. So, for us, this is not a unique program, it is a natural progression and an expansion of what we set out to do.

And then, finally, I would just say that, as most things, this is at its bottom line about money.

If we can take the fan base of NASCAR and superimpose on it all of the African American potential that is out there, so that there is an equal amount of customer and fan base in the African American community as there is in other communities, you will see the same thing happen in NASCAR that you saw happen when Tiger Woods became the superstar that he is in golf.

You will see the same thing happen in NASCAR that has happened in football and basketball and baseball and other sports. They have recognized that there is a customer base out there that, if they take advantage of it, can be cultivated if people who look like the customers are involved in it.

So we dare not delude ourselves that this is all about just goodwill. This is about money at its base. And it is about the American way, the capital way of doing things.

We support that. We are not adverse to it. We are not opposing it. We are supporters of that. We think this is a way to do it.

I want to congratulate my good friend, Mr. ROGERS. And when we introduced this resolution, a stream of my colleagues came immediately to support the resolution.

I thank Speaker HASTERT for joining us at the press conference where this was rolled out. And I thank the leadership on both sides of the aisle for expediting this resolution to the floor of the House.

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It does not cost us any money. All we are doing is congratulating, encouraging private enterprise to be more diverse in their customer base, in their employment base, in their opportunities that are extended to all Americans. That is what this is all about. It deserves our unqualified support, and I encourage my colleagues to support it without even thinking about it a second time.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KELLER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CONAWAY). The question is on the motion offered by the gentleman from Florida (Mr. KELLER) that the House suspend the rules and agree to the resolution, H. Res. 677.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CELEBRATING THE 40TH ANNIVERSARY OF TEXAS WESTERN'S 1966 NCAA BASKETBALL CHAMPIONSHIP

Mr. KELLER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 668) celebrating the 40th anniversary of Texas Western's 1966 NCAA Basketball Championship and recognizing the groundbreaking impact of the title game victory on diversity in sports and civil rights in America, as amended.

The Clerk read as follows:

H. RES. 668

Whereas Don Haskins was a high school basketball star at Enid High School in Enid, Oklahoma, a college standout at Oklahoma A&M (now Oklahoma State) under his mentor, Coach Hank Iba, and a successful Texas high school basketball coach, amassing a 157-41 win-loss record coaching Benjamin, Hedley, and Dumas High Schools;

Whereas in 1961 Don Haskins became the coach of the men's basketball team at Texas Western College, which was later renamed the University of Texas at El Paso;

Whereas early in the 1965–1966 basketball season Don Haskins told Texas Western president Joseph Ray, "The way our boys line up now, my six best boys are black. If I leave two or three of them out because they're black, they'll know it. [And] the white boys will know it.";

Whereas the 1966 Texas Western team of Bobby Joe Hill (Detroit, Michigan), Orsten Artis (Gary, Indiana), Togo Railey (El Paso, Texas), Willie Worsley (New York, New York), David Palacio (El Paso, Texas), Dick Myers (Peabody, Kansas), Harry Flournoy (Gary, Indiana), Louis Baudoin (Albuquerque, New Mexico), Nevil Shed (New York, New York), Jerry Armstrong (Eagleville, Missouri), Willie Cager (New York, New York), and David "Big Daddy" Lattin (Houston, Texas) finished the basketball season 28–1;

Whereas on March 19, 1966, Coach Don Haskins' all-black starting line-up, the first such line-up to ever appear in a major championship contest, defeated the heavily-favored University of Kentucky to win the NCAA Basketball Championship, an event defined by many as the "Brown v. Board of Education of athletics";

Whereas the Miners' victory accelerated the pace of racial integration in college athletics and contributed to the expansion of the civil rights movement into the realm of sports;

Whereas when recounting his historic impact on diversity in college sports, Don Haskins said, "I just played my best guys, like any coach would do."; and

Whereas over the course of his career Don Haskins also coached the Miners to 32 winning seasons, seven Western Athletic Conference championships, four Western Athletic Conference tournament titles, and 21 post-season appearances, creating a proud tradition of college basketball success and community spirit in El Paso that persists to this day and winning entry into the Naismith Memorial Basketball Hall of Fame in 1997: Now, therefore, be it

Resolved, That the House of Representatives celebrates the 40th anniversary of

Texas Western's 1966 NCAA Basketball Championship and recognizes the groundbreaking impact of the title game victory on diversity in sports and civil rights in America.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KELLER) and the gentleman from Texas (Mr. HINOJOSA) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. KELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 668.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

It gives me great pleasure to rise in support of House Resolution 668, which celebrates the 40th anniversary of Texas Western's 1966 NCAA basketball championship and recognize the groundbreaking impact of the title game victory on diversity in sports and civil rights in America.

Texas Western's victory occurred 40 years ago, 1966, during the midst of the civil rights movement to end discrimination against blacks. The 1954 Brown v. Board of Education decision and the Civil Rights Act of 1964 outlawed institutional racial segregation. In Vietnam, blacks were fighting and dying alongside their fellow white soldiers. Blacks were not, however, playing basketball at many schools in the South, where de facto segregation still reigned.

For Don Haskins, coach of the Texas Western Miners men's basketball team, a person's race did not matter. To him ability on the basketball court mattered more than the color of the player's skin. To Coach Haskins, the only thing that really mattered was winning.

This was the philosophy Coach Haskins used on the night of March 19, 1966. That night the Texas Western Miners made history by defeating the number-one-ranked, all-white University of Kentucky Wildcats for the NCAA basketball championship, a game of historical significance because no other college team at the time had ever started five black players in a major championship contest. In fact, when Texas Western defeated Kentucky 72–65, a game still celebrated as one of the biggest college basketball upsets in NCAA history, there were no black basketball players in the Southeastern or Atlantic Coast Conferences.

This remarkable triumph helped shift the national perception of black athletes and helped bring about the widespread desegregation of college sports. In turn, the desegregation of college sports helped to spread greater equality throughout American society.

Mr. Speaker, the man behind Texas Western's success is Don Haskins. His 38-year reign at Texas Western, now the University of Texas El Paso, allowed him to become one of the winningest coaches in NCAA history. He amassed a 719–354 record, 32 winning seasons, seven Western Athletic Conference Championships, four Western Athletic Tournament titles, and 21 post-season appearances. In 1997, Coach Haskins was inducted into the Naismith Memorial Basketball Hall of Fame. He retired from coaching in 1999.

Coach Don Haskins is truly a living legend in college sports. He believed that as a coach he should recruit the best raw talent he could find no matter the player's race, background, or life story. If not for the colorblind dream of Coach Haskins to win basketball games with his team's most talented players, history may not have been made on the night of March 19, 1966.

I want to thank my colleague from Texas (Mr. REYES) for introducing this legislation and bringing forth a lesser known, yet significant, piece of history in college athletics. I am happy to join my colleagues in celebrating the 40th anniversary of Texas Western's 1966 NCAA basketball championship. I ask my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my privilege to rise in support of H. Res. 668, a resolution to celebrate the 40th anniversary of Texas Western's 1966 NCAA basketball championship.

I am proud to join my colleague and very good friend, the resolution's author, Congressman SILVESTRE REYES from El Paso, in commemorating the 40th anniversary of this watershed event in our struggle for racial equality.

On March 19, 1966, Texas Western College's Coach Don Haskins led an all-black starting lineup to a 72–65 win over an all-white team from the basketball powerhouse, University of Kentucky. For Coach Haskins, he was simply putting his best players on the floor. For the Nation, he delivered the message that in competition, talent and ability mattered more than race. This is a lesson that we are still learning today.

The young men who took Texas Western College to a 28–1 championship season braved racism and hostile crowds to carry their team and their college to victory. I invite you to see this 1966 team photo in front of Memorial Gym, courtesy of the University of Texas El Paso. These champions were Bobby Joe Hill, Orsten Artis, Togo Railey, Willie Worsley, David Palacio, Dick Meyers, Harry Flournoy, Louis Baudoin, Nevil Shed, Jerry Armstrong, Willie Cager, and David Lattin.

It is fitting that on this 40th anniversary of the 1966 Miners breaking the color barrier in the NCAA championship game, that we reflect on how far we have come and how far we have yet to go. College enrollments are at an all-time high; and yet black, Hispanic, and low-income students are not enrolling and graduating at the rates we need for our Nation to put its best players on the floor.

Texas Western College is now the University of Texas El Paso. As an institution, it continues to lead the charge in developing our best talents without regard to race, ethnicity, or family income. The University of Texas El Paso is one of our Nation's leading Hispanic-serving institutions; 72 percent of its students are Hispanic. It is third in the Nation for producing Hispanic undergraduates, and is also rated the top engineering school for Hispanics. Since 1988, it has been led by a Latina, Dr. Diana Natalicio, a top administrator and a trailblazer by anyone's measure.

The University of Texas El Paso, in the spirit of the 1966 championship Miners, continues to break barriers and continues to refuse to let race, ethnicity, or family income trump talent and hard work.

I hope that all my colleagues will join me in celebrating this milestone in college athletics and racial equality.

Please join me in saluting the Miners on the 40th anniversary of their NCAA championship, and I urge you to vote for this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. KELLER. Mr. Speaker, I reserve the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I yield 6½ minutes to my friend and colleague from El Paso, Texas (Mr. REYES), the author of this legislation.

Mr. REYES. Mr. Speaker, I thank my colleague from Texas and also the gentleman from Florida for allowing us the time to speak here on this very important event, not just for El Paso and not just for Texas but for our whole country, for a whole generation of players and those that have benefited from their accomplishments.

I rise today in strong support, Mr. Speaker, of H. Res. 668, a resolution that celebrates the 40th anniversary of Texas Western's 1966 NCAA basketball championship, recognizing the groundbreaking impact of that title game victory on diversity in sports and, of course, on the impact, as my colleagues have stated, of civil rights in America.

I am proud to have introduced this bill and honored to have the opportunity to speak in this Chamber today about the importance of what a basketball team and a coach achieved 40 years ago.

This afternoon I want to thank Leader BOEHNER and Chairman MCKEON and Ranking Member MILLER for their support in bringing this very important legislation to the floor.

On March 19, 1966, the Miners of Texas Western, which is now UTEP, led by Coach Don Haskins, defeated the University of Kentucky at Cole Field House in College Park, Maryland. This significant championship game gave the NCAA basketball championship at a crucial time to Texas Western College.

At a time when the bitter politics of racism dictated to many coaches around the country who got to play, Coach Haskins started five black players in the NCAA basketball championship game, the first time in America that this country had seen an all-black starting lineup in a major championship contest.

In 1966, as a strengthening civil rights movement met poisonous political dispute and violence, the Miners were clearly able to demonstrate to a Nation and the sports world the virtue of desegregation and equality.

As the athletic establishment abided by that unwritten rule that said, play two on the road, three if you are really behind, referring of course to black players, Coach Haskins looked past the color of the players' skin and concentrated on winning games and eventually the national championship.

Years later Coach Haskins would say, "I just played my best guys like any coach would do." That simple principled courage changed the course of American athletics and provided an important advance in the struggle of civil rights in our Nation.

The Texas Western's championship was an event defined by many as the Brown v. Board of Education of athletics. Like many whose lives were constrained by their appearance and background, I found extraordinary significance in that 1966 game.

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I was a Texas Western student during the fall semester of 1965 and had an opportunity to see these great players play. Shortly thereafter, I was drafted into the Army and eventually went on to fight in Vietnam. In March of 1966, I was still in El Paso, only stationed at Fort Bliss doing basic training. For those of us who were in the military at the time, the hypocrisy of America's racial policies were very clear. We saw a country that would not hesitate to send black and Hispanic soldiers to fight and die in foreign wars, but would not fight for us back at home.

Coach Haskins' and the Miners' victory helped reveal to a nation the absurdity of racism and the futility of segregation.

I returned from Vietnam and chose a career in public service and a career in which my successes followed from my abilities and my own hard work. Of course, I found that life does not abide by that perfect rule of a game like basketball, but I remain inspired today by Texas Western's win, and I know that I would not have had the opportunities I did have had it not been for the courage of people like Don Haskins and his Miners.

Today, a university, a city and a country are improved by the achievement of that 1966 team. Soon after that championship, Texas Western became the University of Texas at El Paso or, as we call it now, UTEP, and its basketball program continued to thrive under Coach Haskins until his retirement, as my colleagues have said, in 1999. Coach Haskins eventually led UTEP to 32 winning seasons, seven Western Athletic Conference championships, four Western Athletic Conference tournament titles, and 21 post-season appearances.

Last year, the Miners won 27 games, 16 at our own Don Haskins Center in El Paso, named after the great coach, and they also earned a spot in the NCAA tournament. This year, they are again near the top of their conference, a testament to the enduring tradition of college basketball success created by Don Haskins.

The university itself has been transformed from a small mining school into a hub of academic excellence and world-class research. El Paso, long proud of its Miners and its NCAA championship, has enjoyed the attention of a nation this year, as millions of Americans have fallen in love with the Miners through the recently released film "Glory Road," which is currently being shown around the country.

It is especially important for us to honor the 1966 Miners today on the eve of their accomplishment, here shown in that championship game against Kentucky. We must revise our historical injustice, the injustice of a group of men being judged by who they were, not how they played.

At the time, the Texas Western Miners were denied an opportunity to appear on the Ed Sullivan Show, but just last week I want to commend President Bush and First Lady Laura Bush as they honored this team at the White House, shown here in this photograph with the President, the original members of that 1966 championship team.

So this afternoon I want to congratulate Coach Don Haskins, Bobby Joe Hill, Orsten Artis, Togo Railey, Willie Worsley, David Palacio, Dick Myers, Harry Flournoy, Louis Baudoin, Nevil Shed, Jerry Armstrong, Willie Cager, and David "Big Daddy" Lattin on the occasion of the 40th anniversary of their NCAA championship and for all of their successes in their lives. Today, we also remember, of course, Bobby Joe Hill who died and was unable to be in this photograph here in 2002.

So, Mr. Speaker, I strongly urge my colleagues to support H. Res. 668.

Mr. HINOJOSA. Mr. Speaker, I am pleased to yield 4 minutes to the distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from Texas (Mr. HINOJOSA) for yielding me time, and I want to extend serious, serious commendations to the gentleman from Texas (Mr. REYES) for his introduction of this resolution, for his keen insight and the opportunity to note progress in our country.

Forty years ago, on March 19, 1966, the Texas Western basketball team, the Miners, defeated the University of Kentucky at Cole Field House in College Park, Maryland, to win the NCAA basketball championship.

This victory marked the first time that an all-black starting lineup appeared in a major championship athletic contest.

Often regarded as the Brown v. Board of Education of sports, the Miners' victory over the heavily favored Wildcats ushered college basketball specifically, and sports more generally, into the civil rights movement. Prior to this event, athletics remained largely insulated from the civil rights swell.

This bill recognizes the historic accomplishment of Coach Don Haskins and the 12 players from the 1966 team. These players deserve recognition today, and two of the gentlemen are close neighbors to my congressional district, Orsten Artis and Harry Flournoy, both from Gary, Indiana.

These men finished the basketball season with an impressive 28–1 record. Ultimately, Coach Haskins led the Miners to 33 winning seasons and 21 post-season appearances.

This resolution recognizes the incredible effect that the 1966 NCAA basketball championship of Texas Western, now the University of Texas at El Paso, had on promoting diversity in sports and accelerating racial integration in college sports. I am pleased to support this resolution and urge its passage.

Mr. KELLER. Mr. Speaker, I have no further speakers, and I will continue to reserve the balance of my time at this point.

Mr. HINOJOSA. Mr. Speaker, I yield such time as she may consume to another good friend and colleague from the great State of Texas, Congresswoman SHEILA JACKSON-LEE of Houston.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank my dear friend from Texas, Congressman HINOJOSA, and of course, allow me to add my very, very, very sincere congratulations and appreciations to my friend and Representative from El Paso, the Honorable SILVESTRE REYES.

For those of you who are trying to get your eyes and your ears focused on this debate, let me just remind you of a celebrated movie by the name of

"Glory Road." Today, we have the opportunity to celebrate the real deal, the real thing, and that team was known as Texas Western, now known as the University of Texas at El Paso.

Just think of 40 years ago, 1966, or 2 years after the 1964 Civil Rights Act, 1 year after the 1965 Voting Rights Act and 3 years after the tragedy of the four little girls in Birmingham. This was a tumultuous time in America's history, and so the idea of a coach, albeit the right idea, to place on the court of a basketball championship game five black boys, young men, to be able to play against the favored team, the University of Kentucky, was in itself a shocking, shocking occurrence.

But yet Don Haskins, a courageous or just a wise leader, decided to put his best foot forward, and out of that came the 1966 Texas Western team.

Might I congratulate all of the players: Bobby Joe Hill, Orsten Artis, Togo Railey, Willie Worsley, David Palacio, Dick Myers, Harry Flournoy, Louis Baudoin, Nevil Shed, Jerry Armstrong, Willie Cager, and right from the great city of Houston, now the fourth largest city in the Nation, David "Big Daddy" Lattin.

We are delighted to be able to join my colleagues from Texas to say that we are proud of that measure of civil rights history. We salute certainly the wisdom of Don Haskins, and remind America that sports and the playing field, whether they be courts, or tennis courts, whether they be the NFL playing field or whether they be the baseball field or the soccer field, we know that sports generate character and integrity, but it also develops teamsmanship. So the idea of the youngsters of America today playing on the playing fields of athletic America hopefully will create the new civil rights movement. And as a city that just experienced the All Star Game, I can tell you the whole game of basketball certainly represents diversity as we have our young men, and many of those who have come from foreign lands, but it also is an opportunity for young men and women to work together.

I want to congratulate the manager of this bill, Congressman HINOJOSA, and congratulate Congressman REYES, for their wisdom in saluting these young men, and I am delighted to have been an original cosponsor.

Mr. Speaker, I rise in support of the proposed bill, H. Res. 668, "Celebrating the 40th anniversary of Texas Western's 1966 National Collegiate Athletic Association Basketball Championship victory."

On March 19, 1966, Coach Don Haskins and his Texas Western College Miners advanced to the NCAA Championship game against the segregated, all-White University of Kentucky Wildcats. Coach Haskins made the decision to put in an all-Black starting lineup, something that had never been done before.

He made the announcement prior to the game and was thought to be a fool. It was the notion at the time that a team had to have at least one White player on the lineup to have a shot at winning a game, let alone the National Championship. Coach Haskins and his TW Miners shattered that school of thought with their triumphant win against the Wildcats.

The victory on the court was not only a victory for the Miners, but a victory for civil rights. When Coach Haskins made the decision to start an all-Black lineup, he did so not to make a statement about racial equality, but in his own words to "play my five best players. Race didn't matter to me."

The team's win was much more than simply a win on the basketball court signaling that a change had taken place in collegiate sports. The bold step taken by Don Haskins accelerated the pace that athletic teams were being integrated throughout the South.

The team's success did not come without a price. After the win Coach Haskins received over 40,000 hate mail letters, illustrating the climate of hostility towards African Americans in the South during that time.

The team's accomplishments both paralleled and contributed to the landmark events being made in the civil rights movement at the time. Basketball historian Neil Isaacs has called it the "Brown v. Board of Education of college basketball . . . Since that time, no pretender to basketball eminence has ever drawn a color line in its recruiting."

I am proud to say that one of the most influential players on the team, David Latin, hails from my district of Houston. The massive 6′7″ Center, paved the way for the team, scoring 16 points in the title game. As a testament to Latin's skill, he advanced to the NBA as a first-round pick to play for the San Francisco Warriors.

The memory of the team and their magnificent 1966 NCAA Championship win has recently been captured in the Disney film "Glory Road." The memory of Coach Haskins has been solidified by his induction into the Naismith Basketball Hall of Fame for his remarkable achievements as a coach.

As a Member of Congress deeply concerned with advancing the causes of civil liberties and a co-sponsor of H. Con. Res. 59, a bill similar to the one before us, which recognized both the teams and players of African-American basketball teams for their achievement and contribution to basketball and to the Nation prior to the integration of the white professional leagues, I ask my colleagues to join with me in support of H. Res. 668.

Today we should rise and honor the memory of both the Texas Western College team and their coach, Don Haskins, who led them to a National Championship, and in doing so advanced the cause of civil rights and decreased segregation in athletics.

Mr. GONZALEZ. Mr. Speaker, I rise today in strong support of H. Res. 668 to give recognition where recognition is long overdue. With this resolution, Congress applauds the groundbreaking significance of the 1966 NCAA Division I men's basketball championship in which Texas Western upset the heavily favored University of Kentucky. That year, the Miners had an all-Black starting line-up, a first in a national championship competition that helped change the perception of Black athletes.

Texas Western Coach Don Haskins and his players may not have set out to change history, but they did. The 1966 championship game helped pave the way for integration of athletics, opening sports to the civil rights movement, often being dubbed, the Brown v. Board of Education of sports. The next season, the Southwest Conference was integrated, and in 1967–68, Vanderbilt broke the Southeast Conference color barrier.

Unfortunately, it has taken decades before Coach Haskins and his players' achievements have been recognized. In 1966 there were no trips to the White House or appearances on the Ed Sullivan show, both customary for national champions. The team did not even receive national championship rings until their 20-year reunion in 1986.

It is time to recognize the profound contribution to the civil rights movement that this game spurred, and to recognize the 1966 NCAA Division I men's basketball champions, the Texas Western Miners. I urge my colleagues in joining me in supporting this bipartisan legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor the 1966 Texas Western Men's Basketball Team. Their NCAA championship victory over Kentucky forever changed college athletics.

Even though it had been over a decade since Brown v. Board of Education, many colleges had lagged behind on implementing integration into their athletics programs. In 1966, college basketball players were often recruited on the basis of their skin color rather than playing ability. Texas Western coach Bob Haskins did not succumb to pressures to start his White players. He simply played his best players regardless of skin color.

This resulted in the first time an all-Black starting line-up participated in a major athletic championship contest. The impact was felt throughout the country when little-known Texas Western upset legendary all-White Kentucky.

Perhaps most important in this victory was the stereotypes and misconceptions that were broken down. For many, the assumption remained that Black players would not be skilled or smart enough to successfully compete against White players. Bob Haskins and Texas Western proved on a national stage that Black players can win and are as smart and talented as their White counterparts.

The 1966 Texas Western men's basketball team opened the doors for schools that had stalled in implementing integration policies into their athletics programs; breaking down barriers and forever changing college athletics.

Mr. CONYERS. Mr. Speaker, I rise today to thank Congressman SILVESTRE REYES for offering House Resolution 668, a resolution which celebrates this year's 40th anniversary of Texas Western's 1966 NCAA Basketball Championship.

The year of 1966 marked a number of "firsts" by African Americans. The Honorable Robert C. Weaver became the first African American Cabinet member with his appointment as Secretary of Housing and Urban Development, Edward Brooke became the first popularly elected African American to the United States Senate, and it also marked the first time a collegiate basketball team, the

Texas Western Miners, sporting an all African American line-up won the NCAA Men's Division I Basketball Championship.

What made this victory important, and what we are commemorating here today, is not the fact that a team starting all African American student athletes beat a team of all White student athletes. We commemorate rather, the closing of one more chapter of segregation and bigotry to a new chapter where we judge an individual on the content of their character and qualifications and not on the color of their skin.

The Texas Western Miners, in their victory over the University of Kentucky Wildcats, opened up numerous opportunities for student athletes of all races and creeds to attend college, participate in sports, and become eligible for athletic scholarships. The fact that the impact that this victory did so much to change the perception of African-American athletes and to speed the desegregation of intercollegiate sports, has lead many people to label this historic event as the Brown v. Board of Education of athletics.

Finally, any tribute to the Minors would be incomplete without acknowledging their coach, Don Haskins. Coach Haskins is to be commended for his continued commitment to build on the foundation of integration that he inherited at Texas Western—the first college in a Southern state to integrate its athletic teams—and for his courage in facing collegiate basketball's racial issues directly.

Mr. MARCHANT. Mr. Speaker, today I recognize the 40th anniversary of Texas Western's 1966 NCAA Basketball Championship. The title game had a profound impact on the state of racial integration in sports and civil rights in America.

On March 16, 1966, Coach Don Haskins led the first ever all-Black starting lineup to play in a major championship contest in a victory over the heavily-favored Kentucky Wildcats.

Coach Haskins played high school basketball in Enid, Oklahoma, and in college at Oklahoma A&M (now Oklahoma State). He then became a successful high school basketball coach in Texas. Haskins was a coach at Dumas High School before becoming the head of the men's team at Texas Western College, now the University of Texas at El Paso, in 1961.

Haskins coached the Miners to 33 winning seasons over the course of his career with the Miners. He won seven Western Athletic Conference championships, four Western Athletic Conference tournament titles, and made 21 post-season appearances. He established a proud winning tradition in the community of El Paso that still exists today. Coach Haskins was voted in to the Naismith Memorial Basketball Hall of Fame in 1997.

The Texas Western Miners' victory was a watershed moment for diversity in college athletics. It helped expand the civil rights movement into the realm of sports. On January 13, 2006, Walt Disney Pictures released Glory Road, which tells the story of the historic 1966 season and pays tribute to the dedication and bravery of Coach Haskins.

Mr. ORTIZ. Mr. Speaker, today I rise in celebration of diversity in sports and civil rights in America first pioneered by Texas Western's 1966 NCAA Basketball Championship victory. On its 40th anniversary, I join my colleagues in recognizing the lasting impact this title game has etched into the history of American culture.

The Texas Western 1966 NCAA Championship triumph over the University of Kentucky is to this day acknowledged as the turning point for not only college basketball but American sports in general.

When no other schools in the Southeastern Conference or the former Southwestern Conference would award them athletic scholarships, African Americans had been recruited by and playing for Texas Western since the 1950s.

The university's most controversial move, however, came when the 1966 Miners were the first team in NCAA basketball to have an all-black starting lineup. Winning the title game was perhaps not as a great a feat for Coach Don Haskins as was placing five all-black starters against five all-white starters in 1966.

Haskins' daring insight combined with the players' undeniable athletic talent produced a game that would rupture the social structure of college sports and forever change the face of American sports.

The Miners' 72–65 victory over the Wildcats proved to be more than just an athletic anomaly. It became the social breakthrough that would invite the irrepressible talent and skill diversity has to offer to college athletics.

With cultural implications well beyond its sporting ones, this championship win has come to symbolize the glory that could be obtained by athletes—regardless of their heritage—who are bold enough to travel down the road of recognition, integration, and acceptance.

Today, I ask my colleagues to join me in celebrating Texas Western's 1966 NCAA Basketball Championship as we commemorate the 40th anniversary of the team's revolutionary civil rights success.

Mr. HINOJOSA. Mr. Speaker, I have no more speakers, and I yield back the balance of my time.

Mr. KELLER. Mr. Speaker, I also yield back the balance of my time.

The SPEAKER pro tempore (Mr. CONAWAY). The question is on the motion offered by the gentleman from Florida (Mr. KELLER) that the House suspend the rules and agree to the resolution, H. Res. 668, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. KELLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

LOUIS BRAILLE BICENTENNIAL—BRAILLE LITERACY COMMEMORATIVE COIN ACT

Mr. NEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2872) to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille, as amended.

The Clerk read as follows:

H.R. 2872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Louis Braille Bicentennial—Braille Literacy Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Louis Braille, who invented the Braille method for reading and writing by the blind that has allowed millions of blind people to be literate participants in their societies, was born in Coupvray, a small village near Paris, on January 4, 1809.

(2) Braille lost his sight at the age of three after injuring himself with an awl in the shop of his father Rene, a maker of harnesses and other objects of leather.

(3) A youth who was both intelligent and creative and was blessed with dedicated parents, a thoughtful local priest and an energetic local schoolteacher, Braille adapted to the situation and attended local school with other youths of his age, an unheard-of practice for a blind child of the period.

(4) At the age of 10, when his schooling otherwise would have stopped, Braille—with the aid of the priest and schoolteacher—was given a scholarship by a local nobleman and went to Paris to attend the Royal Institute for Blind Children where he became the youngest pupil.

(5) At the school, most instruction was oral but Braille found there were books for the blind—large, expensive-to-produce books in which the text was of large letters embossed upon the page.

(6) Soon Braille had read all 14 books in the school, but thirsted for more.

(7) A captain in Napoleon's army, Charles Barbier de la Serre, had invented "night writing", a method for communicating on the battlefield amidst the thick smoke of combat or at night without lighting a match—which would aid enemy gunners—that used dots and dashes that were felt and interpreted with the fingers, and later adapted the method for use by the blind, calling it Sonography because it represented words by sounds, rather than spelling.

(8) Braille adopted the Sonography method instantly but soon recognized that the basis in sound and the large number of dots—as many as 12—used to represent words was too cumbersome.

(9) By the age of 15, and using a blunt awl, the same sort of tool that had blinded him, Braille had developed what is essentially modern Braille, a code that uses no more than 6 dots in a "cell" of 2 columns of 3 dots each to represent each letter and contains a system of punctuation and of "contractions" to speed writing and reading.

(10) In contrast to the bulky books consisting of large embossed letters, Braille books can contain as many as 1000 characters or contractions on a standard 11-by-12-inch page of heavy paper, and to this day Braille can be punched with an awl-like "stylus" into paper held in a metal "slate" that is very similar to the ones that Louis

Braille adapted from Barbier's original "night writing" devices.

(11) Also a talented organist who supported himself by giving concerts, Braille went on to develop the Braille representation of music and in 1829 published the first-ever Braille book, a manual about how to read and write music.

(12) 8 years later, in 1837, Braille followed that publication with another book detailing a system of representation of mathematics.

(13) Braille's talents were quickly recognized, and at 17 he was made the first blind apprentice teacher at the school, where he taught algebra, grammar, music, and geography.

(14) He and two blind classmates, his friends who probably were the first people to learn to read and write Braille, later became the first three blind full professors at the school.

(15) However, despite the fact that many blind people enthusiastically adopted the system of writing and reading, there was great skepticism among sighted people about the real usefulness of Braille's code, and even at the Royal Institute, it was not taught until after his death on January 6, 1852.

(16) Braille did not start to spread widely until 1868 when a group of British men—later to become known as the Royal National Institute for the Blind—began publicizing and teaching the system.

(17) Braille did not become the official and sole method of reading and writing for blind United States citizens until the 20th Century.

(18) Helen Keller, a Braille reader of another generation, said: "Braille has been a most precious aid to me in many ways. It made my going to college possible—it was the only method by which I could take notes on lectures. All my examination papers were copied for me in this system. I use Braille as a spider uses its web—to catch thoughts that flit across my mind for speeches, messages and manuscripts.".

(19) While rapid technological advances in the 20th Century have greatly aided the blind in many ways by speeding access to information, each advance has seen a commensurate drop in the teaching of Braille, to the point that only about 10 percent of blind students today are taught the system.

(20) However, for the blind not to know Braille is in itself a handicap, because literacy is the ability to read and the ability to write and the ability to do the two interactively.

(21) The National Federation of the Blind, the Nation's oldest membership organization consisting of blind members, has been a champion of the Braille code, of Braille literacy for all blind people and of the memory of Louis Braille, and continues its Braille literacy efforts today through its divisions emphasizing Braille literacy, emphasizing education of blind children and emphasizing employment of the blind.

(22) Braille literacy aids the blind in taking responsible and self-sufficient roles in society, such as employment; while 70 percent of the blind are unemployed, 85 percent of the employed blind are Braille-literate.

SEC. 3. COIN SPECIFICATIONS.

(a) IN GENERAL.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 400,000 $1 coins bearing the designs specified in section 4(a), each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the life and legacy of Louis Braille.

(2) OBVERSE.—The design on the obverse shall bear a representation of the image of Louis Braille.

(3) REVERSE.—The design on the reverse shall emphasize Braille literacy and shall specifically include the word for Braille in Braille code (the Braille capital sign and the letters Brl) represented in a way that substantially complies with section 3 of Specification 800 of the National Library Service for the Blind and Physically Handicapped of the Library of Congress specifications for Braille, and is tactilely indiscernible from printed or written Braille.

(4) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2009"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts and the National Federation of the Blind; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2009.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) SURCHARGE REQUIRED.—All sales of coins under this Act shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the the National Federation of the Blind to further its programs to promote Braille literacy.

(c) AUDITS.—The National Federation of the Blind shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the National Federation under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2872, a bill designed to advance a nationwide Bsraille literacy campaign by honoring Louis Braille with a commemorative coin to be issued in 2009, the bicentennial year of his birth.

Louis Braille created the code of raised dots for reading and writing that bears his name and brings literacy, independence, and productivity to the blind.

Born in 1809, Louis Braille became blind due to an accident in his father's workshop. By believing in the capacity of the blind to learn, Braille demonstrated an understanding of blindness that was extraordinarily enlightened and positive for the times in which he lived.

Blind people today would be far less likely to achieve the goals of independence and productive living without the positive contributions Louis Braille made and the example he set throughout his life. Today, blind members of society are teachers, doctors, lawyers, scientists, mathematicians and much, much more because of Louis Braille.

A means of achieving literacy is vital for everyone, including, of course, people who are blind. Therefore, effective use of Braille is one of the most essential skills for blind people to achieve success. Research shows that more than 90 percent of employed persons who are blind use Braille.

Effective use of Braille is as important to the blind as independent mobility, knowledge in the use of adaptive technology, and the core belief that equality, opportunity and security are truly possible for all people who are blind.

The Louis Braille Commemorative Coin will feature representation of the image of Louis Braille on one side and will include the word for Braille in actual Braille code on the other side. The inclusion of Braille code on the commemorative coin is a significant and historic aspect of this bill.

In addition, all sales of the Braille Commemorative Coin will include a surcharge of $10 per coin, which will be distributed to the National Federation of the Blind to promote Braille literacy. As a condition of receiving the proceeds from this surcharge, the National Federation of the Blind will be subject to annual audits to ensure that these proceeds, of course, are being spent for the authorized purpose and will be required to raise matching funds from private sources.

□ 1530

If all the coins authorized under this bill are sold, the surcharges could generate up to $4 million plus the matching $4 million that the National Federation of the Blind would be required to raise privately. That is potentially $8 million to promote Braille literacy for all people in the country who are in need of Braille literacy. The Nation's blind would greatly benefit by this investment in Braille literacy.

The National Federation of the Blind has committed to raising their share of these funds and promoting Braille literacy with the proceeds. Based on our work with the NFB in the past, I know they are up to this task. I worked very closely with the NFB on the Help America Vote Act, Mr. HOYER and I both did, and Senators DODD and BOND and MCCONNELL in the Senate, in order to ensure that voting booths were equipped to allow the blind to vote independently without outside assistance. Their grass-roots advocacy and unyielding support on that bill helped that dream become a reality for the Nation's blind.

Again, with this bill, the National Federation of the Blind put their grass-roots network into action to build overwhelming support for this commemorative coin. I'm confident this same grass-roots network will raise the matching funds required and effectively promote Braille literacy on a nationwide basis with the proceeds from this coin's surcharge.

The National Federation of the Blind currently fosters Braille literacy in a number of ways: from mentoring programs, in which experienced Braille readers as volunteers teach and encourage novices, to publishing instructions for schoolchildren, to research in effective methods of teaching and learning Braille, to one-on-one Braille instruction in residential training centers. Literacy in Braille is emphasized throughout its programs and services as an essential tool for blind persons to participate successfully in modern society.

The Federation emphatically links competence in the basic skills of blindness, like Braille, to its broader understanding of blindness, a condition feared above most others by society. When blindness occurs, the federation seeks, through its nationwide membership, to reach individuals, children, or adults who experience sight loss to convey the message that while blindness is not sought by anyone, obviously, everyone can successfully handle lack of sight with proper training and alternative skills, combined with a can-do attitude.

But even with that effort, only about 10 percent of blind children are taught Braille. Issuance of the Louis Braille commemorative coin can aid that effort, forming a springboard for a nationwide Braille literacy campaign drawing all these strands together and focusing the joint energy of thousands of volunteers powered by a big idea, resulting in high-profile attention to the literacy crisis amongst the blind while helping this broad volunteer corps to attract social attention to the positive thrust of the federation.

The story of Braille as a literacy tool and the story of the federation in emphasizing participation are parallel. Given the proper tools, we humans can overcome apparently insurmountable obstacles and achieve great things. Louis Braille, the man, did so. Hundreds of thousands of blind Americans do so every day. Hundreds of thousands of blind Americans could do so much more if they had the tool of literacy easily at hand and the can-do attitude to accompany it.

Honoring Louis Braille and promoting literacy for the blind will have lasting value for our society.

I want to thank Congressman BEN CARDIN for his cosponsorship of this important bill, and I want to thank over 300-some of our colleagues who have actually signed on to the bill, and I appreciate the gentleman from Massachusetts being here today on this bill and all the input and work he has done on it.

I urge my colleagues to support this legislation to create the Louis Braille commemorative coin and help advance Braille literacy nationwide.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume, and I agree with the words of the gentleman from Ohio.

First of all, let me express the regrets of our colleague from Maryland (Mr. CARDIN) who was a major sponsor of this bill and who, I think, is the Representative of the National Federation of the Blind. He very much wanted to be here. He had a previous engagement, and he stayed here until the very last minute. I know he has a statement for the RECORD, but I did want to convey to people his having made an extraordinary effort to be here personally.

As I said, I agree with what the gentleman from Ohio said. I will say that I had inquired as to whether or not there might be some alternative financing arrangement. I appreciate this is a first-rate organization that makes enormous contributions. There are some other organizations that work in the field as well. But it was not possible to work anything out, and I did not want to stand in the way of this very important legislation, both in terms of commemorating Louis Braille and in terms of making the funding available.

So I give this legislation my support.

Ms. JACKSON-LEE of Texas. I rise in support of the proposed legislation of H.R. 2872, recognizing Louis Braille Bicentennial Braille literacy Commemorative Coin Act.

Louis Braille invented the Braille method for reading and writing by the blind that has allowed millions of blind people to be literate participants in their societies. Braille, who lost his sight at the age of three after injuring himself with an awl in the shop of his father, recognized that the basis in sound and the large number of dots as many as 12 used to represent words was too cumbersome. He developed a code that uses no more than 6 dots in a cell of 2 columns of 3 dots, each to represent each letter and contain a system of punctuation and of contractions to speed writing and reading. He later published another book detailing a system of representation of mathematics.

Braille's talents were quickly recognized and at 17, he was made the first blind apprentice teacher at the school, where he taught algebra, grammar, music and geography.

However, despite the fact that many blind people enthusiastically adopted the system of writing and reading, but there was great skepticism among sighted people about the real usefulness of Braille code. His literacy aids the blind in taking responsible and self-sufficient roles in society, such as employment. While 70% of the blind are unemployed, 85% of the employed blind are Braille-literate.

I propose that Secretary of the Treasury mint and issue no more than 400,000 one dollar coins bearing specific designs. The design of the coins minted under this Act shall be emblematic of the life and legacy of Louis Braille and the design on the obverse shall bear a representation of the image of Louis Braille.

I support H.R. 2872 for many foregoing reasons and I urge my colleagues to follow suit.

Mr. CARDIN. Mr. Speaker, I rise in strong support of H.R. 2872, and I want to thank my colleague, the gentleman from Ohio, for his leadership on this bill. It has been a pleasure to work with him in advancing this important legislation. I also want to extend my appreciation to Chairman OXLEY and Ranking Member FRANK, of the Financial Services Committee, for their support.

This bipartisan bill celebrates the achievements of Louis Braille, who created a system of reading and writing for the blind that has gained widespread acceptance since his death more than one hundred fifty years ago. To mark the 200th anniversary of his birth in 1809, this bill authorizes the minting of $1 coins bearing the image of Braille himself and emphasizing Braille literacy.

I want to particularly express my deep appreciation to the National Federation of the Blind for their vital advocacy for more than 1.3 million blind persons in the United States. Since its inception in 1940, the National Federation for the Blind has worked tirelessly to battle discrimination, increase public awareness, and develop and support technological advances.

The NFP also distributes The Braille Monitor, a monthly news publication, as well as online resources and a quarterly publication for the parents of blind children. With more than 50,000 members and affiliates in every state across America, NFB has led the way in demonstrating its ability to serve the interests of the blind population.

This bill holds special significance for me, as the National Federation of the Blind is headquartered in my Congressional district, in Baltimore, Maryland.

Dr. Marc Maurer, who has served as President of the National Federation of the Blind for 20 years, has shown exemplary leadership of this organization, as has the NFB's First Vice President, Joyce Scanlan, an active member since 1970. Sharon Maneki, President of the Maryland Chapter, has been instrumental in advancing the cause of blind persons throughout our state. I would also like to thank Jesse Hartle of the NFB for his hard work on behalf of the organization.

I am pleased to note that H.R. 2872 is cosponsored by the entire Maryland delegation, as well as by more than 300 members of the House.

The NFB's mission statement declares that "the real problem of blindness is not the loss of eyesight but the misunderstanding and lack of information which exist." As part of this mission, the NFB has been campaigning to increase awareness of the Braille system of communication.

The Braille code became dominant in the United States during the 20th century, and it served as a gateway to education for the blind.

In recent years the Braille code has been in declining use among the blind population. It is currently taught to only about ten percent of blind students and is usually not taught at all to the elderly.

The NFB holds as one of its major goals the reintroduction of Braille into education for the blind. Braille readers can read up to 400 words per minute, comparable to the speed of print readers. Braille is also essential for notetaking, mathematics and the study of foreign languages. Moreover, the computerization of Braille allows users to write much more rapidly than in the past.

Commemorating the contributions of Louis Braille is a worthy goal.

Increasing awareness of Braille and broadening opportunities for use as an educational tool are two other pivotal goals that this legislation will help achieve.

I want to thank my colleagues for their resounding support of H.R. 2872 and urge the House to help further the legacy of Louis Braille by voting for this bill.

Mr. OXLEY. Mr. Speaker, I rise in strong support of H.R. 2872, the "Louis Braille Bicentennial—Braille Literacy Commemorative Coin Act," introduced by my colleague, the gentleman from Ohio, Mr. NEY.

Mr. Speaker, I confess I learned something reading this legislation. All of us know some blind people, and all of us, of course, see Braille writing in elevators and elsewhere as we move through our daily lives.

But sitting down and reading the story of the courage and the intelligence it must have taken for a young blind man 200 years ago in France to fight for an education for himself when many sighted kids his age weren't getting even a high school education, is remarkable. And doing it when there were very few books printed for the blind—those only with giant embossed letters—must have been excruciatingly slow and taken a huge amount of self-discipline. To have discovered and modified a method of communication used by the Army into something that could easily be reproduced and read—and more importantly written by the blind, which was not really the case with those giant embossed letters—was a truly revolutionary breakthrough.

As a result, Mr. Speaker, long before the amazing technology that we all take for granted, the blind who were taught to read and write Braille were able to live normal lives and participate fully in society. Still, and this is something else I learned, despite all the independence that reading and writing Braille confers on the blind, only about 10 percent of blind children are taught Braille. Thus, I support the provision in the bill that devotes income from surcharges on the sale of these coins to a Braille Literacy Program operated by the National Federation of the Blind. And I think it is important to note that the silver dollar coins that would be produced under this bill would all bear, on their reverse, a full-sized Braille abbreviation for Braille—the raised dots that form the letters BRL.

Mr. Speaker, this commemorative coin program, like all those that pass through the Financial Services Committee, proceeds at no cost to the taxpayer and requires the beneficiary, in this case the NFB, to raise from private sources an amount equal to or greater than the amount of surcharge income that will be received, and also demands strict post-disbursement audit process to ensure that the funds are used for their statutorily intended purpose. In this case, I have no doubt that the NFB can raise the matching funds and will use the income to really very effectively raise the profile of Braille literacy.

And so, Mr. Speaker, noting that 302 Members of the House have co-sponsored this bill, I urge its immediate passage.

I also submit for the RECORD the following exchange of correspondence:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, February 27, 2006.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS: I am writing concerning H.R. 2872, the "Louis Braille Bicentennial-Braille Literacy Commemorative Coin Act," which was introduced in the House and referred to the Committee on Financial Services on June 13, 2005. It is my expectation that this bill be scheduled for floor consideration in the near future.

As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters. However, I request that your committee forego action on H.R. 2872 in order to allow the bill to come to the floor expeditiously. I appreciate your cooperation in so doing, and agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include a copy of this letter and your response in the CONGRESSIONAL RECORD when this bill is considered by the House. Thank you again for your assistance.

Yours truly,
MICHAEL G. OXLEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, February 27, 2006.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OXLEY: Thank you for your letter regarding H.R. 2872, the "Louis Braille Bicentennial-Braille Literacy Commemorative Coin Act," which is scheduled for Floor action on Tuesday, February 28, 2006.

As you noted, the Committee on Ways and Means maintains jurisdiction over matters that concern raising revenue. H.R. 2872 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation.

I appreciate and agree to your offer to include this exchange of letters on this matter in the Congressional Record during floor consideration.

Best regards,
BILL THOMAS,
Chairman.

Mr. FRANK of Massachusetts.

Mr. Speaker, I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CONAWAY). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the bill, H.R. 2872, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING THE PRESIDENT TO AWARD A CONGRESSIONAL GOLD MEDAL TO THE TUSKEGEE AIRMEN

Mr. NEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R.

1259) to authorize the President to award a gold medal on behalf of the Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces, as amended.

The Clerk read as follows:

H.R. 1259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds the following:

(1) In 1941, President Franklin D. Roosevelt overruled his top generals and ordered the creation of an all Black flight training program. President Roosevelt took this action one day after the NAACP filed suit on behalf of Howard University student Yancy Williams and others in Federal court to force the Department of War to accept Black pilot trainees. Yancy Williams had a civilian pilot's license and had earned an engineering degree. Years later, Major Yancy Williams participated in an air surveillance project created by President Dwight D. Eisenhower.

(2) Due to the rigid system of racial segregation that prevailed in the United States during World War II, Black military pilots were trained at a separate airfield built near Tuskegee, Alabama. They became known as the "Tuskegee Airmen".

(3) The Tuskegee Airmen inspired revolutionary reform in the Armed Forces, paving the way for full racial integration in the Armed Forces. They overcame the enormous challenges of prejudice and discrimination, succeeding, despite obstacles that threatened failure.

(4) From all accounts, the training of the Tuskegee Airmen was an experiment established to prove that so-called "coloreds" were incapable of operating expensive and complex combat aircraft. Studies commissioned by the Army War College between 1924 and 1939 concluded that Blacks were unfit for leadership roles and incapable of aviation. Instead, the Tuskegee Airmen excelled.

(5) Overall, some 992 Black pilots graduated from the pilot training program of the Tuskegee Army Air Field, with the last class finishing in June 1946, 450 of whom served in combat. The first class of cadets began in July 1941 with 13 airmen, all of whom had college degrees, some with Ph.D. degrees, and all of whom had pilot's licenses. One of the graduates was Captain Benjamin O. Davis Jr., a United States Military Academy graduate. Four aviation cadets were commissioned as second lieutenants, and 5 received Army Air Corps silver pilot wings.

(6) That the experiment achieved success rather than the expected failure is further evidenced by the eventual promotion of 3 of these pioneers through the commissioned officer ranks to flag rank, including the late General Benjamin O. Davis, Jr., United States Air Force, the late General Daniel "Chappie" James, United States Air Force, our Nation's first Black 4-star general, and Major General Lucius Theus, United States Air Force (retired).

(7) 450 Black fighter pilots under the command of then Colonel Benjamin O. Davis, Jr., fought in World War II aerial battles over North Africa, Sicily, and Europe, flying, in succession, P–40, P–39, P–47, and P–51 aircraft. These gallant men flew 15,553 sorties and 1,578 missions with the 12th Tactical Air Force and the 15th Strategic Air Force.

(8) Colonel Davis later became the first Black flag officer of the United States Air Force, retired as a 3-star general, and was honored with a 4th star in retirement by President William J. Clinton.

(9) German pilots, who both feared and respected the Tuskegee Airmen, called them the "Schwartze Vogelmenschen" (or "Black Birdmen"). White American bomber crews reverently referred to them as the "Black Redtail Angels", because of the bright red painted on the tail assemblies of their fighter aircraft and because of their reputation for not losing bombers to enemy fighters as they provided close escort for bombing missions over strategic targets in Europe.

(10) The 99th Fighter Squadron, after having distinguished itself over North Africa, Sicily, and Italy, joined 3 other Black squadrons, the 100th, the 301st, and the 302nd, designated as the 332nd Fighter Group. They then comprised the largest fighter unit in the 15th Air Force. From Italian bases, they destroyed many enemy targets on the ground and at sea, including a German destroyer in strafing attacks, and they destroyed numerous enemy aircraft in the air and on the ground.

(11) 66 of these pilots were killed in combat, while another 32 were either forced down or shot down and captured to become prisoners of war. These Black airmen came home with 150 Distinguished Flying Crosses, Bronze Stars, Silver Stars, and Legions of Merit, one Presidential Unit Citation, and the Red Star of Yugoslavia.

(12) Other Black pilots, navigators, bombardiers and crewman who were trained for medium bombardment duty as the 477th Bomber Group (Medium) were joined by veterans of the 332nd Fighter Group to form the 477th Composite Group, flying the B–25 and P–47 aircraft. The demands of the members of the 477th Composite Group for parity in treatment and for recognition as competent military professionals, combined with the magnificent wartime records of the 99th Fighter Squadron and the 332nd Fighter Group, led to a review of the racial policies of the Department of War.

(13) In September 1947, the United States Air Force, as a separate service, reactivated the 332d Fighter Group under the Tactical Air command. Members of the 332d Fighter Group were "Top Guns" in the 1st annual Air Force Gunnery Meet in 1949.

(14) For every Black pilot, there were 12 other civilian or military Black men and women performing ground support duties. Many of these men and women remained in the military service during the post-World War II era and spearheaded the integration of the Armed Forces of the United States.

(15) Major achievements are attributed to many of those who returned to civilian life and earned leadership positions and respect as businessmen, corporate executives, religious leaders, lawyers, doctors, educators, bankers, and political leaders.

(16) A period of nearly 30 years of anonymity for the Tuskegee Airmen was ended in 1972 with the founding of Tuskegee Airmen, Inc., in Detroit, Michigan. Organized as a non-military and nonprofit entity, Tuskegee Airmen, Inc., exists primarily to motivate and inspire young Americans to become participants in our Nation's society and its democratic process, and to preserve the history of their legacy.

(17) The Tuskegee Airmen have several memorials in place to perpetuate the memory of who they were and what they accomplished, including—

(A) the Tuskegee Airmen, Inc., National Scholarship Fund for high school seniors who excel in mathematics, but need financial assistance to begin a college program;

(B) a museum in historic Fort Wayne in Detroit, Michigan;

(C) Memorial Park at the Air Force Museum at Wright-Patterson Air Force Base in Dayton, Ohio;

(D) a statue of a Tuskegee Airman in the Honor Park at the United States Air Force Academy in Colorado Springs, Colorado; and

(E) a National Historic Site at Moton Field, where primary flight training was performed under contract with the Tuskegee Institute.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of the Congress, of a single gold medal of appropriate design in honor of the Tuskegee Airmen, collectively, in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) SMITHSONIAN INSTITUTION.—

(1) IN GENERAL.—Following the award of the gold medal in honor of the Tuskegee Airmen under subsection (a), the gold medal shall be given to the Smithsonian Institution, where it will be displayed as appropriate and made available for research.

(2) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Smithsonian Institution should make the gold medal received under paragraph (1) available for display elsewhere, particularly at other appropriate locations associated with the Tuskegee Airmen.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2, at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be charged against the United States Mint Public Enterprise Fund, an amount not to exceed $30,000 to pay for the cost of the medals authorized under section 2.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from North Carolina (Mr. WATT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1259, introduced by the gentleman from New York (Mr. RANGEL), which would award a Congressional

Gold Medal, the highest honor the Congress can bestow, on the Tuskegee Airmen.

Frankly, Mr. Speaker, this award is long, long overdue. Pilots of the 99th Fighter Squadron, including the first group of black pilots who trained at the little airstrip in Alabama near Tuskegee College, and later the 100th, 301st, and 302nd, were not even expected by some to be capable of meeting the challenge. Cruelly, studies commissioned by the Army War College in the 1920s and 1930s speculated that African Americans were capable neither of military leadership nor of flying increasingly complex fighter aircraft.

Tell that theory to Lee A. Archer, the young man from Yonkers who grew up dreaming of being a fighter pilot and reading comic books about the gallant fighter pilots of the First World War. Lee Archer flew 169 combat missions in his P–40 Tomahawk, P–39 Cobra, P–47 Thunderbolt, and his P–51 Mustang, known as the Macon Belle. He became an ace, notching five downed enemy aircraft in his career.

Tell that also to then-Captain Benjamin O. Davis, Jr., a West Point grad, who was one of the first 13 pilots trained near Tuskegee and became the first black flag officer in the Air Force, retiring with three stars and being granted a fourth in retirement by President Clinton.

Tell that to Lieutenant Clarence "Lucky" Luster, who destroyed three German planes and earned a Distinguished Flying Cross the day Archer notched his first victory.

In all, Mr. Speaker, these men, who were not supposed to be able to fly, came home from piloting their distinctive, red-tailed fighters with 150 Distinguished Flying Crosses, Bronze and Silver Stars and Legions of Merit, a Presidential Unit Citation, and even the Red Star of Yugoslavia. They also came home with the knowledge that no one could plausibly assert that a segregated armed services made any sense, and integration soon followed.

After the war, these men became business and political and civic leaders, many quite successful both in and outside the military, blazing trails at home the way they had blazed the trails in the skies of North Africa and Europe. Today, Mr. Speaker, we are here during Black History Month to add one more honor to that list.

The legislation before us, cosponsored by 308 Members of the House, seeks to award a Congressional Gold Medal to the Tuskegee Airmen as a group and give it to the Smithsonian for display, with provisions that the medal may be loaned out temporarily to appropriate sites: perhaps to Moton Field in Alabama, where they trained, or to the Air Force Academy, where a statute of a Tuskegee Airman stands in Honor Park.

Rarely, Mr. Speaker, do we get to do something in this great Chamber that is so widely supported, so appropriate, and so long overdue. It is a pleasure to be here today with Mr. WATT, who is managing the bill, and also again with Mr. RANGEL and the many sponsors of this. Also, I can tell you that we were there for the 60th anniversary with Mr. RANGEL and the Speaker and leaders, and my wife and Mrs. Rangel, and it was a pleasure to be there on that historic day with our congressional delegation.

I commend Mr. RANGEL and the other Members for supporting this, and I urge immediate passage of H.R. 1259.

Mr. Speaker, I reserve the balance of my time.

Mr. WATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am a proud cosponsor of this bill, but that is not why I am here. I am here because of the protocols of the House. The protocols of the House say that a bill goes through a committee and somebody on that committee should be controlling time. But the protocols of the House sometimes put you in a position that you know you are inadequate to effectively do, and that is my position today, because the real person who should be being honored by controlling time is the person who was the original cosponsor of this, my good friend and colleague, Representative RANGEL.

So I want to proudly say that I am a strong supporter of this bill, but I want to yield immediately to my colleague from New York, Representative RANGEL, as much time as he may consume.

Mr. RANGEL. Mr. Speaker, the modesty of the chairman of the Congressional Black Caucus amazes even me, because destiny would have it that this is the last day of African History Month and he is the chairman of the historic Congressional Black Caucus. So that shatters protocol, and I thank him for his friendship, his support and the leadership that he has given to all Americans through the Congressional Black Caucus.

Today probably will be one of the closest days to bipartisanship that this august body has seen in a long, long time. And, of course, Chairman NEY is right: what a historic day that was when we went and saw how many tens of thousands of Americans were prepared to give up their lives, knowing the dangers of the Normandy beachhead.

We were there with Sam Gibbons and the leadership, and it did make all of us so proud to be Americans that day. We were not Republicans, Democrats or liberals; we were just so proud that we had this great Nation that had gone so far in providing her leadership for those who survived and for those who continue to serve.

We have 300 cosponsors of this bill in this body, and I am thoroughly convinced, Mr. Speaker, that the only reason we do not have the rest is that somebody on staff did not handle this right. Because there has been no one that has not felt proud to be able to say three things: thank you, thank you, thank you.

It is absolutely amazing how great this country is when you find young Americans, black as they may be, victims of racism though they may be, fighting to be able to defend this country against the Germans and the Italians and against the Japanese.

The NAACP fought and won the opportunity for this group of young people to be trained, even though the Army had already ruled that they could not be black airmen, or colored airmen or Negro airmen. So they won the right to put their lives on the line and share in the sacrifice to which this great Republic was attached.

I have to thank BARNEY FRANK. He gave me all the questions to ask Chairman OXLEY so that I could get the right answers in order to expedite the bill. And MIKE OXLEY has just been absolutely terrific, as has the Speaker in making sure that we guided this through the parliamentary procedure to be where we are today.

And talking about bipartisanship, Mr. HUNTER, the chairman of the Defense Committee, joined in with Mr. SKELTON, the ranking Democrat, to send a letter to all of his colleagues asking them to see their way clear to support this bill.

And, of course, the last is something that I have to thank Secretary Rumsfeld for. My book is not completed, and I am glad it is not, so I can thank him publicly for sending out a letter to the House and Senate recommending a gold medal for the historic Tuskegee Airmen. They fought not really just for black folks, but they fought for a better America. They fought for a better world. They were pioneers not only in fighting the war, but in showing and giving self-esteem to so many younger people, inspiring them to do what so many Americans just dream of doing, and that is to fly a plane in the defense of their country.

Even though they were denied all types of recognition during the time that they served, and even though they were subjected to all types of scourges by other people, they still continued to fight. There were 450 Tuskegee Airmen that served with the 99th Fighter Squadron and were able to then join with the 332nd Fighter Group in the 15th Air Force.

□ 1545

They flew 15,500 combat sorties, including more than 6,000 missions for the 99th Squadron before July 1944. Sixty-six pilots lost their lives and were killed in action. Thirty-two were downed or became prisoners of war. And among the outfit they received 150

Distinguished Flying Crosses, 744 Air Medals, eight Purple Hearts and 14 Bronze Stars.

My colleagues, in all of the time that they were protecting American bombers on their missions from the United States to Europe, in all of that time, no matter how many times that they were shot down, they never lost a bomber, never lost a United States bomber throughout World War II. They set an example for all of us somehow to try to follow, and that is that the vestiges of slavery were not over then and they are not over now. And certainly, when we take a look at those brave young men and women that are fighting in Iraq, we cannot tell whether they are Republican or Democrats; and we do not care whether they are Black, White, or Brown. They are sharing the sacrifices that this great Nation is involved in.

I am so proud that because of my age, my community and my friendship, that the spirit of the Tuskegee Airmen is not involved with history books with me because one of those great airmen happens to be one of my very, very best friends, and that is Percy Sutton. Percy not only flew the planes but he was involved in intelligence and he provided the leadership, not just in the service, but became a leader in the civil rights movement and became a friend and advocate in support of Malcolm X, became the borough president of Manhattan, ran for mayor, and then when that did not work out, started out in business to become one of the most successful people in communication that we have had in the city and in the country.

And so, what did that mean to a CHARLIE RANGEL, who came from a depressed community? We had one symbol of hope. It was not World War II. It was restoring the Apollo Theater, and he brought back the Apollo, and with the empowerment zones, I invite all of you to be my guest in seeing the restoration of a historic beautiful community, Harlem. And Percy Sutton is the father and the creator of giving that type of leadership to my hometown.

What about Roscoe Brown?

Listen carefully. Roscoe Brown, with a single-engine fighter, was the first American to shoot down a German jet, with a propeller plane, was the first to shoot down a German jet fighter plane. And after this, he did not give up his struggle. He continued in education, became president of a university, and today still teaches in the Harlem community.

Lee Archer. As you pointed out, Mr. Chairman, a guy who dreamed as a kid and fulfilled that dream and then finally went into business and even today, even though he is retired, provides the leadership for small business people and others.

As we salute these people today, it gives us an opportunity to think about today and tomorrow, where color should never be an issue with those people that should not have to put their lives on the line to be respected as being Americans who are fully entitled to all of the benefits.

And to the Members today, I am certain that I speak for the members of the Tuskegee Airmen, let this be the beginning. As we say thank you, let me never have to apologize for forgetting someone or not giving them an opportunity. Let this be the day where Democrats and Republicans can come together, ranking Members and majority Members, in saying as we look at the past and see where we made mistakes; let this be the guidance to provide leadership for all of us to avoid the opportunities in the future.

To all of you who have supported the bill, on behalf of those survivors and their families of the Tuskegee Airmen, I say three things: thank you, thank you, and thank you very much.

Mr. NEY. Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I thank the chairman and I thank my colleague, the ranking member, Mr. RANGEL, for his dedication and perseverance in obtaining the highest congressional honor for one of the most courageous groups of Americans, the Tuskegee Airmen. At a time when civil rights were still being denied and segregation persisted through many parts of our country, the Tuskegee Airmen bravely fought and gave their lives abroad for freedom and liberty that sadly oftentimes they did not receive here at home.

Before 1940, the African Americans were denied the right to fly with the United States military. However, from 1942 to 1946, the Tuskegee Airmen graduated 992 airmen from the pilot training program of the Tuskegee Army airfield, while 450 served in combat.

For every African American pilot, there were 10 other civilian or military African American men and women on the ground performing support duties. Many of them remained in the military during the post-World War II era and spearheaded the integration of the armed services with the integration of the Air Force in 1949.

Mr. Speaker, I had the opportunity to go to Iraq about a year ago and visited with the 332nd Fighter Group, the follow-on from the 99th Fighter Squadron that was the Tuskegee Airmen and had a chance to visit with the wonderful men and women who make up that 332nd Fighter Squadron. What a group they are. And they certainly recognize their roots. They recognize the heritage, the valiant heritage of the 99th Fighter Squadron. In fact, Balad air base, where this fighter group is stationed in Iraq, is the site for the Air Force's contingent aeromedical staging facilities where all the casualties in Iraq are brought to this central staging facility, stabilized, flown from Balad to Landstuhl, Germany and then subsequently flown from Landstuhl back here to Walter Reed in the United States.

When I was there in February, they had performed 19,000 such transfers from the battlefield with one intertransfer death. I had an opportunity to go back in August of this past year, in 2005: 27,000 patient transfers, again only the one intertransfer death.

Clearly, these men and women are following that great tradition that was started by the 99th Fighter Squadron. Well, sadly today, only 200 of the original Tuskegee Airmen are still with us. I am fortunate to have three of these courageous men living in the district that I represent: Mr. Don Elder, Mr. Robert McDaniel and Mr. Claude Platt. Recently, the Claude R. Platt VFW Tuskegee Airmen chapter was formed. And I am confident that others will benefit greatly from this chapter's rich history and legacy.

Gentlemen, thank you very much for your service and your dedication to your country. I am honored and privileged to represent you before the United States Congress.

Mr. Speaker, the mayor of my town of Highland Village, Texas, back home is the son of a Tuskegee Airman. Mayor Bill Lawrence was born and grew up in Tuskegee, Alabama; and his father served proudly with the 99th Fighter Squadron.

The 26th Congressional District of Texas also pays tribute to the brave men through the National Cowboys of Color museum located in Fort Worth, Texas. A wing of the museum is dedicated to the Claude R. Platt VFW Tuskegee Airmen chapter. The wing is the home of a number of personal artifacts, autographed paintings of the airmen in training, proclamations and other items of recognition.

Mr. Speaker, if you are ever in north Texas, Mr. Ranking Member, if you are ever in north Texas, I encourage you to visit this museum and learn more about the sacrifices and the contributions of these heroic Americans.

Mr. Speaker, once again I want to thank Ranking Member RANGEL for his bringing forth this legislation honoring the Tuskegee Airmen for their service and dedication to our country. We cannot say it enough. Thank you. Thank you. Thank you.

Mr. WATT. Mr. Speaker, I yield 2 minutes and 10 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the distinguished gentleman from North Carolina. Let me, as well, appreciate the fact, as Mr. RANGEL has said, that we have a bipartisan moment. I thank the chairman, Mr. NEY, for his support and leadership.

Mr. RANGEL, might I acknowledge you for a brilliant stroke of patriotic genius, for you have recognized that those who battled on the forefront of World War II, who may have worn a different skin color, came home not in dishonor, but not with much honor. And so I am very humbled to have been one of the cosponsors to join you in the recognition, collectively, of the numbers of airmen who can claim Tuskegee, Alabama and the Tuskegee Institute as a starting point of them being able to reach their dreams of serving on the front lines in World War II and fighting for their America.

As Mr. RANGEL said earlier, these individuals suffered in a segregated America and, in fact, were rejected and rebuffed when they asked to join the United States military to sacrifice their lives. But they were persistent, and they got called to be the Tuskegee Airmen and there were personnel sent from Washington to train them. And sometimes they were thinking, why did I get this assignment? But now we are here today to honor them with a Congressional Gold Medal, some 992 black pilots, and then of course, any number of civilians who were likewise engaged.

Thirty years after the war was over, you heard nothing about the Tuskegee Airmen. And then, of course, they did the wise thing by establishing the first club.

I too have a personal story, because I am proud to say that my father-in-law, Phillip Ferguson Lee, was a Tuskegee Airman; and from the time of my marriage in the early years, what an honor to travel around him or to meet those gentlemen. I was honored to be able to see those gentlemen in their distinguished jackets, senior as they were, but proud and strong. Thank you, Mr. RANGEL. Thank you to the Tuskegee Airmen. Thank you, America, for recognizing these battle-worn soldiers. God bless them and God bless America.

Mr. Speaker, I rise in support of H.R. 1259, "to authorize the President to award a gold medal on behalf of the Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces."

On July 19, 1941 the American Air Force created an all black flight training program at the Tuskegee Institute in Alabama. The Tuskegee Airmen were not only unique in their military record, but they inspired revolutionary reform in the Armed Forces, paving the way for integration of the armed services in the U.S.

The first class of cadets began in July 1941 with 13 men, all of whom had college degrees, some with PhD's and all had pilot's licenses. From all accounts, the training of the Tuskegee Airmen was an experiment established to prove that "coloreds" were incapable of operating expensive and complex combat aircraft. Stationed in the segregated South, the black cadets were denied rifles.

The Tuskegee Airmen were credited with 261 aircraft destroyed, 148 aircraft damaged, 15,553 combat sorties and 1,578 missions over Italy and North Africa. They destroyed or damaged over 950 units of ground transportation and escorted more than 200 bombing missions. "We proved that the antidote to racism is excellence in performance," said retired Lt. Col. Herbert Carter, who started his military career as a pilot and maintenance officer with the Tuskegee Airmen's 99th Fighter Squadron. Clearly, the experiment, as it was called, was an unqualified success.

The Tuskegee Airmen were awarded three Presidential Unit Citations, 150 Distinguished Flying Crosses and Legions of Merit, along with the Red Star of Yugoslavia, nine Purple Hearts, 14 Bronze Stars and more than 700 Air medals and clusters. It goes without question that the Tuskegee Airmen are deserving of the Congressional Gold Medal.

I would like to thank Congressman RANGEL for his work in bringing this legislation to the floor of Congress, and his efforts in gathering 308 cosigners. This is an important, and long overdue piece of legislation. I ask my colleagues from both sides of the aisle to give their support to H.R. 1259, authorizing "the President to award a gold medal on behalf of the Congress, collectively, to the Tuskegee Airmen . . ."

Mr. NEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. SCHWARZ).

Mr. SCHWARZ of Michigan. Mr. Speaker, I have had the pleasure of meeting the Tuskegee Airmen, the survivors, on a number of occasions. A number of them live in my home State of Michigan, especially Major General Lucius Theus, who lived in Detroit, a distinguished member of the Tuskegee Airmen. They last rallied in Michigan at Jackson, Michigan, in the summer of 2004; and our colleague from the other body, Senator McCAIN, and I were privileged to be at that meeting and greet the airmen.

As the unit approached its first year in action, it learned that it was being transferred to the 332nd Fighter Group, a unit activated at Tuskegee in mid-1942 and transferred to Michigan in 1943 where it conducted training at Selfridge Air Base and Oscoda Air Base, both in the eastern side, on the eastern side of the State of Michigan, before deploying to Italy. The 332nd was composed of four African American squadrons, the 99th 100th, 301st, and 302nd under the command of Colonel Davis.

Not long after arriving in Italy, the members of the 332nd were heavily involved in combat missions. Assigned to bomber escort with the 15th Air Force, it escorted the bombers on missions around Italy, flew on the raids to the access oil refineries in Ploesti, Romania, and strafed German troops retreating from Greece. It established a reputation for protecting its bombers. The pilots always followed Colonel Davis' orders. Your job is to protect the bombers and not chase enemy aircraft for personal glory, he said. The Germans called the 332nd the Schwartze Vogrl Menshen, the black birdmen, and began to see a plane with a red tail as something to fear.

On March 24, 1945, the 332nd went on the longest mission flown by the 15th Air Force to the Daimler-Benz tankworks in Berlin. On this mission, it downed three of the new Messerschmitt ME–262 jet fighters. The group received a distinguished unit citation for its performance that day.

At the end of the war, the Tuskegee Airmen returned to an America that was as segregated as the one they had left.

□ 1600

Some of the veterans became leaders in the fight for desegregation, both military and civilian. With their own community, they offered pride and encouragement. And to the white community they offered an example of the equality of men. The Air Force became desegregated in April of 1948. Unfortunately, the rest of the Nation would take much longer. But there is no doubt that the example, professionalism, and expertise of the Tuskegee Airmen hastened that day.

It is fitting today, then, Mr. Speaker, that this bill would bestow the Congressional Gold Medal, our body's highest expression of national appreciation for distinguished achievements and contributions, upon the members of the Tuskegee Airmen in recognition of their service to our country during World War II and in the years after that conflict. They are living examples of what is possible when racism is defeated and opportunities are equally available to all members of our great country.

Mr. WATT. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I cannot rise to the heights of CHARLIE RANGEL, but I rise in tribute to the Tuskegee Airmen. For years, it seems we have considered bills honoring the contributions of these heroic airmen. It is about time this one passed and passed with huge support.

Their achievements in support of our efforts in World War II have inspired books and movies. They have earned decorations and awards for valor that are too numerous to cite. As Mr. RANGEL noted, 992 graduated from pilot training at Tuskegee: 450 went overseas to North Africa and Italy; some 150 died either in training or in combat missions. And yet, though they were shot down, not a single bomber, as Mr. RANGEL noted, among the many they escorted was ever shot down.

While their accomplishments have been recognized by the military, the military in truth cannot adequately honor all of their accomplishments because these men fought and won other battles that were not military in nature. They defied those who thought they lacked the intelligence, the skills, the courage, even the patriotism to fly and fight. Their courage in the air is legendary, but their courage on the ground and in our society made their achievements in the air all the more meaningful and remarkable.

Today, the impact of the Tuskegee Airmen reaches far beyond the skies of Italy and North Africa. Their service led to social changes in our country that include the integration of our Armed Forces. In 1948, Harry Truman signed Executive Order 9981, directing equality of treatment and opportunity in all of the armed services. President Truman's order ended racial segregation in the military and was a major step towards ending racial segregation in the United States of America.

Today, we recognize the Tuskegee Airmen for valor in battle, but also for accomplishments that succeeded, that transcended the battlefield like Executive Order 9981. The Tuskegee Airmen, the 99th Fighter Squadron and the 332d Fighter Group, not only deserve the Congressional Gold Medal, they will add luster to it.

I salute the Tuskegee Airmen and I urge all of my colleagues to support this bill.

Mr. WATT. Mr. Speaker, I yield 2¼ minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, on July 19, 1941, the United States military began a revolutionary program in Alabama to train black Americans as military pilots. The program helped change military culture and negative perceptions of blacks in the military, especially the Air Corps.

The Division of Aeronautics of Tuskegee Institute, the famed school of learning founded by Booker T. Washington in 1881, and I am a descendant of his, conducted flight training for aspiring black pilots; and my cousin, still alive, living here, Ira O'Neal, was one of those pilots. The first classes of Tuskegee Airmen were trained to be fighter pilots for the famous 99th Fighter Squadron slated for combat duty in North Africa. By the end of the war, 992 men had graduated from pilot training at Tuskegee, 450 of whom were sent overseas for combat assignment. I should also note that 16,000 men and women supported the Tuskegee Airmen program.

Mr. Speaker, the 450 pilots that flew combat missions over North Africa and Europe, five of them live in the 33rd Congressional District of Los Angeles and Culver City, which I represent. And they are Wilbert Johnson, William B. Ellis, Elbert T. Hudson, Samuel R. Hughes, and Roger B. Duncan.

Mr. Speaker, although pilots that flew twin-engine aircraft did not see combat, it does not take away from the barriers that broke because of their service. In my district there is an individual that flew twin-engine bombers. He is Oscar H. York.

Many others who were not pilots supported the Tuskegee Institute and are original members of the Tuskegee Airmen. These individuals also live in my district. And they are Floyd J. Cawthon, Jerry T. Hodges, Jr., Flora M. Lane, John Lehman, Theodore G. Lumpkin, Jr., Levi H. Thornhill, and Albert L. Wallace.

Mr. Speaker, I want to acknowledge both the historic as well as the heroic role all members of the Tuskegee Airmen played in securing our Nation's freedom as well as changing our Nation's culture and perception of African Americans.

Once again, I congratulate Congressman RANGEL for introducing this historic resolution of acknowledgment.

Mr. WATT. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, I thank Mr. WATT and certainly Mr. RANGEL for their leadership on this, and Mr. NEY of Ohio for his leadership on this.

What an honor it is for me to stand here and to speak some words about the extraordinary contributions that the Tuskegee Airmen have made. Let me begin by simply setting the stage, because I think it is very important for us to understand the environment, the time that this activity happened in American history, for us to truly understand the significance of the Tuskegee Airmen. Let us go back for a moment to that time, and let us take a look at what was going on at that time.

In 1921, Benjamin O. Davis had early on, as one of our leading African Americans in the military, put forward the proposition that black men should be trained to fight, but yet there was great hesitation. As a matter of fact, the Federal Government issued a study which said that African American men were incapable, did not have the skill, the courage, the fortitude, and, in fact, they felt inferior to white people, so that they did not have the courage to do this, this at a time in 1921 when the first woman to even get a license to fly was an African American woman by the name of Bessie Queenie Coleman, and she flew as a daredevil.

Circle back to 1941. It was not until then that they gave the Tuskegee Airmen an opportunity at Tuskegee Institute in Tuskegee, Alabama, founded by Booker T. Washington.

And the story tells it all. For there is no greater story of freedom and American democracy than that story of the Tuskegee Airmen who, with bravery and courage, went and fought for the freedom of this country and the world while yet back at home African American citizens were second-class citizens.

So when we talk about the Tuskegee Airmen, it is more than just their flying. It is their extraordinary stand for courage in the face of difficulty. We salute the Tuskegee Airmen.

Mr. WATT. Mr. Speaker, I yield myself the balance of my time, and I will not take it all.

Mr. Speaker, I do want to note and pay tribute to what I am told are approximately 20 Tuskegee Airmen, who are still living and reside in North Carolina, and mention some of their names, from my congressional district two of them: from Greensboro, Harvey Alexander; from Salisbury, Fred Wilson. And from other parts of the State, I do not have all of their names, but I do want to pay tribute to the ones that I have: from Lenoir, North Carolina, George Shade; from Durham, William MacDonald and Dr. Stuart Fulbright; from Raleigh, North Carolina, my good friend Dr. Harold Webb, whom I have known forever, and Walter Chavis; from Smithfield, North Carolina, Hernando Palmer; and from Dudley, North Carolina, Wilson Eagleson, II.

I want to thank my colleague, Representative RANGEL, again for taking the lead in putting all this together to make this a truly bipartisan recognition of truly heroic and brave airmen.

Mr. Speaker, I yield back the balance of my time.

Mr. NEY. Mr. Speaker, in conclusion, let me just say it is a great day for the Tuskegee Airmen. It is a great day for the United States, and it is a shining day for this institution of the House.

I think that if you look at the quote from Langston Hughes, a great African American poet, "Dream your dreams, but be willing to pay the sacrifice to make them come true," our veterans have done that historically throughout the history of this country, and the Tuskegee Airmen have done that.

Again, I thank Congressman RANGEL for giving them the honor they so much deserve.

Mr. HOLT. Mr. Speaker, I rise in support of H.R. 1259, authorizing the President to award a gold medal on behalf of the Congress to the Tuskegee Airmen. At a time when their country did not see fit to protect their rights, these brave young men nonetheless served valiantly on behalf of all American citizens.

During the Second World War, African-Americans were essentially second-class citizens in American society, and unfortunately this characterization did not end at the water's edge. Not permitted to train as aviators with their white comrades during World War II, 992 brave young men completed pilot training at Tuskegee's Moton Field, at the school founded by Booker T. Washington; 450 of these airmen were sent overseas for combat assignment, and 66 gave their lives during combat flights.

The Tuskegee Airmen populated the famed 99th Fighter Squadron and saw combat duty in North Africa. Others joined the 332nd Fighter Group, which flew missions from bases in Italy. Still others served similarly important roles as mechanics, gunners, and engineers.

Among these brave airmen are several individuals whose stories begin or end in the 12th Congressional District of New Jersey. As a young man, Robert Griffin worked at the local airport in Princeton, New Jersey, washing and refueling airplanes, earning just a few precious minutes of flying time per week. Though the Air Force would not train him as a fighter pilot due to his race, he eventually found a home at the Tuskegee Institute, becoming one of the first black flight mechanics. He later served in the U.S. Air Force after integration, and flew refueling and support missions for 13 years.

A current resident of Ewing, New Jersey—Retired Lieutenant Colonel Edward Harris—received his pilot's license from Tuskegee Institute and Tuskegee Army Air Base in 1944. He served 27 years in the U.S. Air Force and retired as commander of the 2017 Communications Group at McGuire Air Force Base. He subsequently served in the New Jersey Department of Community Affairs, and currently resides in Ewing with his wife Delores.

Mr. Speaker, the Tuskegee Airmen are true testament to the selfless sacrifice and brave service that the U.S. Armed Forces seek to instill in its soldiers, sailors, and airmen. I rise in support of H.R. 1259, and commend all those who would stand tall for their country before their country would not stand tall for them.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in strong support of H.R. 1259. By authorizing the Tuskegee Airmen to receive the Congressional Gold Medal, we are not only recognizing an exemplary military record, but also strength of character in the face of prejudice and racism. The Tuskegee Airmen, a unit of 1,000 African American pilots, were America's first black military airmen. Trained at Tuskegee Army Air Field in Tuskegee, Alabama, these men had to overcome biased notions of their fighting ability.

After graduation from pilot training at Tuskegee, 450 members of the unit were sent overseas for combat assignments. These men saw extensive action, completing 15,000 missions between 1941–1946 without losing one American bomber during any escort mission. Collectively they earned more than 744 medals and their heroic service led to the greater achievement of integrating the U.S. Armed Forces—a watershed event in American history. Their brave actions broke forever the myths that allowed segregation, inequity and injustice toward African-Americans to exist in our military.

Today, the remaining survivors, now in their 80's, are role models to generations of young men and women both in and outside of the military. The Tuskegee Airmen persevered and by sharing their stories have taught generations of Americans about the high price of freedom.

They were dedicated and determined young men who came from every section of the country. I am particularly proud to recognize the 38 airmen who were from the State of Virginia, 10 of whom are still living. The living Virginia Tuskegee Airmen are Howard Baugh of Petersburg, Wiley Selden of Norfolk, Grant Williams of Hampton, Ezra Hill of Hampton, Francis Home of Hampton, Theodore Wilson of Roanoke, William Green of Staunton, Carl Johnson of Charlottesville, Augustus Palmer of Newport News and Floyd Carter of Norfolk.

These men served as trailblazers in the efforts to create equal rights and equal treatment for all people. It is my honor to thank them for their service, legacy and rich heritage.

Mr. RANGEL. Mr. Speaker, I rise to pay homage to the Tuskegee Airmen, whose outstanding valor in World War II inspired revolutionary reform in the U.S. Armed Services. H.R. 1259 which I introduced on March 10, 2005 recognizes these achievements and on behalf of the people of the United States conferring upon the Tuskegee Airmen the Congressional Gold Medal, Congress' highest award. Today, I stand before this House with unbounded joy and pride as we prepare to enact this legislation honoring the Tuskegee Airmen who are still with us and honoring those who have passed on. I feel the joy of the wives and widows sons and daughters of Tuskegee Airmen who have waited a long time for this day.

I wish to thank the more than 300 Members of the House who signed on as cosponsors making this a truly bipartisan effort. I wish to commend particularly Chairman MICHAEL OXLEY and Ranking Member BARNEY FRANK, of the authorizing Committee on Financial Services as well as Chairman DUNCAN HUNTER and Ranking Member IKE SKELTON of the Armed Services Committee who made a bipartisan appeal to the entire House in support of this bill. I would be remiss not to mention Defense Secretary Donald Rumsfeld who commended this bill to the Members of the House.

WHO ARE THE TUSKEGEE AIRMEN?

The term "Tuskegee Airmen" refers to all who were involved in a program the War Department established as a segregated unit in the Army Air Force (AAF) which was termed the "Tuskegee Experiment." The program began on July 19, 1941 with primary training for the first flying cadets but it went on to train African Americans to fly and maintain combat aircraft. The Tuskegee Airmen included pilots, navigators and bombardiers.

Before 1940 African Americans were barred from flying in the United States Army. African Americans were believed to be lacking in qualifications for combat duty. In 1941, President Franklin D. Roosevelt overruled his top generals and ordered the creation of an all Black flight training program. This action followed a pioneering civil rights lawsuit the NAACP filed in Federal Court on behalf of Yancy Williams and others to force the Department of War to accept African American pilot trainees.

On July 19, 1941, the Army Air Force (AAF) began a program in Alabama to train black Americans as military pilots. Due to the rigid system of racial segregation that prevailed in the United States during World War II, Black military pilots were trained at a separate airfield, Moton Field, built by Tuskegee Institute in Alabama. The Primary flight training was conducted by the Division of Aeronautics of Tuskegee Institute.

When the first classes of Tuskegee Airmen were completed, they were trained to be fighter pilots for the famous 99th Fighter Squadron, slated for duty in North Africa. Additional pilots were assigned to the 332d Fight Group which flew combat along with the 99th Squadron from bases in Italy.

The first aviation cadet class began in July 1941 and completed training nine months later in March 1942. Thirteen started in the first class. Five successfully completed the training, one of them being Captain Benjamin O. Davis, Jr., a West Point Academy graduate. The other four were commissioned second lieutenants, and all five received Army Air Corps silver pilot wings.

From 1942 through 1946, 994 pilots graduated at the TAAF receiving commissions and pilot wings. Black navigators, bombardiers and gunnery crews were trained at selected military bases elsewhere in the United States. Mechanics were trained at Chanute Air Base in Rantoul, Illinois until facilities were in place in 1942 at the Tuskegee Army Air Force Base.

Four hundred and fifty of the pilots who were trained at TAAF served overseas in either the 99th Pursuit Squadron (later the 99th Fighter Squadron) or the 332nd Fighter Group. The 99th Fighter Squadron trained in and flew P–40 Warhawk aircraft in combat in North Africa, Sicily and Italy from April 1943 until July 1944 when they were transferred to the 332nd Fighter Group in the 15th Air Force.

Nine-hundred and ninety-two Black pilots graduated from the pilot training program of the TAAF, with the last class finishing in June 1946. The Tuskegee Airmen who many thought would fail in combat, instead accomplished an outstanding combat record. They flew over 15,000 combat sorties, including more than 6,000 missions for the 99th Squadron prior to July 1944. They destroyed 111 German airplanes in the air and another 150 on the ground. They destroyed 950 railcars, trucks and other motor vehicles and sunk one destroyer with P–47 machine gun fire. They established a sterling record: No United States bombers were lost under escort of the 332nd, a unique achievement.

Sixty-six Tuskegee pilots were killed in action or accidents; thirty-two were downed and became prisoners of war. Among them the Tuskegee pilots received 150 Distinguished Flying Crosses, 744 Air Medals, 8 Purple Hearts and 14 Bronze Stars.

The Black fighter group, the 332nd, was made up of the 99th, 301st and 302nd Fighter squadrons. Individually and collectively the Tuskegee Airmen revealed the racism, bigotry and the lie underlying the conclusion of the 1925 Army War College Study that Blacks lacked intelligence and were cowardly under combat conditions; and therefore they would never be able to fly aircraft of any type. Although African American could work at unskilled jobs in segregated units in World War II, the Army War College's conclusion that they could not handle aircraft in combat had kept them from any training.

African American civil rights advocates raised their voices against this racism. The NAACP sued the government on behalf of Yancy Williams to allow him to be accepted as an aviation cadet. The Tuskegee Experiment was a response to civil rights advocacy. It is a lasting tribute to these early civil rights pioneers and the NAACP that Blacks finally allowed to train the day after Yancy Williams filed his lawsuit.

The Tuskegee Airmen overcame segregation and prejudice to become one of the most highly respected fighter groups of World War II. They proved conclusively that Black Americans could fly and maintain sophisticated combat aircraft. The Tuskegee Airmen's achievements, together with the men and women who supported them, paved the way for full integration in the United States Military.

The outstanding record of Tuskegee Airmen in World War II was accomplished by men whose names will forever live in hallowed memory. Each one accepted the challenge, proudly displayed his skill and determination while suffering humiliation and indignation caused by frequent experiences of racism and bigotry, at home and overseas. These airmen fought two wars—one against a military force overseas and the other against racism at home and abroad. They fought for rights of the people of the United States, when they were not entitled to those rights themselves.

The outstanding record of Tuskegee Airmen in World War II was accomplished by men whose names will forever live in hallowed memory. I am proud that my Colleagues in the House of Representatives have been supportive of this bipartisan bill to honor these men of valor.

Mr. TERRY. Mr. Speaker, I rise today in support of H.R. 1259, a Resolution authorizing the President to award a gold medal on behalf of the Congress to the Tuskegee Airmen.

This recognition of the Tuskegee Airmen, members of an elite group who fought valiantly for America's freedoms overseas while overcoming racial discrimination, is long overdue. Their story deserves to be told often, not just during this month of February, to remind all Americans of the many sacrifices made along the way by Americans of color in the military who faced discrimination here at home.

I have the privilege of representing four Tuskegee Airmen who reside in my Congressional District: Robert Holts, Ralph Orduna, and Charles Lane, all of Omaha and just south of Omaha in Bellevue, Harry Tull. A fifth Airman, Paul Adams, lives in nearby Lincoln, Nebraska. I am especially proud to note that Colonel Lane of Omaha was the youngest black fighter in World War II. His daughter, Karen Davis, is a longtime member of my District Office staff.

I also want to mention Omaha native Alphonza Davis, who graduated from Omaha Tech High School and later Omaha University. He finished first in his class at Tuskegee and was chosen squadron leader. He was killed in combat in 1944 while over Germany. The local Tuskegee Airmen chapter in Omaha is named after him.

Mr. Speaker, the story of the Tuskegee Airmen was written in the context of racial segregation that existed in our country during World War II. African Americans who wanted to fly in the military were trained at a separate location near Tuskegee, Alabama. The Tuskegee Airmen, known as the Red Tails because of the crimson tails on their aircraft, were the first squadron of African American combat pilots in the U.S. military. Nearly 1,000 men had graduated from pilot training at Tuskegee by the end of the war.

Under the command of Colonel Benjamin Davis, Jr., these aviators served in combat in campaigns in North Africa, Sicily and Europe. Colonel Davis later became the first African American general in the U.S. Air Force.

The Tuskegee Airmen and their record of success during the war are unmatched. Not a single American bomber protected by the Red Tails was ever shot down by enemy aircraft. By war's end, the Tuskegee Airmen had flown over 15,000 sorties, completed over 1,500 missions, destroyed more than 260 enemy aircraft, and more than 1,000 enemy vehicles on the ground. The Airmen were awarded 744 Air Medals, 150 Distinguished Flying Crosses, 14 Bronze Stars, and 8 Purple Hearts.

I join my colleagues in recognizing the Tuskegee Airmen for their gallant and heroic achievements and urge adoption of H.R. 1259. The award of gold medals to these national heroes is only a small token of the thanks they richly deserve for their service to our Nation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H.R. 1259, which recognizes the Tuskegee Airmen for their exemplary performance during World War II, and for paving the way for full integration of the U.S. military. I commend Mr. RANGEL for H.R. 1259, which recognizes the Tuskegee Airmen with a Congressional Gold Medal.

The Tuskegee Airmen were the Nation's first African-American fighter pilots at a time when many people thought that African American men lacked intelligence, skill, courage, and patriotism to become pilots. In spite of adversity and limited opportunities, the Tuskegee Airmen defied stereotypes and played a significant role in U.S. military history.

The first Tuskegee Airmen aviation class began in July 1941 and completed training March 1942. African American navigators, bombardiers, gunnery crews, maintenance, instructors, and mechanics were trained to be members of the 332nd Fighter group.

The Tuskegee Airmen overcame segregation and prejudice. Nine hundred and ninety-four pilots received commissions and pilot wings. Four hundred and fifty pilots served overseas in North Africa, Sicily and Italy. The Tuskegee Airmen combat record is impressive, including 66 pilots killed in action; 32 pilots captured; no bombers lost while being escorted by the 332nd, a unique achievement; 111 German airplanes were destroyed in the air, and 150 German airplanes were destroyed on the ground.

The Tuskegee Airmen proved conclusively that African Americans could fly and maintain sophisticated combat aircraft. The Tuskegee Airmen received numerous honors, including: 150 Distinguished Flying Crosses; 850 Medals; 14 Bronze Stars; and 9 Purple Hearts.

By the end of World War II, the 332nd became one of the most highly respected fighter squadron despite prejudice and social equality. The Tuskegee Airmen's achievements must be remembered in the spirit of the heroic Air Force role in the global war on terrorism. With this in mind, I stand today to support H.R. 1259 to express the sense of Congress that the U.S. Air Force should never forget the courage of the Tuskegee Airmen by honoring them with a Congressional Gold Medal.

Mr. CONYERS. Mr. Speaker, today I rise in strong support of H.R. 1259, which authorizes the President to award the Tuskegee Airmen with the Congressional Gold Medal of Honor. In 1941, an experiment that began as an effort to prove the validity of a 1925 study that claimed African Americans lacked both the intelligence and courage to fly planes during combat, finished as a monumental testament that African Americans had both the aptitude, skill and valor, to not only become military pilots, but to meet and exceed any challenge presented. I also want to take this time to thank and congratulate my good friend and colleague, Representative CHARLIE RANGEL for introducing this legislation.

The story of the Tuskegee Airmen began when Yancy Williams, a Howard college student sued the U.S. Government for the right to participate as an aviation cadet. The Government was forced to either prove that blacks could not learn to fly or to accept them into their civilian pilot training program. As a result, a separate, all-black training facility was built by the Army Air Corps at Tuskegee Army Airfield. Though great racism existed at that time, and many of the original instructors were white, there was very little bias and prejudice reported by instructors during the training.

The first class of the Tuskegee Airmen graduated 5 of 13 cadets, who were made a part of the famous 99th Fighting Squadron. Additional pilots were assigned to the 332nd Fighter Group. Though it was 8 months after the second class graduated, the 99th Fighting Squadron finally deployed to the North Africa as a part of the Allied Armies. The Airmen soon built their reputation as both talented and fearless. The Germans nicknamed them "Schawarte Vogelmenshen" or Black Birdmen, they also earned the nickname, Redtail Angels, from American bombing crews, due to their reputation for being the only unit who never lost a bomber to enemy fighters during escort missions.

In all, between 1942 and 1946, 926 black pilots earned their wings and commissions and 450 of those pilots saw combat during World War II. As a result of their combat service, the Tuskegee Airmen logged 15,533 sorties in the skies over North Africa, Italy and Germany. They destroyed or damaged 409 enemy aircraft, fuel and ammunitions dumps and escorted 200 bomber missions. In total, the Tuskegee Airmen were awarded 150 Distinguished Flying Crosses, 8 Purple Hearts, 14 Bronze Stars, 744 Air Medals and Clusters and 3 Distinguished Unit Citations. This record is a soaring achievement that speaks to the depth of talent, heart and courage that they all exemplified. There were also huge human costs for their sacrifice as the Airmen suffered 66 combat deaths, and 33 were captured as prisoners of war. The sacrifice and contributions of the Tuskegee Airmen were the catalyst for President Truman issuing Executive Order 9981, which as of July 26, 1948, desegregated the United States Armed Forces.

The Tuskegee Airmen's contribution to this country is immeasurable. Their display of heroism and perseverance deserves our eternal gratitude. The Tuskegee Airmen are indeed justified of receiving Congress's highest honor, the Congressional Gold Medal of Honor.

Mr. OXLEY. Mr. Speaker, they never lost a bomber.

The African-American fighter pilots we know today as the Tuskegee Airmen, flew more than 15,000 sorties, mostly bomber-support missions, over North Africa, Sicily and Europe during World War II. They downed roughly 500 enemy aircraft, and sank a destroyer—and they destroyed an awful lot of prejudice in the process.

It wasn't easy. More than 10 percent—66—were killed; 32 were downed and became prisoners of war. But all thousand or so who were trained at Moton Field near the old Tuskegee College in Alabama, now Tuskegee University, were heroes, whether or not they were among the 450 or so who saw combat duty. So were the roughly 12 black men and women who served as mechanics or other support crew for each pilot, and their black comrades who flew in medium bombers during the war.

Mr. Speaker, no one—man or woman, adults or the near-child drummer boys of the Civil and Revolutionary Wars—no one who goes to war in the defense of this country and the liberty for which it stands can be described as anything but valiant and courageous. But usually, Mr. Speaker, the only fight these heroes have is with the enemy.

The trailblazers of the first class of 13, all college grads and pilots, who went through fighter pilot training at Moton Field in the summer of 1941, and all who came after them, also had to fight prejudice. They beat that enemy as soundly as they beat the Axis, and it was not long after the war that the armed services of this country became integrated.

While the brave Tuskegee Airmen were recognized by their comrades in arms, and respected and feared by enemy pilots, they were relatively unknown after the war until the formation in 1972 of the Tuskegee Airmen Inc. Today, besides the scholarship fund it sponsors, there are several memorials to the Airmen, including one at the Air Force Museum at Dayton in my home State of Ohio. Today, we will approve legislation to award a Congressional Gold Medal to these brave men as a group, and give the medal to the Smithsonian Institution.

Mr. Speaker, the Congressional Gold Medal is the highest honor Congress bestows. It has gone to military heroes, including General George Washington, and heroes of the fight against prejudice. Thus, it is only fitting—and long overdue—that we recognize the Tuskegee Airmen in this manner, and do so during Black History Month.

It is for those reasons, Mr. Speaker, that I rise in strong support of H.R. 1259, introduced by the gentleman from New York, that would award a Congressional Gold Medal to the Tuskegee Airmen, and ask for its immediate passage.

Mr. STEARNS. Mr. Speaker, I rise today in strong support of H.R. 1259. This resolution authorizes the President to award a gold medal on behalf of Congress to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

As a veteran of the United States Air Force, I am proud to be a co-sponsor of this important resolution. I thank the gentleman from New York for introducing it and urge my colleagues' support.

Prior to the Tuskegee Airmen, all combat pilots had been white. In 1941, President Franklin D. Roosevelt ordered the creation of an all black flight training program to train black Americans as military pilots. Due to the rigid system of racial segregation that prevailed in the United States during World War II, black military pilots were trained at a separate airfield built near Tuskegee, Alabama. The Division of Aeronautics of Tuskegee Institute, the famed school founded by Booker T. Washington in 1881, conducted primary flight training. Thus, they became known as the Tuskegee Airmen.

The first classes of Tuskegee Airmen were trained to be fighter pilots for the famous 99th Fighter Squadron, slated for combat duty in North Africa. Additional pilots were assigned to the 332nd Fighter Group, which flew combat along with the 99th Squadron from bases in Italy.

Due to the success of the program, in September 1943, a twin-engine training program was begun at Tuskegee to provide bomber pilots. However, World War II ended before these men were able to get into combat.

By the end of the war, 992 men had graduated from pilot training at Tuskegee, 450 of whom were sent overseas for combat assignment. During the same period, approximately 150 lost their lives while in training or on combat flights.

The Tuskegee Airmen inspired revolutionary reform in the Armed Forces, paving the way for full racial integration in the Armed Forces. They overcame the enormous challenges of prejudice and discrimination, succeeding, despite obstacles that threatened failure. Yet, their impact can be felt far beyond the U.S. Armed Forces into nearly every aspect of American life. The strength and courage of the Tuskegee Airmen serve as an inspiration to all Americans, regardless of skin color or nationality.

It remains critically important for all Americans to know the Tuskegee Airmen's story and the struggles these men went through and ultimately overcame. I encourage everyone to learn more about these remarkable and inspirational men and urge my colleagues to support this important resolution.

Mr. SCHIFF. Mr. Speaker, I rise today in support of H. Res. 1259, a resolution to honor the Tuskegee Airmen. I would also like to express my appreciation for their heroism and bravery. These men deserve the Nation's highest honor for their courage and patriotism.

In July 1941, 13 young Americans began military flight training at the Tuskegee Army Air Field in Tuskegee, AL. Five of those 13 young men completed training and received their Army Air Corps silver pilot wings, becoming our Nation's first African-American military fighter pilots. They would later be known as the Tuskegee Airmen.

Between 1941 and 1946, 1992 pilots graduated at Tuskegee Army Air Field, with 450 of those serving during World War II in either the famed 99th Fighter Squadron or the 332nd Fighter Group. Both units, heralded for their bravery and tenacity, received more than one Presidential Unit Citation for exemplary tactical air support and aerial combat. The group also felt the price of war, losing 150 pilots while in training or on combat flights.

It has been said that the Tuskegee Airmen faced two wars—one against a military force overseas and the other against racism and bigotry at home and abroad. Yet, in the face of these challenges, they accepted their country's call to service and fought heroically in great battles for freedom.

I am honored to represent 3 of these courageous individuals: Mr. O. Oliver Goodall of Altadena, CA; Mr. Andrew Jack Simon of South Pasadena, CA; and Mr. LeRoy Criss of Pasadena, CA. They received their training and joined the ranks of Tuskegee Airmen in 1942 and 1943. Today, I honor Mr. Goodall, Mr. Simon, Mr. Criss, and all other Tuskegee Airmen who served our country with valor and distinction.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise today to pay tribute to the Tuskegee airmen. They sacrificed for a Nation they loved even when that love was not totally reciprocated. In 1941, the Army Air Force began a program to train African Americans as military pilots.

This was an era of segregation, when popular opinion was against training African Americans to become aviators, but the individuals of the Tuskegee experience showed the Nation and the world that they were equals. By overcoming many hardships, they cast aside the myths that had allowed segregation, inequity and injustice to prevail in society.

To break barriers, there is often one individual who will pave the way. The catalyst for African American aviation was Charles Alfred "Chief" Anderson. When first lady Eleanor Roosevelt, climbed into the back of Anderson's plane in 1941, a new chapter had begun for military aviation in America. His love for flying airplanes began at a young age and throughout his life gave wings to countless African American pilots.

In 1943, the Tuskegee airmen tasted combat for the first time. By World War II's end, the German Luftwaffe would know them as the "Red tailed Devils" and the American bombing crews would refer to them as the "Red Tail Angels." During the war, the four African American fighter squadrons that made up the 332nd fighter group established their legitimacy with countless victories in the air. They also solidified a legacy of being highly disciplined and capable fighters by flying over 200 escort missions over Germany without ever losing a bomber to enemy fire.

For their service they were awarded high honors, including Distinguished Flying Crosses, Legions of Merit, Silver Stars, Purple Hearts, the Croix de Guerre, and the red star of Yugoslavia. A Distinguished Unit Citation was awarded to the 332nd fighter group for "outstanding performance and extraordinary heroism" in 1945.

The Tuskegee Airmen fought the Axis powers in Europe and racism at home. Their accomplishments spoke louder than words and provided evidence that led to the integration of our Nation's armed forces. It is important that we continue to acknowledge the sacrifices and service of these Americans who performed so admirably. The accomplishments of the brave Tuskegee Airmen will never be forgotten, and may they always remind us of the unlimited power of the human spirit.

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CONAWAY). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the bill, H.R. 1259, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. NEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1259 and H.R. 2872 and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO ZIMBABWE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–93)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency blocking the property of persons undermining democratic processes or institutions in Zimbabwe is to continue in effect beyond March 6, 2006. The most recent notice continuing this emergency was published in the *Federal Register* on March 4, 2005 (70 FR 10859).

The crisis constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions has not been resolved. These actions and policies pose a continuing unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue this national emergency and to maintain in force the sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 27, 2006.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 15 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DENT) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1096, by the yeas and nays;

H. Res. 668, by the yeas and nays;

H.R. 1259, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

ACT COMMEMORATING THE LITE, OR LIFETIME INNOVATIONS OF THOMAS EDISON

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1096, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 1096, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 399, nays 1, not voting 32, as follows:

[Roll No. 14]

YEAS—399

Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt

Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—32

Abercrombie
Allen
Beauprez
Biggert
Bonner
Brown, Corrine
Costa
Costello
Davis (FL)
DeLay
Diaz-Balart, M.
Doolittle
Evans
Ford
Gutierrez
Hinchey
Istook
Lucas
McCollum (MN)
Millender-McDonald
Miller, Gary
Moran (VA)
Myrick
Nadler
Osborne
Owens
Rohrabacher
Roybal-Allard
Rush
Skelton
Sweeney
Tierney

☐ 1854

o (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CELEBRATING THE 40TH ANNIVERSARY OF TEXAS WESTERN'S 1966 NCAA BASKETBALL CHAMPIONSHIP

The SPEAKER pro tempore (Mr. DENT). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 668, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KELLER) that the House suspend the rules and agree to the resolution, H. Res. 668, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 0, not voting 35, as follows:

[Roll No. 15]

YEAS—397

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—35

Abercrombie
Bass
Beauprez
Biggert
Bonner
Brown, Corrine
Costa
Costello
Davis (FL)
DeLay
Diaz-Balart, M.
Doolittle
Evans
Ford
Gohmert
Gutierrez
Hinchey
Istook
Lucas
McCollum (MN)
Melancon
Millender-McDonald
Miller, Gary
Moran (VA)
Myrick
Nadler
Osborne
Otter
Owens
Rohrabacher
Roybal-Allard
Rush
Skelton
Sweeney
Terry

☐ 1903

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE PRESIDENT TO AWARD A CONGRESSIONAL GOLD MEDAL TO THE TUSKEGEE AIRMEN

The SPEAKER pro tempore (Mr. DENT). The pending business is the question of suspending the rules and passing the bill, H.R. 1259, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the bill, H.R. 1259, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 32, as follows:

[Roll No. 16]

YEAS—400

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield

Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—32

Abercrombie
Beauprez
Biggert
Bonner
Brown, Corrine
Costa
Costello
Davis (FL)
DeLay
Diaz-Balart, M.
Doolittle
Evans
Ford
Gingrey
Gutierrez
Hinchey
Istook
Kirk
Lucas
McCollum (MN)
Millender-McDonald
Miller, Gary
Moran (VA)
Myrick
Nadler
Osborne
Owens
Rohrabacher
Roybal-Allard
Rush
Skelton
Sweeney

☐ 1920

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A Bill to award a congressional gold medal on behalf of the Tuskegee Airmen, collectively, in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 14, 15 and 16.

FOREIGN COUNTRIES OWNING AMERICAN PORTS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the decision to let a United Arab Emirates-owned company take over operations at U.S. ports is dangerous and defies common sense. This is a matter of domestic security. The UAE, although our alleged friends now, recognized the Taliban, laundered money to 9/11 terrorists, and continues to participate in the Arab boycott against Israel.

These same foreign entities would have access to U.S. manifests showing what cargo is being shipped and where and when it is going. This decision affects military terminals in my district, like the port of Beaumont, where one-third of all military cargo deployed to and from Iraq comes through this port. Even the Coast Guard seems to be uneasy about this decision. There is an inherent problem and a national security risk in having state-owned foreign companies buying interest in American ports. This decision is unwise. We are putting a fox in our own hen house, and this decision ought not to be.

Mr. Speaker, allowing a foreign-owned business to infiltrate our ports is just a risky business. And that's just the way it is.

NATIONAL SECURITY AND OUR TRADE AGREEMENTS

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, I applaud the House Republican leadership for finally standing up to the President and saying no on this agreement, this $6.8 billion contract with the company from the United Arab Emirates.

The problem, however, is more fundamental than just stopping this one. It is what happens with national security in our trade agreements. We are in the middle of negotiating a trade agreement with the United Arab Emirates. If this trade agreement had already been signed, we could not back out of this deal with this United Arab Emirates country. It would be an unfair trade practice.

The administration and the Congress have it exactly backwards. Before signing trade agreements, before negotiating a new trade agreement, we need a provision to address national security concerns first. That means a review about all the implications of national security before we sign these trade agreements. That is why I am introducing legislation tonight to do just that.

HONORING MARGARET ROGERS GHIOTTO OF BROOKSVILLE, FLORIDA

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, tomorrow is March 1, and each March we celebrate the achievements of our American women during Women's History Month.

This year I want to take the opportunity to honor Margaret Rogers Ghiotto from Brooksville, Florida. A decorated and accomplished business leader and humanitarian, she deserves special recognition for her good work and deeds throughout her 89 years. She was a pillar in the Hernando County community until her death earlier last month. Her story is an inspiration to all Americans, but especially women.

Known by her friends and family as Weenie, her success as a businesswoman came at a time when a woman's place was supposed to be in the home. She owned and managed Rogers Christmas House, as well as Jennings House in Brooksville, Florida, that is on the National Register.

It was with great reverence and admiration that friends, family, and members of the community paid their respects to Margaret on February 18, 2006. Margaret's story is an inspiration not only to women business owners but to all residents throughout the Nation.

THE AMERICAN PEOPLE GET IT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think it is important, as we have participated in the rising thunder of the discussion of port ownership around America, to say that the American people get it. What they get is that we are in a new day after 9/11. We want to make sure that our constitutional rights are protected, but we also want to make sure the homeland is secure. That is the promise that this administration made to the American people. And, frankly, to know that our ports are subjected to the potential of being bought and sold on the open market is a frightening concept.

It is well known that a tanker massed with weapons of mass destruction at any one of our ports could be probably more devastating than the horrific events of 9/11. Tomorrow, I will introduce legislation that will ask for a moratorium for the Nation's ports and the buying and selling to foreign entities, not entities in the Middle East, not entities in Europe, but all foreign entities. I will ask, as well, for a GAO study to determine what is the status of security for our ports. And finally, I will ask for a report on the security status of the 10 largest ports in America.

Let's give a solution. We don't need contracts that sell away our security.

HONORING NATIONAL PEACE CORPS WEEK AND THE 45TH ANNIVERSARY OF THE PEACE CORPS

(Mr. KLINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE. Mr. Speaker, I rise today to recognize the nearly 8,000 Peace Corps volunteers who served in more than 70 countries across the globe last year. More specifically, to celebrate National Peace Corps Week, I would like to acknowledge the 30 Peace Corps volunteers in Minnesota's Second Congressional District who graduated from St. Olaf or Carleton Colleges, which annually are among the Nation's small college leaders in providing volunteers to the Peace Corps.

The Peace Corps, celebrating its 45th anniversary, provides practical assistance to host countries by sharing America's most precious resource, its people. I commend the Peace Corps volunteers for teaching those throughout the developing world how to build a better life for themselves, their children, and their communities.

We should take time to honor these selfless volunteers for their valuable service.

Mr. Speaker, I include for the RECORD a list of Peace Corps volunteers from Minnesota's Second District.

ST. OLAF COLLEGE

Kraig R. Lothe, Christopher D. Stillion, Sarah A. Chambers, Elizabeth M. Kidd, Megan M. Gregory, Leah A. Gross, Anne E. Fraser, Autumn A. Notter, Matthew M. Toburen, Leslie A. Nechville, Colin T. Forman, Aaron D. Gerber, Erik N. Peterson, Jenell C. Stewart, Kai M. Logan, Kari L. Lewis, and Micheal J. Miller.

CARLETON COLLEGE

Susan E. Johnson, Katherine L. Jumbe, Nicholas Boekelheide, Katherine M. Valaas, Robert A. Valaas, Jesse M. Lamarre-Vincent, Sara A. Lehoullier, April K. Wilhelm, Nicholas R. Kasparek, Theodore J. Stroomer, Carl G. Ebeling, Ambrosia D. Mosby, and Elliot T. Hoel.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LETTER FROM NAJIM ABDULLAH ABID AL-JIBOURI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Speaker, I have with me a letter written by Najim Abdullah Abid Al-Jibouri, the mayor of Tall 'Afar, Iraq who saluted the Third Armored Cavalry Regiment. The mayor of Tall 'Afar saw that the United States soldiers were sacrificing and turning that city into a city that had an opportunity for freedom and prosperity, has carefully penned this letter, and a letter to the Third Armored Cavalry Regiment.

It states: "In the name of God, the compassionate and merciful, to the courageous men and women of the Third Armored Cavalry Regiment, who have changed the city of Tall 'Afar from a ghost town in which terrorists spread death and destruction, to a secure city flourishing with life. To the lion hearts who liberated our city from the grasp of terrorists who were beheading men, women and children in the streets for many months. To those who spread smiles on the faces of our children and gave us restored hope through their personal sacrifice and brave fighting and gave new life to the city after hopelessness darkened our days and stole our confidence in our ability to re-establish our city. Our city was the main base of operations for Abu Mousab Al Zarqawi.

□ 1930

"The city was completely held hostage in the hands of his henchmen. Our schools, governmental services, businesses, and offices were closed. Our streets were silent, and no one dared to walk them.

"Our people were barricaded in their homes out of fear; death awaited them around every corner.

"Terrorists occupied and controlled the only hospital in the city. Their savagery reached such a level that they stuffed the corpses of children with explosives and tossed them into the streets in order to kill grieving parents attempting to retrieve the bodies of their young.

"This was the situation of our city until God prepared and delivered unto them the courageous soldiers of the Third Armored Cavalry Regiment, who liberated this city, ridding it of Zarqawi's followers after harsh fighting, killing many terrorists, and forcing the remaining butchers to flee the city like rats to the surrounding areas, where the bravery of other Third Armored Cavalry Regiment soldiers in Sinjar, Rabiah, Zumar, and Avgani finally destroyed them.

"I have met many soldiers of the Third Armored Cavalry Regiment; they are not only courageous men and women, but avenging angels sent by The God Himself to fight the evil of terrorism.

"The leaders of this Regiment, Colonel McMaster, Colonel Armstrong, Lieutenant Colonel Hickey, Lieutenant Colonel Gibson, and Lieutenant Colonel Reilly embody courage, strength, vision, and wisdom. Officers and soldiers alike bristle with the confidence and character of knights in a bygone era.

"The mission they have accomplished, by means of a unique military operation, stands among the finest military feats to date in Operation Iraqi Freedom and truly deserves to be studied in military science. This military operation was clean, with little collateral damage, despite the ferocity of the enemy. With the skill and precision of surgeons they dealt with the terrorist cancers in the city without causing unnecessary damage.

"God bless this brave Regiment; God bless the families who dedicated these brave men and women. From the bottom of our hearts, we thank the families. They have given us something we will never forget.

"To the families of those who have given their holy blood for our land, we all bow to you in reverence and to the souls of your loved ones. Their sacrifice was not in vain.

"They are not dead, but alive, and their souls hovering around us every second of every minute. They will never be forgotten for giving their precious lives. They have sacrificed that which is most valuable.

"We see them in the smile of every child and in every flower growing in this land. Let America, their families, and the world be proud of their sacrifice for humanity and life.

"Finally, no matter how much I write or speak about this brave Regiment, I haven't the words to describe the courage of its officer and soldiers. I pray to God to grant happiness and health to these legendary heroes and their brave families."

Mr. Speaker, there are no words that can improve upon this letter.

PORT SECURITY

The SPEAKER pro tempore (Mr. DENT). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, for more than a decade I have been expressing concern about our ports and our port security. Let me explain.

The United States has signed onto international agreements, consensus agreements, where we allow ships to be owned secretly and flagged under flags of convenience from countries that barely exist, Liberia, other countries, like Malta and Panama, who look at it as a way to make money, but care nothing about safety and security. And even they will freely admit they do not know who owns these ships.

Osama bin Laden may own a fleet of freighters. We are not allowed to know that, but they can sail into a U.S. port under a Liberian, Panamanian, or Maltese flag. That is a concern. We do not know who the crews are on these ships.

After an accident on my coast, where I started investigating the credentials of the Filipino captain, I found out that at an International Maritime Organization-approved school in the Philippines, which has never been visited or inspected, which does not exist; anybody, any terrorist, anybody, can buy captain's papers for about $2,500 and they are a captain. So if Osama bin Laden owns a ship, a terrorist buys fake papers, he is now a captain on that ship.

Well, but there must be measures to secure the cargo. Well, not really. We require a manifest, a piece of paper, or in this day and age, an electronic transmission of a list of what is in the containers on that ship.

Now, that is pretty hard to phony up. But then they put these little seals on there that a 6-year-old kid could peel off and open up if the container has been inspected. It would be too expensive, $1 to $2 per container, to have tamper-proof seals. So we cannot have tamper-proof seals. So we do not know who owns the ships. We do not know who crews the ships, and we do not know what is on the cargo on those ships that are coming into U.S. waters.

Then we have the "thin blue line," the United States Coast Guard. Here are the concerns they raised about this UAE deal: The Coast Guard said, "There are many intelligence gaps concerning the potential for DPW or PNO assets to support terrorist operations that preclude the completion of a thorough threat assessment. The breadth of the intelligence gaps also infer potential unknown threats against a large number of potential vulnerabilities."

But then, when they were backed into a corner and their funding was probably threatened by the White House, the Coast Guard said, "The DP World's acquisition of PNO in and of itself does not pose a significant threat to U.S. assets in ports in the continental United States." Notice the qualification. "In and of itself."

The Coast Guard knows that we do not know who owns the ships. The Coast Guard knows that we do not know who crews those ships. The Coast Guard knows that we do not know what is on those ships. So they are saying this is another level of concern, this government which supported the Taliban, Mr. Khan and his nuclear proliferation, actually controlling the physical facilities. If all that other stuff was taken care of, if we knew who owned the ships, if we knew who crewed the ships, if we knew exactly what was on the ships, if it was tamper-proof sealed, then maybe you could think about this.

Now, the President says he did not know a thing about it, but he knows it was absolutely fine because all his people took care of it. You would think that that might have included the Secretary of Defense. He says he did not know a thing about it, but he knows it is just fine too. And now they say, well, we will have a review for 45 days, but we know it is just fine. We just need that time to tell people it is just fine.

This is plain and simple the Bush administration once more putting commerce, putting multinational corporate profits ahead of the safety and security of the American people. This is about a free trade deal they are negotiating with the UAE. This is about our huge and growing trade deficit where more and more foreign countries are going to be coming back here, buying up critical assets in the United States of America, because we have a totally failed trade policy under this administration.

And what do they want to do? They want to do more of it, and now they want to allow people to buy terminals in our ports and jeopardize the security of the American people.

Enough is enough. It is time to stop this madness.

U.N. HUMAN RIGHTS COUNCIL

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent to claim the time of the gentlewoman from North Carolina (Ms. FOXX).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to voice my objections to the proposed United Nations Human Rights Council.

The proposal offered by the U.N. General Assembly President is a far cry from the reforms that we envisioned just a year ago. If adopted as is, the proposed Council could continue the U.N.'s roll down to irrelevance and would inhibit the efforts of the United States to promote and protect human rights worldwide.

Mr. Speaker, in creating the United Nations, an entity born from the ashes of the Holocaust and the struggle against tyranny in World War II, the nations of the world committed themselves to one goal: "Never again." We would never again tolerate violations of fundamental freedoms and liberties endowed to each and every human being. A Commission on Human Rights was established to ensure that we would not waver in this commitment. It sought to protect the oppressed while holding the oppressors accountable for their actions. However, this commission has become a rogue's gallery, a country club for pariah states, a speaker's forum for dictators.

No farmer would designate a fox to guard his henhouse. No member of the international community in 1945 would have Heimler serve as a judge in Nuremberg; yet the United Nations deemed it acceptable and credible to have the likes of China, Cuba, Iran, and Sudan to sit on its Human Rights Commission.

We had to take action. As a result, the U.N. Reform Act was adopted by the House not once but twice, and it contained provisions to fundamentally reform the entities dealing with human rights at the United Nations. The Henry Hyde bill called for the United States to leverage our influence as well as our financial contributions to the United Nations in order to ensure that countries could only serve with members of any human rights body if they uphold the values embodied in the Universal Declaration of Human Rights.

We provided specific criteria for membership, criteria which seemed obvious, even self-evident, or so we thought.

It appears that it was not so obvious, not so self-evident, given that the current proposals for the U.N. Human Rights Council have no concrete human rights prerequisite for membership. But that is just the tip of the iceberg. There are other areas of grave concern.

The draft for the creation of the U.N. Human Rights Council does not establish criteria for membership. All members of the U.N. would be eligible for membership. This means that gross human rights violators could easily serve on the newly renamed council. It would give greater power and influence to certain regional groupings. These nations would hold 55 percent of the votes, therefore marginalizing the influence of Western democracy while heightening the collective power of despotic regimes.

It also makes it easier to call for special sessions of the council. Due to the new composition of the council, democratic nations such as ours and Israel would become targets for these special sessions. It would also require members to rotate off every two terms, which means that every 6 years the United States would be off the council.

The United States must stand firm against these attempts. I commend John Bolton, the U.S. Ambassador to the United Nations, for doing just that and raising the bar for other democratic nations to do the same. We must make it clear to the United Nations that we will not accept a simple reshuffling of the deck chairs on the Titanic. We will not be pressured into a hasty vote on this Human Rights Council while much needs to be done, much needs to be reconsidered and studied.

Let us recall our promise of "Never again." Let us ask ourselves, does the proposed U.N. Human Rights Council fulfill that promise? If it does not, then let us make every effort to ensure that it does. We must prevent the Human Rights Council from also being hijacked and manipulated into a tool of oppression and tyranny, rather than standing for freedom and democracy.

NICS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY. Mr. Speaker, the clock is ticking on the 109th Congress and still we have done nothing to stop illegal guns from getting into the hands of criminals.

I am not proposing anything new about laws or a ban on certain weapons, but helping our States enforce the current law that prevents criminals from buying guns.

NICS, the National Instant Criminal Background Check System, is the database used to check potential firearms buyers for any criminal record or history of mental illness. In large, NICS has been a success. Since 1994 more than 700,000 individuals were denied a gun for failing a background check. The background check goes back to the 1968 Gun Control Act, and that would basically be what we are enforcing.

However, the NICS system is only as good as the information that the States provide. Twenty-five States have automated less than 60 percent of their felony convictions into the NICS system. That means that 40 percent of people are not in the system that should be denied guns. In these States many felons will not turn up on the NICS system and would be able to purchase guns with no questions asked.

In 13 States domestic violence restraining orders are not necessarily put into the NICS system. Common sense would dictate that you do not sell a gun to someone who has been served with a restraining order.

Thirty-three States have not automated or do not share mental health records that would disqualify certain individuals from purchasing a gun. Sadly, this particular loophole in the NICS system cost two of my constituents their lives.

On March 8, 2002, Peter Troy purchased a .22 caliber semi-automatic rifle. He had a history of mental health problems, and his own mother had a restraining order against him as a result of his violence. It was illegal for him to purchase a gun, but like so many others, he simply slipped through the cracks in the NICS system. Four days later Peter Troy walked into our Lady of Peace Church in Lynbrook, New York, opened fire and killed Reverend Lawrence Penzes and Eileen Tosner.

Peter Troy had no business buying a gun, and the system created to prevent him from doing so failed.

□ 1945

It is only a matter of time before the system's failings provide larger tragedies. We must fix the NICS system. While we lay the responsibility for the NICS system on the States, many of our States' budgets are already overburdened and will have even fewer resources if the President's budget passes as is intact, which is why I introduced H.R. 1415, the NICS Improvement Act.

This legislation will provide grants to States to update the NICS system. States would be able to update their NICS database to include felons, people with certain mental and emotional disabilities, and domestic abusers. We need the NICS Improvement Act to become law, and we need more bills like this to pass. These are ideas that impose no new restrictions open gun owners, but give the government the tools to ensure existing laws are enforced. In fact, the NICS Improvement Act already passed this House in the 107th Congress by a voice vote. It came through the Judiciary Committee with no dissenting votes. The bill had the endorsement of the National Rifle Association. Unfortunately, the other body never acted upon the bill.

This is commonsense gun legislation we can all agree on. This bill will save lives while not infringing on anybody's second amendment rights.

Mr. Speaker, I call Congress to act quickly on H.R. 1415. We can prevent tragedies throughout this Nation. Certainly we hear the NRA talking all the time about enforcing the laws on the books. We can do this if we enforce the laws on the books. If we bring up the NICS system the way it is supposed to be, we can save lives.

One thing that people don't talk about, with the injuries and the deaths that we see in this Nation from daily gun violence, it is costing our medical system, our health care system over $2 billion a year. That is money that can certainly be better spent on other health care issues.

Mr. Speaker, I am hoping that the House will see its way to take this important information, bring the NICS system up to where it should be, and let us save lives.

HONORING R. PHILIP HANES

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise tonight in honor of one of my constituents, Mr. R. Philip Hanes of Winston-Salem, North Carolina, as we celebrate his 80th birthday.

Mr. Hanes is a truly remarkable man who has accomplished more than most people could if given several lifetimes. He is the former chief executive officer of Hanes Companies, Incorporated. However, despite his tremendous success in the business world, he is best known for his passion, leadership, and support for the arts.

As a leader of the American arts council movement that began in the 1950s, Mr. Hanes has served on the boards of over 50 national, State and local art agencies, most notably as the founding member of the National Council on the Arts and as the founder and first chairman of the North Carolina Arts Council.

He has also served on the boards of many world-renowned organizations, such as the Museum of Modern Art, the New York City Ballet, the National Endowment for the Arts, the Kennedy Center For the Performing Arts, and too many others to list.

Mr. Hanes, who attended the University of North Carolina at Chapel Hill and graduated from Yale University, was the founder of the Yale University Committee on Music, a board member at the Brevard School of Music, and an advisory council member at the Cornell University Graduate School of

Business in the Arts Administration Division.

He is the recipient of three Presidential appointments from Presidents Kennedy, Johnson and Ford, three honorary degrees and 24 art awards. These awards include the National Medal of Arts presented by President Bush in 1991 for Mr. Hanes' role as a founder of community arts programs across the Nation.

Mr. Hanes was instrumental in establishing the North Carolina School of the Arts; the Southeastern Center for Contemporary Arts, SECCA; and the Roger L. Stevens Center for the Performing Arts in Winston-Salem, North Carolina.

He was a founder of the North Carolina Governor's Council on Business, Arts and Humanities and a founder of the Winston-Salem Arts Council. In addition, he and his wife, Charlotte, are the namesakes of an art gallery at Wake Forest University.

Mr. Hanes also played a tremendous role in bringing the Sparta Teapot Museum to northwest North Carolina. Sonny and Gloria Kamm of Los Angeles, California, had been collecting unique teapots for over 25 years and had been looking to relocate their collection to a community where it could make a serious economic impact.

Some folks from the Penland School of Craft suggested that they consider northwest North Carolina and advised Mr. and Mrs. Kamm to talk to Philip Hanes. It turns out that on their return flight, a representative from the Penland School was randomly assigned a seat next to none other than Mr. Hanes. Mr. Hanes loved the idea of establishing a teapot museum in northwest North Carolina. He contacted the Kamms, pitched the idea and brought them to Sparta. And the rest is history.

The planned Sparta Teapot Museum will be the permanent home for the Kamms' teapots. Their collection will help revitalize Sparta and the rest of Alleghany County, which saw four of its five largest employers close their doors. The museum will be the only specialty teapot museum in the country and will encourage economic development by drawing in a large number of tourists to Sparta each year.

In addition to his accomplishments in the arts, Mr. Hanes' love for the great outdoors led him to establish three national conservation organizations and serve on the boards of 19 others. When he wasn't busy working on all these projects, Mr. Hanes somehow managed to find time to write a popular novel, "How to Get Anyone to Do Anything." In his book, Mr. Hanes shares the wisdom he has gained throughout many years during his impressive career.

Philip Hanes and his wife, Charlotte, are true treasures in the fifth district. I want to wish him a happy birthday and thank him for all of the wonderful things that he has done to help promote the arts and conservation in the State of North Carolina and throughout the country, and to wish him many, many more.

TIME FOR A CHANGE IN POLICY IN IRAQ

Mr. EMANUEL. Mr Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. EMANUEL. Mr. Speaker, March 19 will mark the 3-year anniversary of the Iraq war. For 3 years, we have heard the President respond to questions about his handling of the war in Iraq with, "Who are you going to believe, me or your own eyes?" Kind of like what Groucho Marx used to say.

For 3 years, we have seen the President and his supporters celebrate milestones in Iraq as an indication that the insurgency was "in its last throes," while the insurgency actually continues to grow and persist.

While the administration keeps trying to spin its way out of Iraq, we keep witnessing the truth. Today, for instance, John Negroponte told the Senate Armed Services Committee, "Even if a broad and inclusive national government emerges, there will almost certainly be a lag time before we see any dampening effect on the insurgency." In other words, even if we establish a functioning government and democracy, the insurgency in Iraq will persist, just the opposite of what the administration has been telling us.

Mr. Speaker, it is time that the President acknowledge what we can all see with our own eyes every night, that the administration's failure to secure the peace early in Iraq has led Iraq to the brink it is in today. Had we secured not just the war, but the first days of the occupation with a plan for that occupation and actually secured the country and had not allowed the first levels of insurgency to grow, to metastasize to what we have today, we would never have what we have now. But we went in with a plan for the war with not a single idea, not an iota of anything to do on the occupation.

Three years ago, brave men and women of the American Armed Forces fought brilliantly until defeating Saddam Hussein and his army. But the President failed to plan for the peace, and he failed to work quickly to establish order in Iraq and left it leaderless. In fact, many of our troops were on the sidelines as looting went rampant throughout Iraq, leading in that stage every way sequentially to what we have today. And why did it fail? Because he didn't listen to what we knew we had to do.

For the past 3 years, the President has maintained that if the American leaders in Iraq needed more troops, all they had to do was ask. Just last week the President said, "I will determine the troop levels in Iraq based on the recommendations of our commanders, not based only the politics of Washington, D.C."

Paul Bremer, the Ambassador to Iraq, the President's top man in Iraq, called for more boots on the ground in the days following the invasion and was ignored. On page 10 of Paul Bremer's book, "My Year in Iraq," Paul Bremer writes that he was alarmed by a report stating that we did not have enough troops on the ground to stabilize the country.

The report said: "The population of Iraq today is nearly 25 million. The population would require 500,000 troops on the ground to meet a standard of 20 troops per 1,000. This number is more than three times the number of foreign troops now deployed in Iraq."

Paul Bremer writes: "I found the conclusions persuasive and troubling. That afternoon, I had a summary of the draft copied and sent down the corridor to Don Rumsfeld. 'I think you should consider this,' I said in my cover memo. I have never heard back from him about the report."

Now, I am not here to help sell books for Paul Bremer, but the President's top man asked for more troops to succeed in Iraq and never got an answer from either the President of the United States or from the Secretary of Defense. When Secretary Don Rumsfeld completely ignores the man who is in charge of America's most important policy mission, we have a problem.

A few days later, Paul Bremer got a chance to air his concerns to the President: "There is one other important issue, Mr. President. Troop levels."

Troop levels never increased. The troop level never got up. In Iraq, Bremer's worst fears were realized, and he writes: "According to CENTCOM briefings in Qatar, we didn't yet have enough troops in Baghdad to secure key tactical objectives, traffic circles, bridges, power plants, banks and munition dumps, and also patrol the streets."

We will never know for sure if more troops would have secured Baghdad in time to prevent the insurgency we see today, but we do know that the President's top man had asked for help and the President failed to respond, and the Secretary of Defense failed to respond; and today we are seeing the results of that failure. And we do know that 136,000 men and women who are there now do not have the support that they need.

If you look today in the New York Times in a poll done by Mr. Zogby, the American troops don't think we have enough troops. They also don't think we should continue to stay there at the level that we are there.

Retired Army Lieutenant General Bill Odom, former head of the National Security Agency, said that the invasion of Iraq "will turn out to be the greatest single strategic disaster in U.S. foreign policy."

Lawrence Wilkerson, former Secretary of State Colin Powell's chief of staff at the State Department, said President Bush's foreign policy was "ruinous" and said that "we have courted disaster in Iraq, North Korea, and in Iran."

Mr. Speaker, it is time for a change in policy.

RETAIN BYRNE-JAG GRANTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. KENNEDY) is recognized for 5 minutes.

Mr. KENNEDY of Minnesota. Mr. Speaker, on February 16, while police officers representing law enforcement organizations with over 100,000 members from every congressional district in the country were on Capitol Hill lobbying to save Byrne-JAG formula grants, police officers just outside the town of Monticello in my district in Minnesota were proving why the shortsighted elimination of the Byrne-JAG program must be rejected.

During a mid-afternoon traffic stop involving several individuals from Washington State in a vehicle likely stolen in California, a Minnesota State trooper noticed the smell of meth coming from a car.

After a brief search of the car with a trained drug dog, an elaborate trunk-latch device wired to the car's air conditioning knob was discovered and eight sealed packages and one large ziploc bag of meth were located in the car's passenger-side air bag compartment. In all, more than 11.5 pounds of meth worth over $1 million was taken off our streets, along with several traffickers who profit from dealing this poison.

Mr. Speaker, 11.5 pounds of meth is the equivalent of over 45,000 hits. One hit of meth is enough to form an addiction more difficult to break than even heroin.

Mr. Speaker, I commend the police officers who made this bust and kept this staggering amount of meth out of the community in my district and likely those of many of my colleagues. However, Mr. Speaker, imagine how much meth they were not able to catch because of the devastating cuts to the Byrne-JAG program.

For the second year in a row, the administration has singled out the Byrne-JAG program for elimination, despite the fact that local police and the communities they protect praise the valuable source of crime-fighting grant money it provides.

Mr. Speaker, I urge my colleagues to join Representative LEE TERRY and me in our letter to the Budget Committee urging in the strongest terms that the President's proposal to eliminate Byrne-JAG grants not be followed and that this critical program to protect our communities from drugs and violent crime be funded at no less than $900 million in the fiscal year 2007 budget cycle.

□ 2000

Mr. Speaker, I yield the balance of my time to my colleague who has been a leader on this issue, Representative DAVIS of Tennessee.

Mr. DAVIS of Tennessee. Mr. Speaker, I thank the gentleman for yielding me the time.

Congressman KENNEDY has been a real leader and a fighter for the Brynes-JAG funding and methamphetamine issues in general. I applaud his efforts and his continued concern about our families and our Nation and certainly the States that we represent.

Mr. Speaker, methamphetamine abuse continues to be a growing plague on America's families, communities and our economy. Abuse of this drug has swept across our Nation like a terrible storm that leaves in its wake broken families, endangered children, overcrowded jails, degraded environment and communities begging for help.

I cannot overstate the problems this drug creates. As Attorney General Alberto Gonzalez said in July of 2005, in terms of damage to our children and to our society, methamphetamine is now the most dangerous drug in America. That is why, Mr. Speaker, I was terribly disappointed to see that the President's budget for fiscal year 2007 completely cut funding for the Byrnes Justice Assistance Grants.

This program has been cited by State and local governments across the country as critical in their efforts to combat meth. In essence, it represents the combined effort among Federal, State and local governments to create safer communities. In my State the funding has helped fund the State's drug task force and helped fund local community crime prevention projects.

State officials back home have informed me that eliminating this program could reduce criminal justice funding to Tennessee by a total of $11 million and eliminate 170 much needed individual projects across our State.

That is why I have joined with Representative KENNEDY and many of our other colleagues in urging the House Budget Committee to include at least $900 million for the Edward Byrnes Memorial Justice Assistance Grant program in the budget resolution for fiscal year 2007, which is still $200 million less than the program's authorized level of $1.1 billion.

We must fight this elicit drug head on. Just as we need to give our soldiers serving in Afghanistan and Iraq the tools and resources needed for success, so too must we give our local law enforcement officials the tools they need to fight the war on drugs.

This program is a tool our local law enforcement officers desperately need. Congress must restore the funding. The risk in not doing so is simply too scary and the threat to our children's future is too great.

I thank the gentleman for yielding me time.

THE STATE OF BEGGARDOM

The SPEAKER pro tempore (Mr. CONAWAY). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, let me ask the "why" question tonight. Why would the United States allow itself to be reduced to a state of beggardom in the Dubai ports deal?

The definition of a beggar is a person, in this case a country, that lives by asking others for help or charity. So why would the United States allow itself, a nation that created Social Security, won World War II, landed a man on the moon, why would our Nation let itself be reduced to beggary and the Nation, to beggardom?

Why would any level of our government seek foreign ownership or leasing of any of America's key assets, our ports, airports, railroads, turnpikes, industrial plants, even endowments to Presidential libraries? Why would we do it, ever? But why would you do it particularly when we are a nation at war?

The answer is simple. It appears our Nation cannot afford to stand on its own two feet anymore. We beg foreign investment because we cannot pay our own way. Our jobs and productive wealth and manufacturing and agriculture are being shipped offshore every day. Our piggy bank is empty.

So our assets are being sold or leased to foreign interests. Our savings are drained. Our national debt is skyrocketing. So our society is selling off, releasing our crown jewels.

I do not agree with this. I have been fighting it ever since our Nation started to sell more and more of our U.S. debt securities to foreign interests, who now own half, half of the debt of this Nation, and we pay them over $300 billion a year in interest and it is skyrocketing.

Some people who get elected, even Presidents, do not think that there are certain fundamentals in accounting that you must follow. They think that you can avoid responsibility in borrow-and-spend abandon. They think you can avoid responsibility. They mix up their love of money, frankly anybody's money, even foreign interests' money, with freedom's discipline. They somehow think it will all work out.

Well, America has been pushed to the edge of its financial resources with over $7 trillion in debt, which is rising. The war in Iraq has cost billions too much. We were told we would be out of there in 6 months.

We are lectured by a President that we should become energy independent, yet during his presidency he has made us more dependent on foreign sources of oil, so we borrow and spend to make up the difference. And we are paying more and more for imported fuel and going deeper into debt with oil imports, now the largest share of our trade gap.

Budget numbers do not lie. Trade statistics do not lie. Who do you think is financing America's beggardom? Foreign interests. The kind of folks who own Dubai Ports World. Trade deficits are exploding as we witness the import deluge into our country. Last year nearly a trillion dollars in trade debt, staggering, hard to find anything made here anymore.

So now we are in the fire sale phase. Rent out the ports, lease the Indiana Turnpike, sell off the auto industry, print the stationery in China. To live so recklessly and to spend so wildly does exact a price. It forces America to be reduced from our birthright of independence and the discipline that that entails to a sorry state of beggardom.

Curious developments happen too. Why did George Bush, Sr. accept a million-dollar contribution to his Presidential library in Texas from the United Arab Emirates? Who was buying favor with whom and for what?

What is so shocking is that the vast majority of Americans oppose beggardom, oppose the leasing of U.S. ports to any foreign interests, surely by those who could not prevent infiltration of their citizens to this country on 9/11.

Americans want to be independent. They love freedom, not beggardom. The World Ports debacle is the latest evidence America's corporate and political elites, sometimes the same people, are selling out America's independence, making deals with undemocratic kingdoms.

Seven sheiks run the United Arab Emirates. It is not a democratic country. Dubai World Ports is a government-owned enterprise. Why should it compete with free enterprise in this country? That country does not recognize Israel, and it does not allow Christian crosses to be erected anywhere inside the borders of that nation. Who could believe that a nation that sent two terrorists into our Trade Towers and whose banks laundered money for 9/11 will now manage some of our major ports. Insanity.

Some people say our intelligence services failed us. I say our elected leaders have failed us, starting in the Oval Office. They fail us time and again because they are blinded by their own beggary. They used to say you could buy people here in Washington for a lunch. Wow, has the bar been raised.

America, awake. Patrick Henry's clarion had it right, give me liberty or give me death, no beggary, no beggardom, no sellout of our Republic.

THE COMBAT METHAMPHETAMINE EPIDEMIC ELIMINATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, much of what we do here in Congress is very contentious. Our 1-minutes and 5-minutes tend to reflect a lot of those deep divisions. And while we sometimes share basic views, I think that they get carried to extremes sometimes on House debate.

I want talk about something we have actually done in a bipartisan way. We often hear that we do not do anything here in a bipartisan fashion and that all we can agree on are naming post offices. But this week when the PATRIOT Act passes, inside the PATRIOT Act is the Combat Methamphetamine Epidemic Elimination Act, the largest and most comprehensive legislation ever done by a United States Congress on methamphetamine.

Nearly 20 years ago there were some attempts to regulate some of what was then called "crank" and some variations of methamphetamine that had already started in Asia and had been in Hawaii and had trickled in, even a decade ago or a little longer, into the West Coast, in Oregon and Washington State and California, but had not really hit the United States in full force.

Then over the last several years, Members of Congress have been coming here frustrated with the fact that our administration, from the Republican standpoint and from the Nation's, our present administration had not been responding aggressively enough to the Methamphetamine Act, and how to address the control of pseudoephedrine in the United States, as well as the ephedra and pseudoephedra that was coming into the United States that was making and going into the mom-and-pop meth labs, as well as the crystal meth.

Senators TALENT and FEINSTEIN introduced a bill on the Senate side to do what many States were doing, and that is, put pseudoephedrine behind the counter. Majority Whip BLUNT introduced similar legislation in the House.

In addition, Members from both parties introduced many different bills. Congresswoman HOOLEY and Representative KENNEDY, in particular, led the effort to try to go beyond just putting something behind the counter, but to try to regulate international legislation; and their bills were incorporated in a more comprehensive bill that then also absorbed the Blunt-Talent-Feinstein bill.

This all was attached to the PATRIOT Act. And I would have just as soon had a free debate here on the House floor and dealt with this, but part of the thing is that as we moved this meth bill through, we came under tremendous counterattack from the pharmaceutical industry that did not want any limitations on pseudoephedrine in the United States.

We came under heavy attack from the China lobby and the Mexico lobby that did not want the threat of decertification on them if they did not cooperate on controlling pseudoephedrine.

What this bill will do is limit the daily purchase, it will limit the monthly purchase, require purchasers to show ID and sign in a log book.

Therefore, as Indiana passes a law, people will no longer be able to go to Michigan and Ohio to get their pseudoephedrine and continue to kind of supply the raw material for all of the mom-and-pop labs, 900 last year in the State of Indiana, whereas Ohio only had 300, which, by the way, was a growth from 30.

But we go beyond just the control of pseudoephedrine and the few remaining States that did not have that control. We closed loopholes in existing import-export and wholesale regulations, not only the main markets, but the spot market. There are basically only nine plants in the entire world that manufacture pseudoephedrine. We need China and India and several of the European countries, and the Czech Republic recently closed down their plant; we need to regulate this, know how many quantities are coming through. We need to do better control on the southwest border, where much of what pours in from other nations in the world, Mexico basically puts a minimum of 40 tons of raw pseudoephedrine beyond what they use in the United States that is used in mom-and-pop labs.

We also try to address not only the precursors for the mom-and-pop labs, but what immediately moves in behind. As we have seen in Oklahoma, as we have seen in many other States, and even in my State where the mom-and-pop labs go down, the crystal meth comes in behind.

The crystal meth is even more potent to the individuals. It is not as dangerous to the environment. It is not as dangerous to our local law enforcement people. You do not see explosions in homes that kill and maim little kids. But to the individual user, crystal meth is even more damaging than the homemade meth, because it is pure and even more addictive. And this often moves in behind.

So then the treatment programs are stressed, the highways still have people on it, that is why in addition to the behind-the-counter, we have got to go to the raw pseudoephedrine that is going into the crystal meth labs in Mexico and some of the super labs that are still left in the West.

We have increased and toughened penalties against meth traffickers and smugglers. We authorized the meth hot spots program, something the administration continues to try to zero out, and we have never had it authorized.

This authorizes that program which makes it much harder for the administration to try to eliminate it, as well as increases funding in the authorizing for drug courts, for the drug endangered children program and programs to assist pregnant women addicted to meth.

This is an historic step. When the Senate passes the PATRIOT Act tomorrow, there will be lots of debate about the PATRIOT Act and all of that. But inside that bill is the most significant bipartisan effort we have ever done in the United States Congress on methamphetamine.

And I am thrilled that it is finally going to become law after languishing and battling and watching all of the different interests try to defeat this. This is a triumph for bipartisanship. It is a triumph for locals who came to us and asked this to be done. It is a triumph to all of our narcotics officers around the United States and all of the drug treatment people around the United States and prevention people who have been saying, when are you going to do something on meth? Well, this week we are.

OPERATIONS IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, one cannot doubt that the American objective in Iraq has failed. Those are not my words. They were written last week by William F. Buckley, the godfather of modern American conservatism.

In a column entitled, It Did Not Work, Mr. Buckley urges an acknowledgment of defeat in Iraq. If President Bush has lost William F. Buckley, then his Iraq policy is in a heap of trouble.

By the way, I am eager to see if Mr. Buckley is labeled a treasonous coward, as my friend and colleague Mr. MURTHA was when he made similar points a few months ago.

□ 2015

Who could blame Mr. Buckley, or anyone else with a pulse, for that matter, at arriving at this conclusion?

While we were away for our district work period, the bombing of a Shiite shrine ignited the most gruesome carnage that Iraq has ever seen since the war began nearly 3 years ago. The Washington Post reported on its front page this morning that a staggering 1,300 people died in last week's sectarian violence.

"Hundreds of unclaimed dead lay at the morgue at midday Monday," The Post reported, "blood-caked men who had been shot, knifed, garroted or apparently suffocated by the plastic bags still over their heads. Many of the bodies were sprawled with their hands still bound."

Is this what "freedom on the march" looks like, Mr. Speaker?

But we should not be surprised. It is not as if no one saw this coming. Those of us who opposed the Iraq war before it even started warned that an invasion would open up a Pandora's Box of ethnic strife that we would be unable to tame, that could lead to full-blown civil war.

The administration's Iraq policy is a tragic blunder of historic proportions. I can hardly believe that we have sacrificed 2,300 Americans and spent a quarter of a trillion dollars all so Iraq could slip into chaos and lawlessness, with the political process now hanging by the flimsiest of threads.

My heart weeps for our soldiers who have been put in this impossible situation. Various news reports describe some of our troops as hanging back during last week's violence. Why? Because rather than being able to calm the uprisings, they know that their very presence is actually one of the main catalysts for the violence in the first place. No wonder a new poll shows that our servicemen and -women in Iraq believe we should leave and we should leave soon, with less than a quarter agreeing with President Bush that we should stay as long as it takes.

Here you see a complete folly that is our policy. Our preemptive occupation lit the original match that grew into this uncontainable inferno. We do not have a hose to put it out. In fact, we pour gasoline on the fire every single day, a fire that is destroying Iraq, killing our soldiers, sending them home wounded almost beyond repair. And for what reason? If we are doing more harm than good, if we are a force for resentment and divisiveness, rather than peace and stability, what are we doing there?

Mr. Speaker, it has never been clearer that it is time to bring our troops home.

STUCK IN THE MIDDLE OF A CIVIL WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, we are engaged in a great civil war. However, not our civil war but the Iraqis' civil war. We are caught in the middle of it. And there are some people who say that we do not have a plan, the Democrats have no plan.

Well, today JACK MURTHA sent around again to us a Dear Colleague. That is a method by which we in the House talk to one another; we let our colleagues know what we think or what is going on. JACK sent one around with his plan to pull the troops out of Iraq. Nobody is paying any attention to JACK MURTHA. They make fun of him as not being a patriot or something but they are missing the point. We are deeper and deeper and deeper in this war and there is no end.

Now, the American people have no excuse, nor does the Congress have any excuse for not knowing what we are into, because they put out from the Pentagon every year something called the "Quadrennial Defense Review." That is to tell us what we are going to do for the next 4 years. They have changed the language. They are not going to call it the war on terror anymore. It is now called "The Long War." And the one just put out and presented to the Congress outlines plans for 20 years into the future.

This administration has no intention whatsoever to pull out of Iraq or to pull the bases out of Iraq, or to do anything as sensible as what JACK MURTHA has laid in front of the President. Worse than that, they are going to increase this. They are looking beyond Afghanistan and Iraq.

It is in the editorial today in The Guardian, which is a newspaper from England: "Looking beyond Iraq and Iran battlefields, U.S. commanders envisage a war unlimited in time and space against global Islamic extremism. 'The struggle may well be fought in dozens of other countries simultaneously and for many years to come.'"

How are they going to do that? Very simply. They are going to continue to spend us into debt. There will not be a dime to fix what is going on in New Orleans or the health care system or the educational system or anything else.

Listen to what is in that report. They want 15 percent more special forces, an extra 3,700 people in black operations, in PsyOps and civil affairs units. That is an increase of 33 percent. They will have people to run in and go and run these countries. They want nearly double the number of unmanned aerial drones.

Now, consider what an aerial drone is. That is something you take off in this country or take off somewhere, you fly over a country and somebody thousands of miles away says, drop the bomb over there at Seventh and Vine.

Now, consider what we are planning. We are planning to invade countries from the air without even being there. It will be like war games, like kids sitting in the front room with their little board games. That is what we are talking about. We are talking about taking our Trident nuclear submarines and refitting them, not to shoot up nuclear missiles, but to send up regular missiles. So they will pull alongside a country and fire a bunch of rockets into the country and they will fix them. This is what is going on. And America is sitting quietly by and watching this happen.

We are allowing the President and a very small number of people, Mr. Speaker, to make decisions. We have a Vice President who says he can now leak secret material anytime he figures he can use it. Use it to get us into another war. There are an awful lot of people on this floor, Mr. Speaker, who are very worried about the next 6 months in Iran because there is an election coming. And the only way you can get the people to vote the Republicans back in is by making them afraid. This is a vote of confidence on George Bush. And the people will have to vote "no" to get rid of them.

THE DETERIORATING SITUATION IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I rise tonight to address the deteriorating situation in Iraq. Over the past 10 days, we have seen a country on the brink of civil war slide into civil war.

On February 22, a bomb exploded at the Golden Mosque causing significant damage to one of Shiite Islam's holiest shrines and setting off the latest and most violent sectarian violence since the war began in 2003.

Since the war began, we have witnessed almost daily bombings in Iraq. Thousands of IEDs have been exploded. Hundreds of suicide bombings have been staged. Tragically, the number of such attacks has grown each year, a stark contrast to the Vice President's prewar assessment that we would be greeted as liberators.

According to the U.S. Department of Defense, the number of insurgent attacks on our soldiers, Iraqi security forces, and civilians increased 29 percent in 2005 when compared to 2004. Specifically, the number of car bombs increased to 873 in 2005, more than twice of the number of car bombs in 2004, and the number of suicide car bombs went to 411 from 133.

Conservative estimates suggest that more than 30,000 Iraqi men, women and children have been killed since the war began. Unfortunately, Iraqis are not the only ones caught up in these attacks. More than 2,296 U.S. soldiers have died in Iraq and more than 16,825 have been injured. And I am sorry, I do not have the number of amputees or suicides tonight. But they are serious.

Our very presence in Iraq fuels the death, destruction and has helped create the civil war which now endangers millions of lives. These are not just my words. The same thoughts and sentiments are being echoed throughout conservative America.

It was said here earlier tonight, William F. Buckley, Jr., the founder of "The National Review" recently wrote, "One cannot doubt that the American objective in Iraq has failed."

Bill Kristol, one of the war's staunchest defenders recently said, "We have not had a serious 3-year effort to fight a war in Iraq."

Even columnist George Will recently described Iraq in this manner. "This is a civil war," he said.

The bombing of the Golden Mosque pushed Iraq over the edge. Thousands of Iraqis are in the streets protesting and others are attacking their historical enemies in retaliation to the bombing of the Golden Mosque.

According to today's Washington Post, more than 1,300 individuals have been killed, and more than 1,000 Sunni mosques have been attacked since last week's bombing of the Golden Mosque. Instead of putting a stop to the violence, Iraq's security forces are contributing to the murders. It is clear that some Iraqis have joined the Iraq Army to continue family or tribal feuds under the protection of the Iraqi military uniform and that many Iraqis do not trust the military because of ethnic divisions.

This is a stark difference from the President's words that the Iraqis are successfully assuming the role of protecting their fellow countrymen. It is very interesting to note that the very week that Iraq has seen the most violent sectarian violence in years, the Defense Department announced that the number of Iraqi Army battalions capable of fighting the insurgency without U.S. help had fallen from one to none since September 2005.

Last summer, a defense official claimed that there were three battalions ready to take on the insurgency. However, in September 2005, General George Casey, the top U.S. commander in Iraq, told the Senate Armed Services Committee that the number of Iraqi battalions capable of fighting independently of U.S. troops had dropped from three to one. Therefore, despite 3 years and more than $260 billion, we find that the number continues to decrease.

Now, the President is asking Congress to pass a supplemental appropriations request of $75 billion for the Iraq war, the war on terrorism, and the gulf coast recovery efforts. The lion's share of this money, about $63 billion, is for the Iraq war. If this bill passes, the total amount we will have spent on the war will be over $350 billion.

The President is asking us to spend $350 billion a war that his Administration claimed would be of minimal cost to American taxpayers.

Perhaps worse, the President wants to spend hundreds of billions of dollars on this war at a time when the Congress is pushing through tens of billions of dollars in cuts to Medicare, education, Community Development Block Grants and other important programs.

Mr. Speaker, the Administration has failed. It is long past time for our troops to come home. Civil war has broken out—we can not expect our soldiers to try to sort out which side is which in this civil war and we should not take sides. I urge the President to conclude this war and bring our troops home.

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MARKING THE 18TH ANNIVERSARY OF THE SUMGAIT MASSACRES

The SPEAKER pro tempore (Mr. CONAWAY). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, today marks a tragic anniversary for Armenians around the world. In late February of 1988, in the town of Sumgait, Azerbaijan, an organized attack on the Armenians of the town was carried out by Azerbaijani nationals. This 3-day rampage left dozens dead and hundreds injured.

Mr. Speaker, I stand today to recognize the massacres in Sumgait, Azerbaijan, and the continued Turkish and Azeri aggression against the Armenian people.

This massacre left dozens of Armenians dead, a majority of whom were set on fire alive after being beaten and tortured. Hundreds of innocent people received injuries of different severity and became physically impaired. Women, among them minors, were abused. More than 200 apartments were robbed, dozens of cars were destroyed and burned, dozens of art and crafts studios, shops and kiosks were demolished, and thousands of people became refugees.

Mr. Speaker, these crimes were never adequately prosecuted by the Government of Azerbaijan, and most of its organizers and executors were simply set free. Despite the attempt by the Government of Azerbaijan to cover up these crimes, enough brave witnesses came forward to give an accurate account of the offenses.

The Sumgait massacres are just another in a long line of Azerbaijan's aggressions against the Armenian people. The events in Sumgait were preceded by a wave of Anti-Armenian rallies that shook the city in February 1988. Almost the entire territory of the city, with a population of 250,000, became an arena for mass violence against its Armenian population.

The attacks also marked the beginning of the violent Armenian-Azerbaijani conflict, which claimed nearly 30,000 lives and left over 1 million refugees. The continued hostilities in Azerbaijan and the military aggression against the Armenians of Nagorno

Karabakh in 1992 through 1994 led to the disappearance of a 450,000-strong Armenian community in Azerbaijan within a span of just a few years.

Mr. Speaker, today many Armenians marked the anniversary of the Sumgait massacre by organizing a march here in Washington from the embassy of Turkey to the embassy of Azerbaijan in order to highlight the continued Turkish and Azeri aggression toward the Armenian people.

The aggression I speak of, however, is still happening in a number of ways even today. There continues to be an organized effort to destroy historically sacred Armenian sites by the Government of Azerbaijan. Recently, there has been a documented video, evidencing the systematic destruction of a more than 1,000-year-old cemetery and historic carved stone crosses in the southern Nakhichevan region of Djulfa.

There are also continued attempts by Turkey and Azerbaijan to strangle Armenia's economy and its people's ability to survive through economic aggressions. The over 10-year blockade of Armenia by Turkey and Azerbaijan cuts off a valuable trade route through the country and further isolates Armenia. These blockades have been denounced by the United States, the United Nations and the European Union, but they still exist as a way to starve the Armenian economy. The United States should do more to encourage the Turkish and Azerbaijani Governments to stop their illegal blockade of Armenia.

Mr. Speaker, today, as the protesters walk the cold route from the Turkish embassy to the Azerbaijani embassy, the message should be heard loud and clear. It is time for the United States to do all that it can and to flex its geopolitical muscle in order to send a message that ethnically charged genocides, illegal blockades of sovereign nations and the constant harassment of the Armenian people will not be tolerated.

This anniversary reminds us yet again of the historical injustice the Armenian people have faced, unfortunately, throughout their history.

THE TRANSEA ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the Bush administration recently approved a deal, as we all know, that allowed the operation of six U.S. ports to be taken over by Dubai Ports World, a state-owned company controlled by the Government of the United Arab Emirates, a $6.8 billion contract.

The administration's handling of this deal has drawn criticism from Republicans and Democrats alike, and rightly so.

The 9/11 Commission's final report warns of the United Arab Emirates' record of support for terrorism and its links to September 11, both strategic and financial.

The Congressional Research Service noted the UAE was named as a point of shipment for illegal nuclear components sold by Pakistan.

The U.S. Coast Guard told the administration, referring to the United Arab Emirates-controlled ports, that, "There are many intelligence gaps, concerning the potential for DPW or PNO assets to support terrorist operations."

These and other more serious concerns may have been overlooked, as the administration rushed its review of this deal, but what this instance really highlights is a much broader and longer-term concern, the lack of a systematic process for the review of homeland security issues associated with America's international trade policy.

In a post-9/11 world, trade agreements are no longer just vehicles for economic development. Trade agreements, to be sure, lower tariffs in open markets, but they also can lower our defenses as they open our ports and open our infrastructure and open our transportation and supply lines.

In the post-9/11 world, America's trade policies and America's homeland security policies cannot exist separate from each other and in isolation. The risk is simply too great.

For example, the United States Trade Representative right now is currently negotiating a trade deal with the United Arab Emirates. That trade deal would already have been in effect if it had been negotiated, passed by the Senate, passed by the House and signed by the President. It would likely have been declared illegal and unfair trade practice for us to cancel that $6.8 billion deal.

The administration has it exactly backwards. Security needs to go in these trade agreements before they are signed, not pass a trade agreement and then hope for the best to protect the homeland.

Other trade pacts negotiated by the Bush administration have given foreign governments, and even foreign companies, the right to sue the U.S. for government actions that cost the company money. There is no reason to believe that such suits could not be filed in some cases to block homeland security policies. Those suits would be heard by an international tribunal meaning that the U.S. would no longer have independent control over our own national security decisions.

Before we implement the UAE agreement, the one that the U.S.T.R. is negotiating today or any other free trade agreement, we should have a full understanding of homeland security consequences.

That is why I introduced today the Trade-Related America National Security Enhancement and Accountability Act, the TRANSEA bill. My bill would do several things: require a systematic homeland security review of trade agreements, with sign-off from the U.S. Trade Representative, the Homeland Security Department and other responsible agencies, and with reporting to Congress.

Second, it would require that all future agreements include a national security waiver, allowing the President to suspend an agreement or any provision of an agreement if the President determines that the agreement creates a homeland security vulnerability.

Third, it would create an independent trade security commission to watchdog trade policy from a homeland security perspective and report to Congress on potential threats.

Last, it would to allow Congress to force action if the administration fails to respond to a homeland security warning from the commission.

It is absurd to require that our constituents remove their shoes at the airport, but not require that multibillion dollar trade agreements undergo systematic homeland security review.

The TRANSEA Act is an important step toward a policy that reflects the realities of a post-9/11 world. I urge my colleagues to support this important legislation.

EMBRYONIC STEM CELL RESEARCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the majority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, very shortly now the juvenile diabetes people will be coming through the Congress. They do this every year, I believe.

I look forward to this visit with really mixed emotions. These children come in with this disease that has and will change their lives. Many of them are so brittle that they have to have a pump embedded under their skin that pumps insulin, because the sugar may go violently up or down with potentially disastrous effects on the person. Many times a day they may have to get a droplet of blood to determine the sugar level.

They will appeal to us, as they have every year for the past 5 years, please vote for Federal funds for embryonic stem cell research because they believe, like the loved ones of many other types of patients, that there could truly be miracle cures from embryonic stem cells. They will tell us that there are several hundred thousand embryos out there that are frozen in fertility clinics.

I have a daughter-in-law who is going through that process now. They harvest eggs. They fertilize the eggs.

First, they have to give a hormone treatment to the prospective mother so that there will be the production of more than just the one egg that is produced normally per month. They will harvest a number of eggs, 8, 10, 12 eggs. Then they will fertilize those eggs, and they will watch their growth in the laboratory, and they will choose two or three of what look like the strongest fertilized eggs, and then they will implant those in the prospective mother.

The remaining eggs are frozen. It costs money to keep them there. The family may pay for that process because these little embryos that are implanted may not take, and they may need to do it again, and frozen, they could last quite a while, and they may want to have another child. So they will pay to keep them frozen for a while; but by and by, time and changes in the family, they will see no further need to keep them frozen. When they cease doing that, then the laboratory must either dispose of the embryos or bear the expense of keeping them frozen.

So each year a number of these embryos are discarded, and there has been an appeal, which has been bought into by some of my very good friends in the Congress, that from a ethical perspective, why should we not get some medical use from these embryos that are going to be discarded anyhow.

That is a tough position to put pro-life people in, and the reason that most, but not all, pro-life advocates are opposed to this is because they view this as the beginning of a slippery slope. Today, you are permitting the use of surplus embryos that are going to be discarded anyhow; tomorrow, you might be producing embryos. They may be stronger, younger. You may be producing embryos just so you can discard them so you could use them for medical research.

I remembered the juvenile diabetes groups that come through, the children and their parents when, in 2000, I went to the National Institutes of Health when they had a briefing for Members of Congress and staff on embryonic stem cell research, the potentials and the challenge. There were a number of staff there. I think that I was the only Member of Congress who was there.

I went there from a somewhat unusual background, a different background than the average Member of Congress, because in a former life, I went to school and got a doctorate in human physiology. I got it not in a medical school but at an arts and sciences campus, and so we had to take a great variety of courses.

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Things like limnology and ichthyology and cytology and protozoology and advanced genetics. And one of the courses I took was advanced embryology. And in that course I had an opportunity to study and learn something about the process which is so familiar to anybody who has studied biology in life, that is, the development of the embryo and how this process goes.

I recognized that occasionally in humans in the early embryo, sometimes at the two-cell stage and sometimes later, and you can tell by how the babies present whether they share an amnion or simply share the chorion; how they present at birth you can tell at roughly what time in the development of the embryo did it split. And each of those halves of the original embryo, either one cell if it was a two-cell stage, or multiple cells if it was further along in the development before it split, each half produces what appears to be a perfectly normal baby. We call them identical twins. And there are tens of thousands of them out there and a great deal of scientific interest is in these twins.

And a lot of research has been done, because when you are looking at two genetically identical people, you have an opportunity to make some studies and observations that you would have to use a great many more subjects to make using the usual genetic different subjects.

And so recognizing that you could take half of the cells away from the original embryo and each half produced a perfectly normal baby, I rationalized, gee, it ought to be possible to take a cell from the early embryo and it would not even know it. And that is because all the cells in the early embryo are what we call totipotent or at least pluripotent. Totipotent means they can produce another embryo if you take the cell out, and pluripotent means they can produce all of the cell types that make up the body. By the time they are pluripotent, they have lost the ability to coordinate all of the different kind of cells into an integrated individual, so they could not produce an embryo.

I asked the researchers at NIH, should it not be possible to take a cell from an early embryo without killing the embryo, probably without hurting the embryo, since in every set of identical twins half of the cells have been taken away from the embryo.

And by the way, Mr. Speaker, one of those is a clone. I guess you can decide which one of those identical twins you would identify as the clone, but clearly one of them is a clone, and both of them develop into what appears to be, by observations over hundreds of years and more recently many years of intensive physiological and medical observation, what appear to be perfectly normal human beings.

And so I asked the researcher at NIH, shouldn't it be possible to take a cell from an early embryo without killing the embryo, probably without hurting it? And they said, yes, they thought that should be possible. So a few days after that I happened to be at an event when the President was there, and I knew that he was laboring with a decision, a very difficult decision, of whether he was going to permit Federal dollars to be used in embryonic stem cell research when presently at that time the only source of embryonic stem cells resulted from the destruction of an embryo.

So I told the President about the meeting at NIH and about my discussion with the researchers there, and a few days later I got a call from Karl Rove. The President had remembered that conversation and turned the follow-up over to Karl Rove, and Mr. Rove told me that he had gone to NIH and had spoken with the investigators there, and they had told him that that was not possible. I said, Karl, either they are funning you or they misunderstood your question, because these are the same people that can go into an individual cell and take out the nucleus and put another nucleus in that cell. And they are telling you they cannot take a cell or two out of a big embryo?

So he went back and asked them again and came back and called me a second time and said, Roscoe, they tell me that they cannot do that. I wondered at the time what had happened. And a couple of years later, when the researchers at NIH were in my office, they somewhat sheepishly admitted that they had permitted Mr. Rove to believe something that wasn't quite true. Because what they had told him was that they weren't sure that they could produce a stem cell line from a single cell taken from an early embryo.

That is exactly what my bill had proposed to do, was to determine, with animals, whether in fact that was possible or not. They had not meant for him to believe that it was not possible to take a cell from an early embryo.

Now, I cannot get inside their head to tell you, Mr. Speaker, why they permitted Mr. Rove to go away with this misconception. I can only tell you that I think that if I were in their place, I would have judged that the President might very well make the decision that it was okay to use these discarded embryos. Because, after all, they were going to be discarded anyhow, and the potential for life-saving medical applications was so great that I think that they may have rationalized that the President was going to issue an executive order which would make possible the use of Federal funds in the study of embryonic stem cells taken from these surplus embryos. That, of course, is not what the President did.

I am happy to be joined this evening by Dr. GINGREY, and I wanted to engage him in a dialogue, because I think that the same kind of an emotional response that might have permitted the researchers at NIH to permit this discussion to result in a misconception by

Mr. Rove, that an analogous emotional response on the part of many pro-life advocates makes it very difficult for them to even talk about the potential of any form of embryonic stem cell research because they are so conditioned that the only way in the past that we have been able to get embryonic stem cells was by destroying an embryo, and so they equate any discussion of embryonic stem cell research as requiring the destruction of an embryo.

The President has a bioethics council that published a white paper in which they talked about four different techniques, potentially bioethically acceptable that could produce embryonic stem cells without destroying an embryo. And I wonder what is the best approach, because we want to carry everybody along with us. I want no one to be offended that what we are proposing, what has been proposed as a matter of fact by the President's council on bioethics is a violation of our fundamental belief that life is sacred. Every life is sacred, and particularly the least of these, this totally defenseless embryo. Their life is sacred, and we must protect that.

So the research that I am proposing, that my colleague has been supporting, does exactly that. And I am wondering what is the best way to bring this community along with us so that they understand that there are potential techniques that could be used for producing embryonic stem cells that will not consist of destroying or even hurting the embryo. What do you think is the best way to approach this?

Mr. GINGREY. Well, first of all, let me thank the gentleman from Maryland for his legislation, H.R. 3144, and for allowing me to spend a little time with him this evening as we try to explain to our colleagues what we are talking about here and what is the essence of the Bartlett bill.

I think the gentleman is correct that the perception among those of us who are strongly pro-life, and I think most of my colleagues on both sides of the aisle sort of know each other's former profession before we came to this august body, and I practiced medicine, not just an M.D., but specializing in obstetrics and gynecology; and so over a 26-year period, doing the average number of deliveries a doctor would do in a year, that amounts to over 5,000; and very proudly I can stand here tonight and say that I am pro-life and have never performed an abortion.

But I think that in response to the gentleman's question, people that are pro-life know that embryonic stem cell research that was ongoing before President Bush made his decision 2 or 3 years ago, that those stem cell lines were indeed obtained from this so-called excess. Really not excess. Cannot tell that to the Snowflake babies that have been adopted, those embryos, and there are close to 100 of those precious children alive today, but the pro-life community, indeed, everybody understood that the stem cell lines that were created were created from the destruction of embryos that were produced utilizing artificial reproductive technology that the gentleman from Maryland so adequately explained.

And of course those children, and I say children, they are embryos, but they certainly become children. They become fetuses, and they become children, and they become young adults, and they become middle-aged and senior citizens. They are human life. And, basically, what the President said is those that have already been destroyed to create these cell lines, we will allow researchers, our scientists, to apply for grants to conduct the research on those cell lines, those embryonic stem cells, but not to destroy any more life; to put a moratorium on that and to absolutely not continue to destroy life.

In fact, in 1999, President Clinton's National Bioethics Advisory Commission, NBAC, acknowledged broad agreement in our society that early human embryos "deserve respect as a form of human life." They recommended funding of embryonic stem cell research only if there were no alternatives. But what Congressman BARTLETT is talking about tonight, of course, is an alternative, a viable, if I can use that term, a viable alternative. And that is what he has outlined for us in this legislation, and I know he will talk about that.

But the important point is that people who are pro-life understand this, that taking a cell or two from an embryo, once it has gotten to the point where those cells are not totipotent, that you are not literally taking maybe something that in itself could divide and become an embryo; you get beyond that stage to what he describes as pluripotent.

And the difference in those two capabilities in those embryonic cells is hugely important to the pro-life community. And he, of course, has done such a great job tonight, and I commend him for that, of explaining how in nature this occurs with the division of a multi-cell embryo to become identical twins; and it is, I think, a good explanation. And I think that is probably what is important, in response to your question, my good friend from Maryland, is this educational process.

And I know you have worked on this. I do not know how many times you have done this Special Order, but you have honored me in giving me an opportunity to participate with you and get into a colloquy and discuss some of these issues. This is the way to do it. This is the seed corn. This is what gets it started. It is a matter of understanding that there is an alternative to destruction of human life for the betterment of other lives.

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Mr. BARTLETT of Maryland. Dr. GINGREY, thank you very much.

There is another consequence of this understandable emotional reaction on the part of the pro-life community, and that is the statement that is made over and over again that we have, I think it is up to 70-some now, treatments or cures from adult stem cells and none from embryonic stem cells; therefore, why would you want to bother looking at embryonic stem cells?

The reason we have 70-some treatments from adult stem cells is we have been working with them for about 3 decades and we have been working with embryonic stem cells for just a little over 6 years. A newborn baby cannot run a marathon, and there just has not been time for the medical community to develop the potential from embryonic stem cells.

I will be the first to tell you that this research may be very disappointing. I hope that it will not be, because these cells really want to divide, and like an obstreperous teenager, they may be very difficult to control. But the hope is that since embryonic stem cells can certainly make any and every tissue and, potentially, organ in the body, they ought to have the greatest potential.

And I wonder what we need to do so that the statement is not repeated that it is really silly to talk about embryonic stem cell research because we have 70-some treatments or cures from adult stem cells and none yet from embryonic stem cells. That is, of course, a true statement, but you need to put it in context. The reason for it is we have been working for more than 3 decades with adult stem cells and just a little over 6 years with embryonic stem cells. And I want our community to have credibility at the end of the day.

How do we meet this emotional challenge?

Mr. GINGREY. Mr. Speaker, if the gentleman will yield, I think it really is a good point that you are making that we have been utilizing adult stem cells for a long time, for many years, and whether we are talking about cells that are obtained from bone marrow or from blood, even, of course, some umbilical cells. But as the gentleman points out, there have been some real great success stories reported: cancers, including ovarian and testicular cancer; leukemia; Hodgkin's disease; stroke; heart disease; Parkinson's disease; as the gentleman mentioned, juvenile diabetes; Crohn's disease, an inflammatory disease of the bowel which can be so devastating.

And I think ROSCOE BARTLETT, the gentleman from Maryland, mentioned maybe 58, in total, success stories. But the earliest cell, I think, has the greatest potential, and that is basically the point that the congressman is making and why his bill, H.R. 3144, to provide funding, very necessary funding, to do the basic and applied research starting in animal models to show that you indeed can take these, again, not totipotential but pluripotential, so not another embryo, but something that has gone beyond that stage that does not have the capability in and of itself of becoming a human being. That is what we want to say to the pro-life community.

So we are taking, though, the very earliest beyond that stage cell, and there is no telling what tissue it can develop into, whether we are talking about brain tissue and trying to treat people, God rest his soul, like Christopher Reeves or other people with spinal cord injuries, or someone with severe Parkinson's disease or Alzheimer's or juvenile diabetes where you create islet cells that you can transplant into a person's pancreas that, because of a genetic defect, has no islet cells.

So that is really, I think, the answer, to say why it is worth the effort, why it is absolutely worth the effort. First and foremost, you do not have to take human life for the betterment of other human lives, and we want to build on the success of utilization of adult stem cells and go that extra mile, and this is what this bill will do, allow us to do the basic research, fund it with Federal dollars so we can get to that point.

Mr. BARTLETT of Maryland. Thank you very much. I appreciate your mentioning the diabetes, particularly juvenile diabetes.

The deficiency, of course, is in the Islet of Langerhan cells, named after the German scientist who first saw them. They are like little islands scattered through the pancreas. I have no idea why they are in the pancreas. They have no relationship to the physiology of the pancreas; they just happen to be there, and they are not producing enough insulin. But replacing the insulin does not cure diabetes because the person who has diabetes will end up with eye problems, circulatory problems, toes that they lose, gangrene, and so forth.

And these children now are starting out with the absolute certainty that they are not going to have the quality of life of other children because just replacing the insulin does not cure diabetes. It controls many of the effects, but there will still be consequences to the diabetic.

And as you mentioned, there is the hope that with embryonic stem cells we could grow Islet of Langerhan tissues. And you would not have to put those back into the pancreas. You could, as a matter of fact, put them in the groin or under the arm or under the skin, anywhere. They just have to have access to circulation. They will produce the insulin. The circulation will pick up the insulin, and then it flows to the liver and the cells of the body where it does its miracle work.

But this is the reason that they are so enthusiastic about embryonic stem cell research, because of all of the diseases out there. And we spend more money on diabetes than any other disease in the country, and there is probably more debility and suffering from diabetes than any other disease in the country. And that is why they are so adamant in their desire that we permit Federal dollars to be spent, because with the power of NIH and the peer review, and they have created miracles in the past, they hope they can do another one.

I would like to just look for a moment at the physiology, and the chart, boy, this is really abbreviated. I will show you a little more expanded one in a moment.

But the two gametes come together and produce what is called a zygote, and this is the fertilized cell. It now has half the genes from the mother and half the genes from the father. And then that fertilized cell grows through several stages, and they have skipped the morula stage here and they go right to the blastula and then to the gastrula. And here you start the differentiation into the three germ layers.

Every tissue of our body develops from one of the three germ layers: the endoderm, that is what is inside; and the mesoderm, that is what is in the middle; and the ectoderm. Very interestingly, the parts of the adult body that develop from ectoderm is our skin and our nervous tissue. Most of this, by weight, develops from mesoderm. All the muscles, all the bones develop from mesoderm. And here you see at the bottom are derivatives of the ectoderm and the mesoderm and the endoderm, and then the unique cells, the germ cells, the sperm in the male and the egg in the female.

Now, adult stem cells, when you hear people talk about adult stem cells, what they are talking about is a cell down here, and one of the easiest ones to talk about are adult stem cells that have to do with making blood, and these stem cells found in the bone marrow primarily can produce a variety of cells. The polymorpho-nuclear leukocytes, the erythrocytes, the thrombocytes, all of those can be produced.

Now, you can take an adult stem cell and trick it into believing that it has not gone through all of this differentiation, that it is somewhere back here so that it can now make tissues other than just the ones that it was destined to make and the organ from which you took it. And these are the techniques that are used in adult stem cell research and treatment.

The next chart shows a little more detail in this development process, and this shows it in the reproductive tract of the female. Here is the ovary from which the egg is released. And the egg now starts a long journey down through the fallopian tube. It will be 7 to 10 days before it finally implants in the uterus. The sperm, of course, makes its way from the vagina up through the uterus and through the fallopian tube, and it fertilizes the egg. It shows it very correctly here. Fertilization occurs well up in the fallopian tube. A little later down and it cannot be fertilized.

And this shows the production of the zygote. It shows the first cleavage to produce a two-cell mass. At this point these two cells could separate to produce two embryos, two babies. We know them as identical twins. Or it can go on to split into four cells and eight cells, and I will come back to the eight cell in just a moment because that is the one medically that is of considerable interest.

Then it becomes a morula. You see it there, the compacted morula. And then you get the inner-cell mass, which you saw a pretty good picture of in the previous slide. And, of course, what we are talking about is what goes on in the laboratory now in a petri dish. You fertilize it there rather than in the reproductive tract, but the same sequence of development occurs. And they simply take the inner-cell mass out of the embryo and squash it and kill it and take the cells out to produce a stem cell line.

In the laboratory, in in vitro fertilization, they grow the embryos up to the eight-cell stage, and it is at that stage that they have the most luck in implanting them in the uterus of the female. Several years ago in England, a clinic there began taking a cell, and sometimes they got two, from the eight-cell stage, and they did a preimplantation genetic diagnosis on it because if you had the option of making sure that your baby was not going to have a genetic defect like trisomy 21, mongolism, for instance, you certainly would want to avoid that if you could.

They do a preimplantation genetic diagnosis, and if there is no genetic defect, they then take the remaining six or seven cells and implant them, and now worldwide I suspect there have been more than 2,000 babies born.

There is a clinic just outside Washington, in Virginia, and a year ago I spent more than a half hour talking with two of the physicians there who have been doing this technique. So we now are producing babies with this technique, with the assurance that there will not be any genetic defects.

Another really good use of that cell that you take from that, and I have to credit Mr. Dorflinger with this, the spokesman for the Conference of Catholic Bishops, and he suggested that the most ethical reason for taking a cell from the early embryo, even more ethically defensible than doing a preimplantation genetic diagnosis, would be making a repair kit. That is sort of the goal when you freeze the cord blood, and we had a bill that everybody but one voted for that gave Federal dollars for freezing cord blood.

Those will not be embryonic stem cells. They will be adult stem cells, but at least they are closer to the genetic identity of that person than other cells would be. And more than 2,000 times worldwide now we have had a perfectly normal baby from that process.

So what I had proposed to the people has, in fact, been done. And what I envision at the end of the day in our bill, H.R. 3144, does not support experimentation in humans. It is only animal experimentations to verify that these procedures are, in fact, doable and efficacious and that the embryo is not harmed.

☐ 2115

This technique and three other techniques are included in the white paper prepared by the President's council on bioethics, alternative sources of human pluripotent stem cells.

Dr. Gingrey mentioned totipotent and pluripotent, and I would like to spend a moment talking about that. Totipotent means that the cell you take could produce another embryo. Pluripotent means that it could produce all the cells, tissues, organs of the body; but it does not have the capability to organize them into a person. Ethically, if you took a cell that was totipotent, you would simply be creating a new embryo, and so the argument starts all over again. So you need to take a cell from a stage where it is just pluripotent, not totipotent.

I am assured by the research community that no one has ever been successful in developing an embryo with a cell taken from the eighth stage. You see, these cells know, and I use that term advisedly, know that ultimately they are going to differentiate, and apparently that differentiation problem has started well before you see the three germ layers developing, because between the fourth stage and the eight-cell stage, they have lost their ability to be totipotent. They can now only be pluripotent. As Dr. Gingrey pointed out, it is very essential that ethically you take cells that could only be pluripotent.

I have two quick slides here that look at the development of twins. This is the two intercell masses. These are when the twins develop, the identical twins develop later, when it splits later. You can see that because they each have their own amnion. They share a chorion, of course, but they each have their own amnion.

Let me see the next one, which shows how you have what are called fraternal twins. Here you have two eggs produced by the mother, ordinarily only one, sometimes two, sometimes three, but ordinarily only one egg, unless you are giving some hormone treatment. Then those are now presented in separate chorions. They, of course, have their own amnion, which is the tissues around the baby which contains the fluid in which the baby floats, and the tissue around that is called the amnion.

There are four techniques in the white paper. I would like to look at the technique that I have been looking about. Number two in the white paper.

They credit me with suggesting that. There is a little footnote: "A similar idea was proposed by Representative ROSCOE BARTLETT of Maryland as far back as 2001," and I think I actually talked to the President before that. They say it may be some time before stem cell lines can be reliably derived from single cells. We have two investigators, Landry and Verlinsky, who claim that they have done that.

You see, these cells love company, and they don't behave well if they are alone and they don't have company, so that is why there was the concern that maybe you could not develop an embryonic stem cell line from a single cell. But these two investigators have done it in a very clever way. They provide company for the cells, and then they separate the company, these are other types of cells, they separate the embryonic cells from the other cells that provided company for them to encourage them to continue the division process.

A second technique, as a matter of fact it was number one, mine was number two, the first technique that they talked about is a really interesting one. What this does is to propose the use of cells from an embryo much like we use organs from a cadaver. Everybody is familiar with that, and there are many people that have a will that say you can harvest their organs to benefit somebody if that would be useful.

When you create these embryos in the laboratory, not all of them are robust. A fair percentage of them never make it. They divide through a few stages for a few days and then just die. This proposal is if you determine that the embryo is moribund, and there is pretty good scientific evidence that you can do that with quite some certainty, kind of equivalent to determining a person is brain dead and therefore there is no chance that they can go on with life as we know it, and his proposal is that if you determine that the embryo is not going to make it, that it will die, but before it dies, you then take a cell or cells from the embryo to create an embryonic stem cell line. This is very equivalent to taking organs from a cadaver.

There may be some question as to whether you can get a really good strong cell from an embryo that is in a day or two going to be dead, but it is possible that you could do that. My bill actually asks for Federal dollars to explore all of these techniques with animal models.

I was talking to one of the researchers, Dr. Hurlbut, the other day. This is Dr. Landry's proposal. I noted that I would be enormously surprised if what we found in the great apes was not going to be what we found in humans, and he agreed that he too would be enormously surprised.

It may be somewhat humbling, but we share a vast majority of our organs with the great apes, the chimpanzees and orangutans and gorillas. You have to look to see genetic differences. They have the same number of chromosomes, and we share many, many, most, 90-odd percent of all the chromosomes. So it would be very unlikely that what we found in animals would not occur in humans.

We have a couple more charts that address this. There has been a lot of thought given to this, and I think that we have one: let's look at the one that actually shows the depiction, yes, that one. Let us look at that one.

That shows what happens in these cells, these embryos, in just a couple of days. They go from a perfectly normal looking embryo to a dead embryo, but there are clues that that is a certain result that the experts can see in these cells.

So this is a potentially viable, I believe ethically acceptable technique, very analogous to taking organs from a cadaver. This is simply taking cells from what would be the equivalent in an embryo of a cadaver, an embryo that will not live, that will die.

There is another technique, and I would like to submit two papers here for the RECORD, and these are papers describing another technique, a very interesting one. This is Dr. Hurlbut's contribution.

Researchers can take an oocyte, that is the egg from a mother, and they can take the nucleus out of that oocyte and place a nucleus from an ordinary cell, like a skin cell, inside the cell, and then with a little shock treatment you can trick the cell into believing that it was fertilized, and it will go on to develop into an individual. That is how we got Dolly the Sheep. It is called cloning.

Dr. Hurlbut's suggestion is, and this is called epigenetic nuclear transfer, that he alters that. The nucleus that you place in the cell has an induced genetic defect. They alter one of the genes so that the result cannot produce an embryo.

There are things that happen in some mothers where you have growths and they will have teeth and hair, but it certainly is not a baby. It is not coordinated. You can turn off this gene so that what you have produced is not an embryo, could not be a baby.

It is very interesting that the way you turn that off is by RNA, ribonucleic acid, rather than deoxy ribonucleic acid, which is what is in the nucleus and what makes up the genes and chromosomes. The RNA is out in the cytoplasm, and I am not so sure that a clone is going to be that identical to the original because the RNA, the cytoplasmic RNA, is going to be different; and the cytoplasmic RNA has a big influence because it can turn on and turn off genes. This is the technique used for doing this.

This, I think, is from Nature Magazine, one of the premier scientific journals. It is the British equivalent to our Science Magazine. It is really multidisciplinary and very discriminating in the articles that it prints.

The bottom sequence here shows what he would do. He is producing something that cannot be a baby because the gene that is responsible for the organization of these various types of cells into a coherent human being is turned off. By the way, whether he turns that off in the cymatic nucleus before he puts it in the cell so you avoid the argument that you are altering an embryo, because it is not an embryo, it is just a nucleus from a skin cell and he turns off the gene there, and then he takes the cell out of an oocyte and places this nucleus from the skin cell with the genetic alteration, places it in there. This is also a potentially viable technique.

All of these, by the way, you can argue that you may have some ethical problem with it. You may argue that you are intentionally creating a freak here just so you can harvest the cells from it. But since you are doing this before you place the nucleus in the oocyte, you are simply altering the nucleus in a skin cell, I think you can get by the ethical arguments.

Let us go back for a moment to the ethical arguments, because they are very important. I want to make sure that sensitivities of nobody in the pro-life community are violated.

The technique that I suggested to the President and the one that is described in our bill, we would not get the stem cells until several things had happened over which we have no control and no influence. The first thing is that a couple has decided that they are going to do in vitro fertilization. In addition, they have decided that they want to create a repair kit for their baby. They may or may not decide that they want to do a pre-implantation genetic diagnosis.

By the way, you can do both of those in the same cell. You simply culture the cell and you have now more than one, ultimately many, so you can take a cell for pre-implantation genetic diagnosis. They will have made the decision they want a repair kit. All we are asking for is a few surplus cells, one will do, a few would be better, a few surplus cells from their repair kit.

What this would do is provide for that baby, then a child, then an adult, throughout its life the potential that if it had diabetes, you could develop other Langerhans cells from its repair kit that are genetically absolutely identical to the person so there would now be no threat of rejection. This would clearly, clearly be miracle medicine.

I think we have gotten by the ethical objections, because whether or not you believe that parents ought to use in vitro fertilization, these parents have decided to do that. Whether or not you believe they should take a cell to produce a repair kit, these parents have decided to do that. So they have already made those two decisions, both of which I think are ethical.

□ 2130

Parents really want a child when they will go to the extent of in vitro fertilization. As I mentioned, my daughter-in-law is going through that. And after the surgery for harvesting of the cells, she cannot even drive a car for quite a while. This is not a casual procedure.

So these are loving parents who want a child. And I think it would be very rational that they would want that child to have a repair kit if they could, and we are simply asking for a few surplus cells from the repair kit.

I should mention the fourth procedure that is in this white paper, and that is the dedifferentiation of the adult cells. This dedifferentiation is a play on differentiation, and what happens is that the single cell produced by the union of two gametes, called the zygote, this cell now differentiates. It produces tissues that are endoderm, from which the lining of your intestinal tract and lungs and the lining of your blood vessels will come, the mesoderm and so forth. So they have differentiated.

You can now potentially get the equivalent of an embryonic stem cell if you can simply take one of these adult cells and trick it into believing that it has not differentiated. What you will do is dedifferentiate it.

I do not know how consistently you can do that, but that is why we need to do the research. On occasion you can do that, and I do not know how consistently you can do it. I do not know how viable the tissues will be once you have done it, but that is the reason that you do research.

I would just like to again mention that our bill, 3144, does not provide any Federal funds for any work on humans. It is only animal experimentation. And it would provide Federal money for working on all of the techniques that the President's Council on Bioethics indicated might be ethically acceptable under the right circumstances.

Of course, one of the things that is very much involved in whether it is ethical or not is, does it do harm to the baby? And that is why the animal experimentation first. We want to make sure that in fact these techniques can occur. We want to make sure that there is no negative effect on the embryo.

There should not be, Mr. Speaker, unless you think that identical twins are somehow deficient, there should not be any medical effect, because we have, over hundreds of years, tens of thousands of identical twins, all of which appear to be perfectly normal human beings.

The potential for healing, medical applications in embryonic stem cells is just incredibly great, which is why the big interest in this. It is why the people at NIH would really like funding for this. It is why the groups that will come to see us, the juvenile diabetic groups that come to see us, will be advocating so strongly for research with embryonic stem cells, because this really could be a big, big breakthrough.

It could provide miracle cures that we can only dream of today. We need to make very sure that we are not crossing ethical bounds, that we are purely ethical.

Mr. Speaker, I am very concerned that none of my friends in the pro-life community be offended by any of this research, which is why the animal experimentation first, with a clear bioethical look at this.

I appreciate very much this opportunity to discuss this. Mr. Speaker, I include for the RECORD the articles I referenced earlier.

PRODUCTION OF PLURIPOTENT STEM CELLS BY OOCYTE ASSISTED REPROGRAMMING

As described in the President's Council on Bioethics' recent White Paper, altered nuclear transfer (ANT) is a broad conceptual proposal for producing pluripotent stem cells without creating and destroying embryos. In the description set forth below, we outline a research program for a form of ANT that should allow us to produce pluripotent stem cells without creating or destroying human embryos and without producing an entity that undergoes or mimics embryonic development. The method of alteration here proposed (oocyte assisted reprogramming) would immediately produce a cell with positive characteristics and a type of organization that from the beginning would be clearly and unambiguously distinct from, and incompatible with, those of an embryo. Incapable of being or becoming an embryo, the cell produced would itself be a pluripotent cell that could be cultured to establish a pluripotent stem cell line. Significantly, this cell would not be totipotent, as a zygote is.

Our proposal is for initial research using only nonhuman animal cells. If, but only if, such research establishes beyond a reasonable doubt that oocyte assisted reprogramming can reliably be used to produce pluripotent stem cells without creating embryos, would we support research on human cells.

With few exceptions all human cells contain a complete human genome, i.e. the complete DNA sequence characteristic of the human species. Specifically, one-celled human embryos, pluripotent human embryonic stem (or ES) cells, multipotent human adult stem cells, and differentiated (specialized) adult human cells such as neurons all contain a complete human genome. Thus, possession of a human genome is a necessary but not sufficient condition for defining a human embryo with its inherent dignity. Rather the nature of each cell depends on its epigenetic state, i.e. which subset of the approximately thirty thousand human genes is switched on or off and, if on, at what level. For example, the gene for albumin, a liver specific protein, is found both in human embryos and in adult human liver cells called hepatocytes. However, neither the messenger RNA (mRNA) for albumin nor the protein itself is found in single-celled embryos because in them the gene is silenced.

This fundamental observation has given rise to the concepts of cell fate plasticity and epigenetic "reprogramming." If successful, reprogramming converts a cell from one kind to another by changing its epigenetic state. The ability to clone animals, such as Dolly the sheep, by transfer of a specialized adult nucleus to an enucleated oocyte demonstrates the power of epigenetic reprogramming: the oocyte cytoplasm is sufficient to reprogram the somatic nucleus to a totipotent state. Human cloning has been proposed as a means of generating human embryos whose pluripotent stem cells would be used in scientific and medical research. Here, through a form of altered nuclear transfer, we propose to utilize the power of epigenetic reprogramming in combination with controlled alterations in gene expression to directly produce pluripotent cells using adult somatic nuclei, without generating and subsequently destroying embryos.

How do pluripotent stem cells differ from totipotent single-celled embryos? Several key transcription factors essential for establishing and maintaining the pluripotent behavior of ES cells have been identified. Importantly, some of these are specifically expressed only in pluripotent cells, such as embryonic stem cells or the cells found in the inner-cell-mass (ICM) of the week-old embryo or blastocyst. They are not expressed in oocytes or single-celled embryos. Expression of these factors therefore positively defines and distinguishes mere pluripotent cells from embryos. These factors instruct a cell to have the identity of a pluripotent cell. Currently, the best studied example is the homeodomain transcription factor called nanog (Mitsui, Tokuzawa et al. 2003*). Nanog is not present in oocytes or single-celled embryos, but first becomes expressed weakly in the morula and then highly in the ICM (Mitsui, Tokuzawa et al. 2003; Hatano, Tada et al. 2005). Deletion of nanog does not prevent early cleavage stages of embryogenesis including formation of the ICM but does prevent the formation of an epiblast (Mitsui, Tokuzawa et al. 2003). ES cells in which nanog is blocked lose their pluripotency—which clearly shows that nanog is a positive factor instructing cells to be pluripotent, i.e. to behave like an ES cell. Furthermore, ES cells which constitutively express nanog can no longer be differentiated, i.e. are forced to remain in their undifferentiated state (Mitsui, Tokuzawa et al. 2003).

We propose a procedure that combines epigenetic reprogramming of a somatic nucleus with forced expression of transcription factors characteristic of embryonic stem cells, to produce a pluripotent stem cell. As a result of this procedure, nanog and/or other, similar factors, would be expressed at high levels in somatic cells prior to nuclear transfer, to bias the somatic nucleus towards a pluripotent stem cell state. Such altered nuclei would then be epigenetically reprogrammed by transplantation into enucleated oocytes. Alternatively or concomitantly, the mRNA for these same factors could be introduced into the oocyte prior to nuclear transfer. This procedure could ensure that the epigenetic state of the resulting single cell would immediately be different from that of an embryo and like that of a pluripotent stem cell: the somatic-cell nucleus would be formed into a pluripotent stem-cell nucleus and never pass through an embryonic stage. Therefore, unlike some other proposed methods of ANT, this method would achieve its objective not by a gene deletion that precludes embryonic organization in the cell produced, but rather by a positive transformation that generates, ab initio, a cell with the distinctive molecular characteristics and developmental behavior of a pluripotent cell, not a totipotent embryo. This should allow us to produce a pluripotent stem cell line with controlled genetic characteristics.

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Institutional affiliations are provided for purposes of identification only and do not necessarily represent the views of organizations with which endorsers are affiliated. Endorsers who are not themselves specialists in biomedical science do not put themselves forward as experts in that field. Their endorsement of the proposal pertains to the ethics of ANT-OAR, assuming its technical feasibility.

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Researchers Offer Proof-of-Concept for Altered Nuclear Transfer

CAMBRIDGE, MA, Oct. 17, 2005.—Scientists at Whitehead Institute for Biomedical Research have successfully demonstrated that a theoretical—and controversial—technique for generating embryonic stem cells is indeed possible, at least in mice.

The theory, called altered nuclear transfer (ANT), proposes that researchers first create genetically altered embryos that are unable to implant in a uterus, and then extract stem cells from these embryos. Because the embryos cannot implant, they are by definition not "potential" human lives. Some suggest that this would quell the protests of critics who claim that embryonic stem cell research necessitates the destruction of human life. Scientists and ethicists have debated the merits of this approach, but so far it has not been achieved.

"The purpose of our study was to provide a scientific basis for the ethical debate," says Whitehead Member Rudolf Jaenisch, lead author on the paper that will be published in the October 16 online edition of the journal Nature. "Our work is the first proof-of-principle study to show that altered nuclear transfer not only works but is extremely efficient."

First proposed by William Hurlbut, Stanford University professor and member of the President's Council on Bioethics, ANT has been described as an ethical alternative to somatic cell nuclear transfer (SCNT), also known as therapeutic cloning.

For SCNT, a donor nucleus, for example one taken from a skin cell, is implanted into a donor egg cell from which the nucleus had been removed. This egg cell is then tricked into thinking it has been fertilized. That causes it to grow into a blastocyst—a mass of about 100 cells—from which stem cells are removed. These embryonic stem cells can divide and replicate themselves indefinitely, and they can also form any type of tissue in the human body. However, to cull these stem cells, the blastocyst must be destroyed, which some critics insist is tantamount to destroying a human life.

The procedure theorized by Hurlbut is similar to SCNT, but with one crucial twist: Before the donor nucleus is transferred into the egg cell, its DNA is altered so that the resulting blastocyst has no chance of ever becoming a viable embryo. As a result, a "potential human being" is not destroyed once stem cells have been extracted.

Jaenisch—a firm supporter of all forms of human embryonic stem cell research—has shown that technical concerns about this approach can be overcome.

Jaenisch and Alexander Meissner, a graduate student in his lab, focused on a gene called Cdx2, which enables an embryo to grow a placenta. In order to create a blastocyst that cannot implant in a uterus, the researchers disabled Cdx2 in mouse cells.

They accomplished this with a technique called RNA interference, or RNAi. Here, short interfering RNA (siRNA) molecules are designed to target an individual gene and disrupt its ability to produce protein. In effect, the gene is shut off. Jaenisch and Meissner designed a particular form of siRNA that shut off this gene in the donor nucleus and then incorporated itself into all the cells comprising the blastocyst. As a result, all of the resulting mouse blastocysts were incapable of implantation.

However, once the stem cells had been extracted from the blastocysts, Cdx2 was still disabled in each of these new cells, something that needed to be repaired in order for these cells to be useful. To correct this, Meissner deleted the siRNA molecule by transferring a plasmid into each cell. (A plasmid is a unit of DNA that can replicate in a cell apart from the nucleus. Plasmids are usually found in bacteria, and they are a staple for recombinant DNA techniques.) The stem cells resulting from this procedure proved to be just as robust and versatile as stem cells procured in the more traditional fashion.

"The success of this procedure in no way precludes the need to pursue all forms of human embryonic stem cell research," says Jaenisch, who is also a professor of biology at MIT. "Human embryonic stem cells are extraordinarily complicated. If we are ever to realize their therapeutic potential, we must use all known tools and techniques in order to explore the mechanisms that give these cells such startling characteristics."

ANT, Jaenisch emphasizes, is a modification, but not an alternative, to nuclear transfer, since the approach requires additional manipulations of the donor cells. He hopes that this modification may help resolve some of the issues surrounding work with embryonic stem cells and allow federal funding.

This research was supported by the National Institutes of Health/National Cancer Institute.

BLUE DOG COALITION AND THE BUDGET

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under the Speaker's announced policy of January 4, 2005, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the minority leader.

Mr. ROSS. Mr. Speaker, I rise this evening to talk about our budget, to talk about our debt, to talk about our deficit.

As a member of the fiscally conservative Democratic Blue Dog Coalition, a group of 37 fiscally conservative Democrats, we are here as a group to hold our government accountable for the reckless spending, the record deficits, and the lack of fiscal discipline that we see in our Nation's government these days.

A good example of that, Mr. Speaker, can be found in my district, in fact, in my hometown where I grew up and finished high school, Hope, Arkansas. As you may know, we had the most costly natural disaster ever in our Nation's history hit us about 6 months ago, that of course being Hurricane Katrina.

Mr. Speaker, let me tell you that my heart goes out for the victims of Hurricane Katrina, many who remain homeless today. I am real proud of the people of my congressional district, the 4th District of Arkansas, who opened up their arms and their homes and their communities. Some people referred to them as evacuees. We called them our neighbors, our neighbors from Louisiana and Mississippi who came to Arkansas to seek refuge.

A few weeks, perhaps a couple of months, after Hurricane Katrina, FEMA, the Federal Emergency Management Agency, showed up at city hall in Hope, Arkansas, and explained that they were aware that Hope owned an old World War II airport, airfield and accompanying pasture, and they understood that many of those runways were now inactive. And they proceeded to explain how they were buying some 20,000 manufactured homes, and they wanted to use the old World War II airport, the inactive runways at the airport there in Hope, Arkansas, as what they called a FEMA staging area, and that manufactured homes and they would be coming and they would be going, going to the people who lost their homes and everything they owned in Louisiana and Mississippi.

Well, Mr. Speaker, they did come. Here is an aerial photo of what has come to Hope, Arkansas. According to FEMA's most recent count, 10,777 manufactured homes have come to this so-called FEMA staging area in my hometown where I grew up, Hope, Arkansas. I now live some 16 miles from there in Prescott.

I have been there, Mr. Speaker. I have seen these 10,777 manufactured homes. They came. But not a single one left, not one. Not one home left for the people they were intended for. To put it another way, it is $431 million worth of manufactured homes sitting in a cow pasture in Hope, Arkansas.

Now, originally what FEMA had intended to do was use this as a staging area and homes would be coming and homes would be going. They would have room for them on these inactive runways. But today only 25 percent of them sit on these inactive runways. As you can see, many of them, in fact 75 percent of them, are sitting in cow pastures around the airport.

If you were to stack these manufactured homes, a few of them are 80 feet long, most of them are 60 feet, if you were to stack them end to end, they would stretch 172 miles. They would stretch from the Texas-Arkansas border at the Red River all of the way to the Arkansas-Mississippi border at the Mississippi River.

These manufactured homes, every single one of them, are fully furnished, beds, mattresses, box springs, dining room, sofa, end tables, coffee tables, fully furnished. Yet at the same time, FEMA has announced that they are planning on March 1 to evict, or in early March, they plan to evict some 12,000 people from hotel rooms, and yet FEMA is sitting, sitting on 10,777 brand-new, fully furnished manufactured homes. They are just sitting on them at the Hope airport in Hope, Arkansas, some 450 miles from the eye of the storm.

Stanley McKenzie is from the New Orleans area. I have been talking with Stanley. Stanley is one of the victims of Hurricane Katrina who, some 6 months after the storm, remains in a hotel room in Monticello, Arkansas. Stanley and I talked this evening. Stanley explained to me that he did not want to be in a hotel room. He wanted to be in a manufactured home and has a location in Monticello to put one of these manufactured homes which are being stored about 2 hours west of Monticello.

And yet FEMA says he cannot have one. FEMA says he cannot borrow one for the next 18 months, as the program calls for.

They do not give these things away. They let people use them for up to 18 months, which is a whole other issue; that being, FEMA says the 18 months start from the date of the Federal declaration, not the date that the people actually receive the home. So every one of those 10,777 homes have an expiration date on them. The date does not begin, the 18-month window for people to live in them while they try to sort through their life and find a place to live after losing everything they own in Hurricane Katrina, does not start from the time they receive a home, it starts from the time of the Federal declaration.

So each day those homes sit at the airport and at the pasture in Hope is a day that no one can ever live in them. So I am calling on FEMA to revise their policy for the 18 months to begin at the time in which people are able to actually obtain one of these homes.

Now, what they tell Stanley is, he cannot have one, even though he has got a place to put it, because he has got a place to put it in Arkansas, that he would have to move back to Louisiana in order to be able to use one of these manufactured homes for 18 months. And they say that they will not put them in Louisiana because FEMA refuses to put these manufactured homes in a flood zone.

Well, you know, I have got news for FEMA. Everybody that lost their home and everything they own, there is a reason for it. They lived in a flood zone. And so they are saying, if you want to get a manufactured home, FEMA says we will let you use one for up to 18 months, but you have got to provide land. And people who own land own land in what? A flood zone.

And FEMA refuses to place these temporarily in a flood zone for 18 months, and yet they have amassed 10,777 of them just sitting in a pasture in Hope, an area that is prone and will probably be under a tornado warning about once every 10 days for the next 3 months.

It is time for FEMA to get their act together. And they are now saying that they are going to move some of these, some 300 to 400 as I understand will be moved from Hope, some 450 miles from the eye of the storm, to Louisiana. That is good. But they also announced they are getting ready to move another 2,200 homes into Hope on top of the 10,777 we already have.

I am asking FEMA to move all 10,777 of those homes out of Hope and to the people who need them, people who lost everything they owned in Louisiana and Mississippi as a result of Hurricane Katrina.

The last response I got from FEMA was, the travel trailers work great. They put out 72,000 travel trailers and are getting ready to put out 10,000 more. They have purchased another 10,000 travel trailers.

If that is not enough, they are now accepting bids. They are getting ready to spend between $6 and $8 million laying gravel, on up to 290 acres at the airport in this cow pasture at Hope, Arkansas. There have been reports that these manufactured homes are damaged, that they are sinking. Not yet, but it is true that they are literally sitting in a pasture, or at least 75 percent of them are sitting in a pasture.

And that is what they look like. You can see the fence, the cow pasture. They are just sitting there in a pasture, some 10,777 manufactured homes sitting in a pasture, when we have got 12,000 families about to be evicted from hotel rooms all across this country by FEMA.

It is time for FEMA to get its act together. And my response and my plea to FEMA is, you know, do not spend $6 or $8 million laying gravel in a cow pasture. Let us get these manufactured homes to the people who need them, to the victims of Hurricane Katrina.

Now, I raise this issue because as a member of the fiscally conservative Blue Dog Coalition, we have a 12-point plan for budget reform. One of those plans is to require agencies to put their fiscal house in order.

☐ 2145

Mr. Speaker, I believe it is time for FEMA to put their fiscal house in order. There is a lot of talk about the President's budget. As you may know, Mr. Speaker, the President has submitted to Congress a $2.8 trillion budget. This budget provides us with the largest budget deficit ever in our Nation's history for the 6th year in a row. $423 billion in red ink; $423 billion in deficit spending. Compare that to fiscal year 2006 when the budget deficit was $318 billion.

The current national debt today, just a few moments ago, was $8,251,355,000,000. For every man, woman, and child in America, including those who have been born since I got up here this evening, each person's share of the national debt is $27,674.

With each passing year this President and this administration and this Republican Congress have given us the largest budget deficit ever in our Nation's history.

It is hard to believe now, but in 1998 through 2001, President Clinton gave this Nation its first balanced budget in about 40 years. In 2001, we had a surplus and every year since we have had a deficit, not only a deficit but the largest deficit ever in our Nation's history.

Mr. Speaker, the total national debt from 1789 to 2000 was $5.63 trillion. But by 2010 the total national debt will have increased to $10.98 trillion. This is a doubling of the 2011 year debt in just 10 years.

Interest payments, this administration, this Congress is borrowing nearly $1 billion every single day; $260 million every day going into Iraq; $33 million every day is going to Afghanistan. Other money that we are borrowing is going to pay for tax cuts for those earning over $400,000 a year. But if that is not enough that we are borrowing some $1 billion a day, we are also spending about a half a billion dollars a day simply paying interest on the national debt. That is what we call the debt tax, D-E-B-T; and it is one tax that cannot go away until we get our Nation's fiscal house in order.

A half a billion dollars a day going to pay interest on the national debt. Give me 3 days' interest on the national debt and I can build I–49 through Arkansas. Give me another 3 days' interest and I can build I–69 through Arkansas. I could build 200 brand-new elementary schools every day in America just with the interest that we are paying on the national debt.

Mr. Speaker, if that is not enough, if that is not enough, this President, this administration, this Republican Congress in 5 short year has borrowed more money from foreign central banks and foreign investors than the previous 42 Presidents combined.

At this time I would like to recognize the co-chair of the Blue Dog Coalition, Congressman DENNIS CARDOZA of California, who just happened to have been on the trip with me to Hope, Arkansas, to see those 10,707 manufactured homes just sitting in that cow pasture and 450 miles from the people that really need them in Louisiana and Mississippi.

Mr. CARDOZA. Thank you very much for recognizing me, Congressman Ross. It is truly an honor to be your friend and to have traveled with you to your district recently. It was a shame that we had to witness what we did when we witnessed those trailers sitting there, a government expenditure of nearly half a billion dollars with no person in America being benefited by that. It was really an outrage.

I am so pleased that I serve with you as a member of the Blue Dog Coalition. I am very pleased I am one of the Blue Dog co-chairs.

The Blue Dogs are a group of 37 conservative Democrats who are committed to fiscal responsibility and reforming the broken budget process in Washington. Our top priority is fixing the gross mismanagement of our Nation's finances. As moderates and fiscal hawks, the Blue Dogs have tried to reach across the aisle and engage in a real debate for fiscal responsibility.

The 2006 budget is something of a sham. We need to return to honesty and accountability in this budget. I am deeply concerned with the continued deficit spending, the complete disregard for fiscally responsible policies and a fundamentally dishonest budget process.

The President proposed, as you said, Mr. Ross, a $2.7 trillion budget which will decrease domestic spending a bit, yet leave massive $355 billion deficits. This $355 billion is not the whole story, though.

The President's figures deliberately leave out the cost of our efforts in Iraq and Afghanistan and the potential future cost of rebuilding this gulf region that we have talked about tonight that is in so dire need of our work. It also leaves out a growing problem for Americans and that is the alternative minimum tax. All these costs are going to drive up the deficit even further.

The President's budget is a nice break from reality TV, but it is a harsh reality for our Nation; and it does nothing to make the Federal Government more accountable to taxpayer dollars.

Mr. ROSS. I just want to thank you again for your leadership and taking us down there and for having the gumption to bring camera crews down there and expose this national tragedy of these trailers in your district. I just hope that FEMA will listen to our pleas from that day when we talked about what needed to be done, what should be done. I applaud your efforts in this area and thank you for being such a worthy advocate for our Nation's fiscal policies.

Mr. ROSS. I appreciate the gentleman from California for his leadership as co-chair of the Blue Dog Coalition for joining us this evening for this discussion of the budget, the debt, and the deficit. I appreciate your traveling to my district and witnessing something that is absolutely reprehensible. To have 10,777 brand-new manufactured homes, fully furnished, sitting in a cow pasture in Hope, Arkansas, when FEMA is getting ready to evict 12,000 people from hotel rooms in this country and their only response is, well, we are not going to put them in flood zones and everybody that needs them lives in a flood zone so we will spend 6 to $8 million putting gravel on the cow pasture so we can store them for a future natural disaster.

That is the craziest thing I have ever heard of, and that is the kind of example of how we must require agencies to put their fiscal house in order and to get their act together. That is part of the 12-point plan for meaningful budget reform that is being offered up by the fiscally conservative Blue Dog Coalition.

I recognize the gentleman from Georgia (Mr. SCOTT), a fellow Blue Dog, my friend.

Mr. SCOTT of Georgia. Thank you so much, Mr. ROSS. It is always a pleasure to come and be a party to our efforts here on behalf of the Blue Dog Coalition as we work very hard to try to bring some reason and sanity to this whole issue of our budget, our obligations, our responsibilities to the people of this country, and our allies and partners around the world.

I have just returned from Iraq and Afghanistan and Pakistan on an extraordinary trip. And I went firsthand so that I could see exactly what it was like on the ground, where I could talk to our soldiers, where I could be there with them, where I could also talk to the generals and see what was going on.

As I got there, it was very interesting for me to have one extraordinary experience. We went into Camp Victory, and I ate dinner with our soldiers. And this solder grabbed me and hugged me so tight. It is a moment I will never forget as long as I live. As he was hugging me, we both were in tears and he said to me, Congressman SCOTT, when I am hugging you, it is like hugging a piece of home.

I can tell you I will never forget that.

Mr. ROSS, do you know what crosses my mind as we look at that situation with the debt? It is that that soldier that hugged me, those soldiers that are going out and giving their lives every day on the battlefields of Afghanistan and Iraq, their salaries are being paid for by borrowed money from Communist China, from Japan, from foreign countries. As a matter of fact, 90 percent of every dime that we are spending in this country today for our government to carry on its business is being borrowed from foreign countries.

Mr. ROSS. If the gentleman would yield, you make a very valid point. I have a chart here to demonstrate the fact that I mentioned earlier, this administration, this Republican Congress has borrowed more money from foreign central banks, from foreign investors in the past 5 years than the previous 42 Presidents combined.

You want to talk about something that is critical to our national security, you let these foreign countries like China and Japan and OPEC, you wonder why gas prices are so high. If we let these countries continue to buy our debt, they are going to have a huge influence on our monetary policy. There you can see Japan, this is as of November 2005, it has gone up since then. Japan, $682.8 billion of our loans that they own. China, $249.8 billion; United Kingdom, $223.2 billion; Caribbean, $115.3 billion; Taiwan, $71.3 billion; OPEC, $67.8 billion; Korea, $66.5 billion; Germany, $65.7 billion; Canada $53.8 billion.

To put it another way, if China decides, as my friend and founding member of the Blue Dog Coalition says so eloquently, we are in such a mess right now that if China which is loaning us money, if China decides to invade Taiwan, we will have to borrow even more money from China to defend Taiwan. That is the situation our Nation is in today as we continue to borrow about half the debt, which is running about a billion a day which means we are borrowing about a half a billion dollars a day from foreign central banks and from foreign investors to fund tax cuts in this country for those who earn over $400,000 a year.

Mr. SCOTT of Georgia. And when you mention those tax cuts, the other terrible stab at the American people is that to make these tax cuts permanent means to borrow more money from these countries on top of what we are borrowing. And to offset those tax cuts in the Federal budget, the President and the Republican administration is advocating cutting the very programs that the people of America need and are hurting for.

You mention Katrina in your district. I am from Georgia. We are the third largest recipient of evacuees from this terrible, terrible, terrible tragedy. But the fact of the matter is that we are not responding to the needs of the American people when we look at this budget and the cuts: $19 billion cuts to student loan programs; over $200 million just from the first phase to child care programs, for the seniors. On top of that, the cuts that hurt the most to me at a time of war is the cut to our veterans to offset for the tax cuts.

The point that I think we want to bring home to the American people tonight is that we have a terrible situation that is ratcheting at the foundations of our country and that is a lack of financial security and a lack of financial responsibility. The architect of our financial system was none other than Alexander Hamilton, and Alexander Hamilton it was who laid out the credit system, laid out the debtor system. He said, woe it will be to us in the future if we become dependent on foreign sources to finance our government. He was adamant about that.

☐ 2200

Here we are in the 21st century, rocking and reeling from this unfortunate situation we find ourselves in of borrowing this exorbitant amount of money from foreign governments.

Mr. ROSS. I thank the gentleman from Georgia and welcome him to stay and join us in a conversation about the budget and the debt and the deficit as the evening goes on.

As I mentioned earlier, the Blue Dog Coalition is a group of 37 fiscally conservative Democrats. What we are all about is trying to restore some common sense and fiscal discipline to our Nation's government.

For those who have questions or comments for the Blue Dog Coalition, we are here every Tuesday night. It is not always the same time, but every Tuesday night, we are here. I am here with different members of the Blue Dog Coalition. If you have got a question or a comment for us relating to the budget, the debt, the deficit or my manufactured homes stacked up in a cow pasture in Hope, Arkansas, you can e-mail us at bluedog@mail.house.gov.

At this time, it is with great pleasure that I recognize a new Member of Congress, a real leader in Congress, a member of the Blue Dog Coalition, someone who came to Congress and said our budget, our debt, our deficit is out of control; I want to help restore some common sense and fiscal discipline. She is someone that has recently become an outspoken advocate for restoring common sense to our government, a new member of our fiscally conservative Blue Dog Coalition, Congresswoman MELISSA BEAN from Illinois.

Ms. BEAN. Mr. Speaker, I thank the gentleman from Arkansas (Mr. ROSS) so much for recognizing me and letting me join my colleagues on the important issue of the rampant fiscal irresponsibility in this Congress.

When I came to Congress, I came to bring what I thought was a real-world business perspective to government because, in the business world, I spent over 20 years in the high-tech industry, but it certainly was not unique. In that industry, accountability is more than just a word. Business leaders expect to be held accountable to their shareholders, their customers, their employees and to their communities. But in this Congress, accountability is just a catch phrase, usually directed elsewhere. Demands to personal responsibility or corporate accountability abound, but rarely congressional accountability or fiscal responsibility.

Instead of sticking to the motto, "If it is worth doing, it is worth paying for," this administration and this Congress has turned the largest budget surplus in history into the largest deficit in history, with a reckless borrow-and-spend profligacy.

For the last 4 years, our Federal Government has produced the four biggest deficits in history, and the estimated 2006 deficit of $423 billion is projected to be the largest of all. As our colleague, DENNIS CARDOZA, just mentioned, we are even leaving out some of the facts.

It would be a considerably bigger deficit if we considered an AMT fix, which is one that is important and will affect the constituents in my district who do not want to pay the higher taxes without that fix. It is also not including the realistic costs for ongoing operations in Iraq and Afghanistan.

The American people expect more from Congress. They expect fiscal responsibility and common sense. They expect us to return to the pay-as-you-go budget rules that we had enacted in the past that helped us establish a surplus, however briefly. It is a simple concept with a proven track record.

The budget enforcement rules of the 1990s were an important part of getting the budget back into balance. It was done on a bipartisan basis. Those pay-as-you-go rules were tested and they worked. We are now in a one-party system, and we have thrown them out.

Accountability in government should be more than a catch phrase, particularly when the national debt is now at $8.2 trillion, which, by the way, computes to roughly $27,000 of national debt per American.

I spoke to some seventh graders in my district the other day, and they were astounded to find that each of them, their personal share of our national debt is $27,000. They were ready for us to do something about it. We need to do something about it and let them know that the buck stops here.

Mr. ROSS. Mr. Speaker, I thank the gentlewoman from Illinois for joining our discussion and debate this evening.

As we look toward the fiscal year 2007 budget that the President recently submitted to Congress, and this is what we are referring to here, the "Fiscal Year 2007 Budget of the United States Government," I cannot help but think about the fact that over the last 4 years this administration has produced the four largest deficits ever in our Nation's history.

The 2006 deficit of $423 billion is projected to be the largest of all, $105 billion larger than the 2005 deficit. The 2006 deficit, without the Social Security surplus, is over $600 billion. They always like to count the Social Security trust fund to make it look like the deficit is really less than it really is. No wonder that I could not get a vote or a hearing on the first bill I filed as a Member of Congress, a bill to tell the politicians in Washington to keep their hands off the Social Security trust fund.

When this administration took office, it inherited a projected 10-year surplus of $5.6 trillion. This surplus has become a $3.3 trillion deficit, which now brings this to a total of $8.2 trillion in deficit, an embarrassing reversal of some $8.9 trillion. If that is not enough, the fiscal year 2007 proposed budget includes cuts to education, Medicare, Medicaid, transportation, justice, law enforcement, housing, urban development, health and human services, while increasing fees paid by veterans and Medicare premiums paid by seniors.

The President said in his State of the Union that he was committed to providing affordable health care for Americans. However, this budget includes increases in Medicare premiums, cuts to Medicaid and Medicare, and a misguided plan for health savings accounts that will shift more of the cost of health care onto beneficiaries.

The fiscal year 2007 budget includes tax cuts for those earning over $400,000 a year, but it fails to include a repair to the alternative minimum tax, which affects way too many middle-income people year after year after year after year, and should be addressed by this Congress.

In fact, the only good news I can find in the budget is, according to the President's budget, we will have won the peace and brought the troops home from Iraq and Afghanistan by October 1. What I mean by that is, the President, according to his budget, has not provided for a single dime in funding for our operations in Afghanistan or Iraq beginning October 1, which obviously means one of two things: that he has provided us with a phony budget, one that is not meaningful; or that he really believes that we are going to actually have brought all the men and women in uniform home and completed our mission and won the battle and created peace and democracies in those regions in Afghanistan and Iraq between now and October 1.

The Blue Dog Coalition used to offer up a budget every year. It is difficult for us to do that now because we refuse to provide a budget that is not meaningful; and it also does not make sense for us to provide a budget that compares apples with oranges. If this administration and this President would give us a meaningful budget, one that accounts for the cost of Iraq and Afghanistan, one that addresses Medicare and all the other pressing issues in this Nation, then we could do the same.

But what we believe must happen as fiscally conservative Democrats, we are tired of all the partisan bickering that goes on in this place. It does not matter if it is a Democratic idea or a Republican idea. I want it to be a common-sense idea, and I ask myself does it make sense for the people that send me here to be their voice and to represent them.

What we believe must happen, before either party can offer up a meaningful budget, is, we have got to have budget reform, and that is what the Blue Dogs are offering up, 12 points to budget reform. We have discussed them in the past. If time permits, I will discuss them even more here this evening, but I yield to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Absolutely, and just responding to your very eloquent description of the status quo, of the situation and the landscape that the American people are faced with today with a budget that is squarely not responsive nor responsible to the needs of the American people, with an administration that, quite frankly, on so many important issues, has demonstrated that they are completely out to lunch and out of touch.

The point is that the American people deserve better. There is a day of reckoning coming, and I assure you that that reckoning is coming this year, in the year 2006. I think this is going to be one of the most important elections that we have had in a long, long time, because all of the facts that you have just pointed out, in terms of FEMA, in terms of what is happening in the Middle East and here lately in terms of those who were asleep at the switch when the deal was cut, in terms of the port security, all show a considerable lack of judgment and a lack of responsibility to the American people.

That has been a characteristic within this administration, especially in the area dealing with one of the most precious responsibilities we have, which is determining and being responsible for how we spend the taxpayers' money. For this administration in the last 5 years to have squandered a surplus, the facts are there. They are plain as one can see.

When the Clinton administration left office, there was a surplus of billions and billions of dollars, and now in this last year the deficit has been shot up over $4 trillion. There is a reckoning for that, and I am here to tell you that as a Member of Congress, the American people are looking for Members of Congress to stand up for them and to do what it is we need to do, that we were elected to do. It is Congress that is charged with the responsibility of oversight. It is Congress whose decision it is, by the Constitution, to determine how the tax dollars are spent. That is our responsibility.

I am here to tell you that collectively, as a body, we have not done our job. We need to correct that, and under the leadership of the Blue Dogs, we are asserting that leadership, to say bring it home to us.

We have got the plan, pay-as-you-go. Parents, families, all across this country, they cannot go out here. We tell them all the time, be responsible. Mom and dads that are sitting at the kitchen table tonight scratching their heads, how are we going to pay this without money, they do not have the luxury of putting out a debt ceiling. They do not have the luxury of going and borrowing unlimited amounts from foreign governments for our most basic services.

When you combine that with the trade deficit and you combine that with our willingness to turn our security for our ports over to foreign countries, and especially countries with Arab and Islamic roots and connections, when we are in a terrorist war with Islamic and Arabic countries, let it be said and let it be plain, we do not wish to discriminate against anybody because you are Arab or Islamic.

But does it make good judgment to turn our security over to a country that has had a record of financial transactions supporting terrorists or a country where two of the terrorists came from that attacked this country? That is sort of like after the bombing of Pearl Harbor, turning over the security of Pearl Harbor to the Japanese.

The only reason I am mentioning that is to show that the same mind-set that allowed this to happen for our ports, the same mind-set that allowed the FEMA to happen, to have those trailers setting up unused in Hope, Arkansas, at Fort Gillem in Georgia, failure after failure of judgment, it is the same mind-set that has gotten us into this record deficit and debt. There is a reckoning.

America's looking for leadership on this, and that leadership must come from us, Blue Dogs, and the Democratic Party.

Mr. ROSS. Mr. Speaker, I thank the gentleman from Georgia.

I might mention part of our 12-point plan for meaningful budget reform, and we are still waiting for the first Republican Member of Congress to sign on to our bills that address these issues, but point number one is real simple: Require a balanced budget.

I spent 10 years in the State Senate. Forty-nine States in this Nation require a balanced budget.

□ 2215

I know in our home in Prescott, Arkansas, my family and I, we sit around the kitchen table and work out our family budget. My wife and I own a family pharmacy and home medical equipment business in our hometown, and our banker requires us to have a balanced budget. I don't believe it is asking too much for our Nation and its leaders here in Congress to do what 49 States do, what most companies and businesses, large and small, in America do, and what most families sitting around the kitchen table struggle to do but must do and do, and that is have a balanced budget. That would address a lot of our problems.

Another is don't let Congress buy on credit. The gentleman from Georgia mentioned earlier PAYGO. That is Pay As You Go. If you want to create a new program that is going to cost money, you have to show us at the same time where you are going to cut spending somewhere else. If you are going to cut taxes, you have to show us in times when we don't have a surplus where you are going to cut programs to pay for those tax cuts. It is called Pay As You Go.

And you can see here we did not have PAYGO rules in place in this body, in this United States House of Representatives Chamber; those rules were not in place during the Reagan years. You see the red. We had deficits ranging from $128 billion in 1992. They hit $221 billion in fiscal year 1986. It was $290 billion under former President Bush in fiscal year 1992. And then under President Clinton we started seeing the debt, the deficit, come down. Finally, in fiscal year 1998, we had the first balanced budget in about 40 years, $69 billion in the black. In 1999, $125 billion in the black. The year 2000, $236 billion in the black. Fiscal year 2001, $128.2 billion in the black.

Then, under this Republican-led Congress, this administration, $157.8 billion in the red, $377.6 billion in the red, $412.1 billion in the red, $319 billion in the red, $323 billion in the red; and, of course, for fiscal year 2007, we all know that unfortunately the deficit is projected to be $423 billion. And that is not counting what it would be if they counted the Social Security trust fund. If they were to count the Social Security trust fund, it would be well in excess, well in excess of $600 billion.

It is time to restore some fiscal discipline to our Nation's government. We have a 12-point plan that will accomplish that.

Mr. Speaker, I yield to the gentlewoman from Illinois.

Ms. BEAN. I thank my colleague, Mr. Speaker. It is interesting, I mentioned earlier that I spent some time with some seventh graders in my district; and when we are with these young students, as my colleague mentioned, they are looking to us to demonstrate leadership and to also act like the adults they would expect us to act like and demonstrate some fiscal sense.

When I talked to them about the $27,674 of the national debt that they each share, they were saying, well, then, how come you guys keep spending more than you have? And I said, because we are not adhering to the rules we once did before that forced us to do that, that forced us to make tough decisions. And we talked about how in their family budgets they have to make those decisions. Sometimes going to the movies fits in the budget and sometimes it doesn't. But Mom and Dad try to make sure that they are not spending more than they have personally so as to avoid getting into debt. They understood what that meant in their families, and they were, frankly, pretty shocked.

But it is not just the kids that are worried. I talk to businesses in my district, and they are very concerned. They understand that deficits matter. Not everybody understands it, but business people understand that access to capital fuels their growth; and that while at this moment interest rates have been kept down, that can't last forever while we become even more dependent on foreign capital to float our spending habits. So business people have concerns.

My colleague also mentioned the debt tax, and I think that is an important issue that most people don't appreciate. I have one chart here, and I don't know if my colleague has this up there, but I don't think people realize that net interest is projected to be at such a higher rate than education spending, than homeland security spending, and than veterans benefits in the President's 2007 budget. And when they realize those are the priorities that we are making and those are the decisions we are making, and as more people understand this, they are going to become even more frustrated.

Mr. ROSS. Very good points, and I thank the gentlewoman for sharing that with us.

In this new budget the President has given us, domestic non-homeland discretionary spending is cut by $5.3 billion below the 2006 level and $16.8 billion below the level needed to maintain the purchasing power at the 2006 level.

Over 5 years this budget includes reductions or eliminations in 141 Federal programs, 91 of which are eliminated in their entirety, and 42 programs in the Department of Education alone. That is 42 programs within the Department of Education that are eliminated under the President's budget for fiscal year 2007.

The budget includes $77 billion in gross mandatory spending cuts over 5 years through a combination of service reductions and fee increases, as we talked about, increasing deductibles and copayments and premiums for our Medicare beneficiaries, and increasing prescription drug copayments and enrollment fees for America's veterans. For America's veterans.

I submit to you, Mr. Speaker, that it is time for this Nation to keep its promises to our veterans, especially at a time when we are creating a new generation of veterans that are coming home from Iraq and Afghanistan, veterans that we should embrace and support and provide them the health care that they deserve and that they were promised when they signed up to serve and protect and defend our Nation.

I mentioned Medicare. The President's budget calls for cuts to Medicare to the tune of $36 billion over 5 years and $105 billion over 10 years. Meanwhile, Medicare part D, as we all know, is failing our seniors and has serious flaws in the system that must be ironed out. And Medicaid, in addition to last year's budget reconciliation package that just passed this body, budget cuts to Medicaid include $17 billion more over 5 years and $42 billion over 10 years. That is in the President's budget for fiscal year 2007.

In my home State of Arkansas, half of the children are on Medicaid. Eight out of 10 seniors in a nursing home are on Medicaid. One in five people in my home State of Arkansas, at some point during the past 12 months, have been on Medicaid. Medicare and Medicaid are the very programs we should be funding, not cutting.

And I submit to folks that if you think Medicaid is something that provides health insurance for folks on welfare and that it will never apply to you, think again. If you have a quarter million dollars in the bank the day you retire, and most people where I come from don't, and if you go in the nursing home the day you retire, not 10, 20, or 30 years later, in less than 8 years you are on Medicaid, the health insurance program for the poor, the disabled, and the elderly. That is wrong.

It is wrong to cut taxes for those earning over $400,000 a year when you have to cut Medicaid, whereas eight out of 10 seniors in my State are on Medicaid if they are in a nursing home. It is wrong to cut health care for the poor, the disabled, and the elderly to pay for tax cuts for those earning over $400,000 a year.

And, look, back in times of surplus, when we had a surplus before 9/11, before Iraq, and before Afghanistan, I voted for the largest tax cut in over 20 years. We had a surplus. We really were giving people some of their money back. But we no longer have a surplus. We have had 9/11, we have had Iraq, and we have had Afghanistan. It may make for good politics, but it makes for horrible fiscal policy to borrow money from China to give those earning over $400,000 a year a tax cut and leave our children with the bill.

No Child Left Behind is funded at $15.4 billion below the authorized level. And you know how things work in this town. If it were a Democratic idea, I would understand the President cutting it; but this is his plan. He came to Washington on this idea of No Child Left Behind and reforming education. It is his plan. He told us what it would cost, and now he has even cut his own program by $15.4 billion below the authorized level.

Schoolteachers, parents, students, every weekend when I'm home, talk to me about how No Child Left Behind has failed them and failed their school. It is time for this Congress to properly and adequately fund education. Because I can tell you, as we continue to lose these muscle jobs to places like Mexico and China, it is the brain jobs, the jobs that are going to require our children to be competitive, that are the jobs of the future in this Nation, and we've got to better prepare our children for them.

I yield to the gentleman from Georgia.

Mr. SCOTT of Georgia. What a great challenge and what a great opportunity we have at this time in history in this country to move us forward to the next phase, to a higher calling, to a more significant meaning of the greatness of this country, to build on that foundation that we have. But before we can do that, I agree with my colleague, we have got to balance our books.

We cannot go on this way, running our government and running our Nation on borrowed money from these foreign governments. That has to stop, especially at a point when we are in the shape that we are in in the rest of the world. Double that with our trade deficit. Double that with our war on terror. Double that with our fight for petroleum and energy costs, which we are so dependent on foreign countries for as well.

Now, you mentioned a couple of points that I think the American people need to perhaps home in on. One you mentioned was the veterans. It is so important for us to point out that these budget cuts that the President is offering to offset tax cuts, which he is going to have to borrow most of the money for, are not offset by these budget cuts. But the one that hurts me so much is the veterans. You pointed it out.

Another issue that the administration is standing and blocking the door of is this: I was over in Iraq and Afghanistan, hugging the soldiers, looking at them facing death every day, sent in harm's way. If those soldiers get hurt, if they get a wound, shrapnel, a bullet and they get disability and then they have to resign from the Army and retire, do you know that they have to go and make a choice between whether they get their retirement pay or their disability? That is wrong. That is shameful.

Our veterans should not have to choose. We should pass this concurrent receipts bill. And I might add that we have both Democrats and Republicans, over 300 signatures. Why hasn't that bill passed?

Mr. ROSS. If the gentleman will yield. Let me make sure I understand this correctly. If you serve your country and earn a pension, but you also are injured while you are serving your country, then you have to choose one or the other? You cannot receive both?

Mr. SCOTT of Georgia. That is what it is right now, yes.

Mr. ROSS. So the gentleman is telling me that over 300 Members of this body have signed onto legislation to fix that?

Mr. SCOTT of Georgia. Yes, both Democrats and Republicans.

Mr. ROSS. And it only takes 218 to pass a bill?

Mr. SCOTT of Georgia. Yes, sir.

Mr. ROSS. And yet the Republican leadership fails to bring the bill to the floor for a vote?

Mr. SCOTT of Georgia. Absolutely. And the President of this country has not lifted a finger to move it. If they did, it would move. At a time when we are depending so strongly on these veterans, on our military.

And let me just add, these are men and women who have braved this opportunity by volunteering. And these are men and women that we have to set a standard for in the future to get other young men and women to volunteer. Not only in terms of benefits such as this and putting their lives in harm's way, but our military is becoming so sophisticated, so technologically savvy. Our instruments, our equipment, our weapons systems require trained computer savvy, technically trained and equipped, skilled personnel that are in high commands elsewhere. So the least we have got to begin to pay close attention to is how we are treating our resources right here at home.

The other point that you mentioned that I want to bring attention to is the children. And my colleague just mentioned it about our children, those children that you talked with in school. And I know when you looked in the eyes of those children, I know you had to say, what a shame it is that this deficit, that this budget, that this bill is going to have to be paid for by them. Somebody has to pay this, and it is our children that have to pay it.

Ms. BEAN. It is so true. And essentially what they were saying and what we talked about is much like if I were to go get a credit card in my children's name and go out and spend money on things for myself and my husband but say to my kids, my daughters, when you are 18 and you get a job, you get to pay for what I have spent on the credit card. That is what we are doing with these future generations.

□ 2230

And kids understand the injustice of that. They expect better from us, absolutely. And they were wishing they were old enough to vote so they could do something about it.

Mr. SCOTT of Georgia. I will tell you one thing. I have just come back from my district and I have talked and had town hall meetings, and I have had opportunities to meet people at our churches, and people are in tune. They are tuned in to what is happening in this capital.

I am here to tell you they are very concerned about the port security situation. They are very concerned about this deficit. They are very concerned about the failure and inaction in Katrina. This is a whole region of this great country that has been devastated, and the response has been extremely wanting. And the American people are expecting us to respond to that.

Now, President Bush does not have to run again. He does not have to face the voters. But you do, Mr. ROSS, and I do, and you, Ms. BEAN. We have to do that. The Framers of the Constitution made it clear. That is one of the reasons why we in this House are, in my estimation, the most powerful body, because we have to go out every other year and reget our contract. That gives us an awesome power. That is why this Chamber is more directly in touch with the American people, because we have to go out there every other year.

Mr. ROSS. Every weekend.

Mr. SCOTT of Georgia. Every year, but we are on the ballot every other year where they have to give their verdict.

And, finally, Mr. ROSS, you made the point concerning the deficit, the debt, the money we are borrowing from foreign countries. But I think it is important for the American people to understand that just the interest, just the interest that we are paying Japan and China and Germany and other countries in the Middle East, just the interest we are paying them is more than what we are paying for our own homeland security. And that is a very unfortunate situation, but it drives home the point of the very dangerous position that we are in. Should any of these countries feel that they could get us, they can get us because of our lack of financial responsibility and fiscal security.

Mr. ROSS. Mr. Speaker, I thank the gentleman from Georgia for joining us this evening, and I thank the gentlewoman from Illinois for joining us.

As members of the fiscally conservative Blue Dog Coalition, we are 37 strong. There are 37 of us in this town that are committed to trying to get our fiscal house in order, to once again have a nation that knows how to live within its means.

If you have questions or comments that you want us to answer next Tuesday night, you can e-mail them to us at bluedog@mail.house.gov.

At the beginning of our hour, I pointed out that the debt as of today is $8,251,355,000,000. That is $8,251,355,000,000. Every man, woman, and child in America, their share of the national debt is $27,674. And it continues to grow. It continues to grow. In fact, just in this last hour our Nation's debt has increased by $41.666 million. So, obviously, you see when we started an hour ago it was $8.251.355,000,000, and, unfortunately, it has increased to $8.293 trillion. Just another example of how our Nation must get its fiscal house in order.

I think it is very appropriate that we spend a little bit of time changing these numbers and letting people see that in the hour that we have stood here talking about our Nation's debt and deficit and getting our fiscal house in order, we have seen the Nation's debt go up by $41.666 million. The debt now in our Nation $8,251,293,000,000.

AMERICAN HERITAGE

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for half the time remaining until midnight, approximately 42 minutes.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the opportunity to come and chat with the House and to maybe set the record straight a little bit.

As a freshman Member of the House, we have 24, 25 freshmen on our side of the aisle, and over the past 13 months we have grown a little weary with what we see as the amount of misinformation and disinformation that we so oftentimes see brought by the other side, so we have developed what we call the Official Truth Squad. And so I am here to bring you some messages with some of my colleagues from the Official Truth Squad, which is an effort to try to embrace the American Dream, to embrace the American vision, and to present to the American people and our colleagues the story that Congress is working in a positive manner, that we are optimistic about the Nation's future in spite of some things that you hear from some of our friends on the other side of the aisle.

When I go home and I talk to constituents, I oftentimes hear them say, What is going on up there? Why all the negativity? Why all the pessimism? Why all the misinformation that we appear to hear all the time? And I commiserate with them. So this Official Truth Squad is an attempt to try to bring some light to truth, to some of the information that we believe the American people ought to have in contrast to some of the things that you have heard, even here tonight.

I am pleased to hear the Blue Dogs present a proposal or two. They talk about being fiscally conservative. They talk about being fiscal hawks. But my recollection is a little bit to the contrary of that. There is a wonderful quote that I like from Daniel Patrick Moynihan, a former United States Senator from New York, Democrat. And he was such a cogent individual. He was one of those individuals who worked for the truth regardless of where it led. And he had this wonderful quote. He said, "Everyone is entitled to their own opinion but not their own facts." Everyone is entitled to their own opinion but not their own facts. And I really think that that kind of crystallizes what we have heard in this Chamber over the past few minutes.

You have heard the other side talk about deficit spending and how we ought not be spending into the deficit, and they are right. They are right. But when they had an opportunity to decrease spending by nearly $40 billion just a few short weeks ago, not a single one of them, not one of them, voted for it. A $39.8 billion decrease in spending and not a single one voted in favor of it.

You heard them talk about the alternative minimum tax and how it is an unjust tax and it needs to go away, and they are right. They are right. A colleague of mine, Congressman ENGLISH, has a bill, H.R. 1186, that would repeal the alternative minimum tax. Not a single Democrat on that bill, not a single cosponsor from that side of the aisle.

You hear them talk about the need to balance the budget and not spend so much money, and they are right. They are absolutely right. But when the proposals are put on the table to do away with programs that are wasteful or do away with programs that have significant abuse, where are they? Nowhere to be found.

So you are entitled to your own opinions, but you are not entitled to your own facts. And to crystallize that a little more because the disinformation that we heard over and over about budgetary cuts really does a disservice to the debate, does a disservice to the discussion, does a disservice to the American people, because when you look at the numbers, when you look at the truth, that is not what is going on.

And this evening you have heard the other side talk about budgetary cuts in the area of defense spending and spending on veterans. So, at home, if I were sitting there listening, I would say, well, my goodness, they must have addressed the amount of money that was going to the military or decreased the amount of money going to veterans.

Mr. Speaker, is that not what you would think? That is what I would think if I heard that. But here we have the Defense Department appropriation, budgetary authority from Congress from the year 2000 projected through 2007. In 2000 it was $287 billion. In 2001 it was $303 billion. That does not sound like a cut to me. In 2002, $328 billion. That is real money. That does not sound like a cut to me. In 2003, $365 billion.

Remember, down here in 2000 we were at $287 billion.

So these are the actual numbers. Fiscal year 2006, $411 billion of budgetary authority for the Department of Defense. Mr. Speaker, that is not a cut. That is responsible spending on the part of the United States Congress. And I am proud of the support that we have given to our military. And I am proud of the support that we continue to give to veterans.

You have heard this evening that veterans' budgets were cut. Here are the numbers, the actual numbers, from 1984 through 2005, and I want to draw your attention to what has happened in the last 10 years. In 1994 discretionary spending for veterans: $17.2 billion; 1995, $17.6 billion; 2005, $30.7 billion.

Mr. Speaker, I do not know what arithmetic they are using. I do not know where they went to school, but I do know that that is not a cut in anybody's book.

So when we get this kind of misinformation, this kind of disinformation, it does not contribute to the public debate. It is not honest. It is not truthful. So the Official Truth Squad is here to try to bring some truth to the situation.

This is veterans' medical care, and you heard it talked about this evening, how we have these incredible cuts in medical care for veterans. Mr. Speaker, here are the numbers: 1994, $15.6 billion; 2005, $29.9 billion. Mr. Speaker, that is not a cut. It is an appropriate, responsible move by Congress to take care of those who are protecting our freedoms.

So remember what Mr. Moynihan said, You are welcome to your own opinions but you are not welcome to your own facts.

So I would like to highlight this evening what is called the politics of division that seems to be practiced by so many here in Washington, and it is disheartening and it does a disservice to all of us. We are going to talk tonight in a positive way about America. We are going to talk in a positive way about our future. We are going to talk in a positive way about our Founding Fathers and about our history and about our heritage.

And just to identify the destruction of the politics of division that is so often practiced here, I have got a quote from Abraham Lincoln that I would like to share with you and it is kind of his philosophy on the social fabric. He said: "You cannot bring about prosperity by discouraging thrift. You cannot strengthen the weak by weakening the strong. You cannot help the wage earner by pulling down the wage payer. You cannot encourage the brotherhood of man by encouraging class hatred. You cannot help the poor by destroying the rich. You cannot keep out of trouble by spending more than you earn. You cannot build character and courage by taking away man's initiative and independence. You cannot help men permanently by doing for them what they could do for themselves."

Mr. Speaker, the politics of division has no place in the public arena. It does a disservice to our Nation. It does a disservice to the debate. Frankly, it is an embarrassment for the individuals that practice it.

So I encourage all Members of Congress, Republican, Democrat, all of my colleagues, to go about our debates and the discussions that we have and the challenges that we face in this Nation in a positive and honest and truthful manner. Then we can get to the right solutions.

As I mentioned, the Official Truth Squad comes almost every evening since we began the first of the year and talks about some positive aspects of America, talks about the importance of honesty and truthfulness in the debate. And tonight we are going to concentrate on our heritage, our American heritage, our wonderful American heritage.

□ 2245

I have been joined by a number of colleagues tonight, and they are going to share a story or two about maybe the Founding Fathers, some heritage that we have. I hope that what that will do is inspire some of our colleagues to remember the principles that brought our Nation about and remember, remember, the ideals that we are bound to uphold.

With that, I am honored to yield to my good friend LOUIE GOHMERT from the great State of Texas. He is a judge by profession and is a member of the freshman class as well, and has just a wealth of knowledge about American history and our heritage. Congressman GOHMERT, please share a few words with us.

Mr. GOHMERT. Mr. Speaker, I appreciate my good friend from Georgia, the eminent physician, healing not only bodies in the past, but coming in and healing with the good elixir of truth. We appreciate that tonight, Mr. Speaker, and we appreciate the opportunity to be here.

You are talking about truth, and you have the poster that says the Official Truth Squad. Something that has been neglected for far too long is the truth about our history. You look back, there was a school I read not too long ago that was going to change their name away from George Washington, and I thought how tragic. They do not know history.

You go back, and above the Speaker's head up here, we see "In God We Trust." George Washington, there was a time when he was in desperate need, and he prayed to that God in whom we trust.

Going back to 1755, a young man in his early twenties, Washington was headed up toward Fort Duquesne with about 100 American soldiers and about 1,300 British soldiers. As they proceeded up through Pennsylvania, they had to go through a wooded area, a large wooded area, and there was a ravine that they marched through. There were 85 soldiers on horseback, those were the officers, and that included George Washington.

As they made their way through, the Indians and French were lying in wait, this was the French and Indian War, and here this young man with boldness, gallantry, was on horseback, he led his soldiers. When the ambush started, it was horrible. Bodies were flying everywhere, bullets taking them out.

After about 2 hours, there were over 700 who had died. There were 84 of the 85 officers that had been shot off their horses. Only one remained. That was George Washington. Finally, after a couple of hours, the remaining British and Americans retreated from the woods, and when they got a good distance away, they reformed and retreated, I believe it was back to Maryland.

There was a letter that Washington wrote back to his mother and brother accounting what happened. There are other accounts that seem to all tell the same story. But Washington wrote that when he took off his hat and shook his head, bullet fragments fell out of his hair, but there wasn't a scratch on him. He said when he took off his vest, there were bullet holes in his investigate, but not a scratch on him. As he wrote to his mother and brother, he said, "Truly God was with me," that God in whom we trust.

Fast forward 15 years later, Washington and a friend of his named Dr. Craig were going up through Pennsylvania. Washington was going to go by and show him this place where this horrible thing happened, where so many people died.

As they approached the woods, they were met by a group of Indians, and it turned out an old Indian chief was with them. They had a council fire, and during that time the chief disclosed that 15 years earlier, he too had been in that wood, and that he had heard Washington was coming to that area so he journeyed to meet him.

He said, "I gave the order to my braves to shoot at you, because we could see you coming from a distance and I knew if we shot you, that your men would flee in fear. We could just tell the way you rode." He said, "I personally shot at you around 17 times. I traveled this distance to meet the man that God would not let die."

This was a man who was prepared for that. Through it all, through that horror of that event, you look back and see how that was worked together for good. He saw how the British reacted when they were under fire. He saw effective tactics. But, even more so, all those people saw him. They saw his gallantry, his bravery, his courage, his leadership. They knew this was a guy that they could trust, even in his early twenties.

So as we move toward the 1776 time, in the days when he would lead this country, a lot of people don't realize, but he was just the man for just such a time.

Mr. Speaker, I was talking to a group of youth from Grace Community School there in Tyler. Those kids know so much about our history. They know. But not every school teaches the history. I am proud to have a school like that in my city in Tyler where they know those kinds of things.

But after 1776, after the Declaration of Independence was signed, things looked so grim that the signers of the Declaration of Independence knew that if their troops failed, they were all dead people. Their families were dead, everything they owned would be taken, their lives, their fortunes, their sacred honor, everything would be gone. Yet they put their trust in George Washington, along with the God that we trust.

On December 27, 1776, when things looked so bleak and they knew that shortly, just a matter of a week or so, the enlistment of these men would be up, they knew if they headed home as they were intending to do, all was lost. So they passed a resolution as a Continental Congress that basically gave Washington all the power that they had, power to pay money, to make orders, to tell people to do whatever. Then, interestingly, the letter that accompanied that resolution that they sent to Washington included this line. It said, "Happy it is for this country that the general of their forces could be safely entrusted with the most unlimited power, and neither personal security, liberty nor property be in the least degree endangered thereby."

Mr. Speaker, I know my good friend from Georgia feels the same way. I trust so many people, but I don't know of a single person in this country right now I would trust with that kind of power. But that is what George Washington had.

One of my favorite paintings, as I was telling the group from Tyler earlier today, from Grace Community Church, is the painting of Washington coming back in to the Continental Congress saying here is all the power back. Nobody had ever done that before.

This was a guy that had won the war. He had won the day. He was entitled to be called czar, emperor, dictator, pharaoh, whatever he wanted to be called. Yet he came back in and, just as the resolution and the cover letter said, they knew he could be trusted. He came back in and said here is all the power back. It is yours. I am going back to Mount Vernon, and he did.

Some people don't realize just how brave he was. At the battle of Princeton, January 3, 1777, a young soldier wrote, and it is a recorded part of our history, "The sight of Washington set an example of courage such as I have never seen. I shall never forget what I felt when I saw him brave all the dangers of the field and his important life hanging as if it were by a single hair with a thousand deaths flying around him. Believe me, I thought not of myself." That is not a picture we see much these days.

Nathaniel Green wrote, "He will be the deliverer of his own country."

The Pennsylvania Journal wrote of Washington in 1777 as the revolution went on, "If Washington had been born in the days of idolatry, he would be worshipped as a god. If there are spots on his character, they are like the spots on the sun, only discernible by the magnifying powers of a telescope."

As David McCollough wrote, "Without Washington's leadership and unrelenting persistence, the Revolution almost certainly would have failed."

That is the kind of heritage we have. That is the kind of truthful, honest, courageous man that helped start this country and to whom we owe so much.

In conclusion, as our good friend and fellow Republican, we didn't know him personally, but God rest his soul, what a legacy, Abraham Lincoln, said in his second inaugural, "With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the Nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves, and with all nations."

God has blessed America. Mr. Speaker, it is my prayer that will continue.

I thank my good friend from Georgia for yielding to allow me to address those comments.

Mr. PRICE of Georgia. Thank you so much, Congressman GOHMERT, for bringing us those words and the inspiring stories of American history. You have highlighted one of my absolute favorites with Washington withstanding the onslaught of the attack and then meeting the Indian chief years later and the Indian chief telling him that he understood and knew and it was clear that Washington had been touched by the hand of God. That just is so inspiring when we hear those words.

Washington himself talked a lot about our Nation. He talked a lot about what it took to preserve the Nation. He was concerned that the Nation might have difficulty in the future, and he felt that the only way to keep our Nation strong was on what he called teaching the science of government. He said a primary object should be the education of our youth in the science of government. By that he meant learning about government, learning about our republic.

He went on to say, "In a republic, what species of knowledge can be equally important and what duty more pressing than communicating or teaching it to those who are to be the future guardians of the liberties of our country?"

That is why it is important that I think we come here this evening and talk about our heritage, talk about our history, talk about the wonder of America.

It has been said if you want to see the future of a nation and what it will be, look at what the children are being taught. So we hope by some small measure to assist in the education of all of us and to remind us about the wonder and the beauty and the awe of our Nation and its heritage.

I am joined now by Congresswoman JEAN SCHMIDT. Congresswoman SCHMIDT is a fellow freshman and an active participant in the Official Truth Squad. We are so pleased to have her join us this evening and bring some comments about our heritage and about the principles of our wonderful Republic.

Mrs. SCHMIDT. Thank you so much.

Tonight, I really want to talk about what I believe freedom is all about. As we sit in this beautiful Chamber, we must be mindful that we are the luckiest people in the world to live in the greatest Nation in the universe.

So I stand here tonight on the floor of this great Chamber like thousands of Representatives before me as living proof that democracy works. I share the same love for my country as my 37 predecessors from the Ohio Second Congressional District. I am the 38th Member of Congress from my district and the first woman. And I may be the first to wear high heels, but I am not alone in my support of this great country and for all that it stands.

Our country was founded on the principles of freedom: freedom to pursue life, liberty and happiness; freedom to bear arms; freedom to voice your opinion in the market square, or in this very Chamber; freedom to print what you decide to be printed is fit to be printed.

Freedom is a wonderful thing. It is an infectious thing. Millions of the oppressed around the world yearn for this very thing called freedom: free from oppression, free from terror, free from tyranny. Freedom is a powerful drink. It spills 1 million people into the streets of downtown Beirut demanding to be free from the rule of Syria and its dictator. It causes men to take up arms against their oppressors on the streets of Baghdad and Kabul. Just the dream of freedom caused men and women to risk their lives by organizing opposition in places like Beijing and Havana.

□ 2300

Far too often we Americans take our freedom for granted. We forget about the heroes before us that gave us this right, this privilege, this ability.

Thomas Jefferson said, "The price of freedom is eternal vigilance." He knew, even as freedom was being brought to our new country, that our very freedom would be constantly at risk.

"Those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it," said Thomas Paine. As we stand here tonight, the Official Truth Squad, surrounded by the glorious testament of our democracy and freedom, we must be mindful, mindful that democracy is on the march, mindful that 50 million people are newly free thanks to our efforts in Iraq and Afghanistan.

Let me repeat that. Fifty million people have the same opportunity that we have to taste and drink freedom, but most importantly, mindful that much more needs to be done. Tonight, the oppressed are dying at the hands of evil in far too many places around the world, in the camps of Darfur, in the jails of Havana, in political prisons in Asia.

Dwight David Eisenhower once said, "History does not long entrust the care of freedom to the weak or the timid. We did not chose to lead this fight, history has chosen us. Only we have the power needed to spread freedom. We indeed have been given the responsibility."

Our forefathers knew that when they were participating in this grand experiment so many years ago. We have been handed that torch. History will judge not what we say, but what we do.

I am honored to be here tonight to speak about this very important principle, because if we do not continue to lead this march, someone will come and take that torch from us.

Thank you for giving me this opportunity to speak my mind in the greatest Nation, in the greatest chamber.

Mr. PRICE of Georgia. Thank you, Congresswoman SCHMIDT. It is just a pleasure to hear your words and the very inspiring words.

You talk about freedom being infectious. It truly is. But you also talked about freedom not being free, and that the price of freedom, the price of liberty, is eternal vigilance.

I am proud to stand with you this evening and continue, continue to try to assist others to appreciate the fact that that eternal vigilance is necessary now, as never before frankly.

So we appreciate so much your words this evening and your participation.

Mr. Speaker, I am also joined this evening by another fellow freshman, Congresswoman FOXX from North Carolina, just a great, great member of the freshman class, an individual whom I respect highly, who spent a number of years in the education community, understands what it means to impart the importance of our heritage, of American principles and fundamentals.

I welcome you this evening and look forward to your words.

Ms. FOXX. Thank you, Congressman PRICE. It is a real pleasure to be here tonight. I am grateful for the words of our colleagues earlier, Congressman GOHMERT and Congresswoman SCHMIDT. I appreciate what they have said, and you. I am really proud to be a part of the Official Truth Squad.

And while I did not hear all of the comments that were made just prior to our beginning our session here, I did want to respond to one thing that you said. That is that we all are entitled to our opinions, but the facts are the facts. And it is important that we get the facts straight here. And I think many of the things that we are responding to are things that have been purported to be facts which are not facts at all. And I think it is important that we set the record straight.

I also noted tonight in the presentation by the Blue Dog Coalition that they are very concerned about the deficit, but they want to do away with the tax cuts and spend more money.

The problem with the deficit is that we are spending too much, and we need to cut back on the spending. And that is a fundamental issue. I think it is pretty much a fundamental law of economics, which I do not think can be done away with simply by talking about it. I think that we are going to have to come to grips with it.

As our colleague from Ohio was saying, it is such a great honor to be able to serve in this House. And I want to say that I grew up in a house in western North Carolina with no electricity, no running water, about as poor as anybody you will ever meet. And it is a true miracle that someone with my background could come here and represent the 5th District of North Carolina. And I am in awe every day of the fact that I have this great opportunity and am grateful for it.

And I think about the way this country was formed, and I think it is important that we talk a little bit about that.

I am troubled that so few people even know the basis of our government. People do not know the Constitution. They do not know the basis of our laws. They do not know the history of this country. And I want to talk some more about that, but I know we are not going to have as much time tonight as we had thought we would originally, so I am going to make a recommendation of a couple of books which I think are wonderful books to read.

Anything by David McCullough is great. I know that he was being quoted earlier. I had a chance to read 1776 recently, which is the story of the first year of the revolution, and it is wonderful.

And tonight I was reviewing the Founding Brothers by Joseph Ellis. And he talks a lot about the things that came together to make the United States possible, to make the Revolution possible. And I do want to quote one piece from Ellis, or maybe a couple of pieces from the book Founding Brothers. I do highly recommend it as something so easy to read.

But he said, No one had ever established a republican government on the scale of the United States. And the overwhelming judgment of the most respected authorities was that it could not be done.

Well, here we are over 200 years later proving that it can be done. But it is our job as representatives of the people to make sure that this wonderful experiment in liberty is sustained. And as, again, our colleague from Ohio said, it is a great honor to serve here.

And some people may not know this, and I think it is important to know, that the only way anybody can serve in the United States House of Representatives is to be elected. People can be appointed to every other office in the United States, but they cannot be appointed to serve in the United States House of Representatives. One must be elected, and we are elected every 2 years.

And I hope in this course of time, as we talk about the principles of this country, that we will do something that I do not think people do often enough, that is read the Constitution. I think it is helpful for us to reflect on the Constitution. And as we talk about the Truth Squad, I want to read two pieces from the Constitution tonight, and then turn it back to you, Mr. PRICE, to conclude our time here.

But I think so often even the Constitution itself is not quoted accurately. And I think that part of our job should be to remind the people what the Constitution says, and how it is the basis for everything else that we do.

Now I am going to read just the Preamble to the Constitution. And by the way. I borrowed this from the Parliamentarian. And I find it interesting that we tie back to Mr. Jefferson and the Founding Fathers. This is, in one manual, the Constitution, Jefferson's Manual, and the Rules of the House of Representatives.

As I understand it, in almost every elected body in the United States, they go back to Jefferson's Manual when there is any dispute on whether the rules apply or not. And so I think the fact that we do that is a great tribute to again our Founding Fathers and particularly Mr. Jefferson and the care he took with these things.

Let me read the Preamble:

"We the people of the United States in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity do ordain and establish this Constitution for the United States of America."

I think that the key words for me here are "provide for the common defense." That is the role of the Federal government. That is the number one role of the Federal government. We do want to promote the general welfare, but that is not the primary goal of the Federal government. It is to provide for the common defense.

Promoting the general welfare can be done in lots of different ways. And I have heard some people on the other side say we should change those words around and say, provide for the general welfare and promote the common defense. I think that that is one of the problems that we are having in our country these days.

And the other piece of the Constitution that I want to read tonight that I think is a part of tying back into our being the Official Truth Squad is amendment 1 to the Constitution:

"Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press or the right of the people peaceably to assembly and to petition the government for a redress of grievances."

I find that in most days, when people want to quote the first amendment, they often quote that first phrase and leave out the second phrase. And I think that that is so important; I think it is a part of tying back again to the Truth Squad.

Many times you hear people quote, "Congress shall make no law respecting the establishment of religion," that says we should take the words "In God We Trust" off of our money, the words "Under God" out of our pledge. But what is so important is the second half of that sentence, "or prohibiting the free exercise thereof."

Unfortunately, those who would take away our freedoms are the ones who so often leave off the second half of that phrase. And it is extremely important that we not distort the words of the Constitution. And it is important I think that our Truth Squad remind people of those words so often, and I think we need to do that.

I hope we will in our sharing things with the people talk more about the Constitution and how the truth of the Constitution itself has been distorted by some of our colleagues.

Mr. PRICE of Georgia. Thank you so much, Congresswoman FOXX. I tell you, it does my heart good to listen to your comments about the Constitution, about our Founding Fathers, and the kinds of things that they held dear.

I want to just highlight again that Preamble, the first line of the Preamble, "We the people of the United States in order to form a more perfect union."

The Founding Fathers used these words to remind us that preserving the Constitution that they created is as difficult, maybe even more so, as writing and ratifying it in the late 1780s.

The words remind us that it is we the people that educate ourselves on the issues, become involved in choosing our leaders, and committed, those leaders, make sure the leaders are committed to governing by constitutional principles. And again the issues that we face today are equally as dangerous as those that the Founders faced.

I wanted to highlight very briefly another document that is one of our founding documents, that is the Declaration of Independence. One of the early paragraphs in the Declaration I think crystallizes something that is incredibly important, we all know those words, but I think it is important to repeat them:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, among these are Life, Liberty and the Pursuit of Happiness," and "that to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."

Incredible, powerful words.

But the message here that I always harken back to is that the power that government has is derived from the people, because the people derive their power from the Almighty, and the power that people have they then cede to government. It is not the other way around.

□ 2315

We do not believe that government has power and gives it to people. We believe that people, because of the inherent power from the Almighty and because of the inherent quality of life, have that power and cede it to the Federal Government and to the State government to bring about the kind of things that Congresswoman FOXX talked about.

The founding of our Nation truly is tied to a reliance on a higher authority and everyone at the time knew that. We have gotten a bit away from that, and I think one of the things that is incumbent upon us as leaders is to make certain that we remember that and that we remind people of that and that we talk about it freely and openly make certain that everyone understands and appreciates the importance of the Almighty.

One of the items that I will close with that moves me so every time I read it is Lincoln's Proclamation for a National Day of Fasting and Prayer. There are a couple of portions of that that I find incredibly eloquent. I quote from the proclamation:

"It is the duty of nations, as well as of men, to own their dependence on the overruling power of God, and to confess their sins and transgressions in humble sorrow, yet with assured hope that genuine repentance will lead to mercy and pardon, and to recognize the sublime truth announced in the holy scriptures and proven by all history that those nations only are blessed whose God is Lord.

"We have been the recipients of the choicest bounties of heaven. We have been preserved these many years in peace and prosperity. We have grown in numbers, wealth and power as no other nation has ever grown. But we have forgotten God. We have forgotten the gracious hand which has preserved us in peace and multiplied and enriched and strengthened us. And we have vainly imagined in the deceitfulness of our hearts that all these blessings were produced by some superior wisdom and virtue of our own.

"Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us. It behooves us then to humble ourselves before the offended power and to confess our national sins and to pray for clemency and forgiveness."

Mr. Speaker, we live in a wonderful and a wondrous Nation, a Nation that has blessed more individuals on the face of the Earth than any nation in the history of mankind. It is our privilege to serve in the United States House of Representatives and to bring this message of hope and optimism and positive speaking to the American people.

HONORING BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under the Speaker's announced policy of January 4, 2005, the gentleman from North Carolina (Mr. WATT) is recognized for the time remaining before midnight, approximately 42 minutes.

Mr. WATT. Mr. Speaker, as chair of the Congressional Black Caucus, it is a great pleasure for me to lead this annual Special Order of the Congressional Black Caucus in honor of Black History Month. The theme for this year's African American history month is "Celebrating community, a tribute to black fraternal, social and civic institutions." And it is dedicated to exploring the impact that these civic organizations have had on the evolution of African American life and history.

A word or two about the history of Black History Month. The celebration of Black History Month started in 1926 as the vision of Dr. Carter G. Woodson who, out of frustration from not finding references to black history in any of our history books, launched an initiative to highlight the many outstanding contributions of African American people throughout the history of the United States. This year we are celebrating the 80th anniversary of Black History Month.

Initially, black history started off as a 1-week event during the second week of February because it marked the birthdays of two men who greatly influenced black people in this country, Frederick Douglass and Abraham Lincoln. However, as time passed, it was clear that one week was not sufficient to highlight the achievements of black people and eventually the celebration became known as Black History Month.

Mr. Speaker, this year during Black History Month, we are celebrating the institutions, fraternal, social, civic and religious, that have been so vital in our progress, the many national organizations and the community and grassroots organizations around the country that have been and continue to be the backbone of the African American community. Often times these organizations have stepped in when the Federal, State, and local governments have failed to provide the necessary services, and for that they are to be commended, most recently in the aftermath of the Hurricane Katrina disaster.

Finally, Mr. Speaker, I have often said that Black History Month is about the future, a time to assess and acknowledge that there is no place for complacency and no time to rest. For that reason, the Congressional Black Caucus continues to focus its agenda and our efforts on closing and eliminating disparities that continue to exist in every aspect of our lives.

It is now my pleasure to recognize some of my colleagues to help us celebrate this Black History Month celebration. I yield to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, let me just commend Mr. WATT as chairman of our Congressional Black Caucus for providing leadership in this important celebration and observance of the great and extraordinary contributions that African Americans have made and continue to make in America and throughout the world.

No race of people has come through the ordeal and the circumstances of slavery, of Jim Crowism, of racism, of de facto segregation, and in spite of all these obstacles made extraordinary contributions in every field of endeavor: business, medicine, the arts, sports, politics, business.

Today we are here to highlight especially the role of fraternities in our community. Nowhere is that more particular than within the African American community, for the African American fraternities were brought about not as a result or a need for social edification or for frivolity; but those fraternities that came about in the African American community came about because of great need at a time of extraordinary struggle and circumstance within the African American community.

Such was the case with all of our fraternities and certainly with the fraternity that I am a member of, which is the first fraternity and the oldest fraternity, the Alpha Phi Alpha fraternity. I would like to spend just a few moments talking about this fraternity because this was the first fraternity, and its development exemplifies all fraternities and the importance of their contribution.

In 1905 in Ithica, New York, a group of African American students at Cornell were so devastated with the racism and prejudice at that institution that they found themselves in, that half of the six refused to come back in 1906; but three did and others joined them in 1906 and they came together to form the Alpha Phi Alpha fraternity. Seven African American men, seven African American men that we affectionately refer to as the 7 Jewels: Brother Callis and Brother Chapman and Brother Jones and Brother Kelley, Brother Murray, Brother Ogle, and Brother Tandy. Seven.

There is something about that number seven. That is God's number, the number of completeness. As we know, we had to march around the walls of Jericho 70 times. The Bible says you must forgive your neighbor 70 times 7. There are 7 days in the week; 7 holes in our head: nose, two eyes, two nostrils, two ears. Seven is completeness. And that is why I believe that these fraternities were God's gift at an important time that they came on the scene. Before the civil rights movement, before the others, these men formed the organization and came to produce some of the outstanding leaders in all fields. Frederick Douglass and W.E.B. DuBois and Thurgood Marshall were all members, as were Duke Ellington and Adam Clayton Powell and Martin Luther King, Jr. Scores and hundreds of leaders in every sphere and activity of life were there.

So as we celebrate Black History Month, let us celebrate it where it means the most. And if these members of our fraternity were here, they would say to us in their words, those very precious words that, well, my brothers and my sisters, you see, life for me ain't been no crystal stair. It's had tacks in it and splinters, boards torn up. No carpet on the floor, bare. But all the while, I's been a climbing on and reaching landings and turning corners, and sometimes going in the dark where there ain't been no light. So, boy, don't you stop. Don't you sit down on the steps because you finds it's kinda hard. Don't you fall now while I still going. I still climbing on, honey. And life for me ain't been no crystal stair.

Life was no crystal stair for those who started our African American Greek fraternities and sororities. But because they had that vision to keep going, they made an impact on the lives of African Americans, on the lives of the people of the United States of America, and on the lives of the people of the world. On this Black History Month we are say thank you to our Greek letter organizations, the African American fraternities and sororities who have helped us so greatly.

Mr. WATT. Mr. Speaker, I yield to the gentleman from Virginia (Mr. BOBBY SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank my colleague from North Carolina for organizing this Special Order so that we can give appropriate recognition to black fraternal, social, and civic organizations.

African Americans have been in the forefront of significant change in American society, and many of those leading the fight were members of very distinguished organizations with the support of those organizations.

I share membership in Alpha Phi Alpha with my distinguished colleague from Georgia and six other Members of Congress. As my colleague mentioned, Alpha Phi Alpha was the first collegiate black fraternity. I am proud to be a long-time and life member of Alpha Phi Alpha. And since its founding in 1906, Alpha Phi Alpha and all black fraternities and sororities have supplied a voice and vision to the struggle of African Americans and people of color around the world.

For example, one of the long-standing programs sponsored by Alpha Phi Alpha is "Go to high school, go to college." Another is "A voteless people is a hopeless people." They encouraged education and voter registration. More recent projects for Alpha Phi Alpha is Project Alpha, promoting responsibility among African American males in all aspects of health care.

Before the formation of college fraternities, the very first African American fraternity, Sigma Pi Phi, was formed in 1904 in Philadelphia by a group of physicians and dentists. This organization was created for college and professionally educated African Americans including college presidents, Congressmen, cabinet members, and nationally prominent figures such as W.E.B. DuBois and Martin Luther King, Jr. I am also a member of Sigma Pi Phi.

□ 2330

There are countless other organizations that have existed for the purpose of improving economic status, spiritual well-being, and civil rights of all Americans. The Free African Society was founded in 1787; the National Negro Business League was founded in 1900; the National Afro-American Council in 1903; the Niagara Movement, the forerunner of the National Association for the Advancement of Colored People, NAACP, was well under way by 1905.

The members of these and many other organizations have addressed the most serious moral challenges facing Americans today. The contribution of African American social and civic organizations has included everything from scholarships to social reconstruction. The members of these organizations have confronted the handicaps, the restrictions, the persecutions, the prejudices, the inequities in the opportunities faced by people of color.

Thanks to the relentless efforts of African American member organizations, there are more people of color today in corporate, Federal, State and municipal offices than ever before. The work of members of Alpha Phi Alpha, Sigma Pi Phi and other organizations has had a huge impact over the last 100 years, but our work is far from over.

In the 21st century, we will continue to work for political, economic and social change. It is imperative that all fraternal, social and civic organizations in the African American community continue to provide service to African Americans as a whole and the United States in general.

Carter G. Woodson, known as the father of Black History, was born in Buckingham County, Virginia, to former slaves. He reminded us of the importance of commemorating African American contributions when he stated, "If a race has no history, if it has no worthwhile tradition, it becomes a negligible factor in the thought of the world, and it stands in danger of being exterminated."

As we celebrate African American History Month, let us recognize the achievement and traditions of African Americans and let us never forget the members of black fraternal, social, and civic organizations that pursued unchartered paths and paid for the freedom that we hold so dear.

Again, Mr. Speaker, I want to thank my colleague from North Carolina for organizing this Special Order so that we can recognize these organizations appropriately.

Mr. WATT. Mr. Speaker, I thank the gentleman from Virginia for his eloquence, and let me just add a few comments while we are waiting for one other Member to come and join in this Special Order.

I actually tend to agree with one of our recent actors who started to question the whole concept of Black History Month, not because it is not important to all of us, but because the accomplishments of African Americans are so profound and so diffuse in every aspect of our lives that it is quite obvious that the same thing that happened with Black History Week, that we found that there just was not sufficient to do justice to those accomplishments, is now happening to Black History Month. A month is not sufficient to do justice to a discussion and an emphasis and a highlighting of those accomplishments.

So, as we continue to celebrate Black History Month, we should continue to recognize that Black History Week, which became Black History Month, in and of itself is a recognition that we simply have not done what we should be doing throughout our history to acknowledge the important contributions that African Americans have made.

We could spend hours here on the floor, had we the time, on any of the subjects which are the title of this Black History Month: black fraternities, African American sororities, social organizations, civic institutions, religious institutions. We could spend days talking about the sororities, Alpha Kappa Alpha, which my wife happens to be a member of; Delta Sigma Theta; the Zetas. The whole list of sororities, they go on and on. Most of them sprang out of a need for service, a recognition that there were not social responsibilities, but civic and important unfinished business that needed to be attended to. Organizations of various kinds, headed by powerful women in our country, the Council of Negro Women, I mean we could go on and on and on with the list of organizations, social and civic organizations, that have grown out of a need to emphasize and uplift the community so that perhaps what was previously referred to in the prior Special Order here, about the Preamble to the Constitution, really would be made a living, viable document, equality and justice for all. Many of these organizations sprang out of that.

We could spend a week, a month or two talking about the churches, the religious denominations, the AMEs, the AME, African Methodist Episcopal Zion denomination or the African Methodist Episcopal denomination, which formed because African American people either were not welcome in the white religious institutions or because those religious institutions were not providing the kind of freedom of expression or the level of equality. Even though they were talking the talk, they were not necessarily walking the walk throughout our history.

So all of these things are extremely important. Perhaps we do not do justice to any of them in the short period of time we have this evening, but we should never forget that all of them are extremely important.

Again, Black History Month is not only about reflecting on the past, it is about the challenges, the lack of equality that exists today that we must continue to confront going into the future. We should never lose sight of that.

With that, I see that my colleague from the great State of Texas (Ms. JACKSON-LEE) has arrived, and so I will now yield to her for her expressions in this Black History Month Special Order.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the chairman of the Congressional Black Caucus for being enormously astute to ensure that there is a marker in the history pages of the CONGRESSIONAL RECORD that Members of Congress, and particularly Members of the Congressional Black Caucus, rose to ensure that we commemorated African American History.

There has been some controversy on this month over the years. Most recently, one of our more respected actors made mention of a very valuable point, that black history, African American history need not be commemorated in one month. In fact, it is American history, and I frankly agree with those words. I think it is important, however, that we take the opportunity to let others know that we have not forgotten.

In the course of reading and reviewing what remarks I might make this evening, I came across a very interesting book entitled, "The African American Bookshelf," that categorizes or catalogs, "50 Must Reads From Before the Civil War Through Today," and I wish to share briefly some of the words and stories in this book, but the first I would go to is of more recent vintage, which talks about COINTELPRO.

One would argue, how does that relate to the issue of African American history. The COINTEL was the counter-intelligence program, and it was the program utilized in the early parts of the civil rights movement, moving into the black student movement, the Black Panthers, and frankly, it was an effort focused on black activists who were perceived to be agitators, a small piece of African American history that was rarely focused on. In fact, Martin Luther King was the target of COINTELPRO, and rather than understand the movement and understand the voice of Dr. King, who spoke eloquently about nonviolence, this program was a program that ignored the value of the movement and viewed them as threats to America's security and democracy.

The COINTELPRO's treatment of Martin Luther King described, and detailed in the COINTELPRO paper, is the most egregious example in what was attempted in his case. It belongs in television fiction, where shadowy government forces are at work, that no one can discover ironically a conspiracy theory had been used all too often in such drama. In essence, Dr. King, in this instance, was considered an enemy of the State.

The issue of lynching as well plays a very large part in our history. I know that today we pay tribute to many of our civic organizations, sororities and fraternities and our organizations that captured the sentiment of African Americans, such as the NAACP, the Urban League, the many fraternities and sororities, 100 Black Men, the National Council of Negro Women, the Congress of Black Political Women, many organizations that have created a pathway for African Americans to walk across very troubled waters.

But we must also weed in and out of those very great historical perspectives of those organizations to know that they, too, lived alongside challenges like lynchings in the early 1900's, and in this book, it recounts the stories of what lynching actually meant. In fact, we have heard some people call it an act of terror. Why? Because it was an effort to terrorize southern blacks on plantations and in the rural south right after Reconstruction in order to stop the progress that had been made through reconstruction and in moving into the 20th century.

So, as we reflect on black history, it is important to look forward and then, of course, to travel down memory lane.

What I most want to say about our civic and civil and fraternities and sororities as organizations, I pay tribute to you because you are primarily the infrastructure of our community. When there is a need, these organizations are called upon. When there is a fight for social justice, these organizations are called upon. When, for example, we engage in a legislative strategy, such as the reauthorization of the Voter Rights Act, we call upon these civil and civil rights organizations to help formulate the strategy and begin to ignite the excitement among the community to draw them together.

□ 2345

Most recently, we have discovered a new phenomenon called the State of the Black Union, which was established by Tavis Smiley and is in its 7th year, another vehicle to capture the intellectual thought and the practices of not only the civil and civic organizations but also individual philosophers, academicians, physicians, and emerging leaders. I am very grateful that this last one was held in Houston, Texas.

I cite this because I believe more and more we must confront the theory that black history should not be relegated to one month; but, frankly, we should be engaged in the thinkings of our history all throughout the year and continue to press the envelope, if you will, that more and more curricula should be including black history.

And let me just say to you that what I have discovered over the recent years is that black history in our schools' curricula around America, African American history, is not moving up; it is being dumbed down. Some would say it is because of the cost cuts that many school districts have to make, that they are cutting music and cutting the arts and many times cutting athletics and that the teaching of black history has taken a back seat. We must be more than sensitized to the fact that there are young people today, no matter what their race or color, creed or religion, that are being educated in America's schools with no iota, no understanding whatsoever of this rich history of African Americans, not even the sense of our early slave history and how we first came to this country in bondage.

Many of the freedom fighters at that time, from Harriet Tubman to Nat Turner to Sojourner Truth, and the list of abolitionists, including Frederick Douglass, who established the framework of freedom, our children today are not learning about that particular history. That is much cause for pause. So I hope as Members of Congress rise to the floor of the House to commemorate the African American history here in America that we will also have a consciousness, as we have in the past, and that our voices will be heard that it is unacceptable that the teaching of black history is not on the upsurge, on the rise, but yet on the decline.

One of the issues, of course, that we hope will come out of the fact that we are commemorating African American history, is that respectively we will all be challenging our school districts and making an assessment of what children are learning because of the value, the importance, if you will, of learning that kind of history.

The idea of freedom also is an early idea, and I want to cite again some of the early freedom fighters, like Harriet Tubman. I have a little silver pin that is an F that stands for freedom. Harriet Tubman was the conductor on the Underground Railroad. She has an enormously important story, and she is an exciting personality because she helped to free any number of escaped slaves. In fact, she escaped in the summer of 1849.

This was a time when America sold its soul for a cross of gold, even though William Jennings Bryan didn't make the expression famous for half a century later. True, there were white conductors of the Underground Railroad who gave their lives to see to it that black people were able to trickle out of slavery, but Harriet Tubman took this to heart. She became the general, General Tubman, who guided frightened slaves into freedom in the North. She did this continuously over and over and over again.

I have read previously that when a slave was too frightened to go forward, she threatened that slave with his or her life: you die here or you go to freedom. So she was a strong personality that really captured the spirit of African Americans. Through all kinds of trials and tribulations, we have overcome the obstacles that have faced us.

We now come upon the 21st century, and we have two important struggles right before us. One of those struggles includes the reauthorization of the Voting Rights Act of 1965; and I think it is imperative that we energize the populace, all walks of life, to begin to raise their voices in support of the work of this Congress, the good work of this Congress to move forward and reauthorize the Voting Rights Act of 1965.

Then we have, in conclusion, one of the most challenging mountains to climb: to be able to heal and to bring back to normalcy the gulf region. That will be a smear on the pages of America's history in how that community and those communities were treated and how they are being treated. So it will go down in the pages of black history, because as we know, the faces of the individuals being shown during Hurricane Katrina were African Americans.

We have challenges to go forward; but as we go forward in our challenges to make their lives better, to pass omnibus bill H.R. 4197, work done by the Congressional Black Caucus to make the Katrina survivors whole with housing, education, the environment, compensation and the right to return, we must do it in the backdrop of the history of a people who never turned away from suffering, never turned away from trials and tribulations, and never turned away from challenges.

We have a history to stand upon. It is a history that America should cherish, and we should continue to honor it at the same time that we teach our children. And, frankly, I believe that if we are to embrace the history of all people, we will make America a better place to live.

With that, I yield back to the distinguished gentleman.

Mr. WATT. Mr. Speaker, I thank my colleagues, Representative DAVID SCOTT from Georgia, Representative BOBBY SCOTT from Virginia, and Representative JACKSON-Lee from Texas. There were a number of our Members who would have loved to have participated in this Special Order this evening. Unfortunately, it turned out that we were the fourth Special Order of the evening, and it is approaching midnight so they are not here.

Mr. Speaker, I am delighted to honor the memory of all of our great heroes and sheroes that have gone before, our organizations, our civic fraternities, sororities, churches who have contributed so much to our progress, but also recognize that there are many miles to go before we sleep.

Ms. MATSUI. Mr. Speaker, our nation's history is interwoven with the accomplishments and contributions of African Americans—from Hank Aaron, Ella Fitzgerald and Louis Armstrong to George Washington Carver, W.E.B. Du Bois, and Maya Angelou—and because of their efforts our nation is stronger. The African American community recently lost two of its leaders and as we mourn the passing of Rosa Parks and Coretta Scott King, we should be reminded that we must continue the civil rights work they devoted their lives to. What better way to celebrate the legacy of these leaders and all of those who have worked to ensure racial justice than by reauthorizing the expiring portions of the Voting Rights Act. The struggle for civil rights continues today and we must make certain that all citizens not only have the right to vote, but that their ability to vote is protected.

Although the Voting Rights Act has been essential in protecting the voting rights of minorities, additional safeguards are necessary to ensure that every citizen is included in the election process. I remain committed to furthering the causes of the Civil Rights Movement and will work hard in the coming months to guarantee the right to vote for every citizen. I hope that this month we will celebrate the lives of all of the strong and determined men and women who have worked to ensure equality for all Americans.

Mr. RANGEL. Mr. Speaker, celebrating Black History Month is an opportunity to reflect upon the innumerable contributions that Blacks have made to the advancement of American society and culture. People of color whether from the homeland in Africa, the Caribbean, Latin America or North America, they have been more than instrumental in shaping the social complexion of America and humanity.

It was Carter G. Woodson in 1926 who initiated "Negro History Week" in the United States to promote "a better understanding of the contributions" of Blacks to human civilization. This noble effort 80 years ago has been successful in informing people all over the world about the numerous contributions of Blacks. It has also aided in reshaping and negating distortions that historians have in many cases intentionally promulgated. Black History Month continues to amplify accurate depictions and narratives about a myriad of global endeavors. These undertakings have drastically improved the daily lives and landscape of the world.

Individuals such as Pianky, the military genius and Black King of Nubia who conquered Egypt around 700 BC; Antar, the African-Arabian poet and story teller; and Abram Hannibal, the soldier and commander of 18th century Russia to Chaka who led South Africa until his assassination in 1828 all exemplify and indicate historic contributions to society. "Their presence and deeds underscore an essential reality: Blacks have been part and parcel of world history, from exploration and revolution to scientific and other achievements."

Other notable achievements encompass pioneering the making of iron, valuable works of art, carved stones into historic ornaments and statues, the conversion of oil-bearing plants for both medical and dietary purposes. Early contributions also include developing cereal and transformation of a wild plant into cotton which led to the art of weaving. Additionally, people of color are among the earliest farmers who produced wheat, groundnuts, yams and watermelon.

Other accomplishments within the past 150 years, include performing the first open heart surgery, produced scientific evidence of cell life and metabolism, pioneered in blood plasma preservation, invented the inhalers used by rescue workers at disaster sites, created communication devices that allowed conversations between fast moving trains, invented machines that allowed for the mass production of shoes and improved the efficiency of lubricating systems used in large industry today.

This impressive list is not exhaustive of all the global contributions of people of color. However, it illustrates the vital contributions to America and the world. As we think about democracy in this country, people of color have been at the fore in pursuing "A more perfect Union." Consider Rosa Parks who refused to give up her seat on a bus, which sparked the Montgomery County Bus Boycott and the Civil Rights Movement. Also, it would be hard to think about American Democracy without Martin Luther King Jr. and his leadership and dream to bring the ideals of democracy into reality for all Americans.

In his 1970 essay, "What America Would Be Like Without Blacks," Ralph Ellison argued that "Whatever else the true American is, he is somehow Black."

[CaribEditorial, Feb. 7, 2006]

IMPORTANT ROLE OF PEOPLE OF AFRICAN DESCENT

The name Dr. G. Carter Woodson means little to most Americans, West Indians or Africans. Indeed, only a minority of people in Virginia, Woodson's birthplace, ever heard of the former coal miner who graduated high school at the age of 21 years, but later earned a Ph.D. from Harvard University in 1912, around the time when thousands of West Indians, especially Jamaicans and Barbadians, were immigrating to Panama to help build the world-famous canal.

But, as more and more people, Black and White in the United States, the Caribbean, Canada, Africa, and elsewhere observe Black History Month, they are learning that it was Dr. Woodson who initiated "Negro History Week" in 1926 in the U.S. to promote "a better understanding of the contributions" of Blacks to human civilization.

Woodson's fledgling effort 80 years ago has since become an international phenomenon, one in which millions of people, Black and White, observe Black History Month. Caribbean and African nations may have joined the observances a bit late, but we believe in the old adage better late than never.

For, in the process, Black History Month is helping to shape our thinking and negate the destructive effects of historiographies, which either deliberately distorted or ignored the positive roles of Black people in almost every aspect of life on the planet.

Clearly, time has proven Dr. Woodson right.

Undoubtedly, Black History Month is bringing to the fore important and accurate narratives about the multifaceted chapters Blacks have written in advancing global human development.

From their ancestral homeland in Africa to North America, the Caribbean, Latin America, and other parts of the world, people of color have been instrumental in improving the daily lives of human beings everywhere.

Names that run the gamut from Pianky, the military genius and Black King of Nubia who conquered Egypt around 700 BC; Antar, the African-Arabian poet and storyteller; and Abram Hannibal, the soldier and commander of 18th century Russia to Chaka who led and forged the proud Black nation of South Africa until his assassination in 1828 dot the pages of history.

Their presence and deeds underscore an essential reality: Blacks have been part and parcel of world history and were present from exploration and revolution to scientific and other achievements.

Blacks from Africa pioneered in the making of iron, fashioned precious stones into historic ornaments, statues, and valuable works of art; and used oil-bearing plants for both medicinal and dietary purposes. The developed cereal and transformed a wild plant into cotton, thus opening up the world to the art of weaving. They were among the world's first farmers, producing wheat, groundnuts, yams, watermelons, and possibly coffee.

In the past 150 years, Black inventors and pioneers created the key devices that perfected the overall lubrication systems used in large industry today; invented the lasting machine that revolutionized the mass production of shoes; created the means to communicate between fast-moving trains; came up with the inhalators used by rescuers at sites where disasters have occurred; performed the first successful open-heart surgery; produced scientific evidence of cell life and metabolism; and pioneered in blood plasma preservation, more commonly called blood banks.

These are but a handful of the exploits of Blacks, deeds which were previously shunted aside but have since been recognized through the study of history by and of Blacks. Along the way that historical record gained prominence in books, scholarly papers and presentations in classrooms, libraries, newspaper and magazine columns, and in special radio and television programs.

If knowledge is power, then it stands to reason that we in the United States, the Caribbean and Africa have much to gain from the information and the results of academic and scientific inquiry, which Black History Month and other observances inspire.

People everywhere owe Woodson a debt a gratitude for his pioneering action that effectively promoted the institutionalization of Black History as an academic discipline and as a vehicle that has made us all aware of the truth of the valuable contributions of Blacks to international development.

He was driven to act because he complained in the 1930s that while white historians used textbooks to persuade students and others that Blacks couldn't "subject passion to reason," they failed to teach them the authentic stories of African achievement.

Dr. Woodson argued, quite correctly, that the knowledge of "real history" would liberate people of African descent from mental slavery and inspire to demand social equality while upsetting the "oppressor in America and the colonizer in Africa." Add the

Caribbean to that equation and the international scope of his efforts would become clear.

Mr. DAVIS of Illinois. Mr. Speaker, every February, Americans celebrate Black History Month. This tribute dates back to 1926 and is credited to a Harvard scholar named Carter G. Woodson. The son of former slaves, Woodson dedicated his life to ensuring that black history was accurately documented and disseminated. In an effort to bring national attention to the contributions of black Americans, Woodson organized the first annual Negro History Week in 1926. He chose the second week of February in honor of the birthdays of pivotal black supporters Frederick Douglass and Abraham Lincoln. From Jackie Robinson to Tiger Woods, Harriet Tubman to Barack Obama, Black History Month pays tribute to inspirational African Americans from the past, as well as those who will continue to make history well into the future.

For 1 month, people of African descent in America are recognized for their contributions. The irony of recognizing and paying tribute to people of African descent in America is that we are recognizing all people of the Earth. Africa represents all people of the world. Every person born since creation, every person alive today, and every person born in the future was, is, and will be of African descent. The gift Africa has provided the world is humanity and civilization.

Be that as it may, Black History has been presented and accepted as a fragmented afterthought. It is celebrated for 1 month and/or mentioned with a couple of lines in a text or Social Studies course outline. In most instances, the references begin with slavery and end with the Civil Rights Era and Dr. Martin Luther King, Jr. A question I ask high school students is, "What were slaves before they became slaves?" Their response, 90 percent of the time, is "nothing." It appears many of our youth believe their ancestors fell out of the sky as slaves.

Black History is world history. Old and new research on Africa and its place in human history has proved that Africa is the birthplace of mankind and was, for many centuries, in the forefront of human progress. African or Black History must be looked at anew and seen in its relationship to world history as only the history of the first and second rise of Europe. Yet, the history of Africa was already old when Europe was born. Until quite recently, it was rather generally assumed, even among well-educated persons in the West, that the continent of Africa was a great expanse of land, mostly jungle, inhabited by savages and fierce beasts. It was not realized that great civilizations could have existed there, or that great kings could have ruled there in might and wisdom over vast empires. Today, many of us, as the descendants of queens and kings of Africa, refuse to identify with the Motherland of all people. We begin with 1619 and slavery. We identify with 370 years of physical and mental bondage as opposed to three thousands years of uninterrupted civilizations. Our story is everyone's story. Our story begins with the worshipping of one God, builders of the pyramids, and builders of the first cities and universities.

To reverse our fall from being builders of pyramids to project dwellers; to reverse our fall from being controllers of our own destiny to caretakers of someone else's destiny; and to reverse our unraveling as a whole people will necessitate knowing who we are and what we represent. Our future as a people, community, and world is related to the past. Back to the future—Black History not for a month, but for a lifetime!

Mr. HOYER. Mr. Speaker, I am proud today to join Chairman MEL WATT and the entire Congressional Black Caucus in recognizing the importance of Black History Month. While Black History Month always provides us with an important opportunity to reflect on the vital accomplishments and contributions of African Americans, it has taken on a special meaning this year with the recent passing of both Rosa Parks and Coretta Scott King.

Although they have passed on, Mrs. King and Mrs. Parks continue to inspire us to work towards the noble goal of equality for all. These two women were among a group of brave pioneers who led one of the greatest movements of our time—the Civil Rights Movement. I have great respect for all those who risked beatings and arrests, and were even willing to make the ultimate sacrifice—their lives—to stand up for a cause that is right and just.

My close friend and colleague, Representative JOHN LEWIS, stands among us as a giant of the Civil Rights Movement. During the legendary march that Representative LEWIS led to Selma, Alabama, more than 40 years ago, countless peaceful, law-abiding Americans were beaten and arrested. This day came to be called "Bloody Sunday," and it helped spur a nation to action to fight against the evils of discrimination and racism.

Mr. Speaker, I have had the great honor and privilege to accompany Representative LEWIS and other civil rights leaders to Selma several times to commemorate the events of that fateful day by marching across the Edmund Pettus Bridge. Each time, we are reminded of the impact that one single day can have on the course of history, and we celebrate those with the courage and determination to face down the worst so that all Americans might enjoy the freedom and equality that this nation stands for.

These pilgrimages to Selma vividly illustrate for us how far we have come in the quest for civil rights for all, yet also serve as a reminder that we must never be complacent in thinking that the battle is won.

The plight of those who are denied civil rights is a struggle that is far from over, and we must remain ever mindful of those whose rights are in danger of being denied. In the coming year, several provisions of the Voting Rights Act are scheduled for reauthorization. It is our duty to ensure that the march toward civil rights for all continues forward, rather than stalling or going backward.

The VRA is crucial in guaranteeing that the rights of all Americans remain protected, and, as such, should command broad, bipartisan support. It is a fitting tribute to Rosa Parks, Coretta Scott King, and to all those who have participated in the Civil Rights Movement in ways large and small, to renew the very Act that codified their long struggle for enfranchisement into law.

Our nation is deeply indebted to these men and women of courage and integrity. Their legacy will live on for generations.

Mr. RANGEL. Mr. Speaker, I rise today to honor and pay tribute to the many Black Fraternal, Social and Civic Institutions which have had such a tremendous impact and overall positive effect on African American life and history.

Established in an age when racial segregation and disenfranchisement plagued African Americans, the rise of each of the black fraternities and sororities bore witness to the fact that despite hardships, African Americans refused to conform to a status of inferiority.

These organizations, some which have been in existence since the early 1900s, have cut across racial, national, physical and social barriers, in order to make a difference educationally, socially, economically, and politically. They have proven to be an effective channel for social change and a recognized force in the struggle for civil and human rights.

Serving more than just their immediate members, these black fraternities and sororities known as the "Divine Nine" joined with other civic associations such as the Urban League, the National Association of Colored Women's Clubs, the Prince Hall Masons, the Eastern Stars, and so many others to provide service to the entire black community. It wasn't just the "church" that addressed the needs and answered the call of the black community, but it was these fraternal organizations that stepped up and took on that role as well.

Just who are the "Divine Nine"? They are Alpha Kappa Alpha Sorority, Inc. Alpha Phi Alpha Fraternity, Inc., Delta Sigma Theta Sorority, Inc., Zeta Phi Beta Sorority, Inc., Iota Phi Theta Fraternity, Inc., Kappa Alpha Psi Fraternity, Inc., Sigma Gamma Rho Sorority, Inc. Phi Beta Sigma Fraternity, Inc. and Omega Psi Phi Fraternity, Inc.

Nine strong, they promote interaction through forums, meetings and other mediums in order to exchange information and engage in cooperative programming and initiatives through various activities.

Other black social organizations also took the helm in addressing the concerns of the black community and like the fraternal organizations, represent the aspirations of many African Americans. They are The Links, Jack and Jill, 100 Black Men, and Rainbow/PUSH Coalition.

We look to and thank all of these organizations for striving to improve the quality of life within our communities, and enhance educational and economic opportunities for all African Americans. Their leadership and steadfast commitment to the betterment of our young people and our communities, has been and continues to be a tremendous success and of great inspiration.

May all of these fine and outstanding organizations continue to carry on their good work knowing that they have the admiration and support of the U.S. Congress.

GENERAL LEAVE

Mr. WATT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of this Special Order today related to Black History Month.

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Ms. PELOSI) for today on account of illness.

Mr. HINCHEY (at the request of Ms. PELOSI) for today and March 1 on account of illness.

Ms. MCCOLLUM of Minnesota (at the request of Ms. PELOSI) for today on account of illness.

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for today on account of official business in the district.

Ms. ROYBAL-ALLARD (at the request of Ms. PELOSI) for today on account of illness.

Mrs. BIGGERT (at the request of Mr. BOEHNER) for today on account of illness.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today and the balance of the week on account of illness.

Mr. OSBORNE (at the request of Mr. BOEHNER) for today on account of business in the district.

Mr. ROHRABACHER (at the request of Mr. BOEHNER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, March 1.

Mr. RAMSTAD, for 5 minutes, today.

Mr. ENGLISH of Pennsylvania, for 5 minutes, March 1.

Mr. KING of Iowa, for 5 minutes, today.

Mr. POE, for 5 minutes, March 1 and 2.

Ms. FOXX, for 5 minutes, today.

Mr. MCCAUL of Texas, for 5 minutes, March 1.

Mr. BURTON of Indiana, for 5 minutes, today and March 1 and 2.

Mr. DREIER, for 5 minutes, today and March 1 and 2.

Mr. KENNEDY of Minnesota, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today and March 1.

Mr. PAUL, for 5 minutes, today and March 1 and 2.

Mr. SOUDER, for 5 minutes, today and March 1 and 2.

Mr. WELDON of Florida, for 5 minutes, March 1.

ENROLLED BILL SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker pro tempore, Mr. TOM DAVIS of Virginia:

H.R. 4745. An act making supplemental appropriations for fiscal year 2006 for the Small Business Administration's disaster loans program, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on February 17, 2006, she presented to the President of the United States, for his approval, the following bill.

H.R. 4745. Making supplemental appropriations for fiscal year 2006 for the Small Business Administration's disaster loans program, and for other purposes.

ADJOURNMENT

Mr. WATT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 1, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6290. A communication from the President of the United States, transmitting requests for FY 2006 supplemental appropriations for the Departments of Agriculture, Commerce, Defense, Homeland Security, Housing and Urban Development, Interior, Justice, Veterans Affairs, the Corps of Engineers, the Environmental Protection Agency, the General Services Administration and the Small Business Administration; (H. Doc. No. 109–89); to the Committee on Appropriations and ordered to be printed.

6291. A communication from the President of the United States, transmitting a request for FY 2006 supplemental appropriations for ongoing military and intelligence operations in support of Operation Iraqi Freedom, Operation Enduring Freedom, and selected other international activities; (H. Doc. No. 109–90); to the Committee on Appropriations and ordered to be printed.

6292. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting the required report on the Warranty Claims Recovery Pilot Program, pursuant to Public Law 105–85, section 391; to the Committee on Armed Services.

6293. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of brigadier general accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

6294. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting notification that the T700-GE-401 and -401C Turboshaft engines are commercial items and, therefore, are excluded from core logistics capability requirements, as well as the justification for such a decision, pursuant to 10 U.S.C. 2464(c); to the Committee on Armed Services.

6295. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General David W. Barno, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6296. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report pursuant to Pub. L. 106–569; to the Committee on Financial Services.

6297. A letter from the Secretary, Department of Commerce, transmitting the annual report on the Emergency Steel Loan Guarantee Program, as required by Section 101(i) of Chapter 1 of Pub. L. 106-51; to the Committee on Financial Services.

6298. A letter from the Secretary, Department of Commerce, transmitting the annual report on the Emergency Oil and Gas Guaranteed Loan Program as required by Section 201(h) of Chapter 2 of Pub. L. 106-51; to the Committee on Financial Services.

6299. A letter from the Acting Chairman and President, Export-Import Bank, transmitting a draft of the legislation necessary to reauthorize the Export-Import Bank of the United States; to the Committee on Financial Services.

6300. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

6301. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

6302. A letter from the Principal Deputy for Personnel and Readiness, Department of Defense, transmitting a report on the audit of the American Red Cross for the financial year ending June 30, 2005, pursuant to 36

U.S.C. 300110; to the Committee on International Relations.

6303. A letter from the Assistant Sectrary for Legislative Affairs, Department of State, transmitting notification that effective December 11, 2005, the 15% Danger Pay Allowance for Dushanbe, Tajikistan was terminated based on improved security conditions, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

6304. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6305. A communication from the President of the United States, transmitting a report including matters relating to the interdiction of aircraft engaged in illicit drug trafficking, pursuant to 22 U.S.C. 2291-4; (H. Doc. No. 109-91); to the Committee on International Relations and ordered to be printed.

6306. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting the FY 2005 annual report on Military Assistance, Military Exports, and Military Imports for Fiscal Year 2005, as required by Section 655 of the Foreign Assistance Act of 1961 (FAA), as enacted 10 February 1996, by Section 1324 of Pub. L. 104-106, and 21 July 1996, by Section 148 of Pub. L. 104-164; to the Committee on International Relations.

6307. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2005; to the Committee on Government Reform.

6308. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6309. A letter from the Secretary, Department of Housing and Urban Development, transmitting a copy of the Government National Mortgage Association (Ginnie Mae) management report for the fiscal year ended September 30, 2005, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

6310. A letter from the Director, Office of Management and Budget, transmitting the 2006 Federal Financial Management Report as required by the Chief Financial Officers (CFO) Act of 1990, marking the 14th report submitted by the Office of Management and Budget (OMB) on the government-wide status of financial management, pursuant to 31 U.S.C. 3512; to the Committee on Government Reform.

6311. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of a joint resolution entitled, "Approving the location of a Dwight D. Eisenhower Memorial in the Nation's Capital."; to the Committee on Resources.

6312. A letter from the Director, Department of the Interior, transmitting the Department's final rule — Implementation of the Equal Access to Justice Act in Agency Proceedings (RIN: 1094-AA49) received February 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6313. A letter from the Acting Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting a copy of the report entitled, "Comprehensive Inventory of U.S. OCS Oil and Natural Gas Resources" as required by Section 357 of the Energy Policy Act of 2005; to the Committee on Resources.

6314. A letter from the Deputy Chief for National Forest System, Department of Agriculture, transmitting the 2004 Report to Congress for Granite Watershed Enhancement and Protection Stewardship Project, pursuant to Public Law 105-821; to the Committee on Resources.

6315. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the 2005 report on the Apportionment of Membership on the Regional Fishery Management Councils pursuant to section 302 (b)(2)(B) of the Magnuson-Stevens Fishery Conservation and Management Act; to the Committee on Resources.

6316. A letter from the President and Chief Executive Officer, Little League Baseball, transmitting the Annual Report of Little League Baseball, Incorporated for the fiscal year ending September 30, 2005, pursuant to 36 U.S.C. 1084(b); to the Committee on the Judiciary.

6317. A letter from the Director, Office of Legislative Affairs, Railroad Retirement Board, transmitting a copy of a draft bill entitled, "To amend the Railroad Retirement Act to provide for continued payment of railroad retirement annuities by the Department of the Treasury and for other purposes"; to the Committee on Transportation and Infrastructure.

6318. A communication from the President of the United States, transmitting notification of his intention to designate Liberia as a beneficiary developing country under the Generalized System of Preferences (GSP), pursuant to Public Law 104-188, section 1952(a)(110 Stat. 1917); (H. Doc. No. 109-92); to the Committee on Ways and Means and ordered to be printed.

6319. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report on supplementary views from the agricultural policy and technical advisory committees (Grains, Feed and Oilseeds; Processed Foods; Sweeteners; and Tobacco, Cotton and Peanuts) on the United States-Peru Trade Promotion Agreement; to the Committee on Ways and Means.

6320. A letter from the United States Trade Representative, Executive Office of the President, transmitting the reports of the Advisory Committee for Trade Policy and Negotiations, and the policy, sectoral and functional trade committees chartered under those Acts, on the United States-Peru Trade Promotion Agreement, pursuant to Section 2104(e) of the Trade Act of 2002 and Section 135(e) of the Trade Act of 1974, as amended; to the Committee on Ways and Means.

6321. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2006-8] received January 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6322. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Designated Roth contributions to cash or deferred arrangements under section 401(k) [TD 9237] (RIN: 1545-BE05) received January 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6323. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure Updates (Rev. Proc. 2006-7) received January 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6324. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Time for Filing Employment Tax Returns and Modifications to the Deposit Rules [TD 9239] (RIN: 1545-BE00) received January 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6325. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revision of Income Tax Regulations under sections 367, 884, and 6038B dealing with statutory mergers or consolidations under section 368(a)(1)(A) involving one or more foreign corporations, and guidance necessary to facilitate business electronic filing under section 6038B [TD 9243] (RIN: 1545-BA65) received January 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6326. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Allocation and Apportionment of Expenses Alternative Method for Determining Tax Book Value of Assets [TD 9247] (RIN: 1545-BF23) received January 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6327. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Clarification of Definitions [TD 9246] (RIN: 1545-BD37) received January 30, 3006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6328. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2006-6) received January 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6329. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Escrow Funds and Other Similar Funds [TD 9249] (RIN: 1545-AR82) received February 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6330. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Residence Rules Involving U.S. Possessions [TD 9248] (RIN: 1545-BC86) received February 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6331. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Announcement of rules adopting a reasonable cause standard for section 1503(d) filings [Notice 2006-13] received February 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6332. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Redemption Bogus Optional Basis Tax Shelter (UIL No: 9300.42-00) received February 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6333. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of June 28, 2005, Safe Harbor Date [Notice 2006-15] received February 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6334. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2006-16) received February 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6335. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Recomputed Differential Earnings Rate for Mutual Life Insurance Companies [Notice 2006-18] received February 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6336. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2006-19] received February 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6337. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Electricity Produced From Certain Renewable Resources (Rev. Rul. 2006-9) received February 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6338. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Appeals Settlement Guidelines: Notional Principal Contracts (UIL No. 9300.20-00) received February 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6339. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tax Avoidance Using Notional Principal Contacts [Notice 2006-16] received February 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6340. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Postponement of Deadline for Making an Election to Deduct Certain Losses Attributable to Hurricane Katrina, Rita, and Wilma [Notice 2006-17] received February 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6341. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2006-10) received February 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6342. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Clean Renewable Energy Bonds [Notice 2006-7] received February 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6343. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Application of Section 367 in Cross Border Section 304 Transactions; Certain Transfers of Stock Involving Foreign Corporations [TD 9250] (RIN: 1545-BD46) received February 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6344. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Work Activity of Persons Working as Members of Advisory Committees Established Under the Federal Advisory Committee Act (FACA) (RIN: 0960-AG07) received January 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6345. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Revised Medical Criteria for Evaluating Cardiovascular Impairments (RIN: 0960-AD48) received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6346. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Representation of Parties; Recognition, Disqualification, and Reinstatement of Representative (RIN: 0960-AG15) received January 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 4167. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes (Rept. 109-379). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. POMBO: Committee on Resources. H.R. 1071. A bill to direct the Secretary of Energy to make incentive payments to the owners or operators of qualified desalination facilities to partially offset the cost of electrical energy required to operate such facilities, and for other purposes; with an amendment, (Rept. 109-380, Pt. 1); Referred to the Committee on Energy and Commerce for a period ending not later than March 31, 2006, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JOHNSON of Illinois (for himself, Mr. Hastert, Mr. Kirk, Mr. Emanuel, Mrs. Biggert, Mr. Lipinski, Mr. Davis of Illinois, Mr. Shimkus, Mr. Weller, Mr. Costello, Mr. Gutierrez, Mr. Manzullo, Ms. Bean, Mr. Evans, Mr. LaHood, Ms. Schakowsky, Mr. Rush, Mr. Jackson of Illinois, and Mr. Hyde):

H.R. 4805. A bill to designate the facility of the United States Postal Service located at 105 North Quincy Street in Clinton, Illinois, as the "Gene Vance Post Office Building"; to the Committee on Government Reform.

By Mr. ANDREWS:

H.R. 4806. A bill to prohibit defense contractors from requiring licenses or fees for use of military likenesses and designations; to the Committee on Armed Services.

By Mr. KING of New York (for himself, Mr. Aderholt, Mr. Bachus, Mr. Barrow, Mr. Berry, Mr. Bilirakis, Mr. Boswell, Mr. Bradley of New Hampshire, Mr. Brown of South Carolina, Mr. Brown of Ohio, Ms. Ginny Brown-Waite of Florida, Mr. Capuano, Mr. Cleaver, Mr. Cole of Oklahoma, Mr. Cummings, Mrs. Jo Ann Davis of Virginia, Mr. Davis of Florida, Mr. DeFazio, Ms. DeLauro, Mr. Dicks, Mr. Doolittle, Mr. Frank of Massachusetts, Mr. Garrett of New Jersey, Mr. Gibbons, Mr. Gohmert, Mr. Gordon, Mr. Gene Green of Texas, Mr. Al Green of Texas, Ms. Harman, Ms. Herseth, Mr. Holt, Ms. Hooley, Ms. Jackson-Lee of Texas, Mr. Jindal, Mr. Sam Johnson of Texas, Mr. Kennedy of Rhode Island, Mr. King of Iowa, Mr. Langevin, Mr. Lantos, Mr. Larson of Connecticut, Mr. LoBiondo, Mrs. Lowey, Mr. Lynch, Mr. Markey, Mr. Marshall, Ms. Matsui, Mrs. McCarthy, Mr. McCaul of Texas, Mr. McCotter, Mr. McDermott, Mr. McGovern, Mr. McNulty, Mr. Meek of Florida, Mr. Michaud, Mr. Nadler, Mr. Ney, Mr. Ortiz, Mr. Pallone, Mr. Pascrell, Mr. Pence, Mr. Platts, Mr. Pomeroy, Mr. Ramstad, Mr. Reichert, Mr. Reynolds, Mr. Rothman, Mr. Ruppersberger, Mr. Shays, Mr. Simmons, Mr. Smith of New Jersey, Mr. Souder, Mr. Sweeney, Mr. Tancredo, Mr. Thompson of Mississippi, Mr. Tiberi, Mr. Udall of New Mexico, Mr. Van Hollen, Ms. Wasserman Schultz, Mr. Weldon of Pennsylvania, Mr. Westmoreland, and Mr. Wolf):

H.R. 4807. A bill to require an investigation under the Defense Production Act of 1950 of the acquisition by Dubai Ports World of the Peninsular and Oriental Steam Navigation Company, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce, International Relations, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES of North Carolina (for himself and Mr. Kildee):

H.R. 4808. A bill to prohibit the importation of motor vehicles of the People's Republic of China until the tariff rates that China imposes on motor vehicles of the United States are equal to the rates of duty applicable to motor vehicles of the People's Republic of China under the Harmonized Tariff Schedule of the United States; to the Committee on Ways and Means.

By Mrs. MILLER of Michigan (for herself and Mr. Lynch):

H.R. 4809. A bill to amend the provisions of chapter 35 of title 44, United States Code, commonly referred to as the Paperwork Reduction Act, to ensure usability and clarity of information disseminated by Federal agencies, and to facilitate compliance with Federal paperwork requirements; to the Committee on Government Reform.

By Mr. BISHOP of Utah:

H.R. 4810. A bill to amend the provisions of the Higher Education Act of 1965 relating to Academic Competitiveness Grants to preserve State authority over secondary school curricula; to the Committee on Education and the Workforce.

By Mr. BOOZMAN (for himself, Mr. Hastert, Mr. Young of Alaska, Mr.

OBERSTAR, Mr. ACKERMAN, Mr. BACHUS, Mr. BAIRD, Mr. BAKER, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mr. BILIRAKIS, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOEHLERT, Mr. BOSWELL, Mr. BOUSTANY, Mr. BRADLEY of New Hampshire, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of South Carolina, Ms. CARSON, Mr. CHANDLER, Mr. COBLE, Mr. CONYERS, Mr. COSTELLO, Mr. CUMMINGS, Mr. DEFAZIO, Mr. DENT, Mr. DICKS, Mr. DINGELL, Mr. DREIER, Mr. DUNCAN, Mr. EHLERS, Mr. EVANS, Mr. ENGLISH of Pennsylvania, Mr. FILNER, Mr. FORTUÑO, Mr. FRANK of Massachusetts, Mr. GALLEGLY, Mr. GERLACH, Mr. GILCHREST, Mr. GORDON, Mr. GRAVES, Mr. HALL, Mr. HAYES, Mr. HEFLEY, Mr. HERGER, Ms. HERSETH, Mr. HIGGINS, Mr. HOEKSTRA, Mr. HOLDEN, Mr. HONDA, Mr. HOYER, Mr. HYDE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Illinois, Ms. KAPTUR, Mrs. KELLY, Mr. KENNEDY of Minnesota, Mr. KOLBE, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LATOURETTE, Mr. LEACH, Mr. LEWIS of California, Mr. MCCOTTER, Mr. MCCRERY, Mr. MACK, Mr. MARCHANT, Mr. MICA, Mr. MICHAUD, Mr. GARY G. MILLER of California, Mr. GEORGE MILLER of California, Mr. MILLER of Florida, Mr. MORAN of Kansas, Mr. NADLER, Mr. NEY, Ms. NORTON, Mr. OBEY, Mr. ORTIZ, Mr. OSBORNE, Mr. PASCRELL, Mr. PETRI, Mr. PORTER, Mr. REGULA, Mr. PLATTS, Mr. RAHALL, Mr. RANGEL, Mr. ROGERS of Kentucky, Mr. ROSS, Mr. SALAZAR, Mr. SAXTON, Mrs. SCHMIDT, Ms. SCHWARTZ of Pennsylvania, Mr. SENSENBRENNER, Mr. SHAW, Mr. SHERWOOD, Mr. SHIMKUS, Mr. SMITH of New Jersey, Mr. SHUSTER, Mr. SIMMONS, Mr. SKELTON, Mr. SNYDER, Mr. SODREL, Mrs. TAUSCHER, Mr. THOMAS, Mr. TOWNS, Mr. UPTON, Mr. WALSH, Mr. WAXMAN, Mr. WEINER, Mr. WELDON of Pennsylvania, Mr. WESTMORELAND, Mr. WICKER, Mr. WOLF, and Mr. YOUNG of Florida):

H.R. 4811. A bill to designate the facility of the United States Postal Service located at 215 West Industrial Park Road in Harrison, Arkansas, as the "John Paul Hammerschmidt Post Office Building"; to the Committee on Government Reform.

By Mr. BROWN of Ohio (for himself, Mr. MICHAUD, Mr. STRICKLAND, Ms. LEE, Mr. GRIJALVA, and Mr. HOLDEN):

H.R. 4812. A bill to provide greater accountability in reviewing the national security considerations of free trade agreements; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself, Mr. THOMPSON of Mississippi, Mr. BROWN of Ohio, Mrs. BONO, Mr. MCCOTTER, Mr. RUPPERSBERGER, Mr. FOSSELLA, Mr. BERRY, Mr. SAM JOHNSON of Texas, Mr. MICHAUD, Mr. WU, Mr. TIBERI, Mr. SHAYS, Mr. FEENEY, Mr. DAVIS of Tennessee, Mr. LOBIONDO, Mr. WOLF, Mr. RYAN of Wisconsin, Mr. WAMP, Mr. WEXLER, Mr. DEFAZIO, Mr. TERRY, Mr. HOLDEN, Mr. SIMMONS, Mr. SANDERS, Mr. ROSS, Mrs. EMERSON, Mr. BROWN of South Carolina, Mr. MCGOVERN, Ms. HARRIS, and Mr. DAVIS of Kentucky):

H.R. 4813. A bill to amend the Defense Production Act of 1950 to improve national security and clarify congressional intent with respect to the review process for certain mergers and acquisitions, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT of New Jersey:

H.R. 4814. A bill to amend section 721 of the Defense Production Act of 1950 to suspend all proposed mergers, acquisitions, or takeovers by foreign persons until certain determinations are made; to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILLMOR:

H.R. 4815. A bill to establish a National Sex Offender Risk Classification Task Force to create guidelines for the establishment of a risk-based sex offender classification system for use in sex offender registries; to the Committee on the Judiciary.

By Mr. HAYWORTH:

H.R. 4816. A bill to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction of tunnels between the United States and another country; to the Committee on the Judiciary.

By Mr. HAYWORTH:

H.R. 4817. A bill to prohibit entities owned or controlled by foreign governments from carrying out operations at seaports in the United States; to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY:

H.R. 4818. A bill to establish the South Park National Heritage Area in the State of Colorado, and for other purposes; to the Committee on Resources.

By Mr. LEACH:

H.R. 4819. A bill to amend the Federal Election Campaign Act of 1971 to prohibit nonparty multicandidate political committees from making contributions in support of campaigns for election for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. MARKEY:

H.R. 4820. A bill to amend the Defense Production Act of 1950 to strengthen the requirements relating to investigations under such Act, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce, International Relations, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. LOBIONDO, Mr. SAXTON, Mr. ANDREWS, Mr. PAYNE, and Mr. HINCHEY):

H.R. 4821. A bill to amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board; to the Committee on Transportation and Infrastructure.

By Mr. SESSIONS:

H.R. 4822. A bill to amend the Energy Policy and Conservation Act to permit development of necessary technology to reduce energy demand through more efficient torchiere lighting; to the Committee on Energy and Commerce.

By Mr. VISCLOSKY (for himself and Mr. EMANUEL):

H.R. 4823. A bill to establish a United States-Poland parliamentary youth exchange program, and for other purposes; to the Committee on International Relations.

By Ms. HARMAN:

H.J. Res. 79. A joint resolution disapproving the results of the review conducted by the Committee on Foreign Investment in the United States (CFIUS) into the purchase of Peninsular and Oriental Steam Navigation (P&O) by Dubai Ports World (DP World); to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California:

H. Con. Res. 348. Concurrent resolution expressing the sense of Congress with respect to accomplishing the mission in Iraq; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE (for himself and Mr. LANTOS):

H. Res. 697. A resolution congratulating the people and Government of Italy, the Torino Olympic Organizing Committee, the International Olympic Committee, the United States Olympic Committee, the 2006 United States Olympic Team, and all international athletes upon the successful completion of the 2006 Olympic Winter Games in Turin, Italy; to the Committee on International Relations.

By Mr. KNOLLENBERG:

H. Res. 698. A resolution expressing the sense of the House of Representatives that all Americans should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad; to the Committee on Armed Services.

By Mr. PRICE of North Carolina (for himself, Mr. MOLLOHAN, Mr. RAHALL, Mr. OSBORNE, Mr. LANGEVIN, Mr. KENNEDY of Rhode Island, Mr. BROWN of Ohio, Ms. BORDALLO, Mr. ETHERIDGE, Mr. CHANDLER, Mr. GRIJALVA, Mr. HIGGINS, Ms. ESHOO, Mr. HOLT, Ms. MATSUI, Mr. OTTER, Mr. PETERSON of Minnesota, Mr. MCINTYRE, and Mr. DAVIS of Illinois):

H. Res. 699. A resolution supporting the goals and ideals of National Entrepreneurship Week and encouraging the implementation of entrepreneurship education programs in elementary and secondary schools and institutions of higher education through the United States; to the Committee on Education and the Workforce.

By Ms. ROS-LEHTINEN (for herself and Mr. WEXLER):

H. Res. 700. A resolution supporting an upgrade in Israel's relationship with NATO to that of a leading member of NATO's Individual Cooperation Program, as a first step toward Israel's inclusion in NATO as a full member with all corresponding rights, privileges, and responsibilities; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mrs. CAPITO.

H.R. 25: Mr. MORAN of Kansas.

H.R. 30: Mr. NEY and Mr. BISHOP of Georgia.

H.R. 87: Mr. ANDREWS, Mr. Pascrell, and Mr. LOBIONDO.

H.R. 110: Mr. FATTAH.

H.R. 115: Mr. FATTAH.

H.R. 198: Mr. LEWIS of Georgia.

H.R. 282: Mr. HOLDEN, Mr. DEAL of Georgia, and Mr. OLVER.

H.R. 303: Mr. SIMMONS, Mr. SULLIVAN, and Mr. SCOTT of Virginia.

H.R. 363: Mr. WYNN, Mr. BROWN of Ohio, and Mr. REYES.

H.R. 398: Mr. CLAY.

H.R. 500: Mr. ISTOOK and Mr. GOHMERT.

H.R. 515: Mr. KUHL of New York, Mr. MEEK of Florida, and Mr. ROSS.

H.R. 550: Mr. WALDEN of Oregon.

H.R. 552: Mr. JENKINS and Mr. ALEXANDER.

H.R. 561: Ms. SCHAKOWSKY.

H.R. 615: Ms. MCCOLLUM of Minnesota and Ms. HART.

H.R. 633: Mr. KILDEE.

H.R. 769: Mr. EVANS, Ms. SCHAKOWSKY, and Mr. FRANK of Massachusetts.

H.R. 857: Mr. BROWN of South Carolina.

H.R. 865: Mr. TANCREDO.

H.R. 874: Mr. GOODLATTE and Mr. GINGREY.

H.R. 880: Mr. KENNEDY of Minnesota and Mr. JEFFERSON.

H.R. 884: Mr. GUTIERREZ and Mr. SALAZAR.

H.R. 898: Mr. FOSSELLA, Mr. YOUNG of Florida, Mr. GRIJALVA, Mr. CUELLAR, and Mr. WALSH.

H.R. 986: Mr. CUMMINGS.

H.R. 998: Mr. GOHMERT and Ms. JACKSON-LEE of Texas.

H.R. 1002: Mr. CARDIN and Mr. LIPINSKI.

H.R. 1053: Ms. SCHAKOWSKY, Mrs. MILLER of Michigan, and Mr. MCKEON.

H.R. 1100: Mr. MCCOTTER.

H.R. 1188: Mr. PAYNE, Mr. ANDREWS, Mr. BISHOP of New York, and Ms. MCKINNEY.

H.R. 1249: Mr. RYAN of Wisconsin, Mr. PLATTS, and Mr. WELLER.

H.R. 1258: Mrs. CUBIN.

H.R. 1259: Mr. MURPHY and Mr. DEAL of Georgia.

H.R. 1288: Mrs. BIGGERT.

H.R. 1290: Mr. BISHOP of New York.

H.R. 1322: Mr. WYNN, Mr. ALLEN, Mr. MURTHA, and Mr. PAYNE.

H.R. 1323: Mr. WYNN and Mr. BARROW.

H.R. 1330: Mr. GRIJALVA and Mr. CONYERS.

H.R. 1357: Mr. BEAUPREZ, Mrs. DRAKE, Mr. GOHMERT, Mr. DANIEL E. LUNGREN of California, Miss MCMORRIS, Mr. BONNER, Mr. CARTER, Mr. COLE of Oklahoma, Mr. CULBERSON, Mr. FORTUÑO, Mr. FLAKE, Ms. HARRIS, and Mr. ISSA.

H.R. 1375: Mr. KUCINICH.

H.R. 1418: Mr. FILNER.

H.R. 1424: Mr. THOMPSON of California.

H.R. 1431: Mr. CONYERS, Mr. RUSH, Mr. MCGOVERN, Mr. DOYLE, Mr. DOGGETT, Mr. KILDEE, Mr. ROTHMAN, Mr. ENGLISH of Pennsylvania, Mr. LEWIS of Georgia, Ms. KAPTUR, Mr. SCOTT of Virginia, Mr. KUCINICH, Mr. FITZPATRICK of Pennsylvania, and Ms. SCHAKOWSKY.

H.R. 1462: Mr. ENGLISH of Pennsylvania and Mr. MCCOTTER.

H.R. 1558: Mrs. MCCARTHY.

H.R. 1578: Mr. WILSON of South Carolina, Mr. GARRETT of New Jersey, Mr. ORTIZ, Ms. ESHOO, Mr. POMEROY, Ms. CORRINE BROWN of Florida, and Mr. TANCREDO.

H.R. 1591: Mr. JOHNSON of Illinois.

H.R. 1607: Mrs. MUSGRAVE.

H.R. 1621: Mr. BROWN of Ohio.

H.R. 1690: Mrs. WILSON of New Mexico.

H.R. 1696: Mr. SWEENEY.

H.R. 1704: Ms. HART.

H.R. 1709: Mr. CAPUANO.

H.R. 1951: Mr. MILLER of North Carolina, Mr. AKIN, Ms. CARSON, Mr. TURNER, Mr. PAUL, and Mr. KILDEE.

H.R. 1955: Mr. BROWN of Ohio.

H.R. 1957: Mr. BASS.

H.R. 2048: Ms. CARSON and Mr. HONDA.

H.R. 2063: Mr. PUTNAM and Mr. SOUDER.

H.R. 2178: Ms. MCKINNEY.

H.R. 2206: Mr. FATTAH, Mr. THOMPSON of California, Mrs. NAPOLITANO, Mrs. CAPPS, Mr. JOHNSON of Illinois, and Ms. BALDWIN.

H.R. 2317: Mr. POE.

H.R. 2369: Mr. FITZPATRICK of Pennsylvania, Ms. WATSON, Mr. STRICKLAND, Ms. BORDALLO, Mr. POE, Mr. JONES of North Carolina, Mr. LEWIS of Kentucky, Mr. GILCHREST, Mr. BISHOP of New York, Mr. HOSTETTLER, Mr. TIERNEY, Mr. DUNCAN, Mr. TANNER, Mr. RUPPERSBERGER, Mr. GARRETT of New Jersey, Mr. FERGUSON, Mr. SPRATT, Mr. GIBBONS, Mr. SIMPSON, Mr. KUHL of New York, Mr. FORD, Mr. CONAWAY, Mr. FLAKE, Mr. MORAN of Kansas, Mrs. LOWEY, Ms. BALDWIN, Mr. LOBIONDO, Mr. SHIMKUS, Mrs. CAPPS, Mr. UPTON, Mrs. MILLER of Michigan, Mr. PUTNAM, Mrs. MUSGRAVE, Mr. MILLER of North Carolina, Mr. CUELLAR, Mr. PETRI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BONILLA, Mr. BECERRA, Mr. PICKERING, Ms. PRYCE of Ohio, Mr. SHUSTER, Mr. CALVERT, Mrs. JONES of Ohio, Ms. WOOLSEY, Mr. WILSON of South Carolina, Mr. SIMMONS, Mr. HIGGINS, Ms. LORETTA SANCHEZ of California, Mr. MEEHAN, Mr. HOLDEN, Mr. YOUNG of Alaska, Mrs. WILSON of New Mexico, Mr. UDALL of New Mexico, Mr. SCHIFF, Mr. ISRAEL, and Mr. GILLMOR.

H.R. 2421: Mr. WYNN, Mr. PLATTS, Mr. MEEHAN, Mr. CUMMINGS, Mr. UDALL of Colorado, and Mrs. MCCARTHY.

H.R. 2471: Mr. FORD.

H.R. 2488: Mr. MOORE of Kansas.

H.R. 2521: Mr. FATTAH and Mr. LATOURETTE.

H.R. 2534: Mr. HEFLEY.

H.R. 2553: Ms. DELAURO.

H.R. 2561: Mr. PRICE of North Carolina.

H.R. 2568: Mr. RAHALL.

H.R. 2669: Mr. CASTLE.

H.R. 2679: Mr. PLATTS, Mr. RADANOVICH, Mr. MORAN of Kansas, Mr. RYUN of Kansas, and Mr. TANCREDO.

H.R. 2684: Mr. KUHL of New York, Mr. MCDERMOTT, Mr. CASE, Mrs. JOHNSON of Connecticut, Mr. MOORE of Kansas, Mr. SAXTON, Ms. BALDWIN, Mr. KUCINICH, and Mr. LAHOOD.

H.R. 2716: Mr. KIND and Ms. SCHAKOWSKY.

H.R. 2717: Mr. GORDON.

H.R. 2719: Mrs. TAUSCHER.

H.R. 2727: Ms. SLAUGHTER.

H.R. 2788: Mr. MURTHA.

H.R. 2872: Mr. BILIRAKIS, Mr. REHBERG, Ms. DEGETTE, Mr. FORTENBERRY, Mr. TIERNEY, Mr. GINGREY, and Mr. NEAL of Massachusetts.

H.R. 3038: Ms. JACKSON-LEE of Texas.

H.R. 3063: Ms. DEGETTE.

H.R. 3145: Ms. CORRINE BROWN of Florida and Mr. SCOTT of Georgia.

H.R. 3189: Mr. PAYNE.

H.R. 3248: Ms. SCHAKOWSKY, Mr. MICHAUD, Mr. SHAYS, Mr. KIND, Mr. RAHALL, Mr. BONNER, Mr. SOUDER, and Mr. BACHUS.

H.R. 3255: Mr. WILSON of South Carolina and Mr. EHLERS.

H.R. 3307: Mr. RAHALL.

H.R. 3352: Mr. ENGLISH of Pennsylvania, Mr. MCCOTTER, Mr. ALEXANDER, and Mr. RAHALL.

H.R. 3361: Mr. STRICKLAND.

H.R. 3427: Mr. SAXTON.

H.R. 3476: Mr. PASTOR, Mr. BRADY of Pennsylvania, Mr. ALEXANDER, Mr. EVANS, Mr. ALLEN, and Mr. BISHOP of Georgia.

H.R. 3478: Mr. LOBIONDO, Mr. BROWN of Ohio, Mr. ROHRABACHER, and Mr. HOLDEN.

H.R. 3547: Mr. JEFFERSON.

H.R. 3590: Mr. PASTOR.

H.R. 3616: Mr. SESSIONS.

H.R. 3639: Ms. DEGETTE.

H.R. 3658: Mr. HASTINGS of Florida, Mr. OWENS, Ms. KILPATRICK of Michigan, Mr. LYNCH, Mr. RUSH, Ms. WASSERMAN SCHULTZ, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 3734: Ms. JACKSON-LEE of Texas.

H.R. 3762: Ms. LINDA T. SÁNCHEZ of California and Mr. NADLER.

H.R. 3779: Mr. MOORE of Kansas and Mr. KILDEE.

H.R. 3837: Mr. STARK and Mr. MOORE of Kansas.

H.R. 3883: Mr. MILLER of North Carolina, Mr. LUCAS, Mr. YOUNG of Alaska, and Mr. ABERCROMBIE.

H.R. 3962: Mr. BURGESS, Mr. UPTON, Mr. SANDERS, and Ms. BORDALLO.

H.R. 3964: Ms. MCKINNEY.

H.R. 3973: Ms. SCHAKOWSKY.

H.R. 4005: Mr. PLATTS, Ms. CARSON, Mr. BROWN of Ohio, Ms. CORRINE BROWN of Florida, Mr. TOWNS, Mr. ACKERMAN, Mr. DENT, and Ms. SCHAKOWSKY.

H.R. 4019: Mr. TANNER, Mr. MATHESON, Mr. ROYCE, Mr. HOLDEN, Mr. SOUDER, and Ms. HART.

H.R. 4023: Ms. HERSETH, Mr. CROWLEY, Mr. HASTINGS of Florida, Mr. UDALL of Colorado, Mr. BAIRD, Mr. MEEK of Florida, Mr. TIERNEY, Mrs. MALONEY, Ms. ESHOO, Ms. MATSUI, Mr. RAMSTAD, Ms. LORETTA SANCHEZ of California, Mr. OWENS, Mr. CUMMINGS, Ms. WATSON, Mr. SHAYS, Mr. CLAY, Mr. CAPUANO, Mr. FORD, and Mr. BISHOP of Georgia.

H.R. 4025: Mr. GREEN of Wisconsin.

H.R. 4026: Mr. ACKERMAN.

H.R. 4059: Mr. HIGGINS and Mr. SANDERS.

H.R. 4158: Mr. MCGOVERN.

H.R. 4166: Mr. WEXLER.

H.R. 4188: Mr. MICHAUD and Mr. FORD.

H.R. 4197: Mr. BROWN of Ohio, Ms. MATSUI, Mr. HOYER, and Ms. SOLIS.

H.R. 4211: Mr. RUSH and Ms. KILPATRICK of Michigan.

H.R. 4229: Mr. MOORE of Kansas, Ms. ROYBAL-ALLARD, Mr. OLVER, and Mrs. TAUSCHER.

H.R. 4259: Mr. REYES.

H.R. 4298: Mrs. CHRISTENSEN, Mr. MCCOTTER, Ms. JACKSON-LEE of Texas, and Mr. ABERCROMBIE.

H.R. 4341: Mr. KING of Iowa, Mr. BUTTERFIELD, Mr. BONNER, and Mr. RENZI.

H.R. 4384: Mr. VAN HOLLEN and Ms. LEE.

H.R. 4398: Mr. CLAY.

H.R. 4422: Mrs. WILSON of New Mexico.

H.R. 4452: Ms. KILPATRICK of Michigan and Ms. MATSUI.

H.R. 4479: Mr. TIERNEY and Ms. LEE.

H.R. 4493: Mr. ORTIZ.

H.R. 4517: Mr. LEWIS of Georgia, Ms. ROS-LEHTINEN, and Mr. FEENEY.

H.R. 4542: Mr. MORAN of Virginia, Mr. BECERRA, Mrs. MALONEY, Mr. MCCAUL of Texas, Mr. NEAL of Massachusetts, Mr. SABO, and Ms. SCHAKOWSKY.

H.R. 4546: Mr. WALSH.

H.R. 4547: Mr. PICKERING, Mr. CUELLAR, Mr. CANNON, Mr. ALEXANDER, Mr. FEENEY, Mr. PETERSON of Minnesota, Mr. ROSS, Mr. BRADLEY of New Hampshire, Mr. RAHALL, Mr. WESTMORELAND, and Mr. GINGREY.

H.R. 4597: Ms. JACKSON-LEE of Texas, Mr. BISHOP of Georgia, Mr. GEORGE MILLER of California, Mr. HONDA, Mr. RAHALL, Mr. SULLIVAN, and Mr. ROHRABACHER.

H.R. 4621: Mrs. MYRICK, Mr. JONES of North Carolina, Mr. DAVIS of Tennessee, Mr. BOYD, and Mr. POE.

H.R. 4623: Ms. MOORE of Wisconsin.

H.R. 4672: Mr. GORDON.

H.R. 4673: Mr. LEACH.

H.R. 4677: Mr. DENT.

H.R. 4681: Mr. YOUNG of Florida, Mr. BUTTERFIELD, Mr. ENGLISH of Pennsylvania, Mr. KINGSTON, Mr. SHAW, Mr. BONNER, Mr. PLATTS, Mr. DEAL of Georgia, Mr. HOLDEN, Mr. ETHERIDGE, Mr. LoBIONDO, Mr. SAXTON, Mr. MARCHANT, Mr. STEARNS, Mr. SENSENBRENNER, Ms. SCHAKOWSKY, Mr. TOM DAVIS of Virginia, Mr. FORD, and Mr. ALEXANDER.

H.R. 4685: Mr. CUELLAR.

H.R. 4695: Ms. SCHAKOWSKY, Mrs. McCARTHY, Mr. WAXMAN, Mr. GRIJALVA, Ms. McKINNEY, and Mr. RANGEL.

H.R. 4696: Mr. DENT.

H.R. 4708: Ms. JACKSON-LEE of Texas.

H.R. 4725: Mr. PAUL, Mr. CAMP of Michigan, Mr. COBLE, Mr. GUTKNECHT, Mr. SAXTON, Mr. SMITH of Texas, Mr. THORNBERRY, Mr. WICKER, Mrs. CAPITO, and Mr. COLE of Oklahoma.

H.R. 4729: Mr. LYNCH, Mr. HIGGINS, Mr. ENGLISH of Pennsylvania, Mr. CONYERS, and Mr. KILDEE.

H.R. 4736: Mr. SHAYS.

H.R. 4737: Mr. WEXLER.

H.R. 4747: Ms. MILLENDER-McDONALD, Ms. ROS-LEHTINEN, Mr. McNULTY, Mrs. McCARTHY, Mrs. LOWEY, Mr. SAXTON, Mr. SANDERS, Mr. WAXMAN, and Ms. SOLIS.

H.R. 4749: Mr. SKELTON and Ms. MATSUI.

H.R. 4755: Mr. ACKERMAN, Mr. MATHESON, Mr. DOYLE, Mr. POE, Mr. BAIRD, Mr. CLAY, Ms. DeGETTE, Ms. PRYCE of Ohio, Ms. WASSERMAN SCHULTZ, Mrs. McCARTHY, Mr. CLEAVER, Mrs. CAPPS, Ms. LEE, Mr. FORTUÑO, Mr. RUPPERSBERGER, Ms. CORRINE BROWN of Florida, Mrs. TAUSCHER, Mr. BOUCHER, Mr. POMEROY, Mr. COSTA, Mr. McDERMOTT, Mr. KLINE, Mr. DAVIS of Florida, Mr. HASTINGS of Florida, Mr. CARNAHAN, Mr. WOLF, Mr. DICKS, Ms. HART, Mr. MEEKS of New York, Mr. OWENS, Mr. SABO, Mr. BARRETT of South Carolina, and Mr. CROWLEY.

H.R. 4761: Mr. BACHUS, Mr. COLE of Oklahoma, and Mr. CANTOR.

H.R. 4772: Mr. NEUGEBAUER.

H.R. 4774: Mrs. MILLER of Michigan and Mr. KIRK.

H.R. 4778: Mr. CASE.

H.R. 4793: Mr. BASS, Ms. HERSETH, Mr. SANDERS, Mr. FOSSELLA, Mr. MARKEY, Mr. McHUGH, Mr. WALSH, Mr. BRADLEY of New Hampshire, Mr. KIND, Mr. SIMMONS, Mr. NEAL of Massachusetts, Mr. RYAN of Ohio, Mr. DELAHUNT, Mr. COSTELLO, Mr. McNULTY, Mr. SWEENEY, and Mr. KING of New York.

H.R. 4800: Mr. STUPAK.

H.J. Res. 3: Mr. BEAUPREZ.

H.J. Res. 16: Mr. GOHMERT.

H.J. Res. 67: Mr. NORWOOD.

H.J. Res. 78: Mr. WILSON of South Carolina and Mrs. EMERSON.

H. Con. Res. 42: Mr. MARCHANT and Mr. GREEN of Wisconsin.

H. Con. Res. 172: Mr. FORD and Mr. WEXLER.

H. Con. Res. 299: Mr. GRIJALVA and Ms. DeGETTE.

H. Con. Res. 318: Mr. GRIJALVA.

H. Con. Res. 320: Mr. BURTON of Indiana, Mr. TOM DAVIS of Virginia, Mr. FRANKS of Arizona, Mr. LANTOS, Ms. ZOE LOFGREN of California, Mr. McCOTTER, Mr. PAYNE, Mr. PITTS, Mr. ROHRABACHER, Mr. ROTHMAN, Ms. ROS-LEHTINEN, Ms. LORETTA SANCHEZ of California, and Mr. WEXLER.

H. Con. Res. 335: Ms. MATSUI, Mr. WEXLER, Mr. DAVIS of Alabama, Mr. DELAHUNT, Mr. CARDOZA, Mr. WAXMAN, Ms. MILLENDER-McDONALD, Ms. SLAUGHTER, Ms. BALDWIN, Mrs. NAPOLITANO, and Mr. SANDERS.

H. Con. Res. 336: Mr. McGOVERN and Mr. GORDON.

H. Con. Res. 338: Mr. McCOTTER, Mr. ENGEL, and Mr. WELLER.

H. Con. Res. 340: Mr. McNULTY, Mr. WU, Mr. LYNCH, Ms. WASSERMAN SCHULTZ, Mrs. MALONEY, Mr. TOM DAVIS of Virginia, Mr. WEXLER, Mr. MARKEY, and Mr. VAN HOLLEN.

H. Con. Res. 343: Mr. HIGGINS.

H. Con. Res. 346: Mr. GARRETT of New Jersey, Mr. WELLER, Mr. SESSIONS, Mr. FOSSELLA, and Mr. BONNER.

H. Res. 85: Mr. GRIJALVA, Mr. UDALL of Colorado, Ms. MILLENDER-McDONALD, and Mrs. EMERSON.

H. Res. 526: Ms. MILLENDER-McDONALD, Mr. McKEON, and Mr. WICKER.

H. Res. 556: Ms. McKINNEY.

H. Res. 589: Ms. HART.

H. Res. 608: Mr. GORDON and Mr. SMITH of New Jersey.

H. Res. 638: Mr. ALLEN, Mr. BECERRA, Mr. BOSWELL, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CAPUANO, Mr. CARNAHAN, Mr. COOPER, Mr. DELAHUNT, Ms. DeLAURO, Mr. EDWARDS, Mr. ENGEL, Mr. FATTAH, Mr. FRANK of Massachusetts, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HINCHEY, Mr. HINOJOSA, Mr. HONDA, Mr. INSLEE, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Mr. KUCINICH, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. McCOLLUM of Minnesota, Mr. McDERMOTT, Mr. McGOVERN, Ms. McKINNEY, Ms. MATSUI, Mrs. NAPOLITANO, Mr. OWENS, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. PRICE of North Carolina, Mr. REICHERT, Mr. RUSH, Ms. LORETTA SANCHEZ of California, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHERMAN, Mr. SMITH of Washington, Mr. SNYDER, Ms. SOLIS, Mr. TIERNEY, Mr. TOWNS, Ms. VELÁZQUEZ, Ms. WATSON, Mr. WATT, and Ms. WOOLSEY.

H. Res. 641: Mr. OWENS.

H. Res. 643: Mr. WAXMAN and Mr. MICHAUD.

H. Res. 645: Ms. LEE.

H. Res. 647: Ms. BORDALLO.

H. Res. 658: Mr. REYES, Mr. GRIJALVA, Mr. FARR, Mrs. NAPOLITANO, Mr. KUCINICH, Mr. BAIRD, Mr. ACKERMAN, Mr. PAYNE, Ms. LEE, and Ms. SCHAKOWSKY.

H. Res. 672: Mr. FALEOMAVAEGA.

H. Res. 673: Mr. BOOZMAN, Mr. LIPINSKI, Mr. SHAYS, Mr. WELLER, Mr. PALLONE, Mr. CONAWAY, Ms. BEAN, Mrs. BIGGERT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BURTON of Indiana, Mr. LANTOS, Mr. LAHOOD, Mr. DAVIS of Kentucky, Mr. SMITH of New Jersey, Mr. EVANS, Mr. BURGESS, Mr. KIRK, Mr. CROWLEY, Mr. TERRY, Mr. SULLIVAN, Mr. BRADY of Texas, Mr. BARRETT of South Carolina, Mr. HULSHOF, and Ms. ROS-LEHTINEN.

H. Res. 675: Mr. MEEKS of New York, Mr. ROTHMAN, Mr. OBERSTAR, and Ms. WASSERMAN SCHULTZ.

H. Res. 677: Mr. SCOTT of Georgia, Mr. FORD, Mrs. JONES of Ohio, and Ms. WATERS.

H. Res. 691: Mr. LEWIS of Georgia, Mr. McCOTTER, and Mr. PAYNE.

H. Res. 693: Mr. NEAL of Massachusetts, Ms. BORDALLO, Ms. JACKSON-LEE of Texas, Ms. NORTON, and Mr. CLEAVER.

EXTENSIONS OF REMARKS

HONORING THE LIFE OF TED SMITH

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to honor the life of Mr. Ted Smith, a life-long resident of Chautauqua County and a truly remarkable man.

PAYING TRIBUTE TO TED SMITH

(By Manley J. Anderson)

Two well-known local public figures have shared their thoughts about R. Theodore "Ted" Smith who was an integral part of their lives for several years. Those paying remembrance and tribute to their late, longtime colleague are Joseph Gerace Sr., New York State Supreme Court Justice now serving as a judicial hearing officer; and Dr. Gregory T. DeCinque, Jamestown Community College president speaking for the area's academic community.

Gerace said he and Smith campaigned together years ago for the Chautauqua County Legislature, representing the Busti/North Harmony area. "Ted in just about every respect was one of the most outstanding people I've ever met," the jurist said. "He was the kind of public official we wish we had in all positions: honest, straightforward and caring about the community."

"He was Mr. Environment," Gerace said, "and I feel we may still be waiting for the sewer districts except for Ted Smith, who also was known as Mr. Integrity. We campaigned together for the Chautauqua County Legislature, knocking on doors, and Ted took on a county-wide assignment with the landfill, closing open dumps and developing a solid waste plan that was the envy of the area and so effective the private sector wanted to buy it."

The jurist closed with, "He was an all-around guy with a great sense of humor. He was truly the Mark Twain of our era and he always used humor to make the best of a situation." "It is with deep sadness that I share with you that Ted Smith passed away late yesterday (Thursday) at Hamot Medical Center as the result of a heart attack he suffered Sunday evening," DeCinque said.

"Ted was among the early faculty who established JCC as the premiere community college in New York," he said. "Whether as a faculty member, founding dean of the Cattaraugus County Campus, dean of academic affairs, or retiree, Ted's contributions to JCC are legend."

DeCinque continued with, "Ted led JCC through the development phase of many academic programs as well as the growth of our Cattaraugus County Campus, our outreach into Pennsylvania, and our Dunkirk center."

The academician pointed out, "Ted was recognized with the SUNY Chancellor's Award for Excellence in Teaching in 1975 and the JCC Foundation's John D. Hamilton Award in 2001. He is among the select few to receive these highest honors associated with the college."

DeCinque went on with, "Ted was highly regarded throughout the state both as an educator and a political leader. His service on the Chautauqua County Legislature led to many improvements within the county, and I know he will be remembered as one of the best legislators we have had in Chautauqua County."

He continued with, "Following Ted's retirement, he returned to the classroom and continued his love affair with teaching. I had the privilege of participating in many of Ted's Student Success Seminars where I witnessed the relationship he was able to develop with students. In addition to teaching in his retirement, Ted carries out a number of research assignments for us that resulted in establishment of several of our newest academic programs including professional piloting, occupational therapy, and dental hygiene."

DeCinque said, "On a personal note, Ted was always there to provide me with insight and wisdom, and he often would send me short notes from Busti or Florida that were always on target and helpful. I will miss that guidance." The college leader said, "JCC and our larger community have lost a dear friend and colleague, and our heartfelt sympathy goes out to Pat and the entire Smith family." He closed with, "Information on services for Ted will be shared with you as it becomes available.

Ted was a man who fully understood how to live to its fullest and that, Mr. Speaker, is why I rise to honor him today.

IN MEMORY OF CPT SANDOR L. GORDON

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. WILSON of South Carolina. Mr. Speaker, with the death of CPT Sandor Lebron Gordon in a tragic car accident on Sunday, November 27, 2005, our State lost a true South Carolina hero.

Captain Gordon led a selfless life, demonstrated by his commitment to his family and his country. The son of Reverend and Mrs. Sammie L. Gordon of Orangeburg, SC, Gordon grew up in a home where love, hard work and concern for others were cherished and honored. It was these characteristics that made him successful in life.

As a husband, his wife and college sweetheart, the former Angela Nicole Strong called him her "very best friend." His son James praised his father for the love and concern he gave him and his little brother Simeon. My son Alan and the men of the 3d of the 178th Field Artillery Battalion who served with Captain Gordon in Iraq said of him "Sandor always had a smile to share, an ear to listen, and a hand to shake. He was a selfless humanitarian who volunteered to leave the safety of his base to take school supplies, clothes, food and water to the neediest Iraqi children living nearby."

Captain Gordon was a member of Omega Psi Phi Fraternity Incorporated, the NAACP, and was voted "Top 20 under 40 Midlands Successful Businessmen" for the year 2005. A respected small businessman, Captain Gordon made the financial sacrifice to answer his Nation's call to duty in December 2003, and upon returning from Iraq a year later was awarded the prestigious Bronze Star Medal.

His family, friends, and the Iraqi children he lovingly helped will remember Captain Gordon for his selfless dedication to them, our country, and a free Iraq. He is deeply missed by all who knew him.

The Wilson family extends its deepest sympathy to the Gordon family.

HUMAN RIGHTS IN BURMA: WHERE ARE WE NOW AND WHAT DO WE DO NEXT?

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. SMITH of New Jersey. Mr. Speaker, on Tuesday, February 7, I chaired a hearing on the current human rights situation in Burma, and what the U.S. and the international community can and must do to improve that situation.

After 40 years of brutal military dictatorships, the human rights situation in Burma is frightening. That nation's current military junta, in power for over 17 years, is an abysmal failure on every conceivable level.

It has ruined a beautiful and naturally rich land. According to the State Department's most recent Human Rights Country Report:

> More than 4 decades of economic mismanagement and endemic corruption have resulted in widespread poverty, poor health care, declining education levels, poor infrastructure, and continuously deteriorating economic conditions. During the year, poor economic policymaking, lingering consequences of the 2003 private banking sector collapse, and the economic consequences of international sanctions further weakened the economy. The estimated annual per capita income was approximately $225. Most of the population of more than 50 million live in rural areas at subsistence levels.

The Heritage Foundation ranked Iran and North Korea as the only countries with more restrictive economies than that of Burma.

But economic misery is probably the least of the problems faced by Burma's long-suffering people.

> Citizens still did not have the right to criticize or change their government . . . Security forces continued to carry out extrajudicial killings. Disappearances continued.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

> and security forces raped, tortured, beat, and otherwise abused prisoners and detainees. Citizens were subjected to arbitrary arrest without appeal.—2004 STATE DEPARTMENT HUMAN RIGHTS REPORT.

There are more than 1,100 political prisoners in Burma, who are abused and tortured. Seven are reported to have died in custody last year, and just last month a 38-year-old democratic activist died in custody due to inadequate medical attention.

Over 15 years ago the National League for Democracy, led by Nobel laureate Aung San Suu Kyi and other democratic forces, won an overwhelming victory in free elections, 82 percent. The junta refused to accept the results or to call Parliament into session. Instead it imprisoned many activists, including Aung San Suu Kyi, who has spent 10 years under house arrest. Her current house arrest is tantamount to solitary confinement. She has been cruelly kept away from her children, and her husband, who died abroad. For 15 years the junta has cynically proclaimed its intention to draft a new constitution via a national convention, with no participation by the people's democratic representatives. That national convention has again been adjourned, with no constitution, and no freedom, in sight.

Since 1999, the U.S. Secretary of State has designated Burma as a "Country of Particular Concern" under the International Religious Freedom Act for particularly severe violations of religious freedom.

According to the U.S. Department of State, Burma continues to be a Tier 3 Country for human trafficking, and "the junta's policy of using forced labor is a driving factor behind Burma's large trafficking problem." The ILO has condemned Burma's use of forced labor, and the ILO representative in Burma has received death threats. Burma has threatened to quit the ILO. Burma regularly prosecutes those who complain about forced labor. Last October, Burma sentenced a 34-year-old woman to 20 months in prison for "criminal intimidation" of local officials. Her offense? She had the temerity to initiate the first successful prosecution for use of forced labor in Burma. She had lodged a complaint in 2004 against local government officials over their use of forced labor on a road construction project. She exercised her right to do this under new regulations introduced by the government to appease the International Labor Organization, ILO. She is now in prison, and her appeal was summarily denied.

Burma is high on the list of uncooperative drug-producing or transiting countries, and there is evidence of military and government involvement in the narcotics traffic. Burma produces about 80 percent of Southeast Asia's heroin, and is one of the largest producers of methamphetamines in the world. It exports its illicit narcotics throughout China and Southeast and Central Asia.

And as Burma's heroin circulates through Asia, so does HIV/AIDS, which Burma refuses to take seriously as a domestic problem, although the U.N. estimated in 1999 that over half a million adults had HIV. According to one estimate, Burma spent only $22,000 in 2004 to help AIDS victims. In 2005, the regime tightened restrictions on NGOs and U.N. agency staff providing humanitarian assistance in Burma. The Global Fund to Fight AIDS, Tuberculosis and Malaria announced in August that it was terminating its $98 million program on the ground that "its grants to the country cannot be managed in a way that ensures effective program implementation." The French contingent of medical aid group Medecin Sans Frontieres reportedly plans to withdraw from Burma because of restrictions imposed on access to villagers.

The military's self-justification for its decades of arbitrary rule is to protect Burma from "instability." Yet for 40 years it has waged endless war on the nation's ethnic minorities, killing tens of thousands, driving hundreds of thousands, perhaps millions, of others into exile as refugees or within Burma as displaced persons. It has destroyed over 2,500 villages, and uses rape as an instrument of policy. And to wage these wars, it has resorted to conscription of children: more than 70,000 child soldiers may be serving, in horrible circumstances, in Burma's bloated army.

The U.N. Special Rapporteur for Human Rights, Sergio Pinheiro, has not been allowed into Burma for 2 years. In January 2006, U.N. Special Envoy to Burma Razali Ismail resigned his post after nearly 5 years, since the junta has not allowed him into the country for 2 years.

With such a record, it is no wonder that the U.S. has a wide array of sanctions in place against Burma, many of which must be renewed this year. And many wonder, can any progress be made? Yet in the midst of so much darkness, there has been light this year.

In September 2005, Nobel Laureates Archbishop Desmond Tutu and former Czech President Vaclav Havel released a major report documenting Burma's human rights problems as a threat to regional peace and security.

In December, with the strong support of the United States, U.N. Undersecretary for Political Affairs Ibrahim Gambari, in the unusual but significant presence of Secretary General Kofi Annan, personally gave the Security Council its first-ever briefing on the situation in Burma, a possible first step towards tougher international action. He went on record that the Burmese junta imprisons dissidents, ignores basic human rights, and is steering the country "towards a humanitarian crisis."

The Association of Southeast Asian Nations, ASEAN, which Burma joined in 1997, has finally moved from a posture of "constructive engagement," without sanctions or diplomatic pressure, to a more proactive approach to promote change.

But most of all, we owe this progress to this administration. Secretary of State Condoleezza Rice, Assistant Secretary of State Christopher Hill, and even more importantly, President George Bush, have been relentless in making the world face up to the appalling disaster in Burma. We have just begun, and we have a long way to go, but we in Congress are determined to support these efforts to bring peace and freedom to the heroic Burmese people, who, in the face of so much persecution and suffering, still persist in their resolute struggle for justice.

The next logical step to take is for the U.S., which is currently President of the Security Council, to introduce a Security Council Resolution calling on Burma, in the strongest possible terms: to release Aung San Suu Kyi and other political prisoners; implement a program for national reconciliation that includes the National League for Democracy; and grant immediate and unhindered access to all parts of Burma for U.N. relief agencies and other international humanitarian organizations.

Such a resolution should include a timeline for compliance and punitive sanctions if the SPDC fails to comply.

We heard testimony from Assistant Secretary of State Barry Lowenkron, of the Bureau of Democracy, Human Rights and Labor. It was Mr. Lowenkron's first time before this House, and we look forward to a very fruitful collaboration on the vital issues he promotes. His Bureau has kept attention focused on Burma when most have forgotten it. We also heard testimony from Assistant Secretary of State Christopher Hill, who is the chief executor of our President's policy to change Burma. Additional witnesses included: Mr. Bo Kyi, of the Assistance Association of Political Prisoners, a former political prisoner himself, who described his own torments, and the ongoing struggles of democracy activists in Burma and in exile; Naw Win Yee, a leading member of the Shan Women's Action Network, an organization comprised of refugee women living in Thailand that works for human rights, freedom and democracy in Burma and also works to elevate the roles of women in Burmese politics and society. SWAN produced a ground breaking report on the military regime's use of rape as a weapon of war in Burma that was subsequently corroborated by the U.S. State Department; Mr. Tom Malinowski, the Washington Advocacy Director for Human Rights Watch, who urged the U.S. to keep the pressure on the Burmese regime; and Ms. Anastasia Brown, the Director of Refugee Programs, Migration and Refugee Services for the United States Conference of Catholic Bishops, USCCB, who had just returned from a visit to the Burmese refugee camps in Thailand, and made an urgent and eloquent plea for quick action to resolve the problems of the resettlement of Burmese refugees. All the witnesses provided strong confirmation that Congress needs to stay closely involved in the ongoing human rights tragedy in Burma.

MOURNING THE LOSS OF ELI SEGAL

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. EMANUEL. Mr. Speaker, I rise today to honor the memory of my dear friend Eli Segal. I offer my sincerest condolences to his wife of 40 years, Phyllis, his brother, Alan, and his children, Mora and Jonathan. We have lost a tremendous political mind, tireless social advocate, a loving husband and father, and a selfless friend who, as President and Senator CLINTON said, "lived his life as a man for others."

Eli was born in Brooklyn in 1942, headed to Massachusetts for undergraduate work at Brandeis University, and graduated from the

University of Michigan's law school in 1967, making an impact at each stop along the way. Washington, DC, though, is where Eli's footprint is most clearly visible.

Eli's work as a campaign strategist is well documented, from his time on the late Eugene McCarthy's staff in 1968 through his work for General Wesley Clark during the 2004 election. It was during George McGovern's campaign, though, that Eli hired a young man named William Clinton to run the campaign's Texas operations, and I am extraordinarily thankful that Eli made that decision. If not for that particular hire, I probably would not have had the chance to work so closely with Eli during the Clinton administration, and I would not be fortunate enough to count myself as one of the thousands of people whose lives were touched by Eli. Then again, if President Clinton had not hired Eli to help run his campaign in 1992, it is entirely possible that none of us would have worked in the White House anyway.

Following his work on the campaign trail for President Clinton, Eli became an incredible asset to the administration, creating the AmeriCorps program and heading the Welfare to Work Partnership. These and other accomplishments are why he received the Presidential Citizens Medal for service to the Nation in 2000 and the respect of his peers long before then.

It was during this time that I came to know Eli well. The common bond of working together in the White House was obviously a contributing factor, but Eli and I became friends not because of circumstances, but because of character. He truly was an incredible person, and I consider myself to be privileged to have worked with him in the Clinton Administration. I consider it to be an even greater honor that we continued to be friends after our time in the White House.

Mr. Speaker, all of us who knew Eli Segal will always remember his warmth, compassion, and insight. Eli was taken from us too early, and we surely will miss him, but we were fortunate to have him in our lives while we did. Neither he nor his impact will be forgotten.

TRIBUTE TO EAST GARY MEMORIAL AMERICAN LEGION POST 100

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. VISCLOSKY. Mr. Speaker, it is with great respect and admiration that I wish to congratulate the members of the East Gary Memorial American Legion Post #100 as they celebrate their 75th Diamond Jubilee Birthday. To commemorate this special occasion, Post #100 will be having an anniversary dinner on Saturday, March 11, 2006 at the Post #100 American Legion Hall in Lake Station, Indiana.

The East Gary Memorial American Legion Post #100 was chartered in 1931. Since its inception, the members of Post #100 have dedicated themselves to the mission of serving veterans and the community. Post #100 members go above and beyond to serve veterans, as evidenced by their continued work with the Indiana Veterans Home in Lafayette, Indiana; the Knightstown Soldiers and Sailors Home in Knightstown, Indiana; and the Hines VA Hospital in Hines, Illinois, where they provide visitation and assistance to veterans in need. In addition, Post #100 has always been very active in various POW/MIA programs. Post #100 has also taken an active role in promoting local public service by sponsoring a law enforcement officer/firefighter/EMT competition, of which present Commander John Wrolen serves as District Chairman and State Co-Chairman.

Currently, Post #100 and its members also support the following youth programs: American Legion Baseball, Boy Scouts of America, Girl Scouts of America, the Special Olympics, and several programs that focus on patriotism and American government. In particular, they are active in Hoosier Boys' and Girls' State, a program that aims to educate high school juniors on the structure of American government and its processes. Post #100 also provides flag etiquette classes for grade-school children and sponsors the Americanism in Government program, as well as oratorical programs. These competitions test the knowledge and public speaking abilities of tenth, eleventh, and twelfth grade students, allowing the winners to advance to compete at district, State, regional, and national levels.

Throughout the past 75 years, American Legion Post #100 has installed 37 commanders, 4 of which have gone on to serve as first district commanders. These men are: Ralph Becktel (1934), Jay Hott (1968), Hank Cook (1992), and John Wrolen (2001). At their 75th anniversary celebration, Post #100 will honor all living past commanders for their service. They are: Robert Pifferitti, Albert Kinsey, Alfred Hanson, Jr., Robert Wilson, John Wrolen, Terry Szostek, Richard Davies, Ronald Blaney, and Evin Eakins. All of these past commanders and district commanders should be honored for their service and dedication to veterans and the community.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating the members of the East Gary Memorial American Legion Post #100 on the 75th anniversary of their noble organization. These giving and selfless individuals continue to dedicate their time and unrelenting efforts to serve local veterans and their community. I am proud to represent them in Congress.

RECOGNIZING JOSHUA CARPENTER, EDEN'S "YOUTH OF THE YEAR"

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to recognize Joshua Carpenter, a young man who was named town of Eden 2006 "Youth of the Year."

Josh has demonstrated leadership and outstanding service to his school, community, and at the Boys and Girls Club of Eden in particular. Joshua became an active member of the Boys and Girls Club the year of its inception in 2002. He and his peers benefited from the experiences they shared at the club; therefore, Joshua decided that he would like to work at the Boys and Girls Club to share these experiences with other young members. He brings energy and enthusiasm to each activity and acts as a mentor for others.

In addition to the work he does with the Boys and Girls Club, Carpenter is actively involved in the community where he lives. He participates in the ICC Church Youth group and volunteers at the PTA-sponsored festivals as well as at family events that are held at the school.

Joshua is an outstanding Eden High School senior. He has a keen interest in learning about other cultures and expands his awareness through his participation in the Model United Nations Club. He was named to the National Honor Society during his junior year and remains active in several NHS-sponsored programs. Additionally, Josh is a leading member of the tennis team.

I am proud to honor Joshua Carpenter today, an outstanding young man and an emerging leader in the community. Mr. Speaker, I thank you for this opportunity to highlight the achievements of Joshua Carpenter and I am pleased to join with members of the community to congratulate him on being named the 2006 "Youth of the Year." I wish him continued success and happiness in all of his future endeavors.

CELEBRATING THE BIRTH OF ELLA BRIDGES STEGMAIER

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. WILSON of South Carolina. Mr. Speaker, today I am happy to congratulate Paige and Christian Stegmaier of Chapin, SC, on the birth of their new baby daughter. Ella Bridges Stegmaier was born on February 16, 2006, at 3:10 p.m., weighing 7 pounds and 8 ounces and measuring 20 inches. Ella has been born into a loving home, where she will be raised by parents who are devoted to her well-being and bright future. Her birth is a blessing.

THE INTERNET IN CHINA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. SMITH of New Jersey. Mr. Speaker, yesterday I chaired a hearing on the Internet in China regarding an issue that is deeply troubling to me, and I believe, to the American people: that American technology and know-how is substantially enabling repressive regimes in China and elsewhere in the world to cruelly exploit and abuse their own citizens.

Over the years, I have held 25 hearings on human rights abuses in China, and while China's economy has improved somewhat, the human rights situation remains abysmal. So-called economic reform has utterly failed to result in the protection of freedom of speech, expression, or assembly. The Laogai system of forced labor camps is still full with an estimated 6 million people; the Chinese government permits a horrifying trade in human organs; the PRC's draconian one-child-per-couple policy has made brothers and sisters illegal and coerced abortion commonplace; and political and religious dissidents are systematically persecuted and tortured.

Similarly, while the Internet has opened up commercial opportunities and provided access to vast amounts of information for people the world over, the Internet has also become a malicious tool: a cyber sledgehammer of repression of the government of China. As soon as the promise of the Internet began to be fulfilled—when brave Chinese began to e-mail each other and others about human rights issues and corruption by government leaders—the Party cracked down. To date, an estimated 49 cyber-dissidents and 32 journalists have been imprisoned by the PRC for merely posting information on the Internet critical of the regime. And that's likely to be only the tip of the iceberg.

Tragically, history shows us that American companies and their subsidiaries have provided the technology to crush human rights in the past. Edwin Black's book IBM and the Holocaust reveals the dark story of IBM's strategic alliance with Nazi Germany. Thanks to IBM's enabling technologies, from programs for identification and cataloging to the use of IBM's punch card technology, Hitler and the Third Reich were able to automate the genocide of the Jews.

U.S. technology companies today are engaged in a similar sickening collaboration, decapitating the voice of the dissidents. In 2005, Yahoo's cooperation with Chinese secret police led to the imprisonment of the cyber-dissident Shi Tao. And this was not the first time. According to Reporters Without Borders, Yahoo also handed over data to Chinese authorities on another of its users, Li Zhi. Li Zhi was sentenced on December 10, 2003 to eight years in prison for "inciting subversion." His "crime" was to criticize in online discussion groups and articles the well-known corruption of local officials.

Women and men are going to the gulag and being tortured as a direct result of information handed over to Chinese officials. When Yahoo was asked to explain its actions, Yahoo said that it must adhere to local laws in all countries where it operates. But my response to that is: if the secret police a half century ago asked where Anne Frank was hiding, would the correct answer be to hand over the information in order to comply with local laws? These are not victimless crimes. We must stand with the oppressed, not the oppressors.

I was recently on a news show talking about Google and China. The question was asked, "Should it be business' concern to promote democracy in foreign nations?" That's not necessarily the right question. The more appropriate question today is, "Should business enable the continuation of repressive dictatorships by partnering with a corrupt and cruel secret police and by cooperating with laws that violate basic human rights?"

I believe that two of the most essential pillars that prop up totalitarian regimes are the secret police and propaganda. Yet for the sake of market share and profits, leading U.S. companies like Google, Yahoo, Cisco and Microsoft have compromised both the integrity of their product and their duties as responsible corporate citizens. They have aided and abetted the Chinese regime to prop up both of these pillars, propagating the message of the dictatorship unabated and supporting the secret police in a myriad of ways, including surveillance and invasion of privacy, in order to effectuate the massive crackdown on its citizens.

Through an approach that monitors, filters, and blocks content with the use of technology and human monitors, the Chinese people have little access to uncensored information about any political or human rights topic, unless of course, Big Brother wants them to see it. Google.cn, China's search engine, is guaranteed to take you to the virtual land of deceit, disinformation and the big lie. As such, the Chinese government utilizes the technology of U.S. IT companies combined with human censors—led by an estimated force of 30,000 cyber police—to control information in China. Web sites that provide the Chinese people news about their country and the world, such as BBC, much of CNN, as well as Voice of America and Radio Free Asia, are regularly blocked in China. In addition, when a user enters a forbidden word, such as "democracy," "China torture" or "Falun Gong," the search results are blocked, or you are redirected to a misleading site, and the user's computer can be frozen for unspecified periods of time.

Cisco has provided the Chinese government with the technology necessary to filter Internet content through its creation of Policenet, one of the tools the regime uses to control the Internet. Cisco holds 60 percent of the Chinese market for routers, switches, and other sophisticated networking gear, and its estimated revenue from China, according to Derek Bambauer of Legal Affairs, is estimated to be $500 million annually. Yet Cisco has also done little creative thinking to try to minimize the likelihood that its products will be used repressively, such as limiting eavesdropping abilities to specific computer addresses.

Similarly, Google censors what are euphemistically called "politically sensitive" terms, such as "democracy," "China human rights," "China torture" and the like on its new Chinese search site, Google.cn. Let's take a look at what this means in practice. A search for terms such as "Tiananmen Square" produces two very different results. The one from Google.cn shows a picture of a smiling couple, but the results from Google.com show scores of photos depicting the mayhem and brutality of the 1989 Tiananmen Square massacre. Another example: let's look at "China and torture." Google has said that some information is better than nothing. But in this case, the limited information displayed amounts to disinformation. A half truth is not the truth—it is a lie. And a lie is worse than nothing. It is hard not to draw the conclusion that Google has seriously compromised its "Don't Be Evil" policy. It has become evil's accomplice.

Not surprisingly, Americans, not just Chinese, are also the victims of this censorship. On an informal request from the Chinese government, Microsoft on December 30, 2005 shut down the blog of Zhao Jing because the content of Zhao's blog on MSN Spaces was offensive to the PRC. Zhao had tried to organize a walk-off of journalists at the Beijing News after their editor was fired for reporting on clashes between Chinese citizens and police in southern China. However, Microsoft shut down the blog not only in China, but everywhere. It not only censored Chinese access to information, but American access to information, a step it has only recently pulled back from. Like Yahoo, MSN defended its decision by asserting that MSN is committed to complying with "local laws, norms, and industry practices in China." Regrettably, I haven't been able to find an MSN statement on its commitment to global laws, norms, and industry practices protecting human rights in China.

Standing for human rights has never been easy or without cost. It seems that companies have always resisted having to abide by ethical standards, yet we have seen the success of such agreements as the Sullivan principles in South Africa and MacBride principles in Northern Ireland. I, and many of my colleagues on both sides of the aisle, would welcome leadership by the corporations to develop a code of conduct which would spell out how they could operate in China and other repressive countries while not harming citizens and respecting human rights. But I believe our government also has a major role to play in this critical area, and that a more comprehensive framework is needed to protect and promote human rights. This is why I have introduced HR 4780, the Global Online Freedom Act of 2006, to promote freedom of expression on the Internet.

There are some encouraging and innovative public and private efforts already underway in this area. Electronic Frontier Foundation, for instance, allows Windows-based computers to become proxies for Internet users, circumventing local Internet restrictions. Through the efforts of the U.S. Broadcasting Board of Governors' fund of a mere $100,000, VOA and Radio Free Asia's Web sites are accessible to Chinese Internet users through proxy servers because of the technology of Dynaweb and UltraReach.

Earlier this month, the technology firm Anonymizer announced that it is developing a new anti-censorship technology that will enable Chinese citizens to safely access the entire Internet filter-free. The solution will provide a regularly changing URL so that users can likely access the uncensored Internet. In addition, users' identities are apparently protected from online monitoring by the Chinese regime. Lance Cottrell of Anonymizer said it "is not willing to sit idly by while the freedom of the Internet is slowly crushed. We take pride in the fact that our online privacy and security solutions provide access to global information for those under the thumb of repressive regimes."

In conclusion, I am hopeful that the hearing was the beginning of a different sort of dialogue—a discussion on how American high-tech firms can partner with the U.S. government and human rights activists to bring down the Great Firewall of China, and on how America's greatest software engineers can use their intelligence to create innovative new products to protect dissidents and promote human rights.

I would also like to recognize and honor the work of Dr. John S. Aird, a distinguished American whose immeasurable contributions as a scholar, population expert, and defender of human rights have changed the lives of so many over the course of his career.

It was with great sadness that I learned of Dr. Aird's death last October. His passing represents a grave loss for all of us who are committed to ensuring human rights around the world, and his tremendous work in this and other fields will not be forgotten.

Dr. Aird, former Senior Research Specialist on China at the U.S. Census Bureau, served for 28 years as that organization's resident expert on the population of China. He was a forthright and vehement critic of the Chinese government's coercive one-child family planning policy.

During his retirement, Dr. Aird worked as a full-time volunteer. He provided expert testimony in immigration courts for 415 families, helping Chinese citizens fleeing their country's coercive family planning programming to secure asylum in the United States.

John S. Aird was truly one of the most informed and outspoken opponents of China's one-child policy. He testified before this and other Congressional committees on numerous occasions, and I believe my colleagues would join me in saying that his insights were consistently persuasive and well-considered, and proved invaluable to our work on human rights in China.

RECOGNIZING R.S. OWENS & COMPANY

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. EMANUEL. Mr. Speaker, I rise today to recognize the exceptional craftsmanship of R.S. Owens & Company, the manufacturers of the Academy Awards for over 20 years. I am proud to have "Oscar" as a constituent, and I hope my colleagues will join me in watching the work of R.S. Owens & Company arrive in Hollywood from Chicago.

With the Oscars soon approaching, television sets around the Nation will be tuned in to watch movie stars as they stroll down the red carpet, hoping to receive the Academy Award, an internationally recognized symbol of excellence in film. While the main attraction of the night may be the directors, actors, and film makers receiving the awards, the 13½ inch, gold-plated statuettes hold an important place in the night's event and traditions.

R.S. Owens is the Chicago-based award-manufacturing company responsible for producing the world-renowned Academy Award. Since they were recommended for the manufacturing of the award in 1983, the academy has selected R.S. Owens to produce the statuettes year after year, in recognition of their fine work in the field of award design and production and of their exemplary dedication to the craft.

R.S. Owens has been involved in awards manufacturing since 1938. It began, as many great things do, as a small idea from an enterprising man, Owen Siegel. His idea has grown from a small dream into one of the most successful award manufacturing companies in the United States.

While so many companies in the manufacturing field have turned to automated machine work, R.S. Owens has remained grounded primarily in handwork. The company employs workers who are masters in their craft, and take great pride in their work—pride that is evident in the quality of award they continually produce in a field where the product is so closely scrutinized as to allow no errors in workmanship.

Mr. Speaker, it is with great pleasure that I recognize the excellent craftsmanship of R.S. Owens & Company in their production of the Academy Award. The company's fine work and dedication make it an excellent example of flourishing businesses throughout Chicago. It is an honor to know that such an innovative and responsible company calls Chicago its home. On behalf of the Fifth District of Illinois and the city of Chicago, I congratulate R.S. Owens on their continued excellence in their field, and look forward to the showcase of this year's batch of awards at the ceremony this March.

TRIBUTE TO PASTOR CATO BROOKS, JR.

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and sincerity that I wish to honor Pastor Cato Brooks, Jr. of the Tree of Life Missionary Baptist Church In Gary, Indiana, and his wife, Mrs. Bettye Brooks. The members of the Tree of Life Missionary Baptist Church will be honoring Pastor and Mrs. Brooks throughout the month of March for their many years of service to the congregation.

Pastor Brooks was born in Forrest City, Arkansas, where he attended Steward Elementary School and Lincoln High School. During high school, Pastor Brooks proved himself to be a stellar athlete, having been honored as an All-State football and basketball player. For his efforts in athletics, in 1999, Pastor Brooks was honored by his hometown and inducted into the Hall of Fame. Following high school, Pastor Brooks attended Southern University in Baton Rouge, LA and then answered the call to serve a tour of duty in the U.S. Army. Upon completion of his tour, he returned to school at the University of Kansas, seeking a degree in Sociology. Pastor Brooks has also attended the Mid-America Baptist Seminary, Ouachita Baptist University, and Indiana Christian University, where he earned a bachelor's and a master's Degree, as well as a doctorate of divinity. Pastor Brooks also received his Ph.D. in Communiology from California Western University of Palo Alto, CA.

Pastor Brooks began his ministry on January 26, 1969. He served as Pastor of the Greater Friendship Missionary Baptist Church in Little Rock, Arkansas from 1970 to 1977 before relocating to serve as Pastor of the First Baptist Church in East Chicago, Indiana; 18 months later, Pastor Brooks organized the Tree of Life Missionary Baptist Church, serving a congregation of only 26 members, where he continues to serve today as Senior Pastor. He is also the Chairman of the Tree of Life Community Development Corporation and Care Center and a former Chaplain for the Gary Police Department.

Pastor Brooks has also achieved many accolades and accomplishments throughout his lifetime. To name a few, Pastor Brooks has been recognized by the NAACP, A Walk Without Fear, for his efforts in the civil rights movement, and on May 23, 2004, he was elected Moderator of the Northern Indiana Missionary Baptist District Association. In addition, Pastor Brooks published his first book, Studies in Ephesians, in September 2003.

The youngest of 9 children, Bettye Brooks was born in Little Rock, Arkansas, where she attended the Little Rock public schools. She later attended Arkansas Baptist College, Henderson State Teachers' College, Philander Smith College, and Indiana University Northwest. Mrs. Brooks has a degree in Business Administration and is a certified Personnel Management Specialist, Housing Counselor, and Housing Development Professional.

Mrs. Brooks has held several positions in government and community service throughout her professional career. She has been a Grants Management Supervisor for the City of Little Rock, a State Planner for the State of Arkansas, serving under then-Governor Bill Clinton, a personnel director for Pulaski County, AR, a Regional Program Specialist for the National Urban League, and an Employment Specialist for the Lake County Job Training Corporation.

After coming to Tree of Life in 1991, Mrs. Brooks became the Executive Director of the Tree of Life Community Development Corporation. In this capacity, she and her housing development partner have successfully rehabbed over 600 housing units in Gary, East Chicago, and South Bend, Indiana. In addition, Mrs. Brooks serves as the administrator for Treasure's Child Development Center and was recognized for her efforts in 1993 with the Athena Award by the Gary Chamber of Commerce. Mrs. Brooks also serves in many other capacities within the church and the community. She is a Sunday School teacher, a trustee, Executive Director of Development and Training, Finance Coordinator, and First Cook at the church. She is also a past president of the Ernie Pyle PTA and the Inter-Denomination Association of Minister Wives' and Widows' of Gary and Vicinity.

Most impressively, the Brooks's never let their accomplishments get in the way of their family. Pastor and Mrs. Brooks are also the proud parents of 6 children and 13 grandchildren.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in congratulating Pastor and Mrs. Cato Brooks, Jr. as they are honored for their service and ministry throughout the month of March. Their years of service have touched and improved the lives of all whom they have served. Their unselfish and lifelong dedication is worthy of the highest commendation, and I am proud to represent them in Congress.

HONORING DR. LILLIAN VITANZA NEY FOR BEING AWARDED THE PAUL HARRIS FELLOW AWARD

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to honor Dr. Lillian Vitanza Ney of Jamestown, NY, for being awarded the Paul Harris Fellow award, the Rotary Club's highest honor.

The Paul Harris Fellow recognition is given to show appreciation for contributions to the Rotary Club's charitable and education program. A contribution of $1,000 was given on behalf of Dr. Ney.

Dr. Ney is a graduate of Jamestown High School and Wells College. She earned her medical degree from State University at Buffalo. She serves as wellness director, cardiology director, medical education director and vice president of medical affairs at WCA Hospital and is a member of several professional organizations.

Dr. Ney is also highly involved in the community she served as a city councilwoman including being the first female city council president. She was one of the founding members of the Jamestown Area Youth Orchestra and is a board member for several community organizations.

Dr. Ney has shown great dedication and excellence in her work and community. That is why, Mr. Speaker, I rise to honor her today.

CELEBRATING THE BIRTH OF ELIZABETH CARROLL ESKEW

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. WILSON of South Carolina. Mr. Speaker, today I am happy to congratulate Lisa and Tucker Eskew of Alexandria, VA, on the birth of their new baby daughter. Elizabeth Carroll Eskew was born on February 23, 2006, at 3:56 p.m., weighing 7 pounds and 1 ounce. Elizabeth has been born into a loving home, where she will be raised by parents who are devoted to her well-being and bright future. Her birth is a blessing.

ELLEN JOHNSON-SIRLEAF ELECTED AS FIRST FEMALE PRESIDENT OF INDEPENDENT AFRICA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. SMITH of New Jersey. Mr. Speaker, on January 16, Ellen Johnson-Sirleaf was sworn in as the first elected female president in the history of independent Africa. Mrs. Sirleaf had run against Charles Taylor in 1997, but lost, at least partly due to the impression that Taylor would return to war if he failed to win the election. Following the election, Mrs. Sirleaf spent a great deal of time outside Liberia, and many observers felt her gender and her supposed lack of common touch would prevent her from ever being elected President.

In 2005, former international soccer star George Weah captured the imagination of many inside and outside Liberia, who felt that his connection with Liberia's youth made him an almost inevitable winner, despite his lack of education and political experience. However, in the run-off election between the two, Mrs. Sirleaf employed modern campaign techniques, including polling, message development and targeted campaigning to achieve a stunning victory. Her connection with women voters may have made not only the difference in her election, but also may pave the way for other female candidates throughout Africa.

Now that she is leading this West African nation, the question is: What can she do to turn it around from the chaos and poverty into which it had fallen? From its independence in 1847 until 1980, Liberia was ruled by the descendants of former slaves from the United States. They managed to turn this nation into an economic engine, using the country's wealth of natural resources. Abundant sources of water and fertile soil supported rubber, palm oil and tropical fruit plantations, as well as some of the richest timber supplies in Africa. Liberia's mountains contained some of the highest quality iron ore in the world, and there were significant deposits of diamonds and gold.

Unfortunately, the so-called Americo-Liberians denied the descendants of the indigenous people their benefit from Liberia's natural wealth and their fair share of political power. The 1980 coup by then-Sergeant Samuel Doe led to the ascendancy of indigenous ethnic groups, but it also led to a poisonous political atmosphere and rampant official corruption. In late 1989, Charles Taylor, a former member of the Doe government and an escapee from a prison in America, began an insurgency that eventually toppled the Doe government in 1990. Several years of factional fighting devastated the capital city of Monrovia, as well as much of the country. Following a rather shaky cease-fire, a 1997 election brought Charles Taylor to power. By that time, more than 150,000 of his countrymen had died in the fighting, and more than half the population had been displaced.

The Taylor regime was a disaster for Liberia. Taylor and his government looted the treasury and Liberia's natural resources. Political opponents were jailed, or in the case of Sam Dokie and his family members, they were killed. However, Taylor also was a catastrophe for its West African neighbors. Rebels who had been supported by Taylor have destabilized Sierra Leone, Guinea and Cote d'Ivoire.

Taylor's crimes against his own people stimulated an insurgency that eventually led to his negotiated exile in Nigeria. His crimes against the region led first to United Nations sanctions in 2001 for his support of the Revolutionary United Front rebels in Sierra Leone and subsequently to an indictment for war crimes by the UN-sponsored war crimes tribunal in Sierra Leone in 2003.

The issue of Taylor's extradition to the Sierra Leone Special Court remains high on the agenda of the U.S. Government. Nevertheless, there are internal issues facing the new government in Liberia that also are pressing, and that was the main focus of our hearing last week on Liberia and the impact of its election on West Africa.

During the Taylor regime, and apparently also during the transitional government headed by Gyude Bryant, corruption became a way of life in Liberia. Illegal logging and mining and just plain theft of government resources were commonplace. In fact, the transitional government officials reportedly took furniture, computers and even rugs and light fixtures when they left office just a couple of weeks ago. In one of her first acts as President, Mrs. Sirleaf fired the entire staff of the Ministry of Finance for corruption and told the officials to stay in the country pending an audit. The ministry and the Central Bank significantly differ as to the amount of money on hand for government operations.

Those funds are desperately needed to repair Liberia's roads, water systems and power supply—all of which suffered from years of warfare and neglect. The Sirleaf government will have to examine all contracts to determine if they are in the best interest of the nation and rationally exploit Liberia's resources. Too many of the population of 3 million remain displaced, and 85 percent of Liberia's people are unemployed and 80 percent live below the poverty line. About 70 percent of the population survives on agriculture, which remains disrupted due to the lingering impact of the war.

If Liberia is to recover from its long nightmare, the United States will have to take the lead among the international community to assist in that restoration. That will require focus and consistency in America's engagement.

Liberians feel a kinship to America that Americans do not share with Liberia. Nevertheless, our country's relationship with Liberia is quite real and very important for the welfare of its 3 neighbors. The Bush administration and Congress must take these facts into account in developing policies and programs to respond to Liberia's new, post-election realities.

IKE WEATHERLY ESSAY WINNERS

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. PENCE. Mr. Speaker, I rise this morning on the last day of Black History Month to congratulate Chandler Boys, Brynden Danner and Tristen Horton. These three fine students from Anderson, Indiana were recently named winners in the Ike Weatherly Essay Contest.

Ike Weatherly was a school board member and respected community leader in East Central Indiana. The Essay Contest held in his honor is part of the curriculum to help students better understand the achievements of African-Americans in our Nation's rich history.

Chandler, Brynden and Tristen wrote carefully crafted and insightful essays detailing the accomplishments of three of American history's Black leaders. I had the pleasure of speaking with each of them when they appeared on the "WHBU Morning Show with Leland Franklin and Bret Busby" last week.

Chandler Boys of Eastside Elementary wrote about Medgar Evers, a 1950s civil rights leader and Army veteran who taught the importance of education, religion and hard work.

Brynden Danner of Liberty Christian School wrote about the struggles faced by Charles Cooper, the first Black athlete drafted by the Boston Celtics.

And Tristen Horton of Erskine Elementary wrote about Lonnie G. Johnson, an Air Force veteran and NASA scientist who is noted as the inventor of the super soaker water gun.

Mr. Speaker, I again congratulate Chandler, Brynden and Tristen for their fine work in honoring America's Black leaders and wish to submit their essays into the CONGRESSIONAL RECORD.

MEDGAR EVERS

(By Chandler Boys)

Medgar Evers was born on July 2, 1925 in Decatur, Mississippi. Medgar would grow up in the Depression of the 1930's. His father worked in a sawmill. His mother was a laundress. He was the youngest of four children. In their home they believed in education, religion, and hard work. Medgar went to all black schools. Medgar and his siblings had to walk a long way to school. They did not have many school supplies. Their schools had few teachers, many students, small classrooms, and old books.

In 1942, Medgar joined the United States Army. He joined the Army to see the world. He was in World War II. He fought in France and Great Britain with a segregated group. When he returned home from the war he registered to vote. But angry whites wouldn't let him.

Evers returned to school on the G.I. bill. He finished high school and college. He met his wife, Myrlie Beasley, during this time. During school he was elected into many student offices and joined many sports teams.

In December 1954, he was elected to be the NAACP state field secretary. His family moved to Jackson. Myrlie was made the secretary. Evers faced many challenges. He investigated racial murders and cases of abuse of black victims. He tried to convince local youth to get more involved. Statewide membership of the NAACP chapters almost doubled from 1956 to 1959.

On June 12, 1963, Medgar Evers was shot in the back in his driveway. He was coming home. He died later that night. On June 22, 1963 Byron Beckwith was arrested for shooting Evers. Beckwith had two trials with all-white juries. They ended with a hung jury. In February 1994, Beckwith was found guilty and sentenced to life in prison. Beckwith died there. Medgar Evers was a hard working man. He was loved very much by his family.

THE STAR WHO COULDN'T SHINE

(By Brynden Danner)

Charles H. Cooper was an N.B.A. basketball star who was never allowed to let his talent shine. On April 25, 1950, Cooper was the first black player to be drafted by the Boston Celtics. He played on a N.B.A. team for six hard years where race was more important than his skills.

Owners of white only hotels refused to rent a room to Cooper separating him from his teammates on long trips. When they played games in the southern states, the Celtics were told to leave Cooper behind. Cooper's teammates supported his right to play and that made the violence grow more and more.

Black players received very little national attention. Even though Cooper played four years for Boston, one year for the Milwaukee Hawks and one year for the Fort Wayne Pistons he was never recognized for his great athletic talent.

Cooper ended his career with a bad feeling about basketball. All of the racial teasing hurt him very deeply. He decided not to have bad feelings about people who treated him so badly. In 1961 Cooper got his masters degree in social work. Nine years later he was named the first black person to head a city government agency. He became the director of parks and recreation in Pittsburgh. At the time of his death in 1984, he was an officer of Pittsburgh National Bank.

Chuck Cooper is an inspiration to me because he suffered many hard times in his life but never gave up. His story will always be a great lesson for me to remember.

LONNIE G. JOHNSON, WATER GUN MAKER

(By Tristen Horton)

Lonnie G. Johnson invented the world famous water gun, the super soaker. For years Lonnie G. Johnson has been inventing things for NASA and other organizations; but he has achieved his greatest fame with his squirt gun, the super soaker.

Johnson started a childhood of creating with inventing things out of old appliances. In his senior year of high school, he won an around the world competition for a remote controlled robot he had built out of junkyard scraps. He went on to more formal training at Tuskegee University where he first earned a B.S. in Mechanical Engineering and then M.S. in Nuclear Engineering. Soon after, Lonnie G. Johnson joined the U.S. Air Force. In the Air Force, he became advanced in space systems.

I am really happy he invented the super soaker water gun because it's just plain fun.

TRIBUTE TO ROBERT E. RICH

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to honor prominent Buffalo businessman Robert E. Rich who passed away peacefully on Wednesday, February 15, 2006. He was a loving and dedicated husband, father, grandfather and great-grandfather. He was an inspiring colleague and friend. He was an athletics enthusiast. He was an innovative and legendary entrepreneur and founder. And, he was a generous and compassionate community and industry advocate.

Mr. Rich began his path to frozen food industry fame in 1935 as owner and operator of Wilber Farms Dairy. In 1945, while serving as the war food Administrator in Michigan, he learned about successful research at the George Washington Carver Institute on the use of soybeans to create innovative food products. After investigating the use of soybeans, he developed the world's first non-dairy whipped topping. Rich's industry-leading reputation was as a family-owned business dedicated to treating customers around the world like family. He was also committed to continuing the company's aggressive worldwide growth while maintaining its headquarters in Buffalo, NY.

In 1965, Mr. Rich was a charter member of a group which attempted to bring a National Hockey League franchise to Buffalo. In 1972, through Rich Products, he purchased the naming rights of the new football stadium for the Buffalo Bills. In 1988, he authorized the purchase which kept the Buffalo Bisons, the Triple-A affiliate of the Cleveland Indians, in town. Under his chairmanship of the Bisons, the city constructed Pilot Field, which is now Dunn Tire Park, which has become a source of city pride and national attention.

Rich founded and headed up the University at Buffalo's Christmas Scholarship Fund which made 30 annual scholarships available to outstanding scholar-athletes. In 1991, he was inducted into the inaugural class of the Greater Buffalo Sports Hall of Fame.

Mr. Rich continued his commitment to his Buffalo home in 1989 with the decision to renovate and redevelop the historic 1200 Niagara Street complex on the banks of the Niagara River on the city's West Side. Today, the state-of-the-art facility is home to the Rich Research Center, hailed as the industry's finest, the Rich Renaissance Niagara Atrium and Conference Center, site of weddings, banquets and business meetings, the Rich Wellness Center, and the Rich's Family Center, Western New York's first on-site child daycare center which celebrated its 10th anniversary in 1999.

In 2004, Rich's made a significant pledge to the National Restaurant Association Educational Foundation to establish the Robert E. Rich Aspiring Entrepreneurs Scholarship. Four scholarships each year support the continued education of undergraduate students pursuing careers in the restaurant and foodservice industry.

In 2005, Rich Products celebrated its 60th birthday posting annual sales in excess of $2.5 billion. The company sells more than 2,300 products in more than 85 countries and employs more than 7,000 Associates worldwide, including more than 1,300 in its headquarters in Buffalo, NY.

Frozen food industry pioneer, architect of the nation's largest family-owned frozen foods manufacturer, sportsman, and community leader all describe Robert E. Rich. Rich Products will continue to grow and thrive as a family business under the ongoing leadership of his son, Bob Rich Jr. But Western New York will sorely miss Robert E. Rich.

IN MEMORY OF CORRIN FITTS BOWERS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. WILSON of South Carolina. Mr. Speaker, all South Carolinians mourn the loss of the late Corrin Fitts Bowers of Estill who was the devoted husband of the beloved Mary Eleanor Bowers who served with distinction as Office

Manager in the Second Congressional District Office for ARTHUR RAVENEL, FLOYD SPENCE, and JOE WILSON.

The following obituary ran in The State newspaper on February 23, 2006:

Corrin Fitts Bowers, 77, died February 22, 2006, surrounded by his loving family. He was born July 5, 1928, in Luray, South Carolina, to Grover Ford Bowers and Corinne Fitts Bowers. He was the grandson of Louisa Johnston and Dr. Paul Ford Eve Bowers and Francis Gray and Eugene deTreville Fitts, all of Luray.

He attended school in Luray and Estill, where he finished high school in 1945. He attended both the University of South Carolina and Newberry College. He was the owner of the hat that became the Bronze Derby, Newberry and Presbyterian Colleges' much contended sports trophy.

He was a lifelong farmer who farmed the family land and grew cotton, corn, peaches and watermelons. He served for many years on the Production Credit Board in Walterboro. He served as a member of Hampton County's ASCA as well as the State Board under President Jimmy Carter. In Estill, Mr. Bowers was the Democratic Committee Chairman for 10 years. In 1960 he placed in the "Outstanding Young Farmers Award" and won the State Cotton—5 acre contest. He served for many years on the S.C. District Housing Committee #2 as the chairman. He served as the first President of the Estill Jaycees and Co-Chairman of the 1964 Watermelon Festival, which was held in Estill. Mr. Bowers was instrumental in bringing astronauts Gus Grissom and John Young to Estill on Mendel Rivers' Day. He was one of the founders of Patrick Henry Academy, serving as the first temporary chairman. He served on the board of Patrick Henry for many years and remained a Trustee until his death.

Corrin Bowers was a member of Lawtonville Baptist Church and served as an active and inactive deacon there for 50 years. He taught Sunday School, Training Union and was chairman of the Building Committee several times. Mr. Bowers served on one pastor search committee and sang bass in the church choir.

Corrin and his family were avid hunters who loved to entertain. He and his two brothers, Grover and "Det," were the Lowcountry jitterbuggers. A girl cousin once said, "You have not lived if you haven't been to a dance with one of the Bowers boys." Corrin was a charter member of the Monday Night Couple's Bridge Club for 56 years. He was also a member of Estill Supper Club as well as the Estill Lions Club.

Corrin Bowers is survived by his wife of 56 years, Mary Eleanor Wiggins Bowers; his brother, Grover Ford Bowers (Macie); a son Corrin Fitts Bowers, junior (Sallie) of Estill, daughters, Sharon Bowers Green (Roy) also of Estill, and "Liz" Bowers Palles (Mitch) and Graham Bowers Solana (Mark) of Savannah, Georgia; three granddaughters, Mary Crane Palles of Columbia, Louisa Sims Bowers of Estill and Mary Tippins Solana of Savannah; eight grandsons, John C. Green (Deana) of Jacksonville, Florida, Corrin J. Green (Hanna) of Columbia, South Carolina, and Andrew N. Green, Mitchell D. Palles III, and Corrin Fitts Bowers III, all of Columbia; Joe, Henry and Gray Solana of Savannah; one guardian son, Thomas W. Folk, junior (Jan) of Barnwell; two greatgrandsons, Patrick Bowers Green and William Fitts Green of Jacksonville, Florida; four nieces, Martha B. Simons (Paul) of Aiken, Laurie W. Hanna (Chris) of Estill, Stephanie W. Bates (Rob) of Chapin, and Tracy Wiggins of Columbia; seven nephews, deTreville Bowers (Polly) and Dr. Ford Bowers (Susan) both of Chapin, South Carolina, Ransey Bowers (Mary Wells) and Tison Bowers (Julie) of Columbia, Bill Bowers (Val) of Savannah, Georgia, Grover Bowers III (Derbi) of Okatie, South Carolina, and Bob Wiggins (Rachael) of Estill, South Carolina; one brother in law, R.G. "Bro" Wiggins (Kay) of Estill, South Carolina. First cousins, Betty Fitts, Cecilia Baker of Estill, Mary Eleanor Rouse, Robert and Mary Bowers of Luray; Paul Bowers of Allendale; Frances F. DeLoach of Beaufort; Deloris F. Jenkins of Barnwell, SC., Franklena Geiger of Atlanta, Georgia and Araminta E. Harris of Salisbury, N.C. He was predeceased by his brother, deTreville Bowers and survived by his wife, Evelyn Pendarvis Bowers Kuebler. The pallbearers for Corrin Bowers are his grandsons with his nephews standing nearby, in a group. The honorary pallbearers include: Harry Hanna, Montague Laffitte, Dr. Luke Laffitte, Clarke Baker, Paul Peeples, Dr. J.D. Rouse, junior, Ashley Bush, Dr. Harrison L. Peeples, Lester Cook, Richard Mixson, George Barber, Coy Johnston, Bill Ratcliff, Bill Stewart, Clyde Eltzroth, Harold Mack, Bill Sprague, Homer Peeples, Mendel Davis, Billy Wier, Billy Yonce, Bart Waller, Randolph Murdaugh III, Lee Bowers, Karl Bowers, Hughsie E. Long, Tony Reardon, Hugh T. Lightsey, Damian Centgraf, John D. Carswell, his faithful employees and his kind and loving caregiver Jerrod Steven Wilson. Visitation will begin at 3 p.m. Thursday, February 23, 2006, at 362 Wyman Blvd. in Estill, South Carolina and continue until 1 p.m. Friday when Mr. Bowers will be taken to the church.

Funeral is 3 p.m. Friday, February 24, 2006, at Lawtonville Baptist Church with Reverend. Dr. James Norris, officiating.

Burial: Lawntonville Cemetery.

The family requests in lieu of flowers, memorials be made to Lawtonville Baptist Church Parsonage Building Fund, P.O. Box 1057, Estill, SC 29918.

RECOGNIZING THE SERVICE OF CERESE TEEL

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. PICKERING. Mr. Speaker, last month, Cerese Teel retired as executive director of the Oktibbeha County chapter of the American Red Cross. Through 7 years of ice storms, wind storms and the mother of all storms—Hurricane Katrina—Cerese served her community with diligence and a noble spirit.

During her time as executive director, she oversaw the chapter's expansion as they moved into new headquarters and purchased and outfitted an emergency response vehicle. She opened and operated emergency shelters and provided leadership to more than 1,300 volunteers from the area.

Mr. Speaker, I hope Congress joins me in recognizing the public service of Cerese Teel. The strength of our Nation dwells not in the halls of the Capitol but the hearts of our people. Cerese loved her neighbors and served them. Mississippi has been blessed by her work and we honor her for her dedication, vision and compassion.

IN MEMORY OF SAMUEL B. WARD, JR., LONGTIME CHESTER HEIGHTS FIRE CHIEF WITH A LEGACY OF PUBLIC SERVICE, COMPASSION, COURAGE, AND DEDICATION

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today with great sadness and tremendous gratitude to honor the life of my good friend, Samuel B. Ward, a longtime Chester Heights Fire Chief, veteran, engineer and community leader. As his family, friends and neighbors mourn the passing of Sam Ward, I want to take a few moments today to remember his work and the difference he made in the community he served so bravely and selflessly.

Mr. Ward was born in Chester, but grew up in Chester Heights, a community with whom he had a life-long affiliation. After enlisting at the end of World War II, he attended Pennsylvania Military College, now Widener University, where he played football and received a Bachelor of Science degree in Industrial Engineering.

Commissioned a Second Lieutenant in the Ordinance Corps, he was detailed to the Infantry and served in Korea as a Heavy Mortar Platoon Leader and Executive Officer, earning his Combat Infantry Badge. After returning from Korea, he was assigned to the Tank and Automotive Command in Michigan before leaving the military and returning to Chester Heights.

After his military service, he returned to the fledgling Chester Heights Volunteer Fire Company, and was elected to positions of increasing leadership including Engineer, Assistant Fire Chief, and finally Fire Chief, a position he held for 35 years.

Firefighting is a matter of life and death, and individuals like Sam Ward assume an enormous responsibility when they accept the job of running a fire department. They are responsible for the lives, homes, and livelihoods of thousands of citizens throughout their community. And on a day-to-day basis they become directly responsible for the health and welfare of all the men and women they supervise. Chief Ward discharged his enormous responsibilities with real distinction. During his 35 years as chief, a good department became even better. Chief Ward was respected for his commitment to public safety and his ability to get things done.

An innovator in the fire service, he developed the first workable portable Air Bank in the county, a system which recharges the air packs worn by firefighters. As chairman of the Delaware County Radio Committee, his work laid the foundation for the county-wide fire response radio and the 911 service.

Within the community, Mr. Ward served the borough of Chester Heights in numerous capacities, including Fire Marshal, Council Member and President of Borough Council. In later years, he used his expertise from the fire service to serve as Coordinator of Emergency Preparedness.

Mr. Ward's service activities also included a very active role in the Boy Scouts of Troop 260, where as a boy he earned his Eagle Scout. His leadership on the troop committee provided opportunities for boys of the area to experience adventure activities and other projects to enhance their scouting life. His other community involvement included various service organizations, including the Lions, Jaycees, Veterans of Foreign Wars and Concordville Rotary.

Mr. Ward worked throughout his career as a metal fabricator, eventually founding his own business, which had a reputation for quality and innovation for more than 34 years.

He married the former Mary Frances Ahearn, his high school and college sweetheart, in 1951, who died in 1995. He is survived by one daughter, Joan and four sons, Steven, James, Lawrence and Joseph, and one sister, Polly (Madeline); and seven grandchildren.

Mr. Speaker, the 7th Congressional District has lost an exceptional public servant, and I have lost a good friend. I wish Chief Ward's family, my heartfelt condolences and may they find comfort in knowing that the many people he impacted deeply value his dedication and generosity and the example of his life and work. Chief Samuel B. Ward exemplified the spirit of service that has made this country great. This man was a genuine community leader. He not only did his job well, he loved it, and the community he served. We are safer because of his life and service. I am personally grateful to have known Chief Ward as a friend, and mourn his passing.

SUPPORT FOR JAVITS-WAGNER-O'DAY PROGRAM

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. WESTMORELAND. Mr. Speaker, I would like to share with my colleagues a startling statistic—the 50 percent unemployment rate of people with disabilities in this country. For those with severe disabilities, the number is even graver at 70 percent.

It is easy to focus on the disability of a person, not the ability. But people with disabilities want to work, and can work. We must recognize the potential of all Americans, and provide the opportunities needed to allow people with disabilities to become self-sufficient, independent, tax-paying citizens.

To that end, I am proud to support employment opportunities for people with disabilities, particularly through the Javits-Wagner-O'Day, JWOD, Program.

The JWOD Program uses the purchasing power of the Federal Government to buy products and services from participating, community-based nonprofit agencies dedicated to training and employing individuals with disabilities.

The people who are blind or who have other severe disabilities who work under the JWOD Program are given the opportunity to acquire job skills and training, receive good wages and benefits and gain greater independence and quality of life. This program allows people with disabilities enjoy full participation in their community and can market their JWOD-learned skills into other public and private sector jobs.

In the United States, the program serves 40,000 people with disabilities and generated approximately $280 million in wages earned and nearly $1.5 billion in products sold. In Georgia alone, approximately 1,000 people with disabilities earned nearly $3 million in wages last year as a result of JWOD.

It is with great pleasure that I recognize the great contributions of American workers with disabilities and I encourage others to do so on February 23, which is National Disability Day. More importantly, let us all remember everyday that every person has ability. Everyone has something to share for the greater good. America truly works best when all Americans work. I commend the JWOD Program, its supporters, and its participants for making a difference where it is needed most.

TRIBUTE TO JOHN "JACK" EMERSON

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. MEEHAN. Mr. Speaker, I rise to pay special tribute to John "Jack" Emerson who passed away on December 29, 2005 at the age of 64. Jack was a loving father and husband, an outstanding public servant, and friend and mentor to many, including myself.

I ask unanimous consent to enter into the CONGRESSIONAL RECORD the eulogy given by Jack's good friend Barry Balan on January 3, 2006.

Jack Emerson, a devoted husband, caring father, man of compassion, civic leader, mentor and colleague. A man I am proud to call my friend.

There are not enough words to describe this man, who has made such an impact on this community and all who met him. Knowing Jack for 26 years, I will give you a glimpse into the man who has made a difference in so many people's lives.

The Lowell Sun called Jack a man of vision, but I believe he was also a visionary. Webster defines a visionary as not founded on fact, imaginary, and impractical, having idealistic goals or aims incapable of realization.

He had the uncanny ability to take something that was idealistic and incapable of realization and make it real. Thus was born the Chelmsford Sewer Project. People told him that it was impractical, it would cost too much, and it would bring too much growth to this suburban community of Chelmsford. It would change life as people knew it. Jack, in his own inevitable way took up the challenge and for four long years he went on cable TV to every church, synagogue, civic group, or gathering of two or more people, to sell the town on the sewer project. In 1984, town meeting rewarded his efforts and appropriated the first funds for the project by a unanimous vote then again in 1985, 1987, 1989 and 1996.

Jack, although small in stature, pursued this project with the vigor of a small army.

He had the boundless energy, as seen by the different positions he held throughout his political and non-political activities. Jack was elected to the Sewer Commission in 1980.

He became a selectman in 1982; his mom was so proud of him at that accomplishment that she would introduce Jack to everyone she met, this is my son "the selectman." He is and will continue to be Chairman of the Chelmsford Sewer Commission. He holds the distinction of being the longest continuous serving chairman of any board in the town of Chelmsford.

At one time in the mid eighties, Jack was the Chairman of the Board of Selectmen, Chairman of the Sewer Commission, and Assistant Director of Public Health in the same year. You could say he had the whole town wrapped up in his hands. Jack was on the Board of Registrars, Dog Pound Committee, Town Meeting Representative, Lowell Regional Transit Authority Board, and member of the Chelmsford Elks, Advisory Board of Camp Paul and Good Friends Incorporated, and Catholic Charities. How Jack did all this is beyond comprehension. The only solution I can find is it must have been his mom's chicken soup that kept him going. (She made the best.)

I first met John Patrick Emerson, Jr. (known affectionately by his friends as "the Flea") in Jack's Diner. I started going there when I first moved to town, (yes, I am a blow-in, but so was Jack—he moved here from Lowell in the fifties, so I feel I am in good company.) I would go in for my morning coffee and happen to sit next to this man who was holding court, discussing politics and this sewer project. It was Jack Emerson. He introduced himself, we talked, and the rest was history. We enjoyed each other's company and over the years we became best of friends.

I learned more about Jack's passion to establish a sewer program for the town of Chelmsford and how he felt the need to help people less fortunate than himself. Jack convinced me to run for the sewer commission in 1984 and we have been together since that first campaign.

Speaking of politics, some people may be surprised to know Jack Emerson was a Democrat (as was his Dad before him and presently his brothers Packy and Danny and his sister Ellen, although Jack would say Ellen's politics were even further to the left than his.) Jack was as passionate about his politics as he was about helping people. Jack would rather cast a ballot for a yellow dog before he would vote for anyone who was not a Democrat.

Although he was a Democrat, he did transcend party lines when it came to helping the people of Chelmsford.

He was a master at reading people and situations. Before going to town meetings for a crucial vote on the project, Jack would say "all we have to do is be up front with the voters, if we tell them the facts and are honest and tell the why, we should have no problem, they will give you the vote we need and you know they did. That philosophy has held fast throughout Jack's career and is still held by his friends on the commission.

In 1996, Jack walked up to the town meeting floor microphone and said he needed forty-nine million dollars to proceed with the project and that if need be, he was prepared to give a lengthy presentations to show them how it would be used. In three minutes the motion was seconded and passed unanimously. That was Jack; prepared, truthful, trustworthy.

In his earlier years, Jack was a mason or as he would say, a bricky. (Jack belonged to local 31 in Lowell) He was a strong union man (as was his dad). Whenever Jack ran for political office he would make sure that the union bugs would appear on all his literature and anyone he backed for political office must have the union bug on their literature as well or got his wrath.

Jack was a good listener, he read a lot, he always updated himself on current events, he was also, to say the least, an impatient driver.

When I say Jack was a good listener I mean he would evaluate the situation, ask the right questions and decide on the approach on how to handle the problem. As someone said to me the other say, if you called Jack Emerson with a problem, you knew he would take care of it.

Jack would read the papers and political journals and the project contracts. He would go over the contracts with a fine tooth comb and inevitably would find errors. Whether it was misspelled words, wrong sentence structure, or pricing errors. Jack was involved in all aspects of the project.

Wherever we went Jack had to drive, it was like his security blanket. If you have ever driven with him, you know it is quite an experience. No need to call it road rage, just "Jack" rage. Thankfully, we all survived.

I have given you some of the background of Jack Emerson the man, some of which you already know, some you might have read in the newspapers. Now I want to tell you about something you may not know about Jack Emerson the Person.

I had the privilege and honor of being his friend for 26 years; we talked or saw each other almost everyday. So I can talk from experience.

You know anyone that loved animals had to be a good person. Jack loved his dogs. Through the years he had 6 dogs, Cocoa, Cory, Courtney, Toto, Chelsea and Commish. He loved them, but his all time favorite was Cocoa. They were so close that when Jack developed Pancreatitis, so did Cocoa. Cocoa is the first dog in the country, or maybe even the world to have a pump station named after him. The Cocoa Emerson Pump Station located next to the town dog pound on Old North Road.

In 1959, Jack graduated Chelmsford High School where he had many friends, though none as close as Sam Parks, Paul Lehayes, and Bobby Hughes. They remain close friends to this day.

Jack's charity knew no bounds, whether it was giving to the Secret Santa Fund, or being his own Santa by adopting a family at Christmas, or Thanksgiving. His charity did not stop all year long; he was involved with Good Friends, Inc., Camp Paul and Catholic charities. He was most affected when children were involved. Jack was the most caring and giving person I have ever met.

He was a fun loving person with sharp with and a keen sense of humor. He loved music from the fifties and sixties; it was one of his passions. On one occasion he had the radio on in the wagon playing "Tuti Fruti Alaroody". I asked him how he liked the type of music the kids of today enjoy. He said hard rock, rap, and heavy metal just don't make any sense, so I said Tuti Fruti Alaroody does, we both had a laugh over that.

Jack had many talents, one of them being dancing. I think if he had a second vocation, he would have been a dance instructor. He loved dancing. Once he got on the dance floor and started his feet moving, he would dance all night.

Jack was an avid golfer as are his two brothers. He was a member of Mt. Pleasant Golf Club for over 30 years. He and his brothers would often play in tournaments. When Jack, George and Danny were playing golf together, you might think World War III had broken out. Its amazing to me they all survived. On the golf course they were fierce competitors, but off they had each other's love and admiration. One year at Mt. Pleasant, Jack and Briana entered the father-daughter golf tournament and came in first. Jack thought he had another natural golfer in the Emerson family.

Briana breaking with Emerson tradition decided to take up dance instead of golf and Jack supported her in that endeavor.

He was devoted to his family, his mom Betty and his dad John Sr., he loved his brothers: Charlie, Packy and Danny (Dennis) and his sister Ellen. He loved all his nieces, nephews and cousins. If they needed a helping hand, Jack was there and they were there for Jack.

I mentioned how he loved children, well Briana, Joe Maher and I had the great honor of being with your father in the hospital when you were born, all you had to do was look at his face and you could see his excitement and energy. When the nurse came in and said "Mr. Emerson, you're a daddy" Jack jumped out of his chair and ran down the hall to see his beautiful baby daughter. Briana, you are the light of his life, he loved you so much. He would talk about your dance recitals and especially the last one he saw you perform. He was really not up to par that night, but he knew he wanted to see you dance again.

You have grown up to be a beautiful young lady with the compassion and love that was part of your father. You now carry the banner for dad. And as you grow up and have children of your own, I know the legacy he has left will be carried forward.

One evening Peggy's brother, Connie Stone, brought his friend home, by the name of John Emerson. Connie introduced his sister to John and it started a relationship that lasted 40 years. Peggy, what can I say, your devotion to Jack was unquestionable; you have been Jack's backbone. At times it was very difficult for you, through all his ups and downs with his health, but I know Jack loved you and adored you; you were his wife, his friend and his nurse. I often told Jack that he married a saint. He would retort, "Barry, what are you talking about." I would tell him "who else would put up with you but a saint." He would say "you know, you're right." Peggy, you have a beautiful daughter who you have nurtured into a wonderful young woman and I know you will look forward to the day that you tell you grandchildren all about their grandfather the selectman.

You cannot put down in words what Jack Emerson has meant to this community, his family, his friends and the people he has helped along the way. Jack Emerson leaves a legacy that few people can claim. He started a project that few people thought would succeed, and because of his tenacity, it has succeeded. And along the way his success was recognized at the local and national levels.

He was awarded the collection systems by the New England Environmental Association in 1994. In 1995 the national organization, Water Environmental Association presented him with the national award in New Orleans. He was voted man of the year for his accomplishments by the Chelmsford Chapter of the Elks. In 2000 he was voted into the Chelmsford Hall of Fame. On October thirtieth of this year, at an emotional ceremony, Jack had just been released from the hospital the day before; he was recognized by his fellow Democrats and received the Greater Lowell Area Distinguished Democrat award. His legacy lives on in his wife, daughter, friends and the people of Chelmsford.

If they gave out awards for Mr. Chelmsford it would be to Jack. If they had a hall of fame for good people, Jack would be your first choice. If they gave out a friend of the year award, Jack's name would be on the plaque. And if they gave out awards for devoted husband and father, Jack would be the first in line.

Well my friend, you have come to the end of a long hard fought journey. You put up the good fight as always. It's time for us to say so long, but not goodbye. You will be able to rest knowing that what you started will be carried on. We, your community will watch over Peggy and Briana, as I am sure you will be watching over us. Say hello to your mom, dad, brother Charlie, and all your friends who are with you. I know if God needs a waste water system, you'll be the guy to start the project. So Mr. Chairman, you will be deeply missed by all who knew you. I love you. So long old friend.

Peggy has asked me to read a prayer that Jack liked. It was read at his dear friend Ira Park's mass:

I'd like the memory of me to be a happy one
I'd like to leave an afterglow of smiles when
life is done
I'd like to leave an echo Whispering softly
down the ways,
Of happy times and laughing times and
bright sunny days
I'd like the tears of those who Grieve, to dry
before the sun
Of happy memories that I leave When life is
done.

TRIBUTE TO DR. NANCY DICKEY

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. EDWARDS. Mr. Speaker, I rise today to honor a champion for medical research and health care innovation in this country, Dr. Nancy Dickey, president of the Texas A&M University Health Science Center. The principled work of Dr. Dickey is testament to excellence in medicine and scientific research that will undoubtedly save countless lives.

While the pursuit of excellence characterizes the mission of the students and faculty of the Texas A&M Health Science Center, it is their passionate commitment to the care of their fellow human beings that defines them and forges their vision for the future. There is no question that the architect of that vision is Dr. Nancy Dickey.

As a graduate of Texas A&M, it is my privilege to honor the work of Dr. Nancy Dickey and I personally want to thank her for the shining example to us all and wish her well in her future endeavors.

Mr. Speaker, at this time, I would like to enter into the Record a speech by Dr. Dickey that serves as a powerful reminder of the importance of vital medical research in this country and the groundbreaking work of the Texas A&M University Health Science Center.

Texas A&M Inaugural Convocation Speech by President and Vice Chancellor Dr. Nancy W. Dickey

Today we are making history.

We are assembled at this convocation not only to celebrate our accomplishments and honor our outstanding faculty, but also to affirm the honorable principles that guide us toward our vision of excellence in medicine and the healthcare professions. Let this day forever be remembered as the day that the Texas A&M Health Science Center branded upon the world's canvas our promise to change the lives of people around the globe with the most outstanding health education, compassionate care and superior science as we confidently fulfill the obligations of our sacred oaths.

Let no one doubt that our faculty is composed of men and women who are devoted healthcare professionals, educators and researchers of extraordinary competence and integrity. We believe that every human life is precious and that this great institution and its members are obligated and committed to providing everyone with the best care and leadership possible. Our care for the body is strengthened by our faith in the intrinsic worth of every human soul. Therefore, our current practices provide important and lifegiving care to individuals, insight and direction to communities, and research that provides the hope that tomorrow will be better than today.

Those of us who have dedicated our lives to the health professions, indeed our vocations, believe that we are making a difference. We all benefit from an understanding of the past, the experiences of the present and the intellectual curiosity that discovers and invents those things that will enrich and strengthen our future. We believe firmly in our mission, and we are convinced that our faculty, staff and students are transcending all expectations as they make the world a better place in which to work and live. Our efforts have just begun, and the fruits of our labor shall have no end.

What then are the guiding principles of our organization that lead us to distinction in education programs, prominence in scientific research, and innovation? And, what are the guiding principles that make our care of those who suffer illness more compassionate, comprehensive and successful?

We pursue excellence in all we do. We are committed to providing the best care imaginable for all Texans. We have a special calling and duty to serve with sincerity and compassion the rural and under-served populations in the great State of Texas. When one person in our state is without needed care, we all suffer. If we know anything from quantum physics, it is that everything in the universe is connected in one way or another. Therefore, we intend to see to it that our connections are cared for with expertise and excellence.

We are convinced that the myriad of multiform fibers composing the human body make it stronger, just as the diverse population of our state make our mosaic stronger, better and more beautiful. We take pride in the cultural diversity found in Texas and we are privileged to serve with tenderness and understanding all people, regardless of race, religion, cultural heritage or gender. We do not limit our inquiries or services based upon preconceived ideas or outdated conceptions of who is and who is not worthy. Every person is worthy, and we are eternally invested in the solemn American promise of serving everyone fairly, equally and honorably.

We will never compromise our integrity or our academic freedom. We are steadfast in our enduring commitment to honor and decency in all we do. And, our good reputation is best assured by transparency and accountability in our every transaction and relationship. Our academic freedom fosters the necessary environment to promote lively discourse and scientific inquiry. We cherish the freedom to express informed viewpoints without fear, and we will never shrink from our duties and responsibilities to our colleagues and fellow citizens.

We trust in active collaboration and continued professional development. Our research, teaching and services are strengthened and enhanced by our relationships at the personal and institutional levels. We take pride in our colleagues' work and we champion the growth and development of all those whose commitment to the health professions is intertwined with our enlightened vision and valorous mission.

Our principles of excellence, service to all, diversity, integrity, academic freedom, collaboration and lifelong learning form the foundation from which the high vision and important mission of Texas A&M's Health Science Center is to rise to even greater national importance. We are unshakable in our commitment to these principles because they define who we are.

And, let me speak for a moment about who we are. The Health Science Center has an outstanding faculty, including sixteen Regents' Professors and four Distinguished Professors. We have faculty who have received national and international awards and grants, faculty who represent the cutting edge in their areas of study, and faculty who serve on national boards and organizations, thereby influencing public policy in significant ways. And, we have, if I may say so in all modesty, the first woman President of The American Medical Association.

Our faculty does not have the advantages of organizations and institutions with long histories and traditions, but their genius, efforts and results demonstrate fully the wealth of talent and brains we possess and of which we are so very proud. In fact, I am humbled by the many gifts possessed by our faculty.

Our students are very special indeed. We graduate very bright healthcare professionals who are not only devoted to caring for their patients and communities, but who also see themselves as guardians of the public good. They embrace their destinies as leaders and gladly accept their important roles as citizens of a larger community.

We must never forget that professional, cultural and social competence go hand in hand. We teach our young people the values and behaviors that are consistent with their expectations and responsibilities in their professions. We seek and enroll students from all walks of life whose inherent compassion and desire to serve ensure that they will adopt the best, tryout the unusual, and leave our institution with mature confidence in their extraordinary abilities to meet the challenges and opportunities their professions present now and tomorrow. And, as a result of our commitment and our students' determination to be leaders, we are confidently and proudly producing tomorrow's leaders in the healthcare professions.

Texas A&M Health Science Center has adopted and published its vision, mission and principles, with the appropriate goals, objectives and strategies attached thereto in honor of this inaugural convocation. The Pathways to Excellence 2015 is our declaration of our belief in who we are and what we are to become. We take pride in its publication, we honor those who helped write it, and we are devoted to seeing it carried out.

In closing, let me state emphatically that I am merely one of many here today. I am humbled and inspired by your devotion, labor and dreams. Our future is joined, and we march forward individually and collectively toward a future that is based upon ethics and science with the care of others foremost in our hearts and minds.

In a world where business claims more and more of our professions, we must never forget that love and compassion must attend the care and service that we provide. Our doctors, scientists and educators must not live in sterile environments ignorant of the daily toils of those whom they serve. We are devoted to the precept that all people, regardless of geography, economic status or cultural differences, deserve the benefits of compassionate care, superior science and exceptional education.

Our health care professionals must maintain and build upon their intellectual curiosity. The future belongs to those who are willing to be a part of the world, learn something new everyday, challenge the status quo, break down unethical barriers, demonstrate integrity at every juncture, and lead by supreme example.

Our faculty and students have a splendid destiny before them because they have the gifts and the will to forge a future in which they will make the world a better and more humane place. This is the future of which I dream, this is the future that is possible, and this is the future that you will bring about. This is our commitment to and our hope for the Texas A&M University's Health Science Center.

TRIBUTE TO BLACK HISTORY MONTH

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. VAN HOLLEN. Mr. Speaker, Black History Month gives us an opportunity to reflect on and celebrate the historical accomplishments of African Americans. This year's national theme—"Celebrating Community: A Tribute to Black Fraternal, Social, and Civil Institutions"—reminds us that the strength of the African American community is rooted in its fraternal and civic organizations.

I have been privileged to have the opportunity to work with many of African American fraternal and social organizations that are active in my congressional district. They all do important work that makes a tangible difference to the quality of life in our community.

This year is the 100th anniversary of Alpha Phi Alpha, and I would like to take this opportunity to highlight this fraternity's activities and initiatives in my district. Alpha Phi Alpha is dedicated to serving others and to inspiring and empowering people to achieve success in all aspects of their lives. One of its distinguishing achievements is the establishment of the Martin Luther King Jr. Memorial Foundation Project, which will pay tribute to one of the most influential figures in American history who worked to lead our nation towards greater justice and unity. The group's deep commitment to community empowerment through its numerous programs supporting education—its scholarship and mentoring programs and its efforts to inspire and motivate black youth through its Career Fairs and Black Youth

Achievement recognition programs—have made a difference to countless young people.

For many years, I have welcomed the opportunity to attend the Montgomery County Chapter of Alpha Phi Alpha Fraternity's annual Martin Luther King, Jr. Memorial Breakfast program. This event, the success of which is evident in the consistent growth in the number of attendees and the county-wide praise it receives, is a service to Montgomery County. This gathering provides an opportunity for our community to rededicate itself to achieving equality and justice for all.

Alpha Phi Alpha Fraternity's impressive list of members includes Justice Thurgood Marshall and Dr. Martin Luther King, Jr. The important and productive work of Alpha Phi Alpha and other organizations began decades ago, yet there is still much work to be done. We must redouble our efforts to provide the African American community, and all of our communities, with the tools needed to ensure that each individual has the opportunity to achieve his or her full God-given potential. During Black History Month, we must recommit ourselves to supporting the ideals of Alpha Phi Alpha and other great institutions as we continue to strive for a better America."

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Ms. WOOLSEY. Mr. Speaker, I was unavoidably detained and missed rollcall votes Nos. 12 and 13. Had I been present, I would have voted "aye" on rollcall vote No. 12 and "no" on rollcall vote No. 13.

NATIONAL DISABILITY DAY RECOGNITION

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. PRICE of Georgia. Mr. Speaker, recently we recognized National Disability Day. I'd like to share with my colleagues the many barriers to employment that people with disabilities face, such as transportation, environment, and stereotyping, though 11 years have passed since the landmark passage of the Americans with Disabilities Act.

People with disabilities continue to battle a 50 percent nationwide unemployment rate, and for those with severe disabilities, the rate is a shocking 70 percent. The key to changing this statistic is to focus on the ability of an individual, rather than the disability.

Hiring a deserving, qualified individual with a disability is not a charity. It's a smart economic decision. When a person with a disability is employed, they are transformed from a welfare recipient to a tax payer, and that positive economic benefit ripples out to all tax-paying citizens.

The Javits-Wagner-O'Day (JWOD) Program in particular has been a critical force in assisting people with disabilities and creating self-sufficient, independent productive members of society. The JWOD Program uses the purchasing power of the Federal Government to buy products and services from community-based nonprofit agencies dedicated to training and employing individuals with disabilities. The people employed on JWOD contracts acquire valuable job skills and training, receive good wages and benefits, and gain greater independence.

The program serves 40,000 people with disabilities nationwide. Last year it generated approximately $280 million in wages earned and nearly $1.5 billion in products sold. In Georgia alone, approximately 1,000 people with disabilities earned nearly $3 million in wages last year as a result of JWOD.

This is a program that truly makes a difference in the nation and in Georgia. I'm proud to recognize its impact on National Disability Day.

INTRODUCTORY STATEMENT ON JOINT RESOLUTION

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Ms. HARMAN. Mr. Speaker, last week I stood at the Ports of Los Angeles and Long Beach, the largest container port complex in the nation, with my good friend Senator SUSAN COLLINS, the chair of the Senate Committee on Homeland Security and Governmental Affairs.

We both have championed the fight to strengthen security at our ports. As of last week, neither of us had been briefed on the review conducted by the Committee on Foreign Investment in the United States, CFIUS, into the sale of stevedoring and terminal operations of many major eastern seaboard and Gulf Coast ports to a state-owned firm from Dubai. This sale would not only affect the six major US port terminal facility leases that have been reported, but additional operations in 15 other locations, including ports shipping military materiel.

Last week, we stated our concerns about the announced sale and our plan to issue a Joint Resolution of Disapproval.

Today, I am introducing in the House the Joint Resolution which Senator COLLINS introduced yesterday, S.J. Res. 32. This resolution would do three things. First, it officially disapproves of CFIUS's initial review of the Dubai Ports World deal. Second, it requires CFIUS to rescind its previous decision and conduct a formal 45-day investigation. Third, it requires that CFIUS brief the Congress before allowing the deal to proceed, if in fact that is the decision after a full, complete and proper evaluation of the national security risks posed by this arrangement.

Since Senator COLLINS and I announced our intentions last week, there has been some progress. Dubai Ports World has agreed to a secondary review, the Administration has agreed to a 45-day assessment of the sale, and, beginning this week, some committees of Congress will now be briefed.

But the bad news is that this process got as far as it did, and that it took deep bipartisan concern to have Congress brought into the loop. When our country considers these important deals, Congress should be on the front lines, not the back bench.

And as we heard yesterday from a Senate briefing, the U.S. Coast Guard cited their concerns over the deal at the time. The U.S. Coast Guard plays a critical role in ensuring the security of our ports, and their reservations make me question why this deal was approved as quickly as it was.

This issue has also served to highlight the fact that our Nation's ports remain inadequately protected.

As a member of both the House Intelligence and Homeland Security Committees, I have consistently worked to improve our national security, and believe much remains to be done. When we focus 9 out of 10 transportation security dollars on aviation security, we fall into the trap of fighting the last war instead of the next one. Fighting terror requires that we look forward, and what keeps me up at night is the possibility of a radiological bomb or human terrorist entering our ports in an uninspected container.

When it comes to port security, we should have solid answers, not lingering questions. In this Era of Terror, there remains a constant threat to our homeland. We don't have the luxury of waiting to harden the obvious vulnerable targets.

I have visited the Los Angeles/Long Beach port complex many times. I have authored and co-authored bipartisan port security legislation. Representative DAN LUNGREN and I will introduce a comprehensive bill soon to ensure a coordinated approach to maritime and cargo security through the authorization of key security programs and initiatives, as well as a dedicated funding grant program to shore up security gaps that exist at our Nation's ports. Senators COLLINS, LIEBERMAN, and COLEMAN have introduced similar legislation in the Senate, and both bills will be the subject of hearings in this Congress.

This resolution on CFIUS is prudent; so are our efforts to legislate enhanced port security. I urge its support.

TRIBUTE TO MINNESOTA STATE REPRESENTATIVES NEVA WALKER AND KEITH ELLISON

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. SABO. Mr. Speaker, it is my honor to celebrate Black History Month by recognizing distinguished Minnesota legislators who are civil and human rights leaders: Minnesota State Representatives Neva Walker and Keith Ellison.

Representative Neva Walker was born and raised in Minneapolis, and attended the University of Minnesota. A "community baby," as referred to by elders, Walker comes from a family deeply involved in the community, especially the Sabathani Community Center which is a pillar of the community and a source of assistance to many. Walker grew up with this sort of activism, and she now embodies it herself.

Representative Walker was encouraged to run for office when lobbying Minneapolis City Hall on housing issues. When she learned that no African American woman had served in the Minnesota Legislature, this firmed her resolve to run for office. In 2000, Neva Walker was elected to the Minnesota House where she continues to address disparities of all kinds: health, poverty, racial profiling and out-of-home placement.

Representative Walker has a son, and is the youngest of seven children herself. In addition to her service in the State House, Rep. Walker contributes with many community involvements such as the Blaisdell YMCA board, the "GirlsBEST" initiative through the Women's Foundation of Minnesota, and the Minneapolis Youth Coordinating Board. She takes every opportunity reach out to people, speaking to groups that range from children in daycare to college students.

"I consider myself a seed planter," Walker said about her efforts. "I'm always trying to educate and bring useful information to people, especially youth, people of color and women."

Representative Walker believes it critical to get civil rights issues back into the public's eye. Disparities in poverty and the justice system are too great to stand idly by, she said.

Representative Keith Ellison was born in Detroit, attended Wayne State University and then came to Minneapolis to attend the University of Minnesota Law School. As a student, he first got involved in the anti-Apartheid movement. He and his wife have four children.

"I was raised in a household where I was encouraged to question things," he said. His grandfather had worked for voting rights, and Ellison grew up listening to stories of those experiences. Ellison's activism continued, and evolved into his profession as a trial lawyer, working on death penalty cases in Louisiana, as well as indigent defense work. Today at the Ellison Law Office, his legal work consists of criminal cases, civil rights cases and family law.

Ellison was first elected to the Minnesota House of Representatives in 2002. He said that instead of cajoling and persuading government leaders to pursue worthy programs, he was determined to work for change from inside the system.

"When you're a community activist, you propose change," he said. "But when you're in office as a public official, you make the change." As one of two black Representatives in Minnesota, Ellison believes he helps to improve the level of engagement for people of color in the state. "I think all people need to have equal access to their government."

He continues to work on issues of environmental justice, equal justice in the courts, voting rights, and public safety. He is also a cofounder of the Environmental Justice Advocates of Minnesota, which deals with environmental hazards posed by pollution.

Ellison believes that the civil rights movement forever changed America, but that Americans must still work for economic, health, educational and social equality for all people.

Mr. Speaker, Neva Walker and Keith Ellison are dedicated public servants who are making unique contributions to their communities, working for all people, but especially African Americans and other people of color, women, and the poor. They are committed to bringing the promise of America to all its people, and work day in and day out to achieve that ideal. I commend them for their activism and their service in the Minnesota Legislature, and their dedication to making their communities, our State, and our world a better place.

IN MEMORIAM THEODORE R. "TED" SWEM

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. UDALL of Colorado. Mr. Speaker, on February 7th, America lost one of its conservation leaders with the passing of Theodore R. Swem—known to everyone as "Ted"—whose long career was marked by the highest standards of dedication to the public interest.

Born in Cedar Rapids, Iowa, on December 6, 1917, he attended Coe College, in Iowa and received his Bachelor of Science in Forestry from Iowa State University in Ames. After completing one year of graduate work at the Biology School at Harvard University, he went to work for the Colorado State Game and Fish Department, and eventually became the Coordinator for the Federal Aid to the Wildlife Restoration Program.

In 1946, he went to work at the Regional Office of the Bureau of Reclamation, where he was responsible for wildlife, recreation, and land use planning in reclamation projects in a four state region.

During the 1950s, Ted worked with other conservationists to encourage Colorado legislators to enact legislation to establish a state park system. Thanks to the efforts of Ted and this group, today all Coloradans—and our visitors as well—can enjoy State Parks throughout Colorado.

In 1957, Ted joined the National Park Service and steadily ascended to various planning positions, eventually becoming the Assistant Director for Cooperative Activities in 1964. In this capacity, he was responsible for studying potential areas, and master planning existing areas of the National Park System, Wilderness, Federal Agency and State Assistance, Park Practice and the International Affairs Programs of the Service.

The large number of additions to the National Park System during the middle and late 1960s reflect the magnitude of this activity.

In September 1969, Ted became Superintendent of the National Capital Region of the National Park Service. In March 1971, he became the Assistant Director to the Director.

From 1972 to 1976, Ted was responsible for the National Park Service program activity in Alaska as related to the Alaska Native Claims Settlement Act, and was key to development of National Park areas in Alaska.

During this period, he became Chairman of the Alaska Planning Group for the Department of Interior and coordinated the multi-agency effort that produced the 28 "Four System" legislative proposals and related Environmental Impact Statements as submitted to Congress by the Secretary of the Interior, Rogers C.B. Morton, in December 1973. In February 1976, Ted retired from the National Park Service.

Ted's work thus set the stage for enactment of the Alaska National Interest Lands Conservation Act, which was signed into law by President Carter on December 2, 1980. This Act is often called the most significant land conservation measure in the history of our nation. The statute protected over 100 million acres of federal lands in Alaska, doubling the size of the country's national park and refuge system and tripling the amount of land designated as wilderness.

While with the National Park Service Ted was Chairman of the United States Section, Joint Japan-United States Panel on National Parks and Equivalent Reserves. He was also a member of the Canadian-United States Committee on National Parks; a Board Member of the Wilderness Society Governing Council; a member of the International Union Conservation of Nature; and Chairman of the Commission on National Parks and Protected Areas.

After his retirement he was president of the Wilderness Society Governing Council from 1978 to 1980; a Board Member of American Rivers, Inc.; and Management Consultant to Silvertip Consulting and the Defenders of Wildlife.

He was the recipient of the Meritorious and Distinguished Service Award of the Department of Interior, was recognized in 1981 by the Japanese Government by receiving the 50th Anniversary Award for his distinctive work in their behalf, and received the Robert Marshall Award from the Wilderness Society on their 50th Anniversary—the Society's highest award presented to a private citizen.

Ted also received the Alaska National Parks Conservation Leadership Award and recognition for his initial work on the making of the Klondike Goldrush an International Park between the United States and Canada.

At the time of his death, he was living in Colorado, where he had served on the Bureau of Land Management Land Disposal Committee for Clear Creek County, and performed work on the Task Force for Evergreen Lake, as well as on some of the Open Space areas in Jefferson County.

Ted and his wife Helen were married 57 years. Their four children now live in Denver, Alaska, and Brazil. I hope the sadness of their loss is tempered by pride in their father's record of achievement and the many lasting gifts he has left to our country and the world.

RECOGNIZING FEBRUARY AS NATIONAL MARFAN AWARENESS MONTH

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I rise today to speak in recognition of February as National Marfan Awareness Month and to pay tribute the thousands of people across the nation who are living with the Marfan syndrome and related connective tissue disorders.

The National Marfan Foundation is celebrating it's twenty-fifth anniversary this year and continues to dedicate itself to saving lives, and improving the quality of life for individuals and families affected by Marfan syndrome and related disorders by raising awareness, providing support and fostering research.

This year marks the 15th annual National Marfan Awareness Month, a national awareness campaign which focuses on Marfan syndrome, a genetic disorder of the connective tissue that can affect the skeleton, eyes, heart and blood vessels. Because of the disorder, the aorta, the large artery that carries blood away from the heart is weakened and prone to enlargement and rupture, which is often fatal.

It is estimated that 200,000 people in the U.S. are affected by the Marfan syndrome or a related connective tissue disorder. Marfan syndrome is often hereditary, but 25 percent of affected people are the first in their family to have the disorder. It affects both male and females and all ethnicities. Thousands do not even know that they are affected and if left undiagnosed, it can result in an early sudden death from aortic dissection.

There is no cure for Marfan syndrome, but with an early diagnosis, proper treatment and careful management of the disorder, the life span can be extended into the 70s. Without a diagnosis and treatment, people may die as early as their 20s, 30s or 40s.

In addition, to National Heart Month, February was designated National Marfan Awareness Month because of President Abraham Lincoln's Birthday. Lincoln is believed to have been affected by Marfan syndrome because of the many outward signs of the disorder he portrays. People with this condition are frequently taller than other non-affected members of their family with disproportionately long limbs, fingers and toes. They often have an indented or protruding chest bone, a curved spine, flat feet, a high arched palate and loose joints.

Other famous people with the Marfan syndrome include Jonathan Larson, the Tony Award-winning playwright of the Broadway musical Rent; Flo Hyman, captain of the U.S. Olympic Volleyball team who won a gold medal in 1984, Charles de Gaulle, Rachmaninoff, and Mary Queen of Scots.

Mr. Speaker, according to the National Marfan Foundation, in my district in Pennsylvania there are approximately 190 families that have to live with this disorder and the fear of dying at an early age.

According to the Centers for Disease Control, approximately 14,000 people die each year of aortic aneurysms and dissections, 20 percent of which can be contributed to those carrying a genetic disorder such as the Marfan syndrome.

Due to lack of medical awareness about the disorder, many people still die undiagnosed and untreated.

I rise today to commend those working in my district and State who work tirelessly on this issue in the hopes of one day finding a cure for Marfan syndrome.

Mr. Speaker, I encourage my colleagues to join me and the National Marfan Foundation in raising awareness of this potentially life threatening disorder. I look forward to working with members on both sides of the aisle to increase federal support for critical research and prevention programs aimed at improving the quality of life for Marfan syndrome patients and their families.

IN MEMORY OF EDWARD R. CUMMINGS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. LANTOS. Mr. Speaker, I rise to honor the life of Edward R. Cummings of Maryland and lament his untimely passing. Mr. Speaker, we all know of the many unsung heroes that make this great institution work, the staff and advisers who labor in obscurity but without whom we could not do our work to represent the American people. It is even more so in the Executive Branch, where an individual can spend a whole career and never be introduced to the wider public, laboring not for the recognition that drives so many in the public sphere but instead toiling to uphold the public interest and to serve his country. Our government cannot function without such individuals and it is they who can bring order and sanity to an ever changing kaleidoscope of figures who pass through the United States Government as elections occur and administrations change.

Mr. Speaker, yesterday this Nation lost such a person, a remarkable public servant and a remarkable human being, Edward R. Cummings. Mr. Cummings served his country for over 30 years, first with the U.S. Army and then with the U.S. Department of State. Mr. Cummings earned a bachelor's degree from Johns Hopkins University in 1972, and then became an active military officer in 1972, where he completed training to become an airborne ranger, one of this Nation's elite forces. Instead of what surely would have been a distinguished career in armed combat, Mr. Cummings took another path and with the support of the U.S. military, entered George Washington University Law School. He studied a variety of subjects that were directly relevant to legal work in the international sphere, such as international law, Chinese law, human rights law, diplomatic and consular law, and United Nations law, and served on the G.W. international law journal. In 1975, he graduated first in his class of 317 students.

Mr. Cummings was on active duty with the U.S. Army until 1979, graduating from judge advocate general's school, and serving in the Office of the Judge Advocate General where he represented the Department of Defense at a number of international negotiations related to the Law of War. He remained in the Army Reserve from 1979 to 2000, assigned to the War Crimes and Prisoners of War Branch of the Office of the Judge Advocate General. He retired as a lieutenant colonel.

In 1979, because of his distinguished representation of the Defense Department and his exceptional contributions to the U.S. delegations in which he participated, Mr. Cummings was invited to join the Office of the Legal Adviser of the U.S. Department of State where, over the course of twenty five years, he served as an attorney and adviser to numerous U.S. officials throughout the Government. Among other positions, he was the Assistant Legal Adviser for Politico-Military Affairs, Assistant Legal Adviser for Nonproliferation, Assistant Legal Adviser for Arms Control and Verification, and Counselor for Legal Affairs at the U.S. Mission in Geneva. From 2000 to the present, he has served as the U.S. Head of Delegation to negotiations relating to the Convention on Conventional Weapons. Appointed to the Senior Executive Service in 1987, Mr. Cummings has received numerous awards for superior service to the Department of State and has written on such subjects as the law of belligerent occupation, war crimes, arms control, international humanitarian law, and extradition.

But this description of his career does not do justice to his accomplishments. Last year, after he was diagnosed with the pancreatic cancer that killed him yesterday, George Washington University Law School organized a symposium entitled Lawyers and War in honor of Mr. Cummings, which was held on September 30, 2005. Mr. Cummings was fortunate not only to hear a set of knowledgeable remarks, but to hear the gratitude of his colleagues and proteges and to reflect on his amazing set of accomplishments. Whether it was negotiating status of forces agreements to protect our troops abroad, helping draft the first set of comprehensive sanctions against South Africa during the apartheid era, supporting and then leading negotiations to control the use of conventional weapons that might cause unnecessary suffering, or aiding in the positive developments in international human rights and international humanitarian law, Mr. Cummings made an invaluable contribution to this nation and to humankind.

Let me just cite three accomplishments that can be directly related to Mr. Cummings that may not be his most important but have special significance to some of my colleagues in this body. First, Mr. Cummings was instrumental in fashioning the compromise that allowed the United States to become a party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. For those who did not follow that debate, most countries around the world wanted to ban the recruitment of any individual under the age of 18. However, because the United States recruits students in high school, the U.S. military insisted that the age be reduced to 17. This position put the United States in the posture of preventing an international consensus and seeming to be in league with those who were not committed to banning this terrible abuse at all. It was Mr. Cummings who originated the idea of allowing voluntary recruitment of 17 year olds but not allowing them in combat until they were 18, creating an international consensus that put the focus where it always should have been, on militias that conscript 12, 13 and 14 year olds.

Mr. Cummings also worked for decades on enhancing the substance and image of the laws of war. One life long accomplishment in this area was the recent decision by the countries that are party to the Geneva Conventions to create a new symbol in addition to the red cross and red crescent to allow the Israeli society, the Magen David Adom, to become an official member of the Red Cross community. This success, which will do much to erase a small but important irritant in this country's relation to the International Committee on the Red Cross, was due in large part to Mr. Cummings 20 year dedication to achieving this end.

Another of his major accomplishments was his success in persuading the international community to agree on the extension of the Conventional Weapons Convention to all forms of armed conflict, whether international or internal in character. It has been in the savage internal armed conflicts of past decades that the civilian population has suffered most from the indiscriminate use of conventional weapons, and Mr. Cummings efforts will help to mitigate and limit this lamentable carnage.

These three examples of a much deeper and richer career represent all that was exceptional about Mr. Cummings' service to this country. Using his full grasp of the complex issues he dealt with, his deft understanding of the U.S. military and the mechanisms of government, his keen eye for cutting through the issues to find a way through controversy, his strong personal relationships with individuals across our government and around the world, and his unwavering commitment to accomplish his mission, Mr. Cummings was able to accomplish these three difficult goals, thereby increasing both stature and national security of the United States. There are countless other successes of this sort which would take up pages of this record if they were described in full.

Finally, Mr. Speaker, Mr. Cummings was an extraordinary human being. His colleagues and friends speak personally and movingly about his commitment to others as individuals and as attorneys. If the law remains a place where law school is but a starting point and it is the learning from one's colleagues that is the most important basis for success, Mr. Cummings has served as "master" to many "apprentices" who are now serving their own distinguished careers in many walks of life (although Mr. Cummings would have dismissed those terms, calling everyone "colleagues"). This is a legacy that will last beyond Mr. Cummings final horizon. And with his personal warmth and his many avocations such as opera, mountain climbing and skiing, Mr. Cummings was admired by all who knew him.

Mr. Speaker, it is tragic that just at a time when Mr. Cummings was considering moving on to a new stage in his career and life, he was diagnosed in December 2004 with an untreatable form of pancreatic cancer which took him from us just yesterday. From all reports, his efforts to combat this illness and to show grace in the face of death itself demonstrated once again why Mr. Cummings is respected and loved, and our heart goes out to his wife and life partner, Clair, during this difficult time.

While Mr. Cummings was a clear example to all of us of a life well-lived, his tragic end is still a loss for all of us. We can only be thankful that this fellow traveler was able to do so much for his friends and acquaintances and for his country while he was with us.

IN HONOR OF EARLINE MILES

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. BURGESS. Mr. Speaker, I rise today to pay tribute to a woman who can only be described as truly American, Earline Miles.

Ms. Miles began her academic career by attending I.M. Terrell High School. From here, she graduated from Huston-Tillotson College in Austin, Texas then obtained her law degree from the Thurgood Marshall School of Law in Houston, Texas. Ms. Miles then turned her sights to education by becoming an instructor at Tarrant County College teaching business law.

Ms. Miles was involved in the civil rights movement in which she was a strong advocate of equality for all people. During her employment in Fort Worth, Texas, she was a determined worker for minority hiring initiatives. It was through Ms. Miles' hard work that countless disadvantaged people were able to now find employment.

Ms. Miles' community has benefited a great deal through her involvement in many organizations. She has done extensive volunteer work through her community. Even though Ms. Miles is now retired, she still dutifully works for her community by collecting food, clothing, and essential supplies for the homeless.

Today, we honor Earline Miles for her commitment to education and her dedication to helping others. She will always be remembered for her kindness and generosity to others, and may she serve as a role model for others in the future.

TRIBUTE TO DENNIS WEAVER—HOLLYWOOD ACTOR AND AVID ENVIRONMENTALIST

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. SALAZAR. Mr. Speaker, I stand before you today to offer my condolences to the family and friends of Dennis Weaver, who have recently suffered the tragic loss of a great man. Mr. Weaver passed away on Friday, February 26th at his home in Ridgeway, Colorado.

Mr. Weaver was perhaps most famous for his role as Chester Good on "Gunsmoke" and for the T.V. series "McCloud," though he appeared in many T.V. movies, films, and even released his own country music album. As a fan of Western classics, I was continually impressed by Mr. Weaver's talent on screen and his ability to bring laughter and happiness to millions of Americans.

The passing of Mr. Weaver strikes a more personal chord because he was such an involved member of the Colorado community. In addition to his work as an actor, Mr. Weaver was also a dedicated activist for many environmental and humanitarian causes. He assisted in founding Love is Feeding Everyone, a program which currently helps to feed 150,000 hungry people a week in Los Angeles County. He has been honored by Haven Hills, a shelter for battered women, and the Pacific Lodge Boys' Home. In addition, he was on the Advisory Board of the "Center for Environmental Solutions," and even resided in his own environmentally friendly solar-powered house that he and his wife built in my Congressional District.

Though I only had the good fortune of meeting Mr. Weaver once, I was struck by his sincerity and his dedication. His talent as an actor is to be admired and his role in the community has been invaluable. He will be greatly missed, not only by his close friends and family, but also by the millions of lives he touched through his work onscreen and his role in the community.

HONORING CSEA ON ITS 75TH ANNIVERSARY

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Ms. MATSUI. Mr. Speaker, I rise today to congratulate the members of the California State Employees Association on the 75th anniversary of the organization's founding.

CSEA currently represents over 140,000 California state employees and retirees. Members include a wide variety of hardworking state employees, from front line service providers to university professors. California residents depend on CSEA members for a wide variety of state services, members ensure everything from a safe drinking water supply to the speedy processing of our tax returns. Without their hard work the business of the state would not get done.

It is a testament to the organization's importance and leadership that it continues to thrive 75 years after its formation. Since its inception, CSEA has been instrumental in making certain state workers have the protections and benefits they deserve. CSEA helped create the first retirement system for state workers, advocated for a mandated forty hour workweek and helped obtain voter approval of the Merit System for state service, all of which has contributed to a well qualified and motivated state workforce.

CSEA has also contributed to the health care of public sector employees. Since 1938, they have provided state workers with medical insurance, as the state did not provide such benefits until 1962. Today, CSEA serves its members by offering California state employees access to affordable homeowner's, life and dental insurance.

As an organization, CSEA has also played a pivotal role in ensuring state and university employees are entitled to collective bargaining. CSEA successfully lobbied for passage of the Dills Act and the Berman Act in the 1970s, both of which extended collective bargaining rights to public employees.

Mr. Speaker, I am honored to congratulate CSEA President J.J. Jelincic, as well as the association's thousands of members on CSEA's 75th anniversary. I ask all my colleagues to join me and honor CSEA, as well as the fine work that California state employees do everyday

TRIBUTE TO CENTENNIAL CELEBRATION OF THE CITY OF FORTUNA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the 100th anniversary of the city of Fortuna in Humboldt County, California.

Originally named Slide, later Springville, Fortuna, was incorporated on February 20, 1906. Meaning "good fortune," it is an appropriate name for this unique and vibrant community situated on the banks of the beautiful Eel River in the heart of the Eel River Valley.

After its incorporation the town became well established with a city council, a night watchman and a fire and water committee. The Eel River Valley Lumber Company and the Humboldt Milling Company were two of Fortuna's largest employers and in 1909 the prominent Rohner family donated land for the first city park. Fortuna became a regular railroad stop between Eureka and San Francisco in 1914. The railroad provided an important link to the rest of the world and allowed travelers easy access to this verdant region.

Fortuna was known for its agricultural excellence and fish from the Eel River, but timber was the proud and primary industry of the area. Logging and lumber mills provided many jobs and the area became more populated as the town became more prosperous. People moved to Fortuna with the prospect of good jobs and a pleasant town in which to raise their families.

Fortuna remains a family community with a rich cultural heritage, excellent schools and beautiful parks. The citizens are proud of their town and volunteer to enrich Fortuna's daily life. Known as the "Friendly City," Fortuna is host to a wealth of events, including the annual Fortuna Rodeo, Auto Expo, Paddle to the Headwaters, a vibrant farmer's market and Daffodil Festival.

Fortuna contributes to the economic vitality of the region and is an important partner in Humboldt County. As Fortuna continues to grow and flourish it will certainly enjoy another one hundred years of prosperity.

Mr. Speaker, it is appropriate at this time that we recognize the city of Fortuna on the occasion of its 100th anniversary.

IN RECOGNITION OF DENTON BIODIESEL INDUSTRIES OF GREATER DALLAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. BURGESS. Mr. Speaker, it is my great honor to recognize Denton Biodiesel Industries of Greater Dallas and its achievement of being awarded the 2005 Project of the Year by the United States Environmental Protection Agency's Landfill Methane Outreach Program. The award acknowledges outstanding landfill gas recovery projects that make energy out of this otherwise harmful air pollutant.

Biodiesel fuels are primarily composed of renewable and recycled vegetable oils. This project serves as an innovator since it is the nation's first public-private partnership of its kind for biodiesel production. This relatively new Biodiesel Industry has the largest network of company-owned and operated biodiesel production facilities in the world.

I am proud to represent a company that is so strongly committed to quality products and a positive work environment. I congratulate Denton Biodiesel Industries and wish them continued success in their future endeavors.

VICE PRESIDENT CHENEY: RESIGN FOR THE SAKE OF YOUR COUNTRY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. RANGEL. Mr. Speaker, I rise to introduce into the RECORD an opinion piece by Bob Herbert in the February 16, 2006 edition of The New York Times entitled "Mr. Vice President, It's Time to Go."

Anyone who has been a long-time reader of Mr. Herbert's columns in the Times as I have knows Mr. Herbert has deplored the unshared sacrifice of this war, the fact that it is one small percentage of the people of this country who bear the burden of the war. He has been consistent in his criticism of the hubris of this administration and the secrecy surrounding everything it does. This is the most secretive administration in the Nation's history. Mr. CHENEY is if not the designer of this secrecy policy, is certainly the most prominent member of the administration using the policy which he clearly believes allows him to keep secrets not only from the Congress, but also from the President.

Before the hunting incident now before the public's very interested eye, there are many examples of Mr. CHENEY's policy of not telling anyone anything. Going as far back as Mr. CHENEY's meetings with the Energy mogul's who helped him shape this country's lopsided energy policies in which Exxon Mobile posted the greatest profits ever made in the history of this country last year when energy prices were so high some of America's poor have to depend on the charity of Hugo Chavez of Venezuela to make it through the winter.

Mr. CHENEY is so secretive he implemented and managed a system of CIA prisons and torture cites in Europe called "black sites" which violated not only our laws and treaties but those of the European Union. And practically no one in the Congress of the United States knew anything about these prisons until the Washington Post disclosed their existence.

Mr. I. "Scooter" Libby just disclosed at his perjury trial that Mr. CHENEY gave him classified information to give to the press. That was classified information about an undercover secret service agent, Valerie Plame.

Since the Congress and the public know only egregious examples of what exposures by whistles blowers and the press has made in the interest of the public's greater good, we, the American people, know nothing of the Vice President's doings of the last 6 years. That is a scary thought.

This hunting accident, in which Mr. CHENEY defied all White House protocol by not informing the President, the White House Press Office, the Police or Sheriff until at least 24 hours after the shooting, has reinforced the opinion that Mr. CHENEY is out of control. That is, he is above the law, rules and regulations of ordinary mortals. He doesn't even have to do what the President wants him to do. He isn't just above the law; he is the law.

The story had many conflicting versions as they were told by the owner of the ranch, the doctors treating the shooting victim, Scott McClelland and finally, CHENEY himself. This has opened the White House to increasingly hard questions about the inconsistencies in these stories. The White House can't reconcile these differences because, it appears, Mr. CHENEY feels he doesn't have to explain anything to the President or the White House Press Secretary. Mr. CHENEY is an official who works for the people of the United States. But don't try to tell him that. It doesn't fit with his view of himself or the way he carries out his office of Vice President.

Mr. Herbert points out in his op-ed piece: "The shooting and Mr. Cheney's high-handed behavior in its immediate aftermath fit perfectly with the stereotype of him as a powerful but dangerous figure who is viewed by many as a dark force within the administration. He doesn't even give lip service to the idea of transparency in his private of public life . . ."

DICK CHENEY is a constant reminder of those things the White House would like most to forget: the bullying, the intelligence failures, the inability to pacify Iraq (Mr. CHENEY told Tim Russert: "I really do believe, that we will be greeted as liberators," he said) the misuse of classified information and the breathtaking incompetence that spread through the administration.

I agree with Mr. Herbert's conclusion: "Mr. Cheney would do his nation and his president a service by packing his bags and heading back to Wyoming. He's become a joke. But not a funny one."

[From the New York Times, Feb. 16, 2006]

MR. VICE PRESIDENT, IT'S TIME TO GO

(By Bob Herbert)

It's time for Dick Cheney to step down—for the sake of the country and for the sake of the Bush administration.

Mr. Cheney's bumbling conduct at the upscale Armstrong Ranch in South Texas seemed hilarious at first. But when we learned that Harry Whittington had suffered a mild heart attack after being shot by the vice president in a hunting accident, it became clear that a more sober assessment of the fiasco at the ranch and, inevitably, Mr. Cheney's controversial and even bizarre behavior as vice president was in order.

There's a reason Dick Cheney is obsessive about shunning the spotlight. His record is not the kind you want to hold up for intense scrutiny.

More than anyone else, he was fanatical about massaging and distorting the intelligence that plunged us into the flaming quagmire of Iraq. He insisted that Saddam Hussein had chemical and biological weapons and was hot on the trail of nukes. He pounded away at the false suggestion that Iraq was somehow linked to Al Qaeda. And he spread the word that the war he wanted so badly would be a cakewalk.

"I really do believe," he told Tim Russert, "that we will be greeted as liberators."

Well, he got his war. And while the nation's brave young soldiers and marines were bouncing around Iraq in shamefully vulnerable Humvees and other vehicles, dodging bullets, bombs and improvised explosive devices, Mr. Cheney (a gold-medal winner in the acquisition of wartime deferments) felt perfectly comfortable packing his fancy 28-gauge Perazzi shotgun and heading off to Texas with a covey of fat cats to shoot quail.

Matters went haywire, of course, when he shot Mr. Whittington instead.

That was the moment when the legend of the tough, hawkish, take-no-prisoners vice president began morphing into the less-than-heroic image of a reckless, scowling incompetent who mistook his buddy for a bird.

This story is never going away. Harry Whittington is Dick Cheney's Monica. When Mr. Whittington dies (hopefully many years from now, and from natural causes), he will be remembered as the hunting companion who was shot by the vice president of the United States. This tale will stick to Mr. Cheney like Krazy Glue, and that's bad news for the Bush administration.

The shooting and Mr. Cheney's highhanded behavior in its immediate aftermath fit perfectly with the stereotype of him as a powerful but dangerous figure who is viewed by many as a dark force within the administration. He doesn't even give lip service to the idea of transparency in his public or private life. This is the man who fought all the way to the Supreme Court to keep his White House meetings with energy industry honchos as secret as the Manhattan Project. (Along the way he went duck hunting at a private camp in rural Louisiana with Justice Antonin Scalia.)

This is also the man whose closest and most trusted aide, Lewis "Scooter" Libby, has been indicted for perjury and obstruction of justice as a result of the investigation into the outing of a C.I.A. undercover operative, Valerie Wilson.

Mr. Cheney is arrogant, defiant and at times blatantly vulgar. He once told Senator Patrick Leahy to perform a crude act upon himself.

A vice president who insists on writing his own rules, who shudders at the very idea of transparency in government, whose judgment on crucial policy issues has been as wildly off the mark (and infinitely more tragic) as his actions in Texas over the weekend, and who has now become an object of relentless ridicule, cannot by any reasonable measure be thought of as an asset to the nation or to the president he serves.

The Bush administration would benefit from new thinking and new perspectives on the war in Iraq, the potential threat from Iran, the nation's readiness to cope with another terror attack, the development of a comprehensive energy policy and other important issues.

President Bush's approval ratings have dropped below 40 percent in recent polls. Even Republicans are openly criticizing the administration's conduct of the war, its response to Hurricane Katrina and assorted other failures and debacles.

Dick Cheney is a constant reminder of those things the White House would most like to forget: the bullying, the intelligence failures, the inability to pacify Iraq, the misuse of classified information and the breathtaking incompetence that seems to be spread throughout the administration.

Mr. Cheney would do his nation and his president a service by packing his bags and heading back to Wyoming. He's become a joke. But not a funny one.

CELEBRATING THE SESQUICENTENNIAL OF THE SAN MATEO SHERIFF'S OFFICE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. LANTOS. Mr. Speaker, it is with great pride that I rise today to celebrate the San Mateo County Sheriff's Department on their Sesquicentennial Anniversary. The Department is the oldest and largest law enforcement agency in San Mateo County, California, located in my Congressional District.

The San Mateo County Sheriff's Department history begins with the formation of the County of San Mateo in 1856. Residents of the Peninsula watched as John W. Ackerson was sworn in as the first sheriff of San Mateo County. He had three total staff members, an Undersheriff, bailiff of the Courts and a jailer. There weren't even patrol duties for the office.

Mr. Speaker, today, from those humble beginnings, the San Mateo Sheriff's Office has grown to a force of 450 officers and is responsible for everything from patrolling the county to running the courts and the correctional facilities. They have exemplary task forces, specializing in narcotics, regional terrorist threat assessment and emergency services among others. Today, the Sheriff's Office is still the Chief Law Enforcement Agency of the County of San Mateo.

Mr. Speaker, since 1993 the Sheriff's Office has been most ably led by Sheriff Don Horsley. In fact, Sheriff Horsley picked out the badge marking the 150th anniversary of the Sheriff's Office. The commemorative badge replicates the Old West style that Sheriff Ackerson would have worn. I dearly appreciate their extraordinary service that they provide to the County and I ask my colleagues to join me in paying tribute to the San Mateo Sheriff's Office for the honorable duty they have performed for the last 150 years.

HONORING MICHEL A. LAJOIE FIRE CHIEF, LEWISTON FIRE DEPARTMENT

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. MICHAUD. Mr. Speaker, today I rise to honor Chief Michel A. Lajoie of the Lewiston Fire Department. Chief Lajoie began his career as a firefighter in the Lewiston Fire Department in 1970. After taking a short break to pursue a career in the automotive industry in 1972, Michel Lajoie returned to the Lewiston Fire Department in 1976 and rose through the ranks of lieutenant, captain, and deputy chief, before finally becoming chief in 1994. This year he retires, having served over 30 years in Lewiston.

Chief Lajoie exemplifies what it means to be a public servant. In addition to managing a department of 79 uniformed and civilian personnel, he has earned an Associate Degree in Fire Science from Southern Maine Community College and is a graduate of the Androscoggin Leadership Development Institute. Chief Lajoie is a member of a Standing Ad-Hoc Committee for the State of Maine Bureau of Labor Standards and has been instrumental in the continued review and updating of the standards and requirements governing the State of Maine's Fire Service.

His colleagues in Maine selected Chief Lajoie as Fire Chief of the Year in 2003 and also nominated him for Fire Chief of the Year in 2003 for the Fire Chiefs Magazine. Chief Lajoie has served as President of the New England Division of the International Association of Fire Chiefs, representing the fire service and the Fire Chiefs throughout the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut. He also has served as President of the Maine Fire Chiefs Association, representing the fire service and Fire Chiefs throughout the State of Maine and he currently holds Board positions in several professional associations.

I am proud to honor Chief Lajoie as he embarks on a very well deserved retirement. The City of Lewiston and the State of Maine will miss him.

HONORING OPEN CITIES HEALTH CENTER

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today to honor the ground-breaking work of the Open Cities Health Center. In a fitting celebration of African American History Month, Ms. Mary Stokes and Mrs. Timothy O. Vann will be remembered and celebrated at an awards ceremony on February 24, 2006. These two pioneering African-American women founded the center, providing the vision to provide culturally competent health care—a vision that has grown into a vital resource in the Twin Cities community for nearly four decades.

The Open Cities Health Center has become one of the largest nonprofit community health centers in the Twin Cities. The center was one of the first in the State of Minnesota to focus on providing health care to low-income residents, predominantly people of color. A group of Saint Paul residents began the center in a church basement in Saint Paul's Rondo neighborhood in 1967. Stokes and Vann addressed the health needs of our most at-risk citizens when no one else would. The all-volunteer clinic started out by providing immunizations and basic health education to African-Americans.

Today, due in part to Federal and local government grants over the years, the center has greatly expanded its outreach and become a well-known, multi-lingual clinic that continues to serve the African-American community as well as members of the East African, Southeast Asian, and Caucasian communities. The center provides a wide array of important physical, mental health, and dental services to residents from all over the Twin Cities.

Mr. Speaker, please join me in paying tribute to the vital work of the Open Cities Health Center. We must all work together to increase access to screenings and preventive care treatment for all Americans. I commend the Open Cities Health Center for working to eliminate the damaging health disparities that continue to exist among racial and ethnic groups.

PAYING TRIBUTE TO JOSEPH E. THIRIOT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Joseph E. Thiriot for 33 years of teaching in Nevada and a lifetime full of goodwill and service to the community. Joseph is recognized today at the dedication of Joseph E. Thiriot Elementary School which opened September 19, 2005.

Joseph was born August 20, 1906, in Provo, UT. When he was 13 he moved to Nevada and graduated from a one-room schoolhouse in Pahranagat Valley in Lincoln County. He earned a teaching degree from Brigham Young University in 1930 and a masters of arts from Northwestern University. He then taught school in Lincoln County from 1932 to 39. The following year, Joseph and his wife, Ellen, also a longtime Las Vegas High School teacher, moved to Las Vegas, where they raised three children, all Las Vegas High School graduates. He finished his teaching career in 1966, after 26 years at Las Vegas High School. Some of the subjects that Joseph taught include drama, english literature, grammar, stagecraft, play production, debate, public speaking, chorus and typing. He also headed the Debate team and the Glee Club.

Joseph's students remember him for the fun and exciting classes that he taught and the long hours he put in after school to direct large productions, have extra rehearsals for the next choir concert or to help prepare for an upcoming debate. During these long hours students not only received help for their respective activity but benefited from the example he showed as an outstanding educator and citizen. He had a dedication to educate his students both in and out of the classroom that will not be forgotten.

Outside of school, Joseph is very active in the community. He and his wife were longtime costume and makeup directors for the Helldorado parade and other local events. He also cofounded the Las Vegas Little Theater in 1945, helped to form the Las Vegas Classroom Teacher Association, and championed the construction of the old Las Vegas High School auditorium in 1953, where the first classes of what is now University of Nevada, Las Vegas were held. Joseph long performed as a member of the Westerner Quartet and was, for 11 years, a member of the internationally renowned Desert Chorale. An avid collector of rocks and gems, even at the age of 99, when he visits area schools to talk to students on behalf of the Las Vegas Gem Club, he at times meets youngsters whose grandparents were his former students.

Mr. Speaker, I am honored to recognize Joseph E. Thiriot. He has lived his life full of integrity, enthusiasm, and hard work, dedicating it to education, family, students, and the community. He has been a mentor and inspiration to hundreds of students and to his family and I congratulate him today at the dedication of Joseph E. Thiriot Elementary School.

HONORING OF FRANK STATON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. BURGESS. Mr. Speaker, I rise today to pay tribute to a man who can only be described as truly American, Frank Staton.

Originally a California native, Mr. Staton moved to Fort Worth, Texas during his early childhood years. After graduating from I.M. Terrell High School and Wiley College in Marshall, Texas, Mr. Staton embarked on his career as an educator in Fort Worth. Mr. Staton worked for the Fort Worth Independent School District for more than 40 years. It was at this school district where he had served as a teacher, coach, and as a specialist on drug education for youths.

During Mr. Staton's tenure as an educator, he served as a board member of The Fort Worth Transportation Authority and was involved with United Community Centers, Longhorn Council of the Boy Scouts of America, American Heart Association, Safe Haven, the Fort Worth Classroom Teachers Association, and other organizations.

Needless to say, Mr. Staton has touched the lives of countless individuals as well as the community at large through his tireless efforts to promote education. Mr. Staton is now retired, but he still remains active in Our Mother of Mercy Catholic Church since 1939.

Today, we honor Frank Staton for his commitment to education. He will always be remembered for his kindness and generosity to others, and may he serve as a role model for others in the future.

RECOGNIZING THE ATHLETES OF THE XX WINTER OLYMPICS FROM COLORADO'S THIRD CONGRESSIONAL DISTRICT

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. SALAZAR. Mr. Speaker, I rise today to congratulate and commend the twelve Winter Olympic athletes from Colorado's Third District.

Their devotion to country and athletic excellence is truly exemplary and is deserving of our fullest respect and gratitude. And so, I honor the following persons as great athletes, great Coloradoans, great Americans . . .

Gretchen Bleiler from Aspen, who competed in the Women's Snowboarding competition; Jason Smith from Basalt, who competed in the Men's Snowboarding competition; Lanny and Tracy Barnes from Durango, who competed in the Biathlon competition; Rebecca Dussault from Gunnison, who competed in the Cross-Country Skiing competition; Clint Jones from Steamboat Springs, who competed in the Skiing Jump competition; Caroline Lavive from Steamboat Springs, who competed in the Alpine Skiing competition; Todd Lodwick from Steamboat Springs, who competed in the Nordic Combined Skiing competition; Travis Mayer from Steamboat Springs, who competed in the Freestyle Skiing competition; Tommy Schwall from Steamboat Springs, who competed in the Skiing Jump competition; Johnny Spillane from Steamboat Springs, who competed in the Nordic Combined Skiing competition; and Ryan St. Onge also from Steamboat Springs, who competed in the Freestyle Skiing competition.

Their hard work and determination has earned them the title of Olympic athletes and sports heroes. They have made all of us in Colorado and the United States very proud. Once again, I would like to extend a hearty congratulations to all of them.

HONORING MT. OLIVE MISSIONARY BAPTIST CHURCH ON ITS 50TH ANNIVERSARY

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Ms. MATSUI. Mr. Speaker, I rise today in tribute to the congregation of Mt. Olive Missionary Baptist Church on the 50th anniversary of their church. This congregation has served the Del Paso Heights neighborhood and Sacramento region since 1956. As members of the Mt. Olive Missionary Baptist congregation gather to celebrate 50 years of community service, I ask all of my colleagues to join me in saluting this outstanding congregation.

The Mt. Olive Missionary Baptist Church was founded in Del Paso Heights in February of 1956. The Church was established and organized by Reverend Je Petiway, Reverend Powell and Reverend Eddie Phillips. Reverend Mack Smith was the parish's first Pastor and the church became a member of the St. Johns District association. The church bought its current facility in October 1956 and became incorporated in 1959.

Reverend White Henderson became Pastor in 1960 and took steps to greatly expand the church. Under his leadership a new edifice was constructed and a chapel was purchased and relocated to its current site. The church continued to expand in 1968 when Reverend Eugene Washington became Pastor. His leadership and guidance resulted in the construction of additional classrooms and a social hall.

Throughout the history of Mt. Olive Missionary Baptist Church, the congregation has been dedicated to making a positive impact on the lives of Sacramento residents. The Church has always been a comforting place of refuge for people in need, providing assistance spiritually, mentally and physically. During the current tenure of Pastor Washington, the church has established numerous ministries in the Sacramento region. These outreach programs have included prison ministry, convalescent ministry, youth outreach and counseling programs.

Mr. Speaker, I am truly privileged to congratulate the congregation of Mt. Olive Missionary Baptist Church as they gather to celebrate their 50th church anniversary. The Sacramento region has greatly benefited from having their strong community leadership and compassionate hearts. I ask all of my colleagues to join with me today in wishing Mt. Olive Missionary Baptist Church continued success and happiness in all future endeavors.

RECOGNIZING AL AND KATHY MAZZA OF SONOMA, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize two extraordinary individuals who have jointly been named the City of Sonoma's 2006 Alcalde and Alcaldesa, or Honorary Mayors.

Al and Kathy Mazza are the ultimate power couple. Al was the Fire Chief for the City of Sonoma when he met and married Kathy, a city employee, 18 years ago. Between them, there has scarcely been a special event or project in which they have not been involved.

Al was born and raised in Sonoma. After he retired as Fire Chief, he was elected to the City Council, where he twice served as mayor.

He has been President of the Sonoma Fire Chief's Association and developed the Sonoma Valley Firemed System, which integrated existing emergency response agencies into one system.

His civic activities include membership in the Chamber of Commerce, the "Field of Dreams" Committee to build ball fields for city youth, the Sonoma Valley Athletic Club and Sonoma Valley Little League.

Kathy worked for the City of Sonoma for 17 years. Since her retirement, she has served as Vice President of the Sonoma Plaza Foundation's Red & White Ball, which has raised more than $750,000 for downtown improvements and to local non-profit organizations.

Kathy has also been actively involved with the Valley of the Moon Teen Center and the Sonoma County Mental Health Clinic.

Both Al and Kathy were instrumental in leading the citizen's committee that successfully turned out voters to approve a parcel tax to help pay the operating expenses of the local hospital four years ago.

Mr. Speaker, Al and Kathy Mazza represent the character and spirit of the City of Sonoma and it is therefore appropriate that we honor them today as the 2006 Alcalde and Alcaldesa.

IN MEMORY OF DR. PHILLIP O'BRYAN MONTGOMERY, JR.

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. BURGESS. Mr. Speaker, I rise today to give tribute to Dr. Phillip O'Bryan Montgomery, Jr. from Dallas, Texas in the 26th Congressional District of Texas, for his lifelong contributions to his community and to medicine. Dr. Montgomery passed away on Saturday, December 17, 2005.

I would like to recognize and celebrate Dr. Montgomery's life today. Dr. Montgomery graduated from Southern Methodist University with a BS in engineering in 1942 before attending medical school at Columbia University in 1945. Upon completing his internship at the Mary Imogene Bassett Hospital in Cooperstown, NY, Dr. Montgomery became a Captain in the Army Medical Corps.

When Dr. Montgomery returned to Dallas, he became a tenured professor of pathology in 1961 at UT Southwestern Medical School. From 1962–1963, he was President of the Dallas County Hospital District Medical Staff. In addition, Dr. Montgomery was the Executive Director of the Cancer Center and ultimately named the Ashbel Smith Professor of Pathology in 1991. During his time as Special Assistant to the Chancellor of the University of Texas, he was responsible for planning the campuses of UT Dallas, University of Houston Medical School, University of Texas Medical Branch at Galveston, and the expansion of UT Southwestern Medical School Campus.

Dr. Montgomery had published over 100 scholarly papers in the course of his prolific career. One of these published papers of his evolved out of an experiment on NASA's Skylab in which he himself was the principal investigator of living cells in zero gravity. Dr. Montgomery was an avid traveler who had a very devout love of nature. His magnetic and vivacious personality has allowed him to be sorely missed by friends and family.

I respected him as a fellow doctor and was honored to represent him here in Congress. I extend my sympathies to his family and friends.

CELEBRATION OF GRENADA'S INDEPENDENCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. RANGEL. Mr. Speaker, today I rise to pay tribute to the tri-island state of Grenada which celebrated its 32nd anniversary of independence Tuesday, February 7 and to enter into the Record a Caribnews editorial celebrating how the country has overcome obstacles to persevere during its young existence.

Grenadians are resilient people who are dealing with trying times. As the editorial reads, "Like many of its neighbors in and out of the Organization of Eastern Caribbean States, OECS, Grenada is facing some serious economic and social challenges. Crime has reared its ugly head and the galloping economic expectations of its young people are adding to the list of worries which need urgent attention." The editorial continues, "As if those weren't enough, it has a pile of debt on its books to manage and reduce it."

Despite these social issues and a violent political uprising in 1983 that subsequently led to a U.S. military presence and later the disastrous results of Hurricane Ivan, the people of Greneda have never faltered in showing the will to advance their country. Today, Grenadians continue to embrace their current stable parliamentarian, democratic government and highly respect the civil liberties afforded to them. As the editorial explains, "Grenada, a nation, which has had more than its fair share of difficulties, has shown an amazing ability to see the glass as being half full when others looking on consider it half empty."

It is this glowing optimism and resolve that makes the island of "spice" such a treasured nation in our global community. Mr. Speaker, please join me again in congratulating Grenadians in the United States, abroad and in their native homeland on their thirty-second anniversary of their glorious independence.

MUCH TO CELEBRATE ON ANNIVERSARY OF INDEPENDENCE

One of the most heart-warming scenes is that of a small country, rising from the ashes left behind by natural and national disasters, picking up the pieces, if you will, and showing neighbors, even the wider world the stuff of which resilience and legends are made.

Grenadians are one such people. After Hurricane Ivan struck in 2004 and devastated the land of "spice," killing 39 persons, leaving thousands homeless and wiping out almost all of its infrastructure while coming close to tearing out the soul of its inhabitants, a collective will emerge once again, determined to rebuild and make the country of 90,000 people even better than before.

Although Grenada, Carriacou and Petit Martinique, the tri-island state, is far from reaching its goal of a complete recovery, it is well on the way, so much so that Standard & Poor's, Wall Street's premiere credit rating firm, recently hailed the efforts to return the country's finances to a manageable and sound foundation.

That's quite an achievement in less than two years.

Aided by Caribbean help, international assistance and led by Dr. Keith Mitchell, Prime Minister, the government reached out to civil society, the trade unions, the church and other limbs of society. In the process, the administration marshaled the energy of the young and the middle-aged and the wisdom of the senior folk to chart a new course and write a new chapter in the nation's colorful history.

So, when it observed the 32nd anniversary of independence on February 7 with church services, military parades, special games and other activities, it was clear that Grenada had much to thank God for and to celebrate.

Grenada, the most southerly of the chain of Windward Islands, has traveled this road of disaster and rehabilitation before. Almost a quarter of a century ago, October 1983 to be precise, the People's Revolutionary Government turned on itself, killing its leader, Maurice Bishop and several of his ministers and senior government officials. The resulting turmoil, including a dust-to-dawn curfew imposed by the military triggered an invasion or a U.S. "rescue mission," depending on your point of view. The country then set out to rebuild itself and by any measure, it had succeeded. Its housing stock improved by leaps and bounds; the infrastructure expanded and upgraded; the health and education profiles brightened; and the economy was on a growth path.

Then along came Ivan.

Like many of its neighbors in and out of the Organization of Eastern Caribbean States, OECS, Grenada is facing some serious economic and social challenges. Crime has reared its ugly head and the galloping economic expectations of its young people are adding to the list of worries, which need urgent attention. As if those weren't enough, it has a pile of debt on its books to manage and reduce.

But it has many things going for it as well. The nation has a stable political environment that's based on the rule of law and parliamentary democracy. Its respect for people's civil liberties hasn't been tarnished by any abusive practices and the main opposition forces led by the National Democratic Congress are keeping Dr. Mitchell and his government on their toes.

As in the case of its OECS neighbors Grenada must make good on its pledge to join the Caribbean Single Market later this year. It should have come home to Grenadians by now that they can't afford to remain outside of the CSM and survive in a globalized world. It must also move to recognize the Caribbean Court of Justice, CCJ, as the judicial body of last resort, a move that would end its longstanding relationship with the Privy Council in London. Just as important, it must continue to place education high on its agenda. The investment in education, which got a major boost during the days of the People's Revolutionary Government, is paying off in the form of a strong human resource base.

Grenada, a nation, which has had more than its fair share of difficulties, has shown an amazing ability to see the glass as being half full when others looking on consider it half empty. That positive approach to life has worked well for its people in the past and we are confident that with more international and regional help it would do so again.

Grenadians abroad, whether in New York, Miami, London, Toronto, Birmingham or Port of Spain have been a well of support from which the country has drawn some of its succor. They too deserve praise at this time of celebrations.

Happy Independence anniversary.

CELEBRATING THE OPENING OF THE LINCOLNVILLE CENTRAL SCHOOL AND THE RUFUS KNIGHT BELL

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. MICHAUD. Mr. Speaker, early in November I had the pleasure of attending the opening of the Lincolnville Central School in Lincolnville, ME. In Lincolnville, as in so many small towns across this country, the local elementary school is an important part of the community.

As Lincolnville opens a modern new school building, it honors its past by displaying an old bell, formerly housed in the old school building. The old bell will be a reminder of the many teachers, staff, and students who were a part of the old school. It will challenge the Lincolnville community to continue its long tradition of quality education.

The school bell is named for Rufus Knight, a former teacher at the old Lincolnville school. The bell was honored in a poem by his great-grandson, John A. Knight, which was read at the school opening:

This is the bell that called to us to drink at springs of learning.
This is the voice of the silver tongue that satisfied our yearning.
The tocsin sound of wisdom this ancient bell awakened and horizons of us rural folks no longer were forsaken.
The light of education Our knowledge is expanding. This ancient bell awoke in us deep thoughts of understanding.
And, for many generations we did study and excel with the beauteous sounding of this old bell.

IN RECOGNITION OF THE WORK OF HUMAN RIGHTS ADVOCATE JOHN P. SALZBERG, PH.D.

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today to honor John Salzberg, Ph.D., as he retires from his lifelong work of promoting human rights around the world.

Thousands of torture survivors and human rights advocates around the world are forever indebted to the tireless work of Mr. Salzberg throughout his 30-year career in the field of human rights. John Salzberg completed his doctoral dissertation in human rights in 1973 from New York University. Following his education, John spent several years working for former Congressman Don Fraser, D–MN, as staff on the House Subcommittee on International Organizations. In this capacity, John Salzberg aided in the groundbreaking work on human rights undertaken by Congressman Fraser, which led to the creation of a Bureau of Human Rights and Humanitarian Affairs in the State Department in 1976. John traveled with Congressman Fraser on what was the first official human rights investigation mission to South Korea and Indonesia in the late 1970s. In addition, while working for Congressman Fraser, John assisted in the drafting of the legislation which mandated the annual human rights report now issued by the State Department each year.

After working for Congressman Fraser, John went on to work at that same Bureau of Human Rights and Humanitarian Affairs for 4 years, to ensure it fulfilled the mission intended by Congressman Fraser's legislation.

Most recently, John used his knowledge of the legislative and policy process, and his dedication to justice and equality, as an advocate for the Center for Victims of Torture. John began working for the Center for Victims of Torture in 1992, first as a volunteer and then as its representative on Capitol Hill. As an advocate for victims of torture, John was a major force behind the drafting, promotion and eventual passage of the Torture Victims Relief Act in 1998, and its reauthorization in 2005. This legislation provides needed resources to centers and organizations around the world that work to assist victims of torture in their rehabilitation and in rebuilding their lives.

John is a soft-spoken, humble, and extremely effective man dedicated to seeing an end to human rights abuses in the world. In his retirement, the human rights community is losing a true champion. Thank you, John Salzberg, for your 30 years of service on behalf of the millions of victims of cruel and inhumane human rights abuses around the world.

PAYING TRIBUTE TO CHANCELLOR JAMES H. SHORE, M.D.

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Dr. James Shore for his devoted service as the first chancellor of the University of Colorado at Denver and Health Sciences Center (UCDHSC). Dr. Shore has provided unwavering leadership to the UCDHSC campus through a period of significant transition.

Since 1985, Dr. Shore has committed his considerable skills, time and energy to the University of Colorado in a variety of leadership posts, including interim executive vice chancellor for the Health Sciences Center, interim director of the University of Colorado Hospital, superintendent of the Colorado Psychiatric Hospital, and chairman of the Department of Psychiatry. Dr. Shore has also served as chair of the University of Colorado Hospital Board, and is a member of the board of directors for the Children's Hospital and the Fitzsimons Redevelopment Authority.

I would like to recognize Dr. Shore for his tireless efforts to positively affect campus culture and environment, as well as for his significant influence on its current and future leaders by modeling management skill, civil discourse, active listening, time management and a keen sense of timing. As chancellor, he actively supported diversity by reorganizing the Health Sciences Center's Diversity Program, securing additional scholarship funds and encouraging all schools to increase the recruitment of a more diversified student body, faculty and staff. He also received the United States Public Health Service Commendation Medal for his work with American Indians.

Dr. Shore's contributions to the development and building of the formidable Fitzsimons campus cannot be overstated. He was instrumental in securing legislative authorization for $202 million in certificates of participation, led the development of the initial Fitzsimons master plan, and has played a key role in accelerating the move process. Dr. Shore championed the raising of $2.3 billion in capital resources from multiple sources, including State, Federal, gifts, campus cash, and partner allocations. He also worked tirelessly to secure the move of the Children's Hospital to Fitzsimons.

With Dr. Shore at the helm the growth of total institutional revenue of the Heath

Sciences Center increased from $330 million in fiscal year 1997 to more than $602 million in fiscal year 2004. Most recently, his leadership in chairing the consolidation feasibility process has led to the establishment of the University of Colorado at Denver and Health Sciences Center, creating the leading research university in the Rocky Mountain region with over $350 million in extramural funding.

Dr. Shore and his wife Chris truly believe in the role of the new Fitzsimons campus and generously contributed to the Fitzsimons Development, helping to build the Shore Family Forum, a state-of-the-art auditorium located in the Nighthorse Campbell Native Health Building.

Mr. Speaker, I am honored to recognize Dr. James H. Shore for his extraordinary leadership and distinguished service to the University of Colorado.

RECOGNIZING LORI WALKER

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize Lori Walker for her commitment to the people and city of Flower Mound, TX. Mrs. Walker is a very active and respected member of her community who was recently selected as "Citizen of the Year."

The honor and dedication of Mrs. Walker to her community serves as an example to us all. Her service extends from volunteering on the Chamber of Commerce Board of Directors to overseeing children's religious education as a Sunday school teacher for the Triesch United Methodist Church.

Additionally, Mrs. Walker's efforts extend to assisting government officials. She served as executive assistant for Congressman TOM DELAY in Washington, DC, and continued her political career by working in San Francisco as a field representative for U.S. Senator John Seymour and for our local Texas State Senator Jane Nelson as her district director and campaign manager.

It is the servant leadership of Mrs. Walker, and those like her, which truly makes our Nation great. Once again, Mr. Speaker, it is my honor to recognize Flower Mound's "Citizen of the Year," Lori Walker.

HONORING MR. PAUL COLLINS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. HYDE. Mr. Speaker, I rise today on the last day of Black History Month to commend the works of a great African-American artist, Mr. Paul Collins of Grand Rapids, Michigan. Mr. Collins has had a long and distinguished career painting portraits of individuals from all over the world. It has been said that Mr. Collins' work seeks to recognize and express the essential human dignity and worth of others.

Mr. Collins' talent has been awarded and recognized internationally on numerous occasions, and he has been commissioned by several foreign governments as well as the U.S. to commemorate important people and events.

One of Paul Collins' most celebrated works is the 18-foot by 8-foot mural of Grand Rapids native, President Gerald R. Ford, displayed in the Gerald R. Ford International Airport. Mr. Collins was awarded the mural commission in 1975. His finished product captures the various facets of President Ford's life as a husband, father and athlete. Upon its unveiling, the mural attracted national attention and critical acclaim and was applauded by Newsweek Magazine for its strong and dignified presentation of Gerald R. Ford. Mr. Collins is believed to be the first African-American artist to paint the portrait of a sitting president.

In 1981, Mr. Collins created the Ford Museum Commemorative Poster which was copied from the mural to help raise funds for the Ford Presidential Museum in Grand Rapids, Michigan. More than 1,000 posters were sold to help raise funds for the museum.

Also of note among Mr. Collin's lifetime achievements is the groundbreaking success and importance of his work, The Voices of Israel, conceived in the 1970s as a way to help renew the relationship between America's Black and Jewish communities during the civil rights movement. The work depicts the history of the people of Israel. This 25 piece collection has toured in Israel and all over the U.S.

Mr. Collins has also made good use of his excellent artistic skill to create symbols and designs, whose meanings and importance extend beyond his actual works. In this regard, Mr. Collins designed the Martin Luther King, Jr. Peace Prize Medal, which is awarded yearly to an individual who has contributed to the cause of world peace. This important symbol has been awarded to such notable people as former President Jimmy Carter, Archbishop Desmond Tutu and the late Rosa Parks. Similarly, Collins also created the American Woman Commemorative Plaque, honoring astronaut Sally Ride, the first woman in space.

Throughout his long and distinguished career, Mr. Paul Collins has deservedly received many awards and honors. A few of his many distinctions include the Tadlow Fine Art Award, the People's Choice Award in Paris, and his election as one of the top 20 painters in America as voted by the Watson and Guptill Publication.

It is right, then, that we continue to honor the artist and the individual, Paul Collins. Mr. Collins' works, in a nod to his skill and ability to capture the essence of human characteristics and spirit, have been commissioned to represent and symbolize some of the most important figures and events in this country. Mr. Collins' work as an artist is matched only by his contributions as a humanitarian, as evidenced through his continued service as a teacher and lecturer in Michigan area schools on the value of art and his life experiences, the establishment of his own scholarship programs, and the creation of the Paul Collins Humanitarian Award in 2000. Through his own merit, dedication and long and distinguished career of success, Paul Collins has assuredly gained a position of honor and distinction in our country.

IN RECOGNITION OF THE 45TH ANNIVERSARY OF THE PEACE CORPS AND IN CELEBRATION OF NATIONAL PEACE CORPS WEEK

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mrs. TAUSCHER. Mr. Speaker, I rise today in celebration of National Peace Corps Week and to congratulate the 7,800 Peace Corp Volunteers—including 31 of my constituents—who are serving their country today in 72 countries around the world.

More than 182,000 Peace Corps Volunteers have served in 138 countries since the organization's inception in 1961. Every year, thousands of selfless volunteers share their time and talents by serving as teachers, business advisors, information technology consultants, health and HIV/AIDS educators, and youth and agriculture workers.

In addition to serving countries around the globe, 272 Peace Corps' Crisis Corps Volunteers were deployed to the Gulf Coast in the wake of Hurricane Katrina and Hurricane Rita. These volunteers assisted the Federal Emergency Management Agency with hurricane response efforts. The deployment of Peace Corps' Volunteers within the United States was a historic first, and a great help in managing this national disaster.

I praise our nation's Peace Corps volunteers who serve their country and the world as humanitarians, devoting themselves to transferring life-changing knowledge and skills to the people of other nations.

Mr. Speaker, I salute the hundreds of thousands of men and women of this nation who have selflessly served abroad as Peace Corps Volunteers. On this 45th Anniversary of the Peace Corps, I am especially proud to represent 31 such volunteers and I offer them my sincere gratitude.

HONORING THE 100TH ANNIVERSARY OF THE TRI CITIES KNIGHTS OF COLUMBUS COUNCIL 1098

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 100th Anniversary of the Tri Cities Knights of Columbus Council 1098.

In 1906, with an initial enrollment of 58 members, the Tri Cities Knights of Columbus Council 1098 was formed. The first Grand Knight was Mr. E. J. Sweeney and the early meetings were held in a hall in Madison, Illinois before moving to neighboring Granite City.

The years before World War I saw steady growth in membership and the establishment of the Knights of Columbus as a presence within the Tri Cities community. During the Great Depression and World War II, membership dwindled and it was only through the determination of the few dedicated members that the council survived. While most social activities for the members ceased during the war, the council opened the doors of their facilities for the entertainment of the troops stationed at the Granite City Engineering Depot.

After World War II, membership grew rapidly. During the 1950's a circle of the Daughters of Isabella was established for the wives and daughters of members and a circle of the Columbian Squires was formed to promote youth activities.

Social and athletic activities for members and their families expanded and grew but service and acts of charity continued to be the cornerstones of the council. The first chairman of Catholic Charities in the Tri Cities area was a past Grand Knight and members continued to be driving forces in this organization.

Council 1098 has been a significant supporter of community, charitable and educational organizations. The Council has directly contributed in excess of $100,000 annually in support of local Catholic education and provided more than $60,000 in scholarships annually. They have also contributed more than $15,000 a year to developmentally challenged service organizations.

While they have always focused on helping those within their community, Council 1098 has also extended its helping hands to those in need outside their boundaries. In response to the devastation wrought by Hurricane Katrina, the Council raised $50,000 in Katrina Relief and continues to provide on-going support to Brother Knights on the gulf coast.

Tri Cities Knights of Columbus Council 1098 has seen many changes through the last 100 years but they have always stayed true to the Knights of Columbus goals of Charity, Unity and Fraternity.

Mr. Speaker, I ask my colleagues to join me in honoring the 100th Anniversary of the Tri Cities Knights of Columbus Council 1098 and wish the best to them for continued service in the future.

TRIBUTE TO THE LATE LARRY BLACK, OLYMPIC GOLD MEDALIST

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise to bring to the attention of my colleagues the passing of a Miami native and a sports legend, sprint star Larry Black, who died last Wednesday, February 15, 2006.

Born on July 20, 1951 in Miami, Florida, Larry Black was an athlete of extraordinary ability and striking grace. He didn't run as fast as the wind; he was faster.

While still a student at North Carolina Central University, Larry Black won two medals at the 1972 Olympic Games in Munich. He won a gold medal for running the lead leg of Team USA's winning the 4x400 relay squad, and he also captured the silver medal in the 200 meters event, which he ran in 20.19 seconds.

Larry Black was an 11-time collegiate All-American who won four individual national championships and was a part of 3 national championship relay teams. He won NCAA outdoor titles in 1971 (220-yard) and 1972 (200m), and the NAIA indoor 60-yard dash crown in 1974. Black also set the NAIA Championship meet record in the 200m dash in 1972 (20.0 seconds) to help the Eagles win the 1972 NAIA Outdoor Track & Field Championship in Billings, Montana. His record still stands today.

As a relay team member, Black won national championships in the 1970 NCAA outdoor 440-yard relay and the 1972 NAIA 4x100m (39.5 seconds) and 4x400m (3:04.8 minutes) relays. Both of these relay times still stand as meet records for hand-timing. For his efforts, he was selected as the 1972 NAIA Championships Herbert B. Marett Outstanding Performer. For the last 10 years, Black has been a personal trainer in Coral Gables.

Larry Black is survived by his wife Cheresse, 4 daughters and 2 grandsons. I know that my colleagues join me in sending to Larry Black's family our deepest condolences for their loss, and in celebrating the life of a man of extraordinary ability who had the discipline and desire to hone his talents so finely that he became the best in the nation and in the world.

HONORING SANDRA MACKINNON COSENZA ON THE OCCASION OF HER RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the many family, friends and colleagues who have gathered to honor a very special woman, and my dear friend, Sandra MacKinnon Cosenza, as she celebrates her retirement. After more than thirty-four years of dedicated service, Sandy will be leaving Area Cooperative Education Services, one of six educational service centers that were formed under Connecticut State Statute in 1970. A result of recognizing that school districts must work together to meet the ever-changing needs of local education systems, these centers provide an environment where quality programs can be planned, developed and implemented—giving our young people access to the best educational opportunities possible.

Education is the cornerstone of success and the most critical link between our young people and their futures. Throughout our country, we look to our towns and cities to provide these invaluable skills to our children. That is what ACES is all about and its success would not have been possible without Sandy. As former Executive Director Peter Young recently described, for the first twenty years of its existence, Sandy was the heart of the ACES Personnel office—advertising vacancies, processing applications, providing orientation for new hires and ensuring that staff not only received their benefits but also met their specific needs. Everyone consulted with Sandy and welcomed her advice and suggestions. In addition, she built and improved staff spirit by organizing social events and took special care to provide the Governing Board with all that they needed.

Beyond her administrative skills was her commitment to the students of ACES. Though many of them will never know, Sandy's genuine care and concern for their education both inside and outside the classroom made all the difference in their lives. She began a Jesse tree which allowed staff to contribute clothing and other gifts at Christmas for students who came from families in need. She fostered the notion of Holiday cards for ACES—cards designed by students which were used as an outreach tool to the school districts which they serve. It is from these special contributions to the ACES students that Sandy was able to pass on a very unique lesson—they learned the value and reward of giving back to their community. It is easy to see why Sandy will be missed by staff and students alike.

In addition to her career at ACES, Sandy has been married to her wonderful husband, Henry, for forty-two years and has raised two exceptional daughters, Robyn and Jennifer. She has also recently become a grandmother—a role which no doubt she will happily dedicate more of her time to in her retirement. I could not speak about Sandy without also personally thanking her for her many years of special friendship. She is more than a friend—she is family. Words cannot begin to express my appreciation and gratitude for the tireless support she has shown to me and my family.

And so, it is with deep admiration and affection that I stand today to join her husband, Henry; her children, Robyn and Jennifer; her son-in-law, Kevin, her grandson, Ian; family, friends and colleagues in extending my sincere congratulations to Sandra Cosenza as she celebrates her retirement. Sandy is a remarkable woman whose generosity and compassion has left an indelible mark on the lives of all of those who know her and many that do not. Though she will be enjoying her retirement years, I am certain that Sandy will continue to touch the lives of others—her extraordinary warmth and kind heart making all the difference. I am happy to extend my very best wishes to her for many more years of health and happiness.

TRIBUTE TO MEIKLEJOHN CIVIL LIBERTIES INSTITUTE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Ms. LEE. Mr. Speaker, I rise today to highlight the efforts of the Meiklejohn Civil Liberties Institute (MCLI), a non-profit organization in my district. The MCLI, founded in 1965, is a think tank that works on national and international human rights issues as they relate to the U.S. In 1995, the Institute's Human Rights Reporting Project began using U.S. treaties as tools to work for human rights.

In 2005, the MCLI issued a report entitled Challenging U.S. Human Rights Violations Since 9/11 in response to the failure of the U.S. government to submit timely and accurate reports to the United Nations (UN). According to 3 U.N. treaties ratified by the U.S.

in 1992 and 1994, the U.S. is required to submit regular reports to U.N. oversight committees about human rights abuses and enforcement measures at the local, State, and Federal levels.

On March 15, 2005, the Berkeley City Council passed Resolution 62,841 in which the City Council resolved to submit a copy of Challenging to the U.S. State Department, the U.N. High Commissioner for Human Rights, and the UN Human Rights Committee. On March 31, 2005, MCLI presented Challenging to the U.S. State Department for use in the preparation of its late reports to the oversight committees.

Although the second and third reports for the International Covenant on Civil and Political Rights (ICCPR) treaty were due in 1998 and 2003, the U.S. State Department did not file a report until October 21, 2005. According to the MCLI, this combined second and third report fails to contain various instances of U.S. human rights violations and lack of enforcement measures. The combined U.S. Report will be discussed by the U.N. Human Rights Committee in March 2006 in New York and will be examined in greater detail by the committee in the summer of 2006 in Geneva.

The Challenging report raises important enforcement and reporting violations committed by the U.S. I encourage my colleagues to read this report for more information. The U.S. must comply with the treaties it signed in order to protect the rights of individuals both domestically and abroad and to realign the U.S. with the principles it was founded on. I appreciate the work of MCLI to promote and protect human rights around the globe and congratulate them on this report.

HONORING CAROLYN MEEKER

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Carolyn Meeker, a community champion whose activism has been missed by those in the small community for which she once fought.

Carolyn Meeker was a community treasure in the tiny town of Lutz, located in my congressional district. A native New Yorker, she moved to Lutz in the mid-1960s and quickly became immersed in issues affecting her and her neighbors. She led the charge against suburban sprawl and excessive development. She successfully restricted zoning laws and helped impose limitations on public well field pumping.

Mrs. Meeker became a regular at Hillsborough County Commission meetings. She firmly, but politely, shared her well-reasoned arguments with commissioners, many of whom favored that which she opposed. Her arguments often carried the day because, as a long-time friend once noted, she let facts, not emotion, guide her.

She eventually ran for the Commission herself, narrowly losing the election but nonetheless continuing her crusade to protect the rural lifestyle which so many in Lutz love. She subsequently served on many County-appointed boards working for better growth management. She also headed the Lutz Civic Association. She died in 2003 after a determined fight against cancer.

Mr. Speaker, Carolyn Meeker was a shining example of what community service and citizenship is all about. Her life reminds me that we all share a responsibility to be civic-minded and to fight for that in which we believe. Many of my constituents are better off because she did.

HONORING THE 100TH ANNIVERSARY OF THE RADNOR FIRE COMPANY, SERVING RADNOR AND PARTS OF DELAWARE, MONTGOMERY AND CHESTER COUNTY, PA

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. WELDON of Pennsylvania. Mr. Speaker, it is a great honor for me to rise today to congratulate the Radnor Fire Company for 100 years of dedicated service to the residents of Radnor, Tredyffrin and the surrounding communities in Pennsylvania.

On a historical note, after 30 years of service in 1904, the Wayne Hose Company & Wayne Chemical Company disbanded leaving no fire protection for the community. Following a devastating fire that completely destroyed the Wayne Suburban newspaper building in March of 1906, 24 men organized the Radnor Fire Company to protect the community and incorporated on March 15, 1906.

The Wayne steam plant agreed to sound the steam whistle if there was a fire and it sounded its first alarm on May 24, 1906 for a working house fire near Strafford train station. In that first year of existence the Radnor Fire Company responded to 13 fire calls.

In 1907, looking to improve the firefighting capabilities the members were tasked to find a motorized fire truck. Since none existed at that time they drew specifications and The Knox Company was hired to build the first motorized fire pump in the United States.

The firefighters of the Radnor Fire Company have an impressive record when it comes to firefighting. The fire company has fought such spectacular blazes including four at Villanova University, six at Valley Forge Military Academy, the Pennsylvania Fire Works Company explosion in Devon, the Wayne Opera House, Caley Nursing Home and crashes of P–40 fighter planes during World War II. During that time, the fire company manpower was augmented by a "school boy fireman"—Rick Taddeo, who is still a member today.

The first ambulance was purchased in 1947 with funds raised by the Rotary Club following the death of a Radnor firefighter. By the 1970's the fire company was responding to 390 fire and 890 ambulance calls annually. Today they answer nearly 800 fire and 4,000 ambulance calls annually.

From its beginning with a horse-drawn fire apparatus to the first motorized firefighting equipment to its modern new trucks of today, Radnor is a leader in firefighting capabilities and continues to protect the citizens of Radnor, portions of Tredyffrin and the surrounding communities.

I would like to take this opportunity to thank all those who have dedicated not only their time, but also their lives, to the safety of all Radnor residents as well as surrounding communities. As a former fire chief in Marcus Hook, I am aware of the risks firefighters face each day, under intense pressure, in life or death situations. Our thanks and appreciation can never repay those who put their lives on the line to ensure our safety. I am proud to recognize and commend the tremendous commitment, courage and dedication of the Radnor Fire Company members who continue to reflect the same spirit in which the department was established more than 100 years ago. I am honored to rise today to extend my thanks for what the members of the Radnor Fire Company do each day and congratulate them on this milestone anniversary.

TRIBUTE TO THE WEST HAVEN BLACK COALITION AS THEY CELEBRATE THEIR 20TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Ms. DELAURO. Mr. Speaker, in so many communities across this nation, civic organizations have been founded in an effort to advance the local African-American community. For the last twenty years, the City of West Haven, Connecticut has been home to the West Haven Black Coalition—an organization that has not only helped to promote African-American involvement in the community, but has also worked diligently to improve the community and quality of life for all West Haven residents.

We begin each year celebrating the life and lessons of the Reverend Dr. Martin Luther King followed by the celebration of Black History Month. It could not be more fitting that the West Haven Black Coalition's anniversary coincides with these festivities. In the last two decades, under the leadership of founder and president Carroll Brown, the West Haven Black Coalition has gone a long way in bringing life to the legacy of Dr. King and addressing social, political, and economic issues through active participation in the government and community. Dr. King once said, "Life's most persistent and urgent question is what are you going to do for others." Dr. King devoted his life—indeed gave his life—to working for others. Despite our best intentions, it is not always easy to find the time for community service. With so much going on in our daily lives it can be a challenge which is why I have a deep admiration for those among us who take the time to give something back and to share our talents with others. For 20 years, the West Haven Black Coalition has done just that.

It was not so long ago that minorities faced seemingly overwhelming obstacles to justice and equality. While our nation has taken great strides, there is still work to be done—this has become the mission of the West Haven Black Coalition. Actively encouraging African-Americans to not only run for public office but serve in city government, developing and implementing community enrichment projects throughout the city, and making opportunity real for our students by providing college scholarships—these are just some of the ways that the West Haven Black Coalition has made a difference.

Perhaps more important than the physical impact the West Haven Black Coalition has had on our community is the inspiring message that their good work has passed on to a new generation. Your participation, your service—in school, in government, or in the community—gives you a strong voice and empowers you to make a difference. In its first 20 years, the West Haven Black Coalition has left an indelible mark on our community and I have no doubt that they will continue to have a positive impact on the city for many years to come. That is why I am pleased to stand today to join the many who have gathered to extend my sincere thanks and appreciation to Carroll Brown and the West Haven Black Coalition for their invaluable contributions. My sincere and heart-felt congratulations as they celebrate this very special milestone.

TRIBUTE TO SERGEANT DIMITRI MUSCAT

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to a fallen soldier from Aurora, Colorado, Sergeant Dimitri Muscat. Sergeant Muscat died on February 24 in Balad, Iraq. He was just 21 years old.

Sergeant Muscat was born in Russia and came to Colorado when he was only 12 years old. According to his stepfather, serving in the Army to defend America was something Dimitri had wanted to do since he was young—and he joined the Army at 17. Dimitri was serving as a gunner on his unit's tank when he died.

Dimitri is survived by his mother, stepfather and his sister.

Sergeant Muscat was assigned to C Company, 1st Batallion, 8th Infantry Regiment, 4th Infantry Division based in Fort Carson, Colorado. He was in his second tour in Iraq when he died.

Dimitri served his adopted country with courage and valor, fighting for the cause of freedom.

The American and Iraqi people owe Dimitri and his family a great debt of gratitude for his service and his sacrifice.

We extend our heartfelt sympathy and sincere condolences to all who knew and loved Dimitri.

TRIBUTE TO THE MARINES OF BULK FUEL COMPANY BRAVO

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the five returning Marines of Bulk Fuel Company Bravo, based in Wilmington, Delaware. During the past seven months, the five Marines of Bulk Fuel Company Bravo answered the call to duty in a highly volatile and dangerous region of Iraq. Their efforts contributed to the safety and security of an emerging democracy and our own great nation. With this sacrifice they have inspired others—including their family, friends, and neighbors.

As Americans, we are mindful of what we have lost, but we are deeply grateful for all that cannot be destroyed. It is Marines like those of Bulk Fuel Company Bravo who sustain and invigorate the timeless values, principles, and extraordinary character that define our great nation.

Today, I am just one of many Delawareans who would like to take this opportunity to say a sincere thank you to them for their service and sacrifice on our behalf. When they were needed, they answered their country's call, proving once again that extraordinary individuals live within each generation of Americans.

THE "PORT OPERATIONS REQUIRE TOUGH SCRUTINY" (PORTS) ACT STATEMENT OF INTRODUCTION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. MARKEY. Mr. Speaker, today I am introducing the Port Operations Require Tough Scrutiny (PORTS) Act to ensure that decisions about the sale of critical U.S. infrastructure such as ports are thoroughly reviewed so that the homeland security consequences of these transactions are not brushed aside in favor of commercial interests.

The Bush Administration's recent decision to approve the sale of British port operator Peninsular & Oriental Steam Navigation to Dubai Ports World, a company owned by the government of the United Arab Emirates (UAE), has raised significant homeland security concerns. This decision also has shined a light on a little-known committee at the Treasury Department and the secretive process it uses to make decisions that can have important consequences for the security of our Nation.

Clearly, the UAE port deal did not receive the scrutiny it deserved. The 9/11 Commission identified the government of the UAE—the same entity that would operate major functions at 6 U.S. ports—as a "persistent counterterrorism problem". Two of the 9/11 hijackers were from the UAE. The 9/11 Commission concluded that the UAE banking system was used as a conduit for funds for the September 11th attacks. The UAE was a key transfer point for illegal shipments of nuclear components to Iran, North Korea and Libya. The UAE was one of only three nations to recognize the legitimacy of the Taliban government and still does not recognize the State of Israel.

Despite all of these warning signs, the proposed port deal did not even trigger a 45-day investigation, which is provided in current law and should have been interpreted as being mandatory when foreign governments—whether involving the UAE, the UK, the Ukraine or any other nation—seek mergers, acquisitions or similar transactions that could affect U.S. national security. Nevertheless, when asked about the UAE port deal last week, Defense Secretary Rumsfeld said, "I am reluctant to make judgments based on the minimal amount of information I have because I just heard about this over the weekend." (Defense Department news briefing, 2/21/06).

It is unacceptable that President Bush, the Secretary of Homeland Security, the Secretary of Defense, and the Secretary of the Treasury were not informed of the UAE port deal until after it was approved and had caused widespread public outrage. President Bush has repeatedly told the American people that 9/11 changed his thinking, and extraordinary measures, such as warrantless wiretapping of American citizens, are required to keep America safe. How, then, could the Bush Administration have overlooked such an obvious homeland security threat?

My legislation would strengthen the process for assessing the national security impact of foreign ownership of critical U.S. infrastructure. Specifically, the legislation would:

Limit Takeovers of Critical Homeland Infrastructure. In cases where the purchaser is a government-owned company based in a foreign country, the transaction must be approved not only by CFIUS, but also by the President and be subject to congressional review.

If the purchaser is a foreign company, but not government-controlled, the transaction must undergo a 45-day investigation and be found to not undermine national security before it can be approved.

Increase the 30-day Evaluation Period. According to the Government Accountability Office (GAO), "Several officials [participating in the CFIUS process] commented that, in complex cases, it is difficult to complete analyses . . . within 23 days." CFIUS's guidance requires member agencies to determine if they are likely to object to the transaction by the 23rd day of the 30-day review period. The legislation would double this initial evaluation period to 60 days and permit any participant to be granted an automatic 10-day extension, separate from CFIUS's 45-day investigatory period.

Require Reports to Congress. According to Treasury Department regulations, CFIUS reviews of any proposed transactions are confidential, and there is no congressional oversight of CFIUS decisions. The legislation would require CFIUS to report annually to Congress on the number of notifications it received during the year and the action taken after each notification.

As security experts and the 9/11 Commission have pointed out, our ports are a vulnerable entry point that could be exploited by terrorists to strike our country. Almost none of the cargo that enters U.S. ports is ever inspected. While the federal government is ultimately responsible for security at ports, much of the day-to-day security responsibilities, such as hiring security guards and ensuring adequate access controls and fencing are in place, are delegated to the companies that operate at the port. The port operator also has access to real-time sensitive intelligence of the continuous movement of ships, their cargoes and the millions of containers they are stored in; the identity of their shippers and inside knowledge about the security in place at the ports.

While oversight of these private operators is the responsibility of the Department of Security, the Bush Administration is nickel and diming our port security by proposing a budget that eliminates millions in port security grants. This is a wrong-headed decision that only leaves our country vulnerable to a devastating attack, such as a nuclear weapon or dirty bomb being detonated in our country.

We know that terrorists are seeking to use U.S. ports as a route to launch a devastating nuclear attack on U.S. soil—one of the millennium bombers entered the United States through the Port of Boston in an attempt to bomb buildings on the West Coast. Cargo containers represent a cheap, deadly method for delivering bombs on U.S. soil—we cannot afford to be lax in our oversight of the shipping and handling of these containers. This Administration's scrutiny of this UAE deal is just like their treatment of tons of cargos at our door: insufficient, incomplete and incomprehensible, given the security threats we face."

As the DP World decision illustrates, the CFIUS process urgently needs to be overhauled. I urge consideration of this legislation so that we can increase the scrutiny of transactions that could create serious homeland security risks. Commerce must not be permitted to trump common sense.

TRIBUTE TO MR. RAY BARRETTO

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. SERRANO. Mr. Speaker, it is with great sympathy that I rise today to say goodbye to a Latin Jazz legend and a wonderful man. Mr. Ray Barretto passed away on Friday, February 17, 2006 at the age of 76. Ray was the first Hispanic to record a Latin song which became a "hit" on the American Billboard Charts. Although he has gone, his musical influence will live on for generations to come. Surely that is a mark of a great life.

Like many Puerto Ricans, Ray's parents moved to New York in the early 1920's in search of a better life. Raised in Spanish Harlem, he was deeply influenced by his mother's love of music and by the jazz music of musicians such as Duke Ellington and Count Basie. In 1946 at the age of 17, he joined the Army and was stationed in Germany where he met Belgian musician Fats Sadi. However, it was not until he heard "Manteca" recorded by Dizzy Gillespie and Cuban percussionist, Chano Pozo, that he realized music was his true calling in life.

After returning to New York in 1949, Ray began to visit clubs where he participated in jam sessions and perfected his conga playing. It wasn't long before the likes of Charlie Parker, Jose Curbelo and Tito Puente began to ask him to play with their bands. Ray opened the door for other Latin percussionists to appear in jazz groups, creating a sound unlike any other.

Over the years Ray achieved international superstardom and released nearly 2 dozen albums with the Fania label from the late-60s until salsa's popularity peaked in the mid 1980's. In 1975 he was nominated for a Grammy Award for the song "Barretto," and in 1990, he finally won a Grammy for the album "Ritmo en el Corazón" (Rhythm in the Heart), which featured the vocals of the late great Celia Cruz. In 1999, Ray was inducted into the International Latin Music Hall of Fame and in January 2006 he was named one of the National Endowment for the Arts' Jazz Masters of 2006, the Nation's highest jazz honor.

Mr. Speaker, Rays fusing of Afro-Caribbean rhythms with jazz created a whole new genre of music that has not only entertained us but also helped to unite people from diverse backgrounds in a common love for the sound. The bonds that he worked to create over the years are, as one of his most popular tunes is entitled, "Indestructible." I thank him for having the courage to ask, "why not," when others asked "why."

For his masterful play and his genuine creativity I ask that my colleagues join me in giving a final farewell to the Godfather of Latin Jazz, Mr. Ray Barretto.

HONORING THE CONSERVATION EFFORTS OF ROBERT EASTERBROOK

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. DINGELL. Mr. Speaker, today I rise to pay tribute to Robert Easterbrook for his contributions to wildlife conservation and protecting the freedom to hunt.

As a member of the Safari Club for over 20 years and as founding member of the Detroit Chapter of Safari Club International (SCI), Robert's passion for conservation education has been an invaluable resource to the state of Michigan. Mr. Easterbrook's nature study outdoor center and camp hosts over 4,200 underprivileged children every year. His work with troubled teenagers has been credited with changing many of their lives for the better. He also founded the "Great Lakes Bowfishing Championship," a fundraising event benefiting the children's camp that has been recognized as one of the largest of its kind.

Robert is also well-known for his commitment and dedication to sportsmens' issues. He has been honored by both the Michigan House and Senate for his input on bipartisan legislation. His Sportsmen Against Hunger program encourages hunters to donate their meat to the hungry and has been adopted by 4 other states.

Over the past 30 years Robert Easterbrook has been awarded Special Conservationist of the Year Award by the Michigan United Conservation Club, the Ted Nugent World Bowhunters Lifetime Representative Award and the Outstanding SCI member, among other awards. He has also served on various committees dedicated to conservation efforts, including the World Wildlife Foundation, the American Archery Council and the Michigan Involvement Committee.

Mr. Easterbrook's many accomplishments serve as a lasting example of excellence in conservationism. Michigan has been well-served by Robert Easterbook. The residents of Michigan will appreciate Mr. Easterbrook's work to protect our great state for generations to come.

I would like to thank Robert for his dedicated service both to Safari Club International and to the State of Michigan.

TRIBUTE TO NATIONAL WOMEN'S CONFIDENCE DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mrs. MALONEY. Mr. Speaker, I rise to express my gratitude to the YWCA USA and acclaimed performer Queen Latifah for their joint efforts to create National Women's Confidence Day this Spring. This day will help raise public awareness and celebrate the positive impact of confidence in women's personal and professional lives.

The impact of cultivating confidence in the individual lives of women across America cannot be understated. Self-confidence, coupled with self-respect, are vitally important characteristics that empower women and help them to become successful in all areas of their lives.

When women are confident, society benefits. Our Nation's history has been shaped by women whose strong will, determination, and self-confidence has allowed them to break down barriers, speak their minds, and stand up for their beliefs.

I hope my colleagues will join me in celebrating National Women's Confidence Day on the first Tuesday in April. This momentous day will serve as a reminder for women to believe in themselves and remain confident every day; an opportunity for women to get involved in helping other women live more fulfilling lives and; a fitting tribute to women who contribute through education, self-empowerment, mentoring, and volunteer work to helping others gain confidence and self-esteem.

Again, I wish to express my deep appreciation to the YWCA USA, Queen Latifah, and others who support cultivating women's confidence. I invite everyone to join me in celebrating the positive impact confidence has on women's personal and professional lives this Spring, on National Women's Confidence Day.

TRIBUTE TO THE 150TH ANNIVERSARY OF THE MICHIGAN DENTAL ASSOCIATION

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. STUPAK. Mr. Speaker, I rise today to honor an organization in Michigan that single-handedly brought dentistry from a journeyman's trade, as it was called, to a respected profession. The Michigan Dental Association, MDA, will celebrate 150 years of being the foundation for the education of dentists and professional development of their health care specialty on March 1 of this year. The MDA is the oldest continuous State dental society in the United States.

What began as 14 dentists venturing to Detroit on horseback through the harsh Michigan winter on January 8, 1856, would far surpass their dream of creating an association of dentists to elevate the significance of their medical profession. The MDA first pursued their dream by promoting education and professional standards by requiring all members to be graduates of dental school. Finding it difficult to demand such a requirement without a dental school in the State, they worked with the Michigan Legislature to appropriate funds to start a dental school at the University of Michigan.

In the MDA's endless quest to raise the reputation of the dental profession, they began working in 1867 toward legislation that would require dentists practicing in the State of Michigan to register with a State board of dentistry, weeding out those practicing unauthorized methods. In 1883, Governor Josiah W. Begole signed the first dental practice act to enact such requirements.

Membership of the MDA grew at rapid rates during the late 1800's and early 1900's due to annual meetings, the inclusion of local dental groups in the state and the publication of a monthly Journal, still in circulation today.

In the 1930's during the Great Depression, the dental industry was hit hard along with the entire economy. However, the MDA made a strong recovery by helping recruit dentists for military service as well as finding ways to ensure local communities had dental service. Throughout the 1940's and on into the 60's the MDA took up a number of causes including the promotion of community water fluoridation and promoting employer-paid dental coverage and third party plans, which eventually led to expanded dental coverage in Michigan.

The 1980's served as an opportunity to continue the MDA's pursuit of higher professional standards for their profession. A campaign began in 1984 to advocate the importance of dental care and to urge the public to visit their dentist every 6 months, a now widely accepted practice. The MDA worked to mandate continuing dental education for licensed dental professionals, further accomplishing their goal to promote education in the profession.

Mr. Speaker, the Michigan Dental Association has represented the profession of dentistry and the professionals it serves exceptionally well with foresight and vision over the last 150 years. They have successfully taught America that the importance of good oral health is key to overall health. With over 75 percent of Michigan dentists as members, the MDA continues to focus on their message of "Dental Care is Primary Care" and work with the State of Michigan to "promote professional ethics, dental coverage to the uninsured and disadvantaged, and to monitor in the disciplinary process." With those values in mind, I ask the United States House of Representatives to join me in congratulating the Michigan Dental Association and its 5,801 members—2005, on their sesquicentennial celebration of raising the standards of the profession of dentistry in Michigan and the United States. I wish them all the best in the future toward another successful 150 years.

TRIBUTE TO ALEX IZYKOWSKI

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me today in honoring Alex Izykowski of Bay City, Michigan. Alex is a member of the Men's 5,000 Meter Short Track Relay Team that won the Bronze Medal at the 2006 Winter Olympics in Turin, Italy on February 25th.

Alex, nicknamed "Izy," started speed skating at the age of eleven after watching the 1994 Winter Olympics from Lillehammer, Norway. His first foray onto the ice was on borrowed skates. Determined to succeed and one day become an Olympian he continued to practice and entered his first competition in 1995. One year later he placed fifth at the junior nationals. Always striving to do better, he set three state juvenile outdoor records in 1997 and in 2001, Alex was named to the U.S. Junior Short Track team at the U.S. Championship held in Walpole, Massachusetts. Competing with the team in Italy that year, Alex won the 1,000 meter race.

The following year he became the Junior American record holder in the 1,500 meter and 3,000 meter competitions in Calgary. As a member of the U.S. Junior World Cup team Izy won a Silver Medal as a participant on the relay team in 2003. Two years later he won a Bronze Medal in Beijing as a member of the U.S. World Championships Relay Team. After finishing second overall in the lap time trials at the Marquette Training Center, Alex was given a slot on the U.S. Olympic Team fulfilling his 1994 dream to become an Olympian.

He competed twice in the 2006 Olympics, first in the Men's 1,500 meter race and the second time in the Men's Relay. As an integral part of the relay team, Alex was able to pull the team from fourth place to third place during one of his laps around the track. Along with fellow teammates, J.P. Kepka, Rusty Smith, and Apolo Anton Ohno, Alex was able to maintain momentum during the fast paced relay and win the Bronze Medal with a time of 6:47.990.

A 2002 graduate of Bay City Western High School, Alex credits his entire family as his strongest influence and support. Many of his relatives were able to travel to Turin to watch him compete. In tribute to his parents, Alan and JoAnn Izykowski, Alex presented the bouquet given to him during the medal ceremony to his mother. He remarked, "Just showing some respect."

Mr. Speaker, I ask the House of Representatives to rise to their feet and join me, the Bay City community, and the State of Michigan in welcoming home a tremendous athlete, an inspirational role model, and a fierce competitor, Alex Izykowski. Please join me in applauding his achievements as he takes his place in the history of our Nation.

RECOGNIZING THE NATION'S EYE BANKS DURING NATIONAL EYE DONOR MONTH

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. NORWOOD. Mr. Speaker, it is my honor today to bring attention to the fact that March 2006 is National Eye Donor Month. As a Member of the Energy and Commerce Committee's Subcommittee on Health and a recipient of organ donation myself, I am firmly committed to promoting organ, eye, and tissue donation.

I have been blessed with the same gift thousands of transplant recipients have received: the gift of life. Sometimes that gift comes in the form of a longer life. Other times, in the case of cornea transplant recipients for example, the gift is one of enhanced life, or the simple ability to continue every day activities. The recipient is allowed the opportunity to enjoy one of the things so many of us take for granted—a chance to see the world around us. Few of us know personally the challenges associated with lost vision, but the fact that our Nation's eye banks exist and have helped so many Americans is a testament to their good work. As our Nation's seniors live longer and vision issues confront the baby boom generation in record numbers, the challenge will grow and the work of our Nation's eye banks will prove even more important. I know they are up to this new challenge and Congress must stand behind them.

The first successful transplant of cornea tissue was made more than one hundred years ago. Since then, advancements in medical technology have been phenomenal. Cornea transplants are now among the most common and most successful transplant procedures. More than one million people, ranging in age from nine days to 107 years old, have received eye tissue transplants.

All eye banks are not-for-profit organizations that are community-based and work with local philanthropic organizations, such as Lions Clubs, to educate citizens on the importance of donation. The community-based reach helps contribute to their success. Eye banks facilitate approximately 46,000 sight-restoring transplants each year. In my home state of Georgia, over 1,000 Georgians have been given the gift of sight with the help of the Georgia Eye bank and our ocular transplant physicians. Their success is a testament to their hard work but it also indicates that Congress must join eye banks in the struggle they face everyday.

The Eye Bank Association of America has been vital in advancing the cause of eye donation for the past 45 years. Their efforts to raise awareness and support for eye donation have done wonders for the development of safe and effective transplants. This year marks the 23rd anniversary of Eye Donor Month.

If you are not yet an anatomical gift donor, I encourage you to become one. I know all too well what may seem like a simple check on a card can mean to those awaiting a life-saving or life-enhancing donation. I continue my call and challenge to all Americans to discuss this issue with their families and consider becoming an organ, eye, and tissue donor. Such conversations must take place around the kitchen table, not after a loved one is gone. The process of becoming a donor takes just a few minutes, but its impact can last a lifetime for recipients. I also hope that people consider the merits of donating not just solid organs, but tissue and corneas as well. As our eye banks have proven, being able to give the gift of sight is truly a testament to our medical advancement.

As this month goes on, I encourage my colleagues to recognize the success of eye banks across our Nation and work to increase local awareness about corneal transplants and the importance of donation. Transplants that give the gift of sight change Americans' lives every day, and we must do everything in our power to support this effort. I, for one, will do my part and hope you will join me in saluting our Nation's eye banks during Eye Donor Month.

EXPRESSING SUPPORT FOR FULL FISCAL YEAR 2007 FUNDING OF THE NATIONAL YOUTH SPORTS PROGRAM/RECOGNIZING THE OUTSTANDING WORK OF THE MOREHOUSE COLLEGE NATIONAL YOUTH SPORTS PROGRAM

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. LEWIS of Georgia. Mr. Speaker, I rise in vehement opposition to the proposed elimination of National Youth Sports Program (NYSP) funding, contained in the President's Budget Request, for the second year in a row. I am concerned that some of my colleagues may not understand the severity of the situation that NYSP is facing. If Congress does not provide full FY07 funding for NYSP, the program will be forced to close its doors. This will result in 75,000 of our nation's most vulnerable youth, being left behind next summer.

NYSP uses sports instruction and competition, as a vehicle to enhance self-esteem and respect, among boys and girls from low-income households. Established in 1969, with a $3 million funding commitment from the White House, NYSP has provided over 2 million participants with instruction in career and educational opportunities, and exposure to the college environment for nearly four decades.

Because I have witnessed, firsthand, the difference that the NYSP program has made in the lives of under served youth in my Congressional District I cannot, in good conscience, sit idly by as this essential program is dismantled. In my Congressional District, Morehouse College has done an outstanding job of running the NYSP program for nearly four decades, serving over 10,000 children throughout Atlanta. The Morehouse College NYSP program is unique, because it has taken great pains to maintain a balance between athletics and academics. Similar to NYSP programs throughout the nation, Morehouse College offers instruction focusing on sports. However, it also includes additional instruction in areas such as: nutrition, drug awareness and prevention, creative writing, and leadership development.

The NYSP program has a tremendous impact on the youth that it serves in my Congressional District. By placing NYSP participants in academic settings, where they receive hundreds of hours of exposure to the benefits of higher education, the participants begin to believe that they, too, can succeed in college and beyond. Furthermore, the mentoring relationships established between the teaching/coaching staff, college student volunteers, and NYSP participants, have resulted in hundreds of former NYSP participants returning to work in the program at Morehouse College as student volunteers.

Mr. Speaker, NYSP is not asking for a handout from Congress. In fact, in 2005 NYSP secured two-thirds of its operating expenses from other public and private sources, such as the National Collegiate Athletic Association (NCAA) and the 202 selected institutions of higher education with which it partners. The Administration knows that NYSP works. Congress knows that NYSP works. Institutions of higher learning in 47 states and the District of Columbia know that NYSP works. Most important, over 2 million NYSP participants, and their families, know that it works.

I strongly encourage all of my colleagues, especially those serving on the budget and appropriations committees, to reject the President's proposed elimination of the NYSP program, and provide full funding for FY07.

TRIBUTE TO MARCIA S. SMITH

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. BOEHLERT. Mr. Speaker, today I would like to draw our colleagues' attention to the pending retirement of Marcia S. Smith from the Congressional Research Service after over thirty years of service to Congress. Marcia is one of the preeminent and most highly respected policy analysts in her field, and while she will remain an active figure in space and telecommunications policy at the National Academy of Sciences, her intelligence, expertise, objectivity and balance will be greatly missed on both sides of Capitol Hill.

Marcia Smith began her career at the Congressional Research Service in 1975, after graduating from Syracuse University with a degree in political science. She quickly became an accomplished and adept analyst in space and aerospace policy, rising to Specialist in Aerospace and Telecommunications Policy, first in the Science Policy Research Division, and then in the Resources, Science and Industry Division, of CRS. In her service to Congress, she has provided background and analytic reports, memoranda, committee prints and expert testimony to Members of Congress and committees of the U.S. Congress on matters concerning U.S. and foreign military and civilian space activities, and on telecommunications issues (and formerly on nuclear energy).

Marcia has been a mentor and advisor to over a dozen CRS analysts and researchers during her time in that organization. She was Section Head for Space and Defense Technologies from 1987–1991, and Section Head for Energy, Aerospace and Transportation Technologies from 1984–1985.

To give my colleagues an idea of how prolific and proficient Marcia Smith has been during service to Congress, she has authored or coauthored over 160 reports and articles on space, nuclear energy, and telecommunications policies and issues. She has testified as an expert witness before House and Senate Committees nearly 20 times, a significant number of those times in front of the committee I chair, the Committee on Science.

I would like to point out 2 instances in which Marcia has served both Congress and her country in an exemplary manner. In both instances, these were circumstances marked by tragedy—when the Space Shuttle *Challenger* was lost at launch on January 28, 1986, and again when the Space Shuttle *Columbia* was lost during re-entry on February 1, 2003. Within hours of the *Challenger* disaster, Marcia was briefing congressional staff and talking to Members of Congress about the technical, policy, and human costs of this accident. She was widely interviewed and quoted by the national and international news media. And in the painful months following the accident, Marcia worked with Congress to provide oversight, investigation, and new policy directions in our national space program.

In 2003, the unthinkable happened again—another shuttle disaster. And while this occurred on a Saturday, Marcia spent the entire weekend in her office, writing a report that detailed the Columbia program, what we knew then of the accident, and potential congressional outcomes for re-examining the purpose and scope of human space flight. This report was ready for Congress first thing the following Monday morning.

Let me also add that Marcia has helped Congress in so many other areas of space policy that has brought us as a nation forward. She has worked with us on the Mission to Planet Mars, international space policy and issues revolving around the International Space Station, and the President Bush's National Space Policy. She is an expert on the NASA budget, and has a working and encyclopedic knowledge of space launches and flights, going back to the Sputnik launches and the Mercury Program.

In addition, Marcia Smith has exemplified the type of professional growth and development that we in Congress have come to expect from senior-level policy experts at the Congressional Research Service. From 1985–1986, Ms. Smith took a leave of absence to serve as Executive Director of the U.S. National Commission on Space. The Commission, created by Congress and its members appointed by the President, developed long term (50 year) goals for the civilian space program under the chairmanship of (the late) former NASA Administrator Thomas Paine. The Commission published its results in the report Pioneering the Space Frontier.

Marcia Smith has continued her professional accomplishments even as she makes this transition in her career. She is a Trustee of the International Academy of Astronautics (and co-chairs the Space Activities and Society Committee, and is a member of the International Space Policies and Plans Committee and the Scientific-Legal Liaison Committee). She has been a member of the Committee on Human Exploration (CHEX) of the U.S. National Academy of Sciences' Space Studies Board (1992–93, 1996–97). She is a Fellow of the American Institute of Aeronautics and Astronautics (AIAA). She serves on AIAA's Ethical Conduct Panel, and the International Activities Committee; was a member of the International Space Year Committee (1989–1992), the Public Policy Committee (1982–1989) and the Space Systems Technical Committee (1986–1989); was an AIAA Distinguished Lecturer (1983–1988); and was a member of the Council of AIAA's National Capital Section (1994–1996). She is a member of the Kettering Group of space observers. She is a Fellow of the British Interplanetary Society. She is a member of the Board of Directors of the International Institute of Space Law (IISL) and of the Association of U.S. Members of the IISL. She was President of the American Astronautical Society (1985–1986), on its Board of Directors (1982–1985), and Executive Committee (1982–1987,1988–1989). She is a Life Member of the New York Academy of Sciences and the Washington Academy of Sciences (Board of Directors, 1988–1989). She is a member of Sigma Xi (the honorary scientific research society). Ms. Smith serves on the editorial boards of the journals Space Policy and Space Forum, and is a contributing editor for the Smithsonian Institution's Air & Space magazine. She is listed in several "Who's Who" directories, including Who's Who in the World, Who's Who of American Women, and American Men and Women of Science.

Marcia Smith was also a founder of Women in Aerospace, was its President (1987) and member of its Board of Directors (1984–1990), and is an Emeritus Member. Women in Aerospace is a nonprofit organization dedicated to promoting the advancement of women in aerospace and recognizing their achievements. In September 2003, I had the honor of presenting Marcia with the Women in Aerospace Lifetime Achievement Award. In my remarks, I commented that her unselfishness and service to her country served as models for everyone who works for Congress and therefore their country. That holds true today as it did then. And, as a founding member of Women in Aerospace, Marcia has clearly made a mark on supporting the role of women professionals in the space community.

Marcia once said of her position at CRS, that working for Congress, she was extremely busy, put in long hours, often became exhausted—but never bored. Members of Congress and the Committees they serve on have been the beneficiaries of this work ethic, high levels of thoroughness and competence, and keen analytical skills. I would ask that my colleagues on both sides of the aisle recognize and thank Marcia Smith for the contributions she has made during her time with the Congressional Research Service, and her outstanding performance and service to Congress, and for the American people.

CONGRATULATING KRISTAL KOGA ON BEING NAMED GUAM'S 2006 WOMEN IN BUSINESS CHAMPION OF THE YEAR

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Ms. BORDALLO. Mr. Speaker, I rise today to congratulate and commend Ms. Kristal Koga, on being named 2006 Women in Business Champion of the Year by the United States Small Business Administration Guam Branch Office.

Ms. Koga is an accomplished designer and owns the "Kristal Kollection" clothing line. Her hard work and keen business sense has made her a well known and well established businesswoman on Guam. Her commitment to use her vast skills and knowledge to foster and mentor young women pursuing careers in business is what makes her especially deserving of this recognition as "Women in Business Champion."

Ms. Koga is serving, or has served in numerous organizations dedicated to improving the lives of women around the world, including the Soroptimist International of the Marianas, where she is a current member and served as the immediate past-president; the Federation of Asian Pacific Women's Association, where she is currently serving as treasurer; and the Guam Council of Women's Clubs, where she serves as the vice president.

I congratulate Kristal for being selected as the 2006 Women in Business Champion of the Year. I join our island community in celebrating her distinction. Kristal, we are all proud of you and we wish you continued prosperity.

IN HONOR OF THE 890TH TRANSPORTATION COMPANY

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. GREEN of Wisconsin. Mr. Speaker, it is my honor and privilege to recognize before this House the courageous men and women of the 890th Transportation Company, who just days ago returned from their deployment overseas.

For nearly one year, the Ashwaubenon, Wisconsin-based 890th served under perilous conditions in Iraq, delivering vital supplies to their comrades throughout the country. The vast majority of their missions took place in the Sunni Triangle—home to some of the most intense violence in Iraq. However, despite the threat of roadside bombs and surprise attacks, the brave men and women of this unit faithfully and successfully executed their duties. And, although they encountered enemy engagement on nearly 40 percent of their missions, the unit suffered zero casualties.

Mr. Speaker, there's no question the 890th Transportation Company helped nourish the seeds of freedom and democracy in Iraq, and their service and sacrifice are to be commended. It is my honor to recognize their brave efforts today, and on behalf of the citizens of Wisconsin's Eighth Congressional District, I say thank you. They are our genuine heroes.

HONORING ALPHA KAPPA ALPHA SORORITY, INC. AND THE IMPORTANCE OF BLACK FRATERNAL, SOCIAL AND CIVIC INSTITUTIONS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor the importance of black fraternal, social and civic institutions to the African-American community and to America as a whole. 2006 marks the 100th anniversary of Alpha Phi Alpha, the first continuous, collegiate black Greek letter fraternity. This is remarkable when you think of the social and political climate of 1906—where we were almost 50 years away from Brown v. Board of Education or Rosa Parks refusing to give up her bus seat. During this era of Jim Crow, black fraternal, social and civic institutions refused to accept this imposed inferiority, and banded together to provide support and promote solutions.

I am a proud member of Alpha Kappa Alpha, the oldest black Greek letter fraternity founded by collegiate women. Founded in 1908 at Howard University, AKA was established in order to provide social and intellectual enrichment through member interactions. Throughout the years, AKA's purpose has expanded as it strives to promote high scholastics and ethical standards, vocational and career guidance, health services and the advancement of human and civil rights. Led by national Basileus, Norma S. White, Alpha Kappa Alpha focuses on five national targets including: education, health, the black family, economics, and the arts. Most importantly the women of AKA seek to make a difference in our communities and to be of supreme service to all of mankind.

When you look at AKA's distinguished membership it is easy to see its impact on America. Amongst these women are: Coretta Scott King, Rosa Parks, Maya Angelou, Toni Morrison, Ella Fitzgerald, and Dr. Mae Jemison—just to name a few.

The impact of black fraternal, social and civic organization is truly immeasurable. They have brought together and inspired the leaders that have made America what it is today.

CONGRATULATING ALFRED K.Y. LAM ON BEING NAMED GUAM'S 2006 MINORITY SMALL BUSINESS CHAMPION OF THE YEAR

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Ms. BORDALLO. Mr. Speaker, I rise today to congratulate and commend Mr. Alfred K.Y. Lam, affectionately known to everyone on Guam as "Uncle Alfred," on being named the 2006 Minority Small Business Champion of the Year by the United States Small Business Administration Guam Branch Office.

Alfred's entrepreneurial spirit, diligence, and perseverance have made him a successful businessman on Guam, but his commitment to the development and promotion of other minority businesses over the last 30 years makes him deserving of the Minority Small Business Champion of the Year award.

Since coming to Guam in 1972, Alfred has operated his own business, finding a wealth of business opportunity in Guam's burgeoning shipping industry. Even in those early days, Alfred saw the need to nurture other small businesses for the benefit of the entire community.

From 1974 to 1976, he served as the vice president of the United Chinese Association, and was the charter president of the Asian Pacific Lions Club in 1982. During this time, Alfred also helped form the Sea Transport Association, which was created to promote and stabilize the shipping market between Guam and the Far East for the benefit of Chinese merchants and Guam's economy as a whole.

For the last two years, Alfred has also served as president of the Chinese Chamber of Commerce, which has begun to form alliances with other Chinese Chambers of Commerce in Hong Kong, Mainland China, and Los Angeles.

Alfred is a proven business leader, and continues to be an inspiration to the next generation of businessmen on Guam, including the 2005 Small Business Person of the Year, George Lai of Quality Distributors.

I congratulate Alfred for being selected as the 2006 Minority Small Business Champion of the Year for Guam. Our island celebrates his recognition with his wife Kathy and his children. Uncle Alfred, we are all proud of you and we wish you continued prosperity.

IN RECOGNITION OF MILLER ELECTRIC CREDIT UNION

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. GREEN of Wisconsin. Mr. Speaker, it is my honor and pleasure to recognize before this House Miller Electric Credit Union, which was recently awarded the Desjardins Youth Financial Education Award for its extraordinary service to its members and the community of Appleton, Wisconsin.

Helping young people learn the value of money is one of the most significant social and economic challenges we face as a nation. Despite the principles of thrift and prudence embraced by our parents and grandparents, today the importance of saving is being overshadowed by the ease at which folks can spend. And, as a result millions of Americans have charged and financed their way into a life of debt and financial turmoil.

Fortunately, there are folks out there working to break the spending cycle. Miller Electric Credit Union spends hours upon hours teaching individuals lessons on financial education. They've created innovative programs to help their members, young and old, learn how to budget and save for important purchases down the road. One program in particular—the Undersea Saver's Club—gives prizes to kids who make a habit out of depositing, rather than withdrawing, money in their savings account.

Mr. Speaker, Miller Electric Credit Union has been a valued member of the Appleton community for nearly 60 years, and its 2,800 member-owners are a testament to its success. I congratulate them on receiving this outstanding honor, and wish them continued success in the years to come.

TRIBUTE TO BLACK HISTORY MONTH

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I am most pleased to join my colleagues and millions of Americans in commemorating African-American History Month and particularly this year's theme "Celebrating Community: A Tribute to Black Fraternal, Social and Civic Institutions". This theme as announced by the Association for the Study of Afro-American Life and History (ASALH) is most appropriate and timely as we enter a new millennium and hopefully a new and even brighter era of African-American progress.

Mr. President, I rise today to recognize February as Black History Month and to honor the rich cultural heritage of African-Americans in Dallas and my State of Texas. In the arts or letters, history, business, sport, or education, Greater Metroplex's African-American community has made a significant and lasting impact on our Nation's culture.

This evening, in honor of Black History Month, I would like to call the House's attention to four distinguished African-Americans entities that made major contributions to my congressional district, city of Dallas as well as the State and our country.

First, Mr. President, I would call your attention to Dallas Black Dance Theatre celebrates its 29th season as the oldest, continuously operating professional dance company in Dallas. The ensemble, a contemporary modem dance company, consists of 14 professional dancers performing a mixed repertory of modem, jazz, ethnic and spiritual works by nationally and internationally known choreographers which include: Alvin Ailey, Talley Beatty, Donald Byrd, Alonzo King, Milton Myers, Elisa Monte, Donald McKayle, Kevin Jeff, Christopher Huggins, Jessica Lang, Bruce Wood, David Parsons and Darryl Sneed. The company and company's dancers have studied, trained and performed with some of the pre-eminent performers and teachers in the American dance world.

Second, Mr. Speaker, I would like to recognize the African American Museum which has more than 25 years, has stood as a cultural beacon in Dallas and the Southwestern United States. Started in 1974 as a part of the Bishop College Special Collection, the Museum has operated independently since 1979.

The African American Museum is the only museum in the Southwestern United States devoted to the preservation and display of African American artistic, cultural and historical materials. It also has one of the largest African American folk art collections in the United States. The African American Museum incorporates a wide variety of visual art forms and historical documents that portray the African American experience in the United States, Southwest, and Dallas.

The main objective of the Museum is the presentation of meaningful experiences for children and adults who would not ordinarily visit a museum. The rich heritage of black art and history is housed in four vaulted galleries, augmented by a research library. Living African American culture is experienced through entertaining and educational programs presented in the theater, studio arts area and classrooms. The Museum's permanent collections include African art; African American fine art; magazine, historical, political and community archives.

Third, I would like to recognize the Black Academy of Arts and Letters, Inc. (TBAAL) is a Dallas-based multi-disciplined cultural arts institution. TBAAL's primary objectives have been to stimulate an increased awareness of Black artistic accomplishments rooted in the African culture among the races; to honor those who have made significant and continuing contributions in the arts and letters of the past and present and; to identify, encourage and support young, promising talented artists and scholars in Black arts and letters.

After more than two decades of producing and presenting programs in music, theater, dance, film, television and video, literature and visual arts throughout the United States, TBAAL has continued to create strong ties among many emerging and well known artists and scholars. In the organization's early history (1977), it established a professional Resident Touring Company called the Third World Players. Renowned actress Regina Taylor was a member of that company in 1978 and other artists such as Erykah Badu are a product of the Academy.

The 'cultural icon' of the Dallas/Fort Worth area, TBAAL presents and produces exciting cultural arts programs annually in dance, theatre, music, literary, fine, and visual arts. Local and emerging artists participate in TBAAL programs, and noted artists and celebrities have participated such as: Oleta Adams, Debbie Allen, Maya Angelou, Roy Ayers, Akin Babatunde, Obba Babatunde, Erykah Badu, Romare Bearden, The Barrett Sisters, Angela Bofill, Avery Brooks, Cab Calloway, Bill Cosby, Ruby Dee, Ossie Davis*, Mari Evans, Antonio Fargas, Kim Fields, Lou Gossett, William

Greaves, Alex Haley, Irma P. Hall, Tramaine Hawkins, Jennifer Holliday, Linda Hopkins, Kim Jordan, Ella Joyce, Eartha Kitt, Dr. C. Eric Lincoln, Les McCann, Barbara McNair, Garrett Morris, Roger Mosley, Tyler Perry, Florence Quivar, Phylicia Rashad, Dan Rather, Esther Rolle, Sonia Sanchez, Karen Clark-Sheard, KiKi Shephard, Carole Simpson, Mavis Staples, Glenn Turman, Cicely Tyson, Albertina Walker, Margaret Walker*, Dionne Warwick, Lillias White, Hal Williams, Nancy Wilson, Vickie Winans, the late James Cleveland and many more.

TBAAL is the only African-American multidisciplined cultural arts organization in the country housed inside a major convention center, which increases the awareness of African American cultural history.

Finally, Mr. Speaker, I like to recognize the Dallas Youth Council of the National Association for the Advancement of Colored People (NAACP). The purpose of the Youth Council is to inform youth of the problems affecting Black people and other minority groups as well as work towards those measures to advance the economic, educational, social, and political status of African Americans and other minority groups and to stimulate an appreciation of the African American contribution to civilization. I commend Bosha Jagers, President, Tayana White, 1st Vice President, Crystal Armstrong, 2nd Vice President; Danielle Whyte, Secretary; Nucleous Johnson, Treasurer and Linda Darden-Lydia, Youth Advisor for their hard work in my district towards betterment of younger generation.

Let me just say in closing, that Black History Month should be a time for reflection and appreciation; a time to reflect on the accomplishments of African-Americans throughout this country and throughout our history, accomplishments that often were made in the face of racism, of poverty, and unequal opportunity. It should be a time to increase our awareness and understanding of African-American history and culture, and a time to reaffirm our understanding of our rich cultural diversity, our commitment to social equality, and our support of racial justice.

COMMENDING JOSEPH CRISOSTOMO UPON HIS BEING NAMED GUAM'S SMALL BUSINESS PERSON OF THE YEAR FOR 2006

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Ms. BORDALLO. Mr. Speaker, I rise today to recognize the achievements of Mr. Joseph Crisostomo of Guam and to commend him on being honored as the 2006 Small Business Person of the Year. Each year the U.S. Small Business Administration Guam Branch Office solicits nominations from our community for this award. This year Mr. Crisostomo has earned this distinction and his nomination will go forward for national recognition as well.

Mr. Crisostomo, who family, friends, employees, and customers know as "Joey," is widely recognized and well respected within our island community as a formidable and successful business leader. His has an impressive record of experience in the sales and automotive industries and he has built a reputation of hard work and strong leadership.

The son of Jose R. and Rosario Sanchez Crisostomo, Joey grew up in a military family and developed an interest in cars and motorcycles at an early stage in life. He graduated from John F. Kennedy High School in 1977, and began working at a local company on the island stocking auto parts and assembling motorcycles. After spending several years in Idaho and Hawaii in the industry, he returned to his home island of Guam in 1992 to work in car sales and to serve as the sales manager for two local companies. In 1999, the local Chrysler dealership folded but Joey was instrumental in securing the parts and service agreement with Chrysler International to ensure the Chrysler name remained on Guam.

Despite weak economic conditions, Joey successfully took risk and opened Cars Plus, LLC. Joey demonstrated his ability to start up a new business from the bottom. Today, Cars Plus has grown from a service and parts company to a full line car dealership. Joey has guided the company over consecutive years of record growth, and the business has expanded in employees, size, and sales.

Joey is not only a strong and successful business leader on our island. He has contributed to our community in many ways with corporate sponsorships, board memberships, and his personal time. He is an active member of the Guam Chamber of Commerce and the Guam Visitor's Bureau Sports Tourism Committee. In particular, he has devoted his time to youth programs and youth organizations. Among the many organizations that have benefited from his contributions are Guam's Youth Life Program, the Guam Juvenile Drug Court Program, Operation Outreach USA, the Guam Football Association, the Global Young Leaders Conference, the Guam Girls Fast Pitch Softball League, the Boy Scouts of America, the Make-a-Wish Foundation, the American Red Cross, and the American Cancer Society.

As an avid racer, Joey has also promoted Guam internationally having competed in many races. Today we take this occasion to recognize Joey's achievements and his contributions to our community. I join his wife, Joyce, his daughters, Lenora and Jennifer, and his son, Joey, in honoring his accomplishments and in commending him as the Small Business Person of the Year for 2006. Our community wishes him the best of success as he pursues future endeavors.

PERSONAL EXPLANATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. BLUMENAUER. Mr. Speaker, had I been present for the votes on Wednesday, February 15, 2006, I would have voted as follows:

Rollcall Vote 10: I would have voted in favor of H.R. 4745, making supplemental appropriations for FY 2006 for the Small Business Administration's disaster loan program.

Rollcall Vote 11: I would have voted in favor of S. Con. Res. 79, expressing the sense of Congress that no United States assistance should be provided directly to the Palestinian Authority if any representative political party holding a majority of parliamentary seats within the Palestinian Authority maintains a position calling for the destruction of Israel.

Had I been present for the votes on Thursday, February 16, 2006, I would have voted as follows: .

Rollcall Vote 12: I would have voted in favor of H. Con. Res. 341, condemning the Government of Iran for violating its international nuclear nonproliferation obligations and expressing support for efforts to report Iran to the United Nations Security Council.

Rollcall Vote 13: I would have voted against the ruling of the Chair tabling the privileged resolution by Democratic Leader Nancy Pelosi on the budget reconciliation spending cuts legislation.

TRIBUTE TO ERIN LAVERY, WINNER OF THE PRUDENTIAL SPIRIT OF COMMUNITY AWARDS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. RAHALL. Mr. Speaker, I would like to recognize Erin Lavery, of Huntington, WV for being named a top honoree in the 2006 Prudential Spirit of Community Award. I would like to congratulate and honor this innovative young woman who has shown exemplary volunteer service in her community.

Ms. Lavery is being recognized for organizing a monthlong nutrition and physical fitness education program that included the use of pedometers by all 1,600 students and faculty at Huntington High School. As an athlete and lifelong volunteer, Erin wanted to help classmates and staff members develop a commitment to healthy eating habits and physical activity. Motivated by the high rate of obesity that is prevalent in West Virginia, she states that she wanted to take a proactive stand to do something about the problem.

Erin had heard about a small pilot program using pedometers at a nearby school, and thought that idea could be of a comprehensive health education program for her entire school. She developed handouts and a video to introduce her program, and then recruited student volunteers to help her distribute pedometers donated by the county health department to all students and teachers, along with sheets for them to record the number of steps taken each week. To encourage participation, Erin publicized the program through school and community media, and awarded random prizes for turning in completed record sheets. She also hung 252 large posters of nutrition and fitness information all over the school, and arranged for taste tests and fitness demonstrations during lunch. After she had collected and analyzed their data, Erin found that 35 percent of the participants had increased their activity level, and 62 percent said they were more motivated to live a healthier lifestyle.

The program that brought this innovative young woman to our attention—The Prudential Spirit of Community Awards—was created by Prudential Financial in partnership with the National Association of Secondary School Principals in 1995 to show youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example.

Ms. Lavery should be extremely proud to have been singled out from the thousands of dedicated volunteers who participated in this years program. I fully applaud Ms. Lavery for her initiative in seeking to make her community, and West Virginia as a whole, a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

RECOGNIZING THE DEDICATION OF THE E. PAT LARKINS COMMUNITY CENTER IN POMPANO BEACH, FLORIDA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor Mr. E. Pat Larkins, Commissioner of the City of Pompano Beach, Florida, on the occasion of the dedication of the E. Pat Larkins Community Center. Commissioner Larkins has been a good friend to me and to the citizens of Pompano Beach for more than 20 years.

Born to a carpenter father and a mother who picked beans for a living, Pat has piled success on top of success throughout his life. In the process, he has made possible opportunities for African-Americans they would not have seen otherwise. In 1971, at a time when black-owned companies found it difficult to make headway in the construction industry, Pat Larkins helped start the Broward Minority Contractors' Association to promote the interests of African-American builders.

In 1985, Pat became the first black mayor of the City of Pompano Beach. In all, he has been elected 10 times, for a total of 20 years, during which he has also served three terms as Vice Mayor. Pat Larkins has been recognized numerous times as a fine citizen and an enormous credit to his city and to the people of Broward County, Florida. He is a great American, and I am proud to call him my friend.

Today's naming of the E. Pat Larkins Community Center is a fitting tribute to this excellent man. On behalf of my colleagues in the House of Representatives and all of the residents of Florida's 23rd Congressional District, I congratulate Pat for this honor and wish him health, happiness, and continued success in the future.

HONORING THE LIFETIME OF ACCOMPLISHMENTS OF CHUCK WU

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Ms. BORDALLO. Mr. Speaker, I rise today to honor the lifetime of accomplishments of Mr. Wu Jia Chi, affectionately known to us on Guam as "Chuck Wu" and to recognize his humanitarianism. Mr. Wu was born in Taipei, Taiwan on February 21, 1921. He immigrated to Guam in 1971 and opened a small business in Harmon. His business was the first of many successful enterprises he has established on Guam during the last quarter century. Today Mr. Wu is a well respected resident on our island of Guam and in the Pacific Region. His entrepreneurial spirit, his commitment to his family, and his dedication to our community inspires us all.

Mr. Wu is a pioneer in the business community on Guam and is a leader within his own Chinese community. His vision and determination have contributed to his success, and he has used this success to help many nonprofit organizations and worthwhile causes. He is one who has given back to the community through his involvement and his time. He is a dynamic force and his efforts and volunteerism have helped civic organizations on our island on many occasions.

Mr. Wu has never lost his firm belief in the importance of preserving cultural traditions and customs. He established the Chinese School of Guam in 1978 and served as the school's principal for 7 years. He continues to advocate for the improvement of our schools and the development of our young students, both within the Chinese community and throughout our island.

Mr. Wu's commitment to serving and leading the Chinese community was recognized in his appointment as a commissioner for Overseas Chinese Affairs since 1991. He was also the president of the Chinese School Foundation of Guam from 1989 to 1993. Moreover, from 1985 to 1989, Mr. Wu was the president of the United Chinese Association of Guam. Mr. Wu also served as president of the Sea Transport Association of Guam from 1982 to 1985. In 1993 he was honored as the U.S. Small Business Advocate of the Year.

Mr. Wu has made a lasting impression on our island of Guam and his leadership in our community has improved our island significantly. I join his wife Shiu-Fong Lai-Wu, his sons, Fong, Albert, John, and Thomas, his daughters-in-law, Shaina, Sandra, and Janet, and his grandchildren, Vera, Valerie, Stefanie, Alexander, Sophia, Shaun, Chucky, Kaile, and Tommy, and all the people of Guam, in commending Chuck Wu for his lifetime of accomplishments.

TRIBUTE TO SAMUEL J. TENENBAUM

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. CLYBURN. Mr. Speaker, I would like to pay tribute to a man who has embraced God's admonition to "do unto others as you would have them do unto you" as his personal motto. Samuel J. Tenenbaum has been honored as the United Way of the Midlands' Humanitarian of the Year, and I can think of no one more deserving of this recognition.

Sam and I have been friends longer than I would like to remember. He has always been a loyal supporter and constant advisor, whether I seek his advice or not. He and his wife Inez are dear friends and true kindred spirits. So when the news images of the devastation in New Orleans following Hurricane Katrina spurred me to call on Columbia Mayor Bob Coble to initiate an effort in South Carolina to welcome those displaced by this enormous tragedy, we both immediately asked Sam to lead the operation that became known as South Carolina—S.C.—Cares.

Under Sam's leadership, S.C. Cares became the model for an effective response to a natural disaster. He assembled thousands of volunteers, every service provider imaginable, and public and private sector organizations to be housed at a community center to provide a one-stop-shop to meet each and every need of our guests from the gulf coast. Sam's adherence to the golden rule meant our guests would stay in hotel rooms not shelters. He provided them with dignity, sustenance, and many times his own personal emotional or financial support. Sam worked around the clock, not because he had to, but because he couldn't sleep until he knew the needs of all our guests were met. Sam was the heart and soul of S.C. Cares, and he embodies the enormity of the compassion this community has to offer.

Although the S.C. Cares center closed its doors nearly 3 months ago, Sam is still involved with the gulf coast guests that remain in the Midlands. He is also taking the experience of S.C. Cares, and transforming it into an ongoing effort to address homelessness in South Carolina's capitol city. Sam knows that if our community could show such compassion for strangers from the gulf coast, we can extend the same graciousness to those who are homeless in our town. He is working with Mayor Coble to create an operation similar to the S.C. Cares center for Columbia's homeless that would provide social services, medical services, counseling, job training, and other programs in a one-stop-shop setting. Access to services and the support of a community can go a long way to transforming those who have been forgotten back into productive citizens. Sam's compassion is as limitless as his vision.

After working 33 years in his family's business, Chatham Steel Corporation, Sam retired in 2000 and dedicated himself to his community. Currently he serves on 19 boards and commissions, which demonstrate the diversity of his passions. His love of his faith manifests in his membership of the governing boards of the Columbia Jewish Federation and the Anti-Defamation League of B'Nai B'Rith, Southeast Region. His devotion to animals is exemplified in his service as the development chair for Pet Project. His dedication to education is clear from his membership on the Allen University Presidential Advisory Board and Junior Achievement. His commitment to social causes runs the gamut from his chairmanship of the Alston Wilkes Foundation and membership on Habitat for Humanity's board. And these only touch the surface of his many current associations, and the 50 previous boards and commissions on which he has served.

Sam's list of awards is just as impressive. Back in 1978, the Columbia Record recognized him as one of 10 for the Future. Obviously that prophecy has been fulfilled. He has won numerous awards for his contributions to the arts, for his philanthropy, and for his community service. Governor Dick Riley bestowed South Carolina's highest honor, the Order of the Palmetto, on Sam in 1985. More than two decades later, Sam is continuing his life-long dedication to his community and its people.

Mr. Speaker, I invite you and my colleagues to join me in applauding Samuel Tenenbaum for his lifetime of service. As my father, a fundamentalist minister, once counseled me, "the world would much rather see a sermon than to hear one." Sam has been providing a living example of the Golden Rule his entire life, and his recognition as the Humanitarian of the Year is just another affirmation of his leadership and compassion.

TRIBUTE TO MAJOR (RETIRED) GEORGE SMALL

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. GIBBONS. Mr. Speaker, I would like to take this opportunity to recognize a constituent of mine, Major, Retired, George Small. At 98 years of age, Major Small is the oldest living survivor of the Bataan Death March in the State of Nevada.

Major Small entered active duty for the U.S. Army on April 25, 1941 where he trained to be a Chemical Warfare Officer. He was assigned stateside until he was transferred to Manila, Philippines 6 weeks before the start of World War II and came to Bataan on December 24, 1941 where he was assigned to the 31st Infantry. The 31st was involved in the intense fighting until their surrender on April 9, 1942. After the Bataan Death march, Major Smalls spent 3 years and 5 months as a POW in five different camps until his liberation on September 10, 1945.

Major Small was discharged from the Army on November 26, 1946 and remained in the Army Reserve until his retirement on March 1, 1968. Major Small earned the American Defense Service Medal, with bronze star, the American Campaign Medal, the Asiatic Pacific Campaign Medal, with 2 bronze stars, the Distinguished Unit Badge, with 2 oak leaf clusters, the Combat Infantry Badge, The Philippine Liberation Ribbon, with bronze star, the WWII Victory Medal, and the POW Medal.

Please join me in congratulating this great Nevadan for the sacrifices he has made for this country and to extend him our wishes for continued health and prosperity as he celebrates his 98th birthday. Congratulations, Major George Small.

TRIBUTE TO ALEXANDRA McGREGOR

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. KNOLLENBERG. Mr. Speaker, I rise today to pay tribute to a young constituent of mine, Alexandra McGregor, and to speak to her efforts to support our troops, both at home and aboard.

A few weeks ago I came across a story of a young girl starting a grassroots effort, for a "National Support the Troops Day." After watching a news report of a fallen: soldier; Alexandra was inspired to contact her local, State, and Federal officials with her idea. I stand here today because of Alexandra and her efforts.

Throughout the calendar year Americans set aside days to honor great patriots, leaders, and fallen soldiers who have given their lives to defend the freedom that Americans cherish. These men and women should be honored and I, like all of my colleagues, honor their memory with my work in this great body. However, we as Americans do not have an official day to salute our active-duty soldiers. Today, there are over one million men and women who serve our country. These brave individuals deserve our respect and admiration for their courage to protect all Americans.

With Alexandra as my inspiration, today I am introducing a resolution that would mark March 26th, "Support The Troops Day." With this resolution I ask all Americans to participate in a moment of silence on March 26th to honor the hard work and accomplishments of our soldiers both at home and aboard.

COMMEMORATING THE 100TH ANNIVERSARY OF THE SAINT VASILIOS GREEK ORTHODOX CHURCH IN PEABODY, MASSACHUSETTS

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. TIERNEY. Mr. Speaker, I rise today as a proud member of the Congressional Caucus on Hellenic Issues, to honor the 100th anniversary of the Saint Vasilios Greek Orthodox Church in Peabody, Massachusetts. The local Greek population, with St. Vasilios as one of its bedrock institutions, has been and continues to be a vital part of the Peabody community.

The first Greek immigrants arrived in Peabody at the turn of the last century. As their numbers increased, they pooled their resources to buy their first property, a simple wooden building on Walnut Street which they modeled into a house of worship. On February 26, 1906, they were incorporated and chartered by the Commonwealth of Massachusetts, naming their parish "St. Vasilios."

By 1912, the parish relocated to a larger property on what is now called Paleologos Street. There they built a new church, and soon after built a school for teaching their children Greek culture and language. This was only the sixth such school in the United States, and it has operated without interruption ever since. The Byzantine style church which was completed on the site and dedicated in 1917 remains a house of worship to this day.

This week in my district, thousands of Hellenic American families will commemorate the 100th anniversary of St. Vasilios Greek Orthodox Church with religious services and festivities. I congratulate the clergy and the congregation of St. Vasilios for reaching this noteworthy milestone. The church continues to be a vibrant part of the Greek community in Peabody, serving as a house of worship and a gathering place. The church provides a vital link to the past and to the Greek homeland, its culture and religion. Through its school and the celebration of the rich heritage and language of Greece, the people of St. Vasilios are ensuring that the values and traditions upon which the church was founded will live on for future generations.

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. GONZALEZ. Mr. Speaker, on rollcall Nos. 5, 6, 7, had I been present, I would have voted "yes."

INTRODUCTION OF THE FOREIGN INVESTMENT SECURITY IMPROVEMENT ACT

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. KING of New York. Mr. Speaker, I rise to speak in support the Foreign Investment Security Improvement Act of 2006, a bill to make certain that there is a full and complete investigation into the national security implications of the proposed acquisition of U.S. port terminal operations by Dubai Ports (DP) World—and to ensure Congress' crucial oversight role with respect to this transaction. I introduce this legislation today with support of my Ranking Member of the Committee on Homeland Security, the Honorable BENNY THOMPSON, and 80 bipartisan colleagues.

This legislation, and the message it sends about the importance of the national security concerns with the proposed deal, is crucial given what appears to be the cursory review of the serious national security questions that exist regarding the acquisition of port terminal operations by a company that is wholly-owned by the Government of Dubai.

SERIOUS NATIONAL SECURITY CONCERNS EXIST OVER DP WORLD ACQUISITION

On February 13, 2006, shareholders from Peninsular and Oriental Steamship Navigation Co. (P&O) approved an acquisition proposal from DP World, a port operations company owned by the government of Dubai, a member of the United Arab Emirates (UAE). The deal would position DP World to conduct terminal operations at six U.S. ports: the Port of New York and New Jersey, the Port of New Orleans, the Port of Miami, the Port of Baltimore, the Port of Philadelphia, and the Port of Newark.

I have serious concerns over the national security implications of the proposed takeover of U.S. port operations by a government who less than five years ago was documented as having significant ties to terrorism. As the 9/11 Commission reported, money used to carry out the September 11th attacks was funneled through UAE banks, many of the hijackers traveled to the U.S. from the UAE, at least one of the hijackers was born in the UAE, and the UAE was used as a crossroads for the shipment of nuclear material to Iran.

I recognize that the UAE has provided significant assistance to our efforts in the War on Terror since 9/11. I commend the UAE for its willingness to be an ally in the War on Terror, including military cooperation, intelligence sharing and money laundering prevention and I encourage its continued efforts in securing our world. However, these positive commitments do not mean that we should ignore the real security concerns that exist with respect to this transaction.

Late last year, DP World and P&O requested that the Committee for Financial Investment in the United States (CFIUS) review the transaction for national security concerns. CFIUS, an interagency committee chaired by the Department of Treasury and with members from twelve other agencies, was established by Executive Order in 1975 and assigned to carry out the national security reviews mandated under Section 721 of the Defense Production Act of 1950. Current law requires CFIUS to review proposed foreign acquisitions to evaluate national security concerns during a 30–day initial review period. If national security concerns remain after this initial review period, the statute requires a more thorough 45–day investigation, followed by a Presidential evaluation of the proposed transaction. In the case of DP World, the Committee incredibly raised no national security objections to the proposed deal after a 30–day review period, and the more detailed 45–day investigation was not triggered.

Members of Congress, state and local officials responsible for port security and the public at large were understandably shocked to first learn from press reports that this transaction had been approved in thirty days, without a formal investigation and without any attempt by the Administration to provide basic information on the deal in advance. I was also shocked to learn that the CFIUS approval was made by mid-level officials and that senior decision makers in the Administration—including the Secretary of Defense, Secretary of the Treasury, Secretary Homeland Security and the President of the United States—were not informed until they became aware of the CFIUS approval via press reports. It also appears that state and local officials who oversee the affected ports were never consulted or otherwise informed of the DP World acquisition.

In response to considerable public pressure over the past few weeks, the Administration and DP World have come forward to offer only limited information on the details of the 30-day CFIUS review, the national security concerns examined, and the measures taken to address those concerns. For informed judgments to be made, significantly more information is needed.

DP World and the Administration recently announced an agreement to subject the DP World deal to a 45-day CFIUS investigation. While this announcement is a step in the right direction there remain a number of serious questions about the company and its security practices that must be answered before the deal can proceed. Congress must be made aware of the findings so that we can be certain our nation's homeland security is not being undermined.

As this 45-day investigation begins, more questions exist than answers. I stress that this 45-day investigation must not be viewed as a 45-day campaign to "educate" Congress on the limited work that has already been done by CFIUS. I am troubled by recent statements of senior administration officials that suggest that the focus of these 45 days should be on addressing so-called misconceptions of Congress. Rather, this 45-day review must be vigorously pursued by all relevant federal agencies to scrutinize the work that has been done on the proposed DP World transaction, conduct additional reviews where appropriate, and extract additional commitments from the company where necessary.

Consistent with the legislation I introduce today, I expect CFIUS to review U.S. Coast Guard assessments of foreign ports where DP World operates, perform background checks of DP World officers and security personnel, and to provide a thorough review of national security and port security impacts—in consultation with state and local officials responsible for port security. It is essential that CFIUS recognize the significant concerns that exist regarding U.S. critical infrastructure—an area of national security that has not traditionally been recognized in the CFIUS process. I expect CFIUS to fully investigate the financing and control of DP World, including the involvement of UAE and Dubai government officials in company operations particularly current and former government officials that may have ties to terrorist organizations and/or the Taliban. I expect that CFIUS will review the company structure and the potential for terrorist sympathizers to infiltrate company operations—including port operations in the U.S. We must take all appropriate steps to ensure that al-Qa'ida and other terrorist organizations are not learning about our vulnerabilities based on access to DP World operations.

Finally, I urge CFIUS to make clear that this 45-day investigation is a serious, thorough review that will address all relevant national security concerns and to assert the right of the President to block the deal or extract additional assurances should national security concerns require such actions. It is crucial that the President make clear that CFIUS will not prejudge the results of this investigation.

CONGRESS MUST STAND READY TO ACT

While I am encouraged by recent developments taken to voluntarily begin an investigation, I believe Congress must nonetheless stand ready to act pending the results of the 45-day investigation. The Foreign Investment Security Improvement Act of 2006 would impose an immediate suspension of existing CFIUS approval of the DP World transaction granted on January 17, 2006; require a 45-day CFIUS investigation of the DP World transaction, to include (1) a review of U.S. Coast Guard assessments of foreign ports where DP World operates, (2) background checks of DP World officers and security personnel, (3) an evaluation of the impact of port security by DP World's control of U.S. port operations, and (4) consultation with the U.S. Coast Guard, U.S. Customs and Border Protection, the Secretary of Homeland Security and State and local officials, an evaluation of the impact on national security of DP World operations at affected U.S. ports. Following the 45-day review, the bill would require, within fifteen days, a report to Congress providing the detailed findings of the investigation and the Presidential determination. Congress would then have 30 days to reverse an approval of the transaction through legislation.

At a minimum, CFIUS should use this legislation to inform its investigation and subsequent notification of Congress. As Chairman of the Committee on Homeland Security, I intend to work with my Committee Members to aggressively scrutinize the findings of CFIUS following its investigation, including a thorough review of the intelligence assessments utilized.

BROADER CONCERNS EXIST WITH THE CFIUS PROCESS

While the legislation introduced today only addresses the short-term concerns with the CFIUS review of the DP World transaction, I believe the current controversy has revealed that the larger CFIUS review framework is broken. Beyond the review of the proposed DP World transaction, I want to make clear that I intend to work with my colleagues in the Congress to conduct a comprehensive review of the CFIUS process and ensure that the Federal Government's review of foreign investments properly account for the security concerns of a post-9/11 world. I specifically note several concerns that I have with respect to the CFIUS process:

The current statute was enacted at the end of the cold war in the 1980s, when encouraging foreign investment was a priority. The 9/11 attacks changed our thinking and highlighted the need to more carefully scrutinize national security concerns.

Current CFIUS practices effectively nullify the statute's requirement for a more extensive investigation where national security concerns are raised with respect to a transaction involving a foreign government-controlled entity.

Current CFIUS practices create an incentive to avoid the formal 45-day investigation and subsequent Presidential decision because of a perceived negative impact on foreign investment and a conflict with the U.S. open investment policy.

The compressed 30-day initial review period effectively provides CFIUS with only 23 days to review all national security issues presented by a proposed transaction.

"National security" is defined narrowly under CFIUS regulations, and does not explicitly embrace concerns over U.S. critical infrastructure. While the Departments of Homeland Security, Justice and Defense have moved to utilize an expanded view of national security, there is concern that many of the CFIUS members rely on an overly constrained "pre-9/11" view of national security.

From 1997 through 2004, CFIUS received notices for 451 proposed or completed acquisitions. The committee initiated only eight investigations during that period.

Enforcement of assurances provided during CFIUS review is the responsibility of the agency requesting those assurances. It is not clear whether sufficient resources are devoted to ensure parties to a transaction live up to their commitments.

Congress is only notified when a full 45-day investigation and Presidential decision are completed. The lack of notification has led to the situation where the concerns of senior Administration officials, Members of Congress and the general public cannot be expressed until after a deal is done. This lack of transparency must change.

Possible long-term CFIUS reforms to consider include the following:

Elevate the Secretary of Homeland Security to serve as co-chair of CFIUS (the Secretary of the Treasury is the current chair) to increase emphasis on security issues;

Abolish the current statutory interpretation by CFIUS by imposing a standard 75-day review, rather than the two-tiered 30/45 day structure, providing additional time for review and removing the negative stigma associated with an investigation;

Expand Congressional notification and oversight with respect to CFIUS reviews;

Revise the statutory factors to be considered in CFIUS national security reviews to include critical infrastructure concerns; and

Require vigorous agency oversight and enforcement of letters of assurance provided by parties to a transaction.

Mr. Speaker, I want to thank my Ranking Member, Mr. Thompson, for his support in developing this legislation, and I look forward to working with him to ensure that our national security is not undermined by the proposed DP World acquisition. I urge the Administration to be diligent in investigating this transaction and to recognize Congress' important role in safeguarding our national security.

HONORING AIRMAN ALECIA GOOD FOR HER AIR FORCE SERVICE

HON. CATHY McMORRIS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Miss McMORRIS. Mr. Speaker, I rise today to posthumously recognize Senior Airman Alecia Good for her bravery and heroism while serving to protect our freedoms. Airman Good was recently deployed from the 92nd Communication Squadron at Fairchild Air Force Base to the Combined Joint Task Force Horn of Africa. On February 17, 2006, Airman Good gave her life with eight Marines and another Air Force Airman when two U.S. Marine Corps helicopters crashed into the Gulf of Aden off the coast of northern Djibouti.

Airman Good was known to her family and friends at Fairchild for her positive outlook on life. She loved her country and was proud to serve it. In December, she volunteered to deploy to Africa. Her mission was to provide satellite communication support for United States military personnel training allied countries how to defend themselves against terrorism. The Joint Task Force also worked with families in humanitarian efforts such as drilling wells, vaccinating herds, or raising crops.

Today, her family, friends, and country say their final goodbye to Airman Good. She leaves a daughter, Tabitha, who has her mother's magnificent smile.

Mr. Speaker, I rise today to acknowledge Senior Airman Alecia Good for fearlessly sacrificing her own life in order to protect our freedoms from the evils of terrorism. I invite my colleagues to join me in a moment of silence for Airman Good as well as all of the men and women who lost their lives in the recent helicopter crash while serving in the Combined Joint Task Force Horn of Africa mission.

HONORING THE DEDICATED SERVICE OF LIBBY JOHNSON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. GORDON. Mr. Speaker, I rise today to thank Libby Johnson for her tremendous service to Tennessee's Sixth Congressional District while working in my Washington, D.C., office.

After serving as my executive assistant, the Sumner County native is moving on to greener pastures. Her last day is today, and although my staff and I are sad to see Libby go, we are glad she has taken a job that will further her career and is worthy of her incredible abilities.

Libby's conscientious work ethic and incomparable enthusiasm have served her well in the fast-paced world of Congress. Those same abilities also have gained her the respect of her colleagues. Now, she will share her tremendous abilities and experience with a new employer, who should be ecstatic over having found such a fine person.

As busy as she has been, Libby always took time to say a kind word to those around her. It seems she has never met a stranger during her time on the Hill. With her vivacious personality and contagious smile, she certainly has made a lasting impression on virtually everyone she has met.

Libby, you have endeared yourself to me and my staff. We will miss you and wish you well in your future endeavors.

CONGRATULATIONS TO KEKAHA FEDERAL CREDIT UNION

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2006

Mr. CASE. Mr. Speaker, I rise today to recognize and congratulate the Kekaha Federal Credit Union on winning the 2005 Dora Maxwell Social Responsibility Award.

Chartered in 1938 to serve the employees of the Kekaha Sugar Company, the Kekaha Federal Credit Union has expanded its membership to include all businesses and individuals throughout the island of Kauai. It also acts as a Community Development Credit Union, catering to the financial needs of low-income individuals. The Kekaha Federal Credit Union has over 1,500 members.

In January 2004, the Kekaha Federal Credit Union initiated a partnership with the Kekaha Elementary School to support and encourage student achievement and raise school-wide standardized rest scores. Kekaha Elementary School serves a community of 3,700 residents, dominated by low-income, native Hawaiian and immigrant families. At the school, 11 percent of the student body speak English as a second language, 49 percent are Native Hawaiian (a historically disadvantaged group), and 62 percent qualify for free or reduced lunches due to low-income status. Many students live in single-parent homes or face situations that are not conducive to learning.

As part of their partnership, the credit union and the school established the Maximum Communication Journal program, also known as the MAX Program. The MAX Program has become the cornerstone to learning at the school, as students must keep a journal of class activities and homework, including notes and notices from teachers and the school. Each student is then required to have his/her parents or guardians read and sign the MAX notebook each week. This ensures communication between the students, parents, teachers, and the school.

With the incentive of prizes that include boogie boards, movie passes and bicycles, students are instructed to write in their MAX journals and have their parents read and sign it every week. In order to earn a chance to win a prize, students have to write in their MAX journals and have their parents read and sign it every week. Prizes were also given to the class with the highest percentage of completed and signed journals. Prizes are given at the school's monthly assembly. Often, parents and guardians attend these assemblies.

By all measures, this program has been a great success. The program's goal of 80 percent student participation has been achieved for the past four semesters and, more importantly, Kekaha Elementary School has achieved passing levels in the State of Hawaii standardized tests each of the last two times the tests have been administered.

Students and parents alike are excited and have a sense of accomplishment. Billy Smith, the principal of Kekaha Elementary School, explained: "The celebration assemblies are fun and crazy. Parents are invited to attend and the kids are happy and excited." Students have become more responsible as they see tangible results for their MAX participation.

Dora Maxwell is recognized as one of the original pioneers of the credit union movement. This award was created to promote social responsibility among credit unions by formally recognizing and celebrating their social achievements. The Dora Maxwell Social Responsibility Recognition Award is awarded to credit unions, based on seven asset-size categories, and to specific chapters for outstanding social responsibility projects in the community in which they are located.

I want to recognize and commend Kekaha Federal Credit Union not only for sponsoring this important and innovative program, but for receiving this national recognition by the Credit Union National Association. This award is just another example of the great work and strong personal relationships that our credit unions provide their respective communities, and represents a perfect union of the very best of credit unions and community service.

SENATE—*Wednesday, March 1, 2006*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

We receive this day from You, our God, with all of its uniqueness. Thank You for the fresh possibilities and opportunities. Use our lawmakers today as a creative force for good. Give them the discernment to see what new thing You are doing in our day, and the willingness to receive Your guidance. Remind them that to whom much is given, much is expected. May Your love reach out through them to touch our hurting world.

Lord, increase our hunger and thirst for righteousness and freedom.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, following the time for the two leaders, we will have a brief period for closing remarks related to S. 2271, the PATRIOT Act amendments legislation. The vote on passage of that bill is scheduled for 10 a.m. this morning. Immediately following that vote we will recess in order for the Senate to proceed to the House of Representatives for the joint meeting. The purpose of that 11 a.m. joint meeting is to hear an address by the Prime Minister of Italy. We will return to business following that address at 12 noon to continue work on the PATRIOT Act. We will have a cloture vote on the underlying conference report to accompany the PATRIOT Act legislation.

There are two additional procedural votes that may be requested from the other side of the aisle. We should not need those. I hope we do not have to proceed with those votes so we can expeditiously proceed to the cloture vote. If all of these votes are necessary, we could have three consecutive votes around noon today.

Once cloture is invoked, we wish to work out a time for the adoption of the PATRIOT Act conference report with no further delay.

In addition to the PATRIOT Act, we are working on a process to consider the LIHEAP bill introduced by the senior Senator from Maine. Yesterday I filed a cloture motion on the motion to proceed to that bill. I hope that will not be necessary, but I will continue to consult with Senators about a process that allows the Senate to vote on the underlying LIHEAP issue. In the meantime, this cloture vote would occur tomorrow unless some other agreement is worked out.

Again, I remind our colleagues to be prompt for this morning's vote so we can recess on time and proceed to the joint meeting.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

SENATE SCHEDULE

Mr. REID. Mr. President, I hope it is not necessary to have cloture on the LIHEAP matter. It has been cleared on our side and I understand the distinguished Senator from Tennessee is doing everything he can to have it cleared on his side. If the cloture vote is necessary, we will move forward as rapidly as possible. It is something we need to do. Both Senator FRIST and I have committed to move this bill as quickly as we can. I hope that can be done.

Mr. FRIST. Mr. President, could I ask, through the Chair to the Democratic leader, to express an opinion first, and that is we absolutely have to proceed with this pensions legislation. I know my distinguished colleague has come to the floor and said certain things about why we are not proceeding to conference, but it does come down to the fact that in November we passed this bill and the House passed it about a month later. At that point in time I said the conferees would be seven and five. As the Democratic leader knows, that is, after consultation—with consultation to the Democratic leader—the prerogative of the majority leader. I have been consistent with that.

We have waited a couple of months for a response and the Democratic leader has given us a response, but the response is that it is unacceptable, we need more people—because of things going on within their caucus.

I think it is time to stop—both. Everybody stop playing games and let's get to conference. It is an important issue. We had this April 15 deadline. We finished work on the floor now 3 months ago, and yet we had this bickering about the number of conferees. I know it is tough. We have been in conversation about what those numbers should be. It is going to be 7 to 5. And it is tough. The tax reconciliation bill we just did was 2 to 1. It is always tough, telling our fellow Senators that, no, you can't be on this conference report because we want a reasonable number of people.

I would make another plea that we proceed, that the other side of the aisle appoint their five. We are ready to appoint our seven. We could go to conference this afternoon. We could address the issue. It is alleged either that there are other sort of motivations on our side or that we are not interested in this pension bill. It is gamesmanship and partisanship and it is wrong. It is time to get to the bill itself. We care about it. It is important to the American people. We have done the work on the Senate floor. We have the number of conferees. My seven are ready to go and I make another plea to the Democratic leader to step up and do what the American people expect, appoint conferees and go to conference.

Mr. REID. Mr. President, I have some remarks I was going to make on the pension conference and I will do that. But in response to my friend, the majority leader, partisanship is in the eyes of the beholder. We believe this conference is so important. It involves the jurisdiction of two committees, Finance and HELP. This is a Senate conference. It is not a Republican conference or Democratic conference, it is the Senate. The Senate is going to be represented in conference. I suggest to my friend, the majority leader—he came to the floor last week and suggested, rather than 8 to 6, which I suggested, that it would be 9 to 6.

We could resolve this very quickly. I would be happy to work with nine Republicans and seven Democrats—the two-vote majority we have agreed with. That is fine. The Senate has 55 Republicans and 45 Democrats. But I don't think it is unfair, and I don't think it has any partisanship involved. We have worked very hard from the very beginning on this bill to not have a partisan bill. I worked very hard, personally, as did Senator KENNEDY and Senator BAUCUS, to do what we could to eliminate extraneous amendments and we did that. It was not easy, but we did it. That bill got out of here very

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

quickly. It passed; 97 Senators voted for this legislation.

Maybe it solves the problems to go 9 to 7 rather than 8 to 6. I am willing to be reasonable in this. I think I have been. But I do not think it is being unreasonable; I do not think it is being partisan. If I suggest, with two major committees on a very complex piece of legislation, that we have six Democrats representing the Senate in the conference, I don't think that is asking too much.

I have had calls from my friends downtown, people who represent interested parties. I have told my friends we are ready to go to conference—yesterday. All we want is to have a fair makeup of the conferees.

I ask the distinguished majority leader to reconsider. This 7 to 5—there is nothing set in stone that that is the way it should be. We have had conferences where we have had 27 to 23 conferees representing the Senate in a conference. So I don't think it is asking too much to have 14 Senators, involving two of the most important committees in the Senate, to go to conference with the House.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, it is apparent where we are. What I do not want to see happen is that this escalates into comments from the other side accusing us of not caring about this bill. We have led on this bill. We finished it in November. The House finished it in December. Right after that I said the ratio will be 7 to 5. It is an internal problem within their caucus that we have to address and that is what leadership is all about—in terms of picking five people and picking seven people and then proceeding to conference.

It is almost as petty that it plays into this pattern of obstruction. It is what is going on. I went through my whole opening there—we have been on this PATRIOT Act now for weeks and weeks with procedural move after procedural move after procedural move on a bill we know is going to pass overwhelmingly.

When you see what happens there, and then you see this postponement and obstruction on a pensions bill we care passionately about, that the American people care about, that hundreds of thousands of people's futures depend on, that is disturbing. We have to step above it. That is what the American people expect us to be doing.

I am concerned. The Senate Democrats are refusing to go to conference with 7 to 5. They have had 2 months to address this within their caucus. I proposed if you can't appoint five and you can't convince five people to represent you, then we will go to six and then we are going to go to nine. That will be a counterproposal. If that is unacceptable, go back to 7 to 5.

By precedent, it is the majority leader who can set the numbers, and the numbers do vary all over the place. We set it at 7 to 5 from day one and it is 7 to 5 again today. I understand there may be a legitimate dispute on the other side of the aisle. You have too many people who want to be on this conference and decide who gets to serve. But I am beginning to think—I think it is becoming apparent to outside people who are interested in this bill—that this is fitting into a pattern of more postponement, more delay, more obstruction. What I think is unfair and wrong is to try to turn that and say it is because we don't care about pension legislation.

Anyway, we could go on and on forever. We will talk more about the details of this. Let's get on with it. The American people deserve more. This is petty politics and it is time to rise above it.

Mr. REID. Mr. President, as I said a few minutes ago, partisanship is in the eye of the beholder. Obstruction is in the eye of the beholder. I think if this were a jury out there, they would say: I heard Senator REID say he is willing to go to conference in a minute or two. What he wants is to have the conference have six Democrats and eight Republicans. Is there anything obstructionist about that? The distinguished majority leader talks about problems with the Senate Democrats. There is no problem with the Senate Democrats. We want to go to conference. But it appears to me maybe this is all a ploy not to have a bill.

It is not unreasonable, when you have the Finance Committee and the HELP Committee, to say there should be three from Finance and three from the HELP Committee. Then, to show how unreasonable this is, the majority leader says: Well, I will have nine and you have six.

I would say to a jury, if we were talking to a jury: Who is more reasonable? But it all boils down to the fact that another day has gone by and the Senate has been unable to appoint conferees to the pension reform bill. We have millions of Americans worried about their pensions. This legislation will help and we need to get it moving.

Once again, let me be very clear. We want to go to conference. We can name conferees right now and send the bill to the House so they can name their conferees.

We are not interested in delaying the bill. We support it and want it to go to conference. Delaying the conference on pension reform has real consequences.

Each day that there is a delay in naming conferees is another day that employers don't know what rules they will need to follow in funding their pension plans.

This uncertainty could lead some employers to decide to discontinue their pension plans. We have seen several companies make that decision recently. A delay in moving forward with this bill could only exacerbate this trend.

I am coming to the conclusion that maybe the majority does not want this pension reform bill.

Each day we delay is another day of uncertainty for those employers who offer so-called "cash balance" pension plans.

Conflicting legal decisions on the applicability of age discrimination rules on these plans have forced some sponsors to drop their pension plans. The Senate's inability to move forward with this legislation also delays improvements for workers whose employer converts to a cash balance plan.

Each day that we delay is another day that employees will be left in the dark.

Each day we delay is another day that employees will be prevented from diversifying away from employer stock in their 401(k) plans.

This change is an outgrowth of the situation surrounding the collapse of Enron where, as we speak, ex-Enron officials are in criminal courts. That change is an outgrowth of their situation, where employees were prevented from selling company stock which they held in their retirement plans. Each day that we delay is another day that workers would not get transparent financial information on their pension plans. Each day we delay is another day that benefit protections for divorced and surviving spouses aren't made.

Each day that we delay is another day that many of our Nation's airline employees must wait to see if Congress will provide their industry the relief that will allow them to keep their pensions.

The only thing preventing us from appointing conferees is an agreement on the size of the Senate's delegation. The majority leader insisted on limiting the delegation to 12 Members, 7 Republicans and 5 Democrats.

We agree with the two-vote margin. We don't like it, but we agree.

We believe that limiting the number of Democrats to five unnecessarily shortchanges not only Democrats but the entire Senate of the expertise that will prove successful in reaching agreement with the House of Representatives on a bill that can attract a strong majority of support in the Senate.

I repeat. This is not a Senate Republican conference, it is a Senate conference.

We are not contesting the Republicans' desire to have a two-vote advantage when we get to conference, but we believe it is important to have each committee adequately represented.

The majority leader has offered to expand the delegation by one but only if he gets two additional Republican conferees. He said: I will give you one

Democrat, but I want two. That is the 9-to-6 ridiculous proposal that has been made. It doesn't have to be 7 to 5. It can be 8 to 6, it can be 9 to 7. I have no problem in selecting people to go on the conference. I certainly don't think it should affect the majority leader. If he doesn't like 8 to 6, let him put another Senator on. Have it 9 to 7.

All we are asking is that a sufficient number of conference, conferees are appointed to the conference. Having 14 conferees in the ratio of 8 to 6 gives the Senate the best opportunity to bring back a bill from conference that will garner support from the Senate.

Let the RECORD be very clear. Democrats have worked closely with our Republican colleagues every step of the way on this legislation. The result has been a very strong bipartisan bill.

I hope that the majority leader will consider his opposition to our request so we can move forward with this conference.

Together, we can improve our Nation's pension system and make America a better place.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

USA PATRIOT ACT ADDITIONAL REAUTHORIZING AMENDMENTS ACT OF 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2271, which the clerk will report.

The legislative clerk read as follows.

A bill (S. 2271) to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

Pending:

Frist amendment No. 2895, to establish the enactment date of the act.

Frist amendment No. 2896 (to amendment No. 2895), of a perfecting nature.

The PRESIDENT pro tempore. Under the previous order, the time between now and 10 a.m. will be equally divided.

Who seeks time?

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAPO. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

All time has expired.

The question now is on agreeing to the Frist amendment numbered 2896.

The amendment (No. 2896) was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the Frist amendment numbered 2895, as amended.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 18, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—81

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Boxer
Brownback
Bunning
Burns
Burr
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—18

Akaka
Bingaman
Byrd
Cantwell
Dodd
Durbin
Feingold
Harkin
Jeffords
Levin
Lieberman
Menendez
Murray
Obama
Reed
Reid
Rockefeller
Wyden

NOT VOTING—1

Inouye

The amendment (No. 2895) was agreed to.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRIME MINISTER OF THE REPUBLIC OF ITALY

RECESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate stand in recess.

The PRESIDING OFFICER. Without objection, it is so ordered. And under the previous order, the Senate will stand in recess until 12 noon for a joint meeting of Congress.

Thereupon, the Senate, at 10:42 a.m., took a recess, and the Senate, preceded by the Assistant Sergeant at Arms Lynne Halbrooks, the Secretary of the Senate, Emily J. Reynolds, and the Vice President of the United States, RICHARD B. CHENEY, proceeded to the Hall of the House of Representatives to hear an address delivered by the Honorable Silvio Berlusconi, Prime Minister of the Republic of Italy.

(The address delivered by the Prime Minister of the Republic of Italy to the joint meeting of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.)

At 12:01 p.m., the Senate reassembled and was called to order by the Presiding Officer (Ms. MURKOWSKI.)

The PRESIDING OFFICER. The majority leader.

USA PATRIOT ACT ADDITIONAL REAUTHORIZING AMENDMENTS ACT OF 2006—Continued

Mr. FRIST. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. FRIST. Madam President, I ask unanimous consent that following the passage vote, the Senate vote on the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the conference report to accompany H.R. 3199; I further ask consent that if the motion to proceed is agreed to, the Senate vote immediately on the motion to reconsider and, if agreed to, then the Senate vote on the motion to invoke cloture on the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. FEINGOLD. Madam President. I have been to the floor several times in the past few days to try to convince my colleagues that we should not be reauthorizing the PATRIOT Act without addressing the legitimate concerns of law-abiding Americans across the country. I am under no illusions that I will have more success making that argument now than I had yesterday, or the week before the recess. And I know that some of my colleagues may be wishing I would sit down and stop badgering them about this. But the stakes are too high to sit idly by while the Senate prepares to disappoint the millions of Americans who have been hoping, asking, advocating for years that we fix the PATRIOT Act.

Some may see the vote we are about to have as relatively trivial. They are mistaken. While the bill we are voting on makes only minor and, to quote the senior Senator from Pennsylvania, cosmetic changes to the PATRIOT Act, its significance is far greater. This bill is, to again quote Senator SPECTER, the "cover" that will allow colleagues to support the PATRIOT Act conference report that was blocked in December. A vote for the bill introduced by my friend from New Hampshire is effectively a vote to perform cosmetic surgery on that ugly conference report. Anyone who opposed that conference report should oppose S. 2271 because cosmetic changes simply don't cut it when we are talking about protecting the rights and freedoms of Americans from unnecessarily intrusive Government powers.

So I ask my colleagues to reconsider their position. The White House, along with its allies, has tried to make life uncomfortable for some of them. It has suggested they are soft on terrorism, that they don't understand the pressing threat facing this country, that they are stuck in a pre-9/11 mindset. These cynical and baseless attacks come from a playbook that the American people are by now very familiar with. Those attacks should be rejected, not accommodated. We can fight terrorism aggressively without compromising our most fundamental freedoms against Government intrusion. The Government grabbed powers it should not have when it passed the original PATRIOT Act and we should not be ratifying that power grab today. The PATRIOT Act reauthorization conference report is flawed. It needs to be fixed. S. 2271 pretends to fix it but I don't think anyone is fooled, least of all our constituents. They are watching and they will want to know how a bill that is so trivial on its face protects their civil liberties. It doesn't. It should be rejected. And the Senate should get down to the serious business of legislating real fixes to the PATRIOT Act. I urge my colleagues to oppose the bill.

Mr. LEAHY. Madam President, earlier this month, I joined with a majority of Senators in voting to proceed to consideration of S. 2271. I said then that the bill made modest improvements over both the original PATRIOT Act and the reauthorization proposal produced by the House-Senate conference. I said, too, that the bill included one set of changes that I strongly opposed, and that I hoped there would be an opportunity to make further improvements to the bill, the conference report, and the PATRIOT Act.

Regrettably, no sooner had the Senate voted to proceed to S. 2271 than the majority leader filled the amendment "tree" with sham amendments, locking out real amendments that sought to improve the law further. An amendment that I filed but was denied the opportunity to offer would have corrected one of the most egregious "police state" provisions regarding gag orders. Senator FEINGOLD also filed but could not offer amendments aimed at bringing the conference report more in line with the bipartisan reauthorization bill that every Member of the Senate approved last year. In light of the abuse perpetrated by the Republican leadership, I felt compelled yesterday to oppose cloture on the bill and the stifling of meaningful debate.

Today's vote is a different and more difficult matter. Because the Republican leadership obstructed efforts to improve the bill, the "police state" provisions regarding gag orders remain uncorrected. This is a big step backward, in my view, from both the conference report and existing law.

At the same time, the bill takes two steps forward. It modifies a provision I objected to in the conference report that would have required American citizens to tell the FBI before they exercise their right as Americans to seek the advice of counsel. Chairman SPECTER and I worked together to correct this provision; Senator SUNUNU was able to improve it further in this bill and I commend his efforts.

Another significant change provided by the Sununu bill builds upon another objection I had and an idea I shared with him to ensure that libraries engaged in their customary and traditional activities are not subject to national security letters. This is a matter I first raised and feel very strongly about. I commend Senator SUNUNU for the progress he was able to make in this regard.

The bill is intended to clarify that libraries as they traditionally and currently function are not electronic service providers, and may not be served with NSLs for business records simply because they provide Internet access to their patrons. Under this clarification, a library may be served with an NSL only if it functions as a true internet service provider, as by providing services to persons located outside the premises of the library. I expect that this will occur rarely or never and that in most if not all cases, the Government will need a court order to seize library records for foreign intelligence purposes.

The language I proposed to Senator SUNUNU in this regard was less ambiguous than that to which the Bush-Cheney administration would agree. Still, my intent, Senator SUNUNU's intent and the intent of Congress in this regard should be clear. It is to strengthen the meaning and ensure proper implementation of this provision that I will support this bill. As a supporter I trust my intent will inform those charged with implementing the bill and reviewing its proper implementation.

I will continue to work to improve the PATRIOT Act. I will work to provide better oversight of the use of national security letters and to remove the un-American restraints on meaningful judicial review. I will seek to monitor how sensitive personal information from medical files, gun stores and libraries are obtained, used, and retained. Today, I will join Senators SPECTER, SUNUNU, CRAIG, and others in introducing a bill to improve the PATRIOT Act and reauthorization legislation in several important respects. While we have made some progress, much is left to be done.

Mr. KYL. Madam President, I rise today to comment on S. 2271, which I anticipate that the Senate will overwhelmingly approve today. I support the USA PATRIOT Improvement and Reauthorization Act Conference Report, with the three amendments negotiated contained in S. 2271. It is long past time to reauthorize the USA PATRIOT Act, which has been critical to our efforts to protect Americans. I support the compromise that has allowed this up-or-down vote because I think that the agreement maintains the tools necessary to fight terrorism while further strengthening safeguards to protect Americans' civil liberties just as the conference report itself does.

The conference report clarifies that the recipient of a section 215 FISA business records order or a National Security Letter, NSL, may disclose receipt to an attorney to seek legal advice or assistance and also to those necessary to comply with the request. During House-Senate negotiations, provisions were added allowing the government to request that the recipient tell the government to whom the recipient had disclosed the order or NSL. This provision makes sense because there will be times when the Government will need to know everyone who has been told about a section 215 order or NSL. For example, if there is a leak of the existence of the request, or the recipient's name, that leak may need to be investigated. And we know from the criminal conviction of Lynne Stewart that, unfortunately, sometimes it is the attorneys who are breaking the law.

Some Senators expressed concern that these provisions required all recipients to identify their attorney in all instances. This was a misreading of the language, which would have allowed the government to request the names of individuals to whom subsequent disclosure was made but did not set out a blanket requirement.

Other Senators were concerned that this provision could chill a recipient's right to counsel. It is clear under the law that the constitutional right to counsel would not be implicated or offended by the conference report provision. But in a spirit of compromise, the Administration agreed to modify the provisions such that they could not be used to request the identity of an attorney to whom receipt was disclosed. I support this amendment primarily because there is no way that the agreed-upon language would preclude the use of a grand jury subpoena or other investigative tool in the event of a subsequent leak investigation. So the government will still have tools available to investigate leaks as the need arises—even if the offending party is the recipient's attorney.

The conference report also makes it clear that the recipient of a section 215 FISA business records order can go to court and challenge the order. Some Senators raised concerns that under the conference report a recipient would have explicit rights to consult an attorney about the order and to challenge the order to produce business records, but would not have an explicit right to challenge the nondisclosure order that accompanies such a production order. I think it is likely that a court would entertain a constitutional challenge to the nondisclosure requirement, and nothing we say in a statute is going to change that one way or another. Moreover, it is important to remember that these are court orders—they are reviewed and approved by judges before they are served.

But notwithstanding my confidence that the conference report was fully consistent with Americans' civil liberties, the administration agreed to a compromise that explicitly authorizes judicial review of a section 215 nondisclosure order. I think the agreement is a good compromise—it explicitly allows challenges, but does so without risking national security. Pursuant to the agreed-upon language, a challenge could be brought any time after the first year after the judge issued the section 215 order; the challenge could only be brought in the FISA Court; and the standard of review would be the same as the standard the conference report provides for review of nondisclosure orders accompanying NSLs. The delay is perfectly appropriate and necessary to preserve valuable personnel resources—these orders are approved by judges before issuance, so it makes little sense to allow recipients to challenge the non-disclosure requirement only a week or even a day after the court issues them.

Taking the standard of review from the NSL provisions also makes sense. Not only did that standard pass both the House and Senate, but it affords the appropriate level of deference to the Executive branch's judgments on national security and diplomatic relations.

This standard provides that the FISA Court judge may set aside or modify the nondisclosure order if the judge finds that there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal or counterterrorism investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person. If, upon the filing of a challenge to the nondisclosure order, the Attorney General, the Deputy Attorney General, an Assistant Attorney General, or the FBI Director certifies that disclosure may endanger the national security of the United States or interfere with diplomatic relations, the certification is conclusive unless made in bad faith.

Courts have long recognized that national security and diplomatic relations fall within the heartland of the executive branch's responsibility and expertise, and this standard simply recognizes that expertise. By requiring that the certification be made by a Senate-confirmed official before granting it bad-faith review, the conferees added political accountability—and I note that neither the House version nor the Senate version had this additional safeguard.

Finally, some Senators also expressed concern about the applicability of national security letters to libraries. This concern has always seemed to me to be based on a misunderstanding of the NSL statutes. There are several NSL authorities, but each authority only allows the government to request a narrow category of records from a narrow set of institutions. The statue that is generally in the news allows the FBI to request things like customer subscription records from "wire and electronic communication service providers." And we have already made clear in statute what institutions qualify as "wire and electronic communication service providers." The way I read the statute, and the way that experts read the statute, the FBI cannot use an NSL to learn what books you and I are checking out from the library.

But the compromise makes it crystal clear that the FBI may serve an NSL on a library only if that library is acting as a "wire or electronic communication service provider." Just to be clear: we are not changing the set of entities that can be subject to NSLs; we are merely clarifying that libraries can be subject to NSLs only if they perform the functions that make an entity subject to NSLs. I can support this language because it does not create a safe haven for terrorists in libraries. If it did, I could not support the language.

It is well past time to pass this report, which passed the House with strong bipartisan support. A majority of Americans supports reauthorizing the USA PATRIOT Act, as does a strong bipartisan majority of Senators. I support this compromise.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 4, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—95

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—4

Byrd
Feingold
Harkin
Jeffords

NOT VOTING—1

Inouye

The bill (S. 2271), as amended, was passed, as follows:

S. 2271

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006".

SEC. 2. DEFINITION.

As used in this Act, the term "applicable Act" means the Act entitled "An Act to extend and modify authorities needed to combat terrorism, and for other purposes." (109th Congress, 2d Session).

SEC. 3. JUDICIAL REVIEW OF FISA ORDERS.

Subsection (f) of section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861), as amended by the applicable Act, is amended to read as follows:

"(f)(1) In this subsection—

"(A) the term 'production order' means an order to produce any tangible thing under this section; and

"(B) the term 'nondisclosure order' means an order imposed under subsection (d).

"(2)(A)(i) A person receiving a production order may challenge the legality of that order by filing a petition with the pool established by section 103(e)(1). Not less than 1 year after the date of the issuance of the production order, the recipient of a production order may challenge the nondisclosure order imposed in connection with such production order by filing a petition to modify or set aside such nondisclosure order, consistent with the requirements of subparagraph (C), with the pool established by section 103(e)(1).

"(ii) The presiding judge shall immediately assign a petition under clause (i) to 1 of the judges serving in the pool established by section 103(e)(1). Not later than 72 hours after the assignment of such petition, the assigned judge shall conduct an initial review of the petition. If the assigned judge determines that the petition is frivolous, the assigned judge shall immediately deny the petition and affirm the production order or nondisclosure order. If the assigned judge determines the petition is not frivolous, the assigned judge shall promptly consider the petition in accordance with the procedures established under section 103(e)(2).

"(iii) The assigned judge shall promptly provide a written statement for the record of the reasons for any determination under this subsection. Upon the request of the Government, any order setting aside a nondisclosure order shall be stayed pending review pursuant to paragraph (3).

"(B) A judge considering a petition to modify or set aside a production order may grant such petition only if the judge finds that such order does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the production order, the judge shall immediately affirm such order, and order the recipient to comply therewith.

"(C)(i) A judge considering a petition to modify or set aside a nondisclosure order may grant such petition only if the judge finds that there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person.

"(ii) If, upon filing of such a petition, the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation certifies that disclosure may endanger the national security of the United States or interfere with diplomatic relations, such certification shall be treated as conclusive, unless the judge finds that the certification was made in bad faith.

"(iii) If the judge denies a petition to modify or set aside a nondisclosure order, the recipient of such order shall be precluded for a period of 1 year from filing another such petition with respect to such nondisclosure order.

"(D) Any production or nondisclosure order not explicitly modified or set aside consistent with this subsection shall remain in full effect.

"(3) A petition for review of a decision under paragraph (2) to affirm, modify, or set aside an order by the Government or any person receiving such order shall be made to the court of review established under section 103(b), which shall have jurisdiction to consider such petitions. The court of review shall provide for the record a written statement of the reasons for its decision and, on petition by the Government or any person receiving such order for writ of certiorari, the record shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(4) Judicial proceedings under this subsection shall be concluded as expeditiously as possible. The record of proceedings, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures established by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

"(5) All petitions under this subsection shall be filed under seal. In any proceedings under this subsection, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions thereof, which may include classified information.".

SEC. 4. DISCLOSURES.

(a) FISA.—Subparagraph (C) of section 501(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(d)(2)), as amended by the applicable Act, is amended to read as follows:

"(C) At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under subparagraph (A) or (C) of paragraph (1) shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.".

(b) TITLE 18.—Paragraph (4) of section 2709(c) of title 18, United States Code, as amended by the applicable Act, is amended to read as follows:

"(4) At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under this section shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, except that nothing in this section shall require a person to inform the Director or such designee of the identity of an attorney to whom disclosure was made or will be made to obtain legal advice or legal assistance with respect to the request under subsection (a).".

(c) FAIR CREDIT REPORTING ACT.—

(1) IN GENERAL.—Paragraph (4) of section 626(d) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d)), as amended by the applicable Act, is amended to read as follows:

"(4) At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under this section shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, except that nothing in this section shall require a person to inform the Director or such designee of the identity of an attorney to whom disclosure was made or will be made to obtain legal advice or legal assistance with respect to the request for the identity of financial institutions or a consumer report respecting any consumer under this section.".

(2) OTHER AGENCIES.—Paragraph (4) of section 627(c) of the Fair Credit Reporting Act (15 U.S.C. 1681v(c)), as amended by the applicable Act, is amended to read as follows:

"(4) At the request of the authorized government agency, any person making or intending to make a disclosure under this section shall identify to the requesting official of the authorized government agency the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, except that nothing in this section shall require a person to inform the requesting official of the identity of an attorney to whom disclosure was made or will be made to obtain legal advice or legal assistance with respect to the request for information under subsection (a).".

(d) RIGHT TO FINANCIAL PRIVACY ACT.—

(1) IN GENERAL.—Subparagraph (D) of section 1114(a)(3) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(3)), as amended by the applicable Act, is amended to read as follows:

"(D) At the request of the authorized Government authority or the Secret Service, any person making or intending to make a disclosure under this section shall identify to the requesting official of the authorized Government authority or the Secret Service the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, except that nothing in this section shall require a person to inform the requesting official of the authorized Government authority or the Secret Service of the identity of an attorney to whom disclosure was made or will be made to obtain legal advice or legal assistance with respect to the request for financial records under this subsection.".

(2) FEDERAL BUREAU OF INVESTIGATION.—Clause (iv) of section 1114(a)(5)(D) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(5)(D)), as amended by the applicable Act, is amended to read as follows:

"(iv) At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under this section shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, except that nothing in this section shall require a person to inform the Director or such designee of the identity of an attorney to whom disclosure was made or will be made to obtain legal advice or legal assistance with respect to the request for financial records under subparagraph (A).".

(e) NATIONAL SECURITY ACT OF 1947.—Paragraph (4) of section 802(b) of the National Security Act of 1947 (50 U.S.C. 436(b)), as amended by the applicable Act, is amended to read as follows:

"(4) At the request of the authorized investigative agency, any person making or intending to make a disclosure under this section shall identify to the requesting official of the authorized investigative agency the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, except that nothing in this section shall require a person to inform the requesting official of the identity of an attorney to whom disclosure was made or will be made to obtain legal advice or legal assistance with respect to the request under subsection (a).".

SEC. 5. PRIVACY PROTECTIONS FOR LIBRARY PATRONS.

Section 2709 of title 18, United States Code, as amended by the applicable Act, is amended by adding at the end the following:

"(f) LIBRARIES.—A library (as that term is defined in section 213(1) of the Library Services and Technology Act (20 U.S.C. 9122(1)), the services of which include access to the Internet, books, journals, magazines, newspapers, or other similar forms of communication in print or digitally by patrons for their use, review, examination, or circulation, is not a wire or electronic communication service provider for purposes of this section, unless the library is providing the services defined in section 2510(15) ('electronic communication service') of this title.".

This Act shall become effective immediately upon enactment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Madam President, I ask unanimous consent that the following votes in this stacked series be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

USA PATRIOT TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the conference report to accompany H.R. 3199.

Mr. ENSIGN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 13, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—86

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—13

Boxer
Byrd
Cantwell
Dayton
Dodd
Durbin
Feingold
Harkin
Jeffords
Leahy
Levin
Murray
Wyden

NOT VOTING—1

Inouye

The motion was agreed to.

Mr. SALAZAR. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Under the previous order, the question is on agreeing to the motion to reconsider the vote by which cloture was not invoked on the conference report to accompany H.R. 3199.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 14, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—85

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—14

Boxer
Byrd
Cantwell
Dayton
Dodd
Durbin
Feingold
Harkin
Jeffords
Leahy
Levin
Murray
Sarbanes
Wyden

NOT VOTING—1

Inouye

The motion was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Conference Report to accompany H.R. 3199: The U.S. PATRIOT Terrorism Prevention Reauthorization Act of 2005:

Chuck Hagel, Jon Kyl, John McCain, Richard Burr, Conrad Burns, Pat Roberts, John Ensign, James Talent, C.S. Bond, Johnny Isakson, Wayne Allard, Norm Coleman, Kay Bailey Hutchison, Mel Martinez, John Thune, Jim DeMint, Jeff Sessions, Bill Frist, Arlen Specter.

The PRESIDING OFFICER. The question upon reconsideration is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 3199, the U.S. PATRIOT Terrorism Prevention Reauthorization Act of 2005, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 15, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—84

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Brownback
Bunning
Burns
Burr
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—15

Bingaman
Boxer
Byrd
Cantwell
Dayton
Dodd
Durbin
Feingold
Harkin
Jeffords
Leahy
Levin
Murray
Sarbanes
Wyden

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On reconsideration on this question, the yeas are 84, the nays are 15. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I yield my time to Senator LEAHY.

The PRESIDING OFFICER. The Senator has that right.

The Senator from Washington.

Ms. CANTWELL. Mr. President, I yield my 1 hour of postcloture debate to the Democratic leader.

The PRESIDING OFFICER. The Senator has that right.

Mr. FEINGOLD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I yield the hour I might claim to the Democratic leader, Senator REID.

The PRESIDING OFFICER. The Senator has that right.

Mr. LIEBERMAN. I thank the Chair, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I ask unanimous consent to be recognized as in morning business and that the time I use be charged against my time postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. PRYOR pertaining to the introduction of S. 2343 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. PRYOR. Mr. President, I yield the remainder of my time to Senator LEAHY.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask that the Chair inform me when I have consumed 45 minutes of my time.

The PRESIDING OFFICER. The Senator will be notified.

Mr. FEINGOLD. I thank the Chair.

When it comes to the conference report on the USA PATRIOT Act, the die has now been cast. The Senate has voted to reconsider the vote against cloture from last December and now has voted to limit debate on the PATRIOT Act reauthorization bill. The rules of the Senate have changed since the days of Jimmy Stewart and "Mr. Smith Goes to Washington." One Senator, no matter how strongly he or she feels, cannot singlehandedly stop a bill when 60 or more of his or her colleagues are dead set on passing it. So obviously at this point, final passage of the reauthorization bill is now assured. I am disappointed in this result, obviously, but I believe this fight has been worth making and my dedication to changing the PATRIOT Act is as strong now as it has ever been.

We have made some progress since October 2001. The public understands the issues better and many of my colleagues do, too. Support for changes to the PATRIOT Act has grown over the years to the point where we actually had no objection in the Senate last year passing a pretty good bill—this was in July of 2005—a bill that made significant improvements to the PATRIOT Act. Then near the end of the year, 46 Senators actually voted to reject a conference report that took several steps backward from that bill. Even a few days ago, I was heartened when the Senator from Pennsylvania, the chairman of the Judiciary Committee, the foremost proponent of the conference report, actually announced he would essentially take the four amendments I had hoped to offer, the amendments I was denied the right to offer in the Senate, and combine them into a bill he will now seek to move through the Judiciary Committee and enact into law. His bill will have several cosponsors, including me. So even some of the Senators who fought for this reauthorization bill, of course, realize it falls short and will join the fight to try to fix the PATRIOT Act. That is somewhat encouraging, and I thank them for their honesty. I thank them for recognizing that the rights and freedoms of the American people are worth fighting for in the Senate, just as we ask so many of our young people to fight for them overseas.

The rules of the Senate provide that debate on this measure is now limited after the vote on cloture we took. But debate is not yet closed. I believe there is still more that needs to be said. In particular, in the time I have remaining, I want to give voice to the millions of Americans who have expressed concern about the PATRIOT Act and have asked repeatedly for it to be changed. There has been an extraordinary outpouring of public sentiment against this law, and that sentiment deserves to be heard on the floor of the Senate. So in a few minutes I am going to read some of the resolutions that have been passed and editorials that have been written and letters that have been sent. In these final hours before the PATRIOT Act is reauthorized, I want my colleagues to hear the voices of the citizens of this country. These voices cannot be stifled by votes taken here. They may have been ultimately defeated by procedural maneuvers in this body over the past few weeks, but their concerns for the liberties and freedoms are real, and they are not going away. We ignore them at our peril.

Before I turn to those voices, I want to start with the basic principle. Our Nation's strength comes not only from our mighty and our unmatched military might but from our constitutional system and our reverence for the rule of law. That is what has kept us free for over 2¼ quarter centuries in our history as a nation. Millions of patriotic Americans love this country and support our military men and women in their difficult missions abroad but worry about the fate of our Constitution here at home. Our constitutional freedoms, our American values are what make our country worth fighting for as we strive to defeat the terrorists who threaten us. The Constitution and the Bill of Rights are documents we often talk about and less often actually pick up and reread. In light of their central importance to the debate about the PATRIOT Act, I thought it would be worth reading them today.

The United States Constitution:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish the Constitution for the United States of America.
>
> ARTICLE I
>
> Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.
>
> Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have Qualifications requisite for Electors of the most numerous Branch of the State Legislature.
>
> No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.
>
> Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years.

Of course, this provision has been amended by the 14th amendment so I will skip that part.

> The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and George three.
>
> As per act of November 15, 1941, the apportionment, based on the Sixteenth Census (1940), the Seventeenth Census (1950), and the Eighteenth Census (1960), distribute the 435 seats in the House among the States according to the method of equal proportions. (See Senate Manual section 974).
>
> When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.
>
> The House of Representative shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.
>
> Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senators shall have one Vote.
>
> Immediately after they shall be assembled in Consequence of the First Election, they shall be divided as equally as may be into

three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the Second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year; so that one-third Class at the Expiration of the sixth Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two-thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust, or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment, and Punishment, according to Law.

Section 1. The Time, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section 5. Each House shall be the Judge of the Elections; Returns, and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9. The Migration or Importation of Such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State be obliged to enter, clear, or pay Duties in another.

No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money;

emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

No State shall, without the Consent of Congress, lay any duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE II

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four years, and, together with the Vice-President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two-thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice-President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice-President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

In case of the Removal of the President from Office, or of his Death, resignation, or Inability to discharge the Powers and Duties of the said Office,† the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall, take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation which shall not be diminished during their Continuance in Office.

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE IV

Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall, be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the

Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory of other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4. The United States shall guarantee to ever State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE V

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article, and that no State without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI

All Debts contracted and Engagements entered into, before the Adoption of this Constitution shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under Authority of the United States, shall be the supreme Law of the Land, and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE VII

The Ratification of the Conventions of nine States shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth.

The Bill of Rights, amendments 1 through 10 of the Constitution.

The Conventions of a number of States; having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution: RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States, all or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.t.

AMENDMENT [I]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT [II]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

AMENDMENT [III]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT [IV]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Mr. President, I am going to read that one again. It is the fourth amendment. More than any other provision I am reading, this is the one that is at the heart of the debate about this USA PATRIOT Act and its provisions, and it is this provision that is particularly violated by the imminent reauthorization of this law:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT [V]

No person shall be held to answer for a capital, or other wise infamous crime, unless on a presentment, or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offenses to be twice put in jeopardy of life or limb; nor shall be compelled in. any criminal case to be a witness against himself, nor deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT [VI]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

AMENDMENT [VII]

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be other-wise reexamined in any Court of the United States, than according to the rules of the common law.

AMENDMENT [VIII]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT [IX]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has consumed 34 minutes.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALENT. Mr. President, I ask unanimous consent that I may be permitted to speak for no longer than about 20 minutes as if in morning business and that the time be charged postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. TALENT are printed in today's RECORD under "Morning Business.")

Mr. TALENT. I thank my friend from Wisconsin for letting me have the floor to do this. I am happy to yield back the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINEZ). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding that the Senator from Nevada has been yielded 2 hours. I already have 1 hour.

I ask 2 hours 50 minutes of that time be yielded to the Senator from Wisconsin, Mr. FEINGOLD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I don't think I need consent, do I?

The PRESIDING OFFICER. The Senator does not need consent.

The Senator from Vermont.

Mr. LEAHY. The Senator from Vermont, under the parliamentary situation, is entitled to time?

The PRESIDING OFFICER. The Senator is entitled to 2 hours 54 minutes.

Mr. LEAHY. Mr. President, I will speak for a while. It is my intent to then yield the remainder of my time to the distinguished Senator from Wisconsin.

The Senate is going to soon vote to reauthorize the USA PATRIOT Act. I am one of the authors of the original 2001 PATRIOT Act. I voted to reauthorize an improved version of the act back in July of 2005.

Obviously, I am concerned, as all Americans are, with our security. I am concerned, as is the distinguished Presiding Officer and the distinguished Senator from Wisconsin, as one who goes to work every day, along with thousands of others, in a building that was targeted for destruction by al-Qaida. So I am glad we are making progress. However, I have to admit to being disappointed at the missed opportunity to get it right.

The PATRIOT Act provides important and valuable tools for the protection of Americans from terrorism. These matters should be governed by law, not by whim.

Legislative action should be the clear and unambiguous legal footing for any Government powers. Former Congressman Armey, Dick Armey, the Republican leader of the House, and I insisted that sunset provisions be included in the 2001 act. Because we did that, we ended up with reconsideration and some refinement of the powers authorized in that measure.

Now the challenge of Congress is to provide the effective oversight needed in the days ahead and to ensure that there is court review of the actions that affect the rights of Americans.

The bill contains several sunshine provisions that I proposed. I did that to ensure we would have oversight and to ensure some measure of public accountability for how our Government uses its powers.

For the first time ever, the Justice Department is going to be required to report publicly on its use of two secret surveillance tools that have come under fire from civil libertarians but also from the business community. These are the FISA business record authority and the so-called national security letters, or NSLs. The Justice Department has been declassifying this information sporadically, when politically convenient. It could offer no plausible justification for keeping the information classified, especially when comparable data regarding more sensitive surveillance techniques such as wiretapping and physical searches is routinely disclosed.

The conference between the two bodies accepted my proposal that these powers be subject to detailed, comprehensive, and unclassified audits by the Justice Department's Office of the Inspector General. Specifically, the OIG will audit the effectiveness and use, including any improper or illegal use, of the FISA business record and NSL authorities during the last several years and going forward.

In performing these audits, the OIG will examine the categories of records obtained, the importance of the information required, the manner in which it is retained and disseminated, and whether the information is used for data mining purposes. The NSL audit will be followed by a report on the feasibility of applying minimization procedures in the context of NSLs to ensure the protection of the constitutional rights of United States persons.

I have tried to describe it accurately. I realize that sounds like a bureaucratic computer wrote it. I want to be very specific because this administration sometimes does not pay attention to specific items. What we do not want is any agency of our Government feeling they can simply go and use these demands for records to go on a fishing expedition or find somebody they do not like and say: Let's just grab all their records. Let's go through all their records. Let's follow up on these records and see if there is something else we want—and just do that on and on with somebody who has no recourse, no ability to speak out. Their businesses might be ruined, their lives might be ruined, and it turns out: Whoops, sorry, we made a mistake. We are going on to somebody else. We saw after 9/11 when that happened. We saw businesses ruined, ranging from restaurants to other kinds of businesses, where: Whoops, sorry, we got the wrong person. Too bad you had no real ability to question what we were doing.

I proposed another sunshine provision. I am glad the conference accepted it. It comes from a bill I introduced in the last Congress with Senators SPECTER and GRASSLEY. It requires the FISA Court to publish its procedures and share their rules in an unclassified report. Also, it requires annual reporting of the use of so-called sneak-and-peek search warrants and FISA's emergency surveillance authorities.

Again, we give very special powers to our Government, recognizing the fact that, as long as the distinguished Presiding Officer lives, as long as I live, we will face these kinds of threats. But we want to make sure the powers we give do not become powers just unto themselves where none of us know where the check or the balance is.

The bill includes a scaled-back version of a data-mining provision that was added by a floor amendment in the House.

Most of us use e-mails. We often send medical information on ourselves, our children, our families. Maybe if you are in a business you send information you want held so you can have a competitive advantage over your competitor. A lot of that can be picked up in data-mining operations.

As contained in the current bill, the provision calls for a one-time report on pattern-based data mining by the Department of Justice. What is that expression, pattern-based data mining? They develop models based on expected behavior or profiles of criminal or terrorist activity, then they mine databases of personal information to try to identify those patterns.

It is sort of the Kevin Bacon "six degrees of separation," except we assume they are not going after Kevin Bacon. It does raise concerns about profiling and individual privacy. There is a concern that if you happen to be in a restaurant somebody frequented, you are now going to be under surveillance.

Now, in addition to the sunshine provisions, I proposed we retain the sunset mechanism that worked so well in the original PATRIOT Act. Sometimes both sunshine and sunset work well together. As I said, Republican House Majority Leader Dick Armey and I insisted, in 2001, on a 4-year sunset for certain PATRIOT Act powers. If we had not done that, we would not even be having this debate today. We would not have even looked at what happened, especially with a Congress reluctant to do oversight, a Congress unwilling to question anything this administration does.

They were forced, actually, to ask questions about what is happening under the PATRIOT Act because a conservative Member of the House—Dick Armey—and a liberal Senator—myself—put in the sunset provisions so we would be forced to look at it no matter who was President, no matter who controlled the House, no matter who controlled the Senate. And thank goodness we did because if we had not done that, I guarantee you, this Congress never would have asked a question of anybody. If we had not had that, the Bush administration would have stonewalled our request for information, just as they have on so many other things.

The sunsets are the reasons we have been going through a review and renewal process over the last few months. And the improvements were hard won. The Bush administration pursued its usual strategy of demanding sweeping Executive powers, resisting checks and balances. They were long on partisan rhetoric and awfully short on bipartisan dialog. As usual, the Republican majorities in the House and the Senate did their utmost to follow the White House's directives to prevent any sudden breakout of bipartisanship. But a ray of bipartisanship slipped through the cracks, and the bill is the better for it.

It contains 4-year sunsets, not 7- or 10-year sunsets like the administration wanted. The bill no longer contains a provision that would have made it a crime merely to disclose the receipt of a national security letter. Somebody hands you a national security letter and demands documents and it's a crime if you tell anybody about it.

"Wait a minute, you just closed down my business. I can't comply with this." "Tough. You can't tell anybody. You can't tell your wife. You can't tell the people who work for you." This is America. We finally did away with that, even though the administration strongly wanted that kind of control.

They even wanted Americans, if they were served with a national security letter and dared to seek legal advice, they had to go humbly to the FBI first and tell them they were actually going to get a lawyer—in America—to find out why they were being subpoenaed. Now, I know they like control in this administration. That went too far. So we no longer require American citizens to tell the FBI before they exercise their right as Americans to seek the advice of counsel. Sunlight is the best disinfectant. When the sunlight came in on this bill, some of these things fell.

Chairman SPECTER and I worked together on these improvements, and our efforts have produced a better bill for the protection of all Americans. In this regard, I also compliment the Senate Democratic conferees, whose efforts were extraordinary. Whether they vote for or against the final product, Senators ROCKEFELLER, LEVIN, and KENNEDY all deserve the thanks of the Senate and the American people for their hard work and steadfastness.

Late changes were achieved by Republican Senators who had joined us in resisting the conference report in December.

When terrorists strike, they do not ask whether you are Democrats or Republicans or Independents. If they want to strike Americans, they strike Americans. They do not ask what your politics are. And all Americans—Democrats, Republicans, Independents—want to stop terrorists. All Americans oppose what they have done. So, therefore, it was regrettable that this administration—with a President who was elected on a solemn campaign pledge to be a uniter and not a divider—refused to engage both Democrats and Republicans on ways to improve the bill. They spoke to only one party, as though only one party cared about America being safe. The White House Counsel spoke to only Republican Senators. So they, in turn, negotiated to achieve what they view as improvements and what they could. It is, of course, less than what we would have liked, but I appreciate the fact they did what they could insofar as they were dealing with an administration that did not want to treat the safety of Americans in a bipartisan way.

But, therefore, the bill still falls short in several critical regards.

Let's talk about section 215 of the PATRIOT Act, the business records provision that has been so important to the libraries. Under section 215, the Government can obtain a secret order that compels access to sensitive records of American citizens. It also imposes a permanent gag on the recipient. In other words, I grabbed your records. Don't you dare tell anyone. This is America. This is America. We have had Presidents condemn other countries—and rightly so—for doing this sort of thing to their citizens, and we want to do it to our own?

Before passage of the PATRIOT Act, there were two significant limitations on the FBI's power to seize business records. First, it could be used only for a few discrete categories of travel records, such as records held by hotels, motels, vehicle rental facilities. Second, the legal standard for obtaining the order was demanding. The Government had to present specific and articulable facts giving reason to believe that the subject of the investigation was a foreign power or an agent of a foreign power.

Passed in the weeks following 9/11, the PATRIOT Act did away with these limitations. It both expanded what the FBI may obtain with a Section 215 order and it lowered the standard for obtaining it. Under current law, the Government need only assert that something—anything—is sought for an authorized investigation to protect against terrorism or espionage, and the judge will order its production. What counts as an authorized investigation is within the discretion of the Executive branch.

Now, the Senate—and I compliment those Republicans and Democrats on the Senate Judiciary Committee who got together on the reauthorization bill that we passed last July—the Senate reestablished a significant check on this power. Under the Senate bill, relevance to an authorized investigation is not enough. The Government must also show some connection between the records sought and a suspected terrorist or spy. This is a fundamental protection that would not hamstring the Government, but would do much to prevent overreaching in Government surveillance. I fought for it in the Senate. Chairman SPECTER and every Republican Senator voted for it. Then the Bush administration found out about that. It ordered the Republican Members of Congress to strip it out in conference, and these independent bodies—this check and balance—said: Aye, aye, sir, and stripped it out.

The current bill also falls short on its treatment of national security letters. These are, in effect, a form of secret administrative subpoena. Again, my God, they love doing things in secret. They love doing things in secret, and they tell us afterwards: Trust us. I seem to have read something recently in the press about an agreement to have another country run the operations of our ports. They said, after failing to consult Congress, trust us. We secretly looked at Dubai. We secretly looked at this, and we understand that money for the hijackers went through that country, but we have secretly looked at it and it is a good idea. Don't ask us any questions.

Well, now they have this form of secret administrative subpoena. They are issued by FBI agents without the approval of a judge or a grand jury or a prosecutor. They allow agents to obtain certain types of sensitive information about innocent Americans simply by certifying its relevance to a terrorism or espionage investigation. If the FBI agent does not like your looks, they can just come in with this secret subpoena and seize your records. Your business can be shut down on the whim of one agent—no judge, no grand jury, no prosecutor, no check and balance. And oh, by the way, we will do it secretly. Like section 215 orders, NSLs come with a permanent gag. Recipients are prohibited from telling anyone anything about it.

The bill does not allow meaningful judicial review of this gag order. It requires the court to accept as conclusive the Government's assertion that a gag order should not be lifted, unless the court determines the Government is acting in bad faith. This raises serious First Amendment and due process concerns. Fixing this provision was one of my top priorities in the conference and during my subsequent discussions with Senator SPECTER. The Bush administration's refusal to agree to this change was a significant factor in my consistent opposition to the conference report in December. And there is strong opposition to this provision from both Democrats and Republicans from the right to the left. But the administration refused to correct it. They also refused, as an alternative, to sunset the national security letter authority.

I continued to seek remediation of this provision in January and February through discussions with Senator SUNUNU and Senator SPECTER, but they were unable to achieve that result. This creates, in my view, a sham judicial proceeding within the complete control of the Government that smacks too much of a police state. It is wrong. It needs to be fixed.

I wish Americans would think: What are we giving up with the idea we might be a little more secure? Wouldn't it be a lot better to fix the mistakes that were made by the administration that allowed 9/11 to happen in the first place, to go back and find out where those mistakes were made and fix them? Wouldn't it be better to finally, years later, start actually being able to translate all the information we have picked up—something we did not do before 9/11 and today we still do not do it anywhere near enough?

Wouldn't it have been better to have done that than to say to Americans, most of whom would be law-abiding: We are going to give you this letter—which just one person decides on—and we will seize your records. You can't talk to anybody about it, and there's really nothing you can do about that. You have no real judicial way of overturning the gag order.

If we heard of other countries doing this, we would be critical and rightly so. If the Chinese did this, we would criticize them and rightly so. If the old Soviet Union did this, we would have criticized them and rightly so. Please, do not let our country go down that road. We are too good a people. We are too honest a people.

The bill's treatment of the PATRIOT Act's so-called sneak-and-peek provisions is another area of concern. Section 213 of the PATRIOT Act authorized the Government to carry out secret searches in ordinary criminal investigations. Armed with a Section 213 search warrant, FBI agents may enter and search a home or office and not tell anyone about it until weeks or months later.

It is interesting to recall that four years ago, the House Judiciary Committee took one look at the Bush administration's original proposal for sneak and peak authority and dropped it entirely from its version of the legislation. As chairman of the Senate Judiciary Committee, I was able to make some improvements in the administration's proposal, but problems remained. In particular, Section 213 says that notice may be delayed only for "a reasonable period." The Bush administration has abused that flexible standard and used it to justify delays in notice of a year or more. Pre-PATRIOT Act case law stated that the appropriate period of delay was no more than seven days.

The Senate voted to replace the "reasonable period" standard, which the Bush administration has been abusing, with a basic 7-day rule, while permitting the Government to obtain additional 90-day extensions of the delay from the court. The current bill sets a 30-day rule for the initial delay, more than three times what the Senate, and pre-PATRIOT Act courts, deemed appropriate. The shorter period would better protect Fourth Amendment rights without in any way impeding legitimate government investigations. The availability of additional 90-day extensions means that a shorter initial time frame should not be a hardship on the Government. But our improvement has been rejected in favor of too much Government power.

The current bill is also loaded with extraneous provisions that have nothing to do with the expiring PATRIOT Act authorities or even with terrorism. The bill modifies habeas corpus law—the great writ—a highly controversial provision that is wholly improper to consider in this context. I doubt it would ever pass, if it were put to a straight up-or-down vote. But slip it in the bill and say: It is for national security. Give up your rights, Americans. It is for national security.

Many times people in this Chamber talk about Benjamin Franklin, and we think back to that time. Here is a man involved in the revolution against King George. Had he failed, he would have been hanged. Most of those around him would have been hanged. But when he has now become the Government and his friends have become the Government, replacing King George, he wanted to make sure to protect the people from the Government. As he said, those who would give up essential liberties for temporary security deserve neither liberty or security.

Habeas corpus, the one thing that every one of us can count on, the great writ, the thing that sets us apart from virtually every other country and the thing that protects us so much, was changed because a small number of Republican conferees wanted to change it. They did not want to bring it on the floor of the Senate or the House and vote on it up or down. It has nothing do to do with terrorism or even the more general tools of Federal law enforcement. It was almost a whim, let's take away these rights.

These changes were not included in the PATRIOT Act reauthorization bill of either the House or the Senate, but mysteriously, here it is, slipped in.

I recall that part in "A Man for All Seasons" where Sir Thomas More's protege William Roper is basically saying, the end justifies the means, and Sir Thomas More spoke of the law as something there to protect us. He said, and I am paraphrasing: All of England is planted thick with laws. And his protege said, in effect, he would cut down all those laws, if need be, to get at the devil. And Thomas More said: And what will protect you then, with all the laws cut down? Yes, I'd give the devil benefit of the law, for my own safety's sake.

I wonder if we are not doing that, especially with the sneaky way this was done. That is the only way I can describe it, sneaky. The administration said: Kick the Democratic conferees out. And the independent bodies, the House and the Senate, said: Aye-aye, sir. It violates our rules, but, yes, sir, if you want that for the White House. And then they slipped it in. Neither body's Judiciary Committee approved it. Incidentally, the U.S. Judicial Conference, at that time headed by Chief Justice Rehnquist, made up of some of the most conservative judges in the country, strongly opposed doing this.

Another extraneous provision of the bill will revive a small group of pending death penalty prosecutions for aircraft hijacking murders committed in the 1970s and 1980s. It is designed to overrule the district court decision in United States v. Safarini, which struck the death penalty for a 1986 hijacking offense on the grounds that the Federal Death Penalty Procedures Act of 1994 could not be retroactively applied to a pre-1994 crime, absent clear congressional intent to do so.

To my knowledge, Congress has never enacted death penalty legislation intended to allow the execution of a tiny number of known offenders for crimes they are alleged to have committed from one to three decades previously. Whether the Government can ultimately persuade the courts that this does not violate the letter of the ex post facto and bill of attainder clauses of the Constitution, it certainly violates their spirit. It is telling that the Department of Justice, in its testimony before the House Judiciary Committee, strongly recommended adding in a severability clause, in case this provision was ultimately held invalid by a court of law. I share the Department's skepticism regarding the constitutionality of this wrongheaded provision, and deeply regret its inclusion in the conference report.

To sum up, the bill presents a complex mixture of valuable provisions which I support and would vote for if they were individually here, significant improvements on the one hand but so many serious flaws and missed opportunities on the other. I think the final product would have been better if Members of Congress, Republicans and Democrats, both bodies had been allowed to work as Members of Congress, as representatives of the people instead of as puppets of the most secretive administration of the six administrations with which I have served. The Bush administration insisted on locking Democrats out of the negotiations. They did that, first, in connection with the conference and, again, after the Senate would not proceed to pass the conference report last December. When I and others tried to have conversations with the White House to improve the bill, our efforts were dismissed. Basically, they took the attitude, as long as they can get the votes they needed on the Republican side of the aisle, there is no purpose in any bipartisan effort. What a mistake.

This is a bill that has both virtues and vices. I respect those who conclude that on balance the bill's virtues outweigh its vices. And if they conclude that, then vote for it. But I believe we can and should do better. I believe America can do better. I will continue to work to improve the PATRIOT Act. I will work to provide better oversight of the use of national security letters. I will work to remove what is a gross, un-American restraint on meaningful judicial review, the sort of thing that Presidents of both parties have strongly condemned when done by other countries. I hate to see our country do it.

I will seek to monitor how sensitive personal information that they are now allowed to seize from medical files, gun stores, and libraries is obtained and used. Today, I will join Senators SPECTER, SUNUNU, CRAIG, and others in introducing a bill to improve the PATRIOT Act and reauthorization legislation in several important respects. While we have made some progress, much is left to be done.

Let me be very clear about this. There are good parts of this bill, but there are also serious bad parts. The serious bad parts are worse if you have an administration that does not believe in checks and balances and prefers to do everything in secret. We now see the administration seeking to twist the Authorization for Use of Military Force against al-Qaida into a justification for its secret, illegal wiretapping of Americans' emails and telephone calls. We see the administration claiming that it need not fulfill its constitutional responsibility to faithfully execute the laws and that it can pick and choose among the laws it will recognize. And we see an administration that continues to attack anyone that gets in their way and insists on the rule of law.

Confronted with the administration's claims of unchecked power, I do not believe that the restraints we have been able to include in this reauthorization of the PATRIOT Act are sufficient. I will continue to work to provide the tools that we need to protect the American people. I trust that Vermonters will understand that while I have repeatedly voted to extend and reauthorize the PATRIOT Act, this measure, this time, falls short of what they deserve. So I won't support it in its current form. I will continue to work to provide the oversight of checks needed on the use of Government power and seek to improve this reauthorization legislation. I know the Senate will adopt it, but it is a pale shadow of what it could be. It is not the best that the greatest democracy on Earth deserves. I will fight for the best, but I will not vote for second best.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator from Vermont has 2 hours 24 minutes.

Mr. LEAHY. I thank the Chair, my good friend.

I yield all but 15 minutes of that time to the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from Vermont for yielding the time and also for his excellent remarks and his comments on this issue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COBURN). Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, we pass a lot of laws in this body, but most of them don't get any public attention. Not so with the PATRIOT Act. Few pieces of legislation have the kind of public understanding and recognition the PATRIOT Act does. The PATRIOT Act has become a rallying cry for those concerned about Government overreaching, grabbing for more power than it needs, using a time of crisis to justify changes in the law it otherwise could not hope to see made.

People all over the country want us to take a step back, to reconsider, to fix the PATRIOT Act. Perhaps the strongest evidence of this is that in the past 4 years, more than 400 State and local governments have passed resolutions opposing or objecting to various aspects of the PATRIOT Act. Eight of those government bodies are State legislatures that have already passed resolutions opposing the PATRIOT Act.

In April 2003, Hawaii was the first State to adopt a statewide resolution. The next month, in May 2003, Alaska and Vermont passed resolutions. Over the course of 2004 and 2005, we saw three more resolutions in Colorado, Montana, and Maine. Finally, Idaho passed a resolution specifically to support the SAFE Act's amendments to the PATRIOT Act, and recently, on February 16, California passed a resolution on the PATRIOT Act.

I will read these resolutions. There are eight such resolutions, Alaska being the first.

A resolution:

Relating to the USA PATRIOT Act, the Bill of Rights, the Constitution of the State of Alaska, and the civil liberties, peace, and security of the citizens of our country.

Be it resolved by the Legislature of the State of Alaska:

WHEREAS the State of Alaska recognizes the Constitution of the United States as our charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly, and privacy; and

WHEREAS each of Alaska's duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the State of Alaska; and

WHEREAS the State of Alaska denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS attacks against Americans such as those that occurred on September 11, 2001, have necessitated the crafting of effective laws to protect the public from terrorist attacks; and

WHEREAS any new security measures of federal, state, and local government should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent citizens of the State of Alaska and the nation; and

WHEREAS certain provisions of the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001", also known as the USA PATRIOT Act, allow the federal government more liberally to detain and investigate citizens and engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our state and federal constitutions;

BE IT RESOLVED that the Alaska State Legislature supports the government of the United States of America in its campaign against terrorism, and affirms its commitment that the campaign not be waged at the expense of essential rights and liberties of citizens in this country contained in the United States Constitution and the Bill of Rights; and be it

FURTHER RESOLVED that it is the policy of the State of Alaska to oppose any portion of the USA PATRIOT Act that would violate the rights and liberties guaranteed equally under the state and federal constitutions; and be it

FURTHER RESOLVED that, in accordance with Alaska state policy, an agency or instrumentality of the State of Alaska, in the absence of reasonable suspicion of criminal activity under Alaska State law, may not

(1) initiate, participate in, or assist or cooperate with an inquiry, investigation, surveillance, or detention:

(2) record, file, or share intelligence information concerning a person or organization, including library lending and research records, book and video store sales and rental records, medical records, financial records, student records, and other personal data, even if—

Even if—

authorized under the USA PATRIOT Act;

(3) retain such intelligence information; the state Attorney General shall review the intelligence information currently held by the state for its legality and appropriateness under the United States and Alaska Constitutions and permanently dispose of it if there is no reasonable suspicion of criminal activity; and be it

FURTHER RESOLVED that an agency or instrumentality of the state may not,

(1) use state resources or institutions for the enforcement of federal immigration matters, which are the responsibility of the federal government;

(2) collect or maintain information about the political, religious, or social views, associations, or activities of any individual, group, association, organization, corporation, business, or partnership, unless the information directly relates to an investigation of criminal activities and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct;

(3) engage in racial profiling; law enforcement agencies may not use race, religion, ethnicity, or national origin as factors in selecting individuals to subject to investigatory activities except when seeking to apprehend a suspect whose race, religion, ethnicity, or national origin is part of the description of the suspect; and be it

FURTHER RESOLVED that the Alaska State Legislature implores the United States Congress to correct provisions in the USA PATRIOT Act and other measures that infringe on civil liberties, and opposes any pending and future federal legislation to the extent it infringes on Americans' civil rights and liberties.

Copies of this resolution shall be sent to the Honorable George W. Bush, President of the United States; the Honorable John Ashcroft, Attorney General of the United States; the Honorable Frank Murkowski, Governor of Alaska; and to the Honorable Ted Stevens, and the Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

That is the Alaska resolution.

California Senate Joint Resolution No. 10—Relative to the USA PATRIOT Act. Approved by the California Senate, introduced by Senator Figueroa.

WHEREAS, The State of California recognizes the Constitution of the United States of America as our charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including freedoms of religion, speech, and privacy; and

WHEREAS, The State of California has a distinguished history of safeguarding the freedoms of its residents; and

WHEREAS, Each of California's duly elected public servants are sworn to defend and uphold the United States Constitution and the Constitution of the State of California; and

WHEREAS, The State of California denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS, Any new security measures of Federal, State, and local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent persons in the State of California and the Nation; and

WHEREAS, Certain provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, also known as the USA PATRIOT Act, allow the government greater authority to detain and investigate persons and to engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our Federal and State Constitutions, including rights of due process, the right to privacy, the right to counsel, protection against unreasonable searches and seizures, and basic First Amendment freedoms; and

WHEREAS, The people of California are concerned that many provisions of the USA PATRIOT Act pose significant threats to constitutional protections; now, therefore, be it

Resolved by the Senate and Assembly of the State of California jointly, That the State of California supports appropriate and effective measures by the Government of the United States of America and the State of California to combat terrorism and affirms its commitment that the campaign not be waged at the expense of essential civil rights and liberties of citizens of this country contained in the United States Constitution and the Bill of Rights; and be it further

Resolved, That the State of California also urges its congressional delegation to work to repeal any provisions of the USA PATRIOT Act that limit or impinge on rights and liberties protected equally by the United States Constitution and the California Constitution and to oppose any pending and future Federal legislation to the extent that it would infringe on Americans' civil rights and liberties; and be it further

Resolved, that the State of California will ensure that no State resources be provided for any action that would violate the United States Constitution or the Constitution of the State of California, including but not limited to, all of the following:

(1) Collecting or maintaining information about the political, religious, or social views, associations, or activities of any individual group, association, organization, corporation, business or partnership, unless the information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.

(2) Recording, filing, or sharing intelligence information concerning a person or organization, including library lending and research records, book and video sales and rental records, medical records, financial records, student records and other personal data, even if authorized under the USA PATRIOT Act.

(3) Demanding nonconsensual releases of student and faculty records from public schools and institutions of higher learning.

(4) Eavesdropping on confidential communications between lawyers and their clients.

(5) Engaging in racial profiling that enables law enforcement agencies to use race, religion, ethnicity or national origin as factors in selecting individuals to be subject to investigational activities, except when seeking to apprehend a specific suspect whose race, religion, ethnicity or national origin is part of the description of the suspect; and be it further

Resolved, That the Secretary of State shall transmit copies of this resolution to the President and the Vice President of the United States and the Speaker of the House of Representatives, to the majority leader of the Senate, and to each Senator and Representative from California in the Congress, the Attorney General of the United States, and to all Federal and State law enforcement agencies.

Mr. President, that is the second resolution. The third one is from Colorado. Senate Joint Resolution 05-044 concerning the State's commitment to Uphold Constitutional Rights in the Fight Against Terrorism, approved by the Colorado General Assembly.

WHEREAS, The State of Colorado is committed to upholding the fundamental and inalienable rights, including the freedoms of religion, speech, assembly and privacy, that are enshrined in the Constitutions of the United States and the State of Colorado; and

WHEREAS, Colorado's elected public servants have sworn to defend and uphold the Federal and State Constitution; and

WHEREAS, The State of Colorado denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS, The attacks that occurred on September 11, 2001, and the continuing threat of terrorism underscore the need for strong and effective laws and policy to protect the American public; and

WHEREAS, The security measures taken by Federal, State, and local governments should be carefully designed and applied to enhance public safety without infringing on the civil liberties and rights of innocent people in the State of Colorado and throughout the Nation; and

WHEREAS, Certain provisions of the Federal "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act", also known as the "USA PATRIOT Act", expand the power of the Federal Government to detain and investigate people in the United States and to engage in surveillance activities that may be inconsistent with the rights and liberties guaranteed by the State and Federal constitutions; now, therefore,

Be it Resolved by the Senate of the Sixty-fifth General Assembly of the State of Colorado, the House of Representatives concurring herein:

(1) That the General Assembly supports the Government of the United States in its campaign against terrorism and affirms its commitment that the campaign not be waged at the expense of the essential civil rights and liberties enshrined in the Constitution of the United States and the State of Colorado;

(2) That it is the policy of the State of Colorado to oppose any provision or application of the USA PATRIOT Act that would violate the rights and liberties guaranteed by the State and Federal Constitutions;

(3) That, in accordance with the policy of this State, no agency or instrumentality of the State should, without reasonable suspicion of criminal activity under Colorado law:

(A) Initiate, participate in, assist, or cooperate with any inquiry, investigation, surveillance, or detention; (b) Record, file, or share intelligence information concerning any person or organization, including library lending and research records, book and video store sales and rental records, medical records, financial records, student records, Internet mail and usage records, and other personal data, even if authorized under the USA PATRIOT Act; or (c), Retain such intelligence information.

(4) That no agency or instrumentality of the State should: (A) collect or maintain information about the political, religious, or social views, associations, or activities of any individual, group, organization or business entity, unless the information indirectly relates to an investigation of criminal activities and there are reasonable grounds to suspect that the subject of the information is involved in criminal conduct; or (b) Use race, religion, ethnicity or national origin as factors in selecting individuals to subject to investigatory activities, except with respect to a specific suspect whose race, religion, ethnicity, or national origin is part of the description of the suspect.

(5) The General Assembly urges the United States Congress to amend provisions of the USA PATRIOT Act and other measures that infringe on civil rights and liberties and imposes the enactment of future Federal legislation that infringes on civil rights and liberties.

Be It Further Resolved, That copies of this joint resolution be sent to the Honorable George W. Bush, President of the United States; the Honorable Alberto Gonzalez, Attorney General of the United States; the Honorable Bill Owens, Governor of Colorado; and the members of Colorado's congressional delegation.

Now we go to Hawaii's resolution, the first one to pass. Senate Concurrent Resolution Reaffirming the State of Hawaii's Commitment to Civil Liberties and the Bill of Rights Approved by the Hawaii State legislature.

WHEREAS The Hawaii State legislature is committed to upholding the United States Constitution and its Bill of Rights and the Hawaii State Constitution and its Bill of Rights (Article I, Sections 1 through 22); and

WHEREAS The State of Hawaii has a distinguished history of safeguarding the freedoms of its residents; and

WHEREAS The State of Hawaii is comprised of a diverse and multi-ethnic population, and has experienced firsthand the value of immigration to the American way of life; and

WHEREAS The residents of Hawaii during World War II experienced firsthand the dangers of unbalanced pursuit of security without appropriate checks and balances for the protection of basic liberties; and

WHEREAS The recent adoption of the USA PATRIOT Act and several executive orders may unconstitutionally authorize the Federal Government to infringe upon fundamental liberties in violation of due process, the right to privacy, the right to counsel, protection against unreasonable searches and seizures, and basic first amendment freedoms, all of which are guaranteed by the constitutions of Hawaii and the United States; and

WHEREAS The citizens of Hawaii are concerned that the actions of the Attorney General of the United States and the United States Justice Department are significant threats to constitutional protections; now, therefore,

Be It Resolved by the Senate of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2003, the House of Representatives concurring, that the State of Hawaii urges its congressional delegation to work to repeal any sections of the PATRIOT Act or recent executive orders that limit or violate fundamental rights and liberties protected by the constitutions of Hawaii and the United States; and

Be It Further Resolved that to the extent legally possible, no State resources—including law enforcement funds and educational administrative resources—may be used for unconstitutional activities, including but not limited to the following under the USA PATRIOT Act:

(1) Monitoring political and religious gatherings exercising their First Amendment Rights;

(2) Obtaining library records, bookstore records, and Web site activities without proper authorization and without notification;

(3) Issuing subpoenas through the United States Attorney's Office without a court's approval or knowledge;

(4) Requesting nonconsensual releases of student and faculty records from public schools and institutions of higher learning; and

(5) Eavesdropping on confidential communications between lawyers and their clients.

Be It Further Resolved that certified copies of this concurrent resolution be transmitted to Hawaii's delegation in the United States Congress.

Now Idaho.

Stating findings of the Legislature concerning adoption of the SAFE Act to limit certain provisions of the PATRIOT Act in order to protect liberties of citizens of the United States and urging the congressional delegation representing the State of Idaho in the Congress of the United States to support the SAFE Act: House Joint Memorial No. 7, approved by the Idaho State legislature.

We, memorialists, the House of Representatives and the Senate in the State of Idaho assembled in the First Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, as citizens of the State of Idaho strongly believe that basic civil liberties must be preserved and protected, even as we seek to guard against terrorists and other threats to national security; and

WHEREAS, there are some principles of our democracy which are so fundamental to the rights of citizenship that they must be preserved to guard the very liberties we seek to protect; and

WHEREAS, legislation known as the SAFE Act has been introduced in the Congress of the United States to adopt amendments to the PATRIOT Act which would address some of the most problematic provisions of that act; and

WHEREAS, the SAFE Act amends the PATRIOT Act to modify the provisions regarding the roving wiretaps to require that the identity of the target be given and that the suspect be present during the time when surveillance is conducted; and

WHEREAS, the SAFE Act revises provisions governing search warrants to limit the circumstances when the delay of notice may be exercised and to require reports to the Congress when delays of notice are used; and

WHEREAS, the SAFE Act requires specific and articulable facts to be given before business records are subject to investigation by the Federal Bureau of Investigation; and

WHEREAS, the SAFE Act provides that libraries shall not be treated as communication providers subject to providing information and transaction records of library patrons; and

WHEREAS, it is appropriate that the legislature of the State of Idaho, on behalf of the citizens of Idaho, express support of the efforts of Senator Larry Craig to adopt the SAFE Act, and encourage full support of the Idaho congressional delegation.

Now, therefore, be it resolved by members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho legislature endorses the efforts to amend the PATRIOT Act to ensure that it works well to protect our security, but that it does not unnecessarily compromise essential liberties of the citizens of the United States. We urge the congressional delegation representing the State of Idaho in the Congress of the United States to support legislation introduced by Senator Larry Craig, known as the SAFE Act.

Mr. President, the Maine Resolution, Joint Resolution Memorializing the President of the United States and the Congress of the United States to Ensure the Protection of Civil Liberties and the Security of the United States Approved by the Maine State Legislature.

We, your Memorialists, the Members of the One Hundred and Twenty-first legislature of the State of Maine now assembled in the Second Special Session, most respectfully present the petition of the President of the United States and the United States Congress, as follows.

WHEREAS, the State of Maine recognizes that the Constitution of the United States is our charter of liberty and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly, and privacy; and

WHEREAS, each of Maine's duly elected public servants have sworn to uphold and defend the Constitution of the United States and the Constitution of Maine; and

WHEREAS, the State of Maine denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS, attacks against Americans such as those that occurred on September 11, 2001 have necessitated the crafting of effective laws to protect the public from terrorist attacks; and

WHEREAS, any new security measures of Federal, State, and local governments should be carefully designed and employed to enhance public safety, without infringing on the civil liberties and the rights of any citizens in the State of Maine and the Nation; and

WHEREAS, matters relating to immigration are primarily Federal in nature; and

WHEREAS, certain provisions of the "Uniting and Strengthening America by Providing Appropriate Tools to Intercept and Obstruct Terrorism Act of 2001," commonly referred to as the USA PATRIOT Act, allow the Federal Government more liberally to detain and investigate citizens and engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our State and Federal Constitutions; now therefore,

Be It Resolved: That we, Your Memorialists, on behalf of the people we represent, take this opportunity to inform the President of the United States and the United States Congress that the Maine State Legislature supports the government of the United States of America in its campaign against terrorism and affirms its commitment that the campaign not be waged at the expense of essential civil rights and liberties of citizens of this country contained in the Constitution of the United States and the Bill of Rights; and be it further

Resolved: That the Maine State Legislature urges that the Federal Government to continue to exercise its jurisdiction over immigration matters and encourages the Federal Government to work cooperatively with the States to provide assistance and training to protect our country; and be it further

Resolved: That laws passed by the United States Congress to specifically combat the threat of international terrorism should not be used in conducting domestic law enforcement; and be it further

Resolved: That the Maine State legislature implores the United States Congress to review the provisions in the USA PATRIOT Act and other measures that may infringe on civil liberties and ensure any pending and future Federal liberties.

AND BE IT FURTHER RESOLVED: That the Legislature calls upon our United States Representatives and Senators to monitor the implementation of the USA PATRIOT Act and related federal actions and, if necessary, repeal those sections of the USA PATRIOT Act and related federal measures that may infringe upon fundamental rights and liberties as recognized in the United States Constitution and its amendments; and be it further resolved that official copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the Honorable John Ashcroft, Attorney General of the United States; the Honorable John E. Baldacci, Governor or the State of Maine; Richard Cheney, President of the United States Senate; Dennis Hastert, Speaker of the United States House of Representatives; and each member of the Maine Congressional Delegation.

Mr. President, Montana:

A Joint Resolution of the Senate and the House of Representatives of the State of Montana supporting the Montana Constitution, the United States Constitution, and the Bill of Rights; encouraging various actions in support of fighting terrorism and protecting civil rights and civil liberties; requesting the Attorney General of Montana to compile and disseminate relevant information regarding actions taken by the Federal Government under the USA PATRIOT Act; and encouraging Montana's congressional delegation to support and ensure the civil rights of all Montanans and citizens of the United States, which includes allowing the USA PATRIOT Act to expire.

WHEREAS, the citizens of Montana recognize the Constitution of the United States as our charter of liberty and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly, and privacy; and

WHEREAS, each of Montana's duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the State of Montana; and

WHEREAS, the citizens of Montana denounce and condemn all acts of terrorism by any entity, wherever the acts occur; and

WHEREAS, terrorist attacks against Americans, such as those that occurred on September 11, 2001, have necessitated the crafting of effective laws to protect citizens of the United States and others from terrorist attacks; and

WHEREAS, any new security measures of federal, state, and local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent citizens of Montana and the United States; and

WHEREAS, certain provisions of the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001", also known as the USA PATRIOT Act, allow the federal government to more liberally detain and investigate citizens and to engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our state and federal constitutions.

Now, therefore, be it resolved by the Senate and the House of Representatives of the State of Montana:

That the 59th Montana Legislature supports the government of the United States in its campaign against terrorism and affirms the commitment of the United States that the campaign not be waged at the expense of essential civil rights and liberties of citizens of this country that are protected in the United States Constitution and the Bill of Rights.

BE IT FURTHER RESOLVED, that it is the policy of the citizens of Montana to oppose any portion of the USA PATRIOT Act that violates the rights and liberties guaranteed under the Montana Constitution or the United States Constitution, including the Bill of Rights.

BE IT FURTHER RESOLVED, that in accordance with Montana state policy, in the absence of reasonable suspicion of criminal activity under Montana law, the 59th Montana Legislature exhorts agents and instrumentalities of this state to not:

(1) initiate or participate in or assist or cooperate with an inquiry, investigation, surveillance, or detention under the USA PATRIOT Act if the action violates constitutionally guaranteed civil rights or civil liberties;

(2) record, file, or share intelligence information concerning a person or organization, including library lending and research records, book and video store sales and rental records, medical records, financial records, student records, and other personal data, even if authorized under the USA PATRIOT Act, if the action violates constitutionally guaranteed civil rights or civil liberties; or

(3) retain any of the intelligence information described in subsections (1) and (2) of this clause if the information violates constitutionally guaranteed civil rights or civil liberties.

BE IT FURTHER RESOLVED, that the Attorney General of Montana is encouraged to review intelligence information currently held by the state, assess the legality and appropriateness of holding the information under the United States Constitution and Montana Constitution, and permanently dispose of all such information to which there is not attached a reasonable suspicion of criminal activity.

BE IT FURTHER RESOLVED, that the 59th Montana Legislature admonishes every agency and instrumentality of the state to not:

(1) use state resources or institutions for the enforcement of federal immigration matters that are the responsibility of the federal government;

(2) collect or maintain information about the political, religious, or social views, associations, or activities of any individual, group, association, organization, corporation, business, or partnership unless the information directly relates to an investigation of criminal activities and there are reasonable grounds to suspect that the subject of the information was, is, or may be involved in criminal conduct; or

(3) engage in racial profiling.

BE IT FURTHER RESOLVED, that state and local law enforcement agencies should not use race, religion, ethnicity, or national origin as factors in selecting individuals to subject to investigatory activities, except when seeking to apprehend a specific suspect whose race, religion, ethnicity, or national origin is part of the description of the suspect.

BE IT FURTHER RESOLVED, that the 59th Montana Legislature requests:

(1) public schools and institutions of higher learning within Montana to provide notice to each individual whose education records have been obtained by law enforcement agents pursuant to section 507 of the USA PATRIOT Act; and

(2) each public library within Montana to post in a prominent place within the library a notice to library users as follows: "WARNING: Under Section 215 of the federal USA PATRIOT Act (Public Law 107–56), records of the books and other material you borrow from this library may be obtained by federal agents. Federal law prohibits librarians from informing you if records about you have been obtained by federal agents. Questions about the law and policy that allows federal agents to obtain and use information about your activities in this library should be directed to: U.S. Attorney General, Department of Justice, Washington, DC 20530".

BE IT FURTHER RESOLVED, that the 59th Montana Legislature encourages the Attorney General of Montana to periodically seek from federal authorities the following information in a form that facilitates an assessment of the effect of federal antiterrorism efforts on the residents of Montana:

(1) the name of each resident of Montana who has been arrested or otherwise detained by federal authorities as a result of terrorism investigations since September 11, 2001, the location of each detainee, the circumstances that led to each detention, the charges, if any, lodged against each detainee, and the name of counsel, if any, representing each detainee;

(2) the number of search warrants that have been executed in Montana pursuant to section 213 of the USA PATRIOT Act and without notice to the subject of the warrant;

(3) the extent of electronic surveillance carried out in Montana under powers granted in the USA PATRIOT Act;

(4) the extent to which federal authorities monitor political meetings, religious gatherings, or other activities within Montana that are protected by the First Amendment;

(5) the number of times that education records have been obtained from public schools and institutions of higher learning in Montana under section 507 of the USA PATRIOT Act;

(6) the number of times that library records have been obtained from libraries in Montana under section 215 or section 505 of the USA PATRIOT Act; and

(7) the number of times that records of the books purchased by store patrons from bookstores in Montana have been obtained under section 215 of the USA PATRIOT Act.

BE IT FURTHER RESOLVED, that the 59th Montana Legislature requests the Attorney General of Montana to compile and transmit to each member of the Legislature, at least once every 6 months, a summary of the information obtained pursuant to the legislative requests made in this resolution and, based on the information and any other relevant information, to include an assessment of the effect of federal antiterrorism efforts on the residents of Montana.

BE IT FURTHER RESOLVED, that the 59th Montana Legislature desires that all public libraries adopt policies that ensure the regular destruction of records, when the records are no longer needed, that may be used to identify the name of a book borrower or the name of any Internet user.

BE IT FURTHER RESOLVED, that in order to protect intellectual privacy rights, the 59th Montana Legislature advises all persons in local businesses and institutions, particularly booksellers, to refrain whenever possible from keeping records that can be used to identify the name of any purchaser and to regularly destroy sales records maintained by the business or institution.

BE IT FURTHER RESOLVED, that the 59th Montana Legislature urges the Montana delegation in the United States Congress to:

(1) correct provisions in the USA PATRIOT Act and other administrative measures that infringe on civil liberties by supporting the sunset provisions of the USA PATRIOT Act, slated to be reviewed by Congress in 2005, and ultimately allow the USA PATRIOT Act to expire; and

(2) support passage of the Security and Freedom Ensured Act of 2003 and the End Racial Profiling Act of 2004.

BE IT FURTHER RESOLVED, that the 59th Montana Legislature urges the Montana Congressional Delegation to vigorously oppose any pending and all future federal legislation if the legislation infringes on the civil rights and civil liberties of American citizens. Federal legislation that the Montana Congressional Delegation is encouraged to oppose includes but is not limited to the Domestic Security Enhancement Act of 2003, also known as Patriot Act II.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to President George W. Bush, the Attorney General of the United States, Governor Brian Schweitzer, Senator Max Baucus, Senator Conrad Burns, and Representative Dennis Rehberg.

Mr. President, now we turn to Vermont.

Joint resolution strongly urging the President to revise executive orders and policies, and for Congress to amend provisions of the U.S.A. Patriot Act, which seriously erode fundamental civil liberties.

Approved by: Vermont State Senate.

WHEREAS, on September 11, 2001, for the first time since the War of 1812, the continental United States was subjected to an attack from abroad when terrorists commandeered four commercial airliners and destroyed the World Trade Center in New York City and caused significant damage to the Pentagon, and

WHEREAS, in response to these tragic and devastating events, which cost nearly 3,000 innocent American lives, Congress adopted the U.S.A. Patriot Act (Public Law 107–56) which is intended to enable the federal government to act more authoritatively in preventing future attacks, and

WHEREAS, while the prevention of future terrorist attacks is a critical national priority, it is equally important to preserve the fundamental civil liberties and personal freedoms which were enshrined in the Bill of Rights over 200 years ago, and which have been preserved through a constant vigilance and outcry against periodic threats to their existence, and

WHEREAS, while sunset review dates were attached to certain provisions, the final bill remains, perhaps, the most severe legislative attack on civil liberties since the passage of the Alien and Sedition Acts in the 1790s, and

WHEREAS, under the auspices of both the U.S.A. Patriot Act and related executive orders, persons from the Middle East and South Asia have been unjustly targeted for interrogation and possible deportation, and

WHEREAS, the ability of the Central Intelligence Agency to engage in domestic spying activities, with tragic repercussions, fortunately halted in the 1970s, but is now being revived pursuant to sections 223 and 901 of the Act, and

WHEREAS, section 213 greatly lowers the threshold required for a court to issue a search warrant, and

WHEREAS, section 216 nearly eliminates judicial supervision of telephone and internet surveillance, and

WHEREAS, section 411 gives the U.S. Attorney General extraordinarily broad authority to designate domestic groups as "terrorist organizations," and

WHEREAS, both sections 411 and 412 subject noncitizens to indefinite detention or deportation even if they have not committed a crime, and

WHEREAS, several sections of the bill, including 215, 218, 358, and 508, permit law enforcement authorities to have broad access to sensitive mental health, library, business, financial, and educational records despite the existence of previously adopted state and federal laws which were intended to strengthen the protection of these types of records, and

WHEREAS, there has been an especially strong outcry in Vermont against the ability of federal authorities, under section 215 of the Act, to obtain judicially-issued warrants for library or bookstore patron records based on minimal information, and the accompanying prohibition on librarians and bookstore personnel from revealing any information regarding the request, and

WHEREAS, this provision runs directly counter to the intent of the Vermont General Assembly to protect the privacy of a library patron's records as codified in Title 3 §317(c)(19) of the Vermont Statutes Annotated, and the code of ethics of the American Library Association, and Whereas, both the Fletcher Free Library Commission and the Vermont Library Association have expressed their strongest possible concerns that the U.S.A. Patriot Act undermines constitutionally-guaranteed rights and the privacy of library patrons, and

WHEREAS, Congressman Bernard Sanders has announced his intention to sponsor legislation to exempt libraries and booksellers from the disclosure requirements of the U.S.A. Patriot Act, and

WHEREAS, a number of municipal legislative bodies, including the Burlington City Council, have expressed their deep concerns relative to the U.S.A. Patriot Act's historic degradation of civil liberties, and

WHEREAS, the law gravely threatens the civic values, personal freedoms, and rights that constitute the foundation of our national existence, now therefore be it Resolved by the Senate and House of Representatives: That the General Assembly strongly urges the President and members of the executive branch to review and revise executive orders and policies which have been adopted since September 11, 2001, and be it further

RESOLVED: That the General Assembly strongly urges the United States Congress to revise the U.S.A. Patriot Act in order to restore and protect our nation's fundamental civil liberties, and, in particular, to enact Representative Sanders' proposal to exempt libraries and bookstores from the provisions of the Act, and be it further

RESOLVED: That the General Assembly requests that the office of the Vermont Attorney General offer legal support to any public library which is subject to a federal suit or administrative enforcement action for refusing to comply with the provisions of the Act related to library patrons' records, and be it further

RESOLVED: That the Secretary of State be directed to send a copy of this resolution to the President of the United States, to each member of the Vermont Congressional Delegation, and to Keith M. Fiels, Executive Director of the American Library Association, in Chicago.

There you have it. Those are the eight State government resolutions, but more than 400 total resolutions and ordinances have been passed, the rest by local, city, and county governments. In fact, on December 13, just 3 days before the first cloture vote on the conference report, the town of Coupeville, WA, became the 400th community or State to pass a resolution to reflect its citizens' concerns about the impact of the PATRIOT Act on constitutional rights. And since then four additional communities have passed resolutions, not to mention the California State resolution I just read.

Let me read a few of these county and city resolutions. I can do more later. Why don't we begin with the four passed in my State of Wisconsin.

Douglas County, this is one of the northern most counties in the State.

Resolution by the Douglas County Board of Supervisors, Subject U.S.A. PATRIOT Act, approved by Douglas County Board of Supervisors.

WHEREAS, Douglas County, Wisconsin, recognizes the Constitution of the United States of America to be the supreme law of the land, which all public servants are sworn to uphold, superceding all administrative rules, local ordinances, state statutes and federal laws, and

WHEREAS, Douglas County, Wisconsin, recognizes that the Bill of Rights, as represented in Exhibit H–5–03, embodies the rights of citizenship that have made the United States of America the land of freedom for more than 200 years, and

WHEREAS, Douglas County, Wisconsin, and the United States have benefited greatly through the constitutional rights and liberties afforded their diverse citizenry, in freedom of speech and assembly, equality before the law and the presumption of innocence, access to counsel and due process in judicial proceedings, and protection from unreasonable searches and seizures, and

WHEREAS, Douglas County, Wisconsin, affirms its strong opposition to terrorism, and further affirms that any efforts to end terrorism not be waged at the expense of our civil rights and liberties, and

WHEREAS, in the aftermath of the September 11, 2001 terrorist attack, in an effort to unite and strengthen America, and to combat terrorism, Congress passed the USA Patriot Act, and

WHEREAS, it has become apparent that the USA Patriot Act weakens the constitutional protections for every United States citizen as follows:

(1) First Amendment rights, which guarantee "freedom of religion, of speech, to peaceably assemble, and to petition the government for a redress of grievances," are compromised by USA Patriot Act, Sections 802 and 215;

(2) Fourth Amendment protections, which guarantee the "right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures," are compromised by USA Patriot Act Sections 203, 206, 213, and 218; and

(3) Fifth Amendment protections of due process and attorney-client confidentiality are compromised.

NOW, THEREFORE, BE IT RESOLVED, that the Douglas County Board of Supervisors expresses deep concern over any compromise of constitutional freedoms which protect civil rights and liberties for all people of the United States.

BE IT FURTHER RESOLVED, that the Douglas County Board of Supervisors affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism should not be waged at the expense of fundamental civil rights and liberties, and that a threat to one person's constitutional rights is a threat to the rights of all.

BE IT STILL FURTHER RESOLVED, that the Douglas County Board of Supervisors requests that United States representatives and senators closely monitor implementation of the USA Patriot Act, as well as Executive Orders issued pursuant to the Act, and actively work to repeal those Sections of the USA Patriot Act that threaten the essential civil rights and liberties of all Americans.

BE IT STILL FURTHER RESOLVED, that any enhancement to the USA Patriot Act, such as USA Patriot Act II (aka Domestic Security Act of 2003), be forestalled until such time as enhancements or changes are done in full view of American citizens.

BE IT STILL FURTHER RESOLVED, that upon passage, a copy of this resolution shall be provided to Governor James Doyle, Senator Robert Jauch, Representative Frank Boyle, each Wisconsin congressional delegate, United States Attorney General John Ashcroft, Secretary of State Colin Powell, and President George W. Bush.

Next, a resolution from the northwestern part of Wisconsin, Eau Claire, WI, a resolution of the City of Eau

Claire, WI, approved by the Eau Claire City Council.

WHEREAS, the City of Eau Claire and its citizens being governed by the United States Constitution and the Constitution of the State of Wisconsin; and

WHEREAS, the City of Eau Claire acknowledges that both the United States and Wisconsin Constitutions guarantee her citizens freedom of speech, freedom to peaceably assemble, freedom from unreasonable searches and seizures, freedom of religion, freedom to petition the government for grievances and protection of the rights of the accused; and

WHEREAS, the City of Eau Claire is home to a diverse population, including citizens of other nations, whose contributions to the community are vital to its charter and function; and

WHEREAS, the City Council of the City of Eau Claire, while a strong opponent of terrorism and a strong proponent for the safety and security of its citizens, believes that efforts to maintain and enhance public safety and security should not infringe on the essential civil rights and liberties of the people of Eau Claire; and

WHEREAS, the City of Eau Claire recognizes and honors all those who have served in the Armed Forces of the United States of America, and has with gratitude for their supreme sacrifice memorialized those in the Armed Forces who have died in battle to secure and protect these same cherished rights and liberties; and

WHEREAS, sections of the USA PATRIOT Act now threaten these fundamental rights and liberties; and

WHEREAS, many citizens of Eau Claire, surrounding communities, and other communities across the nation are concerned that the USA PATRIOT Act threatens the civil rights and liberties of citizens of the United States and other nations by

so broadly defining "domestic terrorism" that any citizens who use direct action to further their political causes are vulnerable to prosecution as "domestic terrorists" (Sec. 802 of the USA PATRIOT Act);

authorizing federal agents to conduct covert searches of a person's home or office without notice of the execution of a search warrant until after the search has been completed, in some cases up to 90 days later (Sec. 213 of the USA PATRIOT Act);

requiring the surrender of "any tangible things (including books, records, papers, documents and other items)" and without limits as to the parties from whom the seizure of the above-mentioned tangible things can be required (Sec. 215 of the USA PATRIOT Act);

authorizing the government to install tracking devices on Internet Service Providers which are capable of intercepting all forms of Internet activity, e-mail messages, web page activity and Internet telephone communications whether the client is targeted in an investigation or not (Sec. 216 of the USA PATRIOT Act);

allowing searches to take place without probable cause of criminal conduct (Sec 218 of the USA PATRIOT Act); and

authorizing the United States Attorney General to detain indefinitely non-citizens on immigration violations and to arrest material witnesses not charged with any crime (Sec 412 of the USA PATRIOT Act).

WHEREAS, the City of Eau Claire recognizes that to date some 236 cities, towns, counties and states in the United States of America have passed resolutions, ordinances or ballot initiatives protecting the civil liberties of their residents;

Therefore, we the City Council of Eau Claire, Wisconsin, acting in the spirit of liberty, and to preserve those liberties guaranteed by the Constitutions of the United States of America and the State of Wisconsin, do hereby request that local, state, and federal law enforcement continue to preserve residents' freedom of speech, religion, assembly, and privacy;

1. Rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures, detentions and racial profiling;

2. The Wisconsin Congressional delegation actively work for the repeal of those portions of the Act and its extensions, including "Patriot Act II" and national security letters, that violate the rights and liberties guaranteed by the United States Constitution; and

3. The City Clerk communicate this resolution to all City and County departments and employees, Wisconsin's Congressional delegation, the Governor and Attorney General of the State of Wisconsin, and the President and Attorney General of the United States.

Now to the south-central part of the State, our State Capital, Madison, WI, a Resolution to Defend the Bill of Rights and Civil Liberties, approved by the Madison City Council.

WHEREAS, the City of Madison recognizes the Constitution of the United States of America to be the supreme law of the land, which all public servants are sworn to uphold, superceding all administrative rules, local ordinances, state statutes and federal laws;

WHEREAS, the City of Madison has a long and proud tradition of upholding the free exercise and enjoyment of the inalienable rights granted to all persons by the Universal Declaration of Human Rights and the Constitution of the United States of America;

WHEREAS, the City of Madison greatly benefits from the many contributions of its highly diverse population, which includes citizens from around the world, and is vital to our city's unique character;

WHEREAS, the City of Madison affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of essential civil rights and liberties of the people of Madison, the United States and the World;

WHEREAS, the provisions of the USA Patriot Act expands the authority of the federal government to detain and investigate citizens and non-citizens and engage in electronic surveillance of citizens and non- citizens and threatens civil rights and liberties guaranteed under the United States Constitution;

WHEREAS, the City of Madison recognizes that such infringement of the constitutionally guaranteed rights of any person, under the color of law, is an abuse of power, a breach of the public trust, a misappropriation of public resources, a violation of civil rights and is beyond the scope of governmental authority;

IT IS THEREFORE RESOLVED, that the City of Madison remains firmly committed to the protection of civil rights and civil liberties for all people. The City of Madison will completely avoid discrimination in every function of city government, and vigorously uphold the constitutionally protected rights of all persons to peacefully protest and express their political views without any form of governmental interference.

IT IS FURTHER RESOLVED, that the City of Madison joins communities across the nation in expressing concern that the USA PATRIOT Act threatens civil rights and liberties guaranteed under the United States Constitution.

IT IS FURTHER RESOLVED, and is the policy of the City of Madison, to forbid in the absence of probable cause of criminal activity:

1. Any initiation of, participation in, assistance or cooperation with any inquiry, investigation, surveillance or detention; and

2. The recording, filing and sharing of any intelligence information concerning any person or organization, even if authorized by federal law enforcement, acting under new powers granted by the USA PATRIOT Act or Executive Orders. This includes collection and review of library lending and research records, as well as book and video store sales and/or rental records; and

3. The retention of intelligence information.

Information that is currently held shall be thoroughly and carefully reviewed by the City Attorney or other appropriate City official to be designated by the Mayor, for its legality and appropriateness, using the United States and Wisconsin Constitutions. Any information that was collected is permanently disposed of if there is no probable cause of criminal activity; and

4. Enforcement of immigration matters, which are entirely the responsibility of the Immigration and Naturalization Service. No city service will be denied on the basis of citizenship; and

5. Profiling based on race, ethnicity, citizenship, religion, or political values.

IT IS FURTHER RESOLVED, that any state or federal law enforcement agencies working within the City of Madison comply with the policies and procedures of the Madison Police Department, and regularly report to the Mayor the extent and manner in which they have acted under the USA PATRIOT Act or new Executive Orders. This includes the names of any detainees held in the Madison area, or any Madison residents detained elsewhere. The Mayor will then publicly report to the Common Council.

IT IS FURTHER RESOLVED, that the City Clerk communicate this resolution to all city departments, the Governor and Attorney General of the State of Wisconsin, the President and Attorney General of the United States of America and to call upon our congressional representatives to actively work to repeal the USA PATRIOT Act.

IT IS FINALLY RESOLVED THAT, this Resolution shall be severable if any phrase, clause, sentence or provision of this Resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States of America or the State of Wisconsin. If the applicability thereof to any agency, person or circumstances is held invalid, the validity of the remainder of this Resolution and applicability thereof to any other agency, person or circumstances shall not be affected thereby.

Finally, our largest city, Milwaukee, WI. Resolution Affirming the Protection of Citizens' Civil Rights and Civil Liberties. Approved by: Milwaukee City Council.

Whereas, The city of Milwaukee denounces terrorism and acknowledges that Federal, state and local governments have a responsibility to protect the public from terrorist attacks and uphold:

1. Freedom of speech, religion, assembly and privacy,

2. The right to counsel and due process in judicial proceedings, and

3. Protection from unreasonable searches, seizures and detention; and

WHEREAS, the members of the Common Council believe that there is no inherent conflict between national security and the preservation of liberty—Americans can be both safe and free; and

WHEREAS, Federal, state and local governments should protect the public from terrorist attacks, such as those that occurred on September 11, 2001, but should do so in a rational and deliberative fashion in order to ensure that security measures enhance the public safety without impairing constitutional rights or infringing on civil liberties; and

WHEREAS, the City of Milwaukee is grateful for the supreme sacrifice of military veterans and law enforcement officers who have died in protecting this country's cherished rights and liberties; and

WHEREAS, the U.S. Congress passed the USA PATRIOT Act on October 26, 2001 with little debate, following the attacks on the United States on September 11, 2001; and

WHEREAS, sections of the USA PATRIOT Act and several Executive Orders, now threaten fundamental rights and liberties, which are guaranteed by the Constitution of the State of Wisconsin and the United States Constitution and its Bill of Rights; the sections of the Act which threaten these human rights and liberties include:

Section 213 which permits law enforcement to perform searches with no one present and to delay notification of the search of a citizen's home.

Section 215 which permits the FBI Director to seek records from bookstores and libraries including books of patrons based on minimal evidence of wrongdoing and prohibits librarians and bookstore employees from disclosing the fact that they have been ordered to produce such documents.

Section 218 which dilutes the "probable cause" requirement before conducting secret searches or surveillance to obtain evidence of a crime.

Section 215, 218, 358, and 508 which permit law enforcement authorities to have broad access to sensitive mental health, library, business, financial and educational records despite the existence of previously adopted state and federal laws which were intended to strengthen the protection of these types of records; and

WHEREAS, the City of Milwaukee has a commitment to uphold the human rights of all persons in Milwaukee and the free exercise and enjoyment of any and all rights and privileges secured by our constitutions and laws of the United States, the State of Wisconsin and the Charter of the City of Milwaukee; now, therefore, be it

RESOLVED, by the Common Council of the City of Milwaukee, that the Common Council expresses its support of protection of citizens' human rights and civil liberties and opposition to those provisions of the USA PATRIOT Act that threaten those rights and liberties; and, be it

FURTHER RESOLVED, That the Common Council recognizes the crucial distinctions between:

Legal and peaceful demonstrations and protests, which are protected by the U.S. and Wisconsin constitutions and laws.

Acts of protest involving civil disobedience of minor law infractions such as disorderly conduct.

Acts of terrorism, which would involve serious threats or violence, such as kidnapping or serious bodily injury to a civilian population; and, be it

FURTHER RESOLVED, That the Common Council affirms its commitment to uphold civil rights and civil liberties and therefore expresses its opposition to:

(a) investigation of individuals or groups of individuals based on their participation in activities protected by the First Amendment, such as political advocacy or the practice of religion, without reasonable suspicion of criminal activity, and

(b) racial, religious or ethnic profiling; and, be it

FURTHER RESOLVED, That the Common Council calls upon Wisconsin's federal legislators to monitor the implementation of the USA PATRIOT Act and related federal actions and to actively work for the repeal of those sections of the USA PATRIOT Act that unduly infringe upon fundamental rights and liberties as recognized in the U.S. Constitution; and, be it

FURTHER RESOLVED, That the Common Council urges Wisconsin's federal legislators to support and co-sponsor the Security and Freedom Ensured Act of 2003 (SAFE Act) and urges Congressman F. James Sensenbrenner, chair of the House Judiciary Committee, to schedule hearings on the SAFE Act; and, be it

FURTHER RESOLVED, That the City of Milwaukee opposes any unfunded federal mandates instructing local police to attempt to enforce the complex civil immigration laws of the U.S. to the detriment of their primary law enforcement duties, as articulated by the Boston Police Commissioner: "turning all police officers into immigration agents . . . will discourage immigrants from coming forward to report crimes and suspicious activity, making our streets less safe as a result"; and, be it

FURTHER RESOLVED, That the City of Milwaukee remains committed to the protection of civil rights and civil liberties for all people and will uphold the constitutionally protected rights of all people to peacefully express their political views without governmental interference and that officers of the Milwaukee Police Department be trained consistent with the above principles; and, be it

FURTHER RESOLVED, That the Common Council opposes requests by federal authorities that, if granted, would cause agencies of the City of Milwaukee to exercise powers or cooperate in the exercise of powers in violation of any city ordinance or the laws or Constitution of the State of the United States; and, be it

FURTHER RESOLVED, That in order to assess the effect of antiterrorism initiatives on the residents of the City of Milwaukee, the Common Council calls upon federal officials to make periodic reports, consistent with the Freedom of Information Act; and, be it

FURTHER RESOLVED, That the City of Milwaukee joins 43 million Americans, 250 communities in 37 states across the nation and the National League of Cities as of February 24, 2004 in expressing concern that existing elements of the USA PATRIOT Act threaten civil rights and liberties guaranteed under the U.S. Constitution.

Mr. President, I shared with my colleagues the resolutions of all eight States in this country, all the way from Alaska to Maine, that express deep concerns about provisions of the USA PATRIOT Act. This was our opportunity to respond to the voices of those legislatures and the people of those States, to their heartfelt concerns about the degradation of their civil liberties. Many of these are not liberal States. Many of these are some of the reddest of the red States, to put it into common parlance, and they are some of the strongest States when it comes to the question of whether someone's library records or business records should be obtainable on no showing whatever—whatever—that someone is connected either to terrorism or any kind of wrongdoing at all. That is American common sense, whether you are standing in Maine, Wisconsin, or Alaska.

I only shared 4 of the 400 resolutions from city councils and county governments that essentially say the same thing. But I did share four from all over my State of Wisconsin where I believe the sentiment is strong that there simply is no reason why we cannot get the balance right, why we can't always err on the side of more government power, where the feeling is that somehow we are capable in this Congress and in this Government and in this country of getting the terrorists and stopping the terrorists, but also protecting the fundamental rights on which this country is founded.

It is not just my words. I happen to have been the only person to vote against the original USA PATRIOT Act in this Senate. But what I have begun to share is the fact that hundreds and hundreds of governmental units across this country have passed resolutions by the elected representatives in those communities or in those States, saying, wait, there are problems with the USA PATRIOT Act and they must be fixed.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the vote on adoption of the conference report to accompany H.R. 3199, the PATRIOT Act, occur at 3 p.m. tomorrow, with no further intervening action or debate. I further ask that the time until 2:30 be equally divided, with 1 hour of the time controlled by the minority to be under the control of Senator FEINGOLD and that the time between 2:30 and 3 p.m. be equally divided between the majority leader and the Democratic leader or their designees.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. REID. Reserving the right to object, I want the record to be spread with my appreciation to Senator FEINGOLD for working with us. Because of his agreeing to give up part of the time, it is going to make it more convenient for Members who have other things they would like to be doing, including another matter to vote on as soon as we finish this. So I want the record to indicate that I speak for many Senators in expressing appreciation to Senator FEINGOLD for working with us.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, yesterday I opposed cloture on S. 2271, the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006. Although I support Senator SUNUNU's bill, I voted against ending debate on it because Members of the Senate should have the right to offer amendments to this legislation, which implicates some very weighty constitutional and civil liberty issues. Today, I voted in support of S. 2271 on its merits because I believe it improves the PATRIOT Act conference report. I will continue to work with Senators FEINGOLD, SPECTER, and others to make more improvements such as those included in the bipartisan Senate PATRIOT Act reauthorization bill, which passed unanimously last July.

GOLDEN GAVEL AWARD

Mr. FRIST. Mr. President, I wish to take a brief moment to acknowledge an important feat of one of our Members. At approximately 5 o'clock today, the distinguished Senator from Oklahoma, Mr. COBURN, reached his 100th hour of presiding. Senator COBURN will be the second Senator in the 109th Congress to receive the Golden Gavel Award.

Most Members will agree that the best way to learn about Senate procedure is to preside over the Senate Chamber. Senator COBURN has done so with distinction. He has done so with honor and with a firm but fair gavel. In addition to his regular presiding time, Senator COBURN has volunteered to preside and fill in on those late nights and weekends when we are in dire need of help in the Chair. We all thank him for that.

The Senate owes a debt of gratitude to the Senator from Oklahoma. We thank him for his service and congratulate him on this outstanding achievement.

AUTISM SPECTRUM DISORDER

Mr. FRIST. Mr. President, each year roughly 24,000 children in the United States are born with an autism spectrum disorder. Over my short lifetime in medicine, the last 30 years, it has been remarkable to see the increase in autism spectrum disorder, a disorder which we don't understand today. We have made progress, but we don't understand it. The symptoms are tragic in many ways. They can be severe, or they have the spectrum from mild to severe. Autistic infants display abnormal reactions to various sensory stimuli, whether it is light or touch or smells, where touches can be experienced as being very painful, smells can be experienced as being very unpleasant. Loud noises and bright lights may cause reactions that involve a range of emotions, including weeping.

As the child grows older, they sometimes avoid cuddling or touching even close family members—again, this is a broad spectrum—many times preferring to stay alone, to play by themselves. By adolescence, these symptoms can become unbearably acute. You can imagine the impact this has on parents who become bewildered. Some lose hope. It is more common than childhood cancer today.

A lot of people don't realize that the incidence and prevalence of this has increased to the point that it surpasses childhood cancer. It can tear apart families—even the strongest families. The reason I bring it to the floor today is, I spent a good part of today talking to various people whose families have been affected. My own family has been affected by it. And as a physician, a doctor, as somebody who has devoted the majority of his adult life not to politics but to healing, I do believe that that combination of physician and legislator gives me certain responsibilities but also certain opportunities to push the frontiers of health, especially when we don't know the cause, the etiology.

That is why 6 years ago I sponsored the Children's Health Act of 2000. That was the first bill that looked at a whole spectrum of childhood diseases, one of which was autism. The legislation directed the National Institutes of Health to expand, to intensify, and to coordinate research into autism—this very complex, very poorly understood disorder. Progress has been made, but now the time has come to reauthorize that legislation.

Under the Children's Health Act, the NIH established the interagency coordinating committee to coordinate all autism-related activities at the Health and Human Services Agency. The committee represents a broad range of interests, including parents, doctors, and researchers engaged with this disease. The NIH also created eight Centers of Excellence in autism research across the country to conduct basic clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of autism. These eight centers have shown and demonstrated true success.

In 2001, NIH spent about $56 million on autism-related research. Three years later, that number went up to $100 million. What is especially remarkable is what the private sector, through philanthropy and organizations, has done in complementing and supplementing those funds. Unfortunately, we still don't know what causes autism, but we know that we must find a cure. It is time for us to reauthorize the autism provisions in the Children's Health Act. I look forward to working with my colleagues to do that. Children are our Nation's most precious resource. We must continue to push for a sustained investment and commitment to curing this heartbreaking disorder.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENTIAL VISIT TO INDIA

Mr. CORNYN. Mr. President, as I am sure all of my colleagues are aware, President Bush arrives today in India, where he will meet with Prime Minister Dr. Manmohan Singh. As the President observed on February 22, "We have an ambitious agenda with India. Our agenda is also practical. It builds on a relationship that has never been better. India is a global leader, as well as a good friend, and I look forward to working with Prime Minister Singh to address other difficult problems such as HIV/AIDS, pandemic flu, and the challenge posed by Iran's nuclear ambitions. My trip will remind everybody about the strengthening of an important strategic partnership. We'll work together in practical ways to promote a hopeful future for citizens in both our nations."

One of the most important items of business between the United States and India is the agreement for these two great democracies to cooperate on civil nuclear energy, which President Bush and Prime Minister Singh announced this past July. I have previously spoken in support of this initiative. I am hopeful that we will soon reach an agreement on the details of the plan and look forward to the Senate's consideration of the legislation that will implement the agreement.

The civil nuclear agreement with India is important for a number of reasons, ranging from improving global nonproliferation efforts to lessening India's demand on fossil fuels. I would like to emphasize that India and the United States have common interests in preventing the proliferation of weapons of mass destruction and related materials. Indeed, India has repeatedly made the hard decision to stand with the United States in seeking a peaceful solution to Iran's nuclear weapons ambitions.

However, it would be a mistake to confine the significance of the President's mission to India to nuclear issues. India is not only the world's largest democracy but a rapidly growing consumer market for American goods and services. Unlike some other developing economies, India's growth is not confined to heavy industry geared for the export market. Because India's economic dynamo is being driven from the bottom up, satisfying the needs of a rising middle class points to a balanced, healthy commercial relationship with the United States.

President Bush's visit to India is an opportunity to advance our partnership across the full range of issues: expanded cooperation on economic growth and development; mutual commercial opportunities, combating international terrorism; and a full field of cooperation on space, agriculture, energy and the environment, and high technology. I wish him the greatest success in all of these areas.

DAY IN AMERICAN HISTORY

Mr. SMITH. Mr. President, I rise today to reflect on a momentous day in American history. On this day in 1780, Pennsylvania became the first State in our Nation to abolish slavery. The Gradual Abolition Act was an important first step in our Nation's history toward greater equality for all Americans.

Last month, 226 years later, we celebrated Black History Month. And, we have much to celebrate since 1780. The accomplishments of African-Americans and their tremendous sacrifices have strengthened our great Nation and we recognize their enormous contributions to our diverse culture.

In 1870, the 15th amendment to the Constitution granted African-American men the right to vote by declaring that the "right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude."

It would be almost a century, however, for the true spirit of the 15th amendment to be fully realized. Through the use of literacy tests, poll taxes, and other means, African-Americans were effectively disenfranchised in many parts of the Nation. Significant numbers of Black Americans across the country were not registered to vote until the Voting Rights of Act of 1965 was enacted.

Organizations such as the National Association for the Advancement of Colored People, NAACP, have continued the effort to gain true equality for African-Americans. In my home State of Oregon, the Portland chapter of the NAACP was founded in 1914. It remains the oldest continually chartered chapter west of the Mississippi River.

As we continue to make strides in the battle for equality, we remember the tremendous accomplishments of African-Americans. But the struggle is not over. We can always do better. We must continue to fight to fulfill the legacy of the civil rights movement and ensure that all Americans have equal rights and opportunities.

PROSECUTION IS NOT PREVENTION

Mr. LEVIN. Mr. President, it is sometimes argued that "prosecution is prevention" when it comes to gun violence. While I agree that our gun laws should be strictly enforced, prosecuting criminals is only part of the solution to our Nation's problems with guns. True prevention involves reducing the likelihood of death or injury before an incident occurs. In addition, it is important to recognize that prosecution has little or nothing to do with the thousands of accidental shootings and gun suicides that occur each year. Unfortunately, we have still not done enough to prevent dangerous guns from falling into the hands of potential criminals, children, and others who may intentionally or unintentionally use them to harm themselves or others.

Physicians for Social Responsibility, or PSR, is a leading public policy organization made up of more than 24,000 medical and public health professionals which has been active in the fight to solve the problem of gun violence in our Nation. PSR is one of many groups who view gun violence as a "preventable public health epidemic." As it states on its Web site:

> Public health practice focuses resources on prevention, rather than a traditional criminal justice, "after the fact" method of reacting to violence through arrest, conviction and incarceration of violent offenders. Just as public health policy recognizes that immunizing a patient against the measles is far superior to treating a patient already infected, the same logic can be applied to guns.

If we are serious about preventing gun violence, we must first reduce the ability of criminals to acquire dangerous firearms. One way of doing this is by requiring background checks on all firearms sold in the United States, instead of only those that are sold by licensed dealers as is prescribed under current Federal law. According to the Coalition to Stop Gun Violence, "two out of every five guns acquired in the United States, including guns bought at gun shows, through classified ads, and between individuals, change hands without a background check." The Coalition to Stop Gun Violence also estimates that "extending criminal background checks to all gun transactions in the United States could prevent nearly 120,000 additional illegal gun sales every year."

Prevention of unintentional shooting and suicide by children requires that proactive steps be taken to reduce access to dangerous firearms. A study published last year in the Journal of the American Medical Association found that the risk of unintentional shooting or suicide by minors using a gun can be reduced by 61 percent when ammunition in the home is locked up. Simply storing ammunition separately from the gun reduces such occurrences by more than 50 percent.

Prosecution of gun violence perpetrators alone is not an effective means of preventing injury or death caused by guns, although opponents of commonsense gun safety legislation argue that it is. Unfortunately, our gun safety laws do not include many proactive measures that would reduce the likelihood that a gun is used to kill or injure. I hope my colleagues will join me in working to address this problem.

COMMEMORATING THE 45TH ANNIVERSARY OF THE PEACE CORPS

Mr. CHAFEE. Mr. President, I rise today to pay special tribute to the Peace Corps on its 45th anniversary.

This week has been designated as National Peace Corps Week, and I am pleased to have the opportunity to salute the men and women of our Nation who have contributed their time and energy to serve as Peace Corps volunteers. Thanks to the selflessness of these Americans, the Peace Corps has reached a 30-year high in membership, serving in 75 countries across the globe.

The mission of the Peace Corps today has changed dramatically since it was established by President John F. Kennedy in 1961. Today, volunteers are providing assistance to developing nations around the world, working to find ways to address huge global challenges such as the need for HIV/AIDS prevention, and are embarking on other missions to further our diplomatic goals across the globe.

I also applaud the domestic efforts of the Crisis Corps Volunteers, in their assistance with relief in regions damaged by Hurricane Katrina. Members of this special unit of Peace Corp volunteers were also deployed to Sri Lanka and Thailand to assist with rebuilding tsunami-devastated areas.

Today, I am proud to honor 27 Rhode Islanders currently serving in the Peace Corps. I wish them the very best in all their endeavors and I thank them for their service to our country in this important time in history. Their names are as follows:

Catherine M. Alexander, Courtney E. Briar, Anthony J. Cabral, Mayerlin Caridad Mejia, Rebecca L. Champlin, Caroline C. Cutting, Jennifer S. Doo, Shayne E. Doyle, Catherine Farrell, Amanda H. Fogle-Donmoyer, Heron E. Greenesmith, Geoffrey L. Jones, Jesse B. Joseph, Anna D. Karolyshyn, Maria K. Kasparian, Christopher A. Kelley, Caroline N. Klein, Marie A. Kobayashi, Mark A. Lange, Andrew J. Moulton, Leana A. Nordstrom, David M. Reynolds, Ralph W. Riccio, Christi M. Turner, Evan R. Usler, Deborah L. Vittner, and Erica K. Zaiser.

HONORING COACH EDWARD THOMAS

Mr. GRASSLEY. Mr. President, I am proud to say that I have recently discovered, almost literally in my own backyard, an Iowan who has received an honor of national significance. Mr. Edward Thomas, the head football coach at Aplington-Parkersburg High School, is the recipient of the 2005 NFL High School Coach of the Year award. He was honored with tickets to Super Bowl XL as well as monetary awards for himself and his football program.

Coach Thomas has been coaching for 34 years, 31 of those at Aplington-Parkersburg. His overall record at Aplington-Parkersburg is 249 wins and 58 losses. He has guided his teams to the State playoffs 15 times, winning 2 State titles and has won 15 conference or district championships during that time. In his 34 years of coaching, he has won such awards as the National Federation High School Football Coach of the Year in 2004, Northeast Iowa Coach of the Year 5 times and was inducted into the Iowa High School Football Coaches' Association Hall of Fame in 1990. With an enrollment of almost 300 at Aplington-Parkersburg, Coach Thomas has produced 4 active NFL players—Detroit Lions defensive end Jared DeVries, Jacksonville Jaguars guard Brad Meester, Kansas City Chiefs center Casey Wiegmann and Green Bay Packers defensive end Aaron Kampman.

Coach Thomas also teaches life lessons and Christian principles while emphasizing the adversity and teamwork of football as a reflection of life in the real world. As Aaron Kampman put it, "He strives to make men better through the game of football." Kampman also stated, "You get goosebumps playing for the guy, the essence of playing under the lights on Friday night he brought that to the forefront."

While the Aplington-Parkersburg Falcons are rivals to my hometown team, the Dike-New Hartford Wolverines, I am very proud that an Iowan has been honored in this way. I offer my sincere congratulations to Coach Thomas on this most prestigious honor and wish him continued success.

ADDITIONAL STATEMENTS

KIMMIE MEISSNER

• Ms. MIKULSKI. Mr. President, I rise today to honor Kimmie Meissner, a great Olympian and the pride of Bel Air, MD. We in Maryland are so proud of Kimmie. Sixth at the Olympics at the age of 16 is a monumental achievement.

Like many of my colleagues, I was glued to the television set to watch our U.S. athletes in Torino. I was so impressed with Kimmie's performance. I only wish I could have been there to lead the applause for our hometown girl. She may have come in sixth in Torino, but she came in first in the hearts of the people of my great State.

But Kimmie's accomplishments didn't begin in Torino. She began her figure skating career 10 years ago at the age of 6. At the age of 6. She has been a true student athlete for almost her entire life, balancing her school work with her training. Kimmie goes to Fallston High School in Harford County every day, and when school is over she drives to Delaware to train for her second shift as a competitive figure skater.

Kimmie shows maturity far beyond her years, both on and off the ice. She supports the Leukemia Society and the Johns Hopkins Hospital Children's Center, taking time out of her life to visit with sick young people.

On the ice, Kimmie couldn't have a better attitude. She says her motto is, "enjoy what you do; do what you enjoy." I can think of few young people who have such a thoughtful approach to life. At 16 years old, she has the brightest future of anyone of our Olympic skaters, and I can't wait for the Vancouver Olympics in 2010.

March is Women's History Month and the time when we celebrate the achievements and struggles of women in America. Frequently, we point to those who have come before us and who have paved the way for current advances. But it is only right and proper that in this 2006 Women's History Month, we salute young women like Kimmie and the honor she brought the United States with her talent, skill, and sportsmanship.

Thank you, Kimmie, for making us so proud. Thank you for representing all that is good and true about America's young people. And though I cannot tell a salchow from an axel, let alone a loop from a lutz, even I could recognize your grit, grace, and promise of an even more glittering future.•

TRIBUTE TO REGINA RUSH-KITTLE

• Mr. DODD. Mr. President, I rise today to honor a dedicated public servant and a groundbreaker in her field, Lieutenant Regina Rush-Kittle. On March 3, Lieutenant Rush-Kittle will receive the Officer of the Year award from the Connecticut Association of Women Police.

Regina Rush-Kittle's long and distinguished law enforcement career began in 1983. After graduating from the University of Connecticut with a degree in political science, Lieutenant Rush-Kittle served as a correctional officer at a high security correctional institution for 2 years. She then joined the Middletown Police Department, becoming the first African-American female police officer on the force. She served as a patrol officer for 2 years prior to being accepted into the Connecticut State Police Academy.

Regina Rush-Kittle has been a trailblazer for African-American women in Connecticut law enforcement. After serving as the first African-American woman on the Middletown police force, she went on to become the first African-American woman to attain the rank of sergeant in the Connecticut State Police Department. Most recently, after scoring number one on both the lieutenants exam and master sergeants exam, Regina Rush-Kittle was promoted to lieutenant, the first African-American female to attain that rank in the department's 100-year history. Her current assignment as commander of the Bethany barracks makes her the first African-American woman in State history to command a barracks.

Lieutenant Rush-Kittle's tireless commitment to her community, her State, and her country extends beyond her achievements in Connecticut law enforcement. She is a long-serving Marine and Army Reservist. In 2003, she was deployed to Kuwait for a year, serving with the 804th Medical Brigade out of Fort Devens, MA. Upon her return in February 2004, she attained the rank of sergeant major, taking on responsibilities far beyond the normal obligations to serve 1 weekend per month and 2 weeks in the summer. Despite being eligible for retirement from the Reserves, Lieutenant Rush-Kittle continues to serve.

Regina Rush-Kittle is an outstanding citizen who goes above and beyond to protect her fellow citizens, her State, and her country. I commend her for her continued dedication, and congratulate her, her husband William, and her two children Jorrell and Gianna on this wonderful occasion.•

MESSAGE FROM THE HOUSE

At 1:33 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 449. An act to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1096. An act to establish the Thomas Edison National Historical Park in the State of New Jersey as the successor to the Edison National Historic Site.

H.R. 1259. An act to award a congressional gold medal on behalf of the Tuskegee Airmen, collectively, in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

H.R. 1728. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating portions of Ste. Genevieve County in the State of Missouri as a unit of the National Park System, and for other purposes.

H.R. 2872. An act to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

The message further announced that pursuant to 22 U.S.C. 276h, and the order of the House of December 18, 2005, the Speaker on February 16, 2006, appointed the following Members of the House of Representatives to the Mexico-United States Interparliamentary Group: Mr. KOLBE of Arizona, Chairman, and Mr. MCCAUL of Texas, Vice Chairman.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1096. An act to establish the Thomas Edison National Historical Park in the State of New Jersey as the successor to the Edison National Historic Site; to the Committee on Energy and Natural Resources.

H.R. 1259. An act to authorize the President to award a gold medal on behalf of the Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1728. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating portions of Ste. Genevieve Country in the State of Missouri as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2872. An act to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5813. A communication from the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the Government National Mortgage Association (Ginnie Mae) management report for the fiscal year ended September 30, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–5814. A communication from the Chief Operating Officer/President, Resolution Funding Corporation, transmitting, pursuant to law, the Resolution Funding Corporation's Statement on the System of Internal Controls and the 2005 Audited Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–5815. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency and related measures blocking property of persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5816. A communication from the Assistant to the Board, Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Regulation H and Y—Risk-Based Capital Guidelines; Market Risk Measure; Securities Borrowing Transactions" ((RIN1557–AC–90) (Docket No. R–1087)) received on February 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–5817. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Market Risk Measure; Securities Borrowing Transactions" (RIN1557–AC90) received on February 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–5818. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Delegation of Insuring Authority To Direct Endorsement Mortgages; Announcement of Information Collection Effective Date" ((RIN2502–AG87) (FR–4169–F–04)) received on February 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–5819. A communication from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the Administration's Fiscal Year 2007 Capital Investment and Leasing Program; to the Committee on Homeland Security and Governmental Affairs.

EC–5820. A communication from the Chairman, Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the Commission's report relative to compliance during calendar year 2005 with the Government in Sunshine Act; to the Committee on Homeland Security and Governmental Affairs.

EC–5821. A communication from the Director, Office of Budget and Management, Executive Office of the President, transmitting, pursuant to law, the Office of Budget and Management's 2006 Federal Financial Management Report; to the Committee on Homeland Security and Governmental Affairs.

EC–5822. A communication from the Chairman, Board of Governors, United States Postal Service, transmitting, pursuant to law, the Board's calendar year 2005 report relative to the Government in the Sunshine Act; to the Committee on Homeland Security and Governmental Affairs.

EC–5823. A communication from the Secretary, Smithsonian Institution, transmitting, pursuant to law, a report relative to the Institution's competitive sourcing activities for fiscal year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–5824. A communication from the Director, Insurance Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees Health Benefits Acquisition Regulation: Technical Amendments" (RIN3206–AJ20) received on February 27, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–5825. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Excepted Service—Temporary Organizations" (RIN3206–AJ70) received on February 27, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–5826. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Environmental Differential Pay for Asbestos Exposure" (RIN3206–AK64) received on February 27, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–5827. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revised Regulations Governing Small Power Production and Cogeneration Facilities" (Docket No. RM05–36–000) received on February 27, 2006; to the Committee on Energy and Natural Resources.

EC–5828. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards" (Docket No. RM05–30–000) received on February 27, 2006; to the Committee on Energy and Natural Resources.

EC–5829. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the Foundation's report relative to its competitive sourcing efforts for fiscal year 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–5830. A communication from the Secretary, Department of Health and Human Services, transmitting, pursuant to law, the Department's Fiscal Year 2002 Report on the Community Food and Nutrition Program (CFNP); to the Committee on Health, Education, Labor, and Pensions.

EC–5831. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a report relative to the impact of the improvements to compensation and benefits made by title VI of the National Defense Authorization Act for Fiscal Year 2000; to the Committee on Armed Services.

EC–5832. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to Title 10, U.S. Code 2464 requiring notification of Congress the first time a weapon system or other item of military equipment is determined to be a commercial item; to the Committee on Armed Services.

EC–5833. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Department of Defense Competitive Sourcing Report for Fiscal Year 2005; to the Committee on Armed Services.

EC–5834. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Danger Pay to government civilian employees working in Dushanbe, Tajikistan; to the Committee on Foreign Relations.

EC–5835. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 06–35–06–43); to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LOTT, from the Committee on Rules and Administration, without amendment:

S. 2349. An original bill to provide greater transparency in the legislative process.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. STABENOW (for herself, Mr. KENNEDY, Mr. LEVIN, Mrs. CLINTON, Mr. AKAKA, Mr. LAUTENBERG, Mrs. BOXER, and Mr. DAYTON):

S. 2342. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare program; to the Committee on Finance.

By Mr. PRYOR:

S. 2343. A bill to authorize the Federal Emergency Management Agency to provide relief to the victims of Hurricane Katrina and Hurricane Rita by placing manufactured homes in flood plains, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHUMER:

S. 2344. A bill to amend title XVIII of the Social Security Act to extend the employer subsidy payment provisions under the Medicare prescription drug program to State Pharmaceutical Assistance Programs; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 2345. A bill to amend the Internal Revenue Code of 1986 to exempt passenger vehicles eligible for the alternative motor vehicle credit and the credit for qualified electric vehicles from the limitation on depreciation for luxury automobiles; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2346. A bill to amend the Ojito Wilderness Act to make a technical correction; to the Committee on Energy and Natural Resources.

By Mr. CONRAD (for himself and Mr. ROCKEFELLER):

S. 2347. A bill to amend the Internal Revenue Code of 1986 to extend and modify the tax credit for holders of qualified zone academy bonds; to the Committee on Finance.

By Mr. OBAMA (for himself and Mr. DURBIN):

S. 2348. A bill to amend the Atomic Energy Act of 1954 to require a licensee to notify the Atomic Energy Commission, and the State and county in which a facility is located, whenever there is an unplanned release of fission products in excess of allowable limits; to the Committee on Environment and Public Works.

By Mr. LOTT:

S. 2349. An original bill to provide greater transparency in the legislative process; from the Committee on Rules and Administration; placed on the calendar.

By Mr. JOHNSON:

S. 2350. A bill to prohibit States from carrying out more than one congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mr. KENNEDY, and Mr. DAYTON):

S. 2351. A bill to provide additional funding for mental health care for veterans, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TALENT (for himself, Mr. DURBIN, Mr. FRIST, and Mr. SUNUNU):

S. Res. 386. A resolution honoring the Pre-Negro Leagues and Negro Leagues baseball players and executives elected to the National Baseball Hall of Fame Class of 2006; considered and agreed to.

ADDITIONAL COSPONSORS

S. 103

At the request of Mr. TALENT, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

S. 241

At the request of Ms. SNOWE, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 382

At the request of Mr. ENSIGN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 382, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 474

At the request of Mr. SMITH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 474, a bill to establish the Mark O. Hatfield-Elizabeth Furse Scholarship and Excellence in Tribal Governance Foundation, and for other purposes.

S. 503

At the request of Mr. BOND, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 558

At the request of Mr. REID, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 558, a bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt.

S. 637

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 637, a bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes.

S. 877

At the request of Mr. DOMENICI, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 877, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1257

At the request of Mr. SPECTER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1257, a bill to amend title 28, United States Code, to clarify that persons may bring private rights of actions against foreign states for certain terrorist acts, and for other purposes.

S. 1440

At the request of Mr. CRAPO, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 1605

At the request of Mr. KYL, the name of the Senator from North Carolina

(Mr. BURR) was added as a cosponsor of S. 1605, a bill to amend title 18, United States Code, to protect public safety officers, judges, witnesses, victims, and their family members, and for other purposes.

S. 1791

At the request of Mr. SMITH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 1951

At the request of Mr. KENNEDY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1951, a bill to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes.

S. 1998

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2008

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2008, a bill to improve cargo security, and for other purposes.

S. 2134

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2134, a bill to strengthen existing programs to assist manufacturing innovation and education, to expand outreach programs for small and medium-sized manufacturers, and for other purposes.

S. 2157

At the request of Mrs. BOXER, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2157, a bill to amend title 10, United States Code, to provide for the Purple Heart to be awarded to prisoners of war who die in captivity under circumstances not otherwise establishing eligibility for the Purple Heart.

S. 2253

At the request of Mr. DOMENICI, the names of the Senator from Utah (Mr. HATCH) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2253, a bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing.

S. 2287

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2287, a bill to amend the Internal Revenue Code of 1986 to increase and permanently extend the expensing of certain depreciable business assets for small businesses.

S. 2314

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2314, a bill to suspend the application of any provision of Federal law under which persons are relieved from the requirement to pay royalties for production of oil or natural gas from Federal lands in periods of high oil and natural gas prices, to require the Secretary to seek to renegotiate existing oil and natural gas leases to similarly limit suspension of royalty obligations under such leases, and for other purposes.

S. 2322

At the request of Mr. ENZI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2327

At the request of Mr. ALLEN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2327, a bill to require the FCC to issue a final order regarding white spaces.

S. 2333

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2333, a bill to require an investigation under the Defense Production Act of 1950 of the acquisition by Dubai Ports World of the Peninsular and Oriental Steam Navigation Company, and for other purposes.

S. CON. RES. 79

At the request of Ms. COLLINS, her name was added as a cosponsor of S. Con. Res. 79, a concurrent resolution expressing the sense of Congress that no United States assistance should be provided directly to the Palestinian Authority if any representative political party holding a majority of parliamentary seats within the Palestinian Authority maintains a position calling for the destruction of Israel.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR:

S. 2343. A bill to authorize the Federal Emergency Management Agency to provide relief to the victims of Hurricane Katrina and Hurricane Rita by placing manufactured homes in flood plains, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. PRYOR. Mr. President, this week marks the 6-month anniversary of when Hurricane Katrina ravaged the gulf coast, destroying lives and dreams along the way. Thousands upon thousands of homes were also ruined, and today they remain simply a heap of debris.

I saw this devastation firsthand a few weeks ago when, as a member of the Homeland Security and Governmental Affairs Committee, we traveled to Gulfport and New Orleans for field hearings to see what resources are necessary to help the region recover from the largest natural disaster in our history.

In fact, this photograph was taken by one of the press people who was on that trip. So we saw this scene firsthand. Alison Vekshin of Stephens Media took this photo.

I remind my colleagues that Hurricane Katrina completely destroyed 205,330 homes in Louisiana. It completely destroyed 68,729 homes in Mississippi. And 363 homes were completely destroyed in Alabama. For many of these families who lost everything, a place to live would offer opportunity for them to go back to work and begin rebuilding their lives.

I was told by local and State leaders that housing is the catalyst to get businesses open, to get people back to work, to pump money back into the local economy, and to restore the infrastructure that once existed.

Many people along the gulf coast who lost their houses have also lost hope. In Arkansas, we have a place called Hope where 10,777 manufactured homes sit on an airfield.

These homes—ordered by FEMA and paid for by FEMA—now sit in a FEMA-leased site, only to be restricted from use in the gulf region because of a FEMA-imposed rule that prevents them from being located in a floodplain.

FEMA is now accepting bids to gravel the area where the homes are sitting on dirt, costing taxpayers another $4 to $7 million. In addition, FEMA is buying a specially designed jack for each corner of each home to prevent sagging and further damage.

These manufactured homes epitomize FEMA's ineptitude in planning, communication, and response. Taxpayers have now spent an estimated $475 million for these homes to sit gridlocked in bureaucracy, even as evacuees are evicted from hotel rooms and thousands of others struggle to find affordable housing.

Congressman MIKE ROSS of Arkansas asked FEMA to waive the floodplain restriction that stands in the way between the homeless and a home. But FEMA refused, citing that manufactured homes are "sitting ducks" for the next natural disaster. These homes, I have to remind my colleagues, were built to high wind zone 3 specifications, so while they may not withstand the next hurricane—although they may—they will not tumble over during a storm.

Now, we are telling FEMA to let hope travel to where it is needed most, from Arkansas to Mississippi, Louisiana, and Alabama.

My legislation, the Hope Housing Act of 2006, allows manufactured homes bought for Katrina and Rita victims to be located in floodplains, protects FEMA from responsibility if the homes are subsequently flooded, and directs FEMA to publicize this change so people will know they are available.

This is a one-time change that I believe is necessary in the face of what I hope will be a one-time disaster. We have people without homes and homes without people. Let's allow the homes to go where they are needed so the people in New Orleans and the gulf coast can return to their communities and help rebuild them. The alternative seems to be to let them sit and deteriorate in Hope, Arkansas.

Mr. President, 6 months is too long to allow this nonsense to continue. I urge my colleagues to support this commonsense solution that allows hurricane victims a little hope and opportunity for their future.

The bottom line is that basically FEMA ordered these homes, paid for these homes, and now they are storing these homes, but their own regulation will not allow them to use them where they are most needed. So what our legislation does is allow FEMA to put these homes down where they are needed to try to get the economic cycle in New Orleans and the gulf coast area going again because right now the cycle is broken. They do not have people down there to work the jobs. They do not have people down there to be consumers. And the reason they do not have people is because they do not have a place to live.

So I urge my colleagues to consider helping in this effort. The Hope Housing Act of 2006 is a very commonsense solution for this very critical need.

By Mr. GRASSLEY (for himself and Mr. Baucus):

S. 2345. A bill to amend the Internal Revenue Code of 1986 to exempt passenger vehicles eligible for the alternative motor vehicle credit and the credit for qualified electric vehicles from the limitation on depreciation for luxury automobiles; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of a bill I introduced today that may be cited as the "America's Business Choice Act" be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 2345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "America's Business Choice Act".

SEC. 2. EXCEPTION FROM DEPRECIATION LIMITATION FOR CERTAIN ALTERNATIVE AND ELECTRIC PASSENGER AUTOMOBILES.

(a) In General.—Paragraph (1) of section 280F(a) of the Internal Revenue Code of 1986 (relating to limitation) is amended by adding at the end the following new subparagraph:

"(D) Special rule for certain alternative motor vehicles and qualified electric vehicles.—Subparagraph (A) shall not apply to any motor vehicle for which a credit is allowable under section 30 or 30B.".

(b) Conforming Amendment.—Subparagraph (C) of section 280F(a)(1) of the Internal Revenue Code of 1986 is amended by striking clause (ii) and by redesignating clause (iii) as clause (ii).

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

By Mr. CONRAD (for himself and Mr. Rockefeller):

S. 2347. A bill to amend the Internal Revenue Code of 1986 to extend and modify the tax credit for holders of qualified zone academy bonds; to the Committee on Finance.

Mr. CONRAD. Mr. President, today, I am reintroducing, with Senator Rockefeller, a bill to make some small but important changes to the Qualified Zone Academy Bond, QZAB, program.

The QZAB program helps qualifying schools renovate and update school buildings. Schools issue special bonds to finance the cost of renovation. Purchasers of the bonds receive a Federal tax credit in lieu of interest on the bond, thus helping to reduce the cost to the school. Most States are now using this program to modernize their school facilities. The QZAB program expired in 2005, but the Tax Reconciliation bill that will soon be considered by a conference committee extends the program.

We are proposing to make modest changes in the QZAB program to make it even more useful to schools across the country. Our bill would expand the pool of bond purchasers to include all taxpayers, both individuals and other entities. Currently, only financial institutions can buy QZABs, which precludes pension funds and mutual funds from purchasing QZABs.

Our bill would also allow QZABs to be "stripped" so the purchaser could then sell separately the principal portion of the bond and the tax credit. This will encourage the development of a secondary market for the bonds and reduce the discount costs making more of the proceeds available for school-related expenses. It will also open the market to nonprofit entities such as public employee pension funds.

The bill revises the allocation formula to the States to better align with Title I, the program for disadvantaged students. Current law requires that allocations be made on the basis of a State's population living below poverty. This change simplifies and updates by tying funding to the formula used to distribute Title I funding for disadvantaged students.

Unused bonding authority would be reallocated to other States. A few States have not used their allocations, and their bonding authority has lapsed. However, the demand in many States now far exceeds their allocation. Allowing funds to be reallocated would maximize the potential of the QZAB program.

Finally, our bill would allow QZABs to be used for new construction and to purchase land for school buildings. We believe QZABs have been proven to be a cost-effective method for financing school renovation. With this additional flexibility, States can effectively reduce their construction backlogs.

School districts across the country have praised the QZAB program for helping them to address serious problems in their buildings. This is a good program. We can make it even better by enacting these small reforms. I urge my colleagues to join us in supporting this important measure.

By Mr. OBAMA (for himself and Mr. Durbin):

S. 2348. A bill to amend the Atomic Energy Act of 1954 to require a licensee to notify the Atomic Energy Commission, and the State and county in which a facility is located, whenever there is an unplanned release of fission products in excess of allowable limits; to the Committee on Environment and Public Works.

Mr. OBAMA. Mr. President, less than 2 months ago, it was announced by Exelon Nuclear that an environmental monitoring program discovered higher than normal concentrations of tritium in the groundwater near the Nuclear Generating Station in Braidwood, IL.

Indications are that this tritium plume is the result of an accidental radioactive wastewater release that occurred approximately 6 to 8 years ago, and now the tritiated water has migrated underground into several drinking wells of nearby residents.

While most of the issues associated with this situation are still under investigation, one issue is clear. Community residents, particularly the State and local officials responsible for the safety and health of their constituents, did not receive full or immediate notification of this contamination—either from Exelon, or the Nuclear Regulatory Commission, NRC, the Federal agency with oversight over nuclear plant operations.

I was surprised to learn, that while Federal law requires State and local officials to be notified immediately upon a "declared emergency," Federal law does not require State and local officials to be notified of any other accidental, unplanned, or unintentional radioactive substance releases that may occur if those releases do not immediately rise to a public health or safety threat. And while those incidents must be documented with the NRC and made available to the public, accessing that information is contingent upon the public and State and local officials actually knowing that these incidents ever occurred.

When radioactive substances are released into the environment outside of normal operating procedures, notifying State and local officials should not be a courtesy; it should be the law.

That's why today I am introducing the Nuclear Release Notice Act of 2006, a bill designed to expand the public's right to know when radioactive substances are released from a reactor. Specifically, the bill is designed to accomplish the following: (1) to ensure that the licensees notify State and local officials at the same time the NRC is notified regarding unplanned incidents that occur at local nuclear power plants; (2) to add State and local reporting requirements not just on incidents regarding fissionable material releases, but on all unplanned radioactive substance releases that are outside of normal operating limits; (3) to add State and local reporting requirements when releases exceed not just NRC limits for normal operation, but also when they exceed other Federal limits and standards for groundwater and other types of contamination; (4) to ensure than any repeat unplanned releases of radioactive substances—even if within allowable limits—that occur more than twice within 2 years are reported to State, local and NRC officials—so that we all know when poor maintenance, malfunctions of poor design are going unfixed; and (5) to provide that violations of this provision could result in the revocation of the operating license of the licensee.

As energy demand throughout the Nation increases in the coming decades, we will be challenged in how best to meet these consumption demands without sacrificing the environment. That means using all of our energy resources fully and wisely, including wind, solar, and other important renewable power-generating resources.

Moreover, as Congress considers policies to address air quality and the deleterious effects of carbon emission's on the global ecosystem, it is reasonable—and realistic—for nuclear power to remain on the table for consideration. Illinois has 11 nuclear power plants—the most of any State in the country—and nuclear power provides more than half of Illinois' electricity needs.

The people of Illinois—and all residents who live near nuclear power plants—have a right to know when actions are taken that might affect their safety and well-being. This bill furthers this commonsense goal, and I urge my colleagues to support it.

By Mrs. BOXER (for herself, Mr. KENNEDY, and Mr. DAYTON):

S. 2351. A bill to provide additional funding for mental health care for veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. BOXER. Mr. President, I am pleased to introduce legislation today to double the funding for veterans mental health care over the next 5 years.

Our brave veterans returning from Iraq and Afghanistan have faced unspeakable horrors. They have seen people killed and wounded, experienced the stress of urban warfare, and endured other traumatic events. These experiences undoubtedly take their toll. However, it can take months or even years for these events to impact a person's mental health.

The need for this legislation is clear. Just today, the Washington Post reported that more than one in three soldiers and Marines who have served in Iraq later sought help for mental health problems. And we already know that the Veterans' Administration treated almost 19,000 Iraq and Afghanistan veterans for post-traumatic stress disorder, PTSD, between 2002 and 2005. These numbers will continue to increase.

This legislation will help ensure that the VA has the resources necessary to treat veterans with mental illness. First, it authorizes the VA to spend at least $3.6 billion in 2007—up from $2.8 billion in 2006—and increases funding to $5.6 billion by 2011. Second, it requires an annual report about progress in implementing milestones from the VA Mental Health Strategic Plan.

This bill is supported by AMVETS and Disabled American Veterans.

It is imperative that we make a long-term commitment to provide mental health services to our veterans, who have sacrificed so much for us. I urge my colleagues to support this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 386—HONORING THE PRE-NEGRO LEAGUES AND NEGRO LEAGUES BASEBALL PLAYERS AND EXECUTIVES ELECTED TO THE NATIONAL BASEBALL HALL OF FAME CLASS OF 2006

Mr. TALENT (for himself, Mr. DURBIN, Mr. FRIST, and Mr. SUNUNU) submitted the following resolution; which was considered and agreed to:

S. RES. 386

Whereas African Americans began to play baseball in the late 1800s on military teams, college teams, and company teams, and eventually found their way onto professional teams with White players;

Whereas the racism and "Jim Crow" laws that forced African American players from their integrated teams by 1900 compelled those dedicated players to form their own "barnstorming" teams that traveled throughout the United States and offered to play any team willing to challenge them;

Whereas, in 1920, the Negro National League was created under the guidance of Andrew "Rube" Foster, a former player, manager, and owner of the Chicago American Giants, at a meeting held at the Paseo YMCA in Kansas City, Missouri;

Whereas soon after the Negro National League was formed, rival leagues were assembled in eastern and southern States, bringing the thrills and innovative play of African American ballplayers to major urban centers and rural countrysides throughout the United States, Canada, and Latin America;

Whereas, from the 1920s to the 1960s, over 30 communities located throughout the United States were home to teams in 1 of the 6 Negro Leagues;

Whereas the Negro Leagues maintained a high level of professional skill and became centerpieces for economic development in their communities;

Whereas, in 1945, the Brooklyn Dodgers of Major League Baseball recruited Jackie Robinson from the Kansas City Monarchs, making Robinson the first African American in the modern era to play on a Major League Baseball roster;

Whereas the integration of Major League Baseball, which soon followed the signing of Jackie Robinson, prompted the decline of the Negro Leagues because the Major Leagues began to recruit and sign the best African American ballplayers;

Whereas it has been recognized by numerous baseball authorities that many of the greatest players ever to play the game of baseball played in the Negro Leagues, rather than Major League Baseball;

Whereas, on February 27, 2006, the National Baseball Hall of Fame announced that Ray Brown, Willard Brown, Andy Cooper, Frank Grant, Pete Hill, Biz Mackey, Effa Manley, Joe Mendez, Alex Pompez, Cum Posey, Louis Santop, Mule Suttles, Ben Taylor, Cristobal Torriente, Sol White, J.L. Wilkinson, and Jud Wilson had been elected to the National Baseball Hall of Fame Class of 2006;

Whereas less than 1 percent of all professional baseball players have been honored with induction into the National Baseball Hall of Fame;

Whereas we congratulate Ray Brown, an ace starter for the Homestead Grays who—

(1) ranks among the top Negro Leagues pitchers in total wins and winning percentage; and

(2) pitched a perfect game in 1945 as well as a one-hitter in the 1944 Negro World Series;

Whereas we congratulate Willard Brown, an outfielder with the Kansas City Monarchs who—

(1) lead the Negro American League in home runs and batting average during numerous seasons; and

(2) was considered by many to be the Negro American League version of Josh Gibson;

Whereas we congratulate Andy Cooper, a pitcher with the Detroit Stars and Kansas City Monarchs who—

(1) had a knack for changing the speed of his pitches;

(2) was the all-time leader in every Detroit Stars pitching category;

(3) was among the top 10 leaders in career wins, strikeouts, shutouts, and winning percentage in Negro Leagues history; and

(4) later in his career became the manager of the Kansas City Monarchs and lead them to 3 pennants;

Whereas we congratulate Frank Grant, a second baseman with tremendous range and a strong arm who—

(1) hit over .300 in 4 seasons with White minor league teams until the color lines forced him out of the league in 1886;

(2) played for top-rated African American teams until 1903; and

(3) who displayed a unique blend of speed and power in the International League that allowed him to turn 1 out of every 4 base hits into extra bases;

Whereas we congratulate Pete Hill, a premier outfielder who—

(1) played brilliantly for the Cuban X-Giants, Philadelphia Giants, Chicago Leland Giants, and the Chicago American Giants before the formation of the Negro Leagues;

(2) during his 1911 season as an American Giant, hit safely in 115 out of 116 games; and

(3) was rated the fourth best outfielder in the renowned 1952 Pittsburgh Courier player-voted poll of the best players of the Negro Leagues;

Whereas we congratulate Biz Mackey, a strong-armed catcher who—

(1) ended his career with a lifetime batting average well over .300;

(2) ranked among the top Negro Leaguers in lifetime total bases, RBIs, and slugging percentage; and

(3) later managed the Baltimore Elite Giants and the Newark Eagles who, under his skill and leadership, won the Negro World Series in 1946;

Whereas we congratulate Effa Manley, the co-owner of the Newark Eagles, who—

(1) has become the first woman elected to the National Baseball Hall of Fame; and

(2) in addition to her efforts in baseball, played an active role in the Civil Rights Movement by promoting such causes as Anti-Lynching Day at Ruppert Stadium, which is the home of the Eagles;

Whereas we congratulate Jose Mendez, a right-handed pitcher who—

(1) earned a winning percentage of just under .700 during his memorable career as a member of the Cuban Stars, All Nations, and Kansas City Monarchs; and

(2) managed the Kansas City Monarchs to successive pennants from 1923–1925, during which time he compiled a 20–4 pitching record with 7 saves;

Whereas we congratulate Alex Pompez, a successful team owner who—

(1) owned the Cuban Stars of the Eastern Colored League and then the New York Cubans of the Negro National League; and

(2) signed the first Puerto Rican, Dominican, Venezuelan, and Panamanian players of the circuit;

Whereas we congratulate "Cum" Posey, owner of the Homestead Grays, who—

(1) won the Negro National League pennant 8 times between 1937 and 1945; and

(2) assembled teams that were home to 11 of the 18 Negro Leaguers currently in the Hall of Fame;

Whereas we congratulate Louis Santop, a power-hitting catcher who—

(1) played for several of the greatest African American teams of the pre-Negro Leagues era, including the Philadelphia Giants, New York Lincoln Giants, and the Brooklyn Giants;

(2) hit over .320 while slugging tape-measure homeruns during his tremendous career in the Negro Leagues; and

(3) was rated by Rollo Wilson as the first string catcher on his all-time Black baseball team;

Whereas we congratulate Mule Suttles, a hard-hitting first baseman and outfielder who—

(1) played spectacularly for the St. Louis Stars, Chicago American Giants, Birmingham Black Barons, Newark Eagles, and other Negro League teams; and

(2) was 1 of the most powerful home run hitters in the Negro Leagues, ranking third all-time among Negro Leaguers in home runs and RBI;

Whereas we congratulate Ben Taylor, a pitcher who—

(1) transitioned into a top-ranked first baseman and clean-up hitter for the Indianapolis ABC's at the start of his career;

(2) served as an extremely successful player-manager from 1923-1929; and

(3) exclusively managed the Washington Potomacs, the Baltimore Black Sox, and the Atlantic City Bacharach Giants until 1940;

Whereas we congratulate Cristobal Torriente, a 5-tool outfielder who—

(1) played most of his games for the Cuban Stars and Chicago American Giants;

(2) earned an incredible lifetime batting average of over .330; and

(3) is 1 of the all-time offensive leaders in Negro Leagues history, ranking in the top 20 all-time in home runs, RBIs, and total bases;

Whereas we congratulate Sol White, a tremendously gifted baseball player who—

(1) played all infield positions during his 25-year baseball career;

(2) was a member of the best African American independent teams of the pre-Negro Leagues era, including the Philadelphia Giants, which he helped found in 1902 as playing manager;

(3) hit .359 in the White minor leagues during 5 seasons before the color line was established; and

(4) made a timeless contribution to baseball by authoring his book, "Sol White's Official Base Ball Guide", the first history of Black baseball before 1900;

Whereas we congratulate J.L. Wilkinson, an creative and innovative team owner who—

(1) owned the Kansas City Monarchs, the All Nations club, and 1 of the first professional women's teams in the United States;

(2) was a pioneer of night baseball and various ballpark promotions;

(3) was the only White owner of the Negro National League when it was chartered in 1920; and

(4) ran the longest running franchise in Negro National League history during which his teams won an unprecedented 17 pennants and 2 World Series;

Whereas we congratulate Jud Wilson, an intense first and third baseman who—

(1) ranks among the top 10 all-time in home runs, RBIs, hits, total bases, slugging average, and batting average in the Negro Leagues;

(2) holds a lifetime batting average over .340;

(3) earned from fans the nickname Boojum, after the sound that his line drives made when slamming off the fences; and

(4) played on pennant-winning teams as a member of the Baltimore Black Sox, Philadelphia Stars, and Homestead Grays;

Whereas those baseball legends will be inducted into the National Baseball Hall of Fame on July 30, 2006, in Cooperstown, New York, joining former Negro Leagues players Ernie Banks, Hank Aaron, Jackie Robinson, Larry Doby, Monte Irvin, Roy Campanella, "Satchel" Paige, Willie Mays, Bill Foster, "Buck" Leonard, "Bullet" Rogan, "Cool Papa" Bell, Hilton Smith, "Smokey" Joe Williams, Josh Gibson, "Judy" Johnson, Leon Day, Martin Dihigo, Oscar Charleston, "Pop" Lloyd, Ray Dandridge, "Rube" Foster, "Turkey" Stearnes, and Willie Wells, as members of the National Baseball Hall of Fame; and

Whereas we congratulate the Negro Leagues Baseball Museum in Kansas City, Missouri, the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of the players in the Negro Leagues, founded in 1990 by Negro Leagues legend Buck O'Neil, Horace Peterson, former Kansas City Monarchs outfielder Al "Slick" Surratt, and other former Negro Leagues players, for the tireless efforts of the museum to preserve the evidence of honor, courage, sacrifice, and triumph in the face of segregation of those African Americans who played in the Negro Leagues through its comprehensive collection of historical materials, important artifacts, and oral histories of the participants in the Negro Leagues and the impact that segregation had in the lives of the players and their fans: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Ray Brown, Willard Brown, Andy Cooper, Frank Grant, Pete Hill, Biz Mackey, Effa Manley, Joe Mendez, Alex Pompez, Cum Posey, Louis Santop, Mule Suttles, Ben Taylor, Cristobal Torriente, Sol White, J.L. Wilkinson, and Jud Wilson on being elected to the National Baseball Hall of Fame Class of 2006;

(2) commends the National Baseball Hall of Fame and the Negro Leagues Baseball Museum for their efforts to ensure that these legends of baseball receive the recognition due to players of their caliber; and

(3) respectfully requests the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the National Baseball Hall of Fame; and

(B) the Negro Leagues Baseball Museum.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2898. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2898. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REDUCTION OF ENERGY PRICES.

(a) SHORT TITLE.—This section may be cited as the "Energy Price Reduction Act of 2006".

(b) FINDINGS.—Congress finds that—

(1) high energy prices place an artificial drag on the economy of the United States;

(2) high energy prices disproportionately hurt poor and fixed income families and individuals, such as the elderly;

(3) according to the most recent census, there are more than 3,600,000 elderly people in the United States;

(4) families and individuals in the United States should not be forced to choose between paying for home heating or cooling and food or medication;

(5) high energy prices make manufacturing in the United States less competitive;

(6) according to the American Chemistry Council, "Because the current gas pressures are most intense in North America, U.S. exports are relatively more expensive on the world market.";

(7) according to the American Gas Association, "because of the extremely tight balance between current production and strong demand, U.S. homes and businesses pay more for natural gas than nearly anyone in the world," and "[o]ne of the best ways to bring natural gas prices down for everyone is to enable producers to expand the areas where they can work, and move the natural gas via pipelines to consumers."; and

(8) the increased production and transmission of energy in a safe and environmentally sound manner is essential to the well-being of the people of the United States.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) BIOREFINERY.—The term "biorefinery" means a facility that produces a renewable fuel (as that term is defined in section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)).

(3) CURRENT.—The term "current" means, with respect to a resource management or forest plan for an energy project, a plan that has been amended or otherwise updated during the most recent 10-year period.

(4) ENERGY PROJECT.—The term "energy project" means a project involving the exploration, production, generation, transmission, or distribution of an energy resource.

(5) FEDERAL LAND.—The term "Federal land" means land owned or administered by the Secretary concerned.

(6) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(7) PERMIT.—The term "permit" means any permit, license, approval, variance, or other form of authorization that a refiner is required to obtain—

(A) under any Federal law; or

(B) from a State or Indian tribal government agency delegated authority by the Federal Government, or authorized under Federal law, to issue permits.

(8) REFINER.—The term "refiner" means a person that—

(A) owns or operates a refinery; or

(B) seeks to become an owner or operator of a refinery.

(9) REFINERY.—

(A) IN GENERAL.—The term "refinery" means—

(i) a facility at which crude oil is refined into transportation fuel or other petroleum products; and

(ii) a coal liquification or coal-to-liquid facility at which coal is processed into synthetic crude oil or any other fuel.

(B) INCLUSIONS.—The term "refinery" includes—

(i) an expansion of a refinery; and

(ii) a biorefinery.

(10) REFINERY EXPANSION.—The term "refinery expansion" means a physical change in a refinery that results in an increase in the capacity of the refinery.

(11) REFINERY PERMITTING AGREEMENT.—The term "refinery permitting agreement" means an agreement entered into between the Administrator and a State or Indian tribe under subsection (f).

(12) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(13) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

(14) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(d) ENERGY RESOURCE DEVELOPMENT AND TRANSPORTATION ACTIVITIES ON FEDERAL LAND.—

(1) IN GENERAL.—An applicant for an energy project Application for Permit to Drill on Federal land, including an energy project right-of-way, shall submit to the Secretary concerned a complete application.

(2) DEADLINE FOR SECRETARIAL RESPONSE.—Notwithstanding any other procedural law, not later than 120 days from the date on which the Secretary receives an application under paragraph (1), the Secretary shall—

(A) approve the application; or

(B) provide the applicant with an explanation that identifies deficiencies in the application that preclude approval, including—

(i) inconsistency with an applicable resource or forest management plan;

(ii) inconsistency with the substantive requirements of applicable laws (including regulations) or the terms of applicable leases or rights-of-way; or

(iii) site-specific environmental impacts significant enough to require an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) SUBMISSION OF MODIFIED APPLICATION.—Not later than 60 days after the date of receipt of an application modified to satisfactorily address deficiencies identified in paragraph (2)(B), the Secretary shall approve or disapprove the application without additional analysis.

(4) REBUTTABLE PRESUMPTION.—A reviewing court shall accord a rebuttable presumption to the determination of the Secretary concerned that an energy project, as mitigated, does not have a significant environmental impact.

(5) JUDICIAL REVIEW.—Any challenge to a decision involving an oil and gas lease shall be brought within the time limitations described in section 42 of the Act of February 25, 1920 (30 U.S.C. 226–2), regardless of the grounds of the challenge.

(e) REDUCTION OF METHANE EMISSIONS.—

(1) METHANE REDUCTION PROJECTS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall solicit applications from eligible public entities, as determined by the Administrator, for grants under the Natural Gas STAR Program of the Environmental Protection Agency to pay the Federal share of the cost of projects relating to the reduction of methane emissions in the oil and gas industries.

(B) PROJECT INCLUSIONS.—To receive a grant under subparagraph (A), the application of the eligible entity shall include—

(i) an identification of 1 or more technologies used to achieve a reduction in the emission of methane; and

(ii) an analysis of the cost-effectiveness of a technology described in clause (i).

(C) LIMITATION.—A grant to an eligible entity under this paragraph shall not exceed $50,000.

(D) FEDERAL SHARE.—The Federal share of the cost of a project under this paragraph shall not exceed 50 percent.

(E) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $1,000,000 for the period of fiscal years 2006 through 2010.

(2) EFFICIENCY PROMOTION WORKSHOPS.—

(A) IN GENERAL.—The Administrator, in conjunction with the Interstate Oil and Gas Compact Commission, shall conduct a series of technical workshops to provide information to officials in oil- and gas-producing States relating to methane emission reduction techniques.

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $1,000,000 for the period of fiscal years 2006 through 2010.

(f) STREAMLINING OF REFINERY PERMITTING PROCESS.—

(1) IN GENERAL.—At the request of the Governor of a State or the governing body of an Indian tribe, the Administrator shall enter into a refinery permitting agreement with the State or Indian tribe under which the process for obtaining all permits necessary for the construction and operation of a refinery shall be streamlined using a systematic interdisciplinary multimedia approach as provided in this section.

(2) AUTHORITY OF ADMINISTRATOR.—Under a refinery permitting agreement—

(A) the Administrator shall have authority, as applicable and necessary, to—

(i) accept from a refiner a consolidated application for all permits that the refiner is required to obtain to construct and operate a refinery;

(ii) in consultation and cooperation with each Federal, State, or Indian tribal government agency that is required to make any determination to authorize the issuance of a permit, establish a schedule under which each agency shall—

(I) concurrently consider, to the maximum extent practicable, each determination to be made; and

(II) complete each step in the permitting process; and

(iii) issue a consolidated permit that combines all permits issued under the schedule established under clause (ii); and

(B) the Administrator shall provide to State and Indian tribal government agencies—

(i) financial assistance in such amounts as the agencies reasonably require to hire such additional personnel as are necessary to enable the government agencies to comply with the applicable schedule established under subparagraph (A)(ii); and

(ii) technical, legal, and other assistance in complying with the refinery permitting agreement.

(3) AGREEMENT BY THE STATE.—Under a refinery permitting agreement, a State or governing body of an Indian tribe shall agree that—

(A) the Administrator shall have each of the authorities described in paragraph (2); and

(B) each State or Indian tribal government agency shall—

(i) in accordance with State law, make such structural and operational changes in the agencies as are necessary to enable the agencies to carry out consolidated project-wide permit reviews concurrently and in coordination with the Environmental Protection Agency and other Federal agencies; and

(ii) comply, to the maximum extent practicable, with the applicable schedule established under paragraph (2)(A)(ii).

(4) INTERDISCIPLINARY APPROACH.—

(A) IN GENERAL.—The Administrator and a State or governing body of an Indian tribe shall incorporate an interdisciplinary approach, to the maximum extent practicable, in the development, review, and approval of permits subject to this subsection.

(B) OPTIONS.—Among other options, the interdisciplinary approach may include use of—

(i) environmental management practices; and

(ii) third party contractors.

(5) DEADLINES.—

(A) NEW REFINERIES.—In the case of a consolidated permit for the construction of a new refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(i) 360 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(ii) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 90 days after the expiration of the deadline established under clause (i).

(B) EXPANSION OF EXISTING REFINERIES.—In the case of a consolidated permit for the expansion of an existing refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(i) 120 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(ii) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 30 days after the expiration of the deadline established under clause (i).

(6) FEDERAL AGENCIES.—Each Federal agency that is required to make any determination to authorize the issuance of a permit shall comply with the applicable schedule established under paragraph (2)(A)(ii).

(7) JUDICIAL REVIEW.—Any civil action for review of any permit determination under a refinery permitting agreement shall be brought exclusively in the United States district court for the district in which the refinery is located or proposed to be located.

(8) EFFICIENT PERMIT REVIEW.—In order to reduce the duplication of procedures, the Administrator shall use State permitting and monitoring procedures to satisfy substantially equivalent Federal requirements under this title.

(9) SEVERABILITY.—If 1 or more permits that are required for the construction or operation of a refinery are not approved on or before any deadline established under paragraph (5), the Administrator may issue a consolidated permit that combines all other permits that the refiner is required to obtain other than any permits that are not approved.

(10) SAVINGS.—Nothing in this subsection affects the operation or implementation of otherwise applicable law regarding permits necessary for the construction and operation of a refinery.

(11) CONSULTATION WITH LOCAL GOVERNMENTS.—Congress encourages the Administrator, States, and tribal governments to consult, to the maximum extent practicable, with local governments in carrying out this subsection.

(12) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(13) EFFECT ON LOCAL AUTHORITY.—Nothing in this subsection affects—

(A) the authority of a local government with respect to the issuance of permits; or

(B) any requirement or ordinance of a local government (such as a zoning regulation).

(g) FISCHER-TROPSCH FUELS.—

(1) IN GENERAL.—In cooperation with the Secretary of Energy, the Secretary of Defense, the Administrator of the Federal Aviation Administration, Secretary of Health and Human Services, and Fischer-Tropsch industry representatives, the Administrator shall—

(A) conduct a research and demonstration program to evaluate the air quality benefits of ultra-clean Fischer-Tropsch transportation fuel, including diesel and jet fuel;

(B) evaluate the use of ultra-clean Fischer-Tropsch transportation fuel as a mechanism for reducing engine exhaust emissions; and

(C) submit recommendations to Congress on the most effective use and associated benefits of these ultra-clean fuel for reducing public exposure to exhaust emissions.

(2) GUIDANCE AND TECHNICAL SUPPORT.—The Administrator shall, to the extent necessary, issue any guidance or technical support documents that would facilitate the effective use and associated benefit of Fischer-Tropsch fuel and blends.

(3) REQUIREMENTS.—The program described in paragraph (1) shall consider—

(A) the use of neat (100 percent) Fischer-Tropsch fuel and blends with conventional crude oil-derived fuel for heavy-duty and light-duty diesel engines and the aviation sector; and

(B) the production costs associated with domestic production of those ultra clean fuel and prices for consumers.

(4) REPORTS.—The Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives—

(A) not later than October 1, 2006, an interim report on actions taken to carry out this subsection; and

(B) not later than December 1, 2007, a final report on actions taken to carry out this subsection.

(h) REPEAL.—The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users is amended by striking section 1948 (Public Law 109–59; 119 Stat. 1514).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 1, 2006, at 4 p.m., in executive session to consider certain pending military nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 1, 2006, at 10 a.m., to conduct a hearing on "consideration of regulatory relief proposals."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 1 at 9:30 a.m.

The purpose of this hearing is to receive testimony regarding the state of the economies and fiscal affairs in the territories of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold an oversight hearing on the status of the Yucca Mountain Project on Wednesday, March 1 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor and Pensions be authorized to meet during the session of the Senate on Wednesday, March 1, 2006 at 3 p.m. for a hearing on "Fighting the AIDS Epidemic of Today: Reauthorizing the Ryan White CARE Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, March 1, 2006, at 9:30 a.m. for a hearing titled "The Department of Homeland Security's Budget Submission for Fiscal Year 2007."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 1, 2006, at 9:30 a.m. in Room 106 of the Dirksen Senate Office Building to conduct a joint oversight hearing with the House Committee on Resources on the Settlement of Cobell v. Norton.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Wednesday, March 1, 2006 at 2 p.m. in the Dirksen Senate Office Building Room 226.

Witness List

Panel I: The Honorable LARRY CRAIG, United States Senator, [R–ID]; The Honorable MIKE CRAPO, United States Senator, [R–ID].

Panel II: Norman Randy Smith to be the United States Circuit Judge for the Ninth Circuit; Patrick Joseph Schlitz to be United States District Judge for the District of Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS ENTREPRENEURSHIP

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled, "The Nomination of Eric Thorson to be Inspector General of the Small Business Administration" on Wednesday, March 1, 2006, beginning at 2 p.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. TALENT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 1, 2006 at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. TALENT. Mr. President, I ask unanimous consent that the Subcommittee on Airland be authorized to meet during the session of the Senate on March 1, 2006, at 2:30 p.m., in open session to receive testimony on Army transformation and the future combat systems acquisition strategy in review of the Defense authorization request for fiscal year 2007 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DISASTER PREVENTION AND PREDICTION

Mr. TALENT. Mr. President, I ask unanimous consent that the Subcommittee on Disaster Prevention and Prediction be authorized to meet on March 1, 2006, at 2:30 p.m., on Winter Storms.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION AND EARLY CHILDHOOD DEVELOPMENT

Mr. ENZI. Mr. President, I ask unanimous consent that the Subcommittee on Education and Early Childhood Development be authorized to meet during the session of the Senate on Wednesday, March 1, 2006, at 10 a.m., for a hearing on "Protecting America's Competitive Edge Act (S. 2198): Helping K–12 Students Learn Math and Science Better."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. TALENT. Mr. President, I ask unanimous consent that the Subcommittee on Personnel be authorized to meet during the session of the Senate on March 1, 2006, at 9:30 a.m., in open session to receive testimony on Active component, Reserve component, and civilian personnel programs in review of the Defense authorization request for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. TALENT. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on Wednesday, March 1 at 2:30 p.m. The purpose of the hearing is to review the roll of the Forest Service and other Federal agencies in protection the Health and Welfare of foreign guest workers carrying out tree planting and other service contracts on National Forest System Lands, and to consider related Forest Service guidance and contract modifications issued in recent weeks.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND HOMELAND SECURITY

SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY AND CITIZENSHIP

Mr. TALENT. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Technology and Homeland Security and the Subcommittee on Immigration, Border Security and Citizenship be authorized to meet to conduct a joint hearing on "Federal Strategies to End Border Violence" on Wednesday, March 1, 2006 at 9 a.m. in Dirksen 226.

Panel I: The Honorable Paul K. Charlton, United States Attorney, District of Arizona, Phoenix, AZ; David Aguilar, Chief of Border Patrol, Customs and Border Protection, Department of Homeland Security, Washington, DC; and Marcy Forman, Director of Investigations, Immigration and Customs Enforcement, Department of Homeland Security, Washington, DC.

Panel II: The Honorable Larry A. Dever, Sheriff of Cochise County, AZ; The Honorable Wayne Jernigan, Sheriff of Valverde County, TX; Lavogyer Durham, Manager of El Tule Ranch, Falfurrias, TX; and T.J. Bonner, President of the National Border Patrol Council, American Federation of Government Employees, AFL–CIO, Campo, CA.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE PRE-NEGRO AND NEGRO LEAGUES PLAYERS AND EXECUTIVES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 386, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 386) honoring the Pre-Negro Leagues and Negro Leagues baseball players and executives elected to the National Baseball Hall of Fame Class of 2006.

There being no objection, the Senate proceeded to consider the resolution.

Mr. TALENT. Mr. President, I would like to take a few minutes to talk about a historic event that occurred on Monday. The National Baseball Hall of Fame in Cooperstown elected 17 pre-Negro Leagues and Negro Leagues baseball players and executives to the National Baseball Hall of Fame Class of 2006.

Many of baseball's most noted stars of the past century got their beginnings in the Negro Leagues. Greats such as Hank Aaron, Ernie Banks, Roy Campanella, Larry Doby, Willie Mays, Satchel Paige, and, of course, Jackie Robinson brought their fast-paced and highly competitive brand of Negro Leagues baseball eventually to the Major Leagues. In fact, there are a lot of people who think that much of the fast-paced style of baseball today is owing to the influence of the Negro League's brand of baseball.

Before these greats of the game were given the opportunity to showcase their skills at the Major League level, many African-American ballplayers with equal skill were never allowed to share the same field as their White counterparts. Instead, such players played from the 1920s to the 1960s in over 30 communities located throughout the United States on teams in one of six Negro Baseball Leagues, including Kansas City and St. Louis in my home State of Missouri.

The history of this is interesting. In the late 1800s and early 1900s, African Americans began to play on military baseball teams, college teams, company teams. The teams were integrated in those days. Many African Americans eventually found their way onto professional teams with White players. But racism and Jim Crow laws drove the African-American players from their integrated teams in the early 1900s, forcing them to form their own "barnstorming" teams which would travel around the country playing anyone willing to challenge them.

But then, in 1920, the Negro National League, which was the first of the Negro Baseball Leagues, was formed under the guidance of Andrew "Rube" Foster—a former player, manager, and owner of the Chicago American Giants—and was formed at a meeting held at the Paseo YMCA in Kansas City, MO. Soon after the Negro National League was formed, rival leagues formed in Eastern and Southern States and brought the thrills and the innovative play of the Negro Leagues to major urban centers and rural countrysides throughout the United States, Canada, and Latin America.

For more than 40 years, the Negro Leagues maintained a high level of professional skill and became centerpieces for economic development in their communities. The Negro Leagues constituted the third biggest Black owned and run business in the country in those days. They brought jobs and economic activity to many of the cities around the United States. They played in front of crowds of 10,000 20,000 30,000 40,000, and 50,000 people. And those crowds were integrated. White and Black fans came to watch the Negro Leagues, and they sat together.

In 1945, Major League Baseball's Brooklyn Dodgers recruited Jackie Robinson from the Kansas City Monarchs, which, of course, made Jackie the first African American in the modern era to play on a Major League roster. That historic event led to the integration of the Major Leagues and ironically prompted the decline of the Negro Leagues because, of course, Major League teams began to recruit and sign the best African-American ballplayers.

On Monday of this week, the National Baseball Hall of Fame took a first step in righting a historic wrong when it recognized the distinguished careers of 17 pre-Negro League ballplayers and executives, people who were never given the opportunity to compete in Major League Baseball with their White counterparts. Oh, they often played them, and very often, in barnstorming games or exhibition-type matches, the Negro League players and teams would play the best players of the Major Leagues, and those must have been great baseball games to see.

But the Hall of Fame elected those 17 players and executives to the National Baseball Hall of Fame Class of 2006. The players elected on Monday were Ray Brown, Willard Brown, Andy Cooper, Frank Grant, Pete Hill, Biz Mackey, Effa Manley—the first woman elected to the Baseball Hall of Fame, and more on that in just a minute—Joe Mandez, Alex Popez Cum Posey, Louis Santop, Mule Suttles, Ben Taylor, Cristobal Torriente, Sol White, J.L. Wilkinson, and Jud Wilkinson. These legends, not just of the Negro Leagues but of our national pastime, will now join the less than 1 percent of all professional baseball players who have been honored with induction into the National Baseball Hall of Fame, and they will be inducted on July 30, 2006.

One of the more historic moments of Monday's selection was the selection of Effa Manley, who was the co-owner of the Newark Eagles. She became the first woman ever elected to the Hall of Fame. In addition to her efforts in baseball, she played an active role in the civil rights movement and promoted such causes as Anti-Lynching Day at Ruppert Stadium, which was the home of the Newark Eagles.

Among those elected, several have ties to my home State of Missouri, and it will surprise no one in the Senate that I decided to feature them in my remarks.

Willard Brown was an outfielder with the Kansas City Monarchs who often led the Negro American League in home runs and batting average. He was considered by many to be the Negro American League's version of the great Josh Gibson.

Andy Cooper was a pitcher with the Detroit Stars and Kansas City Monarchs who had a knack for changing the speed of his pitches. He is among the top ten leaders in career wins, strikeouts, shutouts, and winning percentage in Negro Leagues history. Later in his career he became the manager of the Kansas City Monarchs, leading them to three pennants.

Jose Mendez was a right handed pitcher for the Cuban Stars, All Nations, and Kansas City Monarchs who had a career winning percentage just under .700 in the Negro National League. He managed the Kansas City Monarchs to successive pennants from 1923–1925.

Mule Suttles was a first baseman and outfielder for the St. Louis Stars, Chicago American Giants, Birmingham Black Barons and the Newark Eagles. He was one of the most powerful home run hitters in the Negro Leagues, ranking third all-time among Negro Leaguers in home runs and RBIs.

Cristobal Torriente was a five-tool outfielder with a lifetime batting average over .330 primarily with the Cuban Stars and Chicago American Giants. For those who don't know what a five-tool outfielder is it means he could hit for average, hit for power, run with speed, field with above average skill and display enough arm strength to throw out the fastest players at home plate. He is one of the all-time offensive leaders in Negro Leagues history, ranking in the top 20 all-time in home runs, RBIs and total bases. The record books would have been different had these players been allowed to play in Major League baseball.

J.L. Wilkinson was the owner of the Kansas City Monarchs, the All Nations club and one of the first professional women's teams in the United States. He was a pioneer of night baseball, various ballpark promotions, and was the Negro National League's only white owner when it was chartered in 1920. His Kansas City Monarchs were the longest running franchise in Negro National League history and they won an unprecedented 17 pennants, and two World Series.

I congratulate all 17 players and executives elected this week, as well as their families and friends. This is an honor long overdue and is sure to lead to a great celebration this summer in Cooperstown. It will be a dramatic moment when these figures are inducted in the Hall of Fame. However, it saddens me that this summer's historic induction ceremony did not take place during the lifetime of these baseball greats. I can only wish that they were still alive today to witness baseball's long overdue recognition of their contributions on and off the field.

There is another aspect of this selection process which is disappointing and bittersweet for many of us because one of the legends of Negro Leagues did not receive the necessary votes to be elected to the Hall of Fame. That legend is John Jordan "Buck" O'Neil. Buck's illustrious baseball career spans seven decades and has made him a foremost authority of the game and one of its greatest ambassadors. Buck is in his 90s now, and still active, still a leader in baseball and a leader in remembering the Negro Leagues and establishing the Negro League's Baseball museum.

I would like to tell you a little about Buck O'Neil the man and Buck O'Neil the player. I had intended to introduce this Resolution earlier this week, but was so disappointed by the exclusion of Buck from those selected that I began to have second thoughts about the process for selecting this class of inductees. I had a conversation with Buck yesterday and he told me that going forward with this Resolution was important not only to recognize this historic event—I mean important in a practical way to the Negro League's baseball museum and the remberance of the Negro Leagues, and to recognize the achievement of these 17 players and executives—but because it was the right thing to do. Buck O'Neil has always been about doing the right thing. No matter what door has been slammed in his face he always picks himself up and does what is right and what is most important to him. In this case what is most important to him is his true love for the Negro Leagues, the Negro Leagues players and the Negro Leagues Baseball Museum, which he helped to found and which he has been so active in promoting in Kansas City.

In yesterday's Kansas City Star, columnist Joe Posnanski had this to say about the injustice that occurred to Buck O'Neil on Monday:

> All his life, Buck O'Neil has had doors slammed in his face. He played baseball when the major leagues did not allow black players. He was a gifted manager at a time when major league owners would not even think of having an African American lead their teams. For more than 30 years, he told stories about Negro Leagues players and nobody wanted to listen. Now, after everything, he was being told that the life he had

spent in baseball was not worthy of the Hall of Fame. It was enough to make those around him cry. But Buck laughed. "I'm still Buck," he said. "Look at me. I've lived a good life. I'm still living a good life. Nothing has changed for me."

I ask unanimous consent to have a copy of Mr. Posnanski's article printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. TALENT. I thought I would take a few moments of the Senate's time to talk a little bit about Buck's record. I think the Senate would agree with me it would have fully justified his induction.

Buck O'Neil the player was a first baseman and Manager for the Kansas City Monarchs from 1937 through 1955. Buck's achievements as a player include leading his team to a Negro American league title and a date with the Homestead Grays in the 1942 Negro World Series. In the series Buck hit .353 and led the Monarchs to a four game sweep of the powerhouse Homestead Grays. Buck sport a career batting average of .288, including four .300-plus seasons. He won batting titles in 1940 and 1946, hitting .345 and .353 respectively. He was named to the East-West All-Star Classic in 1942, 1943 and 1949 and barnstormed with the Satchel Paige All-Stars during the 1930s and 1940s playing countless games against the likes of the Bob Feller All-Stars. I would have given a lot to have seen one of those games.

In 1948, Buck succeeded Frank Duncan, as manager of the Monarchs, and continued to manage them until 1955. As the manager of the Monarchs, he sent more Negro league veterans to the Majors than any other manager in baseball history including Ernie Banks, Elston Howard, Connie Johnson, Satchel Paige and Sweet Lou Johnson. He lead the Monarchs to league titles in 1948, 1950, 1951 and 1953 and managed the West squad in the East-West All-Star game in 1950, 1952, 1954 and 1955. By the way, the West won all four of these contests.

In 1956, Buck was hired by the Chicago Cubs as a scout. Six years later he became the first African American to coach in the Major Leagues with the Cubs. As a scout he discovered such superstars as Lou Brock, one of my all-time favorite Cardinals, and Joe Carter. Lou called him on Monday by the way, expecting Buck would have been inducted, while everybody was waiting to see the results of the vote. In 1988, after more than 30 years with the Cubs, he returned home to Kansas City to scout for the Kansas City Royals.

Today Buck serves as chairman of the Negro Leagues Baseball Museum he helped found in 1990. The work of Buck O'Neil and the Negro Leagues Baseball Museum led the Hall of Fame to hold this special election of Negro Leagues and Pre-Negro Leagues players.

In fact, his work after he had retired from the game as a coach may be even more significant to the history of baseball than his exploits as a player and a manager. Nobody has done more to build that museum and to call the rest of us to remember the significance of the Negro baseball league.

It was significant on so many different levels: A triumph of the human spirit, tremendous sportsmanship, tremendously high quality of play, vitally important to the Black community of the time, and it led directly to the integration of the Major Leagues, which was the first in a series of mjor civil rights landmarks in the modern era that has led to the progress we have achieved today.

I believe there is no one who meets the criteria for induction into the National Baseball Hall of Fame more than Buck. The combination of his statistics on the field as a player, his years as a scout discovering some of the best players of their generation, his years as a manager and coach, including breaking the color barrier as the first African-American coach in the Major Leagues, and his years of tireless advocacy on behalf of the Negro Leagues and its players equals a résumé built for election to Cooperstown. I hope that the Baseball Hall of Fame will take appropriate action to correct this oversight.

Finally, I would like to congratulate everyone at the Negro Leagues Baseball Museum in Kansas City, who worked so very hard for so many years to make this special election a reality. Their tireless advocacy on behalf of these baseball legends is another reason why the Senate should pass legislation that would give a national designation to the Negro Leagues Baseball Museum, the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of the players in the Negro Leagues.

I highly recommend a visit to the Negro Leagues Baseball Museum for anybody who is in Kansas City. Whether you are a baseball fan or not, you will be moved by what you see there. You will be encouraged and inspired in every way by seeing how those players confronted the injustices of their times, and with great spirit and energy and joy even overcame those obstacles.

In closing, I want to thank my friend and colleague from Illinois, Senator DURBIN, for his assistance and his support of both the resolution which we introduced today in honor of those athletes who were elected on Monday and also S. Con. Res. 60, which is the national designation resolution. I hope the Senate will swiftly pass our resolution to honor these future Hall of Famers—I guess they are Hall of Famers designees now—for their contributions on the field and for their courage, sacrifice and triumph in the face of segregation.

EXHIBIT 1

INJUSTICE, AND THEN A GUTLESS COMMITTEE CLAMS UP

(By Joe Posnanski)

The living voice of the Negro Leagues did not even blink when the door was slammed in his face one more time. Buck O'Neil just nodded and smiled a little when he was told that he did not get enough votes to be elected into the Baseball Hall of Fame.

"All right," he said. "That's the way the cookie crumbles."

That's the way baseball crumbles. Monday, an 11-member committee of academics and authors (a 12th member, author Robert Peterson, died two weeks ago) gathered in a room in Tampa and voted 17 deceased Negro Leagues players and executives into the Hall of Fame. Seventeen. To give you an idea of how overwhelming that number is . . . only 18 Negro Leaguers are actually in the National Baseball Hall of Fame. It took 30 years of work—most of that Buck O'Neil's hard work—to get those 18 players inducted.

But even while doubling the Negro Leagues' Hall of Fame population, the committee could not muster the necessary nine votes for Buck O'Neil, who is 94 and has done more in his life for Negro Leagues baseball than anyone else. One committee member said O'Neil likely fell one vote short. The balloting was secret.

When the voting was finished, no one had the guts to explain why Buck O'Neil was kept out. He was an All-Star player in the Negro Leagues. He was a successful manager for the Kansas City Monarchs. He sent more Negro Leagues players to the major leagues than anyone. He was the first black coach in the major leagues. For the past 50 years, he has been—as author Jules Tygiel calls him in Shades of Glory, the Negro Leagues book commissioned by the Hall of Fame—"the primary spokesperson for the legacy of the Negro Leagues."

In fact, two sources said months ago that the Hall of Fame would have a special Negro Leagues vote with the intention of getting Buck O'Neil in. One hall official said, "I don't think the Hall of Fame is complete without him."

Thus, for the first time ever, the hall handed over the voting to a panel of baseball historians and scholars with no affiliation to the major leagues or the hall. This was an extraordinary move for the Hall of Fame. They usually protect the hall the way tigers protect their cubs. There was not one former player on the committee and not one person who actually observed the Negro Leagues. The committee was given no boundaries—they were told to vote for as many people as they saw fit.

They certainly voted free. By dumping 17 persons into the Hall of Fame, they matched the number of persons inducted into the hall the past seven years. But when it came to why Buck was left out, no one was talking.

"I don't think the individuals are going to be willing to discuss their individual votes," said Fay Vincent, who served as a nonvoting chairman of the committee. "We agreed we would not do that."

In other words, they decided to hide. After this travesty, you could not blame them. On Monday, when it appeared that O'Neil was short the votes he needed, Vincent apparently made a frantic plea to the committee to consider O'Neil's lifetime achievements and not just his playing days. According to the committee member, he sounded almost desperate.

His words held no sway with this committee. They left him out without a word of explanation. They did, however, vote in Andy Cooper, who was (see if this sounds familiar) a fine player and manager for the Kansas City Monarchs. He died in 1941. The book Shades of Glory is 422 pages long, including acknowledgements. Cooper is mentioned exactly zero times.

The committee also voted in Effa Manley, the first woman inductee into the Baseball Hall of Fame. Her credentials? She co-owned the Newark Eagles with her husband, Abe, for 14 seasons. The team won one championship. Also, she was outspoken. Also, her biographer, Jim Overmyer, was on the committee.

And so on. The injustice of Monday's vote left a trail of disbelief and anger throughout the baseball community, but especially in Kansas City. It had no visible effect on Buck O'Neil, though. He began his Monday morning with a 5:30 a.m. call from a radio show. He came to the Negro Leagues Baseball Museum at 10 a.m. and by then he had received more than a dozen congratulatory calls.

Everyone seemed sure he was going to get voted in.

Buck himself was not so sure. "I've been on committees like this," he said. "I know that anything can happen." Still, he spent much of Monday morning calling friends in his hometown of Sarasota, Fla., telling them that he would visit if the vote went his way. A camera crew filmed his every move. A half-dozen reporters followed him around.

O'Neil had been told he would hear something by 11 a.m., but the phone would not ring. Rumors swirled that things were not going well in Tampa, but no one wanted to believe it. While Buck O'Neil waited, Hall of Fame player Lou Brock—whom O'Neil had scouted and signed—called and said he was excited. Soon it was 11:30 and then noon, and the call from the hall had not come.

"You know something?" Buck said all of a sudden. "I could play. I was no Josh Gibson. But I could play." It was his only sign of cracking. One of the few criticisms of O'Neil's Hall of Fame case leading into the vote had been that, while he was a good player, he was not a Hall of Fame-caliber player. The criticism did not take in account his countless other contributions to baseball, but you could see that Buck was hurting a little.

At 12:30, there was no word, and a pall had fallen over the museum. Buck seemed to sense that the vote was going against him. He said, "I'll be fine either way."

At 12:34, Bob Kendrick, the marketing director of the Negro Leagues Museum, asked everyone to leave the room, and he said, "Buck, we didn't get enough votes."

All his life, Buck O'Neil has had doors slammed in his face. He played baseball at a time when the major leagues did not allow black players. He was a gifted manager at a time when major league owners would not even think of having an African-American lead their teams. For more than 30 years, he told stories about Negro Leagues players and nobody wanted to listen.

Now, after everything, he was being told that the life he had spent in baseball was not worthy of the Hall of Fame. It was enough to make those around him cry. But Buck laughed. "I'm still Buck," he said. "Look at me. I've lived a good life. I'm still living a good life. Nothing has changed for me."

A few minutes later, when he was told that 17 persons had made it, he shouted: "Wonderful."

That's Buck O'Neil. Who else would respond that way to such a shameful vote? No one. I don't know what the July day will be like when 17 persons long dead—10 of the 17 have been gone for more than 50 years—get inducted into the Hall of Fame. It's hard to believe it will be much of a celebration. Who will speak for the dead?

"I don't know," Buck O'Neil said. "I wonder if they'll ask me to speak."

Would he really speak at the Hall of Fame after he wasn't voted in?

"Of course," Buck said. "If they asked me."

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 386) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 386

Whereas African Americans began to play baseball in the late 1800s on military teams, college teams, and company teams, and eventually found their way onto professional teams with White players;

Whereas the racism and "Jim Crow" laws that forced African American players from their integrated teams by 1900 compelled those dedicated players to form their own "barnstorming" teams that traveled throughout the United States and offered to play any team willing to challenge them;

Whereas, in 1920, the Negro National League was created under the guidance of Andrew "Rube" Foster, a former player, manager, and owner of the Chicago American Giants, at a meeting held at the Paseo YMCA in Kansas City, Missouri;

Whereas soon after the Negro National League was formed, rival leagues were assembled in eastern and southern States, bringing the thrills and innovative play of African American ballplayers to major urban centers and rural countrysides throughout the United States, Canada, and Latin America;

Whereas, from the 1920s to the 1960s, over 30 communities located throughout the United States were home to teams in 1 of the 6 Negro Leagues;

Whereas the Negro Leagues maintained a high level of professional skill and became centerpieces for economic development in their communities;

Whereas, in 1945, the Brooklyn Dodgers of Major League Baseball recruited Jackie Robinson from the Kansas City Monarchs, making Robinson the first African American in the modern era to play on a Major League Baseball roster;

Whereas the integration of Major League Baseball, which soon followed the signing of Jackie Robinson, prompted the decline of the Negro Leagues because the Major Leagues began to recruit and sign the best African American ballplayers;

Whereas it has been recognized by numerous baseball authorities that many of the greatest players ever to play the game of baseball played in the Negro Leagues, rather than Major League Baseball;

Whereas, on February 27, 2006, the National Baseball Hall of Fame announced that Ray Brown, Willard Brown, Andy Cooper, Frank Grant, Pete Hill, Biz Mackey, Effa Manley, Joe Mendez, Alex Pompez, Cum Posey, Louis Santop, Mule Suttles, Ben Taylor, Cristobal Torriente, Sol White, J.L. Wilkinson, and Jud Wilson had been elected to the National Baseball Hall of Fame Class of 2006;

Whereas less than 1 percent of all professional baseball players have been honored with induction into the National Baseball Hall of Fame;

Whereas we congratulate Ray Brown, an ace starter for the Homestead Grays who—

(1) ranks among the top Negro Leagues pitchers in total wins and winning percentage; and

(2) pitched a perfect game in 1945 as well as a one-hitter in the 1944 Negro World Series;

Whereas we congratulate Willard Brown, an outfielder with the Kansas City Monarchs who—

(1) lead the Negro American League in home runs and batting average during numerous seasons; and

(2) was considered by many to be the Negro American League version of Josh Gibson;

Whereas we congratulate Andy Cooper, a pitcher with the Detroit Stars and Kansas City Monarchs who—

(1) had a knack for changing the speed of his pitches;

(2) was the all-time leader in every Detroit Stars pitching category;

(3) was among the top 10 leaders in career wins, strikeouts, shutouts, and winning percentage in Negro Leagues history; and

(4) later in his career became the manager of the Kansas City Monarchs and lead them to 3 pennants;

Whereas we congratulate Frank Grant, a second baseman with tremendous range and a strong arm who—

(1) hit over .300 in 4 seasons with White minor league teams until the color lines forced him out of the league in 1886;

(2) played for top-rated African American teams until 1903; and

(3) who displayed a unique blend of speed and power in the International League that allowed him to turn 1 out of every 4 base hits into extra bases;

Whereas we congratulate Pete Hill, a premier outfielder who—

(1) played brilliantly for the Cuban X-Giants, Philadelphia Giants, Chicago Leland Giants, and the Chicago American Giants before the formation of the Negro Leagues;

(2) during his 1911 season as an American Giant, hit safely in 115 out of 116 games; and

(3) was rated the fourth best outfielder in the renowned 1952 Pittsburgh Courier player-voted poll of the best players of the Negro Leagues;

Whereas we congratulate Biz Mackey, a strong-armed catcher who—

(1) ended his career with a lifetime batting average well over .300;

(2) ranked among the top Negro Leaguers in lifetime total bases, RBIs, and slugging percentage; and

(3) later managed the Baltimore Elite Giants and the Newark Eagles who, under his skill and leadership, won the Negro World Series in 1946;

Whereas we congratulate Effa Manley, the co-owner of the Newark Eagles, who—

(1) has become the first women elected to the National Baseball Hall of Fame; and

(2) in addition to her efforts in baseball, played an active role in the Civil Rights Movement by promoting such causes as Anti-Lynching Day at Ruppert Stadium, which is the home of the Eagles;

Whereas we congratulate Jose Mendez, a right-handed pitcher who—

(1) earned a winning percentage of just under .700 during his memorable career as a member of the Cuban Stars, All Nations, and Kansas City Monarchs; and

(2) managed the Kansas City Monarchs to successive pennants from 1923–1925, during which time he compiled a 20–4 pitching record with 7 saves;

Whereas we congratulate Alex Pompez, a successful team owner who—

(1) owned the Cuban Stars of the Eastern Colored League and then the New York Cubans of the Negro National League; and

(2) signed the first Puerto Rican, Dominican, Venezuelan, and Panamanian players of the circuit;

Whereas we congratulate "Cum" Posey, owner of the Homestead Grays, who—

(1) won the Negro National League pennant 8 times between 1937 and 1945; and

(2) assembled teams that were home to 11 of the 18 Negro Leaguers currently in the Hall of Fame;

Whereas we congratulate Louis Santop, a power-hitting catcher who—

(1) played for several of the greatest African American teams of the pre-Negro Leagues era, including the Philadelphia Giants, New York Lincoln Giants, and the Brooklyn Giants;

(2) hit over .320 while slugging tape-measure homeruns during his tremendous career in the Negro Leagues; and

(3) was rated by Rollo Wilson as the first string catcher on his all-time Black baseball team;

Whereas we congratulate Mule Suttles, a hard-hitting first baseman and outfielder who—

(1) played spectacularly for the St. Louis Stars, Chicago American Giants, Birmingham Black Barons, Newark Eagles, and other Negro League teams; and

(2) was 1 of the most powerful home run hitters in the Negro Leagues, ranking third all-time among Negro Leaguers in home runs and RBI;

Whereas we congratulate Ben Taylor, a pitcher who—

(1) transitioned into a top-ranked first baseman and clean-up hitter for the Indianapolis ABC's at the start of his career;

(2) served as an extremely successful player-manager from 1923-1929; and

(3) exclusively managed the Washington Potomacs, the Baltimore Black Sox, and the Atlantic City Bacharach Giants until 1940;

Whereas we congratulate Cristobal Torriente, a 5-tool outfielder who—

(1) played most of his games for the Cuban Stars and Chicago American Giants;

(2) earned an incredible lifetime batting average of over .330; and

(3) is 1 of the all-time offensive leaders in Negro Leagues history, ranking in the top 20 all-time in home runs, RBIs, and total bases;

Whereas we congratulate Sol White, a tremendously gifted baseball player who—

(1) played all infield positions during his 25-year baseball career;

(2) was a member of the best African American independent teams of the pre-Negro Leagues era, including the Philadelphia Giants, which he helped found in 1902 as playing manager;

(3) hit .359 in the White minor leagues during 5 seasons before the color line was established; and

(4) made a timeless contribution to baseball by authoring his book, "Sol White's Official Base Ball Guide", the first history of Black baseball before 1900;

Whereas we congratulate J.L. Wilkinson, an creative and innovative team owner who—

(1) owned the Kansas City Monarchs, the All Nations club, and 1 of the first professional women's teams in the United States;

(2) was a pioneer of night baseball and various ballpark promotions;

(3) was the only White owner of the Negro National League when it was chartered in 1920; and

(4) ran the longest running franchise in Negro National League history during which his teams won an unprecedented 17 pennants and 2 World Series;

Whereas we congratulate Jud Wilson, an intense first and third baseman who—

(1) ranks among the top 10 all-time in home runs, RBIs, hits, total bases, slugging average, and batting average in the Negro Leagues;

(2) holds a lifetime batting average over .340;

(3) earned from fans the nickname Boojum, after the sound that his line drives made when slamming off the fences; and

(4) played on pennant-winning teams as a member of the Baltimore Black Sox, Philadelphia Stars, and Homestead Grays;

Whereas those baseball legends will be inducted into the National Baseball Hall of Fame on July 30, 2006, in Cooperstown, New York, joining former Negro Leagues players Ernie Banks, Hank Aaron, Jackie Robinson, Larry Doby, Monte Irvin, Roy Campanella, "Satchel" Paige, Willie Mays, Bill Foster, "Buck" Leonard, "Bullet" Rogan, "Cool Papa" Bell, Hilton Smith, "Smokey" Joe Williams, Josh Gibson, "Judy" Johnson, Leon Day, Martin Dihigo, Oscar Charleston, "Pop" Lloyd, Ray Dandridge, "Rube" Foster, "Turkey" Stearnes, and Willie Wells, as members of the National Baseball Hall of Fame; and

Whereas we congratulate the Negro Leagues Baseball Museum in Kansas City, Missouri, the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of the players in the Negro Leagues, founded in 1990 by Negro Leagues legend Buck O'Neil, Horace Peterson, former Kansas City Monarchs outfielder Al "Slick" Surratt, and other former Negro Leagues players, for the tireless efforts of the museum to preserve the evidence of honor, courage, sacrifice, and triumph in the face of segregation of those African Americans who played in the Negro Leagues through its comprehensive collection of historical materials, important artifacts, and oral histories of the participants in the Negro Leagues and the impact that segregation had in the lives of the players and their fans: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Ray Brown, Willard Brown, Andy Cooper, Frank Grant, Pete Hill, Biz Mackey, Effa Manley, Joe Mendez, Alex Pompez, Cum Posey, Louis Santop, Mule Suttles, Ben Taylor, Cristobal Torriente, Sol White, J.L. Wilkinson, and Jud Wilson on being elected to the National Baseball Hall of Fame Class of 2006;

(2) commends the National Baseball Hall of Fame and the Negro Leagues Baseball Museum for their efforts to ensure that these legends of baseball receive the recognition due to players of their caliber; and

(3) respectfully requests the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the National Baseball Hall of Fame; and

(B) the Negro Leagues Baseball Museum.

ORDERS FOR THURSDAY, MARCH 2, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, March 2. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period of morning business for up to 30 minutes, with the first 15 minutes under the control of the Democratic leader or his designee, the final 15 minutes under the control of the majority leader or his designee, and the Senate then resume consideration of the conference report to accompany H.R. 3199, the PATRIOT Act; I further ask that the debate until the final passage vote be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, today the Senate passed the PATRIOT Act amendments bill, and we are now considering the PATRIOT Act conference report. Early today, by a vote of 84 to 15, the Senate overwhelmingly invoked cloture on the conference report. Under an agreement just reached, we will be voting on the PATRIOT Act conference report tomorrow at 3 p.m. Following that vote, we will have a cloture vote with respect to the LIHEAP bill. The remaining schedule for tomorrow will depend on the outcome of that vote, and we will alert Members of the schedule following that cloture vote.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator DURBIN for up to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Reserving the right to object, I wish to indicate that I am pleased we could work out a time for the vote tomorrow. I want to be very clear that not only have I not given up any of my rights under the bill, as I understand it, given the rules postcloture, I actually have more time for debate than I otherwise would have to oppose this unwise legislation. In terms of convenience for Members, I am pleased about that. It will be important to continue the debate tomorrow prior to 3 o'clock. I thank the leaders for the ability to achieve that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, pursuant to the unanimous consent request, I wish to speak to a resolution which was just passed, but prior to that time, I would like to commend my colleague from the State of Wisconsin for his dogged determination to have the Senate actually consider an amendment—a substantive amendment—to the PATRIOT Act. He has been more than cooperative in suggesting he would limit the time of that debate to 15 minutes, but he has been stopped every time he has come to the floor and made that request by the majority.

I may disagree with the Senator from Wisconsin, but I am going to stand here and fight for as long as I can that he have this opportunity. Why is the Senate afraid of debate? Why is the Senate afraid of deliberation? What is so frightening about having two Senators present a point of view and then have the Senate vote? It almost sounds like the reason the Senate was created, but the Senator from Wisconsin has been waiting, trying his best to get 15 minutes, day after day, as the majority refuses to give it to him.

As I have said repeatedly, I think there is merit to this PATRIOT Act, as amended with Senator SUNUNU's efforts and the efforts of many, including myself, but I am going to defend the right of the Senator from Wisconsin to come to the floor any time he wants, as a Senator representing his State and as a coequal Member of this Chamber, and offer an amendment. The majority should not be so frightened of debate, not so frightened of a vote that they would deny the Senator this opportunity.

HONORING THE LEGENDARY STARS OF THE NEGRO LEAGUES AND PRE-NEGRO LEAGUES BASEBALL

Mr. DURBIN. Mr. President, in the last few moments, we adopted a resolution which is historic in nature. It relates to the Negro Leagues and pre-Negro Leagues baseball in America. Anyone who loves baseball as I do and followed the great documentary prepared by Ken Burns on the history of baseball must have been struck by how much the history of baseball is associated with the resolution of the issue of race in America.

For too long, baseball, similar to much of America, was segregated. Now that it has become an integrated sport, we have seen some tremendous athletes—Black Americans, Hispanic Americans, White Americans, those from other countries—coming together to make it a more exciting sport than it has ever been.

I think we realize now what was lost for so many decades, while those who labored in Black baseball, the Negro Leagues, were relegated to second-class status despite the fact their talents were as good or sometimes better than those who played on all White baseball teams.

Jerry Izenberg, a sports writer for the Newark Star Ledger, wrote of the stars of Negro Leagues Baseball:

> They took America's game and weaved a kind of magic with it that most of America never bothered to see—not for lack of talent and surely not because of the way they played it—with a fire in the belly and joy in the skills that motivated them.
>
> America loved baseball, but segregation turned America blind. The psyche of the White men who owned Major League Baseball and most of those who played the game couldn't get past the matter of skin color.

One of the greatest players ever, the legendary Satchel Paige, spent most of his career in the Negro Leagues. In his Hall of Fame induction speech in 1971 he said:

> Oh, we had men by the hundreds who could have made the big leagues, by the hundreds, not by the fours, twos or threes.

" . . . Ain't no maybe so about it," Satchel Paige said.

I did have the honor to meet him one day. He was in Springfield watching a baseball game. I still remember it. He was seated next to Minnie Minoso, whom I will refer to a little later in these remarks.

Most of those players never got that chance. But now, 17 more players and 5 executives from the Negro Leagues and pre-Negro Leagues baseball are getting some long overdue recognition.

This week, a special commission appointed by Major League Baseball acted to heal another of segregation's scars by voting to induct the 17 into the Baseball Hall of Fame.

I am pleased to join baseball fans around the world in congratulating these new Hall of Famers:

Negro Leagues baseball players Ray Brown, Willard Brown, Andy Cooper, Biz Mackey, Mule Suttles, Cristobal Torriente, and Jud Wilson;

Pre-Negro Leagues players Frank Grant, Pete Hill, Jose Mendez, Louis Santop, and Ben Taylor;

Negro Leagues club owners Alex Pompez, Cum Posey, and J.L. Wilkinson;

And pre-Negro Leagues team owner and baseball writer Sol White.

Also among the new Hall of Famers is Effa Manley, co-owner with her husband of the Newark Eagles and the first woman to join the Hall of Fame. Effa Manly was White, but she married a Black man and chose to pass herself off as Black. She was active in the civil rights movement and promoted Anti-Lynching Day at Eagles games in the 1940s.

Similar to many, I am surprised—I am really disappointed—that two names were not on the list I just read. Of the 39 Negro Leagues and pre-Negro Leagues stars considered for inclusion in the Hall of Fame this week, only two are still living: Mini Minoso and Buck O'Neil. I can't explain why neither one was selected.

No matter how the committee voted, Minnie Minoso and Buck O'Neil will always be Hall of Famers to baseball fans in Chicago and around the world. Let me tell you about them.

Saturnino Orestes Armas "Minnie" Minoso is one of the most popular players in Chicago White Sox history—a seven-time All-Star and three-time Golden Glove winner.

He was nicknamed "the Cuban comet," the first Black Latino in the major leagues starting in 1949 with the Cleveland Indians. Two years later, he became the first White Sox to break the color line.

He hit a home run in his first at-bat with the White Sox and went on to be named American League Rookie of the Year in 1951, leading the league in stolen bases and triples. Over his career, he led the league in being hit by pitches 10 different times—an indication, I am afraid, of how difficult it was to break the racial lines.

In the words of Orlando Cepeda, who once played for the St. Louis Baseball Cardinals:

> Minnie Minoso is to Latin ballplayers what Jackie Robinson is to Black ballplayers.

He paved the way for generations of Latin superstars, from Roberto Clemente to Juan Marichal to Sammy Sosa.

In 1983, the White Sox retired Minnie Minoso's No. 9 uniform, and in 2004, he was honored with a life-sized sculpture at U.S. Cellular Field, home of the world champion Chicago White Sox. At the unveiling ceremony, he said:

> If God takes me tomorrow, I'm happy because my statue is here. How many people in the Hall of Fame have statues in the ball parks?

John "Buck" O'Neil should be a familiar name to those who remember the Ken Burns documentary. Buck O'Neil was the Black baseball player they went to time and time again to talk about life in the Negro Leagues. He was the unofficial ambassador for Negro Leagues baseball in the Ken Burns documentaries.

He was a standout first baseman and successful manager for the Kansas City Monarchs from 1937 to 1955. Years later, as a scout for the Chicago Cubs, Buck O'Neil signed future Hall of Famers Ernie Banks and Lou Brock to their first major league contracts.

Think about that. Buck O'Neil from the Negro Leagues signed Ernie Banks, Mr. Cub, to the Chicago Cubs. My message to the Tribune publishing company, which owns the Chicago Cubs, is: Can you think of a better batter to throw out a pitch for a game in Wrigley Field than Buck O'Neil, the only surviving baseball player from the Negro Leagues, and his man that he scouted for that team, Ernie Banks? It just doesn't get any better.

With the Cubs, Buck O'Neil also became the first African-American coach in the Major Leagues. At age 94, he is the driving force in preserving Negro League history—94 years old. He is the cofounder and chairman of the Negro Leagues Baseball Museum in Kansas City, which he and a handful of other Negro Leaguers started in a $200-a-month room in 1990.

Buck O'Neil has probably done more than anyone to see that the stories of great Black ball players before Jackie Robinson are not forgotten. Without his tireless efforts, it is unlikely a special committee would have ever started to right the wrong of segregated baseball. So it strikes many of us as ironic that Buck wasn't chosen to enter Cooperstown. He greeted the news with typical Buck O'Neil grace and optimism when he said:

> Before I wouldn't even have had a chance but this time I had that chance. . . . I was on the ballot, man.

Isn't that a great quote, from a man 94 years of age, who could have been given that moment in history to be the only surviving member of the Negro Leagues to actually physically be there as he was admitted to the Cooperstown Hall of Fame?

He added something. He said:

> You think about this. Here I am, the grandson of a slave. And here the whole world was excited about whether I was going in the Hall of Fame or not. We've come a long, long ways. Before, we never even thought about anything like that. America, you've really grown, and you're still growing.

The story of Black baseball is amazing. During its golden years, Negro Leagues Baseball was the Nation's third-largest Black-owned business.

The leagues included such storied franchises as the Chicago American Giants, the Kansas City Monarchs, the Homestead Grays, the Atlanta Black Crackers, the Newark Eagles, and the New York Black Yankees.

Among its stars were the legendary Satchel Paige, Josh Gibson, called "the black Babe Ruth", William "Buck" Leonard, the "black Lou Gehrig," the acrobatic William "Judy" Johnson, and James "Cool Papa" Bell. Cool Papa Bell was so fast, it was said that he could turn off the light and be in bed before the room got dark. Even Jesse Owens declined to race against him.

The roots of black baseball stretch back to 1867. That year—2 years after the Civil War ended—the National Baseball Players Association was created. The new league banned any team that included even one Black player.

In 1887, the first Black baseball team, the Cuban Giants, was formed to give talented black players in New York a chance to play ball. Their success inspired other Black teams to form.

Many of the teams were hugely popular. One Sunday in 1911, the Chicago Cubs drew 6,000 paying fans, the White Sox had 9,000 fans, while the black team, the Chicago American Giants, drew 11,000 fans.

In 1920, the owner of the Chicago American Giants, Rube Foster, and other team owners met in Kansas City to form the Negro National League.

Foster hoped that the victor in the Negro championship would one day play the major league winner and that the color line in baseball would eventually be erased entirely.

That dream was crushed in 1919, with the appointment of Major League Baseball's first commissioner, Kenesaw Mountain Landis, who forbade White ball clubs from playing against Black clubs, even in exhibition games.

Negro Leagues players were paid little. They suffered long bus rides, exhausting schedules, and second-and third-rate motels. Other times, they relied on Black churches and fans' homes for a place to sleep. They played year round. When it got cold in the states, they headed south to play in Cuba or the Dominican Republic.

The color line was nearly broken in 1943 when Chicago Cubs owner Bill Veeck planned to buy the Philadelphia Phillies and hire Satchel Paige, Josh Gibson and other Negro League stars, but Landis learned of the plan first and sold the team to someone else.

The following year, Landis died. The new commissioner, former Kentucky Governor Happy Chandler, famously declared: "I'm for the Four Freedoms. If a Black . . . can make it on Okinawa and Guadalcanal . . . he can make it in baseball." But the Major League owners disagreed and voted against integration 15-to-1.

In 1945, Brooklyn Dodgers owner Branche Rickey signed a shortstop from the Kansas City Monarchs to play for the Dodgers' farm club. As a lieutenant in the Army, Jack Roosevelt Robinson risked a court-martial by refusing to sit in the back of a military bus. In 1947, he was called up to play for the Dodgers. Baseball's color line was finally erased.

Soon after, the Negro Leagues began to falter financially as they lost more and more of their best players to the majors. The league folded in 1960.

Before the vote this week, only 18 of the Negro League's more than 2,600 players had been voted into the Hall of Fame.

Among those pushing for recognition of other deserving Negro Leaguers was former Baseball Commissioner Fay Vincent. Vincent's interest in Negro Leagues ball was heightened after he met Alfred "Slick" Surratt, a Negro Leaguer who served in World War II and was wounded at the Battle of Guadalcanal, and then barred from playing Major League baseball when he returned home.

In 1991, at the urging of former St. Louis Cardinals catcher and baseball broadcaster Joe Garagiola, Vincent arranged a trip to Cooperstown for 75 Negro League players. At a formal dinner, he apologized to the players for the way baseball had snubbed them. He later told a reporter from USA Today: "I really thought I was repeating an old line, but it turned out that it was the first time that someone—from Major League Baseball—had done that." When he handed out a commemorative medallion of the event, he said, "about a third of [the players] were crying."

In 2000, Major League Baseball commissioned a $250,000 study of African-American players from 1860 to 1960. The result is the most thorough statistical record of the Negro Leagues ever compiled. It includes statistics culled from Black-owned newspapers as well as stats from games that matched barnstorming White players—including Babe Ruth and Dizzy Dean—against Negro Leaguers.

The league then appointed a special commission of 12 historians and scholars to sift through the record and select players who should be considered for the Hall of Fame. The first list included 39 names. From those 39 players, the committee this week selected the 17 new Hall of Famers.

It wasn't just on the field that Negro Leagues Baseball differed from White baseball. At Major League games Black and White fans were separated by chicken-wire fences—"one of the powerful symbols of racism," in Buck O'Neil's words. But during Negro League games, Blacks and Whites sat side by side.

In July, when the Hall of Fame's class of 2006 is formally inducted, more of the legends of Black baseball will finally take their rightful place at Cooperstown, to be honored side by side with the rest of the best who ever played America's game. As Buck O'Neil said, "America is growing."

We congratulate the families of all of the new Hall of Famers, and we remain hopeful that Buck O'Neil and Minnie Minoso will soon join them in Cooperstown.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate is adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:36 p.m., adjourned until Thursday, March 2, 2006, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, March 1, 2006*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PORTER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 1, 2006.

I hereby appoint the Honorable JON C. PORTER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

Bishop Steven E. Wright, National Chaplain, the American Legion, offered the following prayer:

Our Father who art in heaven, we thank Thee for countless blessings poured out upon the people of this great Nation. From our earliest beginnings we have placed our trust in Thy power to guide and defend us. We reaffirm that trust as we seek Thy strength, Thy wisdom, Thy inspiration and Thy love to be upon our Representatives here in this House in their deliberations and efforts and decisions this day.

We thank Thee for the valiant men and women of our Armed Forces and for our veterans and ask Thee to bless them and their families with safety and with Thy comforting love. We pray likewise for each individual and family unit and ask Thee to particularly bless fathers and mothers with the ability to instill virtue in its many forms in their children.

We express our love and gratitude for Thy tender mercies in all our trials and challenges, and do so with a concluding moment of silence, allowing each here to offer the personal benediction of his or her own heart and faith.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation among the Speaker, the majority and minority leaders, the Chair announces that during the joint meeting to hear an address by the Honorable Silvio Berlusconi, Prime Minister of the Republic of Italy, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, February 16, 2006, the House stands in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 3 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1055

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY THE HONORABLE SILVIO BERLUSCONI, PRIME MINISTER OF THE REPUBLIC OF ITALY

The Speaker of the House presided.

The Deputy Sergeant at Arms, Mrs. Kerri Hanley, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the Honorable Silvio Berlusconi, the Prime Minister of the Republic of Italy, into the Chamber:

The gentleman from Ohio (Mr. BOEHNER);

The gentleman from Missouri (Mr. BLUNT);

The gentleman from New York (Mr. FOSSELLA);

The gentleman from California (Mr. GALLEGLY);

The gentleman from Florida (Mr. MICA);

The gentleman from Ohio (Mr. TIBERI);

The gentleman from Florida (Mr. YOUNG);

The gentlewoman from California (Ms. PELOSI);

The gentleman from Maryland (Mr. HOYER);

The gentleman from Connecticut (Mr. LARSON);

The gentleman from New Jersey (Mr. PASCRELL);

The gentleman from Pennsylvania (Mr. DOYLE);

The gentleman from Ohio (Mr. RYAN); and

The gentleman from California (Mr. THOMPSON).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the Honorable Silvio Berlusconi, the Prime Minister of the Republic of Italy, into the House Chamber:

The Senator from Tennessee (Mr. FRIST);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Alaska (Mr. STEVENS);

The Senator from Pennsylvania (Mr. SANTORUM);

The Senator from New Mexico (Mr. DOMENICI);

The Senator from Illinois (Mr. DURBIN);

The Senator from Vermont (Mr. LEAHY);

The Senator from New York (Mrs. CLINTON); and

The Senator from New Jersey (Mr. MENENDEZ).

The Deputy Sergeant at Arms announced the Dean of the Diplomatic

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Corps. His Excellency Roble Olhaye, Ambassador from the Republic of Djibouti.

The Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Deputy Sergeant at Arms announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 7 minutes a.m., the Deputy Sergeant at Arms announced the Honorable Silvio Berlusconi, Prime Minister of the Republic of Italy.

The Prime Minister of the Republic of Italy, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you the Honorable Silvio Berlusconi, Prime Minister of the Republic of Italy.

[Applause, the Members rising.]

ADDRESS BY THE HONORABLE SILVIO BERLUSCONI, PRIME MINISTER OF THE REPUBLIC OF ITALY

[Spoken in English:]

Prime Minister BERLUSCONI. Mr. Speaker, Mr. Vice President, distinguished Members of Congress, it is an extraordinary honor to be invited to speak before you in the Capitol building, one of the great temples of democracy. I speak in representation and in the name of a country that has a deep friendship with the United States and is bound to your country by ties which go back many centuries.

Many American citizens have Italian roots. For them, the United States was a land of opportunity that welcomed them generously, and they contributed their intelligence and their labor to help make America great. And I am proud to see that so many Italian-Americans are today Members of the Congress of the greatest democracy in the world.

For my generation of Italians, the United States is the beacon of liberty, of civil and economic progress.

I will always be grateful to the United States for having saved my country from fascism and Nazism at the cost of so many young American lives. I will always be grateful to the United States for defending Europe from the Soviet threat in the long decades of the Cold War. By devoting so much to this victorious struggle against communism, the United States enabled us Europeans to employ our precious resources in the recovery and development of our economies.

I will always be grateful to the United States for having helped my country to climb out of poverty and achieve growth and prosperity after the Second World War thanks to the generosity of the Marshall Plan.

And today I am still grateful to the United States for the high price in lives you continue to pay in the fight against terrorism to assure our common security and defend human rights around the world.

As I will never tire of repeating, when I see your flag, I do not merely see the flag of a great country. Above all, I see a symbol, a universal symbol of freedom and democracy.

[Spoken in Italian:]

Mr. Speaker, these sentiments have inspired all of my political activity and the action of the governments that I have had the honor of leading.

The United States has always been able to count on a steadfast, loyal ally of the United States, ready to stand by you in defending liberty. We have demonstrated this wherever Italy's tangible help has been required, and we are deeply proud of this contribution.

Some 40,000 of our troops are assigned exclusively to peacekeeping operations.

In Afghanistan, we are now commanding NATO's ISAF mission.

In Iraq, we are involved in bringing peace and building democracy.

In the Balkans, Italy is now commanding the missions in Kosovo and Bosnia Herzegovina.

We are also present in the Middle East, in Sudan and other parts of the world, and in every other place where gaping wounds must be healed.

Mr. Speaker, before the barbaric attacks of September 11, Western countries basked in the certainty of their security. They basked in the certainty that, after the fall of the Berlin Wall, nothing could interfere with their civil and democratic life.

In 2001, in the early days of my second government, I was called to chair the G8 summit in Genoa. After the conclusion of the summit's official program, the final dinner became a dinner among friends. At one point that evening, I sat back slightly from the table, almost an external observer, in order to enjoy the cordial discussion among the leaders of the largest industrial countries of the world.

President Bush was chatting amiably with Prime Minister Junichiro Koizumi of Japan. Pearl Harbor and Hiroshima were but a distant memory. Prime Minister Blair was joking with Chancellor Schroeder. And the President of the Russian Federation, Vladimir Putin, was also talking with President Bush. The tragedy of the Second World War and the Cold War, which had lasted for so many years, was forgotten. I felt great pleasure inside. I thought that the world had in fact changed, and how different and peaceful it was the world we were handing to our children. An age of lasting peace beckoned.

But just a few short months afterwards, the unthinkable occurred.

September 11 marked the beginning of an entirely different type of war from those that spilled the blood of humankind in centuries past. It is not a conflict between states, nor a clash of civilizations, because it is not an attack by Islam on the West. The moderate Islam that is allied with Western democracies is itself a target of terrorists. Rather, this is an attack by radical fundamentalism, which uses terrorism against the advance of democracy in the world and dialogue among civilizations.

Western democracies find themselves facing an assault by extremist organizations that strike at the innocent and threaten the basic values on which our civilization is founded.

Democratic governments have a daunting task. They must ensure the security of their citizens and guarantee that they can live free from fear.

This is the new frontier of liberty.

Mr. Speaker, I am firmly convinced that in addition to the generous effort by your great country, a grand alliance of all democracies is needed to defend this frontier. It is only by joining the efforts of all the democracies on all continents that we will be able to free the world from the threat of international terrorism, from the fear of aggression by the forces of evil.

The battle to free ourselves from fear is by no means a battle to the exclusive benefit of the citizens who live in a democratic system. It is a battle that benefits above all those who today languish under authoritarian, repressive regimes.

History has shown that the aspiration to democracy is universal and that liberty and democracy are contagious. When people are exposed to the winds of democracy, they inevitably demand respect for their right to freedom from their governments. You are well aware of that because your country is the leading force behind this wind of freedom.

But there is another, equally important reason to forge a common strategy among all democracies.

The United Nations forecasts that over the next 25 years the world's population will increase by another 2 billion people, but a large part of those 2 billion people will be born and will live in countries that today are on the fringes of affluence.

So on the one hand, we will have 6 billion human beings living in destitution; and on the other, fewer than 2 billion living in wealth. Migratory pressures will inevitably soar.

In order to prevent this from happening, and even more, to prevent hunger and desperation from generating hatred and being exploited by fundamentalists, we must raise those countries out of poverty and start them down the road to well-being. It is our moral duty, but it is also in our vital interest. This will only be possible if democracy is allowed to spread and strengthen. All of our efforts must therefore be directed at fostering the development of institutions that ensure good governance, the rule of law, respect for human rights, and free market economies in those countries.

Only democracy can provide liberty, and only liberty can guarantee that individuals will be able to develop their talents, channel their energies, achieve their dreams, and conquer prosperity. The only possible road is to work together to spread democracy.

My government has relentlessly sought to forge a grand alliance of all of the world's democracies. It is for this reason that I lent my vigorous support to President Bush's initiative to establish a U.N. Democracy Fund.

It is for these reasons that I am convinced that the task that lies ahead of us is to promote a culture of respect for human rights and its fundamental freedoms in all countries.

Mr. Speaker, if we are to complete this mission successfully, it is essential that the bonds linking the United States and the European Union remain strong and sound.

It is this belief that prompted me to start a decisive, continuing diplomatic and political initiative with my European colleagues to ensure that the European Union did not weaken its ties to the United States in reaction to the events in Iraq.

For the same reason, we cannot ignore the danger that a united Europe might seek to define its identity in contrast to America. The necessary political and institutional integration of Europe must not mean the creation of a "Fortress Europe," closed to the rest of the world in the belief that in doing so it can preserve its prosperity and liberty.

A conception of European unity founded on a fanciful wish for self-sufficiency would be morally suspect and politically dangerous. Disagreement or, worse, opposition between the United States and Europe would be entirely unjustified and would jeopardize the security and prosperity of the entire world.

The West is and shall remain one. We cannot have two Wests. Europe needs America and America needs Europe. This holds equally true on the political, economic, and military planes.

It is therefore absolutely necessary, indeed fundamental, to sustain and reinvigorate the Atlantic Alliance, the alliance that for more than half a century has guaranteed peace in liberty.

From defense alliance, NATO is gradually becoming a security organization. While defensive alliances are exclusive, created to protect against the threat of other blocs, organizations that protect security must be inclusive, because they become even more effective as the number of member countries increases.

This is why I strongly supported the establishment of the NATO-Russia Council, bringing the Russian Federation into the security architecture of the free world.

I am proud to have worked together with President Bush and President Putin to ensure that this came to pass, and that this momentous decision, which confirmed the Russian Federation's decision to join the West and embrace its values, would be consecrated in Italy, at the historic summit at Pratica di Mare, near Rome.

That day in 2002 marked the end of the nightmare of mutual annihilation by two blocs in arms against each other that had lasted for more than half a century.

NATO must remain the fundamental instrument to guarantee our security. The new European defense capability must therefore be complementary to NATO's. Together, NATO and the European Union shall be democracy's instruments for guaranteeing security in a globalizing world. I have always worked to achieve this objective, which I consider strategic, and will continue to do so.

In this context, the United Nations through a process of reform will have to recover their central role to become more efficient and to be able to tackle the challenges of the new millennium.

Mr. Speaker, our values of democracy and liberty allowed the West to ensure that their peoples enjoy a degree of prosperity unparalleled in the history of humankind. History has shown that only democracy permits a sound market economy to flourish, because political freedom and economic freedom are but two sides of the same coin.

Nonetheless, we are aware that there are countries that are opening to the market economy, but where authentic democracy does yet not reign and human rights are not adequately respected. The more developed and democratic countries must therefore work with determination to ensure that everywhere the opening to the free market is accompanied by the strengthening of democratic institutions and respect for human rights.

The market economy has always been a powerful drive for countries to transform from autocratic or authoritarian regimes into genuine democracies.

Action to expand the market economy in the world is therefore a key part of our efforts to affirm our values, to affirm liberty for a safer, more prosperous and secure world.

[Spoken in English:]

Mr. Speaker, Mr. Vice President, distinguished Members of Congress, the bonds between Americans and Italians are strong and enduring. I am convinced that they will continue to strengthen and that the United States will always find in Italy a partner nation with which it can share the same vision of the world.

Allow me to conclude by sharing with you a brief story. It is the story of a young man, one who had just graduated from high school. His father took him to a cemetery that was the final resting place for brave young soldiers, young people who had crossed an ocean to restore dignity and liberty to an oppressed people. In showing him those crosses, that father made his son vow never to forget the ultimate sacrifice those young American soldiers had made for his freedom. That father made his son vow eternal gratitude to that country.

That father was my father, and that young man was me.

I have never forgotten that sacrifice and that vow, and I never will.

Thank you.

[Applause, the Members rising.]

At 11 o'clock and 35 minutes a.m., the Prime Minister of the Republic of Italy, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Deputy Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet;

The Dean of the Diplomatic Corps.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 38 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess subject to the call of the Chair.

☐ 1245

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. CAPITO) at 12 o'clock and 45 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mrs. KELLY. Madam Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

THE NEED FOR SMALL BUSINESS TAX RELIEF

(Mrs. KELLY asked and was given permission to address the House for 1 minute.)

Mrs. KELLY. Madam Speaker, small businesses are the local engines that drive our national economy, so we must always keep their needs as a centerpiece in our budget priorities in Congress. As we analyze our future budget outlook in the weeks ahead, we need to work together to protect our small businesses.

Yesterday, I met with a group of small business owners from the Warwick Valley Chamber of Commerce back in my district. Hearing them talk about the myriad challenges facing them and their businesses served as a reminder of how critical it is for us to continue providing them the tax relief that they need to continue to create new jobs across our country. We need to extend and make permanent small business tax relief provisions that are critical to our continued economic growth.

We need to continue the increased expensing rules for small businesses, and we should increase the deduction this year to an amount of greater than $100,000. This Congress has many concerns where it needs to focus on budgetary concerns, but let us not forget the needs of America's small businesses.

The more we do to help small businesses, the more jobs they create for local residents in New York and across the country. Small businesses in America create almost seven out of 10 new jobs. We need to keep those small businesses and the people working.

THE REPUBLICAN-DUBAI PORT DEAL

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Madam Speaker, the United Arab Emirates port deal is nothing new from the Bush administration. Over the past 5 years, President Bush has mastered back-room deals and secrecy, but now his administration's actions are threatening our homeland security. The United Arab Emirates deal was approved by the Bush administration despite national security concerns raised by both the Department of Homeland Security and the United States Coast Guard.

The bipartisan 9/11 Commission has identified America's seaports as particularly vulnerable to attacks because only 6 percent of all cargo containers are screened. The world's busiest port, Hong Kong, can screen 100 percent of their containers. Why can we not do it here at home?

The Bush administration shares responsibility with Republicans here in Congress for the vulnerabilities that now exist at our ports. Democrats listened to the Coast Guard and we listened to the 9/11 Commission, and we tried to increase funding for port security.

House Republicans have opposed these efforts despite the fact the Coast Guard says they need $4.6 billion over the next 10 years to properly secure our ports.

Madam Speaker, Republican rhetoric on homeland security is not enough. It is time for action. Put Democrats in charge, and we will get 100 percent container inspection, and we will have real port security in this country.

AMERICA'S ECONOMY IS BOOMING

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, our economy is booming. I know that may come as a surprise to some of our colleagues across the aisle, and certainly to some of the mainstream media. But our unemployment rate is now at 4.7 percent, and that is lower than the average unemployment rate in the 1970s, the 1980s, and the 1990s. Yes, lower than each of those decades.

And where are the headlines that would praise the smart tax plan that helped to get us there? In January, America created 193,000 new jobs. That is 2 million new jobs in just over the past year.

4.7 million new jobs in the past 30 months. Republicans are not going to play I-told-you-so, but it is pretty obvious that the tax reductions passed in 2003 helped Americans dig out of a recession and get back to work. We will keep on pushing that sort of fair, flatter, simpler tax code that Main Street America needs to keep creating great jobs.

CELEBRATING THE 45TH ANNIVERSARY OF THE PEACE CORPS

(Ms. McCOLLUM of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McCOLLUM of Minnesota. Madam Speaker, 45 years ago today, President Kennedy created the Peace Corps, saying: "It will not be easy. None of the men or women will be paid a salary. They will live at the same level as the citizens of the country to which they are sent, doing the same work, eating the same food, speaking the same language."

On this anniversary, let us celebrate the service of the more than 180,000 brave Americans who have answered President Kennedy's call to service and served our Nation and the world as Peace Corps volunteers.

In 1961, President Kennedy made peace a priority, and peace must remain a priority for our Nation. So for their commitment of hope, friendship and peace, I applaud the nearly 7,800 Americans, including almost 200 Minnesotans who are currently proudly serving as Peace Corps volunteers.

The service of these volunteers and all of the returned Peace Corps volunteers make America proud.

Happy Birthday Peace Corps.

AN EASY MATH EQUATION

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, I rise today to discuss the positive economic news that continues to pour in. These new numbers demonstrate that Republicans' pro-growth economic policies are working.

January's unemployment rate fell to 4.7 percent, which is the lowest monthly rate since 2001, and lower than the average of the 1970s, 1980s, and 1990s. There have been 29 consecutive months of job gains. The economy has created over 2 million jobs over the past 12 months.

Real household net worth is at $51.1 trillion, an all-time high. And finally the Commerce Department just reported that the GDP grew at a 1.6 percent rate in the fourth quarter, up from an original estimate of 1.1 percent.

This encouraging economic news is proof that lower taxes, plus restrained Federal spending, equals economic growth. However, this is a math equation that Democrats just cannot seem to grasp. Perhaps it is because they keep trying to substitute new variables: taxing plus spending will never equal economic growth and prosperity.

However, the Republican formula of lower taxes plus restrained Federal spending will always come out in favor of the American taxpayers and their checkbooks.

HSA'S WILL CAUSE MORE PROBLEMS THAN THEY SOLVE

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Madam Speaker, for 5 years there was a silence at the White House about the issue of health care and how it is deteriorating in this country. The access has gotten worse and worse and worse under this administration.

The other night, in the State of the Union, the President, apparently the polling told him there is a problem out there. So he came out here with another one of his Band-Aids: Let's give everybody a health savings account. A more ridiculous proposal could not have been made on the floor to deal with the problems of average Americans.

To expect average Americans to be able to put aside enough money to pay a $10,000 deductible and then buy a catastrophic plan is simply not from the real world. The average American in this country is fighting day to day, paycheck to paycheck, and our President comes up with another one of his tax giveaways to the rich.

The only people who benefit from this are wealthy people who can take 10,000 bucks out of their pocket and pay it when it comes due. We ought to stop that and start a debate in this House between the Democrats and Republicans. That is the only way we will get sensible health care coverage for all Americans. They deserve it.

THE IMPACT OF ILLEGAL IMMIGRATION ON RANCHERS

(Mr. KELLER asked and was given permission to address the House for 1 minute.)

Mr. KELLER. Madam Speaker, today I rise to discuss the impact that illegal immigration has on the ranchers along the Mexican border. I recently spent a week along the Mexican-California border to see firsthand how bad the problem was and what Congress could do to fix it.

I sat down in the living rooms of four different families who own ranches along the border. One couple, Ed and Donna Tisdale, documented on home video 13,000 illegal aliens crossing their property in one year alone.

The Tisdales had their barbed wire fences cut by illegals running off the family's cattle. When their dogs barked to scare off intruders, the dogs were poisoned.

Another rancher told me about numerous break-ins at his home while his family slept, as illegal aliens tried to find food and clothing. One morning his daughters had gone out to feed their pet bunny rabbits, only to find them skinned and taken for food by illegal aliens trying to escape to a nearby highway.

Madam Speaker, the House has recently passed a tough border security bill. I urge the Senate to act now to address this problem.

VIEW FROM THE COUNTRY CLUB

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Madam Speaker, the view from the country club is great. We have heard a few Republicans waxing poetic about how good the economy is. Jobs, prosperity, happy days are here again. All due to the tax cuts.

There is a real result to the tax cuts. Last year we had the largest deficit in the history of the United States. We borrowed hundreds of billions of dollars and we are going to hand the bill only to people who work for wages and salary, who generally earn less than $100,000 a year, and to their kids and grandkids.

The wealthy should not pay any portion of that in their version of America because they are the wealth generators. The fourth increase in the national debt since George Bush took office: 60 percent increase in the national debt. That is the result of their tax cut policies.

And wages, they have not budged: 99 percent of the people in America working for wages and salaries saw their real incomes decline last year. One percent did well, those $300,000 and up, and $1.3 million and up, they did great. And those are the folks they were having lunch with when they heard how great the economy is in America. I wonder who picked up the tab.

WELCOMING PRIME MINISTER BERLUSCONI TO THE UNITED STATES CONGRESS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, the Italian Government has transformed into a vibrant democracy that delivers liberty and opportunity.

While Italy has historically been recognized for its extraordinary beauty and rich culture, today it is respected internationally as a champion of freedom.

Today, Congress is honored to be joined by Prime Minister Silvio Berlusconi, a man who has furthered democracy in his country and throughout the world. As an ally in the global war on terrorism, he has led thousands of Italian troops to join American soldiers in stopping the spread of terror in Afghanistan and Iraq, protecting Italian and American families.

As President Bush said yesterday, Prime Minister Berlusconi is a man who keeps his word. His steady friendship demonstrates his strong belief in persistence and international cooperation.

I join my colleagues in welcoming him to the United States Congress.

In conclusion, God bless our troops, and we will never forget September 11.

HAPPY ANNIVERSARY PEACE CORPS

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. Madam Speaker, I rise today for some very good news. It is news the history of this country's anniversary of the Peace Corps. When I was a college student, I was really impressed that the President of the United States, John F. Kennedy, had asked the people of this country to ask what they could do for their country, not what the country could do for them.

And since then, people have been joining the Peace Corps. In fact, 182,000 people have served in the Peace Corps, serving in over 138 countries. Now, why is it so important to celebrate the 45th anniversary of the Peace Corps? Well, in the first case, we just recently heard from General Abizaid, who is the supreme commander in the Middle East, that peace can never be obtained until Americans learn to cross the cultural divide. A very profound statement from a warrior.

I ask those persons in the United States who want to help sustain the peace in this world to join the Peace Corps. It will be the greatest job, hardest job you have ever enjoyed. I did it when I was a young college student. I invite others at any age to join today.

Americans have served as a testament to this country. I hope they will continue for many years.

PEACE CORPS

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Madam Speaker, I salute Mr. FARR on his work with the Peace Corps, and I rise too as well to salute that 45th anniversary.

President Kennedy, as was mentioned, started the Peace Corps and asked his brother-in-law, R. Sargent Shriver to command, and appointed him as the first director. As the year progressed, the program continued to grow, sending volunteers to Ghana, Tanzania, Colombia, the Philippines, Chile, and St. Lucia. More than 5,000 applicants took the first exams to enter the Peace Corps. It has grown significantly in numbers.

I recently had the opportunity to meet with a number of volunteers who were currently working in Guatemala and appreciate the hard work that they are doing in the destitute regions of that country. I would also like to salute and commend the following constituents from my district who have been serving in the Peace Corps in those various countries: Benjamin Andrews in South Africa, Megan Chodora in Moldova, Pat Koester in Thailand, Michael Kreidler in the Ukraine, Merril Miceli in Kazakhstan, and Patrina Ngo in Kyrgyztan.

Thanks to those volunteers and the others in our Nation who help make the Peace Corps fulfill its international humanitarian mission. My hat is off to President Kennedy on its 45th anniversary and all of those who have served.

□ 1300

HONORING OUR BRAVE VETERANS

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute.)

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, last week when we were home I had the occasion to present various medals and awards to veterans in my district. The Fifth Congressional District is home to the highest number of veterans of any Member of Congress. There were medals and awards for those who served in World War II, the Korean War and Vietnam.

We need to stop and pause and certainly thank our veterans from all of those wars, thank them for the freedoms that we, as Americans, enjoy today. Without a doubt, these people came home from being at war, started their lives, built our country into the great country that it is today, and never really asked for anything back from their country. They did not get a lot of the medals that they deserved.

Now that they are getting a little bit older, they are getting perhaps a little sentimental and they wanted to have those medals. We worked with the veterans and got the medals and presented those awards in the majority of the eight counties that I represent.

My hat is off to the veterans of all of the wars and those young men and women currently serving today. We thank them for their bravery.

MORATORIUM ON PRIVATE TRAVEL

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, millions of Americans are troubled by recent revelations concerning privately funded travel, and Congress, in my judgment, should ban privately funded travel until a system of prior approval can be established within the framework of the House Ethics Committee.

While private travel permits Members of Congress to expand their knowledge of issues affecting the Nation and the world without burdening taxpayers, recent revelations have served to undermine public confidence about this practice, and I believe it should be suspended until new safeguards can be put in place to ensure accountability and transparency. Congress must take bold action to restore the confidence of the American people in the integrity of our national legislature.

I commend Speaker HASTERT and Chairman DAVID DREIER for offering a bold vision of ethics reform and urge my colleagues to join me in supporting their efforts today.

PEACE IN KOSOVO

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, in the State of the Union, the President focused on the need to not only beat the terrorists on their own soil, but to take the offensive in bringing the hope of political freedom and peaceful change to hopeless lands.

I recently had the honor of meeting with our soldiers who are serving in Kosovo and are doing just that. I was glad to be able to thank them for their service and to hear their concerns.

American troops have been keeping the peace in Kosovo, along with our NATO allies, since 1999. We have about 1,700 troops participating in peacekeeping operations in Kosovo, and we must let them know that their service is not forgotten. Their presence brings stability to a troubled region and supports the development of a functioning legal system, the respect for property rights, and the growth of a robust economy.

These pillars will form the foundation of a free and democratic Kosovo, ensuring that our soldiers and their sacrifices will not be in vain.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

HONORING JUSTICE SANDRA DAY O'CONNOR

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 357) honoring Justice Sandra Day O'Connor.

The Clerk read as follows:

H. RES. 357

Whereas Justice Sandra Day O'Connor was born on March 26, 1930, in El Paso, Texas, and grew up in both El Paso and southeastern Arizona on her family's ranch;

Whereas Justice Sandra Day O'Connor graduated magna cum laude from Stanford University in 1950 with a baccalaureate degree in economics;

Whereas Justice Sandra Day O'Connor graduated from Stanford Law School and was ranked third in a class of 102 graduates;

Whereas Justice Sandra Day O'Connor completed law school in 2 years, instead of the customary 3, and served on the Stanford Law Review;

Whereas Justice Sandra Day O'Connor entered the public sector after her graduation from Stanford Law School as a deputy county attorney for San Mateo County in California, after she was unable to secure a position in a number of private law firms that employed very few, if any, women as attorneys;

Whereas Justice Sandra Day O'Connor served as Assistant Attorney General of Arizona from 1965 to 1969;

Whereas Justice Sandra Day O'Connor was appointed to the Arizona State Senate in 1969 and was subsequently reelected to 2 2-year terms;

Whereas Justice Sandra Day O'Connor became the State Senate Majority Leader in Arizona in 1973, the first woman to serve in that position in any State;

Whereas Justice Sandra Day O'Connor was elected in 1975 as a judge on the Maricopa County Superior Court in Arizona, and served in that position until 1979;

Whereas Justice Sandra Day O'Connor was appointed to the Arizona Court of Appeals in 1979 and served in that position until her confirmation as an Associate Supreme Court Justice;

Whereas in 1981, President Ronald Reagan nominated Sandra Day O'Connor to be the 102d Supreme Court justice and the first female member of the Supreme Court;

Whereas Sandra Day O'Connor was confirmed by the United States Senate unanimously on September 21, 1981, and took her seat on the Supreme Court on September 25, 1981;

Whereas the elevation of Sandra Day O'Connor as the first female justice of the Supreme Court helped pave the way for more women to enter into the legal profession;

Whereas in 2004, women accounted for approximately half of all students enrolled in law school, compared to 35 percent of law students in 1981 and just 4 percent of law students when Justice O'Connor graduated from Stanford Law School in 1952;

Whereas Justice Sandra Day O'Connor has left a thoughtful and enduring mark on American jurisprudence, which has been molded through her wisdom and strong character; and

Whereas Justice Sandra Day O'Connor blazed new trails for her gender and is a role model for all Americans: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors Justice Sandra Day O'Connor on the occasion of her retirement from the United States Supreme Court;

(2) commends Justice Sandra Day O'Connor for her hard work and dedication to the law; and

(3) recognizes Justice Sandra Day O'Connor as a pioneer for women in law, helping women become a permanent and integral part of the legal profession.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from California (Ms. ZOE LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Resolution 357 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this resolution which commemorates the life and career of former Justice Sandra Day O'Connor upon her retirement from the United States Supreme Court.

Justice O'Connor's 24 years on the Supreme Court capped a distinguished four-decade career of public service. Born in El Paso, Texas, on March 26, 1930, and raised in rural Arizona, O'Connor served on the Law Review at Stanford Law School and took just 2 years to finish the normal 3-year curriculum. She graduated third in a class of 102, which included former Chief Justice of the United States William H. Rehnquist.

Unable to find work at law firms that at the time refused to hire female attorneys, she became a deputy county attorney in San Mateo County, California. This was the first of many public sector jobs Justice O'Connor held throughout her career. She served as the assistant attorney general of Arizona from 1965 to 1969, and then in the Arizona State senate from 1969 to 1975. In 1973, Justice O'Connor became the first woman in any State to become the majority leader of a State senate.

She began her career as a jurist in 1975 when she was elected to become a judge in the Maricopa County Superior Court. She was subsequently appointed to the Arizona Court of Appeals in 1979 and served in that capacity until President Ronald Reagan nominated her to fill the seat of former Justice Potter Stewart on August 19, 1981. The U.S. Senate unanimously confirmed Justice O'Connor on September 21, 1981, and she was sworn in 4 days later, making her the 102nd, and first female, Justice of the U.S. Supreme Court.

She served a decisive role in crafting the majority opinion in many important cases, but perhaps her greatest accomplishment was in serving as a role model to countless women. Indeed, at the time Justice O'Connor graduated from Stanford Law School, women comprised just 4 percent of all law school students. By 2004, women accounted for approximately half of all students enrolled in law schools.

Throughout her entire career, Justice O'Connor put public service first. Even as she announced her retirement on July 1, 2005, she agreed to serve until the President could nominate and the Senate confirm her replacement.

I would like to thank the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) for introducing this resolution. I urge all of my colleagues to join me in supporting it, and in wishing Justice O'Connor a happy and relaxing retirement with her husband, John.

Madam Speaker, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am very proud to join my colleagues today to honor a woman who not only contributed immensely to American jurisprudence, but also showed tremendous courage and perseverance in finding her way to the top of the legal field at a time when the legal field was virtually closed to women.

Justice Sandra Day O'Connor graduated magna cum laude in 1950 with a bachelor's degree in economics from Stanford University, my alma mater. In just 2 years, instead of the usual 3 years, Justice O'Connor graduated third in her class at Stanford Law School in 1952 at a time, as the chairman has said, when only 4 percent of law school graduates were women.

Despite her impressive law school record and obvious talent, Justice O'Connor could not find a single law firm that would give her a job after graduation, but that did not deter her. She heard that San Mateo County in California, the county just to the north of my home, had once hired a female attorney and so she decided to go there in search of her first legal job, but she learned that there was not enough funding in place or a place in the office for her to work.

That did not deter her. She wrote a long letter explaining why she should be hired and offered to start work for free. She placed her desk in the same area where the secretaries sat. She got the job and before long a paid position opened up and she took it.

Justice O'Connor's perseverance did not end there. She went on to become an assistant attorney general for Arizona. She was appointed and later elected to the Arizona State senate, elected as a county judge, and appointed to the Arizona Court of Appeals.

Justice O'Connor has been a leader for women in many ways. She became the first woman to serve as the majority leader of the Arizona State senate and the first woman to serve on the U.S. Supreme Court, paving the way and opening the door for the next generation of women to substantively participate in the field of law. In fact, I feel, as a lawyer myself, a debt of gratitude to Justice O'Connor for the groundbreaking path that she laid for all of us who followed.

But let us not forget that she was not only a symbol of hope for aspiring women lawyers all around the Nation, but she has also been a powerful contributor to our American jurisprudence, often the pivotal fifth vote on some of the most important issues in modern American history that came before the U.S. Supreme Court.

I strongly urge my colleagues in the House to unanimously approve this resolution honoring this extraordinary woman, and I look forward to a unanimous vote of support by the House of Representatives.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. BROWN-WAITE), the author of the resolution.

Ms. GINNY BROWN-WAITE of Florida. I thank the chairman for yielding.

Madam Speaker, today is the first day in which our Nation celebrates the achievements of American women during Women's History Month. Honoring the service of Justice Sandra Day O'Connor is an excellent way to kick off this celebration.

When Justice O'Connor first set out on her journey, the dream of attending law school was not something a woman commonly achieved. Women in her day were encouraged to stay in the home, supporting the men who ran the country. Justice O'Connor's success to find work in the law profession exemplifies the determination that she had to achieve greatness. By defying society restrictions, today she offers great hope to the women of every generation.

Justice O'Connor is an inspiration to women across the Nation. She won acclaim as the first woman to be appointed to the United States Supreme Court and her retirement marks the end of an era.

During her service of 25 years on the Court, Justice O'Connor established a reputation as a key decision maker. By sticking to her philosophy of drawing practical conclusions when determining her final decision, she would often cast the deciding vote. Widely known as one of the most influential women in the United States, this title is often attributed to the dynamic Justice O'Connor brought to the United States Supreme Court.

Madam Speaker, little girls and young women take for granted today what women such as Justice O'Connor accomplished in earlier generations. As cochair of the Congressional Caucus on Women's Issues, I am honored to have offered this resolution today to remind us all, both men and women, to remain true to our beliefs and question the obstacles that others have put in place.

I am privileged to have witnessed the work of Justice Sandra Day O'Connor, and I look forward to supporting House Resolution 357 this afternoon. I certainly appreciate the Judiciary Committee and our awesome chairman for allowing this to be put on the agenda and that we have it on the floor before us today.

Ms. ZOE LOFGREN of California. Mr. Speaker, I have no further requests for time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Speaker, I rise in support of House Resolution 357, honoring former United States Supreme

Court Justice Sandra Day O'Connor and commend my colleague from Florida, Ms. GINNY BROWN-WAITE, for her work on this legislation and Chairman SENSENBRENNER for allowing this to go through.

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In 1981, when Sandra Day O'Connor was unanimously confirmed to the seat previously held by my fellow Cincinnatian, Justice Potter Stewart, as the first woman Justice, it was a very different time in America. After 24 years serving our Nation, it can be said that her legacy is multifaceted: one of the most influential Justices in history; certainly one of the most powerful women in America; and a pioneer in every sense of the word.

We know she was born in El Paso to parents who owned a 198,000-acre cattle ranch in southeastern Arizona. There she learned roping and riding but also the self-reliance and determination that influenced her life. Despite her many achievements at Stanford and Stanford Law School, law review, graduating in 2 years instead of three, and third in her class of 120, no law firm would hire her because she was a woman. She turned to public service and was Arizona's assistant attorney general, the first woman majority leader of the State senate, a trial judge and an Arizona court of appeals judge before being named to the United States Supreme Court. Maybe it is good no law firm would hire her.

Although I have not always agreed with her on every decision, Justice O'Connor stood for federalism, pragmatism, compromise and interpreting, not legislating, the law. She considered each case individually on its own merits. Her hallmarks of integrity, diligence, and fairness have been woven through every task she has undertaken.

Balancing the demands of a career and family, Justice O'Connor set a positive example for women, especially young women. She once said, "Society as a whole benefits immeasurably from a climate in which all persons, regardless of race or gender, may have the opportunity to earn respect, responsibility, advancement and remuneration based on ability."

During Women's History Month, it is especially fitting that we honor her.

Ms. WATERS. Mr. Speaker, I rise in strong support of the bill introduced by the gentlelady from Florida. As a member of the Congressional Women's Caucus, I applaud Justice Sandra Day O'Connor for her leadership as the first woman to serve on the U.S. Supreme Court.

Appointment of Justice O'Connor added life to the women's movement, and when Justice Ginsburg was appointed, we had 2 very strong allies when these matters came before the high court. Her judicious leadership stood out when she joined Justices Souter and Kennedy in crafting a compromise to uphold Roe v. Wade in the Planned Parenthood v. Casey decision—that included the standard of limiting state regulation of abortions to the threshold of causing an "undue burden" on a woman's right to choose.

Justice O'Connor helped to protect affirmative action by making the swing vote in the 5-to-4 decision of Grutter v. Bollinger. This decision was a landmark that still has precedential value in terms of preserving the notion that there is not only the right to due process in the law at stake but the value of racial diversity in education.

Most recently, though, many of us on both sides of the aisle commend Justice O'Connor for her dissent in the recent Supreme Court decision of Kelo v. City of New London et. al (No. 04–108. Argued February 22, 2005—Decided June 23, 2005), in which she stated that

> [a]ny property may now be taken for the benefit of another private party, but the fallout from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms . . . [t]he Founders cannot have intended this perverse result. '[T]hat alone is a just government,' wrote James Madison, 'which impartially secures to every man, whatever is his own.'

I hope that the Court will continue this kind of sound judgment and leadership on matters of such great significance to our disadvantaged communities.

Mr. Speaker, I support this legislation, and I thank Justice O'Connor for her service to our Highest Court.

Mr. CONYERS. Mr. Speaker, I rise in support of this resolution, which honors the career of one of this Nation's most respected jurists, Associate Justice Sandra Day O'Connor. Not only did Justice O'Connor leave an indelible impression on the law but also on the legal profession itself.

As an Associate Justice, Mrs. O'Connor had a well-deserved reputation for being the swing vote on seminal cases. From campaign finance laws to affirmative action and sexual orientation discrimination, many Supreme Court lawyers tailored their arguments to her because of her ability and willingness to see the complexity of the issues that came before the court.

She also left her mark on the diversity of the legal profession. When she graduated from law school in 1952, ranked no less than 3rd in her class of 102 students, gender discrimination kept her from jobs at law firms. This was a time when women comprised only 4 percent of law graduates. Instead, she turned to public service and embarked upon a stellar career as a State prosecutor, State legislator, and State judge.

It was in her capacity as an Arizona Court of Appeals judge in 1981 that Justice O'Connor came to the attention of the White House. President Reagan nominated her to fill the seat of Justice Potter Stewart. On September 21, 1981, the Senate unanimously confirmed her to be the 102d Justice of the Supreme Court and the 1st female justice in history.

With Justice O'Connor as an example, the ranks of female lawyers have grown tremendously in this country. In 1981, the year of her appointment, women made up 35 percent of law students. In 2004, they made up approximately 50 percent. It would be impossible to overstate Justice O'Connor's role in that achievement. I thank her for her service to our country and wish her the best.

I urge my colleagues to vote "yes" on this resolution.

Mrs. BIGGERT. Mr. Speaker, I rise today in strong support of the resolution honoring Justice Sandra Day O'Connor.

Justice O'Connor served as a role model at a time when very few women were pursuing legal careers. Even before she was appointed to the United States Supreme Court, Justice O'Connor's career was one to follow. She served as a government lawyer, general practitioner, agency attorney, state legislator, and a judge at both the trial and appellate levels.

As the first woman ever to serve on the U.S. Supreme Court, Justice O'Connor was a steady—albeit unpredictable—presence on the bench. She was incredibly thoughtful and deliberate with her decisions, evaluating every case on its merits.

Justice O'Connor earned her place in history, making a permanent mark on the judicial system that will forever inspire girls and women throughout America. She will be greatly missed.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Res. 357, honoring fellow Texan and former Supreme Court Justice Sandra Day O'Connor. As the first woman inducted into the Supreme Court, Sandra Day O'Connor broke through gender barriers and a glass ceiling that had existed for almost two centuries.

Her outstanding service to America and the Supreme Court serves as a role model not only to women, but to anyone who was told they couldn't do a job based on bias and negative perception. Throughout her life, Justice O'Connor continually rose above prejudice—forming her own law firm when no one would hire her, and becoming the first woman to hold the position of majority leader in the Arizona State Senate.

Sandra Day O'Connor became one of the most powerful women in U.S. History. Instead of rebelling against a male-dominated society, Justice O'Connor sought to change the world by working within the system. Her decisions on controversial cases such as abortion, affirmative action, the death penalty, and religious freedom have changed the American landscape and will continue to impact us far into the future.

I commend Justice O'Connor for her years of service and for serving as a role model for so many Americans.

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of H. Res. 357, Honoring Justice Sandra Day O'Connor. Honoring Justice O'Connor's career as a jurist with this resolution is significant as she was a pioneer for women in the legal profession.

Nominated for the Supreme Court by President Reagan and confirmed by the U.S. Senate in 1981, Justice O'Connor became the 102nd Justice of the U.S. Supreme Court, and its first woman member. Justice O'Connor served honorably until her retirement on January 31, 2006. Justice O'Connor retired from the bench and from public service with the same grace and dignity with which she served. Her commitment to the Constitution, to public service, and to the United States will serve as inspiration for young Americans for years to come. Her work while on the Court will continue to provide needed guidance as American law continues to evolve. Her legacy of attacking bias not only against women but against all groups through jurisprudence benefits us all.

Justice O'Connor is the product of humble beginnings. In school, Justice O'Connor worked hard, earning numerous achievements while overcoming many obstacles in her path to success. Upon graduation, Justice O'Connor found it difficult to obtain a position with any law firm due to her gender despite having earned honors as an undergraduate and a law student at Stanford University. Undaunted, she created her own opportunities, partnering with a colleague and beginning her own firm. Shortly thereafter, Justice O'Connor placed her career on hold to become a mother. During this time, Justice O'Connor devoted herself to volunteer activities with the Arizona State Hospital, the Arizona State Bar, the Salvation Army and several local schools.

Justice O'Connor returned to practicing law after 5 years as a full-time mother and assumed a position with the Arizona Attorney General's office. In 1969, she was appointed to fill a vacancy in the Arizona State Senate and 4 years later was the first woman to serve as the chamber's majority leader. This leadership role, however, only marked the beginning of her groundbreaking professional accomplishments.

In 1974, Justice O'Connor was nominated for a judgeship position in the Maricopa County Superior Court and nominated to the Arizona Court of Appeals 5 years later. As a result of her work on the Arizona Court of Appeals President Reagan nominated her to serve on the Supreme Court. Justice O'Connor's career proves that there is no barrier to large, no challenge to great, and no position to lofty to attain for a woman of integrity, conviction and intelligence.

Justice O'Connor is among the pioneering women of our time. She stands as a testament to what a fearless spirit, a determined heart and a sharp mind can achieve in the face of bias and tradition. Today, only one woman now serves on the Supreme Court, but we now that more will follow in the footsteps of Justice O'Connor.

Although Justice O'Connor is most widely recognized for her 24 years as an Associate Justice of the U.S. Supreme Court, she deserves to be recognized for leading of life of humanity, of dedication to public service, and one of commitment to making our country more fair, tolerant, and a better place to live. Her lifetime of achievements in the field of law and public service will always be remembered. Our country thanks her for the example she has set.

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to honor the career and character of Justice Sandra Day O'Connor.

It is fitting that this resolution comes before us during the month of March, the month set aside to celebrate the pioneering women who helped shape our country and extend the promise of equal opportunity for all.

Sandra Day O'Connor was one of those pioneers, a trailblazer for women in the legal field and the first woman to sit on the Supreme Court of the United States.

She went to law school at a time when women made up a tiny fraction of law students in this country, and a tiny fraction of practicing attorneys.

She graduated from Stanford University Law School in two years instead of the normal three, and third in a class of 102, but struggled to find a job, as few firms were willing to hire a woman.

Undeterred, she accepted a position as a deputy county attorney for San Mateo County in California, her first foray into public service, which would ultimately come to occupy most of her career.

Among other roles, she went on to serve as the first female State senate majority leader in the United States and as a justice on the Arizona Court of Appeals.

In 1981, President Ronald Reagan recognized her achievements by appointing O'Connor to the Supreme Court, the first woman in American history to be so honored.

Mr. Speaker, 40 years ago, when Sandra Day O'Connor graduated from law school, only 4 percent of law students were women. Today, thanks to Justice O'Connor and other courageous women like her, approximately half of all law students are women.

There are many things I could say in her praise, but it seems to me that that is the most eloquent testimony of her achievements.

Mr. KOLBE. Mr. Speaker, the legacy of Sandra Day O'Connor will last long after her distinguished service on the Supreme Court.

Not only does she have the distinction of being the first woman to serve on the court, but for more than twenty years she has helped to shape the legal landscape of this country with her thoughtful, carefully crafted decisions and her votes which have put her firmly in the center of American jurisprudence—exactly where the American people find themselves.

I have a special affection for Sandra Day O'Connor because we share so much in our background. We both grew up on a cattle ranch in southern Arizona. We both attended Stanford University. We both served in the Arizona Senate. When she served on the bench in Arizona and I served as chairman of the Judiciary Committee in the Senate, we both toiled through a two year process of reforming the criminal code in our state.

Wherever and however our paths have crossed, I always admired her achievements, her wit and her wisdom.

On a personal level, I have known Justice O'Connor and her husband for many years and have admired their wonderful relationship and their family. I know they look forward to getting reconnected and I wish John and Sandra all the happiness possible in the remaining years they share together.

Mr. REYES. Mr. Speaker, I rise today in support of H. Res. 357, a resolution honoring former United States Supreme Court Justice Sandra Day O'Connor. As the first female justice of the U.S. Supreme Court, this remarkable woman presided over some of the most important cases of our time, and her accomplishments became a stepping stone for all womankind.

Justice O'Connor has strong roots to the city of El Paso, Texas, which I represent. She attended Radford School, and graduated at the age of 16 from Austin High School. Her achievements in graduating with honors from Stanford University and earning a law degree from the Stanford School of Law in only two years, have encouraged numerous aspiring students to reach their greatest potential.

Justice Sandra Day O'Connor once again provided a breakthrough when she became the majority leader for the Arizona State Legislature, the first woman in the Nation to do so.

Rising from the rejection of law firm employment based on her gender, Justice Sandra Day O'Connor is now known as one of the most important women in U.S. legal history.

Mr. Speaker, I urge all of my colleagues to join me in supporting this very worthwhile resolution, honoring Justice Sandra Day O'Connor.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield back my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back my time as well.

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 357.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

HONORING AND PRAISING THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ON THE OCCASION OF ITS 97TH ANNIVERSARY

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 335) honoring and praising the National Association for the Advancement of Colored People on the occasion of its 97th anniversary.

The Clerk read as follows:

H. CON. RES. 335

Whereas the National Association for the Advancement of Colored People (NAACP), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of Abraham Lincoln's birth, by a multiracial group of activists who answered "The Call" for a national conference to discuss the civil and political rights of African Americans;

Whereas the National Association for the Advancement of Colored People was founded by a distinguished group of leaders in the struggle for civil and political liberty, including Ida Wells-Barnett, W.E.B. Du Bois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villiard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance upon the press, the petition, the ballot, and the courts, and has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve the voice, as well as the shield, for minority Americans;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the Supreme Court's 1954 decision in Brown v. Board of Education;

Whereas in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama—an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of the Civil Rights Acts of 1957, 1960, and 1964, the Voting Rights Act of 1965, and the Fair Housing Act, laws which ensured Government protection for legal victories achieved; and

Whereas in 2005, the National Association for the Advancement of Colored People launched the Disaster Relief Fund to help survivors in Louisiana, Mississippi, Texas, Florida, and Alabama to rebuild their lives: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the 97th anniversary of the historic founding of the National Association for the Advancement of Colored People; and

(2) honors and praises the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all persons.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. AL GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 335 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 335, a resolution honoring the National Association for the Advancement of Colored People on the occasion of its 97th anniversary.

This resolution recognizes that the NAACP has played an important role in helping to ensure that our constitutional guarantees are extended to all citizens.

Founded on the centennial of Republican President and Great Emancipator Abraham Lincoln's birthday in 1909, the NAACP represents America's oldest civil rights organization. Through members such as Rosa Parks, who ignited the national civil rights movement, and former Justice Thurgood Marshall, whose leadership led to the landmark legal victory in Brown v. Board of Education, the NAACP has helped galvanize efforts to promote the promise of equality that our Constitution envisioned.

Through nonviolent means, the NAACP led the Nation's effort to seek passage of the 1957, 1960, 1964, and 1968 civil rights acts. Challenging Federal, State, and local officials and governments to accord equal legal treatment to all citizens, the NAACP has sought to promote racial equality in areas such as education, employment, housing, and public facilities.

In 1965, the NAACP led the movement to seek passage of the Voting Rights Act of 1965, one of the most significant pieces of legislation passed during the 20th century. Committed to extending the protections of the 15th amendment and the Voting Rights Act to all African Americans, the NAACP worked tirelessly to register tens of thousands of new voters despite threats of violence. The NAACP has helped advance each reauthorization effort, including in 1982, when I was privileged to lead that bipartisan effort with my Democratic colleagues. I will lead that bipartisan effort with my Democratic colleagues again this spring when the Voting Rights Act is once again renewed.

I urge my colleagues to support this resolution to recognize the NAACP for their contributions toward equality in America.

Mr. Speaker, I reserve the balance of my time.

Mr. AL GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Wisconsin. I especially thank him for his kind words with reference to the NAACP and his indication that he will lead the charge, in fact be a part of the avant garde, with reference to extending the Voting Rights Act. I thank you for this.

Mr. Speaker, I am honored that the House leadership has chosen to bring House Concurrent Resolution 335 before this august body. This resolution honors the 97th anniversary of the National Association for the Advancement of Colored People; and as I rise to the occasion, I would like to thank those who have made the occasion possible.

First, I would like to thank Chairman SENSENBRENNER, chairman of the powerful Judiciary Committee. He has spoken eloquently. I thank you for your kind words again; and I also want to, for the record, say you did what you did not have to do, and for this, I thank you.

I would like to thank ranking member JOHN CONYERS, who is now the dean of the conscience of the Congress. I thank you for helping us to bring this piece of legislation to the floor of the House.

I would also like to take an opportunity and thank my good friend Congressman HENRY HYDE, who was the first to sign on to this resolution. He gave his word, and I have learned that HENRY HYDE's word is his bond; and I thank Mr. HYDE.

Finally, my heartfelt thanks go out to all 67 of my colleagues who cosponsored this resolution, as well as all who will support it, both Democrats and Republicans alike.

Mr. Speaker, because I do not know where we would be but for the NAACP, I cannot help but say thank God for the NAACP and the many other persons of goodwill who have fought racial injustice, because, Mr. Speaker, in our lifetime we can recall a time when racial injustice, as someone has said, was accepted by the masses and expected by the classes.

It was commonplace. It was every place. Politicians campaigned on it; judges decreed it; lawyers practiced it; policemen enforced it; preachers preached it; parents believed it; teachers taught it; and children learned it. We were all consumed by it.

However, the NAACP and others of goodwill helped to change this, and I am honored to say that this change has brought about significant progress in this country for African Americans and other minorities.

Hence, it is desired that this resolution not only honor the NAACP as an entity, but also the entire NAACP family and extended family, including the many people of goodwill who were not black, who put themselves in harm's way to end racial injustice.

We should never forget that the NAACP has not been, is not now, and never shall be a black-only organization. The NAACP has always been a multiracial organization. Yes, in remembering some of the great names associated with the organization, we should remember that Dr. Louis T. Wright became the first black board chair of the NAACP in 1935. However, as we remember Dr. Wright, we ought not forget Oswald Garrison Villiard who was not black, who in 1911 became the first chair of the board of the NAACP. Before the NAACP had its first black board chair, it had two that were not black.

We should remember James Weldon Johnson, who became the first black executive secretary director of the NAACP. However, we should not forget Francis Blascon, Mary White Ovington, Mary Nurney, Royall Nash. All of these persons we might remember were not black and served before James Weldon Johnson.

We should remember the brilliant black lawyer and Supreme Court Justice, as the chairman has mentioned, Thurgood Marshall. However, we should never forget Arthur Singarn who was not black. Arthur Singarn donated money, he raised money, and he headed the NAACP Legal Redress Committee. It has been said that Thurgood was a great litigator in part because Singarn was a great donator. The NAACP annually awards its highest honor in the name of Singarn.

We should remember Medgar Evers, the black NAACP field representative who was assassinated in his front yard in 1963; but, please, let us not forget John R. Shillady, the NAACP executive secretary who never recovered from a mob beating in Austin, Texas, in 1919. He gave his life in the fight for justice for all, and he was not black.

The point is, we did not get here by ourselves; and we thank God for the many who were not black who helped us in our quest for justice.

Mr. Speaker, I yield to the gentleman who I have announced earlier is the conscience of the Congress and that, of course, is Congressman CONYERS. We thank you for being with us, Congressman.

Mr. CONYERS. Thank you, Mr. GREEN, for yielding just briefly to add to your remarks. I am pleased to join with you and with the chairman of Judiciary, JAMES SENSENBRENNER, in this 97th anniversary remembrance of the greatest civil rights organization that we have in this country. I can say to Congressman GREEN that your initiation of this resolution recognizing the 97th anniversary of the NAACP could not be more timely.

I just want to add one name. We are all mentioning all of these names in the course of 97 years. We are dealing with the most serious social problem in America that has never yet been resolved that we have been working on. We have a voter rights extension bill in the Committee on the Judiciary about to come forward.

□ 1330

We are bringing people together. We are working as hard as we can.

And I was just at a meeting yesterday in which I was reminded that we have the likes of Ted Shaw of the Legal Defense Fund; Greg Moore, the executive director of the National Voter Fund; and in Detroit we have the largest branch in the United States, with a current membership of more than 45,000 people, led by Reverend Wendell Anthony of Fellowship Chapel. So all of this makes such a rich history.

And I am glad, now that we have done Black History Month, that we have come along with this 97th anniversary resolution, because this issue has to be studied every month. We have to examine where we are and where we are going. And I am so pleased at all the Members on the floor here and many others that will be submitting statements which recognize the depth, the importance and the significance of a resolution recognizing nearly 100 years of the National Association for the Advancement of Colored People in this long struggle, hard-fought struggle that has promoted goodwill and tried to make America live up to the promise of our constitutional democracy.

Mr. AL GREEN of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman very much for his leadership and for the leadership of Chairman SENSENBRENNER, and to all who celebrate the 97th anniversary of the NAACP.

Mr. GREEN earlier said that there were so many people who gave their lives, gave their blood, sweat and tears, and he mentioned Medgar Evers. But I just want to talk about another member of the NAACP, and his name was Harry Moore. He was a devoted husband, father, educator, and one of the first civil rights martyrs of our time. His tireless efforts and unselfish sacrifice in the name of social justice continues to inspire and empower Americans of all stripes, even now, over 50 years after his death.

Harry Tyson Moore was born in Houston, Florida, on November 18, 1905. After his father's death, his mother sent her only son to live with his three aunts in Jacksonville, Florida. In the prosperous and intellectual community of Jacksonville, Mr. Moore cultivated his intelligence and excelled. After graduating from Florida Memorial College in 1925, he moved to Cocoa, Florida. He settled in Brevard County teaching fourth grade at the only African American elementary school in the area.

While there, he went on to meet his future wife, Hariette Simms. In time, Mr. Moore became principal of the Titusville Colored School, which taught children from the fourth to ninth grade. In March 1928 and September 1930, the Moores welcomed two daughters into the world. With his family and professional life in place, Mr. Moore began an additional career in political activism.

In 1934, Mr. Moore founded the Brevard County branch of the NAACP. In 1937, by working with the Black Florida State Teachers Association and NAACP attorney Thurgood Marshall, he was a catalyst towards the movement of equalizing salaries of black and white teachers. Although he lost the court battle, he would ultimately win the war. Make no mistake, his actions inspired many others, and ultimately Mr. Moore helped achieve pay parity among teachers of color with their white counterparts.

I wish I had time to tell the entire story, but on one Christmas Eve Mr. Moore and his family were blown to pieces because of his work in the NAACP.

So many people never hear the name Harry Moore, but he was another tireless fighter, lifting up the rights for all people, and he is one of the people who make it possible for the Congressional Black Caucus today to number some 43.

I thank the NAACP on its 97th anniversary and I urge all Members to support this resolution.

Mr. AL GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume for one final statement.

In summary, Mr. Speaker, I would like to restate to a certain extent some of what the chairman has said: that the NAACP has accomplished great things for this country. The NAACP was involved in passing the Civil Rights Acts of 1957, 1960, and 1964. The NAACP was there to fight and help pass the Voting Rights Act of 1965, the Fair Housing Act of 1968, and the NAACP filed and won Shelly v. Cramer, as well as Barrows v. Jackson, outlawing restrictive covenants. The NAACP filed and won Brown v. Board of Education, integrating schools and, to a certain extent, integrating society.

And, Mr. Speaker, if truth be told, we are schooled where we are schooled, we work where we work, we sleep where we sleep, we eat where we eat, and we live where we live in great measure due to the NAACP.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last summer, I was honored to be invited to address the NAACP convention, which was held in Milwaukee, and I got a very good reception in talking about reauthorizing the Voting Rights Act, which my committee will be dealing with shortly, as well as overturning the Supreme Court's erroneous decision in the case of Kelo v. City of New London, Connecticut, which basically said that there were no constitutional protections against a municipality using eminent domain to take a person's private property simply because the city fathers and mothers decided that there would be a way to get more tax revenue out of that piece of land.

That bill has passed the House of Representatives and is currently pending in the other body, and I hope we can have eminent domain reform passed during this session of Congress, as well as the reauthorization of the Voting Rights Act.

Mr. Speaker, I submit for inclusion at this point in the RECORD the speech that I gave to the NAACP convention in Milwaukee on July 10, 2005.

Good evening. Thank you for this opportunity to talk briefly about two important issues facing us right now: an extension of the Voting Rights Act and the Supreme Court's recent 5-4 decision in the Kelo case, which held that the government can use "economic development" as a reason for taking private property.

Among my proudest moments was accompanying members of the NAACP and Dr. Marsha Coleman-Adebayo for the signing of the No FEAR Act, legislation that aims to stamp out discrimination in federal agencies. The bipartisan passage of No FEAR, the first civil rights legislation of the 21st century, should serve as a model for future civil rights bills.

On August 5,2005, the United States will celebrate the 40th anniversary of one of the most significant pieces of legislation enacted during the 20th Century—the Voting Rights Act. This profound legislation pushed back against those unwilling to treat all citizens as equals and restored the dignity and equality that our Constitution is intended to preserve for all citizens.

Our democratic system of government has as its most fundamental right the right of its citizens to participate in the political process. Adopted 135 years ago, the 15th Amendment ensures that no American citizen's right to vote can be denied or abridged by the United States or a State on account of race, color, or previous condition of servitude. As far too many here know and have experienced, some government entities have not only been unfaithful to the rights and protections afforded by the Constitution, but have aggressively—and sometimes violently—tried to disenfranchise African-American and other minority voters.

In his momentous speech delivered to Congress on March 15, 1965, President Lyndon B. Johnson stated, "[e]xperience has clearly shown that the existing process of law cannot overcome systematic and ingenious discrimination. No law that we now have on the books—and I have helped to put three of them there—can ensure the right to vote when local officials are determined to deny it. In such a case our duty must be clear to all of us. The Constitution says that no person shall be kept from voting because of his race or color. We have all sworn an oath before God to support and to defend that Constitution. We must now act in obedience to that oath."

Seeing the Voting Rights Act's impact compelled me in 1982 to lead the House Republican effort to extend it for 25 years. This effort wasn't easy—but then again, very important things never are. While I proudly display in my Washington office one of the pens President Ronald Reagan used to sign this extension, the fruits of this effort can best be seen on the faces of those not only participating in the political process but actively leading it.

In the 1960s, all major civil rights legislation was passed with strong bipartisan support. Lately, this has not been the case as some have tried to use the issue of civil rights to obtain a partisan advantage. This is both wrong and shortsighted. The stakes have not been higher in the past 20 years.

In 2007, several key protections contained in the Voting Rights Act will expire, including the federal oversight protections provided by Section 5. I am here to tell you publicly what I have told others privately, including the head of the Congressional Black Caucus, Representative Mel Watt—during this Congress we are going to extend the Voting Rights Act. I am not alone in the Congress in supporting an extension; indeed, House Speaker Dennis Hastert last week stated that reauthorization of the Voting Rights Act is high on his list of issues the House will address this Congress.

Soon I will be introducing legislation to extend the Voting Rights Act. Just like its enactment and its 1982 extension, this bipartisan effort will succeed. Ladies and gentlemen, while we have made progress and curtailed injustices thanks to the Voting Rights Act, our work is not yet complete. We cannot let discriminatory practices of the past resurface to threaten future gains. The Voting Rights Act must continue to exist—and exist in its current form.

I also want to mention my strong opposition to the Supreme Court's recent 5-4 decision in the Kelo case, which held that the government can use "economic development" as a reason for taking private property from one small homeowner and giving it to a large corporation simply because the corporation's greater wealth will bring the government more tax revenue.

As the NAACP so correctly noted in its brief filed with the Supreme Court in the Kelo case, "The takings that result [from the Court's decision] will disproportionately affect and harm the economically disadvantaged and, in particular, racial and ethnic minorities and the elderly."

The noxious practice endorsed by the Court's Kelo decision has generated bipartisan opposition. Last week, I introduced H.R. 3135, the "Private Property Rights Protection Act of 2005," with the Ranking Member of the Judiciary Committee, Mr. Conyers, as the lead Democratic cosponsor, and Representatives Maxine Waters, Sheila Jackson-Lee, and 87 additional Members as original cosponsors.

This legislation would prevent the Federal government from using economic development as a justification for taking privately-owned property. It would also prohibit any State or municipality from doing so whenever Federal funds are involved with the project for which the government's takings power is exercised.

American taxpayers should not be forced to contribute in any way to the abuse of government power. One man's home must not become a hotel or strip mall solely because the government seeks more tax revenue. I am looking forward to working with you and all organizations opposed to the Supreme Court's Kelo decision. We must ensure that churches, homes, farms, and other private property cannot be bulldozed in abusive land grabs that benefit other private individuals, who claim that their use of the land will increase tax revenues.

Last week, America celebrated the 229th anniversary of her independence. Let us all work towards the day—envisioned by our Founders and affirmed by Frederick Douglass—in which the rich inheritance of justice, liberty, prosperity, and independence bequeathed by our Founders is shared by all Americans.

Ladies and gentlemen, I look forward to continuing to work together and thank you for this opportunity to address you.

Mr. CUMMINGS. Mr. Speaker, as our Nation recognizes and celebrates the 97th Anniversary of the National Association for the Advancement of Colored People, NAACP, I rise today to pay homage to the momentous contributions of the organization to our nation. In so doing, I would like to highlight the life and legacy of one of its most impressive, but relatively unknown leaders, Harry T. Moore.

Harry T. Moore was one of the first civil rights martyrs of our time. A devoted husband, father, educator, his tireless efforts and unselfish sacrifice in the name of social justice continue to inspire and empower Americans of all stripes, even now, over 50 years after his death.

Harry Tyson Moore was born in Houston, Florida on November 18, 1905. After his father's death his mother sent her only son to live with his three aunts in Jacksonville, Florida. In the prosperous and intellectual community of Jacksonville, Mr. Moore cultivated his intelligence and excelled. After graduating from Florida Memorial College in 1925, he moved to Cocoa, Florida. He settled in Brevard County teaching fourth grade at the only African-American elementary school in the area.

While there, he went on to meet his future wife, Hariette Vyda Simms. In time, Mr. Moore became principal of the Titusville Colored School, which taught children from the fourth to ninth grade. In March 1928 and September 1930, the Moore's welcomed two daughters into the world. With his family and professional life in place, Mr. Moore began an additional career in political activism.

In 1934, Mr. Moore founded the Brevard County NAACP chapter. In 1937, by working with the Black Florida State Teacher's Association and NAACP attorney Thurgood Marshall, he catalyzed a movement to equalize the salaries of Black and White teachers. Although he lost the court battle, he would ultimately win the war. Make no mistake, his actions inspired many others and ultimately, Mr. Moore helped achieve pay parity among teachers of color and their White counterparts.

In 1941, he organized the Florida State Conference of the NAACP and worked as an executive secretary without compensation. His platform also broadened as he began to add his voice to issues such as Black voting disenfranchisement, segregated education, and later in 1943, lynchings and police brutality. He began to organize protests, and write and circulate letters voicing his concerns about the issues.

He also organized the Progressive Voter's League and with his persistence and diligence, in 1948, helped over 116,000 Black voters register, which represented 31 percent of the African-American voting population in the Florida Democratic Party. In 1946, due to his role in the League, Mr. Moore and his wife were terminated from their jobs. Mr. Moore then took on a full-time paid position as an organizer for the NAACP. However, in 1949, over Mr. Moore's objection, the national NAACP office raised the dues from $1 to $2, causing a substantial amount of members to revoke their membership. This marked only the beginning of a strained relationship between Mr. Moore and the national NAACP office.

During that same year, the landmark Groveland rape case occurred, in which four African-American men were falsely accused of raping a White woman. Although the men were brutally beaten and no evidence suggested that the woman was raped, one of the men was killed, one was given a life sentence, and the other two were sentenced to death.

With Mr. Moore's assistance in conjunction with the legal counsel of the NAACP, the case went to the U.S. Supreme Court and the conviction for the two sentenced to death was overturned. However, Sheriff Willis McCall, a known White supremacist, shot the two men to death as he was driving them to their pretrial hearing. Recognizing this tragic injustice, Mr. Moore vigorously advocated for the indictment of Sheriff McCall.

Sadly, Mr. Moore never lived to see the outcome of his work in this case. On the eve of his 25th wedding anniversary and Christmas Day 1951, Mr. Moore and his wife were killed when a bomb placed underneath their bed in the floor detonated. Mr. Moore died in his mother's arms on the way to the hospital while Harriet died only nine days later.

Following the Moores' murder, there was a public outcry in the African-American community. Despite massive amounts of mail sent to President Truman and the Florida Governor in protest and the many protests and memorials organized demanding justice, no arrests were made in relation to the horrendous crime.

In no uncertain terms, Harry T. Moore led without permission, without acknowledgment, and without fear. What made his vision so tangible was the fact that he believed he could achieve what he set before himself. In a speech his daughter gave in 2002, she stated, "Daddy started the movement. He had absolutely nobody but us, and yet he accomplished all of those things—the voting, the teacher salaries all of the lynchings that he investigated. That's a very important part of history."

Mr. Speaker, Harry T. Moore's story is one of such importance as we celebrate the 97th anniversary of the NAACP and reflect on the success of its past and present leaders. Although the victories achieved by the organization are historic, it should be understood that ordinary people by the tens of thousands won our freedom.

For 97 years, the multi-racial membership of the NAACP—ordinary people called to an extraordinary mission—have marched, demonstrated and lobbied for justice in a movement for peaceful change felt in every aspect of American life.

That is why we must celebrate and praise the NAACP and recall these stories. For these stories are not only told to recall the achievements of African-American trailblazers, but to offer the next Harry T. Moore, W.E.B. Du Bois, Ida Wells-Barnett, and Lena K. Lee the hope, promise, direction, and purpose needed to rise from the ordinary to achieve the extraordinary.

I shall conclude with an excerpt of the heartfelt words written by Langston Hughes in memory of Harry T. Moore: In his heart is only love For all the human race, And all he wants is for every man To have his rightful place. And this he says, our Harry Moore, As from the grave he cries: No bomb can kill the dreams I hold For freedom never dies!

Mr. CARDIN. Mr. Speaker, I rise in strong support of H. Con. Res. 335 and to thank my colleague, Mr. GREEN, for introducing this resolution. It is important for all of us to honor the National Association for the Advancement of Colored People on the occasion of its 97th anniversary for the many achievements that highlight their long and distinguished history.

As a native of Baltimore and a lifetime member of the NAACP, this resolution holds special importance for me. The NAACP has been headquartered in Baltimore since 1986, continuing a long tradition of civil rights prominence for the city. Thurgood Marshall, also a son of Baltimore, was one of the NAACP's premier advocates and later our nation's first African American Justice.

Founded in February 1909 by members of the Niagara Movement, the NAACP has been a catalyst for America's evolution. Its founding members included Ida Wells-Barnett, Henry Moscowitz, and William Edward Burghardt Du Bois. Their heroic efforts formed the foundation that helped spark the Civil Rights Movement. They and future generations confronted daily the evils of Jim Crow, and challenged more subtle but equally pernicious forms of racial discrimination. The NAACP has led efforts to construct a society based on equality, respect, and understanding between all citizens. Its legislative accomplishments are legendary—the 1957 Civil Rights Act, the Civil Rights Act of 1960 and 1964, the Voting Rights Act of 1965, and the 1968 Fair Housing Rights Act among them.

Over the years, the list of NAACP pioneers has included Walter White, Charles Hamilton Houston, Rosa Parks, Medgar Evers, Elaine Jones, and many thousands of other brave freedom fighters. The NAACP challenged school segregation in Brown v. Board of Education, and residential segregation in Buchanan v. Warley. It fought segregation in government institutions, resulting in its eventual repeal. It defeated Supreme Court nominations of those who would deny equal rights. It mobilized voters in the South at a time when the very lives of their volunteers were threatened. And it continues to shine a beacon of light for equal justice.

But the NAACP represents so much more than these landmark laws and court decisions; it represents a voice for change, a clarion call to end the vicious and destructive stereotypes that too often still divide rather than unite our country; and a vehicle for raising of the collective consciousness of America.

Current President and CEO Bruce Gordon leads a strong and vibrant association of more than half a million members, with seven regional offices and hundreds of local branches, united in purpose.

For nearly a century, the NAACP has set the standard for effecting meaningful social change. I am proud to congratulate the NAACP on this 97th anniversary, I look forward to its centennial, and I urge my colleagues to unanimously support this resolution.

Mr. SCOTT of Virginia. Mr. Speaker, I am delighted to recognize the National Association for the Advancement of Colored People on its 97th anniversary. The NAACP holds a very special meaning to me. One honor I especially treasure is being named Virginia's first individual Golden Heritage Life Member. That honor was a great addition to the honor of having served as president of the Newport News chapter. The NAACP also holds a special place in the collective memory of all of our people.

The NAACP is an organization that has made a difference from the very beginning. In 1909, 60 prominent Americans, including Ida B. Wells-Barnett and W.E.B. DuBois, met on the occasion of the 100th anniversary of the birth of Abraham Lincoln to discuss racial violence and social justice. Out of that meeting, the NAACP was born—with the goal of securing rights, liberties and protections for all Americans, as guaranteed by the Constitution.

The NAACP has always fought against injustices by using nonviolent protests, the press, the ballot, and the courts. The NAACP took on the President of the United States in 1918 and President Wilson finally publicly condemned lynching. During World War I, the NAACP successfully campaigned for African Americans to be commissioned as officers in the army. And in World War II, the NAACP pressured Roosevelt into ordering a non-discriminatory policy in war-related industries and Federal employment.

In 1946, the NAACP won the Morgan v. Virginia case where the Supreme Court banned states from having segregated facilities on buses and trains that crossed state borders. And in 1948, the NAACP pressured President Truman into signing the Executive Order that banned discrimination in the armed forces. In 1954, the NAACP won its landmark legal case—Brown v. the Board of Education—declaring "separate and equal" unconstitutional.

Through the 50s and 60s protests made a lot of difference. In 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama. This led to the Montgomery bus boycott, which led to the emergence of Rev. Martin Luther King, Jr. All of these events led to the passage of the 1964 Civil Rights Act, the 1965 Voting Rights Act, President Johnson's 1965 Executive Order banning employment discrimination in Federal contracts, the 1968 Fair Housing Act, and other landmark civil rights reforms.

The NAACP is what the late Bishop Stephen Gill Spotswood, a former National Board Chairman, has called "the oldest, largest, most effective, most consulted, most militant, most feared and most loved of all civil rights organizations in the world." Bishop Spotswood's statement remains true today.

In the 21st Century, the NAACP is needed as much as ever to make a difference—at all levels—National, State and local. Despite victories won long ago we are still facing challenges. In its 97th year, the NAACP needs to continue its great legacy of contribution and commitment to ensure that these hard-won civil rights will always be protected. Congratulations on your 97th anniversary.

Mr. HOLT. Mr. Speaker, I rise in support of H. Con. Res. 335, legislation that recognizes the 97th anniversary of the National Association for the Advancement of Colored People (NAACP), and acknowledges the many contributions of the NAACP in helping to create a more equitable and just society.

The NAACP is the oldest civil rights organization in the United States, and blazed the trail towards equal justice for all Americans. The organization has consistently used nonviolent means to achieve its goals, and, to this day, emphasizes dutiful civic participation as the best way to promote and protect civil rights.

Ninety-seven years ago this month, a handful of intrepid Americans, including W.E.B.

DuBois, Ida Wells Barnett, Mary White Ovington, Oswald Garrison Villiard, William English Walling, and Henry Moscowitz chose to push America towards its highest ideals, forming the National Negro Committee, which would later come to be known as the National Association for the Advancement of Colored People. In 1954, the NAACP achieved one of its greatest victories when the Supreme Court ordered in the Brown v. Board of Education the desegregation of public schools across the nation "with all deliberate speed." The NAACP Special Counsel who won this battle would go on to become one of America's greatest legal minds, Justice Thurgood Marshall.

One year later, in 1955, Rosa Parks' refusal to yield her seat on a segregated bus served as the impetus for the broader Civil Rights Movement. Parks, a lifelong devotee to the Movement, was a member of the NAACP. In its fight for equality for racial minorities, the NAACP lobbied tirelessly for the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. These two laws served to enshrine for all the cherished constitutional rights that too many had been deprived of for too long, by redressing serious shortcomings in the morality of our nation.

The NAACP continues to fight for the rights of Americans confined to the corners of our society. As recently as last year, the NAACP created the Disaster Relief Fund to aid those who suffered tremendously in the wake of Hurricanes Katrina and Rita. The NAACP maintains active branches nationwide, including one in the 12th District of New Jersey, located in Trenton. I am proud of the NAACP members who live in my Congressional District for the work they do to continue to advance the struggle for civil rights in our country.

The NAACP has gracefully and tirelessly fought for the political, social, economic, and educational rights of all Americans, and has sought to ensure that our nation recognized the inalienable rights of all citizens, regardless of race, class, or ethnicity. The enormity of the NAACP's contributions is immeasurable, and I am proud to join with my colleagues in supporting this resolution.

Ms. SCHAKOWSKY. Mr. Speaker, today we honor the 97th Anniversary of the National Association for the Advancement of Colored People (NAACP). Since the NAACP was founded on February 12, 1909, it has been committed to achieving its goals through nonviolence. As the oldest and largest civil rights organization in the United States, NAACP's mission is to ensure the political, educational, social, and economic equality of rights for all persons and to eliminate racial hatred and racial discrimination. Its half million adult and youth members throughout the United States are the premier advocates for civil rights in their communities.

This resolution allows us to acknowledge the efforts of the NAACP, including its leadership in lobbying for the passage of landmark laws such as the Civil Rights Acts of 1957, 1960, and 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968. In the aftermath of Hurricane Katrina, the NAACP launched the Disaster Relief Fund, which has raised almost $2 million to aid the survivors in Louisiana, Mississippi, Texas, Florida, and Alabama. Once again, the NAACP is helping individuals, families and communities in their efforts to recover from disasters and build for the future.

We also celebrate the life, legacy and struggles of civil rights pioneers. Recently, the nation suffered a tremendous loss with the passing of Mrs. Coretta Scott King and Mrs. Rosa Parks, two phenomenal women who were advocates for civil rights and aided in the mission of the NAACP.

Today, the NAACP remains a valiant crusader for freedom and equality. This anniversary is the occasion to celebrate a heroic past and great achievements and to redouble our efforts for the future. We've come a long way but we have many miles yet to go. I urge my colleagues to join me in honoring the NAACP on its 97th Anniversary.

Ms. WATERS. Mr. Speaker, I rise in strong support of H. Con. Res. 335 which honors the NAACP on its 97th anniversary.

I rise because of the sacrifice of Goodman, Cheney and Schwerner, Thurgood Marshall and Rosa Parks. I rise and stand on the shoulders of Daisy Bates, Emmett Till and the great Medgar Evans. I rise because the NAACP is the oldest and largest civil rights organization in the United States and has been a force to be reckoned with in every stage of this country's battle for racial equality.

They were there when four little girls died when the 16th Street Baptist Church was bombed in Montgomery, AL. They were there with the Little Rock Nine when they entered the doors of Central High in Little Rock, AR. They were there fighting for equal educational opportunities in the landmark case of Brown v. Board of Education.

And more recently, they were present during the battle to end apartheid in South Africa and they continue to fight for increased voter participation and human equality not only in this Nation, but across the world.

These battles have been waged in the face of intense adversity and widespread resistance, yet the NAACP has endured for 97 years. Throughout the civil rights movement, freedom fighters proclaimed with pride that they were "card carrying members of the NAACP." They knew then, as we know now, that the NAACP not only stands for equality, it stands for justice, fairness and a better way of life.

We must not forget that the NAACP is the name but the organization is comprised of people. Everyday people that have dedicated their lives to making this world a better place.

So, in honoring the NAACP today, I also honor the people, of all races, that have united as advocates for civil rights and human equality.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor the National Association for the Advancement of Colored People on its 97th anniversary. Following the violent race riots in Springfield, IL, in 1909, Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villiard, and William English Walling came together in New York to form one of the oldest, largest and most influential civil rights organizations in America.

These founders came together with the purpose of promoting and fully recognizing the rights and equality given under the 13th, 14th, and 15th amendments to the Constitution. Today, the NAACP works to ensure a society in which all individuals have equal rights and there is no racial hatred or racial discrimination.

The NAACP has influenced some of the greatest civil rights victories of the last century, including: integration of schools and the Brown v. Board decision, the Voting Rights Act, striking down segregation and Jim Crow, the Equal Employment Opportunity Act, and hundreds of community and grassroots initiatives.

Despite the advancements of the past 97 years under the leadership of the NAACP, there is still much work to be done. In the Black community we continue to see disproportionate numbers of African-Americans that experience poverty, unemployment, and economic and social inequality. The NAACP continues to promote new ideas and leadership in the fields of educational and employment opportunities, ending health care disparities, and economic empowerment.

The NAACP instilled in America a sense of consciousness, and continues to do that today through the thousands of individuals who have given not only their time, but their blood, sweat and tears, towards equality and justice.

Mr. SHAYS. Mr. Speaker, I strongly support House Concurrent Resolution 335, which honors the National Association for the Advancement of Colored People (NAACP) for their many achievements on their anniversary.

For 97 years, the NAACP has led the fight for racial equality in America. Although considerable progress has been made, there is still so much more to be done.

The NAACP has battled for decades in order to change many negative aspects of American society. They have helped people of all races, nationalities and faiths unite on one premise, that all men and women are created equal.

From W.E.B. DuBois to Thurgood Marshall to Bruce Gordon, the NAACP has played an instrumental role in helping eliminate racial prejudice and removing barriers of racial discrimination through the democratic process.

H. Con. Res. 335 underscores the importance of the NAACP and how big of a role they have played in evening the playing field for all citizens, regardless of their race. I support of this important resolution.

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the National Association for the Advancement of Colored People (NAACP), as they celebrate the 97th anniversary of their inception. The Delaware chapter of the NAACP was founded in Wilmington, Delaware in 1909, only 1 year after the initiation of the national office. The Wilmington branch of the NAACP distinguished itself locally in the equal pay battle for teachers in Delaware. The positive impact that the Wilmington branch had on our community inspired the development of other branches around the state, including lower Sussex, Milford, Central Delaware, and Newark.

I would personally like to thank the past and present leaders of the NAACP in Delaware for their continued dedication to bring about peaceful movements for change. This illustrious organization's success can be attributed to leaders such as Reverend Maurice Moyer, Alice Dunbar Nelson, Louise L. Redding, Samuel Dawson, Gary Hammond, Littleton Mitchell, and Charles Brittingham. They are each heroes both locally and nationally.

These remarkable trailblazers have led the battle for equality in the state of Delaware. They worked to pass the local elective "one-person, one vote," fought for suitable living quarters for migrant laborers, worked for fair public accommodations throughout the state, and made extensive advancements in educational equity.

The perseverance demonstrated by members of the NAACP reflects the strength of this exceptional organization. Over the past 97 years, the national organization has provided communities around the United States with strong and passionate leaders who have fought for social change. I congratulate them on the successes of the past 97 years, and I look forward to many more years of continued achievements in the future.

Mr. ENGEL. Mr. Speaker, I rise to honor an organization that has been more than a guiding force but, in fact, a leader in advancing civil rights for nearly a century. The National Association for the Advancement of Colored People continues its mission to ensure the political, educational, social, and economic equality of rights for all people. As the oldest and largest civil rights organization in the nation, the men and women working for the NAACP have sought to remove all barriers of racial discrimination through their use of legal and moral persuasion.

The NAACP won one of the nation's greatest legal victories; that was the 1954 Supreme Court decision Brown v. Board of Education. The NAACP was also a prominent power that lobbied for the passage of the Civil Rights Acts of 1957, 1960, and 1964. The Voting Rights Act of 1965 and the Fair Housing Act were also achievements of this longstanding organization. In 2005, the National Association for the Advancement of Colored People launched the Disaster Relief Fund to help Hurricane Katrina survivors in Louisiana, Mississippi, Texas, Florida, and Alabama rebuild their lives.

The NAACP was built and grew from the collective courage of thousands of people and continues to inspire the high standard of full equality to ever younger generations. As grandfather of all civil rights organizations, it has been persistent in its commitment to non-violence, even in the face of overt and violent racial hostility. Today, on the 9th anniversary of the NAACP, it is important to celebrate how these men and women advanced their mission through reliance upon the press, the petition, the ballot, and the courts. Their premise has been that people of all races, nationalities and faiths, men and women, are created equal. All Americans must continue to uphold these standards of morality and justice.

I congratulate the NAACP and look forward to celebrating their centennial in 3 years.

Mr. CARDOZA. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the National Association for the Advancement of Colored People (NAACP) as they celebrate the 97th anniversary of their inception.

Since February 12, 1909, the NAACP has strived to promote their mission to ensure the political, educational, social, and economic equality of rights for all persons and to eliminate racial hatred and racial discrimination.

As the oldest and largest civil rights organization in the nation, the members of the NAACP have sought to remove all barriers of racial discrimination through non-violence and positive reinforcement.

The NAACP won one of the nation's greatest legal victories—the 1954 Supreme Court decision Brown v. Board of Education. The NAACP was also a prominent power that lobbied for the passage of the Civil Rights Acts of 1957, 1960, and 1964. The Voting Rights Act of 1965 and the Fair Housing Act were also achievements of this longstanding organization.

In 2005, the National Association for the Advancement of Colored People launched the Disaster Relief Fund to help Hurricane Katrina survivors in Louisiana, Mississippi, Texas, Florida, and Alabama rebuild their lives.

Today the NAACP is a network of more than 2,200 affiliates covering all 50 states, the District of Columbia, Japan and Germany. As a Californian, it is with honor that I note that our state contains 72 branches and youth units.

The perseverance demonstrated by members of the NAACP reflects the strength of this exceptional organization. Over the past 97 years, this national organization has provided communities around the United States with strong and passionate leaders who have fought for social change. I congratulate them on their successes and look forward to many more years of continued achievements in the future.

I commend the NAACP and look forward to celebrating their centennial in 3 years.

Mr. SENSENBRENNER. Mr. Speaker, this is a good resolution. I urge all Members to support it, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 335.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2271. An act to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the House will stand in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 40 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1501

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 3 o'clock and 1 minute p.m.

HONORING JUSTICE SANDRA DAY O'CONNOR

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 357.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 357, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 22, as follows:

[Roll No. 17]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen

Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Burton (IN)
Costa
DeLay
Diaz-Balart, M.
English (PA)
Evans
Ford
Fortenberry
Hinchey
Jackson-Lee (TX)
Kucinich
LaTourette
Lucas
Millender McDonald
Miller, Gary
Miller, George
Myrick
Reichert
Roybal Allard
Sanders
Smith (NJ)
Sweeney

□ 1525

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BURTON of Indiana. Mr. Speaker, due to illness I was regrettably unable to be on the House Floor for rollcall vote 17, final passage of H. Res. 357, a bill to honor Justice Sandra Day O'Connor on the occasion of her retirement from the United States Supreme Court and to commend her for her hard work and dedication to the law.

Had I been here I would have unquestionably voted "yea" on rollcall vote 17.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was unavoidably detained at the United States Supreme Court, which is hearing the Texas redistricting case. Had I been present, I would have voted an enthusiastic "yea" on the Sandra Day O'Connor resolution.

U.N. HUMAN RIGHTS COUNCIL

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to urge other nations to join us in the United States in voting against the proposed United Nations Human Rights Council. This council is by no means true reform. Some may argue that we have actually gone from bad to worse; that it is easier for the likes of China or Syria, Iran, Burma and Cuba to get on this council than it would be for the United States.

That is what we are dealing with in the current proposal. All countries on the U.N. General Assembly are eligible to become members no matter what their human rights record. This is the same General Assembly that in November of last year, amidst the horrible genocide taking place in Darfur, could not agree that Sudan was guilty of human rights violations.

For the sake of the victims of human rights abuses, we must take immediate action to prevent this travesty. Let us support our ambassador, John Bolton, in rejecting this so-called reform package which is nothing but a sham.

PORT SECURITY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think there are many issues we can be addressing; but as I recently came back from my district, it is amazing how the idea of selling our ports has caught the hearts and minds of the American people. So I think it is important that we owe them both an explanation and also we owe them the responsibility of oversight.

It is important to note that in the 2007 budget we have cut resources for port security, and as well it is important to note that our largest ports in America are suffering under either no appropriations from the Federal Government of America or minimal support.

And so I offer legislation, one, to have a 2-year moratorium on the sale, leasing or operating of any of America's ports by foreign entities. And then I would ask for a major study by the Office of the Comptroller and Homeland Security to be able to determine the status of security in the Nation's ports.

It would be shocking to note that in Hong Kong, every cargo is surveyed, every cargo container. In the United States we do not do that. I believe we owe the American people secure ports, and we are prepared to do so.

□ 1530

HONORING PFC DANIEL WILSON

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, I come to the floor today to honor a true American hero and to recognize the thousands of brave men and women that are currently serving our country both at home and abroad.

In December of last year, PFC Daniel Wilson of Cherokee County, Georgia, was on patrol in Baghdad; and like so many of his fellow soldiers, Wilson understood that these patrols are part of his everyday life and that it is a risk that they assume selflessly. On this particular day, Wilson's HUMVEE struck a land mine, throwing both Wilson and fellow soldier out of their vehicle. The wounds that PFC Wilson suffered were thankfully not fatal.

In February of this year, the Army awarded PFC Wilson a Purple Heart, and I rise today to say thank you to this young man. We send our deepest gratitude and respect to all of those serving in our Armed Forces. We here at home often do not take the time to truly appreciate how blessed we are.

The members of the United States military stand on the front lines of a great struggle to preserve freedom and democracy, and we could not ask for a more capable and professional group of men and women protecting our way of life.

HALLIBURTON REIMBURSEMENT

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, yesterday the Pentagon announced that it is returning $288 out of $300 million it was holding while investigating Halliburton for overcharging, even though Halliburton was previously caught overcharging the Pentagon by $27 million for meals for our troops.

Mr. Speaker, even as tens of thousands of Hurricane Katrina survivors face eviction due to FEMA, the United States Government is handing hundreds of millions of dollars to a company which has been plagued by allegations and admissions of fraud, waste, abuse, bribery and kickbacks.

The Coalition Provisional Authority in Iraq was itself unable to account for $9 billion, with over a billion of this reportedly having been lost to Halliburton.

Today, I urge Congress to establish a permanent war profiteering committee modeled after the Truman Commission after the Second World War.

Before this Congress writes the President another blank check, we need to investigate the gross incompetence and even corruption that exists with this administration.

DEAL, ORDEAL AND NO DEAL

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the fiasco of allowing a foreign-owned corporation, foreign-country-owned company to come into our port situation, have information about our manifests, about ports, the shipping information, has gone through three parts.

First of all, it was the part of the deal. It was a deal that nobody knew about here in this House of Representatives. Once we found out about the deal, it has now gone through the ordeal, where we are bringing transparency to this deal that was bad for America. And soon hopefully, Mr. Speaker, it will be no deal because it is not a deal that is good for the United States, and it is certainly not good for Homeland Security.

Allowing a foreign country to own a corporation that goes into our ports and has access to information is a bad deal, no deal for the United States.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). The Chair will recognize Members for special order speeches without prejudice to the possible resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MEDICARE PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, today marks the 2-month anniversary of the Medicare prescription drug benefit, and it would not be too much of an exaggeration to say that, so far, the Part D, D stands for disaster.

The benefit is so complicated and convoluted that even beneficiaries with Ph.D.s have said they could not figure it out.

Why is this program so flawed? Because it was designed, or we like to say in the private sector, the first operation is take care of the customer first. I have yet to find a single pharmaceutical executive or an HMO executive who is complaining about this program, but I have found a heck of a lot of senior citizens who are complaining about this program. This program was never designed with our senior citizens in mind. If it was, you would not have the complexities that are happening for our senior citizens.

The executives of the drug companies will earn $139 billion of additional profits that they would not have earned any other way; insurance companies, $130 billion of additional profits over the next 10 years.

The complexity of the benefit shows, in my view, what was wrong and what we should have done right. Three simple steps:

One, with the May 15 penalty that will kick in, the tax, the senior Medicare tax, postpone that until HHS and CMS figure out what they should be doing, rather than what they should not be doing. No senior should be forced into a program where even the people running it do not know what they are doing.

Second, directly negotiate for prices. That is what the Veterans' Administration does. That is what Sam's Club does. That is what Target does. That is what Costco does. Anybody in the private sector, literally, bulk purchases get a better price than anybody buying individually.

And third, allow people competitive choices by reimportation, allowing them to buy drugs in Canada, England, France, where they can get competitive pricing which is 50 percent cheaper.

I have a Costco in Chicago. There is also a Costco in Toronto. We have up on our Web site the two Costcos, one in Toronto, one in Chicago. Same 10 drugs, same milligram, same dosage; and the Costco in Toronto is constantly $1,000 cheaper for the same drugs over the same period of time than the one in Chicago. And yet both of them are stores that are supposed to be discount.

And lastly, allow generics to market quicker. If you had direct negotiations, reimportation, generics to market quicker, three free market principles where competition and choice rule, we would actually have cheaper pharmaceutical prices, things that seniors can afford, and save money for taxpayers as well.

And yet what we do not have are those programs. And we are forcing in the middle of May, May 15, senior citizens will literally pay a Medicare privatization tax.

On April 15, all Americans will pay a tax. On May 15, because of the complexity of this program, seniors will begin to pay a tax for the complexities.

Seniors that do not want to join this program, that are confused because of the way that they have been forced into plans, had plans drop their drugs, not offer all the drugs they need at a better price than they can get otherwise, will literally start to be taxed by the Federal Government.

Tens of thousands of beneficiaries, today in the New York Times an article highlighted that the beneficiaries are automatically assigned to plans and deciding to switch plans are finding that they are actively enrolled in two drug plans at the same time.

When you read a report on what is going on, you would think you were reading an after-action report on Katrina. What has happened over at HHS and Health and Human Services on Medicare is literally one more example of the disaster the Federal Government has had in running this plan. The situation leaves patients at risk, being charged two premiums or incorrect copayments.

In my hometown of Chicago, seniors have 62 separate drug plans to pick from. And I hear constantly from my constituents every day that the choices are causing confusion and problems. Pharmacists are not sure what is happening. The people administering the plans are not sure what is happening, and it is leaving seniors absolutely in total confusion.

Seniors need clearly more time to figure this out. They should not be penalized with a complexity tax, a privatization tax for taking the time to get the facts. Facts, I remind you, that even HHS and Medicare are not sure of what the facts are as it relates to what is the best plan.

Just to give you an idea of the tax we are talking about, if a senior decided to wait for 2 years before enrolling, there will be a 24 percent higher premium to pay. That is an additional $7.73 per month on top of the monthly premium.

If a senior waits longer, it can go as high as $456 a year. For seniors on a fixed income, this is a tremendous financial burden.

Even before the drug benefit went into effect on January 1, there were problems. And the Republican colleagues who wrote the plan know what the problems are.

In fact, the drug manufacturers, again, I would like to repeat and I will be done: $139 billion in profits over the next 8 years and insurers, $130 million.

THE THIEVES OF KATRINA AND RITA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, in the disturbing days following Hurricane Katrina there was much confusion and chaos and catastrophe. Isaac Carloss and his wife, Debbie Anderson, used this tragedy to take advantage of innocent victims of this hurricane. Their deceptive and lawless journey was only recently halted by the Department of Justice.

According to the DOJ, Carloss' wife, Debbie, met an evacuee at a rescue shelter following the hurricane. Since the evacuee was unable to return to his home, Debbie gave the individual permission to use her address and receive mail. The evacuee then applied for FEMA assistance, and an express mail package addressed to the evacuee was sent to Debbie's residence. Debbie signed for the package with a fictitious name, opened the mail, and started her illegal spending spree across Louisiana.

The package included two FEMA disaster assistance checks totaling over $4,000 intended for the evacuee. But Diane, Isaac and Debbie took these checks and went directly to the local car dealership where they used one of the checks to purchase a car. She then took the other check to a bank in Louisiana where she persuaded the teller to cash the check because they were victims, or she was a victim of the hurricane.

Just last week, in Louisiana, her husband, Isaac, was found guilty of one count of conspiracy, one count of theft of mail and two counts of theft of public money. He faces a sentence up to 5 years in prison. His wife, Debbie, has already pleaded guilty in January to a count of conspiracy. This is just one of the many examples of the vagrants that cheated the government and the victims of Hurricane Katrina and Rita.

Six months ago, when the ladies of the gulf, Katrina and Rita, pounded the gulf coast, thousands of people were left dismayed. They were distressed and in desperate need of aid. In the days following the hurricanes FEMA quickly began disbursing money to suffering victims. However, amidst all the confusion and chaos, fraud started. Now, 6 months later and millions of dollars wasted later, the winds have subsided, but the deception continues and the shady scams are getting more disturbing every day.

According to a recent Government Accounting study, Federal investigators have learned 1,000 people who applied for aid used Social Security numbers of dead people; 1,000 used bogus, nonexistent numbers, and tens of thousands have used names, birth dates and Social Security numbers of people that did not match.

The report also found that up to 900,000 of the 2.5 million applicants to receive aid under FEMA's emergency assistance program were based upon duplicate or invalid Social Security numbers or false addresses. Additionally, duplicate payments were made to some people who applied first with debit cards then again by electronic bank transfer.

The GAO reported another example where one person used 15 different Social Security numbers and received payments totaling $41,000, money he has stolen from the victims and from the taxpayers.

The corruption is chilling. With FEMA debit cards an individual in Jefferson, Louisiana, spent $1,300 on a pistol. An individual in Houston, Texas spent $1,200 at a gentleman's club with his FEMA debit card. And the list goes on: diamond engagement rings, gambling, bail bondsmen, tattoos, massages, alcohol and adult erotic products.

We also have learned that hotel rooms in New York City have cost the taxpayers $500 a night, beachfront apartments being rented in the same amounts were all paid for by FEMA, which really means paid for by other taxpayers. Reports have even surfaced about emergency meals being sold on eBay.

Legitimate, law-abiding citizens are suffering because of these disgraceful and despicable delinquents that have chosen to take advantage of this tragedy.

These criminals should be found and they should go to jail, and anyone in the Federal Government that has helped them should be in jail as well. These crimes took place at the detriment of real victims, and they have cheated the system and deserve to be punished. There must be a zero tolerance policy for these scam artists and it must be stopped.

Then, Mr. Speaker, we hear of the other abuses in the system where FEMA has spent millions of dollars for 10,000 brand-new, fully furnished trailers, but they are not being used for any victims of this disaster. They are being stored in Hope, Arkansas, because FEMA regulations prevent those trailers from being in flood plains. Of course, it is the flood plains that were affected by these hurricanes. And according to a Fox News report, the cost of these trailers is $367 million.

And now we learn that these 10,000 trailers sitting in Arkansas, because of the weather, are starting to sink in the mud. This is ridiculous, how FEMA has abused the system by not being prepared for this disaster.

Mr. Speaker, it has been over 6 months since Hurricane Katrina, 4 months since Hurricane Rita. There are still people that are suffering. We have got to take control of this situation. We have to remove the incompetence, and people who have committed crimes must be punished and sent to jail. There need to be no excuses because of inefficient red tape or lawlessness. These people need to be held accountable, both those in the Federal Government and others.

Mr. Speaker, that's just the way it is.

□ 1545

CALLING FOR INVESTIGATION INTO THE DUBAI DEAL TO MANAGE U.S. PORTS

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to claim the Special Order time of the gentleman from Oregon (Mr. DEFAZIO).

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, my Special Order this evening concerns the proposed acquisition of Dubai Ports World of the leasing contracts for several major U.S. ports on the east coast. And in relation to that, I have sent letters to the Treasury Inspector General and to the committee of jurisdiction here in the House, the Government Reform Committee, asking both those entities to review any conflict of interest regarding the participation of the U.S. Secretary of the Treasury, John Snow, who chairs the Committee on Foreign Investment, the group which approved the recent contract with Dubai Ports World. I will place these two letters of request in the RECORD.

The letters ask the committee and the Inspector General to determine whether appropriate processes were followed, conflicts of interests explored, and whether or not American companies were solicited during that process. The Treasury agreement itself raises serious ethical questions regarding those directly responsible for this decision. In particular, given that Dubai Ports World acquired CSX World Terminals in 2004 for $1.15 billion, a company of which Secretary of the Treasury John Snow was chair prior to coming to the administration, and this should raise serious questions both about the acquisition of the CSX port operations and the recent awarding of this contract.

As chair of the U.S. Treasury Committee on Foreign Investment, Secretary Snow and the Treasury Department had the lead authority in approving the Dubai transaction. Secretary Snow holds a deferred compensation package and a special retirement pension from his days as CEO of CSX Corporation. In 2004 CSX World Terminals was acquired by Dubai Ports World, the successful bidder on this contract. But given that Secretary Snow had previously disclosed a deferred compensation package with CSX valued at between $5 million and $25 million and $33.2 million from a special retirement pension, one would expect that any financial benefit from the sale of CSX World Terminals to Dubai Ports World, including any stock holdings, would have been revealed, especially if there might be any residual from subsequent actions such as these.

The President's assertion that he had polled his Cabinet Secretaries on the Dubai deal causes concern for me that at least one, Secretary Snow, should have removed himself from the decision, given his business connections to CSX and Dubai.

On 9/11, two members of the hijack team that simultaneously downed the Twin Towers in New York City and killed hundreds of Americans at the Pentagon were from the United Arab Emirates. And as the 9/11 Commission reported, those same terrorists laundered much of the money for their operation through the United Arab Emirates-controlled banks.

We should ask instead of developing our own companies to manage our own U.S. operations, why should we settle for the revolving door that has skilled people move from one company to another, creating a pea-in-the-shell game that leaves the public wondering who is in charge and does anyone care? And, importantly, is America for sale at any price?

Secretary of the Treasury John Snow was CEO of CSX just about a year before CSX sold some of its international operations to Dubai Ports World. Was this billion-dollar deal done totally after he left, or was it already in the works while he served as CEO of that company? Why is it that no one at Treasury said that Secretary Snow recused himself from this transaction until they were called about it? Secretary Snow himself claimed not to have known about the deal. How can someone not know about a deal from which they should recuse themselves?

The White House has appointed David Sanborn as the new administrator of the Maritime Administration. He worked as Dubai Ports World director of operations in Europe and Latin America until he was appointed to the post in January, the same month the Treasury Department's Committee on Foreign Investment in the United States approved the Dubai Ports World takeover. David Sanborn also previously worked for the CSX Corporation. The revolving door brings him back to a high government position. Some Senators have vowed to block Sanborn's nomination unless he testifies before the Commerce Committee.

CNN has reported that the United Arab Emirates is a major investor in the Carlyle Group, the private equity investment firm where President Bush's father once served as senior adviser and is a who's who of former high-level government officials. Just last year, Dubai International Capital, a government-backed buyout firm, invested $8 billion in the Carlyle fund.

Another Bush family connection, the President's brother Neil Bush, has reportedly received funding for his educational software company from the United Arab Emirates investors.

And why did George Bush, Sr. accept a $1 million donation to his library in Texas from the United Arab Emirates?

The material previously referred to is as follows:

Congress of the United States,
House of Representatives,
Washington, DC, February 23, 2006.

Hon. Tom Davis,
Chairman, Committee on Government Reform, Rayburn HOB, Washington, DC.
Hon. Henry Waxman,
Ranking Member, Committee on Government Reform, Rayburn HOB, Washington, DC.

Dear Chairman Davis and Ranking Member Waxman: The recent announcement of a contract being awarded by the U.S. Committee on Foreign Investment in the United States to Dubai Ports World following its purchase of London-based Peninsular and Oriental Steam Navigation Co. is a matter of paramount concern that should be investigated in the national interest.

It raises concerns of national security as the operator will be a foreign interest, most particularly an undemocratic nation from the Middle East that cannot assure infiltrators will not breach security. We know less than 2% of container cargo is inspected today despite Congressional efforts to upgrade the current system. Iran's growing ties with China which ships the majority of its cargo through the Dubai/CSX hub terminal in Singapore complicates the situation.

In addition, the Treasury agreement raises serious ethical questions regarding those directly responsible for this decision. In particular, given that Dubai Ports World acquired CSX World Terminals in 2004 for $1.15 billion, a company of which Secretary of the Treasury John Snow was Chairman prior to coming to the Administration should raise questions about both the acquisition of the CSX port operations and the recent awarding of the contract. Secretary Snow now chairs the Committee on Foreign Investments in the United States, the very group which approved this contract with Dubai Ports World.

For these reasons, I respectfully urge the Government Reform Committee to conduct an investigation and a series of hearings to learn more about these matters to determine whether appropriate processes were followed, conflicts of interest explored, and whether or not American companies were solicited in this process.

This deal is not in our national interest most especially during a time of war. Foreign management of key U.S. assets endangers the public and our communities in an era where terrorists seek to infiltrate. I hope you will agree with me that a thorough investigation is warranted.

Sincerely,

Marcy Kaptur,
Member of Congress.

Congress of the United States,
House of Representatives,
Washington, DC, February 23, 2006.

Mr. Harold Damelin,
Inspector General, Department of the Treasury, Washington, DC.

Dear Mr. Damelin: The recent announcement of a contract being awarded by the U.S. Committee on Foreign Investment in the United States to Dubai Ports World following its purchase of London-based Peninsular and Oriental Steam Navigation Co. is a matter of paramount concern that should be investigated in the national interest.

I respectfully request that your office conduct an investigation in to the deliberations by the U.S. Committee on Foreign Investment with particular respect to the legislative requirements established by the Byrd Amendment that requires an investigation in cases where: (1) the acquirer is controlled by or acting on behalf of a foreign government (as is the case in this instance); and, (2) the acquisition "could result in control of a person engaged in interstate commerce in the U.S. that could affect the national security of the U.S." While the Committee's role may have been only to review this particular foreign applicant, I believe it is also important to know what specific action was taken to solicit an American contractor for the management of these several strategic ports, or if there had been consideration given to several different American contractors for each or several of these ports, and who was responsible for this solicitation. Certainly one could reasonably assume that this is an issue that should have been reviewed by the Committee in its evaluation of national security concerns.

Furthermore, it has been noted that the Secretary of the Treasury serves as Chairman of the U.S. Committee on Foreign Investment. In this case, Secretary John Snow had previously served as the Chairman of CSX Corporation, which at the time of his service owned CSX World Terminals. Subsequently CSX World Terminals was acquired by Dubai Ports World, the successful bidder on this contract. Given that Sec. Snow had previously disclosed a deferred compensation package with CSX valued at between $5 and $25 million and $33.2 million from a special retirement pension, one would expect that any financial benefit from the sale of CSX World Terminals to Dubai Ports World, including any stock holdings, would have been revealed, especially if there might be any residual from subsequent actions such as these. I ask that you review this matter to determine if there may have been any conflict of interest in Secretary Snow having presided over the decision, and whether or not he should have recused himself from the proceeding.

I look forward to your response to this request.

Sincerely,

Marcy Kaptur,
Member of Congress.

DEBT ADDICTION

Mr. PAUL. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, everyone knows our country is deeply in debt. Most Americans decry the rampant growth in government spending. Essentially, however, no one in Washington is concerned enough to do anything about it.

Debt is like an addiction: the political pain of withdrawal keeps politicians spending, so they do not offend any special interest groups demanding that government benefits continue. As with all addictions, long-term dependency on a dangerous substance can kill the patient. Dependency on bad policy also can destroy the goose that many believe lays the golden egg.

Our ever-increasing government expenditures, which perpetuate a runaway welfare/warfare state, simply are not sustainable. The fallacy comes from the belief that government can provide for our needs and manage a worldwide empire. In truth, government can provide benefits only by first taking resources from productive American citizens or borrowing against the future. Inevitably, government programs exceed the productive capacity of the people or their willingness to finance wasteful spending.

The authority to accumulate deficits provides a tremendous incentive to politicians to increase spending. Total spending is the real culprit. The more government taxes, borrows, or inflates, the less chance the people have to spend their resources wisely. The way government spends money also causes great harm. By their very nature, governments are inefficient and typically operate as we recently witnessed with FEMA in Louisiana, Mississippi, and Texas over the last 6 months. Governments are bureaucratic, inefficient, and invite fraud. This is just as true in foreign affairs as it is in domestic affairs. Throughout history, foreign military adventurism has been economically harmful for those nations bent on intervening abroad. Our Nation is no different.

Largesse at home and militarism abroad requires excessive spending and taxation, pushing deficits to a point where the whole system collapses. The biggest recent collapse was the fall of the Soviet Empire just 15 years ago. My contention is that we are not immune from a similar crisis. Today, our national debt is $8.257 trillion. Interestingly, the legal debt limit is $8.184 trillion.

This means we currently are $73 billion over the legal debt limit. Creative financing Washington-style allows this to happen, but soon Congress will be forced to increase the national debt limit by hundreds of billions of dollars. Congress will raise the limit, quietly if necessary; and the deficit spiral will continue for a while longer.

But this official debt figure barely touches the subject. Total obligations of the Federal Government, including Social Security and Medicare and prescription drugs, are now over $50 trillion, a sum younger generations will not be able to pay. This means the standard of living of a lot of Americans who are retired will decline sharply in the near future.

Two vehicles are used to fund this wild spending. First, the Federal Reserve creates dollars out of thin air and purchases Treasury bills without limit, a very nice convenience.

Second, foreign entities, mostly central banks, own $1.5 trillion of our debt. They purchased over $200 billion in just the last 12 months, increasing their holdings by 15 percent. This is a consequence of our current account deficit and the outsourcing of more and more American manufacturing jobs. Few economists argue that this arrangement can continue much longer.

Excessive spending, a rapidly growing national debt, the Federal Reserve inflation machine, and foreign borrowing all put pressure on the dollar. Unless we treat our addiction to debt, it will play havoc with the dollar, undermine our economic well-being, and destroy our liberties. It is time for us to get our house in order.

EVALUATING HEALTH AND SAFETY REGULATIONS IN THE AMERICAN MINING INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, earlier today the Education and the Workforce Committee had a subcommittee hearing dealing with the mine safety issues around the recent tragedies that happened in the Sago mine disaster in January of this year. Unfortunately, that hearing was arbitrarily gaveled to adjournment at a time before members could have exercised their rights to ask questions of the witnesses that were there from the Mine Safety Administration, the United Mine Workers, and the mine association of the companies.

Had we had the opportunity without the arbitrary adjournment of the hearing, we would have tried to ask the Mine Safety Administration how they have come to delay and weaken and scrap the 18 regulations that were put forth to protect the miners in the coal mining industry of this Nation and, in fact, regulations that may very well have been able to save the miners, the 12 miners who died in the Sago mine disaster. But we were not allowed to ask that question because of the adjournment by the chairman of the committee.

We would have asked them whether or not they have ignored the requirements of the law that no standard put in place be less protective than the existing standard, as they have continued to chisel away at the safety standards for the miners working in deep coal mines of this Nation, meeting our energy demands for this Nation, for the miners and their families, who every day make the decision to go into the mines in this hazardous occupation.

We would have also asked them whether or not, when they see the failure of the regulations to protect these miners, whether or not this shift of enforcement and the loss of enforcement personnel to a compliance assistance philosophy to work voluntarily with the mining companies, whether or not that led to this mine accident, especially when this particular mine, the Sago mine, had 208 violations in 2005.

It is clear that the owners were interested in maximizing their profits and not complying with safety laws, and it is clear that the penalty system that we have in place does not deter repeat violations, because the Sago mine had many repeat violations, serious violations of the safety rules dealing with combustible gases in the mine and the protection of these miners.

We would have also tried to ask them whether or not they felt that Congress had exercised its oversight authority, since this was the first oversight hearing on mine safety in 5 years.

We would have also asked them to stop shutting out the public in the decision-making process. We would have asked the administration to open up all of its records, including the inspector's notes, to public scrutiny around the Sago mine disaster so that we can be able to do the work to determine whether or not we could have prevented this disaster that took these lives.

We also would have made sure that they would have put in place commonsense rules dealing with the ability to communicate with the miners who were in the mine. We now think we are learning that it might have been possible for those miners to walk out of the mine had they known where they were and had we been able to communicate with them. And while communications devices are available, they are used in some American mines, they are used in some Canadian mines, they are used in Australian mines, they are not very well used, if at all, in the U.S. coal mining industry; and yet the government has done nothing to try to push this technology so we could have had communications with these miners.

□ 1600

Also the idea of locators, so that we would have been able to send a message to these miners about what their situation was and what they might have done to prolong their lives, because we now know they were down in that mine for a very long time waiting to be rescued, but that did not happen.

As we heard from Amber Helms, the 23-year-old daughter of Terry Helms, who died in the explosion, he died in the explosion, she asked us why if she can set up a Web page in her computer, if we can communicate to the solar system, if we can communicate around the world, why couldn't we have communicated to her father and those other men down in that mine that lost their lives?

Why wasn't this put in place when the cost of the items to protect their lives ranged from apparently $20 to $200? It means nothing in terms of the profits of these mines, the revenues they generate and the overriding concern for the safety of their miners.

But, no, we didn't have a chance to ask these questions, because after one round of questioning, the chairman decided that enough was enough, that we were not going to have the opportunity to ask the Mine Safety Administration, Where have you been for 5 years on the issue of rescue chambers in mines and the protection of these miners, and when are their families going to get these answers?

Well, they didn't get them today, and apparently they are not going to get them from the Congress for a very long time.

This Congress has been blind to the need to maintain even the protections that already exist under the law. It was not long ago that some members of our committee, including its former chairman, were actively seeking legislation to abolish MSHA and NIOSH and to cut back critical enforcement provisions.

Under that legislation, 3 out of the 4 mandatory annual inspections at every underground mine would have been eliminated. Inspectors would have needed a warrant before entering mine property. Only miners in unionized mines would have had the right to accompany inspectors as they examined the mine. The circumstances in which an inspector could shut down an unsafe section of a mine would have been restricted. Mine operators would not have had to pay fines for typical citations as long as the hazards were abated. And on and on.

That legislation was defeated. But that apparently hasn't deterred Administration officials from trying to gut MSHA anyway. Now they're just dismantling it and taking it out the back door, where they think no one is watching. Well, we are watching, and legislation must be enacted to ensure that changes are made, changes that make the safety and health of these mine workers a priority, and that prevent the industry from being allowed to get away with further abuses.

I want to commend my colleagues, Congressman RAHALL of West Virginia, and the West Virginia delegation, for their prompt hearings and action on these issues. on February 1st, they introduced H.R. 4695, the Federal Mine Safety and Health Act of 2006, which enhances and reinforces the original purpose of the landmark Federal Coal Mine Health and Safety Act of 1969, as amended by the Federal Mine Safety and Health Act of 1977. This legislation is a vital step in this process, and an effort that I am hoping will be a catalyst for change.

Amber's testimony, and the powerful and courageous testimony provided by all

The witnesses at the forum is documented on DVD. I strongly urge all members of this subcommittee to watch the footage of the forum, and the incredibly important questions posed by these witnesses, questions that have unfortunately, been asked before, but that have not been answered, not by the administration, and not by MSHA. As Amber said:

> I understand that nothing that I say today or nothing that happens in the future is going to bring my Dad back. But my Uncle Johnny, my Uncle Mike, my cousin Rocky, as well as every other miner that is underground and every other son who's getting ready to go into the coal mines—because that's where the jobs are in West Virginia and maybe some of these other states—we can prevent their families from going through this.

We owe it to Amber and every other American who has lost a loved one in a mining accident to learn what more we can do to make mines safer. And then, just as Amber says, we must take action to prevent more families from going through the hell that she has had to go through.

CELEBRATING THE INDEPENDENCE OF TEXAS

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentleman from Texas (Mr. McCAUL) is recognized for 5 minutes.

Mr. McCAUL of Texas. Mr. Speaker, on March 2, 1839, the Republic of Texas declared its independence on the banks of the Brazos River, which eventually gave rise to the great Lone Star State. Tomorrow, in honor of this historic event in Texas and American history, we will celebrate Texas Independence Day.

I am proud to say that part of this great story of freedom, independence and democracy took place in the 10th Congressional District of Texas, the district I am proud to say I represent.

Texas Independence Day marks a time when today's Texans honor and celebrate the work and sacrifice of Texans many generations ago, people who heroically claimed their freedom from Mexico and sought out their own destiny governed by the laws of a true democracy, a constitution written by the people and the colors of their country's flag waving over what would become the free and independent Republic of Texas.

Between 1820 and 1836, the Mexican Government offered Americans the opportunity to live and work in Texas under Mexican rule, but they grew disheartened by the tyranny and depression. In the Steven F. Austin Colony, which was the first colony, Texans first established a provisional government in 1835 with the intention of writing a declaration of independence soon after. However, the Mexican army was intent on destroying any move toward Texas independence, and the Consultation of 1835, as it was known, adjourned without the organization needed to continue the cause for freedom.

Less than a year later, many of the same delegates present at the Consultation of 1835 arrived along the banks of the Brazos River in the town of Washington, just north of the Austin Colony, which is now Austin County.

By the spring of 1836, the encroachments on Texans' basic freedoms had reached a flash point. On March 1, 1836, 59 delegates hailing from all corners of Texas arrived at the village of Washington along the Brazos River to decide the principles they would invoke in claiming their freedom from Mexico.

There, these brave men drafted the language that would declare their independence from Mexico, and they did so knowing full well that they may have to pay the ultimate price for freedom. As the delegates along the Brazos River wrote the Texas declaration of independence, patriots like Davy Crockett, Jim Bowie and William Travis fought and died for Texas freedom at the Alamo.

After successfully gaining independence from Mexico, Republic of Texas President Sam Houston in 1842 moved the Republic's capital to the birthplace of Texas, Washington on the Brazos River. Three years later, by an act of the United States Congress, Texas was made part of the American Union and became the 28th State of the United States of America.

There can be no argument about the Lone Star State's significant contributions to American history, and we must remember the actions and the sacrifices of those who made Texas independence a reality.

Washington on the Brazos represents an historic event that took place long ago, but tonight we remember Washington on the Brazos as the place where the proud Republic of Texas was born with the desire for freedom and an undying spirit of democracy.

Today, we see that same spirit and determination for freedom and democracy in our fighting men and women overseas and in the people and countries they have liberated. As with the first Texans, those people in distant lands know what it means to be liberated from tyranny and drink from the cup of freedom. They, too, will succeed and flourish in a free and democratic society.

PROVIDING MENTAL HEALTH FOR VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I have spoken many times from this podium, over 130 times actually, about the moral imperative of bringing our troops home from Iraq. With sectarian strife reaching a bloody, violent high in Iraq last week, it is clear that our military presence is doing more harm than good. But for many of our Iraq veterans, even an immediate end to the occupation would be too late to spare them a possible lifetime of physical and psychological damage.

Much is made, and with good reason, of the physical wounds suffered in combat, but even those who return home physically unharmed often face terrifying demons. Even the toughest, bravest and best trained soldiers are not immune to devastating trauma, the result of daily exposure to danger and unspeakable carnage. These demons must be addressed, and they must be addressed medically in order for many soldiers to return to normal, productive lives.

But the Washington Post reports today that not enough veterans are getting the mental health care they need. One-third of returning Iraq and Afghanistan veterans are seeking mental health services, and the great majority of those who are diagnosed with psychiatric problems are going untreated.

It is a budget problem and it is a diagnostic problem. Given the nature of the war in Iraq, we must adjust the official standards for what constitutes trauma and, thus, what qualifies veterans for subsidized treatment.

Because the combat danger in Iraq is anywhere and everywhere, many, many of our troops are exposed to conditions that lead to mental distress. As one psychiatrist at Walter Reed explained, "There is no front line in Iraq, and everyone in a convoy is a target." Steve Robinson, head of the National Gulf War Research Center, told the Post that there are few sanctuaries in Iraq. "Every place," he said, "is a war zone."

Meanwhile, it seems the Department of Veterans Affairs is poorly equipped to deal with this situation. Today's Washington Post article cites budget constraints and worries that the Department won't be able to handle the huge influx of returning soldiers in need of mental health treatment.

But who caused those budget constraints? Certainly it wasn't our troops in Iraq who foolishly promised that we could fight a quarter-of-a-trillion-dollar war and dole out billions of dollars of tax cuts to the wealthiest Americans. It wasn't our troops who twisted arms to pass this Medicare Part D boondoggle, which is subsidizing the drug companies and the insurance interests while leaving seniors to wrestle with a bewildering bureaucracy.

Is there any reason why we couldn't have anticipated an enormous demand for Iraq-related mental health services? Of course there wasn't. Couldn't we have included enough money into the war supplemental bills this body has passed? Couldn't we have sacrificed other budgetary handouts and goodies, the ones that benefit people who haven't offered a fraction of the sacrifice for their country that our Iraq veterans have?

I guess if you assumed that our troops would be greeted in Iraq as liberators and if you assumed that we would be in and out of Iraq in a flash, you never got the got to the point where you worried about the mental health of returning veterans.

Once again we see the disastrous, tragic consequences of failed planning and poor execution of this war.

We must do everything we can to help our Iraq veterans cope with their traumas. It is the least our government can do after sending them to war on false pretenses, with insufficient equipment and without an exit strategy.

But as an even more urgent matter, we can ensure that no more soldiers suffer from terrifying nightmares and setbacks and flashbacks by ending this occupation and bringing them home at once.

I have actually presented my four-point plan for a radical shift in our Iraq policy to the President of the United States. This policy includes four major areas:

One, greater multilateral cooperation with our allies in enlisting their help in establishing an interim security force in Iraq;

Two, a diplomatic offensive that recasts our role in Iraq as construction partner, rather than military occupier; this means no permanent bases in Iraq, no American claims on Iraqi oil;

Three, a robust post-conflict reconciliation process with a peace commission established to coordinate talks between the Iraqi factions; and

Four, and most importantly, withdrawal of the U.S. Armed Forces.

ENCOURAGING NEWS ON MEDICARE PART D

Mr. GINGREY. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentleman from Georgia is recognized for 5 minutes.

There was no objection.

Mr. GINGREY. Mr. Speaker, I rise today to share the encouraging news that more than 25 million seniors are now enjoying prescription drug coverage under Medicare Part D. This includes over 1.5 million Americans who have enrolled in the last month alone.

Twenty-five million enrollees. That is 25 million seniors who are saving money every time they visit the pharmacy, 25 million seniors who have better access to drugs they need to prevent and manage their illnesses, 25 million seniors who can now afford protection from many catastrophic medical costs.

Like many of my colleagues, Mr. Speaker, I am working incredibly hard to educate seniors about Medicare Part D. With any new program, parts of the enrollment process certainly can be confusing. After all, this is the largest enrollment effort since the introduction of Medicare 40 years ago. But by investing a little time, seniors can narrow down their choices and find the plan that best fits their prescription drug needs. And let me assure you, the benefits of this program are undoubtedly worth that effort.

I have been thanked by so many seniors who are now reaping the benefits of prescription drug coverage under Medicare, seniors who have seen their prescription drug costs drop by 50 percent or more, seniors who now have more money in their pockets at the end of the month.

In fact, I would like to share with my colleagues two of the many success stories I have heard from my constituents regarding their positive experiences. I hope these stories will encourage other seniors to explore the savings Medicare Part D holds for them.

Take the experience of Carol Burke. She lives in Newnan, Georgia, in my district, my wife's hometown. She recently wrote me, saying, "I am disturbed by media commentators repeatedly referring to the Medicare drug plan as too difficult to understand and a total disaster. I never hear them say what I truly believe, that it is a wonderful benefit to those of us who have no retirement drug plan provided. A few hours spent with pencil and paper show that the choice to pay a slightly larger premium and have no deductible is clear. The suggestions given in the Medicare 2006 Guidebook are complete and easy to follow, and math is not my strong suit. Thank you for your efforts in providing this much-needed service to seniors."

Now, my colleagues, that is a real letter, and I completely agree with Mrs. Burke's assessment. It may take a little time to choose the right plan. Seniors might need to rely on family, friends and community organizations to help with the process. But a little time spent enrolling today will pay huge dividends in the upcoming months and years, because affordable prescription drugs help seniors live healthier lives.

□ 1615

Let me share another story with you. I received a phone call from fellow Georgian Mr. Richard Mosrie who recently enrolled in the Medicare part D plan.

Mr. Mosrie explained that he is now saving over $150 a month on his medications, $150 a month. Seniors across America understand what a difference a couple hundred dollars a month can make. These are the stories that seniors need to hear. These are the stories that are happening in every congressional district in America regardless of whether the Congressman or -woman is a Republican or a Democrat.

I find it disappointing that there are people who attempt to use Medicare part D as a political ploy. How cruel to put partisanship over the health of our seniors by encouraging people not to enroll in this great program. That is, in essence, encouraging seniors not to save money and not to improve their health. So, Mr. Speaker, in the following months we will be hearing more and more positive stories from seniors who have enrolled in Medicare part D who are reaping financial and health rewards.

The initial sign-up period runs through May 15, 2006, so there is still time for seniors to enroll without a premium penalty.

As a physician, I know that access to the right medication is a bedrock of good health. Our seniors deserve affordable prescription drug coverage and Congress has passed good legislation to deliver this benefit.

Now is the time for seniors to enroll, and I sincerely hope all of my colleagues from both sides of the aisle will stand with me in commitment to helping our seniors access the medication they need to stay well.

THE CENTER CANNOT HOLD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, it is doubtful that we can even accurately count the number of Iraqis who have died today in their country. The President vows he will stay the course. We have heard this before over and over again, as if saying it repeatedly would alter the reality.

For months the American people have spoken with an ever louder voice urging the President to redeploy U.S. soldiers to get them out of harm's way. For months, many Members of Congress, especially Mr. MURTHA of Pennsylvania, have urged the President to redeploy the U.S. soldiers to get them out of harm's way.

Now even U.S. soldiers overwhelming say that the U.S. should be out of Iraq this year. In military terms, that is enough time to quickly plan and safely reallocate U.S. soldiers. In other words, the men and women of the United States Armed Forces, those in the battlefield, are saying what this administration refuses to act on.

The ground the President is standing on has shrunk to the size of a postage stamp. His approval ratings have fallen so low they are below sea level. Today, not only is Iraq in the throes of relentless civil violence, even members of the administration are telling Congress that there is danger the violence in Iraq could spill outside the borders and inflame the entire Middle East.

Yet despite the warnings, despite the reality, despite the Iraqi leaders urging the U.S. to stop interfering with efforts to form a new government, the President is going to stay the course.

The same rhetoric spoken after every wave of violence has really worn threadbare. It is time to set a course, and we have done that. It is time to lead the U.S. out of harm's way because that is what leaders do.

Another U.S. soldier died today in Iraq. The total number of U.S. men and women serving this country in Iraq who have died has climbed to 2,292. They have paid the ultimate sacrifice for Bush's folly. In my judgment, the price they paid was too high. These soldiers are heroes. That much we know. And that is of comfort to their families and this proud and grateful Nation.

But we owe these heroes more than comfort for their families. Many of these soldiers died saving other soldiers. We have to ask ourselves whether we are failing as a Nation because we know Iraq is not working, and yet we leave the soldiers in harm's way.

We have to ask ourselves whether we are failing as a Nation because we allow our government to act contrary to the wishes of the people. This is supposed to be a democracy. This is not about a war time when only the Commander in Chief can know everything there is to know, and we must place our trust in him or her. This is not the Invasion of Normandy.

The war in Iraq is nothing like that. We know what the President knows about the situation. There are no secret intelligence reports laying out the real Iraq story. We know it. We see it on television. We read about it in the newspapers, and we discuss it online. We are truly all in this war. Everyone, except the man who lives at 1600 Pennsylvania. There is not a shred of evidence or paperwork that he has that says repeating the line, "stay the course," is going to benefit the U.S. or the Iraqi people.

Why then are we doing it? It is time for the American people to demand that the President account for his actions and the lack of actions on the Iraq war. Iraq is reeling from its worst fear, the launch of a civil war.

U.S. soldiers are bunkered in their defensive positions. But why are they there at all? Many Iraqi leaders are beginning to blame the U.S. occupation for unleashing the evil, as they call it.

Every day that goes by, the reputation and credibility of our Nation bleeds a little more. That is nothing in comparison to the lost lives and shattered lives of thousands of U.S. soldiers and their loved ones. William Butler Yeats, the Noble Prize laureate who was a Senator in Ireland, said in a poem called "The Center Cannot Hold," it is the Second Coming. Mere anarchy is loosed upon the world, the best lack all conviction while the worst are full of passionate neat intensity.

When will we learn? When will this government listen to the people? The soldiers in battle and the people at home, they know what Iraq is and is not. But two people, or maybe only one, in the White House have yet to learn it. But until they do, Iraq will be a price for which we witness relentless chaos that can be turned loose upon the whole world. We cannot stay the course when there is no course. The best thing is to come home.

Mr. President, give us a plan.

DUBAI PORTS WORLD DEAL RISKS NATIONAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, my constituents in Minnesota and I are overwhelmingly opposed to the administration handing over day-to-day management of six U.S. ports to a company owned and operated by the United Arab Emirates.

Mr. Speaker, this port management deal poses a very real risk to national security, as many experts have pointed out. As the former Inspector General of the Department of Homeland Security, Clark Ervin, said last week, "It is true that our Coast Guard would remain in charge of port security. But that means merely setting standards that ports are to follow and reviewing their security plans. Meeting those standards every day is the job of port operators. They are responsible for hiring security officers, guarding the cargo and overseeing its unloading."

As another security expert put it, you cannot separate port security from port management. Our ports are on the front lines of our homeland defense, and terminal operators play a key role. It is undisputed that under the contract to manage the six U.S. ports, Dubai Ports World would handle shipping arrivals, departures, unloading at the docks, and many other security-related functions.

The UAE-owned company would be responsible for keeping cargo containers secure from the time they are unloaded from foreign ships until the containers are taken away on trucks. In addition, terminal operators work with port security plans that contain sensitive security information.

They are responsible for securing the perimeter of the terminals and they conduct security training for dock workers.

Mr. Speaker, the fundamental question is this: Do we really want a company owned by a foreign government that has been a home base for terrorists, do we really want that company in charge of these functions? I think not.

Moreover, Mr. Speaker, we also know the United States Coast Guard conducted an intelligence assessment of Dubai Ports World and its owners in the United Arab Emirates. As a result of that December 13, 2005 intelligence assessment, the Coast Guard warned: "There are many intelligence gaps concerning the potential for DPW assets to support terrorist operations that preclude the completion of a thorough threat assessment of the merger."

The intelligence assessment also stated: "The breadth of the intelligence gaps also infer potential unknown threats against the large number of potential vulnerabilities."

Mr. Speaker, this Coast Guard assessment raises serious questions on the overall security environment at DP World facilities, the background of some personnel and foreign influence on company operations.

As a cosponsor, Mr. Speaker, of H.R. 4807, authored by Chairman Peter King of our Homeland Security Committee, I strongly support this critical legislation that would allow Congress to block the ports deal following the current 45-day investigation.

Mr. Speaker, the security of our homeland must be our highest priority. That is why we need to pass this important legislation.

PROBLEMS WITH THE DUBAI PORTS DEAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

Mr. WYNN. Mr. Speaker, I rise to express my strong concern about the Bush administration's agreement to allow a United Arab Emirates company, Dubai Ports World, to manage operations at several U.S. seaports, including the Port of Baltimore in my home State of Maryland.

Let me first emphasize that the Untied Arab Emirates is a valued ally in the war against terrorism, and I sincerely appreciate their contribution to the war effort.

Unfortunately, some pundits and supporters of this deal suggest that bipartisan criticism of the port deal stems from racism or xenophobia or even political-year grandstanding. I reject these arguments. These are the same pundits who were quick to say that Congress was lax in its oversight and failed to connect the dots after a terrorist attack.

The sole issue here is national security and connecting the dots before the facts. Let me be clear. I do not oppose foreign ownership or operation of U.S. ports, per se. However, I do think that in any case of foreign ownership or operation of sensitive U.S. assets, we need to scrutinize these deals that could threaten our national security.

That should have happened in this case. In cases involving foreign ownership and national security, the Committee on Foreign Investment in the United States provides for a second-level 45-day security review.

Despite concerns expressed by the Department of Homeland Security and the Coast Guard, that did not occur. Only now, after this controversy has erupted, has the administration agreed to review the deal. Why are both Democrats and Republicans raising objections?

Here are the facts that give us pause: first, the United Arab Emirates honors an Arab boycott of Israel, thereby discriminating against a valued U.S. friend and ally. Second, al Qaeda used the bank system in the United Arab Emirates to execute the 9/11 and the 1998 African Embassy bombings.

Third, the United Arab Emirates was one of three countries that recognized Afghan's brutal Taliban regime.

Four, the 9/11 Commission reports indicated that Osama bin Laden regularly met with United Arab Emirates officials in the camps in Afghanistan. Reports suggest that bin Laden may have, in fact, been tipped off by friends in the United Arab Emirates.

Simply put, the United Arab Emirates' record on terrorism is in fact mixed at best, and serious questions need to be asked about whether this company should be allowed port management.

Let us talk about specific concerns. Last week Joseph King, a former Bush administration official at Customs, said in a Washington Post interview that people's national security fears about the deal are well grounded.

He goes on to point out that under the deal, this company would have carte blanche-like authority to obtain hundreds of visas to relocate managers and other employees to the United States. Using appeals for solidarity or even threats of violence, al Qaeda operatives could force low-level managers to provide these visas to al Qaeda sympathizers.

According to recent articles in a December 13, 2005, intelligence assessment of the company and its owners, the United Arab Emirates, by the Coast Guard warned: "There are many intelligence gaps concerning the potential for Dubai Ports World or P&O assets to support terrorist operations that preclude" the completion of a thorough threat assessment.

☐ 1630

"The breadth of the intelligence gaps also infer potential unknown threats against a large number of potential vulnerabilities." That should give us pause.

Additionally, the Department of Homeland Security initially objected to this deal. What are these intelligence gaps? How big are they? Have they been resolved? All questions we cannot answer right now.

Let me say this. The administration's announcement of this deal is chillingly akin to the administration's prewar intelligence on weapons of mass destruction. There the administration selectively tailored intelligence to support the invasion that it desired from the very beginning. Here, the administration seems to be ignoring, deliberately ignoring, red flags and cherry-picking positive intelligence to support approval of a ports deal that it already wants.

Let me conclude. Thankfully, Congress has put the brakes on this deal. We will be taking a long, serious and hard look at this arrangement. Unfortunately, the Bush administration has already made up its mind to support the deal even before a serious review has begun, and that is not in the best interest of the United States.

OPPORTUNITIES FOR AMERICAN COMPANIES

The SPEAKER pro tempore (Mr. WESTMORELAND). Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, this Dubai ports deal will probably go through even though these types of contracts should be given to American-owned companies. But the deal will probably be approved with Congress passing some meaningless, feel-good limitations or restrictions and increasing funding for port security.

The deal will probably go through because, one, it involves $6.8 billion and it is almost unheard of to stop a deal involving big money like that.

Secondly, the President and the entire administration are pushing it as hard as they can.

Third, the columnists and commentators are all piling on using words like "overreaction, racism and bigotry." Even though this is name-calling, rather than discussing the merits, most elected officials are going to do anything possible to avoid being called a racist or bigot or even that they are overreacting.

There are legitimate national security concerns here. The United Arab

Emirates may be a strong ally now, but these things change. Our government considered Saddam Hussein as an ally all through the 1980s and supported him in a big way monetarily and in other ways.

While I am concerned about national security, my main concern about this deal is economic. We have far too many foreign companies operating our ports. These are some of the best and most lucrative contracts we have. They should be going to American-owned companies. If we give all these lucrative, big-money contracts to foreign-owned businesses, most of the profits and most of the top jobs will go to people from those countries. At some point we need to start putting our own businesses and shareholders and workers first. After all, the first obligation of the U.S. Congress should be to the American people.

It is also of some concern that this deal is not with a private company, but with an organization owned or controlled by the Government of the United Arab Emirates. Let me emphasize, I have nothing whatsoever against anyone from any foreign country. I am certainly not anti-Arab. I think it is sad that a British-owned company was running these port operations, and I am not anti-British. I think we should be friends with the Arabs and the British, and I believe we should have trade with all countries. But I would want foreign countries to be buying things from American companies and vice versa. And I would like to see American ports, which are some of the most important infrastructure assets we have, to be run and controlled but American companies and American citizens.

I do not believe the Chinese or the Japanese or many other countries would let us run their ports. And most of these contracts to operate businesses on these ports are not advertised widely at all. Most are sweetheart, insider-type deals. I believe there are many American business people who would jump at the chance to do this business if they just knew about these opportunities.

Let us start putting our own people first once again and stop giving all this port business to so many foreign companies or especially not to foreign governments.

SECURING OUR NATION'S PORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN of Florida) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Mr. Speaker, first of all, let me say that in committee today we had the U.S. Coast Guard, and I want to commend them because after 9/11, they were the first agency within minutes to be on guard, guarding our bridges. And, in fact, after Katrina they were there and they did a yeoman's job. In fact, out of Homeland Security, FEMA, and the other agencies, it is the Coast Guard that really does a good job.

The administration's decision to allow the state-owned Dubai Ports to take over six major U.S. ports has bought the issue of port security to the forefront of national attention. Since September 11, in fact, I have been lobbying the Bush administration for additional security funds for our Nation's ports and other areas of our Nation's infrastructure, such as freight and passenger rail, our subway systems, buses, tunnels and bridges. They also need security.

To me, this funding is particularly needed in my State of Florida whose 14 major ports serve as a key gateway into the United States. Moreover, these ports play a crucial role in transportation of ammunition, supplies and military equipment to our men and women fighting all over the world.

The Bush administration has been telling the American public that they are checking, let us say, about 4 percent of the cargo that comes into the ports. But, in reality, they are only checking the manifests that list the inventory of the ships.

Now, I think the American people are smart enough to know that if you are reading a piece of paper provided by the shippers and what is passing for port security in this Nation, then we are all in a lot of trouble.

In addition, the administration's concentration of terrorist prevention funds in only the aviation industry has jeopardized the safety of other modes of transportation as well. For example, TSA is spending $4.4 billion alone on aviation security while only $36 million, let me repeat, $36 million is spent on all surface transportation security. And with respect to our Nation's ports, which serve as the main economic engine for many of the areas in which they are found, an attack would not only be extremely dangerous for the local citizens, but economically disastrous as well.

This is absolutely the wrong time for our government to make a decision that could give the impression of vulnerability in the security of our ports or our infrastructure system as a whole.

The increased attention on our Nation's security infrastructure has come to the surface on the heels of the possible Dubai sale. I hope that the mass resistance to the sale will at least bring a discussion of the importance of increasing funding for our Nation's infrastructure security in the near future.

In other words, security discussions should serve as a "stand up" for our Nation's security. I repeat, I hope this is a "stand up" for our Nation's security.

COUNTING VOTES CORRECTLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODE) is recognized for 5 minutes.

Mr. GOODE. Mr. Speaker, today I want to share material prepared by former Ambassador William B. Jones to the nation of Haiti. He is currently the Johns Professor of Political Science at Hampden-Sydney College, which is located in the Fifth District of Virginia.

It is the opinion of Ambassador Jones and of myself that citizens of foreign countries illegally in the United States should not be counted to determine congressional representation nor for the Electoral College.

The Framers of our Constitution would not have sanctioned illegality as a basis for determining congressional representation and certainly not in fixing the numbers of Presidential electors. The extensive debates on congressional representation were focused on slavery resulting in the three-fifths of a person rationale. It is ridiculous to assume that any of the Framers, given the tenor of their debate and their dedication to establishing a rule of law, would ever have considered allowing citizens of foreign countries illegally in the United States to play a role in determining control in the Congress and the election of the President. To assume otherwise would construe the Constitution as protecting and sanctioning illegality.

It was not until the post-Civil War amendments that the issue of defining citizenship arose. The 13th, 14th, and 15th amendments were drafted to redress the inequities of slavery. They were never intended to give blanket sanctions to illegality. "Persons," as used in those amendments, clearly were intended to mean persons who were legally in the country.

It would be ridiculous to assume that the Framers of those amendments, which were intended to safeguard the rights of former slaves or who had been in the country since its founding, intended in any way, shape or form to sanction illegality. The purpose was to enshrine a legal concept of equality, not to twist that concept to sustain, support, sanction or condone illegality.

Once it is determined that the Constitution cannot be used to sanction, authorize, protect or promote illegality, the issue is, what is the remedy to correct the wrongs that have been done to our system of determining congressional representation in fixing the numbers of the Electoral College?

As every citizen has the right to fair and equitable representation and to know that his or her vote is of the same weight as that of any other citizen, then any citizen who has lost representation as a result of the counting of citizens of foreign countries illegally in the United States for the purposes of congressional and electoral representation has standing and can bring action to redress the grievance.

Also, and perhaps most important, States that have lost congressional seats and have had their electoral vote reduced as a result of the counting of citizens of foreign countries illegally in the United States may have standing to bring action to redress their grievance. It is quite possible that a fair evaluation of the results of counting citizens of foreign states illegally in the United States would actually show that in States that have had their congressional and electoral power increased, there may have actually been an outflow of U.S. citizens and the entire increase in their political power is due to the influx of citizens of foreign countries illegally in this country.

Therefore, a constitutional amendment may not be necessary to redress the inequalities caused by citizens of the United States by counting of citizens of foreign countries illegally in the United States for purposes of apportioning congressional and electoral college members.

The Framers of our Constitution, in their great wisdom, enshrined the rule of law into our highest compact. To ignore the rule of law and to allow its subversion to shift and determine political power is totally contrary to the intent of the Framers of the Constitution and of the Framers of the Civil War amendments.

The practicality of determining accurate numbers for congressional and electoral representation is not a deterrent. Modern technology provides many ways of assessing numbers. In fact, almost on a daily basis the number of persons who are citizens of foreign countries illegally in the United States is estimated. Demographics, residential patterns, linguistic realities make it relatively simple to accurately determine numbers and redress the inequities that have resulted in accepting and even supporting illegality.

The fact that those persons may pay some taxes is not relevant and nothing in the Constitution lists payment of taxes as a guarantor of the right to be counted for the purpose of fixing congressional and electoral representation.

The Constitution does insist that political power be equitably divided among the States and no State should have advantage based on illegality.

States have an obligation to protect and defend the rights of their citizens. Those states that have lost Congressional seats and Electoral College votes should bring appropriate legal action to ensure the equitable and constitutional distribution of political power. The United States Supreme Court should be ultimate determiner of the meaning and intent of the Constitution not the Census Bureau.

RECOGNIZING THE DAY OF REMEMBRANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HONDA) is recognized for 5 minutes.

Mr. HONDA. Mr. Speaker, I rise today to recognize the 64th anniversary of the Day of Remembrance, a day that commemorates the signing of Executive Order 9066 on February 19, 1942, by President Franklin D. Roosevelt.

Executive Order 9066 authorized exclusion and internment of all Japanese Americans living on the West Coast during World War II. Rather than focus on the plight of Japanese Americans in this country during World War II, I would like to place the internment experience into a broader historical context.

□ 1645

Our Nation has always battled the dual sentiments of openness and freedom, on the one hand, and fear and apprehension of perceived outsiders on the other.

Giving into fear and apprehension, in 1798 the Alien and Sedition Acts were enacted by the federalist-controlled Congress, allegedly in response to hostile actions of the French Government. In actuality, these laws were designed to destroy Thomas Jefferson's Republican Party, which had openly expressed its sympathies for the French revolutionaries.

Contrary to our notions of freedom, the Alien Act and the Alien Enemies Act gave the President the power to imprison or deport aliens suspected of activities posing a threat to the national government or the national security.

Undermining our belief in openness, the Sedition Act declared that any treasonable activity, including the publication of "any false, scandalous and malicious writing," was a high misdemeanor, punishable by imprisonment.

Later, almost predictably, when the economy in this country took a downturn in the 1880s, the Asian community became the target of politicians looking for someone to blame. In 1882, Congress passed the Chinese Exclusion Act to keep out all people of Chinese origin.

During World War II, Japanese Americans were the well-known target of the government's submission to fear, apprehension, and greed.

Also, during this time, which is not very well-known, 10,000 Italian Americans were forced to relocate, and 3,278 were incarcerated while nearly 11,000 German Americans were incarcerated.

German and Italian Americans were restricted during World War II by government measures that branded them enemy aliens and required identification cards, travel restrictions, seizure of personal property as well.

In the post-9/11 world, we need to protect our Nation and our civil liberties more than ever.

I am concerned that rather than learn from our past we are progressively weakening our civil liberties for tokens of security as evidenced by the PATRIOT Act, the NSA wiretapping, and our treatment of so-called "enemy combatants" in Guantanamo. These are just a few of today's troubling trends.

Mr. Speaker, we live again in a time of fear and apprehension. Our civil liberties have not been as threatened since World War II. As political leaders, it is our duty to uphold constitutional principles.

Let us remember what Benjamin Franklin said during his time of fear and apprehension. He said, Those who would give up a little bit of security, a little bit of liberties for a little bit of security deserve neither.

STRAIGHT TALK ON EDUCATION

Mr. KELLER. Mr. Speaker, I ask unanimous consent to speak out of order for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KELLER) is recognized for 5 minutes.

Mr. KELLER. Mr. Speaker, earlier today, I had the honor and privilege of being selected as chairman of the 21st Century Competitiveness Subcommittee on the Education and Workforce Committee, which has jurisdiction over higher education.

I am here to give the American people some straight talk about higher education. Some have said we might have cut financial aid for college students. The truth is we have expanded access to college for our neediest students through the record growth of the Pell grant program.

Pell grants are the foundation of Federal student aid. As someone who attended college with the help of Pell grants and as chairman of the Pell Grant Caucus, I know how important they are for our Nation's low-income students.

Since I was elected to Congress in 2000, Pell grant funding has increased by 74 percent, from $7.6 billion to $13.2 billion today. The maximum grant has gone from $3,300 in 2000 to $4,050 today, the highest level in the program's history. The number of students receiving Pell grants has increased from 3.9 million in 2000 to 5.5 million today. We have paid down the Pell grant shortfall and secured this great program for many years to come.

Mr. Speaker, the straight talk is that Pell grants are helping more students go to college than ever before. My colleagues on both sides of the aisle realize that a first-class education is a child's passport out of poverty.

As chairman of the 21st Century Competitiveness Subcommittee, I will fight to make sure that all children, rich or poor, have the opportunity to go to college and realize their American Dream.

I look forward very much to working with my Democratic and Republican colleagues in a bipartisan manner to make higher education better for all of our students in the future.

HONORING BUCK O'NEIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. CLEAVER) is recognized for 5 minutes.

Mr. CLEAVER. Mr. Speaker, I would like to first yield 1 minute to my colleague from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Mr. Speaker, I am disappointed this week that Buck O'Neil of Kansas City was not inducted into the Hall of Fame of baseball.

Buck O'Neil was in the Negro Baseball League as a player and a manager for more than 17 years. Buck taught the people of the Kansas City metropolitan region about the importance of determination and resolve, sometimes in the face of hostility. Buck taught us about baseball; but more importantly, Buck taught us about life.

He is a wonderful role model, and I thank him for his contributions to baseball, to the Kansas City metropolitan region, and to the United States of America.

Buck O'Neil, you are a great American and a gentle man. You will always be a charter member of the Kansas City Hall of Fame.

Mr. CLEAVER. Mr. Speaker, this week Kansas City and our entire metropolitan area celebrated our hometown hero, Buck O'Neil, a Hall of Famer in our hearts. It is clear that the baseball Hall of Fame has made a terrible, shameful error in not inducting Buck on this ballot. As one of the Hall's own officials said, "The Hall of Fame is not complete without Buck O'Neil."

Buck is the reason 17 members of the Negro Leagues will be inducted this summer. Without his national visibility as an ambassador of the Negro Leagues, they would not have this honor. Without his efforts, very few would know the intimate details of segregated baseball in the United States during the 1930s, 1940s, and even into the 1950s.

Buck, the classy man that he is, will never complain about not being elected to the Hall. In fact, when told by reporters that he had not made it, he smiled and said, "That's the way the cookie crumbles." And so, on behalf of a community in tears, and a 94-year-old baseball legend, I will stand and complain.

The omission of Buck O'Neil was wrongheaded and an insult to Buck, the Negro Leagues, and baseball fans everywhere. Buck O'Neil is a man who has done more than anyone to popularize and keep alive the history of the Negro Leagues. The fact that he was not voted into baseball's Hall of Fame is a wrong that only Major League Baseball can make right, and I hope they will make it right next year.

This humble man, who is careful not to slight, has, in fact, been slighted, apparently by a single vote, by a group who looked shortsightedly at his batting average, but not at what he has done for the game of baseball. There is one thing for sure: Buck's exploits on the baseball diamond were not steroid-aided. At a time when the game of baseball is in search of credibility, there is a need for a living symbol of all that is good and wholesome about the sport. Who better than Buck O'Neil?

Think about the few people who would come to a baseball stadium and get excited about the opportunity to be near Buck O'Neil. If given an opportunity, Buck O'Neil could be one of the greatest ambassadors in the history of Major League Baseball.

It is rare that an entire community rallies around a single person; but our community loves Buck, what he stands for and his indomitable spirit. Once again, Buck O'Neil is teaching us that disappointments are to be cremated, not embalmed.

Buck's baseball career spans seven decades and has helped make him a foremost authority on baseball history and one of the game's greatest advocates.

I have never met a man who loves baseball and his community more than Buck O'Neil; but more than that, Buck loves life. And for that inspired love, Buck is adored by all those who know him and all who have heard him.

Literally hundreds of thousands of people have been touched by Buck's kind smile. He has traveled the country teaching children and adults about the Negro Leagues, baseball and life in general. Many of you may know his voice as the one in Ken Burns's documentary on baseball. We know him as the man you can find sitting behind home plate at Kansas City Royals baseball games talking to everyone who stops by to say hello.

As Kansas City's mayor, I was inspired by O'Neil to revitalize 18th and Vine, the historical center for black culture and life in Kansas City from the late 1800s to the 1960s. It was the hub of activity for African American homeowners, businesses, jazz and baseball enthusiasts. One block from the district stands the Paseo YMCA building, which was built as a black YMCA in 1914. It served as a temporary home for baseball players, railroad workers, and others making the transition to big-city life.

Mr. Speaker, I intend to introduce a resolution calling for the commissioner of baseball to give a special recognition to Buck O'Neil at the All Star Game. I will nominate through a bill Buck O'Neil for the Congressional Gold Medal.

This week Kansas City and our entire community celebrates our hometown hero, Buck O'Neil—a Hall-of-Famer in our hearts. It is clear the Baseball Hall of Fame has made a terrible shameful error in not inducting Buck on this ballot. As one of the Hall's own officials said, "The Hall of Fame is not complete without Buck O'Neil."

Buck is the reason 17 members of the Negro League's will be inducted this summer. Without his national visibility as an ambassador of the Negro Leagues, they would not have this honor. Without his efforts, very few would know the intimate details of segregated baseball in the U.S. during the 1930's, 40's and even into the 1950's.

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This humble man who is careful not to slight anyone has been slighted—apparently by a single vote—by a group who looked shortsightedly at his batting average, but not at what he has done for the game of baseball. There is one thing for sure, Buck's exploits on the field were not steroid aided. At a time when the game has become an American past-time in search of credibility, there is a need for a living symbol of all that is good and wholesome about the sport. Who better than Buck O'Neil?

Think about the fan appeal of Buck O'Neil, a bitterless black baseball legend visiting each major league ballpark during the upcoming season. He could attract African American youngsters back to the game, and in doing so, keep the game going for another generation.

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Buck's baseball career spans seven decades and has helped make him a foremost authority on baseball history and one of the game's greatest advocates.

Buck Joined the Kansas City Monarchs in 1938. He left the team to serve in the U.S. Navy in World War II. When he returned from the Philippines in 1943, Buck played and managed with the Monarchs until 1955. As a manager, Buck guided the team to five pennants and two Negro World Series titles. As the major leagues' first African-American coach, Buck signed Ernie Banks and Lou Brock to their first minor-league contracts with the Cubs.

I have never met a man who loves baseball and his community more than Buck O'Neil. But, more than that, Buck loves life. And for that inspired love, Buck is adored by all those who know him and all who have heard of him. Literally hundreds of thousands of people have been touched by Buck's kind smile.

He has traveled the country teaching children and adults about the Negro Leagues, baseball, and life. Many of you probably know him as the voice and face of Ken Burn's documentary on baseball. We know him as the man you can find sitting behind home plate at Kansas City Royals games talking to everyone who stops by to say hello.

As Kansas City's mayor, I was inspired by O'Neil to revitalize 18th & Vine—the historical center for black culture and life in Kansas City from the late 1800s–1960s. It was the hub of activity for African-American homeowners, business, jazz, and baseball enthusiasts. One block from the district stands the Paseo YMCA building, which was built as a black YMCA in 1914. It served as a temporary home for baseball players, railroad workers, and others making the transition to big city life in the Midwest. It was there that the Negro National League was founded in 1920.

The 18th and Vine Historic District is now home to the Negro Leagues Baseball Museum, where Buck O'Neil serves as Board Chairman. I have introduced House Concurrent Resolution 227, which would designate the Negro Leagues Baseball Museum as America's National Negro Leagues Baseball Museum. It is the least I can do for Buck and all those great players who played magnificently and in many cases incomparably on segregated fields where their peerless talents were hidden from the nation.

Buck, a long time member of the Bethel AME church in Kansas City, has never been bitter about what happened to him and all the other Negro Leagues players, about the exclusion they felt. He acted out the beliefs of his faith. He has preached a superb sermon with his life. The best sermons are lived and not preached. His reaction to the news that he had not made it into the Hall was a Sunday school lesson in humility and love.

Buck O'Neil represents some of our most noble values: determination, dignity, humility and excellence. He is a pioneer and a trailblazer throughout his life and illustrious career and demonstrates in his everyday actions that determination is the pathway to success.

Buck has said that all that matters to him is that he is in our Kansas City Hall of Fame, the Hall of Fame of those who know and care for him. On behalf of the millions of people who live around Kansas City I can say with absolute certainty—you are a Hall-of-Famer to us, Buck.

HISTORY OF THE INTERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BECERRA) is recognized for 5 minutes.

Mr. BECERRA. Mr. Speaker, I rise today to remember a day that many Americans, loyal Americans and true patriots of this country rise to remember as well during the month of February.

February 19 marks an important day of remembrance for many Americans who remember the ravages of World War II and many Americans who suffered from the ravages of World War II.

February 19, 1942, is the year in which Executive Order 9066 was signed, and this was the order that called for the exclusion and internment of all Japanese Americans living on the west coast during World War II.

I wish to join with my colleague Mr. MIKE HONDA, and other of my colleagues who will speak today, to recognize the hard work and struggle of so many Americans who for years have been loyal to this country, who finally were rewarded for their loyalty with the recognition they deserve for having served this country and having always considered it their love.

This year happens to mark the 25th anniversary of the 1981 hearings by the Commission on Wartime Relocation and Internment of Civilians. This commission concluded in 1983 that the internment of Japanese Americans was a result of racism and wartime hysteria back in the 1940s.

Five years after publishing its findings, then-President Ronald Reagan signed the Civil Liberties Act of 1988 that provided an official apology and financial redress to most of the Japanese Americans who were subjected to wrongdoing and who were confined in U.S. internment camps during World War II.

Those loyal Americans were vindicated finally by the fact that we have never once found even a single case of sabotage or espionage involving a Japanese American during World War II. The Civil Liberties Act of 1988 was a culmination of half a century of struggle to bring justice to those whom it had been denied. I am proud that our Nation did the right thing.

But 18 years after the passage of the Civil Liberties Act, there still remains unfinished work to completely rectify and close this regrettable chapter in our Nation's history.

Between December 1941 and February 1948, approximately 2,300 men, women and children of Japanese ancestry became the victims of mass abduction and forced deportation from 13 Latin American countries to the U.S.

During World War II, the U.S. Government orchestrated and financed the deportation of Japanese Latin Americans to be used as hostages in exchange for Americans held by Japan. Over 800 individuals were included in two prisoner-of-war exchanges between the U.S. and Japan. The remaining Japanese Latin Americans were imprisoned in internment camps without the benefit of due process rights until after the end of the war.

□ 1700

Japanese Latin Americans were not only subjected to gross violations of civil rights in the U.S. by being forced into internment camps much like their Japanese American counterparts, but additionally, they were victims of human rights abuses merely because of their ethnic origin.

Today, I want to announce that I soon will be introducing legislation that will create a commission to study the relocation, internment, and deportation of Japanese Latin Americans. It is the right thing to do to affirm our commitment to democracy and the rule of law by exploring this unclosed chapter in our history.

Just 2 weeks ago, I had the privilege of joining with citizens in Los Angeles, in my home city, at the Japanese American National Museum to commemorate the Day of Remembrance. This day, first observed in 1978 in Seattle, has become very important in the Japanese American community. It is a time to reflect, to educate, and to act.

As we meet today to remember and reflect on the tragedy that innocent people experienced during World War II, it is my hope our government will continue to strive to right any wrongs and to prove once again that the strength of our national values and our eye towards redemption will continue to guide us. A necessary first step to achieving this altruistic goal is swift passage of the legislation which I will soon be introducing.

Mr. Speaker, today we should remember because many Americans have.

THE DAY OF REMEMBRANCE

The SPEAKER pro tempore (Mr. WESTMORELAND). Under a previous order of the House, the gentlewoman from California (Ms. MATSUI) is recognized for 5 minutes.

Ms. MATSUI. Mr. Speaker, 64 years ago, on February 19, 1942, tens of thousands of Japanese Americans were forcibly removed from their homes and communities in one of the great suspensions of liberty in our Nation's history. We recall the day President Franklin Delano Roosevelt signed Executive Order 9066 as a Day of Remembrance. This was the day the constitutional rights of Japanese Americans and legal residents along the West Coast were suspended and they were incarcerated during World War II.

Families and communities were uprooted from the life they had known. This memory is actually quite bittersweet for me and my family. My grandparents and parents were uprooted from their communities, their lives, their homes, their businesses, despite the fact that they were American citizens. My parents actually met and married at the Poston Internment Camp, my birthplace. In fact, my father says that that was probably the only good thing that came out of that camp.

Growing up, my parents protected me from the experience they went through of having the loyalty they held for this Nation being questioned. And as I was growing up, my parents made a concerted effort to teach me to believe in this country and love this country despite what it did to them.

I shared this sense of patriotism with my husband, Bob, who despite spending his toddler years in a camp, grew up to have a staunch and steadfast belief in our country and our Constitution, including the ideals of justice and equality firmly embedded in both.

Because of the implications of this incarceration, my grandparents, my parents like Bob's and so many others of this generation, did not speak of their experience in the internment camp. It wasn't until my father was much older that this time period was brought up.

But this is an experience that we cannot allow to fade. The government at all levels was blinded by war, and it is imperative that we learn the lesson this moment in history has taught us, including this Nation's ability to recognize and acknowledge our mistakes.

As we mark this tragic anniversary, I hope every American will take this day to affirm their commitment to our Constitution and the rights and protections it guarantees for all of us.

CELEBRATING COMMUNITY: A TRIBUTE TO BLACK FRATERNAL, SOCIAL AND CIVIC INSTITUTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, before I begin, I just want to join my colleagues tonight, the gentlewoman from California (Ms. MATSUI) and the gentleman from California (Mr. HONDA) in reminding us of the terrible scar on our Nation's history: the internment of Japanese Americans. And I want to say to them that as an African American, as a person of color in our country, from California, that we join you in making sure that this body continues to remind the entire country that never again shall we allow such a gross violation of the human rights of any, any people in our country and throughout the world.

So thank you, Mr. HONDA and Ms. MATSUI, for once again allowing us to participate and reminding us of this great atrocity.

I want to also add tonight my voice to those of my colleagues in the Congressional Black Caucus in honoring an organization whose fight against the oppression and discrimination that all of us have felt in this country, whether we were directly victimized by it or not, it affected all of us, which gave birth to the modern-day civil rights movement, and that is the NAACP.

Today, this body unanimously passed H. Con. Res. 335, which was a bipartisan resolution honoring the National Association for the Advancement of Colored People on their 97th anniversary. This is the largest and the oldest civil rights organization in our country.

Late last night, we concluded Black History Month by commemorating this month with activities led by the Congressional Black Caucus Chair, our great leader, Chairman MEL WATT, on the floor. But it was very late last night, and I hope people had an opportunity to listen to the few Members who were here to talk about the glorious history of African Americans in America.

Today, in keeping with the ideals of Black History Month and the tradition of our ancestors, we must recommit ourselves to a plan of action. For generations, the NAACP has provided the blueprint for organizing the African American community and other communities, communities of color, throughout our country to build these coalitions for success.

In December, the House unanimously adopted my resolution recognizing the 140th anniversary of the 13th amendment. The abolition of slavery in 1865 should have been, should have been, a new day for African Americans. Yet 40 years later, African Americans continued to fight the repression and discrimination. It was this continued frustration and pain that led to the birth of the modern civil rights movement.

In Ontario, Canada, in 1905, a group of African American leaders developed an action plan and launched the Niagara Movement. Emerging from the Niagara Movement the call was issued and diverse progressives formed the National Negro Committee, which soon developed into the NAACP. For almost 100 years, since that historic meeting, the National Association for the Advancement of Colored People has been the cornerstone of the social justice movement of minority communities.

Mr. Speaker, last year, Mr. Hilary Shelton, the Director of the NAACP's Washington Bureau, delivered a Black History Month speech to the Federal Aviation Administration, the following excerpt of which outlines the development of the NAACP.

> From 1905 through 1910, an organization of African American intellectuals led by W.E.B. Du Bois and calling for full political, civil, and social and civil rights for African Americans. This stance stood in clear contrast to the accommodation philosophy proposed by Booker T. Washington in the Atlanta Compromise of 1895. You see, the Niagara Movement was the forerunner of the NAACP. In the summer of 1905, 29 prominent African Americans, including Du Bois, met secretly at Niagara Falls, Ontario, and drew up a manifesto calling for full civil liberties, abolition of racial discrimination, and recognition of human brotherhood, a forerunner to the United Nations U.N. Declaration of Human Rights. Subsequent annual meetings were held in such symbolic locations as Harpers Ferry, W.Va., and Boston's Faneuil Hall.
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> Despite the establishment of 30 branches and the achievement of a few scattered civil-rights victories at the local level, the group suffered from organizational weakness and lack of funds as well as a permanent headquarters or staff, and it never was able to attract mass support. After the Springfield (ILL.) Race Riot of 1908, however, white liberals joined with the nucleus of Niagara "militants" and founded the NAACP the following year. The Niagara Movement disbanded in 1910, with the leadership of Du Bois forming the main continuity between the two organizations.
>
> Du Bois and the many other brave men and women of the Niagara Movement to the reigns of the challenges of there day to lead the Niagara movement and now the NAACP, we too must rise up to take on the challenges of our generation.

Founded on February 12, 1909, the NAACP's diverse founders, Ida Wells-Barnett, W.E.B. Du Bois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villiard, and William English Walling, understood the importance of organizing and motivating people. Currently headed by Julian Bond and the President and CEO, Mr. Bruce Gordon, the NAACP exemplifies a movement that has transcended race, class, and generations in the fight for equal rights for African Americans and all disenfranchised people.

The focus of the NAACP has always been working to build coalitions for equality and opportunity in the United States. However, they never forget to advocate for Africans throughout the Diaspora. In Washington, D.C., the NAACP's Legislative Bureau mobilizes communities on issues from the fiscal year 2007 budget shortfalls, to equal opportunity, to the importance of an independent judiciary and racial profiling. Every session, the NAACP's D.C. Bureau outlines what issues and legislation will impact minority communities both here in the United States and abroad. Their vigilance is a constant reminder of how much work there is to do.

Recently, the NAACP's priorities have been rebuilding the gulf coast in the wake of Hurricanes Katrina and Rita, and addressing disparity in wealth, housing, and basic social services. That is the tragedy that unfolded, that we witnessed and which was exposed as a result of this tragedy of Katrina and Rita.

Also, the NAACP is very committed to reauthorizing the Voting Rights Act, the culmination of a movement that took blood, sweat, tears, and lives, and the sacrifices of those who came before us. This is set to expire next year.

They are committed to reforming our prison system, where our country has the largest prison population in the world. This is especially important since six in ten of those persons are people of color.

So let me just congratulate the NAACP on the 97th anniversary of this institution, and I urge everyone to use this occasion to recommit themselves to the struggle for freedom, justice, and peace.

WASHINGTON BUREAU, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, February 28, 2006.
Representative BARBARA LEE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE LEE: On behalf of the National Association for the Advancement of Colored People (NAACP), our Nation's oldest, largest and most widely-recognized grassroots civil rights organization. I am urging you, in the strongest terms possible, to reject provisions in President Bush's proposed budget for 2007 and instead pass a budget plan that supports and encourages low- and middle-income Americans. A Nation's budget reflects its priorities; our willingness ability to care for the sick and elderly, educate the young, protect our surroundings, respond to natural emergencies and protect those less fortunate. The budget proposal put forth by President Bush for fiscal year 2007 does not reflect the priorities of, nor does it serve the governmental needs, the majority of Americans. Rather, the President's proposal would benefit the wealthiest Americans while short-changing low- and middle-income Americans and saddling future generations with a debilitating deficit.

I urge you to demonstrate the necessary leadership skills and to work with your colleagues to develop a budget proposal that ensures that the basic needs of all our citizens are met. This means rejecting the cuts in federal funding for education, health care, job training, small business promotion, the protection of our basic civil rights and liberties and energy assistance. This also means rejecting the President's proposed tax cuts, which have been proven to mostly benefit only the wealthiest Americans and cripple our ability to address some of the most basic needs of our society while at the same time ballooning our deficit.

Although a majority of the Administration's proposed cuts or program eliminations are problematic for the NAACP, we are especially troubled by the provision in the budget to reduce funding for the crucial work of the EEOC. The President's budget for 2007 includes a cut in funding of the EEOC Budget from $333 million to $323 million, most of which would be taken from State and local operations. State and local enforcement agencies handle about 42 percent of the total Title VII caseload, yet, they are being asked to take 60 percent of the budget cut. Because enforcement of civil rights laws is a key element of the strategic goals and initiatives of the NAACP, we are especially troubled by these proposals.

Again, on behalf of the millions of NAACP members and friends of civil rights across this Nation I hope that you will work hard to see that the values of supporting our young, our ill and our elderly as well as those less fortunate are addressed in this year's budget. I look forward to working with you to ensure that the needs of all Americans are met. Thank you in advance for your attention to the concerns of the NAACP.

Sincerely,

HILARY O. SHELTON,
Director.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4167, NATIONAL FOOD UNIFORMITY ACT OF 2005

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–381) on the resolution (H. Res. 702) providing for consideration of the bill (H.R. 4167) to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes, which was referred to the House Calendar and ordered to be printed.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, I am honored to address the House once again. We would like to thank the Democratic leadership, Leader PELOSI, and also Mr. STENY HOYER, Democratic whip, Mr. JAMES CLYBURN, who is our chairman, and our vice chairman and also our steering committee that is working towards making sure that we head in the right direction as Americans.

Working in a bipartisan way, I think, is very, very important for the development of our country; and I had an opportunity to talk to our vice chair, Mr. LARSON, a little earlier today, and he was very excited about hopefully, maybe in this second stage of the 109th Congress, Mr. Speaker, we can work in a bipartisan way on behalf of the American people.

As you know, the 30-something Working Group comes to the floor every time we get an opportunity to come to the floor to talk about issues that are facing everyday Americans and projects that we should be working on in a bipartisan way. We also share not only with the Members but with the American people our efforts on this side, being in the minority here in this body, being a few numbers behind the Republican numbers here that are Members of this House, of how we would govern, how we would stand on behalf of the American people, how we would make sure that those individuals that punch in every day to go to work and know what it means to take a 15-minute break in the morning and one in the afternoon and a solid 30 minutes of lunch, if they get that; and to give voice to those seniors and those veterans that have served our country.

We said we would uphold the commitment to them of lifelong health care and making sure that we are there for them, because they have allowed us to salute one flag today, Mr. Speaker. Those individuals that are getting sand in their teeth right now, our men and women in uniform right now in Iraq and Afghanistan and other parts of the world, the Horn of Africa, as we start working this effort against terrorism, I think it is important we give voice to them; the families that are looking for how they are going to make ends meet on their health care needs.

On this side of the aisle we have many proposals that are stuck in committee, Mr. Speaker, and also proposals that will never see the light of day on this floor. Not because there is not a great effort on this side, not only in the area of ideas, but forward-leaning, hard facts of how we can provide health care for not only small businesses to offer to their employees, but also for individuals that would like to make sure their children can grow up healthy.

☐ 1715

So I feel very good, Mr. Speaker, about the position of the Democratic Caucus within the House. The American people feel very good about it, and I think it is important that we allow the American people to see an opportunity for us to work in a bipartisan way.

Last time I was on the floor, Mr. Speaker, along with Mr. RYAN and Mr. DELAHUNT, we talked about the House Democrats innovation agenda. And in that agenda we talk about broadband access for all Americans, not just for some Americans. We talk about the fact that we need more scientists and math teachers in our classrooms, and that is going to be accomplished within a short period of time.

We also gave quotes from private sector company presidents and CEOs that are literally begging this Congress to move forward as it relates to our agenda and innovation. We talk about innovation. We are talking about preparing not only this generation, but the next generation to not compete against the next county, not compete against the next state, not even competing with one another as it relates to Americans, but to make sure that America stays ahead of or parallel to other countries and what they are doing.

There is a great deal of frustration out there, Mr. Speaker, of many Americans that are concerned about the fact that they cannot get a job. They try to train themselves. They try to educate themselves, but they cannot get a job because we are bringing individuals over from other countries to be able to fill those jobs because we have not stepped up to the plate to incentivize economically many of the citizens of the United States of America to be able to afford the education they need to rise to the occasion that many of these companies call for.

Competition is fierce, and the last thing that we should be doing, especially in this budget as we look at it and, Mr. Speaker, we are going to talk a little bit about the budget too today. But as we start looking at the decisions that are made here in Washington, DC, it brings about a great deal of frustration on behalf of many of us here, especially on the Democratic side of the aisle.

I could say some of my colleagues on the Republican side, just a few of them, are very concerned with the direction that the Republican majority is taking us.

Now, we talk a lot about "leadering up," making sure that we do what our constituents sent us up here to do. They did not send us up here to create a K Street project. They did not send us up here to be able to have the President's back as it relates to special port deals. They sent us up here to represent them. And I think it is important that they get their votes' worth.

And I think it is also important for the American people to pay very close attention, and I do mean very close attention, because if the 30-something Working Group has anything to do with it, Mr. Speaker, I mean we want to reveal all of the secrets that may be held in the dark halls of Congress that may have a reverse effect on what the American people have asked for out of its government.

And I think it is important also that we give light to the democratic ideas, which should be bipartisan ideas, but we know that the majority party has not accepted a bipartisan spirit on many efforts that we are pushing for as it relates to health care, many efforts that we push for as it relates to the budget, the direction this country is going to go financially. Many of the issues as it relates to education and, in some instances, as it relates to foreign policy, as it relates to our troops, as it relates to those families that are here, also as it relates to veterans. So there are a number of issues that we should be coming together on that we are prepared to work on.

We have legislation on this side of the aisle to increase transparency as it relates to the legislative process and how we function ethically here within this House. But there is not a bipartisan spirit at this time to be able to genuinely move forward in a way that we can give the American people what they need.

Once again, Mr. Speaker, I hold up almost, I would call, an executive copy of the Democratic side Innovation Plan. This is not a plan that, the ink is pretty dry on this plan. It has been around for 3, 4 months, and it has been in the works for a very long time now. It is not just Democratic ideas. They are American ideas to move us forward.

We ask and we challenge the Republican majority to do what we want to do. We wish that we could have this on the floor right now, and if we had anything to do with it as it relates to being in the majority of this House, we would perform just like we performed on the budget.

I would say that the Members can pick up a copy of this, if they want to get a copy of it, the American people too, at www.HouseDemocrats.gov. You can download it. It is on a PDF file. You can feel free to take a look at it, and we look forward to hearing from many of you as it relates to how we can work together.

The President talked about innovation, but we have to do more than talk about innovation; we have to do something with it. The President's budget does not speak towards innovation.

Have you ever heard the saying, Mr. Speaker, You put your money where your mouth is? Well, in this case we are not putting our money where our mouth is. We are putting rhetoric where our mouth is. The Republican majority is in charge. They are also going to go through a long budget process. They say trust me, trust me, trust me.

Well, I think as it relates to how we iron out the facts here, Mr. Speaker in the remaining time that we have, and I must say, Mr. RYAN will be back here claiming another hour in between for us to have an opportunity to really be able to drive this issue home.

Trust us: When you start talking about special port deals, until it was revealed to the American people, it was going to be business as usual here in Washington, D.C. And I can tell you that being from a city that one of these ports were going to be handed over to a foreign nation that has a checkered past it is working on and trying to improve its accountability in the effort against terrorism, I think it is important for us to remind ourselves that the ports, our ports especially, here in the United States, have a lot to do with our economic outcome. And I think it is also important to even reflect on how easy it is to allow foreign governments and foreign companies to have free rein in our country.

And I think it is important and it is disturbing to me as an American, let alone a Member of Congress, to see time after time, example after example of special deals, back-room talks, things that individuals would not even come out under the lights here on the floor to talk about until they have to. And the American people have spoken. They are concerned.

But what I am disturbed about, Mr. Speaker, Mr. DELAHUNT and Mr. RYAN, I am concerned about the fact that the President is saying, Well, I have not changed my mind. I know there will be a 45-day review. The White House did release a statement saying that we agree that there should be a 45-day review.

Hello, Mr. Speaker. That is the law. And I think it is important for everyone to understand that making laws and carrying out what is on U.S. Code statutes, that it is important that we abide by it. I mean, oh, well, goodness, you mean to tell me we have to follow the law this time?

Mr. RYAN, I have been talking, maybe for the last 10 minutes about "trust us." We can run this government, we know how to run this government; that is what the majority is saying. But time after time, again, not just quietly here within the halls of Congress, but it is revealed to the American people. I am concerned about what else is going on that we do not know about right now.

Mr. RYAN of Ohio. Well, that has really been the problem here. And I thank the gentleman, and I want to congratulate you, as your partner down here at the 30-somethings, for your recent election to the Congressional Black Caucus Foundation as their chairman; and I want to congratulate you, only in your second term to receive that distinguished honor. But I agree with you 100 percent.

Mr. DELAHUNT. If the gentleman would yield for a moment.

Mr. RYAN of Ohio. I would be happy to yield.

Mr. DELAHUNT. I just also want to concur and extend my congratulations to the gentleman from Florida (Mr. MEEK). That is a high honor and one that the gentleman is very worthy of; and those of us who belong to the 30-something group want to express our pride. Great job. We expect big things.

Mr. MEEK of Florida. Thanks to you both for your kind remarks.

Mr. RYAN of Ohio. Wait a minute. He did not yield to you.

Mr. MEEK of Florida. Mr. RYAN, we are not going to focus on this right now.

Mr. RYAN of Ohio. He did not yield to you.

Mr. DELAHUNT. I did not yield.

Mr. MEEK of Florida. Well, let me just say this, because I do not want you to get too far off on that. I want to thank the board members of the foundation for seeing fit to allow me to do it. And we are going to continue to do the good things we have been doing.

We provide internship opportunities for African American kids to come to Capitol Hill, be exposed to something that, for generations, they were not exposed to. We provide fellowships to many of the folks in research, desperately needed research on health and a number of other issues. So there will be things that we will continue to do as we move on.

But thank you so much, gentlemen. I appreciate it. And I thank the board members and also the Members. Thank you.

Mr. RYAN of Ohio. Well, you are our guy.

But back to the reason we are here, the issue of "trust us." And all we have to do, really is look at the facts. And I really believe that the Republican majority, they may believe that they are actually doing the right thing. I do not think there is any malice. I do not think they hate people. I do not think they are bad people. Many of them on the other side are our friends.

What I do argue, Mr. Speaker, is that the Republican Party is void of any knowledge about how to execute government. And I believe they do not have the ideals necessary to advance this government and this country in the 21st century. They just do not have them. They are just stuck, I think, in an era that no longer exists. Their old phrases no longer apply to how society is today. And so all they have, quite frankly, Mr. MEEK, is to say, "Trust us."

But when we look at Katrina and the fact that there are 11,000 trailers sitting in Hope, Arkansas, worth $300 million that are now in the mud because they did not know how to deliver them or they did not know where they went, or they did not know where they should go, meanwhile people are still homeless down there. That means you do not know how to administer government.

When you start a $700 billion prescription drug program and you do not allow for any kind of negotiation down of the drug prices, that means you do not know how to execute government.

When you lose $9 billion in Iraq and you get a Three Stooges routine that, you got it. I mean you got it. I mean Curly got it, no one knows where $9 billion is, it is just example after example after example that this outfit does not know how to execute government.

And when you have spent, as the Republican majority has, the last 10 or 15 or quite frankly, since President Reagan, running down government, it does not work. Government is the problem. And then you actually need it, and the outfit who hates government doesn't know how to execute it in a way that is meaningful.

Mr. DELAHUNT. If my friend would yield.

Mr. RYAN of Ohio. I will be happy to yield.

Mr. DELAHUNT. That is, I think, such a valid point. There was a recent interview by Brian Williams of ABC News with the former head of FEMA. Do you remember Mike Brown, also known as "Brownie" to President Bush?

Well, during the course of that interview, for the first time, I would suggest, there was much new information revealed by Mr. Brown. Do you remember when there was confusion as to when the President was first informed about the potential destruction of Hurricane Katrina? And the President claimed that, Well, he saw it for the first time on TV? Well, Mr. Brown has a totally different version of that particular scenario.

Mr. MEEK of Florida. Mr. DELAHUNT?

Mr. DELAHUNT. Sure.

Mr. MEEK of Florida. Maybe that version is different now since he is no longer on the payroll of the Department of Homeland Security. I do not know. Maybe.

Mr. DELAHUNT. Well, I think we have to obviously factor into the account that he was kept as a consultant after he was fired from the payroll, and he is now no longer on the payroll of the American taxpayer. So maybe that is part of the basis for his new-found candor.

But he claims that he had a conference call with President Bush and a variety of officials, both at the Federal, the State and the local level where he articulated his grave concern that in his gut this was going to be one of the most devastating natural disasters ever to be experienced in our history. And clearly, his gut was right on that particular occasion.

Let me just, if I may, for several minutes, just read excerpts of that particular interview. This is Brian Williams. I want to ask you, Why didn't you shout it from the mountain tops? Or do you feel that you did?

I told everybody in that conference, and this is Mr. Brown's response, the President, Chertoff, the State, New Orleans, my gut tells me this is the big one. I want to push everything forward as far as we can. I want to jam up supply lines. I want to cut bureaucratic red tape. I want to do everything that we can.

So what date did the President first hear your voice?

The first time was probably on Saturday before landfall, August 27. But the alarm bells were being sounded on Sunday, prior to landfall, because not only was I having conferences with the President on the telephone, but he was also on the videoconference with all of the State emergency managers, all of the Federal departments and agencies, and listened in to the entire conversation, including the Director of the National Hurricane Centers' warnings.

□ 1730

And so when we see trailers in Hope, Arkansas, and you made that allusion, Mr. RYAN, that some of them may not be fit for families anymore because of the rot that the weather has caused, whom do we get angry at?

First of all, you can get mad at me, said Mr. Brown, if you want, but I think we ought to get mad at Congress, we ought to get mad at the President, we ought to get mad at Secretary Chertoff. "I raised the flag, Mr. President, and I told you that FEMA was being marginalized."

Mr. RYAN, this absolutely segues into your observation that they have brought government agencies down to the point where they are now ineffective. They are practically incapable of delivering basic services in times of emergency.

Mr. RYAN of Ohio. And I just want to say to the gentleman, one, how much I agree with you. And two is we are not saying that government is the only answer in many situations. It is not. In many situations it needs to get out of the way. Maybe it does need to be a bit smaller. But it has responsibilities, and certain responsibilities are not being met under this administration because of an utter and total disrespect for government in general, and this outfit comes with the same old ideas that are not applicable today, and this is the kind of execution of government that you get. You get 11,000 trailers in Hope, Arkansas, with nowhere to put them.

Mr. DELAHUNT. But you asked, Mr. RYAN and Mr. MEEK, about the reaction of the White House to issues that ought to be part of our public discourse. And the response is "trust me."

How can we trust the executive branch when we have a former director that stands up now and says, Mr. President, on at least a couple of occasions and on numerous occasions to your staff, I raised the flag and told you that FEMA was being marginalized and was not going to be able to respond and, in fact, was on a path to failure. I told you so, Mr. President.

Where was the executive branch? Where was this Republican majority in terms of exercising its responsibility to oversee and to hold accountable executive agency performance? It was not there because this Republican majority, in its management of this Congress, has done nothing more than simply to rubber-stamp the administration's proposals.

Mr. MEEK of Florida. Mr. DELAHUNT, I can guarantee you this: on some given Tuesday morning about a year and a couple of months ago, I guarantee you that every last one of our constituents, if we had a sign out saying that we will rubber-stamp bad ideas, we would not be in Congress. We just would not be here. And time after time the Republican majority does it.

I mean, let us just get a rubber stamp. Staff, can we get a rubber stamp? I want to get a rubber stamp and the ink should be red, and it should say: We have the President's back no matter what. No matter what. If it puts our country in debt to other countries, no matter what. If it comes down to a lack of intelligence and putting our men and women in harm's way, no matter what, we are with the President. The American people, we will tell them something when it comes down to election time through marketing commercials, but we are here to serve the President.

I mean, that is what I am hearing from the majority side. Imagine, Ms. Wasserman Schultz, before I yield to you, if there was a Democratic President in the White House right now? Imagine. For far less this Congress, Mr. President, moved to impeach the President of the United States, for far less.

So, Mr. Delahunt, I am so glad that you took us through memory lane about what people have said, especially when it comes down to Mr. Brownie, whom we do not necessarily hold high up as a person that we take a great deal of input from, Mr. Brownie; but I think it is important that we understand exactly and spell out to the Members and the American people what they have said, what they are doing. And our purpose for being here is to say that, listen, a lot of this would not be going on if the oversight were there.

Mr. DELAHUNT. If we did not have a rubber-stamp attitude towards this administration in this Congress, believe me, we would be delivering a service to the American people that all of us could embrace.

Ms. WASSERMAN SCHULTZ. I am a little out of practice with my word-in-edgewise with you guys.

Mr. RYAN of Ohio. We have missed you.

Ms. WASSERMAN SCHULTZ. It is good to be back with my 30-something friends and to engage in this dialogue.

What we have been asking for months is, where is the outrage? Where was the outrage about issue after issue that has come to light since Hurricane Katrina wreaked the devastation that it did?

I mean, just by way of example, in the Davis committee report that was just issued, where were the top White House officials on the day Katrina struck? Now, we knew in advance of Katrina, and I live in south Florida, where the hurricane center is. We had days of watching Katrina approach the gulf coast. So it is not like we did not know a category five hurricane was approaching the gulf coast. On the day Katrina struck, President Bush, we know, was on vacation in Crawford, Texas. Vice President Cheney, a little known fact, was fly fishing at his ranch in Wyoming. This was on the day Katrina struck. Chief of Staff Andrew Card was vacationing at his lakefront summer home in Maine, and Homeland Security adviser Francis Townsend was also vacationing in Maine.

Now, why would they leave a relatively junior official in charge of the situation room in the White House when you have a cat five hurricane bearing down on probably what they knew, they knew, was the most vulnerable region in the country when it came to hurricane preparedness and what they knew would likely be the aftermath?

Why did President Bush and other top administration officials insist that the levees did not break until Tuesday when now we know, with the Davis report and with Mr. Brown's revelation, that he told them the day Katrina struck, the night that Katrina struck?

Mr. DELAHUNT. The day before, Debbie.

Ms. WASSERMAN SCHULTZ. They knew.

Mr. DELAHUNT. In his own words.

Ms. WASSERMAN SCHULTZ. I know what the House rules are, and I know what they constrain us from doing, but they knew. And that is what Michael Brown testified. They knew. He told them. And now he is free from the constraints from working for the administration, and let us acknowledge that the four of us have been fairly critical of Mr. Brown. We meted out our own share of criticism of his performance. But now that he has been freed of his ties to the administration, and we all acknowledge that when you work for an administration, unfortunately, sadly, with this administration in particular, loyalty to your dying day is supposed to be the most valuable, particularly if they are continuing to sign your paycheck.

He made it clear when they were no longer signing his paycheck, 60 days after he was supposedly no longer with the Department, that he issued warning after warning to Secretary Chertoff, to the President. He indicated that he personally spoke with the President and told him that there was a levee break, that there was significant damage and he sounded the alarm bells. And the President was on vacation in Crawford, Texas. The Vice President was fly fishing in Wyoming. Homeland Security adviser Francis Townsend was in Maine, and his chief of staff was at home in Maine.

Mr. DELAHUNT. And they want us to trust them.

Ms. WASSERMAN SCHULTZ. Trust them. They have got our back.

Mr. RYAN of Ohio. And a lot of what they were trying to say, Ms. Wasserman Schultz, was how were we to know. We found out they did know. They were warned. And then not only were they warned, but they were spread out all over the country saying our responsibility is to execute this particular agency at this particular time and we should all be here. That is a level of incompetence that I think is unsurpassed.

Ms. WASSERMAN SCHULTZ. Indifference, incompetence, corruption, cronyism, it is all a consistent pattern. One would think when they got hit hard in the face with the criticism and the visceral reaction of the American people in the aftermath of Hurricane Katrina and the response to their indifference that they would learn. But now, no. They were not just surprised, but astonished at the American people's reaction to their indifference on this port deal. I mean, you go from one thing to the other. The indifference and the callous disregard for what the American people's needs are in terms of security in a natural disaster or a potential man-made disaster. Their indifference and insensitivity is just astonishing.

Mr. RYAN of Ohio. How many times do we hear from our friends on the Republican side that government needs to run like a business, it needs to be flexible and this and that? This is an atrocity. This business would be bankrupt if you ran it the way we are running FEMA. If that was a business, it would be bankrupt. The war in Iraq, in that execution, the administration of that war, after we conquered Baghdad, that business would be bankrupt. It would go belly up.

Mr. DELAHUNT. And the execution of the Medicare prescription drug benefit, the so-called part D, what has occurred, let me suggest, is that the Republican Party in both this branch as well as in the White House, but particularly in the White House, has developed a habit, a habit of incompetence and a habit that could have been, in my judgment, interrupted and dealt with if we had aggressive oversight and accountability by Members of the House and Members of the United States Senate.

Mr. RYAN of Ohio. No doubt.

Mr. DELAHUNT. But rather than doing that, when you speak to Democrats who are ranking members of full committees and subcommittees about conducting investigations, whether it be into energy, whether it be into the reconstruction of Iraq and the magnitude of corruption that is part and parcel of that reconstruction, the list goes on and on and on, and they say no. And that is why we are being embarrassed today. That is why someone like Michael Brown, the former head of FEMA, stands up and says, Mr. President, you have marginalized FEMA. We do not have the capacity to do it. I told you so. And yet not a word, not an agreement to work in a bipartisan fashion with Democrats to ensure that the mistakes that have been made are not replicated, are not continually being made to the detriment of the American people.

Mr. RYAN of Ohio. And for our friends in the business community, it is like having a board of directors or having shareholders. If the people running the business are not doing the job, Mr. Meek, then the board of directors may have to make a decision. Well, the United States Congress, Mr. Meek, is the board of directors.

Mr. MEEK of Florida. That is us.

Mr. RYAN of Ohio. That is our responsibility, to say if the executive branch is not executing their responsibilities the way they should, then we have to intervene and make some big-time decisions.

Mr. MEEK of Florida. And, Mr. Ryan, those decisions would be made if we had NANCY PELOSI as Speaker of the United States House of Representatives, if we had the Democrat leadership team.

Mr. RYAN of Ohio. But what do we have?

Mr. MEEK of Florida. We have the Republican Congress, the Republican majority. We have the rubber stamp Republican Congress.

The staff is trying to find some red ink for me. They brought some black ink, but I need some red ink. We need to stamp this bigger. So I think we will get that by the end of the week.

□ 1745

But I think it is important, Mr. RYAN, that we point out to the American people and also to the majority that enough is enough. It is not their country, it is our country, it is all of our country. And the bottom line is we cannot sit idly by and let historians say some Members of Congress did not participate in trying to stop what is happening right now.

Mr. RYAN of Ohio. That is a great point. We will get criticism levied at us from the majority, saying how dare the 30-Somethings go out there night after night, sometimes 2 hours a night, and all they are is critical.

Wait a minute. Are you asking us to just sit by and let all this happen, and no one is providing a little sunlight on this? I hate to tell them, but Article I, Section 1 of the Constitution creates this body. Mr. MEEK, this body, and the problem I think with the majority in the House and in the Senate, the Republican majority in the House and in the Senate, is they are too coachable. They are too coachable, because the President coaches them, and he basically says "We need X, Y and Z," and it goes out and happens. They are too coachable.

Mr. MEEK of Florida. They have the desire and the will to be coached by this administration into a fiscal nightmare, and that is what has happened, and that is what is happening throughout.

Mr. RYAN, would you please get that chart, because I think it is time for us to really get into the nitty-gritty, because folks do not understand, Mr. Speaker, they just think, Mr. DELAHUNT, that the 30-Somethings, we just kind of get together over a hot dog and a Diet Coke and say, Well, what are we going to say today? What are we going to share with Members today?

But, guess what, Mr. Speaker? We have third-party validators, and we have the facts here and we want to share that at this time.

Mr. RYAN of Ohio. The execution of government includes a lot of different things, including how administrative agencies are run and Medicare and the prescription drug program are run. But the one issue that highlights the incompetence of the Republican majority and the Republican President is what we have been doing as far as our national debt and our annual deficits.

Now, this chart, and this is really one of the great charts, it is good, shows increases in the Federal debt in foreign borrowing. So way out here in the blue is the increase in the national debt from 2001 to 2005. Over $1 trillion, $1.18 trillion was the increase in the national debt just in the past 4 years. Of that debt, of that increase, $1.16 trillion was borrowed from foreign sources, Mr. DELAHUNT. Right here.

You want to know how much we borrowed from U.S. interests, from domestic borrowing? Right here. $0.02 trillion. I mean, we are mortgaging our future to foreign interests, the Japanese Government, the Chinese Government.

Mr. DELAHUNT. OPEC.

Mr. RYAN of Ohio. Thank you. We are no longer controlling our own destiny.

Mr. DELAHUNT. Isn't it ironic, if the gentleman would yield, that we speak about energy independence, and I think that there is a consensus that clearly it is in our national security to develop an energy program that weans us from being dependent on foreign sources of energy, with a particular focus on OPEC.

Well, I wonder if we can wean ourselves from borrowing tens of billions, hundreds of billions of dollars, from foreign sources like OPEC, like the Chinese, like the Japanese.

We have now created here in the United States, and I will utilize President Bush's phrase, an "ownership society." Well, the reality is that under his leadership, with the approval of this Congress, we have created an ownership society in the United States. Unfortunately, the owners are the Japanese, the Koreans, the Chinese and OPEC.

Mr. RYAN of Ohio. OPEC.

Mr. MEEK of Florida. OPEC.

Mr. DELAHUNT. Because of the economic policies. So what do we gain? What do we gain from securing our independence in terms of energy and at the same time become increasingly reliant on other nations, including potential adversaries and competitors like China to provide subsidies for tax cuts?

To me, that makes no sense. We lose our political flexibility. We cede, I would suggest, some of our sovereignty when we allow ourselves to become borrowers from foreign nations.

Mr. RYAN of Ohio. Mr. DELAHUNT, if you do not mind, I want to share another chart. This is the public debt held by China. One country, in 2000, they held $62 billion. In 2005, they hold $257 billion in public debt. This is when the President took office.

Now look at it. With the rubber stamp, Congress has just, time after time, continued to exacerbate this problem.

Now, look, in June of 2002, the Republicans increased the debt limit by $450 billion. That means they are okaying the Treasury to go out and borrow more money. In May of 2003, they increased it again by another $984 billion. In November of 2004, they did another $800 billion. Now we have got a pending increase that we know is going to happen because this runaway train isn't getting stopped any time soon, another $781 billion.

That is $3 trillion in debt that the Republican House and Senate and Republican White House went out and borrowed from foreign countries.

Now, who is patriotic now? You want to call this patriotism, mortgaging the future of the country to the Japanese and Chinese Governments and—

Mr. MEEK of Florida. OPEC.

Again, Mr. RYAN, it is just amazing. I want to put my Secretary of Treasury's picture up, Mr. John W. Snow. Like I say, he is an accountant type of figure within our government. We appreciate his service to our country, appointed by the President, confirmed by the Senate.

You know, you have seen this letter before about where Secretary Snow wrote one of our respected Senators on the other side basically saying, "I will be unable to continue to finance government operations if we don't raise the debt ceiling." It said, "Currently the limit is $8.184 trillion, and we will breach that by February 2006."

Well, the month of February has passed, and, guess what? We got another letter right here dated February 16, 2006, to the Honorable Ranking Member JOHN SPRATT on the Democratic side on the Budget Committee. This is what it says. I am going to read it slowly.

On December 29, Mr. RYAN, that is this letter right here, I want to make sure the Members see it.

Mr. RYAN of Ohio. This was last year.

Mr. MEEK of Florida. This was actually the 29th, Mr. Speaker, on the 29th of December, I was back in Miami with my family. We were finished polishing off what was left over from Christmas dinner, what have you, looking forward to New Year's. You all were doing the family thing.

But that letter was written saying we need to raise the debt ceiling, when no one was paying attention.

Now it comes down to, "On December 29, I wrote the Congress regarding the need to increase the statutory debt limit. Because the debt limit has not risen, I must inform the Congress, pursuant to 5 U.S.C. 8438(h)(2) that in my determination, by reason of the public debt limit, I will be unable to fully invest in the Government Security Investment Fund, called the G Fund, of the Federal Employees Retirement System in special interest-bearing Treasury securities beginning on February 16."

Mr. RYAN and Mr. DELAHUNT, this letter was written on February 16. So that means that the Secretary, Mr. Snow, had to suspend. He waited until the last day. He didn't say in 2 weeks I am going to have to suspend payments to the G Fund, which is the retirement system for Federal employees. He waited until the day he could no longer wait any longer to write this letter. He is informing the Congress on that day.

The statute governing the G Fund explicitly authorized the Secretary of Treasury to suspend the investment to the G Fund to avoid breaching the statutory debt limit.

Now, let me just tell you, he goes on and on and on. But the bottom line is, gentlemen, that the Secretary now has to exercise his statutory authority to freeze payments to the G Fund.

I want to just say to the Federal employees, because some of them work here in this building, within this Congress, he goes on in the second paragraph saying, "We can replenish it when you raise the debt ceiling."

I want to tell you something, and I want to let the Secretary know on behalf of the Republican Congress, even though I am a Democrat, if we were in charge, Mr. Speaker, I wouldn't have to ink up this rubber stamp, and I am going to do it on behalf of the Republican majority and just go ahead and rubber-stamp it for him, because, guess what? That debt ceiling is going to be raised.

I guarantee you, just like before, in the past, every Democrat will vote against raising that debt ceiling, because it will be giving our country away to other countries financially. That seems to not be a value of the Republican majority.

I just want to point something out. I have already read this letter.

Mr. DELAHUNT. Mr. Speaker, if my friend would yield for just 1 minute. What if one day those nations that are purchasing and buying our bonds, our Treasury notes, Treasury bills, for some reason they decided, maybe because of some political reason, they decided not to purchase in the financial markets American debt instruments? What would happen to our economy? Does anybody have that answer? I mean, I have my own theories, but I am not sure. Could they come over and foreclose? I wonder what they would do.

Now, here is Red China. Red China. It is kind of ironic when you think of Red China, and here we are piling up this red ink. Red China piling up red ink and it is all American red ink. And in 5 years, we have gone from owing the Chinese, Mr. Speaker, $84 billion, to over $200 billion.

I listen to the debates on the floor of this House, I listen to them in committee, and when I hear my Republican colleagues and my friends on the other side speak about China, it is always with trepidation, it is concern about Taiwan, it is looking at China as a potential threat. And yet here we are, knocking on the door of Mao Zedong's China saying, you know what? Would you buy this instrument from us? Give us your dollars.

I am telling you, I think we are putting not only our economy at risk, but we are putting our national security at risk. It is like having a Middle East gulf state operating American ports without doing due diligence. That is exactly what it is, Mr. Speaker. We are giving the country away.

Mr. MEEK of Florida. Mr. DELAHUNT, if I may reclaim my time, I am going to tell you right now, you are talking about giving the country away. We are at the point where half of our debt is going to be owned by foreign nations.

□ 1800

If I may, I just want to, if I can, like you said, bear with me for a minute. I want to make sure that all of you can bear with me for a minute. You have seen this chart before.

The President and this Republican Congress. Well, let me just go ahead and put the Republican Congress on here. We want to make sure that they get good credit for this, because the President could not do it by himself. $1.05 trillion has been borrowed by this administration within 4 years between 2001–2005.

Forty-two Presidents before President Bush and this Republican Congress were only able to borrow $1.01 trillion: 224 years. World War I, Mr. Speaker. Vietnam, Korea, Great Depression. You name it. Hurricanes. You name it. Earthquakes. You name it. $1.01 trillion, 224 years. $1.05 trillion and counting, if the Republican Congress is not stopped.

What does this mean, Mr. RYAN? Well, this is a map of our great country, the United States of America. We even thought enough to make sure that everyone is in there, Florida Keys and Hawaii and the great State of Alaska. What does it mean? Well, in that $1.16 trillion that Mr. RYAN talked about as it relates to the foreign investment, Korea owns a little bit of the American pie coming in at $56.5 billion of our debt.

Well, we can go on down. Germany. Everybody has a piece of this thing thanks to this Republican Congress and the President of the United States. Germany comes in at $65.7 billion. This bothers me putting these countries on this map, but I just want to make sure, because it is up to us to break this thing down so not only the Members know exactly what they are doing to the country, but not for the country, and they understand exactly what is going on here, because I do not want anyone to say on our watch that this happened and we did not try to do something about it.

Now, the UK, quote unquote our friend and partner. They own a piece of the American pie at $223.2 billion, buying our debt. Meanwhile, the President says, follow me. The Republican Congress says, we know exactly what we are doing. Taiwan. Taiwan. People laugh, oh, Taiwan this, Taiwan what. But guess what? They own $71.3 billion of the American pie and our debt. That means that they own something.

The President says he wants an ownership society. Hello. It is going to other nations. Our neighbor, Canada. I am going to put them right here: $53.8 billion that they own of our debt. That means that we owe them; financially we owe them.

Just got finished talking about Red China, Communist China. A lot of our jobs are in China. A lot of Americans have to train Chinese workers to take over their jobs, and then they are fired and they are put on some sort of government assistance.

China comes in at a whopping $249.8 billion. A whopping $249.8 billion, using a lot of our money because they have a positive trade with us, and we have negative trade with them. But better yet, you let the Republican majority tell you, and the President tells you, oh, we know exactly what we are doing, do not worry, we got you.

OPEC nations. Mr. DELAHUNT, I want you to talk further about this, including Saudi Arabia, comes in at $67.8 billion of the American apple pie, the American apple pie.

And Japan, the island of Japan I must add, comes in big time, $682.8 billion. $682.8 billion. Mr. RYAN, it is not the Meek Report, the Delahunt Report or the Ryan Report. This is reality. And these numbers, Mr. Speaker, as you talk about third-party validators, are from the U.S. Department of the Treasury.

And I guarantee you, Mr. Snow does not report to us or anyone that has a Democrat behind their name. And anyone, I challenge them on the Republican side to march out here and start talking about how they are going to explain this, how they are going to explain selling America to other countries.

How they are going to explain with a straight face, come in here and say, we should make tax cuts permanent for billionaires, meanwhile we are borrowing from other nations to pay for it. How do you explain that, Mr. DELAHUNT? So when you start talking about special deals on ports and folks come out and say, well, I did not know anything about that. Wow, that is not anything new.

I did not know anything about the fact that there were not any weapons of mass destruction. I am tired of folks saying they do not know and we were wrong. I am tired of that. That is not the American way, Mr. DELAHUNT.

Mr. DELAHUNT. We did not know anything about Katrina being a devastating natural disaster. We did not know about FEMA not having the resources. We did not know about the lack of coordination. You know what? You know what? They know nothing. They do not know how to govern.

And that is what I would describe as a habit that has developed over time, a habit of incompetence.

Mr. RYAN of Ohio. No doubt about it.

Mr. MEEK of Florida. Mr. DELAHUNT, you know what OPEC means and what they owe? I just want to make sure, Mr. Speaker, in case someone may say, well, they pointed out the obvious. Some may say the negative, if you ask the Republican majority. Oh, they are so negative. Well, guess what? We believe in telling the American people the truth.

Mr. RYAN of Ohio. Find a positive way to explain that. Our friends on the other side who say we are always being negative. Figure out, if they can explain to us a positive way of saying that this country is being sold off to other countries piece by piece.

If they can find a positive way of explaining that, we are open to it.

Mr. MEEK of Florida. There you go. I do not how to do it.

Mr. DELAHUNT. I am just thinking here. You know how the political pundits divide this country up into blue States and red States. Well, you know, if you would bring back that previous poster, you know, you ought to paint those numbers there in red, because here is what is happening to the United States. It is becoming all red. It is becoming all red while we sit here and whistle in the dark.

Because we are indebting ourselves and our future to foreign nations and that map says it all, Mr. MEEK, says it all.

Mr. MEEK of Florida. Mr. DELAHUNT, let me just real quickly, because our hour is coming to an end. We, the Democrats, Mr. SPRATT who is our Democratic leader on the Budget Committee, 2006 budget resolution failed 165–264.

Republicans 0–28. The bottom line, no Republicans voted for it.

Mr. RYAN of Ohio. What is that?

Mr. MEEK of Florida. What this is saying is basically that we want to balance the budget, we want to pay as we go, Mr. Speaker.

Mr. RYAN of Ohio. Before you can spend any money, you have got to find a way to pay for it.

Mr. MEEK of Florida. Not this borrow money from foreign countries stuff. Again, in Spratt substitute amendment to Resolution 393, 2005 budget, again, voted down 224, not one Republican voted to pay as we go, Mr. Speaker.

Now what I am going to do, Mr. RYAN, when we come back in an hour, I am going to read off other examples, at least five others within the last couple of years. We have tried to put this country on the right track. But guess what? The Republican majority has blocked us.

Mr. RYAN of Ohio. We heard from the President during the State of the Union address a bunch of fuzzy math, but we are going to balance the budget by 2009.

Mr. MEEK of Florida. No, they are saying that they are going to cut taxes. Only we have balanced the budget, the Democratic Congress.

Mr. RYAN of Ohio. We are going to cut the budget in half by 2009. That reminds me of the old Lou Rawls song. I will see you when I get there. Do you know what I mean?

This is just to put a bow on everything that we have been talking about. When we are paying the interest on all of this debt, you know, we are not borrowing the money from Sky Bank or Home Savings in downtown Warren, Ohio. We are borrowing it from these other countries, and we are paying them debt.

Look what we are doing just on the interest on the debt, Mr. MEEK, Mr. DELAHUNT. This is the net interest we pay in the 2007 budget, what we are going to have to pay, almost $250 billion just on the interest on all of that money that Mr. MEEK showed you where we are borrowing it from.

But also look what we are not spending it on because of it. Here is education. Here is homeland security. Here is veterans. All of these programs are taking a hit because our friends on the other side do not know how to balance the budget. They waste spending. They lose $9 billion in Iraq. They waste $300 billion on 11,000 trailers sitting in the mud in Hope, Arkansas, and meanwhile Pell grants are going up, veterans are asked to pay more, and we cannot take care of our own ports.

We will be back in an hour. But if you want to get a hold of us, Members who are watching this in our offices, www.housedemocrats.gov/30something

Mr. MEEK of Florida. With that, thank you, Mr. RYAN, Mr. DELAHUNT. We would like to thank the Democratic leader for the time.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore (Mr. KUHL of New York). Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the opportunity to come before the House this evening with another edition of the Official Truth Squad to, as we have talked about, kind of set the record straight.

I want to thank the Republican leadership and the Republican Conference for allowing me and other Members of our conference to come and talk this evening.

The group that we have just heard, I was a little encouraged at the very beginning, because the tone was a little different, but then they just could not help themselves. They just could not help themselves. So we launched into hyperbole, and we launched into disinformation, and we launched into misinformation, and we launched into distortion.

And frankly when I go home, when I talk to constituents at home, they say, what on Earth is going on up there in Congress? Why is it so partisan? And it is just tough to understand how people can be so doggone negative and think that it results in a positive outcome.

It is tough to understand how the politics of division are seen to be the way that we ought to go as a Nation. And it really is remarkable. We are, all of us, on the same team, Republicans, Democrats, Independents. We are all on the same team. We are all Americans.

We have got some incredible challenges that confront us as a Nation. And the politics of division, frankly, they do a disservice to us as a Nation. They are not helpful. I believe they are frankly shameful for the individuals that seem to believe that that is the way that we ought to conduct ourselves in public discourse. It just does not make any sense, Mr. Speaker. It does not make any sense.

It is not new, though. It has been going on in American politics, frankly, for a long time. Some would say that some folks on the other side of the aisle now have elevated it to a grand tradition and to a new height of excellence. But I want to read something that President Abraham Lincoln said that talked about the politics of division and how destructive it is.

□ 1815

He talked about his philosophy of government and social philosophy. "You cannot bring about prosperity by discouraging thrift. You cannot strengthen the weak by weakening the strong. You cannot help the wage earner by pulling down the wage payer. You cannot encourage the brotherhood of man by encouraging class hatred. You cannot help the poor by destroying the rich."

It kind of crystallizes American philosophy, we are all in this together. Mr. Lincoln was a master at putting words and thoughts together and contrast together. I do not think it has ever been said better, frankly.

I highlight that because I encourage my colleagues all across this Chamber to recognize that the kind of politics of division that seems to be practiced by some is not helpful, it is not productive. It does a disservice to all.

We are here with another session of the Official Truth Squad. The Official Truth Squad began when a group of freshman Republicans got together and talked about just what we were hearing from our constituents. Why on earth do you hear the kind of personal accusations that go on up there in Washington?

So we thought we would put together some truthful episodes. So we try to come here almost every night while we are in Washington to bring about some truth and talk about honest, open debate in Washington about a variety of topics.

Truth is incredibly important to the public discourse. If we are not dealing in truth, then we cannot reach the right conclusions. We cannot reach the right solutions to the challenges we have got.

I am joined tonight by a number of folks. I would like to recognize, first, Congresswoman SCHMIDT from the great State of Ohio. She has been just a stellar member of the freshman class and a great proponent of freedom and liberty. We are going to talk a little bit about national security tonight, and Congresswoman SCHMIDT comes with an incredible background and expertise and experience serving at both the local level and the State level and the first woman to represent the district that she represents from southern Ohio.

And we welcome you tonight, Mrs. SCHMIDT. Thank you so much for coming, and we look forward to your words on national security.

Mrs. SCHMIDT. Mr. Speaker, I rise today to speak on the importance that we as a nation need to continue to do all we can to prevent another terrorist attack on our homeland.

Some of us on this side of the aisle a few weeks ago had the chance to listen to the President, and the President talked about how 9/11 has changed all of us, and it has changed us forever.

I remember that day as if it was yesterday. In fact, a few weeks ago I talked again about how when my daughter lived in New York in Manhattan and we as a Nation witnessed the attacks on the Twin Towers, my daughter and I, we had dinner at the Windows on the World just 30 days before the event. And I knew she did not work close to the building, but I did not know the subway system. So when I saw the towers come down I was scared, scared about where she was. I was also horribly afraid that another attack would occur.

The thing that was so frustrating was my husband and I could not get through to her because cell phones were the only way to get through and the buildings that housed the towers were destroyed. We did not get through to her for 2 full days. It made me realize how important national security and homeland security are for our Nation. Thank God, we only had fear and did not have regret and sorrow as so many others did.

We as a Nation must do everything in our power to prevent another attack. Period.

I rise today to congratulate the hardworking men and women of our intelligence agencies and first responders on preventing another attempt since 9/11. The headlines normally fail to mention that it has been over 4 years since our Nation was hit by those terrorists on that horrific day. I, like most Americans, like Congress, wake up every morning feeling safe, proceed with my day without even worrying about the threat of an attack because I know that from law enforcement to our national security apparatus, thousands of highly trained professionals are diligently watching and working and protecting.

Men and women using the latest technologies and a lot of muscle are hard at work around the clock making sure that those that want to hurt us are kept away.

I hope everyone understands that the desire of the terrorist organizations to launch a deadly attack has not subsided. It is their mission to attack and destroy us, to attack and destroy our way of life. But what has changed is that our ability to thwart attacks has dramatically increased.

The latest in database technology, coupled with surveillance technologies, is proving to be a powerful force in identifying those potential attackers who want to kill us. We owe a great deal of gratitude to these men and women on the front lines of our defense.

Just this past week the media reported that some 200,000 people across the globe are on our watchlist, persons that we have reason to believe wish to do us harm, but most importantly, 200,000 people we have already identified as potential threats. And when you know who your enemy is, you have got a better chance at seeing them come at you.

When we wake up each morning and turn on our television sets and there is no news of an attack, we do not even think that there might have been one. That, in itself, is a tribute to the hard work of our national security team. We go about our lives without fear of another attack because of the job they are doing each and every minute of each and every day for us. And that means we must give them every tool needed to complete their mission.

Their mission is not only important, it is a matter of life and death. Our life and death. My life and death. Your life and death, Mr. Speaker.

Much has been said about the National Security Agency's surveillance program in the media. Much of it is nonsense and distortion, and I am so glad we have the Official Truth Squad here tonight to talk about that.

I asked my constituents in a recent survey what they thought about the National Security Agency's surveillance program. Over 2,000 people have responded to date. Slightly less than 80 percent support the program.

Mr. Speaker, 80 percent is a huge number. That is a supermajority of folks, folks like you and me representing all kind of ideologies and political affiliations. Eighty percent want the NSA to continue to do their job so you and I can remain free from terrorist attacks.

The American people, first and foremost, want to be safe in their homes and go about their lives without that fear again of another 9/11. They exhibit far more common sense than the media ever gives them credit for.

One of our colleagues from the great State of Texas has a great saying that Texas could use a whole lot less of Washington and Washington could use a whole lot more of Texas. I agree. Unfortunately, some day I hope in the very, very far, distant future we may well again be attacked. That attack may well be much larger in scope than 9/11 ever hoped to be. And on that day I hope and I pray that we can all say we did everything in our power we could do to prevent it. That is our responsibility. Do you not agree?

It is our responsibility to give this agency the tools necessary to protect the American people from another terrorist attack. I am glad we are giving them those tools.

It is our responsibility to see that they continue to have them so that you and I can wake up once again tomorrow morning in the freest nation in the world, free to be able to go about doing our business without fear of an enemy knocking at our door.

Mr. PRICE of Georgia. Thank you so much, Congresswoman SCHMIDT. I appreciate you coming and joining us tonight. Your stories are always spellbinding and very moving.

And the story that you tell of your experience with your daughter on that fateful day is chilling. It brings back all the memories that all of us have and how thankful we all should be, are, can be of the incredible job that the first responders are doing all across this Nation, all across this Nation. So I thank you very much for coming and being with us.

One of the privileges that we have, Mr. Speaker, as you well know, is to gain certain information, to be briefed on certain things that are happening around the world and certain activities that the American Government and American Defense Department are doing. Some of those things we can share, some of them we cannot share, but what I can share with the American people is this certainty.

The fact that since 9/11 we have not had a major terrorist attack on the United States is not a mistake. It is not a mistake. It is not just by chance that we have, as Congresswoman SCHMIDT said, been able to awaken each morning and not really think about the possibility that it might happen again.

There are men and women all across this Nation who are performing heroic tasks day in and day out, and we all should be incredibly grateful and appreciative of their efforts.

I was pleased also to hear Congresswoman SCHMIDT bring up the NSA domestic terrorist surveillance project that is ongoing, a project that has been denigrated by many folks, a project that is frankly having an incredible effect on our national security and our ability to protect ourselves. It is a program that was put in place by the President and the National Security Agency. And Congress, the appropriate individuals in Congress, were informed, were in the loop, were given information, were told about it; and now some have kind of changed that story.

But when it came to light in the public and there were discussions about whether or not it was the right thing to do or the wrong thing to do, it appeared to me that it was one of those issues that, as Congresswoman SCHMIDT said, our constituents believed in strongly. So I started asking.

I hold a lot of town hall meetings, and I do a lot of speaking to a lot of groups back home, and when I do I oftentimes ask them. I said, if you had the opportunity as a nation, as the American Government, to know where terrorists were in terms of the use of a phone line, if you could know that and you were able to detect when they were making a telephone call from their home or from their cell phone into the United States, would you want to know what was going on in that conversation?

Mr. Speaker, I promise you I have not had a single soul tell me that they do not think that that is what the government ought to be doing. In fact, what they say is, if we were not doing that, if we were not doing that, then we would not be living up to our responsibilities that we have as a government to do probably the most important thing that we do day in and day out as a Federal Government, and that is to protect our homeland, to provide national security.

So I am certain that the support that we see for this program is universal around the Nation. And we are not talking about listening into an American citizen call to an American citizen call domestically. Remember what we are talking about. We are talking about known terrorist cells, known terrorist phone numbers, a known terrorist identity having communication with someone in the United States.

Mr. Speaker, I am proud that we have the capability to detect that kind of communication, and I believe strongly, strongly, that my constituents, what they tell me is consistent with what folks believe around the Nation; and that is that we ought to continue that program and we ought to make certain that we are doing what we can do to protect our homeland.

We have also the opportunity so many times to hear from world leaders, and today was a day that I will not forget very soon. We had the Prime Minister of Italy, Silvio Berlusconi, come and he gave an address to a joint session of Congress. I was incredibly struck by so many of the comments that he made. And thank goodness they gave me a translation because my Italian is not very good. But I wanted to highlight a couple of the things that he said, because it just rings so true, and it talks about the incredible importance of what we as a Nation are doing, having done, and are doing now around the world.

□ 1830

So here are a couple of quotes from Prime Minister Berlusconi that he gave before Congress today. He said, Today, I am still grateful to the United States for the high price in lives you continue to pay in the fight against terrorism to assure our common security and defend human rights around the world. As I will never tire of repeating, when I see your flag, I do not merely see the flag of a great country. Above all, I see a symbol, a universal symbol, of democracy and freedom.

What an incredible picture he draws of what I feel in my heart and I know that so many of my constituents feel about the symbol of our Nation and about the incredibly important work that we are doing as a Nation. To have a leader of another country stand up and say proudly that he believes strongly in the work that the United States is doing to fight terrorism and to commit once again his nation to that fight was just incredibly inspiring.

Prime Minister Berlusconi also said, History has shown that the aspiration to democracy is universal and that liberty and democracy are contagious.

It is just a reaffirmation of what we have talked about for the past number of years and how important this war on terrorism is and how important it is to plant the seeds of democracy around the world. This is what we are doing, and what that does is make it so that we as a Nation are more secure. We are not only more free, but we are more secure as democracy moves around the world.

Here are a couple of other quotes from the Prime Minister. He stood here just in this Chamber today and said, Only democracy can provide liberty and only liberty can guarantee that individuals will be able to develop their talents, channel their energies, achieve their dreams, and conquer prosperity. The only possible road is to work together to spread democracy.

Is that not an inspiring message from another world leader? The only possible road is to work together to spread democracy.

This is the final portion of his speech that I would like to share with you, Mr. Speaker, and with the Members once again of the House and frankly with our citizens. This was incredibly moving. Many of us had tears in our eyes as he closed, and he said, Allow me to conclude by sharing with you a brief story. It is the story of a young man who had just graduated from high school. His father took him to a cemetery that was the final resting place for brave young soldiers, young people who had crossed an ocean to restore dignity and liberty to an oppressed people. In showing him those crosses, that father made his son vow never to forget the ultimate sacrifice those young American soldiers made for his freedom. That father made his son vow eternal gratitude to that country. The Prime Minister said, That father was my father and that young man was me. I have never forgotten that sacrifice and that vow and I never will.

Incredible words from a world leader, who draws us a picture of a time 60 years ago, 50 years ago, when his father took him to a cemetery filled with American soldiers who had fought for his freedom. He tells us that he was asked by his father never to forget that sacrifice, and he vowed that he never would.

The seeds of liberty, the seeds of freedom, the seeds of democracy that we plant around the world, we may never know when we will see the fruit of that planting. I wonder myself today whether there is an Iraqi man and an Iraqi woman who are telling similar stories to their sons and their daughters and that in 30 or 40 years we would be honored and privileged to have the Prime Minister or the President of a free Iraq come before the United States House of Representatives and tell that same story, as how they were inspired by their mom or their dad as they recognize the sacrifice that American soldiers made on their behalf. An incredible, incredible picture in words.

I had the opportunity to speak to an American Legion group at home a number of weeks ago, and then another American Legion chapter came and visited my office just the other day. I was struck by something that they said. The American Legion's motto is, "For God and country," and it is an appropriate motto: "For God and country."

There is an American Legion division that was supposed to go to an elementary school, a public elementary school in our Nation and tell the young folks at the elementary school about the American Legion, about the history and their heritage. They were called a couple of days before their visit, and they were told, no, we cannot have you come; we have been threatened with a lawsuit because of your motto, "For god and country."

Mr. Speaker, I am just struck by the incredible diligence of all the men and women who fight for our national security, all of the men and women who have fought for our national security.

and they recognize over and over and over again that freedom is not free, that there is a price to pay.

Then I am struck by so many individuals it appears that want to destroy the roots that we have that brought about our national security and about our freedom, and I just appreciate so much the opportunity to stand before the House of Representatives as a member of the Official Truth Squad and bring these stories to try to invigorate and uplift the American people to be proud of our heritage, to be proud of the men and women who are serving us so remarkably around the Nation and around the world.

I am pleased now to be joined by a colleague, Congressman STEVE PEARCE, who is coming and participating with the Official Truth Squad this evening, to talk about our national security, homeland security and bringing some truth and honesty to the debate that we have here in the United States House of Representatives. I am pleased to yield to Congressman PEARCE.

Mr. PEARCE. Mr. Speaker, I thank the gentleman for yielding, and I think your conversation is exactly correct, that right now in America, when I visit the troops in Iraq, the young men and women there ask me one question that I cannot answer, and that is, they ask how come my parents do not see the good things that I am doing on TV at night. How come they only see the bad things? Why is the press trying to mislead the public?

So I appreciate your truth squad here where you begin to talk about the magnificent things that our troops are doing because, when I am there, our troops tell us that we are winning in the neighborhoods and the hearts of the Iraqi people and the hearts of people who distrusted us.

I had three young men there from New Mexico. They call themselves the Three Amigos. They were telling me, when we were out on patrol the first days that we were there, and this was way back at the beginning of the war, they said that the people would peek out their window and open the window curtain and take a look out. The next week, maybe the window curtain was pulled open, the door still locked, the windows down. Gradually, the door opened up, and they would let their kids stand in the door and look at the Americans.

Then they talked about the thing that I found in the Philippines when I was in the Air Force flying into Vietnam when you walk out among kids, and Asia and kids in other parts of the country, the thing they want to do is they want to touch the hair on your arm. So these young troops are saying, you know, the strangest things, the kids came out and the moms are holding them up to our face where the kids can see. They want to touch the hair on our arm. It was exactly the same thing I had experienced back in 1971, 1972, and 1973.

It brings down to me the fact that these Iraqis had been told for 35 years that the Americans will kill you. The truth is Saddam Hussein would kill them. He was always telling them an untruth; and when the truth was known, then the Iraqi people began to settle down.

I would say also that, in this country, if there is a big issue today, one we as a Nation face, it is truth. It is the understanding of what objective truth is. It is the understanding of who can tell us and who will tell us the truth. So I appreciate the gentleman's efforts to bring some truth to this floor because often we have got our friends who come and they talk about special interests and are pointing at the other team. The truth is, the biggest special interest group in this body are the trial lawyers, and the biggest special interest group in the other body are trial lawyers. They are the ones that are getting the most influence here. Yet our friends seem to forget that they are a special interest group and they are causing great outcomes in legislation.

So I appreciate the gentleman's efforts to bring truth to the floor of the House of Representatives and especially as it regards our troops because our troops are doing magnificent things as they are in harm's way every day. We as a grateful Nation should always take the time to say thank you, not only to the troops but also to families of the troops, for being willing to be the last wedge between tyranny that originates in the Middle East and freedoms that we are trying to export from this country. I think that we owe all of our families and all of our troops a good round of thanks from a grateful Nation.

I salute the gentleman for his efforts.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman so much. I appreciate you bringing up truth again.

The Official Truth Squad, we have got a quote that we oftentimes refer to that kind of gets to the heart of the matter. It is a quote from Senator Daniel Patrick Moynihan, and what he said is that everyone's entitled to their own opinion, but not their own facts. So I appreciate so much you bringing truth to the fore, and there are some facts that oftentimes get distorted.

One of them is that people talk about the decrease or the cuts in the defense budget, in the military budget and how on Earth can you continue as we are doing right now by cutting those folks that are protecting us. In fact, Mr. Speaker, if you look at the numbers, there are not any cuts at all, and there are not any cuts appropriately because we are in the time that we are in right now and the budgetary authority, which means the amount of money that is able to be appropriated to the military in 2000, was $287 billion; in the next year, 2001, $303 billion. It does not look like a cut to me; 2002, $328 billion, and you see as we go out 2003, $365 billion; the following year, $376 billion; and 2005, 2006, $411 billion.

Now, the truth of the matter is that that budget is appropriately increasing in spite of what you hear from the other side; and, in fact, you hear oftentimes some claims from folks on the other side of the aisle who say that we are not making any progress in national security, we are not making any progress in Iraq. I am always fond of bringing charts and pictures because I think that they speak so much louder than words.

This one is a phenomenal one. We are transitioning in Iraq, in the political environment, in the economic environment and in the military environment; and one of the transitions that is occurring is the transition of force levels of the Iraqi Army. What they are doing is momentous work over there.

In fact, what this chart shows is that in August of 2004 there were only five Iraqi battalions in combat, and you see the steady continual increase, and what many folks will not tell you is that in January of 2006, just a little over a month ago, 98 Iraqi Army battalions in combat.

What does that mean? That means that American soldiers, American men and women who have been serving in this war on terror and protecting your freedom and mine, can begin to come home. That is what that means. So we are making progress along those lines.

To give some other identity to the kinds of progress that is being made over there, this is the statistic that I just mentioned in August of 2004, only a handful of Iraqi Army battalions were in the fight. Now there are nearly 100, but it goes on.

In July of 2004, there were no operational army division brigade headquarters in Iraq, and today, eight brigade headquarters. Thirty-seven battalions have assumed battle space.

In July 2004, a little under 2 years ago, there were no operational special police, commando, public order, mechanized police or emergency response units. Under the Ministry of the Interior in Iraq, not one, not any of them; and in less than 2 years, today, there are 28 such battalions in the battle.

November 2004, there were about 115,000 trained and equipped Iraqi security forces. Today, over 227,000, nearly a quarter of a million trained and equipped security forces and others, if you talk about local police, individuals.

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And the experience and the ability of the Iraqi forces has increased remarkably. In December of last year, 2 months ago, the Iraqi armed forces had more independent operations than did coalition forces. Mr. Speaker, did you hear that: more independent operations by the Iraqi forces than coalition forces. Remarkable.

Mr. Speaker, I am honored to have a couple other folks join me; and fellow Georgian, Congressman KINGSTON, who has such great insight into national security and great service here in the House of Representatives, is here; and I appreciate his coming down.

Mr. KINGSTON. Thank you, Mr. PRICE. I just wanted to say that I have the honor of representing the 3rd Infantry Division in Hinesville, Georgia, and in Savannah, Georgia, as well as the 1st Battalion 75th Ranger Regiment, and in all maybe as high as 20,000 troops from my district who have been in Iraq, the 48th Brigade, some coming and some going. But the thing that struck me as I went to Iraq in December is the amount of the turf, as you have mentioned, which has already been ceded to Iraqi security patrol.

When we were there, 50 percent of Baghdad was already under Iraqi control. And last week, I had the honor of meeting with General Webster, who was in charge of the 3rd Infantry Division over there, he just got back, and he told me that number now in Baghdad is about 60 percent. In Mozul, 25 to 30 percent of it is under Iraqi security patrol. And the government of Mozul, interestingly enough, is headed by a mayor who is a Sunni, and he has suffered personally. His family has been attacked because of it. Yet, at the same time, here is a guy who is still facing the wind and saying, let's get the job done, and not turning back.

One of the things I know you and I have heard from folks in Iraq and in Afghanistan is, we want to know is America here to stay until we are up and running. I know there are a lot of Democrats who would like to pull out tomorrow, and I understand that. I wish all our troops were home from everywhere. But the message that we got from the folks over there is, we really appreciate what you are doing; we need you to stay until the job is done.

And then as I have talked to the 3rd Infantry soldiers, it is the same thing: we have to finish this job. We just can't faint in the face of adversity. There are so many in America, the Michael Moores, the Cindy Sheehans, the fringe branch of the liberals that want us to cut and run. I think that would be such a huge disservice to all the troops who have died.

Mr. PRICE of Georgia. If the gentleman would yield back to me for a moment, I think it is important to note that there are some in this Chamber who want to do just that, who say to pull out immediately. But as we both know, and our constituents and citizens around the Nation know, that is not feasible nor is it advisable.

What is at stake, and I was telling the Members earlier, the Italian Prime Minister today really clearly defined what is at stake: if we as a free people in this world are able to plant liberty and democracy around the world, we increase our security. We increase our security.

And I know that the gentleman would concur with that.

Mr. KINGSTON. That is a message we hear from all over, particularly new Europe, emerging Europe, the Europe that had been 50 years under the Soviet bloc. They understand freedom, and they understand oppression. They do not take it for granted. They are not so anti-American as the Germans and the French seem to be. They do not enjoy the U.S. kicking that so many of our fair weather friends over there do.

But along with military progress in Iraq, there has been tremendous economic progress. As I was there looking down from the helicopter over the streets of Baghdad, I saw small businesses, traffic jams, people moving in and out of buildings buying things and so forth.

There is a port in Iraq that under Saddam Hussein never was used. Today, it has 40 ships a month going into it. In terms of newspapers and banking, it is coming back. In 2003, there were 13 Iraqi companies listed on the New York Stock Exchange. Today, I think that number is somewhere between 60 and 80. That is a lot of progress.

The GDP last year, I think, was something like $15 billion. Today it is $29 billion. A very small economy, but that is a huge step. The unemployment rate was something like 70 percent, and it is now 26 percent. Still very high unemployment rate by our standards, but for the Middle East, pretty doggone good. I can tell you that the Palestinian Authority wishes their unemployment rate were that low.

Mr. PRICE of Georgia. It is great that you are able to share those statistics, because what they do is show and demonstrate to the American people that in fact there is a plan and there is progress.

We hear some of our friends on the other side saying there is no plan, nothing is happening over there that is making any progress. But the three-prong plan that you know about well is: one, military, which we have talked about; the other, economic, that you have so clearly identified with the increase in GDP, a 100 percent increase in their economy, the decrease in their unemployment, which is cut by two-thirds, which is remarkable in terms of the progress there; and then there's the third arm, which is the political arm. And what we have seen, what the world has seen over the past year are three independent elections, each with growing participation by the Iraqi people. They understand what is at stake. They understand what is at stake.

So for anybody to even have any sensibility about saying that there just isn't a plan or has not been any progress, just doesn't make sense to me.

Mr. KINGSTON. There is one Sunni province that went from something like a 2 percent voter turnout in January 2005 to December 15, 2005, having over a 60 percent voter turnout. Lots of people risking lives to go to the polls and very enthusiastic about it. When you think about the 300 political parties, when here we worry about Democrats versus Republicans, but 300 different political parties electing 275 members of a new parliament to serve now for 4-year terms, it is going to take awhile to have a coalition government put together. Usually those things take two or three months to happen.

But what I saw when I was over there is people wanting to put down the gun and pick up the pencil and pick up the paper and say let's move from the battlefield to the legislative chamber and debate this.

There are so many challenges to starting a new nation, but what they need right now is the world community behind them. They do not need world criticism behind them. I think sometimes our disagreements with the administration's foreign policy has led us to be anti-Iraqi people, and I do not think the critics of the administration intend it to be that way, but that is the way it comes out overseas.

So I think we have to say, you know, Democrats and Republicans, and Republicans versus Republicans, can disagree on our foreign policy in Iraq and the war on terrorism; but we have to stand behind the Iraqi people. It is in everyone's interest for Iraq to succeed. And this is the point we are at. We cannot go back and say, well, this is what we should have done in 2003, this is what we should have done here and there. You have to take the situation as it is today and from this point on how are we going to move through the future.

Mr. PRICE of Georgia. Without a doubt. I am so glad you joined us to talk about this, because that is what the Official Truth Squad is all about, bringing to light the truth of issues, but also understanding and appreciating and articulating what our constituents know, and that is that these challenges are not Republican challenges or Democrat challenges; they are American challenges. They are challenges we all have to face together.

I know the gentleman joins me in just calling on our colleagues to step up, to recognize that the Iraqi people need our support now more than ever before, and to recognize that we have a lot of hurdles, a lot of challenges, but together we can overcome them, as can they.

I appreciate the gentleman's participation tonight and his expertise and perspective to the Official Truth Squad.

Mr. KINGSTON. Well, I appreciate being with you.

Mr. PRICE of Georgia. Mr. Speaker, we have been joined by another great colleague, a gentleman from Texas, another member of the freshman class and a great fellow who has participated in many of these Official Truth Squad activities, Congressman LOUIE GOHMERT, a former judge and chief justice of the court of appeals in Texas. He has just great experience with this area of the history of national security, and he comes tonight to share some of his thoughts with us.

Congressman GOHMERT.

Mr. GOHMERT. Well, it is refreshing to hear about good things going on in Iraq. Of course, we know that some have been concerned a civil war may be breaking out over there, but the truth is what this boils down to is they have been finding with the IEDs, these explosive devices that have been killing now both Iraqis and Americans, that that hasn't worked. They have seen we have a President with firm resolve; that we are going to stay the course and make sure the country is ready to stand on its own and then let her stand.

So they realized they were not being successful in that regard, so a last-ditch effort you have terrorists from other areas coming in and blowing up their own precious mosques to try to turn Shi'a against Sunni. It is obvious that this is a last-ditch effort to try to divide the country, because it scares a lot of folks over there greatly to think about a democracy succeeding right in the heart of the Middle East. I mean, that could spread to Iran. Boy, that scares Iran. It could spread to Syria. There are a number of countries over there that it scares them because democracy, as the President has said, could change things, and those folks are right on each other's borders.

If I could take you back to 1973, between my sophomore and junior year in college, I was an exchange student in the former Soviet Union. Back then we didn't call it the former Soviet Union, it was the Soviet Union, and I spent a summer there and associated with and dealt with college students there in Ukraine, where I was. And I developed a number of friends, one of whom was an engineering student, a smart guy. He spoke a little better English than I did Russian. Well, a lot better English than I did Russian.

We had some wonderful conversations. Very frank, very honest discussions. And at one point he was saying, you Americans seem to not understand why we would cling to communism, but it is the best thing we have ever had. We have had two major wars on our own soil and we have had to divert most everything to defense just to protect ourselves. As he pointed out, you, on the other hand, you have got two major oceans protecting the east and the west.

Think about that. That is profound. And that is something that will be written about the United States hundreds of years from now when someone writes about the rise and fall of the greatest Nation in the history of the world, that we had two major oceans. Now, I would say that is a blessing from God. That is what has allowed this Nation to be nourished and to grow without much threat of intervention from other countries because they had to cross two major oceans to get here.

The thing that concerns me is finding out we are potentially allowing footholds on our own soil. We are giving up an advantage. I didn't realize we had other foreign countries managing, leasing, utilizing avenues of entry in our ports. But now we have one transaction that is up right now with the UAE, the United Arab Emirates. As some have pointed out, the UAE has been our friend since 9/11, and that is interesting in and of itself; but there is a transaction in question that has stirred up much of America, for them to purchase or lease terminals at six of our ports. So I think it bears looking into.

If this goes through, of course they would be handling shipping arrivals, departures, unloading at the dock, and other security sensitive functions. Yes, we would still have our Coast Guard. Yes, we would still have American Customs at work. Some of us are aware that they do not always catch everything. We are a little sarcastic sometimes in Texas. But they may have containers sitting on their docks for a number of days. They will necessarily be aware of the manner in which our government inspects containers, how it selects the maybe 5 to 6 percent that it actually x-rays, how it goes about selecting which container will be one of the maybe 1 percent that they actually examine.

The current administration has looked at the issue and seems surprised that Americans are really upset about the issue.

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And I want to say about this President, he is the first President in at least 30 years to take seriously the threat of a foreign government. I know I was in the United States Army at Fort Benning, Georgia, back when the United States soil was attacked and Americans were taken hostage. That is an act of war. Under international law, you attack somebody's embassy, as ours was attacked in Iran, it is an act of war and it justifies defending yourself. And we did nothing. We begged them to let them go.

And then later, because of a lack of leadership here in Washington, there was a failed rescue attempt that embarrassed us even further. But it sent a message that perhaps we do not have the stomach, we cannot handle these things. Perhaps if we had had an administration in Washington 30 years ago that took care of business when we were attacked, we would not be worrying about these issues now. But it did not and so we do.

Some say, well, since the UAE is one of three nations to have recognized the Taliban as an official government, that that gives them concern, as it should. There are indications that the UAE also saw an opportunity for making money, and so apparently there were al Qaeda moneys that flowed through UAE systems.

But this administration has done more to fight terrorism abroad than any perhaps in history. This terrorism is a relatively new phenomenon for our young country. But we have not done so well at home. And so it bears looking at even more closely.

We need legal immigration. We need people legally coming across the border, willing to work. Most all of us were a result of immigrants, even being here. It is a good thing, if you are willing to work. But we need to secure our borders so terrorists do not come in.

Now, since there is a war going on near our U.S. border, at our U.S. border, and some of us believe there have been insufficient efforts by the Federal Government to intervene and help our sheriffs and those that are trying to fight that war, it gets even more critical.

I personally do not believe that this great Nation should be contracting out any rights to manage, operate, use, own any avenue of entry into the U.S., whether it is an airport, whether it is a bridge across our border, whether it is a road across our border, or whether it is a terminal in our seaports. That is just problematic.

Now, the UAE has been our friend. They have been helpful to us in the war on terror, and we do want them as an ally. And I hope and pray we have a longstanding relationship with them that just brings us closer.

Mr. PRICE of Georgia. Will the gentleman yield?

Mr. GOHMERT. I yield to the gentleman.

Mr. PRICE of Georgia. I appreciate the gentleman's comments about the Dubai ports deal, because I know that you have received a lot of communication from home and I have as well. I tell you, it is one of those lightning rod issues that really people have this visceral reaction that we just ought not to be allowing a foreign government to have some type of operational control over our ports. And I tell you—and I could not agree more.

But I will tell you what I think is the wonder and the beauty of our system of government is that what we have is congressional oversight that allows us to get together, we did so just today in the Financial Services Committee, and ask the administration what, how did you reach that decision? Did we touch all the bases? Did we do all the right steps? Did we make all the right steps? The Senate has done the same thing and we will move through this process.

And so I am heartened by a system of government that has checks and balances, that you and I serve in one of those branches, and it allows us to move forward and make certain that we understand what our constituents understand and that the administration understands what our constituents understand, and that is that port security is border security and border security is necessary for national security.

So I appreciate you bringing that issue up.

Mr. GOHMERT. Will the gentleman yield back?

Mr. PRICE of Georgia. Please.

Mr. GOHMERT. This is also part of an important process. Some people say, why would you come down and talk for an hour on the floor of the House? It is part of educating our colleagues with information we have gleaned in preparing to come here. It is part of educating the people that would bother to watch this on television. And we have picked up some facts. And it is important people understand there are changing relationships, one of the things that concerns us when we have a contract that deals with an avenue of entry into this country with a foreign country.

After World War II, we had no better friend than France. They knew that they had their freedom, they got their country back over the graves of the brave men and women of the United States and other countries, they got it back for them. Our Americans died.

Now, it hasn't been too many years later they have forgotten all about that. Now they call us imperialists. And I get a chuckle when I hear somebody from France saying we are imperialists, because if we really were, they would not be speaking French over there in their country right now, and they would not be running their own country and they would not be calling us names now.

But anyway, they are. But it just shows an example of how things change with other countries, even some that have been dear friends.

And I wanted to point out something else that we learned that helps people assess how close the UAE actually looks at issues like we do. So I went back. I think not only do words have meaning, but votes have meaning; and I have a bill pending that we have filed, the U.N. Voting Accountability Act, and we have got a lot of Republicans, I know, supporting us. I do not know that I have Democrats supporting us. But it basically says any country that voted against us more than half the time in the U.N. the preceding year gets no financial assistance this year. And then it gives the exception for national security, but to the President.

But that caused me to say, well, I wonder how the UAE has voted in the U.N.? Well, I went back and looked. My staff has done a great job helping out. In 2002, the year after 9/11, there were 90 votes in the U.N. Of those, the UAE voted against our position 61 times, with our position, 13 times, abstained 13 times and was absent 3 times. Now, not exactly a real good, helpful voting record for the U.S.

But in 2003, there were 85 votes in the U.N. UAE voted against our position 66 times, with our position they agreed 8 times, abstained 9 times and were absent 2 times. Then I went ahead and put these up.

We do not have 2005 records; those will come out from the U.N. on March 31, according to their own rules. But in 2004, the UAE, well, there were 79 votes in the U.N. in 2004. They voted with the United States 5 times. Oh, good friend, yeah. And then against the United States 62 times, abstained 10 times and were absent 2 times.

So I think those are telling. And I think it is part of the democratic process that as Republicans we feel an obligation, I know I do, to come down and educate people on what it is we are looking back at.

We know no government lasts forever. I know I left the bench because having three daughters, I just could not leave this world without trying to leave this country better than it was when we found it.

I do not want to leave a country that is not secure.

I do not want to leave a country that is overly in debt. And those are reasons, I know we have talked before with my good friend from Georgia, these are things we hold dear that are important to us. And I want to make sure that in the 100, 200, 300, whoever knows how many years from now when somebody writes The Rise and Fall of the Greatest Nation on Earth, it does not fall to us that we let things slip by giving people who may have liked us at one time a foothold on our soil that elevated into something that hurt us down the road.

One other parenthetical. Of course, as an old judge, I am concerned about due process. And I heard the gentleman from Georgia talking about eavesdropping on foreigners calling in here. We know terrorists. By golly, if a terrorist is calling the United States, we need to know what they are saying.

But on the other hand, when you look at due process within the United States, it has been so critical, it is so important to us. If you do not secure the borders and keep out people that want to come in and hurt you, then you are necessarily going to have give up due process rights within the United States to protect yourself and stay secure.

I do not want to do that. I want to secure all our avenues of entry and make sure we do not give up due process rights.

Of course, if you are a terrorist trying to phone home or phone into our home from your home where you hate us, then look out. We are going to be watching.

Mr. PRICE of Georgia. I thank the gentleman from Texas so very, very much for enlightening us. And I think the take-home message here is that port security is border security and border security is national security. And that is something I think that the American people understand very, very clearly.

And I appreciate you bringing the information about the U.N. votes. We have got, if you look at it, in fact, there are not many nations on the face of the Earth that support us as we would like them to in the United Nations, and we look forward to bringing that information to light.

Mr. Speaker, I am honored to be a part of the Official Truth Squad, a group that comes down here almost every night and tries to bring some positive information about the United States, who tries to shed light on issues that are so often distorted here in the House Chamber.

The most important thing is, I think, that we all are truly blessed to live in this wondrous Nation. This is a nation that has given more freedom and more liberty and more prosperity to more individuals on the face of the Earth than any Nation in the history of mankind; and it is our privilege, it is our privilege to represent a portion of that Nation here in the House of Representatives.

I once again appreciate the opportunity to share some thoughts with my colleagues here in the House, and look forward to coming back at some point in the future. And I yield back the balance of my time.

APPOINTMENT OF ADDITIONAL MEMBERS TO THE MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Pursuant to 22 U.S.C. 276h, and the order of the House of December 18, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the Mexico-United States Interparliamentary Group, in addition to Mr. KOLBE of Arizona, Chairman, and Mr. MCCAUL of Texas, Vice Chairman, appointed on February 16, 2006:

Mr. DREIER, California
Mr. MANZULLO, Illinois
Mr. DELAHUNT, Massachusetts
Mr. FALEOMAVAEGA, American Samoa
Mr. ENGLISH, Pennsylvania
Mr. WELLER, Illinois
Mr. REYES, Texas
Mrs. DAVIS, California
Mr. FORTUÑO, Puerto Rico.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it is said that imitation is the sincerest form of flattery, Mr. Speaker. And it has been interesting to listen to my colleagues on the other side of the aisle.

For the last number of years we have had the privilege on our side of the aisle of the leader giving the 30-something Democrats the opportunity to take the floor each night at least for 1 hour, if not 2, to talk about the things that are important to America and, in particular, important to our generation. So now it is nice to see that at least the other side is beginning to recognize that this is an important venue to get some information out to the people. As I said, imitation is the sincerest form of flattery.

There are times, Mr. Speaker, that we are going to agree and times that we are going to disagree. The gentleman from Texas and I were just commiserating, and he and I were both elected just over 13 months ago and sworn into this esteemed body. And I was just joking with him that the chart that he just brought out and talked about related to the United Arab Emirates voting record with the United States and the United Nations is actually a document that I had with me right here in my hand and was one of the things that I was going to discuss as well.

Because I think this port deal, normally we talk about our differences in the 30-something Working Group with the Republicans on the other side of the aisle; in this case, I am heartened to see, at least for some of my colleagues on the other side of the aisle, we have not differed on the really deep concern that many of us have as a result directly of our constituents' feedback on this port deal with Dubai Ports World and the administration.

When I can concur with my colleagues, I will do that. In this case, the administration has repeatedly indicated what a good friend the UAE is to the United States. And we only have very few examples that we can utilize to determine what the definition of "friend" is.

One measure of friendship is certainly how often they support us in terms of human rights and the other important issues that come up in the United Nations. There is a pitiful record that the United Arab Emirates has. And in terms of supporting us in the United Nations, not only is it pitiful but it was not so good before 2001, and it has only gotten worse since 2001.

So I stand here and am able to say that I am glad to see that our colleagues have at least pointed out that there is deep concern on the part of the legislative branch, at least some of us in the legislative branch, about the continued rapid-fire movement forward on this port deal.

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I continue to scratch my head, we continue to scratch our heads on our side of the aisle, at the brazen nature of the defense that the President has engaged in of this deal. The revelation that came to light less than a week ago now that this is a deal that the President was not even aware of. And I sit on the Domestic and International Monetary Policy, Trade and Technology Subcommittee, which had a hearing today. Not only did we learn that the President did not have any knowledge of this deal but neither did the Secretary that was responsible for each of these agencies that is part of the process to approve the deal nor the Deputy Secretary nor the Under Secretary under them nor the Under Secretary under them. Three levels below the Secretary of each of the agencies responsible for reviewing the foreign investment deals that are proposed to occur in the United States, that was the level of awareness that there was in the agencies like the Department of Homeland Security, like the Department of State, like the intelligence agencies that are involved in the process of approving this. That is so disturbing, it is hard to explain.

I can tell you, Mr. Speaker, that in the time that I have been in Congress and, quite honestly, since I spent 12 years prior to being in Congress in the Florida legislature, and I will even include the 13 years combined that I have served in public office, I have not seen or gotten feedback this quickly and in this enormity in as short a period of time on an issue as I have on this proposed port deal. And I am talking about compared to Social Security privatization, the Medicare prescription drug program.

I get a lot of responses and feedback on those issues, but they are lengthy and voluminous over a period of time. I have little old ladies and elderly gentlemen call my office, I represent a large senior citizen population, calling my office crying because they are in fear. I represent an area that includes the Port of Miami. My district abuts the Port of Miami. I had an opportunity to tour the Port of Miami Terminal Operating Company and saw firsthand what the potential threat is in the event that this company owned by the United Arab Emirates goes astray in the event that we no longer consider them an ally down the road, that there is absolutely no question that there is a potential national security risk. And for the President and his administration to continue to insist that there is not a national security risk when it is clear that they have not even begun to examine this potential risk closely, that is just shocking.

We have had a number of different revelations that have occurred over the last week, not the least of which is that the Coast Guard brought up their concern during the process, the CPS process, the Committee on Foreign Investment in the United States. During that committee's process, the Coast Guard raised concerns. The Department of Homeland Security raised concerns. And let me back up for a second because although there are millions of people who have been paying attention to this, let me take this opportunity to back up for a second and just explain what it is I am talking about.

Of course, so many people are aware that there is a proposal that was considered over the last several months but that only recently came to light by most people in this administration, most people responsible for this decision. It only recently came to light in the last several weeks where we have learned that Dubai Ports World, which is a company, a foreign corporation, owned 100 percent by the government of the United Arab Emirates, is in the process of closing a deal. The deal is supposed to closed tomorrow. They have purchased an interest in P&O, a stevedoring company; and after tomorrow when the deal closes, they will now own and operate the terminal operating companies at six of our major ports. Six major ports.

When you have a proposal like that in the United States, it is supposed to go through the Committee on Foreign Investment in the United States. That is made up of a number of different agencies in the United States. It is supposed to include people like the Secretary of Homeland Security, Secretary of State. The Secretary of the Treasury chairs it. You have numerous intelligence agencies that have the highest level, or are supposed to have the highest level, of Secretaries serving on that committee, and they go through a review process, by law. This is a law that they are supposed to follow whereby they take it through a 30-day review process. And after that 30-day review, if there are national security concerns, then that is supposed to trigger an additional 45-day review, a national security review, so that we can investigate whether there are national security implications to the foreign investment in the United States.

Now, given that the United Arab Emirates just 5 years ago was referred to 58 times in the 9/11 Commission report as having some level of involvement with the 9/11 attacks, knowing that just on the surface, how is it possible that a 45-day national security review was not triggered? Where were the alarm bells? Where was the concern? I mean, one has only to tour the terminals, like I did last week at the Port of Miami, downtown Miami, literally just across the water from the port, and see the devastating potential impact if you have just one or two people. There were not thousands of people that planned the 9/11 attack. It only takes a few determined terrorists to wreak havoc and horror on our Nation. And honestly, it would take almost no one to engage in a terrorist act, God forbid, in the event that our relationship with the United Arab Emirates somehow changes in the near future or down the road. But we will have no mechanism to remove them from our country.

What happens, and what I learned when I went to the Port of Miami to see firsthand the problem, what happens is that it is not that the United Arab Emirates or Dubai Ports World is going to run our ports. That is not accurate. But they are going to have control of the largest terminal operating company, and this is just in Miami, the largest terminal operating company that is responsible for loading and unloading containers in the Port of Miami. There are a million containers that go through the Port of Miami every single year, a million. And this company that is owned by the UAE is going to be in charge of the loading and unloading of those containers. What I learned when I went to the Port of Miami was that while they are not in charge of the security or running the port itself, each terminal operating company is responsible for their own security internally in their terminals and on their property. So because you have a million containers going through the Port of Miami, that is a whole lot of the security measures that are taken on the Port of Miami and that this company, and as a result the UAE, is responsible for.

In addition, what is equally disturbing is that the individuals in the companies that run these terminal operating companies, they have an intimate knowledge of the security measures that are taken on the port grounds itself. So we know two things. One, they are responsible for security within their own terminal for those million containers. One million containers at least at the Port of Miami go in and out of there over the course of a year. And their personnel also have intimate knowledge of the security measures taken at the port every single day. It only takes one or two rogues, it only takes one or two bitter people, it only takes one or two people who differ even with the government of the UAE, if they currently are our friends, and I would argue that given their track record in terms of the support or lack of support for things we care about in the United Nations and for a number of other reasons that they are not the friends that President Bush represents that they are, but it does not take more than one or two people who hold hate in their heart for the United States and our people to wreak havoc on us. They are not just this close. They would be here. They would be here on our ports on our grounds.

Let us take this a step further because beyond just the United Nations votes that my colleagues talked about and that I just mentioned, we also have the United Arab Emirates that is a member of the Arab League of Nations. The Arab League of Nations is currently engaged in a boycott of the State of Israel. The United Arab Emirates supports that boycott. Now, Israel is the United States' strongest ally in the Middle East. So now we have a second layer of evidence that the United Arab Emirates is not a very good friend of the United States. How could we allow, both for national security reasons and for economic fairness reasons, a country like the United Arab Emirates to do business and to purchase a very significant terminal operating company in our six major ports and allow them to do that kind of business here when they refuse to do business with the State of Israel, our strongest ally in the Middle East? That is unconscionable.

And with all due respect, the President touts his support for the State of Israel and what a good friend this President has been to the State of Israel. Well, I think we have one example here where he is not being such a good friend to the State of Israel if he could turn the other cheek and vociferously defend a business deal even in spite of the fact that this country denies the State of Israel's legitimacy in terms of their existence and engages in harm to the State of Israel by supporting an economic boycott. So to me the proof is in the pudding. I think words are nice, but actions are a whole lot better. Up and down this deal is disturbing.

Now, another colleague of mine, Congressman BACHUS from the State of Alabama, again I want to cite he is also a colleague of mine from the other side of the aisle, in the subcommittee hearing today, he talked about the fact that in the United Arab Emirates, they will not allow the United States to have 100 percent ownership of a company on their port; yet we are allowing the United Arab Emirates to have a 100 percent ownership of a company in our port. And when he asked the administration to explain that, they had no explanation. He was going to have to get back to us. Well, of course he was going to have to get back to us because there is no explanation for that. This is a matter of fairness. This is a matter of what is wrong versus what is right, and this is a matter of national security.

Now, here is where I am going to part company with my colleagues on this because it is wonderful that many of my colleagues on the other side of the aisle are opposing, rightfully so, this port deal and joining Democrats on our side of the aisle in our concern, our deep and grave concern in opposition to this port deal. However, it would have been far nicer if they had not come so late to the dance in terms of their recognizing that port security is a deep and troubling problem that we have in the United States.

We currently check less than 5 percent of the containers that come through our ports in the United States. Now, that is bad enough. But over the course of the last 5 years, and this is something else I learned when I went to the Port of Miami last week, the difference between our appropriations for airport security, in 5 years we have appropriated an additional $18 billion for airport security and less than $700 million for port security. Now, I just could not believe when I learned how lopsided the difference in security measures were. If I am a terrorist, and I am not, but if I am a terrorist, it really does not take a smart terrorist to recognize that if you have that lopsided a difference in terms of the money we have spent to shore up our security at our airports versus our ports, where do you think the weak spot is, and where do you think they are most likely to zero in on in terms of attack?

They are most likely to zero in on port security and that weakness. And now what do we do? Without a national security review, without any concern expressed by this administration whatsoever, we allow a country that just 5 years ago was involved in terms of financing, allowing the financing, housing the 9/11 terrorists, allowing the financing of that attack and, in addition to that, allowing the transport of nuclear material through their country to the state of Iran. That is not allowing, it is not even strong enough to say that that is allowing the fox into the hen house. It is not strong enough to say that.

Where we part company with our friends on the other side of the aisle is in terms of our support for port security, because time and again, Mr. Speaker, the Democrats in this Chamber have proposed increases in funding for port security. We have proposed going from the 5 percent to 100 percent in terms of checking the containers that come through our ports.

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Each time we have offered an amendment that would do that, that would accomplish that. The Republicans in this body have rejected it, rejected it with their red lights on that board right above your head, Mr. Speaker.

And that is just so incredibly disturbing, because it is very nice to stand here on this floor and verbally oppose this ports deal on national security grounds, but when we have an opportunity to do something about it, Mr. Speaker, I would like to see my colleagues join us not just with words, but with their actions as well.

I would like to see them support the Appropriations Committee ranking member on our side, Mr. OBEY from Wisconsin. He proposed last year and the year before just a 5 percent decrease in the tax cuts for our wealthiest Americans who make more than $1 million a year, the wealthiest, arguably no skin off their noses; and to spend that money, I believe it was an additional $750 million, I have to double-check that number, but to be able to come close to spending an additional $1 billion on port security just by dropping the tax cut for our wealthiest Americans by 5 percent.

And that was rejected. The Democrats voted for it and the Republicans voted against it.

So it is very nice, and I am pleased to see, and I have been yearning as a freshman, it is the thing that has caused me the most concern, consternation. Over the course of the last year, my good friend from Texas and I have talked about it many a time; we serve on the Judiciary Committee together. There is too much animosity in this Chamber. There are too many differences. We focus more on our differences than we do on our potential alliances.

This is a time when we have an opportunity to come together. I would like to see us come together in words and in deeds. We have that opportunity here, and it would be great. I am hopeful that henceforth we are going to be able to lock elbows and move together to oppose this deal and to address the national security concerns that deals like this present.

I would be happy to yield to the gentleman from Texas.

Mr. GOHMERT. Mr. Speaker, I appreciate my friend from Florida yielding.

We get into Washington, we get up here around the Capitol, we all have our committees and subcommittees, all these things we are trying to oversee and do. I was not aware that it was as easy as apparently it is for a foreign company to manage, own, lease terminals in our ports. Were you aware of that?

Ms. WASSERMAN SCHULTZ. No. I wasn't aware of that either. I was shocked.

Mr. GOHMERT. I appreciate the gentlewoman's comments, and I hope we can work together, not only to shore up an avenue of entry through our ports, as you pointed out. We would not let somebody, a foreign government, a foreign-owned company, even our close friends, I would not think, operate an airport or bring their own planes in. Yes, you can check them, we will let Customs do their thing. We wouldn't do that.

We wouldn't lease a bridge to someone else to operate or manage. I wouldn't think. Gosh, I would hope not.

Anyway, I hope that we can work together towards securing the avenues of entry into this country, because I don't know if you heard me saying it earlier, the gentlelady from Florida, but we all want to be secure. But if we don't secure our outer perimeter, then people that want to hurt us will come in, and then you lose due process rights at that point in order to be secure. I don't want to do that.

So I appreciate your comments and your heartfelt notions on this issue, and hope we can work together.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, reclaiming my time. I look forward to that, and I appreciate the gentleman's comments.

I have legislation that I have introduced just today that your colleague from Texas, Mr. POE, has joined me on that would prohibit foreign-government-owned companies from owning terminal operating companies. I would love to have you as a cosponsor of that legislation.

I hope you lead your conference beyond this port deal and your opposition to it to trying to shore up the port security at our Nation's ports, because unfortunately, your party has been less than supportive of trying to do that. I appreciate you being willing to engage in some dialogue with us. Thank you so much.

Mr. GEORGE MILLER of California. Mr. Speaker, if the gentlewoman would yield, I thank the gentlewoman for taking this time and for making the remarks that she did.

I was in my office working and listening to your presentation, and not only did you lay out a cogent case why this deal with Dubai World Ports makes no sense at all in terms of the security interests of our country, but also the other reasons that you pointed out in terms of their role, in terms of the boycott on Israel and all the other issues of concern there.

But as I left my office, you were also talking about the fact that we have a port security system that still has an awful lot of holes in it. The number of containers, we were told by the CIA that the most likely attack on America would be in a dirty bomb or weapon of mass destruction inside of a container. Now, 4 years later, we still find ourselves where we are inspecting those containers once they arrive in Florida or the San Francisco Bay area in my district, which is far too late.

So even if you thought it would be a good idea to outsource the ownership of these ports to a foreign entity, you certainly would not do it when you have the kind of port security system that we have in place today with so many, so many flaws in that system.

There has been a lot of suggestions about how to get this done. There are ports around the world engaging in very serious screening of these containers, but not all of the ports from which we receive cargo.

So I just wanted to join the gentlewoman in her remarks, because I think there are two issues here. One, this is a real bad deal and doesn't make any sense. People in my district were stunned when the President would say one day he was going to veto it and the next day he hadn't been told about it. He was so well informed he was going to veto it, but not well informed enough to discuss it, because he hadn't seen the deal.

Then, secondly, they think about the problems that we are having trying to secure this worldwide traffic in containers, and they just think that somebody has lost their mind in terms of starting at this point the outsourcing of these ports to foreign ownerships and then, of course, to a country-owned company that has a lot of questionable activities in its background with respect to terrorism and other items.

I just want to thank the gentlewoman for raising these issues. I think it is important, and it is important that they continue to be raised during this 45-day period.

Thank you and the other 30-Somethings for doing this.

Ms. WASSERMAN SCHULTZ. It is a privilege to have you down here. The gentleman from California has been a leader for many years. Obviously, there are some significant national security concerns that the State of California has.

We have got to make sure that we have the long-term security interests and needs of this country addressed going forward, and that this debate and dialogue not just be isolated just to this deal. This deal affects six ports in our country, six significant ports. Dubai Ports World will also own terminals and other interests at many other ports in our country. This is actually bigger than this one-port deal.

This is a matter of national security. This is a matter of trying to ensure that, going forward, we fill this gaping hole in our national security.

The two of you sit on the Armed Services Committee. Obviously, you are engaged every single day. Mr. MEEK serves on the Homeland Security Committee and has intimate knowledge of the significant problems we have.

Before I turn it over to one of the two of you, I think that what Mr. MILLER just said is really important to note. Actually, let me go back to what the gentleman from Georgia was saying before you all got here and before I began the 30-something hour.

The gentleman from Georgia made reference to how wonderful it is that we have a legislative process and a system of checks and balances and that the Congress can engage in oversight. It should be noted that the oversight we are engaging in now, we are forcing, we are taking it upon ourselves, because it certainly hasn't been oversight supported by this administration. In fact, the President threatened last week that if we dared to pass any legislation that halted this deal, his all-important business deal, he would veto it.

Now, that doesn't really sound very democratic. It appears to me that this President cares a lot about exporting democracy and not a lot about practicing it.

So I just think that is an important piece of information that our citizens in this country should understand: who is concerned about looking out for our national security interests. It doesn't appear that the administration is.

I would be happy to yield to either of the gentlemen.

Mr. RYAN of Ohio. Well, I 100 percent agree with you.

You know, the fact that they could even claim that there is some kind of oversight going on is an absolute joke. Anybody who has even been paying the least bit of attention to what has been happening here the past 4 or 5 years can see that there hasn't been any oversight.

The discussion tonight has been about foreign countries running our ports, as if this is the first time, or as if this hasn't been going on. Other countries have, piece by piece, been taking more and more of the United States of America.

In the last 4 years, this has been the increase in our national debt: $1.18 trillion has been the increase of that debt that this Nation, the Republican House, the Republican Senate and the Republican President have run up. $1.16 trillion of that has been borrowed from foreign interests.

Of this number, this is what we get from foreign interests, and this is what we borrow from domestic interests. This is piecemeal, piece by piece by piece by piece, selling off the United States of America.

So it is not just the ports, as Ms. WASSERMAN SCHULTZ was saying. This is about the debt, the interest, our country. Who is holding the debt? Japan, China, the Caribbean, Taiwan, OPEC, Korea, all own bits and pieces of the United States. If you look at Japan and China, they own almost $900 billion, almost the whole kit and caboodle of the $1.18 trillion that we have. Most of that is owned by Japan and China.

Again, I ask my friends, including the judge who was down here, give us a good, solid way to explain this scenario of our country raising the debt limit, the Republican House and Republican Senate and Republican White House raising the debt limit by $3 trillion since President Bush has been in, more debt than we have borrowed from foreign interests in the past 224 years, the Republican Congress and the President. How do you explain that and make it sound good, make it sound positive? Because there is no way.

But our constitutional obligation, Mr. MEEK, Ms. WASSERMAN SCHULTZ, is that we are here to oversee what this President is doing, and if we feel that this President and this Congress, Republican Congress, is not doing what they need to be doing to strengthen the United States of America, then our job is to call you out on it: not because we want to, but because that is our obligation here. Not because we like it.

This is our second hour tonight. We could be doing a lot of other, different things. But this is important to the country because this President and this Republican Congress is selling this country off piece by piece by piece.

I say this to our friends in Congress, Mr. Speaker, who may be watching in their offices, that if you are a business person, you can't just keep going out and borrowing money and borrowing money and borrowing money; and if business isn't going so well, borrow money. Get it from China, get it from Japan, get it from Korea. You can't go out and borrow and borrow. We have an obligation. The trade deficit with China, $202 billion from $84 billion just a few years ago in 2000.

I yield to my friend, who has been just a strong advocate on being a deficit hawk and getting us to balance our budget. I appreciate your leadership.

Mr. MEEK of Florida. You know, Mr. RYAN, Ms. WASSERMAN SCHULTZ, I think it is important for us to continue to say it and say it again, that this Congress, the majority side has the President's back. It has the President's back.

I think it is important, Ms. WASSERMAN SCHULTZ, that we continue to explain that and let it be known they are more committed to the President's back versus the American people's back, and I think it is important that you continue to outline that.

Ms. WASSERMAN SCHULTZ. Well, it has been clear on a number of different levels that they have the President's back much more so than the Republicans' back. We can see that when it comes to their support for the President's budget, when they support the President's initiatives at every level.

☐ 1945

You see the red and green lights up on the board, and even when the more moderate Republican colleagues of ours obviously desperately want to vote differently, they hold the board open for as long as humanly possible so that they can twist arms and get those colleagues of ours to change their votes and vote differently than obviously their conscience has told them that they should vote.

We are facing down now a need to increase the debt limit. The Treasury Secretary has indicated that we are going to bump up against our debt limit any day now, really within the next month. And we still have not voted to do that. One of the interesting things that I have found politically over the years is that the Republicans often accuse Democrats of being tax-and-spend Liberals. All I ever hear is tax-and-spend Liberal, almost like equating it with curse words.

What has been clear is that the Republicans, since they have been in charge of this government, and in total control of this government, they have been borrow-and-spenders. We have reached the point in America now where this administration, this President, has spent more than the previous President certainly, and other Presidents combined.

We have spent more money now than the previous administration, yet Republicans continue to accuse Democrats of being tax-and-spend Liberals. It is really just funny. It has reached the point of sardonic humor.

Let us look at the issue of the debt limit. You see here that we have increased the debt limit not just on one, not just on two, but on five occasions. We had had $3 trillion of increases of the debt limit. In billions of dollars, you have in June of 2002, $450 billion increase in the debt limit.

In May of 2003, $984 billion increase in the debt limit. November of 2004, $800 billion increase in the debt limit. The pending increase now is another $781 billion for a total of over $3 trillion in increasing of the debt limit. That means that our future generations, my children, their children, are going to owe incredible sums of money, have debt to foreign nations, and that is not even talking about the deficit.

So many people really have trouble getting their arms around the difference between the debt and the deficit. We have a problem with the deficit in this country. And we have examples of that in chart form as well.

The deficit in this country has now reached $8 trillion. $8 trillion. Next week, Mr. Speaker, when we come back and do the 30-something hour, we are going to have a chart that will try to illustrate for people just what that means, what a billion dollars will do. Because it is really staggering when you think about it. People have trouble getting their mind around that concept: $8 trillion translated to every person in this country means that every person in this country owes $27,000. And when I am talking about a person, I am talking about infants as well, babies as well.

Let us look at the budget deficits of prior Presidents. If you start with President Reagan in 1982, he had a deficit of $128 billion. We had a deficit of $128 billion. You go all of the way down to this President, and we are at $323 billion.

Now that is just for fiscal year 2006. And that is obviously increased, except for one year where it was a little bit higher. In 2004 it was a little bit higher, $412 billion. So I feel heartened that we had somewhat of a drop, but it is on the increase again.

We have got to make sure that we get back to the point that we were at during the Clinton administration when we did not know from the term deficit, because we had a surplus. What we were debating during the Clinton administration was what we were going to do with that surplus: Were we going to use it to shore up the difficulties we were having with social security? Were we going to use it to shore up the difficulties that we were having with Medicare? We cannot have those discussions any more because we are operating at our biggest deficit in history.

What we have proposed, and what Republicans have consistently rejected, is going back to the PAYGO rules, the pay-as-you-go rule, which means you do not spend it if you do not have it.

The Republicans have repeatedly and unanimously rejected going back to the PAYGO rules. These are two examples of amendments that were offered by Mr. SPRATT from South Carolina in the 2006 budget resolution and the 2005 budget resolution.

In 2006, it failed 165–264. And you had zero Republicans supporting it, 228 Republicans opposing it. In the 2005 budget resolution, it failed 194–232. Zero Republicans supporting it, 224 Republicans opposing pay-as-you-go.

Now, who is fiscally responsible and who is not? I really ask you to think about that. We have got to make sure that we return to pay-as-you-go, because even though it is difficult, that is a hard policy to adopt, making sure you have the money before you spend it, anyone who lives, if you think about it in terms of your household budget, Mr. Speaker, it is hard to only spend the money you have.

But we all know that you are obviously in the best fiscal shape, you have the most fiscally sound budget in your home when you are only spending what you take in.

There are a lot of Americans that do not do that. There are a lot of Americans that have credit card debt. There are a lot of Americans in this country who struggle every day to make sure that they can pay their bills. And quite honestly, the only way that they are often able to cover the needs that they have is by deficit spending in their own household.

But they know that it is not the right thing to do; and ideally if they could afford it, most of these families would not engage in that practice. The problem is that they are not in very good shape fiscally in their own household, so they have to. The Federal Government does not have to. You definitely cannot argue that we do not have the money to adopt this practice. We do. We have the money; we just do not have the wherewithal.

Unfortunately, the Republican leadership here has not had the nerve. I guess for lack of a better term it has not had the nerve to adopt that responsible policy. I really do not understand it. I come from a State legislative background, 12 years in the Florida legislature. Anyone who comes from a legislative background and was an elected official in their home State in this body understands that every State in the country has to operate in the black, according to their constitution. You cannot deficit spend in a State budget. You cannot do it.

You have only the ability to spend the money that you have. The Federal Government has, I guess it is a luxury, but it is a luxury that comes back to bite you very soon as you progress down the road, and you end up throwing your own future into tremendous debt.

There is a USA Today editorial that was just from the other day, and it talks about who is really the party of small government and big spending and who is not. It was really interesting. USA Today said tax cuts, they say, forced hard decisions and restrained reckless spending.

The last time we looked, though, Republicans controlled both Congress and the White House. They are the spenders. In fact, since they took control in 2001, they, meaning the Republicans, have increased spending by an average of nearly 7½ percent a year, more than double the rate in the last 5 years of the Clinton era budget. That is really telling.

So who is fiscally responsible? Who is for smaller government? Who is for responsible fiscal policy? Clearly, given this chart, where it indicates in USA Today's opinion, our third-party validator and this chart right here, which shows the increase, drastic increase of the deficit over time from the Reagan administration to now.

Let us look at the blue area right here. See the blue years. The blue years are surplus, Mr. Speaker, surplus, when we did not have a deficit, when we had PAYGO. When we only spent the money that we had.

We had some Members, Mr. Speaker, in our caucus that lost their elections because of that vote, that lost their elections ensuring that we would adopt responsible fiscal policy. That is because we stand on principle.

We do not blindly support our President, we do not walk in lock step, we vote our conscience. And I wish that I had not seen the angst in so many of my Republican colleagues' faces when they had their arms wrenched behind their backs and were essentially forced to vote differently than you know in their heart they believed.

It is really sad. I feel so free to come on this floor and, you know, Leader PELOSI, she tells you, you do what you feel is right. I know we are not always going to agree. You have to be able to do what you think is best for your district. Now, of course, she would like us to be unified. And because we have such strong beliefs and values in our caucus, we have the most unified caucus that we have had in history, really since the 1950s, the most unified caucus.

The Democratic caucus in this Chamber knows that we can take this country in a new direction, that together America can do better, and that if we work together and work through our differences and build consensus instead of forcing our colleagues to do what they do not necessarily believe in, then we are going to make sure that we can come up with sound policy.

The Clinton years we had surplus. The other chart that you just had up is also telling. Again, we do not force people in the Democratic caucus to do what they do not believe. I cannot imagine that my Republican colleagues in every single district in this country stood in front of their constituents during their campaigns and said, you know what, I believe in deficit spending. I believe in an $8 trillion deficit.

I just doubt that if I were in their districts at a town hall meeting, that they would be telling their constituents they were glad that we had an $8 trillion deficit. But yet they come up here and they vote to continue to support policies like that.

I do not get it. Other than blind loyalty, I do not get it. Blind loyalty is what is hurting our constituents here in the United States of America.

Let us look at how just the interest payments on the national debt, we are going back to talking about the debt, the money that we owe to other countries now. Just look at what the interest payments would pay for if we did not have to spend them on covering the national debt.

If we did not have to spend them, we could spend them on education, we could spend them on homeland security, we could spend them on improving the quality of life for our Nation's veterans. You have about $50 billion that we could spend on helping our Nation's veterans. You have about, I think that is about $30 billion that you could spend on shoring up homeland security.

We are talking about domestic discretionary funding, the kind of funding that we can specifically direct to port security and airport security and making sure that our Nation's borders are not infiltrated by terrorists; but we cannot spend that money on those things because we are paying interest on our debt to other countries.

You could spend almost $100 million, I think it is about $75 billion dollars, excuse me, we get the Bs and Ms confused sometimes, $75 billion on education.

Now, one of the biggest frustrations that I know I get in terms of feedback from my constituents, Mr. Speaker, is the No Child Left Behind Act and the fact that this President committed from day one, and Mr. MILLER, my good friend from California who was just here, championed that legislation on our side with the administration's commitment that they were going to support full funding.

We have not had full funding on No Child Left Behind. We have not had the ability to really implement that legislation and ensure that our children in our public schools are prepared for the path that they choose in life. What we have done instead is we have had to spend that money on things like interest on the national debt. We have had to spend that money on tax cuts, because it is tax cuts that have been the top priority of this administration.

Still today this President's and this administration's highest priority appears to be making the tax cuts for our wealthiest Americans permanent, in the face of the national debt being the size that it is, in the face of us having an $8 trillion deficit where each American owes $27,000 apiece.

How is that possible? There are times when you just have to say, we cannot afford it. It would be nice, but we cannot afford it. When does that happen here?

Mr. MEEK, I do not understand when that happens here. You know, I am a mom. I have three little kids. There are times that I have to disappoint my 6-year-olds, my twin 6-year-olds, and my 2½ year old. I have to tell them no, we cannot buy that toy. We cannot buy that toy. I would like to buy you that toy, but we have to save somewhere. We have to do some belt-tightening.

No just is not in the equation with this administration. Sure we can have billions of dollars in tax cuts for the wealthy. Sure we can spend money on whatever we want. Sure we can continue to spiral our deficit bigger and bigger and bigger, and we can go more and more in debt to foreign countries. You know what? It is time for us to act like responsible parents do and occasionally say no.

Occasionally remember that the household budget is something that we have to be responsible about and return to the days when we were only spending what we had, return to the policy of PAYGO.

□ 2000

I just do not understand it. I really do not.

Mr. MEEK, I have been talking about national debt. I have been talking about what we could spend if we had the interest payments on the national debt, what we could do for veterans and homeland security and education. Instead, the net interest that we are spending is $250 billion. We can see what that would buy and it is really disturbing.

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ, Mr. RYAN and I had to run down to an Armed Services Committee meeting. We had a roll call vote. And of course we want to be there for every vote. That is the reason why the people sent us to Washington.

I think, Mr. Speaker, it is important to verbalize that those of us on the Democratic side of the aisle have tried to do everything we could to stop the Republican majority and the President from running this country literally into the debt where it is now. Foreign nations owning what they own.

I just want to come for the record because I believe in third party validators. March 30, 2004, Republicans voted 209 to 209, Republicans vote against our resolution 209 to 209 to reject the motion by Representative MIKE THOMPSON to instruct conferees to include PAYGO requirements in that budget, in the FY 2006 budget resolution, in 2004. I am sorry. That was 2004 vote number 97.

A similar measure was on May 5, 2004, Republicans voted 208 to 215. They voted 215, we voted 208 to reject a similar motion by Representative DENNIS MOORE of Kansas, Democrat. That is 2004 vote number 145.

Another resolution or a vote that we put forth, an amendment similar to November 18, 2004. Republicans voted to block a consideration by Congressman Stenholm at that time to not raise the debt limit which also had PAYGO requirements, not to increase the debt limit. It also had PAYGO requirements. That is 2004 vote number 534.

There are a couple of other votes that you have, Mr. RYAN. Would you call those out.

Mr. RYAN of Ohio. I would be happy to. This is the pay as you go. This is if you spend money or you give tax cuts, you have got to find other areas to cut spending or raise another kind of revenue. There will be no budget deficits. Everything will be deficit neutral. Pay as you go.

Mr. MEEK just gave 3 scenarios where the Democrats put forth amendments or motions to try to control the spending of the Republican Congress, and in each instance the Democrats all voted for balancing the budget and the Republicans all voted against balancing the budget.

Again, Mr. SPRATT, our good friend from South Carolina who is our ranking member on the Budget Committee, who was the architect of the Clinton balanced budget from 1993 that led to 20 million new jobs and surplus revenue, Mr. SPRATT offered a substitute amendment. Rollcall vote number 87 on March 17, 2005. It failed. Not one Republican voted for the PAYGO that was included in Mr. SPRATT's substitute amendment.

Again, Mr. SPRATT offered another amendment. Rollcall vote 91 March 25 of 2004. Again, pay as you go. Deficit neutral. Help us reduce the deficit. Help us get back to balanced budgets. Again, not one Republican voted for that substitute.

Time and time again, Mr. MEEK, we have offered solutions to this problem to quit selling off our country piece by piece, and the Republican Congress has voted against it.

Mr. MEEK of Florida. Mr. RYAN, as we come in for a close there is so much information to share there is just not enough time to do it, but it is important that we go through that to make sure that not only Members on the majority side know, the American people know, Mr. Speaker, that we are doing everything in our power to be able to stop them from selling our country off to foreign nations.

Let me illustrate this a little bit more. The U.K. owns $223.2 billion of our debt, Mr. Speaker. I think that is important to identify. You also have Germany. Germany owns $65.7 billion of U.S. debt. That is what they own of this country. OPEC nations, including Saudi Arabia and other countries, $67.8 billion of our debt. This is what they own of the United States of America.

It troubles me to put this on the silhouette of our country, but I think it is important that we break this down so the Members know exactly what they are doing.

Taiwan, some may have products and toys from Taiwan, and you say "little Taiwan." Guess what? Little Taiwan owns $71.3 billion of our debt.

People are so concerned about China, Mr. Speaker, and I am a member of the Armed Services Committee. We are all sworn to protect this country. Ms. WASSERMAN SCHULTZ, yourself included, Mr. RYAN and other Members in this Chamber, but guess what? Red China, Communist China owns $249.8 billion of U.S. debt.

The Republican majority is so much out of control until we are running to countries that are communist countries saying, buy our debt. We need it. We cannot stop ourselves. We cannot help ourselves.

Canada, some folks up on the northern border like to go over to Canada but guess what they own? $58.8 billion of the American pie. You also have Korea, Korea, $65.5 billion of the American apple pie. And guess what, Japan, the island of Japan, some folks look at Japan on the map, Mr. Speaker, and say, well, it is not as big as the United States of America. But guess what? They own $682.8 billion of U.S. debt.

We are well on our way, Mr. Speaker, to half of our debt being owned by foreign nations, some that we have some issues with.

So Ms. WASSERMAN SCHULTZ talked about secret port deals and all this stuff, this is what is going on right now. Mr. RYAN, we are going to bring this out as many times as possible. I want the majority side to figure out a positive way to talk about how we owe these countries that I have put here, and others that are unnamed, this kind of money.

Mr. RYAN of Ohio. Like you said, what is our benefit? We get to fund our deficit and that is about it. We do not go belly up. But what is our benefit? We do not have more money to invest in education as Ms. WASSERMAN SCHULTZ pointed out. We do not have more money to invest for our veterans. This is money that is going to pay the interest on the money that we are borrowing.

Mr. MEEK of Florida. Mr. RYAN, you go back and you say, well, the majority side says, well, we are doing fine. We want to cut the deficit in half. Do not worry. Let us do it. Trust us.

Well, "trust us" has gotten us to this point and this has to stop, Mr. Speaker.

Mr. RYAN of Ohio. Let me say real quick, trust us, this is the debt limit increases just since 2002. Since President Bush, Republican House, Republican Senate, $3 trillion in new borrowing from the Republican Congress. This is third party validator. This is fact.

The Truth Squad can come out and check the facts and maybe help us find a positive way to talk about it. June 2, 2002, the Republicans raised the debt limit by $450 billion. May of 2003, $984 billion. November of 2004, $800 billion.

Now, the next increase is going to be for $781 billion more. $3 trillion since President Bush and the Republican House and the Republican Senate have been in charge of this operation here. And we just keep going and borrowing and borrowing and borrowing from the Japanese, the Chinese, the OPEC countries. And at the end it is mortgaging the future of this country.

Ms. WASSERMAN SCHULTZ. When I began the hour I talked about imitation being the sincerest form of flattery so it is interesting to see that they have now engaged in a little dialogue here.

This whole conversation has really been a reflection of the culture of corruption and cronyism and incompetence. Whether it is the debt that foreign countries owe, whether it is the $8 trillion deficit that we have, whether it is the pitiful and disgusting response to Hurricane Katrina or this port deal that is deeply disturbing and that brought up no national security implications for this President or this administration.

Before we close it out, Mr. RYAN, Mr. MEEK, I do want to urge people to go on the Washingtonpost.com website and see the video that has just been released of President Bush being warned about the dangers of Hurricane Katrina before the hurricane hit and him not asking a single question; him being warned about the levee breaks, warned about the people in the Superdome. There is video. Washingtonpost.com.

We want to thank the Democratic Leader NANCY PELOSI for the opportunity to be here and to spend time with the American people. I know Mr. RYAN will detail how people can reach us, if they have comments, on our website.

Mr. RYAN of Ohio. I would like to thank Ms. WASSERMAN SCHULTZ. It is good to have you back.

Mr. MEEK, congratulations again for being elected to chair of the Congressional Black Caucus Foundation. You are such a young member. Congratulations for getting that reward from your peers.

Www.HouseDemocrats.gov/30Something. All of the charts that the Members saw tonight can be accessed off this website. The third party validators. This is not KENDRICK MEEK and DEBBIE WASSERMAN SCHULTZ and TIM RYAN making this stuff up. These are facts. And hopefully these facts will lead to us recognizing that we are not doing everything we can and hopefully we can get the country going back in the right direction.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF S. 1777, KATRINA EMERGENCY ASSISTANCE ACT OF 2006

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that it be in order at any time to consider in the House Senate bill (S. 1777) to provide relief for the victims of Hurricane Katrina; that the bill be considered as read; that the amendment that I have placed at the desk be considered as adopted; and that the previous question be considered as ordered on the bill, as amended, to final passage without intervening motion except 1 hour debate equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure and one motion to recommit which may not contain instructions.

The SPEAKER pro tempore (Mr. DENT). The Clerk will report the amendment.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. SOUDER.

S. 1777

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Katrina Emergency Assistance Act of 2006".

SEC. 2. EXTENSION OF UNEMPLOYMENT ASSISTANCE.

Notwithstanding any other provision of law, in the case of an individual eligible to receive unemployment assistance under section 410(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177(a)) as a result of a disaster declaration made for Hurricane Katrina or Hurricane Rita on or after August 29, 2005, the President shall make such assistance available for 39 weeks after the date of the disaster declaration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

COLOMBIA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Indiana (Mr. SOUDER) is recognized for 60 minutes.

Mr. SOUDER. Mr. Speaker, I sat here and listened to the last special order. It was the longest extensions of remarks devoted to how to increase taxes in America that I have heard.

It is one thing for the other party to criticize us in spending and then vote against every attempt to control the budget. They can criticize us simultaneously as they did in the last hour for not spending enough in education and then not controlling the budget. There was such inconsistency. We are clearly in the season of partisanship, but the harshness and tone and the misrepresentation has been very uncomfortable. And I hope that as we go through this year we can have reasonable debate over very, very difficult questions on international trade, on how we manage our deficit, on how we manage our tax code, on how we manage our spending without the tremendously aggressive tone of partisanship that is increasingly happening in America.

I want to talk about a subject that will hopefully be relatively bipartisan as we move through. It certainly has been in part. And there is a broader issue that has come up, and that is related to the issue of Colombia.

Colombia, most of us think of, if I ask you what do you think of, probably the first thing you think of historically would be coffee. Colombian coffee. Juan Valdez and Colombian coffee. I know in Indiana and at least me from Indiana and many other people would think Colombia is spelled like the District of Columbia. But it is not. If you think it is not, just listen to the accent when they go "Colombian coffee." It is C-O-L-O-M-B-I-A.

Colombian coffee and Juan Valdez were established images in the United States until about the eighties when the number one thing Americans started to think about with Colombia was cocaine.

☐ 2015

Almost all, 90-some percent, of the cocaine that comes in the United States and all around the world comes from Colombia. Almost all of our heroin and a high percentage of heroin around the world comes from Colombia. Now Afghanistan has kind of dominated the world on heroin, but in the United States while Asian heroin and Afghan heroin is coming into the west coast, most of the rest of the country has either Colombian heroin or some variation of Mexican heroin.

So now when many people think of Colombia, if I say, oh, I am going to Colombia, people go, well, do not get shot. They do not think do not drink too much coffee. They think do not get shot, and that is partly because of the book by Tom Clancy and then the movie, "Clear and Present Danger," which talked about kind of the height of the Medellin cartel. Then the book, "Killing Pablo," which then was followed up with a movie about Pablo Escobar running the Medellin cartel, and the visions of Colombia from those movies and books have really driven the definition of Colombia.

What I want to do a little bit tonight to lay this out is to tell you a little bit about the history of Colombia; then how, in fact, the drugs because of the American drug habit and the European drug habit, it is not domestic consumption of cocaine and heroin that drove the problems and the violence in Colombia. It was U.S. and European drug addictions that drove Colombia to the situation where they are today.

Then what we have been doing in Congress, starting under the Clinton administration, moving to the Bush administration, with Plan Colombia and the Andean Initiative and some of the impacts of that, and then finishing up with some of the hope of Colombia, which on Monday President Bush and President Uribe of Colombia signed the Colombian Free Trade Agreement and what that would mean both for us and for Colombia and for the Central American region.

So let me first start with this map; and the number one thing that becomes apparent from the map, which I like a lot in this map, is you can tell that it is a geographically diverse country, that it is the start of the Andean mountains. Venezuela is over to the right. Lake Maracaibo, the number one oil region in all of the Americas and possibly in the world, the richest oil well is over there, the big lake, just south of the mountains. The mountain up at the top, I believe, is around 12 to 14,000 feet. Then you come into these kind of lower Andes where you get down to 14,000 feet here and about 8,000 to 10,000 feet in the middle.

If you continue on down, actually the Andes do not go as much directly through Ecuador, but jump over to Peru and down through Chile. Then you get down to the huge Andes, where they are 23,000 feet, and Machu Picchu is in Peru, and then runs down through Colombia down in this range. The equator obviously moves here, roughly through Ecuador, but this whole area is the basic center of the world where the equator is working through.

So all this side to the east is jungle, and you can see these big rivers down here, Putumayo coming through along the border between Colombia and Ecuador, all feed into the Amazon basin. Brazil is over here to the right, and all this area drains into the Amazon River, and then the Amazon River comes out and pours out to the north of Brazil.

In this pattern, first off you see Colombia really has basically three parts. It has a coastal region, and it is, I believe, the only country in South America with both a Caribbean side up there and an eastern Pacific side here. So about half of Colombia is a little more on the Pacific and a little, about half, is on the Caribbean. So it is on both oceans, the Atlantic and the Pacific. Then you have the mountainous region, and then you have this huge jungle.

Now, in understanding the history of Colombia, by looking at the map you start to understand and can more understand the economics of Colombia, the democratic traditions of Colombia and the problem that we have with narcotics in Colombia and how we have been addressing the problems. But if you do not understand the geography, you cannot understand the history very well and the economics and the politics.

First off, there are 1,098 municipalities. Many of these municipalities are very, very small. Most of them are in the mountains. Bogota, here is 7 million people in Bogota. Medellin, which is up a little higher in the mountains, is 2 million people. Cali, which is down over here in the mountains closer to the eastern Pacific, is about 2 million people. Cartagena, which is up kind of in between the edge of Panama and the larger mountain to the top, is about 1 million people. Santa Marta, up towards the big mountain, is about half a million people.

What you see is the bulk of the people are actually in the mountains, but there are small municipalities scattered all through the mountains. Then there are some out here in the Amazon; but the Amazon basin, this whole green area over there, is basically uninhabited except for a very small native population. There are no roads to connect it. There are no airstrips other than the occasional coca producer plain, that it is basically undeveloped. There are a few cities, Barraquilla up towards the mountain between Cartagena and Santa Marta is another 2 million in the city; but other than Barraquilla and Cartagena on the coast, that coast is more developed. This coast has no big cities on it, and most of the people are in the mountains.

So most of the democracy, the histories, the traditions in Colombia are in the mountains, not in the Amazon basin or along the coast.

Well, how did that happen and why did it happen? Partly because they have great temperatures. In Bogota now, it is basically 70 to 72 degrees during the day, and it is about 40 to 50 at night. If you go another time of the year, it is in the 70s during the day and about 40 to 50 at night. In other words, it is fairly stable because Bogota is up at 5,000 to 6,000 feet. So are the other cities. So one thing you had was stable weather.

A second thing which is important to understand, and I should have said this earlier, is that Colombia is the oldest democracy in South America, 200 years. You get this impression sometimes from the news media and other people that all of South and Central America, where all these military dictatorships that do not have a tradition, that Colombia just fights all the time, that they have these revolutions all the time. No, they do not. They have had periods of violence and different things. They had one military general dictatorship for 4 years in the 1950s. That is it. It has been a functioning democracy.

We did not have the most stable government during our Civil War either. Abraham Lincoln held it together the best he could; but we were fighting with each other, and we had a period of civil war, too. In other words, the period of civil war, true, where you had a military governance and a period of civil war was basically the same as the United States.

So Americans who point the finger and say Colombia is a violent country, it is not true. They are an old democracy, an old democracy. Basically, why was Bogota with 7 million people and Medellin with a couple of million people and Cali with a couple of million people, why are they in the mountains? Because to move 100 kilometers, which would be 60 miles, can take you up to 4 hours, 25 kilometers an hour, because you have these roads moving between these cities. Now, if you have a decent road, you can get all the way up to 25 miles an hour. It takes a long time to move between the cities.

So why are they there? Well, because probably more Americans have been to, I think it is safe to say, Hawaii than Colombia. If you go to the Big Island in Hawaii, where are you going to find the coffee? The coffee in Central America, Hawaii, and South America is at elevations between usually 3,000 to 6,000 feet. If you go south of Kahlua-Kona and the famous Kona coffee region in Hawaii, you are going to see the same pattern that you see in Guatemala, in Ecuador, in Colombia and elsewhere, that is, somewhere around mid-afternoon some rain comes in. There is some cloud cover. You are high enough up in the mountains that you get rain and you get steady rain. At the same time, you do not get so much that it drowns your crops. You have the drying out in the elevation, and it gives you a mix.

So you tend to see coffee at 3,000 to 6,000 elevation and with good soil. Colombia's coffee region is in this zone in here where the people are because, for many years, it was Colombian coffee that was their key ingredient that kept their economy going. Ironically, because coffee plantations are relatively small, as you see if you go to Hawaii and other places, it has not been a business that really thrives on huge conglomerate farms. Because you have that mid-size farm, you see this tradition of more, it is not as much of the middle class as the United States, but unlike other countries, where you see, say, bananas dominate or other products completely dominate like oil, like Venezuela, you do not have just a few rich people controlling 90 percent of the wealth. You have more of a middle class, thanks to the historic part of coffee.

But guess what else you have in those mountains: you have gold in those hills. Interestingly, you also have not too far from Bogota almost all the emerald mines in the world. So interestingly, let me give you a little side point that is lost and is very wrapped up in our immigration debate in the United States.

The number one source of income in pretty much every country, in Central America certainly, and even increasingly in South America, is expatriated income. What does that mean? It means that for all the complaining about the wage rates in the United States that the Mexicans who come in the United States, the Guatemalans, the Salvadorans, the Hondurans, Ecuadorans send somewhere between 25 and 50 percent of their wages back to their home country. It started in the smaller countries that that income became greater than any crop they produced; but even Mexico, until the recent rise in oil prices, the expatriated income going back to Mexico was greater than even their oil revenues because their number one business that they export anymore are immigrants who send part of their income back to their country.

Colombia, when I was there last week from Fort Wayne, Indiana, my hometown, we have regional connections. We are a regional airport, but not a hub airport. So everywhere we go, every week when I go back and forth, I live in Fort Wayne and my family is in Fort Wayne, when I go back and forth, I have to take a plane to Detroit or to Cincinnati or to Cleveland or to Chicago or to somewhere to get to Washington. But I could take a plane to Atlanta. I had about an hour and a half in Atlanta and then a plane straight from Atlanta to Bogota.

Bottom line is, I could go from Fort Wayne, Indiana, to Bogota in about net, from the time I got to the Fort Wayne airport with that layover to Bogota, about 9 hours. To come from Fort Wayne to Washington, DC, takes me four to five, and I had the same number of plane switches. Now, with that type of access into Miami from Cartagena, you are talking like an hour and a half flight. It is just a basic short hop over.

Now that said, we have between 600,000 and 800,000 Colombian immigrants in the United States. They tend to be, based on studies, the highest educated group of immigrants from anywhere we have for a variety of reasons, but the bottom line is that expatriated income to Colombia is about $3 billion. It is 3 percent of their national income.

Now, what sent me into that discussion was gold and emeralds and jewelry are 5.7 percent of their gross national product. Meaning that in gold and emeralds alone, forget coffee which is a huge percent, that they have more of an internal economy than almost anybody in all of Central and South America.

Now, when you look at that, the mix of what they have in their economy, it is not just about gold and emeralds. I know many people, like me, are fascinated with gold and emeralds, and many people are fascinated with coffee; but few people know that the same areas that were doing the coffee and where the gold and emeralds are, when you look at why is so much of the population in Bogota and Medellin and Cali, you have to look at flowers.

Sixty-seven percent of cut flowers in the United States come from Colombia. The flight connections that I just talked about not only work for people; it goes even faster for freight, because the freight companies can do a direct flight into the different regional places and then distribute it. Think about that. If you buy cut flowers, the four big seasons are, I find this interesting, Mother's Day is the biggest, not Valentine's Day. It says something still for our values in the United States. Mother's Day is number one. Valentine's Day is number two. Then I cannot remember whether Christmas or Thanksgiving.

The four big periods that they basically put the stuff in all these huge kind of, for lack of a better word, greenhouses on steroids, just huge floral operations are located near the different airports because the key thing is how to move these flowers into the United States in basically 24 hours so they can get into the huge chains, the Wal-Marts, the Meyers'es, the Safeways, the Targets, the huge grocery operation wholesalers where most flowers are sold.

□ 2030

We are not talking about what you might get from your local greenhouse; we are talking about the huge operations where flowers are sold. The only real rival is Ecuador on roses. Colombia dominates 67 percent of the American market. Guatemala, I think, has some orchids. So you may find certain specialty flowers in some areas, but Colombia is basically where all our flowers come from. And flowers constitute nearly twice as much as expatriated income.

In other words, now we have got coffee, we have got gold and emeralds and jewelry, and we have flowers. But there is also apparel. Medellin, in particular, is known as an apparel center. So you have another sector of the economy, apparel, that is around 5 percent.

Now, the reason I am raising this is when I get into the drug question, part of the reason we think of, well, these countries, like Afghanistan, I would guess, it is safe to say right now that about 70 to 80 percent of their working economy is related to heroin.

But Colombia isn't dependent on coca; coca is a small percentage. They have businesses in Colombia. They had businesses in Colombia. They had successful markets in Colombia. America's drug addiction hurt their business. It wasn't that they needed to have a product to sell.

When you go to Bolivia, which had tin, and now President Alva Morales, who came out of the coca growers, because it was very hard to do substitution of other things because coca had been such a critical thing to the Cuchabama area, where President Morales was from, and it was done by a lot of the native peoples. And it is a very difficult question for he and others to handle in a country like Bolivia. But in Colombia they had a different country that was corrupted by America's and Europe's drug habits.

Now, I mentioned apparel, flowers, coffee, gold and jewelry, and others. But guess what their two biggest things are? One is oil. Oil constitutes 26 percent of their exports. There are two big operators and then a smaller EcoPetrol is the Colombian company that is a partner; and basically Colombia owns the ground and the resources. The operating companies are two, B.P. and Occidental.

Occidental is in this range up in there. Now, the question comes, how do you get the oil from there, which is part of this gigantic field that is coming down from Venezuela, to the coast, because you have to go through the mountains? Now, in that challenge, because unlike the traditional things they had, the oil is scattered up there and down here, the second biggest category besides oil is coal. And coal is in this region right here. Neither of those things are in places where they have very many people.

Now, I want to do one other transition, but I want to illustrate that the biggest categories are energy and their biggest country that uses those imports is the United States. Colombia at one point was our eighth largest oil supplier. According to the President's energy plan, it is now emerging again as one of our primary oil countries. They have an estimate of 47 billion barrels in reserves. That is their estimate. That may be slightly high or it may be slightly low. But in this process of understanding how much oil is there, having a stable Colombia is important to our energy.

The coal mine there is either the second or third biggest in the world, and I will show some pictures of it in a few minutes. And when they get the new mine open, it will be the biggest in the world, and it is low sulfur coal, which means it is safer coal. And where it comes into, the bulk of it, the coal mine in that area is owned by a company that is based out of Alabama, and it is co-owned then with the Colombian Government, and the coal comes into the United States for our energy.

In fact, somewhere near 40 percent of their oil comes to the United States and somewhere near 15 percent or so of their exports are coal to the United States, critical energy sources if we are not going to mine it in the United States. And this is open-pit mining, as opposed to what we are doing mostly in the United States. We are sending miners down below. We have all seen the tragic accidents, and we are battling about mine safety standards in the United States.

But if we don't have coal and we don't do nuclear, and we have pretty well dammed about every river you can dam in the United States. And Canada is pretty much doing the same thing. We have pretty well put windmills about everywhere you can put windmills, and there is now objection and pushback when we do the big windmill farms. We are working with solar.

And there are people worried about oil; they are one of the big oil places where we have enough oil. But if you are going to shut off everything, then your costs are going to go up, because the less supply there is, the higher prices are going to be. And if you regulate it too much, nobody will go down and dig up the reserves in Colombia. So then it won't be so expensive, we just won't have any. We will just get to sit at home maybe and just freeze.

So there has to be an energy supply that helps keep the price down, and it needs to be balanced. And this is relatively clean in a country that is favorable to us.

And before I move into a little more depth with this, I want to share also, in thinking about Colombia, a couple of other points. Pablo Escabar isn't the primary export or famous Colombian, but we don't necessarily think of the people we might know.

Grammy Award winning Colombian rock stars Shakira and Juanes sell out their concerts in the United States and around the world. They are very famous. I am more familiar with Shakira than Juanes, but they are both taking the U.S. market by storm. Fernando Botero is one of the world's most accomplished painters and sculptors. Wherever you go both in Colombia and other countries, you will see these big, kind of oversized Botero paintings and statues. It is an acquired taste. It is not my taste, but he is very famous.

Gabriel Garcia Marquez is among the world's most widely read novelists and has won basically every writing award you can, and has a home there in Cartagena and is from the countryside. Juan Pablo Montoya has sped to the top of the Formula 1 auto racing circuit. He's a very famous racing driver.

Colombia actress Catalina Sandino Moreno was nominated for an Academy Award for best actress this year in "Maria Full of Grace." So when you watch the Academy Awards, you will see a Colombian as one of the nominees.

I am a big baseball fan, and while Colombia doesn't have as many shortstops as Venezuela, Edgar Renteria, Orlando Cabrera, and other Colombians are in baseball. Even if you set aside all these economic and industrial exports, they also export culture around the world.

The Colombians have stronger universities, they have more educated people, and people who are famously literate and writing many books, not just Marquez, but I wanted to use that as an illustration because we have a warped view in America about what Colombia is that makes it very hard for us to kind of tackle the battles on funding narcotics and what is actually happening in Colombia.

Now, let me talk just for a little here about what happened in the drug wars. To some degree in these areas, the most famous cartel probably in world history is the Medellin cartel. Medellin was the home of Pablo Escobar. Last week, when I was in Colombia, President Uribe, who is originally from the Medellin area, asked me what did I think about Medellin; how did it strike me. And I said, well, my impression of Medellin was that it was a dusty little town and up on the hill Pablo Escobar had this fantastic estate that he had bought with his billions of dollars of American cocaine money, and then bought these exotic animals and started a zoo, and all the people came up to his zoo because they didn't have anything else to do.

Then I flew into the airport that was above the city before we went to the other airport down in the city, and this is just one of their promotional brochures, but this is Medellin. Medellin isn't a dusty little town that Pablo Escobar had a little house above it with a zoo where people would go because there was nowhere else to go. Medellin is a city of 2 million people with all sorts of businesses functioning in it, with huge high-rises, parks all over the city, all sorts of athletic facilities and arts facilities, and with major universities there.

How in the world did Americans who were tracking it not understand what was happening in Medellin? Partly because of the violence.

I believe in my trip to Medellin this week I was the first Member of Congress to get into Medellin since all the coca wars broke out, because it has been so difficult to travel. Our ambassador was able to drive from Bogota to Medellin, and that is the first time an American ambassador has been able to go on that road for, I believe, 20 to 30 years. Things got really bad, and it left us with a really wrong impression about what Colombia is and what is happening in Colombia.

So Pablo Escobar was controlling the Medellin cartel. And Colombia has been probably the most cooperative country in all of Central and South America in working with extraditions, when we go after these big guys. Why? Why would the different presidents work with the United States when in other countries they have not worked as much with us on extraditing, that is, sending their criminals to the U.S. to go through our court systems? Partly because they had an economy. It was our drugs that wrecked their economy.

There has been some reluctance on the part of some of these countries to send their citizens back to the United States because they are worried. For all the talk about wanting to get rid of the drugs in their country, if they get rid of the drugs in their country, what is going to happen to their banks? Who will build the big buildings? Who will open all the stuff if you suck a couple billion dollars out of most economies and they sink? So to some degree, quite frankly, we get lip service.

But in Colombia they actually extradite, if we can prove the case, major drug criminals. So we broke the Medellin cartel.

Then many Americans know of the Cali cartel, which is another of the big cities I pointed to. It is more over in this zone in the mountains. So we had the Cali cartel, and we broke up the Cali cartel.

In the process of breaking up these cartels, there are three violent groups in Colombia that have dogged over the years and challenged democracy. Rather than participate in elections, because they do not have any support, they chose to use violence. One is the FARC. The FARC are probably the best known, the most violent, and the ones most embroiled in the drug trafficking.

I know some dissident groups want to make the FARC to be like their Che Guevara, communist revolutionaries who just want to have land reform, but, no, they are a bunch of drug-pushing drug addicts who want to violently overthrow their government because they won't participate in the democratic process. When they founded the FARC, for some of them it was about land reform, but it is long past that. They are basically thugs.

One young man I met, and I have been to Colombia now 11 times, it could be 10, it could be 12 times, somewhere in that range, since I was elected to Congress in 1994, but when you go into Colombia and you talk to them—and I went with colleagues who are now, both of them, governors, Governor Blagojevich and Governor Sanford, and we were waiting for Speaker HASTERT to come into the area.

We weren't as important at the time, so because there was a big rainstorm going on, they turned his helicopter around because they didn't think it was safe, but they brought us in by taking a handkerchief and cleaning off the windshield of the helicopter and trying to find the ground, so we were there for a little bit. And they brought in a captured FARC.

He was a young guy, and we asked him a question, and I can't remember if it was Mark or Rod who said, have you ever killed anybody? And he said, well, yes. And this kid is maybe 18 years old.

And we said, why did you kill him? He said, well, he hadn't paid his fees.

What do you mean, he hadn't paid his fees? He said, well, he owed us money and he didn't pay his fees. He said, I warned him.

We said, well, how did you kill him? He said, well, he was eating lunch at a restaurant and I came up behind him and I took the pistol and I shot him in the back of his head. He hadn't paid his fees.

Now, what the FARC does is they provided protection money first. In other words, if you wanted to grow coca for the different cartels, you paid the FARC, say 5, 10 percent, much like the Mafia worked in the United States in a shakedown operation, and then they "protected" you from U.S. forces. But then they decided that wasn't enough margin, so they started killing the people who wouldn't cooperate and grow coca. They didn't want you growing palm heart, they didn't want you growing bananas, they didn't want you growing coffee. Coca is more profitable, so we will shoot you if you don't.

So Colombia has a huge number of displaced persons right now at the Nelson Mandela kind of training center, a housing center outside the edge of Cartagena where I visited several years ago with Congressmen DAVIS and MORAN, and there are tens of thousands of people who have been chased out of these villages because they were being killed by the FARC for not cooperating in coca and they became drug runners.

The second big group are the paramilitaries, or the AUC. Now, what happened there was, many people started hiring guns, kind of Pinkerton detectives gone bad. They started hiring guns to fight the FARC. So what happened is, the FARC would come in to one of these villages in the outer areas and basically shoot you if you didn't grow coca; then the paramilitaries, the AUC, would come in and kill you if you did grow coca. And pretty soon the AUC realized, hey, there is more money to be made in coca, so they start fighting over the different zones and over who gets to do the shakedowns. And what used to be the paramilitary protection, instead of operating as paramilitary protection, themselves became drug dealers.

However, interestingly, because of their history of being hired for protection, in this period of being hired for protection, the AUC, the paramilitaries, have about 10-to-12 public support where the FARC only has one or two.

□ 2045

Now from some of the leftist groups in the United States you would think the FARC has 10 to 12 percent or 20 or 30 or 40 percent, but they do not. They have minimal percent. But the paramilitaries, because they were trying to protect the villagers, had more but they went bad too.

Now the third group, the ELN tends to work in these mountains and the mountains up towards the top. The ELN basically does not appear to be as heavily involved in coca. Their business is kidnapping people. They kidnap people for ransom, and that is how they fund their group. Of the two, I do not know how you could say kidnapping is less egregious than coca because at least in kidnapping you just kill the individuals with you. They captured some new tribes' missionaries and killed them. We do not know for sure, but we have not heard from them for close to 8 years now. And others, if they do not get the ransom, the historic pattern is they kill them.

You always hope that the FARC has captured some of our U.S. soldiers, so we can hope they are alive. The FARC is a little different than the ELN. The ELN is kidnapping for money. The FARC is in the business of kidnapping for trade. And if you want to read a great book on the Diary of Kidnapping by Gabriel Marquez, it will give you some idea of what they put these different people through.

But the ELN also appears to, at times, be more willing to work with communities and less violent overall. Even though kidnapping is awful, they are not in the business of cocaine, which kills in the United States, illegal drugs kill in the United States 20- to 30,000 people a year of which a big chunk of that is cocaine.

So basically you are not just a kidnapper if you do cocaine; you are a murderer. You are a mass murderer if you are growing fields of cocaine. You can try to coat it over and say, oh, these poor peasants are just trying to make a living. Look, mass murderers. They are killing more people than somebody going into a school and killing six people.

A coca field growing may be killing thousands of people, depending on how it is broken and how it moves through the city. They are mass murderers in every step of that process. The grower is a mass murderer, the people who process it are mass murderers, the people who transit it are mass murderers, the people who sell it in the street are mass murderers because they are killing people with the cocaine.

It is not this kind of quiet little thing that you are drinking coffee on the side. It is killing people. And in trying to hold that accountable, we have these three different revolutionary groups that have more or less terrorized at the margin. At one point, at the peak of the Medellin cartel, which is what the movie Clear and Present Danger is about, based off the book, which is roughly, my first visit into Colombia, former Ambassador Busby was with us, and he was there during the period of the greatest violence. And I said, is the book Clear and Present Danger accurate? You were the ambassador during that period. And he said, not completely. I died in the book. But it was basically accurate in that somewhere in the vicinity of two-thirds of the judges and a big chunk of the legislative body was killed. Many mayors were killed.

It is one thing to say we have differences between the Republicans and Democrats and we argue on the House floor about how to do it. We argue back in our districts. But basically it is another thing if you are running for office and they are going to murder you.

President Uribe's father was assassinated. Vice President Santos was kidnapped and escaped. There are very few leaders who do not have huge prices on their heads. And particularly in that period it took incredible courage to be a leader in Colombia.

And then it came back up again after the groups. For a variety of reasons, we got control of the Medellin and Cali cartels. It looked like we were stabilizing it and it took off again, which led to the modern Plan Colombia.

The peak problem here in the second kind of wave that came up was, in the year 1999 Colombia, for all those things I was talking about, had a negative growth rate, the only year it has had a negative growth rate, about a 4 to 5 percent GDP that was negative.

How did they get a negative growth rate? Well, one thing is that I talked about the oil fields up here. That pipeline has to go over the mountains, and in that area, Occidental Petroleum, the oil that was headed for Houston and into the United States, had 91 percent of their oil production stopped that year because they basically had, I think it was 200 pipeline attacks that, even at a fast speed, it takes you a while to fix the pipeline, 24, 48, 72 hours, basically meaning nothing got from the oil fields. Nine percent got there.

I earlier said that oil was 40 percent of their exports. You knock out oil, you cannot get any money.

The big coal mine that we visited, if you are there, how do you get it to the ocean? Certainly not by roads. There are no roads in the jungle. At this huge coal mine the people driving the trucks, let me give you an idea of the scale of this coal mine.

In the U.S. roads nothing can be bigger than 40 tons. Their trucks are 140 tons that this particular coal operation is. It just gives a vague idea of the size of this mine; it is just an incredible scale. You can see a truck that is a 140-ton truck there.

I have been in the iron mines in Montana and Arizona and in northern Minnesota, whether it is copper or iron, the open pit mining. You are talking in this little tiny corner is when we talk about the huge mines. And, in fact, much of this area has already been covered up and started to be reclaimed.

Now, this huge mine, these guys who are driving these 140-ton trucks, they did not know how to drive a car. There are no roads there, or to the degree there are roads, it takes you at most, I said, 15 miles an hour. So most of these drivers, they are training the Colombians, the Drummond oil mine, which is, I mean the coal mine people who come out of Alabama, this is a book on what they have done for social balance. Because when you are up—let me show one other picture, and I want to go back to the big map. I want to show this one for a second from Drummond. This is the coal cars.

In Indiana we have a law that you cannot, a train cannot block an intersection for more than 20 minutes. I asked, do you have a 20-minute rule? They said, no, we have a 30-minute rule.

Now, in that map, and I will have it back up in a minute, but basically it has to go from that coal mine all the way out to the Caribbean Sea. They load 90 cars at a time with coal. The 30-minute rule, because they only have one track, that track has to shut down for 30 minutes so the empty cars can come back in to get reloaded. The operation goes 24/7, 365 days a year. In other words, basically it is a permanent block to an intersection. They do not have a 20-minute rule. The 30-minute rule means you switch directions. So basically you would need an overpass. But they do not have any roads anyway. It is a jungle.

Now what happened with Drummond, because if you are out in the middle of nowhere and you are doing constant filling of train cars as far as the eye can see that direction, as far as the eye can see that direction, that are going 24/7, and you do not have anybody who can drive the trucks, and you do not have very many people, what do you have to do? You have to build the infrastructure.

So they have been building schools in the area. They have been building housing in the area. They have been doing health care in the area. Seven thousand meals a day are served by Drummond coal mine because when you come into this coal mine they have different various places where you can eat. They provide multiple shifts for people to eat. And they provide 7,000 meals a day, which means that is an incredible food operation. It is an incredible health care operation. And what they have chosen to do is invest in the infrastructure and the people.

Now, what is interesting about this investment in people is that part of the challenge that you have, if you are going to change the drug patterns in Colombia, is you have to have some alternatives for the people. So here is roughly where the coal mine was. It goes up by that big mountain up there and it comes, the train track will go somewhat similar to the oil pipeline.

The trains in 1999 were being shot up and intercepted. You could not get anybody to get coal out if you are going to die, so until you could get a little bit of order, they could not ship coal. So they had a negative growth rate, not because Colombia did not have products, but because Americans got so addicted to cocaine, and Europe got so addicted to cocaine, that it brought a violent group of people into their nation that made their railroads not working, that made their oil pipelines not working, not to mention the mining and the textiles.

Now, what they have now, well, in that railroad in the area, when we were there—and like I say, once again, we were some of the first people to be able to move around in the country. So going up there, I said, are the FARC around here and the ELN and so on? And the president of the company says, no, they are not in the immediate area. They are over there.

Now, over there was, ELN was in the north mountains about 10 miles away and the FARC were in two locations in the south mountains between 8 and 12 miles away. To me that was close. My little hometown of Grayville, Indiana, is 15 miles from downtown Fort Wayne, and I think of it as close to Fort Wayne; and when I said, are they close, I was thinking, Grayville to Fort Wayne terms to me is close, and this is half the distance. But at least they are up in the mountains.

Well, why are they up in the mountains? Two reasons. One is the Uribe government has provided protection. For example, there are now police stations in every municipality. All 1,098 in Colombia now have a Colombian national police presence, which they did not have in 1999. On that train track they have police every so many minutes with a cell phone, and they are each supposed to call in; and if they do not call in, the army goes in to find out what has happened at that point of the track.

So when Members of Congress say, why did you vote for money for pipeline protection, why did you vote for money for this, it is because we are trying to stabilize the railroad tracks and the pipelines, because if you can do that, the reason the ELN went to the hills is, thousands of these people are working for Drummond coal mine. When they are working for Drummond coal mine and getting health care and getting education and having a job, they do not want a bunch of revolutionaries around. It is not good for their lives. And so they basically fight back.

Now, let me give you a couple of other stories. We spent $4 billion in Colombia. They spent $9 billion, and that $13 billion is what has led to this change in the pipeline. It has led to a change in the ability to move around on the roads. It has led to the change that now they are going to put a second track in on that railroad which will enable us to get more coal into the United States in our southern ports and in our East Coast, low sulfur coal that is environmentally much more favorable to the United States. Because the money that we have invested and the Colombians have invested has stabilized the mountainous zones in the north Colombian zones to a greater degree than it has been for a long time.

Now the economy is growing at a 3 to 5 percent rate, not a negative growth rate like it was in 1999. There is a direct relationship between security and the ability to have economic alternatives.

Let me briefly describe what we did last—well, I said I went to Colombia 10 to 12 times, somewhere in that range; I am guessing 11. But the first time I went to Colombia was not that long after I got elected. We went in and we were the first delegation other than I think Senator SPECTER had been into Cartagena for just a brief period. But we were the first ones to go into the center of the country, into Bogota.

We were allowed to come in for 3 hours. When we landed at the airport we were to duck down, get in a basically tinted window car with machine guns coming out of it, with sharpshooters on all the roofs at the airport all along the route till we got to the embassy. We had so many police going around, anybody who was walking on the sidewalk had to go up to the side of the walls, one person basically kept walking. The police cop went up and pushed them against the wall because they were so afraid we were going to get assassinated.

Ambassador Busby, former Ambassador Busby, who I referred to earlier, who lived and did not die in the book Clear and Present Danger, said he had over $1 million price on his head if they knew he was there. It was a very dangerous place, but we felt we needed to make a statement that we were going to stand with Colombia.

The next time I went back, and the next couple of times we were able to stay finally overnight, I think, about the third or fourth trip. One of the trips we went in with the former chairman of the International Relations Committee Ben Gilman, a couple of different times as well as with then-Chairman HASTERT that we went into the hospitals because unlike other places in the country and the world, Colombians are dying.

The Colombian national police have lost the equivalent of 30,000 American police officers, given the size and proportion. They are getting shot up all the time. They are not getting shot up because somebody is robbing a bank. They are getting shot up because Americans are using cocaine. Because Americans are using cocaine, they are shooting their police. But they have been willing to fight.

This is partly what we are trying to do in Iraq. What is happening in Colombia is what we are trying to do in Iraq. Colombia has a democracy that we are trying to rescue and keep from going down the tubes, so to speak, and it looks like they are well on their way back.

But we built up their national police. Then we took vetted units in the military that had a horrible human rights track record. It has been a big battle.

We had a ban on U.S. funds going there. We got vetted units. Now they have attorneys that walk around with their different things and they have to graph, if somebody gets killed, which way they were lying so they know they did not use human rights torture.

Sometimes it can be inconvenient when you are fighting terrorists.

But quite frankly, Colombia is doing the best job and the best human rights job of fighting terrorists who do not follow human rights rules, who are more than willing to shoot you in back, are more than willing to use torture. But we have trained vetted units, and whereas in the 1990s, to be kind, the Colombian military defense establishment could not have fought their way out of a paper bag, I have a small town of, say, New Haven in my district of 14,000. I do not think their military could have defeated the New Haven police department.

And their equipment was better than the New Haven police department. They just did not know how to fight. They did not have command and control systems. They ran when they got in a fight with the FARC and it was a disaster.

We trained units who are now winning battles and it is hard to win battles with terrorists. And it is the Colombians who are fighting that we have done the training, and they are even buying equipment. We put 4 billion in, but they put 9 billion in. Even though the drug problem was our problem, not their problem, they have enough of an economy that it is working.

What we are trying to do in Iraq is what is working in Colombia. It has been an investment that has helped rebuild and establish the country of Colombia, such that the kidnappings are down like 67 percent. You can now move around the country. I started to say then after our first trip we were able then finally to stay after visiting a hospital a couple of times, finally able to stay overnight.

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The first time I stayed overnight in Bogota, they took us underneath the hotel just like in the movies and had all these police jumping out; and when we slept in our room, we had multiple police outside each of our doors and on the floor and the perimeter around Colombia. That was a different experience. Finally, they let us go out to eat somewhere other than the hotel. This may have been about the sixth or seventh trip. They let us go out to eat, and when we would go out to eat, we would have to go the wrong way on a one-way street. They would have to seal off the restaurant to make sure that they were not going to assassinate the American Congressmen when we went out to eat. But it was progress. We were going out to eat and we did not have as many police around the hotel, and it showed that there was a gradual progress occurring.

Then we got to go to Cartagena. Then we got to walk around town in Cartagena. Then I went to President Uribe's inauguration; and what I would call a minor setback was as I was sitting with BARNEY FRANK and we heard this big boom, Congressman FRANK said, I have never heard of a one-gun salute. And it was a bomb, mortar shells hitting the side of the presidential palace while we were all inside. We had a cadre of about 20,000 troops around; but these guys, who were getting more and more sophisticated, launched the mortar shells from about 1¼ miles away from the top of a building. As they launched those shells, they were not very accurate and they first were short. Then they hit an apartment building that killed, I think, 40 people and injured 100 or something like that. Then they launched over the palace and they hit the side of the palace where we all were.

But by that time, I think they got 20 or 25 rounds out of 110, but by that time the Colombian Air Force and Army were on their case and they stopped shooting. But that was just about 4½ years ago with the inauguration of President Uribe. So then we continued to make progress.

Now, I mentioned the ambassador could drive. This time we were able to go to Medellin. Nobody has been able to go to Medellin. We were able to go to the coal mine. Nobody has been able to go to the coal mine. We had protection. Yes, we were still in an armored vehicle, but it was a disguised armored vehicle. There were not any machine guns sticking out of it. Yes, the people around us had protection, but you did not see machine guns. And, yes, one of the police cops had a machine gun; but basically they were providing traffic guidance to try to move us. The meeting with President Uribe and others, they did not have a big army surrounding us like we were going to get killed before. You are cautious. It is still a violent country. But we are cautious in parts of our urban cities.

The plain truth is that we have made progress in Colombia in establishing freedom and democracy and giving alternatives. In Medellin, we visited an AUC demobilization center. I mentioned they were the second biggest group, the paramilitaries. 21,000 have now laid down their arms, and we are investing and with some of the money we are eradicating coca to now get these people jobs and to track them and to match them up like the floral industry that is booming in Medellin. And we there met four of the people who had been displaced people from their villages, and we also met a former armed person who had been very violent with the AUC and who has now been trained and went back to get his college degree. Things are really changing in Colombia, thanks in part to our investment.

We still have problems in coca, and the reason I wanted to show you this map is, guess what has happened. The coca has moved out here. It has moved into the jungle. But it is not terrorizing the people. Colombia now has a growing economy. They are providing us with critical things; and with that growing economy, they have asked the United States Government to buy with their money eight Blackhawk helicopters because we have their economy going again. We have stabilized it. It is still a challenge. I am disappointed we have not gotten rid of the coca as much as we thought we would with Plan Colombia, but we have made progress. We have a friend in the region.

Now, this week President Uribe and President Bush have agreed to the Colombia Free Trade Agreement that at some point will come in front of the Congress. No free trade agreement is easy. This is very critical. It was very important for President Uribe to understand that in this process he could not put out everybody in his country and understand in the United States we could not put out.

So, for example, in sugar he would have liked more free trade in sugar. I would have liked more free trade in sugar. In Fort Wayne, Indiana we have Edie's, the largest ice cream plant in the world. We have Kraft caramels up in Kendallville. Bread uses sugar. In Huntington, Indiana, Good Humor has the second biggest ice cream plant in the world. We use sugar. In the South, in Louisiana and Florida, there is a sugar lobby that wants to keep our sugar prices high; but ultimately they are very powerful and in agreement our sugar guys got some protection for a while, for a long while, quite frankly. Way too long for me.

But at the same time in Colombia they grow rice. And if they, in fact, took the rice business away from having some protection, over 15 years they will make the adjustments and you can do that. So this trade agreement is a balanced trade agreement, trying to work it through.

One of the interesting things is, to give you another kind of wrinkle on how economics work and how trade agreements work, I never thought I would be having a discussion about chicken hindquarters. Colombians tend to prefer dark meat, and Americans tend to prefer white meat. What happens in a trade agreement to say we are suddenly going to have free trade, guess what our chicken companies are going to do? We are going to dump all dark meat on Colombia under its value and put all the Colombian chicken people out of business, which a very important thing in their small villages are their chicken people. So they had to have some kind of protection for hind parts.

But guess who else wanted to have some kind of balance in handling chicken hind parts? Our corn growers. We ship incredible amounts of corn into Colombia. At lunch one of the days, next to me was the head of Archer Daniels Midland in Colombia. He was a Colombian, had been educated in the United States. And the corn that comes in from the Midwest, huge quantities, and in some areas all our corn is going down to Colombia for the chicken farms. If they do not have any chicken farms, we are not going to sell them any corn, which is, I think, our second biggest export to Colombia. We are not going to sell any corn to Colombia if we kill the chicken market. So when you work these exchanges through, both countries, I believe, in this have a balance between the political realities of Colombia and the political realities of the United States.

But here is the bottom line: free trade agreements like this with Colombia will help fuel the economy that has stabilized there more than anywhere else. With Chavez going crazy up there choking us on oil, we need to know where we are going to get oil and energy. We need to know who is going to be our friends in South America. And we need to work with countries that are there.

We also have a secondary motive here. If they grow coca rather than chickens, if they grow coca rather than getting emeralds and gold out of the mine, if they grow coca instead of selling us coal, if they grow coca instead of textiles, we die and Europe dies. We have an incentive directly with the nation of Colombia to make sure that we can make their economy work, that we can make their government successful, that we can have law and order in Colombia, because what is good for them is goods for us; what is good for us is good for them. That is the way it should work.

And I am very pleased that the Presidents of both countries have signed this agreement, and I hope that whether it is this year or next year, we can move that forward because it is extremely important to Central America, South America, and to the United States.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. ROYBAL-ALLARD (at the request of Ms. PELOSI) for today on account of illness.

Mr. MARIO DIAZ-BALART of Florida (at the request of Mr. BOEHNER) for today on account of family reasons.

Mr. LATOURETTE (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. LUCAS (at the request of Mr. BOEHNER) for today on account of family reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. MCKINNEY) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. HONDA, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. BECERRA, for 5 minutes, today.

Ms. MATSUI, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. CLEAVER, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. GINGREY, for 5 minutes, today.

Mr. RAMSTAD, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, March 2.

Mr. DUNCAN, for 5 minutes, today.

Mr. KELLER, for 5 minutes, today.

Mr. GILCHREST, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GOODE, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2271. An act to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes; to the Committee on the Judiciary; in addition to the Permanent-Select Committee on Intelligence and to the Committee on Financial Institutions for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

Mr. SOUDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Thursday, March 2, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6347. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Boscalid; Pesticide Tolerance [EPA-HQ-OPP-2005-0145; FRL-7757-9] received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6348. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Management and Disposal; Standards for Pesticide Containers and Containment; Notification to the Secretary of Agriculture [EPA-HQ-OPP-2005-0327; FRL-7749-1] (RIN: 2070-AB95) received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6349. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that the National Polar-orbiting Operational Environmental Satellite System Program Acquisition Unit Cost (PAUC) and Acquisition Procurement Unit Cost (APUC) will exceed the 25 percent certification threshold against its Acquisition Program Baseline, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

6350. A letter from the Secretary, Department of Defense, transmitting the Department's Report of the 2006 Quadrennial Defense Review; to the Committee on Armed Services.

6351. A letter from the Assistant Secretary for Homeland Defense, Department of Defense, transmitting a report on assistance provided by the Department of Defense to civilian sporting events in support of essential security and safety, covering the period of calendar year 2005, pursuant to 10 U.S.C. 2564(e); to the Committee on Armed Services.

6352. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2006-06, Waiving Conditions on Obligation and Expenditure of Funds for Planning, Design, and Construction of a Chemical Weapons Destruction Facility in Russia for Calendar Year 2006; to the Committee on Armed Services.

6353. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Report to Congress on Head Start Monitoring for Fiscal Year 2004," as required by Section 641(e) of the Head Start Act; to the Committee on Education and the Workforce.

6354. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Community Food and Nutrition Program for Fiscal Year 2002; to the Committee on Education and the Workforce.

6355. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting a copy of the Energy Information Administration's report entitled "Annual Energy Outlook 2006," pursuant to 15 U.S.C. 790f(a)(1); to the Committee on Energy and Commerce.

6356. A letter from the President and Chief Executive Officer, Corporation for Public Broadcasting, transmitting the Annual Report of the Corporation for Public Broadcasting for Fiscal Year 2004, pursuant to 47 U.S.C. 396(k)(3)(B)(iii)(V); to the Committee on Energy and Commerce.

6357. A letter from the President and Chief Executive Officer, Corporation for Public Broadcasting, transmitting the Corporation's annual report on the provision of services to minority and diverse audiences by public broadcasting entities and public telecommunications entities, pursuant to 47 U.S.C. 396(m)(2); to the Committee on Energy and Commerce.

6358. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, "Data Collection in Response to Section 1404 of the Energy Policy Act of 2005"; to the Committee on Energy and Commerce.

6359. A letter from the Secretary, Department of Energy, transmitting a copy of the Department's Energy Fleet Alternative Fuel Vehicle Acquisition Report, Compliance with EPAct and E.O. 13149 in Fiscal Year 2005; to the Committee on Energy and Commerce.

6360. A letter from the Secretary, Department of Energy, transmitting the Department's report on the benefits of enhanced demand response in electricity markets in compliance with Section 1252 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

6361. A letter from the Secretary, Department of Energy, transmitting the Department's report on the steps taken along with the Federal Energy Regulatory Commission to establish a system to make available to all transmission system owners and Regional Transmission Organizations within the Eastern and Western Interconnections real-time information on the functional status of all transmission lines within such Interconnections, pursuant to Section 1839 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

6362. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of Arizona; Finding of Attainment for Ajo Particulate Matter of 10 Microns or Less (PM10) Nonattainment Area; Determination Regarding Applicability of Certain Clean Air Act Requirements [EPA-R09-OAR-2005-AZ-0006; RL-8029-2] received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6363. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementaion Plan, South Coast Air Quality Management District [EPA-R09-OAR-2005-CA-0014; FRL-8027-9] received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6364. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing [OAR-2002-0088; FRL-8008-02] (RIN: 2060-AM90) received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6365. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revision to Toxic Substances Compliance Monitoring Grants (TSCA Section 28) Regulation [OECA-2005-0082; FRL-8031-4] (RIN: 2070-AJ24) received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6366. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule— Approval and Promulgation of Air Quality Implemtation Plans; Georgia Update to Materials Incorporated by Reference [GA-200533; FRL-8022-4] received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6367. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Dearborn County Sulfur Dioxide Emission Limits [EPA-R05-OAR-2005-IN-0007; FRL-8036-3] received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6368. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Arizona [EPA-R09-OAR-2005-AZ-008; FRL-8022-5] received February 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6369. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [EPA-R07-OAR-2006-0086; FRL-8037-9] received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6370. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Wisconsin; Wisconsin Construction Pemit Permanency SIP Revision [EPA-R05-OAR-2005-056 3; FRL-8037-4] received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6371. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — New Hampshire: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R01-RCRA-2006-0062; FRL-8038-3] received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6372. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — State Implementation Plan Revision and Alternate Permit Program; Territory of Guam [EPA-R09-OAR-2005-0506; FRL-8030-3] received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6373. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Disapproval and Promulgation of Air Quality Implementation Plans; Colorado; Affirmative Defense Provisions for Startup and Shutdown; Common Provisions Regulation and Regulation No. 1 [EPA-R08-OAR-2005-CO-0004; FRL-8029-7] received February 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6374. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Texas; Revision to the Rate of Progress Plan for the Beaumont/Port Arthur Ozone Nonattainment Area [EPA-R06-OAR-2005-TX-0003; FRL-8034-7] received February 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6375. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives; Removal of Reformulated Gasoline Oxygen Content Requirement for California Gasoline and Revision of Commingling Prohibition to Address Non-Oxygenated Reformulated Gasoline in California [EPA-HQ-OAR-2005-0170; FRL-8035-2] received February 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6376. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives; Removal of Reformulated Gasoline Oxygen Content Requirement and Revision of Commingling Prohibition to Address Non-Oxygenated Reformulated Gasoline [EPA-HQ-OAR-2005-0170; FRL-8035-1] received February 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6377. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — TSCA Inventory Update Reporting Partially Exempted Chemicals List; Addition of Certain Vegtable-based Oils, Soybean Meal, and Xylitol [EPA-HQ-OPPT-2006-0025; FRL-7760-7] (RIN: 2070-AC61) received February 17, 2006, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Energy and Commerce.

6378. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Stationary Combustion Turbines [EPA-HQ-OAR-2004-0490; FRL-8033-4] (RIN: 2060-AM79) received February 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6379. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2006-0055; FRL-8030-7] received February 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6380. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978; Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units; and Standards of Performance for Small Industrial-Commercial-Institutional Steam Genrating Units [EPA-HQ-OAR-2005-0031; FRL-8033-3] (RIN: 2060-AM80) received February 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6381. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a report on the Commission's actions taken to date and a timetable for further actions needed to conclude its investigation into the unjust or unreasonable charges incurred by California during the 2000-2001 electricity crisis, pursuant to Section 1824 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

6382. A letter from the Chairman, Nuclear Waste Technical Review Board, transmitting the second report of 2005, as required by the Nuclear Waste Policy Amendments Act of 1987, Public Law 100-203, pursuant to 42 U.S.C. 10268; to the Committee on Energy and Commerce.

6383. A letter from the Chairman, Nuclear Waste Technical Review Board, transmitting the second report of 2005, as required by the Nuclear Waste Policy Amendments Act of 1987, Public Law 100-203, pursuant to 42 U.S.C. 10268; to the Committee on Energy and Commerce.

6384. A letter from the Secretary, Department of Agriculture, transmitting the Department's Report to Congress on Fiscal Year 2005 Competitive Sourcing Efforts in accordance with section 647(b) of Division F of the Consolidated Appropriations Act, 2004, Pub. L. 108-199; to the Committee on Government Reform.

6385. A letter from the Comptroller General, Government Accountability Office, transmitting information concerning GAO employees who were assigned to congressional committees during fiscal year 2005; to the Committee on Government Reform.

6386. A letter from the Assistant General Counsel, Federal Election Commission, transmitting the Commission's final rule — Definition of Federal Election Activity [Notice 2006-2] received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

6387. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Indian General Assistance Program 2006 Grants Administration Guidance [FRL-8024-7] received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6388. A letter from the Assistant Attorney General, Department of Justice, transmitting the annual report of the Office of Justice Programs' Bureau of Justice Assistance for Fiscal Year 2004, pursuant to 42 U.S.C. 3712(b); to the Committee on the Judiciary.

6389. A letter from the Secretary, Department of Transportation, transmitting the Department's biennial report entitled "2004 Status of the Nation's Surface Transportation System: Condition and Performance Report," pursuant to 49 U.S.C. 308(e)(1); to the Committee on Transportation and Infrastructure.

6390. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting the Department's plans to implement improvements to the Inland waterway navigation projects on the Ohio River at John T. Myers Locks and Dam, Indiana and Kentucky, and Greenup Locks and Dam, Ohio and Kentucky; to the Committee on Transportation and Infrastructure.

6391. A letter from the Administrator, FAA, Department of Transportation, transmitting the Department's report on the foreign aviation authorities to which the Federal Aviation Administration provided services for Fiscal Year 2005, pursuant to Public Law 103-305, section 202; to the Committee on Transportation and Infrastructure.

6392. A letter from the Acting Deputy Director, Bureau of Transportation Statistics, Department of Transportation, transmitting the Transportation Statistics Annual Report 2005, pursuant to 49 U.S.C. 111(j); to the Committee on Transportation and Infrastructure.

6393. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Notice of Availibility of Final Aquatic Life Ambient Water Quality Criteria for Nonylphenol [FRL-OW-8035-8] received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6394. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Notice of Availibility of Final Recommended Aquatic Life Ambient Water Quality Criteria for Diazinon [FRL-OW-8035-9] received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6395. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Oil Pollution Prevention: Non-Transportation Related Onshore Facilities [EPA-HQ-OPA-2005-0003; FRL-8033-9] (RIN: 2050-AG28) received February 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6396. A letter from the Board of Trustees, National Railroad Retirement Investment Trust, transmitting the National Railroad Retirement Investment Trust's annual management report covering FY 2005, pursuant to 45 U.S.C. 231n Public Law 107-90, section 105; to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GINGREY: Committee on Rules. House Resolution 702. Resolution providing for consideration of the bill (H.R. 4167) to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes (Rept. 109-381). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PICKERING (for himself and Mr. LEWIS of Georgia):

H.R. 4824. A bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER:

H.R. 4825. A bill to amend the Atomic Energy Act of 1954 to require a licensee to notify the State, county, and public in which a facility is located whenever there is an unplanned release of fission products in excess of allowable limits; to the Committee on Energy and Commerce.

By Mr. BAIRD (for himself, Mr. DOOLITTLE, Mr. DICKS, Mrs. TAUSCHER, Mr. INSLEE, Mr. LARSEN of Washington, Mr. HASTINGS of Washington, Miss MCMORRIS, Mr. MCDERMOTT, Mr. REICHERT, Mr. SMITH of Washington, Mr. THOMPSON of California, Mr. DANIEL E. LUNGREN of California, Mr. HERGER, Ms. MATSUI, Mr. SIMPSON, Ms. HOOLEY, Mr. BLUMENAUER, Mr. DEFAZIO, Mr. OTTER, Mr. WALDEN of Oregon, and Mr. WU):

H.R. 4826. A bill to extend through December 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits; to the Committee on Transportation and Infrastructure.

By Mrs. BONO (for herself and Mr. GRIJALVA):

H.R. 4827. A bill to authorize a land exchange involving the acquisition of private land adjacent to the Cibola National Wildlife Refuge in Arizona for inclusion in the refuge in exchange for certain Bureau of Land Management lands in Riverside County, California, and for other purposes; to the Committee on Resources.

By Mr. BOSWELL:

H.R. 4828. A bill to provide grants to units of local government and States to hire personnel to monitor the activities of sex offenders; to the Committee on the Judiciary.

By Mr. BURTON of Indiana (for himself, Mr. GUTKNECHT, Mr. SANDERS, Mr. EMANUEL, Ms. HERSETH, Mrs. NORTHUP, Mr. JONES of North Carolina, Mr. DEFAZIO, and Mr. SOUDER):

H.R. 4829. A bill to direct the Secretary of Health and Human Services to require the incorporation of counterfeit-resistant technologies into the packaging of prescription drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DREIER (for himself, Mr. HUNTER, Mr. SCHIFF, Mr. GALLEGLY, Mrs. DAVIS of California, and Ms. HARMAN):

H.R. 4830. A bill to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one's land) the construction or use of a tunnel or subterranean passageway between the United States and another country; to the Committee on the Judiciary.

By Mr. CANNON:

H.R. 4831. A bill to confirm as authorized, valid, and enforceable certain contractual rights of water users and water users organizations under the Strawberry Valley Project, Utah; to the Committee on Resources.

By Mr. CLAY (for himself and Mr. PORTER):

H.R. 4832. A bill to amend the Social Security Act to establish an Office of Health Information Technology for the purpose of creating a national interoperable health information infrastructure, to provide loans to health care entities seeking to implement such infrastructure, and to provide exceptions to certain health anti-kickback laws to encourage the dissemination of health information technology; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLITTLE:

H.R. 4833. A bill to require that only United States persons may control security operations at seaports in the United States or enter into agreements to conduct such security operations; to the Committee on Homeland Security.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. PICKERING):

H.R. 4834. A bill to amend the Internal Revenue Code of 1986 to allow a business tax credit for contributions to education scholarship organizations; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 4835. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to promote investments in mine safety; to the Committee on Ways and Means.

By Mr. FEENEY (for himself, Ms. HARRIS, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. KELLER, Mr. MACK, Mr. MILLER of Florida, Mr. FOLEY, Ms. WASSERMAN SCHULTZ, Mr. WEXLER, Mr. BILIRAKIS, Mr. HASTINGS of Florida, Mr. DAVIS of Florida, and Ms. ROS-LEHTINEN):

H.R. 4836. A bill to amend the Internal Revenue Code of 1986 to create Catastrophe Savings Accounts; to the Committee on Ways and Means.

By Ms. ZOE LOFGREN of California:

H.R. 4837. A bill to amend the Internal Revenue Code of 1986 to expand the tax incentives for higher education; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 4838. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself, Mr. CARDIN, and Mr. WELLER):

H.R. 4839. A bill to prohibit entities owned or controlled by foreign governments from conducting certain operations at seaports in the United States, and from entering into agreements to conduct such operations; to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi (for himself, Mr. PASCRELL, Mr. MEEK of Florida, Mr. LANGEVIN, Mr. ETHERIDGE, Ms. JACKSON-LEE of Texas, Mr. MARKEY, Mr. AL GREEN of Texas, Mrs. CHRISTENSEN, Mr. DEFAZIO, Mr. BROWN of Ohio, and Mr. GRIJALVA):

H.R. 4840. A bill to amend the Homeland Security Act of 2002 to establish requirements for appointment of the Director of the Federal Emergency Management Agency, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico:

H.R. 4841. A bill to amend the Ojito Wilderness Act to make a technical correction; to the Committee on Resources.

By Ms. WASSERMAN SCHULTZ (for herself, Mr. POE, Mr. CLYBURN, Mr. PALLONE, Mr. NADLER, and Mr. MCNULTY):

H.R. 4842. A bill to ensure the security of United States ports, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOYER (for himself, Mr. WOLF, Mr. MORAN of Virginia, Ms. NORTON, Mr. WYNN, and Mr. VAN HOLLEN):

H. Con. Res. 349. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Mr. CHABOT (for himself, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mrs. BLACKBURN, Mr. CANNON, Mr. CHOCOLA, Mr. COLE of Oklahoma, Mr. FLAKE, Mr. FORTUÑO, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOHMERT, Mr. GUTKNECHT, Mr. HENSARLING, Mr. HOSTETTLER, Mr. ISSA, Mr. SAM JOHNSON of Texas, Mr. KINGSTON, Mr. KLINE, Mr. KING of Iowa, Mr. KUHL of New York, Mr. MARCHANT, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mr. NEUGEBAUER, Mr. PAUL, Mr. PENCE, Mr. ROHRABACHER, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SULLIVAN, and Mr. UDALL of Colorado):

H. Res. 701. A resolution amending the Rules of the House of Representatives to prohibit the consideration of conference reports on omnibus appropriation bills; to the Committee on Rules.

By Mr. GALLEGLY (for himself, Mr. HYDE, Mr. LANTOS, and Mr. WEXLER):

H. Res. 703. A resolution recognizing the 20th anniversary of the Chernobyl nuclear disaster and supporting continued efforts to control radiation and mitigate the adverse health consequences related to the Chernobyl nuclear power plant; to the Committee on International Relations.

By Mr. HOYER (for himself, Mr. CARDIN, Mr. GILCHREST, Mr. BARTLETT of Maryland, Mr. WYNN, Mr. CUMMINGS, Mr. RUPPERSBERGER, and Mr. VAN HOLLEN):

H. Res. 704. A resolution congratulating the University of Maryland on the occasion of its 150th anniversary; to the Committee on Education and the Workforce.

By Mr. MCDERMOTT:

H. Res. 705. A resolution recognizing and congratulating Apolo Anton Ohno for his historic performances in short track speedskating at the 2006 and 2002 Olympic Winter Games; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. FARR, Mr. GALLEGLY, and Mr. KUHL of New York.

H.R. 354: Mr. SPRATT, Mr. PASCRELL, Mr. PETERSON of Minnesota, Mr. PALLONE, Mr. COSTELLO, Mr. WELDON of Pennsylvania, Mr. RENZI, Mr. BISHOP of Georgia, and Mr. DOYLE.

H.R. 363: Mr. GENE GREEN of Texas.

H.R. 376: Ms. GINNY BROWN-WAITE of Florida.

H.R. 450: Mr. DENT, Mr. UPTON, and Mr. WILSON of South Carolina.

H.R. 633: Mr. OBERSTAR.

H.R. 717: Mr. DAVIS of Tennessee.

H.R. 791: Mr. BAIRD.

H.R. 839: Mr. ANDREWS.

H.R. 933: Mr. MCINTYRE.

H.R. 998: Mr. DAVIS of Illinois, Mr. DUNCAN, Mr. MOORE of Kansas, and Mr. EVERETT.

H.R. 999: Mrs. DRAKE.

H.R. 1053: Mr. KNOLLENBERG.

H.R. 1108: Mr. COSTA, Mr. HIGGINS, Mr. MARSHALL, and Mr. MCNULTY.

H.R. 1131: Mr. SANDERS.

H.R. 1136: Mr. MEEHAN and Mr. MCGOVERN.

H.R. 1219: Mr. CAMPBELL of California.

H.R. 1330: Mr. JEFFERSON.

H.R. 1414: Mr. FRANK of Massachusetts.

H.R. 1517: Mr. SHIMKUS and Mrs. KELLY.

H.R. 1518: Mr. WESTMORELAND, Ms. JACKSON-LEE of Texas, Mr. ALEXANDER, and Mr. CUMMINGS.

H.R. 1545: Mr. FRANKS of Arizona.

H.R. 1561: Mr. WAXMAN.

H.R. 1595: Ms. SCHWARTZ of Pennsylvania.

H.R. 1615: Ms. LORETTA SANCHEZ of California.

H.R. 1639: Mr. CONYERS.

H.R. 1642: Mr. FORTUÑO, Mr. NORWOOD, Mr. GRIJALVA, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1696: Mr. MELANCON.

H.R. 1704: Ms. ZOE LOFGREN of California.

H.R. 1956: Mr. JENKINS, Mr. FEENEY, and Mr. DANIEL E. LUNGREN of California.

H.R. 2231: Mr. ENGLISH of Pennsylvania, Mr. SPRATT, Ms. LORETTA SANCHEZ of California, and Ms. MCKINNEY.

H.R. 2290: Mr. CAMPBELL of California.

H.R. 2348: Mr. ALEXANDER.

H.R. 2389: Mr. DAVIS of Kentucky.

H.R. 2390: Ms. JACKSON-LEE of Texas, Mr. SIMMONS, and Ms. DELAURO.

H.R. 2554: Mr. DOGGETT, Mr. GONZALEZ, Mr. SCOTT of Georgia, Mr. CROWLEY, Mrs. MALONEY, Mr. RYAN of Ohio, and Mr. STRICKLAND.

H.R. 2567: Ms. JACKSON-LEE of Texas.

H.R. 2646: Mr. PENCE, Mr. LANGEVIN, and Ms. BERKLEY.

H.R. 2788: Mr. WALDEN of Oregon.

H.R. 2804: Mr. CANNON.

H.R. 2861: Mr. KILDEE, Mr. RUPPERSBERGER, Ms. DEGETTE, Mrs. CAPPS, Mr. JEFFERSON, and Mr. BLUMENAUER.

H.R. 2962: Mr. ROSS.

H.R. 3072: Ms. SCHAKOWSKY.

H.R. 3096: Mr. MICHAUD.

H.R. 3127: Mr. SHERMAN, Mr. TURNER, Mr. ROHRABACHER, Mr. AKIN, Ms. ZOE LOFGREN of California, and Mr. FERGUSON.

H.R. 3352: Mr. KUHL of New York and Mr. GARRETT of New Jersey.

H.R. 3361: Ms. WOOLSEY.

H.R. 3476: Ms. HART, Mr. FATTAH, and Mr. ROTHMAN.

H.R. 3547: Mr. MARSHALL.

H.R. 3565: Ms. MCKINNEY.

H.R. 3569: Mr. CUMMINGS.

H.R. 3628: Mr. INSLEE, Mr. PRICE of North Carolina, Mr. LARSON of Connecticut, Mr. SOUDER, and Mr. MCHUGH.

H.R. 3774: Ms. MATSUI.

H.R. 3861: Mr. DICKS, Mr. PRICE of North Carolina, Mr. COSTELLO, and Mr. BISHOP of Georgia.

H.R. 3931: Ms. PRYCE of Ohio.

H.R. 3940: Mr. RUPPERSBERGER.

H.R. 3957: Mr. SHAYS.

H.R. 4030: Ms. MCKINNEY.

H.R. 4062: Mr. DOGGETT.

H.R. 4063: Mr. BROWN of Ohio, Mr. STARK, Mr. BARROW, Mr. LANGEVIN, Mrs. WILSON of New Mexico, Ms. ESHOO, Mr. SHERWOOD, Ms. SCHAKOWSKY, and Mr. KUHL of New York.

H.R. 4085: Mr. CONYERS and Mr. JEFFERSON.

H.R. 4139: Mr. CONYERS, Mr. LEWIS of Georgia, Mr. FILNER, and Ms. KAPTUR.

H.R. 4156: Mr. LEWIS of Georgia, Mr. BRADY of Pennsylvania, and Ms. SLAUGHTER.

H.R. 4166: Mr. PAYNE.

H.R. 4201: Mr. BISHOP of Georgia and Mr. CUMMINGS.

H.R. 4211: Mr. JEFFERSON and Mr. DAVIS of Florida.

H.R. 4217: Mr. WELLER and Mr. HOBSON.

H.R. 4259: Mr. JONES of North Carolina.

H.R. 4298: Mr. HOLDEN.

H.R. 4315: Mr. HOLDEN, Mr. SIMPSON, Mr. MCHUGH, and Mr. STRICKLAND.

H.R. 4318: Mrs. BLACKBURN, Mr. HYDE, Mr. MARCHANT, Mr. MORAN of Kansas, and Mr. NUNES.

H.R. 4361: Mr. BRADY of Pennsylvania and Mrs. CHRISTENSEN.

H.R. 4366: Mr. MILLER of Florida and Mr. HASTINGS of Florida.

H.R. 4407: Mr. JONES of North Carolina.

H.R. 4411: Mr. BLUNT, Mr. SHAYS, and Ms. WASSERMAN SCHULTZ.

H.R. 4465: Ms. DEGETTE, Mr. SABO, Mr. ALLEN, and Mr. SCHIFF.

H.R. 4493: Mr. HASTINGS of Florida and Mr. DINGELL.

H.R. 4517: Mr. FOLEY.

H.R. 4537: Mr. WEXLER.

H.R. 4561: Ms. GRANGER and Mr. BRADY of Texas.

H.R. 4582: Mr. MCCOTTER.

H.R. 4621: Ms. HART.

H.R. 4623: Ms. LORETTA SANCHEZ of California.

H.R. 4672: Mr. ROSS.

H.R. 4706: Mr. KUCINICH, Mr. BERRY, and Mr. CONYERS.

H.R. 4715: Mr. LOBIONDO.

H.R. 4716: Mr. RENZI and Mr. ISTOOK.

H.R. 4725: Mr. MCINTYRE and Mr. YOUNG of Alaska.

H.R. 4737: Mr. HOLDEN.

H.R. 4738: Mr. CASE.

H.R. 4746: Mr. BRADY of Pennsylvania.

H.R. 4749: Ms. SCHWARTZ of Pennsylvania.

H.R. 4751: Mr. OBERSTAR, Mr. BISHOP of Georgia, Mr. SHUSTER, and Mr. EHLERS.

H.R. 4756: Mr. THOMPSON of Mississippi, Mr. BARROW, Mr. GRAVES, Mr. WYNN, and Mr. MCINTYRE.

H.R. 4761: Mr. SAM JOHNSON of Texas, Mr. BLUNT, Mr. HERGER, Mr. MCCAUL of Texas, and Mr. CONAWAY.

H.R. 4774: Mr. BROWN of South Carolina, Mr. MCCOTTER, and Mr. HOEKSTRA.

H.R. 4777: Mr. HUNTER, Mr. BLUNT, and Mr. GENE GREEN of Texas.

H.R. 4794: Mr. BROWN of Ohio and Mr. CONYERS.

H.R. 4800: Ms. BALDWIN.

H.R. 4807: Mrs. WILSON of New Mexico, Mr. KUHL of New York, Ms. ROS-LEHTINEN, Mrs. MALONEY, Mrs. MUSGRAVE, Mrs. CAPITO, and Mr. HIGGINS.

H.R. 4813: Mr. HERGER.

H. J. Res. 53: Mr. TURNER.

H. Con. Res. 52: Mr. SAM JOHNSON of Texas.

H. Con. Res. 179: Mr. TERRY.

H. Con. Res. 299: Mr. LEWIS of Georgia.

H. Con. Res. 339: Mr. ROHRABACHER, Mr. MCKEON, Mr. RADANOVICH, Mr. DREIER, Mr. LEWIS of California, Mr. ISSA, Mrs. BONO, Mr. CALVERT, Mr. DANIEL E. LUNGREN of California, Mr. GALLEGLY, Mr. STEARNS, Mr. ROGERS of Alabama, Mr. YOUNG of Florida, Mr. ALEXANDER, Mr. GARY G. MILLER of California, and Mr. KINGSTON.

H. Con. Res. 346: Mr. CLAY.

H. Res. 116: Mr. COSTA.

H. Res. 305: Mr. BROWN of South Carolina, Mr. NORWOOD, Mr. FITZPATRICK of Pennsylvania, and Mr. LYNCH.

H. Res. 498: Mr. COSTELLO, Mr. ENGEL, Mr. STRICKLAND, Mr. HINCHEY, Mr. RUPPERSBERGER, and Mr. SABO.

H. Res. 521: Mr. CONYERS, Mr. CARNAHAN, and Mr. HASTINGS of Florida.

H. Res. 526: Mr. CONYERS.

H. Res. 566: Mr. TANNER, Mr. TOWNS, Mr. LANTOS, and Ms. CARSON.

H. Res. 578: Mr. SULLIVAN.

H. Res. 601: Mr. ANDREWS, Ms. LORETTA SANCHEZ of California, Mr. MCNULTY, Mr. ENGLISH of Pennsylvania, Mr. TOM DAVIS of Virginia, Mr. SCOTT of Georgia, Mr. DOYLE, and Ms. SCHAKOWSKY.

H. Res. 658: Mr. CROWLEY and Mr. CONYERS.

H. Res. 662: Mr. MILLER of Florida.

H. Res. 665: Mr. DELAHUNT and Mr. CASE.

H. Res. 673: Mr. MARIO DIAZ-BALART of Florida, Mr. TOWNS, Mr. FOLEY, and Mr. DOOLITTLE.

H. Res. 681: Mr. HOLT, Mr. NEAL of Massachusetts, Mr. WELDON of Pennsylvania, Mr. RYAN of Ohio, Mr. GORDON, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COSTELLO, Mr. MCGOVERN, Mr. DENT, Mr. KENNEDY of Minnesota, Mr. MANZULLO, Mr. EHLERS, Mr. PICKERING, Mr. SIMMONS, and Mr. KUHL of New York.

H. Res. 690: Mr. CARTER, Mr. MARCHANT, Mr. MILLER of Florida, and Mr. PAUL.

H. Res. 693: Mr. RANGEL, Mr. CONYERS, and Mr. CAPUANO.

H. Res. 694: Mr. CONYERS and Mr. BRADLEY of New Hampshire.

EXTENSIONS OF REMARKS

EXPUNGEMENT RESTORES MOST FUNDAMENTAL RIGHTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. RANGEL. Mr. Speaker, I rise today to express my disappointment at comments made earlier this month by Maryland Gov. Robert Ehrlich that he would veto a bill that would restore voting rights to felons.

Disenfranchisement is a problem plaguing society. Nationally, more than four million Americans are not allowed to vote as a result of laws that prohibit voting by felons or ex-felons. In 48 states, with the exception of Maine and Vermont, and the District of Columbia prisoners cannot vote. In 36 states, felons on probation or parole are disenfranchised and in 11 states, a felony conviction can result in a lifetime sanction long after the completion of a sentence. Unfortunately disenfranchisement is not a color-blind problem. This fundamental obstacle to participation in our democracy is aggravated by racial disparities within the criminal justice system, resulting in an estimated 13 percent of black men unable to vote. In 10 states with the highest Hispanic populations, including California, Latinos are as much as three times more likely to lose their right to vote from felony disenfranchisement than the population at large.

The denial of black and Latino ex-felons from membership and participation in our electorate is a glaring disgrace to a country that prides itself on its equitable criminal justice system. It is said that once prisoners have "paid their debt to society," they are free to reenter it. But are they truly free? The answer is no if some of their fundamental rights aren't restored at the conclusion of their sentence. Not only are some ex-felons not allowed to vote, but employers hesitate to contract workers with criminal records and participation in certain housing and training programs is elusive to them as well. It is shameful and unfair to punish ex-felons even after they have served their sentence. We must avail to these citizens every opportunity to regain their dignity so they do not return to a life of crime. The unfortunate alternative is for society to continue to be victimized by ex-offenders who, having given up all hope of employment, resort to careers in crime.

It is my belief that expungement allows for a fresh start for reformed ex-prisoners. That is why I have reintroduced. H.R. 662, the Second Chance for Ex-Offenders Act of 2005, which would permit the expungement of federal records for certain nonviolent criminal offenses. Gov. Ehrlich's comments that fully restoring voting rights to felons is inappropriate are in and of themselves egregious. If we continue to deny all ex-felons the right to vote and continue to punish them even after they have served their time, then what debt have they paid to society during their incarceration? What message are we sending not only to ex-offenders but the world as we continue to tout ourselves as the leader of the free, Democratic world, if we do not allow some of our citizens the right to vote?

Currently, some states have reformed their laws to allow ex-offenders to become active participants in their government. Several states, such as Kentucky and Illinois, permit the expungement of the records of certain ex-offenders who have violated state laws. Voting rights advocates and legislators are pushing for such initiatives in Virginia. In the governor's great state of Maryland, dozens of House Democrats have co-sponsored legislation that would allow about 150,000 ex-felons to vote this year and the state Democratic Party has endorsed the proposal. To unilaterally turn a deaf ear to constituents, advocacy groups and fellow lawmakers is an offense to democracy.

Mr. Speaker, it is my hope that Gov. Ehrlich comes to realize the type of damage his vow to forbid restoration of voting rights to ex-prisoners has done to disadvantaged communities in his state. It is his vow that I find inappropriate.

TRIBUTE TO ALICE GRAY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Ms. WOOLSEY. Mr. Speaker, I rise with sadness today to honor my friend Alice Gray who died on February 10, 2006, at the age of 88. Surrounded by family and friends, she passed away peacefully in her Santa Rosa home. Known throughout Sonoma County for her leadership in the civil rights movement, Alice's strength, motherly warmth, and common sense were a hallmark of her style.

Originally from Longview, Texas, Alice moved to California during World War II to join her husband Gilbert who was working in the shipyards in Marin City. In 1950 the family moved to Santa Rosa where there were few other black people, and Alice and Gilbert soon became community activists.

In 1954 they co-founded the Sonoma Chapter of the National Association for the Advancement of Colored People (NAACP) and led pickets to integrate local businesses. Alice also helped establish the National Association of Negro Business and Professional Women's Club in Sonoma, the Marin Rod and Gun Club, and the Community Baptist Church which has been led by the Reverend James Coffee for 45 years.

In 1992 Alice and Gilbert launched the Gray Foundation, with an initial contribution of $150,000, to provide funds to students with the desire to further their education and serve their community. The Grays declared, "The Gray Foundation is our effort to reverse unemployability, declining social values and violent self-fear. We seek to put our resources behind our words (put up or shut up) . . . As a people, we have to put our growing resources to use in support of our heroes/sheroes, our heritage, as well as persons and places of learning. We must listen and learn from each the traditions of self-help and self-reliance that once gave our people strength."

The Foundation's programs embody that philosophy, from its scholarships for high school graduates to In Partnership, a unique enrichment program at Brook Hill Elementary School which focuses on the development of tools that young children will need for school success. Its theme is "Students Taking an Active Role" (the children are known as "STARS") and includes the South Park Grandmothers" Club whose members, including Alice, went regularly to the school to be there for at-risk kids.

Alice's husband Gilbert passed away in 1997 after 62 years of marriage. She remained active, including a drive to Los Angeles with her grandson Curtis last fall to attend the 18th annual California NAACP Convention. Always a high-spirited driver (called "wheeling" by the family), she drove for 100 miles on the trip, her first time behind the wheel since her husband's death. At the Convention, she met with the new president, Bruce Gordon, and many old friends from all over the state such as Willie Brown and Mervyn Dymally. She and Curtis attended seminars, including one on same sex marriage. Both of them were overwhelmed at the concluding banquet where Curtis was given the honor of doing an invocation and all 450 attendees sang Happy Birthday to Alice.

Alice is survived by 7 great, great grandchildren, 28 great grandchildren, 32 grandchildren, 5 siblings, numerous nieces and nephews, eight of her nine children—Ann Gray Byrd, William Gray, Dorothy Woodward, Ida Johnson, James Gray, Charles Gray, Aubrey Gray, Robert Gray—and many close friends and admirers.

Mr. Speaker, it was the Alice's and Gilbert's desire that "the Gray Foundation serve as an example to others so that they, too, will put up, because we cannot afford to shut-up and still survive." Alice Gray herself was a shining example of someone who "put up", inspiring so many with her actions and her heart. I will miss my friend but know that her message of hope and compassion will continue to spread throughout the community and beyond.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO JOSEPHINE CATHRINE GAJDA

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today to honor an outstanding resident of the Third Congressional District of Illinois, Josephine Cathrine Gajda, upon her retirement. Over the years, Josephine has been a distinguished contributor to the community, as well as an exemplary mother. Her love of nature, reading, and visiting with her grandchildren embody genuine and honorable values.

After graduating from St. John of God Elementary School and Lourdes High School, Josephine's experience in child care, banking, and at Dominick's enabled her to serve the community and its residents. During this time, she also nurtured and raised five children (Cheryl, Stephen, David, Kristen, and Melissa) and is currently the grandmother of six grandchildren (Zack, Andrew, Dakota, Emily, Kristina, and Nicholas).

Josephine's patience, kindness, and ability proved to be invaluable in the workplace, but also at home. As an outstanding parent, she imparted these important values to her children and grandchildren.

I ask my colleagues in the House of Representatives to stand with me today and take this opportunity to recognize Josephine Catherine Gajda for her many achievements, and wish her well in retirement. As Josephine truly sets an example to the Third District, we also thank her for her role in making our community a better place to live.

HONORING PRAVEEN CHAUDHARI

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. BISHOP of New York. Mr. Speaker, I rise to honor and recognize a good friend and leader in the advanced research community, the retiring director of the Brookhaven National Laboratory, Dr. Praveen Chaudhari.

I am deeply proud to represent BNL and its dedicated employees. I have thoroughly enjoyed my working relationship with Dr. Chaudhari, who is a world-class physicist running a world-class research facility. It is an honor and privilege for me to recognize his numerous accomplishments, steadfast dedication and hard work throughout a distinguished research career dedicated to the advancement of science.

Dr. Chaudhari entered the field of physics by earning a B.S. from the Indian Institute of Technology as well as an M.S. and Sc.D. from the Massachusetts Institute of Technology. He applied this knowledge to research and the publication of over 150 technical papers and 20 patents throughout 36 years as an IBM scientist, manager, and recipient of numerous honors for his contributions to innovative scientific technology.

Through three years at the helm of the Brookhaven National Laboratory, Dr. Chaudhari persevered over many challenges while making tremendous progress in advanced energy research and technology. His tenacity and firm resolve have proven to be among BNL's most invaluable assets. I have witnessed his leadership and determination first-hand, particularly as the lab moved forward with break-through research projects such as the Relativistic Heavy Ion Collider and the National Synchrotron Light Source-II (NSLS–II).

It was my pleasure to work closely with Dr. Chaudhari and my colleagues in New York's congressional delegation to help BNL advance its mission. On behalf of New York's first congressional district, I extend my gratitude and congratulations to Dr. Chaudhari for a brilliant career along with best wishes for continued success in his future endeavors. His vision and passion for scientific discovery will always be remembered, and his outstanding advocacy and leadership will be missed.

ENVIRONMENTAL CHALLENGES FACING THE CARIBBEAN UNDER GLOBALIZATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. RANGEL. Mr. Speaker, today I rise to acknowledge the challenges facing Caribbean countries, and their leadership and to acknowledge the vital roles they play in the global community. As an example of the richness of the thinking in the region on the challenges faced by small states in their transition to the global economy, I enter in the RECORD a speech delivered by His Excellency Michael King, Ambassador of Barbados to the United States of America and Permanent Representative to the Organization of American States. Comments made by Ambassador King were part of his address to the annual general meeting of the Caribbean Conservation Association (CCA), a membership organization dedicated to the preservation of Caribbean cultural and natural resources, held Friday, February 3, 2006.

Currently, the Caribbean region is undergoing a transformation, but changes could come with a steep price. Countries such as Jamaica and Barbados have seen a boom in real estate, primarily for local housing development and further growth will necessarily be contingent on the greater exploitation of natural resources. In Trinidad, the lucrative oil windfall may open opportunities for industrialization which will not only use scarce resources but will bring up concerns regarding safe disposal of waste byproducts and health ramifications in nearby communities. Natural disasters also pose a challenge as the Caribbean and the United States observed with the destruction of Grenada in 2004 by Hurricane Ivan. All governments must boost their preparedness in order to prevent devastation to families, homes and businesses.

In his remarks, Ambassador King explains that because of the CCA's unique mission, they are in a position to outreach to members who can influence change. "Having gone through a period of dormancy, the organization must act quickly not just to confirm its relevance but to provide the mechanism whereby it can become the catalyst for a resurgence of the environmental movement in the Caribbean," Ambassador King said in his remarks. The Ambassador suggests continued collaboration between CCA and organizations dedicated to promoting agriculture and tourism in order to boost CCA's efficiency. He also recommends CCA becoming a vehicle for interventions related to community-based educational programs and alliances with fledging non-governmental organizations working in the field.

Mr. Speaker, again please join me in acknowledging the merit of Ambassador King's remarks regarding the challenges facing the Caribbean in this era of globalization and what can be done to protect and preserve the Caribbean's cultural resources and environment.

TRIBUTE TO FRANK EGGER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Frank Egger of Fairfax, CA, who recently completed 10 terms—40 years—on the Fairfax City Council, including seven stints as mayor. The longest continuously serving city council member in the State, Frank's tenure was marked by his environmental activism and his passion for his town.

A San Francisco native, Frank lived in Santa Rosa for several years where he met his wife, Ronita Sundin, while modeling at a fashion show at the Flamingo Hotel. The couple moved to Fairfax in 1959 to raise their daughter Lori, who now has two children of her own. Frank left college to support his family and spent 44 years driving a bread truck for Sara Lee. He became active in North Bay labor issues, fighting for the rights of blue-collar workers, and eventually served as president of Teamsters Local No. 484.

In the 1960s Frank began his life's calling as an activist in both State and local issues when he perceived the environmental threats facing California and when a graceful Victorian bank in his hometown was replaced by a modern building.

Frank cofounded Friends of the Eel River, preventing the building of the Dos Rios Dam and is still fighting water diversions that could harm that stream's fisheries. He has had long working relationships with environmental pioneers including David Brower, Todd Steiner, Marty Griffin, and the late Peter Behr—with whom he developed the California Wild and Scenic Rivers Act, signed into law by Governor Reagan. He also served as one of the State's first coastal commissioners, spearheaded a State antinuclear initiative, and is a member of the statewide Environmental Health Legislative Working Group Pesticide Committee.

Locally, Frank was active in many key groups including the Ross Valley Paramedic Authority, GGNRA Board of Control, Marin County Congestion Management Agency, Marin Telecommunications Agency, and many others over his 40-year tenure. He has also been a fixture at meetings dealing with water issues in both Marin and Sonoma counties.

However, he will be most remembered for his leadership in preserving Fairfax's small-town character through his role in slowing its development and safeguarding its environment and the wages of its workforce. He was instrumental in the creation of the 500-acre Elliot Nature Preserve, enactment of strict antipesticide ordinances and a high living-wage law, and protection of the historic 23-acre Marin Town and Country Club from large-scale development.

In the cauldron of local politics, all would agree that Frank acted out of conviction for his town, for the environment, and for the well being of workers.

Mr. Speaker, I am proud to have worked with Frank Egger, a brave and caring activist, whose years of service are an inspiration to all of us who believe in fighting for our values and speaking out for progressive causes. I know he will continue this fight, and I intend to be by his side.

HONORING GERALD R. BENNETT, MAYOR OF PALOS HILLS, IL, 25TH CELEBRATION IN PUBLIC SERVICE

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Mayor Gerald R. Bennett of Palos Hills, IL. Mayor Bennett has given 25 years of public service to the Palos Hills community.

As a native of Chicago's southwest side, Mayor Bennett attended Brother Rice High School. He then continued his education at Lewis University of Joliet and graduated from the University of Illinois—Chicago.

Mayor Bennett began his public service in 1979 by serving as alderman from the Second Ward of Palos Hills. Upon the completion of his term he was elected as mayor of Palos Hills in 1981, a position he has continued to serve for the past 25 years.

As mayor, Mr. Bennett has transformed the city of Palos Hills into a progressive community which seeks to unite all of Chicago's southwest suburban towns. Because of his exemplary leadership, Mayor Bennett has served as founder and president of the Southwest Conference of Mayors for the past 23 years. He is also the chairman of the Board of Southwest Central Dispatch, an intergovernmental police and fire 911 service.

I ask my colleagues to join me today in recognizing the many achievements of Mayor Gerald R. Bennett. It is my honor to acknowledge Mayor Bennett for his outstanding leadership and commitment to public service, in the city of Palos Hills and the Third Congressional District of Illinois.

HONORING JAMES "BUTCH" LANGHORN

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. BISHOP of New York. Mr. Speaker, I rise to recognize James "Butch" Langhorn, an American patriot and good friend, for a lifetime dedicated to serving and defending our nation and the First Congressional District of New York in particular.

Since I was elected to Congress, it has been my honor and privilege having Butch working alongside me in my Long Island office. Butch was recently appointed Special Assistant to the Sheriff of Suffolk County. Although I will miss Butch tremendously, this important and highranking position is a well-deserved opportunity to continue his impressive career on Long Island.

Indeed, Butch is a consummate professional whose diligence and commitment constitute a shining example of public service. His tireless efforts and steadfast dedication have been invaluable assets to our constituent service operation, and I am confident that they will prove equally beneficial to the Sheriff, his office and his jurisdiction.

Time and again, Butch has risen above and beyond the call of duty, going the extra mile to provide the best service possible to our constituents, particularly veterans, many of whom know Butch personally and respect his impeccable record and integrity. I have often said that Butch is the best veteran's staffer in the U.S. House of Representatives. If there is someone better, then I want to meet that person.

As a young man, Butch attended Riverhead High School on Long Island before enlisting in the U.S. Army. He served four years on active duty, including a tour in Vietnam. Shortly after his return, Butch joined the Air National Guard as a technician and was attached to the 106th Air Rescue Wing located at Gabreski Air Force Base on eastern Long Island. Butch was awarded multiple decorations and reached the senior rank of Chief Master Sergeant for his countless achievements, particularly for excellence in managing the base's personnel and finances.

Throughout his military service, Butch was always keenly aware and interested in Long Island's political environment. He was elected to and remains the current Democratic Town Leader of the Town of Riverhead.

Butch's dedication to his community compliments his military record and civilian occupation. He has coached Little League baseball and Pop Warner football, and was awarded the Reverend Dr. Martin Luther King Memorial Award for the active and positive role that he has played for his church and in his community.

Butch currently resides in Riverhead with his wife, Linda. They have two children, Kelli and Michael; and four grandchildren, Katherine, Kameron, Kyler-Ann, and Danielle.

On behalf of my staff and New York's First Congressional District, I thank James "Butch" Langhorn for over four decades of public service, through which a common thread runs—his genuine commitment to his fellow veterans and Long Islanders. I wish him continued success, good health, and the best of luck in the future. Butch will be missed but always remembered with the highest degree of fondness, respect and gratitude.

RECOGNIZING FEBRUARY AS AMERICAN HEART MONTH

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. RUPPERSBERGER. Mr. Speaker, I rise today to acknowledge February as American Heart Month. Heart disease is an increasing issue in today's society. The risk of this detrimental disease can be prevented, if only we stop to recognize the warning signs.

Heart disease, strokes and other cardiovascular diseases are the leading causes of death in the United States. In 2003, collectively these diseases killed 910,600 of our citizens. Moreover, heart disease is the number one killer of women in America. Statistics show that more than 70 million Americans currently suffer from some form of cardiovascular disease. It is critical that we take action now to reduce the number of people who fall victim to these ailments.

As a member of the Congressional Heart and Stroke Coalition, I feel it is my duty to raise awareness of the seriousness of cardiovascular disease. The coalition is comprised of several members of the House and the Senate. Together, we act as a resource center on heart and stroke issues such as biomedical research; quality and availability of care; health promotion and disease prevention. We also work to advance public policy aimed at fighting cardiovascular diseases. I believe in the importance of knowing the warning signs of this condition. More knowledge about this disease increases the chance of survival for our fellow countrymen.

Several things can be done to maintain a healthy heart. The first step is to be screened for heart disease, which includes having cholesterol and blood pressure checked. Next, it is important to start a conversation with health care providers about personal risks of heart disease. Most often, this includes a discussion of the family's history of stroke. Many doctors have advised that quitting smoking, losing weight and becoming more active through even moderate exercise greatly decreases the risk of cardiovascular disease. These are just a few things we can do to help reduce the risk of heart disease. The American Heart Association's website is a great resource for helpful facts, statistics, and warning signs of these impeding conditions. I believe it is crucial to heed these warnings.

Mr. Speaker, the heart is truly a vital organ pumping blood throughout our bodies everyday. I ask that you will join me in promoting heart healthy programs. Together, we will ensure Americans keep their hearts healthy.

TRIBUTE TO MR. FRED ANDERSON

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor the extraordinary life and public service of Mr. Fred Anderson of Loveland, Colorado. Mr. Anderson, a fifth generation Coloradoan, has devoted his life to public service and the people of Colorado.

In 1966 Mr. Anderson began his dutiful service in the State Senate. During his 16 year tenure as a State Senator, he chaired the Natural Resources Committee and the Legislative Audit Committee. He also served as president of the Senate from 1974 to 1982. Among his many accomplishments, Mr. Anderson was responsible for Colorado becoming the first state to set up an actuarially sound pension program for public employees. Moreover, Mr. Anderson was instrumental in the recodification of Colorado Water Law. The expertise Mr. Anderson brought to this lengthy process was an invaluable asset to the people of Colorado.

Mr. Anderson's reputation as an effective leader and skilled legislator earned him national recognition. He served as president of the National Conference of State Legislators and also received a Presidential Appointment to the Advisory Commission for Inter-Governmental Relations.

Mr. Anderson's service to his community has not been limited to the political realm. He has unselfishly given of himself as a member of countless civic and philanthropic organizations. Mr. Anderson has served on the Governing Board of Lutheran Hospital and Homes Society and as chair of the United Way. He has also been actively involved in the Rotary Club, Farm Bureau, and Colorado Cattle Feeders.

Perhaps most importantly however, Mr. Anderson is a family man of tremendous character. He and his wife Anne have been married for over fifty-two years. He is the proud father of three sons and a daughter as well as a proud grandfather of seven.

INTRODUCING THE PULMONARY AND CARDIAC REHABILITATION ACT OF 2006

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. PICKERING. Mr. Speaker, chronic obstructive pulmonary disease, COPD, is the number four killer in the United States, and it is the only condition in the top ten where deaths are increasing annually. Analysts predict it will move into the number three position within the next decade. But through pulmonary rehabilitation, doctors and health care providers are saving lives. This treatment is covered by Medicare, but confusion in the regulation denies many people the opportunity for this life-saving and life-extending treatment.

As far back as 1981, the Health Care Financing Administration, now the Centers for Medicare and Medicaid Services, recognized the importance of pulmonary rehabilitation and readily acknowledged it was a covered service under Medicare. But in the past 25 years, the Medicare program has not published a policy for coverage of pulmonary rehabilitation services, letting local Medicare contractors decide how best to cover the service. So in some parts of the United States, Medicare beneficiaries have no access to pulmonary rehabilitation because local Medicare contractors have no defined policy for coverage.

So, today I introduce the Pulmonary and Cardiac Rehabilitation Act of 2006, a companion bill to S. 1440 introduced by Senators MIKE CRAPO and BLANCHE LINCOLN. I am pleased to be joined by my colleague JOHN LEWIS as a cosponsor of this reform legislation. This legislation clarifies Medicare language to establish a specific benefit category for pulmonary rehabilitation services.

Organizations such as the American College of Chest Physicians, the American Thoracic Society, the National Association for Medical Direction of Respiratory Care, the American Association of Respiratory Care and the American Hospital Association have all signaled their support for this reform.

Heart disease, along with other cardiovascular diseases, is the number one killer in the United States. So in addition to establishing a specific benefit category for pulmonary rehabilitation, this legislation would do the same for cardiac rehabilitation services. I commend CMS for taking action on cardiac rehabilitation and proposing a National Coverage Decision in December 2005. This bill would give legislative certainty and clarity to that action.

Because CMS agrees that cardiac rehabilitation is an important covered service, there is no cost associated with these provisions of the bill. The costs associated with the pulmonary rehabilitation section are currently being scored by the Congressional Budget Office and are expected to be minimal.

My mother recently experienced firsthand the benefits of these rehabilitation services at South Central Regional Medical Center in my hometown of Laurel, Mississippi. I hope this legislation will provide others around the country with the same health care opportunities that have so benefited my mother. I urge my colleagues to join me in supporting this important legislation.

RECOGNIZING THE 200TH ANNIVERSARY OF THE ELIZABETHTOWN FIRST BAPTIST CHURCH

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. SHIMKUS. Mr. Speaker, I rise today to take this opportunity to honor the First Baptist Church of Elizabethtown, Illinois, as it celebrates its bicentennial anniversary on July 9, 2006. Since its founding in 1806, the Elizabethtown Baptist Church has been preaching the gospel in the community, and has served as a symbol of faith and endurance.

The church was founded by Stephen Stilley, William Jones, and others as God led them to begin a Baptist work in the Illinoisan territory. The first meeting of the church took place—as many of the New Testament churches did—in a small home. It was built in a safe place for the worshippers near Griffith Cave. This proved to be of the utmost importance when the building was burned by the Indians, at first. In 1877, the church purchased land from the Drumms family and built the current church from bricks made at the local kiln. Today the congregation has made extensive repairs in an effort to preserve the old church for future generations.

The challenge of the church is to keep the sacred word of God and faithfulness of the people. For 200 years, God has protected and preserved his people's church through the threat of fire, flood, and other natural and man-made disasters as living testimony of His Divine Grace. As the celebrations go on, all visitors are always welcome. My family and I have been graciously invited to attend the celebration of their bicentennial anniversary.

My prayer is that God will continue to bless this historic and remarkable congregation and they would remain a positive influence for the future of the Elizabethtown community of Illinois.

TRIBUTE TO JERRY BRADLEY, THE 2006 IVAN D. LIVI AVIATION EDUCATOR OF THE YEAR

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. BOSWELL. Mr. Speaker, I rise today to recognize Mr. Jerry Bradley, who has been named the Ivan D. Livi Aviation Educator of the Year by the Aviation Technician Education Council. The Aviation Technician Education Council is an organization of the Federal Aviation Administration (FAA) founded to further the standing of FAA approved schools. This award recognizes outstanding achievement of an aviation maintenance technology instructor.

As a general aviation pilot and member of House Transportation and Infrastructure Committee's Subcommittee on Aviation, I am greatly impressed by the work Mr. Bradley, his colleagues and his students perform on a daily basis. The Aviation Technologies Program, which Mr. Bradley chairs, provides students in the Des Moines area with a unique opportunity to gain valuable skills and lessons, which they can carry forward throughout their careers. I commend Mr. Bradley for leading a program, which continues to be a model of success for schools in Iowa and throughout the United States.

Again, congratulations to Mr. Jerry Bradley for earning the Ivan D. Livi Aviation Educator of the Year Award. This honors his work, the Des Moines Public Schools Aviation Technologies Program, and his students.

CONGRATULATIONS TO BISHOP MICHAEL LUNSFORD

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, I would like to note that Michael R. Lunsford, a constituent of mine from Taunton, Massachusetts, recently celebrated the first anniversary of being elevated to the position of Bishop within the International Fellowship of Reformed Episcopal Churches, previously known as the International Fellowship of Reformed Episcopal, Pentecostal Churches of the Syro-Atiochan Rite.

While this marks an important milestone for Bishop Lunsford and for the members of his congregation, I believe it is also important for the broader community to be aware of the many ways in which he has contributed to improving the lives of Taunton residents, and improving the quality of life in the greater Taunton area. Indeed, he offers an excellent example of the way in which clerics contribute to their communities simultaneously on two levels: as spiritual leaders for the members of their particular houses of worship or faiths, but also as participants in important community efforts to address social concerns that go beyond the doors of their own houses of worship. It is from that perspective that I would like to acknowledge the valuable services Bishop Lunsford has performed—and continues to perform—for Taunton and its environs, and also overseas (obviously, in this case, the term "community" has a much more expansive meaning than we sometimes give it).

Bishop Lunsford moved to Taunton in 1983 with his wife, when he took on the position of pastor at the Crossroads Christian Center. He has been active in area religious and civic affairs since that time. From its inception in 1987, he has been an advisor to Barnabas Ministries, an international missionary organization that has provided encouragement and training to thousands of pastors in more than 27 developing countries throughout the world. He was also the founder of two local human service programs: Eagles Nest, an after school program established in 1998 that focuses on tutoring, reading programs and other youth services; and The Lord Cares Food Program, which began in 1993 and provides nutrition assistance to needy families by means of donations and volunteer work. He was also the founder in 2001 of Crossroads International, a multi-racial ministry headquartered in Taunton, with branches in New Bedford, Massachusetts, Providence, Rhode Island and Port Limon, Costa Rica. Crossroads International works on promoting business development, youth empowerment and anti-drug initiatives, among other efforts.

Bishop Lunsford is also on the board of Youth Challenge International, an anti-drug abuse organization, and is a member of numerous local human service and community boards, including Taunton Cares, Pro Home, Taunton Emergency Task Force, Community Counseling, Greater Taunton Clergy, and the Department of Mental Health.

Because his work is very much in the American tradition of combining spiritual and community leadership, I ask my colleagues to join me in congratulating Michael R. Lunsford on his many contributions to Taunton, his elevation to the position of Bishop and his ongoing commitment to helping less fortunate people around the world.

TRIBUTE TO STEVE GILMORE

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to share with you my pride in Steve Gilmore, a member of my staff who is leaving our service to assume new responsibilities as the Vice President of Governmental Affairs for the Chamber of Medford/Jackson County.

A little over 7 years ago, I had the good fortune to invite Steve Gilmore to join my staff in my district office in Medford, OR. When Steve became a member of our team, he was a recent college graduate with incredible enthusiasm, a passion for the operations of government, and an intense interest in the history of our great Nation. He was highly motivated with a deep and unselfish desire to help others. Those are among the many qualities that have enabled Steve to serve the constituents of the Second Congressional District with such effectiveness.

Steve, a former student body president at Eastern Oregon University, brought significant leadership skills to his duties throughout his 7 year career with the U.S. House of Representatives. His fellow workers and my constituents sought his counsel because he had the ability to weigh large quantities of diverse information and arrive at commonsense solutions to complex problems.

Steve has approached any and all tasks presented to him with enthusiasm, good cheer, and a quiet determination to get positive results. He leaves with a file overflowing with notes and cards of sincere appreciation from Oregonians he assisted. As all of my colleagues know, people seeking our assistance are often frustrated, distraught, and discouraged. Steve has been particularly good at helping those people to have confidence that we can work through their difficulties to make the system more responsive to their needs.

Always a gentleman, Steve's innate kindness has always been reflected in his interactions with his fellow staff members and those I represent. Steve has taken very seriously our commitment to be compassionate and responsive in fulfilling our mission to assist our constituents through difficulties they confront with our government.

I appointed Steve as my special projects coordinator and my director of constituent services because I knew I could count on him to wholeheartedly tackle special issues and cases that arise in a vast territory like Oregon's Second Congressional District. I'm confident that Steve will do an outstanding job of productively growing the involvement the Chamber of Medford/Jackson County in the political process.

I am sorry to see Steve leave, but am pleased that he has been offered this great new opportunity. I thank him deeply for his exemplary service. Mr. Speaker, I know that you and my colleagues join me in wishing Steve and his lovely wife, Mindy, the best of success in this new avenue of service.

FREMONT EDUCATION FOUNDATION HONORS CHERYL COOK-KALLIO AND SANDI PANTAGES FOR EXCELLENCE IN EDUCATION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. STARK. Mr. Speaker, I rise to pay tribute to two extraordinary women who were honored by the Fremont Education Foundation in Fremont, California on February 24, 2006 at the Foundation's Annual Excellence in Education Gala. The 2006 honorees, Cheryl Cook-Kallio and Sandi Pantages have provided exemplary contributions to the Fremont Unified School District. Ms. Cook-Kallio is the Excellence in Education Fremont Unified School District (FUSD) Honoree. Ms. Pantages is the Excellence in Education Community Honoree.

Ms. Cook-Kallio is an instructor at Irvington High School in Fremont, California and has been an educator with FUSD since 1979. She has coached and led her "We the People" team of students to win the California State "We The People" Competition. Her students placed fourth in the National "We The People" Competition in 2005. She is popular with her students and has received numerous professional honors, grants and fellowships for her teaching, mentorship, and excellence in the areas of Social Studies, United States History and Government. She is an exemplary mentor, motivator and respected educator.

Ms. Pantages has served as a member of the Fremont Education Foundation Board of Directors since 1992. She has provided immeasurable support to Fremont's students and has contributed greatly to the Fremont community through her 32-year association and employment with Alameda County Library. She developed the Alameda County Library Foundation and served as Manager of the Fremont Main Library and Fremont Libraries prior to her retirement in 2001. She has received numerous awards and recognition from the city of Fremont, Alameda County Library Foundation and was named Alameda County's Outstanding Manager of the Year-General Government in 1999.

Both Cheryl Cook-Kallio and Sandi Pantages have distinguished themselves in their careers and contributions to their community. I congratulate them for the well deserved honor they received from the Fremont Education Foundation.

COMMEMORATING THE 18TH ANNIVERSARY OF THE NAGORNO KARABAKH FREEDOM MOVEMENT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mrs. MALONEY. Mr. Speaker, as a proud member of the Congressional Caucus on Armenian Issues, and the representative of a large and vibrant community of Armenian Americans, I rise today to commemorate the 18th anniversary of the Nagorno Karabakh Freedom Movement. On February 20, 1988, the people of Nagorno Karabakh officially petitioned the Soviet government to correct the historical injustices of Soviet dictator Joseph Stalin by reuniting the area with Armenia. Six days later, one million people demonstrated in Yerevan's Opera Square. Unfortunately, the central Soviet and Azerbaijani leadership violently reacted to this peaceful and legal request by engaging in full military aggression against Nagorno Karabakh.

In 1991, the people of Nagorno Karabakh voted overwhelmingly to establish an independent republic. However, Azerbaijan continued to perpetrate horrific crimes against Nagorno Karabakh including indiscriminate bombing and artillery attacks. Since 1994, a cease-fire, which has held through today, was reached with help from Russian and European mediators.

Today, Nagorno Karabakh continues to strengthen its statehood with a democratically elected government, a court system, an independent foreign policy, and a commitment to educating its citizens. Just last year, Nagorno Karabakh held its fourth parliamentary elections which were declared to be free and transparent by election observers. I will continue to join with my colleagues in supporting assistance to Nagorno Karabakh, which has a vital role in achieving a peaceful and stable South Caucasus region. I commend the people of Nagorno Karabakh for courageously defending their right to live freely on their ancestral land. On this anniversary, I reiterate my unwavering support to Nagorno Karabakh's freedom, democracy, and economic development.

PERSONAL EXPLANATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. NADLER. Mr. Speaker, due to other business, I missed three votes on February 28, 2006. I ask that the RECORD reflect that had I been able to, I would have voted "aye" on rollcall vote No. 14, commemorating the lifetime innovations of Thomas Edison; "aye" on rollcall vote No. 15, celebrating the 40th anniversary of Texas Western's 1966 NCAA basketball championship; and "aye" on rollcall vote No. 16, to authorize the President to award a gold medal, on behalf of Congress, collectively, to the Tuskegee Airmen.

45TH ANNIVERSARY OF THE PEACE CORPS

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to the United States Peace Corps and its more than 7,800 volunteers serving abroad as they celebrate the 45th anniversary of this respected organization. In 1961, President John F. Kennedy established the Peace Corps, impressing upon thousands of young people the need for public service and urging them to become not simply citizens of the U.S., but to become global citizens in pursuit of peace and friendship.

The Peace Corps has carried on that mission. By serving two years overseas, volunteers work cooperatively with local communities, providing expertise and assistance, and empowering people in developing countries. Their service continues President Kennedy's hopes for the Peace Corps to change the lives of countless individuals, families, and communities worldwide.

Today, I would also like to share the story of a volunteer from my district—a young woman from Santa Fe, New Mexico who was committed to the mission of the Peace Corps.

Tessa Marie Horan graduated from the College of Santa Fe in December 2003 and began a career focused on educating children. She was accepted to the Peace Corps in November 2005, and after nine weeks of training, was dispatched to work in Tonga to teach in the Community Education project. The education project is focused on building life skills for Tongan students, and Tessa, who was looking forward to getting to work, had already established a connection with the village youth.

Unfortunately, Tessa's life was cut tragically short this January when she was attacked by a shark in the waters off Tu'anuku. In what had become an afternoon ritual, she was playing outdoors with the village children when they decided to take a swim to cool off.

In the days before her death, Tessa's friends and family recall her saying that she was thoroughly enjoying her experience in Tonga and looking forward to the official start of the teaching program. Tessa was just 24-years old and often quoted Ghandi: "Be the change you wish to see in the world." Those words are very fitting to describe the character of Tessa and the thousands of other Peace Corps volunteers.

Mr. Speaker, congratulations again to the Peace Corps on its 45th anniversary, and a personal, thank you to all former and current Peace Corps volunteers from New Mexico. Your selfless dedication and service serves as an example of the American spirit.

IN MEMORY OF NORMAN MIRANDA

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. KENNEDY of Rhode Island. Mr. Speaker, on February 25, 2006, the citizens of East Providence and the state of Rhode Island lost one of the beloved leaders of all time. A father, husband, grandfather and dear friend, Norman Miranda was a lifelong resident of East Providence. He was the city's longest serving elected and appointed official; 13 years as a councilman and 18 years with the Zoning Board of Review. Thirty-one years as a public servant, Norman was always passionate about the issues facing his community.

He was the loving father of Loriann and Norman Jr. and a loving husband to Shirley for 46 years. If you were to meet the two, you could easily sense their marriage was one built on love and faith. They worked together as a team to raise a beautiful family that will now carry on his legacy.

Norman's years of dedicated service to his community, speak volumes about his compassion for those in need and his ability to connect with others. He loved Ward 2 like it was an extension of his family and those who lived there loved him back. They knew he could be trusted for he represented the things that mattered most, family and faith.

I had the honor of knowing Norman and his family. I remember when I first ran for Congress he offered me his support and that meant I could count on all of East Providence. I can still see him proudly marching along the many parade routes in the city, smiling and waving at the crowd—most he knew by name. It's an image we all can hold onto, a man who left his mark by symbolizing all that is good and decent. He will be forever missed.

HONORING THE ANNIVERSARY OF THE PEACE CORPS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. MARCHANT. Mr. Speaker, today I rise to commemorate the 45th anniversary of the Peace Corps. I would like to thank the over 7,800 volunteers who currently serve overseas for their important work with this organization.

We are in a time when the Peace Corps mission is more vital than ever, and the organization is at a 30-year high in the number of volunteers in the field. The Peace Corps is currently in 69 posts and serving 75 countries across the globe.

I salute the outstanding individuals who serve and have served in the Peace Corps, specifically the sworn-in volunteers whose hometowns are in Texas District 24: Bonnie Barron, Amanda Bass, Christopher Bass, Scott Bennett, Eric Brooke, Jaime Bruner, Susan English, David Fox, Mary Kah, Geoffrey Keogh, Carolyn McGee, Roanne Perry, and Aubrey Weers.

I am proud to represent these men and women who empower people in developing nations and promote the Peace Corps mission of peace and friendship. These volunteers are making major strides to improve the lives of people and communities around the world.

I wish the Peace Corps and its volunteers continued success and perseverance. We are grateful for their contributions to society and dedication to providing assistance where it is needed. May the Peace Corps continue its legacy of service, both at home and abroad.

CONGRATULATIONS TO RICHARD M. DEVOS ON HIS 80TH BIRTHDAY

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. EHLERS. Mr. Speaker, I rise today to offer my congratulations to a native son and community pillar of my hometown, Grand Rapids, MI, Mr. Richard M. DeVos, on the occasion of his 80th birthday on March 4.

Rich has played a leading role in making Grand Rapids a wonderful and vibrant place to live. Rather than keeping the fortune that he and his business partner and lifelong friend, the late Jay VanAndel, built after creating and growing their business, Amway Corporation, Rich and Jay and their families found countless ways to reinvest the fruits of their success back into their community. Just a few of the notable examples are the development of the Amway Grand Plaza Hotel, which was the linchpin in the redevelopment of downtown Grand Rapids in the early 1980s, and a donation which led to the construction of DeVos Performance Hall, a world-class performing arts center which is the home of the Grand Rapids Symphony, Opera Grand Rapids and Broadway-class plays and musicals. The hall also is part of the larger DeVos Place Convention Center.

That Rich DeVos is still with us today is nothing short of a miracle. In 1997, he survived a unique heart transplant surgery in which he received the heart of a lung transplant patient, who in turn received a combination heart-lung transplant from the victim of an auto accident. As a result of his experience, Rich now serves as chairman of the speakers' bureau for the United Network for Organ Sharing and has even testified before Congress urging support to make organ donation easier. He and his wife, Helen, also provided funding for the DeVos Children's Hospital, the Cook-DeVos Center for Health Sciences, the DeVos Communications Center at Calvin College, the DeVos Center of Grand Valley State University and the Richard and Helen DeVos Fieldhouse at Hope College in Holland, MI.

Today, Rich DeVos is the same vibrant person who was a cheerleader at Grand Rapids Christian High School and who inspired thousands of people to open their own businesses with the help of Amway. Rich has continued his inspirational ways as an author, including "Hope from My Heart: 10 Lessons for Life" and "Compassionate Capitalism." Rich is also the owner of the National Basketball Association's Orlando Magic. DeVos and VanAndel's business, now known as Alticor, continues to be a major employer in West Michigan and throughout the world, with the reins of the business handed over to their children.

Throughout his life and career, Rich DeVos has been guided by his faith in God. This has manifested itself not only in his dedication to his church, but also in the way that he does business, how he works with and cares for his employees, and his involvement in his community. Rich truly is a person who understands the Gospel admonition, "From everyone to whom much has been given, much will be required." (Luke 12:48).

It is my very special pleasure to wish Rich DeVos a very happy 80th birthday and I urge my colleagues to join me in doing so.

HONORING RICHARD M. DEVOS, SR. UPON HIS 80TH BIRTHDAY

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. HOEKSTRA. Mr. Speaker, I rise today to honor Richard M. DeVos, Sr. upon the occasion of his 80th birthday on March 4, 2006.

Mr. Speaker, Mr. Richard DeVos and his wife, Helen, have been a blessing not only to the Grand Rapids area, but to communities throughout the United States.

He has positively impacted West Michigan through numerous civic and philanthropic contributions since cofounding the Amway Corporation in 1959 with lifelong friend and business partner, the late Jay Van Andel. He has helped to create the DeVos Children's Hospital, the Cook-DeVos Center for Health Services, the DeVos Communications Center at Calvin College, the DeVos Campus of Grand Valley State University, the DeVos Place convention center and the Richard and Helen DeVos Fieldhouse at Hope College.

Mr. DeVos has enhanced the quality of life in Grand Rapids through such generous support for educational, health and cultural initiatives.

Mr. DeVos's contributions are not limited to West Michigan, Mr. Speaker. He has contributed to numerous organizations in Central Florida as well, including the DeVos Sport Business Management Foundation Program at the University of Central Florida and the Orlando Magic Youth Foundation.

He has also touched hundreds of thousands of lives through his inspirational speeches and three books, "Believe!," "Compassionate Capitalism" and "Hope from My Heart."

Mr. Speaker, perhaps most importantly, Mr. DeVos has achieved so much in his life based upon a strong work ethic and an unyielding devotion to faith and family, ideals that we hold in the highest regard in our West Michigan community.

I wish Mr. DeVos all the best as he celebrates such a significant milestone with family and friends.

Mr. Speaker, please let it be known that on this 28th day of February in 2006, that the U.S. House of Representatives acknowledges the contributions and achievements of Mr. DeVos, and may God continue to bless him in the years ahead as he has so benefited the lives of those around him.

IN RECOGNITION OF MR. RICHARD M. DEVOS, SR.

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. KNOLLENBERG. Mr. Speaker, I rise today to recognize a civic and business leader of Michigan, Mr. Richard M. DeVos, Sr., who will celebrate his 80th birthday this year.

Mr. DeVos cofounded the Amway Corporation, one of the most successful direct selling companies in the world. His efforts have enabled over 3 million people to own independent businesses.

Yet Mr. DeVos's work stretches beyond the realm of business; both he and his wife are actively involved in philanthropy and charitable work. Their generosity has helped countless individuals both in their hometown of Grand Rapids and across Michigan. Institutions such as the DeVos Children's Hospital, the Cook-DeVos Center for Health Sciences, and the DeVos Campus of Grand Valley State University bear witness to their commitment to give back to the community.

Richard DeVos has also written three books that have inspired innovative and entrepreneurial spirits in younger generations. After undergoing a heart transplant in 1997, Mr. DeVos became the chairman of the Speakers Bureau for United Network for Organ Sharing and has worked diligently to deliver his message of perseverance and hope.

Today I rise to thank Richard M. DeVos, Sr. for his lifetime of service and dedication to our community, to congratulate him on his many accomplishments, and to wish him a happy and healthy birthday.

PAYING TRIBUTE TO A MICHIGAN LEADER, RICHARD DEVOS

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of Richard DeVos, a Michigan citizen who exemplifies the American spirit of entrepreneurship and community leadership.

As Richard DeVos celebrates his 80th birthday, we reflect on his many achievements as the co-founder of Amway Corp. with his lifelong friend and business partner, the late Jay Van Andel, as well as his many selfless contributions to his state, community, and fellow citizens.

The author of three books, "Believe!," "Compassionate Capitalism," and "Hope From My Heart: Ten Lessons for Life," Richard also is a public speaker with an international following. After receiving a heart transplant in 1997, he took on the additional responsibility of serving as chairman for the Speakers Bureau for United Network for Organ Sharing.

Richard has owned several professional sports franchises, including the Orlando Magic of the National Basketball Association.

Richard and his wife, Helen, support many hospitals, colleges and universities, arts organizations and Christian causes in their hometown of Grand Rapids, Michigan, and also numerous organizations in their adopted community in Central Florida.

A veteran of the U.S. Air Force, Richard and his wife Helen have raised four children and have 16 grandchildren.

Mr. Speaker, I ask my colleagues to join me in honoring Richard DeVos as, on his 80th birthday, we acknowledge his life-long vision, compassion, and commitment to the American people and his home state of Michigan. Richard DeVos is truly deserving of our respect and admiration.

COMMENDING THE PEACE CORPS ON ITS 45TH ANNIVERSARY OF ITS INCEPTION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. BURTON of Indiana. Mr. Speaker, I would like to take this opportunity to commend and congratulate the Peace Corps, and its many volunteers, on the 45th Anniversary of its inception. During a 1960 visit to the University of Michigan, then-Senator John F. Kennedy challenged students to not only better themselves academically, but to serve the call of duty and help promote and facilitate peace throughout the globe.

As a result of this proclamation, the Peace Corps was established with the noble goal in mind of promoting peace and friendship between the United States and other countries around the world. If President Kennedy were alive today, he would no doubt look upon the Peace Corps with great pride and admiration for what it has evolved in to: a vessel which fosters an in-depth understanding between Americans and the indigenous peoples of the countries in which they serve, helping the rest of us to better understand a plethora of different customs, traditions and ways of life.

Since its founding 45 years ago, more than 182,000 Peace Corps Volunteers have been invited by 138 host countries to help countless individuals who want to build a better life for themselves, their children, and their communities. Whether empowering seemingly helpless people to take control of their own lives, assisting with AIDS relief in poverty-stricken countries, developing greater business opportunities, expanding agriculture development, or—most recently—coming to the rescue of their own countrymen whose entire lives were uprooted by the devastating destruction of Hurricane Katrina, these volunteers provide a faithful service to this great Nation, and they should be proud of their achievement. And we are certainly proud of each and every volunteer and what they represent. In fact, from my own district in Indiana, there are currently 20 volunteers who are giving their time to this country, away from their families, to help strangers make a better life for themselves, and I would personally like to thank my fellow Hoosiers for their commitment.

As we all know, the Peace Corps has made life better for millions of people worldwide, and has enriched the lives of the hundreds of thousands of Americans who have devoted their time, energy and passion into answering the Peace Corps' call to duty. I would respectfully encourage my fellow colleagues to congratulate, commend, and encourage the continued advancement and success of the Peace Corps and all that its volunteers represent.

REMEMBER INTERNMENT OF AMERICANS IN WORLD WAR II

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Ms. ZOE LOFGREN of California. Mr. Speaker, on February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066 authorizing the Secretary of War to define military areas in which "the right of any person to enter, remain in or leave shall be subject to whatever restrictions" are deemed "necessary or desirable."

By the spring of 1942, California, Oregon, Washington, and Arizona were designated as military areas.

In May of 1942, Santa Clara Valley Japanese Americans were ordered to "close their affairs promptly, and make their own arrangements for disposal of personal and real property."

Official government fliers were posted around California, Arizona and Washington instructing families to report to various assembly centers with just the bare necessities, leaving behind their homes, their lives, and most personal belongings.

Because permanent camps were not yet built, large community gathering places, such as the Tanforan Racetrack in San Mateo County in Northern California and the Santa Anita Racetrack in Southern California became home to Japanese internees for several months before being moved.

San Francisco Bay Area Japanese Americans were forced to live in horse stables at the Tanforan Racetrack until a permanent camp was built for them.

Eleven thousand Japanese Americans and aliens were evacuated from their homes and incarcerated throughout the duration of the war.

Three thousand of those interned were Japanese Americans from Santa Clara Valley.

By the fall of 1942, most internees were transported to camps far away from home, to internment camps in Arizona, Northern and Central California, Wyoming, Utah, Colorado, and even as far away as Arkansas.

Most remained in internment camps until the end of the war—3 long years later.

The horror for Japanese Americans did not end upon their return to Santa Clara County in 1945 at the end of the war. Upon release, approximately 7,000 Japanese Americans moved to Santa Clara Valley.

Most had no shelter, food, money, much less a job.

Some returned to find their homes looted and destroyed.

The San Jose Buddhist Church offered what it could—shelter and hot meals for most families.

In Santa Clara County, the family of Bob Peckham (later to become Federal District Court Judge Bob Peckham) took title to the property of Japanese-American neighbors and was able to preserve property and return it at the end of the internment, so people in our area in some cases were saved the loss of their homes and businesses.

All of this happened before I was born.

But I remember very well learning about it even before it was added to the history textbooks.

My mother was a young woman in 1942. My dad was in the army and she was building airplanes at Douglas Aircraft for the war effort.

She told me about driving past the Tanforan Racetrack and how ashamed and guilty she felt. There were people locked up at the race track—living in horse stables—who she knew had done nothing wrong. People who had been her neighbors had been rounded up suddenly and taken away.

My mother told me how helpless she felt. She knew what her government was doing was wrong but she didn't know how to change it. She felt powerless but also felt guilty and ashamed because of what the United States government had done.

She was a life long Democrat and cast her first Presidential vote for FDR . . . but she never agreed with what he did to her neighbors.

There was no apology, no financial support, no help from the Federal Government until many years later.

Finally, on February 19, 1976 President Gerald Ford formally rescinded Executive Order 9066.

And, at long last, on July 21, 1980 Congress adopted legislation establishing the Commission on Wartime Relocation and Internment of Civilians (CWRIC) to investigate the claim that the incarceration of Japanese Americans and legal resident aliens during World War II was justified by military necessity.

On August 10, 1988 the Civil Liberties Act was signed into law, authorizing payments of $20,000 to each person that suffered from internment and established the Office of Redress to identify, locate, and pay these individuals, 82,219 were paid.

By then my neighbors and my parents neighbors who had been unjustly incarcerated—Ed Kawazoe, Jimi Yamaichi, Ted and Raiko, and many others—received at long last an apology. Some lived long enough to receive the compensation provided for in the law.

These efforts were celebrated in the community of Japanese Americans. But they were also celebrated in the broader community because Americans who were not incarcerated, like my mother, felt the shame and the guilt.

And while an apology could not undo the injustice and the compensation did not fully cover the loss, it helped that our country admitted the mistake and tried to make amends.

On March 4, 2004 H. Res. 56, introduced by Congressman MIKE HONDA, passed the House by a unanimous vote of 404–0. The resolution supports the goals of the Japanese, German, and Italian American communities in recognizing a National Day of Remembrance on the day FDR signed the infamous Executive Order

9066—February 19, 1942. It also seeks to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II.

Today, I support Mr. HONDA's resolution to recognize February 19th as the Day of Remembrance. It is the least we can do—spend one day per year reflecting on the horrors of internment, remember those who suffered, and work to find ways never to repeat that terrible page in history.

PERSONAL EXPLANATION

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. KIRK. Mr. Speaker, on rollcall No. 16 I was unavoidably detained.

Had I been present, I would have voted "yea."

BUSH ONCE AGAIN SKIRTING LAW IMPACTING OUR NATIONAL SECURITY

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Ms. WATSON. Mr. Speaker, Congress should not allow the United Arab Emirates port deal to go through. It must be stopped, and House Republicans should grow a backbone and finally stand up to the president in the name of national security.

This deal shows once again the lengths the Bush administration will go to bend the laws to their advantage. The administration failed to conduct a 45-day investigation that is legally required. This, in itself, should be enough to stop this deal.

The national security implications are simply too important to ignore. And, unfortunately, House Republicans have neglected our vulnerable ports since 9/11. Over the past four years, House Republicans have opposed and defeated Democratic efforts to increase funding for port security. Right now, only six percent of cargo coming into the U.S. is being checked, producing a large hole in our homeland security. Democrats have tried to increase port security funding on this House floor FOUR TIMES over the last four years, and House Republicans defeated our efforts every time.

It's time Republicans make port security a priority.

RECOGNIZING THE CAREER AND WORK OF MS. MARY JO AVERY, ON THE OCCASION OF HER RETIREMENT

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to recognize the extraordinary contributions of a community and labor leader in the 4th Congressional District. Ms. Mary Jo Avery, long-time member and officer of Local 4603 of the Communications Workers of America, has dedicated her life to public service. I salute her for her achievements as she retires from SBC-Ameritech after 32 years of service.

Within the labor movement, Ms. Avery worked tirelessly to advance women's leadership and to advocate for solutions to the unique difficulties women workers often face. An award-winning union leader, she also played a pivotal role in developing the Wisconsin Women's Network into a vibrant and powerful organization. She helped mentor, develop, support and advance women leaders, not only within the labor movement but in the broader community. Herself a devoted parent—mother of four, grandmother of 9, and great-grandmother of 5—she argued for establishing policies and practices that would facilitate workers' efforts to maintain a work/family balance. CWA's leadership on this issue no doubt drew many lessons from Ms. Avery's own personal experience.

Also a noted civil rights activist, Ms. Avery connected the labor movement to local and national civil rights struggles. She received the National A. Philip Randolph Rosina Tucker Award for civil rights leadership and the Black Women's Network's Outstanding Achievement Award. Since 1995, she has served as President of the Milwaukee Chapter of the A. Philip Randolph Institute, and was previously appointed to the City of Milwaukee's Civil Rights Commission.

I have known Ms. Avery for over 20 years. She has been an important ally in the struggle to realize ideals we both share, and has been a personal source of inspiration and support. In all she does, Mary Jo works to ensure that the promise of America is extended to those often left out—women, people of color, and other vulnerable communities. I commend her for these accomplishments, thank her for her groundbreaking leadership, and wish her a long and enjoyable retirement.

ON THE OCCASION OF THE 45TH ANNIVERSARY OF THE UNITED STATES PEACE CORPS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. HYDE. Mr. Speaker, it was exactly 45 years ago today, on March 1, 1961, that President John F. Kennedy signed the Executive Order establishing the Peace Corps under its first Director, Sargent Shriver. Five months later, in that distant summer of 1961, the inaugural group of volunteers prepared to leave for the African country of Ghana. These first Peace Corps volunteers "boarded a chartered Pan American propeller driven plane for the 17-hour flight to Accra." This was the beginning of not only a life-shaping experience for these 56 pioneers but also the commencement of the entire Peace Corps saga which we are honoring today. These fellow citizens had responded to the clarion call contained in President Kennedy's inaugural address, which had challenged all Americans to "ask not what your country can do for you, ask what you can do for your country."

Since that first summer, over 170,000 volunteers have answered the late President's call, serving in over 137 countries. These are our diplomats of the highways and byways. They bring the smiling face of American optimism, the famous American can-do spirit, and the American dedication to democratic values to the far corners of the globe. Their "offices" are found in dirt-floor village classrooms, at rural health clinics, on Third World farms, in development projects in some of the world's worst urban slums, and at orphanages for the abandoned children of the world. Their rewards are found in the shy smiles of students, the grateful laughter of children, and the hearty handshakes of senior citizens who have finally found their longed-for American friend. The price these volunteers are willing to pay for their unique experience of service often includes sweat and toil, loneliness and frustration, but also the hearty laughter of welcomes and the sad tears of fond farewells. They are the unsung heroes of America's continued engagement with the peoples of the developing world. At a time when anti-Americanism has become the fashion in certain quarters overseas, Peace Corps volunteers have served their country in a manner which promotes international understanding and which makes all Americans proud.

And so I join the Peace Corps Director, Gaddi H. Vasquez, and his dedicated staff at both Peace Corps Headquarters and in the field, in honoring those over eight thousand volunteers, currently serving in 71 countries around the world, as well as those who served in the past. The present volunteers, at a time of increased security concerns in many overseas locales, deserve special recognition for their decision to leave family and friends, home and hearth, and their comfortable, secure lives behind in pursuit of the Peace Corps mission of "world peace and friendship."

Former volunteers often use the linguistic and cultural skills they acquired in Peace Corps service later in their professional lives. They sometimes find themselves continuing to work with distinction in the fields of government and international affairs. Their ranks include current Members of the House and Senate as well as Congressional staff. In this regard, these "RPCVs," as returned volunteers are called, continue to make a contribution, providing windows of understanding regarding diverse cultures of which most Americans have only a scant knowledge. Every year around this March 1st anniversary date, returned volunteers visit classrooms and community centers around the United States to carry their message of international friendship and understanding. At a time of heightened sensitivity to the need for greater cultural understanding of peoples from different traditions, the insights of former Peace Corps volunteers constitute a too little recognized national treasure.

There is one endeavor related to the Peace Corps put forward during my tenure as Chairman of the International Relations Committee of which I am particularly proud. This is the legislative effort undertaken by myself and my good friend from across the aisle, TOM LANTOS, to see that there was sufficient funding to achieve President Bush's goal of increasing the size of Peace Corps. This undertaking was one concrete means for addressing the new challenges to international mutual understanding found in our post-September 11th world. Let us all hope that the Peace Corps continues to grow as one response to these challenges. Money spent on the Peace Corps is money well spent.

And so, today, I send greetings to those serving around the world who have. asked for little in return while asking what they, themselves, could do for their country. Whether this message finds you on some Caribbean isle, high in the Andes mountains, along a river in western Africa, in a sub-Saharan village, in a classroom in eastern Europe, on the steppes of Mongolia, in a river town in China, in a crowded urban center in Bangladesh, or far away in the South Pacific, I send you salutations on your anniversary date. Thank you for your service as America's Goodwill Ambassadors along the world's highways and byways. May you achieve every professional and personal success and may the Peace Corps flourish for the next 45 years.

CONGRATULATING THE PALM HARBOR UNIVERSITY BOYS AND GIRLS VARSITY TEAMS FOR WINNING THE FLORIDA STATE SOCCER CHAMPIONSHIPS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. YOUNG of Florida. Mr. Speaker, I invite my colleagues to join me in recognizing the accomplishments of Palm Harbor University High School boys and girls varsity soccer teams. Both teams were recently crowned 2006 Florida State Soccer Champions (Class 5A).

The Palm Harbor University Hurricanes boys' team (26–4) shut out defending champion, Auburndale, 3–0 to claim the state title. The girls' team (20–1) also left their competition scoreless, as they triumphed over Bloomingdale High School 2–0 to win the Class 5A finals.

This was the second state championship for the Palm Harbor University boys (2002, 2006) and the third title for the girls team (1999, 2000, and 2006). Palm Harbor University made history with the 2006 championships, marking only the second time in Florida where a public school won boys and girls soccer titles in the same year.

For the benefit of my colleagues, following my remarks I will include reports from the St. Petersburg Times about the championship efforts of these two teams.

Congratulations to Coach Mike Mannino and Coach John Planamente for their leadership, dedication and the positive examples they set. In addition, Principal Harry Brown and his administration, Athletic Director Bob Heintz, the faculty and staff, the parents, the students, the alumni and the fans should all be applauded for their community spirit and faithful support. Most importantly, I would like to commend those outstanding student athletes who exemplified the meaning of sportsmanship, hard work and competitive spirit. All around, a job well done! You have made us all proud and we look forward to supporting Palm Harbor University boys and girls soccer teams next year.

[From the St. Petersburg Times, Feb. 10, 2006]

PALM HARBOR CLAIMS THIRD STATE CROWN

(By Keith Nebuhr)

FORT LAUDERDALE.—One day after stunning the Nation's top-ranked team, Palm Harbor U. claimed an even bigger victory.

And this one comes with a ring.

Behind solid play on both ends, the Hurricanes defeated Bloomingdale 2-0 in the Class 5A final at Lockhart Stadium on Thursday night to complete 2 days in South Florida the players aren't soon to forget. Annie Stalzer's goal in the 48th minute gave PHU the lead. Kelly Brinkman added a score in the 78th minute that iced it.

When the game ended, PHU players raced toward the sideline to celebrate with fans. After accepting the gold medals and the championship trophy, they took a team picture. Many then called friends and relatives on their cell phones to give them the news.

"We've been play so well" Stalzer said. "This is the perfect season! We couldn't ask for anything better."

The title is the third for PHU (20-1), which also earned championships in 1999 and 2000.

The Hurricanes lost to Fort Lauderdale St. Thomas Aquinas 3-0 in last season's final, but this time, the Hurricanes weren't to be denied. Since the start of its district tournament (a span of seven games), PHU outscored opponents 24–2. And it beat Aquinas 2-1 in the semifinals.

"The experience of being here helped," Hurricanes coach John Planamenta said. "Every year, we've taken another step."

Bloomingdale (24–2–1), going for its second title, had allowed 10 goals all season before Thursday. Only once had an opponent scored more than one. In the playoffs, just one of the Bulls' previous opponents found the net.

"They played a great game," Bloomingdale coach Sue Peet said of PHU.

PHU outshot Bloomingdale 16-4 (the Bulls had two shots in the first 75 minutes) and made sure it had two or three defenders around star midfielder Marissa Kazbour at all times.

PHU was equally solid on offense. But though the Hurricanes constantly pressured Bloomingdale's defense, they couldn't break a scoreless tie until Stalzer's goal, which bounced off one defender and over the head of goalkeeper Cristina Coca.

[From the St. Petersburg Times, Feb. 17, 2006]

PHU MAKES HISTORY IN VICTORY

(By Brandon Wright)

FORT LAUDERDALE—Nate Wysk dropped flat on his back, extending his arms to the sky. Nick Eby ran full speed by midfield and slid across the moist grass. Eugene Starikov was scooped up by booster club vice president Doug Eby, who carried the diminutive striker like a baby. And of course, coach Mike Mannino got the customary Gatorade bath.

Palm Harbor University (26–4) scored a pair of goals in a three-minute span of the first half to complete a torrid run through the final four with a 3-0 win against defending champion Auburndale for the 5A state crown.

The Hurricanes became the sixth school ever, and second public school, to win both boys and girls soccer titles in the same year.

The PHU girls beat Bloomingdale 2-0 last week. It was the second boys championship in school history, the first coming in 2002.

"We put our whole hearts into winning state and we fulfilled our goal," Starikov said. "We won a state championship, baby!"

"I was very nervous coming in," said Eby, who scored PHU's first goal. "But we deserve this, we worked so hard every day at practice."

PHU rolled through the final four games, outscoring opponents 8-0. The Hurricanes also put an end to Auburndale's 22-game win streak.

"To come in and give up no goals at this level of play and score eight goals grand total is awesome;" Mannino said.

Much like the semifinal where PHU scored four goals in an 11-minute stretch, the Hurricanes struck quickly against Auburndale (24-2). Eby and Thomas Harrington scored three minutes apart right at the end of the first half, seizing momentum just before the break.

"Every team in the playoffs has been strong, but we took over with those two goals right before half," Eby said.

Both teams had quality chances in the first half before PHU broke through. Ishmail Kamara's shot from point-blank range was smothered by Auburndale goalkeeper Derek Miller and Brent Hileman just got fingers to Kyle Sample's attempt, ricocheting the ball against the crossbar before it was cleared.

But it was Eby, who came into the game with just two goals, who got the only strike PHU would need in the 35th minute. Josh Roberts played a cross in from the right flank that Starikov and Miller both went up for. Starikov just got a piece of the ball and it deflected right to a waiting Eby.

"I'd barely scored all year and to get the first goal of the state championship is just crazy," Eby said. "This feels amazing."

Harrington put PHU up 2-0 in the 38th minute with his sixth strike of the season. Kamara got his head on a strong throw in from Max Venker, sending it toward the middle of the box. The ball fell into a scramble of legs and squirted free right to Harrington, who was running full speed from midfield and the senior defender squarely drilled it into upper left corner.

"The ball kind of fumbled out while I was running up," Harrington said. "And it was just right there."

Hileman was brilliant in goal, making eight saves. The senior got tremendous help from fullbacks Nate Wysk, Levi Curnutte, Jamison Sweat and Harrington, shutting out an offense that featured 49-goal scorer Pascal Milien.

"Can't end a season any better than two goose eggs," Hileman said.

And what PHU win would be complete without a strike from Starikov? The junior transfer from California banged home his 43rd goal of the season in the 70th minute.

"Eugene wouldn't let the game end without getting one," Mannino said. "He wanted to be the last straw that broke their back and he did it."

ASSURED FUNDING FOR THE DEPARTMENT OF VETERANS AFFAIRS

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Ms. SLAUGHTER. Mr. Speaker, I rise today to express my support for assured funding for the veterans' health care. For too long, funding for the critical services needed by our veterans has been subject to the political whims of Congress and the Administration and budgetary schemes intended to hide inefficiencies and misplaced priorities. With a new generation of veterans returning home from their duty overseas, we must ensure that the Department of Veterans Affairs has the resources necessary to honor the promises we have made to our veterans.

Last year, the Administration admitted that it had underestimated the number of servicemen and women requiring medical treatment upon return from their missions in Iraq and Afghanistan. Within one week, the Administration begrudgingly reported that the Department of Veterans Affairs was $1 billion short of being able to fulfill its obligations to veterans for Fiscal Year 2005, and would be $2.6 billion short of fulfilling its obligations for Fiscal Year 2006 without Emergency Supplemental Appropriations bills.

Efforts to fully restore funding were initially stymied by denial and vain attempts to save face by those who had condemned attempts to provide adequate funding to the VA during the traditional appropriations process. What should have been a quick fix to an embarrassing problem turned into a drawn out negotiation battle between those who argued that the VA needed only the barest minimum sum of money to carry out its mission and those who demanded additional funding to guarantee veterans' health care would not be interrupted. Once again, veterans' healthcare was left in limbo while the Congressional Leadership played politics.

In the face of growing public outrage, the funding shortfall was eventually restored. But, it appears that we have learned nothing from the preventable incident. Yet again, veterans' health care will be subject to the lengthy, political appropriations process and the Administration's request again shortchanges veterans.

Mr. Speaker, our veterans dutifully and courageously honored their commitment to our Nation. Now, it is our turn to keep our promises. American veterans deserve better than to have their healthcare in constant jeopardy. I hope my colleagues will join me in supporting assured funding for veterans healthcare so that those who have served will always have the care they need when they need it. We can, and must, do better for our nation's veterans. With the most sincere gratitude for all that American veterans have done to protect our freedom.

IN RECOGNITION OF NATIONAL KIDNEY MONTH

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. BECERRA. Mr. Speaker, I rise on this first day of National Kidney Month to recognize the efforts of numerous dedicated individuals, many in this body, who work not only to increase awareness about the devastating effects of kidney disease, but who also look for ways to eradicate this debilitating disease once and for all.

Today, more than 400,000 Americans are living with the wretched pain and horrible inconvenience of kidney failure, leaving them dependent upon life-saving dialysis three to four times each week. Twenty million more have Chronic Kidney Disease, where patients experience a gradual deterioration of kidney function, the end result of which is kidney failure.

The leading causes of these diseases are diabetes and high blood pressure, which disproportionately affect African Americans and Latinos. Diabetes occurs at twice the rate in the African American community as it does in white Americans. As of 2002, two million Latino adults had been diagnosed with diabetes. High blood pressure is also more prevalent in these communities. In fact, one in three African American adults are affected by high blood pressure. According to the American Heart Association, the prevalence of hypertension in African Americans in the United States is among the highest in the world.

Both Chronic Kidney Disease and kidney failure disproportionately affect African Americans and Latinos. African Americans make up about 13 percent of the U.S. population but comprise 32 percent of patients treated for kidney failure, giving them a kidney failure rate that is 4.2 times greater than that of white Americans. Among patients with diabetes, Latinos are between 4.5 and 6.6 times more likely to develop kidney disease than non-Hispanic white Americans.

Given that early kidney disease has no symptoms, most people do not realize that they are in danger of kidney failure. Therefore, it is critically important for all of us, whether it be members of Congress, health organizations or our extended families, to do our best to increase awareness of the dangers of kidney disease and encourage our family members, our friends and our neighbors who have high blood pressure and diabetes to ask their doctors to run simple blood and urine tests that can detect potential problems.

The good news is that once diagnosed, patients can receive high quality care. Individuals with kidney disease who are able to obtain treatment early experience a higher quality of life and are able to maintain more of their day-to-day activities, including keeping their jobs. This is a situation to which an ounce of prevention results in a gallon of future savings, both in quality of life and in hard dollars for individuals and for the government.

Mr. Speaker, I applaud the goals set forth in observance of National Kidney Month, for we must continue to raise awareness about this important issue and to show support for Americans living with kidney disease. But, I am concerned that in an environment in which our budgetary priorities include cutting funding for the National Institute of Diabetes and Digestive and Kidney Disease to the tune of $20 million in fiscal year 2006 and '07, we are not doing enough to thwart the increase in kidney failure and the conditions from which it results. We cannot ignore the human suffering and financial consequences of kidney failure. Our failure to make this disease a major legislative priority will cost us greatly in the future.

BUCK O'NEILL SHOULD BE ADMITTED TO THE BASEBALL HALL OF FAME

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. MOORE of Kansas. Mr. Speaker, I was sorely disappointed recently to learn that the Baseball Hall of Fame failed to vote to induct John Jordan "Buck" O'Neill into its ranks.

Born the grandson of slaves, Buck joined the Kansas City Monarchs of the Negro League in 1938. He remained in Kansas City with the Monarchs for 17 spectacular years, 10 as a player and 7 as manager. During this time he was named an all-star three times as a player, served 2 years with the United States Navy, and led the Monarchs to four league titles as a manager, all the while facing the harshness of separation and discrimination in a country that was still segregated. In 1962, Buck broke an important barrier, by being named the first African-American coach in the Major Leagues by the Chicago Cubs. After 33 years with the Cubs, Buck returned home in 1988 to scout for the Kansas City Royals. He currently serves as chairman of the Negro Leagues Baseball Museum in Kansas City, a continuing demonstration of his love for the game of baseball and for his commitment to the essential role that the Negro Leagues played in the integration of both American sport and American society.

During his time in Kansas City, Buck has taught the citizens of the Kansas City metropolitan region about the importance of determination and resolve in the face of hostility, in addition to showing us the importance of family, friendship, happiness and history. Buck taught us about baseball. But more importantly, Buck taught us about life. He is a wonderful role model, and I thank him for his contributions to the Kansas City metropolitan region and to our United States of America. As Kansas City, Missouri, Mayor Kay Barnes was quoted as saying in this morning's Kansas City Star, "I'm terribly disappointed. I think it was a mistake that he has not been chosen. However, we all love him in Kansas City, and I believe that all around the country people recognize the contribution he has made to baseball in general and to the Negro Baseball League history."

Buck O'Neill, you will always be a charter member of the Kansas City Hall of Fame.

HONORING THE CANADIAN AMBASSADOR TO THE UNITED STATES, FRANK McKENNA

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Ms. SLAUGHTER. Mr. Speaker, today I rise to honor the outgoing Canadian Ambassador to the United States, Frank McKenna. After a successful tenure in office, the Ambassador is returning home to New Brunswick.

Due to his commitment to solving problems and his indefatigable energy, Ambassador McKenna has presided over a number of important achievements during his time in Washington. I have had the opportunity to work closely with Ambassador McKenna in the last year on issues important to both our countries. We have agreed that the longest undefended border in the world must remain strong and secure, but not become a barrier to travelers, businesses, and border communities in both of our great nations.

Mr. Speaker, Canada is our Nation's largest trading partner, with some $1.2 billion worth of goods and services crossing the border between our two countries each day. Ambassador McKenna and I have worked together to strengthen this relationship, and to advocate for commonsense solutions that both improve border security while also facilitating trade and travel.

Indeed, through his successful careers in public life, law, business, and in diplomacy, Ambassador McKenna has understood the depth and breadth of relations between Canadians and Americans. He has employed his experience, tact and plain-spoken pragmatism to ensure that the occasional difference in priorities of our two governments does not get in the way of this friendship.

Mr. Speaker, I would like to thank Ambassador McKenna for his friendship, and his service to Canada and the U.S. I wish him well on his future endeavors, and hope that we will get together again soon over a meal of fried chicken and rice pudding.

CONGRATULATING MY FRIEND RAUL VARGAS ON HIS RETIREMENT FROM OVER 30 YEARS OF SERVICE TO OUR NATION'S LATINO STUDENTS

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. PASTOR. Mr. Speaker, it is with great pleasure that I rise today to honor an old friend and fellow educator, Mr. Raul Vargas, on the occasion of his retirement. For over three decades, Raul has guided young men and women in realizing their academic goals through his pioneering efforts in higher education accessibility for Latino students in southern California and across the country.

Born in Lordsburg, New Mexico, Raul moved with his family to Miami, Arizona after his father's death. It was in this small mining town that I first met Raul, and can recall many fond memories growing up with Raul and his siblings, Felipa, Alfredo, Alfonso, Elvia, and Elisa. At Miami High I learned of Raul's ability as a basketball player and a student.

During the summer of 1964, I was again reacquainted with Raul at Arizona State University. We decided to become roommates and moved in with Leo Gutierrez and Bob Venegas to Contempo West, a.k.a., sin city. It was during this time that I assisted Raul with his study habits and he assisted me with my social life. During this time he met a young lady from Wickenburg, Arizona who would later become his wife. We remained roommates until December 1965 when I left to marry Verma.

In 1972, Raul accepted a position at the University of Southern California (USC) as Executive Director of the Office for Mexican American Programs, marking the beginning of over thirty years as a leading administrator as part of the USC family. It was there that Raul and eight other USC alumni founded the USC Mexican American Alumni Association (MAAA) in 1974. The MAAA was established to be a vehicle of support for higher Latino enrollment at USC, providing tuition assistance to undergraduate, graduate, medical, dental, and law school students. The overwhelming success of the program under Raul's leadership, is evident not only in its more than 5800 scholarships awarded totaling $11.1 million, but also in its program being replicated in institutes of higher learning across the country, including ASU.

When ASU joined the PAC–10, the ASU Hispanic Alumni began a rivalry with USC's MAAA. We commissioned a "menudo pot" that would go to the winning alumni association after the ASU/USC football game. As the ASU Hispanics learned of the USC MAAA program, they invited Raul to meet with Dr. Russell Nelson, the ASU President, to assist in organizing a Hispanic scholarship program similar to USC MAAA. With Dr. Nelson's agreement, the Los Diablos, an ASU Hispanic scholarship program, was born. To date, the ASU Los Diablos Scholarship continues to assist Latino students at ASU. After seeing the USC Hispanic Convocation organized by USC MAAA during a visit to USC, the ASU Hispanic students also organized a similar Hispanic Convocation honoring ASU Hispanic graduates.

Mr. Speaker, it is with immense admiration and privilege that I ask my colleagues to join Raul's many friends and family in recognizing my dear friend in his lifetime of unwavering service to our nation's Latino students. We hope that Raul will enjoy this well-deserved retirement, to play golf and travel with his wife Marcia. He will also be able to spend more time with his son Cesar, daughter Tracey, and granddaughter Alexis. Raul, thank you and congratulations my friend!

DEDICATION OF THE ST. PETERSBURG PARKWAY/WILLIAM C. CRAMER MEMORIAL HIGHWAY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. MICA. Mr. Speaker, today the St. Petersburg Parkway/William C. Cramer Memorial Highway will be dedicated in St. Petersburg, Florida. Bill became a trusted friend to many while serving in this House and today's celebration is a reflection of his service to the State of Florida.

The Honorable William C. Cramer served in the U.S. House of Representatives for sixteen years, from 1955 to 1971, representing the St. Petersburg/Tampa area. During his service in Congress, Bill Cramer became the ranking minority member of the House Public Works Committee and he co-authored the 1956 Interstate and Defense Highway Act. That Act was the catalyst for the nation's interstate highway system, setting the authorized mileage at 41,000 miles and establishing the highway trust fund to pay for construction of the system.

Those 41,000 miles, however, did not include an interstate link from Tampa around (I–75) and through St. Petersburg (I–275), down the west coast of Florida (I–75) to Alligator Alley and across to Miami. During his tenure in Congress, Cramer labored tirelessly to add this "missing link" to the interstate highway system, and he succeeded in that effort in his final term as a capstone to his congressional service. In the Howard-Cramer Amendment of 1968 and the 1968 Federal Aid Highway Act, Cramer was able to add the mileage needed to build Florida's missing interstate links, and he also secured final approval to construct those links from two successive administrations.

Former Congressman Cramer passed away in October of 2003. Late in April of 2004, the Florida Legislature enacted HB 9, and on May 13, 2004, the Governor signed that Act into law. HB 9 designated the portion of I–275 between the Howard Frankland Bridge and the Sunshine Skyway as the "St. Petersburg/William C. Cramer Parkway," upon approval of the affected local governments. In 2005, the Florida Legislature enacted, and the Governor signed into law, HB 385 that changed the designation to the "St. Petersburg Parkway/William C. Cramer Memorial Highway." This honor is an appropriate and well-deserved recognition of Bill Cramer's pivotal role as the ranking minority member of the House Public Works Committee in authorizing and securing the funding for not only I–275 through St. Petersburg, but also the other critical west coast sections of Florida's Interstate Highway system.

Bill Cramer came from humble beginnings, his family moving to St. Petersburg before he and his brother and sisters entered the public schools. He sold fruit on street corners and was an usher at the Florida Theatre as a youngster to raise money, and he graduated from St. Petersburg High School, serving as student council president. He went on to graduate from St. Petersburg Junior College, where he also served as class president. As did so many men and women, he left his hometown to serve his country as an officer in the U.S. Navy during World War II. Cramer then finished college, and after graduating from Harvard Law School he returned home to St. Petersburg to practice law. Almost immediately he jumped into public service, being appointed Pinellas County attorney before his election to the Florida Legislature and subsequently his election to the U.S. Congress. While in Congress, he dedicated his career to building the basic infrastructure of the county, the roads, harbors, airports and public buildings that are crucial to the growth of our nation's economy. In particular, he focused on bringing the economic benefits of the interstate highway system to the Tampa-St. Petersburg and southwest Florida areas.

After retiring from his active law practice, Cramer returned to St. Petersburg College and the University of South Florida to teach courses in Government. He strove to instill in his young students his passion for service and his conviction that through hard work and perseverance everyone, no matter their circumstances, has a chance to help build a better and more promising future for their community, state and nation. Bill Cramer's was a life well lived, and there is no more fitting memorial for him that to have the highway he built for his hometown named in his honor.

What follows is a brief outline of how Bill Cramer led Congress and two administrations to authorize and fund Florida's interstate "missing links"

From his position as the ranking minority member of the House Public Works Committee and its Roads Subcommittee, Cramer worked for years to try and add the west coast Florida "missing links" to the interstate system. In introducing a bill early in 1967 to designate this route as an interstate, Cramer stated on the House Floor on January 16, 1967, that "this missing link is one of the most obvious inadequacies in the interstate system." He went on to note "it is essential that a new interstate highway be constructed so that interstate traffic presently terminating in the Tampa-St. Petersburg area can be funneled down the lower west coast to the Ft. Lauderdale-Miami area."

Although this specific designation bill was not enacted, Cramer persisted and he and Congressman James Howard (D–N.J.) introduced H.R. 13933 in November of 1967. This bill addressed the practical problem that almost no interstate mileage remained to be designated from the 41,000 miles originally authorized by the 1956 Interstate and Defense Highway Act. H.R. 13933, which became known as the Howard-Cramer Act, added 200 miles to the 41,000-mile interstate system, to be applied for by various states to fill in missing links and gaps. The law stipulated that priority consideration should be given to extension of routes that terminated in a municipality, a condition then existing in the Tampa-St. Petersburg area. The President signed the Howard-Cramer Act on January 2, 1968.

Cramer understood that the 200 new interstate miles in the Howard-Cramer Act would be aggressively pursued by states across the nation, and that additional mileage was needed to achieve his dream of completing Florida's missing links. The 1968 Federal Aid Highway bill provided the ideal opportunity to accomplish this goal.

As ranking minority member of the Committee, Cramer crafted this bill that reauthorized the interstate highway program, provided for beautification of the nation's highways and established new rights and benefits for those displaced by highway construction, among many other important milestones. Of central importance to Cramer was a further expansion of the authorized mileage in the interstate system to accommodate construction of Florida's missing links. The House-Senate Conference Committee approved adding an additional 1,500 miles to the interstate system. His leadership ensured that both the House Public Works Committee Report (H. Rept. 1584) and the Conference Committee Report (Conf. Rept. 1799) specifically identified the Tampa/St. Petersburg to Miami missing link as the type of route that should be approved by the U.S. Department of Transportation from this new mileage. President Johnson signed the 1968 Federal Aid Highway Act into law late in the summer of that year.

Bill Cramer managed the floor debate on the 1968 Federal Aid Highway bill, which was the capstone of his service on the Public Works Committee. During the July 3, 1968 debate on the bill, one of his colleagues, Congressman Don Clausen, remarked:

"I believe, in all sincerity, that the gentleman from Florida (CRAMER) is respected by members of the subcommittee as much or possibly more than any other Member on either side of the aisle. Certainly, no one has been a better student, become more knowledgeable, or demonstrated the ability to articulate our road and highway message to the Congress or the Nation, than the ranking Republican on the Public Works Committee—Bill Cramer. I am sure that future generations of Americans will come to appreciate the work he has done and the contributions he has made to our nation's road and highway system."

In fact, during debate on the bill, Speaker of the House, John McCormack, came down from his rostrum to personally congratulate Cramer and the Speaker was quoted as saying: "Bill, this has been one of the most statesmanlike presentations that I have observed since coming to the Congress."

From his position in Congress, Cramer continued thereafter to pursue the matter aggressively with the Secretary of Transportation, Alan Boyd, until Boyd approved the 252-mile missing link on December 13, 1968. The approved route ran through Pinellas County (St. Petersburg), over the Sunshine Skyway, a toll bridge, and Alligator Alley, a toll road across the Everglades, and on to Miami. Florida clearly received the lion's share of the additional 1,500 miles authorized, far more that any other state, in what the St. Petersburg Times characterized in its December 14, 1968 edition as a "legislative coup" for Cramer.

This 252-mile route, however, did not include mileage that Cramer had requested bypassing Tampa to the east and connecting with the interstate now approved through St. Petersburg and crossing the Sunshine Skyway. When Secretary of Transportation John Volpe took over under President Nixon (after January 20, 1969), Cramer asked for an additional 32 miles for a Tampa Bypass for I–75. It was subsequently approved as part of the additional interstate mileage provided for in the Howard-Cramer Act passed in January of 1968.

Construction on the entire 284-mile (I–75 and I–275 St. Petersburg bypass) project was completed many years ago and now serves the fast growing area of southwest Florida, connecting it with Miami and the nation's interstate highway system. Prior to 1967, the State of Florida, under Governor Claude Kirk's leadership, was promoting constructing the missing link as a toll road. Cramer, however, from his influential congressional position championed an interstate route that would be free to travelers, and he prevailed.

Cramer's leadership and tenacity in getting the approval—by Congress and two administrations—of Florida's 284-mile missing link is fully documented. Designation of a portion of this missing link, I–275 through his hometown of St. Petersburg, as the St. Petersburg Parkway/William C. Cramer Memorial Highway has appropriately and justly recognized Cramer's life-long dedication to St. Petersburg and his outstanding leadership in helping to build the Nation's interstate highway system. In enacting HB 9 and HB 385, the Florida Legislature has acknowledged the pivotal role that Bill Cramer played in securing authorization and funding for Florida's interstate highway missing links that have been so vital to the economic well being of St. Petersburg and all of southwest Florida.

Cramer's congressional district included Pinellas County from 1955 to 1971, and it also included Hillsborough County from 1955 to 1963, prior to redistricting. He was devoted to the goal of including that area and the lower west coast of Florida as the first major addition to the nation's initial 41,000 mile interstate system. The Howard-Cramer Act and the 1968 Federal Aid Highway Act made this a possibility, and Cramer's persistence made it a reality.

HONORING LANCE CORPORAL MARIO ATRIAN, JR.

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Ms. SOLIS. Mr. Speaker, I rise to pay tribute to one of our Nation's young heroes, Lance Corporal Mario Atrian, Jr.

Lance Corporal Mario Atrian joined the United States Marine Corps at the age of 17 and served two tours of duty in Iraq. On April 9, 2004, during his second tour of duty, LCpl. Atrian was injured while bravely fighting to protect a friendly unit from an enemy ambush. Despite bleeding profusely from both his right and left arms, and his driver being killed, LCpl. Atrian continued to defend his comrades and relinquished his position to receive medical attention only after the enemy ambush had been broken and his fellow wounded Marines were away from enemy fire. Today, LCpl. Atrian will receive one of our Nation's highest awards, the Silver Star for his leadership, his loyalty, and his courage.

Lance Corporal Mario Atrian is from Los Angeles and is a resident of my district. Our community is blessed to have such a distinguished, brave, young man. I encourage him to continue to fight for that which he believes with such courage and dignity throughout the rest of his life.

TRIBUTE TO LEROY RICHARDSON: A LIFE OF SERVICE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise to pay tribute to one of our community's genuine unsung leaders, the late Leroy Richardson. His untimely passing on December 22, 2005 has truly left a deep void in our midst.

In many ways, this quiet but dignified leader represented the best and the noblest of our community. He was a man of strong faith who was known for his remarkable generosity. He was a dedicated member of the New Shiloh Baptist Church, where he faithfully worshipped and served under the late Rev. Dr. Arthur Jackson, Jr. and under its current pastor, the Rev. D.L. Powell.

Known as a man of limitless passion and dedication to the well-being of his fellow men, Mr. Richardson was a leader who went out of his way to focus on the socioeconomic well-being of countless families that came to know of his caring and compassion. Aside from his interest in the funeral industry, he founded a very successful business known today as the Richardson-Jackson Removal Service, Inc.

He served for many years as President of the #3 Usher Ministry and he was also a member of the Trustee Ministry, Assistant Lead-Servant of the Couples Ministry and the Assistant Director of Operations for the New Shiloh Baptist Church. Though a highly private individual, he dedicated his life to the service of others. In so doing, he symbolized everything that is good and noble about the American spirit of idealism and optimism in serving his fellowmen. Our community truly feels the loss of a decent and caring man in the late Leroy Richardson, and I know my colleagues join with me in celebrating his life and his many good works on behalf of our community.

TRIBUTE TO G. SCOTT HUBBARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2006

Ms. ESHOO. Mr. Speaker, I rise today to honor Mr. G. Scott Hubbard, who recently stepped down as Director of NASA Ames Research Center in Mountain View, California to become the Carl Sagan Chair for Study of Life in the Universe at the SETI Institute.

Mr. Hubbard began his career at NASA Ames Research Center in 1987, becoming Center Director in 2002. I have had the pleasure of working closely with Mr. Hubbard on many issues since he assumed the Directorship. He has been an invaluable public servant, guiding NASA Ames through difficult times and inspiring confidence throughout the organization. I'm proud of our work together on many of the new endeavors at NASA Ames, as well as the work to ensure the long-term future of NASA Ames and Moffett Federal Airfield. Mr. Hubbard has always been a thorough professional . . . responsive, efficient and effective.

NASA Ames Research Center is in the heart of Silicon Valley and has played a crucial role in Silicon Valley's success. Director Hubbard demonstrated an unparalleled ability to use NASA Ames' unique position in the high-end research and development community to forge groundbreaking public-private R&D collaborations. Under his leadership, NASA Ames successfully partnered with Silicon Graphics and Intel Corporation to develop the fastest operational supercomputer in the world, and created the Center for Nanotechnology to lead federal research in this revolutionary technology. Mr. Hubbard was integral to the creation of the NASA Ames Research Park, a world-class R&D and education campus with industry, universities and non-profits all taking part. Today, more than thirty small R&D companies and fourteen universities are on-site. Because of his tireless efforts, high-technology giant Google will soon be adding a new state-of-the-art facility to the Research Park. Under Mr. Hubbard's tenure, NASA Ames established the University Affiliated Research Center with the University of California, which remains the largest R&D partnership ever developed by NASA in our nation.

Beyond his work as Director of NASA Ames, Mr. Hubbard has been a highly respected member of NASA and our country's academic community. He attended Vanderbilt University where he studied physics and astronomy. In 1974 at Lawrence Berkeley Lab, Mr. Hubbard co-developed a new radiation detection technology which is now incorporated in the Mars Odyssey Mission. In March 2000, he served at NASA headquarters as the first Mars Program Director and successfully restructured the entire Mars program in the wake of mission failures. Prior to his appointment as NASA Ames Center Director, he was Deputy Director for Research at NASA Ames. In 2003, he served as the sole NASA representative on the Columbia Accident Investigation Board which established the definitive physical cause of the loss of the Columbia. Director Hubbard has also been the NASA Ames Associate Director for Astrobiology and Space Research, the first director of NASA's Astrobiology Institute, and NASA's mission manager for Lunar Prospector. Director Hubbard is also credited with conceiving the Mars Pathfinder Mission. He recently accepted a visiting scholar appointment in the Electrical Engineering Department of Stanford University, underscoring the deep respect that Mr. Hubbard has earned in the academic community. At Stanford, Mr. Hubbard's research plans will focus on nanotechnology, biotechnology and information technology areas, as well as studying the emergence of the entrepreneurial space industry.

Time and again, Scott Hubbard has proven his commitment to NASA and our nation's space exploration endeavors. That is why, Mr. Speaker, I ask my colleagues to join me in extending our deepest gratitude to him for his superb public service. He has served our country exceedingly well, and because he has, we honor him for his work and wish him well in his new position as the Carl Sagan Chair at the SETI Institute.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 2, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 6

2:30 p.m.
Finance
International Trade Subcommittee
To hold hearings to examine The U.S.-Oman Free Trade Agreement.
SD-215

MARCH 7

9:30 a.m.
Armed Services
To hold hearings to examine military strategy and operational requirements in review of the Defense Authorization Request for fiscal year 2007 and the future years defense program.
SD-106

Energy and Natural Resources
To hold hearings to examine the goal of energy independence.
SD-366

Environment and Public Works
Fisheries, Wildlife, and Water Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2007 for the U.S. Fish and Wildlife Service.
SD-628

Foreign Relations
To hold hearings to examine the nomination of Randall L. Tobias, of Indiana, to be Administrator of the United States Agency for International Development.
SD-419

Judiciary
To hold hearings to examine defective products relating to criminal penalties ensuring corporate accountability.
SD-226

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine veterans' preference in the Federal government, focusing on the implementation of veterans' preference in the hiring of employees, including an evaluation of the laws designed to protect and promote the employment of veterans, the impact of workforce flexibilities on veterans, and how veterans' redress mechanisms work.
SD–342

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the current oversight and operation of credit rating agencies.
SD–538

Commerce, Science, and Transportation
To hold hearings to examine rural telecom.
SD–562

Health, Education, Labor, and Pensions
To hold hearings to examine the response of community-based organizations to the 2005 Gulf Coast hurricanes.
SD–430

Veterans' Affairs
To hold hearings to examine the legislative presentation of the Veterans of Foreign Wars.
SH–216

2:15 p.m.
Foreign Relations
Business meeting to consider Protocol Amending the Convention Between the Government of the United States of America and the Government of the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Paris on August 31, 1994 (Treaty Doc.109–04), Convention between the Government of the United States of America and the Government of Bangladesh for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Dhaka on September 26, 2004 with an exchange of notes enclosed (Treaty Doc.109–05), Protocol Amending the Convention Between the United States of America and the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Estates, Inheritances, and Gifts signed at Washington on November 24, 1978 (Treaty Doc.109–07), and Protocol Amending the Convention Between the Government of the United States of America and the Government of Sweden for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Washington on September 30, 2005 (Treaty Doc.109–08).
S–116, Capitol

2:45 p.m.
Armed Services
Strategic Forces Subcommittee
To hold hearings to examine the nuclear weapons and defense environmental cleanup activities of the Department of Energy in review of the defense authorization request for fiscal year 2007 and the future years nuclear security program.
SR–232A

MARCH 8

9:30 a.m.
Homeland Security and Governmental Affairs
To resume hearings to examine Hurricane Katrina, focusing on recommendations for reform.
SD–342

10 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

Health, Education, Labor, and Pensions
Business meeting to consider S. 1955, to amend title I of the Employee Retirement Security Act of 1974 and the Public Health Service Act to expand health care access and reduce costs through the creation of small business health plans and through modernization of the health insurance marketplace, S. 1902, to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the Centers for Disease Control and Prevention to study the role and impact of electronic media in the development of children, and the nominations of Michell C. Clark, of Virginia, to be Assistant Secretary for Management, Department of Education, Jean B. Elshtain, of Tennessee, to be a Member of the National Council on the Humanities, Edwin G. Foulke, Jr., of South Carolina, to be an Assistant Secretary of Labor, Allen C. Guelzo, of Pennsylvania, to be a Member of the National Council on the Humanities, Arlene Holen, of the District of Columbia, to be a Member of the Federal Mine Safety and Health Review Commission, George Perdue, of Georgia, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation, Anne-Imelda Radice, of Vermont, to be Director of the Institute of Museum and Library Services, Craig T. Ramey, of West Virginia, to be a Member of the Board of Directors of the National Board for Education Sciences, Sarah M. Singleton, of New Mexico, to be a Member of the Board of Directors of the Legal Services Corporation, Richard Stickler, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health, Kent D. Talbert, of Virginia, to be General Counsel, Department of Education, Horace A. Thompson, of Mississippi, to be a Member of the Occupational Safety and Health Review Commission, and certain nominations in the Public Health Service.
SD–430

Banking, Housing, and Urban Affairs
International Trade and Finance Subcommittee
To hold hearings to examine export-import bank reauthorization.
SD–538

2:30 p.m.
Armed Services
To hold hearings to examine the Department of Defense quadrennial defense review; to be followed by a closed session in SR–222.
SH–216

Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, and International Security Subcommittee
To hold hearings to examine Crime Victims Fund rescission.
SD–342

MARCH 9

9:30 a.m.
Environment and Public Works
Clean Air, Climate Change, and Nuclear Safety Subcommittee
To hold an oversight hearing to examine the Nuclear Regulatory Commission.
SD–628

Armed Services
To resume hearings to examine the defense authorization request for fiscal year 2007 and the future years defense program.
SD–106

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine aviation security and the Transportation Security Administration.
SD–562

Small Business and Entrepreneurship
To hold hearings to examine the President's proposed budget request for fiscal year 2007 for the Small Business Administration, and related measures.
SR–428A

Veterans' Affairs
To hold hearings to examine the legislative presentations of the Paralyzed Veterans of America, the Blinded Veterans of America, The Non-Commissioned Officers Association, the Military Order of the Purple Heart, and the Jewish War Veterans.
SH–216

10:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the United States Department of Agriculture's management and oversight of the Packers and Stockyards Act.
SR–328A

MARCH 10

9:30 a.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine the roles and missions of the Department of Defense regarding homeland defense and support to civil authorities in review of the defense authorization request for fiscal year 2007 and the future years defense program.
SR–222

MARCH 13

3 p.m.
Armed Services
To hold a closed briefing on an update from the Joint Improvised Explosive Device Defeat Organization.
SR–222

MARCH 14

9:30 a.m.
Armed Services
To hold hearings to examine military strategy and operational requirements in review of the Defense Authorization Request for fiscal year 2007 and the future years defense program.
SH–216

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine wireless issues spectrum reform.

SD–106

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine Wall Street perspective on telecom.

SD–106

MARCH 15

10:30 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for the the Secretary of the Senate, Architect of the Capitol, and the Capitol Visitor Center.

SD–138

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine innovation and competitiveness legislation.

SD–562

MARCH 16

9:30 a.m.

Armed Services

To hold hearings to examine military strategy and operational requirements in review of the defense authorization request for fiscal year 2007 and the future years defense program; to be followed by a closed session in SH–219.

SH–216

10 a.m.

Commerce, Science, and Transportation

Disaster Prevention and Prediction Subcommittee

To hold hearings to examine impacts on aviation regarding volcanic hazards.

SD–562

Veterans' Affairs

To hold hearings to examine the homeless programs administered by the VA.

SR–418

MARCH 28

10 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine Federal Aviation Administration budget and the long term viability of the Aviation Trust Fund.

SD–562

2:30 p.m.

Commerce, Science, and Transportation

National Ocean Policy Study Subcommittee

To hold hearings to examine offshore aquaculture.

SD–562

MARCH 29

10 a.m.

Commerce, Science, and Transportation

Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine the importance of basic research to United States' competitiveness.

SD–562

MARCH 30

10 a.m.

Commerce, Science, and Transportation

Disaster Prevention and Prediction Subcommittee

To hold an oversight hearing to examine National Polar-Orbiting Operational Environmental Satellite System.

SD–562

Veterans' Affairs

To hold hearings to examine the legislative presentations of the National Association of State Directors of Veterans Affairs, the AMVETS, the American Ex-Prisoners of War, and the Vietnam Veterans of America.

SD–106

APRIL 4

10 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine Federal Aviation Administration funding options.

SD–562

APRIL 5

10:30 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Sergeant at Arms and U.S. Capitol Police Board.

SD–138

3 p.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine improving contractor incentives in review of the defense authorization request for fiscal year 2007.

SR–222

APRIL 26

10 a.m.

Commerce, Science, and Transportation

Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine fostering innovation in math and science education.

Room to be announced

10:30 a.m.

Appropriations

Legislative Branch Subcommittee

To resume hearings to examine the progress of construction on the Capitol Visitor Center.

SD–138

MAY 3

10:30 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Government Printing Office, Congressional Budget Office, and Office of Compliance.

SD–138

MAY 17

10 a.m.

Commerce, Science, and Transportation

Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine accelerating the adoption of health information technology.

Room to be announced

MAY 24

10:30 a.m.

Appropriations

Legislative Branch Subcommittee

To resume hearings to examine the progress of construction on the Capitol Visitor Center.

SD–138

JUNE 14

10 a.m.

Commerce, Science, and Transportation

Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine alternative energy technologies.

Room to be announced

SENATE—*Thursday, March 2, 2006*

The Senate met at 9:30 a.m. and was called to order by the Honorable CRAIG THOMAS, a Senator from the State of Wyoming.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Dr. Stephen L. Swisher, Lovers Lane United Methodist Church in Dallas, TX.

The guest Chaplain offered the following prayer.

Let us pray.

We pray, Dear God, that You would fill this sacred minute with meaning and make it an oasis for the refreshment of our souls, a window cleaning for our vision, and a recharging of the batteries of our spirit. As this day unfolds, give us the courage to step into life with new drive and motivation.

As we gather here in this historic place, facing the stress of committee hearings, paperwork deadlines, and seemingly endless functions, may we not lose sight of our true purpose—to get the right things done and in some cases the wrong things undone.

I pray Your blessings upon each Member of this our United States Senate, their families and staff members. Surround each one with Your protection, strength, and guidance. May they feel You as close as their next breath.

Lord, we remember those who have stood here before us and we are proud—and in our minds we can visualize the sea of faces whom we represent, those multiplied millions of people looking to us to make a real, positive, significant difference—and we are emboldened. May our words offer hope and our actions inspiration. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CRAIG THOMAS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 2, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CRAIG THOMAS, a Senator from the State of Wyoming, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. THOMAS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we have 30 minutes set aside for a period of morning business. Following that 30 minutes, we will resume postcloture debate on the PATRIOT Act conference report. We had five procedural votes on or in relation to the PATRIOT Act yesterday, concluding with an 84-to-15 vote. Given that overwhelming vote, it is now time for the Senate to take a final vote on this conference report. That vote is scheduled for 3 p.m. today. We will divide the time equally until that time.

After the vote on the adoption of the PATRIOT Act, we will proceed to a cloture vote on the issue of LIHEAP. I hope we can proceed to the LIHEAP bill and come to a resolution on that measure before the close of the week. In any event, I am confident we will proceed to that measure and work toward a vote on the LIHEAP issue. We will update Senators this afternoon after the two votes later today.

COMBAT METH ACT

Mr. FRIST. Mr. President, I wish to make a brief comment on an important provision on methamphetamine that is in the PATRIOT Act but not a lot of attention has been focused on it over the last several days, a very important provision.

At 3 o'clock today the Senate will vote on passage of the PATRIOT Act conference report, and after a lot of months of debate we will finally deliver a PATRIOT Act that is stronger and tougher and more effective against terrorists on American soil, while at the same time protecting our civil liberties.

It has not been easy. It has taken a long time. But now we are on the verge of a tremendous success with the passage of a very important bill that will benefit the American people.

The Combat Meth Act is legislation Senator TALENT introduced last year, and I and many of our colleagues are a cosponsor of that legislation. Senator TALENT's leadership has been instrumental in pushing this bill forward, and it is something of which we can all be very proud.

I have worked with the House leadership to encourage Members to get this done because meth is a crisis that has been building in all of our States. It is highly addictive, cheap, and easily available.

In the last 10 years meth has become America's worst drug problem. I say that, even putting it before marijuana, cocaine, and heroin, in that the use of it has increased so significantly and it is so terribly addictive.

Last year Tennessee ranked No. 2, tied with Iowa and just behind Missouri, in the number of meth lab seizures. Through tougher laws and tougher enforcement over the last year and a half Tennessee is starting to see a turnaround, and that is one of the reasons I am so convinced this legislation will have a dramatic impact in a short period of time.

It was in March of last year that Tennessee signed its Meth Free Tennessee Act, a much needed law that required retailers to take cold medicines and sinus medicines containing pseudoephedrine off the shelves and put them behind the counter where they can be closely monitored. As a result of this powerful new approach, lab seizures have declined dramatically, down 40 percent in May and another 60 percent in June.

In addition, district attorneys across the State have told me of the tremendous impact it has made and they joined Governor Bresden in launching the Meth Destroys campaign. Through videos and brochures and bulletin boards and other means of public relations, the Meth Destroys campaign is reaching out to schools, to church groups, to parents, to civic organizations, to educate the public on the grave dangers of this highly addictive drug, methamphetamine.

Now with the imminent passage of the Combat Meth Act here in the Senate today at 3 o'clock, everyone's job is going to get a whole lot easier.

We learned that when one State restricted access to the precursors, meth cooks simply crossed over to the adjoining State, bought their ingredients and brought them back. Law enforcement told us again and again that they

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

needed uniform law to be able to cut off this access to and purchase of these ingredients.

Senator TALENT and Senator FEINSTEIN introduced the Combat Meth Act to restrict access to cold medicines containing pseudoephedrine and ephedrine across all 50 States. Under the Combat Meth Act, meth users will no longer be able to jump from State to State, cruise from State to State in order to buy these ingredients.

Once again I thank Senator TALENT and Senator FEINSTEIN for pushing hard to get this done. It will have a direct impact in a short period of time. Lives will be saved, communities will be better protected because of their commitment. I urge all of our colleagues to vote for the PATRIOT Act, which includes the Combat Meth Act, this afternoon. It applies directly to the well-being and safety of our neighbors and fellow citizens.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, before the distinguished majority leader leaves, will the Senator be so kind as to allow 5 more minutes in morning business on each side, with 20 minutes on each side. We have a number of people seeking recognition.

Mr. FRIST. That will be fine.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 40 minutes, with the first half of the time under the control of the Democratic leader and the second half of the time under the control of the majority leader.

Mr. REID. Mr. President, I yield 10 minutes to Senator BAUCUS of Montana and 10 minutes to Senator KENT CONRAD of North Dakota, in that order.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. I thank the Chair. I thank the leader very much for the allocation of time.

INCREASING THE FEDERAL DEBT LIMIT

Mr. BAUCUS. Mr. President, on December 29 of last year I received a letter from the Secretary of the Treasury, John Snow, asking that Congress increase the Federal deficit. This is extremely important, obviously; that is, whether we should and the degree to which we should increase the Federal debt limit. But we don't have any scheduled debate on this and I don't think, frankly, the leadership wants to schedule debate on whether we should and the degree to which we should increase the Federal debt. I think the reason is pretty clear. It is because it is embarrassing. It is an embarrassment that our Federal debt is growing so much and at a rapid rate.

I say that in part because the Secretary says the United States will hit the limit in the middle of this month. That is not too many days away. I hope very much this body exercises its responsibility to do what it should do and let's have a discussion on our fiscal situation: How great is the debt? What should be done about it? How big is the deficit and what should be done about that? Where are we? Where are we headed? What are the implications?

These are very real questions that affect the financial security of the United States and which affect very greatly individual Americans. I very much hope we have that debate of the points I think we should consider. It is our responsibility to address the implications of our huge Federal debt and deficits. We have a responsibility to do that. That is our job. It is much more our job to address that than it is some other things I think we do here in the Senate, and I am going to do what I can to urge my colleagues and urge, frankly, anybody listening and watching to begin to think about what is going on here because this is critical.

Let's review some of the facts about the debt limit. Currently, our Treasury, the U.S. Treasury, is authorized to issue debt totaling over $8 trillion. That is the current statute. Last year's budget resolution proposed an increase in that authorization of $781 billion. That is an increase. That would be the fourth largest debt limit increase in the Nation's history.

If I might briefly indicate in a graphic way literally what that means. This basically is a chart showing the amount of Federal debt limit increases the Congress has enacted over various years going back not too long ago—1986 up to the present.

The red bars here indicate the amount of the debt increase Congress has enacted because our Federal debt was going up so quickly. You can see there was a big increase back in 1990. That was the time when, frankly, our country was under a little bit of pressure and the debt was going up. Between 2000, 2001, we did not have any debt increases. But what has happened lately?

You can see all these huge increases in the last 4 years. In 2002, the Congress increased the national debt by $450 billion.

Here is a whopper. In 2003, Congress increased the Federal debt by close to $1 trillion. The next year it increased the Federal debt by $800 billion, four-fifths of a trillion dollars in 1 year. Last year it did not have to increase the debt because the $800 billion carried us over through 2005, but here again we have to increase the Federal debt by $781 billion.

The debate point is that in the last years there have been big increases in the Federal debt. Why? Because we have been borrowing so much in this country. Congress has authorized and the President has proposed very large expenses.

More striking, though, is that total increase has occurred since the year 2002.

During this administration, America's debt, the total deficit, has increased by $3 trillion. You can imagine. Since 2002, if you add up all the increases in the Federal debt, our Federal debt has increased by $3 trillion. That is not the level now; it is close to $9 trillion if it is increased further. But this is the increase—and those increases have occurred only in the last 4 years. That is a 40-percent increase in the entire Federal debt accrued by our country in its entire history. Forty percent of the increase in the Federal debt has occurred in the last 4 years.

Who is lending the Federal Government these funds? Ask yourself that question. That is a lot of debt out there. Some of it is internal. The U.S. Government borrows from Social Security, and we all know that pretty soon those chickens are going to come home to roost. We can't do that much longer. We will have to start paying back all that is due to Social Security—and that is an awful lot. Much of the borrowing is from American citizens and businesses.

But what is more alarming is the trend where much more of the debt is held by foreigners and central banks in foreign countries; that is, the amount of debt held by foreign governments is much worse. Five years ago foreigners held about $1 trillion of our Federal debt.

What is that number today? It is double. In over 5 years the amount has doubled. The number held by foreigners has now doubled to $2.2 trillion.

Today, Japan holds two-thirds of a trillion dollars of our foreign debt. China holds a quarter of a trillion dollars. China's reserve is scheduled to be about $1 trillion by the end of this year.

The rate of increase in Federal debt held by foreigners—simply by foreign banks, central banks—is alarming. I tend not to be an alarmist. In fact, sometimes people say: Max, you are kind of easy going, you don't get too upset, and so on. But I am quite concerned about these trends. They are worse.

I might also add that the debt held by foreigners after World War II was extremely high, too. It was. But the composition of that debt—investments held by foreigners—was just that: investment in infrastructure in the United States and capital assets; that is, investments foreigners made in the United States after World War II. The composition was not much debt. It is securities to finance the borrowing by Uncle Sam, and we have to pay back the interest on that borrowing.

The question is, How long can we continue to borrow all of that money? That is the basic question.

What are the implications to our foreign policy as foreigners increase their holdings of U.S. debt? What does that mean? What might happen?

Try to be wholly analytical about this. What does that mean? What percentage of the American taxes are being used to pay interest on that debt? How much are American taxpayers paying to foreigners directly through interest on the national debt?

I think that should be debated. That is something I think is quite concerning, particularly with the large numbers.

These are just some of the issues I think we should debate. We also should remember—this is not rocket science—that ordinarily there are limits on debt. Ordinarily, credit card companies or businesses or banks just do not automatically increase debt, which is happening in this country in the last 4 years as I showed in that chart. It has been automatic. We have increased the debt.

Think a little bit about the limits an institution holds on a family and what the family wants to borrow. What about a credit card and a maximum balance. Most Americans have credit cards. Most Americans know there is a maximum balance on that credit card. You can only borrow so much. After a certain limit, you can't borrow any more. That is it.

Wouldn't it be great if each individual could say: We are going to ask the credit card company to increase the debt, and do it as the Congress is doing right now. We will just increase the debt limit. A person can't ask a bank willy-nilly to increase the maximum allowance on a credit card. There is a good reason for that. There have to be limits. We have to live within our means.

Take an ordinary business, a bank loan to a business. The bank pays a lot of attention to how that business is being run, whether it is being run well. It pays a lot of attention.

One could ask: Is the Treasury or foreigners or someone who holds the debt asking how well we are running our business?

I urge the majority leader to schedule time to hold a thorough debate on this issue.

This is real. This is really real. We all know this cannot continue. We really do not know at what point, if we continue to increase the debt, there might be some cataclysmic event. We just don't know that. But we do know that with every debt limit increase we are accelerating the time when something nasty or bad might happen economically.

Already, some countries are starting to move out of dollars into other currencies. China is on the margin of looking at holding currencies other than the dollar. Many countries worldwide are becoming more self-sufficient. They don't need the United States as much now as they once did. They are becoming more independent. They are going more in their own direction. They are doing what they think makes sense for them economically.

Clearly, the bottom line is we have to live within our means. Every time we increase the debt limit we are not within our means.

I urge us to have a debate so we can know what we really should be doing.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair and I thank my colleagues.

DEBT AND TAXES

Mr. CONRAD. Mr. President, the New York Times, in its Monday edition editorial, said:

> There's nothing Congressional Republicans would like more than to escape the inescapable need to raise the Nation's debt limit. The upcoming increase, from $8.18 trillion to nearly $9 trillion, will be the fourth major hike in the last 5 years.

The editorial went on to say:

> It will come as no surprise if Senate leaders squelch debate on the debt limit until Congress is ready to begin its next week-long recess on March 17. Then, up against the Treasury's default deadline, the increase would be put to a voice vote so that no individual would have to go on record as approving the measure—

Increase in the debt.

If anybody thinks that the New York Times is just imagining that there will be an attempt to avoid a debate on this massive increase in the Nation's debt, this is what the chairman of the Finance Committee said:

> Senator GRASSLEY told Reuters that the goal would be to get the debt limit legislation passed with the least debate.

He went on to say:

> I would like to see a bill on any Thursday night just prior to a recess.

Why do our colleagues on the other side of the aisle want to avoid a discussion of the Nation's debt? Perhaps it is revealed in this chart which shows what is happening to the Nation's debt under their leadership.

Our friends on the other side of the aisle have controlled Washington policymaking since 2001. They have controlled the Senate. They have controlled the House. They have controlled the White House.

Here is their record on debt. At the end of the President's first year, the debt was $5.8 trillion. I think it is fair to leave out the first year. He is not responsible for the first year.

Look at what happened since. The debt has gone up each and every year—and up dramatically. At the end of this year, it is predicted, if the President's budget is adopted, that the debt will have reached $8.6 trillion.

Every Member of this body will recall when the President embarked on this fiscal strategy. He told us not only that he would not increase the debt but that he would have maximum paydown of the debt. He said his plan would virtually eliminate the Nation's publicly-held debt.

There is no elimination going on here. Instead, the debt has exploded. We anticipate that it will be $8.6 trillion at the end of this year, if the President's further 5-year program is adopted. The debt will skyrocket to $12 trillion in 2011, at the worst possible time before the baby boomers retire.

One of the results of their disastrous fiscal strategy is the debt held by foreigners has exploded at an even more alarming rate. It took 42 Presidents—all the Presidents pictured here—224 years to run up $1 trillion of external debt. This President has more than doubled that amount in 5 years.

This is the legacy of debt that will haunt this country for generations to come. This is the hard reality. This is a fiscal plan and a fiscal strategy that has failed—failed miserably, and failed by any measure.

The Senator from Montana raised a question of who is holding our debt. Here it is: Japan—we now owe them $685 billion. We owe China over $250 billion. We owe the United Kingdom over $230 billion. And in fourth place—who would have ever believed this—we now owe the so-called Caribbean banking centers over $100 billion.

Now it comes to this year and a further continuation of the Republican plan to load the Nation with debt. I do not know how else you can term it because here is what has happened.

By the way, from 1998 to 2001, there was no need to increase the Nation's debt limit. In fact, we were paying down the Nation's publicly-held debt under the administration of President Clinton. But in 2002, we had to raise the debt $450 billion; in 2003, we had to raise the debt $984 billion; in 1 year, 2004, another $800 billion increase in debt; and now, in 2006, they are seeking to raise the debt another almost $800 billion.

You add this up and the debt will have already increased under this President by $3 trillion. When he came into office it was more than $5 trillion.

And we now know, if his next 5-year plan is adopted, he will add another $3 trillion to the debt.

This is not a sustainable strategy or plan, and it is time for Congress to face up to it. It is time to begin the debate on what we do to confront these rapidly growing debts.

I hope very much that we will have a chance for a full debate on the debt limit and to consider stringent pay-go legislation, the device which we have had in the past to provide budget discipline.

It simply says: If you want more spending, you have to pay for it. If you want more tax cuts, you have to pay for them. That is a basic notion that we used with great effect in the 1980s and 1990s to reduce what were then record deficits and debt levels—levels that have been greatly exceeded by the massive runup of debt under this administration. I hope we have that opportunity. The Nation deserves as much.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

THE ISLAMIC REPUBLIC OF IRAN

Mr. SANTORUM. Mr. President, I rise today to talk about some of the recent developments in the Islamic Republic of Iran.

We have a lot of activity today. There is a hearing in the Foreign Relations Committee, as well as some dissidents who are in town to talk about the state of affairs in Iran.

As many of my colleagues know, the Iranian Government's track record with respect to supporting acts of terror inflicted upon innocent persons and inflicting damage on peaceful relations among Middle Eastern countries is abysmal. Iran's bad activities in the Middle East and, candidly, bad actions in the world—at the head of the list, from my perspective, is promoting terrorism activities and Islamic fascism ideology that undergirds that terrorist activity in the Middle East—have secured a designation by the U.S. Department of State as a state sponsor of terrorism. Iran supports terrorist organizations such as Hezbollah, the entity behind the 1983 suicide terrorist attack against U.S. military and civilian personnel in Lebanon. Hamas is another organization that they are now supporting, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine-General Command. All of these are reprehensible organizations that the Iranian Government is directly sponsoring as a state sponsor of terrorism.

Additionally, Iran has been implicated in the 1996 attack on U.S. military personnel at Khobar Towers in Saudi Arabia.

Iran's reach into Iraq, which many of us have been complaining about for a couple of years and which is now being recognized by our Government, by our Department of State, and which is now being recognized by the world—Iran is one of the fomenters of terrorism within the country of Iraq. Iran's connection to the Supreme Council for the Islamic Revolution in Iraq and the organization's Badr Brigades means that Iran has a hand in shaping the allegiances of both Iraq's police and military forces.

Iran's human rights violations, in addition to their terrorist activities, are no less chilling. The State Department reported that the Government of Iran engages in widespread use of torture and other degrading treatment and the Iranian Government continues to discriminate against religious and ethnic minorities. They do not discriminate as to who they discriminate against. Other Muslim sects—whether Sunni or Suffi or Jews or Christians, they discriminate against them all.

Iran's record of degradation of women is appalling and should not be tolerated by the international community. Iranian women are severely oppressed and their voices are constantly suffocated by the government. There are numerous examples of Iranian women who have been arrested and severely beaten for the simple fact they are females. One example is Dr. Roya Toloui, a women's rights activist and the editor of a publication that is now banned in Iran. She was arrested last summer in the wake of a 2005 July demonstration in the town of Mahabad. Dr. Toloui was held in prison for 66 days. While she was there, she was raped and she was tortured. Though she has since been released from prison, Dr. Toloui is in constant fear of rearrest and of death.

The State Department also noted Iran's continued restrictions on workers' rights. In short, the Government of Iran oppress its people and terrorizes the world and is a threat to the security of this country and to the security of democracies throughout the West.

The one additional aspect that has now taken a lot of press is Iran's pursuit of nuclear capability. This is very unsettling when you have a regime with this kind of track record to be in pursuit of nuclear capability. Iran, of course, is permitted to pursue peaceful nuclear research under the terms of the Nuclear Nonproliferation Treaty. Its record on transparency and the true purpose of its program, obviously, is very much in doubt. In November of 2003 the International Atomic Energy Agency reported that Iran has been developing an undeclared nuclear enrichment program for 18 years and had covertly imported nuclear material and equipment. Furthermore, the IAEA reported that Iran had conducted over 110 unreported experiments to produce uranium, metal, and separated plutonium, and had possession of designs clearly related to the fabrication of nuclear weapons.

In 2005, in August, following the election of President Ahmadinejad, Iran announced that the ongoing negotiations under the terms of the 2004 Paris agreement, the agreement that suspended activities brokered by the EU-3, were "satisfactory" according to Iran. Then they announced they were resuming the conversion of raw uranium into gas for enrichment. In January of 2006, Iran removed the IAEA seals on the research enrichment plant in Natanz.

Recently, the IAEA board voted 27 to 3 to report Iran to the U.N. Security Council, and in so doing noted Iran's many failures and breaches of its obligations to comply with the Nuclear Nonproliferation Treaty. Iran's aggressive behavior and concealment of ongoing nuclear activities can only lead to one conclusion, and that is that Iran is seeking to enrich uranium to use for nuclear weapons.

In response to this nuclear gambit, I believe we need smart sanctions for the U.N. to impose. For example, the U.N. should consider imposing a travel ban on Iran's leaders, banning international flights from Iranian air, banning the transportation of cargo carried by Iranian Government-owned ships, and possibly to pursue legal action against Iranian leaders responsible for human rights and terrorism abuses, as well as executions.

I recently introduced legislation with my colleague, Senator NORM COLEMAN, that seeks to empower the forces of democracy in Iran and support efforts to foster peaceful change within Iran. It is S. 333, the Iran Freedom and Support Act. It seeks to make it harder for the Government of Iran to have access to revenue and foreign investment. Resources that those investments accrue are used by the Iranian Government to support terrorist organizations and to pursue nuclear activity as well as to repress its people.

The bill also codifies sanctions, controls, and regulations currently in place against Iran by Executive order. It codifies those in statute. The bill declares it should be a policy of the United States to support the Iranian people in their prodemocracy movements. We believe, and the bill says, that the people of Iran are entitled to self-determination, to free and fair elections, and we want to provide the resources in helping those groups attain those free and fair elections. We authorized $10 million in this bill, but thanks to the effort on the supplemental the administration has sent up to the Congress, they have requested $75 million for prodemocracy efforts in Iran. I hope the introduction of our legislation last year perhaps gave some encouragement to ask for such funding. They have asked for $75 million. I will amend our bill to ask for $100 million for those efforts.

The Iran Freedom and Support Act is a nonviolent way to try to effect change in Iraq. I agree with the President and all who have talked about keeping our military options on the table, but it is vitally important to try to use our diplomatic options first and foremost. At a time when the threat from Iran is real, it is not only real to this country, not only real to the Middle East and Iraq, but it is, obviously, real to their own people in the way they treat them.

This is an important piece of legislation. It is something I hope we can do. It is important in spite of what the President has done. I support his policies that we show the Congress is 100 percent behind his effort to do something about the nuclear gambit Iran is engaged in right now. I am hopeful we can pass this legislation in a timely fashion.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I rise to join my colleague from Pennsylvania on underscoring the urgency that surrounds the threat to our Nation and the entire world community with Iran.

I listened to my esteemed colleague talk about the Iranian repression of women. I thought to myself, how sad; Iran was a country that at times led that part of the world in its respect for women and women's rights at a time few talked about it. And how low they have sunk.

It was 100 years ago Iran's constitutional revolution was the first genuine democracy in the Middle East, over half of the population of that part of the world. When we look where we are today, I have a touch of sadness in my heart as I reflect upon the plight of the Iranian people.

Make no mistake, as my colleague from Pennsylvania noted, Iran is a nation with painful rhetoric, rhetoric of its president, who says: Our goal is to destroy Israel. We should take people at their word that is the goal.

This is not, by the way, the rantings of a madman. This is the clear policy of the regime backed by the ruling mullahs. It is the clear policy, not the rantings of some wild man. Take him at his word, that is his goal, his objectives, and Iran's goal and objective.

Painful rhetoric is backed by their concrete actions. They are the largest state sponsor of state-supported terrorism in the world. It is not just cheap rhetoric; it is a disconcerting and frightening reality we have to deal with.

Now we have a regime that is clearly in pursuit of nuclear weapons. We are dealing with a lot of security issues out there today. There is lots on the agenda dealing with concerns about port security. Let's not let this issue slip away.

Some say Washington is a town of a thousand issues and few priorities. This is a priority and continues to be a priority. As I said before, they have been clear about their regime and their desire to destroy Israel and the western civilization.

At the conference where Ahmadinejad talked about destroying Israel, I remember the picture behind him vividly, a picture of an hourglass. In this hourglass, the ball is dropping through. This is posted not by accident but by design. In the hourglass, the fragile glass ball is falling through the glass, about to be shattered. That is Israel. But already lying on the floor of the shattered glass is a shattered USA.

That is the vision, that is the plan. We have to understand that. Clearly, the vitriolic rhetoric is backed by a clear vision and plan and it merits immediate action by the international community.

All in all, the Tehran regime's previous and ongoing activities indicate that a nuclear-armed Iran would pose an unprecedented threat to American national security as well as to the existence of the State of Israel. Have no doubt about it; if Iran were to use a nuclear weapon in the Middle East, we are not protected, even being thousands of miles away. We will all be impacted by that. We are all in this. The outcome of Iran's vision and the destruction of Israel is unacceptable. Common sense and responsibility demand that action be taken now. Time is not on our side.

The scenario we face with Iran today has many parallels to the 1930s when the League of Nations failed to confront the aggression of the dictatorships in Japan, Italy, and Germany. Hitler said what he would do and the international community chose to ignore that very clear red flag. In "Mein Kampf," Hitler meant what he said. When he had the opportunity, he acted on that.

The President of Iran has not written a book such as "Mein Kampf," but he has been very clear about what his intentions are, public about his intentions to destroy Israel and the rest. And at the same time he is pursuing a strategy to campaign to obtain nuclear capacity. Will the international community continue to wring its hands and allow this murderous regime to align its intentions with its capabilities or will it take action? The answer must be yes. The answer must be now. And the United States must be part of leading that charge.

The IAEA has taken some action. There is a meeting of the board of governors March 6. They must continue to put pressure on Iran. But that is not enough. The reality is, negotiations are not enough. There is a Russian proposal on the table. The European three have been negotiating with Iran. The problem with this, it may seem as if there is something there, but when you pursue this negotiation you are presuming that the other side wants a solution. They are negotiating with someone who is not looking for a solution to divert a crisis but playing a cat-and-mouse game to buy time. You have to realize enough time for talk and we have to take action. Talk is what the other side wants as it buys time. It is clear they are not looking for a solution to avert a crisis. They have a vision. They have a path.

They have demonstrated time and again they are not serious about negotiating. They deserve no further opportunities to prevent them from being held to account for their intransigence. I think it is high time the international community called the Iranian bluff. They have had more than enough opportunities to negotiate and have brazenly violated every agreement. The Security Council must take strong action. This needs to be the focus of our policy now and in the immediate future.

While all of us recognize that actions must be taken to deal with the imminent threat of Iran's nuclear intentions, a true long-term solution to the problem with Iran lies in efforts to promote a free and democratic society. As Secretary Rice has noted:

> Attempting to draw neat, clean lines between our security interests and our democratic ideals does not reflect the reality of today's world. Supporting the growth of democratic institutions in all nations is not some moralistic flight of fancy; it is the only realistic response to our present challenges.

In his State of the Union Address, President Bush made a direct appeal to the Iranian people and voiced our country's support for their right to freedom. Here in Congress, we need to act to convert moral support into concrete actions to help foster democratic change in Iran.

I commend my colleague, Senator SANTORUM, for his introduction of the Iran Freedom and Support Act of 2005. I am a cosponsor of that legislation. He has talked about that and clearly seeks to support the roots of democratic change in Iran. We need to support democracy in Iran. And supporting them is not being an American voice preaching moralistically about democracy; it is an opportunity to connect with the Iranians around the world, not just there. There are folks who have been fighting for freedom in Iran. Some are still in Iran. We need to figure out a way to connect with Iranian voices, with dissidents in Iran and around the world, to let them know we are there to support freedom, we are there to support democracy.

I urge passage of Senator SANTORUM's bill. It is a step in the right direction.

Finally, I would note that March 20 and 21 is the Iranian new year. I say that because the regime is repressing the celebration of the Iranian new year. I want to conclude my comments by wishing the Iranian people a happy new year, one in which, hopefully, they will be closer to freedom, closer to freedom in the year to come. And we will take those steps necessary to help make that happen.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I commend the Senator from Minnesota. I think he is right on target. He is putting the burden where it should be, and that is directly on the United Nations to do what is right with regard to Iran.

Our President has tried to put the Europeans out front to negotiate with the Iranians. I believe they have been less than forthcoming about what they were doing the last 2 years with nuclear capabilities. Now it is time for us to all step in as world leaders and say to Iran: You must stop making nuclear weapons. And further, if you do not, there will be repercussions.

But it will take the entire world community, led by the United Nations, to make an impact on Iran. The United States cannot do this alone. We do not trade with Iran. We need the people who are trading with Iran to say there will be consequences if a nuclear weapon is produced in that country.

So I thank the Senator from Minnesota. I hope very much the United States will step forward with the other leaders of the world to say we are of one mind.

Mr. President, I wish to take a moment because today is Texas Independence Day.

The PRESIDING OFFICER. Time for morning business has expired.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be allowed to speak for 5 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

170TH ANNIVERSARY OF TEXAS INDEPENDENCE DAY

Mrs. HUTCHISON. Mr. President, I wish to take a moment to read the letter of William Barret Travis from the Alamo. This is a tradition I continue that was started by Senator John Tower to commemorate Texas Independence Day, and that is today, March 2.

Today is the 170th anniversary of the signing of the Texas Declaration of Independence, a document that was signed by, among others, my great-great-grandfather, Charles S. Taylor, and also his friend, Thomas J. Rusk, who first held the Senate seat I now hold. They both hailed from Nacogdoches, which is the oldest town in Texas—the town in which my mother grew up and the town in which I now own the home my grandfather built.

It is a very historic time for Texas. We celebrate Texas Independence Day every single year because we know that fighting for freedom has made a difference in what Texas is. We love our history. We fought for freedom. We were a republic for 10 years, and then we came into the United States as a State.

The defense of the Alamo by 189 courageous men, who were outnumbered 10 to 1, was a key battle of the Texas Revolution. The sacrifice of COL William Barret Travis and his men made possible GEN Sam Houston's ultimate victory at San Jacinto, which secured independence for Texas.

From the Alamo, Colonel Travis wrote to his countrymen the following:

> Fellow citizens and compatriots: I am besieged by a thousand or more of the Mexicans under Santa Ana—I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man—the enemy has demanded a surrender at discretion, otherwise, the garrison is to be put to the sword, if the fort is taken—I have answered the demands with a cannon shot, and our flag still waves proudly from the wall—I shall never surrender or retreat.
>
> Then, I call on you in the name of liberty, of patriotism and of everything dear to the American character, to come to our aid, with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country—Victory or Death.
>
> William Barret Travis, Lt. Col. Commander.

Colonel Travis's are the words of a true patriot. And his letter did inspire Texans to ultimate victory. In fact, his holding of the Alamo for so long did allow Sam Houston to muster his troops for the last stand at San Jacinto.

To show you one other example of how Texans love their history, the minister who opened our Senate today with prayer from Lovers Lane Methodist Church in Dallas, TX, showed me, at breakfast this morning, the ring he wears which is a replica of the ring of William Barret Travis that he wore at the Alamo. He put the ring around the neck of the daughter of one of those who was able to survive and leave the day before the onslaught that killed all of those men at the Alamo. So Susanna Dickinson's daughter had that ring around her neck—she was about 8 years old at the time—and that is why we know what the ring signified.

Another example of how history continues to inspire us: I, just 2 weeks ago, commissioned the newest amphibious ship of the U.S. Navy. It is an amphibious assault ship, the first of its class, the USS *San Antonio*. The USS *San Antonio* has in its motto the words from William Barret Travis's letter "Never surrender, never retreat."

That is a great ship which is going to carry marines into battle. It will carry our marines with the very best of technology, the very best safety measures we can possibly give them. And the quote "Never surrender, never retreat" will carry them into battle to help protect the freedom of Americans for years to come.

I am proud to be the sponsor of the ship the USS *San Antonio*. It represents the spirit of our armed services today, just as 170 years ago when we fought for our independence from Mexico and later became a great State of the United States of America.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

USA PATRIOT TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 3199, which the clerk will report.

The assistant legislative clerk read as follows:

> Conference report to accompany H.R. 3199, an act to extend and modify authorities needed to combat terrorism, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 2:30 p.m. shall be equally divided, with 1 hour of the time controlled by the minority to be under the control of the Senator from Wisconsin, Mr. FEINGOLD.

Mr. VITTER. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for up to 15 minutes and that the time be charged to the Republican side. I further ask that Senator STEVENS be recognized at 12:15 for up to 5 minutes and Senator BYRD then be recognized for up to 35 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOBBYING REFORM

Mr. VITTER. Mr. President, I rise to speak on the very important subject of lobbying reform. When you think of our role in our constitutional system and how important it is that that role be held in high regard and confidence by the American public, this issue certainly takes center stage as a very important one that we need to address. Again, it goes to the heart of who we are and what we are about and the heart of the crucial task of having the confidence of the American people in our system.

Obviously, in the last year, in particular, that has been shaken—shaken by some very real and serious scandals that have touched the Congress. Because of that, we need to address these issues of lobby reform, campaign finance reform, and other related issues very boldly and very directly.

Again, why do we need to do this? For a very simple reason. This goes to the heart of our credibility, the heart of the central issue: Do the American people have confidence in our integrity, in our ability to put their interests ahead of the interests of narrow or special interests?

I come to this set of issues with quite a bit of experience from Louisiana. These sorts of issues have been at the center of our political debate for quite some time because, quite frankly, we have fought our own challenges in terms of integrity and credibility. We have had a political culture and a political history riddled with corruption and cronyism. Many of us are working very hard to get beyond that. Before I came to the House of Representatives in 1999, I served in the Louisiana legislature. While I was there for about 7 years, these sorts of issues—reform issues, lobby reform, campaign finance reform—were at the very top of my agenda because, again, what could be more important than building the confidence of citizens in the integrity of their Government? Certainly, when I stepped into the Louisiana legislature in January 1992, that credibility and that integrity absolutely needed bolstering.

When I first went to the legislature in 1992, we had a Governor named Edwin Edwards. We had an explosion of legalized gambling issues and legalized gambling concerns. That only fueled the need to address these central, ethical lobby and related issues. Issues such as the influence of gambling and gambling contributions came to the floor, and the influence of gambling entities on elected officials. Because of all this, I filed several formal ethics complaints against our then-Governor, Edwin Edwards. Many of those were successful to help draw attention to the very real problems that were persistent. And then several years later, that was actually followed by Federal prosecution of then-former Governor Edwards on gambling-related charges, and he now still serves a significant sentence in Federal prison.

Other issues came before us, such as gambling contributions. We had an infamous incident of the president of the State Senate handing out gambling contribution checks on the floor of the Senate. This caught everybody's attention, and the good part of the incident—the only good part—is that it ushered in more reform, more cleaning house, if you will.

So I was very involved in those issues for exactly the same reason. They went to the heart of what we are about. They went to the heart of voters' and citizens' confidence. They went to the heart of the question of our integrity.

In part, because of that background and that experience, I was very interested in being involved in these ethics reform and lobby reform efforts on Capitol Hill. Very early on, I joined the working group in the Senate that was focused on these important issues. The group consisted of Senators SANTORUM, MCCAIN, LOTT, KYL, LIEBERMAN, OBAMA, ISAKSON, DODD, FEINGOLD, and COLLINS. It was a very strong, very sincere bipartisan working group to look hard at these crucial questions and to come up with a strong package that could gain bipartisan consensus support, and that we could pass through the Senate.

In working with this group, we discussed a lot of issues and tried to hone in on the key abuses and, therefore, the key reforms we thought we needed to address. That led to our releasing a statement in favor of meaningful lobby reform, particularly with regard to the following areas: The revolving door between private lobbying and public service; privately funded travel, which has clearly been abused in the past; gifts from lobbyists; improved lobbying disclosure; earmarks and the abuse of earmarks and the need for transparency and some limit in terms of those earmarks; strengthened ethics guidelines, training, and enforcement.

Again, I compliment all of my fellow Senators who worked on that important group—Senators SANTORUM, MCCAIN, LOTT, KYL, LIEBERMAN, OBAMA, ISAKSON, DODD, FEINGOLD, and COLLINS. We all worked together in a very aggressive and sincere way. I think we have made a lot of headway. That headway is being exhibited this week and even more next week.

This past Tuesday, the Senate Rules Committee, chaired by Senator LOTT, voted out a consensus package of important reforms. Now, today, the other committee of jurisdiction, the Committee on Homeland Security and Governmental Affairs, chaired by Senator COLLINS, will take a look at their side of these matters—those matters in this general category that fall under their jurisdiction. I think they are going to come out today with a strong and significant package in terms of matters that come from their jurisdiction. Of course, as I said, Senators LOTT and COLLINS were very active, very forceful, and contributing members to the working group.

I look forward to supporting these two packages that will come together next week on the Senate floor. But as I do, I also look forward to strengthening the package, perhaps here on the Senate floor, perhaps through separate legislation, on other crucial questions, which I truly believe we also need to address in a bold and direct and forceful way to gain the confidence of the American people.

I want to highlight three of those additional issues today. The first has to do with a very important matter of Indian tribe campaign contributions. Now, this, as everyone knows, is not some theoretical concern. This issue has been at the heart of the recent scandals that have plagued the Congress and the country with regard to lobby reform and campaign contributions. So this is not a theoretical or abstract concern.

What is the problem? The fundamental problem, as I see it, is that the rules are very different and very tilted for Indian tribes, as opposed to other entities such as corporations. How is that true? Let me give you a few examples. The first is that Indian tribes are treated as "persons" under Federal campaign finance law, and because of that they are allowed to contribute up to $2,100 per election to a candidate. But they are not considered what are called "individuals" under the law. For that reason, there is no aggregate limit in terms of how much money they can give to Federal political campaigns overall in an election cycle.

For other entities, such as corporations, there is absolutely an overall limit of $101,400. That is a lot of money but understand that tribes have no such limit, so they can go beyond that and give absolutely as much as they want, without limit, to Federal campaigns.

The second area of difference I think is even more significant, and that is because most Indian tribes are unincorporated, they are not subject to any rules or ban on using corporate treasury funds to fund all of this or to any rules with regard to mandatory disclosure of the source of the funds they use and where they go. That is a huge difference.

Corporate PACs, of course, have to collect money in very certain ways. They cannot write a check out of the corporate treasury. An Indian tribe can and, in doing so, doesn't have to disclose in any meaningful way where the money came from or where it is going.

The second issue I want to highlight is the ability of some incumbents, some Members of Congress, in the House and Senate, to pay their spouses or dependent children for work on their own political campaign. Why is that a problem? It is a fundamental problem, in my opinion, because it gives Members of Congress the ability to increase their salary if they want to abuse that right to write checks to their own personal bank account from their campaign account by "hiring" a spouse or even a dependent child or both.

Again, this is not a theoretical concern; this has been a practice in the past and is, to at least a limited extent, a practice now. There may be some spouses or some kids who do a lot of work for that paycheck, who do a full day's work for a full day's paycheck. But, clearly, this is an area that is wide open to abuse and, in fact, in my opinion, has been abused in the past.

So how do we fix it? I think it is pretty simple. I think to gain the confidence of the American people and to do ourselves a favor, we fix it in a very simple and direct way, which is by completely banning spouses or dependent children from being on the payroll of a Member's campaign or on the payroll of a Member's leadership PAC.

The final issue that I quickly want to highlight is the issue of Members' spouses being able to lobby Congress. Again, I think in the real world, in the heartland of America, this causes average citizens and average voters a lot of concern. The concern, again, is obvious. A Member's spouse has a unique ability to lobby, No. 1. No. 2, that relationship, if a Member's spouse is on the payroll of a lobbying firm, means that the lobbying firm is writing a check, which basically goes directly into the family banking account of that Member.

How do we address this? We need to be very careful to address it responsibly and carefully and also to take into account the fact that some spouses may have been a true lobbyist with true expertise, earning an honest day's work, before they were ever spouses of a Member of Congress. So I believe the way to address it is to ban that activity if the spouse was not a registered lobbyist a year or more before the Member was elected to Congress or the marriage between the spouse and the Member occurred.

I think that is a responsible, fair way to address a very real concern, a very real issue in the hearts and minds of the American people.

I close by again saying I appreciate all of the work of my fellow members of the working group on which I serve. I look forward to that legislation coming to the floor next week, and I also look forward to us addressing other crucial issues that may not be in that underlying package, such as campaign contributions of Indian tribes, such as spouses and dependent children being on the payrolls of campaigns, and such as lobbying by Member spouses.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). Who yields time? The Senator from Alaska.

PERMANENT POSTPONEMENT OF S. 1977

Mr. STEVENS. Mr. President, I have come to the floor today to ask a request of the joint leadership. Last year, I introduced S. 1977 to repeal a provision of the 1977 reauthorization of the Marine Mammal Protection Act of 1972. My bill was designed to address the concerns on the west coast about the impact of high energy prices on their economies, their businesses, and their consumers.

Upon its introduction, S. 1977 was immediately met with press releases condemning it. I believe the purpose of my legislation was deliberately misinterpreted. By repealing this provision, this bill would ensure that the Cherry Point refinery in the State of Washington could maintain its current capacity.

The Cherry Point refinery processes 225,000 barrels of crude oil per day. About 60 percent of the crude oil processed at the refinery comes from my State of Alaska, and 70 percent of its refined product is consumed by businesses, vehicles, and industries located in Washington State.

S. 1977 deals solely with the construction or expansion of marine terminals and docks in Puget Sound specifically at Cherry Point. It has nothing to do with the number or size of tankers in Puget Sound. The Coast Guard controls that through regulation. The existing provision of law under consideration limits the expansion of docks which is vital to the area's economy. If this provision is enforced, it will eventually reduce crude oil delivery at the Cherry Point refinery by about 10 percent, reducing fuel capacity for the entire region by about 704,000 gallons per day of refined product.

My intention on introducing this legislation was to ensure stable supplies of fuel for the Pacific Northwest at the existing capacity. It would not have increased capacity at all.

Some have litigated this issue in the press, politicized this issue, and leveraged it for personal political publicity. Some Washingtonians have appealed to me because they don't like to see a conflict between our State and their State. They contacted me privately and sought to work this out.

In particular, one letter convinced me that despite my good intentions, the bill may not be the best policy for the people of Washington right now. But they contacted me.

Because of my private consultation with the author of the letter, which I do appreciate very much, I have come to the floor to ask that the joint leadership institute procedures to bring about the permanent postponement of this legislation and indicate we will never take it up.

It is my understanding that this is the only procedure available as it is not possible for me to ask to withdraw it. I have never, in my 38 years in the Senate, asked to pull legislation or have any bill I introduced be permanently postponed. But that is my intention now.

For years, I have fought for Alaska's right to determine our State's future and to develop our own energy resources, particularly in the Alaska Coastal Plain. I defer to this policy now, and I believe the people of Washington will have to make this decision. It is a decision that will have to be made. But based on the private conversations and the letter I mentioned, I yield to the concerns of Washingtonians on this legislation. I still believe S. 1977 is the right policy, but I respect the rights of those living in Washington State to make the decision as to when that policy should be pursued. Consistent with my personal philosophy, again I ask that the leadership find a way to permanently postpone consideration of S. 1977.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTING CONFEREES

Mr. President, still another day has gone by. It is now Thursday, and we have been unable to appoint conferees for the pension reform bill. This is a shame. Up to 40 million Americans are concerned about what we do in the Senate. They may not wake up every morning thinking about it, but there are millions of Americans who are worried about their pensions, and they should be.

It is so important that we get this matter to conference and come back with a bill that will help those 40 million Americans. We passed a bill out of this body on a bipartisan basis; 97 of the Senators voted for it. Not only was it a bipartisan vote, it was a bipartisan effort to get it to the floor. We need to do things on a bipartisan basis. This pension reform bill is an indication of how we can work together, but it shouldn't break down now.

There is a dispute over whether the conference should have seven Republicans or eight Republicans. That is what it amounts to, whether it has seven Republicans going to conference or eight Republicans. There is a two-vote difference. Because of the majority, 55 to 45, we have agreed to a two-vote difference, but it is not right that we are not going to conference because the majority doesn't want an extra Senator.

I need an extra Senator. I need 8 to 6. I have Senators who are heavily engaged in this matter and who have worked hard: Senator KENNEDY, Senator HARKIN, Senator MIKULSKI, and, of course, Senator BAUCUS who does the finance aspect of this and has worked very hard. Senator ROCKEFELLER has worked hard on this. There isn't anything unreasonable about saying: Mr. Leader, instead of going for seven Republicans, go with eight, go with nine. They have already agreed to go with nine, they just wanted the difference to be 9 to 6. They wanted a difference of three. I can't do that. I will go with nine. If they want nine Senators from the current seven, fine, I will go along with that.

In yesterday's Congress Daily the majority said they didn't want an 8-to-6 ratio because, "How do you break a tie?" I took my math training at Searchlight Elementary School. We had one teacher who taught all eight grades and it wasn't that great, I am sure. But I even know that really doesn't make sense. Remember, how do you break the tie if the vote is 8 to 6?

We know that can't be the real reason for the delay because we know the majority's first proposal was 7–5. You would have to have the same concerns about 7–5, so that can't be the reason.

I understand another reason for the delay could be the majority's insistence that they get a three-vote margin conference. We can't start something like that around here. There are five Republicans, and I understand and appreciate that. We have agreed to a two-vote margin. That is fair. We have never had a conference committee that I am aware of with a three-vote margin, certainly not in this session of Congress. I am hard pressed to remember that it ever happened, so that can't be the reason.

So there must be something else going on. There must be pressure coming from people downtown, as we refer to the special interest groups that are interested in legislation. There must be pressure coming from these special interest groups to appoint particular Members to this conference, to ensure that they get the result they seek at the end of the conference. It is like fixing a jury. Sometimes you work too hard and you wind up with a bad result.

I had a case once where I represented the North Las Vegas Police Department. They had been accused of false arrest. So we go to pick the jury, and the plaintiff's attorney—I was representing the defendant—used up all their voir dire during the voir dire examination of the jury, and then we have a period of time after that wherein you can peremptorily challenge a juror. You don't have to have a reason, you just get rid of them. He used all of his peremptory challenges, and somebody stood and talked who had been a police officer. He didn't want that guy on the jury, but he had used up all of his challenges. He couldn't get rid of a juror who was a police officer, who would tend to side with me. He worked a little too hard in coming up with a jury that he thought would be OK and wound up trying too hard. So sometimes you try to play with the jury too long and you wind up being hurt.

In that case, I got a defense verdict. I won the case. I don't know if that was the reason, but I am sure it didn't hurt me to have a former police officer during that jury deliberation.

So I really don't know how to explain this deadlock. The downtown interests, the special interests say they obviously can't have that Republican or that Democrat on this conference because they don't agree with whomever it is on this issue.

This bill passed the Senate by a vote of 97 affirmations. Ninety-seven Senators said it is a good bill. This is not a Republican conference; it is a Senate conference. Is it going to make that much difference if it is 8–6 or 9–7, compared to 7–5? I don't think so.

In the past, we would appoint conferees based strictly on seniority. If the majority leader doesn't want to do that, then have him pick based on some other principle. We will probably stick with the seniority rule over here, but not necessarily. There is little consideration of how anyone would vote. I haven't asked those I would like to be on the conference committee—Senator KENNEDY, Senator BAUCUS, Senator ROCKEFELLER, Senator HARKIN, Senator MIKULSKI—how they are going to vote. I do know that Senator HARKIN and Senator MIKULSKI both believe there should be pension reform, but they are experts in different areas of this very complex piece of legislation that is so important that we complete. We will appoint people to this conference and let them do what they think is right. We need to move on.

It should not have taken 9 months to consider the bill in the first place, and it shouldn't take us 2 months to go to conference. Democrats have cooperated on this every step of the way—Senators BAUCUS and GRASSLEY, KENNEDY and ENZI—the chairman and ranking members of the committees. We are ready to go to conference 5 minutes from now. If the majority leader walked through these doors and said: I move that we go to conference, the ratio will be 8–6, 9–7, it is done. They could start meeting today. We are not delaying this legislation.

I don't understand all the reasons that we are not going forward with the conference, but I have to tell you, it looks somewhat suspicious to me when they are saying, instead of having seven Republican Senators, we want eight, for some reason. That is wrong. We need to stop playing around with this. Up to 40 million Americans, I repeat, are counting on us to do this the right way and to do it quickly.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I be recognized at 2:15 p.m. for up to 15 minutes to make some final remarks on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, yesterday the Senate took further steps to reauthorize the PATRIOT Act without the fundamental checks and balances that so many of us believe are needed. To bring us back to first principles, I read aloud the Constitution and the Bill of Rights. And to remind us of the broad, bipartisan support for amending the PATRIOT Act all over this country, I read the eight statewide resolutions that have passed in the last few years expressing concerns about the PATRIOT Act. I also read some of the nearly 400 local resolutions that have passed—the four resolutions from my own State of Wisconsin. Today I want to continue by reading some additional items to take my colleagues back to how hard we fought in November and December to stop the flawed conference report, and how many Americans wanted us to do better than we have done this week.

Let me start with a few editorials. The resolutions passed by State and city governments that I read here on the floor yesterday are not the only way by which Americans have expressed their concerns about the PATRIOT Act. The Fourth Estate has weighed in too, with many newspapers running editorials or columns criticizing the PATRIOT Act's effect on Americans' freedom. And not just a few newspapers, but dozens and dozens, from all across the United States. From major national newspapers to small, local newspapers. Papers in big cities and small towns. All concerned about the erosion of civil liberties under the PATRIOT Act. I am going to read just a few representative editorials.

From the Orlando Sentinel, August 17, 2005; headline: Fighting the terrorists.

> Our position: Patriot Act changes need to be tough but protect against abuse of power.
>
> The U.S. House and Senate have taken different approaches to renewing the USA Patriot Act, the sweeping anti-terrorism law that otherwise would expire at year's end. The Senate's more thoughtful, bipartisan approach deserves to prevail when members begin meeting next month to reconcile their competing proposals.
>
> The House proposal leaves the Patriot Act's expanded surveillance and law-enforcement powers largely intact. It does not accommodate legitimate concerns raised by both liberals and conservatives about inadequate checks on those powers.
>
> The Senate proposal, passed unanimously, includes what Judiciary Chairman Arlen Specter called "responsible changes to safeguard civil liberties." It would continue to let the government obtain secret court orders to seize medical, financial, library and

other records, but only records tied to suspected terrorists or spies, or people in contact with them. It would require the government to notify targets of secret search warrants after seven days, though a judge could extend that deadline.

Also under the Senate proposal, two of the most controversial Patriot Act provisions—to seize records secretly and conduct roving wiretaps—would expire in 2009 unless renewed. That would encourage Congress to reevaluate those provisions in four years.

The Senate proposal would not stop the government from using the powers in the Patriot Act to go after terrorists. But its changes would better protect ordinary Americans from possible abuse of those powers.

Next, The Los Angeles Times; editorial, "Checks on the Patriot Act," from November 21, 2005.

The Patriot Act, a 4-year-old federal law that gave investigators unprecedented power to search for and chase terrorists, is a case study in bad lawmaking. Angry and anxious to respond to the atrocities of 9/11, Congress hastily approved a measure that exposed an indeterminable number of Americans to unreasonable searches and intrusive snooping for the sake of the war on terror. The law provided few of the legal system's usual checks to protect against investigators abusing the new capabilities.

The measure eventually generated outrage on both sides of the political spectrum, as well as from corporations, libraries and retailers forced to report secretly on the activities of employees and customers. Nevertheless, in their haste to wrap up business before the Thanksgiving recess, lawmakers were poised last week to reauthorize the Patriot Act, which is due to expire at the end of the year, with only minor changes.

That was the outcome sought by the White House and its allies in the House. A bipartisan group of six senators stopped the bill, however, by threatening a filibuster. They demanded that House and Senate negotiators produce a reauthorization bill with more of the safeguards that the Senate had approved earlier this year.

The senators' demands are modest, recognizing that law enforcement agencies do need enhanced powers to battle elusive and technologically sophisticated groups of terrorists. But the public also needs to be able to review how those powers have been used. And people need more assurance that the information vacuumed up by their government is actually connected to a suspected terrorist or spy.

In particular, the bill should do away with the automatic, permanent gag orders that allow investigators to hide forever their demands for records from banks, libraries, doctors and other sources. And the most controversial provisions of the Patriot Act should be extended for a much shorter period than the seven years suggested by House and Senate conferees.

When Congress approved the Patriot Act, it put its trust in prosecutors and investigators to use their expanded powers responsibly. It now appears that trust was misplaced. Authorities have gone on a snooping frenzy since 2001, issuing more than 30,000 secret demands for records per year, according to the Washington Post. And unless the law is changed, no one will ever know whether those records should have been gathered, or what has been done with them.

Americans want to trust their government. It is their government's foundation, its system of checks and balances, that enables that trust.

Now, from The Pittsburgh Post-Gazette, entitled, "True patriots: Some in Congress won't let terror limit freedom," from November 30, 2005.

Long before the 9/11 terrorist attacks and the so-called Patriot Act that was passed in reaction and fear, a man with stellar patriotic credentials who championed the cause of liberty had words of wisdom for his fellow Americans: "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

What Benjamin Franklin said in his own day remains a telling commentary for our time. Indeed, these words could have been written specifically about the Patriot Act, which went too far in trying to accomplish a legitimate goal: to remove some of the bureaucratic and legal barriers that stood in the way of hunting down terrorists.

But increasing government power while decreasing judicial oversight was a troubling exercise in a free country, and Congress realized as much when it passed the Patriot Act, including sunset provisions that could be considered in calmer days. That time has come and plenty of true patriots have stood up and offered suggestions that would make the Patriot Act more respectful of civil liberties and the American ideal of freedom.

This is one issue that provides common ground for liberals and conservatives. When a government has the power to search a suspect's premises without his knowledge and can retrieve personal business and library records of people without showing any connection to terrorism, then the alarms that go up are for Americans regardless of party. That is why, for example, former Republican Rep. Bob Barr, the scourge of President Clinton, finds himself on the same side of the fight as the American Civil Liberties Union.

Despite the bipartisan qualms about reauthorizing the Patriot Act without proper amendment, the Bush administration has not been sympathetic. Trust us, it says implicitly. But because paranoia animates policy for this White House, the use of the Patriot Act is bound to go too far and impinge on basic civil liberties. This is an administration, after all, that feels threatened when Sen. John McCain and others want to outlaw torture.

Sadly, ordinary Americans can't naively trust their freedom to such hands. The Patriot Act needs to have reasonable checks and balances written into it. Of the two bills to reauthorize the act, the Senate version accomplishes this better than the House measure. A tentative agreement has been reached on reconciling the bills, but principled opposition remains.

Six senators—three Republicans (Larry Craig of Idaho, John Sununu of New Hampshire and Lisa Murkowski of Alaska) and three Democrats (Richard Durbin of Illinois, Russell Feingold of Wisconsin and Ken Salazar of Colorado)—have emerged to resist accepting a version of the Patriot Act that doesn't meet their legitimate concerns.

This isn't about being pro-terror but pro-American. It is possible to keep essential liberty and obtain safety. For Americans to deserve both, the true patriots on Capitol Hill need support.

From the New York Times, just recently, on February 11, 2006, entitled, "Another Cave-In on the Patriot Act."

The Patriot Act has been one of the few issues on which Congress has shown backbone lately. Last year, it refused to renew expiring parts of the act until greater civil liberties protections were added. But key members of the Senate have now caved, agreeing to renew these provisions in exchange for only minimal improvements. At a time when the public is growing increasingly concerned about the lawlessness of the Bush administration's domestic spying, the Senate should insist that any reauthorization agreement do more to protect Americans against improper secret searches. When the Patriot Act was passed after Sept. 11, 2001, Congress made some of its most far-reaching provisions temporary so it would be able to reconsider them later on. Those provisions were set to expire last December, but Congress agreed to a very short extension so greater civil liberties protections could be added. This week, four key Republican senators—later backed by two Democrats—said that they had agreed to a deal with the White House. It is one that does little to protect Americans from government invasions of their privacy.

One of the most troubling aspects of the Patriot Act is the "gag order" imposed by Section 215, which prohibits anyone holding financial, medical and other private records of ordinary Americans from saying anything when the government issues a subpoena for those records. That means that a person whose records are being taken, and whose privacy is being invaded, has no way to know about the subpoena and no way to challenge it. Rather than removing this gag order, the deal keeps it in place for a full year—too long for Americans to wait to learn that the government is spying on them. Even after a year, someone holding such records would have to meet an exceedingly high standard to get the gag order lifted. It is not clear that this change has much value at all.

The compromise also fails to address another problem with Section 215: it lets the government go on fishing expeditions, spying on Americans with no connection to terrorism or foreign powers. The act should require the government, in order to get a subpoena, to show that there is a connection between the information it is seeking and a terrorist or a spy.

But the deal would allow subpoenas in instances when there are reasonable grounds for simply believing that information is relevant to a terrorism investigation. That is an extremely low bar.

One of the most well-publicized objections to the Patriot Act is the fact that it allows the government to issue national security letters, an extremely broad investigative tool, to libraries, forcing them to turn over their patrons' Internet records. The wording of the compromise is unclear. If it actually says that national security letters cannot be used to get Internet records from libraries, that would be an improvement, but it is not clear that it does.

In late December, it looked as if there was bipartisan interest in the Senate for changing the worst Patriot Act provisions and standing up for Americans' privacy rights. Now the hope of making the needed improvements has faded considerably.

Clearly the PATRIOT Act touched a nerve, and has continued to do so for 4 years now. While I support a strong fight against terrorism, we cannot sacrifice our citizens' basic liberties in that fight. To do so would weaken this country.

Next I want to turn back to some PATRIOT Act resolutions. It was not just State and city governments that passed resolutions these past several years. Colleges and universities across the United States have become actively involved in the PATRIOT Act debate as well. Across the country. 53 resolutions have been passed on 44 campuses advocating for substantial changes to the PATRIOT to protect the civil liberties of the American people. From Mt. Holyoke, a small private all-women's liberal arts school in South Hadley, MA, to the University of Texas at Austin, one of the largest public universities in the United States, students and faculties alike are coming together to pass these resolutions. Resolutions have been passed on college campuses in states from California to Kentucky. I will now read a few of these campus resolutions.

A resolution concerning the protection of students' civil rights in the wake of the passage of the USA PATRIOT Act.

UNIVERSITY OF TEXAS AT AUSTIN STUDENT GOVERNMENT

WHEREAS: The United States Congress passed the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act; Public Law 107-56) on October 25, 2001, championed by U.S. Attorney General John Ashcroft;

WHEREAS: The 4th amendment of the Bill of Rights establishes: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

2. WHEREAS: According to Mayor Pro Tem Jackie Goodman's Austin City Council resolution regarding the PATRIOT Act, "fundamental rights granted by the United States Constitution are threatened by actions taken at the Federal level, notably by passage of certain sections of the 'U.S.A. P.A.T.R.I.O.T. Act,' other acts and executive orders which, among other things:

Grant potential unchecked powers to the Attorney General and the U.S. Secretary of State to designate legal domestic groups as "terrorist organizations" by overly broad definitions, and implying restrictions to Constitutionally protect First Amendment rights of speech and assembly by reference, such as political advocacy or the practice of a religion; while lifting administrative regulations on covert, surveillance counter-intelligence operations;

Violate the First and Fourth Amendments to the Constitution through the expansion of the government's ability to wiretap telephones, monitor e-mail communications, survey medical, financial and student records, and secretly enter homes and offices without customary administrative oversight or without showing probable cause;

Give law enforcement expanded authority to obtain library records, and prohibits librarians from informing patrons of monitoring or information requests;

Violate the Fifth, Sixth and Fourteenth Amendments to the Constitution in establishing secret military tribunals, and in subjecting citizens and non citizens to indefinite detention without being allowed an attorney, without being brought to trial, and without even being charged with a crime;

Authorize eavesdropping on confidential communications between lawyers and their clients in federal custody;"

WHEREAS: In the October 1997 edition of Global Issues, available as Vol. 2, No. 4 of the USIA Electronic Journal, then Senator John Ashcroft (R-MI) wrote in an article entitled, "Keep Big Brother's Hands Off the Internet,"

The FBI wants access to decode, digest and discuss financial transactions, personal e-mail, and proprietary information sent abroad—all in the name of national security. . . This proposed policy raises obvious concerns about American's privacy. . . The protections of the Fourth Amendment are clear. The right to protection from unlawful searches is an indivisible American value. Two hundred years of court decisions have stood in defense of this fundamental right. The state's interest in crime-fighting should never vitiate the citizens' Bill of Rights. . .

The administration's interest in all e-mail is a wholly unhealthy precedent, especially given this administration's track record on FBI files and IRS snooping. Every medium by which people communicate can be subject to exploitation by those with illegal intentions. Nevertheless, this is no reason to hand Big Brother the keys to unlock our e-mail diaries, open our ATM records, read our medical records, or translate our international communications. . .

WHEREAS: Eva Poole, President of the Texas Library Association, the oldest and largest organization representing Texas libraries, including university and academic libraries, stated in a personal e-mail by request:

The USA PATRIOT Act is just one of several troubling policies that compromise the public's privacy rights. Enhanced surveillance powers permitted under the provisions of the Act license law enforcement officials to peer into Americans' most private reading, research, and communications. Several of the Act's provisions not only violate the privacy and confidentiality rights of those using public libraries, but take no consideration of constitutional checks and balances as it authorizes intelligence agencies to gather information in situations that may be completely unconnected to a potential criminal proceeding.

Librarians do not know how the USA PATRIOT Act and related measures have been applied in libraries because the gag order bars individuals from making that information public. Equally troubling is the fact that librarians are not allowed to comment on FBI visits to examine library users' Internet surfing and book-borrowing habits. I oppose any use of governmental power to suppress the free and open exchange of knowledge and information.

WHEREAS: The Student Governments of the University of California at Berkeley and Santa Barbara, University of Alaska Fairbanks, University of Washington, Washington State University, University of Wisconsin and Southern Oregon University have passed resolutions denouncing the USA PATRIOT Act;

THEREFORE BE IT RESOLVED that the Student Government of the University of Texas at Austin has been, and remains, absolutely committed to the protection of civil rights and civil liberties for all of its students and affirms its commitment to embody democracy and to embrace, defend, and uphold the inalienable rights and fundamental liberties granted to students under the United States and Texas Constitutions;

BE IT FURTHER RESOLVED that the Student Government of the University of Texas at Austin firmly calls upon the Austin Police Department, University of Texas Police Department, Federal Bureau of Investigation and Joint Terrorism Task Force to refrain from and, in certain cases, discontinue the surveillance of individuals, groups of individuals, and organizations based solely on their participation in activities protected by the First Amendment to the United States Constitution, such as political advocacy or the practice of a religion without reasonable and particularized suspicion of criminal conduct unrelated to the activity protected by the First Amendment of the United States Constitution;

BE IT FURTHER RESOLVED that Student Government respectfully requests that Dr. Fred Heath, Vice Provost of General Libraries, direct all UT libraries to post in a prominent place within the library a notice as follows:

"WARNING: Under Section 215 of the federal USA PATRIOT Act (Public Law 107-56), records of books and other materials you borrow from this library may be obtained by federal agents. This law also prohibits librarians from informing you if records about you have been obtained by federal agents. Questions about this policy should be directed to Attorney General John Ashcroft, Department of Justice, Washington, DC 20530.";

BE IT FURTHER RESOLVED that the Student Government of the University of Texas at Austin commits to organizing a forum addressing student privacy concerns consisting of a panel of relevant administrators and community members;

BE IT FURTHER RESOLVED that the Student Government of the University of Texas at Austin firmly calls upon UTPD to preserve and uphold students' freedom of speech, assembly, association, and privacy, the right to counsel and due process in judicial proceedings, and protection from unreasonable searches and seizures, even if requested to do otherwise in accordance with new federal law, which infringes upon such rights granted to federal or state law enforcement agencies under powers assumed by the USA PATRIOT Act by Executive Order;

BE IT FURTHER RESOLVED that the Student Government of the University of Texas at Austin calls upon the Austin City Council to do everything in its power to protect and defend the rights and liberties of University of Texas at Austin students who reside within jurisdiction of the City of Austin.

Next:

ASSOCIATED STUDENTS OF MOUNT HOLYOKE COLLEGE

A RESOLUTION AFFIRMING CIVIL RIGHTS AND LIBERTIES IN LIGHT OF THE USA PATRIOT ACT

WHEREAS, Mount Holyoke College has a diverse student and faculty body, including many students from outside the United States, and many students with diverse cultural backgrounds whose contributions to this community are vital to the culture and civic character of Mount Holyoke College; and

WHEREAS, the preservation of civil rights and civil liberties is a pillar of American society and is essential to the well-being of any democracy, particularly during times of conflict when such rights and liberties, especially those of immigrants and ethnic minorities, may be threatened, intentionally or unintentionally; and

WHEREAS the preservation of civil rights and liberties is essential to the well-being of a democratic society; and

WHEREAS, The community of Mount Holyoke College denounces terrorism, and acknowledges that federal, state and local governments have a responsibility to protect the public from terrorist attacks in a rational, deliberative and lawful fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing upon civil liberties; and

WHEREAS, Mount Holyoke College as a private institution, is also responsible to protect its community, including all faculty, staff, and students, whether they be residents or non-residents; and

WHEREAS, the United States Congress passed the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act; Public Law 107-56) on October 26, 2001; and

WHEREAS, some provisions of the USA PATRIOT Act and other related federal orders and measures may pose a threat to the civil rights and civil liberties of all students, staff and faculty at Mount Holyoke College, including natural citizens of the United States, and particularly, but not limited to, those who are of Middle Eastern, Muslim or South Asian descent; by:

a. Reducing judicial supervision of telephone and Internet surveillance.

b. Expanding the government's power to conduct secret searches without warrant.

c. Granting power to the Secretary of State to designate domestic groups, including political and religious groups, as "terrorist organizations".

d. Granting power to the Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime.

e. Granting the Federal Bureau of Investigation (FBI) access to sensitive medical, mental health, financial and educational records about individuals without having to show evidence of a crime.

f. Granting the FBI the power to compel libraries and bookstores to produce circulation or book purchase records of their patrons, and forbidding disclosure that such records have been requested and produced; and

WHEREAS, law enforcement and security measures that undermine fundamental constitutional rights do irreparable damage to the American institutions and values of equal justice and freedom that the students staff and faculty of Mount Holyoke College hold dear; and

WHEREAS, the Senate of the Associated Students of Mount Holyoke College believes that there is not and need not be conflict between security and the preservation of liberty, and that students of Mount Holyoke College can maintain their privacy and be both safe and free;

BE IT RESOLVED BY THE SENATE OF THE ASSOCIATED STUDENTS OF MOUNT HOLYOKE COLLEGE THAT the SGA Senate supports the fundamental, constitutionally-protected civil rights and civil liberties of all members of Mount Holyoke College; and THAT the SGA Senate opposes those measures that infringe upon such civil rights and liberties, or that single out individuals for legal scrutiny or enforcement activity based solely on their country of origin, religion, ethnicity or immigration status; and THAT the SGA Senate urges all students, staff, and faculty of Mount Holyoke College to respect the civil rights and civil liberties of all members of this community, regardless of citizenship or heritage; and THAT the SGA Senate urges the Mount Holyoke College Department of Public Safety and all other applicable departments, except when required by law, to refrain from:

a. utilizing race, religion, ethnicity or national origin as a factor in selecting which individuals to subject to investigative activities except when seeking to apprehend a specific suspect whose race, religion, ethnicity or national origin is part of the description of the suspect,

b. participating in a joint search of the property or residence, with any law enforcement agency absent the assurance that simultaneous notice of the execution of a search warrant to such member of Mount Holyoke College,

c. any practice of stopping drivers or pedestrians for the purpose of scrutinizing their identification documents without particularized suspicion of criminal activity, and

THAT the SGA Senate urges the Mount Holyoke College Department of Public Safety not to subject any individual to the custody of the South Hadley Police Department, who may be placed in federal custody, to military detention, secret detention, secret immigration proceedings, or detention without access to counsel; and

THAT the SGA Senate urges the Mount Holyoke College administration to provide notice to all individuals whose education records have been obtained by law enforcement agents pursuant to Section 507 of the USA PATRIOT Act (Disclosure of Educational Records).

Mr. President, I ask unanimous consent to have printed in the RECORD the resolution passed by the United Council of Students at the University of Wisconsin Madison.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF WISCONSIN STUDENT RESOLUTION (2/19/2004)

MC1201-01: RESOLUTION IN RESPONSE TO USA PATRIOT ACT

Whereas the Fourth Amendment of the United States Constitution states;

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized, and;

Whereas the Fifth Amendment of the United States Constitution states;

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be put twice in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, *nor be deprived of life, liberty, or property, without due process of law;* nor shall private property be taken for public use, without just compensation, (emphasis added), and;

Whereas Section 1 of the Fourteenth Amendment of the United States Constitution states;

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; *nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws* (emphasis added), and;

Whereas the United Council of University of Wisconsin Students Policy Platform in regards to Student/Civil/Legal Rights states the following two points:

United Council opposes discrimination based on but not limited to race, ethnicity, creed, gender, gender identity, sexual orientation, religious belief or lack thereof, veteran status, marital/familial/parental status, age, physical appearance, disability, political affiliation, national origin, income level or source, residency status, or geographic disadvantage for any reason including but not limited to educational opportunity, employment, housing, physical or emotional well being, and social attitudes; and:

United Council supports the student campaign for the statistical accounting and documentation of Racial Profiling in the UW System, the state of Wisconsin, and the United States of America:

Whereas the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism, USA PATRIOT, Act of 2001 (H.R. 3162, S. 1510) of the title officially introduced: 'To deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes' became Public Law No. 107-56 on October 26, 2001;

Whereas Senator Russ Feingold (D-WI) was the only member of the United States Senate to vote against this bill;

Whereas Laura Murphy, Director the American Civil Liberties Union Washington National Office stated that, "Included in this bill are provisions that would allow for the mistreatment of immigrants, the suppression of dissent and the investigation and surveillance of wholly innocent Americans;"

Whereas the USA PATRIOT Act overrides civil liberties such as those encompassed within the Fourth, Fifth and Fourteenth Amendments of the United States Constitution:

Be it resolved that United Council appreciates the support of Senator Russ Feingold for voting against the USA PATRIOT Act;

Be it further resolved that United Council upholds Civil Liberties such as those encompassed within the Fourth, Fifth and Fourteenth Amendments of the United States Constitution;

Be it finally resolved that United Council urges UW institutions to both officially state that they will protect students, citizens and non citizens alike, and their rights, and inform students that they are entitled to legal advice before cooperating with Federal law enforcement agencies.

Mr. FEINGOLD. Mr. President, every day children across this country learn about the role of their Government and how it is intended to function. I have also collected a handful of textbooks used by children from elementary school up through high school to see what they have to say about the role of Government. In looking at these books, I notice that each of them at different reading levels discuss the Government as a whole, the importance of the Constitution as the foundation of our Government, and the importance of checks and balances and separation of powers. Each of these books, at whatever learning level or reading level, teaches that the Government does not have endless, unchecked powers over the people it is intended to protect.

I started my presentation after cloture was invoked by reading the Constitution of the United States. I wish to conclude for now by reading a very brief portion of one of these books. It is entitled "National Government, a Kids' Guide." "Separation of Powers."

> The people who wrote the U.S. Constitution wanted to make sure that the leaders of the government did not have too much power. The writers spread the power among three separate branches of government that work together to govern the country. This is called separation of powers.
>
> The executive branch is lead by the president of the United States. This part of the government is responsible for making sure the laws are carried out, or executed.
>
> The legislative branch is made up of the people in the Senate and the House of Representatives. Together, the Senate and the House of Representatives are called the United States Congress. The legislative branch makes the laws.
>
> The third branch is the judicial branch, which is led by the Supreme Court. The judges—called justices—of the Supreme Court explain the laws and decide if any laws are not fair.
>
> Each branch of the government has its own job to do, but the three branches have to work together. The people who wrote the Constitution were very careful to make sure that each branch of the government could check up on the others. A system called checks and balances keeps different parts of the government from having too much power.

Mr. President, I ask unanimous consent that Senator BYRD be recognized at 12:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I reserve the remainder of my time.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that I be allowed to speak until 12:30, with the time to be charged to the Republican side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, the hour has almost arrived. I understand that in a little less than 3 hours, we will finally be voting for the final time on the reauthorization of the PATRIOT Act. This is critical for the defense of our country, the security of our Nation.

I am pleased we have the opportunity now to approve it, and I predict it will be approved overwhelmingly. The question is, What took us so long? We could have done this at least 2 weeks ago. Indeed, we could have done it 2 months ago. Such is the process in the Senate that sometimes the wheels grind slowly.

The problem is the war on terror. Our enemy does not treat the war necessarily the same way some people in this country do. They are very flexible. They are very agile. They do not tell us what they are going to do in advance. Sometimes they are very patient and wait a long time to strike, and when they do strike, it can be with great speed and lethalness, which means that our ability to fight the terrorists has to be equally agile.

Good intelligence has a short shelf life. Yet that is basically our main weapon in the war on terror. This is not a war we fight with planes, tanks, and ships, but with good intelligence to find out where the terrorists are, who they are, what they are up to, and, if we can, find out whether we are able to stop their terrorist attacks before they occur. That takes good intelligence. It takes agility to be able to get that intelligence, cooperate among the various law enforcement and intelligence agencies.

Before September 11, several of us had provisions of law we believed were important to amend in our statutes to provide tools to fight terrorists. Little did we know how important those would soon become. Senator FEINSTEIN and I have been ranking member and chairman of the Subcommittee on Terrorism, Technology and Homeland Security for many years, since I came to the Senate. We held a lot of hearings on the subject. We had a lot of ideas about what we wanted to propose.

Shortly after September 11, a lot of these things made their way into the PATRIOT Act which we were able to approve. Some Members said the PATRIOT Act was approved hastily. Actually, a lot of the ideas of the PATRIOT Act had been around for some time, had a lot of debate and hearings, but there did not seem to be a reason to get them passed: that is, until September 11, and then, indeed, we did act quickly. But I submit there is a difference between acting hastily and acting quickly.

Nevertheless, some of the provisions were sunsetted. Regarding things we did then and some subsequent amendments to statute, we wanted to take another look down the road to make sure we did not act too hastily. Our action today will make it clear that by reauthorizing these provisions, we intended them to be in effect. We know the terrorists have not stopped their war on terror, and therefore we dare not stop the tools to fight terrorism, many of which are embodied in the PATRIOT Act. So it is important to reauthorize these provisions and not have them expire or sunset.

There is a certain amount of pride of authorship I confess to since a lot of the provisions we are reauthorizing today are provisions which I wrote or helped to write in coauthorship with some of my colleagues. Let me mention some of these because these are important, one of which has been known as or has come to be known as the Moussaoui fix, which is named after Zacarias Moussaoui, sometimes referred to as the 20th hijacker. In the 108th Congress, Senator SCHUMER and I introduced the Moussaoui fix, which allows the FBI to obtain FISA warrants to monitor and search suspected lone wolf terrorists such as Zacarias Moussaoui.

Now, lone wolf terrorists exist because in today's world, you do not get a little card that says: I am a proud member of al-Qaida. It is a very loose-knit organization. Some have likened it to a franchise where all over the world there are little bands of people—cells—who would do harm to the West generally and the United States in particular and who share the same goals and ideals of al-Qaida, frequently have communication with members of al-Qaida, train in the same way, and conduct the same kinds of terrorist activities, sometimes in consultation or concert with al-Qaida. But it is not like a club, it is not like you are a member of the KGB of the Soviet Union, which is what the threat was when we wrote the FISA act.

Because the FISA act refers to foreign intelligence organizations or terrorist organizations, we found that with people such as Zacarias Moussaoui, who we could not prove was a card-carrying member of any particular terrorist group but we figured he was a terrorist and up to no good, we did not have an ability under FISA to seize and search his computers even though we had the ability to arrest him. This was 2 weeks before September 11. Had we been able to get into the computer, we might well have discovered the information we later found that could have pointed us in the direction of an attack on September 11.

Well, that is what the object of the Zacarias Moussaoui fix was: to enable us to add the lone wolf terrorist to the other situations in which a FISA warrant could be obtained. And it filled a gap in our laws that, as I said, might well have uncovered the September 11 conspiracy had it been in place at the time.

It was reported out of a unanimous Judiciary Committee and passed out of the Senate 90 to 4 in 2003. In 2004, it was added to the Intelligence Reform and Terrorism Prevention Act, with the general PATRIOT Act sunset applied to it. Like the other PATRIOT provisions, the Moussaoui fix was set to expire at the end of last year. Today, we will extend the sunset on that critical provision of law for another 4 years.

Another was the material support enhancements. In 2004, I introduced a bill that, among other things, clarified and expanded the statute prohibiting the giving of material support to a designated foreign terrorist organization. These changes helped address perceived ambiguities in the law that had led the Ninth Circuit Court of Appeals to strike down parts of it as unconstitutionally vague. The changes also expanded the law to bar giving any type of material aid whatsoever—including providing one's self—to a terrorist group.

This legislative proposal also was enacted into law later that year as part of the intelligence reform bill, and also was subjected to a sunset. Again, today, with the PATRIOT Act reauthorization conference report, we repeal that sunset. We make the 2004 material support enhancements permanent features of our law, as they should be.

Another part of the original PATRIOT Act I helped author was the so-called pen registers and trap-and-trace authority. Now, the authority for pen registers and trap and trace is critical for antiterror investigations. It has been around for years in connection with other kinds of investigations, and it obviously was an important tool to fight terrorism.

What these authorities do is allow investigators to discover what telephone numbers are being dialed into and out of a suspect's telephone. As I said, they already had this authority in connection with other kinds of crimes. It certainly made sense to have it track terrorists. An important feature here was to get one court order from a judge in one place and not have to hop all around the country wherever the telephone was used and get a separate court order in that State. That requirement made it totally useless.

So this one court warrant for trap and trace and pen registers was enacted. I am very glad to see the conference report repeals the sunset on this authority—in other words, the automatic ending of the authority—and makes permanent for antiterror investigations this pen register and trap-and-trace authority, another critical tool to fight terrorism.

For the past 2 years, I have also been a cosponsor of legislation that my colleague, Senator FEINSTEIN, helped to coauthor on seaport security and mass transportation security. This is especially interesting in view of the debate and concern right now about seaport security with which we are all familiar. This particular legislation increases the penalties for and, by the way, also the scope of the criminal offenses for attacks on seaports and shipping. It also consolidates and updates the laws with regard to attacks on railroads and other mass transportation facilities.

Now, these proposals also had been amended into the intelligence reform bill in 2004 by the House of Representatives but have been dropped in conference. Today these important provisions, which I helped to coauthor, are enacted into law through the conference report of the PATRIOT Act.

There is another rather interesting, rather esoteric—one of the things lawyers debate about—but an interesting and important provision of the PATRIOT Act we are going to be dealing with today. When the final draft of the PATRIOT Act reauthorization was introduced in the Judiciary Committee the night before the committee acted on it, for the first time a proposed three-part test was inserted into the bill—a test for determining whether a section 215 order is relevant to a terrorism investigation. There has been a lot of debate about these section 215 orders, but these are critical to obtain records that might help in the investigation of a potential terrorist.

Several of us expressed reservations about this three-part test and whether it would impede the use of these section 215 warrants and impede important investigations and thought it required further study.

Well, during the next weeks and months, we became persuaded essentially that this three-part test would simply either make impossible or certainly delay needed investigations and, therefore, should not be enacted. It raised more questions than it answered, complicated this investigative tool that was being used, after all, at the very preliminary stages of an investigation—not the stage at which you ought to be proving probable cause to introduce evidence into the trial.

Well, the test remains in the conference report, but with changed language. I think it is much better in its current form. The form of the test remains in the conference report, but investigators are no longer required to use that test. Instead, they are simply permitted to use that test to obtain a presumption that a 215 order is relevant to a terror investigation, which is fine.

Usually, when we create a legal presumption that a standard has been met, it is easier to satisfy the presumption than it is to satisfy the underlying legal test. I do not believe that is the case here. Relevance is a simple and well established standard of law. Indeed, it is the standard for obtaining every other kind of subpoena, including administrative subpoenas, grand jury subpoenas, and civil discovery orders.

So I cannot imagine that investigators will ever bother using the complicated three-part test in order to get a presumption when they can simply plead relevance and that will suffice for their investigation. I might be wrong, and they might find this test useful. It is there should they decide they can use it. But I am pleased to see the conference report is not impeding investigations by mandating the use of that test.

We are not betting important antiterror investigations on the issue, I guess, is another way to say it. I think it would have been clearer just to eliminate the test, but it does not—other than, in my view, cluttering up section 215 of the PATRIOT Act because it is not mandatory, I do not think it is going to cause any harm. Investigators are not going to be impeded in their investigations because of it. I think that is an important change we made.

The conference report also does something that is important for States, like my own State of Arizona, that have attempted to improve the ability to prosecute and defend against certain kinds of serious crimes. In the 1996 Antiterrorism and Effective Death Penalty Act, Congress made an offer to the States in effect saying: If you will provide qualified counsel, lawyers, in capital cases to the defendants in those cases during the stage of the case after conviction but during appeal—it is the so-called postconviction review stage of litigation—then the Federal Government would apply a streamlined and expedited procedure to review the habeas corpus petitions that are normally filed during that period of time from the conviction in the State court.

The Federal courts would be required to abide by timelines in ruling on these cases, and they would be barred from staying Federal petitions to allow further exhaustion or broadly exempting claims from procedural default requirements on the grounds of the perceived inadequacy or lack of independence of the State's procedural rules. The bottom line is that if the defendants are represented by good counsel, by good lawyers, then they should be able to comply with the provisions of the law and not plead, in effect, they have to delay the law as they are having their appeals reviewed.

Arizona did its part to comply with this statute. It enacted a system to provide qualified counsel to capital defendants on State postconviction review. It spent a lot of money doing it. But to date, it has not received the benefits of the system. It is because the decision about whether a State is entitled to the benefits of this chapter 154 relief—including the time deadlines—is made by the same Ninth Circuit Court of Appeals that would be bound by those deadlines. And it has repeatedly refused to extend to Arizona the benefits of the 1996 law's special habeas chapter. By the way, it has also been very slow in many of these cases, and that has been a real problem.

The good thing about today's conference report is that it includes a provision that would shift the decision of whether a State is eligible for this expedited review of capital cases away from the regional courts of appeals to the U.S. Attorney General, with a review of his decision in the U.S. Circuit

Court for the District of Columbia. That court hears no habeas cases; therefore, it has no conflict of interest as the other circuit courts would. This will allow the Federal Government to keep its end of the bargain that it made with the States back in 1996 and will allow States like Arizona to finally take advantage of the streamlined and expedited procedures to which it is entitled.

I will conclude in this fashion. I think that by what I have just said it is clear there are a variety of important provisions in this conference report, this PATRIOT law we are reauthorizing. In some cases we are saying this is now going to be permanent law. We do not need to come back and reauthorize it every 4 years. In other cases, we are saying there are important provisions of other laws that need to be put in the PATRIOT Act and made permanent law. And we have done that. In other cases, as I mentioned, we wrote particular provisions into the PATRIOT Act, and it is important that we reauthorize those provisions. And there were other provisions, in addition to pen registers and trap and trace that I mentioned before, as well as the material support, which were parts of the original act.

We established several crimes as part of the PATRIOT Act that would serve as predicate crimes for further investigation, and these were very important because in the early stages of an investigation into a terrorist you may not have all of the scope of the activity of this individual well in mind. You may know he has been guilty of what you think of one particular crime, but you need to be able to use that as a predicate to expand your investigation into other things he may have done.

So, for example, we establish that violations of the Federal terrorism statutes could serve as a predicate offense allowing the Department of Justice to apply to courts for authorization to intercept wire or oral communications pursuant to title III when investigating such offenses. We establish that the felony violations of the Federal computer crimes statutes, the so-called hacking statutes, might serve as a predicate offense, allowing the Department of Justice to apply to courts for authorization to intercept wire or oral communications pursuant to title III when investigating such offenses.

We provide for the detention, for up to 7 days, of aliens the Attorney General has reasonable grounds to believe were engaged in conduct that threatened the security of the United States or aliens who are inadmissible; that is to say, they are not supposed to be coming into the United States or are deportable from the United States on the grounds of terrorism, espionage, sabotage, or sedition.

There are a variety of other provisions that are included in the PATRIOT Act. The key thing to remember here is, as I said before, our law enforcement and intelligence officials need to have adequate tools to fight terrorism because we provide those tools when we send the military into harm's way. We have an obligation to do that. And they fight important fronts in the war on terror. But so much of this war on terror relates to intelligence gathering and law enforcement activity, investigating potential crimes of these individuals. We have to give them the tools they need to fight these terrorists.

The PATRIOT Act does that. It is one of our tools. The FISA law is another one of those tools, the Surveillance Act. The Foreign Intelligence Surveillance Act is what FISA stands for. We have activities such as the NSA surveillance that is another important tool that deals with al-Qaida terrorists who are calling into or out of a foreign country. There are other mechanisms we are using to fight the terrorists.

But one of the bedrock laws now that we use is the PATRIOT Act. That law passed not long after 9/11 because we understood this world had changed and that it was time to apply to terrorism many of the same kinds of techniques in law enforcement authorities that we already deemed very useful in investigating other kinds of crimes. Our idea was, if it is good enough to investigate money laundering or drug dealing, for example, we sure ought to use those same kinds of techniques to fight terrorists. We have done that.

Today, actually, is a very important day because many of the provisions of the PATRIOT Act go into permanent law. Others are reauthorized for 4 more years. They provide critical support to the people we want to protect us in this war on terror. I am delighted we will be adopting the PATRIOT Act conference report today. My only regret, as I said, is we could not have done it before now. But we can at least celebrate the fact that the Senate has done its duty for the American people to help make them secure in the future.

The PRESIDING OFFICER (Mr. ISAKSON). The majority leader is recognized.

APPOINTMENT OF PENSION CONFEREES

Mr. FRIST. Mr. President, this morning the minority leader came to the floor to once again call into question our good faith efforts on the pensions bill. He now claims our longstanding offer of a 7–5 ratio on the conference committee "looks suspicious." I can't help but feel that what is beginning to look suspicious is this continuing pattern of obstruction on ground that seems to be ever shifting.

We originally considered proposing a 5–3 ratio but, to accommodate his caucus, we ultimately offered a 7–5 ratio. After a 2-month delay, this was rejected. The Democratic leader was unable to make a decision among members of his caucus. I understand those challenges, but that is what leadership is all about. Now he wishes to further delay with an arbitrary dispute over the ratio of conferees and this new, equally disingenuous charge of "fixing the jury," which is absurd.

As the minority leader well knows, I have been working for years to fix the pensions problem. The American people deserve it. People don't understand why these games are being played.

The clock is ticking. People's lives are at stake. The first quarter of the physical year ends on March 31, 31 days from now. Within 2 weeks of that happening, companies have to make contributions to their pension plans. The pensions of millions of hard-working Americans are at stake. That is why these games don't make sense.

We have two committees with an equal stake in this bill. They should have an equal number of conferees on the committee. The conference committee should fairly represent the two committees of jurisdiction. The minority leader knows his proposals won't allow for that. I am for a fair conference but, equally importantly, I am for getting to conference so that we can address these challenges. The American people are waiting.

I know the Democratic leader says he wants to move forward as well. But remember, we passed this bill in November of last year, and we are still trying to do something very simple; that is, to get to conference so that we can pass the legislation.

I am baffled by the minority leader's inability to decide which five Senators from his caucus could join with our seven Senators so that we can appoint a conference and do the Nation's business. I am equally confused about why, in refusing to make that decision, he instead feels that he should decide on his own, unilaterally, the ratio of conferees with no regard for treating the two committees of jurisdiction fairly. If anyone is trying to fix the jury, it appears to be the minority leader by having one committee with more representatives than the other. We go back and forth every day, and that clock is ticking.

The airline provisions of the bill are necessary to keep additional pension obligations from being terminated and left at the doorstep of the Pension Benefit Guaranty Corporation. As Chairman GRASSLEY has suggested, in remarks that I will include in the RECORD, if we cannot make some progress shortly, we may need to look at pulling these provisions out and moving them on some other vehicle. That should not be necessary, but continued obstruction would leave us with no other choice. We are simply running out of time.

I plead with the Democratic leader to put forth his five. We have been ready for the last 2 months to put forth our

7 so we can get to conference and provide answers and a resolution to what millions of Americans are waiting for.

I ask unanimous consent to print in the RECORD the above-referenced document.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Dow Jones Newswires]

U.S. SENATOR GRASSLEY: SENATOR REID UNDERMINING PENSION TALKS

(By Rob Wells and John Godfrey)

WASHINGTON (Dow Jones).—A top U.S. Senate Republican on Thursday accused Senate Minority Leader Harry Reid, D-Nev, of undermining talks for a final pension overhaul bill, thereby helping the bill's critics.

"It's playing right into the hands of Ford (F) and General Motors (GM), because they negotiated benefits, both health and savings, they can't keep their promise to," said Senate Finance Chairman Charles Grassley, R-Iowa, at the National Summit on Retirement Savings, an industry and government seminar.

He said these companies "don't want these reforms because they're going to have to pay up" through higher pension contributions.

The bill would change pension funding rules and increase premiums paid by companies to the Pension Benefit Guaranty Corporation. The measure has divided business and labor groups, many of whom argue that it would be too strict.

The Senate has been attempting to name negotiators since December to a House and Senate conference to write a final pension overhaul bill.

Grassley accused Reid of delaying final pension talks by not formally naming Democratic negotiators. Part of the delay, however, stemmed from internal Republican disagreements over who would lead negotiations.

Reid and Senate Majority Leader Bill Frist, R-Tenn., have been in a standoff over the number of Democrats who will be part of the talks.

Grassley, departing from his prepared remarks, sharply criticized Reid for the delay. "They're being held up because one person in U.S. Senate can't make up his mind which two or three Democrats ought to be on a conference committee," Grassley said.

If Congress fails to act on the pension bill, companies will have to begin using the relatively pessimistic benchmark of the 30-year Treasury bond in pension calculations. The 30-year bond rate would begin to apply after April 15, although higher payments wouldn't occur until January 2007. Currently companies are using a blend of corporate bond rates in such calculations.

The airline industry also has a major stake in the bill since the Senate version would give a special break from pension funding rules for underfunded airline pension plans.

Grassley and other bill advocates say it's vital Congress completes work on the bill by the April 15 deadline.

Without action by then, "it's putting into jeopardy airlines being able to fly" Grassley said, which would "ruin the economy if we don't get something done."

Further delays may force negotiators to move pieces of the bill, such as the airline provision, in separate tax legislation to meet the April 15 deadline, he said.

A telephone call to Reid's office wasn't immediately returned.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. I ask unanimous consent to speak for 5 minutes as in morning business and that this time be counted against the Republican time in the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PORT SECURITY

Mr. DEMINT. Mr. President, I have had a chance to listen to the debate on the PATRIOT Act in my office. I had not planned to speak. But hearing continued attacks on the President on security issues, particularly port security, while some from the other side seem intent on stopping one of the most important security pieces of legislation we have, the PATRIOT Act, compelled me to come to the floor to straighten out the facts.

It is important that we have an honest and fair debate. I appreciate those on the other side who have participated in the debate in an honest way. But I have heard enough of my colleagues from the other side use information and perhaps take different positions than they did only a year or so ago. I am compelled to point some of these things out.

I will give one example. This week in a Commerce Committee hearing, we were talking about port security. Senator BOXER said:

> Our ports are a soft target. Al Qaida told us that when we found that out through [their] documents. . . . . So you take the Dubai situation plus our lack of action on security. . . . . And I'm going to oppose this deal.

That is fair enough unless we put it in perspective. This week, Senator BOXER actually voted to filibuster the PATRIOT Act, which is dedicated in large part to security in our ports. An entire title of the PATRIOT Act is focused on port security. Originally introduced as the bipartisan Reducing Crime and Terrorism in America's Seaports Act of 2005, title III strengthens criminal sanctions and takes a number of steps to improve our Nation's ability to secure our ports and to thwart terrorism. Yet Senator BOXER voted to filibuster the enactment of this essential port security provision the day after lamenting the vulnerability of American ports.

The truth is, to anyone who has watched this over time, very often our Democratic colleagues, with all due respect, block the very thing they blame Republicans for—in this case, blaming the President. Not only did Senator BOXER vote to filibuster the PATRIOT Act, but after the 9/11 attacks, Senator BOXER was one of four Democratic cosponsors of a bill that would have specifically permitted noncitizens to serve as airport security screeners. Senator BOXER cosponsored legislation to allow noncitizens to do for air travel what essentially the Coast Guard does for port security. Now she wants to block foreign companies from using American workers to manage our port terminals. It is difficult to reconcile the two positions.

Republicans want a fair and nonpartisan 45-day security review and a good but honest debate. It is not fair or honest to take a position this week that was very different than one that had been taken before. To Republicans, port security is not a passing political issue but a cornerstone of our commitment to protect the American people. That is why Republicans are working to pass the PATRIOT Act. We demand a fair and impartial 45-day security review of the proposed acquisition of the P&O Navigation Company of Britain by the Dubai Ports World.

I don't mean to be unfair to Senator BOXER, but it is an example of folks maybe taking a different position, trying to blame the President for something, in fact, that they have blocked in the past.

This is from an editorial in the Los Angeles Times, February 26:

> . . . Now there is a Republican in the White House, and of all the grandstanding surrounding the Dubai Ports World deal, none tops Boxer's performance. She said last week that she would support legislation preventing any foreign firm, state-owned or not, from buying port operations. Memo to Boxer: 13 of the 14 container terminals at the ports of [Los Angeles] and Long Beach, the biggest port complex in the United States, are run by foreign-owned companies. She later told The Times that she meant such deals should get greater scrutiny, not be banned. Still, this is the sort of proposal one would expect from a Senator from a landlocked state like Vermont, not one where international trade plays a vital role in the economy.

The article goes on to talk about the 180-degree switch of opinions. Again, I don't mean to pick on one Senator. My plea to the other side, and my side as well, as we look at this vital issue of security in our country, don't look for political opportunities to blame one side for something we actually created ourselves. On the security issue, there is no better example of colleagues who have blocked security in many ways and now are attempting to suggest the President is not strong on security. President George Bush is the world leader in the war on terror and has probably done more to secure the borders of our homeland than any President or any Member of Congress. It is time we give him that respect.

Mr. President, I thank you for the time, and I yield the floor.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. REID. Mr. President, yesterday, the Senate passed a bill negotiated by the junior Senator from New Hampshire, Mr. SUNUNU, to strengthen civil liberties protections in the PATRIOT Act. In light of the improvements contained in the Sununu bill, I will now vote in favor of the pending conference report.

As I have emphasized many times, Democrats support the basic authorities contained in the PATRIOT Act. We voted for the original act in 2001. We unanimously supported the reauthorization bill that passed the Senate last summer. In recent months, we have been vigilant to ensure that no provision of the act would expire during ongoing negotiations over a long-term extension of the law. But our support for the PATRIOT Act doesn't mean a blank check for the President.

Last December, a bipartisan group of Senators joined together to insist that the reauthorization bill which had been returned from the House-Senate conference be improved. We defeated that conference report, we did it purposefully, and it was done on a bipartisan basis.

I note that some of my "admirers"—I use that caustically—have run ads in the State of Nevada trying to embarrass me, saying that I and the Democrats are not for the PATRIOT Act. That was raw politics at its worst. What we tried to do, on a bipartisan basis, was to have a better conference report. That is what is happening. Some would say it has not been improved enough. I could argue that, but it has been improved.

Republicans and Democrats declared back then that Congress can provide the Government with the powers it needs to protect Americans and, at the same time, ensure sufficient checks and oversight to prevent abuses of these powers. Security and liberty are neither contradictory nor mutually exclusive.

Our insistence that the PATRIOT Act be improved has borne fruit. We stood up to the White House to demand a more balanced approach to antiterror tactics, and we have succeeded. Some say we didn't improve it enough, but there is no question that we improved it. Thanks to the courageous stand of Senator SUNUNU and a handful of other Republicans, along with the long-standing efforts of Chairman SPECTER, Senator LEAHY, and other Democrats on the Judiciary Committee, the Senate will soon pass a stronger, better PATRIOT Act.

The current bill is far from perfect. It falls short of the unanimously supported Senate bill we passed last summer. I would have preferred additional improvements in the conference report, but the version of the PATRIOT Act we will soon reauthorize is a vast improvement over the law we passed hastily in 2001.

For example, under the original PATRIOT Act, people who received a Government request for business records under section 215 were barred from discussing the request with anyone—their wives, sons, daughters, business partners—no one. But now, for the first time, recipients of such a gag order will be able to challenge it before a judge.

In addition, the new bill will restrict Government access to library records. The bill makes it clear that libraries operating in the traditional role, including providing Internet access, are not subject to national security letters.

Finally, under the Sununu bill we passed yesterday, individuals or businesses that receive a national security letter will not be required to tell the FBI the identity of a lawyer they may consult to obtain advice or assistance. It seems so obvious that it is the right thing to do, but we had to fight for that.

Even before the Sununu improvements, the conference report included a number of crucial provisions to ensure congressional and public oversight of the Government's expansive powers under the PATRIOT Act. We insisted that the House accept 4-year sunsets instead of 7-year sunsets on the most controversial provisions of the act. In the original bill, we set sunsets. It is so important, as we look back and recognize why we did that. It is so important that we did that. Because of that, we were forced to improve this legislation. I again say that maybe it is not to the satisfaction of some, but it is certainly improved.

The conference report also requires extensive congressional public reporting and mandates audits by an independent inspector general. That wasn't there before.

I will continue to work for additional improvements in the act.

I wish to say at this time that Senator RUSS FEINGOLD is a person for whom I have great admiration. We are so fortunate that he is a Senator. Academically, no one in the Senate has a record that is superior to his. He is a Rhodes scholar, someone who stands for principle. I disagree with him on this legislation. I can support this legislation not going with all of the improvements that he, as a matter of principle, has caused the Senate to review.

I believe it is unfortunate that this good man, the Senator from Wisconsin, was not able to offer even two amendments. We asked the majority leader: How about two amendments? Don't fill the tree. He will take 15 minutes on each amendment. We were turned down. That is why I voted against cloture yesterday. That is a bad way, in my opinion, to run this Senate.

So I want the record to be spread with my words that RUSS FEINGOLD is a fine lawyer. I congratulate and applaud him for his work on this issue and other issues.

I will continue to work with him to seek additional improvements to the act. For example, I know he worked hard on an issue that is so important. Let's go back to the Senate-passed version of section 215, under which a Government request for medical records and other sensitive personal information must have a more direct connection to a suspected terrorist or spy.

Second, I remain extremely concerned about the lack of meaningful checks on Government overuse or abuse of national security letters. The Washington Post reported last November that the FBI issues more than 30,000 such letters in a year, with no judicial supervision. So we need more oversight of the Government's power to issue these secret subpoenas—30,000 of them. How many is that a day? How many is that a week? How many is that a month? It is unfortunate that we were unable to get ahold of this and change this.

Third, I still don't believe it was appropriate to include in the conference report sections not included in either the House or Senate bills limiting the right of habeas corpus in cases having nothing to do with terrorism. I will oppose any further weakening of the great writ.

There is a hue and cry out there that we have to do something about earmarks. What they always talk about are appropriations earmarks, which include a fraction of a percentage of the spending of this Government.

I do not back away or apologize for the earmarks I have placed in appropriations bills. I have a responsibility. I know better than some bureaucrat in Washington, DC, how the Forest Service should spend its money on the forests in Nevada. I know better than some bureaucrat from the Bureau of Land Management how money should be spent in Nevada. And 80 percent of the Federal lands controlled by the Bureau of Land Management are in Nevada. I know better than some bureaucrat in Washington, DC, how the money should be spent on roads and highways and bridges and dams in my State.

I believe in the Constitution. I believe the Constitution sets forth three separate but equal branches of Government, and by our folding on this earmark procedure and not doing our jobs, we are caving in and not following the Constitution. There are ways we can improve the way earmarks are placed on bills, and I am happy to work on that. I have worked with the distinguished ranking member of the Appropriations Committee and his staff to make sure this earmarking legislation that will be on the floor is not going to hurt what this body does. But my point is that earmarking is more than the Appropriations Committee. Is this an earmark that they stick in a conference report, where it is not in the

House or Senate bill, that changes one of the basic rights Americans have guaranteed by our Constitution—a writ of habeas corpus? Yes. It is wrong. So if you want something about earmarks, let's not just focus on the Appropriations Committee.

I have talked about the flaws, and I am satisfied, in spite of them, that the conference report, as improved by Senator SUNUNU, is a step in the right direction and certainly better than the original PATRIOT Act.

Let me say a word about the relationship between the current debate on the PATRIOT Act and the continuing controversy over unlawful eavesdropping by the National Security Agency. On the same day we voted on the PATRIOT Act conference report last December, when the conference report wasn't allowed to go forward, the New York Times reported that the President had authorized a secret program to eavesdrop on American citizens without warrants required by the Foreign Intelligence Surveillance Act. That story had a clear impact on the vote that day, as it well should have. There was some question why we were even having this protracted debate over the PATRIOT Act, since the President seemed to believe he was free to ignore the laws we enact anyway. But, in fact, no one is above the law—not even the President of the United States. One lesson of the NSA spying scandal is that Congress must stand up to the President and must insist on additional checks on the powers exercised by the executive branch. That is what we are doing today with this PATRIOT Act.

In addition to what we have here with the PATRIOT Act and NSA spying, now we have this Dubai port security, I think, scandal, on which the final decision was made by the Secretary of the Treasury, not the Secretary of Homeland Security. Whenever this administration is faced with a decision that affects the business community or the national security, the homeland security of this country, they always go with business.

Why wasn't the Secretary of Homeland Security the one who signed off on that? These companies control the perimeters of these facilities; they decide who does the background checks. The debate over the PATRIOT Act and over NSA wiretapping and the Dubai port situation is all about checks and balances. That is what this is about. They go to the heart of our system of separation of powers.

Today, we give the Government the tools it needs to help protect our national security, while placing sensible checks on the arbitrary exercise of Executive power.

So today, when this bill passes, I hope everybody will understand that I am saying that I am voting for this conference report because I think it improves the original PATRIOT Act, not because it is perfect. It is far from perfect.

I hope this administration—even though the President is in faraway India—gets the word that what is going on in this country with what I believe are constitutional violations is inappropriate. We need to get back to doing what is right for this country, following the Constitution and reestablishing the legislative branch of Government as a separate and equal branch of Government.

Mr. BYRD. Mr. President, how long am I recognized for?

The PRESIDING OFFICER (Mr. VITTER). The Senator from West Virginia is recognized for up to 35 minutes.

Mr. BYRD. I thank the Chair.

(The remarks of Mr. BYRD pertaining to the introduction of S. 2362 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

PRESCRIBED PSE

Mr. TALENT. Mr. President, I rise today to engage the distinguished chairman of the Judiciary Committee, Senator SPECTER, in a colloquy regarding the intent of the Combat Methamphetamine Act of 2005.

Section 701 of the PATRIOT Act of 2005 establishes restrictions on the sales of precursor chemicals used to manufacture methamphetamine. As you know, the methamphetamine abuse and trafficking problem is growing in our country, and this legislation will help to combat the epidemic.

The methamphetamine control provisions of the act are intended to address those precursor chemicals sold without a prescription.

I know that Chairman SPECTER and I agree that exempting pseudoephedrine products provided via a legitimate prescription is critical. Physicians and other health care providers sometimes prescribe pseudoephedrine products in amounts that could violate the daily and monthly limits included in this legislation.

Patients who need more pseudoephedrine than the law would allow need the option of getting pseudoephedrine under a prescription, and Senator SPECTER and I agree that the methamphetamine provisions should not impede the care of legitimate patients. Our new requirements focus on products purchased outside the current prescription process. We are seeking to stop the bad actors from manufacturing and trafficking methamphetamine and have no desire to prevent proper patient care. Many States that have enacted laws to combat the methamphetamine epidemic have also included this type of exemption. It just makes sense.

Mr. SPECTER. Mr. President, I would say to my colleague from Missouri that physicians should not be forced to change what are common and appropriate prescribing patterns in an effort to stop the manufacturing and trafficking of methamphetamine.

The Senator from Missouri is correct. The Combat Methamphetamine Act provisions in the PATRIOT Act are intended to address over-the-counter sales, not pseudoephedrine products provided under a valid prescription. It is my expectation that these new restrictions apply only to pseudoephedrine products provided to consumers without a prescription.

Mr. TALENT. I thank the distinguished chairman for this clarification.

Mr. KERRY. Mr. President, over the course of this week, the Senate has had a series of votes on the PATRIOT Act conference report as well as on a bill amending the conference report introduced by Senators SUNUNU, CRAIG, MURKOWSKI, and HAGEL.

Last December, I voted against cloture on the PATRIOT Act reauthorization conference report. I did not cast that vote because I oppose reauthorizing the PATRIOT Act—I supported the PATRIOT Act then just as I do now. I voted against cloture on the conference report because I believed that it did not adequately protect our civil rights and liberties. Supporters of the conference report believed that you had to choose between two extremes: taking a tough stand on terror and protecting our fundamental constitutional rights. I thought you could accomplish both at the same time.

On February 28, 2006, I voted against cloture on the Sununu compromise bill, S. 2271, vote No. 22, because of procedural measures taken by the majority to prevent Senator FEINGOLD—or any other Senator—from offering amendments. Senator FEINGOLD's four proposed amendments would have improved the Sununu compromise and addressed more of the concerns I had with the conference report. They would have, No. 1, ensured that section 215 orders to produce sensitive library, medical, and other business records would be limited to individuals who had some connection to terrorism; No. 2, ensured that judicial review of section 215 gag orders and National Security Letter, NSL, gag orders is meaningful; No. 3, sunsetted the NSL authorities after 4 years; and No. 4, required notification of sneak-and-peek search warrants within 7 days of the search rather than within 30 days. I believe that each of these amendments would have improved both the Sununu compromise bill and the conference report. Regardless of whether my colleagues agree with me on that, I believe the Senate should have been given the opportunity to vote on them.

On March 1, 2006, the Senate conducted a series of votes, both procedural and substantive on the Sununu compromise bill and the PATRIOT Act conference report. I voted to support the Sununu compromise. I also voted to proceed to the motion to reconsider the conference report, to proceed to the conference report, and to invoke cloture on the conference report because, in my view, the Sununu compromise and the conference report come as a package deal. I support the two taken together, and for that reason, I also voted for the conference report today.

I support the Sununu compromise bill because it makes some important improvements to the PATRIOT Act. First, it allows judicial review of a section 215 nondisclosure order 1 year after its receipt. Section 215 of the PATRIOT Act allows the Government to obtain business records, including library, medical, and gun records among other things. Under the conference report, recipients of these section 215 orders were subject to an automatic permanent nondisclosure order which would have prevented them from bringing any court challenge. Under the compromise, a section 215 nondisclosure order is now subject to judicial review.

Second, the conference report would have required recipients of National Security Letters, NSL, to identify their attorneys to the FBI. NSLs allow the Government to obtain, without a warrant, subscriber records and other data from telephone companies and Internet providers. The compromise removes that requirement so that recipients of NSL orders can seek legal advice without having to inform the FBI.

Third, the compromise clarifies that the Government cannot issue NSLs to libraries unless the libraries provide "electronic communications services" as defined by the statute. Thus, libraries functioning in their traditional roles, including providing Internet access, are not covered.

Even though this legislation does not address all of my concerns with the conference report, these compromise provisions are steps in the right direction and will be important components of the PATRIOT Act.

I am proud to support this legislative package and am pleased we have reauthorized and improved the PATRIOT Act. I believe there is still more work to be done and will work with my colleagues: such as Senator FEINGOLD and Senator SPECTER, on further improvements. For example, in a perfect world the PATRIOT Act would provide for more meaningful judicial review of section 215 gag orders as well as NSL gag orders. There is no reason to have a conclusive presumption against recipients—one that can only be overcome by a showing of Government bad faith. Nor is there any reason to prohibit judicial review of those gag orders until a full year has passed. They should be immediately reviewable, and, if there are any presumptions, they should be in favor of the privacy rights being invaded rather than the Government doing the invading.

In a perfect world, the Patriot Act would require the subjects of section 215 business record disclosures to have some link to suspected terrorists. As I mentioned earlier, section 215 is expansive, and it allows the Government to obtain very sensitive, personal records. Simply requiring those records to be relevant to an authorized intelligence investigation, as the conference report does, is simply not enough. This standard will not prevent Government fishing expeditions.

And, in a perfect world, the PATRIOT Act would have required the Government to notify victims of sneak-and-peek searches—unannounced and secret entries into the homes of Americans—within 7 days as the original Senate bill did. The 30- to 60-day timeframe is simply too long. People have a right to know when the Government has been in their house, searching through their things.

Thus, I understand why some of my colleagues are disappointed with the compromise. They say that it does not go as far as the original Senate bill which was passed by unanimous consent, and they are right. But the fact is that the compromise does improve the original conference report. I believe the compromise was the product of good faith negotiations. It is not a perfect bill, but it is a step in the right direction. And I will continue to work with my colleagues so that we can create a more even balanced PATRIOT Act.

Mr. ROCKEFELLER. Mr. President, I rise to speak in favor of the conference report on the PATRIOT Act Improvement and Reauthorization Act of 2005 and the accompanying measure to amend the Reauthorization Act. I commend the work of Senator SUNUNU and others in addressing several flaws in the measure reported by the conference in December. And I congratulate the hard work of Senators SPECTER and LEAHY in leading the Senate's efforts to extend and improve the PATRIOT Act.

I remain disappointed, however, in the process followed by the House-Senate conference, which not only excluded Democratic Members from key meetings and deliberations but also excluded the public. Sadly, the deficient process of the PATRIOT Act conference is characteristic of the manner in which too many conferences have been conducted in recent years.

Nevertheless, overall, adoption of the conference report, along with the accompanying improvements contained in the Sununu bill, will not only extend the PATRIOT Act but make it a stronger, more balanced tool in our fight against terrorists. I was one of the Senate's 10 conferees: 6 Republicans and 4 Democrats. We were appointed from the leadership and ranks of the Senate Judiciary and Intelligence Committees, the two committees with a direct responsibility for reauthorizing the PATRIOT Act.

The Senate conferees were appointed on July 29, 2005, immediately upon the Senate's passage by unanimous consent of the bill that had been unanimously reported by the Senate Judiciary Committee. I had expected that the conference with the House, which in July had passed a different reauthorization bill, would begin promptly on the return of the Congress at the beginning of this past September from last session's August recess. In fact, the House did not name its conferees until November 9.

The conference met the following day, on November 10, for its one and only meeting. That meeting was devoted exclusively to 5-minute opening statements. In my opening statement to the conference, I stressed the importance of how we did our work. I urged that the conference proceed openly, including by considering amendments in public session. I warned that otherwise the Congress would risk losing an indispensable ally in the long-term effort to defend the Nation; namely, a public that has confidence in the necessity for and the balance of the PATRIOT Act.

Unfortunately, our opening statements turned out to be our closing ones, because we never met again as a conference. The flawed process of the conference produced a flawed result. Because it fell short of what the conference could have achieved, I joined my fellow Senate Democratic conferees in not signing the conference report. We then joined a bipartisan coalition that opposed cutting off debate in December and insisted that there be a further effort to improve the bill. That additional time has been well spent.

From the outset of the PATRIOT Act reauthorization debate, there has been neither division nor doubt in the Congress that we would unite in extending the investigative and information sharing powers that were enacted in the wake of September 11. Over this past year, as we have debated the checks and balances that should be added or strengthened, Republicans and Democrats alike have been prepared throughout to achieve what we have now accomplished, the extension of essential national security authorities.

In most cases, those authorities have been made permanent. For a few, we have decided that a further review in 4 years is appropriate before deciding whether to make these authorities permanent as well. The PATRIOT Act reauthorization agreement now before us establishes or augments some notable checks and balances. We have responded to the concerns of librarians and booksellers by requiring high level F.B.I. approval of applications for orders requiring the production of records. And we also have required that any such applications to librarians and booksellers be reported to the Congress. The holders of other sensitive records B concerning firearm sales, tax returns, education, and medical matters B also have enhanced protection.

The Reauthorization Act also places in the law provisions for the judicial review of orders from the Foreign Intelligence Surveillance Court for the production of records. Similarly, it also places explicitly into law something that the courts have already begun to require; namely, procedures for judicial review of national security letters to businesses from the F.B.I. demanding that they produce records for investigators.

I join others in the Senate and House in wishing that some of these provisions had been written in a more balanced way. Specifically, I am concerned that some of the new judicial review procedures tilt in a one-sided manner toward the Government and may not give the individuals and businesses who may seek relief a fair opportunity to make their cases. If Congress promises citizens judicial review, it ought to deliver fully on that promise. Some of those imbalances may have to be addressed by the courts or in future legislation.

The additional time to reach a PATRIOT Act agreement also gave us the opportunity to change other objectionable provisions of the original conference report. The report had contained a requirement that the recipients of orders for the production of documents from the Foreign Intelligence Surveillance Court or by a national security letter advise the F.B.I., on its request, of the name of any attorney they contacted.

This would have been the first time, to my knowledge, that Congress had empowered the F.B.I. to demand that a citizen, who has been presented with a demand by the Government, inform the F.B.I. that he or she has spoken to an attorney and be required to give the F.B.I. the lawyer's name. I found that this intrusive provision, which we were told that the Department of Justice had insisted upon, to be inconsistent with basic American values. I am especially gratified that Senators SUNUNU, CRAIG, MURKOWSKI, and HAGEL were able to persuade the White House to strike this misguided provision.

Congress has an abiding commitment to provide our law enforcement and intelligence personnel with the tools and authorities they require to protect America. The Foreign Intelligence Surveillance Act and the PATRIOT Act are prime examples of that commitment. And it is a commitment that is not just a one time thing. Congress has returned repeatedly to these statutes to add new authorities or enhance existing ones.

In that process, any of us, as individual legislators, may not achieve all of what we want, but collectively we fulfill our oversight responsibilities by inquiring, debating, voting, and conducting oversight concerning the powerful tools that a President, whomever it may be at the time, believes that our law enforcement and intelligence officials need to protect America.

This process has not been followed, unfortunately, with respect to the NSA warrantless surveillance program inside the United States recently disclosed and acknowledged by the President. The administration continues to withhold important facts about the NSA program and, in turn, has prevented Congress from understanding the program and evaluating whether it is both legally and operationally sound. If a President refuses to deal with the Congress as a co-equal branch of Government, then the Congress cannot fulfill its responsibility on behalf of the people to ensure that the executive branch is acting under the rule of law.

For the PATRIOT Act, this is not the end of the process. We have an obligation to be vigilant in our oversight. And we will be returning to the act no later than 4 years from now when the remaining sunsets expire, in order to consider reauthorization legislation for those authorities.

During this time, the Senate Select Committee on Intelligence, of which I am vice chairman, will continue monitoring how the authorities contained in the PATRIOT Act are used to ensure that we have struck the proper balance between empowering our counterterrorism efforts while not infringing upon the civil liberties of Americans.

Mr. KENNEDY. Mr. President, for months, we have been ready to roll up our sleeves and get back to work on the PATRIOT Act, but the White House has continued to block bipartisan efforts to improve the original bill and accept oversight of its intrusive surveillance programs. Again, and again, the administration has refused to join in serious negotiations with Republicans and Democrats on matters of national security, including the National Security Agency's warrantless wiretaps and the FBI's use of national security letters. The latest proposal offers improvements and deserves to pass; however, it is unacceptable and undemocratic that further amendments could not even be considered.

We need to implement these improvements quickly given the administration's disregard of congressional oversight. The proposed reauthorization bill requires public reports on the use of two of the most controversial provisions: section 215 and national security letters. It also requires the inspector general to audit their use, and it mandates a report on any data-mining activities by the Justice Department.

Americans deserve national security laws that protect both our security and our constitutional rights, and more changes are clearly needed. One of the most glaring omissions in the proposal is the failure to include a 4-year sunset provision on national security letters, even though it would be consistent with the new reporting and auditing requirements that will take effect.

The latest changes provide some additional protection for libraries, but these safeguards should apply to all of the means used by the Government to obtain sensitive information, including financial documents and library records. We also need a report on the Government's use of computerized searches from all Federal agencies, and we will continue to seek such a requirement as part of efforts toward other reforms.

We have not yet achieved the 9/11 Commission's goal to maintain governmental powers that enhance our national security while ensuring adequate oversight over their use. With so much at stake, the administration's refusal to work with Congress can only weaken our national security and further undermine the public's trust in their Government. So this battle will go on, and I regret we could not accomplish more in this needed legislation.

Mr. BINGAMAN. Mr. President, I rise today to speak in opposition to the PATRIOT Act conference report.

As I have stated in the past, I strongly support giving law enforcement the tools they need to aggressively fight terrorism. But I also believe that we must ensure that we adequately protect constitutional rights and properly balance civil liberties with national security concerns.

I support reauthorizing many of the expiring provisions of the PATRIOT Act, but I believe we need to make some important changes to ensure that Americans' civil liberties are protected. When the Senate debated this issue last July, I supported the bipartisan compromise, which unanimously passed the Senate, to reauthorize the expiring provisions of the PATRIOT Act. Unfortunately, many of the improvements that were made were later removed at the insistence of the White House and the House of Representatives. I cannot in good conscience support a reauthorization bill that is fundamentally flawed and lacks basic safeguards with regard to the rights of Americans.

The final compromise that was worked out, including the conference report and the bill offered by Senator SUNUNU, falls short in several respects. First, it does not address the problems with section 215, which allows the Government to obtain sensitive personal records, such as library, medical, or business records, as long as the Government submits a statement indicating that the documents are relevant to a terrorism investigation. I, along with many other Senators, have pressed to modify this standard to require that the Government show that the documents sought are actually relevant to the activities of a terrorism suspect or the activities of a person in contact with the suspect.

It is reasonable to require that if the Government is going to look at the private records of Americans that the Government demonstrate that the request for records has some actual connection to a terrorist and isn't just part of a fishing expedition. The final compromise does not include any significant improvements with regard to the standard for issuing section 215 orders.

The conference report also falls short with respect to section 215 gag orders. Under the PATRIOT Act, when a section 215 order is issued,the receipt of an order, such as a library or doctor, is automatically prohibited from disclosing that the FBI is seeking the records. In addition, under current law there is no explicit right to petition a court to modify or quash a gag order. The conference report still provides for an automatic gag order and prohibits judicial review, but specifies that a recipient of a section 215 gag order may disclose its existence to an attorney to obtain legal advice.

Although the Sununu bill the Senate passed earlier this week as part of the final compromise technically allows for judicial review of a nondisclosure order and permits a recipient to challenge the gag order before a FISA judge, this is merely an illusionary right and does not provide any meaningful review. A recipient must wait 1 year to challenge the gag order and the judge may overturn the order only if there is no reason to believe the disclosure will endanger national security. However, because the Attorney General may certify that the disclosure may endanger national security and a judge must treat this certification as conclusive unless the Government is found to be acting in bad faith, it would be almost impossible to ever successfully challenge a gag order.

I also have significant concerns with respect to national security letters, or NSLs. National security letters are essentially formal requests made by Federal intelligence investigators to communication providers, financial institutions, and credit bureaus to provide certain consumer information relating to a national security investigation. The issuance of an NSL does not require any judicial oversight. The laws explicitly permitting NSLs were meant to prevent financial institutions from being held liable for disclosing private financial information in contravention of Federal privacy laws. NSLs do not require any court approval, and since 9/11 the Government has increasingly relied on them to obtain information as part of terrorism investigations. Like recipients of section 215 orders, NSL recipients are subject to an automatic gag order. At least two Federal district courts have found that NSL gag order restrictions and the lack of judicial review amount to constitutional violations under the fourth and first amendments.

The conference report attempts to address constitutional problems regarding NSLs by authorizing judicial review of NSLs and providing the ability to challenge a nondisclosure order. However, while recipients are technically given the ability to go to court, the right is essentially meaningless. The conference report does allow an NSL recipient to challenge the validity of an NSL in a district court, but it also stipulates that all of the Government's submissions are secret and cannot be shared with the person challenging the order. In addition, although the gag order can be challenged in court after 1 year, like section 215 challenges, the only way to prevail is to demonstrate that the Government is acting in bad faith because the Government's certification that disclosure would harm national security is conclusive.

The final compromise included in the Sununu bill does not address the significant problems with the NSL process, but rather makes some minor improvements with regard to NSLs. Under the compromise, it would remove the requirement that a person inform the FBI of the identity of an attorney providing advice to a NSL receipt. The compromise also clarifies that libraries are not subject to NSLs. Libraries, however, would remain subject to section 215. I believe the compromise fails to provide meaningful judicial review of NSL orders.

Finally, I also believe we missed an important opportunity to address the so called sneak-and-peek provision, which allows the Government to search homes without notifying individuals of the search for an extended period of time after the search.

Many of my colleagues have come to the Senate floor and stated that they share the same concerns that I do with regard to the shortcomings of this current compromise. Senator SUNUNU, who has been instrumental in negotiating this compromise with the White House, and Senator SPECTER, the chairman of the Senate Judiciary Committee, have indicated their intention to push legislation aimed at modifying the PATRIOT Act in a manner consistent with the bipartisan bill that the Senate unanimously passed in July.

Although I support these efforts, and I intend to support legislation that would make these modifications, I am under no illusion that the Senate will take up any of these bills in the near future. Having just finished debate on the PATRIOT Act, I do not believe that Congress would have much of an appetite to take up this issue again. We had our opportunity, and, unfortunately, we missed it.

The changes that I would like to see made have the support of the majority of Senators—indeed, they were included in the bill that unanimously passed the Senate. However, because the majority leader knew that these sensible changes would garner wide support, he used procedural maneuvers to prevent any Senator from offering an amendment to fix the bill. Had these amendments been adopted, which I think it is fairly clear they would have, I would have voted for the conference report without hesitation.

While I recognize that this bill will make some slight improvements with respect to the PATRIOT Act, we have missed a critical opportunity to address the primary issues that have concerned the American public. As I have discussed, the Government can still access the library records and medical records of Americans without having to show that the documents sought have some connection to a suspected terrorist or the activities of a terrorist. The conference report simply failed to address the core shortcomings of some of the provisions in the PATRIOT Act.

I supported the improvements in the Sununu bill, but the analogy I would use is this: If you need to fix the broken windows on your house and the repairman comes along and paints your house instead—has your house been improved? I would say yes, but your windows are still broken. It is time for Congress to address the primary problems with the PATRIOT Act, and it is my hope that we can eventually enact commonsense reforms that enable the Government to fight terrorism in a manner consistent with our Nation's historic commitment to upholding basic civil liberties. I truly believe that the American people expect more of Congress with regard to the approach we have taken in ensuring our national security while at the same time protecting the liberties of Americans.

Mr. SALAZAR. Mr. President, I discuss the pending reauthorization of the USA PATRIOT Act.

We are near the end of what has been a very long process. For the past year, Congress has grappled with the need to renew a handful of provisions of the PATRIOT Act. As my colleagues know well, this legislation has embodied the debate over how to balance the needs of law enforcement in the war on terrorism and the paramount importance of protecting Americans' civil liberties.

The greatest Americans have always understood our shared responsibility as citizens of this great country to ensure that we get this balance right. And many times over the course of the debate about the PATRIOT Act, I have thought of Benjamin Franklin's words, "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety." I have thought about how Daniel Webster reminded us that "God grants liberty only to those who love it, and are always ready to guard and defend it." I believe that it is worth taking pains to be sure that we produce the very best balance, and the very best legislation, we can.

Last week, several Senators with whom I have worked closely over the past year announced that they had reached an agreement with the White House on a proposal to renew these controversial provisions.

Let me say at the outset that I do not believe this agreement is by any means perfect. My colleagues who were involved in negotiating this compromise would be the first to agree with me on that point.

But it does contain a number of critical improvements over the original law. Our ultimate goal was to place reasonable checks on the law enforcement powers provided by the original PATRIOT Act. Although it is not as strong in some areas as I would prefer, the legislation today accomplishes that goal.

This proposal would produce a PATRIOT Act that includes a number of specific improvements over the law that was passed 4 years ago.

Section 215 of the original PATRIOT Act allowed the government to obtain business, library, and a whole host of other personal records simply by claiming the records were related to a terrorism investigation. The current proposal provides greater protection for the most sensitive records, by requiring senior level FBI-approval for orders related to library, book, education, gun, medical or tax records, and by limiting the retention and dissemination of information regarding Americans.

The original law did not provide for judicial review of Section 215 orders, National Security Letters, or for the accompanying gag orders. The current proposal does.

The original law did not allow the recipient of a Section 215 order or a National Security Letter to consult with an attorney. The current proposal does.

The original law allowed delayed notification of property searches—so-called "sneak-and-peek" searches—for undefined "reasonable" periods. The current proposal establishes hard limits on those delays, while continuing to allow extensions when they are warranted.

The original law allowed the government to target libraries with National Security Letters. The legislation exempts libraries from NSLs unless they meet the statutory definition of an Electronic Communications Service Provider.

The original law allowed the use of "John Doe" roving wiretaps, which don't specify the target or the phone or computer. The current proposal imposes limits on the use of such wiretaps.

Finally, the current proposal once again sunsets the Act's most controversial provisions—Section 215 and roving wiretaps—in 4 years, increases public reporting requirements about the use of the powers authorized by the Act, and requires the Inspector General in the Department of Justice to audit the use of Section 215 and National Security Letters.

These safeguards are not simply cosmetic; they make meaningful improvements to the original law, and will go a long way toward protecting Americans' rights and freedoms.

In spite of these safeguards, the proposal before us is not perfect. I would have preferred a stronger standard for obtaining a search order under Section 215. I would have preferred that the expanded authority to issue National Security Letters be sunset. But we will have the opportunity to review these provisions—both with the sunsets contained in this legislation and its increased reporting and auditing requirements. I am committed to taking advantage of those provisions to fight for strong and appropriate civil liberties safeguards, and I know my colleagues are, too.

I joined with colleagues on both sides of the aisle to push for the very best PATRIOT Act we could realistically get. We have come to the point where the very best achievable version of the PATRIOT act is the one before us.

I thank Senators CRAIG, DURBIN, SUNUNU, FEINGOLD, and MURKOWSKI—my fellow SAFE Act cosponsors—for all of their hard work over the past several years on this critical issue. Without their efforts, we would not have the civil liberties protections contained in this proposal. I express my sincere gratitude for allowing me to become involved in these efforts.

The vote on this agreement by no means marks the end of this process. Whether or not we differ on the legislation before us, I know we will continue to work together to provide law enforcement with the tools they need to fight terrorists, and to protect and preserve Americans' basic rights and freedoms.

That has been, and will continue to be, a fight that demands our most vigorous efforts.

Mr. AKAKA. Mr. President, I oppose the conference report for H.R. 3199, the USA PATRIOT Improvement and Reauthorization Act of 2005. This bill does not protect the cherished civil liberties and freedoms of the American people.

I voted for the PATRIOT Act in 2001. I believed then, as I do now, that we must give our Government the tools it needs to fight, detect, and deter terrorist acts. While I had reservations about the PATRIOT Act and the possibility that it would allow the Government to infringe upon our privacy rights and civil liberties, I supported the bill since the more controversial provisions were not made permanent. Granting the Government this time-limited authority allowed Congress an opportunity to review how these broad new grants of power were being used.

Unfortunately, the administration has been less than forthcoming in disclosing how the PATRIOT Act has been used. According to the reports we have received, the Government has used the PATRIOT Act to:

> investigate and prosecute crimes that are not terrorism offenses;
>
> investigate individuals without having any cause to believe the person is involved in terrorist activities; and
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> coerce Internet Service Providers, ISP, to turn over information about email activity and web surfing while preventing the ISP from disclosing this abuse to the public. This information is disturbing and may be indicative of other abuses that the Justice Department has not told us about.

Given these abuses, meaningful checks and balances on the Government's authority to investigate Americans are essential. Last July the Senate agreed by unanimous consent to reauthorize the PATRIOT Act with substantially stronger protections in place. However, the Republican-controlled House of Representatives objected to the Senate bill and tried to pass a conference report lacking the protections that the Senate insisted upon. Last month, a compromise bill was introduced, S. 2271, the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006.

I voted for S. 2271 because it is an improvement over the PATRIOT Act. Any improvement is good. However, S. 2271 does not go far enough to correct the flaws in the PATRIOT Act and convince me that the changes made to the underlying bill will preserve our civil liberties. S. 2271 will make explicit the right to counsel and the right to challenge in court an order from the Federal Bureau of Investigation, FBI, to turn over records sought in an intelligence investigation, called section 215 orders, but it does not correct the underlying standard for issuing these orders. As such, the FBI, after going before the Foreign Intelligence Surveillance Act, FISA, Court, can demand a wide array of personal information—including medical, financial, library, and bookstore and gun purchase records—about an individual without any cause to believe the person is involved in terrorist activities. S. 2271 does provide an express right to challenge the gag order that accompanies a Section 215 order, but only after waiting a year. However, if the Government certifies that the disclosure would harm national security, the gag order cannot be lifted.

S. 2271 would also remove the conference report's language requiring recipients of National Security Letters, NSLs, to inform the FBI of the name of any attorney they consult about the demand for financial or Internet records. NSLs can be issued without FISA Court review. Again the bill still does not require that there be any connection between the records sought by the FBI and a suspected foreign terrorist or person in contact with such a target. This is especially troubling since news reports show that 30,000 NSLs are issued by the Government per year, a hundred-fold annual increase since the PATRIOT Act relaxed requirements on the FBI's use of the power.

In 2003, the State legislature in my home State of Hawaii passed a resolution reaffirming its commitment to civil liberties and called the entire Hawaii congressional delegation to repeal any sections of the PATRIOT Act that limit or violate fundamental rights and liberties protected by the Constitution of the United States. In good conscience I cannot vote to support the PATRIOT Act because I believe that it allows the Government to infringe upon the rights and protections we hold most dear.

I do not believe that the PATRIOT Act makes our Nation safer. It makes our country weaker by eroding the very freedoms that define us. As Thomas Jefferson said, "The man who would choose security over freedom deserves neither." I am afraid that by passing this legislation today we will in fact have neither a more secure nation nor the freedoms for which we are fighting.

Mrs. BOXER. Mr. President, I voted for the conference report because on balance I believe it is necessary legislation to give our law enforcement officials the tools they need to protect the American people from terrorist attacks. Before the Patriot Act, various law enforcement agencies did not have the ability to share information and work together, and this was a vulnerability that needed to be fixed after 9/11.

But this was a difficult decision. The bill had flaws, and two in particular concern me the most the so-called "sneak and peek" and library search provisions. Given my concerns about these provisions, I voted for every opportunity to make further improvements to the bill.

But ultimately I believe that by voting for the conference report I will be in a stronger position to help improve the Patriot Act in the future, working with Judiciary Committee Chairman SPECTER, Ranking Member LEAHY and Senators FEINGOLD and SUNUNU.

I also wanted to show my support for Senator DIANNE FEINSTEIN's anti-methamphetamine bill, which was included in the conference report. Meth has become a terrible scourge across our country and Senator FEINSTEIN's bill will go a long way to combat the spread of the drug by restricting access to the ingredients used to make meth.

Mr. DURBIN. Mr. President, I am pleased that this conference agreement includes important provisions which will provide critical new tools and resources to help combat methamphetamine—one of the deadliest, most powerfully addictive, and rapidly spreading drug threats facing our country. Fighting meth requires a comprehensive approach designed to assist States, local law enforcement and prosecutors to crack down on cooks and traffickers of meth while bolstering community education and awareness and expanding treatment options for those addicted to this dangerous drug. As a cosponsor of the underlying Combat Meth Act that was incorporated in this conference agreement, I believe our action today is long overdue.

In my home State of Illinois, the meth scourge, especially in rural areas, is egregious. Like many States, Illinois faces the daunting challenge of trying to stay one step ahead of those who will go to any length to procure the ingredients to make their drugs.

Just a year ago, a law took effect in Illinois which required placing adult-strength cold tablets containing ephedrine or as their only active ingredient behind store counters. The law also limited to two packages per transaction the purchase of adult-strength cold tablets containing ephedrine or pseudoephedrine as the sole active ingredient and tablets with ephedrine or pseudoephedrine in combination with other active ingredients. Additionally, the law required education and training for retail sales personnel. At that time, the Illinois law was among the toughest in the Nation and the strongest law among our border States.

However, after that date, several States passed laws more restrictive than the Illinois law, and reports from law enforcement authorities indicated that meth makers from Missouri, Iowa, Kentucky and nearby States were coming to Illinois to purchase products. Incidents such as these led to enactment in November 2005 of the Methamphetamine Precursor Control Act to impose stricter controls on the display and sale of cold and sinus products containing meth's key ingredient pseudoephedrine. The Attorney General of Illinois, Lisa Madigan, has instituted and operates an aggressive anti-meth program in partnership with law enforcement agencies and multi-country drug task forces.

The facts and figures about the devastating impact of meth in Illinois underscore why our actions today to advance tough new provisions and funding authorization are so vital.

The number of meth labs seized by law enforcement authorities in Illinois grew from 24 labs in 1997, to 403 labs in 2000, to 1,099 labs in 2003. Illinois State Police reported 962 lab seizures in 2004 and nearly 1000 meth labs in 2005, more than double the number uncovered in 2000. Since 1997, the quantity of methamphetamines seized annually by the ISP has increased over tenfold.

The number of methamphetamine submissions to the Illinois State Police crime laboratories increased from 628 in 1998 to 3,250 in 2003—more than a five-fold increase. The number of counties submitting meth also increased during that period, from 73 in 1998 to 96 in 2003. In 2004, Byrne grants helped Illinois cops make almost 1,267 meth-related arrests and seize approximately 348,923 grams of methamphetamines. Local police departments depend on Byrne grant funding to participate in meth task forces which tackle the meth problem by coordinating the enforcement and interdiction efforts of local agencies within regional areas. In fact, over 65 percent of Illinois's Byrne funding in 2004 went to local law enforcement agencies.

The Southern Illinois Enforcement Group pays almost half of its agents with funding from Byrne grants. In 2004, this regional task force was responsible for more than 27 percent of the State's meth lab seizures. In a recent success of Byrne grant funding, Glen Carbon Police coordinated with the Illinois State Police Meth Task Force to discover the largest lab in the village's history. In this incident, local authorities raided a meth lab that proved to be capable of producing up to 6,000 grams of finished methamphetamine. Given examples such as this, it is baffling that this administration seeks to eliminate these critical funds in its budget proposal.

Methamphetamine is the only drug for which rural areas in Illinois have higher rates of drug seizures and treatment admissions than urban areas. Meth use, and the number of people behind bars for possessing, making or selling it, has grown rapidly over the past decade in Illinois. Just 5 years ago, 79 inmates entered State prisons on meth offenses. Last year, that number was 541. In fiscal year 2003, rural counties accounted for the vast majority, 79 percent, of persons sentenced to prison for meth-related offenses. The number of treatment admissions relating to methamphetamine abuse in Illinois jumped from 97 in 1994 to 3,582 in 2003.

Another disturbing implication is the effect on families. In 2004, more than half of the children entering foster care in some areas of rural southeastern Illinois were forced into the program because their caretakers were meth abusers. Officials expect to encounter even more children in homes where meth labs exist in coming years.

When specific regions were examined, findings indicate that rural counties have experienced the greatest impact of methamphetamine. Rural counties have been greatly impacted by the presence and growth of methamphetamine, and are responsible for driving the escalating levels of methamphetamine arrests, drug seizures and submissions, clandestine lab seizures, methamphetamine commitments to Illinois Department of Corrections and methamphetamine treatment admissions.

Illinois Criminal Justice Information Authority statistics show that in 2003, the per capita occurrence of clandestine meth labs in rural counties was over 1700 percent greater than it is in non-rural areas. The per capita presence of meth in rural areas in over 500 percent greater than it is in non-rural areas; more than 73 percent of meth labs found in the State of Illinois were found in rural counties. Of 366 felony arrests in Edgar County, IL, 145 were for methamphetamine.

But urban areas are not immune to the meth crisis. The perception that meth labs are a rural issue ended when a major meth lab was discovered in a Chicago apartment building last September. The challenge we face is overwhelming and our actions today signal a commitment to support a concerted effort to tackle this urgent criminal justice and public health and safety challenge.

I commend the tireless and tenacious leadership of Senators TALENT and FEINSTEIN who have labored long and hard to secure passage of a strong Combat Meth Act. I look forward to working with them to ensure that full funding is provided to implement these new tools and provide the needed resources to localities grappling with this drug crisis.

Mr. LEVIN. Mr President, when the PATRIOT Act reauthorization bill left the Senate last July, we had a bill with provisions that protected both our security and our liberty. What came back to the Senate from the House-Senate conference committee was a bill that raised significant concerns for Senators from both sides of the aisle. As a result, the Senate did not vote to end debate in December, as Senators wanted more time to address those concerns.

The PATRIOT Act conference report which is before us leaves major problems unaddressed. Among the conference report's flaws: Section 215 of the PATRIOT Act permits the Government to seek court orders, to compel the production of any tangible thing, including library, medical and business records, in foreign intelligence investigations, including records of people who are totally innocent even of any allegation of impropriety. The conference report omits language in the Senate-passed bill establishing a reasonable standard for the FBI to obtain these sensitive records with Section 215 orders. And to make matters worse, the conference report permits the FBI to include gag orders that preclude the recipient from telling anyone they even received the order. The conference report does not even permit recipients to challenge those gag orders in court. Also, the conference report requires recipients section 215 orders to tell the FBI, if asked, from whom they have sought legal advice.

Since December, there have been a number of efforts to improve the conference report. Unfortunately, those have met with limited success. The Sununu bill, if it passes the House of Representatives, would make only minimal improvements to the conference report that the Senate considered last December.

The Sununu bill, if it passes the House, would eliminate the requirement that recipients of 215 court orders tell the FBI, if asked, whom they consulted for legal advice. This would be a worthwhile, if minor, improvement. The Sununu bill also provides people the right to challenge gag orders attached to so-called section 215 court orders. But the benefit of that is offset by the fact that the bill severely constrains the court's discretion to modify or set aside those gag orders.

Some argue the conference report is an improvement over the original PATRIOT Act. The bill before us does indeed correct some of the flaws in the original PATRIOT Act. For example, the PATRIOT Act did not require that a roving wiretap order identify a specific target—raising concerns that it could authorize so-called John Doe roving wiretaps. I am pleased that the conference accepted language that I proposed to correct that flaw.

However, too many flaws remain, the most serious of which is the standard of review section 215 court orders.

As I said earlier, section 215 of the PATRIOT Act permits the Government to seek court orders, to compel the production of any tangible thing, including library, medical and business records, in foreign intelligence investigations. No problem there. However, under section 215, the Government need not describe, much less identify, a particular person to whom the records relate, even in general terms, as linked to a terrorist groups or organization. I believe that we ought to apply the same logic to section 215 orders that the conference report applies to roving wiretaps. We ought to require that records sought with section 215 orders have some connection to an alleged terrorist or terrorist organization. Unfortunately, the standard in the conference report does not include that. It fails to narrow the scope of records that the Government can subpoena under section 215 to less than the entire universe of records of people who, for instance, patronize a library or visit a doctor's office. Instead, fishing expeditions are authorized, which could result in invasions of the privacy of large numbers of innocent Americans.

Let's assume the FBI has information that a person, whose identity is not known to the FBI, is using computers at New York public libraries to view certain Web sites.

The FBI only knows that the person has knowledge of the particular Web sites. The person is not suspected of wrongdoing himself. The FBI wants to find out the person's identity as part of a foreign intelligence investigation into those Web sites. The agency believes that they might be able to identify the person if they could review all the computer user records held by public libraries in New York.

The conference report would presumably permit the FBI to obtain a court order compelling the New York Public library to provide the records of all their patrons. That is truly a fishing expedition. The conference report would also allow the FBI to prohibit the library from telling patrons that their names had been handed over to the FBI. While the Sununu bill permits the library to challenge that prohibition in court, it does not permit meaningful court review because, under its terms, if the Attorney General or another specified senior official certifies that disclosure may endanger national security or harm diplomatic relations, the court must find bad faith on the part of the Government in making such certification for the court to modify or set aside the nondisclosure requirement. This virtually eliminates the court's discretion.

Another example. Assume the FBI has information that a person, whose identity is not known to the agency, is sending money to charitable organizations overseas. They know from a credible source that the person is being treated for HIV at a particular AIDS clinic in New York that has 10,000 patients. The FBI wants to find out the person's identity as part of a foreign intelligence investigation into links between unspecified overseas charities and terrorist organizations. The agency believes that they might be able to identify the person if they could review the AIDS clinic's 10,000 patient files.

The conference report would permit the FBI to obtain a court order compelling the AIDS clinic to provide the files of all of its patients. The conference report would allow the FBI to prohibit the AIDS clinic from telling its patients that their names had been handed over to the FBI. While the Sununu bill permits the clinic to challenge that prohibition in court, as I discussed earlier, it does not permit meaningful court review because the Attorney General's unilateral certification would have to be found by the court to have been made in bad faith for the gag order to be lifted.

It is argued in response to the fishing expedition argument that the Government must set forth "facts" supporting a section 215 application. But that requirement doesn't fix the fishing expedition flaw. I just set forth facts, in two hypotheticals. If those hypothetical facts would not support a broad search of the library or clinic's records, the supporters should say what language in the conference report would preclude a search.

When this bill left the Senate, it contained protections against fishing expeditions. The Senate bill required a showing that the records sought were not only relevant to an investigation but also either pertained to a foreign power or an agent of a foreign power, which term includes terrorist organizations, or were relevant to the activities of a suspected agent of a foreign power who is the subject of an authorized investigation or pertained to an individual in contact with or known to be a suspected agent. In other words, the order had to be linked to some suspected individual or foreign power. Those important protections are omitted in the bill before us.

Some kind of narrowing language needs to be included in the PATRIOT Act for section 215 orders, just as it was when this bill left the Senate. Without that language and that linkage, the PATRIOT Act authorizes the rankest kind of fishing expedition.

The conference report is also flawed in its treatment of national security letters, or NSLs. NSLs compel phone companies and banks, for example, to turn over certain customer records. The Government can issue an NSL without going to court. And, like section 215 court orders, the Government does not have to show any connection between the records sought and an individual who the Government thinks is a terrorist. And like section 215 orders, the Government can impose a gag order on the recipient of an NSL. Also, in the case of NSLs, the conference report does not permit meaningful judicial review of those gag orders.

Also troubling about the NSL authority is that there is no requirement that the Government destroy records acquired with an NSL that turn out to be irrelevant to the investigation under which they have been gathered. These are records that relate to innocent Americans, and the Government should be required to destroy them if they contain no relevant material.

It is argued that while these protections were in the bill that left the Senate, they are not in current law. That is true. But the reason we put sunset provisions in the law is so we could more reliably make changes if experience indicated the need for change. We understandably acted quickly after 9/11 to fill some holes in our laws that needed to be filled. We added sunset provisions so we could review the law we wrote with the benefit of greater thought, in an atmosphere more conducive to protecting our liberties than understandably was the situation immediately after a horrific, wrenching, deadly attack.

Finally, I must comment on a tactic used in this debate which runs against the very grain of the Senate. The majority leader used a procedural tactic to prevent any Senator from offering any amendment during consideration of the Sununu bill, amendments which could have addressed some of the flaws I just described. That tactic of stifling consideration of any amendment is contrary to the normal procedures of the Senate and reflects poorly on what is sometimes billed as the greatest deliberative body in the world. The rules of the Senate were written with the intent of allowing the consideration of amendments. In this instance, the rules were misused to block any effort to offer amendments. I voted against ending debate on the Sununu bill and against proceeding to debate on the PATRIOT Act conference report because no amendments were allowed to be considered.

This conference report still falls short of what the American people expect Congress to achieve in defending their rights while we are advancing their security. As a result, although I support many of its provisions, I must oppose it.

Mr. KYL. Mr. President, I rise today to comment on the USA PATRIOT Improvement and Reauthorization Act conference report. I support the conference report and, in particular, the conference report's amendments to section 215, the FISA business records provision, because those amendments confirm that investigators may use section 215 to obtain records and other tangible items that are relevant to any authorized national security investigation other than a threat assessment. The conference report appropriately balances privacy concerns and national security needs by amending the method by which investigators can obtain relevant records but not changing or otherwise limiting the scope of records that can be obtained through a section 215 order. For example, where appropriate, investigators may still obtain sensitive records such as library or bookstore, medical, or tax return records, but they must obtain very high-level sign-off internally before asking the court to order those records' production. Similarly, the conference report imposes an obligation on the Attorney General to develop minimization guidelines for the retention and dissemination of U.S. person information obtained through a section 215 order, but leaves the Department with flexibility in obtaining the information in the first instance and in structuring those minimization procedures.

My support for the conference report turns on my understanding that it codifies our intent not to limit the scope of items and records that can be obtained through section 215. This stands in contrast to the so-called "three-part test" that passed the Senate last year, which really did run the risk of limiting our investigators' ability to obtain records relevant to authorized national security investigations. The conference report is clear: we are continuing to provide our investigators with the tools they need. Along with two of my fellow conferees, Senators ROBERTS and SESSIONS, I sent a letter to Chairman SPECTER on the eve of the conference vigorously objecting to the Senate's proposed three-part test. As the three of us expressed in that letter, we believed that requiring use of the three-part test to show relevance would have been a serious mistake. I am pleased to see that the final conference report does not mandate the use of that test. I will have that letter added to the RECORD following my remarks.

I support the conference report, including its amendments to section 206 of the USA PATRIOT Act, which authorizes "roving" wiretap orders under FISA because I believe that the amendments to section 206 do not hamper investigators' ability to use this critical tool. In this day and age of sophisticated terrorists and spies who are trained to thwart surveillance, allowing investigators to seek a wiretap that follows a specified target—rather than a particular cell phone—is critical. The conference report explicitly preserves this ability, while clarifying the level of detail necessary for investigators to obtain this type of wiretap. Similarly, I support the conference report's amendments to section 206 because they recognize that there may be some situations where it will not be practicable for investigators to return to court within 10 days of directing surveillance at a new phone or place. The conference report wisely affords the FISA Court judges discretion to extend the period of time investigators will have to keep the court apprised of how roving wiretaps are being used.

I support the conference report, and I support the amendments set out in S. 2271, because I think they set out the proper standard for judicial review of nondisclosure orders accompanying section 215 FISA business records orders and national security letters. We all recognize the need for secrecy in national security investigations—both to avoid tipping off targets in a particular case, and to avoid giving our enemies a better picture of how we conduct our investigations. Our enemies are sophisticated and devote enormous time and energy to understanding how we operate, all in service of allowing their agents to evade our investigations. The conference report recognizes the need for secrecy when the Government obtains a section 215 order from a court or serves an NSL on a business. But it also responds to concerns raised that recipients should have an explicit right to judicial review of nondisclosure orders.

The standard in the conference report is the appropriate one, both constitutionally and practically, as it recognizes that sensitive national security and diplomatic relations judgments are particularly within the Executive's expertise. The Constitution has vested these determinations with the Executive, and courts have long recognized that judges are ill-suited to be second-guessing the Executive's national security and diplomatic affairs judgments. Disclosures that seem innocuous to a judge who quite naturally must view those disclosures without being fully aware of the many other data points known to our enemies—may nonetheless be quite damaging. The conference report's standard is therefore the correct one. It will be the exceedingly rare case in which a judge will find, contrary to a certification by an executive branch official, that there is no reason to believe that the nondisclosure order should remain in place. It will be even rarer for a judge to find that one of the Senate-confirmed officials designated in the conference report has acted in bad faith.

I could not have supported the conference report or the explicit judicial review of nondisclosure orders if I thought that they would give judges the power to second-guess the informed national security and diplomatic relations judgments of our high-level executive branch officials. The conference report makes clear that judges will not have such discretion. which is why I am voting for this report.

Another provision in particular that I support is the new public reporting obligations for the FBI's use of national security letters. That reporting will allow Congress to better perform our oversight obligations without endangering national security. The reporting requirement is focused on what is the most relevant number to Congress and the public—the aggregate number of different U.S., persons about whom information is requested. The reporting requirement does not require the FBI to break down the aggregate numbers in its report by the different authorities that allowed the national security letters, which is critical to preventing our enemies from gaining too much information about the way we investigate threats to the national security. And the reporting obligation is limited to information about U.S. persons. I support this limited public reporting because I think it will provide valuable information for our public debate—but without revealing too much information about the FBI's use of this valuable tool and thus compromising its use.

I ask unanimous consent that the November 3 letter to Chairman SPECTER be printed in the RECORD.

There being no objection. the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 3, 2005.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN SPECTER: We are writing to express our concern about legislative language that we understand that you are considering adding to section 215 of the USA Patriot Act. the business-records provision of the Foreign Intelligence Surveillance Act. We have learned that you have discussed with Chairman Sensenbrenner the possibility of adopting in the final bill a modified version of the three-part test for "relevance" that was added to the Senate bill when it was marked up in the Judiciary Committee.

We believe that adding the three-part test to the final bill would be a serious mistake. We are deeply troubled by the complications that this language might cause for future anti-terrorism investigations. Given the continuing grave nature of the terrorist threat to the United States, and the complete absence of any verified abuses under the Patriot Act since it was enacted. we believe that congress should be strengthening, not diluting, the investigative powers given to United States intelligence agents. We would have great difficulty supporting a conference report that adds the three-part test to section 215.

As you know, §215 of the Patriot Act allows the FBI to seek an order from the FISA court for "the production of tangible things (including books, records, papers, documents, and other items) for an investigation to obtain foreign intelligence information." FISA defines "foreign intelligence" as information relating to foreign espionage, foreign sabotage, or international terrorism, or information respecting a foreign power that relates to U.S. national security or foreign policy.

Section 215 is basically a form of subpoena authority, albeit one whose use requires preapproval by a judge. As then-Deputy Attorney General Comey noted, "orders for records under [§215] are more closely scrutinized and more difficult to obtain than ordinary grand jury subpoenas. which can require production of the very same records, but without judicial approval." Similarly, the Washington Post has noted in an editorial regarding §215 that similar authority "existed prior to the Patriot Act; the law extends it to national security investigations, which isn't unreasonable."

Some critics of the Patriot Act have noted that it currently does not require a finding that a §215 order be relevant to a foreign-intelligence investigation. The Justice Department has conceded in litigation that a subpoena must be relevant to a legitimate investigation. and both the Senate and House bills add an explicit relevance requirement to the Patriot Act.

The final Senate bill goes further, however. The night before the committee mark up of the bill, a set of additional changes to the bill was proposed in order to address continuing Justice Department concerns and to appease the Democrats, who had filed in excess of 80 amendments to the bill. This final managers' amendment included, among other things, a three-part test for determining whether a §215 subpoena is, in fact, relevant to a foreign-intelligence investigation.

We appreciate the need to move this bill expeditiously and to avoid an extended debate over amendments in the Judiciary Committee. It had been our understanding, however, that the last-minute changes that were made to the bill in order to speed legislative progress would be re-evaluated in conference. And we believe that the three-part test that was added to §215 is unsound.

The three-part test, as we understand its latest iteration, would require the FBI to show, before a §215 subpoena may issue, that there are reasonable grounds to believe that the records that are sought either pertain to, are relevant to the activities of, or pertain to an individual in contact with or known to a suspected agent of a foreign power.

We have several questions about the language of the three-part test. To begin with the first part, what does it mean for information to "pertain" to a foreign power or its agent? How is this standard different from the traditional relevance test? Obviously, all foreign-intelligence information in some way relates to a foreign power—FISA expressly defines "foreign intelligence" in terms of foreign powers and their activities. Does all information that is relevant to a foreign-intelligence investigation therefore also "pertain" to a foreign power? If it does, what is the purpose of the three-part test? And if the two standards are not co-extensive. what investigations are blocked by the three-part test, and are these investigations something that we want to block?

Similarly, what is the scope of the "activities" of a suspected agent of a foreign power? Does it include activities in which one suspects that a foreign agent might generally be involved, without regard to a specific subset of dates, times, and locations? Also, has the FBI ever subpoenaed records in the course of an intelligence investigation that did not relate to the activities of a suspected foreign agent, but which nevertheless were relevant to a foreign-intelligence investigation? Also, are there likely scenarios that would meet the relevance test but that do not relate to the activities of a foreign power? If so, we should inform ourselves about these past cases and scenarios, and ask whether we would want to preclude an FBI investigation in those circumstances.

Finally, what does it mean for a person to be "in contact with" or "known to" a suspected foreign agent? Does "contact" require a showing of communication between the two, or mere association? If association is sufficient, must it be recurring? And if a single instance of association is sufficient, how long must that association last? Also, what is the purpose of the language requiring that the ultimate target of the subpoena be "known to" an agent of a foreign power? This language appears to preclude a subpoena if the FBI can show only that the foreign agent is known to the target, but not that the target is known to the foreign agent. Is this distinction intentional? Also, this part appears to bar investigations of targets who are seeking to make contact with a foreign power but have not yet consummated that contact. Do we want to bar the use of §215 in such circumstances?

Although we would hope that the three-part test would be construed broadly by the FISA court, we would expect that court to conclude that the test significantly retracts the permissible scope of FISA subpoenas. First, the court inevitably would assume that congress added the three-part test to the statute because it perceived a need to restrict the use §215. Further, the canon of statutory of construction that each part of a statute should be interpreted so that it has independent meaning also recommends a narrow interpretation of the three-part test. If each part of the three-part test is to have independent meaning, it must restrict investigations to a greater extent than does the relevance test. It thus seems to us inevitable that if we adopt the three-part test, that test will bar some significant subset of investigations that otherwise would be permitted by current law and the relevance test.

Just as important as the substantive limits created by the three-part test, however, are the bureaucratic burdens that it certainly will entail. One of the consistent lessons taught by all of the investigations of the failures that led the 9/11 attacks is that seemingly small or technical barriers can make a critical difference to the success of a terrorism investigation.

In two separate instances that we now know of, federal investigators were in close pursuit of 9/11 conspirators prior to the attacks and might have been able to uncover or even disrupt the plot. In each instance, however, these investigations were seriously—perhaps critically—undermined by bureaucratic barriers that few would have thought significant before 9/11. Several weeks before the attacks, federal agents in Minneapolis had arrested Zacarias Moussaoui and sought a FISA warrant to search his belongings, which we now know included the names of two 9/11 hijackers and a high-level organizer of the attacks who later was captured in Pakistan. The FBI was unable to obtain that warrant, however, because at the time FISA required that the target of the warrant be an agent of a foreign power—apparent lone-wolf terrorists such as Moussaoui, even when believed to be involved in international terrorism, could not be the target of a FISA warrant. Similarly, two weeks before the 9/11 attacks, federal agents learned that Khalid Al-Midhar, one of the eventual suicide pilots, was in the United States. Based on his past Al Qaeda associations, these agents understood that Al-Midhar was dangerous and they immediately initiated a search for him. These intelligence agents were barred from seeking assistance from the FBI's Criminal Division, however, because of the legal wall that at that time barred cooperation between intelligence and criminal investigators.

We understand that you and Chairman Sensenbrenner are considering adopting the three-part test as a permissive presumption, and that you would also allow the issuance of §215 orders that meet the relevance test but not the three-part test so long as those orders are subject to minimization procedures. Though such a system apparently would eventually allow any relevant investigation to go forward, its ultimate effect would be to greatly complicate the process of obtaining a §215 order. Current law simply requires a showing of relevance to an intelligence investigation. The proposed system, in addition to its alternative procedures and presumptions, introduces a host of legal issues discussed earlier. These issues not only will generate litigation, but will also produce considerable legal and operational aversion to the use of §215.

We think that it is inevitable that in some cases, agents will be dissuaded from or delayed in seeking a §215 subpoena by the burdens created by this proposed system. The risk may appear insignificant that these additional burdens would fatally undermine a critical anti-terrorism investigation. But again, the legal and technical barriers that seriously undercut the pre-9/11 Moussaoui and Al-Midhar investigations also must have seemed minor at that time. When agents are investigating a particular suspect, they typically will have no way of knowing if he is a lead to discovering a major terrorist conspiracy. Even the Moussaoui and Al-Midhar investigators could not have known the importance of their efforts. Thus even when a bureaucratic barrier can be overcome, it is easy to envision how it might cause investigators to abandon pursuit of one target in favor of competing targets, or to give that target a lower priority.

We appreciate that §215 has become controversial in the debate over the Patriot Act—that it is one of the few provisions specifically attacked by so-called civil liberties groups and in newspaper editorials. We understand the appeal of doing something that would appease these parties. Nevertheless, we believe that higher priorities must be given precedence in this case. Absent real evidence of abuse, we should not legislate on the basis of hypothetical scenarios. Our national-security investigators abide by the rules governing their conduct. We should provide them with all of the tools to do their jobs that are constitutionally available—especially when those tools already are available to agents conducting ordinary criminal investigations.

Few things would cause us greater regret than if another major terrorist attack were to occur on United States soil, and we were later to discover that procedural roadblocks that we had adopted in this conference report substantially impeded an investigation that might have prevented that attack. Again, we strongly urge you to oppose adding the proposed three-part test to §215 of the Patriot Act, and we note that we would have great difficulty supporting a conference report that includes such a provision.

Sincerely,

JON KYL,
U.S. Senator.
PAT ROBERTS,
U.S. Senator.
JEFF SESSIONS,
U.S. Senator.

Mr. CHAMBLISS. Mr. President, once again, I want to congratulate Chairman SPECTER and Chairman ROBERTS for their extraordinary work in forging a conference report on the reauthorization of the USA PATRIOT Act. I have previously expressed disappointment that many concessions were made during this process which I believe have resulted in a bill far weaker than the original PATRIOT Act which passed overwhelmingly in response to the terrorist attacks of 9–11 and which represented long-overdue modernization of our intelligence and criminal investigative techniques. Similarly, this bill is far weaker than that agreed to after the hard work of the House-Senate conferees.

Nevertheless, our failure to pass this important extension would once again relegate America's intelligence and criminal professionals to the dark ages of investigative techniques, shackle them with outdated constraints, and prevent them from finding and stopping those who are intent on murder, terror, and the ultimate annihilation of Western civilization.

Arguments against the PATRIOT Act have been largely, if not wholly, without factual basis. They are premised upon a misperception of what protects our liberties. For the last 5 years, it has been the PATRIOT Act which has, at once, helped to keep us safe and to protect our Constitutional rights and liberties. Those liberties have not been jeopardized by expanded governmental authority, but by violent attacks against our way of life by terrorists. Those who have systematically worked to weaken this important bill, and who, even now oppose it, have, in my view, lost site of that reality, whether intentionally or not.

The PATRIOT Act represented long-overdue reforms of both our criminal and intelligence investigative laws. It modernized outmoded and antiquated law enforcement provisions and provided for commonsense law enforcement at its best. The provisions of the PATRIOT Act have been responsibly and appropriately utilized by the dedicated men and women of Federal law enforcement and the intelligence community to accomplish amazing victories in the war on terrorism.

In my earlier statement in support of the conference report on December 19, 2005, I outlined in detail case after case in which provisions of the PATRIOT Act had been utilized to identify and successfully prosecute terror-criminals and to thwart terrorist plots designed to harm Americans. I will not recount those cases again here, but suffice it to say that the PATRIOT Act has, in very tangible ways kept us safe and free.

I therefore urge my colleagues to vote for this reauthorization, even as we work to remove the burdensome restrictions on law enforcement and intelligence professionals which have been imposed on them during this renewal process. We owe that much to them and to the future generations of the free peoples of the world. We must not shrink from that solemn obligation.

Ms. CANTWELL. Mr. President, I rise today to speak about the PATRIOT Act.

Like many of my colleagues, I am confronted with a very difficult decision. There are rarely easy answers in the Senate and today is no exception. The healthy debate we have had in this body over the last few days has been vigorous and valuable.

Today, we have a solemn obligation to protect our Nation from those who may bring terror into our homes. At the same time, we have a responsibility to respect our rights and honor our privacy. These principles are not mutually exclusive: we can and must achieve both.

This is one of the most significant pieces of legislation shaping our ability to resist and eliminate terrorist activity on our home front. Our actions today will have tremendous consequences in the lives of all Americans in months, years, and decades ahead.

I am proud that in the rush and passions surrounding this bill, I have worked with my colleagues to insist on a serious, patient, and transparent debate in the Senate as we strive to find the right balance between protecting our civil liberties and fighting terrorism.

Despite my reservations and after great deliberation, I support reauthorization today.

I believe that we must not allow the PATRIOT Act to expire. With new provisions and improved meaningful oversight secured at last, empower our national leaders and policy makers with the accountability, wisdom, and prudence to use this legislation's powers in a way that does not undermine the freedoms we seek to protect.

Under provisions of this conference report, the Federal Government must now provide public information on its use of intelligence gathering tools like national security letters and FISA warrants. What is more, this legislation provides for formal audits of these programs. We must play close attention in order to learn lessons of the past and prevent abuse in the future.

I will join my colleagues in strongly pursuing additional sunset provisions I believe should have been included in this bill, to give Congress the opportunity to reassess whether these tools are yielding the intended results in the war on terror.

We have already made some critical reforms to implement meaningful oversight. We have managed to get some of the most controversial provisions to sunset in another 4 years, despite the administration's desire to make them permanent. We have started with sunsets on the roving wiretaps and record requests from businesses and libraries. They are not enough, but they are a start.

Because of an important vote we took yesterday, we have removed America's libraries from the purview of national security letters. We're allowing recipients of records requests to challenge the gag orders on the requests and have removed disclosure requirements for the names of attorneys assisting with those challenges. We are seeing improvements on disclosure for "sneak and peek" warrants.

But I want to be clear, new powers must not be allowed to chip away at traditional privacy rights. We must closely watch how law enforcement uses these tools and be prepared to confront all abuses.

I believe that many provisions of the bill, particularly those sections dealing with electronic eavesdropping and computer trespass, remain seriously flawed and may infringe on civil liberties. And that is why I will continue our work to improve these protections even as we implement them.

At a time when we are making permanent broad powers for our law enforcement and intelligence communities without the full traditional safeguards of judicial review and congressional oversight my concerns have been exacerbated, truthfully, by the administration's explicit attempts to go around both the courts and the Congress with their wiretapping and secret listening posts.

So as the FBI and other agencies continue to expand and evolve, so will their powers. We will continue to ask who should be watching the watchers in oversight.

There is clearly more work to be done—Chairman ARLEN SPECTER and Ranking Member PAT LEAHY have worked together and are introducing legislation that addresses many of my outstanding concerns. I will be on that bill—we have made meaningful reforms.

I also want to thank Senator FEINGOLD for his continued dogged support for reform of this bill. I want him to know that I stand with him in the battle to gain further reforms.

Also included in this conference report is some good news for port security. Sadly, there is not the funding that we have repeatedly asked for from this administration—but at least new criminal penalties for smuggling goods through ports. There are tools to help crackdown further on money laundering overseas by terrorist organizations.

Finally, I am very pleased that the conference report includes essential and long overdue resources to combat our Nation's surging methamphetamine epidemic.

Meth, as a problem in our communities, will not simply disappear on its own. We must make it a top priority and work to end it together. That's why I had introduced similar legislation to address meth use, manufacture, and sale, and create a law regulating the commercially available products used to make meth, such as pseudoephedrine.

And that's why I am so glad to see the Combat Meth Act included in today's legislation. I was proud to cosponsor this legislation when Senators TALENT and FEINSTEIN introduced it, and I am pleased that it will be signed into law, providing comprehensive reforms and critical resources. The legislation enforces strict regulations and keeps records so that meth producers can't get their hands on those key ingredients. When a similar type of law was enacted in Oklahoma, it reduced meth lab busts in the state by 80 percent.

This legislation also provides valuable resources to State and local governments for law enforcement officials investigating and shutting down labs, investigating violent meth-related crimes, educating the public, and caring for children affected by the drug's scourge. The bill also confronts international meth trafficking new reporting and certification procedures.

My State, Washington, is sixth in the country in meth production. In 2004, 1337 meth lab sites were discovered in Washington State. That same year, 220 fatalities were linked to the drug. And we are first in the country, when it comes to the number of children found on raided sites. It is clear this is neither a small problem not an isolated one.

But these aren't just numbers. They are parents and children, individual people with terrible stories of struggle and addiction. Acting here and now, to fight this epidemic, we can provide the resources to and protect our Nation's families and communities.

The events of September 11 have changed our country and its people forever. We were attacked on our own soil. Thousands have died; thousands were injured. Very simply, we must do all that we can to stop terrorism by finding and ending terrorist activities here and abroad. Our challenge is to do this without compromising the values that make Americans so unique. They are the same values that have allowed our Nation to become great: respect for personal autonomy and the rights of the individual; and tolerance of all regardless of race or religion.

They are the values that have always guided our Nation's leaders. It was Benjamin Franklin who said essentially:

> Make sure we have our liberties. Make sure we protect the people from ourselves. Those who would give up their essential liberties for security deserve neither and get neither.

We must defend both.

We must maintain and take full advantage of meaningful oversight to ensure power is never abused. While I will vote for this bill, I will also continue to work to improve this bill. I will continue to be vigilant and urge those working defend and secure our Nation to use these powers wisely and with great deliberation.

Mr. KYL. Mr. President, I rise today to comment on section 507 of the USA PATRIOT Improvement and Reauthorization Act conference report. This section originates in a bill that I introduced earlier in this year, S. 1088, the Streamlined Procedures Act. Section 507 is based on subsections (b) through (e) of section 9 of S. 1088. My Arizona colleague, Representative FLAKE, took an interest in this matter and sought to offer this provision as an amendment to a court security and police-officer protection bill last November. Mr. FLAKE's version of the provision is printed in House Report 109-279; it made a number of improvements to the original version in section 9 of my bill. Section 507 of the present conference report reflects most of Mr. FLAKE's improvements, such as the simplification of the chapter 154 qualification standard, which obviates the need for separate standards for those States that make direct and collateral review into separate vehicles and those States with unitary procedures, and Mr. FLAKE's enhanced retroactivity provisions.

Mr. FLAKE already has commented on section 507 in an extension of remarks, at 151 CONG. REC. E2639-40, December 22, 2005. I will not repeat what he said there and will simply associate myself with his remarks. Instead, I would like to focus today on why section 507 is necessary.

Section 507 expands and improves the special expedited habeas-corpus procedures authorized in chapter 154 of the U.S. Code. These procedures are available to States that establish a system for providing legal representation to capital defendants on State habeas review. Chapter 154 sets strict time limits on Federal court action, bars consideration of claims that were not adjudicated in State court, and sharply curtails amendments to petitions. The benefits that chapter 154 offers to States that opt in to its standards are substantial. Currently, however, the court that decides whether a State is eligible for chapter 154 is the same court that would be subject to its time limits. Unsurprisingly, these courts have proven resistant to chapter 154. Section 507 places the eligibility decision in the hands of a neutral party—the U.S. Attorney General, with review of his decision in the U.S. Court of Appeals for the District of Columbia Circuit, which does not hear habeas petitions. Section 507 also makes chapter 154's deadlines more practical by extending the time for a district court to review and rule on a chapter 154 petition from 6 months to 15 months.

As I mentioned earlier, section 507 of the present conference report is based on section 9 of the Streamlined Procedures Act. The SPA and habeas reform have been the subject of multiple hearings in both the House and Senate during this Congress. In answers to written questions following their testimony at a July 13 hearing before the Senate Judiciary Committee, Arizona prosecutors John Todd and Kent Cattani provided detailed evidence of systematic delays in Federal habeas corpus review of State capital cases. Among the information that they provided was a comprehensive study undertaken by the Arizona Attorney General's Office of all capital cases in the State. This study examined the appeals of all prisoners currently on Arizona's death row—over 100 prisoners. Mr. Todd summarized the findings in his answers to written questions:

> [S]tatistical information based on Arizona's current capital cases in Federal court, and anecdotal information derived from Arizona's current and former capital cases substantiate the significant problem of delay and lack of finality for victims. The AEDPA has not solved this problem.
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> There are 76 Arizona capital cases pending in Federal court. This represents over two thirds of Arizona's pending capital cases. Although some cases were filed within the last few months, over half of the cases have been pending in Federal court five years or more. Of those, thirteen cases have been pending for seven years. Ten cases have been pending for eight years. Five cases have been pending for more than fifteen years.
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> The AEDPA was a major step in making Federal habeas review more reliable and speedy. However, the Supreme Court's reversals of the Ninth Circuit exemplify the unwillingness of some court cultures to obey this Congress' directives if there is any ambiguity in the law.

Mr. Todd also gave a summary of the extreme delays experienced by the State of Arizona on Federal habeas review:

> Only one of the 63 [Arizona death-penalty] cases filed under the AEDPA has moved from the Federal District Court to the Ninth Circuit. That case has been in the Ninth Circuit for over 5 years. Twenty-eight of Arizona's capital cases have been pending in District Court for between six and eight years.
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> [One Arizona death penalty case] has been on Federal habeas review for over 19 years. Two of those cases have been on Federal habeas review for over 18 years, one for over 16 years, another for over 14 years, still another for over 12 years. These cases alone establish a pattern of unreasonable delay. The [Arizona Attorney General's] report shows that these cases are not simply strange aberrations in an otherwise smooth functioning system of habeas review.

Mr. Todd concluded: "there is a serious problem of delay and lack of finality currently in Federal habeas review of state-court judgments, even after Congress' enactment of the AEDPA almost a decade ago. . . . Based on the attached review of the Arizona capital cases since enactment of the AEDPA, delay has not been eliminated or even reduced, rather it has been prolonged."

Similarly, in his answers to written questions, Kent Cattani, the Chief Counsel of the Capital Litigation Section of the Arizona Attorney General's Office, reviewed the Arizona Attorney General's study of Arizona capital cases and concluded as follows: "Federal habeas reform is necessary. After 9 years under the Anti-Terrorism and Effective Death Penalty Act of 1996 ("AEDPA"), it is clear that the Act did not eliminate or even reduce the problem of delay in the Federal habeas process."

Interestingly, although the Judicial Conference of the United States has uniformly opposed all Federal habeas reform—it even objected in writing to SPA Section 8(a)'s requirement that circuit courts decide habeas cases within 300 days after briefing is completed—in its September 26, 2005 letter to Chairman SPECTER regarding the SPA, the Conference itself provides substantial evidence of a growing backlog and delays in resolution of capital habeas petitions. The September 26 letter notes the following facts: From 1998 to 2002, the number of State capital habeas cases pending in the Federal district courts increased from 446 to 721. During the same period, the percentage of State capital habeas cases pending in the Federal district courts for more than 3 years rose from 20.2 percent to 46.2 percent; in the Federal courts of appeals, the number of pending State capital habeas cases rose from 185 to 284; and the median time from filing of a notice of appeal to disposition for State capital habeas cases increased from 10 months to 15 months.

It is noteworthy that all of these increases in backlog and delay have taken place after the enactment of the AEDPA in 1996—a law that some critics of habeas reform assert has solved all of the problems with Federal habeas.

At the most recent hearing on the Streamlined Procedures Act, before the Senate Judiciary Committee on November 16, Ron Eisenberg, Deputy District Attorney for Philadelphia, summarized the problems and delays with Federal habeas review that he encounters in the course of his work. He stated:

> I have served as a prosecutor for 24 years. I am the supervisor of the Law Division of the Philadelphia District Attorney's Office, a group of 60 lawyers. Many of those lawyers handle regular appeals in the Pennsylvania appellate courts. But more and more of our attorneys must devote themselves full time to Federal habeas corpus litigation. In the last decade, the number of lawyers employed exclusively on habeas work has increased 400%. Despite the limits supposedly imposed by law, the only certain limit on the Federal habeas process as it is currently administered is the expiration of the defendant's sentence.
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> But that leaves ample opportunity and motivation for litigation, because the cases that reach Federal habeas review involve the most dangerous criminals, who receive the most serious sentences—not just death penalties, but non-capital murders, rape, violent robberies and burglaries, brutal beatings, and shootings.
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> Too often, discussion of the proper scope of Federal habeas corpus review is really just a debate about the value of the death penalty, and the justness of imprisonment and punishment generally. To be sure, many Federal courts seem flatly unwilling to affirm capital sentences. In Pennsylvania, for example, almost every single contested death sentence litigated on habeas—over 20 cases in the last decade—has been thrown out by Federal judges; only one has been upheld.
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> But the primary problem is one of process, not results. The truth is that, whether or not they end up reversing a conviction, Federal habeas courts drag out litigation for years of utterly unjustifiable delay, creating exorbitant costs for the state and endless pain for the victims.

This data and testimony confirm what many capital litigators and judges have told me is, in their view, an obvious and uncontestable fact: the problems with Federal habeas corpus are systematic, they are severe, and they and are growing worse. Yet even this information does not really tell us why this problem matters—why ordinary people, rather than just civil servants and judges, should be concerned about the functioning of the Federal habeas system. For that information, it is necessary to look at the impact of the current habeas system on the surviving victims of violent crimes. The current system and the delays that it engenders, particularly in capital cases, often are grossly cruel to these individuals. The perpetual litigation of Federal habeas cases denies the surviving family of a murder victim closure—it forces them to continually relive the crime, rather than be able to put the terrible events behind them.

Two parents of murder victims testified at hearings in this Congress about how they have been treated by the Federal habeas system. Their testimony makes a compelling case that this system is broken and in need of reform. And it highlights why we should all be concerned. What these individuals and their families—people who had already suffered so much—have experienced at the hands of the Federal courts should offend every American.

The first witness to testify was Carol Fornoff, who addressed the House Judiciary Committee's Crime Subcommittee on June 7 of last year. Mrs. Fornoff's 13-year-old daughter, Christy Ann, was murdered in 1984. Almost every Arizonan who lived in the State at the time knows the name Christy Ann Fornoff. Christy's murder was an event that shattered people's sense of security, that made them afraid to let their children play outside or go out of their sight. I remember the case vividly. And I was stunned when I learned last year that the man who killed Christy, although sentenced to death by the State of Arizona, still is litigating his conviction and sentence in Federal court. His Federal proceedings began in 1992—14 years ago. Just think about how long ago 1992 is. President Bush's father was the President at the time. Bill Clinton was the Governor of Arkansas. Saddam Hussein's invasion of Kuwait is closer in time to that date than the U.S. invasion of Iraq is to today. And yet the case of Christy's killer remains in Federal court.

Mrs. Fornoff made a powerful case for why we should find this unacceptable. She described the suffering of her family, how this decades-long litigation has denied them closure. I do not think that anyone who heard Mrs. Fornoff's testimony would assert that there are no problems with the present system. Allow me to quote the main portion of Mrs. Fornoff's statement to the House Crime Subcommittee:

> My husband Roger and I are here today to tell you about our daughter, Christy Ann Fornoff. Christy was our youngest daughter. She was a loving child, very gentle. She often seemed to make friends with the kids at school who weren't so popular. She was very dear to us.
>
> In 1984, our family was living in Tempe, Arizona, and Christy was 13 years old. Christy and her brother Jason both held jobs as newscarriers for the Phoenix Gazette, a local newspaper. Roger and I believed that jobs like this would teach our children responsibility, while also helping them earn a little money.
>
> After dinner on Wednesday evening, May 9, 1984, both Christy and Jason had been invited to go jumping on trampolines. Jason went, but Christy had just had a cast removed from her ankle. Instead, she went to collect on newspaper subscriptions at an apartment complex near our house.
>
> Christy delivered papers at this complex every day, it was just two short blocks from our house. Nevertheless, it was getting dusk, so I went with Christy; she rode her brother's bike while I walked alongside with our little dog.
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> At the first apartment that Christy visited, I was stopped by a neighbor who wanted to talk about our cute dog. Christy went on to the next apartment alone, and I followed a few minutes later. When I got there, the bike was outside, but there was no Christy. I started calling her name, but there was no answer. Our dog started to get nervous. After a few minutes, I ran home, and came back with my daughter's boyfriend. I asked the people at the apartment that Christy had gone to if they had seen her, and they said yes, ten minutes ago, and that she had left. I knew that Christy wouldn't just leave her brother's bike there.
>
> I ran home again. My husband had just arrived at home and I told him that Christy was missing. He immediately called the police, and then he went to the apartment complex and began knocking on doors. Outside of one apartment, people standing nearby told us don't bother knocking on that door, that is the maintenance man, and he is looking for Christy. Shortly after, the maintenance man joined Roger in the search for Christy.
>
> That night, police helicopters with searchlights examined every corner of our neighborhood. Our son drove up and down every alley in the area on his motorcycle. Christy's newspaper-collections book was found over a fence near the apartment complex. But no one found Christy.
>
> Two days later, a policeman knocked at our door. Christy's body had been discovered wrapped in a sheet, lying behind a trash dumpster in the apartment complex. We were absolutely devastated. We had been hoping against hope, and couldn't believe that our beautiful daughter was dead.
>
> Christy's body was taken to a morgue so that an autopsy could be performed. On Sunday, which was Mother's day, we were finally able to view Christy's body at the funeral home. Mother's Day has never been the same for me since.
>
> Ten days after Christy's body was found, the maintenance man at the apartment complex—the same man who supposedly had been looking for her the night that she disappeared—was arrested for her murder. Christy had been sexually assaulted and suffocated. There was blood, semen, and hair on Christy's body that was consistent with that of the maintenance man. Vomit on Christy's face matched vomit in the maintenance man's closet. Fibers on Christy's body matched the carpet and a blanket in the maintenance man's apartment. And police found Christy's hair inside of the apartment. We knew who had killed our daughter.
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> In 1985, the maintenance man was convicted of Christy's murder and sentenced to death. The conviction was upheld in a lengthy opinion by the Arizona Supreme Court. The killer raised many more challenges, but his last state appeals were finally rejected in 1992. By that time, we already felt like the case had been going on a long time—it had been seven years. We couldn't imagine that the killer would have any more challenges to argue.
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> But in 1992, the killer filed another challenge to his conviction in the United States District Court. That challenge then remained in that one court for another 7 years! Finally, in November of 1999, the district court dismissed the case. But then a few years later, the Federal Court of Appeals for the Ninth Circuit sent the case back to the district court for more hearings. Today, the case remains before that same Federal district court.
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> It has now been over 21 years since Christy was murdered. By this fall, the case will have been in the Federal courts for longer than Christy was ever alive.
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> I cannot describe to you how painful our experience with the court system has been. I cannot believe that just one court took over 7 years to decide our case.
>
> Some might ask why we can't just move on, and forget about the killer's appeals. But it doesn't work that way. She was our daughter, our beautiful little girl, and he took her away. We want to know if he was properly convicted. We want to know, will his conviction be thrown out? Will there be another trial? I cannot imagine testifying at a trial again. And would they even be able to convict this man again? It has been 21 years. How many witnesses are still here, is all of the evidence even still available? Could this man one day be released? Could I run into him on the street, a free man—the man who assaulted and killed our little daughter? The courts have turned this case into an open wound for our family—a wound that has not been allowed to heal for 21 years.
>
> I understand that the Federal government has the right to create such a system. It can let the Federal courts hear any challenge to a state conviction, at any time, with no limits. My question to you, Mr. Chairman, is why would we want such a system? Why would we want a system that forces someone like me to relive my daughter's murder, again and again and again? My daughter's killer already litigated all of the challenges to his case in the state courts. Why should we let him bring all of the same legal claims again, for another round of lawsuits, in the Federal courts? Why should this killer get a second chance? My daughter never had a second chance.
>
> I understand that people are concerned about innocent people being behind bars, but that is not what my daughter's killer is suing about. Right now, the issue that is being litigated in the Federal courts is whether the trial court made a mistake by allowing the jury to hear that he told a prison counselor that he "didn't mean to kill the little Fornoff girl." He claims that the counselor was like his doctor, and that the statement is private, even though he said it in front of other prisoners. Earlier this year, a Federal court held a hearing on whether the killer had a right to prevent the jury from hearing about this statement. But the statement is irrelevant. Whether or not he said it, the evidence of his guilt—the hairs, the fibers, the bodily fluids—is overwhelming. The issue that the killer is suing about was already resolved before by the Arizona Supreme Court—over 17 years ago. Yet here we are, 21 years after my daughter died, arguing about the same legal technicalities.
>
> People might say that it is worth the cost to let the killer sue over every issue like this again and again. I don't think that it is worth the cost. When you and your colleagues are writing laws, Mr. Chairman, please think about people like me. Please think about the fact that every time that there is another appeal, another ruling, another hearing, I am forced to think about my daughter's death. Every time, I am forced to wonder, if only Christy hadn't had the cast on her ankle—if only she could have gone on the trampoline that evening, she would still be alive today. Every time that I hear a helicopter, I am terrified—I think of the police helicopters searching for Christy on the night that she disappeared. Every time that I hear a motorcycle, I think of my son, searching for Christy. Every time that the courts reopen this case, I am forced to wonder, why didn't I follow Christy to that second apartment—why did I let that neighbor stop me to talk? Every time, I am forced to

> think about how scared my little girl must have been when she died.
>
> I urge you, Mr. Chairman, to do what you can to fix this system. My family and I have forgiven our daughter's murderer. But we cannot forgive a justice system that would treat us this way.

Another witness who testified before Congress last year on the need for Federal habeas reform is Mary Ann Hughes of Chino Hills, CA. Mrs. Hughes's son Christopher, then 11 years old, was murdered in 1983. As in the Fornoff case, the killer was captured, convicted, and sentenced to death—and is still litigating his case in Federal court today. Mrs. Hughes testified before the House Judiciary Committee's Crime Subcommittee on November 10, 2005. This is what she said:

> Christopher was a beautiful little boy. He had just completed the fifth grade at a local Catholic school. His classmates later planted a tree in his memory at the school. Chris swam on the swim team and dreamed of swimming for the University of Southern California and being in the Olympics. He loved his younger brother, and in typical brotherly fashion would tease him one minute and be his best friend the next. Chris' younger brother is now 28-years-old. He has missed Chris every day since he was murdered. Our younger son was not yet born when Chris was murdered. I was pregnant during part of Cooper's trial with our third son. When he was born we gave him the middle name Christopher after the brother he never knew. Both boys have only in the last few years been able to face what happened to their brother. As the years have passed, we are reminded that Chris never got to finish grammar school, go to a prom, marry, have children of his own, or pursue his dreams.
>
> On Saturday, June 4, 1983, Chris asked me for permission to spend the night at the home of his friend, Josh Ryen. We lived in what was then a very rural neighborhood. Josh was the only boy nearby who was really close to Chris's age and so they formed a bond. We were good friends with Josh's parents, Doug and Peggy Ryen. The Ryens lived just up the road from our home with their 10-year-old daughter Jessica and eight-year-old Josh. The last time I saw Chris alive he and Josh were riding off on their bicycles toward Josh's house. They were excitedly waving because they were so happy I had given Chris permission to spend that night with Josh. The only thing Chris had to remember was to be home Sunday in time for church. The next time I saw Chris was in a photograph on an autopsy table during Cooper's preliminary hearing.
>
> Unbeknownst to anyone, Cooper had been hiding in a house in Chino Hills just 126 yards from the Ryen's home. He had escaped two days earlier from a minimum security facility at a nearby prison. When Cooper was arrested for burglary in Los Angeles he used a false identity. His identity and criminal past should have caught up with him before he was wrongly assigned to the minimum security portion of the prison. The prison, however, mishandled the processing of an outstanding warrant for Cooper for escape from custody in Pennsylvania. He was being held pending trial for the kidnap and rape of a teenage girl who interrupted him while he was burglarizing a home. While staying at the hide-out house near the Ryens, Cooper had been calling former girlfriends, trying to get them to help him get out of the area. A manhunt was under way for Cooper, but the rural community surrounding the prison was never notified of the escape.
>
> The failure of the California prison-system to protect the surrounding community from a dangerous felon marked the beginning of our family and community's being let down by our government. Within a few hours of Cooper's escape, prison officials realized who Cooper was and how dangerous he was. Nevertheless, they still failed to alert the community that he was at large. Our frustration and disappointment with our government's failings has only grown since that time as Cooper's case continues to wind its way down a seemingly endless path through our judicial system.
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> The morning following the murders, I remember being mad at Chris because he had not arrived home on time as promised so we could attend church. Then my anger turned to worry. I sent my husband Bill up to the Ryen home. He saw that the horses had not been fed, and that the Ryen station wagon was gone.
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> Uncharacteristically, the kitchen door was locked, so my husband walked around the house. He looked inside the sliding glass door of the Ryen's master bedroom. He saw blood everywhere. Peggy and Chris were lying on the ground and Josh was lying next to them, showing signs of life but unable to move. My husband could not open the sliding glass door, so he ran and kicked open the kitchen door. As he went into the master bedroom, he found 10-year-old Jessica lying on the floor in fetal position in the doorway, dead. He saw Doug and Peggy nude, bloodied, and lifeless. When he went to our son Chris, he was cold to the touch. Bill then knew that Christopher was dead.
>
> My husband then forced himself to have enough presence of mind to get help for Josh, who miraculously survived despite having his throat slit from ear to ear. Josh, only eight years old, lay next to his dead, naked mother throughout the night, knowing from the silence and from the smell of blood that everyone else was dead. He placed his fingers into his throat, which kept him from bleeding to death during the 12 hours before my husband rescued him.
>
> Everyone inside the home had been repeatedly struck by a hatchet and attacked with a knife. Christopher had 25 identifiable wounds made by a hatchet and a knife. Many of them were on his hands, which he must have put against his head to protect himself from Kevin Cooper's blows. Some were made after he was already dead. No one should know this kind of horror. That it happened to a child makes it even worse.
>
> The killer had lifted Jessica's nightgown and carved on her chest after she died. The killer also helped himself to a beer from the Ryen's refrigerator. We wondered what kind of monster would attack a father, mother, and three children with a hatchet, and then go have a beer. That question has long since been answered, but 22 years later we are still waiting for justice.

The escaped prisoner who committed this crime was caught 2 months later. He admitted that he had stayed in the house next door but denied any involvement in the murders. According to the California Supreme Court, however, the evidence of defendant's guilt was "overwhelming." Not only had the defendant stayed at the vacant house right next door at the time of the murders: the hatchet used in the murders was taken from the vacant house; shoe prints in the Ryen house matched those in the vacant house and were from a type of shoe issued to prisoners; bloody items, including a prison-issue button, were found in the vacant house; prison-issue tobacco was found in the Ryen station wagon, which was recovered in Long Beach; and the defendant's blood type and hair matched that found in the Ryen house. The defendant was convicted of the murders and sentenced to death in 1985, and the California Supreme Court upheld the defendant's conviction and sentence in 1991.

The defendant's Federal habeas proceedings began shortly thereafter, and they continue to this day—23 years after the murders. In 2000, the defendant asked the courts for DNA testing of a blood spot in the Ryen house, a t-shirt near the crime scene, and the tobacco found in the car. Despite the overwhelming evidence of his guilt, the courts allowed more testing. All three tests found that the blood and saliva matched the defendant, to a degree of certainty of 1 in 310 billion. Blood on the t-shirt matched both the defendant and one of the victims.

Mrs. Hughes went on to describe, in her November 10 testimony, the impact of this crime and the attenuated legal proceedings on her family:

> "While I know that Cooper is the one who murdered my son, I will always bear the guilt of having given Chris permission to spend the night at the Ryen's house. I will always feel responsible for sending my husband to find the bodies of our son and the Ryen family. It is a guilt similar to the guilt that Josh feels to this day because he had begged me to let Chris spend the night. He thinks that Chris would still be alive if he had not spent the night. Of course, Cooper is responsible for all the pain and suffering that he inflicted that night and the continued pain that has followed, but it does not help stop the pain and guilt. Kevin Cooper is still here over 22 years later—still proclaiming his innocence and complaining about our judicial system.
>
> As Josh explained when he finally got a chance to speak to the Judge about how he has been affected by Cooper's crimes: Cooper never shuts up. We continually get to hear more bogus claims and more comments from Cooper and his attorneys. Over the years I have learned to know when something has happened in Cooper's never-ending legal case: the calls from the media start up again, or, at times, the media trucks just park in front of our house. We have no opportunity to put this behind us—to heal or to try to find peace—because everything is about Cooper. Our system is so grotesquely skewed to Cooper's benefit and seemingly incapable of letting California carry out its judgment against him.
>
> [The] judicial system so out of balance in favor of the convicted that it literally enables them to victimize their victims and their families all over again through the Federal judicial system. We understood the rights of an accused and that Cooper's rights took precedence over ours as he stood trial. His trial was moved to another County because of the publicity surrounding the horrendous crimes. I had to drive a long distance to another county to watch the trial as

> it could not take place in our County. Cooper's defense attorney spent an entire year preparing to defend Cooper at trial. Everything was about Cooper's rights and none of our sensibilities or concerns could be dignified because Cooper had to have a fair trial. We understood and we waited for justice. In California, Cooper's appeal was automatic because he had received the death penalty for his crimes. The appeal took six years to conclude. We understood the need for a thorough appeal and we waited for justice.
>
> By 1991, Cooper had received a fair trial and his appeal had been concluded. The California Supreme Court aptly observed that the evidence against Cooper, both in volume and consistency, was "overwhelming". Since then, we have waited and watched as the United States Supreme Court has denied Cooper's eight petitions for writ of certiorari and two petitions for writ of habeas corpus, and the California Supreme Court has denied Cooper's seven habeas corpus petitions and three motions to reopen Cooper's appeal. The Ninth Circuit affirmed the denial of Cooper's first Federal habeas petition, and denied him permission to file a successive petition in 2001, and again in 2003. But then, on Friday night, February 6, 2004, Cooper's attorneys filed an application with the Ninth Circuit requesting permission to file a successive habeas petition.
>
> A three-judge panel of the Ninth Circuit denied Cooper's application to file a successive petition on Sunday, February 8, 2004. Cooper was scheduled to be executed at one minute after midnight on Tuesday, February 10, 2004. On Monday, February 9, 2004, my husband and I made the trip to Northern California from our home in Southern California. Relatives of the extended Ryen family flew in from all over the Country. Josh Ryen, now 30, left for dead at the age of eight, his entire immediate family murdered, drove hundreds of miles to reach the prison to witness the execution of Cooper. We all expected that finally, this case would be brought to a close.

Mrs. Hughes went on to describe, however, how on the eve of the execution, the en banc Ninth Circuit Court of Appeals sua sponte reviewed the denial of the petitioner's successive petition application and reversed the three-judge panel. The en banc decision stayed the killer's execution and permitted him to pursue a second round of Federal habeas corpus litigation. This second round still is going on today—15 years after the California Supreme Court affirmed the conviction and sentence, and 23 years after the murders.

Section 2244(b)(3)(E) of title 28 states that "[t]he grant or denial of an authorization by a court of appeals to file a second or successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari." To us lesser lawyers, this provision might seem like it means that there shall be no en banc review of the three-judge panel's denial of the application. But the enlightened jurists of the Ninth Circuit have discovered that although subparagraph (E) bars the habeas petitioner from appealing the denial, the en banc court remains free to sua sponte grant review. Some might find it strange that Congress would have intended to bar the en banc courts of appeals from considering a case on the basis of a party's appeal and adversarial briefing, but intended to allow the same courts to hear the same case without a request for review and with no briefing. Typically, briefing is regarded as aiding a court's consideration of a case. Of course, the losing habeas petitioner typically does seek en banc review of the denial of the successive-petition application and file a brief in support of his request. I suppose that we are to trust that the en banc court of appeals does not read that brief, or that if it does so, it puts the brief out of its collective mind so that it might act "sua sponte" when it votes on whether to go en banc, lest its actions otherwise appear to violate subparagraph (E)'s clear command that the denial of the application is not "appealable."

In this case, I am prepared to believe that the judges did not read the briefs. Despite DNA evidence that linked the habeas petitioner to the murder scene to a degree of certainty of 1 in 310 billion, the en banc Ninth Circuit determined that the petitioner met section 2244's requirement that he present "clear and convincing evidence that . . . no reasonable factfinder would have found [him] guilty of the underlying offense." The Ninth Circuit's theory was that the police might have planted the blood evidence. As Mrs. Hughes noted in her November 10 testimony, however:

> Of course, Cooper could not explain how or why police would plant a minute amount of blood on the t-shirt only to never use it as evidence against him at trial. Moreover, this evidence had been in police custody since 1984. Apparently, these supposed rogue police officers also anticipated the development of the Nobel Prize-winning science that would enable Cooper to have the blood tested for DNA. Cooper also could not explain how the police could have planted his blood at the crime scene within a few hours of discovering the bodies, while he was still at large.

The Ninth Circuit first granted sua sponte en banc review of the denial of a successive-petition application in the case of *Thompson* v. *Calderon*, 120 F.3d 1045, 9th Cir. 1997, a decision with other procedural irregularities so glaring that the Supreme Court did not even notice this aspect of the decision when it took it up and reversed. *Calderon* v. *Thompson*, 523 U.S. 538, 1998. The Sixth Circuit subsequently copied Thompson, thus allowing the Ninth Circuit to attribute this practice to other circuits when it again applied it in the case of the killer of Mary Ann Hughes's son. Section 8(b) of the Streamlined Procedures Act would prevent the Ninth Circuit from doing this in the future. Unfortunately, I was unable to have that provision included in this conference report. I will try again in the future.

This year, it will have been 23 years since Christopher Hughes and Doug, Peggy, and Jessica Ryen were murdered. In 2004, after the Ninth Circuit authorized another round of litigation, a local newspaper described the impact of this crime and the ensuing years of appeals on the surviving family of the victims:

> For nearly 20 years, since convicted murderer Kevin Cooper was sentenced to death for the 1983 slayings of a Chino Hills family and their young houseguest, families of the victims have waited silently for the day the hand of justice would grant them peace.
>
> For those families, the last two decades have seemed like an eternity.
>
> I lived through a nightmare," said Herbert Ryen, whose brother Douglas Ryen was among those killed, along with Douglas' wife Peggy, their 11-year-old daughter Jessica, and her 10-year-old friend Christopher Hughes.
>
> [O]n the morning of Feb. 9, [2004,] the day of Cooper's scheduled death by lethal injection, word came down that the 9th U.S. Circuit Court of Appeals had decided to block the execution.
>
> [T]o the Ryen and Hughes families, the stay just hours before Cooper's scheduled execution at San Quentin State Prison was nearly incomprehensible. The indefinite delay has left them in a sort of emotional limbo, questioning whether the legal system had abandoned them.
>
> The bottom line is that this whole issue is not about Kevin Cooper . . . it is about the death penalty," said Mary Ann Hughes, the mother of Christoper Hughes. "We're so mad—mad because we feel as though the courts turned their back on my son."
>
> They (Court of Appeals) are holding us hostage," Hughes said.
>
> For Herbert Ryen and his wife Sue, waiting for justice has taken an equally destructive toll on their lives. The torment their family experienced following the murders, and the subsequent years lost to depression, could never be replaced, he said from his home in Arizona.
>
> Mary Ann Hughes said the pain her family suffers is only amplified by the seemingly continuous bombardment of celebrities campaigning against Cooper's execution. She wonders who will cry out in anger for the victims.
>
> One former television star and anti-death penalty activist, Mike Farrell of the popular series MASH, spoke of the case on a recent news program.
>
> "He claimed that we must feel relieved since the stay of execution was granted," Hughes said. "How can (Farrell) have the audacity to say he knows what we are feeling?"
>
> Farrell could not be reached for comment.
>
> Since Christopher's death, the Hughes family has chosen to remain out of the media spotlight. And until recently, their efforts were successful, due largely to the support of their surviving children, family members and a strong network of close friends, Hughes said.
>
> The court's decision Feb. 9 has re-opened the case, forcing the families to re-live the nightmare they have fought so hard to leave behind, they say.
>
> Mary Ann Hughes is left wondering about other families who have had loved ones taken from them, about the legal battles they have had to endure in their own quests for justice.
>
> She thinks of the parents of Samantha Runion, the 5-year-old Orange County girl who was murdered in 2003, and of what her family could face in the next 20 years.
>
> For Bill Hughes, the anguish is intensified—he will forever know the pain of walking into the Ryens' home the morning after

> the murders, and finding his son, dead and covered in blood near the Ryens' bedroom door. He was also the first to discover Joshua Ryen, also drenched in blood, clinging to life.
>
> "It is a memory he will always have to live with," Mary Ann Hughes said.
>
> Indeed, time has been no friend to the victims' families, as California's recent appellate court ruling has further denied them closure, she added.
>
> "What this decision has done to our legal system in California is unthinkable," she said. "Somewhere along the line, the courts have got to uphold the law, and we will wait it out until they do." (Sara Carter, "Families of Murder Victims Wait for Justice in Cooper Case," Inland Valley Daily Bulletin, February 24, 2004.)

The impact of this litigation on Mary and Bill Hughes and Herbert and Sue Ryen alone makes the handling of this case indefensible. No one, however, has borne the weight of our system of Federal collateral review more heavily in this case than has the one surviving victim of the June 4, 1983 attack. Josh Ryen was 8 years old when he was stabbed in his parents' bedroom and his parents and sister were murdered. He had been Christopher Hughes's neighbor and best friend. As of last year, however, Mary and Bill Hughes had not seen Josh since he was airlifted by helicopter from the scene of the murders to Loma Linda University hospital. Then on April 22, 2005, Josh Ryen appeared at the latest Federal habeas corpus hearing for the man who killed his family. He is now 30 years old. Pursuant to the recently enacted Crime Victims' Rights Act, he gave a brief statement before the court. I will quote Josh Ryen's statement in its entirety:

> The first time I met Kevin Cooper I was 8 years old and he slit my throat. He hit me with a hatchet and put a hole in my skull. He stabbed me twice, which broke my ribs and collapsed one lung. I lived only because I stuck four fingers in my neck to slow the bleeding, but I was too weak to move. I laid there 11 hours looking at my mother who was right beside me.
>
> I know now he came through the sliding glass door and attacked my dad first. He was lying on the bed and was struck in the dark without warning with the hatchet and knife. He was hit many times because there is a lot of blood on the wall on his side of the bed.
>
> My mother screamed and Cooper came around the bed and started hitting her. Somehow my dad was able to struggle between the bed and the closet but Cooper bludgeoned my father to death with the knife and hatchet, stabbing him 26 times and axing him 11. One of the blows severed his finger and it landed in the closet.
>
> My mother tried to get away but he caught her at the bottom of the bed and he stabbed her 25 times and axed her 7.
>
> All of us kids were drawn to the room by mom's screams. Jessica was killed in the doorway with 5 ax blows and 46 stabs. I won't say how many times my best friend Chris was stabbed and axed, not because it isn't important, but because I don't want to hurt his family in any way, and they are here.
>
> After Cooper killed everyone, and thought he had killed me, he went over to my sister and lifted her shirt and drew things on her stomach with the knife. Then he walked down the hallway, opened the refrigerator, and had a beer. I guess killing so many people can make a man thirsty.
>
> I don't want to be here. I came because I owe it to my family, who can't speak for themselves. But by coming I am acknowledging and validating the existence of Kevin Cooper, who should have been blotted from the face of the earth a long time ago. By coming here it shows that he still controls me. I will be free, my life will start, the day Kevin Cooper dies. I want to be rid of him, but he won't go away.
>
> I've been trying to get away from him since I was 8 years and I can't escape. He haunts me and follows me. For over 20 years all I've heard is Kevin Cooper this and Kevin Cooper that. Kevin Cooper says he is innocent, Kevin Cooper says he was framed, Kevin Cooper says DNA will clear him, Kevin Cooper says blood was planted, Kevin Cooper says the tennis shoes aren't his, Kevin Cooper says three guys did it, Kevin Cooper says police planted evidence, Kevin Cooper gets another stay from another court and sends everyone off on another wild goose chase.
>
> The courts say there isn't any harm when Kevin Cooper gets another stay and another hearing. This just shows they don't care about me, because every time he gets another delay I am harmed and have to relive the murders all over again. Every time Kevin Cooper opens his mouth everyone wants to know what I think, what I have to say, how I'm feeling, and the whole nightmare floods all over me again: the barbecue, me begging to let Chris spend the night, me in my bed and him on the floor beside me, my mother's screams, Chris gone, dark house, hallway, bushy hair, everything black, mom cut to pieces saturated in blood, the nauseating smell of blood, eleven hours unable to move, light filtering in, Chris' father at the window, the horror of his face, sound of the front door splintering, my pajamas being cut off, people trying to save me, the whap whap of the helicopter blades, shouted questions, everything fading to black.
>
> Every time Cooper claims he's innocent and sends people scurrying off on another wild goose chase, I have to relive the murders all over again. It runs like a horror movie, over and over again and never stops because he never shuts up. He puts PR people on national television who say outrageous things and then the press wants to know what I think. What I think is that I would like to be rid of Kevin Cooper. I would like for him to go away. I would like to never hear from Kevin Cooper again. I would like Kevin Cooper to pay for what he did.
>
> I dread happy times like Christmas and Thanksgiving. If I go to a friend's house on holidays I look at all the mothers and fathers and children and grandchildren and get sad because I have no one. Kevin Cooper took them from me.
>
> I get terrified when I go into any place dark, like a house before the lights are on. I hear screams and see flashbacks and shadows. Even with lights on I see terrible things. After I was stabbed and axed I was too weak to move and stared at my mother all night. I smelled this overpowering smell of fresh blood and knew everyone had been slaughtered.
>
> Every day when I comb my hair I feel the hole where he buried the hatchet in my head, and when I look in the mirror I see the scar where he cut my throat from ear to ear and I put four fingers in it to stop the bleeding which, they say, saved my life. Every year I lose hearing in my left ear where he buried the knife.
>
> Helicopters give me flashbacks of life flight and my Incredible Hulks being cut off by paramedics. Bushy hair reminds me of the killer. Silence reminds me of the quiet before the screams. Cooper is everywhere. There is no escape from him.
>
> I feel very guilty and responsible to the Hughes family because I begged them to let Chris spend the night. If I hadn't done that he wouldn't have died. I apologize to them and especially to Mr. Hughes for having to find us and see his son cut and stabbed to death.
>
> I thank the judge who gave my grandma custody of me because she took good care of me and loves me very much.
>
> I'm grateful to the ocean for giving me peace because when I go there I know my mother and father and sister's ashes are sprinkled there.
>
> Kevin Cooper has movie stars and Jesse Jackson holding rallies for him, people carrying signs, lighting candles, saying prayers. To them and you I say:
>
> I was 8 when he slit my throat,
> It was dark and I couldn't see.
> Through the night and day I laid there, trying to get up and flee.
> He killed my mother, father, sister, friend,
> And started stalking me.
> I try to run and flee from him but cannot get away,
> While he demands petitions and claims, some fresh absurdity.
> Justice has no ear for me nor cares about my plight, while crowds pray for the killer and light candles in the night.
> To those who long for justice and love truth which sets men free. When you pray your prayers tonight, please remember me.

Even those who oppose capital punishment—who would like to see it abolished—should not support a system that treats the victims of violent crimes in this way. Creating a fair, efficient, and expeditious system of Federal habeas review should be a bipartisan cause. Indeed, it was President Clinton who noted after the enactment of the 1996 AEDPA reforms that "it should not take eight or nine years and three trips to the Supreme Court to finalize whether a person in fact was properly convicted or not."

I believe that section 507 of the PATRIOT Reauthorization Act, by extending the benefits of chapter 154 to States that provide counsel to capital defendants on postconviction review, will help to achieve that goal. In *Murray* v. *Giarratano*, 492 U.S. 1, 1989, the Supreme Court held that States are not constitutionally required to provide counsel in State postconviction proceedings, even in capital cases. In AEDPA, Congress added chapter 154 to title 28 of the United States Code, offering the States an incentive to provide qualified counsel in such proceedings. Among the incentives was an expedited process, with time limits on both the district courts and the courts of appeals.

AEDPA left the decision of whether a State qualified for the incentive to the same courts that were impacted by the time limits. This has proved to be a mistake. Chapter 154 has received an extremely cramped interpretation, denying the benefits of qualification to

States that do provide qualified counsel and eliminating the incentive for other States to provide counsel. In *Ashmus* v. *Woodford*, 202 F.3d 1160, 2000, the Ninth Circuit held that California did not qualify because its competency standards were in the State's Standards of Judicial Administration rather than its Rules of Court, a hypertechnical reading of the statute. In *Spears* v. *Stewart*, 283 F.3d 992, 1018, 2001, the Ninth Circuit held that even though Arizona had established a qualifying system and even though the State court had appointed counsel under that system, the Federal court could still deny the State the benefit of qualification because of a delay in appointing counsel.

Section 507 of this bill abrogates both of these holdings and removes the qualification decision to a neutral forum. Under new section 2265, the Attorney General of the United States will decide if a State has established a qualifying mechanism, and that decision will be reviewed by the D.C. Circuit, the only Federal circuit that does not handle State-prisoner habeas cases and therefore is not impacted by the qualification decision. The requirements for certification are removed from section 2261(b) and placed in the new section 2265(a). The "statute or rule of court" language construed so severely by Ashmus is removed, allowing the States flexibility on how to establish the mechanism within the State's judicial structure. There is no longer any requirement, express or implied, that any particular organ of government establish the mechanism for appointing and paying counsel or providing standards of competency—States may act through their legislatures, their courts, through agencies such as judicial councils, or even through local governments.

Once a State is certified as having a qualifying mechanism, chapter 154 applies to all cases in which counsel was appointed pursuant to that mechanism, and to cases where counsel was not appointed because the defendant waived counsel, retained his own, or had the means to retain his own. "Pursuant" is intended to mean only that the State's qualifying mechanism was invoked to appoint counsel, not to empower the Federal courts to supervise the State courts' administration of their appointment systems. Paragraph (a)(3) of new section 2265 forbids creation of additional requirements not expressly stated in the chapter, as was done in the Spears case.

When section 507 was being finalized, I and others were presented with arguments that some mechanism should be created for "decertifying" a State that has opted in to chapter 154 but that allegedly has fallen out of compliance with its standards. I ultimately concluded that such a mechanism was unnecessary, and that it would likely impose substantial litigation burdens on the opt-in States that would outweigh any justification for the further review. The States are entitled to a presumption that once they have been certified as chapter-154 compliant, they will substantially maintain their counsel mechanisms. After all, to this day, both California and Arizona have kept up their postconviction counsel mechanisms and standards since the late 1980s and the mid-1990s, respectively, even though neither State has ever received any benefits under chapter 154. This history alone suggests that it is unnecessary to provide a mechanism for "decertification" of States that have opted in. Moreover, if such a means of post-opt-in review were created, it inevitably would be overused and abused. In my home State of Arizona, defense attorneys in the past have boycotted the 154 system. The Ninth Circuit later used the delays in appointing chapter 154 counsel stemming from this boycott as grounds for denying Arizona the benefits of chapter 154 in the Spears case. In light of this history, I thought it best to create a system of one-time certification, with no avenues to challenge or attempt to repeal the State's continuing chapter-154 eligibility. The consequences of opting in to chapter 154 should not be perpetual litigation over the State's continuing eligibility. Even if defense lawyers in Arizona do boycott the State's system again, the resultant delays in appointing counsel are unlikely to prejudice their clients, who typically want delay in the resolution of their cases. And the occasional case where such delay might prejudice a petitioner simply is not worth the cost of creating opportunities to force the State to continually litigate its chapter 154 eligibility. Therefore, under section 507, once a State is certified for chapter 154, that certification is final. There is no provision for "decertification" or "compliance review" after the State has been made subject to chapter 154.

The incentive for a State to try to satisfy chapter 154's counsel requirement is the array of procedural benefits that 154 provides to States defending capital convictions and sentences on Federal habeas. Section 2266 applies a series of deadlines for court action on chapter 154 applications: district courts will be required to rule on such applications 15 months after they are filed.

Allow me as an aside to describe some of the back history of this particular deadline. Current pre-conference-report law gives district courts only 180 days to rule on a 154 petition. This probably is not enough time for district courts to rule on these cases, even with the streamlining provided by the rest of chapter 154. Nor was this reality obscure to Congress in 1996. I worked on developing this provision in my first year in the Senate, in cooperation with the Arizona Attorney General's Office and then-California Attorney General Dan Lungren, among others. The bill's managers initially adopted a 180-day deadline as a bargaining position, but had always intended to extend this limit to 1 year. Unfortunately, at a certain point in the legislative process, other participants decided that they would object to making any change whatsoever to the AEDPA, even to correct scrivener's or grammatical errors—or to liberalize this deadline. Thus we ended up with 180 days. In order to avoid imposing impossible burdens on the district courts, I proposed extending this deadline to 15 months in the SPA, and this extension has been included in section 507. I likely would receive a cool reception from Chief Judge McNamee upon my next visit to the Phoenix Federal courthouse had section 507 given Arizona access to chapter 154 without at least somewhat liberalizing this particular deadline.

Other relevant deadlines imposed by section 2263 are that the court of appeals must rule on a case 120 days after briefing has been completed. That court also must rule on a petition for rehearing and suggestion for rehearing en banc within 30 days of the filing of the petition and any reply. And if the court grants rehearing or goes en banc, it must decide the case within 120 days of doing so.

These deadlines are created by chapter 154 for a reason. In too many cases, Federal courts' resolution of capital habeas petitions has been unreasonably slow. In the Fornoff case, for example, the petition remained before the Federal district court from 1992 to 1999, and that court did not even hold an evidentiary hearing in the case during that time. And this is far from the most extreme example of habeas delay. At the end of her written testimony before the House Crime Subcommittee, Mrs. Fornoff included several examples of other cases involving habeas petitioners who had murdered children and whose Federal habeas proceedings have been unconscionably delayed. All of these examples involved delays in the district courts much longer than the 7-year delay in the case of the man who killed Christy Ann Fornoff: the several cases that Mrs. Fornoff described had remained before one Federal district court for periods of 10 years, 12 years, 13 years, and in one case, for 15 years. I quote the portion of Mrs. Fornoff's testimony describing these cases:

> Benjamin Brenneman [was] 12 years old [when he was killed in] 1981. This case is surprisingly similar to my daughter's case. Benjamin also was a newspaper carrier, and also was kidnaped, sexually assaulted, and killed while delivering newspapers at an apartment complex. Benjamin's killer tied him up in a way that strangled him when he moved. Police began by questioning a man in the building who was a prior sex offender. They found Benjamin's special orthopedic sandals in his

apartment. When they interviewed him, he admitted that he kidnaped Benjamin, but claimed that "he was alive when I left him." Police found Benjamin's body in a nearby rural area the next day. (More information about the case is available in the court opinion for the State appeal, *People* v. *Thompson*, 785 P.2d 857.)

Benjamin's killer was convicted and sentenced to death. After the State courts finished their review of the case, the killer filed a habeas corpus petition in the Federal District Court in 1990. Today, 15 years later, the case is still before that same court. In 15 years, the district court still has not ruled on the case! To put the matter in perspective, so far, and with no end in sight, the litigation before that one district court has outlived Benjamin by three years. This is simply unconscionable.

Michelle and Melissa Davis [were] ages 7 and 2 [when they were murdered in] 1982. An ex-boyfriend of the sister of Kathy Davis took revenge on the sister for breaking off their relationship by killing Kathy's husband and her two young daughters, Michelle and Melissa. The killer confessed to the crime. The State courts finished their review of the case in 1991. (*People* v. *Deere*, 808 P.2d 1181.) The next year, the defendant went to the Federal District Court. He remained there for the rest of the decade, until 2001. When he lost there, he appealed, and in 2003, the Federal Court of Appeals for the Ninth Circuit sent the case back to the district court for another hearing. Today, 14 years after State appeals were completed, and 23 years after Michelle and Melissa were taken from their mother, the case remains before the same district court.

Vanessa Iberri [was] 12 years old [when she was killed in] 1981. Vanessa and her friend Kelly, also 12 years old, were both shot in the head while walking through a campground in 1981. Kelly survived, but Vanessa did not. The killer did not dispute that he shot the two girls. (The case is described in *People* v. *Edwards*, 819 P.2d 436.) The State courts finished their review of the case in 1991—already a long time. The killer then went to Federal court in 1993. The Federal District Court finally held an evidentiary hearing in December 2004, and dismissed the case in March of this year. Just now, 12 years after the case entered the Federal courts, and 24 years after the murders occurred, the appeal to the Federal Court of Appeals is just beginning.

Michelle Melander [was] 5 months old [when she was murdered in] 1981. Michelle, who was just a five-month-old baby, and her brother Michael, then 5 years old, were kidnaped in Parker, Arizona, in July 1981. The killer dropped off Michael along the road. Michelle's body was discovered six days later at a garbage dump several miles down the same road. She had been severely beaten and sexually mutilated. The State court opinion describes the many injuries that this helpless baby suffered. The man who committed this horrific crime later attempted to kidnap and rape a 10-year-old girl.

State courts finished their review of his case in 1991. (*People* v. *Pensinger*, 805 P.2d 899.) The case then went to Federal District Court in 1992. The defendant raised new claims that he had never argued in state court, so the Federal court sent the case back to state court. Five years later, the case returned to Federal court. Today, the case remains before the same Federal District Court where the Federal appeals began in 1992. Baby Michelle would be 24 years old now if she had lived, and there is no end in sight for her killer's appeals.

Other examples of extreme delays on Federal habeas have been provided to me by State prosecutors. Clarence Ray Allen, who was executed by the State of California earlier this year, had begun his Federal habeas proceedings in 1988—they lasted for over 17 years. Lawrence Bittaker was convicted of four murders, four kidnappings, and nine rapes by the State of California in 1981. He filed a habeas petition in the Federal district court in 1991. That petition still is pending before the same Federal district court today. Alejandro Ruiz was convicted and sentenced to death for three murders in 1980. He initiated Federal habeas proceedings in 1989. Those proceedings still are pending before the same Federal district court today.

I do not mean to single out the Federal district courts for criticism. Inexplicable delays in Federal habeas review of State convictions appear throughout the Federal system. Section 2263's deadlines for issuing court-of-appeals decisions and resolving appellate rehearing petitions also are manifestly necessary. In *Morales* v. *Woodford*, 336 F.3d 1136, 9th Cir. 2003, for example, the Ninth Circuit took 3 years to decide the case after briefing was completed. And after issuing its decision, the court took another 16 months to reject a petition for rehearing. Similarly, in *Williams* v. *Woodford*, 306 F.3d 665, 9th Cir. 2002, the court waited 25 months to decide the case after briefing was finished—and then waited another 27 months to reject a petition for rehearing, for a total delay of almost 4½ years after appellate briefing had been completed. Section 2263 would have sharply reduced these delays.

Chapter 154 also creates uniform, clear rules for addressing defaulted and unexhausted claims. It bars all review of any claim that has not been addressed on the merits when the Federal petition is filed, unless the claim meets one of three narrow exceptions. Section 2264, by not extending the chapter 153 exhaustion requirement to chapter 154, allows Federal courts to treat defaulted and unexhausted claims the same way, rather than distinguishing between them and only dismissing the former unless they meet an exception, but returning the latter to State court for further exhaustion. Chapter 154 eliminates the need to ever send a claim to State court for further exhaustion.

As those familiar with the history of chapter 154 are aware, the chapter has its origins in the 1989 Powell Committee Report. See Judicial Conference of the United States, Ad Hoc Committee on Federal Habeas Corpus in Capital Cases, Committee Report and Proposal, August 23, 1989. Then-Chief Justice Rehnquist had appointed former Justice Lewis Powell to chair this committee, which was charged with studying problems with Federal habeas corpus review of capital cases. The report identified a lack of finality and unnecessary delays in Federal collateral review of State capital cases, and recommended specific reforms. With a few significant changes, such as a more restrictive standard for holding evidentiary hearings and accommodation of the rule of Teague v. Lane, not to mention the changes that are about to be made by section 507, the Powell Committee Report's recommendations are what is now chapter 154. The Powell Report is thus a very useful guide to understanding chapter 154.

The Powell Committee Report explains, for example, why section 2264 eliminates the exhaustion rule and treats unexhausted claims the same way as defaulted claims. As the Report notes:

> The Committee identified serious problems with the present system of collateral review. These may be broadly characterized under the heading of unnecessary delay and repetition. The lack of coordination between the Federal and state legal systems often results in inefficient and unnecessary steps in the course of litigation. Prisoners, for example, often spend significant time moving back and forth between the Federal and state systems in the process of exhausting state remedies.

The Powell Committee Report then describes its proposed approach to unexhausted claims:

> Federal habeas proceedings under the proposal will encompass only claims that have been exhausted in state court. With the counsel provided by the statute, there should be no excuse for failure to raise claims in state court. The statute departs from current statutory exhaustion practice by allowing for immediate presentation of new claims in Federal court in extraordinary circumstances.

The Powell Committee Report further elaborates on this change to the exhaustion requirement in its comment following the presentation of the language that became section 2264:

> If a petitioner asserts a claim not previously presented to the state courts, the district court can consider the claim only if one of three exceptions to the general rule listed in [section 2264(a)] is applicable. . . .
>
> As far as new or "unexhausted" claims are concerned, section [2264] represents a change in the exhaustion doctrine as articulated in *Rose* v. *Lundy*, 455 U.S. 509 (1982). Section [2264] bars such claims from consideration unless one of the [subsection (a)] exceptions is applicable. The prisoner cannot return to state court to exhaust even if he would like to do so. On the other hand, if a [subsection (a)] exception is applicable, the district court is directed to conduct an evidentiary hearing [note that this aspect of the Powell Committee recommendation is superseded by section 2254(e)] and to rule on the new claim without first exhausting state remedies as Rose v. Lundy now requires. Because of the existence of state procedural default rules, exhaustion is futile in the great majority of cases. It serves the state interest of comity in theory, but in practice it results in delay and undermines the state interest in the finality of its criminal convictions. The Committee believes that the States would prefer

> to see post-conviction litigation go forward in capital cases, even if that entails a minor subordination of their interest in comity as it is expressed in the exhaustion doctrine.

Section 2264 implemented the Powell Committee's approach by limiting Federal habeas review under chapter 154 to "claims that have been raised and decided on merits in the State courts," and, in subsection (b), by declining to extend the exhaustion principles of section 2254(b) and (c) to chapter 154. This system shifts the focus away from and eliminates the need to exhaust State remedies for every claim. Section 2264 does not require exhaustion, but, rather, adjudication on the merits in State court or satisfaction of one of subsection (a)'s exceptions. If an unexhausted or otherwise not-adjudicated-on-the-merits claim can meet one of those subsection (a) exceptions, then it can go forward, because the exhaustion requirement does not apply. And in any event, even if a chapter 154 prisoner, for whatever reason, still wanted to exhaust State remedies for a new claim after he has filed his Federal petition, he would not be able to do so and then return to Federal court: unlike chapter 153, chapter 154 sharply curtails amendments to petitions and thus would make it all but impossible to amend the newly exhausted claim back into the Federal petition. Under chapter 153's stay-and-abey regime, "a district court may, in its discretion, allow a petitioner to amend a mixed petition by deleting the unexhausted claims, hold the exhausted petition claims in abeyance until the unexhausted claims are exhausted, and then allow the petitioner to amend the stayed petition to add the now-exhausted claims." *James* v. *Pliler*, 269 F.3d 1124, 9th Cir. 2001. As the courts have explained, chapter-153 habeas petitioners are permitted to "stay and abey" and then come back to Federal court because chapter 153 petitions are subject to the relatively liberal amendment standards of Federal Rule of Civil Procedure 15. See *Anthony* v. *Cambra*, 263 F.3d 568, 576-578 (9th Cir. 2000). This system would not be possible under chapter 154's section 2266(b)(3)(B), however. That subparagraph would bar the post-exhaustion amendment that restores the newly exhausted claims unless the amendment could meet the exacting standards of the successive-petition bar.

Instead of staying and abeying and further exhausting, the chapter 154 petitioner will go forward: his claims in the Federal petition will have either been raised and adjudicated on the merits in State court, they will satisfy one of the section 2264(a) exceptions, or they will be dismissed, and Federal adjudication of the merits of the claims that remain before the court will commence immediately. This streamlined approach is what makes chapter 154's deadlines for district court adjudication possible. Obviously, if applicants were expected to use the stay-and-abeyance system, and proceedings were put on hold so that another round of State-court review could be completed, district courts would not be able to resolve chapter 154 petitions within 15-month limit, much less the 180 days required prior to 2006, that is imposed by section 2266.

Section 2264's abolition of stay-and-abey would have made a real difference in some of the cases that I have described. For example, in the case of the man who killed Mary Ann Hughes's son, eliminating the need to return to State court to exhaust new claims would have reduced the delay in the Federal proceedings by nearly 3 years. And in the case of Michelle Melander, the baby girl who was killed in 1981 whose case is described in Carol Fornoff's testimony, the section 2264 system would have eliminated 5 years of delay from the ongoing Federal proceedings in that case.

By requiring that chapter 154 courts only consider claims adjudicated on the merits in the State courts, and limiting the exceptions to that rule to those enumerated in section 2264(a), chapter 154 also effectively eliminates use of several other exceptions to the procedural-default doctrine that I believe have proven problematic. The chapter 153 procedural-default doctrine derives from the Supreme Court's own rules for allowing review of a State court judgment when respondent asserts the presence of an adequate and independent State bar to review of the Federal question. These exceptions are numerous, complex, and in some cases they are overly broad and simply do not provide an adequate justification for ignoring State procedural rules. It generally is not a significant burden on the States that the U.S. Supreme Court has granted itself such broad and amorphous authority to override State procedural requirements. The Supreme Court only decides a limited number of cases every year. But on Federal habeas, where every State criminal conviction effectively is subject to "appeal of right" in Federal court, application of the full panoply of the U.S. Supreme Court's exceptions to the adequate-and-independent State grounds rule has become burdensome and unwieldy.

One exception to the adequate-and-independent State grounds doctrine that has proved particularly problematic in the habeas context is the rule that a State procedural bar is not adequate to preclude further Federal review if the procedural requirement is "inconsistently applied" by the State courts. Viewed literally and without regard to the policies underlying the procedural default doctrine, the "inconsistently applied" standard can have a disturbingly broad sweep. This standard can be understood to void any State procedural rule that has been altered in any way or that is not strictly enforced in absolutely every case.

Unfortunately, some lower Federal courts have adopted this draconian interpretation. For example, the Ninth Circuit has held that if a State's highest court clarifies a State procedural rule or reconciles competing interpretations of that rule, then that rule was "inconsistently applied" prior to such clarification. As a result, the Ninth Circuit deems the State rule "inadequate" to be enforced on Federal habeas review prior to that point.

Another problematic area of chapter-153 procedural-default jurisprudence is particular Federal courts' interpretation of the "independence" requirement. A State procedural decision cannot serve as a bar to further review on the merits if it is not truly procedural—i.e., if it is in reality a decision on the merits of the Federal claim. Many State courts have incorporated into their procedural rules—particularly their deadlines for filing claims—an "ends of justice," "plain error," or "manifest injustice" exception that allows State courts to hear the occasional egregious but untimely or otherwise improper claim. Presumably, in applying such an exception, these State courts perform at least a cursory review of the merits of every petition, even those that clearly are untimely. Technically, because these State courts conduct such review, their deadlines are not purely "procedural"—they involve some review, however fleeting, of the merits—and therefore these deadlines are not "adequate" for habeas purposes. The Ninth Circuit has adopted this rather extreme interpretation of the adequacy requirement.

It is difficult to understate the perverse consequences of the more extreme interpretations of the exceptions to the chapter-153 procedural default doctrine. By punishing State courts for ever departing from or even clarifying their procedural rules, or for exercising discretion to hear egregious cases, these interpretations deter State courts from making the kind of commonsense decisions that are essential to preventing a miscarriage of justice. No system of procedure will ever be perfect; every system will always require some exceptions in order to operate fairly and efficiently. Yet under some Federal courts' interpretations of procedural default, unless the State court adopts a zero-tolerance approach to all untimely claims, no matter how worthy of an exception, the State procedural rule is at risk of being voided for all Federal habeas cases.

In Arizona, litigants have seen the inevitable consequences of the Ninth Circuit's no-good-deed-goes-unpunished rule: when liberality towards criminal defendants is held against the State on Federal habeas, the State will outlaw such liberality. In his August 19, 2005, answers to written questions submitted to him by Senator LEAHY. Arizona prosecutor John Todd described the effect of the Ninth Circuit's application of an extreme "independence" requirement:

> as a result of Federal court rulings, the Arizona Legislature repealed the requirement that all criminal cases be reviewed by the state appellate courts for fundamental error. When an appellate court in Arizona reviewed the entire record for fundamental error, it did not matter that the defendant procedurally defaulted the issue. If the error were serious enough, even if it was only an error of state law, a defendant would receive relief in state court through this fundamental error review. Fearing that the Ninth Circuit's decision in *Beam* v. *Paskett*, 3 F.3d 1301, 1305 (9th Cir. 1993), would open Arizona criminal cases to endless litigation, the Arizona Legislature repealed Ariz. Rev. Stat. Ann. §13-4035 in 1995.

This is not a result that anyone should want. States should not be discouraged from affording broad review to a prisoner's claims in State court or exercising flexibility in their application of procedural rules. Yet in the Ninth Circuit, State executives would be ill advised to adopt any procedural rule that affords courts any discretion or includes any plain-error type exceptions.

The Ninth Circuit has accounted for a disproportionate share of all Federal court of appeals decisions identifying exceptions to the chapter-153 procedural default doctrine, and has issued several particularly extreme interpretations of the doctrine. The States in that circuit effectively are subject to a different habeas regime. The Ninth Circuit has now voided State procedural rules in six of the States under its jurisdiction. It has found State procedures either inadequate or insufficiently independent to limit Federal review in California, Oregon, Arizona, Washington, Idaho, and Nevada.

Section 2264 eliminates these problems. Rather than incorporating the procedural-default doctrine and all of its baggage, it starts fresh; it bars all claims not raised and decided on the merits unless one of three narrow exceptions applies. It does not matter under chapter 154 that a Federal court thinks that the State's rules are not "adequate" or are not sufficiently "independent," because the adequacy and independence of the State rule no longer are the basis for barring review of the claim in Federal court. Under chapter 154, that basis will be section 2264, which employs its own standard and exceptions. And under that section, no longer will the labyrinthine body of caselaw governing the Supreme Court's certiorari jurisdiction over cases decided on State-law grounds be applied to every State capital conviction on Federal collateral review.

Section 2264 also eliminates the overused "ineffective assistance gateway" that is a frequent feature of chapter 153 litigation. Under chapter 153, litigants often seek to recast claims that they know are defaulted as claims of ineffective assistance of counsel. They argue that the default should be excused because State trial or appellate counsel was ineffective. Chapter 154 does not include this exception. If a claim of ineffective assistance of trial or appellate counsel itself was raised and decided on the merits in State court, that same claim can be raised in Federal court. But otherwise, chapter 154 charges petitioners with the acts of their attorneys. The whole point of chapter 154 is to persuade States to establish mechanisms for providing defendants with qualified postconviction counsel. If a State has opted in to chapter 154, the petitioner presumptively received qualified counsel at all stages of his State proceedings, and opportunities to litigate issues of counsel competency should be scaled back. If the factual predicate of a claim could have been discovered through the exercise of due diligence, then per paragraph (3) of section 2264(a), regardless of what the attorney did or did not do, that claim does not qualify for an exception to the main rule of 2264(a) and it cannot be raised in Federal court.

It also bears mention that section 507 includes a retroactivity provision that my Arizona colleague, Congressman FLAKE, thought particularly important. New section 2265(a)(2) provides that the date that a State established the mechanism by which it qualifies for chapter 154 "shall be the effective date of the certification under this subsection." This was intended to ensure that if a State established a mechanism for providing qualified counsel to capital defendants on postconviction review prior to the formal designation of a State as chapter-154 eligible—or even prior to the enactment of chapter 154—then all capital defendants who received counsel after the establishment of that mechanism shall be subject to chapter 154, even if they filed a Federal petition before the State is certified as chapter-154 eligible.

I had originally thought this provision sufficient to ensure that a State would receive the full benefits of chapter 154 even for Federal petitions filed before the State is certified as chapter-154 compliant. But questions of retroactivity often prove more complicated than they first appear. Representative FLAKE raised with me the question of whether even if a Federal petition filed precertification is deemed subject to chapter 154, Federal courts could still find that the procedural benefits of chapter 154 only apply to that case on a going-forward basis. In other words, the effective-date provision guarantees that even a prefiling petition is now governed by chapter 154, but chapter 154's procedural restrictions might be construed to not apply to what is already in that petition. For States such as Arizona, this would mean—assuming, of course, that I am correct in predicting that the U.S. Attorney General will find Arizona 154-eligible—that section 507 does not completely undo the damage done by the Spears case. It is possible, for example, that in Spears itself or in subsequent cases that should have been subject to chapter 154, additional claims have been amended into the petition that would not satisfy 2266(b)(3)(B), or unexhausted claims already may have been returned to State court for further exhaustion and the Federal petition stayed.

Given that stay-and-abey sometimes adds 5 years to the time that it takes to address a Federal petition, Mr. Flake and I decided that it should be made clear that the whole petition would be subject to chapter 154, not just new claims and amendments added after the State is certified as 154 eligible. To that end, subsection (d) was inserted into the middle of section 507 to ensure that the 154 changes—including the effective-date provision—would operate against pending cases. In effect, this provision guarantees the even for a pending case, the effective date provision applies retroactively and the case is regarded as always having been subject to chapter 154. Thus once a State is certified as 154-eligible and a particular petition falls within that chapter's sweep, the courts should review the whole petition and treat it as if chapter 154 had been applicable since before the petition was filed. Claims added via post-answer amendments should be reviewed for consistency with section 2266(b)(3)(B). If they do not qualify, they should be struck, just as they would have been if the petition had been governed by chapter 154 at the time when the amendment was filed. And most importantly, no unexhausted claim in a chapter-154 petition may be permitted to serve as a basis for "stay and abey." Either that claim will satisfy one of the 2264(a) exceptions, and review of that claim and "raised and decided" claims in the petition will go forward immediately, or the claim will not meet the exception, it will be dismissed, and review of the rest of the proper claims in that petition will go forward immediately. In either event, review of all Federal petitions made subject to chapter 154 will go forward immediately, though the petitioner may, of course, continue to simultaneously pursue State review of the unexhausted claim, and the chapter 154 time deadlines will start running. Per paragraph (d)(2), that deadline does not run until section 507 is enacted with regard to a particular State—meaning that it does not run until the State is certified as chapter-154 eligible pursuant to section 507. Under section 507, once a petition is made subject to chapter 154, it can no longer be held in abeyance so that the petitioner can pursue State exhaustion of unexhausted claims.

Finally, I would like to thank those individuals who have been important to the enactment of section 507. This group includes Mike O'Neill and Brett Tolman of Chairman SPECTER's staff, Mike Volkov of Chairman SENSENBRENNER's staff, and Brian Clifford of Congressman FLAKE's staff. I also thank Kent Scheidegger of the Criminal Justice Legal Foundation, who came up with the idea that became section 507. Finally, I also thank Chairman SPECTER, who was willing to accommodate me on a matter of importance to prosecutors and crime victims in the State of Arizona by including section 507 in this conference report.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, in a few minutes, the Senate will conclude a process that began over a year ago by reauthorizing the PATRIOT Act. I will have a few closing remarks, but first I want to take this opportunity to thank the extraordinary staff who have worked on this bill for so long. These men and women, on both sides of the aisle, have worked extremely hard, and they deserve to be recognized. Before I yield the floor, I will recognize the staff by name.

Mr. President, beginning in November, when we first saw a draft of the conference report, I have spoken at length about the substance of this bill. I hoped that when we started the task of reauthorizing the PATRIOT Act at the beginning of last year, the end product would be something the whole Senate could support. We had a real chance to pass a bill that would both reauthorize the tools to prevent terrorism and fix the provisions that threaten the rights and freedoms of innocent Americans.

This conference report, even as amended by the bill incorporating the White House deal that we passed yesterday, falls well short of that goal. And so, of course, I will vote no.

Protecting the country from terrorism while also protecting our rights is a challenge for every one of us, particularly in the current political climate, and it is a challenge we all take seriously. I know many Senators who will vote for this reauthorization bill in a few minutes would have preferred to enact the bill we actually passed, without a single objection, in the Senate in July of last year.

I appreciate that so many of my colleagues came to recognize the need to take the opportunity presented by the sunset provisions included in the original PATRIOT Act to make changes that would better protect civil liberties than did the law we enacted in haste in October 2001. Nevertheless, I am deeply disappointed we have largely wasted this opportunity to fix the obvious problems with the PATRIOT Act.

The reason I spent so much time in the past few days talking about how the public views the PATRIOT Act was to make it clear that this fight was not about one Senator arguing about the details of the law. This fight was about trying to restore the public's trust in our Government. That trust has been severely shaken as the public learned more and more about the PATRIOT Act which we passed with so little debate in 2001 and as the administration resisted congressional oversight efforts and repeatedly politicized the reauthorization process. The revelations about secret, warrantless surveillance last year only confirmed the suspicions of many in our country that the Government is, unfortunately, willing to trample the rule of law and constitutional guarantees in the fight against terrorism.

The truth is, the negative reaction to the PATRIOT Act has been overwhelming. Over 400 State and local government bodies passed resolutions pleading with Congress to change the law. Citizens have signed petitions, library associations and campus groups have organized to petition the Congress to act. Numerous editorials have been written urging Congress not to reauthorize the law without adequate protections for civil liberties.

These things occurred because Americans across the country recognize that the PATRIOT Act includes provisions that pose a threat to their privacy and to their liberty. These are values—values—that are at the very core of what this country represents and of who we are as a people.

In 2001, we were viciously attacked by terrorists who care nothing for American freedoms and American values. We, as a people, came together to fight back, and we are prepared to make great sacrifices to defeat those who would destroy us. But what we will not do, and what we cannot do, is destroy our own freedoms in the process.

Without freedom, we are not America. If we do not preserve our liberties, we cannot win this war, no matter how many terrorists we capture or kill. That is why the several Senators who have said, at one time or another during this debate, things such as, "Civil liberties do not mean much when you are dead," are wrong about America at the most basic level. It seems they do not understand what America is all about. Theirs is a vision that the Founders of this Nation, who risked everything for freedom, would categorically reject, and so do the American people.

Americans want to defeat terrorism, and they want the basic character of this country to survive and prosper. They want to empower the Government to protect the Nation from terrorists, and they want protections against Government overreaching and Government overreacting. They know it might not be easy, but they expect the Congress to figure out how to do it. They do not want defeatism—defeatism—on either score. They want both security and liberty. And unless we give them both—and we can, if we try—then we have failed.

This fight is not over. The vote today will not assuage the deep and legitimate concerns the public has about the PATRIOT Act. I am convinced that in the end the Government will respond to the people, as it should. We will defeat the terrorists, and we will preserve the freedom and liberty that make this the greatest country on the face of the Earth.

It has been a particular privilege to work for so long and so closely with the bipartisan group that developed the SAFE Act. Each Senator is supported by dedicated and talented staff, and let me mention a few of them now. For Senator SUNUNU, Dave Cuzzi. Joe Zogby for Senator DURBIN; Brooke Roberts and Lisa McGrath for Senator CRAIG; Sam Mitchell with Senator SALAZAR; and Isaac Edwards with Senator MURKOWSKI. Let me also recognize Bruce Cohen, Julie Katzman, and Tara Magner with Senator LEAHY; and Chairman SPECTER's hardworking team—Mike O'Neill, Brett Tolman, and Nick Rossi. Other key staff on the Judiciary Committee include Joe Matal with Senator KYL; Christine Leonard with Senator KENNEDY; Steve Cash for Senator FEINSTEIN; Paul Thompson with Senator DEWINE; Reed O'Connor with Senator CORNYN; and Bruce Artim with Senator HATCH; Cindy Hayden with Senator SESSIONS; Preet Bharara with Senator SCHUMER; Chad Groover with Senator GRASSLEY; Eric Rosen with Senator BIDEN; Ajit Pai with Senator BROWNBACK; Mary Chesser with Senator COBURN; Nate Jones with Senator KOHL; and James Galyean with Senator GRAHAM.

Staff for a number of Senators not on the committee worked very hard on this bill as well. Let me recognize Brandon Milhorn and Jack Livingston for Senator ROBERTS; Mike Davidson, who works for Senator ROCKEFELLER; Joe Bryan with Senator LEVIN; Alex Perkins and John Dickas with Senator WYDEN; Steve Taylor with Senator HAGEL; Ruchi Bhowmik with Senator OBAMA; Mirah Horowitz with Senator KERRY; Caryn Compton with Senator BYRD; Eric Buehlmann with Senator JEFFORDS; and Alan Hicks with Senator FRIST. And thanks also to Senator REID's staffers, Ron Weich and Serena Hoy, and to our Democratic floor staff—Marty Paone, Lula Davis, Gary Myrick, Chris Kang, and Mike Spahn for their help over the past several weeks of this debate.

Finally, let me sincerely thank my own tireless and dedicated staff: Mary Irvine, Paul Weinberger, Sumner Slichter, Chuck Stertz, Bob Schiff, Lara Flint, Farhana Khera, Alex Busansky, Sarah Preis, Margaret Whiting, Molly Askin, John Haffner, Bharat Ramamurti, Avery Wentzel, Tracy Jacobson, and Molly McNab.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I yield back my remaining time.

The PRESIDING OFFICER. The time is yielded back.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I yield myself such time as I may need.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. In more than 4 years since the September 11, 2001, attack on the United States, the PATRIOT Act has helped to protect our homeland from subsequent terrorist attack. Reauthorizing this effective piece of legislation is an important victory in the continued war on terror. The PATRIOT Act safeguards freedoms of American citizens while aggressively curtailing the opportunities terrorists have to strike. We have added many provisions designed to ensure that our civil liberties remain unaffected despite the fact that civil libertarians were completely unable to point to one incident or provide any example of abuses under the original PATRIOT Act.

As everybody knows, that act was negotiated in the Judiciary Committee when I was chairman, and I had a lot to do with it, along with Senator LEAHY and others. We found that the original PATRIOT Act functioned very well in the protection of our country.

The PATRIOT Act has enjoyed robust public support in Utah since its inception. According to Dan Jones and Associates, our leading pollster in Utah, every time the firm has polled Utahns in the last 4 years, 60 percent or more have voiced approval of the antiterrorism measure. A poll of U.S. citizens reported that more than 60 percent of Americans believed that the Government should do more to protect this country from attack. Reauthorizing this act is definitely the right thing to do for our country at a time when we tend to forget that there are people and governments out there and in here that are committed to wiping the United States of America off the face of the Earth. I, for one, will stand up and say: Not on my watch.

We have held hearing after hearing listening to all sides' robust debate about how to change the PATRIOT Act. We have had some ridiculous suggestions, we have had some good suggestions, and we have had some that we have had to take on this bill that really are not very good. My prayer is that the terrorists will be foiled by our intelligence and law enforcement agencies before another attack. But we have to give those agencies the tools to do that. I have a lot of faith in the ability of law enforcement men and women to do the job effectively. My hope is that those who have agreed that we can take away some of the tools afforded these men and women are wrong, that we can prevent another attack and reduce the ability of law enforcement to prevent those attacks at the same time.

The additional language that has been demanded in this bill does exactly that. It has reduced our ability to be able to protect the Nation under the guise that we had to protect civil liberties that were never infringed upon in the 4 years that the PATRIOT Act has been in existence. I particularly commend Senators SPECTER and LEAHY for the work they have done, Congressman SENSENBRENNER in the House, and other members of the Judiciary Committee in the House. They have worked long and hard. There have been some provisions that we had to take in order to get this bill reauthorized to protect the American people that we wish we didn't have to take. I just hope this bill will work as well as the original PATRIOT Act which has done so well in keeping us free of terror ever since 9/11.

I don't think anybody can doubt that. We held some 24 hearings over the years when I was chairman on the PATRIOT Act. I demanded that every hearing show us where the act has not acted properly, show us where there has been a violation, show us where there has been a violation of civil liberties, show us where somebody who is a noncriminal has been hurt by the PATRIOT Act. The fact is, not one time in all those hearings have they been able to come up with one illustration that people's civil liberties have been interfered with.

We passed a bill that was the Hatch-Dole bill back in, I believe it was 1996. It was the antiterrorism effective death penalty bill. That bill took care of domestic terrorism, but our laws were not up to speed with regard to international terrorism. So the PATRIOT Act was the way that we got our laws up to speed so that we could work against international terrorism. All of these provisions in the original PATRIOT Act we basically have in our anticrime laws. So what we did is, we had these laws that would enable law enforcement to do a lot of things to protect us against the Mafia, against child molesters, against pornographers. We brought the PATRIOT Act up to the level of those law enforcement tools. That is what the original PATRIOT Act did. That wasn't good enough for some of our colleagues. So there has been a lot of screaming and shouting about the PATRIOT Act, even though not one illustration has been given in the last, really, 5 years that would indicate that the original PATRIOT Act had interfered with anybody's just civil liberties.

We need to pass this bill such as it is. We need to pass it and enact it into law and give our law enforcement the tools they need to be able to protect us. I just wish we could have reenacted the original PATRIOT Act. But be that as it may, I compliment the chairman of the Judiciary Committee and the distinguished ranking member, Senator LEAHY, for the work they have done. I don't think it could have happened without them and without Chairman SENSENBRENNER and others in the House. I express my regard for them and my regard for this bill and hope everybody will vote for it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I know some time has been specifically retained to the Senator from Vermont. Would the Chair be good enough to tell me how much time that is?

The PRESIDING OFFICER. Fourteen and a half minutes.

Mr. LEAHY. I thank my good friend.

Today's vote marks another stage in reauthorizing the USA PATRIOT Act. Our goal has always been to mend the PATRIOT Act, not to end it. To that end we passed a bipartisan bill with better provisions last July after it was unanimously reported by the Judiciary Committee. I appreciate the kind words of the Senator from Utah. He voted for that bill. I voted for that bill. The distinguished chairman of the committee, Senator SPECTER, voted for the bill. We have all been chairman of that committee. The bill came here to the floor of the Senate, and the Senate voted it out unanimously. That was a good bill.

Then the House-Senate conference was hijacked. Democratic conferees were excluded at the request of the Bush-Cheney administration, and congressional Republicans wrote the bill. I worked to get that process and the bill back on track and, working with Chairman SPECTER, we were able to make some progress and get some helpful additions and changes. But the conference report that was insisted upon by the Bush-Cheney administration and passed by Republican leaders through the House was still flawed.

Last December, I worked with a bipartisan coalition of Senators to oppose final passage of that conference report and create some additional opportunities for improvements. That led to the Sununu bill which is in essence an amendment to the conference report. I supported Senator SUNUNU's efforts and praised him for it and those who worked with him. I voted for that bill. It contained some of the improvements I had pushed for. Our efforts to protect libraries from national security letters was very important to me. That is why I supported Senator SUNUNU's bill in spite of the worsening of the gag rule provisions insisted upon by the Bush-Cheney administration.

Now we turn to the conference report. Even with the Sununu bill, which I support, the conference report has not been improved sufficiently for me to support it. Just as I opposed it last December, I continue to oppose it. The bill that the Senate will adopt today falls far too short and impinges too greatly on the liberties of Americans.

The Founders made a profound choice when they framed the fourth amendment to our Constitution as a measure to ensure the right of the people to be secure. The word they used was "secure." The fourth amendment is, of course, about guaranteeing our privacy rights and the requirement of the judicial check on the Government invading our homes, our papers, and our effects. The Founders saw that as the right to be secure. As the Constitution and the Bill of Rights were written so carefully, every single word holds meaning. They saw a right to be secure, and so do I. I believe that Americans' security includes our national security, our security from terrorism, and also our right to be secure as Americans. That means exercising the liberties and rights and freedoms that define us across the world uniquely as Americans.

I do not believe this bill achieves the balance that we could have and should have achieved. The final product would have been better had the Bush-Cheney administration and congressional Republicans not insisted on locking Democrats out of the negotiations throughout the process.

Still this bill, through our efforts, in some ways represents an improvement. It has better sunshine and reporting provisions. I worked hard to include these new provisions because sunshine, coupled with sunset provisions, adds up to more accountability in the use of these Government powers. But some key provisions remain significantly flawed.

I respect those who conclude that on balance the bill's virtues outweigh its vices. And it has both. But I believe we can and should do better. I believe America can do better.

I am one who worked diligently on the original PATRIOT Act in the days following the attacks of 9/11. I was chairman of the Judiciary Committee. We moved it through in record time. I also voted to reauthorize and improve a bipartisan version of the act back in July of 2005. I joined with Senator SUNUNU in leading the effort to ensure that the provisions did not expire when we reached an impasse last fall.

In the PATRIOT Act, we provided important and valuable tools for the protection of Americans from terrorism, and I have worked and voted to preserve them. But I am disappointed that this conference report represents a missed opportunity to get it right, to recalibrate the balance better, to respect the liberties and rights of Americans while protecting us from those who threaten harm.

I am concerned, as all Americans are, with our security. The Presiding Officer and I and thousands of others come to work every day in a building that was targeted for destruction by al-Qaida. I cannot think of anything I will do in my life that makes me more proud than to be in the Senate and come in this building every day. But I want this building secure for you, for me, and for everybody who works here. I know what it means to be targeted. I was a target of a letter laced with deadly anthrax. I was supposed to open it. A couple of innocent postal workers who touched the outside of the envelope died before it reached me, and it was stopped before it got to my desk. It doesn't hit much closer to home than that.

Many of us recall Benjamin Franklin's wise counsel. He was a man involved in a revolution against King George III. Had that revolution failed, he and his compatriots would have been hanged. When he was working to form a government that would respect liberty and protect people, he cautioned that those who would give up essential liberties for temporary security deserve neither liberty or security.

More than 200 years later, we should listen to Benjamin Franklin. We have to preserve our essential liberties or we do not preserve what makes us Americans.

The seriously bad parts of this bill are made unacceptable because we currently have an administration that does not believe in checks and balances and prefers to do so many things in secret. We now see the Bush-Cheney administration seeking to twist the authorization for use of military force against al-Qaida into a justification for the secret, warrantless wiretapping of Americans' e-mails and telephone calls. We see them claiming that they need not fulfill their constitutional responsibility to faithfully execute the laws but can pick and choose among the laws they decide to recognize. Even the Attorney General writes to the Judiciary Committee saying their position on the law evolves. I did not realize there were such legislative Darwinists in this administration that they believe so strongly in evolution when it suits their purpose.

Legislative action should be the clear and unambiguous legal footing for any Government powers. These matters should be governed by law, not by whim or some shifting conception of the President's inherent authority that is exercised in secret. Confronted with this administration's unique claims of inherent and unchecked powers, I do not believe the restraints we have been able to include in this reauthorization of the PATRIOT Act are sufficient.

I will continue to work to provide the tools that we need to protect the American people. I trust that Vermonters will understand that while I have repeatedly voted to extend and reauthorize the PATRIOT Act, this permanent measure falls short of what they deserve.

I will continue to work to provide the oversight and checks needed on the use of Government power. I know the Senate is going to adopt this measure now, but it is a pale shadow of what it could have been had the administration not stepped in and told the leadership in the House and the Senate that they had to get in line and do what the administration wanted, not what an independent Congress should do. It is not the best that the greatest democracy on Earth deserves. I will keep fighting for us to do better.

I will continue to work to improve the PATRIOT Act, and I will work to provide better oversight over the use of national security letters and to remove the un-American restraints on meaningful judicial review. I will seek to monitor how sensitive personal information from medical files, gun stores, and libraries is obtained and used. I will join Senators SPECTER, SUNUNU, CRAIG, and others in introducing a bill to improve the PATRIOT Act and reauthorization legislation in several important respects. Much is left to be done.

If Senators work together, much can be accomplished. We will be a more secure Nation if we do, and also our liberties will be more secure. Certainly, we owe that to the next generation, to protect the liberties so many other generations have fought to provide for us.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, in a few moments, we will be passing the PATRIOT Act. By passing it, we will make America safer, while safeguarding our civil liberties and privacy. America will be safer because law enforcement will have the tools to track suspected terrorists and break up terrorist cells before harm is done to innocent Americans. America will be safer because the conference report goes beyond the original PATRIOT Act to combat terrorist financing and money laundering, protect our mass-transportation systems and the railways, secure our seaports, and fight methamphetamine drug abuse—what has grown to become the No. 1 drug problem in America—and it does so by restricting access to the ingredients that make that poisonous drug.

Today we are making a statement that we cannot return to a pre-9/11 structure that could cost innocent Americans their lives. We will not return to the days of the pre-9/11 bureaucratic wall that blocked information sharing between law enforcement and intelligence. We cannot go back. We must go forward.

Due to persistent delays and obstruction by some of my friends on the other side of the aisle, it has taken far too long to get to today's vote. By remaining focused on our goals, focused on governing with meaningful solutions, to act on principles and to make America safer and security our No. 1 priority, we will prevail today.

I am proud to cast my vote to support the PATRIOT Act, and I urge my colleagues to do the same.

The PRESIDING OFFICER (Mr. COLEMAN). Under the previous order, the hour of 3 p.m. having arrived, the Senate will proceed to vote on the adoption of the conference report to accompany H.R. 3199.

Mr. FRIST. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 10, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—89

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Boxer
Brownback
Bunning
Burns
Burr
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—10

Akaka
Bingaman
Byrd
Feingold
Harkin
Jeffords
Leahy
Levin
Murray
Wyden

NOT VOTING—1

Inouye

The conference report was agreed to.

UNANIMOUS CONSENT AGREEMENT—S. 2320

Mr. FRIST. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed to S. 2320, the LIHEAP bill, be vitiated.

I further ask consent that immediately after the consent, the Senate proceed to the consideration of the bill, provided further that Senator ENSIGN or his designee be immediately recognized in order to make a Budget Act point of order and that Senator SNOWE or her designee be recognized in order to move to waive. I further ask that there then be one-half hour of debate, equally divided, prior to a vote on the motion to waive.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Under the previous order, the cloture motion is vitiated.

Mr. FRIST. Mr. President, we will be having a vote in 30 minutes. In all likelihood, that will be the last vote of the day.

MAKING AVAILABLE FUNDS FOR THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM, 2006

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 2320) to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006 and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada is to be recognized. The Senate will be in order.

Mr. COBURN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, the pending bill, S. 2320, offered by the Senator from Maine, increases direct spending in excess of the allocation to the Health, Education, Labor, and Pensions Committee. Therefore, I raise a point of order against the bill, pursuant to section 302(f) of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, pursuant to section 904(c) of the Congressional Budget Act of 1974, I move to waive the applicable points of order. I move to waive the point of order under the applicable provisions of the rules and statutes.

The PRESIDING OFFICER. The motion to waive is debatable. There is 30 minutes equally divided.

Who yields time? The Senator from Maine.

Ms. SNOWE. Mr. President, I rise today to ask the Senate to do the right thing and to oppose this budget point of order brought up against this legislation that will provide emergency funding for the Low Income Home Energy Assistance Program.

I thank the majority leader for his assistance in advancing this legislation. It is the culmination of his considerable efforts over the last few months to bring forward this legislation. I thank the minority leader as well for recognizing the importance and vitality of this issue, and promoting this amendment forward as well.

Mr. President, I know you are sitting in the chair, but you have been one of the leaders on this issue, trying to get additional commitment for funding for low-income fuel assistance, particularly for this winter, along with my colleague, Senator COLLINS of Maine. This legislation addresses a nationwide crisis by bipartisan consensus and fiscal responsibility. This legislation shifts the fiscal year for LIHEAP funding into the Deficit Reduction Act of 2005, which was already signed into law, from 2007 to 2006. This will provide an additional $1 billion for all those Americans who simply cannot wait any longer for relief from home heating fuel costs that have skyrocketed over last year's heating bill.

The vote we will be taking this afternoon is on the budget point of order against this bill. I would like to elaborate on why this legislation is absolutely vital to increasing the funding for low-income fuel assistance for all parts of the country that depend upon this program.

There has been a lot of misinformation with respect to exactly what this bill is all about. First of all, it is budget neutral. Don't take my word for it; it is the conclusion of the Congressional Budget Office. All of the funds under this bill have already been appropriated and accounted for within the budget. All this measure will do is shift the funds from fiscal year 2007 to 2006. There is no additional, there is no new spending.

This approach is not only fiscally sound and budget neutral, but, critically, it will allow States the flexibility to allocate funds to the residents who are struggling to pay for energy bills this year. The White House and our Senate leadership recognize this is the fiscally responsible solution to resolve this crisis.

I know some have said essentially we believe the LIHEAP program should be funded through contingency measures such as this legislation. That is what this legislation does, it utilizes the existing formula. It is not only cold weather States but also warm weather States that will benefit under this legislation.

I regret some of the misinformation that has been circulated with respect to LIHEAP as to who will benefit, which States will benefit under this legislation. I submit that in a year of high energy costs—and it has been a year of high energy costs, anywhere from 30 percent to 50 percent—it has devastated our State of Maine, Minnesota, and all parts of the country that have had to rely on home heating oil or natural gas or whatever the alternative. But the fact remains, the prices have increased 30 percent to 50 percent over last year's, and last year's prices went up 20 percent to 30 percent. That factor is not in dispute.

The additional factor is that we are using the same distribution formula. I believe that needs to be understood because I have seen some of the papers distributed as to which States will benefit. It is totally inaccurate. Nothing has changed with respect to that formula.

On the issues that are important to know about this increase in LIHEAP funding, No. 1, it is budget neutral; No. 2, it will not increase spending; and No. 3, the distribution formula remains the same. I regret that we have seen so much misinformation and mischaracterization with respect to the funding formula under this legislation.

Finally, we have heard: Well, it is a mild winter. I would like you to come to Maine, if you think it is a mild winter, and you ask all those people about the 30 percent to 50 percent increases. The current low-income fuel assistance program has not had an increase in real dollar terms since 1983. I happened to be in the House of Representatives when we created this program. It has not increased in real terms. If anything, it has been reduced. I regret that we have reached this point in time with respect to this vital program that so many low-income individuals depend upon who can barely make ends meet given the extent of the costs this winter with respect to home heating oil.

We are now talking about a program that has not increased in net terms since 1983, when oil was $29 a barrel. Today it is more than $60 a barrel. Eighty-four percent of the people qualified for LIHEAP funds—and 80 percent of my State—are dependent upon home heating oil. It is a crushing financial burden.

Let there be no mistake about the fact that this program is vital. It is significant. It is essential to so many of the families in my State and across the country. The urgency of this legislation has escalated to an emergency. Last year, Americans struggled because of the high cost of energy. This year, they continue to struggle. We know the personal terms in which people have been devastated by the increased costs of energy.

I hope the Senate would waive the budget point of order because this amendment, this legislation, is budget neutral, and it does depend upon the existing distribution formula. Both cold weather States and warm weather States stand to benefit. There has also been a mischaracterization and misinterpretation about the distribution of this funding under this legislation. In fact, it was the agreement that we reached before Christmas. That was essentially the agreement we reached before Christmas. The very distribution formula we agreed to, the one which has been the status quo, the one which we agreed to with those who represent warm weather States, is exactly what this legislation before us is all about. Nothing has changed. I deeply regret to see what has been distributed and circulated that would suggest otherwise because it simply is not true.

Mr. President, I reserve the remainder of my time.

Ms. LANDRIEU. Will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. The Senator from Maine has made a very passionate plea and one with which I tend to agree. I am a supporter of this program and a supporter of making the formula even more fair for the Southern States that have very high energy costs as well—different but high. But would the Senator agree that another way to bring down prices of oil and gas would be to increase the supply of oil and gas into our country? Would the Senator at least acknowledge that is another way to help people?

Ms. SNOWE. Mr. President, I would like to reclaim my time because I don't think we ought to debate the question here today. I don't think there is any question about that.

But in the meantime, we have to address an emergency, and that emergency exists in my State and many other States across the country, including the Senator's State. I think it is a matter of fairness and it is a matter of equity and it is a matter of balance.

I think indisputable about why we need this legislation and why we need this funding now. I hope Members of the Senate will recognize that. This is fairly distributed for warm and cold weather States. I hope we can increase the supply. But right now we have to deal with the emergency that is presented in my State and many other States across the country.

I reserve the remainder of my time.

Ms. LANDRIEU. I thank the Senator. I don't want to take any more time. I am going to support bringing this bill up because I believe, as the Senator outlined, it is an emergency and something we need to do.

But I want to say for the record that there are other ways we can lower the price. Louisiana and the gulf coast is prepared to do that. I hope, as we move on with this debate, we can get to that issue as well.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, first of all, I was in the meeting with Senator SNOWE before Christmas. This is not the formula that we had agreed on in those meetings.

Second of all, the formula that she says will benefit the warmer States is not accurate. It is not historically accurate. It is not accurate with regards to the contingency funding. Contingency funds were released in January. There are 29 States that will be worse off under the Snowe proposal, if this money is put through the regular formula, the warmer States benefit. The whole formula was set up so that mostly colder States would benefit from the first dollars, and then if dollars are added, the warmer States would benefit.

But the way this amendment is set up that is, in fact, not what happens.

We have a budget point of order. People have to know that we are not voting on cloture on the bill or cloture on a motion to proceed to the bill, but we are actually voting on a budget point of order.

This has been described as a mild winter. There is plenty of evidence for that, especially on the east coast. I think the only two States that could arguably say it has been a harsher winter than normal are Oregon and Washington. And most of the rest of the country has had a fairly mild winter.

The point that somehow the Northeast needs this more because they have more higher heating expenses isn't true. Electricity in most of the country now is generated by natural gas. Because of the environmental concerns plants have switched over to natural gas. Air conditioning in the Southern States is just as critical as heat in Northern States. When it gets hot enough, people die from heat.

The LIHEAP formula was set up to be able to help warmer States and help low-income people in those warmer States. Frankly, this proposal does not do that. It does not do that fairly. If this money were all put through the regular formula this would be a fair proposal.

That is why the Senator from Louisiana's State would lose around $18 million if this formula were done differently, as she would like to see it done, versus the way Senator SNOWE has this drafted.

I didn't think this is the time for us to be waiving budget points of order. We are facing difficult fiscal times, and we need to show some fiscal restraint around here. Hopefully, we can sustain this budget point of order.

I reserve the remainder of our time.

Mr. INHOFE. Mr. President, I say to the Senator from Nevada, frankly, I think the Senator from Louisiana made a very good point coming up and saying this makes sense. I had an amendment that would allow us to go into BLM lands to extract natural gas and for LNG plants. That was taken out in the highway bill up in Massachusetts.

It doesn't seem at all reasonable to me that you would support something such as this for electricity and at the same time turn around and oppose every effort we have to try to get more natural gas to bring to these homes.

I certainly agree. I had an amendment to do that. It doesn't look like there will be an opportunity to entertain that amendment. Without that, I think it is unreasonable to expect that we would be able to do this.

Mr. ENSIGN. Mr. President, there is no question that one of the reasons this was even in the bill—in the Defense bill—was because ANWR was in there to help pay for extra money for LIHEAP. One of the reasons they say this is paid for is because they are taking money out of 2007 and moving it into 2006. We know this is a phony argument. We have seen it done around here time and time again. They are budget games that are played so they can say things are budget neutral. How do you spend $1 billion and call it budget neutral? You are not taking something else and cutting spending someplace else. You are only shifting to the next year.

This budget point of order is real, and this budget point of order I think should be sustained.

Ms. SNOWE. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Maine has 5 minutes 48 seconds.

Ms. SNOWE. I yield to my colleague, Senator COLLINS, 2 minutes.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I commend you and Senator SNOWE for working so hard on this very vital issue.

I want my colleagues to understand exactly what is at stake here.

Early Tuesday morning, my State suffered a terrible tragedy—three people, including a woman and her 10-year-old son, died when their house caught fire and burned to the ground. There was the most deadly fire in Maine in 6 years. They lived in Limestone, ME, a town in northern Maine. On the night of the fire, temperatures were below zero. The family had run out of heating oil, and as a result, was using wood stoves to provide the heat. According to the firefighters, the fire started near one of the wood stoves in the kitchen.

This is literally a matter of life and death.

At Christmastime, when I was home in my hometown of Caribou, ME, two elderly women were hospitalized with hypothermia.

This is not theoretical. It is not theoretical when there is ice in the toilet and when our elderly and low-income are at risk of illness, disease, and, yes, even death because they cannot afford the high cost of home heating oil.

The least we can do in a country as wealthy as ours is to provide some modest assistance. And those who say that the winter is almost over, come to where I am from in northern Maine. Believe me, there is a lot more winter to come.

Maine has run out of its LIHEAP funding. It is time for us to provide this modest help.

Thank you, Mr. President. I thank my colleague from Maine.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. There is 20 minutes 43 seconds.

Mr. COBURN. Mr. President, I agree with both Senators from Maine. Our goal is not to have additional LIHEAP funding. Our goal is to make sure we don't steal it from our grandchildren, robbing from the unborn and the young in this country to do something in the name of good. It is not moral at all.

What we are saying is pay for it. To say it is paid for, to say you are paying for it, there is $1 billion allocated for next year, we are going to take that away and that is going to have to be paid for by somebody. You know who is going to pay for it? Our grandchildren.

If we want to help the people of Maine, there are a couple of things we can do. No. 1, you can use your TANF money for LIHEAP right now. That is allowed under Federal law. There is no reason anybody in Maine doesn't have the LIHEAP funds. You have money in your TANF account right now that you can transfer to solve that problem in terms of the acute problem.

The second thing you ought to know is that there is $11.2 billion in unobligated funds in Health and Human Services right now that the administration could release for LIHEAP. We don't have to be doing this. If it truly is an emergency, the administration has the money right now to send to Maine to do that. Your Governor has the ability to take TANF money right now and support LIHEAP in Maine.

But it is unconscionable for us to steal from the next generation and steal from the next budget cycle saying that we have paid for it. We haven't paid for anything. What we are doing is sacrificing the standard of living for future generations in this country through this type of process.

If you want to bring the bill to the floor, which we have offered the Senator from Maine, come to the floor, offer to spend $1 billion and give us the cuts to pay for it. Let us make the hard decisions that we were charged with to make among priorities in this country.

The other point I would make is there was an offer by the chairman of the Budget Committee last year to put an additional $1 billion in this fund. The Senator from New Hampshire offered to put another $1 billion by taking a small percentage across the board from Health and Human Services. This body voted that down. This body said we don't want to take a little bit from everybody else to pay for additional LIHEAP. We wouldn't even vote for it.

Now, when we are going to steal it from our children—the people who can't defend themselves, the future taxpayers of this country—then we are going to say it is OK. I believe it is morally wrong.

The people who need help today can get it. They can get it from the TANF funds in the State of Maine and the Northeast. They can get it from Health and Human Services, unallocated and unspent money that is sitting there right now.

We are not for not helping people, and it is not true to characterize it that way. We want to help anybody who truly needs our help.

The distribution under this formula, if you were to divide the money by everybody who could be eligible under LIHEAP, comes to $35 a house.

The other point I would make, since LIHEAP started, we have averaged $160 million a year in weatherization. That is $3.2 billion in weatherization. There are some people who would suggest that multiple homes have been winterized multiple times. There has been no oversight on weatherization. There has been no oversight on how the money has been spent. We have not done our job in terms of oversight to make sure the money that goes for LIHEAP is spent in the proper way.

I believe it very noble that the Senators from Maine want to help their constituency. Let us help you help your constituency but let us not steal it from the next generation.

I reserve the remainder of our time.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Maine.

Ms. SNOWE. Madam President, how much time remains?

The PRESIDING OFFICER. There is 3 minutes 36 seconds.

Ms. SNOWE. Madam President, I ask unanimous consent to have an additional 10 minutes on each side so we can make sure that everyone who wants to speak has a chance to speak on this issue.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. Madam President, reserving the right to object, we have a lot of requests from folks who are trying to get out. I guess there are planes leaving. How about 2 minutes for each side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. SNOWE. Madam President, I yield 2 minutes to the Senator from Minnesota.

Mr. COLEMAN. Madam President, I want to add my voice to this. This is not about theoretical discussions. I understand we have debates about oversight.

I held a hearing on this in Minnesota a couple of months ago.

By the way, winter is still there. And it is not just a matter of winter still being there. In Minnesota, we have some programs that allow heat not to be turned off and people have to pay that back through the course of the summer.

I had a mom come forward who has three kids, who is working and going to school, who is talking about having to give up going to school so she can pay the heating bill. I had a senior woman come forward who is paying 50 percent of her income for heat and medicine.

This is not a theoretical debate. This is about life and death. This is about suffering.

Clearly, we have an opportunity and an obligation. I hope we do it and simply do the right thing. This is a rich country. Those who need to be heard, those who are raising their voices and asking us to do the right thing in a way that is being paid for, we can debate that all we want. But the bottom line is we have the opportunity to do what is right.

I urge my colleagues to do the right thing and support the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. ENSIGN. Madam President, I want to reiterate a little about what Senator COBURN talked about, whether this bill is paid for; if people want to truly pay for this legislation then we must cut other areas of spending. This is about priorities. If this is a priority—and a lot of people think it is, the Senator from Minnesota and the Senators from Maine and others from around the country believe it is a priority—then other sacrifices must be made to meet this priority. We need to set priorities in this country.

There are those of us who believe that deficits are real. They are absolutely real. People get up and talk about them all the time. But when it comes right down to whether you are willing to make tough choices instead of just increasing the spending and passing that debt on to the next generation, they aren't willing to offer other spending cuts so that we are not increasing the deficit.

That is the point that Senator COBURN and myself are trying to make. It is time to start being fiscally responsible around here instead of just passing this debt on to the next generation.

I reserve the remainder of our time.

The PRESIDING OFFICER (Mr. CHAFEE). Who yields time?

The Senator from Maine.

Ms. SNOWE. Mr. President, I yield 1 minute to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, we are here because people are suffering throughout the country, most particularly the coldest States.

Americans throughout this country—in the southland and in the northwest—understand that in Maine in the winter and in Washington State in the winter, people are freezing.

Senator COLLINS' very poignant and very telling story about what happens when people are desperately cold should be remembered by all of us.

I think it is astounding that we talk about poor people, trying to help them with a little bit of money for their heat and suggest that we take it from other poor people who use TANF money to feed their children so the other people can have heat. We talk of being responsible and say: Now we have to cut the deficit. I didn't hear that message weeks ago when we were talking about huge tax cuts to benefit the wealthiest Americans. That was not being responsible.

We have a chance to help people, a last chance to help people this year who are literally freezing. It we do not take it, shame on us.

Mr. COBURN. How much time remains?

The PRESIDING OFFICER. The Senator from Maine has 3 minutes, and the Senator from Oklahoma has 7 minutes 20 seconds.

Mr. COBURN. I yield 2 minutes to the Senator from Alabama.

Mr. SESSIONS. Mr. President, the budget point of order is not a technical budget point of order. It was a technical point of order with regard to the asbestos bill. This bill would provide $1 billion more in 2006 than the budget authorized. If we are going to spend $1 billion more than the budget authorized, how can that not be in violation of the budget?

There are two aspects: first, you say it is paid for in the future. That is irrelevant to whether the Budget Act is violated, even if it were paid for. Second, we have been around here long enough to know we are not going to cut LIHEAP next year by $1 billion. We know that.

As much as we would like to accommodate this spending—I can understand the desire of the Senators to do so—we should not do it because it violates the budget in a very fundamental way.

It clearly is an unfair allocation of funds compared to my State, which receives $17 million less if it were distributed according to the discretionary plan, as opposed to the fundamental formula.

I yield back my remaining time.

The PRESIDING OFFICER. Who yields time?

Ms. SNOWE. Mr. President, I yield 1 minute to the Senator from Connecticut.

Mr. DODD. I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, let me add to the words spoken by others. With all due respect, we hear people talking about deficit financing, and I could not agree more. Twenty years ago I offered a pay-as-you-go bill that got 12 votes in the Senate. We ought to be doing that.

With all due respect, we have people in deep trouble, people not in a position to have resources to take care of themselves. Those here who live in the Northeast or the Midwest and the upper tier States understand this problem.

I cannot say how many times I have voted when matters affected the South or the West or when other parts of the country were devastated. I do so proudly. I tell my constituents in Connecticut that they are Americans, they are hurting, they need our help, and I give them my vote when they are in trouble.

I find it astounding when I listen to Members who say my constituents cannot get help in their time of need. That is what we are asking. It is cold where we live. We have a month and a half of winter left.

The Senators from Maine are asking for little consideration. The next time some Senator from some part of the country says they have a problem in the gulf States, we will not hear the Senators from Maine saying: I am sorry, we cannot deficit finance that. We will take care of our people.

That is what we are asking you to do today: Help us take care of our people. Support this, please.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COBURN. I yield 2 minutes to the Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the Senator from Oklahoma for yielding.

Mr. President, I have sort of a long history with this program. Years ago on my watch we started this temporary program, this emergency program called LIHEAP, energy assistance. Well, here we are, 10 years later, almost 10, it is still here, and it is growing.

I guess one thing that shocked me, and this is an admission against my interests, when I realized it went from being "heating" assistance to being "heating and air-conditioning" assistance. I began to think: How far will this go?

I was in the ninth grade before we had air-conditioning, and we survived. We did not suffocate. It was damn hot down there on the Mississippi gulf coast. You could not open your windows because mosquitos would come in because we did not have screens on the windows.

So, now, millions is going into air-conditioning. And then we have heat. What is it we are not going to give people for free? Is there any limit? Is there any limit to the amount of money? I thought we were having global warming. I thought it was a mild winter.

Yes, my bills have gone up. Mine have gone up astronomically in my State because of the disaster.

I thank the Senators from Maine, particularly Senator SNOWE, for this not being connected to the flood insurance proposal. Flood insurance is a completely different issue, and because people paid for this coverage, it has already been paid for, they paid the Government for their flood insurance, and now they are going to say: Gee, because the Senate once again does not do its job and is playing games with us, we are not going to get the checks for the coverage we already paid for? I don't understand that.

Second, Senator COBURN and others who are opposed to this LIHEAP proposal have acted responsibly. They could have been obstructionist, the way they have been on other bills around here, to insist on a vote on a motion to proceed. The Senators from Maine are going to make their case. Those who are opposed to it will make our case. We will have a vote. One side or the other will win, and then I recommend we go forward at that point.

I do think if we are going to have this program, we at least need a formula that is a national formula. I do not like the program. I would prefer not a nickel of it go to my State, but I would not be doing my job if I did not insist on a formula that is fair to all of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Just to make a few final points because, again, there has been a lot of misunderstanding, mischaracterizations, misinterpretations of the facts. The facts are, this program has not grown. That is indisputable.

Look at this chart and see where we are. The level of funding for LIHEAP is equivalent to 1983 buying power, when oil per barrel costs were at $29. Today it is more than $60. The buying power for any household that depends on low-income fuel assistance has decreased from 50 percent in 2001 down to 19.5 percent. Look at the cost of home heating oil. That is where we are today.

I go unchallenged when it comes to matching fiscal responsibility. There are a number of issues I have offered in the Senate to accomplish that. That has not occurred. I agree we have to do much more. But the fact is, this $1 billion was included in the Deficit Reduction Act that most Members voted for in this Senate last year that included this funding and included this formula. Those are the facts. The $1 billion and the formula were already included in the Deficit Reduction Act. This is not increasing spending. It is budget neutral. It is the same funding formula that everyone agreed to that would help both cold weather and warm weather States. That is indisputable.

I hope at least we could debate the true and accurate facts. That is what this is all about.

This is a national issue. It is not a regional issue, it is a national issue. It is a national crisis. I hope the Senate will vote to waive the budget point of order so we can provide the $1 billion that was allocated in 2007 and advance it to 2006.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. COBURN. Mr. President, first of all, the Senator from Connecticut makes a great point. This is not about regionalization. This is about paying for something.

The Senator from Maine is absolutely right. It was in the act we passed this last fall. But it was in there for next year. It was advance funding so we would pay for the money for next year.

So if in fact we take this money now and move it out of next year, we are going to have to come up with another $1 billion. You can play the games with the numbers all you want, but the fact is, we are going to have to come up with another $1 billion.

The other thing I point out, we are not in great financial shape. We added half a trillion dollars. I was one of the few Republicans who did not vote with the rest of my side in terms of the tax cuts this last time through. I have been straightforward in addressing the financial problems our country had.

I ask Members to look at this chart put out by NOAA that says, in fact, for every area seeking today, they are either above normal or much above normal in terms of their temperatures this year. My poor State, Oklahoma, is red hot. It was 92 degrees yesterday in Oklahoma. We set an all-time record. We had 20 or 30 days over 100 this past summer.

I am not debating whether we should help people. I am debating can we help people without killing our children. The offer was made several times to the people offering this amendment: We will help you find offsets to pay for this so we do not take it from future generations. That was rejected, straightforward.

The fact is, we have to be responsible. We are going to have to come to a point in time where we will have to make a hard choice. If we do not, here is what will happen. The international financial community is going to do it for us. Interest rates are going to go sky high. The value of the dollar will fall through the floor. Talk about leaving a heritage to our children. We will leave a heritage of poverty to our children.

It is time for us to make the hard decision. Let's support this point of order because it is right. If we do not support this point of order, the budget does not mean anything, nor do the budget rules mean anything, nor do the appropriations categories mean anything.

I yield back the remainder of our time, and I call for a vote.

Ms. COLLINS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Texas (Mrs. HUTCHISON).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 66, nays 31, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—66

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Clinton
Cochran
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Frist
Grassley
Harkin
Hatch
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thune
Voinovich
Warner
Wyden

NAYS—31

Alexander
Allard
Allen
Bond
Brownback
Bunning
Chambliss
Coburn
Cornyn
Craig
Crapo
DeMint
Ensign
Enzi
Feinstein
Graham
Gregg
Hagel

Inhofe
Isakson
Kyl
Lott
Martinez
McCain
McConnell
Nelson (NE)
Roberts
Sessions
Shelby
Thomas
Vitter

NOT VOTING—3

Boxer
Hutchison
Inouye

The PRESIDING OFFICER. On this vote the ayes are 66, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to, and the point of order falls.

The Senator from Arizona.

AMENDMENT NO. 2899

Mr. KYL. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself and Mr. ENSIGN, proposes an amendment numbered 2899.

Mr. KYL. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make available funds included in the Deficit Reduction Act of 2005 for allotments to States for the Low-Income Home Energy Assistance Program for fiscal year 2006)

Strike all after the first word and insert the following:

1. FUNDS FOR LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

Section 9001 of the Deficit Reduction Act of 2005 is amended—

(1) in subsection (a)—

(A) by striking "for a 1-time only obligation and expenditure—" and all that follows through "2007" the first place it appears and inserting "$1,000,000,000 for fiscal year 2006";

(B) by striking "; and"; and

(C) by striking paragraph (2);

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

"(b) LIMITATION.—None of the funds made available under this section may be used for the planning and administering described in section 2605(b)(9) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(9))."; and

(4) in subsection (c) (as redesignated by paragraph (2)), by striking "September 30, 2007" and inserting "September 30, 2006".

Mr. KYL. Mr. President, let me briefly describe what the amendment does. I appreciate the fact that most of my colleagues are leaving, and we will have to have the debate next week. Since the budget point of order was not sustained, we are going to proceed to the consideration of the addition of $1 billion to the LIHEAP funding for low-income energy assistance. Of course, in the colder States, that generally takes the form of assistance in the heating oil bills to heat their homes. We have, however, in other States a crisis in the middle of the summer when it is so hot that folks have a hard time paying the air conditioner bills. The issue is essentially the same.

It has been pointed out by one individual that more people actually die as a result of heat than cold. In any event, we are pleased to see $2 billion already having been spent for the low-income energy assistance program in those colder States.

What we are talking about here is the addition of another $1 billion. We are saying, as to this other $1 billion, it should be spent pursuant to the formula in the law. What our amendment does is to say take this additional $1 billion, spend it pursuant to the formula under the law.

That formula is broken into two parts. The first is $250 million and the second is $750 million. The formula for the first $250 million disburses it a certain way, and for the last $750 million, it disburses it somewhat differently. That formula actually ends up getting money to all of the States but in a different mix than the first $2 billion, which is so-called contingency funding, which was almost all given to support folks in the Northeast part of the United States, in the colder part of the country.

The problem is that by the time we get to the summertime, almost all of the money is used, and anybody who needs it for air-conditioning assistance, of course, has nowhere to turn. Last summer, when we had the record-high temperatures in Arizona, we found that there was no money. We finally located about $183 million, if memory serves me, and by the time we located that funding, it was virtually too late to do very much good.

That is the reason, at this point in the year, if we are going to spend an additional billion dollars, we need to spend it pursuant to a formula under which all States can receive funding, that it is distributed fairly and spread out evenly so that the States that have air-conditioning problems will receive the benefit from it just as those States that have problems with the cold.

Mr. President, I suspect there is little point to further debating this amendment at this time. I hope that when Members return, we will be able to vote on this amendment. If we are going to add the additional billion dollars, at least let's do it in a way that is more fair. I think something like 38 States lose under the proposal of the Senator from Maine, and they would actually be made more whole if my amendment is adopted. I hope at that time we will act favorably on this amendment.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I rise in support of the proposal Senator KYL has offered. I do believe it represents a step toward fairness. But I do reiterate that I believe the budget point of order should not have been waived, and that we actually spent, under this proposal that has been cleared so far, another billion dollars this year than we had within our budget. That is a bad thing. It is those kinds of steps that get us into real trouble in spending.

We have my colleagues who say they care about spending; oh, they care about spending. But time and time again, when a vote comes up that actually has something to do with our deficit, they are AWOL. I thought it was amusing that not long ago, a Senator referred to a vote he cast 15 years ago as if that is going to prove he is frugal. We have a vote right now. This was the vote. This was a clear vote. It had to do with whether we had any intention to be disciplined in the way we handle money. They say: Well, we need this money. But the truth is we have had the warmest January on record. This has been a very mild winter. For that, we can be most thankful.

Is this an emergency? Well, what happens next year if it really is an average or cold year and we don't have this billion dollars? It has already been spent this year. And they say the heating oil prices don't fall, they go up. They say the heating oil prices will go up again next year. Where are we going to come up with that billion dollars? We don't even have a proposal here to offset it.

With regard to the funding formula we have seen, if we can fund this billion dollars in the way that has been proposed, my State, which suffers from a lot of hot days—and in small houses and in mobile homes that are not cooled, people do die. That is a tough time. If we are going to have this fund, it is only fair that the poor people in my State have a chance to participate in it, not just a select group.

So I just return to the fundamental principle. We are indeed moving a piece of legislation that spends $1 billion more this year than we authorized in spending. The fact that it came from next year's money doesn't answer the question. We are spending a billion dollars more than we were authorized to spend under our budget. What good is a budget if we don't adhere to it?

What we have is some tax-and-spend people here. They vote against tax cut extensions, they vote to raise taxes, and they vote to raise spending. That is what it is about. They say they are frugal. They say they are responsible. Those of us who are trying to contain spending and maintain a low tax rate for the American people, they say somehow we don't care about our people. That is not correct.

We are at a point in time when our Federal budget is allowing for an increase in spending every year, and we will see again this year a very sizable increase. We will have before the Budget Committee an effort to contain just a little bit the growth of entitlements. Do you know what I am hearing, Mr. President? I am hearing we don't have the votes in the Budget Committee to even have a modest containment of spending on entitlement programs, which is where the growth is—about $870 billion for discretionary spending and $1.2 trillion for entitlements. The discretionary budget this year will come in almost flat this year, with little increase. But entitlement spending is going up at about a rate of 7 percent or so. It is just driving our deficits. We cannot even begin to discuss that, apparently, because people want to raise taxes and spend. They want to tax and spend. It is not the right way to go. That is not what this country was founded on.

When you look at the Europeans who have done tax and spend—look at Germany, with 11.5 percent unemployment, and France has 9.5 percent unemployment. That is what the statist Socialist economies produce. How did they get there? Because their congresses could not resist the demand to fund every feel-good program that comes along the pike. That is why. Then when you meet with a businessman from Germany, he says: I know we have to do something, Senator. Maybe we can cut back on this, but people are so dependent on these government programs, so used to them in Germany, that we cannot quite get the votes to stop it. We know if we don't do it, it can wreck our economy, but we cannot get the votes because people become addicted to it, they like it. They feel like anything they once received, if it is not received the next year, the demagogues say it is a big cut and you have been denied something you are entitled to.

So I just say that if I seem a bit frustrated, you can know that I am. We have had a lot of good discussion about how to contain the growth of entitlements—and I am not a bit sure that is going to bear fruit this year—just to maintain the current tax level and keep taxes from being increased next year. Now we come along on top of a generous LIHEAP program and add $1 billion more, in violation of the budget agreement. We just voted to waive the Budget Act and do it anyway with 66 votes. I am telling you, this is not the way to get spending under control in this country. It is the way to move our country to a statist economy. That is not our strength.

Our unemployment is not 11.5. Our unemployment is not 9.5. Ours is 4.7. In my State of Alabama, it is 3.5. We didn't get there by taxing and spending; we got there by reducing the burden of government on the private sector and allowing the private sector to flourish. Tax revenues are up in every city in the State, I do believe. I traveled 26 counties last week. Every mayor and county commissioner I talked to is seeing increases in sales tax revenues. Many are telling me they have a 14-, 15-, to 18-percent increase in taxes. Why? Because the economy is booming. Companies are hiring people. They are bidding up the wages. They cannot find people, and they have to pay higher wages. People are making more money, and they pay taxes on that. So revenue to the Federal Government is up. Yes, we have a deficit, but revenue is up.

People don't pay taxes to Uncle Sam if they don't make money. They are paying more taxes because they are making more money. We have a free market economy that allows growth and vitality. So I think this vote is an important vote for us as a people. It is a sad vote to me to see many people who claim to be frugal, claim to care about spending, but when the chips are down and we have a clearly dangerous bill like this one, a bill that we ought to be able to vote down overwhelmingly, we could not even get 40 votes to say no. We could not find 40 votes to say no to this plan. I don't blame Senators for trying to do this. They say that you in the South want help. Well, scrutinize the help we are asking for. If we are asking for something that is unfair, say so, vote against it. Don't come in here and vote for everything this one wants, everything that one wants, and everything that one wants, and then walk in here and say the deficit is too big and now we have to raise taxes. That is where we are headed. I think everybody here knows that. There are a lot on the other side of the aisle, and apparently some on this side, for whom that is a strategy. That is a strategy. The strategy is to increase spending and then say you cannot have lower taxes and we have to have higher taxes and we have to raise taxes. They don't want to say it publicly and openly, but that is what they are working toward.

That is a big divide in the Congress, as I see it. I hate that we have a dispute over this spending, but apparently we have. It is discouraging to see the vote. But I think, as we continue to talk about it, perhaps the American people will talk to their Senators and Congressmen. When I travel around, they talk to me about spending. Of course, they want their projects. They say: Oh, don't cut that. But overall, they want constraint.

I believe the American people fundamentally will respect us if we maintain some discipline. That means, on the discretionary account, staying within our budget figure, which is basically flat spending. When we are in a crisis, we try to keep our spending level. We have a deficit. We ought to stay level. We are not slashing anything. We have to stop going for more and more red ink, more and more new spending programs that we have not had before to fund heating oil in the warmest winter on record.

We are going to keep talking about it. There will be more votes in this Congress and in this Senate. We did pretty well last year. We did do some reduction—modest reduction in entitlements with the Medicaid Program. We limited the growth of Medicaid, and we were proud of ourselves. Over 5 years, it was going up 41 percent before we passed the cost-saving bill, and now it is going up 40 percent. We thought we were quite proud of ourselves to save a little money that way. If we would do that on the other accounts, like Medicaid and Medicare and some other accounts—just a little bit—we would have big numbers as we go along and make a real difference in what we are doing. But it looks like that may not happen.

So we are going to have to, I guess, reengage the American people, reengage the Members of Congress, and they are going to be asked by constituents: How did you vote? How did you vote on LIHEAP? Did you vote to spend another $1 billion? Maybe we can begin to have the American people talk some sense into those of us in Congress.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I have some remarks to make in tribute to a combat infantry and armored brigade from Mississippi which has returned from Iraq. I ask unanimous consent that I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. COCHRAN are printed in today's RECORD under "Morning Business.")

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE SERVICE OF THE 155TH SEPARATE ARMORED BRIGADE

Mr. COCHRAN. Mr. President, I am pleased to pay tribute to the service of the 155th Separate Armored Brigade of the State of Mississippi. The 155th has a rich history of extraordinary military service to our Nation. It has participated in the War of 1812, the American Civil War, the Spanish-American

War, both World Wars, Desert Shield and Desert Storm, and operations in Bosnia.

Recently, the 155th completed a yearlong tour in support of Operation Iraqi Freedom. The 4,000-member brigade combat team was attached to the II Marine Expeditionary Force and deployed to the Al Anbar Province of Iraq. They conducted operations that included rebuilding infrastructure, hunting down insurgents, and supporting elections. Each of these activities made an indelible impact on the people of this fledgling democracy and improved their chances of surviving and prospering in a much safer and secure environment.

It is truly remarkable what our soldiers have accomplished. They served in a combat environment where they thwarted continuing attacks from a determined insurgency. They endured the hardships of being away from their families. They suffered the loss and injury of their fellow comrades. They had to endure the worry for their families' well-being as Hurricanes Katrina and Rita devastated the gulf coast. Through it all, they remained dedicated and determined to carry out their mission.

As Mississippians have done for centuries, these soldiers left their families and the comforts of home to answer the call of duty. This was not done without cost. During its deployment, the 155th lost 24 soldiers who made the ultimate sacrifice. These soldiers left behind wives, children, and loved ones. They answered the call of duty and gave their lives for America's freedom and security. This wasn't done for fame or fortune. It was done out of a commitment to duty and service to our great country. They are true heroes.

The 155th is the modern-day "Mississippi Rifles" that has carried on the proud traditions of Mississippi and our Nation.

As we honor these brave men and women, it is appropriate for us to also honor their families. No one understands the hardships of war and sacrifice more than a soldier's family. For 18 months, these Mississippians sacrificed as their loved ones answered our Nation's call. Although their lives were disrupted, they assumed the role of both mother and father. Their resilience and courage during Hurricanes Katrina and Rita continue to be admired by us all.

Of course, they did not accomplish all of this alone. Our Mississippi communities came together to provide support which ranged from countless letters and packages, to daily support at home that included clearing storm debris and ensuring shelter for their loved ones, to support for the families of fallen comrades and those who were seriously wounded.

As we pay tribute to the accomplishments of the 155th and give thanks to their sacrifice and service, it is important we remember our country is still at war. The State of Mississippi has over 500 of its citizens deployed in Iraq, Kuwait, and Afghanistan continuing to fight the global war on terrorism. In addition, we have citizen-soldiers in various stages of mobilization preparing to answer our Nation's call. Our country's military is the most committed and powerful in the world, and they are well prepared to serve in our hometowns and across the globe. We will keep them in our prayers as they continue their great legacy of sacrifice and service.

BOULDER CITY 75TH ANNIVERSARY

Mr. REID. Mr. President, I rise today to commemorate the 75th anniversary of Boulder City, NV.

Boulder City lies 24 miles east of Las Vegas, and 40 miles from Searchlight near Lake Mead. It's very close to my hometown, Searchlight, and it is a city dear to my heart. Boulder City is a Nevada treasure, and I am proud to honor them today.

Boulder City was created by the Federal Government on March 11, 1931, to provide housing to the thousands of people who built the Hoover Dam. Because Boulder City was operated as a Government reservation, the residents could not buy homes and unlike its neighboring cities, liquor and gambling were prohibited. In fact, gambling is prohibited in Boulder City to this day.

As the first planned community built in the United States, Boulder City has gone to great lengths to maintain its small town feel. Boulder City only sees about 400 new residents each year due to a growth control ordinance that was enacted in 1979.

Boulder City is most widely known as the home of the Hoover Dam. Twenty-one thousand men worked for 5 years and poured more than 5 million barrels of cement to complete the work on the $49 million dam. Forty-nine million dollars adjusted for inflation equals $676 million. Named after President Herbert Hoover, the dam is located in the Black Canyon of the Colorado River. It sits on the border between Nevada and Arizona and sees 13,000 to 16,000 people cross it each day.

Mr. President, it is important that everyone understand that Boulder City is more than just the home of the Hoover Dam, more than just a tourist attraction. It is a city whose people exemplify what being a Nevadan is all about. I invite all my colleagues here in the Senate and all the people of this great country to experience a part of Nevada that I love.

HONORING OUR ARMED FORCES

STAFF SERGEANT GREGSON GOURLEY

Mr. HATCH. Mr. President, it is my solemn duty to rise before the Senate to pay tribute to one of the great sons of Utah, SSG Gregson Gourley.

Sergeant Gourley, who grew up in Sandy and Midvale, UT was killed last week with three other members of the 1st Battalion, 327th Infantry Regiment, 101st Airborne Division (Air Assault) near Hawijah, Iraq.

As I sat down to learn more about Sergeant Gourley's life, I was struck by his dedication to service. He first served as a missionary in Pennsylvania for The Church of Jesus Christ of Latter-Day Saints, then spent 16 years as a member of our Armed Forces. His aspiration for the future was to begin a career in law enforcement.

According to what his comrades have said, Sergeant Gourley's service surpassed the motto of his battalion: "Above the Rest." Not surprisingly, he had previously been decorated for meritorious service.

I believe that his grandmother, Adena Gourley, said it best, when reflecting on the sergeant's life:

> He was a very gentle person. He has a great desire to be an outstanding soldier and an outstanding man.

Mrs. Gourley, I can say that, by all accounts, he achieved those goals.

Sergeant Gourley's passing is a further tragedy because he leaves behind a wife, three sons under the age of 10, and a newborn daughter.

To his boys, and especially little Alexa, over the years you will learn more about your father and that he was a remarkable man. But you should always remember that your father was a hero, a man anyone would be proud to call father, and our country will forever owe a debt of great gratitude to him for his unselfish service to our country.

I hope my colleagues will all join me in saluting the bravery of Sergeant Gourley, and in sending our condolences, prayers, and best wishes to his family during their time of sorrow.

SERGEANT RICKEY E. JONES

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Kokomo. Sergeant Rickey Jones, 22 years old, was one of four soldiers who died on February 22 when their vehicle was hit by a roadside bomb during a patrol near Hawijah, 150 miles north of Baghdad. With his entire life before him, Rickey risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A 2002 graduate of Kokomo High School, Rickey joined the Army because of concerns about a tight local job market at the time. After his first tour in Iraq, he returned with a new world view and volunteered for a second tour of duty. His mother told local media that the change in her son was unmistakable and that during his time in the Army, Rickey had matured into a man and a true soldier. Rickey's brother, Michael, spoke of his admiration for Rickey's patriotism, saying, "Rickey was proud of what he did and proud to serve his country. He died proud." Other family members fondly recalled that Rickey was a loving person and the pride of his family, who simply wanted to help ensure a better quality of life for Iraqi children.

Rickey was killed while serving his country in Operation Iraqi Freedom. He was a member of the 1st Battalion, 327th Infantry Regiment, 101st Airborne Division based at Fort Campbell, KY. Today, I join Rickey's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Rickey, a memory that will burn brightly during these continuing days of conflict and grief.

Rickey was known for his dedication to his family and his love of country. Today and always, Rickey will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Rickey's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Rickey's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Rickey Jones in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Rickey's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Rickey.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On March 30, 1999, Tracey Thompson was murdered in Wilcox County, GA. Thompson was a transgender person that was found bleeding from a head wound after walking a half-mile to a local farmhouse. According to police, she was beaten with a baseball bat, and desecrated in a way that made the attack an apparent hate crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that are born out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

KRESMIR COSIC

Mr. HATCH. Mr. President, I would like to take a moment to recognize one of the greatest foreign athletes to play in my home State of Utah—Kresmir Cosic.

My dear friend from Yugoslavia fell victim to cancer in 1995, but this Saturday, Brigham Young University will officially retire Kresmir's No. 11 jersey during a ceremony at BYU's final home game this season. It is a fitting tribute to a four-time Olympian and two-time all-American already enshrined in the Basketball Hall of Fame.

Kresmir—or Kresh, as I called him—is a legend at BYU, but he will most likely be remembered for opening the door for foreign athletes in American colleges and the NBA. He truly had a global influence—Drazen Petrovic, Toni Kukoc, Dino Radja, and Vlade Divac are just a few players who owe their success in America to their former coach from Yugoslavia.

When I visited Yugoslavia one time, Kresh heard that I would be in Zagreb and drove up from Zadar so he could introduce me to one of his former players, who was a leader of The Church of Jesus Christ of Latter-day Saints in the area. He arrived in a VW bug, and to see Kresh unwind out of that little car was a humorous experience.

I considered Kresh to be a tremendous friend. When he became the deputy ambassador for his country, he went out of his way to see me, and I was more than pleased to be an advisor and help him. He tirelessly walked the halls on Capitol Hill, trying to dispel misunderstandings about Croatia and Bosnia and the Serbian war waging in his native land.

The last time I saw Kresh was at Johns Hopkins Medical Center. The doctors thought he was in a coma, but when I spoke to him, tears came to his eyes, and a warm look of caring showed he understood my words of consolation.

After his death, when once again I was in his native land, I was pleased to see his wife, the person he loved so much.

Mr. President, I have only mentioned just a few highlights from the life of this great man. I ask unanimous consent to have printed in the RECORD a touching article from the Deseret Morning News that summarizes why so many of us in Utah are looking forward to finally seeing his jersey hang from the Marriott Center's rafters this weekend.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Deseret Morning News]

LATE COUGAR COSIC'S TALENT, FUN COULDN'T BE CONTAINED

(By Dick Harmon)

Kresimir Cosic could barely fit into my '63 Volkswagen that day. But who'd have guessed this world, as well, could hardly contain him and, at the age of 46, gave him back to God.

I was just 17, puttering around in my Bug when I saw the 6-foot-11 Cosic walking down the sidewalk of a street in Provo on his way to basketball practice. I stopped and asked if he wanted a ride. He said he did and he crammed himself into the car. It was like putting a praying mantis in a thimble.

The first thing Cosic did was reach over and turn on the radio. He broke out in a big smile, turned his face to mine and said: "I love the music."

In a nutshell, that epitomized all you need to know about Cosic, the Yugoslavian. He loved life. He loved basketball, and he loved playing to the largest crowds in the college game when they hatched out the Marriott Center back in 1972.

To Cosic, music played when he had a basketball in "his hands. He may have been one of the most entertaining players who ever lived. Certainly he was the most gifted passing center to play the game. As they say in Europe, Cosic was Magic Johnson before Magic Johnson.

On Saturday, folks at BYU will officially retire Cosic's No. 11 jersey during a ceremony at the final home game this season, against New Mexico. There is a generation of BYU fans who never saw Cosic play. They got robbed.

"When we toured Europe a couple of summers ago, everywhere we went, they knew BYU basketball because of Cosic," BYU coach Dave Rose said.

Cosic's resume reads like he invented basketball. In Europe, and in his native Yugoslavia, he just about did. A four-time Olympian and two-time all-American, Cosic is enshrined in the Basketball Hall of Fame in Springfield, Mass.

Cosic died in May 1995 of lymphatic cancer. The week before he passed, he was distraught when he talked to his former coach, Glenn Potter, because he felt he'd defeated the cancer, but in the process, he'd contracted hepatitis and was going to get a liver transplant. "The next thing I knew, he died," Potter said.

Cosic's passion for the game overwhelmed his approach to play. Cosic took more pleasure in passing the ball and setting up teammates than shooting. Still he could be heard yelling "Opa, Opa" (I'm open, I'm open). He thought himself a point guard, but he was a devastating inside player, a master of the hook, fade-away, running jumper, set shot and long bomb. He was a showman, a Globetrotter-type star who oozed charisma on the court in an era absent of freshman varsity players, dunks and 3-point lines.

Imagine, if he played today.

"This was before the 3-point shot, and you weren't allowed to dunk the ball," remembered guard Belmont Anderson, now a podiatrist in Las Vegas. "He had a Larry Bird range with his outside shot. When he'd take it, the coaches would yell, 'no, no, no . . . good shot, Kresh.' They frowned on taking the long shot because you weren't rewarded for it. Imagine what he'd have done if the 3-point shot was in back then or if he was allowed to dunk."

Cosic was famous for leading the fast break, making a pinpoint pass or doing a jackknife lay-up, tucking in his knees, going airborne, looking like a camel in flight. He once took off against UCLA's Sidney Wicks, and the Bruin big man looked perplexed—he'd never seen a 6–11 guy playing point guard.

"He loved to dribble the ball up court," Potter said. "I remember one day in scrimmage he took off with the ball leading the break, and our point guard, Bernie Fryer, ran up behind him and stole the ball. He was upset. They were on the same team."

Said Anderson: "If you were cutting for the basket and he had the ball, you had to be alert because Cosic could hit you with a pass, and if you weren't ready, it would hit you in the head."

Cosic was a master of behind-the-back and between-the-leg deliveries, Potter added. "I remember one game in the Smith Fieldhouse, Moni Sarkalahti cut for the basket and Cosic passed the ball between his own legs, between the legs of the center guarding him, and hit Moni in the hands for a lay-in."

Former BYU assistant coach Pete Witbeck called Cosic the best center in the college game, better than Bill Walton.

Joe Watts, now executive director of the Utah Golf Association, was a sportswriter covering Cosic's final home game in Provo when he penned: "The thought leaves me with an empty feeling, a loneliness, a sadness, like I'll be losing a friend. Something really good will be leaving my life. Kresimir Cosic has brought me, and many others, some of our most enjoyable moments in basketball. He is without any question the greatest passing center I have ever seen in the game. That alone has been thrilling."

UTEP's Don Haskins, on whom Hollywood based the movie "Glory Road," called Cosic the best center in the Olympics. It was a Cosic long bomb at UTEP that handed Haskins his first defeat on the Miner home court since joining the WAC, a five-year perfect league home record.

Cosic could have had a solid NBA career. He would have sold tickets and helped TV ratings. Instead, he chose to return home to Yugoslavia and help develop others and play for the Yugoslavian Olympic team. He later became the Croatian ambassador to the United States.

"That tells you a lot about Cosic when compared to players today who won't even play in the Olympics," Anderson said. "Cosic cared about the game, his country, more than money and fame."

Potter remembers Cosic's late return from playing in the Olympics before his senior year. He missed several deadlines to return to Provo. Potter called Cosic twice and asked when he'd come back.

"Coach, I'll be there," Cosic said twice.

Finally, when he showed up in Provo, Potter asked Cosic why he'd been delayed so long, for nearly a month. Cosic told him when he was touring Yugoslavia with a national club team, he once told an audience in a gym he had a film for them to see later. It was "Man's Search for Happiness," an LDS Church film explaining the plan of salvation. After that, Cosic said, his phone was bugged and his passport was confiscated.

Potter recalls an exhausted Cosic leaning against the basketball standard at practices that year. Potter asked him what was up and Cosic told him he was tired, he'd gone to bed about 3 or 4 in the morning the past few weeks. Potter asked him why.

Unknown to Potter, Cosic stayed up translating the Book of Mormon into Croatian. "It's something he thought was worthwhile and he had to do."

Potter remembers Cosic coming in his BYU office and debating tactics of the game, arguing strategy.

The bottom line was to give him the ball. He was such a good passer you wanted him to have the ball in his hands.

When Cosic returned to Zadar, Yugoslavia, to coach, he invited Potter to visit him three times. One day Cosic called Potter and asked him to come to Zadar and help him with a coaching problem.

"What is it?" Potter asked.

"Coach, I don't know what to tell the guards to do."

Potter about keeled over laughing. "All those times in my office, arguing."

Cosic ended up a European hero, opening the door for foreign athletes in American colleges and the NBA. Aside from filling the new Marriott Center night after night in the early '70s, his influence was global. Those who learned at his hand or were influenced by Cosic include Drazen Petrovic, Toni Kukoc, Dino Radja and Vlade Divac—all players on Yugoslavia's 1984 Olympic team coached and handpicked by Cosic.

In his final years, working in Washington, D.C., as ambassador, Cosic worked to dispel misunderstandings about Croatia and Bosnia and the Serbian war waging in his native country.

Cosic told then Deseret News Washington correspondent Lee Davidson he'd like to get back into coaching basketball someday but wasn't sure if it was in the cards, with the cancer and all.

"But it is what I would like to do, not necessarily what I will do. You never know what will happen. My country may need me to do something more. Or maybe God will have other ideas."

He was right. Within six months of that interview, he died.

ADDITIONAL STATEMENT

A TRIBUTE TO VERMONT'S OLYMPIANS

• Mr. JEFFORDS. Mr. President, I rise today to recognize the outstanding accomplishments of the Vermonters participating in the recent Winter Olympics in Turin, Italy. These Olympians proudly follow a long line of Vermonters competing at the highest levels of winter sports.

Three Vermonters made particularly extraordinary impressions in Turin: Hannah Teter, Bud Keene, and Lindsey Jacobellis.

Hannah Teter, of Belmont, VT, was the first Vermonter to medal in Turin when she earned the gold in the women's halfpipe competition. Hannah is very much a product of Vermont, growing up amidst the beauty of the Green Mountains in a family that embraced the outdoors. More importantly, Hannah was raised on homemade maple syrup, one of Vermont's most treasured products.

In her halfpipe competition in Turin, despite already holding a comfortable lead, Hannah won the gold medal with a bold and inspired final run. Though I will not pretend to perfectly understand terms like front-side 900, I can tell you that Hannah's snowboarding acrobatics were some of the most impressive athletic sights I have ever seen.

Coaching Hannah to her success was Bud Keene of Moscow, VT, the U.S. Olympic snowboard team's halfpipe coach. Bud was an avid snowboarder long before the sport was included in the Olympics. Bud coached at Mount Mansfield before becoming an assistant snowboarding coach during the 2002 Olympics. Bud was named the head halfpipe coach for the 2006 Olympics and he led the team to a remarkable performance: the U.S. won an amazing two gold medals and two silver medals in the men's and women's halfpipe competitions. Bud deserves a lot of credit for the unparalleled success of the American snowboarding team at this year's games.

Vermont's second Olympic medal also came in snowboarding when Lindsey Jacobellis of Stratton, VT, earned the silver medal in the women's snowboardcross. As many know, snowboardcross is a dangerous and difficult event that requires snowboarders to navigate a narrow 1,000-yard course while avoiding the three other competitors trying to navigate the terrain at the same time. Lindsey survived two of these incredible races just to qualify for the final medal heat, where she emerged with a silver medal in a race so challenging that two of her competitors crashed and one left the course on a stretcher.

In addition to Hannah, Lindsey, and Bud, I would like to commend the other Vermonters who traveled to Turin for the Olympics. These accomplished men and women include snowboarder Kelly Clark of Mount Snow, cross-country skier Andrew Johnson of Greensboro, freestyle skier Hannah Kearney of Norwich, alpine skier Chip Knight of Stowe, cross-country skier Andrew Newell of Shaftsbury, honorary Vermonter Jimmy Cochran of the famed Olympic ski family in Richmond, and countless other athletes who have trained, studied, or lived in Vermont and competed in Turin.

I would also like to acknowledge two Olympians who are currently serving our country in the Vermont National Guard: SP Jeremy Teela and SGT Tuffield "Tuffy" Latour. An Alaskan, Jeremy competed in the biathlon in Turin, while Tuffy coached the U.S. Men's bobsled team.

We are very lucky in Vermont to have the privilege of watching and following such an impressive group of athletes. There are many reasons why our small State has so many top-tier competitors but, to steal a line from Hannah Teter, I bet one of those reasons is Vermont's great maple syrup.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, with an amendment:

S. 1777. An act to provide relief for the victims of Hurricane Katrina.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 335. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 97th anniversary.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

S.449. An act to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

The message also announced that pursuant to 22 U.S.C. 276h, and the order of the House of December 18, 2005, the Speaker appoints the following members of the House of Representatives to the Mexico-United States Interparliamentary Group, in addition to Mr. KOLBE of Arizona, Chairman, and Mr. MCCAUL of Texas, Vice Chairman, appointed on February 16, 2006: Mr. DREIER of California, Mr. MANZULLO of Illinois, Mr. DELAHUNT of Massachusetts, Mr. FALEOMAVAEGA of American Samoa, Mr. ENGLISH of Pennsylvania, Mr. WELLER of Illinois, Mr. REYES of Texas, Mrs. DAVIS of California, and Mr. FORTUÑO of Puerto Rico.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 335. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 97th anniversary; to the Committee on the Judiciary.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, March 2, 2006, she had presented to the President of the United States the following enrolled bill:

S. 449. An act to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5836. A communication from the Board of Trustees, National Railroad Retirement Investment Trust, transmitting, pursuant to law, the Trust's Annual Management Report for Fiscal Year 2005; to the Committee on Finance.

EC–5837. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Postponement of Deadline for Making an Election to Deduct Certain Losses Attributable to Hurricanes Katrina, Rita, and Wilma" (Notice 2006–17) received on February 22, 2006; to the Committee on Finance.

EC–5838. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Supplemental Clean Renewable Energy Bond Notice" (Notice 2006–7) received on February 22, 2006; to the Committee on Finance.

EC–5839. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—March 2006" (Rev. Rul. 2006–10) received on February 22, 2006; to the Committee on Finance.

EC–5840. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Energy Efficient Home Credit; Manufactured Homes" (Notice 2006–28) received on February 27, 2006; to the Committee on Finance.

EC–5841. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualifying Gasification Project Program" (Notice 2006–25) received on February 27, 2006; to the Committee on Finance.

EC–5842. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualifying Advanced Coal Project Program" (Notice 2006–24) received on February 27, 2006; to the Committee on Finance.

EC–5843. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Certification of Energy Efficient Home Credit" (Notice 2006–27) received on February 27, 2006; to the Committee on Finance.

EC–5844. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Nonbusiness Energy Property Credit" (Notice 2006–26) received on February 27, 2006; to the Committee on Finance.

EC–5845. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Special Rules Regarding Certain Section 951 Pro Rata Share Allocations" ((RIN1545–BE71) (TD9251)) received on February 27, 2006; to the Committee on Finance.

EC–5846. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TD 9250, Application of Section 367 in Cross Border Section 304 Transactions" (RIN1545–BD46) received on February 27, 2006; to the Committee on Finance.

EC–5847. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—December 2005" (Rev. Rul. 2006–8) received on February 27, 2006; to the Committee on Finance.

EC–5848. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Medicare Secondary Payer Amendments" (RIN0938–AN27) received on February 27, 2006; to the Committee on Finance.

EC–5849. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report entitled "Assistance Provided to Foreign Aviation Authorities for Fiscal Year 2005"; to the Committee on Commerce, Science, and Transportation.

EC–5850. A communication from the Under Secretary and Director, United States Patent and Trademark Office, transmitting , pursuant to law, the report of a rule entitled

"Clarification of Filing Date Requirements for Ex Parte and Inter Partes Reexamination Proceedings" (RIN0651–AC02) received on February 27 , 2006; to the Committee on Commerce, Science, and Transportation.

EC–5851. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of the confirmation of a nominee for the position of Inspector General, received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5852. A communication from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, a report entitled "2005 Report to Congress on Apportionment of Membership on the Regional Fishery Management Councils"; to the Committee on Commerce, Science, and Transportation.

EC–5853. A communication from the Secretary of Transportation , transmitting, pursuant to law, a report entitled "Aviation and the Environment: A National Vision Statement, Framework for Goals and Recommended Actions"; to the Committee on Commerce, Science, and Transportation.

EC–5854. A communication from the Secretary of Transportation , transmitting, pursuant to law, a report entitled "2004 Status of the Nation's Highways, Bridges, and Transit: Conditions and Performance"; to the Committee on Commerce, Science, and Transportation.

EC–5855. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Naples and Sanibel, Florida)" (MB Docket No. 05–134) received on February 22, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5856. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Prospect, Kentucky, and Salem, Indiana)" (MB Docket No. 05–120) received on February 22, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5857. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Grand Portage, Minnesota)" (MB Docket No. 04–433) received on February 22, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5858. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Beaumont and Mont Belvieu, Texas)" (MB Docket No. 04–426) received on February 22, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5859. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ocala, Florida and St. Simons Island, Georgia)" (MB Docket No. 05–267) received on February 22, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5860. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Memphis and Arlington, Tennessee, and Saint Florian, Alabama)" (MB Docket No. 05–140) received on February 22 , 2006; to the Committee on Commerce, Science, and Transportation.

EC–5861. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Roma, Texas)" (MB Docket No. 05–142) received on February 22, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5862. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Water Mill and Noyack, New York)" ((MB Docket No. 03–44) (RM–10650)) received on February 22, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5863. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Johnstown and Jeannette, Pennsylvania)" ((MB Docket No. 05–52) (RM–10300)) received on February 22, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5864. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 5 regulations): [COTP Western Alaska–06–002], [CGD09–06–002], [COTP Western Alaska–06–001], [CGD13–06–002], [CGD09–05–142]" (RIN1625–AA00) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5865. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones (including 3 regulations): [CGD05–06–009], [COTP Honolulu 06–002], [CGD09–06–001]" (RIN1625–AA87) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5866. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (including 3 regulations): [CGD05–06–005], [CGD01–06–005], [CGD01–06–011]" (RIN1625–AA09) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5867. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations: Atlantic Intracoastal Waterway, Cape Fear River, and Northeast Cape Fear River, NC" (RIN1625–AA09) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5868. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 Feet (18.3 Meters) Length Overall and Using Pot Gear in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 020106A) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5869. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska" (I.D. No. 012006A) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5870. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska: North Pacific Halibut and Sablefish Individual Fishing Quota Cost Recovery Program" (I.D. No. 120805C) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5871. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 011806K) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5872. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rule; Inseason Retention Limit Adjustment" (I.D. No. 011206I) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5873. A communication from the Acting Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gulf Grouper Recreational Management Measures" (RIN0648–AT45) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5874. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures—Amdt. No. 3148" (RIN2120–AA65) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5875. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules—Amdt. No. 459; Miscellaneous Amdts. (9)" (RIN2120–AA63) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5876. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Register Dispositions for Petitions for Exemption; Docket No. FAA–2005–22982" (RIN2120–AI69) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5877. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Service Difficulty Reports—Docket No. FAA–2000–7952" (RIN2120–AI08) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5878. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Maintenance Recording Requirements; Docket No. 2005—23495" (RIN2120–AI67) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5879. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities" (RIN2120–AH14) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5880. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Noise Stringency Increase for Single-Engine Propeller-Driven Small Airplanes; Docket No. FAA–2004–17041" (RIN2120–AH44) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5881. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–100, 747–100B, 747–200B, 747–200C, 747–200F, 747–400F, 747SR, and 747SP Series Airplanes" ((RIN2120–AA64)(2005–NM–101)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5882. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems Limited Model Avro 146–RJ Airplanes" ((RIN2120–AA64)(2005–NM–084)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5883. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes; and Airbus Model A310 Series Airplanes" ((RIN2120–AA64)(2004–NM–74)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S. 2178. A bill to make the stealing and selling of telephone records a criminal offense.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SPECTER for the Committee on the Judiciary.

Terrance P. Flynn, of New York, to be United States Attorney for the Western District of New York for the term of four years.

Jack Zouhary, of Ohio, to be United States District Judge for the Northern District of Ohio.

Stephen G. Larson, of California, to be United States District Judge for the Central District of California.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DEMINT:

S. 2352. A bill to extend the temporary suspension of duty on certain manufacturing equipment; to the Committee on Finance.

By Mr. DEMINT:

S. 2353. A bill to suspend temporarily the duty on certain integrated machines for manufacturing pneumatic tires; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Ms. Collins, Mr. Rockefeller, Mrs. Boxer, Mr. Kerry, Ms. Mikulski, Mr. Feingold, Mr. Dorgan, and Mr. Kohl):

S. 2354. A bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. Kyl, Ms. Cantwell, Mr. Frist, Mrs. Boxer, Mrs. Hutchison, Mr. McCain, Mr. Domenici, and Mr. Bingaman):

S. 2355. A bill to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one's land) the construction or use of a tunnel or subterranean passageway between the United States and another country; to the Committee on the Judiciary.

By Mr. LEAHY:

S. 2356. A bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY:

S. 2357. A bill to provide for economic security and prosperity; to the Committee on Finance.

By Mr. OBAMA:

S. 2358. A bill to amend title 38, United States Code, to establish a Hospital Quality Report Card Initiative to report on health care quality in Veterans Affairs hospitals; to the Committee on Veterans' Affairs.

By Mr. OBAMA:

S. 2359. A bill to amend title XVIII of the Social Security Act to establish a Hospital Quality Report Card Initiative under the Medicare program to assess and report on health care quality in hospitals; to the Committee on Finance.

By Mr. WYDEN:

S. 2360. A bill to ensure and promote a free and open Internet for all Americans; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN (for himself, Mr. Bingaman, Mrs. Boxer, Mr. Carper, Mrs. Clinton, Mr. Dayton, Mr. Durbin, Mr. Feingold, Mrs. Feinstein, Mr. Harkin, Mr. Johnson, Mr. Kennedy, Mr. Kerry, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Menendez, Ms. Mikulski, Mr. Obama, Mr. Pryor, Mr. Reid, Mr. Rockefeller, Mr. Salazar, Ms. Stabenow, Mr. Wyden, Mr. Kohl, Mr. Schumer, and Mr. Nelson of Florida):

S. 2361. A bill to improve Federal contracting and procurement by eliminating fraud and abuse and improving competition in contracting and procurement and by enhancing administration of Federal contracting personnel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BYRD:

S. 2362. A bill to establish the National Commission on Surveillance Activities and the Rights of Americans; to the Committee on the Judiciary.

By Mr. BURR (for himself, Mr. Jeffords, Mr. Leahy, Mr. Allard, Mr. Salazar, Mr. Carper, Mr. Roberts, Mr. Brownback, Mr. Kennedy, Mr. Kerry, Mrs. Dole, Mr. Santorum, Mr. Specter, Mr. Cornyn, Mrs. Hutchison, Mr. Wyden, and Mr. Frist):

S. 2363. A bill to extend the educational flexibility program under section 4 of the Education Flexibility Partnership Act of 1999; considered and passed.

By Ms. CANTWELL (for herself, Mr. Bingaman, Mr. Harkin, Mr. Lautenberg, Mrs. Boxer, Mr. Lieberman, Mrs. Clinton, Mr. Menendez, Mr. Akaka, Mr. Dodd, and Mr. Kerry):

S. 2364. A bill to provide lasting protection for inventoried roadless areas within the National Forest System; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COLEMAN (for himself, Mr. Smith, Mr. Voinovich, Mr. Coburn, and Mr. Kyl):

S. Res. 387. A resolution recognizing the need to replace the United Nations Human Rights Commission with a new Human Rights Council; to the Committee on Foreign Relations.

By Mr. FRIST (for himself, Mr. Santorum, and Mr. Brownback):

S. Res. 388. A resolution urging the Government of National Unity of Sudan and the Government of Southern Sudan to implement fully the Comprehensive Peace Agreement that was signed on January 9, 2005; considered and agreed to.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 654

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 654, a bill to prohibit the expulsion, return, or extradition of persons by the United States to countries engaging in torture, and for other purposes.

S. 908

At the request of Mr. MCCONNELL, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

S. 985

At the request of Mrs. CLINTON, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 985, a bill to establish kinship navigator programs, to establish kinship guardianship assistance payments for children, and for other purposes.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1283

At the request of Mrs. CLINTON, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from South Dakota (Mr. JOHNSON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 1283, a bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

S. 1289

At the request of Ms. MIKULSKI, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1289, a bill to provide for research and education with respect to uterine fibroids, and for other purposes.

S. 1376

At the request of Mr. COCHRAN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1376, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 2157

At the request of Mrs. BOXER, the names of the Senator from Montana (Mr. BURNS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2157, a bill to amend title 10, United States Code, to provide for the Purple Heart to be awarded to prisoners of war who die in captivity under circumstances not otherwise establishing eligibility for the Purple Heart.

S. 2178

At the request of Mr. SCHUMER, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2231

At the request of Mr. BYRD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2231, a bill to direct the Secretary of Labor to prescribe additional coal mine safety standards, to require additional penalties for habitual violators, and for other purposes.

S. 2243

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2243, a bill to make college more affordable by expanding and enhancing financial aid options for students and their families and providing loan forgiveness opportunities for public service employees, and for other purposes.

S. 2253

At the request of Mr. DOMENICI, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2253, a bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing.

S. 2320

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2320, a bill to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

At the request of Ms. SNOWE, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2320, supra.

S. 2333

At the request of Mr. SCHUMER, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Wisconsin (Mr. KOHL), the Senator from Connecticut (Mr. DODD) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2333, a bill to require an investigation under the Defense Production Act of 1950 of the acquisition by Dubai Ports World of the Peninsular and Oriental Steam Navigation Company, and for other purposes.

S. 2351

At the request of Mrs. BOXER, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2351, a bill to provide additional funding for mental health care for veterans, and for other purposes.

S. RES. 383

At the request of Mr. BROWNBACK, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 383, a resolution calling on the President to take immediate steps to help improve the security situation in Darfur, Sudan, with an emphasis on civilian protection.

At the request of Mr. BIDEN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Florida (Mr. MARTINEZ), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Mr. LEVIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from California (Mrs. BOXER) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Res. 383, supra.

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. Res. 383, supra.

At the request of Mr. FRIST, his name and the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 383, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON of Florida (for himself, Ms. COLLINS, Mr. ROCKEFELLER, Mrs. BOXER, Mr. KERRY, Ms. MIKULSKI, Mr. FEINGOLD, Mr. DORGAN, and Mr. KOHL):

S. 2354. A bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, I am pleased to be joined by my colleague and cosponsor Senator SUSAN COLLINS as we introduce the Medicare Prescription Drug Gap Reduction Act of 2006.

For years now, I have advocated for providing seniors with meaningful prescription drug coverage. Seniors in this country should never have to choose between their meals and their medications.

Unfortunately, Congress created a Medicare prescription drug plan that is confusing and contains a huge coverage gap. These are some of the reasons that I did not support the legislation that created this program. But this flawed plan is what passed. Our job now is to help seniors by fixing the underlying law. I have spoken with Medicare beneficiaries across Florida and they are understandably concerned about the new prescription drug benefit. One issue of great concern to Floridians is the large gap in coverage called the "doughnut hole."

The Medicare drug benefit contains a large coverage gap during which beneficiaries continue to pay premiums but get no drug coverage at all. For most plans, Medicare will pay 75 percent of initial drug costs up to $2,250 after a $250 deductible. But then the program pays nothing until drug expenses reach $5,100. This lack of coverage for drug spending is often called Medicare's doughnut hole.

More than one-third of all Medicare beneficiaries are projected to have drug spending that falls in the doughnut hole's range, according to the Congressional Budget Office (CBO). Millions of beneficiaries will pay premiums yet receive no coverage during this time. This is simply unacceptable.

In response, we are introducing the Medicare Prescription Drug Gap Reduction Act of 2006 which will reduce the impact of the doughnut hole on Medicare beneficiaries.

Our bill allows the Secretary of Health and Human Services (HHS) to negotiate on behalf of Medicare beneficiaries for lower drug prices. Unfortunately, the law that created the new Medicare drug program actually prohibits the Secretary from using the purchasing power of over 40 million seniors to negotiate for lowers prescription drug prices. The savings generated from allowing negotiations would then be applied towards reducing the doughnut hole, providing more drug coverage for Medicare beneficiaries.

A recent analysis was conducted by researchers at the Johns Hopkins Center for Hospital Finance and Management on the Medicare doughnut hole. They concluded that "the gap in coverage could be completely eliminated if Medicare paid the same prices as the Veterans' Administration, or Department of Defense and 75 percent of the gap could be eliminated if Medicare paid the same prices as the Federal Ceiling Price." Our bill gives the Secretary authority similar to entities like the Veterans' Administration and the Department of Defense, to negotiate contracts and obtain the lowest possible prescription drug prices for Medicare beneficiaries.

Allowing the Federal Government to utilize market forces to negotiate for lower prescription drug prices and using these savings to alleviate the impact of the doughnut hole is a commonsense approach to providing Medicare beneficiaries with affordable prescription drugs.

This issue boils down to just one goal—helping seniors. We urge all of our colleagues, from both sides of the aisle, to join us in this effort to help lower prescription drug costs for Medicare beneficiaries.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Prescription Drug Gap Reduction Act of 2006".

SEC. 2. REDUCING COVERAGE GAP.

Section 1860D–2(b) of the Social Security Act (42 U.S.C. 1395w–102(b)) is amended—

(1) in paragraph (3)(A), by striking "paragraph (4)" and inserting "paragraph (4), subject to the increase described in paragraph (7)"; and

(2) by adding at the end the following new paragraph:

"(7) INCREASE OF INITIAL COVERAGE LIMIT BASED ON MEDICARE SAVINGS DUE TO NEGOTIATION OF DRUG PRICES.—For each year (beginning with 2006), the Secretary shall increase the initial coverage limit for the year specified in paragraph (3) so that the aggregate amount of increased expenditures from the Medicare Prescription Drug Account as a result of such increase under this paragraph in the year (as estimated by the Office of the Actuary of the Centers for Medicare & Medicaid Services) is equal to the aggregate amount of reduced expenditures from such Account that the Office of the Actuary estimates will result in the year as a result of the application of the amendment made by section 3(a) of the Medicare Prescription Drug Gap Reduction Act of 2006.".

SEC. 3. NEGOTIATING FAIR PRICES FOR MEDICARE PRESCRIPTION DRUGS.

(a) IN GENERAL.—Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended by striking subsection (i) (relating to noninterference) and inserting the following:

"(i) AUTHORITY TO NEGOTIATE PRICES WITH MANUFACTURERS.—

"(1) IN GENERAL.—Subject to paragraph (4), in order to ensure that beneficiaries enrolled under prescription drug plans and MA–PD plans pay the lowest possible price, the Secretary shall have authority similar to that of other Federal entities that purchase prescription drugs in bulk to negotiate contracts with manufacturers of covered part D drugs, consistent with the requirements and in furtherance of the goals of providing quality care and containing costs under this part.

"(2) MANDATORY RESPONSIBILITIES.—The Secretary shall be required to—

"(A) negotiate contracts with manufacturers of covered part D drugs for each fallback prescription drug plan under subsection (g); and

"(B) participate in negotiation of contracts of any covered part D drug upon request of an approved prescription drug plan or MA–PD plan.

"(3) RULE OF CONSTRUCTION.—Nothing in paragraph (2) shall be construed to limit the authority of the Secretary under paragraph (1) to the mandatory responsibilities under paragraph (2).

"(4) NO PARTICULAR FORMULARY OR PRICE STRUCTURE.—In order to promote competition under this part and in carrying out this part, the Secretary may not require a particular formulary or institute a price structure for the reimbursement of covered part D drugs.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 101 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

By Mrs. FEINSTEIN (for herself, Mr. KYL, Ms. CANTWELL, Mr. FRIST, Mrs. BOXER, Mrs. HUTCHISON, Mr. MCCAIN, Mr. DOMENICI, and Mr. BINGAMAN):

S. 2355. A bill to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one's land) the construction or use of a tunnel or subterranean passageway between the United States and another country; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, our borders are our Nation's first line of defense. They are the key to our homeland, and ensuring their integrity is vital to our national security.

But there are some who seek to create a means of entering our country illegally. For years, they've tried to go around the border checkpoints. Now they are trying to go under them through sophisticated border tunnels.

In fact, there have been 40 border tunnels financed and constructed since 9/11—to move humans, drugs, and weapons under the border. Twenty-one of these were on the California-Mexico border—eight since January of this year.

This is a serious issue not just for San Diego and California, but for the entire country.

Surprisingly, there is no law on the books now that makes it a crime to construct, finance, build, or use a tunnel into the United States.

Last week, I toured a recently discovered tunnel in San Diego with San Diego Mayor Jerry Sanders, Police Chief Bill Lansdowne, Sheriff Bill Kolender and various Federal Government officials from the Department of Homeland Security.

This tunnel is the largest, most sophisticated underground passageway ever discovered: approximately half a mile long (8 football fields); at its deepest point, more than nine stories below ground; equipped with a drainage system, cement flooring for traction, lighting, and a pulley system; disguised as a produce distribution company known as "V & F Distributors, LLC"; and accessible only through a small office inside this warehouse, covered by four square tiles.

The Bureau of Immigration and Customs Enforcement began investigating the case two years ago, and raided the tunnel last month from the Mexican side not knowing if or where an opening on the U.S. would be found. They discovered over 2,000 pounds of marijuana on the Mexican side of the border and approximately 300 on the U.S. side.

The legislation which I am introducing today—joined by Senator KYL as the Republican lead, as well as Senators FRIST, CANTWELL, BOXER, HUTCHISON, MCCAIN, BINGAMAN and DOMENICI—throws the book at those who build these tunnels and subterranean passageways into the United States.

It would: criminalize the construction or financing of an unauthorized tunnel or subterranean passage across an international border into the United States with a term of imprisonment up to 20 years; punish those who recklessly permit others to construct or use an unauthorized tunnel on their land with a term of imprisonment of up to 10 years; punish those who use a tunnel to smuggle aliens, weapons, drugs, terrorists, or illegal goods by doubling the sentence for the underlying offense; in addition to imprisonment, ensure that assets involved in the offense, or any property traceable to the offense, may be subject to forfeiture; and instruct the U.S. Sentencing Commission to promulgate or amend sentencing guidelines to provide for criminal penalties for persons convicted under this bill, and to take into account the gravity of this crime when considering the base offense levels.

The legislation is critical. We must secure every aspect of our borders.

Since 9/11: forty border tunnels have been discovered in the United States; all but one have been on the southern border; twenty-one of the tunnels were along the California-Mexico border; eight of the tunnels were discovered in San Diego since the beginning of the year; these tunnels range in complexity from simple "gopher holes" a few feet long at the border to massive drug-cartel built mega-tunnels, costing hundreds of thousands to millions of dollars to construct.

The need for this legislation is urgent. We must secure every aspect of our borders, including those we can't always see. And it is in our national security interest that we find these tunnels and prosecute those who construct, finance or recklessly permit the use of these tunnels on their land or property to the fullest extent of the law.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Tunnel Prevention Act".

SEC. 2. CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 554. Border tunnels and passages

"(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be imprisoned for not more than 20 years.

"(b) Any person who recklessly permits the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be imprisoned for not more than 10 years.

"(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi))) shall be subject to twice the penalty that would have otherwise been imposed had the unlawful activity not made use of such a tunnel or passage.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"Sec. 554. Border tunnels and passages.".

(c) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by inserting "554," before "1425,".

SEC. 3. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 554 of title 18, United States Code, as added by section 1.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 554 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) provide adequate base offense levels for offenses under such section;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(B) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(4) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(5) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(6) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

By Mr. LEAHY:

S. 2356. A bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am introducing the "War Profiteering Prevention Act of 2006." This bill creates criminal penalties for war profiteers and cheats who, for ill-gotten gain, would exploit the United States Government's taxpayer-funded war and reconstruction efforts in Iraq and elsewhere around the world. I am pleased that Senator DORGAN has also included this legislation in the "Honest Leadership and Accountability in Contracting Act of 2006" that is also being introduced today.

I previously introduced this legislation in 2003. It came to be cosponsored by 21 Senators, including Senators CLINTON, DODD, FEINSTEIN, JOHNSON, KERRY, LANDRIEU, BILL NELSON, WYDEN, DAYTON, DURBIN, FEINGOLD, HARKIN, JEFFORDS, KENNEDY, KOHL, LIEBERMAN and REID. The Senate Appropriations Committee unanimously accepted these provisions during a Senate Appropriations Committee markup of the $87 billion appropriations bill for Iraq and Afghanistan for Fiscal Year 2004, and it passed the Senate. It was the right thing to do then, and it is the right thing to do now.

Regrettably, the Republican leadership in the House stripped this legislation out of that appropriations bill, and we regrettably have been witnessing the results in the meantime. Billions appropriated for the continuing war efforts and for reconstruction are unaccounted for, and fraud has been rampant. The recent report of the special inspector general confirms that U.S. taxpayer funds appropriated for reconstruction have been lost and diverted.

There are, of course, anti-fraud laws to protect against waste of tax dollars at home. But none expressly prohibits war profiteering, and none expressly confers jurisdiction for fraud overseas. This bill would criminalize "war profiteering"—overcharging taxpayers in order to defraud and to profit excessively from a war, military action, or reconstruction efforts. It would prohibit any fraud against the United States involving a contract for the provision of goods or services in connection with a war, military action, or for relief or reconstruction activities. This new crime would be a felony, subject to criminal penalties of up to 20 years in prison and fines of up to $1 million or twice the illegal gross profits of the crime.

The bill also prohibits false statements connected with the provision of goods or services in connection with a war or reconstruction effort. This crime would also be a felony, subject to criminal penalties of up to 10 years in prison and fines of up to $1 million or twice the illegal gross profits of the crime. These are strong and focused sanctions that are narrowly tailored to punish and deter fraud or excessive profiteering in contracts, here and abroad, related to the United States Government's war or reconstruction efforts.

Congress has sent more than a quarter of a trillion dollars to Iraq with too little accountability and too few financial controls. Disturbingly, there are widespread reports of waste, fraud and war profiteering in Iraq, and the special inspector general examining the use of reconstruction funds in Iraq recently found that billions of taxpayer dollars remain unaccounted for.

For example, a recent report on 60 Minutes revealed that more than $50 billion of U.S. taxpayer funds have gone to private contractors hired to guard bases, drive trucks, feed and shelter the troops and rebuild in Iraq. This is more than the entire annual budget of the Department of Homeland Security.

In addition, just this week, the New York Times, reported that the Army has decided to reimburse a Halliburton subsidiary—Kellogg Brown & Root—for nearly all of its disputed costs on a $2.41 billion no-bid contract to deliver fuel and repair oil equipment in Iraq, even though the Pentagon's own auditors had identified more than $250 million in charges as potentially excessive or unjustified. That article further notes that the Army's decision to pay all but 3.8 percent of these questionable charges lies well outside the normal practice of the military.

The recent revelations about contract fraud and abuse in Iraq make clear that the approach to reconstruction in Iraq has been a formula for mischief. We need strong disincentives for those who would take advantage of the chaos of war to defraud American taxpayers.

We also need to strengthen the tools available to federal prosecutors to combat war profiteering. Despite well-publicized allegations of fraud and war profiteering in Iraq, so far the Government has brought only one case to recover these funds—a civil lawsuit brought under the False Claims Act. That case involves a contractor accused of overcharging the Government millions of dollars under a contract to help distribute new Iraqi currency during the first months after the collapse of the Hussein government. The Government's ability to recover funds in that case is being questioned by the defendant, however, who argues that legal technicalities may constrain current law from reaching all of the conduct of contractors working in Iraq or elsewhere overseas. This bill would address this problem by providing clear authority for the Government to seek criminal penalties and to recover excessive profits for war profiteering overseas. It should already be law, but three years ago the House Republican leadership rejected it.

Every penny of our taxpayers' money must be expended carefully and purposefully and protected from waste. The message sent by this bill is that any act taken to financially exploit the crisis situation in Iraq or elsewhere overseas for exorbitant financial gain is unacceptable, reprehensible—and criminal. Such deceit demeans and exploits the sacrifices that our military personnel and National Guard are making in Iraq and Afghanistan.

When U.S. taxpayers have been called upon to bear the burden of reconstruction contracts—where contracts are awarded in a system that offers little competition and even less accountability—concerns about wartime profiteering are a grave matter. Historical efforts to stem such profiteering have been successful: Congress implemented excessive-profits taxes and contract renegotiation laws after both World Wars, and again after the Korean War. Advocating exactly such an approach, President Roosevelt once declared it our duty to ensure that "ar few do not gain from the sacrifices of the many." Then, as now, our Government cannot in good faith ask its people to sacrifice for reconstruction efforts that allow so many others to profit unfairly.

There is urgency to this important measure because criminal statutes cannot be applied retroactively. These controls should have been put in place at least three years ago; they need to be in place now. I urge that the Senate make prompt passage of this legislation a high priority. I hope that this time the House Republican leadership will have learned the hard lessons of the last three years and that, this time, they will allow this bill's enactment, on behalf of the Nation's taxpayers. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2356

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "War Profiteering Prevention Act of 2006".

SEC. 2. PROHIBITION OF PROFITEERING.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§1039. War profiteering and fraud relating to military action, relief, and reconstruction efforts

"(a) PROHIBITION.—

"(1) IN GENERAL.—Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with a war, military action, or relief or reconstruction activities within the jurisdiction of the United States Government, knowingly and willfully—

"(A)(i) executes or attempts to execute a scheme or artifice to defraud the United States; or

"(ii) materially overvalues any good or service with the specific intent to defraud and excessively profit from the war, military action, or relief or reconstruction activities; shall be fined under paragraph (2), imprisoned not more than 20 years, or both; or

"(B)(i) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

"(ii) makes any materially false, fictitious, or fraudulent statements or representations; or

"(iii) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry;

shall be fined under paragraph (2) imprisoned not more than 10 years, or both.

"(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

"(A) $1,000,000; or

"(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

"(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

"(c) VENUE.—A prosecution for an offense under this section may be brought—

"(1) as authorized by chapter 211 of this title;

"(2) in any district where any act in furtherance of the offense took place; or

"(3) in any district where any party to the contract or provider of goods or services is located.".

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"1039. War profiteering and fraud relating to military action, relief, and reconstruction efforts.".

(b) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting "1039," after "1032,".

(c) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking "or 1030" and inserting "1030, or 1039".

(d) RICO.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting the following: ", section 1039 (relating to war profiteering and fraud relating to military action, relief, and reconstruction efforts)" after "liquidating agent of financial institution),".

By Mr. KENNEDY:

S. 2357. A bill to provide for economic security and prosperity; to the Committee on Finance.

Mr. KENNEDY. Mr. President, these have not been easy times for vast numbers of Americans. In many ways, the American dream is in peril for millions of our fellow citizens as global forces have caused the economy to shift against them.

Complacency is not the answer. Few things more affect the way we live than our shrinking and rapidly changing world. Unless we begin to address this immense challenge more effectively, the Nation will pay a high price for years and years to come. Now is the right time to reinvest in America's future, which is why I am today introducing the Right TRACK Act.

American families across the Nation know the problem. It is measured in jobs moving overseas, stagnant or even falling wages and benefits, our schools losing ground compared to other nations, and fewer opportunities to attain the American dream. Indeed, the course we are on today is a course that will make the American dream the impossible dream.

America cannot move forward if we cut back on investments in education, invention, and innovation, as the administration has proposed. We cannot compete in the world if our companies and our workers are saddled with soaring costs for health care. We cannot advance if we fail to invest in our own employees by paying them a decent wage, by taking steps to enable companies to keep jobs here at home, and by investing wisely in our own economic growth.

The 20th century was widely hailed as the American century, but the 21st century is up for grabs. No nation is guaranteed a future of lasting prosperity. We have to work for it. We have to sacrifice for it.

We have a choice. We can continue to be buffeted by the harsh winds of the global economy or we can think anew and guide the currents of globalization with a new progressive vision that strengthens America and equips our citizens to move confidently to the future.

Competing better in a race to the bottom is not the answer. Equality of opportunity—a bedrock principle of our democracy—is suffering already. Today, children born of parents in the bottom 20 percent of income have only a 1 in 15 chance of reaching the top 20 percent in their lifetimes. Also disturbing is the fact that those born in the middle are more likely to sink to the bottom than to rise to the top. And those born at the top are likely to stay at the top.

We cannot and should not compete by lowering wages. Instead, we must open new doors and new avenues for all Americans to make the most of their God-given talents and rekindle the fires of innovation in our society. By doing so, we can turn this era of globalization into a new era of opportunity for America.

As Thomas Jefferson said, "Every generation needs a new revolution." And I believe the revolution for this generation is to master our own destiny in the new global economy.

What is most required is a new vision for America's future in the global community. Our goal is to rekindle the American Dream, so that if people work hard and play by the rules, they can succeed in life, be better off than their parents, live in good neighborhoods, raise strong families in safe surroundings, work in decent jobs with decent pay and decent benefits and a decent retirement.

To do all that, we must make a commitment to lifelong education, to prepare every man, woman, and child for the new world of intensifying competition and increasingly sophisticated technologies.

We must create high-quality jobs for the years ahead by investing in research and development, encouraging innovation, and modernizing all aspects of our infrastructure.

We must level the playing field for American businesses and employees, to ensure fair worldwide competition and preserve good jobs in the United States.

And we must make a fair commitment to assist and care for workers and communities harmed by the forces of globalization.

We can do all that, but only if we make the right choices, and the time to start is now.

I strongly believe that our highest priority must be a world class education for every American. We must seek a future where America competes with other nations, not by reducing our employees' pay and outsourcing their jobs but by raising their skills.

As a Nation, we must invest in Americans by ensuring access to the highest quality educational opportunities. We must make the American worker and manager the best educated, best trained, and most capable in the world. We need to nourish the capacities of every person in the nation.

To do that, we must begin in the earliest years. Research proves conclusively that what we do for children's early education and development does more to ensure their later success in school than any other investment we can make. It is far less costly to society to spend millions to put young children on the right track from the start, instead of spending billions to rescue them from the wrong track later. In fact, one study concludes that in the long run, we save $13 for every dollar invested in the early education of our youngest citizens. Prevention works in health care, and it can work in education too.

For generations, we have treated education as a three-legged stool—elementary and middle school, high school, and college. To create a solid foundation for the future, we have to add a fourth leg—early childhood education.

In elementary and secondary education, the No Child Left Behind Act was a pioneering reform that held great promise when it was signed into law by President Bush 4 years ago.

No Child Left Behind was not just an abstract goal. It was a moral commitment to every parent and every child and every school in America, and I was proud to stand with President Bush when he signed it. It soon became clear, however, that to the administration, it was more a slogan than a promise. Too many parents, too many children, too many schools are still waiting for the help we pledged.

We can't reform education without the resources needed to pay for the reforms. Promises alone won't provide the qualified teachers, high standards in every classroom, good afterschool activities, and the range of supplemental services that every good school needs if it is to provide the right help for students who need it.

No Child Left Behind was also a promise that every child counts—Black or White or Brown, rich or poor. It was a promise that disabled children too will have the qualified teachers and individual support they need to succeed in school and in life.

We must also do more to help students prepare for college, afford college, be admitted to college and complete college. In 1950, when I graduated from school, only 15 percent of jobs required some postsecondary training. Today, the number is over 60 percent and rising rapidly.

However, we are witnessing a growing gulf in college attendance between the rich and poor. The gap is shameful. Each year, 400,000 college-ready students don't attend a 4-year college because they can't afford it. Never before has the financial challenge of attending college been greater for young students.

It is time for America to agree that cost must never be a barrier to college education. Every child in America should be offered a contract, when they reach eighth grade, making clear that if they work hard, finish high school, and are accepted for college, we will guarantee them the cost of earning a degree. The Right TRACK Act authorizes Federal grants to States to support the creation of "Contract for Educational Opportunity" grants to cover students' unmet need up to the cost of attendance at 2-year and 4-year public colleges in that State.

Perhaps nowhere is it more obvious that we are falling behind than in math and science. For a nation that prides itself on innovation and discovery, the downward slide is shocking. In recent years, we have dropped to 28th in the industrial world in math education. Each year, China graduates three times as many engineers as we do. Other nations are gaining on us because they give higher priority to education.

The last time America was shocked into realizing we were unacceptably behind in math and science was in 1958, when the Soviet Union launched Sputnik. Republican President Eisenhower and a Democratic Congress responded by passing the National Defense Education Act, and almost overnight we doubled the Federal investment in education.

In fact, throughout our history, we have remade American education to conquer the challenges of each time. In the mid-1800s, with the Industrial Revolution in full swing, we created free and mandatory public schools before most other nations did. And to stay ahead, we rapidly established public high schools at the start of the last century to keep pace with a growing economy.

Once again, we did something comparable at the end of World War II. We passed the GI Bill of Rights and gave every returning veteran the chance for a college education. The Nation reaped a $7 return for every dollar it invested in their education. The result was the "greatest generation," and it would never have happened without the GI bill.

That is the kind of initiative we need today, because the need is just as great. We need a new Education Bill of Rights, a new National Defense Education Act, for our own day and generation in science and math.

Let's make college free for students training to become math or science teachers.

Let's make college and graduate school free for low- and middle-income math and science students.

Let's see that our standards are internationally competitive, so that our high school graduates can succeed in this new economy. Let's offer incentives and other support for schools to develop and implement rigorous standards and courses in math and science.

The Right TRACK Act responds to each of these challenges. The legislation provides grants to low- and middle-income students studying in science, technology, engineering, and math fields, as well as critical-need foreign languages. The bill provides larger grants to students studying to become teachers in these fields who agree to work in a high poverty school for at least 4 years. It also provides teachers with tax credits, increased loan forgiveness as additional incentives to continue to teach where they are needed the most and invests in teacher training programs supporting their continuing education.

The Right TRACK Act also provides resources to states to create P–16 Preparedness Councils to help States with their efforts to improve State standards and ensure that they are aligned with the expectations of colleges, employers, and the armed services. The bill also provides funding to States working in collaboration to establish common standards and assessments.

The bill also directs resources to high need schools so they can invest in math, science, engineering, and technology textbooks and laboratories to ensure their students have equal access to a curriculum that will provide them with the skills they need to be successful in the 21st century global economy.

It is becoming increasingly important for students to become exposed to and immersed in other languages and cultures. In recent years, foreign language needs have significantly increased throughout the public and private sector due to the presence of a wider range of security threats, the emergence of new nation states, and the globalization of the U.S. economy. American businesses increasingly need employees experienced in foreign languages and international cultures to manage a culturally diverse workforce. Foreign language proficiency is a consideration in 44 percent of hiring decisions and 66 percent of retention decisions. Currently, the U.S. Government requires 34,000 employees with foreign language skills in 100 languages across more than 80 Federal agencies.

The Right TRACK Act responds to these needs by providing grants for elementary and secondary critical-need language programs, summer institutes to improve teachers' knowledge and instruction of foreign languages and international content, and study abroad and foreign language study opportunities for high school students, undergraduate, and graduate students.

We must also continue to invest in our current workforce. The Right TRACK Act builds on existing formula funds for job training with competitive grants to support innovative strategies to meet emerging labor market needs.

From our earliest days as a nation, education has been the engine of the American dream. Our country is home to the greatest universities in the world, and our education system has produced the world's leading scientists, writers, musicians, and inventors. We cannot let these achievements stall now. Slogans aren't strong enough. We have to put first things first and give children, parents, schools, communities and States the support they need to refuel the amazing engine of education and keep our country great in the years ahead.

Beyond education, we must recognize that the foundation of our prosperity in this global world is to remain on the cutting edge of technology and medical and scientific breakthroughs in the years ahead and translate those advances into reliable products and services. A strong and fully developed infrastructure will provide the backbone for that success.

America has always been a world leader in research and development, but we can no longer take our success for granted. Even in highly skilled industries, where our technology and infrastructure have preserved our competitive advantage we are increasingly at risk today. Rapidly growing economies in Asia, Eastern Europe, and South America are now formidable competitors, developing their economies into engines of growth based not just on low wages but on well-educated citizens, advanced infrastructure, and well-run businesses.

In Bangalore, India, a G.E. center employs more than 2,200 Ph.D.s. These workers are not sewing buttons on shirts; they are carrying out advanced research on jet engines and developing mathematical models for investment. An Intel research and development center in the same city employs 3,000 engineers designing the next generation of computer chips.

However, despite increasing international competition, the Federal commitment to research outside the defense arena has declined under the Bush administration. Of particular concern is the drop in funding for basic research. Much of the research conducted by private companies is focused on getting a product quickly to market. That is not the basic research that lays new foundations for new discoveries. Funding for basic research has declined in the past few years at the National Institutes of Health, the National Science Foundation, the Department of Energy, and other key scientific agencies. And overall the Federal investment in research which once exceeded one percent of our GDP is now less than half a percent.

We cannot allow this trend to continue. The Right TRACK Act will help America maintain its position as the leader in innovation. The Right TRACK Act will not only make the R&D credit permanent but expand it to encourage small businesses, universities, and Federal laboratories to collaborate on research. And it will increase R&D funding for major Federal research agencies by 10 percent that we double it in 7 years.

Innovation is important for its own sake, but it is also what creates jobs. We are currently seeing our investment in R&D paying dividends in high growth, high technology industries such as nanotechnology. We need to help usher these new technologies out of the laboratory and into the marketplace. The Right TRACK Act would encourage investment in nanotechnology businesses and increase support for critical programs at the Department of Commerce that help manufacturers adopt and commercialize new technologies.

We also must invest in innovation and infrastructure—highways, mass transit, new sources of clean energy, health I.T., and more. The Right TRACK Act will authorize funds for capital improvements to Amtrak and expands and increases tax credits for school renovation and construction that will equip schools with 21st century technology.

These investments not only improve the quality of our lives, but they also create the quality jobs that drive our economy forward.

Broadband infrastructure is a perfect example. Two years ago, President Bush declared that every American should have access to affordable broadband technology by the year 2007. But the administration still has no plan to get us there. In the meantime, we have fallen to 16th in the world in broadband access behind countries such as Japan and the Netherlands that have broadband speeds four and five times faster than ours.

Widespread use of basic broadband would add $500 billion to our economy and create 1.2 million jobs. Clearly, this is the kind of infrastructure we should invest in to produce good jobs and economic growth in the future. The Right TRACK Act also puts us on the "right track" to take full advantage of that economic opportunity.

We also live in an age exploding with medical miracles. A generation ago, few could possibly have imagined the advances in science and biology that have revolutionized the practice of medicine. No one today can predict how new discoveries in the life sciences will improve our lives and change the world, but we can be certain the effects will be profound.

Thanks to the genius and dedication of scientists, doctors, and business leaders, the potential of medical research is virtually limitless. Diagnosing a faulty heart valve or blocked artery once meant risky and traumatic exploratory surgery. Today, doctors make the diagnosis with a miniature camera and fiber optic cable, and the patient can walk out of the office moments later.

A few years ago, it seemed inconceivable that anyone could decipher the entire genetic code—the very blueprint of life. But today, doctors across the globe can read that sequence on their computer screens and use the information to search for new ways to treat cancer, diabetes, Alzheimer's, Parkinson's and other major illnesses.

Continuing at the forefront of the life sciences may well be the most important way for America to retain its leadership in the world economy in the coming years.

Another of the fundamental challenges of the global economy is that our companies are losing business and our people are losing jobs because they are not competing on a level playing field.

Foreign governments manipulate their currencies to give their products an unfair advantage. They refuse to enforce basic labor protections like a minimum wage. They use abhorrent practices like child labor and forced labor. As a result, these countries can produce goods much more cheaply and dominate the global marketplace.

Our own trade deficit is skyrocketing because we are producing less at home and buying more from other nations. Last year, we imported a record $726 billion more than we exported—an all-time high.

We can't continue down this reckless path. It is too damaging to our economy. Over $2.2 trillion of our national debt today is owed to foreign investors and foreign governments. America has always controlled its own destiny but when foreigners are bankrolling our Government, our destiny is no longer in our hands.

It is not just our companies that suffer—our workers are also struggling because the playing field is so uneven. More and more of our companies are shipping U.S. jobs overseas. Fifty-four percent of America's top companies have already done so. Even governments are part of the offshoring bandwagon. In my home State of Massachusetts, the State government has hired contractors that used workers from India to process Medicaid data and answer questions about food stamps.

The Nation as a whole has lost nearly 3 million manufacturing jobs since 2001. The pain is widespread—48 States have lost manufacturing jobs under President Bush. These are not just blue-collar jobs. Millions of high-paying, white-collar jobs are also at risk of being shipped overseas, especially in the fields of medicine and computers.

The disappearance of these good jobs is reducing our standard of living and threatening the very existence of the American middle class. President Bush's so-called economic recovery has the worst job creation record of any recovery since World War II.

Those fortunate enough to have jobs are finding that their wages are stagnant even though other costs are soaring. College tuition is up 46 percent since 2001. Housing costs are up 49 percent. Health insurance is up 58 percent. Gasoline is $2.33 a gallon—40 percent higher than it was 5 years ago.

The foundation of the America dream is weakening. That is because more of what our economy produces in this recovery now goes to business profits and executive suite salaries, and less to employees, than at any time since such records began in 1929. Wages are down, but profits are up by more than 60 percent.

There is a better way. We need policies that reject the Walmart-ization of the American workforce.

We must level the playing field in the competition for good jobs and demonstrate leadership in promoting fair wages for workers around the world. This is not just an economic issue—it is a moral issue. The Right TRACK Act will help raise living standards worldwide by prioritizing the elimination of forced labor and child labor in U.S. trade agreements and providing incentives for multinational corporations to treat their foreign workers with respect. It will also level the playing field for American businesses by ensuring that countries cannot manipulate their currencies to give their goods an unfair advantage in the global market.

Rejecting the race to the bottom also means reaffirming our commitment to workers here at home. We must stop rewarding companies by giving them favorable tax breaks for shipping jobs overseas. The Right TRACK Act corrects this nonsensical policy by eliminating the tax loophole that allows companies to avoid paying taxes on money they have earned overseas. The act also addresses the offshoring epidemic by requiring companies to give workers better notice when their jobs could be offshored to other countries and ensuring that the Government does not use hard-earned tax dollars to ship jobs overseas.

Our commitment to workers at home also demands that we give them their fair share of the economic growth that globalization brings. In this century, just as in the last, we must ensure that workers can organize and have a voice at work. The Right TRACK Act preserves the basic rights of American workers by protecting employees who try to organize from employer intimidation, supporting the democratic right of a majority of workers to choose a representative through fair and neutral card-check procedures, and requiring employers to come to the table and negotiate a first contract.

We owe a particular duty to those Americans who lose their jobs due to the effects of trade or economic downturns. When workers lose their jobs in the global economy, we should help in the difficult and painful transition to new employment with top-notch job training and income assistance for their families until they get another paycheck. The Right TRACK Act gives workers and communities harmed by trade the support they deserve. It expands the Trade Adjustment Assistance Program to include service workers and workers who lose their jobs due to increased trade with countries like China and India. It also improves funding levels for training programs, provides wage insurance for older workers who lose their jobs, and helps workers to retain their health care coverage during times of transition.

And it is a scandal that the minimum wage has been stuck at $5.15 an hour for the past 9 years, below the poverty line for a family of three. It is the lowest the minimum wage has been in real value in more than 50 years. How can so many Republicans in Congress keep voting against any increase? Why can't we all at least agree that no one who works for a living in America should have to live in poverty? The Right TRACK Act gives these hardworking Americans a long overdue raise by increasing the minimum wage to $7.25 an hour in three steps.

America has to rise to each and every dimension of this challenge. We can do it by creating a new culture of innovation and creativity that keeps our Nation in the lead in the global market place—by equipping every American to compete and win in the new global economy. Only then will our economy continue to grow and prosper. Only then will the good jobs of the future be made in the U.S.A.

The same can-do spirit of innovation, invention, and progress that brought us the automobile, the airplane, and the computer can do it again. Those advances brought the American dream closer for all, and we can't afford to let it slip away now.

The essence of the American dream is the ability to provide a better life for yourself and your family. At its very heart are a good job, first-class education, good health care, and a secure retirement. Some say the dream is out of reach in today's global economy. But I am here today to tell you it doesn't have to be that way. We can revitalize the American dream.

I have full confidence in our ability to meet these challenges and reach new heights of discovery prosperity, and progress. Passing the Right TRACK Act that I've introduced today is an important step towards ensuring that the American dream remains attainable for generations to come, and I urge my colleagues to support it.

By Mr. OBAMA:

S. 2358. A bill to amend title 38, United States Code, to establish a Hospital Quality Report Card Initiative to report on health care quality in Veterans Affairs hospitals; to the Committee on Veterans' Affairs.

By Mr. OBAMA:

S. 2359. A bill to amend title XVIII of the Social Security Act to establish a Hospital Quality Report Card Initiative under the Medicare program to assess and report on health care quality in hospitals; to the Committee on Finance.

Mr. OBAMA. Mr. President, today I am introducing legislation that would expand and improve quality reporting for our Nation's hospitals through the establishment of a national Hospital Quality Report Card Initiative.

Study after study has documented that health care quality in the United States is inconsistent and inadequate. The landmark 2003 RAND report by Beth McGlynn found that the chance of Americans getting recommended care is not much greater than the flip of coin. For many conditions, the chances are even worse—only about a third of diabetics and a quarter of patients with atrial fibrillation and hip fractures receive the right treatment, as do only about 10 percent of patients with alcohol dependence. Patients are suffering, and the financial costs of poor care are staggering. We can and must do more to ensure that every patient gets the right care, at the right time, in the right way.

One way to help improve health care quality is to measure and report the quality of care in our nation's hospitals. Hospital quality reports can help patients and consumers choose the hospital that will best serve their health needs. Purchasers and payers can use hospital quality information to help their decision-making about where employees and members can go for care. Hospitals and health care professionals would similarly benefit from identification of areas of need, and opportunities for quality improvement and cost containment. And finally, with greater quality reporting and transparency, we can begin to have an honest dialogue about health care quality and how to reform our health care system.

Several States have already developed and implemented hospital report card initiatives, and I am proud to say that Illinois began its own report card initiative in January of this year—an initiative that I spearheaded when I served in the Illinois State Senate.

On the national level, the Centers for Medicare and Medicaid Services (CMS) and the Hospital Quality Alliance have partnered to identify and encourage submission of quality measures for several health conditions, on a voluntary basis, in exchange for greater federal reimbursement. The Deficit Reduction Act codified this initiative earlier this year.

The Hospital Report Card Act, which I am introducing today, takes quality measurement one step further, by mandating that the Secretary expand and improve upon current quality reporting for hospitals. Within 18 months, the Secretary would establish a formal Hospital Report Card Initiative, and publish reports on individual hospital quality using data submitted for the value based purchasing program at CMS, but also including other data available to the Secretary. The report cards would report quality measures that align with those used in the National Healthcare Quality Report, including measures of effectiveness, safety, timeliness, efficiency, patient-centeredness, and equity. In addition, the report cards would provide information on other quality priorities for patients, such as staffing levels of nurses, rates of infections acquired in hospitals, volume of procedures performed, and availability of specialized care. The Secretary would also report measures of relevance to a number of priority populations, including women, children and minorities.

The bill requires the Secretary to take steps to ensure that all reported data is accurate and fairly represents hospital quality, and that hospitals have an opportunity to participate in the development of the report card initiative. I also want to make sure that sick patients have full access to the best hospitals, and so the report cards will risk-adjust quality data, so that hospitals are not inadvertently penalized for caring for more challenging patient populations.

We are hearing a lot of rhetoric about patient empowerment and consumer-driven health plans. However, we can't expect patients to make the best choices for their health care in the absence of accurate information on quality and costs. Similarly, we can't expect hospitals to recognize their areas of deficiencies or strengths without a critical look inwards. Finally, we can't expect the Nation at large to support and embrace healthcare reform without greater awareness of quality problems.

The Hospital Quality Report Card Act will help the Nation take one step closer to improving health care quality and containing costs, and I hope my colleagues will join me in passing this critical legislation.

By Mr. WYDEN:

S. 2360. A bill to ensure and promote a free and open Internet for all Americans; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, a headline in today's Wall Street Journal warns consumers that they will soon face a "pay to play" Internet where those businesses and consumers who want to continue to see equal content get equal treatment will have to pay more. Rather than let them continue to have the freedom to choose whatever content, applications and services they want, the big network operators want to control the content consumers can access. Allowing the big network operators to discriminate on the Net is bad news for consumers, small businesses, schools, libraries, nonprofits and any other user who enjoys their freedom of access.

That is why today I am proposing legislation that will codify the principle of network neutrality. I want consumers, small businesses and every other Internet user to continue to enjoy tomorrow the full array of content, service and applications they enjoy today.

My legislation, the Internet Non-Discrimination Act of 2006, will establish the principle of network neutrality by requiring the operators of the network to treat all content on the Internet equally. It will ensure transparency so that everyone can easily determine all rates, terms and conditions for the provision of any communications. Transparency coupled with a complaint process before the Federal Communications Commission will encourage compliance.

This legislation has been developed in consultation with a number of consumer groups and businesses, and I ask unanimous consent the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 2360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Non-Discrimination Act of 2006".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Since passage of the Telecommunications Act of 1996, the Internet has grown robustly. Today, Americans are changing how they access the Internet, moving from dial-up to broadband for their home connections. According to the Pew Internet and American Life Project, 72 percent of Americans use the Internet and 59 percent of Americans with home Internet have a high-speed Internet connection.

(2) Americans use the Internet for many daily activities. Over 17 percent of Americans have sold something over the Internet. Everyday, approximately 60,000,000 Americans use search engines to get access to information. 80 percent of Americans have looked online for health care information. In growing numbers, Americans are using the Internet to place phone calls, watch their favorite televisions shows or movies, and play games.

(3) The growth of the Internet and its success are due in large part to the freedom that has always existed on the content and applications layer of the Internet. Innovation has thrived on this layer, as anyone with a good idea has the ability to access consumers. The continuation of this freedom is essential for future innovation.

(4) Freedom on the content and applications layer has also led to robust competition for retail goods for consumers. Consumers can shop at thousands upon thousands of retailers from their home computers, including small businesses located miles away in other towns, States, and even countries.

(5) Such freedom is leading to the development of important new entertainment offerings, on-demand video and movie purchases, Internet Protocol television, and enhanced gaming options. The entertainment options available in the future will only be limited by the bandwidth that can be used and the innovation of people all over the world.

(6) Despite the growth of the Internet and increased access to the Internet for Americans, there is very little choice in who provides them high-speed Internet access. According to an April 2005 White Paper by Harold Feld and Gregory Rose, et. al., entitled, "Connecting the Public: The Truth About Municipal Broadband" only 2 percent of Americans get high-speed Internet access from someone other than their local phone company or cable provider. According to the Federal Communications Commission, approximately 20 percent of Americans do not have a high-speed Internet access provider that offers them service.

(7) As more and more Americans get high-speed access to the Internet without having much choice of who their provider will be, it is important that Congress protect the freedom on the Internet to ensure its continued success.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) Application or Service.—The term "application or service" means any information or service—

(A) by which an end-user through software or a device engages in an exchange of data or information; and

(B) conveyed over communications.

(2) Bits.—The term "bits" or "binary digits" means the smallest unit of information in which form data is transported on the Internet as a single digit number in base-2.

(3) Commission.—The term "Commission" means the Federal Communications Commission.

(4) Communications.—The term "communications"—

(A) means any voice, video, or data application or service, regardless of the facilities or technology used, that—

(i) is a transmission to subscribers by use of—

(I) the public rights-of-way;

(II) spectrum;

(III) numbering or addressing resources; or

(IV) other inputs licensed or managed by a unit of local government, or a private entity working in concert with such unit of local government, for the benefit of the public;

(ii) is offered to the public, or as to such classes of subscribers as to be effectively available directly to the public, with or without a fee; and

(iii) enables an end user, as part of such service, to transmit content of their own design or choosing between or among points specified by such user;

(B) includes interactive on-demand services, as such term is defined in section 602(12) of the Communications Act of 1934 (47 U.S.C. 522(12)); and

(C) does not include cable service, as such term is defined in section 602(6) of the Communications Act of 1934 (47 U.S.C. 522(6)).

(5) Content.—The term "content" means information—

(A) in the form of writing, signs, signals, pictures, and sounds of all kinds, including stored information requested by an end user; and

(B) that is generated based on the input or request of such user.

(6) Person.—The term "person" means any natural person, partnership, firm, association, corporation, limited liability company, or other legal entity.

(7) Network Operator.—

(A) In General.—The term "network operator" means any person who owns, operates, controls, or resells and controls any facility that provides communications directly to a subscriber.

(B) Obligations.—Any obligation imposed on a network operator by the provisions of this Act shall apply only to the extent that such network operator is engaged in providing communications.

(8) Subscriber.—The term "subscriber" means any person who—

(A) is an end user of an application or service provided through communications; and

(B) consumes or provides goods provided through such application or service.

(9) Transmission Component.—The term "transmission component" means the portion of communications which enables an end user to transmit content of their own design and choosing between or among points specified by such user.

SEC. 4. OBLIGATIONS OF NETWORK OPERATORS.

(a) In General.—A network operator shall—

(1) not interfere with, block, degrade, alter, modify, impair, or change any bits, content, application or service transmitted over the network of such operator;

(2) not discriminate in favor of itself or any other person, including any affiliate or company with which such operator has a business relationship in—

(A) allocating bandwidth; and

(B) transmitting content or applications or services to or from a subscriber in the provision of a communications;

(3) not assess a charge to any application or service provider not on the network of such operator for the delivery of traffic to any subscriber to the network of such operator;

(4) offer communications such that a subscriber can access, and a content provider can offer, unaffiliated content or applications or services in the same manner that content of the network operator is accessed and offered, without interference or surcharges;

(5) allow the attachment of any device, if such device is in compliance with part 68 of title 47, Code of Federal Regulations, without restricting any application or service that may be offered or provided using such a device;

(6) treat all data traveling over or on communications in a non-discriminatory way;

(7) offer just, reasonable, and non-discriminatory rates, terms, and conditions on the offering or provision of any service by another person using the transmission component of communications;

(8) provide non-discriminatory access and service to each subscriber; and

(9) post and make available for public inspection, in electronic form and in a manner that is transparent and easily understandable, all rates, terms, and conditions for the provision of any communications.

(b) Preserved Authority of Network Operators.—Notwithstanding the requirements described in subsection (a), a network operator—

(1) may—

(A) take reasonable and non-discriminatory measures to protect subscribers from adware, spyware, malware, viruses, spam, pornography, content deemed inappropriate for minors, or any other similarly nefarious application or service that harms the Internet experience of subscribers, if such subscribers—

(i) are informed of the application or service; and

(ii) are given the opportunity to refuse or disable any such preventative application or service;

(B) support an application or service intended to prevent adware, spyware, malware, viruses, spam, pornography, content deemed inappropriate for minors, or any other similarly nefarious application or service that harms the Internet experience of subscribers, if such subscribers—

(i) are informed of the application or service; and

(ii) are given the opportunity to refuse or disable any such preventative application or service; and

(C) take reasonable and non-discriminatory measures to protect the security of the network of such operator, if such operator faces serious and irreparable harm; and

(2) shall—

(A) give priority to an emergency communication;

(B) comply with any court-ordered law enforcement directive; and

(C) prevent any activity that is unlawful or illegal under any Federal, State, or local law.

SEC. 5. COMPLAINTS REGARDING VIOLATIONS.

(a) COMPLAINT.—Any aggrieved party may submit a written complaint to the Commission seeking a ruling that a network operator has violated a requirement described in section 4(a).

(b) CONTENT OF COMPLAINT.—In any complaint submitted under subsection (a) an aggrieved party shall make a prima facie case that—

(1) a network operator violated a requirement of section 4(a);

(2) such violation was not a preserved authority described in subparagraph (A) or (B) of section 4(b)(1); and

(3) such violation is harmful to such party.

(c) 7-DAY ACCEPTANCE PERIOD.—Not later than 7 days after the date of the submission of a complaint under subsection (a), the Commission shall issue a decision regarding its acceptance or denial of the prima facie case made by an aggrieved party.

(d) CEASE AND DESIST.—

(1) IN GENERAL.—If the Commission accepts the prima facie case of an aggrieved party under subsection (c), a network operator shall be required to cease and desist the action that is the underlying basis of the complaint for the duration of the proceeding on such complaint, until such time as the Commission may rule that a violation of a requirement of section 4(a) has not occurred.

(2) AUTHORITY TO EXTEND CEASE AND DESIST ORDER.—The Commission shall have the authority to extend any cease and desist order to any similarly situated person as the Commission determines necessary and appropriate.

(e) BURDEN OF PROOF.—If the Commission accepts the prima facie case of an aggrieved party under subsection (c), a network operator shall bear the burden of proving that—

(1) no violation of section 4(a) occurred; or

(2) such violation was a preserved authority described in section 4(b).

(f) FINAL DECISION.—

(1) 90-DAY PERIOD.—Not later than 90 days after the date of the submission of a complaint under subsection (a), the Commission shall issue a final decision regarding the request for a ruling contained in such complaint.

(2) FAILURE TO ISSUE DECISION.—If the Commission fails to issue a decision at the expiration of the 90-day period described in paragraph (1), a violation of a requirement of section 4(a) shall be deemed to have occurred.

(g) RULES OF CONSTRUCTION.—

(1) DELEGATION.—

(A) IN GENERAL.—Nothing in this section shall be construed—

(i) to prevent the Commission from delegating any authority granted to it under this section to a relevant office or bureau pursuant to the authority granted the Commission under section 5(c) of the Communications Act of 1934 (47 U.S.C. 155(c)); or

(ii) to limit the Commission from adopting any appropriate procedures pursuant to any other provision of law.

(B) LIMITATION.—The rule established under subparagraph (A) shall only apply if at the expiration of the 90-day period described in subsection (f)(1)—

(i) the Commission issues a final decision that is ripe for judicial review; or

(ii) a violation of a requirement of section 4(a) shall be deemed to have occurred under subsection (f)(2).

(2) PETITION FOR RECONSIDERATION.—

(A) IN GENERAL.—Nothing in this section shall be construed to affect the ability of any eligible party to file a petition for reconsideration under section 405 of the Communications Act of 1934 (47 U.S.C. 405).

(B) TIMING.—

(i) 90-DAY PERIOD.—Not later than 90 days after the date of the submission of a petition for reconsideration under section 405 of the Communications Act of 1934 (47 U.S.C. 405), the Commission shall issue an order granting or denying such petition.

(ii) FAILURE TO ISSUE AN ORDER.—If the Commission fails to issue a decision at the expiration of the 90-day period described in clause (i), the previous decision of the Commission shall be considered affirmed and final for purposes of judicial review.

(3) JUDICIAL REVIEW.—Notwithstanding section 402(b) of the Communications Act of 1934 (47 U.S.C. 402(b)) and any other provision of law, any appeal of a decision of the Commission under this section shall be made to United States district court for the district in which the principle place of business of the aggrieved party is located.

(4) INTERVENTION BY THIRD PARTIES.—Nothing in this section shall be construed to prevent any interested person from intervening in any appeal of a decision of the Commission in accordance with section 402(e) of the Communications Act of 1934 (47 U.S.C. 402(e)).

SEC. 6. PENALTIES.

(a) IN GENERAL.—If the Commission issues a ruling under section 5 that a network operator is in violation of a requirement of section 4(a), such network operator shall be subject to the penalties prescribed under section 501 of the Communications Act of 1934 (47 U.S.C. 501).

(b) SEPARATE VIOLATIONS.—Each violation of a requirement of section 4(a) shall be treated as a separate incident for purposes of imposing penalties under subsection (a).

By Mr. BYRD:

S. 2362. A bill to establish the National Commission on Surveillance Activities and the Rights of Americans; to the Committee on the Judiciary.

Mr. BYRD. Mr. President, before the Presidents Day recess, I spoke about recent egregious examples of domestic surveillance by the executive branch, and I announced my intention to introduce legislation to establish a commission to investigate the instances of warrantless wiretapping and spying on U.S. citizens by the National Security Agency and other departments of Government.

I am not the lone voice raising questions about the legality of this program and its effect on the rights of law-abiding American citizens. I am only one—only one—in a growing chorus—a growing chorus—of concerned individuals. Since the New York Times broke the story of the NSA's wiretapping program, many in this Chamber on both sides of the aisle have questioned the legality of the warrantless wiretapping and have called for investigations into possible violations of the Foreign Intelligence Surveillance Act, as well as other transgressions against the spirit or the letter of our revered Constitution.

Many of our country's foremost constitutional scholars and professors of law have expressed their categorical opposition to the NSA's program, citing possible violations of both the Constitution and the Foreign Intelligence Surveillance Act. They agree that "the program appears on its face"—on its face—"to violate existing law."

These concerns have, of course, been dismissed by the same branch of Government that hatched the domestic spying program. Did you hear that? I will say it again. These concerns have been dismissed by the same branch of Government that hatched the domestic spying program. But this stonewalling—yes, that is stonewalling—this stonewalling is only part of the story. Important questions about NSA's program have been answered with strained and tenuous justifications or claims of the dire need for secrecy and, as a result, Congress's access to information has been severely—severely, severely—curtailed, by whom? By whom? Guess what, by the administration; by the administration.

There are some things we do know. We know that top officials in the Department of Justice who were concerned about questions of legality and lack of oversight of the program refused to endorse continued use of the NSA's wiretapping. That isn't all. We also know because of these concerns this secret program was suspended. Do you get that? This secret program was suspended temporarily due to questions about its legality.

What most Americans don't know is that FBI agents complained about the utility of the wiretapping program. Voluminous amounts of information and records that were gleaned from this secret eavesdropping program were sent from the National Security Agency to the Federal Bureau of Investigation, and FBI officials repeatedly complained that they were being drowned by a river of useless information that diverted their resources from pursuing important counterterrorism work. Such complaints raise the question of whether the domestic wiretapping program may have backfired by sending our top counterterrorism agencies on wild-goose chases, thus making our country less secure instead of making our country more secure.

We know that one member of the Foreign Intelligence Surveillance Court, Judge James Robertson, resigned—yes, resigned—4 days after the New York Times first detailed the NSA's warrantless—warrantless—domestic surveillance. We know that only the chief judge of the FISA Court, the secret court charged with approving requests to conduct domestic surveillance, had any knowledge of this clandestine wiretapping program. The other judges, who are sworn to strict secrecy, learned of the program just as many of our citizens did—through reports in the press. Yes, thank God for a free press.

We know that although most of the judges of the Foreign Intelligence Surveillance Court were kept in the dark about the program, at least one of the judges was tipped off by an attorney within the Department of Justice that some of the information being presented to the court to secure warrants was improperly obtained, meaning the Government had apparently circumvented a court-ordered screening process to eliminate tainted evidence.

We know that in a February 28 letter to Senate Judiciary Committee Chairman ARLEN SPECTER, Attorney General Gonzales admitted that the Justice Department's legal justification for the wiretaps has "evolved over time."

What does that mean? Does it mean that there actually was no legal basis for the NSA to spy on American citizens when it first began the surveillance? Does it mean the Department had to gin up some legal basis for the spying once the program became public? Does it mean the administration's reliance on the use-of-force resolution to justify its snooping was simply a ploy—just a ploy—an "after the fact" face-saving device meant to give the administration cover for having violated the civil liberties of Americans?

We know that earlier this week, 18 Members of the House of Representatives sent a letter to President Bush requesting that he appoint a special counsel to investigate the NSA's warrantless surveillance of our citizens. In their letter, the House Members noted that with no clear information coming from the administration, they and all of America have been forced to rely primarily on press reports to determine the scope of the NSA's activities.

With so many questions unanswered by the administration, it is absolutely imperative that there be an objective investigation of this program and any violations of law that may have occurred.

We are in a supercharged political year—we know that, you know that, everybody knows that—an election year for one-third of the Senate, including this Senator from West Virginia, and for the entire House of Representatives. And the Senate Intelligence Committee as of today has refused to initiate a serious investigation into this matter. But an investigation has to go forward. The efficacy of our laws and our Constitution is at stake. That is why I am proposing legislation to establish a nonpartisan commission to review and investigate domestic surveillance in America, along with serious allegations of abuse. In this way, we will be sure to safeguard our first and fourth amendment rights as enumerated in this Constitution, as well as evaluate the actual effectiveness of such programs in combating terrorist threats.

James Madison wrote in his essay, "Political Reflections," that "[t]he fetters"—the fetters, f-e-t-t-e-r-s—"[t]he fetters imposed on liberty at home have ever been forged out of the weapons provided for defense against real, pretended, or imaginary dangers from abroad.

No one is suggesting that the threat of terrorist attacks is anything but a real threat, and one that must be of the Congress's utmost priority. But the suggestion that the American people would be safer in their homes if they just forego their constitutionally protected rights is a deliberately deceptive assertion that may forge the fetters that bind law-abiding citizens. Make no mistake about it: It is these ill-conceived strictures that may ultimately destroy precious liberties.

In fact, it is because our forefathers were fearful of re-creating the same tyrannous form of government from which many of them had fled, that the Bill of Rights—the Bill of Rights, those first 10 amendments—the Bill of Rights was added to the Constitution to better secure for all time—all time—the freedom from oppression that ever looms from an overly powerful executive. Get that. Get that. Let me say that again. It was because our forefathers, thank God, were fearful of re-creating the same tyrannous, the same tyrannical form of government from which many of them had fled that the Bill of Rights was added to the Constitution to better secure, for all time, the freedom from oppression that ever looms from an overly powerful executive. And you better believe it. You better believe it. Hear me. Hear me now. I will always speak out against an all-powerful executive, under either party.

In a climate of fear, liberties have been sacrificed time and again under the guise of keeping the Nation from harm. Fear. Yes, fear is a powerful tool for manipulation; useful for easing the American people out of their liberties and into submission. Fear. When the public is confronted with a situation, real or imagined, that inspires fear, the public rightfully look to their leaders—look to their leaders, Mr. President—for protection from foreboding consequences. The claim of wartime necessity always strengthens the hands of a President. Let me say that again. The claim of wartime necessity always strengthens a President, any President, Republican or Democrat. And often facts are sealed from the prying eyes of Congress by a purported need for secrecy.

But Senators, and that includes this Senator from West Virginia, Senators have a sworn duty—a sworn duty, a sworn duty—sworn right up there at that desk with their hand on the Bible—the holy Bible, the holy Bible, the holy Bible—with their hand on the Bible to check executive power. We have to be on guard every moment of every day. The executive branch, whether it be Democratic or Republican, is always reaching—always reaching, always reaching—always grabbing more power, more power, more power, and we have to be on guard. We have a sworn duty to check executive power and, as long as I live, I am going to stand for the checking of the executive power; I don't care whether it is a Democrat or Republican in the White House or an Independent. It makes no difference. We have a sworn duty. We swear. We put our hand on the Bible before God and man, and we swear to check executive power at all times—at all times—in times of crisis or otherwise. Each of us here, and there are 100 here, and each of this 100, 100 Senators, we are each bound to defend the Constitution and each bound to defend the liberties that the Constitution gives to all Americans, at all times, in times of peace and in times of war.

History has shown us many times that a climate of fear can take a hefty toll on our freedoms. That is your freedoms. That is your freedoms. That is your freedoms. Worse still are liberties surrendered in vain, resulting in little added security.

There is no doubt that constitutional freedoms will never be abolished in one fell swoop—never—for the American people cherish their freedoms, and they would not tolerate such a loss if they could perceive it; if they could see it coming, if they could hear it, if they could feel it, if they could perceive it. But the erosion of freedom rarely comes as an all-out frontal assault; rather, it is gradual, noxious, creeping, cloaked in secrecy and glossed over by reassurances of greater security.

The American people are a people born of sacrifice, and the sacrifices that the American people are willing to endure speak well of the tenacity and the strength that makes the United States of America what it is. Some may be tempted to accept on blind faith the administration's—any administration's, any administration's—promise of increased security, and they may see it as a duty to capitulate their rights for that flimsy promise. May we all pause to reflect on the hard-won liberties—the hard-won liberties—for which earlier generations fought and died. Remember Nathan Hale. He died. He regretted that he had but one life to give, to lose, one life to lose for his country. Remember Patrick Henry: "Give me liberty or give me death," he said. John Paul Jones: "We have only begun to fight."

So may we all pause to reflect, as we have just done, on the hard-won liberties for which earlier generations fought and died before we easily accept convincing rhetoric. Rhetoric is cheap. Talk is cheap. To suggest that innocent Americans surrender rights to preserve freedom is a false choice. It is also a slippery slope, one that is fraught with ever more secrecy and the certainty of egregious abuses of our Bill of Rights and of our laws over time.

The commission that I propose would determine how to best protect the homeland, as well as the most effective ways of gathering needed intelligence. It will examine the procedures for the NSA's use and retention of intelligence obtained without warrants, and the method and scope of dissemination of such information to other agencies. It will investigate any questions raised by the Foreign Intelligence Surveillance Court concerning the legality of the domestic spying program. It will examine the obligation of the President—do you get that? Do you hear that, Mr. President? Republican or Democrat. It will examine the obligation of the President to brief Members of Congress—not just one or two or three or four—on warrantless surveillance of American citizens. It will lift the fog—lift the fog—of secrecy and clandestine government activity misaimed at law-abiding citizens and perhaps, most importantly, it will shed much needed sunshine—let the sunshine in—much needed sunshine on any unlawful or unconstitutional executive—executive, executive intrusions into the lives of ordinary Americans.

By Ms. CANTWELL (for herself, Mr. BINGAMAN, Mr. HARKIN, Mr. LAUTENBERG, Mrs. BOXER, Mr. LIEBERMAN, Mrs. CLINTON, Mr. MENENDEZ, Mr. AKAKA, Mr. DODD, and Mr. KERRY):

S. 2364. A bill to provide lasting protection for inventoried roadless areas within the National Forest System; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Mr. President, I rise along with Senators BINGAMAN, HARKIN, LAUTENBERG, BOXER, LIEBERMAN, CLINTON, MENENDEZ, AKAKA, DODD and KERRY to introduce the Roadless Conservation Act of 2006.

Since Teddy Roosevelt established the national forest system 100 years ago, we have cherished these amazing public lands. They have provided both timber for our economy, and quiet solace for our souls. However, only a fraction of the vast natural forests that once covered our nation remain. I believe it is our duty to protect these lands before we have no natural forest legacy to pass on to our children.

Simply put, the Roadless Area Conservation Act of 2006 represents a balanced and reasoned approach to forest management on untouched public lands. This legislation reasserts safeguards in place in 2001 to protect our nation's the last remaining pristine forest lands, 58.5 million acres, from logging, road-building, and other environmentally damaging development. In Washington State alone there are 2,015,000 acres of National Forest system lands that qualify for protection as Roadless areas under the legislation.

The bill would prohibit new road construction or reconstruction in inventoried roadless areas while maintaining opportunities for hunting, fishing, hiking, mountain-biking, snowmobiling, cross-country skiing and other forms of outdoor recreation in our National Forests.

The legislation also includes a number of important exemptions to allow new road construction for human health and safety, oil and gas development, and other previously approved economic activities, such as ski trails.

What is more, it allows for hazardous fuels reduction, forest stewardship projects, and targeted economic activities. This legislation also helps address the serious fiscal challenge presented by the more than $8.6 billion dollar maintenance and reconstruction backlog on the 386,000 miles of existing U.S. Forest Service roads.

Of course, this might not sound new. And you'd be right. In many ways, we've travelled these roads before. The Clinton Administration finalized the Roadless Area Conservation Rule in January 2001, following three years of official review and public participation, over 600 public meetings—45 public meetings in Washington state alone—and hearings on each National Forest and in each Forest Service region.

During his confirmation hearing I asked Attorney General John Ashcroft if the administration would uphold the Roadless regulation. He pledged that he would. In May 2001, then-USDA Secretary Ann Venemen also pledged that the administration would stand by the Rule.

But that's not what happened. Through a series of subtle yet unmistakable steps the administration has allowed these protections to be undermined steadily. They've rolled over for logging companies and developers. They've cooked up loopholes for State-based petitions or settlements that could weaken or eliminate the protections afforded to these unique lands. And finally, in May of 2005, they dropped the pretense altogether when the U.S.D.A. Forest Service repealed the 2001 Roadless Area Conservation Rule, eliminating these vital roadless forest land protections.

The need for action today is more urgent than ever. These are national forest lands that provide unmatched outdoor recreation opportunities, critical fish and wildlife habitats, and promote clean drinking water for millions of Americans. This bill would not apply or effect state, tribal, county, municipal, or private lands and does not impact existing U.S. Forest Service roads, trails, or activities on those roads and trails.

The 2001 Roadless Rule has received unprecedented public support, including over four million comments submitted to the U.S. Forest Service asking that it not be overturned. Most recently, over 250,000 Americans, including over 100 current and former Olympic athletes, have filed a formal petition under the Administrative Procedures Act (APA) to reverse the Bush Administration's decision to eliminate the 2001 Rule. This legislation enjoys the support and endorsement of such groups as National Wildlife Federation, Trout Unlimited, the Heritage Forests Campaign, the Wilderness Society, and the Sierra Club.

I've worked to protect these pristine forest lands since the day I came into office, and I'll keep fighting to make sure this bill gets signed into law. We've heard it loud and clear: Americans don't want to see their hunting, fishing, and hiking areas turned into a reckless patchwork of road-building, logging, and mining.

Let's act today and pass the Roadless Conservation Act of 2006. The American people and future Americans deserve nothing less.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Roadless Area Conservation Act of 2006".

SEC. 2. FINDINGS AND PURPOSE.

(a) IN GENERAL.—Congress finds that—

(1) there is a compelling need to establish national protection for inventoried roadless areas of the National Forest System in order to protect the unique social and ecological values of those irreplaceable resources;

(2) roadless areas protect healthy watersheds and their numerous benefits including—

(A) protecting downstream communities from floods and tempering the effects of drought;

(B) ensuring a supply of clean water for domestic, agricultural, and industrial uses;

(C) helping maintain abundant and healthy fish and wildlife populations and habitats;

(D) providing the setting for many forms of outdoor recreation; and

(E) providing drinking water to millions of citizens from the more than 354 municipal watersheds found on roadless areas;

(3) maintaining roadless areas in a relatively undisturbed condition—

(A) saves downstream communities millions of dollars in water filtration costs; and

(B) is crucial to preserve the flow of affordable, clean water to a growing population;

(4) the protection of roadless areas can maintain biological strongholds and refuges for many imperiled species by halting the ongoing fragmentation of the landscape into smaller and smaller parcels of land divided by road corridors;

(5) roadless areas conserve native biodiversity by serving as a bulwark against the spread of nonnative invasive species;

(6) roadless areas provide unparalleled opportunities for hiking, camping, picnicking, wildlife viewing, hunting, fishing, cross-country skiing, canoeing, mountain-biking, and similar activities;

(7) while roadless areas may have many wilderness-like attributes, unlike wilderness areas, the use of mechanized means of travel is allowed in many roadless areas;

(8) roadless areas contain many sites sacred to Native Americans and other groups that use roadless areas for spiritual and religious retreats;

(9) from the inception of Federal land management, it has been the mission of the Forest Service and other agencies to manage the National Forest System for the dual purposes of resource extraction and conservation;

(10) consistent with that dual mission, this Act—

(A) protects social and ecological values, while allowing for many multiple uses of inventoried roadless areas; and

(B) does not impose any limitations on the use of, or access to Nation Forest System, State, or private land outside inventoried roadless areas;

(11) establishing a consistent national policy for the protection of inventoried roadless areas—

(A) ensures that the considerable long-term ecological and economic benefits of protecting roadless areas for future generations are properly considered;

(B) diminishes the likelihood of controversy at the project level; and

(C) enables the Chief of the Forest Service to focus on the economic and environmental benefits of reducing hazardous fuel buildups in portions of the landscape that already have roads;

(12) the National Fire Plan indicates that fires are almost twice as likely to occur in roaded areas as in roadless areas, because roadless areas are generally located further away from communities and are harder to access;

(13) the report entitled "Protecting People and Sustaining Resources in Fire-Adapted Ecosystems—A Cohesive Strategy" (65 Fed. Reg. 67480) advocates a higher priority for fuel reduction on land that is near communities and readily accessible municipal watersheds;

(14) the Forest Service has an enormous backlog of maintenance needs for the existing 386,000 mile road system of the Forest Service that will cost millions of dollars to eliminate;

(15) no State or private land owner would continue to build new roads in the face of such an enormous backlog;

(16) failure to maintain forest roads—

(A) limits public access; and

(B) causes degradation of water quality and wildlife and fish habitat; and

(17) protection of roadless areas—

(A) will impact less than 0.5 percent of the national timber supply; and

(B) will have a negligible impact on oil and gas production because—

(i) the entire National Forest System provides only approximately 0.4 percent of the quantity of oil and gas that is produced in the United States; and

(ii) roadless areas provide only a fraction of the quantity of oil and gas that is produced in the National Forest System.

(b) PURPOSE.—The purpose of this Act is to provide, within the context of multiple-use management, lasting protection for inventoried roadless areas within the National Forest System.

SEC. 3. DEFINITIONS.

In this Act:

(1) CLASSIFIED ROAD.—

(A) IN GENERAL.—The term "classified road" means a road wholly or partially within, or adjacent to, National Forest System land that is determined to be needed for long-term motor vehicle access.

(B) INCLUSIONS.—The term "classified road" includes a State road, county road, privately-owned road, National Forest System road, and any other road authorized by the Forest Service.

(2) INVENTORIED ROADLESS AREA.—The term "inventoried roadless area" means 1 of the areas identified in the set of inventoried roadless area maps contained in the document entitled "Forest Service Roadless Areas Conservation, Final Environmental Impact Statement, Volume 2", dated November 2000.

(3) RESPONSIBLE OFFICIAL.—The term "responsible official" means a Forest Service line officer or employee with the authority and responsibility to make decisions regarding the protection and management of inventoried roadless areas under this Act.

(4) ROAD.—The term "road" means a motor vehicle travelway over 50 inches wide, unless designated and managed as a trail.

(5) ROAD CONSTRUCTION.—The term "road construction" means activity that results in the addition of classified road or temporary road miles.

(6) ROAD IMPROVEMENT.—The term "road improvement" means activity that results in—

(A) an increase of the traffic service level of an existing road;

(B) an expansion of the capacity of the road; or

(C) a change in the original design function of the road.

(7) ROADLESS AREA CHARACTERISTICS.—The term "roadless area characteristics" means resources or features that are often present in and characterize inventoried roadless areas, including—

(A) high quality or undisturbed soil, water, and air;

(B) sources of public drinking water;

(C) diversity of plant and animal communities;

(D) habitat for—

(i) threatened, endangered, candidate, or sensitive species, and species proposed for listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(ii) species dependent on large, undisturbed areas of land;

(E) primitive, semiprimitive nonmotorized, and semiprimitive motorized classes of dispersed recreation;

(F) reference landscapes;

(G) natural appearing landscapes with high scenic quality;

(H) traditional cultural properties and sacred sites; and

(I) other locally identified unique characteristics.

(8) ROAD MAINTENANCE.—The term "road maintenance" means ongoing upkeep of a road necessary to retain or restore the road in accordance with approved road management objectives.

(9) ROAD REALIGNMENT.—The term "road realignment" means an activity that results in—

(A) a new location of all or part of an existing road; and

(B) treatment of the old roadway.

(10) ROAD RECONSTRUCTION.—The term "road reconstruction" means an activity that results in improvement or realignment of an existing classified road.

(11) TEMPORARY ROAD.—The term "temporary road" means a road that is—

(A) authorized by contract, permit, lease, other written authorization, or emergency operation; and

(B) not intended to be part of the forest transportation system and not necessary for long-term resource management.

(12) UNCLASSIFIED ROAD.—The term "unclassified road" means a road on National Forest System land that is not managed as part of the forest transportation system, including—

(A) an unplanned road, abandoned travelway, or off-road vehicle track that has not been designated and managed as a trail; and

(B) a road that was once under permit or other authorization and was not decommissioned on the termination of the authorization.

SEC. 4. PROHIBITION ON ROAD CONSTRUCTION AND ROAD RECONSTRUCTION IN INVENTORIED ROADLESS AREAS.

(a) PROHIBITION.—Except as provided in subsection (b), road construction and road reconstruction may not take place in an inventoried roadless area of the National Forest System.

(b) EXCEPTIONS.—Road construction and road reconstruction may take place, including through the use of appropriated funds, in an inventoried roadless area of the National Forest System if the responsible official determines that—

(1) a road is needed to protect public health and safety in a case of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property;

(2) a road is needed to conduct—

(A) a response action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(B) a natural resource restoration action under—

(i) that Act;

(ii) section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321); or

(iii) the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

(3) a road is needed pursuant to a reserved or outstanding right, or as provided for by law or treaty;

(4) a road realignment is needed—

(A) to prevent irreparable resource damage that arises from the design, location, use, or deterioration of a classified road that cannot be mitigated by road maintenance; and

(B) to provide for essential public or private access, natural resource management, or public health or safety;

(5) road reconstruction is needed to implement a road safety improvement project on a classified road determined to be hazardous on the basis of accident experience or accident potential with respect to the road;

(6)(A) a Federal-aid highway project authorized under chapter 1 of title 23, United States Code, is—

(i) in the public interest; or

(ii) consistent with the purposes for which the land was reserved or acquired; and

(B) no other reasonable and prudent alternative to the project exists; or

(7)(A) a road is needed in conjunction with—

(i) the continuation, extension, or renewal of a mineral lease on land that is under lease by the Secretary of the Interior as of January 12, 2001; or

(ii) the issuance of a new lease issued immediately on the date of expiration of an existing lease described in clause (i);

(B) road construction or road reconstruction under this paragraph will be conducted in a manner that—

(i) minimizes the effects on surface resources;

(ii) prevents unnecessary or unreasonable surface disturbance; and

(iii) complies with all applicable laws (including regulations), lease requirements, and land and resource management plan directives; and

(C) a road constructed or reconstructed under this paragraph will be removed on the earlier of—

(i) the date on which the road is no longer needed for the purposes of the lease; or

(ii) the date of termination or expiration of the lease.

(c) ROAD MAINTENANCE.—A classified road in an inventoried roadless area may be maintained.

SEC. 5. PROHIBITION ON TIMBER CUTTING, SALE, OR REMOVAL IN INVENTORIED ROADLESS AREAS.

(a) PROHIBITION.—Except as provided in subsection (b), timber may not be cut, sold, or removed in an inventoried roadless area of the National Forest System.

(b) EXCEPTIONS.—Timber may be cut, sold, or removed in an inventoried roadless area if the responsible official determines that the cutting, sale, or removal of the timber is expected to be infrequent and—

(1) the cutting, sale, or removal of generally small diameter timber—

(A) will improve or maintain 1 or more roadless area characteristics; and

(B) is needed—

(i) to improve habitat for threatened, endangered, candidate, or sensitive species, and species proposed for listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(ii) to maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under a natural disturbance regime of the current climatic period;

(2) the cutting, sale, or removal of timber is incidental to the implementation of a management activity not otherwise prohibited by this Act;

(3) the cutting, sale, or removal of timber is needed and appropriate for personal or administrative use, in accordance with part 223 of title 36, Code of Federal Regulations; or

(4) roadless characteristics have been substantially altered in a portion of an inventoried roadless area as a result of the construction of a classified road and subsequent timber harvest, if—

(A) the road construction and subsequent timber harvest occurred after the area was designated an inventoried roadless area and before January 12, 2001; and

(B) timber is cut, sold, or removed only in the substantially altered portion of the inventoried roadless area.

SEC. 6. SCOPE AND APPLICABILITY.

(a) EFFECT.—This Act does not—

(1) revoke, suspend, or modify any permit, contract, or other legal instrument authorizing the occupancy and use of National Forest System land issued or entered into before January 12, 2001;

(2) compel the amendment or revision of any land and resource management plan;

(3) revoke, suspend, or modify any decision concerning any project or activity made before January 12, 2001; or

(4) apply to road construction, reconstruction, or the cutting, sale, or removal of timber in an inventoried roadless area of the Tongass National Forest if a notice of availability of a draft environmental impact statement for such activity has been published in the Federal Register before January 12, 2001.

(b) LIMITATION ON REVISION.—The prohibitions and restrictions established in this Act are not subject to reconsideration, revision, or rescission in any subsequent project decision or amendment or revision to any land and resource management plan carried out in accordance with section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 387—RECOGNIZING THE NEED TO REPLACE THE UNITED NATIONS HUMAN RIGHTS COMMISSION WITH A NEW HUMAN RIGHTS COUNCIL

Mr. COLEMAN (for himself, Mr. SMITH, Mr. VOINOVICH, Mr. COBURN, and Mr. KYL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 387

Whereas the United Nations Human Rights Commission (hereinafter "UNHRC") has lost its credibility as an instrument for the promotion or protection of human rights, instead allowing repressive regimes to shield themselves from criticism for their human rights violations;

Whereas Secretary-General Kofi Annan has also acknowledged that, "the Commission's declining credibility has cast a shadow on the reputation of the United Nations system";

Whereas the primary deficiency of the Human Rights Commission is directly related to its membership, where 6 of the 53 current members, namely China, Cuba, Eritrea, Saudi Arabia, Sudan, and Zimbabwe, are listed as the worst human-rights abusers by Freedom House, and many other members have serious deficiencies concerning commitments to democracy and human rights according to the Department of State Country Reports on Human Rights Practices;

Whereas the lack of membership criteria of the UNHRC, particularly when combined with the relatively large membership of 53 countries, hinders efforts to filter out countries with poor human rights records from membership;

Whereas the UNHRC spends a disproportionate amount of time vilifying Israel, its primary target for criticism, but fails to direct such sustained criticism at states engaged in the systematic abuse of human rights, with 30 percent of all country-specific resolutions critical of human rights records over the history of the UNHRC have been directed at Israel alone, while there has never been a single such resolution on China, Syria, or Zimbabwe;

Whereas the UNHRC has consistently failed to take decisive action against member states implicated in the massive violation of human rights, which is evidenced by the fact that the UNHRC has never held a special emergency session on Sudan despite millions of deaths over 2 decades in Sudan, but the UNHRC has held a special sitting to criticize Israel on the death of Sheikh Ahmed Yassin, the leader of Hamas;

Whereas the UNHRC only meets for 6 weeks each year, providing the UNHRC with insufficient time to review and take action against the most flagrant human rights violators;

Whereas Israel has been consistently discriminated against by being denied full participatory rights in regional group meetings associated with the operation of the UNHRC, while non-United Nations members such as the Holy See (WEOG) and the Palestinian observer participate in these meetings;

Whereas the overwhelming failures of the UNHRC led to an international consensus that it must be abolished and replaced with a new Human Rights Council, and the United Nations Summit Outcome Document, signed by all United Nations member states in September 2005, stated that "Pursuant to our commitment to further strengthen the United Nations human rights machinery, we resolve to create a Human Rights Council. The Council will be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner. The Council should address situations of violations of human rights, including gross and systematic violations and make recommendations thereon. It should also promote effective coordination and the mainstreaming of human rights within the United Nations system."; and

Whereas efforts by the United States and other committed democracies to carry out the mandate of the Summit Document to create a new credible Human Rights Council have been strongly opposed by human rights abusers at the United Nations: Now, therefore, be it

Resolved, That—

(1) the United States remains strongly committed to the creation of a new Human Rights Council to replace the discredited United Nations Human Rights Commission (hereinafter "UNHRC"), and the proposal for such a Council should work to assure the integrity of its membership as well as provide a strong mandate for action;

(2) the Senate urges the President to use the present opportunity that has been generated by the international recognition of the need to replace the current UNHRC, and to refrain from supporting any proposal for a Human Rights Council that would result either in only cosmetic changes or changes that would even further degrade the membership and mandate of the current UNHRC;

(3) the Senate urges the President and the governments of other member countries of the United Nations to continue with negotiations for the creation of a Human Rights Council that is a credible human rights institution; and

(4) it is the sense of the Senate that an acceptable proposal for a credible Human Rights Council would—

(A) establish criteria for membership that would serve to exclude the worst human rights abusers, and such criteria would include, but should not be limited to, the automatic exclusion of member countries that are subject to Security Council sanctions;

(B) include a provision allowing full participation by Israel in all operations associated with the Council;

(C) set a size limit that is consistent with the goal of ensuring that only countries that respect human rights are members of the primary human rights body of the United Nations;

(D) establish a human rights review requirement that is tied to a mandatory outcome and takes place prior to elections for membership;

(E) exclude any provision that prevents the consecutive election of member countries to the Council; and

(F) utilize a formula for the distribution of membership among United Nations member countries that gives priority to countries that respect human rights, while also giving consideration to geographical distribution, the representation of different forms of civilization, and the principal legal systems.

SENATE RESOLUTION 388—URGING THE GOVERNMENT OF NATIONAL UNITY OF SUDAN AND THE GOVERNMENT OF SOUTHERN SUDAN TO IMPLEMENT FULLY THE COMPREHENSIVE PEACE AGREEMENT THAT WAS SIGNED ON JANUARY 9, 2005

Mr. FRIST (for himself, Mr. SANTORUM, and Mr. BROWNBACK) submitted the following resolution; which was considered and agreed to:

S. RES. 388

Whereas the people of Sudan have been devastated by war for all but 10 years since Sudan gained its independence in 1956;

Whereas the second civil war in Sudan between the Government of Sudan in the north and the Sudan People's Liberation Movement in the south lasted for more than 20 years;

Whereas more than 2,000,000 people died and more than 4,000,000 people were internally displaced or became refugees as a direct or indirect result of the civil war in Sudan;

Whereas, on January 9, 2005, the Government of Sudan and the Sudan People's Liberation Movement signed the Comprehensive Peace Agreement, which ended Sudan's 21-year civil war;

Whereas the Comprehensive Peace Agreement provides for a new constitution, new arrangements for power sharing and wealth sharing, and a 6-year interim period to be followed by a referendum in Southern Sudan so that the people of Southern Sudan can decide their political future;

Whereas the parties have implemented parts of the Comprehensive Peace Agreement, such as the ratification of the new constitution and the formation of the Government of National Unity and the Government of Southern Sudan;

Whereas the overall pace of implementation of the Comprehensive Peace Agreement has been slow and insufficient;

Whereas the recommendations of many of the commissions established by the Comprehensive Peace Agreement have yet to be implemented;

Whereas 1 of the keys to a lasting and durable peace in Sudan is the full and timely implementation of the Comprehensive Peace Agreement by all sides, wholly consistent with the letter, spirit, and intent of the agreement;

Whereas, despite the signing of the Comprehensive Peace Agreement and an end to the civil war, there has been little progress made in ending the genocide in Sudan's western region of Darfur;

Whereas hundreds of thousands of innocent civilians have died in Darfur as a result of violence, disease, and malnutrition, and millions more have been internally displaced or sought refuge in refugee camps in neighboring Chad;

Whereas millions of the people across Sudan continue to suffer from the effects of war, including displacement and war-related disease, hunger, and malnutrition;

Whereas the United States and the international community must not neglect the humanitarian and reconstruction needs of the people of Southern Sudan;

Whereas, according to the World Food Program, more than 2,900,000 people in Southern Sudan have been severely affected by the civil war;

Whereas the people of Southern Sudan are in desperate need of reconstruction assistance to build and improve vital infrastructure components, such as an education system, a health care system, and a transportation system, that are nearly nonexistent in Southern Sudan;

Whereas the current humanitarian crisis in Southern Sudan is considered 1 of the worst in decades; and

Whereas the reconstruction process in Southern Sudan is vital to delivering the benefits of peace to the people of Southern Sudan and stability to the region: Now, therefore, be it

Resolved, That the Senate—

(1) strongly urges the new Government of National Unity of Sudan to implement fully the Comprehensive Peace Agreement in a timely manner consistent with the letter, spirit, and intent of the agreement;

(2) calls on the Government of National Unity to meet the terms of the Comprehensive Peace Agreement to achieve an equitable distribution of wealth and resources between the North and the South and to provide a full and transparent accounting of Sudan's oil revenues;

(3) urges the United States Government—

(A) to maintain appropriate pressure on the Government of National Unity to implement fully the Comprehensive Peace Agreement;

(B) to maintain sanctions and pressure on the Government of National Unity until the Comprehensive Peace Agreement has been fully implemented and the crisis in Darfur has been resolved; and

(C) to address, as appropriate, any legal barriers which prevent humanitarian and reconstruction operations in Southern Sudan;

(4) supports the continued provision of humanitarian and reconstruction assistance from the United States to the people of Southern Sudan, in addition to the assistance allocated for the people of Darfur, so that the people of Sudan may experience and appreciate the benefits of peace;

(5) strongly urges the Government of National Unity to use the Comprehensive Peace Agreement as the basis for negotiation of a peaceful resolution of the conflicts in Darfur and other areas of Sudan; and

(6) strongly urges all countries in the region and the international community to support actively the full implementation of the Comprehensive Peace Agreement.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2899. Mr. KYL (for himself and Mr. ENSIGN) proposed an amendment to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

SA 2900. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2320, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2899. Mr. KYL (for himself and Mr. ENSIGN) proposed an amendment to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; as follows:

Strike all after the first word and insert the following:

1. FUNDS FOR LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

Section 9001 of the Deficit Reduction Act of 2005 is amended—

(1) in subsection (a)—

(A) by striking "for a 1-time only obligation and expenditure—" and all that follows through "2007" the first place it appears and inserting "$1,000,000,000 for fiscal year 2006";

(B) by striking "; and"; and

(C) by striking paragraph (2);

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

"(b) LIMITATION.—None of the funds made available under this section may be used for the planning and administering described in section 2605(b)(9) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(9))."; and

(4) in subsection (c) (as redesignated by paragraph (2)), by striking "September 30, 2007" and inserting "September 30, 2006".

SA 2900. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTION FOR MEDICARE BENEFICIARIES WHO ENROLL IN THE PRESCRIPTION DRUG BENEFIT DURING 2006.

(a) EXTENDED PERIOD OF OPEN ENROLLMENT DURING ALL OF 2006 WITHOUT LATE ENROLLMENT PENALTY.—Section 1851(e)(3)(B) of the Social Security Act (42 U.S.C. 1395w-21(e)(3)(B)) is amended—

(1) in clause (iii), by striking "May 15, 2006" and inserting "December 31, 2006"; and

(2) by adding at the end the following new sentence:

"An individual making an election during the period beginning on November 15, 2006, and ending on December 15, 2006, shall specify whether the election is to be effective with respect to 2006 or with respect to 2007 (or both).".

(b) ONE-TIME CHANGE OF PLAN ENROLLMENT FOR MEDICARE PRESCRIPTION DRUG BENEFIT DURING ALL OF 2006.—

(1) IN GENERAL.—Section 1851(e) of the Social Security Act (42 U.S.C. 1395w-21(e)) is amended—

(A) in paragraph (2)(B)—

(i) in the heading, by striking "FOR FIRST 6 MONTHS";

(ii) in clause (i), by striking "the first 6 months of 2006," and all that follows through "is a Medicare+Choice eligible individual," and inserting "2006,"; and

(iii) in clause (ii), by inserting "(other than during 2006)" after "paragraph (3)"; and

(B) in paragraph (4), by striking "2006" and inserting "2007" each place it appears.

(2) CONFORMING AMENDMENT.—Section 1860D-1(b)(1)(B)(iii) of the Social Security Act (42 U.S.C. 1395w-101(b)(1)(B)(iii)) is

amended by striking "subparagraphs (B) and (C) of paragraph (2)" and inserting "paragraph (2)(C)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President. I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, March 9, 2006 at 10 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nominations of:

Raymond L. Orbach, of California, to be Under Secretary for Science, Department of Energy.

Alexander A. Karsner, of Virginia, to be an Assistant Secretary of Energy Efficiency and Renewable Energy, vice David Garman.

Dennis R. Spurgeon, of Florida, to be Assistant Secretary of Energy, Nuclear Energy.

David Longly Bernhardt, of Colorado, to be Solicitor of the Department of the Interior, vice Sue Ellen Wooldridge.

For further information, please contact Judy Pensabene of the committee staff at (202) 224–1327.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. KYL. Mr. President. I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 2, 2006, at 9:30 a.m., in open session to receive testimony on the Defense authorization request for fiscal year 2007 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 2, 2006, at 10 a.m. to conduct a hearing on "Continued Examination of Implementation of the Exon-Florio Amendment: Focus on Dubai Ports World's Acquisition of P&O."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KYL. Mr. President. I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 2, 2006, at 10 a.m., on USF Distributions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 2, at 10 a.m. The purpose of this hearing is to review the proposed fiscal year 2007 Department of Interior budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 2, 2006, at 9 a.m., to hold a closed briefing on A Nuclear Iran: Challenges and Responses.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KYL. Mr. President. I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 2, 2006, at 10:30 a.m., to hold a hearing on A Nuclear Iran: Challenges and Responses.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, March 2, 2006, at 10 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, March 2, 2006, at 10 a.m. for a business meeting to consider pending committee business.

Agenda

Legislation

1. S. 2128, Lobbying Transparency and Accountability Act of 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 2, 2006, at 9:30 a.m. in Senate Dirksen Office Building room 226.

I. Nominations

Jack Zouhary, to be U.S. District Judge for the Northern District of Ohio; Stephen G. Larson, to be U.S. District Judge for the Central District of California: Steven G. Bradbury, to be an Assistant Attorney General for the Office of Legal Counsel; John F. Clark, to be Director of the United States Marshals Service; and Terrance P. Flynn, to be U.S. Attorney for the Western District of New York.

II. Bills

S. 1768—A bill to permit the televising of Supreme Court proceedings, Specter, Leahy, Cornyn, Grassley, Schumer, Feingold, Durbin; S. 829—Sunshine in the Courtroom Act of 2005, Grassley, Schumer, Cornyn, Leahy, Feingold, Durbin, Graham, DeWine, Specter; S. —Comprehensive Immigration Reform, Chairman's Mark; S. 489, Federal Consent Decree Fairness Act, Alexander, Kyl, Cornyn, Graham, Hatch; S. 2178—Consumer Telephone Records Protection Act of 2006, Schumer, Specter, Cornyn, DeWine, Feinstein, Feingold, Kyl, Kohl, Durbin; S. 2039—Prosecutors and Defenders Incentive Act of 2005, Durbin; Specter, DeWine, Leahy, Kennedy, Feinstein, Feingold; and S. 2292—A bill to provide relief for the Federal judiciary from excessive rent charges, Specter, Leahy, Cornyn, Feinstein.

III. Matters

S.J. Res. 1—Marriage Protection Amendment, Allard, Sessions, Kyl, Hatch, Cornyn, Coburn, Brownback.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, March 2, 2006, to hear the legislative presentations of the Fleet Reserve Association, the Air Force Sergeants Association, the Retired Enlisted Association, the Gold Star Wives of America, and the Military Officers Association of America. The hearing will take place in room 106 of the Dirksen Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. KYL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 2, 2006 at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. KYL. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support be authorized to meet during the session of the Senate on March 2, 2006, at

2 p.m.. in open session to receive testimony on military installations, military construction, environmental programs, and base realignment and closure programs, in review of the defense authorization request for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President. I ask unanimous consent at 5 p.m. on Monday, March 6, the Senate proceed to executive session to consider en bloc Calendar Nos. 517, 518, and 519. I further ask consent the following Senators be allocated 5 minutes each for debate in relation to the nominations: the two Senators from Georgia, two Senators from West Virginia, the chairman and ranking member of the Judiciary Committee. I further ask consent at 5:30 the Senate proceed to executive session for votes on the confirmation of the nominations, in the order listed, with no intervening action or debate; further, that following those votes, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPLEMENTATION OF THE SUDAN PEACE AGREEMENT

Mr. FRIST. I ask unanimous consent the Senate proceed to consideration of S. Res. 388, submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 388) urging the Government of the National Unity of Sudan and the Government of Southern Sudan to implement fully the Comprehensive Peace Agreement that was signed on January 9, 2005.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I applaud my Senate colleagues for supporting this resolution urging all parties in Sudan to implement fully the Comprehensive Peace Agreement that ended Sudan's decades-long civil war.

For more than 50 years, Sudan has been plagued by war and violence. In fact, since gaining independence in 1956, the people of Sudan have known only 10 years of peace. But, last January, following painstaking negotiations and numerous unsuccessful attempts at peace, the Government of Sudan in the north and the Sudan People's Liberation Movement in the south signed the Comprehensive Peace Agreement, bringing an end to Sudan's second civil war that lasted more than 20 years.

This second civil war led to the deaths of more than 2 million people, and an additional 4 million were internally displaced or became refugees. I have visited Sudan on a number of occasions, and I have met with the victims and survivors of this tragedy. The CPA offers the Sudanese people a chance at a peaceful and secure life. It is time for the agreement to be fully implemented.

In the past year, the government of Sudan and the SPLM have taken concrete steps to implement certain parts of the CPA. For example, the two sides have ratified a new national constitution and have formed a government of National Unity in Khartoum and a Government of Southern Sudan based in Juba in the south.

However, the overall pace of implementation has been slow and insufficient, and both parties have failed to meet certain benchmarks or adopt the recommendations of the commissions established to monitor the CPA's implementation. These include the formation of Joint Integrated Units, which aim to integrate forces from both the north and the south, a more equitable distribution of resources between the north and the south, and a full and transparent accounting of Sudan's oil revenues.

The implementation of the CPA is particularly urgent for the people of Southern Sudan. In this region alone, the World Food Program estimates that more than 2.9 million people were severely and adversely affected by the civil war.

Last month, I met with Mrs. Rebecca Garang. She currently serves as the Minister for Roads and Transport for the Government of Southern Sudan. She is also the wife of the late John Garang, the long-time leader of the SPLM who successfully negotiated the CPA but died tragically in a helicopter crash last summer.

During our talks, Mrs. Garang stressed the humanitarian and reconstruction needs of the Southern Sudanese people. They are in desperate need of assistance to build and improve vital infrastructure components such as an education system, a health care system, and a transportation system that are virtually non-existent in Southern Sudan.

At the end of the current six-year interim period, the CPA provides for the people of Southern Sudan to decide their own political future in a referendum. But in order to achieve John Garang's vision of a new, united Sudan, the people of Southern Sudan must see the tangible benefits of peace.

Implementing the CPA can also have a positive impact on ending the genocide in Sudan's western region of Darfur. Unfortunately, since the signing of the agreement, little progress has been made in ending this genocide. Hundreds of thousands have already died as a result of violence, disease, and malnutrition. And, millions more have been internally displaced or continue to languish in refugee camps in neighboring Chad.

However, the CPA can serve as a basis for a peacefully negotiated end to the genocide in Darfur. For this reason, it is even more vital for the full and complete implementation of the Comprehensive Peace Agreement.

Until that time, the United States should continue to apply pressure on the Government of National Unity in Khartoum to fully implement the CPA. This includes maintaining the sanctions that are currently in place.

In addition, we need to continue to expand our humanitarian and reconstruction assistance to the people of Southern Sudan. Delivering to them the real benefits of peace will strengthen their support of the CPA and for a united Sudan.

During my travels to Sudan, I have heard first-hand accounts of the violence, suffering, and insecurity endured by so many in Sudan. Much of the Sudanese population has never known or experienced any sustained period of peace, stability, or security. This needs to change.

Those in leadership in Sudan need to proceed with full implementation of the Comprehensive Peace Agreement. And, I urge the United States and the international community to take concrete, assertive steps to demonstrate their continued solidarity with the Sudanese people to help them achieve their goal of a peaceful and stable Sudan.

I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 388) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 388

Whereas the people of Sudan have been devastated by war for all but 10 years since Sudan gained its independence in 1956;

Whereas the second civil war in Sudan between the Government of Sudan in the north and the Sudan People's Liberation Movement in the south lasted for more than 20 years;

Whereas more than 2,000,000 people died and more than 4,000,000 people were internally displaced or became refugees as a direct or indirect result of the civil war in Sudan;

Whereas, on January 9, 2005, the Government of Sudan and the Sudan People's Liberation Movement signed the Comprehensive Peace Agreement, which ended Sudan's 21-year civil war;

Whereas the Comprehensive Peace Agreement provides for a new constitution, new arrangements for power sharing and wealth sharing, and a 6-year interim period to be followed by a referendum in Southern Sudan so that the people of Southern Sudan can decide their political future;

Whereas the parties have implemented parts of the Comprehensive Peace Agreement, such as the ratification of the new constitution and the formation of the Government of National Unity and the Government of Southern Sudan;

Whereas the overall pace of implementation of the Comprehensive Peace Agreement has been slow and insufficient;

Whereas the recommendations of many of the commissions established by the Comprehensive Peace Agreement have yet to be implemented;

Whereas 1 of the keys to a lasting and durable peace in Sudan is the full and timely implementation of the Comprehensive Peace Agreement by all sides, wholly consistent with the letter, spirit, and intent of the agreement;

Whereas, despite the signing of the Comprehensive Peace Agreement and an end to the civil war, there has been little progress made in ending the genocide in Sudan's western region of Darfur;

Whereas hundreds of thousands of innocent civilians have died in Darfur as a result of violence, disease, and malnutrition, and millions more have been internally displaced or sought refuge in refugee camps in neighboring Chad;

Whereas millions of the people across Sudan continue to suffer from the effects of war, including displacement and war-related disease, hunger, and malnutrition;

Whereas the United States and the international community must not neglect the humanitarian and reconstruction needs of the people of Southern Sudan;

Whereas, according to the World Food Program, more than 2,900,000 people in Southern Sudan have been severely affected by the civil war;

Whereas the people of Southern Sudan are in desperate need of reconstruction assistance to build and improve vital infrastructure components, such as an education system, a health care system, and a transportation system, that are nearly nonexistent in Southern Sudan;

Whereas the current humanitarian crisis in Southern Sudan is considered 1 of the worst in decades; and

Whereas the reconstruction process in Southern Sudan is vital to delivering the benefits of peace to the people of Southern Sudan and stability to the region: Now, therefore, be it

Resolved, That the Senate—

(1) strongly urges the new Government of National Unity of Sudan to implement fully the Comprehensive Peace Agreement in a timely manner consistent with the letter, spirit, and intent of the agreement;

(2) calls on the Government of National Unity to meet the terms of the Comprehensive Peace Agreement to achieve an equitable distribution of wealth and resources between the North and the South and to provide a full and transparent accounting of Sudan's oil revenues;

(3) urges the United States Government—

(A) to maintain appropriate pressure on the Government of National Unity to implement fully the Comprehensive Peace Agreement;

(B) to maintain sanctions and pressure on the Government of National Unity until the Comprehensive Peace Agreement has been fully implemented and the crisis in Darfur has been resolved; and

(C) to address, as appropriate, any legal barriers which prevent humanitarian and reconstruction operations in Southern Sudan;

(4) supports the continued provision of humanitarian and reconstruction assistance from the United States to the people of Southern Sudan, in addition to the assistance allocated for the people of Darfur, so that the people of Sudan may experience and appreciate the benefits of peace;

(5) strongly urges the Government of National Unity to use the Comprehensive Peace Agreement as the basis for negotiation of a peaceful resolution of the conflicts in Darfur and other areas of Sudan; and

(6) strongly urges all countries in the region and the international community to support actively the full implementation of the Comprehensive Peace Agreement.

TO IMPROVE THE SECURITY SITUATION IN DARFUR, SUDAN

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of and the Senate now proceed to S. Res. 383.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 383) calling on the President to take immediate steps to help improve the security situation in Darfur, Sudan, with an emphasis on civilian protection.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 383) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 383

Whereas, the April 8, 2004, N'Djamena Ceasefire Agreement, calling for an end to hostilities in Darfur, Sudan, has been flagrantly violated by all parties to the agreement;

Whereas the Government of Sudan continues to commit crimes against humanity and engage in genocidal acts in Darfur;

Whereas the signing of the Comprehensive Peace Agreement between the Government of Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/SPLA) on January 9, 2005, has not resulted in an improvement of the security situation in Darfur;

Whereas United Nations Secretary-General Kofi Annan has indicated that, "People in many parts of Darfur continue to be killed, raped, and driven from their homes by the thousands.";

Whereas United Nations officials have stated that at least 70,000 people have died due to violence and insecurity in Darfur, but that the total may be as high as 400,000 people;

Whereas nearly 2,000,000 people have been internally displaced, 3,000,000 people are dependant on international assistance to survive, and over 200,000 people are refugees in neighboring Chad due to the conflict in Darfur;

Whereas escalating tensions along the border between Chad and Sudan have increased instability in Darfur;

Whereas neither the mandate nor the troop strength of the African Union Mission in Sudan (AMIS) is adequate to protect civilians in Darfur;

Whereas the United States has demonstrated leadership on the Sudan issue by having United States Permanent Representative to the United Nations John Bolton, in his first action as President of the United Nations Security Council, request in February 2006 that Secretary-General Annan initiate contingency planning for a transition from AMIS to a United Nations peacekeeping operation;

Whereas, although the United Nations Security Council has concurred with this recommendation and taken steps toward establishing a United Nations peacekeeping mission for Darfur, it could take up to a year for such a mission to deploy fully;

Whereas, as the deteriorating security situation in Darfur indicates, the people of Darfur cannot wait that long for security to be reestablished;

Whereas the international community currently has no plan to address the immediate security needs of the people of Darfur; and

Whereas all members of the international community must participate in efforts to stop genocide, war crimes, and crimes against humanity in Darfur: Now, therefore, be it

Resolved, That the Senate—

(1) strongly condemns—

(A) the continued attacks on civilians in Darfur by the Government of Sudan and Government-sponsored militias; and

(B) the continued violations of the N'Djamena Ceasefire Agreement by the Government of Sudan and rebels in Darfur, particularly the Sudan Liberation Army;

(2) commends the Africa Union Mission in Sudan (AMIS) for its actions in monitoring the N'Djamena Ceasefire Agreement in Darfur and its role in diminishing some acts of violence;

(3) calls upon all parties to the N'Djamena Ceasefire Agreement—

(A) to abide by the terms of the N'Djamena Ceasefire Agreement; and

(B) to engage in good-faith negotiations to end the conflict in Darfur;

(4) calls upon the Government of Sudan immediately—

(A) to withdraw all military aircraft from the region;

(B) to cease all support for the Janjaweed militia and rebels from Chad; and

(C) to disarm the Janjaweed;

(5) calls on the African Union to request assistance from the United Nations and NATO to strengthen its capacity to deter violence and instability until a United Nations peacekeeping force is fully deployed in Darfur;

(6) calls upon the United Nations Security Council to approve as soon as possible, pursuant to Chapter VII of the Charter of the United Nations, a peacekeeping force for Darfur that is well trained and equipped and has an adequate troop strength;

(7) urges the President to take steps immediately to help improve the security situation in Darfur, including by—

(A) proposing that NATO—

(i) consider how to implement and enforce a declared no-fly zone in Darfur; and

(ii) deploy troops to Darfur to support the African Union Mission in Sudan (AMIS) until a United Nations peacekeeping mission is fully deployed in the region; and

(B) requesting supplemental funding to support a NATO mission in Darfur and the African Union Mission in Sudan (AMIS);

(8) calls upon NATO allies, led by the United States, to support such a mission; and

(9) calls upon NATO headquarters staff to begin prudent planning in advance of such a mission.

Mr. FRIST. Mr. President, both of these resolutions have to do with the Sudan, a country where for the last really 23 years there has been real turmoil in terms of a civil war underway that is addressed in part under S. Res. 388, the Sudan Peace Agreement, and then, more recently, over the last 3 years, in a western part of Sudan, the Darfur region, where we have seen genocide underway, as we have spelled out on the floor over the last year and talked about.

Both of these resolutions address a human tragedy that has played out over the last several years. The first, the Sudan Peace Agreement, is a reaffirmation of a peace agreement which has been made that we need to support. And it is probably the only way we can reverse what has been a tragedy that has killed about 2 million people and caused 5 million people to be displaced from their homes throughout Sudan over the last 23, 24 years.

The Darfur crisis is one that we have described on this floor many times. And as we have followed it, since February a year and a half ago, things have gotten better and worse and better and worse. Right now they are not going very well. So I appreciate Senators BIDEN and LUGAR putting forth that resolution.

EXTENDING THE EDUCATIONAL FLEXIBILITY PROGRAM OF THE EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2363, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2363) to extend the educational flexibility program under section 4 of the Education Flexibility Partnership Act of 1999.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I rise today to express my strong support for the extension we are passing tonight of the Education Flexibility Partnership Act.

I authored the original legislation to create Ed-Flex, as it is more commonly known, back in 1999 after learning through my chairmanship of the Senate Budget Committee Task Force on Education about the excessive red tape attached to Federal education funding.

I listened to school administrators and education leaders who told me again and again about the bureaucratic challenges they faced when trying to improve education.

After seeing how a demonstration project involving 12 States achieved such impressive results in improving student performance, I wrote legislation to expand the program to all 50 States.

The Ed-Flex program gives greater flexibility to States in using Federal funds in exchange for greater accountability for student achievement.

The program does not change the amount of funding available—but it eliminates some of the strings attached. Schools must still use the Federal funds for the purposes for which they were designed, and health, safety, civil rights, and disabled requirements cannot be waived.

Ed-Flex was an early attempt at education reform aimed at improving student achievement, and paved the way for the No Child Left Behind Act just 2 years later.

It allows educators to find new ways of improving the quality of education for every child, and it set the stage for acknowledging the connection between flexibility and accountability in improving student performance.

Ed-Flex encourages innovation within America's schools and allows our students the opportunity to succeed academically and globally.

I thank Senator BURR for his leadership on this extension of Ed-Flex, and for the support of my colleagues on both sides of the aisle for their recognition of this important tool for America's students.

Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2363) was read the third time and passed, as follows:

S. 2363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EDUCATIONAL FLEXIBILITY PROGRAM EXTENSION.

(a) EXTENSION AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Education is authorized to carry out the educational flexibility program under section 4 of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891b), until the date of enactment of an Act that reauthorizes programs under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), for any State that was an Ed-Flex Partnership State on September 30, 2004.

(b) DESIGNATION.—

(1) IN GENERAL.—Any designation of a State as an Ed-Flex Partnership State that was in effect on September 30, 2004, shall be extended until the date of enactment of an Act that reauthorizes programs under part A of title I of the Elementary and Secondary Education Act of 1965, if the Secretary of Education makes the determination described in paragraph (2).

(2) DETERMINATION.—The determination referred to in paragraph (1) is a determination that the performance of the State educational agency, in carrying out the programs for which the State has received a waiver under the educational flexibility program, justifies the extension of the designation.

ORDERS FOR FRIDAY, MARCH 3, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Friday, March 3. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of S. 2320, the LIHEAP funding bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, today the Senate overwhelmingly, finally adopted the PATRIOT Act conference report with a vote of 89 to 10. We spent a great deal of time considering this bill, and I am pleased and relieved that we reached a final conclusion on this important legislation. It has a very careful balance of civil liberties and at the same time guarantees elimination of that barrier between law enforcement and our intelligence community to make sure that men and women and children and families are protected here in our homeland. It has been tough to get to this point with a lot of negotiation and a lot of delay and postponement, but finally we have completed that important bill.

We are now considering the LIHEAP bill, and we hope to complete action on that bill early next week. Also, next week we will begin work on the lobbying reform measure. We made progress on the whole effort of lobbying reform both in the Government Affairs Committee today, as well as in the Rules Committee earlier in the week.

Next week we will be busy with votes each day as we work through initially LIHEAP and then the lobbying bill. Tomorrow I will have more to say on both the sequencing and timing of the lobbying bill and LIHEAP. The next votes will occur on Monday at 5:30 in the evening on the confirmation of three district judges.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:22 p.m., adjourned until Friday, March 3, 2006, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate March 2, 2006:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

JOHN W. COX, OF TEXAS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, VICE CARIN M. BARTH, RESIGNED.

DEPARTMENT OF STATE

GEORGE MCDADE STAPLES, OF KENTUCKY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE, VICE W. ROBERT PEARSON, RESIGNED.

UNITED STATES POSTAL SERVICE

MICKEY D. BARNETT, OF NEW MEXICO, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2013, VICE ROBERT F. RIDER, TERM EXPIRED.

KATHERINE C. TOBIN, OF NEW YORK, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2012, VICE S. DAVID FINEMAN, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. THOMAS J. LOFTUS, 1717

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL CHRIS T. ANZALONE, 9968
BRIGADIER GENERAL KURT A. CICHOWSKI, 2191
BRIGADIER GENERAL THOMAS F. DEPPE, 3181
BRIGADIER GENERAL PAUL A. DETTMER, 6272
BRIGADIER GENERAL WILLIAM L. HOLLAND, 4785
BRIGADIER GENERAL RONALD R. LADNIER, 6699
BRIGADIER GENERAL ERWIN F. LESSEL III, 5416
BRIGADIER GENERAL JOHN W. MALUDA, 2572
BRIGADIER GENERAL MARK T. MATTHEWS, 6697
BRIGADIER GENERAL GARY T. MCCOY, 2911
BRIGADIER GENERAL STEPHEN J. MILLER, 1561
BRIGADIER GENERAL THOMAS J. OWEN, 4009
BRIGADIER GENERAL RICHARD E. PERRAUT, JR., 4091
BRIGADIER GENERAL POLLY A. PEYER, 0565
BRIGADIER GENERAL DOUGLAS L. RAABERG, 5158
BRIGADIER GENERAL JEFFREY A. REMINGTON, 2881
BRIGADIER GENERAL ROBERTUS C.N. REMKES, 8917
BRIGADIER GENERAL FREDERICK F. ROGGERO, 8985
BRIGADIER GENERAL MARSHALL K. SABOL, 5866
BRIGADIER GENERAL PAUL J. SELVA, 5397
BRIGADIER GENERAL RICHARD E. WEBBER, 3908
BRIGADIER GENERAL THOMAS B. WRIGHT, 4649
BRIGADIER GENERAL MARK R. ZAMZOW, 0418

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. WILLIAM H. WALKER IV, 4035

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOSEPH C. CARTER, 2435

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

To be rear admiral

CAPT. JAMES W. HOUCK, 4314

HOUSE OF REPRESENTATIVES—*Thursday, March 2, 2006*

The House met at 10 a.m.

The Reverend Stephen A. Owenby, Senior Pastor, Stewartsville Baptist Church, Laurinburg, North Carolina, offered the following prayer:

Our sovereign Lord, we praise You for the freedom to enter Your heavenly throne room. We deserve not Your favor nor are we worthy of Your grace. All we can ask is, "Forgive us our transgressions, grant us salvation and guide us in the way of righteousness."

We have prayed, "God bless America." You have. "Some trust in chariots, and some in horses: but we will remember the name of the Lord our God." May we not depend upon our own ingenuity, but in You alone.

I offer thanks for these men and women You have lifted up to serve their fellow countrymen. In James chapter 1, you tell us, "If any lack wisdom, let him ask." So we ask, Please grant to these servants the wisdom necessary to carry out Your will for our Nation. We ask this in Jesus' name and for His sake. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. CAMPBELL) come forward and lead the House in the Pledge of Allegiance.

Mr. CAMPBELL of California led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND STEPHEN A. OWENBY

The SPEAKER. The gentleman from North Carolina is recognized.

Mr. HAYES. Mr. Speaker, I rise today to honor an individual here with us who has dedicated his life to the service of others in his congregation and in his community. Pastor Steve Owenby is a selfless person who continually exemplifies servant leadership. I want to express my appreciation for his witness and the difference he makes in the lives of others each day, and thank him for being here with us to deliver this morning's prayer.

Steve has been married to his loving wife, Donna, for almost 21 years and has three wonderful children, Megan, Josh and Christy.

As a young adult, Steve began his life of service in the United States Air Force where he served 4 years honorably. He later felt called to the ministry and attended Liberty University, where he completed his Master of Theology.

He is currently the Senior Pastor of Stewartsville Baptist Church in Laurinburg, North Carolina. Stewartsville is a member of the Southern Baptist Convention and currently has about 800 members. It is a vibrant congregation that has a strong focus on missions, to the credit of Pastor Owenby and his family.

Mr. Speaker, I ask you to join me in appreciation for Steve's many years of service as he leads his family, congregation, and community. I pray that others may follow his lead so that they too would understand the true meaning of life.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize 10 one-minute speeches on each side.

MORE GOOD NEWS ABOUT THE ECONOMY

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today to share more good news with the American people about our economy.

Yesterday, the Commerce Department reported that consumer spending shot up by nine-tenths of a percent in January, which is the strongest gain in 6 months. In addition, Americans' personal incomes rose by seven-tenths of a percent, which is the highest rate since September.

Clearly, our economy's positive momentum is a direct result of the pro-growth agenda of our President and our Republican-led Congress.

We are the party that is holding the line on fiscal responsibility and showing our commitment to continuing economic growth. We are the party that is working to improve the lives of the American people by lowering taxes, enacting legal reform, and decreasing government interference in the lives of entrepreneurs and small business owners.

Democrats, on the other hand, continue to promote their tax-and-spend policies, because they think they know how to spend your hard-earned money better than you do. My Republican colleagues and I know better than that.

JUXTAPOSITION OF TWO NEWS STORIES

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, I want to call the attention of the House to the juxtaposition of two news stories: one that says, relating to 9/11, Federal officials were repeatedly warned in the months before the September 11, 2001, terror attacks that Osama bin Laden and al Qaeda were planning aircraft hijacking and suicide attacks according to a new report that the Bush administration has been suppressing.

And this, from the front page of today's Washington Post: a newly leaked video recording the high-level government deliberation the day before Hurricane Katrina hit shows disaster officials emphatically warning President Bush that the storm posed a catastrophic threat to New Orleans and the gulf coast, and a grim-faced Bush personally assuring State leaders that his administration was fully prepared, quote-unquote, to help.

Do we see a pattern here? 9/11, Katrina? They knew something was going to happen and they did not act. They knew that if they went into Iraq that we were looking at a disaster, that there was no way we were going to be able to run that country.

They know that global climate change poses a threat to the entire planet. Nothing is being done. There is a pattern of recklessness, indifference, callousness. The implications are deadly for the people of the United States.

CHILDREN'S SAFETY ACT

(Mr. FOLEY asked and was given permission to address the House for 1 minute.)

Mr. FOLEY. Mr. Speaker, last September the House overwhelmingly passed H.R. 3132, the Children's Safety Act.

This bill will, among other things, overhaul and strengthen our Nation's sex offender registration and notification laws.

Over the past few years we have lost too many children to the hands of these pedophiles: Jessica Lunsford, Jetseta Gage, Sarah Lunde, Megan

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Kanka, Jacob Wetterling, just to name a few.

While it may not be on the national news, there are still stories every day of children being hurt by these predators.

We still have over 150,000 offenders missing, and those numbers are growing.

Mr. Speaker, the House did its job last fall by passing that bill. Now it is time for the other Chamber.

I applaud the Senate majority leader's recent decision to cosponsor the Senate version of the sex offender bill and his commitment that he made the other day to victims' parents to move the bill soon.

We must pass this bill, and we must do it now before another victim is killed.

IN SEARCH OF A COMPETENT CONSERVATIVE

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, by now we have all seen the Katrina tape of the President being briefed on the magnitude of the upcoming hurricane disaster. The tape clearly shows that the President and his administration knew about Katrina's magnitude, regardless of their after-action denial.

All I can say is forget the compassionate conservative that we were promised in 2000. At this point I would settle for a competent conservative.

Remember, this administration repeatedly maintained that if American leaders in Iraq needed more troops all they needed to do was ask. But now we know that the President's top man in Iraq, Paul Bremer, asked for more troops right after the invasion and the President and the Secretary of Defense failed to respond.

This administration said that the intelligence it used as a case for the war was flawed. But Paul Pillar, a high-ranking CIA official, recently revealed that the administration intentionally distorted and cherry-picked the intelligence in order to justify the prescribed decision.

Today, we are seeing the failure of those decisions. This administration said that the Medicare prescription drug benefit would cost no more than $400 billion. The real cost of the benefit, nearly $800 billion, and the administration knew all along the true cost.

The President's people say people do not need to worry about security, and then we found out that neither the President nor the Secretary of Defense knew that the United Arab Emirates was about to take over the six major American ports. We do not need a compassionate conservative, a fiscal conservative. We need a competent conservative.

OUR ECONOMY IS ON A ROLL

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, if you get your news from the mainstream media, you probably don't know that our economy is on a roll.

Our tax policies, the tax relief and reform we passed in 2003 and 2005, helped get government out of the way of America's entrepreneurs, and our unemployment rate is now lower than it was in the 1970s, the 1980s, and the 1990s.

Those across the aisle who voted against our tax relief for Americans, and against our tax reform, say that Americans are not paying enough and that the tax relief costs the government too much. Imagine that. They think government has the first right of refusal on your paycheck. Well, they are wrong on that.

Our tax relief generated $160 billion more in tax revenues in 2004 and 2005 than what was anticipated, than what was expected.

Mr. Speaker, the liberals in this body think that tax relief is a gift from the government to the American worker. They are wrong on that. We Republicans know that they are wrong. We know taxes are a gift that the American taxpayer sends to Washington.

EDUCATION CUTS IN THE BUDGET

(Mr. OLVER asked and was given permission to address the House for 1 minute.)

Mr. OLVER. Mr. Speaker, in his State of the Union speech, President Bush said: "Our greatest advantage in the world has always been our educated, hardworking, ambitious people, and we are going to keep that edge. But the President's budget for next year cuts education by more than $2 billion. His budget freezes the maximum award for Pell grants for the third year in a row. That means Pell grants will be worth almost 10 percent less than they were just 5 years ago.

His budget cuts hundreds of millions of dollars from loan programs, making it more difficult for half a million low- and moderate-income students to get the financial aid they need to stay in college.

His budget totally eliminates funding for TRIO Upward Bound that helps students trying to be the first person from their family to go to college. Yet President Bush's budget adds over $350 billion to the national debt that our children and grandchildren will have to pay.

Americans lose when the President's actions contradict his promises.

STATE OF THE UNION'S HEALTH CARE

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, the rapidly rising cost of health care has put quality coverage out of the reach of millions of families. Too many cannot afford to see their doctor. Too many put off early treatment. Too many are overwhelmed by hospital bills. Too many meet a wall of bureaucracy that stands between them and their doctor. This system costs too many lives and too many dollars.

Each side of the aisle has offered solutions: national health care on one side of the aisle, health savings accounts on the other. But these two plans deal with payments. Neither solves the problem of costly errors and inefficiency. Cost shifting is not cost savings. They only focus on who is paying, when we need to reform what we are paying for.

Electronic medical records, electronic prescribing, eliminating hospital-borne infections, accurate dates on prescription drugs, expanding patients' care management, ending defensive medicine and allowing doctors to volunteer at community health centers are among the reforms our Nation needs.

Any of us would reach out to save the life of one person. We must reform the health care system to save ten of thousands of lives and tens of billions of dollars. Members can see more information on this at www.murphy.house.gov.

☐ 1015

REPUBLICANS' FAILURES IN SECURING PORTS: FAILURES GO BEYOND DUBAI PORTS WORLD

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute.)

Mr. CARNAHAN. Mr. Speaker, the Bush administration's deal with the United Arab Emirates showed the American people again that securing our ports is not their priority.

The bipartisan and unanimous 9/11 Commission report clearly showed the need for increased security for our Nation's ports. Now 4 years after 9/11, less than 10 percent of the 9 million containers entering our ports are ever screened. Even worse, Republicans in this House have fought Democratic efforts to increase port security funding.

In 2003, this House voted to kill a Democratic amendment to add $250 million for port security grants; then again, in 2005, against a Democratic proposal calling for an additional $400 million in funding for port security.

For the record, let me say, my constituents in St. Louis, Jefferson County, and Ste. Genevieve County, Missouri, understand right from wrong.

They, like all Americans, demand action from this Congress that is long overdue, and they will not go along with any deal compromising our national security.

The American people have every right to be outraged with the administration's approval of the UAE port deal. It is time the people's House make the security of our Nation's ports a priority.

HONORING GENERAL SAM HOUSTON

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, Sam Houston from Virginia was born this day, March 2, 1793. He was unique among all Americans. He grew up in the mountains of eastern Tennessee. He befriended the Cherokees as a kid. He fought the British in 1814. He stood with Andrew Jackson and was wounded three times fighting Indians. He became a lawyer, Member of Congress, and a Governor of the great State of Tennessee. More than enough for one life. But then he left for Texas and quickly got passion about Texas independence.

On his birthday, March 2, 1836, he was one of the signers of the Texas Declaration of Independence from Mexico. General Sam was made commander in chief of all Texas armies, and on the plains of San Jacinto his outnumbered volunteer army defeated the invaders. Texas was free.

General Sam became President of the Republic of Texas, and when Texas joined the Union, he became Governor and U.S. Senator. He is the only American in history to be Governor of two different States.

His example was a majestic story of bravery, boldness, and brashness.

Mr. Speaker, his last words before he died were "Texas, Texas, Texas." Sam Houston, the stuff real Americans and real Texans are made of. And, Mr. Speaker, that's just the way it is.

DEMOCRATS' EFFORTS TO ADDRESS PORT SECURITY

(Mr. CLEAVER asked and was given permission to address the House for 1 minute.)

Mr. CLEAVER. Mr. Speaker, the United Arab Emirates port deal should never have been approved. Sure, the administration is now backpedaling, but despite this 45-day delay, the administration is still going to try to push this deal through.

It does not matter that the Coast Guard voiced concerns about the proposal before the administration initially approved the deal. It does not matter that large numbers of Democrats and Republicans have come out in opposition to the deal. It does not matter that the overwhelming majority of Americans do not support this deal and believe it to be dumb. Nor does it matter that the administration never checked with the affected communities before signing off on it. No, the Bush administration sees this 45-day period as an opportunity to steamroll Congress.

We simply cannot allow that to happen. Congress must play an active role in this decision. I hope, I really hope, that the House Republicans will join us in insisting that no deal move forward without a vote here on this floor. Democrats insist that in addition to the 45-day investigation there must also be a congressional vote. This is a national security decision, and it is simply too important for partisanship to take precedence over prudence.

IMMIGRATION BILL IN SENATE AND CAMPBELL AMENDMENT

(Mr. CAMPBELL of California asked and was given permission to address the House for 1 minute.)

Mr. CAMPBELL of California. Mr. Speaker, today the Senate Judiciary Committee will begin work on the immigration and border security legislation the House passed at the end of last year.

This bill is one of the most important pieces of national security legislation before Congress because border security is national security.

Recently we have been engaged in debates, some of which you have just heard, about whether or not our ports are secure. This is an important debate. But we know our southern border is not secure; we know that illegal aliens, criminal illegal aliens, are attempting to cross that border every single day, and it is time that we stop it.

In December, the House passed a good enforcement and border security bill, and the bill is a great start to address this problem and make our Nation safer. One important provision included in the bill was an amendment I had authored which will withhold Federal law enforcement funding from sanctuary cities that prohibit law enforcement officers from notifying Federal officials about known illegal aliens.

The practice of prohibiting cooperation is appalling. We should not reward these cities with Federal funds. I urge my colleagues in the Senate to include this provision and pass a strong enforcement bill without amnesty.

BUSH ONCE AGAIN SKIRTING LAW IMPACTING OUR NATIONAL SECURITY

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, Congress should not allow the secretly decided backroom United Arab Emirates port deal to go through. It must be stopped, and House Republicans should stand up to the President in the name of national security. Our ports are not for sale to the highest bidder.

This deal shows once again the lengths the Bush administration will go to bend the laws to their advantage. The administration failed to conduct a 45-day investigation that is legally required. This, in itself, should be enough to stop this deal. The national security implications are simply too important to ignore. And, unfortunately, House Republicans have neglected our vulnerable ports since 9/11.

Over the past 4 years, House Republicans have opposed and defeated Democratic efforts to increase funding for port security. Right now, only 6 percent of cargo coming into the U.S. is being checked, producing a large hole in our homeland security.

I would hope that we can make port security a top priority.

ENTITLEMENT REFORM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in the coming days we will take up the Federal budget. While I am pleased to see the President's budget hold the line on discretionary spending, the Congress should also get serious about entitlement reform.

The numbers speak for themselves, Mr. Speaker. Three entitlement programs alone, Social Security, Medicare, and Medicaid, currently consume about 42 percent of the entire budget. If we add defense and homeland security, which most people would consider mandatory spending, along with all the other entitlements, we get 82 percent. Only 18 cents on the dollar really is discretionary.

Mr. Speaker, entitlements are important programs, but they will benefit no one if they go bankrupt. And we are headed for a fiscal tsunami in this country. So as we begin the budget process, let us keep in mind that runaway discretionary spending is wrong, and we would do well to rein it in.

But unsustainable entitlement spending is a greater problem that we should address as well for the sake of our children and grandchildren. Whether we like it or not, this is a very real problem. It is not going to go away.

Doing nothing is simply not an option. In fact, doing nothing is the worst thing we can do.

IT IS TIME FOR A POLICY THAT REALLY SECURES AMERICA

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, over the last couple of days we have seen the focus of the American conscience look toward whether America is actually secure.

Mr. Speaker, I think it is time now for the administration to craft a policy that answers the enormity of the concerns that Americans have expressed in town hall meetings across America. Frankly, I think when the headlines read 1,300 Iraqi dead, our soldiers standing by, not knowing whether to engage or not in the civil war that is pending, it is actually now time for the President to acknowledge that our troops have done their job, they have won the victory, and they need to come home.

And then we speak of securing America and having conflicts cause the tension that they are causing and then we still want to say that it is all right to sell our ports to foreign entities; and, of course, I think America needs to know that in the 2007 budget there is no funding for securing the Nation's ports around America.

It is time now for the administration to craft a security posture and policy that really secures America. The time is now.

STATE TAX COMPETITIVENESS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, this week the Tax Foundation, an educational foundation for taxpayers since 1937, released its much anticipated third edition of their State business tax climate index. It ranks the 50 States on how business friendly their tax systems are.

The study finds the most business-friendly tax systems in Wyoming, South Dakota, Alaska, Florida, Nevada, New Hampshire and Texas. The least business-friendly tax codes were found in New York, New Jersey, Rhode Island, Vermont and Maine.

Low-tax States are where the job growth is. Governors and businesses and residents want jobs to flow to their States. Low taxes will do that. So low taxes in America will also keep jobs here.

So, Mr. Speaker, there is a cautionary tale from this report, reminding us that we are truly competing in a global economy, and we cannot ignore the fact that low taxes indeed create new jobs.

RECOGNIZING AMBER CASHWELL'S SERVICE TO SOUTH CAROLINA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, as I always say, congressional schedulers have some of the hardest jobs in Washington.

While serving as a scheduler, Amber Cashwell has seamlessly planned a calendar, helped manage the office, and assisted the citizens of the Second District of South Carolina. Throughout her service she has handled her responsibilities with patience, professionalism, and good humor. Her colleagues and I truly appreciate her hard work and dedication.

A native of Spartanburg, South Carolina, Amber began her career in Washington as a staff assistant for Congressman BOB INGLIS. In May, 2004, she graduated from Converse College with an impressive double major in French and history.

Tomorrow, Amber will depart the halls of Congress to work at the Moore Van Allen law firm in Charlotte, North Carolina. I am proud of her success and pleased to congratulate Amber on this wonderful opportunity.

In conclusion, God bless our troops, and we will never forget September 11.

MALPRACTICE INSURANCE

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, when I opened up my local paper the other day, I was troubled by a letter to the editor. This gentleman was lamenting the fact that he and his wife were losing a long-time doctor because the physician could not afford to remain in business. What is even more troubling is that none of this is a surprise.

Every day more and more doctors across the country are watching their malpractice rates skyrocket. These premiums are going up as the insurance companies are being forced to pay higher and higher awards for malpractice lawsuits.

Doctors need to be held accountable, yes. However, there is also a need to recognize the institutional abuse that is far too often perpetrated in our courts by personal injury lawyers and the frivolous lawsuits they introduce. These lawsuits do not just affect doctors. They are affecting patients all across the country who either lose access to their doctor altogether or are cared for by a physician who has been intimidated into practicing defensive medicine.

While everyone is talking about rising health care costs, let us not forget to recognize there are a number of different ways to lower those costs, and starting with lawsuit abuse reform would be a genuine first step.

KATRINA EMERGENCY ASSISTANCE ACT OF 2006

Mr. SHUSTER. Mr. Speaker, pursuant to the order of the House of March 1, 2006, I call up the Senate bill (S. 1777) to provide relief for the victims of Hurricane Katrina, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the order of the House of Wednesday, March 1, 2006, the Senate bill is considered read, and the amendment placed at the desk is adopted.

The text of the Senate bill, as amended, is as follows:

S. 1777

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Katrina Emergency Assistance Act of 2006".

SEC. 2. EXTENSION OF UNEMPLOYMENT ASSISTANCE.

Notwithstanding any other provision of law, in the case of an individual eligible to receive unemployment assistance under section 410(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177(a)) as a result of a disaster declaration made for Hurricane Katrina or Hurricane Rita on or after August 29, 2005, the President shall make such assistance available for 39 weeks after the date of the disaster declaration.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. SHUSTER) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

□ 1030

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1777.

The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1777, as amended, extends the disaster unemployment assistance for those affected by Hurricanes Katrina and Rita. Unfortunately, the economy in the gulf coast area remains devastated and re-employment opportunities are greatly limited.

Currently, disaster unemployment assistance is only available for 26 weeks following a disaster declaration. March 4, 2006, is the current deadline for program assistance as a result of Hurricane Katrina disaster declarations for Louisiana and Mississippi. Unless we act, unemployment benefits will expire this Saturday. This bill would extend that period for an additional 13 weeks, making disaster unemployment assistance available for 39 weeks total. This assistance is only available to those persons who are not eligible for regular unemployment assistance.

By extending these benefits, we are helping those most in need in the gulf coast region as they continue to recover and rebuild. We extended disaster unemployment assistance benefits after September 11 in the same fashion as we are extending these benefits today. I support this legislation and encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by thanking Chairman DON YOUNG, Ranking Member JIM OBERSTAR, and, of course, my subcommittee chairman, BILL SHUSTER, for their leadership in acting together to assure that unemployment benefits are available to the many victims of Hurricane Katrina and Hurricane Rita who want to work.

We are acting in virtual unison, though under the wire, to pass S. 1777, the Katrina Emergency Assistance Act of 2006, which extends unemployment assistance under the Stafford Act, providing essential unemployment benefits before they lapse on Saturday. This bill extends the period that victims of Hurricanes Katrina and Rita would be eligible for unemployment benefits to an additional 13 weeks, for a total of 39 weeks.

Currently, the disaster unemployment assistance benefit period begins the week following the disaster or the date thereafter that the individual becomes unemployed and can extend up to 26 weeks after the declaration or until the individual becomes reemployed. This bill means 39 more desperately needed weeks, in addition to the first 26 weeks. The Department of Labor has the usual authority to administer the program.

The extension of these benefits would help untold thousands of workers who lost their jobs as a direct result of the unprecedented storms that hit the gulf region late last summer but do not qualify for regular unemployment assistance. The Labor Department reports that more than 500,000 individuals have already filed new unemployment claims.

Unemployment at 12.5 percent for those who had returned in November was more than twice the national rate; and for those still displaced the rate was an amazing 27.5 percent, more than twice the rate for those who had returned.

Unemployment benefits are available, of course, only for workers in search of actual employment. These benefits may, nevertheless, of course, be used wherever these workers are living today. However, the benefits also may encourage needed workers to take the many risks associated with returning to gulf cities and towns at a time when all the basic ingredients of working communities, from housing to health care, are at unprecedented low levels.

For example, relatively few workers have returned, despite a high rate of job openings in New Orleans. With at least the guarantee of unemployment benefits during the job hunt and much more rapid and sensible job training and reconstruction policies, these benefits could leverage new work opportunities for gulf residents that were unavailable even before the storm, leave alone what the benefits could do in helping the reconstruction of the region itself.

At the same time, I regret that a provision similar to the one approved by the committee of jurisdiction in the other body to increase unemployment benefits to 50 percent of the national average of unemployment benefits had to be removed from the final bill to achieve the rapid agreement needed. Mississippi, Alabama, and Louisiana have the lowest unemployment benefits in the country. As a result, disaster unemployment benefits for these States are as low as $87, $90 and $97 per week, respectively.

Fifty percent of the national average for unemployment benefit amounts to $135 a week. In an area of the country that even before Hurricane Katrina suffered long-term unemployment at record levels, this increase could have made a major difference to families who need much more assistance than the typical unemployed worker, because many have lost everything, including their homes.

For the gulf victims, the job search that S. 1777 will afford is much more than finding a job. This bill will help some victims return to the gulf region to begin building their lives from scratch. Many who qualify for these benefits were in the lowest wage categories and are among the neediest for assistance. This extension will help them move forward after experiencing the worst natural disaster in the Nation's history. The American people would want us to take at least the step of passing this urgently needed legislation today.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Speaker, I rise in opposition today to S. 1777. One of the things that I am concerned about is we are spending billions of dollars every day on this Katrina emergency disaster, with very small results. We have people filing lawsuits against the government to keep them from being kicked out of apartments, while thousands of trailers are idle just a few hundred miles away.

Certainly, our hearts and thoughts go with the people who experienced this tremendous tragedy, but I think one of the things that I hear from the people in the 19th District of Texas is that they see we are spending billions and billions and billions of dollars, yet we are getting reports of mismanagement almost at every level of government.

One of the things that I think we have to do, and it is the reason I am going to encourage my colleagues today not to support this, is I think we have to step back and look at where we are spending our money today, the American taxpayers' money, by the way, and by the way, money that we don't have. Every dollar we are spending right now for Katrina relief is money that we are borrowing, and we are going to saddle our future generations with that debt.

So I believe that what we have to do is begin to assess what are the job creation opportunities going to be in that region. We are at a time in our country today, quite honestly, where we have record low unemployment, yet we are here today to extend unemployment benefits for another 13 weeks.

The question I have is not whether these people need a job, but the question is are we providing opportunities for them to get a job and moving them away from an environment of entitlement to an environment of empowerment, where we are investing dollars in those communities in such a way that those communities will be able to create jobs for those people that maybe lost their jobs because of this disaster that happened.

So, Mr. Speaker, I would encourage my colleagues today, let's vote this down. Let's sit back and assess where we are spending our resources. I know that we have a $20 billion additional supplemental coming to the floor of this House for debate, and I think as we keep throwing money at this problem, what we hear on the national news every day is the people living in these areas are saying they are not getting any of the help. The way to make sure you have accountability is not to give someone more money, but to bring in more accountability.

Mr. Speaker, I encourage my colleagues not to support this.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I must say, Mr. Speaker, we thought of going forward with this bill under unanimous consent because we did not think there was a single Member of the House of Representatives who would want to deny to people searching for a job after the worst disaster in American history the funds that would enable them to live while they search for a job. So I am amazed. I will be amazed that there is a single vote against the bill.

But I think the chutzpah to stand on the floor and say we are throwing money at a problem, when I have just recounted what these benefits will mean in that part of the country, less than $100 a week for families looking for work, is an amazing statement to make. We are throwing money at a problem? We are giving unemployment benefits to people looking for work who have no other means because Mother Nature has taken their means from them. Moreover, may I remind this House that twice after 9/11 we extended unemployment benefits.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlelady for her leadership, as well as Mr. SHUSTER. I also thank Mr. YOUNG, and certainly Mr. OBERSTAR.

Mr. Speaker, I represent the bulk of Texans, those of us who are now hosting more than 200,000 Katrina survivors and Rita survivors. Might I say to my good friend who lives a little further from the gulf that he should recognize that this legislation also includes Hurricane Rita survivors, who are all throughout the southern part of Texas.

But this is not an isolated whose-State-are-we-in type of legislation. It is a legislative initiative. As a member of the Homeland Security Committee, I see my ranking member has come who has worked very hard on these issues, this is an answer to the cry of Americans. For anyone to suggest this is frivolous or throwing good money after bad is wrongly focused and misdirected.

Let me suggest to you the parameters, or at least the scene, that we are now talking about. We already know that we have suggested that the government in all of its power absolutely abysmally failed in its ability to save the lives of those on the gulf coast, and they knew that there was going to be a catastrophic event.

So what we are trying to do here on the floor of the House is, on the backdrop of our failure, not to look back, we wish there was a 9/11-type commission, but to go forward with solutions.

I want to applaud my colleagues for going forward. We are going forward by providing assistance to those Katrina and Rita survivors, who are scattered now through 44 States. I would like to ask my colleague, when in the history of America did we scatter Americans throughout 44 States? This is to help those States, because many of the individuals who are there are layered on top of the citizens of Utah, the citizens of Kentucky, the citizens of Georgia, who may be themselves unemployed; and therefore it makes it difficult for them to find jobs, even to be able to develop an income to be able to return home to the gulf coast region.

Mr. Speaker, this provides a cushion for those who are scattered in the 44 States. Then it helps additionally those who are in large urban areas like Houston. Houston, of course, a percolating economy, still has its unemployment. So for you to indict people, to suggest that they are doing nothing to find work, you don't know the economy in America.

Let me also acknowledge that this particular provision will pay back communities for buying soap and food for those who have been in our community. It also provides for student scholars who are on visas, whose visas may be expiring and they have no paperwork, so they will not be deported, not because they are here illegally, but because they cannot find the paperwork coming from that region.

This is an emergency. This is a lifesaver. We will be in a devastated condition this Saturday if this bill is not passed.

Let me say that the bulk of Texans, the majority of Texans, 90 percent of Texans, understand the value of this legislation; and they want this bill to pass because we see firsthand those who are trying to struggle to survive.

Mr. Speaker, I rise in strong support of the proposed legislation, S. 1777, the "Katrina Emergency Assistance Act of 2005."

As the law stands, unemployment assistance to those affected by Hurricanes Katrina and Rita is going to be running out. We urgently need to act to extend unemployment assistance to the survivors of Hurricanes Katrina and Rita.

S. 1777 extends disaster unemployment assistance, DUA, to individuals affected by Hurricane Katrina or Hurricane Rita. It does so by expanding FEMA's authority to help individuals affected by Hurricane Katrina and Rita by allowing the President to waive the limitations on direct and financial assistance and by providing 13 additional weeks of unemployment benefits.

With merely days remaining before the unemployment benefits begin to expire, the people displaced by Hurricane Katrina and Rita are facing a dire crisis. The survivors of Hurricane Katrina, and from Hurricane Rita, have faced tremendous stress over these past months. Not only have these men and women lost their jobs, but their homes have been razed to the ground, their beloved city swept away, and their livelihoods destroyed. They have suffered through unspeakable devastation, both to their mental and physical states. But, these proud people have not lost hope. Thousands of people, many in my district of Houston, are working hard to find jobs and rebuild their lives. It is very difficult for them to integrate into their new community, and very difficult for them to find a job.

In these most trying times, however, their government is threatening to remove them from their temporary, emergency unemployment assistance. Many of these people, their last options exhausted, will be left on the streets. It is a moral, public safety and public health imperative that this not be allowed to occur. I am making an urgent appeal to my colleagues in the House to take the necessary steps to avert this disaster and vote to provide disaster unemployment assistance for the displaced persons.

Late last night I received an urgent call from a constituent of mine, Dr. Ikili Graham. Dr. Graham explained that his friends and family were affected by Hurricanes Katrina and Rita. Many had lost their homes and their jobs, and were struggling to integrate in their new city of Houston. Jobs were scarce, but progress was being made.

He called to urge me to support S. 1777, a bill that would provide much needed help to those who are still unemployed as a result of Hurricane Katrina and Rita. This bill would extend unemployment assistance for just 13 additional weeks—hopefully enough time for people to find new jobs and sources of income.

I would like to passionately thank the Minority Leader and the Speaker of the House for their wisdom in bringing this necessary piece of legislation to the floor. The survivors of Hurricanes Katrina and Rita need our continued support.

Mr. Speaker, I strongly support the proposed resolution for the foregoing reasons, and I urge my colleagues from both sides of the aisle to follow suit.

□ 1045

Mr. SHUSTER. Mr. Speaker, I want to respond to the comments of my good friend from Texas (Mr. NEUGEBAUER). I certainly understand his concern about some of what has gone on in the gulf coast region, things that have not been efficiently moved forward. There have been cases of money being spent unwisely.

But on this bill, S. 1777, with the disaster unemployment assistance, this is important, to go to people that do not get normal unemployment. This goes out to people that are self-employed, small business owners. It is critical to the recovery that they have income until they are able to get their businesses back up, or if they are a professional, to get their operations running again.

So again I understand the concern of my colleague, but this bill is about disaster unemployment assistance. It is critical to get it back on line. It expires on Saturday. So I would urge all of my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentleman's comments. The kind of small business owners, for example, that the gentleman was talking about, if you are a hot dog vendor, those are some of the most industrious people in society. An example would be people who are willing to work for themselves where they get no benefits of any kind, but work harder than most of us.

I used the hot dog vendor, because that is fairly typical of the kind of person we are talking about.

Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Thank God that the Speaker is taking a trip down to New Orleans, because we have waited for a long time for this bill. Six months ago I introduced legislation to extend unemployment benefits. But the majority party has ignored the problem until today, a few days before it is going to run out.

Now as a doctor and psychiatrist, I can tell you a couple of things: When people suffer a catastrophic loss, they need comfort and certainty, a helping hand. Instead, you have waited with unemployment benefits until they were beginning to run out before you acted. You have made matters worse for people who already have much damage to their lives.

For 6 months this body functioned like that empty FEMA trailer when it came to meeting the needs of the people devastated by the hurricanes. The White House was in the driver's seat. No more need be said.

But thankfully, at the urging of Ms. PELOSI from California, Republicans are going to do what I said 6 months ago. We are going to extend unemployment benefits to the people in the gulf coast. Later today, we will go and visit the region and tell the people all the good we are doing for them.

Now, the Republicans will take credit for acting. But there is no credit for acting 6 months late. Six months ago I said we should be protecting the children of the gulf coast. I ask today, are we doing all we can to ensure vulnerable children are protected? Have we done anything to ensure that parents receive counseling and children receive the necessary social services to cope with the trauma in their lives? The answer is "no."

We may have sent some money to the States, but we have done nothing to ensure that Federal child welfare programs receive additional resources to cope. Kids are not as important as workers. In fact, Republicans refused to even hold a hearing, despite my repeated pleas to the chairman.

We know child abuse spikes after natural disasters. We know that foster families are living in FEMA trailers. They are living with four, six and eight kids in a trailer, and the State is asking them to take more because they do not have enough places for neglected and abused kids. These trailers do not come close to passing the safety standards that we would demand of an ordinary foster home.

We cannot keep pretending that the Federal Government is responding to the gulf coast. FEMA and the White House knew the storms were coming; we found that out yesterday. We knew they were going to devastate the area, and they failed to prepare and respond. For the last 6 months there has been nothing going on here.

We have got a chance today to follow the Golden Rule: Treat others as we would be treated. I speak as someone representing Seattle. We know that one day we will have another shaker, another earthquake. And anybody who gets out on this floor and says, oh, well, we're throwing money at Louisiana, don't you dare come near this floor asking for money when it happens to you in California or anywhere else.

This is not a local problem, this is a national problem that the Republicans refuse to respond to until it is at the last second. A day late, a dollar short.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, responding to the gentleman, we are not a day late and a dollar short. We are responding in a timely fashion. We certainly would have liked to have done this a couple of weeks earlier, but we are here on the floor today. We are going to respond to this situation in time.

I think it is important. As we move legislation forward in a situation like this, I think the folks in the gulf coast know that those of us in Congress are concerned about their situation; and that is why we are acting in time for this to be extended. I don't believe that responding 6 months prior to the need is something that is wise policy.

Let's move forward, let's study the situation and when it gets to a point where we have to extend, where we have to act, I think it is prudent that we do that.

Mr. Speaker, I continue to reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to say that I mentioned 9/11 because I think there is a standard here, a kind of control group. I mentioned that we had had to extend unemployment benefits twice during 9/11. This was a terrorist attack, 3,000 people killed. Thank God, the entire City of New York was not wiped out.

Compare, however, that disaster, as tragic as it was, with wiping out an entire city, the whole city gone, all means of employment gone, now being slowly revived. And I think we will have some appreciation for the American heart.

We knew what to do on 9/11. We will be there for people as long as you need us. And the wonderful thing about unemployment benefits is, they go straight to the person. And, of course, what unemployment benefits do, because the people who get them spend them for necessities in their communities, so what unemployment does at the same time is, of course, to help the community, the economy of the community where the unemployment benefits are being spent.

This is very good money for very desperate people.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, as I listen to the debate here, one of the things that I keep hearing in this House is a question of what the role of government is. One of the gentlemen who spoke earlier would insist that all this is about is throwing money, good money, after bad.

I think there are people in this Congress who actually believe that government does not have a benign role in the lives of the people, except as an engine to redistribute the wealth of the Nation upwards. This legislation proves otherwise. It proves that government does have a responsibility to step up when people have a problem. It also confirms the role of the Congress of the United States.

We see in today's news that the administration was warned on Katrina. It didn't respond quickly enough. Well, the Congress of the United States has an obligation to respond here. That is what we are doing with this legislation today. That is why I support it. We know that so much of the Federal response to the economic security of the Katrina victims has been lacking.

According to the Economic Policy Institute, unemployment is a serious problem for hurricane victims. But the evacuees who are still not back in their homes, and they number 500,000 people, to them unemployment is epidemic, one-quarter of Whites, one-half of African American evacuees are still out of work.

The cause, Mr. Speaker, is not a lack of jobs. At the current time there is a labor shortage in New Orleans. The cause is a lack of housing near the job sites. The Economic Policy Institute found that simply returning home from the Katrina Diaspora makes a dramatic difference in those staggering unemployment figures.

Unemployment rates fall among Whites to 10.7 percent, among Blacks to 11.6 percent if people have a home to go to. But the unfortunately indifferent Bush administration, through the now infamous FEMA, is compounding the unemployment problems of the hurricane victims. The Federal emergency housing effort located the largest temporary housing facility for New Orleans evacuees in Baker, Louisiana, 91 miles away from New Orleans. That is not a commute for anyone, especially low-income workers.

On September 8, the President urged a proclamation to lower the wages of all workers on a Federal contract to rebuild the hurricane-affected region. He suspended Davis-Bacon, a 74-year-old law which requires that companies receiving Federal contracts pay the average wage to employees who are hired to perform those Federal contracts.

He also suspended the requirement of having affirmative action plans. Fortunately, some Members of Congress became involved in that and offered a counterbalance.

That is what we are trying to do here today. We are trying to offer a counterbalance to an administration that was not there when the American people needed some guidance.

But today this bill will show that Congress has a role, and we have to keep remembering it. Congress has a role in meeting the needs of the American people and government has a role in the life of the American people, has a positive, a powerful, a constructive role; and we have to confirm that role over and over again with our work on the floor of the House of Representatives.

Mr. Speaker, I am proud to support this bipartisan initiative to give the people of the Katrina disaster area some additional relief. I think we need to keep focusing on what is the appropriate role of government.

Let's help people in this country with the resources we have.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentleman from Ohio's support on this piece of legislation today. But I want to remind my friends on the other side that Congress does have a role. And we took it very seriously when we set up the Katrina committee. It was the Democratic leader who refused to appoint Members from the minority to the Katrina committee.

But there were courageous Members on your side. I see Mr. JEFFERSON here today, who defied the leadership and who came to the committee hearings for the last 4 or 5 months. We did the hard work. We put forth a document that pointed out some serious problems that we had. It was critical of this administration. But the minority was MIA, missing in action from the Katrina committee.

So Congress does have a role. We took it very seriously.

And once again I just want to applaud Mr. JEFFERSON, Mr. TAYLOR, Mr. MELANCON, Ms. MCKINNEY. I hope I am not forgetting anybody. But as I said, they defied their leadership and came to these important Katrina committee hearings, and they were a big part of, I believe, the hearings and had great input into what we produced.

Mr. Speaker, I continue to reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from New Orleans (Mr. JEFFERSON), the city which suffered the worst natural disaster of any big city in American history.

Mr. JEFFERSON. Mr. Speaker, I thank the gentlewoman for yielding me the time to speak on this legislation.

I want to thank the bipartisan group that has developed this legislation. We, of course, had hoped for more from it. We were hoping that we would get to $135 a week, as the Senate had proposed. And we, of course, hoped for other provisions in the bill.

But, nonetheless, this is an important step forward, and an important response to the needs of the people in our area. I regret that there is objection to this legislation today, because I think it can only be objected to because folks just do not understand. I will not say that anyone is so callous as to not care, but I would have to say that you cannot really understand the dimensions of this issue if one objects to what we are doing here today.

In many ways, the district that I represent and the area that I represent and the whole gulf region is frozen in time. Not a whole lot has changed since August 29 in this aftermath, except that in our city the water has been pumped out. But other than that, the city is largely depopulated. Business has still not stood up. Hospitals are not working. The school system is not working. Our city has no tax base. People do not have jobs. Many have no place to come back to, even for temporary housing.

And those few who are there, of those who are there now, some 16,000 of them who are there in temporary housing, other housing conditions that are not ones that any of us would really like to have to put our families into, 16,000 of them do not have jobs now and are seeking this unemployment extension benefit.

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Across the Gulf there are 165,000 families who are either there or displaced some other place around our country who do not have jobs, not because they are not seeking them, not because they do not want to work, but because the storm has displaced them and destroyed not only where they live but where they worked as well.

So the things we have talked about on the committee that reviewed the Katrina lawsuit, I do want to give some compliments to those who worked on that issue, who helped to, I think, make some critical decisions about it that I think will in the future portend better outcomes for these disasters as they occur. We hope they do not occur to anybody like they occurred to us; but if they do, I think we are in a far better position to deal with them now.

I do want to say there is a great deal more to be done in our area. And we are hoping that this Congress as a result of the trip that will be taken in just a few hours down there to take some 35 or 40 Members of Congress down to take a look at this, that people can continue to develop an appreciation for the extent of this disaster. Many of us have said it was not just a natural disaster that drowned our city. There are also some man-made issues here about how our levees failed and about how we could have done more to make sure that that did not happen. Frankly, had the levees had not failed, our city would not have drowned and we would not have had the 80 percent of our city under water, and all of the untoward consequences I just talked to you about would not have happened. We would have had a serious storm, a series of brief clean-up, and people would be back in town, and we would not have to be here talking about extending unemployment.

We are extending it today because this is a long-term set of issues here. This is not the ordinary disaster. We will be living with this for a very, very long time. It will take a lot of hard work on the part of all of us to make this close to right down the road.

So I hope this Congress is prepared to stick with the people of the region. I hope we will get a full understanding of exactly how folks are suffering and how this approach is a Band-Aid approach to helping people who are in the most dire circumstances, as I said, not because of anything they have done or have failed to do, not because they are not looking for work every day, but because they are displaced. They are disconnected. Their jobs are destroyed. They have no place to go. And they have no means of support for their families except this Congress and this country come to their aid. And this is a small measure to do that.

I am grateful to the committee for the work that it has done. I look forward to our committee realizing that there may be more work to do in this area. I hope we can make a rebound in this work as quickly as we can. But the biggest thing now is how we can keep families together, how we can give them a little support while they struggle to get back to normalcy, and how at the end of the day we can give them the choice to return to the place where they lived, where they have their cultural connections, and where they have dedicated a part of their lives and their influence and where they, frankly, want to return to.

All of us have someplace we call home around here; and for them, no matter how dangerous we think it is, how difficult it is for them, these people, all of our people, all of us want to have a way to come back and reconnect to our home, at least to make a decision about whether we want to make a reconnection or not.

Thank you for the opportunity to speak to this issue. I hope that whatever objections there are they will be withdrawn because this ought to be an issue on which we are all together, on which there is bipartisan agreement.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I just want to say, Mr. Chairman, thank you once again for the kind of bipartisan cooperation that I think truly reflects the spirit in which this bill comes to the floor today.

Our country is so well known for disaster relief, generously and spontaneously given to the rest of the world, that the rest of the world actually came forward and offered relief to the United States after Katrina occurred.

In a real sense the standard we have set for ourselves in the rest of the world sets the standard for what we do in our country. Will we be known when this disaster has cleared for the generosity of the response to Katrina?

Despite the sour note of one Member only at the beginning, I want to say that I have seen anything but that in the workings of our committee. It did make it necessary for us to make the case in a way we thought would have been unnecessary. For example, when you talk about throwing money at a problem, it makes me realize that some people do not even understand what unemployment benefits are about. They do not understand that you can only get unemployment benefits if you have had a job so that we are by definition talking about working people. And because many have not been unemployed, they may not understand what you have to go through to keep getting your benefits, to report to the office, to show evidence of having looked for a job.

In other words, we are talking here about people who worked, who have every desire to work, and who need a meager benefit in order to keep looking for work. That is why this bill is minimally reflective of where most Members would be. I think the bill at its base reflects the bipartisan spirit of this House when it comes to extending benefits that would allow people who want to work to, in fact, do that work.

And, indeed, if we should be so fortunate that these benefits may inspire some to go back home to places few of us would want to go because of all the future comforts that are gone, to go back home with meager benefits, with no housing, with insufficient health care, to go back home to help rebuild their community, that is the America that we all know.

Mr. Speaker, how much time do I have?

The SPEAKER pro tempore. The gentlewoman has 4½ minutes remaining.

Ms. NORTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I appreciate the opportunity to come to the floor today to speak on behalf of people of the gulf region of New Orleans, of Mississippi, of Alabama who have in many ways been dismissed, marginalized, even violated. I rise in strong support of the passage of S. 1777.

Six months after Hurricane Katrina, life for Louisiana and Mississippi residents remains an uphill battle. Houses have not been rebuilt. Many are still without gas, electricity, and other needed utility service; and those who once resided in the New Orleans ninth ward are still unable to return home, and other areas also. Yes, some help has been given; however, much more needs to be done.

There has been a lot of talk in the news about how America is not a country that will cut and run. Yet that is what we are doing to Hurricane Katrina survivors if we do not extend the services they so desperately need. If passed, S. 1777 will extend the much-needed unemployment assistance to the victims of Hurricane Katrina.

The unemployment rate of the hurricane survivors has reached epidemic proportions. This effect is compounded by the fact that the affected areas had some of the country's highest unemployment rates prior to the storm. Six months have already passed, although it seems the desperate images of survivors was just yesterday. As a result, providing unemployment assistance for survivors for up to 39 weeks is not only desperately needed but it is the right thing to do.

S. 1777 will waive the $25,000.00 limitation faced by individuals and household under existing law. As we have seen many individuals and families have to rebuild their entire lives from nothing. A recent media report chronicled the life of one woman whose sole possession after Hurricane Katrina was one dining room chair. The amount of funds these individuals receive needs to be evaluated on a case-by-case basis.

Mr. SHUSTER. Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I am very pleased at the way the press has not closed up shop and gone home after Katrina. Story after story continues to tell us what is happening in the gulf region. We have just seen Mardi Gras stories over and over again. I was pleased to see Mardi Gras celebrated in the region.

The region is doing for itself what it can do. As I think about this bill, I think that there are people who are on unemployment benefits who got a job during Mardi Gras and who came back home who no longer need unemployment benefits.

I want us to also remember that New Orleans, in particular, which is known for its Mardi Gras gaiety, this is the oil producing, the energy producing region of our country. We need it to get back on its feet.

This bill will help the region, the whole region, Louisiana, Mississippi and Alabama, to do just that. We are helping the people, and that is the way to help the region.

Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I thank the gentlewoman for her comments about the press talking about some positive stories coming out of Louisiana, but we should not forget there are also positive stories in Mississippi. The gentlewoman has traveled to the Gulf Coast on a couple of occasions, and the people of Mississippi were devastated as well.

The gentleman from Louisiana talked about the hard work. There is a lot of hard work left to do in rebuilding the Gulf Coast, but it is important that we at the Federal level do it in a fiscally responsible way in conjunction with the State and local governments in the Gulf Coast. But we also have hard work ahead of us in fixing the emergency management system, and that is something we are already starting to engage in. And we are going to have, I think, a significant debate on how we move forward.

This legislation today is important. The extension of the disaster unemployment assistance, it is money that, as I said earlier, is going to people that traditionally are not eligible for normal unemployment. These are small business owners, many of them. I think the gentlewoman from the District used the example of the hot dog stand owner, people working hard, small businesses. They do not have any income, and this is going to give them that income they need to get them back on their feet.

I want to also remind my colleagues that there is not an additional appropriation required for this. This has already been appropriated. The funds are in the disaster relief funds and CBO has scored this as no net increase in spending.

So as we move forward, I think it is responsible for us to do this. I urge my colleagues to support this legislation. I also want to thank my colleague from the District for the work she has put into it.

This has been a bipartisan effort. I also want to thank Chairman YOUNG and Ranking Member OBERSTAR. I also do not want to forget members of the committee from the Gulf Coast, Mr. BOUSTANY and Mr. BAKER, for their leadership, and Mr. PICKERING for his leadership.

I want finally to thank the majority leader for working with us to get this legislation on the floor today.

Mr. JEFFERSON. Mr. Speaker, before Katrina slammed into my city, we had 2,100 hospital beds. Now we have 400 beds between Touro and Children's. When Katrina struck, about 22 percent of Louisiana residents and 23 percent of New Orleans residents were living in poverty, $16,090 for a family of three. Over 900,000 people or 21 percent of all residents in Louisiana had no health insurance before Katrina and after the storm 1.2 million were uninsured. Tied to these poverty and uninsurance rates, Louisiana also had some of the poorest health statistics in the country with high rates of infant mortality, chronic diseases such as heart disease and diabetes, and AIDS cases, and lower than average childhood immunization rates.

To this end Mr. Speaker, I am proud to join Congresswoman CHRISTENSEN and a number of my congressional colleagues in introducing the first in a series of healthcare bills that I will be introducing in the coming weeks. The Katrina Health Access, Recovery, and Empowerment Act of 2006 or KHARE Act of 2006 has 4 main provision areas, each which addresses a key component in rebuilding the health care infrastructure in the Gulf Region, and meeting the unique health and health care needs of those displaced by the hurricanes. They include the following:

Title I: Rebuilding the Health Care Infrastructure. This title will meet the immediate and longer-term needs of the health care providers in the hurricane-affected regions by directing the Department of Health and Human Services in consultation to provide forgivable low-interest loans to eligible small business concerns for the restoration of health care and other services connected to health care.

This title will extend tax-credits for medical malpractice insurance to health professionals whose primary place of employment is located in the Hurricane Katrina-affected area and offer grants to eligible non-profit hospitals and clinics to assist hospitals and clinics in defraying qualified medical malpractice insurance expenditures.

In addition, this title will allow healthcare professionals whose healthcare practice is located in the Hurricane Katrina-affected area and is in a high risk specialty, will be allowed to deduct from gross income an amount equal to 125 percent of the aggregate premiums paid for medical liability insurance.

Title II: Rebuilding Pipelines of Providers in Medically-Needy and Underserved Areas and Communities. This title offers support to health care facilities in the hurricane-affected areas in order to expand access to needed health and health care services for hurricane affected individuals in medically needy and underserved areas and communities. The title establishes a Healthcare Safety Net Infrastructure Trust Fund. The Trust Fund will provide Federal guarantee of loan repayment, including guarantees of repayment of refinancing loans, to non-Federal lenders making loans to eligible healthcare facilities for healthcare facility replacement (either by construction or acquisition), modernization and renovation projects, and capital equipment acquisition.

Title III: Providing Relief to Academic Institutions. This provision provides support to academic institutions, with health and health care related programs, in hurricane-affected areas in order to ensure that they have the capacity to retain health and health care-related staff and personnel, and continue to offer programs that are important to bolstering the health and health care workforce in hurricane-affected areas.

Title IV: Restoring Key Components of the Health Care Infrastructure in Medically-Needy and Medically-Underserved Areas. This title provides grants and technical assistance support to low-income communities with noted health disparities in order to implement programs to improve health and healthcare. It also provides disparity grants to organizations and others in hurricane-affected areas to implement programs to healthcare programs. Finally, this provision expands access to care for low-income hurricane-affected residents by offering disaster relief Medicaid.

Mr. Speaker, this bill codifies legislatively the framework needed to implement sound public health and healthcare practices and this bill is a start to a new direction for healthcare in the Gulf Coast region and I urge my colleagues to support this bill, so that we do what is so clearly needed to improve the health and health care for millions of Americans.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S. 1777, as amended. The bill provides much needed aid for individuals left unemployed after Hurricanes Katrina and Rita by extending the period of disaster unemployment assistance from 26 weeks to 39 weeks from the date of the disaster declarations. Without this extension, disaster unemployment assistance for those left unemployed by Hurricane Katrina would expire this Saturday, March 4, and unemployment assistance for those left unemployed by Hurricane Rita would expire by the end of this month. There is no doubt that the people of the Gulf Coast need this assistance, and I strongly support this bill, and thank the Democratic Leader, Ms. PELOSI, for joining me in urging its consideration in the House today.

Let's be clear about what this bill does. It extends unemployment benefits for those 165,000 workers left unemployed as a result of Hurricane Katrina and Hurricane Rita for an additional 13 weeks. People in the Gulf Region are still struggling to reclaim their lives. It is the right thing to do to extend these benefits—just as we did after September 11—so that people can put food on their table. It is simply shocking to me that some Members on the other side of the aisle have stood up to oppose this bill. Where is the compassion for those who have suffered most dearly over the past several months?

Mr. Speaker, I support this bill. Nevertheless, I believe that Congress can do more, and should. Last December, the Committee on Transportation and Infrastructure reported H.R. 4438, the Gulf Coast Recovery Act, a bill that would have extended the period of eligibility of disaster unemployment assistance for those left unemployed by Hurricanes Katrina and Rita to 52 weeks from the date of the disasters. Further, the bill provided a much-needed increase to the minimum amount of assistance available to an individual. Right now, assistance provided to individuals in the Gulf Coast is among the lowest in the Nation. H.R. 4438 would have provided an increase in the amount of assistance to 50 percent of the national average ($135 per week). Currently, the minimum is set at one-half the state average (approximately $100 per week in Louisiana).

Mr. Speaker, H.R. 4438 also addresses other pressing needs of the Gulf Region. It allows the President to provide assistance to financially distressed state and local governments to cover base pay and overtime expenses for essential response and recovery personnel for six months—from January 2006 through June 2006. At Committee hearings, and on a tour of the region, I have heard from Gulf Coast representatives, including Mayor Ray Nagin of New Orleans, that without help from the Federal government they would have to continue to layoff workers that are essential to the recovery, thereby adding to the scores of unemployed in the region and substantially hindering the recovery.

In addition, to help communities with limited resources, the bill amends the Community Disaster Loan Act of 2005 to allow local governments to receive loans up to 50 percent (an increase from the current 25 percent limit) of the local government's budget.

Further, there is considerable confusion among local governments regarding the cost of debris removal. H.R. 4438 provides clarity on this issue by establishing a 100 percent Federal cost share of debris removal for disaster declarations resulting from Hurricane Katrina or Rita.

The bill also provides an increase in the Federal cost share of the Hazard Mitigation Grant program (HMGP) to at least 75 percent for one year. Many of the Gulf Coast communities simply do not have the ability to meet the Federal cost share and that will severely limit their ability to utilize cost-effective mitigation measures during the recovery. Mitigation saves lives, reduces property damage, and saves limited government funds. Congress should ensure that we have strong mitigation programs that will help encourage communities to rebuild safer and smarter.

H.R. 4438 also makes a permanent change to the Stafford Act and restores the percentage used to calculate the availability of HMGP funds following a disaster from 7.5 percent to 15 percent. This House has previously approved this change in H.R. 3181, the Predisaster Mitigation Program Reauthorization Act of 2003, in the 108th Congress. This change will help improve the use of HMGP for any future disasters in every part of the country.

Finally, the bill establishes a national program by which FEMA can provide grants to state and local governments to purchase or improve emergency interoperable communications equipment (including satellite phone and satellite communications equipment); mobile equipment to generate emergency power; and to train first responders and emergency personnel on how to best use such equipment. The bill authorizes $200 million for each of fiscal years 2006, 2007, and 2008 for this program.

It is a sad fact that this Nation still does not have sufficient interoperable and emergency communications equipment that can be relied on in the event of a disaster. Since the Transportation Committee reported H.R. 4438 in December, many of the recent government investigations into what went wrong with the Federal Government's response to Hurricane Katrina have concluded that having operational, emergency communications equipment is essential to respond to any disaster. The program authorized in H.R. 4438 will go a long way to ensuring that emergency responders have this vital equipment by providing states and localities much needed resources to purchase and improve their equipment and also train emergency personnel on how to use the equipment.

H.R. 4438 is an important component to rebuilding the Gulf region. It should be scheduled for an up or down vote on the House Floor. The people of the Gulf Coast deserve at least that much.

Given that the Republican Leadership has been unwilling to schedule H.R. 4438 since the Committee reported the bill in December of last year, we are faced with passing a simple extension of the unemployment benefits for Hurricane Katrina and Rita survivors or facing the prospect of 165,000 survivors losing their benefits.

Although Congress can and should do more, I urge my colleagues to support this legislation to extend the hurricane survivors' unemployment benefits, and I commit that I will continue to work to ensure that the people of the Gulf Coast are not forgotten.

Mr. CARDIN. Mr. Speaker, I rise in support of S. 1777, the Katrina Emergency Assistance Act. This bill would extend jobless unemployment benefits for 165,000 survivors of Hurricanes Katrina and Rita for 13 weeks.

In August, 2005, Hurricane Katrina laid waste to our Gulf Coast region, including the City of New Orleans, and devastated other villages and towns in Louisiana, Mississippi and Alabama. The extent of the devastation was unprecedented in our Nation's history. I have repeatedly expressed my outrage at the failure of our Federal Government to adequately respond to this disaster.

Without this legislation, victims of the Hurricane Katrina disaster will lose their unemployment assistance this Saturday. Under current law, Federal emergency unemployment assistance expires 26 weeks after the emergency occurs. Congress must act now to ensure that these victims continue to receive our support as they attempt to rebuild their lives and their communities.

While I support the legislation before us, this is only a first step for Congress. Many of the Katrina survivors have also lost their homes and belongings. They are continuing to look for employment in the region.

Congress needs to take a bold step and enact a comprehensive approach to help the people and the region recover from this natural disaster. I have co-sponsored H.R. 4197, the Hurricane Katrina Recovery, Reclamation, Restoration, Reconstruction and Reunion Act of 2005, introduced by the Congressional Black Caucus. I urge the House leadership to bring up this legislation immediately. This legislation would take important steps toward fully restoring the Gulf Coast and reuniting evacuees with their families. The bill addresses the needs of evacuees in the areas of health, education, housing, community rebuilding, voting rights, business, and financial services.

I urge my colleagues to support this legislation, and again urge the House leadership to immediately allow the House to vote on H.R. 4197, the comprehensive Hurricane Katrina recovery legislation.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of Wednesday, March 1, 2006, the previous question is ordered on the Senate bill, as amended.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE ATTORNEY GENERAL

Mr. SENSENBRENNER, from the Committee on the Judiciary, submitted an adverse privileged report (Rept. No. 109–382) on the resolution (H. Res. 643) directing the Attorney General to submit to the House of Representatives all documents in the possession of the Attorney General relating to warrantless electronic surveillance of telephone conversations and electronic communications of persons in the United States conducted by the National Security Agency, which was referred to the House Calendar and ordered to be printed.

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PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. SENSENBRENNER, from the Committee on the Judiciary, submitted an adverse privileged report (Rept. No. 109–383) on the resolution (H. Res. 644) requesting the President and directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of those officials relating to the authorization of electronic surveillance of citizens of the United States without court approved warrants, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 4167, NATIONAL UNIFORMITY FOR FOOD ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 702 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 702

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4167) to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore (Mr. BOOZMAN). The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. GINGREY. Mr. Speaker, House Resolution 702 is a general debate rule that provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. It waives all points of order against consideration of the bill, and it provides that after general debate, the Committee of the Whole shall rise without motion and no further consideration of the bill shall be in order except by a subsequent order of the House.

Mr. Speaker, I rise in support of House Resolution 702 and the underlying bill, H.R. 4167, the National Food for Uniformity Act of 2005.

H.R. 4166 was introduced by the gentleman from Michigan (Mr. ROGERS) and reported out of the House Energy and Commerce Committee on 15 December 2005 by a vote of 30–18. This is a good bill, and I would like to thank Chairman BARTON and Representative ROGERS for their work in bringing this bill to the floor.

Mr. Speaker, currently food regulation is composed of a variety of different and sometimes inconsistent State requirements. These different State standards hamper the free flow of interstate commerce. They also result in increased costs to manufacturers and distributors that are then, of course, passed on to consumers. The greatest burden falls on our citizens and resident immigrants who are at the lowest end of the economic scale, who are struggling to pay for even basic staples.

So, Mr. Speaker, these differing standards and their effects are very similar to problems plaguing the health insurance industry, which also drive up the cost to consumers and lock the door to many low-income individuals and families who simply cannot afford basic health care coverage because of all the required, expensive and often unnecessary extra screenings, tests and procedures mandated by 50 different State legislatures.

From State to State, we have a patchwork quilt of health and insurance regulations and mandates that would create bureaucracy upon bureaucracy, driving up the costs and driving away coverage for those who need it most. These regulatory inconsistencies in both the insurance health care industry and in the food industry impose unnecessary costs and jeopardize the well-being of American consumers nationwide.

However, Mr. Speaker, the National Uniformity for Food Act would establish national standards to ensure consistency in food labeling regulation. The bill will amend the Federal Food, Drug and Cosmetic Act to establish a nationwide system of food safety standards and warning requirements for food labels instead of just a hodgepodge of different and, yes, even contradictory warnings among the various and sundry States.

Mr. Speaker, establishing nationwide, uniform standards is by no means unprecedented. We already have national standards in the areas of meat and poultry products regulated by the United States Department of Agriculture. We have national standards for nutrition labeling, health claims, standards of identity, pesticide residue tolerance, medical devices and drugs regulated by the United States Food and Drug Administration.

Mr. Speaker, for those who fear an important warning might fall through the cracks, I want to emphasize that this bill does allow States whose requirements differ from the Federal requirements the opportunity to petition the FDA to adopt the requirement as a national requirement or to exempt it from the requirement of uniformity for their particular locality. If it is worthwhile to the State of California, as an example, I trust that the FDA would hold that it is worthwhile for the 49 other States, including my State of Georgia. This petition process will allow States to have notification requirements that address food safety issues unique to their States, bottom line.

H.R. 4167 also, Mr. Speaker, includes a provision that allows the State to exercise imminent hazard authority to prevent the sale of dangerous food by applying a State requirement that would otherwise be preempted. They can do it in that emergency situation.

With the passage of this rule, the House of Representatives will move forward today with general debate to discuss the overall merits of the bill, and we will resume consideration next week on a multitude of proposed amendments. This additional time will help to ensure an open and fair process so that we ultimately arrive at consensus legislation based on sound policy.

So I urge my colleagues to support both the rule and, ultimately, the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time, and I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I thank the gentlewoman very much for yielding time to me. It is extraordinary that she let me go ahead of her, and I appreciate it very much because of her accommodation of my schedule.

This bill is the most sweeping change in decades to our Nation's efforts to protect the food supply. H.R. 4167 is a disaster waiting to happen. This legislation could overturn 200 State laws, laws that the American people rely on every day to ensure the safety of the food they eat and to ensure that they know what they are buying: laws that ensure that the shellfish they buy is not tainted; laws that let a pregnant woman know what foods can increase the risk of birth defects; laws that could inform consumers whether fish have high levels of cancer-causing PCBs; and laws that ensure the safety of our milk.

The opposition to this bill is strong, and it is growing stronger. Last night, 37 State attorneys general, Republicans and Democrats alike, announced their opposition to the bill.

They join the opposition of dozens of public health, environmental and consumer groups. Florida, Georgia, New York, Wisconsin, and Illinois have all written to Congress opposing the legislation. The National Association of State Departments of Agriculture and the National Association of Food Drug Officials strongly oppose this bill as well.

I hope that next week we will be able to offer some amendments to the bill. Since there has never been a day of hearings on the legislation in committee, I think there ought to be an open rule.

One amendment that I would like to support is the Capps-Eshoo-Stupak-Waxman amendment, and I think it must be adopted by this House. It would allow States to take the necessary steps so that consumers will be told of food that contains cancer-causing substances, developmental toxins, sulfites and reproductive toxins. It will also let States take action to protect the health of their children.

Secondly, this bill will undermine our Nation's defenses against bioterrorism, according to State and local officials, and we are proposing that this bill not handcuff the first responders who deal with food safety issues every day.

The amendment we will be offering will help preserve the authorities of the governors and State legislatures to establish and maintain a food safety system that can be responsive to the threats that we face.

I am stunned by so many of my Republican colleagues, even the gentleman that spoke on the Republican side of the aisle from the State of Georgia, suggesting that States should not have the right to go ahead and adopt food safety and labeling laws unless the FDA, a bureaucracy in the Federal Government, allows them to do so. The States have always had this constitutional authority. The States should have this right.

I have been told so many times over the decades that Washington does not and should not have one-size-fits-all for everybody. Let us let States exercise their rights to protect their own people and not preempt them.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

In response to the gentleman from California, first of all, Mr. Speaker, I have got a document here of 119 groups supporting H.R. 4167, the National Uniformity for Food Act of 2005, which I will submit for the RECORD at this point.

GROUPS SUPPORTING H.R. 4167—THE NATIONAL UNIFORMITY FOR FOOD ACT OF 2005

Ahold; Albertson's; Altria Group, Inc.; American Bakers Association; American Beverage Association; American Feed Industry Association; American Frozen Food Institute; American Plastics Council; American Meat Institute; American Spice Trade Association; Animal Health Institute; Apple Products Research and Education Council Association for Dressings and Sauces; Biscuit and Cracker Manufacturers Association; Bush Brothers & Company; Business Roundtable.

Cadbury Schweppes plc; California Farm Bureau Federation; California Grocers Association; California League of Food Processors; California Manufacturers & Technology Association; Calorie Control Council; Campbell Soup Company; Cargill, Incorporated; Chocolate Manufacturers Association; The Coca-Cola Company; Coca-Cola Enterprises Inc.; ConAgra Foods, Inc.; Council for Citizens Against Government Waste; Dean Foods Company; Del Monte Foods.

Diamond Foods, Inc. Flavor & Extract Manufacturers Association; Flowers Foods, Inc.; Food Marketing Institute; Food Products Association; Frito-Lay; Frozen Potato Products Institute; General Mills, Inc.; Gerber Products Company; Glass Packaging Institute; Godiva Chocolatier Inc.; Grain Foods Foundation; Grocery Manufacturers Association; H.J. Heinz Company; The Hershey Company.

Hoffmann-La Roche Inc.; Hormel Foods Corporation; Independent Bakers Association; Institute of Shortening and Edible Oils; International Association of Color Manufacturers; International Bottled Water Association; International Dairy Foods Association; International Food Additives Council; International Foodservice Distributors Association; International Formula Council; International Ice Cream Association; International Jelly and Preserves Association; The J.M. Smucker Company; Jewel-Osco; Kellogg Company.

Kraft Foods Inc.; Land O' Lakes, Inc.; Maine Potato Board; Masterfoods USA; McCormick & Company, Inc.; McKee Foods Corporation; Milk Industry Foundation; The Minute Maid Company; National Association of Convenience Stores; National Association of Manufacturers; National Association of Margarine Manufacturers; National Association of Wheat Growers; National Association of Wholesaler-Distributors; National Cattlemen's Beef Association; National Cheese Institute.

National Chicken Council; National Coffee Association of USA; National Confectioners Association; National Fisheries Institute; National Frozen Pizza Institute; National Grape Cooperative Association; National Grocers Association; National Institute of Oilseed Products; National Milk Producers

Federation; National Pasta Association; National Pecan Shellers Association; National Pork Producers Council; National Potato Council; National Restaurant Association; National Turkey Federation.

Nestle USA; North American Millers' Association; Osco Drug; O–I; Peanut and Tree Nut Processors Association; Pepperidge Farm Incorporated; PepsiCo, Inc.; Pickle Packers' International; The Procter & Gamble Company; Quaker Oats; Rich Products Corporation; Rich SeaPak Corporation; Safeway; Sara Lee Corporation; Say-on Drugs.

The Schwan Food Company; Snack Food Association; Society of Glass and Ceramics Decorators Supervalu Inc.; Target Corporation; Tortilla Industry Association; Tropicana; Unilever; United Fresh Fruit and Vegetable Association; U.S. Chamber of Commerce; Vinegar Institute; Welch Foods, Inc.; Winn-Dixie; Wm. Wrigley Jr. Company; Yoplait.

To my friend from California, I want to point out that among these 119 just happens to be the California Farm Bureau Federation, that is in support; the California Grocers Association, which is in support; the California League of Food Processors, which is in support; the California Manufacturers and Technology Association, which is in support. I do not guess this is a California company, but interesting to note that also the H.J. Heinz Company is in support.

I think that reminds me of the past Presidential election and maybe one of the candidates from the other side of the aisle.

In regard to the preempting States, I want to remind my friends and all of our colleagues that we are dealing here with interstate commerce, and we are not talking really about preemption, even with that, of State law, because these 200 State laws that the gentleman from California (Mr. WAXMAN) was talking about in the various and sundry States, this is part of the problem. But all of those laws, each and every one of those laws, could be incorporated, Mr. Speaker, and possibly will be, into the FDA guidelines.

I wanted to make sure that they understand that.

Mr. Speaker, I continue to reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself as much time as I may consume.

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Mr. Speaker, warnings of mercury levels in fish, the safety of our children's milk, birth defect warnings, reducing lead in calcium supplements, cans, and wine bottle caps, if we pass H. Res. 702, the rule governing the National Food Uniformity Act, and ultimately the underlying legislation, these are but a few of the food safety laws that would be preempted.

We would be placing at even greater risk the health of millions of Americans, our children, and pregnant women. Parents would have less information about the harm their children would come to because of a simple meal. This is the exact opposite of what we should be doing. Information about the health implications of what we are assuming is abundant, and we should be an ally in helping parents to protect their children.

With this legislation, Federal food safety regulations would supplant State food safety laws. Even though our food safety system has been created to rely upon the States, the FDA will make recommendations on its Web site. But the States need to take this information and determine the best way to inform and protect their residents. There is a reason for this: 80 percent of the enforcement is at the State and local levels.

Let me take one example: mercury levels. Because of the implications of mercury in my home State of California, we have a program to place in-store notices about mercury levels. This concern about mercury has been raised by the Centers for Disease Control, the American Medical Association, and the American Academy of Pediatrics. I remember when my daughter-in-law Amy was pregnant with my granddaughter Anna. Her doctor repeatedly warned her about the harm mercury could cause her fetus. Fortunately, she was able to afford prenatal care and had the warnings, so Anna was born a perfectly normal child, free from any adverse effects of any mercury.

But what about those who do not have adequate prenatal care or have warnings? How do they learn about these? Most of us will never think to go to the FDA Web site before putting our shopping list together. We find out about FDA warnings because our State laws require them to be posted next to the supermarket fish counter. We see the sign as we shop.

As many of you are probably aware, certain fish contain high levels that can harm pregnant women and young children. High levels of mercury can damage the brain or kidneys. And this is in adults. Imagine what this can do to a developing fetus: blindness, seizures, speech problems, as well as nervous and digestive problems. But under this legislation, this program would be gone, as would the protections for our children. All that would remain is a posting on the FDA's Web site. Under President Bush's budget, the FDA's food safety funding would be cut by $445 million over 5 years. Where does this leave parents and the health of our children?

When it comes to our children's health, we should be setting the highest bar possible rather than the lowest common denominator. Why would we not warn parents of this potential for harm? I urge my colleagues to oppose this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

I appreciate what the gentlewoman from California (Ms. MATSUI) just mentioned. And certainly as a physician, and we have health care providers on both sides of the aisle, we may be hearing from a physician Member, a friend and colleague on their side of the aisle in just a few minutes in regard to similar issues, so I do, I do understand, Mr. Speaker, that there are concerns about consumption of fish; the concern for Ms. MATSUI's daughter and her granddaughter. And I am in the same category. She certainly looks a lot younger than I do and a lot prettier, Mr. Speaker, but I have grandchildren as well.

Those are legitimate concerns. However, I will point out that fish is an excellent source of nutrition for mothers, expectant mothers, pregnant mothers, and young children. It is a wonderful source of protein and polyunsaturated fats. Those of us who have had little heart problems in the past understand that it is much more healthy to consume fish than red meat, not that an occasional steak should be denied anybody, Mr. Speaker.

But it is true, as the gentlewoman says, that the mercury content is a concern, and I have done some reading on this issue. I talked just last night, Mr. Speaker, I had an opportunity to discuss this issue with the pediatrician who took care of my children, my adult children, and who now, this same pediatrician, Dr. Larry Clements in Marietta, Georgia, of Kenmar Pediatrics, is taking care of my grandchildren, and I asked about this issue. And certainly there is a concern about mercury levels in certain fish, but also in my reading and in talking with Dr. Clements found out what the American Academy of Pediatrics says about it, found out what the EPA says about it, and found out what the FDA says about it.

The FDA has guidance and guidelines right now that says to these women that four-tenths of a microgram per kilogram per day is a safe consumption level. And so this idea of the FDA being oblivious to the concerns about mercury, organic mercury, that the fish consume and then it gets into the blood stream of the mother; that it actually crosses the blood brain barrier, the placental fetal barrier and gets into the blood stream of a child and can adversely affect their neurological system, the FDA is certainly not oblivious to that.

The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) has an amendment that we will discuss thoroughly, thoroughly, and give careful consideration to her amendment and other similar amendments that Mrs. Matsui is talking about when we do this next week. And that is one of the reasons we wanted to divide up the general debate and the debate on those important amendments because of what the gentlewoman just said.

So it is very possible that the California guidelines in regard to this concern or the Florida guidelines about mercury levels will very likely be incorporated into the national standards. Because, for goodness sake, what is good and safe for her grandchildren, I know my good friend would want the same safety standards for my grandchildren in Georgia, for example. So I think she makes a good point, and I don't object to that at all; but I feel like this national standard will take care of that.

Mr. Speaker, I continue to reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 3½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, what this bill does, I say to the gentlewoman from California, is to create circumstances where it undermines all these food safety laws all over the States. Under the guise of promoting uniformity in food safety and labeling laws, this bill requires all State food safety laws to be identical to the requirements of the Federal Food and Drug Administration. And since the States regulate many food safety issues not covered by the FDA, many food safety laws will be voided and replaced actually with no law at all.

The uniformity to be achieved by this bill is, in many instances, the uniform absence of food safety regulation, which is desired by the food industry. So this bill is uniformly bad.

For example, the bill would preempt Alaska's newly passed law to label genetically engineered fish. The Alaskan State legislature passed this law to ensure the State's principal industries are protected. The State of Alaska has an interest to ensure that its products and reputation are not harmed. Today, we are telling the people of Alaska that the natural Alaska king salmon cannot be distinguished from the genetically engineered version bound to enter the market one day.

Another great example of the State laws this bill is designed to undermine is California's Prop. 65. Prop. 65 provides for the labeling of products that contain compounds that cause cancer or reproductive problems. California voters approved it by a 2-1 margin in the 1980s. Since enacted, it has sped the elimination of toxic compounds from the products we use or eat every day. It led one company to remove a carcinogenic chemical from a waterproofing spray. It led to the removal of lead foil from wine bottles. It led to the removal of lead solder in cans used for food. It took lead out of calcium supplements, brass kitchen faucets, and hair dyes.

In fact, when many companies reformulated their product to avoid having it labeled as a carcinogen, they did it without telling anyone because they didn't want to draw attention to the fact that their product included dangerous chemicals in the first place.

So there are countless other examples of Prop. 65 protecting public health and the environment that we don't even know about. It is exactly this triumph of public heath over large food corporations that has driven the food industry to push for the so-called National Food Uniformity Act. But it is bad policy. In fact, even President Reagan rejected attempts to undermine it.

This so-called uniformity bill will cost the taxpayers dearly. The Congressional Budget Office estimates that the Federal Government will have to pay $100 million to consider States' appeals; and at the local and State level, food and safety officials would be obstructed. They perform some 80 percent of the work to ensure the safety of our food.

In 2001, States acted in 45,000 separate instances to keep unsafe food from entering our food supply. This bill simply says that the United States Congress believes uniformity is more important than food safety or the consumers' right to know.

This bill ought to be defeated. We need to listen to what the people in the States are saying about their desire to have food that is safe to eat, and this bill absolutely vitiates any effort that States make to protect their own people.

This is a bad bill. Large corporations are pushing for it, just like years ago they pushed to try to stop this Congress from investigating cigarettes that caused cancer. We need to defeat this bill. It is a rotten idea.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

I want to point out to the gentleman who just spoke that of course one of the major provisions of H.R. 4167 is that it does allow a State to petition for an exemption or to establish a national standard. I think even better, as I said earlier in my response to Ms. MATSUI, is to establish a national standard regarding any requirement under FFDCA or the Fair Packaging and Labeling Act related to food regulation.

It allows the Secretary of Health and Human Services to provide such an exemption if the requirement protects an important public interest that would otherwise be unprotected. I think that is a hugely important provision of H.R. 4167.

Again, we are dealing with interstate commerce, and I have a very strong feeling and affinity for States' rights. We all do in Georgia. But, Mr. Speaker, in my opening comments about this bill, I made an analogy of health insurance mandates, that the 50 States are not the same. It would be far easier if they were the same, but 50 States have different mandates that State legislatures pass to put in a so-called basic health insurance policy that you cannot sell in the State without including provisions.

I remember very clearly when I was a State senator, before becoming a Member of this august body, that, unfortunately, one of our colleagues' mother-in-law was dying of ovarian cancer. She and he made the strong case for a screening test, a blood test to purportedly determine who is going to get or likely to get or in the earliest stages of ovarian cancer should be made part of every health insurance policy. In other words, every woman in the State of Georgia on a yearly basis could be provided with this blood test called CA-125. But, Mr. Speaker, gynecologic oncologists, medical cancer specialists, would tell you almost to a person that this is a very poor test for screening for that particular disease.

☐ 1145

Yet in the State of Georgia, that is mandated. And that drives up the cost of health insurance, and it also drives up the number of people in Georgia who cannot afford a basic policy of health care. That is really what we are talking about here. We are not talking about taking away the States' rights. And after all, the FDA scientific body, they study these issues very carefully. All of these State mandates will be looked at extremely carefully, and those that need to be in the national guidelines will be there. Those that are not, the States can petition to have them included.

Mr. Speaker, I continue to reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Speaker, I rise in opposition to the previous question and also will oppose the bill.

Mr. Speaker, I submit for the RECORD a letter from the Colorado Department of Agriculture. And if I could respond to my good friend from Georgia, in the letter from the Department of Agriculture, they make the point that although the States can seek waivers, in our State we believe, the Department of Agriculture believes that a State required to seek a waiver from the Federal Food and Drug Administration would incur significant legal and expert witness expenses which could be better used in conducting food and animal feed safety inspections.

Mr. Speaker, this is a bad bill. It should be rejected. It would make it much harder for Colorado and other States to protect public health and respond to acts of bioterrorism.

The bill would preempt virtually every State and local law that does not mirror Federal law, and it would require Colorado and other States to navigate a bureaucratic and costly morass if they want to act to protect the public.

In Colorado specifically, the bill would erase laws dealing with the safety of restaurants, packaged food, wholesale foods and milk. Further, it would prohibit Colorado and other States from passing laws or regulations dealing with animal feeds, feed additives, and drugs used on animals.

Additionally, States could not respond quickly to extreme public health risks like avian flu, mad cow disease or chronic wasting disease without first seeking the guidance of the Federal Government. It is shocking, I think truly shocking, that in the wake of Hurricane Katrina we would further hamstring our State and local officials when they need to respond quickly.

Mr. Speaker, I would urge opposition to the rule and the underlying bill that would undermine Colorado's ability to protect consumers and the public health.

COLORADO DEPARTMENT
OF AGRICULTURE,
Lakewood, CO, January 30, 2006.

Hon. MARK UDALL,
House of Representatives, Cannon House Office Bldg., Washington, DC.

DEAR CONGRESSMAN MARK UDALL: On behalf of the Colorado Department of Agriculture, I am writing to express our concerns regarding H.R. 4167, "The National Uniformity for Foods Act of 2005," which will appear before the House for action in the next few weeks.

This bill would preempt state feed safety agriculture defense programs from performing certain functions that protect citizens. Under this bill, a state would no longer be able to formulate laws and rules concerning the labeling of foods, animal feeds, feed additives and new animal drugs. Preempting state regulatory agencies from having autonomy to address food and animal feed safety concerns compromises public and animal health. Each state must have the latitude to act quickly to enact laws and rules that address local or statewide health concerns.

In addition, the waiver process required by H.R. 4167 would impose substantial financial burden on the state and federal governments. A state required to seek a waiver from the Federal Food and Drug Administration would incur significant legal and expert witness expenses, which could be better used in conducting food and animal feed safety inspections.

Consumers benefit from strong food safety laws at the federal and state levels. Elimination of the authority of each state to set policy and take appropriate action would reduce consumer protection. Therefore, I urge you to oppose H.R. 4167.

Your consideration of our concerns is appreciated.

Sincerely,

DON AMENT,
Commissioner, Colorado Department of Agriculture.

Mr. GINGREY. Mr. Speaker, I yield myself 45 seconds.

I just want to say to the gentleman from Colorado (Mr. UDALL), that in addition to the provision that I just quoted, there is this other provision that would address his concerns, and obviously it is a legitimate concern. It is very clear in the language of the bill, Mr. Speaker. It says this: it allows a State to establish a requirement that would otherwise violate an FFDCA act, or FDA provisions relating to national uniform nutritional labeling of this act if the requirement is needed to address an eminent hazard to health, like Mr. UDALL mentioned, that is likely to result in serious adverse health consequences and if other requirements are met.

Mr. Speaker, I will continue to reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, I did not have a chance to look at the calendar to find out what organization from K Street is having a big convention. But that is the only explanation for why this bill is here. This bill has not had a single hearing, not a single hearing on food safety in this country. All the relevant State agencies oppose the bill, the State Departments of Agriculture across the country, the Association of State Food and Drug Officials, the National Conference of State Legislatures.

Why are we moving a bill through here without a single hearing to give the people of California and Washington a chance to say we want to have higher standards than you guys who run FEMA, who run FEMA? Remember, this is FEMA.

One of the things that we did in Washington State when we had an earthquake was that the Washington State Department of Agriculture embargoed the movement of fish products contaminated by ammonia. That would be outside their ability, unless they went and got a waiver.

Now, why should the people of the State of Washington have to go and get a waiver from the Federal Government to provide protection for the people in an emergency? You make it more bureaucratic.

I really find it very hard that anybody in the health care industry could come out here and want to take away from the Washington State Department of Agriculture the ability to stop the movement of contaminated eggs, which were implicated in salmonella. That happened in Washington. Why would you want to stop the movement of contaminated foods and improperly labeled products? Why would you want to take that away from the States?

Oh, because we are going to make it easier for the manufacturers to slide through whatever they want to slide through. Done. However they want it done. No one trusts the States suddenly. All these States righters come out here, and those legislators who sit and listen and have hearings are ignored.

This is a travesty of the political process that you would bring out a health safety bill. Listen, we had an epidemic of problems with food from a company that was making hamburgers. We had a bunch of kids die in Seattle because they were getting undercooked hamburgers. Now, this Congress never did anything about it. But they did in the State of Washington. And if you cannot get this Congress to act on the safety of hamburgers in the country of McDonalds, you have got a serious problem. Somebody has got their foot on something someplace. And the people in the State of Washington ought to have the right to defend themselves against bad food products.

Now, I listen to Mr. GINGREY, and I understand the debating technique. If you are going to lose the argument, change the subject.

Why don't we talk about health care out here today? Let us talk about access to health care and the insurance industry and all the wonderful things they have done for us instead of talking about food safety. Talk about food safety. Why shouldn't the State of Washington, that deals with seafood products, what the heck does anybody in here know from Kansas or Nebraska or anything else, about what is going on in the coasts of Washington, Oregon and California? And even if you did know something about it, you do not allow a hearing process.

That is an insult to the American people, and it has got to be about some kind of fundraiser or something related to that. I do not know what it is. Maybe the press will follow it up and see why we have a bill rifled through here. One hour or 30 minutes before we are going to get out and go down to Katrina and look at the Katrina catastrophe, we rifle this bill through here. There is something bad about this bill. It stinks. It is a bad bill. We ought to vote against the rule and vote against the bill.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

I just want to respond to the gentleman from Washington. I think he asked about how many of the supporters, 119 that we have submitted for the record, were K Street folks. Well, I do not know. I will ask him. The State of Washington is an apple-producing State. I will just mention one. Apple Products Research and Education Council, Association for Dressings and Sauces, Frozen Potato Products Institute. I guess that is mainly Idaho. We mentioned earlier the H.J. Heinz company. Maybe we will ask the gentleman on the other side of the Capitol how they came to the conclusion to support this bill. The National Cattlemen's Beef Association, the National Fisheries Institute, Nestle USA, Quaker Oats, Sarah Lee Corporation, United Fresh Fruit and Vegetable Association. That has got to be very important in the State of Washington.

So I say to the gentleman. I do not know about K Street. I do not know that I have ever been there. But I know that these are hardworking people, businesses, small business in many instances, that produce these consumer food products that are engaged in interstate commerce, and if we do not have national standards, the price of their products goes up tremendously. And who does it put the greatest burden on? Those at the least economic level of our society, our poorest citizens and our immigrant population. So this is a good bill.

Mr. Speaker, I continue to reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in support of defeating the previous question so that we may offer a proposal to ensure that America's ports remain safe.

As we all know, a company owned by the government of the United Arab Emirates is attempting to purchase another company that runs several port terminals throughout the United States.

Even though the law requires an extra 45 days to investigate a contract like this if there is even a chance that it could threaten national security, the Bush administration chose to approve the deal without the extra investigation.

The administration approved the deal, even though we now know that a classified Coast Guard report said the deal might be a security risk.

The President and the UAE company have now voluntarily agreed to an extra 45-day investigation. But that is no longer good enough. We simply cannot trust this administration to get it right.

If we defeat the previous question, we will offer a bipartisan bill that I have introduced along with chairman of the Homeland Security Committee, Peter King, giving Congress the authority to prohibit the deal if the President decides to let us go forward when the investigation is over.

Mr. Speaker, an extra provision has been added to Chairman KING's bill to ensure that congressional leadership cannot prevent Congress from taking action. The UAE deal is just further proof that we cannot get our port security right with this administration.

The 9/11 Commission said that the threat to our ports is as great, if not greater, than the 9/11 attacks.

And how has this administration responded? It has not dedicated enough personnel and resources to the two programs, CSI and CT-PAT, that are designed to secure our ports. As a result, high-risk container shipments enter the U.S. unchecked.

It has not created standards for container security to keep terrorists from tampering with our cargo. It has only deployed radiation detectors to equip 25 percent of the Nation's seaports. It only screens about 6 percent of the cargo that comes into this country.

Mr. Speaker, we have a problem. Our ports are not secure. By defeating this measure, we will give an opportunity for this Congress to vote on securing our ports.

Mr. GINGREY. Mr. Speaker, I reserve the balance of my time for the purpose of closing.

Ms. MATSUI. Mr. Speaker, I yield 1 minute to the gentlewoman from California, our minority leader, Ms. PELOSI.

Ms. PELOSI. Mr. Speaker, as House Democratic leader, I am pleased to rise in opposition to this bill in that capacity, and sorry because of the nature of the rule that we have before us.

But before I get to that point, I want to rise as a mother and grandmother to say something about the underlying bill that this rule is addressing. If there is one thing that America's families look to government for, it is clean air for their children to breathe, clean water for them to drink, and food safety. When I say one thing, I mean what their children intake is very important to their health and well-being.

Today on the floor, we have legislation which seriously jeopardizes the food safety for America's children. It is a bill that I urge all to vote against. And the rule that brings that bill to the floor is, in my view, one that allows us to speak to safety in another way as well.

□ 1200

Yesterday marked the third anniversary of the Homeland Security Department. Yet today, 3 years later, our country is not as safe as it should be. We have a port security system that is full of holes.

The ports are our first line of defense in protecting our country. Yet the backroom port deal that the Bush administration negotiated shines a bright light on the failure of the President and this Republican Congress to secure our ports.

The intelligence community tells us, and we know, that the biggest threat to our security are the fissile materials that are still out there, the nuclear materials in the post-Soviet Union world. They were formerly weapons of the Soviet Union, and now they are out there available, available to terrorists. And the single biggest threat are those weapons in a container coming into our country.

I really cannot explain to anyone why this administration has refused to do what is necessary to protect our ports from that threat.

And it is not only our ports. When these containers come from overseas to our country, they are unloaded onto a truck, onto a train, and drive right through your city, your town, perhaps past your home. So the danger goes well beyond our ports.

Here at home 6 percent of the containers entering our ports are screened. Yet, at two of the busiest terminals in the world, in Hong Kong, 100 percent of the terminals are screened. If Hong Kong terminals can do it, why can't we?

That is why Democrats are proposing that 100 percent of the cargo that comes into our ports is screened in their port of origin long before they reach our shores and into our waterways.

Today, as we debate and vote on another issue of security, food safety, Democrats demand that attention be given to our ports. We will call for a vote on a bipartisan bill that is identical to the King bill, the King-Thompson bill, introduced by a Republican and a Democrat on the Homeland Security Committee, Mr. KING, the chairman of the committee, and Mr. THOMPSON, the ranking member. It will require a 45-day investigation of the Dubai deal. In addition, we require that both Houses of Congress have an up-or-down vote on whether or not to approve this agreement.

Congress must assert itself. Congress must take responsibility. We take an oath of office to protect the American people, and we take that oath seriously.

Today is the day that the backroom port deal will be finalized. This is our best chance to require a congressional vote on whether or not that backroom deal should go through.

I urge my colleagues to assert Congress' responsibility to protect the American people, to assert Congress' role in checks and balances in our Constitution.

I urge our colleagues to vote against the previous question.

Mr. GINGREY. Mr. Speaker, I continue to reserve the balance of my time for the purpose of closing.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

I will be asking Members to vote "no" on the previous question, so I can amend the rule and allow the House to approve a plan that lets Congress vote up or down on the President's plan to turn over six of our Nation's ports to a government-run company in Dubai.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, my amendment to the rule would provide that immediately after the House adopts this rule, it will bring up legislation to guarantee that the House will have the opportunity to vote to block the President from moving forward with his deal to transfer operations at six of our Nation's busiest ports to a company owned by the United Arab Emirates.

This legislation is nearly identical to a measure introduced by the chairman and ranking member of the Homeland Security Committee that requires a thorough, in-depth, 45-day investigation of this contract followed by a report back to Congress on the results of that investigation. The only difference is that this bill requires a vote in the House and Senate to block the agreement if the President decides to proceed.

The same administration that talks tough on terrorism and protecting Americans on every front has now negotiated a secret, backroom deal to turn the management of these vital ports over to a foreign entity. And it has done so without going through the proper channels as required by law and without including Congress in the process.

The House must have the opportunity to play a role in this matter of national security. It is time for the Republican-controlled Congress to stop giving rubber-stamp approval to this administration at the expense of our Nation's citizens. This bill is the only way to guarantee that the House and Senate have the opportunity to vote on the Dubai deal, a vote that cannot be blocked by the Republican leadership.

Whatever Members believe about this deal and whatever results from this investigation, the House should be allowed to vote up or down on whether or not we want to turn control of six of our Nation's ports over to this foreign-government-owned entity.

I urge all Members of this body to vote "no" on the previous question so we can bring up legislation that gives Congress the right to participate and to vote on this matter of significant national security. Vote "no" on the previous question.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

Getting back to the subject at hand, H.R. 4167, I will draw this debate to a close so that we can move forward with consideration of H.R. 4167. Without question, this is a common-sense bill that will ensure not only economic savings for consumers, but it will also provide additional safeguards for their health. We have heard a lot of discussion about that this morning in this hour.

Mr. Speaker, all consumers should have the same access to safety precautions and lifesaving information regardless of the State in which they live. And, again, whether it is California or Georgia or your own State of Arkansas, there is no excuse to allow regulatory inconsistency to drive up costs and keep some consumers in the dark on matters that will affect their health.

As a physician, I am convinced that the FDA has the scientific knowledge and professional expertise to provide for these safeguards, Mr. Speaker. But as an ardent supporter of States' rights, I am personally reassured by the bill's provisions allowing States the ability to petition the Food and Drug Administration for either an exemption to the uniformity or application of their State's requirements on a national level.

I want to encourage my colleagues to support this rule, to move forward with the general debate today so that we can come back next week to further discuss the underlying bill and potential amendments.

Finally, Mr. Speaker, let me remind all of my colleagues that the minority wants to offer an amendment that would otherwise be ruled out of order as nongermane. So the vote is without substance. The previous question vote itself is simply a procedural motion to close this debate on the rule and proceed to a vote on its adoption. The vote has no substantive policy implications whatsoever.

Mr. Speaker, at this point in the RECORD I insert an explanation of the previous question.

THE PREVIOUS QUESTION VOTE: WHAT DOES IT MEAN?

House Rule XIX ("Previous Question") provides in part that:

There shall be a motion for the previous question, which, being ordered, shall have the effect of cutting off all debate and bringing the House to a direct vote on the immediate question or questions on which it has been ordered.

In the case of a special rule or order of business resolution reported from the House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is moved following the 1 hour of debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the previous question has no substantive legislative or policy implications whatsoever.

The material previously referred to by Ms. MATSUI is as follows:

At the end of the resolution add the following new sections:

SEC. 2. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House a bill consisting of the text specified in Section 3. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security; and (2) one motion to recommit with or without instructions.

SEC. 3. The text referred to in section 2 is as follows:

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Investment Security Improvement Act of 2006".

SEC. 2. INVESTIGATION UNDER DEFENSE PRODUCTION ACT OF 1950.

(a) INVESTIGATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President or the President's designee shall conduct an investigation, under section 721(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(b)), of the acquisition by Dubai Ports World, an entity owned or controlled by the Emirate of Dubai, of the Peninsular and Oriental Steam Navigation Company, a company that is a national of the United Kingdom, with respect to which written notification was submitted to the Committee on Foreign Investment in the United States on December 15, 2005. Such investigation shall be completed not later than 45 days after the date of the enactment of this Act.

(2) SUSPENSION OF EXISTING DECISION.—The President shall suspend any decision by the President or the President's designee pursuant to section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) with respect to the acquisition described in paragraph (1) that was made before the completion of the investigation described in paragraph (1), including any such decision made before the date of the enactment of this Act.

(b) REQUIREMENTS FOR INVESTIGATION.—The investigation under subsection (a) shall include—

(1) a review of foreign port assessments conducted under section 70108 of title 46, United States Code, of ports at which Dubai Ports World carries out operations;

(2) background checks of appropriate officers and security personnel of Dubai Ports World;

(3) an evaluation of the impact on port security in the United States by reason of control by Dubai Ports World of operations at the United States ports affected by the acquisition described in subsection (a); and

(4) an evaluation of the impact on the national security of the United States by reason of control by Dubai Ports World of operations at the United States ports affected by the acquisition described in subsection (a), to be carried out in consultation with the Secretary of Homeland Security, the Commandant of the Coast Guard, the Commissioner of the Bureau of Customs and Border Protection, the heads of other relevant Federal departments and agencies, and relevant State and local officials responsible for port security at such United States ports.

(c) RESPONSIBILITIES OF THE SECRETARY OF HOMELAND SECURITY.—

(1) IN GENERAL.—The Secretary of Homeland Security shall provide the following information for the investigation conducted pursuant to this section:

(A) Any relevant information on Dubai Ports World from the Automated Targeting System maintained by U.S. Customs and Border Protection.

(B) Port assessments at foreign seaports where Dubai Ports World operates, to be conducted as part of the review for the Container Security Initiative, a U.S. Customs and Border Protection program designed to target and screen cargo at overseas ports.

(C) Copies of the completed validations conducted through the Customs-Trade Partnership Against Terrorism program by U.S. Customs and Border Protection.

(D) Any additional intelligence information held by the Department of Homeland Security, including the Office of Intelligence and Analysis.

(2) ADDITIONAL RESPONSIBILITIES.—The information required by paragraph (1) shall not be construed as limiting the responsibilities of the Secretary of Homeland Security in the investigation conducted pursuant to this section.

(d) REPORT.—Not later than 15 days after the date on which the investigation conducted pursuant to this section is completed, the President shall submit to Congress a report that—

(1) contains the findings of the investigation, including—

(A) an analysis of the national security concerns reviewed under the investigation; and

(B) a description of any assurances provided to the Federal Government by the applicant and the effect of such assurances on the national security of the United States; and

(2) contains the determination of the President of whether or not the President will take action under section 721(d) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(d)) pursuant to the investigation.

(e) CONGRESSIONAL BRIEFING.—

(1) IN GENERAL.—Not later than the date on which the report described in subsection (d) is submitted to Congress pursuant to such subsection, the President or the President's designee shall provide to the Members of Congress specified in paragraph (2) a detailed briefing on the contents of the report.

(2) MEMBERS OF CONGRESS.—The Members of Congress specified in this paragraph are the following:

(A) The Majority Leader and Minority Leader of the Senate.

(B) The Speaker and Minority Leader of the House of Representatives.

(C) The Chairman and Ranking Member of the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, and the Committee on Homeland Security and Governmental Affairs of the Senate.

(D) The Chairman and Ranking Member of the Committee on Financial Services, the Committee on Homeland Security, and the Committee on Ways and Means of the House of Representatives.

(E) Each Member of Congress who represents a State or district in which a United States port affected by the acquisition described in subsection (a) is located.

SEC. 3. CONGRESSIONAL ACTION.

(a) IN GENERAL.—If the determination of the President contained in the report submitted to Congress pursuant to section 2(c) of this Act is that the President will not take action under section 721(d) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(d)) and not later than 30 days after the date on which Congress receives the report, a joint resolution described in subsection (b) is enacted into law, then the President shall take such action under section 721(d) of the Defense Production Act of 1950 as is necessary to prohibit the acquisition described in section 2(a), including, if such acquisition has been completed, directing the Attorney General to seek divestment or other appropriate relief in the district courts of the United States.

(b) JOINT RESOLUTION DESCRIBED.—For purposes of subsection (a), the term "joint resolution" means a joint resolution of the Congress, which may not include a preamble, the sole matter after the resolving clause of which is as follows: "That the Congress disapproves the determination of the President contained in the report submitted to Congress pursuant to section 2(c) of the Foreign Investment Security Improvement Act of 2006 on __________.", with the blank space being filled with the appropriate date.

(c) COMPUTATION OF REVIEW PERIOD.—In computing the 30-day period referred to in subsection (a), there shall be excluded any day described in section 154(b) of the Trade Act of 1974 (19 U.S.C. 2194(b)).

(d) CONGRESSIONAL PROCEDURE.—

(1) INTRODUCTION, REFERRAL, AND COMMITTEE CONSIDERATION.—Any joint resolution introduced pursuant to this section shall be immediately referred to one committee of the House of Representatives or the Senate, as the case may be, and such committee shall report one such resolution, without amendment, not later than three calendar days after the day on which the first such resolution is referred to such committee. If such committee does not report such resolution within the time period specified in the preceding sentence, such committee shall be discharged from further consideration of such resolution.

(2) FLOOR CONSIDERATION.—After any such joint resolution is reported or such committee is discharged, on the next legislative day, the House in question shall immediately, without the intervention of any point of order or intervening motion, consider the joint resolution as follows:

(A) HOUSE OF REPRESENTATIVES.—In the House of Representatives, the joint resolution shall be considered as read, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one hour of debate equally divided and controlled by the Majority and Minority Leaders or their designees.

(B) SENATE.—In the Senate, it shall at any time be in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such joint resolution. Such motion shall be highly privileged and shall not be debatable. Such motion shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which such motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of such resolution is agreed to, such resolution shall remain the unfinished business of the Senate until disposed of. Debate on such joint resolution, and on all debatable motions and appeals in connection with such resolution, shall be limited to not more than 10 hours, which shall be divided equally between Members favoring and Members opposing such resolution. Immediately following the conclusion of the debate on a such joint resolution, and a single quorum call at the conclusion of such debate if requested in accordance with the rules of the Senate, the vote on final approval of such joint resolution shall occur. Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to such joint resolution shall be decided without debate.

(3) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of a joint resolution of that House described in subsection (b), that House receives from the other House a joint resolution described in subsection (b), then the following procedures shall apply:

(A) The joint resolution of the other House shall not be referred to a committee.

(B) With respect to a joint resolution described in subsection (b) of the House receiving the joint resolution—

(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(ii) the vote on final passage shall be on the joint resolution of the other House.

(e) RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such these provisions—

(1) are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of joint resolutions described in subsection (b) of this section;

(2) supersede other rules of each House only to the extent the provisions are inconsistent therewith; and

(3) are enacted with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

Mr. GINGREY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 216, nays 197, not voting 19, as follows:

[Roll No. 18]

YEAS—216

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley

Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gerlach
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—19

Bono
Burton (IN)
Costa
DeLay
Diaz-Balart, M.
Doggett
Evans
Gohmert
Hinchey
Hinojosa
Issa
Istook
Jones (OH)
Miller, Gary
Myrick
Norwood
Roybal-Allard
Sweeney
Terry

□ 1234

Messrs. RUSH, PETERSON of Minnesota, CRAMER, VISCLOSKY, LARSEN of Washington, MARSHALL, and Ms. KAPTUR changed their vote from "yea" to "nay."

Mr. SAM JOHNSON of Texas changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. NORWOOD. Mr. Speaker, I was absent on Thursday, March 2, 2006, because of a recent death in the family.

Had I been present on rollcall vote No. 18 on the Previous Question on the General Debate Rule for H.R. 4167, I would have voted "yea."

Mr. BURTON of Indiana. Mr. Speaker, due to illness I was regrettably unable to be on the House Floor for rollcall vote No. 18, providing for the consideration of H.R. 4167, the "National Uniformity for Food Act."

Had I been here I would have voted "yea" on rollcall vote No. 18.

Mr. DELAY. Mr. Speaker, I was unavoidably detained and could not be present for rollcall vote No. 18. Had I been present I would have cast the following vote: "yea" on rollcall vote No. 18.

(By unanimous consent, Mr. BUYER was allowed to speak out of order.)

MOMENT OF SILENCE IN MEMORY OF SERGEANT RICKEY E. JONES

Mr. BUYER. Mr. Speaker, I come to the House to address a national virtue, to address the proper tone and tenor of a Nation. It is outrageous, appalling and indecent for an American citizen to commit crimes and perversions against a family grieving at the loss of their son.

Army Sergeant Rickey Jones, along with three of his comrades, was killed in Baghdad. With his body in transport to Kokomo, Indiana, someone has egged his family's home and left harassing phone calls that said, "I'm glad your son is dead."

My colleagues, a great virtue of the American character is our compassion. It is how we care for each other in good times and in difficult times.

It is our compassion and human decency that represent the very best of our Nation. So to condemn these despicable acts, I ask all of you to rise and join me in a moment of silence to extend to all families who have sacrificed in the name of freedom.

Thank you and Godspeed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I will yield to my friend, Mr. BOEHNER, for the purposes of informing us of the schedule.

Mr. BOEHNER. I thank my colleague for yielding.

Next week, Mr. Speaker, the House will convene on Tuesday at 12:30 for morning hour, and at 2 o'clock for legislative business. We will take up several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of the week. Any votes that are called on those measures will be rolled until 6:30.

On Wednesday and Thursday, the House will finish consideration of H.R. 4167, the National Uniformity for Food Act of 2005.

Finally, we will consider H.R. 2829, the Office of National Drug Control Policy Reauthorization Act of 2005. The committees are continuing their excellent and hard work to develop this bill to reauthorize laws to combat drug trafficking. The Government Reform Committee has completed its action, and we expect the Judiciary Committee will complete its work today.

Mr. HOYER. Reclaiming my time, I thank the gentleman for that information.

Mr. Leader, as you know, we have been considering the rule for the food labeling bill. It is my understanding we are going to be limited to general debate.

It is also my understanding that the reason we are not completing the bill is the Rules Committee has had some issues with reference to exactly the way in which we are going to consider the bill and the amendments.

Mr. Leader, as you know, this bill has had no hearings. None. As you further know, there are States who are very concerned. As a matter of fact, I think I have gotten a letter indicating there are 36 attorneys general around the country, Republican and Democrat, who have concerns with this bill.

Mr. Leader. I would hope that the leadership on your side would convey to the Rules Committee the necessity to have. A, open debate, and hopefully, as well, significant possibility of amendment.

I do not know whether it would be an open rule or certainly, I hesitate to use this word, but a liberal rule which will allow significant amendments to be considered by this House, again, in light of the fact that it has had no hearings whatsoever as it comes to this floor.

I yield to my friend.

Mr. BOEHNER. Mr. Speaker, as the gentleman is probably aware, this bill has been around for many, many years. There has been lots of discussion and debate about this bill. It did come out of the Energy and Commerce Committee.

The reason for the split rule is because there are a significant number of Members going to the gulf coast this afternoon to review the recovery, and we knew we would only get through the general debate today.

The Rules Committee is expected to meet and to finalize the rule. Those discussions about what the rule will look like and the number of amendments and the type of amendments is continuing.

But I clearly understand the interest of my colleague from Maryland for a more open rather than a more closed process.

Mr. HOYER. That word will do if it becomes realty. We appreciate your comments. Mr. Leader.

The PATRIOT Act, that was supposed to be on the calendar, we thought, this week. It is not on the calendar. I see you have not mentioned it in the work for next week.

Can you tell me whether we expect it to come before us next week as a suspension bill or under a rule?

Mr. BOEHNER. We thought that we would have the bill up yesterday because the Senate was contemplating action yesterday morning. The expiration date of the temporary extension of the PATRIOT Act is soon to expire.

We expect that the Senate will take this bill up tomorrow. If, in fact, that is the case, it will be brought up on Tuesday under the suspension calendar.

Mr. HOYER. I thank the gentleman for that comment. Let me move on, if I can, to the budget resolution.

Can you give us a sense at this point in time of the timing of the budget resolution? We know that there have been some concerns raised in the other body; obviously, some concerns raised here. We understand that it was the intention to bring that up prior to the St. Patrick's Day recess.

Can you tell me whether that is still the intent and when we might expect to see that bill on the floor?

□ 1245

Mr. BOEHNER. That was a rumor that was floating around. We expect that the budget resolution will move sometime soon. Whether it happens next week or the week after is still up for discussion. When we get closer to having a firm plan for moving it, you will be the first to know.

Mr. HOYER. Well, that will be a first, if I am the first to know.

Mr. BOEHNER. Once I know.

Mr. HOYER. This is a new era in which we are moving, and I cannot tell you how excited I am about that.

Mr. BOEHNER. I can tell.

Mr. HOYER. And how I stand here in anticipation of that fact. If the leader does not mind, I will hold him to that.

Mr. BOEHNER. I will do my best.

Mr. HOYER. Thank you, sir.

On the supplemental appropriation, we know that the President has made a request. Can you tell us when the supplemental appropriation might be considered?

Mr. BOEHNER. In discussions with Chairman LEWIS of the Appropriations Committee, there is a lot of work being done, hearings scheduled. Again, I do not think we have a firm timetable for moving the supplemental, but over the next week or so I think we will have a much better idea. And I will be glad to inform you as soon as I know.

Mr. HOYER. I see there is not a representation, however, that I will be the first to know on this one.

Mr. BOEHNER. I am protecting myself.

Mr. HOYER. I appreciate that.

Last, these are all important and while we are being humorous to some degree about when we know about these, clearly we have a lot of important business to do, and we are now going into the third month of the year. Can you tell us what your expectations are on the tax reconciliation conference report? Obviously, that was a very contentious bill as it passed out of the House as you know, Mr. Leader; and we would like to be prepared for that bill when it comes back, when the conference committee comes back to the House.

Mr. BOEHNER. The tax reconciliation bill is in conference. I know there have been some discussions. From my standpoint, I would rather have that conference report sooner rather than later. But I have not had any indication from Chairman THOMAS that it is imminent; and secondly, it is important for the House to go to conference with the Senate on the pension bill. We are approaching a very critical deadline on the interest rate used to calculate the obligations of a defined benefit pension plan that expired at the end of the year. That interest rate needs to be reset in the large pension overhaul bill. I have got to tell you that we are waiting on Senate action. Because there are tax provisions in it, they have to take up the House bill. I suspect they will reject the House bill and go to conference. But it is important for us to get into conference on the pension bill and action is going to be required rather quickly. I do expect the tax reconciliation bill, over the next couple of weeks, I would hope that they will be finished.

Mr. HOYER. I appreciate the leader's information.

Again, in closing, I would ask the leader if he would use his good offices on the food bill because there is substantial controversy around the country, as well as on the House floor, on that bill to provide for as full a consideration and amendatory process as possible. I appreciate the leader's attention to that.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4167.

The SPEAKER pro tempore (Mr. PRICE of Georgia). Is there objection to the request of the gentleman from Georgia?

There was no objection.

NATIONAL UNIFORMITY FOR FOOD ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 702 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4167.

□ 1250

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4167) to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes, with Mr. BOOZMAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Georgia (Mr. DEAL) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. DEAL of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 4167, the National Uniformity for Food Act. The manufacturing and distribution of the things we eat and drink is now a national industry. Coca-Cola, which is based in my home State in Atlanta, Georgia, for instance, is shipped to every corner of the country and throughout the world. Many believe that it is just common sense for these types of food manufacturers and distributors to have one labeling standard for the country, not 50 standards for 50 States.

More importantly, in order to make informed choices, consumers need consistent information. When a food warning is supported by science and consumers need to know it, the same warning should be applied to food everywhere. H.R. 4167 achieves that result.

With a mobile society, inconsistent warning requirements are guaranteed to confuse. When it is a matter of health and safety, a little confusion can have catastrophic effects.

A person in North Augusta, South Carolina, for example, can walk into a store and buy a product with no warning label. The same person could walk across the street to a store in Augusta, Georgia, and buy the same product but have a warning label attached. Does this make any sense? Of course not. It does not make any more sense to the shopper than it makes here in the House today.

When people need to be warned that a food product may hurt them, everyone needs to be warned. Uniformity in food regulation and labeling is not without precedent. Meat and poultry are regulated under uniform standards. The Nutrition Labeling and Education Act of 1990 requires uniform nutrition labeling. If consistency in nutrition labeling is warranted, consumers should certainly have the benefit of consistency in warning labels of the food they eat.

Some have rightfully argued that State-specific circumstances might necessitate a warning unique only to their State. This bill acknowledges that fact by inviting States to assert their unique problems and ensure that they will get a fair and fast response from the Food and Drug Administration.

I would also like to dispel some of the misinformation that opponents of the bill have been perpetuating. In no way will this bill hinder the ability of States to respond to public emergencies. If a State feels there is an imminent public health threat that must be protected by requiring manufacturers and distributors to put a warning label on their product, they can do it immediately. All this bill requires is they tell the FDA of the threat. That is something they should be doing anyway and in most cases are already doing.

Additionally, this bill does not affect a State's ability to issue its own notification to the public, to embargo a product, or to issue recalls when they deem that necessary.

Finally, this is mostly a question about food safety, but there is a broad economic aspect to it too. Making consumers deal with 50 different labeling requirements is not without cost. In effect, it divides America into 50 different markets where each of the products cost the consumer just a little more to buy.

The men who wrote our Constitution decided that letting each State wage trade wars with its neighbors was a terrible idea, so they outlawed it by putting the Federal Government in charge of interstate commerce. It is hard to see the Framers changing their minds today so that one big market for American food can revert to 50 little markets where consumers pay more and get less.

Consistent requirements will lead to consistent results for those who make our food, and consistent information will lead to consistently better and safer choice for our consumers.

I urge my colleagues to support H.R. 4167.

Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in opposition to this legislation.

This is the second Congress in which this bill has been approved by the House Energy and Commerce Committee without the benefit of a hearing.

Committee approval of a bill with universal support is one thing. But this bill does not enjoy universal support and raises serious questions about States' rights and national security. Had we been given the benefit of a hearing, we could have learned more about the National Association of Attorneys General's opposition. We could have learned about the elements of the bill that led the Association of Food and Drug officials to conclude that this bill would "handcuff the first responders who deal with food safety issues every day."

Legislation that causes this degree of concern should not be pushed through committee and brought to the floor without the benefit of a hearing.

Mr. Chairman, this bill is an affront to States' rights. In each of the 50 States, State legislatures have passed food safety laws that offer residents additional food safety protections than federal law provides.

This sweeping legislation would eliminate those State laws. It does so in two ways.

First, the bill preempts all existing State-mandated food safety warnings.

Second, it eliminates all State food safety laws that are not identical to federal law.

In the name of food uniformity, this bill will actually disrupt State food safety enforcement activities and hinder States' ability to protect residents from unsafe foods.

The bill also would prevent State and local governments from warning residents about the presence of contaminants in local food.

In my State of Texas, this bill would nullify laws protecting Texans from unsafe food and color additives. It would have the same effect on nearly 200 laws in each of the 50 States. Jurisdiction for food safety activities has long resided with the States, which conduct 80 percent of all food safety inspections.

This bill also has serious implications to national security.

The National Association of State Departments of Agriculture—which opposes this bill—has highlighted the role that the current food safety system plays in national security, saying that it "forms the first line of defense against the growing threat of a terrorist attack against our nation's food supply."

According to the State Agriculture Departments, the preemption provisions of this bill "would leave a critical gap in the safety net that protects consumers."

I encourage my colleagues to protect consumers, stand up for States' rights, and ensure the security of our Nation.

Oppose this misguided bill.

Mr. WAXMAN. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, today the House takes up legislation that would overturn 200 State laws that protect our food supply. Some of them are in labeling and some actually deal with the substance of what can be in food in the State.

A year ago, the House passed legislation to try to dictate private end-of-life decisions of Terry Schiavo and her family. This intrusion of the Federal Government into personal decisions was, I think, universally condemned, and yet today the House is once again trying to usurp powers that do not belong in Washington.

Why are they doing it? Because some special interests want to overturn State laws that they never liked. The only difference is that it is the authority of State and local governments to protect against food-borne hazards that is now under assault.

In California, for example, we have candies that come in from Mexico that have lead in them. So our legislature passed a law regulating lead in candy. It is a sensible idea. Lead can cause brain damage to children. Yet the authors of this bill that is before us today, without holding any hearings, want to preempt that law.

Now, their argument is, well, we ought to have a Federal law that does the same thing. If we ought to have a Federal law to do the same thing, why has the Federal Government not done that? The Federal Government has not been involved in these areas. They have been in the area of State control.

In Maine there is a law that requires consumers to be warned about the dangers of eating smoked alewives. This is not a problem in California, but apparently it is one in Maine. Yet again it would be preempted.

I could go on and on. Wisconsin knows a lot about cheese. It has special labeling requirements for cheese. Florida has special labeling requirements for citrus. Mississippi and Louisiana have special rules for differentiating farm-bred from wild catfish, and Alaska has similar rules for salmon. Ten coastal States have special laws protecting their residents from contaminated shell fish, and all 50 States have laws ensuring the safety of milk. And all of them would be preempted.

The arrogance of the House of Representatives appears to know no bounds. The attitude seems to be that all knowledge resides in Washington and all power should as well.

This is dangerous legislation. I know the proponents are going to say to you, well, they can appeal to the Food and Drug Administration to allow them at the State level to continue with their laws. Can you imagine that? The States, the sovereign States of this country, have to go hat in hand to a Federal bureaucracy to allow them to continue laws that their people accepted, passed under their rules, the State legislature and the Governors, to protect their population?

The FDA cannot protect the food supply all by itself. The agency is underfunded and overworked, and it is failing even at the core mission of protecting consumers from dangerous drugs.

You do not have to take my word for it. Just yesterday, 37 State Attorneys General, Republicans and Democrats, sent a letter to Congress opposing this radical legislation. They stated: "We write to urge you to oppose the National Uniformity For Food Act which undercuts States' rights and consumer protection." And they go on to say: "State and local governments are often the first line of defense when problems emerge. Prohibiting State and local leadership and action in this area is a serious mistake."

□ 1300

We have also had opposition from the National Association of the State Departments of Agriculture and the Association of the Food and Drug Officials. These food safety experts know that passage of this legislation would create havoc and endanger families.

For years, I have heard my Republicans say, let us allow the States to do what they need to do to protect their people. I agree with them. Do not bring everything to Washington.

Madam Chairman, I reserve the balance of my time.

Mr. DEAL of Georgia. Madam Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. ROGERS) who is the sponsor of this legislation.

Mr. ROGERS of Michigan. Madam Chairman, I thank the chairman and I want to thank our 59 Democrat cosponsors. I want to thank the gentleman from New York (Mr. TOWNS) and the chairmen, Chairman BARTON and Chairman Deal, for the work that they have done on this very important piece of legislation.

I will say today that you will see great political theater, and I have the greatest respect for the gentleman from California (Mr. WAXMAN) and normally the great substantive debate that is put forth, but what we are going to see today are a lot of half-truths, or no truths at all or not even getting close to what this bill really does.

If you truly care about the health of the pregnant woman who is driving from Michigan to Florida to Illinois to meet family members all through that journey, then when she goes to that store to pick out some food, the label for her safety and the safety of her child ought to be the same. It should not be any different, the science that says that Illinois ought to label a safety provision in food; I cannot think of anything more important than the safety of our food ought to be the same.

Because you know what? Science in California or science in Alaska or science in Florida is no different. The periodic tables are the same in Michigan as they are in Florida, as they are in Maine, as they are in New York. If it rises to that level where somebody with good science and scientists who care passionately about the safety of food and what we put in our bodies, to say we better tell people about this safety hazard, if it is good enough for one State's children, it is good enough for 50 States' children.

Matter of fact, one of the examples that my good friend mentioned about the Florida citrus example is not preemptive because it has nothing to do with food safety. You are going to hear this again and again and again today, that we are somehow doing something awful and not letting them protect their citizens. That simply is not true.

Matter of fact, if they have a standard based on good science that says, hey, we think that this food ought to have this warning label, then come to the FDA, show us the science, so we can share it with the rest of the country. Is that not the right thing to do? Do you not want to protect the children of all our 50 States? Absolutely you do.

So I will say to you, let us subside with the political theater, the half-truths, the scare tactics and say we are going to embrace what we know is the right thing to do, a single standard. It is very much a common-sense issue. You are not going to find any family in America who thinks we ought to have 50 States and 50 different organizations trying to determine what is safe in our food and what is not.

The same way we do with nutritional labeling, we went through and said the Federal Government better set some standards if we are going to have a consistency in all 50 States. It was widely supported, as this bill is bipartisanly supported.

We said, hey, we better set an organic standard so we can tell all of America that we have got one standard that rises to the ability to label it as organic. Today, we are saying food safety rises to that same level. Every American, every mother, understands it. I am sure my colleagues on the other side will as well.

Mr. WAXMAN. Madam Chairman, I yield myself such time as I may consume.

If the Federal Government wanted one uniform standard and wanted to preempt the States from different standards, they could do it. They could do it, but what this bill would do is to preempt the States from even going forward on their own initiative to look at problems and have a standard or label in their State.

The problem has never been demonstrated that there is an issue where there are too many State differences. The problem is that the Federal Government has not been involved in this area. So if we can get the States out of it and the Federal Government out of it, then processors can just sell their food and not worry about having to meet any standard anywhere.

In California, we have a law that says you must designate if some harmful substance is in food. The consequence of that warning label means that the food producers make sure they do not have to put a warning label on because they get rid of any toxic substance that might be in their product. That is a good result of that requirement. It would be preempted by this law.

Madam Chairman, I yield 3 minutes to the gentlewoman from California (Ms. ESHOO), my colleague and a very important member of the Energy and Commerce Committee.

Ms. ESHOO. Madam Chairman, I thank the gentleman from California (Mr. WAXMAN), my distinguished colleague, for not only his eloquence on this bill but all the work that he has done on public health issues and health in general for the people of our country.

I rise to oppose this bill, and I do because I believe it is an assault on public health and consumer protection. It is no wonder there has never been a hearing on this bill in the last 8 years.

So this is not about theater. This is not, as the gentleman who introduced the bill said a few moments ago, about theater and deception. This is a very, very serious debate, and it is a debate that should have been taking place in a public hearing, in a hearing of our committee; and it has not. I think that that in and of itself is an assault on the American people. It is disrespectful.

The bill will preempt any State or local food safety law that is not identical to a Federal law, and we do not have those Federal laws. So it will absolutely leave a void. Is the majority saying here that they are set to put into place, if this bill passes, God forbid, that they are going to place on the Federal books, 200 Federal laws in a nanosecond? I do not think so.

Under this bill, the FDA will have to approve any food safety law that is at variance with Federal policy, and according to the CBO, the bill will preempt an estimated 200 State and local laws dealing with food safety. Absolutely, preempt them, right away, 200 State and local laws.

It is going to cost the FDA $100 million over the next 5 years to process petitions from States seeking to retain these laws. There is simply no credible public health justification for the extraordinary steps that this bill takes.

The attorney general of California has weighed in against the bill. I insert this memorandum to the California delegation as part of the RECORD at this point.

MEMORANDUM

FEBRUARY 10, 2006.

To: Honorable Members of the California Congressional Delegation

From: California Attorney General, Bill Lockyer

Re Opposition to H.R. 4167, the National Uniformity for Foods Act of 2005.

H.R. 4167, the National Uniformity for Foods Act of 2005, endangers important public health protections California law provides its citizens. As the measure moves toward a possible vote on the floor of the House of Representatives, I wanted to make sure members of the California delegation fully understand this threat, and urge you to oppose the bill. Perhaps the proponents did not make clear the extent to which H.R. 4167 would deprive Californians of the particular benefits of Proposition 65. This landmark law was passed by 63 percent of the voters, and it has reduced Californian's exposure to toxic chemicals in food.

1. Scope of the Bill

The dramatic sweep of this bill may not have been made apparent:

It would forbid any state from requiring any form of health disclosure for a food, even where the FDA has no requirement in place for a given food, and is not even considering a requirement. This prohibition would even bar warnings posted in stores within a single state, and which therefore have no effect on interstate commerce, other states or a manufacturer's nationwide product label. (Proposed 2(b)(2).)

It apparently would bar states from limiting toxic chemicals in a food simply because the FDA has a general rule barring foods that are "injurious to health," even where the FDA has not set any exposure standard for specific toxic chemical states may want to regulate. (Proposed 2(a)(3).)

It would remove the incentive that currently exists for food companies to reduce toxic chemicals in food products to below the level that requires a warning under Proposition 65.

2. Examples of Benefits of State Regulation

There are many examples of how Proposition 65 has benefitted Californians. An excellent case in point is the recent effort by my office, the Legislature and Governor Schwarzenegger to address the issue of lead in imported Mexican candies. These candies are extremely popular with millions of Californians, especially our large Latino population. But they have garnered little attention from federal regulators in Washington, D.C. For years, FDA has set an allowable lead level in these candies of 0.5 parts per million. That standard, uniformly recognized by public health officials as too lax, allows approximately 20 times more lead in a piece of candy than Proposition 65 permits. Lead damages the developing fetus, and impairs nervous system development ill young children. A 2003 article in the New England Journal of Medicine concluded that levels of lead previously considered safe, actually caused a significant reduction of children's IQ. Thus, what may in the past have been considered a "trace amount" posing no real risk now is known to damage health.

Despite numerous press stories showing these candies' adverse health effects on children in the local Latino population, FDA took only limited action to enforce its own alarmingly lax standard. As a result, in June 2004, my office filed an action under Proposition 65 which will force Mexican style candy manufacturers to reduce to safe levels the lead in their candies. In addition, last year the Legislature passed and the Governor signed Assembly Bill 121, which prohibits the sale of adulterated candy containing lead, imposes fines for the sale of such candy and directs the state Office of Environmental Health Hazard Assessment to set a regulatory level allowing only "naturally occurring" lead to be present in candy.

H.R. 4167 would preempt Assembly Bill 121, simply because FDA has a more lax, and largely unenforced, lead standard. Additionally, H.R. 4167 would preempt Proposition 65's warning requirement because it is a non-uniform disclosure.

The bill would preempt another important use of Proposition 65—my vigorous efforts to assure that parents and women of child-bearing age are aware of the risks to unborn babies and their small children from consuming too much fish with high levels of mercury. This effort is largely consistent with the FDA's own policies. The FDA website warns that women who are pregnant or may become pregnant should not consume certain types of fish (such as swordfish and shark), and should limit consumption of all types of fish, because of their mercury content. California has given life to this requirement by requiring that similar information be posted in grocery stores that sell fresh fish and restaurants that serve fish. At least six other states have instituted similar public disclosure requirements concerning mercury in fish. We recently completed the evidence phase of a trial concerning warnings for canned tuna. We believe such warnings can be provided in a manner that will not conflict with FDA's advice, but will ensure the advice is seen by more consumers of fish than FDA's website. H.R. 4167 would preempt this disclosure requirement.

In addition, even well established and successful uses of Proposition 65 could no longer be enforced, unless approved by the FDA. For example:

Lead in ceramic tableware: Based on a 1991 action by then Attorney General Dan Lungren, industry agreed to substantially reduce lead that leaches from ceramic tableware into food and beverages. Manufacturers took that step because of the marketplace incentive created by the duty to post conspicuous point-of-sale warnings. While warnings initially were common, most companies have reduced lead levels to substantially below FDA requirements.

Lead in calcium supplements: In June of 1997, California reached agreement with makers of calcium supplements to reduce levels of lead contamination in their products below the level at which a warning would be required under Proposition 65. Because of the importance of encouraging women to increase their intake of calcium, this agreement was negotiated without ever providing a consumer warning. Meanwhile, FDA issued advisories concerning some sources of calcium as early as 1982, and requested additional data in 1994. But it never has taken regulatory action.

Arsenic in Bottled Water: Arsenic in bottled water has been reduced to less than 5 parts per billion under the settlement of a Proposition 65 action reached in 2000. FDA, in contrast, still applies a standard of 50 parts per billion.

Leaded crystal: Based on science showing that substantial quantities of lead leach from fully-leaded crystal (defined as 24 percent lead) into beverages, California took action to require visible warnings at the point of sale in California, as early as September of 1991. Leaded crystal—as distinguished from other types of glassware—now carries prominent warnings in California stores. Since 1991, FDA never has publicized its advisory addressing this hazard in a manner likely to be seen or read by consumers.

In other instances, quiet compliance with Proposition 65 has produced public health benefits without litigation. Lead soldered cans leach substantial amounts of lead into foods stored in the cans. As soon as Proposition 65 took effect in early 1988, our investigations found that food processors were switching to cans that do not use lead, before enforcement action was even necessary. In 1993, years after Proposition 65 took effect, FDA issued "emergency" action level. Similarly, potassium bromate is a listed carcinogen under Proposition 65. Informal surveys in 2002 of stores in California found no bread containing potassium bromate for sale. And the 2002 surveys found stores in other states sold bread containing potassium bromate. Meanwhile, FDA remains engaged in a multi-year process to encourage bakers to stop using this additive.

I recognize many have expressed concern about certain enforcement activities of Proposition 65 by private parties. That is why my office and the California Legislature have taken vigorous action to ensure that private lawsuits brought under Proposition 65 are pursued only in the public interest. In 1999, the Legislature amended the statute to require that private plaintiffs report to the Attorney General concerning their enforcement activities. In 2001, I sponsored additional legislation that requires all persons who want to bring private Proposition 65 cases seeking consumer warnings to first provide my office with appropriate scientific documentation. That statute also requires that all settlements of those cases be reviewed by my office and approved by courts in a public proceeding under specific legal standards. These actions by the state have curbed questionable lawsuits filed by private litigants, and reduced the number of settlements that are not in the public interest.

I am aware that many in the food industry have expressed great concern over the chemical acrylamide, its presence in many foods, and the potential application of Proposition 65 to those foods. The FDA has been considering this issue since 2002, and currently has no schedule for when, or whether, it will take any action concerning the matter. In the meantime, a single serving of french fries contains 80 times the amount of acrylamide EPA allows in drinking water. Accordingly, I have filed suit under Proposition 65 to require warnings for acrylamide in french fries and potato chips, so that people in California can make their own choices about their exposure to this chemical. This suit would not ban any products or require that warnings be provided in any other state. It would, however, provide Californians the health information they demanded in passing Proposition 65.

3. Petition Process

While H.R. 4167 would allow states to petition FDA for authority to impose additional requirements, it is inappropriate to require a state to seek the federal government's permission to protect the health of its citizens. Moreover, our past experience suggests the FDA would deny any such petition.

Further, the specific provisions of the petition process raise concerns. Initially, states would have six months to petition FDA for approval of existing requirements applicable to specific foods, during which time those requirements would remain in effect until disapproved by the FDA. (Proposed §403B(b).) While the bill provides for judicial review of FDA's decision, it does not establish the standard by which any denial of a petition would be judged. The lack of a review standard would leave FDA potentially limited discretion to arbitrarily strike down state requirements. (Proposed §403B(b)(3)(C)(ii)(I).)

Any general requirement such as Proposition 65 itself—and any new requirement, could be adopted only after approval by FDA. The FDA could delay that process indefinitely through extension of the "public comment period." (Proposed New §403B(c)(1), (3)(B).) Thus, it appears that any time a state official sought to apply an existing law to a food product where no specific requirement for that food had been set, enforcement of the law would be barred until and unless the FDA granted its permission.

Indeed, H.R 4167's petitioning scheme brings to mind one of the grievances against distant British authority recorded in the Declaration of Independence. "He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them." (Declaration of Independence, 4th paragraph.)

4. Need for National Uniformity

In a few instances, legitimate reasons exist for national uniformity in food labeling and standards. These circumstances, however, already are addressed under current federal law, which, also prohibits states from adopting requirements that conflict with properly adopted and necessary federal labeling requirements.

Existing section 403A of the Federal Food, Drug, and Cosmetic Act expressly precludes state laws mandating label requirements for a wide variety of matters on which the FDA has acted and uniformity is necessary. This preemption covers standards of identity, use of the term "imitation," identification of the weight of the product and its manufacturer, the presence of food allergens, and whether the product is pasteurized.

Other federal regulatory statutes that govern nationwide industries, such as the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), adopt a much more limited approach. FIFRA, for example, preempts only state warning requirements that would appear on the nationwide label of the product. It also allows each state to adopt more restrictive requirements for use of pesticides within that state.

Even where Congress has not expressly preempted state law, courts uniformly have held that state law must give way to federal requirements where the two are in "actual and irreconcilable conflict." The California Supreme Court applied that requirement in Dowhall v. SmithKlineBeecham (2004) 32 Cal.4th 910.) This doctrine sufficiently ensures state regulations do not interfere with properly adopted federal requirements.

In fact, FDA officials have demonstrated a disturbing tendency to manufacture "conflicts" in their desire to preclude states from enforcing their own laws to protect public health. FDA officials arbitrarily declare "misbranded" products for which additional warnings would be given, without even consulting state authorities. For example, last August, the FDA, at the behest of a Washington, D.C. law firm, sent me a letter asserting that state warning requirements concerning mercury in canned tuna conflicted with federal law. The FDA sent this letter without any advance notice to my office. Further, the letter was based on inaccurate information provided the FDA by the industry law firm, and was sent without awareness that we proposed only that California states provide warnings completely consistent with FDA's own published "mercury in fish advisory." In light of such incidents, it's arguable that if there is any need for legislation, it is to amend federal law to protect the states against arbitrary and informal action by federal officials who take it upon themselves to declare California law in "conflict" with federal law, without providing state authorities advance notice or any opportunity to be heard.

H.R. 4167 would greatly impede our ability to protect the health of Californians, both under Proposition 65 and under other laws that could be adopted by the voters or our Legislature. I thank those of you who are opposing this measure. For those of you still considering the bill, I strongly urge you to oppose it and for those of you who have agreed to co-sponsor the measure, I hope you will reconsider your position in light of the important consumer protections H.R. 4167 will impede.

Madam Chairman, the State Departments of Agriculture, as well as State and food safety officials from all 50 States oppose the bill because they believe it hampers their ability to protect the public from hazards in the food supply, even potential bioterrorist attacks, an issue that really should be debated and discussed and would have been if we had ever had a hearing.

These State and local officials are responsible for conducting 80 percent of the food safety inspections in the country, and yet today we are diminishing their ability to carry out their important role.

The National Association of State Departments of Agriculture representing every State in the Union has come out against the bill.

The Association of Food and Drug Officials wrote that "The bill will preempt States and local food safety and defense programs from performing their functions to protect citizens."

Equally disturbing, the bill will scale back State laws designed to protect pregnant women and children from potential hazards in foods. Why would we ever take such a step?

For all of these reasons and many more, I rise in opposition to the bill. It is bad public policy and it should be rejected by the House.

Mr. DEAL of Georgia. Madam Chairman, I yield 3½ minutes to the gentleman from Florida (Mr. BOYD) for purposes of a colloquy.

Mr. BOYD. Madam Chairman, I want to thank the gentleman from Georgia for yielding time to me to enter in a colloquy so that we may clarify certain parts of this.

I, and other Members, would like to be certain that we understand how this bill affects State food safety laws. It is my understanding that the bill contains a list of 10 provisions of Federal food safety laws and that State law dealing with the same subject as the Federal law is required to be identical to the Federal law. Is my understanding correct?

Mr. DEAL of Georgia. Madam Chairman, will the gentleman yield?

Mr. BOYD. I yield to the gentleman from Georgia.

Mr. DEAL of Georgia. Madam Chairman, yes, it is.

I would add that, under the bill, "identical" means that the language in the State law is substantially the same as that in the listed sections of Federal law and that any differences in language are not material. This is important to understand.

Mr. BOYD. Madam Chairman, I thank the gentleman for his clarification.

Am I correct in also understanding that virtually all of the State laws that relate to the sections of Federal law listed in the bill are identical to Federal law already?

Mr. DEAL of Georgia. If the gentleman would further yield, yes.

For example, Federal law contains what is referred to as the "basic adulteration standard," which provides that a food is adulterated if it bears any added poisonous or deleterious substance which may render the food injurious to health. All States have a provision that is identical to this provision of Federal law.

Mr. BOYD. Madam Chairman, I thank the gentleman.

Is the basic adulteration standard to which the gentleman has referred the standard that the Federal Government or States would rely on to deal with the presence of unsafe levels of contaminants in food? Would that provision permit a State to take action against a terrorist threat to food supply?

Mr. DEAL of Georgia. The gentleman is correct on both of those points.

Mr. BOYD. Madam Chairman, a lot of us are confused. There have been a lot of allegations coming from all directions. There are folks who oppose the bill, that have produced a list of 77 State laws that would purportedly be nullified under this bill.

If the gentleman would, is that an accurate portrayal of the effects of this bill?

Mr. DEAL of Georgia. Madam Chairman, if the gentleman would continue to yield, no, it is not.

Careful analysis of that list shows that of the 77 State laws listed, 55 would not be preempted. Let me give you two examples. First, included on the list is an Alabama law that sets nutritional standards for grits. This uniformity bill does not deal with nutritional standards or with grits, so the Alabama law is unaffected by the bill.

Secondly, the list includes several State laws that require that fish be labeled as previously frozen, if that is the case. These laws are not affected by the uniformity provision because those State fish labeling requirements are not warnings.

Of the 22 State laws that would be affected by the bill, 14 authorize States to adopt requirements for food and color additives that are different from Federal requirements. Although these laws would be preempted under the bill, the fact is that none of the 14 States that have these laws have any current requirement for food or color additives that are different from Federal requirements.

So, in spite of all the wild assertions that the uniformity bill would nullify "the bulk of the State food safety laws," as one opponent has put it, the fact is it would do nothing of the sort.

Mr. BOYD. Madam Chairman, I thank the gentleman for that comprehensive and reassuring response. I agree there is a lot of confusion about the bill, and we do not clearly understand the effects on State law and authority. I am satisfied, however, that the bill properly preserves the ability of States to take action to protect consumers, while ensuring that food safety policies will be uniform and scientifically based, and I thank the gentleman for his time.

Mr. DEAL of Georgia. Madam Chairman, I reserve the balance of my time.

Mr. WAXMAN. Madam Chairman, I yield 6 minutes to the gentleman from Michigan (Mr. STUPAK), an important Member of the Energy and Commerce Committee, who has been very active on FDA issues for a number of years.

Mr. STUPAK. Madam Chairman, I thank the gentleman for yielding me the time.

Madam Chairman, I rise today in strong opposition to H.R. 4167.

I find it interesting that the majority party, which calls itself an advocate for States' rights, would actually put forth a bill that eviscerates State food safety laws. If passed, this bill would be a huge setback for consumer safety, public health and America's war on terror.

Yesterday, I urged the Rules Committee to accept the Capps-Eshoo-Waxman-Stupak consumer protection amendment which would permit States to maintain or enact food safety and food warning laws that require notifications regarding the risks of cancer, birth defects, reproductive health issues, and allergic reactions associated with sulfiting agents in bulk foods.

□ 1315

Our amendment would also permit States to maintain or enact food warning laws and notify parents about risks to children.

I offered a second amendment which would allow States to maintain or enact food warning laws that require notification labeling regarding the treatment of foods with carbon monoxide. This bill, as written, would wipe out over 80 food safety laws and put our Nation's food safety standards squarely in the hands of the FDA.

Michigan maintains and has laws that would be overturned with this bill regarding sulfiting agent warnings in bulk foods, smoked fish, the safety of food in restaurants, and laws governing the safety of milk. That is why 37 bipartisan State attorneys general oppose this bill.

The bipartisan Association of Food and Drug Officials also have strong concerns. They stated and wrote to us, and I quote, "This legislation undermines our Nation's whole biosurveillance system by preempting and invalidating many of the State and local food safety laws and regulations that provide the authority necessary for State and local agents to operate food safety and security programs. The pre-9/11 concept embodied in this bill is very much out of line with the current threats that confront our food safety and security."

They also said that preemption and invalidation of State and local food safety and security activities will "severely hamper the FDA's ability to detect and respond to acts of terrorism." They added, and I quote, "Our current food safety and security system will be significantly disrupted and our inability to track suspected acts of intentional alteration of food will be exploited by those who seek to do harm to our Nation."

The danger of placing our Nation's food safety laws squarely in the hands of the FDA is demonstrated by my amendment on carbon monoxide.

Madam Chair, I would like to direct your attention to these pictures. Which meat do you think is older, the red meat on the top or the brown meat on the bottom? It is a trick question. They are both the same age. Both have been sitting in a refrigerator side-by-side for 5 months.

You can see the date of the labels, October 2005. The meat on the top, which is bright red and looks very, very healthy, has actually been treated with carbon monoxide, which causes the meat to look red and fresh long into the future. The meat on the bottom here, the brown, is actually brown and slimy. Like I said, the meat on the top is 5 months old and looks as good as new, but what happens if you eat this? You will probably become very ill and possibly die from a foodborne pathogen like E. coli.

The FDA, in all of its wisdom, or lack thereof, has no objection to allowing carbon monoxide meat to be packaged. Color is the most important factor people look at when they determine which type of meat to buy, according to numerous studies. This new practice is clearly consumer deception, yet the FDA decided it was okay. The FDA either did not look at the evidence or it just didn't find this whole matter troubling. I do not know which is worse.

Right now, States may pass their own laws which label carbon monoxide meat so the consumers are well aware of what they are getting before they purchase it. All my amendment says is to allow the States to require carbon monoxide labeling if you are going to try to freshen up your meat. That is all we want to do, to allow a consumer to know what is going on. So when they go to the store and look at the meat, if they buy it based on a color which supposedly brings out the freshness, they will know it was done by tricking it with carbon monoxide, but that it is the same meat, kept for the same amount of time. All we are asking with our amendment is to allow us to prevent this.

Do we really want this? We want to let the consumer know that the meat has been chemically treated before they purchase it. This bill would prevent me from doing that.

Public health and food safety have primarily been the responsibility of the States. We should not now tie the hands of the States who want to protect the health of their citizens in the absence of FDA judgment, resources, expertise, or the will to do the right thing. I urge the majority party to stand up for the American people and allow our Democratic amendments and the Stupak carbon monoxide amendment on the floor next week for consideration.

America can make the choice. With this bill, we will get tainted meat with carbon monoxide and jeopardize the health and safety of the American people.

I urge my colleagues to vote "no" on this bill.

Mr. WAXMAN. Madam Chairman, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from California.

Mr. WAXMAN. Madam Chairman, I think what the gentleman is illustrating is so important, because the sponsors of this bill said we need the Federal Government to protect the health of people all over the country. So let us have one uniform standard.

Well, right now, the FDA could adopt that standard and stop the use of carbon monoxide as a food additive and as a preserver of meat, but they have not acted. So if a State wants to act, why should we tell them they cannot act when the FDA hasn't done anything at the Federal level? I think that is the point you are making.

Let the States, if the Federal Government fails, sometimes because they have lobbyists up here who are more powerful, let the States at least be able to protect their own citizens to pass the laws they think are appropriate.

Mr. STUPAK. Reclaiming my time, the gentleman is absolutely correct. What we are saying, basically, is let the consumer be aware of what they are buying. Let the buyer beware.

I should know if the meat I am buying here, the hamburger, has been treated with carbon monoxide to make it look fresh and healthy, but it has been sitting for 5 months and really contains a deadly pathogen, with E. coli, that can kill me.

Mr. DEAL of Georgia. Madam Chairman, I now yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the Agriculture Committee.

Mr. GOODLATTE. Madam Chairman, I thank the gentleman from Georgia for yielding me this time and for his leadership on this issue, and I rise in support of H.R. 4167, the National Uniformity for Food Act of 2005. This bill takes a measured approach to national uniformity for food by providing a mechanism for a thorough, orderly review of States' existing regulations that may differ from those of the Federal Government.

In the United States, the food production and distribution system is truly national. Products made in one State are distributed not only in all 50 States, but also the District of Columbia, the U.S. territories, and many countries around the globe. Consumers, as well as food manufacturers, have a right to expect that rational, scientifically based and consistent standards will apply. Citizens of all States and territories deserve and expect the same level of food safety protection. Likewise, all citizens in this country will benefit from uniform standards.

The House Committee on Agriculture oversees a significant portion of America's food safety system. The Federal food safety functions over which this committee has jurisdiction have long employed uniform standards to protect public health, facilitate the marketing of agricultural commodities, and improve efficiency of the interstate trading of producers' goods. The adoption of uniform standards is common practice and, indeed, the general rule when it comes to the Federal food safety efforts.

The USDA Food Safety and Inspection Service is responsible for the safety of domestic and imported meat in the United States. It enforces uniform standards through the authority granted by USDA, by the Federal Meat Inspection Act, the Poultry Products Inspection Act, the Ag Products Inspection Act, and other authorities.

Likewise, previous amendments to the Food, Drug, and Cosmetic Act, which were included in the Food Quality Protection Act of 1996, provided that a State may not set tolerance levels for pesticide residues that differ from national levels unless the State petitions the Environmental Protection Agency for an exception based on a State-specific situation.

Moreover, uniformity is not limited to those areas of food safety. Congress has repeatedly recognized the importance of uniformity in food regulation in other sectors. For example, the FDA, as authorized by the Nutrition Labeling and Education Act, implements uniform standards for nutrition labeling, health claims, and standards of identity.

With the world's safest food supply, every American benefits from this system of national food safety standards. H.R. 4167 builds on this record of success by extending this same approach to food safety standards used by USDA and other agencies to the FDA's food safety programs. This is an important step forward in ensuring consumer confidence in the food they buy for their families, and I urge all Members to support H.R. 4167.

Mr. WAXMAN. Madam Chairman, I am now proud to yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO), who is the chairman of the Appropriations subcommittee that deals with the Food, Drug, and Cosmetic Agency.

Ms. DELAURO. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, every time this body considers a bill on how we regulate the food of this country it is designed not to strengthen existing law, but to weaken it, and this despite the fact that we face many threats to our food supply: avian flu, BSE, and bioterrorism. Today, we debate the National Uniformity for Food Act. This bill would make our food safety laws uniform: uniformly weak, uniformly toothless.

Right now, it is States, not the Federal Government, that conduct the body of our food safety work. State and local agencies do 80 percent of the food inspections in the United States. They are on the front lines. They test food products and they manage food emergencies. Yet under this bill, State laws requiring warnings and labels on foods would be superceded or eliminated.

The nonpartisan Congressional Budget Office estimates that 200 State laws would be immediately affected by this bill's passage, requiring States to submit requests for waivers to the FDA. The cost to the FDA for reviewing these waivers would be $100 million. Does this bill authorize another $100 million to FDA? Of course not. This, at a time when the administration's budget proposals cut Federal food safety funding by over $450 million.

One of my colleagues talked about this being theater. This is not theater. Many of us have been asking for more funding for food inspections and food safety over the last several years, and the administration and the leadership in this House have refused to do it.

This bill has other problems. States regulate shellfish, milk production, and other food products. In the absence of any Federal standards, those State protections will disappear. The bill undermines our ability to respond to bioterrorism and other food emergencies. It would require the notification of the Secretary of HHS before responding to a food emergency. They could only respond once they have received assurance that the Federal Government is not taking enforcement actions of their own. The State would then be required to apply for waiver, after the fact, to justify their actions. This is absurd.

If this Republican Congress wanted to make our food safety laws uniform, it would create a single food agency that would regulate the safety of our food, as some of us have suggested over and over again. We have 12 different agencies and 35 statutes currently in place to regulate food safety at the Federal level. If you want to be serious about this issue of food safety, let us have one single agency whose responsibility it is to make sure our food supply is safe and ensure the public health of this Nation.

We need to do a better job of coordinating our efforts to protect the public health, but we do not get there by weakening our laws; we get there by strengthening them. And that is something that this bill does not even begin to attempt to do.

Mr. DEAL of Georgia. Madam Chairman, I now yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. Madam Chairman, I thank the gentleman for yielding me this time, and I rise today in support of H.R. 4167, the National Uniformity for Food Act. If enacted, this important legislation would set much-needed national standards for food safety and put an end to the confusing and often contradictory standards that exist across many States.

This is important, given that consumers have a right to expect the same scientifically based safety standards everywhere in the United States. By establishing a single national system based on comprehensive, science-based standards, consumers and businesses will be clear about what is safe, what is permissible, and what needs to be labeled. This is an opportunity to bolster consumer confidence.

The legislation would ensure that the FDA incorporates the best safety and warning practices of States, and allows States to continue to carry out sanitation inspections and enforcement. It would also create a process by which States can petition the FDA to adopt their own regulations as the national standard or to seek an exemption from national uniformity. A State's requirements would remain in effect while the FDA considers the State's petition. And where no Federal requirement exists, States could proceed pursuant to their own standards.

H.R. 4167 is good, commonsense legislation. It is greatly needed, and I urge my colleagues to support it.

□ 1330

Mr. WAXMAN. Madam Chairman, I yield myself such time as I may consume.

I don't think consumer confidence is going to be bolstered when we pass a law that the State Attorneys General say would strip State governments of the ability to protect their residents through State laws and regulations relating to the safety of food and food packaging. Some of the more obvious State level warnings that almost certainly would be challenged include consumer warnings about mercury contamination of fish, arsenic in bottled water, lead in ceramic tableware, the alcohol content in candies, the content of fats and oils in foods, and postharvest pesticides applicable to fruits and vegetables. The States would not be allowed to do that.

Now, the previous speaker said that we ought to have a Federal requirement. But he was mistaken when he said that if there were no Federal requirement States can pursue their own standards. He is wrong because the bill before us would stop the States from pursuing their own standards unless the Federal Government allowed them to do so. And I think that is an intrusion on States' rights, a usurpation of power by Washington and an ability for the industries involved to be able to make their claim to the Federal Government to stop States from doing exactly what they think is appropriate to protect their public and to bolster consumer confidence.

I don't think that the confidence of the consumer should be bolstered when we have a bill on the floor that has been around for a number of years and no committee has ever held a hearing on it. We did not allow the scientists to come in and tell us whether it is a good idea or not. We didn't hear the problems from the industry that should justify this bill. We didn't hear the opponents and the arguments that they might make. Instead, in committee we had a mark-up where Members could debate what we were told by different groups, but not based on a hearing record. I think that the confidence of the American people in Congress should be very, very low; and if this bill passes the confidence of the American public about their food supply should be also in doubt.

Madam Chairman, I reserve the balance of my time.

Mr. DEAL of Georgia. Madam Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Madam Chairman, I rise today in strong support of H.R. 4167, the National Uniformity for Food Act. As ranking Democrat on the Agriculture Committee, I support this bill because it provides uniform food safety standards and warning requirements, and it creates a single national system for food and food products regulated by the FDA.

Establishing uniform standards increases efficiency and safety as we have seen in practice today with the USDA and the Federal Meat Inspection Act, the Poultry Inspection Act, and other authorities that were referred to by the chairman in his remarks a short time ago.

Consumers gain with this consistency and uniform regulations for packaged food all across the 50 States under this jurisdiction of the FDA. If a food product is safe in one State, it is safe in all States.

With the world's safest food supply at the lowest cost to its consumers, every American benefits from this system of national food safety standards. H.R. 4167 builds on this record of success by extending the same approach to food safety standards used by USDA and other agencies; and, therefore, I believe this bill should be supported.

I strongly encourage my colleagues to vote in favor of this bill and to oppose any amendments that weaken or attempt to gut the commonsense approach of this legislation.

Mr. WAXMAN. Madam Chairman, I yield myself such time as I may consume.

I just want to read a portion of a letter from Tommy Irvin who is from the Georgia Department of Agriculture. And he said, "The bill is craftily written to disguise its true effects on our authority to protect consumers. Both vague and broad in scope, this legislation will, in reality, go far beyond the stated purpose of uniformity. The real effect of this legislation will be the deregulation of the United States Food Industry."

Madam Chairman and my colleagues, we have at the Federal level, the Department of Agriculture. The Department of Agriculture has a dual mission: to protect consumers from unsafe agriculture products, particularly meat and chicken. But they also have the obligation to bolster the agriculture industries in this country. And they always have this tension about who to respond to first.

We also have the Food and Drug Agency, and they regulate food additives and the food supply that the USDA does not cover. Well, as Representative ROSA DELAURO mentioned, we ought to have one food agency, but we have never been able to do that because people fight over their turf.

Well, while the Federal Government is fighting over its turf, this bill would take away the jurisdiction from the States to protect their own people, and that is why we never hear a bill labeled as the "usurpation of power in Washington to take away from the States the ability to protect consumers of food." They do not call it that. They call it the "National Uniformity Bill for the Food Product," or something along those lines. They always have a very nice sounding label for legislation.

Well, do not be fooled by the label that this bill has, because it misleads the consumer and the American public into thinking we are doing something to protect them, when I fear it is going to make them weaker.

Madam Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Madam Chairman, I thank the gentleman from California for yielding, especially under these circumstances where I am not completely decided about this legislation. I have a sincere inquiry for my friends on the other side of this debate, and I realize that there are Democrats and Republicans on both sides of this debate.

Given my background in securities law, if one wants to sell securities across this country, there is one layer of regulation at the Securities and Exchange Commission, but you have to run the securities through the blue sky laws of every single State in the United States.

Similarly, there is banking law at the Federal level; but if you want to do, say, furniture lending and consumer lending, you have to do compliance work under consumer protection laws for every State in the Union. I used to do this kind of legal work when I was in the private sector.

I had not intended to participate in the debate today; but, quite frankly, I was eating. And as important as securities and insurance and other issues are, it seems to me that Americans truly care about the safety of what they are eating and the ability to know what it is that they are putting down the hatch. And I am truly curious about the folks on the other side of this debate.

What is it that distinguishes the food industry so that it does not have to, say, like the securities industry, comply with both Federal and State law, or with furniture lending, comply with both Federal and State law? Because it seems to me that the food industry is pretty healthy in this country and making good money, and we do not need to give it, if you will, an artificial boost.

I would be happy to yield to someone from the other side.

Mr. DEAL of Georgia. I thank the gentleman for yielding. They would have to comply with both. But what this deals with is labeling. If there is a label that is necessary for your people in Oregon to protect their safety, then it ought to be necessary for the people of my State of Georgia, and it ought to be uniform in that regard, and that is what we are saying.

Mr. WAXMAN. Madam Chairman, I yield myself such time as I may consume.

And in response to the gentleman's point, which I think is an excellent one, industries in this country often have to meet State standards as well as Federal standards. I have always heard that if it ain't broke, why fix it. And I have never heard a reason why we need this bill. What are we fixing? What is the problem? I do not see what the problem is, except some people would like to overturn State laws. And if they have the case to do that, they ought to make it at the State level, or they ought to come to the Federal Government and say this particular law is too burdensome; we ought to have a Federal law in its place.

But that is not what we are having proposed to us today. We are having proposed to us a bill that just would, in a blanket way, allow the preemption of all duly adopted laws at the State level.

Madam Chairman, I reserve the balance of my time.

Mr. DEAL of Georgia. Madam Chairman, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Madam Chairman, the National Uniformity for Food Act would actually foster greater cooperation among the States and the Federal Government on an issue that I honestly believe is very important to every American family, and that is food safety. Consumers across the country deserve a single set of science-based food warning requirements, not the confusing patchwork that we have today.

I am a supporter of States' rights, and our friends across the aisle have not stood up for States' rights many times in the past, and I really don't think they are doing so today. They are standing up for what they love most, which is lots of government regulations.

The bill before us, the National Uniformity for Food Act, strikes an important balance between States' rights and Federal responsibility. The bill really enhances the model for a Federal-State regulatory cooperation that already occurs in many areas of food safety. The bill gives the FDA authority where it would have authority and should have authority, which is general and scientific oversight over packaged food safety.

It leaves to the States the fundamental tasks that are best handled at that level, ensuring proper sanitation and making sure that the manufacturing plants, refrigeration facilities, and food transportation all meet or exceed minimum standards.

I encourage my colleagues to vote in favor of the bill.

Mr. WAXMAN. May I inquire of my colleague how many speakers he has remaining?

Mr. DEAL of Georgia. I am prepared to close.

Mr. WAXMAN. Madam Chairman, I yield myself such time as I may consume.

I will close the debate on our side.

Madam Chairman and my colleagues, let me just go through the kinds of laws we are talking about. There are 50 State laws regulating the safety of milk. They are not identical. And I don't know if there will be one uniform law for the safety of milk at the Federal level, and I am not sure that it would make sense to have it. There may be differences that are justified. But that debate could go on, and it could be resolved by itself. But meanwhile, we shouldn't jeopardize 50 laws on the subject when there is no Federal law to take its place.

There are 50 State laws regulating safety of food in restaurants. Why should the restaurants in a State be regulated by Washington if their State chooses to have a food safety disclosure or other food law?

There are 10 State laws regulating the safety of shellfish. Why should those laws be eliminated?

There is an Alabama law regulating infested, moldy, or decayed pecans and other nuts. That may be a problem that Alabama has. Why shouldn't they be able to act on it, and why should we have to have that same law elsewhere or have no law anywhere on the subject?

California law requiring consumers to be notified when food contains contaminants that cause cancer or birth defects, a California law limiting the amount of lead in candy, a Florida law regulating labeling of citrus fruit and citrus products, a Maine law requiring disclosure of the risk of eating smoked alewives, whatever that may be. A Maryland law, prohibiting the sale of frozen food that has been previously thawed. A Minnesota law requiring labeling of the types of wild rice. A Mississippi law requiring the labeling of farm-raised catfish. A Virginia law prohibiting the removal of sell-by date labels, a Wisconsin law requiring a label showing the age and type of cheese made in Wisconsin.

I don't know whether those are all good laws or not, but the legislatures probably had hearings, and they got the input from people who are supporting it, and opposing it. And they adopted it and their Governors signed the laws.

We are now about to overturn those State laws with a bill that had no hearing here in the Congress of the United States, and will turn it over to the FDA, a Federal bureaucracy, to decide whether those States may have those laws in their States still in effect. I think it is wrong. I do not see the problem it is solving. I think that this is legislation that has been poorly thought out. I hope we get a chance to offer amendments to the bill next week when we start considering it. Especially since it has never had a day of hearings, we ought to have an open rule. There are a limited number of issues to debate. We ought to at least be able to debate them and have votes on those issues so that Members can make a determined judgment as to whether this bill ought to pass the House of Representatives.

I urge a "no" vote on the bill.

Madam Chairman, I yield back the balance of my time.

☐ 1345

Mr. DEAL of Georgia. Madam Chairman, I yield myself such time as I may consume.

First of all, this has been a good debate, and I appreciate the interest and concern.

And to my good friend, Mr. WAXMAN, who has handled it on the other side, I am glad he has now become converted to being a States' righter. Back in 1990 when he was the author of the Nutrition Labeling and Education Act of 1990, we heard exactly the opposite arguments. I was not here, but I am told those were the opposite arguments because as far as nutrition labeling, it does require uniformity across the country.

Now, if labeling on nutrition requires consistency, why should not there be consistency in warning labels of the foods that people eat?

Mr. WAXMAN. Madam Chairman, will the gentleman yield?

Mr. DEAL of Georgia. I yield to the gentleman from California.

Mr. WAXMAN. I do recall and I can explain the situation.

Mr. DEAL of Georgia. Does it require uniformity?

Mr. WAXMAN. It does because there was no nutritional labeling at the State level. It had been done by the industry voluntarily, and they had different kinds of labels, and it was not in a way that we could compare the calorie content, the carbohydrate content, the fat content. So we decided that since this was all under Federal jurisdiction anyway, we ought to standardize the labeling.

It was not an issue of usurping the power from the States because the States look to the FDA to make that decision.

Mr. DEAL of Georgia. You would not advocate repealing that law and giving it back to the States, I would assume?

Mr. WAXMAN. No, of course.

Mr. DEAL of Georgia. All right. Thank you.

Mr. WAXMAN. You would not, however, want the Federal Government to legislate in every area that any State thinks ought to be done in their State?

Mr. DEAL of Georgia. No.

Reclaiming my time, let me give the Members of this body examples of some of the things that are excluded from it.

The gentleman mentioned shellfish. Shellfish are specifically excluded from the provisions of this act. Some of the ones that I think most of us think of as the kinds of labels that may have peculiar application to locales that may not have application nationwide and that are therefore not included or prohibited from being placed on products are some of the following: open date labeling, grade labeling, State inspection stamps, religious dietary labeling, organic or natural designations, returnable bottle labeling, unit price labeling, and statement of geographical origin. Those all still continue to be allowed; they are not preempted by this legislation.

I believe we have heard from a wide variety of people who represent points of view from their committee assignments on the Democrat side as well as the Republican side. The gentleman quoted my Democrat commissioner of agriculture from the State of Georgia. I called on my Democrat Member from the State of Georgia, who has served on the Agriculture Committee here in the House of Representatives, who said exactly the opposite of what our State agriculture commissioner says.

Now, I think that the overall conclusion that we should reach is that this is a good piece of legislation. It is time that we recognize that there is a necessity for uniformity in labeling of food products, and this legislation moves us in that direction. I would urge the adoption of the bill when it is considered next week.

Madam Chairman. I ask that this exchange of correspondence be included in the debate on H.R. 4167.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 28, 2006.
Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CHAIRMAN BARTON: In recognition of the desire to expedite consideration of H.R. 4167, the "National Uniformity for Food Act of 2005," the Committee on the Judiciary hereby waives consideration of the bill. There are several provisions contained in H.R. 4167 that implicate the rule X jurisdiction of the Committee on the Judiciary. Specifically, the legislation contains a number of judicial review provisions.

The Committee takes this action with the understanding that by foregoing consideration of H.R. 4167, the Committee on the Judiciary does not waive any jurisdiction over subject matter contained in this or similar legislation. The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in your Committee's report for H.R. 4167 and in the CONGRESSIONAL RECORD during consideration of H.R. 4167 on the House floor. Thank you for your attention to these matters.

Sincerely,
F. JAMES SENSENBRENNER, Jr.,
Chairman.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, February 28, 2006.
Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: Thank you for your letter concerning H.R. 4167, the National Uniformity for Food Act of 2005, which the Committee on Energy and Commerce reported on December 15, 2005.

I appreciate your willingness not to seek a referral on H.R. 4167. I agree that your decision to forego action on the bill will not prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this or future legislation. Further, I recognize your right to request conferees on those provisions within the Committee on the Judiciary's jurisdiction should they be the subject of a House-Senate conference on this or similar legislation.

I will include our exchange of letters in the Committee's report on H.R. 4167, and in the Congressional Record during consideration of the bill on the House floor.

Sincerely,
JOE BARTON,
Chairman.

Mr. MOORE of Kansas. Madam Chairman, I rise today in support of H.R. 4167, the National Uniformity for Food Act.

Food safety labeling standards currently vary from state to state, which has created a patchwork of different and inconsistent requirements. H.R. 4167 would amend the Federal Food, Drug, and Cosmetic Act (FFDCA) to provide for national, uniform food safety standards and warning requirements. I am cosponsor of this bipartisan legislation because it will enhance consumer protection through coordinating and harmonizing federal, state, and local food safety requirements. Consumers deserve the same high level of protection against unsafe food regardless of where they may live.

While H.R. 4167 would provide for national, uniform food safety standards and warning requirements, the legislation, however, does not affect state authority in several areas that are traditional local food enforcement matters, including: freshness dating, open date labeling, grade labeling, state inspection stamp, religious dietary labeling, organic or natural designation, returnable bottle labeling, unit pricing, and statement of geographic origin. Further, states would be exempted from national food safety standards to respond during times when substantial concerns are raised about the safety of food. I support H.R. 4167 because it provides these important exceptions to national standards, which will ensure authority of states in traditional local food enforcement matters and allow states to act if presented with an imminent food safety crisis.

Food safety labeling standards are an important public health issue, and I support H.R. 4167 because it will provide uniform, national standards to ensure greater consumer protection.

Mr. WILSON of South Carolina. Madam Chairman, the National Uniformity for Food Act deserves our full support.

This act is consistent with our long tradition of cautious Congressional oversight of interstate commerce to protect American consumers. The act is simple. By requiring states and the FDA to provide consumers with a single standard for food safety, this important legislation delivers protection to American consumers.

I strongly believe the National Uniformity for Food Act is the best way to apply the safeguards we now have over meat, poultry, drugs, and many other products to packaged food. Under the bill, states would retain their important functions such as sanitation, inspections and enforcement. The act also contains mechanisms to review state food safety laws and consider them for national application.

This act provides important federal protections, while retaining valuable input from states and coordination between state and federal food safety experts. I strongly appreciate my good friend Congressman MIKE ROGERS' efforts to ensure that Americans are confident that packaged food they find on our store shelves is safe for them and their families. I urge all my colleagues to join me in supporting this important act.

In conclusion, God bless our troops and we will never forget September 11th.

Mr. PALLONE. Madam Chairman, I rise in strong opposition to H.R. 4167, the National Uniformity for Food Act of 2005. I am opposed to this legislation for two reasons.

First, and foremost, this legislation would completely eliminate any State or local food safety law that is not identical to requirements established by the FDA. Even laws that go beyond the federal requirements to protect their citizens would be pre-empted. For example, in my home state of New Jersey, a number of labeling requirements for milk, restaurant food safety and many other State laws would be completely negated, thereby placing the health and well-being of our citizens at increased risk. How is that good public policy?

I also have to oppose this legislation for the way it has completely violated the legislative process. This bill has escaped any real scrutiny from the Energy and Commerce Committee, which has jurisdiction over such food safety matters. No hearings were held, no witnesses were called to testify, and no effort was made to determine the actual impact this bill will have on the safety of our nation's food supply. It is clear that this bill was insufficiently reviewed and I fear that Congress is acting far too quickly to enact legislation that will have such sweeping affects.

I believe improving the quality of our nation's food supply is one of the most important challenges facing Congress today. A vote for this legislation, however, would put consumers at increased risk. I urge my colleagues to vote "no."

Mr. UPTON. Madam Chairman, I rise in support of H.R. 4167, the National Uniformity for Food Act.

This is common sense legislation that will benefit both consumers and businesses—and particularly small businesses.

Consumers will benefit from being able to rely on scientifically-based national food safety and warning standards, just as they now rely on national standards for nutrition labeling.

When we think of the food manufacturing industry, we may not realize that small manufacturers account for the bulk of the industry. Specifically, nearly 73 percent of food manufacturers have fewer than 20 employees. These smaller firms are especially burdened by having to comply with up to 50 different food safety and warning regimens if they are in or wish to enter interstate commerce.

I know many of us have heard from our governors about important state food safety and warning requirements that could be preempted by a national standard. But it is important to underscore that this bill provides for a 180-day period after enactment for states to petition the FDA and make their cases for either permitting a state requirement to remain in place or to make a state requirement a national standard. Further, the state requirements will remain in place until the FDA makes a determination on the state's petition.

Mr. DEAL of Georgia. Madam Chairman, I yield back the balance of my time.

The ACTING CHAIRMAN (Mrs. DRAKE). All time for general debate has expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DEAL of Georgia) having assumed the chair, Mrs. DRAKE, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4167) to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes, had come to no resolution thereon.

ADJOURNMENT TO MONDAY, MARCH 6, 2006 AND HOUR OF MEETING ON TUESDAY, MARCH 7, 2006

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, March 7, 2006, for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PRICE of Georgia. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mrs. DRAKE). Is there objection to the request of the gentleman from Georgia?

There was no objection.

APPOINTMENT OF HON. MAC THORNBERRY AND HON. FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH MARCH 7, 2006

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, March 2, 2006.

I hereby appoint the Honorable MAC THORNBERRY and the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through March 7, 2006.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointments are approved.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NO PLACE BUT TEXAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, today is my favorite day in Texas history. March 2 marks Texas Independence Day. On this day, 170 years ago, Texas declared independence from Mexico and its evil dictator, Santa Anna, the 19th century Saddam Hussein, and Texas became a free nation.

In 1836, in a small farm village of Washington-on-the-Brazos, 54 "Texians," as they called themselves in those days, gathered on a cold rainy day like today to do something bold and brazen: They gathered to sign the Texas Declaration of Independence and once and for all "declare that the people of Texas do now constitute a free, sovereign, and independent republic."

As these determined delegates met to declare independence, Santa Anna and 6,000 enemy troops were marching on an old, beat-up Spanish mission that we now call the Alamo. This is where Texas defenders stood defiant and determined. They were led by a 27-year-old lawyer by the name of William Barrett Travis. The Alamo and its 186 Texans were all that stood between the invaders and the people of Texas. And behind the dark, dank walls of that Alamo, William Barrett Travis, the commander, sent a fiery, urgent appeal requesting aid.

His defiant letter read in part: "To all the people in Texas and America and the world, I am besieged by a thousand or more of the enemy under Santa Anna. I have sustained a continual bombardment and cannon fire for the last 24 hours, but I have not lost a man.

"The enemy has demanded surrender at its discretion; otherwise, the fort will be put to the sword. I have answered that demand with a cannon shot, and the flag still waves proudly over the wall. I shall never surrender or retreat.

"I call upon you in the name of liberty and patriotism and everything that is dear to our character to come to my aid with all dispatch. If this call is neglected, I am determined to sustain myself for as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country.

"Victory or death," signed William Barrett Travis, commander of the Alamo.

Madam Speaker, after 13 days of glory at the Alamo, Commander Travis and his men sacrificed their lives on the altar of freedom. The date was March 6, 1836.

Those lives would not be lost in vain. Their determination for the cause paid off, and because heroes like William Barrett Travis, Davy Crockett, Jim Bowie and others held out for so long, Santa Anna's forces took such great losses they became battered and demoralized and diminished. As Travis said in his last letter, "Victory will cost the enemy more dearly than defeat."

He was right.

General Sam Houston, in turn, had devised a strategy to rally other Texas volunteers to ultimately defeat Santa Anna at the battle of San Jacinto on April 21, 1836. The war was over. The Lone Star flag was visible all across the bold, brazen, and broad plains of Texas. Texas remained an independent nation for over 9 years.

The Alamo defenders were from every State in the United States, 13 foreign countries. They were black, brown, and white, ages 16 through 67. They were mavericks, revolutionaries, farmers, shopkeepers, and freedom fighters. They came together to fight for something they believed in. Liberty. And, Madam Speaker, they were all volunteers.

In 1845, Texas was admitted to the United States by only one vote. Some have said they wished the vote had gone the other way. Be that as it may, every day, each school day, kids across the vastness of Texas pledge allegiance to not only the American flag but they also pledge to the Texas flag; and by treaty with the United States, the Texas flag flies next to the American flag but never below it.

We all know that freedom has a cost. It always has. It always will.

And we also pause to remember those who lost their lives so that Texas could be a free nation. And as we do so, we remember the brave Americans in our military that are fearlessly fighting in lands far, far away to preserve and uphold freedom from a new world threat of terrorism.

Texas Independence Day is a day of pride and reflection in the Lone Star State. Today we remember to pay tribute to heroes like William Barrett Travis, Jim Bowie, Davy Crockett, Juan Seguin, Jim Bonham, and General Sam Houston and the rest of those volunteers who fought the evil tyrant and terrorist, Santa Anna.

Madam Speaker, I hope that Congress and the rest of the country will join me in celebrating Texas Independence Day. In Colonel Travis' final letter and appeal for aid, he signed off with three words that I leave you with now. "God and Texas." "God and Texas." "God and Texas."

And the rest, as they say, Madam Speaker is Texas history. And that's just the way it is.

PORT SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, it is hard to believe, but the Bush administration, through its Director of National Intelligence, John Negroponte, has given a nod and green light to the Dubai Ports World deal.

Mr. Negroponte says the Bush administration "assessed the threat to U.S. national security posed by Dubai Ports World to be low. In other words, he said, "We didn't see any red flags come up during the course of our inquiry."

Now the questions I have to ask: Why should we trust the Bush administration or their analysis on intelligence on anything certainly when it comes to the Middle East? It seems to me their record on assessing risk is not good.

Let us review some of their intelligence predictions:

Secretary of Defense Donald Rumsfeld, back in February, 2003, said about the war in Iraq, "It is unknowable how long that conflict will last. It could last 6 days, 6 weeks. I doubt 6 months." That is what he said. His estimate was dead wrong.

Vice President DICK CHENEY, March, 2003, said, "We will, in fact, be greeted in Iraq as liberators . . . I think it will go relatively quickly . . . in weeks rather than months." His estimate was dead wrong.

President Bush told us that Saddam Hussein had weapons of mass destruction. Well, the United States called off that search in January, 2005. There were no weapons of mass destruction. His estimate proved to be dead wrong.

□ 1400

This administration seems to make wrong decisions about a lot of things, like knowing who the enemy really is, like knowing what causes enemies to rise in the first place, and working to prevent that by avoiding cozy deals with dictatorships of all stripes.

I think it is clear to even the least interested of observers that the architects of this war, starting with the President, the Vice President and the Secretary of Defense, allowed our troops to go to war in insufficient numbers, with inadequate resources, with fantastic escalating costs and with absolutely no plan whatsoever to win the peace. Globally, their approach is yielding more terrorism every day. Their approach is yielding more anti-Americanism every day globally.

Why then should we trust the Bush administration? Why should we believe their intelligence that the Dubai Ports World deal will not risk U.S. national security? Those who seek to do us harm know a lot about ports. Two weeks ago, in Yemen, 23 al Qaeda members escaped from prison. Thirteen of them were men convicted in involvement in the 2000 suicide attack on the USS *Cole* that occurred in Yemen's harbor which killed 17 American soldiers. The others were attackers of the French supertanker Lindbergh in 2002.

Some of those who are our enemy have spent decades working the oil fields and sea lanes of the Middle East. Supertankers like the Lindbergh now wend their way to our shores because we irresponsibly are dependent on oil imports to sustain this economy. Those who want to harm us know this system well.

The quagmire in Iraq is bringing contempt for the United States around the world and our enemies seek to harm us. That is why port security must be uppermost in our minds.

America is fast becoming a dependent Nation, dependent on other countries for oil, for food, for autos, for electronics, for toys, even for clothing. Our maritime system includes over 95,000 miles of open shoreline, and 316 U.S. ports and ships carry more than 95 percent of our non-North American trade. But only 2 percent of what comes into this country is even inspected. Just last week, we saw what happened in Saudi Arabia as an al Qaeda attack occurred at their largest oil facility.

In this era, when vastly more is shipped into our ports than goes out, we had best be on the alert to protect our portals. I am introducing legislation to prohibit any foreign government or foreign-owned company from owning, leasing, or in any way controlling a U.S. port. The bill will ask our Coast Guard to assume full oversight and control over these bloodlines and all inspection of all cargo flowing into them until America is no longer at war.

The Federal Government controls and operates the agencies that admit people into this Nation. Our Federal Government controls and operates the systems and agencies that admit airplanes into this Nation. We should have the very same system of control over our port systems, one that, by the way, is increasing and expanding at a very rapid rate. In 2005, more than 11 million containers came into our country from abroad, and the estimate is that will quadruple in the next 20 years if we don't get this trade balance in line.

We have invested billions in other systems and pennies in our port system. Isn't it time to put America's national security first before any private deals?

HONORING THE LIFE OF IDALIA LUNA SMITH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is recognized for 5 minutes.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to honor the life of Mrs. Idalia Luna Smith. Idalia was a caseworker in my district office. She was also a dear and loving friend to hundreds in our region of California. She was a community activist, and she was a loving wife and mother of three children.

Idalia passed away on Saturday, February 18, 2006, ending a long and difficult battle with cancer. She is survived by her husband, John, and her two sons and daughter: Jack, Patrick, and Veronica.

Idalia was born and raised in East Los Angeles. Her interest in politics and social justice developed early in life. At the age of 14, she was influenced by her father's involvement in the famous 1970 Chicano Moratorium, an event which raised political consciousness for thousands in the Mexican America community of greater Los Angeles. As a teenager and college student, Idalia became politically active in her community, fighting for the equal treatment of Latinos and other underrepresented people.

Idalia graduated from Sacred Heart of Mary High School, then studied premedicine at Immaculate Heart College and Chicano studies, journalism and theatre at East Los Angeles Community College. She then earned her bachelor of science degree in biology at the University of La Verne.

Upon graduation, Idalia went to work for the Southern California Edison Company. In her 20 years there, she worked in many departments, including power production, informational technology, health care, and occupational health and safety. As a testament to Idalia's good will and generosity, she organized several blood donation drives and health fairs at Southern California Edison.

In 2001, seeking to combine her love of science, children and education, Idalia went back to school to earn a teaching credential at California State Polytechnic University, Pomona. From 2001 to 2003, she taught science to young children at Beatitudes of our Lord School at La Mirada, California. However, her time at Beatitudes was unfortunately cut short by breast cancer. For the next 3 years, Idalia underwent the difficult rigors of chemotherapy and other treatments. Through her strength and courage, she was determined to return to help her community.

In 2003, Idalia did just that as she joined her husband, John, in founding the Robert F. Kennedy Democratic Club in La Mirada. In this way, Idalia continued the legacy of fighting for social justice that she began in East Los Angeles 30 years earlier.

In just one year, Idalia and John Smith increased the RFK Club's membership from 20 to 112 people. In acknowledgment of her work, Idalia was named the 2005 Democrat of the Year for the 60th Assembly District of California by the Los Angeles County Democratic Party, and that same year she was honored by her local peers with the 2005 Community Service Award from the Robert F. Kennedy Democratic Club.

Over the past year, I had the pleasure of getting to know Idalia well as she worked in my district office as an office manager first and then a caseworker. Idalia's humor, optimism, and general goodwill always brightened our office and the lives of the constituents that she served. Not a day went by that she did not make us smile and laugh.

As a caseworker, she tirelessly worked to help others with their problems, all while she struggled with cancer. Despite her own health concerns, Idalia always lent an empathetic ear and dedicated herself to the individuals she helped. She was incredibly modest, humble, and charming. My staff and I will miss her greatly.

Through it all, Idalia believed in being proactive. She was committed to learning about her disease and did what she could to help others facing the same pain. I urge everyone to follow Idalia's example and make a personal commitment to ease the suffering of others as well and to help eradicate the horrible disease of cancer.

Mr. Speaker and distinguished colleagues, please join me in honoring Idalia Luna Smith. May God bless her and ease her family's pain as they mourn for their loss.

U.S.-INDIA AGREEMENT MAKES WORLD A MORE DANGEROUS PLACE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, as if we haven't done enough damage to the cause of global peace and security in Iraq, today the President has continued to make the world a more dangerous place with his misguided agreement on nuclear energy with India. If this deal is ratified by the Congress, and, believe me, I will do everything in my power to see that it is not, we will be sharing sensitive nuclear technology with a nation that was testing nuclear weapons as recently as 1998. We will be rewarding India for its refusal to sign on to the Nuclear Nonproliferation Treaty, a treaty which has helped keep the world safe in this nuclear age for nearly four decades.

What message does the India pact send to Iran and North Korea? What leverage do we now have with these countries to give up their nuclear ambitions? Especially when, even though they are dangerous regimes, they have done nothing to violate the Non-Proliferation Treaty.

While Great Britain, France and Germany are going back to the negotiating table to persuade Iran to give up its nuclear program, the United States is giving away nuclear technology to a nation that has rejected the NPT. How can we call ourselves a responsible global superpower when we thumb our noses at established international law? Is it any wonder that America is losing credibility and respect around the globe?

How will we now deal with India's neighbor and rival, Pakistan, which will likely demand the same nuclear concessions from the United States, and which has a dishonorable history of sharing nuclear technologies with other rogue states? The India-Pakistan border, which has been called the world's most dangerous nuclear flash point, will now be more dangerous, thanks to this agreement.

The President claims that this deal is about easing the pressure on the global energy supply given India's enormous population and soaring energy demands. First of all, where does the confidence come from that there can be an airtight firewall between India 's civilian and military nuclear programs? Technology used for one can inevitably benefit the other.

Furthermore, it is laughable to hear concern about fossil fuel consumption from a President who never saw an ocean floor or wildlife refuge he didn't want to drill holes in. But I don't support nuclear power plants, because I believe it is not the answer to global energy and our energy challenge.

So if the President is serious about this issue, he will aggressively promote conservation and renewable energy right here in our very own United States of America, the world's hungriest energy consumer; and he will do it with real programs and investments, not a few lines of rhetoric in the State of the Union. But I am not holding my breath.

This acquiescence to India underscores more than ever that we need a new approach to our national security. To that end, I have offered a new strategy called SMART Security. SMART standing for Sensible, Multilateral American Response to Terrorism. I have been working on this idea with groups like Physicians For Social Responsibility, the Friends Committee For National Legislation, and Women's Action For New Directions.

SMART has five major components: first, prevent future acts of terrorism, not with military force, but better intelligence and multilateral cooperation; second, stop the spread of weapons of mass destruction with aggressive diplomacy, vigorous inspection and a commitment to nonproliferation; third, address terrorism's root causes with a humanitarian effort to invest in poor nations and conquer the depravation and despair that fosters terrorism in the very first place; fourth, rethink our budget priorities, in other words, less spending on Cold War weapons systems and more spending on efforts like energy independence that are relevant to the security threats we face today; and, fifth, pursue alternatives to war, exhausting every conceivable diplomatic channel before resorting to armed conflict.

Finally, let me note the ironies of the President's deal with India. On the one hand, here we are feeding the nuclear appetite of a nation that has failed to show the responsibility expected of a nuclear state. On the other hand, we have sacrifice 2,300 Americans and $250 billion on a war that was launched because of nuclear weapons that never existed.

□ 1415

HONORING AMERICA'S FALLEN IN IRAQ AND AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, March 18 will mark the 3-year anniversary of America's involvement in Iraq. Two thousand two hundred ninety-six American military personnel have now given their lives fighting in Iraq. Two hundred seventy-seven Americans have also fallen in the line of duty in Afghanistan.

We owe these great men and women and their families a debt of gratitude that can never be fully repaid.

Last year I led a bipartisan group of 21 Members of Congress in reading the names of the fallen into the CONGRESSIONAL RECORD. We made a commitment to continue to read the names of our fellow citizens as long as the fighting continues.

In the words of Franklin Delano Roosevelt, each of those heroes stands on the unbroken line of patriots who have dared to die that freedom might live and grow and increase in its blessings.

God bless and keep each of the brave Americans whose memory we honor today:

1st Lieutenant Robert C. Oneto-Sikorski
Private 1st Class David J. Martin
Sergeant 1st Class Jonathan Tessar
Petty Officer 2nd Class Allan M. Espiritu
Sergeant Daniel A. Tsue
Private 1st Class Tyler R. MacKenzie
Specialist Benjamin A. Smith
Specialist Joshua J. Munger
2nd Lieutenant Mark J. Procopio
Specialist Dennis J. Ferderer Jr.
Captain Michael D. Martino
Major Gerald M. Bloomfield II
Major Jeffrey P. Toczylowski
Specialist Darren D. Howe
Sergeant 1st Class Daniel J. Pratt
Staff Sergeant Kyle B. Wehrly
Gunnery Sergeant Darrell W. Boatman
Private 1st Class Dustin A. Yancey
Captain James M. Gurbisz
Specialist Timothy D. Brown
Staff Sergeant Jason A. Fegler
Lieutenant Colonel Thomas A. Wren
Sergeant 1st Class James F. Hayes
Captain Joel E. Cahill
Lance Corporal Ryan J. Sorensen
Private 1st Class Mario A. Reyes
Specialist Robert C. Pope II
Staff Sergeant Brian L. Freeman
1st Lieutenant Justin S. Smith
Sergeant 1st Class Alwyn C. "Al" Cashe
Lance Corporal Jeremy P. Tamburello
Lance Corporal Daniel Freeman Swaim
Sergeant Joshua A. Terando
Staff Sergeant Michael C. Parrott
Sergeant Tyrone L. Chisholm
Private 1st Class Antonio Mendez Sanchez
Corporal Donald E. Fisher II
Staff Sergeant Stephen J. Sutherland
Lance Corporal David A. Mendez Ruiz
Lance Corporal Scott A. Zubowski
Corporal John M. Longoria
Lance Corporal Christopher M. McCrackin
Major Ramon J. Mendoza Jr.
Lance Corporal Nickolas David Schiavoni
Private 1st Class Travis J. Grigg
Specialist Matthew J. Holley
Staff Sergeant James E. Estep
Private Dylan R. Paytas
Sergeant Jeremy E. Murray
Specialist Alexis Roman-Cruz
Corporal Joshua J. Ware
Corporal Jeffry A. Rogers
Lance Corporal Roger W. Deeds
Lance Corporal John A. "JT" Lucente
2nd Lieutenant Donald R. McGlothin
Specialist Vernon R. Widner
Staff Sergeant Ivan Vargas Alarcon
Sergeant Luis R. Reyes
Private 1st Class Anthony Gaunky
Private Christopher M. Alcozer
Lance Corporal Tyler J. Troyer
Lance Corporal Miguel Terrazas
Specialist Michael J. Idanan
Specialist Dominic Joseph Hinton
Corporal Jonathan F. Blair
Staff Sergeant Edward Karolasz
1st Lieutenant Dennis W. Zilinski
Master Sergeant Anthony R. C. Yost
Sergeant Dominic J. Sacco
Private 1st Class John Wilson Dearing
Sergeant Denis J. Gallardo
Specialist Allen J. Knop
Sergeant William B. Meeuwsen
Staff Sergeant Aram J. Bass
Private 1st Class Ryan D. Christensen.

Mr. Speaker, President Abraham Lincoln once wrote to the mother of five fallen soldiers. "I pray that our heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom."

I would also like to thank the brave men and women who continue to serve our Nation in Iraq, Afghanistan, and throughout the world and serve with distinction.

Our thoughts, prayers and gratitude are with you and your families at this time until they return home.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the opportunity given to me by the leadership and by the Republican Conference to come and share a few words this afternoon. This is something that we call the Official Truth Squad, and we have been coming to the floor of the House almost every day that we have been in session this year.

We who have organized it are the freshman class. There are about 25, 26 members of the Republican freshman class. We are the new folks on the block. We have been in Congress now for about 14 months. And one of the things that disturbed us so, being here, was the tone of the debate, was the level of incredible partisanship, the remarkable and distasteful distortion of facts, the personal attacks, some of which we have heard within the past 30 minutes. The hyperbole and the disinformation and the misinformation that goes on here in Washington seems to be kind of the order of the day.

What we thought we might be able to do to contribute to kind of raising the level of the rhetoric and the tone is to develop what we call the Official Truth Squad. And our effort and our desire is to try to bring a positive view of America, a truthful view of America, point out some of the wonderful and great things that go on in our Nation and that our citizens are involved in. Because truth is incredibly important to public debate.

Mr. Speaker, as you know, if are you not dealing with truth in the area of public policy, you cannot reach the right solution, you just cannot get to the right end point. That is what is so disheartening about much of the debate that goes on here. And I say that in all sincerity, understanding, as I know my constituents do, that these are not Republican problems or Democrat problems, these are American challenges that all of us face. So truth is so incredibly important.

In my former life, I was a physician, and I knew that if I did not have truthful, accurate information going in to take care of a patient, that I could not make the right diagnosis. If somehow the information was distorted or not accurate, then it just was not possible to get to the right diagnosis.

The same is true in the public policy arena. If we are not talking about truthful items, then it just becomes that much more difficult to reach appropriate conclusions. I know that when I go home and talk to my constituents. They say, do you not get tired of all of that negativity up there? And I do. And I know that you do too, Mr. Speaker.

But that is why our goal is to try to put a little positive spin on exactly what is happening here in Washington and present to the American public an optimistic view of where we are.

And we have in the Official Truth Squad many quotes that we are fond of. One of the ones I am most fond of is one from former New York U.S. Senator Daniel Patrick Moynihan. He says, "Everyone is entitled to their own opinion, but not their own facts." Everyone is entitled to their opinion, but not their own facts.

And it really is so true about much of the debate that goes on here in Washington. Because with many people, everybody obviously has their opinions. But oftentimes they are not supported by facts. And we have heard recently some incredible accusations given about, for example, the Dubai Ports deal.

Now, I am not certain that I support that at all, but I do know that unless you are dealing with truth and with fact, you cannot reach the right conclusion. And one of the things that has come to the floor is this huge accusation that there just has not been any money for port security, that Congress has been delinquent, that the White House has been delinquent, that they are not even paying attention to what is happening at the ports.

Well, here are the facts. Here are the facts. Port security funding in 2001, prior to 9/11, was at a level of about $250 million. $250 million. Fiscal year

2006, port security nearly $3 billion. Nearly $3 billion. The request for 2007, over $3.5 billion.

So when you look at the facts, they do not back up the rhetoric of so many individuals who are obviously playing politics. And you cannot take the politics out of politics, I understand that. But it is important that we talk about truth. It is important that we talk about real numbers when we are trying to get to solutions to these incredible challenges that we have before us.

So there are the facts on port security funding. Almost a 700 percent increase since 9/11. Mr. Speaker, that certainly is not inattentiveness to port security funding.

We have also heard recently about the "cuts" in certain budgetary items; and the other side is fond of saying that there are cuts in Medicare and cuts in education. And so what I would like to do today is just share very briefly with folks what the actual facts are, what the truth is.

This is Medicare funding. This is Medicare spending from 1995 to 2005. These are not my numbers, these are Treasury, budget office of the U.S. Government: 1995, $156.9 billion; 2000, $187 billion; 2005, $294 billion.

Now, Mr. Speaker, I do not know where you went to school, but I do not think that they would call moving from $187 billion to $294 billion a "cut." It is simply not. And so when people describe it as such, then all they are doing is playing on the fear of the American public. And that does a disservice to the debate. It is dishonest. It does not help get us to the right conclusion. Medicare spending every single year has increased.

Education spending: Many are fond of saying that the amount of money spent on education over the past 5 years has been cut. You have heard them say that. I heard them say that. I always shake my head when I hear it, because if you look at the facts, if you look at the truth, what we have here is total education spending since the year 2000 to 2005 has grown, on average, 9.1 percent each year over the past 5 years.

Those are the facts. That is the truth.

So when you hear people talk about the kind of allegations that they have regarding decreases to, cuts in spending, it simply is not so. What they are talking about it a decrease in the increase; only in Washington is that described as a "cut."

So it is important that we talk about truthful things. It is important we talk about facts, important that we agree on those items before we get to the solution to the remarkable challenges that we have.

Today we are going to talk a little bit about the economy. And if you were just getting your information from the major media markets, the major television stations and the networks, or the major newspapers across this Nation, you might not appreciate that the economy is ticking along pretty doggone well. And so we are going to bring some information today, some facts, some truth about the economy, that we hope will be helpful to the debate and also helpful information for the American public.

Mr. Speaker, I am pleased to be joined today by many of my colleagues, and initially, Congresswoman SHELLY MOORE CAPITO from West Virginia. Congresswoman CAPITO is a veteran here compared to us freshmen. She is from West Virginia and has been a real leader in the area of our economy, and a real leader in the area of health care, has been working actively to make certain that health care costs do not continue to skyrocket because they play into our economy to a great degree.

So I am so pleased that you are able to join us. I yield to you and look forward to your comments.

□ 1430

Mrs. CAPITO. I would like to thank my colleague from Georgia for his leadership on so many issues, but also on his leadership of the Official Truth Squad.

I think one of the things that I find when I go back to my home district is people do not get what the real truth is. The way we debate here in Congress, it is almost who can besmirch somebody's character. Who can besmirch somebody's program. Who can say in the most sensational way why something is not good, instead of actually looking at the facts and debating the truth on the facts.

That is why I am pleased to be here today, because I want to talk about something that I think is very good news for the American public, and certainly the State I represent, West Virginia, is one of these and that is the state of our economy.

The American economy in 2005 was the envy of the world. Just yesterday, the Prime Minister of Italy, Silvio Berlusconi, was here extolling the virtues of a democratic government, extolling the virtues of the enormous economic engine that the United States has and brings to the global economy. And I think he made us realize that, number one, we should not take this for granted and, number two, we should recognize it.

I will talk about facts. We will stick with the facts today. Just the facts, ma'am. That is what they say. The economy grew at a robust 3.5 percent rate in 2005, making this the fourth year of expansion. For 10 of the last 11 quarters, the economy has grown at better than 3.3 percent and that is sizable. Furthermore, our economy's fundamental health was underscored by the fact that gulf coast hurricanes and rising energy prices could not derail significant growth, much to our relief.

We have now seen 29 consecutive months of job gains. During this period, 4.8 million jobs were created, and 193,000 just this past January. The latest national employment figure, 4.7, is the best since July 2001, two months shy of September 11. In my home State of West Virginia, we have perennially fought high unemployment. We have perennially fought low economic gains, but I am really pleased West Virginia is part of this economic boost we are feeling across the country.

Our seasonally adjusted unemployment rate was 3.8 percent in January; 3.8 percent is the lowest seasonally adjusted rate we have ever had in the history of keeping statistics in West Virginia. In December alone, the statistics of unemployment was the lowest rate that had ever been in the history of any December when that rate was recorded in the State of West Virginia. That is wonderful news for our State.

The numbers do not lie. They are real results, and the results like these do not happen by accident. Not so long ago in late 2001 during the recession, the economy was being afflicted by serious problems in the wake of 9/11, corporate scandals, and other problems. Economic growth was lagging, and Americans had stopped investing like they used to. There was no job growth, or very little. Fortunately, we here in the House acted on a piece of commonsense legislation. The less you tax something, the more you get. That goes for income, but it also goes for investment. So Congress responded with real tax relief in 2003, encouraging more Americans to invest their earnings.

The Jobs and Growth Act of 2003 lowered all individual tax rates, but lowered the individual tax rate on dividend and capital gains to 15 percent. This loosened the shackles on every individual and freed the genius of the American economy. Since May 2003 when the Jobs and Growth Act was enacted, 4.7 million jobs have been created. Now, that is a truth that is undeniable.

After nine straight declining quarters of business, we have seen 10 straight quarters of rising business investment. Unemployment had reached 6.3 percent in 2003; and as I said today, the 4.7 figure is lower than the averages of the 70s, 80s, and 90s.

An added benefit of the tax cut was that the Federal Government actually collected more tax revenue from capital gains even though the rate was lowered. From 2003 to 2004, revenues from capital gains taxes increased from $50 to $60 billion. Last year, the Federal Government received $75 billion in capital gains tax revenue. In fact, overall government tax revenue is currently at its highest level in American history, and our State revenues are reflecting this as well. So we need to keep that tax rate at 15 percent.

We recently passed H.R. 4297, and this bill would make the 15 percent tax rate permanent, and I am hopeful that will pass. But, you know, it is not Washington, D.C. that drives the economy. It is the daily choices of millions of free Americans that drive it. Small businessmen and -women, miners, farmers, taxi drivers, doctors, teachers, all these people who contribute to what we call the national economy. And we should always remember that we owe the strength of our economy to all these hardworking Americans who quietly make this country work every single day.

I would like to take just a few more minutes about my home State of West Virginia. I am very proud that we have had low unemployment. It has been spiraling downward over the last several months. Our homeownership has gone up. We are at one of the highest levels of homeownership across the Nation.

Our crime rate, which we are very, very pleased is perennially low, is lower than ever. I think that is indicative of the rise of the economy and the feeling of robustness and optimism that they have that they can provide for their families.

In West Virginia, more people are going to college than ever before. To me that is an indicator of several things: people are preparing to engage in the knowledge-based economy that we see in our future. Also, if they are able to go on to college right after high school, what does that tell you? It means they can improve their education and they do not need to go into the workforce right away to help their families. And this is a positive step, I think, in broadening and making our West Virginia economy much greater.

As everyone knows, coal is very important to our West Virginia economy. We are a resource-based economy. We always have been. We have had some very sad times recently in our coal industry, and I want to take this opportunity to thank the Nation for their heartfelt prayers and sincere thoughts concerning the loss of our miners in West Virginia.

It has been very difficult for us because we are a small State. We care about each other very much and one person's loss is every person's loss. That is why we are working in a bipartisan way to do mine safety legislation here in Congress to help with oxygen supplies, to help with tracking miners, to help with communications, to help with response times. And I think that we will get to a good bipartisan resolution on how we can prevent these accidents from happening in the future.

We have over 12 new mines opened in West Virginia. Twelve more than last year. Over 1,200 new miners. This shows you the strength of our economy. Over 50 percent of the electricity generated in this country is generated through coal, and we are very, very pleased about that.

So I think that the problems now that I am hearing or whenever I go out to my town meetings or around grocery shopping or wherever I happen to be, I ask people all the time, how is it going? How is your business? How is work? How are you feeling about the economy? And honestly, to a person, the optimistic flavor of West Virginians both in the State and national economy is immeasurable.

It is so much greater than it has been in the past, to the point where, what am I hearing now: I cannot find enough people to employ; I need 50 more people; we need more miners; we need more electricians; we need more clerks. So I think that we are going to see a time of national prosperity, as we have now, continue to grow and to continue to make that American Dream possible for every American family: the ability to buy a home, to raise your family in a community that you know is safe, to be able to enjoy those small-town values that States like Georgia and West Virginia provide in abundance to Americans.

So I am very pleased that the growth and jobs packages that we have put forward in this Congress are translating into the real meat-and-potato issues on the dinner tables of America. So I thank you very much for giving me the opportunity to speak. I am going to be speaking about this a lot because I think not only do people realize it, but they need to be reminded that these things do not happen by accident; that policies go into place that bring about the economic changes that bring about more jobs, lower unemployment, more homeownership, more people going to college, and a more optimistic attitude about our future.

Again, I would remind you if you did not see the Prime Minister from Italy yesterday, he had a very powerful message for Americans on several fronts, national security certainly, but also the fact of the admiration that people around the world and countries around the world have for our American economy.

Mr. PRICE of Georgia. I thank the gentlewoman from West Virginia so much for sharing those words and what a wonderful, wonderful picture you paint about West Virginia, about the economy and about the policies that we adopt here and their effect on the Nation and each and every State.

I too was struck by the Prime Minister from Italy. Prime Minister Berlusconi yesterday. It was really a moving time to have him speak to us in his native tongue and to describe what he said he saw in America. And that is the leader of the world in the area of democracy, in the area of freedom and liberty but also in the area of the economy, and how those things are so interwoven and intertwined together. So I appreciate you bringing that up. Thank you ever so much for being with us today.

Mrs. CAPITO. Thank you.

Mr. PRICE of Georgia. I want to very briefly comment about how all of our hearts go out to West Virginians and the miners and their families. We had a committee meeting yesterday on mine safety, and I know that we will reach the right conclusion on trying to get to the tracking and the oxygen and resources for them. Thank you ever so much.

Mr. Speaker, did you hear the numbers that were described by the gentlewoman from West Virginia? Did you hear the unemployment numbers: 3.8 percent in West Virginia. Most economists will tell you that 5 percent, or even some will say 6 percent, is full employment. If you have unemployment of 5 or 6 percent, then you are at full employment because of people desiring to be between jobs; but West Virginia is at 3.8 percent, which tracks relatively well to the entire Nation.

Again, the Official Truth Squad's desire is to put real information, honest information, truthful numbers out for the American public and just let them draw the conclusions that they draw, understanding that the conclusions that we draw when we look at these numbers are pretty doggone optimistic, pretty positive, not what you normally hear coming out of Washington.

This chart here talks about the unemployment rate and the jobs rebound. And the graph here goes from January of 2003 to just the end of last year, the end of 2005. Now, it ought to go further. I have to get this updated because the trend of these lines continues in the same direction. And this upper line here, the red line here, is the unemployment rate; and the green line down here is the number of jobs. And as you see, there was a peak of unemployment around the beginning to the middle of 2003, and that rate at that time was somewhere in the range of 6.1, 6.2 percent.

What we have seen since that time is a steady decrease in unemployment and a consistent increase in jobs. As the gentlewoman from West Virginia mentioned, in January 193,000 new jobs. And although this has the unemployment rate at 5 percent, which it was toward the ends of 2005, the unemployment rate now for the Nation is 4.7 percent.

□ 1445

4.7 percent, as she mentioned, is the lowest monthly rate since July of 2001.

I think it is important when we talk about these numbers, again truthfully, honestly and openly, to give folks an opportunity to compare them to something. What are you going to compare it to?

The best thing to compare it to is the history. What is our history? Where has the rate been? Well, the rate that we currently have now, 4.7 percent, is lower than the average for the decade of the 1970s, decade of the 1980s, and the decade of the 1990s. You remember the boom time in the 1990s?

Lower than the average for the 1970s, the 1980s and the 1990s. Over 2 million jobs created in the last 12 months and over 4.7 million jobs created since 2003.

I am fond of charts and pictures because I think they just paint the story so much better than I can describe it. There is also a line here, this vertical line here of the dotted green color, and what happened at that point, curiously enough, is what again the gentlewoman from West Virginia mentioned, and that is, that the Jobs and Growth Act went into effect, the fair tax decreases went into effect so that there was more money to put into the economy so people had more disposable income. And when you give people back more of their own money, what happens? The economy booms, the economy increases and gets better. So it is a cause-and-effect relationship without any doubt.

I mentioned the number of new jobs, 4.7 million new jobs, and again, with a picture being able to paint it so much better than I can describe, on this axis down here, we have January 2002, all the way over to January 2006. These are the percentages of unemployment, the monthly change each month in the number of jobs, the amount of unemployment, and before the fair tax decreases went into effect, what you see is a decrease in the number of jobs available, lower jobs available.

Then, as soon as that happens, as soon as those tax decreases went into effect, what happens? We see significant increases in the number of jobs available; so much so that it is a steady run, and it continues as such, again, 193,000 new jobs in January of this year.

So these are facts. This is the truth. The picture tells the story, and it is a story, again, that you often do not get if you are paying attention to your nightly news or your friendly newspaper.

So we are proud and pleased to come before the American people and tell this kind of optimistic and positive story.

I am always pleased to be joined by the gentlewoman from Virginia, another fellow freshman who, like I, was somewhat distressed at the tone of the rhetoric that we heard in Washington and was really a prime mover in getting this started, this Official Truth Squad, to bring a positive message to the American people.

And today, talking about the economy, a successful small business woman; and I am so pleased to have you join us again. I yield to the gentlewoman from the great State of Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Speaker, I thank you, Congressman PRICE, and I really do appreciate the effort you have made to make sure that the American people truly understand what is happening within our economy today. I know you and I share a lot of very similar beliefs.

I just wanted to start today by reminding you and bringing to mind again a really wonderful quote by former President Ronald Reagan, when he said, "There are no great limits to growth because there are no limits of human intelligence, imagination and wonder," and that is part of what you are seeing in this increase in job growth.

We believe that the strength of our Nation lies with the individual and that each person's dignity, freedom and ability and responsibility must be honored. We believe that free enterprise and encouraging individual initiative have brought this Nation opportunity, economic growth and prosperity.

But there is an alternative to what we believe, and that alternative belief is one that seeks a solution that consists more of invasive government. And not surprisingly, Ronald Reagan had something to say about that as well. I think we as Americans remember the quote very, very well, and it is that "The government's view of the economy could be summed up in a few short phrases: If it moves, tax it. If it keeps moving, regulate it. And if it stops moving, subsidize it."

In economic terms, we will all remember the 21st century began slowly. The telecom bubble burst. We were attacked in the heart of our financial sector. Certain industries lagged, and we had entered a recession. It is during these difficult periods that we require leadership more than ever. We needed to pursue positive economic policies that would put the American people back in the driver's seat.

I know you and I share the belief that our tax policies should be one that supports our economy, that it increases our revenue, and so that is why I wanted to talk today about what changes have come about in the past 5 years, these changes that support our American families and support American businesses.

You will remember in the 2001 tax cuts that the first objective was to put money back in the hands of individuals and families. In June of 2001, tax cuts were enacted through the Economic Growth and Tax Relief Reconciliation Act. Some of the most important aspects of that act are that they lowered marginal income tax rates, reduced the marriage penalty and the death tax, and increased the child tax credit, all things that are very important to American families. This was comprehensive legislation that reduced the tax burden on all Americans.

In the 2003 tax cuts, the objective was to create a more favorable climate for industry and small business to invest and to create job growth. In the years preceding the 2003 Jobs and Growth Act, business investment spending had steadily declined. We needed to pull businesses and entrepreneurs back into the market through investment-friendly tax policies, restoring economic competitiveness and employment opportunities. So Congress took decisive action.

Despite the naysayers, the results speak for themselves, and the results are very clear. Growth in our economy is one of the least told stories. I believe, and I know that you believe that if we allow Americans to keep more of their hard-earned dollars, that they will save that money, they will invest that money, they will create new jobs with that money.

And business investment has grown in every quarter. Today, small businesses, small businesses like mine, represent 99.7 percent of all employer firms. They employ nearly half of all private sector employees, and over the past decade, on average, have generated 60 to 80 percent of the net new jobs.

Job creation, as you were showing the chart there right now, nearly 4.7 million jobs have been created since President Bush signed the 2003 Jobs and Growth Act, with 2.1 million of those created in the past year.

Today's unemployment rate is at 4.7 percent and is lower than the decade averages of the 1970s, 1980s and 1990s. What an incredible statement. And they are good jobs. Real, after-tax income has risen at a rate higher than inflation since 2001, and personal income has grown above inflation in 49 of our 50 States.

Most importantly, Federal revenues have been rising during this time. If we let people save their money or create new jobs, create new revenues, that creates additional tax revenue for the Federal Government. In May of 2003, receipts were under $1.8 trillion. In fiscal year 2005, they rose to an all-time high of $2.15 trillion.

We realize that we cannot feed the Federal Treasury by starving American businesses, but thanks to these policies, more low- and middle-income Americans looking for a job will be able to find one simply because there are 2.1 million more jobs this year.

But you and I realize there is more work to be done, that America agrees, and I think it is in everyone's minds that we do need complete tax reform, and I know that is something we will be working on.

I really think that there are models across the world for us, and I think the most compelling story today is the story of Ireland. In the mid-1980s, Ireland's economy was faltering; we all know that. College graduates could not find a job and were leaving the country in droves. Confidence in the Irish economy was at an all-time low. Change was necessary, along with the leadership necessary to implement it.

The corporate tax rate today in Ireland is 12.15 percent, far below the rest of Europe. This attracted foreign investment necessary to boost economic growth. Today, nine of ten of the world's top pharmaceutical companies and seven of the top ten software designers currently have operations in Ireland, and it is currently the second richest country in the European Union with a per capita GDP higher than that of Germany, France and Britain.

Now we have to ask ourselves, do we continue to encourage American businesses by creating the climate necessary for success or do we allow them to go somewhere else?

So I thank you for the opportunity, thank you for your work in making sure that we do tell the American people the good news story that we are in as a result of the tax cuts of 2001 and 2003. It is our responsibility to make sure that we maintain a solid policy, tax policy that grows our economy, grows our revenues and benefits each and every American.

Thank you for what you are doing.

Mr. PRICE of Georgia. Mr. Speaker, you are very kind. I appreciate you coming and sharing those words and, once again, words of optimism, words of truthful perspective as it relates to the United States.

I was struck by your description of the tax policy because what we saw with that tax policy is the increase in the child tax credit, the decreased marriage penalty. These are family-friendly things. This is what some of the folks on the other side of the aisle will call tax cuts for the wealthy. It just is not so. Again, we have got to talk about truth if we are going to get to the right solution.

When you decrease taxes, as you well know, on small business, which is the engine of our economy, small businesses across our Nation, what happens is that you allow individuals more opportunity for employment. When people have jobs, then they are able to care for their families and, again, a family-friendly environment that we have in this Nation now as it relates to tax policy. Those are the kinds of things that need to continue.

People say, well, what difference does it make who is in charge there in Washington? I am here to tell you, elections are about choices and the choices we are going to have this year are fairly stark from individuals on one side who will tell you that, no, you do not need to have the kind of tax decreases, the tax cuts, that we have had; what the government needs is more of your money. That just is not the case, as we have demonstrated time and time again here with The Official Truth Squad.

But when you put more people's money back in their pockets, what happens? They are happier, their families are more secure, the communities are more secure, and businesses and the economy flourish.

So thank you very much for sharing those kind words.

I was also struck by the description of Ireland, which nobody a few years ago would have said was an economic engine or a powerhouse, but now it is. It is again because of their tax policy that is friendly to business, which, in turn, becomes friendly to communities and friendly to families, and that is how economics work.

If you appreciate and you understand how a capitalist economy works, and then you understand that it is important to put more money, more people's money back in their own pockets; that it is not the government's money, it is the people's money; and that we here in Washington do not have a revenue problem, we have got a spending problem.

So I am so pleased to be able to be joined by my colleagues to bring light to that, and one of my great freshman colleagues who has just been a wonderful contributor and supporter and innovator in the Official Truth Squad joins us now, the gentlewoman from North Carolina (Ms. FOXX). She is a great friend, has a great history in the arena of education, but understands clearly the importance of a positive economic outlook and a positive economic perspective and economic policy.

So I welcome and yield to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I thank Congressman PRICE for yielding. I appreciate it very much, and as our colleagues have expressed to you before, we thank you for organizing these meetings and helping to get the Truth Squad out here.

Many of us have been concerned for the past several months that there is a lot of disinformation out there and that the time has come for us to set the record straight, and I think that it is very important that we do so. Just saying things will not make them so, but if they are not responded to, then people will believe that they are so.

I thought that our colleague, the gentlewoman from the State of Virginia (Mrs. Drake), was doing a great job of talking about several of the issues that I think are important, and talking about Ireland as a great success story is important to do.

❑ 1500

Our economy is doing great, and talking it down does not help our situation and our country. I think we do need to be positive and talk about how things are going great.

I speak to a lot of school groups, and they will often ask me what is the difference between Democrats and Republicans, and I generally give them several things to think about. But as my colleague pointed out, the biggest difference between Democrats and Republicans is we believe that the public knows how to spend its money better than the government knows how to spend their money. That is sort of a short definition. If we left it up to the Democrats, they would basically be taking all the money from everybody and giving it to government bureaucrats to spend.

I think the whole issue of family friendly taxes is very important too. We are not a party of extremely wealthy people, as we are portrayed to be. In fact, there is a lot more wealth on the other side than there is on our side, but they do a pretty good job of trying to hide that.

I want to talk about some specific numbers also, in addition to talking about in general terms some things that may have already been said by some of my colleagues. I have been out meeting with constituents, so I am not sure of all the things that were said, and I hope I do not repeat too many of the same things.

I think it is important to talk about the fact that our unemployment rate right now is 4.7 percent, the lowest monthly rate since 2001, and lower than the averages of the 1970s, 1980s, and 1990s.

Just today I was talking to a man with a very large business down in North Carolina in the fifth district, and he was saying they could grow their business by 300 or 400 people if they could get the skilled workers that they need to grow that business. That is a very significant point for us. Our economy could be doing even better, but we do lack skilled folks. I talked with him and I will be working with the community college system down there to try to help him get the programs established that he needs so that they can get people with the backgrounds that they need.

I am not sure if Congresswoman DRAKE mentioned this, but real household net worth right now is $51.1 trillion, an all-time high in this country. Our GDP, of course, is growing at a much higher rate than anybody thought it was going to grow. The fourth quarter grew at 1.6 percent, and the estimate had been 1.1 percent. This encouraging economic news is proof that lower taxes plus restrained Federal spending equals economic growth.

That is a math equation that the Democrats just cannot seem to grasp. Maybe it is because they keep trying to substitute new variables and it just does not work. Taxing plus spending will never equal economic growth and prosperity. But the Republican formula of lower taxes and restrained Federal spending will always come out in favor of the American taxpayer and his checkbook, and that is what we need to be concentrating on.

I am going to throw out a few more facts to go along with what we are trying to do through the Truth Squad. We have got high consumer confidence these days, too. It rose to 106.3 in January, the highest level in over 3 years. So we are doing our best to make sure people know the economy is doing well and to raise consumer confidence.

We know that incomes rose in December, and we are up 1.4 percent in 2005. Again, very, very good news. Retail sales rose in December. We are up 6.4 percent in 2005 over 2004. Our manufacturing continues to expand. Manufacturing activity grew for the 32nd consecutive month in January. There is tremendous expansion out there, so we want that to continue to grow.

Construction spending is at an all-time high. Construction spending rose 1 percent in the month of December alone. For 2005, spending reached a record $1.120 trillion, an increase of 8.9 percent over the previous record set in 2004. Housing starts continue to go up.

So our economy is doing very well, and, again, it is based on the fact that Republicans believe in lower taxes and leaving more money in the pockets of American families. That is the way we can grow the economy. I hate hearing the words "government investment." The government never invests. It spends.

We have to get people to understand the language. As my colleagues know, language is a very important thing to us. How we use words is important because it gets people's minds set about what those words mean. We need to stop government spending, and we need to leave as much money as possible in the hands of the American taxpayers. We need to keep this economy growing vitally, and the way to do that is to keep Republicans in charge.

With that, Mr. Speaker, I will yield back to the gentleman from Georgia.

Mr. PRICE of Georgia. Congresswoman Foxx, thank you so very, very much for coming and joining us today and really painting a wonderful picture.

Mr. Speaker, I do not know if you heard all of the items that Congresswoman FOXX ticked off there, but this is positive news. This is great news. This is good, good news.

Consumer confidence increasing, incomes up across the Nation, average real after-tax income per person has risen 7.9 percent, retail sales increased, manufacturing continues to expand, durable goods orders on the rise, new orders for durable goods increased 1.3 percent in December with new orders for machinery rising 6.5 percent, the highest level since the series began tracking that in 1992. That is good news. Productivity growth is strong. Productivity increased 2.3 percent and has grown 3.2 percent, at that annual rate, since the end of 2000. That is good news. Construction rates up; all-time high. Again, remarkable. Remarkably good news.

And that is what the Official Truth Squad is all about, coming to the floor to give honesty to the debate. Truthful numbers. Real numbers. Because it is important that people have that in order to make decisions.

Something that has been alluded to a number of times as we have had our discussion here today is the effect of tax decreases. I call them fair tax decreases. Some people call them tax cuts, I guess. I call them fair tax decreases. And what they will say is, we cannot have any more tax cuts. We cannot have any more tax decreases or even keep what we have. That is what the other side says, we cannot allow you to keep your money because government needs it. That is the way the line goes.

But what is the effect of tax decreases? What is the effect from an economic standpoint? Well, again, a picture paints it better than anything I could ever say. Down here is the year 2000 all the way to 2005. The vertical line there, the vertical dotted green line is when the tax decreases, the Jobs and Growth Act, went into effect. And the red line is revenue coming in to the government, how much money the government is receiving based upon the taxes.

Again, remember, revenue going down here from 2000 to 2003, decreasing money coming into the government. So what do the President and the Republican Congress do? Well, they decrease taxes. A fair tax decrease. That is what happened here. Then what happens? Revenue increases. Money coming into the government increases.

That seems counterintuitive, but that is what happens. President Kennedy knew that. That is what happened when he had his tax decreases. President Reagan knew that. That is what happened when he instituted his tax decreases. And what happened with President Bush's tax decrease? Same thing.

You would think there was a trend there, Mr. Speaker. You would think that, in fact, if you decreased taxes, you would increase governmental revenue. Well, that is the secret. That is what happens. And why does that happen? Because as we have talked about, the economy flourishes. The economy flourishes when you put more of the people's money in their back pocket and in their purses, and not in the government's purse. What happens is that the economy flourishes.

Now, I mentioned a little earlier that we in Washington, that government does not have a revenue problem. It has enough revenue. That is clear. It has a spending problem. So Congress is trying as hard as it can to decrease the amount of spending. And it is a difficult thing to do in this environment where you have the distortion and the misinformation and the disinformation and the incredible personal attacks that are given. So it is a difficult thing to do.

But all last year what we tried to do is to work on what is called a deficit reduction act, which is spending less money. Ultimately, it took a little over a year, but in January when we came back, in early February we passed the Deficit Reduction Act that saved, that saved $39.8 billion. That is a good thing. That is a positive thing.

I asked my staff to see if they could get me a poster of the number of folks on the other side of the aisle, the Democrats, that supported a decrease in spending, which is what they say they want to do all the time. How many folks on the other side of the aisle voted for that? And I have that chart here somewhere. I found it. I found the poster that has the name of every single Democrat that voted in favor of a $39.89 billion decrease in spending.

There it is. Right there. Not a one. Not a one. I point up the other charts because, as I say, they are truthful. This is truthful. This is the slate of individuals on the other side of the aisle who are interested truly in stepping up to the plate and working hard together. Because these are not Republican problems, and they are not Democrat problems. But, Mr. Speaker, when only one party is interested in working positively, it gets pretty doggone hard to do something here. It really does.

So those are the folks willing to help us on the other side in terms of decreasing spending. So that is what the Official Truth Squad is all about, bringing appropriate, honest, truthful information to the American people. And we get terribly frustrated, as I mentioned, with what has been described as the politics of division. Many people practice it here in Washington. It is kind of tried-and-true; but, again, it does not get to the right answers. It does not help. It has been used for a long time, but it is not positive, it is not a productive activity, and it does not serve people well back home.

One gentleman who knew that well was Abraham Lincoln. Abraham Lincoln knew that the politics of division are destructive, and he talked about it in a way that I think is more eloquent than anybody has ever said. What he said was: "You cannot bring about prosperity by discouraging thrift. You cannot strengthen the weak by weakening the strong. You cannot help the wage earner by pulling down the wage payer. You cannot encourage the brotherhood of man by encouraging class hatred. You cannot help the poor by destroying the rich. You cannot build character and courage by taking away man's initiative and independence. And you cannot help men permanently by doing for them what they could do for themselves."

Remarkable words from one of the pillars in our Nation's history. It kind of crystallizes the American philosophy. It puts it better than, frankly, I have ever heard it.

So what the Official Truth Squad is all about, Mr. Speaker, is bringing truth and enlightening information to the American people and trying to give them a little alternative to what they oftentimes hear coming out of Washington. We try to make sure there is a positive tilt to it, because we live in the greatest Nation on the face of the Earth. We live in a glorious and wondrous Nation. It is a Nation that still is seen by men and women around the world as a beacon of liberty and a repository of hope.

I am so honored and proud to serve in the United States House of Representatives and to have the opportunity to share a positive perspective and a positive vision with my colleagues and with the American people.

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MISSED OPPORTUNITIES IN AFGHANISTAN AND BEYOND

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentleman from Maryland (Mr. VAN HOLLEN) is recognized for 5 minutes.

Mr. VAN HOLLEN. Mr. Speaker, President Bush's brief stopover in Afghanistan yesterday gives us an opportunity to take stock of the progress that has been made there. It also provides an opportunity to reflect on what the world might look like today if the United States had adopted a wiser foreign and national security policy after the terrible attacks on our country on September 11, 2001.

After that tragic day, the world united behind the United States and our determination to destroy Osama bin Laden, al Qaeda, and the terrorists responsible for those attacks. We sometimes forget here that within days of the attack the United Nation's General Assembly, friends and foe alike, unanimously adopted a resolution condemning the attacks on the United States. And NATO, for the first time in its history, invoked article 5 of the Washington Treaty stating an attack against one is an attack against all.

When the brutal Taliban regime refused to support action against al Qaeda, the United States took appropriate military action to force out the Taliban and attempt to destroy the al Qaeda terror network. That was the right action and had the strong backing of the American people. And Afghanistan is a much better place today.

However, while we succeeded in driving out the Taliban from the capital city of Kabul and killed a number of al Qaeda leaders, we have not finished the job. Indeed, Osama bin Laden, the man responsible for masterminding the 9/11 attacks, is still alive and likely to be somewhere along the Afghan-Pakistan border, less than 100 miles from where President Bush stood just yesterday.

And the continued presence of active Taliban and al Qaeda resistance in Afghanistan and along the Pakistan border represents a lost opportunity. Instead of finishing the job against al Qaeda, the President decided instead to attack Iraq, a nation with no weapons of mass destruction and a government that was actually an ideological adversary of al Qaeda.

As a result of invading Iraq, the Bush administration squandered a huge opportunity to keep both our forces and the international community focused on defeating al Qaeda and its brand of radical Islam. The goodwill that the United States had developed throughout the world in the aftermath of 9/11 evaporated as we switched our focus from the enemy that attacked us to one that had not. As a result, our invasion of Iraq has fueled radical Islamic and anti-American forces and allowed al Qaeda to gain new recruits around the world.

Today, the United States is tied down in an increasingly volatile Iraq, and the man actually responsible for launching the attacks on the United States, Osama bin Laden, remains at the top of his terrorist network.

Meanwhile, the United States continues to make mistakes that will hamper our ability to put the Taliban and al Qaeda out of business permanently. First, the United States is sending the wrong message by reducing the number of our forces in Afghanistan. Just yesterday, as President Bush was arriving in Afghanistan, the director of the Defense Intelligence Agency, General Maples, told Members of this Congress that the insurgency in Afghanistan is growing and will increase this spring, presenting a greater threat to the central government's expansion of authority than at any point since 2001. And the greatest threat of Taliban resurgence is in southern Afghanistan, the area from which the United States will be withdrawing more than 2,000 troops.

While we welcome the additional NATO forces in Afghanistan, it would be far wiser to use these NATO troops to supplement rather than replace the U.S. forces in the region. We should not be sending the wrong signal to the Taliban and al Qaeda at this delicate time. We are still living with the consequences of neglecting Afghanistan in the past.

Second, Mr. Speaker, the United States must end the abuse of the detainees at the prison at the Bagram Air Base in Afghanistan. Recent evidence suggests that the abuses that have taken place there are even worse than those that occurred at the notorious Abu Ghraib prison in Baghdad.

The United States must lead by example. The abuse of prisoners is wrong and will only strengthen the hands of al Qaeda and the extremists. We cannot credibly demand that others adhere to the rule of law if we are flouting international human rights standards. The President's stopover in Afghanistan gave him a chance to declare that such abuse is unacceptable.

Like so much else, however, it was another missed opportunity. As a result of many missed opportunities since 9/11, the United States is less secure than we could be. Osama bin Laden and al Qaeda are still in operation. The Taliban are feeling emboldened. We are bogged down in Iraq, and our weakened moral standing around the world has made it more difficult for us to influence events and protect our security. Let us stop missing opportunities to strengthen our security. We must not reduce our commitment to the people of Afghanistan, and we must increase our commitment to human rights.

Mr. Speaker, we can and should do better, much better.

THE PRESIDENT'S 2007 BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Virginia (Mr. MORAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. MORAN of Virginia. Mr. Speaker, I plan to yield to several of my colleagues. Mr. SCOTT from Virginia is also going to speak, and as soon as Mr. SPRATT, the ranking member on the House Budget Committee, comes out of an important hearing on the Dubai ports issue, he will be able to join us as well.

Mr. Speaker, the 2007 budget takes America down a wrong and unsustainable path. The decisions the President made in this budget favor the wealthy over the working class. These decisions reward those who live off what the IRS considers to be unearned income, while making those who have to work long hours every day, to support themselves and their families, pay far more in taxes. In fact, I think you would have found bipartisan agreement if we could have worked out tax cuts that were more in the interest of the working class and those hardworking families.

But, in fact, when you combine the focus of the tax cuts on those who live primarily off unearned income and the spending cuts that purportedly are necessary to offset the cost of these tax cuts, the majority of young people in this country will find it harder to go to college. It will be harder for low-income elderly to get the nutrition and health care they need, and it will be much harder for our grandchildren to pay for the future needs that their generation will face.

The decisions made in the President's 2007 budget, like his budgets since 2002, define a Nation, a community, if you will, that is not the America that we know. In fact, his priorities are just the opposite of what makes America great.

We heard from our colleagues on the other side of the aisle; they call it a so-called Republican truth squad. It boggles your mind.

But the fact is that the Bush administration has raised spending while they have cut taxes. You can't fight two wars on four tax cuts, ladies and gentlemen.

The gentlewoman from North Carolina suggested that the government never invests, it only spends. Well, what does she think is the purpose of the interstate highway system that enabled our economy to fulfill its potential during the Eisenhower administration and subsequent administrations, or the money that we have put into the public schools systems to empower our working class?

And that is what we are talking about, investment that will give us sustainable benefits versus tax cuts that are immediately lost, most of which seem to be invested overseas, and cuts in the real safety net that can make America achieve its greatness.

The conscious choices made in this budget reflect the flawed policies of an administration that has taken this country down a terribly wrong path, one that consists of waging an unnecessary and extraordinarily costly war, delivering huge tax cuts to the very wealthiest of this Nation, and taking the Federal debt to depths never before experienced, while reducing services to working Americans.

First, the 2007 budget is heavily impacted by the consequences of a reckless foreign venture, namely, the war in Iraq. The President's 2007 budget sets aside another $120 billion supplemental to cover the cost of waging this war in fiscal 2007. Of course, this is on top of a regular defense budget of over $450 billion. And, in fact, we have now allotted over $400 billion, when you look through fiscal 2007, primarily for this war in Iraq, and very little for the war in Afghanistan that was referred to by our colleague from Maryland.

The money that is requested in these Iraq war supplementals is $40 billion more than we request for transportation, $33 billion more than we request for education and training, more than $40 billion more than we request for the care of our military veterans, more than $90 billion more than we will set aside to protect our environment and natural resources, and more than $80 billion for what is considered diplomacy, but is spent on dealing with the AIDS crisis, on dealing with the ethnic cleansing, the genocide in Sudan and throughout the world, places where we could have such a constructive, positive effect.

The amount of money that is being requested in fiscal 2007 for this war in Iraq will bring the total amount requested by the Bush administration to $490 billion, an enormous sum. The American people have to ask, has this been worth it, given the results to date? But we know the results are more than 2,300 Americans who have lost their lives in Iraq; more than 16,700 who have been wounded; tens, if not hundreds, of thousands of Iraqi casualties; and yet Osama bin Laden is still on the run. Iraq now appears to be descending into an all-out civil war and al Qaeda recruitment levels are reportedly stronger than ever.

But while our men and women are risking their lives overseas, at the instruction of this administration, and of course, we have great regard for their courage and sacrifice, we are not being asked to sacrifice at home; and, in fact, the people who have been the most rewarded by this great economy—that was built on the investments that have been made in prior generations—they are being asked to sacrifice the least. In fact, they are actually being rewarded. The same time that these men and women are going to war, we are continuing trillions of dollars of tax cuts that primarily benefit the very wealthiest in our society. And yet these tax proposals are going to cost the American people about $3 trillion, $3 trillion over the next decade. The benefits from these tax cuts are heavily skewed toward the wealthy.

If they were to fix the alternative minimum tax for the middle class, that would be one thing. If they were to help working-class families deal with the vulnerabilities they face in providing for their families, that would be one thing. But that is not where most of it goes. More than half of these benefits go to the 4 percent of Americans who make over $200,000 annually.

Four years from now, in 2010, taxpayers with incomes of more than $1 million a year will receive average tax cuts worth $155,000, 100 times the tax cut that the average taxpayer will receive. Is that fair? Is that smart? I don't think it is appropriate, and I don't think it reflects America's priorities. And they come at a huge cost to the fiscal security of this Nation; causing massive amounts of annual Federal deficits.

Over the last 4 years, we have seen the largest deficits in the history of our Nation. Mr. SCOTT is going to show you what has happened over the last 5 years on a chart. I hope you will pay close attention. It is unbelievable.

The current fiscal year, 2006, is expected to produce the largest deficit ever in the history of our country at $423 billion. And this doesn't even take into account the supplemental spending requests that the President will send up to the Hill any day now which will increase the 2006 deficit to well over half a trillion dollars. And fiscal 2007 will be another year of historic deficits predicted to be $354 billion.

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In fact, since President Bush took office, we have had the largest annual deficits in the history of this country, and those numbers are net numbers after you take the Social Security surplus and offset it against general fund deficits. So you can add another $200 billion annually to each of those numbers.

So we are creating debt of over $500 billion a year, Mr. Speaker. These deficits and the $8 trillion in debt we now have as a result of prior deficits will place on our children and grandchildren an unprecedented level of debt burden.

Because of these policies, every child born today automatically inherits $28,000 as their share of the Federal debt. And under the President's budget proposals, a child born just 5 years from now will inherit a much larger share. In fact, they will be paying taxes for nearly the first 5 months of every year just to pay the interest on the debt that their parents' generation incurred.

The President's massive budget deficits also require us to borrow from foreign governments. Foreign investors now hold half of the country's publicly held debt. China alone holds $250 billion of the public debt, which is more than 300 percent the amount that China held only 5 years ago. They have a fiscal guillotine over our necks if they chose to use it. We are so dependent upon China's being willing to borrow all this debt that we generate year after year.

Let me just show you a chart, in fact, of this foreign debt: Mr. Kahn, our very able staff director on the House Budget Committee, has put this together. This is the aggregate U.S. national debt held by foreign countries.

Now, the debt was climbing during the Reagan years in the 1980s, continued to climb during the Bush years. During the beginning of the Clinton years, it started to top off, and then with President Clinton having adopted the pay-as-you-go policy of the first President Bush, having to pay for tax cuts as well as additional spending, we got the budget under control. We had an estimated $5.6 trillion surplus predicted for the succeeding decade. So foreign debt would have gone down just like this. And as our foreign debt went down, our national security would have gone up.

But this administration decided they did not want to adopt the policies of the father. They did not want any pay-as-you-go. They just wanted to cut taxes. The heck with paying it. We will send a credit card to the next generation. They can pay off our debt. That is their problem, not ours. We are going to live high off the hog. We are going to reward our contributors. And the fact is that that is exactly what has happened, and we have driven this Nation into debt.

But even more seriously, look at what has happened to foreign debt. Foreign debt has gone up like this to here. We are now at $1.5 trillion. Here we are at $1.175 trillion and here we are over $2 trillion in 2005, a substantial share being purchased by China, as I just said, a 300 percent increase in China's share of the foreign debt. But imagine what has happened to foreign debt since 2001 when this President took office. Talk about endangering national security.

Now, who pays for all of this? Well, what happens is that the American people obviously pay. Our children will pay most of it. But even today the sick and the elderly who need care that cannot be provided by their families will pay. We will have our college students pay in reductions in student loans, and basically the dignity and the upward mobility of the American working class is going to suffer for these policies. Mr. Speaker, this is a situation that is not sustainable, that has to be reversed.

Now, everyone is entitled to their own ideological opinions. I do not think they ought to be entitled to their own set of facts. This is factual information. You can check in any of these budget documents put out by the government. You can find that the amount of debt has skyrocketed. The amount of debt held by foreign nations has skyrocketed to an even greater degree. We are dependent on countries like China to keep us afloat.

And, in fact, the working class has suffered. Our children are going to pay the bill, and we are involved in a war that we are only paying for by borrowing from the future. We have not paid one dime of the cost of the Iraq war nor have we paid for the tax cuts that we have so blithely passed.

Mr. Speaker, with this, I would like to yield to Mr. SCOTT, who has been on the Budget Committee for several years, and he is going to show you some shocking charts as well.

Mr. SCOTT of Virginia. Mr. Speaker, I thank my colleague from Virginia for yielding to me.

My colleague from Virginia, you have done an excellent job in outlining what the problem is.

I like to use charts as I describe what the problem is. Our previous speaker indicated, the Truth Squad, as to what the truth is. I would like to point out exactly what he is talking about because this chart shows the deficit back through the Ford, Carter, Reagan, Bush, Clinton administrations, up to a surplus and what has happened in the last 5 years.

When they talk about bragging about fiscal responsibility from the Republican side, this is the line they are talking about, the one they are bragging about right here.

When they ask what the Democratic plan is to get us out of this mess, I would say, Mr. Speaker, the Democratic plan is this blue line right here. That is what we had under President Clinton. My colleague from Virginia will remember in 1993 the first budget passed under the Clinton administration. It passed without a single Republican vote, House or Senate, and we took that budget and took it up to a surplus.

In 1995, when the Republicans came in and took control of Congress, they passed a different kind of budget, and President Clinton vetoed that budget. In fact, they threatened to close down the government if he did not sign those tax cuts, and he vetoed it again and the government was shut down. President Clinton would not sign an irresponsible budget. And as a result, we have almost a straight line up into a surplus.

When President Bush came in, everything collapsed. They stopped paying for tax cuts or paying for spending cuts. Pay-as-you-go dissolved, and here is what you have. And this is the line they are bragging about.

Now, unfortunately, it is going to get worse before it gets better. The President says that he wants to cut the deficit in half in 5 years. That is a fairly, what I would say, modest goal, taking into consideration the fact that you had a huge surplus to begin with to say that you are only going to clean up half of the mess, but the fact is he cannot even do it if we make the tax cuts permanent and do other things that he has suggested. And they are passing.

This is the line we are going to follow for the next 10 years. Deep into deficits. This green line is the promise, which is not much, but the red line is what we are going to probably do.

This little blue line up here is an interesting line because that is the budget from this administration in 2003 before they continued cutting taxes. They showed that by now we would be up into surplus. 2003 is significant because that is after 2001. After the war we still had projected, before we continued to mess up the budget, we were supposed to be in surplus now, but here we are deep in the ditch. In fact, as my colleague from Virginia has indicated, we had, when this administration started, a projected $5.6 trillion surplus for the following decade. We have dropped almost $9 trillion to, the same year, a $3.3 trillion deficit, a turnaround of $8.9 trillion.

Now, let us put that number in perspective because it is a big number. If you add up everybody's individual income tax, what everybody pays on April 15, every individual, what your individual tax is, it averages year by year to be about $800 billion. An average deterioration in the budget, almost $900 billion, deterioration in the budget. And when you talk about the war, the gentleman mentioned less than $500 billion, 0.5.

Talk about Katrina, $200 billion, we might want to pay for the Katrina aftermath, 0.2. An $8.9 trillion deterioration; you cannot blame it on 0.5 and 0.2. And since that happened, it looks like you would have changed course somehow to accommodate it. No, you kept going straight. But you cannot blame 0.5 and 0.2 on a $9 trillion deterioration.

Now, the Truth Squad indicated a blank slate of the Democrats who voted for the spending cuts in 1991. That is true. But they did not tell you what the spending cuts were. Food stamps and health care for the working poor, and I say "working poor" because when you cut, you cut from the top. The ones that are struggling, the ones that are just barely making it, you whack them. The very poor are untouched; it is just the working, struggling poor that get whacked with food stamps and health care.

They also cut child care, child support enforcement, foster care. We had a group come into my office the other day talking about the effects on foster care. Many at-risk children who are in foster care now will not have resources to help them. These are the ones at most risk of getting into trouble, getting into other problems that we are going to have to deal with. Those are the ones that got whacked by that budget, as well as, as the gentleman indicated, student loans. That is what we did not vote for.

But he also did not say what that was a total package of. They had spending cuts and they had tax cuts. The spending cuts were less than $40 billion. The tax cuts were $70 billion. Had we passed the plan, we were going to be $30 billion worse off, further in the ditch than we started off. These are some of the problems with the budget.

And let me get these other charts which point out that when you run up that kind of deficit, that is kind of esoteric, but at some point not only do you have to pay it back, but in the meanwhile, interest on the national debt. By 2010, compared to where we were on the line on interest in the national debt, we are going to be spending over $200 billion more in interest on the national debt, $227 billion more in interest on the national debt than we had projected.

At $22,000 a year for a job, how many people can you hire with $227 billion? Answer: 10 million. There are only 8 or 9 million people looking for work, drawing unemployment today. You could hire each and every one of them with a $22,000 job and have money left over with the additional interest in the national debt that we are going to have to pay.

Now, as you have indicated, we are running up debt. This chart shows the

Social Security cash flow. What we are spending now, the little blue line, shows that we are bringing in more than we are paying out. In 2017, we are going to start paying out more than we are bringing in. Right at the time we are deepest in the debt, paying the most in interest on the debt, we are going to need to come up with cash to pay for Social Security.

Now, there is an old adage that goes, "If you don't change directions, you might end up where you're headed." Let us look at what where we are headed with this budget. This black line shows the taxes if we continue making these tax cuts permanent, as the Republicans have continued to pass. Where are we headed? By 2040, this line goes across and shows that we could be able to pay for the blue, interest on the national debt; the yellow, Social Security, and we would have to borrow a lot of money to pay for that because you are not even covering Social Security; but we would also have to borrow for the red, which is Medicare and Medicaid; and green, which is government spending like defense, education, FBI, and everything else we do, all with borrowed money.

☐ 1545

Obviously, this is not a sustainable direction. We have to change directions, and we need to start now. It is not getting any better.

I thank you for leading this Special Order. We have a lot of work to do. Again, if people want to know what the Democratic plan is, the democratic plan is the blue. We dug ourselves deeply out of debt and ran up a surplus sufficient to have an over-$5 trillion surplus.

Mentioning Social Security, to pay for Social Security for the next 75 years, we would need today $4 trillion more in the trust fund, $4 trillion more. We had over a $5 trillion surplus squandered away, turned into a deficit. We had the Social Security problem licked because we had gone into surplus. We could have paid Social Security for the next 75 years. But, no, we went in a different direction.

We need to get back to the Democratic plan and certainly reject more of what we have been doing for the last 5 years.

Mr. MORAN of Virginia. I thank my good friend from Virginia. Let me just clarify a couple of points. In the Democratic plan, it was basically based upon the pay-as-you-go concept of 1990 with the first President Bush, a bipartisan plan to pay for any subsequent tax cuts, to have sufficient revenue to pay for whatever spending occurred, but to balance the budget each year. By those efforts to balance the budget, it actually created a surplus.

Now, I know that the gentleman voted after 9/11 to go to war in Afghanistan, to go after the people that attacked us, Osama bin Laden, as I did; but that is a small fraction of the money that we are spending on the Iraq war.

The gentleman knows a lot of people, men and women, who have been financially successful. Does he feel that if they had been asked to sacrifice to pay for the war to go after those people who attacked us on 9/11, that they would have readily foregone tax cuts so that we could keep the budget balanced and avoid deficits being passed on to future generations?

Mr. SCOTT of Virginia. If the gentleman would yield further, not only that, and the way the question is framed, it is significant, because the overwhelming portion of the tax cuts are going to people that make more than $200,000.

There is one tax cut that goes into effect this year, colloquially known as PEP and Pease, dealing with standard deductions and other kinds of deductions that can be made. To make a long story short, it only affects the wealthy. If you are making more than $1 million, you get out of this tax cut, when it is fully phased in, about $19,000. If you are down between $75,000 and $100,000, on average you will get $1. If you are under $75,000, you get zero. This shows how we are going to spend $20 billion a year when this thing is fully phased in.

It would seem to me this is how we get into deficit, with those kinds of cuts. $20 billion a year, let's put that into perspective. All the BRAC base closings that you suffered in Northern Virginia and I suffered in Hampton Roads, Virginia, all of the BRAC closings, we will be lucky to save $20 billion over 20 years. $20 billion a year, when people under $75,000 don't get a dime; people over $100,000 might get $1; $100,000 to $200,000 might get $25, over $1 million, $19,000. That is how we are spending $20 billion a year in that tax cut.

It seems to me before we pass tax cuts like that, we ought to get the budget straight. Let's not be down here in the dumps talking about more tax cuts, particularly when they are weighted overwhelmingly toward the wealthy.

Mr. MORAN of Virginia. I thank the gentleman for illuminating those misplaced priorities, and I thank him very much for his extraordinarily illuminating set of charts and numbers.

Mr. SCOTT, do you have one further thing you wanted to share with the American people? I yield to the gentleman.

Mr. SCOTT of Virginia. I would say that if we had actually improved the economy with all those tax cuts, it might have been worth it. But this chart shows that the economic improvement, the number of jobs created since Herbert Hoover, it shows that after we have run the budget into the ditch, we still have ended up with the worst job performance since Herbert Hoover.

Mr. MORAN of Virginia. Unbelievable charts. So for all of those Presidents since Herbert Hoover who had a net loss of job creation because of the Great Depression, Presidents Roosevelt, Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, Reagan and the first President Bush, and then President Clinton, of course, they all created far more jobs than this Presidency, the worst job creation record in our lifetimes, in the last, what, 65 years. So, it is an unbelievable record. We thank you for sharing it with us, Mr. SCOTT.

We will now hear from the gentleman from Long Island, New York, TIM BISHOP, a member of the Budget Committee, and very much concerned about the fiscal policy of this administration.

Mr. BISHOP of New York. Mr. Speaker, I thank the gentleman from Virginia for yielding, and I thank both gentlemen from Virginia and Mr. SPRATT and all of our colleagues on the Budget Committee for their leadership and diligence in making the case against the Republicans' failed economic strategy and misguided budget priorities.

These shortcomings are conspicuous in the President's fiscal 2007 budget. If the last few years have taught us anything, the emerging Republican budget resolution to be considered by this House in the coming weeks will mirror the problems and missteps called for in the President's proposal.

On one hand, we are hopeful, even optimistic, that the promise of his competitiveness agenda represents a down payment on the long-term priority investments we need to make in order to maintain our competitive edge in the global economy. Yet, on the other hand, this budget is perhaps the single most disappointing, counterintuitive, and hypocritical proposal of his six requests thus far. Calling for deep cuts in education and health care, for example, while advocating a competitive workforce, represents a fundamentally incompatible strategy. Americans shouldn't be surprised, though, given this administration's history of cutting taxes for the wealthiest individuals and corporations at the expense of middle-class priorities.

After a dozen town hall meetings in my district in recent weeks, my constituents have spoken loud and clear about how these budget cuts are making it tougher for their families to stay ahead in today's economy.

Let me focus on two aspects of the President's budget proposal, each of which reflects deeply flawed policies.

First, education. Under the so-called Deficit Reduction Act and the President's 2007 budget request, student loan programs are cut by $12 billion. Pell grants are frozen for the fourth year in a row, and the Federal portion of the Perkins loan fund is recalled. This decision alone will take out of the student loan system another $600 million per year.

As a consequence, the rapidly expanding gap between the amounts of available student aid compared to the total cost of obtaining a college education is growing out of control. Yet this administration's response is that colleges should simply charge less.

But it is not making the same demands of other industries that are equally critical to our economy's infrastructure and competitiveness. While the budgets of college students and their families are stretched to increasingly thin margins and the dream of obtaining a higher education is placed farther out of reach, the administration isn't calling upon the drug companies or the oil and gas companies or those industries operating with banner profit margins to make the same sacrifices.

The central point is this: we can propose a competitiveness agenda, but it is simply an empty promise if our policies are going to make it more difficult for students to attend college. We can educate all of the AP students we want, we can have the best AP teachers in the world we want, but if once they finish those AP courses they don't have access to a higher education, our competitiveness agenda is simply an empty promise. It is a sham.

Investing where the government's help is needed the least, including $16.5 billion worth of tax breaks and generous subsidies for the most profitable oil and gas companies, at the expense of extending a helping hand to those Americans that need it the most is an economic strategy headed for failure.

Similarly, the President has chosen to scale back investments in the other pillar of America's competitiveness and critical infrastructure, health care. His plan to cut $36 billion from providers through fiscal year 2011 could result in Medicare reimbursements to medical facilities in my congressional district of approximately $28 million over the next 5 years, this on top of the $1.2 billion in cuts already enacted.

Reasonable people simply have to ask what kinds of priorities are revealed by these policy initiatives. More importantly, what kinds of values are revealed by these policy initiatives? Cutting funding for medical facilities doesn't save taxpayer dollars; it passes the costs on to local communities and places a greater strain on the middle class. Our health care system is already in tatters. The Medicare part D drug benefit remains in shambles, and more families are joining the ranks of the 46 million uninsured Americans.

These are the consequences of the Republicans' flawed policies. America needs a new prescription for competitiveness, one that we should rewrite as we take up the budget resolution in the weeks ahead.

If we are truly committed to sharpening our competitive edge and meeting the goals set forth in the President's budget, I suggest that we back up our promises by fully funding our health care and education priorities.

Mr. Speaker, this budget reflects priorities and values that simply cannot be supported. We can do better, and I look forward to working with my colleagues towards that end.

Mr. MORAN of Virginia. Mr. Speaker, we are very appreciative of the gentleman's comments. Thank you very much, Mr. BISHOP.

I yield to the very distinguished gentleman from Washington State, BRIAN BAIRD.

Mr. BAIRD. I thank my good friend and colleague. This is an important topic, because it strikes at so many issues important to our families back home and the people we represent.

This administration has said repeatedly, no new taxes. What they are not telling you is while they say on the one hand no new taxes, they are in fact passing a host of hidden fees that are tantamount to taxes onto the backs of the American people.

Let me give you some examples that directly impact my constituents, the first of which is, indeed, according to the administration, a new tax. If you listen to President Bush and our friends on the other side of the aisle, they will tell you that if we do not extend the capital gains and dividend tax cuts that go to the wealthiest Americans, that is equivalent to raising taxes. In other words, if you don't extend the tax cut, then you have effectively raised taxes. Yet the President's budget does not extend deductibility of the State sales tax that affects people in my State of Washington and six other States across the country.

How much is this matter worth? Last year our deduction for sales taxes, which we fought to put in on a bipartisan basis, saved the taxpayers of Washington State alone $500 million. If the President believes that we don't need to extend that, then the President, according to his own logic, would raise taxes on Washington State taxpayers to the tune of $500 million a year, which would be $5 billion over the next decade.

A second effective tax increase that is going to strike the Northwest comes from the President's ill-conceived proposals for dealing with Bonneville Power Administration revenues. The President would force Northwest taxpayers and the Bonneville Power Administration to take additional revenues from Bonneville and send them to the Federal Treasury to disguise the true cost of the deficit, rather than using them to lower the power rates, which currently are 50 percent higher than they were before the 2001 energy price crisis, which, not coincidentally, was precipitated by the actions of this very administration.

Friends, if policies of this administration increase your utility bill 10 percent above the current levels, that is equivalent to a tax from an administration that swore it would have no new taxes.

☐ 1600

The President also is going to shift critical fees and expenses that also amount to an effective tax onto our local communities through their proposals to cut dramatically the Secure Rural Schools Initiative.

In my district, two of the highest recipients in Washington State, two counties are the highest recipients, Lewis and Skamania Counties, absolutely depend on this money to make their counties operate.

As we have seen curtailments in timber harvests and resulting revenues, these counties have come to depend and desperately need this money for public infrastructure, education and safety, yet this administration would first cut the funding for this program and, second, require that we sell off Federal lands again in a short-term effort to disguise the deficit, that we sell off Federal lands in order to provide the meager funds that would remain.

Our local communities depend on this creative, collaborative effort by environmentalists and timber companies and timber interests to get responsible, practiced harvests in the woods, that would be decimated. We cannot let this go forward.

That the Federal Government would also renege on its fundamental commitment to community safety by cutting this figure is astonishing, up to 80 percent of Federal support for local law enforcement programs.

Come to my district, Mr. President and my friends on the other side of the aisle. Talk to my local sheriffs and police officers who fight the daily battle against the scourge of methamphetamine, other drugs and other crimes. Ask them, can you do without Byrne Grants? Can you sustain the kind of cuts we are talking about in the COPS program? Can we really support further cuts in the High Intensity Drug Trafficking Area? We are making progress in the battle against methamphetamine, but increasingly international supplies are coming through our virtually open borders.

Our young people, even middle-aged people are getting addicted to this horrific drug, and this administration says, now is the time to cut funding that the Federal Government provides local communities. It is bad policy, friends, and it amounts to a tax on our local communities because they will be left to pick up the tab of the reduced Federal dollars. And it is a tax on you if your home is burglarized, if your family is assaulted, if your workplace no longer functions effectively because of the effects of this drug. It is a tax, my friends, and it is being levied by the policies of this administration.

Finally, last month, we had a number of folks from our local school boards in my office. And they talked to me about the proposed cuts to critical education programs and the shortfalls in key educational opportunities. We all know that this administration and this Republican-led Congress has proposed to increase the cost of student loans even as college costs are skyrocketing.

But we need to know too that folks who are not planning to go to college, the folks who need a vocational education, who want to learn a trade or a skill will be dramatically and adversely impacted by this ill-conceived budget.

The President has proposed zeroing out the Perkins Grant program which local high schools and community colleges and voc programs absolutely depend on to sustain their voc education program.

It happened to me last month that we had school board members and community college board members in my office one day talking about how devastating these cuts would be. The next day I heard from Josh Bolten, the President's OMB Director, who said everything is going to be just fine.

Mr. Bolten, Mr. President, please come to my district. When we finish talking to law enforcement about what you are going to do to them, we will come talk to our educators about what your proposals will do to them. It is a tax on our schools. It is a tax on our students. It is a tax on our families if you cut these resources.

You cannot continue to do this. You are funding a war without paying for it. You are funding tax cuts without paying for it. You are passing the debt onto our children and our grandchildren, and all the while you are cutting vital and essential services and you are trying to disguise the costs of our cuts by increasing the rates on our northwest electrical ratepayers, by shifting costs to local communities, and by trying to sell off the Federal lands.

None of that is responsible policy. The American people should know about it. And we must reject this ill-conceived budget plan by this administration, and our friends on the Republican side. I yield back to you.

Mr. MORAN of Virginia. I thank the very astute gentleman from Washington State. And now we have our very diligent, conscientious member of the Budget Committee from the Commonwealth of Pennsylvania, Ms. SCHWARTZ.

Ms. SCHWARTZ of Pennsylvania. Madam Speaker, the President's budget is fiscally irresponsible and cuts services vital to American families. I rise today in opposition to the President's proposals to cutting funding for homeland security.

I represent the Port of Philadelphia, the world's largest freshwater port and one of the Nation's strategic military seaports. Over 3,000 ships load and offload at the Port of Philadelphia each year, making it one of the busiest ports on the Atlantic coast, and the fourth largest port in the United States for the handling of imported goods.

In addition to the port, the greater Philadelphia region is home to other critical transportation economic infrastructure, such as a large portion of Amtrak's northeast corridor, SEPTA and PATCO high-speed lines, and major highway infrastructure.

Situated around this transportation hub are almost 5.7 million people. These factors led to the Insurance Services Office, which assesses risks for the insurance industry, to conclude that Philadelphia is among the 10 cities most vulnerable to a terrorist attack.

Madam Speaker, the President's cuts to port security and first responder funding will adversely affect the ability of Philadelphia and cities across the Nation to protect those who live, work and visit the city, to protect them from traditional and emerging threats.

Specifically, the President's budget slashes funding by 25 percent for first responders. These are the very dollars that allow American cities to equip, hire and train police officers and firefighters. The President's budget eliminates funding for law enforcement terrorism prevention, and the President's budget eliminates funding for port security grants which were created by Congress in 2002 as a means of directly funding the installation of security perimeters, surveillance technology, and other very important counterterrorism measures at our ports.

These cuts come at a time when the administration is allowing our major ports, including Philadelphia, to be managed by Dubai Ports World, a UAE-owned company, a company located in a country whose key agencies, including security and monetary agencies, al Qaeda has claimed to have infiltrated since 2002.

While the President justifies this decision by saying that the Federal Government, not Dubai Ports World, will be responsible for security, he has proposed to eliminate funding for port security by the Federal Government. Neither justification nor the President's proposals will make Americans safer.

My colleagues, while it is good that the Nation is finally focused on the critical issue of securing our ports, our rhetoric and our passion about Dubai must be matched by the funding necessary to keep our ports and our citizens safe.

That is why when the House Budget Committee votes on the President's proposed budget in the coming weeks, I will lead the fight to restore these and other harmful cuts to port security. The security of our Nation depends on our making the right investment and the right funding choices to protect America.

I yield back.

Mr. MORAN of Virginia. I thank the Congresswoman from Pennsylvania.

I am happy to yield to the Congressman from Alabama, Congressman ARTUR DAVIS. Thank you for your leadership, particularly on the Budget Committee.

Mr. DAVIS of Alabama. Madam Speaker, I want to thank the gentleman from Virginia (Mr. MORAN) for what you and Mr. SPRATT and Mr. SCOTT and so many others do.

Mr. MORAN, Mr. SCOTT, one of the helpful things about these colloquies and these special orders at the end of the day is that they have enormous nutritional content for people who really want to understand the budget issues. They expose some of the argument that happens on the floor.

As you know, when we have our full-fledged budget debate, we match each other in bits of 1 minute, 2 minutes, and it is hard to get clarity in 1- and 2-minute exchanges. These kinds of conversations allow for a lot more light to be shed.

And one of the points that you have made, that my friend from Virginia has made, and others have made, is exactly how fundamentally unserious the administration is about restraining spending. That is the point we ought to make over and over again, Madam Speaker, because when people hear these budget debates, they often think that folks on our side of the aisle are enamored with spending, they think the people on the other side of the aisle are resistant to it.

Well, you cannot be serious about spending cuts when you pass a reconciliation package that cuts spending by about $45 billion, and then you push just as hard for revenue cuts, for tax cuts to the tune of $70 billion. That is a simple matter of math and arithmetic. You cannot be fundamentally serious about spending cuts when your administration has presided over the largest rise in discretionary spending in the last 10 years for a variety of programs.

So the American people ought to understand, this is not an argument about who wants to spend more and who wants to spend less. It is an argument about a far different set of issues. That is what we value and what we prioritize.

As so many have pointed out during all of these debates, Mr. MORAN, the reconciliation packets that passed a few weeks ago, the budget that we will debate in committee next week will not make much of a dent in the deficit when all is said and done. But it will wreak havoc with a lot of families in this country.

Just a few weeks ago, this body thought it was so important to start this session of Congress out by passing a bill, a reconciliation package, that will mean that 13 million working poor and poor families will have to dig deeper in their pockets to go to the doctor.

This House thought it was so vitally important to open this session of Congress by passing a package of cuts that took the heart out of the Federal Government's efforts to collect child support, that took the guts out of a program that the administration said was one of the best performing programs in the government.

And you will see it again and we will see it again in committee next week. You will see a budget that does very little to rein in spending, when all is said and done, but yet will have a disproportionate impact when it does make cuts on the people who are struggling in our communities right now. And that is what the people ought to understand this debate to be about.

We can do all kinds of things, cut spending that will attract support from both sides of the aisle. We can do all kinds of things to rein in the deficit that would attract support from all sides of the aisle. But every choice that the administration and the majority have made has been aimed at one set of people, the weaker people, the older people, the younger people, the people who are struggling to get by. And it is just wrong to put them in isolation. It is wrong to make them bear the brunt of these kind of cuts.

So as we move through this budget debate next week and over the next several weeks, I hope the American people understand, it is not an argument about cutting spending, it is an argument about what we value. It is an argument about what we prioritize. And finally it is an argument about who we give value to.

We know who the administration and our friends on the other side of the aisle often value. They often value people who are doing rather well in this society and they often reward that. They do not put a lot of value in some of the people who are living in my district, which happens to be the fifth poorest district in the United States. They do not put a lot of value in their needs.

So if you believe in a better way of looking at the American people, if you believe in a more principled way of understanding that everyone should count and not just some people, you will vote against this budget, you will reject this budget. And that is the kind of debate that we ought to be having in the next several weeks.

So, Mr. MORAN, I thank you for your leadership. Mr. SCOTT, I thank you for your leadership, and I yield back.

Mr. MORAN of Virginia. I thank the gentleman very much, and particularly for revealing the real effects upon the hard-working people in your congressional district. Many of them are poor because they have not had the opportunities to be as prosperous as others. And that is a situation perhaps more pronounced in your rural district, but it is the case through so many parts of the country.

We need to be investing in as strong an America as we can possibly create. Our strength is in America's workers, and the education our children receive, in the roots that our families put into their communities.

And I know your total commitment to the people of your district as well as to the country and I appreciate your input. Thank you, Congressman DAVIS.

We now call upon the gentleman from North Dakota (Mr. POMEROY), the former State insurance commissioner who watches this budget very carefully. And he is going to share with us some of his concern about the direction our fiscal policy has taken over the last 5 years.

Mr. POMEROY. Madam Speaker, I thank the gentleman for yielding and thank him and all of my colleagues, Democratic colleagues, on the House Budget Committee.

I have previously served on the House Budget Committee and the task before you points out the absolute lunacy of the Republican budget plan. This is extremely important. Thank you for the time you are spending on it today.

Earlier this morning I was at an event where we heard from several Republican Congressmen and the Vice President of the United States. They were sharing the same talking points. Because even the phrasing was identical in speech after speech. And it was something like this: The economy is going great. Growth is strong. Unemployment is down. We deserve a lot of credit.

What they did not tell you, what they did not tell the crowd this morning, made no mention of it at all, is that this crowd is funding the government on borrowed money.

☐ 1615

The good times we are seeing today are very much like someone that might be living down the street, living high and mighty, driving nice cars, wearing fancy suits and doing it all on borrowed money.

There is a wonderful television commercial that has a very self-contented man. He says, I have got a nice family. I have got a nice house. I have got a nice car. And then he looks at the camera and says, And I am in debt up to my eyes. Because what they are doing is artificially creating today the appearance of prosperity while they mask the depth of debt they are pushing our country into. That is what is so important on this chart.

We have had the most significant financial swing in the history of our country going from projection of surpluses as this crowd took over to the deepest deficit we have ever had in the history of the country. Record deficit in 2003. Record deficit in 2004. Record deficit in 2005. And this year the biggest kahuna of them all, the deepest deficit ever, which is why they have brought this case in the national debt. It seems like this crowd and their wonderful economy have borrowed so much money the Nation has maxed out its credit card limit. They are at the edge of what we have authorized them to borrow.

Now, we have already increased this debt limit by votes of Congress on three different occasions under this President. I feel like the loan officer as a Member of Congress. They keep coming back for more and more and more. And now even while they proclaim how wonderful things are, they are presiding over the deepest deficit in the history of the country and an increase in the national debt limit authority down to $3.3 trillion of debt.

This is going exactly the opposite of the values of the families I represent. Household after household in North Dakota and across the country, you have got moms and dads at the kitchen table working hard to make ends meet and sharing a conviction that, no matter what, things are going to be better for their children; no matter what, they are going to make sure that their children have more opportunity.

Do you know what? A recent survey shows that more than half of the people in this country believe that it is going to be worse for our children than we ourselves have had it. Now, I ask you, why should Congress run this "live for today economy," racking up debt for our children, doing exactly the opposite, living for today, reducing the prospects for tomorrow for our kids when individually the families of America would do anything to leave things better for their children than they themselves had it? In my opinion, that is the heart of this budget debate.

Are we going to pay our way? Are we going to take the stand now to leave things better for our kids? Well, you sure would not have known from this morning. They are crowing about the happy economy and not saying one word about pushing our Nation into the deepest debt it has ever been in, leaving our children to clean up this mess. I believe they should be ashamed of themselves.

As I prepare to yield back, I again want to express my appreciation for the efforts of the House Democrats on that Budget Committee fighting this fight and getting the word out. We should not fund today's good times based on tomorrow's debt that our kids are going to have to take care of. We ought to pay our own way, and I intend to work with Republicans and Democrats to get us back to that point. I thank the gentleman.

Mr. MORAN of Virginia. I thank the gentleman from North Dakota (Mr. POMEROY) for his extraordinary leadership and his very deep and genuine concern over the fiscal policy direction of this country.

Even beyond the immorality of this wild, profligate spending and then sending the bill to our children to pay, what American family would take a credit card, max it out, and then tell the credit card company, Do not worry about it. Send the bill to my kids after I die.

And that is what is going to happen. The amount of debt and even the interest on that debt is going to cripple generations to come.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Ms. FOXX). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Madam Speaker, I would like to yield to my good friend from Virginia.

Mr. MORAN of Virginia. I thank my good friend from Florida, the son of one of our most distinguished Members, who is rapidly becoming a leader in his own right.

I mentioned to him that yesterday I stood transfixed at the television set watching his speech on the floor, and it brought up the issue of security. And I trust the gentleman will underscore the national security implications of this budget deficit, because the only way that we are able to spend so profligately, get away with it, is that we have found people who are willing to buy our debt. Not here, but overseas. And for some reason, China seems just as happy as they could be to increase the amount of American debt that they hold by 300 percent over the last 5 years. Billions of dollars they hold; and all they have to do is to say, we do not think that we are going to buy your debt in the manner and to the extent that we have in the past, and our stock market, our economy would crumble.

Imagine putting this country into that kind of vulnerability where we are dependent upon a communist nation buying our debt just so we can continue this misguided fiscal policy.

I thank the gentleman for his leadership, and I look forward to watching him and reading his statement in the CONGRESSIONAL RECORD tomorrow too. You have been terrific on this. Thank you, Congressman MEEK.

Mr. MEEK of Florida. Thank you. We in the 30-something Working Group, and as other Members come to the floor, we talk about these issues that are facing Americans and this issue of selling off our country, borrowing off of our country to foreign nations. You start talking about China, Japan, Saudi Arabia, even the Caribbean countries. They cannot do it by themselves. They have been able to accumulate over 45 percent of your debt thus far because the Republican majority has handed it to them.

I must say, you are a part of Congress, and a number of you who are part of Congress were on the floor when we balanced the budget. The Republicans are talking about cutting it in half. We actually have experience in following through on our side. So we have to continue to come to the floor and share not only with the Members but with the American people about what we can do and what we want to do. We do not want to sell off our country, and that is what it is all about.

The work that you all do in the Budget Committee is so very, very important to us all.

Mr. MORAN of Virginia. I thank the gentleman.

Mr. MEEK of Florida. You are welcome. I must say, Madam Speaker, it is an honor to come to the floor once again. I know that the Members appreciate the information that we provide to not only the Democratic Members but also Members of the Republican side, the majority. I think it is also important for us to point out issues that are working against Americans and those issues and bipartisan pieces of legislation that are working for America. And we have to see more of that.

I think it is important for us to also reflect on the fact that right now more than ever we need to have a forward lean in getting our fiscal house in order as we start moving through this budget process and also making sure we come clean with the American people on all fronts.

This afternoon we are going to not only talk about our fiscal house but we are also going to talk about making sure we are straight with the American people. The whole reason we come to the floor is there are so many disturbing things that are happening in our country. I am not talking about everyday Americans. I am talking about those who are elected to come here and represent, need it be a lack of oversight or need it be something that the executive branch has done, that this Congress, the majority side has rubber stamped.

Here on this side we have a number of examples of how we have tried to put America back on the right track, not only in leveling with them on homeland security, leveling with the American people as it relates to protecting our ports and our airports and seaports, but also as it relates to the dollar. A lot has happened in the last 4 years, and we have to share that information with them.

I am so glad my good friend and also a part of the 30-something Working Group, Mr. ARTUR DAVIS from Alabama, is continuing on. I know you were part of the last hour with the Budget Committee. I appreciate the work that you all have done thus far, the work that you are doing, looking at what the President has done.

I was hoping maybe you could shed some light on when we start talking about the President during the State of the Union. We were both here. He talked about innovation. He talked about it; and when he released his budget, I heard the talk, but I did not see the walk afterwards as it relates to the fiscal situation. But I appreciate your work on the committee, and maybe you can shed some more light on this, sir.

Mr. DAVIS of Alabama. I thank the gentleman for yielding. I am always pleased to see you and Mr. RYAN and Ms. WASSERMAN SCHULTZ lend your eloquence on these issues.

Let me make a couple of points. You touched on something enormously important about the President's commitment to more competitiveness in the economy and the strengthening of our workforce. You and I remember, we both came one Congress ago. We came here in January, 2003, and I remember the President's first State of the Union. He was standing not far from where we stand now. And the only line, frankly, I recall from that speech was a rather memorable one.

He said that this Congress should not put off what future Congresses would do and this generation should not put off for future generations what it could do for itself. That sounded good. It sounded like a bold President saying that we have real opportunities today if we are daring. Well, you look several budgets later. You have a verbal commitment to make the economy stronger. You have a pattern of cutting student loans and making them harder to get, and by the way, changing the eligibility outside the budget process in the dead of night in a way that it is not even debated by this Congress.

You have a promise of more effort to make the country competitive. You see reductions every year in workforce development programs. You see promises every year to strengthen our schools, and you see continued cuts in all of the educational programs in this country or so many of them, and the outright elimination of many of those programs. In fact, almost half of the title items in No Child Left Behind are gone with the wind now as we approach reauthorization.

And you see a promise by this President to make America stronger; but it appears, Mr. MEEK, that making America stronger does not include making our workers stronger and creating more fair, stronger conditions for them.

As I said in the last hour, that is what this debate is about. It is not about cutting spending. You are not serious about cutting spending when you say, I am going to cut $45 billion and then cut taxes another $70 billion. The math works against you on that.

You are not serious about cutting spending when you have had the greatest level of discretionary spending increase in the last 10 years, in the last several budgets. You are not serious about those things. What we have is an administration and a Congress that, frankly, is not somewhat serious about cutting spending. They are very serious about changing the definition of what we owe each other as Americans.

They want to move us away from a world where we feel connected and obligated to each other across all kinds of lines, and they want to more or less move us to a place where you have got to take care of yourself.

These 13 million families on Medicaid who have got to dig deeper in their pocket now to go to the doctor, well, we have decided that it is such an important proposition that poor people pay more for health care that we rammed that into the budget reconciliation several weeks ago, or they rammed it in.

They think it is so important to spend less money on child support that they rammed that into the reconciliation package several months ago. It goes on and on. But the question is what exactly do we think we owe each other as Americans.

There are some people and some of them sit on the other side of the aisle who believe that we owe each other very little. There are some of us who believe that we can be no stronger than some of our people who are weak and who are hurting through no fault of their own.

□ 1630

There are a lot of kids in this country who will be pushed off Medicaid because of this reconciliation bill a few weeks ago. There are a lot of kids in this country who will not get the doctor visits they need because the Federal Government changed them the Medicare rules a few weeks ago. Those kids are blameless. They did not ask to be born into families under Medicaid or the distressed communities they live in.

So it is very much a matter of priorities and values and choices, but as I close out, I want to make one other point.

You talked about the importance of candor with the American people and the importance of leveling with the American people, not promising you are cutting and spending when you are actually causing the deficit to go up. You talked about the importance of not pretending that you are not taking people off programs, but in fact, you are moving them off programs.

I do not know if your office has been like mine in the last week. I have received so many phone calls from people wondering why their government cannot be more straight with them on what is going on with our ports right now. So many people have called our office and they are wondering exactly why we do not have a stronger shipping industry in the United States, why we have not built stronger port operators in this United States and why we have to keep delegating this stuff out. They hear all the procedural stuff about the 45-day review period, but really, what they wonder is why in the world are we doing a $6 billion deal with a country that helped launder money for the people who attacked our towers, a country that is a very strong and vociferous opponent of our strongest ally in the region, why are we doing business with a country that does not follow any of the rules that we said we want for good trading partners.

It is interesting. It is as if the administration's policy on this issue is completely unconnected to common sense and, frankly, completely unconnected from values because one value would be if you want to do business with the United States, well, maybe you need to do better in terms of your human rights policies; if you want to do business with the United States, maybe you need strong money laundering laws so people cannot pervert your system and finance terrorists; if you want to do business with the United States, maybe you need to be far stronger than this country has shown itself to be on the question of freedom around the world.

These are the values the President talks about every time he stands up there and does a State of the Union. He talks about exporting democracy. He talks about we are this great beacon of democratic freedom. He talks about countries all over the world that are not up to our standard. If that is the case, what signal are we sending?

The last point I want to make is the President wanted to know what signal are we sending to our friends in the Arab world if we do not do this deal. The question is, what signal are we sending if we do it? Here is the signal. The signal is you can fall short of every value and standard that we have in this country, and we will pick you up on the back end and we can make a good enough deal with you.

Now, this is the administration that said it built a foreign policy based on our best moral values. Those moral values appear to be watered down to the way to do a deal, have we got a deal for you, and that is wrong. It has upset people all over this country. It does tie into this debate about the deficit because I think people are wondering who is it we are trying to help; why are we not standing up more for our people who need help and why are we not being more candid about what we are doing.

I really predict to you, as I close today, I think when we come back here after the elections in November, I think that our side of the House will be the side that has got more people. I think the gentlewoman from California (Ms. PELOSI) will honor us by being the first female Speaker of the House. I am being stronger convinced that you will be the new chair of the subcommittee that you serve on so ably as ranking member, and Mr. RYAN and I will get to move up the dais, too, because I think the American people are getting this. They are getting that the side that says it is strong and says it is serious is neither as strong nor as serious as they have said.

People are really smart. They are smart in my district and yours and all over the country, and I think that what we will see is a change in the politics of this country, a change in the leadership of the House. I welcome it when we stand up here next year crafting the budget, and it will matter. The Democratic alternative we are putting together right now, it will really matter next year because we are going to be in the majority, and we will be crafting a budget and sending it to the President and saying, Mr. President, we dare you to veto a stronger commitment to education and health care and growing our economy; we dare you to veto a stronger commitment to strengthening working families. I would be happy to. He has not vetoed anything in 6 years.

Mr. RYAN of Ohio. Madam Speaker, our friend Mr. DAVIS is on the Budget Committee, and I think when he talks about you are preparing a substitute right now, what the Democrats are going to do when we are in charge, Madam Speaker, we have a track record already, and Mr. MEEK has the statistics, and we have the charts here.

MIKE THOMPSON from California offered a vote on pay-as-you-go to make sure everything we spend money on was budget neutral, so we did not go into deficit. CHARLIE STENHOLM, when he was in office, offered it. Republicans voted against that, and voted against MIKE THOMPSON's bill.

DENNIS MOORE of Kansas offered a pay-as-you-go amendment to a piece of legislation that got shot down. Every Democrat voted for it. Every Republican voted against it.

Mr. SPRATT offered amendments within our budget that we were providing to try to amend the budget resolution, on two occasions, in March of 2005 and again in March of 2004. Zero Republicans voted for this.

So when Mr. DAVIS says this is what the Democrats are going to do when we are in charge, that is what we are talking about here, making sure you pay for your bills as you go along, not this reckless spending.

Mr. DAVIS of Alabama. Madam Speaker, let me follow up on what my friend from Ohio just said.

This PAYGO rule you talk about, we call it PAYGO for various reasons. Really, it is the be-like-the-American-family rule. Every family I know, yours, mine, every other one, has to decide, if we are going to go out and buy some new things, we better make some more money or we better pull into our savings. All this rule says is if you are going to have new spending, you have got to pay for it. You can do it one of two ways, with spending cuts by making changes in the marginal rate or changes in revenue. That is the honesty stuff, that is the candor stuff.

The reality is, why would anybody not want to do that? If you are a fiscal conservative, why would you not want to go to a world that says let us just be no better or worse than the American family?

So this is an argument, once again, about whether we follow the same rules and the same principles that people follow all around the country.

Mr. MEEK of Florida. Madam Speaker, I mean, we are willing to follow the rules. We are ready. We are ready to do what we have to do to be able to put this country on the right track.

The bottom line is that the Republican majority, time after time, because they are not doing their job by keeping the executive branch in check, Madam Speaker, things like videos that are broadcast throughout the world, commander-in-chief says I did not know anything about Hurricane Katrina, it was a shock to me, I learned 72 hours after the hurricane, blankets and everything is on the way to New Orleans, and we are going to do what we have got to do. Then lo and behold, in this great democracy of ours, a video surfaces where the President was informed of the power of this hurricane and that 12,000 people evacuated or went to some sort of high ground in the Superdome and that we are going to have massive flooding, and that this was bigger than Hurricane Andrew that hit my community almost 12 years ago, Madam Speaker. The President's in Crawford, Texas, on video phone, and he says we are ready and we are prepared to respond. Then he shows up a couple of days later, goes back to the White House acting like he is shocked.

That is what I am talking about, leveling with the people, but it is easy to say that you do not know because you have said it before. Well, I did not know anything about the intelligence, no one told me, no one told me about a special port deal dealing with the questionable, quote, unquote, new ally. No one told me; I did not know. I feel sorry for the White House spokesperson. Goodness gracious. I mean, the guy must have an ulcer by now because he has to come week after week, day after day now, and say, well, you know, we did not know, we did not know.

I am sick and tired, and I do not care, if I had no party affiliation in this House, I am sick and tired of folks here in Washington saying they do not know. Somebody knows. This stuff just does not happen on its own, and it is very, very wrong for someone to sit up here and insult the American people. I think the American people have had enough of this stuff. The polling indicates they have had enough of it and the Republican majority.

We are here saying let us get together on innovation. Let us make sure our country is ahead of other countries in innovation and the sciences and math. Let us educate our children in broadband access. We are here with this innovation document almost every day. Madam Speaker, we encourage Members to go on housedemocrats.gov. We say it every day. This has been out for several weeks. The ink's pretty dry. We can bring the big binder down here if someone wants to get a copy of that.

They do not want to level with the American people. We have got men and women in harm's way right now based on weapons of mass destruction, and a lot of folks are running around here saying we did not know. We have got CIA agents that have been outed; oh, I did not know anything about that; I do not know how that happened; I do not even know the lady. Okay.

I just want to go down memory lane here, and it is continuing to unfold. Here the Republican majority just last year this time, well, let us just put it this way, 3 months ago, this time embracing and boasting about the K Street Project. Yes, we have the K Street Project, and guess what, if the lobbyists are not in tune with us, then they do not even get to come into our office, if they are not a part of the K Street Project.

It is basically you pay your dues to the Republican National Committee or the Republican Congressional Committee and you get access. Oh, well, that is fine. And are you a part of that project? And Democrats, who if they even have a Democratic affiliation, they could not even go into a lobbying firm. They had to be okayed and checked off by this so-called K Street Project that grew out of the Capitol, not into the Capitol.

So I do not blame lobbyists and special interests for that. I blame folks that walk in here and have voting cards just like we do on the majority side.

I am going to say this, too, Madam Speaker, it is disturbing. Folks run around here saying we need lobbying reform. Well, you know, I do not recall the lobbyists walking in here knocking on the door of the Republican majority, saying you know something, I want you to make me contribute to your campaign; I want you to make me hire your ex-staffers; I want you to make me do things that I ordinarily would not do because I think I need to have some sort of approach for the best person; but if you send a person to me and I want to have access to this House, to this Senate and to the White House, I have got to play by your rules.

I doubt if that happened. I guarantee you that did not happen, and now after a certain lobbyist has said guess what, you are an attorney and you were educated at one of the best schools here in this country. A man says, okay, I know you accuse me of being a part of the Washington inside game, what a lobbyist does, he goes to trial, do we have to go through a jury pool selection? The guy says I am guilty, right here, handcuff me, please hurry up before I do something else, and I am willing to help you with some folks on Capitol Hill that I did business with on a daily basis for access into the process, okay, then the Republican majority comes out and says that K Street Project, hey, that is wrong. All right. Well, there is something really, really wrong with that.

Then you wonder exactly what you are talking about, how did we get to allowing countries to borrow $1.16 trillion of the American apple pie. How did Japan infiltrate the United States of America, owning a piece of the American pie? How did Red China get into it? How did the OPEC Nations like Saudi Arabia and other questionable lists get there when people start talking about this?

So when folks come to the floor and try to have a moment of clarity, I have to kind of just stand up and say, hey, the 30 Something Working Group, we have been talking about this stuff. Folks can talk about a green assault or they can come with a positive message. I am going to take from Mr. RYAN. You show me a way to talk positively, how we are selling our country off to foreign Nations and we will do it if it is okay.

I know Mr. RYAN wants to say something, and I am going to go to Mr. DAVIS because he has been holding something for a very long time, but I had to get that out, because as an American, let us just put the Democratic thing aside.

This is our country, too. This is our country, too, but Madam Speaker, I may represent too many veterans, too many troops in harm's way, allowing us to salute one flag. Maybe I am just a little bit too attached to my constituency, but I tell you one thing, they defended this country for us to be up here in this chamber representing them in a way they should be represented.

I will be doggone if we let whoever it is in the majority or what have you run this country, continue to run this country into the ground, and we do not have the prerogative to say anything.

We are in the minority. There is very little we can do because we cannot put a bill on the floor, but we are going to do everything we can do to step on the line, cross the line, because this country's being sold over to foreign Nations, and folks are running around here talking about security. They do not even want to level with the American people even about a hurricane.

□ 1645

Mr. DAVIS of Alabama. I thank the gentleman for yielding. All of my colleague's points are so powerful that they inspire other thoughts and ideas that just want to tumble out of you. So let me go back a little bit to what you were saying, because you make a very important point.

I think there has been an interesting flip between where our party was at one point and where the Republicans are at this point. We are all fairly young guys. This is a little bit before our time, but we hit a zone as a party in the 1970s and 1980s where we would make decisions as a party and sometimes they would not be smart decisions. But we, frankly, couldn't and wouldn't defend them.

We would just say to the American people and some folks in our party would say to the American people, you know what, trust us. We have the facts, we are diligent, we know what is right, we have more information than you do, so you ought to just trust us. And, frankly, Mr. MEEK, that didn't work terribly well as a strategy for our party and people started to lose confidence in us. And they started to think, well, we put you there, so you have to tell us more, you have to level with us more.

Now, what have we seen in the last several weeks, essentially, when everybody all over the country is saying, why can't we find a country that doesn't have a history of terrorist ties to help police our ports, pretty simple question? What do they say? They say, trust us. They say we have got the facts, we have got information you don't have, we know more than you do, let us do our jobs. Trust us.

And they have said it before. They say it with these budgets. They say, yes, there is a lot of stuff in here nobody understands, and they bring them to the floor and we get a few hours to look at it. But they say, trust us, we have the information, we have the facts and we know what is right for the American people.

And I am sure a lot of folks are probably thinking right now that they did that back in March 2003, and they said, no, you don't have all the intel, you don't have all the evidence, but we do. Trust us and we will get us in and out of this war real quick. And if you doubt that, well, trust us.

This "just trust us" politics took us from having, what was the number we had, it was 292, was the maximum we got to. We had 292 seats here at one point, but we lapsed into the "just trust us" politics and now we are down to 203.

Well, I think now they are the "just trust us" folks, and they have started to move down the scale in the numbers, and I think they are going to be moving from around 231 to about 208 or 209 or so in not too long.

The American people put us here. We get whatever little authority we derive from the Constitution and from them. So we do owe them candor, we do owe them explanations, we do owe them a sense of direction. It is not enough to say, just trust us, is it?

Mr. MEEK of Florida. Well, Mr. DAVIS, the bottom line is, and Mr. RYAN said it last night and I will say it again, the American public is very coachable. The bottom line is: So shall it be written, so shall it be done out of the White House, and we have got to protect the President.

Let me tell you something. The President has Secret Service, all that good stuff, and about 100 staffers, or more than that.

Mr. DAVIS of Alabama. Actually 1,000, Mr. MEEK.

Mr. MEEK of Florida. A thousand staffers. A whole army of them wearing suits. And I will tell you this. Everyone respects the commander in chief, but the thing about our Constitution, our democracy, and the three branches of government means that we don't have to follow the President when he is heading us down the road.

Mr. RYAN of Ohio. He is not a king, Mr. MEEK.

Mr. MEEK of Florida. He is not a king. Thank you, Mr. RYAN. Thank you for making that very clear.

But it seems that folks don't understand that that is the case.

Now, I have Republican constituents that are very highly upset. Some of them got into the Republican Party looking for fiscal responsibility because that is all they sold, Madam Speaker. But the bottom line is, when you look in the final analysis, who is spending the money now? Who is borrowing the money now?

The thing is, we balanced the budget. We had surpluses as far as the eye could see, yet within a matter of a few, short, single-digit years this country is far beyond a point of return if we don't stop this Republican Congress from doing what they are doing.

Mr. RYAN of Ohio. If the gentleman will yield, I thought it was very interesting when our friend talked about trust. I couldn't help but see earlier our friends, the Truth Squad, and they were talking about all the spending increases and spending increases, all borrowed money. All of it is borrowed. And it is not having results. We are talking about results. We are talking about having an impact.

And as my friend, Mr. DAVIS, said, who I just enjoy being around him. I mean he is good.

Mr. MEEK of Florida. He is real good.

Mr. RYAN of Ohio. I want to be friends with you.

Mr. MEEK of Florida. You are friends, Mr. RYAN.

Mr. RYAN of Ohio. I am friends with him.

But the point that he made, Mr. MEEK, talking about their saying, trust us; and Republicans say that the American people should trust them. But we have a history here that says we have trusted you and you have misled us.

You misled us with the facts of the war, you misled us on the economy, you misled us on the results of what the tax cuts would be, you misled us when you said government was going to be smaller under your reign, you misled us when you said government would be more responsible under your reign. It has failed time and time again.

I have two images in my head, Mr. MEEK, about the real incompetence of the Republican majority to be able to run government. I have a picture of 11,000 trailers that are sitting in Hope, Arkansas, in the mud right now that cost the taxpayers $300 million that are sitting in the mud, and we still have people that are not in their homes in the gulf coast. That is a government that does not work.

And what the Democrats are saying is that we have solutions to this. We are not going to participate in cronyism and the lack of responsibility and responsiveness on the Republican side for not providing any oversight to all this.

Then we have the administration come out and say they didn't know anything about it, but memos leak out, and we find out they knew about it. Now, all of a sudden we get videos that are out saying that the administration knew exactly what the threat was and what would happen yet still not being able to respond.

That is the bottom line. The people of this country, Mr. MEEK, want a responsive government. It doesn't have to be big, and in today's society, government should not be big, but it should be responsive, effective, efficient, nimble, flexible, able to change with different scenarios as the scenarios change and as society changes.

Our Republican friends, and I mean that sincerely because I consider many of them friends, they just lack the ideas to try to move the country forward. So it is not anything personal, it is just that they do not have the ideas, Madam Speaker, to move this ahead.

What the Democrats offer, and this is the thing, Mr. MEEK, for us personally, definitely in the 30-somethings, and I know our Democratic friends believe, profit is not a dirty word. Profit is good. Greed is bad; profit is good. We want more profit, because that means more people are going to get hired. But in the end, our friends on the other side, on the Republican side, cannot put forth an adequate reform agenda that will move the country forward.

All we have to do, Mr. MEEK, is look at what the budget looks like right now. Look at what the budget looks like right now.

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ just joined us, and I can tell both my colleagues right now what is wrong here. We talk about folks not leveling with the American people, which is wrong, and they are still not. They are still not.

We come to the floor because we think it is important that people understand what is going on. We have been talking about the debt ceiling being raised, and I want to be able to raise this again, because this stuff is historic. We know it, but I want to make sure the Members know what is going on. This is historic.

It is historic in a way that in the middle of the holiday season last year, on the 29th of December, when I was with my family.

Mr. RYAN of Ohio. Getting ready for New Year's.

Mr. MEEK of Florida. Getting ready for New Year's, looking forward to the New Year, and Members of Congress were back in their districts, as we all should be, with pies being baked and all kind of good stuff.

Mr. RYAN of Ohio. Cabbage and sauerkraut.

Mr. MEEK of Florida. Yes, things like that. And Secretary Snow obviously was in his office that day, the 29th of December 2005, Madam Speaker, and he wrote this letter to one of our Senators informing him of the current $8.1 billion ceiling that we had.

Mr. RYAN of Ohio. Sorry to interrupt, Mr. MEEK. It's trillion.

Mr. MEEK of Florida. Currently, the debt limit is $8.1 trillion He wrote billion in this letter. I am just reading what he says there. It says billion. It doesn't say trillion, it says billion.

Mr. RYAN of Ohio. Wrong.

Mr. MEEK of Florida. Well, it could be a typo.

Mr. RYAN of Ohio. It is a big typo.

Mr. MEEK of Florida. But he is basically just talking about the debt ceiling, that it will be reached in 2006; at this time, unless the debt ceiling is raised, we will no longer be able to continue financing government operations.

This is on the 29th of December. On February the 16th he writes another letter, Secretary Snow. We talk about him. We have his portrait here. He is a nice guy. He is just trying to figure out how to run this thing because the Republican Congress is handing him a fixed deck.

He writes John Spratt, who is the ranking minority member on the Budget Committee here in the House, an honorable man, and he says, on December 29th I wrote the Congress regarding the need to increase the statutory debt limit. Because the debt limit has not been raised, I must inform the Congress that pursuant to 5 U.S.C. 8438(h)(2) that it is my determination that by reason of the fact the public debt limit has not been raised, I can no longer pay into the retirement system.

That is the retirement system that we call the G Fund, which basically puts forth the dollars for us to be able to invest in the retirement system of the Federal employees. He can no longer do it. He goes on, to relieve the Federal employees, that when the debt ceiling is raised that he would be able to continue the investment there.

Now, if you can just bear with me for 1 second, because I have to go through this and make sure everyone is clear. Again, this chart is one of the most famous charts; one day it may appear somewhere over in the National Archives, because it is history. It is history in our country. Unfortunately, it is bad history, not good history. And we keep things because we have to make sure we never make this mistake again.

In the 224 years prior to this President and the Republican Congress getting their opportunity to have free rein on borrowing, 42 Presidents before President Bush only borrowed $1.01 trillion. That is a fact. Anyone can check it out. This is the U.S. Department of Treasury. That is our third-party validator, Madam Speaker.

President Bush, along with friends and colleagues in the Republican Congress, has borrowed $1.01 trillion and counting from foreign nations.

Mr. RYAN of Ohio. Unbelievable.

Mr. MEEK of Florida. Let us talk about these foreign nations just for a second. This is a silhouette and map of the United States of America, one of the greatest countries on the face of the Earth. I think it is important that we talk about the people that own all the parts of the American apple pie.

I challenge Mr. RYAN and Ms. WASSERMAN SCHULTZ, and any Member of this U.S. House of Representatives, Democrat or Republican, that can explain to me a better way to say that this is a good thing for the American people.

Canada. We will put that up there. They own $53.8 billion of the American apple pie.

□ 1700

Korea, they own $65.5 billion of the American apple pie that we have borrowed from these countries, $65.7 billion, Germany owns a piece of the American apple pie, thanks to the Republican majority and the President, with their policies. The UK, some may say friend and ally, they are friends and allies of our efforts that are going on. They own a piece of America right now at $223.2 billion. That is a lot of money. OPEC nations. I am going to put that here, down there by Texas. They own $67.8 billion of the American apple pie. And I think it is important.

Mr. RYAN of Ohio. Mr. MEEK, will you yield for one moment?

Mr. MEEK of Florida. I will yield.

Mr. RYAN of Ohio. I just want to let the Members know according to the Department of Treasury, again, third-party validator, the OPEC designation includes those countries, what is it, $65 billion?

Mr. MEEK of Florida. $67.8 billion and counting, Mr. RYAN.

Mr. RYAN of Ohio. Okay. That is what we have borrowed from them. Iran, Iraq, Libya, UAE, Saudi Arabia, Algeria, Bahrain, Ecuador, Oman, Venezuela, Qatar, Nigeria, Kuwait, Indonesia.

Mr. MEEK of Florida. Did you say Iran?

Mr. RYAN of Ohio. I said Iran and I also said Iraq. I also said UAE, which has been in the news lately. But I just wanted to clarify for you.

Mr. MEEK of Florida. So it is not shocking from this administration to get anything from folks that may have a questionable past in the effort against terrorism. Am I correct, sir?

Mr. RYAN of Ohio. Iran, all the nuclear issues, all the conflict and controversy, we are borrowing money from them to finance the Republican spending spree that is rewarding their wealthy contributors.

Mr. MEEK of Florida. So they hold the note on the United States of America?

Mr. RYAN of Ohio. Them, along with a lot of other countries, yes.

Ms. WASSERMAN SCHULTZ. Will the gentleman yield?

Mr. RYAN of Ohio. Be happy to yield.

Ms. WASSERMAN SCHULTZ. Because, Mr. MEEK, what you are saying here, it is not simply a matter of fact. It goes beyond just factual accuracy that you are talking about. There is risk when it comes to this much debt being owned, this much of our debt being owned by another country. And then that doesn't even take into consideration whether the country that owns that debt, how friendly they are towards us.

Let us just talk about some recent comments by some of the leaders of the nations that own our debt. The Japanese Prime Minister, obviously Japan is an ally of ours and not one that we have to do a lot of hand wringing about, but Prime Minister Hashimoto just recently, I think this was a couple of weeks ago, stated, "We hope we don't have to succumb to the temptation to sell off U.S. Treasury bills." And later that same day the Dow Jones Industrial Average fell 192 points, one of the largest declines in points in history. So there is real risk to accumulating that much debt in each of these nations economically in our country and economically across the world.

I have heard many of our colleagues, very flippantly on the other side of the aisle, write off the issue of debt as if it is not a big deal. Debt, in someone's household individually, would be a big deal. When we talk about the deficit and deficit spending, which is obviously a separate issue, that is a very big deal. Debt is something that we should begin to move away from. Yet, instead of that, what Secretary Snow has been asking us to do is continually increase it. And what did they do recently, just during that February 16 letter when the Secretary indicated that the debt limit needed to be raised again? Because the Congress has not done that, he had to dip into the pension fund. He actually had to, because something has to give. If Congress is not raising the debt limit, then he has got to cover that debt somewhere.

What I have found ironic for a very long time is that the Republicans like to throw around the L word when it comes to us and that we are tax-and-spenders. Honestly, first of all, that certainly is incorrect. But beyond that, what has been equally, if not more, irresponsible since they have been stewards of this economy is the borrow-and-spend philosophy that they have engaged in, because during the Clinton years there was a surplus. We were only arguing over what we were going to do with that surplus. And now we don't have the ability to talk about that. So how much we are borrowing and dipping into our reserves, so to speak, other people's reserves, is really inappropriate.

Mr. MEEK of Florida. You are 110 percent right, Ms. WASSERMAN SCHULTZ.

Mr. RYAN of Ohio. We are not done yet.

Mr. MEEK of Florida. There are so many people, so many countries, questionable and nonquestionable, ally and non-ally, Madam Speaker, that have a part of the American apple pie.

China. There are a lot of concerns about China. Red China, Communist China. Guess what? In the shining example of a democracy, they own $249.8 billion of our debt. They have it.

Taiwan, a lot of things are made there in Taiwan. $71.3 billion in Taiwan that they own of U.S. debt.

Japan. You heard of Japan and we just finished talking about Japan, $682.8 billion.

Now, Mr. RYAN, if you were to take all of the State budgets, Ms. WASSERMAN SCHULTZ, and all of us, you were a senator, State senator, Ms. WASSERMAN SCHULTZ and I were State Senators once upon a time, we understand State budgets. They have to balance. But I guarantee you can put all of the State budgets together in the United States, including Alaska and Puerto Rico and Hawaii, you name it. It doesn't total up to the amount of debt that Japan owns of the United States, which is the $682.8 billion.

Now, that is history and that is the present. The only one way we can have a paradigm shift, Ms. WASSERMAN SCHULTZ, is to do what Mr. RYAN talked about earlier. We share with the Members, time, examples, page, routing numbers, all of those things that the American people and these Members and the Republican Members can go back and see where we have tried to stop them from doing this. You pay as you go, like you said.

If you end up finding yourself in a financial situation, what do you do, go out and get another credit card? No, you start saying I have to pay for things because I can't get any more credit.

But the thing about this Republican majority, Madam Speaker, and the President of the United States, they just feel it is okay. Oh, I can go out and talk to one of our other friends and say, buy our debt.

Mr. RYAN, would you take that chart where you talk about domestic borrowing. You go over that, but I want to make sure that you share with the Members exactly what they are doing.

Mr. RYAN of Ohio. Well, let us do this here. This is the debt increases that you were referring to in the letter. Already, this President, and this Republican Congress have raised the debt ceiling, which means this country can now go out and borrow more money from the countries that Mr. MEEK was talking about.

June 2002, this Republican Congress okayed raising this debt ceiling by $450 billion. In May of 2003, $984 billion increase in the debt ceiling. November of 2004, $800 billion, raising the level of the debt ceiling again. And then the pending increase, $781 billion increase in our debt ceiling. That is a total of $3 trillion, $3 trillion that this Republican Congress has okayed, Madam Speaker, and will go out and borrow from the countries that Mr. MEEK just spoke of.

Now, real quick, of that increase, since 2001, this country has borrowed $1.18 trillion, which is signified by the blue bar there on the far left. Of that money, of the $1.18 trillion, $1.16 trillion, the orange bar is foreign debt borrowed from foreign countries. And over here, this bar, you could barely see, Mr. MEEK, that is domestic borrowing. So of all these, of this debt of the money we are borrowing, it is almost 100 percent from foreign countries. Piece by piece by piece.

It is not just the ports. It is not just the ports, Mr. MEEK, Ms. WASSERMAN SCHULTZ. It is our future. It is this country that is getting mortgaged, and we have to pay interest on that.

Ms. WASSERMAN SCHULTZ, I yield to you to talk about that.

Ms. WASSERMAN SCHULTZ. Thank you, because, you know, the concept of the debt and the deficit is kind of hard to get your mind around sometimes because the numbers are so big and the concepts are somewhat complex. So we always try, in our 30-something hours, to translate these concepts into what it means to everyday people. So let us just talk about the interest payments on the debt that we owe to these countries that Mr. MEEK slapped up on our Nation's map.

What we could do with the money, just on the interest payments, just the interest payments on the debt that we pay for veterans: we could be spending about $35 billion, billion with a B, more money on services for our Nation's veterans.

We could be spending about $20 billion on homeland security. Billion with a B. Certainly we could dedicate all that money to port security, because we spent about $18 billion since 2001 and 9/11 on airport security. I think we could probably equal it out just with the interest payment on the debt.

Let us take a look at education. We are seriously underfunding the No Child Left Behind Act and preventing children from getting themselves prepared for the path that they choose in life. And we could take just the interest payments on the debt and spend that on education. That would be about $75 billion for education. Or we could continue to spend it on the interest, which is now at $250 billion.

Let us take it a little bit further and translate that even more specifically. What else could the government do with the interest that the country pays every day on this publicly held debt?

We could invest $1 million a day in every single congressional district. Now, I think all 435 of us could find something good we could do to improve the quality of people's lives with $1 million a day.

We could provide health care to almost 80,000, 79,925 more veterans in this country. And we know each of us in our districts hears from our veterans about the pitiful health care services that they are receiving and the struggle that they have in just getting an appointment to get health care from the Veterans Administration.

We can enroll 60,790 more children in the Head Start program, which we are going in the wrong direction in right now and enrolling fewer because we are not funding it adequately.

Or we could improve the solvency of Social Security, which this President has said is in crisis. We have differed with his definition of crisis; but even if it is half as big a problem as he says, we can improve Social Security solvency by almost half a billion dollars, just by using the interest that this Nation pays on the national foreign debt that other countries hold.

Now, if you went to a town hall meeting in each of our districts and asked our constituents, and the three of us have a diverse constituency. We represent all different kinds of folks between the three communities that we represent. Universally, they would prefer that that money be available to be spent on these items rather than making interest payments on debt that we owe to foreign countries.

Mr. RYAN of Ohio. Will the gentlewoman yield?

Ms. WASSERMAN SCHULTZ. Absolutely.

Mr. RYAN of Ohio. And in addition to the money that we could be investing, and those are all investments, those are paying our Head Start, a million per Congressional district that is going to get spent on health and education and pushing it into our future making sure that we keep our promise to our veterans who we have promised that we would provide health care for.

But at the same time, when you balance the budget, you keep interest rates low. And we notice now how interest rates are starting to creep up every few months another quarter point, quarter point, half. It keeps going up. We want to balance the budget here like President Clinton and the Democratic Congress did in 1993 without one Republican vote, Madam Speaker, without one Republican vote, balanced the budget. Interest rates stayed low, and people went out and borrowed and invested in the economy.

So it is not government's job to go out and create work. We have a responsibility, and one of the things is to keep the budget balanced, keep interest rates low, and then allow that money to be borrowed by the private sector, so people can go out and make a profit and hire people and put that money back into the economy.

Be happy to yield to my friend.

Mr. MEEK of Florida. Mr. RYAN, the bottom line is that you really started to paint a picture here. What has happened over the last 4 to 5 years of this Republican Congress rubber stamping what the President has proposed has driven this country almost to the point of the 50 percent mark of foreign countries owning the United States of America financially. We owe them. Countries that don't even recognize, folks want to talk about an effort against terrorism.

Right now there is something major going on in the Middle East. You have the countries that are a part of this port deal that don't even recognize Israel. I mean, they are like, well, we don't even want to do business with them. Okay? As a matter of fact, Iran wants to blow Israel off the map. You have folks that are there saying all these statements every week about our friends and allies: if this is about the war on terror, we have to make sure that we do what we need to do and stick close to our friends.

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And what is wrong here, Mr. RYAN and Ms. WASSERMAN SCHULTZ, is that the President is still making statements, Madam Speaker, such as, well, I have not changed my mind. They are going to have their 45-day review and all that kind of stuff.

It happens to be a U.S. statute, I must add.

Ms. WASSERMAN SCHULTZ. A small detail.

Mr. MEEK of Florida. Saying that if anyone, anyone, raised any concerns, any concerns, one of the lowest bars of statutory language, that there should automatically be a 45-day review.

Do you remember that we went for 72 hours, Madam Speaker, and no one bothered to open the statute books to say we should have had an investigation because there is a questionable pass of this country and that it should be done. But the administration came out stonewalling and trying to strongarm this House of Representatives and the Senate, saying, we are going to do what we have got to do and we are going to stick with it, and we think it is the right thing to do. And the statutes were on our side, on the people's side, saying, no, there should be a 45-day review.

So we are going to see what is going to happen.

But I hope, Madam Speaker, that the Republican majority here in the House and in the Senate no longer says, well, Mr. President, we still have our stamp. If you say we should do it, we will figure out a way to do it, and we will not object because we have got to be close to our friends.

Well, we are going to find out the leaders from the followers. The bottom line, Ms. WASSERMAN SCHULTZ and Mr. RYAN, is, are you with them or are you with our allies, our true allies? That is the question.

Ms. WASSERMAN SCHULTZ. Yesterday the amazing thing about this whole port deal that you are alluding to, in the Financial Services Committee we had an opportunity to question the representatives of the administration. Do you know that they testified that six different entities within the White House were aware of the proposal to close this Dubai Ports World deal, and the President still did not know about it, with six of his offices in the White House knowing about it? No explanation in committee for why that happened.

Really, this picture says it all. We are essentially outsourcing America's security to a foreign-government-owned company. We are not talking about just a foreign company.

I think I can tell you that I recognize that we are not going to shut down foreign companies from owning and operating facilities in our Nation's ports. We are a global economy now. But is it appropriate to allow foreign governments to have intimate knowledge about America's security in our ports and run the terminal operations inside those ports? Overwhelmingly, I think Republicans and Democrats in Congress are saying "no." Why is the President saying "yes"? This is a person who supposedly thinks that America's national security should be a priority. It has left Americans scratching their heads.

Mr. RYAN of Ohio. I think, at the end of the day, this is symbolic of what is happening in all these other areas that we talked about tonight. It puts a face, so to speak, on what is happening, that Mr. MEEK talked about, all the foreign borrowing, the deficits and everything else. Now, it is like, well, it is our ports, my goodness gracious. Well, that is just the tip of the iceberg, unfortunately.

Ms. WASSERMAN SCHULTZ. It is indifference, Mr. RYAN. It is indifference, that there is a total disconnect between what the American people care about and understand are their needs and what this administration and this President understand.

Mr. RYAN of Ohio. As we have been saying for a long time in the 30-something group, we have got to try to convince, Madam Speaker, the Republican majority to start putting the country before their own political party, and I think we would be okay.

The Web site, www.housedemocrats.gov/30something, Madam Speaker, for all the Members who want to access this. All the charts that you saw here tonight, Madam Speaker, are accessible on this Web site for Members to access.

To my friend from Florida, I thank you for the opportunity to be here with you.

Mr. MEEK of Florida. With that, Madam Speaker, we would like to thank Mr. Jim Moran, who was with us earlier, Mr. Artur Davis also and Ms. WASSERMAN SCHULTZ and definitely Mr. RYAN for coming to the floor. We would like to thank the Democratic leadership for allowing us to have the hour.

APPOINTMENT AS INSPECTOR GENERAL FOR U.S. HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Ms. FOXX). Pursuant to clause 6 of rule II, and the order of the House of December 18, 2005, the Chair announces the joint appointment by the Speaker, the majority leader and the minority leader of Mr. James J. Cornell of Springfield, Virginia, as Inspector General for the United States House of Representatives to fill the existing vacancy.

OMMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, FEBRUARY 28, 2006, AT PAGE 2257

SENATE BILL REFERRED

A bill of the Senate of the following title was take from the Speaker's table and, under the rule, referred as follows:

S. 2141. An act to make improvements to the Federal Deposit Insurance Act; to the Committee on Financial Services; in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HINCHEY (at the request of Ms. PELOSI) for today on account of illness.

Mr. HINOJOSA (at the request of Ms. PELOSI) for today on account of business in the district.

Ms. ROYBAL-ALLARD (at the request of Ms. PELOSI) for today on account of illness.

Mr. SWEENEY (at the request of Mr. BOEHNER) for February 28 and the balance of the week on account of medical reasons.

Mrs. BONO (at the request of Mr. BOEHNER) for today on account of illness.

Mr. GOHMERT (at the request of Mr. BOEHNER) for today on account of business in the district.

Mr. NORWOOD (at the request of Mr. BOEHNER) for today on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. LINDA T. SÁNCHEZ of California, for 5 minutes, today.

Mr. DINGELL, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Ms. KILPATRICK of Michigan, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

The following Member (at the request of Mr. PRICE of Georgia) to revise and extend his remarks and include extraneous material:

Mr. OSBORNE, for 5 minutes, March 7.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature *to an enrolled bill of the Senate of* the following title:

S. 449. An act to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Calims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971, and for other purposes.

ADJOURNMENT

Mr. MEEK of Florida. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, March 6, 2006, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6397. A letter from the Secretary, Department of Energy, transmitting the Department's report on the United States Radiological Threat Reduction Program, pursuant to Public Law 109–58, section 631(b)(2); to the Committee on Energy and Commerce.

6398. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, "Impact of Energy Policy Act of 2005 Section 206 Rebates on Consumers and Renewable Energy Consumption, With Projections to 2010," pursuant to Public Law 109–58, section 206(d); to the Committee on Energy and Commerce.

6399. A letter from the Secretary, Department of Energy, transmitting the Department's report on the Failure to Comply with Deadlines for New or Revised Energy Conservation Standards, pursuant to Public Law 109–58, section 141; to the Committee on Energy and Commerce.

6400. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107–273, the "21st Century Department of Justice Appropriations Authorization Act," related to certain settlements and injunctive relief, pursuant to 28 U.S.C. 530D; to the Committee on the Judiciary.

6401. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107–273, the "21st Century Department of Justice Appropriations Authorization Act," related to certain settlements and injunctive relief, pursuant to 28 U.S.C. 530D; to the Committee on the Judiciary.

6402. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107–273, the "21st Century Department of Justice Appropriations Authorization Act," related to certain settlements and injunctive relief, pursuant to 28 U.S.C. 530D; to the Committee on the Judiciary.

6403. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ended June 30, 2004, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

6404. A letter from the Solicitor General, Department of Justice, transmitting Determination not to petition for a writ of certiorari in the case Ramirez-Landeros v. Gonzalez, No. 03–71743 (9th Cir. 2005); to the Committee on the Judiciary.

6405. A letter from the Assistant Attorney General, Department of Justice, transmitting a letter concerning grants made during FY 2005 under Section 2806(b) of the Paul Coverdell National Forensic Science Improvement Act of 2000 (Pub L. 106–561) to improve forensic science services; to the Committee on the Judiciary.

6406. A letter from the Office of Public Information, Supreme Court of the United States, transmitting a copy of the 2005 Year-End Report on the Federal Judiciary; to the Committee on the Judiciary.

6407. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting a copy of the the Final Feasibility Report of the Stillaguamish River Ecosystem Restoration project in Snohomish County, Washington; to the Committee on Transportation and Infrastructure.

6408. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chicago New Year's Celebration, Lake Michigan, Chicago, IL [CGD09–05–135] (RIN: 1625–AA00) received December 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6409. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Notification of Arrival in U.S. Ports; Certain Dangerous Cargoes; Electronic Submission [USCG–2004–19963] (RIN: 1625–AA93) received January 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6410. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AICW), Cape Fear River, Northeast Cape Fear River, NC [CGD05–05–102] (RIN: 1625–AA09) received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6411. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North Portland Harbor Dredging Operations; Portland, Oregon [CGD 13–06–002] (RIN: 1625–AA00) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6412. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Town Creek Channel, Grace Memorial and Silas Pearman Bridges, Charleston, South Carolina [COTP Charleston 05–143] (RIN: 1625–AA97) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6413. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cooper River, Hog Island Channel, Grace Memorial and Silas Pearman Bridges, Charleston, South Carolina [COTP Charleston 06–003] (RIN: 1625–AA00) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6414. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulation; Tampa Bay, FL [COTP ST Petersburg 05–163] (RIN: 1625–AA00) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6415. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Creek Waterway, China Basin, San Francisco Bay, California [COTP San Francisco Bay 05–011] (RIN: 1625–AA00) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6416. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Bayou Lafourche, LA [CGD08–05–049] (RIN: 1625–AA09) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6417. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Housatonic River, CT [CGD01–05–102] (RIN: 1625–AA09) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6418. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Niantic River, Niantic, CT [CGD01–06–011] received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6419. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Connecticut River, Old Lyme, CT [CGD01–06–005] received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6420. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Shark River (South Channel), Avon, NJ [CGD05–06–005] (RIN: 1625–AA09) received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6421. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Pearl Harbor and adjacent waters, Honolulu, HI [COTP Honolulu 06–002] (RIN: 1625–AA87) received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6422. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Choptank River, Cambridge, Maryland [CGD05–06–009] (RIN: 1625–AA00) received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6423. A letter from the Chief, Regulations and Administrative Law, USCG, Department *of Homeland Security, transmitting the De*partment's final rule — Security Zone; Superbowl XL, Detroit River, Detroit, MI [CGD09–06–001] (RIN: 1625–AA87) received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6424. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Chicago Sanitary and Ship Canal: Romeoville, IL [CGD09–05–142] (RIN: 1625–AA00) received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6425. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; North Portland Harbor Dredging Operations; Portland, OR [CGD 13–06–002] (RIN: 1625–AA00) received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6426. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Alaska, South Central, Cook Inlet, Kamishak Bay [COTP Western Alaska–6–001] (RIN: 1625–AA00) received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6427. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cuyahoga River, Cleveland, OH [CGD09–06–002] (RIN: 1625–AA00) received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6428. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule -- Safety Zone; Gulf of Alaska, Narrow Cape, Kodiak Island, AK [COTP Western Alaska–06–002] (RIN: 1625–AA00) received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6429. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Willamette River, Portland, OR [CGD13–05–023] (RIN: 1625–AA09) received December 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6430. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Mianus River, CT [CGD01–00–228] (RIN: 1625–AA09) (Formelry 2115–AE47) received December 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6431. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Isleton, CA [CGD 11–05–035] received December 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6432. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Connecticut River, CT [CGD01–05–110] received December 28, 2005, *pursuant to 5 U.S.C. 801(a)(1)(A); to the Com*mittee on Transportation and Infrastructure.

6433. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a letter of support for the Iran Nonproliferation Amendments Act of 2005, Pub. L. 109–112; to the Committee on Science.

6434. A letter from the Assistant Secretary for Import Administration, Department of Commerce, transmitting the annual report on the activities of the Foreign-Trade Zones Board for fiscal year 2004, pursuant to 19 U.S.C. 81p(c); to the Committee on Ways and Means.

6435. A letter from the Secretary, Department of Labor, transmitting the Department's twelfth report on the impact of the Andean Trade Preference Act on U.S. trade and employment for 2005, pursuant to 19 U.S.C. 3205; to the Committee on Ways and Means.

6436. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Report to Congress on Adoption and Other Permanency Outcomes for Children in Foster Care: Focus on Older Children," pursuant to Public Law 108–145; to the Committee on Ways and Means.

6437. A letter from the Principal Deputy Director, Office of the Director of National Intelligence, transmitting the Office's report containing an Information Plan for the Information Sharing Environment, pursuant to Public Law 108–458, section 1016(e); to the Committee on Intelligence (Permanent Select).

6438. A letter from the Director, Office of Legacy Management, Department of Energy, transmitting the Annual Report on Contractor Work Force Restructuring for Fiscal Year 2004, pursuant to 42 U.S.C. 7274h; jointly to the Committees on Armed Services and Energy and Commerce.

6439. A letter from the Director, Office of National Drug Control Policy, transmitting the "Plan Colombia/Andean Ridge Counterdrug Initiative Semi-Annual Obligation Report, 1st and 2nd Quarters Fiscal Year 2005," pursuant to section 3204(e) of Pub. L. 106–246; jointly to the Committees on International Relations and Appropriations.

6440. A letter from the Administrator, General Services Administration, transmitting a copy of a draft bill entitled, "To amend 40 U.S.C. 590 relative to child care services for Federal employees in Federal buildings"; jointly to the Committees on Government Reform and Transportation and Infrastructure.

6441. A letter from the General Counsel, Office of Government Ethics, transmitting the report to the President and to Congressional Committees on the Conflict of Interest Laws relating to Executive branch emplyment, pursuant to Public Law 108–458; jointly to the Committees on Government Reform and the Judiciary.

6442. A letter from the Acting Assistant Secretary for Economic Development, Department of Commerce, transmitting the annual report on the activities of the Economic Development Administration for Fiscal Year 2004, pursuant to 42 U.S.C. 3217; jointly to the Committees on Transportation and Infrastructure and Financial Services.

6443. A letter from the Architect of the Capitol, transmitting the Report on the Requirements of the Energy Act of 2005 Related to Congressional Facilities; jointly to the Committees on Transportation and Infrastructure and Energy and Commerce.

6444. A letter from the Chairperson, National Council on Disability, transmitting a copy of the Council's report entitled, "The State of 21st Century Long-Term Services and Supports: Financing and Systems Reform for Americans with Disabilities"; jointly to the Committees on Ways and Means and Energy and Commerce.

6445. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's Congressional Justification of Budget Estimates for Fiscal Year 2007, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 643. Resolution directing the Attorney General to submit to the House of Representatives all documents in the possession of the Attorney General relating to warrantless electronic surveillance of telephone conversations and electronic communications of persons in the United States conducted by the National Security Agency; adversely (Rept. 109–382). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 644. Resolution requesting the President and directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of those officials relating to the authorization of electronic surveillance of citizens of the United States without court approved warrants; adversely (Rep. 109-383). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MILLER of Florida (for himself, Ms. BERKLEY, Mr. BUYER, and Mr. EVANS):

H.R. 4843. A bill to increase, effective as of December 1, 2006, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HYDE:

H.R. 4844. A bill to amend the National Voter Registration Act of 1993 to require any individual who desires to register or re-register to vote in an election for Federal office to provide the appropriate State election official with proof that the individual is a citizen of the United States to prevent fraud in Federal elections, and for other purposes; to the Committee on House Administration.

By Mr. GOODLATTE (for himself, Mr. SMITH of Texas, Mrs. JOHNSON of Connecticut, Mr. PUTNAM, Mr. SWEENEY, and Mr. TIAHRT):

H.R. 4845. A bill to better prepare and develop the United States workforce for the global economy, and remove barriers that stifle innovation; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Science, Education and the Workforce, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. GOODE, Mrs. JO ANN DAVIS of Virginia, Mr. TOM DAVIS of Virginia, Mr. FORBES, Mr. WOLF, Mr. CANTOR, Mrs. DRAKE, Mr. BOUCHER, Mr. SCOTT of Virginia, and Mr. SMITH of Texas):

H.R. 4846. A bill to authorize a grant for contributions toward the establishment of the Woodrow Wilson Presidential Library; to the Committee on Government Reform.

By Mr. OWENS:

H.R. 4847. A bill to amend the Immigration and Nationality Act to provide for legal permanent resident status for certain undocumented or nonimmigrant aliens; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 4848. A bill to provide for permanent resident status for any alien orphan physically present in the United States who is less than 12 years of age and to provide for deferred enforced departure status for any alien physically present in the United States who is the natural and legal parent of a child born in the United States who is less than 18 years of age; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 4849. A bill to amend title 49, United States Code, to provide that individuals who are eligible to join the Armed Forces of the United States are also eligible to be security screening personnel; to the Committee on Homeland Security.

By Mr. OWENS:

H.R. 4850. A bill to provide for prices of pharmaceutical products that are fair to the producer and the consumer, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS:

H.R. 4851. A bill to provide for general revenue sharing and assistance for education for States and their local governments; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS:

H.R. 4852. A bill to curtail the use of high-stakes tests in elementary and secondary schools; to the Committee on Education and the Workforce.

By Mr. OWENS:

H.R. 4853. A bill to amend the Internal Revenue Code of 1986 to impose an additional tax on taxable income attributable to contracts with the United States for goods and services for the war in Iraq; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky (for himself and Mr. OSBORNE):

H.R. 4854. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income interest received on loans secured by agricultural real estate and rural housing; to the Committee on Ways and Means.

By Mr. TOM DAVIS of Virginia (for himself and Ms. NORTON):

H.R. 4855. A bill to amend the District of Columbia College Access Act of 1999 to reauthorize for 5 additional years the public and private school tuition assistance programs established under the Act; to the Committee on Government Reform.

By Ms. BEAN:

H.R. 4856. A bill to amend the Internal Revenue Code of 1986 to allow a credit to homeowners for Energy Star qualified homes; to the Committee on Ways and Means.

By Miss MCMORRIS (for herself, Mr. DICKS, Mr. OTTER, Mr. SIMPSON, Mr. HASTINGS of Washington, and Mr. WALDEN of Oregon):

H.R. 4857. A bill to better inform consumers regarding costs associated with compliance for protecting endangered and threatened species under the Endangered Species Act of 1973; to the Committee on Resources.

By Mr. JEFFERSON (for himself, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. RANGEL, Mr. DAVIS of Illinois, Mr. MEEKS of New York, Mrs. JONES of Ohio, Ms. LEE, Mr. BISHOP of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. AL GREEN of Texas, Ms. CORRINE BROWN of Florida, Mr. HASTINGS of Florida, Mr. SCOTT of Virginia, Ms. WATERS, Ms. MOORE of Wisconsin, Ms. MILLENDER-MCDONALD, Mr. WYNN, Mr. SCOTT of Georgia, Mr. MEEK of Florida, Ms. NORTON, Ms. JACKSON-LEE of Texas, Mr. CLEAVER, Mr. CUMMINGS, Ms. KILPATRICK of Michigan, and Mr. OWENS):

H.R. 4858. A bill to provide for the restoration of health care-related services in Hurricane Katrina-affected areas, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTER (for himself and Mr. CLAY):

H.R. 4859. A bill to amend chapter 89 of title 5, United States Code, to provide for the implementation of a system of electronic health records under the Federal Employees Health Benefits Program; to the Committee on Government Reform.

By Ms. GRANGER (for herself and Mr. HOYER):

H.R. 4860. A bill to reduce and prevent childhood obesity by encouraging schools and school districts to develop and implement local, school-based programs designed to reduce and prevent childhood obesity, promote increased physical activity, and improve nutritional choices; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FERGUSON (for himself, Mr. TOWNS, Mrs. BONO, Mr. GORDON, and Mrs. BLACKBURN):

H.R. 4861. A bill to authorize the Federal Communications Commission to impose licensing conditions on digital audio radio to protect against the unauthorized distribution of transmitted content; to the Committee on Energy and Commerce.

By Mr. CAMPBELL of California (for himself, Mrs. BLACKBURN, Mr. BOUSTANY, Mr. CALVERT, Mr. CHABOT, Mr. TOM DAVIS of Virginia, Mr. DREIER, Ms. ESHOO, Mr. FOSSELLA, Mr. GARRETT of New Jersey, Ms. HARRIS, Mr. HAYWORTH, Mr. HERGER, Mr. KENNEDY of Minnesota, Mr. KIRK, Ms. ZOE LOFGREN of California, Mr. MACK, Mr. MCCAUL of Texas, Mr. MCHENRY, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mr. OTTER, Mr. RADANOVICH, Mr. SIMMONS, Mr. UPTON, Mr. WELDON of Florida, Mr.

WESTMORELAND, Mr. WILSON of South Carolina, Mr. SAM JOHNSON of Texas, Mr. AKIN, Mr. FEENEY, Mr. KLINE, Mr. BARTLETT of Maryland, Mr. BARRETT of South Carolina, Mr. GRAVES, Mr. ROHRABACHER, Mr. KUHL of New York, Mr. GINGREY, Mr. PITTS, Ms. FOXX, Mr. DOOLITTLE, Mr. PENCE, Mr. FORTUÑO, and Mr. MCHUGH):

H.R. 4862. A bill to amend the Internet Tax Freedom Act to make permanent the moratorium on certain taxes relating to the Internet and to electronic commerce; to the Committee on the Judiciary.

By Mr. MARIO DIAZ-BALART of Florida:

H.R. 4863. A bill to establish a pilot program in the Department of State for improvement of government-to-government relations with the Miccosukee Tribe of Indians of Florida; to the Committee on Resources.

By Mr. EVERETT:

H.R. 4864. A bill to direct the Secretary of the Interior to study the suitability and feasibility of establishing the Chattahoochee Trace National Heritage Corridor in Alabama and Georgia, and for other purposes; to the Committee on Resources.

By Mr. CONAWAY:

H.R. 4865. A bill to require every Senator and Representative in, and Delegate and Resident Commissioner to, the Congress to obtain copies of the Constitution of the United States of America and distribute them to their staff and require that they all read such document; to the Committee on House Administration.

By Mr. FORD:

H.R. 4866. A bill to promote responsibility by improving development education; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTUÑO (for himself, Mr. SERRANO, Ms. PRYCE of Ohio, Mr. CANTOR, Mr. YOUNG of Alaska, Mr. BURTON of Indiana, Mr. RAHALL, Mr. HOYER, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, Mr. KENNEDY of Rhode Island, Mr. HYDE, Mr. PUTNAM, Mr. FLAKE, Mr. PENCE, Mr. TOM DAVIS of Virginia, Mr. KILDEE, Mr. WELLER, Mr. MCKEON, Mr. FEENEY, Mr. BROWN of South Carolina, Mr. BONILLA, Mr. ABERCROMBIE, Mr. FOLEY, Mr. CALVERT, Mr. CANNON, Mr. GILCHREST, Mr. PEARCE, Mr. NUNES, Ms. LORETTA SANCHEZ of California, Mr. PETERSON of Pennsylvania, Mr. RENZI, Mrs. DRAKE, Mr. DOOLITTLE, Ms. BORDALLO, Mr. DENT, Ms. HARRIS, Mr. WESTMORELAND, Mr. POE, Mr. PETERSON of Minnesota, Mr. CONAWAY, Mr. MARCHANT, Mr. WILSON of South Carolina, Mr. MICA, Mr. CROWLEY, Mr. BOUSTANY, Mrs. BLACKBURN, Mr. SCHWARZ of Michigan, Ms. HART, Mr. FATTAH, Mr. MACK, Mr. WELDON of Florida, Mr. MCCAUL of Texas, Mr. FITZPATRICK of Pennsylvania, Mr. CRAMER, Mr. FOSSELLA, Mr. HENSARLING, Mr. WAMP, Mr. COBLE, Mr. MOLLOHAN, Mr. HOSTETTLER, Mr. MCCOTTER, Mr. KELLER, Mr. KUHL of New York, Mr. GOHMERT, Mr. MORAN of Virginia, Mr. WYNN, Mr. KIND, Mr. CONYERS, Mr. NADLER, Mr. WALDEN of Oregon, Mrs. TAUSCHER, and Mr. GENE GREEN of Texas):

H.R. 4867. A bill to provide for a federally sanctioned self-determination process for the people of Puerto Rico; to the Committee on Resources.

By Mr. GORDON:

H.R. 4868. A bill to amend the Internal Revenue Code of 1986 to allow certain agricultural employers a credit against income tax for a portion of wages paid to nonimmigrant H–2A workers; to the Committee on Ways and Means.

By Mr. HOEKSTRA:

H.R. 4869. A bill to require the Director of National Intelligence to release documents captured in Afghanistan or Iraq during Operation Desert Storm, Operation Enduring Freedom, or Operation Iraqi Freedom; to the Committee on Intelligence (Permanent Select).

By Mrs. KELLY:

H.R. 4870. A bill to establish certain rules for Surface Transportation Board approval of waste management company applications to become rail carriers; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE:

H.R. 4871. A bill to ensure the coordination and integration of Indian tribes in the National Homeland Security strategy and to establish an Office of Tribal Government Homeland Security within the Department of Homeland Security, and for other purposes; to the Committee on Resources, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 4872. A bill to amend the Internal Revenue Code of 1986 to allow medical care providers a credit against income tax for uncompensated emergency medical care and to allow hospitals a deduction for such care; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 4873. A bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing; to the Committee on Ways and Means.

By Mr. ROSS:

H.R. 4874. A bill to authorize the Federal Emergency Management Agency to provide relief to the victims of Hurricane Katrina and Hurricane Rita by placing manufactured homes in flood plains, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR):

H.R. 4875. A bill to amend the Healthy Forests Restoration Act of 2003 to help reduce the increased risk of severe wildfires to communities in forested areas affected by infestations of bark beetles and other insects, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Resources, Ways and Means, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico:

H.R. 4876. A bill to ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly, and for other purposes; to the Committee on Resources.

By Mrs. WILSON of New Mexico (for herself and Mr. LANTOS):

H.R. 4877. A bill to direct the Attorney General to study how private entities and State and local government agencies store explosives, and to issue regulations providing for the safe and secure storage of explosives by such entities and agencies, and for other purposes; to the Committee on the Judiciary.

By Mr. OWENS:

H.J. Res. 80. A joint resolution proposing an amendment the Constitution of the United States limiting the number of consecutive terms that a Senator or Representative may serve and providing for 4-year terms for Representatives; to the Committee on the Judiciary.

By Mr. CANTOR (for himself, Mr. EHLERS, Mr. LANTOS, and Ms. MILLENDER-MCDONALD):

H. Con. Res. 350. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

By Mr. COSTA (for himself, Mr. REGULA, Mr. GILLMOR, Mr. HOBSON, and Mr. SHADEGG):

H. Con. Res. 351. Concurrent resolution recognizing and honoring the 150th anniversary of the founding of the Sigma Alpha Epsilon Fraternity; to the Committee on Education and the Workforce.

By Mr. BERRY (for himself, Mr. ROSS, Mr. BONNER, Mr. DAVIS of Alabama, Mrs. EMERSON, Mr. PETERSON of Minnesota, Mr. BUTTERFIELD, Mr. BISHOP of Georgia, Mr. LAHOOD, Mr. OBERSTAR, Mr. SALAZAR, Mr. SKELTON, Mr. EDWARDS, Mr. CUELLAR, Mr. UDALL of Colorado, Mr. MELANCON, Ms. HERSETH, Ms. KAPTUR, Mr. ETHERIDGE, Mr. MARSHALL, Mr. KIND, Mr. GRAVES, Mr. HINOJOSA, Mr. TAYLOR of Mississippi, Ms. DELAURO, Mr. FILNER, Mr. EVANS, Mr. BOOZMAN, Mr. CARDOZA, Mr. LEACH, Mr. FORD, and Mr. CLAY):

H. Res. 706. A resolution expressing the sense of the House of Representatives that Congress should enact legislation to provide direct emergency assistance to American farmers who were adversely affected by natural disasters and unforeseen production costs during the 2005 crop year; to the Committee on Agriculture.

By Mr. GARRETT of New Jersey:

H. Res. 707. A resolution condemning the Government of Iran's offer of assistance to Hamas, a known terrorist organization which currently controls the Palestinian Authority, and its call for other Arab nations to do the same, and the anti-Israeli and anti-American statements of the leaders of Iran; to the Committee on International Relations.

By Mr. GUTIERREZ:

H. Res. 708. A resolution recognizing the centennial of Christopher House in Chicago; to the Committee on Government Reform.

By Mr. PAUL:

H. Res. 709. A resolution amending the Rules of the House of Representatives to ensure that Members have a reasonable amount of time to read legislation that will be voted upon; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LATOURETTE:

H.R. 4878. A bill for the relief of Karen Poppell; to the Committee on the Judiciary.

By Mr. MICHAUD:

H.R. 4879. A bill to reliquidate certain entries of salmon; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 94: Mr. TIBERI, Ms. PRYCE of Ohio, and Mr. BROWN of Ohio.

H.R. 147: Mr. RENZI and Mr. DEAL of Georgia.

H.R. 182: Mr. ISTOOK.

H.R. 198: Mr. JEFFERSON.

H.R. 215: Mr. ANDREWS.

H.R. 224: Mr. WYNN.

H.R. 282: Mr. OSBORNE.

H.R. 390: Ms. MCKINNEY and Mr. FATTAH.

H.R. 450: Mr. KUHL of New York, Mr. KENNEDY of Minnesota, Mr. JEFFERSON, Mr. KLINE, and Miss MCMORRIS.

H.R. 503: Mr. YOUNG of Florida.

H.R. 521: Mr. EVERETT.

H.R. 552: Miss MCMORRIS.

H.R. 583: Mr. RAHALL, Mrs. BONO, Mr. SAXTON, Mr. ROSS, Mr. MEEKS of New York, Mr. SANDERS, Mr. BECERRA, Mr. OBERSTAR, Ms. CARSON, Mr. WALDEN of Oregon, Mr. OTTER, Ms. SCHWARTZ of Pennsylvania, and Mr. LEWIS of Kentucky.

H.R. 591: Mr. BUTTERFIELD.

H.R. 625: Mr. FATTAH.

H.R. 693: Mr. FRANK of Massachusetts.

H.R. 699: Mr. LANGEVIN.

H.R. 807: Mr. FORD and Ms. HOOLEY.

H.R. 880: Mr. MORAN of Kansas.

H.R. 994: Mr. OWENS and Mr. WEINER.

H.R. 995: Mr. CONYERS, Mr. MCCOTTER, and Mr. MURPHY.

H.R. 998: Mrs. CAPITO and Mr. MCCRERY.

H.R. 1002: Mr. SERRANO.

H.R. 1016: Mr. MORAN of Kansas and Mr. JEFFERSON.

H.R. 1053: Mr. ISSA.

H.R. 1125: Mr. WYNN.

H.R. 1249: Mr. GERLACH, Mr. RENZI, Mr. BROWN of Ohio, Mr. LOBIONDO, Mr. BRADY of Pennsylvania, and Mr. FATTAH.

H.R. 1298: Mr. MICHAUD, Mr. SAXTON, Mr. CLYBURN, Mr. LAHOOD, Mrs. DRAKE, and Mr. WYNN.

H.R. 1351: Mr. FORD.

H.R. 1356: Ms. MOORE of Wisconsin, Mr. FITZPATRICK of Pennsylvania, and Ms. BEAN.

H.R. 1393: Mr. FORD.

H.R. 1426: Mr. BOOZMAN and Mr. BOUCHER.

H.R. 1578: Mr. WELDON of Florida, Mr. POMBO, and Mr. DAVIS of Illinois.

H.R. 1592: Mr. JOHNSON of Illinois.

H.R. 1603: Mr. GOODE.

H.R. 1634: Mr. TIERNEY, Mr. OTTER, Mr. WALSH, and Mr. POMBO.

H.R. 1663: Mr. PALLONE and Mr. CANNON.

H.R. 1707: Mrs. MALONEY and Mr. LEWIS of Georgia.

H.R. 1749: Mr. JONES of North Carolina.

H.R. 1806: Mr. LEVIN.

H.R. 1823: Mr. ALLEN.

H.R. 1950: Mr. SHAW.

H.R. 1951: Mr. COLE of Oklahoma and Mr. LEWIS of Kentucky.

H.R. 2014: Mr. LUCAS.

H.R. 2238: Mr. DAVIS of Kentucky.

H.R. 2305: Mr. BROWN of Ohio.

H.R. 2317: Mr. LANTOS and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2328: Mr. JEFFERSON.

H.R. 2345: Mr. CONYERS.

H.R. 2356: Mr. BISHOP of Georgia.

H.R. 2369: Mr. STUPAK, Ms. SCHAKOWSKY, Mr. BRADLEY of New Hampshire, Mr. LINCOLN DIAZ-BALART of Florida, Mr. COSTELLO, Mr. BEAUPREZ, Mr. KUCINICH, and Mr. WU.

H.R. 2370: Ms. SCHAKOWSKY.

H.R. 2389: Mr. MCCAUL of Texas.

H.R. 2421: Mr. MEEKS of New York.

H.R. 2525: Mr. KLINE.

H.R. 2671: Mr. LAHOOD.

H.R. 2684: Ms. LINDA T. SÁNCHEZ of California, Ms. DEGETTE, and Mr. STARK.

H.R. 2727: Mr. VAN HOLLEN.

H.R. 2943: Ms. SCHAKOWSKY.

H.R. 3142: Mr. CONYERS.

H.R. 3145: Ms. BALDWIN.

H.R. 3278: Mr. MICHAUD.

H.R. 3307: Mr. MILLER of North Carolina.

H.R. 3312: Mr. WAXMAN and Ms. SCHAKOWSKY.

H.R. 3413: Mr. SWEENEY and Mr. KUHL of New York.

H.R. 3449: Mr. ANDREWS.

H.R. 3559: Ms. ROS-LEHTINEN, Mr. SHERWOOD, Mr. JONES of North Carolina, Mr. DELAHUNT, Mr. NADLER, Mr. CAPUANO, Mr. LARSEN of Washington, Mr. MILLER of North Carolina, and Mr. MORAN of Kansas.

H.R. 3778: Mr. PUTNAM, Mr. AKIN, and Ms. CORRINE BROWN of Florida.

H.R. 3917: Ms. MCKINNEY.

H.R. 3933: Mr. ROTHMAN.

H.R. 3949: Mr. PETRI.

H.R. 3997: Mr. SHAYS.

H.R. 4005: Ms. WATERS, Ms. SCHWARTZ of Pennsylvania, Mr. ROTHMAN, Mr. LANTOS, and Mr. UPTON.

H.R. 4156: Mr. CUMMINGS.

H.R. 4188: Mr. BLUMENAUER.

H.R. 4197: Mr. VAN HOLLEN.

H.R. 4215: Mr. BROWN of Ohio.

H.R. 4228: Mr. SCHWARZ of Michigan.

H.R. 4239: Mr. GREEN of Wisconsin.

H.R. 4265: Mr. FITZPATRICK of Pennsylvania, Mr. MCCOTTER, and Mr. FORTUÑO.

H.R. 4296: Mr. SOUDER.

H.R. 4298: Mr. JEFFERSON.

H.R. 4303: Mr. MCHUGH, Mr. OWENS, Mr. DAVIS of Illinois, Mr. GRIJALVA, Ms. CARSON, Mr. CASE, Ms. NORTON, and Ms. DEGETTE.

H.R. 4343: Mr. WEXLER, Mrs. MALONEY, Mr. GRIJALVA, Mr. PETERSON of Minnesota, Mr. REYES, Mr. MCDERMOTT, Mrs. MCCARTHY, Mr. GENE GREEN of Texas, Mr. MILLER of Florida, Mr. SKELTON, and Mr. EVANS.

H.R. 4366: Mr. FARR.

H.R. 4394: Mr. GONZALEZ.

H.R. 4408: Mr. GARY G. MILLER of California and Mr. GOODE.

H.R. 4434: Mr. SIMMONS, Mr. KILDEE, Ms. MOORE of Wisconsin, Mr. COOPER, Mr. FATTAH, Mr. ALLEN, and Mr. LEVIN.

H.R. 4435: Ms. MOORE of Wisconsin, Mr. FATTAH, and Ms. HARMAN.

H.R. 4450: Mr. TOM DAVIS of Virginia.

H.R. 4452: Ms. HART and Mr. FITZPATRICK of Pennsylvania

H.R. 4460: Mr. LANTOS and Mr. BUTTERFIELD.

H.R. 4466: Mr. CONYERS, Mr. WYNN, Mr. TOWNS, Mr. ENGEL, and Mr. GONZALEZ.

H.R. 4542: Mr. FRANK of Massachusetts, Mr. CLAY, Ms. MOORE of Wisconsin, Mr. CRAMER, Mr. POMEROY, and Mr. ACKERMAN.

H.R. 4561: Mr. NEUGEBAUER.

H.R. 4575: Mr. GERLACH.

H.R. 4596: Ms. MOORE of Wisconsin and Mr. CARNAHAN.

H.R. 4597: Mr. TERRY.

H.R. 4604: Ms. ROS-LEHTINEN.

H.R. 4606: Mr. CONYERS.

H.R. 4608: Ms. GINNY BROWN-WAITE of Florida and Mrs. LOWEY.

H.R. 4621: Mr. FITZPATRICK of Pennsylvania.

H.R. 4622: Mr. FORTUÑO, and Ms. MCKINNEY.

H.R. 4657: Ms. MOORE of Wisconsin and Mr. ABERCROMBIE.

H.R. 4666: Mr. MURPHY, Mr. PAUL, Mr. BROWN of Ohio, Mr. ENGLISH of Pennsylvania, Mr. GORDON, Mr. FILNER, and Mr. MORAN of Virginia.

H.R. 4675: Mr. PAYNE.

H.R. 4681: Mr. LINDER, Mr. BERMAN, Mr. GARRETT of New Jersey, Mr. GONZALEZ, and Mr. ROSS.

H.R. 4685: Ms. LINDA T. SÀNCHEZ of California and Mr. LEVIN.

H.R. 4704: Mr. MURTHA and Mr. CLEAVER.

H.R. 4729: Mr. KUHL of New York and Ms. JACKSON-LEE of Texas.

H.R. 4732: Mr. GIBBONS.

H.R. 4740: Mr. LEVIN.

H.R. 4749: Mr. HONDA and Ms. DEGETTE.

H.R. 4755: Mr. MELANCON, Mr. MANZULLO, Ms. SCHWARTZ of Pennsylvania, Ms. MCCOLLUM of Minnesota, Mr. GORDON, Mr. ROTHMAN, Mrs. MALONEY, Mr. FOLEY, Mr. KIRK, and Mrs. CAPITO.

H.R. 4760: Ms. NORTON, Mr. OWENS, Mr. BISHOP of New York, Mr. PAYNE, Mr. CONYERS, Mr. MCDERMOTT, Mr. MCNULTY, Mr. JEFFERSON, Mr. CLAY, Mr. GRIJALVA, and Ms. MCCOLLUM of Minnesota.

H.R. 4761: Mr. MCHUGH and Mr. WESTMORELAND.

H.R. 4773: Mr. MCGOVERN, Mr. CONYERS, Mr. GENE GREEN of Texas, and Mr. JEFFERSON.

H.R. 4776: Ms. HARRIS and Mr. MCCOTTER.

H.R. 4780: Mr. BURTON of Indiana.

H.R. 4792: Mr. DICKS.

H.R. 4793: Mr. KUHL of New York, Mr. WEXLER, Mr. LEWIS of Georgia, Mr. EVANS, Mr. PAYNE, and Ms. JACKSON-LEE of Texas.

H.R. 4798: Mr. BACA.

H.R. 4799: Mr. GERLACH.

H.R. 4800: Mr. INSLEE and Ms. LEE.

H.R. 4807: Ms. SLAUGHTER, Mr. KILDEE, Mr. BOREN, Mr. MEEHAN, Mr. FOLEY, Mr. SPRATT, Mr. CAMP of Michigan, Ms. NORTON, and Mr. NEAL of Massachusetts.

H.R. 4813: Mr. MEEKS of New York and Mr. CAMP of Michigan.

H.R. 4824: Mr. GERLACH.

H. J. Res. 16: Mr. PRICE of Georgia.

H. Con. Res. 85: Mr. GERLACH.

H. Con. Res. 137: Mr. CLAY.

H. Con. Res. 272: Mr. HONDA.

H. Con. Res. 299: Mr. WAMP and Mr. KUCINICH.

H. Con. Res. 314: Mr. FARR.

H. Con. Res. 318: Mr. STARK and Ms. WOOLSEY.

H. Con. Res. 343: Mr. KUHL of New York.

H. Res. 521: Mr. DAVIS of Illinois and Mr. MARIO DIAZ-BALART of Florida.

H. Res. 603: Ms. WOOLSEY.

H. Res. 635: Mr. SABO.

H. Res. 643: Ms. HOOLEY.

H. Res. 658: Mr. MEEKS of New York.

H. Res. 681: Mr. BOEHLERT.

H. Res. 685: Mr. PALLONE, Ms. SCHAKOWSKY, Mr. PAYNE, Ms. LEE, Mr. GRIJALVA, Ms. KAPTUR, Mr. OBERSTAR, Mr. CONYERS, Mrs. MALONEY, Mr. ABERCROMBIE, Mr. MEEKS of New York, Ms. WATERS, Ms. MCKINNEY and Mr. STARK.

H. Res. 691: Mr. OWENS, Mr. CONYERS, Mr. BURTON of Indiana and Mr. MCDERMOTT.

H. Res. 698: Mr. HOEKSTRA, Mr. EHLERS, Mr. CAMP of Michigan, Mr. UPTON, Mr. ROGERS of Michigan, Mrs. MILLER of Michigan, Mr. MCCOTTER, Mr. KILDEE, Mr. LEVIN, and Mr. SCHWARZ of Michigan.

H. Res. 699: Mr. FOLEY.

H. Res. 703: Mr. MCCOTTER.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 11, February 28, 2006, by Mr. JOHN BARROW on House Resolution 614, was signed by the following Members: John Barrow, Debbie Wasserman Schultz, Jane Harman, Jesse L. Jackson, Jr., David E. Price, John Lewis, Janice D. Schakowsky, George Miller, Fortney Pete Stark, Patrick J. Kennedy, Barney Frank, Louise McIntosh Slaughter, Michael F. Doyle, Bart Stupak, John B. Larson, Earl Blumenauer, Michael R. McNulty, Tom Udall, Steven R. Rothman, John D. Dingell, Stephanie Tubbs Jones, Timothy H. Bishop, Joe Baca, G. K. Butterfield, Al Green, Lynn C. Woolsey, John W. Olver, Martin T. Meehan, Sanford D. Biship, Jr., Bennie G. Thompson, James P. Moran, Jerrold Nadler, Juanita Millender-McDonald, Jim McDermott, Eddie Bernice Johnson, Ellen O. Tauscher, Carolyn McCarthy, Betty McCollum, Tammy Baldwin, Shelley Berkley, Dennis Moore, James R. Langevin, John Conyers, Jr., and Gwen Moore.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3, by Mr. EDWARDS on House Resolution 27: Tim Holden, Barbara Lee, John Conyers, Jr., and Gwen Moore.

Petition 4, by Ms. SLAUGHTER on House Resolution 460: John Barrow, John Conyers, Jr., and Gwen Moore.

Petition 5, by Mr. WAXMAN on House Resolution 537: John Conyers, Jr. and Gwen Moore.

Petition 6, by Mr. ABERCROMBIE on House Resolution 543: Janice D. Schakowsky, Fortney Pete Stark, Marcy Kaptur.

Petition 7, by Ms. HERSETH on House Resolution 568: Nick J. Rahall II, Alcee L. Hastings, Anna G. Eshoo, Albert Russell Wynn, Jesse L. Jackson, Jr., Bob Etheridge, John F. Tierney, Dale E. Kildee, Russ Carnahan, John Lewis, Ruben Hinojosa, Janice D. Schakowsky, Patrick J. Kennedy, Dennis A. Cardoza, Barbara Lee, James E. Clyburn, Michael F. Doyle, Tom Udall, Steven R. Rothman, John Barrow, Stephanie Tubbs Jones, Joe Baca, Lynn C. Woolsey, Martin T. Meehan, Major R. Owens, Bennie G. Thompson, James P. Moran, Marcy Kaptur, Jim McDermott, Eddie Bernice Johnson, Ellen O. Tauscher, Betty McCollum, Tammy Baldwin, Lois Capps, C. A. Dutch Ruppersberger, John Conyers, Jr., Gwen Moore, and Steny H. Hoyer.

Petition 8, by Mr. WAXMAN on House Resolution 570: Nick J. Rahall II, Michael H. Michaud, Alcee L. Hastings, Anna G. Eshoo, Albert Russell Wynn, Jane Harman, Jesse L. Jackson, Jr., Bob Etheridge, John F. Tierney, Dale E. Kildee, John Lewis, Ruben Hinojosa, Patrick J. Kennedy, Dennis A. Cardoza, Barbara Lee, Michael F. Doyle, Bart Stupak, Earl Blumenauer, Tom Udall, Steven R. Rothman, Stephanie Tubbs Jones, Lynn C. Woolsey, Major R. Owens, Martin T. Meehan, James P. Moran, Mark Udall, Marcy Kaptur, Jim McDermott, Eddie Bernice Johnson, Ellen O. Tauscher, Betty McCollum, Tammy Baldwin, Lois Capps, Dennis Moore, John Conyers, Jr., and Gwen Moore.

Petition 9, by Mr. BOSWELL on House Resolution 584: Nick J. Rahall II, Anna G. Eshoo, Tim Holden, Diane E. Watson, Albert Russell Wynn, John F. Tierney, John Lewis, Fortney Pete Stark, Patrick J. Kennedy, Henry A. Waxman, James E. Clyburn, Sherrod Brown, Michael F. Doyle, John B. Larson, Stephanie Tubbs Jones, G. K. Butterfield, Al Green, Lynn C. Woolsey, John W. Olver, Major R. Owens, Martin T. Meehan, Bennie G. Thompson, Jerrold Nadler, Ben Chandler, Juanita Millender-McDonald, Betty McCollum, Dennis Moore, Raul M. Grijalva, Artur Davis, C. A. Dutch Ruppersberger, John Conyers, Jr., and Steny H. Hoyer.

Petition 10, by Ms. HERSETH on House Resolution 585: Nick J. Rahall II, Anna G. Eshoo, Tim Holden, Diane E. Watson, Albert Russell Wynn, Bob Etheridge, John F. Tierney, John Lewis, Fortney Pete Stark, Patrick J. Kennedy, Henry A. Waxman, James E. Clyburn, Sherrod Brown, Michael F. Doyle, John B. Larson, Stephanie Tubbs Jones, G. K. Butterfield, Al Green, Lynn C. Woolsey, John W. Olver, Major R. Owens, Martin T. Meehan, Bennie G. Thompson, Ben Chandler, Juanita Millender-McDonald, Betty McCollum, Raul M. Grijalva, Dennis Moore, Artur Davis, C. A. Dutch Ruppersberger, John Conyers, Jr., and Steny H. Hoyer.

EXTENSIONS OF REMARKS

RECOGNIZING HAZEL HARVEY PEACE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. BURGESS. Mr. Speaker, I am honored to rise today to recognize Hazel Harvey Peace for her commitment to the people and City of Fort Worth, Texas. Mrs. Peace is a pillar of her community through various volunteer works and a career as a devout educator.

As a Fort Worth native, Mrs. Peace began her profession as a teacher at I.M. Terrell High School. During her tenure as a teacher, she partook in several duties including service as a Counselor, Dean of Girls, and as a Vice Principal. She was a strict advocate of literacy and reading to young children which is among Mrs. Peace's many other charitable works.

For Mrs. Peace's continued efforts, she was honored in 2004 with the presentation of a professorship in Children's Library Science. In addition, Mrs. Peace was also the first African American woman to be named to a professorship at a 4-year Texas State-funded institution.

She has touched the lives of so many and which we are truly thankful. It is the servant leadership of Mrs. Peace, and those like her, which truly makes our Nation great. Once again, Mr. Speaker, it is my honor to recognize Mrs. Hazel Harvey Peace.

TRIBUTE TO HOWARD W. "HODDY" HANNA III

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the 2006 recipient of the National American Heritage Award, Howard W. "Hoddy" Hanna III, of Pittsburgh, Pennsylvania.

The National American Heritage Award is given by the Anti-Defamation League (ADL). The ADL is the nation's preeminent human rights organization. The organization was founded in 1913 and is dedicated in purpose and in program to defending democratic ideals, safeguarding civil rights and combating anti-Semitism, prejudice, discrimination and bigotry of all kinds. The National American Heritage Award is presented to an individual or company whose leadership and character is demonstrated both in work and in deed. It recognizes individuals who embody what is best in America—justice, freedom equality and fellowship.

Mr. Hanna will be presented with the National American Heritage Award on Thursday, March 16, 2006 at a dinner in Pittsburgh, Pennsylvania.

I ask my colleagues in the United States House of Representatives to join me in congratulating Howard W. Hanna III, the 2006 recipient of the National American Heritage Award. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such a determined individual like Howard W. Hanna.

RECOGNIZING MS. ARLENE KAPLAN

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. WASSERMAN SCHULTZ. Mr. Speaker, Arlene Kaplan, a resident of Randolph, Massachusetts, was elected president of the National Ladies Auxiliary, Jewish War Veterans of the United States of America on August 19, 2005 in San Diego, California, during the organization's 77th Annual National Convention.

Born in Boston, Massachusetts, Ms. Kaplan was the eldest of the late Sally and Larry Tattlebaum's four children. After graduating from high school, she attended Hickox School for Business Skills and Quincy College for Business Courses. At age 19, she married Sumner "Sunny" Kaplan, a Navy veteran of World War II. Together, they raised three children, and are the proud grandparents of six grandchildren.

Once her children were in school, Ms. Kaplan began working for the Esselte Pendaflex Corporation, a Fortune 500 company. When her husband was elected JWV Department of Massachusetts Commander, Ms. Kaplan played a vital role in reorganizing Auxiliary 302, and served as president for its first 2 crucial years. She continues to be active in her auxiliary today.

She has served the JWV Department of Massachusetts in various capacities over the years, including as its president from 1996 to 1997. She has been a member of the JWV National Ladies Auxiliary Advisory Board and has chaired several of the organization's committees. Arlene and Sunny Kaplan have been members of Temple Beth Am in Randolph for more than 50 years.

COMMEMORATING NATIONAL BLACK HIV/AIDS AWARENESS DAY

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. CUMMINGS. Mr. Speaker, I rise today to commemorate National Black HIV/AIDS Awareness Day, which occurred on February 7, 2006. In its sixth year of observation, the event promotes the mobilization of the black community in an effort to educate and increase community awareness and participation about HIV/AIDS.

The event was created in February 2001 by the Community Capacity Building Coalition, a group of national non-profit organizations whose mission is to assist in creating HIV/AIDS prevention capacity building among community organizations in the black community. The coalition was funded and formulated by the Centers for Disease Control and Prevention's Division of HIV/AIDS Prevention.

The annual event emphasizes the importance of testing, education, and awareness through a unified community construct. Additionally, the day is used to remember all those who are infected as well as those who have lost their battle with the disease since its onset in the United States in 1981.

Mr. Speaker, National Black HIV/AIDS Awareness Day is a powerful combating mechanism. However, based on the current state of the disease in the African-American community as revealed by the following startling statistics and research, much more work needs to be done to halt the spread of this devastating disease.

According to the Centers for Disease Control and Prevention:

Although African-Americans comprise only 13 percent of the population, they account for 49 percent of all new AIDS cases in the nation. This is an alarming increase from the startling account of 25 percent of AIDS cases in 1985.

Results from a large study of African-American homosexual and bisexual men in five studies found 46 percent of the men to be HIV positive and 67 percent of them unaware of their status.

African-American women account for 67 percent of all newly diagnosed female AIDS cases.

Although African-American youth comprise only 15 percent of U.S. teenagers, they accounted for 66 percent of new AIDS cases reported among teens in 2003. A similar picture is found among African-American children.

Over a third of African Americans with HIV diagnoses (39 percent) were tested for HIV late in their illness and subsequently diagnosed with AIDS within one year of testing positive.

Additionally, in a report recently released by the Maryland AIDS Administration, the Baltimore-Towson metropolitan area, which houses my district in its entirety, is classified as having "the fifth highest AIDS case report rate of any major metropolitan area in the United States (32.8 cases per 100,000) . . . 2.2 times higher than the national average of 15.0 cases per 100,000." Within these reported cases, 89 percent are African-Americans, 62 percent are male and 65 percent are between the ages of 30–49.

These statistics are mind boggling. However, one thing remains consistent and clear.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

If not mitigated, the disease will continue to wreak devastation. HIV/AIDS is a pandemic that belongs to each and everyone of us and we must address it societally and holistically.

In his 2006 State of the Union address, President Bush did in fact acknowledge and address the state of HIV/AIDS in the African-American community. Specifically, he stated that, "[a] hopeful society acts boldly to fight diseases like HIV/AIDS, which can be prevented, and treated, and defeated . . . We will . . . lead a nationwide effort, working closely with African American churches and faith-based groups, to deliver rapid HIV tests to millions, end the stigma of AIDS, and come closer to the day when there are no new infections in America."

Although a very promising and audacious statement, action speaks louder than words. With that said, I encourage this Congress post haste to reauthorize and fully fund the Ryan White CARE Act—and to strengthen it to ensure accountability and equitable access to treatment, prevention, and medical care for all affected. I urge this Administration to work in full concert of accomplishing this critical goal.

I conclude with the words of the late and great first lady of the Civil Rights Movement, Coretta Scott King, who stated that "AIDS is a global crisis, a national crisis, a local crisis and a human crisis . . . No matter where you live, AIDS is one of the most deadly killers of African Americans. And I think anyone who sincerely cares about the future of Black America had better be speaking out, calling for preventive measures and increased funding for research and treatment."

TRIBUTE TO ARKANSAS STATE SENATOR JERRY BOOKOUT

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. BERRY. Mr. Speaker, I rise here today to pay tribute to one of my great friends, Mr. Jerry Bookout of Jonesboro, who is one of Arkansas' greatest public servants. With more than 40 years of work in the Arkansas General Assembly, Bookout has pioneered countless reforms in education, retirement, and especially health care.

As a military veteran, elected official, and community volunteer, Bookout has devoted his entire life to public service. He worked to elevate Arkansas State College to university status, strengthened the State's retirement system, and established the first doctoral and physical therapy programs at Arkansas State University.

Although Bookout has championed many issues during his lifetime, he has worked particularly hard to improve the quality of health care in Arkansas. From chair of the American Cancer Society, to a leader in Arkansas' General Assembly, Bookout has shaped health policy for many years. His achievements earned him several distinguished positions as chair of the Senate Public Health/Senate Health Services Committee, the Senate Health Insurance and Prescription Drugs Committee, and vice-chair of the Senate Public Health, Welfare, and Labor Committee.

Bookout and his wife, the former Loretta Langford, have one son, Paul, who serves in the Arkansas House of Representatives and a daughter, Jill Rogers. He and his wife also have three grandchildren, Morgan and P.J. Bookout and Rachel Rogers.

On February 25, 2006, our community will gather at the American Cancer Society's 1st Annual Daffodil Ball to honor Jerry Bookout for his remarkable contributions to health care in Arkansas. I ask my colleagues in Congress to join me in congratulating him on this occasion and thanking him for over half a century of dedicated service, as a great friend, and a great American.

ANDREA COREY SHOWING GREAT PROMISE IN RANGEL FELLOW PROGRAM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. RANGEL. Mr. Speaker, I rise to inform you of the achievements of Andrea Corey, a young lady whose aspirations and goals are contributing to her success as an international affairs scholar.

Andrea's record is cause for great pride to the International Affairs Diversity Fellow Program, which is identifying and preparing qualified minority applicants for the Foreign Service. Having obtained an International Affairs' masters through hard work and perseverance with a current 3.6 GPA, she is also a concerned citizen who will certainly change the way American diplomacy is practiced.

She is an example of what the program has achieved with Federal funding, awarding deserving minority students with grants to cover their tuition, books and fees.

Andrea Corey has already experienced the reality of the Foreign Service, having worked with Foreign-Service diplomats at the United States Embassy in the Dominican Republic and writing talking points for speeches by the United States Ambassador.

She plans on working with political economic issues at the U.S. Embassy in the Bahamas this summer, while expanding her knowledge and professional experience.

RECOGNIZING GENERAL CASIMIR PULASKI

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. HIGGINS. Mr. Speaker, it is with great honor I recognize General Casimir Pulaski, a living legend who became known as the "Father of the American Cavalry" after leaving his native land Poland to defend this great country during the Revolutionary War.

A bold and dedicated soldier, Pulaski defined his selfless loyalty in a letter to George Washington in which he stated, "I came here, where freedom is being defended, to serve it, and to live or die for it."

In February of 1778, with Washington's endorsement, Pulaski submitted his plan to Congress and with their authorization he formed the Independent Corps later known as the Pulaski Legion.

During the siege of Savannah in 1779, General Pulaski paid the ultimate sacrifice and was mortally wounded; leaving a legacy of heroism that continues to inspire people around the world.

In 1910, by an order of Congress, a statue of Gen. Pulaski was erected at Pennsylvania Avenue and 13th Street in Washington, DC, paying tribute to this great hero.

My hometown of Buffalo, New York, is one of a handful of communities which have also recognized Pulaski's contributions with a statue. Monuments can also be found in Hartford, Connecticut; Philadelphia, Pennsylvania; Savannah, Georgia; and Czestochowa and Warka Poland.

On Friday, March 3, 2006, I will have the privilege to join community leaders and friends from the western New York General Pulaski Association in celebrating the legacy of General Pulaski in a wreath laying tradition at the Pulaski statue which first began in the 1930s.

Mr. Speaker, we in western New York have the great privilege of having a strong and vibrant Polish American community. Thank you for allowing me to recognize the contributions of General Pulaski, a man who has served as a patriot to not one, but two great nations.

FIRST NATIONAL STUDY OF DAY LABORERS EXPOSES ABUSE, INJURIES, H.R. 4437 WOULD MAKE MATTERS WORSE

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. SCHAKOWSKY. Mr. Speaker, they pay taxes, raise children, attend church, and participate in community activities and institutions. Yet, when America's day laborers go to work, they have experiences that would shock any other upstanding community member: police harassment, violence at the hands of employers, withheld wages and conditions so dangerous that is not unusual for them to be sidelined for more than a month with work-related injuries or to work for weeks on end in pain. In Illinois and in other States in the Midwest, day laborers work under more dangerous conditions, are more likely to suffer labor abuse, and are also more likely to suffer police harassment compared to workers in other regions.

This is the vivid portrait painted by the first nationwide study of America's 117,600 day laborers. The result of research by social scientists from the University of Illinois at Chicago (UIC), the University of California at Los Angeles (UCLA), and New York's New School University, "On the Corner: Day Labor in the United States," presents findings from a survey of 264 hiring sites in 143 municipalities in 20 U.S. States and the District of Columbia.

"The goal was to document a population that, though quite visible on the corners of U.S. cities, is poorly understood by the public and by policy makers," said Nik Theodore, an assistant professor in the Urban Planning and Policy Program at UIC, and one of the study's three lead authors. "We hope to inform policy debates so that decisionmakers can devise thoughtful and effective strategies for resolving many of the problems that day laborers face."

According to the national study's findings, worker centers give a voice and power to people who often lack both. They are gateway organizations that meet immigrant workers where they are and provide them with a wealth of information and training. In all too many cases, these centers are the only "port in the storm" for low-wage immigrant workers seeking to understand U.S. labor and immigration laws, file back wage claims, and organize against recalcitrant employers. The Latino Union of Chicago runs the only worker center for day laborers in the Midwest, located in the Albany Park neighborhood of Chicago.

If the Border Protection, Anti-Terrorism and Illegal Immigration Act (H.R. 4437) is enacted, this comprehensive community approach would come to an end. It would destroy the very institutions in our communities that have developed real solutions. Day labor centers (and the private individuals, churches and government agencies that work with them) could face thousands or even millions of dollars in fines if they assist in the process of connecting day laborers to employers. The trust that day labor centers have built with communities would be eroded as the centers become responsible for verifying workers' immigration status. Volunteers and staff of worker centers would be turned into criminals and work center property could be seized. Good work, such as providing ESL classes and job skills training or leadership development, would be equated with alien smuggling.

H.R. 4437 and bills with similar provisions don't just jeopardize the lives of some immigrants, they are attacks on all our communities. As a first-generation American and as a Congresswoman who is honored to represent one of the most richly diverse districts in the country, I believe Washington must act now on immigration reform that keeps the American dream alive—not roll back the good work that day labor centers do every day across the Nation.

I urge my colleagues to look at the national study released by UIC and UCLA, which I hope is the first of many, to help us understand the problems day laborers and immigrants face in our country.

ON THE CORNER: DAY LABOR IN THE UNITED STATES

(By Abel Valenzuela, Jr., Nik Theodore, Edwin Meléndez, and Ana Luz Gonzalez)

EXECUTIVE SUMMARY

This report profiles, for the first time, the national phenomenon of day labor in the United States. Men and women looking for employment in open-air markets by the side of the road, at busy intersections, in front of home improvement stores and in other public spaces are ubiquitous in cities across the nation. The circumstances that give rise to this labor market are complex and poorly understood. In this report, we analyze data from the National Day Labor Survey, the first systematic and scientific study of the day-labor sector and its workforce in the United States.

This portrait of day labor in the United States is based on a national survey of 2,660 day laborers. These workers were randomly selected at 264 hiring sites in 139 municipalities in 20 States and the District of Columbia. The sheer number of these sites, combined with their presence in every region in the country, reflects the enormous breadth of this labor market niche.

Our findings reveal that the day-labor market is rife with violations of workers' rights. Day laborers are regularly denied payment for their work, many are subjected to demonstrably hazardous job sites, and most endure insults and abuses by employers. The growth of day-labor hiring sites combined with rising levels of workers' rights violations is a national trend that warrants attention from policy makers at all levels of government.

In some cities, the rise of day labor has been accompanied by community tensions, in part because of inaccurate and unsubstantiated portrayals of these workers. The aim of this study is to provide sound empirical data on the day-labor phenomenon that can inform public discussions and provide the basis for thoughtful policy approaches to this complex issue.

10TH ANNIVERSARY GALA FOR THE SAGEMONT SCHOOL

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to pay tribute to the Sagemont School on the occasion of their 10th anniversary celebration.

The Sagemont School is an educational establishment in my district that provides a nurturing and stimulating learning environment that inspires each student to think critically, reach his or her maximum potential and grow into a valuable citizen of our global community.

The Sagemont School's academic program is a rigorous college-prep curriculum that includes a variety of Honors and AP courses. Sagemont is second to none when it comes to integrating state-of-the-art technology, Internet use and even additional coursework at their "virtual school" education partner, University of Miami Online High School. Sagemont also meets the needs of students with specific learning disabilities through its Mountain Peak Academy, a program that mainstreams with the school's regular program.

The Sagemont School operates two campuses in Weston, in addition to its Virtual School known as The University of Miami Online High School. The Sagemont Lower School serves students in pre-K through grade 5; the Sagemont Upper School serves grades 6 through 12. The faculty and staff at Sagemont are dedicated to parent-teacher relationships in a high-tech learning environment. With multiple computers in the classroom and an average class size of 17 students, children are learning the skills they will need to be successful both in school and later in life.

Mr. Speaker, it is my honor to acknowledge the achievements of The Sagemont School over the past decade. It is my sincere belief that the Sagemont School will continue to instill in each of their students the joy of learning, personal growth, and a sense of personal and community responsibility for many years to come.

HONORING THE 45TH ANNIVERSARY OF THE PEACE CORPS

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. ROTHMAN. Mr. Speaker, I rise today in recognition of the Peace Corps, and the wonderful volunteers who enable this great institution to provide invaluable humanitarian service throughout the world.

Forty-five years ago this week, President John F. Kennedy established the Peace Corps to "promote world peace and friendship." That message has never been more important than it is today. At a time when America's image abroad needs all the help that it can get, the Peace Corps provides us with the magnificent opportunity to demonstrate to the world that we are not only a nation of great prosperity, but great generosity as well; not only a nation of incredible might, but tremendous compassion.

Since 1961, more than 182,000 volunteers have served in 138 countries. Peace Corps volunteers serve as community leaders, business advisors, ecological conservationists, information technology consultants, health and HIV/AIDS educators, agricultural workers, and school teachers. President Kennedy said of these fine women and men:

"For every young American who participates in the Peace Corps—who works in a foreign land—will know that he or she is sharing in the great common task of bringing to man that decent way of life which is the foundation of freedom and a condition of peace."

Today there are nearly 8,000 volunteers serving in 75 different countries. I would especially like to recognize the eight current volunteers from New Jersey's Ninth district: Julie Castner, Lucia Chan, Adam Kaufman, Suzanne Lee, Joseph Maggio, Reuben Man, Domenick Piccinich, and Troy Wolfe. You have made me and the people of New Jersey very proud.

Mr. Speaker, I ask my colleagues to join with me today in commending the thousands of Americans who serve and have served as Peace Corps volunteers. They are I a great credit to our country.

INTRODUCTION OF TREAT PHYSICIANS FAIRLY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. PAUL. Mr. Speaker, I rise today to introduce the Treat Physicians Fairly Act, legislation providing tax credits to physicians to compensate for the costs of providing uncompensated care. This legislation helps compensate medical professionals for the costs imposed on them by federal laws forcing doctors to provide uncompensated medical care. The legislation also provides a tax deduction for hospitals that incur costs related to providing uncompensated care.

Under the Emergency Medical Treatment and Active Labor Act (EMTALA) physicians who work in emergency rooms are required to provide care, regardless of a person's ability to pay, to anyone who comes into an emergency room. Hospitals are also required by law to bear the full costs of providing free care to anyone who seeks emergency care. Thus, EMTALA forces medical professionals and hospitals to bear the entire cost of caring for the indigent. According to the June 2/9, 2003 edition of AM News, emergency physicians lose an average of $138,000 in revenue per year because of EMTALA. EMTALA also forces physicians and hospitals to follow costly rules and regulations. Physicians can be fined $50,000 for technical EMTALA violations!

The professional skills with which one's earns a living are property. Therefore, the clear language of the Takings Clause of the Fifth Amendment prevents Congress from mandating that physicians and hospitals bear the entire costs of providing health care to any group.

Ironically, the perceived need to force doctors to provide medical care is itself the result of prior government interventions into the health care market. When I began practicing medicine, it was common for doctors to provide uncompensated care as a matter of charity. However, laws and regulations inflating the cost of medical services and imposing unreasonable liability standards on medical professionals even when they where acting in a volunteer capacity made offering free care cost prohibitive. At the same time, the increasing health care costs associated with the government-facilitated overreliance on third party payments priced more and more people out of the health care market. Thus, the government responded to problems created by its interventions by imposing the EMTALA mandate on physicians, in effect making health care professionals scapegoats for the harmful consequences of government health care polices.

EMTALA could actually decrease the care available for low-income Americans at emergency rooms. This is because EMTALA discourages physicians from offering any emergency care. Many physicians in my district have told me that they are considering curtailing their practices, in part because of the costs associated with the EMTALA mandates. Many other physicians are even counseling younger people against entering the medical profession because of the way the Federal Government treats medical professionals. The tax credits created in the Treat Physicians Fairly Act will help mitigate some of the burden government policies place on physicians.

The Treat Physicians Fairly Act does not remove any of EMTALA's mandates; it simply provides that physicians can receive a tax credit for the costs of providing uncompensated care. This is a small step toward restoring fairness to physicians. Furthermore, by providing some compensation in the form of tax credits, the Treat Physicians Fairly Act helps remove the disincentives to remaining active in the medical profession built into the current EMTALA law. I hope my colleagues will take the first step toward removing the unconstitutional burden of providing uncompensated care by cosponsoring the Treat Physicians Fairly Act.

WOODROW WILSON PRESIDENTIAL LIBRARY AUTHORIZATION ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. GOODLATTE. Mr. Speaker, today I rise to introduce the Woodrow Wilson Presidential Library Authorization Act.

As a statesman, scholar, and President, Woodrow Wilson faced economic crisis, democratic decay, and a world war. Presidential historians agree that World War I, and President Wilson's leadership, radically altered the role of diplomacy as a tool of foreign policy—a policy that established a new path for America's role in promoting democracies throughout the world. So too did Wilson's high-minded ideals craft a legacy that shaped the powers and responsibilities of the Executive Branch in times of war.

As a professor and president of Princeton University, Wilson created a more selective and accountable system for higher education. By instituting curriculum reform, Wilson revolutionized the roles of teachers and students and quickly made Princeton one of the most renowned universities in the world. Due to Wilson's legacy at Princeton, I am pleased to have the support of current President Shirley Tilghman as we seek to establish a Presidential library and museum at Wilson's birthplace in Virginia.

On April 2, 1917, President Woodrow Wilson went before a joint session of Congress to seek a Declaration of War against Germany, for "The world must be safe for democracy." Eighty-eight years later, we continue to champion that right of mankind.

In order to increase the awareness and understanding of the life, principles and accomplishments of the 28th President of the United States, I ask that you join me in co-sponsoring legislation that will enable the construction of a Presidential Library and Museum dedicated to Woodrow Wilson at his birthplace in Staunton, Virginia.

Specifically, this legislation will make grants from the National Archives for the establishment of a Presidential Library to provide educational and interpretive services to honor the life of Woodrow Wilson. To ensure that a public-private partnership exists, my legislation also mandates that no grant shall be available for the establishment of this library until a private entity has raised at least twice the amount to be allocated by the Congress. Finally, once the library is complete, this legislation states that the Federal government shall have no role or responsibility for the operation of the library.

In studying the life and times of the 28th President, we see how Woodrow Wilson affected and continues to influence how the United States responds to national and international crises. I ask my colleagues to join me in cosponsoring this legislation that would establish the Woodrow Wilson Presidential Library in Staunton, Virginia.

PASTOR AND CHAPLAIN KENNETH WELLS CELEBRATES 25 YEARS OF SERVICE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. BURGESS. Mr. Speaker, I rise today to honor Kenneth Wells as he celebrates 25 years as the pastor for Northview Baptist Church in Lewisville. Pastor Kenneth Wells is undoubtedly the pride of the Northview Baptist community because of his unrelenting outreach to preach joy to so many.

Pastor Kenneth Wells has been enriching the lives of Lewisville community since the first Sunday at Northview Baptist Church in 1981. In addition to his church duties as Pastor, Kenneth Wells is an active member of the greater Lewisville community. He serves as chaplain for the city of Lewisville police and fire departments. He created this ministry over 25 years ago with other area pastors. Pastor Kenneth Wells, along with his wife Teresa, remain committed to serving their community and their church.

Mr. Speaker, it is with great honor that I stand here today to honor Pastor Kenneth Wells in recognition of his devotion and selflessness to those around him.

TRIBUTE TO THE NEW CASTLE BUILDERS CHAPTER OF THE ORDER OF DEMOLAY

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the New Castle Builders Chapter of the Order of DeMolay for its 87th anniversary.

The New Castle Builders Chapter #39095 Order of DeMolay serves the New Castle and Lawrence County area with additional chapters in Butler, Erie, Greensburg and Pittsburgh.

The Order of DeMolay is a character-building and leadership development organization for young men between the ages of 12 and 21. The organization aims to better sons which will in turn mean better men to be better citizens and leaders in the future.

The New Castle Builders Chapter of the Order of DeMolay hold its annual meeting on Wednesday February 22, 2006, and celebrate its 87th anniversary.

I ask my colleagues in the United States House of Representatives to join me in congratulating the New Castle Builders Chapter of the Order of DeMolay for its 87th anniversary. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute an organization such as the Order of DeMolay.

RECOGNIZING MR. DAVID L. MAGIDSON

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. WASSERMAN SCHULTZ. Mr. Speaker, on August 19, 2005, David L. Magidson was elected to a 1-year term as National Commander of Jewish War Veterans of the United States of America, during the organization's 101st Annual National Convention in San Diego, California.

Mr. Magidson's military service began when he joined the U.S. Army in 1968. He graduated as a 2nd lieutenant from Infantry Officer Candidate School at Fort Benning, Georgia. He also served as the Operations Officer for the Miami Field Office of the 111th Military Intelligence Group. His active duty service ended in 1971.

Mr. Magidson has held numerous positions in Post 243, including Post Commander. Additionally, he has served as Judge Advocate for the JWV Department of Florida, and as the organization's National Judge Advocate since 2001.

Mr. Magidson also serves his Jewish heritage, and is currently a member of the Commission on Social Action of the Union for Reform Judaism. In 2000, he completed a 2-year term as president of Temple Judea in Coral Gables, Florida.

Although a native of New York City, Magidson was raised in the Washington, DC, area, the son of a Department of Defense civilian who headed the Claims Division for the U.S. Marine Corps. He earned his undergraduate degree in Spanish at Franklin and Marshall College, and went on to earn a Master's degree in Latin American History from the University of Florida.

Upon his release from military service, he attended the University of Miami Law School on the G.I. Bill, and received a law degree. He also studied international law at the Escuela Libre de Derecho in Mexico City. A family man, Mr. Magidson has been happily married to his wife, Carol, for 35 years, and they have two adult children, Ben and Rebecca.

PORT SECURITY AND THE SALE OF FIRMS OPERATING TERMINALS AT U.S. PORTS

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. CUMMINGS. Mr. Speaker, I rise today to speak about port security and the sale of firms operating terminals at U.S. ports. The proposed sale of the P&O firm—which manages terminal operations at major East Coast ports, including the Port of Baltimore—to a company controlled by the government of Dubai has made many aware for the first time that major seaports in the U.S. are operated by firms controlled by foreign interests, including foreign governments.

We have long known that we have not closed gaps in physical security at our ports. Only approximately 5 percent of the nearly 9 million containers coming into our nation are physically inspected.

These gaps exist in part because we have simply not prioritized port security. Since 9/11, more than $20 billion in federal funding has been directed to aviation security while just over $630 million has been directed to port security.

However, the proposed sale of P&O now makes us aware that not only have we overlooked physical security, we have failed to develop the systems necessary to manage the unique security issues that the increasingly global nature of port management raises.

Most U.S. ports are owned by public or quasi-public authorities. These authorities frequently lease their terminal spaces to operating companies. P&O is one such operating company—and a quick review of U.S. port facilities reveals that like P&O, many terminal operating companies active in the United States are either foreign-owned or are subsidiaries of foreign entities.

In some case, these firms not only manage ports around the world, they also run the shipping lines that travel between these ports.

These kinds of relationships may be very good for business, but our government is not comprehensively assessing what threats these relationships could pose to our national security.

The Coast Guard analyzed the P&O deal because this deal was subjected to the scrutiny of the Committee on Foreign Investments in the United States.

Under normal circumstances, no federal entity comprehensively assesses terminal operating agreements for their security implications.

Each U.S. port is responsible for developing a facility security plan, which the Coast Guard approves. Amazingly, the Coast Guard does not regularly review terminal operating agreements as part of its assessment of a port's security plan.

I believe that Congress should, at the very least, examine whether the Coast Guard should be required to review terminal operating arrangements as part of their review of port facility security plans.

In the absence of such assessments, we do not really know whether firms managing our ports have ownership or business relations that could create a security threat.

Our transportation networks are truly global and all aspects of transportation businesses have significant foreign involvement. If our government has yet to take stock of these complex business arrangements and of the threats they pose to our transportation security, what other gaps exist and what incidents more threatening than a proposed sale will reveal them?

Finally, Mr. Speaker, while we have been conducting a national dialogue over recent weeks about the extent of foreign involvement that should be allowed in the operation of our ports, ports are just one of the many pieces of sensitive infrastructure in this nation which have not been adequately secured.

As we continue to examine our national security policies, we must examine whether our current laws on foreign ownership and operating arrangements pertaining to our nation's infrastructure are in the best interests of our national security. The American people well understand that the protection of our nation should not be subject to the seemingly relentless advancement of trade at all costs.

TRIBUTE TO FREDDIE BRYANT

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. BERRY. Mr. Speaker, it is with great honor that I rise here today to commemorate a remarkable man, Mr. Freddie Bryant, on ninety years of endurance, patience, and strength of character. His selfless acts have touched so many, especially his twelve children, who thrived under his guidance and cherish the wonderful memories of growing up in Freddie's home.

Freddie has been a hard worker his entire life. He took on family responsibilities at the age of seven when his father moved to Hughes, Arkansas, and continues to plant a garden and raise livestock to this day. Although he only has a seventh grade education, he has an equivalent of a Ph.D. degree in agriculture, teaching, leadership, business, counseling, and theology.

According to Freddie's family—he does it all. He continues to sow and reap his land where he built the house, barn, and pasture from trees he cut down himself. Freddie always has a way to make a situation work. He would walk for miles with his old horse Pearl and a cotton sack on his back to feed his twelve children. When his eldest child wanted to attend college, he took a job at the granary in Helena, Arkansas, until he could send every one of his kids to college. To this day, whenever he meets a stranger, he always says "let me tell you about my children."

His children remember his ambition and sacrifice with such admiration. They remember the smells of childhood that bring them back so fondly to the shack in Lexa, Arkansas. Many events happened in this home that helped them grow into notable members of society. Throughout it all, it was in the arms of a loving father that guided them in the right direction.

Freddie Bryant has been married to the former Josephine Dunlap of Lexa, Arkansas, for 67 years. Josephine is a valiant woman, whose determination to raise her family goes unmatched.

On March 11, 2006 the community will meet to honor and celebrate the 90th birthday of this simple yet great man who only refers to himself as "Fanny's Boy." I ask my colleagues in the U.S. House of Representatives to join me in wishing Freddie many more years of happiness, and thanking him for his service as a great father and great American.

CONGRATULATIONS ON SENATE PASSAGE OF LEGISLATION CREATING CARIBBEAN-AMERICAN HERITAGE MONTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. RANGEL. Mr. Speaker, I rise today to express my congratulations to Rep. BARBARA LEE of California for her leadership in championing legislation that would designate a national Caribbean-American Heritage month.

I am looking forward to the signing of this legislation by the President and to having the first celebration of Caribbean-American Heritage Month later this year. We as a nation will enthusiastically participate in this celebration in recognition and gratitude for the contributions made by our Caribbean-American communities. We have been richly blessed by this immigrant community who have followed and achieved their American dream through hard work and devotion to self-improvement.

As you know Mr. Speaker, the United States Senate earlier this month unanimously approved the legislation, H. Con. Res. 51, introduced by Rep. LEE last year. Last summer, the bill was approved by the House of Representatives and had 81 co-sponsors and support from more than 40 non-governmental organizations working on Caribbean-American issues. As the most senior Democratic woman on the House International Relations Committee, and a member of the Western Hemisphere Subcommittee, Rep. LEE has worked to strengthen U.S.-Caribbean relations and wanted to raise awareness about the role that Caribbean people and their descendants have played in the United States by introducing the bill.

As an original co-sponsor of H. Con. Res. 51, I am ecstatic that the lawmakers on both sides of the aisle in the House and the Senate lent their support to such a worthy bill. The Caribbean people have been a blessing both to the 15th Congressional District of New York and the country. There have been many influential Caribbean-Americans in U.S. history who have changed the fabric of this fine nation. Shirley Chisolm, the first African-American Congresswoman and first African-American woman candidate for President, had familial roots in Barbados. The parents of Colin Powell, the first African-American Secretary of State, were Jamaican. In the area of the arts, Celia Cruz, the world-renowned queen of Salsa music, was Cuban, while the parents of Sidney Poitier, the first African-American actor to receive the Academy Award for best actor in a leading role, hailed from the Bahamas.

It is undeniable that great patriots of the United States have cultural roots in the beautiful countries of the Caribbean. Mr. Speaker, please join me again in congratulating Rep. LEE on her hard work to advance this legislation and lawmakers in both the House of Representatives and the Senate on passing H. Con. Res. 51. I also hope you will join me in urging the President to designate the month of June for annual national recognition of Caribbean-American Heritage Month.

CELEBRATING THE ANNIVERSARY OF THE "BLUE & GOLD" WITH CUB SCOUT PACK 60

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. HIGGINS. Mr. Speaker, it is with great pleasure I recognize the young men from Cub Scout Pack 60 from Buffalo, New York as they celebrate the traditions and contributions of the Boy Scouts of America on this the 76th anniversary of Cub Scouting.

Since 1910 Cub Scouts have embraced their motto "Do Your Best" and promoted the values of: citizenship, compassion, cooperation, courage, faith, health, honesty, perseverance, positive attitude, resourcefulness, respect, and responsibility among its membership.

Today we have more than 885,000 Cub Scouts across America, learning valuable life lessons through the scouting program, who will be the next generation of leaders.

On Sunday, March 5, 2006 Pack 60 will celebrate the Anniversary of Scouting with a "Blue & Gold" dinner; blue representing truth, spirituality, steadfast loyalty and the sky above and gold which stands for warm sunlight, good cheer and happiness.

Mr. Speaker, thank you for the opportunity to recognize Cub Scout Pack 60 whose members have learned at a very young age the importance of teamwork and giving back to one's community. We should be proud knowing they are this Nation's future.

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H.R. 4682, THE HONEST LEADERSHIP AND OPEN GOVERNMENT ACT: DEMOCRATS LEAD THE NATION ON LOBBYING REFORM

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. SCHAKOWSKY. Mr. Speaker, our country was established as a government 'of the people, by the people, and for the people.' The Republican majority has turned it into a government of, by, and for a few of the people. We need to address the Republican culture of corruption and lead the charge to restore honor and dignity to the House of Representatives. America can do better. The American public deserves better.

Mr. Abramoff and his associates have clearly broken the law. It takes two to tango. I believe Republican Members of Congress who put America up for sale should also be held accountable for their corrupt dealings and "pay for play" politics that put special interests first at the expense of the priorities of the American people.

Americans pay when lobbyists are granted special access in the legislative process and democratic procedures are abandoned on the floor of the House. Americans pay for the cost of corruption in many ways: a prescription drug bill that puts the greed of pharmaceutical companies ahead of the need of senior citizens for affordable prescription drugs; energy legislation that gives tax breaks and subsidies to oil companies while Americans pay record prices at the pump and for home-heating; and a waiver of liability so that vaccine manufacturers can profit while Americans can be hurt.

To end this culture of corruption and restore integrity and openness to the House, Democratic Leader PELOSI and my Democratic colleagues have introduced the Honest Leadership and Open Government Act that will eliminate the K Street Project that trades legislative access for Republican-only employment, stop the revolving door between government and lobbyists, end the "dead of night" special interest provisions, prohibit cronyism in key appointments, and eliminate contracting abuses like those benefiting Halliburton. I support this bill, and I urge my colleagues to enact and vigorously enforce needed reforms.

I am, however, concerned with the proposal to ban all privately-funded congressional travel without making a distinction between social or recreational trips and educational travel. Travel that includes lobbyists funding lawmakers to go to luxurious resorts for golf trips is abuse of House rules, and I believe we need to put an end to it.

But fact-finding trips on the other hand are an important way to educate members of Congress about issues. Banning them would make it harder for Members to get real-world understanding of matters that arise on Capitol Hill. I want to make sure that nonprofit organizations, whether they undertake no lobbying or devote a very small percentage of their budgets to lobbying, are not precluded from taking members on these trips because of this bill. I look forward to working with my colleagues on this issue.

The intention of our Founding Fathers was for Congress to be a marketplace of ideas. Democrats are leading the effort to once again put power where it belongs—in the hands of the American people. I look forward to enacting real reform that addresses serious ethical abuses, increases the transparency and openness of government, and enforces the rules and laws already on the books.

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RECOGNIZING MR. RONALD L. BOOK

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. WASSERMAN SCHULTZ. Mr. Speaker, on Saturday, February 25, 2006, Ronald L. Book was awarded the Anti-Defamation League's Torch of Liberty Award, which recognizes outstanding individuals who have exhibited humanitarian concerns and whose efforts bring together people of all races, religions and ethnic backgrounds.

Mr. Book serves as a member of the University Outreach Development Council at Florida International University and is Board Member Emeritus of the Memorial Hospital Foundation and the Joe DiMaggio Children's Hospital & Foundation. He is chairman of the Dade County Homeless Trust and its executive committee and serves as outside advisor to the Broward Community Partnership on the Homeless.

He is also an active participant in South Florida's business community. Mr. Book is a trustee and Council of 100 members of the Greater Miami Chamber of Commerce and was the Director and Special Counsel for former Florida Governor, Bob Graham's Cabinet.

Mr. Book earned a Juris Doctorate at Tulane University and a Bachelor's degree in Political Science at Florida International University. He currently practices in Aventura and Tallahassee. Of all his accomplishments, Ron and his wife, Pat, are most proud of their children, Lauren (20), Samantha (18) and Chase (13).

For his exemplary and inspirational work, reflecting the goals and aspirations of the ADL, I congratulate Ronald L. Book on this distinguished honor.

RECOGNITION OF 2006 WINTER OLYMPIC ATHLETES

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. ROTHMAN. Mr. Speaker, I rise today to recognize all of the Olympic athletes who competed last month at the Winter Games in Turin, Italy. The Olympic Games have always sought to bring people together in peace to respect universal moral principles. They give the finest athletes in the world the chance to compete with pride and honor. I am proud that three of my constituents from East Rutherford, New Jersey, in my Ninth Congressional District, competed among the world's best at the 2006 Winter Olympics. Brian Gionta, Scott Gomez, and Brian Rafalski were all members of the Men's United States Olympic Ice Hockey Team.

Mr. Speaker, I would like to especially honor these three young men who have distinguished themselves in the sport of ice hockey, and proudly represented the United States at the 2006 Winter Olympic Games in Turin, Italy.

INTRODUCTION OF THE SUNLIGHT RULE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. PAUL. Mr. Speaker, Supreme Court Justice Louis Brandeis famously said, "Sunlight is the best disinfectant." In order to shine sunlight on the practices of the House of Representatives, and thus restore public trust and integrity to this institution, I am introducing the sunlight rule, which amends House rules to ensure that Members have adequate time to study a bill before being asked to vote on it. One of the chief causes of increasing public cynicism regarding Congress is the way major pieces of legislation are brought to the floor without Members having an opportunity to read the bills. This is particularly a problem with the Appropriations conference reports, which are often rushed to the floor of the House in late-night sessions at the end of the year. For example, just this past December, the House voted on the Fiscal Year 2006 Defense Appropriations Conference Report at approximately 4 a.m.—just 4 hours after the report was filed. Yet, the report contained language dealing with avian flu, including controversial language regarding immunity liability for vaccine manufacturers, that was added in the House-Senate conference on the bill. Considering legislation on important issues in this manner is a dereliction of our duty as the people's elected representatives.

My proposed rule requires that no piece of legislation, including conference reports, can be brought before the House of Representatives unless it has been available to Members and staff in both print and electronic version for at least 10 days. My bill also requires that a manager's amendment that makes substantive changes to a bill be available in both printed and electronic forms at least 72 hours before being voted on. While manager's amendments are usually reserved for technical changes, oftentimes manager's amendments contain substantive additions to or subtractions from bills. Members should be made aware of such changes before being asked to vote on a bill.

The sunlight rule provides the people the opportunity to be involved in enforcing the rule by allowing a citizen to move for censure of any House Member who votes for a bill brought to the floor in violation of this act. The sunlight rule can never be waived by the Committee on Rules or House leadership. If an attempt is made to bring a bill to the floor in violation of this rule, any member could raise a point of order requiring the bill to be immediately pulled from the House calendar until it can be brought to the floor in a manner consistent with this rule.

Mr. Speaker, the practice of rushing bills to the floor before individual Members have had a chance to study the bills is one of the major factors contributing to public distrust of Congress. Voting on bills before Members have had time to study them makes a mockery of representative government and cheats the voters who sent us here to make informed decisions on public policy. Adopting the sunlight rule is one of, if not the, most important changes to the House rules this Congress could make to restore public trust in, and help preserve the integrity of, this institution. I hope my colleagues will support this change to the House rules.

INTRODUCTION OF THE INNOVATION AND COMPETITIVENESS ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. GOODLATTE. Mr. Speaker, today I rise to introduce the Innovation and Competitiveness Act.

The Framers of our system of government realized that innovation was essential to the success of the United States. They embodied this strong belief in Article I Section 8 of our Constitution, which lays the framework for our nation's copyright and patent laws. The Framers realized that American innovation was so important that it merited specific reference and protection in our founding document.

Today, America is the world leader in innovation. However, to ensure that America remains the world leader, we must again take a hard look at our policies to make sure that they still encourage inventors to create and businesses to grow and expand.

Every business and individual must weigh the advantages and the hurdles when making the decisions about whether to bring an idea to the market, expand services to other geographical areas and the like. In addition to market factors, unfortunately, today there are additional hurdles to innovation and growth—excessive litigation, as well as taxation, red tape and regulation imposed by governments.

The Innovation and Competitiveness Act is a comprehensive piece of legislation to get Congress engaged in the business of promoting innovation in America by creating additional incentives for private individuals and businesses to create and rollout new products and services so that America will remain the world leader in innovation. Government sometimes is the problem—not the answer to the problem—so the Innovation and Competitiveness Act also addresses government-imposed hurdles to innovation by clearing the way for inventors and businesses to do what they do best—create and compete.

Specifically, this legislation will promote research and development by permanently extending the R&D tax credit. Companies know best how to spend their money on research and development, not government bureaucracies.

In addition, excessive red tape and confusing rules regarding tax liability are currently stifling businesses from moving across State lines. Increasingly, States are taxing businesses outside their borders for the right to do business within the State even when those out-of-State businesses have minimal contacts with the taxing jurisdictions. Given this environment, some businesses have made the decision that it is not worth expanding to other jurisdictions because of the ambiguity about when they must pay these taxes and the fear of aggressive taxation and the resulting litigation and compliance costs. The Innovation and Competitiveness Act contains provisions to set clear, bright line rules for when out-of-State businesses would be obliged to pay taxes to a jurisdiction. This bill creates a physical presence test such that States could only collect business activity taxes from businesses with employees or property in the taxing State. This will create the clarity necessary for businesses to grow beyond State lines, and offer new and exciting products and services to consumers.

In addition, excessive litigation hampers investment and innovation. With that in mind, this legislation cracks down on frivolous lawsuits by strengthening sanctions against attorneys who file truly frivolous actions.

Furthermore, rising health care costs are one of the most difficult challenges facing individuals, businesses and manufacturing today.

The Innovation and Competitiveness Act contains provisions that will allow individuals to purchase health insurance that best suits their needs and budgets, while also promoting competition in health care. In addition, our bill encourages the use of health information technology, which will improve health quality and reduce errors by leveraging cutting edge technology to make medical records available almost instantaneously to doctors when they are needed so that they can best treat patients. Technology can help reduce paperwork and administrative burdens and thus help doctors provide the best and fastest care possible to their patients.

Finally, as we have heard, by 2010, more than 90 percent of all scientists and engineers could be living in Asia. This is a major challenge to our competitive leadership, but America must keep pace. To address this issue, the Innovation and Competitiveness Act includes provisions that will provide incentives for teachers to specialize in math, science, and other technical fields—and to remain in the classroom to educate our youth in these fields. In addition, this legislation provides incentives for students to receive degrees in technical fields with financial aid and scholarships.

The Innovation and Competitiveness Act will get Congress into the business of protecting America's place as the world leader in innovation and competitiveness, and I urge the Members of the House to support the initiatives in this important legislation.

HONORING THE NATIONAL COALITION FOR CANCER SURVIVORSHIP ON ITS 20TH ANNIVERSARY

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to congratulate the National Coalition for Cancer Survivorship based in Silver Spring, Maryland on its 20th anniversary.

For the past two decades, NCCS has worked tirelessly to advocate for quality cancer care for all Americans and to empower cancer survivors. By stressing its commitment to evidence-based advocacy, NCCS has worked with policy makers to evaluate and recommend changes in how the nation researches, regulates, finances and delivers quality cancer care.

In addition, NCCS has provided cancer survivors and their loved ones access to credible and accurate information on many important survivorship issues, especially the critical role of advocating for oneself.

I ask that all of my colleagues in the House of Representatives join me in honoring the National Coalition for Cancer Survivorship, whose leadership has provided an invaluable service to this country's more than ten million cancer survivors and the millions more affected by this devastating disease. I wish them all best in the future.

RECOGNIZING ROSS HAYNES JR. FOR HIS ENDLESS COMMUNITY SERVICE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. BURGESS. Mr. Speaker, I rise today to commend Ross Haynes Jr., from Fort Worth, Texas, in the heart of the 26th Congressional District of Texas, for his dedicated service to the community.

Ross Haynes Jr. makes helping his community a high priority in his life. He has dedicated time to assisting others in the community, specifically, its youth. From sports to education on life, Ross Haynes Jr. has made a difference in our lives.

From his own humble beginnings, Mr. Haynes has amassed great wealth in the form of friendship and encouragement in which he has inspired throughout his community. He has been involved with the lives of a great deal of Fort Worth's underprivileged youths through the Fort Worth Boys & Girls Club. Mr. Haynes effortlessly educates kids about the positive things to aspire for in life.

In addition, he has fulfilled his dream to open his own business along with his wife, Delessa. This alone is a phenomenal achievement for one to accomplish. Mr. Haynes serves as a most honorable role model for many by continuing to strive for one's own personal goal.

I am proud to represent Ross Haynes Jr.—a man who has given so much back to his community. Mr. Haynes's advice, council and support to the community, whether directly or indirectly, over the years, are certainly something for which to be thankful. I am grateful to represent such a wonderful citizen like Mr. Haynes.

TRIBUTE TO THE CRISIS SHELTER OF LAWRENCE COUNTY

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate The Crisis Shelter of Lawrence County on the 25th anniversary of its founding.

In September of 1981 the Lawrence County Crisis Shelter opened its doors to women and children who have suffered domestic abuse. Over the past 25 years the Shelter has grown to provide free services to men, women and children that are victims/survivors of sexual assault and domestic abuse.

This year marks the 25th anniversary of the opening of the Crisis Shelter. To kick off the celebration, the shelter will be holding it's annual auction, which is scheduled to be held at the Scottish Rite Cathedral on Saturday, February 25th at 6 p.m. The funds raised at the auction help support many services offered by the shelter, including the 24–hour hotline, prevention education in schools, intervention training, and the emergency shelter.

I ask my colleagues in the United States House of Representatives to join me in honoring the 25th anniversary of The Crisis Shelter of Lawrence County. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such a principled organization as The Crisis Shelter of Lawrence County.

HONORING THE SANTA BARBARA BOTANIC GARDEN UPON ITS 80TH ANNIVERSARY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mrs. CAPPS. Mr. Speaker, today I rise to pay tribute to the Santa Barbara Botanic Garden board of trustees, staff and volunteers as they celebrate the 80th anniversary of the garden. The botanic garden provides many different services to the Santa Barbara community, including conservation, education and research.

As an active member of the Center for Plant Conservation, the Santa Barbara Botanic Garden is the only organization actively developing and maintaining a conservation collection of rare and endangered species in the central coast region. Through cooperation with private and public resource management agencies, seeds and living plants are collected in the wild to represent genetic and geographic variation. These conservation efforts are critical to ensuring that the areas of vast beauty and great significance are preserved so that our future generations may enjoy and learn from them.

The Botanic Garden has a comprehensive education program that includes programs for school groups, various certificate programs and excursions to such regions as Anacapa Island and Lake Cachuma. Their education program aims to increase our understanding of the role of plants in the natural world. Currently, the Botanic Garden co-sponsors programs with the Los Padres National Forest, University of California Cooperative Extension and the Gevirtz Research Center in the Graduate School of Education at the University of California, Santa Barbara. They also have a relationship with our local schools that ensures that our children learn the importance of preserving our natural treasures and allows teachers an opportunity to help students learn in an outdoor classroom environment.

Research at the Botanic Garden began in the late 1920s and has continued to be innovative and to contribute to our understanding of the natural world. Beginning in the 1960s, Dr. Ralph Philbrick (Garden Director from 1974 to 1987) expanded the Garden's floristic research of the Channel Islands. For over 40 years, Garden surveys and inventories have significantly expanded our knowledge of these remarkable offshore terrains. As a result, the Garden's herbarium includes over 30,000 specimens of the Channel Islands' vascular plants and lichens, which are consulted by researchers throughout the world. This research on the Channel Islands is of particular importance because of its status as a National Park which possesses many native plants and animals.

I am so pleased to be able to recognize all of the hard work of the trustees, staff and volunteers as a part of this 80th Anniversary celebration. I am privileged to work and live in a community that is so physically beautiful and blessed with so many dedicated individuals who work tirelessly to maintain the many things that make this area so special. Congratulations and happy anniversary!

CELEBRATING THE BIRTH OF NATHANIEL COLE ZARRELLI

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. WILSON of South Carolina. Mr. Speaker, today I am happy to congratulate Leslie and Mike Zarrelli of Silver Spring, Maryland, on the birth of their new baby son. Nathaniel Cole was born on February 9, 2006, at 10:46 a.m., weighing 7 pounds and 4 ounces. Nathaniel has been born into a loving home, where he will be raised by parents who are devoted to his well-being and bright future. His birth is a blessing.

RECOGNIZING AN ARTICLE BY RABBI ISRAEL ZOBERMAN, SPIRITUAL LEADER OF CONGREGATION BETH CHAVERIM IN VIRGINIA BEACH, VA

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. FORBES. Mr. Speaker, I rise today to introduce an article written by Rabbi Israel Zoberman, spiritual leader of Congregation Beth Chaverim in Virginia Beach, Virginia. The article by Rabbi Zoberman reads as follows:

I was in Israel on a mission of the ARZA (Association of the Reform Zionists of America) Rabbinical Council during the recent Palestinian elections to its legislative Council. The unexpected, stunning victory of Hamas winning 74 out of a total of 132 seats though only 44 percent of the cast votes, remains a source for analysis and a cause of concern.

The embarrassing defeat of ruling Fatah whose leader Mahmud Abbas continues to serve as a Palestinian Authority President, was primarily due to the long frustration and mounting anger caused by years of Fatah's inept management and outright corruption. Hamas cleverly ran on a Change and Reform list having already succeeded in establishing an infra-structure of supportive economic and social services to a deprived population. However, the victory took Hamas too by surprise saddling it with critical choices and decisions. Is it ready through to transform its very identity from a terrorist organization to one recognizing the State of Israel and negotiating peace with, is yet to be seen.

Essential financial support from Israel, the United States and the European Union depend on it. Hamas may likely choose a middle course of not repudiating its very nature while abstaining from military action to allow it to consolidate power, becoming in time even a greater threat to the Jewish state. A nightmarish scenario would be a hostile Hams state bordering on Israel with an extreme Muslim agenda and heavily influenced by Iran who is also behind the Hizballah in Southern Lebanon. That would pause unacceptable risks to the entire Middle East and beyond.

Our group was most warmly greeted by the new American Ambassador to Israel, Dr. Richard Jones, who reiterated President Bush's policy of fighting terrorism and non-support for a Palestinian Authority deviating from the Road Map. We also had the opportunity to meet at the historic King David Hotel with Laura King, Jerusalem Bureau Chief for the Los Angeles Times, who covered the Palestinian elections and conveyed her sense of not being surprised by the outcome.

Our memorable day visit to Jordan's fascinating Petra via the Yitzhak Rabin border crossing at Israel's most southern city of Eilat, was a reminder to appreciate anew the Israel-Jordan peace treaty of 1994. In addition to the natural wonders and rich history of the 1800 year old Nabatean city of Petra carved in Biblical red rock, the past interconnectedness of the entire region through fruitful commerce and cultural exchange should inspire once again its revitalization for benefit of all.

With hospitalized Ariel Sharon's unchanged medical condition, Acting Prime Minister Ehud Olmert's resolve has weathered the evacuation of the illegal outpost of West Bank's Amona in spite of the accompanied violence. Surely it is the first of the post-Gaza disengagement challenges that will test the emerging new leadership and the vibrant Israeli democracy, even as was revealed for the first time by the Israeli Institute for Economic and Social Research the high financial cost of 14 billion dollars investment in the territories since 1967. The centrist Kadima ("Forward") party created by Sharon and now headed by Olmert continues with only a small drop in its strong showing in the polls toward the March 28 elections. However, the unpredictable nature of erupting Middle East events forestalls the assurity of the elections' outcome at this time. The elections will nonetheless reflect the Israeli voters verdict on Sharon's legacy of sacrificing the vision of a greater Israel for the more realistic one of a smaller Israel yet a Jewish and democratic one; an Israeli society in a far better position to tackle its demanding and urgent agenda of socio-economic dilemmas and gaps that will ultimately determine Israel's character and moral fiber so crucial for its survival.

CONGRATULATING THE 2006 CENTRAL INDIANA BUSINESS HALL OF FAME LAUREATES

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. PENCE. Mr. Speaker, I rise today to personally congratulate Dick Johnson and Fred Klipsch, two individuals inducted into the Central Indiana Business Hall of Fame last week. These business and civic leaders are being recognized with this high honor for achieving success and contributing to the Indiana business community.

Dick Johnson exemplifies the entrepreneurial spirit that has made Indiana great. He graduated from Indiana University and started a petroleum distribution company in 1957 with a $10,000 loan co-signed by his father. In the beginning, wife Ruth and children Rick and Jenny helped out by preparing all invoices for mailing. Johnson Oil Company grew to be one of the largest independent gas distributors in the country with 200 Bigfoot stores employing 1,500 people.

Dick went on to build multiple companies from scratch, starting with very little capital to build a significant enterprise. A generous philanthropist, he and Ruth have given over $1 million to his alma mater alone.

I am proud to say that Dick has roots in my own hometown of Columbus, where he has never stopped giving back to the community. He has received numerous awards, including Columbus Community Service Award, 1997; IU Annual Distinguished Entrepreneur Award, 1994; and Columbus Small Business Person of the Year, 1988.

Another hometown hero, Fred Klipsch is the model of the successful American businessman. From humble blue-collar beginnings to the blue suits of the boardroom, he made the transition without losing the ethics and values with which he was raised.

Along the way, Fred acquired and managed several companies. Perhaps the most well-known firm is the one that bears his name: loudspeaker manufacturer Klipsch and Associates.

Managing multi-million-dollar companies didn't keep Klipsch from volunteering his services. He has been very active at Purdue University and just retired from a term as president of the Educational Choice Charitable Trust, an organization that gives scholarships to inner-city children to attend private schools.

Fred has also worked hard to reposition the state Republican Party and is still Republican National Committeeman for the State of Indiana.

Once again, my congratulations to 2006 Central Indiana Business Hall of Fame Laureates Dick Johnson and Fred Klipsch.

INTRODUCTORY STATEMENT FOR H.R. 4843, VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2006

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. MILLER of Florida. Mr. Speaker, as chairman of the Subcommittee on Disability Assistance and Memorial Affairs of the Veterans' Affairs Committee, I am proud to introduce H.R. 4843, the Veterans' Compensation Cost-of-Living Adjustment Act of 2006.

The Subcommittee's Ranking Member, SHELLEY BERKLEY, as well as full Committee Chairman STEVE BUYER and Ranking Member LANE EVANS, join me as original cosponsors of the bill.

H.R. 4843 would provide a cost-of-living adjustment to veterans' benefits effective December 1, 2006. This would affect more than

2.9 million service-connected veterans and survivors of service-connected veterans.

The VA Committee periodically reviews the service-connected disability and dependency and indemnity programs to ensure that the benefits provide reasonable and adequate compensation for disabled veterans and their families. Based on this review, Congress acts annually to provide a cost-of-living adjustment in veterans' compensation and survivor benefits.

Mr. Speaker, Congress has provided increases in these rates for every fiscal year since 1976. The Administration's fiscal year 2007 budget submission includes funding for a projected 2.6 percent increase.

I urge my colleagues to support this bill.

THANKING JUANITA CONKLING FOR HER SERVICE TO THE HOUSE

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. EHLERS. Mr. Speaker, on the occasion of her retirement in April 2006, I rise to thank Mrs. Juanita Conkling for over 40 years of outstanding service to the U.S. House of Representatives.

Juanita began her career with the Federal Bureau of Investigation (FBI). After a year of service with the FBI, Juanita joined the U.S. House of Representatives on May 1, 1965, and has worked for the House Sergeant at Arms and the Chief Administrative Officer as the Payroll/Benefits Administrator in the Office of Members' Services. In this position, she has provided payroll and benefits guidance and counsel to countless Members of Congress and their families. Over the past 40 years, Juanita has assured that the Members of Congress were paid accurately and on time each month. Additionally, she has provided current and former Members of Congress with advice and counsel about their ongoing options relative to their compensation and benefits.

Juanita has been instrumental in assisting both new and departing Members of Congress—orienting new Members about their pay and benefits issues as well as counseling departing Members about their options for continuation of benefit programs. During her 40 years working for the House, Juanita's career has given her the opportunity to have many long-lasting relationships with current and former Members of Congress, their families and congressional staffs.

On behalf of the former and current Members and the House community, I extend congratulations to Juanita for her many years of dedication and outstanding contributions to the Members and the U.S. House of Representatives. We wish Juanita many wonderful years in fulfilling her retirement dreams.

TRIBUTE TO RITA J. BOARD

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mrs. CAPITO. Mr. Speaker, I rise today in recognition of Rita J. Board, Governmental Liaison for the Internal Revenue Service. Ms. Board's career extends over a 30 year period in Parkersburg, West Virginia, serving not only the taxpayers of the Second Congressional District of West Virginia but the entire State of West Virginia. The positions she held include Taxpayer Service Specialist, Taxpayer Education Coordinator, Management Analyst in the Taxpayer Advocate Service and most recently Governmental Liaison. Ms. Board has received numerous awards in recognition and appreciation of her superior effort, dedication, and personal contribution to accomplishing the goals of the Internal Revenue Service as Congress intended.

It is impossible to estimate the enormous number of lives positively impacted by Ms. Board—small business individuals, volunteers, low income families, educational institutions, and exempt organizations.

Ms. Board played a large part in establishing an extremely successful Taxpayer Advocate Office in West Virginia that aims to work cooperatively with Congressional Offices. Ms. Board also successfully led in the establishment of an excellent relationship between the State of West Virginia and the IRS. I commend her for these contributions to the West Virginia public.

Ms. Board's family is service-oriented. Her husband, Gerald, is a retired police officer. Her daughter, Leslie, and her son, Matthew, are currently serving the public as police officers. Ms. Board has been a role model to everyone she meets.

I urge my colleagues to join me, as Rita J. Board retires from the Internal Revenue Service, in celebrating her tremendous achievements during her career and in her personal life.

PERSONAL EXPLANATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. REICHERT. Mr. Speaker, on March 1, 2005, I missed roll call vote #17, honoring the contributions of Justice Sandra Day O'Connor. I was unavoidably detained chairing a subcommittee hearing on the state of interoperable communications. If I had been present, I would have voted "yes."

RECOGNIZING THE PEACE CORPS VOLUNTEERS FROM OREGON'S 3RD DISTRICT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. BLUMENAUER. Mr. Speaker, President Kennedy once stated that "Peace is a daily, a weekly, a monthly process, gradually changing opinions, slowly eroding old barriers, quietly building new structures." As we celebrate the 45th anniversary of the establishment of the Peace Corps, the truth of that statement is confirmed every day by the outstanding group of men and women promoting international understanding and progress across the globe.

During this National Peace Corps Week, I want to honor the service and commitment of the Peace Corps Volunteers from Oregon's 3rd Congressional district and express my pride in my fellow Oregonians who have chosen to devote years of their lives in service to others.

In particular, I want to recognize the current Peace Corps Volunteers whose service began in the past year: Ethan Choi (Bulgaria), Katie Conlon (Mali), Nancy Davis (Mexico), Rebecca Inman (Madagascar), Michael Lemmo (Ecuador), Cara McCarthy (Madagascar), Chris Pexton (Namibia), Jonathan Ruff (Costa Rica), Patrick Schmidt (Namibia), Candace Watson (Swaziland), Delores Watts (Malawi), Kimberly Wells (Malawi), and Malia Wetcher (Mozambique).

Their work to empower people and communities in developing countries is a crucial contribution to creating a safe and prosperous world, building bridges between America and the world, and establishing a better future for people everywhere.

CONGRATULATING MR. JIMMY FAULKNER, SR. ON THE OCCASION OF HIS 90TH BIRTHDAY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. BONNER. Mr. Speaker, it is with both pride and pleasure that I rise this week to honor a great man, as well as a true friend, Mr. Jimmy Faulkner, on the occasion of his 90th birthday.

Few people have enjoyed a more wonderful life than "Mr. Jimmy."

As an Air Force pilot, young Jimmy Faulkner answered his nation's call to serve and serve he did, always with distinction, valor and honor.

Upon completing his service in the Air Force, Jimmy Faulkner set out to blaze a trail of success in the world of business, spanning 42 years as the owner and publisher of a chain of south Alabama newspapers, as well as serving as president of seven radio stations. At the same time, he continued to find a way to serve his community, state and nation, first by being elected the youngest mayor in America in 1941, when he was elected mayor of his beloved Bay Minette.

Years later, Mr. Jimmy would go on to serve Baldwin, Monroe and Escambia Counties by becoming one of Alabama's most respected and influential state senators. Twice he also ran for governor of Alabama.

Still later, Mr. Jimmy's entrepreneurial talents would give him the confidence to start Loyal American Life Insurance Company. And during most of the past 50 years, he has also been associated with Volkert & Associates, one of the top engineering, architectural, planning and environmental firms in the United States.

One of Jimmy Faulkner's passions has been his lifelong dedication to improving education. He has served as a member of the Board of Directors for the Alabama Christian College in Montgomery, which was renamed Faulkner University in his honor, and Chairman of the Advisory Board for James H. Faulkner State Community College in Bay Minette. Mr. Jimmy holds seven honorary doctorate degrees in law and humane letters, and he has served on several commissions that worked to improve Alabama's secondary education system.

Jimmy Faulkner was named the North Baldwin Chamber of Commerce "Person of the Century" in 2000. In 2003, he was awarded the Alabama Press Association's "Lifetime Achievement Award" and received the Volkert Chairman's Award in 1994.

Mr. Speaker, there has been no other individual more important to south Alabama or to the life of his local community than James H. "Jimmy" Faulkner, Sr. He is an outstanding example of the quality individuals who have devoted their lives to public service, and I ask my colleagues to join with me in congratulating him on reaching this milestone. I know Mr. Jimmy's colleagues, his family and his many friends join with me in praising his significant accomplishments and extending thanks for his many efforts over the years on behalf of the First Congressional District and the entire state of Alabama.

TRIBUTE TO THE 415TH CIVIL AFFAIRS BATTALION FROM KALAMAZOO, MI.

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to the members of the 415th Civil Affairs Battalion from Kalamazoo, MI who have bravely served our Nation overseas in Iraq. This Sunday, March 5th, the entire Battalion will be honored for its distinguished service in Iraq, receiving the prestigious Meritorious Unit Commendation that is bestowed upon battalions that are particularly meritorious and exceptional in their services against an armed enemy during Operation Iraqi Freedom.

In addition to the Battalion's group recognition, 100 members of the unit will also be personally awarded the Combat Action Badge, which provides special recognition to Soldiers who personally engage the enemy, or are engaged by the enemy during combat operations.

I am so proud of the 415th Battalion because they represent all of the many and diverse jobs that our troops have set out to accomplish in Iraq. For example, this Battalion has administered over 1000 reconstruction projects, implemented and managed 43 separate school reconstruction projects, provided medical screening to Iraqi citizens, even helped forge a relationship between Harvard University's medical school and Iraq's Tikrit University of Medicine.

The work of these men and women represents the positive progress that is actually going on in Iraq. The stories and accomplishments of the 415th Battalion are the ones that should truly be grabbing the headlines back home. Once again, I would like to congratulate the 415th Battalion for their much-deserved recognition and thank them on behalf of all the folks in Southwest Michigan for their great service. We are safer as a nation for your service—you make us all proud.

PUERTO RICO DEMOCRACY ACT OF 2006

HON. LUIS FORTUÑO

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. FORTUÑO. Mr. Speaker, today, Puerto Ricans celebrate the 89th Anniversary of being granted United States citizenship by an Act of Congress. It is on this historic occasion that I, as Puerto Rico's sole representative in Congress, am proudly introducing on their behalf the Puerto Rico Democracy Act of 2006.

Since 1917, we have cherished that citizenship, and the principles of freedom and democracy for which our Nation stands. Hundreds of thousands of Puerto Ricans have fought valiantly in all wars since then to defend those principles that we so strongly value, with 50 of our own making the ultimate sacrifice in our Nation's current War on Terrorism in Iraq and Afghanistan. The bill I am introducing today honors the life and sacrifice of these heroes . . . heroes who have left their loved ones behind to defend our democratic values even as they themselves are unable to vote for their Commander in Chief.

After 108 years of being a territory of the United States, Puerto Rico's status dilemma remains unresolved. Over the years, many in Congress have expressed their willingness to respect the right of self-determination for the U.S. citizens residing in Puerto Rico yet, during that time, there has never been a federally sanctioned self-determination process.

On December 22, 2005 the President's Task Force on Puerto Rico's Status issued a comprehensive and balanced report providing options for the Island's future status and relationship with the United States. This Task Force, created by Executive Orders from President Clinton and President Bush, clearly outlines in its report a process to address Puerto Rico's century old status dilemma.

The bill that I am introducing today simply implements the recommendations of the Task Force Report in order to preserve the guiding principles found in that report, which avoid prejudice towards a particular status option, and develops alternatives that are compatible with the U.S. Constitution and basic policies of the United States.

Some will argue that Puerto Rico's status should be determined by a select few, however, I sustain that, after 108 years of waiting, the four million U.S. citizens of Puerto Rico deserve nothing less than a direct and meaningful vote. The Puerto Rico Democracy Act of 2006 guarantees that the terms and conditions of Puerto Rico's future be developed jointly and democratically by the people of Puerto Rico and the Congress and not by the whims of an elite few.

In supporting this legislation, Congress would finally sanction a real opportunity for the people of Puerto Rico to exercise their right of self-determination with a process that would allow for a direct vote from the people. The first plebiscite, which would be held during the 110th Congress, but no later than December 31, 2007, would allow the people of Puerto Rico to elect whether to remain a U.S. territory, or to pursue a path toward a constitutionally viable permanent non-territorial status. It would not be until a second plebiscite during the 111th Congress that specific non-territorial status options would be defined, should the voters decide they want to opt for a permanent, non-territorial status.

Congress has a date with history. As a territory, Puerto Rico is subject to Congressional authority under the Constitution's Territorial Clause. After 89 years as U.S. citizens, we deserve the opportunity to provide the people of Puerto Rico with a process where, through their direct vote, they can choose the status of their choice. Congress must assume its constitutional responsibility and act now; otherwise the efforts of the Presidential Task Force on Puerto Rico's Status, established by President Clinton and President Bush, would have been in vain.

I wish to thank my many colleagues, on both sides of the aisle, who have agreed to become original co-sponsors of this bill, validating the recommendations made by the President's Task Force on Puerto Rico's Status to commence a democratic process under which the people of Puerto Rico will be able to exercise their inherent right to self-determination. The four million U.S. citizens of Puerto Rico deserve no less.

TRIBUTE TO RUSSELL GWATNEY

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. FORD. Mr. Speaker, it is with honor I rise today to recognize the great achievement of Russell Gwatney, a noted and respected business leader in the great state of Tennessee and the nation at-large. Russell Gwatney, president for Gwatney Chevrolet, Chevrolet-Isuzu was recently named a finalist for the 2006 Time Magazine Quality Dealer Award.

The Time Magazine Quality Dealer Award is the automobile industry's most prestigious and highly coveted award for car dealers. The award recipients are among the nation's most successful auto dealers. Criteria for the award include recipients' demonstration of a long-standing commitment to effective community service. As a finalist, Mr. Gwatney is one of 66 automobile dealers from more than 19,500 nominees nationwide nominated for the annual award—now in its 37th year.

An Arkansas native, Mr. Gwatney grew up in the car business. His father became a Chevrolet dealer when Russell Gwatney was just 6 years old. Mr. Gwatney started selling cars in 1973 after an illness caused him to leave the University of Arkansas during his junior year. After completing undergraduate studies in 1976, Mr. Gwatney returned to the dealership in sales management, where he later became general manager in 1979 and co-dealer in 1984.

In addition to his business successes, Mr. Gwatney and his dealership have supported a wide range of organizations and philanthropic efforts in the community. As well, he has served as chairman for the St. Louis Federal Reserve Bank and also member to the executive committee of the Memphis Regional Chamber of Commerce.

Mr. Gwatney was nominated for the annual Time Magazine Quality Dealer Award by Robert V. Weaver, president of Tennessee Automotive Association. Mr. Gwatney lives in Germantown, Tennessee with his wife Elizabeth. They have three children, including their two sons John and David who have joined the family business.

Mr. Speaker, I ask you and my colleagues in the U.S. House of Representatives to join me in recognizing and commending Russell Gwatney and for this great achievement.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. OWENS. Mr. Speaker, I was absent on Tuesday, February 28, 2006, due to unavoidable circumstances in my Congressional District. Had I been present, I would have voted: "yea" to H.R. 1096—Act Commemorating the LITE, or Lifetime Innovations of Thomas Edison; "yea" to H. Res. 668—Celebrating the 40th anniversary of Texas Western's 1966 NCAA Basketball Championship and recognizing the groundbreaking impact of the title game victory on diversity in sports and civil rights in America and "yea" to H.R. 1259, to authorize the President to award a gold medal on behalf of the Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

IN RECOGNITION OF DR. WILLIAM L. LESTER

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to remember and pay tribute to Dr. William L. Lester, the longtime Provost at Tuskegee University in Tuskegee, Alabama, who passed away on February 6, 2006.

Dr. Lester was dedicated to academics. He first arrived in Tuskegee University in 1968 to work as a mathematics instructor, and later left in 1970 to pursue his doctorate at Southern Methodist University. He returned to Tuskegee in 1974 to head the Mathematics Department, and later served as Assistant Provost in the Academic Affairs office. He became Tuskegee's Provost in 1984.

Dr. Lester was truly a model citizen, both for the university community and his family. His tireless work on behalf of Tuskegee helped make the institution the world-renowned university it is today. He will be sorely missed. His memory lives on through his wife, Virda, and their children.

I am privileged to have the opportunity to honor the late Dr. William L. Lester today, and appreciate the House's attention to the life and legacy of this important Alabamian.

TRIBUTE TO DEREK PARRA, CHAMPION SPEEDSKATER FOLLOWING THE CONCLUSION OF HIS PARTICPATION IN THE WINTER OLYMPICS AND IN ADVANCE OF HIS RETIREMENT

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. BACA. Mr. Speaker, Americans have watched with great pride as our athletes have taken part in the 2006 Winter Olympics in Torino. The greatness of the Olympics comes from the spirit of friendly international competition, and we are inspired by our athletes as they strive for excellence and represent our country with honor. During the Games, not only have we seen amazing athletic accomplishments—but also we have learned about the lives of the athletes away from the arena, as they dedicated themselves to their training and preparation, made sacrifices, overcame challenges, celebrated victories, and sometimes suffered through defeat.

Among the many stars of America's Olympic team, one shines particularly bright to the people of my District and to me personally: speedskater Derek Parra.

Derek grew up on the west side of San Bernardino, California with his father Gilbert and his brother. He attended Roosevelt Elementary and Eisenhower High School in Rialto. In fact my son, Joe Baca, Jr., went to school with him, and I attended church with Derek's father, Gilbert Parra, at St. Catherine's in Rialto.

Southern California's Inland Empire is wonderful place for children to grow up and to get involved in sports, but with the sunny climate, it is hardly a winter sports haven. So not surprisingly, Derek grew up roller skating not ice skating. He first learned to skate at the Stardust Roller Rink in Highland, where he was an inline skater. Derek first set foot on ice when he was 17 years old and was 26 when he switched from inline skating to ice skating in 1996 to pursue his Olympic dreams.

Derek was determined, focused and relentless in this pursuit. Even among his fellow athletes in a demanding sport, he was respected for the work ethic that made him an Olympic hero.

Four years ago, I rose to honor Derek after his amazing performance at the 2002 Games in Salt Lake City. At those Games, he won a gold medal in the 1,500-meter race and a silver medal in the 5,000-meter race, breaking the previous world records for both distances.

Derek Parra was the first Mexican American to ever participate in the Winter Olympics, let alone win a medal. Derek also carried proudly the flag of the United States in the opening ceremonies at Salt Lake.

Since those exciting days four years ago, a lot has changed in Derek's life. He made great sacrifices in his personal life to continue his Olympic dreams. He moved away from loved ones in Florida to continue his training in Utah. While some athletes are able to concentrate solely on their sport, Derek has continued to work part-time in order to pay the bills. And he has experienced the breakup of his marriage. Additionally, Derek is now 35, which is young for most of us but old for a champion skater.

Yet, through all the challenges both on and off the ice, Derek earned a spot on the 2006 Olympic team and the opportunity to again represent the United States. He skated in two events: the team pursuit competition and the 1,500-meter race, in which he had set a world record on his way to gold 4 years ago. This time, however, he did not match his success in the 2002 Games—no medals, no world records.

Instead, Derek skated for the joy of competition and the thrill of representing his country on the world stage one more time. He skated for his daughter, Mia Elizabeth, who turned 4 years old in December, with the hope that she will remember watching him race against the world's best. He skated because he loves to skate and because he is proud to be an American athlete.

Having accomplished his goals, Derek is ready to retire next month, following a competition in the Netherlands. Quietly, a world away from his glorious achievements of 2002, he will hang up his skates and end his competitive career.

But Derek Parra will not be forgotten. His story will continue to inspire young people, those who dream of Olympic gold and more generally those who have big ambitions despite long odds against them. He has broken down barriers in his striving for greatness—and he has done it all with determination and dignity.

Thank you, Derek, for allowing us to share in your dreams for so long. With great appreciation and admiration I repeat what I said 4 years ago: San Bernardino is proud of you. Mexican Americans are proud of you. All Americans are proud of you. You are our hero. God bless you.

ROCKY MOUNTAIN FOREST INSECTS RESPONSE ENHANCEMENT AND SUPPORT ACT (ROCKY MOUNTAIN FIRES ACT)

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. UDALL of Colorado. Mr. Speaker, with my Colorado colleague, Representative JOHN SALAZAR, I today am introducing a bill to help protect Rocky Mountain communities from the increased risks of severe wildfire caused by large-scale infestations of bark beetles and other insects in our forests.

Entitled the Rocky Mountain Forest Insects Response Enhancement and Support—or Rocky Mountain FIRES—Act, the bill will provide the Forest Service and Interior Department with more tools and resources to respond to this serious problem.

In Colorado and other Rocky Mountain states, the risk of severe wildfires is very real. Partly, this is because of drought. But there are other contributing factors. One is that for many years, the federal government's policy emphasized fire suppression, even though fire is an inescapable part of the ecology of western forests like those in Colorado. Today, in many parts of the forests there is an accumulation of underbrush and thick stands of small diameter trees that is greater than would be the case if there had been more, smaller fires over the years. They provide the extra fuel that can turn a small fire into an intense inferno. The problem has been made worse by our growing population and increasing development in the places where communities meet the forests—the so-called "urban interface." And when you add the effects of widespread infestations of insects, you have a recipe for even worse to come.

I have put a priority on reducing the wildfire risks to our communities since I was elected to Congress. In 2000, with my colleague, Representative HEFLEY, I introduced legislation to facilitate reducing the buildup of fuel in the parts of Colorado that the Forest Service, working with state and local partners, identified at greatest risk of fire—the so-called "red zones."

Concepts from that legislation were included in the National Fire Plan developed by the Clinton Administration and were also incorporated into the Healthy Forests Restoration Act of 2003. As a Member of the Resources Committee, I had worked to develop the version of that legislation that the committee approved in 2002, and while I could not support the different version initially passed by the House in 2003, I voted for the revised version developed in conference with the Senate later that year—the version that President Bush signed into law.

Since 2003 welcome progress has been made—in Colorado, at least—in developing community wildfire protection plans and focusing fuel-reduction projects in the priority "red zone" areas, two important aspects of the new law.

But at the same time nature has continued to add to the buildup of fuel in the form of both new growth and dead and dying mature trees. This has resulted from a variety of reasons, including the fact that dense stands of even-aged trees (one result of decades of fire suppression and reduced logging) are stressed by the competition for nutrients. This stress, which has been intensified by the effects of the drought that has plagued the west for nearly a decade, makes these stands less able to resist insects.

Many species of bark beetles, such as the mountain pine beetle, are native to our forests. These insects fly to a tree—typically one that may be weakened by age, disease or lack of water and nutrients—where they burrow through the bark. If the tree is healthy, it can defend itself through the production of sap to repel and expel the invading insect. If the insect is successful, it lays its eggs in the woody material below the bark. Once the eggs hatch, they feed on the tree's fiber and disrupt the flow of water and nutrients from the tree's roots to its needles and braches. In addition, the insects bring in fungi and other invaders that further damage the tree. If enough insects are able to penetrate the tree and lay eggs, the tree dies. The offspring then mature and leave the tree flying to the next tree and the cycle begins anew.

These insects and the cycles they engender are a natural component of forest ecosystems. They help to balance tree densities and set the stage for fires and thereby the generation of new tree growth. When forests are healthy and there are adequate supplies of water, the effects of insects are relatively low-scale and isolated. But under the right conditions-such as during drought conditions or when there are dense stands of even aged trees—the insects can cause large-scale tree mortality, turning whole mountainsides and valleys rust red.

That is what has been happening in many mountainous areas in Colorado. For example, in the Fraser and upper Colorado River Valleys north of the Winter Park Ski area, the insect epidemic has decimated wide swaths of forests. Most alarmingly, areas around populated communities in these valleys from Winter Park all the way up to the west side of Rocky Mountain National Park are living with acres of dead trees, turned rust red by the insects and creating intense concern of a catastrophic wildfire that could race through these landscapes and communities.

To learn more, last year I convened a meeting in Winter Park, in Grand County, that was attended by more than 200 people, including local elected officials, homeowners, timber industry representatives, Forest Service officials, ski area employees, and other Coloradans. They offered observations on the extent of this problem and proffered suggestions on ways to better respond to it.

Based on that meeting and other conversations, draft legislation was developed that Representative SALAZAR and I circulated widely so we could obtain further comments and suggestions. The bill we are introducing today reflects much of what we heard from Coloradans and others interested in this subject.

Our goal is not to eradicate insects in our forests—nor should it be, because insects are a natural part of forest ecosystems. Instead, our intention is to make it possible for there to be more rapid responses to the insect epidemic in those areas where such responses are needed in order to protect communities from increased wildfire dangers.

The bill would add a new section to the Healthy Forests Act to specifically address insect epidemics like those now visible in the Fraser and upper Colorado River Valleys. It would apply to the entire Rocky Mountain west. It would authorize the Forest Service to identify as "insect emergency areas" Federal lands that have already been slated for fuel-reduction work in community wildfire protection plans and that have so many insect-killed trees that there is an urgent need for work to reduce the fire-related risks to human life and property or municipal water supplies. The Forest Service could make such a determination on its own initiative or in response to a request from any State agency or any political subdivision (such as a county, city, or other local government) of a State. If the Forest Service receives such a request, it must make a decision in response within 90 days. A designation must be made by a Regional Forester or higher-ranking official of the Forest Service.

In these emergency areas, the Forest Service or Interior Department would be authorized to remove dead or dying trees on an expedited basis, including use of a "categorical exclusion" from normal review under the National Environmental Policy Act (NEPA).

Although categorical exclusions from NEPA are controversial, I believe they are appropriate for these emergency situations. And because recent lawsuits have led to some confusion about the relationship of Forest Service categorical exclusions and the Appeals Reform Act, the bill would exempt such categorically-excluded projects in insect emergency areas from the Appeals Reform Act. This would make it clear that the projects categorically excluded in an insect emergency situation would not need to go through additional steps in order to enhance the rapid use of such categorically excluded projects.

As the focus of the bill is on the potential fire threats to communities from insect-killed tress and the encouragement of treatment projects in the "community wildfire protection plan" areas, the bill also includes provisions to help communities establish such plans.

Toward that end, the bill includes language to make clear that development of protection plans qualifies for assistance under the Federal Fire Protection and Control Act. And, more importantly, the bill provides that annually for the next five years $5 million will be diverted from the federal government's share of royalties for onshore federal oil and gas resources and made available to help Rocky Mountain communities develop their protection plans.

At the meeting in Winter Park last fall, I also heard concerns from private landowners who are doing what they can to reduce fuel loads, cut down insect-killed trees, and otherwise mitigate the fire risks on their lands.

Because some of them would like to be able to do similar work on adjacent National Forest lands, the bill makes clear that the Forest Service can award them stewardship contract or enter into agreements authorizing them to do that carry out fuel-reduction work on those lands, subject to terms and conditions set by the Forest Service. Those arrangements could provide for reimbursement by the government for their work, and the bill specifies that if their work is not reimbursed, it will be treated as a donation to the government for income-tax purposes, meaning it is deductible from income tax by people who itemize their deductions.

The bill would also encourage the Forest Service to establish "central collection points" where trees and other vegetative material could be deposited and made available for further uses as fuel or products.

Also at the Winter Park meeting, I heard that there are some barriers to the private sector in doing the treatment work on Forest Service land. So, the bill would allow the Forest Service to extend the length of time for stewardship contracts for thinning work in insect-emergency areas by as much as an additional 5 years beyond the current 10 year limit.

This could help attract more entities willing to do the needed treatment work in these emergency areas, as could another part of the bill that would allow people carrying out fuel-reduction projects in insect-emergency areas to exclude up to $10,000 ($20,000 for joint returns) from the amount of their income subject to federal income tax.

Finally, as trees removed to reduce fuel loads or respond to an insect emergency may have some value as a fuel, the bill would authorize the Forest Service to make grants to owners or operators of facilities that convert the removed trees and other vegetative material into energy.

Although we cannot and should not eradicate insects from our forests, we can and we should strive to help reduce the increased wildfire risks to communities that result from their increased infestations. The purpose of this bill is to provide some additional tools and resources that will enable relevant federal agencies, local communities, and residents of the Rocky Mountain region to better respond to this problem. For the benefit of our colleague, I am attaching a short outline of the bill's provisions.

The bill has 8 sections, as follows:

Section One—provides a short title and table of contents. The short title is "Rocky Mountain Forest Insects Response Enhancement and Support (or Rocky Mountain FIRES) Act."

Section Two—sets forth finding regarding the need for the legislation, and states the bill's purpose, which is to facilitate a swifter response by the Forest Service and Interior Department to reduce the increased risk of severe wildfires to communities in the Rocky Mountain regions caused by the effects of widespread infestations of bark beetles and other insects.

Section Three—amends the Healthy Forests Restoration Act to: Add definitions of terms; Require that in the Rocky Mountain region at least 70% of the funds allocated for hazardous fuel reduction projects be used for projects in the wildland-urban interface and lands near municipal water supplies or their tributaries that have been identified for treatment in a community wildfire protection plan; Provide for designation of insect-emergency areas by the Forest Service; Specify the effect of designation of insect-emergency areas; Specifically authorize the Forest Service to relocate or reassign personnel to respond to an insect emergency; Clarify the relationship of this part of the bill and the Appeals Reform Act; (The bill defines "Rocky Mountain region" as Arizona, Colorado, Idaho, Montana, New Mexico, North Dakota, South Dakota, Utah, and Wyoming.)

Section Four—amends Healthy Forests Restoration Act to authorize help to communities preparing or revising wildfire protection plans, and provides for annual diversion (for five years) of $5 million from federal share of royalties from onshore federal oil and gas developments to fund this assistance.

Section Five—amends Federal Fire Prevention and Control Act of 1974 to clarify that development of community wildfire protection plans qualifies for assistance under that Act.

Section Six—amends biomass-grant provision of Healthy Forests Restoration Act to allow grants to facilities using biomass for wood-based products or other commercial purposes (in addition to uses now specified in the Act); to require that priority go to grants to people using biomass removed from insectemergency areas; to increase authorization to $10 million annually through 2010 (instead of $5 million annually through 2008); and to provide for establishment of central collection points for material removed from forest lands as part of hazardous-fuel reduction projects.

Section Seven—amends the Healthy Forests Restoration Act to specifically authorize Forest Service and Interior Department to award stewardship contracts to owners of lands contiguous to Federal lands (or enter into agreements with such landowners) so the landowners can do fuel-reduction work on the Federal lands and either be reimbursed for such work or authorized to treat value of such work as a donation to the United States for purposes of federal income taxes.

Section Eight—amends Internal Revenue Code to exclude from taxable income up to $10,000 ($20,000 for joint return) received from the Federal government as compensation for work done in the Rocky Mountain Region as part of an authorized hazardous-fuel reduction project or a silvicultural assessment done under section 404 of the Healthy Forests Restoration Act.

TRIBUTE TO RETIRING GENERAL LANCE W. LORD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. SKELTON. Mr. Speaker, let me take this opportunity to recognize the long and distinguished career of General Lance W. Lord. General Lord is retiring after serving in our nation's Air Force with distinction for over 37 years.

General Lord received a Bachelor of Science in education from Otterbein College in Ohio, where he entered the Reserve Officer Training Corps Program. He earned a Master's degree in industrial management from the University of North Dakota, Grand Forks. He also attended the Squadron Officer School, Air Command and Staff College, and the Air War College at Maxwell Air Force Base.

After entering the Air Force in 1969, General Lord served four years of Minuteman II ICBM alert duty. He was the Director of the Ground-Launched Cruise Missile Program Management Office in West Germany and he was the Commander of two ICBM wings in Wyoming and North Dakota. At Vandenberg Air Force Base in California he commanded a space wing responsible for satellite launch and ballistic missile test launch operations. He led Air Force Education as the Commander of Air University at Maxwell Air Force Base and was the Assistant Vice Chief of Staff for the Headquarters U.S. Air Force. Since 2002, General Lord has been the Commander of the Air Force Space Command at Peterson Air Force Base in Colorado, where he has been responsible for the development, acquisition, and operation of the Air Force's space and missile systems.

General Lord has earned numerous decorations and badges for his outstanding efforts in the military. These decorations and badges include a Legion of Merit with two oak leaf clusters, a Meritorious Service Medal with oak leaf cluster, an Air Force Commendation Medal, an Air Force Outstanding Unit Award with oak leaf cluster, an Air Force Organizational Excellence with two oak leaf clusters, a Combat Readiness Medal, and a National Defense Service Medal with two bronze stars. He also has received many honors, including the Secretary of the Air Force Leadership Award from Air War College at Maxwell Air Force Base, the General Jimmy Doolittle Fellow Award from the Air Force Association, and the Space Champion Award from the National Defense Industrial Association.

Mr. Speaker, I know the Members of the House will join me in paying tribute to General Lance W. Lord for his exceptional service to the United States and will wish him and his family all the best in the days ahead.

A BILL TO RATIFY A CONVEYANCE OF THE JICARILLA APACHE RESERVATION TO RIO ARRIBA COUNTY, STATE OF NEW MEXICO

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. UDALL of New Mexico. Mr. Speaker, I rise to introduce a bill to ratify a conveyance of a portion of the Jicarilla Apache Reservation to the county of Rio Arriba, New Mexico. This legislation will bring resolution to a longstanding dispute between the Jicarilla Apache Nation and Rio Arriba County.

The dispute, which has been ongoing for nearly two decades, is over the ownership of a road on a parcel of land formerly referred to as Theis Ranch. The Jicarilla Nation purchased Theis Ranch in 1985 and, in March 1988, the Nation subsequently conveyed a trust deed for Theis Ranch to the United States. The Theis Ranch property then, by proclamation of the Secretary of the Interior, became part of the Jicarilla Reservation in September 1988.

A lawsuit was filed in October of 1987 and the District Court was asked to determine the ownership status of the disputed road. In the original lawsuit, Rio Arriba County sought to establish that the county acquired the disputed road by prescription and, therefore, the county was the road's rightful owner. However, the Jicarilla Nation contended that the Nation owned the road because the road was, and continues to be, within the boundaries of the expanded 1988 Jicarilla Reservation. On December 10, 2001, the District Court found in favor of the Jicarilla and determined that the disputed road traversed the Jicarilla Reservation in several locations. Rio Arriba County appealed the December 2001 District Court decision and the appeal is currently pending before the Court of Appeals of the State of New Mexico. In a separate yet relevant matter, Rio Arriba County appealed a February 2003 decision by the Southwest Bureau of the United States Department of the Interior to acquire a tract of land referred to as the Boyd Ranch in trust for the Jicarilla Nation. Rio Arriba's appeal of this determination is currently pending before the Interior Board of Indian Appeals.

In an effort to settle the road dispute, the Jicarilla Nation and Rio Arriba County entered into mediation. The parties successfully reached a settlement that was subsequently executed by both the Jicarilla Nation, on May 3, 2003, and Rio Arriba County, on May 15, 2003. Representatives of the Secretary of the Interior approved the settlement on June 18, 2003. The settlement agreement, which would be implemented by this legislation, provided that the Jicarilla Nation would transfer, more or less, 70.5 acres of land located with the expanded 1988 Jicarilla reservation to Rio Arriba County. In exchange for the Jicarilla Nation's land conveyance, Rio Arriba County agreed to permanently abandon any and all claims to the disputed road. The settlement also provides that the terms of the agreement do not take effect until all parties complete their respective promises in the agreement and the United States, pursuant to federal law, approves of the conveyance of this particular Jicarilla trust land to Rio Arriba County.

Both parties and the Secretary of the Interior have fully preformed the terms agreed to within the settlement agreement. All that stands between the parties to this dispute and long overdo resolution is Congressional approval. Consequently, the legislation will adjust the Jicarilla Reservation border in order to account for the transfer. At the same time, this legislation upholds Congress' trust responsibility to the Jicarilla Nation by placing restrictive covenants on the trust land transferred to the County. In other words, this legislation recognizes that the transferred land is immediately adjacent to the remainder of the Jicarilla Nation. As a result of the transferred land's proximity to the reservation, certain uses of the transferred land would have a detrimental effect on the remaining reservation. Therefore, this legislation allows the County to use the land only for "governmental purposes" and specifically prohibits the County from using the land for prisons, jails, or other incarcerated persons, and other purposes.

Mr. Speaker, I urge my colleagues to expedite passage of this very important legislation. Both the Nation and the County have waited years for this agreement to be implemented. Congress must now do their part to provide long overdue resolution.

PAYING TRIBUTE TO ALDEANE COMITO RIES

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Aldeane Comito Ries, who served as a teacher and principal in the Clark County School District for 38 years. She will be recognized at the formal dedication of Aldeane Comito Ries Elementary School, which was named in her honor.

Raised in Des Moines, Iowa, Aldeane graduated from Roosevelt High School and then attended the University of Iowa. She went on to earn an undergraduate degree in elementary education, with a minor in Italian. She subsequently earned a master's degree in elementary education and is certified in counseling, administration, secondary education and vocational education.

Aldeane began her distinguished teaching career in 1962 at J.E. Manch Elementary School in Las Vegas. After teaching elementary school for 5 years at both Manch and Ruth Fyfe Elementary Schools, she moved to Farside Middle School where she taught for a year. In 1968, she was appointed as the Dean of Students at Garside and K.O. Knudson Middle Schools. After 2 years as a middle school administrator, she moved to Valley High School where she served as the Dean of Students. Following her time at Valley High School, Aldeane spent 6 years as the Dean at Chaparral High School. In 1981, she was appointed as the Assistant Principal at Chaparral and held that position for 9 years. In 1990, she was appointed to her first principalship at Valley High School. In 1993, she was the first woman to be selected to open a new metropolitan high school when she was appointed as principal of Silverado. She served there until her retirement. Since retirement, Aldeane has remained active in education by mentoring new principals. Additionally, she touches the lives of the students at Ries Elementary School by volunteering to participate in the Clark County Reads Program.

Throughout her thirty-eight years in the Clark County School District, regardless of her position, Aldeane held fast to the belief that schools should always act in the best interest of their students. Her "students first" philosophy won the hearts of the students and staff with whom she served. Her steadfast commitment to her students and the courage with which she advocated for them serve as an outstanding example for all educators.

Mr. Speaker, I am honored to recognize Mrs. Aldeane Comito Ries today on the floor of the House.

COLUMN BY THOMAS L. FRIEDMAN

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. OXLEY. Mr. Speaker, I would like to bring to the attention of the House a recent column by Thomas L. Friedman, which offers acute insights into the Dubai Ports World controversy. Mr. Friedman removes politics from the debate and presents a clear and concise evaluation of the issue.

I strongly recommend Mr. Friedman's column to my colleagues.

[From the New York Times, Feb. 24, 2006]

WAR OF THE WORLDS

(By Thomas L. Friedman)

Since 9/11, whenever the Bush team has found itself in political trouble, it has played the national security card against Democrats. It has worked so well that Karl Rove, in a recent speech to the Republican National Committee, made it a campaign theme for 2006.

He said America today faces "a ruthless enemy" and therefore needs "a commander in chief and a Congress who understand the nature of the threat and the gravity of the moment America finds itself in. President Bush and the Republican Party do. Unfortunately, the same cannot be said for many Democrats."

Mr. Rove added: "Republicans have a post-9/11 worldview, and many Democrats have a pre-9/11 worldview. That doesn't make them unpatriotic—not at all. But it does make them wrong—deeply and profoundly and consistently wrong."

I particularly like the line "that doesn't make them unpatriotic," when that was exactly the political slur Mr. Rove was trying to implant.

So I understand why Democrats were eager to turn the soft-on-terrorism card back on President Bush when it was revealed that P&O, the navigation company based in London—which has been managing the ports of New York, New Jersey, Baltimore, New Orleans, Miami and Philadelphia—had been bought by Dubai Ports World, a company owned by the Dubai monarchy in the United Arab Emirates, an Arab Gulf state, and that the Bush team had approved the Dubai takeover of the U.S. port operations.

I also understand why many Republicans are now running away from the administration. They know that if they don't distance themselves from Mr. Bush, some Democrats are going to play this very evocative, very visual "giving away our ports to the Arabs" card against them in the coming elections. Yes, you reap what you sow.

But while I have zero sympathy for the political mess in which the president now finds himself, I will not join this feeding frenzy. On the pure merits of this case, the president is right. The port deal should go ahead. Congress should focus on the NSA wiretapping.

Not this.

As a country, we must not go down this road of global ethnic profiling —looking for Arabs under our beds the way we once looked for commies. If we do—if America, the world's beacon of pluralism and tolerance, goes down that road—we will take the rest of the world with us. We will sow the wind and we will reap the whirlwind.

If there were a real security issue here, I'd join the critics. But the security argument is bogus and, I would add, borderline racist. Many U.S. ports are run today by foreign companies, but the U.S. Coast Guard still controls all aspects of port security, entry and exits; the U.S. Customs Service is still in charge of inspecting the containers; and U.S. longshoremen still handle the cargos.

The port operator simply oversees the coming and going of ships, making sure they are properly loaded and offloaded in the most cost-effective manner. As my colleague David E. Sanger reported: "Among the many problems at American ports, said Stephen E. Flynn, a retired Coast Guard commander who is an expert on port security at the Council on Foreign Relations, 'who owns the management contract ranks near the very bottom.' "

What ranks much higher for me is the terrible trend emerging in the world today: Sunnis attacking Shiite mosques in Iraq, and vice versa. Danish caricatures of the Prophet Muhammad, and violent Muslim protests, including Muslims killing Christians in Nigeria and then Christians killing Muslims. And today's Washington Post story about how some overzealous, security-obsessed U.S. consul in India has created a huge diplomatic flap—on the eve of Mr. Bush's first visit to India—by denying one of India's most respected scientists a visa to America on the grounds that his knowledge of chemistry might be a threat. The U.S. embassy in New Delhi has apologized.

My point is simple: the world is drifting dangerously toward a widespread religious and sectarian cleavage—the likes of which we have not seen for a long, long time. The only country with the power to stem this toxic trend is America.

People across the world still look to our example of pluralism, which is like no other. If we go Dark Ages, if we go down the road of pitchfork-wielding xenophobes, then the whole world will go Dark Ages.

There is a poison loose today, and America—America at its best—is the only antidote. That's why it is critical that we stand by our principles of free trade and welcome the world to do business in our land, as long as there is no security threat. If we start exporting fear instead of hope, we are going to import everyone else's fears right back. That is not a world you want for your kids.

ON THE 45TH ANNIVERSARY OF PEACE CORPS

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. HONDA. Mr. Speaker, as a former Peace Corps Volunteer, I am honored to formally recognize the agency on the 45th Anniversary of its inception and to help kick-off National Peace Corps Week. This week begins a year long celebration of Peace Corps' 45th Anniversary with events taking place across the country and throughout the world.

During National Peace Corps Week, we salute the men and women of this nation who selflessly have served abroad as Peace Corps Volunteers, as well as those current Volunteers who continue to carry out the Peace Corps mission: empowering people in developing countries through their grassroots development efforts.

Seventeen constituents of the 15th Congressional District of California are currently serving in the Peace Corps. These honorable constituents serve in almost every continent. The countries being served include Peru, Armenia, Georgia, Namibia, Benin, Bolivia, Ukraine, Moldova, Mali, Namibia, Ghana, Kenya, Kazakhstan, Thailand, and Guinea.

I am encouraged by the growth in the number of Peace Corps Volunteers and posts over the years. 7,810 Volunteers are currently in 69 posts serving 75 countries in Africa, Asia, the Caribbean, Latin America, Eastern Europe and Central Asia, the Middle East, and the Pacific Islands. As Chair of the Congressional Ethiopia and Ethiopian American Caucus, I am particularly interested in the efforts of the Peace Corps to re-instate its post in Ethiopia. I am in total support of the expansion of this worthy organization.

I fondly remember my time as a volunteer in El Salvador where I built schools and health clinics. The experience meant much to me personally and professionally, sparking a lifelong desire to serve in the public sector. I returned with a passion for teaching, and quickly put my skills, including fluency in Spanish, to use in Santa Clara County schools. Most importantly, I returned to the United States with a deeper understanding of humanity and a personal commitment to speak on behalf of the marginalized and powerless.

With that said, allow me to call your attention to the President's FY07 request for Peace Corps at $337 million. Though this is a modest increase from the FY 06 enacted level of $318.8 million, it will allow the Peace Corps to expand into two more countries. In addition, it will also optimize the number of Volunteers and staff in existing countries, strengthen and expand recruiting efforts, and maximize safety and security training and compliance efforts. I encourage my colleagues in the Foreign Operations Subcommittee to fulfill the President's request.

This week, I honor the Peace Corps and its brave Volunteers for their service to our nation and to the international community. Volunteers are providing expertise and development assistance to countries around the world, finding common ways to address global challenges, and forming bonds with people throughout the world. They make service a cultural necessity. They set a universal standard for how we are to embrace the realities of an ever-shrinking world.

The Peace Corps mission is more vital than ever, and I hope that each one of you will join me in thanking the Volunteers and the Peace Corps for their hard work in pursuit of an altruistic mission.

COMMEMORATING NATIONAL PEACE CORPS WEEK

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to commemorate National Peace Corps Week, which runs from February 27th through March 5th.

Forty-five years ago, John F. Kennedy challenged the people of the United States to serve their country: to travel to places they never dreamed they'd visit, to help people they never thought they'd meet, and to do this from the bottom of their hearts. The men and women of the Peace Corps answered and have continued to answer that call, volunteering two years out of their lives to the lives of others.

With 7,810 current volunteers, the Peace Corps has enlisted more than 182,000 men and woman and served in 138 countries to improve the lives of the less fortunate. They've been teachers and mentors to countless children. They've helped farmers grow crops, worked with small businesses to market products, and helped teach new health care practices. They've helped schools develop computer skills, and educated entire communities about the threat of HIV/AIDS.

The United States was founded on the principle that human beings, regardless of race, creed, or sex possess certain inalienable rights: the rights to life, liberty, and the pursuit of happiness. Peace Corps volunteers are the ambassadors of these rights.

In the past half-century world events have brought many challenges to Peace Corps volunteers. Yet they have always been able to adapt, responding to those in need regardless of the situation. Volunteers meet all challenges head on with innovation, determination, and compassion. For their altruism, Peace Corps volunteers deserve to be recognized for their work toward peace.

To date, the 6th District has produced over 350 Peace Corps volunteers, including the following 27 current volunteers: Troy A. Agron, who is working in Azerbaijan; Sarah W. Bartfeld, Albania; Carol A. Batz, Tonga; Zachary Burt, Morocco; Lilian Chan, Eastern Caribbean; Rustin P. Crandall, Guyana; Catherine A. Cvengros, Armenia; Ashley E. Fine, Benin; Amil A. Gehrke, Georgia; Levi Hanzel-Sello, Moldova; Sharon Kaiser, Eastern Caribbean; Connor J. Kamada, Senegal; Jenna Kay, Uganda; Paul H. Kingsbury, Panama; Anna F. Kuhn, Tanzania; Ana Alecia Lyman, Mozambique; Julia C. Miller, Burkina Faso; Priya N. Mishra, Moldova; Jonathan G. Morris, Ukraine; Lanthy Nguyen, Macedonia; Nickolette D. Patrick, Ukraine; Alyson L. Peel, Swaziland; Shaydra A. Pflaum-Scott, Macedonia; Uriah S. Reisman, Panama; Christopher Shutt, Bulgaria; Elicia F. Smith, Kenya; and Eric J. Tawney, Vanuatu.

Mr. Speaker, I ask my colleagues to join me in commemorating National Peace Corps Week and honoring the brave and selfless volunteers who have sacrificed years of their lives to make our world a better place.

HONORING SERLIN'S CAFÉ ON THE OCCASION OF ITS 60TH ANNIVERSARY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today to honor the 60th anniversary of Serlin's Café, located in St. Paul, Minnesota.

Tucked along Payne Avenue on St. Paul's East Side, Serlin's Café is more than just a restaurant that serves incredible food. It is a neighborhood gathering place for many residents of St. Paul's East Side. Serlin's is a St. Paul landmark.

Serlin's Café first opened its doors for business on February 1, 1946—less than a year after the end of World War II. When Irv Serlin passed away in 1994, his legacy continued. His step sons, Al and Gary Halvorsen, along with their mother Doris Serlin-Johnson now own the restaurant. They continue the same great tradition of great food and outstanding service. The Halvorsens make meat loaf like how you remembered it whiling growing up, and the very best pies from scratch. The staff knows their customers by name. Serlin's unbeatable service and friendly atmosphere has made local residents—myself included—come back time and time again to Serlin's Café.

Mr. Speaker, please join me in honoring Serlin's Café for its 60 years of East Side hospitality. I commend the Halvorsens for continuing their great service and remaining committed to the residents of St. Paul.

BELLEVUE COMPANY, PACCAR, RECEIVED NATION'S HIGHEST HONOR FOR INNOVATION AND TECHNOLOGY

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. REICHERT. Mr. Speaker, I rise today in praise of PACCAR, Inc., a Bellevue, Washington company that recently received the National Medal of Technology from the President of the United States. Today PACCAR celebrates the National Medal of Technology and last year PACCAR celebrated its 100th year. It's not often a company can top the kind of year that 2005 was for PACCAR, but somehow they've managed to, and in only two months.

I was proud to witness our President bestow the highest honor in technology and innovation upon PACCAR, "For [their] pioneering efforts and industry leadership in the development and commercialization of aerodynamic, lightweight trucks that have dramatically reduced fuel consumption and increased the productivity of U.S. freight transportation."

Washington's eighth Congressional District is home to many companies that are industry leaders, and I am so pleased to see one recognized at this level. PACCAR makes me proud, the State of Washington proud and the United States of America proud. As it has moved forward in its quest to increase productivity and reduce fuel consumption, PACCAR has embodied the spirit of innovation that has put America on the forefront of science and technology for most of the previous century.

Before the introduction of the Kenworth T600 model in 1985, the term "aerodynamic truck" would be considered an oxymoron. Today the legacy and influence of the T600 is apparent in the design of virtually every make of truck on the highway. The benefit to the truck buyer, the consumer, the economy, and the environment has been a dramatic reduction in fuel consumption, reduced CO_2 emissions, improved highway safety through reductions in splash and spray, and lower cost of delivery for the goods that help fuel our Nation's economy.

While much of the industry pondered the feasibility of ever breaking the 10-mile-per-gallon barrier with a heavy-duty truck, Kenworth and Peterbilt both achieved that goal with their most aerodynamic and fuel-efficient tractor-trailer combinations in real-world, cross-country tests. Achieving significant improvements in fuel economy was not without market risk and required changing what a heavy-duty "conventional" truck was supposed to look like. Initial misgivings about what some perceived as radical styling departures, were soon muted as customers realized the economic benefits of the new designs.

In the last 5 years alone, PACCAR has been widely praised. PACCAR was named one of the Top 50 Companies by Business Week magazine in 1999, 2000 and 2004 and Industry Week magazine named it one of the Top 50 Manufacturing Companies in the U.S.A. in 2005. The Wall Street Journal listed it on its Shareholder Return Honor Roll in both 2003 and 2004. PACCAR was designated the #1 International Company by the Stevie Awards in 2003 and #1 in Enterprise Management by Computerworld in 2004.

I wish PACCAR well as they begin their next hundred years of innovation and invention. PACCAR is a company that knows what it takes to succeed, and also to make this world better. I am honored to stand here today commending their achievements, and I am eager to see what they do next. Congratulations to everyone on the PACCAR team. This medal is an acknowledgment of all that you have done and worked for and a belief that your best work is yet to come.

REMEMBERING CALVIN RICHIE OF FAUQUIER COUNTY, VIRGINIA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. WOLF. Mr. Speaker, it is an honor for Mrs. JO ANN DAVIS of Virginia and me to remember Calvin L. "Boots" Richie, a farmer and activist deeply committed to agriculture and his fellow farmers in Fauquier County, Virginia, who passed away on February 26.

Selected by the Fauquier Times-Democrat as "Citizen of the Year" in 1994, Boots will be remembered for his countless accomplishments, including co-founding People Helping People of Fauquier County, Inc., a local charity offering immediate help to residents of Fauquier struggling against natural disaster, illness, or sudden financial hardship.

We insert for the RECORD a Fauquier Times-Democrat obituary from February 28. A Fauquier native, Boots will be deeply missed by the people of the county, and at home by his family.

[From the Fauquier Times-Democrat, Feb. 28, 2006]

"BOOTS" SUCCUMBS TO CANCER; SOUTHERN FAUQUIER FARMER WAS OUTSPOKEN ADVOCATE FOR AGRICULTURE, EDUCATION

Calvin L. "Boots" Ritchie, of Bealeton, one of Fauquier County's leading citizens for the past two decades and an active force behind a home-grown charitable organization, died at home on Feb. 27 after a long and valiant fight against cancer. He was 78.

A native son of Fauquier, Mr. Ritchie was born June 17, 1927 at Inglewood Farm, where he died.

He earned his unique nickname as a child, when he did his chores around the farm "wearing an adult-sized pair of gumboots that reached to his hips," recalled his sister, Hazel Bell, in a 1994 interview. "He was about 5 or 6 years old, and the name stuck."

He spent his entire life working in agriculture, first on the family farm and later, while engaged in custom farming. In the mid-1970s, he founded the Fauquier Grain Company.

Mr. Ritchie came to the general public's attention in 1978, when he was involved in the American Agriculture Movement.

The AAM sought 100 percent parity for farm products, and made their point by staging a memorable "Tractorcade" demonstration that passed through Fauquier into Washington, D.C.

"Our main agricultural export is grain, which is priced lower now than it was five years ago," wrote Mr. Ritchie in a 1979 column in the Democrat. "No other industry could stay in business under these circumstances, and farmers cannot be expected to, either."

In later years, Mr. Ritchie became a driving force behind Fauquier County's purchase of development rights program.

However, it was a different crisis, far from Fauquier, that put Mr. Ritchie on a new path that would make a lasting difference for hundreds of people.

In the wake of the disaster in South Carolina caused by Hurricane Hugo in 1989, Mr. Ritchie and several of his friends founded People Helping People of Fauquier County, Inc., a nonprofit corporation for the sole purpose of helping people struggling against natural disasters, illness or sudden financial hardship.

EDUCATION ADVOCATE

In the early 1990s—after a school bond referendum held to provide funding for a second high school failed—Mr. Ritchie became active in yet another arena.

Determined to see a second high school in southern Fauquier, Mr. Ritchie persistently lobbied the School Board and pushed for the needed school bond referendum. When Liberty High School at Bealeton opened in 1994—without the funding for a football stadium—he was at the forefront of the campaign, soliciting donations and selling raffle tickets to raise the money to get the stadium built.

After Mr. Ritchie and his friends on the Principal's Advisory Committee at Liberty raised $100,000 for the stadium lights, the Board of Supervisors, then under the late Dave Mangum (Lee District), came up with the remaining $250,000 to build it.

Due to Mr. Ritchie's efforts and his growing, positive influence in Fauquier County, he was recognized as the Fauquier Times-Democrat's Citizen of the Year for 1994.

His influence continued throughout his final years, and he often spoke out on issues that were important to him. A frequent contributor to the Democrat's opinion pages, Mr. Ritchie's last letter was published here on Jan. 25, 2006.

In it, he urged the Board of Supervisors to consider giving tax money to parents who wished to opt-out of the public schools and send their children to private or Christian schools.

"The movement would be so great that I doubt that we would have to build any more new public schools," he said. "The good news is that everyone wins."

Mr. Ritchie was a longtime, active member of Mount Carmel Baptist Church near Morrisville, where he served on the Building and Grounds Committee, as well as videographer for worship services.

According to his family, one of the highlights of Boots' life was being chosen to carry the Olympic Torch.

Mr. Ritchie is survived by his wife, Gail R. Ritchie; his sons, and Glenn C. Ritchie, all of Bealeton; and his daughters, Jennifer R. Krick of Bealeton and Helen R. Ritchie of Strasburg.

Also surviving are his step-sons, Edward C. Lynskey of Annandale and William E. Lynskey of Midland; and his stepdaughters, Linda L. Ashby and Karen L. Hughes, both of Bealeton; and his sisters, Hazel R. Bell of Drayden, Md., Jennalee R. McNally, Marie R. Lee and Peggy R. Dahany, all of Fredericksburg; 11 grandchildren and four greatgrandchildren.

He was preceded in death by his parents, Wilbur Early Ritchie and Ethel Barker Ritchie; a son, Jeff A. Ritchie; and his brothers, C. Hunter Ritchie, Claude Ritchie, and Charles Dwight Ritchie.

Funeral services and interment will be private. A public memorial service will be held on Saturday, March 4 at 2 p.m. at the Liberty High School auditorium.

Memorial contributions may be made to the American Cancer Society, Relay for Life, P.O. Box 1095, Warrenton VA 20188; People Helping People, PO Box 3108, Warrenton VA 20188; or to Mount Carmel Baptist Church, 12714 Elk Run Road, Midland VA 22728.

THE ROCKY MOUNTAIN FOREST INSECT RESPONSE ENHANCEMENT AND SUPPORT ACT (ROCKY MOUNTAIN FIRES ACT)

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. SALAZAR. Mr. Speaker, it is my pleasure after working with my friend and colleague, Representative MARK UDALL, that today we will introduce legislation to assist and help protect Rocky Mountain communities. Over the past couple of years, our state has experienced horrific wildfires caused by the ongoing insect epidemic in our forests. It is time to action in order to reduce the risks and protect both life and property.

The Rocky Mountain Forest Insects Response Enhancement and Support Act, or Rocky Mountain FIRES Act, will provide the Forest Service, Interior Department and local communities with a better ability to respond to this serious and growing problem of beetle infestation.

While the various species of bark beetle are native to our forests, these insects create poor forest health conditions and are destroying our forests. A healthy tree can normally defend itself through the production of sap that creates a retardant against the insect, but current drought conditions and density of forests have impacted the production of these natural defenses and the overall health of the forests.

In my district, I am concerned that deteriorating forest health places many mountain communities at greater risk of fire. Our legislation will allow these communities to treat increased fuel risks caused by unhealthy trees and dense forest stands. In fact, we took great care to address the concerns of local communities and have crafted a bill that incorporated the input of diverse constituencies across Colorado.

Finally, I would like to stress that our goal is to provide helpful tools in the treatment of forests areas while still having the proper sideboards in place to protect the environment. We understand the insects play a role in the forest ecosystem and the goal is not eliminate them, but to allow communities and the forest service to respond quicker to catastrophically impacted areas.

This is good legislation that is needed to help protect and preserve Colorado's mountain communities. I urge my colleagues to join me in supporting this important piece of legislation.

CONGRATULATIONS TO CHRISTOPHER HOUSE OF CHICAGO

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. GUTIERREZ. Mr. Speaker, I rise today to introduce a resolution congratulating Christopher House of Chicago on the occasion of its centennial celebration.

I believe Christopher House is a successful and absolutely essential organization for the livelihood and well being of the great city of Chicago. Let me explain why.

In 1906, the First Presbyterian Church of Evanston founded Christopher House as a settlement house on Chicago's North Side. Over the course of a century, it has grown in response to the needs of new immigrants and others in our community.

Today, Christopher House is a seven-site resource center that helps families overcome the consequences of poverty, enabling them to thrive. Through early childhood and youth development, parent enrichment, literacy, counseling, pregnant and parenting teen support, and the meeting of basic human needs, Christopher House is a catalyst in a family's journey towards stability, resiliency and self-sufficiency.

Christopher House is a premier human service organization that provides assistance to all in need without regard to race, creed, religion or national origin.

Shortly before his death, Cesar Chavez said, "You are never strong enough that you don't need help." I think he was speaking to all of us.

Obviously, we are all touched by the 100 years of work of Christopher House. We see the lives Christopher House changes—the children who receive Head Start, the people who benefit from English as a Second Language classes, the families who are enlightened by literacy classes—and we are pleased that we can help in some small way.

So we volunteer. Or we write a check. Or we attend a fundraiser or a rally or make a donation. Or support legislation and federal funding. All of which are critically important, and we extend our gratitude to all of those who have given time, money and resources to help Christopher House.

But here is an important part of what I believe Cesar Chavez meant when he said, "You are never strong enough that you don't need help."

Christopher House does more than serve 3,500 children and their families in need. It does more than help teen moms who have nowhere else to turn. It does more than help children who would have few options for summer camps and tutoring programs. It does more than help kids by providing comprehensive early childhood education to families across our neediest neighborhoods.

Christopher House helps us. Christopher House helps all of us—whether we are a CEO or a partner in a law firm or a member of Congress. Because of the work that the organization's staff does every day, the lives of all of us are enriched and improved—not just the families who receive direct service.

Because Cesar Chavez was right—none of us are ever strong enough that we don't need help.

Perhaps we don't need a literacy class. But we all benefit from an educated and capable work force.

Perhaps we don't need to put our own children in Head Start. But we need to know that every child with a desire to learn and grow and reach toward their dreams has a place to go and people to help them.

Perhaps—if we're lucky—many of us will go through our lives and never have a desperate need for emergency services—for food and shelter and for clothing.

But we need to be part of a community where every person in need has somewhere to go, someone to turn to, someone who cares.

And perhaps, if we are fortunate, few of us will have a need for the day-to-day, make-or-break help that Christopher House routinely provides. But that doesn't mean we don't rely on Christopher House.

Because it comes down to this—all of us rely on Christopher House to answer this important question: Who can we count on? Who is there for us? Who cares enough to do the hardest work for the people who need help the most?

Every day, the people who devote their lives as staff and volunteers and donors to Christopher House answer those questions through their actions.

We can count on Christopher House. Christopher House is there for us. And Christopher House has been doing this vital work for 100 years, and with our support should continue for many more.

Christopher House's history means a lot to me—because it has always served precisely the population that I work with every day as a member of Congress. When it started a century ago as part of the settlement house movement, Christopher House focused closely on the population that has always been the sustaining life of our city—the immigrant community.

Today, Christopher House still serves our immigrant population—now largely Latino. It is a population whose steady influx breathes oxygen into Chicago's lungs and reimagines our city every generation.

From the time it opened, Christopher House has been there for all of us, because its leaders have understood that treating the newest Americans well means that all of us are treated better.

So, Mr. Speaker, with this resolution, we recognize Christopher House for its century of contributions to Chicago.

To the "House with a Heart," I say from the bottom of my heart—thank you very much. Thank you for enriching and improving the lives of Chicagoans for the last 100 years and we look forward to many more years of your services.

FREEDOM FOR JOSÉ DANIEL FERRER GARCÍA AND LUIS ENRIQUE FERRER GARCÍA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to remind my colleagues about José Daniel Ferrer García and his brother Luis Enrique Ferrer García, both political prisoners in totalitarian Cuba.

Mr. José Daniel Ferrer García is the regional coordinator for the Christian Liberation Movement and his brother Mr. Luis Enrique Ferrer García is also active in the same movement. They are peaceful pro-democracy activists who believe in the cause of freedom for the people of Cuba. Because of their steadfast belief in human liberty, and their constant work to bring freedom to an island enslaved by the nightmare that is the Castro regime, these courageous brothers have been a constant target of the dictatorship.

According to Amnesty International, Mr. José Daniel Ferrer García has been harassed and detained numerous times for his pro-democracy activism. In January 2002, he was forced from a bus and beaten by the tyrant's thugs because of his activities and ideals. Amnesty International reports that Mr. Luis Enrique Ferrer García, in December 1999, was sentenced to 6 months of "restricted freedom." In March 2003, as part of Castro's heinous crackdown on peaceful pro-democracy activists, both brothers were arrested. Subsequently, in two sham trials, Mr. José Daniel Ferrer García was sentenced to 25 years in the totalitarian gulag and Mr. Luis Enrique Ferrer García was sentenced to 28 years in the gulag.

While confined in the inhuman horror of Castro's gulag, both brothers have been the constant target of abuse. According to the Department of State's Country Reports on Human Rights Practices for 2004:

"On January 1, José Daniel Ferrer García reported serving 45 days in a punishment cell for protesting the suspension of correspondence and the delivery of food and medical supplies from his family. He did not receive food or water during the first 3 days of his confinement and slept on a cement floor. Authorities confiscated his Bible and prohibited any contact with other prisoners."

According to Amnesty International, Mr. Luis Enrique Ferrer García was transferred to a punishment cell for having bravely refused to militarily salute a warden of the gulag. The Department of State Country Report describes the true horrors of a punishment cell: "Prisoners sometimes were held in 'punishment cells,' which usually were located in the basement of a prison, with continuous semi-dark conditions, no available water, and a hole for a toilet." This is in addition to the grotesque depravity of the gulag that also includes beatings, isolation, denial of medical treatment to detainees, and multiple forms of abuse.

These two brothers are brilliant examples of the heroism of the Cuban people. No matter how intense the repression, no matter how horrifically brutal the consequences of a dignified struggle for liberty, the totalitarian gulags are full of men and women of all backgrounds and ages who represent the best of the Cuban nation.

Mr. Speaker, it is as inconceivable as it is unacceptable that, while the world stands by in silence and acquiescence, these two brothers are systematically tortured because of their belief in freedom, democracy, human rights and the rule of law. My Colleagues, we must demand the immediate and unconditional release of Luis Enrique Ferrer García, José Daniel Ferrer García and every political prisoner in totalitarian Cuba.

TEXAS INDEPENDENCE DAY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. GENE GREEN of Texas. Mr. Speaker, today marks Texas Independence Day. 170 years ago today, the Texas Declaration of Independence was ratified by the Convention of 1836 at Washington-on-the-Brazos.

Just as American patriots declared their independence from the tyrannical British Empire's military domination and established the first true democracy in the modern age, Texas declared its independence from Mexico to restore their political rights.

After July 4th, 1776, democracy became a common goal for all people of the New World, but one that we would have to fight for.

Texas declared its independence after many peaceful years as a part of a Mexican federal republic because Texans lost their political rights when Mexico became dominated by military dictatorships.

In 1824, a military dictatorship took over in Mexico that abolished the Mexican constitution. Facing an even more oppressive regime than the British Empire, the Texas Declaration of Independence states that Texas's government had been "forcibly changed, without their consent, from a restricted federative republic, composed of sovereign states, to a consolidated central military despotism."

The Texas Declaration of Independence was also fully justified because this military dictatorship had ceased to protect the lives, liberty, and property of the people of Texas—Anglos and Tejanos.

The new military dictatorship refused to provide for trial by jury, freedom of religion, or public education for their citizens.

When Texans and Tejanos peacefully protested the undemocratic changes to Mexico's government, they were imprisoned unjustly.

Failure to provide these basic rights violates the sacred contract between a government and the people, and Texans did what we still do today—stand up for our rights by declaring our independence to the world.

In response, the Mexican army marched to Texas to wage a war on the land and the people, enforcing the decrees of a military dictatorship through brute force and without any democratic legitimacy.

The struggle for Texan independence was a political struggle, not an ethnic conflict. In fact, many Texas Hispanics considered themselves Tejanos—not Mexicans—and Tejanos from all walks of life served bravely in the Texas War for Independence and sacrificed greatly.

Tejanos were in Texas before Mexico became a nation, and Tejanos cherished the freedom to run their own affairs democratically just as dearly as Anglos. When the Mexican government failed, it failed all Texans and Tejanos equally.

For example, two Tejanos who distinguished themselves in the Texas War for Independence were Captain Juan Seguin and Lorenzo de Zavala, a future Republic of Texas Vice President. The historical records are full of many other patriotic Tejanos as well.

As future President Sam Houston and other delegates signed the Texas Declaration of Independence, Mexican General Santa Ana's army besieged independence forces at the Alamo in San Antonio.

Four days after the signing, the Alamo fell with her commander Lt. Colonel William Barrett Travis, Tennessee Congressman David Crockett, and approximately 200 other Texan and Tejano defenders.

All these men were killed in action, a heroic sacrifice for Texan freedom. If this tragedy were not enough, weeks later Santa Anna's army massacred over 300 unarmed Texans at Goliad on March 27.

In a dramatic turnaround, Texans and Tejanos achieved their independence several weeks later on April 21, 1836. Roughly 900 Texans and Tejanos of the Texan army overpowered a much larger Mexican army in a surprise attack at the Battle of San Jacinto.

That battle is memorialized along the San Jacinto River with the San Jacinto Monument in Baytown, Texas in my district. The monument is larger than the Washington Monument here in D.C.

Today is an important day for Texas identity, and patriotic Texans are observing this occasion with great pride at the monument in Baytown today. If it were not for our voting schedule here in Congress, I would be at home with them for this event.

We give thanks to the many Texans from all backgrounds who sacrificed for the freedom we now enjoy. God bless Texas and God bless America.

CONGRESS MUST REMAIN CONCERNED WITH THE POST-WAR LIVES AND TRAUMAS OF AMERICA'S SOLDIERS RETURNING FROM IRAQ

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. GEORGE MILLER of California. Mr. Speaker, I wanted to bring to the attention of my colleagues the personal and really tragic story of one soldier's struggle to cope after returning from the war in Iraq. The San Francisco Chronicle recently reported on the life of Blake Miller, whom some Americans came to know through the media as the "Marlboro Man" of Iraq for his efforts in the battle of Fallujah, one of the most intense battles of the Iraq War since the invasion itself.

As the war continues to rage on and the country continues to debate how to bring it to an end, it is important to stop and look at the consequences of the war on our soldiers. America's soldiers have done everything asked of them. They and their families have endured great hardship, and many, too many in my opinion, have paid the ultimate sacrifice in this war.

I believe that we must not neglect the full experience of the soldiers and their families from this war, the trauma and stress that have severe consequences on their post-war lives. Blake Miller, a.k.a. the Marlboro Man, now suffers from post-traumatic stress disorder from his experiences in Iraq, and specifically, his involvement in the siege on Fallujah. He is really struggling, according to this news account that I am enclosing for all of my colleagues to read. As the article describes, he and those who fought with him, will forever be tormented by their experiences in Iraq.

Sadly, but not unexpectedly, Blake Miller and his family are not alone. According to an article in the Washington Post on March 1, 2006, soldiers returning from Iraq consistently reported more psychic distress than those returning from other conflicts. More than one in three soldiers and Marines who served in Iraq have sought help for mental health problems, according to Army experts.

Mr. Speaker, the President and Congress have chosen to send America's soldiers into battle in Iraq. That was not a decision that I supported because I believed then, as I do now, that the evidence of a real threat to America did not exist. But whether one supported this decision or not, every member of Congress and the President have an obligation to be concerned with the well-being of our troops both in battle and afterward. I hope that Blake Miller's story will help convey to this Congress the human suffering that this war is likely to cause for many years to come and help us to think long and hard about the consequences of the decisions we make in Congress—before we make them.

We honor Blake Miller's sacrifice and service to our country by making sure he and his family have every resource available to help them recover from this trauma and to regain a sense of normalcy in their lives and that they are not denied any needed service because of a lack of funding from this Congress or this President for medical care for veterans.

REMEMBERING RICHARD "DICK" QUATTRIN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to take this time to remember one of Northwest Indiana's most distinguished citizens, Richard "Dick" Quattrin, of Whiting, Indiana. On Sunday, February 26, 2006, Dick passed away while in Washington, D.C. As he so often did, Dick made the trip to Washington to take part in a national meeting of the American Legion. Dick will be laid to rest on Saturday, February 4, 2006, at Saint Joseph Cemetery in Hammond, Indiana.

Dick Quattrin was born on August 18, 1932, to Angelo and Laura Quattrin. He was born and raised in the Pullman-Roseland neighborhoods of Chicago before relocating to Whiting, Indiana, which he called home for over fifty years. These fifty years were spent with his beloved wife, Dorothy, who survives him. Dick is also survived by his five daughters, Lydia (Greg) Beer, Karen (Ed) Erminger, Ruth (Wayne) Rodda, Marsha (John) Jerome, and Sharon Quattrin. Dick is also survived by his brothers Norman (Laurie) Quattrin and Ron (Sandy) Quattrin, his sister-in-law Rose (Bill) Tuskan, and his loving grandchildren, whom he truly cherished: Andrew, Jason, Jennifer, Daniel, Jeffrey, Megan, Laura, Allison, Emily, and Claire.

Dick's life of service to his community goes back to his days in the United States Army, where he obtained the rank of Sergeant. Dick felt tremendous pride for his country, and he was willing to endanger his own life to protect the lives of his fellow Americans, as evidenced by his service during the Korean Conflict. His courage and heroism will always be remembered, and his sacrifice will forever live in the hearts and minds of those for whom he battled. Throughout his professional career, Dick continued to serve the community as a member of the fire department for the City of Hammond, Indiana.

Since his discharge from the United States Army, Dick has become most well known in the community for his commitment to veterans and his involvement with the American Legion and other veterans' organizations. Dick's dedication to the American Legion is evident in the many prestigious positions he held. Dick was a past commander of American Legion Post #80 in Whiting, where he remained a constant fixture until his passing. Dick was even named to the revered post of Commander of the Department of Indiana American Legion from 1997–1998. His efforts in this position allowed him to spread his compassion and his unwavering concern for veterans far beyond the borders of Northwest Indiana. Along the way, I am sure Dick crossed paths with many more veterans whose lives were touched, knowing that such a passionate individual was fighting for them. In addition to his service to the American Legion, Dick was also an active member of the 40/8, the Veterans of Foreign Wars Walter Kleiber Post 2724, the Knights of Columbus Council 1696, and the B.P.O.E. Whiting Lodge 68.

While Dick has dedicated considerable time and energy to veterans' rights, he has always made an extra effort to give back to the community. Dick, well known in Northwest Indiana for his talents as a singer, was a member of his church choir and the "Knight Sounds" of the Whiting Knights of Columbus. In addition, Dick was highly respected in the community in the area of athletics, having coached the Whiting Post #80 baseball team for the past 40 years. An accomplished athlete in his own right, Dick played professional baseball as a member of the Saint Louis Browns affiliated minor league ball club.

Mr. Speaker, I respectfully ask that you and my other distinguished colleagues join me in honoring Mr. Richard "Dick" Quattrin for his outstanding devotion to Indiana's First Congressional District. His unselfish and lifelong dedication to veterans and the Northwest Indiana community is worthy of the highest commendation. Dick's selflessness was an inspiration to us all, and I am proud to have represented him in Congress.

RECOGNIZING 87TH ANNIVERSARY OF LIBERATION OF KOREAN PENINSULA

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to recognize the 87th anniversary of the March 1st Movement for the liberation of the Korean peninsula from Japanese oppression. This was the day that Korea regained its independence and since then it has continued to become a major economic and cultural force on the world stage.

There is a flourishing and growing relationship between the United States and Korea. Korea is a major economic partner and our 7th largest trading partner. Whether in education, science, business, or the arts, Korea has played and continues to play a vital role in shaping communities throughout New Jersey and the entire United States.

Several years ago, I had the distinct pleasure of traveling to Korea. While there I was able to meet with Korean government leaders, high-level U.S. military officials, and top Korean business executives. In addition, I shared a meal and conversed with troops from New Jersey's 5th Congressional District.

I was honored to take part in this informative diplomatic trip. The opportunity contributed to my understanding of what issues affect the economic, political, and military policies of Korea, and in turn, their impact on United States interests.

During the visit, I met with opposition party leader Chairman Choe, Korean cabinet members and members of the Korean Chamber of Commerce. We discussed enhancing the visibility of the important United States-Korea relationship and addressed the tensions in the region surrounding the North Korean nuclear issue. In addition, I was taken by the U.S. Army, led by General Leon Porte, Chief in Command of the United States Forces in Korea, to the Joint Security Area on the Korean Demilitarized Zone (DMZ).

Now more than ever there is a need to increase mutual understanding between the United States and Korea. The 2 countries have become increasingly important regional and global partners, as Korea has become a stronger advocate for democracy and a free-market economy. It is critical that the working relationship between the 2 countries flourish for years to come.

CELEBRATING THE LIFE OF DR. LAWRENCE W. SCOTT

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Ms. WATSON. Mr. Speaker, I rise today to memorialize the life of a distinguished American, Dr. Lawrence "Bill" W. Scott, who passed away on December 20, 2005.

Throughout his illustrious life, Dr. Scott could claim many "firsts." In 1944, he was the first black student body president of Foshay Middle School. In 1947, he graduated with honors from Polytechnic High School, where he participated in track and field and also served as the first black student body president. In 1948, he attended the University of California at Berkeley and later became the student body "representative at large." After receiving his degree from Berkeley, in 1951, Dr. Scott was drafted into the U.S. Army and stationed at Fort Lewis, Washington, where he served for 2 years during the Korean War. He eventually attained the rank of Captain.

After his discharge from the Army, Dr. Scott enrolled in the pre-med program at the University of California at Los Angeles. In 1957, the then new UCLA School of Medicine accepted Dr. Scott as its first African American medical student. Upon graduation, Dr. Scott interned at Harbor General Hospital, ultimately specializing in obstetrics and gynecology. He subsequently opened 2 women's clinics in Los Angeles.

At the age of 52 and after 14 years of medical practice, Dr. Scott returned to law school and received his J.D. from Southwestern University School of Law in 1980. After passing the bar, he initially thought he would pursue missionary work; however, he worked as a forensic attorney and represented victims in malpractice suits.

Dr. Scott's achievements, honors, and awards are numerous. He was the first African American resident at Queen of Angeles Hospital in Los Angeles. At one time, he held the record for the most infants delivered at Cedars-Sinai Medical center. He also served on the Board of Governors of the UCLA Foundation in the mid 1980s.

His interest in people and his special affection for children were evident. He enjoyed sports and was an avid tennis player. He also loved music, from jazz to the classics. He will be remembered by many for his wonderful humor and his black book of jokes.

Dr. Scott is survived by his devoted wife of 8 years, Maria; his three children—Rebecca, Brian, and Onjale Scott; his sister, Darling Scott Herod; his brother, Paul Richard Scott; mother-in-law, Loretta Domer-Wilson; and other beloved family and friends.

Dr. Scott truly enjoyed this journey called life and lived it to its fullest.

PEACE CORPS DAY

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. ROYCE. Mr. Speaker, I rise today in recognition of National Peace Corps Day, which was last Tuesday, February 28th.

In my travels to Africa, I have had the chance to meet with many Peace Corps volunteers. The commitment these men and women have shown is extremely impressive and is to be commended.

The work that Peace Corps volunteers have done to address the HIV/AIDS pandemic is invaluable. Volunteers have worked hard to carry out the President's Emergency Plan for AIDS relief, and are active in 9 of the 15 Emergency Plan countries.

Mr. Speaker, I have seen the valuable work the Peace Corps is doing in Africa, and throughout the world. It deserves our recognition and support. Under the leadership of Director Gaddi Vasquez, the Peace Corps is well poised to address the rapidly evolving challenges of the developing world.

HONORING HENRY TRAVIS HOLMAN

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay public tribute to an exemplary public servant and citizen from my congressional district. Henry Travis Holman recently retired from Mammoth Cave National Park, drawing to a close a remarkable 32 year career with the National Park Service in Kentucky.

Mr. Holman began his career with the National Park Service in 1971 as a cave guide. Two years later, he was appointed as a Park Technician for the Interpretation and Visitor Services Division. He was later reassigned to the Ranger Division, becoming a fully commissioned law enforcement officer for the National Park Service. In 1999, Mr. Holman was installed as Management Assistant for the Office of the Superintendent at Mammoth Cave National Park. In that capacity he skillfully coordinated all park projects, managed environmental compliance requirements, and developed important long-range planning initiatives. For his efforts, he received the 2003 National Park Service Honor Award for Superior Service, recognizing his many accomplishments as a top administrator.

Henry Holman's three decades of service significantly enhanced park operations and community relations at Mammoth Cave. His vast knowledge, work ethic, and attention to detail exemplify true professionalism, a legacy that will long endure among his colleagues and members of the public.

It is my great privilege to recognize Henry Holman today, before the entire U.S. House of Representatives, for his leadership and service. His unique achievements and dedication to the National Park Service mission make him an outstanding American worthy of our collective honor and appreciation.

HAPPY 45TH ANNIVERSARY TO THE PEACE CORPS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. FARR. Mr. Speaker, the week of February 27 to March 3 is Peace Corps week and on March 1st we celebrated the 45th Anniversary of the founding of the Peace Corps. Over the last 45 years Peace Corps has become one of our nation's premier international assistance programs that has focused on helping communities and individuals help themselves.

I served as a Peace Corps Volunteer in Medellin, Colombia in the mid–1960s and I can say definitively that it was a life changing experience. During my two years in Colombia, I learned that the most sustainable type of development was when locals were empowered to create their own development. I therefore worked on educating and assisting my Colombian colleagues, neighbors and friends on how to petition their local governments and make positive changes in their own lives.

In the years since I returned from Colombia thousands of Americans have served as Peace Corps Volunteers. Each of these volunteers has made a difference, large or small, in the lives of hundreds of people across the globe. Person-to-person relationships like those built by PCVs are key to greater understanding—greater American understanding of other cultures, and greater understanding of Americans by other cultures.

In this time of increasing tension between countries, now more than ever, we need programs like the Peace Corps. I urge my colleagues to support the President's FY 07 request for the Peace Corps at $337 million. We need to robustly fund Peace Corps so that during the next 45 years, Peace Corps Volunteers can continue to make a positive difference in countries all over the world.

I wish the Peace Corps a very happy 45th anniversary.

TRIBUTE TO BISHOP WALTER EMILE BOGAN, SR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. KILDEE. Mr. Speaker, I rise before you today with a heavy heart, as I ask my colleagues in the 109th Congress to join me in honoring the life and accomplishments of a dear friend of mine, Bishop Walter Emile Bogan, Sr. Bishop Bogan passed away at his residence on Sunday, January 8, at the age of 57. I am deeply saddened by this great loss, for Bishop Bogan was an inspiring and positive force for Genesee County, the State, and Nation. He was a true friend, and I shall miss him greatly.

Born to the union of Norma L. Bogan-Burrell and the late William Bogan in my hometown of Flint, Michigan, Walter Bogan attended and graduated from Flint Community Schools, and later went on to schools such as Saints Academy College in Lexington, MS, Moody Bible College in Chicago, and Moorhouse College in Atlanta. He also attended Flint's C.S. Mott Community College, and the University of Michigan-Flint. On July 25, 1980, he answered the Lord's call and succeeded his grandfather and mentor, Rev. Theodore Harris, as Pastor of Harris Memorial Church of God in Christ.

Over the years, Rev. Bogan became more than just a Pastor, but a spiritual leader whose guidance, vision, and commitment to spreading the Word of God helped make the Flint area a better place in which to live. Pastor Bogan constantly and selflessly gave of himself, hosting Christmas parties for neighborhood children and providing gifts for them all. In recent years, he would offer college scholarships for several young members of his congregation, in hopes of granting them opportunities they otherwise may not have had the chance to take.

In 2000, Pastor Bogan became Bishop Bogan, as he was appointed Chief Servant and Presiding Bishop of the Great Lakes Ecclesiastical Jurisdiction of Michigan, Church of God In Christ. Bishop Bogan admirably balanced his new leadership duties with powerful sermons each Sunday, which for him was a labor of love.

Bishop Bogan leaves to cherish and carry on his legacy his beautiful and devoted wife of 35 years, Dianne, sons Walter and Eric, daughter-in-law Karleen, three grandchildren, and of course the many people whom he loved and loved him in return.

Mr. Speaker, I ask the House of Representatives to join me in offering condolences to the family of Bishop Bogan, and in thanking them for sharing him with our community. My message to his congregation is as follows:

"Take my yoke upon you and learn from me, for I am meek and humble in heart." [Matthew 11:29]

It takes a strong person to be meek, a strong person to be in charge of his passions and emotions.

Bishop Walter Emile Bogan was such a person. He was strong in his love of God. He was strong in his love of the Church. He was strong in his love of family. He was strong in his pursuit of justice. He was strong in his effort to eliminate injustice. And all this deep strength, he exercised humbly, as an instrument of God's Holy Will.

Because of Bishop Bogan's strength, anchored in humility and meekness, this community is a better community. This Church is a stronger representation of the Mystical Body of Christ. All of us here in this Church are better people because of that strength of faith and action of Bishop Walter Bogan.

The greatest tribute we can render to Bishop Bogan is to emulate his love, his dedication, his humility, and his Christ-centered strength.

Bishop Bogan, as a triumphant member of the Communion of Saints, please ask Almighty God to shower His Blessings upon us that we might use our strength to carry out God's Holy Will.

CHATTAHOOCHEE TRACE NATIONAL HERITAGE CORRIDOR STUDY ACT

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. EVERETT. Mr. Speaker, today I am pleased to introduce the Chattahoochee Trace National Heritage Corridor Study Act, a bill that would direct the Secretary of the Interior to study the suitability and feasibility of establishing the Chattahoochee Trace National Heritage Corridor in Alabama and Georgia.

The Historic Chattahoochee Compact was signed into law in 1978, and it established the Historic Chattahoochee Commission to promote historic preservation and tourism in the Chattahoochee Valley. Since this time, the Historic Chattahoochee Commission has been involved in a heritage tourism program in eighteen Alabama and Georgia counties along the lower Chattahoochee River. Because of their exemplary work, the National Trust for Historic Preservation has cited the Historic Chattahoochee Commission as a national model for heritage corridor development.

The designation of this corridor is the final piece in the commission's development plan. It would enable them to initiate new and innovative projects to invigorate the economies of the member counties since they would be eligible to receive funding for publications and marketing for tourism, historic preservation, environmental education, outdoor recreation, and small business development. In addition to aiding historic preservation, this effort will also enhance economic development in this region.

I urge my colleagues to join me in supporting this important legislation.

HONORING COLONEL JAMES E. BEAN

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay tribute to a remarkable soldier and citizen from my congressional district. Colonel James E. Bean, a longtime resident of Bardstown, Kentucky, passed away peacefully January 4th at age 82. Colonel Bean was a local hero, remembered for his athletic achievements as a young man and military heroism as a fighter pilot, flying combat missions in World War II, the Korean War and the Vietnam War.

Colonel Bean was born in 1923 on a farm at Cox's Creek, KY. He graduated from Bardstown High School in 1942. A football and basketball All Star, Colonel Bean was especially remembered for being the signal caller on offense and fullback of the legendary unbeaten 1941 Bardstown High School football team. He matriculated to the University of Kentucky on a football scholarship later that fall but cut short his collegiate career soon thereafter to join the U.S. Army Air Corps. He was called to active duty in early 1943, assigned to Foster Field, Texas as an Advanced Flying School inspector. He was commissioned a Second Lieutenant in January, 1944 and assigned to the European Theater, where he flew 41 combat missions in Germany and France.

Upon his return to the United Sates, Colonel Bean completed numerous assignments testing and flying Air Force fighter aircraft. He was assigned to Nellis Air Force Base, Nevada in 1960 to establish and operate the F–105 aircraft flight training program for all Air Force units. He later carried out assignments in Japan with the 8th Tactical Fighting Wing, completing several short tours in Southeast Asia, before returning to the United States to serve as an Air Force duty officer at the Pentagon. Colonel Bean volunteered and was assigned to the 388th Tactical Fighting Wing, Korat Royal Thai Air Base, Thailand, in October, 1967.

On January 3, 1968 while flying an F–105 combat mission over North Vietnam, his aircraft was shot down near Hanoi. Colonel Bean was captured by the North Vietnamese and held as a Prisoner of War until his release March 14, 1973.

James Bean retired from the United States Air Force as a Colonel in 1974. He returned to Kentucky, where he enjoyed a peaceful retirement with his wife until his death in January. He was a member of the Bardstown High School Hall of Fame, State President of Future Farmers of America, a Shriner, Mason, Kentucky Colonel, member of the American Legion, Kentucky Pork Producers, and communicant at the Bardstown Baptist Church.

James Bean's remarkable life is one of a true American hero. His distinguished service and unique sacrifice for his country represent the very best of what it means to be an American soldier. His achievements as a citizen, especially his unwavering dedication to his family and his community, are further marks of greatness worthy of our collective respect and appreciation. It is my great privilege to honor his memory today, before the entire U.S. House of Representatives. May he rest in peace.

CONGRATULATIONS TO COLLEEN CROSBY FOR A LIFETIME OF ACTIVISM

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. FARR. Mr. Speaker, I rise today to commend one of my constituents, Ms. Colleen Crosby, of Santa Cruz, California who, on Sunday, March 5, will receive the "Lifetime Achievement Award" from the International

Women in Coffee Alliance (IWCA). I cannot imagine another person more deserving than Colleen to receive this award. Colleen is one of those rare individuals that has combined a deep compassion for others with the intelligence and drive to make a true difference in the world. Colleen has been a true leader in raising awareness of, and offering effective solutions to, the International Coffee Crisis—a crisis that affected 25 million people in some of the poorest countries in the world.

Colleen co-founded Santa Cruz Coffee Roasting Company in 1978 and in 1979 became the first Roastmistress on California's Central Coast. In her travels to coffee producing countries in Central and South America and Africa she encountered abject poverty and an economic system that kept small coffee farmers in a vicious cycle of poverty. Being the "active activist," Colleen jumped headfirst into finding ways to help coffee farmers and cooperatives throughout the world. Colleen found that fair trade certification—a certification process that guarantees farmers a fair price for their coffee beans—was the most effective way of improving the lives of coffee farmers.

Colleen's record for helping coffee farmers and promoting fair trade coffee is extremely impressive. Colleen has worked with small farmers and cooperatives around the world and helped them gain better market access for their coffee, thus ensuring a better livelihood for themselves and their children. I asked Colleen to testify before the House International Relations Subcommittee on the Western Hemisphere on the coffee crisis, where she educated Members of Congress on the importance of helping coffee farmers.

Besides the Lifetime Achievement Award from IWCA, Colleen has also received a variety of commendations, including a letter of "Special Thanks and Commendation" for "the extraordinary warmth and spirit on behalf of the people of Ethiopia," presented by His Excellency Teruheh Zenna, Acting Permanent Representative of Ethiopia to the United Nations in October, 2005; being named Santa Cruz Chamber of Commerce Woman of the Year 2005; being presented with the Gold Medallion of Brotherhood by the small coffee farmers of Nicaragua's Prodecoop; and most recently, she is the recipient of the prestigious Lifetime Achievement Award from the International Women in Coffee Alliance.

I congratulate Colleen on a lifetime of dedication to others. She truly has made the world a better place and it has been an absolute pleasure and honor to know her.

SILVIO BERLUSCONI'S APPEARANCE BEFORE CONGRESS

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. McDERMOTT. Mr. Speaker, I would like to enter into the RECORD a letter that I delivered to your office today regarding an event that took place on the House floor yesterday.

MARCH 2, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House, Office of the Speaker, Washington, DC.

DEAR MR. HASTERT. I am writing to express my dismay about yesterday's appearance of Prime Minister Silvio Berlusconi of the Republic of Italy on the floor of the House of Representatives. I believe that Mr. Berlusconi's mode of address was unprecedented.

I came to the House floor expecting to hear significant words from the head of state of a major ally of our country. Instead, I had the feeling that perhaps I and the other Members in attendance were being used as extras in a campaign appearance for Mr. Berlusconi's difficult upcoming election. I can draw no other conclusion considering he addressed Congress in Italian without an interpreter, a language that I and most other Members do not speak. Though we were given the text to read, who in the Chamber was able to correlate the words delivered and lead the applause that burst forth from the audience? The address was not even broadcast by C-SPAN, presumably because it took place in a language in which most C-SPAN viewers are not fluent. My discomfort increased this morning when I read in the Financial Times that the appearance was broadcasted by stations owned by Mr. Berlusconi in Italy. This has raised concerns that the Prime Minister was improperly bending Italian equal-airtime regulations during election campaigns.

I would appreciate to hear your thoughts on this unusual use of the House Chamber, and whether it is expected to recur.

Sincerely,

JIM MCDERMOTT,
Member of Congress.

WELCOME HOME FORT KNOX 703RD EOD

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to welcome home the 703rd Explosive Ordinance Disposal Detachment of Fort Knox, Kentucky, and pay public tribute to their courageous service during their six-month deployment in Iraq.

This was the second deployment to Operation Iraqi Freedom for the 703rd. As most of us know, EOD units have one of the most dangerous jobs in Iraq. The 703rd worked with Army and Marine Brigades to recover and dispose of explosive devices throughout a large portion of northern Iraq. The entire unit returned safely home last week, reuniting with family and comrades at a 3 a.m. welcome home ceremony held at Fort Knox.

Tragically, two soldiers, Staff Sgt. Kimberly Voelz and Staff Sgt. Richard Ramey, paid the ultimate sacrifice for freedom during the unit's first deployment to Iraq.

I would like to take this opportunity to honor these returning soldiers and the memory of those who have passed, all who have selflessly stood in harm's way as the guardians of our freedom and way of life. Their distinguished service epitomizes values—duty, honor, country—that make our Nation an example of freedom and prosperity for the rest of the world.

In the spirit of Fort Knox soldiers of generations past, their courage and sacrifice significantly contributed to a supreme level of safety and readiness during uncertain times. They were selfless in their sacrifice, taking time away from their families to keep others safe. For that they deserve the admiration and thanks of a grateful nation.

It is my great privilege to recognize the 703rd EOD today, before the entire U.S. House of Representatives, for their generous service and unflinching duty to our great country. Welcome home!

TRIBUTE TO KATHRYN ELIZABETH "BETH" SHIELDS

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Kathryn Elizabeth "Beth" Shields who dedicated her life to improving opportunities for Hillsborough County's school children.

Beth spent 44 years in the Hillsborough County school system, working both as a teacher and administrator. A graduate of Hillsborough High School and the University of Tampa, with a Master's Degree from the University of South Florida, Beth launched her career as a math teacher at Memorial Junior High School, then at H.B. Plant High School.

Beth worked hard throughout her career, and as she rose through the school district's ranks, she paved the way for other women working in Hillsborough County schools. She served as dean and assistant principal at Robinson High School, principal of Coleman Junior High School and principal of H.B. Plant High School. Beth then served as district-wide assistant superintendent of personnel and assistant superintendent of instruction until she became the first female deputy superintendent in Hillsborough County schools.

During her tenure, Beth pushed for more rigorous curriculum and academic standards; she spearheaded a successful initiative to improve school attendance and helped smooth the transition when magnet schools were integrated into the school system. Beth will be remembered for her commitment to helping young people, her impressive work ethic and the many ways that she changed Hillsborough County School District for the better. Beth Shields Middle School in Ruskin stands witness to her lifetime of dedication.

At home, Beth was active in her church and in a number of community and charitable organizations, including the Southwest Florida Blood Bank, the United Way, the Tampa Coalition and the Hillsborough County Anti-Drug Abuse Advisory Council, SERVE and Athena.

On behalf of the Hillsborough County community and the countless young people she worked for, I would like to thank Beth for all her work and extend my deepest sympathies to her family.

ON THE AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 2829—OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2005

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. DREIER. Mr. Speaker, I ask unanimous consent to address the House for one minute for the purpose of making an announcement.

The Committee on Rules may meet the week of March 6th to grant a rule which could limit the amendment process for floor consideration of H.R. 2829, the Office of National Drug Control Policy Reauthorization Act of 2005. The Committee on Government Reform filed its report with the House on November 18, 2005. The Committee on the Judiciary ordered the bill reported today and is expected to file its report with the House tomorrow, March 3rd.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H–312 of the Capitol by 10 a.m. on Wednesday, March 8, 2006. Members should draft their amendments to the bill as reported by the Committee on the Judiciary, which should be available on the websites of the Committee on Rules, Government Reform, and the Judiciary by tomorrow, March 3rd.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

HONORING MICHAEL R. SMITH

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to give well deserved recognition to an extraordinary law enforcement professional serving in my district. Officer Michael R. Smith, an honorable U.S. Army Veteran, is continuing his spirit of public service as a civilian police officer in Radcliff, Kentucky. Radcliff is home to the legendary Fort Knox military installation.

Officer Smith's actions, on duty and off, demonstrate a genuine concern and personal involvement in protecting safety and improving quality of life in his community. His abiding friendship with many of Radcliff's elderly citizens and attention to their needs is especially noteworthy.

I would like to publicly thank Officer Smith, on behalf of his colleagues and the citizens of Radcliff, for the example he sets in performing his job far beyond the call of duty. His sense of public service and altruistic spirit personify the term "Peace Officer."

SENATE—*Friday, March 3, 2006*

The Senate met at 9:45 a.m. and was called to order by the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, our Lord, help us to be aware of Your presence today. From the first blush of dawn to the wonder of the starry heavens, we behold Your creativity and beauty. Help us to see You in those around us. Give us a glimpse of Your compassion in those who seek to help the less fortunate. May we not forget to see You in the many deeds of kindness we witness each day.

Today, empower our Senators in their efforts to speak for the voiceless and to lift the downtrodden. May these leaders strive to please You in their thoughts, words, and deeds.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHNNY ISAKSON, a Senator from the State of Georgia, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 3, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ISAKSON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will be returning briefly to the LIHEAP bill sponsored by Senator SNOWE. No rollcall votes will occur today, although Senators may come to the floor to address the LIHEAP issue.

In a moment I will file cloture on the bill. That cloture vote will occur on Tuesday under the provisions of rule XXII. I remind everyone that last night I scheduled votes on three district judges to occur at 5:30 on Monday. We will also begin debate on the lobbying reform bill early next week.

The Rules Committee and the Homeland Security and Governmental Affairs Committee have completed their work on lobbying reform and therefore we will be ready next week for full Senate consideration. I believe we can finish the LIHEAP measure and the lobbying reform bill next week. This will take full days of session and a lot of cooperation on both sides of the aisle. I do hope that we can stay on track and give the appropriate attention to both of these measures and conclude by the end of the week.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MAKING AVAILABLE FUNDS FOR THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM, 2006

The ACTING PRESIDENT pro tempore. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 2320) to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006 and for other purposes.

Pending:

Kyl/Ensign amendment No. 2899, to make available funds included in the Deficit Reduction Act of 2005 for allotments to States for the Low-Income Home Energy Assistance Program for fiscal year 2006.

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the standing rules of the Senate, do hereby move to bring to a close debate on S. 2320, a bill to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

William Frist, Lamar Alexander, Ted Stevens, Pat Roberts, Robert F. Bennett, George Allen, Pete V. Domenici, Rick Santorum, Gordon Smith, John Thune, Richard G. Lugar, Arlen Specter, Mitch McConnell, Lincoln D. Chafee, Lisa Murkowski, Mike DeWine, David Vitter.

Mr. FRIST. Mr. President, I ask unanimous consent the live quorum be waived and that this vote occur on Tuesday, March 7, following the period for morning business and a 1-hour period of equally-divided debate on LIHEAP.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. For schedule purposes, we now have up to three votes scheduled for Monday on three U.S. district judges, as well as the cloture vote on LIHEAP which will occur Tuesday morning, sometime prior to the policy meetings.

I expect that today will be a relatively short session. If Senators do wish to come to the floor to speak, they should do so as soon as possible this morning.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent to speak as if in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENERGY

Mr. THOMAS. Mr. President, I know we will not be in very long today. As a matter of fact, I am going to Wyoming in a little bit. There are some things I have wanted to talk about for some time, and since we have some time this morning, I thought I might take a few minutes to talk a bit about energy.

We, of course, have been on a number of other things, and unfortunately taking a long time to do them. But I hope we get back to those things that are really vital to us in terms of the economy, in terms of jobs, in terms of health care, and terrorism. But one of the most important questions, of course, that we face is the question of energy.

Sometimes I think we forget how vital and what such a part of our lives

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

energy is. All we have to do is look around and turn the lights off or turn the heat off for a little while and we recognize how important it is. We have talked about it a great deal.

As a matter of fact, last year one of the most important and vital things that we did was to put together a policy on energy. I think it was a very good policy. It is a policy that is in effect. The fact is, however, it is a policy, as it should be, but then we should be faced with and take on the responsibility of implementing that policy. It is one thing to have a policy, and it is very important to have one, but then you have to put something in place to cause the policy to be in action. I think that is where we are now.

Being part of the committee, I may be a little prejudiced. I think the policy was a good one and looked forward to the future and took into account things such as conservation and efficient use. That is a very important part.

One of the things we really have to stress is how we can get more mileage out of the energy we have. We also looked—again importantly—at the idea of alternative sources of energy. Over time, we can look at wind energy, we can look at ethanol, we can look at Sun energy—all kinds of things out there. And we should.

The fact is, most of those—even though I think they have great potential and will be a real part of our lives in the future—are out there waiting.

The other thing we talked about, however, in the policy is to make better use of those things that are already available to us. That is really what I want to talk about for a couple of minutes this morning; that, specifically, is coal. Coal is our largest fossil fuel resource. As a matter of fact, we have the largest supply of coal in the world that we can depend on in the future. About 27 percent of future coal is in the United States. We use a great deal of it right now generating electricity by and large, but the fact is, even though we are using train loads to run a generator for 1 day, we still have the resources to do this for a good long time in the future.

However, there are some things pending we can be doing in the fairly short term that will have a real impact. If we wait for these alternatives, we are going to have some real pressing times between the time they are ready to go and what we are doing now. I am hopeful and involved in the budget right now. I, frankly, wish there was a little more attention—I think there should be—in the budget not only to look at research over time but to do some things to incentivize the development of those things that will have an impact in the next 4, 6, or 8 years. That is very important because energy is that nearly on the edge.

One of them, of course, is the various alternative uses of coal. We kind of know what to do. In fact, there are some plants now that are using coal and converting it and processing gas, which takes out CO_2, which takes out the climate-warming kinds of things and yet produces coal. Of course, as we produce more generation we have to look at other ways.

Coal has been the only kind of fuel that has been used over the last 20 years. About 50 percent of our generation is done by coal, and more recent plants have been gas.

In our policy, we are better off using coal for generation and let gas be used for things which are more flexible.

For instance, my State of Wyoming is the largest producer of coal. We have some of the biggest resources for coal in the future. These are open-pit mines, which are very efficient and very effective. We are very anxious to try to bring to this country and put into use fairly soon some of the procedures that can be used. As I said, you can make diesel fuel out of coal, which is very important.

We have plants in Wyoming that are ready to do that, if we can get started. We can make gas out of coal. We can make hydrogen out of coal. These things, of course, take incentives and take some money.

I hope in this budget, in addition to looking out in the future in terms of research, we also look at how we implement in the shorter term the things we already know how to do—how we use our greater resources, use them in a more efficient way, and in a way which is environmentally sound so we can put ourselves in the position of being less dependent on foreign oil and foreign imports.

I want to talk some more about it as time goes by, but I guess the point I wanted to make and leave and see if we can't talk about is, we have a policy. We have a policy that deals with some fairly short-term changes. We need to be putting some emphasis on those as we look at our budget needs, look at things which can have an impact in the short term. We have to look at where these resources are so we can make our development around where the resources are and look forward to providing energy in this country on an economically sound basis, reasonably effectively, and available to everyone. We can do that.

I hope we pursue our policies and implement them.

I will continue over time to focus on these things.

I yield the floor.

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

PENSION REFORM

Mr. REID. Mr. President, another day is gone. The Senate has been unable to appoint conferees on the pension reform bill. I am terribly disappointed that is the case.

Forty-four million American workers are covered by private sector pension plans. They need our help. They can only get help if we have a conference with the House, a bill comes back here, and it is approved by both the House and the Senate. Forty-four million people would have peace of mind.

Senate Democrats are ready to go to conference now so we can produce a pension reform bill that will improve worker retirement security. Throughout this process, Democrats have worked with Republicans. This is truly a bipartisan effort to produce a bill that passed the Senate with 97 votes. It wasn't until we got into a position of appointing conferees that the majority decided to, for lack of a better description, play games.

I have to, frankly, say—I haven't had this job a long time—it has never happened during the time that I have been leader. I don't remember it happening during the time I was assistant leader for 6 years.

I don't know when the last time was that we had a prolonged dispute about how many people are going to be on a conference committee.

Why are we seeing this now? Perhaps they are trying to stack the deck in favor of downtown interests—I should say some downtown interests. We should give the opportunity to the Senate to stack the deck in favor of the 44 million workers and not a few special interests down on K Street.

Yesterday, the distinguished majority leader said, and I quote:

> We have two committees with equal stakes in this bill, and they should have an equal number of conferees in the committee. The conference committee should fairly represent the two committees of jurisdiction.

I agree. This is precisely why I proposed a conference of eight Republicans and six Democrats instead of seven Republicans and five Democrats.

Under my proposal, four Republicans and three Democrats can be appointed from the HELP Committee, and four Republicans and three Democrats could be appointed from the Finance Committee. Remember, these numbers give the majority a two-vote majority.

The proposal I suggested establishes equal and fair representation to the two committees but for the fact we have 55 Republicans and 45 Democrats. We have acknowledged they should have a two-vote majority in this conference. But it is fair, eight Republicans, six Democrats; eight Republicans representing the Committee on Finance and the HELP Committee, six Democrats representing the Committee on Finance and the HELP Committee. My proposal established equal and fair representation of the two committees—exactly what the leader said we need to accomplish so we can at least get the conference underway.

We are ready to go. It is puzzling when the majority leader refuses to take "yes" for an answer. The proposals put forward by the majority leader only add to this confusion. It appears that seven Republicans are okay, eight Republicans are not okay, nine Republicans are okay but only if they have, not a two-vote majority, but now a three-vote margin.

So what conclusions could be drawn? At least two could be drawn. First, the majority leader and his supporters downtown do not really care about the equal and fair representation; they only care about stacked representation. Second, and most unfortunately, they apparently care more about stacking the deck than they do about completing action on this vital piece of legislation.

Remember, whatever suggestion I have made, I don't change the majority of the Republicans. They have a two-vote majority. The majority leader has an opportunity to prove these words wrong. What am I saying? That they care more about stacking the deck than they do about completing this important legislation.

If the distinguished majority leader believes what he said yesterday, we can go to conference today with equal and fair representation from the HELP Committee and the Committee on Finance. If he does not accept this offer, it indicates he believes the lobbyists on K Street are more important than the workers on Main Street.

Yesterday, I listened to statements by Senators BAUCUS and CONRAD, the Democratic ranking members on the Committee on Finance and Committee on the Budget. What they said speaks volumes on what is wrong with this administration. I have trouble comprehending how the majority ignores these huge deficits. They are there. They are piling up. Why? We vote to approve these deficits.

In the pay-as-you-go system, if someone wants to spend some money, you have to have an offset. Those rules have been abandoned by this administration and this Republican-dominated Congress. I don't understand this. I always had in my mind that the Republicans were fiscally concerned about the status of our economy. Obviously, that is not true.

President Bush is the most fiscally irresponsible President in the history of our country. No other President comes even close. When this administration came to office, the Federal debt was about $5 trillion. We were running large annual budget surpluses. We were paying down the debt.

Alan Greenspan, the recently departed Federal Reserve Chairman, expressed concern during the final year of President Clinton's administration that the public debt was being paid down so rapidly that it may cause a concern to the financial markets.

Over the last 5 years, rather than reducing the debt, our Nation has suffered record deficits and gone on an unprecedented and dangerous borrowing spree. Total debt now stands at over $8 trillion, and we are being asked to increase it by another $800 billion, which will last, some say, for no more than about a year.

Compounding matters, the President's most recent budget makes matters substantially worse, leading to a $12 trillion debt by the year 2011. That is just as the first wave of baby boomers begins to retire.

Not only is the debt exploding at the worst possible time, increasingly we are borrowing from foreigners—Dubai, China, Japan. Since this administration took office 5 years ago, our country has more than doubled its foreign debt, increasing such borrowing by over $1 trillion. That is more foreign debt than we accumulated in the first 224 years of this Republic.

During the last 3 years of the Clinton administration, we paid off $200 billion in foreign debt. We paid it off. Given the explosion of debt in recent years, it is long past time for Washington to change course and adopt a new fiscal policy. All we are asking is that people be concerned about the future of our economy. Our Nation is at stake.

I had the good fortune of being able to serve for a number of years in this Senate with Pat Moynihan. Daniel Pat Moynihan, who will go down in the history of this country as one of its most outstanding Senators. He served in Democratic Presidential administrations, Republican Presidential administrations. He was a man who had a great intellect. He served during World War II. He was a great patriot and a great intellect.

Before he died, he said that he believed all this debt which was being accumulated, all the tax cuts, were not to help the wealthy; they would starve Government because the programs that some people in this administration hate, such as Social Security, which the President wanted to privatize in the 1970s, Medicare and Medicaid and other such programs, could not be attacked on a frontal basis. They could not do it directly. So by starving the Government, that is what has happened. And the Government is being starved. The American people are being starved with this huge debt.

At a minimum, this is a matter which deserves considerable debate in the Senate and an opportunity for all Senators of both political parties to participate. Unfortunately, there is reason to believe that some on the other side are doing everything they can to squelch this.

My friend, the senior Senator of the Committee on Finance, Mr. GRASSLEY, is reported to have said—not reported; he said it—that he would like the debt limit to be extended but "with the least debate." According to one news story, he said, "I would like to see a bill on Thursday night just prior to recess." Those are code words for saying: Let's jam this thing out of here. It appears that is what the leadership intends to do.

I got a letter in December from Secretary Snow saying that the country's debt limit is going to be exceeded, and to do something about it. During the holiday season, I got to this letter. It wasn't suddenly given to us. It appears to me we should be spending some time on this issue. But we are not; we just shove it under the rug. It is only another $800 billion of taxpayers' money, most of which will be borrowed from foreign governments, with no debate, no amendments, no public scrutiny, with no accountability for the massive debt we are imposing on future generations of Americans. That is not how this Republic, that is not how this Senate is supposed to work. It is not how our great democracy is supposed to function. We should be inviting public input, not trying to hide what we are doing because people are embarrassed of public reaction. We shouldn't be jamming things through Congress for political expediency.

The chairman of the Committee on Finance has said to extend the debt limit "with the least debate," and, "I would like to see a bill on any Thursday night just prior to a recess."

If the majority believes that increasing our debt by about $800 billion is the right thing to do, they should be upfront about it. They should explain why they think more debt is good. They should explain why they think it is fair to force our children, our grandchildren, and great grandchildren to pay higher taxes, why it is right to increase our Nation's dependence on foreign creditors. Let them try to defend that. Maybe they can convince the public they are right, but I don't think so because most Americans know that increasing the debt is wrong. The baby boomers are about to retire. Under the circumstances, as almost any credible economist would tell you, we should be reducing debt, not increasing it.

I am appreciative of Ranking Member BAUCUS and Ranking Member CONRAD. We have sent a letter to the majority leader urging him to allow a thorough and open debate on any legislation to increase our debt. The letter says that before we approve hundreds of billions of dollars in additional borrowing, we should adopt reforms to reduce the need for more debt in the future. In particular, we should reinstate the pay-as-you-go rules that proved so effective in promoting fiscal discipline in the 1990s. That meant if you want a new program, pay for it, take it from someplace else. When you finish, there has been no new debt to this country. And to show the cynicism of what is going on around here, we have been debating for more than a year the Republican's deficit reduction bill—that is what they call it—which increases the debt.

We should not allow our Government to go deeper and deeper into debt without full and complete debate. We believe we should be more fiscally responsible. All this will do is create more fiscal irresponsibility. It will create higher taxes on our children and a weaker economy for future generations.

The American public will see whether this vote takes place in the dark of night or in broad daylight. They will see that Democrats are not going to vote to increase this debt. This debt has been generated by President Bush and his Republican Members of Congress, and $8.2 trillion is not enough. My good friends on the other side—all 55—will have to belly up to the bar and vote to increase the debt of this country by $800 billion, or whatever figure is chosen, because Democrats are not going to do this. The votes are going to have to come from the Republican Party. We are not going to support this irresponsible Government we have in America today.

How can you run a business like we are being run here? When the credit cards run out, you cannot borrow more money from the bank. Instead, you go out and find the money—you rob the American people. How could you run your home this way?

If I can no longer manage on my salary, I can no longer pay for the style of living we have, I talk to my wife and children and say: We will have to cut back on things.

Not here.

STEM CELL RESEARCH ENHANCEMENT ACT

More than 9 months ago, the House of Representatives passed H.R. 810, the Stem Cell Research Enhancement Act. It was one of the rare victories in the House for bipartisanship. I felt good about that. It was my hope we would embrace the same spirit of bipartisanship in the Senate and pass this legislation, as well. It offers so much hope to untold millions of Americans and their families, people who suffer from these dread diseases.

After the House passed the stem cell bill, I spoke with my friend, the majority leader, about the need to take up this crucial legislation as soon as possible. At that time, Dr. FRIST assured me he would consider the bill in the Senate by July. That was last July.

By the end of July, the majority leader still had not found time to schedule debate on the stem cell bill, so I moved to take up and pass the House bill on the Senate floor. It was objected to by the majority, but Senator FRIST and I admire him for this, Mr. President—delivered a speech the next day in which he expressed support for Federal funding for expanded embryonic stem cell research. That was not easy for him to do. I admire him for doing it, and I appreciate it. In the speech, Dr. FRIST said that the potential of stem cell research to save lives and ease human suffering "deserves our increased energy and focus."

Now, Senator FRIST is a surgeon, a transplant surgeon, one of the pioneers. When he started doing this transplant surgery, most people thought it was an experiment that was doomed to failure. I have spoken to Senator FRIST. He personally would travel on little airplanes with a heart that had been taken out of one human being. He would take that heart and transplant it in another human being.

Now, since he did that, they have certainly come up with easier and better methods of transporting human hearts. But that is what he did. And he, coming from a different perspective than I, believes that stem cell research will save lives, it will help us, it will ease human suffering. I am not a scientist, but I believe that, also.

But after he gave this remarkable speech—and I know he received criticism from certain political folks—we returned from the August recess, and he still did not find time to debate this important legislation. He found time to do a lot of other things, like drilling in the Arctic Wildlife Refuge. He found time for the Majority's budget, a budget that leaders of the faith-based community and major religious institutions said was immoral. He found time to give sweeping liability protections to the drug industry. But he could not find time to keep hope alive for millions of Americans counting on the promise of stem cell research.

In December of last year, the majority leader asked consent to take up and pass the House-passed cord blood bill. Now, we all supported the cord blood bill, but we did not want to do that because we wanted to consider the cord blood bill and the stem cell bill together. That is what the House did. But in an effort of bipartisanship and in an effort of hope and faith in the process here, we said go ahead and do that.

When we passed the cord blood bill, Senator FRIST expressed his commitment to the stem cell bill, but he did not bring it to the floor. He asked the proponents of stem cell research to support his request to take up and pass the cord blood bill in exchange for a commitment to consider the stem cell bill early in the 2006 session.

At that time, Dr. FRIST explained:

> It is going to take some time that I will give on the floor of the Senate early in the year and have committed to do so because of its importance. It is important to address that in order for that research to be amplified. Much of that research needs to be amplified for cures that may occur 5 or 10 years down the road.

That is a statement from Dr. BILL FRIST. Three months have gone by. We are now into March 2006 and still no time has been scheduled to consider the House-passed stem cell bill. We all know this is a short legislative year. We have less than 3 weeks remaining in the work of this period and a short work period in April. Before you know it, it will be May and an entire year will have passed since the House finished this bill.

Mr. President, recently I was in Las Vegas with the Las Vegas Metropolitan Police Department SWAT team for a demonstration of their new mobile command center, which is really state of the art. When the demonstration was over, I saw a man in a wheelchair. I walked over and introduced myself and asked why he was in a wheelchair. He said: I was a motorcycle officer, and somebody ran a red light and hit me. He has been paralyzed from the waist down for 5 years. He said to me: You know—he grabbed his leg—I am getting a little bit of feeling. I hope that is the case. But he said: Stem cell is my only hope.

Now, he does not know anything about stem cells other than what people have told him. He is not a scientist. He is a police officer. He works in an office now. But he has hope. He has hope. As Dr. FRIST said:

> Much of that research needs to be amplified for cures that may occur 5 or 10 years down the road.

He has been 5 years in a wheelchair. He is willing to wait a lot longer.

One year may not seem like a lot of time to some of us, but it is an eternity, I am sure, to some people out there who are so sick with some of those diseases where stem cell research could help. Diseases and conditions like spinal cord injuries, Alzheimer's, diabetes, Parkinson's.

Last Sunday, "60 Minutes," the public affairs program on CBS, ran a segment on embryonic stem cell research. They featured a woman named Suzanne Short who is paralyzed from the neck down who was hit by a drunk driver almost 25 years ago. Here is something she said about her hope for stem cell research:

> Whether I walk or not, I really don't care. And, yeah, if I do that's great. But . . . if you could just wake up one morning and not have to wait for someone to come in my room and get me out of bed, I could at least transfer myself into my own wheelchair, be amazing. I'd be completely independent.

That is what she said. She has waited more than 24 years for help. Now we need action in the Senate. She should not have to wait longer.

Mr. President, less than a month ago, my friend died, Jeanie Sherman, Jeanie McCall. She was paralyzed from the waist down. She wrote the most, to me, heartrending letter about her experiences in a wheelchair for all those many years.

Every day we delay consideration of this legislation is a day we deny hope to the hundreds of millions of Americans who suffer from these devastating illnesses and conditions that have no cure—diseases such as cancer, as I have indicated, Alzheimer's, diabetes, Parkinson's, spinal cord injuries, and heart disease, even Lou Gehrig's disease.

There are a number of very important issues that this body ought to consider this session, but few are as important to the American people as stem cell legislation that could provide medical breakthroughs that would benefit hundreds of millions of people.

So, Mr. President, I know that we are crammed for time here, but I would hope we can find time early this year to debate stem cell research. We have to keep hope alive.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, I ask the Democratic leader to stay on the floor just so we can discuss some of these issues. And I apologize for not being here. I was in my office, and so I don't know exactly what issues he talked about. But I am fascinated by the comments on stem cells and would love to talk further about stem cells in terms of both the power and the potential for stem cells to cure, something I have spent a lot of time with and know something about.

But if the implication was made that for some reason the issues surrounding life, surrounding cures, surrounding healing are any less important to this side than the other side of the aisle, I think it is disingenuous to say. I say to the Democratic leader, on stem cells—he knows I am a great advocate for the potential and promise for embryonic stem cells, the practical application; where I have run a transplant center, where tens of thousands of people have benefited from the procedures of adult stem cells, mainly bone marrow transplants—I hope he does not question my commitment to healing, to addressing that this year.

He knows it was the other side of the aisle that refused the unanimous consent request last year in July where we would take up four different stem cell bills. And, again, I was not on the floor, but I would ask the Democratic leader what point he was trying to make in terms of stem cells?

Mr. REID. Mr. President, first of all, I think you would have appreciated what I said about you. I do not think there is anything disingenuous about what I said. I talked about your pioneering transplant surgery. I talked about your courageous statement on the Senate floor about the need to do something about the stem cell research and how difficult it was from a political perspective for you to do what you did.

So my point that I made here is that we need to find time to work on stem cell research. I did not say we should do it tomorrow. I said we should figure out a time to do it this year. There is nothing disingenuous about what I said. And there was nothing that I said during my statement on stem cell research that was disrespectful to you. I recognize the burden you have trying to juggle things to get time here. But this is an issue that we have to figure out a way to move forward on.

Mr. FRIST. Mr. President, so we can make it clearly understood—and I apologize for not being on the floor—the Democratic leader understands and has agreed to the fact that we are going to address stem cells as early as we possibly can this year, that that is a commitment that was made after the unanimous consent request was not accepted from the other side to address it last July, that that commitment is there in working together to address this important issue.

Mr. REID. Mr. President, as I said in my statement, the distinguished majority leader said that we would bring this up early in this session. I am not critical of its not having already been brought up, even though I would rather have done that than—I hate to bring up the "A" word—asbestos. There are other things we could be doing. As I said, I am willing to work with the majority leader. We still have time until we get out of here to set aside some time to do stem cell. We are ready to move forward on stem cell research. As I said when we agreed to pass the cord blood bill, we wanted to keep the cord blood bill and the stem cell bill together. That is what the House did. We agreed to pass the cord blood bill with the understanding that the majority leader would schedule time early this year to consider the House-passed stem cell bill.

Mr. FRIST. Bipartisan, working together.

Mr. REID. We wanted to move the two bills together. A number of my people didn't want to separate them, but we took you at your word and the cord blood bill is now the law. That is what I said in my earlier statement. We cannot pass stem cell research unless there is a bipartisan effort to move it. That is why I didn't demand in my statement that we take this up instead of debt limit or instead of lobbying reform. I am saying that we have a lot to do, but stem cell ought to be a priority.

Mr. FRIST. But things such as asbestos, you can't deny that there are patients with mesothelioma and clinical diseases today who are being hurt by the system and that that is not an important issue from a humanitarian standpoint, from a healing standpoint, for people who are suffering from disease right now, dying from lung cancer today who are not getting adequate compensation or appropriate compensation in a timely way. You don't mean to imply that we should not be addressing this asbestos crisis that is out there that also has a huge healing humanitarian component to it?

Mr. REID. Mr. President, if I could respond to the distinguished majority leader, there is no question that the majority of this Senate feels that asbestos is a difficult, very complex problem and should be addressed. But the bill that came before the Senate was a bad bill. That is why now and before this, but now especially, a group of Senators is working on a bipartisan basis to come up with legislation to address that issue. Sure, it is important. That was a bad bill, and the Senate treated it so.

Mr. FRIST. Then, on pensions, my staff said that you mentioned pensions, perhaps trying to stack the issues for downtown interests, the majority decided to play games. What are you even implying? We finished this bill on November 15 on this floor. We completed it. The House finished it a month later. We have been waiting to go to conference now for I guess 3 months. My distinguished colleague knows it is the majority that ultimately sets the ratios. The ratio has been crystal clear for weeks now, and now the argument seems to be shifting that there are outside interests dictating all this, when I have been crystal clear for weeks now on what those ratios will be. What is the implication, that there is somebody outside dictating what we are doing?

Mr. REID. First, let me say, moving on beyond stem cells, I guess, but so the record is clear, yes, we did object to the unanimous consent agreement because it was for six or seven bills. What we proposed——

Mr. FRIST. That is on stem cells.

Mr. REID. Yes. What we proposed is that we work on the stem cell bill and the cord blood bill. That is what the House did, and there was no reason we couldn't do the same.

Mr. FRIST. I take that. But let's move on to pensions. This is getting old, and it is almost childish in terms of us not getting to conference. People are going to be hurt again.

Mr. REID. I have given several statements this week on pension reform. I believe that we should move forward. I have given all the statistical numbers. People who are watching this would tend to agree that seven Republicans is OK with the majority. Eight is not. Nine is, if there is a three-vote margin. I am saying that we should have a conference. The Senate, whether it is fair or unfair, has worked for 224 years. These conferences ordinarily are fairly easy. It is fairly easy to go to conference. What we are saying is, let's have another Republican and another Democrat or two more Republicans and two more Democrats. There will still be a two-vote margin that the Republicans have. Why can't we go to conference? That is what every one of my statements has said.

I have said that and I gave reasons. What are the reasons for this? I gave an example yesterday about some of my trial experience. Are you trying to—juries usually come up with the right result, not always for the right reasons, but they usually come up with the right results. So do conference committees. So I am saying, let's go to conference. I am willing on my side to make choices as to who should go. But I say that we have the HELP Committee and we have the Finance Committee. Both have jurisdiction on this matter. I don't think it is asking too much to have three Senators representing the Finance Committee, three Senators representing the HELP Committee. That is what I am asking, rather than five.

Mr. FRIST. Mr. President, just so people understand, the 7-to-5 ratio, which I have been clear on for weeks now, does allow for equal participation between those two committees, so the fairness is that 7-to-5 ratio.

This protections to the drug industry, no time for stem cells—first of all, the timing issue is because of this postponement. The fact that the PATRIOT Act finally passed yesterday, when it should have passed weeks ago, is a manifestation. This wasn't a problem with your whole caucus. It was a handful of people who felt strongly about it, and that is within their rights. But some way or another, we need to keep moving on all of these issues, whether it is stem cells, whether it is pensions, whether it is lobbying reform, whether it is coming in to address the debt limit. We are going have to move along and stop postponing, obstructing, and then saying we are running out of time. We can't address these important issues.

Asbestos is important. My distinguished colleague may diminish how important it is, but it is an important issue from a range. We are going to systematically go through and address them, but we need cooperation, working together. Let me ask the Senator, I wasn't here—again, I apologize—but protections to the drug industry, something was said about that. What does that mean?

Mr. REID. Well, I could have gone into more detail, but I talked quite a long time anyway. What I was complaining about is the inordinate amount of time that we spent dealing with certain issues—and I did mention specifically the Arctic National Wildlife Refuge. And the pharmaceuticals, I thought they got a sweetheart deal with the provision that was inserted in the DoD Conference report in the middle of the night without any debate. I think I have a right to complain about how that bill was handled. I thought the Appropriations Committee, had they not been burdened with the ANWR thing, we could have been out of here weeks earlier than what we were, but that held things up for a long time. I have a right to complain about that.

Mr. FRIST. I understand. I plead to the other side of the aisle, if we could work together, the list—I am sure your list went on much longer on important issues. But unless we get some sort of working together without slowing things down and dragging out even asbestos, where we can't debate, we can only have debate, we can't amend; we have to work together to move forward.

On the drug industry, again, I am not sure exactly what it is, but right now avian flu, if you look at a map, over the last 6 months, where 10 million birds have died, 20 million, then 100 million, and then 200 million, it is moving our way. It has a 50-percent mortality rate today. If you get infected today—and probably a third of us would get infected because we have no natural immunologic response to that, unlike the regular flu—if it does continue to have a 50-percent mortality, we are in real trouble. We have no vaccines. The reason we have no vaccines today, in large part, is because the liability system has gotten out of whack. We had 26 manufacturing companies back in the 1960s. We have three today. They can't produce a vaccine. It would take them 13 months today. So the liability protections are only in the event there is an emergency, an emergency, a life-threatening emergency, in event there is a bioterrorist attack or in the event there is a pandemic. Today there are no protections given whatsoever. And also built in with those protections is a compensation program.

I came to the floor because, as this list goes on, if these are not at least elucidated, the American people are left with a one-sided view, and that is wrong. Again, I didn't come to the floor to go through the entire list, but notes started coming into my office about the list itself.

I will close with a plea to the other side of the aisle. It is an election year. It is a year where partisanship is going to come to the floor and where things are going to be obstructed or slowed down. But there has to be some things we can work together on. It might be stem cells. It may be health issues. It should be asbestos. Hopefully, it will be lobbying reform next week. Maybe that will be the first time this year we can show working together. Then we have border security. The Democratic leader and I were talking about that before. That is going to be a tough issue for us, border security and enforcement, with a lot of amendments on the floor. We have to work together, Democrat and Republican, right side of the aisle, left side of the aisle, to do the Nation's business, to govern with meaningful solutions; otherwise, we are going to be here all year doing nothing.

Again, the Democratic leader and I don't just talk on the floor, and we need to keep our conversations going, as we do our best to govern with meaningful solutions to the problems we face today.

Mr. REID. I would say that the left side or right side of the aisle is according to where you are standing in this building. This side of the aisle takes no back seat to what we have tried to do with avian flu. We have pushed this very hard. We pushed it because we were told that it is not a question of if, it is a question of when.

We understand the seriousness of this. That is why we worked so hard to get the administration to also recognize this.

The majority leader, I know he is a prominent physician, and that is what I stated in my statement here. In the DoD bill, people are concerned about a provision that was placed in the bill without the opportunity to debate it that offers sweeping liability protections for the drug industry without compensation for victims who are harmed by reckless wrongdoing.

This is not the time to debate this in its entirety. I mentioned this with a number of other things. But I would not be doing my job if I did not come and talk about how I feel, how we feel, representing what the minority feels about the needs to go to conference on the pension bill. That is an obligation I have. I think I am right. But the fact that I disagree with the majority doesn't mean that there is anything wrong with me. I think we are right.

I had an obligation to come and talk about the debt limit. That is important that we talk about that. I believe I had a right and an obligation to come and talk about the situation dealing with stem cells. I think anyone that would read my statement about stem cells, that wasn't a statement where I was saying let's draw a ring here and have somebody go in one corner and somebody come out the other and start slugging. I think this is one of the most important things that we need to do this year. I was pleading for time to have it done.

As far as cooperation, that runs both ways. We are in the minority. We understand that. But times change around here. Someday we will be in the majority, and we will be back in the minority. That is one of great things about our country. That is one of the great things about the Senate.

The Senate is here to protect individual Senators who represent States. Sometimes these rules are cumbersome. I see on the floor the distinguished junior Senator from Mississippi who was the majority leader and minority leader in years past. He has written a book about how difficult it is. But it is the Senate. It has worked well for our country. I hope when the books are written about my tenure here that it will be one where people will say: He tried to get along with people, tried to get some things done. I have no problem with the majority leader coming to the floor and saying: What did you say? Because he can look at the record and see what I said. I don't mind staff running notes to him saying things, parts of what I said. But there was nothing in any of my statements that should be cause for alarm, other than alarm that I believe there are certain things we need to do: Specifically, debate on the debt limit; two, get a conference appointed for the pensions; and get a time set so we can debate stem cells.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. LOTT. Mr. President, first of all, I have enjoyed being referred to as the junior Senator from Mississippi, which I am. It makes me feel so young. I am flattered by that description.

I tiptoe into these waters with some hesitancy and with a great deal of respect for our two leaders because I know working out these issues is not easy. You have personalities. You have individual Senators who have interests or concerns. I have the greatest respect for both of these men. I know how tough the job is. But my friends, if we don't get into conference on the pensions, it is going to be a plague on both our houses. I have talked to Senator REID about this. I understand his problems, and I know what Senator FRIST, as the majority leader, is dealing with. But I also know that this issue is time-sensitive.

If we don't get into the conference pretty soon, we are not going to get an agreement before April 15. There is at least one airline that has bet the whole company, frankly—their survival and bankruptcy—on us getting pension reform done. Do you think people are only worried about health care? They are worried about retirement and they are worried about their pensions. Are they going to be there? Are they adequately funded? Who will pay for it? The taxpayer?

That is what is going to happen. Company after company will dump their pension plans on the PBGC, the Government entity that insures these plans. They are going to be stuck with the bill. I hate to get into this, but having been there before, I cannot help myself because I care about the substance here.

I am pleading with our leaders to find a way to deal with it. The Senator from Nevada knows that the majority leader has to lead on these issues. He has to find a way to get us into conference, but it takes cooperation. The majority leader says 7 to 5. I think it is a little high. The last time we had a pension reform conference, we had 8 total, not 12 Senators. But the Senator from Nevada says: No, no, no, it has to be 8 to 6. That troubles me because the majority leader came up with a reasonable number, but the minority leader said it has to be 8 to 6 or we are not going to conference. We are at loggerheads, and we should not be.

I have a novel idea. Let's go up to 9 to 7 or go down to 6 to 4.

Mr. REID. I will take it, 9 to 7. You will have a deal.

Mr. LOTT. I will be glad to work on that, but I don't think the numbers make that much difference. This is a bipartisan issue. I cannot do this for the leader or the leaders. But go down to 6 to 4 or go up—and, by the way, it won't make a lot of difference. We are sweating about this. Sixteen Senators are going to be in a conference. For heaven's sake, that is a cattle call. I think that is too many.

I plead with our leaders to come up with an agreement. I have never seen this happen before—never. Not one time when I was majority leader did the minority leader and I not come to an agreement on a number to go to conference with.

Mr. REID. Will the Senator yield?

Mr. LOTT. I am glad to.

Mr. REID. That is what I said earlier. During my tenure as leader and assistant leader, I never remember this happening. That is what I said before you came here.

Mr. LOTT. Senator Daschle didn't say: No, you have to give me a specific number or I won't go. At least you are showing movement. We need to do this and we need to do it today. I am going to continue to talk about this. I will remind people that we have a deadline, which is April 15. And I remind everybody that the Senate passed this November 16 by a vote of 97 to 2. The House passed it last year.

We have been fumbling around with this for 2 whole months. This involves retirement insecurity for millions of Americans. Chairman GRASSLEY has done good work, along with Chairman ENZI and ranking member KENNEDY; he wants these conferees appointed. All of the Senators involved are flummoxed that we cannot find a way to come to agreement on this subject. The House passed it 294 to 132 on December 15. And here we are and we cannot get into conference. Is it complicated? Yes. Can it be worked out? Absolutely. Whom are we fooling? There will be three or four people who are going to write this thing. The rest of us will be there as spearholders. Why don't we get on with it.

I am concerned about this. I think we ought to be able to get it worked out. The majority leader is the majority leader. He does make the final call on the numbers. You know, when we go to conference, does it need to be cooperative and collaborative? Yes. I cannot believe, with all of the Senators on this side pushing and hoping for a conference, and the Senators on the minority side who are pushing for a conference, that we cannot get this done. It is all because one or two Senators think they have to be able to go to conference, or else. I wanted to be a conferee on the tax bill, and I should have been. But the leader decided the number was 2 to 1, so those are the conferees. That is the way it works. I understand that. I cannot be a conferee on every bill.

I say to those who are demanding they be a conferee, we have to support our leaders. I want to make it clear that I am worried about the legislation. I want to be helpful.

I realize it is presumptuous of me to talk about this. I am not here about who is the majority or minority when it comes to substance. This is about people's lives. What are we doing? That is part of a pattern where all of a sudden everything is objected to. We look bad. I want to make it clear that I am not talking about our majority leader. He is trying to move things. It is similar to trying to move a "dad-blame" mountain, and only the good Lord can give you the power to do that.

I plead with our leaders to find a way to make this happen and do it today. Today. I think what we might have to do, if we cannot get an agreement—I urge our leader to begin the process to—however long it takes, however many votes it takes—to make this happen. It can be done. But it takes, again, an excruciating amount of time, similar to what we went through on the PATRIOT Act. What a supercilious, ridiculous process we went through, with all those extra votes to get to a vote of 89 to 11 on a consensus bill.

Yes, it is a Senator's right to run the string out if they want, but is that good? Was anything achieved? Is the Senate better off and are the American people better off? Absolutely not. I tell you, any of our colleagues on the other side that think you win by blocking things and stopping things from happening, I can tell you it doesn't work. I have tried it both ways. The American people want us here to get results. When you get results, there is plenty of credit to go around on both sides. You know, if we don't act on the pension bill, within 6 weeks there are going to be disasters. The blame is going to be in this Chamber.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The majority whip is recognized.

TRIBUTE TO SERGEANT ERIC LEE TOTH

Mr. McCONNELL. Mr. President, I ask the Senate to pause for a moment today in loving memory and honor of Sergeant Eric Lee Toth.

Sergeant Toth of Edmonton, KY, served with the 623rd Field Artillery in the Kentucky Army National Guard. The 623rd frequently escorts supply convoys throughout Iraq, a dangerous duty that often put them in, as one Kentucky National Guard general has termed it, "the eye of the storm."

On March 30, 2005, Sergeant Toth and two other Kentucky Guard soldiers were traveling in a Humvee on a supply route in Iraq, escorting a convoy of supply trucks from the southern end of the country to the north. One of the soldiers traveling with Sergeant Toth was his brother-in-law.

Suddenly, at a point about 30 miles north of Baghdad, an explosive device hidden in a car went off. The other two soldiers in the Humvee were injured; Sergeant Toth was killed. He had served his Nation as a citizen-soldier for almost two years. He was 21 years old.

For his valorous service, Sergeant Toth was awarded the Bronze Star Medal, the Purple Heart and the Combat Action Badge. He had previously received both the Army Good Conduct Medal and the Armed Forces Reserve Medal. And he was awarded the Kentucky Distinguished Service Medal, the second-highest honor that the Commonwealth of Kentucky can bestow.

Like so many young Americans, Eric was inspired to enlist in the Kentucky National Guard after the terrorist attacks of September 11, 2001. He felt an unswerving duty to defend his country after seeing the destruction on that horrible day, to help ensure that something similar didn't happen again. "Ever since 9-11 . . . that's what he thought he should do," says his wife, Andrea.

Captain John H. Holmes Jr., Sergeant Toth's battery commander, recalled that Eric had set his sights on becoming a member of the respected Alpha Battery when he joined the 623rd Field Artillery of the Kentucky National Guard. He wanted to serve in the same unit as his brother-in-law, Sergeant Ricky Brooks. He looked to Ricky as a role model, and the two grew closer during their service in Iraq.

Eric knew that Alpha Battery would likely deploy to Iraq, but this courageous young man did not shy away from his share of responsibility—rather, he embraced it. Captain Holmes says that Eric "inspired every one of us to be better than we ever thought we could be, and touched our lives indelibly."

Sergeant Toth got the assignment he sought, and was deployed to Iraq with the 623rd in January 2005. Missions to escort supply convoys lasted as much as 18 hours to go a mere 500 miles, and the soldiers often had to bridge language and cultural barriers to communicate with the convoy truck drivers.

Eric was the gunner for his unit. Captain Holmes tells us that a gunner's responsibility is to be the "eyes and ears for his officers and his fellow soldiers," and that Eric succeeded at that quite well. His brother-in-law, Sergeant Brooks, calls Eric one of the best gunners he ever knew, and recalled a previous mission when Eric had been alerted to the possible presence of the enemy. When Sergeant Brooks saw Eric check his gun and equipment twice, he knew Sergeant Toth was ready and could be counted on in battle.

Born in Glasgow, located in south-central Kentucky not far from Mammoth Cave, Eric Toth grew up as quite the young athlete. He was the captain of his football team at Metcalfe County High School. As a young man, Eric helped nurture others in the sport he loved by coaching little-league football in Edmonton, which is the county seat of Metcalfe County.

As a child, Eric minded his studies as well. Bennie Stephens, who is still with the Metcalfe County public school system, taught both Eric and Ricky Brooks when each was in the fifth grade, and remembers them as good students who worked hard.

Eric also enjoyed a good game of volleyball, and took pleasure in hunting and fishing. He played basketball with Sergeant Brooks. He was an avid movie fan, and even while in Iraq, Eric purchased 28 movies to fill the downtime in between missions.

Sergeant Toth was laid to rest last year in Sulphur Springs Cemetery, in Edmonton. Mr. President, I was honored to be one of the many who went to pay my respects that day to a courageous American hero. A lot of people love and miss Eric Toth, and they will remember his bravery, his generosity of spirit, and his sacrifice.

Eric was blessed to have a large family and many friends. His wife, Andrea, is with us in the gallery today, and we thank her for sharing her memories of her husband with us. Eric will be forever treasured by his father, Danny Toth, and his mother, Brenda Paronto, who says that Eric "loved his country and loved what he was doing."

He is remembered as well by his half-sister, Debbie, his stepsister, Tasha, his stepbrothers Derrick and Travis, and many more members of a large extended family.

Perhaps Eric's commander, Captain Holmes, summed it up best when he said Eric "was always about trying and doing." I hope those who knew and loved Eric can take some measure of solace in the knowledge that Eric lived with bravery, giving his life for the freedom of people he would never meet, but who will forever benefit from his sacrifice.

This country owes a debt to Eric and the countless men and women who, like him, offer up their bravery to the rest of us. I ask my colleagues to keep the family of Sergeant Eric Toth in their thoughts and prayers, as they will be in mine.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for as much time as I consume.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

MANAGING AMERICA'S SEAPORTS

Mr. DORGAN. Mr. President, there is a lot of discussion this week in the Congress, in committees on which I serve and in other committees, dealing with the issue of the company that is owned by the United Arab Emirates, a Dubai company owned by a government called the UAE, managing six of America's major seaports. I wish to make a couple comments about that.

First, I introduced legislation this week that would simply disapprove the transaction. I don't think I need 45 days, and I don't need 45 minutes to make a judgment that it doesn't make any sense for our country to have a company owned by the United Arab Emirates managing six of America's major seaports. It doesn't make sense to me, and I will explain why.

In a time when our country is severely threatened by terrorism—and we read about it all the time that terrorists threaten this country—we understand that terrorists would love to commit another major act of terrorism inside the United States. Go to an airport this afternoon and try to board an airplane. You will find they want you to take your belt off. They want you to take your shoes off. They want you to take your wristwatch off. And then as you get through the metal detector, you see they have some 6-year-old spread-eagled against the wall, wanding that 6-year-old, or perhaps a Catholic priest, because they set off the metal detector.

We understand what is happening at airports. There is massive security. We have all these folks who are trying to get to their airplane, and yet we have them lined up in all kinds of ways because of security issues.

What about our seaports? We know our seaports are also a target for terrorists. We have over 5.7 million containers coming in on ships into our seaports.

The administration says it is concerned about a rogue nation or a terrorist group getting access to an intercontinental ballistic missile and putting a nuclear bomb on the tip of the missile and firing it at this country at 14,000 or 18,000 miles an hour. So we are spending, I don't know, somewhere around $10 billion this year to build an antiballistic missile system. Some of us think that is not a very wise expenditure because it is one of the least likely threats. Instead of worrying about the threat of an intercontinental ballistic missile coming at us from a rogue nation or a terrorist, a very unlikely threat, we should worry about a ship pulling up to a dock at 6 or 8 miles an hour with a container loaded on board that ship that contains a weapon of mass destruction, pulling up to a dock or a pier at one of America's major cities. Then we are not talking about 3,000 people dead; we are talking about tens of thousands or hundreds of thousands of people killed. Yet think of this: We only inspect about 4 or perhaps as much as 5 percent of all of those containers coming into our country.

We know that just after 9/11, when there was a lot of discussion about this, there was a fellow who tried to ship himself to Canada, someone who they thought was a terrorist, who loaded himself into a container and actually had a cot to sleep on and a water supply; he had a radio connected to a GPS monitor, a whole series of things. He was shipping himself in a container to the country of Canada. They happened to find that person. The assumption was that he was going to find his way into Canada in a container and come into this country across our border. We know the dangers that exist with these ships and the containers. Yet there is very little, frankly, very little seaport security.

I went to a seaport once. We don't have seaports in my State, but I toured a seaport and asked about security and asked about things, and I mentioned previously on the floor that I saw a container that had been taken off a ship and was being opened.

I said: What is in the container? Why is that being opened?

They said: That is a refrigerated container; that is just one we decided to open.

I asked: What is in it?

Frozen broccoli from Poland.

I said: How do you know what is in the middle of that container? I see what you have pulled off the end of it and you cut open some bags and found some frozen broccoli. But how do you know what is in the middle of that container? Well, we really don't, is the answer, and they inspect somewhere around 4 to 5 percent of those containers.

So with all of the potential threat at our seaports, we are now learning that a company owned by the United Arab Emirates has been cleared by the administration to provide management and, yes, security, because security is a part of management, at six major seaports in our country.

My colleagues, a number of them, have described the United Arab Emirates. It is not my intention to offend this country. The administration says they have been helpful to us with respect to the war on terrorism. I don't know the specifics about that, but if they have been helpful, we appreciate that. We do know, however, that two of the hijackers who crashed into our World Trade Center and the Pentagon on 9/11 were United Arab Emirates citizens. We know from the 9/11 Commission Report that the United Arab Emirates was a crossroads that helped finance the terrorist operations. We know that the United Arab Emirates ports were crossroads through which Dr. Khan of Pakistan moved substantial amounts of nuclear knowledge and material to North Korea and Iran and other parts of the world, and that will pose very much danger to us and to our children. So we know some things about the United Arab Emirates.

My colleague, Senator Hollings, whom I have described a few times on the floor and who used to sit at the desk right behind me, my colleague just wrote an op-ed piece, and he described the United Arab Emirates. He said that in some countries, women are allowed to vote. In the United Arab Emirates, neither men nor women are allowed to vote. There are a lot of questions about the United Arab Emirates.

Let me mention something from the 9/11 Commission Report as well, about the United Arab Emirates. On page 137, it describes in 1999 the fact that we had found Osama bin Laden, presumably, knew where Osama bin Laden was, and he was near a hunting camp in the Afghan desert being used by visitors of a Gulf State from the United Arab Emirates. On page 138, it describes how in 1999, once our intelligence had decided they knew where Osama bin Laden was, they were going to launch a military strike against him. Page 138 describes that on February 10, 1999, the military was doing the targeting to hit the main camp with cruise missiles. No strike, however, was launched. Osama bin Laden then disappeared.

The reason the strike was called off is that intelligence officials were worried that a strike against bin Laden would kill an Emirate prince, somebody from the United Arab Emirates. Part of the Royal Family was visiting with Osama bin Laden at the time, and our intelligence officials were worried that if they launched a strike against Osama bin Laden, they would kill someone from the Royal Family of the United Arab Emirates. This is on page 138 of the 9/11 Commission Report.

My point is very simple. The United Arab Emirates may very well have been helpful to us in the fight against terrorism in the last couple of years, and if they are being helpful to us, good for them. This is not about offending the United Arab Emirates by saying that we don't want a company owned by that country to manage American seaports. I don't wish to offend the UAE, but neither should we be offending common sense. A whole reservoir of common sense would tell us that this country, given the fact that we are the No. 1 target for terrorists, ought to be managing our own ports, our own major seaports, and ought to be providing our own security and ensuring our own security.

If I might also make a couple of points. The Committee on Foreign Investment of the United States, which is made up of somewhere around a dozen agencies within the administration, studied this proposed port deal and said it was okay for the United Arab Emirates-owned company to manage our major seaports. Well, on February 27 we learned that the Coast Guard expressed reservations about the deal in a secret report that was made public this week, and here is what the report said. This is the Coast Guard. It says:

> There are many intelligence gaps concerning the potential for the UAE company's assets to support terrorist operations that preclude an overall threat assessment of the potential of the merger.

In fact, the Coast Guard referred to a large number of potential vulnerabilities, and then it listed them, and one of the intelligence gaps that the Coast Guard referred to was the fact that no one had checked the backgrounds of the people in charge of the UAE-owned company.

So when the secret Coast Guard report was made public this week—I believe by Senator COLLINS, who was holding a hearing at the time—the administration had the Coast Guard make another statement, and here is what the Coast Guard said on February 28:

> Upon subsequent and further review, the Coast Guard and the entire CFIUS panel believe that this transaction, when taking into account strong security assurances by DP World does not compromise U.S. security.

The Coast Guard obviously works for the President, and they made this statement dutifully in line with the administration's interests. But it is interesting. The Coast Guard's statement does not say that anybody checked the backgrounds of the officials of the UAE company. That was what the Coast Guard cited as one of the major vulnerabilities.

The highest ranking official in the Department of Homeland Security who reviewed this port deal is Assistant Secretary Stewart Baker. Assistant Secretary Stewart Baker told The New York Times on February 17 that the CFIUS review did not include any background checks on senior managers of the company. In fact, the review didn't involve gathering any information from outside sources like the New York and New Jersey Port Authority, because the committee kept the proposed transaction secret. In fact, Baker said the committee's investigation lasted just a couple of months, beginning in November, ending in mid-January, so there wouldn't have been time to do very thorough background checks anyway.

So here is what we have. We have the Coast Guard saying in a secret memorandum that there are real vulnerabilities here with respect to potential terrorism, and in that memorandum, they say one of the vulnerabilities is that no one had checked the backgrounds of the people in charge of the UAE company. So then the Coast Guard, when this becomes public, says: No, no, it is okay. We have pretty much been satisfied. And then the Department of Homeland Security official, the top official who did this, says: Well, no, we didn't check those backgrounds.

Question: How could the Coast Guard be satisfied when the conditions weren't met, when they had just said previously that there was a potential threat here? They said, "There are many intelligence gaps concerning the potential for the UAE company's assets to support terrorist operations," and one of the bases for that is they hadn't checked the backgrounds of the people in charge. And then the Coast Guard says: But that is OK, now we are in sync with the administration on this. Then Homeland Security comes out and says: Well, we never did check the backgrounds of the people in charge.

This really gives you confidence that the transaction was properly vetted, doesn't it?

Let me just mention that in 2002, May of 2002, the U.S. Military Special Operations Command obtained a document produced by al-Qaida in which al-Qaida claimed to have infiltrated the United Arab Emirates. Referring to the UAE, the 2002 al-Qaida document, which was written in Arabic, says: We have infiltrated your security, censorship, and monetary agencies along with other agencies that should not be mentioned.

I have no idea whether there is any credibility here or not, but I do know that two of the 9/11 hijackers were from the UAE and the financing for the attacks flowed through UAE financial institutions. And it seems preposterous to me that the administration would just dismiss issues which were raised in a secret memorandum by the Coast Guard, even after there is an admission that the conditions that resulted in that concern about terrorism were never met.

The point is simple. This relates in many ways to the larger question of outsourcing, offshoring, contracting out the global economy. This global economy has galloped along. The rules, of course, have not kept pace. We now discover that in this so-called global economy, there are things which cause great concern. Among those would be deciding that America's seaports, largest seaports should be managed by a state-owned company, a company owned by the United Arab Emirates. Does that make sense? Is the reaction of the American people so out of sync with common sense? I don't think so. I think the American people are in perfect sync with common sense, and the folks in the administration who did CFIUS and the folks in the administration who are now defending this are the ones who are out of sync with any common sense.

The President says: I have made up my mind. If the Congress passes legislation and sends it to my desk, I am going to veto it because I want the UAE company to be able to manage these ports. I say if you want to veto it, then go right ahead, but I think this Congress should pass legislation that says very simply that we don't want a state-owned company from the United Arab Emirates managing America's seaports. There are, in fact, security issues, national security issues that trump all of the other issues, and we don't believe that is appropriate. I have introduced legislation to do that, and we will see whether in the coming days and weeks we will be able to pass that legislation. I, frankly, think we will.

A colleague over in the House, Congressman DUNCAN, said something today that I believe is useful to repeat. He said:

> People call this attitude protectionism. If that is what they call it, then count me guilty of wanting to protect this country's interests.

I always liked this so-called four-letter word, "protection," the notion of being a protectionist on international trade. What is wrong with standing up for protecting this country's interests? Yes, economic interests, national security interests. What is wrong with that? Does anybody really think it makes sense to be outsourcing and offshoring all of this?

I believe we have the most sophisticated economy in the world. We have a wonderful education system. We have a lot happening in this country. And if we had no immigration restrictions at all and just had an open country, I tell you what, a fair part of the world would be headed in our direction. So it is a great place. And we don't have the resources in this great place of ours to manage our own seaports at a time when we see daily and weekly threats of terrorism against our country? We don't have the resources and we don't have the ingenuity and we don't have the capability to manage our seaports? What on Earth are they thinking about when they suggest that? Of course we do. It is just a matter of national will to decide that we want to stand up for the economic interests of this country and protect the national security interests of this country. That is what our responsibilities are.

I wish that I could, in this case, be supportive of the administration and the folks who reviewed this from CFIUS. But the fact is, in carpenter's terms you would call it a half a bubble off plumb, maybe a full bubble off plumb. This makes no sense at all. You are going to turn over our major seaports to a United Arab Emirates-owned company about which there are substantial questions about national security. I said before, it is nuts. There is no other way of describing it. So count me as somebody who is going to try, in every way possible, to scuttle this approach.

The interesting little dance that is going on here, because everybody wants to look as though they have been able to win, is: Now we have asked, the company has actually asked our country to extend the 45-day investigation. You talk about Byzantine. The United Arab Emirates-owned company is asking the United States of America to extend its investigation because they cut it off prematurely? It is bizarre. That is the only way you can describe it. I don't need 45 days; I don't need 45 minutes to figure out this doesn't make sense. That is why I introduced the legislation I introduced.

CONTRACTING FRAUD

Turning to another subject, and I will be brief, yesterday I introduced legislation with 28 of my colleagues. I will ask unanimous consent that Senator CANTWELL be added to the piece of legislation.

The bill we introduced yesterday is about accountability in contracting. It is called the Honest Government and Accountability in Contracting Act of 2006.

I have held seven hearings, chairing the Democratic Policy Committee, on the issue of contracting. It has been all over the newspapers in the last 4 or 5 years, the massive fraud, waste, and abuse in contracting. I will not go through all of it, but let me put a couple of things up.

This is Bunnatine Greenhouse, the highest ranking civilian official in the Corps of Engineers. She is in charge of all contracts in the Corps of Engineers, and virtually everything being done by contract in Iraq is going through the Corps of Engineers. She, incidentally, has since been demoted. The reason she has been demoted is this career official, who had great ratings and performance evaluations throughout her career, told the truth.

> I can unequivocally state that the abuse related to the contracts awarded to KBR [that is Halliburton, a subsidiary of it] represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

Bunnatine Greenhouse, the highest ranking procurement official in the Corps of Engineers is paying for it with her job, but thank God we have people with the courage to do this.

When you mention Halliburton, everyone thinks you are talking about the Vice President because he used to run Halliburton. This is not about the Vice President. This is about a company that got huge no-bid, sole-source contracts to do work in Iraq, and it is unbelievable—the whistleblowers from Halliburton described the waste. I will give an example. We had a witness who used to work for KBR—Halliburton. He used to buy things for them.

He held up two towels. He said, I was supposed to purchase hand towels for the soldiers. Here is the towel I would have purchased. It would have cost $1.80 a towel, something like that. And here is the towel I did purchase. It cost triple that. Why? Because the company said to me I want you to purchase the more expensive towel so it has the company name embroidered on the towel that goes to the soldiers. Waste? Of course it is.

Mr. President, $85,000 trucks, brand new, were left on the side of the road to be trashed because they had a flat tire; $85,000 trucks were trashed and left to rot because they had a plugged fuel pump. Do you think that is not happening? Listen to the whistleblowers or the people who drove the trucks.

A guy named Rory, on behalf of Halliburton, runs a cafeteria and food service. We know there is one allegation of one billing for 42,000 soldiers being fed a day when in fact they were feeding only 14,000. Rory said they missed it by about 5,000 in the place he was feeding them, charging for 5,000 more than actually were eating. He said. By the way, we were feeding the soldiers food that had expired date stamps on it, and when we told our supervisors they said. No, no, feed it to them; an expired date stamp doesn't matter. Feed them to the soldiers. He also said the convoys bringing the food in would come under attack and our supervisors said you go through and pull out the bullets and shrapnel in the food, pull it out, and then we will feed the food to the soldiers. And by the way, if they are good bullets, save them for the supervisors for souvenirs.

Are these unusual circumstances? The answer is no. I could go on and talk about fuel delivery and water contracts, but that is enough, just to say there is massive waste and fraud and abuse going on with respect to contracting in Iraq.

By the way, this fellow in this picture testified, this fellow wearing this white striped shirt. These are hundred-dollar bills wrapped in Saran wrap. This is the way they paid contractors in Iraq. He said we told contractors in Iraq, when you come, bring a bag because we pay in cash. He said, we used to throw these around like footballs in the office, hundred-dollar bills, wrapped. They had a bill vault downstairs. So the contractors are told, bring a bag because we pay in cash. He said it was like the Wild West. Someone else said we do a contract, the American taxpayers are going to pay to get a building air conditioned in Iraq, that goes to a subcontractor, it goes to a local contractor, another little contractor, and pretty soon we pay for it. We get a ceiling fan where we should have gotten an air conditioner. It is like the Wild West. Bring a bag and we give you cash.

Finally, a man named Mr. Custer and a man named Mr. Battles. "Sixty Minutes" did a recent program on them. They showed up with virtually no money. Eventually, within a very short period of time—nearly 2 years—they got $100 million in contracts from the Federal Government. It is pretty unbelievable.

I have a chart that describes what one of the airport managers said about them.

This is the chart:

> Custer Battles have shown themselves to be unresponsive, uncooperative, incompetent, deceitful, manipulative and war profiteers. Other than that, they are swell fellows.

From the Baghdad Airport, Director of Airport Security. The allegation is, they took the forklifts from the airport, that belonged to the airport, took them to a hangar, repainted them blue, and then sold them back to the Iraq Provisional Authority.

My point is there is substantial abuse going on in contracting.

We have introduced legislation that has a number of components. No. 1, a piece of legislation that includes as its first section something Senator LEAHY had offered in the last Congress: punishing war profiteers with substantial penalties. Those who would profiteer in a wartime situation are despicable and they ought to bear substantial penalty.

The bill cracks down on substantial cheaters. It restores a Clinton administration rule, a rule that was made during the Clinton administration on suspension and debarment. If you are a contractor and you have exhibited a pattern of overcharging the Federal Government or failing to comply with the law, basically you have been somebody who has cheated the Government and have a pattern of that, you are out. You are going to be debarred. You are not going to be able to bid again. When the present Bush administration took office they immediately rescinded that rule. We would restore that rule by law, requiring full disclosure of contract abuses.

Section 103 provides for greater transparency in contracting. It would require agencies to provide the chairmen and ranking members of the committees in Congress all contractor reports that found contractor misconduct, and put them on a Web site as well.

The bill would force real competition, no more no-bid, sole-source contracts. It would also ban corporate cronyism in contracting. No more circumstances where someone works in a certain area and then goes to the private sector and gets contracts in the same area for which that person worked in the government. It ends cronyism in key government positions.

This is pretty radical. We are daring to suggest that people who are being hired for key jobs ought to be qualified for them. FEMA, the Federal Emergency Management Agency, used to be, I think, one of the stars of the Federal Government. My understanding is 7 of the 11 top positions in FEMA were filled by people who had no experience, just cronies. You want a job for Al or Ken or Vern or Mary? Stick them over there. So 7 of 11 positions were filled by cronies with no experience.

Then take a look at what happened, see what happened when Katrina hit the shores, the largest national disaster in our country's history, and you see a FEMA that is completely incompetent.

The stories are unbelievable. We had a hearing about that. We had a guy who drove an 18-wheel truck. He was supposed to haul ice in this 18-wheel truck for the Katrina victims, at FEMA's direction. He got a whole truckload of ice and away he went to provide ice to the victims of Katrina. The problem is, he didn't quite get there. FEMA had him drive around the country. He was sent to an airbase here and another place there, and he finally, after sitting at a military base for a long while—with hundreds of other trucks, by the way—he finally had to drive back to New York and offload his ice in New York. This is unbelievable.

By the way, I have asked the Department, FEMA agency, how did this happen? How did you spend taxpayers' money to have ice run around this country that should have gone to the victims of Hurricane Katrina and instead we end up paying tens of thousands of dollars and the ice never gets there?

I got a letter from FEMA this week which says: That wasn't our responsibility. That was the Corps of Engineers. FEMA has since corrected that with an e-mail that is disjointed, were they admit that the responsibility was theirs. Their recent reputation for incompetence is pretty well deserved. That is something I am going to the bottom of.

My point is, we need to decide, if we are going to put people in key positions to do key jobs, it ought not be cronies, it ought to be people who have some basic experience that would suggest they can do those jobs.

Finally, we will strengthen whistleblower protections. People who have the courage to blow the whistle on waste, fraud, and abuse ought not be penalized, they ought to be applauded.

That is the legislation I introduced yesterday with 29 cosponsors. Senator CANTWELL will be the 29th sponsor. I ask unanimous consent Senator CANTWELL be added as a cosponsor of this legislation, which is 2361.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. This is not Republican or Democratic, conservative or liberal. It is about being smart and doing the right thing. We have had a lot of circumstances in recent weeks and months where our country has dropped the ball. I mentioned the response to

Katrina. I mentioned contracting in Iraq and a range of things. I believe we must do better than that.

Some of it stems from these big sole-source, no-bid contracts. That is too sweet a deal. What you need is competition. We do not want to have this Government favoring one company versus another with sole-source, no-bid contracts. That is an invitation for waste, in my judgment.

I know we have a pretty substantial schedule. I know Senator FRIST has indicated his agenda, what he wants to bring to the floor of the Senate in the coming weeks and months. But let me say I hope we will have time to deal with this issue of honest government and accountability in contracting. That is a piece of legislation that is urgently needed to be passed.

I also hope, in the near future, whether it is 45 days or whatever the days, they are going to continue to review the question of whether the United Arab Emirates should be managing America's ports. Whenever that is done, my hope is we will have up-or-down votes here in the Congress about whether we think this makes any sense at all.

I agree with Congressman HUNTER. Put me down on the side of wanting to protect this country's interests. I guarantee this: We will not be protecting this country's interests to continue down this road of offshoring and outsourcing and deciding this great country of ours does not have the capability to manage its own seaports. What are we thinking about? Of course, we have the capability. The question is, do we have the national will and enough common sense, is there a reservoir of common sense to finally have us doing the right thing?

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

CHILD PREDATORS

Mr. FRIST. Mr. President, I come to the floor to speak to my colleagues about an issue that not a lot of people in this body think about every day—a very large policy issue we talked about over the course of the morning—an issue that shocks me personally but is shocking America, and it is the topic of child sexual predators.

Sometime during the late hours of February 23, 2005, Jessica Marie Lunsford disappeared from her grandparents' Citrus County, FL, home.

She was found dead 3 weeks later in a shallow, 4-foot-deep grave under the back porch of John Couey's mobile home—just where he told authorities she would be.

The little girl's body was sitting upright, her wrists bound with stereo wire, and plastic garbage bags wrapped her tiny, 9-year-old frame. In her arms was the stuffed purple dolphin that had gone missing with her during the night.

Authorities believe after kidnapping and sexually assaulting little Jessica, John Couey, a known sex offender, buried her alive.

This case—the Jessica Lunsford case—riveted and shocked the Nation. How could someone perpetuate such horrors and against an innocent child? How could the system have allowed a convicted sex offender to move freely and unmonitored, with no warning to the neighbors of the monster in their midst?

Every year, nearly 798,000 children are reported missing—over 58,000 of them are the victims of nonfamily abductions.

One in five girls and one in ten boys are sexually exploited before they reach adulthood. Less than 35 percent of those childhood sexual assaults are reported to authorities.

To make matters worse, the Internet is pushing the boundaries of sexual exploitation, providing child predators with a new, anonymous hunting ground. The Department of Justice reports that one in five children as young as 10 years old receives solicitations online. For parents and for communities, it is time for all of us to wake up.

A recent Dateline NBC series called "To Catch A Predator," vividly demonstrated that many of these cyberstalkers are more eager to trap their young online victims into a real-world nightmare than at any time in the past.

Over the course of a 3-day sting operation in Riverside, CA, Dateline was able to nab 50 Internet child sex predators. The men were caught on hidden camera arriving at a home where they believed a young teen, aged 12 or 13, was waiting to meet them. The police were on hand to apprehend the would-be molesters.

There is no stereotyped child predator. The men came from all walks of life, including a high school teacher, a rabbi, and a law enforcement official. Some had long criminal records that involved previous sexual assault convictions.

The results were shocking, even to the experienced Dateline producers. Just like the Lunsford case, the audacity of these men should be a wake-up call to all of us that we must do more to protect our children from child sexual predators.

How many times have they gotten away with it in the past? How many more are out there cruising cyberspace as I speak right now? How can we protect children from falling into their clutches? There are ways, and this body, the Senate, will address those ways.

On Wednesday, I discussed these questions with John Walsh of FOX's "America's Most Wanted," now a nationally renowned child advocate.

It was after the tragic kidnapping of his 6-year-old son Adam in 1981 that Mr. Walsh devoted his life to protecting America's children.

His organization—the National Center for Missing and Exploited Children—single-handedly raised the issue of child abduction to national prominence. And for that he should be congratulated. It has led to the recovery of countless children and defended the safety and well-being of countless families across America.

In that meeting on Wednesday, he told me in his 24 years of advocacy, he has not seen an issue more important and more pressing than creating a national sex offenders registry.

He pointed out that when a neighbor down the street has a mean dog, parents know and they warn their children to stay away—to stay away from that yard, to stay away from that house. So, too, parents should have the right to know that the neighbor down the street has a history of sexual violence so they can protect their children from harm.

Here in the Senate, we will act to fight child predators. I am committed to passing child predator legislation this year as part of a broader crime-fighting package. I look forward to working with Chairman SPECTER and the Judiciary Committee to develop this package and accomplish this goal.

We should consider provisions from the Children's Safety Act that I cosponsored with Senator HATCH and which Chairman SPECTER helped report out of the Judiciary Committee last year.

A number of ideas were included: Creating a national sex offenders database searchable by zip code; requiring States to notify one another of the whereabouts of registered offenders; developing a stricter tracking system to monitor repeat violent offenders; requiring DNA fingerprinting of child sexual predators and developing a DNA database to help solve these crimes; imposing enhanced criminal penalties for violent crimes against children under 12; and provisions that can reduce gang violence, strengthen court security, and prevent child pornography.

We should consider the ideas under development by the distinguished Judiciary Committee chairman in the House, Chairman SENSENBRENNER.

When serial rapist Joseph Duncan was caught at a Denny's last summer in Coeur d'Alene with one of his child victims, the only words he uttered to police were, "I had fun. Get me a lawyer." His sick and twisted sense of "fun" was allegedly kidnapping and sexually assaulting Shasta Groene, age 8, and her brother Dylan, age 9, eventually murdering the little boy but not before tying up and beating to death their older brother, their mother, and their mother's boyfriend.

Joseph Duncan was a repeat offender with a 30-year history of sexual assault. He committed his first crime at age 12, preying on a 5-year-old boy. By the time he was 16, Duncan estimates that he had raped 13 young boys, 6 of whom he tied up, others he raped at gunpoint. By 17, medical authorities deemed him a sexual psychopath.

After raping and torturing a 14-year-old boy, Duncan was sent to prison where he served 14 years before being released—only to attack more innocent child victims. Shasta and Dylan's father said:

> There's been so many times I've seen the news announce sex offenders being released into the community. People need to contact their Congressmen, their Senators, and even the President. There's a lot more that can be done.

I would like to tell Mr. Groene that we are listening. We hear your plea and the pleas of so many other Americans who want to see these monsters dealt with.

We are going to act. We will act. We must protect America's children, families, and neighborhoods from these sick predators. Our children are depending on us to keep them safe from the evils that lurk in the shadows.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

45TH ANNIVERSARY OF THE PEACE CORPS

Mr. HAGEL. Mr. President, I rise today to recognize and honor the achievements of the Peace Corps.

This year marks the 45th Anniversary of the Peace Corps. Over the last 45 years, the Peace Corps has been one of the enduring symbols of America abroad. The Peace Corps has helped create opportunities and hope for people throughout the developing world as it has projected a positive image of America.

In 1961, President John F. Kennedy established the Peace Corps to promote world peace and friendship. Since then, over 182,000 Peace Corps volunteers have served in 138 countries. These volunteers have provided extensive assistance and expertise in agriculture production, business development, education, healthcare, and resource conservation—making significant improvements in the lives of individuals and communities around the world.

As we continue to face the challenges of the 21st Century, the mission of the Peace Corps is more vital than ever. Volunteers continue to offer support and development assistance to countries around the world. They are finding common ways to address global challenges such as endemic poverty and HIV/AIDS.

Today, Peace Corps volunteers, including 50 from my State of Nebraska, bring their communities an enhanced understanding of foreign cultures and traditions, building bridges of friendship between people that transcend borders, language, and religion.

I congratulate the Peace Corps on its 45 years of achievement and accomplishment and thank the over 182,000 Peace Corps volunteers—including our Senate colleague CHRIS DODD for their good work and important contributions to making a better world.

Thank you.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. BIDEN. Mr. President, I rise today to honor the Peace Corps on its 45th Anniversary.

In his Presidential campaign in 1960, a great hero of mine, President John F. Kennedy, challenged a group of students at the University of Michigan to serve their country by volunteering their time and energies to citizens in developing countries. From those humble beginnings soon emerged the Peace Corps which, for the last 45 years, has been one of the most valuable and unique institutions of American foreign policy.

Since its establishment in 1961, over 182,000 Peace Corps volunteers have served in 138 countries throughout the world. Today, the Peace Corps remains as strong and popular as ever with the number of volunteers in service at a 30-year high. Currently some 7,810 volunteers, including 25 from my home State of Delaware, are working in 75 countries across the globe.

These increased numbers of volunteers have done invaluable work in recent years. Hundreds of Peace Corps volunteers, for instance, have been enlisted in the global fight against HIV/AIDS. The Peace Corps is active in 9 of the 15 Emergency Plan countries identified in the President's Emergency Plan for AIDS Relief, PEPFAR. In addition, volunteers have continued lending their expertise to traditional areas such as environmental conservation, education, food production, and health care.

Over the past year, the innovative Crisis Corps—which draws on former Peace Corps volunteers for short-term emergency and humanitarian assistance—has allowed hundreds of volunteers to assist in tsunami relief efforts in Sri Lanka and Thailand. And in recent months, the Crisis Corps was deployed to the gulf region in the wake of Hurricane Katrina—the first time Peace Corps volunteers have ever been called to serve on U.S. soil.

Through the goodwill and service of its volunteers, the Peace Corps also plays a vital role in our public diplomacy efforts. Volunteers give a human face to the term "American," bringing personal knowledge of our ideals and attitudes to communities all over the world. In doing so, they help to erode the deep misconceptions of the United States that exist in many cultures. Peace Corps volunteers are truly a top-notch example of diplomacy through action.

Again, I congratulate the Peace Corps on its 45th anniversary, and convey my deep gratitude to its thousands of current and former volunteers for their service to our country.

EDUCATION FLEXIBILITY PARTNERSHIP ACT

Mr. BURR. Mr. President, I today speak on a bill I introduced, and which the Senate passed last night, to extend the Education Flexibility Partnership Act of 1999, Ed-Flex. My State of North Carolina is one of ten Ed-Flex states. As the citizens of North Carolina know well, gone are the days when an individual with just a high school diploma or GED could make a good living in industries such as textiles and furniture. For the future of North Carolina, it is imperative that we do all that we can to assist all students, regardless of background, reach high academic standards. Only through a strong public education system can we secure a bright economic future for individual citizens and for our communities.

Ed-Flex is a program that allows the Secretary of Education to delegate to states with strong assessment and accountability systems the authority to waive certain Federal education requirements that may, in certain instances, impede local efforts to reform and improve education. By allowing additional flexibility in their implementation of Federal programs, Ed-Flex is designed to help local districts and their schools implement the educational reforms needed to raise student academic achievement.

The Ed-Flex waivers in North Carolina are helping local school systems improve student achievement while meeting Federal No Child Left Behind requirements in a number of ways. Examples of how local schools and districts are using Ed-Flex to advance local reform strategies include: providing tutoring for low-achieving or at-risk students through coordinating Federal, state, and local services; developing more inclusive parent involvement initiatives; collaborating and planning with Head Start, developmental specialists, and faculty from local day care centers to facilitate a smoother transition and more appropriate placement of pre-K students; implementing a hands-on, inquiry-based science curriculum to promote critical thinking skills; providing for ongoing literacy group instruction that allows students to move into and out of the groups, as necessary, during the school year; and expanding afterschool science clubs and purchasing resources for afterschool programs.

Ed-Flex was first enacted as a demonstration program in 1994 as part of Goals 2000: Educate America Act. Initially, the Secretary of Education was authorized to designate six states as Ed-Flex demonstration states. The 1996 amendments to the Goals 2000 legislation authorized the granting of Ed-Flex waiver authority to six additional states. On April 29, 1999, the Education Flexibility Partnership Act of 1999 was signed into law, providing all states that had rigorous assessment and accountability systems the opportunity to participate. Because of North Carolina's comprehensive assessment and statewide school accountability system, the ABCs, North Carolina became an Ed-Flex state on December 19, 2000.

Ed-Flex has played a vital role in North Carolina's educational system by allowing local school districts to have the increased flexibility they need in the implementation of various Federal education programs. I am proud of North Carolina's exceptional school accountability program. As a result of our strong accountability safeguards, the Ed-Flex Program is helping our schools to meet the goals of the No Child Left Behind Act. Continuing the Ed-Flex Program will further enhance the efforts of North Carolina local districts and schools to ensure that all students achieve academic proficiency. I thank my colleagues for their support of this important legislation.

AFRICAN UNION

Mr. OBAMA. Mr. President, I wish to discuss the genocide in Darfur. While there have been many speeches given on this critical subject, I want to take a moment to talk about a subject that has all too often been overlooked—the efforts of the African Union, AU.

At present, the Bush administration is helping to spearhead discussion on how to absorb the African Union force in Darfur into a larger U.N. contingent with a far greater capacity to protect civilians. I wholeheartedly agree with the administration that the current formula for combating brutality in Darfur is insufficient. In fact, in December, Senator BROWNBACK and I wrote an op-ed in the Washington Post advocating this very course of action.

At the same time, many government officials, and outside observers, have given little regard to the efforts of the African Union Mission in Sudan, AMIS.

We must start reversing this trend. I tip my hat to AMIS for its strong efforts, under the most difficult of circumstances, over the course of the last 2 years.

The AU leadership, along with individual troop contributing countries—such as Rwanda, Senegal, and Nigeria—made a decision to put African lives on the line when the campaign of terror waged against civilians was at its height. The AU leadership just as easily could have said "its too difficult, its too dangerous, this is somebody else's problem."

Instead, they took action.

In a geographically diverse and inhospitable terrain, the AU built its operations—the most complex in the organization's history—from scratch, at a time when thousands of Darfurian civilians were being ethnically cleansed every month.

Although AMIS has just 5,000 troops and 2,000 observers and police spread out over a region the size of France, it has made a difference. Civilians on the ground in Darfur have reported that, where AU forces are present, they feel safer. An estimated 2 million civilians are now living in camps. These civilians depend on humanitarian aid for their survival, and aidworkers report that their convoys would not be able to navigate key areas without the invaluable escorts supplied by AMIS.

As security has deteriorated in Darfur over the last 4 months, lightly armed AMIS troops are increasingly the targets of assault, kidnapping, and murder.

Mr. President, has AMIS been a perfect mission? No. Is there room for improvement? Yes. But, I know that those of us in the Senate who follow this issue closely support what the AU is doing and want the AU to do more of it.

In July, I traveled to the United Nations and met with representatives of the AU and their member-states. There is no question that it is a young organization in need of capacity-building. But, I sensed that there was great resolve to ensure AMIS succeeded.

Moving forward, I think it is important to recognize that the AMIS has been an important first step for the AU. At the same time, I think there is widespread recognition—belatedly in my view—that the genocide in Darfur is an international, not only an African, issue.

I will use an analogy, albeit an imperfect one, with U.S. efforts in Afghanistan. While the United States is heavily involved in this nation, I believe that this is a situation with international ramifications; a key reason that the international community should be doing more to help stabilize this nation.

The same holds true for Darfur, where the challenges presented by a savage conflict spilling across international borders outstrip the resources currently in place to effectively deal with it. The United Nations and NATO should become more active.

This is not to take anything away from the efforts of the AU, who stepped in on their own to try to fill the security vacuum in Darfur. The AU will be indispensable in the coming year at a time when security conditions are deteriorating, but before additional troops can be deployed. As discussions progress about follow-on forces, it is clear that those same African countries leading the current AU efforts in Darfur will be the essential core of any successor mission.

In my view, it is essential that the United States government take the lead in rallying for AMIS the financial, military, and political support it needs to continue its essential work in Darfur and to transform itself into the backbone of a larger, more mobile UN mission.

Again, I thank the AU for its efforts and believe now more than ever that African leadership will be key to international success in Darfur.

ADDITIONAL STATEMENTS

TRIBUTE TO BRIGADIER GENERAL ROBERT L. SCOTT, JR.

• Mr. CHAMBLISS. Mr. President, I rise today to express my deep sorrow over the passing of a great American leader and one of my personal heroes, BG Robert L. Scott, Jr. I first met General Scott in 1993. I became an instant fan of this amazing man. We became good friends sharing many hours of stories about his life and his love for America. It was only 2 weeks ago that I spoke at the General Robert L. Scott Heritage Society dinner. General Scott very kindly used to sign copies of his book "God Is My Co-Pilot" for my military academy cadets. He never failed as a great ambassador and host to my wife Julianne and her schoolchildren when she used to bring them to the Air Force Museum in Warner Robins, GA. The Museum of Aviation at Robins Air Force base has done a fine job capturing the life of this great man that I would like to speak about today.

BG Robert L. Scott, Jr., world renowned World War II "fighter ace" and author of the 1943 book "God Is My Co-Pilot," has gone to see his co-pilot. The spirited adventurer, who flew fighter missions with the "Flying Tigers" in China, passed away quietly on February 27 at the age of 97. Known to his friends and family as "Scotty," the retired general lived his final two decades as the champion and cheerleader of the Museum of Aviation in Warner Robins, GA.

General Scott's lifetime story and flying career is legendary. A West Point graduate, he amassed over 33,000 flying hours in 60 years of flying. Official Army Air Force records credit him with 13 aerial victories, but according to General Scott it was really 22, making him one of the top Air Force "aces" of World War II.

Born on April 12, 1908, General Scott grew up in Macon, GA. He graduated from Lanier High School in 1928. The summer between his junior and senior years of high school, he took a job as deck boy aboard a Black Diamond Line freighter and sailed halfway around the world. It was the beginning of a lifetime of adventure.

General Scott's lifelong ambition was to fly. At age 12, he flew a home-built glider off the roof of a three story house in Macon, and crashed landed amid the spikes of a Cherokee rose bush—the State flower of Georgia. As General Scott tells the story, "Gliders were built out of spruce, but I didn't have enough money, so I made mine out of knotty pine. I cleared the first Magnolia, but then the main wing strut broke and I came down in Mrs. Napier's rose bushes. It's the only plane I ever crashed."

General Scott enlisted in the Georgia National Guard and finally received an appointment to West Point by President Hoover in 1928. Upon graduation from West Point, he used the summer to sail to Europe. He bought a motorcycle in France, and motored across Europe and Asia turning around at Mt. Ararat. After returning from leave, he was assigned to the U.S. Army Flying Center at Randolph AFB, TX. He won his wings on October 17, 1933, and went off to his first assignment at Mitchell Field, NY.

In 1934, President Roosevelt canceled commercial air mail contracts and gave the duty to the Air Corps. General Scott immediately volunteered and flew airmail in an open cockpit plane through the "Hell Stretch"—as it was know then—from Newark, NJ, to Cleveland, OH. He then served a tour of duty at Albrook Field Panama. He became a flying instructor after that and advanced from lieutenant to lieutenant colonel during the expansion program prior to World War II.

When World War II broke out, General Scott—at age 33—was running the largest flight training academy in the country—Cal Aero Academy in California. To his dismay, he did not receive orders to go fight and wrote numerous letters begging to be assigned to a combat flying unit. He was told he was too old to be a fighter pilot and he needed to stay in his job training younger pilots.

Finally one night, he received a call from the Pentagon. An intelligence officer asked him if he had ever flown a B-17. "Scotty" immediately said yes even though he had never flown the four-engine bomber. His reply got him assigned to a secret Task Force Aquila to fly B-17s to China to bomb Japan. Flying days across the Atlantic, Africa, the Middle East and finally to China, he received the news upon landing that the mission was scrubbed because the Japanese had captured their planned take-off bases in the Philippines.

He was assigned instead to fly Gooney Birds—C-47 transports—over the Himalayas bringing fuel and supplies from India to combat bases in China. Soon, General Scott, then a colonel, met GEN Claire Chennault, commander of the American Volunteer Group in China known as the "Flying Tigers." General Scott convinced him to let him use a P-40 to fly escort missions for the transports and soon was flying daily combat missions in addition to escort duty. In his first month of combat, he logged 215 hours of flight time and soon became a double "ace" with 13 confirmed aerial victories—he says it was really 22.

On July 4, 1942, at the request of Generalissimo Chiang Kai-shek, General Scott was given command of the 23 Fighter Group of the China Air Task Force, the Army Air Force unit activated with remnants of the Flying Tigers, later to become the 14th Air Force.

In January 1943, he was ordered back to the United States to make public relations speeches to war plant personnel. He wrote the best seller, "God Is My Co-Pilot," and served as technical advisor to Warner Brothers in making a movie based on the book. The World Premiere was at the Grand Theater in Macon, GA, in 1945.

After the war, General Scott served in the Pentagon on a task force to win autonomy for the Air Force from the Army which occurred in September of 1947. In that year he was given command of the Air Force's first jet fighter school at Williams Field, AZ. He then moved to Europe in 1950 to command the 36th Fighter Wing at Furstenfieldbruck, Germany. In 1954, after graduating from the National War College he was promoted to brigadier general and assigned as Director of Information for the U.S. Air Force, retiring in 1957.

After retirement, he pursued his lifelong dream to walk the Great Wall of China. Writing over 300 letters in 2 years to ask for official permission, General Scott signed on for a package tour to just get inside China. While there, he managed to get a visa and travel permit and in 93 days, with a 70-pound backpack including 1,200 oatmeal cookies he baked himself, he walked the 2,000 miles of the Great Wall to complete Marco Polo's trip that had fascinated him for 57 years. On a 9,000 foot mountain overlooking Kunming, China—General Chennault's home base in World War II—he left an engraved stone memorial to his former boss: GENERAL CLAIRE LEE CHENNAULT. WE, YOUR MEN, HONOR YOU FOREVER.

In 1976, with special permission from General Gabriel, U.S. Air Force Chief of Staff, he flew an F-16 "Falcon" fighter. Ironically, his first military airplane had also been Falcon, a Curtiss O-1G fabric covered biplane.

In 1986, General Scott came to Warner Robins for the unveiling of an exhibit of his memorabilia at the Museum of Aviation. He was asked to stay and the next year moved to Warner Robins to become the head of the Heritage of Eagle Campaign which ultimately raised $2.5 million to build a 3-story Eagle Building at the museum.

In 1988, General Scott released his autobiography entitled "The Day I Owned the Sky." That year, at age 82, he was cleared to fly in an Air National Guard F-15 Eagle from Dobbins Air Force Base in Marietta, GA. Two years later, he again flew the Eagle—this time at Robins Air Force Base in Warner Robins, GA. On April 2, 1997, in celebration of his 89th birthday, General Scott flew his last flight in a B-1 bomber assigned to the 116th Bomb Wing at Robins Air Force Base. His flight log closed with over 33,000 hours in the air—a record which few pilots have ever reached.

General Scott leaves a daughter, Robin Fraser who lives in Bakersfield, CA, a grandson, three granddaughters and several great-grandchildren. Scott's wife of 38 years, Kitty Rix Green, of Fort Valley, GA, died of cancer in 1972. General Scott will be greatly missed by his family, his community, and his many friends over the course of his long and distinguished military and civilian career. He is a great American and I am extremely proud to call him a friend.•

HONORING THE LATE ANNE BRUNSDALE

• Mr. COLEMAN. Mr. President, I would like to pay tribute to Anne Brunsdale, a Minnesota native and former chairwoman of the International Trade Commission who died of Alzheimer's disease on January 20 at a nursing home in Denver. She was 82.

Ms. Brunsdale was born in Minneapolis and received a bachelor's degree in political science in 1945 and a master's degree in Far Eastern area studies in 1946 from the University of Minnesota. She received a master's degree in comparative government in 1949 from Yale University.

In 1950, she moved to Washington to work for the CIA. Following the CIA, Anne was a resident fellow of the American Enterprise Institute for Public Policy Research and Managing Editor of Regulation, a bimonthly magazine published by the institute, where she worked closely with its two university-based editors, Antonin Scalia and Murray Weidenbaum. Under her guidance, Regulation became an influential publication in policy debates concerning government regulation of the energy, transportation, and communications industries.

In 1985, President Reagan appointed Anne to the International Trade Commission where she served from 1986 to 1994, including a term as chairman from 1989 to 1990. She retired in 1994.

Anne was a much loved member of a group of friends made up mostly of political scientists and public intellectuals that were notable for being both high-powered and bipartisan.

Anne's survivors include a sister, 9 nieces and nephews, 17 great-nieces and nephews and 5 great-great nieces and nephews.

Mr. President, Anne Brunsdale will be remembered by friends and family with memorial services in Colorado and Minnesota. I extend my sympathy to them during this time.

IN MEMORY OF JIM ROBB

• Mr. SALAZAR. Mr. President, I rise today to honor a great man from Colorado, Jim Robb. A memorial celebration was held for him earlier this year and I ask for unanimous consent that this letter celebrating his life be printed into the RECORD.

The letter follows.

January 23, 2006.

DEAR FRIENDS: I wish I could be with you personally today to honor Jim Robb.

Colorado lost a remarkable advocate with the death of Jim Robb on February 20, 2005 at age 69. Jim served Mesa County and the Western Slope as an attorney, as a school board member, as a state representative and as a federal magistrate judge. He served us ably and well in all of these capacities, but it is in his work outside of his career, his amazing dedication to doing all he could to make his community a better place that keeps him in our hearts and minds.

Jim had a vision for his community that is perhaps best exemplified in his work on the Riverfront Trail, he could look at that collection of junkyards and rotting tires and see past it to a time when there would be a beautiful trail along the Colorado River, running from Island Acres east of Palisade to Corn Lake to Connected Lakes to Fruita. He had the quiet ability to bring interested parties together to work on a problem and find a solution without ever taking credit for himself. His vision of a trail along the river where others saw only junkyards has become a reality and the State of Colorado has honored Jim Robb by renaming the Colorado River State Park as the James M. Robb Colorado River State Park.

Mesa County and Western Colorado are very blessed to have benefited from a man with a vision, a man who knew how to get things done by working quietly with all of the interested groups, a very special man, whose love for the state of Colorado, and Mesa County in particular lives on in the River Front Trail he helped create, in the Old Spanish Trail he worked to have declared a National Historic trail, in the Kids Voting Program he envisioned and nurtured and in the lives of those he left behind, most especially, his family, his loving wife, children and grandchildren who continue his legacy and were the light of his life. Those who were privileged to know him are better people for it and our community is a better community for his energetic proposals for improvement. He was a great leader for the Western Slope and for Colorado. And he was a good friend to me. We are grateful for the life of James Montgomery Robb, and thank his family for sharing him with us.

Sincerely,

KEN SALAZAR,
U.S. Senator.•

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2128. A bill to provide greater transparency with respect to lobbying activities, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURR:

S. 2365. A bill to improve sharing of immigration information among Federal, State, and local law enforcement officials, to improve State and local enforcement of immigration laws, and for other purposes; to the Committee on the Judiciary.

By Mrs. LINCOLN (for herself, Mr. SANTORUM, and Ms. SNOWE):

S. 2366. A bill to amend the Internal Revenue Code of 1986 to replace the recapture bond provisions of the low income housing tax credit program; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2367. A bill to provide a cause of action for United States port operators with respect to the potential change of ownership of a terminal operator to a foreign entity, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON of Nebraska (for himself, Mr. SESSIONS, and Mr. COBURN):

S. 2368. A bill to amend the Immigration and Nationality Act and other acts to provide for border security and interior enforcement improvements, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ISAKSON (for himself, Mr. BAUCUS, Mr. PRYOR, Mr. SUNUNU, Mr. DOMENICI, and Mr. FRIST):

S. Res. 389. A resolution recognizing and honoring the 150th anniversary of the founding of the Sigma Alpha Epsilon Fraternity; considered and agreed to.

ADDITIONAL COSPONSORS

S. 770

At the request of Mr. LEVIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 770, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1086

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1360

At the request of Mr. SMITH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1360, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 2083

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2083, a bill to prohibit the Assistant Secretary of Homeland Security (Transportation Security Administration) from removing any item from the current list of items prohibited from being carried aboard a passenger aircraft.

S. 2108

At the request of Mr. CRAPO, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2108, a bill to ensure general aviation aircraft access to Federal land and to the airspace over Federal land.

S. 2115

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2115, a bill to amend the Public Health Service Act to improve provisions relating to Parkinson's disease research.

S. 2201

At the request of Mr. OBAMA, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2253

At the request of Mr. DOMENICI, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2253, a bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing.

S. 2361

At the request of Mr. DORGAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2361, a bill to improve Federal contracting and procurement by eliminating fraud and abuse and improving competition in contracting and procurement and by enhancing administration of Federal contracting personnel, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 2367. A bill to provide a cause of action for United States port operators with respect to the potential change of ownership of a terminal operator to a foreign entity, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LAUTENBERG. Mr. President, on September 11, 2001, the longshoremen who work on the docks in Newark, NJ, could see the flames and smoke from the World Trade Center. Many of those dock workers lost a loved one or a friend that day. Of the three thousand people who died, 700 were from New Jersey.

I have been to Port Newark many times before—I used to serve as a Commissioner of the Port Authority. This week I went back to Port Newark to tell those workers why I thought it was a bad idea to turn control of their port over to the government of Dubai, the United Arab Emirates. I really didn't have to explain it to them. They understood why it is a bad idea—just as 70 percent of the American people understand.

Unfortunately, as of yesterday, a company owned by the government of Dubai now controls port operations in Newark—and five other major ports in the United States. This is an outcome we have been trying to prevent. And if Congress had been given any warning, we would have prevented it.

Instead, the Bush Administration gave this deal a casual thumbs-up, when it deserved the highest scrutiny. Now the President is telling my constituents in New Jersey—as well as residents of Philadelphia, Baltimore, South Florida and New Orleans—"don't worry."

But that's not good enough.

By rubber stamping this deal, the Bush Administration sold out the Federal Government's ability to object to the deal. Any "investigation" at this point is after-the-fact and all for show. You don't buy a home before you look at it, and get it inspected. But that's what the Bush Administration did in this case.

The people who work in our port, and those who live nearby, know better than anyone how important it is to keep our ports secure. That's why I am introducing legislation today that will empower our ports to terminate leases that pose a security threat to the port and the surrounding community. My bill will give ports that power when the company that holds a lease is sold or taken over by a foreign company like the Dubai-owned one in this case.

This is a valid approach. The Port Authority of New York and New Jersey is already in court trying to invalidate the lease that was sold to Dubai Ports World. My bill would also encourage ports to do their own security assessment of transfers of ownership. It requires the Department of Homeland Security to assist our ports with those assessments.

We need to take this step to protect our constituents, because the Bush Administration has left them high and dry. The Administration has been playing a shell game on this issue from the very beginning. First they said no thorough investigation was needed, and approved the deal. Then came the public outcry. Now the Administration is supposedly conducting a "thorough investigation." But it is a meaningless gesture—the deal was finalized already.

And before the so-called investigation even begins, President Bush has already made up his mind. On Tuesday, President Bush said: "My position hasn't changed." So much for an objective investigation.

This is not a 45-day investigation. It's just a 45-day stalling period while the Administration hopes the American people will forget about this problem. But we don't forget what happened on September 11—and we won't forget how the Administration tried to rubber-stamp this deal.

My constituents are alarmed. And unfortunately, the Bush administration hasn't displayed the competence that could restore public confidence. We can't afford to wait 45 days while the Administration stalls. The time to protect our constituents is now.

I urge my colleagues to support my bill, which will give local ports the power to protect the American people.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Local Port Security Act of 2006".

SEC. 2. FEDERAL CAUSE OF ACTION ESTABLISHED.

The owner of a United States port may file an action seeking relief, including nullification of any contractual obligation with any terminal operator within the port, in any appropriate United States district court if a merger, acquisition, or takeover transaction would result in a change in the ownership of the terminal operator, and the new owner would be a foreign controlled entity. Such relief may be granted upon a showing by the owner of the port of a demonstrated increase in the security risk to the port or the port community as a result of such change in ownership.

SEC. 3. REVIEW BY SECRETARY OF HOMELAND SECURITY.

The Secretary of Homeland Security shall review any proposed change in the ownership of a terminal operator within a United States port to a foreign controlled entity to determine the existence of any potential security concerns raised by such change, and shall transmit the findings of such review to the owner of the United States port and to the President, or the President's designee, for purposes of any investigation under section 721(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(b)).

SEC. 4. RULE OF CONSTRUCTION.

Nothing in this Act may be construed to affect or otherwise alter the requirements of section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170), or any rule, regulation, or order issued thereunder.

SEC. 5. DEFINITIONS.

As used in this Act—

(1) the term "United States port" means all piers, wharves, docks, and similar structures, adjacent to any waters subject to the jurisdiction of the United States, to which a vessel may be secured, including areas of land, water, or land and water under and in immediate proximity to such structures, buildings, on or contiguous to such structures, and the equipment and materials on such structures or in such buildings; and

(2) the term "marine terminal operator"—

(A) means the operator of the wharves, bulkheads, quays, piers, docks, and other berthing locations, and adjacent storage or adjacent areas and structures associated with the primary movement of cargo or materials from vessel to shore or shore to vessel, including structures which are devoted to receiving, handling, holding, consolidating, and loading or delivery of waterborne shipments or passengers, including areas devoted to the maintenance of the terminal or equipment; and

(B) does not include the operator of any production or manufacturing areas, or any storage facility directly associated with any such production or manufacturing area;

(3) the term "port community" means the land adjacent to and within 10 miles of a United States port on which persons reside or work who could suffer injury or death in the event of a terrorist attack on or at the port; and

(4) the term "foreign controlled entity" means any entity in which a foreign entity owns a majority interest, or otherwise controls or manages the entity.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 389—RECOGNIZING AND HONORING THE 150TH ANNIVERSARY OF THE FOUNDING OF THE SIGMA ALPHA EPSILON FRATERNITY

Mr. ISAKSON (for himself, Mr. BAUCUS, Mr. PRYOR, Mr. SUNUNU, Mr. DOMENICI, and Mr. FRIST) submitted the following resolution; which was considered and agreed to:

S. RES. 389

Whereas the Sigma Alpha Epsilon Fraternity was founded on March 9, 1856, by 8 young men at the University of Alabama in Tuscaloosa, Alabama, in order to establish a band of brothers;

Whereas the founders of the fraternity believed in promoting the intellectual, moral, and spiritual welfare of their members;

Whereas the mission of the Sigma Alpha Epsilon Fraternity is to promote the highest standards of friendship, scholarship, and service for its members;

Whereas the Sigma Alpha Epsilon Fraternity adheres to its creed known as "The True Gentleman" and lives up to its ideals and aspirations for conduct with fellow man;

Whereas, for 150 years, the Sigma Alpha Epsilon Fraternity has played an integral role in the positive development of the character and education of more than 280,000 men;

Whereas the brothers of Sigma Alpha Epsilon, being from different backgrounds, ethnic groups, and temperaments, have shared countless friendships and a common belief in the founding ideals of the fraternity;

Whereas tens of thousands of Sigma Alpha Epsilon men have served our nation's military and hundreds have given the ultimate sacrifice for our freedom;

Whereas alumni from Sigma Alpha Epsilon serve as leaders in their respective fields, including government, business, entertainment, science, and higher education;

Whereas the Sigma Alpha Epsilon Fraternity has 190,000 living alumni from as many as 290 chapters at colleges and universities in 49 states and Canada, making it the largest social fraternity in the world; and

Whereas Sigma Alpha Epsilon continues to enrich the lives of its members who, in turn, give back to their families, communities, and other service groups: Now, therefore, be it

Resolved by the Senate, That the Senate—

(1) recognizes and honors the 150th anniversary of the founding of the Sigma Alpha Epsilon Fraternity;

(2) commends its founding fathers and all Sigma Alpha Epsilon brothers, past and present, for their bond of friendship, common ideals and beliefs, and service to community; and

(3) expresses its best wishes to this most respected and cherished of national fraternities for continued success and growth.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2901. Mr. FRIST proposed an amendment to the bill H.R. 2830, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes.

TEXT OF AMENDMENTS

SA 2901. Mr. FRIST proposed an amendment to the bill H.R. 2830, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Pension Security and Transparency Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—FUNDING AND DEDUCTION RULES FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS AND RELATED PROVISIONS

Subtitle A—Amendments to Employee Retirement Income Security Act of 1974

Sec. 101. Minimum funding standards.
Sec. 102. Funding rules for single-employer defined benefit pension plans.
Sec. 103. Benefit limitations under single-employer plans.
Sec. 104. Technical and conforming amendments.
Sec. 105. Special rules for multiple employer plans of certain cooperatives.
Sec. 106. Temporary relief for certain rescued plans.

Subtitle B—Amendments to Internal Revenue Code of 1986

Sec. 111. Modifications of the minimum funding standards.
Sec. 112. Funding rules applicable to single-employer pension plans.
Sec. 113. Benefit limitations under single-employer plans.
Sec. 114. Increase in deduction limit for single-employer plans.
Sec. 115. Technical and conforming amendments.

Subtitle C—Interest Rate Assumptions and Deductible Amounts for 2006

Sec. 121. Extension of replacement of 30-year Treasury rates.
Sec. 122. Deduction limits for plan contributions.
Sec. 123. Updating deduction rules for combination of plans.

TITLE II—FUNDING AND DEDUCTION RULES FOR MULTIEMPLOYER DEFINED BENEFIT PLANS AND RELATED PROVISIONS

Subtitle A—Funding Rules

PART I—AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Sec. 201. Funding rules for multiemployer defined benefit plans.
Sec. 202. Additional funding rules for multiemployer plans in endangered or critical status.
Sec. 203. Measures to forestall insolvency of multiemployer plans.
Sec. 204. Special rule for certain benefits funded under an agreement approved by the Pension Benefit Guaranty Corporation.
Sec. 205. Withdrawal liability reforms.

PART II—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

Sec. 211. Funding rules for multiemployer defined benefit plans.
Sec. 212. Additional funding rules for multiemployer plans in endangered or critical status.

PART III—SUNSET OF FUNDING RULES

Sec. 216. Sunset of funding rules.

Subtitle B—Deduction and Related Provisions

Sec. 221. Deduction limits for multiemployer plans.
Sec. 222. Transfer of excess pension assets to multiemployer health plan.

TITLE III—INTEREST RATE ASSUMPTIONS

Sec. 301. Interest rate assumption for determination of lump sum distributions.
Sec. 302. Interest rate assumption for applying benefit limitations to lump sum distributions.
Sec. 303. Restrictions on funding of nonqualified deferred compensation plans by employers maintaining underfunded or terminated single-employer plans.
Sec. 304. Modification of pension funding requirements for plans subject to current transition rule.

TITLE IV—IMPROVEMENTS IN PBGC GUARANTEE PROVISIONS

Sec. 401. Increases in PBGC premiums.
Sec. 402. Authority to enter alternative funding agreements to prevent plan terminations.
Sec. 403. Special funding rules for plans maintained by commercial airlines that are amended to cease future benefit accruals.
Sec. 404. Limitation on PBGC guarantee of shutdown and other benefits.
Sec. 405. Rules relating to bankruptcy of employer.
Sec. 406. PBGC premiums for new plans of small employers.
Sec. 407. PBGC premiums for small and new plans.
Sec. 408. Authorization for PBGC to pay interest on premium overpayment refunds.
Sec. 409. Rules for substantial owner benefits in terminated plans.
Sec. 410. Acceleration of PBGC computation of benefits attributable to recoveries from employers.
Sec. 411. Treatment of certain plans where cessation or change in membership of a controlled group.
Sec. 412. Effect of title.
Sec. 413. Wage requirement for employers.

TITLE V—DISCLOSURE

Sec. 501. Defined benefit plan funding notice.
Sec. 502. Access to multiemployer pension plan information.
Sec. 503. Additional annual reporting requirements.
Sec. 504. Timing of annual reporting requirements.
Sec. 505. Section 4010 filings with the PBGC.
Sec. 506. Disclosure of termination information to plan participants.
Sec. 507. Benefit suspension notice.
Sec. 508. Study and report by Government Accountability Office.

TITLE VI—TREATMENT OF CASH BALANCE AND OTHER HYBRID DEFINED BENEFIT PENSION PLANS

Sec. 601. Prospective application of age discrimination, conversion, and present value assumption rules.
Sec. 602. Regulations relating to mergers and acquisitions.

TITLE VII—DIVERSIFICATION RIGHTS AND OTHER PARTICIPANT PROTECTIONS UNDER DEFINED CONTRIBUTION PLANS

Sec. 701. Defined contribution plans required to provide employees with freedom to invest their plan assets.
Sec. 702. Notice of freedom to divest employer securities or real property.
Sec. 703. Periodic pension benefit statements.
Sec. 704. Notice to participants or beneficiaries of blackout periods.
Sec. 705. Allowance of, and credit for, additional IRA payments in certain bankruptcy cases.
Sec. 706. Inapplicability of relief from fiduciary liability during suspension of ability of participant or beneficiary to direct investments.
Sec. 707. Increase in maximum bond amount.

TITLE VIII—INFORMATION TO ASSIST PENSION PLAN PARTICIPANTS

Sec. 801. Defined contribution plans required to provide adequate investment education to participants.
Sec. 802. Independent investment advice provided to plan participants.
Sec. 803. Treatment of qualified retirement planning services.
Sec. 804. Increase in penalties for coercive interference with exercise of ERISA rights.
Sec. 805. Administrative provision.

TITLE IX—PROVISIONS RELATING TO SPOUSAL PENSION PROTECTION

Sec. 901. Regulations on time and order of issuance of domestic relations orders.
Sec. 902. Entitlement of divorced spouses to railroad retirement annuities independent of actual entitlement of employee.
Sec. 903. Extension of tier II railroad retirement benefits to surviving former spouses pursuant to divorce agreements.
Sec. 904. Requirement for additional survivor annuity option.

TITLE X—IMPROVEMENTS IN PORTABILITY AND DISTRIBUTION RULES

Sec. 1001. Clarifications regarding purchase of permissive service credit.
Sec. 1002. Allow rollover of after-tax amounts in annuity contracts.
Sec. 1003. Clarification of minimum distribution rules for governmental plans.
Sec. 1004. Waiver of 10 percent early withdrawal penalty tax on certain distributions of pension plans for public safety employees.
Sec. 1005. Allow rollovers by nonspouse beneficiaries of certain retirement plan distributions.
Sec. 1006. Faster vesting of employer nonelective contributions.
Sec. 1007. Allow direct rollovers from retirement plans to Roth IRAS.
Sec. 1008. Elimination of higher penalty on certain simple plan distributions.
Sec. 1009. Simple plan portability.
Sec. 1010. Eligibility for participation in retirement plans.
Sec. 1011. Transfers to the PBGC.
Sec. 1012. Missing participants.
Sec. 1013. Modifications of rules governing hardships and unforseen financial emergencies.

TITLE XI—ADMINISTRATIVE PROVISIONS

Sec. 1101. Employee plans compliance resolution system.
Sec. 1102. Notice and consent period regarding distributions.
Sec. 1103. Reporting simplification.
Sec. 1104. Voluntary early retirement incentive and employment retention plans maintained by local educational agencies and other entities.
Sec. 1105. No reduction in unemployment compensation as a result of pension rollovers.
Sec. 1106. Withholding on distributions from governmental section 457 plans.
Sec. 1107. Treatment of defined benefit plan as governmental plan.
Sec. 1108. Increasing participation in cash or deferred plans through automatic contribution arrangements.
Sec. 1109. Treatment of investment of assets by plan where participant fails to exercise investment election.
Sec. 1110. Clarification of fiduciary rules.

TITLE XII—UNITED STATES TAX COURT MODERNIZATION

Sec. 1200. Amendment of 1986 Code.
Sec. 1201. Annuities for survivors of Tax Court judges who are assassinated.
Sec. 1202. Cost-of-living adjustments for Tax Court judicial survivor annuities.
Sec. 1203. Life insurance coverage for Tax Court judges.
Sec. 1204. Cost of life insurance coverage for Tax Court judges age 65 or over.
Sec. 1205. Modification of timing of lump-sum payment of judges' accrued annual leave.
Sec. 1206. Participation of Tax Court judges in the Thrift Savings Plan.
Sec. 1207. Exemption of teaching compensation of retired judges from limitation on outside earned income.
Sec. 1208. General provisions relating to Magistrate Judges of the Tax Court.
Sec. 1209. Annuities to surviving spouses and dependent children of Magistrate Judges of the Tax Court.
Sec. 1210. Retirement and annuity program.
Sec. 1211. Incumbent Magistrate Judges of the Tax Court.
Sec. 1212. Provisions for recall.
Sec. 1213. Effective date.

TITLE XIII—OTHER PROVISIONS

Subtitle A—Administrative Provision

Sec. 1301. Provisions relating to plan amendments.
Sec. 1302. Authority to the Secretary of Labor, Secretary of the Treasury, and the Pension Benefit Guaranty Corporation to postpone certain deadlines.

Subtitle B—Governmental Pension Plan Equalization

Sec. 1311. Definition of governmental plan.
Sec. 1312. Extension to all governmental plans of current moratorium on application of certain nondiscrimination rules applicable to State and local plans.
Sec. 1313. Clarification that Tribal governments are subject to the same defined benefit plan rules and regulations applied to State and other local governments, their police and firefighters.
Sec. 1314. Effective date.

Subtitle C—Miscellaneous Provisions

Sec. 1321. Transfer of excess funds from black lung disability trusts to United Mine Workers of America Combined Benefit Fund.
Sec. 1322. Treatment of death benefits from corporate-owned life insurance.

Subtitle D—Other Related Pension Provisions

PART I—HEALTH AND MEDICAL BENEFITS

Sec. 1331. Use of excess pension assets for future retiree health benefits.
Sec. 1332. Special rules for funding of collectively bargained retiree health benefits.
Sec. 1333. Allowance of reserve for medical benefits of plans sponsored by bona fide associations.

PART II—CASH OR DEFERRED ARRANGEMENTS

Sec. 1336. Treatment of eligible combined defined benefit plans and qualified cash or deferred arrangements.
Sec. 1337. State and local governments eligible to maintain section 401(k) plans.

PART III—EXCESS CONTRIBUTIONS

Sec. 1339. Excess contributions.

PART IV—OTHER PROVISIONS

Sec. 1341. Amendments relating to prohibited transactions.
Sec. 1342. Federal Task Force on Older Workers.
Sec. 1343. Technical corrections to Saver Act.

TITLE I—FUNDING AND DEDUCTION RULES FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS AND RELATED PROVISIONS

Subtitle A—Amendments to Employee Retirement Income Security Act of 1974

SEC. 101. MINIMUM FUNDING STANDARDS.

(a) REPEAL OF EXISTING FUNDING RULES.—Sections 302 through 308 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082 through 1086) are repealed.

(b) NEW MINIMUM FUNDING STANDARDS.—Part 3 of subtitle B of title I of such Act (as amended by subsection (a)) is amended by inserting after section 301 the following new section:

"MINIMUM FUNDING STANDARDS

"SEC. 302. (a) REQUIREMENT TO MEET MINIMUM FUNDING STANDARD.—

"(1) IN GENERAL.—A plan to which this part applies shall satisfy the minimum funding standard applicable to the plan for any plan year.

"(2) MINIMUM FUNDING STANDARD.—For purposes of paragraph (1), a plan shall be treated as satisfying the minimum funding standard for a plan year if—

"(A) in the case of a defined benefit plan which is a single-employer plan, the employer makes contributions to or under the plan for the plan year which, in the aggregate, are not less than the minimum required contribution determined under section 303 for the plan for the plan year,

"(B) in the case of a money purchase plan which is a single-employer plan, the employer makes contributions to or under the plan for the plan year which are required under the terms of the plan, and

"(C) in the case of a multiemployer plan, the employers make contributions to or under the plan for any plan year which, in the aggregate, are sufficient to ensure that the plan does not have an accumulated funding deficiency under section 304 as of the end of the plan year.

“(b) LIABILITY FOR CONTRIBUTIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the amount of any contribution required by this section (including any required installments under section 303(j)) shall be paid by the employer responsible for making contributions to or under the plan.

“(2) JOINT AND SEVERAL LIABILITY WHERE EMPLOYER MEMBER OF CONTROLLED GROUP.—If the employer referred to in paragraph (1) is a member of a controlled group, each member of such group shall be jointly and severally liable for payment of such contributions.

“(c) VARIANCE FROM MINIMUM FUNDING STANDARDS.—

“(1) WAIVER IN CASE OF BUSINESS HARDSHIP.—

“(A) IN GENERAL.—If—

“(i) an employer is (or in the case of a multiemployer plan, 10 percent or more of the number of employers contributing to or under the plan are) unable to satisfy the minimum funding standard for a plan year without temporary substantial business hardship (substantial business hardship in the case of a multiemployer plan), and

“(ii) application of the standard would be adverse to the interests of plan participants in the aggregate,

the Secretary of the Treasury may, subject to subparagraph (C), waive the requirements of subsection (a) for such year with respect to all or any portion of the minimum funding standard. The Secretary of the Treasury shall not waive the minimum funding standard with respect to a plan for more than 3 of any 15 (5 of any 15 in the case of a multiemployer plan) consecutive plan years.

“(B) EFFECTS OF WAIVER.—If a waiver is granted under subparagraph (A) for any plan year—

“(i) in the case of a single-employer plan, the minimum required contribution under section 303 for the plan year shall be reduced by the amount of the waived funding deficiency and such amount shall be amortized as required under section 303(e), and

“(ii) in the case of a multiemployer plan, the funding standard account shall be credited under section 304(b)(3)(C) with the amount of the waived funding deficiency and such amount shall be amortized as required under section 304(b)(2)(C).

“(C) WAIVER OF AMORTIZED PORTION NOT ALLOWED.—The Secretary of the Treasury may not waive under subparagraph (A) any portion of the minimum funding standard under subsection (a) for a plan year which is attributable to any waived funding deficiency for any preceding plan year.

“(2) DETERMINATION OF BUSINESS HARDSHIP.—For purposes of this subsection, the factors taken into account in determining temporary substantial business hardship (substantial business hardship in the case of a multiemployer plan) shall include (but shall not be limited to) whether or not—

“(A) the employer is operating at an economic loss,

“(B) there is substantial unemployment or underemployment in the trade or business and in the industry concerned,

“(C) the sales and profits of the industry concerned are depressed or declining, and

“(D) it is reasonable to expect that the plan will be continued only if the waiver is granted.

“(3) WAIVED FUNDING DEFICIENCY.—For purposes of this part, the term ‘waived funding deficiency’ means the portion of the minimum funding standard under subsection (a) (determined without regard to the waiver) for a plan year waived by the Secretary of the Treasury and not satisfied by employer contributions.

“(4) SECURITY FOR WAIVERS FOR SINGLE-EMPLOYER PLANS, CONSULTATIONS.—

“(A) SECURITY MAY BE REQUIRED.—

“(i) IN GENERAL.—Except as provided in subparagraph (C), the Secretary of the Treasury may require an employer maintaining a defined benefit plan which is a single-employer plan (within the meaning of section 4001(a)(15)) to provide security to such plan as a condition for granting or modifying a waiver under paragraph (1).

“(ii) SPECIAL RULES.—Any security provided under clause (i) may be perfected and enforced only by the Pension Benefit Guaranty Corporation, or, at the direction of the Corporation, by a contributing sponsor (within the meaning of section 4001(a)(13)) or a member of such sponsor's controlled group (within the meaning of section 4001(a)(14)).

“(B) CONSULTATION WITH THE PENSION BENEFIT GUARANTY CORPORATION.—Except as provided in subparagraph (C), the Secretary of the Treasury shall, before granting or modifying a waiver under this subsection with respect to a plan described in subparagraph (A)(i)—

“(i) provide the Pension Benefit Guaranty Corporation with—

“(I) notice of the completed application for any waiver or modification, and

“(II) an opportunity to comment on such application within 30 days after receipt of such notice, and

“(ii) consider—

“(I) any comments of the Corporation under clause (i)(II), and

“(II) any views of any employee organization (within the meaning of section 3(4)) representing participants in the plan which are submitted in writing to the Secretary of the Treasury in connection with such application.

Information provided to the Corporation under this subparagraph shall be considered tax return information and subject to the safeguarding and reporting requirements of section 6103(p) of the Internal Revenue Code of 1986.

“(C) EXCEPTION FOR CERTAIN WAIVERS.—

“(i) IN GENERAL.—The preceding provisions of this paragraph shall not apply to any plan with respect to which the sum of—

“(I) the aggregate unpaid minimum required contributions for the plan year and all preceding plan years, and

“(II) the present value of all waiver amortization installments determined for the plan year and succeeding plan years under section 303(e)(2),

is less than $1,000,000.

“(ii) TREATMENT OF WAIVERS FOR WHICH APPLICATIONS ARE PENDING.—The amount described in clause (i)(I) shall include any increase in such amount which would result if all applications for waivers of the minimum funding standard under this subsection which are pending with respect to such plan were denied.

“(iii) UNPAID MINIMUM REQUIRED CONTRIBUTION.—For purposes of this subparagraph—

“(I) IN GENERAL.—The term ‘unpaid minimum required contribution’ means, with respect to any plan year, any minimum required contribution under section 303 for the plan year which is not paid on or before the due date (as determined under section 303(j)(1)) for the plan year.

“(II) ORDERING RULE.—For purposes of subclause (I), any payment to or under a plan for any plan year shall be allocated first to unpaid minimum required contributions for all preceding plan years on a first-in, first-out basis and then to the minimum required contribution under section 303 for the plan year.

“(5) SPECIAL RULES FOR SINGLE-EMPLOYER PLANS.—

“(A) APPLICATION MUST BE SUBMITTED BEFORE DATE 2½ MONTHS AFTER CLOSE OF YEAR.—In the case of a single-employer plan, no waiver may be granted under this subsection with respect to any plan for any plan year unless an application therefor is submitted to the Secretary of the Treasury not later than the 15th day of the 3rd month beginning after the close of such plan year.

“(B) SPECIAL RULE IF EMPLOYER IS MEMBER OF CONTROLLED GROUP.—In the case of a single-employer plan, if an employer is a member of a controlled group, the temporary substantial business hardship requirements of paragraph (1) shall be treated as met only if such requirements are met—

“(i) with respect to such employer, and

“(ii) with respect to the controlled group of which such employer is a member (determined by treating all members of such group as a single employer).

The Secretary of the Treasury may provide that an analysis of a trade or business or industry of a member need not be conducted if the Secretary of the Treasury determines such analysis is not necessary because the taking into account of such member would not significantly affect the determination under this paragraph.

“(6) ADVANCE NOTICE.—

“(A) IN GENERAL.—The Secretary of the Treasury shall, before granting a waiver under this subsection, require each applicant to provide evidence satisfactory to such Secretary that the applicant has provided notice of the filing of the application for such waiver to each affected party (as defined in section 4001(a)(21)) other than the Pension Benefit Guaranty Corporation and in the case of a multiemployer plan, to each employer required to contribute to the plan under subsection (b)(1). Such notice shall include a description of the extent to which the plan is funded for benefits which are guaranteed under title IV and for benefit liabilities.

“(B) CONSIDERATION OF RELEVANT INFORMATION.—The Secretary of the Treasury shall consider any relevant information provided by a person to whom notice was given under subparagraph (A).

“(7) RESTRICTION ON PLAN AMENDMENTS.—

“(A) IN GENERAL.—No amendment of a plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan shall be adopted if a waiver under this subsection or an extension of time under section 304(d) is in effect with respect to the plan, or if a plan amendment described in subsection (d)(2) has been made at any time in the preceding 24 months. If a plan is amended in violation of the preceding sentence, any such waiver, or extension of time, shall not apply to any plan year ending on or after the date on which such amendment is adopted.

“(B) EXCEPTION.—Subparagraph (A) shall not apply to any plan amendment which—

“(i) the Secretary of the Treasury determines to be reasonable and which provides for only de minimis increases in the liabilities of the plan,

“(ii) only repeals an amendment described in subsection (d)(2), or

“(iii) is required as a condition of qualification under part I of subchapter D, of chapter 1 of the Internal Revenue Code of 1986.

"(8) CROSS REFERENCE.—For corresponding duties of the Secretary of the Treasury with regard to implementation of the Internal Revenue Code of 1986, see section 412(d) of such Code.

"(d) MISCELLANEOUS RULES.—

"(1) CHANGE IN METHOD OR YEAR.—If the funding method, the valuation date, or a plan year for a plan is changed, the change shall take effect only if approved by the Secretary of the Treasury.

"(2) CERTAIN RETROACTIVE PLAN AMENDMENTS.—For purposes of this section, any amendment applying to a plan year which—

"(A) is adopted after the close of such plan year but no later than 2½ months after the close of the plan year (or, in the case of a multiemployer plan, no later than 2 years after the close of such plan year),

"(B) does not reduce the accrued benefit of any participant determined as of the beginning of the first plan year to which the amendment applies, and

"(C) does not reduce the accrued benefit of any participant determined as of the time of adoption except to the extent required by the circumstances,

shall, at the election of the plan administrator, be deemed to have been made on the first day of such plan year. No amendment described in this paragraph which reduces the accrued benefits of any participant shall take effect unless the plan administrator files a notice with the Secretary of the Treasury notifying him of such amendment and such Secretary has approved such amendment, or within 90 days after the date on which such notice was filed, failed to disapprove such amendment. No amendment described in this subsection shall be approved by the Secretary of the Treasury unless such Secretary determines that such amendment is necessary because of a temporary substantial business hardship (as determined under subsection (c)(2)) or a substantial business hardship (as so determined) in the case of a multiemployer plan and that a waiver under subsection (c) (or, in the case of a multiemployer plan, any extension of the amortization period under section 304(d)) is unavailable or inadequate.

"(3) CONTROLLED GROUP.—For purposes of this section, the term 'controlled group' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.".

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the items relating to sections 302 through 308 and inserting the following new item:

"Sec. 302. Minimum funding standards.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after 2006.

SEC. 102. FUNDING RULES FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS.

(a) IN GENERAL.—Part 3 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as amended by section 101 of this Act) is amended by inserting after section 302 the following new section:

"MINIMUM FUNDING STANDARDS FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS

"SEC. 303. (a) MINIMUM REQUIRED CONTRIBUTION.—For purposes of this section and section 302(a)(2)(A), except as provided in subsection (f), the term 'minimum required contribution' means, with respect to any plan year of a defined benefit plan which is a single employer plan—

"(1) in any case in which the value of plan assets of the plan (as reduced under subsection (f)(4)) is less than the funding target of the plan for the plan year, the sum of—

"(A) the target normal cost of the plan for the plan year,

"(B) the shortfall amortization charge (if any) for the plan for the plan year determined under subsection (c), and

"(C) the waiver amortization charge (if any) for the plan for the plan year as determined under subsection (e); or

"(2) in any case in which the value of plan assets of the plan (as reduced under subsection (f)(4)) equals or exceeds the funding target of the plan for the plan year, the target normal cost of the plan for the plan year reduced (but not below zero) by any such excess.

"(b) TARGET NORMAL COST.—For purposes of this section, except as provided in subsection (i)(2) with respect to plans in at-risk status, the term 'target normal cost' means, for any plan year, the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year. For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.

"(c) SHORTFALL AMORTIZATION CHARGE.—

"(1) IN GENERAL.—For purposes of this section, the shortfall amortization charge for a plan for any plan year is the aggregate total of the shortfall amortization installments for such plan year with respect to the shortfall amortization bases for such plan year and each of the 6 preceding plan years.

"(2) SHORTFALL AMORTIZATION INSTALLMENT.—For purposes of paragraph (1)—

"(A) DETERMINATION.—The shortfall amortization installments are the amounts necessary to amortize the shortfall amortization base of the plan for any plan year in level annual installments over the 7-plan-year period beginning with such plan year.

"(B) SHORTFALL INSTALLMENT.—The shortfall amortization installment for any plan year in the 7-plan-year period under subparagraph (A) with respect to any shortfall amortization base is the annual installment determined under subparagraph (A) for that year for that base.

"(C) SEGMENT RATES.—In determining any shortfall amortization installment under this paragraph, the plan sponsor shall use the segment rates determined under subparagraph (C) of subsection (h)(2), applied under rules similar to the rules of subparagraph (B) of subsection (h)(2).

"(3) SHORTFALL AMORTIZATION BASE.—For purposes of this section, the shortfall amortization base of a plan for a plan year is the excess (if any) of—

"(A) the funding shortfall of such plan for such plan year, over

"(B) the present value (determined using the segment rates determined under subparagraph (C) of subsection (h)(2), applied under rules similar to the rules of subparagraph (B) of subsection (h)(2)) of the aggregate total of the shortfall amortization installments and waiver amortization installments which have been determined for such plan year and any succeeding plan year with respect to the shortfall amortization bases and waiver amortization bases of the plan for any plan year preceding such plan year.

"(4) FUNDING SHORTFALL.—

"(A) IN GENERAL.—For purposes of this section, except as provided in subparagraph (B), the funding shortfall of a plan for any plan year is the excess (if any) of—

"(i) the funding target of the plan for the plan year, over

"(ii) the value of plan assets of the plan (as reduced under subsection (f)(4)) for the plan year which are held by the plan on the valuation date.

"(B) TRANSITION RULE FOR AMORTIZATION OF FUNDING SHORTFALL.—

"(i) IN GENERAL.—Solely for purposes of applying paragraph (3) in the case of plan years beginning after 2006 and before 2011, only the applicable percentage of the funding target shall be taken into account under paragraph (3)(A) in determining the funding shortfall for the plan year.

"(ii) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)—

"(I) IN GENERAL.—Except as provided in subclause (II), the applicable percentage shall be 93 percent for plan years beginning in 2007, 96 percent for plan years beginning in 2008, and 100 percent for any succeeding plan year.

"(II) SMALL PLANS.—In the case of a plan described in subsection (g)(2)(B), the applicable percentage shall be determined in accordance with the following table:

"In the case of a plan year beginning in calendar year:	**The applicable percentage is—**
2007	92
2008	94
2009	96
2010	98.

"(5) EARLY DEEMED AMORTIZATION UPON ATTAINMENT OF FUNDING TARGET.—In any case in which the funding shortfall of a plan for a plan year is zero, for purposes of determining the shortfall amortization charge for such plan year and succeeding plan years, the shortfall amortization bases for all preceding plan years (and all shortfall amortization installments determined with respect to such bases) shall be reduced to zero.

"(d) RULES RELATING TO FUNDING TARGET.—For purposes of this section—

"(1) FUNDING TARGET.—Except as provided in subsection (i)(1) with respect to plans in at-risk status, the funding target of a plan for a plan year is the present value of all benefits accrued or earned under the plan as of the beginning of the plan year.

"(2) FUNDING TARGET ATTAINMENT PERCENTAGE.—The 'funding target attainment percentage' of a plan for a plan year is the ratio (expressed as a percentage) which—

"(A) the value of plan assets for the plan year, bears to

"(B) the funding target of the plan for the plan year (determined without regard to subsection (i)(1)).

"(e) WAIVER AMORTIZATION CHARGE.—

"(1) DETERMINATION OF WAIVER AMORTIZATION CHARGE.—The waiver amortization charge (if any) for a plan for any plan year is the aggregate total of the waiver amortization installments for such plan year with respect to the waiver amortization bases for each of the 5 preceding plan years.

"(2) WAIVER AMORTIZATION INSTALLMENT.—For purposes of paragraph (1)—

"(A) DETERMINATION.—The waiver amortization installments are the amounts necessary to amortize the waiver amortization base of the plan for any plan year in level annual installments over a period of 5 plan years beginning with the succeeding plan year.

"(B) WAIVER INSTALLMENT.—The waiver amortization installment for any plan year in the 5-year period under subparagraph (A) with respect to any waiver amortization base is the annual installment determined under subparagraph (A) for that year for that base.

"(3) INTEREST RATE.—In determining any waiver amortization installment under this subsection, the plan sponsor shall use the segment rates determined under subparagraph (C) of subsection (h)(2), applied under rules similar to the rules of subparagraph (B) of subsection (h)(2).

"(4) WAIVER AMORTIZATION BASE.—The waiver amortization base of a plan for a plan year is the amount of the waived funding deficiency (if any) for such plan year under section 302(c).

"(5) EARLY DEEMED AMORTIZATION UPON ATTAINMENT OF FUNDING TARGET.—In any case in which the funding shortfall of a plan for a plan year is zero, for purposes of determining the waiver amortization charge for such plan year and succeeding plan years, the waiver amortization bases for all preceding plan years (and all waiver amortization installments with respect to such bases) shall be reduced to zero.

"(f) USE OF PREFUNDING BALANCES TO SATISFY MINIMUM REQUIRED CONTRIBUTIONS.—

"(1) IN GENERAL.—A plan sponsor may credit any amount of a plan's prefunding balance for a plan year against the minimum required contribution for the plan year and the amount of the contributions an employer is required to make under section 302(b) for the plan year shall be reduced by the amount so credited. Any such amount shall be credited on the first day of the plan year.

"(2) PREFUNDING BALANCE.—

"(A) BEGINNING BALANCE.—The beginning balance of a prefunding balance maintained by a plan shall be zero, except that if a plan was in effect for a plan year beginning in 2006 and had a positive balance in the funding standard account under section 302(b) (as in effect for such plan year) as of the end of such plan year, the beginning balance for the plan for its first plan year beginning after 2006 shall be such positive balance.

"(B) INCREASES.—

"(i) IN GENERAL.—As of the first day of each plan year beginning after 2007, the prefunding balance of a plan shall be increased by the excess (if any) of—

"(I) the aggregate amount of employer contributions to the plan for the preceding plan year, over

"(II) the minimum required contribution for the preceding plan year.

"(ii) ADJUSTMENTS FOR INTEREST.—Any excess contributions under clause (i) shall be properly adjusted for interest accruing for the periods between the first day of the current plan year and the dates on which the excess contributions were made, determined by using the effective interest rate for the preceding plan year and by treating contributions as being first used to satisfy the minimum required contribution.

"(iii) CERTAIN CONTRIBUTIONS DISREGARDED.—Any contribution which is required to be made under section 206(g) in addition to any contribution required under this section shall not be taken into account for purposes of clause (i).

"(C) DECREASES.—As of the first day of each plan year after 2007, the prefunding balance of a plan shall be decreased (but not below zero) by the amount of the balance credited under paragraph (1) against the minimum required contribution of the plan for the preceding plan year.

"(D) ADJUSTMENTS FOR INVESTMENT EXPERIENCE.—In determining the prefunding balance of a plan as of the first day of the plan year, the plan sponsor shall, in accordance with regulations prescribed by the Secretary of the Treasury, adjust such balance to reflect the rate of return on plan assets for the preceding plan year. Notwithstanding subsection (g)(3), such rate of return shall be determined on the basis of fair market value and shall properly take into account, in accordance with such regulations, all contributions, distributions, and other plan payments made during such period.

"(3) LIMITATION FOR UNDERFUNDED PLANS.—

"(A) IN GENERAL.—If the ratio (expressed as a percentage) for any plan year which—

"(i) the value of plan assets for the preceding plan year, bears to

"(ii) the funding target of the plan for the preceding plan year (determined without regard to subsection (i)(1)),

is less than 80 percent, the preceding provisions of this subsection shall not apply unless employers liable for contributions to the plan under section 302(b) make contributions to the plan for the plan year in an aggregate amount not less than the amount determined under subparagraph (B). Any contribution required by this subparagraph may not be reduced by any credit otherwise allowable under paragraph (1).

"(B) APPLICABLE AMOUNT.—The amount determined under this subparagraph for any plan year is the greater of—

"(i) the target normal cost of the plan for the plan year, or

"(ii) 25 percent of the minimum required contribution under subsection (a) for the plan year without regard to this subsection.

"(4) REDUCTION IN VALUE OF ASSETS.—Solely for purposes of applying subsections (a) and (c)(4)(A)(ii) in determining the minimum required contribution under this section, the value of the plan assets otherwise determined without regard to this paragraph shall be reduced by the amount of the prefunding balance under this subsection.

"(g) VALUATION OF PLAN ASSETS AND LIABILITIES.—

"(1) TIMING OF DETERMINATIONS.—Except as otherwise provided under this subsection, all determinations under this section for a plan year shall be made as of the valuation date of the plan for such plan year.

"(2) VALUATION DATE.—For purposes of this section—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the valuation date of a plan for any plan year shall be the first day of the plan year.

"(B) EXCEPTION FOR SMALL PLANS.—If, on each day during the preceding plan year, a plan had 100 or fewer participants, the plan may designate any day during the plan year as its valuation date for such plan year and succeeding plan years. For purposes of this subparagraph, all defined benefit plans (other than multiemployer plans) maintained by the same employer (or any member of such employer's controlled group) shall be treated as 1 plan, but only employees of such employer or member shall be taken into account.

"(C) APPLICATION OF CERTAIN RULES IN DETERMINATION OF PLAN SIZE.—For purposes of this paragraph—

"(i) PLANS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of the first plan year of any plan, subparagraph (B) shall apply to such plan by taking into account the number of participants that the plan is reasonably expected to have on days during such first plan year.

"(ii) PREDECESSORS.—Any reference in subparagraph (B) to an employer shall include a reference to any predecessor of such employer.

"(3) DETERMINATION OF VALUE OF PLAN ASSETS.—For purposes of this section—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the value of plan assets shall be the fair market value of the assets.

"(B) AVERAGING ALLOWED.—A plan may determine the value of plan assets on the basis of any reasonable actuarial method of valuation providing for the averaging of fair market values, but only if such method—

"(i) is permitted under regulations prescribed by the Secretary of the Treasury, and

"(ii) does not provide for averaging of such values over more than the period beginning on the last day of the 12th month preceding the valuation date and ending on the valuation date (or a similar period in the case of a valuation date which is not the 1st day of a month).

"(4) ACCOUNTING FOR CONTRIBUTION RECEIPTS.—For purposes of determining the value of assets under paragraph (3)—

"(A) PRIOR YEAR CONTRIBUTIONS.—If—

"(i) an employer makes any contribution to the plan after the valuation date for the plan year in which the contribution is made, and

"(ii) the contribution is for a preceding plan year,

the contribution shall be taken into account as an asset of the plan as of the valuation date, except that in the case of any plan year beginning after 2007, only the present value (determined as of the valuation date) of such contribution may be taken into account. For purposes of the preceding sentence, present value shall be determined using the effective interest rate for the preceding plan year to which the contribution is properly allocable.

"(B) SPECIAL RULE FOR CURRENT YEAR CONTRIBUTIONS MADE BEFORE VALUATION DATE.—If any contributions for any plan year are made to or under the plan during the plan year but before the valuation date for the plan year, the assets of the plan as of the valuation date shall not include—

"(i) such contributions, and

"(ii) interest on such contributions for the period between the date of the contributions and the valuation date, determined by using the effective interest rate for the plan year.

"(h) ACTUARIAL ASSUMPTIONS AND METHODS.—

"(1) IN GENERAL.—Subject to this subsection, the determination of any present value or other computation under this section shall be made on the basis of actuarial assumptions and methods—

"(A) each of which is reasonable (taking into account the experience of the plan and reasonable expectations), and

"(B) which, in combination, offer the actuary's best estimate of anticipated experience under the plan.

"(2) INTEREST RATES.—

"(A) EFFECTIVE INTEREST RATE.—For purposes of this section, the term 'effective interest rate' means, with respect to any plan for any plan year, the single rate of interest which, if used to determine the present value of the plan's accrued or earned benefits referred to in subsection (d)(1), would result in an amount equal to the funding target of the plan for such plan year.

"(B) INTEREST RATES FOR DETERMINING FUNDING TARGET.—For purposes of determining the funding target of a plan for any plan year, the interest rate used in determining the present value of the benefits of the plan shall be—

"(i) in the case of benefits reasonably determined to be payable during the 5-year period beginning on the first day of the plan year, the first segment rate with respect to the applicable month,

"(ii) in the case of benefits reasonably determined to be payable during the 15-year period beginning at the end of the period described in clause (i), the second segment rate with respect to the applicable month, and

"(iii) in the case of benefits reasonably determined to be payable after the period described in clause (ii), the third segment rate with respect to the applicable month.

"(C) SEGMENT RATES.—For purposes of this paragraph—

"(i) FIRST SEGMENT RATE.—The term 'first segment rate' means, with respect to any month, the single rate of interest which shall be determined by the Secretary of the Treasury for such month on the basis of the corporate bond yield curve for such month, taking into account only that portion of such yield curve which is based on bonds maturing during the 5-year period commencing with such month.

"(ii) SECOND SEGMENT RATE.—The term 'second segment rate' means, with respect to any month, the single rate of interest which shall be determined by the Secretary of the Treasury for such month on the basis of the corporate bond yield curve for such month, taking into account only that portion of such yield curve which is based on bonds maturing during each of the years in the 15-year period beginning at the end of the period described in clause (i).

"(iii) THIRD SEGMENT RATE.—The term 'third segment rate' means, with respect to any month, the single rate of interest which shall be determined by the Secretary of the Treasury for such month on the basis of the corporate bond yield curve for such month, taking into account only that portion of such yield curve which is based on bonds maturing during periods beginning after the period described in clause (ii).

"(D) CORPORATE BOND YIELD CURVE.—The term 'corporate bond yield curve' means, with respect to any month, a yield curve which is prescribed by the Secretary of the Treasury for such month and which reflects the average, for the 12-month period ending with the month preceding such month, of yields on investment grade corporate bonds with varying maturities.

"(E) APPLICABLE MONTH.—For purposes of this paragraph, the term 'applicable month' means, with respect to any plan for any plan year, the month which includes the valuation date of such plan for such plan year or, at the election of the plan administrator, any of the 4 months which precede such month. Any election made under this subparagraph shall apply to the plan year for which the election is made and all succeeding plan years, unless the election is revoked with the consent of the Secretary of the Treasury.

"(F) PUBLICATION REQUIREMENTS.—The Secretary of the Treasury shall publish for each month the corporate bond yield curve for such month and each of the rates determined under this paragraph for such month. The Secretary of the Treasury shall also publish a description of the methodology used to determine such yield curve and such rates which is sufficiently detailed to enable plans to make reasonable projections regarding the yield curve and such rates for future months based on the plan's projection of future interest rates.

"(G) TRANSITION RULE.—

"(i) IN GENERAL.—Notwithstanding the preceding provisions of this paragraph, for plan years beginning in 2007 or 2008, the first, second, or third segment rate for a plan with respect to any month shall be equal to the sum of—

"(I) the product of such rate for such month determined without regard to this subparagraph, multiplied by the applicable percentage, and

"(II) the product of the rate determined under the rules of section 302(b)(5)(B)(ii)(II) (as in effect for plan years beginning in 2006), multiplied by a percentage equal to 100 percent minus the applicable percentage.

"(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage is 33⅓ percent for plan years beginning in 2007 and 66⅔ percent for plan years beginning in 2008.

"(3) MORTALITY TABLES.—

"(A) IN GENERAL.—Except as provided in subparagraphs (C) and (D), the mortality table used in determining any present value or making any computation under this section shall be the RP-2000 Combined Mortality Table, using Scale AA, as published by the Society of Actuaries, as in effect on the date of the enactment of the Pension Security and Transparency Act of 2005 and as revised from time to time under subparagraph (B).

"(B) PERIODIC REVISION.—The Secretary of the Treasury shall (at least every 10 years) make revisions in any table in effect under subparagraph (A) to reflect the actual experience of pension plans and projected trends in such experience.

"(C) SUBSTITUTE MORTALITY TABLE.—

"(i) IN GENERAL.—Upon request by the plan sponsor and approval by the Secretary of the Treasury, a mortality table which meets the requirements of clause (ii) shall be used in determining any present value or making any computation under this section during the 10-consecutive plan year period specified in the request. A mortality table described in this clause shall cease to be in effect if the plan actuary determines at any time that such table does not meet the requirements of clause (ii).

"(ii) REQUIREMENTS.—A mortality table meets the requirements of this clause if the Secretary of the Treasury determines that—

"(I) there is a sufficient number of plan participants, and the pension plans have been maintained for a sufficient period of time, to have credible information necessary for purposes of subclause (II),

"(II) such table reflects the actual experience of the pension plans maintained by the sponsor and projected trends in general mortality experience,

"(III) except as provided by the Secretary, such table will be used by all plans maintained by the plan sponsor and all members of any controlled group which includes the plan sponsor, and

"(IV) such table is significantly different from the table described in subparagraph (A).

"(iii) DEADLINE FOR DISPOSITION OF APPLICATION.—Any mortality table submitted to the Secretary of the Treasury for approval under this subparagraph shall be treated as in effect for the first plan year in the 10-year period described in clause (i) unless the Secretary of the Treasury, during the 180-day period beginning on the date of such submission, disapproves of such table and provides the reasons that such table fails to meet the requirements of clause (ii). The 180-day period shall be extended for any period during which the Secretary of the Treasury has requested information from the plan sponsor and such information has not been provided.

"(D) SEPARATE MORTALITY TABLES FOR THE DISABLED.—Notwithstanding subparagraph (A)—

"(i) IN GENERAL.—The Secretary of the Treasury shall establish mortality tables which may be used (in lieu of the tables under subparagraph (A)) under this subsection for individuals who are entitled to benefits under the plan on account of disability. The Secretary of the Treasury shall establish separate tables for individuals whose disabilities occur in plan years beginning before January 1, 1995, and for individuals whose disabilities occur in plan years beginning on or after such date.

"(ii) SPECIAL RULE FOR DISABILITIES OCCURRING AFTER 1994.—In the case of disabilities occurring in plan years beginning after December 31, 1994, the tables under clause (i) shall apply only with respect to individuals described in such subclause who are disabled within the meaning of title II of the Social Security Act and the regulations thereunder.

"(iii) PERIODIC REVISION.—The Secretary of the Treasury shall (at least every 10 years) make revisions in any table in effect under clause (i) to reflect the actual experience of pension plans and projected trends in such experience.

"(E) TRANSITION RULE.—Under regulations of the Secretary of the Treasury, any difference in present value resulting from any differences in assumptions as set forth in the mortality table specified in subparagraph (A) and assumptions as set forth in the mortality table described in section 302(d)(7)(C)(ii) (as in effect for plan years beginning in 2006) shall be phased in ratably over the first period of 5 plan years beginning in or after 2007 so as to be fully effective for the fifth plan year.

"(4) PROBABILITY OF BENEFIT PAYMENTS IN THE FORM OF LUMP SUMS OR OTHER OPTIONAL FORMS.—For purposes of determining any present value or making any computation under this section, there shall be taken into account—

"(A) the probability that future benefit payments under the plan will be made in the form of optional forms of benefits provided under the plan (including lump sum distributions, determined on the basis of the plan's experience and other related assumptions), and

"(B) any difference in the present value of such future benefit payments resulting from the use of actuarial assumptions, in determining benefit payments in any such optional form of benefits, which are different from those specified in this subsection.

"(5) APPROVAL OF LARGE CHANGES IN ACTUARIAL ASSUMPTIONS.—

"(A) IN GENERAL.—No actuarial assumption used to determine the funding target for a plan to which this paragraph applies may be changed without the approval of the Secretary of the Treasury.

"(B) PLANS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to a plan only if—

"(i) the aggregate unfunded benefits as of the close of the preceding plan year (as determined under section 4006(a)(3)(E)(iii)) of such plan and all other plans maintained by the contributing sponsors (as defined in section 4001(a)(13)) and members of such sponsors' controlled groups (as defined in section 4001(a)(14)) which are covered by title IV (disregarding plans with no unfunded benefits) exceed $50,000,000; and

"(ii) the change in assumptions (determined after taking into account any changes in interest rate and mortality table) results in a decrease in the funding shortfall of the plan for the current plan year that exceeds $50,000,000, or that exceeds $5,000,000 and that is 5 percent or more of the funding target of the plan before such change.

"(i) Special Rules for At-Risk Plans.—

"(1) Funding target for plans in at-risk status.—

"(A) In general.—In the case of a plan to which this subsection applies for a plan year, the funding target of the plan for the plan year is equal to the present value of all liabilities to participants and their beneficiaries under the plan for the plan year, as determined by using the additional actuarial assumptions described in subparagraph (B).

"(B) Additional actuarial assumptions.—The actuarial assumptions described in this subparagraph are as follows:

"(i) All employees who are not otherwise assumed to retire as of the valuation date but who will be eligible to elect benefits during the plan year and the 7 succeeding plan years shall be assumed to retire at the earliest retirement date under the plan but not before the end of the plan year for which the at-risk target liability and at-risk target normal cost are being determined.

"(ii) All employees shall be assumed to elect the retirement benefit available under the plan at the assumed retirement age (determined after application of clause (i)) which would result in the highest present value of liabilities.

"(2) Target normal cost of at-risk plans.—In the case of a plan to which this subsection applies for a plan year, the target normal cost of the plan for such plan year shall be equal to the present value of all benefits which are expected to accrue or be earned under the plan during the plan year, determined using the additional actuarial assumptions described in paragraph (1)(B).

"(3) Minimum amount.—In no event shall—

"(A) the at-risk target liability be less than the target liability, as determined without regard to this subsection, or

"(B) the at-risk target normal cost be less than the target normal cost, as determined without regard to this subsection.

"(4) Determination of at-risk status.—For purposes of this subsection, a plan is in at-risk status for a plan year if—

"(A) the plan is maintained by a financially-weak employer, and

"(B) the funding target attainment percentage for the plan year is less than 93 percent.

"(5) Financially-weak employer.—

"(A) In general.—For purposes of this subsection, the term 'financially-weak employer' means any employer if—

"(i) as of the valuation date for each of the years during a period of at least 3 consecutive plan years ending with the plan year—

"(I) the employer has an outstanding senior unsecured debt instrument which is rated lower than investment grade by each of the nationally recognized statistical rating organizations for corporate bonds that has issued a credit rating for such instrument, or

"(II) if no such debt instrument has been rated by such an organization but 1 or more of such organizations has made an issuer credit rating for such employer, all such organizations which have so rated the employer have rated such employer lower than investment grade, and

"(ii) at least 2 of the years during such period are deterioration years.

If an employer is treated as a financially-weak employer for any plan year, clause (ii) shall not apply in determining whether the employer is so treated for any succeeding plan year in any continuous period of plan years for which the employer is treated as a financially-weak employer.

"(B) Controlled group exception.—If an employer treated as a financially-weak employer under subparagraph (A) is a member of a controlled group (as defined in section 302(d)(3)), the employer shall not be treated as a financially-weak employer if a significant member (as determined under regulations prescribed by the Secretary of the Treasury) of such group has an outstanding senior unsecured debt instrument that is rated as being investment grade by an organization described in subparagraph (A).

"(C) Employers with no ratings.—If—

"(i) an employer has no debt instrument described in subparagraph (A)(i) which was rated by an organization described in such subparagraph, and

"(ii) no such organization has made an issuer credit rating for such employer,

then such employer shall only be treated as a financially-weak employer to the extent provided in regulations prescribed by the Secretary of the Treasury.

"(6) Determination of deterioration year.—For purposes of paragraph (5), the term 'deterioration year' means any year during the period described in paragraph (5)(A)(i) for which the rating described in subclause (I) or (II) of paragraph (5)(A)(i) by each organization is either—

"(A) lower than the lowest rating of the employer by such organization for a preceding year in such period, or

"(B) the lowest rating used by such organization.

"(7) Years before effective date.—For purposes of paragraphs (5) and (6), plan years beginning before 2007 shall not be taken into account.

"(8) Transition between applicable funding targets and between applicable target normal costs.—

"(A) In general.—In any case in which a plan which is in at-risk status for a plan year has been in such status for a consecutive period of fewer than 5 plan years, the applicable amount of the funding target and of the target normal cost shall be, in lieu of the amount determined without regard to this paragraph, the sum of—

"(i) the amount determined under this section without regard to this subsection, plus

"(ii) the transition percentage for such plan year of the excess of the amount determined under this subsection (without regard to this paragraph) over the amount determined under this section without regard to this subsection.

"(B) Improvement years not taken into account.—

"(i) In general.—An improvement year shall not be taken into account in determining any consecutive period of plan years for purposes of subparagraph (A).

"(ii) Application of subsection after improvement year ends.—Plan years immediately before and after an improvement year (or consecutive period of improvement years) shall be treated as consecutive for purposes of subparagraph (A).

"(iii) Improvement year.—For purposes of this subparagraph, the term 'improvement year' means any plan year for which any rating described in subclause (I) or (II) of paragraph (5)(A)(i) is higher than such rating for the preceding plan year.

"(C) Transition percentage.—For purposes of subparagraph (A), the transition percentage shall be determined in accordance with the following table:

"If the consecutive number of years (including the plan year) the plan is in at-risk status is—	**The transition percentage is—**
1	20
2	40
3	60
4	80.

"(D) Years before effective date.—For purposes of this paragraph, plan years beginning before 2007 shall not be taken into account.

"(9) Plans to which subsection applies.—

"(A) In general.—Except as provided in this paragraph, this subsection shall apply to any plan to which this section applies and which is in at-risk status for the plan year.

"(B) Exception for small plans.—This subsection shall not apply to a plan for a plan year if the plan was described in subsection (g)(2)(B) for the preceding plan year, determined by substituting '500' for '100'.

"(C) Exception for plans maintained by certain cooperatives.—This subsection shall not apply to an eligible cooperative plan described in subparagraph (D).

"(D) Eligible cooperative plan defined.—For purposes of subparagraph (C), a plan shall be treated as an eligible cooperative plan for a plan year if the plan is maintained by more than 1 employer and at least 85 percent of the employers are—

"(i) rural cooperatives (as defined in section 401(k)(7)(B) of the Internal Revenue Code of 1986 without regard to clause (iv) thereof), or

"(ii) organizations which are—

"(I) cooperative organizations described in section 1381(a) of such Code which are more than 50-percent owned by agricultural producers or by cooperatives owned by agricultural producers, or

"(II) more than 50-percent owned, or controlled by, one or more cooperative organizations described in subclause (I).

A plan shall also be treated as an eligible cooperative plan for any plan year for which it is described in section 210(a) and is maintained by a rural telephone cooperative association described in section 3(40)(B)(v).

"(E) Exception for plans secured by third parties bound by PBGC agreements.—This subsection shall not apply to any plan if—

"(i) a person other than the employer obligated to contribute under the plan is, under the terms of an agreement with the Pension Benefit Guaranty Corporation, liable for any failure of the employer to meet its obligation to pay any minimum required contribution or termination liability with respect to the plan; and

"(ii) such person is not a financially-weak employer under paragraph (5).

"(j) Payment of Minimum Required Contributions.—

"(1) In general.—For purposes of this section, the due date for any payment of any minimum required contribution for any plan year shall be 8½ months after the close of the plan year.

"(2) Interest.—Any payment required under paragraph (1) for a plan year made after the valuation date for such plan year shall be increased by interest for the period from the valuation date to the payment date, determined by using the effective rate of interest for the plan for such plan year.

"(3) Accelerated quarterly contribution schedule for underfunded plans.—

"(A) Failure to timely make required installment.—

"(i) In general.—In the case of a plan to which this paragraph applies, the employer maintaining the plan shall make the required installments under this paragraph and if the employer fails to pay the full amount of a required installment for the plan year, then the amount of interest charged under paragraph (2) on the underpayment for the period of underpayment shall be determined by using a rate of interest equal to the rate otherwise used under paragraph (2) plus 5 percentage points.

"(ii) PLANS TO WHICH PARAGRAPH APPLIES.—This paragraph applies to any defined benefit plan to which this section applies other than a plan which—

"(I) is a plan described in subsection (g)(2)(B)), or

"(II) had a funding shortfall of $1,000,000 or less for the preceding plan year.

"(B) AMOUNT OF UNDERPAYMENT, PERIOD OF UNDERPAYMENT.—For purposes of subparagraph (A)—

"(i) AMOUNT.—The amount of the underpayment shall be the excess of—

"(I) the required installment, over

"(II) the amount (if any) of the installment contributed to or under the plan on or before the due date for the installment.

"(ii) PERIOD OF UNDERPAYMENT.—The period for which any interest is charged under this paragraph with respect to any portion of the underpayment shall run from the due date for the installment to the date on which such portion is contributed to or under the plan.

"(iii) ORDER OF CREDITING CONTRIBUTIONS.—For purposes of clause (i)(II), contributions shall be credited against unpaid required installments in the order in which such installments are required to be paid.

"(C) NUMBER OF REQUIRED INSTALLMENTS; DUE DATES.—For purposes of this paragraph—

"(i) PAYABLE IN 4 INSTALLMENTS.—There shall be 4 required installments for each plan year.

"(ii) TIME FOR PAYMENT OF INSTALLMENTS.—The due dates for required installments are set forth in the following table:

In the case of thefollowing required installment:	The due date is:
1st	April 15
2nd	July 15
3rd	October 15
4th	January 15 of the following year.

"(D) AMOUNT OF REQUIRED INSTALLMENT.—For purposes of this paragraph—

"(i) IN GENERAL.—The amount of any required installment shall be 25 percent of the required annual payment.

"(ii) REQUIRED ANNUAL PAYMENT.—For purposes of clause (i), the term 'required annual payment' means the lesser of—

"(I) 90 percent of the minimum required contribution (without regard to any waiver under section 302(c)) to the plan for the plan year under this section, or

"(II) in the case of a plan year beginning after 2007, 100 percent of the minimum required contribution (without regard to any waiver under section 302(c)) to the plan for the preceding plan year.

Subclause (II) shall not apply if the preceding plan year referred to in such clause was not a year of 12 months.

"(E) FISCAL YEARS AND SHORT YEARS.—

"(i) FISCAL YEARS.—In applying this paragraph to a plan year beginning on any date other than January 1, there shall be substituted for the months specified in this paragraph, the months which correspond thereto.

"(ii) SHORT PLAN YEAR.—This subparagraph shall be applied to plan years of less than 12 months in accordance with regulations prescribed by the Secretary of the Treasury.

"(4) LIQUIDITY REQUIREMENT IN CONNECTION WITH QUARTERLY CONTRIBUTIONS.—

"(A) IN GENERAL.—A plan to which this paragraph applies shall be treated as failing to pay the full amount of any required installment under paragraph (3) to the extent that the value of the liquid assets paid in such installment is less than the liquidity shortfall (whether or not such liquidity shortfall exceeds the amount of such installment required to be paid but for this paragraph).

"(B) PLANS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to a plan which—

"(i) is required to pay installments under paragraph (3) for a plan year, and

"(ii) has a liquidity shortfall for any quarter during such plan year.

"(C) PERIOD OF UNDERPAYMENT.—For purposes of paragraph (3)(A), any portion of an installment that is treated as not paid under subparagraph (A) shall continue to be treated as unpaid until the close of the quarter in which the due date for such installment occurs.

"(D) LIMITATION ON INCREASE.—If the amount of any required installment is increased by reason of subparagraph (A), in no event shall such increase exceed the amount which, when added to prior installments for the plan year, is necessary to increase the funding target attainment percentage of the plan for the plan year (taking into account the expected increase in funding target due to benefits accruing or earned during the plan year) to 100 percent.

"(E) DEFINITIONS.—For purposes of this subparagraph:

"(i) LIQUIDITY SHORTFALL.—The term 'liquidity shortfall' means, with respect to any required installment, an amount equal to the excess (as of the last day of the quarter for which such installment is made) of—

"(I) the base amount with respect to such quarter, over

"(II) the value (as of such last day) of the plan's liquid assets.

"(ii) BASE AMOUNT.—

"(I) IN GENERAL.—The term 'base amount' means, with respect to any quarter, an amount equal to 3 times the sum of the adjusted disbursements from the plan for the 12 months ending on the last day of such quarter.

"(II) SPECIAL RULE.—If the amount determined under subclause (I) exceeds an amount equal to 2 times the sum of the adjusted disbursements from the plan for the 36 months ending on the last day of the quarter and an enrolled actuary certifies to the satisfaction of the Secretary of the Treasury that such excess is the result of nonrecurring circumstances, the base amount with respect to such quarter shall be determined without regard to amounts related to those nonrecurring circumstances.

"(iii) DISBURSEMENTS FROM THE PLAN.—The term 'disbursements from the plan' means all disbursements from the trust, including purchases of annuities, payments of single sums and other benefits, and administrative expenses.

"(iv) ADJUSTED DISBURSEMENTS.—The term 'adjusted disbursements' means disbursements from the plan reduced by the product of—

"(I) the plan's funding target attainment percentage for the plan year, and

"(II) the sum of the purchases of annuities, payments of single sums, and such other disbursements as the Secretary of the Treasury shall provide in regulations.

"(v) LIQUID ASSETS.—The term 'liquid assets' means cash, marketable securities, and such other assets as specified by the Secretary of the Treasury in regulations.

"(vi) QUARTER.—The term 'quarter' means, with respect to any required installment, the 3-month period preceding the month in which the due date for such installment occurs.

"(F) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations as are necessary to carry out this paragraph.

"(k) IMPOSITION OF LIEN WHERE FAILURE TO MAKE REQUIRED CONTRIBUTIONS.—

"(1) IN GENERAL.—In the case of a plan to which this subsection applies, if—

"(A) any person fails to make a contribution payment required by section 302 and this section before the due date for such payment, and

"(B) the unpaid balance of such payment (including interest), when added to the aggregate unpaid balance of all preceding such payments for which payment was not made before the due date (including interest), exceeds $1,000,000,

then there shall be a lien in favor of the plan in the amount determined under paragraph (3) upon all property and rights to property, whether real or personal, belonging to such person and any other person who is a member of the same controlled group of which such person is a member.

"(2) PLANS TO WHICH SUBSECTION APPLIES.—This subsection shall apply to a defined benefit plan which is a single-employer plan covered under section 4021 for any plan year for which the funding target attainment percentage (as defined in subsection (d)(2)) of such plan is less than 100 percent.

"(3) AMOUNT OF LIEN.—For purposes of paragraph (1), the amount of the lien shall be equal to the aggregate unpaid balance of contribution payments required under this section and section 302 for which payment has not been made before the due date.

"(4) NOTICE OF FAILURE; LIEN.—

"(A) NOTICE OF FAILURE.—A person committing a failure described in paragraph (1) shall notify the Pension Benefit Guaranty Corporation of such failure within 10 days of the due date for the required contribution payment.

"(B) PERIOD OF LIEN.—The lien imposed by paragraph (1) shall arise on the due date for the required contribution payment and shall continue until the last day of the first plan year in which the plan ceases to be described in paragraph (1)(B). Such lien shall continue to run without regard to whether such plan continues to be described in paragraph (2) during the period referred to in the preceding sentence.

"(C) CERTAIN RULES TO APPLY.—Any amount with respect to which a lien is imposed under paragraph (1) shall be treated as taxes due and owing the United States and rules similar to the rules of subsections (c), (d), and (e) of section 4068 shall apply with respect to a lien imposed by subsection (a) and the amount with respect to such lien.

"(5) ENFORCEMENT.—Any lien created under paragraph (1) may be perfected and enforced only by the Pension Benefit Guaranty Corporation, or at the direction of the Pension Benefit Guaranty Corporation, by the contributing sponsor (or any member of the controlled group of the contributing sponsor).

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) CONTRIBUTION PAYMENT.—The term 'contribution payment' means, in connection with a plan, a contribution payment required to be made to the plan, including any required installment under paragraphs (3) and (4) of subsection (j).

"(B) DUE DATE; REQUIRED INSTALLMENT.—The terms 'due date' and 'required installment' have the meanings given such terms by subsection (j), except that in the case of a payment other than a required installment, the due date shall be the date such payment is required to be made under section 303.

"(C) CONTROLLED GROUP.—The term 'controlled group' means any group treated as a single employer under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986.

"(l) QUALIFIED TRANSFERS TO HEALTH BENEFIT ACCOUNTS.—In the case of a qualified transfer (as defined in section 420 of the Internal Revenue Code of 1986), any assets so transferred shall not, for purposes of this section, be treated as assets in the plan.".

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of such Act (as amended by section 101) is amended by inserting after the item relating to section 302 the following new item:

"Sec. 303. Minimum funding standards for single-employer defined benefit pension plans.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning after 2006.

SEC. 103. BENEFIT LIMITATIONS UNDER SINGLE-EMPLOYER PLANS.

(a) LIMITS ON BENEFITS AND BENEFIT ACCRUALS.—

(1) IN GENERAL.—Section 206 of such Act is amended by adding at the end the following new subsection:

"(g) FUNDING-BASED LIMITS ON BENEFITS AND BENEFIT ACCRUALS UNDER SINGLE-EMPLOYER PLANS.—

"(1) LIMITATIONS ON PLAN AMENDMENTS INCREASING LIABILITY FOR BENEFITS.—

"(A) IN GENERAL.—Except as provided in paragraph (4), no amendment to a single-employer plan which has the effect of increasing liabilities of the plan by reason of increases in benefits establishment of new benefits, changing the rate of benefit accrual, or changing the rate at which benefits become nonforfeitable may take effect during any plan year if the adjusted funding target attainment percentage as of the valuation date of the plan for such plan year is—

"(i) less than 80 percent, or

"(ii) would be less than 80 percent taking into account such amendment.

"(B) EXEMPTION.—Subparagraph (A) shall cease to apply with respect to any plan year, effective as of the first date of the plan year (or if later, the effective date of the amendment), upon payment by the plan sponsor of a contribution (in addition to any minimum required contribution under section 303) equal to—

"(i) in the case of subparagraph (A)(i), the amount of the increase in the funding target of the plan (under section 303) for the plan year attributable to the amendment, and

"(ii) in the case of subparagraph (A)(ii), the amount sufficient to result in an adjusted funding target attainment percentage of 80 percent.

"(C) EXCEPTION FOR CERTAIN BENEFIT INCREASES.—Subparagraph (A) shall not apply to any amendment which provides for an increase in benefits under a formula which is not based on a participant's compensation, but only if the rate of such increase is not in excess of the contemporaneous rate of increase in average wages of participants covered by the amendment.

"(2) LIMITATIONS ON ACCELERATED BENEFIT DISTRIBUTIONS.—

"(A) IN GENERAL.—A defined benefit plan which is a single-employer plan shall provide that, with respect to any plan year—

"(i) if the plan's adjusted funded target liability percentage as of the valuation date for the preceding plan year was less than 60 percent and the preceding plan year is not otherwise in a prohibited period, the plan sponsor shall, in addition to any other contribution required under section 303, contribute for the current plan year and each succeeding plan year in the prohibited period with respect to the current plan year the amount (if any) which, when added to the portion of the minimum required contribution for the plan year described in subparagraphs (B) and (C) of section 303(a)(1), is sufficient to result in an adjusted funded target liability percentage for the plan year of 60 percent, and

"(ii) no prohibited payments will be made during a prohibited period.

"(B) PROHIBITED PAYMENT.—For purpose of this subsection—

"(i) IN GENERAL.—The term 'prohibited payment' means—

"(I) any payment, in excess of the monthly amount paid under a single life annuity (plus any social security supplements described in the last sentence of section 204(b)(1)(G)), to a participant or beneficiary whose annuity starting date (as defined in section 205(h)(2)) occurs during a prohibited period,

"(II) any payment for the purchase of an irrevocable commitment from an insurer to pay benefits, and

"(III) any other payment specified by the Secretary of the Treasury by regulations.

"(ii) EXCEPTION FOR CERTAIN PAYMENTS.—In the case of any prohibited period described in subparagraph (C)(i), the term 'prohibited payment' shall not include any payment if the amount of the payment does not exceed the lesser of—

"(I) 50 percent of the amount of the payment which could be made without regard to this subsection, or

"(II) the present value (determined under guidance prescribed by the Pension Benefit Guaranty Corporation, using the interest and mortality assumptions under section 205(g)) of the maximum guarantee with respect to the participant under section 4022.

The exception under this clause shall only apply once with respect to any participant, except that, for purposes of this sentence, a participant and any beneficiary on his behalf (including an alternate payee, as defined in section 206(d)(3)(K)) shall be treated as 1 participant. If the accrued benefit of a participant is allocated to such an alternate payee and 1 or more other persons, the amount under subclause (II) shall be allocated among such persons in the same manner as the accrued benefit is allocated unless the qualified domestic relations order (as defined in section 206(d)(3)(B)(i)) provides otherwise.

"(C) PROHIBITED PERIOD.—For purposes of subparagraph (A), the term 'prohibited period' means—

"(i) except as provided in subparagraph (D), if a plan sponsor is required to make the contribution for the current plan year under subparagraph (A), the period beginning on the 1st day of the plan year and ending on the last day of the 1st period of 2 consecutive plan years (beginning on or after such 1st day) for which the plan's adjusted funded target liability percentage was at least 60 percent,

"(ii) any period the plan sponsor is in bankruptcy, or

"(iii) any period during which the plan has a liquidity shortfall (as defined in section 303(j)(4)(E)(i)).

The prohibited period for purposes of clause (ii) shall not include any portion of a plan year (even if the plan sponsor is in bankruptcy during such period) which occurs on or after the date the plan's enrolled actuary certifies that, as of the valuation date for the plan year, the plan's adjusted funded target liability percentage is at least 100 percent.

"(D) SATISFACTION OF REQUIREMENT BEFORE CLOSE OF PLAN YEAR.—If, before the close of the current plan year—

"(i) the plan sponsor makes the contribution required to be made under subparagraph (A), or

"(ii) the plan's enrolled actuary certifies that, as of the valuation date for the plan year, the adjusted funded target liability percentage of the plan is at least 60 percent,

this paragraph shall be applied as if no prohibited period had begun as of the beginning of such year and the plan shall, under rules described by the Secretary of the Treasury, restore any payments not made during the prohibited period in effect before the application of this paragraph.

"(3) LIMITATION ON BENEFIT ACCRUALS FOR PLANS WITH SEVERE FUNDING SHORTFALLS.—

"(A) IN GENERAL.—Except as provided in paragraph (4), a single-employer plan shall provide that all future benefit accruals under the plan shall cease during a severe funding shortfall period, but only to the extent the cessation of such accruals would have been permitted under section 204(g) if the cessation had been implemented by a plan amendment adopted immediately before the severe funding shortfall period.

"(B) SEVERE FUNDING SHORTFALL PERIOD.—For purposes of subparagraph (A), the term 'severe funding shortfall period' means in the case of a plan the adjusted funding target attainment percentage of which as of the valuation date of the plan for any plan year is less than 60 percent, the period—

"(i) beginning on the 1st day of the succeeding plan year, and

"(ii) ending on the date the plan's enrolled actuary certifies that the plan's adjusted funding target attainment percentage is at least 60 percent, and

"(C) OPPORTUNITY FOR INCREASED FUNDING.—For purposes of subparagraph (B), a plan shall not be treated as described in such subparagraph for a plan year if the plan's enrolled actuary certifies that the plan sponsor has before the end of the plan year contributed (in addition to any minimum required contribution under section 303) the amount sufficient to result in an adjusted funding target attainment percentage as of the valuation date for the plan year of 60 percent.

"(4) EXCEPTION FOR CERTAIN COLLECTIVELY BARGAINED BENEFITS.—In the case of a plan maintained pursuant to a collective bargaining agreement between employee representatives and the plan sponsor and in effect before the beginning of the first day on which a limitation would otherwise apply under paragraph (1), (2), or (3)—

"(A) such limitations shall not apply to any amendment, prohibited payment, or accrual with respect to such plan, but

"(B) the plan sponsor shall contribute (in addition to any minimum required contribution under section 303) the amount sufficient to result in an adjusted funding target attainment percentage (as of the valuation date for the plan year in which any such limitation would otherwise apply) equal to the percentage necessary to prevent the limitation from applying.

"(5) RULES RELATING TO REQUIRED CONTRIBUTIONS.—

"(A) SECURITY MAY BE PROVIDED.—

"(i) IN GENERAL.—For purposes of this subsection, the adjusted funding target attainment percentage shall be determined by treating as an asset of the plan any security provided by a plan sponsor in a form meeting the requirements of clause (ii).

"(ii) FORM OF SECURITY.—The security required under clause (i) shall consist of—

"(I) a bond issued by a corporate surety company that is an acceptable surety for purposes of section 412 of this Act,

"(II) cash, or United States obligations which mature in 3 years or less, held in escrow by a bank or similar financial institution, or

"(III) such other form of security as is satisfactory to the Secretary of the Treasury and the parties involved.

"(iii) ENFORCEMENT.—Any security provided under clause (i) may be perfected and enforced at any time after the earlier of—

"(I) the date on which the plan terminates,

"(II) if there is a failure to make a payment of the minimum required contribution for any plan year beginning after the security is provided, the due date for the payment under section 303(j), or

"(III) if the adjusted funding target attainment percentage is less than 60 percent for a consecutive period of 7 years, the valuation date for the last year in the period.

"(iv) RELEASE OF SECURITY.—The security shall be released (and any amounts thereunder shall be refunded together with any interest accrued thereon) at such time as the Secretary of the Treasury may prescribe in regulations, including regulations for partial releases of the security by reason of increases in the funding target attainment percentage.

"(B) PREFUNDING BALANCE MAY NOT BE USED.—No prefunding balance under section 303(f) may be used to satisfy any required contribution under this subsection.

"(C) TREATMENT AS UNPAID MINIMUM REQUIRED CONTRIBUTION.—The amount of any required contribution which a plan sponsor fails to make under paragraph (1) or (3) for any plan year shall be treated as an unpaid minimum required contribution for purposes of subsection (j) and (k) of section 303 and for purposes of section 4971 of the Internal Revenue Code of 1986.

"(6) NEW PLANS.—Paragraphs (1) and (3) shall not apply to a plan for the first 5 plan years of the plan. For purposes of this paragraph, the reference in this paragraph to a plan shall include a reference to any predecessor plan.

"(7) PRESUMED UNDERFUNDING FOR PURPOSES OF BENEFIT LIMITATIONS BASED ON PRIOR YEAR'S FUNDING STATUS.—

"(A) PRESUMPTION OF CONTINUED UNDERFUNDING.—In any case in which a benefit limitation under paragraph (1), (2), or (3) has been applied to a plan with respect to the plan year preceding the current plan year, the adjusted funding target attainment percentage of the plan as of the valuation date of the plan for the current plan year shall be presumed to be equal to the adjusted funding target attainment percentage of the plan as of the valuation date of the plan for the preceding plan year until the enrolled actuary of the plan certifies the actual adjusted funding target attainment percentage of the plan as of the valuation date of the plan for the current plan year.

"(B) PRESUMPTION OF UNDERFUNDING AFTER 10TH MONTH.—In any case in which no such certification is made with respect to the plan before the first day of the 10th month of the current plan year, for purposes of paragraphs (1), (2), and (3), the plan's adjusted funding target attainment percentage shall be conclusively presumed to be less than 60 percent as of the first day of such 10th month.

"(8) TREATMENT OF PLAN AS OF CLOSE OF PROHIBITED OR CESSATION PERIOD.—For purposes of applying this part—

"(A) OPERATION OF PLAN AFTER PERIOD.—Unless the plan provides otherwise, payments and accruals will resume effective as of the day following the close of a period of limitation of payment or accrual of benefits under paragraph (2) or (3).

"(B) TREATMENT OF AFFECTED BENEFITS.—Nothing in this paragraph shall be construed as affecting the plan's treatment of benefits which would have been paid or accrued but for this subsection.

"(9) FUNDING TARGET ATTAINMENT PERCENTAGE.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'funding target attainment percentage' has the same meaning given such term by section 303(d)(2).

"(B) ADJUSTED FUNDED TARGET LIABILITY PERCENTAGE.—The term 'adjusted funded target liability percentage' means the funded target liability percentage which is determined under subparagraph (A) by increasing each of the amounts under subparagraphs (A) and (B) of section 303(d)(2) by the aggregate amount of purchases of annuities, payments of single sums, and such other disbursements as the Secretary of the Treasury shall prescribe in regulations, which were made by the plan during the preceding 2 plan years.

"(10) YEARS BEFORE EFFECTIVE DATE.—No plan year beginning before 2007 shall be taken into account in determining whether this subsection applies to any plan year beginning after 2006.".

(2) NOTICE REQUIREMENT.—

(A) IN GENERAL.—Section 101 of such Act (29 U.S.C. 1021) is amended—

(i) by redesignating subsection (j) as subsection (k); and

(ii) by inserting after subsection (i) the following new subsection:

"(j) NOTICE OF FUNDING-BASED LIMITATION ON CERTAIN FORMS OF DISTRIBUTION.—The plan administrator of a single-employer plan shall provide a written notice to plan participants and beneficiaries within 30 days—

"(1) after the plan has become subject to the restriction described in section 206(g)(2),

"(2) in the case of a plan to which section 206(g)(3) applies, after—

"(A) the date in the plan year described in section 206(g)(3)(B) on which the plan's enrolled actuary certifies that the plan's adjusted funding target attainment percentage for the plan year is less than 60 percent (or, if earlier, the date such percentage is deemed to be less than 60 percent under section 206(g)(7)), and

"(B) the first day of the severe funding shortfall period, and

"(3) at such other time as may be determined by the Secretary of the Treasury.

The notice required to be provided under this subsection shall be in writing, except that such notice may be in electronic or other form to the extent that such form is reasonably accessible to the recipient.".

(B) ENFORCEMENT.—Section 502(c)(4) of such Act (29 U.S.C. 1132(c)(4)) is amended by striking "section 302(b)(7)(F)(iv)" and inserting "sections 101(j) and 302(b)(7)(F)(iv)".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 2006.

(2) COLLECTIVE BARGAINING EXCEPTION.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before January 1, 2007, the amendments made by this section shall not apply to plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last collective bargaining agreement relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(ii) the first day of the first plan year to which the amendments made by this subsection would (but for this subparagraph) apply, or

(B) January 1, 2010.

For purposes of subparagraph (A)(i), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 104. TECHNICAL AND CONFORMING AMENDMENTS.

(a) MISCELLANEOUS AMENDMENTS TO TITLE I.—Subtitle B of title I of such Act (29 U.S.C. 1021 et seq.) is amended—

(1) in section 101(d)(3), by striking "section 302(e)" and inserting "section 303(j)";

(2) in section 103(d)(8)(B), by striking "the requirements of section 302(c)(3)" and inserting "the applicable requirements of sections 303(h) and 304(c)(3)";

(3) in section 103(d), by striking paragraph (11) and inserting the following:

"(11) If the current value of the assets of the plan is less than 70 percent of—

"(A) in the case of a single-employer plan, the funding target (as defined in section 303(d)(1)) of the plan, or

"(B) in the case of a multiemployer plan, the current liability (as defined in section 304(c)(6)(D)) under the plan,

the percentage which such value is of the amount described in subparagraph (A) or (B).";

(4) in section 203(a)(3)(C), by striking "section 302(c)(8)" and inserting "section 302(d)(2)";

(5) in section 204(g)(1), by striking "section 302(c)(8)" and inserting "section 302(d)(2)";

(6) in section 204(i)(2)(B), by striking "section 302(c)(8)" and inserting "section 302(d)(2)";

(7) in section 204(i)(3), by striking "funded current liability percentage (within the meaning of section 302(d)(8) of this Act)" and inserting "funding target attainment percentage (as defined in section 303(d)(2))";

(8) in section 204(i)(4), by striking "section 302(c)(11)(A), without regard to section 302(c)(11)(B)" and inserting "section 302(b)(1), without regard to section 302(b)(2)";

(9) in section 206(e)(1), by striking "section 302(d)" and inserting "section 303(j)(4)", and by striking "section 302(e)(5)" and inserting "section 303(j)(4)(E)(i)";

(10) in section 206(e)(3), by striking "section 302(e) by reason of paragraph (5)(A) thereof" and inserting "section 303(j)(3) by reason of section 303(j)(4)(A)"; and

(11) in sections 101(e)(3), 403(c)(1), and 408(b)(13), by striking "American Jobs Creation Act of 2004" and inserting "Pension Security and Transparency Act of 2005".

(b) MISCELLANEOUS AMENDMENTS TO TITLE IV.—Title IV of such Act is amended—

(1) in section 4001(a)(13) (29 U.S.C. 1301(a)(13)), by striking "302(c)(11)(A)" and inserting "302(b)(1)", by striking

"412(c)(11)(A)" and inserting "412(c)(1)", by striking "302(c)(11)(B)" and inserting "302(b)(2)", and by striking "412(c)(11)(B)" and inserting "412(c)(2)";

(2) in section 4003(e)(1) (29 U.S.C. 1303(e)(1)), by striking "302(f)(1)(A) and (B)" and inserting "303(k)(1)(A) and (B)", and by striking "412(n)(1)(A) and (B)" and inserting "430(k)(1)(A) and (B)";

(3) in section 4010(b)(2) (29 U.S.C. 1310(b)(2)), by striking "302(f)(1)(A) and (B)" and inserting "303(k)(1)(A) and (B)", and by striking "412(n)(1)(A) and (B)" and inserting "430(k)(1)(A) and (B)";

(4) in section 4062(c)(1) (29 U.S.C. 1362(c)(1)), by striking paragraphs (1), (2), and (3) and inserting the following:

"(1)(A) in the case of a single-employer plan, the sum of the shortfall amortization charge (within the meaning of section 303(c)(1) of this Act and 430(d)(1) of the Internal Revenue Code of 1986) with respect to the plan (if any) for the plan year in which the termination date occurs, plus the aggregate total of shortfall amortization installments (if any) determined for succeeding plan years under section 303(c)(2) of this Act and section 430(d)(2) of such Code (which, for purposes of this subparagraph, shall include any increase in such sum which would result if all applications for waivers of the minimum funding standard under section 302(c) of this Act and section 412(d) of such Code which are pending with respect to such plan were denied and if no additional contributions (other than those already made by the termination date) were made for the plan year in which the termination date occurs or for any previous plan year), or

"(B) in the case of a multiemployer plan, the outstanding balance of the accumulated funding deficiencies (within the meaning of section 304(a)(2) of this Act and section 431(a) of the Internal Revenue Code of 1986) of the plan (if any) (which, for purposes of this subparagraph, shall include the amount of any increase in such accumulated funding deficiencies of the plan which would result if all pending applications for waivers of the minimum funding standard under section 302(c) of this Act or section 412(d) of such Code and for extensions of the amortization period under section 304(d) of this Act or section 431(d) of such Code with respect to such plan were denied and if no additional contributions (other than those already made by the termination date) were made for the plan year in which the termination date occurs or for any previous plan year),

"(2)(A) in the case of a single-employer plan, the sum of the waiver amortization charge (within the meaning of section 303(e)(1) of this Act and 430(e)(2) of the Internal Revenue Code of 1986) with respect to the plan (if any) for the plan year in which the termination date occurs, plus the aggregate total of waiver amortization installments (if any) determined for succeeding plan years under section 303(e)(3) of this Act and section 430(e)(3) of such Code, or

"(B) in the case of a multiemployer plan, the outstanding balance of the amount of waived funding deficiencies of the plan waived before such date under section 302(c) of this Act or section 412(d) of such Code (if any), and

"(3) in the case of a multiemployer plan, the outstanding balance of the amount of decreases in the minimum funding standard allowed before such date under section 304(d) of this Act or section 431(d) of such Code (if any);";

(5) in section 4071 (29 U.S.C. 1371), by striking "302(f)(4)" and inserting "303(k)(4)";

(6) in section 4243(a)(1)(B) (29 U.S.C. 1423(a)(1)(B)), by striking "302(a)" and inserting "304(a)", and, in clause (i), by striking "302(a)" and inserting "304(a)";

(7) in section 4243(f)(1) (29 U.S.C. 1423(f)(1)), by striking "303(a)" and inserting "302(c)";

(8) in section 4243(f)(2) (29 U.S.C. 1423(f)(2)), by striking "303(c)" and inserting "302(c)(3)"; and

(9) in section 4243(g) (29 U.S.C. 1423(g)), by striking "302(c)(3)" and inserting "304(c)(3)".

(c) Amendments to Reorganization Plan No. 4 of 1978.—Section 106(b)(ii) of Reorganization Plan No. 4 of 1978 (ratified and affirmed as law by Public Law 98–532 (98 Stat. 2705)) is amended by striking "302(c)(8)" and inserting "302(d)(2)", by striking "304(a) and (b)(2)(A)" and inserting "304(d)(1), (d)(2), and (e)(2)(A)", and by striking "412(c)(8), (e), and (f)(2)(A)" and inserting "412(d)(2) and 431(d)(1), (d)(2), and (e)(2)(A)".

(d) Repeal of Expired Authority for Temporary Variances.—Section 207 of such Act (29 U.S.C. 1057) is repealed.

(e) Effective Date.—The amendments made by this section shall apply to plan years beginning after 2006.

SEC. 105. SPECIAL RULES FOR MULTIPLE EMPLOYER PLANS OF CERTAIN COOPERATIVES.

(a) General Rule.—Except as provided in this section, if a plan in existence on July 26, 2005, was an eligible cooperative plan for its plan year which includes such date, the amendments made by section 401 of this Act, this subtitle, and subtitle B shall not apply to plan years beginning before the earlier of—

(1) the first plan year for which the plan ceases to be an eligible cooperative plan, or

(2) January 1, 2017.

(b) Interest Rate.—In applying section 302(b)(5)(B) of the Employee Retirement Income Security Act of 1974 and section 412(b)(5)(B) of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) and in applying section 4006(a)(3)(E)(iii) of such Act (as in effect before the amendments made by section 401) to an eligible cooperative plan for plan years beginning after December 31, 2006, and before the first plan year to which such amendments apply, the third segment rate determined under section 303(h)(2)(C)(iii) of such Act and section 430(h)(2)(C)(iii) of such Code (as added by such amendments) shall be used in lieu of the interest rate otherwise used.

(c) Eligible Cooperative Plan Defined.—For purposes of this section, a plan shall be treated as an eligible cooperative plan for a plan year if the plan is maintained by more than 1 employer and at least 85 percent of the employers are—

(1) rural cooperatives (as defined in section 401(k)(7)(B) of such Code without regard to clause (iv) thereof), or

(2) organizations which are—

(A) cooperative organizations described in section 1381(a) of such Code which are more than 50-percent owned by agricultural producers or by cooperatives owned by agricultural producers, or

(B) more than 50-percent owned, or controlled by, one or more cooperative organizations described in subparagraph (A).

A plan shall also be treated as an eligible cooperative plan for any plan year for which it is described in section 210(a) of the Employee Retirement Income Security Act of 1974 and is maintained by a rural telephone cooperative association described in section 3(40)(B)(v) of such Act.

SEC. 106. TEMPORARY RELIEF FOR CERTAIN RESCUED PLANS.

(a) General Rule.—Except as provided in this section, if a plan in existence on July 26, 2005, was a rescued plan as of such date, the amendments made by section 401 of this Act, this subtitle, and subtitle B shall not apply to plan years beginning before January 1, 2014.

(b) Interest Rate.—In applying section 302(b)(5)(B) of the Employee Retirement Income Security Act of 1974 and section 412(b)(5)(B) of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B), and in applying section 4006(a)(3)(E)(iii) of such Act (as in effect before the amendments made by section 401), to a rescued plan for plan years beginning after December 31, 2006, and before January 1, 2014, the third segment rate determined under section 303(h)(2)(C)(iii) of such Act and section 430(h)(2)(C)(iii) of such Code (as added by such amendments) shall be used in lieu of the interest rate otherwise used.

(c) Rescued Plan.—For purposes of this section, the term "rescued plan" means a defined benefit plan (other than a multiemployer plan) to which section 302 of such Act and section 412 of such Code apply and—

(1) which was sponsored by an employer which was in bankruptcy, giving rise to a claim by the Pension Benefit Guaranty Corporation of at least $100,000,000, but not greater than $150,000,000, and

(2) the sponsorship of which was assumed by another employer that was not a member of the same controlled group as the bankrupt sponsor and the claim of the Pension Benefit Guaranty Corporation was settled or withdrawn in connection with the assumption of the sponsorship.

Subtitle B—Amendments to Internal Revenue Code of 1986

SEC. 111. MODIFICATIONS OF THE MINIMUM FUNDING STANDARDS.

(a) In General.—Section 412 of the Internal Revenue Code of 1986 (relating to minimum funding standards) is amended to read as follows:

"SEC. 412. MINIMUM FUNDING STANDARDS.

"(a) Requirement To Meet Minimum Funding Standard.—

"(1) In general.—A plan to which this section applies shall satisfy the minimum funding standard applicable to the plan for any plan year.

"(2) Minimum funding standard.—For purposes of paragraph (1), a plan shall be treated as satisfying the minimum funding standard for a plan year if—

"(A) in the case of a defined benefit plan which is a single-employer plan, the employer makes contributions to or under the plan for the plan year which, in the aggregate, are not less than the minimum required contribution determined under section 430 for the plan for the plan year,

"(B) in the case of a money purchase pension plan which is a single-employer plan, the employer makes contributions to or under the plan for the plan year which are required under the terms of the plan, and

"(C) in the case of a multiemployer plan, the employers make contributions to or under the plan for the plan year which, in the aggregate, are sufficient to ensure that the plan does not have an accumulated funding deficiency under section 431 as of the end of the plan year.

"(b) Plans to Which Section Applies.—

"(1) In general.—Except as provided in paragraphs (2) and (3), this section applies to a plan if, for any plan year beginning on or after the effective date of this section for such plan under the Employee Retirement Income Security Act of 1974—

"(A) the plan included a trust which qualified (or was determined by the Secretary to have qualified) under section 401(a), or

"(B) the plan satisfied (or was determined by the Secretary to have satisfied) the requirements of section 403(a).

"(2) EXCEPTIONS.—This section shall not apply to—

"(A) any profit-sharing or stock bonus plan,

"(B) any insurance contract plan described in subsection (g)(3),

"(C) any governmental plan (within the meaning of section 414(d)),

"(D) any church plan (within the meaning of section 414(e)) with respect to which the election provided by section 410(d) has not been made,

"(E) any plan which has not, at any time after September 2, 1974, provided for employer contributions, or

"(F) any plan established and maintained by a society, order, or association described in section 501(c)(8) or (9), if no part of the contributions to or under such plan are made by employers of participants in such plan.

No plan described in subparagraph (C), (D), or (F) shall be treated as a qualified plan for purposes of section 401(a) unless such plan meets the requirements of section 401(a)(7) as in effect on September 1, 1974.

"(3) CERTAIN TERMINATED MULTIEMPLOYER PLANS.—This section applies with respect to a terminated multiemployer plan to which section 4021 of the Employee Retirement Income Security Act of 1974 applies until the last day of the plan year in which the plan terminates (within the meaning of section 4041A(a)(2) of such Act).

"(c) LIABILITY FOR CONTRIBUTIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amount of any contribution required by this section and any required installments under section 430(j) shall be paid by any employer responsible for making the contribution to or under the plan.

"(2) JOINT AND SEVERAL LIABILITY WHERE EMPLOYER MEMBER OF CONTROLLED GROUP.—If the employer referred to in paragraph (1) is a member of a controlled group, each member of such group shall be jointly and severally liable for payment of such contribution or required installment.

"(d) VARIANCE FROM MINIMUM FUNDING STANDARDS.—

"(1) WAIVER IN CASE OF BUSINESS HARDSHIP.—

"(A) IN GENERAL.—If—

"(i) an employer is (or in the case of a multiemployer plan, 10 percent or more of the number of employers contributing to or under the plan are) unable to satisfy the minimum funding standard for a plan year without temporary substantial business hardship (substantial business hardship in the case of a multiemployer plan), and

"(ii) application of the standard would be adverse to the interests of plan participants in the aggregate,

the Secretary may, subject to subparagraph (C), waive the requirements of subsection (a) for such year with respect to all or any portion of the minimum funding standard. The Secretary of the Treasury shall not waive the minimum funding standard with respect to a plan for more than 3 of any 15 (5 of any 15 in the case of a multiemployer plan) consecutive plan years.

"(B) EFFECTS OF WAIVER.—If a waiver is granted under subparagraph (A) for any plan year—

"(i) in the case of a single-employer plan, the minimum required contribution under section 430 for the plan year shall be reduced by the amount of the waived funding deficiency and such amount shall be amortized as required under section 430(e), and

"(ii) in the case of a multiemployer plan, the funding standard account shall be credited under section 431(b)(3)(C) with the amount of the waived funding deficiency and such amount shall be amortized as required under section 431(b)(2)(C).

"(C) WAIVER OF AMORTIZED PORTION NOT ALLOWED.—The Secretary may not waive under subparagraph (A) any portion of the minimum funding standard under subsection (a) for a plan year which is attributable to any waived funding deficiency for any preceding plan year.

"(2) DETERMINATION OF BUSINESS HARDSHIP.—For purposes of this subsection, the factors taken into account in determining temporary substantial business hardship (substantial business hardship in the case of a multiemployer plan) shall include (but shall not be limited to) whether or not—

"(A) the employer is operating at an economic loss,

"(B) there is substantial unemployment or underemployment in the trade or business and in the industry concerned,

"(C) the sales and profits of the industry concerned are depressed or declining, and

"(D) it is reasonable to expect that the plan will be continued only if the waiver is granted.

"(3) WAIVED FUNDING DEFICIENCY.—For purposes of this part, the term 'waived funding deficiency' means the portion of the minimum funding standard under subsection (a) (determined without regard to the waiver) for a plan year waived by the Secretary and not satisfied by employer contributions.

"(4) SECURITY FOR WAIVERS FOR SINGLE-EMPLOYER PLANS, CONSULTATIONS.—

"(A) SECURITY MAY BE REQUIRED.—

"(i) IN GENERAL.—Except as provided in subparagraph (C), the Secretary may require an employer maintaining a defined benefit plan which is a single-employer plan (within the meaning of section 4001(a)(15) of the Employee Retirement Income Security Act of 1974) to provide security to such plan as a condition for granting or modifying a waiver under paragraph (1).

"(ii) SPECIAL RULES.—Any security provided under clause (i) may be perfected and enforced only by the Pension Benefit Guaranty Corporation, or, at the direction of the Corporation, by a contributing sponsor (within the meaning of section 4001(a)(13) of such Act) or a member of such sponsor's controlled group (within the meaning of section 4001(a)(14) of such Act).

"(B) CONSULTATION WITH THE PENSION BENEFIT GUARANTY CORPORATION.—Except as provided in subparagraph (C), the Secretary shall, before granting or modifying a waiver under this subsection with respect to a plan described in subparagraph (A)(i)—

"(i) provide the Pension Benefit Guaranty Corporation with—

"(I) notice of the completed application for any waiver or modification, and

"(II) an opportunity to comment on such application within 30 days after receipt of such notice, and

"(ii) consider—

"(I) any comments of the Corporation under clause (i)(II), and

"(II) any views of any employee organization (within the meaning of section 3(4) of such Act) representing participants in the plan which are submitted in writing to the Secretary of the Treasury in connection with such application.

Information provided to the Corporation under this subparagraph shall be considered tax return information and subject to the safeguarding and reporting requirements of section 6103(p).

"(C) EXCEPTION FOR CERTAIN WAIVERS.—

"(i) IN GENERAL.—The preceding provisions of this paragraph shall not apply to any plan with respect to which the sum of—

"(I) the aggregate unpaid minimum required contributions for the plan year and all preceding plan years, and

"(II) the present value of all waiver amortization installments determined for the plan year and succeeding plan years under section 430(e)(2),

is less than $1,000,000.

"(ii) TREATMENT OF WAIVERS FOR WHICH APPLICATIONS ARE PENDING.—The amount described in clause (i)(I) shall include any increase in such amount which would result if all applications for waivers of the minimum funding standard under this subsection which are pending with respect to such plan were denied.

"(iii) UNPAID MINIMUM REQUIRED CONTRIBUTION.—For purposes of this subparagraph—

"(I) IN GENERAL.—The term 'unpaid minimum required contribution' means, with respect to any plan year, any minimum required contribution under section 430 for the plan year which is not paid on or before the due date (as determined under section 430(j)(1)) for the plan year.

"(II) ORDERING RULE.—For purposes of subclause (I), any payment to or under a plan for any plan year shall be allocated first to unpaid minimum required contributions for all preceding plan years on a first-in, first-out basis and then to the minimum required contribution under section 430 for the plan year.

"(5) SPECIAL RULES FOR SINGLE-EMPLOYER PLANS.—

"(A) APPLICATION MUST BE SUBMITTED BEFORE DATE 2½ MONTHS AFTER CLOSE OF YEAR.—In the case of a single-employer plan, no waiver may be granted under this subsection with respect to any plan for any plan year unless an application therefor is submitted to the Secretary not later than the 15th day of the 3rd month beginning after the close of such plan year.

"(B) SPECIAL RULE IF EMPLOYER IS MEMBER OF CONTROLLED GROUP.—In the case of a single-employer plan, if an employer is a member of a controlled group, the temporary substantial business hardship requirements of paragraph (1) shall be treated as met only if such requirements are met—

"(i) with respect to such employer, and

"(ii) with respect to the controlled group of which such employer is a member (determined by treating all members of such group as a single employer).

The Secretary may provide that an analysis of a trade or business or industry of a member need not be conducted if the Secretary determines such analysis is not necessary because the taking into account of such member would not significantly affect the determination under this paragraph.

"(6) ADVANCE NOTICE.—

"(A) IN GENERAL.—The Secretary shall, before granting a waiver under this subsection, require each applicant to provide evidence satisfactory to such Secretary that the applicant has provided notice of the filing of the application for such waiver to each affected party (as defined in section 4001(a)(21) of the Employee Retirement Income Security Act of 1974) other than the Pension Benefit Guaranty Corporation and in the case of a multiemployer plan, to each employer required to contribute to the plan under subsection (b)(1). Such notice shall include a description of the extent to which the plan is funded for benefits which are guaranteed under title IV of such Act and for benefit liabilities.

"(B) CONSIDERATION OF RELEVANT INFORMATION.—The Secretary shall consider any relevant information provided by a person to whom notice was given under subparagraph (A).

"(7) RESTRICTION ON PLAN AMENDMENTS.—

"(A) IN GENERAL.—No amendment of a plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan shall be adopted if a waiver under this subsection or an extension of time under section 431(d) is in effect with respect to the plan, or if a plan amendment described in subsection (e)(2) has been made at any time in the preceding 24 months. If a plan is amended in violation of the preceding sentence, any such waiver, or extension of time, shall not apply to any plan year ending on or after the date on which such amendment is adopted.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to any plan amendment which—

"(i) the Secretary determines to be reasonable and which provides for only de minimis increases in the liabilities of the plan,

"(ii) only repeals an amendment described in subsection (e)(2), or

"(iii) is required as a condition of qualification under part I of subchapter D, of chapter 1 of the Internal Revenue Code of 1986.

"(e) MISCELLANEOUS RULES.—For purposes of this section—

"(1) CHANGE IN METHOD OR YEAR.—If the funding method, the valuation date, or a plan year for a plan is changed, the change shall take effect only if approved by the Secretary.

"(2) CERTAIN RETROACTIVE PLAN AMENDMENTS.—For purposes of this section, any amendment applying to a plan year which—

"(A) is adopted after the close of such plan year but no later than 2½ months after the close of the plan year (or, in the case of a multiemployer plan, no later than 2 years after the close of such plan year),

"(B) does not reduce the accrued benefit of any participant determined as of the beginning of the first plan year to which the amendment applies, and

"(C) does not reduce the accrued benefit of any participant determined as of the time of adoption except to the extent required by the circumstances,

shall, at the election of the plan administrator, be deemed to have been made on the first day of such plan year. No amendment described in this paragraph which reduces the accrued benefits of any participant shall take effect unless the plan administrator files a notice with the Secretary notifying him of such amendment and the Secretary has approved such amendment, or within 90 days after the date on which such notice was filed, failed to disapprove such amendment. No amendment described in this subsection shall be approved by the Secretary unless the Secretary determines that such amendment is necessary because of a temporary substantial business hardship (as determined under subsection (d)(2)) or a substantial business hardship (as so determined) in the case of a multiemployer plan and that a waiver under subsection (d)(1) (or in the case of a multiemployer plan, any extension of the amortization period under section 431(d)) is unavailable or inadequate.

"(3) CERTAIN INSURANCE CONTRACT PLANS.—A plan is described in this paragraph if—

"(A) the plan is funded exclusively by the purchase of individual insurance contracts,

"(B) such contracts provide for level annual premium payments to be paid extending not later than the retirement age for each individual participating in the plan, and commencing with the date the individual became a participant in the plan (or, in the case of an increase in benefits, commencing at the time such increase becomes effective),

"(C) benefits provided by the plan are equal to the benefits provided under each contract at normal retirement age under the plan and are guaranteed by an insurance carrier (licensed under the laws of a State to do business with the plan) to the extent premiums have been paid,

"(D) premiums payable for the plan year, and all prior plan years, under such contracts have been paid before lapse or there is reinstatement of the policy,

"(E) no rights under such contracts have been subject to a security interest at any time during the plan year, and

"(F) no policy loans are outstanding at any time during the plan year.

A plan funded exclusively by the purchase of group insurance contracts which are determined under regulations prescribed by the Secretary to have the same characteristics as contracts described in the preceding sentence shall be treated as a plan described in this paragraph.

"(4) CONTROLLED GROUP.—For purposes of this section and section 430, the term 'controlled group' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to plan years beginning after December 31, 2006.

SEC. 112. FUNDING RULES APPLICABLE TO SINGLE-EMPLOYER PENSION PLANS.

Subchapter D of chapter 1 of the Internal Revenue Code of 1986 (relating to deferred compensation, etc.) is amended by adding at the end the following new part:

"PART III—RULES RELATING TO MINIMUM FUNDING STANDARDS AND BENEFIT LIMITATION

"430. Minimum funding standards for single-employer defined benefit plans.
"431. Minimum funding standards for multiemployer plans.

"SEC. 430. MINIMUM FUNDING STANDARDS FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS.

"(a) MINIMUM REQUIRED CONTRIBUTION.—For purposes of this section and section 412(a)(2)(A), except as provided in subsection (f), the term 'minimum required contribution' means, with respect to any plan year of a defined benefit plan which is a single employer plan—

"(1) in any case in which the value of plan assets of the plan (as reduced under subsection (f)(4)) is less than the funding target of the plan for the plan year, the sum of—

"(A) the target normal cost of the plan for the plan year,

"(B) the shortfall amortization charge (if any) for the plan for the plan year determined under subsection (c), and

"(C) the waiver amortization charge (if any) for the plan for the plan year as determined under subsection (e); or

"(2) in any case in which the value of plan assets of the plan (as reduced under subsection (f)(4)) equals or exceeds the funding target of the plan for the plan year, the target normal cost of the plan for the plan year reduced (but not below zero) by any such excess.

"(b) TARGET NORMAL COST.—For purposes of this section, except as provided in subsection (i)(2) with respect to plans in at-risk status, the term 'target normal cost' means, for any plan year, the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year. For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.

"(c) SHORTFALL AMORTIZATION CHARGE.—

"(1) IN GENERAL.—For purposes of this section, the shortfall amortization charge for a plan for any plan year is the aggregate total of the shortfall amortization installments for such plan year with respect to the shortfall amortization bases for such plan year and each of the 6 preceding plan years.

"(2) SHORTFALL AMORTIZATION INSTALLMENT.—For purposes of paragraph (1)—

"(A) DETERMINATION.—The shortfall amortization installments are the amounts necessary to amortize the shortfall amortization base of the plan for any plan year in level annual installments over the 7-plan-year period beginning with such plan year.

"(B) SHORTFALL INSTALLMENT.—The shortfall amortization installment for any plan year in the 7-plan-year period under subparagraph (A) with respect to any shortfall amortization base is the annual installment determined under subparagraph (A) for that year for that base.

"(C) SEGMENT RATES.—In determining any shortfall amortization installment under this paragraph, the plan sponsor shall use the segment rates determined under subparagraph (C) of subsection (h)(2), applied under rules similar to the rules of subparagraph (B) of subsection (h)(2).

"(3) SHORTFALL AMORTIZATION BASE.—For purposes of this section, the shortfall amortization base of a plan for a plan year is the excess (if any) of—

"(A) the funding shortfall of such plan for such plan year, over

"(B) the present value (determined using the segment rates determined under subparagraph (C) of subsection (h)(2), applied under rules similar to the rules of subparagraph (B) of subsection (h)(2)) of the aggregate total of the shortfall amortization installments and waiver amortization installments which have been determined for such plan year and any succeeding plan year with respect to the shortfall amortization bases and waiver amortization bases of the plan for any plan year preceding such plan year.

"(4) FUNDING SHORTFALL.—

"(A) IN GENERAL.—For purposes of this section, except as provided in subparagraph (B), the funding shortfall of a plan for any plan year is the excess (if any) of—

"(i) the funding target of the plan for the plan year, over

"(ii) the value of plan assets of the plan (as reduced under subsection (f)(4)) for the plan year which are held by the plan on the valuation date.

"(B) TRANSITION RULE FOR AMORTIZATION OF FUNDING SHORTFALL.—

"(i) IN GENERAL.—Solely for purposes of applying paragraph (3) in the case of plan years beginning after 2006 and before 2011, only the applicable percentage of the funding target shall be taken into account under paragraph (3)(A) in determining the funding shortfall for the plan year.

"(ii) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)—

"(I) IN GENERAL.—Except as provided in subclause (II), the applicable percentage shall be 93 percent for plan years beginning in 2007, 96 percent for plan years beginning in 2008, and 100 percent for any succeeding plan year.

"(II) SMALL PLANS.—In the case of a plan described in subsection (g)(2)(B), the applicable percentage shall be determined in accordance with the following table:

"In the case of a plan year beginning in calendar year:	**The applicable percentage is—**
2007	92
2008	94
2009	96
2010	98.

"(5) EARLY DEEMED AMORTIZATION UPON ATTAINMENT OF FUNDING TARGET.—In any case in which the funding shortfall of a plan for a plan year is zero, for purposes of determining the shortfall amortization charge for such plan year and succeeding plan years, the shortfall amortization bases for all preceding plan years (and all shortfall amortization installments determined with respect to such bases) shall be reduced to zero.

"(d) RULES RELATING TO FUNDING TARGET.—For purposes of this section—

"(1) FUNDING TARGET.—Except as provided in subsection (i)(1) with respect to plans in at-risk status, the funding target of a plan for a plan year is the present value of all benefits accrued or earned under the plan as of the beginning of the plan year.

"(2) FUNDING TARGET ATTAINMENT PERCENTAGE.—The 'funding target attainment percentage' of a plan for a plan year is the ratio (expressed as a percentage) which—

"(A) the value of plan assets for the plan year, bears to

"(B) the funding target of the plan for the plan year (determined without regard to subsection (i)(1)).

"(e) WAIVER AMORTIZATION CHARGE.—

"(1) DETERMINATION OF WAIVER AMORTIZATION CHARGE.—The waiver amortization charge (if any) for a plan for any plan year is the aggregate total of the waiver amortization installments for such plan year with respect to the waiver amortization bases for each of the 5 preceding plan years.

"(2) WAIVER AMORTIZATION INSTALLMENT.—For purposes of paragraph (1)—

"(A) DETERMINATION.—The waiver amortization installments are the amounts necessary to amortize the waiver amortization base of the plan for any plan year in level annual installments over a period of 5 plan years beginning with the succeeding plan year.

"(B) WAIVER INSTALLMENT.—The waiver amortization installment for any plan year in the 5-year period under subparagraph (A) with respect to any waiver amortization base is the annual installment determined under subparagraph (A) for that year for that base.

"(3) INTEREST RATE.—In determining any waiver amortization installment under this subsection, the plan sponsor shall use the segment rates determined under subparagraph (C) of subsection (h)(2), applied under rules similar to the rules of subparagraph (B) of subsection (h)(2).

"(4) WAIVER AMORTIZATION BASE.—The waiver amortization base of a plan for a plan year is the amount of the waived funding deficiency (if any) for such plan year under section 412(d).

"(5) EARLY DEEMED AMORTIZATION UPON ATTAINMENT OF FUNDING TARGET.—In any case in which the funding shortfall of a plan for a plan year is zero, for purposes of determining the waiver amortization charge for such plan year and succeeding plan years, the waiver amortization bases for all preceding plan years (and all waiver amortization installments with respect to such bases) shall be reduced to zero.

"(f) USE OF PREFUNDING BALANCES TO SATISFY MINIMUM REQUIRED CONTRIBUTIONS.—

"(1) IN GENERAL.—A plan sponsor may credit any amount of a plan's prefunding balance for a plan year against the minimum required contribution for the plan year and the amount of the contributions an employer is required to make under section 412(c) for the plan year shall be reduced by the amount so credited. Any such amount shall be credited on the first day of the plan year.

"(2) PREFUNDING BALANCE.—

"(A) BEGINNING BALANCE.—The beginning balance of a prefunding balance maintained by a plan shall be zero, except that if a plan was in effect for a plan year beginning in 2006 and had a positive balance in the funding standard account under section 412(b) (as in effect for such plan year) as of the end of such plan year, the beginning balance for the plan for its first plan year beginning after 2006 shall be such positive balance.

"(B) INCREASES.—

"(i) IN GENERAL.—As of the first day of each plan year beginning after 2007, the prefunding balance of a plan shall be increased by the excess (if any) of—

"(I) the aggregate amount of employer contributions to the plan for the preceding plan year, over

"(II) the minimum required contribution for the preceding plan year.

"(ii) ADJUSTMENTS FOR INTEREST.—Any excess contributions under clause (i) shall be properly adjusted for interest accruing for the periods between the first day of the current plan year and the dates on which the excess contributions were made, determined by using the effective interest rate for the preceding plan year and by treating contributions as being first used to satisfy the minimum required contribution.

"(iii) CERTAIN CONTRIBUTIONS DISREGARDED.—Any contribution which is required to be made under section 436 in addition to any contribution required under this section shall not be taken into account for purposes of clause (i).

"(C) DECREASES.—As of the first day of each plan year after 2007, the prefunding balance of a plan shall be decreased (but not below zero) by the amount of the balance credited under paragraph (1) against the minimum required contribution of the plan for the preceding plan year.

"(D) ADJUSTMENTS FOR INVESTMENT EXPERIENCE.—In determining the prefunding balance of a plan as of the first day of the plan year, the plan sponsor shall, in accordance with regulations prescribed by the Secretary, adjust such balance to reflect the rate of return on plan assets for the preceding plan year. Notwithstanding subsection (g)(3), such rate of return shall be determined on the basis of fair market value and shall properly take into account, in accordance with such regulations, all contributions, distributions, and other plan payments made during such period.

"(3) LIMITATION FOR UNDERFUNDED PLANS.—

"(A) IN GENERAL.—If the ratio (expressed as a percentage) for any plan year which—

"(i) the value of plan assets for the preceding plan year, bears to

"(ii) the funding target of the plan for the preceding plan year (determined without regard to subsection (i)(1)),

is less than 80 percent, the preceding provisions of this subsection shall not apply unless employers liable for contributions to the plan under section 412(c) make contributions to the plan for the plan year in an aggregate amount not less than the amount determined under subparagraph (B). Any contribution required by this subparagraph may not be reduced by any credit otherwise allowable under paragraph (1).

"(B) APPLICABLE AMOUNT.—The amount determined under this subparagraph for any plan year is the greater of—

"(i) the target normal cost of the plan for the plan year, or

"(ii) 25 percent of the minimum required contribution under subsection (a) for the plan year without regard to this subsection.

"(4) REDUCTION IN VALUE OF ASSETS.—Solely for purposes of applying subsections (a) and (c)(4)(A)(ii) in determining the minimum required contribution under this section, the value of the plan assets otherwise determined without regard to this paragraph shall be reduced by the amount of the prefunding balance under this subsection.

"(g) VALUATION OF PLAN ASSETS AND LIABILITIES.—

"(1) TIMING OF DETERMINATIONS.—Except as otherwise provided under this subsection, all determinations under this section for a plan year shall be made as of the valuation date of the plan for such plan year.

"(2) VALUATION DATE.—For purposes of this section—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the valuation date of a plan for any plan year shall be the first day of the plan year.

"(B) EXCEPTION FOR SMALL PLANS.—If, on each day during the preceding plan year, a plan had 100 or fewer participants, the plan may designate any day during the plan year as its valuation date for such plan year and succeeding plan years. For purposes of this subparagraph, all defined benefit plans (other than multiemployer plans) maintained by the same employer (or any member of such employer's controlled group) shall be treated as 1 plan, but only employees of such employer or member shall be taken into account.

"(C) APPLICATION OF CERTAIN RULES IN DETERMINATION OF PLAN SIZE.—For purposes of this paragraph—

"(i) PLANS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of the first plan year of any plan, subparagraph (B) shall apply to such plan by taking into account the number of participants that the plan is reasonably expected to have on days during such first plan year.

"(ii) PREDECESSORS.—Any reference in subparagraph (B) to an employer shall include a reference to any predecessor of such employer.

"(3) DETERMINATION OF VALUE OF PLAN ASSETS.—For purposes of this section—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the value of plan assets shall be the fair market value of the assets.

"(B) AVERAGING ALLOWED.—A plan may determine the value of plan assets on the basis of any reasonable actuarial method of valuation providing for the averaging of fair market values, but only if such method—

"(i) is permitted under regulations prescribed by the Secretary, and "(ii) does not provide for averaging of such values over more than the period beginning on the last day of the 12th month preceding the valuation date and ending on the valuation date (or a similar period in the case of a valuation date which is not the 1st day of a month).

"(4) ACCOUNTING FOR CONTRIBUTION RECEIPTS.—For purposes of determining the value of assets under paragraph (3)—

"(A) PRIOR YEAR CONTRIBUTIONS.—If—

"(i) an employer makes any contribution to the plan after the valuation date for the plan year in which the contribution is made, and

"(ii) the contribution is for a preceding plan year,

the contribution shall be taken into account as an asset of the plan as of the valuation date, except that in the case of any plan year beginning after 2007, only the present value (determined as of the valuation date) of such contribution may be taken into account. For purposes of the preceding sentence, present value shall be determined using the effective interest rate for the preceding plan year to which the contribution is properly allocable.

"(B) SPECIAL RULE FOR CURRENT YEAR CONTRIBUTIONS MADE BEFORE VALUATION DATE.—If any contributions for any plan year are made to or under the plan during the plan year but before the valuation date for the plan year, the assets of the plan as of the valuation date shall not include—

"(i) such contributions, and

"(ii) interest on such contributions for the period between the date of the contributions and the valuation date, determined by using the effective interest rate for the plan year.

"(h) ACTUARIAL ASSUMPTIONS AND METHODS.—

"(1) IN GENERAL.—Subject to this subsection, the determination of any present value or other computation under this section shall be made on the basis of actuarial assumptions and methods—

"(A) each of which is reasonable (taking into account the experience of the plan and reasonable expectations), and

"(B) which, in combination, offer the actuary's best estimate of anticipated experience under the plan.

"(2) INTEREST RATES.—

"(A) EFFECTIVE INTEREST RATE.—For purposes of this section, the term 'effective interest rate' means, with respect to any plan for any plan year, the single rate of interest which, if used to determine the present value of the plan's accrued or earned benefits referred to in subsection (d)(1), would result in an amount equal to the funding target of the plan for such plan year.

"(B) INTEREST RATES FOR DETERMINING FUNDING TARGET.—For purposes of determining the funding target of a plan for any plan year, the interest rate used in determining the present value of the benefits of the plan shall be—

"(i) in the case of benefits reasonably determined to be payable during the 5-year period beginning on the first day of the plan year, the first segment rate with respect to the applicable month,

"(ii) in the case of benefits reasonably determined to be payable during the 15-year period beginning at the end of the period described in clause (i), the second segment rate with respect to the applicable month, and

"(iii) in the case of benefits reasonably determined to be payable after the period described in clause (ii), the third segment rate with respect to the applicable month.

"(C) SEGMENT RATES.—For purposes of this paragraph—

"(i) FIRST SEGMENT RATE.—The term 'first segment rate' means, with respect to any month, the single rate of interest which shall be determined by the Secretary for such month on the basis of the corporate bond yield curve for such month, taking into account only that portion of such yield curve which is based on bonds maturing during the 5-year period commencing with such month.

"(ii) SECOND SEGMENT RATE.—The term 'second segment rate' means, with respect to any month, the single rate of interest which shall be determined by the Secretary for such month on the basis of the corporate bond yield curve for such month, taking into account only that portion of such yield curve which is based on bonds maturing during each of the years in the 15-year period beginning at the end of the period described in clause (i).

"(iii) THIRD SEGMENT RATE.—The term 'third segment rate' means, with respect to any month, the single rate of interest which shall be determined by the Secretary for such month on the basis of the corporate bond yield curve for such month, taking into account only that portion of such yield curve which is based on bonds maturing during periods beginning after the period described in clause (ii).

"(D) CORPORATE BOND YIELD CURVE.—The term 'corporate bond yield curve' means, with respect to any month, a yield curve which is prescribed by the Secretary for such month and which reflects the average, for the 12-month period ending with the month preceding such month, of yields on investment grade corporate bonds with varying maturities.

"(E) APPLICABLE MONTH.—For purposes of this paragraph, the term 'applicable month' means, with respect to any plan for any plan year, the month which includes the valuation date of such plan for such plan year or, at the election of the plan administrator, any of the 4 months which precede such month. Any election made under this subparagraph shall apply to the plan year for which the election is made and all succeeding plan years, unless the election is revoked with the consent of the Secretary.

"(F) PUBLICATION REQUIREMENTS.—The Secretary shall publish for each month the corporate bond yield curve for such month and each of the rates determined under this paragraph for such month. The Secretary shall also publish a description of the methodology used to determine such yield curve and such rates which is sufficiently detailed to enable plans to make reasonable projections regarding the yield curve and such rates for future months based on the plan's projection of future interest rates.

"(G) TRANSITION RULE.—

"(i) IN GENERAL.—Notwithstanding the preceding provisions of this paragraph, for plan years beginning in 2007 or 2008, the first, second, or third segment rate for a plan with respect to any month shall be equal to the sum of—

"(I) the product of such rate for such month determined without regard to this subparagraph, multiplied by the applicable percentage, and

"(II) the product of the rate determined under the rules of section 412(b)(5)(B)(ii)(II) (as in effect for plan years beginning in 2006), multiplied by a percentage equal to 100 percent minus the applicable percentage.

"(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage is 33⅓ percent for plan years beginning in 2007 and 66⅔ percent for plan years beginning in 2008.

"(3) MORTALITY TABLES.—

"(A) IN GENERAL.—Except as provided in subparagraphs (C) and (D), the mortality table used in determining any present value or making any computation under this section shall be the RP-2000 Combined Mortality Table, using Scale AA, as published by the Society of Actuaries, as in effect on the date of the enactment of the Pension Security and Transparency Act of 2005 and as revised from time to time under subparagraph (B).

"(B) PERIODIC REVISION.—The Secretary shall (at least every 10 years) make revisions in any table in effect under subparagraph (A) to reflect the actual experience of pension plans and projected trends in such experience.

"(C) SUBSTITUTE MORTALITY TABLE.—

"(i) IN GENERAL.—Upon request by the plan sponsor and approval by the Secretary, a mortality table which meets the requirements of clause (ii) shall be used in determining any present value or making any computation under this section during the 10-consecutive plan year period specified in the request. A mortality table described in this clause shall cease to be in effect if the plan actuary determines at any time that such table does not meet the requirements of clause (ii).

"(ii) REQUIREMENTS.—A mortality table meets the requirements of this clause if the Secretary determines that—

"(I) there is a sufficient number of plan participants, and the pension plans have been maintained for a sufficient period of time, to have credible information necessary for purposes of subclause (II),

"(II) such table reflects the actual experience of the pension plans maintained by the sponsor and projected trends in general mortality experience,

"(III) except as provided by the Secretary, such table will be used by all plans maintained by the plan sponsor and all members of any controlled group which includes the plan sponsor, and

"(IV) such table is significantly different from the table described in subparagraph (A).

"(iii) DEADLINE FOR DISPOSITION OF APPLICATION.—Any mortality table submitted to the Secretary for approval under this subparagraph shall be treated as in effect for the first plan year in the 10-year period described in clause (i) unless the Secretary, during the 180-day period beginning on the date of such submission, disapproves of such table and provides the reasons that such table fails to meet the requirements of clause (ii). The 180-day period shall be extended for any period during which the Secretary has requested information from the plan sponsor and such information has not been provided.

"(D) SEPARATE MORTALITY TABLES FOR THE DISABLED.—Notwithstanding subparagraph (A)—

"(i) IN GENERAL.—The Secretary shall establish mortality tables which may be used (in lieu of the tables under subparagraph (A)) under this subsection for individuals who are entitled to benefits under the plan on account of disability. The Secretary shall establish separate tables for individuals whose disabilities occur in plan years beginning before January 1, 1995, and for individuals whose disabilities occur in plan years beginning on or after such date.

"(ii) SPECIAL RULE FOR DISABILITIES OCCURRING AFTER 1994.—In the case of disabilities occurring in plan years beginning after December 31, 1994, the tables under clause (i) shall apply only with respect to individuals described in such subclause who are disabled within the meaning of title II of the Social Security Act and the regulations thereunder.

‘‘(iii) PERIODIC REVISION.—The Secretary shall (at least every 10 years) make revisions in any table in effect under clause (i) to reflect the actual experience of pension plans and projected trends in such experience.

‘‘(E) TRANSITION RULE.—Under regulations of the Secretary, any difference in present value resulting from any differences in assumptions as set forth in the mortality table specified in subparagraph (A) and assumptions as set forth in the mortality table described in section 412(l)(7)(C)(ii) (as in effect for plan years beginning in 2006) shall be phased in ratably over the first period of 5 plan years beginning in or after 2007 so as to be fully effective for the fifth plan year.

‘‘(4) PROBABILITY OF BENEFIT PAYMENTS IN THE FORM OF LUMP SUMS OR OTHER OPTIONAL FORMS.—For purposes of determining any present value or making any computation under this section, there shall be taken into account—

‘‘(A) the probability that future benefit payments under the plan will be made in the form of optional forms of benefits provided under the plan (including lump sum distributions, determined on the basis of the plan's experience and other related assumptions), and

‘‘(B) any difference in the present value of such future benefit payments resulting from the use of actuarial assumptions, in determining benefit payments in any such optional form of benefits, which are different from those specified in this subsection.

‘‘(5) APPROVAL OF LARGE CHANGES IN ACTUARIAL ASSUMPTIONS.—

‘‘(A) IN GENERAL.—No actuarial assumption used to determine the funding target for a plan to which this paragraph applies may be changed without the approval of the Secretary.

‘‘(B) PLANS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to a plan only if—

‘‘(i) the aggregate unfunded benefits as of the close of the preceding plan year (as determined under section 4006(a)(3)(E)(iii) of the Employee Retirement Income Security Act of 1974) of such plan and all other plans maintained by the contributing sponsors (as defined in section 4001(a)(13) of such Act) and members of such sponsors' controlled groups (as defined in section 4001(a)(14) of such Act) which are covered by title IV of such Act (disregarding plans with no unfunded benefits) exceed $50,000,000; and

‘‘(ii) the change in assumptions (determined after taking into account any changes in interest rate and mortality table) results in a decrease in the funding shortfall of the plan for the current plan year that exceeds $50,000,000, or that exceeds $5,000,000 and that is 5 percent or more of the funding target of the plan before such change.

‘‘(i) SPECIAL RULES FOR AT-RISK PLANS.—

‘‘(1) FUNDING TARGET FOR PLANS IN AT-RISK STATUS.—

‘‘(A) IN GENERAL.—In the case of a plan to which this subsection applies for a plan year, the funding target of the plan for the plan year is equal to the present value of all liabilities to participants and their beneficiaries under the plan for the plan year, as determined by using the additional actuarial assumptions described in subparagraph (B).

‘‘(B) ADDITIONAL ACTUARIAL ASSUMPTIONS.—The actuarial assumptions described in this subparagraph are as follows:

‘‘(i) All employees who are not otherwise assumed to retire as of the valuation date but who will be eligible to elect benefits during the plan year and the 7 succeeding plan years shall be assumed to retire at the earliest retirement date under the plan but not before the end of the plan year for which the at-risk target liability and at-risk target normal cost are being determined.

‘‘(ii) All employees shall be assumed to elect the retirement benefit available under the plan at the assumed retirement age (determined after application of clause (i)) which would result in the highest present value of liabilities.

‘‘(2) TARGET NORMAL COST OF AT-RISK PLANS.—In the case of a plan to which this subsection applies for a plan year, the target normal cost of the plan for such plan year shall be equal to the present value of all benefits which are expected to accrue or be earned under the plan during the plan year, determined using the additional actuarial assumptions described in paragraph (1)(B).

‘‘(3) MINIMUM AMOUNT.—In no event shall—

‘‘(A) the at-risk target liability be less than the target liability, as determined without regard to this subsection, or

‘‘(B) the at-risk target normal cost be less than the target normal cost, as determined without regard to this subsection.

‘‘(4) DETERMINATION OF AT-RISK STATUS.—For purposes of this subsection, a plan is in at-risk status for a plan year if—

‘‘(A) the plan is maintained by a financially-weak employer, and

‘‘(B) the funding target attainment percentage for the plan year is less than 93 percent.

‘‘(5) FINANCIALLY-WEAK EMPLOYER.—

‘‘(A) IN GENERAL.—For purposes of this subsection, the term ‘financially-weak employer’ means any employer if—

‘‘(i) as of the valuation date for each of the years during a period of at least 3 consecutive plan years ending with the plan year—

‘‘(I) the employer has an outstanding senior unsecured debt instrument which is rated lower than investment grade by each of the nationally recognized statistical rating organizations for corporate bonds that has issued a credit rating for such instrument, or

‘‘(II) if no such debt instrument has been rated by such an organization but 1 or more of such organizations has made an issuer credit rating for such employer, all such organizations which have so rated the employer have rated such employer lower than investment grade, and

‘‘(ii) at least 2 of the years during such period are deterioration years.

If an employer is treated as a financially-weak employer for any plan year, clause (ii) shall not apply in determining whether the employer is so treated for any succeeding plan year in any continuous period of plan years for which the employer is treated as a financially-weak employer.

‘‘(B) CONTROLLED GROUP EXCEPTION.—If an employer treated as a financially-weak employer under subparagraph (A) is a member of a controlled group (as defined in section 412(e)(4)), the employer shall not be treated as a financially-weak employer if a significant member (as determined under regulations prescribed by the Secretary) of such group has an outstanding senior unsecured debt instrument that is rated as being investment grade by an organization described in subparagraph (A).

‘‘(C) EMPLOYERS WITH NO RATINGS.—If—

‘‘(i) an employer has no debt instrument described in subparagraph (A)(i) which was rated by an organization described in such subparagraph, and

‘‘(ii) no such organization has made an issuer credit rating for such employer,

then such employer shall only be treated as a financially-weak employer to the extent provided in regulations prescribed by the Secretary.

‘‘(6) DETERMINATION OF DETERIORATION YEAR.—For purposes of paragraph (5), the term ‘deterioration year’ means any year during the period described in paragraph (5)(A)(i) for which the rating described in subclause (I) or (II) of paragraph (5)(A)(i) by each organization is either—

‘‘(A) lower than the lowest rating of the employer by such organization for a preceding year in such period, or

‘‘(B) the lowest rating used by such organization.

‘‘(7) YEARS BEFORE EFFECTIVE DATE.—For purposes of paragraphs (5) and (6), plan years beginning before 2007 shall not be taken into account.

‘‘(8) TRANSITION BETWEEN APPLICABLE FUNDING TARGETS AND BETWEEN APPLICABLE TARGET NORMAL COSTS.—

‘‘(A) IN GENERAL.—In any case in which a plan which is in at-risk status for a plan year has been in such status for a consecutive period of fewer than 5 plan years, the applicable amount of the funding target and of the target normal cost shall be, in lieu of the amount determined without regard to this paragraph, the sum of—

‘‘(i) the amount determined under this section without regard to this subsection, plus

‘‘(ii) the transition percentage for such plan year of the excess of the amount determined under this subsection (without regard to this paragraph) over the amount determined under this section without regard to this subsection.

‘‘(B) IMPROVEMENT YEARS NOT TAKEN INTO ACCOUNT.—

‘‘(i) IN GENERAL.—An improvement year shall not be taken into account in determining any consecutive period of plan years for purposes of subparagraph (A).

‘‘(ii) APPLICATION OF SUBSECTION AFTER IMPROVEMENT YEAR ENDS.—Plan years immediately before and after an improvement year (or consecutive period of improvement years) shall be treated as consecutive for purposes of subparagraph (A).

‘‘(iii) IMPROVEMENT YEAR.—For purposes of this subparagraph, the term ‘improvement year’ means any plan year for which any rating described in subclause (I) or (II) of paragraph (5)(A)(i) is higher than such rating for the preceding plan year.

‘‘(C) TRANSITION PERCENTAGE.—For purposes of subparagraph (A), the transition percentage shall be determined in accordance with the following table:

“If the consecutive number of years (including the plan year) the plan is in at-risk status is—	**The transition percentage is—**
1	20
2	40
3	60
4	80.

‘‘(D) YEARS BEFORE EFFECTIVE DATE.—For purposes of this paragraph, plan years beginning before 2007 shall not be taken into account.

‘‘(9) PLANS TO WHICH SUBSECTION APPLIES.—

‘‘(A) IN GENERAL.—Except as provided in this paragraph, this subsection shall apply to any plan to which this section applies and which is in at-risk status for the plan year.

‘‘(B) EXCEPTION FOR SMALL PLANS.—This subsection shall not apply to a plan for a plan year if the plan was described in subsection (g)(2)(B) for the preceding plan year, determined by substituting ‘500’ for ‘100’.

"(C) EXCEPTION FOR PLANS MAINTAINED BY CERTAIN COOPERATIVES.—This subsection shall not apply to an eligible cooperative plan described in subparagraph (D).

"(D) ELIGIBLE COOPERATIVE PLAN DEFINED.—For purposes of subparagraph (C), a plan shall be treated as an eligible cooperative plan for a plan year if the plan is maintained by more than 1 employer and at least 85 percent of the employers are—

"(i) rural cooperatives (as defined in section 401(k)(7)(B) without regard to clause (iv) thereof), or

"(ii) organizations which are—

"(I) cooperative organizations described in section 1381(a) which are more than 50-percent owned by agricultural producers or by cooperatives owned by agricultural producers, or

"(II) more than 50-percent owned, or controlled by, one or more cooperative organizations described in subclause (I).

A plan shall also be treated as an eligible cooperative plan for any plan year for which it is described in section 210(a) of the Employee Retirement Income Security Act of 1974 and is maintained by a rural telephone cooperative association described in section 3(40)(B)(v) of such Act.

"(E) EXCEPTION FOR PLANS SECURED BY THIRD PARTIES BOUND BY PBGC AGREEMENTS.—This subsection shall not apply to any plan if—

"(i) a person other than the employer obligated to contribute under the plan is, under the terms of an agreement with the Pension Benefit Guaranty Corporation, liable for any failure of the employer to meet its obligation to pay any minimum required contribution or termination liability with respect to the plan; and

"(ii) such person is not a financially-weak employer under paragraph (5).

"(j) PAYMENT OF MINIMUM REQUIRED CONTRIBUTIONS.—

"(1) IN GENERAL.—For purposes of this section, the due date for any payment of any minimum required contribution for any plan year shall be 8½ months after the close of the plan year.

"(2) INTEREST.—Any payment required under paragraph (1) for a plan year made after the valuation date for such plan year shall be increased by interest for the period from the valuation date to the payment date, determined by using the effective rate of interest for the plan for such plan year.

"(3) ACCELERATED QUARTERLY CONTRIBUTION SCHEDULE FOR UNDERFUNDED PLANS.—

"(A) INTEREST PENALTY FOR FAILURE TO MEET ACCELERATED QUARTERLY PAYMENT SCHEDULE.—A plan shall make the required installments under this paragraph for a plan year if the plan had a funding shortfall for the preceding plan year. If the required installment is not paid in full, then the minimum required contribution for the plan year (as increased under paragraph (2)) shall be further increased by an amount equal to the interest on the amount of the underpayment for the period of the underpayment, using an interest rate equal to the excess of—

"(i) 175 percent of the Federal mid-term rate (as in effect under section 1274 for the 1st month of such plan year), over

"(ii) the effective rate of interest for the plan for the plan year.

"(B) AMOUNT OF UNDERPAYMENT, PERIOD OF UNDERPAYMENT.—For purposes of subparagraph (A)—

"(i) AMOUNT.—The amount of the underpayment shall be the excess of—

"(I) the required installment, over

"(II) the amount (if any) of the installment contributed to or under the plan on or before the due date for the installment.

"(ii) PERIOD OF UNDERPAYMENT.—The period for which any interest is charged under this paragraph with respect to any portion of the underpayment shall run from the due date for the installment to the date on which such portion is contributed to or under the plan.

"(iii) ORDER OF CREDITING CONTRIBUTIONS.—For purposes of clause (i)(II), contributions shall be credited against unpaid required installments in the order in which such installments are required to be paid.

"(C) NUMBER OF REQUIRED INSTALLMENTS; DUE DATES.—For purposes of this paragraph—

"(i) PAYABLE IN 4 INSTALLMENTS.—There shall be 4 required installments for each plan year.

"(ii) TIME FOR PAYMENT OF INSTALLMENTS.—The due dates for required installments are set forth in the following table:

In the case of the following required installment:	The due date is:
1st	April 15
2nd	July 15
3rd	October 15
4th	January 15 of the following year.

"(D) AMOUNT OF REQUIRED INSTALLMENT.—For purposes of this paragraph—

"(i) IN GENERAL.—The amount of any required installment shall be 25 percent of the required annual payment.

"(ii) REQUIRED ANNUAL PAYMENT.—For purposes of clause (i), the term 'required annual payment' means the lesser of—

"(I) 90 percent of the minimum required contribution (without regard to any waiver under section 302(c)) to the plan for the plan year under this section, or

"(II) in the case of a plan year beginning after 2007, 100 percent of the minimum required contribution (without regard to any waiver under section 302(c)) to the plan for the preceding plan year.

Subclause (II) shall not apply if the preceding plan year referred to in such clause was not a year of 12 months.

"(E) FISCAL YEARS AND SHORT YEARS.—

"(i) FISCAL YEARS.—In applying this paragraph to a plan year beginning on any date other than January 1, there shall be substituted for the months specified in this paragraph, the months which correspond thereto.

"(ii) SHORT PLAN YEAR.—This subparagraph shall be applied to plan years of less than 12 months in accordance with regulations prescribed by the Secretary of the Treasury.

"(4) LIQUIDITY REQUIREMENT IN CONNECTION WITH QUARTERLY CONTRIBUTIONS.—

"(A) IN GENERAL.—A plan to which this paragraph applies shall be treated as failing to pay the full amount of any required installment under paragraph (3) to the extent that the value of the liquid assets paid in such installment is less than the liquidity shortfall (whether or not such liquidity shortfall exceeds the amount of such installment required to be paid but for this paragraph).

"(B) PLANS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to a plan which—

"(i) is required to pay installments under paragraph (3) for a plan year, and

"(ii) has a liquidity shortfall for any quarter during such plan year.

"(C) PERIOD OF UNDERPAYMENT.—For purposes of paragraph (3)(A), any portion of an installment that is treated as not paid under subparagraph (A) shall continue to be treated as unpaid until the close of the quarter in which the due date for such installment occurs.

"(D) LIMITATION ON INCREASE.—If the amount of any required installment is increased by reason of subparagraph (A), in no event shall such increase exceed the amount which, when added to prior installments for the plan year, is necessary to increase the funding target attainment percentage of the plan for the plan year (taking into account the expected increase in funding target due to benefits accruing or earned during the plan year) to 100 percent.

"(E) DEFINITIONS.—For purposes of this subparagraph:

"(i) LIQUIDITY SHORTFALL.—The term 'liquidity shortfall' means, with respect to any required installment, an amount equal to the excess (as of the last day of the quarter for which such installment is made) of—

"(I) the base amount with respect to such quarter, over

"(II) the value (as of such last day) of the plan's liquid assets.

"(ii) BASE AMOUNT.—

"(I) IN GENERAL.—The term 'base amount' means, with respect to any quarter, an amount equal to 3 times the sum of the adjusted disbursements from the plan for the 12 months ending on the last day of such quarter.

"(II) SPECIAL RULE.—If the amount determined under subclause (I) exceeds an amount equal to 2 times the sum of the adjusted disbursements from the plan for the 36 months ending on the last day of the quarter and an enrolled actuary certifies to the satisfaction of the Secretary that such excess is the result of nonrecurring circumstances, the base amount with respect to such quarter shall be determined without regard to amounts related to those nonrecurring circumstances.

"(iii) DISBURSEMENTS FROM THE PLAN.—The term 'disbursements from the plan' means all disbursements from the trust, including purchases of annuities, payments of single sums and other benefits, and administrative expenses.

"(iv) ADJUSTED DISBURSEMENTS.—The term 'adjusted disbursements' means disbursements from the plan reduced by the product of—

"(I) the plan's funding target attainment percentage for the plan year, and

"(II) the sum of the purchases of annuities, payments of single sums, and such other disbursements as the Secretary shall provide in regulations.

"(v) LIQUID ASSETS.—The term 'liquid assets' means cash, marketable securities, and such other assets as specified by the Secretary in regulations.

"(vi) QUARTER.—The term 'quarter' means, with respect to any required installment, the 3-month period preceding the month in which the due date for such installment occurs.

"(F) REGULATIONS.—The Secretary may prescribe such regulations as are necessary to carry out this paragraph.

"(k) IMPOSITION OF LIEN WHERE FAILURE TO MAKE REQUIRED CONTRIBUTIONS.—

"(1) IN GENERAL.—In the case of a plan to which this subsection applies, if—

"(A) any person fails to make a contribution payment required by section 412 and this section before the due date for such payment, and

"(B) the unpaid balance of such payment (including interest), when added to the aggregate unpaid balance of all preceding such payments for which payment was not made before the due date (including interest), exceeds $1,000,000, then there shall be a lien in favor of the plan in the amount determined under paragraph (3) upon all property and rights to property, whether real or personal, belonging to such person and any other person who is a member of the same controlled group of which such person is a member.

"(2) PLANS TO WHICH SUBSECTION APPLIES.—This subsection shall apply to a defined benefit plan which is a single-employer plan covered under section 4021 of the Employee Retirement Income Security Act of 1974 for any plan year for which the funding target attainment percentage (as defined in subsection (d)(2)) of such plan is less than 100 percent.

"(3) AMOUNT OF LIEN.—For purposes of paragraph (1), the amount of the lien shall be equal to the aggregate unpaid balance of contribution payments required under this section and section 302 for which payment has not been made before the due date.

"(4) NOTICE OF FAILURE; LIEN.—

"(A) NOTICE OF FAILURE.—A person committing a failure described in paragraph (1) shall notify the Pension Benefit Guaranty Corporation of such failure within 10 days of the due date for the required contribution payment.

"(B) PERIOD OF LIEN.—The lien imposed by paragraph (1) shall arise on the due date for the required contribution payment and shall continue until the last day of the first plan year in which the plan ceases to be described in paragraph (1)(B). Such lien shall continue to run without regard to whether such plan continues to be described in paragraph (2) during the period referred to in the preceding sentence.

"(C) CERTAIN RULES TO APPLY.—Any amount with respect to which a lien is imposed under paragraph (1) shall be treated as taxes due and owing the United States and rules similar to the rules of subsections (c), (d), and (e) of section 4068 of the Employee Retirement Income Security Act of 1974 shall apply with respect to a lien imposed by subsection (a) and the amount with respect to such lien.

"(5) ENFORCEMENT.—Any lien created under paragraph (1) may be perfected and enforced only by the Pension Benefit Guaranty Corporation, or at the direction of the Pension Benefit Guaranty Corporation, by the contributing sponsor (or any member of the controlled group of the contributing sponsor).

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) CONTRIBUTION PAYMENT.—The term 'contribution payment' means, in connection with a plan, a contribution payment required to be made to the plan, including any required installment under paragraphs (3) and (4) of subsection (j).

"(B) DUE DATE; REQUIRED INSTALLMENT.—The terms 'due date' and 'required installment' have the meanings given such terms by subsection (j), except that in the case of a payment other than a required installment, the due date shall be the date such payment is required to be made under section 303.

"(C) CONTROLLED GROUP.—The term 'controlled group' means any group treated as a single employer under subsections (b), (c), (m), and (o) of section 414.

"(l) QUALIFIED TRANSFERS TO HEALTH BENEFIT ACCOUNTS.—In the case of a qualified transfer (as defined in section 420), any assets so transferred shall not, for purposes of this section, be treated as assets in the plan.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning after 2006.

SEC. 113. BENEFIT LIMITATIONS UNDER SINGLE-EMPLOYER PLANS.

(a) IN GENERAL.—Part III of subchapter D of chapter 1 of the Internal Revenue Code of 1986 (relating to rules relating to minimum funding standards) is amended by adding at the end the following new subpart:

"Subpart B—Limitations on Benefit Improvements by Single-Employer Plans

"Sec. 436. Funding-based limits on benefits and benefit accruals under single-employer plans.

"SEC. 436. FUNDING-BASED LIMITS ON BENEFITS AND BENEFIT ACCRUALS UNDER SINGLE-EMPLOYER PLANS.

"(a) GENERAL RULE.—For purposes of section 401(a)(29), a defined benefit plan which is a single-employer plan shall be treated as meeting the requirements of this section if the plan meets the requirements of subsections (b), (c), and (d).

"(b) LIMITATIONS ON PLAN AMENDMENTS INCREASING LIABILITY FOR BENEFITS.—

"(1) IN GENERAL.—Except as provided in this section, no amendment to a single-employer plan which has the effect of increasing liabilities of the plan by reason of increases in benefits, establishment of new benefits, changing the rate of benefit accrual, or changing the rate at which benefits become nonforfeitable may take effect during any plan year if the adjusted funding target attainment percentage as of the valuation date of the plan for such plan year is—

"(A) less than 80 percent, or

"(B) would be less than 80 percent taking into account such amendment.

"(2) EXEMPTION.—Paragraph (1) shall cease to apply with respect to any plan year, effective as of the first date of the plan year (or if later, the effective date of the amendment), upon payment by the plan sponsor of a contribution (in addition to any minimum required contribution under section 430) equal to—

"(A) in the case of paragraph (1)(A), the amount of the increase in the funding target of the plan (under section 430) for the plan year attributable to the amendment, and

"(B) in the case of paragraph (1)(B), the amount sufficient to result in a funding target attainment percentage of 80 percent.

"(3) EXCEPTION FOR CERTAIN BENEFIT INCREASES.—Paragraph (1) shall not apply to any amendment which provides for an increase in benefits under a formula which is not based on a participant's compensation, but only if the rate of such increase is not in excess of the contemporaneous rate of increase in average wages of participants covered by the amendment.

"(c) LIMITATIONS ON ACCELERATED BENEFIT DISTRIBUTIONS.—

"(1) IN GENERAL.—The requirements of this subsection are met if the plan provides that, with respect to any plan year—

"(A) if the plan's adjusted funded target liability percentage as of the valuation date for the preceding plan year was less than 60 percent and the preceding plan year is not otherwise in a prohibited period, the plan sponsor shall, in addition to any other contribution required under section 430, contribute for the current plan year and each succeeding plan year in the prohibited period with respect to the current plan year the amount (if any) which, when added to the portion of the minimum required contribution for the plan year described in subparagraphs (B) and (C) of section 430(a)(1), is sufficient to result in an adjusted funded target liability percentage for the plan year of 60 percent, and

"(B) no prohibited payments will be made during a prohibited period.

"(2) PROHIBITED PAYMENT.—For purpose of this subsection—

"(A) IN GENERAL.—The term 'prohibited payment' means—

"(i) any payment, in excess of the monthly amount paid under a single life annuity (plus any social security supplements described in the last sentence of section 411(a)(9)), to a participant or beneficiary whose annuity starting date (as defined in section 417(f)(2)) occurs during a prohibited period,

"(ii) any payment for the purchase of an irrevocable commitment from an insurer to pay benefits, and

"(iii) any other payment specified by the Secretary by regulations.

"(B) EXCEPTION FOR CERTAIN PAYMENTS.—In the case of any prohibited period described in paragraph (3)(A), the term 'prohibited payment' shall not include any payment if the amount of the payment does not exceed the lesser of—

"(i) 50 percent of the amount of the payment which could be made without regard to this subsection, or

"(ii) the present value (determined under guidance prescribed by the Pension Benefit Guaranty Corporation, using the interest and mortality assumptions under section 417(e)) of the maximum guarantee with respect to the participant under section 4022 of the Employee Retirement Income Security Act of 1974.

The exception under this subparagraph shall only apply once with respect to any participant, except that, for purposes of this sentence, a participant and any beneficiary on his behalf (including an alternate payee, as defined in section 414(p)(8)) shall be treated as 1 participant. If the accrued benefit of a participant is allocated to such an alternate payee and 1 or more other persons, the amount under clause (ii) shall be allocated among such persons in the same manner as the accrued benefit is allocated unless the qualified domestic relations order (as defined in section 414(p)(1)(A)) provides otherwise.

"(3) PROHIBITED PERIOD.—For purposes of paragraph (1), the term 'prohibited period' means—

"(A) except as provided in paragraph (4), if a plan sponsor is required to make the contribution for the current plan year under paragraph (1), the period beginning on the 1st day of the plan year and ending on the last day of the 1st period of 2 consecutive plan years (beginning on or after such 1st day) for which the plan's adjusted funded target liability percentage was at least 60 percent,

"(B) any period the plan sponsor is in bankruptcy, or

"(C) any period during which the plan has a liquidity shortfall (as defined in section 430(j)(4)(E)(i)).

The prohibited period for purposes of subparagraph (B) shall not include any portion of a plan year (even if the plan sponsor is in bankruptcy during such period) which occurs on or after the date the plan's enrolled actuary certifies that, as of the valuation date for the plan year, the plan's adjusted funded target liability percentage is at least 100 percent.

"(4) SATISFACTION OF REQUIREMENT BEFORE CLOSE OF PLAN YEAR.—If, before the close of the current plan year—

"(A) the plan sponsor makes the contribution required to be made under paragraph (1), or

"(B) the plan's enrolled actuary certifies that, as of the valuation date for the plan year, the adjusted funded target liability percentage of the plan is at least 60 percent, this subsection shall be applied as if no prohibited period had begun as of the beginning of such year and the plan shall, under rules described by the Secretary, restore any payments not made during the prohibited period in effect before the application of this paragraph.

"(d) LIMITATION ON BENEFIT ACCRUALS FOR PLANS WITH SEVERE FUNDING SHORTFALLS.—

"(1) IN GENERAL.—Except as provided in subsection (e), a single-employer plan shall provide that all future benefit accruals under the plan shall cease during a severe funding shortfall period, but only to the extent the cessation of such accruals would have been permitted under section 411(d)(6) if the cessation had been implemented by a plan amendment adopted immediately before the severe funding shortfall period.

"(2) SEVERE FUNDING SHORTFALL PERIOD.—For purposes of paragraph (1), the term 'severe funding shortfall period' means in the case of a plan the adjusted funding target attainment percentage of which as of the valuation date of the plan for any plan year is less than 60 percent, the period—

"(A) beginning on the 1st day of the succeeding plan year, and

"(B) ending on the date the plan's enrolled actuary certifies that the plan's funding target attainment percentage is at least 60 percent.

"(3) OPPORTUNITY FOR INCREASED FUNDING.—For purposes of paragraph (2)(A), a plan shall not be treated as described in such paragraph for a plan year if the plan's enrolled actuary certifies that the plan sponsor has before the end of the plan year contributed (in addition to any minimum required contribution under section 430) the amount sufficient to result in an adjusted funding target attainment percentage as of the valuation date for the plan year of 60 percent.

"(e) EXCEPTION FOR CERTAIN COLLECTIVELY BARGAINED BENEFITS.—In the case of a plan maintained pursuant to a collective bargaining agreement between employee representatives and the plan sponsor and in effect before the beginning of the first day on which a limitation would otherwise apply under subsections (b), (c), or (d)—

"(1) such limitations shall not apply to any amendment, prohibited payment, or accrual with respect to such plan, but

"(2) the plan sponsor shall contribute (in addition to any minimum required contribution under section 430) the amount sufficient to result in a funding target attainment percentage (as of the valuation date for the plan year in which any such limitation would otherwise apply) equal to the percentage necessary to prevent the limitation from applying.

"(f) RULES RELATING TO REQUIRED CONTRIBUTIONS.—

"(1) SECURITY MAY BE PROVIDED.—

"(A) IN GENERAL.—For purposes of this section, the adjusted funding target attainment percentage shall be determined by treating as an asset of the plan any security provided by a plan sponsor in a form meeting the requirements of subparagraph (B) .

"(B) FORM OF SECURITY.—The security required under subparagraph (A) shall consist of—

"(i) a bond issued by a corporate surety company that is an acceptable surety for purposes of section 412 of the Employee Retirement Income Security Act of 1974,

"(ii) cash, or United States obligations which mature in 3 years or less, held in escrow by a bank or similar financial institution, or

"(iii) such other form of security as is satisfactory to the Secretary and the parties involved.

"(C) ENFORCEMENT.—Any security provided under subparagraph (A) may be perfected and enforced at any time after the earlier of—

"(i) the date on which the plan terminates,

"(ii) if there is a failure to make a payment of the minimum required contribution for any plan year beginning after the security is provided, the due date for the payment under section 430(j), or

"(iii) if the adjusted funding target attainment percentage is less than 60 percent for a consecutive period of 7 years, the valuation date for the last year in the period.

"(D) RELEASE OF SECURITY.—The security shall be released (and any amounts thereunder shall be refunded together with any interest accrued thereon) at such time as the Secretary may prescribe in regulations, including regulations for partial releases of the security by reason of increases in the funding target attainment percentage.

"(2) PREFUNDING BALANCE MAY NOT BE USED.—No prefunding balance under section 430(f) may be used to satisfy any required contribution under this section.

"(3) TREATMENT AS UNPAID MINIMUM REQUIRED CONTRIBUTION.—The amount of any required contribution which a plan sponsor fails to make under subsection (b) or (d) for any plan year shall be treated as an unpaid minimum required contribution for purposes of subsection (j) and (k) of section 430 and for purposes of section 4971.

"(g) NEW PLANS.—Subsections (b) and (d) shall not apply to a plan for the first 5 plan years of the plan. For purposes of this subsection, the reference in this subsection to a plan shall include a reference to any predecessor plan.

"(h) PRESUMED UNDERFUNDING FOR PURPOSES OF BENEFIT LIMITATIONS BASED ON PRIOR YEAR'S FUNDING STATUS.—

"(1) PRESUMPTION OF CONTINUED UNDERFUNDING.—In any case in which a benefit limitation under subsection (b), (c), or (d) has been applied to a plan with respect to the plan year preceding the current plan year, the adjusted funding target attainment percentage of the plan as of the valuation date of the plan for the current plan year shall be presumed to be equal to the adjusted funding target attainment percentage of the plan as of the valuation date of the plan for the preceding plan year until the enrolled actuary of the plan certifies the actual adjusted funding target attainment percentage of the plan as of the valuation date of the plan for the current plan year.

"(2) PRESUMPTION OF UNDERFUNDING AFTER 10TH MONTH.—In any case in which no such certification is made with respect to the plan before the first day of the 10th month of the current plan year, for purposes of subsections (b), (c), and (d), the plan's adjusted funding target attainment percentage shall be conclusively presumed to be less than 60 percent as of the first day of such 10th month.

"(i) TREATMENT OF PLAN AS OF CLOSE OF PROHIBITED OR CESSATION PERIOD.—For purposes of applying this part—

"(1) OPERATION OF PLAN AFTER PERIOD.—Unless the plan provides otherwise, payments and accruals will resume effective as of the day following the close of a period of limitation of payment or accrual of benefits under subsection (c) or (d).

"(2) TREATMENT OF AFFECTED BENEFITS.—Nothing in this subsection shall be construed as affecting the plan's treatment of benefits which would have been paid or accrued but for this section.

"(j) FUNDING TARGET ATTAINMENT PERCENTAGE.—For purposes of this section—

"(1) IN GENERAL.—The term 'funding target attainment percentage' has the same meaning given such term by section 430(d)(2).

"(2) ADJUSTED FUNDED TARGET LIABILITY PERCENTAGE.—The term 'adjusted funded target liability percentage' means the funded target liability percentage which is determined under subparagraph (A) by increasing each of the amounts under subparagraphs (A) and (B) of section 430(d)(2) by the aggregate amount of purchases of annuities, payments of single sums, and such other disbursements as the Secretary shall prescribe in regulations, which were made by the plan during the preceding 2 plan years.

"(k) SPECIAL RULES.—

"(1) BANKRUPTCY.—In the case of a plan sponsor during any period the plan is in bankruptcy—

"(A) subsection (b) shall be applied by substituting '100 percent' for '80 percent' each place it appears,

"(B) any exception under subsection (b) for any benefit increases pursuant to a collective bargaining agreement shall not apply, and

"(C) the exception under subsection (f) shall not apply for purposes of subsection (b).

"(2) YEARS BEFORE EFFECTIVE DATE.—No plan year beginning before 2007 shall be taken into account in determining whether this section applies to any plan year beginning after 2006.".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 2006.

(2) COLLECTIVE BARGAINING EXCEPTION.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before January 1, 2007, the amendments made by this section shall not apply to plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last collective bargaining agreement relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(ii) the first day of the first plan year to which the amendments made by this subsection would (but for this subparagraph) apply, or

(B) January 1, 2010.

For purposes of subparagraph (A)(i), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 114. INCREASE IN DEDUCTION LIMIT FOR SINGLE-EMPLOYER PLANS.

(a) IN GENERAL.—Section 404 of the Internal Revenue Code of 1986 (relating to deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred payment plan) is amended—

(1) in subsection (a)(1)(A), by inserting "in the case of a defined benefit plan other than a multiemployer plan, in an amount determined under subsection (o), and in the case of any other plan" after "section 501(a),", and

(2) by inserting at the end the following new subsection:

"(o) Deduction Limit for Single-Employer Plans.—For purposes of subsection (a)(1)(A)—

"(1) In general.—In the case of a defined benefit plan to which subsection (a)(1)(A) applies (other than a multiemployer plan), the amount determined under this subsection for any taxable year shall be equal to the greater of—

"(A) the sum of the amounts determined under paragraph (2) with respect to each plan year ending with or within the taxable year, or

"(B) the sum of the minimum required contributions under section 430 for such plan years.

"(2) Determination of amount.—

"(A) In general.—The amount determined under this paragraph for any plan year shall be equal to the excess (if any) of—

"(i) the sum of—

"(I) the funding target for the plan year,

"(II) the target normal cost for the plan year, and

"(III) the cushion amount for the plan year, over

"(ii) the value (determined under section 430(g)(2)) of the assets of the plan which are held by the plan as of the valuation date for the plan year.

"(B) Special rule for certain employers.—If section 430(i) does not apply to a plan for a plan year, the amount determined under subparagraph (A)(i) for the plan year shall in no event be less than the sum of—

"(i) the funding target for the plan year (determined as if section 430(i) applied to the plan), plus

"(ii) the target normal cost for the plan year (as so determined).

"(3) Cushion amount.—For purposes of paragraph (2)(A)(i)(III)—

"(A) In general.—The cushion amount for any plan year is the sum of—

"(i) 80 percent of the funding target for the plan year, and

"(ii) the amount by which the funding target for the plan year would increase if the plan were to take into account—

"(I) increases in compensation which are expected to occur in succeeding plan years, or

"(II) if the plan does not base benefits for service to date on compensation, increases in benefits which are expected to occur in succeeding plan years (determined on the basis of the average annual increase in benefits over the 6 immediately preceding plan years).

"(B) Limitations.—

"(i) In general.—In making the computation under subparagraph (A)(ii), the plan's actuary shall assume that the limitations under subsection (l) and section 415(b) shall apply.

"(ii) Expected increases.—In the case of a plan year during which a plan is covered under section 4021 of the Employee Retirement Income Security Act of 1974, the plan's actuary may, notwithstanding subsection (j) or (l), take into account increases in the limitations which are expected to occur in succeeding plan years.

"(4) Special rules for plans with 100 or fewer participants.—

"(A) In general.—For purposes of determining the amount under paragraph (3) for any plan year, in the case of a plan which has 100 or fewer participants for the plan year, the liability of the plan attributable to benefit increases for highly compensated employees (as defined in section 414(q)) resulting from a plan amendment which is made or becomes effective, whichever is later, within the last 2 years shall not be taken into account in determining the target liability.

"(B) Rule for determining number of participants.—For purposes of determining the number of plan participants, all defined benefit plans maintained by the same employer (or any member of such employer's controlled group (within the meaning of section 412(f)(4))) shall be treated as one plan, but only participants of such member or employer shall be taken into account.

"(5) Special rule for terminating plans.—In the case of a plan which, subject to section 4041 of the Employee Retirement Income Security Act of 1974, terminates during the plan year, the amount determined under paragraph (2) shall in no event be less than the amount required to make the plan sufficient for benefit liabilities (within the meaning of section 4041(d) of such Act).

"(6) Actuarial assumptions.—Any computation under this subsection for any plan year shall use the same actuarial assumptions which are used for the plan year under section 430.

"(7) Definitions.—Any term used in this subsection which is also used in section 430 shall have the same meaning given such term by section 430.".

(b) Exception From Limitation on Deduction Where Combination of Defined Contribution and Defined Benefit Plans.—Section 404(a)(7)(C) of such Code, as amended by this Act, is amended by adding at the end the following new clause:

"(iv) Guaranteed plans.—In applying this paragraph, any single-employer plan covered under section 4021 of the Employee Retirement Income Security Act of 1974 shall not be taken into account.".

(c) Technical and Conforming Amendments.—

(1) The last sentence of section 404(a)(1)(A) of such Code is amended by striking "section 412" each place it appears and inserting "section 431".

(2) Section 404(a)(1)(B) of such Code is amended—

(A) by striking "In the case of a plan" and inserting "In the case of a multiemployer plan",

(B) by striking "section 412(c)(7)" each place it appears and inserting "section 431(c)(6)",

(C) by striking "section 412(c)(7)(B)" and inserting "section 431(c)(6)(A)(ii)",

(D) by striking "section 412(c)(7)(A)" and inserting "section 431(c)(6)(A)(i)", and

(E) by striking "section 412" and inserting "section 431".

(3) Section 404(a)(7)(A) of such Code, as amended by this Act, is amended—

(A) by adding at the end of subparagraph (A) the following new sentence: "In the case of a defined benefit plan which is a single employer plan, the amount necessary to satisfy the minimum funding standard provided by section 412 shall not be less than the plan's funding shortfall determined under section 430.", and

(B) by striking subparagraph (D) and inserting:

"(D) Insurance contract plans.—For purposes of this paragraph, a plan described in section 412(g)(3) shall be treated as a defined benefit plan.".

(4) Section 404A(g)(3)(A) of such Code is amended by striking "paragraphs (3) and (7) of section 412(c)" and inserting "paragraphs (3) and (6) of section 431(c)".

(d) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2006.

SEC. 115. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Amendments Related to Qualification Requirements.—

(1) Section 401(a)(29) of the Internal Revenue Code of 1986 is amended to read as follows:

"(29) Benefit limitations on plans in at-risk status.—In the case of a defined benefit plan (other than a multiemployer plan) to which the requirements of section 412 apply, the trust of which the plan is a part shall not constitute a qualified trust under this subsection unless the plan meets the requirements of section 436.".

(2) Section 401(a)(32) of such Code is amended—

(A) in subparagraph (A), by striking "412(m)(5)" each place it appears and inserting "section 430(j)(4)", and

(B) in subparagraph (C), by striking "section 412(m)" and inserting "section 430(j)".

(3) Section 401(a), as amended by this Act, is amended by striking paragraph (33) and by redesignating paragraphs (34) and (35) as paragraph (33) and (34).

(b) Vesting Rules.—Section 411 of such Code is amended—

(1) by striking "section 412(c)(8)" in subsection (a)(3)(C) and inserting "section 412(d)(2)",

(2) in subsection (b)(1)(F)—

(A) by striking "paragraphs (2) and (3) of section 412(i)" in clause (ii) and inserting "subparagraphs (B) and (C) of section 412(e)(3)", and

(B) by striking "paragraphs (4), (5), and (6) of section 412(i)" and inserting "subparagraphs (D), (E), and (F) of section 412(e)(3)", and

(3) by striking "section 412(c)(8)" in subsection (d)(6)(A) and inserting "section 412(e)(2)".

(c) Mergers and Consolidations of Plans.—Subclause (I) of section 414(l)(2)(B)(i) of such Code is amended to read as follows:

"(I) the amount determined under section 431(c)(6)(A)(i) in the case of a multiemployer plan (and the sum of the funding shortfall and target normal cost determined under section 430 in the case of any other plan), over".

(d) Transfer of Excess Pension Assets to Retiree Health Accounts.—

(1) Section 420(e)(2) of such Code is amended to read as follows:

"(2) Excess pension assets.—The term 'excess pension assets' means the excess (if any) of—

"(A) the lesser of—

"(i) the fair market value of the plan's assets (reduced by the prefunding balance determined under section 430(f)), or

"(ii) the value of plan assets as determined under section 430(g)(3) after reduction under section 430(f), over

"(B) 125 percent of the sum of the funding shortfall and the target normal cost determined under section 430 for such plan year.".

(2) Section 420(e)(4) of such Code is amended to read as follows:

"(4) Coordination with section 430.—In the case of a qualified transfer, any assets so transferred shall not, for purposes of this section, be treated as assets in the plan.".

(e) Excise Taxes.—

(1) In general.—Subsections (a) and (b) of section 4971 of such Code are amended to read as follows:

"(a) Initial Tax.—If at any time during any taxable year an employer maintains a plan to which section 412 applies, there is hereby imposed for the taxable year a tax equal to—

"(1) in the case of a single-employer plan, 10 percent of the aggregate unpaid minimum required contributions for all plan years remaining unpaid as of the end of any plan year ending with or within the taxable year, and

"(2) in the case of a multiemployer plan, 5 percent of the accumulated funding deficiency determined under section 431 as of the end of any plan year ending with or within the taxable year.

"(b) ADDITIONAL TAX.—If—

"(1) a tax is imposed under subsection (a)(1) on any unpaid required minimum contribution and such amount remains unpaid as of the close of the taxable period, or

"(2) a tax is imposed under subsection (a)(2) on any accumulated funding deficiency and the accumulated funding deficiency is not corrected within the taxable period,

there is hereby imposed a tax equal to 100 percent of the unpaid minimum required contribution or accumulated funding deficiency, whichever is applicable, to the extent not so paid or corrected.".

(2) Section 4971(c) of such Code is amended—

(A) by striking "the last two sentences of section 412(a)" in paragraph (1) and inserting "section 431", and

(B) by adding at the end the following new paragraph:

"(4) UNPAID MINIMUM REQUIRED CONTRIBUTION.—

"(A) IN GENERAL.—The term 'unpaid minimum required contribution' means, with respect to any plan year, any minimum required contribution under section 430 for the plan year which is not paid on or before the due date (as determined under section 430(j)(1)) for the plan year.

"(B) ORDERING RULE.—Any payment to or under a plan for any plan year shall be allocated first to unpaid minimum required contributions for all preceding plan years on a first-in, first-out basis and then to the minimum required contribution under section 430 for the plan year.".

(3) Section 4971(e)(1) of such Code is amended by striking "section 412(b)(3)(A)" and inserting "section 412(a)(1)(A)".

(4) Section 4971(f)(1) of such Code is amended—

(A) by striking "section 412(m)(5)" and inserting "section 430(j)(4)", and

(B) by striking "section 412(m)" and inserting "section 430(j)".

(5) Section 4972(c)(7) of such Code is amended by striking "except to the extent that such contributions exceed the full-funding limitation (as defined in section 412(c)(7), determined without regard to subparagraph (A)(i)(I) thereof)" and inserting "except, in the case of a multiemployer plan, to the extent that such contributions exceed the full-funding limitation (as defined in section 431(c)(6))".

(f) REPORTING REQUIREMENTS.—Section 6059(b) of such Code is amended—

(1) by striking "the accumulated funding deficiency (as defined in section 412(a))" in paragraph (2) and inserting "the minimum required contribution determined under section 430, or the accumulated funding deficiency determined under section 431,", and

(2) by striking paragraph (3)(B) and inserting:

"(B) the requirements for reasonable actuarial assumptions under section 430(h)(1) or 431(c)(3), whichever are applicable, have been complied with.".

Subtitle C—Interest Rate Assumptions and Deductible Amounts for 2006

SEC. 121. EXTENSION OF REPLACEMENT OF 30-YEAR TREASURY RATES.

(a) AMENDMENTS OF ERISA.—

(1) DETERMINATION OF RANGE.—Subclause (II) of section 302(b)(5)(B)(ii) of the Employee Retirement Income Security Act of 1974 is amended—

(A) by striking "2006" and inserting "2007", and

(B) by striking "AND 2005" in the heading and inserting ", 2005, AND 2006".

(2) DETERMINATION OF CURRENT LIABILITY.—Subclause (IV) of section 302(d)(7)(C)(i) of such Act is amended—

(A) by striking "or 2005" and inserting ", 2005, or 2006", and

(B) by striking "AND 2005" in the heading and inserting ", 2005, AND 2006".

(3) PBGC PREMIUM RATE.—Subclause (V) of section 4006(a)(3)(E)(iii) of such Act is amended by striking "2006" and inserting "2007".

(b) AMENDMENTS OF INTERNAL REVENUE CODE.—

(1) DETERMINATION OF RANGE.—Subclause (II) of section 412(b)(5)(B)(ii) of the Internal Revenue Code of 1986 is amended—

(A) by striking "2006" and inserting "2007", and

(B) by striking "AND 2005" in the heading and inserting ", 2005, AND 2006".

(2) DETERMINATION OF CURRENT LIABILITY.—Subclause (IV) of section 412(l)(7)(C)(i) of such Code is amended—

(A) by striking "or 2005" and inserting ", 2005, or 2006", and

(B) by striking "AND 2005" in the heading and inserting ", 2005, AND 2006".

(c) PLAN AMENDMENTS.—Clause (ii) of section 101(c)(2)(A) of the Pension Funding Equity Act of 2004 is amended by striking "2006" and inserting "2007".

SEC. 122. DEDUCTION LIMITS FOR PLAN CONTRIBUTIONS.

(a) IN GENERAL.—Clause (i) of section 404(a)(1)(D) of the Internal Revenue Code of 1986 (relating to special rule in case of certain plans) is amended by striking "section 412(l)" and inserting "section 412(l)(8)(A), except that section 412(l)(8)(A) shall be applied for purposes of this clause by substituting '180 percent (130 percent in the case of a multiemployer plan) of current liability' for 'the current liability' in clause (i)."

(b) CONFORMING AMENDMENT.—Section 404(a)(1) of the Internal Revenue Code of 1986 is amended by striking subparagraph (F).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2005.

SEC. 123. UPDATING DEDUCTION RULES FOR COMBINATION OF PLANS.

(a) IN GENERAL.—Subparagraph (C) of section 404(a)(7) of the Internal Revenue Code of 1986 (relating to limitation on deductions where combination of defined contribution plan and defined benefit plan) is amended by adding after clause (ii) the following new clause:

"(iii) LIMITATION.—In the case of employer contributions to 1 or more defined contribution plans, this paragraph shall only apply to the extent that such contributions exceed 6 percent of the compensation otherwise paid or accrued during the taxable year to the beneficiaries under such plans. For purposes of this clause, amounts carried over from preceding taxable years under subparagraph (B) shall be treated as employer contributions to 1 or more defined contributions to the extent attributable to employer contributions to such plans in such preceding taxable years."

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 4972(c)(6) of such Code (relating to nondeductible contributions) is amended to read as follows:

"(A) so much of the contributions to 1 or more defined contribution plans which are not deductible when contributed solely because of section 404(a)(7) as does not exceed the amount of contributions described in section 401(m)(4)(A), or".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions for taxable years beginning after December 31, 2005.

TITLE II—FUNDING AND DEDUCTION RULES FOR MULTIEMPLOYER DEFINED BENEFIT PLANS AND RELATED PROVISIONS

Subtitle A—Funding Rules

PART I—AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

SEC. 201. FUNDING RULES FOR MULTIEMPLOYER DEFINED BENEFIT PLANS.

(a) IN GENERAL.—Part 3 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as amended by this Act) is amended by inserting after section 303 the following new section:

"MINIMUM FUNDING STANDARDS FOR MULTIEMPLOYER PLANS

"SEC. 304. (a) IN GENERAL.—For purposes of section 302, the accumulated funding deficiency of a multiemployer plan for any plan year is—

"(1) except as provided in paragraph (2), the amount, determined as of the end of the plan year, equal to the excess (if any) of the total charges to the funding standard account of the plan for all plan years (beginning with the first plan year for which this part applies to the plan) over the total credits to such account for such years, and

"(2) if the multiemployer plan is in reorganization for any plan year, the accumulated funding deficiency of the plan determined under section 4243.

"(b) FUNDING STANDARD ACCOUNT.—

"(1) ACCOUNT REQUIRED.—Each multiemployer plan to which this part applies shall establish and maintain a funding standard account. Such account shall be credited and charged solely as provided in this section.

"(2) CHARGES TO ACCOUNT.—For a plan year, the funding standard account shall be charged with the sum of—

"(A) the normal cost of the plan for the plan year,

"(B) the amounts necessary to amortize in equal annual installments (until fully amortized)—

"(i) separately, with respect to each plan year, the net increase (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

"(ii) separately, with respect to each plan year, the net experience loss (if any) under the plan, over a period of 15 plan years, and

"(iii) separately, with respect to each plan year, the net loss (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 15 plan years,

"(C) the amount necessary to amortize each waived funding deficiency (within the meaning of section 302(c)(3)) for each prior plan year in equal annual installments (until fully amortized) over a period of 15 plan years,

"(D) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 5 plan years any amount credited to the funding standard account under section 302(b)(3)(D) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005), and

"(E) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 20 years the contributions which would be required to be made under the plan but for the provisions of section 302(c)(7)(A)(i)(I) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005).

"(3) CREDITS TO ACCOUNT.—For a plan year, the funding standard account shall be credited with the sum of—

"(A) the amount considered contributed by the employer to or under the plan for the plan year,

"(B) the amount necessary to amortize in equal annual installments (until fully amortized)—

"(i) separately, with respect to each plan year, the net decrease (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

"(ii) separately, with respect to each plan year, the net experience gain (if any) under the plan, over a period of 15 plan years, and

"(iii) separately, with respect to each plan year, the net gain (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 15 plan years,

"(C) the amount of the waived funding deficiency (within the meaning of section 302(c)(3)) for the plan year, and

"(D) in the case of a plan year for which the accumulated funding deficiency is determined under the funding standard account if such plan year follows a plan year for which such deficiency was determined under the alternative minimum funding standard under section 305 (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005), the excess (if any) of any debit balance in the funding standard account (determined without regard to this subparagraph) over any debit balance in the alternative minimum funding standard account.

"(4) SPECIAL RULE FOR AMOUNTS FIRST AMORTIZED TO PLAN YEARS BEFORE 2007.—In the case of any amount amortized under section 302(b) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005) over any period beginning with a plan year beginning before 2007, in lieu of the amortization described in paragraphs (2)(B) and (3)(B), such amount shall continue to be amortized under such section as so in effect.

"(5) COMBINING AND OFFSETTING AMOUNTS TO BE AMORTIZED.—Under regulations prescribed by the Secretary of the Treasury, amounts required to be amortized under paragraph (2) or paragraph (3), as the case may be—

"(A) may be combined into one amount under such paragraph to be amortized over a period determined on the basis of the remaining amortization period for all items entering into such combined amount, and

"(B) may be offset against amounts required to be amortized under the other such paragraph, with the resulting amount to be amortized over a period determined on the basis of the remaining amortization periods for all items entering into whichever of the two amounts being offset is the greater.

"(6) INTEREST.—The funding standard account (and items therein) shall be charged or credited (as determined under regulations prescribed by the Secretary of the Treasury) with interest at the appropriate rate consistent with the rate or rates of interest used under the plan to determine costs.

"(7) SPECIAL RULES RELATING TO CHARGES AND CREDITS TO FUNDING STANDARD ACCOUNT.—For purposes of this part—

"(A) WITHDRAWAL LIABILITY.—Any amount received by a multiemployer plan in payment of all or part of an employer's withdrawal liability under part 1 of subtitle E of title IV shall be considered an amount contributed by the employer to or under the plan. The Secretary of the Treasury may prescribe by regulation additional charges and credits to a multiemployer plan's funding standard account to the extent necessary to prevent withdrawal liability payments from being unduly reflected as advance funding for plan liabilities.

"(B) ADJUSTMENTS WHEN A MULTIEMPLOYER PLAN LEAVES REORGANIZATION.—If a multiemployer plan is not in reorganization in the plan year but was in reorganization in the immediately preceding plan year, any balance in the funding standard account at the close of such immediately preceding plan year—

"(i) shall be eliminated by an offsetting credit or charge (as the case may be), but

"(ii) shall be taken into account in subsequent plan years by being amortized in equal annual installments (until fully amortized) over 30 plan years.

The preceding sentence shall not apply to the extent of any accumulated funding deficiency under section 4243(a) as of the end of the last plan year that the plan was in reorganization.

"(C) PLAN PAYMENTS TO SUPPLEMENTAL PROGRAM OR WITHDRAWAL LIABILITY PAYMENT FUND.—Any amount paid by a plan during a plan year to the Pension Benefit Guaranty Corporation pursuant to section 4222 of this Act or to a fund exempt under section 501(c)(22) of the Internal Revenue Code of 1986 pursuant to section 4223 of this Act shall reduce the amount of contributions considered received by the plan for the plan year.

"(D) INTERIM WITHDRAWAL LIABILITY PAYMENTS.—Any amount paid by an employer pending a final determination of the employer's withdrawal liability under part 1 of subtitle E of title IV and subsequently refunded to the employer by the plan shall be charged to the funding standard account in accordance with regulations prescribed by the Secretary of the Treasury.

"(E) ELECTION FOR DEFERRAL OF CHARGE FOR PORTION OF NET EXPERIENCE LOSS.—If an election is in effect under section 302(b)(7)(F) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005) for any plan year, the funding standard account shall be charged in the plan year to which the portion of the net experience loss deferred by such election was deferred with the amount so deferred (and paragraph (2)(B)(ii) shall not apply to the amount so charged).

"(F) FINANCIAL ASSISTANCE.—Any amount of any financial assistance from the Pension Benefit Guaranty Corporation to any plan, and any repayment of such amount, shall be taken into account under this section and section 412 of the Internal Revenue Code of 1986 in such manner as is determined by the Secretary of the Treasury.

"(G) SHORT-TERM BENEFITS.—To the extent that any plan amendment increases the unfunded past service liability under the plan by reason of an increase in benefits which are payable under the terms of the plan for a period that does not exceed 14 years from the effective date of the amendment, paragraph (2)(B)(i) shall be applied separately with respect to such increase in unfunded past service liability by substituting the number of years of the period during which such benefits are payable for '15'.

"(c) ADDITIONAL RULES.—

"(1) DETERMINATIONS TO BE MADE UNDER FUNDING METHOD.—For purposes of this part, normal costs, accrued liability, past service liabilities, and experience gains and losses shall be determined under the funding method used to determine costs under the plan.

"(2) VALUATION OF ASSETS.—

"(A) IN GENERAL.—For purposes of this part, the value of the plan's assets shall be determined on the basis of any reasonable actuarial method of valuation which takes into account fair market value and which is permitted under regulations prescribed by the Secretary of the Treasury.

"(B) ELECTION WITH RESPECT TO BONDS.—The value of a bond or other evidence of indebtedness which is not in default as to principal or interest may, at the election of the plan administrator, be determined on an amortized basis running from initial cost at purchase to par value at maturity or earliest call date. Any election under this subparagraph shall be made at such time and in such manner as the Secretary of the Treasury shall by regulations provide, shall apply to all such evidences of indebtedness, and may be revoked only with the consent of such Secretary.

"(3) ACTUARIAL ASSUMPTIONS MUST BE REASONABLE.—For purposes of this section, all costs, liabilities, rates of interest, and other factors under the plan shall be determined on the basis of actuarial assumptions and methods—

"(A) each of which is reasonable (taking into account the experience of the plan and reasonable expectations), and

"(B) which, in combination, offer the actuary's best estimate of anticipated experience under the plan.

"(4) TREATMENT OF CERTAIN CHANGES AS EXPERIENCE GAIN OR LOSS.—For purposes of this section, if—

"(A) a change in benefits under the Social Security Act or in other retirement benefits created under Federal or State law, or

"(B) a change in the definition of the term 'wages' under section 3121 of the Internal Revenue Code of 1986, or a change in the amount of such wages taken into account under regulations prescribed for purposes of section 401(a)(5) of such Code,

results in an increase or decrease in accrued liability under a plan, such increase or decrease shall be treated as an experience loss or gain.

"(5) FULL FUNDING.—If, as of the close of a plan year, a plan would (without regard to this paragraph) have an accumulated funding deficiency in excess of the full funding limitation—

"(A) the funding standard account shall be credited with the amount of such excess, and

"(B) all amounts described in subparagraphs (B), (C), and (D) of subsection (b)(2) and subparagraph (B) of subsection (b)(3) which are required to be amortized shall be considered fully amortized for purposes of such subparagraphs.

"(6) FULL-FUNDING LIMITATION.—

"(A) IN GENERAL.—For purposes of paragraph (5), the term 'full-funding limitation' means the excess (if any) of—

"(i) the accrued liability (including normal cost) under the plan (determined under the entry age normal funding method if such accrued liability cannot be directly calculated under the funding method used for the plan), over

"(ii) the lesser of—

"(I) the fair market value of the plan's assets, or

"(II) the value of such assets determined under paragraph (2).

"(B) MINIMUM AMOUNT.—

"(i) IN GENERAL.—In no event shall the full-funding limitation determined under subparagraph (A) be less than the excess (if any) of—

"(I) 90 percent of the current liability of the plan (including the expected increase in current liability due to benefits accruing during the plan year), over

"(II) the value of the plan's assets determined under paragraph (2).

"(ii) ASSETS.—For purposes of clause (i), assets shall not be reduced by any credit balance in the funding standard account.

"(C) FULL FUNDING LIMITATION.—For purposes of this paragraph, unless otherwise provided by the plan, the accrued liability under a multiemployer plan shall not include benefits which are not nonforfeitable under the plan after the termination of the plan (taking into consideration section 411(d)(3) of the Internal Revenue Code of 1986).

"(D) CURRENT LIABILITY.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'current liability' means all liabilities to employees and their beneficiaries under the plan.

"(ii) TREATMENT OF UNPREDICTABLE CONTINGENT EVENT BENEFITS.—For purposes of clause (i), any benefit contingent on an event other than—

"(I) age, service, compensation, death, or disability, or

"(II) an event which is reasonably and reliably predictable (as determined by the Secretary of the Treasury),

shall not be taken into account until the event on which the benefit is contingent occurs.

"(iii) INTEREST RATE USED.—The rate of interest used to determine current liability under this paragraph shall be the rate of interest determined under subparagraph (E).

"(iv) MORTALITY TABLES.—

"(I) COMMISSIONERS' STANDARD TABLE.—In the case of plan years beginning before the first plan year to which the first tables prescribed under subclause (II) apply, the mortality table used in determining current liability under this paragraph shall be the table prescribed by the Secretary of the Treasury which is based on the prevailing commissioners' standard table (described in section 807(d)(5)(A) of the Internal Revenue Code of 1986) used to determine reserves for group annuity contracts issued on January 1, 1993.

"(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation prescribe for plan years beginning after December 31, 1999, mortality tables to be used in determining current liability under this subsection. Such tables shall be based upon the actual experience of pension plans and projected trends in such experience. In prescribing such tables, such Secretary shall take into account results of available independent studies of mortality of individuals covered by pension plans.

"(v) SEPARATE MORTALITY TABLES FOR THE DISABLED.—Notwithstanding clause (iv)—

"(I) IN GENERAL.—The Secretary of the Treasury shall establish mortality tables which may be used (in lieu of the tables under clause (iv)) to determine current liability under this subsection for individuals who are entitled to benefits under the plan on account of disability. Such Secretary shall establish separate tables for individuals whose disabilities occur in plan years beginning before January 1, 1995, and for individuals whose disabilities occur in plan years beginning on or after such date.

"(II) SPECIAL RULE FOR DISABILITIES OCCURRING AFTER 1994.—In the case of disabilities occurring in plan years beginning after December 31, 1994, the tables under subclause (I) shall apply only with respect to individuals described in such subclause who are disabled within the meaning of title II of the Social Security Act and the regulations thereunder.

"(vi) PERIODIC REVIEW.—The Secretary of the Treasury shall periodically (at least every 5 years) review any tables in effect under this subparagraph and shall, to the extent such Secretary determines necessary, by regulation update the tables to reflect the actual experience of pension plans and projected trends in such experience.

"(E) REQUIRED CHANGE OF INTEREST RATE.—For purposes of determining a plan's current liability for purposes of this paragraph—

"(i) IN GENERAL.—If any rate of interest used under the plan under subsection (b)(6) to determine cost is not within the permissible range, the plan shall establish a new rate of interest within the permissible range.

"(ii) PERMISSIBLE RANGE.—For purposes of this subparagraph—

"(I) IN GENERAL.—Except as provided in subclause (II), the term 'permissible range' means a rate of interest which is not more than 5 percent above, and not more than 10 percent below, the weighted average of the rates of interest on 30-year Treasury securities during the 4-year period ending on the last day before the beginning of the plan year.

"(II) SECRETARIAL AUTHORITY.—If the Secretary of the Treasury finds that the lowest rate of interest permissible under subclause (I) is unreasonably high, such Secretary may prescribe a lower rate of interest, except that such rate may not be less than 80 percent of the average rate determined under such subclause.

"(iii) ASSUMPTIONS.—Notwithstanding paragraph (3)(A), the interest rate used under the plan shall be—

"(I) determined without taking into account the experience of the plan and reasonable expectations, but

"(II) consistent with the assumptions which reflect the purchase rates which would be used by insurance companies to satisfy the liabilities under the plan.

"(7) ANNUAL VALUATION.—

"(A) IN GENERAL.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan's liability shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary of the Treasury.

"(B) VALUATION DATE.—

"(i) CURRENT YEAR.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

"(ii) USE OF PRIOR YEAR VALUATION.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if, as of such date, the value of the assets of the plan are not less than 100 percent of the plan's current liability (as defined in paragraph (6)(D) without regard to clause (iv) thereof).

"(iii) ADJUSTMENTS.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) LIMITATION.—A change in funding method to use a prior year valuation, as provided in clause (ii), may not be made unless as of the valuation date within the prior plan year, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (6)(D) without regard to clause (iv) thereof).

"(8) TIME WHEN CERTAIN CONTRIBUTIONS DEEMED MADE.—For purposes of this section, any contributions for a plan year made by an employer after the last day of such plan year, but not later than two and one-half months after such day, shall be deemed to have been made on such last day. For purposes of this subparagraph, such two and one-half month period may be extended for not more than six months under regulations prescribed by the Secretary of the Treasury.

"(d) EXTENSION OF AMORTIZATION PERIODS FOR MULTIEMPLOYER PLANS.—

"(1) AUTOMATIC EXTENSION UPON APPLICATION BY CERTAIN PLANS.—

"(A) IN GENERAL.—If the plan sponsor of a multiemployer plan—

"(i) submits to the Secretary of the Treasury an application for an extension of the period of years required to amortize any unfunded liability described in any clause of subsection (b)(2)(B) or described in subsection (b)(4), and

"(ii) includes with the application a certification by the plan's actuary described in subparagraph (B),

the Secretary of the Treasury shall extend the amortization period for the period of time (not in excess of 5 years) specified in the application. Such extension shall be in addition to any extension under paragraph (2).

"(B) CRITERIA.—A certification with respect to a multiemployer plan is described in this subparagraph if the plan's actuary certifies that, based on reasonable assumptions—

"(i) absent the extension under subparagraph (A), the plan would have an accumulated funding deficiency in the current plan year or any of the 9 succeeding plan years,

"(ii) the plan sponsor has adopted a plan to improve the plan's funding status,

"(iii) the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period as extended, and

"(iv) the notice required under paragraph (3)(A) has been provided.

"(2) ADDITIONAL EXTENSION.—

"(A) IN GENERAL.—If the plan sponsor of a multiemployer plan submits to the Secretary of the Treasury an application for an extension of the period of years required to amortize any unfunded liability described in any clause of subsection (b)(2)(B) or described in subsection (b)(4), the Secretary of the Treasury may extend the amortization period for a period of time (not in excess of 5 years) if the Secretary of the Treasury makes the determination described in subparagraph (B). Such extension shall be in addition to any extension under paragraph (1).

"(B) DETERMINATION.—The Secretary make grant an extension under subparagraph (A) if the Secretary determines that—

"(i) such extension would carry out the purposes of this Act and would provide adequate protection for participants under the plan and their beneficiaries, and

"(ii) the failure to permit such extension would—

"(I) result in a substantial risk to the voluntary continuation of the plan, or a substantial curtailment of pension benefit levels or employee compensation, and

"(II) be adverse to the interests of plan participants in the aggregate.

"(C) ACTION BY SECRETARY.—The Secretary of the Treasury shall act upon any application for an extension under this paragraph within 180 days of the submission of such application. If the Secretary rejects the application for an extension under this paragraph, the Secretary shall provide notice to the plan detailing the specific reasons for the rejection, including references to the criteria set forth above.

"(3) ADVANCE NOTICE.—

"(A) IN GENERAL.—The Secretary of the Treasury shall, before granting an extension under this subsection, require each applicant to provide evidence satisfactory to such Secretary that the applicant has provided notice of the filing of the application for such extension to each affected party (as defined in section 4001(a)(21)) with respect to the affected plan. Such notice shall include a description of the extent to which the plan is funded for benefits which are guaranteed under title IV and for benefit liabilities.

"(B) CONSIDERATION OF RELEVANT INFORMATION.—The Secretary of the Treasury shall consider any relevant information provided by a person to whom notice was given under paragraph (1).".

(b) SHORTFALL FUNDING METHOD.—

(1) IN GENERAL.—A multiemployer plan meeting the criteria of paragraph (2) may adopt, use, or cease using, the shortfall funding method and such adoption, use, or cessation of use of such method, shall be deemed approved by the Secretary of the Treasury under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(e)(1) of the Internal Revenue Code of 1986.

(2) CRITERIA.—A multiemployer pension plan meets the criteria of this clause if—

(A) the plan has not used the shortfall funding method during the 5-year period ending on the day before the date the plan is to use the method under paragraph (1); and

(B) the plan is not operating under an amortization period extension under section 304(d) of such Act and did not operate under such an extension during such 5-year period.

(3) SHORTFALL FUNDING METHOD DEFINED.—For purposes of this subsection, the term "shortfall funding method" means the shortfall funding method described in Treasury Regulations section 1.412(c)(1)-2 (26 C.F.R. 1.412(c)(1)-2).

(4) BENEFIT RESTRICTIONS TO APPLY.—The benefit restrictions under section 302(c)(7) of such Act and section 412(d)(7) of such Code shall apply during any period a multiemployer plan is on the shortfall funding method pursuant to this subsection.

(5) USE OF SHORTFALL METHOD NOT TO PRECLUDE OTHER OPTIONS.—Nothing in this subsection shall be construed to affect a multiemployer plan's ability to adopt the shortfall funding method with the Secretary's permission under otherwise applicable regulations or to affect a multiemployer plan's right to change funding methods, with or without the Secretary's consent, as provided in applicable rules and regulations.

(c) CONFORMING AMENDMENTS.—

(1) Section 301 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1081) is amended by striking subsection (d).

(2) The table of contents in section 1 of such Act (as amended by this Act) is amended by inserting after the item relating to section 303 the following new item:

"Sec. 304. Minimum funding standards for multiemployer plans.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after 2006.

(2) SPECIAL RULE FOR CERTAIN AMORTIZATION EXTENSIONS.—If the Secretary of the Treasury grants an extension under section 304 of the Employee Retirement Income Security Act of 1974 and section 412(e) of the Internal Revenue Code of 1986 with respect to any application filed with the Secretary of the Treasury on or before June 30, 2005, the extension (and any modification thereof) shall be applied and administered under the rules of such sections as in effect before the enactment of this Act, including the use of the rate of interest determined under section 6621(b) of such Code.

SEC. 202. ADDITIONAL FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED OR CRITICAL STATUS.

(a) IN GENERAL.—Part 3 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as amended by the preceding provisions of this Act) is amended by inserting after section 304 the following new section:

"ADDITIONAL FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED STATUS OR CRITICAL STATUS

"SEC. 305. (a) GENERAL RULE.—For purposes of this part, in the case of a multiemployer plan—

"(1) if the plan is in endangered status—

"(A) the plan sponsor shall adopt and implement a funding improvement plan in accordance with the requirements of subsection (c), and

"(B) the requirements of subsection (d) shall apply during the funding plan adoption period and the funding improvement period, and

"(2) if the plan is in critical status—

"(A) the plan sponsor shall adopt and implement a rehabilitation plan in accordance with the requirements of subsection (e), and

"(B) the requirements of subsection (f) shall apply during the rehabilitation plan adoption period and the rehabilitation period.

"(b) DETERMINATION OF ENDANGERED AND CRITICAL STATUS.—For purposes of this section—

"(1) ENDANGERED STATUS.—A multiemployer plan is in endangered status for a plan year if, as determined by the plan actuary under paragraph (3), the plan is not in critical status for the plan year and either—

"(A) the plan's funded percentage for such plan year is less than 80 percent, or

"(B) the plan has an accumulated funding deficiency for such plan year, or is projected to have such an accumulated funding deficiency for any of the 6 succeeding plan years, taking into account any extension of amortization periods under section 304(d).

For purposes of this section, a plan described in subparagraph (B) shall be treated as in seriously endangered status.

"(2) CRITICAL STATUS.—A multiemployer plan is in critical status for a plan year if, as determined by the plan actuary under paragraph (3), the plan is described in 1 or more of the following subparagraphs as of the beginning of the plan year:

"(A) A plan is described in this subparagraph if—

"(i) the funded percentage of the plan is less than 65 percent, and

"(ii) the sum of—

"(I) the market value of plan assets, plus

"(II) the present value of the reasonably anticipated employer contributions for the current plan year and each of the 5 succeeding plan years, assuming that the terms of all collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years,

is less than the present value of all benefits projected to be payable under the plan during the current plan year and each of the 5 succeeding plan years (plus administrative expenses for such plan years).

"(B) A plan is described in this subparagraph if—

"(i) the plan has an accumulated funding deficiency for the current plan year, not taking into account any extension of amortization periods under section 304(d), or

"(ii) the plan is projected to have an accumulated funding deficiency for any of the 3 succeeding plan years (4 succeeding plan years if the funded percentage of the plan is 65 percent or less), not taking into account any extension of amortization periods under section 304(d).

"(C) A plan is described in this subparagraph if—

"(i)(I) the plan's normal cost for the current plan year, plus interest (determined at the rate used for determining costs under the plan) for the current plan year on the amount of unfunded benefit liabilities under the plan as of the last date of the preceding plan year, exceeds

"(II) the present value of the reasonably anticipated employer contributions for the current plan year,

"(ii) the present value of nonforfeitable benefits of inactive participants is greater than the present value of nonforfeitable benefits of active participants, and

"(iii) the plan has an accumulated funding deficiency for the current plan year, or is projected to have such a deficiency for any of the 4 succeeding plan years, not taking into account any extension of amortization periods under section 304(d).

"(D) A plan is described in this subparagraph if the sum of—

"(i) the market value of plan assets, plus

"(ii) the present value of the reasonably anticipated employer contributions for the current plan year and each of the 4 succeeding plan years, assuming that the terms of all collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years,

is less than the present value of all benefits projected to be payable under the plan during the current plan year and each of the 4 succeeding plan years (plus administrative expenses for such plan years).

"(3) ANNUAL CERTIFICATION BY PLAN ACTUARY.—

"(A) IN GENERAL.—During the 90-day period beginning on the first day of each plan year of a multiemployer plan, the plan actuary shall certify to the Secretary of the Treasury—

"(i) whether or not the plan is in endangered status for such plan year and whether or not the plan is in critical status for such plan year, and

"(ii) in the case of a plan which is in a funding improvement or rehabilitation period, whether or not the plan is making the scheduled progress in meeting the requirements of its funding improvement or rehabilitation plan.

"(B) ACTUARIAL PROJECTIONS OF ASSETS AND LIABILITIES.—

"(i) IN GENERAL.—In making the determinations and projections under this subsection, the plan actuary shall make projections required for the current and succeeding plan years, using reasonable actuarial estimates, assumptions, and methods, of the current value of the assets of the plan and the present value of all liabilities to participants and beneficiaries under the plan for the current plan year as of the beginning of such year. The projected present value of liabilities as of the beginning of such year shall be determined based on the actuarial statement required under section 103(d) with respect to the most recently filed annual report or the actuarial valuation for the preceding plan year.

"(ii) DETERMINATIONS OF FUTURE CONTRIBUTIONS.—Any actuarial projection of plan assets shall assume—

"(I) reasonably anticipated employer contributions for the current and succeeding plan years, assuming that the terms of the one or more collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years, or

"(II) that employer contributions for the most recent plan year will continue indefinitely, but only if the plan actuary determines there have been no significant demographic changes that would make such assumption unreasonable.

"(C) PENALTY FOR FAILURE TO SECURE TIMELY ACTUARIAL CERTIFICATION.—Any failure of the plan's actuary to certify the plan's status under this subsection by the date specified in subparagraph (A) shall be treated for purposes of section 502(c)(2) as a failure or refusal by the plan administrator to file the annual report required to be filed with the Secretary under section 101(b)(4).

"(D) NOTICE.—In any case in which a multiemployer plan is certified to be in endangered or critical status under subparagraph (A), the plan sponsor shall, not later than 30 days after the date of the certification, provide notification of the endangered or critical status to the participants and beneficiaries, the bargaining parties, the Pension Benefit Guaranty Corporation, the Secretary of the Treasury, and the Secretary.

"(c) FUNDING IMPROVEMENT PLAN MUST BE ADOPTED FOR MULTIEMPLOYER PLANS IN ENDANGERED STATUS.—

"(1) IN GENERAL.—In any case in which a multiemployer plan is in endangered status for a plan year, the plan sponsor, in accordance with this subsection—

"(A) shall adopt a funding improvement plan not later than 240 days following the required date for the actuarial certification of endangered status under subsection (b)(3)(A), and

"(B) within 30 days after the adoption of the funding improvement plan—

"(i) in the case of a plan in seriously endangered status, shall provide to the bargaining parties 1 or more schedules showing revised benefit structures, revised contribution structures, or both, which, if adopted, may reasonably be expected to enable the multiemployer plan to meet the applicable requirements under paragraph (3) in accordance with the funding improvement plan, including a description of the reductions in future benefit accruals and increases in contributions that the plan sponsor determines are reasonably necessary to meet the applicable requirements if the plan sponsor assumes that there are no increases in contributions under the plan other than the increases necessary to meet the applicable requirements after future benefit accruals have been reduced to the maximum extent permitted by law, and

"(ii) may, if the plan sponsor deems appropriate, prepare and provide the bargaining parties with additional information relating to contribution rates or benefit reductions, alternative schedules, or other information relevant to achieving the requirements under paragraph (3) in accordance with the funding improvement plan.

"(2) EXCEPTION FOR YEARS AFTER PROCESS BEGINS.—Paragraph (1) shall not apply to a plan year if such year is in a funding plan adoption period or funding improvement period by reason of the plan being in endangered status for a preceding plan year. For purposes of this section, such preceding plan year shall be the initial determination year with respect to the funding improvement plan to which it relates.

"(3) FUNDING IMPROVEMENT PLAN.—For purposes of this section—

"(A) IN GENERAL.—A funding improvement plan is a plan which consists of the actions, including options or a range of options to be proposed to the bargaining parties, which, under reasonable actuarial assumptions, will result in the plan meeting the requirements of this paragraph.

"(B) PLANS OTHER THAN SERIOUSLY ENDANGERED PLANS.—In the case of plan not in seriously endangered status, the requirements of this paragraph are met if the plan's funded percentage as of the close of the funding improvement period exceeds the lesser of 80 percent or a percentage equal to the sum of—

"(i) such percentage as of the beginning of such period, plus

"(ii) 10 percent of the percentage under clause (i).

"(C) SERIOUSLY ENDANGERED PLANS.—In the case of a plan in seriously endangered status, the requirements of this paragraph are met if—

"(i) the plan's funded percentage as of the close of the funding improvement period equals or exceeds the percentage which is equal to the sum of—

"(I) such percentage as of the beginning of such period, plus

"(II) 33 percent of the difference between 100 percent and the percentage under subclause (I), and

"(ii) there is no accumulated funding deficiency for any plan year during the funding improvement period (taking into account any extension of amortization periods under section 304(d)).

"(4) FUNDING IMPROVEMENT PERIOD.—For purposes of this section—

"(A) IN GENERAL.—The funding improvement period for any funding improvement plan adopted pursuant to this subsection is the 10-year period beginning on the first day of the first plan year of the multiemployer plan beginning after the earlier of—

"(i) the second anniversary of the date of the adoption of the funding improvement plan, or

"(ii) the expiration of the collective bargaining agreements in effect on the due date for the actuarial certification of endangered status for the initial determination year under subsection (b)(3)(A) and covering, as of such due date, at least 75 percent of the active participants in such multiemployer plan.

"(B) COORDINATION WITH CHANGES IN STATUS.—

"(i) PLANS NO LONGER IN ENDANGERED STATUS.—If the plan's actuary certifies under subsection (b)(3)(A) for a plan year in any funding plan adoption period or funding improvement period that the plan is no longer in endangered status and is not in critical status, the funding plan adoption period or funding improvement period, whichever is applicable, shall end as of the close of the preceding plan year.

"(ii) PLANS IN CRITICAL STATUS.—If the plan's actuary certifies under subsection (b)(3)(A) for a plan year in any funding plan adoption period or funding improvement period that the plan is in critical status, the funding plan adoption period or funding improvement period, whichever is applicable, shall end as of the close of the plan year preceding the first plan year in the rehabilitation period with respect to such status.

"(C) PLANS IN ENDANGERED STATUS AT END OF PERIOD.—If the plan's actuary certifies under subsection (b)(3)(A) for the first plan year following the close of the period described in subparagraph (A) that the plan is in endangered status, the provisions of this subsection and subsection (d) shall be applied as if such first plan year were an initial determination year, except that the plan may not be amended in a manner inconsistent with the funding improvement plan in effect for the preceding plan year until a new funding improvement plan is adopted.

"(5) SPECIAL RULES FOR CERTAIN UNDERFUNDED PLANS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if the funded percentage of a plan in seriously endangered status was 70 percent or less as of the beginning of the initial determination year, the following rules shall apply in determining whether the requirements of paragraph (3)(C)(i) are met:

"(i) The plan's funded percentage as of the close of the funding improvement period must equal or exceed a percentage which is equal to the sum of—

"(I) such percentage as of the beginning of such period, plus

"(II) 20 percent of the difference between 100 percent and the percentage under subclause (I).

"(ii) The funding improvement period under paragraph (4)(A) shall be 15 years rather than 10 years.

"(B) SPECIAL RULES FOR PLANS WITH FUNDED PERCENTAGE OVER 70 PERCENT.—If the funded percentage described in subparagraph (A) was more than 70 percent but less than 80 percent as of the beginning of the initial determination year—

"(i) subparagraph (A) shall apply if the plan's actuary certifies, within 30 days after the certification under subsection (b)(3)(A) for the initial determination year, that, based on the terms of the plan and the collective bargaining agreements in effect at the time of such certification, the plan is not projected to meet the requirements of paragraph (3)(C)(i) without regard to this paragraph, and

"(ii) if there is a certification under clause (i), the plan may, in formulating its funding improvement plan, only take into account the rules of subparagraph (A) for plan years in the funding improvement period beginning on or before the date on which the last of the collective bargaining agreements described in paragraph (4)(A)(ii) expires.

Notwithstanding clause (ii), if for any plan year ending after the date described in clause (ii) the plan actuary certifies (at the time of the annual certification under subsection (b)(3)(A) for such plan year) that, based on the terms of the plan and collective bargaining agreements in effect at the time of that annual certification, the plan is not projected to be able to meet the requirements of paragraph (3)(C)(i) without regard to this paragraph, the plan may continue to assume for such year that the funding improvement period is 15 years rather than 10 years.

“(6) UPDATES TO FUNDING IMPROVEMENT PLAN AND SCHEDULES.—

“(A) FUNDING IMPROVEMENT PLAN.—The plan sponsor shall annually update the funding improvement plan and shall file the update with the plan's annual report under section 104.

“(B) SCHEDULES.—The plan sponsor may periodically update any schedule of contribution rates provided under this subsection to reflect the experience of the plan, except that the schedule or schedules described in paragraph (1)(B)(i) shall be updated at least once every 3 years.

“(C) DURATION OF SCHEDULE.—A schedule of contribution rates provided by the plan sponsor and relied upon by bargaining parties in negotiating a collective bargaining agreement shall remain in effect for the duration of that collective bargaining agreement.

“(7) PENALTY IF NO FUNDING IMPROVEMENT PLAN ADOPTED.—A failure of the plan sponsor to adopt a funding improvement plan by the date specified in paragraph (1)(A) shall be treated for purposes of section 502(c)(2) as a failure or refusal by the plan administrator to file the annual report required to be filed with the Secretary under section 101(b)(4).

“(8) FUNDING PLAN ADOPTION PERIOD.—For purposes of this section, the term ‘funding plan adoption period’ means the period beginning on the date of the certification under subsection (b)(3)(A) for the initial determination year and ending on the day before the first day of the funding improvement period.

“(d) RULES FOR OPERATION OF PLAN DURING ADOPTION AND IMPROVEMENT PERIODS; FAILURE TO MEET REQUIREMENTS.—

“(1) SPECIAL RULES FOR PLAN ADOPTION PERIOD.—During the plan adoption period—

“(A) the plan sponsor may not accept a collective bargaining agreement or participation agreement with respect to the multiemployer plan that provides for—

“(i) a reduction in the level of contributions for any participants,

“(ii) a suspension of contributions with respect to any period of service, or

“(iii) any new direct or indirect exclusion of younger or newly hired employees from plan participation,

“(B) no amendment of the plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted unless the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law, and

“(C) in the case of a plan in seriously endangered status, the plan sponsor shall take all reasonable actions which are consistent with the terms of the plan and applicable law and which are expected, based on reasonable assumptions, to achieve—

“(i) an increase in the plan's funded percentage, and

“(ii) postponement of an accumulated funding deficiency for at least 1 additional plan year.

Actions under subparagraph (C) include applications for extensions of amortization periods under section 304(d), use of the shortfall funding method in making funding standard account computations, amendments to the plan's benefit structure, reductions in future benefit accruals, and other reasonable actions consistent with the terms of the plan and applicable law.

“(2) COMPLIANCE WITH FUNDING IMPROVEMENT PLAN.—

“(A) IN GENERAL.—A plan may not be amended after the date of the adoption of a funding improvement plan under subsection (c) so as to be inconsistent with the funding improvement plan.

“(B) NO REDUCTION IN CONTRIBUTIONS.—A plan sponsor may not during any funding improvement period accept a collective bargaining agreement or participation agreement with respect to the multiemployer plan that provides for—

“(i) a reduction in the level of contributions for any participants,

“(ii) a suspension of contributions with respect to any period of service, or

“(iii) any new direct or indirect exclusion of younger or newly hired employees from plan participation.

“(C) SPECIAL RULES FOR BENEFIT INCREASES.—A plan may not be amended after the date of the adoption of a funding improvement plan under subsection (c) so as to increase benefits, including future benefit accruals, unless—

“(i) in the case of a plan in seriously endangered status, the plan actuary certifies that, after taking into account the benefit increase, the plan is still reasonably expected to meet the requirements under subsection (c)(3) in accordance with the schedule contemplated in the funding improvement plan, and

“(ii) in the case of a plan not in seriously endangered status, the actuary certifies that such increase is paid for out of contributions not required by the funding improvement plan to meet the requirements under subsection (c)(3) in accordance with the schedule contemplated in the funding improvement plan.

“(3) FAILURE TO MEET REQUIREMENTS.—

“(A) IN GENERAL.—Notwithstanding section 4971(g) of the Internal Revenue Code of 1986, if a plan fails to meet the requirements of subsection (c)(3) by the end of the funding improvement period, the plan shall be treated as having an accumulated funding deficiency for purposes of section 4971 of such Code for the last plan year in such period (and each succeeding plan year until such requirements are met) in an amount equal to the greater of the amount of the contributions necessary to meet such requirements or the amount of such accumulated funding deficiency without regard to this paragraph.

“(B) WAIVER.—In the case of a failure described in subparagraph (A) which is due to reasonable cause and not to willful neglect, the Secretary of the Treasury may waive part or all of the tax imposed by section 4971 of such Code to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

“(e) REHABILITATION PLAN MUST BE ADOPTED FOR MULTIEMPLOYER PLANS IN CRITICAL STATUS.—

“(1) IN GENERAL.—In any case in which a multiemployer plan is in critical status for a plan year, the plan sponsor, in accordance with this subsection—

“(A) shall adopt a rehabilitation plan not later than 240 days following the required date for the actuarial certification of critical status under subsection (b)(3)(A), and

“(B) within 30 days after the adoption of the rehabilitation plan—

“(i) shall provide to the bargaining parties 1 or more schedules showing revised benefit structures, revised contribution structures, or both, which, if adopted, may reasonably be expected to enable the multiemployer plan to emerge from critical status in accordance with the rehabilitation plan, and

“(ii) may, if the plan sponsor deems appropriate, prepare and provide the bargaining parties with additional information relating to contribution rates or benefit reductions, alternative schedules, or other information relevant to emerging from critical status in accordance with the rehabilitation plan.

The schedule or schedules described in subparagraph (B)(i) shall reflect reductions in future benefit accruals and increases in contributions that the plan sponsor determines are reasonably necessary to emerge from critical status. One schedule shall be designated as the default schedule and such schedule shall assume that there are no increases in contributions under the plan other than the increases necessary to emerge from critical status after future benefit accruals and other benefits (other than benefits the reduction or elimination of which are not permitted under section 204(g)) have been reduced to the maximum extent permitted by law.

“(2) EXCEPTION FOR YEARS AFTER PROCESS BEGINS.—Paragraph (1) shall not apply to a plan year if such year is in a rehabilitation plan adoption period or rehabilitation period by reason of the plan being in critical status for a preceding plan year. For purposes of this section, such preceding plan year shall be the initial critical year with respect to the rehabilitation plan to which it relates.

“(3) REHABILITATION PLAN.—For purposes of this section—

“(A) IN GENERAL.—A rehabilitation plan is a plan which consists of—

“(i) actions which will enable, under reasonable actuarial assumptions, the plan to cease to be in critical status by the end of the rehabilitation period and may include reductions in plan expenditures (including plan mergers and consolidations), reductions in future benefit accruals or increases in contributions, if agreed to by the bargaining parties, or any combination of such actions, or

“(ii) if the plan sponsor determines that, based on reasonable actuarial assumptions and upon exhaustion of all reasonable measures, the plan can not reasonably be expected to emerge from critical status by the end of the rehabilitation period, reasonable measures to emerge from critical status at a later time or to forestall possible insolvency (within the meaning of section 4245).

Such plan shall include the schedules required to be provided under paragraph (1)(B)(i). If clause (ii) applies, such plan shall set forth the alternatives considered, explain why the plan is not reasonably expected to emerge from critical status by the end of the rehabilitation period, and specify when, if ever, the plan is expected to emerge from critical status in accordance with the rehabilitation plan.

“(B) UPDATES TO REHABILITATION PLAN AND SCHEDULES.—

“(i) REHABILITATION PLAN.—The plan sponsor shall annually update the rehabilitation plan and shall file the update with the plan's annual report under section 104.

“(ii) SCHEDULES.—The plan sponsor may periodically update any schedule of contribution rates provided under this subsection to reflect the experience of the plan, except that the schedule or schedules described in paragraph (1)(B)(i) shall be updated at least once every 3 years.

“(iii) DURATION OF SCHEDULE.—A schedule of contribution rates provided by the plan sponsor and relied upon by bargaining parties in negotiating a collective bargaining agreement shall remain in effect for the duration of that collective bargaining agreement.

"(C) DEFAULT SCHEDULE.—If the collective bargaining agreement providing for contributions under a multiemployer plan that was in effect at the time the plan entered critical status expires and, after receiving a schedule from the plan sponsor under paragraph (1)(B)(i), the bargaining parties have not adopted a collective bargaining agreement with terms consistent with such a schedule, the default schedule described in the last sentence of paragraph (1) shall go into effect with respect to those bargaining parties.

"(4) REHABILITATION PERIOD.—For purposes of this section—

"(A) IN GENERAL.—The rehabilitation period for a plan in critical status is the 10-year period beginning on the first day of the first plan year of the multiemployer plan following the earlier of—

"(i) the second anniversary of the date of the adoption of the rehabilitation plan, or

"(ii) the expiration of the collective bargaining agreements in effect on the date of the due date for the actuarial certification of critical status for the initial critical year under subsection (a)(1) and covering, as of such date at least 75 percent of the active participants in such multiemployer plan.

If a plan emerges from critical status as provided under subparagraph (B) before the end of such 10-year period, the rehabilitation period shall end with the plan year preceding the plan year for which the determination under subparagraph (B) is made.

"(B) EMERGENCE.—A plan in critical status shall remain in such status until a plan year for which the plan actuary certifies, in accordance with subsection (b)(3)(A), that the plan is not projected to have an accumulated funding deficiency for the plan year or any of the 9 succeeding plan years, without regard to use of the shortfall method or any extension of amortization periods under section 304(d).

"(5) PENALTY IF NO REHABILITATION PLAN ADOPTED.—A failure of a plan sponsor to adopt a rehabilitation plan by the date specified in paragraph (1)(A) shall be treated for purposes of section 502(c)(2) as a failure or refusal by the plan administrator to file the annual report required to be filed with the Secretary under section 101(b)(4).

"(6) REHABILITATION PLAN ADOPTION PERIOD.—For purposes of this section, the term 'rehabilitation plan adoption period' means the period beginning on the date of the certification under subsection (b)(3)(A) for the initial critical year and ending on the day before the first day of the rehabilitation period.

"(7) LIMITATION ON REDUCTION IN RATES OF FUTURE ACCRUALS.—Any reduction in the rate of future accruals under any schedule described in paragraph (1)(B)(i) shall not reduce the rate of future accruals below—

"(A) a monthly benefit (payable as a single life annuity commencing at the participant's normal retirement age) equal to 1 percent of the contributions required to be made with respect to a participant, or the equivalent standard accrual rate for a participant or group of participants under the collective bargaining agreements in effect as of the first day of the initial critical year, or

"(B) if lower, the accrual rate under the plan on such first day.

The equivalent standard accrual rate shall be determined by the plan sponsor based on the standard or average contribution base units which the plan sponsor determines to be representative for active participants and such other factors as the plan sponsor determines to be relevant. Nothing in this paragraph shall be construed as limiting the ability of the plan sponsor to prepare and provide the bargaining parties with alternative schedules to the default schedule that established lower or higher accrual and contribution rates than the rates otherwise described in this paragraph.

"(8) EMPLOYER IMPACT.—For the purposes of this section, the plan sponsor shall consider the impact of the rehabilitation plan and contribution schedules authorized by this section on bargaining parties with fewer than 500 employees and shall implement the plan in a manner that encourages their continued participation in the plan and minimizes financial harm to employers and their workers.

"(f) RULES FOR OPERATION OF PLAN DURING ADOPTION AND REHABILITATION PERIOD.—

"(1) COMPLIANCE WITH REHABILITATION PLAN.—

"(A) IN GENERAL.—A plan may not be amended after the date of the adoption of a rehabilitation plan under subsection (e) so as to be inconsistent with the rehabilitation plan.

"(B) SPECIAL RULES FOR BENEFIT INCREASES.—A plan may not be amended after the date of the adoption of a rehabilitation plan under subsection (e) so as to increase benefits, including future benefit accruals, unless the plan actuary certifies that such increase is paid for out of additional contributions not contemplated by the rehabilitation plan, and, after taking into account the benefit increase, the multiemployer plan still is reasonably expected to emerge from critical status by the end of the rehabilitation period on the schedule contemplated in the rehabilitation plan.

"(2) RESTRICTION ON LUMP SUMS AND SIMILAR BENEFITS.—

"(A) IN GENERAL.—Effective on the date the notice of certification of the plan's critical status for the initial critical year under subsection (b)(3)(D) is sent, and notwithstanding section 204(g), the plan shall not pay—

"(i) any payment, in excess of the monthly amount paid under a single life annuity (plus any social security supplements described in the last sentence of section 204(b)(1)(G)),

"(ii) any payment for the purchase of an irrevocable commitment from an insurer to pay benefits, and

"(iii) any other payment specified by the Secretary of the Treasury by regulations.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to a benefit which under section 203(e) may be immediately distributed without the consent of the participant or to any makeup payment in the case of a retroactive annuity starting date or any similar payment of benefits owed with respect to a prior period.

"(3) ADJUSTMENTS DISREGARDED IN WITHDRAWAL LIABILITY DETERMINATION.—Any benefit reductions under this subsection shall be disregarded in determining a plan's unfunded vested benefits for purposes of determining an employer's withdrawal liability under section 4201.

"(4) SPECIAL RULES FOR PLAN ADOPTION PERIOD.—During the rehabilitation plan adoption period—

"(A) the plan sponsor may not accept a collective bargaining agreement or participation agreement with respect to the multiemployer plan that provides for—

"(i) a reduction in the level of contributions for any participants,

"(ii) a suspension of contributions with respect to any period of service, or

"(iii) any new direct or indirect exclusion of younger or newly hired employees from plan participation, and

"(B) no amendment of the plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted unless the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

"(5) FAILURE TO MEET REQUIREMENTS.—

"(A) IN GENERAL.—Notwithstanding section 4971(g) of the Internal Revenue Code of 1986, if a plan—

"(i) fails to meet the requirements of subsection (e) by the end of the rehabilitation period, or

"(ii) has received a certification under subsection (b)(3)(A)(ii) for 3 consecutive plan years that the plan is not making the scheduled progress in meeting its requirements under the rehabilitation plan,

the plan shall be treated as having an accumulated funding deficiency for purposes of section 4971 of such Code for the last plan year in such period (and each succeeding plan year until such requirements are met) in an amount equal to the greater of the amount of the contributions necessary to meet such requirements or the amount of such accumulated funding deficiency without regard to this paragraph.

"(B) WAIVER.—In the case of a failure described in subparagraph (A) which is due to reasonable cause and not to willful neglect, the Secretary of the Treasury may waive part or all of the tax imposed by section 4971 of such Code to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

"(g) EXPEDITED RESOLUTION OF PLAN SPONSOR DECISIONS.—If, within 60 days of the due date for adoption of a funding improvement plan under subsection (c) or a rehabilitation plan under subsection (e), the plan sponsor of a plan in endangered status or a plan in critical status has not agreed on a funding improvement plan or rehabilitation plan, then any member of the board or group that constitutes the plan sponsor may require that the plan sponsor enter into an expedited dispute resolution procedure for the development and adoption of a funding improvement plan or rehabilitation plan.

"(h) NONBARGAINED PARTICIPATION.—

"(1) BOTH BARGAINED AND NONBARGAINED EMPLOYEE-PARTICIPANTS.—In the case of an employer that contributes to a multiemployer plan with respect to both employees who are covered by one or more collective bargaining agreements and to employees who are not so covered, if the plan is in endangered status or in critical status, benefits of and contributions for the nonbargained employees, including surcharges on those contributions, shall be determined as if those nonbargained employees were covered under the first to expire of the employer's collective bargaining agreements in effect when the plan entered endangered or critical status.

"(2) NONBARGAINED EMPLOYEES ONLY.—In the case of an employer that contributes to a multiemployer plan only with respect to employees who are not covered by a collective bargaining agreement, this section shall be applied as if the employer were the bargaining parties, and its participation agreement with the plan was a collective bargaining agreement with a term ending on the first day of the plan year beginning after the employer is provided the schedule or schedules described in subsections (c) and (e).

"(3) EMPLOYEES COVERED BY A COLLECTIVE BARGAINING AGREEMENT.—The determination as to whether an employee covered by a collective bargaining agreement for purposes of this section shall be made without regard to the special rule in Treasury Regulation section 1.410(b)–6(d)(ii)(D).

"(i) DEFINITIONS; ACTUARIAL METHOD.—For purposes of this section—

"(1) BARGAINING PARTY.—The term 'bargaining party' means—

"(A)(i) except as provided in clause (ii), an employer who has an obligation to contribute under the plan; or

"(ii) in the case of a plan described under section 404(c) of the Internal Revenue Code of 1986, or a continuation of such a plan, the association of employers that is the employee settlor of the plan; and

"(B) an employee organization which, for purposes of collective bargaining, represents plan participants employed by an employer who has an obligation to contribute under the plan.

"(2) FUNDED PERCENTAGE.—The term 'funded percentage' means the percentage equal to a fraction—

"(A) the numerator of which is the value of the plan's assets, as determined under section 304(c)(2), and

"(B) the denominator of which is the accrued liability of the plan, determined using actuarial assumptions described in section 304(c)(3).

"(3) ACCUMULATED FUNDING DEFICIENCY.—The term 'accumulated funding deficiency' has the meaning given such term in section 304(a).

"(4) ACTIVE PARTICIPANT.—The term 'active participant' means, in connection with a multiemployer plan, a participant who is in covered service under the plan.

"(5) INACTIVE PARTICIPANT.—The term 'inactive participant' means, in connection with a multiemployer plan, a participant, or the beneficiary or alternate payee of a participant, who—

"(A) is not in covered service under the plan, and

"(B) is in pay status under the plan or has a nonforfeitable right to benefits under the plan.

"(6) PAY STATUS.—A person is in pay status under a multiemployer plan if—

"(A) at any time during the current plan year, such person is a participant or beneficiary under the plan and is paid an early, late, normal, or disability retirement benefit under the plan (or a death benefit under the plan related to a retirement benefit), or

"(B) to the extent provided in regulations of the Secretary of the Treasury, such person is entitled to such a benefit under the plan.

"(7) OBLIGATION TO CONTRIBUTE.—The term 'obligation to contribute' has the meaning given such term under section 4212(a).

"(8) ACTUARIAL METHOD.—Notwithstanding any other provision of this section, the actuary's determinations with respect to a plan's normal cost, actuarial accrued liability, and improvements in a plan's funded percentage under this section shall be based upon the unit credit funding method (whether or not that method is used for the plan's actuarial valuation).

"(9) PLAN SPONSOR.—In the case of a plan described under section 404(c) of the Internal Revenue Code of 1986, or a continuation of such a plan, the term 'plan sponsor' means the bargaining parties described under paragraph (1).".

(b) CAUSE OF ACTION TO COMPEL ADOPTION OF FUNDING IMPROVEMENT OR REHABILITATION PLAN.—Section 502(a) of the Employee Retirement Income Security Act of 1974 is amended by striking "or" at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting "; or" and by adding at the end the following:

"(10) in the case of a multiemployer plan that has been certified by the actuary to be in endangered or critical status under section 305, if the plan sponsor has not adopted a funding improvement or rehabilitation plan under subsection (c) or (e) of that section by the deadline established in that section, by an employer that has an obligation to contribute with respect to the multiemployer plan or an employee organization that represents active participants in the multiemployer plan, for an order compelling the plan sponsor to adopt a funding improvement or rehabilitation plan.".

(c) 4971 EXCISE TAX INAPPLICABLE.—Section 4971 of the Internal Revenue Code of 1986 is amended by redesignating subsection (g) as subsection (h), and inserting after subsection (f) the following:

"(g) MULTIEMPLOYER PLANS IN CRITICAL STATUS.—No tax shall be imposed under this section for a taxable year with respect to a multiemployer plan if, for the plan years ending with or within the taxable year, the plan is in critical status pursuant to section 305 of the Employee Retirement Income Security Act of 1974. This subsection shall only apply if the plan adopts a rehabilitation plan in accordance with section 305(e) of such Act and complies with such rehabilitation plan (and any modifications of the plan) and shall not apply if an excise tax is required to be imposed under this section by reason of a violation of such section 305.".

(d) NO ADDITIONAL CONTRIBUTIONS REQUIRED.—

(1) Section 302(b) of the Employee Retirement Income Security Act of 1974, as amended by this Act , is amended by adding at the end the following new paragraph:

"(3) MULTIEMPLOYER PLANS IN CRITICAL STATUS.—Subparagraph (A) shall not apply in the case of a multiemployer plan for any plan year in which the plan is in critical status pursuant to section 305. This paragraph shall only apply if the plan adopts a rehabilitation plan in accordance with section 305(e) and complies with such rehabilitation plan (and any modifications of the plan).".

(2) Section 412(c) of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new paragraph:

"(3) MULTIEMPLOYER PLANS IN CRITICAL STATUS.—Subparagraph (A) shall not apply in the case of a multiemployer plan for any plan year in which the plan is in critical status pursuant to section 305 of the Employee Retirement Income Security Act of 1974. This paragraph shall only apply if the plan adopts a rehabilitation plan in accordance with section 305(e) of such Act and complies with such rehabilitation plan (and any modifications of the plan).".

(e) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act (as amended by the preceding provisions of this Act) is amended by inserting after the item relating to section 304 the following new item:

"Sec. 305. Additional funding rules for multiemployer plans in endangered status or critical status.".

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by this section shall apply with respect to plan years beginning after 2006.

(2) SPECIAL RULE FOR CERTAIN RESTORED BENEFITS.—In the case of a multiemployer plan—

(A) with respect to which benefits were reduced pursuant to a plan amendment adopted on or after January 1, 2002, and before June 30, 2005, and

(B) which, pursuant to the plan document, the trust agreement, or a formal written communication from the plan sponsor to participants provided before June 30, 2005, provided for the restoration of such benefits, the amendments made by this section shall not apply to such benefit restorations to the extent that any restriction on the providing or accrual of such benefits would otherwise apply by reason of such amendments.

SEC. 203. MEASURES TO FORESTALL INSOLVENCY OF MULTIEMPLOYER PLANS.

(a) ADVANCE DETERMINATION OF IMPENDING INSOLVENCY OVER 5 YEARS.—Section 4245(d)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1426(d)(1)) is amended—

(1) by striking "3 plan years" the second place it appears and inserting "5 plan years"; and

(2) by adding at the end the following new sentence: "If the plan sponsor makes such a determination that the plan will be insolvent in any of the next 5 plan years, the plan sponsor shall make the comparison under this paragraph at least annually until the plan sponsor makes a determination that the plan will not be insolvent in any of the next 5 plan years.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to determinations made in plan years beginning after 2006.

SEC. 204. SPECIAL RULE FOR CERTAIN BENEFITS FUNDED UNDER AN AGREEMENT APPROVED BY THE PENSION BENEFIT GUARANTY CORPORATION.

In the case of a multiemployer plan that is a party to an agreement that was approved by the Pension Benefit Guaranty Corporation prior to June 30, 2005, and that—

(1) increases benefits, and

(2) provides for special withdrawal liability rules under section 4203(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1383),

the amendments made by sections 201, 202, 211, and 212 of this Act shall not apply to the benefit increases under any plan amendment adopted prior to June 30, 2005, that are funded pursuant to such agreement if the plan is funded in compliance with such agreement (and any amendments thereto).

SEC. 205. WITHDRAWAL LIABILITY REFORMS.

(a) REPEAL OF LIMITATION ON WITHDRAWAL LIABILITY OF INSOLVENT EMPLOYERS.—

(1) IN GENERAL.—Subsections (b) and (d) of section 4225 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1405) are repealed.

(2) CONFORMING AMENDMENTS.—Subsections (c) and (e) of section 4225 of such Act are redesignated as subsections (b) and (c), respectively.

(3) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to sales occurring on or after January 1, 2006.

(b) WITHDRAWAL LIABILITY CONTINUES IF WORK CONTRACTED OUT.—

(1) IN GENERAL.—Clause (i) of section 4205(b)(2)(A) of such Act (29 U.S.C. 1385(b)(2)(A)) is amended by inserting "or to an entity or entities owned or controlled by the employer" after "to another location".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to work transferred on or after the date of the enactment of this Act.

(c) APPLICATION OF FORGIVENESS RULE TO PLANS PRIMARILY COVERING EMPLOYEES IN THE BUILDING AND CONSTRUCTION.—

(1) IN GENERAL.—Section 4210(b) of such Act (29 U.S.C. 1390(b)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to plan withdrawals occurring on or after January 1, 2006.

PART II—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

SEC. 211. FUNDING RULES FOR MULTIEMPLOYER DEFINED BENEFIT PLANS.

(a) IN GENERAL.—Subpart A of part III of subchapter D of chapter 1 of the Internal Revenue Code of 1986 (as added by this Act) is amended by inserting after section 430 the following new section:

"SEC. 431. MINIMUM FUNDING STANDARDS FOR MULTIEMPLOYER PLANS.

"(a) IN GENERAL.—For purposes of section 412, the accumulated funding deficiency of a multiemployer plan for any plan year is—

"(1) except as provided in paragraph (2), the amount, determined as of the end of the plan year, equal to the excess (if any) of the total charges to the funding standard account of the plan for all plan years (beginning with the first plan year for which this part applies to the plan) over the total credits to such account for such years, and

"(2) if the multiemployer plan is in reorganization for any plan year, the accumulated funding deficiency of the plan determined under section 4243 of the Employee Retirement Income Security Act of 1974.

"(b) FUNDING STANDARD ACCOUNT.—

"(1) ACCOUNT REQUIRED.—Each multiemployer plan to which this part applies shall establish and maintain a funding standard account. Such account shall be credited and charged solely as provided in this section.

"(2) CHARGES TO ACCOUNT.—For a plan year, the funding standard account shall be charged with the sum of—

"(A) the normal cost of the plan for the plan year,

"(B) the amounts necessary to amortize in equal annual installments (until fully amortized)—

"(i) separately, with respect to each plan year, the net increase (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

"(ii) separately, with respect to each plan year, the net experience loss (if any) under the plan, over a period of 15 plan years, and

"(iii) separately, with respect to each plan year, the net loss (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 15 plan years,

"(C) the amount necessary to amortize each waived funding deficiency (within the meaning of section 412(d)(3)) for each prior plan year in equal annual installments (until fully amortized) over a period of 15 plan years,

"(D) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 5 plan years any amount credited to the funding standard account under section 412(b)(3)(D) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005), and

"(E) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 20 years the contributions which would be required to be made under the plan but for the provisions of section 412(c)(7)(A)(i)(I) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005).

"(3) CREDITS TO ACCOUNT.—For a plan year, the funding standard account shall be credited with the sum of—

"(A) the amount considered contributed by the employer to or under the plan for the plan year,

"(B) the amount necessary to amortize in equal annual installments (until fully amortized)—

"(i) separately, with respect to each plan year, the net decrease (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

"(ii) separately, with respect to each plan year, the net experience gain (if any) under the plan, over a period of 15 plan years, and

"(iii) separately, with respect to each plan year, the net gain (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 15 plan years,

"(C) the amount of the waived funding deficiency (within the meaning of section 412(d)(3)) for the plan year, and

"(D) in the case of a plan year for which the accumulated funding deficiency is determined under the funding standard account if such plan year follows a plan year for which such deficiency was determined under the alternative minimum funding standard under section 412(g) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005), the excess (if any) of any debit balance in the funding standard account (determined without regard to this subparagraph) over any debit balance in the alternative minimum funding standard account.

"(4) SPECIAL RULE FOR AMOUNTS FIRST AMORTIZED TO PLAN YEARS BEFORE 2007.—In the case of any amount amortized under section 412(b) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005) over any period beginning with a plan year beginning before 2007, in lieu of the amortization described in paragraphs (2)(B) and (3)(B), such amount shall continue to be amortized under such section as so in effect.

"(5) COMBINING AND OFFSETTING AMOUNTS TO BE AMORTIZED.—Under regulations prescribed by the Secretary, amounts required to be amortized under paragraph (2) or paragraph (3), as the case may be—

"(A) may be combined into one amount under such paragraph to be amortized over a period determined on the basis of the remaining amortization period for all items entering into such combined amount, and

"(B) may be offset against amounts required to be amortized under the other such paragraph, with the resulting amount to be amortized over a period determined on the basis of the remaining amortization periods for all items entering into whichever of the two amounts being offset is the greater.

"(6) INTEREST.—The funding standard account (and items therein) shall be charged or credited (as determined under regulations prescribed by the Secretary of the Treasury) with interest at the appropriate rate consistent with the rate or rates of interest used under the plan to determine costs.

"(7) SPECIAL RULES RELATING TO CHARGES AND CREDITS TO FUNDING STANDARD ACCOUNT.—For purposes of this part—

"(A) WITHDRAWAL LIABILITY.—Any amount received by a multiemployer plan in payment of all or part of an employer's withdrawal liability under part 1 of subtitle E of title IV of the Employee Retirement Income Security Act of 1974 shall be considered an amount contributed by the employer to or under the plan. The Secretary may prescribe by regulation additional charges and credits to a multiemployer plan's funding standard account to the extent necessary to prevent withdrawal liability payments from being unduly reflected as advance funding for plan liabilities.

"(B) ADJUSTMENTS WHEN A MULTIEMPLOYER PLAN LEAVES REORGANIZATION.—If a multiemployer plan is not in reorganization in the plan year but was in reorganization in the immediately preceding plan year, any balance in the funding standard account at the close of such immediately preceding plan year—

"(i) shall be eliminated by an offsetting credit or charge (as the case may be), but

"(ii) shall be taken into account in subsequent plan years by being amortized in equal annual installments (until fully amortized) over 30 plan years.

The preceding sentence shall not apply to the extent of any accumulated funding deficiency under section 4243(a) of such Act as of the end of the last plan year that the plan was in reorganization.

"(C) PLAN PAYMENTS TO SUPPLEMENTAL PROGRAM OR WITHDRAWAL LIABILITY PAYMENT FUND.—Any amount paid by a plan during a plan year to the Pension Benefit Guaranty Corporation pursuant to section 4222 of such Act or to a fund exempt under section 501(c)(22) pursuant to section 4223 of such Act shall reduce the amount of contributions considered received by the plan for the plan year.

"(D) INTERIM WITHDRAWAL LIABILITY PAYMENTS.—Any amount paid by an employer pending a final determination of the employer's withdrawal liability under part 1 of subtitle E of title IV of such Act and subsequently refunded to the employer by the plan shall be charged to the funding standard account in accordance with regulations prescribed by the Secretary.

"(E) ELECTION FOR DEFERRAL OF CHARGE FOR PORTION OF NET EXPERIENCE LOSS.—If an election is in effect under section 412(b)(7)(F) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005) for any plan year, the funding standard account shall be charged in the plan year to which the portion of the net experience loss deferred by such election was deferred with the amount so deferred (and paragraph (2)(B)(ii) shall not apply to the amount so charged).

"(F) FINANCIAL ASSISTANCE.—Any amount of any financial assistance from the Pension Benefit Guaranty Corporation to any plan, and any repayment of such amount, shall be taken into account under this section and section 412 in such manner as is determined by the Secretary.

"(G) SHORT-TERM BENEFITS.—To the extent that any plan amendment increases the unfunded past service liability under the plan by reason of an increase in benefits which are payable under the terms of the plan for a period that does not exceed 14 years from the effective date of the amendment, paragraph (2)(B)(i) shall be applied separately with respect to such increase in unfunded past service liability by substituting the number of years of the period during which such benefits are payable for '15'.

"(c) ADDITIONAL RULES.—

"(1) DETERMINATIONS TO BE MADE UNDER FUNDING METHOD.—For purposes of this part, normal costs, accrued liability, past service liabilities, and experience gains and losses shall be determined under the funding method used to determine costs under the plan.

"(2) VALUATION OF ASSETS.—

"(A) IN GENERAL.—For purposes of this part, the value of the plan's assets shall be determined on the basis of any reasonable actuarial method of valuation which takes into account fair market value and which is permitted under regulations prescribed by the Secretary.

"(B) ELECTION WITH RESPECT TO BONDS.—The value of a bond or other evidence of indebtedness which is not in default as to principal or interest may, at the election of the plan administrator, be determined on an amortized basis running from initial cost at purchase to par value at maturity or earliest call date. Any election under this subparagraph shall be made at such time and in such manner as the Secretary shall by regulations provide, shall apply to all such evidences of indebtedness, and may be revoked only with the consent of the Secretary.

"(3) ACTUARIAL ASSUMPTIONS MUST BE REASONABLE.—For purposes of this section, all costs, liabilities, rates of interest, and other factors under the plan shall be determined on the basis of actuarial assumptions and methods—

"(A) each of which is reasonable (taking into account the experience of the plan and reasonable expectations), and

"(B) which, in combination, offer the actuary's best estimate of anticipated experience under the plan.

"(4) TREATMENT OF CERTAIN CHANGES AS EXPERIENCE GAIN OR LOSS.—For purposes of this section, if—

"(A) a change in benefits under the Social Security Act or in other retirement benefits created under Federal or State law, or

"(B) a change in the definition of the term 'wages' under section 3121, or a change in the amount of such wages taken into account under regulations prescribed for purposes of section 401(a)(5),

results in an increase or decrease in accrued liability under a plan, such increase or decrease shall be treated as an experience loss or gain.

"(5) FULL FUNDING.—If, as of the close of a plan year, a plan would (without regard to this paragraph) have an accumulated funding deficiency in excess of the full funding limitation—

"(A) the funding standard account shall be credited with the amount of such excess, and

"(B) all amounts described in subparagraphs (B), (C), and (D) of subsection (b) (2) and subparagraph (B) of subsection (b)(3) which are required to be amortized shall be considered fully amortized for purposes of such subparagraphs.

"(6) FULL-FUNDING LIMITATION.—

"(A) IN GENERAL.—For purposes of paragraph (5), the term 'full-funding limitation' means the excess (if any) of—

"(i) the accrued liability (including normal cost) under the plan (determined under the entry age normal funding method if such accrued liability cannot be directly calculated under the funding method used for the plan), over

"(ii) the lesser of—

"(I) the fair market value of the plan's assets, or

"(II) the value of such assets determined under paragraph (2).

"(B) MINIMUM AMOUNT.—

"(i) IN GENERAL.—In no event shall the full-funding limitation determined under subparagraph (A) be less than the excess (if any) of—

"(I) 90 percent of the current liability of the plan (including the expected increase in current liability due to benefits accruing during the plan year), over

"(II) the value of the plan's assets determined under paragraph (2).

"(ii) ASSETS.—For purposes of clause (i), assets shall not be reduced by any credit balance in the funding standard account.

"(C) FULL FUNDING LIMITATION.—For purposes of this paragraph, unless otherwise provided by the plan, the accrued liability under a multiemployer plan shall not include benefits which are not nonforfeitable under the plan after the termination of the plan (taking into consideration section 411(d)(3)).

"(D) CURRENT LIABILITY.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'current liability' means all liabilities to employees and their beneficiaries under the plan.

"(ii) TREATMENT OF UNPREDICTABLE CONTINGENT EVENT BENEFITS.—For purposes of clause (i), any benefit contingent on an event other than—

"(I) age, service, compensation, death, or disability, or

"(II) an event which is reasonably and reliably predictable (as determined by the Secretary),

shall not be taken into account until the event on which the benefit is contingent occurs.

"(iii) INTEREST RATE USED.—The rate of interest used to determine current liability under this paragraph shall be the rate of interest determined under subparagraph (E).

"(iv) MORTALITY TABLES.—

"(I) COMMISSIONERS' STANDARD TABLE.—In the case of plan years beginning before the first plan year to which the first tables prescribed under subclause (II) apply, the mortality table used in determining current liability under this paragraph shall be the table prescribed by the Secretary which is based on the prevailing commissioners' standard table (described in section 807(d)(5)(A)) used to determine reserves for group annuity contracts issued on January 1, 1993.

"(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation prescribe for plan years beginning after December 31, 1999, mortality tables to be used in determining current liability under this subsection. Such tables shall be based upon the actual experience of pension plans and projected trends in such experience. In prescribing such tables, the Secretary shall take into account results of available independent studies of mortality of individuals covered by pension plans.

"(v) SEPARATE MORTALITY TABLES FOR THE DISABLED.—Notwithstanding clause (iv)—

"(I) IN GENERAL.—The Secretary shall establish mortality tables which may be used (in lieu of the tables under clause (iv)) to determine current liability under this subsection for individuals who are entitled to benefits under the plan on account of disability. The Secretary shall establish separate tables for individuals whose disabilities occur in plan years beginning before January 1, 1995, and for individuals whose disabilities occur in plan years beginning on or after such date.

"(II) SPECIAL RULE FOR DISABILITIES OCCURRING AFTER 1994.—In the case of disabilities occurring in plan years beginning after December 31, 1994, the tables under subclause (I) shall apply only with respect to individuals described in such subclause who are disabled within the meaning of title II of the Social Security Act and the regulations thereunder.

"(vi) PERIODIC REVIEW.—The Secretary shall periodically (at least every 5 years) review any tables in effect under this subparagraph and shall, to the extent such Secretary determines necessary, by regulation update the tables to reflect the actual experience of pension plans and projected trends in such experience.

"(E) REQUIRED CHANGE OF INTEREST RATE.—For purposes of determining a plan's current liability for purposes of this paragraph—

"(i) IN GENERAL.—If any rate of interest used under the plan under subsection (b)(6) to determine cost is not within the permissible range, the plan shall establish a new rate of interest within the permissible range.

"(ii) PERMISSIBLE RANGE.—For purposes of this subparagraph—

"(I) IN GENERAL.—Except as provided in subclause (II), the term 'permissible range' means a rate of interest which is not more than 5 percent above, and not more than 10 percent below, the weighted average of the rates of interest on 30-year Treasury securities during the 4-year period ending on the last day before the beginning of the plan year.

"(II) SECRETARIAL AUTHORITY.—If the Secretary finds that the lowest rate of interest permissible under subclause (I) is unreasonably high, the Secretary may prescribe a lower rate of interest, except that such rate may not be less than 80 percent of the average rate determined under such subclause.

"(iii) ASSUMPTIONS.—Notwithstanding paragraph (3)(A), the interest rate used under the plan shall be—

"(I) determined without taking into account the experience of the plan and reasonable expectations, but

"(II) consistent with the assumptions which reflect the purchase rates which would be used by insurance companies to satisfy the liabilities under the plan.

"(7) ANNUAL VALUATION.—

"(A) IN GENERAL.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan's liability shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary.

"(B) VALUATION DATE.—

"(i) CURRENT YEAR.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

"(ii) USE OF PRIOR YEAR VALUATION.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if, as of such date, the value of the assets of the plan are not less than 100 percent of the plan's current liability (as defined in paragraph (6)(D) without regard to clause (iv) thereof).

"(iii) ADJUSTMENTS.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) LIMITATION.—A change in funding method to use a prior year valuation, as provided in clause (ii), may not be made unless as of the valuation date within the prior plan year, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (6)(D) without regard to clause (iv) thereof).

“(8) TIME WHEN CERTAIN CONTRIBUTIONS DEEMED MADE.—For purposes of this section, any contributions for a plan year made by an employer after the last day of such plan year, but not later than two and one-half months after such day, shall be deemed to have been made on such last day. For purposes of this subparagraph, such two and one-half month period may be extended for not more than six months under regulations prescribed by the Secretary.

“(d) EXTENSION OF AMORTIZATION PERIODS FOR MULTIEMPLOYER PLANS.—

“(1) AUTOMATIC EXTENSION UPON APPLICATION BY CERTAIN PLANS.—

“(A) IN GENERAL.—If the plan sponsor of a multiemployer plan—

“(i) submits to the Secretary an application for an extension of the period of years required to amortize any unfunded liability described in any clause of subsection (b)(2)(B) or described in subsection (b)(4), and

“(ii) includes with the application a certification by the plan's actuary described in subparagraph (B),

the Secretary shall extend the amortization period for the period of time (not in excess of 5 years) specified in the application. Such extension shall be in addition to any extension under paragraph (2).

“(B) CRITERIA.—A certification with respect to a multiemployer plan is described in this subparagraph if the plan's actuary certifies that, based on reasonable assumptions—

“(i) absent the extension under subparagraph (A), the plan would have an accumulated funding deficiency in the current plan year or any of the 9 succeeding plan years,

“(ii) the plan sponsor has adopted a plan to improve the plan's funding status,

“(iii) the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period as extended, and

“(iv) the notice required under paragraph (3)(A) has been provided.

“(2) ADDITIONAL EXTENSION.—

“(A) IN GENERAL.—If the plan sponsor of a multiemployer plan submits to the Secretary an application for an extension of the period of years required to amortize any unfunded liability described in any clause of subsection (b)(2)(B) or described in subsection (b)(4), the Secretary may extend the amortization period for a period of time (not in excess of 5 years) if the Secretary of the Treasury makes the determination described in subparagraph (B). Such extension shall be in addition to any extension under paragraph (1).

“(B) DETERMINATION.—The Secretary may grant an extension under subparagraph (A) if the Secretary determines that—

“(i) such extension would carry out the purposes of this Act and would provide adequate protection for participants under the plan and their beneficiaries, and

“(ii) the failure to permit such extension would—

“(I) result in a substantial risk to the voluntary continuation of the plan, or a substantial curtailment of pension benefit levels or employee compensation, and

“(II) be adverse to the interests of plan participants in the aggregate.

“(C) ACTION BY SECRETARY.—The Secretary shall act upon any application for an extension under this paragraph within 180 days of the submission of such application. If the Secretary rejects the application for an extension under this paragraph, the Secretary shall provide notice to the plan detailing the specific reasons for the rejection, including references to the criteria set forth above.

“(3) ADVANCE NOTICE.—

“(A) IN GENERAL.—The Secretary shall, before granting an extension under this subsection, require each applicant to provide evidence satisfactory to such Secretary that the applicant has provided notice of the filing of the application for such extension to each affected party (as defined in section 4001(a)(21) of the Employee Retirement Income Security Act of 1974) with respect to the affected plan. Such notice shall include a description of the extent to which the plan is funded for benefits which are guaranteed under title IV of such Act and for benefit liabilities.

“(B) CONSIDERATION OF RELEVANT INFORMATION.—The Secretary shall consider any relevant information provided by a person to whom notice was given under paragraph (1).”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after 2006.

(2) SPECIAL RULE FOR CERTAIN AMORTIZATION EXTENSIONS.—If the Secretary of the Treasury grants an extension under section 304 of the Employee Retirement Income Security Act of 1974 and section 412(e) of the Internal Revenue Code of 1986 with respect to any application filed with the Secretary of the Treasury on or before June 30, 2005, the extension (and any modification thereof) shall be applied and administered under the rules of such sections as in effect before the enactment of this Act, including the use of the rate of interest determined under section 6621(b) of such Code.

SEC. 212. ADDITIONAL FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED OR CRITICAL STATUS.

(a) IN GENERAL.—Subpart A of part III of subchapter D of chapter 1 of the Internal Revenue Code of 1986 (as amended by this Act) is amended by inserting after section 431 the following new section:

“SEC. 432. ADDITIONAL FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED STATUS OR CRITICAL STATUS.

“(a) GENERAL RULE.—For purposes of this part, in the case of a multiemployer plan—

“(1) if the plan is in endangered status—

“(A) the plan sponsor shall adopt and implement a funding improvement plan in accordance with the requirements of subsection (c), and

“(B) the requirements of subsection (d) shall apply during the funding plan adoption period and the funding improvement period, and

“(2) if the plan is in critical status—

“(A) the plan sponsor shall adopt and implement a rehabilitation plan in accordance with the requirements of subsection (e), and

“(B) the requirements of subsection (f) shall apply during the rehabilitation plan adoption period and the rehabilitation period.

“(b) DETERMINATION OF ENDANGERED AND CRITICAL STATUS.—For purposes of this section—

“(1) ENDANGERED STATUS.—A multiemployer plan is in endangered status for a plan year if, as determined by the plan actuary under paragraph (3), the plan is not in critical status for the plan year and either—

“(A) the plan's funded percentage for such plan year is less than 80 percent, or

“(B) the plan has an accumulated funding deficiency for such plan year, or is projected to have such an accumulated funding deficiency for any of the 6 succeeding plan years, taking into account any extension of amortization periods under section 431(d).

For purposes of this section, a plan described in subparagraph (B) shall be treated as in seriously endangered status.

“(2) CRITICAL STATUS.—A multiemployer plan is in critical status for a plan year if, as determined by the plan actuary under paragraph (3), the plan is described in 1 or more of the following subparagraphs as of the beginning of the plan year:

“(A) A plan is described in this subparagraph if—

“(i) the funded percentage of the plan is less than 65 percent, and

“(ii) the sum of—

“(I) the market value of plan assets, plus

“(II) the present value of the reasonably anticipated employer contributions for the current plan year and each of the 5 succeeding plan years, assuming that the terms of all collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years,

is less than the present value of all benefits projected to be payable under the plan during the current plan year and each of the 5 succeeding plan years (plus administrative expenses for such plan years).

“(B) A plan is described in this subparagraph if—

“(i) the plan has an accumulated funding deficiency for the current plan year, not taking into account any extension of amortization periods under section 431(d), or

“(ii) the plan is projected to have an accumulated funding deficiency for any of the 3 succeeding plan years (4 succeeding plan years if the funded percentage of the plan is 65 percent or less), not taking into account any extension of amortization periods under section 431(d).

“(C) A plan is described in this subparagraph if—

“(i)(I) the plan's normal cost for the current plan year, plus interest (determined at the rate used for determining costs under the plan) for the current plan year on the amount of unfunded benefit liabilities under the plan as of the last date of the preceding plan year, exceeds

“(II) the present value of the reasonably anticipated employer contributions for the current plan year,

“(ii) the present value of nonforfeitable benefits of inactive participants is greater than the present value of nonforfeitable benefits of active participants, and

“(iii) the plan has an accumulated funding deficiency for the current plan year, or is projected to have such a deficiency for any of the 4 succeeding plan years, not taking into account any extension of amortization periods under section 431(d).

“(D) A plan is described in this subparagraph if the sum of—

“(i) the market value of plan assets, plus

“(ii) the present value of the reasonably anticipated employer contributions for the current plan year and each of the 4 succeeding plan years, assuming that the terms of all collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years,

is less than the present value of all benefits projected to be payable under the plan during the current plan year and each of the 4 succeeding plan years (plus administrative expenses for such plan years).

"(3) ANNUAL CERTIFICATION BY PLAN ACTUARY.—

"(A) IN GENERAL.—During the 90-day period beginning on the first day of each plan year of a multiemployer plan, the plan actuary shall certify to the Secretary—

"(i) whether or not the plan is in endangered status for such plan year and whether or not the plan is in critical status for such plan year, and

"(ii) in the case of a plan which is in a funding improvement or rehabilitation period, whether or not the plan is making the scheduled progress in meeting the requirements of its funding improvement or rehabilitation plan.

"(B) ACTUARIAL PROJECTIONS OF ASSETS AND LIABILITIES.—

"(i) IN GENERAL.—In making the determinations and projections under this subsection, the plan actuary shall make projections required for the current and succeeding plan years, using reasonable actuarial estimates, assumptions, and methods, of the current value of the assets of the plan and the present value of all liabilities to participants and beneficiaries under the plan for the current plan year as of the beginning of such year. The projected present value of liabilities as of the beginning of such year shall be determined based on the actuarial statement required under section 103(d) of the Employee Retirement Income Security Act of 1974 with respect to the most recently filed annual report or the actuarial valuation for the preceding plan year.

"(ii) DETERMINATIONS OF FUTURE CONTRIBUTIONS.—Any actuarial projection of plan assets shall assume—

"(I) reasonably anticipated employer contributions for the current and succeeding plan years, assuming that the terms of the one or more collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years, or

"(II) that employer contributions for the most recent plan year will continue indefinitely, but only if the plan actuary determines there have been no significant demographic changes that would make such assumption unreasonable.

"(C) PENALTY FOR FAILURE TO SECURE TIMELY ACTUARIAL CERTIFICATION.—Any failure of the plan's actuary to certify the plan's status under this subsection by the date specified in subparagraph (A) shall be treated for purposes of section 502(c)(2) of such Act as a failure or refusal by the plan administrator to file the annual report required to be filed with the Secretary under section 101(b)(4) of such Act.

"(D) NOTICE.—In any case in which a multiemployer plan is certified to be in endangered or critical status under subparagraph (A), the plan sponsor shall, not later than 30 days after the date of the certification, provide notification of the endangered or critical status to the participants and beneficiaries, the bargaining parties, the Pension Benefit Guaranty Corporation, the Secretary, and the Secretary of Labor.

"(c) FUNDING IMPROVEMENT PLAN MUST BE ADOPTED FOR MULTIEMPLOYER PLANS IN ENDANGERED STATUS.—

"(1) IN GENERAL.—In any case in which a multiemployer plan is in endangered status for a plan year, the plan sponsor, in accordance with this subsection—

"(A) shall adopt a funding improvement plan not later than 240 days following the required date for the actuarial certification of endangered status under subsection (b)(3)(A), and

"(B) within 30 days after the adoption of the funding improvement plan—

"(i) in the case of a plan in seriously endangered status, shall provide to the bargaining parties 1 or more schedules showing revised benefit structures, revised contribution structures, or both, which, if adopted, may reasonably be expected to enable the multiemployer plan to meet the applicable requirements under paragraph (3) in accordance with the funding improvement plan, including a description of the reductions in future benefit accruals and increases in contributions that the plan sponsor determines are reasonably necessary to meet the applicable requirements if the plan sponsor assumes that there are no increases in contributions under the plan other than the increases necessary to meet the applicable requirements after future benefit accruals have been reduced to the maximum extent permitted by law, and

"(ii) may, if the plan sponsor deems appropriate, prepare and provide the bargaining parties with additional information relating to contribution rates or benefit reductions, alternative schedules, or other information relevant to achieving the requirements under paragraph (3) in accordance with the funding improvement plan.

"(2) EXCEPTION FOR YEARS AFTER PROCESS BEGINS.—Paragraph (1) shall not apply to a plan year if such year is in a funding plan adoption period or funding improvement period by reason of the plan being in endangered status for a preceding plan year. For purposes of this section, such preceding plan year shall be the initial determination year with respect to the funding improvement plan to which it relates.

"(3) FUNDING IMPROVEMENT PLAN.—For purposes of this section—

"(A) IN GENERAL.—A funding improvement plan is a plan which consists of the actions, including options or a range of options to be proposed to the bargaining parties, which, under reasonable actuarial assumptions, will result in the plan meeting the requirements of this paragraph.

"(B) PLANS OTHER THAN SERIOUSLY ENDANGERED PLANS.—In the case of plan not in seriously endangered status, the requirements of this paragraph are met if the plan's funded percentage as of the close of the funding improvement period exceeds the lesser of 80 percent or a percentage equal to the sum of—

"(i) such percentage as of the beginning of such period, plus

"(ii) 10 percent of the percentage determined under clause (i).

"(C) SERIOUSLY ENDANGERED PLANS.—In the case of a plan in seriously endangered status, the requirements of this paragraph are met if—

"(i) the plan's funded percentage as of the close of the funding improvement period equals or exceeds the percentage which is equal to the sum of—

"(I) such percentage as of the beginning of such period, plus

"(II) 33 percent of the difference between 100 percent and the percentage under subclause (I), and

"(ii) there is no accumulated funding deficiency for any plan year during the funding improvement period (taking into account any extension of amortization periods under section 431(d)).

"(4) FUNDING IMPROVEMENT PERIOD.—For purposes of this section—

"(A) IN GENERAL.—The funding improvement period for any funding improvement plan adopted pursuant to this subsection is the 10-year period beginning on the first day of the first plan year of the multiemployer plan beginning after the earlier of—

"(i) the second anniversary of the date of the adoption of the funding improvement plan, or

"(ii) the expiration of the collective bargaining agreements in effect on the due date for the actuarial certification of endangered status for the initial determination year under subsection (b)(3)(A) and covering, as of such due date, at least 75 percent of the active participants in such multiemployer plan.

"(B) COORDINATION WITH CHANGES IN STATUS.—

"(i) PLANS NO LONGER IN ENDANGERED STATUS.—If the plan's actuary certifies under subsection (b)(3)(A) for a plan year in any funding plan adoption period or funding improvement period that the plan is no longer in endangered status and is not in critical status, the funding plan adoption period or funding improvement period, whichever is applicable, shall end as of the close of the preceding plan year.

"(ii) PLANS IN CRITICAL STATUS.—If the plan's actuary certifies under subsection (b)(3)(A) for a plan year in any funding plan adoption period or funding improvement period that the plan is in critical status, the funding plan adoption period or funding improvement period, whichever is applicable, shall end as of the close of the plan year preceding the first plan year in the rehabilitation period with respect to such status.

"(5) SPECIAL RULES FOR CERTAIN UNDERFUNDED PLANS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if the funded percentage of a plan in seriously endangered status was 70 percent or less as of the beginning of the initial determination year, the following rules shall apply in determining whether the requirements of paragraph (3)(C)(i) are met:

"(i) The plan's funded percentage as of the close of the funding improvement period must equal or exceed a percentage which is equal to the sum of—

"(I) such percentage as of the beginning of such period, plus

"(II) 20 percent of the difference between 100 percent and the percentage under subclause (I).

"(ii) The funding improvement period under paragraph (4)(A) shall be 15 years rather than 10 years.

"(B) SPECIAL RULES FOR PLANS WITH FUNDED PERCENTAGE OVER 70 PERCENT.—If the funded percentage described in subparagraph (A) was more than 70 percent but less than 80 percent as of the beginning of the initial determination year—

"(i) subparagraph (A) shall apply if the plan's actuary certifies, within 30 days after the certification under subsection (b)(3)(A) for the initial determination year, that, based on the terms of the plan and the collective bargaining agreements in effect at the time of such certification, the plan is not projected to meet the requirements of paragraph (3)(C)(i) without regard to this paragraph, and

"(ii) if there is a certification under clause (i), the plan may, in formulating its funding improvement plan, only take into account the rules of subparagraph (A) for plan years in the funding improvement period beginning on or before the date on which the last of the collective bargaining agreements described in paragraph (4)(A)(ii) expires.

Notwithstanding clause (ii), if for any plan year ending after the date described in clause (ii) the plan actuary certifies (at the time of the annual certification under subsection (b)(3)(A) for such plan year) that, based on the terms of the plan and collective bargaining agreements in effect at the time of that annual certification, the plan is not projected to be able to meet the requirements of paragraph (3)(C)(i) without regard to this paragraph, the plan may continue to assume for such year that the funding improvement period is 15 years rather than 10 years.

"(6) UPDATES TO FUNDING IMPROVEMENT PLAN AND SCHEDULES.—

"(A) FUNDING IMPROVEMENT PLAN.—The plan sponsor shall annually update the funding improvement plan and shall file the update with the plan's annual report under section 104 of the Employee Retirement Income Security Act of 1974.

"(B) SCHEDULES.—The plan sponsor may periodically update any schedule of contribution rates provided under this subsection to reflect the experience of the plan, except that the schedule or schedules described in paragraph (1)(B)(i) shall be updated at least once every 3 years.

"(C) DURATION OF SCHEDULE.—A schedule of contribution rates provided by the plan sponsor and relied upon by bargaining parties in negotiating a collective bargaining agreement shall remain in effect for the duration of that collective bargaining agreement.

"(7) PENALTY IF NO FUNDING IMPROVEMENT PLAN ADOPTED.—A failure of the plan sponsor to adopt a funding improvement plan by the date specified in paragraph (1)(A) shall be treated for purposes of section 502(c)(2) of such Act as a failure or refusal by the plan administrator to file the annual report required to be filed with the Secretary of Labor under section 101(b)(4) of such Act.

"(8) FUNDING PLAN ADOPTION PERIOD.—For purposes of this section, the term 'funding plan adoption period' means the period beginning on the date of the certification under subsection (b)(3)(A) for the initial determination year and ending on the day before the first day of the funding improvement period.

"(d) RULES FOR OPERATION OF PLAN DURING ADOPTION AND IMPROVEMENT PERIODS; FAILURE TO MEET REQUIREMENTS.—

"(1) SPECIAL RULES FOR PLAN ADOPTION PERIOD.—During the plan adoption period—

"(A) the plan sponsor may not accept a collective bargaining agreement or participation agreement with respect to the multiemployer plan that provides for—

"(i) a reduction in the level of contributions for any participants,

"(ii) a suspension of contributions with respect to any period of service, or

"(iii) any new direct or indirect exclusion of younger or newly hired employees from plan participation,

"(B) no amendment of the plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted unless the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 or to comply with other applicable law, and

"(C) in the case of a plan in seriously endangered status, the plan sponsor shall take all reasonable actions which are consistent with the terms of the plan and applicable law and which are expected, based on reasonable assumptions, to achieve—

"(i) an increase in the plan's funded percentage, and

"(ii) postponement of an accumulated funding deficiency for at least 1 additional plan year.

Actions under subparagraph (C) include applications for extensions of amortization periods under section 431(d), use of the shortfall funding method in making funding standard account computations, amendments to the plan's benefit structure, reductions in future benefit accruals, and other reasonable actions consistent with the terms of the plan and applicable law.

"(2) COMPLIANCE WITH FUNDING IMPROVEMENT PLAN.—

"(A) IN GENERAL.—A plan may not be amended after the date of the adoption of a funding improvement plan under subsection (c) so as to be inconsistent with the funding improvement plan.

"(B) NO REDUCTION IN CONTRIBUTIONS.—A plan sponsor may not during any funding improvement period accept a collective bargaining agreement or participation agreement with respect to the multiemployer plan that provides for—

"(i) a reduction in the level of contributions for any participants,

"(ii) a suspension of contributions with respect to any period of service, or

"(iii) any new direct or indirect exclusion of younger or newly hired employees from plan participation.

"(C) SPECIAL RULES FOR BENEFIT INCREASES.—A plan may not be amended after the date of the adoption of a funding improvement plan under subsection (c) so as to increase benefits, including future benefit accruals, unless—

"(i) in the case of a plan in seriously endangered status, the plan actuary certifies that, after taking into account the benefit increase, the plan is still reasonably expected to meet the requirements under subsection (c)(3) in accordance with the schedule contemplated in the funding improvement plan, and

"(ii) in the case of a plan not in seriously endangered status, the actuary certifies that such increase is paid for out of contributions not required by the funding improvement plan to meet the requirements under subsection (c)(3) in accordance with the schedule contemplated in the funding improvement plan.

"(3) FAILURE TO MEET REQUIREMENTS.—

"(A) IN GENERAL.—Notwithstanding section 4971(g), if a plan fails to meet the requirements of subsection (c)(3) by the end of the funding improvement period, the plan shall be treated as having an accumulated funding deficiency for purposes of section 4971 for the last plan year in such period (and each succeeding plan year until such requirements are met) in an amount equal to the greater of the amount of the contributions necessary to meet such requirements or the amount of such accumulated funding deficiency without regard to this paragraph.

"(B) WAIVER.—In the case of a failure described in subparagraph (A) which is due to reasonable cause and not to willful neglect, the Secretary of the Treasury may waive part or all of the tax imposed by section 4971 of such Code to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

"(e) REHABILITATION PLAN MUST BE ADOPTED FOR MULTIEMPLOYER PLANS IN CRITICAL STATUS.—

"(1) IN GENERAL.—In any case in which a multiemployer plan is in critical status for a plan year, the plan sponsor, in accordance with this subsection—

"(A) shall adopt a rehabilitation plan not later than 240 days following the required date for the actuarial certification of critical status under subsection (b)(3)(A), and

"(B) within 30 days after the adoption of the rehabilitation plan—

"(i) shall provide to the bargaining parties 1 or more schedules showing revised benefit structures, revised contribution structures, or both, which, if adopted, may reasonably be expected to enable the multiemployer plan to emerge from critical status in accordance with the rehabilitation plan, and

"(ii) may, if the plan sponsor deems appropriate, prepare and provide the bargaining parties with additional information relating to contribution rates or benefit reductions, alternative schedules, or other information relevant to emerging from critical status in accordance with the rehabilitation plan.

The schedule or schedules described in subparagraph (B)(i) shall reflect reductions in future benefit accruals and increases in contributions that the plan sponsor determines are reasonably necessary to emerge from critical status. One schedule shall be designated as the default schedule and such schedule shall assume that there are no increases in contributions under the plan other than the increases necessary to emerge from critical status after future benefit accruals and other benefits (other than benefits the reduction or elimination of which are not permitted under section 411(d)(6)) have been reduced to the maximum extent permitted by law.

"(2) EXCEPTION FOR YEARS AFTER PROCESS BEGINS.—Paragraph (1) shall not apply to a plan year if such year is in a rehabilitation plan adoption period or rehabilitation period by reason of the plan being in critical status for a preceding plan year. For purposes of this section, such preceding plan year shall be the initial critical year with respect to the rehabilitation plan to which it relates.

"(3) REHABILITATION PLAN.—For purposes of this section—

"(A) IN GENERAL.—A rehabilitation plan is a plan which consists of—

"(i) actions which will enable, under reasonable actuarial assumptions, the plan to cease to be in critical status by the end of the rehabilitation period and may include reductions in plan expenditures (including plan mergers and consolidations), reductions in future benefit accruals or increases in contributions, if agreed to by the bargaining parties, or any combination of such actions, or

"(ii) if the plan sponsor determines that, based on reasonable actuarial assumptions and upon exhaustion of all reasonable measures, the plan can not reasonably be expected to emerge from critical status by the end of the rehabilitation period, reasonable measures to emerge from critical status at a later time or to forestall possible insolvency (within the meaning of section 4245 of the Employee Retirement Income Security Act of 1974).

Such plan shall include the schedules required to be provided under paragraph (1)(B)(i). If clause (ii) applies, such plan shall set forth the alternatives considered, explain why the plan is not reasonably expected to emerge from critical status by the end of the rehabilitation period, and specify when, if ever, the plan is expected to emerge from critical status in accordance with the rehabilitation plan.

"(B) UPDATES TO REHABILITATION PLAN AND SCHEDULES.—

"(i) REHABILITATION PLAN.—The plan sponsor shall annually update the rehabilitation plan and shall file the update with the plan's annual report under section 104 of the Employee Retirement Income Security Act of 1974.

"(ii) SCHEDULES.—The plan sponsor may periodically update any schedule of contribution rates provided under this subsection to reflect the experience of the plan, except that the schedule or schedules described in paragraph (1)(B)(i) shall be updated at least once every 3 years.

"(iii) DURATION OF SCHEDULE.—A schedule of contribution rates provided by the plan sponsor and relied upon by bargaining parties in negotiating a collective bargaining agreement shall remain in effect for the duration of that collective bargaining agreement.

"(C) DEFAULT SCHEDULE.—If the collective bargaining agreement providing for contributions under a multiemployer plan that was in effect at the time the plan entered critical status expires and, after receiving a schedule from the plan sponsor under paragraph (1)(B)(i), the bargaining parties have not adopted a collective bargaining agreement with terms consistent with such a schedule, the default schedule described in the last sentence of paragraph (1) shall go into effect with respect to those bargaining parties.

"(4) REHABILITATION PERIOD.—For purposes of this section—

"(A) IN GENERAL.—The rehabilitation period for a plan in critical status is the 10-year period beginning on the first day of the first plan year of the multiemployer plan following the earlier of—

"(i) the second anniversary of the date of the adoption of the rehabilitation plan, or

"(ii) the expiration of the collective bargaining agreements in effect on the date of the due date for the actuarial certification of critical status for the initial critical year under subsection (a)(1) and covering, as of such date at least 75 percent of the active participants in such multiemployer plan.

If a plan emerges from critical status as provided under subparagraph (B) before the end of such 10-year period, the rehabilitation period shall end with the plan year preceding the plan year for which the determination under subparagraph (B) is made.

"(B) EMERGENCE.—A plan in critical status shall remain in such status until a plan year for which the plan actuary certifies, in accordance with subsection (b)(3)(A), that the plan is not projected to have an accumulated funding deficiency for the plan year or any of the 9 succeeding plan years, without regard to use of the shortfall method or any extension of amortization periods under section 431(d).

"(5) PENALTY IF NO REHABILITATION PLAN ADOPTED.—A failure of a plan sponsor to adopt a rehabilitation plan by the date specified in paragraph (1)(A) shall be treated for purposes of section 502(c)(2) of the Employee Retirement Income Security Act of 1974 as a failure or refusal by the plan administrator to file the annual report required to be filed with the Secretary of Labor under section 101(b)(4) of such Act.

"(6) REHABILITATION PLAN ADOPTION PERIOD.—For purposes of this section, the term 'rehabilitation plan adoption period' means the period beginning on the date of the certification under subsection (b)(3)(A) for the initial critical year and ending on the day before the first day of the rehabilitation period.

"(7) LIMITATION ON REDUCTION IN RATES OF FUTURE ACCRUALS.—Any reduction in the rate of future accruals under any schedule described in paragraph (1)(B)(i) shall not reduce the rate of future accruals below—

"(A) a monthly benefit (payable as a single life annuity commencing at the participant's normal retirement age) equal to 1 percent of the contributions required to be made with respect to a participant, or the equivalent standard accrual rate for a participant or group of participants under the collective bargaining agreements in effect as of the first day of the initial critical year, or

"(B) if lower, the accrual rate under the plan on such first day.

The equivalent standard accrual rate shall be determined by the plan sponsor based on the standard or average contribution base units which the plan sponsor determines to be representative for active participants and such other factors as the plan sponsor determines to be relevant. Nothing in this paragraph shall be construed as limiting the ability of the plan sponsor to prepare and provide the bargaining parties with alternative schedules to the default schedule that established lower or higher accrual and contribution rates than the rates otherwise described in this paragraph.

"(8) EMPLOYER IMPACT.—For the purposes of this section, the plan sponsor shall consider the impact of the rehabilitation plan and contribution schedules authorized by this section on bargaining parties with fewer than 500 employees and shall implement the plan in a manner that encourages their continued participation in the plan and minimizes financial harm to employers and their workers.

"(f) RULES FOR OPERATION OF PLAN DURING ADOPTION AND REHABILITATION PERIOD.—

"(1) COMPLIANCE WITH REHABILITATION PLAN.—

"(A) IN GENERAL.—A plan may not be amended after the date of the adoption of a rehabilitation plan under subsection (e) so as to be inconsistent with the rehabilitation plan.

"(B) SPECIAL RULES FOR BENEFIT INCREASES.—A plan may not be amended after the date of the adoption of a rehabilitation plan under subsection (e) so as to increase benefits, including future benefit accruals, unless the plan actuary certifies that such increase is paid for out of additional contributions not contemplated by the rehabilitation plan, and, after taking into account the benefit increase, the multiemployer plan still is reasonably expected to emerge from critical status by the end of the rehabilitation period on the schedule contemplated in the rehabilitation plan.

"(2) RESTRICTION ON LUMP SUMS AND SIMILAR BENEFITS.—

"(A) IN GENERAL.—Effective on the date the notice of certification of the plan's critical status for the initial critical year under subsection (b)(3)(D) is sent, and notwithstanding section 411(d)(6), the plan shall not pay—

"(i) any payment, in excess of the monthly amount paid under a single life annuity (plus any social security supplements described in the last sentence of section 411(b)(1)(A)),

"(ii) any payment for the purchase of an irrevocable commitment from an insurer to pay benefits, and

"(iii) any other payment specified by the Secretary by regulations.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to a benefit which under section 411(a)(11) may be immediately distributed without the consent of the participant or to any makeup payment in the case of a retroactive annuity starting date or any similar payment of benefits owed with respect to a prior period.

"(3) ADJUSTMENTS DISREGARDED IN WITHDRAWAL LIABILITY DETERMINATION.—Any benefit reductions under this subsection shall be disregarded in determining a plan's unfunded vested benefits for purposes of determining an employer's withdrawal liability under section 4201 of the Employee Retirement Income Security Act of 1974.

"(4) SPECIAL RULES FOR PLAN ADOPTION PERIOD.—During the rehabilitation plan adoption period—

"(A) the plan sponsor may not accept a collective bargaining agreement or participation agreement with respect to the multiemployer plan that provides for—

"(i) a reduction in the level of contributions for any participants,

"(ii) a suspension of contributions with respect to any period of service, or

"(iii) any new direct or indirect exclusion of younger or newly hired employees from plan participation, and

"(B) no amendment of the plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted unless the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 or to comply with other applicable law.

"(5) FAILURE TO MEET REQUIREMENTS.—

"(A) IN GENERAL.—Notwithstanding section 4971(g), if a plan—

"(i) fails to meet the requirements of subsection (e) by the end of the rehabilitation period, or

"(ii) has received a certification under subsection (b)(3)(A)(ii) for 3 consecutive plan years that the plan is not making the scheduled progress in meeting its requirements under the rehabilitation plan,

the plan shall be treated as having an accumulated funding deficiency for purposes of section 4971 for the last plan year in such period (and each succeeding plan year until such requirements are met) in an amount equal to the greater of the amount of the contributions necessary to meet such requirements or the amount of such accumulated funding deficiency without regard to this paragraph.

"(B) WAIVER.—In the case of a failure described in subparagraph (A) which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by section 4971 to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

"(g) EXPEDITED RESOLUTION OF PLAN SPONSOR DECISIONS.—If, within 60 days of the due date for adoption of a funding improvement plan under subsection (c) or a rehabilitation plan under subsection (e), the plan sponsor of a plan in endangered status or a plan in critical status has not agreed on a funding improvement plan or rehabilitation plan, then any member of the board or group that constitutes the plan sponsor may require that the plan sponsor enter into an expedited dispute resolution procedure for the development and adoption of a funding improvement plan or rehabilitation plan.

"(h) NONBARGAINED PARTICIPATION.—

"(1) BOTH BARGAINED AND NONBARGAINED EMPLOYEE-PARTICIPANTS.—In the case of an employer that contributes to a multiemployer plan with respect to both employees who are covered by one or more collective bargaining agreements and to employees who are not so covered, if the plan is in endangered status or in critical status, benefits of and contributions for the nonbargained employees, including surcharges on those contributions, shall be determined as if those nonbargained employees were covered under the first to expire of the employer's collective bargaining agreements in effect when the plan entered endangered or critical status.

"(2) NONBARGAINED EMPLOYEES ONLY.—In the case of an employer that contributes to a multiemployer plan only with respect to employees who are not covered by a collective bargaining agreement, this section shall be applied as if the employer were the bargaining parties, and its participation agreement with the plan was a collective bargaining agreement with a term ending on the first day of the plan year beginning after the employer is provided the schedule or schedules described in subsections (c) and (e).

"(3) EMPLOYEES COVERED BY A COLLECTIVE BARGAINING AGREEMENT.—The determination as to whether an employee covered by a collective bargaining agreement for purposes of this section shall be made without regard to the special rule in Treasury Regulation section 1.410(b)–6(d)(ii)(D).

"(i) DEFINITIONS; ACTUARIAL METHOD.—For purposes of this section—

"(1) BARGAINING PARTY.—The term 'bargaining party' means—

"(A)(i) except as provided in clause (ii), an employer who has an obligation to contribute under the plan; or

"(ii) in the case of a plan described under section 404(c), or a continuation of such a plan, the association of employers that is the employee settlor of the plan; and

"(B) an employee organization which, for purposes of collective bargaining, represents plan participants employed by an employer who has an obligation to contribute under the plan.

"(2) FUNDED PERCENTAGE.—The term 'funded percentage' means the percentage equal to a fraction—

"(A) the numerator of which is the value of the plan's assets, as determined under section 431(c)(2), and

"(B) the denominator of which is the accrued liability of the plan, determined using actuarial assumptions described in section 431(c)(3).

"(3) ACCUMULATED FUNDING DEFICIENCY.—The term 'accumulated funding deficiency' has the meaning given such term in section 412(a).

"(4) ACTIVE PARTICIPANT.—The term 'active participant' means, in connection with a multiemployer plan, a participant who is in covered service under the plan.

"(5) INACTIVE PARTICIPANT.—The term 'inactive participant' means, in connection with a multiemployer plan, a participant, or the beneficiary or alternate payee of a participant, who—

"(A) is not in covered service under the plan, and

"(B) is in pay status under the plan or has a nonforfeitable right to benefits under the plan.

"(6) PAY STATUS.—A person is in pay status under a multiemployer plan if—

"(A) at any time during the current plan year, such person is a participant or beneficiary under the plan and is paid an early, late, normal, or disability retirement benefit under the plan (or a death benefit under the plan related to a retirement benefit), or

"(B) to the extent provided in regulations of the Secretary, such person is entitled to such a benefit under the plan.

"(7) OBLIGATION TO CONTRIBUTE.—The term 'obligation to contribute' has the meaning given such term under section 4212(a) of the Employee Retirement Income Security Act of 1974.

"(8) ACTUARIAL METHOD.—Notwithstanding any other provision of this section, the actuary's determinations with respect to a plan's normal cost, actuarial accrued liability, and improvements in a plan's funded percentage under this section shall be based upon the unit credit funding method (whether or not that method is used for the plan's actuarial valuation).

"(9) PLAN SPONSOR.—In the case of a plan described under section 404(c), or a continuation of such a plan, the term 'plan sponsor' means the bargaining parties described under paragraph (1)."

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by this section shall apply with respect to plan years beginning after 2006.

(2) SPECIAL RULE FOR CERTAIN RESTORED BENEFITS.—In the case of a multiemployer plan—

(A) with respect to which benefits were reduced pursuant to a plan amendment adopted on or after January 1, 2002, and before June 30, 2005, and

(B) which, pursuant to the plan document, the trust agreement, or a formal written communication from the plan sponsor to participants provided before June 30, 2005, provided for the restoration of such benefits, the amendments made by this section shall not apply to such benefit restorations to the extent that any restriction on the providing or accrual of such benefits would otherwise apply by reason of such amendments.

PART III—SUNSET OF FUNDING RULES

SEC. 216. SUNSET OF FUNDING RULES.

(a) REPORT.—Not later than December 31, 2011, the Secretary of Labor, the Secretary of the Treasury, and the Executive Director of the Pension Benefit Guaranty Corporation shall conduct a study of the effect of the amendments made by this subtitle on the operation and funding status of multiemployer plans and shall report the results of such study, including any recommendations for legislation, to the Congress.

(b) MATTERS INCLUDED IN STUDY.—The study required under subsection (a) shall include—

(1) the effect of funding difficulties, funding rules in effect before the date of the enactment of this Act, and the amendments made by this subtitle on small businesses participating in multiemployer plans,

(2) the effect on the financial status of small employers of—

(A) funding targets set in funding improvement and rehabilitation plans and associated contribution increases,

(B) funding deficiencies,

(C) excise taxes,

(D) withdrawal liability,

(E) the possibility of alternatives schedules and procedures for financially-troubled employers, and

(F) other aspects of the multiemployer system, and

(3) the role of the multiemployer pension plan system in helping small employers to offer pension benefits.

(c) SUNSET.—

(1) IN GENERAL.—Except as provided in this subsection, notwithstanding any other provision of this Act, the provisions of, and the amendments made by, this subtitle shall not apply to plan years beginning after December 31, 2014, and the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 shall be applied to such plan years under the provisions of sections 302 through 308 of such Act and 412 of such Code (as in effect before the amendments made by this Act).

(2) FUNDING IMPROVEMENT AND REHABILITATION PLANS.—If a plan is operating under a funding improvement or rehabilitation plan under section 305 of such Act or 432 of such Code for its last year beginning before January 1, 2015, such plan shall continue to operate under such funding improvement or rehabilitation plan during any period after December 31, 2014, such funding improvement or rehabilitation plan is in effect and all provisions of such Act or Code relating to the operation of such funding improvement or rehabilitation plan shall continue in effect during such period.

(3) AMORTIZATION SCHEDULES.—In the case of any amount amortized under section 304(b) of such Act or 431 of such Code (as in effect after the amendments made by this subtitle) over any period beginning with a plan year beginning before January 1, 2015, such amount shall, in lieu of the amortization which would apply after the application of this subsection, continue to be amortized under such section 304 or 431 (as so in effect).

Subtitle B—Deduction and Related Provisions

SEC. 221. DEDUCTION LIMITS FOR MULTIEMPLOYER PLANS.

(a) INCREASE IN DEDUCTION.—Section 404(a)(1)(D) of the Internal Revenue Code of 1986, as amended by this Act, is amended to read as follows:

"(D) AMOUNT DETERMINED ON BASIS OF UNFUNDED CURRENT LIABILITY.—

"(i) IN GENERAL.—In the case of a defined benefit plan which is a multiemployer plan, except as provided in regulations, the maximum amount deductible under the limitations of this paragraph shall not be less than the unfunded current liability of the plan.

"(ii) UNFUNDED CURRENT LIABILITY.—For purposes of clause (i), the term 'unfunded current liability' means the excess (if any) of—

"(I) 140 percent of the current liability of the plan determined under section 431(c)(6)(C), over

"(II) the value of the plan's assets determined under section 431(c)(2).".

(b) EXCEPTION FROM LIMITATION ON DEDUCTION WHERE COMBINATION OF DEFINED CONTRIBUTION AND DEFINED BENEFIT PLANS.—

(1) IN GENERAL.—Section 404(a)(7)(C) of such Code, as amended by this Act, is amended by adding at the end the following new clause:

"(v) MULTIEMPLOYER PLANS.—In applying this paragraph, any multiemployer plan shall not be taken into account.".

(2) CONFORMING AMENDMENT.—Section 404(a)(7)(A) of such Code is amended by striking the last sentence.

(c) EFFECTIVE DATES.—

(1) DEDUCTION LIMIT.—The amendment made by subsection (a) shall apply to years beginning after December 31, 2006.

(2) EXCEPTION.—The amendments made by subsection (b) shall apply to years beginning after December 31, 2005.

SEC. 222. TRANSFER OF EXCESS PENSION ASSETS TO MULTIEMPLOYER HEALTH PLAN.

(a) IN GENERAL.—Section 420(e) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(5) APPLICATION TO MULTIEMPLOYER PLAN.—In the case of any plan to which section 404(c) applies (or any successor plan primarily covering employees in the building and construction industry)—

"(A) the prohibition under subsection (a) on the application of this section to a multiemployer plan shall not apply, and

"(B) this section shall be applied to any such plan—

"(i) by treating any reference in this section to an employer as a reference to all employers maintaining the plan (or, if appropriate, the plan sponsor), and

"(ii) in accordance with such modifications of this section (and the provisions of this title and the Employee Retirement Income Security Act of 1974 relating to this section) as the Secretary determines appropriate to reflect the fact the plan is not maintained by a single employer."

(b) AMENDMENTS OF ERISA.—

(1) Section 101(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(e)(3)) is amended by striking "American Jobs Creation Act of 2004" and inserting "Pension Security and Transparency Act of 2005".

(2) Section 403(c)(1) of such Act (29 U.S.C. 1103(c)(1)) is amended by striking "American Jobs Creation Act of 2004" and inserting "Pension Security and Transparency Act of 2005".

(3) Section 408(b)(13) of such Act (29 U.S.C. 1108(b)(13)) is amended by striking "American Jobs Creation Act of 2004" and inserting "Pension Security and Transparency Act of 2005".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to transfers made in taxable years beginning after December 31, 2004.

TITLE III—INTEREST RATE ASSUMPTIONS

SEC. 301. INTEREST RATE ASSUMPTION FOR DETERMINATION OF LUMP SUM DISTRIBUTIONS.

(a) AMENDMENTS OF ERISA.—

(1) IN GENERAL.—Section 205(g)(3)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(g)(3)(A)) is amended by adding at the end the following new sentence: "In the case of plan years beginning after 2006, the preceding sentence shall be applied by using the applicable yield curve method under subparagraph (C) rather than the applicable interest rate.".

(2) APPLICABLE YIELD CURVE METHOD.—Section 205(g)(3) of such Act (29 U.S.C. 1055(g)(3)) is amended by adding at the end the following new subparagraphs:

"(C) APPLICABLE YIELD CURVE METHOD.—For purposes of subparagraph (A), the term 'applicable yield curve method' means—

"(i) the phase-in yield curve method in the case of plan years beginning in 2007, 2008, and 2009, and

"(ii) the yield curve method for years beginning after 2009.

"(D) YIELD CURVE METHOD.—For purposes of this paragraph—

"(i) IN GENERAL.—The yield curve method is a method under which present value is determined—

"(I) by using interest rates drawn from a yield curve which is prescribed by the Secretary of the Treasury and which reflects the yield on high-quality corporate bonds with varying maturities, and

"(II) by matching the timing of the expected benefit payments under the plan to the interest rates on such yield curve.

"(ii) PUBLICATION.—Each month the Secretary of the Treasury shall publish any yield curve prescribed under this subparagraph which shall apply to plan years beginning in such month and such yield curve shall be based on average interest rates for business days occurring during the 3 preceding months.

"(E) PHASE-IN YIELD CURVE METHOD.—

"(i) IN GENERAL.—Present value determined under the phase-in yield curve method shall be equal to the sum of—

"(I) the applicable percentage of such amount determined under the yield curve method described in subparagraph (D), and

"(II) the product of such amount determined by using the applicable interest rate and a percentage equal to 100 percent minus the applicable percentage.

"(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage is 25 percent for plan years beginning in 2007, 50 percent for plan years beginning in 2008, and 75 percent for plan years beginning in 2009.".

(b) AMENDMENTS OF INTERNAL REVENUE CODE.—

(1) IN GENERAL.—Section 417(e)(3)(A) of the Internal Revenue Code of 1986 (relating to determination of present value) is amended by adding at the end the following new sentence: "In the case of plan years beginning after 2006, the preceding sentence shall be applied by using the applicable yield curve method under subparagraph (C) rather than the applicable interest rate."

(2) APPLICABLE YIELD CURVE METHOD.—Section 417(e) of such Code is amended by adding at the end the following new subparagraphs:

"(C) APPLICABLE YIELD CURVE METHOD.—For purposes of subparagraph (A), the term 'applicable yield curve method' means—

"(i) the phase-in yield curve method in the case of plan years beginning in 2007, 2008, and 2009, and

"(ii) the yield curve method for years beginning after 2009.

"(D) YIELD CURVE METHOD.—For purposes of this paragraph—

"(i) IN GENERAL.—The yield curve method is a method under which present value is determined—

"(I) by using interest rates drawn from a yield curve which is prescribed by the Secretary and which reflects the yield on high-quality corporate bonds with varying maturities, and

"(II) by matching the timing of the expected benefit payments under the plan to the interest rates on such yield curve.

"(ii) PUBLICATION.—Each month the Secretary shall publish any yield curve prescribed under this subparagraph which shall apply to plan years beginning in such month and such yield curve shall be based on average interest rates for business days occurring during the 3 preceding months.

"(E) PHASE-IN YIELD CURVE METHOD.—

"(i) IN GENERAL.—Present value determined under the phase-in yield curve method shall be equal to the sum of—

"(I) the applicable percentage of such amount determined under the yield curve method described in subparagraph (D), and

"(II) the product of such amount determined by using the applicable interest rate and a percentage equal to 100 percent minus the applicable percentage.

"(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage is 25 percent for plan years beginning in 2007, 50 percent for plan years beginning in 2008, and 75 percent for plan years beginning in 2009.".

(c) SPECIAL RULE FOR PLAN AMENDMENTS.—A plan shall not fail to meet the requirements of section 204(g) of the Employee Retirement Income Security Act of 1974 or section 411(d)(6) of the Internal Revenue Code of 1986 solely by reason of the adoption by the plan of an amendment necessary to meet the requirements of the amendments made by this section.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning after 2006.

SEC. 302. INTEREST RATE ASSUMPTION FOR APPLYING BENEFIT LIMITATIONS TO LUMP SUM DISTRIBUTIONS.

(a) IN GENERAL.—Clause (ii) of section 415(b)(2)(E) of the Internal Revenue Code of 1986 is amended to read as follows:

"(ii) For purposes of adjusting any benefit under subparagraph (B) for any form of benefit subject to section 417(e)(3), clause (i) shall be applied by substituting '5.5 percent' for '5 percent'.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to years beginning after December 31, 2005.

SEC. 303. RESTRICTIONS ON FUNDING OF NONQUALIFIED DEFERRED COMPENSATION PLANS BY EMPLOYERS MAINTAINING UNDERFUNDED OR TERMINATED SINGLE-EMPLOYER PLANS.

(a) AMENDMENTS OF ERISA.—

(1) IN GENERAL.—Part 3 of subtitle A of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1081 et seq.), as amended by this Act, is amended by adding at the end the following new section:

"NOTICE OF FUNDING OF NONQUALIFIED DEFERRED COMPENSATION PLANS

"SEC. 306. (a) NOTICE AND ACCESS.—

"(1) NOTICE RELATING TO RESTRICTED PERIOD.—The plan administrator of a defined benefit plan which is a single-employer plan shall notify each plan sponsor of the plan within a reasonable period of time after the occurrence of an event which results in a restricted period with respect to the plan. Such notice shall include information—

"(A) as to the duration of the restricted period, and

"(B) the restrictions under section 409A(b)(3) of the Internal Revenue Code of 1986 which apply during the restricted period to the plan sponsor and any member of a controlled group which includes such sponsor.

"(2) NOTICE OF EXISTENCE OF, AND TRANSFERS TO, NONQUALIFIED DEFERRED COMPENSATION PLANS.—

"(A) INITIAL NOTICE.—Within 30 days of receipt of a notice under paragraph (1), each plan sponsor shall notify the plan administrator of the plan described in paragraph (1)—

"(i) of nonqualified deferred compensation plans maintained by the plan sponsor or any member of a controlled group which includes such sponsor, and

"(ii) the amount of any assets transferred or otherwise reserved by the plan sponsor or such member in violation of section 409A(b)(3) of such Code during any portion of the restricted period occurring on or before the date the plan sponsor provides such notice.

"(B) ADDITIONAL NOTICES.—If, after the date on which notice is provided under subparagraph (A) and during any portion of the remaining restricted period specified in the notice provided under paragraph (1), the plan sponsor of a plan described in paragraph (1) or a member of a controlled group which includes such sponsor—

"(i) transfers or reserves assets in violation of section 409A(b)(3) of such Code, or

"(ii) establishes a new nonqualified deferred compensation plan,

the plan sponsor shall notify the plan administrator of the plan described in paragraph (1) of such transfer, reservation, or establishment within 3 days of the date of such action.

"(3) ACCESS TO FINANCIAL DATA.—Any fiduciary of the plan shall have access to the financial records of a plan sponsor or any member of a controlled group which includes such sponsor to determine if assets were transferred or otherwise reserved in violation of section 409A(b)(3) of such Code.

"(4) FORM AND MANNER.—The Secretary may prescribe the form and manner of a notice required under this section. Such a notice shall be written in a manner calculated to be understood by the average plan participant and may be delivered in written, electronic, or other appropriate form to the extent that such form is reasonably accessible to the recipient.

"(b) RESTRICTED PERIOD.—For purposes of this section, the term 'restricted period' means, with respect to any plan described in subsection (a)(1)—

"(1) any period—

"(A) beginning on the first day of a plan year following a plan year for which the plan's adjusted funding target attainment percentage (as defined in section 303) was less than 60 percent (determined as of the close of such year), and

"(B) ending on the last day of the first period of 2 consecutive plan years (beginning on or after such first day) for which such percentage was at least 60 percent,

"(2) any period the plan sponsor is in bankruptcy, and

"(3) the 12-month period beginning on the date which is 6 months before the termination date of the plan if, as of the termination date, the plan is not sufficient for benefit liabilities (within the meaning of section 4041).

In the case of a plan which is in at-risk status, paragraph (1) shall be applied by substituting '80 percent' for '60 percent' each place it appears.

"(c) NONQUALIFIED DEFERRED COMPENSATION PLAN.—For purposes of this section—

"(1) IN GENERAL.—The term 'nonqualified deferred compensation plan' means any plan that provides for the deferral of compensation, other than—

"(A) a qualified employer plan, and

"(B) any bona fide vacation leave, sick leave, compensatory time, disability pay, or death benefit plan.

"(2) QUALIFIED EMPLOYER PLAN.—The term 'qualified employer plan' means—

"(A) any plan, contract, pension, account, or trust described in subparagraph (A) or (B) of section 219(g)(5) of the Internal Revenue Code of 1986 (without regard to subparagraph (A)(iii)),

"(B) any eligible deferred compensation plan (within the meaning of section 457(b)) of such Code, and

"(C) any plan described in section 415(m) of such Code.

"(3) PLAN INCLUDES ARRANGEMENTS, ETC.—The term 'plan' includes any agreement or arrangement, including an agreement or arrangement that includes one person.

"(d) OTHER DEFINITIONS.—For purposes of this section—

"(1) APPLICABLE COVERED EMPLOYEE.—

"(A) IN GENERAL.—The term 'applicable covered employee' means any—

"(i) covered employee of a plan sponsor,

"(ii) covered employee of a member of a controlled group which includes the plan sponsor, and

"(iii) former employee who was a covered employee at the time of termination of employment with the plan sponsor or a member of a controlled group which includes the plan sponsor.

"(B) COVERED EMPLOYEE.—The term 'covered employee' has the meaning given such term by section 162(m)(3) of the Internal Revenue Code of 1986.

"(2) CONTROLLED GROUP.—The term 'controlled group' has the meaning given such term by section 302(d)(3).".

(2) ENFORCEMENT.—

(A) IN GENERAL.—Section 502(a) of the Employee Retirement Income Security Act (29 U.S.C. 1132(a)), as amended by this Act, is amended—

(i) by striking "or" at the end of paragraph (9), by striking the period at the end of paragraph (10) and inserting "; or", and by adding at the end the following new paragraph:

"(11) by a fiduciary of a defined benefit plan which is a single-employer plan against—

"(A) a plan sponsor, a member of a controlled group which includes the plan sponsor, an applicable covered employee, or a person holding assets which are part of a nonqualified deferred compensation plan to recover on behalf of the plan—

"(i) assets which were set aside or transferred in violation of section 409A(b)(3) of the Internal Revenue Code of 1986 (and any earnings properly allocable to the assets); or

"(ii) amounts equivalent to the assets and earnings described in clause (i); or

"(B) a plan sponsor, or a member of a controlled group which includes the plan sponsor, to compel the production of records the fiduciary is entitled to under section 306."; and

(ii) by adding at the end the following new flush sentence:

"For purposes of paragraph (11), any term used in such paragraph which is also used in section 306 shall have the meaning given such term by section 306.".

(B) AWARDING OF FEES.—Section 502(g) of such Act (29 U.S.C. 1132(g)) is amended by adding at the end the following new paragraph:

"(3) ACTIONS TO RECOVER ASSETS TRANSFERRED TO NONQUALIFIED DEFERRED COMPENSATION PLANS.—If, in any action under subsection (a)(11) by a fiduciary for or on behalf of a plan to enforce section 306 of this Act and section 409A(b)(3), a judgment is awarded in favor of the plan, the court may, in addition to any other amount, award the plan reasonable attorney's fees and costs of the action, to be paid by the defendant".

(3) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act, as amended by this Act, is amended by adding at the end the following new item:

"Sec. 306. Restrictions on funding of nonqualified deferred compensation plans.".

(b) AMENDMENTS OF INTERNAL REVENUE CODE.—

(1) IN GENERAL.—Subsection (b) of section 409A of the Internal Revenue Code of 1986 (providing rules relating to funding) is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) EMPLOYERS OF UNDERFUNDED OR TERMINATED DEFINED BENEFIT PLANS.—During any restricted period—

"(A) a plan sponsor of a defined benefit plan which is a single-employer plan, or

"(B) any member of a controlled group which includes such sponsor,

shall not directly or indirectly transfer assets, or directly or indirectly otherwise reserve assets, in a trust (or other arrangement determined by the Secretary) for purposes of paying deferred compensation of an applicable covered employee under a nonqualified deferred compensation plan of the plan sponsor or member. Any assets transferred or reserved in violation of the preceding sentence shall, for purposes of section 83, be treated as property transferred in connection with the performance of services whether or not such assets are available to satisfy claims of general creditors. For purposes of this paragraph, any term used in this paragraph which is also used in section 306 of the Employee Retirement Income Security Act of 1974 shall have the meaning given such term by such section.".

(2) CONFORMING AMENDMENTS.—Paragraphs (4) and (5) of section 409A(b) of such Code, as redesignated by subsection (a) of this subsection, are each amended by striking "paragraph (1) or (2)" each place it appears and inserting "paragraph (1), (2), or (3)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers or other reservation of assets after December 31, 2006.

SEC. 304. MODIFICATION OF PENSION FUNDING REQUIREMENTS FOR PLANS SUBJECT TO CURRENT TRANSITION RULE.

(a) PLAN YEAR BEFORE NEW FUNDING RULES.—Section 769(c)(3) of the Retirement Protection Act of 1994, as added by section 201 of the Pension Funding Equity Act of 2004, is amended by striking "and 2005" and inserting ", 2005, and 2006".

(b) PLAN YEARS AFTER NEW FUNDING RULES.—

(1) IN GENERAL.—In the case of a plan that—

(A) was not required to pay a variable rate premium for the plan year beginning in 1996,

(B) has not, in any plan year beginning after 1995, merged with another plan (other than a plan sponsored by an employer that was in 1996 within the controlled group of the plan sponsor), and

(C) is sponsored by a company that is engaged primarily in the interurban or interstate passenger bus service,

the rules described in subsection (b) shall apply for any plan year beginning after 2006.

(2) MODIFIED RULES.—The rules described in this subsection are as follows:

(A) For purposes of—

(i) determining unfunded benefits under section 4006(a)(3)(E)(ii) of the Employee Retirement Income Security Act of 1974, and

(ii) determining any present value or making any computation under section 412 and section 430 of the Internal Revenue Code of 1986 and sections 302 and 303 of such Act,

the mortality table shall be the mortality table used by the plan.

(B) Notwithstanding section 303(f)(4) of such Act or 430(f)(4) of such Code, for purposes of section 303(c)(4)(A)(ii) of such Act and 430(c)(4)(A)(ii) of such Code, the value of plan assets shall not be reduced by the amount of the prefunding balance if, pursuant to a binding written agreement with the Pension Benefit Guaranty Corporation entered into before January 1, 2006, the prefunding balance is not available to reduce the minimum required contribution for the plan year.

(3) DEFINITIONS.—Any term used in this section which is also used in section 303 of such Act or section 430 of such Code shall have the meaning provided such term in such section.

(4) CONFORMING AMENDMENT.—Section 769 of the Retirement Protection Act of 1994 is amended by striking subsection (c).

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning after 2006.

TITLE IV—IMPROVEMENTS IN PBGC GUARANTEE PROVISIONS

SEC. 401. INCREASES IN PBGC PREMIUMS.

(a) Flat-Rate Premiums.—

(1) In general.—Section 4006(a)(3)(A)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(A)(i)) is amended to read as follows:

"(i) in the case of a single-employer plan, an amount equal to—

"(I) for plan years beginning after December 31, 1990, and before January 1, 2006, $19, or

"(II) for plan years beginning after December 31, 2005, the amount determined under subparagraph (H),

plus the additional premium (if any) determined under subparagraph (E) for each individual who is a participant in such plan during the plan year;".

(2) Amount of premium after 2005.—Section 4006(a)(3) of such Act (29 U.S.C. 1306(a)(3)), as amended by sections 406 and 407, is amended by adding at the end the following:

"(H) Amount of premium.—

"(i) In general.—The amount determined under this subparagraph is the greater of $30 or in the case of plan years beginning after December 31, 2006, the adjusted amount determined under clause (ii).

"(ii) Adjusted amount.—The adjusted amount determined under this clause is the product derived by multiplying $30 by the ratio of—

"(I) the contribution and benefit base (determined under section 230 of the Social Security Act) in effect in the calendar year in which the plan year begins, to

"(II) the contribution and benefit base in effect in 2006.

"(iii) Rounding.—If the amount determined under clause (ii) is not a multiple of $1, such product shall be rounded to the nearest multiple of $1.".

(b) Risk-Based Premiums.—

(1) Conforming amendments related to funding rules for single-employer plans.—Section 4006(a)(3)(E) of such Act is amended by striking clauses (iii) and (iv) and inserting the following:

"(iii)(I) For purposes of clause (ii), except as provided in subclause (II), the term 'unfunded benefits' means, for a plan year, the amount which would be the plan's funding shortfall (as defined in section 303(c)(4)) if the value of plan assets of the plan were equal to the fair market value of such assets.

"(II) The interest rate used in valuing benefits for purposes of subclause (I) shall be equal to the first, second, or third segment rate which would be determined under section 303(h)(2)(C) if section 303(h)(2)(D) were applied by using the yields on investment grade corporate bonds with varying maturities rather than the average of such yields for a 12-month period.".

(2) Effective date.—The amendments made by paragraph (1) shall apply with respect to plan years beginning after 2006.

(c) Flat-Rate Premium Adjustment.—

(1) In general.—Beginning in 2011, and every 5 years thereafter, the Board of Directors of the Pension Benefit Guaranty Corporation under title IV of the Employee Retirement Income Security Act (29 U.S.C. 1301 et seq.) shall submit to Congress a report that describes any recommendations for adjusting the premium rate payable to the Corporation described under section 4006(a)(3)(A)(i) of such Act (as amended by subsection (a)).

(2) Considerations.—In developing the report described under paragraph (1), the Corporation shall consider—

(A) the national average wage index (as defined in section 209(k)(1) of the Social Security Act (42 U.S.C. 409(k)(1)));

(B) the finances of the Corporation as of the date of such report and an actuarial evaluation of the expected operations and status of the funds established under section 4005 of such title IV (29 U.S.C. 1305) for the 5 years succeeding such date;

(C) the impact of any increases in such premium rate on plan sponsors subject to such title IV; and

(D) such other factors determined relevant by the Corporation.

SEC. 402. AUTHORITY TO ENTER ALTERNATIVE FUNDING AGREEMENTS TO PREVENT PLAN TERMINATIONS.

(a) Authority To Enter Into Agreements.—

(1) Distress terminations.—Section 4041(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341(c)) is amended by adding at the end the following:

"(4) Alternative funding agreements.—

"(A) In general.—If the corporation determines that—

"(i) a plan meets the requirements for a distress termination under this subsection without regard to an alternative funding agreement under section 4047(a), and

"(ii) the termination of the plan would not be necessary if such an agreement were entered into,

the corporation may request that the Secretary of the Treasury, in consultation with the corporation, enter into such an agreement with the contributing sponsors under the plan.

"(B) Early action initiatives.—Subject to the limitations in subsection (a)(3), if—

"(i) the corporation determines that it is reasonable to believe that a plan may be subject to a distress termination within 6 months unless action is taken, the corporation may request that the Secretary of the Treasury, in consultation with the corporation, enter into an alternative funding agreement under section 4047(a); and

"(ii) the corporation, upon the request of the contributing sponsor of a plan or other person, determines that it is reasonable to believe that a plan may be subject to a distress termination within 2 years unless action is taken, the corporation may request that the Secretary of the Treasury, in consultation with the corporation, enter into an alternative funding agreement under section 4047(a).".

(2) Involuntary terminations.—Section 4042 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1342) is amended by adding at the end the following:

"(i) Alternative Funding Agreements.—If—

"(1) the corporation determines that it is reasonable to believe that a plan will meet the requirements for an involuntary termination under this section without regard to an alternative funding agreement under section 4047(a) within 6 months unless action is taken, or

"(B) the corporation, upon the request of the contributing sponsor of a plan or other person, determines that it is reasonable to believe that a plan may be subject to an involuntary termination within 2 years unless action is taken,

and such a termination would not be necessary if such an agreement is entered into, the corporation may request that the Secretary of the Treasury, in consultation with the corporation, enter into an alternative funding agreement under section 4047(a).".

(b) Alternative Funding Schedules To Prevent Plan Termination.—

(1) In general.—Section 4047 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1347) is amended by—

(A) striking the section heading and all that follows through "Whenever" and inserting—

"SEC. 4047. ALTERNATIVE FUNDING SCHEDULES TO PREVENT TERMINATION; RESTORATION OF TERMINATED PLANS.

"(a) Alternative Funding Agreements.—

"(1) In general.—If the requirements of section 4041(c)(4) or 4042(i) are met with respect to any plan, the Secretary of the Treasury, in consultation with the corporation, may enter into an alternative funding agreement with the contributing sponsors under the plan that meets the requirements of this subsection.

"(2) Other requirements.—An alternative funding agreement may be entered into by the Secretary of the Treasury, in consultation with corporation, only if—

"(A) such Secretary finds the agreement to be in the best interests of the participants and beneficiaries; and

"(B) the agreement meets the requirements set forth by such Secretary in regulations.

"(3) Alternative funding agreement.—

"(A) In general.—An agreement meets the requirements of this subsection if the agreement—

"(i) provides for an additional amortization schedule for a period not to exceed 10 years,

"(ii) requires the plan to pay at the time the agreement is entered into any professional fees or other expenses incurred by the Secretary of the Treasury or the corporation in connection with the agreements,

"(iii) requires approval by the corporation before the contributing sponsor establishes or maintains any other defined benefit plan other than any multiemployer plan that covers a substantial number of employees who are covered by the plan subject to the agreement or who perform substantially the same type of work with respect to the same business operations as employees covered by such plan, and

"(iv) provides for a termination date, or a schedule of termination dates, for the purpose of the guarantee under section 4022, to apply if a plan terminates during the period that the agreement is in effect.

"(B) Other conditions.—Notwithstanding any other provision of this Act, an agreement meeting the requirements of this subsection may provide—

"(i) for restrictions on, or the elimination of, future accruals, but only to the extent that such restrictions or eliminations would have been permitted under section 204(g) or section 411(d)(6) of the Internal Revenue Code of 1986 if they had been implemented by a plan amendment adopted immediately before the effective date of the agreement,

"(ii) that the contributing sponsors will provide security or other collateral in such form and amount as specified in the agreement,

"(iii) conditions under which the plan could be terminated in a standard termination under section 4041(b) or conditions under which accruals to which clause (i) applies could resume in the future, and

"(iv) for such other terms and conditions as the Secretary of the Treasury, in consultation with the corporation, determines necessary to protect the interests of the corporation.

"(C) Employee requirements.—

"(i) In general.—An agreement meets the requirements of this subsection only if—

"(I) at least 60 days before the agreement is to take effect the contributing sponsors notify affected parties (other than the corporation) of the terms of the agreement and its effect on such parties, and

"(II) each employee organization representing participants in the plan approves the agreement before it takes effect.

"(ii) FORM AND MANNER OF NOTICE.—The notice under clause (i) shall be written in a manner calculated to be understood by the average plan participant and may be provided to a person designated, in writing, by the person to which it would otherwise be provided. Such notice may be provided in written, electronic, or other appropriate form to the extent such form is reasonably accessible to persons to whom the notice is required to be provided.

"(4) COORDINATION WITH MINIMUM FUNDING REQUIREMENTS.—Any alternative funding schedule under an agreement meeting the requirements under this subsection shall supersede the minimum funding requirements of this Act and the Internal Revenue Code of 1986. For purposes of applying this Act or such Code, any contribution required under such schedule shall be treated in the same manner as contributions required under section 302 of this Act and section 412 of such Code.

"(b) RESTORATION OF TERMINATED PLANS.—Whenever".

(2) CONFORMING AMENDMENT.—The table of contents for title IV of such Act is amended by striking the item relating to section 4047 and inserting the following:

"4047. Alternative funding schedules to prevent terminations; restoration of terminated plans.".

(c) AMENDMENTS TO OTHER PROVISIONS.—

(1) QUALIFICATION REQUIREMENT.—Section 401(a) of the Internal Revenue Code of 1986, as amended by sections 115 and 701 of this Act, is amended by inserting after paragraph (35) the following new paragraph:

"(36) SUCCESSOR PLANS TO CERTAIN PLANS.—If—

"(A) an alternative funding agreement described in section 4047(a) of the Employee Retirement Income Security Act of 1974 is in effect with respect to any plan, and

"(B) the plan is maintained by an employer that establishes or maintains 1 or more other defined benefit plans (other than any multiemployer plan), and such other plans in combination provide benefit accruals to any substantial number of successor employees,

the Secretary may, in the Secretary's discretion, determine that any trust of which any other such plan is a part does not constitute a qualified trust under this subsection unless all benefit obligations of the plan to which the alternative funding agreement applies have been satisfied. For purposes of this paragraph, the term 'successor employee' means any employee who is or was covered by the plan to which the alternative funding agreement applies and any employee who performs substantially the same type of work with respect to the same business operations as an employee covered by such plan.".

(2) LIMITATION ON DEDUCTIONS UNDER CERTAIN PLANS.—Section 404(a)(7)(C) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(iii) PLANS SUBJECT TO ALTERNATIVE FUNDING AGREEMENTS.—This paragraph shall not apply to any plan for a plan year if an alternative funding agreement described in section 4047(a) of the Employee Retirement Income Security Act of 1974 is in effect for such year.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 403. SPECIAL FUNDING RULES FOR PLANS MAINTAINED BY COMMERCIAL AIRLINES THAT ARE AMENDED TO CEASE FUTURE BENEFIT ACCRUALS.

(a) IN GENERAL.—If an election is made to have this section apply to an eligible plan—

(1) in the case of any applicable plan year beginning before January 1, 2007, the plan shall not have an accumulated funding deficiency for purposes of section 302 of the Employee Retirement Income Security Act of 1974 and sections 412 and 4971 of the Internal Revenue Code of 1986 if contributions to the plan for the plan year are not less than the minimum required contribution determined under subsection (d) for the plan for the plan year, and

(2) in the case of any applicable plan year beginning on or after January 1, 2007, the minimum required contribution determined under sections 303 of such Act and 430 of such Code shall, for purposes of sections 302 and 303 of such Act and sections 412, 430, and 4971 of such Code, be equal to the minimum required contribution determined under subsection (d) for the plan for the plan year.

(b) ELIGIBLE PLAN.—For purposes of this section—

(1) IN GENERAL.—The term "eligible plan" means a defined benefit plan (other than a multiemployer plan) to which sections 302 of such Act and 412 of such Code applies—

(A) which is sponsored by an employer—

(i) which is a commercial airline passenger airline, or

(ii) the principal business of which is providing catering services to a commercial passenger airline, and

(B) with respect to which the requirements of paragraphs (2) and (3) are met.

(2) ACCRUAL RESTRICTIONS.—

(A) IN GENERAL.—The requirements of this paragraph are met if, effective as of the first day of the first applicable plan year and at all times thereafter while an election under this section is in effect, the plan provides that—

(i) the accrued benefit, any death or disability benefit, and any social security supplement described in the last sentence of section 411(a)(9) of such Code and section 204(b)(1)(G) of such Act, of each participant are frozen at the amount of such benefit or supplement immediately before such first day, and

(ii) all other benefits under the plan are eliminated,

but only to the extent the freezing or elimination of such benefits would have been permitted under section 411(d)(6) of such Code and section 204(g) of such Act if they had been implemented by a plan amendment adopted immediately before such first day.

(B) INCREASES IN SECTION 415 LIMITS DISREGARDED.—If a plan provides that an accrued benefit of a participant which has been subject to any limitation under section 415 of such Code will be increased if such limitation is increased, the plan shall not be treated as meeting the requirements of this paragraph unless, effective as of the first day of the first applicable plan year and at all times thereafter while an election under this section is in effect, the plan provides that any such increase shall not take effect. A plan shall not fail to meet the requirements of section 411(d)(6) of such Code and section 204(g) of such Act solely because the plan is amended to meet the requirements of this subparagraph.

(3) RESTRICTION ON APPLICABLE BENEFIT INCREASES.—

(A) IN GENERAL.—The requirements of this paragraph are met if no applicable benefit increase takes effect at any time during the period beginning on July 26, 2005, and ending on the day before the first day of the first applicable plan year.

(B) APPLICABLE BENEFIT INCREASE.—For purposes of this paragraph, the term "applicable benefit increase" means, with respect to any plan year, any increase in liabilities of the plan by plan amendment (or otherwise provided in regulations provided by the Secretary) which, but for this paragraph, would occur during the plan year by reason of—

(i) any increase in benefits,

(ii) any change in the accrual of benefits, or

(iii) any change in the rate at which benefits become nonforfeitable under the plan.

(4) EXCEPTION FOR IMPUTED DISABILITY SERVICE.—Paragraphs (2) and (3) shall not apply to any accrual or increase with respect to imputed service provided to a participant during any period of the participant's disability occurring on or after the effective date of the plan amendment providing the restrictions under paragraph (2) if the participant—

(A) was receiving disability benefits as of such date, or

(B) was receiving sick pay and subsequently determined to be eligible for disability benefits as of such date.

(c) ELECTIONS AND RELATED TERMS.—

(1) IN GENERAL.—A plan sponsor shall make the election under subsection (a) at such time and in such manner as the Secretary of the Treasury may prescribe. Except as provided in subsection (h)(5), such election, once made, may be revoked only with the consent of such Secretary.

(2) YEARS FOR WHICH ELECTION MADE.—

(A) IN GENERAL.—The plan sponsor may select the first plan year to which the election under subsection (a) applies from among plan years ending after the date of the election. The election shall apply to such plan year and all subsequent years.

(B) ELECTION OF NEW PLAN YEAR.—The plan sponsor may specify a new plan year in the election under subsection (a) and the plan year of the plan may be changed to such new plan year without the approval of the Secretary of the Treasury.

(3) APPLICABLE PLAN YEAR.—The term "applicable plan year" means each plan year to which the election under subsection (a) applies under paragraph (1).

(d) MINIMUM REQUIRED CONTRIBUTION.—

(1) IN GENERAL.—In the case of any applicable plan year during the amortization period, the minimum required contribution shall be the amount necessary to amortize the unfunded liability of the plan, determined as of the first day of the plan year, in equal annual installments (until fully amortized) over the remainder of the amortization period. Such amount shall be separately determined for each applicable plan year.

(2) YEARS AFTER AMORTIZATION PERIOD.—In the case of any plan year beginning after the end of the amortization period, section 302(a)(2)(A) of such Act and section 412(a)(2)(A) of such Code shall apply to such plan, but the prefunding balance as of the first day of the first of such years under section 303(f) of such Act and section 430(f) of such Code shall be zero.

(3) DEFINITIONS.—For purposes of this section—

(A) UNFUNDED LIABILITY.—The term "unfunded liability" means the unfunded accrued liability under the plan, determined under the unit credit funding method.

(B) AMORTIZATION PERIOD.—The term "amortization period" means the 20-plan year period beginning with the first applicable plan year.

(4) OTHER RULES.—In determining the minimum required contribution and amortization amount under this subsection—

(A) the provisions of section 302(c)(3) of such Act and section 412(c)(3) of such Code, as in effect before the date of enactment of this section, shall apply,

(B) the rate of interest under section 302(b) of such Act and section 412(b) of such Code, as so in effect, shall be used for all calculations requiring an interest rate, and

(C) the value of plan assets shall be equal to their fair market value.

(5) SPECIAL RULE FOR CERTAIN PLAN SPIN-OFFS.—For purposes of subsection (a), if, with respect to any eligible plan to which this subsection applies—

(A) any applicable plan year includes the date of the enactment of this Act,

(B) a plan was spun off from the eligible plan during the plan year but before such date of enactment,

the minimum required contribution under subsection (a)(1) for the eligible plan for such applicable plan year shall be determined as if the plans were a single plan for that plan year (based on the full 12-month plan year in effect prior to the spin-off). The employer shall designate the allocation of the minimum required contribution between such plans for the applicable plan year and direct the appropriate reallocation between the plans of any contributions for the applicable plan year.

(e) FUNDING STANDARD ACCOUNT AND PREFUNDING BALANCE.—Any charge or credit in the funding standard account under section 302 of such Act or section 412 of such Code, and any prefunding balance under section 303 of such Act or section 430 of such Code, as of the day before the first day of the first applicable plan year, shall be reduced to zero.

(f) AMENDMENTS TO OTHER PROVISIONS.—

(1) QUALIFICATION REQUIREMENT.—Section 401(a)(36) of the Internal Revenue Code of 1986, as added by section 402 of this Act, is amended by adding at the end the following: "This paragraph shall also apply to any plan during any period during which an amortization schedule under section 403 of the Pension Security and Transparency Act of 2005 is in effect."

(2) PBGC LIABILITY LIMITED.—Section 4022 of the Employee Retirement Income Security Act of 1974, as amended by this Act, is amended by adding at the end the following new subsection:

"(h) SPECIAL RULE FOR PLANS ELECTING CERTAIN FUNDING REQUIREMENTS.—During any period in which an election by a plan under section 403 of the Pension Security and Transparency Act of 2005 is in effect, then this section and section 4044(a)(3) shall be applied by treating the first day of the first applicable plan year as the termination date of the plan. This subsection shall not apply to any plan for which an election under section 403(h) of such Act is in effect.".

(3) LIMITATION ON DEDUCTIONS UNDER CERTAIN PLANS.—Section 404(a)(7)(C)(iii) of the Internal Revenue Code of 1986, as added by this Act, is amended by adding at the end the following new sentence: "This clause shall also apply to any plan for a plan year if an election under section 403 of the Pension Security and Transparency Act of 2005 is in effect for such year."

(4) NOTICE.—In the case of a plan amendment adopted in order to comply with this section, any notice required under section 204(h) of such Act or section 4980F(e) of such Code shall be provided within 15 days of the effective date of such plan amendment. This subsection shall not apply to any plan unless such plan is maintained pursuant to one or more collective bargaining agreements between employee representatives and 1 or more employers.

(g) SPECIAL RULES FOR TERMINATION OF ELIGIBLE PLANS.—During any period an election is in effect under this section with respect to an eligible plan, the Pension Benefit Guaranty Corporation shall, before it seeks or approves a termination of such plan under section 4041(c) or 4042 of the Employee Retirement Income Security Act of 1974—

(1) make a determination under section 4041(c)(4) or 4042(i) of such Act whether the termination would be necessary if the Secretary of the Treasury were to enter into an agreement under section 4047(a) of such Act which provides an alternative funding agreement to replace the amortization schedule under this section, and

(2) if the Corporation determines such an agreement would make such termination unnecessary, take all necessary actions to ensure the agreement is entered into.

The Pension Benefit Guaranty Corporation shall make the determination under paragraph (1) within 90 days of receiving all information needed in connection with a request for a termination (or if no such request is made, within 90 days of consideration of the termination by the Corporation).

(h) CERTAIN BENEFIT ACCRUALS AND INCREASES ALLOWED IF ADDITIONAL CONTRIBUTIONS MADE TO COVER COSTS.—

(1) IN GENERAL.—If an employer elects the application of this subsection—

(A) the requirements of paragraphs (2) and (3) of subsection (b) shall not apply with respect to any eligible plan maintained by the employer and specified in the election, and

(B) the minimum required contribution under subsection (d) for any plan year with respect to the plan shall be increased by the amounts described in paragraphs (2) and (3).

Any liabilities and assets taken into account under this subsection shall not be taken into account in determining the unfunded liability of the plan for purposes of subsection (d).

(2) CURRENT FUNDING OF ACCRUALS AND INCREASES.—The amount determined under this paragraph for any plan year is the target normal cost which would occur under section 303(b) of such Act and 430(b) of such Code if—

(A) any benefit accrual, or benefit increase taking effect, during the plan year by reason of this subsection were treated as having been accrued or earned during the plan year, and

(B) the plan were treated as if it were in at-risk status.

(3) FUNDING MUST BE MAINTAINED.—The amount determined under this paragraph for any plan year is the amount of any increase in the shortfall amortization charge which would occur under section 303(c) of such Act and 430(c) of such Code if—

(A) the funding target were determined by only taking into account benefits to which paragraph (2) applied for preceding plan years,

(B) the only assets taken into account were the contributions required under this paragraph and paragraph (2) for preceding plan years (and any earnings thereon),

(C) the amortization period included only the plan year,

(D) the transition rule under section 303(c)(4)(B) of such Act and section 430(c)(4)(B) of such Code did not apply, and

(E) the plan were treated as if it were in at-risk status.

(4) SPECIAL RULES FOR YEARS BEFORE 2007.—Notwithstanding any other provision of this Act, in the case of an applicable plan year of an eligible plan to which this subsection applies which begins before January 1, 2007, in determining the amounts described in paragraphs (2) and (3) for such plan year—

(A) the provisions of, and amendments made by, sections 101, 102, 111, and 112 shall apply to such plan year, except that

(B) the interest rate used under section 303 of such Act and section 430 of such Code for purposes of applying paragraphs (2) and (3) to such plan year shall be the interest rate determined under section 302(b)(5) of such Act and section 412(b)(5) of such Code, as in effect for plan years beginning in 2005.

(5) ELECTION OUT OF SECTION.—An employer maintaining an eligible plan to which this subsection applies may make a one-time election with respect to any applicable plan year not to have this section apply to such plan year and all subsequent plan years. Subject to subsection (d)(2), the minimum required contribution under section 303 of such Act and 430 of such Code for all such plan years shall be determined without regard to this section.

(i) EXCLUSION OF CERTAIN EMPLOYEES FROM MINIMUM COVERAGE REQUIREMENTS.—

(1) IN GENERAL.—Section 410(b)(3) of such Code is amended by striking the last sentence and inserting the following: "For purposes of subparagraph (B), management pilots who are not represented in accordance with title II of the Railway Labor Act shall be treated as covered by a collective bargaining agreement described in such subparagraph if the management pilots manage the flight operations of air pilots who are so represented and the management pilots are, pursuant to the terms of the agreement, included in the group of employees benefitting under the trust described in such subparagraph. Subparagraph (B) shall not apply in the case of a plan which provides contributions or benefits for employees whose principal duties are not customarily performed aboard an aircraft in flight (other than management pilots described in the preceding sentence)."

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning before, on, or after the date of the enactment of this Act.

(j) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall apply to plan years ending after the date of the enactment of this Act.

SEC. 404. LIMITATION ON PBGC GUARANTEE OF SHUTDOWN AND OTHER BENEFITS.

(a) IN GENERAL.—Section 4022(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)) is amended by adding at the end the following:

"(8) If a benefit is payable by reason of—

"(A) a plant shutdown or similar event; or

"(B) any event other than attainment of any age, performance of any service, receipt or derivation of any compensation, or the occurrence of death or disability,

this section shall be applied as if a plan amendment had been adopted on the date such event occurred that provides for the payment of such benefit.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to benefits that become payable as a result of a plant shutdown or other similar event, as such terms are used in the amendment made by subsection (a), that occurs after July 26, 2005.

SEC. 405. RULES RELATING TO BANKRUPTCY OF EMPLOYER.

(a) GUARANTEE.—Section 4022 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322), as amended by this Act, is amended by adding at the end the following:

"(i) BANKRUPTCY FILING SUBSTITUTED FOR TERMINATION DATE.—If a contributing sponsor of a plan has filed or has had filed against such person a petition seeking liquidation or reorganization in a case under title 11, United States Code, or under any similar Federal law or law of a State or political subdivision, and the case has not been dismissed as of the termination date, then this section shall be applied by treating the date such petition was filed as the termination date of the plan.".

(b) ALLOCATION OF ASSETS AMONG PRIORITY GROUPS IN BANKRUPTCY PROCEEDINGS.—Section 4044 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1344) is amended by adding at the end the following:

"(e) BANKRUPTCY FILING SUBSTITUTED FOR TERMINATION DATE.—If a contributing sponsor of a plan has filed or has had filed against such person a petition seeking liquidation or reorganization in a case under title 11, United States Code, or under any similar Federal law or law of a State or political subdivision, and the case has not been dismissed as of the termination date, then subsection (a)(3) shall be applied by treating the date such petition was filed as the termination date of the plan.".

(c) EFFECTIVE DATE.—The amendments made this section shall apply with respect to proceedings initiated under title 11, United States Code, or under any similar Federal law or law of a State or political subdivision, on or after the date that is 30 days after the date of enactment of this Act.

SEC. 406. PBGC PREMIUMS FOR NEW PLANS OF SMALL EMPLOYERS.

(a) IN GENERAL.—Subparagraph (A) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(A)) is amended—

(1) in clause (i), by inserting "other than a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined)," after "single-employer plan,",

(2) in clause (iii), by striking the period at the end and inserting ", and", and

(3) by adding at the end the following new clause:

"(v) in the case of a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined) for the plan year, $5 for each individual who is a participant in such plan during the plan year."

(b) DEFINITION OF NEW SINGLE-EMPLOYER PLAN.—Section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amended by adding at the end the following new subparagraph:

"(F)(i) For purposes of this paragraph, a single-employer plan maintained by a contributing sponsor shall be treated as a new single-employer plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of such plan, the sponsor or any member of such sponsor's controlled group (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new single-employer plan.

"(ii)(I) For purposes of this paragraph, the term 'small employer' means an employer which on the first day of any plan year has, in aggregation with all members of the controlled group of such employer, 100 or fewer employees.

"(II) In the case of a plan maintained by two or more contributing sponsors that are not part of the same controlled group, the employees of all contributing sponsors and controlled groups of such sponsors shall be aggregated for purposes of determining whether any contributing sponsor is a small employer."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plans first effective after December 31, 2005.

SEC. 407. PBGC PREMIUMS FOR SMALL AND NEW PLANS.

(a) NEW PLANS.—Subparagraph (E) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)), as amended by this Act, is amended by adding at the end the following new clause:

"(iv) In the case of a new defined benefit plan, the amount determined under clause (ii) for any plan year shall be an amount equal to the product of the amount determined under clause (ii) and the applicable percentage. For purposes of this clause, the term 'applicable percentage' means—

"(I) 0 percent, for the first plan year.

"(II) 20 percent, for the second plan year.

"(III) 40 percent, for the third plan year.

"(IV) 60 percent, for the fourth plan year.

"(V) 80 percent, for the fifth plan year.

For purposes of this clause, a defined benefit plan (as defined in section 3(35)) maintained by a contributing sponsor shall be treated as a new defined benefit plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of the plan, the sponsor and each member of any controlled group including the sponsor (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new plan."

(b) SMALL PLANS.—Paragraph (3) of section 4006(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)), is amended—

(1) by striking "The" in subparagraph (E)(i) and inserting "Except as provided in subparagraph (G), the", and

(2) by inserting after subparagraph (F) the following new subparagraph:

"(G)(i) In the case of an employer who has 25 or fewer employees on the first day of the plan year, the additional premium determined under subparagraph (E) for each participant shall not exceed $5 multiplied by the number of participants in the plan as of the close of the preceding plan year.

"(ii) For purposes of clause (i), whether an employer has 25 or fewer employees on the first day of the plan year is determined by taking into consideration all of the employees of all members of the contributing sponsor's controlled group. In the case of a plan maintained by two or more contributing sponsors, the employees of all contributing sponsors and their controlled groups shall be aggregated for purposes of determining whether the 25-or-fewer-employees limitation has been satisfied."

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to plans first effective after December 31, 2005.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2005.

SEC. 408. AUTHORIZATION FOR PBGC TO PAY INTEREST ON PREMIUM OVERPAYMENT REFUNDS.

(a) IN GENERAL.—Section 4007(b) of the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1307(b)) is amended—

(1) by striking "(b)" and inserting "(b)(1)", and

(2) by inserting at the end the following new paragraph:

"(2) The corporation is authorized to pay, subject to regulations prescribed by the corporation, interest on the amount of any overpayment of premium refunded to a designated payor. Interest under this paragraph shall be calculated at the same rate and in the same manner as interest is calculated for underpayments under paragraph (1)."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to interest accruing for periods beginning not earlier than the date of the enactment of this Act.

SEC. 409. RULES FOR SUBSTANTIAL OWNER BENEFITS IN TERMINATED PLANS.

(a) MODIFICATION OF PHASE-IN OF GUARANTEE.—Section 4022(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)(5)) is amended to read as follows:

"(5)(A) For purposes of this paragraph, the term 'majority owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

"(i) owns the entire interest in an unincorporated trade or business,

"(ii) in the case of a partnership, is a partner who owns, directly or indirectly, 50 percent or more of either the capital interest or the profits interest in such partnership, or

"(iii) in the case of a corporation, owns, directly or indirectly, 50 percent or more in value of either the voting stock of that corporation or all the stock of that corporation.

For purposes of clause (iii), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 (other than paragraph (3)(C) thereof) shall apply, including the application of such rules under section 414(c) of such Code.

"(B) In the case of a participant who is a majority owner, the amount of benefits guaranteed under this section shall equal the product of—

"(i) a fraction (not to exceed 1) the numerator of which is the number of years from the later of the effective date or the adoption date of the plan to the termination date, and the denominator of which is 10, and

"(ii) the amount of benefits that would be guaranteed under this section if the participant were not a majority owner."

(b) MODIFICATION OF ALLOCATION OF ASSETS.—

(1) Section 4044(a)(4)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1344(a)(4)(B)) is amended by striking "section 4022(b)(5)" and inserting "section 4022(b)(5)(B)".

(2) Section 4044(b) of such Act (29 U.S.C. 1344(b)) is amended—

(A) by striking "(5)" in paragraph (2) and inserting "(4), (5),", and

(B) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) If assets available for allocation under paragraph (4) of subsection (a) are insufficient to satisfy in full the benefits of all individuals who are described in that paragraph, the assets shall be allocated first to benefits described in subparagraph (A) of that paragraph. Any remaining assets shall then be allocated to benefits described in subparagraph (B) of that paragraph. If assets allocated to such subparagraph (B) are insufficient to satisfy in full the benefits described in that subparagraph, the assets shall be allocated pro rata among individuals on the basis of the present value (as of the termination date) of their respective benefits described in that subparagraph."

(c) Conforming Amendments.—

(1) Section 4021 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1321) is amended—

(A) in subsection (b)(9), by striking "as defined in section 4022(b)(6)", and

(B) by adding at the end the following new subsection:

"(d) For purposes of subsection (b)(9), the term 'substantial owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

"(1) owns the entire interest in an unincorporated trade or business,

"(2) in the case of a partnership, is a partner who owns, directly or indirectly, more than 10 percent of either the capital interest or the profits interest in such partnership, or

"(3) in the case of a corporation, owns, directly or indirectly, more than 10 percent in value of either the voting stock of that corporation or all the stock of that corporation. For purposes of paragraph (3), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 (other than paragraph (3)(C) thereof) shall apply, including the application of such rules under section 414(c) of such Code."

(2) Section 4043(c)(7) of such Act (29 U.S.C. 1343(c)(7)) is amended by striking "section 4022(b)(6)" and inserting "section 4021(d)".

(d) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan terminations—

(A) under section 4041(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341(c)) with respect to which notices of intent to terminate are provided under section 4041(a)(2) of such Act (29 U.S.C. 1341(a)(2)) after December 31, 2005, and

(B) under section 4042 of such Act (29 U.S.C. 1342) with respect to which proceedings are instituted by the corporation after such date.

(2) Conforming amendments.—The amendments made by subsection (c) shall take effect on January 1, 2006.

SEC. 410. ACCELERATION OF PBGC COMPUTATION OF BENEFITS ATTRIBUTABLE TO RECOVERIES FROM EMPLOYERS.

(a) Modification of Average Recovery Percentage of Outstanding Amount of Benefit Liabilities Payable by Corporation to Participants and Beneficiaries.—Section 4022(c)(3)(B)(ii) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(c)(3)(B)(ii)) is amended to read as follows:

"(ii) notices of intent to terminate were provided (or in the case of a termination by the corporation, a notice of determination under section 4042 was issued) during the 5-Federal fiscal year period ending with the third fiscal year preceding the fiscal year in which occurs the date of the notice of intent to terminate (or the notice of determination under section 4042) with respect to the plan termination for which the recovery ratio is being determined."

(b) Valuation of Section 4062(c) Liability for Determining Amounts Payable by Corporation to Participants and Beneficiaries.—

(1) Single-employer plan benefits guaranteed.—Section 4022(c)(3)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 13) is amended to read as follows:

"(A) In general.—Except as provided in subparagraph (C), the term 'recovery ratio' means the ratio which—

"(i) the sum of the values of all recoveries under section 4062, 4063, or 4064, determined by the corporation in connection with plan terminations described under subparagraph (B), bears to

"(ii) the sum of all unfunded benefit liabilities under such plans as of the termination date in connection with any such prior termination.".

(2) Allocation of assets.—Section 4044 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1362) is amended by adding at the end the following new subsection:

"(e) Valuation of Section 4062(c) Liability for Determining Amounts Payable by Corporation to Participants and Beneficiaries.—

"(1) In general.—In the case of a terminated plan, the value of the recovery of liability under section 4062(c) allocable as a plan asset under this section for purposes of determining the amount of benefits payable by the corporation shall be determined by multiplying—

"(A) the amount of liability under section 4062(c) as of the termination date of the plan, by

"(B) the applicable section 4062(c) recovery ratio.

"(2) Section 4062(c) recovery ratio.—For purposes of this subsection—

"(A) In general.—Except as provided in subparagraph (C), the term 'section 4062(c) recovery ratio' means the ratio which—

"(i) the sum of the values of all recoveries under section 4062(c) determined by the corporation in connection with plan terminations described under subparagraph (B), bears to

"(ii) the sum of all the amounts of liability under section 4062(c) with respect to such plans as of the termination date in connection with any such prior termination.

"(B) Prior terminations.—A plan termination described in this subparagraph is a termination with respect to which—

"(i) the value of recoveries under section 4062(c) have been determined by the corporation, and

"(ii) notices of intent to terminate were provided (or in the case of a termination by the corporation, a notice of determination under section 4042 was issued) during the 5-Federal fiscal year period ending with the third fiscal year preceding the fiscal year in which occurs the date of the notice of intent to terminate (or the notice of determination under section 4042) with respect to the plan termination for which the recovery ratio is being determined.

"(C) Exception.—In the case of a terminated plan with respect to which the outstanding amount of benefit liabilities exceeds $20,000,000, the term 'section 4062(c) recovery ratio' means, with respect to the termination of such plan, the ratio of—

"(i) the value of the recoveries on behalf of the plan under section 4062(c), to

"(ii) the amount of the liability owed under section 4062(c) as of the date of plan termination to the trustee appointed under section 4042 (b) or (c).

"(3) Subsection not to apply.—This subsection shall not apply with respect to the determination of—

"(A) whether the amount of outstanding benefit liabilities exceeds $20,000,000, or

"(B) the amount of any liability under section 4062 to the corporation or the trustee appointed under section 4042 (b) or (c).

"(4) Determinations.—Determinations under this subsection shall be made by the corporation. Such determinations shall be binding unless shown by clear and convincing evidence to be unreasonable."

(c) Effective Date.—The amendments made by this section shall apply for any termination for which notices of intent to terminate are provided (or in the case of a termination by the corporation, a notice of determination under section 4042 under the Employee Retirement Income Security Act of 1974 is issued) on or after the date which is 30 days after the date of enactment of this section.

SEC. 411. TREATMENT OF CERTAIN PLANS WHERE CESSATION OR CHANGE IN MEMBERSHIP OF A CONTROLLED GROUP.

(a) In General.—Section 4041(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341(b)) is amended by adding at the end the following new paragraph:

"(5) Special rule for certain plans where cessation or change in membership of a controlled group.—

"(A) In general.—Except as provided in subparagraph (B), if—

"(i) there is transaction or series of transactions which result in a single-employer plan which is a defined benefit plan being maintained by an employer which is not a member of the same controlled group of which the employer maintaining the plan before such transaction or series of transactions was a member,

"(ii) the corporation treats the transaction or series of transactions as resulting in a standard termination to which this subsection applies, and

"(iii) the plan is fully funded,

then the interest rate used in determining whether the plan is sufficient for benefit liabilities for purposes of this subsection shall be the interest rate used in determining whether the plan is fully funded.

"(B) Limitations.—Subparagraph (A) shall not apply to any transaction or series of transactions unless—

"(i) any employer maintaining the plan immediately before or after such transaction or series of transactions—

"(I) has an outstanding senior unsecured debt instrument which is rated investment grade by each of the nationally recognized statistical rating organizations for corporate bonds that has issued a credit rating for such instrument, or

"(II) if no such debt instrument of such employer has been rated by such an organization but 1 or more of such organizations has made an issuer credit rating for such employer, all such organizations which have so rated the employer have rated such employer investment grade, and

"(ii) the employer maintaining the plan after the transaction or series of transactions employs at least 30 percent of the employees located in the United States who were employed by such employer immediately before the transaction or series of transactions.

"(C) Fully funded.—For purposes of subparagraph (A), a plan shall be treated as fully funded with respect to any transaction or series of transactions if—

"(i) in the case of a transaction or series of transactions which occur in a plan year beginning before January 1, 2007, the funded current liability percentage determined under section 302(d) for the plan year is at least 100 percent, and "(ii) in the case of a transaction or series of transactions which occur in a plan year beginning on or after such date, the funding target attainment percentage determined under section 303 is, as of the valuation date for such plan year, at least 100 percent."

(b) Effective Date.—The amendments made by this section shall apply to any transaction or series of transactions occurring on and after the date of the enactment of this Act.

SEC. 412. EFFECT OF TITLE.

The decreases in Federal outlays resulting from the enactment of this title, and the amendments made by this title, shall be treated as in lieu of the decreases in Federal outlays which—

(1) resulted from amendments made to title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1301 et seq.); and

(2) were contained in an Act enacted pursuant to the concurrent resolution on the budget for fiscal year 2006.

SEC. 413. AGE REQUIREMENT FOR EMPLOYERS.

(a) Single-Employer Plan Benefits Guaranteed.—Section 4022(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)) is amended in the flush matter following paragraph (3), by adding at the end the following: "If, at the time of termination of a plan under this title, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining any age before age 65, paragraph (3) shall be applied to an individual who is a participant in the plan by reason of such service by substituting such age for age 65.".

(b) Multiemployer Plan Benefits Guaranteed.—Section 4022B(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322b(a)) is amended by adding at the end the following: "If, at the time of termination of a plan under this title, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining any age before age 65, this subsection shall be applied to an individual who is a participant in the plan by reason of such service by substituting such age for age 65.".

(c) Effective Date.—The amendments made by this section shall apply to benefits payable on or after the date of enactment of this Act.

TITLE V—DISCLOSURE

SEC. 501. DEFINED BENEFIT PLAN FUNDING NOTICE.

(a) In General.—Section 101(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(f)) is amended to read as follows:

"(f) Defined Benefit Plan Funding Notices.—

"(1) In general.—The administrator of a defined benefit plan shall for each plan year provide a plan funding notice to the Pension Benefit Guaranty Corporation, to each plan participant and beneficiary, to each labor organization representing such participants or beneficiaries, and, in the case of a multiemployer plan, to each employer that has an obligation to contribute to the plan.

"(2) Information contained in notices.—

"(A) Identifying information.—Each notice required under paragraph (1) shall contain identifying information, including the name of the plan, the address and phone number of the plan administrator and the plan's principal administrative officer, each plan sponsor's employer identification number, and the plan number of the plan.

"(B) Specific information.—A plan funding notice under paragraph (1) shall include—

"(i)(I) in the case of a single-employer plan, a statement as to whether the plan's funding target attainment percentage (as defined in section 303(d)(2)) for the plan year to which the notice relates, and for the 2 preceding plan years, is at least 100 percent (and, if not, the actual percentages), or

"(II) in the case of a multiemployer plan, a statement as to whether the plan's funded percentage (as defined in section 305(i)) for the plan year to which the notice relates, and for the 2 preceding plan years, is at least 100 percent (and, if not, the actual percentages),

"(ii)(I) in the case of a single-employer plan, a statement of the value of the plan's assets and liabilities for the plan year to which the notice relates as of the last day of the plan year to which the notice relates determined using the asset valuation under subclause (I) of section 4006(a)(3)(E)(iii) and the interest rate under subclause (II) of such section, and

"(II) in the case of a multiemployer plan, a statement of the value of the plan's assets and liabilities for the plan year to which the notice relates as the last day of such plan year,

"(iii) a statement of the number of participants who are—

"(I) retired or separated from service and are receiving benefits,

"(II) retired or separated participants entitled to future benefits, and

"(II) active participants under the plan,

"(iv) a statement setting forth the funding policy of the plan and the asset allocation of investments under the plan (expressed as percentages of total assets) as of the end of the plan year to which the notice relates,

"(v) in the case of a multiemployer plan, whether the plan was in critical or endangered status under section 305 for such plan year and, if so—

"(I) a list of the actions taken by the plan to improve its funding status, and

"(II) a statement describing how a person may obtain a copy of the plan's improvement or rehabilitation plan, as appropriate, adopted under section 305 and the actuarial and financial data that demonstrate any action taken by the plan toward fiscal improvement,

"(vi) a summary of any funding improvement plan, rehabilitation plan, or modification thereof adopted under section 305 during the plan year to which the notice relates,

"(vii) in the case of any plan amendments, scheduled benefit increase or reduction, or other known event taking effect in the current plan year and having a material effect on plan liabilities or assets for the year (as defined in regulations by the Secretary), an explanation of the amendment, schedule increase or reduction, or event, and a projection to the end of such plan year of the effect of the amendment, scheduled increase or reduction, or event on plan liabilities,

"(viii)(I) in the case of a single-employer plan, a summary of the rules governing termination of single-employer plans under subtitle C of title IV, or

"(II) in the case of a multiemployer plan, a summary of the rules governing reorganization or insolvency, including the limitations on benefit payments and any potential benefit reductions and suspensions (and the potential effects of such limitations, reductions, and suspensions on the plan), and

"(ix) a general description of the benefits under the plan which are eligible to be guaranteed by the Pension Benefit Guaranty Corporation, along with an explanation of the limitations on the guarantee and the circumstances under which such limitations apply.

"(C) Other information.—Each notice under paragraph (1) shall include—

"(i) in the case of a multiemployer plan, a statement that the plan administrator shall provide, upon written request, to any labor organization representing plan participants and beneficiaries and any employer that has an obligation to contribute to the plan, a copy of the annual report filed with the Secretary under section 104(a), and

"(ii) any additional information which the plan administrator elects to include to the extent not inconsistent with regulations prescribed by the Secretary.

"(3) Time for providing notice.—

"(A) In general.—Any notice under paragraph (1) shall be provided not later than 90 days after the end of the plan year to which the notice relates.

"(B) Exception for small plans.—In the case of a small plan (as such term is used under section 303(g)(2)(B)) any notice under paragraph (1) shall be provided upon filing of the annual report under section 104(a).

"(4) Form and manner.—Any notice under paragraph (1)—

"(A) shall be provided in a form and manner prescribed in regulations of the Secretary,

"(B) shall be written in a manner so as to be understood by the average plan participant, and

"(C) may be provided in written, electronic, or other appropriate form to the extent such form is reasonably accessible to persons to whom the notice is required to be provided.".

(b) Model Notice.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall publish a model version of the notice required by section 101(f) of the Employee Retirement Income Security Act of 1974. The Secretary of Labor may promulgate any interim final rules as the Secretary determines appropriate to carry out the provisions of this subsection.

(c) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

SEC. 502. ACCESS TO MULTIEMPLOYER PENSION PLAN INFORMATION.

(a) Financial Information With Respect to Multiemployer Plans.—

(1) In general.—Section 101 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021) is amended—

(A) by redesignating subsection (k) as subsection (l); and

(B) by inserting after subsection (j) the following new subsection:

"(k) Multiemployer Plan Information Made Available on Request.—

"(1) In general.—Each administrator of a multiemployer plan shall, upon written request, furnish to any plan participant or beneficiary, employee representative, or any employer that has an obligation to contribute to the plan—

"(A) a copy of any periodic actuarial report (including sensitivity testing) received by the plan for any plan year which has been in the plan's possession for at least 30 days, and

"(B)(i) a copy of any quarterly, semi-annual, or annual financial report prepared for the plan by any plan investment manager or advisor or other fiduciary which has been in the plan's possession for at least 30 days, or "(ii) at the discretion of the person submitting the written request, a copy of a quarterly summary of the financial reports described clause (i).

"(2) COMPLIANCE.—Information required to be provided under paragraph (1)—

"(A) shall be provided to the requesting participant, beneficiary, or employer within 30 days after the request in a form and manner prescribed in regulations of the Secretary,

"(B) may be provided in written, electronic, or other appropriate form to the extent such form is reasonably accessible to persons to whom the information is required to be provided, and

"(C) shall not—

"(i) include any individually identifiable information regarding any plan participant, beneficiary, employee, fiduciary, or contributing employer, or

"(ii) reveal any proprietary information regarding the plan, any contributing employer, or entity providing services to the plan.

"(3) LIMITATIONS.—In no case shall a participant, beneficiary, or employer be entitled under this subsection to receive more than one copy of any report described in paragraph (1) during any one 12-month period. The administrator may make a reasonable charge to cover copying, mailing, and other costs of furnishing copies of information pursuant to paragraph (1). The Secretary may by regulations prescribe the maximum amount which will constitute a reasonable charge under the preceding sentence.".

(2) ENFORCEMENT.—Section 502(c)(4) of such Act (29 U.S.C. 1132(c)(4)) is amended by striking "section 101(j)" and inserting "subsection (j) or (k) of section 101".

(3) REGULATIONS.—The Secretary shall prescribe regulations under section 101(k)(2) of the Employee Retirement Income Security Act of 1974 (added by paragraph (1)) not later than 270 days after the date of the enactment of this Act.

(b) NOTICE OF POTENTIAL WITHDRAWAL LIABILITY TO MULTIEMPLOYER PLANS.—

(1) IN GENERAL.—Section 101 of such Act (as amended by subsection (a)) is amended—

(A) by redesignating subsection (l) as subsection (m); and

(B) by inserting after subsection (k) the following new subsection:

"(l) NOTICE OF POTENTIAL WITHDRAWAL LIABILITY.—

"(1) IN GENERAL.—The plan sponsor or administrator of a multiemployer plan shall, upon written request, furnish to any employer who has an obligation to contribute to the plan a notice of—

"(A) the estimated amount which would be the amount of such employer's withdrawal liability under part 1 of subtitle E of title IV if such employer withdrew on the last day of the plan year preceding the date of the request, and

"(B) an explanation of how such estimated liability amount was determined, including the actuarial assumptions and methods used to determine the value of the plan liabilities and assets, the data regarding employer contributions, unfunded vested benefits, annual changes in the plan's unfunded vested benefits, and the application of any relevant limitations on the estimated withdrawal liability.

For purposes of subparagraph (B), the term 'employer contribution' means, in connection with a participant, a contribution made by an employer as an employer of such participant.

"(2) COMPLIANCE.—Any notice required to be provided under paragraph (1)—

"(A) shall be provided to the requesting employer within—

"(i) 180 days after the request in a form and manner prescribed in regulations of the Secretary, or

"(ii) subject to regulations of the Secretary, such longer time as may be necessary in the case of a plan that determines withdrawal liability based on any method described under paragraph (4) or (5) of section 4211(c); and

"(B) may be provided in written, electronic, or other appropriate form to the extent such form is reasonably accessible to employers to whom the information is required to be provided.

"(3) LIMITATIONS.—In no case shall an employer be entitled under this subsection to receive more than one notice described in paragraph (1) during any one 12-month period. The person required to provide such notice may make a reasonable charge to cover copying, mailing, and other costs of furnishing such notice pursuant to paragraph (1). The Secretary may by regulations prescribe the maximum amount which will constitute a reasonable charge under the preceding sentence.".

(2) ENFORCEMENT.—Section 502(c)(4) of such Act (29 U.S.C. 1132(c)(4)) is amended by striking "section 101(j) or (k)" and inserting "subsection (j), (k), or (l) of section 101".

(c) NOTICE OF AMENDMENT REDUCING FUTURE ACCRUALS.—Section 204(h)(1) of such Act (29 U.S.C. 1054(h)(1)) is amended by inserting at the end before the period "and to each employer who has an obligation to contribute to the plan.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

SEC. 503. ADDITIONAL ANNUAL REPORTING REQUIREMENTS.

(a) ADDITIONAL ANNUAL REPORTING REQUIREMENTS WITH RESPECT TO DEFINED BENEFIT PLANS.—

(1) IN GENERAL.—Section 103 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023) is amended—

(A) in subsection (a)(1)(B), by striking "subsections (d) and (e)" and inserting "subsections (d), (e), and (f)"; and

(B) by adding at the end the following new subsection:

"(f) ADDITIONAL INFORMATION WITH RESPECT TO DEFINED BENEFIT PLANS.—

"(1) GENERAL INFORMATION.—With respect to any defined benefit plan, an annual report under this section for a plan year shall include the following:

"(A) In any case in which any liabilities to participants or their beneficiaries under such plan as of the end of such plan year consist (in whole or in part) of liabilities to such participants and beneficiaries under 2 or more pension plans as of immediately before such plan year, the funded percentage of each of such 2 or more pension plans as of the last day of such plan year and the funded percentage of the plan with respect to which the annual report is filed as of the last day of such plan year.

"(B) For purposes of this paragraph, the term 'funded percentage'—

"(i) in the case of a single-employer plan, means the funding target attainment percentage, as defined in section 303(d)(2), and

"(ii) in the case of a multiemployer plan, has the meaning given such term in section 305(i)(2).

"(2) ADDITIONAL INFORMATION FOR MULTIEMPLOYER PLANS.—With respect to any defined benefit plan which is a multiemployer plan, an annual report under this section for a plan year shall include, in addition to the information required under paragraph (1), the following, as of the end of the plan year to which the notice relates:

"(A) The number of employers obligated to contribute to the plan.

"(B) A list of the employers that contributed more than 5 percent of the total contributions to the plan during such plan year.

"(C) The number of participants under the plan on whose behalf no employer contributions have been made to the plan for such plan year and for each of the 2 preceding plan years. For purposes of this subparagraph, the term 'employer contribution' means, in connection with a participant, a contribution made by an employer as an employer of such participant.

"(D) The ratio of—

"(i) the number of participants under the plan on whose behalf no employer had an obligation to make an employer contribution during the plan year, to

"(ii) the number of participants under the plan on whose behalf no employer had an obligation to make an employer contribution during each of the 2 preceding plan years.

"(E) Whether the plan received an amortization extension under section 304(d) or section 431(d) of the Internal Revenue Code of 1986 for such plan year and, if so, the amount of the difference between the minimum required contribution for the year and the minimum required contribution which would have been required without regard to the extension, and the period of such extension.

"(F) Whether the plan used the shortfall funding method (as such term is used in section 305) for such plan year and, if so, the amount of the difference between the minimum required contribution for the year and the minimum required contribution which would have been required without regard to the use of such method, and the period of use of such method.

"(G) Whether the plan was in critical or endangered status under section 305 for such plan year, and if so, a summary of any funding improvement or rehabilitation plan (or modification thereto) adopted during the plan year, and the funding ratio of the plan.

"(H) The number of employers that withdrew from the plan during the preceding plan year and the aggregate amount of withdrawal liability assessed, or estimated to be assessed, against such withdrawn employers.

"(I) In the case of a multiemployer plan that has merged with another plan or to which assets and liabilities have been transferred, the actuarial valuation of the assets and liabilities of each affected plan during the year preceding the effective date of the merger or transfer, based upon the most recent data available as of the day before the first day of the plan year, or other valuation method performed under standards and procedures as the Secretary may prescribe by regulation.".

(2) GUIDANCE BY SECRETARY OF LABOR.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Labor shall publish guidance to assist multiemployer defined benefit plans to—

(i) identify and enumerate plan participants for whom there is no employer with an obligation to make an employer contribution under the plan; and

(ii) report such information under section 103(f)(2)(D) of the Employee Retirement Income Security Act of 1974 (as added by this section).

(B) WAIVER OF REQUIREMENT.—The Secretary of Labor shall waive the requirement under section 103(f)(2)(D) of such Act (as added by this section) for the construction and entertainment industries.

(b) ADDITIONAL INFORMATION IN ANNUAL ACTUARIAL STATEMENT REGARDING PLAN RETIREMENT PROJECTIONS.—Section 103(d) of such Act (29 U.S.C. 1023(d)) is amended—

(1) by redesignating paragraphs (12) and (13) as paragraphs (13) and (14), respectively; and

(2) by inserting after paragraph (11) the following new paragraph:

"(12) A statement explaining the actuarial assumptions and methods used in projecting future retirements and forms of benefit distributions under the plan.".

(c) FORM AND MANNER OF REPORT.—Section 104(b)(3) of such Act (29 U.S.C. 1024(b)(3)) is amended by—

(1) striking "(3) Within" and inserting—

"(A) IN GENERAL.—Within"; and

(2) adding at the end the following:

"(B) FORM OF REPORT.—The material provided pursuant to subparagraph (A) to summarize the latest annual report shall be written in a manner calculated to be understood by the average plan participant.

(d) FURNISHING SUMMARY PLAN INFORMATION TO EMPLOYERS AND EMPLOYEE REPRESENTATIVES OF MULTIEMPLOYER PLANS.—

(1) IN GENERAL.—Section 104 of such Act (29 U.S.C. 1024) is amended—

(A) in the header, by striking "PARTICIPANTS" and inserting "PARTICIPANTS AND CERTAIN EMPLOYERS";

(B) redesignating subsection (d) as subsection (e); and

(C) inserting after subsection (c) the following:

"(d) FURNISHING SUMMARY PLAN INFORMATION TO EMPLOYERS AND EMPLOYEE REPRESENTATIVES OF MULTIEMPLOYER PLANS.—

"(1) IN GENERAL.—With respect to a multiemployer plan subject to this section, within 30 days after the due date under subsection (a)(1) for the filing of the annual report for the fiscal year of the plan, the administrators shall furnish to each employee organization, employer with an obligation to contribute to the plan, and the Pension Benefit Guaranty Corporation, a report that contains—

"(A) a description of the contribution schedules and benefit formulas under the plan, and any modification to such schedules and formulas, during such plan year;

"(B) the number of employers obligated to contribute to the plan;

"(C) a list of the employers that contributed more than 5 percent of the total contributions to the plan during such plan year;

"(D) the number of participants under the plan on whose behalf no employer contributions (which, for purposes of this paragraph, means, in connection with a participant, a contribution made by an employer as an employer of such participant) have been made to the plan for such plan year and for each of the 2 preceding plan years;

"(E) whether the plan was in critical or endangered status under section 305 for such plan year and, if so, include—

"(i) a list of the actions taken by the plan to improve its funding status; and

"(ii) a statement describing how a person may obtain a copy of the plan's improvement or rehabilitation plan, as appropriate, adopted under section 305 and the actuarial and financial data that demonstrate any action taken by the plan toward fiscal improvement;

"(H) the number of employers that withdrew from the plan during the preceding plan year and the aggregate amount of withdrawal liability assessed, or estimated to be assessed, against such withdrawn employers, as reported on the annual report for the plan year to which the report under this subsection relates;

"(I) in the case of a multiemployer plan that has merged with another plan or to which assets and liabilities have been transferred, the actuarial valuation of the assets and liabilities of each affected plan during the year preceding the effective date of the merger or transfer, based upon the most recent data available as of the day before the first day of the plan year, or other valuation method performed under standards and procedures as the Secretary may prescribe by regulation;

"(J) a description as to whether the plan—

"(i) sought or received an amortization extension under section 304(d) or section 431(d) of the Internal Revenue Code of 1986 for such plan year;

"(ii) used the shortfall funding method (as such term is used in section 305) for such plan year; or

"(iii) was in critical or endangered status under section 305 for such plan year; and

"(K) notification of the right under this section of the recipient to a copy of the annual report filed with the Secretary under subsection (a), summary annual report, summary plan description, summary of any material modification of the plan, upon written request, but that—

"(i) in no case shall a recipient be entitled to receive more than one copy of any such report described during any one 12-month period; and

"(ii) the administrator may make a reasonable charge to cover copying, mailing, and other costs of furnishing copies of information pursuant to this subparagraph.

"(2) EFFECT OF SECTION.—Nothing in this section waives any other provision under this title requiring plan administrators to provide, upon request, information to employers that have an obligation to contribution under the plan.".

(e) MODEL FORM.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Labor shall publish a model form for providing the statements, schedules, and other material required to be provided under section 104(b)(3) of the Employee Retirement Income Security Act of 1974, as amended by this section. The Secretary of Labor may promulgate any interim final rules as the Secretary determines appropriate to carry out the provisions of this subsection.

(f) FIVE-YEAR REPORT WITH RESPECT TO MULTIEMPLOYER PLANS.—Section 4022A(f) of such Act (29 U.S.C. 1322a(f)) is amended by adding at the end the following:

"(6) Not later than 5 years after the date of the enactment of the Pension Security and Transparency Act of 2005, and at least every fifth year thereafter, the corporation shall submit to Congress a report that contains a description of the fiscal conditions of the multiemployer pension plan system as of the date of such report based on the information submitted to the corporation under section 104(d).".

(g) CONFORMING AMENDMENT.—Title IV of such Act (29 U.S.C. 1301 et seq.) is amended by striking section 4011.

(h) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

(2) SPECIAL RULE.—Notwithstanding the provisions of paragraph (1), the requirement under section 103(f)(2)(D) of the Employee Retirement Income Security Act (as added by this section) shall apply to plan years beginning after December 31, 2007.

SEC. 504. TIMING OF ANNUAL REPORTING REQUIREMENTS.

(a) FILING AFTER 285 DAYS AFTER PLAN YEAR ONLY IN CASES OF HARDSHIP.—Section 104(a)(1) of such Act (29 U.S.C. 1024(a)(1)) is amended by inserting after the first sentence the following new sentence: "In the case of a pension plan, the Secretary may extend the deadline for filing the annual report for any plan year past 285 days after the close of the plan year only on a case by case basis and only in cases of hardship, in accordance with regulations which shall be prescribed by the Secretary.".

(b) INTERNET DISPLAY OF INFORMATION.—Section 104(b) of such Act (29 U.S.C. 1024(b)) is amended by adding at the end the following:

"(5) Identification and basic plan information and actuarial information included in the annual report for any plan year shall be filed with the Secretary in an electronic format which accommodates display on the Internet, in accordance with regulations which shall be prescribed by the Secretary. The Secretary shall provide for display of such information included in the annual report, within 90 days after the date of the filing of the annual report, on an Internet website maintained by the Secretary and other appropriate media. Such information shall also be displayed on any Internet website maintained by the plan sponsor (or by the plan administrator on behalf of the plan sponsor), in accordance with regulations which shall be prescribed by the Secretary.".

(c) SUMMARY ANNUAL REPORT FILED WITHIN 30 DAYS AFTER DEADLINE FOR FILING OF ANNUAL REPORT.—Section 104(b)(3) of such Act (29 U.S.C. 1024(b)(3)), as amended by section 503, is amended by—

(1) striking "(3)(A) Within 210 days after the close of the fiscal year," and inserting "(3)(A) Within 30 days after the due date under subsection (a)(1) for the filing of the annual report for the fiscal year of the plan";

(2) striking "the latest" and inserting "such"; and

(3) adding at the end the following

"(C) DATE OF INTERNET DISPLAY.—Display of the summary annual report on the Internet website maintained by the plan sponsor (or by the plan administrator on behalf of the plan sponsor) by the date required under subparagraph (A) shall be treated as furnishing such report to each participant and beneficiary receiving benefits under the plan by such date, except that such report shall be furnished to each such participant and beneficiary as soon as practicable thereafter, and in no event later the 30 days after such date.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

SEC. 505. SECTION 4010 FILINGS WITH THE PBGC.

(a) CHANGE IN CRITERIA FOR PERSONS REQUIRED TO PROVIDE INFORMATION TO PBGC.—Section 4010(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1310(b)) is amended—

(1) in paragraph (1)—

(A) by striking "(1) the aggregate" and inserting "(1)(A) the aggregate";

(B) by striking the semicolon and inserting "; and";

(C) by inserting after subparagraph (A) the following:

"(B)(i) the aggregate funding targets attainment percentage of the plan (as defined in subsection (d)) is less than 90 percent; or

"(ii) any debt instrument of the plan sponsor or the plan sponsor has received a rating described in subclause (I) or (II) of section 303(i)(5)(A)(i);"; and

(2) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively, and by inserting before paragraph (4) (as so redesignated) the following new paragraphs:

"(2) the aggregate funding targets attainment percentage of the plan (as defined in subsection (d)) is less than 60 percent;

"(3)(A) the aggregate funding targets attainment percentage of the plan (as defined in subsection (d)) is less than 75 percent, and

"(B) the plan sponsor is in an industry with respect to which the corporation determines that there is substantial unemployment or underemployment and the sales and profits are depressed or declining;".

(b) ADDITIONAL INFORMATION REQUIRED.—Section 4010 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1310) is amended by adding at the end the following new subsection:

"(d) ADDITIONAL INFORMATION REQUIRED.—

"(1) IN GENERAL.—The information submitted to the corporation under subsection (a) shall include—

"(A) the amount of benefit liabilities under the plan determined using the assumptions used by the corporation in determining liabilities;

"(B) the funding target of the plan determined as if the plan has been in at-risk status for at least 5 plan years; and

"(C) the funding target attainment percentage of the plan.

"(2) DEFINITIONS.—For purposes of this subsection:

"(A) VALUE OF PLAN ASSETS.—The term 'value of plan assets' means the value of plan assets, as determined under section 303(g)(3).

"(B) FUNDING TARGET.—The term 'funding target' has the meaning provided under section 303(d)(1).

"(C) FUNDING TARGET ATTAINMENT PERCENTAGE.—The term 'funding target attainment percentage' has the meaning provided in section 303(d)(2).

"(D) AGGREGATE FUNDING TARGETS ATTAINMENT PERCENTAGE.—The term 'aggregate funding targets attainment percentage' means, with respect to a contributing sponsor for a plan year, the percentage, taking into account all plans maintained by the contributing sponsor and the members of its controlled group as of the end of such plan year, which—

"(i) the aggregate total of the values of plan assets, as of the end of such plan year, of such plans, is of

"(ii) the aggregate total of the funding targets of such plans, as of the end of such plan year, taking into account only benefits to which participants and beneficiaries have a nonforfeitable right.

"(E) AT-RISK STATUS.—The term 'at-risk status' has the meaning provided in section 303(i)(4).

"(e) NOTICE TO CONGRESS.—The Corporation shall, on an annual basis, submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, a summary report of the information submitted to the Corporation under this section.".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to plan years beginning after 2006.

SEC. 506. DISCLOSURE OF TERMINATION INFORMATION TO PLAN PARTICIPANTS.

(a) DISTRESS TERMINATIONS.—

(1) IN GENERAL.—Section 4041(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341(c)(2)) is amended by adding at the end the following:

"(D) DISCLOSURE OF TERMINATION INFORMATION.—

"(i) IN GENERAL.—A plan administrator that has filed a notice of intent to terminate under subsection (a)(2) shall provide to an affected party any information provided to the corporation under paragraph (2) not later than 15 days after—

"(I) receipt of a request from the affected party for the information; or

"(II) the provision of new information to the corporation relating to the previous request.

"(ii) CONFIDENTIALITY.—

"(I) IN GENERAL.—The plan administrator shall not provide information under clause (i) in a form that includes any information that may directly or indirectly be associated with, or otherwise identify, an individual participant or beneficiary.

"(II) LIMITATION.—A court may limit disclosure under this subparagraph of confidential information described in section 552(b) of title 5, United States Code, to any authorized representative of the participants or beneficiaries that agrees to ensure the confidentiality of such information.

"(iii) FORM AND MANNER OF INFORMATION; CHARGES.—

"(I) FORM AND MANNER.—The corporation may prescribe the form and manner of the provision of information under this subparagraph, which shall include delivery in written, electronic, or other appropriate form to the extent that such form is reasonably accessible to individuals to whom the information is required to be provided.

"(II) REASONABLE CHARGES.—A plan sponsor may charge a reasonable fee for any information provided under this subparagraph in other than electronic form.

"(iv) AUTHORIZED REPRESENTATIVE.—For purposes of this subparagraph, the term 'authorized representative' means any employee organization representing participants in the pension plan.".

(2) CONFORMING AMENDMENT.—Section 4041(c)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341(c)(1)) is amended in subparagraph (C) by striking "subparagraph (B)" and inserting "subparagraphs (B) and (D)".

(b) INVOLUNTARY TERMINATIONS.—

(1) IN GENERAL.—Section 4042(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1342(c)) is amended by—

(A) striking "(c) If the" and inserting "(c)(1) If the";

(B) redesignating paragraph (3) as paragraph (2); and

(C) adding at the end the following:

"(3) DISCLOSURE OF TERMINATION INFORMATION.—

"(A) IN GENERAL.—

"(i) INFORMATION FROM PLAN SPONSOR OR ADMINISTRATOR.—A plan sponsor or plan administrator of a single-employer plan that has received a notice from the corporation of a determination that the plan should be terminated under this section shall provide to an affected party any information provided to the corporation in conjunction with the plan termination.

"(ii) INFORMATION FROM CORPORATION.—The corporation shall provide a copy of the administrative record, including the trusteeship decision record of a termination of a plan described under clause (i).

"(B) TIMING OF DISCLOSURE.—The plan sponsor, plan administrator, or the corporation, as applicable, shall provide the information described in subparagraph (A) not later than 15 days after—

"(i) receipt of a request from an affected party for such information; or

"(ii) in the case of information described under subparagraph (A)(i), the provision of any new information to the corporation relating to a previous request by an affected party.

"(C) CONFIDENTIALITY.—

"(i) IN GENERAL.—The plan administrator and plan sponsor shall not provide information under subparagraph (A)(i) in a form which includes any information that may directly or indirectly be associated with, or otherwise identify, an individual participant or beneficiary.

"(ii) LIMITATION.—A court may limit disclosure under this paragraph of confidential information described in section 552(b) of title 5, United States Code, to authorized representatives (within the meaning of section 4041(c)(2)(D)(iv)) of the participants or beneficiaries that agree to ensure the confidentiality of such information.

"(D) FORM AND MANNER OF INFORMATION; CHARGES.—

"(i) FORM AND MANNER.—The corporation may prescribe the form and manner of the provision of information under this paragraph, which shall include delivery in written, electronic, or other appropriate form to the extent that such form is reasonably accessible to individuals to whom the information is required to be provided.

"(ii) REASONABLE CHARGES.—A plan sponsor may charge a reasonable fee for any information provided under this paragraph in other than electronic form.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any plan termination under title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1301 et seq.) with respect to which the notice of intent to terminate (or in the case of a termination by the Pension Benefit Guaranty Corporation, a notice of determination under section 4042 of such Act (29 U.S.C. 1342)) occurs after the date of enactment of this Act.

SEC. 507. BENEFIT SUSPENSION NOTICE.

(a) MODIFICATION OF REGULATION.—The Secretary of Labor shall modify the regulation under subparagraph (B) of section 203(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)(3)(B)) to provide that the notification required by such regulation in connection with any suspension of benefits described in such subparagraph—

(1) in the case of an employee who returns to service described in section 203(a)(3)(B) (i) or (ii) of such Act after commencement of payment of benefits under the plan, shall be made during the first calendar month or the first 4- or 5-week payroll period ending in a calendar month in which the plan withholds payments, and

(2) in the case of any employee who is not described in paragraph (1)—

(A) may be included in the summary plan description for the plan furnished in accordance with section 104(b) of such Act (29 U.S.C. 1024(b)), rather than in a separate notice, and

(B) need not include a copy of the relevant plan provisions.

(b) EFFECTIVE DATE.—The modification made under this section shall apply to plan years beginning after December 31, 2005.

SEC. 508. STUDY AND REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine the effectiveness of the enforcement of provisions in the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) and in other Federal laws designed to protect pension plans and the assets and participants of such plan from fraud and mismanagement, including excessive investment management fees, violations of fiduciary duties under Title I of such Act, and the quality of plan assets.

(b) CONTENT OF STUDY.—The study described in subsection (a) shall include:

(1) An identification of which Federal departments and agencies have responsibility for enforcement of these provisions, including the recovery of lost plan assets due to fraud and mismanagement.

(2) Identification of all administrative enforcement powers, procedures, and strategies used by the Securities and Exchange Commission that have the potential to improve the Department of Labor's enforcement of the fiduciary provisions of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(3) Identification of any statutory or other barriers that restrict the Department of Labor's authority to use such powers, procedures, and strategies identified in paragraph (2).

(4) An evaluation of whether giving additional investigative or enforcement authority to the Pension Benefit Guaranty Corporation or the Securities and Exchange Commission would significantly improve enforcement of those provisions.

(5) An evaluation of the current authority of the Pension Benefit Guaranty Corporation to bring actions to recover any funds lost by pension plans due to violations of any fiduciary standards under Title I of such Act or other Federal statutes.

(6) The impact that expanding any such authority by the Pension Benefit Guaranty Corporation to bring such actions would have on the Corporation's solvency.

(c) REPORT.—Not later than 6 months after the enactment of this Act, the Comptroller General shall submit a report to Congress on the study conducted under subsection (a) that includes such recommendations for legislation or administrative action as the Comptroller General determines are appropriate.

TITLE VI—TREATMENT OF CASH BALANCE AND OTHER HYBRID DEFINED BENEFIT PENSION PLANS

SEC. 601. PROSPECTIVE APPLICATION OF AGE DISCRIMINATION, CONVERSION, AND PRESENT VALUE ASSUMPTION RULES.

(a) APPLICATION OF AGE DISCRIMINATION PROHIBITIONS.—

(1) AMENDMENT OF ERISA.—Section 204(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)) is amended by adding at the end the following:

"(5) SPECIAL RULES FOR CASH BALANCE AND OTHER HYBRID DEFINED BENEFIT PLANS.—

"(A) IN GENERAL.—A qualified cash balance plan shall not be treated as violating the requirements of paragraph (1)(H) merely because it may reasonably be expected that the period over which interest credits will be made to a participant's accumulation account (or its equivalent) is longer for a younger participant. This paragraph shall not apply to any plan if the rate of any pay credit or interest credit to such an account under the plan decreases by reason of the participant's attainment of any age.

"(B) QUALIFIED CASH BALANCE PLAN.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'qualified cash balance plan' means a cash balance plan which meets the vesting requirement under clause (ii) and the interest credit requirement under clause (iii).

"(ii) VESTING REQUIREMENTS.—A plan meets the requirements of this clause if an employee who has completed at least 3 years of service has a nonforfeitable right to 100 percent of the employee's accrued benefit derived from employer contributions.

"(iii) INTEREST CREDITS.—A plan meets the requirements of this clause if the terms of the plan provide that any interest credit (or equivalent amount) for any plan year shall be at a rate which—

"(I) is not less than the applicable Federal mid-term interest rate (as determined under section 1274(d)(1) of the Internal Revenue Code of 1986), and

"(II) is not greater than the greater of the rate determined under subclause (I) or a rate equal to the rate of interest on amounts invested conservatively in long-term investment grade corporate bonds.

"(iv) DETERMINATION OF RATES.—For purposes of clause (iii)(II), the rate of interest on amounts invested conservatively in long-term investment grade corporate bonds shall be determined by the Secretary of the Treasury on the basis of 2 or more indices that are selected periodically by the Secretary of the Treasury. The Secretary of the Treasury shall make publicly available the indices and methodology used to determine the rate.

"(v) VARIABLE RATE OF INTEREST.—If the interest credit rate under the plan is a variable rate, the plan shall provide that, upon the termination of the plan, the rate of interest used to determine accrued benefits under the plan shall be equal to the average of the rates of interest used under the plan during the 5-year period ending on the termination date.

"(C) CASH BALANCE PLAN.—For purposes of this paragraph, the term 'cash balance plan' means a defined benefit plan under which—

"(i) the accrued benefit is determined by reference to the balance of a hypothetical accumulation account, and

"(ii) pay credits and interest credits are credited to such account.

"(D) REGULATIONS TO INCLUDE SIMILAR OR OTHER HYBRID PLANS.—

"(i) CASH BALANCE PLAN.—The Secretary of the Treasury shall issue regulations which include in the definition of cash balance plan any defined benefit plan (or any portion of such a plan) which has an effect similar to a cash balance plan. Such regulations may provide that if a plan sponsor represents in communications to participants and beneficiaries that a plan amendment results in a plan being described in the preceding sentence, such plan shall be treated as a cash balance plan.

"(ii) QUALIFIED CASH BALANCE PLAN.—The Secretary of the Treasury may in the regulations issued under clause (i) provide for the treatment of a cash balance plan as a qualified cash balance plan in cases where the cash balance plan has an effect similar to the qualified cash balance plan.".

(2) AGE DISCRIMINATION IN EMPLOYMENT ACT.—Section 4(i)(2) of the Age Discrimination of Employment Act of 1967 (29 U.S.C. 623(i)(2)) is amended—

(A) by inserting "(A)" after "(2)", and

(B) by adding at the end the following new subparagraph:

"(B) A defined benefit plan which is treated as a qualified cash balance plan for purposes of section 204(b)(5) of the Employee Retirement Income Security Act of 1974 shall not be treated as violating the requirements of paragraph (1)(A) merely because it may reasonably be expected that the period over which interest credits will be made under the plan to a participant's accumulation account (or its equivalent) is longer for a younger participant. This subparagraph shall not apply to any plan if the rate of any pay credit or interest credit to such an account under the plan decreases by reason of the participant's attainment of any age.".

(3) AMENDMENT OF INTERNAL REVENUE CODE.—Section 411(b) of the Internal Revenue Code of 1986 (relating to accrued benefit requirements) is amended by adding at the end the following:

"(5) SPECIAL RULES FOR CASH BALANCE AND OTHER HYBRID DEFINED BENEFIT PLANS.—

"(A) IN GENERAL.—A qualified cash balance plan shall not be treated as violating the requirements of paragraph (1)(H) merely because it may reasonably be expected that the period over which interest credits will be made to a participant's accumulation account (or its equivalent) is longer for a younger participant. This paragraph shall not apply to any plan if the rate of any pay credit or interest credit to such an account under the plan decreases by reason of the participant's attainment of any age.

"(B) QUALIFIED CASH BALANCE PLAN.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'qualified cash balance plan' means a cash balance plan which meets the vesting requirement under clause (ii) and the interest credit requirement under clause (iii).

"(ii) VESTING REQUIREMENTS.—A plan meets the requirements of this clause if an employee who has completed at least 3 years of service has a nonforfeitable right to 100 percent of the employee's accrued benefit derived from employer contributions.

"(iii) INTEREST CREDITS.—A plan meets the requirements of this clause if the terms of the plan provide that any interest credit (or equivalent amount) for any plan year shall be at a rate which—

"(I) is not less than the applicable Federal mid-term interest rate (as determined under section 1274(d)(1)), and

"(II) is not greater than the greater of the rate determined under subclause (I) or a rate equal to the rate of interest on amounts invested conservatively in long-term investment grade corporate bonds.

"(iv) DETERMINATION OF RATES.—For purposes of clause (iii)(II), the rate of interest on amounts invested conservatively in long-term investment grade corporate bonds shall be determined by the Secretary on the basis of 2 or more indices that are selected periodically by the Secretary. The Secretary shall make publicly available the indices and methodology used to determine the rate.

"(v) VARIABLE RATE OF INTEREST.—If the interest credit rate under the plan is a variable rate, the plan shall provide that, upon the termination of the plan, the rate of interest used to determine accrued benefits under the plan shall be equal to the average of the rates of interest used under the plan during the 5-year period ending on the termination date.

"(C) CASH BALANCE PLAN.—For purposes of this paragraph, the term 'cash balance plan' means a defined benefit plan under which—

"(i) the accrued benefit is determined by reference to the balance of a hypothetical accumulation account, and

"(ii) pay credits and interest credits are credited to such account.

“(D) REGULATIONS TO INCLUDE SIMILAR OR OTHER HYBRID PLANS.—

“(i) CASH BALANCE PLAN.—The Secretary shall issue regulations which include in the definition of cash balance plan any defined benefit plan (or any portion of such a plan) which has an effect similar to a cash balance plan. Such regulations may provide that if a plan sponsor represents in communications to participants and beneficiaries that a plan amendment results in a plan being described in the preceding sentence, such plan shall be treated as a cash balance plan.

“(ii) QUALIFIED CASH BALANCE PLAN.—The Secretary may in the regulations issued under clause (i) provide for the treatment of a cash balance plan as a qualified cash balance plan in cases where the cash balance plan has an effect similar to the qualified cash balance plan.”.

(b) RULES APPLICABLE TO ACCRUED BENEFITS UNDER CONVERTED PLANS.—

(1) AMENDMENT OF ERISA.—Section 204(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)) is amended by adding at the end the following new paragraph:

“(6) TREATMENT OF CONVERSIONS TO CASH BALANCE OR OTHER HYBRID PLANS.—

“(A) IN GENERAL.—For purposes of this subsection, an applicable plan amendment shall be treated as reducing the accrued benefit of a participant if, under the terms of the plan as in effect after the amendment, the accrued benefit of any participant who was a participant as of the effective date of the amendment may at any time be less than the accrued benefit determined under the method under subparagraph (B), (C), or (D) which is specified in the plan and applies uniformly to all participants. An applicable plan amendment shall in no event be treated as meeting the requirements of any such subparagraph if the conversion described in subparagraph (G)(i) is into a cash balance plan other than a qualified cash balance plan (as defined in subsection (b)(5)(B)).

“(B) NO WEARAWAY.—

“(i) IN GENERAL.—The accrued benefit determined under this subparagraph is the sum of—

“(I) the participant's accrued benefit for years of service before the effective date of the amendment, determined under the terms of the plan as in effect before the amendment, plus

“(II) except as provided in clause (ii), the participant's accrued benefit for years of service after the effective date of the amendment, determined under the terms of the plan as in effect after the amendment.

“(ii) REQUIRED AMOUNTS FOR CERTAIN PERIODS.—Notwithstanding clause (i)(II), the plan shall provide that either—

“(I) the accrued benefit of all participants for each of the first 5 plan years to which the amendment applies shall be equal to the greater of the accrued benefit determined under the terms of the plan as in effect both before and after the amendment, or

“(II) the accrued benefit for periods after the effective date of the amendment of all participants who, as of the effective date of the amendment, had attained the age of 40 and had a combined age and years of service under the plan of not less than 55 shall be determined under either of the methods described in clause (iii) which is selected by the plan and which is specified in the amendment.

“(iii) APPLICABLE METHOD.—For purposes of clause (ii)(II), the plan shall select 1 of the following methods:

“(I) The accrued benefit shall be equal to the greater of the accrued benefit determined under the terms of the plan as in effect both before and after the amendment.

“(II) At the election of the participant, the accrued benefit shall be determined under the terms of the plan as in effect either before or after the amendment.

“(C) GREATER OF OLD OR NEW OR ELECTION OF EITHER.—The accrued benefit determined under this subparagraph is the accrued benefit determined under 1 of the following methods which is selected by the plan and which is specified in the amendment:

“(i) The accrued benefit shall be equal to the greater of the accrued benefit determined under the terms of the plan as in effect both before and after the amendment.

“(ii) At the election of the participant, the accrued benefit shall be determined under the terms of the plan as in effect either before or after the amendment.

“(D) METHOD PRESCRIBED BY SECRETARY.—The accrued benefit determined under this subparagraph shall be determined under regulations prescribed by the Secretary which are consistent with the purposes of this paragraph and which may require a plan to provide a credit of additional amounts or increases in initial account balances in amounts substantially equivalent to the benefits that would be required to be provided to meet the requirements of subparagraphs (B) or (C).

“(E) INCLUSION OF PRIOR ACCRUED BENEFIT INTO INITIAL ACCOUNT BALANCE.—

“(i) IN GENERAL.—If, for purposes of subparagraphs (B), (C), or (D), an applicable plan amendment provides that an amount will be initially credited to a participant's accumulation account (or its equivalent) on the effective date of the amendment with respect to the participant's accrued benefit for periods before such date, the requirements of such subparagraph shall be treated as met with respect to such accrued benefit if the amount initially credited is not less than the present value of the participant's accrued benefit determined by using the applicable mortality table and the lower of the applicable interest rate under section 205(g)(3)(A), or the interest rate used to credit interest under the plan, as of such date.

“(ii) ADJUSTMENTS FOR CERTAIN SUBSIDIZED BENEFITS.—For purposes of subparagraph (B), if any early retirement benefit or retirement-type subsidy (within the meaning of paragraph (6)(B)(i)) is not included in the initial account balance under clause (i), the plan shall credit the accumulation account with the amount of such benefit or subsidy for the plan year in which the participant retires if, as of such time, the participant has met the age, years of service, and other requirements under the plan for entitlement to such benefit or subsidy.

“(F) REQUIREMENTS WHERE PARTICIPANT OFFERED CHOICE.—If a plan provides a participant with an election described in subparagraph (B)(iii)(II) or (C)(ii), the following rules shall apply:

“(i) NOTICE.—The plan shall not be treated as meeting the requirements of either such subparagraph unless the plan provides the participant a notice of the right to make such election which includes information (meeting such requirements as may be prescribed by the Secretary of the Treasury)—

“(I) by which the participant may project benefits under the formulas from which the participant may choose and may model the impact of any such choice, and

“(II) with respect to circumstances under which a participant may not receive the projected accrued benefits by reason of a plan termination or otherwise.

“(ii) SIGNIFICANT REDUCTION OF RATE OF ACCRUAL.—The plan shall provide that if, during any of the first 5 plan years during which such an election is in effect, the plan adopts an amendment which results in a significant reduction in the rate of future benefit accrual (within the meaning of section 204(h)), the accrued benefit of the participant shall be determined as if the participant had made the election which resulted in the greatest accrued benefit.

“(iii) BENEFITS MUST NOT BE CONTINGENT ON ELECTION.—The plan shall not be treated as meeting the requirements of either such subparagraph if any other benefit is conditioned (directly or indirectly) on such election.

“(G) APPLICABLE PLAN AMENDMENT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘applicable plan amendment’ means an amendment to a defined benefit plan which has the effect of converting the plan to a cash balance plan.

“(ii) SPECIAL RULE FOR COORDINATED BENEFITS.—If the benefits of 2 or more defined benefit plans established or maintained by an employer are coordinated in such a manner as to have the effect of the adoption of an amendment described in clause (i), the sponsor of the defined benefit plan or plans providing for such coordination shall be treated as having adopted such a plan amendment as of the date such coordination begins.

“(iii) MULTIPLE AMENDMENTS.—The Secretary of the Treasury shall issue regulations to prevent the avoidance of the purposes of this paragraph through the use of 2 or more plan amendments rather than a single amendment.

“(iv) CASH BALANCE PLAN.—For purposes of this paragraph, the term ‘cash balance plan’ has the meaning given such term by subsection (b)(5)(C).

“(v) COORDINATION WITH ACCRUAL RULES.—If a plan amendment is treated as meeting the requirements of this paragraph with respect to any participant because such participant is eligible to continue to accrue benefits in the same manner as under the terms of the plan in effect before the amendment, the Secretary of the Treasury shall prescribe regulations under which the plan shall not be treated as failing to meet the requirements of subparagraph (A), (B), or (C) of section 204(b)(1) if the requirements of this paragraph are met.

“(H) APPLICATION OF CERTAIN RULES TO EARLY-RETIREMENT BENEFITS.—Rules similar to the rules of clauses (i), (ii), and (iii) of subparagraph (B) and subparagraph (C) shall apply in the case of any early retirement benefit or retirement-type subsidy (within the meaning of section 204(g)(2)(A)).”.

(2) AMENDMENT OF INTERNAL REVENUE CODE.—Section 411(d) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following new paragraph:

“(7) TREATMENT OF CONVERSIONS TO CASH BALANCE OR OTHER HYBRID PLANS.—

“(A) IN GENERAL.—For purposes of paragraph (6), an applicable plan amendment shall be treated as reducing the accrued benefit of a participant if, under the terms of the plan as in effect after the amendment, the accrued benefit of any participant who was a participant as of the effective date of the amendment may at any time be less than the accrued benefit determined under the method under subparagraph (B), (C), or (D) which is specified in the plan and applies uniformly to all participants. An applicable plan amendment shall in no event be treated as meeting the requirements of any such subparagraph if the conversion described in subparagraph (G)(i) is into a cash balance plan other than a qualified cash balance plan (as defined in subsection (b)(5)(B)).

"(B) NO WEARAWAY.—

"(i) IN GENERAL.—The accrued benefit determined under this subparagraph is the sum of—

"(I) the participant's accrued benefit for years of service before the effective date of the amendment, determined under the terms of the plan as in effect before the amendment, plus

"(II) except as provided in clause (ii), the participant's accrued benefit for years of service after the effective date of the amendment, determined under the terms of the plan as in effect after the amendment.

A similar rule shall apply in the case of any early retirement benefit or retirement-type subsidy (within the meaning of section 411(d)(6)(B)(i)).

"(ii) REQUIRED AMOUNTS FOR CERTAIN PERIODS.—Notwithstanding clause (i)(II), the plan shall provide that either—

"(I) the accrued benefit of all participants for each of the first 5 plan years to which the amendment applies shall be equal to the greater of the accrued benefit determined under the terms of the plan as in effect both before and after the amendment, or

"(II) the accrued benefit for periods after the effective date of the amendment of all participants who, as of the effective date of the amendment, had attained the age of 40 and had a combined age and years of service under the plan of not less than 55 shall be determined under either of the methods described in clause (iii) which is selected by the plan and which is specified in the amendment.

"(iii) APPLICABLE METHOD.—For purposes of clause (ii)(II), the plan shall select 1 of the following methods:

"(I) The accrued benefit shall be equal to the greater of the accrued benefit determined under the terms of the plan as in effect both before and after the amendment.

"(II) At the election of the participant, the accrued benefit shall be determined under the terms of the plan as in effect either before or after the amendment.

"(C) GREATER OF OLD OR NEW OR ELECTION OF EITHER.—The accrued benefit determined under this subparagraph is the accrued benefit determined under 1 of the following methods which is selected by the plan and which is specified in the amendment:

"(i) The accrued benefit shall be equal to the greater of the accrued benefit determined under the terms of the plan as in effect both before and after the amendment.

"(ii) At the election of the participant, the accrued benefit shall be determined under the terms of the plan as in effect either before or after the amendment.

"(D) METHOD PRESCRIBED BY SECRETARY.—The accrued benefit determined under this subparagraph shall be determined under regulations prescribed by the Secretary which are consistent with the purposes of this paragraph and which may require a plan to provide a credit of additional amounts or increases in initial account balances in amounts substantially equivalent to the benefits that would be required to be provided to meet the requirements of subparagraphs (B) or (C).

"(E) INCLUSION OF PRIOR ACCRUED BENEFIT INTO INITIAL ACCOUNT BALANCE.—

"(i) IN GENERAL.—If, for purposes of subparagraphs (B), (C), or (D), an applicable plan amendment provides that an amount will be initially credited to a participant's accumulation account (or its equivalent) on the effective date of the amendment with respect to the participant's accrued benefit for periods before such date, the requirements of such subparagraph shall be treated as met with respect to such accrued benefit if the amount initially credited is not less than the present value of the participant's accrued benefit determined by using the applicable mortality table and the lower of the applicable interest rate under section 417(e)(3)(A), or the interest rate used to credit interest under the plan, as of such date.

"(ii) ADJUSTMENTS FOR CERTAIN SUBSIDIZED BENEFITS.—For purposes of subparagraph (B), if any early retirement benefit or retirement-type subsidy (within the meaning of paragraph (6)(B)(i)) is not included in the initial account balance under clause (i), the plan shall credit the accumulation account with the amount of such benefit or subsidy for the plan year in which the participant retires if, as of such time, the participant has met the age, years of service, and other requirements under the plan for entitlement to such benefit or subsidy.

"(F) REQUIREMENTS WHERE PARTICIPANT OFFERED CHOICE.—If a plan provides a participant with an election described in subparagraph (B)(iii)(II) or (C)(ii), the following rules shall apply:

"(i) NOTICE.—The plan shall not be treated as meeting the requirements of either such subparagraph unless the plan provides the participant a notice of the right to make such election which includes information (meeting such requirements as may be prescribed by the Secretary)—

"(I) by which the participant may project benefits under the formulas from which the participant may choose and may model the impact of any such choice, and

"(II) with respect to circumstances under which a participant may not receive the projected accrued benefits by reason of a plan termination or otherwise.

"(ii) SIGNIFICANT REDUCTION OF RATE OF ACCRUAL.—The plan shall provide that if, during any of the first 5 plan years during which such an election is in effect, the plan adopts an amendment which results in a significant reduction in the rate of future benefit accrual (within the meaning of section 4980F(e)), the accrued benefit of the participant shall be determined as if the participant had made the election which resulted in the greatest accrued benefit.

"(iii) BENEFITS MUST NOT BE CONTINGENT ON ELECTION.—The plan shall not be treated as meeting the requirements of either such subparagraph if any other benefit is conditioned (directly or indirectly) on such election.

"(G) APPLICABLE PLAN AMENDMENT.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'applicable plan amendment' means an amendment to a defined benefit plan which has the effect of converting the plan to a cash balance plan.

"(ii) SPECIAL RULE FOR COORDINATED BENEFITS.—If the benefits of 2 or more defined benefit plans established or maintained by an employer are coordinated in such a manner as to have the effect of the adoption of an amendment described in clause (i), the sponsor of the defined benefit plan or plans providing for such coordination shall be treated as having adopted such a plan amendment as of the date such coordination begins.

"(iii) MULTIPLE AMENDMENTS.—The Secretary shall issue regulations to prevent the avoidance of the purposes of this paragraph through the use of 2 or more plan amendments rather than a single amendment.

"(iv) CASH BALANCE PLAN.—For purposes of this paragraph, the term 'cash balance plan' has the meaning given such term by subsection (b)(5)(C).

"(v) COORDINATION WITH ACCRUAL AND NONDISCRIMINATION RULES.—If a plan amendment is treated as meeting the requirements of this paragraph with respect to any participant because such participant is eligible to continue to accrue benefits in the same manner as under the terms of the plan in effect before the amendment, the Secretary shall prescribe regulations under which—

"(I) the plan shall not be treated as failing to meet the requirements of subparagraph (A), (B), or (C) of section 411(b)(1) if the requirements of this paragraph are met, and

"(II) the plan shall, subject to such terms and conditions as may be provided in such regulations, not be treated as failing to meet the requirements of section 401(a)(4) merely because the plan provides any accrual or benefit which is required to be provided under subparagraph (B), (C), or (D) or because only participants as of the effective date of the amendment are so eligible, except that this subclause shall only apply if the plan met the requirements of section 401(a)(4) under the terms of the plan as in effect before the amendment.

"(H) APPLICATION OF CERTAIN RULES TO EARLY-RETIREMENT BENEFITS.—Rules similar to the rules of clauses (i), (ii), and (iii) of subparagraph (B) and subparagraph (C) shall apply in the case of any early retirement benefit or retirement-type subsidy (within the meaning of section 411(d)(6)(B)(i)).".

(c) ASSUMPTIONS USED IN COMPUTING PRESENT VALUE OF ACCRUED BENEFIT.—

(1) AMENDMENT OF ERISA.—Section 205(g)(3) of such Act (29 U.S.C. 1055(g)(3)), is amended—

(A) by striking "or (B)" in subparagraph (A)(i) and inserting ", (B), or (C)", and

(B) by adding at the end the following new subparagraph:

"(C) PRESENT VALUE OF ACCRUED BENEFIT UNDER CASH BALANCE PLAN.—Except as provided in regulations, in the case of a qualified cash balance plan (as defined in section 204(g)(6)(B)), the present value of the accrued benefit of any participant shall, for purposes of paragraphs (1) and (2), be equal to the balance in the participant's accumulation account (or its equivalent) as of the time the present value determination is being made.".

(2) AMENDMENT OF INTERNAL REVENUE CODE.—Section 417(e)(3) of such Code, is amended—

(A) by striking "or (B)" in subparagraph (A)(i) and inserting ", (B), or (C)", and

(B) by adding at the end the following new subparagraph:

"(C) PRESENT VALUE OF ACCRUED BENEFIT UNDER CASH BALANCE PLAN.—Except as provided in regulations, in the case of a qualified cash balance plan (as defined in section 411(d)(7)(B)), the present value of the accrued benefit of any participant shall, for purposes of paragraphs (1) and (2), be equal to the balance in the participant's accumulation account (or its equivalent) as of the time the present value determination is being made."

(d) NO INFERENCE.—Nothing in the amendments made by this section shall be construed to infer the proper treatment of cash balance plans or conversions to cash balance plans under sections 204(b)(1)(H) of the Employee Retirement Income Security Act of 1974, 4(i)(1) of the Age Discrimination in Employment Act of 1967, and 411(b)(1)(H) of the Internal Revenue Code of 1986, as in effect before such amendments.

(e) EFFECTIVE DATES.—

(1) AGE DISCRIMINATION AND LUMP-SUM DISTRIBUTIONS.—

(A) IN GENERAL.—The amendments made by subsections (a) and (c) shall apply to periods after July 31, 2005.

(B) VESTING AND INTEREST CREDIT REQUIREMENTS.—In the case of a plan in existence on July 31, 2005, the requirements of clauses (ii) and (iii) of section 411(b)(5)(B) of the Internal Revenue Code of 1986, and of clauses (ii) and (iii) of 204(b)(5)(B) of the Employee Retirement Income Security Act of 1974 shall, for purposes of applying the amendments made by subsections (a) and (c), apply to years beginning after December 31, 2006, unless the plan sponsor elects the application of such requirements for any period after July 31, 2005, and before the first year beginning after December 31, 2006.

(C) SPECIAL RULE FOR COLLECTIVELY BARGAINED PLANS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified on or before the date of the enactment of this Act, the requirements described in subparagraph (B) shall, for purposes of applying the amendments made by subsections (a) and (c), not apply to plan years beginning before—

(i) the earlier of—

(I) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof on or after such date of enactment), or

(II) January 1, 2007, or

(ii) January 1, 2009.

(2) CONVERSIONS.—The amendments made by subsection (b) shall apply to plan amendments adopted after, and taking effect after, July 31, 2005, except that the plan sponsor may elect to have such amendments apply to plan amendments adopted before, and taking effect after, such date.

SEC. 602. REGULATIONS RELATING TO MERGERS AND ACQUISITIONS.

The Secretary of the Treasury or his delegate shall, not later than 12 months after the date of the enactment of this Act, prescribe regulations for the application of the amendments made by, and the provisions of, this title in cases where the conversion of a plan to a cash balance plan is made with respect to a group of employees who become employees by reason of a merger, acquisition, or similar transaction.

TITLE VII—DIVERSIFICATION RIGHTS AND OTHER PARTICIPANT PROTECTIONS UNDER DEFINED CONTRIBUTION PLANS

SEC. 701. DEFINED CONTRIBUTION PLANS REQUIRED TO PROVIDE EMPLOYEES WITH FREEDOM TO INVEST THEIR PLAN ASSETS.

(a) AMENDMENTS OF INTERNAL REVENUE CODE.—

(1) QUALIFICATION REQUIREMENT.—Section 401(a) of the Internal Revenue Code of 1986 (relating to qualified pension, profit-sharing, and stock bonus plans), as amended by section 115 of this Act, is amended by inserting after paragraph (34) the following new paragraph:

"(35) DIVERSIFICATION REQUIREMENTS FOR CERTAIN DEFINED CONTRIBUTION PLANS.—

"(A) IN GENERAL.—A trust which is part of an applicable defined contribution plan shall not be treated as a qualified trust unless the plan meets the diversification requirements of subparagraphs (B), (C), and (D).

"(B) EMPLOYEE CONTRIBUTIONS AND ELECTIVE DEFERRALS INVESTED IN EMPLOYER SECURITIES OR REAL PROPERTY.—In the case of the portion of an applicable individual's account attributable to employee contributions and elective deferrals which is invested in employer securities or employer real property, a plan meets the requirements of this subparagraph if the applicable individual may elect to direct the plan to divest any such securities or real property and to reinvest an equivalent amount in other investment options meeting the requirements of subparagraph (D).

"(C) EMPLOYER CONTRIBUTIONS INVESTED IN EMPLOYER SECURITIES OR REAL PROPERTY.—In the case of the portion of the account attributable to employer contributions other than elective deferrals which is invested in employer securities or employer real property, a plan meets the requirements of this subparagraph if each applicable individual who—

"(i) is a participant who has completed at least 3 years of service, or

"(ii) is a beneficiary of a participant described in clause (i) or of a deceased participant,

may elect to direct the plan to divest any such securities or real property and to reinvest an equivalent amount in other investment options meeting the requirements of subparagraph (D).

"(D) INVESTMENT OPTIONS.—

"(i) IN GENERAL.—The requirements of this subparagraph are met if the plan offers not less than 3 investment options, other than employer securities or employer real property, to which an applicable individual may direct the proceeds from the divestment of employer securities or employer real property pursuant to this paragraph, each of which is diversified and has materially different risk and return characteristics.

"(ii) TREATMENT OF CERTAIN RESTRICTIONS AND CONDITIONS.—

"(I) TIME FOR MAKING INVESTMENT CHOICES.—A plan shall not be treated as failing to meet the requirements of this subparagraph merely because the plan limits the time for divestment and reinvestment to periodic, reasonable opportunities occurring no less frequently than quarterly.

"(II) CERTAIN RESTRICTIONS AND CONDITIONS NOT ALLOWED.—Except as provided in regulations, a plan shall not meet the requirements of this subparagraph if the plan imposes restrictions or conditions with respect to the investment of employer securities or employer real property which are not imposed on the investment of other assets of the plan. This subclause shall not apply to any restrictions or conditions imposed by reason of the application of securities laws.

"(E) APPLICABLE DEFINED CONTRIBUTION PLAN.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'applicable defined contribution plan' means any defined contribution plan which holds any publicly traded employer securities.

"(ii) EXCEPTION FOR CERTAIN ESOPS.—Such term does not include an employee stock ownership plan if—

"(I) there are no contributions to such plan (or earnings thereunder) which are held within such plan and are subject to subsection (k) or (m), and

"(II) such plan is a separate plan for purposes of section 414(l) with respect to any other defined benefit plan or defined contribution plan maintained by the same employer or employers.

"(iii) EXCEPTION FOR ONE PARTICIPANT PLANS.—Such term does not include a one-participant retirement plan.

"(iv) ONE-PARTICIPANT RETIREMENT PLAN.—For purposes of clause (iii), the term 'one-participant retirement plan' means a retirement plan that—

"(I) on the first day of the plan year covered only one individual (or the individual and the individual's spouse) and the individual owned 100 percent of the plan sponsor (whether or not incorporated), or covered only one or more partners (or partners and their spouses) in the plan sponsor,

"(II) meets the minimum coverage requirements of section 410(b) without being combined with any other plan of the business that covers the employees of the business,

"(III) does not provide benefits to anyone except the individual (and the individual's spouse) or the partners (and their spouses),

"(IV) does not cover a business that is a member of an affiliated service group, a controlled group of corporations, or a group of businesses under common control, and

"(V) does not cover a business that uses the services of leased employees (within the meaning of section 414(n)).

For purposes of this clause, the term 'partner' includes a 2-percent shareholder (as defined in section 1372(b)) of an S corporation.

"(F) CERTAIN PLANS TREATED AS HOLDING PUBLICLY TRADED EMPLOYER SECURITIES.—

"(i) IN GENERAL.—Except as provided in regulations or in clause (ii), a plan holding employer securities which are not publicly traded employer securities shall be treated as holding publicly traded employer securities if any employer corporation, or any member of a controlled group of corporations which includes such employer corporation, has issued a class of stock which is a publicly traded employer security.

"(ii) EXCEPTION FOR CERTAIN CONTROLLED GROUPS WITH PUBLICLY TRADED SECURITIES.—Clause (i) shall not apply to a plan if—

"(I) no employer corporation, or parent corporation of an employer corporation, has issued any publicly traded employer security, and

"(II) no employer corporation, or parent corporation of an employer corporation, has issued any special class of stock which grants particular rights to, or bears particular risks for, the holder or issuer with respect to any corporation described in clause (i) which has issued any publicly traded employer security.

"(iii) DEFINITIONS.—For purposes of this subparagraph, the term—

"(I) 'controlled group of corporations' has the meaning given such term by section 1563(a), except that '50 percent' shall be substituted for '80 percent' each place it appears,

"(II) 'employer corporation' means a corporation which is an employer maintaining the plan, and

"(III) 'parent corporation' has the meaning given such term by section 424(e).

"(G) OTHER DEFINITIONS.—For purposes of this paragraph—

"(i) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means—

"(I) any participant in the plan, and

"(II) any beneficiary who has an account under the plan with respect to which the beneficiary is entitled to exercise the rights of a participant.

"(ii) ELECTIVE DEFERRAL.—The term 'elective deferral' means an employer contribution described in section 402(g)(3)(A).

"(iii) EMPLOYER SECURITY.—The term 'employer security' has the meaning given such term by section 407(d)(1) of the Employee Retirement Income Security Act of 1974.

"(iv) EMPLOYER REAL PROPERTY.—The term 'employer real property' has the meaning given such term by section 407(d)(2) of the

Employee Retirement Income Security Act of 1974.

"(v) EMPLOYEE STOCK OWNERSHIP PLAN.—The term 'employee stock ownership plan' has the meaning given such term by section 4975(e)(7).

"(vi) PUBLICLY TRADED EMPLOYER SECURITIES.—The term 'publicly traded employer securities' means employer securities which are readily tradable on an established securities market.

"(vii) YEAR OF SERVICE.—The term 'year of service' has the meaning given such term by section 411(a)(5).

"(H) TRANSITION RULE FOR SECURITIES OR REAL PROPERTY ATTRIBUTABLE TO EMPLOYER CONTRIBUTIONS.—

"(i) RULES PHASED IN OVER 3 YEARS.—

"(I) IN GENERAL.—In the case of the portion of an account to which subparagraph (C) applies and which consists of employer securities or employer real property acquired in a plan year beginning before January 1, 2006, subparagraph (C) shall only apply to the applicable percentage of such securities or real property. This subparagraph shall be applied separately with respect to each class of securities and employer real property.

"(II) EXCEPTION FOR CERTAIN PARTICIPANTS AGED 55 OR OVER.—Subclause (I) shall not apply to an applicable individual who is a participant who has attained age 55 and completed at least 3 years of service before the first plan year beginning after December 31, 2005.

"(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage shall be determined as follows:

Plan year to which subparagraph (C) applies:	**The applicable percentage is:**
1st	33
2d	66
3d and following	100.".

(2) CONFORMING AMENDMENTS.—

(A) Section 401(a)(28)(B) of such Code (relating to additional requirements relating to employee stock ownership plans) is amended by adding at the end the following new clause:

"(v) EXCEPTION.—This subparagraph shall not apply to an applicable defined contribution plan (as defined in paragraph (35)(E))."

(B) Section 409(h)(7) of such Code is amended by inserting "or subparagraph (B) or (C) of section 401(a)(35)" before the period at the end.

(C) Section 4980(c)(3)(A) of such Code is amended by striking "if—" and all that follows and inserting "if the requirements of subparagraphs (B), (C), and (D) are met."

(b) AMENDMENTS OF ERISA.—

(1) IN GENERAL.—Section 204 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054) is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) DIVERSIFICATION REQUIREMENTS FOR CERTAIN INDIVIDUAL ACCOUNT PLANS.—

"(1) IN GENERAL.—An applicable individual account plan shall meet the diversification requirements of paragraphs (2), (3), and (4).

"(2) EMPLOYEE CONTRIBUTIONS AND ELECTIVE DEFERRALS INVESTED IN EMPLOYER SECURITIES OR REAL PROPERTY.—In the case of the portion of an applicable individual's account attributable to employee contributions and elective deferrals which is invested in employer securities or employer real property, a plan meets the requirements of this paragraph if the applicable individual may elect to direct the plan to divest any such securities or real property and to reinvest an equivalent amount in other investment options meeting the requirements of paragraph (4).

"(3) EMPLOYER CONTRIBUTIONS INVESTED IN EMPLOYER SECURITIES OR REAL PROPERTY.—In the case of the portion of the account attributable to employer contributions other than elective deferrals which is invested in employer securities or employer real property, a plan meets the requirements of this paragraph if each applicable individual who—

"(A) is a participant who has completed at least 3 years of service, or

"(B) is a beneficiary of a participant described in subparagraph (A) or of a deceased participant,

may elect to direct the plan to divest any such securities or real property and to reinvest an equivalent amount in other investment options meeting the requirements of paragraph (4).

"(4) INVESTMENT OPTIONS.—

"(A) IN GENERAL.—The requirements of this paragraph are met if the plan offers not less than 3 investment options, other than employer securities or employer real property, to which an applicable individual may direct the proceeds from the divestment of employer securities or employer real property pursuant to this subsection, each of which is diversified and has materially different risk and return characteristics.

"(B) TREATMENT OF CERTAIN RESTRICTIONS AND CONDITIONS.—

"(i) TIME FOR MAKING INVESTMENT CHOICES.—A plan shall not be treated as failing to meet the requirements of this paragraph merely because the plan limits the time for divestment and reinvestment to periodic, reasonable opportunities occurring no less frequently than quarterly.

"(ii) CERTAIN RESTRICTIONS AND CONDITIONS NOT ALLOWED.—Except as provided in regulations, a plan shall not meet the requirements of this paragraph if the plan imposes restrictions or conditions with respect to the investment of employer securities or employer real property which are not imposed on the investment of other assets of the plan. This subparagraph shall not apply to any restrictions or conditions imposed by reason of the application of securities laws.

"(5) APPLICABLE INDIVIDUAL ACCOUNT PLAN.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'applicable individual account plan' means any individual account plan (as defined in section 3(34)) which holds any publicly traded employer securities.

"(B) EXCEPTION FOR CERTAIN ESOPS.—Such term does not include an employee stock ownership plan if—

"(i) there are no contributions to such plan (or earnings thereunder) which are held within such plan and are subject to subsection (k) or (m) of section 401 of the Internal Revenue Code of 1986, and

"(ii) such plan is a separate plan (for purposes of section 414(l) of such Code) with respect to any other defined benefit plan or individual account plan maintained by the same employer or employers.

"(C) EXCEPTION FOR ONE PARTICIPANT PLANS.—Such term shall not include a one-participant retirement plan (as defined in section 101(i)(8)(B)).

"(D) CERTAIN PLANS TREATED AS HOLDING PUBLICLY TRADED EMPLOYER SECURITIES.—

"(i) IN GENERAL.—Except as provided in regulations or in clause (ii), a plan holding employer securities which are not publicly traded employer securities shall be treated as holding publicly traded employer securities if any employer corporation, or any member of a controlled group of corporations which includes such employer corporation, has issued a class of stock which is a publicly traded employer security.

"(ii) EXCEPTION FOR CERTAIN CONTROLLED GROUPS WITH PUBLICLY TRADED SECURITIES.—Clause (i) shall not apply to a plan if—

"(I) no employer corporation, or parent corporation of an employer corporation, has issued any publicly traded employer security, and

"(II) no employer corporation, or parent corporation of an employer corporation, has issued any special class of stock which grants particular rights to, or bears particular risks for, the holder or issuer with respect to any corporation described in clause (i) which has issued any publicly traded employer security.

"(iii) DEFINITIONS.—For purposes of this subparagraph, the term—

"(I) 'controlled group of corporations' has the meaning given such term by section 1563(a) of the Internal Revenue Code of 1986, except that '50 percent' shall be substituted for '80 percent' each place it appears,

"(II) 'employer corporation' means a corporation which is an employer maintaining the plan, and

"(III) 'parent corporation' has the meaning given such term by section 424(e) of such Code.

"(6) OTHER DEFINITIONS.—For purposes of this paragraph—

"(A) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means—

"(i) any participant in the plan, and

"(ii) any beneficiary who has an account under the plan with respect to which the beneficiary is entitled to exercise the rights of a participant.

"(B) ELECTIVE DEFERRAL.—The term 'elective deferral' means an employer contribution described in section 402(g)(3)(A) of the Internal Revenue Code of 1986.

"(C) EMPLOYER SECURITY.—The term 'employer security' has the meaning given such term by section 407(d)(1).

"(D) EMPLOYER REAL PROPERTY.—The term 'employer real property' has the meaning given such term by section 407(d)(2).

"(E) EMPLOYEE STOCK OWNERSHIP PLAN.—The term 'employee stock ownership plan' has the meaning given such term by section 4975(e)(7) of such Code.

"(F) PUBLICLY TRADED EMPLOYER SECURITIES.—The term 'publicly traded employer securities' means employer securities which are readily tradable on an established securities market.

"(G) YEAR OF SERVICE.—The term 'year of service' has the meaning given such term by section 203(b)(2).

"(7) TRANSITION RULE FOR SECURITIES OR REAL PROPERTY ATTRIBUTABLE TO EMPLOYER CONTRIBUTIONS.—

"(A) RULES PHASED IN OVER 3 YEARS.—

"(i) IN GENERAL.—In the case of the portion of an account to which paragraph (3) applies and which consists of employer securities or employer real property acquired in a plan year beginning before January 1, 2006, paragraph (3) shall only apply to the applicable percentage of such securities or real property. This subparagraph shall be applied separately with respect to each class of securities and employer real property.

"(ii) EXCEPTION FOR CERTAIN PARTICIPANTS AGED 55 OR OVER.—Clause (i) shall not apply to an applicable individual who is a participant who has attained age 55 and completed at least 3 years of service before the first plan year beginning after December 31, 2005.

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined as follows:

Plan year to which paragraph (3) applies:	**The applicable percentage is:**
1st	33
2d	66
3d and following	100.".

(2) CONFORMING AMENDMENT.—Section 407(b)(3) of such Act (29 U.S.C. 1107(b)(3)) is amended by adding at the end the following:

"(D) For diversification requirements for qualifying employer securities and qualifying real property held in certain individual account plans, see section 204(j)."

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to plan years beginning after December 31, 2005.

(2) SPECIAL RULE FOR COLLECTIVELY BARGAINED AGREEMENTS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified on or before the date of the enactment of this Act, paragraph (1) shall be applied to benefits pursuant to, and individuals covered by, any such agreement by substituting for "December 31, 2005" the earlier of—

(A) the later of—

(i) December 31, 2006, or

(ii) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof after such date of enactment), or

(B) December 31, 2007.

(3) SPECIAL RULE FOR CERTAIN EMPLOYER SECURITIES HELD IN AN ESOP.—

(A) IN GENERAL.—In the case of employer securities to which this paragraph applies, the amendments made by this section shall apply to plan years beginning after the earlier of—

(i) December 31, 2006, or

(ii) the first date on which the fair market value of such securities exceeds the guaranteed minimum value described in subparagraph (B)(ii).

(B) APPLICABLE SECURITIES.—This paragraph shall apply to employer securities which are attributable to employer contributions other than elective deferrals, and which, on September 17, 2003—

(i) consist of preferred stock, and

(ii) are within an employee stock ownership plan (as defined in section 4975(e)(7) of the Internal Revenue Code of 1986), the terms of which provide that the value of the securities cannot be less than the guaranteed minimum value specified by the plan on such date.

(C) COORDINATION WITH TRANSITION RULE.—In applying section 401(a)(35)(H) of the Internal Revenue Code of 1986 and section 204(j)(7) of the Employee Retirement Income Security Act of 1974 (as added by this section) to employer securities to which this paragraph applies, the applicable percentage shall be determined without regard to this paragraph.

SEC. 702. NOTICE OF FREEDOM TO DIVEST EMPLOYER SECURITIES OR REAL PROPERTY.

(a) IN GENERAL.—Section 101 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021), as amended by this Act, is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

"(m) NOTICE OF RIGHT TO DIVEST.—Not later than 30 days before the first date on which an applicable individual of an applicable individual account plan is eligible to exercise the right under section 204(j) to direct the proceeds from the divestment of employer securities or employer real property with respect to any type of contribution, the administrator shall provide to such individual a notice—

"(1) setting forth such right under such section, and

"(2) describing the importance of diversifying the investment of retirement account assets.

The notice required by this subsection shall be written in a manner calculated to be understood by the average plan participant and may be delivered in written, electronic, or other appropriate form to the extent that such form is reasonably accessible to the recipient."

(b) PENALTIES.—Section 502(c)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(c)(7)) is amended by striking "section 101(i)" and inserting "subsection (i) or (m) of section 101".

(c) MODEL NOTICE.—The Secretary of the Treasury shall, within 180 days after the date of the enactment of this subsection, prescribe a model notice for purposes of satisfying the requirements of the amendments made by this section.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

(2) TRANSITION RULE.—If notice under section 101(m) of the Employee Retirement Income Security Act of 1974 (as added by this section) would otherwise be required to be provided before the 90th day after the date of the enactment of this Act, such notice shall not be required to be provided until such 90th day.

SEC. 703. PERIODIC PENSION BENEFIT STATEMENTS.

(a) AMENDMENTS OF ERISA.—

(1) IN GENERAL.—Section 105(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025(a)) is amended to read as follows:

"(a) REQUIREMENTS TO PROVIDE PENSION BENEFIT STATEMENTS.—

"(1) REQUIREMENTS.—

"(A) INDIVIDUAL ACCOUNT PLAN.—The administrator of an individual account plan (other than a one-participant retirement plan described in section 101(i)(8)(B)) shall furnish a pension benefit statement—

"(i) at least once each calendar quarter to a participant or beneficiary who has the right to direct the investment of assets in his or her account under the plan,

"(ii) at least once each calendar year to a participant or beneficiary who has his or her own account under the plan but does not have the right to direct the investment of assets in that account, and

"(iii) upon written request to a plan beneficiary not described in clause (i) or (ii).

"(B) DEFINED BENEFIT PLAN.—The administrator of a defined benefit plan (other than a one-participant retirement plan described in section 101(i)(8)(B)) shall furnish a pension benefit statement—

"(i) at least once every 3 years to each participant with a nonforfeitable accrued benefit and who is employed by the employer maintaining the plan at the time the statement is to be furnished, and

"(ii) to a participant or beneficiary of the plan upon written request.

Information furnished under clause (i) to a participant may be based on reasonable estimates determined under regulations prescribed by the Secretary, in consultation with the Pension Benefit Guaranty Corporation.

"(2) STATEMENTS.—

"(A) IN GENERAL.—A pension benefit statement under paragraph (1)—

"(i) shall indicate, on the basis of the latest available information—

"(I) the total benefits accrued, and

"(II) the nonforfeitable pension benefits, if any, which have accrued, or the earliest date on which benefits will become nonforfeitable,

"(ii) shall include an explanation of any permitted disparity under section 401(l) of the Internal Revenue Code of 1986 or any floor-offset arrangement that may be applied in determining any accrued benefits described in clause (i),

"(iii) shall be written in a manner calculated to be understood by the average plan participant, and

"(iv) may be delivered in written, electronic, or other appropriate form to the extent such form is reasonably accessible to the participant or beneficiary.

"(B) ADDITIONAL INFORMATION.—In the case of an individual account plan, any pension benefit statement under clause (i) or (ii) of paragraph (1)(A) shall include—

"(i) the value of each investment to which assets in the individual account have been allocated, determined as of the most recent valuation date under the plan, including the value of any assets held in the form of employer securities or employer real property, without regard to whether such securities or real property were contributed by the plan sponsor or acquired at the direction of the plan or of the participant or beneficiary, and

"(ii) in the case of a pension benefit statement under paragraph (1)(A)(i)—

"(I) an explanation of any limitations or restrictions on any right of the participant or beneficiary under the plan to direct an investment, and

"(II) a notice that investments in any individual account may not be adequately diversified if the value of any investment in the account exceeds 20 percent of the fair market value of all investments in the account.

"(C) ALTERNATIVE NOTICE.—The requirements of subparagraph (A)(i)(II) are met if, at least annually and in accordance with requirements of the Secretary, the plan—

"(i) updates the information described in such paragraph which is provided in the pension benefit statement, or

"(ii) provides in a separate statement such information as is necessary to enable a participant or beneficiary to determine their nonforfeitable vested benefits.

"(3) DEFINED BENEFIT PLANS.—

"(A) ALTERNATIVE NOTICE.—In the case of a defined benefit plan, the requirements of paragraph (1)(B)(i) shall be treated as met with respect to a participant if at least once each year the administrator provides to the participant notice of the availability of the pension benefit statement and the ways in which the participant may obtain such statement. Such notice may be delivered in written, electronic, or other appropriate form to the extent such form is reasonably accessible to the participant.

"(B) YEARS IN WHICH NO BENEFITS ACCRUE.—The Secretary may provide that years in which no employee or former employee benefits (within the meaning of section 410(b) of the Internal Revenue Code of 1986) under the plan need not be taken into account in determining the 3-year period under paragraph (1)(B)(i)."

(2) CONFORMING AMENDMENTS.—

(A) Section 105 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) is amended by striking subsection (d).

(B) Section 105(b) of such Act (29 U.S.C. 1025(b)) is amended to read as follows:

"(b) LIMITATION ON NUMBER OF STATEMENTS.—In no case shall a participant or beneficiary of a plan be entitled to more than 1 statement described in subparagraph (A)(iii) or (B)(ii) of subsection (a)(1), whichever is applicable, in any 12-month period."

(C) Section 502(c)(1) of such Act (29 U.S.C. 1132(c)(1)) is amended by striking "or section 101(f)" and inserting "section 101(f), or section 105(a)".

(b) MODEL STATEMENTS.—

(1) IN GENERAL.—The Secretary of Labor shall, within 180 days after the date of the enactment of this section, develop 1 or more model benefit statements that are written in a manner calculated to be understood by the average plan participant and that may be used by plan administrators in complying with the requirements of section 105 of the Employee Retirement Income Security Act of 1974.

(2) INTERIM FINAL RULES.—The Secretary of Labor may promulgate any interim final rules as the Secretary determines appropriate to carry out the provisions of this subsection.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 2006.

(2) SPECIAL RULE FOR COLLECTIVELY BARGAINED AGREEMENTS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified on or before the date of the enactment of this Act, paragraph (1) shall be applied to benefits pursuant to, and individuals covered by, any such agreement by substituting for "December 31, 2006" the earlier of—

(A) the later of—

(i) December 31, 2007, or

(ii) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof after such date of enactment), or

(B) December 31, 2008.

SEC. 704. NOTICE TO PARTICIPANTS OR BENEFICIARIES OF BLACKOUT PERIODS.

(a) AMENDMENTS OF ERISA.—

(1) IN GENERAL.—Section 101(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(i)) is amended—

(A) by striking clauses (i) through (iv) of paragraph (8)(B) and inserting:

"(i) on the first day of the plan year—

"(I) covered only one individual (or the individual and the individual's spouse) and the individual (or the individual and the individual's spouse) owned 100 percent of the plan sponsor (whether or not incorporated), or

"(II) covered only one or more partners (or partners and their spouses) in the plan sponsor, and", and

(B) in paragraph (8)(B), by redesignating clause (v) as clause (ii).

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of section 306 of Public Law 107–204 (116 Stat. 745 et seq.).

SEC. 705. ALLOWANCE OF, AND CREDIT FOR, ADDITIONAL IRA PAYMENTS IN CERTAIN BANKRUPTCY CASES.

(a) ALLOWANCE OF CONTRIBUTIONS.—Section 219(b)(5) of the Internal Revenue Code of 1986 (relating to deductible amount) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

"(C) CATCHUP CONTRIBUTIONS FOR CERTAIN INDIVIDUALS.—

"(i) IN GENERAL.—In the case of an applicable individual who elects to make a qualified retirement contribution in addition to the deductible amount determined under subparagraph (A)—

"(I) the deductible amount for any taxable year shall be increased by an amount equal to 3 times the applicable amount determined under subparagraph (B) for such taxable year, and

"(II) subparagraph (B) shall not apply.

"(ii) APPLICABLE INDIVIDUAL.—For purposes of this subparagraph, the term 'applicable individual' means, with respect to any taxable year, any individual who was a qualified participant in a qualified cash or deferred arrangement (as defined in section 401(k)) of an employer described in clause (iii) under which the employer matched at least 50 percent of the employee's contributions to such arrangement with stock of such employer.

"(iii) EMPLOYER DESCRIBED.—An employer is described in this clause if, in any taxable year preceding the taxable year described in clause (ii)—

"(I) such employer (or any controlling corporation of such employer) was a debtor in a case under title 11 of the United States Code, or similar Federal or State law, and

"(II) such employer (or any other person) was subject to an indictment or conviction resulting from business transactions related to such case.

"(iv) QUALIFIED PARTICIPANT.—For purposes of clause (ii), the term 'qualified participant' means any applicable individual who was a participant in the cash or deferred arrangement described in clause (i) on the date that is 6 months before the filing of the case described in clause (iii).

"(v) TERMINATION.—This subparagraph shall not apply to taxable years beginning after December 31, 2009."

(b) SAVER'S-CREDIT EXPANDED TO INCLUDE CATCHUP CONTRIBUTIONS.—

(1) IN GENERAL.—Section 25B of the Internal Revenue Code of 1986 (relating to credit for elective deferrals and IRA contributions by certain individuals) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) ADDITIONAL CREDIT FOR CERTAIN CATCHUP CONTRIBUTIONS.—

"(1) IN GENERAL.—In the case of an eligible individual who is an applicable individual under section 219(b)(5)(C) for any taxable year, the amount of the credit allowable under subsection (a) for the taxable year shall be increased by 50 percent of so much of the qualified retirement contributions (as defined in section 219(e)) of the individual for the taxable year as exceeds the deductible amount for the taxable year under section 219(b)(5) (without regard to subparagraphs (B) and (C) thereof).

"(2) COORDINATION WITH OTHER CONTRIBUTIONS.—For purposes of this section—

"(A) any contribution to which this subsection applies shall not be taken into account in determining the amount of the credit allowable under subsection (a) without regard to this subsection, and

"(B) in applying any reduction in qualified retirement savings contributions under subsection (d)(2), the reduction shall be applied first to qualified retirement savings contributions other than contributions to which this subsection applies.".

(2) EXTENSION OF TERMINATION DATE FOR CATCHUP CREDIT.—Section 25B(i) of such Code, as redesignated by paragraph (1), is amended by inserting "(December 31, 2007, in the case of the portion of the credit allowed under subsection (h))" after "2006".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 706. INAPPLICABILITY OF RELIEF FROM FIDUCIARY LIABILITY DURING SUSPENSION OF ABILITY OF PARTICIPANT OR BENEFICIARY TO DIRECT INVESTMENTS.

(a) IN GENERAL.—Section 404(c)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(c)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and by inserting "(A)" after "(c)(1)",

(2) in subparagraph (A)(ii) (as redesignated by paragraph (1)), by inserting before the period the following: ", except that this clause shall not apply in oonnection with such participant or beneficiary for any blackout period during which the ability of such participant or beneficiary to direct the investment of the assets in his or her account is suspended by a plan sponsor or fiduciary", and

(3) by adding at the end the following new subparagraphs:

"(B)(i) If a person referred to in subparagraph (A)(ii) meets the requirements of this title in connection with authorizing and implementing the blackout period, any person who is otherwise a fiduciary shall not be liable under this title for any loss occurring during such period as a result of any exercise by the participant or beneficiary of control over assets in his or her account before the period. Matters to be considered in determining whether such person has satisfied the requirements of this title include, but are not limited to, whether such person—

"(I) has considered the reasonableness of the expected blackout period,

"(II) has provided the notice required under section 101(i)(1), and

"(III) has acted in accordance with the requirements of subsection (a) in determining whether to enter into the blackout period.

"(ii) For purposes of this subsection, if a blackout period arises in connection with a change in the investment options offered under the plan, a participant or beneficiary shall be deemed to have exercised control over the assets in his or her account prior to the blackout period if, after notice of the change in investment options is given to such participant or beneficiary, assets in the account of the participant or beneficiary are transferred—

"(I) to plan investment options in accordance with the affirmative election of the participant or beneficiary; or

"(II) in the absence of such an election and in the case in which fiduciary relief was provided under this subsection for the prior investment options, to plan investment options in the manner set forth in such notice.

"(C) For purposes of this paragraph, the term 'blackout period' has the meaning given such term by section 101(i)(7)."

(b) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary of Labor, in consultation with the Secretary of the Treasury, shall issue interim final regulations providing guidance, including safe harbors, on how plan sponsors or any other affected fiduciaries can satisfy their fiduciary responsibilities during any blackout period during which the ability of a participant or beneficiary to direct the investment of assets in his or her individual account is suspended.

(c) EFFECTIVE DATE.—

(1) In general.—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

(2) Special rule for collectively bargained agreements.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified on or before the date of the enactment of this Act, paragraph (1) shall be applied to benefits pursuant to, and individuals covered by, any such agreement by substituting for "December 31, 2005" the earlier of—

(A) the later of—

(i) December 31, 2006, or

(ii) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof after such date of enactment), or

(B) December 31, 2007.

SEC. 707. INCREASE IN MAXIMUM BOND AMOUNT.

(a) In General.—Section 412(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1112) is amended by adding at the end the following: "In the case of a plan that holds employer securities (within the meaning of section 407(d)(1)), this subsection shall be applied by substituting '$1,000,000' for '$500,000' each place it appears."

(b) Effective Date.—The amendment made by this section shall apply to plan years beginning after December 31, 2005.

TITLE VIII—INFORMATION TO ASSIST PENSION PLAN PARTICIPANTS

SEC. 801. DEFINED CONTRIBUTION PLANS REQUIRED TO PROVIDE ADEQUATE INVESTMENT EDUCATION TO PARTICIPANTS.

(a) Adequate Investment Education.—

(1) In general.—Section 101 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024), as amended by this Act, is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following:

"(n) Basic Investment Guidelines.—

"(1) In general.—The administrator of an individual account plan (other than a one-participant retirement plan described in subsection (i)(8)(B)) shall furnish at least once each year to each participant or beneficiary who has the right to direct the investment of assets in his or her account the model form relating to basic investment guidelines which is described in paragraph (2).

"(2) Model form.—

"(A) In general.—The Secretary shall, in consultation with the Secretary of Treasury, develop and make available to individual account plans for distribution under paragraph (1) a model form containing basic guidelines for investing for retirement. Except as otherwise provided by the Secretary, such guidelines shall include—

"(i) information on the benefits of diversification,

"(ii) information on the essential differences, in terms of risk and return, of pension plan investments, including stocks, bonds, mutual funds, and money market investments,

"(iii) information on how an individual's pension plan investment allocations may differ depending on the individual's age and years to retirement and on other factors determined by the Secretary,

"(iv) sources of information where individuals may learn more about pension rights, individual investing, and investment advice, and

"(v) such other information related to individual investing as the Secretary determines appropriate.

"(B) Calculation information.—The model form under subparagraph (A) shall include addresses for Internet sites, and a worksheet, which a participant or beneficiary may use to calculate—

"(i) the retirement age value of the participant's or beneficiary's nonforfeitable pension benefits under the plan (expressed as an annuity amount and determined by reference to varied historical annual rates of return and annuity interest rates), and

"(ii) other important amounts relating to retirement savings, including the amount which a participant or beneficiary would be required to save annually to provide a retirement income equal to various percentages of their current salary (adjusted for expected growth prior to retirement).

The Secretary shall develop an Internet site which an individual may use in making such calculations and the address for such site shall be included with the form.

"(C) Public comment.—The Secretary of Labor shall provide at least 90 days for public comment before publishing final notice of the model form.

"(3) Rules relating to form and statement.—The model form under paragraph (2)—

"(A) shall be written in a manner calculated to be understood by the average plan participant, and

"(B) may be delivered in written, electronic, or other appropriate form to the extent such form is reasonably accessible to participants and beneficiaries."

(2) Enforcement.—Section 502(c)(7) of such Act (29 U.S.C. 1132(c)(7)), as amended by this Act, is amended by striking "or (l)" and inserting ", (l), or (n)".

(c) Effective Date.—

(1) In general.—The amendments made by this section shall apply to plan years beginning after December 31, 2006.

(2) Special rule for collectively bargained agreements.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified on or before the date of the enactment of this Act, paragraph (1) shall be applied to benefits pursuant to, and individuals covered by, any such agreement by substituting for "December 31, 2006" the earlier of—

(A) the later of—

(i) December 31, 2007, or

(ii) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof after such date of enactment), or

(B) December 31, 2008.

SEC. 802. INDEPENDENT INVESTMENT ADVICE PROVIDED TO PLAN PARTICIPANTS.

(a) In General.—Section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104) is amended by adding at the end the following new subsection:

"(e) Independent Investment Adviser.—

"(1) In general.—In the case of an individual account plan which permits a plan participant or beneficiary to direct the investment of the assets in his or her account, if a plan sponsor or other person who is a fiduciary designates and monitors a qualified investment adviser pursuant to the requirements of paragraph (3), such fiduciary—

"(A) shall be deemed to have satisfied the requirements under this section for the prudent designation and periodic review of an investment adviser with whom the plan sponsor or other person who is a fiduciary enters into an arrangement for the provision of advice referred to in section 3(21)(A)(ii),

"(B) shall not be liable under this section for any loss, or by reason of any breach, with respect to the provision of investment advice given by such adviser to any plan participant or beneficiary, and

"(C) shall not be liable for any co-fiduciary liability under subsections (a)(2) and (b) of section 405 with respect to the provision of investment advice given by such adviser to any plan participant or beneficiary.

"(2) Qualified investment adviser.—

"(A) In general.—For purposes of this subsection, the term 'qualified investment adviser' means, with respect to a plan, a person—

"(i) who is a fiduciary of the plan by reason of the provision of investment advice by such person to a plan participant or beneficiary;

"(ii) who—

"(I) is registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.),

"(II) is registered as an investment adviser under the laws of the State in which such adviser maintains the principal office and place of business of such adviser, but only if such State laws are consistent with section 203A of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3a),

"(III) is a bank or similar financial institution referred to in section 408(b)(4),

"(IV) is an insurance company qualified to do business under the laws of a State, or

"(V) is any other comparably qualified entity which satisfies such criteria as the Secretary determines appropriate, consistent with the purposes of this subsection, and

"(iii) who meets the requirements of subparagraph (B).

"(B) Adviser requirements.—The requirements of this subparagraph are met if every individual employed (or otherwise compensated) by a person described in subparagraph (A)(ii) who provides investment advice on behalf of such person to any plan participant or beneficiary is—

"(i) an individual described in subclause (I) of subparagraph (A)(ii),

"(ii) an individual described in subclause (II) of subparagraph (A)(ii), but only if such State has an examination requirement to qualify for registration,

"(iii) registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

"(iv) a registered representative as described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) or section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(17)), or

"(v) any other comparably qualified individual who satisfies such criteria as the Secretary determines appropriate, consistent with the purposes of this subsection.

"(3) Verification requirements.—The requirements of this paragraph are met if—

"(A) the plan sponsor or other person who is a fiduciary in designating a qualified investment adviser receives at the time of the designation, and annually thereafter, a written verification from the qualified investment adviser that the investment adviser—

"(i) is and remains a qualified investment adviser,

"(ii) acknowledges that the investment adviser is a fiduciary with respect to the plan and is solely responsible for its investment advice,

"(iii) has reviewed the plan documents (including investment options) and has determined that its relationship with the plan and the investment advice provided to any plan participant or beneficiary, including any fees or other compensation it will receive, will not constitute a violation of section 406,

"(iv) will, in providing investment advice to any participant or beneficiary, consider any employer securities or employer real property allocated to his or her account, and

"(v) has the necessary insurance coverage (as determined by the Secretary) for any claim by any plan participant or beneficiary,

"(B) the plan sponsor or other person who is a fiduciary in designating a qualified investment adviser reviews the documents described in paragraph (4) provided by such adviser and determines that there is no material reason not to enter into an arrangement for the provision of advice by such qualified investment adviser, and

"(C) the plan sponsor or other person who is a fiduciary in designating a qualified investment adviser, within 30 days of having information brought to its attention that the investment adviser is no longer qualified or that a substantial number of plan participants or beneficiaries have raised concerns about the services being provided by the investment adviser—

"(i) investigates such information and concerns, and

"(ii) determines that there is no material reason not to continue the designation of the adviser as a qualified investment adviser.

"(4) Documentation.—A qualified investment adviser shall provide the following documents to the plan sponsor or other person who is a fiduciary in designating the adviser:

"(A) The contract with the plan sponsor or other person who is a fiduciary for the services to be provided by the investment adviser to the plan participants and beneficiaries.

"(B) A disclosure as to any fees or other compensation that will be received by the investment adviser for the provision of such investment advice and as to any fees and other compensation that will be received as a result of a participant's investment election.

"(C) The Uniform Application for Investment Adviser Registration as filed with the Securities and Exchange Commission or a substantially similar disclosure application as determined by and filed with the Secretary.

"(5) Treatment as fiduciary.—Any qualified investment adviser that acknowledges it is a fiduciary pursuant to paragraph (3)(A)(ii) shall be deemed a fiduciary under this part with respect to the provision of investment advice to a plan participant or beneficiary."

(b) Fiduciary Liability.—Section 404(c)(1)(B) of such Act is amended by inserting "(other than a qualified investment adviser)" after "fiduciary".

(c) Effective Date.—The amendments made by this section shall apply with respect to investment advisers designated after the date of the enactment of this Act.

SEC. 803. TREATMENT OF QUALIFIED RETIREMENT PLANNING SERVICES.

(a) In General.—Subsection (m) of section 132 of the Internal Revenue Code of 1986 (defining qualified retirement services) is amended by adding at the end the following new paragraph:

"(4) No constructive receipt.—

"(A) In general.—No amount shall be included in the gross income of any employee solely because the employee may choose between any qualified retirement planning services provided by an eligible investment advisor and compensation which would otherwise be includible in the gross income of such employee. The preceding sentence shall apply to highly compensated employees only if the choice described in such sentence is available on substantially the same terms to each member of the group of employees normally provided education and information regarding the employer's qualified employer plan.

"(B) Limitation.—The maximum amount which may be excluded under subparagraph (A) with respect to any employee for any taxable year shall not exceed $1,000.

"(C) Eligible investment adviser.—For purposes of this paragraph, the term 'eligible investment adviser' means, with respect to a plan, a person—

"(i) who—

"(I) is registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.),

"(II) is registered as an investment adviser under the laws of the State in which such adviser maintains the principal office and place of business of such adviser, but only if such State laws are consistent with section 203A of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3a),

"(III) is a bank or similar financial institution referred to in section 408(b)(4),

"(IV) is an insurance company qualified to do business under the laws of a State, or

"(V) is any other comparably qualified entity which satisfies such criteria as the Secretary determines appropriate, consistent with the purposes of this subsection, and

"(ii) who meets the requirements of subparagraph (D).

"(D) Adviser requirements.—The requirements of this subparagraph are met if every individual employed (or otherwise compensated) by a person described in subparagraph (C)(i) who provides investment advice on behalf of such person to any plan participant or beneficiary is—

"(i) an individual described in subclause (I) of subparagraph (C)(i),

"(ii) an individual described in subclause (II) of subparagraph (C)(i), but only if such State has an examination requirement to qualify for registration,

"(iii) registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

"(iv) a registered representative as described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) or section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(17)), or

"(v) any other comparably qualified individual who satisfies such criteria as the Secretary determines appropriate, consistent with the purposes of this paragraph.

"(E) Termination.—This paragraph shall not apply to taxable years beginning after December 31, 2010.".

(b) Conforming Amendments.—

(1) Section 403(b)(3)(B) of such Code is amended by inserting "132(m)(4)," after "132(f)(4),".

(2) Section 414(s)(2) of such Code is amended by inserting "132(m)(4)," after "132(f)(4),".

(3) Section 415(c)(3)(D)(ii) of such Code is amended by inserting "132(m)(4)," after "132(f)(4),".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 804. INCREASE IN PENALTIES FOR COERCIVE INTERFERENCE WITH EXERCISE OF ERISA RIGHTS.

(a) In General.—Section 511 of the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1141) is amended—

(1) by striking "$10,000" and inserting "$100,000", and

(2) by striking "one year" and inserting "10 years".

(b) Effective Date.—The amendments made by this section shall apply to violations occurring on and after the date of the enactment of this Act.

SEC. 805. ADMINISTRATIVE PROVISION.

The Secretary of the Treasury shall have the authority to prescribe rules applicable to the statements required under sections 101(j) and 101(m) of the Employee Retirement Income Security Act of 1974 (as added by this Act).

TITLE IX—PROVISIONS RELATING TO SPOUSAL PENSION PROTECTION

SEC. 901. REGULATIONS ON TIME AND ORDER OF ISSUANCE OF DOMESTIC RELATIONS ORDERS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor shall issue regulations under section 206(d)(3) of the Employee Retirement Security Act of 1974 and section 414(p) of the Internal Revenue Code of 1986 which clarify that—

(1) a domestic relations order otherwise meeting the requirements to be a qualified domestic relations order, including the requirements of section 206(d)(3)(D) of such Act and section 414(p)(3) of such Code, shall not fail to be treated as a qualified domestic relations order solely because—

(A) the order is issued after, or revises, another domestic relations order or qualified domestic relations order; or

(B) of the time at which it is issued; and

(2) any order described in paragraph (1) shall be subject to the same requirements and protections which apply to qualified domestic relations orders, including the provisions of section 206(d)(3)(H) of such Act and section 414(p)(7) of such Code.

SEC. 902. ENTITLEMENT OF DIVORCED SPOUSES TO RAILROAD RETIREMENT ANNUITIES INDEPENDENT OF ACTUAL ENTITLEMENT OF EMPLOYEE.

(a) In General.—Section 2 of the Railroad Retirement Act of 1974 (45 U.S.C. 231a) is amended—

(1) in subsection (c)(4)(i), by striking "(A) is entitled to an annuity under subsection (a)(1) and (B)"; and

(2) in subsection (e)(5), by striking "or divorced wife" the second place it appears.

(b) Effective Date.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act.

SEC. 903. EXTENSION OF TIER II RAILROAD RETIREMENT BENEFITS TO SURVIVING FORMER SPOUSES PURSUANT TO DIVORCE AGREEMENTS.

(a) In General.—Section 5 of the Railroad Retirement Act of 1974 (45 U.S.C. 231d) is amended by adding at the end the following:

"(d) Notwithstanding any other provision of law, the payment of any portion of an annuity computed under section 3(b) to a surviving former spouse in accordance with a court decree of divorce, annulment, or legal separation or the terms of any court-approved property settlement incident to any such court decree shall not be terminated upon the death of the individual who performed the service with respect to which such annuity is so computed unless such termination is otherwise required by the terms of such court decree."

(b) Effective Date.—The amendment made by this section shall take effect 1 year after the date of the enactment of this Act.

SEC. 904. REQUIREMENT FOR ADDITIONAL SURVIVOR ANNUITY OPTION.

(a) Amendments to Internal Revenue Code.—

(1) Election of survivor annuity.—Section 417(a)(1)(A) of the Internal Revenue Code of 1986 is amended—

(A) in clause (i), by striking ", and" and inserting a comma;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

"(ii) if the participant elects a waiver under clause (i), may elect the qualified optional survivor annuity at any time during the applicable election period, and".

(2) DEFINITION.—Section 417 of such Code is amended by adding at the end the following:

"(g) DEFINITION OF QUALIFIED OPTIONAL SURVIVOR ANNUITY.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified optional survivor annuity' means an annuity—

"(A) for the life of the participant with a survivor annuity for the life of the spouse which is equal to the applicable percentage of the amount of the annuity which is payable during the joint lives of the participant and the spouse, and

"(B) which is the actuarial equivalent of a single annuity for the life of the participant. Such term also includes any annuity in a form having the effect of an annuity described in the preceding sentence.

"(2) APPLICABLE PERCENTAGE.—

"(A) IN GENERAL.—For purposes of paragraph (1), if the survivor annuity percentage—

"(i) is less than 75 percent, the applicable percentage is 75 percent, and

"(ii) is greater than or equal to 75 percent, the applicable percentage is 50 percent.

"(B) SURVIVOR ANNUITY PERCENTAGE.—For purposes of subparagraph (A), the term 'survivor annuity percentage' means the percentage which the survivor annuity under the plan's qualified joint and survivor annuity bears to the annuity payable during the joint lives of the participant and the spouse.".

(3) NOTICE.—Section 417(a)(3)(A)(i) of such Code is amended by inserting "and of the qualified optional survivor annuity" after "annuity".

(b) AMENDMENTS TO ERISA.—

(1) ELECTION OF SURVIVOR ANNUITY.—Section 205(c)(1)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(c)(1)(A)) is amended—

(A) in clause (i), by striking ", and" and inserting a comma;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

"(ii) if the participant elects a waiver under clause (i), may elect the qualified optional survivor annuity at any time during the applicable election period, and".

(2) DEFINITION.—Section 205(d) of such Act (29 U.S.C. 1055(d)) is amended—

(A) by inserting "(1)" after "(d)";

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(C) by adding at the end the following:

"(2)(A) For purposes of this section, the term 'qualified optional survivor annuity' means an annuity—

"(i) for the life of the participant with a survivor annuity for the life of the spouse which is equal to the applicable percentage of the amount of the annuity which is payable during the joint lives of the participant and the spouse, and

"(ii) which is the actuarial equivalent of a single annuity for the life of the participant. Such term also includes any annuity in a form having the effect of an annuity described in the preceding sentence.

"(B)(i) For purposes of subparagraph (A), if the survivor annuity percentage—

"(I) is less than 75 percent, the applicable percentage is 75 percent, and

"(II) is greater than or equal to 75 percent, the applicable percentage is 50 percent.

"(ii) For purposes of clause (i), the term 'survivor annuity percentage' means the percentage which the survivor annuity under the plan's qualified joint and survivor annuity bears to the annuity payable during the joint lives of the participant and the spouse.".

(3) NOTICE.—Section 205(c)(3)(A)(i) of such Act (29 U.S.C. 1055(c)(3)(A)(i)) is amended by inserting "and of the qualified optional survivor annuity" after "annuity".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

(2) SPECIAL RULE FOR COLLECTIVELY BARGAINED PLANS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified on or before the date of the enactment of this Act, the amendments made by this section shall apply to the first plan year beginning on or after the earlier of—

(A) the later of—

(i) January 1, 2006, or

(ii) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof after the date of enactment of this Act), or

(B) January 1, 2007.

TITLE X—IMPROVEMENTS IN PORTABILITY AND DISTRIBUTION RULES

SEC. 1001. CLARIFICATIONS REGARDING PURCHASE OF PERMISSIVE SERVICE CREDIT.

(a) IN GENERAL.—Section 415(n) of the Internal Revenue Code of 1986 (relating to special rules for the purchase of permissive service credit) is amended—

(1) by striking "an employee" in paragraph (1) and inserting "a participant", and

(2) by adding at the end of paragraph (3)(A) the following new flush sentence:

"Such term may include service credit for periods for which there is no performance of service, and notwithstanding clause (ii), may include service credited in order to provide an increased benefit for service credit which a participant is receiving under the plan."

(b) SPECIAL RULES FOR TRUSTEE-TO-TRUSTEE TRANSFERS.—Section 415(n)(3) of such Code is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULES FOR TRUSTEE-TO-TRUSTEE TRANSFERS.—In the case of a trustee-to-trustee transfer to which section 403(b)(13)(A) or 457(e)(17)(A) applies (without regard to whether the transfer is made between plans maintained by the same employer)—

"(i) the limitations of subparagraph (B) shall not apply in determining whether the transfer is for the purchase of permissive service credit, and

"(ii) the distribution rules applicable under this title to the defined benefit governmental plan to which any amounts are so transferred shall apply to such amounts and any benefits attributable to such amounts.".

(c) NONQUALIFIED SERVICE.—Section 415(n)(3) of such Code is amended—

(1) by striking "permissive service credit attributable to nonqualified service" each place it appears in subparagraph (B) and inserting "nonqualified service credit",

(2) by striking so much of subparagraph (C) as precedes clause (i) and inserting:

"(C) NONQUALIFIED SERVICE CREDIT.—For purposes of subparagraph (B), the term 'nonqualified service credit' means permissive service credit other than that allowed with respect to—", and

(3) by striking "elementary or secondary education (through grade 12), as determined under State law" and inserting "elementary or secondary education (through grade 12), or a comparable level of education, as determined under the applicable law of the jurisdiction in which the service was performed".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a) and (c) shall take effect as if included in the amendments made by section 1526 of the Taxpayer Relief Act of 1997.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall take effect as if included in the amendments made by section 647 of the Economic Growth and Tax Relief Reconciliation Act of 2001.

SEC. 1002. ALLOW ROLLOVER OF AFTER-TAX AMOUNTS IN ANNUITY CONTRACTS.

(a) IN GENERAL.—Subparagraph (A) of section 402(c)(2) (relating to the maximum amount which may be rolled over) is amended—

(1) by striking "which is part of a plan which is a defined contribution plan and which agrees to separately account" and inserting "or to an annuity contract described in section 403(b) and such trust or contract provides for separate accounting"; and

(2) by inserting "(and earnings thereon)" after "so transferred".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 1003. CLARIFICATION OF MINIMUM DISTRIBUTION RULES FOR GOVERNMENTAL PLANS.

The Secretary of the Treasury shall issue regulations under which a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) shall, for all years to which section 401(a)(9) of such Code applies to such plan, be treated as having complied with such section 401(a)(9) if such plan complies with a reasonable good faith interpretation of such section 401(a)(9).

SEC. 1004. WAIVER OF 10 PERCENT EARLY WITHDRAWAL PENALTY TAX ON CERTAIN DISTRIBUTIONS OF PENSION PLANS FOR PUBLIC SAFETY EMPLOYEES.

(a) IN GENERAL.—Section 72(t) of the Internal Revenue Code of 1986 (relating to subsection not to apply to certain distributions) is amended by adding at the end the following new paragraph:

"(10) DISTRIBUTIONS TO QUALIFIED PUBLIC SAFETY EMPLOYEES IN GOVERNMENTAL PLANS.—

"(A) IN GENERAL.—In the case of a distribution to a qualified public safety employee from a governmental plan (within the meaning of section 414(d)) which is a defined benefit plan, paragraph (2)(A)(v) shall be applied by substituting 'age 50' for 'age 55'.

"(B) QUALIFIED PUBLIC SAFETY EMPLOYEE.—For purposes of this paragraph, the term 'qualified public safety employee' means any employee of a State or political subdivision of a State who provides police protection, firefighting services, or emergency medical services for any area within the jurisdiction of such State or political subdivision."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 1005. ALLOW ROLLOVERS BY NONSPOUSE BENEFICIARIES OF CERTAIN RETIREMENT PLAN DISTRIBUTIONS.

(a) IN GENERAL.—

(1) QUALIFIED PLANS.—Section 402(c) of the Internal Revenue Code of 1986 (relating to rollovers from exempt trusts) is amended by adding at the end the following new paragraph:

"(11) DISTRIBUTIONS TO INHERITED INDIVIDUAL RETIREMENT PLAN OF NONSPOUSE BENEFICIARY.—

"(A) IN GENERAL.—If, with respect to any portion of a distribution from an eligible retirement plan of a deceased employee, a direct trustee-to-trustee transfer is made to an individual retirement plan described in clause (i) or (ii) of paragraph (8)(B) established for the purposes of receiving the distribution on behalf of an individual who is a designated beneficiary (as defined by section 401(a)(9)(E)) of the employee and who is not the surviving spouse of the employee—

"(i) the transfer shall be treated as an eligible rollover distribution for purposes of this subsection,

"(ii) the individual retirement plan shall be treated as an inherited individual retirement account or individual retirement annuity (within the meaning of section 408(d)(3)(C)) for purposes of this title, and

"(iii) section 401(a)(9)(B) (other than clause (iv) thereof) shall apply to such plan.

"(B) CERTAIN TRUSTS TREATED AS BENEFICIARIES.—For purposes of this paragraph, to the extent provided in rules prescribed by the Secretary, a trust maintained for the benefit of one or more designated beneficiaries shall be treated in the same manner as a designated beneficiary.".

(2) SECTION 403(a) PLANS.—Subparagraph (B) of section 403(a)(4) of such Code (relating to rollover amounts) is amended by striking "and (9)" and inserting ", (9), and (11)".

(3) SECTION 403(b) PLANS.—Subparagraph (B) of section 403(b)(8) of such Code (relating to rollover amounts) is amended by striking "and (9)" and inserting ", (9), and (11)".

(4) SECTION 457 PLANS.—Subparagraph (B) of section 457(e)(16) of such Code (relating to rollover amounts) is amended by striking "and (9)" and inserting ", (9), and (11)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2005.

SEC. 1006. FASTER VESTING OF EMPLOYER NONELECTIVE CONTRIBUTIONS.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 411(a) of the Internal Revenue Code of 1986 (relating to employer contributions) is amended to read as follows:

"(2) EMPLOYER CONTRIBUTIONS.—

"(A) DEFINED BENEFIT PLANS.—

"(i) IN GENERAL.—In the case of a defined benefit plan, a plan satisfies the requirements of this paragraph if it satisfies the requirements of clause (ii) or (iii).

"(ii) 5-YEAR VESTING.—A plan satisfies the requirements of this clause if an employee who has completed at least 5 years of service has a nonforfeitable right to 100 percent of the employee's accrued benefit derived from employer contributions.

"(iii) 3 TO 7 YEAR VESTING.—A plan satisfies the requirements of this clause if an employee has a nonforfeitable right to a percentage of the employee's accrued benefit derived from employer contributions determined under the following table:

"Years of service:	**The nonforfeitable percentage is:**
3	20
4	40
5	60
6	80
7 or more	100.

"(B) DEFINED CONTRIBUTION PLANS.—

"(i) IN GENERAL.—In the case of a defined contribution plan, a plan satisfies the requirements of this paragraph if it satisfies the requirements of clause (ii) or (iii).

"(ii) 3-YEAR VESTING.—A plan satisfies the requirements of this clause if an employee who has completed at least 3 years of service has a nonforfeitable right to 100 percent of the employee's accrued benefit derived from employer contributions.

"(iii) 2 TO 6 YEAR VESTING.—A plan satisfies the requirements of this clause if an employee has a nonforfeitable right to a percentage of the employee's accrued benefit derived from employer contributions determined under the following table:

"Years of service:	**The nonforfeitable percentage is:**
2	20
3	40
4	60
5	80
6 or more	100.".

(2) CONFORMING AMENDMENT.—Section 411(a) of such Code (relating to general rule for minimum vesting standards) is amended by striking paragraph (12).

(b) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Paragraph (2) of section 203(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)(2)) is amended to read as follows:

"(2)(A)(i) In the case of a defined benefit plan, a plan satisfies the requirements of this paragraph if it satisfies the requirements of clause (ii) or (iii).

"(ii) A plan satisfies the requirements of this clause if an employee who has completed at least 5 years of service has a nonforfeitable right to 100 percent of the employee's accrued benefit derived from employer contributions.

"(iii) A plan satisfies the requirements of this clause if an employee has a nonforfeitable right to a percentage of the employee's accrued benefit derived from employer contributions determined under the following table:

"Years of service:	**The nonforfeitable percentage is:**
3	20
4	40
5	60
6	80
7 or more	100.

"(B)(i) In the case of an individual account plan, a plan satisfies the requirements of this paragraph if it satisfies the requirements of clause (ii) or (iii).

"(ii) A plan satisfies the requirements of this clause if an employee who has completed at least 3 years of service has a nonforfeitable right to 100 percent of the employee's accrued benefit derived from employer contributions.

"(iii) A plan satisfies the requirements of this clause if an employee has a nonforfeitable right to a percentage of the employee's accrued benefit derived from employer contributions determined under the following table:

"Years of service:	**The nonforfeitable percentage is:**
2	20
3	40
4	60
5	80
6 or more	100.".

(2) CONFORMING AMENDMENT.—Section 203(a) of such Act is amended by striking paragraph (4).

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (4), the amendments made by this section shall apply to contributions for plan years beginning after December 31, 2005.

(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to contributions on behalf of employees covered by any such agreement for plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof on or after such date of the enactment); or

(ii) January 1, 2006; or

(B) January 1, 2008.

(3) SERVICE REQUIRED.—With respect to any plan, the amendments made by this section shall not apply to any employee before the date that such employee has 1 hour of service under such plan in any plan year to which the amendments made by this section apply.

(4) SPECIAL RULE FOR STOCK OWNERSHIP PLANS.—Notwithstanding paragraph (1) or (2), in the case of an employee stock ownership plan (as defined in section 4975(e)(7) of the Internal Revenue Code of 1986) which had outstanding on September 26, 2005, a loan incurred for the purpose of acquiring qualifying employer securities (as defined in section 4975(e)(8) of such Code), the amendments made by this section shall not apply to any plan year beginning before the earlier of—

(A) the date on which the loan is fully repaid, or

(B) the date on which the loan was, as of September 26, 2005, scheduled to be fully repaid.

SEC. 1007. ALLOW DIRECT ROLLOVERS FROM RETIREMENT PLANS TO ROTH IRAS.

(a) IN GENERAL.—Subsection (e) of section 408A of the Internal Revenue Code of 1986 (defining qualified rollover contribution) is amended to read as follows:

"(e) QUALIFIED ROLLOVER CONTRIBUTION.—For purposes of this section, the term 'qualified rollover contribution' means a rollover contribution—

"(1) to a Roth IRA from another such account,

"(2) from an eligible retirement plan, but only if—

"(A) in the case of an individual retirement plan, such rollover contribution meets the requirements of section 408(d)(3), and

"(B) in the case of any eligible retirement plan (as defined in section 402(c)(8)(B) other than clauses (i) and (ii) thereof), such rollover contribution meets the requirements of section 402(c), 403(b)(8), or 457(e)(16), as applicable.

For purposes of section 408(d)(3)(B), there shall be disregarded any qualified rollover contribution from an individual retirement plan (other than a Roth IRA) to a Roth IRA."

(b) CONFORMING AMENDMENTS.—

(1) Section 408A(c)(3)(B) of such Code is amended—

(A) in the text by striking "individual retirement plan" and inserting "an eligible retirement plan (as defined by section 402(c)(8)(B))", and

(B) in the heading by striking "IRA" and inserting "ELIGIBLE RETIREMENT PLAN".

(2) Section 408A(d)(3) of such Code is amended—

(A) in subparagraph (A), by striking "section 408(d)(3)" inserting "sections 402(c), 403(b)(8), 408(d)(3), and 457(e)(16)",

(B) in subparagraph (B), by striking "individual retirement plan" and inserting "eligible retirement plan (as defined by section 402(c)(8)(B))",

(C) in subparagraph (D), by inserting "or 6047" after "408(i)",

(D) in subparagraph (D), by striking "or both" and inserting "persons subject to section 6047(d)(1), or all of the foregoing persons", and

(E) in the heading, by striking "IRA" and inserting "ELIGIBLE RETIREMENT PLAN".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2005.

SEC. 1008. ELIMINATION OF HIGHER PENALTY ON CERTAIN SIMPLE PLAN DISTRIBUTIONS.

(a) IN GENERAL.—Subsection (t) of section 72 of the Internal Revenue Code of 1986 (relating to 10-percent additional tax on early distributions from qualified retirement plans), as amended by section 1004, is amended by striking paragraph (6) and redesignating paragraphs (7), (8), (9), and (10) as paragraphs (6), (7), (8), and (9), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 72(t)(2)(E) of such Code is amended by striking "paragraph (7)" and inserting "paragraph (6)".

(2) Section 72(t)(2)(F) of such Code is amended by striking "paragraph (8)" and inserting "paragraph (7)".

(3) Section 408(d)(3)(G) of such Code is amended by striking "applies" and inserting "applied on the day before the date of the enactment of the Pension Security and Transparency Act of 2005)".

(4) Section 457(a)(2) of such Code is amended by striking "section 72(t)(9)" and inserting "section 72(t)(8)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2005.

SEC. 1009. SIMPLE PLAN PORTABILITY.

(a) REPEAL OF LIMITATION.—Paragraph (3) of section 408(d) of the Internal Revenue Code of 1986 (relating to rollover contributions), as amended by this Act, is amended by striking subparagraph (G) and redesignating subparagraphs (H) and (I) as subparagraphs (G) and (H), respectively.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2005.

SEC. 1010. ELIGIBILITY FOR PARTICIPATION IN RETIREMENT PLANS.

An individual shall not be precluded from participating in an eligible deferred compensation plan by reason of having received a distribution under section 457(e)(9) of the Internal Revenue Code of 1986, as in effect prior to the enactment of the Small Business Job Protection Act of 1996.

SEC. 1011. TRANSFERS TO THE PBGC.

(a) MANDATORY DISTRIBUTIONS TO PBGC.—Clause (i) of section 401(a)(31)(B) of the Internal Revenue Code of 1986 (relating to general rule for certain mandatory distributions) is amended by inserting "to the Pension Benefit Guaranty Corporation in accordance with section 4050(e) of the Employee Retirement Income Security Act of 1974 or" after "such transfer".

(b) TAX TREATMENT OF DISTRIBUTIONS.—Subparagraph (B) of section 401(a)(31) of such Code is amended by adding at the end the following new clause:

"(iii) INCOME TAX TREATMENT OF TRANSFERS TO PBGC.—For purposes of determining the income tax treatment relating to transfers to the Pension Benefit Guaranty Corporation under clause (i)—

"(I) the transfer of amounts to the Pension Benefit Guaranty Corporation pursuant to clause (i) shall be treated as a transfer to an individual retirement plan under such clause, and

"(II) the distribution of such amounts from the Pension Benefit Guaranty Corporation shall be treated as a distribution from an individual retirement plan.".

(c) MISSING PARTICIPANTS AND BENEFICIARIES.—Section 4050 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1350), as amended by section 1012, is amended by redesignating subsection (e) as subsection (g) and by inserting after subsection (d) the following new subsections:

"(e) INVOLUNTARY CASHOUTS.—

"(1) PAYMENT BY THE CORPORATION.—If benefits under a plan described in paragraph (3) were transferred to the corporation under section 401(a)(31)(B) of the Internal Revenue Code of 1986, the corporation shall, upon application filed by the participant or beneficiary with the corporation in such form and manner as may be prescribed in regulations of the corporation, pay to the participant or beneficiary the amount transferred (or the appropriate survivor benefit) either—

"(A) in a single sum (plus interest), or

"(B) in such other form as is specified in regulations of the corporation.

"(2) INFORMATION TO THE CORPORATION.—To the extent provided in regulations, the plan administrator of a plan described in paragraph (3) shall, upon a transfer of benefits to the corporation under section 401(a)(31)(B) of such Code, provide the corporation information with respect to benefits of the participant or beneficiary so transferred.

"(3) PLANS DESCRIBED.—A plan is described in this paragraph if the plan is a pension plan (within the meaning of section 3(2))—

"(A) which provides for mandatory distributions under section 401(a)(31)(B) of the Internal Revenue Code of 1986, and

"(B) which is not a plan described in paragraphs (2) through (11) of section 4021(b).

"(4) CERTAIN PROVISIONS NOT TO APPLY.—Subsections (a)(1) and (a)(3) shall not apply to a plan described in paragraph (3).

"(f) AUTHORITY TO CHARGE FEE.—The corporation may charge a reasonable fee for costs incurred in connection with the transfer and management of amounts transferred to the corporation under this section. Such fee may be imposed on the transferor and may be deducted from amounts so transferred.".

(d) EFFECTIVE DATES.—

(1) INTERNAL REVENUE CODE PROVISIONS.—The amendments made by subsections (a) and (b) shall take effect as if included in the amendments made by section 657 of the Economic Growth and Tax Relief Reconciliation Act of 2001.

(2) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 PROVISIONS.—The amendments made by subsection (c) shall apply to distributions made after final regulations implementing subsections (e) and (f) of section 4050 of the Employee Retirement Income Security Act of 1974 (as added by subsection (c)) are prescribed.

(3) REGULATIONS.—The Pension Benefit Guaranty Corporation shall issue regulations necessary to carry out the amendments made by subsection (c) not later than December 31, 2006.

SEC. 1012. MISSING PARTICIPANTS.

(a) IN GENERAL.—Section 4050 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1350) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

"(c) MULTIEMPLOYER PLANS.—The corporation shall prescribe rules similar to the rules in subsection (a) for multiemployer plans covered by this title that terminate under section 4041A.

"(d) PLANS NOT OTHERWISE SUBJECT TO TITLE.—

"(1) TRANSFER TO CORPORATION.—The plan administrator of a plan described in paragraph (4) may elect to transfer a missing participant's benefits to the corporation upon termination of the plan.

"(2) INFORMATION TO THE CORPORATION.—To the extent provided in regulations, the plan administrator of a plan described in paragraph (4) shall, upon termination of the plan, provide the corporation information with respect to benefits of a missing participant if the plan transfers such benefits—

"(A) to the corporation, or

"(B) to an entity other than the corporation or a plan described in paragraph (4)(B)(ii).

"(3) PAYMENT BY THE CORPORATION.—If benefits of a missing participant were transferred to the corporation under paragraph (1), the corporation shall, upon location of the participant or beneficiary, pay to the participant or beneficiary the amount transferred (or the appropriate survivor benefit) either—

"(A) in a single sum (plus interest), or

"(B) in such other form as is specified in regulations of the corporation.

"(4) PLANS DESCRIBED.—A plan is described in this paragraph if—

"(A) the plan is a pension plan (within the meaning of section 3(2))—

"(i) to which the provisions of this section do not apply (without regard to this subsection), and

"(ii) which is not a plan described in paragraphs (2) through (11) of section 4021(b), and

"(B) at the time the assets are to be distributed upon termination, the plan—

"(i) has missing participants, and

"(ii) has not provided for the transfer of assets to pay the benefits of all missing participants to another pension plan (within the meaning of section 3(2)).

"(5) CERTAIN PROVISIONS NOT TO APPLY.—Subsections (a)(1) and (a)(3) shall not apply to a plan described in paragraph (4).".

(b) CONFORMING AMENDMENTS.—Section 206(f) of such Act (29 U.S.C. 1056(f)) is amended—

(1) by striking "title IV" and inserting "section 4050"; and

(2) by striking "the plan shall provide that,".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after final regulations implementing subsections (c) and (d) of section 4050 of the Employee Retirement Income Security Act of 1974 (as added by subsection (a)), respectively, are prescribed.

SEC. 1013. MODIFICATIONS OF RULES GOVERNING HARDSHIPS AND UNFORSEEN FINANCIAL EMERGENCIES.

Within 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall modify the rules for determining whether a participant has had a hardship for purposes of section 401(k)(2)(B)(i)(IV) of the Internal Revenue Code of 1986 to provide that if an event (including the occurrence of a medical expense) would constitute a hardship under the plan if it occurred with respect to the participant's spouse or dependent (as defined in section 152 of such Code), such event shall, to the extent permitted under a plan, constitute a hardship if it occurs with respect to a person who is a beneficiary under the plan with respect to the participant. The Secretary of the Treasury shall issue similar rules for purposes of determining whether a participant has had—

(1) a hardship for purposes of section 403(b)(11)(B) of such Code; or

(2) an unforeseen financial emergency for purposes of sections 409A(a)(2)(A)(vi), 409A(a)(2)(B)(ii), and 457(d)(1)(A)(iii) of such Code.

TITLE XI—ADMINISTRATIVE PROVISIONS

SEC. 1101. EMPLOYEE PLANS COMPLIANCE RESOLUTION SYSTEM.

(a) In General.—The Secretary of the Treasury shall have full authority to establish and implement the Employee Plans Compliance Resolution System (or any successor program) and any other employee plans correction policies, including the authority to waive income, excise, or other taxes to ensure that any tax, penalty, or sanction is not excessive and bears a reasonable relationship to the nature, extent, and severity of the failure.

(b) Improvements.—The Secretary of the Treasury shall continue to update and improve the Employee Plans Compliance Resolution System (or any successor program), giving special attention to—

(1) increasing the awareness and knowledge of small employers concerning the availability and use of the program;

(2) taking into account special concerns and circumstances that small employers face with respect to compliance and correction of compliance failures;

(3) extending the duration of the self-correction period under the Self-Correction Program for significant compliance failures;

(4) expanding the availability to correct insignificant compliance failures under the Self-Correction Program during audit; and

(5) assuring that any tax, penalty, or sanction that is imposed by reason of a compliance failure is not excessive and bears a reasonable relationship to the nature, extent, and severity of the failure.

SEC. 1102. NOTICE AND CONSENT PERIOD REGARDING DISTRIBUTIONS.

(a) Expansion of Period.—

(1) Amendment of internal revenue code.—

(A) In general.—Section 417(a)(6)(A) of the Internal Revenue Code of 1986 is amended by striking "90-day" and inserting "180-day".

(B) Modification of regulations.—The Secretary of the Treasury shall modify the regulations under sections 402(f), 411(a)(11), and 417 of the Internal Revenue Code of 1986 by substituting "180 days" for "90 days" each place it appears in Treasury Regulations sections 1.402(f)-1, 1.411(a)-11(c), and 1.417(e)-1(b).

(2) Amendment of ERISA.—

(A) In general.—Section 205(c)(7)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(c)(7)(A)) is amended by striking "90-day" and inserting "180-day".

(B) Modification of regulations.—The Secretary of the Treasury shall modify the regulations under part 2 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 relating to sections 203(e) and 205 of such Act by substituting "180 days" for "90 days" each place it appears.

(3) Effective date.—The amendments and modifications made or required by this subsection shall apply to years beginning after December 31, 2005.

(b) Notification of Right To Defer.—

(1) In general.—The Secretary of the Treasury shall modify the regulations under section 411(a)(11) of the Internal Revenue Code of 1986 and under section 205 of the Employee Retirement Income Security Act of 1974 to provide that the description of a participant's right, if any, to defer receipt of a distribution shall also describe the consequences of failing to defer such receipt.

(2) Effective date.—

(A) In general.—The modifications required by paragraph (1) shall apply to years beginning after December 31, 2005.

(B) Reasonable notice.—A plan shall not be treated as failing to meet the requirements of section 411(a)(11) of such Code or section 205 of such Act with respect to any description of consequences described in paragraph (1) made within 90 days after the Secretary of the Treasury issues the modifications required by paragraph (1) if the plan administrator makes a reasonable attempt to comply with such requirements.

SEC. 1103. REPORTING SIMPLIFICATION.

(a) Simplified Annual Filing Requirement for Owners and Their Spouses.—

(1) In general.—The Secretary of the Treasury shall modify the requirements for filing annual returns with respect to one-participant retirement plans to ensure that such plans with assets of $250,000 or less as of the close of the plan year need not file a return for that year.

(2) One-participant retirement plan defined.—For purposes of this subsection, the term "one-participant retirement plan" means a retirement plan with respect to which the following requirements are met:

(A) on the first day of the plan year—

(i) the plan covered only one individual (or the individual and the individual's spouse) and the individual owned 100 percent of the plan sponsor (whether or not incorporated), or

(ii) the plan covered only one or more partners (or partners and their spouses) in the plan sponsor;

(B) the plan meets the minimum coverage requirements of section 410(b) of the Internal Revenue Code of 1986 without being combined with any other plan of the business that covers the employees of the business;

(C) the plan does not provide benefits to anyone except the individual (and the individual's spouse) or the partners (and their spouses);

(D) the plan does not cover a business that is a member of an affiliated service group, a controlled group of corporations, or a group of businesses under common control; and

(E) the plan does not cover a business that uses the services of leased employees (within the meaning of section 414(n) of such Code).

For purposes of this paragraph, the term "partner" includes a 2-percent shareholder (as defined in section 1372(b) of such Code) of an S corporation.

(3) Other definitions.—Terms used in paragraph (2) which are also used in section 414 of the Internal Revenue Code of 1986 shall have the respective meanings given such terms by such section.

(4) Effective date.—The provisions of this subsection shall apply to plan years beginning on or after January 1, 2006.

(b) Simplified Annual Filing Requirement for Plans With Fewer Than 25 Participants.—In the case of plan years beginning after December 31, 2006, the Secretary of the Treasury and the Secretary of Labor shall provide for the filing of a simplified annual return for any retirement plan which covers less than 25 participants on the first day of a plan year and which meets the requirements described in subparagraphs (B), (D), and (E) of subsection (a)(2).

SEC. 1104. VOLUNTARY EARLY RETIREMENT INCENTIVE AND EMPLOYMENT RETENTION PLANS MAINTAINED BY LOCAL EDUCATIONAL AGENCIES AND OTHER ENTITIES.

(a) Voluntary Early Retirement Incentive Plans.—

(1) Treatment as plan providing severance pay.—Section 457(e)(11) of the Internal Revenue Code of 1986 (relating to certain plans excluded) is amended by adding at the end the following new subparagraph:

"(D) Certain voluntary early retirement incentive plans.—

"(i) In general.—If an applicable voluntary early retirement incentive plan—

"(I) makes payments or supplements as an early retirement benefit, a retirement-type subsidy, or a benefit described in the last sentence of section 411(a)(9), and

"(II) such payments or supplements are made in coordination with a defined benefit plan which is described in section 401(a) and includes a trust exempt from tax under section 501(a) and which is maintained by an eligible employer described in paragraph (1)(A) or by an education association described in clause (ii)(II),

such applicable plan shall be treated for purposes of subparagraph (A)(i) as a bona fide severance pay plan with respect to such payments or supplements to the extent such payments or supplements could otherwise have been provided under such defined benefit plan (determined as if section 411 applied to such defined benefit plan).

"(ii) Applicable voluntary early retirement incentive plan.—For purposes of this subparagraph, the term 'applicable voluntary early retirement incentive plan' means a voluntary early retirement incentive plan maintained by—

"(I) a local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), or

"(II) an education association which principally represents employees of 1 or more agencies described in subclause (I) and which is described in section 501(c) (5) or (6) and exempt from tax under section 501(a)."

(2) Age discrimination in employment act.—Section 4(l)(1) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(l)(1)) is amended—

(A) by inserting "(A)" after "(1)",

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively,

(C) by redesignating clauses (i) and (ii) of subparagraph (B) (as in effect before the amendments made by subparagraph (B)) as subclauses (I) and (II), respectively, and

(D) by adding at the end the following:

"(B) A voluntary early retirement incentive plan that—

"(i) is maintained by—

"(I) a local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), or

"(II) an education association which principally represents employees of 1 or more agencies described in subclause (I) and which is described in section 501(c) (5) or (6) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code, and

"(ii) makes payments or supplements described in subclauses (I) and (II) of subparagraph (A)(ii) in coordination with a defined benefit plan (as so defined) maintained by an eligible employer described in section 457(e)(1)(A) of such Code or by an education association described in clause (i)(II), shall be treated solely for purposes of subparagraph (A)(ii) as if it were a part of the defined benefit plan with respect to such payments or supplements. Payments or supplements under such a voluntary early retirement incentive plan shall not constitute severance pay for purposes of section 4(l)(2) of the Age Discrimination in Employment Act (29 U.S.C. 623(l)(2)).".

(b) EMPLOYMENT RETENTION PLANS.—

(1) IN GENERAL.—Section 457(f)(2) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by striking "and" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", and", and by adding at the end the following:

"(F) that portion of any applicable employment retention plan described in paragraph (4) with respect to any participant."

(2) DEFINITIONS AND RULES RELATING TO EMPLOYMENT RETENTION PLANS.—Section 457(f) of such Code is amended by adding at the end the following new paragraph:

"(4) EMPLOYMENT RETENTION PLANS.—For purposes of paragraph (2)(F)—

"(A) IN GENERAL.—The portion of an applicable employment retention plan described in this paragraph with respect to any participant is that portion of the plan which provides benefits payable to the participant not in excess of twice the applicable dollar limit determined under subsection (e)(15).

"(B) OTHER RULES.—

"(i) LIMITATION.—Paragraph (2)(F) shall only apply to the portion of the plan described in subparagraph (A) for years preceding the year in which such portion is paid or otherwise made available to the participant.

"(ii) TREATMENT.—A plan shall not be treated for purposes of this title as providing for the deferral of compensation for any year with respect to the portion of the plan described in subparagraph (A).

"(C) APPLICABLE EMPLOYMENT RETENTION PLAN.—The term 'applicable employment retention plan' means an employment retention plan maintained by—

"(i) a local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), or

"(ii) an education association which principally represents employees of 1 or more agencies described in clause (i) and which is described in section 501(c) (5) or (6) and exempt from taxation under section 501(a).

"(D) EMPLOYMENT RETENTION PLAN.—The term 'employment retention plan' means a plan to pay, upon termination of employment, compensation to an employee of a local educational agency or education association described in subparagraph (C) for purposes of—

"(i) retaining the services of the employee, or

"(ii) rewarding such employee for the employee's service with 1 or more such agencies or associations.".

(c) COORDINATION WITH ERISA.—Section 3(2)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)(B)) is amended by adding at the end the following: "An applicable voluntary early retirement incentive plan (as defined in section 457(e)(11)(D)(ii) of the Internal Revenue Code of 1986) making payments or supplements described in section 457(e)(11)(D)(i) of such Code, and an applicable employment retention plan (as defined in section 457(f)(4)(C) of such Code) making payments of benefits described in section 457(f)(4)(A) of such Code, shall, for purposes of this title, be treated as a welfare plan (and not a pension plan) with respect to such payments and supplements."

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this Act shall take effect on the date of the enactment of this Act.

(2) TAX AMENDMENTS.—The amendments made by subsections (a)(1) and (b) shall apply to taxable years ending after the date of the enactment of this Act.

(3) ERISA AMENDMENTS.—The amendment made by subsection (c) shall apply to plan years ending after the date of the enactment of this Act.

(4) CONSTRUCTION.—Nothing in the amendments made by this section shall alter or affect the construction of the Internal Revenue Code of 1986, the Employee Retirement Income Security Act of 1974, or the Age Discrimination in Employment Act of 1967 as applied to any plan, arrangement, or conduct to which such amendments do not apply.

SEC. 1105. NO REDUCTION IN UNEMPLOYMENT COMPENSATION AS A RESULT OF PENSION ROLLOVERS.

(a) IN GENERAL.—Section 3304(a) of the Internal Revenue Code of 1986 (relating to requirements for State unemployment laws) is amended by adding at the end the following new flush sentence:

"Compensation shall not be reduced under paragraph (15) for any pension, retirement or retired pay, annuity, or similar payment which is not includible in gross income of the individual for the taxable year in which paid because it was part of a rollover distribution.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to weeks beginning on or after the date of the enactment of this Act.

SEC. 1106. WITHHOLDING ON DISTRIBUTIONS FROM GOVERNMENTAL SECTION 457 PLANS.

(a) IN GENERAL.—Section 641(f) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new paragraph:

"(4) TRANSITION RULE FOR CERTAIN GOVERNMENTAL PLANS.—In the case of distributions from an eligible deferred compensation plan of an employer described in section 457(e)(1)(A) of the Internal Revenue Code of 1986 which are made after December 31, 2001, and which are part of a series of distributions which—

"(A) began before January 1, 2002, and

"(B) are payable for 10 years or less, the Internal Revenue Code of 1986 may be applied to such distributions without regard to the amendments made by subsection (a)(1)(D).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the provisions of section 641 of the Economic Growth and Tax Relief Reconciliation Act of 2001.

SEC. 1107. TREATMENT OF DEFINED BENEFIT PLAN AS GOVERNMENTAL PLAN.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974, an eligible defined benefit plan shall be treated as a governmental plan (within the meaning of section 414(d) of such Code and section 3(32) of such Act).

(b) ELIGIBLE DEFINED BENEFIT PLAN.—For purposes of this section, an eligible defined benefit plan is a defined benefit plan maintained by a nonprofit corporation which was—

(1) incorporated on September 16, 1998, under a State nonprofit corporation statute; and

(2) organized for the express purpose of supporting the missions and goals of a public corporation which—

(A) was created by a State statute effective on July 1, 1995;

(B) is a governmental entity under State law; and

(C) is a member of the nonprofit corporation.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any year beginning before, on, or after the date of the enactment of this Act.

SEC. 1108. INCREASING PARTICIPATION IN CASH OR DEFERRED PLANS THROUGH AUTOMATIC CONTRIBUTION ARRANGEMENTS.

(a) IN GENERAL.—Section 401(k) of the Internal Revenue Code of 1986 (relating to cash or deferred arrangement) is amended by adding at the end the following new paragraph:

"(13) NONDISCRIMINATION REQUIREMENTS FOR AUTOMATIC CONTRIBUTION TRUSTS.—

"(A) IN GENERAL.—A cash or deferred arrangement shall be treated as meeting the requirements of paragraph (3)(A)(ii) if such arrangement constitutes an automatic contribution trust.

"(B) AUTOMATIC CONTRIBUTION TRUST.—

"(i) IN GENERAL.—For purposes of this paragraph, the term 'automatic contribution trust' means an arrangement—

"(I) except as provided in clauses (ii) and (iii), under which each employee eligible to participate in the arrangement is treated as having elected to have the employer make elective contributions in an amount equal to the applicable percentage of the employee's compensation, and

"(II) which meets the requirements of subparagraphs (C), (D), (E), and (F).

"(ii) EXCEPTION FOR EXISTING EMPLOYEES.—In the case of any employee—

"(I) who was eligible to participate in the arrangement (or a predecessor arrangement) immediately before the first date on which the arrangement is an automatic contribution trust, and

"(II) whose rate of contribution immediately before such first date was less than the applicable percentage for the employee, clause (i)(I) shall not apply to such employee until the date which is 1 year after such first date (or such earlier date as the employee may elect).

"(iii) ELECTION OUT.—Each employee eligible to participate in the arrangement may specifically elect not to have contributions made under clause (i), and such clause shall cease to apply to compensation paid on or after the effective date of the election.

"(iv) APPLICABLE PERCENTAGE.—For purposes of this subparagraph—

"(I) IN GENERAL.—The term 'applicable percentage' means, with respect to any employee, the uniform percentage (not less than 3 percent) determined under the arrangement. In the case of an employee who was eligible to participate in the arrangement (or a predecessor arrangement) immediately before the first date on which the arrangement is an automatic contribution trust, the initial applicable percentage shall in no event be less than the percentage in effect with respect to the employee under the arrangement immediately before the employee first begins participation in the automatic contribution trust.

"(II) INCREASE IN PERCENTAGE.—In the case of the second plan year beginning after the first date on which the election under clause (i)(I) is in effect with respect to the employee and any succeeding plan year, the applicable percentage shall be a percentage (not greater than 10 percent or such higher uniform percentage determined under the arrangement) equal to the sum of the applicable percentage for the employee as of the close of the preceding plan year plus 1 percentage point (or such higher percentage specified by the plan). A plan may elect to provide that, in lieu of any increase under the preceding sentence, the increase in the applicable percentage required under this subclause shall occur after each increase in compensation an employee receives on or after the first day of such second plan year and that the applicable percentage after each such increase in compensation shall be equal to the applicable percentage for the employee immediately before such increase in compensation plus 1 percentage point (or such higher percentage specified by the plan).

"(C) MATCHING OR NONELECTIVE CONTRIBUTIONS.—

"(i) IN GENERAL.—The requirements of this subparagraph are met if, under the arrangement, the employer—

"(I) makes matching contributions on behalf of each employee who is not a highly compensated employee in an amount equal to 50 percent of the elective contributions of the employee to the extent such elective contributions do not exceed 7 percent of compensation; or

"(II) is required, without regard to whether the employee makes an elective contribution or employee contribution, to make a contribution to a defined contribution plan on behalf of each employee who is not a highly compensated employee and who is eligible to participate in the arrangement in an amount equal to at least 3 percent of the employee's compensation,

The rules of clauses (ii) and (iii) of paragraph (12)(B) shall apply for purposes of subclause (I). The rules of paragraph (12)(E)(ii) shall apply for purposes of subclauses (I) and (II).

"(ii) OTHER PLANS.—An arrangement shall be treated as meeting the requirements under clause (i) if any other plan maintained by the employer meets such requirements with respect to employees eligible under the arrangement.

"(D) NOTICE REQUIREMENTS.—

"(i) IN GENERAL.—The requirements of this subparagraph are met if the requirements of clauses (ii) and (iii) are met.

"(ii) REASONABLE PERIOD TO MAKE ELECTION.—The requirements of this clause are met if each employee to whom subparagraph (B)(i) applies—

"(I) receives a notice explaining the employee's right under the arrangement to elect not to have elective contributions made on the employee's behalf, and how contributions made under the arrangement will be invested in the absence of any investment election by the employee, and

"(II) has a reasonable period of time after receipt of such notice and before the first elective contribution is made to make such election.

"(iii) ANNUAL NOTICE OF RIGHTS AND OBLIGATIONS.—The requirements of this clause are met if each employee eligible to participate in the arrangement is, within a reasonable period before any year (or if the plan elects to change the applicable percentage after any increase in compensation, before the increase), given notice of the employee's rights and obligations under the arrangement.

The requirements of clauses (i) and (ii) of paragraph (12)(D) shall be met with respect to the notices described in clauses (ii) and (iii) of this subparagraph.

"(E) PARTICIPATION, WITHDRAWAL, AND VESTING REQUIREMENTS.—The requirements of this subparagraph are met if—

"(i) the arrangement requires that each employee eligible to participate in the arrangement (determined without regard to any minimum service requirement otherwise applicable under section 410(a) or the plan) commences participation in the arrangement no later than the 1st day of the 1st calendar quarter beginning after the date on which employee first becomes so eligible,

"(ii) the withdrawal requirements of paragraph (2)(B) are met with respect to all employer contributions (including matching and elective contributions) taken into account in determining whether the arrangement meets the requirements of subparagraph (C), and

"(iii) the arrangement requires that an employee's right to the accrued benefit derived from employer contributions described in clause (ii) (other than elective contributions) is nonforfeitable after the employee has completed at least 2 years of service.

"(F) CERTAIN WITHDRAWALS MUST BE ALLOWED.—Notwithstanding any other provision of this subsection, the requirements of this subparagraph are met if the arrangement allows employees to elect to make permissible withdrawals in accordance with section 414(w)."

(b) MATCHING CONTRIBUTIONS.—Section 401(m) of the Internal Revenue Code of 1986 (relating to nondiscrimination test for matching contributions and employee contributions) is amended by redesignating paragraph (12) as paragraph (13) and by inserting after paragraph (11) the following new paragraph:

"(12) ALTERNATE METHOD FOR AUTOMATIC CONTRIBUTION TRUSTS.—A defined contribution plan shall be treated as meeting the requirements of paragraph (2) with respect to matching contributions if the plan—

"(A) meets the contribution requirements of subparagraphs (B)(i) and (C) of subsection (k)(13);

"(B) meets the notice requirements of subparagraph (D) of subsection (k)(13); and

"(C) meets the requirements of paragraph (11)(B) (ii) and.(iii).".

(c) EXCLUSION FROM DEFINITION OF TOP-HEAVY PLANS.—

(1) ELECTIVE CONTRIBUTION RULE.—Clause (i) of section 416(g)(4)(H) of the Internal Revenue Code of 1986 is amended by inserting "or 401(k)(13)" after "section 401(k)(12)".

(2) MATCHING CONTRIBUTION RULE.—Clause (ii) of section 416(g)(4)(H) of such Code is amended by inserting "or 401(m)(12)" after "section 401(m)(11)".

(d) SECTION 403(b) CONTRACTS.—Paragraph (11) of section 401(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(C) SECTION 403(b) CONTRACTS.—An annuity contract under section 403(b) shall be treated as meeting the requirements of paragraph (2) with respect to matching contributions if such contract meets requirements similar to the requirements under subparagraph (A).".

(e) PREEMPTION OF CONFLICTING STATE REGULATION.—Section 514 of the Employee Retirement Income Security of 1974 (29 U.S.C. 1144) is amended by inserting at the end the following new subsection:

"(e) AUTOMATIC CONTRIBUTION ARRANGEMENTS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, any law of a State shall be superseded if it would directly or indirectly prohibit or restrict the inclusion in any plan of an eligible automatic contribution arrangement.

"(2) ELIGIBLE AUTOMATIC CONTRIBUTION ARRANGEMENT.—For purposes of this subsection, the term 'eligible automatic contribution arrangement' means an arrangement—

"(A) under which a participant may elect to have the employer make payments as contributions under the plan on behalf of the participant, or to the participant directly in cash,

"(B) under which the participant is treated as having elected to have the employer make such contributions in an amount equal to a uniform percentage of compensation provided under the plan until the participant specifically elects not to have such contributions made (or specifically elects to have such contributions made at a different percentage),

"(C) under which contributions described in subparagraph (B) are invested in accordance with regulations prescribed by the Secretary under section 404(c)(4), and

"(D) which meets the requirements of paragraph (3).

"(3) NOTICE REQUIREMENTS.—

"(A) IN GENERAL.—The administrator of an individual account plan shall, within a reasonable period before each plan year, give to each employee to whom an arrangement described in paragraph (2) applies for such plan year notice of the employee's rights and obligations under the arrangement which—

"(i) is sufficiently accurate and comprehensive to apprise the employee of such rights and obligations, and

"(ii) is written in a manner calculated to be understood by the average employee to whom the arrangement applies.

"(B) TIME AND FORM OF NOTICE.—A notice shall not be treated as meeting the requirements of subparagraph (A) with respect to an employee unless—

"(i) the notice includes a notice explaining the employee's right under the arrangement to elect not to have elective contributions made on the employee's behalf (or to elect to have such contributions made at a different percentage),

"(ii) the employee has a reasonable period of time after receipt of the notice described in clause (i) and before the first elective contribution is made to make such election, and

"(iii) the notice explains how contributions made under the arrangement will be invested in the absence of any investment election by the employee.".

(f) TREATMENT OF WITHDRAWALS OF CONTRIBUTIONS DURING FIRST 60 DAYS.—Section 414 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(w) SPECIAL RULES FOR CERTAIN WITHDRAWALS FROM ELIGIBLE AUTOMATIC CONTRIBUTION ARRANGEMENTS.—

"(1) IN GENERAL.—If an eligible automatic contribution arrangement allows an employee to elect to make permissible withdrawals—

"(A) the amount of any such withdrawal shall be includible in the gross income of the employee for the taxable year of the employee in which the distribution is made,

"(B) no tax shall be imposed under section 72(t) with respect to the distribution, and

"(C) the arrangement shall not be treated as violating any restriction on distributions under this title solely by reason of allowing the withdrawal.

In the case of any distribution to an employee by reason of an election under this paragraph, employer matching contributions shall be forfeited or subject to such other treatment as the Secretary may prescribe.

"(2) PERMISSIBLE WITHDRAWAL.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'permissible withdrawal' means any withdrawal from an eligible automatic contribution arrangement meeting the requirements of this paragraph which—

"(i) is made pursuant to an election by an employee, and

"(ii) consists of elective contributions described in paragraph (3)(B) (and earnings attributable thereto).

"(B) TIME FOR MAKING ELECTION.—Subparagraph (A) shall not apply to an election by an employee unless the election is made no later than the date which is 60 days after the date of the first elective contribution with respect to the employee under the arrangement.

"(C) AMOUNT OF DISTRIBUTION.—Subparagraph (A) shall not apply to any election by an employee unless the amount of any distribution by reason of the election is equal to the amount of elective contributions made with respect to the first payroll period to which the eligible automatic contribution arrangement applies to the employee and any succeeding payroll period beginning before the effective date of the election (and earnings attributable thereto).

"(3) ELIGIBLE AUTOMATIC CONTRIBUTION ARRANGEMENT.—For purposes of this subsection, the term 'eligible automatic contribution arrangement' means an arrangement—

"(A) under which a participant may elect to have the employer make payments as contributions under the plan on behalf of the participant, or to the participant directly in cash,

"(B) under which the participant is treated as having elected to have the employer make such contributions in an amount equal to a uniform percentage of compensation provided under the plan until the participant specifically elects not to have such contributions made (or specifically elects to have such contributions made at a different percentage),

"(C) under which contributions described in subparagraph (B) are invested in accordance with regulations prescribed by the Secretary of Labor under section 404(c)(4) of the Employee Retirement Income Security Act of 1974, and

"(D) which meets the requirements of paragraph (4).

"(4) NOTICE REQUIREMENTS.—

"(A) IN GENERAL.—The administrator of a plan containing an arrangement described in paragraph (3) shall, within a reasonable period before each plan year, give to each employee to whom an arrangement described in paragraph (3) applies for such plan year notice of the employee's rights and obligations under the arrangement which—

"(i) is sufficiently accurate and comprehensive to apprise the employee of such rights and obligations, and

"(ii) is written in a manner calculated to be understood by the average employee to whom the arrangement applies.

"(B) TIME AND FORM OF NOTICE.—A notice shall not be treated as meeting the requirements of subparagraph (A) with respect to an employee unless—

"(i) the notice includes a notice explaining the employee's right under the arrangement to elect not to have elective contributions made on the employee's behalf (or to elect to have such contributions made at a different percentage),

"(ii) the employee has a reasonable period of time after receipt of the notice described in clause (i) and before the first elective contribution is made to make such election, and

"(iii) the notice explains how contributions made under the arrangement will be invested in the absence of any investment election by the employee.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to plan years beginning after December 31, 2005.

(2) SECTION 403(b) CONTRACTS.—The amendments made by subsection (d) shall apply to years ending after the date of the enactment of this Act.

SEC. 1109. TREATMENT OF INVESTMENT OF ASSETS BY PLAN WHERE PARTICIPANT FAILS TO EXERCISE INVESTMENT ELECTION.

(a) IN GENERAL.—Section 404(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(c)) is amended by adding at the end the following new paragraph:

"(4) DEFAULT INVESTMENT ARRANGEMENTS.—

"(A) IN GENERAL.—For purposes of paragraph (1), a participant in an individual account plan meeting the notice requirements of subparagraph (B) shall be treated as exercising control over the assets in the account with respect to the amount of contributions and earnings which, in the absence of an investment election by the participant, are invested by the plan in accordance with regulations prescribed by the Secretary. The regulations under this subparagraph shall provide guidance on the appropriateness of designating default investments that include a mix of asset classes consistent with capital preservation, long-term capital appreciation, or a blend of both.

"(B) NOTICE REQUIREMENTS.—

"(i) IN GENERAL.—The requirements of this subparagraph are met if each participant—

"(I) receives, within a reasonable period of time before each plan year, a notice explaining the employee's right under the plan to designate how contributions and earnings will be invested and explaining how, in the absence of any investment election by the participant, such contributions and earnings will be invested, and

"(II) has a reasonable period of time after receipt of such notice and before the beginning of the plan year to make such designation.

"(ii) FORM OF NOTICE.—The requirements of clauses (i) and (ii) of section 401(k)(12)(D) of the Internal Revenue Code of 1986 shall be met with respect to the notices described in this subparagraph.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

(2) REGULATIONS.—Final regulations under section 404(c)(4)(A) of the Employee Retirement Income Security Act of 1974 (as added by this section) shall be issued no later than 6 months after the date of the enactment of this Act.

SEC. 1110. CLARIFICATION OF FIDUCIARY RULES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor shall issue final regulations clarifying that the selection of an annuity contract as an optional form of distribution from an individual account plan to a participant or beneficiary—

(1) is not subject to the safest available annuity standard under Interpretive Bulletin 95–1 (29 C.F.R. 2509.95–1), and

(2) is subject to all otherwise applicable fiduciary standards.

(b) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

TITLE XII—UNITED STATES TAX COURT MODERNIZATION

SEC. 1200. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 1201. ANNUITIES FOR SURVIVORS OF TAX COURT JUDGES WHO ARE ASSASSINATED.

(a) ELIGIBILITY IN CASE OF DEATH BY ASSASSINATION.—Subsection (h) of section 7448 (relating to annuities to surviving spouses and dependent children of judges) is amended to read as follows:

"(h) ENTITLEMENT TO ANNUITY.—

"(1) IN GENERAL.—

"(A) ANNUITY TO SURVIVING SPOUSE.—If a judge described in paragraph (2) is survived by a surviving spouse but not by a dependent child, there shall be paid to such surviving spouse an annuity beginning with the day of the death of the judge or following the surviving spouse's attainment of the age of 50 years, whichever is the later, in an amount computed as provided in subsection (m).

"(B) ANNUITY TO CHILD.—If such a judge is survived by a surviving spouse and a dependent child or children, there shall be paid to such surviving spouse an immediate annuity in an amount computed as provided in subsection (m), and there shall also be paid to or on behalf of each such child an immediate annuity equal to the lesser of—

"(i) 10 percent of the average annual salary of such judge (determined in accordance with subsection (m)), or

"(ii) 20 percent of such average annual salary, divided by the number of such children.

"(C) ANNUITY TO SURVIVING DEPENDENT CHILDREN.—If such a judge leaves no surviving spouse but leaves a surviving dependent child or children, there shall be paid to or on behalf of each such child an immediate annuity equal to the lesser of—

"(i) 20 percent of the average annual salary of such judge (determined in accordance with subsection (m)), or

"(ii) 40 percent of such average annual salary, divided by the number of such children.

"(2) COVERED JUDGES.—Paragraph (1) applies to any judge electing under subsection (b)—

"(A) who dies while a judge after having rendered at least 5 years of civilian service computed as prescribed in subsection (n), for the last 5 years of which the salary deductions provided for by subsection (c)(1) or the deposits required by subsection (d) have actually been made or the salary deductions required by the civil service retirement laws have actually been made, or

"(B) who dies by assassination after having rendered less than 5 years of civilian service computed as prescribed in subsection (n) if, for the period of such service, the salary deductions provided for by subsection (c)(1) or the deposits required by subsection (d) have actually been made.

"(3) TERMINATION OF ANNUITY.—

"(A) IN THE CASE OF A SURVIVING SPOUSE.—The annuity payable to a surviving spouse under this subsection shall be terminable upon such surviving spouse's death or such surviving spouse's remarriage before attaining age 55.

"(B) IN THE CASE OF A CHILD.—The annuity payable to a child under this subsection shall be terminable upon (i) the child attaining the age of 18 years, (ii) the child's marriage, or (iii) the child's death, whichever first occurs, except that if such child is incapable of self-support by reason of mental or physical disability the child's annuity shall be terminable only upon death, marriage, or recovery from such disability.

"(C) IN THE CASE OF A DEPENDENT CHILD AFTER DEATH OF SURVIVING SPOUSE.—In case of the death of a surviving spouse of a judge leaving a dependent child or children of the judge surviving such spouse, the annuity of such child or children shall be recomputed and paid as provided in paragraph (1)(C).

"(D) RECOMPUTATION.—In any case in which the annuity of a dependent child is terminated under this subsection, the annuities of any remaining dependent child or children, based upon the service of the same judge, shall be recomputed and paid as though the child whose annuity was so terminated had not survived such judge.

"(4) SPECIAL RULE FOR ASSASSINATED JUDGES.—In the case of a survivor or survivors of a judge described in paragraph (2)(B), there shall be deducted from the annuities otherwise payable under this section an amount equal to—

"(A) the amount of salary deductions provided for by subsection (c)(1) that would have been made if such deductions had been made for 5 years of civilian service computed as prescribed in subsection (n) before the judge's death, reduced by

"(B) the amount of such salary deductions that were actually made before the date of the judge's death.'.'

(b) DEFINITION OF ASSASSINATION.—Section 7448(a) (relating to definitions) is amended by adding at the end the following new paragraph:

"(8) The terms 'assassinated' and 'assassination' mean the killing of a judge that is motivated by the performance by that judge of his or her official duties.".

(c) DETERMINATION OF ASSASSINATION.—Subsection (i) of section 7448 is amended—

(1) by striking the subsection heading and inserting the following:

"(i) DETERMINATIONS BY CHIEF JUDGE.—

"(1) DEPENDENCY AND DISABILITY.—",

(2) by moving the text 2 ems to the right, and

(3) by adding at the end the following new paragraph:

"(2) ASSASSINATION.—The chief judge shall determine whether the killing of a judge was an assassination, subject to review only by the Tax Court. The head of any Federal agency that investigates the killing of a judge shall provide information to the chief judge that would assist the chief judge in making such a determination.".

(d) COMPUTATION OF ANNUITIES.—Subsection (m) of section 7448 is amended—

(1) by striking the subsection heading and inserting the following:

"(m) COMPUTATION OF ANNUITIES.—

"(1) IN GENERAL.—",

(2) by moving the text 2 ems to the right, and

(3) by adding at the end the following new paragraph:

"(2) ASSASSINATED JUDGES.—In the case of a judge who is assassinated and who has served less than 3 years, the annuity of the surviving spouse of such judge shall be based upon the average annual salary received by such judge for judicial service.".

(e) OTHER BENEFITS.—Section 7448 is amended by adding at the end the following:

"(u) OTHER BENEFITS.—In the case of a judge who is assassinated, an annuity shall be paid under this section notwithstanding a survivor's eligibility for or receipt of benefits under chapter 81 of title 5, United States Code, except that the annuity for which a surviving spouse is eligible under this section shall be reduced to the extent that the total benefits paid under this section and chapter 81 of that title for any year would exceed the current salary for that year of the office of the judge.".

SEC. 1202. COST-OF-LIVING ADJUSTMENTS FOR TAX COURT JUDICIAL SURVIVOR ANNUITIES.

(a) IN GENERAL.—Subsection (s) of section 7448 (relating to annuities to surviving spouses and dependent children of judges) is amended to read as follows:

"(s) INCREASES IN SURVIVOR ANNUITIES.—Each time that an increase is made under section 8340(b) of title 5, United States Code, in annuities payable under subchapter III of chapter 83 of that title, each annuity payable from the survivors annuity fund under this section shall be increased at the same time by the same percentage by which annuities are increased under such section 8340(b).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to increases made under section 8340(b) of title 5, United States Code, in annuities payable under subchapter III of chapter 83 of that title, taking effect after the date of the enactment of this Act.

SEC. 1203. LIFE INSURANCE COVERAGE FOR TAX COURT JUDGES.

(a) IN GENERAL.—Section 7447 (relating to retirement of judges) is amended by adding at the end the following new subsection:

"(j) LIFE INSURANCE COVERAGE.—For purposes of chapter 87 of title 5, United States Code (relating to life insurance), any individual who is serving as a judge of the Tax Court or who is retired under this section is deemed to be an employee who is continuing in active employment.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any individual serving as a judge of the United States Tax Court or to any retired judge of the United States Tax Court on the date of the enactment of this Act.

SEC. 1204. COST OF LIFE INSURANCE COVERAGE FOR TAX COURT JUDGES AGE 65 OR OVER.

Section 7472 (relating to expenditures) is amended by inserting after the first sentence the following new sentence: "Notwithstanding any other provision of law, the Tax Court is authorized to pay on behalf of its judges, age 65 or over, any increase in the cost of Federal Employees' Group Life Insurance imposed after April 24, 1999, including any expenses generated by such payments, as authorized by the chief judge in a manner consistent with such payments authorized by the Judicial Conference of the United States pursuant to section 604(a)(5) of title 28, United States Code."

SEC. 1205. MODIFICATION OF TIMING OF LUMP-SUM PAYMENT OF JUDGES' ACCRUED ANNUAL LEAVE.

(a) IN GENERAL.—Section 7443 (relating to membership of the Tax Court) is amended by adding at the end the following new subsection:

"(h) LUMP-SUM PAYMENT OF JUDGES' ACCRUED ANNUAL LEAVE.—Notwithstanding the provisions of sections 5551 and 6301 of title 5, United States Code, when an individual subject to the leave system provided in chapter 63 of that title is appointed by the President to be a judge of the Tax Court, the individual shall be entitled to receive, upon appointment to the Tax Court, a lump-sum payment from the Tax Court of the accumulated and accrued current annual leave standing to the individual's credit as certified by the agency from which the individual resigned.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any judge of the United States Tax Court who has an outstanding leave balance on the date of the enactment of this Act and to any individual appointed by the President to serve as a judge of the United States Tax Court after such date.

SEC. 1206. PARTICIPATION OF TAX COURT JUDGES IN THE THRIFT SAVINGS PLAN.

(a) IN GENERAL.—Section 7447 (relating to retirement of judges), as amended by this Act, is amended by adding at the end the following new subsection:

"(k) THRIFT SAVINGS PLAN.—

"(1) ELECTION TO CONTRIBUTE.—

"(A) IN GENERAL.—A judge of the Tax Court may elect to contribute to the Thrift Savings Fund established by section 8437 of title 5, United States Code.

"(B) PERIOD OF ELECTION.—An election may be made under this paragraph only during a period provided under section 8432(b) of title 5, United States Code, for individuals subject to chapter 84 of such title.

"(2) APPLICABILITY OF TITLE 5 PROVISIONS.—Except as otherwise provided in this subsection, the provisions of subchapters III and VII of chapter 84 of title 5, United States Code, shall apply with respect to a judge who makes an election under paragraph (1).

"(3) SPECIAL RULES.—

"(A) AMOUNT CONTRIBUTED.—The amount contributed by a judge to the Thrift Savings Fund in any pay period shall not exceed the maximum percentage of such judge's basic pay for such period as allowable under section 8440f of title 5, United States Code. Basic pay does not include any retired pay paid pursuant to this section.

"(B) CONTRIBUTIONS FOR BENEFIT OF JUDGE.—No contributions may be made for the benefit of a judge under section 8432(c) of title 5, United States Code.

"(C) APPLICABILITY OF SECTION 8433(b) OF TITLE 5 WHETHER OR NOT JUDGE RETIRES.—Section 8433(b) of title 5, United States Code, applies with respect to a judge who makes an election under paragraph (1) and who either—

"(i) retires under subsection (b), or

"(ii) ceases to serve as a judge of the Tax Court but does not retire under subsection (b).

Retirement under subsection (b) is a separation from service for purposes of subchapters III and VII of chapter 84 of that title.

"(D) APPLICABILITY OF SECTION 8351(b)(5) OF TITLE 5.—The provisions of section 8351(b)(5) of title 5, United States Code, shall apply with respect to a judge who makes an election under paragraph (1).

"(E) EXCEPTION.—Notwithstanding subparagraph (C), if any judge retires under this section, or resigns without having met the age and service requirements set forth under subsection (b)(2), and such judge's nonforfeitable account balance is less than an amount that the Executive Director of the Office of Personnel Management prescribes by regulation, the Executive Director shall pay the nonforfeitable account balance to the participant in a single payment.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, except that United States Tax Court judges may only begin to participate in the Thrift Savings Plan at the next open season beginning after such date.

SEC. 1207. EXEMPTION OF TEACHING COMPENSATION OF RETIRED JUDGES FROM LIMITATION ON OUTSIDE EARNED INCOME.

(a) In General.—Section 7447 (relating to retirement of judges), as amended by this Act, is amended by adding at the end the following new subsection:

"(l) Teaching Compensation of Retired Judges.—For purposes of the limitation under section 501(a) of the Ethics in Government Act of 1978 (5 U.S.C. App.), any compensation for teaching approved under section 502(a)(5) of such Act shall not be treated as outside earned income when received by a judge of the Tax Court who has retired under subsection (b) for teaching performed during any calendar year for which such a judge has met the requirements of subsection (c), as certified by the chief judge of the Tax Court.".

(b) Effective Date.—The amendment made by this section shall apply to any individual serving as a retired judge of the United States Tax Court on or after the date of the enactment of this Act.

SEC. 1208. GENERAL PROVISIONS RELATING TO MAGISTRATE JUDGES OF THE TAX COURT.

(a) Title of Special Trial Judge Changed to Magistrate Judge of the Tax Court.—The heading of section 7443A is amended to read as follows:

"SEC. 7443A. MAGISTRATE JUDGES OF THE TAX COURT."

(b) Appointment, Tenure, and Removal.—Subsection (a) of section 7443A is amended to read as follows:

"(a) Appointment, Tenure, and Removal.—

"(1) Appointment.—The chief judge may, from time to time, appoint and reappoint magistrate judges of the Tax Court for a term of 8 years. The magistrate judges of the Tax Court shall proceed under such rules as may be promulgated by the Tax Court.

"(2) Removal.—Removal of a magistrate judge of the Tax Court during the term for which he or she is appointed shall be only for incompetency, misconduct, neglect of duty, or physical or mental disability, but the office of a magistrate judge of the Tax Court shall be terminated if the judges of the Tax Court determine that the services performed by the magistrate judge of the Tax Court are no longer needed. Removal shall not occur unless a majority of all the judges of the Tax Court concur in the order of removal. Before any order of removal shall be entered, a full specification of the charges shall be furnished to the magistrate judge of the Tax Court, and he or she shall be accorded by the judges of the Tax Court an opportunity to be heard on the charges.".

(c) Salary.—Section 7443A(d) (relating to salary) is amended by striking "90" and inserting "92".

(d) Exemption From Federal Leave Provisions.—Section 7443A is amended by adding at the end the following new subsection:

"(f) Exemption From Federal Leave Provisions.—

"(1) In general.—A magistrate judge of the Tax Court appointed under this section shall be exempt from the provisions of subchapter I of chapter 63 of title 5, United States Code.

"(2) Treatment of unused leave.—

"(A) After service as magistrate judge.—If an individual who is exempted under paragraph (1) from the subchapter referred to in such paragraph was previously subject to such subchapter and, without a break in service, again becomes subject to such subchapter on completion of the individual's service as a magistrate judge, the unused annual leave and sick leave standing to the individual's credit when such individual was exempted from this subchapter is deemed to have remained to the individual's credit.

"(B) Computation of annuity.—In computing an annuity under section 8339 of title 5, United States Code, the total service of an individual specified in subparagraph (A) who retires on an immediate annuity or dies leaving a survivor or survivors entitled to an annuity includes, without regard to the limitations imposed by subsection (f) of such section 8339, the days of unused sick leave standing to the individual's credit when such individual was exempted from subchapter I of chapter 63 of title 5, United States Code, except that these days will not be counted in determining average pay or annuity eligibility.

"(C) Lump sum payment.—Any accumulated and current accrued annual leave or vacation balances credited to a magistrate judge as of the date of the enactment of this subsection shall be paid in a lump sum at the time of separation from service pursuant to the provisions and restrictions set forth in section 5551 of title 5, United States Code, and related provisions referred to in such section.".

(e) Conforming Amendments.—

(1) The heading of subsection (b) of section 7443A is amended by striking "Special Trial Judges" and inserting "Magistrate Judges of the Tax Court".

(2) Section 7443A(b) is amended by striking "special trial judges of the court" and inserting "magistrate judges of the Tax Court".

(3) Subsections (c) and (d) of section 7443A are amended by striking "special trial judge" and inserting "magistrate judge of the Tax Court" each place it appears.

(4) Section 7443A(e) is amended by striking "special trial judges" and inserting "magistrate judges of the Tax Court".

(5) Section 7456(a) is amended by striking "special trial judge" each place it appears and inserting "magistrate judge".

(6) Subsection (c) of section 7471 is amended—

(A) by striking the subsection heading and inserting "Magistrate Judges of the Tax Court.—", and

(B) by striking "special trial judges" and inserting "magistrate judges".

SEC. 1209. ANNUITIES TO SURVIVING SPOUSES AND DEPENDENT CHILDREN OF MAGISTRATE JUDGES OF THE TAX COURT.

(a) Definitions.—Section 7448(a) (relating to definitions), as amended by this Act, is amended by redesignating paragraphs (5), (6), (7), and (8) as paragraphs (7), (8), (9), and (10), respectively, and by inserting after paragraph (4) the following new paragraphs:

"(5) The term 'magistrate judge' means a judicial officer appointed pursuant to section 7443A, including any individual receiving an annuity under section 7443B, or chapters 83 or 84, as the case may be, of title 5, United States Code, whether or not performing judicial duties under section 7443C.

"(6) The term 'magistrate judge's salary' means the salary of a magistrate judge received under section 7443A(d), any amount received as an annuity under section 7443B, or chapters 83 or 84, as the case may be, of title 5, United States Code, and compensation received under section 7443C.".

(b) Election.—Subsection (b) of section 7448 (relating to annuities to surviving spouses and dependent children of judges) is amended—

(1) by striking the subsection heading and inserting the following:

"(b) Election.—

"(1) Judges.—",

(2) by moving the text 2 ems to the right, and

(3) by adding at the end the following new paragraph:

"(2) Magistrate judges.—Any magistrate judge may by written election filed with the chief judge bring himself or herself within the purview of this section. Such election shall be filed not later than the later of 6 months after—

"(A) 6 months after the date of the enactment of this paragraph,

"(B) the date the judge takes office, or

"(C) the date the judge marries.".

(c) Conforming Amendments.—

(1) The heading of section 7448 is amended by inserting "**AND MAGISTRATE JUDGES**" after "**JUDGES**".

(2) The item relating to section 7448 in the table of sections for part I of subchapter C of chapter 76 is amended by inserting "and magistrate judges" after "judges".

(3) Subsections (c)(1), (d), (f), (g), (h), (j), (m), (n), and (u) of section 7448, as amended by this Act, are each amended—

(A) by inserting "or magistrate judge" after "judge" each place it appears other than in the phrase "chief judge", and

(B) by inserting "or magistrate judge's" after "judge's" each place it appears.

(4) Section 7448(c) is amended—

(A) in paragraph (1), by striking "Tax Court judges" and inserting "Tax Court judicial officers",

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting "and section 7443A(d)" after "(a)(4)", and

(ii) in subparagraph (B), by striking "subsection (a)(4)" and inserting "subsections (a)(4) and (a)(6)".

(5) Section 7448(g) is amended by inserting "or section 7443B" after "section 7447" each place it appears, and by inserting "or an annuity" after "retired pay".

(6) Section 7448(j)(1) is amended—

(A) in subparagraph (A), by striking "service or retired" and inserting "service, retired", and by inserting ", or receiving any annuity under section 7443B or chapters 83 or 84 of title 5, United States Code," after "section 7447", and

(B) in the last sentence, by striking "subsections (a) (6) and (7)" and inserting "paragraphs (8) and (9) of subsection (a)".

(7) Section 7448(m)(1), as amended by this Act, is amended—

(A) by inserting "or any annuity under section 7443B or chapters 83 or 84 of title 5, United States Code" after "7447(d)", and

(B) by inserting "or 7443B(m)(1)(B) after "7447(f)(4)".

(8) Section 7448(n) is amended by inserting "his years of service pursuant to any appointment under section 7443A," after "of the Tax Court,".

(9) Section 3121(b)(5)(E) is amended by inserting "or magistrate judge" before "of the United States Tax Court".

(10) Section 210(a)(5)(E) of the Social Security Act is amended by inserting "or magistrate judge" before "of the United States Tax Court".

SEC. 1210. RETIREMENT AND ANNUITY PROGRAM.

(a) Retirement and Annuity Program.—Part I of subchapter C of chapter 76 is amended by inserting after section 7443A the following new section:

"SEC. 7443B. RETIREMENT FOR MAGISTRATE JUDGES OF THE TAX COURT.

"(a) Retirement Based on Years of Service.—A magistrate judge of the Tax Court to whom this section applies and who retires from office after attaining the age of 65 years and serving at least 14 years, whether continuously or otherwise, as such magistrate judge shall, subject to subsection (f), be entitled to receive, during the remainder of the magistrate judge's lifetime, an annuity equal to the salary being received at the time the magistrate judge leaves office.

“(b) Retirement Upon Failure of Reappointment.—A magistrate judge of the Tax Court to whom this section applies who is not reappointed following the expiration of the term of office of such magistrate judge and who retires upon the completion of the term shall, subject to subsection (f), be entitled to receive, upon attaining the age of 65 years and during the remainder of such magistrate judge's lifetime, an annuity equal to that portion of the salary being received at the time the magistrate judge leaves office which the aggregate number of years of service, not to exceed 14, bears to 14, if—

“(1) such magistrate judge has served at least 1 full term as a magistrate judge, and

“(2) not earlier than 9 months before the date on which the term of office of such magistrate judge expires, and not later than 6 months before such date, such magistrate judge notified the chief judge of the Tax Court in writing that such magistrate judge was willing to accept reappointment to the position in which such magistrate judge was serving.

“(c) Service of at Least 8 Years.—A magistrate judge of the Tax Court to whom this section applies and who retires after serving at least 8 years, whether continuously or otherwise, as such a magistrate judge shall, subject to subsection (f), be entitled to receive, upon attaining the age of 65 years and during the remainder of the magistrate judge's lifetime, an annuity equal to that portion of the salary being received at the time the magistrate judge leaves office which the aggregate number of years of service, not to exceed 14, bears to 14. Such annuity shall be reduced by $\frac{1}{6}$ of 1 percent for each full month such magistrate judge was under the age of 65 at the time the magistrate judge left office, except that such reduction shall not exceed 20 percent.

“(d) Retirement for Disability.—A magistrate judge of the Tax Court to whom this section applies, who has served at least 5 years, whether continuously or otherwise, as such a magistrate judge and who retires or is removed from office upon the sole ground of mental or physical disability shall, subject to subsection (f), be entitled to receive, during the remainder of the magistrate judge's lifetime, an annuity equal to 40 percent of the salary being received at the time of retirement or removal or, in the case of a magistrate judge who has served for at least 10 years, an amount equal to that proportion of the salary being received at the time of retirement or removal which the aggregate number of years of service, not to exceed 14, bears to 14.

“(e) Cost-of-Living Adjustments.—A magistrate judge of the Tax Court who is entitled to an annuity under this section is also entitled to a cost-of-living adjustment in such annuity, calculated and payable in the same manner as adjustments under section 8340(b) of title 5, United States Code, except that any such annuity, as increased under this subsection, may not exceed the salary then payable for the position from which the magistrate judge retired or was removed.

“(f) Election; Annuity in Lieu of Other Annuities.—

“(1) In general.—A magistrate judge of the Tax Court shall be entitled to an annuity under this section if the magistrate judge elects an annuity under this section by notifying the chief judge of the Tax Court not later than the later of—

“(A) 5 years after the magistrate judge of the Tax Court begins judicial service, or

“(B) 5 years after the date of the enactment of this subsection.

Such notice shall be given in accordance with procedures prescribed by the Tax Court.

“(2) Annuity in lieu of other annuity.—A magistrate judge who elects to receive an annuity under this section shall not be entitled to receive—

“(A) any annuity to which such magistrate judge would otherwise have been entitled under subchapter III of chapter 83, or under chapter 84 (except for subchapters III and VII), of title 5, United States Code, for service performed as a magistrate or otherwise,

“(B) an annuity or salary in senior status or retirement under section 371 or 372 of title 28, United States Code,

“(C) retired pay under section 7447, or

“(D) retired pay under section 7296 of title 38, United States Code.

“(3) Coordination with title 5.—A magistrate judge of the Tax Court who elects to receive an annuity under this section—

“(A) shall not be subject to deductions and contributions otherwise required by section 8334(a) of title 5, United States Code,

“(B) shall be excluded from the operation of chapter 84 (other than subchapters III and VII) of such title 5, and

“(C) is entitled to a lump-sum credit under section 8342(a) or 8424 of such title 5, as the case may be.

“(g) Calculation of Service.—For purposes of calculating an annuity under this section—

“(1) service as a magistrate judge of the Tax Court to whom this section applies may be credited, and

“(2) each month of service shall be credited as $\frac{1}{12}$ of a year, and the fractional part of any month shall not be credited.

“(h) Covered Positions and Service.—This section applies to any magistrate judge of the Tax Court or special trial judge of the Tax Court appointed under this subchapter, but only with respect to service as such a magistrate judge or special trial judge after a date not earlier than $9\frac{1}{2}$ years before the date of the enactment of this subsection.

“(i) Payments Pursuant to Court Order.—

“(1) In general.—Payments under this section which would otherwise be made to a magistrate judge of the Tax Court based upon his or her service shall be paid (in whole or in part) by the chief judge of the Tax Court to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation. Any payment under this paragraph to a person bars recovery by any other person.

“(2) Requirements for payment.—Paragraph (1) shall apply only to payments made by the chief judge of the Tax Court after the date of receipt by the chief judge of written notice of such decree, order, or agreement, and such additional information as the chief judge may prescribe.

“(3) Court defined.—For purposes of this subsection, the term ‘court’ means any court of any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, or the Virgin Islands, and any Indian tribal court or courts of Indian offense.

“(j) Deductions, Contributions, and Deposits.—

“(1) Deductions.—Beginning with the next pay period after the chief judge of the Tax Court receives a notice under subsection (f) that a magistrate judge of the Tax Court has elected an annuity under this section, the chief judge shall deduct and withhold 1 percent of the salary of such magistrate judge. Amounts shall be so deducted and withheld in a manner determined by the chief judge. Amounts deducted and withheld under this subsection shall be deposited in the Treasury of the United States to the credit of the Tax Court Judicial Officers' Retirement Fund. Deductions under this subsection from the salary of a magistrate judge shall terminate upon the retirement of the magistrate judge or upon completion of 14 years of service for which contributions under this section have been made, whether continuously or otherwise, as calculated under subsection (g), whichever occurs first.

“(2) Consent to deductions; discharge of claims.—Each magistrate judge of the Tax Court who makes an election under subsection (f) shall be deemed to consent and agree to the deductions from salary which are made under paragraph (1). Payment of such salary less such deductions (and any deductions made under section 7448) is a full and complete discharge and acquittance of all claims and demands for all services rendered by such magistrate judge during the period covered by such payment, except the right to those benefits to which the magistrate judge is entitled under this section (and section 7448).

“(k) Deposits for Prior Service.—Each magistrate judge of the Tax Court who makes an election under subsection (f) may deposit, for service performed before such election for which contributions may be made under this section, an amount equal to 1 percent of the salary received for that service. Credit for any period covered by that service may not be allowed for purposes of an annuity under this section until a deposit under this subsection has been made for that period.

“(l) Individual Retirement Records.—The amounts deducted and withheld under subsection (j), and the amounts deposited under subsection (k), shall be credited to individual accounts in the name of each magistrate judge of the Tax Court from whom such amounts are received, for credit to the Tax Court Judicial Officers' Retirement Fund.

“(m) Annuities Affected in Certain Cases.—

“(1) 1-year forfeiture for failure to perform judicial duties.—Subject to paragraph (3), any magistrate judge of the Tax Court who retires under this section and who fails to perform judicial duties required of such individual by section 7443C shall forfeit all rights to an annuity under this section for a 1-year period which begins on the 1st day on which such individual fails to perform such duties.

“(2) Permanent forfeiture of retired pay where certain non-government services performed.—Subject to paragraph (3), any magistrate judge of the Tax Court who retires under this section and who thereafter performs (or supervises or directs the performance of) legal or accounting services in the field of Federal taxation for the individual's client, the individual's employer, or any of such employer's clients, shall forfeit all rights to an annuity under this section for all periods beginning on or after the first day on which the individual performs (or supervises or directs the performance of) such services. The preceding sentence shall not apply to any civil office or employment under the Government of the United States.

"(3) FORFEITURES NOT TO APPLY WHERE INDIVIDUAL ELECTS TO FREEZE AMOUNT OF ANNUITY.—

"(A) IN GENERAL.—If a magistrate judge of the Tax Court makes an election under this paragraph—

"(i) paragraphs (1) and (2) (and section 7443C) shall not apply to such magistrate judge beginning on the date such election takes effect, and

"(ii) the annuity payable under this section to such magistrate judge, for periods beginning on or after the date such election takes effect, shall be equal to the annuity to which such magistrate judge is entitled on the day before such effective date.

"(B) ELECTION REQUIREMENTS.—An election under subparagraph (A)—

"(i) may be made by a magistrate judge of the Tax Court eligible for retirement under this section, and

"(ii) shall be filed with the chief judge of the Tax Court.

Such an election, once it takes effect, shall be irrevocable.

"(C) EFFECTIVE DATE OF ELECTION.—Any election under subparagraph (A) shall take effect on the first day of the first month following the month in which the election is made.

"(4) ACCEPTING OTHER EMPLOYMENT.—Any magistrate judge of the Tax Court who retires under this section and thereafter accepts compensation for civil office or employment under the United States Government (other than for the performance of functions as a magistrate judge of the Tax Court under section 7443C) shall forfeit all rights to an annuity under this section for the period for which such compensation is received. For purposes of this paragraph, the term 'compensation' includes retired pay or salary received in retired status.

"(n) LUMP-SUM PAYMENTS.—

"(1) ELIGIBILITY.—

"(A) IN GENERAL.—Subject to paragraph (2), an individual who serves as a magistrate judge of the Tax Court and—

"(i) who leaves office and is not reappointed as a magistrate judge of the Tax Court for at least 31 consecutive days,

"(ii) who files an application with the chief judge of the Tax Court for payment of a lump-sum credit,

"(iii) is not serving as a magistrate judge of the Tax Court at the time of filing of the application, and

"(iv) will not become eligible to receive an annuity under this section within 31 days after filing the application,

is entitled to be paid the lump-sum credit. Payment of the lump-sum credit voids all rights to an annuity under this section based on the service on which the lump-sum credit is based, until that individual resumes office as a magistrate judge of the Tax Court.

"(B) PAYMENT TO SURVIVORS.—Lump-sum benefits authorized by subparagraphs (C), (D), and (E) of this paragraph shall be paid to the person or persons surviving the magistrate judge of the Tax Court and alive on the date title to the payment arises, in the order of precedence set forth in subsection (o) of section 376 of title 28, United States Code, and in accordance with the last 2 sentences of paragraph (1) of that subsection. For purposes of the preceding sentence, the term 'judicial official' as used in subsection (o) of such section 376 shall be deemed to mean 'magistrate judge of the Tax Court' and the terms 'Administrative Office of the United States Courts' and 'Director of the Administrative Office of the United States Courts' shall be deemed to mean 'chief judge of the Tax Court'.

"(C) PAYMENT UPON DEATH OF JUDGE BEFORE RECEIPT OF ANNUITY.—If a magistrate judge of the Tax Court dies before receiving an annuity under this section, the lump-sum credit shall be paid.

"(D) PAYMENT OF ANNUITY REMAINDER.—If all annuity rights under this section based on the service of a deceased magistrate judge of the Tax Court terminate before the total annuity paid equals the lump-sum credit, the difference shall be paid.

"(E) PAYMENT UPON DEATH OF JUDGE DURING RECEIPT OF ANNUITY.—If a magistrate judge of the Tax Court who is receiving an annuity under this section dies, any accrued annuity benefits remaining unpaid shall be paid.

"(F) PAYMENT UPON TERMINATION.—Any accrued annuity benefits remaining unpaid on the termination, except by death, of the annuity of a magistrate judge of the Tax Court shall be paid to that individual.

"(G) PAYMENT UPON ACCEPTING OTHER EMPLOYMENT.—Subject to paragraph (2), a magistrate judge of the Tax Court who forfeits rights to an annuity under subsection (m)(4) before the total annuity paid equals the lump-sum credit shall be entitled to be paid the difference if the magistrate judge of the Tax Court files an application with the chief judge of the Tax Court for payment of that difference. A payment under this subparagraph voids all rights to an annuity on which the payment is based.

"(2) SPOUSES AND FORMER SPOUSES.—

"(A) IN GENERAL.—Payment of the lump-sum credit under paragraph (1)(A) or a payment under paragraph (1)(G)—

"(i) may be made only if any current spouse and any former spouse of the magistrate judge of the Tax Court are notified of the magistrate judge's application, and

"(ii) shall be subject to the terms of a court decree of divorce, annulment, or legal separation, or any court or court approved property settlement agreement incident to such decree, if—

"(I) the decree, order, or agreement expressly relates to any portion of the lump-sum credit or other payment involved, and

"(II) payment of the lump-sum credit or other payment would extinguish entitlement of the magistrate judge's spouse or former spouse to any portion of an annuity under subsection (i).

"(B) NOTIFICATION.—Notification of a spouse or former spouse under this paragraph shall be made in accordance with such procedures as the chief judge of the Tax Court shall prescribe. The chief judge may provide under such procedures that subparagraph (A)(i) may be waived with respect to a spouse or former spouse if the magistrate judge establishes to the satisfaction of the chief judge that the whereabouts of such spouse or former spouse cannot be determined.

"(C) RESOLUTION OF 2 OR MORE ORDERS.—The chief judge shall prescribe procedures under which this paragraph shall be applied in any case in which the chief judge receives 2 or more orders or decrees described in subparagraph (A).

"(3) DEFINITION.—For purposes of this subsection, the term 'lump-sum credit' means the unrefunded amount consisting of—

"(A) retirement deductions made under this section from the salary of a magistrate judge of the Tax Court,

"(B) amounts deposited under subsection (k) by a magistrate judge of the Tax Court covering earlier service, and

"(C) interest on the deductions and deposits which, for any calendar year, shall be equal to the overall average yield to the Tax Court Judicial Officers' Retirement Fund during the preceding fiscal year from all obligations purchased by the Secretary during such fiscal year under subsection (o); but does not include interest—

"(i) if the service covered thereby aggregates 1 year or less, or

"(ii) for the fractional part of a month in the total service.

"(o) TAX COURT JUDICIAL OFFICERS' RETIREMENT FUND.—

"(1) ESTABLISHMENT.—There is established in the Treasury a fund which shall be known as the 'Tax Court Judicial Officers' Retirement Fund'. Amounts in the Fund are authorized to be appropriated for the payment of annuities, refunds, and other payments under this section.

"(2) INVESTMENT OF FUND.—The Secretary shall invest, in interest bearing securities of the United States, such currently available portions of the Tax Court Judicial Officers' Retirement Fund as are not immediately required for payments from the Fund. The income derived from these investments constitutes a part of the Fund.

"(3) UNFUNDED LIABILITY.—

"(A) IN GENERAL.—There are authorized to be appropriated to the Tax Court Judicial Officers' Retirement Fund amounts required to reduce to zero the unfunded liability of the Fund.

"(B) UNFUNDED LIABILITY.—For purposes of subparagraph (A), the term 'unfunded liability' means the estimated excess, determined on an annual basis in accordance with the provisions of section 9503 of title 31, United States Code, of the present value of all benefits payable from the Tax Court Judicial Officers' Retirement Fund over the sum of—

"(i) the present value of deductions to be withheld under this section from the future basic pay of magistrate judges of the Tax Court, plus

"(ii) the balance in the Fund as of the date the unfunded liability is determined.

"(p) PARTICIPATION IN THRIFT SAVINGS PLAN.—

"(1) ELECTION TO CONTRIBUTE.—

"(A) IN GENERAL.—A magistrate judge of the Tax Court who elects to receive an annuity under this section or under section 611 of the Pension Security and Transparency Act of 2005 may elect to contribute an amount of such individual's basic pay to the Thrift Savings Fund established by section 8437 of title 5, United States Code.

"(B) PERIOD OF ELECTION.—An election may be made under this paragraph only during a period provided under section 8432(b) of title 5, United States Code, for individuals subject to chapter 84 of such title.

"(2) APPLICABILITY OF TITLE 5 PROVISIONS.—Except as otherwise provided in this subsection, the provisions of subchapters III and VII of chapter 84 of title 5, United States Code, shall apply with respect to a magistrate judge who makes an election under paragraph (1).

"(3) SPECIAL RULES.—

"(A) AMOUNT CONTRIBUTED.—The amount contributed by a magistrate judge to the Thrift Savings Fund in any pay period shall not exceed the maximum percentage of such judge's basic pay for such pay period as allowable under section 8440f of title 5, United States Code.

"(B) CONTRIBUTIONS FOR BENEFIT OF JUDGE.—No contributions may be made for the benefit of a magistrate judge under section 8432(c) of title 5, United States Code.

"(C) APPLICABILITY OF SECTION 8433(b) OF TITLE 5.—Section 8433(b) of title 5, United States Code, applies with respect to a magistrate judge who makes an election under paragraph (1) and—

"(i) who retires entitled to an immediate annuity under this section (including a disability annuity under subsection (d) of this section) or section 611 of the Pension Security and Transparency Act of 2005,

"(ii) who retires before attaining age 65 but is entitled, upon attaining age 65, to an annuity under this section or section 611 of the Pension Security and Transparency Act of 2005, or

"(iii) who retires before becoming entitled to an immediate annuity, or an annuity upon attaining age 65, under this section or section 611 of the Pension Security and Transparency Act of 2005.

"(D) SEPARATION FROM SERVICE.—With respect to a magistrate judge to whom this subsection applies, retirement under this section or section 611 of the Pension Security and Transparency Act of 2005 is a separation from service for purposes of subchapters III and VII of chapter 84 of title 5, United States Code.

"(4) DEFINITIONS.—For purposes of this subsection, the terms 'retirement' and 'retire' include removal from office under section 7443A(a)(2) on the sole ground of mental or physical disability.

"(5) OFFSET.—In the case of a magistrate judge who receives a distribution from the Thrift Savings Fund and who later receives an annuity under this section, that annuity shall be offset by an amount equal to the amount which represents the Government's contribution to that person's Thrift Savings Account, without regard to earnings attributable to that amount. Where such an offset would exceed 50 percent of the annuity to be received in the first year, the offset may be divided equally over the first 2 years in which that person receives the annuity.

"(6) EXCEPTION.—Notwithstanding clauses (i) and (ii) of paragraph (3)(C), if any magistrate judge retires under circumstances making such magistrate judge eligible to make an election under subsection (b) of section 8433 of title 5, United States Code, and such magistrate judge's nonforfeitable account balance is less than an amount that the Executive Director of the Office of Personnel Management prescribes by regulation, the Executive Director shall pay the nonforfeitable account balance to the participant in a single payment.".

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter C of chapter 76 is amended by inserting after the item relating to section 7443A the following new item:

"Sec. 7443B. Retirement for magistrate judges of the Tax Court.".

SEC. 1211. INCUMBENT MAGISTRATE JUDGES OF THE TAX COURT.

(a) RETIREMENT ANNUITY UNDER TITLE 5 AND SECTION 7443B OF THE INTERNAL REVENUE CODE OF 1986.—A magistrate judge of the United States Tax Court in active service on the date of the enactment of this Act shall, subject to subsection (b), be entitled, in lieu of the annuity otherwise provided under the amendments made by this title, to—

(1) an annuity under subchapter III of chapter 83, or under chapter 84 (except for subchapters III and VII), of title 5, United States Code, as the case may be, for creditable service before the date on which service would begin to be credited for purposes of paragraph (2), and

(2) an annuity calculated under subsection (b) or (c) and subsection (g) of section 7443B of the Internal Revenue Code of 1986, as added by this Act, for any service as a magistrate judge of the United States Tax Court or special trial judge of the United States Tax Court but only with respect to service as such a magistrate judge or special trial judge after a date not earlier than 9½ years prior to the date of the enactment of this Act (as specified in the election pursuant to subsection (b)) for which deductions and deposits are made under subsections (j) and (k) of such section 7443B, as applicable, without regard to the minimum number of years of service as such a magistrate judge of the United States Tax Court, except that—

(A) in the case of a magistrate judge who retired with less than 8 years of service, the annuity under subsection (c) of such section 7443B shall be equal to that proportion of the salary being received at the time the magistrate judge leaves office which the years of service bears to 14, subject to a reduction in accordance with subsection (c) of such section 7443B if the magistrate judge is under age 65 at the time he or she leaves office, and

(B) the aggregate amount of the annuity initially payable on retirement under this subsection may not exceed the rate of pay for the magistrate judge which is in effect on the day before the retirement becomes effective.

(b) FILING OF NOTICE OF ELECTION.—A magistrate judge of the United States Tax Court shall be entitled to an annuity under this section only if the magistrate judge files a notice of that election with the chief judge of the United States Tax Court specifying the date on which service would begin to be credited under section 7443B of the Internal Revenue Code of 1986, as added by this Act, in lieu of chapter 83 or chapter 84 of title 5, United States Code. Such notice shall be filed in accordance with such procedures as the chief judge of the United States Tax Court shall prescribe.

(c) LUMP-SUM CREDIT UNDER TITLE 5.—A magistrate judge of the United States Tax Court who makes an election under subsection (b) shall be entitled to a lump-sum credit under section 8342 or 8424 of title 5, United States Code, as the case may be, for any service which is covered under section 7443B of the Internal Revenue Code of 1986, as added by this Act, pursuant to that election, and with respect to which any contributions were made by the magistrate judge under the applicable provisions of title 5, United States Code.

(d) RECALL.—With respect to any magistrate judge of the United States Tax Court receiving an annuity under this section who is recalled to serve under section 7443C of the Internal Revenue Code of 1986, as added by this Act—

(1) the amount of compensation which such recalled magistrate judge receives under such section 7443C shall be calculated on the basis of the annuity received under this section, and

(2) such recalled magistrate judge of the United States Tax Court may serve as a reemployed annuitant to the extent otherwise permitted under title 5, United States Code. Section 7443B(m)(4) of the Internal Revenue Code of 1986, as added by this Act, shall not apply with respect to service as a reemployed annuitant described in paragraph (2).

SEC. 1212. PROVISIONS FOR RECALL.

(a) IN GENERAL.—Part I of subchapter C of chapter 76, as amended by this Act, is amended by inserting after section 7443B the following new section:

"SEC. 7443C. RECALL OF MAGISTRATE JUDGES OF THE TAX COURT.

"(a) RECALLING OF RETIRED MAGISTRATE JUDGES.—Any individual who has retired pursuant to section 7443B or the applicable provisions of title 5, United States Code, upon reaching the age and service requirements established therein, may at or after retirement be called upon by the chief judge of the Tax Court to perform such judicial duties with the Tax Court as may be requested of such individual for any period or periods specified by the chief judge; except that in the case of any such individual—

"(1) the aggregate of such periods in any 1 calendar year shall not (without such individual's consent) exceed 90 calendar days, and

"(2) such individual shall be relieved of performing such duties during any period in which illness or disability precludes the performance of such duties.

Any act, or failure to act, by an individual performing judicial duties pursuant to this subsection shall have the same force and effect as if it were the act (or failure to act) of a magistrate judge of the Tax Court.

"(b) COMPENSATION.—For the year in which a period of recall occurs, the magistrate judge shall receive, in addition to the annuity provided under the provisions of section 7443B or under the applicable provisions of title 5, United States Code, an amount equal to the difference between that annuity and the current salary of the office to which the magistrate judge is recalled. The annuity of the magistrate judge who completes that period of service, who is not recalled in a subsequent year, and who retired under section 7443B, shall be equal to the salary in effect at the end of the year in which the period of recall occurred for the office from which such individual retired.

"(c) RULEMAKING AUTHORITY.—The provisions of this section may be implemented under such rules as may be promulgated by the Tax Court."

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter C of chapter 76, as amended by this Act, is amended by inserting after the item relating to section 7443B the following new item:

"Sec. 7443C. Recall of magistrate judges of the Tax Court.".

SEC. 1213. EFFECTIVE DATE.

Except as otherwise provided, the amendments made by this subtitle shall take effect on the date of the enactment of this Act.

TITLE XIII—OTHER PROVISIONS

Subtitle A—Administrative Provision

SEC. 1301. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) IN GENERAL.—If this section applies to any plan or contract amendment—

(1) such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A), and

(2) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this Act or the Economic Growth and Tax Relief Reconciliation Act of 2001, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under such Acts, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2007, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), subparagraph (B) shall be applied by substituting the date which is 2 years after the date otherwise applied under subparagraph (B).

(2) Conditions.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

SEC. 1302. AUTHORITY TO THE SECRETARY OF LABOR, SECRETARY OF THE TREASURY, AND THE PENSION BENEFIT GUARANTY CORPORATION TO POSTPONE CERTAIN DEADLINES.

The Secretary of Labor, the Secretary of the Treasury, and the Executive Director of the Pension Benefit Guaranty Corporation shall exercise their authority under section 518 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1148) and section 7508A of the Internal Revenue Code of 1986 to postpone certain deadlines by reason of the Presidentially declared disaster areas in Louisiana, Mississippi, Alabama, Texas, Florida, or elsewhere, due to the effect of Hurricane Katrina, Rita, or Wilma. The Secretaries and the Executive Director of the Corporation shall issue guidance as soon as is practicable to plan sponsors and participants regarding extension of deadlines and rules applicable to these extraordinary circumstances. Nothing in this section shall be construed to relieve any plan sponsor from any requirement to pay benefits or make contributions under the plan of the sponsor.

Subtitle B—Governmental Pension Plan Equalization

SEC. 1311. DEFINITION OF GOVERNMENTAL PLAN.

(a) Amendment to Internal Revenue Code of 1986.—Section 414(d) of the Internal Revenue Code of 1986 (definition of governmental plan) is amended by adding at the end the following: "The term 'governmental plan' includes a plan established or maintained for its employees by an Indian tribal government (as defined in section 7701(a)(40)), a subdivision of an Indian tribal government (determined in accordance with section 7871(d)), an agency instrumentality (or subdivision) of an Indian tribal government, or an entity established under Federal, State, or tribal law which is wholly owned or controlled by any of the foregoing.".

(b) Amendment to Employee Retirement Income Security Act of 1974.—Section 3(32) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(32)) is amended by adding at the end the following: "The term 'governmental plan' includes a plan established or maintained for its employees by an Indian tribal government (as defined in section 7701(a)(40)), a subdivision of an Indian tribal government (determined in accordance with section 7871(d)), an agency instrumentality (or subdivision) of an Indian tribal government, or an entity established under Federal, State, or tribal law that is wholly owned or controlled by any of the foregoing.".

SEC. 1312. EXTENSION TO ALL GOVERNMENTAL PLANS OF CURRENT MORATORIUM ON APPLICATION OF CERTAIN NONDISCRIMINATION RULES APPLICABLE TO STATE AND LOCAL PLANS.

(a) In General.—

(1) Subparagraph (G) of section 401(a)(5) and subparagraph (G) of section 401(a)(26) of the Internal Revenue Code of 1986 are each amended by striking "section 414(d))" and all that follows and inserting "section 414(d)).".

(2) Subparagraph (G) of section 401(k)(3) of such Code and paragraph (2) of section 1505(d) of the Taxpayer Relief Act of 1997 (Public Law 105–34; 111 Stat. 1063) are each amended by striking "maintained by a State or local government or political subdivision thereof (or agency or instrumentality thereof)".

(b) Conforming Amendments.—

(1) The heading of subparagraph (G) of section 401(a)(5) of the Internal Revenue Code of 1986 is amended by striking "State and local governmental" and inserting "Governmental".

(2) The heading of subparagraph (G) of section 401(a)(26) of such Code is amended by striking "Exception for state and local" and inserting "Exception for".

(3) Section 401(k)(3)(G) of such Code is amended by inserting "Governmental plan.—" after "(G)".

SEC. 1313. CLARIFICATION THAT TRIBAL GOVERNMENTS ARE SUBJECT TO THE SAME DEFINED BENEFIT PLAN RULES AND REGULATIONS APPLIED TO STATE AND OTHER LOCAL GOVERNMENTS, THEIR POLICE AND FIREFIGHTERS.

(a) Amendments to Internal Revenue Code of 1986.—

(1) Police and firefighters.—Subparagraph (H) section 415(b)(2) of the Internal Revenue Code of 1986 (defining participant) is amended—

(A) in clause (i), by striking "State or political subdivision" and inserting "State, Indian tribal government (as defined in section 7701(a)(40)), or any political subdivision"; and

(B) in clause (ii)(I), by striking "State or political subdivision" each place it appears and inserting "State, Indian tribal government (as so defined), or any political subdivision".

(2) State and local government plans.—

(A) In general.—Subparagraph (A) of section 415(b)(10) of such Code (relating to limitation to equal accrued benefit) is amended—

(i) by inserting ", Indian tribal government (as defined in section 7701(a)(40))," after "State";

(ii) by inserting "any" before "political subdivision"; and

(iii) by inserting "any of" before "the foregoing".

(B) Conforming amendment.—The heading of paragraph (1) of section 415(b) of such Code is amended by striking "Special rule for state and" and inserting "Special rule for state, Indian tribal, and".

(3) Government pick up contributions.—Paragraph (2) of section 414(h) of such Code (relating to designation by units of government) is amended by striking "State or political subdivision" and inserting "State, Indian tribal government (as defined in section 7701(a)(40)), or any political subdivision".

(b) Amendments to Employee Retirement Income Security Act of 1974.—Section 4021(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1321(b)) is amended—

(1) in paragraph (12), by striking "or" at the end;

(2) in paragraph (13), by striking "plan." and inserting "plan; or"; and

(3) by adding at the end the following:

"(14) established and maintained for its employees by an Indian tribal government (as defined in section 7701(a)(40) of the Internal Revenue Code of 1986), a subdivision of an Indian tribal government (determined in accordance with section 7871(d) of such Code), an agency or instrumentality of an Indian tribal government or subdivision thereof, or an entity established under Federal, State, or tribal law that is wholly owned or controlled by any of the foregoing.".

SEC. 1314. EFFECTIVE DATE.

The amendments made by this subtitle shall apply to any year beginning before, on, or after the date of the enactment of this Act.

Subtitle C—Miscellaneous Provisions

SEC. 1321. TRANSFER OF EXCESS FUNDS FROM BLACK LUNG DISABILITY TRUSTS TO UNITED MINE WORKERS OF AMERICA COMBINED BENEFIT FUND.

(a) In General.—So much of section 501(c)(21)(C) of the Internal Revenue Code of 1986 (relating to black lung disability trusts) as precedes the last sentence is amended to read as follows:

"(C) Payments described in subparagraph (A)(i)(IV) may be made from such trust during a taxable year only to the extent that the aggregate amount of such payments during such taxable year does not exceed the excess (if any), as of the close of the preceding taxable year, of—

"(i) the fair market value of the assets of the trust, over

"(ii) 110 percent of the present value of the liability described in subparagraph (A)(i)(I) of such person."

(b) Transfer.—Section 9705 of such Code (relating to transfer) is amended by adding at the end the following new subsection:

"(c) Transfer From Black Lung Disability Trusts.—

"(1) In general.—The Secretary shall transfer each fiscal year to the Fund from the general fund of the Treasury an amount which the Secretary estimates to be the additional amounts received in the Treasury for that fiscal year by reason of the amendment made by section 1321(a) of the Pension Security and Transparency Act of 2005. The Secretary shall adjust the amount transferred for any year to the extent necessary to correct errors in any estimate for any prior year.

"(2) Use of funds.—Any amount transferred to the Combined Fund under paragraph (1) shall be used to proportionately reduce the unassigned beneficiary premium under section 9704(a)(3) of each assigned operator for any plan year beginning after December 31, 2002.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 1322. TREATMENT OF DEATH BENEFITS FROM CORPORATE-OWNED LIFE INSURANCE.

(a) In General.—Section 101 of the Internal Revenue Code of 1986 (relating to certain death benefits) is amended by adding at the end the following new subsection:

"(j) Treatment of Certain Employer-Owned Life Insurance Contracts.—

"(1) General rule.—In the case of an employer-owned life insurance contract, the amount excluded from gross income of an applicable policyholder by reason of paragraph (1) of subsection (a) shall not exceed an amount equal to the sum of the premiums and other amounts paid by the policyholder for the contract.

"(2) EXCEPTIONS.—In the case of an employer-owned life insurance contract with respect to which the notice and consent requirements of paragraph (4) are met, paragraph (1) shall not apply to any of the following:

"(A) EXCEPTIONS BASED ON INSURED'S STATUS.—Any amount received by reason of the death of an insured who, with respect to an applicable policyholder—

"(i) was an employee at any time during the 12-month period before the insured's death, or

"(ii) is, at the time the contract is issued—

"(I) a director,

"(II) a highly compensated employee within the meaning of section 414(q) (without regard to paragraph (1)(B)(ii) thereof), or

"(III) a highly compensated individual within the meaning of section 105(h)(5), except that '35 percent' shall be substituted for '25 percent' in subparagraph (C) thereof.

"(B) EXCEPTION FOR AMOUNTS PAID TO INSURED'S HEIRS.—Any amount received by reason of the death of an insured to the extent—

"(i) the amount is paid to a member of the family (within the meaning of section 267(c)(4)) of the insured, any individual who is the designated beneficiary of the insured under the contract (other than the applicable policyholder), a trust established for the benefit of any such member of the family or designated beneficiary, or the estate of the insured, or

"(ii) the amount is used to purchase an equity (or capital or profits) interest in the applicable policyholder from any person described in clause (i).

"(3) EMPLOYER-OWNED LIFE INSURANCE CONTRACT.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'employer-owned life insurance contract' means a life insurance contract which—

"(i) is owned by a person engaged in a trade or business and under which such person (or a related person described in subparagraph (B)(ii)) is directly or indirectly a beneficiary under the contract, and

"(ii) covers the life of an insured who is an employee with respect to the trade or business of the applicable policyholder on the date the contract is issued.

For purposes of the preceding sentence, if coverage for each insured under a master contract is treated as a separate contract for purposes of sections 817(h), 7702, and 7702A, coverage for each such insured shall be treated as a separate contract.

"(B) APPLICABLE POLICYHOLDER.—For purposes of this subsection—

"(i) IN GENERAL.—The term 'applicable policyholder' means, with respect to any employer-owned life insurance contract, the person described in subparagraph (A)(i) which owns the contract.

"(ii) RELATED PERSONS.—The term 'applicable policyholder' includes any person which—

"(I) bears a relationship to the person described in clause (i) which is specified in section 267(b) or 707(b)(1), or

"(II) is engaged in trades or businesses with such person which are under common control (within the meaning of subsection (a) or (b) of section 52).

"(4) NOTICE AND CONSENT REQUIREMENTS.—The notice and consent requirements of this paragraph are met if, before the issuance of the contract, the employee—

"(A) is notified in writing that the applicable policyholder intends to insure the employee's life and the maximum face amount for which the employee could be insured at the time the contract was issued,

"(B) provides written consent to being insured under the contract and that such coverage may continue after the insured terminates employment, and

"(C) is informed in writing that an applicable policyholder will be a beneficiary of any proceeds payable upon the death of the employee.

"(5) DEFINITIONS.—For purposes of this subsection—

"(A) EMPLOYEE.—The term 'employee' includes an officer, director, and highly compensated employee (within the meaning of section 414(q)).

"(B) INSURED.—The term 'insured' means, with respect to an employer-owned life insurance contract, an individual covered by the contract who is a United States citizen or resident. In the case of a contract covering the joint lives of 2 individuals, references to an insured include both of the individuals.".

(b) REPORTING REQUIREMENTS.—Subpart A of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to information concerning persons subject to special provisions) is amended by inserting after section 6039H the following new section:

"SEC. 6039I. RETURNS AND RECORDS WITH RESPECT TO EMPLOYER-OWNED LIFE INSURANCE CONTRACTS.

"(a) IN GENERAL.—Every applicable policyholder owning 1 or more employer-owned life insurance contracts issued after the date of the enactment of this section shall file a return (at such time and in such manner as the Secretary shall by regulations prescribe) showing for each year such contracts are owned—

"(1) the number of employees of the applicable policyholder at the end of the year,

"(2) the number of such employees insured under such contracts at the end of the year,

"(3) the total amount of insurance in force at the end of the year under such contracts,

"(4) the name, address, and taxpayer identification number of the applicable policyholder and the type of business in which the policyholder is engaged, and

"(5) that the applicable policyholder has a valid consent for each insured employee (or, if all such consents are not obtained, the number of insured employees for whom such consent was not obtained).

"(b) RECORDKEEPING REQUIREMENT.—Each applicable policyholder owning 1 or more employer-owned life insurance contracts during any year shall keep such records as may be necessary for purposes of determining whether the requirements of this section and section 101(j) are met.

"(c) DEFINITIONS.—Any term used in this section which is used in section 101(j) shall have the same meaning given such term by section 101(j).".

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 101(a) of the Internal Revenue Code of 1986 is amended by striking "and subsection (f)" and inserting "subsection (f), and subsection (j)".

(2) The table of sections for subpart A of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6039H the following new item:

"Sec. 6039I. Returns and records with respect to employer-owned life insurance contracts.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to life insurance contracts issued after the date of the enactment of this Act, except for a contract issued after such date pursuant to an exchange described in section 1035 of the Internal Revenue Code of 1986 for a contract issued on or prior to that date. For purposes of the preceding sentence, any material increase in the death benefit or other material change shall cause the contract to be treated as a new contract except that, in the case of a master contract (within the meaning of section 264(f)(4)(E) of such Code), the addition of covered lives shall be treated as a new contract only with respect to such additional covered lives.

Subtitle D—Other Related Pension Provisions

PART I—HEALTH AND MEDICAL BENEFITS

SEC. 1331. USE OF EXCESS PENSION ASSETS FOR FUTURE RETIREE HEALTH BENEFITS.

(a) IN GENERAL.—Section 420 of the Internal Revenue Code of 1986 (relating to transfers of excess pension assets to retiree health accounts), as amended by this Act, is amended by adding at the end the following new subsection:

"(f) QUALIFIED TRANSFER TO COVER FUTURE RETIREE HEALTH COSTS.—

"(1) IN GENERAL.—An employer maintaining a defined benefit plan (other than a multiemployer plan) may elect for any taxable year to have the plan make a qualified future transfer rather than a qualified transfer for the taxable year. Except as provided in this subsection, a qualified future transfer shall be treated for purposes of this title and the Employee Retirement Income Security Act of 1974 as if it were a qualified transfer.

"(2) QUALIFIED FUTURE TRANSFER.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified future transfer' means a transfer which meets all of the requirements for a qualified transfer, except that—

"(i) the determination of excess pension assets shall be made under subparagraph (B),

"(ii) the limitation on the amount transferred shall be made under subparagraph (C), and

"(iii) the minimum cost requirements of subsection (c)(3) shall be modified as provided under subparagraph (D).

"(B) EXCESS PENSION ASSETS.—

"(i) IN GENERAL.—In determining excess pension assets for purposes of this subsection, subsection (e)(2) shall be applied by substituting '115 percent' for '125 percent'.

"(ii) REQUIREMENT TO MAINTAIN FUNDED STATUS.—If, as of any valuation date of any plan year in the transfer period, the amount determined under subsection (e)(2)(B) (after application of clause (i)) exceeds the amount determined under subsection (e)(2)(A), either—

"(I) the employer maintaining the plan shall make contributions to the plan in an amount not less than the amount required to reduce such excess to zero as of such date, or

"(II) there is transferred from the health benefits account to the plan an amount not less than the amount required to reduce such excess to zero as of such date.

"(C) LIMITATION ON AMOUNT TRANSFERRED.—Notwithstanding subsection (b)(3), the amount of the excess pension assets which may be transferred in a qualified future transfer shall be equal to the sum of—

"(i) if the transfer period includes the taxable year of the transfer, the amount determined under subsection (b)(3) for such taxable year, plus

"(ii) in the case of all other taxable years in the transfer period, the sum of the qualified current retiree health liabilities which the plan reasonably estimates, in accordance with guidance issued by the Secretary, will be incurred for each of such years.

"(D) MINIMUM COST REQUIREMENTS.—

"(i) IN GENERAL.—The requirements of subsection (c)(3) shall be treated as met if each group health plan or arrangement under which applicable health benefits are provided provides applicable health benefits during the period beginning with the first year of the transfer period and ending with the last day of the 4th year following the transfer period such that the annual average amount of such benefits provided during such period is not less than the applicable employer cost determined under subsection (c)(3)(A) with respect to the transfer.

"(ii) ELECTION TO MAINTAIN BENEFITS.—An employer may elect, in lieu of the requirements of clause (i), to meet the requirements of subsection (c)(3) by meeting the requirements of such subsection (as in effect before the amendments made by section 535 of the Tax Relief Extension Act of 1999) for each of the years described in the period under clause (i).

"(3) COORDINATION WITH OTHER TRANSFERS.—In applying subsection (b)(3) to any subsequent transfer during a taxable year in a transfer period, qualified current retiree health liabilities shall be reduced by any such liabilities taken into account with respect to the qualified future transfer to which such period relates.

"(4) TRANSFER PERIOD.—For purposes of this subsection, the term 'transfer period' means, with respect to any transfer, a period of consecutive taxable years specified in the election under paragraph (1) which begins and ends during the 10-taxable-year period beginning with the taxable year of the transfer.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after the date of the enactment of this Act.

SEC. 1332. SPECIAL RULES FOR FUNDING OF COLLECTIVELY BARGAINED RETIREE HEALTH BENEFITS.

(a) COLLECTIVELY BARGAINED TRANSFER TREATED AS A QUALIFIED TRANSFER.—

(1) IN GENERAL.—Section 420(b) of the Internal Revenue Code of 1986 (defining qualified transfer) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) A collectively bargained transfer (as defined in subsection (e)(5)) shall be treated as a qualified transfer.".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 420(b)(2) of such Code is amended by inserting "or a collectively bargained transfer" after "paragraph (4)".

(B) Paragraph (3) of section 420(b) of such Code is amended to read as follows:

"(3) LIMITATION ON AMOUNT TRANSFERRED.—

"(A) IN GENERAL.—The amount of excess pension assets which may be transferred in a qualified transfer (other than a collectively bargained transfer) shall not exceed the amount which is reasonably estimated to be the amount the employer maintaining the plan will pay (whether directly or through reimbursement) out of such account during the taxable year of the transfer for qualified current retiree health liabilities.

"(B) EXCEPTION FOR COLLECTIVELY BARGAINED TRANSFERS.—The amount of excess pension assets which may be transferred in a collectively bargained transfer shall not exceed the amount which is reasonably estimated, in accordance with the provisions of the collective bargaining agreement and generally accepted accounting principles, to be the amount the employer maintaining the plan will pay (whether directly or through reimbursement) out of such account during the collectively bargained cost maintenance period for collectively bargained retiree health liabilities.".

(b) REQUIREMENTS OF PLANS MAKING COLLECTIVELY BARGAINED TRANSFERS.—

(1) IN GENERAL.—Paragraph (1) of section 420(c) of the Internal Revenue Code of 1986 (relating to requirements of plan transferring assets) is amended to read as follows:

"(1) USE OF TRANSFERRED ASSETS.—

"(A) IN GENERAL.—Except in the case of a collectively bargained transfer, any assets transferred to a health benefits account in a qualified transfer (and any income allocable thereto) shall be used only to pay qualified current retiree health liabilities (other than liabilities of key employees not taken into account under subsection (e)(1)(D)) for the taxable year of the transfer (whether directly or through reimbursement).

"(B) COLLECTIVELY BARGAINED TRANSFER.—Any assets transferred to a health benefits account in a collectively bargained transfer (and any income allocable thereto) shall be used only to pay collectively bargained retiree health liabilities (other than liabilities of key employees not taken into account under subsection (e)(6)(D)) for the taxable year of the transfer or for any subsequent taxable year during the collectively bargained cost maintenance period (whether directly or through reimbursement).

"(C) AMOUNTS NOT USED TO PAY FOR HEALTH BENEFITS.—

"(i) IN GENERAL.—Any assets transferred to a health benefits account in a qualified transfer (and any income allocable thereto) which are not used as provided in subparagraph (A) (in the case of a qualified transfer other than a collectively bargained transfer) or cannot be used as provided in subparagraph (B) (in the case of a collectively bargained transfer) shall be transferred out of the account to the transferor plan.

"(ii) TAX TREATMENT OF AMOUNTS.—Any amount transferred out of an account under clause (i)—

"(I) shall not be includible in the gross income of the employer, but

"(II) shall be treated as an employer reversion for purposes of section 4980 (without regard to subsection (d) thereof).

"(D) ORDERING RULE.—For purposes of this section, any amount paid out of a health benefits account shall be treated as paid first out of the assets and income described in subparagraph (A) (in the case of a qualified transfer other than a collectively bargained transfer) or subparagraph (B) (in the case of a collectively bargained transfer).".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 420(c)(3) of such Code is amended to read as follows:

"(A) IN GENERAL.—The requirements of this paragraph are met if—

"(i) except as provided in clause (ii), each group health plan or arrangement under which applicable health benefits are provided provides that the applicable employer cost for each taxable year during the cost maintenance period shall not be less than the higher of the applicable employer costs for each of the 2 taxable years immediately preceding the taxable year of the qualified transfer, and

"(ii) in the case of a collectively bargained transfer, each collectively bargained group health plan under which collectively bargained health benefits are provided provides that the collectively bargained employer cost for each taxable year during the collectively bargained cost maintenance period shall not be less than the amount specified by the collective bargaining agreement.".

(B) Section 420(c)(3) of such Code is amended by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively, and by inserting after subparagraph (B) the following new subparagraph:

"(C) COLLECTIVELY BARGAINED EMPLOYER COST.—For purposes of this paragraph, the term 'collectively bargained employer cost' means the average cost per covered individual of providing collectively bargained retiree health benefits as determined in accordance with the applicable collective bargaining agreement. Such agreement may provide for an appropriate reduction in the collectively bargained employer cost to take into account any portion of the collectively bargained retiree health benefits that is provided or financed by a government program or other source.".

(C) Subparagraph (E) of section 420(c)(3) of such Code (as redesignated by subparagraph (B)) is amended to read as follows:

"(E) MAINTENANCE PERIOD.—For purposes of this paragraph—

"(i) COST MAINTENANCE PERIOD.—The term 'cost maintenance period' means the period of 5 taxable years beginning with the taxable year in which the qualified transfer occurs. If a taxable year is in 2 or more overlapping cost maintenance periods, this paragraph shall be applied by taking into account the highest applicable employer cost required to be provided under subparagraph (A)(i) for such taxable year.

"(ii) COLLECTIVELY BARGAINED COST MAINTENANCE PERIOD.—The term 'collectively bargained cost maintenance period' means, with respect to each covered retiree and his covered spouse and dependents, the shorter of—

"(I) the remaining lifetime of such covered retiree and his covered spouse and dependents, or

"(II) the period of coverage provided by the collectively bargained health plan (determined as of the date of the collectively bargained transfer) with respect to such covered retiree and his covered spouse and dependents.".

(c) LIMITATIONS ON EMPLOYER.—Subsection (d) of section 420 of the Internal Revenue Code of 1986 is amended to read as follows:

"(d) LIMITATIONS ON EMPLOYER.—For purposes of this title—

"(1) DEDUCTION LIMITATIONS.—No deduction shall be allowed—

"(A) for the transfer of any amount to a health benefits account in a qualified transfer (or any retransfer to the plan under subsection (c)(1)(C)),

"(B) for qualified current retiree health liabilities or collectively bargained retiree health liabilities paid out of the assets (and income) described in subsection (c)(1), or

"(C) except in the case of a collectively bargained transfer, for any amounts to which subparagraph (B) does not apply and which are paid for qualified current retiree health liabilities for the taxable year to the extent such amounts are not greater than the excess (if any) of—

"(i) the amount determined under subparagraph (A) (and income allocable thereto), over "(ii) the amount determined under subparagraph (B).

"(2) OTHER LIMITATIONS.—

"(A) NO CONTRIBUTIONS ALLOWED.—Except as provided in subparagraph (B), an employer may not contribute after December 31, 1990, any amount to a health benefits account or welfare benefit fund (as defined in section 419(e)(1)) with respect to qualified current retiree health liabilities for which transferred assets are required to be used under subsection (c)(1)(A).

"(B) EXCEPTION.—An employer may contribute an amount to a health benefits account or welfare benefit fund (as defined in section 419(e)(1)) with respect to collectively bargained retiree health liabilities for which transferred assets are required to be used under subsection (c)(1)(B), and the deductibility of any such contribution shall be governed by the limits applicable to the deductibility of contributions to a welfare benefit fund under a collective bargaining agreement (as determined under section 419A(f)(5)(A)) without regard to whether such contributions are made to a health benefits account or welfare benefit fund and without regard to the provisions of section 404 or the other provisions of this section. The Secretary shall provide rules to ensure that the application of this section does not result in a deduction being allowed more than once for the same contribution or for 2 or more contributions or expenditures relating to the same collectively bargained retiree health liabilities.".

(d) DEFINITIONS.—Section 420(e) of the Internal Revenue Code of 1986 (relating to definition and special rules) is amended by adding at the end the following new paragraphs:

"(5) COLLECTIVELY BARGAINED TRANSFER.—The term 'collectively bargained transfer' means a transfer—

"(A) of excess pension assets to a health benefits account which is part of such plan in a taxable year beginning after December 31, 2005, and

"(B) which does not contravene any other provision of law,

"(C) with respect to which are met in connection with the plan—

"(i) the use requirements of subsection (c)(1),

"(ii) the vesting requirements of subsection (c)(2), and

"(iii) the minimum cost requirements of subsection (c)(3),

"(D) which is made in accordance with a collective bargaining agreement,

"(E) which, before the transfer, the employer designates, in a written notice delivered to each employee organization that is a party to the collective bargaining agreement, as a collectively bargained transfer in accordance with this section, and

"(F) which involves—

"(i) a plan maintained by an employer which, in its taxable year ending in 2005, provided health benefits or coverage to retirees and their spouses and dependents under all of the benefit plans maintained by the employer, but only if the aggregate cost (including administrative expenses) of such benefits or coverage which would have been allowable as a deduction to the employer (if such benefits or coverage had been provided directly by the employer and the employer used the cash receipts and disbursements method of accounting) is at least 5 percent of the gross receipts of the employer (determined in accordance with the last sentence of subsection (c)(2)(E)(ii)(II)) for such taxable year,

"(ii) or a plan maintained by a successor to such employer.

Such term shall not include a transfer after December 31, 2013.

"(6) COLLECTIVELY BARGAINED RETIREE HEALTH LIABILITIES.—

"(A) IN GENERAL.—The term 'collectively bargained retiree health liabilities' means the present value, as of the beginning of a taxable year and determined in accordance with the applicable collective bargaining agreement, of all collectively bargained health benefits (including administrative expenses) for such taxable year and all subsequent taxable years during the collectively bargained cost maintenance period.

"(B) REDUCTION FOR AMOUNTS PREVIOUSLY SET ASIDE.—The amount determined under subparagraph (A) shall be reduced by the value (as of the close of the plan year preceding the year of the collectively bargained transfer) of the assets in all health benefits accounts or welfare benefit funds (as defined in section 419(e)(1)) set aside to pay for the collectively bargained retiree health liabilities.

"(C) KEY EMPLOYEES EXCLUDED.—If an employee is a key employee (within the meaning of section 416(I)(1)) with respect to any plan year ending in a taxable year, such employee shall not be taken into account in computing collectively bargained retiree health liabilities for such taxable year or in calculating collectively bargained employer cost under subsection (c)(3)(C).

"(7) COLLECTIVELY BARGAINED HEALTH BENEFITS.—The term 'collectively bargained health benefits' means health benefits or coverage which are provided to—

"(A) retired employees who, immediately before the collectively bargained transfer, are entitled to receive such benefits upon retirement and who are entitled to pension benefits under the plan, and their spouses and dependents, and

"(B) if specified by the provisions of the collective bargaining agreement governing the collectively bargained transfer, active employees who, following their retirement, are entitled to receive such benefits and who are entitled to pension benefits under the plan, and their spouses and dependents.

"(8) COLLECTIVELY BARGAINED HEALTH PLAN.—The term 'collectively bargained health plan' means a group health plan or arrangement for retired employees and their spouses and dependents that is maintained pursuant to 1 or more collective bargaining agreements.".

(e) CONFORMING AMENDMENT.—The last sentence of section 401(h) of the Internal Revenue Code of 1986 is amended by inserting "(other than contributions with respect to collectively bargained retiree health liabilities within the meaning of section 420(e)(6))" after "medical benefits".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2004.

SEC. 1333. ALLOWANCE OF RESERVE FOR MEDICAL BENEFITS OF PLANS SPONSORED BY BONA FIDE ASSOCIATIONS.

(a) IN GENERAL.—Section 419A(c) of the Internal Revenue Code of 1986 (relating to account limit) is amended by adding at the end the following new paragraph:

"(6) ADDITIONAL RESERVE FOR MEDICAL BENEFITS OF BONA FIDE ASSOCIATION PLANS.—

"(A) IN GENERAL.—An applicable account limit for any taxable year may include a reserve in an amount not to exceed 35 percent of the sum of—

"(i) the qualified direct costs, and

"(ii) the change in claims incurred but unpaid,

for such taxable year with respect to medical benefits (other than post-retirement medical benefits).

"(B) APPLICABLE ACCOUNT LIMIT.—For purposes of this subsection, the term 'applicable account limit' means an account limit for a qualified asset account with respect to medical benefits provided through a plan maintained by a bona fide association (as defined in section 2791(d)(3) of the Public Health Service Act (42 U.S.C. 300gg–91(d)(3))".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2005.

PART II—CASH OR DEFERRED ARRANGEMENTS

SEC. 1336. TREATMENT OF ELIGIBLE COMBINED DEFINED BENEFIT PLANS AND QUALIFIED CASH OR DEFERRED ARRANGEMENTS.

(a) AMENDMENTS OF INTERNAL REVENUE CODE.—Section 414 of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new subsection:

"(x) SPECIAL RULES FOR ELIGIBLE COMBINED DEFINED BENEFIT PLANS AND QUALIFIED CASH OR DEFERRED ARRANGEMENTS.—

"(1) GENERAL RULE.—Except as provided in this subsection, the requirements of this title shall be applied to any defined benefit plan or applicable defined contribution plan which are part of an eligible combined plan in the same manner as if each such plan were not a part of the eligible combined plan.

"(2) ELIGIBLE COMBINED PLAN.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'eligible combined plan' means a plan—

"(i) which is maintained by an employer which, at the time the plan is established, is a small employer,

"(ii) which consists of a defined benefit plan and an applicable defined contribution plan,

"(iii) the assets of which are held in a single trust forming part of the plan and are clearly identified and allocated to the defined benefit plan and the applicable defined contribution plan to the extent necessary for the separate application of this title under paragraph (1), and

"(iv) with respect to which the benefit, contribution, vesting, and nondiscrimination requirements of subparagraphs (B), (C), (D), (E), and (F) are met.

For purposes of this subparagraph, the term 'small employer' has the meaning given such term by section 4980D(d)(2), except that such section shall be applied by substituting '500' for '50' each place it appears.

"(B) BENEFIT REQUIREMENTS.—

"(i) IN GENERAL.—The benefit requirements of this subparagraph are met with respect to the defined benefit plan forming part of the eligible combined plan if the accrued benefit of each participant derived from employer contributions, when expressed as an annual retirement benefit, is not less than the applicable percentage of the participant's final average pay. For purposes of this clause, final average pay shall be determined using the period of consecutive years (not exceeding 5) during which the participant had the greatest aggregate compensation from the employer.

"(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage is the lesser of—

"(I) 1 percent multiplied by the number of years of service with the employer, or

"(II) 20 percent.

"(iii) SPECIAL RULE FOR CASH BALANCE PLANS.—If the defined benefit plan under clause (i) is a qualified cash balance plan (within the meaning of section 411(b)(5)), the plan shall be treated as meeting the requirements of clause (i) with respect to any plan year if each participant receives pay credit for the year which is not less than the percentage of compensation determined in accordance with the following table:

"If the participant's age as of the beginning of the year is—	**The percentage is—**
30 or less	2
Over 30 but less than 40	4
40 or over but less than 50	6
50 or over	8

"(iv) YEARS OF SERVICE.—For purposes of this subparagraph, years of service shall be determined under the rules of paragraphs (4), (5), and (6) of section 411(a), except that the plan may not disregard any year of service because of a participant making, or failing to make, any elective deferral with respect to the qualified cash or deferred arrangement to which subparagraph (C) applies.

"(C) CONTRIBUTION REQUIREMENTS.—

"(i) IN GENERAL.—The contribution requirements of this subparagraph with respect to any applicable defined contribution plan forming part of eligible combined plan are met if—

"(I) the qualified cash or deferred arrangement included in such plan constitutes an automatic contribution arrangement, and

"(II) the employer is required to make matching contributions on behalf of each employee eligible to participate in the arrangement in an amount equal to 50 percent of the elective contributions of the employee to the extent such elective contributions do not exceed 4 percent of compensation.

Rules similar to the rules of clauses (ii) and (iii) of section 401(k)(12)(B) shall apply for purposes of this clause.

"(ii) NONELECTIVE CONTRIBUTIONS.—An applicable defined contribution plan shall not be treated as failing to meet the requirements of clause (i) because the employer makes nonelective contributions under the plan but such contributions shall not be taken into account in determining whether the requirements of clause (i)(II) are met.

"(D) VESTING REQUIREMENTS.—The vesting requirements of this subparagraph are met if—

"(i) in the case of a defined benefit plan forming part of an eligible combined plan an employee who has completed at least 3 years of service has a nonforfeitable right to 100 percent of the employee's accrued benefit under the plan derived from employer contributions, and

"(ii) in the case of an applicable defined contribution plan forming part of eligible combined plan—

"(I) an employee has a nonforfeitable right to any matching contribution made under the qualified cash or deferred arrangement included in such plan by an employer with respect to any elective contribution, including matching contributions in excess of the contributions required under subparagraph (C)(i)(II), and

"(II) an employee who has completed at least 3 years of service has a nonforfeitable right to 100 percent of the employee's accrued benefit derived under the arrangement from nonelective contributions of the employer.

For purposes of this subparagraph, the rules of section 411 shall apply to the extent not inconsistent with this subparagraph.

"(E) UNIFORM PROVISION OF BENEFITS.—In the case of a defined benefit plan or applicable defined contribution plan forming part of an eligible combined plan, the requirements of this subparagraph are met if all benefits under each such plan, and all rights and features under each such plan, must be provided uniformly to all participants.

"(F) REQUIREMENTS MUST BE MET WITHOUT TAKING INTO ACCOUNT SOCIAL SECURITY AND SIMILAR CONTRIBUTIONS AND BENEFITS OR OTHER PLANS.—

"(i) IN GENERAL.—The requirements of this subparagraph are met if the requirements of clauses (ii) and (iii) are met.

"(ii) SOCIAL SECURITY AND SIMILAR CONTRIBUTIONS.—The requirements of this clause are met if—

"(I) the requirements of subparagraphs (B) and (C) are met without regard to section 401(l), and

"(II) the requirements of sections 401(a)(4) and 410(b) are met with respect to both the applicable defined contribution plan and defined benefit plan forming part of an eligible combined plan without regard to section 401(l).

"(iii) OTHER PLANS AND ARRANGEMENTS.—The requirements of this clause are met if the applicable defined contribution plan and defined benefit plan forming part of an eligible combined plan meet the requirements of sections 401(a)(4) and 410(b) without being combined with any other plan.

"(3) NONDISCRIMINATION REQUIREMENTS FOR QUALIFIED CASH OR DEFERRED ARRANGEMENT.—

"(A) IN GENERAL.—A qualified cash or deferred arrangement which is included in an applicable defined contribution plan forming part of an eligible combined plan shall be treated as meeting the requirements of section 401(k)(3)(A)(ii) if the requirements of paragraph (2)(C) are met with respect to such arrangement.

"(B) MATCHING CONTRIBUTIONS.—In applying section 401(m)(11) to any matching contribution with respect to a contribution to which paragraph (2)(C) applies, the contribution requirement of paragraph (2)(C) and the notice requirements of paragraph (5)(B) shall be substituted for the requirements otherwise applicable under clauses (i) and (ii) of section 401(m)(11)(A).

"(4) SATISFACTION OF TOP-HEAVY RULES.—A defined benefit plan and applicable defined contribution plan forming part of an eligible combined plan for any plan year shall be treated as meeting the requirements of section 416 for the plan year.

"(5) AUTOMATIC CONTRIBUTION ARRANGEMENT.—For purposes of this subsection—

"(A) IN GENERAL.—A qualified cash or deferred arrangement shall be treated as an automatic contribution arrangement if the arrangement—

"(i) provides that each employee eligible to participate in the arrangement is treated as having elected to have the employer make elective contributions in an amount equal to 4 percent of the employee's compensation unless the employee specifically elects not to have such contributions made or to have such contributions made at a different rate, and

"(ii) meets the notice requirements under subparagraph (B).

"(B) NOTICE REQUIREMENTS.—

"(i) IN GENERAL.—The requirements of this subparagraph are met if the requirements of clauses (ii) and (iii) are met.

"(ii) REASONABLE PERIOD TO MAKE ELECTION.—The requirements of this clause are met if each employee to whom subparagraph (A)(i) applies—

"(I) receives a notice explaining the employee's right under the arrangement to elect not to have elective contributions made on the employee's behalf or to have the contributions made at a different rate, and

"(II) has a reasonable period of time after receipt of such notice and before the first elective contribution is made to make such election.

"(iii) ANNUAL NOTICE OF RIGHTS AND OBLIGATIONS.—The requirements of this clause are met if each employee eligible to participate in the arrangement is, within a reasonable period before any year, given notice of the employee's rights and obligations under the arrangement.

The requirements of clauses (i) and (ii) of section 401(k)(12)(D) shall be met with respect to the notices described in clauses (ii) and (iii) of this subparagraph.

"(6) COORDINATION WITH OTHER REQUIREMENTS.—

"(A) TREATMENT OF SEPARATE PLANS.—Section 414(k) shall not apply to an eligible combined plan.

"(B) REPORTING.—An eligible combined plan shall be treated as a single plan for purposes of sections 6058 and 6059.

"(7) APPLICABLE DEFINED CONTRIBUTION PLAN.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'applicable defined contribution plan' means a defined contribution plan which includes a qualified cash or deferred arrangement.

"(B) QUALIFIED CASH OR DEFERRED ARRANGEMENT.—The term 'qualified cash or deferred arrangement' has the meaning given such term by section 401(k)(2).".

(b) AMENDMENTS OF ERISA.—

(1) IN GENERAL.—Section 210 of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new subsection:

"(e) SPECIAL RULES FOR ELIGIBLE COMBINED DEFINED BENEFIT PLANS AND QUALIFIED CASH OR DEFERRED ARRANGEMENTS.—

"(1) GENERAL RULE.—Except as provided in this subsection, this Act shall be applied to any defined benefit plan or applicable individual account plan which are part of an eligible combined plan in the same manner as if each such plan were not a part of the eligible combined plan.

"(2) ELIGIBLE COMBINED PLAN.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'eligible combined plan' means a plan—

"(i) which, at the time the plan is established, is maintained by a small employer,

"(ii) which consists of a defined benefit plan and an applicable individual account plan each of which qualifies under section 401(a) of the Internal Revenue Code of 1986,

"(iii) the assets of which are held in a single trust forming part of the plan and are clearly identified and allocated to the defined benefit plan and the applicable individual account plan to the extent necessary for the separate application of this Act under paragraph (1), and

"(iv) with respect to which the benefit, contribution, vesting, and nondiscrimination requirements of subparagraphs (B), (C), (D), (E), and (F) are met.

For purposes of this subparagraph, the term 'small employer' has the meaning given such term by section 4980D(d)(2), except that such section shall be applied by substituting '500' for '50' each place it appears.

"(B) BENEFIT REQUIREMENTS.—

"(i) IN GENERAL.—The benefit requirements of this subparagraph are met with respect to the defined benefit plan forming part of the eligible combined plan if the accrued benefit of each participant derived from employer contributions, when expressed as an annual retirement benefit, is not less than the applicable percentage of the participant's final average pay. For purposes of this clause, final average pay shall be determined using the period of consecutive years (not exceeding 5) during which the participant had the greatest aggregate compensation from the employer.

"(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage is the lesser of—

"(I) 1 percent multiplied by the number of years of service with the employer, or

"(II) 20 percent.

"(iii) SPECIAL RULE FOR CASH BALANCE PLANS.—If the defined benefit plan under clause (i) is a qualified cash balance plan (within the meaning of section 204(b)(5)), the plan shall be treated as meeting the requirements of clause (i) with respect to any plan year if each participant receives pay credit for the year which is not less than the percentage of compensation determined in accordance with the following table:

"If the participant's age as of the beginning of the year is—	**The percentage is—**
30 or less	2
Over 30 but less than 40	4
40 or over but less than 50	6
50 or over	8

"(iv) YEARS OF SERVICE.—For purposes of this subparagraph, years of service shall be determined under the rules of paragraphs (1), (2), and (3) of section 203(b), except that the plan may not disregard any year of service because of a participant making, or failing to make, any elective deferral with respect to the qualified cash or deferred arrangement to which subparagraph (C) applies.

"(C) CONTRIBUTION REQUIREMENTS.—

"(i) IN GENERAL.—The contribution requirements of this subparagraph with respect to any applicable individual account plan forming part of eligible combined plan are met if—

"(I) the qualified cash or deferred arrangement included in such plan constitutes an automatic contribution arrangement, and

"(II) the employer is required to make matching contributions on behalf of each employee eligible to participate in the arrangement in an amount equal to 50 percent of the elective contributions of the employee to the extent such elective contributions do not exceed 4 percent of compensation.

Rules similar to the rules of clauses (ii) and (iii) of section 401(k)(12)(B) of the Internal Revenue Code of 1986 shall apply for purposes of this clause.

"(ii) NONELECTIVE CONTRIBUTIONS.—An applicable individual account plan shall not be treated as failing to meet the requirements of clause (i) because the employer makes nonelective contributions under the plan but such contributions shall not be taken into account in determining whether the requirements of clause (i)(II) are met.

"(D) VESTING REQUIREMENTS.—The vesting requirements of this subparagraph are met if—

"(i) in the case of a defined benefit plan forming part of an eligible combined plan an employee who has completed at least 3 years of service has a nonforfeitable right to 100 percent of the employee's accrued benefit under the plan derived from employer contributions, and

"(ii) in the case of an applicable individual account plan forming part of eligible combined plan—

"(I) an employee has a nonforfeitable right to any matching contribution made under the qualified cash or deferred arrangement included in such plan by an employer with respect to any elective contribution, including matching contributions in excess of the contributions required under subparagraph (C)(i)(II), and

"(II) an employee who has completed at least 3 years of service has a nonforfeitable right to 100 percent of the employee's accrued benefit derived under the arrangement from nonelective contributions of the employer.

For purposes of this subparagraph, the rules of section 203 shall apply to the extent not inconsistent with this subparagraph.

"(E) UNIFORM PROVISION OF BENEFITS.—In the case of a defined benefit plan or applicable individual account plan forming part of an eligible combined plan, the requirements of this subparagraph are met if all benefits under each such plan, and all rights and features under each such plan, must be provided uniformly to all participants.

"(F) REQUIREMENTS MUST BE MET WITHOUT TAKING INTO ACCOUNT SOCIAL SECURITY AND SIMILAR CONTRIBUTIONS AND BENEFITS OR OTHER PLANS.—

"(i) IN GENERAL.—The requirements of this subparagraph are met if the requirements of clauses (ii) and (iii) are met.

"(ii) SOCIAL SECURITY AND SIMILAR CONTRIBUTIONS.—The requirements of this clause are met if—

"(I) the requirements of subparagraphs (B) and (C) are met without regard to section 401(l) of the Internal Revenue Code of 1986, and

"(II) the requirements of sections 401(a)(4) and 410(b) of the Internal Revenue Code of 1986 are met with respect to both the applicable defined contribution plan and defined benefit plan forming part of an eligible combined plan without regard to section 401(l) of the Internal Revenue Code of 1986.

"(iii) OTHER PLANS AND ARRANGEMENTS.—The requirements of this clause are met if the applicable defined contribution plan and defined benefit plan forming part of an eligible combined plan meet the requirements of sections 401(a)(4) and 410(b) of the Internal Revenue Code of 1986 without being combined with any other plan.

"(3) NONDISCRIMINATION REQUIREMENTS FOR QUALIFIED CASH OR DEFERRED ARRANGEMENT.—

"(A) IN GENERAL.—A qualified cash or deferred arrangement which is included in an applicable individual account plan forming part of an eligible combined plan shall be treated as meeting the requirements of section 401(k)(3)(A)(ii) of the Internal Revenue Code of 1986 if the requirements of subparagraph (C) are met with respect to such arrangement.

"(B) MATCHING CONTRIBUTIONS.—In applying section 401(m)(11) of such Code to any matching contribution with respect to a contribution to which paragraph (2)(C) applies, the contribution requirement of paragraph (2)(C) and the notice requirements of paragraph (5)(B) shall be substituted for the requirements otherwise applicable under clauses (i) and (ii) of section 401(m)(11)(A) of such Code.

"(4) AUTOMATIC CONTRIBUTION ARRANGEMENT.—For purposes of this subsection—

"(A) IN GENERAL.—A qualified cash or deferred arrangement shall be treated as an automatic contribution arrangement if the arrangement—

"(i) provides that each employee eligible to participate in the arrangement is treated as having elected to have the employer make elective contributions in an amount equal to 4 percent of the employee's compensation unless the employee specifically elects not to have such contributions made or to have such contributions made at a different rate, and

"(ii) meets the notice requirements under subparagraph (B).

"(B) NOTICE REQUIREMENTS.—

"(i) IN GENERAL.—The requirements of this subparagraph are met if the requirements of clauses (ii) and (iii) are met.

"(ii) REASONABLE PERIOD TO MAKE ELECTION.—The requirements of this clause are met if each employee to whom subparagraph (A)(i) applies—

"(I) receives a notice explaining the employee's right under the arrangement to elect not to have elective contributions made on the employee's behalf or to have the contributions made at a different rate, and

"(II) has a reasonable period of time after receipt of such notice and before the first elective contribution is made to make such election.

"(iii) ANNUAL NOTICE OF RIGHTS AND OBLIGATIONS.—The requirements of this clause are met if each employee eligible to participate in the arrangement is, within a reasonable period before any year, given notice of the employee's rights and obligations under the arrangement.

The requirements of clauses (i) and (ii) of section 401(k)(12)(D) of the Internal Revenue Code of 1986 shall be met with respect to the notices described in clauses (ii) and (iii) of this subparagraph.

"(5) COORDINATION WITH OTHER REQUIREMENTS.—

"(A) TREATMENT OF SEPARATE PLANS.—Section 414(k) of the Internal Revenue Code of 1986 shall not apply to an eligible combined plan.

"(B) REPORTING.—An eligible combined plan shall be treated as a single plan for purposes of section 103.

"(6) APPLICABLE INDIVIDUAL ACCOUNT PLAN.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'applicable individual account plan' means an individual account plan which includes a qualified cash or deferred arrangement.

"(B) QUALIFIED CASH OR DEFERRED ARRANGEMENT.—The term 'qualified cash or deferred arrangement' has the meaning given such term by section 401(k)(2) of the Internal Revenue Code of 1986.".

(2) CONFORMING CHANGES.—

(A) The heading for section 210 of such Act is amended to read as follows:

"SEC. 210. MULTIPLE EMPLOYER PLANS AND OTHER SPECIAL RULES.".

(B) The table of contents in section 1 of such Act is amended by striking the item relating to section 210 and inserting the following new item:

"Sec. 210. Multiple employer plans and other special rules".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2008.

SEC. 1337. STATE AND LOCAL GOVERNMENTS ELIGIBLE TO MAINTAIN SECTION 401(k) PLANS.

(a) IN GENERAL.—Clause (ii) of section 401(k)(4)(B) of the Internal Revenue Code of 1986 (relating to governments ineligible) is amended to read as follows:

"(ii) GOVERNMENTS ELIGIBLE.—A State or local government or political subdivision thereof, or any agency or instrumentality thereof, may include a qualified cash or deferred arrangement as part of a plan maintained by it."

(b) COORDINATION WITH SECTION 457 LIMITS.—Section 402(g) of the Internal Revenue

Code of 1986 is amended by adding at the end the following:

"(9) COORDINATION OF SECTION 457 LIMITS FOR STATE AND LOCAL GOVERNMENTAL PLANS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of an individual who is a participant in 1 or more qualified cash or deferred arrangements maintained by a governmental entity described in section 401(k)(4)(B)(ii), the amount excludable from gross income under paragraph (1) with respect to the individual for any taxable year with respect to elective deferrals under such arrangements shall be reduced by the aggregate amounts deferred under section 457 with respect to the individual for the taxable year under 1 or more eligible deferred compensation plans (as defined in section 457(b)) maintained by an employer described in section 457(e)(1)(A).

"(B) SPECIAL RULE FOR PRE-1986 GRANDFATHERED PLANS.—Subparagraph (A) shall not apply to any qualified cash or deferred arrangement maintained by a governmental entity described in section 401(k)(4)(B)(ii) if the arrangement (or any predecessor) was adopted by the entity before May 6, 1986, or treated as so adopted under section 1116(f)(2)(B) of the Tax Reform Act of 1986."

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

PART III—EXCESS CONTRIBUTIONS

SEC. 1339. EXCESS CONTRIBUTIONS.

(a) EXPANSION OF CORRECTIVE DISTRIBUTION PERIOD FOR AUTOMATIC CONTRIBUTION ARRANGEMENTS.—Subsection (f) of section 4979 of the Internal Revenue Code of 1986 is amended—

(1) by and inserting "(6 months in the case of an excess contribution or excess aggregate contribution to an eligible automatic contribution arrangement (as defined in section 414(w)(3)))" after "2½ months" in paragraph (1), and

(2) by striking "2½ MONTHS OF" in the heading and inserting "SPECIFIED PERIOD AFTER".

(b) YEAR OF INCLUSION.—Paragraph (2) of section 4979(f) of such Code is amended to read as follows:

"(2) YEAR OF INCLUSION.—Any amount distributed as provided in paragraph (1) shall be treated as earned and received by the recipient in the recipient's taxable year in which such distributions were made.".

(c) SIMPLIFICATION OF ALLOCABLE EARNINGS.—

(1) SECTION 4979.—Subsection (f) of section 4979 of such Code is amended—

(A) by adding "through the end of the plan year for which the contribution was made" after "thereto" in paragraph (1), and

(B) by adding "through the end of the plan year for which the contributions were made" after "thereto" in paragraph (2)(B).

(2) SECTION 401(k) AND 401(M).—

(A) Clause (i) of section 401(k)(8)(A) is amended by adding "through the end of such year" after "such contributions".

(B) Subparagraph (A) of section 401(m)(6) of such Code is amended by adding "through the end of such year" after "to such contributions".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2005.

PART IV—OTHER PROVISIONS

SEC. 1341. AMENDMENTS RELATING TO PROHIBITED TRANSACTIONS.

(a) EXEMPTION FOR BLOCK TRADING.—

(1) IN GENERAL.—Section 408(b) of the Employee Retirement Income Security Act (29 U.S.C. 1108(b)) is amended by adding at the end the following new paragraph:

"(14) BLOCK TRADING.—

"(A) IN GENERAL.—Any transaction involving the purchase or sale of securities between a plan and a party in interest (other than a fiduciary who has investment discretion or control with respect to the assets involved in the transaction or is providing investment advice as a fiduciary for purposes of this title to enter into the transaction) with respect to a plan if—

"(i) the transaction involves a block trade,

"(ii) at the time of the transaction, the interest of the plan (together with the interests of any other plans maintained by the same plan sponsor) does not exceed 10 percent of the aggregate size of the block trade,

"(iii) the terms of the transaction, including the price, are at least as favorable to the plan as an arm's length transaction, and

"(iv) compensation associated with the purchase and sale is not greater than an arm's length transaction with an unrelated party.

"(B) BLOCK TRADE.—For purposes of this paragraph, the term 'block trade' includes any trade of at least 10,000 shares or with a market value of at least $200,000 which will be allocated across two or more unrelated client accounts of a fiduciary.".

(2) CONFORMING AMENDMENTS.—

(A) Section 4975(d) of such Code is amended—

(i) by striking "or" at the end of paragraph (15),

(ii) by striking the period at the end of paragraph (16)(F) and inserting "; or", and

(iii) by adding at the end the following new paragraph:

"(17) any transaction involving the purchase or sale of securities between a plan and a disqualified person (other than a fiduciary who has investment discretion or control over the transaction or is providing investment advice as a fiduciary for purposes of title I of the Employee Retirement Income Security Act to enter into the transaction) with respect to a plan if—

"(A) the transaction involves a block trade,

"(B) at the time of the transaction, the interest of the plan (together with the interests of any other plans maintained by the same plan sponsor) does not exceed 10 percent of the aggregate size of the block trade,

"(C) the terms of the transaction, including the price, are at least as favorable to the plan as an arm's length transaction, and

"(D) compensation associated with the purchase and sale is not greater than an arm's length transaction with an unrelated party.".

(B) Section 4975(e) of such Code is amended by adding at the end the following new paragraph:

"(11) BLOCK TRADE.—The term 'block trade' includes any trade of at least 10,000 shares or with a market value of at least $200,000 which will be allocated across two or more unrelated client accounts of a fiduciary.".

(b) BONDING RELIEF.—Section 412(a) of such Act (29 U.S.C. 1112(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (3),

(2) by striking "and" at the end of paragraph (1), and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) no bond shall be required of any entity which is registered as a broker or a dealer under section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) if the broker or dealer is subject to the fidelity bond requirements of a self-regulatory organization (within the meaning of section 3(a)(26) of such Act (15 U.S.C. 78c(a)(26)).".

(c) EXEMPTION FOR FINANCIAL MARKETS TRADING SYSTEMS.—

(1) IN GENERAL.—Section 408(b) of such Act, as amended by subsection (b)(1), is amended by adding at the end the following new paragraph:

"(15) FINANCIAL MARKETS TRADING SYSTEMS.—Any transaction involving the purchase and sale of securities between a plan and a fiduciary or a party in interest if—

"(A) the transaction is executed through—

"(i) a national securities exchange or a trading system owned by a national securities association registered with the Securities and Exchange Commission, regardless of whether such fiduciary or party in interest (or any affiliate of either) has an interest in such exchange or trading system,

"(ii) an alternative trading system or electronic communication network subject to regulation and oversight by the Securities and Exchange Commission, regardless of whether such fiduciary or party in interest (or any affiliate of either) has an interest in such alternative trading system or electronic communications network, or

"(iii) any other trading system for securities or other property approved by the Secretary through regulatory or exemptive relief,

"(B) the price associated with the purchase and sale is at least as favorable as an arm's length transaction with an unrelated party,

"(C) the compensation associated with the purchase and sale is not greater than an arm's length transaction with an unrelated party,

"(D) in the event the fiduciary or party in interest directing the transaction (or any affiliate of either) has an ownership interest in the trading system (other than an exchange or trading system described in subparagraph (A)(i)), the execution of transactions on such system is annually authorized by a plan fiduciary,

"(E) the transaction is executed in accordance with the nondiscretionary rules and procedures adopted by such trading system to match offsetting orders, and

"(F) in the event the transaction is not executed on an exchange or trading system described in subparagraph (A)(i)—

"(i) neither the trading system nor the parties to the transaction take into account the identity of the parties in the execution of trades, and the parties to the transaction do not actually know the identity of the other at the time that the terms and price of the transaction are agreed to, or

"(ii) the transaction is effected pursuant to rules designed to match purchases and sales at the best price available through the trading system.".

(2) CONFORMING AMENDMENT.—Section 4975(d) of such Code (as amended by subsection (b)(2)) is amended—

(A) by striking "or" at the end of paragraph (16),

(B) by striking the period at the end of paragraph (17)(E) and inserting "; or", and

(C) by adding at the end the following new paragraph:

"(18) any transaction involving the purchase and sale of securities or other property between a plan and a fiduciary or a disqualified person if—

"(A) the transaction is executed through—

"(i) a national securities exchange or a trading system owned by a national securities association registered with the Securities and Exchange Commission, regardless of whether such fiduciary or disqualified person (or any affiliate of either) has an interest in such exchange or trading system,

"(ii) an alternative trading system or electronic communication network subject to regulation and oversight by the Securities and Exchange Commission, regardless of whether such fiduciary or disqualified person (or any affiliate of either) has an interest in such alternative trading system or electronic communications network, or

"(iii) any other trading system for securities or other property approved by the Secretary through regulatory or exemptive relief,

"(B) the price associated with the purchase and sale is at least as favorable as an arm's length transaction with an unrelated party,

"(C) the compensation associated with the purchase and sale is not greater than an arm's length transaction with an unrelated party,

"(D) in the event the fiduciary or disqualified person directing the transaction (or any affiliate of either) has an ownership interest in the trading system (other than an exchange or trading system described in subparagraph (A)(i)), the execution of transactions on such system is annually authorized by a plan fiduciary,

"(E) the transaction is executed in accordance with the nondiscretionary rules and procedures adopted by such trading system to match offsetting orders, and

"(F) in the event the transaction is not executed on an exchange or trading system described in subparagraph (A)(i)—

"(i) neither the trading system nor the parties to the transaction take into account the identity of the parties in the execution of trades, and the parties to the transaction do not actually know the identity of the other at the time that the terms and price of the transaction are agreed to, or

"(ii) the transaction is effected pursuant to rules designed to match purchases and sales at the best price available through the trading system.".

(d) Relief for Foreign Exchange Transactions.—

(1) In general.—Section 408(b) of such Act (29 U.S.C. 1108(b)), as amended by subsection (c)(1), is amended by adding at the end the following new paragraph:

"(16) Any foreign exchange transactions, between a bank or broker-dealer (or any affiliate of either), and a plan or an individual retirement account (within the meaning of section 408 of the Internal Revenue Code of 1986) with respect to which such bank or broker-dealer (or affiliate) is a trustee, custodian, fiduciary, or other party in interest, if—

"(A) the transaction is in connection with the purchase, holding, or sale of securities,

"(B) at the time the foreign exchange transaction is entered into, the terms of the transaction are not less favorable to the plan than the terms generally available in comparable arm's length foreign exchange transactions between unrelated parties, or the terms afforded by the bank or broker-dealer (or any affiliate of either) in comparable arm's-length foreign exchange transactions involving unrelated parties,

"(C) the exchange rate used by such bank or broker-dealer (or affiliate) for a particular foreign exchange transaction does not deviate by more or less than 3 percent from the interbank bid and asked rates at the time of the transaction as displayed on an independent service that reports rates of exchange in the foreign currency market for such currency, and

"(D) the bank or broker-dealer (or any affiliate of either) does not have investment discretion, or provide investment advice, with respect to the transaction.".

(2) Conforming amendment.—Section 4975(d) of such Code, as amended by subsection (c)(2), is amended—

(A) by striking "or" at the end of paragraph (17)(E),

(B) by striking the period at the end of paragraph (18)(F)(ii) and inserting "; or", and

(C) by adding at the end the following new paragraph:

"(19) any foreign exchange transactions, between a bank or broker-dealer (or any affiliate of either) and a plan or an individual retirement account (within the meaning of section 408) with respect to which such bank or broker-dealer (or affiliate) is a trustee, custodian, fiduciary, or disqualified person, if—

"(A) the transaction is in connection with the purchase, holding, or sale of securities,

"(B) at the time the foreign exchange transaction is entered into, the terms of the transaction are not less favorable to the plan than the terms generally available in comparable arm's length foreign exchange transactions between unrelated parties, or the terms afforded by the bank or broker-dealer (or any affiliate of either) in comparable arm's-length foreign exchange transactions involving unrelated parties,

"(C) the exchange rate used by such bank or broker-dealer (or affiliate) for a particular foreign exchange transaction does not deviate by more or less than 3 percent from the interbank bid and asked rates at the time of the transaction as displayed on an independent service that reports rates of exchange in the foreign currency market for such currency, and

"(D) the bank or broker-dealer (or any affiliate of either) does not have investment discretion, or provide investment advice, with respect to the transaction.".

(e) Correction Period for Certain Transactions Involving Securities and Commodities.—

(1) In general.—Section 408(b) of such Act (29 U.S.C. 1108(b)), as amended by subsection (d)(1), is amended by adding at the end the following new paragraph:

"(17) Correction period for certain transactions involving securities and commodities.—

"(A) In general.—Except as provided in subparagraphs (B) and (C), a transaction described in section 406(a) in connection with the acquisition, holding, or disposition of any security or commodity, if the transaction is corrected before the end of the correction period.

"(B) Exception for employer securities and real property.—Subparagraph (A) does not apply to any transaction between a plan and a plan sponsor or its affiliates that involves the acquisition or sale of an employer security (as defined in section 407(d)(1)) or the acquisition, sale, or lease of employer real property (as defined in section 407(d)(2)).

"(C) Exception for knowing violations.—In the case of any fiduciary or other party in interest (or any other person knowingly participating in such transaction), subparagraph (A) does not apply to any prohibited transaction if, at the time such transaction occurs, such fiduciary or party in interest (or other person) knew that the transaction would (without regard to this paragraph) constitute a violation of section 406(a).

"(D) Correction period.—For purposes of this paragraph, the term 'correction period' means the 14-day period beginning on the date on which such transaction occurs.

"(E) Other definitions.—For purposes of this paragraph—

"(i) the term 'security' has the meaning given such term by section 475(c)(2) of the Internal Revenue Code of 1986 (without regard to subparagraph (F)(iii) and the last sentence thereof),

"(ii) the term 'commodity' has the meaning given such term by section 475(e)(2) of such Code (without regard to subparagraph (D)(iii) thereof), and

"(iii) the terms 'correction' and 'correct' mean, with respect to a transaction, undoing the transaction to the extent possible, but in any case, making good to the plan or affected account any losses resulting from the transaction and restoring to the plan or affected account any profits made through use of the plan.".

(2) Conforming amendments.—

(A) Section 4975(d) of such Code, as amended by subsection (d)(2), is amended—

(i) by striking "or" at the end of paragraph (18)(F)(2),

(ii) by striking the period at the end of paragraph (19)(D) and inserting "; or", and

(iii) by adding at the end the following new paragraph:

"(20) except as provided in subparagraph (B) or (C) of subsection (f)(8), a transaction described in subparagraph (A), (B), (C), or (D) of subsection (c)(1) in connection with the acquisition, holding, or disposition of any security or commodity, if the transaction is corrected before the end of the correction period.".

(B) Section 4975(f) of such Code is amended by adding at the end the following new paragraph:

"(8) Correction period.—

"(A) In general.—For purposes of subsection (d)(20), the term 'correction period' means the 14-day period beginning on the date on which such transaction occurs.

"(B) Exception for employer securities and real property.—Subsection (d)(20) does not apply to any transaction between a plan and a plan sponsor or its affiliates that involves the acquisition or sale of an employer security (as defined in section 407(d)(1) of the Employee Retirement Income Security Act) or the acquisition, sale, or lease of employer real property (as defined in section 407(d)(2) of such Act).

"(C) Exception for knowing violations.—In the case of any fiduciary or other disqualified person (or any other person knowingly participating in such transaction), subsection (d)(20) does not apply to any prohibited transaction if at the time such transaction occurs, such fiduciary or disqualified person (or other person) knew that the transaction would (without regard to subsection (d)(20) or this paragraph) constitute a violation of subparagraph (A), (B), (C), or (D) of subsection (c)(1).

"(D) Abatement of tax where there is a correction.—If a transaction is not treated as a prohibited transaction by reason of subsection (d)(20), then no tax under subsections (a) and (b) shall be assessed with respect to such transaction, and, if assessed, the assessment shall be abated, and, if collected, shall be credited or refunded as an overpayment.

"(E) Other definitions.—For purposes of this paragraph and subsection (d)(20)—

"(i) the term 'security' has the meaning given such term by section 475(c)(2) (without regard to subparagraph (F)(iii) and the last sentence thereof),

"(ii) the term 'commodity' has the meaning given such term by section 475(e)(2) (without regard to subparagraph (D)(iii) thereof), and "(iii) the terms 'correction' and 'correct' mean, with respect to a transaction, undoing the transaction to the extent possible, but in any case, making good to the plan or affected account any losses resulting from the transaction and restoring to the plan or affected account any profits made through use of the plan.".

(C) Section 4975(f)(5) of such Code is amended by striking "The terms" and inserting "Except as provided in paragraph (8)(E)(iii), the terms".

(f) CROSS TRADES STUDY.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Labor, in consultation with the President's Working Group on Financial Markets, shall report to the President and Congress the results of a study on the implications for pension plans, plan sponsors, plan fiduciaries, and plan participants of a prohibited transaction exemption for active cross trades and the impact that such a prohibited transaction exemption could have on the safety and security of pension plan assets. The study shall review and include recommendations regarding—

(1) the regulation and practice of passive and active cross trades in United States securities markets,

(2) the potential benefits and drawbacks of permitting active cross trades for retirement funds, and

(3) the ease or difficulty in policing cross trading activities for plan sponsors, plan fiduciaries, and any Federal agency charged with safeguarding the Nation's retirement funds.

(g) GAO STUDY.—The Comptroller General of the United States shall prepare a preliminary report not later than 2 years after the date of the enactment of this Act and a final report not later than 3 years after such date regarding the effects of the amendments made by this section, focusing on the effect of electronic communication networks and block trading on plan investments and on the oversight and enforcement activities of the Department of Labor to protect the rights of plan participants and beneficiaries. The Comptroller General of the United States shall submit the reports required under the preceding sentence to the Committees on Finance and Health, Education, Labor, and Pensions of the Senate and the Committees on Ways and Means and Education and the Workforce of the House of Representatives.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to any transaction after the date of the enactment of this Act.

SEC. 1342. FEDERAL TASK FORCE ON OLDER WORKERS.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this section, the Secretary of Labor shall establish a Federal Task Force on Older Workers (referred to in this section as the "Task Force").

(b) MEMBERSHIP.—The Task Force established pursuant to subsection (a) shall be composed of representatives from all relevant Federal agencies that have regulatory jurisdiction over, or a clear policy interest in, pension issues relating to older workers, including the Internal Revenue Service and the Equal Employment Opportunity Commission.

(c) ACTIVITIES.—

(1) IN GENERAL.—Not later than 1 year after the date of establishment of the Task Force, the Task Force shall—

(A) identify statutory and regulatory provisions in current pension law that are disincentives to work and develop legislative and regulatory proposals to address such disincentives; and

(B) identify best pension practices in the private sector for hiring and retaining older workers, and serve as a clearinghouse of such information.

(2) REPORT.—Not later than 1 year after the date of establishment of the Task Force, the Task Force shall submit a report to Congress on the activities of the Task Force pursuant to paragraph (1). Such report shall be made available to the public.

(d) CONSULTATION.—In carrying out activities pursuant to this section, the Task Force shall consult with senior, business, labor, and other interested organizations.

(e) APPLICABILITY OF FACA; TERMINATION OF TASK FORCE.—

(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force established pursuant to this section.

(2) TERMINATION.—The Task Force shall terminate 30 days after the date the Task Force completes all of its duties under this section.

SEC. 1343. TECHNICAL CORRECTIONS TO SAVER ACT.

Section 517 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1147) is amended—

(1) in subsection (a), by striking "2001 and 2005 on or after September 1 of each year involved" and inserting "2006 and 2010";

(2) in subsection (b), by adding at the end the following new sentence: "To effectuate the purposes of this paragraph, the Secretary may enter into a cooperative agreement, pursuant to the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301 et seq.), with any appropriate, qualified entity.";

(3) in subsection (e)(2)—

(A) by striking "Committee on Labor and Human Resources" in subparagraph (D) and inserting "Committee on Health, Education, Labor, and Pensions";

(B) by striking subparagraph (F) and inserting the following:

"(F) the Chairman and Ranking Member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the House of Representatives and the Chairman and Ranking Member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate;";

(C) by redesignating subparagraph (G) as subparagraph (J); and

(D) by inserting after subparagraph (F) the following new subparagraphs:

"(G) the Chairman and Ranking Member of the Committee on Finance of the Senate;

"(H) the Chairman and Ranking Member of the Committee on Ways and Means of the House of Representatives;

"(I) the Chairman and Ranking Member of the Subcommittee on Employer-Employee Relations of the Committee on Education and the Workforce of the House of Representatives; and";

(4) in subsection (e)(3)(B), by striking "January 31, 1998" and inserting "3 months before the convening of each summit;";

(5) in subsection (f)(1)(C), by inserting ", no later than 90 days prior to the date of the commencement of the National Summit," after "comment";

(6) in subsection (g), by inserting ", in consultation with the congressional leaders specified in subsection (e)(2)," after "report" the first place it appears in the text;

(7) in subsection (i)—

(A) by striking "for fiscal years beginning on or after October 1, 1997,"; and

(B) by adding at the end the following new paragraph:

"(3) RECEPTION AND REPRESENTATION AUTHORITY.—The Secretary is hereby granted reception and representation authority limited specifically to the events at the National Summit. The Secretary shall use any private contributions accepted in connection with the National Summit prior to using funds appropriated for purposes of the National Summit pursuant to this paragraph."; and

(8) in subsection (k)—

(A) by striking "shall enter into a contract on a sole-source basis" and inserting "may enter into a contract on a sole-source basis"; and

(B) by striking "in fiscal year 1998".

NOTICES OF INTENT

Mr. FRIST. Mr. President, pursuant to the rules of the Senate, I hereby give notice that next week, I intend to move to proceed to S. 2349 that amends the Senate rules.

Mr. President, pursuant to the rules of the Senate, I hereby give notice that next week, I intend to move to proceed to S. 2128 that amends the Senate rules.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 511 through 516.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I want to say a quick word about these nominees. What we just approved were six nominations to the Tennessee Valley Authority Board of Directors. Nine years ago, I started working on legislation to modernize and expand TVA's board of directors to bring it more in line with other corporations of similar size and scope and responsibility.

Just over a year ago, Congress passed my bill and this group of nominees is the first to the newly reformed TVA board. They are an outstanding group. All have substantial business and management experience. All are leaders in their respective communities—just the kind of qualifications that we were looking for when we initially drafted our reform modernization legislation. I commend the President for nominating such a highly qualified group, and I look forward to working with them on the many challenges facing TVA in the 21st century.

I thank my colleagues from both sides of the aisle for both furthering this legislation along and passing it and going through the nomination process in a very respectable way.

These nominees—Dennis Bottorff, Robert Duncan, William Sansom, Susan Richardson Williams, Donald DePriest, and Howard Thrailkill—join two existing current board members, Bill Baxter and Skila Harris. I guess they are no longer nominees; they are on the TVA board.

I thank the Democratic leader and others for making this possible to do today.

The nominations considered and confirmed en bloc are as follows:

TENNESSEE VALLEY AUTHORITY

Dennis Bottorff, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2011.

Robert M. Duncan, of Kentucky, to be a Member of the Board of Director of the Tennessee Valley Authority for a term expiring May 18, 2011.

William B. Sansom, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2009.

Susan Richardson Williams, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2007.

Donald R. DePriest, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2009.

Howard A. Thrailkill, of Alabama, to be a Member of the Board of Directors of the Tennessee Valley Authority for the term prescribed by law.

PENSION PROTECTION ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 357, H.R. 2830.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2830) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk, which is the text of S. 1783 as passed by the Senate, be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and the Senate insist upon its amendment and request a conference with the House, and the Chair be authorized to appoint conferees at a ratio of 9 to 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2901) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (H.R. 2830), as amended, was read the third time and passed.

The Presiding Officer appointed Mr. GRASSLEY, Mr. HATCH, Mr. LOTT, Ms. SNOWE, Mr. SANTORUM, Mr. ENZI, Mr. GREGG, Mr. DEWINE, Mr. ISAKSON, Mr. BAUCUS, Mr. ROCKEFELLER, Mr. CONRAD, Mr. BINGAMAN, Mr. KENNEDY, Mr. HARKIN, and Ms. MIKULSKI conferees on the part of the Senate.

Mr. FRIST. Mr. President, this also is a major step forward, as colleagues have been participating and watching the debate over the course of the day, to bring to conclusion another issue that has been pending. But the fact we have been able to reach this resolution today advances a very important issue—one that is time sensitive.

We had originally requested 7 to 5. As my colleagues know, the Democratic leader insisted on an 8-to-6 ratio. The 9-to-7 ratio we agreed to does allow us to have equal representation from the Finance and HELP Committees. As I repeatedly insisted, it is important we not stack the deck in favor or against either committee. Through mutual agreement, we have reached that objective.

I do have to add, it is unfortunate it took so long and we had to have so much discussion to get to conference on an issue so important to the 44 million Americans out there who right now are working in an uncertain environment as we address this defined benefits pension system.

Now is the time for our conferees to get to work, and I am confident they will be able to produce a conference report that is satisfactory to both sides of the aisle.

THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 330 through 332, Calendar Nos. 334 through 350, Calendar No. 362, H.R. 4515, and H.R. 1287, all postal-naming bills, en bloc.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the measures en bloc.

Mr. FRIST. Mr. President, I ask unanimous consent that the bills be read a third time and passed, and that the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

WILLIAM H. EMERY POST OFFICE

The bill (S. 1445) to designate the facility of the United States Postal Service located at 520 Colorado Avenue in Arriba, Colorado, as the "William H. Emery Post Office," was read the third time and passed, as follows:

S. 1445

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WILLIAM H. EMERY POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 520 Colorado Avenue in Arriba, Colorado, shall be known and designated as the "William H. Emery Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "William H. Emery Post Office".

GRANT W. GREEN POST OFFICE BUILDING

The bill (S. 1792) to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the "Grant W. Green Post Office Building," was read the third time and passed, as follows:

S. 1792

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANT W. GREEN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, shall be known and designated as the "Grant W. Green Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Grant W. Green Post Office Building".

DEWEY F. BARTLETT POST OFFICE

The bill (S. 1820) to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the "Dewey F. Bartlett Post Office," was read the third time and passed, as follows:

S. 1820

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEWEY F. BARTLETT POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, shall be known and designated as the "Dewey F. Bartlett Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dewey F. Bartlett Post Office".

MALCOLM MELVILLE "MAC" LAWRENCE POST OFFICE

The bill (S. 2064) to designate the facility of the United States Postal Service located at 122 South Bill Street in Francesville, Indiana, as the "Malcolm

Melville 'Mac' Lawrence Post Office'', was read the third time and passed, as follows:

S. 2064

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MALCOLM MELVILLE "MAC" LAWRENCE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 122 South Bill Street in Francesville, Indiana, shall be known and designated as the ''Malcolm Melville 'Mac' Lawrence Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Malcolm Melville 'Mac' Lawrence Post Office''.

HIRAM L. FONG POST OFFICE BUILDING

The bill (S. 2089) to designate the facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, as the ''Hiram L. Fong Post Office Building,'' was read the third time and passed, as follows:

S. 2089

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HIRAM L. FONG POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, shall be known and designated as the ''Hiram L. Fong Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Hiram L. Fong Post Office Building''.

JOHN F. WHITESIDE JOLIET POST OFFICE BUILDING

The bill (H.R. 2113) to designate the facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, as the ''John F. Whiteside Joliet Post Office Building,'' was read the third time and passed.

JOHN J. HAINKEL POST OFFICE BUILDING

The bill (H.R. 2346) to designate the facility of the United States Postal Service located at 105 NW Railroad Avenue in Hammond, Louisiana, as the ''John J. Hainkel, Jr. Post Office Building,'' was read the third time and passed.

LILLIAN McKAY POST OFFICE BUILDING

The bill (H.R. 2413) to designate the facility of the United States Postal Service located at 1202 1st Street in Humble, Texas, as the ''Lillian McKay Post Office Building,'' was read the third time and passed.

J.M. DIETRICH NORTHEAST ANNEX

The bill (H.R. 2630) to redesignate the facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, as the ''J.M. Dietrich Northeast Annex,'' was read the third time and passed.

ABRAHAM LINCOLN BIRTHPLACE POST OFFICE BUILDING

The bill (H.R. 2894) to designate the facility of the United States Postal Service located at 102 South Walters Avenue in Hodgenville, Kentucky, as the ''Abraham Lincoln Birthplace Post Office Building,'' was read the third time and passed.

JAMES GROVE FULTON MEMORIAL POST OFFICE BUILDING

The bill (H.R. 3256) to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the ''Congressman James Grove Fulton Memorial Post Office Building,'' was read the third time and passed.

GAGETOWN VETERANS MEMORIAL POST OFFICE

The bill (H.R. 3368) to designate the facility of the United States Postal Service located at 6483 Lincoln Street in Gagetown, Michigan, as the ''Gagetown Veterans Memorial Post Office,'' was read the third time and passed.

AVA GARDNER POST OFFICE

The bill (H.R. 3439) to designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the ''Ava Gardner Post Office,'' was read the third time and passed.

HEINZ AHLMEYER, JR. POST OFFICE BUILDING

The bill (H.R. 3548) to designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the ''Heinz Ahlmeyer, Jr. Post Office Building,'' was read the third time and passed.

STAFF SERGEANT MICHAEL SCHAFER POST OFFICE BUILDING

The bill (H.R. 3703) to designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the ''Staff Sergeant Michael Schafer Post Office Building,'' was read the third time and passed.

GRANT W. GREEN POST OFFICE BUILDING

The bill (H.R. 3770) to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the ''Grant W. Green Post Office Building,'' was read the third time and passed.

CLAYTON J. SMITH MEMORIAL POST OFFICE BUILDING

The bill (H.R. 3825) to designate the facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh, Pennsylvania, as the ''Clayton J. Smith Memorial Post Office Building,'' was read the third time and passed.

U.S. CLEVELAND POST OFFICE BUILDING

The bill (H.R. 3830) to designate the facility of the United States Postal Service located at 130 East Marion Avenue in Punta Gorda, Florida, as the ''U.S. Cleveland Post Office Building,'' was read the third time and passed.

ALBERT H. QUIE POST OFFICE

The bill (H.R. 3989) to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the ''Albert H. Quie Post Office,'' was read the third time and passed.

LILLIAN KINKELLA KEIL POST OFFICE

The bill (H.R. 4053) to designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the ''Lillian Kinkella Keil Post Office,'' was read the third time and passed.

RAYMOND J. SALMON POST OFFICE

The bill (H.R. 4152) to designate the facility of the United States Postal Service located at 320 High Street in Clinton, Massachusetts, as the ''Raymond J. Salmon Post Office,'' was read the third time and passed.

CORPORAL JASON L. DUNHAM POST OFFICE

The bill (H.R. 4515) to designate the facility of the United States Postal Service located at 4422 West Sciota Street in Scio, New York, as the ''Corporal Jason L. Dunham Post Office,'' was read the third time and passed.

ROBERT T. FERGUSON POST OFFICE BUILDING

The bill (H.R. 1287) designating the facility of the United States Postal

Service located at 312 East North Avenue in Flora, Illinois, as the "Robert T. Ferguson Post Office Building," was read the third time and passed.

MARYLAND STATE DELEGATE LENA K. LEE POST OFFICE BUILDING

MONT AND MARK STEPHENSEN VETERANS MEMORIAL POST OFFICE BUILDING

Mr. FRIST. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration and the Senate proceed to the immediate consideration of H.R. 4107 and H.R. 4295 en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that the bills be read a third time and passed, and the motion to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (H.R. 4107 and H.R. 4295) were read the third time and passed.

HONORING THE 150TH ANNIVERSARY OF THE SIGMA ALPHA EPSILON FRATERNITY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 389, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 389) recognizing and honoring the 150th anniversary of the founding of the Sigma Alpha Epsilon Fraternity.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 389) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 389

Whereas the Sigma Alpha Epsilon Fraternity was founded on March 9, 1856, by 8 young men at the University of Alabama in Tuscaloosa, Alabama, in order to establish a band of brothers;

Whereas the founders of the fraternity believed in promoting the intellectual, moral, and spiritual welfare of their members;

Whereas the mission of the Sigma Alpha Epsilon Fraternity is to promote the highest standards of friendship, scholarship, and service for its members;

Whereas the Sigma Alpha Epsilon Fraternity adheres to its creed known as "The True Gentleman" and lives up to its ideals and aspirations for conduct with fellow man;

Whereas, for 150 years, the Sigma Alpha Epsilon Fraternity has played an integral role in the positive development of the character and education of more than 280,000 men;

Whereas the brothers of Sigma Alpha Epsilon, being from different backgrounds, ethnic groups, and temperaments, have shared countless friendships and a common belief in the founding ideals of the fraternity;

Whereas tens of thousands of Sigma Alpha Epsilon men have served our nation's military and hundreds have given the ultimate sacrifice for our freedom;

Whereas alumni from Sigma Alpha Epsilon serve as leaders in their respective fields, including government, business, entertainment, science, and higher education;

Whereas the Sigma Alpha Epsilon Fraternity has 190,000 living alumni from as many as 290 chapters at colleges and universities in 49 states and Canada, making it the largest social fraternity in the world; and

Whereas Sigma Alpha Epsilon continues to enrich the lives of its members who, in turn, give back to their families, communities, and other service groups: Now, therefore, be it

Resolved by the Senate, That the Senate—

(1) recognizes and honors the 150th anniversary of the founding of the Sigma Alpha Epsilon Fraternity;

(2) commends its founding fathers and all Sigma Alpha Epsilon brothers, past and present, for their bond of friendship, common ideals and beliefs, and service to community; and

(3) expresses its best wishes to this most respected and cherished of national fraternities for continued success and growth.

Mr. FRIST. Mr. President, I ask unanimous consent that I be added as a cosponsor of that last resolution, if I had not been previously so included.

The PRESIDING OFFICER. Without objection, it is so ordered.

KATRINA EMERGENCY ASSISTANCE ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent the Chair now lay before the Senate the House message to accompany S. 1777.

The PRESIDING OFFICER laid before the Senate the following message:

S. 1777

Resolved, That the bill from the Senate (S. 1777) entitled, "An Act providing relief for the victims of Hurricane Katrina" do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Katrina Emergency Assistance Act of 2006".

SEC. 2. EXTENSION OF UNEMPLOYMENT ASSISTANCE.

Notwithstanding any other provision of law, in the case of an individual eligible to receive unemployment assistance under section 410(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177(a)) as a result of a disaster declaration made for Hurricane Katrina or Hurricane Rita on or after August 29, 2005, the President shall make such assistance available for 39 weeks after the date of the disaster declaration.

Mr. FRIST. Mr. President, I ask unanimous consent the Senate concur in the House amendment, the motion to reconsider be laid on the able, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MARCH 6, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m. on Monday, March 6; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each; providing further that first-degree amendments in relation to the filed cloture motion be filed at the desk no later than 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, on Monday the Senate will begin the day with a period of morning business. Additionally, we wish to begin debate on the lobbying reform package on Monday afternoon. At 5:30 the Senate will proceed to vote on the confirmation of several district court judges. Senators should expect two or three back-to-back votes at 5:30 on these judicial nominations.

As a further reminder, cloture was filed on the LIHEAP bill this morning, and that cloture vote will occur on Tuesday morning, sometime before the weekly party luncheons. Senators are reminded that under the order entered, germane first-degree amendments must be filed at the desk by 2 p.m. to be in order postcloture. Again, we expect a very full week. We have judges to vote on; we have the LIHEAP bill; we have the lobbying reform measure. I suggest Members be prepared for late nights next week as we try to complete these items before the close of business this coming week.

ADJOURNMENT UNTIL MONDAY, MARCH 6, 2006, AT 1 P.M.

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:12 p.m., adjourned until Monday, March 6, 2006, at 1 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 3, 2006:

TENNESSEE VALLEY AUTHORITY

DENNIS BOTTORFF, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2011.

ROBERT M. DUNCAN, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2011.

WILLIAM B. SANSOM, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2009.

SUSAN RICHARDSON WILLIAMS, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2007.

DONALD R. DEPRIEST, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2009.

HOWARD A. THRAILKILL, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE TERM PRESCRIBED BY LAW.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Monday, March 6, 2006*

The House met at noon and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 6, 2006.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of the ages, and eternally present to every person of faith, our history as a Nation proves that You have begun a mighty and good work in and through Your people of the United States for the betterment of all in the human family.

In our beginnings, Your holy inspiration solidified the promise of freedom for peoples of this world and established the civil rights of each human person on the face of the Earth. May the good work once begun in us now continue to flourish across the globe through Your grace and our sincere efforts to be Your faithful people and give You the glory now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 3, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 3, 2006, at 2:42 p.m.:

That the Senate agreed to the amendment S. 1777.

With best wishes, I am,
Sincerely,

KAREN L. HAAS,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, Speaker pro tempore Thornberry signed the following enrolled bill on Friday, March 3, 2006:

S. 1777, to provide relief for the victims of Hurricane Katrina.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 3, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 3, 2006, at 3:15 p.m.;

That the Senate passed S. 1445.

That the Senate passed S. 1792.

That the Senate passed S. 1820.

That the Senate passed S. 2064.

That the Senate passed S. 2089.

With best wishes, I am,
Sincerely,

KAREN L. HAAS,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 3, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 3, 2006, at 3 p.m.:

That the Senate passed without amendment H.R. 3770.

That the Senate passed without amendment H.R. 3825.

That the Senate passed without amendment H.R. 3830.

That the Senate passed without amendment H.R. 3989.

That the Senate passed without amendment H.R. 4053.

That the Senate passed without amendment H.R. 4152.

That the Senate passed without amendment H.R. 4515.

That the Senate passed without amendment H.R. 1287.

That the Senate passed without amendment H.R. 4107.

That the Senate passed without amendment H.R. 4295.

That the Senate passed S. 2363.

With best wishes, I am,
Sincerely,

KAREN L. HAAS,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 3, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 3, 2006, at 3:00 p.m.:

That the Senate passed without amendment H.R. 2113.

That the Senate passed without amendment H.R. 2346.

That the Senate passed without amendment H.R. 2413.

That the Senate passed without amendment H.R. 2630.

That the Senate passed without amendment H.R. 2894.

That the Senate passed without amendment H.R. 3256.

That the Senate passed without amendment H.R. 3368.

That the Senate passed without amendment H.R. 3439.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

That the Senate passed without amendment H.R. 3548.

That the Senate passed without amendment H.R. 3703.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk of the House.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure, which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, February 28, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Enclosed please find two resolutions approved by the Committee on Transportation and Infrastructure on February 16, 2006, in accordance with 40 U.S.C. §3307.

Sincerely,

DON YOUNG,
Chairman.

COMMITTEE RESOLUTION—LEASE, DEPARTMENT OF JUSTICE, MIAMI/MIRAMAR, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 723,780 rentable square feet of space and 1,155 outside parking spaces for the Department of Justice, currently located in multiple leased locations throughout South Florida, at a proposed total annual cost of $25,332,300 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

DON YOUNG,
Chairman.

COMMITTEE RESOLUTION—AMENDED PROSPECTUS—ALTERATION, EMANUEL CELLER COURTHOUSE, BROOKLYN, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, additional appropriations are authorized for the alteration of the Emanuel Celler Courthouse located at 225 Cadman Plaza East, in Brooklyn, NY at an additional design and review cost of $3,511,000 (design and review cost of $3,791,000 was previously authorized), an additional estimated construction cost of $27,193,000 (estimated construction cost of $61,046,000 was previously authorized), and additional management and inspection cost of $4,220,000 (management and inspection cost of $4,465,000 was previously authorized) for a combined estimated total project cost of $104,226,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends Committee resolutions dated July 18, 2001, authorizing $3,791,000 for design and July 23, 2003, authorizing $65,511,000 for management and inspection and construction.

DON YOUNG,
Chairman.

There was no objection.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1445. An act to designate the facility of the United States Postal Service located at 520 Colorado Avenue in Arriba, Colorado, as the "William H. Emery Post Office"; to the Committee on Government Reform.

SENATE ENROLLED BILL SIGNED

The SPEAKER pro tempore, Mr. THORNBERRY, announced his signature to an enrolled bill of the Senate of the following title:

S. 1777. An act to provide relief for the victims of Hurricane Katrina.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debate.

There was no objection.

Accordingly (at 12 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 7, 2006, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6446. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting a copy of the final Feasibility Report and Supplement 1 Final Supplmental Environmental Impact Statement for the Chickamauga Lock and Dam, Tennessee, pursuant to Public Law 106–451, section 455; to the Committee on Transportation and Infrastructure.

6447. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330–300, A340–200, and A340–300 Series Airplanes [Docket No. FAA–2005–23251; Directorate Identifier 2002–NM–20–AD; Amendment 39–14413; AD 2005-25-20] received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6448. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautics S.A. (EMBRAER) Model EMB–135 Airplanes and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airlines [Docket No. FAA–2005–22033; Directorate Identifier 2004–NM–218–AD; Amendment 39–14391; AD 2005–24–11] (RIN: 2120–AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6449. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120, –120ER, –120FC, –120QC, and –120RT Airplanes [Docket No. FAA–2005–22631; Directorate Identifier 2005–NM–183–AD; Amendment 39–14394; AD 2005–25–01] (RIN: 2120–AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6450. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330–243, –341, –342, and –343 Airplanes Equipped with Rolls-Royce RB211 TRENT 700 Engines [Docket No. FAA–2005–23252; Directorate Identifier 2004–NM–146–AD; Amendment 39–14414; AD 2005–25–21] (RIN: 2120–AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6451. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767–300 Series Airplanes [Docket No. FAA–2005–20629; Directorate Identifier 2004–NM–266–AD; Amendment 39–14384; AD 2005–24–04] (RIN: 2120–AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6452. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–600, –700, –700C, and –800 Series Airplanes [Docket No. FAA–2005–19682; Directorate Identifier 2004–NM–88–AD; Amendment 39–14383; AD 2005–24–03] (RIN: 2120–AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6453. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135BJ, –135ER, –135KE, –135KL, and –135LR Airplanes; and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airplanes [Docket No. FAA–2005–22525; Directorate Identifier 2005–NM–149–AD; Amendment 39–14410; AD 2005–25–17] (RIN: 2120–AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6454. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines [Docket No. 98–ANE–66–AD; Amendment 39–14402; AD 2005–25–09] (RIN: 2120–AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6455. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767–200 and –300 Series Airplanes [Docket No. FAA–2005–21715; Directorate Identifier 2004–NM–277–AD; Amendment 39–14416; AD 2005–25–23] (RIN: 2120–AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6456. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2

Series Airplanes, Model A300 B4 Series Airplanes, Model A310-200 Series Airplanes, Model A310–300 Series Airplanes; and Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4–605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes) [Docket No. FAA–2005–22384; Directorate Identifier 2005-NM-131-AD; Amendment 39-14412; AD 2005-25-19] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6457. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737 Airplanes [Docket No. FAA–2005–21712; Directorate Identifier 2005-NM-070-AD; Amendment 39–14424; AD 2005–26–03] (RIN: 2120–AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6458. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330–200, A330-300, A340-200, and A340-300 Series Airplanes [Docket No. FAA–2005–21860; Directorate Identifier 2005-NM-032-AD; Amendment 39–14445; AD 2006–01–06] (RIN: 2120–AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6459. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767–200, -300, and -300F Series Airplanes [Docket No. FAA-2005-21716; Directorate Identifier 2005–NM–080–AD; Amendment 39–14418; AD 2005–25-25] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6460. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777-200 and –300 Series Airplanes [Docket No. FAA–2005–21356; Directorate Identifier 2004-NM–223–AD; Amendment 39–14417; AD 2005–25–24] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6461. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-400, 747–400D, and 747–400F Series Airplanes [Docket No. FAA-2005-22437; Directorate Identifier 2005-NM-082-AD; Amendment 39–14419; AD 2005–25–26] (RIN: 2120–AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6462. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Falcon 2000 Airplanes Equipped with CFE Company CFE738–1–1B Turbofan Engines [Docket No. FAA-2005-22560; Directorate Identifier 2005–NM–061–AD; Amendment 39-14408; AD 2005-25-15] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6463. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. FAA–2005–22290; Directorate Identifier 2005-NM-129-AD; Amendment 39-14407; AD 2005-25-14] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6464. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sabreliner Model NA-265, NA–265–20, NA–265–30, NA–265–40, NA–265–50, NA-265-60, NA-265-65, NA-265-70, and NA-265–80 Series Airplanes [Docket No. FAA-2005-22402; Directorate Identifier 2005-NM-133–AD; Amendment 39–14411; AD 2005–25–18] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6465. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes [Docket No. FAA–2005–22561; Directorate Identifier 2005-NM-136-AD; Amendment 39–14409; AD 2005–25–16] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6466. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2 and A300 B4 Series Airplanes; A300 B4-600, B4–600R, and F4–600R Series Airplanes, and C4-605R Variant F Airplanes (Collectively Called A300–600 Series Airplanes); and Airbus Model A310-200 and A310-300 Series Airplanes [Docket No. FAA-2005-22148; Directorate Identifier 2005–NM–033–AD; Amendment 39–14437; AD 2005-26-16] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6467. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135 Airplanes; and Model EMB-145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airplanes [Docket No. 2002-NM-89-AD; Amendment 39–14436; AD 2005–26–15] (RIN: 2120–AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6468. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300–B4-600, B4-600R, and F4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes (Collectively Called A300–600 Series Airplanes); and Model A310-200 and -300 Series Airplanes [Docket No. FAA–2005–21611; Directorate Identifier 2004-NM-234-AD; Amendment 39–14438; AD 2005–26–17] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6469. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2 Series Airplanes ; A300 B4-103 and B4-203 Airplanes; and A310–203 Airplanes [Docket No. FAA–2005–22527; Directorate Identifier 2004–NM-04-AD; Amendment 39-14420; AD 2005-25-27] (RIN: 2120–AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6470. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Falcon 2000 Airplanes [Docket No. FAA-2005–22633; Directorate Identifier 2005-NM-155-AD; Amendment 39–14422; AD 2005–26–01] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6471. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Engine Components Inc. (ECi) Reciprocating Engine Cylinder Assemblies [Docket No. FAA–2005–22358; Directorate Identifier 2005-NE-20-AD; Amendment 39–14431; AD–2005–26–10] (RIN: 2120–AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6472. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a semi-annual report concerning emigration laws and policies of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Ukraine, and Uzbekistan, as required by Sections 402 and 409 of the 1974 Trade Act, as amended, pursuant to 19 U.S.C. 2432(c) and (d); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following reports were filed on March 3, 2006]

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 2829. A bill to reauthorize the Office of National Drug Control Policy Act; with an amendment (Rept. 109-315, Pt. 2). Ordered to be printed.

Mr. SENSENBRENNER. Committee on the Judiciary. H.R. 2829. A bill to reauthorize the Office of National Drug Control Policy Act; with an amendment (Rept. 109-315, Pt. 3).

DISCHARGE OF COMMITTEE

[The following action occurred on March 3, 2006]

Pursuant to clause 2 of rule XII the Permanent Select Committee on Intelligence and the Committee on Education and the Workforce discharged from further consideration. H.R. 2829 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on March 3, 2006]

H.R. 921. Referral to the Committee on Education and the Workforce extended for a period ending not later than March 31, 2006.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. LoBIONDO (for himself, Mr. PASCRELL, Mr. JONES of North Carolina, Mr. MCCOTTER, Mr. GERLACH, Mr. DAVIS of Kentucky, Mr.

KENNEDY of Minnesota, Mr. DAVIS of Tennessee, Mr. HOLDEN, Mr. BERRY, Mr. LATOURETTE, Mr. ENGEL, Mr. MICHAUD, Mr. SCHWARZ of Michigan, Mr. KUHL of New York, Mr. BISHOP of New York, Mr. SAXTON, Mr. FOSSELLA, Mr. GARY G. MILLER of California, Mr. BROWN of South Carolina, Ms. JACKSON-LEE of Texas, Mr. ROTHMAN, Mr. FOLEY, and Mr. BRADY of Pennsylvania): introduced a bill (H.R. 4880) to direct the Commandant of the Coast Guard to require that a security plan for a maritime facility be resubmitted for approval upon transfer of ownership or operation of such facility, and for other purposes; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

248. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 824 urging the Congress of the United States to defeat the Responsible Lending Act and all other proposals that would undermine Illinois predatory lending laws and the important protections they provide; to the Committee on Financial Services.

249. Also, a memorial of the House of Representatives of the State of Illinois, relative to a resolution expressing opposition to H.R. 1295 and urging preservation of States' Rights to protect borrowers from predatory lending; to the Committee on Financial Services.

250. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 13 memorializing the Congress of the United States to adopt legislation that would provide funding through the Department of Housing and Urban Development in the form of Community Development Black Grants to investor owned utilities for the restoration of electric and gas service damaged by hurricanes Katrina and Rita; to the Committee on Financial Services.

251. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 46 memorializing the Congress of the United States to pass the Family Education Reimbursement Act; to the Committee on Education and the Workforce.

252. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 43 memorializing the Congress of the United States to enact H.R. 593 to provide the states with authority to regulate the flow and importation of solid waste from outside the country; to the Committee on Energy and Commerce.

253. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 165 memorializing the Congress of the United States to support policies to protect and encourage the cultural autonomy of the people of Macedonia; to the Committee on International Relations.

254. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to a Senate resolution supporting the United States Conference of Mayors' Resolution and the "Mayors For Peace" Initiative; to the Committee on International Relations.

255. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 143 urging the Great Lakes Regional Collaboration and the Congress of the United States to implement the action plan to restore and protect the Great Lakes; to the Committee on Resources.

256. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 41 urging the Congress of the United States to change the coastline by which the state receives tax and mineral revenue from three miles to twelve miles to be consistent with the states of Texas and Mississippi as it relates to the receipt of federal tax and mineral revenue; to the Committee on Resources.

257. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 30 memorializing the Congress of the United States to adopt S. 520 and H.R. 1070, the Constitution Restoration Act of 2005; to the Committee on the Judiciary.

258. Also, a memorial of the Legislature of Virgin Islands, relative to Resolution No. 1690 petitioning the Congress of the United States and the Department of Homeland Security to amend 33 Code of Federal Regulations, Part 160 to exemt the Virgin Islands from the passenger information reporting requirements; to the Committee on Transportation and Infrastructure.

259. Also, a memorial of the Senate of the State of Michigan, relative to Senate Concurrent Resolution No. 34 urging the Great Lakes Regional Collaboration and the Congress of the United States to implement the action plan to restore and protect the Great Lakes; to the Committee on Transportation and Infrastructure.

260. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 529 urging the Congress of the United States to amend the provisions of the law requiring applicants for hunting and fishing licenses to provide their Social Security numbers or other identifying numbers by exempting applicants age 16 and under; to the Committee on Ways and Means.

261. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 149 memorializing the Congress of the United States to increase efforts to protect our borders; to the Committee on Homeland Security.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 354: Mr. BRADY of Pennsylvania, Mr. FATTAH, and Ms. BERKLEY.

H.R. 687: Mr. BOOZMAN.

H.R. 713: Mr. PAUL and Mr. PETERSON of Minnesota.

H.R. 1177: Mr. HAYES, Mr. BISHOP of Utah, Mr. DAVIS of Kentucky, and Mr. OTTER.

H.R. 2178: Mr. RYAN of Ohio.

H.R. 4547: Mr. HAYES.

H.R. 4619: Mr. GREEN of Wisconsin.

H.R. 4672: Mr. GONZALEZ.

H.R. 4756: Mr. CLAY and Mr. MORAN of Kansas.

H.R. 4842: Mr. DAVIS of Alabama.

H. Con. Res. 235: Ms. BERKLEY.

H. Con. Res. 346: Ms. BERKLEY, Mr. SIMPSON, and Mr. ROYCE.

H. Res. 507: Mr. STARK.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

104. The SPEAKER presented a petition of the Chicago City Clerk, Illinois, relative to a resolution urging the Congress of the United States to exercise caution in decision to convert the USS Iowa and USS Wisconsin into museums; to the Committee on Armed Services.

105. Also, a petition of the City Commission of Belle Glade, Florida, relative to Resolution No. 2488, urging the Congress of the United States to protect and enhance the Community Development Block Grant (CDBG) Program; to the Committee on Financial Services.

106. Also, a petition of the Common Council of the City of New Britain, Connecticut, relative to a resolution petitioning the Congress of the United States to defeat cuts and defeat any future measure aimed at cutting critical expenditures that benefit low and middle income Americans in order to fund tax breaks for the wealthiest citizens; to the Committee on the Budget.

107. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 628 of 2005 requeseting the Congress of the United States pass H.R. 3017, To Provide Certain Requirements For The Licensing of Commercial Nuclear Facilities; to the Committee on Energy and Commerce.

108. Also, a petition of the Municipal Council of the Township of Edison, New Jersey, relative to Resolution R. 576–122005 supporting Senate Bill S. 925 and House of Representative Bill H.R. 87 known as the "Crossroads of the American Revolution National Heritage Area Act"; to the Committee on Resources.

109. Also, a petition of the Henry County Board of Henry County, Illinois, relative to a proclamation supporting the passage of S. 1233 and H.R. 2902 to allow Diana Engstrom to become a permanent resident of the United States of America; to the Committee on the Judiciary.

110. Also, a petition of the Lauderdale Lakes City Commission, Florida, relative to Resolution No. 06–02 encouraging the Congress of the United States to pass the Debris Removal Act of 2005; to the Committee on Transportation and Infrastructure.

111. Also, a petition of the City Commission of the City of Hallandale Beach, Florida, relative to Resolution No. 2005–32 requesting the Federal Emergency Management Agency (FEMA) be removed from the Department of Homeland Security and returned to FEMA's former independent status; jointly to the Committees on Homeland Security and Transportation and Infrastructure.

SENATE—*Monday, March 6, 2006*

The Senate met at 1 p.m. and was called to order by the Honorable JEFF SESSIONS, a Senator from the State of Alabama.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

You have given us much, O God, not because You love us more than others but because You have entrusted us with a stewardship. Help us to faithfully use our gifts to bless others.

As Senators today do the work of freedom, may they invest their talents in uniting our Nation and world. Guide them toward those opportunities that will destroy barriers and remove walls. As they work to bring harmony from discord, may they live lives that lead to peace.

Lord, warm all our hearts with Your love. Enlighten our minds with Your truth, and fill our lives with Your power that we may live for You. We pray in the name of the Prince of Peace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF SESSIONS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 6, 2006.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF SESSIONS, a Senator from the State of Alabama, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. SESSIONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today, following my remarks and the remarks of the Democratic leader, we will start a period of morning business. We are expecting that around 2 o'clock today we will begin consideration of the lobbying reform bill. The two bills were reported last week—one by the Rules Committee and the other by the Homeland Security and Governmental Affairs Committee. We will proceed to the Rules Committee bill and offer a substitute amendment which is a combination of these pieces of legislation. I hope Senators will take advantage of the opportunity today to come down and give statements on lobbying reform.

This afternoon at 5:30 we have three votes on three district court judges. I am not certain we will need a rollcall vote on each of these. But at this point Senators should anticipate up to three rollcall votes at 5:30.

I should remind our colleagues that we have a cloture motion filed on LIHEAP, which was introduced by Senator SNOWE. That cloture vote will occur tomorrow morning. I hope cloture will be invoked and we can complete that bill as quickly as possible and then return to the consideration of the lobbying reform legislation.

We will have votes over the course of the week. I anticipate it is going to be a busy week, requiring a lot of work on the lobbying reform, on LIHEAP, and other issues that come forward. There are 2 weeks remaining before our next recess. Another issue we will be dealing with in committee this week is the budget. We will be dealing with that before we leave, and issues such as the debt ceiling as well will be dealt with before we leave—a whole range of issues. It will be a busy week as we go forward.

Let me turn to the Democratic leader—I have a brief statement on lobbying reform—if there are any thoughts or questions or comments about scheduling or issues.

Mr. REID. Mr. President, we believe it will not be necessary to have a vote on the Puerto Rican judge. We will be able to do that by voice vote. There will be two votes. I am wondering if the leader has an indication as to tomorrow. What will happen after the cloture vote? Do we know yet?

Mr. FRIST. Mr. President, we do not know yet. We will have some idea by later today. But I hope cloture will be invoked and that we can complete it as rapidly as possible.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT

Mr. FRIST. Mr. President, today the Senate is taking another step forward to make our Government more transparent and more accountable. It will be a very important debate on very substantive issues, issues that affect the operation of this body and our relationships to outside groups.

We will begin debate on the comprehensive lobbying and ethics reform legislation. Over the last few months, we have made steady progress.

The Senate was first to develop a plan. It was the first to establish a working group to examine the issue. It was the first to hold committee hearings and to have a markup—two markups. And today we will be the first to bring a comprehensive lobbying reform package to the floor.

I wish to in particular thank our colleague from Pennsylvania, Senator SANTORUM, for his willingness to lead a lobbying reform working group. He has hosted numerous meetings over the last several weeks and spent countless hours on this issue. We are where we are today in large part because of his commitment and his leadership. I wish to recognize him for that.

I also appreciate the work of the chairman and chairwoman of our Rules Committee and Homeland Security and Governmental Affairs Committee, Chairman LOTT and Chairman COLLINS. They have worked expeditiously, both in discussions and holding hearings and markups, so we could in response to my request have available for floor consideration today legislation that centers on commonsense reform. There will be a lot of debate and there will be a lot of discussion, but I think the issues have been laid out and laid out well. Those two chairmen will be comanaging the bill from our side of the aisle, since each of those committees brought forth that legislation from their respective committees.

So that everyone understands how we expect to proceed, we will begin debate on S. 2349, the Legislative Transparency and Accountability Act. The first amendment offered will be a substitute, incorporating the joint text of both the bills reported by the Rules Committee and by the Homeland Security and Governmental Affairs Committee.

I have asked the two managers to move forward in as efficient a way as we possibly can in order to achieve that goal of completing this legislation this week. It is going to take a lot of hard work, a lot of working together, and a lot of cooperation in order to accomplish that. Chairman LOTT and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Chairman COLLINS are committed to this timeframe. I encourage all of our colleagues to work with them to ensure that we can accomplish this goal.

If Senators have amendments—and I recognize there will be a number of amendments—I urge them to discuss those amendments, the nature of those amendments, and make the language available as soon as possible with the managers. Let us keep amendments on the issue that is at hand, the issues surrounding ethics and lobbying. Tying up the bill with unrelated amendments, which we call nongermane amendments, is not in anybody's best interest. So let us stay on the bill as much as we possibly can.

A final note. As we enter the debate—I think we will enter it—we are entering it in a tone of working together. It is not a partisan issue we are addressing. People expect us to work together to develop meaningful, nonpartisan solutions but bipartisan solutions to the real problems we know we will be addressing. Ethics is not a partisan issue. The rules apply, as they should, to every Senator and every staff member, regardless of party or stripe. No one gets a special exception.

That is the spirit in which we should approach this bill.

The rules we operate under are bipartisan. The reforms indeed are and should be bipartisan as well. It is my firm belief that as public servants we are obligated to protect the integrity of this fantastic, magnificent institution, and most importantly to represent the genuine interests of the voters—which is our responsibility—who sent us here.

It is time for us to reexamine the rules so that bad apples are exposed before they spoil the whole lot. That is why I have brought this bill to the floor now so we can address it right up front early on in this session. Taking these steps will go a long way to lifting the cloud that threatens to obscure all of our other efforts to offer meaningful reforms and solutions to the problems we now face and that face all Americans.

The issue is something very personal to me. I still consider myself a citizen legislator, coming here for a period of time and going back home. It causes me to reflect on my first vote as a Senator. It was on the Congressional Accountability Act, an act that ensures that Congress abides by the laws it passes.

I believe deeply that we serve the people—not the other way around, and that spirit will be the spirit I believe we will all put forth in this debate over the next several days.

We have a real opportunity before us—an opportunity to make government more transparent, more accountable, and to strengthen the American people's confidence in our body. Once again, I ask my colleagues to join together and deliver meaningful reforms, not only to fulfill our commitment to the American people but to protect and preserve the honor of this great institution we all have the privilege of serving.

I yield the floor.

HONEST LEADERSHIP AND OPEN GOVERNMENT ACT

Mr. REID. Mr. President, in recent months, the public has been shocked and outraged over stories dealing with abusive and, I believe, criminal practices—and so do various prosecutors—by lobbyists, senior administration officials, Members of Congress, and even congressional staff. A number of these participants in these schemes that breached the public trust have pled guilty—Republican lobbyist Jack Abramoff, former staffer for the recent House Republican Majority Leader Michael Scanlon, Republican Member of Congress Duke Cunningham, and one of his coconspirators, Michael Wade. Others are under indictment, including President Bush's political appointee David Safavian.

The guilty pleas, indictments, and documents released to date suggest wrongdoing or improper behavior by many others, including a former Deputy Secretary of the Interior, other former aides to the recent House Republican majority leader, former aides to Republican Senators; Grover Norquist, a close ally of the Bush White House; Ralph Reed, long-time political operative for the Republicans—in fact, he has been State chair of at least one State party—and, of course, the heads of two other groups closely associated with the Republican Party.

The American people understand these are not one or two isolated incidents. They understand this is a clear pattern of wrongdoing—wrongdoing that can only be explained by an alarming sense of impunity. The public understands these individuals felt that they were above the law. They felt they could ignore the rules. They felt government was not there to serve the people's interest but to serve their own special interests or the interests of some of their cronies.

The public has seen a Republican culture that has distorted government priority and grown into the greatest government scandal since Watergate. So as we begin this debate, it is important to realize this wrongdoing often violated existing laws and congressional ethics rules. It is already illegal to offer or accept a bribe. It is already illegal to defraud your clients. It is already illegal to lie and commit perjury. The rules already prohibit Members from taking trips that have no real business purpose and are just excuses for a golf outing. So much of what went on was already criminal or certainly clearly unethical. The problem, in many cases, was not in the rules. It was in the culture that allowed everyone to believe they could ignore the rules.

But in some cases it was clear, the rules have shortcomings. So even though a number of the things that people did clearly violated the rules we now have, in some of these cases it was clear that the rules had shortcomings and we needed to beef them up. In these areas, we need to expand disclosure and tighten rules that have been abused. We also need to find a way to restore public faith in the integrity of our Federal Government.

The best way to do this is to show the public we take this issue seriously and that we will act aggressively and swiftly to change the culture in the Nation's Capital.

That is why I am satisfied with what my Democratic colleagues have been able to do with this legislation that will shortly be before the Senate. As soon as we returned from the winter recess, we, as a caucus, acted decisively. We unveiled sweeping reform principles and backed them with legislation. It is one thing to address this issue through quickly called press conferences that offer no details; it is another to put reform to paper and to use a reform bill that has supported virtually the entire Democratic caucus. That is what we did.

The Honest Leadership Act fundamentally changed the debate on ethics and lobbying reform. It is hard to draft legislation. I called upon my staff, one of my most senior persons, someone who was the chief of staff of the Commerce Committee under Senator Hollings, Kevin Kayes. He has worked hard. Saturday nights, Sunday nights, I have spoken to him. I acknowledge the hard work that he has done on this legislation. I appreciate it very much.

We put on paper what we thought was the best thing for this institution. The Honest Leadership Act, Open Government Act, fundamentally changed the debate on ethic and lobbying reform. Democrats stood united. United we said: We are not going to let this process drag on and hope that people get distracted. We are going to seize the initiative and begin to change the culture that we find in Washington. Democrats established the baseline for reform by getting caucus-wide support for a tough and comprehensively formed bill. Democrats raised the stakes on this issue and forced the Senate to deal with this in a meaningful way.

We have had a number of participants on the Democratic side of the aisle. This is not in the order of how hard they have worked, but I express my appreciation—because they have all worked hard—to Senator DODD, Senator LIEBERMAN, the ranking members of the Committee on Rules and Government Operations Committees. I appreciate the work of Senator FEINGOLD who has been involved in these issues for many years. And a new Senator, Mr. OBAMA, has done such a good job of expressing himself to the American public how we feel on this side of the aisle about the need to change what is going on in Washington. Senator LEVIN has also been a stalwart, helpful from the very beginning. He, like Senator FEINGOLD, has been involved in these issues for a long time.

It would not be fair to just list the Democrats. The work performed in the Committee on Rules was a hard job. It was the first body to take this up. It showed the experience of Senator DODD and Senator LOTT. They had a cordial relationship going into this which helped significantly in moving that bill out of the committee very quickly. Senator LIEBERMAN worked very hard with Senator COLLINS. They came up with another piece of legislation as a result of their ability to work together. I appreciate Senator LOTT very much and Senator COLLINS for their work, working with Democrats. Their work did advance the reform proposals that we introduced.

It goes without saying I am glad we are here today. It is fair to say we would not be here and certainly not with this strong piece of legislation from the Committee on Government Operations and the Rules Committee if not for the efforts of my caucus.

In fact, much of what Democrats supported in S. 2180 has been included in the bills that will come before the Senate today which will be united into one bill. What are some of the things we have done? I will not mention all of them, but I will mention some. Slow the revolving door between government jobs and lucrative private sector employment. Revoke floor privileges for former member lobbyists. A former Member has to decide, if they want to come to the Senate, they are not going to be able to do their work here if they are lobbyists. That is unfair to some who also are lobbyists who certainly never used the floor in any negative way. I think I can say that for most all.

We have to do away with what is wrong and with what appears to be wrong. This legislation will be in the Senate in less than an hour and it eliminates gifts paid for by lobbyists, not just disclosure gifts. There will be more disclosure and scrutiny of privately funded travel. This legislation will stop dead-of-night legislating by making conference reports available on the Internet. This legislation will require more frequent and more detailed lobbyists' disclosure available on the Internet. And there is increased civil rights penalties for violations.

This legislation required ethics training. It will require ethics training for congressional staff and will require disclosure for stealth lobbying campaigns by business coalitions and other organizations that slipped under the radar screen in the past. They will not any more.

Not all of what the Democrats sought is in this bill. I know that. In some cases, the provisions included are weaker than what was in our proposal. But we will offer amendments to strengthen the bill in these areas.

I am pleased that so much of what we worked for as a caucus has now gained broad bipartisan support. We have tried very hard. There are some groups, quite frankly, that there is not enough we could ever do, no matter what we do would never be enough. But it is important to recognize while there may be some outside groups who think we have not done enough, we have done a lot.

During this debate, I hope we remain honest with the American people about an important point. When we approve this legislation—I am hopeful in conference we will—we will not have put the Abramoff scandal behind us. Indeed, it is likely that future indictments and additional revelations will end any confusion on this point. The only way we put the Abramoff and other scandals behind us and restore the public faith in government is by each and every one of us, all 100 of us, and our staffs, conducting ourselves and operating this institution with the highest level of integrity.

This legislation will set parameters that will be easier to follow. The costs of corruption are high, and it is the American people who pay for it. What has happened in Washington has eroded the ability of our Government to meet the needs of our people.

Look at this administration's response to Hurricane Katrina and the growing national unease about our security, both here and abroad. Just imagine, if Duke Cunningham and his coconspirators had not succeeded in spending tens of millions of taxpayers dollars to give their cronies bogus contracts, that money could have been used to pay for body armor, port security, or some other critical need. This is only one example.

The culture of corruption distorts our priorities and frustrates efforts to address the real needs of Americans, these Americans who are trying to cope with high natural gas prices to heat their homes, high fuel prices for the cars, concerns about their own retirement security, and a growing sense that they are having to work harder and harder to maintain even their current standard of living. Each one of us came here to serve the American people. We have been given a tremendously difficult responsibility. But it is one we all sought. Of course, it is a real privilege.

I am confident we can clean up the situation we now have in Washington so we can get on with the Nation's business. America deserves a government as good as its people. Together, America can do better.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 2369 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, what is the pending business?

The PRESIDING OFFICER. We are in morning business, with Senators permitted to speak therein for up to 10 minutes.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, are we still in morning business?

The PRESIDING OFFICER. Yes.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate begin consideration of Calendar No. 367, S. 2349, the lobbying reform legislation. I further ask consent that following the reporting of the bill, I be recognized in order to offer a substitute amendment, and following that action, the bill be open for debate only during today's session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2349) to provide greater transparency in the legislative process.

AMENDMENT NO. 2907

Mr. LOTT. Mr. President, I call up the substitute amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 2907.

Mr. LOTT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. LOTT. Mr. President, I am pleased to see that my colleague from the Rules Committee, Senator DODD, is here. He is the ranking member on the Rules Committee. We have done a lot of work together over the years, going all the way back to our days on the Rules Committee in the House. It is always a pleasure to do business with him.

I am also pleased to see the distinguished chairman of the Homeland Security and Governmental Affairs Committee in the Senate, Senator COLLINS, who has been doing outstanding work there, with a greatly expanded committee, with jurisdiction over almost everything that is moving these days. She is doing a wonderful job.

Again, I am pleased to see both of my colleagues here as we begin debate on this very important issue involving the rules of the Senate and lobbying reform legislation. I think one of the important things to note at the very beginning is that this legislation from both the Rules Committee and the Homeland Security and Governmental Affairs Committee was reported as bipartisan legislation, and it is legislation that will absolutely ensure greater transparency and accountability in the legislative process.

There are those in Washington—me included—who have been concerned of late by how much partisanship there is in Washington and in the legislative process. I do think it has reached unprecedented levels. But I believe it is also possible for us to not have everything be that partisan. So that is why I think the way these two bills have been reported is so remarkable because the Rules Committee had a full debate and amendments were offered. Some were passed, some were rejected, some were accepted, and some were ruled out of order. When we got to final passage, Senators on both sides of the partisan aisle felt it was a fair process and there was not a single dissenting vote.

Also, the Governmental Affairs Committee—if I may refer to it that way in shorthand—reported it with only one "no" vote after having a full discussion and some amendments that were not easy to deal with. So I hope the spirit of bipartisanship can carry to the floor when we take up the amendments.

This afternoon's proceeding will be somewhat abbreviated because we have to take out some time for discussion about judicial nominees and votes, and we do have some further action with regard to the low-income energy assistance issue. However, when we get back to these bills tomorrow and are ready for amendments, I hope Senators will come over and we can get a time agreement and we will have a good discussion and votes. Perhaps even some amendments can be accepted, depending on what they are, and we can get this process completed before this week is over. I think that would be very good for the institution, and it needs to be done.

I do think this is an important effort. I have looked at what the Rules Committee did and what came out of the Rules Committee in the last week. This will be the third time I have been involved in a process of changing the rules or looking at what we might need to do after a difficult time in our history. That was true back in the seventies after the Watergate matter. We took up campaign reform and ethics reform and made some significant changes, some of them wise and some of them turned out to be not so advisable. We had to address the people's confidence in our institutions at that time.

Then again in the nineties we had some issues come up that caused problems and concerns following the House banking scandal. Again, we went through a process of looking at our ethics, looking at our rules, and looking at lobbying reform, and took action.

Here again we are looking at some changes in the rules and some improvements or some additional requirements with regard to lobbying reform. I think it is needed.

Some people say: Why do you have to keep changing? Are your rules, your ethics, are your lobbying requirements changing? Yes, they change with time. When we wrote the Telecommunications Act in 1996 and 1997, we thought phones were all going to be hard wired. We had no idea of all the technological advances that were going to occur. When we did immigration reform in 1997, I thought we did a good job. Obviously, we did a terribly inadequate job.

We need to take a look at what we have done in the past when it comes to laws, rules, ethics reforms, lobbying reform, and modernize it. For one thing, with all the modern capability and technology, you can have instantaneous disclosure; you can have fuller disclosure. It is easier now to file reports with the Secretary of the Senate or to put it on your own Internet to divulge and disclose to the American people and all who wish to look at those reports what you are doing in your role as a Senator and your service to the people.

I want to make it clear. I think this is an issue we should address. That is why when the leader called on me to have a hearing in the Rules Committee and to move forward, I moved forward on the issue aggressively because I thought there are rules changes that we need, we should do, could do, that would make common sense, and would be fair.

This is an issue where it is very easy to lose control emotionally or we get involved in a tremendous process of self-flagellation and condemnation. I don't want to do that, but there are some places where there are legitimate concerns or appearances of impropriety which we can improve.

Senator DODD and I talked on the phone, we met, and we came up with some important points, and I think we have come up with a pretty good bill. We need to go forward, have a full discussion, take up serious amendments that will be offered, and get this job done. I look forward to working with Senator COLLINS and making this a bill with which both committees are comfortable.

Mr. President, I ask unanimous consent that my section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION SUMMARY OF THE LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006 (S. 2349)

(Reported by the Senate Committee on Rules and Administration, February 28, 2006)

Section 1. Short Title: The Legislative Transparency and Accountability Act of 2006.

Section 2. Out of Scope Matters in Conference Reports: New Point of Order against out of scope matters in Conference Reports. Point of Order can be waived by 60 votes. If the Point of Order is sustained, the offending material is deleted from the Conference Report and returned to the House for it's concurrence.

Section 3. Earmarks: Creates a new Standing Rule (XLIV) dealing with earmarks. Earmarks are defined as "a provision that specifies the identity of a non-Federal entity to receive assistance. . . ." "Assistance" is defined to include budget authority, contract authority, loan authority, and other expenditures including tax expenditures or other revenue items.

This new Standing Rule requires that all Senate bills or conference reports include a list of all earmarks in the measure; an identification of the Member who proposed the earmark, and an explanation of the essential government purpose of the earmark. The bill or Conference Report, including the list of earmarks, must be available to the Senate and to the general public on the Internet for at least 24 hours before its consideration.

Section 4. Conference Report Availability: Provides for the implementation of the requirement that Conference Reports be available to the general public for at least 24 hours before its consideration. Requires the creation of a new Senate website capable of posting this information. The effective date of this Section is set as 60 days after the date of enactment of the Act.

Section 5. Floor Privileges for Former Members: Amends Standing Rule XXIII of the Standing Rules of the Senate to eliminate floor privileges for former Members, former Senate Officers, and former Speakers of the House who are either registered lobbyists or employed by an entity for the purpose of influencing the passage, defeat or amendment of any legislative proposal. Permits the Committee on Rules and Administration to issue regulations allowing floor privileges for such individuals for ceremonial functions or events designated by the Majority and Minority Leader.

Section 6. Gifts and Meals: Amends Standing Rule XXXV to ban gifts from registered lobbyists or foreign agents. An exception is provided for meals, retaining the current financial limits. A provision is added requiring that within 15 days of receiving a meal, Members post on their website the value of such meals and refreshments provided to themselves and their staff, and the person who paid for the meal.

Section 7. Pre-Clearance of Trips and Disclosure: Subsection (a) amends Standing Rule XXXV to require pre-clearance approval by the Senate Select Committee on Ethics to receive transportation or lodging provided by a third party, other than travel sponsored by a governmental entity. The person providing the transportation and lodging would have to certify that the trip was not financed, in whole, or in part by a registered lobbyist or foreign agent and that the person sponsoring the trip did not accept directly, or indirectly, funds from a registered lobbyist or foreign agent earmarked to finance the trip.

A detailed trip itinerary would have to be provided to the Ethics Committee along with a written determination by the Senator that the trip is primarily educational; consistent with official duties, does not create an appearance of use of public office for private gain, and has a minimal, or no, recreational component, before the Committee could approve the trip.

Not later than 30 days after the trip is completed, the Member would have to file with the Select Committee on Ethics and the Secretary of the Senate a description of the meetings and events attended during the trip and the name of any registered lobbyist who accompanies the Member during the trip. Such information would also have to be posted on the Member's Senate website. Disclosure would not be required if such disclosure would jeopardize the safety of an individual or adversely affect national security.

Subsection (b) amends Standing Rule XXXV to require that a Member or employee who is provided a flight on a private aircraft, other than an aircraft that is owned, operated or leased by a governmental entity, file a publicly available disclosure report with the Secretary of the Senate identifying the date, destination and owner or lessee of the aircraft, the purpose of the trip and the persons on the trip except the persons flying the aircraft. A similar disclosure, without an exclusion for government flights, would be required to be filed with the Federal Election Commission if such a flight took place as part of a federal election campaign.

Section 8: Post-Employment Restrictions: Amends Standing Rule XXXVII to conform the post-employment registered lobbyist restrictions on Senate staff earning 75 percent of the rate of pay of a Member with the restrictions that are imposed on former Senators. Such staff would be prohibited from lobbying the Senate for one year after their employment terminates. This provision would be effective 60 days after the date of enactment.

Section 9: Public Disclosure of Employment Negotiations: Amends Standing Rule XXXVII to require that a Member who is engaged in prospective private sector employment negotiations, prior to the election of the Senator's successor, must file a public disclosure statement with the Secretary of Senate regarding such negotiations within three business days after the commencement of such negotiations.

Section 10: Lobbying by Family Members: Amends Standing Rule XXXVII to provide if a Member's spouse or immediate family member is a registered lobbyist or employed by a registered lobbyist, staff employed by the Member are prohibited from having any official contact with the Member's spouse or immediate family member.

"Immediate Family Member" is defined as the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of the Member."

Section 11: Unlawfully Using Public Office to Influence Hiring Decisions: Amends Standing Rule XLIII to prohibit a Member from seeking to influence, on the basis of political affiliation, an employment decision of any private entity by taking or withholding or offering or threatening to take or withhold an official act; or to influence or offer or threaten to influence, the official act of another.

Section 12: Sense of the Senate on Scope of Restrictions in The Act: A Sense of the Senate Resolution that any restrictions imposed by this Act on Members and employees of Congress should apply to the Executive and Judicial branches.

Section 13: Effective Date: Provides that the Act shall take effect on the date of enactment except in those cases where a different enactment date is provided.

Mr. LOTT. Mr. President, let me go through the Rules Committee bill and talk about some of the more important aspects. I won't go into all the details because Members will have a chance to review what we reported last Tuesday, and now it will be in the RECORD. When I complete my comments, Senator COLLINS or Senator DODD will be ready to speak. We will be able to make it very clear what we have done. Some of these things do need to be explained a little bit.

First of all, with regard to earmarks, we do know that there has been an explosion of so-called earmarks. This is where you put provisions, money, language in an authorization, appropriations, or a tax bill. I remember a few years ago it was maybe a few hundred. I remember the highway bill back in the eighties, I think, it had 157 earmarks, and the bill we passed last year had thousands—I don't even know how many but thousands.

I want to be the first to say I don't think that is totally inappropriate. I do think we need to have some better disclosure. I do think we need to think about how we do these earmarks, have some rules that make it clear who is doing what and for whom. So that is what we have tried to do with this legislation.

Some people will come to the floor—and I presume somebody might even offer an amendment—and say that earmarks are prohibited. I will fight that with every ounce of energy in my body. Some people might maintain that should be better left to the executive branch. Why? Why should some bureaucrat who lives in Maryland or Virginia—and I say that term lovingly—who works at HUD or the Department of Transportation or the Department of Defense—it doesn't matter what department—how do they know more about what is needed in terms of roads or housing or National Guard in my State of Mississippi or more than the Senator from Maine knows about what the needs are in her State? So I think it is ludicrous to maintain only the executive branch is pure.

By the way, do you think the executive branch does not have earmarks? The distinguished Presiding Officer noted an earmark for Pascagoula is not really an earmark. It is something clearly understandable and identifiable, and I am perfectly willing to identify it for the benefit of my constituents or anybody else who would like to take a look at it.

With regard to the executive branch, I have seen articles that point out some of the earmarks. For example, with the Department of Energy, the Office of Management and Budget always picks their projects they like, that the Corps of Engineers would do, but not others which might involve locks and dams or flood control projects. So it is OK for them to do it but not us.

What about what the Constitution says? Article I, section 9 of the Constitution, which deals specifically with spending, states:

> No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . .

So it is not up to the President alone. Congress has always had the final say on this issue of appropriations, and I am sure Senator BYRD would have something to say about this.

Again, there is a limit to what is reasonable, and I think we have kind of lost a grip in that area. We do need to have some controls. It needs to be open and fair. It needs to be identified in the record.

I have become more and more concerned particularly about the practice where items can be added in conference that were not considered by committee or in either body, whether it is language in a tax bill or appropriations bill or a highway project in an authorization bill, and there is no way to really get at it. That is why in the

Rules Committee—I worked with Senator FEINSTEIN in particular, and Senator HAGEL, and Senator DODD—developed a procedure that will allow Members to remove items from conference reports that were never considered by either body.

Under the committee's bill, if a point of order regarding the item is sustained, the offending provision would be removed, but the entire conference report would not fail. It would then be sent back to the House, minus the offending provisions.

I emphasize again, think about what was happening. The Senate did not include a provision. The House did not include a provision. They go to conference. It is the end of a session, it is an omnibus appropriations bill, and, voila, all these things show up in a tax bill or an omnibus appropriations bill. If it comes back to the floor of the Senate on short notice, with maybe a couple of hours to review it, if you make a point of order and you succeed, the entire conference report is taken down and it has to start over again, not just go back to the House for final action. That is a scary situation.

I remember attending a meeting one time where some language was being discussed that had not been in either bill that meant billions of dollars. I remember going back and saying to my then-chief of staff, Dave Hoppe, that this is dangerous; we should not allow this sort of thing to happen. Under this provision, if you garner the supermajority 60 votes, it cannot be taken out. I actually preferred a simple majority. More and more around here everything takes a supermajority, not a simple majority. I thought 51 votes would have been sufficient. But in the committee, keeping the 60-vote test prevailed. I hope it is not abused.

The bill also requires that committee and conference reports identify the sponsor of all earmarks so the Senator from Kansas will have to fess up that he has a project in an authorization bill, a tax bill, or an appropriations bill. He will have to indicate the amount and what it is for. It will have to be disclosed in the bill that comes back.

Finally, to get greater transparency to the process, conference reports cannot be considered unless they are available within the Senate and on the Internet at least 24 hours before Senate consideration. There are those who thought it should be 48 hours. When we get to the end of a session, even 24 hours is a leap. We can always shorten that by unanimous consent. But to have some modicum, minimum amount of time to review these conference reports, to me, makes sense, and it is fair.

So I think what we have done with regard to the so-called earmarks—and we define what an earmark is in the bill because my distinguished colleague from Mississippi questioned what an earmark is, and the language clearly did not apply to everything, excluding appropriations. We clarified that. I think this is good language.

I have already spoken to our counterparts in the House. They think this is progress. I think the idea that we are going to prohibit in some way earmarks would be going way too far.

The next issue that our committee dealt with is the issue of gifts. Under our language, no gifts will be allowed from registered lobbyists to Members or staff, or if it is from a foreign agent. The committee took the suggestion of some of the witnesses who testified before the committee and excluded meals from the definition of gifts. You can still have your meal, but you would have to disclose it.

The current rule is retained on the value of the meal, but Members would have to disclose that meal within 15 days on the Senator's Internet site. They would have to say if they had a meal and with whom they had a meal, or if you ordered in Dominos, you can mention that. The last time I mentioned another restaurant, my son said: Dad, I do sell for Dominos; could you put in a plug for Dominos? You have to disclose that on the Internet.

We can get into lowering the limit on gifts or meals or raise it? What are we doing here? Let's just go cold turkey. I don't want to have to be worrying about whether some cheap tie is worth $65 instead of $48. Let's say no gifts from lobbyists or registered agents. I don't know Senators who get gifts. I really don't know any. And it is preposterous, by the way, that you would be getting gifts from a registered lobbyist. So no gifts.

The bill also deals with third-party-funded travel. The committee rejected the idea of banning third-party-funded travel. I am sure there will be amendments offered in this area. We believe there is a useful educational value associated with most of these endeavors. However, in recognition that congressional travel can be abused, the committee adopted tough pre-clearance requirements for any such travel.

The committee bill requires that non-governmental third-party-funded travel must be pre-cleared and approved by the Senate Ethics Committee. It was alleged that this is no different from the current situation. No, now it is advisory. It is permissible. They can review it. They pretty much generally do review it and say this is OK. This would require pre-clearance and approval.

In order to qualify for Ethics Committee approval, the sponsor of the trip will have to certify to the Ethics Committee that the trip is not financed, directly or indirectly, by lobbyists. In addition, a detailed trip itinerary would have to be provided to the Ethics Committee, along with a written determination by the Senator that the trip is primarily educational, consistent with official duties, does not create an appearance of use of public office for private gain, and has a minimal or no recreational component before the committee could approve the trip. We are not saying they couldn't have a recreational component. If a Member plays a round of golf, the Member would have to pay for that.

Not later than 30 days after the trip is completed, a Senator would have to file with the Ethics Committee and Secretary of the Senate a description of the meetings and events attended during the trip and the names of any registered lobbyists who accompanied the Senator during the trip. Such information would also have to be posted on the Senator's Internet Web site.

Will it be a hassle? Sure. Is it something we can do and should do? Yes. We are going to have to do this.

With regard to flights on private planes, in an effort to broaden transparency, the committee bill requires that all official travel on private aircraft must be disclosed, along with the names of the people traveling on the aircraft and the purpose of the trips. The disclosure rules will also apply when a Member uses a private aircraft in a campaign for reelection.

We addressed the question of postemployment restrictions. The bill tightens postemployment restrictions for high-paid staff by conforming the lobbying ban on senior staff with the ban on former Member lobbying. Therefore, senior staff will not be allowed to lobby the Senate for 1 year, and the current rules will continue to apply to the lower paid staff. Previously, just to show you what the difference is, I believe it was really only applied to senior leadership staff. This was taken to all senior staff, and it would be only the 1-year limit. But the language, as the Senate Rules Committee passed it, would limit it to 1 year on all Members lobbying.

With regard to floor privileges, the committee addressed an issue about which some people have expressed concern: former Members lobbying on the Senate floor. I don't think this is a real problem, and I have never experienced it in my 16 years here. The committee believed that former Members who are registered lobbyists should not be seen to have an advantage in meeting with Members on the floor of the Senate; therefore, the committee bill bars former Members, ex-Secretaries of the Senate, ex-Sergeants at Arms of the Senate, and former Speakers who are registered lobbyists access to the Senate floor. Exceptions could apply for ceremonial events and events designated by the leaders. Again, I emphasize that former Members would be allowed to come, unless they are registered lobbyists. If they are registered lobbyists, they would not be able to come to the floor, and it would apply to the former officers of the Senate and Speakers of the House.

(Mr. CHAMBLISS assumed the Chair.)

Mr. ROBERTS. Mr. President, would the Senator yield?

Mr. LOTT. Mr. President, I would be happy to yield to the distinguished Senator from Kansas.

Mr. ROBERTS. I wanted to explain this tie that the Senator from Mississippi has maligned. I don't know if I could seek a parliamentary ruling. Is that a violation of rule XIX, degrading the tie of a Senator?

The PRESIDING OFFICER. In the opinion of the Chair, it is not a violation under the rules.

Mr. ROBERTS. This was a tie, if the Senator will continue to yield, that was given to me by my wife.

Mr. LOTT. Mr. President, was this a gift?

Mr. ROBERTS. It was given to me by my wife, it did cost under $50, and it is the color of the ever-optimistic and fighting Wild Cats of the Kansas State University, and I thought it was a pretty nice tie to go with this dark suit. Should I change that under the banner of the bill?

Mr. LOTT. Mr. President, recognizing the seriousness of the charges and the hurt feelings and the attitude of the Senator from Kansas, I ask unanimous consent that my disparaging remarks about his tie be expunged from the RECORD.

Mr. ROBERTS. I would appreciate that, but it didn't cause me much of a problem at all.

Mr. LOTT. Mr. President, I hope this is not an indication of the tenor of the debate that is going to occur this week. I think that a little humor is fine, but I also think a little action is required in this area, and I promise to patch up my friend's feelings as soon as I get through here before the Senate.

Speaking of public disclosure of employment negotiations, the committee addressed a potential conflict of interest situation where a Member is negotiating for a private sector job while still acting in his official capacity. This was an amendment that I believe was offered by Senator SANTORUM in the Rules Committee, it was not in our committee chairman's mark, but the committee discussed it and agreed that this is an area which should be adopted. It requires public disclosure of any such negotiations. The rule would not apply if the Member's successor has already been elected. Once an election has occurred for a successor, even though you might be back in what we call a lameduck session, you would be able to have such negotiation, but you wouldn't have to fulfill the public disclosure statement. Obviously, as long as you are in this body, you shouldn't be having negotiations with somebody about employment when you are leaving. If you do, you may, of necessity—it may happen accidentally, but if you do, you ought to at least disclose it.

Lobbying by members of the Senator's family, has been in question and an issue in recent years. The committee adopted a rule that directly impacts family members who are registered lobbyists. The rule bars a Member's spouse or any immediate member of the family from lobbying the Member's staff, and we have a definition of what "immediate family member" is.

We also have a provision with regard to unlawfully using public office to influence hiring decisions. The committee voted to amend the standing rules to prohibit a Member from threatening to take or withhold any official act in an effort to influence a private sector hiring decision. The committee approved this amendment, knowing full well that in current law, 18 U.S.C. section 201, it makes it a felony punishable by as long as 15 years in jail for a Member to try to influence such a hiring decision by threatening to take or withhold an official act. But the committee believed that even though it might be covered by law, that the Rules should be very clear in this particular area. I questioned, and others commented on the fact that if you recommend a former staff member to an entity as a highly qualified, capable young man or woman, certainly you can continue to do that. It is where you infer or suggest that you are going to withhold or do something as punishment if certain hiring actions are not taken.

In conclusion, I believe the committee acted and produced a fair and balanced bill. I know some Members would like to ban all privately funded travel. Others will want to talk more about whether we are sufficiently policing ourselves.

I believe our Ethics Committee over the years has done a good job. I served several years on the Ethics Committee. Unfortunately, it was an extremely active time. During that period, we had the so-called Keating 5; we had a couple of Senators who had unintentionally, but still very importantly, leaked some information with regard to the Intelligence Committee. We had a very active period of time, but we faced up to it. And there have been other examples. I have no doubt that the current members of the Ethics Committee, which is evenly divided, are doing a good job. Part of their problem is us: our rules sometimes are not clear or they are ambiguous. They do need to be tightened up. We need to be more specific. And I am working with Chairman VOINOVICH to try to get some of those identified so that we can have some ethics rules changed.

Mr. President, I have a little throat problem here, so let me stop at this point and say that I hope we can go forward expeditiously and in a fair way this week and address this very important issue of rules changes and lobby reform. I think we can do it in a bipartisan way and have a bill ready to go to conference by the end of this week.

I yield the floor.

Mr. DODD. Mr. President, let me begin these comments by thanking, first of all, my colleague from Mississippi, Senator LOTT, who chairs the Rules Committee, and the other members of the committee, Democrats and Republicans alike, who worked over the past number of days to put together a Rules Committee bill.

The Rules Committee, for those who are interested in following this in detail, has jurisdiction over a couple of matters: the conduct of Members specifically and campaign finance reform issues. We don't have jurisdiction over lobbyists per se, except to the extent they are engaged in business with Members of Congress, with Members of this body. So our bill was specifically tailored to deal with Member conduct vis-a-vis lobbyists and, in some cases, spilled over a little bit into the campaign finance reform area, which I will address in a couple of minutes.

I wish to underscore the points Senator LOTT has made about the cooperative spirit with which the Committee dealt with its business. We worked, and we had a good working session. In fact, we had a number of sessions, actually, before the markup to try to come to some consensus. The Democratic leader, Senator HARRY REID, when I asked him what sort of a bill he would like to put together, his first words were: A bipartisan bill. So we made that effort, and as a result of not an extensively long markup but one that went on for several hours where, as Senator LOTT has pointed out, there were amendments that were agreed to and some disagreed to, and others made out of order, but we put together a bill that certainly was a major step forward, and it was supported by all members of the Rules Committee, even by members who had amendments that were rejected. We felt strongly that it was important that we try to act as unanimously as possible, and we did so.

So today we gather here in this Chamber for the full consideration of that bill, plus the bill that was authored by the distinguished Senator from Maine, Ms. COLLINS, and my colleague from Connecticut, Senator LIEBERMAN. This may be a unique situation about to occur here where the comanagers of this legislation will be the two Senators from the same State. My colleague from Connecticut, Senator LIEBERMAN, is the ranking Democrat on the Homeland Security and Governmental Affairs Committee. In fact, I watched their markup the other day on C-SPAN, and it was very healthy and productive and, I thought, a very comprehensive discussion of their jurisdiction of these matters, which clearly involves the role of lobbyists and their activities as they relate to Members as well but a bit different from the Rules Committee. I congratulate them and members of their committee as well for a very thoughtful conversation.

I also commend TIM JOHNSON and GEORGE VOINOVICH, who are the vice chairman and chairman respectively of the Senate Ethics Committee. It has been said over and over again that there is no more thankless job in many ways than to be a member of the Ethics Committee, but they have done a remarkable job, in my view. They don't advertise what they do. Their meetings are not even necessarily publicized because they deal with these sensitive matters of allegations raised against Members of this body. But all of us who have watched them over the last number of years, along with the other members of that committee and their previous chairs, respect immensely the work they do. I suspect you are going be hearing from members of that committee during this debate and discussion as they report to this full body on their activities.

So today the full Senate begins the process of considering legislation to bolster congressional accountability, make the legislative process fair, more transparent, and to regulate more tightly the relationships between Members of Congress, the executive branch officials, and lobbyists.

It is imperative that we act on this bill to help restore the confidence of all Americans in the legislative process and in the laws we write. That confidence has been eroded by recent lobbying scandals involving Members principally, if not exclusively, of the House of Representatives. It is important that we note that.

I commend as well our Democratic leader, Senator REID, for his leadership in this effort. Without his focus and dedication to bring real reform to the attention of the American people and to propose a very comprehensive measure himself which, in large part, is the basis of the bill we are considering today, we would not be as far along as we are. Senator REID's bill is supported by 40 members of the Democratic caucus and represents a tough but appropriate response to the lobbying scandals of the other body.

We are still waiting for the majority of the other body to unveil their lobbying reform priorities. Had we waited for the response of the other body to lobbying scandals that affected the House, I believe we would not be standing before the American people today in the U.S. Senate addressing this issue. I thank Senator REID for his leadership on this measure and for taking positions that were not necessarily well received here in Washington but are essential to the confidence of the American people and the legislative process.

Bringing this bill to the floor is a next step in a longer process which has occupied directly two Senate committees—Rules and Administration and Homeland Security and Governmental Affairs. These reform efforts will eventually involve both the Senate and the House of Representatives. We should also consider whether such reforms should extend to the executive and judicial branches as we consider changes to ethics laws. Some of these matters clearly spill over, in my view. Since we are dealing with these matters, we ought not to necessarily just leave it to ourselves and the legislative branch to examine these issues but should consider whether they should apply to our colleagues who serve in the executive and judicial branches as well.

So let us be clear from the very outset about why we are here. There have been serious allegations made, and guilty pleas entered, regarding the criminal activities of certain Members of the House of Representatives and former staff and the activities of Jack Abramoff and his violations of current lobbying gift and ethics rules. Some of these abuses have involved spending earmarks or other special interests provisions. One House Member has already been convicted of criminal wrongdoing, resigned his seat, and has been sentenced to 8 years in prison on corruption charges. Senior House staffers have pled guilty to various violations. Others, including a political appointee of the Bush administration, have been indicted as well. I suspect more indictments will follow. By their guilty pleas, these individuals have acknowledged that they broke existing law, and I suspect that but for these activities, we might not have been dealing with the legislation that now brings us to the floor of this Chamber.

The Abramoff story suggests that he also engaged in activities that, while perhaps technically legal, were nonetheless clearly unethical. In government, we must hold ourselves to a standard of accountability that involves not only doing what is legal but also what is right.

As my colleague from Connecticut has noted, with this bill we have a chance to make what is clearly wrong also clearly illegal. Stricter enforcement of current laws and rules will go a long way toward addressing abuses, but we must also look to further reforms to reduce the risk of future wrongdoing. It is important to strengthen our current rules and procedures where we can to avoid future problems. So that is in a nutshell what we are about today and why we are here.

Let me share a little bit of history because, as my colleague from Mississippi has pointed out, these are not events but rather a process, and they began a long time ago. As he pointed out, there are any number of efforts that have been made on so-called reform efforts.

Regulating the relationships between Members and lobbyists is not something new. In 1876, the House of Representatives tried to require lobbyists to register with its Clerk, but enforcement was weak and not much came of those efforts more than 125 years ago.

In the early 1930s, Congress held hearings on lobbying abuses with very little result at all, and in 1938 the Foreign Agents Registration Act was enacted, followed by the 1946 Federal Regulation of Lobbying Act, the scope of which the Supreme Court soon narrowed. Additional reforms were implemented in the 1960s and then the Lobbying Disclosure Act of 1995 and the new Senate gift and travel rules followed.

I say this to try and place our efforts in historical context and to underscore that reform is an organic and dynamic process, not an event. So it is appropriate to review and reform existing lobbying laws, gift rules, earmarking, and other procedures periodically. It is especially necessary today in light of the most recent scandals that have hit this town.

Restoring the confidence of the American people in the legislative process requires it. If we fail here to come together to produce real reform, then we risk the further disillusionment of our fellow citizens and allow their confidence in Congress to erode further.

It is clear that real, enforceable ethics reforms do work. Ethics reforms have over the years worked to improve the way Congress operates. Conflict of interest rules, earned-income limits, lobbying disclosure laws, the McCain-Feingold law and honoraria ban—in both of which I was privileged to play a role in—and other key provisions have helped ensure greater transparency and accountability in the U.S. Congress. But we must do more, and we will in these coming days.

As the ranking member of the Rules and Administration Committee, with jurisdiction over elements of this bill that affect the treatment and obligations of Members of Congress, I have worked with my good friend, Chairman LOTT, and committee colleagues on both sides to craft a bill on issues within our jurisdiction. That bill has now been married on the floor with legislation from the Homeland Security and Governmental Affairs Committee, chaired by the distinguished Senator from Maine and the ranking member from my home State of Connecticut, Senator LIEBERMAN. These bills address the Lobbying Disclosure Act changes within its jurisdiction.

I hope ultimately we can craft an omnibus bill that will command broad bipartisan support and will be signed into law by President Bush. I think we have already come a ways in that direction. I have appreciated the cooperative posture of Chairman LOTT in developing this measure which was reported unanimously, as I mentioned earlier, by the Rules Committee. There were a number of amendments offered in the committee to strengthen the measure, and some were accepted and some rejected.

My colleague went down this list, but it is important that my colleagues know what we were able to include. I mention some of the reforms here: the ban on gifts from lobbyists, the requirements of additional reporting on meals as well. I might point out to my colleague from Mississippi, I suspect we may have already in effect, just established a ban on meals. Looking at the language in our own committee, the idea that people are going to be reporting every few days a $20 meal—I suspect most may decide it is not worth going through that. In fact, I may offer, at some point, to just make that a total ban on the meals altogether and avoid going through the process of having to list them on the Internet, which is what in effect we have accomplished in that provision of the bill.

The bill would also prohibit travel paid for by lobbyists and require prior approval of travel by the Ethics Committee. The bill requires for the very first time the disclosure of earmarks in bills, both appropriations bills and authorizing bills, and that imposes some complications, clearly, because an earmark authorizing bill may not be as clearly identifiable as one on an appropriations bill. In an appropriations bill you talk about Pascagoula, we talked about New London, CT. In an authorizing or tax bill it may describe "some business that employs a certain number of people located above the Mason-Dixon line" or something else. You would have to hire a scout or someone to go out and identify the specific entity that is being benefitted by that earmark. I suspect we are going to hear some conversation from our colleagues about how we are going to have to tighten it up. But the point the Senator from Mississippi was making in the Committee is this ought not be just appropriations matters. It ought to cover the spectrum where people parachute in a provision, particularly in a conference report, that had been neither considered by the House nor the Senate that ends up mysteriously in a bill.

If you try to take them out of that bill, by the way, when it comes back to the Senate, the entire bill in which they are located falls. None of us necessarily wants that to occur. Therefore a lot of these provisions have stayed in over the years. This is the reform being talked about here.

Our colleague from California, Senator FEINSTEIN, played a very critical role, with Senator LOTT, in drafting the provisions that incorporated the Rules Committee bill. I think most Members believe if the matter was not in the House or Senate and ends up in the conference report, that ought to be subject to a point of order and come out of the bill. While we may disagree on this point—I have heard my colleagues speak eloquently about it—we should be making sure the point of order would prevail so you don't have just a simple majority but require a supermajority vote to allow that to occur.

If it is that important, if the Member believes he had to put it in—and there may be such circumstances, by the way then the supermajority vote is appropriate. We have been around long enough to know what happens. We will pass an appropriations bill here, the House will do it, and then some event will occur, a hurricane, and then all of a sudden that is the only bill moving. So you want to put something in the bill. If it is on that level, then I suspect a supermajority of my colleagues will approve it. Nonetheless, real efforts are being made and our Rules Committee bill certainly dealt with that.

We also include a new point of order against the out-of-scope provisions. I mentioned that already. The bill would also require conference reports to be available 24 hours prior to the consideration on the Internet.

Again, some of these conference reports are mammoth. They would make "War and Peace" look like light reading when you see them. So having them for 24 hours is certainly going to be of some help.

It may shock Members or others to find out that these bills in many cases were not even printed at all. In some cases I remember over the years when we actually considered them. Nonetheless, I think that is a good step forward as well.

We eliminate floor privileges for former Members, officers, and Speakers of the House if they become lobbyists. It may be somewhat of a fine point, a piece of trivia. Members may not know this. Former House Members are not allowed on the Senate floor, but a former Speaker of the House is. That is the one former Member who is allowed in this Chamber. Most of our former colleagues certainly are not lobbyists, and those Members who have come back here do so infrequently, and it is always a pleasure to see them. But if you are a lobbyist, that raises a concern. I think the perception is such that we ought to keep people off the floor while they are engaged in that business—except under very special circumstances.

We require the disclosure of employment negotiations by Members and their staff prior to their departure from the Congress—again, something that I think is a good step forward. We also make it clear that efforts to influence employment practices of private entities on the basis of partisan considerations are a violation of the Senate rules. Again, this is going back to the so-called K Street project.

My colleague from Illinois, Senator DURBIN, raised this issue. There are already existing laws in the Criminal Code which prohibit certain of these activities. But my colleagues on the committee felt if it is already existing law we ought to make it clear, as well, that part of the rules of this place ought to be such that you cannot negotiate, on the basis of partisan politics, employment for people. I congratulate my colleague from Illinois for offering this language to address the K Street project.

Finally, Senator BEN NELSON of Nebraska offered an amendment, which was adopted, expressing the sense of the Senate that restrictions should apply to the executive and judicial branches as well. My hope would be we would do that.

My colleague from Mississippi has gone over a lot of this. The point being, we had an underlying bill. There were amendments offered. We strengthened the bill. This is not a perfect bill, but it is a good bill. It is a major step forward. I think, with the efforts made with the Homeland Security bill under the leadership of Senator COLLINS, we made a major step forward.

I anticipate some of those amendments that were rejected in our committee or ruled out of order may by offered on the floor. I may offer one or two of those amendments myself.

The most comprehensive amendment offered in Committee was one I offered on behalf of the Democratic Leader, Senator REID, which took key elements of the sweeping reform bill he developed in consultation with our Caucus, the Honest Leadership Act. That bill has served to help frame this debate thus far, and set a standard for real reform. It was rejected by the Committee on a party-line vote, which I regret, but some of its provisions were eventually adopted in Committee.

I know that additional key elements of this measure will be offered by various colleagues in the coming days. I suspect there will be some amendments to the government affairs committee portion of this bill, too, some of which were rejected in Committee, some withheld for the Floor debate.

That is at it should be. Many Members will have ideas to improve the bill here on the Floor, and I am committed to working with colleagues on our side to ensure their ideas get a full and fair hearing and, where necessary, a vote. Although the combined rules/government affairs committee bill offers a good framework, it is clear that the bill can and should be improved.

Efforts to strengthen this bill will be the focus of amendments by Members on our side going forward, both here on the Floor and in conference.

I won't try to summarize in detail what is in the new bill, which merges the provisions of the Rules Committee and Government Affairs bills. Our distinguished colleagues on the Homeland Security and Governmental Affairs Committee Senator COLLINS, Chair of the committee, and my colleague from Connecticut, Senator LIEBERMAN will be describing the provisions of their bill in detail. I ask consent that a brief section-by-section summary of the Rules Committee provisions be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. The Rules Committee bill deals with those issues governing conduct of Members, as per our jurisdiction. The bill includes reform of the gift rule to prohibit gifts from lobbyists. The Rules Committee-reported bill exempts meals from this prohibition, but does require that members and staff disclose any meals paid for by lobbyists, according to existing dollar limits.

This provision does not go far enough, in my opinion. While I recognize that much business is transacted over meals, members and staff can afford to pay for their meals at such meetings. If we are taking the step of banning coffee cups and candy from lobbyists, we should also ban the coffee and desserts.

Finally, let me say a few things about what I think is the elephant in the room on reform efforts. And that is the need to enact comprehensive reforms of the way we organize and finance campaigns in this country.

As I have said, gift and lobby reforms do matter, and are important. But while it is clear serious reform of the way some in Congress and their lobbying allies do business is needed, these changes alone won't address the core problem: the need for campaign finance reform which breaks once and for all the link between legislative favor-seekers and the free flow of inadequately regulated, special interest private money.

This is a much more significant issue than lobbying, gift and travel rules, or procedural reforms on earmarks and conference procedures and reports.

As my colleagues know, under current controlling Supreme Court precedents, including its landmark decision in Buckley v. Valeo, comprehensive reform can be accomplished either through full or partial public funding in return for a voluntary agreement by candidates to abide by spending limits. Failing that, an amendment to the Constitution to enable Congress and the States to impose mandatory spending limits is needed. The idea that we are going to adopt a constitutional amendment is remote at best.

I have fond memories of our former colleague from South Carolina, Senator Hollings, eloquently, year after year after year, beseeching this institution to adopt a constitutional amendment that would, I think, say something as simple as: For the purpose of Federal elections, money is not speech. I think that was the entire language of the amendment, or something like that.

I supported him on a couple of occasions because of the simplicity of us being able to regulate this without having to go to the alternative route, which is what we are going to be left with if we want some control, and that is public financing.

Some States have done that. Jody Rell, my Republican Governor, offered the language in Connecticut, adopted by the Democrat-controlled legislature. The State of Arizona has done it. The State of New Jersey, I think, has done some as well. So it is not without precedent, and it is the only other alternative we have, without amendment to the Constitution, to make an effort to try to reduce the kind of campaign spending problems we have.

My preferred approach would include a combination of public funding, free or reduced media time, spending limits, and other key reforms. Others will have different views and approaches. I appreciate that Chairman LOTT has recently responded positively to my urging of a hearing in our Committee on comprehensive campaign reform.

I hope this will be the first step in a longer process of developing a comprehensive reform bill, although it may be difficult to actually enact such reform in this election year. It took us years to enact the McCain-Feingold law. Hopefully, it will not take as long to enact a more comprehensive bill for public financing.

But let me offer a caution on this point. While I am equally committed to seeing Congress act to respond to the lobbying scandals of recent months and address the role of special interest and lobbyist money in campaigns, I believe we must move these reforms and campaign finance reforms on separate and independent tracks.

Real campaign finance reform is more complex than reform of lobbying rules. We must not slow lobbying reform by tacking on unrelated campaign finance measures, which many on both sides would see as a poison pill.

Chairman LOTT and I had a sort of tacit agreement that we would work to keep such campaign finance provisions off this bill in Committee. I would hope we can adopt the same approach throughout this process.

I suspect that will be difficult to achieve, since there will be those who seek to use this bill for partisan advantage. But I urge my colleagues, in the interest of enacting bipartisan lobbying reform, that we keep this bill relatively free of campaign finance provisions like 527 organization reform, tribal contribution changes, and others.

For myself, I think there is a real risk of weighing down this bill with so many campaign finance amendments that we will effectively kill it. I hope that does not happen, and I urge my colleagues to withhold campaign finance-related amendments until we get to a more appropriate vehicle for them to offer their ideas.

Let us hope we can make some progress on the campaign finance front. But I appeal to my colleagues on both sides, let us agree to do it separately from this bill, since adding these provisions could kill the very legislation that brings so many of us together.

Eventually, real campaign finance reform must address not just congressional campaigns but also the urgent need to renew and repair our Presidential public funding system as well, which has served Democratic and Republican candidates—and all Americans—for 25 years.

Some of us have pressed for comprehensive campaign reform for years. Current scandals offer a once-in-a-generation opportunity to address this issue in ways which both meet public demands for reform and the tests laid out by the Supreme Court since the Buckley decision.

The American public is way ahead of us on this issue. Too many people believe the interests of average voters are usurped by the money and influence of lobbyists, powerful individuals, corporations, and interest groups. Too many believe their voices go unheard, drowned out by the din of special interest favor seekers.

Our system derives its legitimacy from the consent of those we govern. That is put at risk if the governed lose faith in the system's fundamental fairness and its capacity to respond to the most basic needs of our society because narrow special interests hold sway over the public interest.

Most Americans would agree that the price of funding campaigns with clean money—so-called "disinterested" money—is a small price to pay to restore the confidence in our system. Comprehensive campaign finance reform, along with efforts to address the recent lobbying scandals, is necessary to return control of the process to the people to whom it belongs. That is what government of the people, by the people, and for the people has meant for over 200 years.

So, I end where I began, that is, with the concern about the confidence of Americans in Congress, our credibility, and the credibility of the legislative process being at stake. Let us not fool ourselves that these issues will ultimately be resolved without a fundamental overhaul of our campaign finances. I know when we eventually have this debate, the same tired arguments we have heard year after year will be trotted out in defense of the current system: Citizen funding is "welfare for politicians"; we spend more on toilet paper than we do on campaigns; and political money equals speech.

That is ridiculous.

Some will argue that we must not curtail the first amendment rights of citizens, including the wealthiest Americans, to engage in the political process. I say let us have that debate. I welcome it.

I think most Americans would agree that the price of public funding of campaigns with clean money, uninterested money, is a small price to pay to restore that confidence in our political process, and to return control of that process to the governed. It is time for the Senate to come forward with fresh, bipartisan ideas on how we finance our campaigns.

I thank the majority and minority leaders and the Chairs and ranking member of both of these committees for their courtesies in bringing this legislation forward. I certainly look forward to working with my colleagues over the next several days to conclude this process with a sound, strong piece of legislation.

We are here because of scandals that have wracked this town over the last number of days and weeks. We need to try to address those issues with this legislation. I believe we can.

Again, my compliments to my friend and colleague from Mississippi for his leadership, to Senator COLLINS of Maine, my colleague from Connecticut, Senator LIEBERMAN, and the respective members of these two committees—and to TIM JOHNSON and GEORGE VOINOVICH for the wonderful job they have done as leaders of our Ethics Committee in this body over the years.

With that, I yield the floor. I hope the chairman will maybe make such a proposal, but I suggest that we are going to be looking for amendments quickly. We are prepared to have time agreements on these amendments to allow for an adequate discussion of the proposal, and votes, if they are so needed. But if you will let us know what they are, we will help move this process along.

I want this debate to end this week. I think it can be done by Thursday. My goal is to have it done by Thursday. I ask the leaders to stay in session during the evenings, if we have to, to get the job finished. I hope that is not necessary.

Let us get amendments offered. Let us know what is on your mind, and we will line it up and see if we can't pass this bill by the end of the day on Thursday.

EXHIBIT 1

SUMMARY OF S. 2349, RULES COMMITTEE-REPORTED LOBBYING REFORM MEASURE

Reported unanimously 11-0 (with remaining 7 members voting in favor by proxy)

Sec. 1: Title: Legislative Transparency and Accountability Act of 2006

Sec. 2: Out of Scope Matters in Conference Reports—

provides for a point of order to be made against individual offending provisions, rather than the entire conference report;

if the point of order is sustained, the Senate will recede and concur with a further amendment (debatable question), which if agreed to, shall return the bill to the House for its concurrence;

provides that the point of order may be waived by a vote of 3/5 of the members (duly chosen and sworn) and that any appeal of a ruling of the Chair also requires a 3/5 vote to overturn.

Sec. 3: Earmarks (as amended by Sen. Feinstein)—

creates a new Rules XLIV on earmarks;

defines an earmark to be a provision that specifies the identity of a non-Federal entity to receive assistance and the amount of the assistance, with assistance defined as being budget authority, contract authority, loan authority, and other expenditures, tax expenditures, or other revenue items;

requires that all earmarks in any Senate bill, Senate amendment, or conference report, including an appropriation bill, revenue bill, and authorization bill, be identified by Member proposing the earmark and an explanation of the essential governmental purpose of the earmark; and

publicly disclose all earmarks on the Internet for 24 hours prior to consideration.

Sec. 4: Available of Conference Reports on the Internet—

amends Rules XXVIII to require that a conference report must be publicly available on the Internet for 24 hours prior to consideration;

requires the Secretary of the Senate to develop an website for such purpose.

Sec. 5: Elimination of Floor Privileges—

amends Rule XXIII to eliminate floor privileges for an ex-Senator, ex-Officer, and ex-Speaker of the House who is a registered lobbyist, foreign agent, or someone who is in the employ or representative of any party or organization for the purpose of influencing the passage or defeat or amendment of any legislative proposal;

allows the Rules Committee to provide regulations on exceptions for the rule for ceremonial functions.

Sec. 6: Ban on Gifts From Lobbyists—

amends Rule XXXV to ban gifts from a registered lobbyists or foreign agent;

EXCEPT for meals, which are allowed, under the current dollar amount limits, but must be publicly disclosed on a Member's website within 15 days of the meal.

Sec. 7: Travel Restrictions and Disclosure—

amends Rule XXXV to prohibit transportation or lodging to be paid for by a registered lobbyist or foreign agent;

require advance approval for the trip by the Ethics Committee;

require members to submit a certification to the Ethics Committee, provided by the sponsor of the trip, certifying that: the trip was not paid in whole or in part by a registered lobbyist or foreign agent and the sponsor did not accept funds from a registered lobbyist or foreign agent specifically earmarked for this purpose;

require members to submit to the Ethics Committee, certifying: a detailed itinerary of the trip: a determination that the trip is primarily educational; is consistent with the official duties of the Member, officer, employee; does not create an appearance of use of public office for private gain; and has a minimal or no recreation component;

30 days after completion of travel, the member, officer, or employee must file with Ethics Committee and the Secretary of the Senate a description of the meetings and events attended, the names of registered lobbyists who accompanied the member, officer, or employee (unless such disclosure would jeopardize the safety of the individual or adversely affect national security); and post the information on the Member's website;

amend Rule XXXV to require the disclosure of any flight on a non-commercial aircraft, excluding a flight on an aircraft owned, operating, or leased by a government entity taken in connection with the duties of the member, officer or employee;

report to the Secretary of the Senate, the date, destination, and owner or lessee of the aircraft, purpose of the trip, and persons on the trip (excluding the pilot);

amend FECA to require disclosure of similar information for flights taken by a candidate (except for the President or Vice President) during the reporting period;

amend Rule XXXV to require the Secretary of the Senate to publicly disclose all filings and require Members to post such filings on their official website within 30 days of travel.

Sec. 8: Post Employment Restrictions—

amend Rule XXXVII to prohibit highly compensated employees from lobbying the entire Senate, effective 60 days after enactment.

Sec. 9: Public Disclosure by Member of Employment Negotiations—

amend Rule XXXVII to require that a Member shall not directly negotiate prospective private employment until after the election for his or her successor has been held, UNLESS such Member files a statement with the Secretary of the Senate, for public disclosure, regarding such negotiations within 3 business days, including the name of the private entity(ties) and the date negotiations commenced.

Sec. 10: Prohibit Official Contract by a Lobbyist Spouse or Immediate Family of Member—

amend Rule XXXVII to prohibit a spouse or immediate family member of a Member who is a registered lobbyist, or is employed or retained by a registered lobbyist to influence legislation, from having official contact with the personal, committee, or leadership staff of that Member;

immediate family member means son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of the Member.

Sec. 11: Influencing Hiring Decisions (Sen. Durbin's amendment)—

amend Rule XLIII to prohibit a Member from taking, withholding, or offering or threatening to take or withhold an official act or the official act of another with the intent of influencing on the basis of partisan political affiliation an employment decision or practice of a private entity.

Sec. 12: Sense-of-the-Senate on Executive and Judicial Branch Employees (Sen. Nelson's)—

express the sense-of-the-Senate that any applicable restrictions on Congressional branch employees should apply to the Executive and Judicial branches.

Sec. 13: Effective Date: date of enactment, except as otherwise provided.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Maine.

Ms. COLLINS. Mr. President, let me begin by applauding both Senator DODD and Senator LOTT for their work on the membership part of this bill, and for the outstanding statements explaining the provisions and urging us to act.

Senator LOTT mentioned that the Rules Committee bill was reported unanimously, and that the bill that came out of our Homeland Security Committee was reported with only one dissenting vote. That is a remarkable show of bipartisanship. But to my colleagues in the Senate, it is probably more remarkable to see two Senate committees working together very carefully, outlining the jurisdiction of each committee and working in concert to produce a comprehensive and well-balanced piece of legislation.

Title I of this bill is the Rules Committee bill; title II is the Homeland Security bill.

Today the Senate begins consideration of the first significant lobbying reform legislation in a decade. The bills we are debating today and over the course of this week represent the good work of their sponsors, Senator MCCAIN and Senator LIEBERMAN—and Senator LOTT and Senator DODD as well—and the hard work of the two committees I have mentioned.

The committee I am privileged to chair, the Homeland Security and Governmental Affairs Committee, marked up the Lieberman bill this past Thursday. The committee reported out the measure, as I mentioned, on a 13-to-1 vote.

The issue we take up today is serious, and it is pressing. Recent scandals involving Jack Abramoff and Representative Duke Cunningham have brought to light Congress's need to strengthen the laws and rules governing disclosure, and to ban practices that erode public confidence in the integrity of government decisions. That is what this debate is all about.

We know that if we are to tackle the tough issues facing our country, whether it is entitlement reform or other vital issues, the public must have confidence that our decisions are not tainted by special interests and are not subject to undue influence.

I want to emphasize that all of us here today recognize that lobbying, whether done on behalf of the business community and environmental organizations or children's advocacy groups or any other cause can provide us with very useful information that aids but does not dictate our decisionmaking process. Indeed, lobbying is a right guaranteed by our Constitution—the right to petition our government. But, unfortunately, today the image of lobbying often conjures up images of expensive paid vacations masquerading as factfinding trips, special access that the average citizen can never have, and undue influence that leads to tainted decisions. The corrosive effect of this image—and in a very few cases the reality on the public's confidence—in the political process cannot be underestimated.

I think it is also important to emphasize, however, that the vast majority of people in Washington, the vast majority of elected officials care deeply about their constituents and this country, and are making decisions which they believe are in the best interests of both. Nevertheless, we in Congress have an obligation to strengthen the crucial bond of trust between those of us in government and those whom government serves.

At the committee hearing last month on lobbying reform, we heard from several of our colleagues. We heard from business and labor organizations that engage in lobbying. We heard from a representative of a lobbyist organization, and from public policy experts. I mention this because I want my colleagues to understand that we had a wide-ranging hearing that reached out to people with various views on how we could reform our lobbying disclosure laws. The package before the Senate, the comprehensive package of bills, represents the culmination of what we have learned.

Again, I thank Senators MCCAIN and LOTT for their leadership in the development of this bill, along with the ranking members of Homeland Security, Senator LIEBERMAN and Senator DODD. We have crafted a bipartisan package.

I also want to thank Senator RICK SANTORUM for convening a bipartisan working group to help us find some common ground on the principles that underlie both bills.

Before describing the details of the bill we reported last Thursday, I want to point out that the committees addressed only those issues within our jurisdiction—the Lobbying Disclosure Act and the Ethics in Government Act, and congressional organization. But here on the floor we have married the two bills to produce a comprehensive package.

Let me quickly run through some of the major provisions of what is now title II of the bill we are debating.

The first section of this bill, title II, will enhance the lobbying disclosure provision. It will require quarterly filings rather than the present semi-annual filing, and it ensures that the information is made available to the public on the Internet.

To facilitate this effort, it specifies that lobbyists must submit their filings electronically. This will ensure that the public information is widely available on a more timely basis. So our goal here is to have an easily accessible, transparent, and searchable database available on the Internet so the public is fully aware and able to access these reports.

To ensure timely disclosure, the substitute doubles the maximum penalty for noncompliance to $100,000.

To increase public confidence and enforcement, the legislation requires disclosure of reports to the Justice Department for enforcement. The enhanced disclosures will make the process of lobbying far more transparent to the public.

I note that the committee also adopted an amendment that would require the disclosure of so-called "grassroots lobbying efforts." I did not support this amendment because of my concern that we don't want to chill any effort to encourage citizens to contact their members of Congress, but I nevertheless appreciate the efforts of the sponsors of the amendment—Senators LIEBERMAN and LEVIN—to address some of the legitimate concerns and to craft it in a way that is far more focused than the original provisions in the underlying bill that was before our committee.

Section B of what is now title II focuses on enforcement of congressional ethics. In some cases, there have been concerns about the enforcement effort.

We have included provisions that will include auditing and oversight of lobbyists' disclosure filings by the comptroller general who will also provide recommendations on how compliance could be improved and to identify needed resources and authorities.

This section of the bill would also provide for mandatory ethics training for Members of Congress and congressional staff. It also includes a sense-of-the-Senate resolution that there should be greater self-regulation within the lobbying community. I am thinking of the kinds of self-regulatory organizations—SROs, as they are often called—such as the securities industry, for example, employs.

Subtitle C of our bill, now title II, addresses the revolving-door problem, whereby Members of Congress and high-ranking staff leave Government for jobs focused on the institution they had once served in. We made essentially two changes in this provision of the law.

First, we doubled the cooling-off period that applies to Members of Congress who become lobbyists. We require a 2-year cooling-off period rather than the 1-year that is in current law. The second important change we make is we prohibit those high-ranking former congressional staffers from lobbying the entire Senate—not just the office in which they once worked. Those are two significant provisions strengthening the revolving-door provisions of the bill that will help to promote public confidence in the integrity of decisions by ensuring there is not undue special access by people who have inside information. Those are important provisions.

I point out in response to a comment made by Senator DODD that we do extend these provisions to high-ranking members of the executive branch who are covered now by the revolving-door provisions of the Ethics in Government Act.

The next subtitle of the bill creates a commission to strengthen confidence in Congress. This is a proposal included at the recommendation of my friend and colleague, Senator NORM COLEMAN. It would establish a commission to review and make some additional recommendations if needed. The commission would report its initial findings and recommendation to Congress by July 1, 2006. This is not a big, longstanding commission. It is a commission that is expected to act quickly, where we take a look at the whole area and report back.

I am very proud of the hard work of the Senate Committee on Homeland Security and Governmental Affairs on this issue. We have produced a strong bill, a strong bill that significantly increases the disclosure, that toughens the revolving-door provisions, and that will make a real difference in increasing the oversight of ethics and lobbying.

However, we need to take another look at a provision that did not get included in the bill that was included in the mark that Senator LIEBERMAN and I put forward but was deleted as a result of an amendment. That is a provision to create an Office of Public Integrity within the congressional branch. I will be talking more about that later, but let me say that proposal by no means is an indication of disrespect for or lack of appreciation of the Senate Ethics Committee. We know the Senate Ethics Committee has a very difficult job and does a good job. The members who serve on it are individuals of great integrity. It address a problem of perception.

It is difficult for the public to trust us to set our own rules, investigate violations, act as jury and judge—which is what the current system is now. So we carefully crafted a proposal intended to strike a better balance while still recognizing and maintaining the preeminent role of the Ethics Committee. Regrettably, there was a lot of confusion about this provision in committee because it resembles a provision that has been introduced on the House side. But Senator LIEBERMAN and I modified that provision and came up with our own proposal that ensured that the Ethics Committee was involved in every step of the process. We will have a further debate on that issue, but I raise it now for the benefit of my colleagues.

Again, we can make a real difference by passing this bill which marries the two bills that were reported by the Rules Committee and the Homeland Security Committee. The Senate has a very important opportunity to make Government more transparent and more accountable. At the end of the day, the public is going to review this legislation and ask one question: Does it promote more public trust and confidence in the decisions we make? I hope when we have the final vote on this bill, we will see the same kind of strong, bipartisan support the legislation enjoyed in both the rules and the Homeland Security Committee.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I ask I be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. MCCONNELL pertaining to the introduction of S. 2370 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LIEBERMAN. Mr. President, I rise to express my strong support for the bipartisan Lobbying Transparency and Accountability Act which was reported out of the Homeland Security and Governmental Affairs Committee last Thursday and which forms a significant part of the combined Homeland Security Rules Committee bill that we are starting to consider today.

It is a pleasure to join in an unusual foursome, co-managing these two bills. It is always a pleasure to work with Senator LOTT and Senator DODD of the Rules Committee. And I am also delighted to work with the chairman of the Homeland Security Committee, Senator COLLINS.

With these two bills we now have the opportunity to vote on what I believe is the most significant lobbying and ethics reform in a generation. That means we in Congress now have a once in a generation opportunity to help restore our tattered reputation with the American public by moving swiftly and strongly to enact these proposals into law.

By ensuring full transparency for the legislative process and those who work within it, this legislation will directly answer many of the questions that have been raised about the relationship between Members of Congress and lobbyists, about the role of money in public debate and deliberations, and about whether results in Washington go to the highest bidder or to the greatest public good.

This bill draws back the curtain to let the sun shine directly and brightly on the lobbyist-lawmaker relationship for all to see, clearly and easily.

I thank my good friends, colleagues, and partners, Senators MCCAIN and COLLINS, for the work they have done to bring the legislation to the Senate. Senator MCCAIN, along with his Committee on Indian Affairs, and its ranking member, Senator BYRON DORGAN, conducted a hard-hitting investigation into the activities of the disgraced lobbyist, Jack Abramoff, helping to expose his criminal activities—in particular, his odious exploitation of Indian tribes. On the basis of that investigation, Senator MCCAIN then introduced the Lobbyist Transparency and Accountability Act, which I proudly cosponsored. Then Chairman COLLINS took up the banner in our committee and, based on Senator MCCAIN's bill, we drafted legislation and quickly brought it before the committee for markup. The bill we debate today is the product of those efforts.

Senate Democratic Leader HARRY REID and Senator BARACK OBAMA of Illinois have played critical leadership roles in pushing reform forward by introducing very strong legislation, the Honest Leadership Act, which earned the support of 41 Members of the Senate and really helped lay the groundwork for us here today. The backing of virtually the entire Democratic caucus helped move this significant legislation to the floor, and I am proud of that. In fact, this proposal from our committee contains most of the proposals laid out in the Honest Leadership Act. I look forward to supporting amendments to restore other provisions of the Honest Leadership Act that were left out of the legislation before us today.

Finally, thanks to Senator RUSS FEINGOLD of Wisconsin, who history will note was the first in this 2-year session to introduce lobbying reform legislation. He did it last year. Senator FEINGOLD is always a reliable ally when it comes to raising the public interest above special interests.

The abuses to which these bills respond, I want to stress, are the exception to the rule. Almost always lobbyists comply with the law and provide Congress with valuable knowledge and expertise. Whether they represent corporations, unions, trade associations or nonprofits, or the public interest groups that have actually lobbied us to pass this legislation, lobbyists are instrumental to the work that goes on here on Capitol Hill.

The Founding Fathers recognized the importance of such work when they enshrined, in the very first amendment to our Constitution, the right of all people "to petition the government for redress of grievances." We have to remember this when we legislate in this critically important and constitutionally elevated area. Lobbyists and the people they represent are exercising a constitutional right, and we have to, therefore, be careful, as we have been in this bill, to respect that right.

Nothing in the bill that has come out of the Homeland Security and Governmental Affairs Committee, or the Rules Committee, for that matter, improperly intrudes on the people's right to be represented in Washington. But there is an equivalent right of the public to a functioning form of government, and that must also be respected.

That is precisely what our bill does, by building on previous efforts in this area. The Supreme Court, long ago, made clear that the first amendment's guarantee of the right to petition the Government did not confer a right to do so in secret. In the 1954 case of United States v. Harris, the Court upheld the constitutionality of lobbying disclosure requirements and said those requirements were consistent with the first amendment. Let me read a passage from that decision:

> Present day legislative complexities are such that individual members of Congress cannot be expected to explore the myriad pressures to which they are regularly subjected. Yet the full realization of the American ideal of government by elected representatives depends to no small extent on their ability to properly evaluate such pressures. Otherwise, the voice of the people may all too easily be drowned out by the voice of the special interest groups seeking favored treatment while masquerading as proponents of the public weal. This is the evil to which the Lobbying Act was designed to help prevent.

Those words could not be truer today, when millions and millions of Americans, whether they realize it, are represented in our Nation's capital in some way by lobbyists, not just by those of us who are privileged to have been elected as Members of Congress. Whether they are teachers or steel workers, whether they are law enforcement officers or seniors, whether they are veterans or veterinarians, small business owners or big business executives—and the list of categories in this richly and extraordinarily pluralistic society could go on—people from all walks of American life—millions and millions of them—have paid representation in this city. That is lobbying.

In fact, as I suggested before, some of the strongest proponents of lobbying reform are registered lobbyists themselves, lobbying Congress to enact reforms such as those we are discussing today for the honor of their profession and, I might say, for the honor of Congress.

The number of lobbyists in Washington has exploded over the last decade. These are interesting numbers. The Congressional Research Service reported that over 30,000 people were registered as lobbyists in 2004, and that is an 86-percent increase over the number of registered lobbyists in 2000. The industry receives and spends enormous sums of money.

According to the Center for Public Integrity, $3 billion—$3 billion—was spent on lobbying activities in 2004. That is the last full year for which records are available. And that is double the sum that was spent 6 years before. That is big money. Add to these numbers the recent scandals and the perception too many Americans have of business in Washington as cash exchanging hands under tables or in back room deals, and we have a public cynicism that weighs down on this institution of ours and lobbying as a profession. It is a reality we have to recognize. And in these two measures brought before this Chamber by these two committees, we have a way to lift that weight.

So we find ourselves in a place where the current lobbying disclosure requirements are self-evidently inadequate, and ethics rules governing Members' interactions with lobbyists need to be tightened, especially with respect to gifts from lobbyists.

The Washington Post last December said that more than 80 Members of Congress and their staff were listed as having appeared to have accepted entertainment from a particular company, BellSouth, which exceeded congressional gift limits. Public knowledge of gifts exceeding the limits is rare because no disclosure requirements exist at this point. We are on a kind of honor system. And these provisions would change that.

So let me take a moment or two to talk about the measure that is before us to deal with these shortcomings, not just to respond to the cynicism brought on by the latest lobbying scandal—the Abramoff scandal—but to respond thoughtfully to shortcomings in the law and the rules as they exist, and to respond to deficiencies identified by the members of the Rules Committee and the Homeland Security and Governmental Affairs Committee.

The first thing the legislation from our committee would do is bring the lawmaker-lobbyist relationship into the age of the Internet. We mandate that lobbyist disclosure statements be made publicly available on a searchable Internet database, linked to the Federal Election Commission database of campaign contributions. We also require that disclosures be made quarterly instead of semiannually, as is now the case. Both of those measures will add significantly to the public's ability to monitor lobbyist-lawmaker interactions.

When combined with the Rules Committee's bill, we virtually see the elimination of gifts from lobbyists to Members of Congress and ensure that those small number that still are possible are fully disclosed. The Rules Committee bill bans all gifts, other than meals, from lobbyists to Members of Congress and their staff and requires Members to disclose on their Web sites any meals they do consume through the hospitality of a lobbyist. We, in turn, through our committee, have provided what might be called the "belt" to the Rules Committee's "suspenders" by ensuring that lobbyists must, for the first time, disclose all gifts over $20.

So the Homeland Security and Governmental Affairs Committee can regulate by law the behavior of lobbyists. The Rules Committee obviously regulates the Members of the Senate. These two bills together will ensure a very significant curtailment of these gifts and clear knowledge for the public for those gifts that are still given—remembering that the current rules prohibits any Member from accepting gifts worth more than $100 a year from a lobbyist. But disclosure has not been required up until this time for our gift rules.

The Homeland Security and Governmental Affairs Committee bill will increase transparency in a number of other ways. Lobbyists will, for the first time, have to disclose when they play any role in arranging travel for Members of Congress and executive branch officials. Lobbyists would have to disclose the purpose and itinerary of any trips, itemize expenses, and disclose all lobbyists and Members in the traveling party.

Again, this is a reaction to the notorious trips sponsored by Mr. Abramoff. He did not necessarily pay for those trips, but he was clearly organizing them and using other entities to pay for them, while avoiding the kind of detailed disclosure that our proposal would require.

We also require more disclosure about lobbyists' political campaign activities. Contribution of $200 or more to candidates, leadership PACs or parties—as well as fundraising events hosted or sponsored by lobbyists—would have to be reported on an annual basis under the Lobbying Disclosure Act. These disclosures are now available on FEC databases, but the data base is not easy to search. Chairman COLLINS and I believe this additional reporting requirement is a minimal requirement justified by the additional public disclosure.

To those who had concerns that the initial formulation of this provision unfairly forced employees who are registered lobbyists to tell their employers who they gave campaign contributions to, thus perhaps chilling their constitutional rights, let me assure you that the committee heard your concerns and responded. We no longer require that disclosure through employers but, instead, mandate direct disclosure from each lobbyist. We also make clear that the contributions that must be disclosed are the same ones already provided by campaigns to the FEC.

Our proposal takes another step forward to require lobbyists to disclose payments for events that honor Members of Congress or executive branch officials. We do not prohibit such contributions, but in the public interest we require that they be disclosed. This would include payments to organizations, such as charities, that are founded or controlled by Members of Congress.

Our proposal would increase incentives to comply with the law by doubling the civil penalty for noncompliance under the Lobbying Disclosure Act from $50,000 to $100,000. Also, for the first time, we prohibit lobbyists, by statute, from providing gifts or travel that do not comply with congressional ethics rules. This is a critical reform because, until now, there has been nothing in the law to stop lobbyists from giving Members or staff gifts that skirt congressional limits, as long as the Members and staff were willing to accept them. That is, the rules govern the behavior of Members and staff, but there is currently no law regarding the behavior of lobbyists. With this reform, lobbyists would continue that kind of behavior at their own, very serious legal peril.

Our proposal would also make greater demands on those who move back and forth between public service and lobbying. To avoid conflicts of interest, we would increase from 1 year to 2 the amount of time a former Member of Congress or a former high-level executive branch official must wait before lobbying his or her former colleagues. For congressional staff, we expand the 1-year cooling-off period to bar lobbying not just of the staffer's former office but of the entire House of Congress in which the staffer worked. Again, if the revolving door spins more slowly, so too will abuses.

I wish to take a few moments to address what has become a controversial portion of our legislation but, as Senator COLLINS indicated—though she did not support this amendment in committee—should not be seen as quite that controversial. One may agree or disagree, but I want people to understand clearly what we have done. Our committee, on a good, strong bipartisan vote accepted in markup an amendment offered by Senator LEVIN and myself in direct response to the Abramoff scandal that ignited the reform drive that brings us together today. Mr. Abramoff directed his clients to pay millions of dollars, the record shows, to grassroots lobbying firms controlled by himself and his associate Michael Scanlon, fees that were then in large part directed back to Mr. Abramoff in the form of payments, fees—one might say kickbacks. I believe if disclosure requirements had been in place, Mr. Abramoff and Mr. Scanlon would not have been able to pull off this scam.

In the past decade, orchestrated, paid-for, so-called grassroots campaigns have been a staple and important part of many lobbying campaigns. There is nothing wrong with this. The question is whether we ask for some minimal disclosure equal to the disclosure requirements on lobbyists other than grassroots lobbyists. Last year, for example, it was hard to miss the ads paid for by lobbyists urging voters to contact their Members of Congress to vote either for or against Social Security privatization. In the first 2 months of this year alone, 2006, candidates and interest groups have already spent over $92 million on television advertising. The nomination of Justice Alito, asbestos litigation reform, implementation of the Medicare Part D, and proposals related to telecommunications regulation all have generated massive media campaigns aimed at inspiring constituent calls, letters, and e-mails to Members.

Our proposal on this matter would, for the first time, require the disclosure of money received and spent by professional grassroots lobbying firms—that is, grassroots efforts paid for by lobbyists to generate major media campaigns, mass mailings, and large phone banks with the intent of influencing Members of Congress or the executive branch.

Let me say that again because I want my colleagues particularly to be clear about what this provision does and does not do. It does not ban or restrict grassroots lobbying of any kind in any way. That would be wrong. Grassroots lobbying is another important way for people to get involved in the process and let us in Congress know how they feel. The provision merely requires—in order to inform the public and prevent the kinds of abuses that the record now shows Mr. Abramoff was involved in through grassroots lobbying firms—the disclosure of the amount of money spent on this type of lobbying when it is done in professional campaigns. The controversy over this provision is, in my opinion, unreasonable because our bill will not inhibit any grassroots lobbying in any way. In fact, Senator LEVIN and I took extra steps from the original proposal to ensure that our proposal applies only to the larger professional efforts involved in grassroots lobbying.

For example, if the grassroots lobbying effort spends under $25,000 per quarter—in other words, less than $100,000 a year—it will not have to report at all. They are exempt. Money spent on communications directed at an organization's own members, employees, officers, or shareholders is also exempt from disclosure. So, an organization could retain a firm to communicate with its own members around the country and that would not have to be disclosed. And 501 (c)(3) organizations that already report grassroots expenses to the IRS will be allowed to report that same number under the Lobbying Disclosure Act, minimizing any alleged paperwork or accounting burden on these organizations. And while this may be self-evident, we have added words in the amendment to make clear that reporting is not required for voluntary efforts by the general public to communicate their own views to Federal officials or encourage other members of the general public to do the same.

Ten years ago, when Congress passed the Lobbying Disclosure Act, Senator LEVIN unsuccessfully fought for a grassroots lobbying disclosure provision. At that time he said such campaigns spend about $700 million per year. I would be surprised if that number hasn't at least doubled since then, and Congress and the public have no accurate picture of who is spending what to influence others to lobby us. Disclosure of paid grassroots lobbying is a long time past due.

Let me stress again, the reform we are debating here does nothing to abridge the right of all the people to petition their government. Its purpose is simply to bring the grassroots lobbying community out of the shadows and to ask it to make the same simple disclosure that all other lobbyists are required to do—basically, two numbers: the amount of money received and the amount of money spent, nothing more and nothing less than all other lobbyists are required to disclose.

During the markup in our Homeland Security Committee, some Senators and members of the committee asked whether the so-called 527 groups would be covered by this provision. The 527s are already required by law to disclose far greater amounts of information to either the IRS or the Federal Election Commission. The 527 groups are required, for example, to disclose the names of anyone who contributes more than $200 a year, and they must state the purpose of any expenditure over $500. Let's put to rest the notion that we are doing something about 527 groups here, because we already require far more of them than we are asking of grassroots lobbyists.

Another question raised in the committee was about whether a broadcaster, in particular a leader of a religious group, would be subject to grassroots disclosure requirements for urging his or her audience on radio or television to write or call Members of Congress about a particular issue. Of course not. This bill requires disclosure only by paid lobbyists acting on behalf of a client.

I have described what I think are very powerful provisions in this legislation to increase disclosure, to increase the transparency of the lobbyist-lawmaker relationship, and to slow down the revolving door between government service and K Street. I have heard some people say this legislation is not strong enough because our committee did strike from the bill a proposal Chairman COLLINS and I made for an Office of Public Integrity that would have been a new, independent repository of disclosure statements, with the power to investigate complaints and issue subpoenas. I want to talk about that in a moment. The fact is, even without that provision, which I still support, this is a very strong, transformational lobbying reform proposal.

The enforcement provision Senator COLLINS and I advocated in the committee would have helped restore the confidence of the American people. The ethics process, frankly, in the other body of Congress has been dysfunctional. I do believe we have a strong Ethics Committee in the Senate, and that is not the reason we put forth our proposal. We offered our proposal to increase the staff and professional support of our Ethics Committee and to create an independent place where investigations of complaints can be made so the public has no lingering suspicion that the ethics regulation of Members of Congress involves self-protection. That is the purpose of our proposal.

In addition to restoring public trust in the ability of Congress to police itself, the Office of Public Integrity that we proposed was designed to act as a monitor, reviewer, and watchdog of filings under the Lobbying Disclosure Act. Currently, lobbying disclosure forms are filed with the Secretary of the Senate. That office has fewer than 20 people to review filings—and they work hard; this is not to criticize them at all—compared to the 400 employees of the Federal Election Commission, which many people believe is also understaffed.

Here is the point: It is very hard for 20 people to adequately supervise and review the filings of over 30,000 lobbyists. That was another reason why Senator COLLINS and I submitted the Office of Public Integrity proposal. I believe this proposal is an important part of lobbying reform at this once-in-a-generation moment. We have put forth strong measures, in the bills reported by the Senate from the Committee on Rules and our committee, to enact increased disclosure, greater transparency, the virtual prohibition on gifts to Members of Congress, and elimination of any gifts without full disclosure. But I believe a better enforcement mechanism is a critical last component of true lobbying reform legislation. That is why some of us in the Senate will be offering amendments here on the floor along the lines of the proposal to create an Office of Public Integrity, which Chairman COLLINS and I offered in the Homeland Security and Governmental Affairs Committee. We will put forth amendments to strengthen the enforcement mechanisms of our proposed reforms to make sure those reforms are enforced.

I also intend to offer an amendment with Senator MCCAIN and others to curb privately funded travel. Currently when a Member of Congress or a candidate for office uses a private plane instead of flying on a commercial flight, the ethics rules require a payment to the owner of the plane equivalent to a first-class commercial ticket price. Senator MCCAIN and I and others believe that the current rule undervalues flights on noncommercial jets and provides an end-run on limitations on what corporations or individuals can contribute to Members or give us as gifts.

We believe it is time to update our rules to close this loophole, to base payment on the fair market value of chartering a plane.

I want to stress again, notwithstanding my intention to join with other colleagues on a few of these amendments that I believe will strengthen the measure, that the legislation before us from our committee and from the Rules Committee together present the Senate an opportunity to adopt a very strong bill, a bill with sharp teeth that I believe will reduce the influence of money in the legislative process and prevent the kinds of grotesque abuses to which Mr. Abramoff and Congressman Cunningham have now pleaded guilty. This legislation will not only shine sunlight on what we are doing here but will restore the balance of power where it belongs, in favor of the American people. I am confident that increased transparency, always described in this great democracy of ours as the disinfecting rays of sunshine, will discourage some of the abuses that have occurred. And when combined with the bill reported out of the Committee on Rules, we will be writing into law a near total ban on gifts.

Thus, to the extent that lobbyists do confer gifts or arrange for travel for Members of Congress, our constituents will be able to follow the activities of those Members of Congress on the Internet and will, I am sure, be kept well informed of these movements by our free and industrious press.

It has been said that information is power, not just knowledge. Information and, therefore, power is what we are providing the public in this legislation. These are dramatic and transformational steps that are included in both of these measures. I hope they will, together, give our constituents a renewed sense of faith in this institution. I urge my colleagues to support the legislation.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I commend the ranking member, the Senator from Connecticut, for his excellent statement and for his championship of this bill. He is a longtime champion of good government. It has been a great pleasure to work with him on this legislation.

I see that the Senator from Ohio is in the Chamber. I believe he has a unanimous consent request to speak as in morning business. As one of the managers of the bill, I inform the Chair that I have no objection to that request.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DEWINE are printed in today's RECORD under "Morning Business.")

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Parliamentary inquiry, Mr. President: We are still on the rules and lobby reform legislation?

The PRESIDING OFFICER. The Senator is correct.

Mr. LOTT. Mr. President, I do feel a need to put some statement in the RECORD about the issue of public financing of campaigns that was raised by my distinguished colleague from the Rules Committee, Senator DODD, earlier today. He talked about how he believes this is something we need to do, and he wanted to have some hearings in the Rules Committee on the public financing of campaigns issue, and I agreed that we would find a time to do that. It is always good to have a hearing and see how laws that are on the books are actually working or not working, so I will be glad to do that.

I thank Senator DODD and other members of the Rules Committee for the fact that we held the line. There were two or three amendments that were considered or were offered dealing with campaign finance law, and Senator DODD spoke against them. I ruled them out of order, and then we went on. So it was a cooperative effort, once again, that I am very proud of.

The day may come when we want to revisit campaign finance reform laws or the issue of public financing of campaigns, but this is not that day. I wish to make it clear that public financing of Senate and House races is totally a nonstarter as far as this Senator is concerned. Every year, the American people cast their vote on public financing with a resounding no. Nine out of ten Americans—90 percent—refuse to check off contributing to the Presidential election campaign fund. So what makes us think they would check off or contribute in some way through the Tax Code to our campaigns?

Our campaign financing laws may not be the best. One of the most difficult things about running for the Congress is you have to get out and raise a lot of money because it costs a lot to buy time on television or radio or billboards and all that goes into a campaign. So everybody complains about how much money it takes, but they expect you to get your message out there, and if you don't, you certainly won't get elected. But one thing I have always noticed is good candidates, men and women, all manage to raise enough money to get their message across.

I still have faith in political entrepreneurs and people contributing to the candidate of their choice. But for us now to go to some sort of a checkoff scheme for the public financing of congressional races, I don't believe the American people are ready to do that. First of all, how would you do it? How would you fund Independents and libertarians? In my own race, I have a libertarian opponent this year, and we have Independents who are running. I know the answer to that: the two parties would squeeze them out. They wouldn't have a credible chance, really. But that is just one of many problems.

In the 13 States that have checkoff schemes for public financing, and some of them were mentioned earlier today, participation has dropped from 20 percent to about 11 percent. That is nothing more than, in my opinion, welfare for politicians; one more thing that is expected to be controlled by, run by, funded by the Government, which is, after all, taxpayers' money. So I just want to say that I believe this is one of the all time worst ideas of the year.

I fought for 4 years against the McCain-Feingold legislation, but eventually, when we temporarily lost our majority over here and we had Democratic leadership, BCRA, campaign finance reform, McCain-Feingold, was passed.

My attitude was, look, we fought the good fight, we held it off for years, it finally passed, it is on the books, and it is the law. Let's at least see how it is going to work. It has only had one election cycle. I want to see how this system works.

I have joined with Senator McCAIN and Senator FEINGOLD in a bipartisan way saying: Well, wait a minute, we just barely got this thing done, let's see how it really works. I think it is going to be better than I thought it would in some respects and worse in others. For instance, what we have seen is that soft money that used to go to the parties, which I believe is where it should have gone, has oozed over into other areas.

That is why the Rules Committee last year voted to do real campaign finance reform when we adopted the 527 reform bill. That bill has languished on the calendar ever since because for some reason we can't get clearance to call it up, I guess. I don't know whether our leadership is really opposed to calling it up or whether the Democratic leadership has resisted, but the fact is that we reported it out of the Rules Committee on a bipartisan vote and it is on the calendar, it is waiting. So I hope that at some point we could consider that 527 freestanding, or if we ever have a hearing on campaign finance reform, 527 will be an important part of it. If we really want to do something that would affect how our campaigns are conducted this fall and in 2008, this is the place where we ought to do it.

These 527s involve a huge amount of money, mostly from rich people. They wind up in our campaigns against Republicans or against Democrats, and almost always attacking, and with no real disclosure of where this big money comes from. We know a lot of it on the Democratic side comes from I guess "moveon.org," or George Soros. We also know that on our side of the aisle, we have the Swift Boat Veterans that ran negative ads funded with 527 money against Senator KERRY when he was running for President.

That is just the beginning. Both parties are going to do this more and more, the amount of money is going to go up, it is the worst kind of sewer money, and it is going to embarrass both of us. We need to get a grip on this 527 area now because they are not reporting, they are not disclosing, and they are not subject to any limits on contributions. So I would hope that we would find a way to deal with this, and I can assure my colleagues that I am going to withhold on campaign finance reform, but if anybody offers a serious campaign finance reform amendment, I will second degree it with 527 because I believe we ought to be doing this anyway.

What we will require is that you have to register with the FEC. If you are involved with campaigns, why would you have to disclose what you are doing in a campaign? Now, is that a tragedy?

We had some language in the Rules Committee bill that is on the floor now that somebody said: Well, you know, if you require this group to disclose, that is an unfair punishment. Excuse me? To disclose and report your contributions or expenditures is punishment? I don't understand that. That is what I believe we ought to be doing here. The American people have a right to know how we raise our money, where we raise our money from, how much it is, and it needs to be reported early and regularly. Let them decide. If they don't like the way you raise your money, they can vote against you. That is the way to do it.

So these 527s are unregulated, not even registered with the FEC, and it also should be required that they be subject to hard money limits on what can be donated. So I believe the real danger is in this so-called 527 area.

The bill we reported provides exceptions for 527s whose annual receipts are less than $25,000, which consists solely of State or local candidates or officials, or whose activities exclusively relate to State or local elections and ballot initiatives.

There is justification for these exceptions when small amount of money are involved in trying to encourage people to vote on ballot initiatives and so forth. But these exceptions do not apply if a 527 organization transmits a public communication that promotes, supports, attacks, or opposes a Federal candidate in the year prior to the Federal election, or conducts any voter drive activities in connection with an election in which a Federal candidate appears on the ballot.

The bill would also require that at least 50 percent of the 527 organization's administrative overhead expenses would have to be paid for with hard money.

The time has come to put an end to this shift of power from political parties. By the way, what are they for? Political parties are legitimate arms to encourage people to run for office, to encourage people to get out and vote. They were getting soft money contributions which were not going directly to the candidates. We said, Oh, no, that is bad. Now it goes to these shadowy 527s that are setting the agenda in our election process.

I think this is a very dangerous area. I have told Senator DODD, and I will keep my word, I do not intend to offer an amendment on this. I hope the leadership would take that legislation up freestanding, separate from this bill. But if we get into a whole movement into the campaign finance reform, instead of the rules of the Senate with regard to gifts and traveling and so forth, this would be one of the issues that would come up. I wanted to put that into the RECORD.

HURRICANE KATRINA

Mr. President, seeing no other Senator wishing to speak, I wish to switch over to another area. I urge my colleagues to begin to think about another issue that I think is very critical. This, once again, relates to my part of the country and my home State with regard to Hurricane Katrina.

I have a long experience in dealing with disasters—five hurricanes, two tornadoes with major consequences, two ice storms, and a flood. I have been dealing with disasters since 1969 when Hurricane Camille hit my home area. I thought it was the worst disaster I had ever seen or the country would ever see. Yet we see now that Hurricane Katrina dwarfed Hurricane Camille.

Going back to 1969, we had not quite come to the thinking we have now, where the Federal Government is going to do everything for us. People on the Mississippi gulf coast were on their backs. We had been devastated by that hurricane. We didn't know how we were going to deal with it. The President of the United States flew into Gulfport, MS, and said, We will not forget you. Then they called in the Office of Emergency Preparedness, an independent agency accountable only to the President of the United States and headed by a military officer. He came down, set up offices, and it worked. Dealing with Hurricane Camille and the cleanup and the aftermath was the best after a disaster I have ever seen. The people in that area were awed and amazed, and appreciated what happened in the cleanup after that hurricane.

Now, 40 years later it is worse, not better. What happened? Why, 40 years later, have we not learned the lessons from previous disasters and the cleanup after those hurricanes so we would do a quick, efficient, effective job after hurricanes? One of my very bright young staff members said it is because it has been 40 years of accumulated bureaucracy. I fear maybe he is right. But I think it is maybe something more than that. Over the years we have evolved in emergency preparedness for natural disasters and the recovery afterward. We have gone through a number of changes in names and a number of changes in locations. We have had some good heads of the emergency entity and some not so good heads.

I remember the head of the emergency preparedness organization under President Clinton was a gentleman named James Lee Witt from Arkansas. He was excellent. He did a wonderful job. My dealings with him after one of the hurricanes in the 1990s could not have been any better. So it does partially depend on who the leader is at these entities.

But I remember sitting in the leader's conference room when we were setting up this huge, new behemoth, the Department of Homeland Security. We were discussing how big was it going to be, what agencies and departments were we going to merge into that big, new department. I remember we had quite a lengthy discussion about the Coast Guard because they wanted to put the Coast Guard in Homeland Security and some of us did not like that. Senators INOUYE and STEVENS and others put some language in there about how the Coast Guard would work in that department, so eventually we went along with it. I am not sure it was a good idea, but obviously the Coast Guard has done a good job since the hurricane and generally does a good job.

Then it came up how we were going to put the emergency management agency in this new Department of Homeland Security—FEMA. I remember I raised questions. I said wait a minute, I am not sure we want to wrap this agency in this huge bureaucracy. I am afraid they will get pushed aside or underfunded or neglected. Preparation for terrorist attacks and homeland security is very different from preparation for a natural disaster and recovery after a disaster.

But I was told no, they are totally related. When you are working on preparation for terrorism, homeland security, it definitely relates to emergencies of a natural disaster and the aftermath.

I said OK. And we did it; we created this monstrous department now that is so big, and has been going through the throes of organization and management. I think they have done a pretty good job. I thought Tom Ridge was a good Secretary of the Department of Homeland Security. I have not had a personal problem with Secretary Chertoff. It is difficult to do what they have been doing. But I must say, we were wrong. We should not have put FEMA in the Department of Homeland Security.

What has happened is that some of the people with FEMA, who are experienced heads, said: You know, we are going to get overrun. This is not going to be good. So the more experienced, qualified hands—I think a lot of them left. I found after Hurricane Katrina the agency was rife with bureaucracy. The chain of command—I don't know where it is. I guess it is nonexistent.

It is underfunded. There are inadequate funds, and it is undermanned. I think six of the nine regional positions of leadership are "acting" people; temporary.

I think we made a huge mistake when we moved FEMA into the Department of Homeland Security. I found repeatedly over the past 6 months they couldn't deal with debris removal. The degree of bureaucracy is mind boggling. Congress has to act, Treasury has to release the money, OMB has to say it is OK. The money goes to FEMA and then to the Corps of Engineers, and the Corps of Engineers gives it to the big contractor in Florida who gives it to the local contractors who give it to the small guy. By the time it gets to the guy who is actually moving the debris, he is getting $6 a cubic yard while the big contract is probably $21. It is a totally unworkable situation.

I found also when you talked to the leadership here in Washington, they may say the right thing and want to do the right thing, but it doesn't get to the FEMA person on the ground. They don't get the word. Or if they get the word, they ignore it. I don't know who they work for. I could cite so many horror stories you wouldn't believe it. It makes me cry to even think about it.

I have introduced legislation to do what I thought we should have done in the first place, and that is to have FEMA as a separate, independent agency, reportable only to one person, and that person is the disaster czar. It is the President of the United States.

For instance, I watched the talk shows on Sunday. There was some complaining that the head of FEMA was going around the head of the Homeland Security Department to talk directly to the President. Why, of course. Why not? Why would you have to report through layers and layers and layers, chain of command, to get to the big guy? It is ridiculous. The guy in charge of the disaster situation and recovery and cleanup and all that should be talking to the President of the United States. He should be directly involved—not in minutia, by the way, but in the grand picture. When you are dealing with disaster, somebody has to be in charge, giving orders.

I think I am going to be joined in this effort by other Senators from the region, including hopefully Senator LANDRIEU and Senator VITTER and my colleague from Mississippi. I know Senator CLINTON of New York has similar legislation. I invite my colleagues to take a look at it. It is coming. I don't know whether it will come out of the Homeland Security and Governmental Affairs Committee, but if it doesn't in a reasonable period of time, the first time we have an opportunity to offer this legislation, it will be offered as an amendment. I don't want to surprise people with it. I want you to think about it.

Believe me, the current bureaucracy has not worked. You don't want to get hit with this if you are from a coastal area, or an area prone to tornadoes or earthquakes or forest fires. You are going to need quick, decisive, unbureaucratic, adequately funded reactions where the chain of command is very short to make sure the job is actually done.

I will be back on the Mississippi gulf coast this coming weekend. I will see how we are doing. But I think it is not enough to just complain about what has happened. I am not trying to fix blame; I want to know how it is going to be better next week. I want to know how it is going to be better next year. My house will not be rebuilt in my hometown this year, but I am going to rebuild it. And the next time we have a hurricane, I hope we could get the Corps of Engineers to bulldoze the stranded houses that have effectively been destroyed in quicker than this time.

I wanted to put that on the record and encourage my colleagues to think about this. At some point you quit complaining and start taking action. You start dealing with the problems. Quite often, you know what I have found, the problem is not the bureaucracy or the department or the President or the Governor of some State—it is us. It is the way we write the laws—convoluted, unworkable laws that we put on the books. This is one case where we made a mistake. Let's fix it.

This legislation will put back an independent, freestanding agency, and that would be the right thing to do.

Mr. President, I believe we do have some votes. We will have, two or three votes, I believe the leader said, at approximately 5:30. I believe there will be some Senators who are coming over to speak on behalf of these judicial nominations between now and then.

For now I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the hour of 5 p.m. having arrived, the Senate will proceed to executive session for consideration en bloc of Executive Calendar Nos. 517, 518, and 519, which the clerk will report.

The bill clerk read the nominations of Timothy C. Batten, Sr., of Georgia, to be United States District Judge for the Northern District of Georgia; Thomas E. Johnston, of West Virginia, to be United States District Judge for the Southern District of West Virginia; and Aida M. Delgado-Colon, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

Mr. CHAMBLISS. Mr. President, I rise in support of the nomination of Timothy C. Batten, the President's nominee to be U.S. district court judge for the Northern District of Georgia. The Committee on the Judiciary wisely recommended that we consent to his nomination, and I join the committee in urging a favorable vote by all of my colleagues in this body.

Mr. Batten was nominated by President Bush on September 29, 2005, after Senator ISAKSON and I conveyed Mr. Batten's name for appropriate consideration. Mr. Batten is a native of Georgia and a resident of Atlanta. He graduated with honors from the Georgia Institute of Technology and cum laude from the University of Georgia School of Law. Since his graduation from law school, he has been with the Atlanta law firm of Schreeder, Wheeler & Flint. He specializes in commercial litigation representing both plaintiffs and defendants and has substantial trial experience.

Mr. Batten has distinguished himself among Atlanta lawyers and is held in high regard by judges before whom he has appeared, as well his colleagues at the bar, including opposing counsel.

Tim Batten is a devoted husband and father and brings to the Federal bench not only a wealth of legal experience but a dedication and commitment to the rule of law which is an essential qualification for any person who would serve in the Federal judiciary.

I know Tim personally. I am as excited as I can be about Tim being nominated by the President, and I look forward to his confirmation. I urge my colleagues to support his nomination. I look forward to his service on the Federal bench in the Northern District of Georgia.

I yield the floor.

Mr. ISAKSON. Mr. President, I rise in favor of the confirmation of the nomination of Mr. Timothy Batten, the U.S. district court for the Northern District of Georgia.

In doing so, I give sincere thanks to our selection committee and review committee in Georgia which interviewed all the potential candidates for this judgeship. My three appointees: Jimmy Franklin, Dr. Ron Carlson, and Mr. Ingram, have done a wonderful job in donating countless thousands of hours to see to it that the very best nominees were sent forward to the White House. I extend my thanks to them.

I extend my thanks to all those who submitted their names, and, in particular, Mr. Tim Batten, who has been selected by the President of the United States for this judgeship.

Over the last few years in terms of the judiciary confirmation process, offering oneself for a Federal judgeship in this country is not a walk in the park.

It is not a picnic. We are very fortunate in this country to have men and women of the caliber and the standing of Tim Batten who are willing to make the sacrifices for public service and offer themselves to serve this country.

Tim and his beautiful wife Elizabeth and their six children are truly an American success story. With his confirmation and the vote by this Senate tonight, we will be adding to the U.S. district court a competent, dedicated individual, dedicated to the rule of law, the principles of this country, and the Constitution of the United States of America.

As the junior Senator from the State of Georgia, I am happy and honored to commend to the entire Senate Mr. Timothy Batten as the next district judge in Georgia.

Mr. Batten was born in Atlanta, GA, received his undergraduate degree at the Georgia Institute of Technology in 1981, and his juris doctorate degree at the University of Georgia in 1984. He has practiced law in Georgia his entire professional career at the firm of Schreeder, Wheeler & Flint, and he and his wife Elizabeth have six children.

I know Mr. Batten is very well qualified and keenly aware of the responsibilities he is about to undertake. I know that as the Members of this Chamber have considered his nomination they have learned that that he will be a jurist who understands the value and the strength and the power of the Constitution of the United States of America, and a jurist who will rule based on the law, not legislate based on the position. Mr. Batten has exceptional qualifications, and I have every confidence that Mr. Batten is equal to the position he has been nominated for.

I ask unanimous consent that personal information on Mr. Batten be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TIMOTHY C. BATTEN, SR.

Birth: May 23, 1960, Atlanta, Georgia.

Legal Residence: Georgia.

Marital Status: Married, Elizabeth Parkman Batten, six children.

Education: 1977–1981, Georgia Institute of Technology, B.S. degree; 1981–1984, University of Georgia, J.D. degree.

Bar: 1984, Georgia.

Experience: 1984–present, Schreeder, Wheeler & Flint, LLP—Associate, 1984–1993; Partner, 1993–present.

Office: Schreeder, Wheeler & Flint, LLP, 1600 Candler Building, 127 Peachtree Street, NE, Atlanta, Georgia 30303–1845, 404–681–3450.

To be United States District Judge for the Northern District of Georgia.

Mr. ISAKSON. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, very briefly, we are about to proceed to a vote on three judicial nominees. In my judgment, they are all well-qualified. There is no contest. One of the nominees, Thomas Edward Johnston, currently serves as the U.S. Attorney for the Northern District of West Virginia. He has been nominated for the District Court for the Southern District of West Virginia and has an excellent academic and professional background.

Timothy C. Batten has been nominated to be a judge for the District Court for the Northern District of Georgia. He has been an active practitioner with the Schreeder, Wheeler & Flint law firm for the past 22 years. Again, I believe this nomination is not controversial.

Aida M. Delgado-Colon has been nominated to be a judge on the U.S. District Court for the District of Puerto Rico. She has been a magistrate judge since 1993 and has served with the Department of Labor in Puerto Rico, the Office of the Federal Public Defender for Puerto Rico, and as an adjunct professor at Pontifical Catholic University.

That is a very brief statement of these three nominees.

I yield to my distinguished ranking member, Senator LEAHY.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished senior Senator from Pennsylvania. I note that two of the nominees, one from West Virginia and another from Georgia, are represented in the Senate for West Virginia with two Democratic Senators, both of whom support the nominee. Georgia has two Republican Senators, both of whom support the nominee. They have been moved very quickly.

I mention this because the nominees are the 229th, 230th, and 231st of the judges nominated by President Bush to be confirmed. It shows when the White House works with Members of both parties how quickly they get filled. It is an indication when the White House takes time to work with Members of both parties to fill the judgeships, they move rather quickly.

This evening we will see three more of President Bush's nominees for lifetime appointments to the Federal courts confirmed. With these confirmations, the total number of the President's judicial appointees rises to 231, including the confirmations of Supreme Court Justices Roberts and Alito. This is an impressive number, considering the time that was needed to devote to the Supreme Court vacancies over the last year—President Bush made a series of three nominations for the successor to Justice O'Connor—and the administration's slow pace of nominations for much of this year.

Tonight's nominees come from West Virginia, Georgia and Puerto Rico. Thomas Johnston of West Virginia has the support of his two home-State Democratic Senators. Thomas Batten of Georgia has the support of his two home-State Republican Senators. The nominee from Puerto Rico was not opposed in the Judiciary Committee. These nominees, the 229th, 230th and 231st judges nominated by this President to be confirmed, show once again that when the White House works with Senators from both parties, vacancies on the Federal bench can quickly be filled. It is when the White House refuses to consult with the Senate, or having mentioned nominees' names, ignores the advice of the Senate, or chooses to pick a fight for partisan purposes, that we have trouble.

Considering how hard the Judiciary Committee has worked to uphold its part in the process of confirming judges, it is unfortunate that the President is not fulfilling the commitments he made to be a uniter and to complete his work in advance of vacancies. Even after these three nominees are confirmed, there will still be more than 50 vacancies in the Federal circuit and district courts. Despite the fanfare with which the President announced that he would be sending nominations for upcoming vacancies in advance and in no event later than 180 days after a vacancy, there are at least 24 current vacancies, nearly half, for which there is no nominee at all. Some of those 24 vacancies have been sitting empty more than a year. Over and over the White House has missed the deadline the President established for himself, and today, of the 24 vacancies waiting for nominees, 10 are already more than 180 days old.

If the White House would eliminate its partisan political and ideological litmus tests from the judicial nominations process, and focus only on qualifications and consensus, the job of selecting nominees and our job of considering them for confirmation would be much easier. As tonight's confirmations demonstrate, Democrats in the Senate have been cooperative.

I congratulate these nominees and their families on their confirmations.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I believe we are scheduled to vote at 5:30. My watch says 5:30.

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 having arrived, the Senate will proceed to the vote on the nominations.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Timothy C. Batten, Sr., of Georgia, to be United States District Judge for the Northern District of Georgia? The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Texas (Mrs. HUTCHISON), the Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. McCAIN), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Virginia (Mr. WARNER).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. JOHNSON), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Ms. STABENOW) would vote "yea."

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 31 Ex.]

YEAS—88

Akaka
Alexander
Bennett
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Allard
Allen
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Inhofe
Inouye
Isakson
Kennedy
Kerry
Kohl
Kyl
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Menendez
Mikulski
Baucus
Bayh
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Wyden

NOT VOTING—12

Biden
Clinton
Hutchison
Jeffords
Johnson
Landrieu
Lautenberg
Martinez
McCain
Murkowski
Stabenow
Warner

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a vote on the confirmation of Thomas E. Johnston, of West Virginia, to be United States District Court Judge for the Southern District of West Virginia.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the nomination of Thomas E. Johnston, of West Virginia, to be United States District Judge for the Southern District of West Virginia?

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Texas (Mrs. HUTCHISON), the Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. McCAIN), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Virginia (Mr. WARNER).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. JEFFORDS), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Michigan (Ms. STABENOW), are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Ms. STABENOW), would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 32 Ex.]

YEAS—89

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Kohl
Kyl
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Wyden

NOT VOTING—11

Biden
Clinton
Hutchison
Jeffords
Landrieu
Lautenberg
Martinez
McCain
Murkowski
Stabenow
Warner

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the Senate will vote on the confirmation of Aida M. Delgado-Colon, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

The question is, Will the Senate advise and consent to the nomination?

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate now resume consideration of S. 2320, the LIHEAP funding bill, and that the Kyl amendment be temporarily set aside so I may offer a first-degree amendment. It is amendment No. 2898. I further ask that following my statement on the amendment, the Senate then proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING AVAILABLE FUNDS FOR THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM, 2006—Resumed

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2320) to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

Pending:

Kyl/Ensign amendment No. 2899, to make available funds included in the Deficit Reduction Act of 2005 for allotments to States for the Low-Income Home Energy Assistance Program for fiscal year 2006.

AMENDMENT NO. 2898

(Purpose: To reduce energy prices)

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 2898.

Mr. INHOFE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Wednesday, March 1, 2006, under "Amendments Submitted and Proposed.")

Mr. INHOFE. Mr. President, this is simply what I have called the energy price reduction amendment. Each year proponents of LIHEAP funding complain that energy prices have increased and therefore more assistance is needed. Yet subsidizing high prices does nothing to lower prices. Increasing the funding for today's LIHEAP without acting to reduce the price of energy tomorrow is not an acceptable solution.

Home energy prices are excessively high because of two simple facts, two critical reasons: First, the demand for energy has increased along with the economic output. However, because natural gas is regarded as an environmentally preferable fuel, demand for natural gas has increased dramatically as more of it is used for electricity generation. We have gone through this with coal-fired plants. We have tried to have major advancements in clean coal technology, which we are doing right now. But right now, the one thing that is environmentally pure is natural gas and, for that reason, the demand is up. Second, with the rise in demand, the market should have responded with a corresponding increase in supply.

I have here a chart, and this is from the Energy Information Administration. Domestic production of natural gas has actually declined. Not many people understand this, that the supply has actually declined. So not only do we have an increase in demand, but the supply has reduced, as is pointed out in this chart. I want my colleagues to recognize that I am reporting clear facts. I am ignoring partisan rhetoric, relying on recognized, unbiased experts from the EIA, not from the New York Times, not from the industry representatives. The EIA's consumer guide, "Residential Natural Gas Prices: What Consumers Should Know," states that:

One of the most significant factors why prices are so high is due to weak production, noting that production decreased by only .6 percent in 2004, declining below the 2002 level and reaching the lowest production levels since 1999.

The fact is that demand has increased and production levels have not. As a result, our constituents—the very same residents desperate for LIHEAP assistance—are facing artificially high natural gas prices.

This chart is from the EIA. It illustrates how much residents of each of our States are paying for natural gas. Now I would encourage my colleagues to look and see what it is, and look at one of the higher elevations. It is from $16 in those regions there, all the way down to—I can't read it from here, but you can see it. It is such a disparity as you go around the Nation, and I think people need to know what their constituents are being forced to pay.

EIA data has shown that production of natural gas has decreased dramatically. The National Petroleum Council, which is a nonpartisan entity charged by the Secretary of Energy, concluded that significant gas resources were effectively off limits for various reasons.

The American Gas Association, a strong supporter of increased LIHEAP funding, came to the same conclusion. Both entities called for a better, more efficient process for producing natural gas.

My amendment provides a more certain process for energy-related decisionmaking on public lands. It requires the Secretary to act on an energy-related application within 120 days. If the application is not approved, then the Secretary must inform the applicant as to the reasons and allow the applicant to modify its application.

What is happening here is that these applications to produce on these lands, public lands, sit there and there is never any decision. Certainly it should be shorter than 120 days, but that should be adequate.

Further, it clarifies existing practice and requires that a reviewing court accord a rebuttable presumption to the Secretary's determination that an energy project as mitigated does not have a significant environmental impact. The recently enacted Energy bill included significant energy efficiency improvements. In fact, it included so many that EIA modified its energy projections in some ways to incorporate the new law.

My amendment would improve natural gas efficiency through the EPA's Natural Gas Star Program. This is a good program. It works, and it is being voluntarily complied with. Under my language, the EPA would be authorized to provide grants to identify and use methane reduction technologies, and the Administrator would be required to conduct a series of methane emission reduction workshops in oil and gas-producing States. The less gas that is leaked means more gas is available to consumers. It is a no-brainer.

The lack of sufficient domestic refining capacity has received significant media attention. The public understands that tight capacity translates to higher prices of motor fuels.

Yet some LIHEAP proponents might not realize that home heating oil, which the Northeast desperately needs, as you can see on this chart, is a middle distillate along with diesel fuel. Therefore, according to the Congressional Research Service:

> Because the residential and transportation sectors are in potential competition for the same part of the barrel, any unusual circumstances affecting the price and supply of one of these fuels affects the supply and price of the other.

Increasing refining capacity not only lowers the price of motor fuels but reduces the price of home heating oil as well.

Although States have a significant role in permitting existing or new refineries, they face particular technical and financial constraints when faced with these extremely complex facilities. It wasn't long ago that I authored the Gas Price Act, and it was one that never even made it out of my committee. Yet it would have dramatically reduced the cost of refining. Right now we are at 100-percent refining capacity in America. Yet nothing is being done about it. Quite frankly, those individuals who are feeling the heat the most, who are not getting the heat the most in the Northeast are the ones who objected to the Gas Price Act.

This amendment does not have the same provisions as the Gas Price Act; it merely establishes a Governor opt-in program that requires the EPA Administrator to coordinate and concurrently review all permits with the relevant State agencies. This program does not waive or weaken the standards under any environmental law that seeks to assist States and consumers by providing greater certainty in the permitting process.

In fact, the Environmental Council of the States—an organization representing the State environmental directors—stated in a letter of support for similar language that the language:

> Does not weaken the standards and allows each State to choose its best course.

This improved process does more than just increase the process for production of heating oil; it also redefines one's idea of a refinery. My amendment provides Federal assistance to States for the permitting of ethanol plants or bio refineries, as well as facilities to produce ultraclean diesel or jet fuel from coal.

Assisting the expansion of bio refineries and coal-to-liquids facilities provides even more slack in the system that will lead to lower home heating oil prices in the future.

In its consumer guide, EIA points out that prices could even increase if there were disruptions to liquefied natural gas pipeline delivery systems, two very real points, especially to my friends in the Northeast. Keep in mind that if you divide the country up into sectors, the Northeast uses 31 percent—31 percent of the people residing in the Northeast use home heating oils, that in contrast with the Midwest, 3.2 percent; the South, 2.1 percent; and the West, 0.7 percent. That is a huge disparity. They are the ones who are opposing the various things that we can do to refine the home heating oils as well as diesel fuel.

Something has to be done. You can't say we want to have cheaper energy, we want to have a LIHEAP program to make it more affordable for people in the Northeast, and yet the legislators in the Northeast oppose consistently any major changes in our refining capacity. As I said, we are already 100-percent refining capacity now, and that was before Katrina, I might add.

On the subject of liquefied LNG, I was astonished to learn that two members of the Massachusetts House delegation inserted a provision in the transportation bill in the dark of the night—I know this. I was the author of that bill—it happened in the middle of the night before it was taken up the next morning, to the detriment of the Northeast region. They slipped in a provision that blocks the construction of an already approved LNG terminal by maintaining an old bridge scheduled for demolition because it has been classified as a navigational hazard. This short-sighted stunt by a few Members means that the Northeast region will be deprived of supply that would reduce wholesale natural gas prices by up to 20 percent—up to 20 percent. It was an LNG already accepted terminal in Massachusetts.

My amendment repeals that offensive provision so harmful to the entire Northeast. Bipartisan Members of this body, from the senior Senator from Maine to the senior Senator from New York, interested stakeholders from the AARP to the National Conference of Black Mayors, have all expressed their concern over how high energy prices are hurting their constituents.

Members, voting for this amendment means you are voting to lower those prices. A vote for this amendment means you are voting to help the LIHEAP beneficiaries. This is something that makes so much common sense and something that is hard to understand here in Washington, DC. We have to do something about increasing the supply of natural gas as well as home heating oils through the refining capacity as well as doing something to affect the supply.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The Senator from Iowa.

HONORING A. ERNEST FITZGERALD

Mr. GRASSLEY. Mr. President, a patriotic civil servant is going home. Mr. A. Ernest Fitzgerald has finally called it quits. His 42-year career, including Navy service in World War II, came to a close on Friday, March 3. He has walked out of the Pentagon for the last time. He has retired.

Although Mr. Fitzgerald's first name is Arthur, most of us know him fondly under the name of Ernie. Ernie is probably the most famous whistleblower of all time, and I think of him as the father of all whistleblowers, the chief whistleblower. He set an example for all of the whistleblowers who have followed in his footsteps.

Ernie is a man of great courage and integrity.

I dreamed for a long time that someday some duly certified whistleblower would be honored by a President, even this President, at a Rose Garden ceremony. Ernie is a perfect candidate for such a Rose Garden ceremony, but I don't think that he is going to get that honor. It may never happen. At least it may not happen in my lifetime. But of course I believe it should happen because that would be the right thing to do, to send a signal from the highest levels of Government all the way to the bowels of the bureaucracy that patriotic people who are willing to blow the whistle on something that is wrong in Government would be honored for being that patriotic person.

Courageous souls such as Ernie Fitzgerald make our Nation and our Government stronger and better. They help to strengthen and keep the public trust. They help to make the Government transparent and accountable, and that is exactly what the citizens of this country want and what the citizens of this country ought to expect.

That is why we must always help whistleblowers such as Ernie Fitzgerald. Being a whistleblower is a tough business. They need our constant support and protection because within the bureaucracy they are treated like a skunk at a picnic. Those, such as Ernie, who have stepped forward and put their careers and reputations on the line in the defense of truth in Government deserve the highest honor.

Ernie did not make it to the Rose Garden, but he got pretty close. He got the next best thing. He left the Pentagon with his dignity and honor intact.

In a moment I want to explain how that happened. But first I wish to speak briefly about what Ernie did because he was always a source of inspiration to this Senator. Early in my Senate career, I heard about Ernie Fitzgerald. His work convinced me that I needed to get involved in oversight, generally, and at that time specifically oversight of the Defense Department, oversight of the Pentagon. Ernie's work, along with that of a person by the name of Chuck Spinney, was a huge contribution. They were the inspiration behind my historic amendment to freeze the Defense budget that was approved by the Senate in May of 1985. Ernie was the inspiration behind my efforts to put the brakes on the spare parts overpricing.

Ernie was also the inspiration behind my efforts to expose and clean up the Department of Defense books of account and broken accounting practices. Ernie was the inspiration behind so many whistleblower protection laws that are now on the books.

Ernie's unwavering devotion to saving the taxpayers' money has always been an inspiration to this Senator. Ernie never lost sight of this lofty and honorable goal, not for one second. And he would pursue it to the end of the Earth, if that is where it took him. To Ernie, saving the taxpayers' money was never just a goal. It was much more than that. It was more like a calling to him. It was a matter of faith to him, keeping faith with the taxpayers, stopping waste of taxpayers; money was a religion to Ernie Fitzgerald.

Ernie had fellowship with the taxpayers.

He did everything in his power each day to ensure that not a penny was wasted and every cent was properly accounted for.

Ernie followed his calling in a place called the Pentagon—not exactly what I would call a taxpayer-friendly environment. That is the place that the world's most powerful generals and admirals call home. And the generals and admirals never looked kindly on the likes of a whistleblower named Ernie Fitzgerald. But that didn't phase Ernie one bit.

The Pentagon brass is praising him today as he leaves the Pentagon for good, but they hammered him relentlessly for what he was and for what he did. The Pentagon is the place where Ernie dug in his heels, took his stand, and kept the faith.

The most fateful day in the life of Ernie Fitzgerald was November 13, 1968. That was the day Erie appeared before Senator Proxmire's Joint Economic Committee to testify on the C–5 transport aircraft program. He was an official witness of the U.S. Air Force. And Ernie did the unthinkable—he "committed truth." He told the Congress about a $12 billion C–5 cost overrun. Back then, $2 billion was real money.

Ernie's truthful testimony about the C–5 cost overrun created a firestorm of controversy, and that is what caused President Nixon to issue his famous order caught on those famous tapes. The quote was: "Get rid of that SOB." For speaking the truth, Ernie paid the ultimate price: He got fired, he got blackballed, and he was put on the official hit list. His career was over. And that was November 13, 1968. For speaking the truth—that is what it was all about, just speak the truth—about a $2 billion cost overrun on an airplane that somehow people wanted to cover up. As most of us know, though, Ernie got his job back, but it took him 12 years to get his job back. That is how much whistleblowers are appreciated in the bureaucracy at the Pentagon, or anyplace else. And when he did get it back, it was not given back willingly; it had to be taken back. It took a court order signed by U.S. District Judge William B. Bryant on June 15, 1982. That is 14 years after he appeared to talk about the C–5 $2 billion cost overrun.

Judge Bryant's order made Ernie the Management Systems Deputy of the Air Force. It was a high-sounding title with far-reaching responsibilities. On paper, it looked like a perfect fit. Unfortunately, Ernie was never given the authority to perform the job specified in the court order. The "over-dogs," as Ernie Fitzgerald called them, effectively isolated him then and the 25 years since. As far as I know, the only time Ernie was able to do his job was when he was officially detailed to my staff for short periods of time.

The last such project was 1997–1998 when Ernie worked with my staff on what we called the Joint Review of Internal Controls at the Defense Department. He and my staff examined several hundred invoices from an office in the Pentagon where fraud had occurred. They followed those invoices step by step through the entire cycle of transactions from purchase order to payment by the Treasury. They found overpayments, underpayments, erroneous payments, and even potentially fraudulent payments. No one payment had been done correctly.

One of the biggest problems uncovered had to do with "remit" addresses. Remit addresses are so important because that is where the money goes. The staff found people who were handling invoices and paying bills also had authority to put addresses on checks going out the door. That was a major violation of the separation-of-duties principle. It left the door wide open to fraud.

Ernie helped us close that door.

Despite constant bureaucratic roadblocks, Ernie went to his cubbyhole-size office day in and day out for all those 25 years. Each day, he did what he could to keep the faith and honor his commitment to those taxpayers.

Then came another fateful day: September 12, last year. That was the day Judge Bryant, after 25 years, pulled the plug on Ernie's court order, precipitating another crisis in Ernie's life and bringing us to this place in time.

I feel like we have arrived at a very important point in time. We didn't make it to the Rose Garden this time, but we came pretty close. So we are making progress. Maybe next time.

Earlier, I promised to explain how we came close to the Rose Garden. On Monday, February 27, this year, the inspector general at the Defense Department presented our most famous whistleblower, Ernie Fitzgerald, with the Distinguished Service Medal. I do not know if anything like this has ever happened before. As I said a moment ago, Ernie is retiring with honor and dignity. One person has made all this happen: Mr. Tom Gimble, acting inspector general at the Department of Defense. After Judge Bryant struck down Ernie's court order after those 25 years, it was readily apparent that Ernie was in another tight spot. However, Ernie was willing to retire under the right conditions.

Tom Gimble, as acting inspector general, seized the initiative. He took charge of the negotiations between Ernie and the Air Force. He kept them moving in the right direction. He did everything he could to ensure that Ernie was treated fairly and given the full protection of the law. Under his able leadership, those negotiations were brought to a successful conclusion.

Mr. Gimble effectively brought Ernie in under the protective umbrella provided by the Office of Inspector General. He gave Ernie a safe haven in the IG's building—a place to work. He had Ernie's entire collection of official records moved to that secure facility. With the help of a team of document specialists provided by Mr. Gimble, Ernie was able to get the job done.

All of his records now have been shipped to the National Archives—400-plus boxes in all. In time, Ernie's papers will be open to the American people. They will be able to judge Ernie's work for themselves.

From the beginning of this process to the very end, all sorts of little kinks kept popping up all along the way. But Mr. Gimble was always there ready to step in and help iron them out. Mr. Gimble is the first inspector general to personally reach out to Ernie and help him in such meaningful ways.

Mr. Gimble, I stand before all my colleagues and say thank you from the bottom of my heart for what you did to help Ernie in these closing days of his career—after 42 years working for the Federal Government. I thank you for doing what inspector generals should do. You did that.

And Ernie Fitzgerald, I thank you, too, for what you did and for your courage and dedication to make our Government stronger and better and to help restore the public trust. I salute you as a person who more Americans ought to follow, that one person determined to make a difference can, in fact, make a difference.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006—Continued

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate resume consideration of S. 2349, the lobbying reform legislation; provided further that the substitute amendment be agreed to, and that it be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2907) was agreed to.

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTRIBUTIONS OF JACK HANNA

Mr. FRIST. Mr. President, from the tender days of his youth growing up in Knoxville, Jack Hanna knew he was destined to work with animals. His commitment seemingly knew no limits as he would eagerly climb aboard public buses to nurture his budding interest by working at a local animal clinic for a meager $10 a week.

Yet back then, even he probably couldn't sense that his unique passion would one day blossom and inspire him to a career as an acclaimed author, television host and animal conservationist who would touch the lives of millions.

After stops at Muskingum College and then Florida, it wouldn't be long before the man now affectionately nicknamed "Jungle Jack" was serving as executive director of the Columbus Zoo in Ohio. When he first arrived, the zoo was in poor shape. Attendance sagged, and the animal habitats were outmoded.

Yet over time, molded by his steady hand, the zoo was gradually revitalized and restored. And with Hanna at the helm, the Columbus Zoo grew into the world-class facility it is today.

He maintains a relentless travel schedule—wearing a beaten path to exotic locales all over the globe. But no matter whether he is visiting with the bears and whales in the frigid arctic or the cheetahs in the lonesome wild of Africa, he remains fueled by a genuine love of animals and a deep passion for sharing the majesty of nature with children and adults in communities throughout the world.

No matter whether an animal prowls, stomps, slithers or crawls, Jack Hanna craves the opportunity to share its unique importance with any and all who will listen. He is a fervent advocate for conservation, and his efforts have broadened the horizons of untold millions of readers, listeners and viewers.

While Jack Hanna is no stranger to big name stages—he is a regular on mainstream media shows like "Good Morning America" and "The Late Show with David Letterman"—it is not the fame or excitement that has drawn him onto TV and into the homes of millions of Americans. Rather, it is the opportunity to educate people across the Nation about the magic and wonder of the animal kingdom.

He rejects the notion of his celebrity, insisting he serves only as an "ambassador for animals in the wild."

Not surprisingly, Hanna's altruism extends far beyond animal interests. He is passionate about addressing the needs of the human condition as well. He has shown a true commitment to helping communities in some of the most impoverished and war-torn regions of the world. During a recent taping in Rwanda, he reminded fans that "if you don't help the people first, you won't be able to help the animals, either."

Just last December he made a point of halting his manic travel schedule to share his love of animals with patients at the Walter Reed Medical Center right here in suburban Washington, DC. His eager and youthful style was a tremendous hit among the troops. The visit shared the healing presence of animals and buoyed some of our Nation's finest men and women's spirits.

The Knoxville News Sentinel aptly describes Jack as "a whirlwind of activity, always on the go." But looking beyond his busy exterior, it is clear to all that Jack Hanna is a man of deep humility and genuine compassion.

His work has heightened appreciation for untold numbers of animal species from all regions of the world. And his efforts have enriched the lives of humans and animals alike. He is a special individual and an embodiment of the Tennessee volunteer spirit.

NOMINATION OF JUDGE JACK ZOUHARY

Mr. DEWINE. Mr. President, I rise today to speak in strong support of the nomination of Judge Jack Zouhary, whom the President has nominated to be U.S. District Court Judge for the Northern District of Ohio. Judge Zouhary currently is serving on the Lucas County Common Pleas Court. His service there has been outstanding and is an excellent indication of the type of judge he will be on the Federal bench.

I would like to share with my Senate colleagues just a few of the numerous admirable qualities that make Judge Zouhary such an outstanding nominee. Both as a professional and as a person, he is exactly the sort of individual we want to be serving on the Federal bench.

Judge Zouhary grew up in Toledo. He is a first-generation American, whose parents immigrated from Lebanon to the United States and instilled in their son a respect for the values of education, religion, and community service. After graduating as the valedictorian of his high school, he attended Dartmouth College, where he received his undergraduate degree before returning to his hometown to earn his law degree from the University of Toledo College of Law. Judge Zouhary then embarked on what would become a long and accomplished legal career—a career with 30 years of legal experience that has given him the background and understanding of our legal system to successfully take on the role of a Federal judge.

He began his legal career with the law firm of Robison, Curphey & O'Connell, where he worked as an Associate and then as a Partner. During his 23 years there, he had a varied practice, representing individuals and businesses on a range of legal issues, with an emphasis on civil trial practice and corporate matters. In 2000, Judge Zouhary became the Senior Vice President and General Counsel for S.E. Johnson Companies, Inc., a large highway contractor and asphalt producer.

In 2004, Judge Zouhary accepted a position as "Of Counsel" with the law firm of Fuller & Henry. He remained with Fuller & Henry until 2005, when Ohio Governor Bob Taft appointed him to the Lucas County Common Pleas Court. In Ohio, the Common Pleas Court is the highest State trial bench and hears all major civil and criminal cases.

During his time as an attorney in private practice, Judge Zouhary distinguished himself as an excellent litigator and was honored by being selected as a member of the prestigious American College of Trial Lawyers. Membership in the American College of Trial Lawyers is by invitation only and is limited to the best of the trial bar.

Judge Zouhary has long been committed to the ideals of civility and professionalism in the legal field. Friends and colleagues often describe him as “a gentleman.” I agree with that assessment. He is well regarded for his honesty, his integrity, and his intelligence, and those who have known and worked with him through the years speak warmly of his even-temper and cordial demeanor.

Not surprisingly, given his interest in preserving a less combative approach to the law, Judge Zouhary frequently has presented lectures focusing on legal ethics and civility in the practice of law for Continuing Legal Education Seminars. His commitment to serving the community as a professional also is exemplified by his membership in the Toledo Rotary Club, as well as his participation in a broad array of other charitable activities, ranging from pro bono work for a local church to service at a community soup kitchen.

Judge Zouhary has certainly distinguished himself on the bench. He has worked diligently to clear a very large backlog of cases from his crowded docket and has made a good deal of headway in that effort. Most important, attorneys who have appeared before him—criminal and civil, prosecution and defense—speak in glowing terms of his talent, fairness, and excellent judicial temperament.

With Judge Zouhary's impressive record as a legal professional and community leader, it should come as no surprise that the American Bar Association was unanimous in giving him its highest rating of “well-qualified.” Judge Zouhary is in every way an outstanding nominee, who will serve the people of Ohio and of this country well.

Mr. President, I strongly support the nomination of Judge Jack Zouhary as a Federal District Court Judge for the Northern District of Ohio.

I thank the Chair and yield the floor.

HONORING OUR ARMED FORCES

MARINE CORPORAL ANDRE L. WILLIAMS

Mr. DEWINE. Mr. President, I rise today to pay tribute to a fellow Ohioan—an honorable young man who lost his life while protecting the freedom of others. Marine CPL Andre L. Williams died on July 28, 2005, when his convoy came under attack with small arms fire from enemy forces in Western Iraq. He was 23 years old.

Mr. President, Corporal Williams was a brave Marine from the Columbus-based Reserves' Lima Company, 3rd Battalion, 25th Regiment unit. Born on August 9, 1981, in Galloway, OH, Andre—fondly referred to as “Dray” by his friends and family—lit up the lives of his family and friends with his shining smile. As his older sister Robyn Williams recalled, “His smile was angelic. There's no other way to describe it.”

Andre was friendly, level-headed, and sensitive to those around him. He was always willing to help resolve disputes between the people he cared about. According to his friend Harry Cuccio, “It didn't matter what kind of mood you were in, if he was smiling you were smiling.” Many people described Andre as having infectious optimism. His mother, Mary, recalled that her son “loved to make other people laugh and make them feel good.” She also said that “if there was anything he could do to make someone's life better, that's what he would do.”

Mr. President, Andre Williams was an ambitious and determined young man, with a talent for drawing and a love for OSU football and the Cincinnati Bengals. Graduating from Westland High School in 1999, he hoped to attend college after his service in Iraq, and one day open his own successful night club.

Andre's brave spirit and unwavering patriotism compelled him to join the Marines after the September 11 terrorist attacks. He felt a strong duty to protect his country and his family—especially his young daughter, Lea Lea, and young son Dominique Juan.

Andre was loved by his family and by many close friends, evidenced by the over 300 people who attended his funeral service. It was standing room only. As Andre's father, Robert, remarked, “Seeing how many people he touched [was] unbelievable.” At the emotional ceremony, Andre's mother said that Andre was [her] hero before he ever joined the Marines, and now, he's the world's hero.

Andre's parents have two other sons in the military—Army SGT Robert Leslie and Air Force Technician SGT Robert Williams. Both were able to come to their brother's funeral. Two of Andre's other brothers, Kevin and Joshua, chose to wear Andre's dog tags instead of neckties.

One of Andre's best friends with whom he served in Iraq was Sergeant Justin F. Hoffman, who was among 10 Ohio Marines killed just 3 days before Andre's funeral. Justin had hoped to fly home and pay his respects to his close friend, but 5 days after Andre's death, Justin also lost his life. Robert Hoffman, Justin's father, attended Andre's funeral in his son's absence—a promise he made to Justin, just in case he wasn't able to return home for the services.

Another good friend, Ron Cunningham, expressed his appreciation for Andre's friendship. This is what he had to say:

> I would like to give thanks for Dray being such a good friend to me and to so many other people. He was a great person, and I am glad that he was a part of my life. He was very close to me, my family, and to my cousin who served with him in Iraq. You're a true hero my friend. It hurts that you're gone, but I know you're in a good place and don't worry, I'll see you again.

Teresa Norris, mother of one of Andre's best friends, Gary Norris, and his proclaimed “second mother,” offered thanks for Andre's heroic actions and reminisced about the special times they used to spend together. She has this to say:

> Dray, you are a true Hero, and will always be my Hero. How I will miss that beautiful smile, and our long talks. You will never be forgotten, honey. I am honored to have been a part of your life, and will keep you a part of mine forever. We love you and always will.

Mr. President, I would like to conclude my remarks with a poem that was posted on an Internet website in tribute to Andre. It is written by Tinisha Tolber of Galloway, OH:

> Though fallen, you are not forgotten.
> Remembered . . .
> In every American flag across the Nation.
> In every tear that your battle brothers cry.
> And, although freedom is supposed to be free,
> you have paid the ultimate price for
> the people like me.
> The government rewards you with a flag and
> a Purple Heart, but we pray for your
> families that have been torn apart.
> Rest in peace, Dray, knowing you are remembered always.

Mr. President, Andre leaves behind a loving family to cherish his memory: parents Mary and Robert; siblings Josh, Kevin, Rob, Robert, Brian, Robyn, and Roshonda; ex-wife Kirsten and children, Lea Lea and Dominique Juan. My wife Fran and I continue to keep them in our thoughts and prayers.

MARINE LANCE CORPORAL NICHOLAS B. ERDY

Mr. President, I rise today to pay tribute to a valiant, young, Williamsburg, OH, Marine named LCpl Nicholas B. Erdy, who was killed in Iraq on May 11, 2005. He was 21 years old.

A 2002 graduate of McNicholas High School, Nicholas—Nick to family and friends—was dearly loved by all who knew him. They say that Nick was special—that he was courageous, that he never complained, and that he had a knack for making his friends and family laugh. He also just loved being a Marine.

Nick's father, Bill, says that his son used to help him with his landscaping business, with talk of possibly working there full-time when he was older. But, after high school graduation, it was clear exactly what Nick wanted to do. He wanted to become a Marine.

A movie buff who loved his “muscle” car, Nick had always wanted to be in the military. He built forts as a child and read books on weapons and war strategies. His high school football coach, John Rodenberg, said that “Nick was a great kid, really focused on everything he was doing. . . . He [always] had a plan. He knew he wanted to go into the armed forces. He was focused on serving his country.”

Indeed, Nick was unfalteringly devoted to the Marines and to our country. Even his favorite holiday, not surprisingly, was the Fourth of July. Nick joined the Marines after graduation in 2002 and was in Iraq by March 2005.

He was killed on May 11, 2005, when his armored vehicle hit a land mine.

After Nick's death, family friend and former football coach, Patrick McCracken, reminisced about Nick, whom he first met when Nick was, as he put it, a "spindly-legged, somewhat awkward" seventh-grade football player with the Titans football team. During one game, the Titans were losing 46-to-0 at halftime when Coach McCracken decided to put Nick in the game and see if he could turn things around.

He said Nick was calm, in control, and flawless. "I'd stare straight into his eyes . . . expecting perfection out of a seventh-grade, eighth-grade kid—and I got it."

On an Internet tribute website for Nick, Coach McCracken wrote a heartfelt letter to him shortly after Nick was killed. This is what he wrote:

> Dear Nick:
>
> We have started football. I think of you every day. . . . You make me so proud. I need to find some quarterback who knows all my crazy signals like you did. I think we may have a couple. These new Titans are great kids, just like you. You are always in my heart. I promise to help take care of your mom, dad, Erin, Ashley, and other family members when they need it. I wish I was half the Marine you and the other guys are.
>
> We owe so much to you guys. We will stay strong for you. What is a Titan? He is a Marine—he is Nick Erdy. I love you, Semper Fi.

Mr. President, when Nick's body was brought home, the funeral procession—stretching two dozen vehicles long—passed under an arch formed by two ladder trucks from the Miami Township and Goshen fire departments. As the hearse rolled by, hundreds of people clapped and waved American flags. Elizabeth Hoskins, of Milford, was holding a homemade sign that read simply, "Nick's Our Hero."

Andrew Clements watched the funeral procession, as well. Though he never met Nick, he was touched by him and had this to say:

> I never had the privilege of meeting Nick, but over the past few days I feel like I have. He's simply a hero to everyone. I stood outside McNicholas High School while Nick's funeral was happening. The faces on the people said it all. Nick Erdy will never be forgotten.

Father Pat Crone of St. Xavier Catholic Church described well Nick's selfless nature and how his life made a difference to so many in so many ways. This is what he said:

> Nick is a blessing. We can celebrate this life, because it so important—because Nick was doing things so important. Freedom is important. A young man, who could have stayed back here with all the blessings of this country, decided to go and spread those blessings to those less gifted and lucky than us.

A resolution by the Ohio House of Representatives aptly tells us about Nick's life by stating:

> It is certain the world is a better place, his having been in it.

Without question, the world is a better place for Nicholas Erdy having been in it. Nick was the model of what we all hope our children will become. He was a young man with a sparking personality, a wonderful sense of humor, a compassion for others, and a dedication to his country.

A friend named Martin wrote the following in tribute to Nick and Dustin Derga, a fellow Ohio marine and friend of both, who was killed in Iraq three days before Nick:

> Derga and Erdy were the first guys I got to know when I joined the unit. They were all about having fun and enjoying life. Even in Iraq they seemed to make the worst situations turn into great ones. Their character is what made our platoon what it was. We were full of jokes, laughter, and memorable experiences. 1st platoon will never be the same without them and the others we lost. They were great guys, and they will be remembered in our hearts forever.

Nick was very proud of what they were doing overseas. However, his zeal for the military was tempered by his desire to be home to start a family with his fiancée and high-school sweetheart Ashley Boots. On December 29, 2004, a week before his unit left Columbus for training in California, Nick proposed to Ashley. They made plans to wed this past November, sometime after Nick's expected return.

Another plan following Nick's return was to go to Disney World with Ashley, fellow Marine Dustin Derga, and Dustin's girlfriend Kristin. In anticipation of the vacation, they had flipped through brochures and even watched a promotional Disney DVD. Back home in Ohio, their girlfriends couldn't wait for the trip. Ashley said that they just wanted to go someplace fun and relax. Tragically, these plans were never realized.

Dustin's girlfriend Kristin wrote the following to Nick:

> Hey buddy . . . I miss you. . . . I wish that I could be greeting you on Thursday so you, Ash, Dustin, and I could go to Disney. . . . It would have been so great . . . but you did your job. . . . You got your friends home safely and laid to rest as a hero. . . . You are a hero Nicholas Erdy—and we love and miss you every day. . . . You just better make sure Dustin is being good up there!

Yes, Mr. President, Nick Erdy and Dustin Derga are certainly both American heroes.

My wife Fran and I continue to keep Nick's parents Jane and Bill, his sister Erin, his fiancée Ashley, and the rest of his family in our thoughts and in our prayers.

THREE DECADES OF WATER LEADERSHIP

Mr. CRAPO. Mr. President, today is a significant day in the agriculture industry in southeast Idaho. Effective and judicious water management is critical to communities in Idaho. Allocation of this scarce resource, particularly in the extended drought over much of the last decade, requires a vision of the future, application of valuable experience and lessons learned in the past, and an appreciation of the wide spectrum of water users. Today, Ron Carlson, Snake River Watermaster of District No. 1, is retiring after over 30 years of service to southeast Idaho.

Ron revolutionized irrigated agriculture in Idaho, bringing it into the 20th century with the introduction of computerized accounting and data collection in 1978 and the creation of the Water Bank, a formal water renting process. Ron ushered in technological advances into irrigated agriculture that gave water administrators the capability to create a model of river flows and reservoir capacity that compares baselines of yearly conditions. This system allowed for unprecedented river management and water supply projections for the Snake River system in Idaho. Ron's extensive knowledge and wisdom has helped maintain a critical balance between the multiple demands on this system by all legitimate water users, from tribes to the State to local entities.

Ron not only has dedicated his life to managing critical natural resources in southeast Idaho, he has also carried on the tradition of his parents in reaching out caring arms to disadvantaged youth. It is this calling that he intends to pursue in retirement, managing the Pearl House Project in Idaho Falls, a full-service residential youth center for children in crisis. I am certain that his vast management knowledge gained from years as watermaster will serve him well in this endeavor. I congratulate Ron and his family on his retirement and wish him well. Idaho's agriculture community's loss is the youth of southeastern Idaho's gain.

WOMEN'S HISTORY MONTH

Ms. MIKULSKI. Mr. President, as Dean of the Senate Women, I rise on this day in Women's History Month to honor the unique contributions women have made to America since its beginning and to pay my respects to all the forgotten women who have served this country. Women's roles in history are often overlooked and undervalued. But we have shaped, and continue to shape, society—not only in terms of battles fought and won—but through great social movements.

Women were the driving force behind the abolitionists, who helped end slavery and fought for the fourteenth amendment. And, of course, women led the suffragist movement, which sought to curb domestic violence by ending drinking and gave women control of their lives with the right to vote. The list goes on and on—and it is still growing.

Last month, we said goodbye to a true pioneer for women's rights—Betty Friedan. Ms. Friedan opened Americans' minds to the possibility of a new role for women in our country with her book, "The Feminine Mystique." She provided the spark in 1963 to launch another movement for women's rights. And she kept that fire going—dedicating her life to fighting for equality, founding the National Organization for Women and NARAL, and cofounding the National Women's Political Caucus with Gloria Steinem and myself.

Last month, Maryland and the world also said hello to another female star in her own right—Kimmie Meissner of Bel Air, MD, who took sixth place in Olympic women's figure skating. Every March, we point to those women who have come before us and who have paved the way for current advances, but it is only right and proper that we also salute the ones who are making history as we speak and inspiring other young women to follow their dreams. This year, we salute Kimmie Meissner and the honor she brought Maryland and our great Nation with her talent, skills and sportsmanship.

The passion that inspired both of these women is the same that helped me to realize my own dreams—giving me the courage to break the glass ceiling as a social worker, a Baltimore City councilwoman, a U.S. Congresswoman and now as a U.S. Senator. That is why I sponsored legislation as a Congresswoman in 1981 to establish a Women's History Week and then in the Senate to expand the observance into Women's History Month in 1987.

As the first Democratic woman elected to the Senate in her own right in 1986, I have seen the Senate women grow to the nine Democratic women Senators and 14 total women we have now. Today, I am Dean of the Senate Women—welcoming and guiding women Senators when they first take office and building coalitions to get things done once they are here.

Together, we have been working to add to the legacy of women's history, and every year during this month we are especially reminded of our ongoing fight for equality. Since 1992, women Senators have tripled funding for domestic violence shelters, increased funding for child care by 68 percent and small business lending to women by 86 percent. And we have passed such important legislation as the Family and Medical Leave Act, the Violence Against Women Act, and the Breast Cancer Research Stamp Act.

One of the issues that has been most important to me is women's health. When I first came to the Senate, women's health wasn't a national priority. But since then I have helped to establish an Office of Research on Women's Health at the National Institutes of Health, to increase women's involvement in clinical drug trials, and to increase funding for breast cancer research by 700 percent since 1992. I will continue to fight to make sure that women's health remains a priority in the Federal checkbook and that women are not left behind when it comes to their survival.

This year in the Senate I have also been fighting to save American workers' pensions. Women are more likely to have either lower pensions than men or no private pension at all. That is why it is so important to make sure their retirement is secure. And that is why I fought with my colleagues to improve retirement security for women by ensuring better survivor benefits and better rights for divorced women in the new pension legislation.

Because women are less likely to have these private pensions, make less money than men on average, and are more likely to work fewer years than men due to family responsibilities, Social Security is also of particular importance to us. Last year, I successfully fought to protect Social Security from privatization so that women and all people are guaranteed lifetime, inflation-proof Social Security. I truly believe that privatization of Social Security would have been a bad deal for women and would have increased poverty among them. Whether mothers are at home raising children or in the workplace, Social Security must remain a guaranteed benefit, not a guaranteed gamble. That is why I will continue to stand sentry to keep the 'security' in Social Security.

And I will continue fighting to close the wage gap between men and women. Women make this country run—we are business leaders, entrepreneurs, politicians, mothers and more. But even in 2006, women who work full-time year round earn only 76 cents for every $1 their male counterpart makes.

There are many terrific accomplishments we have made and are continuing to make in the ongoing struggle for women's equality. I am so proud of the women who I serve with in the Senate and the work that we do, but I am reminded, especially during this month, that we can do more. Betty Friedan, Kimmie Meissner, and millions of women past and present serve as models for unwavering advocates for equality, justice, women and positive change. So during this Women's History Month I not only honor their courage and hard work, I vow to carry on their legacy.

ADDITIONAL STATEMENTS

A PROUD TRADITION

● Mr. CRAPO. Mr. President, I would like to recognize two outstanding young Idahoans who are here this week, getting a little taste of what it is like to work in and around the U.S. Senate. In the top 1 percent of Idaho students, Kortnee Hurless and Tenaya Pina, both from Camas County High School, were selected to participate in the U.S. Senate Youth Program this week. Kortnee and Tenaya have been able to attend policy addresses by Members of this body as well as Cabinet members, officials from the Department of Defense, directors of various Federal agencies, and will meet with a Justice of the Supreme Court.

Kortnee and Tenaya were selected for this program because they have demonstrated superior achievement and leadership at school and in their community. Idaho is very proud of these young women. Vision, purpose, commitment to challenging goals such as Tenaya and Kortnee have shown do not typically remain hidden in the background. I wouldn't be surprised to hear their names in leadership roles in the not too distant future. Past graduates of this 44-year program include my colleague, the distinguished Senator SUSAN COLLINS from Maine, Presidential advisers, and former Lieutenant Governor of Idaho, David LeRoy. Tenaya and Courtney carry on a fine tradition of Idaho's involvement in the leadership of our country at the high school level. I congratulate them on this tremendous achievement. They are shining examples of the abilities and promise of Idaho's youth.●

RECOGNITION OF THE MORMON TABERNACLE CHOIR

● Mr. HATCH. Mr. President, today I wish to recognize and pay tribute to the Mormon Tabernacle Choir in recognition of their 4,000th broadcast of "Music and the Spoken Word." This is the longest continuous broadcast on network radio and television in the history of our country.

"Music and the Spoken Word" first aired on July 15, 1929, using a single microphone for the organ, choir, and announcer. The first signal was given to the announcer and he began: "From the crossroads of the West, we welcome you to a program of inspirational music and spoken word." Now more than 75 years and 4,000 broadcasts later, those same words are spoken each week to start the broadcast on more than 2,000 radio and television stations and cable systems.

"Music and the Spoken Word" is the hallmark program of a choir that had very humble beginnings. The choir first began practicing and performing in an adobe building. It was accompanied by an organ that was shipped from Australia to California and then pulled by 12 mules across rugged terrain to Salt Lake City. This choir has definitely come a long way.

The list of accomplishments and honors the choir has accumulated is legendary and well deserving including Grammy and Emmy Awards, five gold records and two platinum records, induction into the National Association of Broadcasters Hall of Fame, two Freedom Foundation Awards, and the

National Medal of Arts. In addition, the choir has performed in 28 countries and 71 foreign cities for millions of people.

The choir is truly "America's choir" as so aptly described by President Ronald Reagan. Members have sung for every President of the United States beginning with President William Howard Taft. The choir has also performed at several Presidential inaugurations, including that of our current President George W. Bush, and in arenas and concert halls throughout America. The choir first made history when it participated in an experiment with Dr. Harvey Fletcher of Bell Telephone Laboratories in the first recording of his newly developed stereophonic, or multiple-track process. This was later demonstrated in 1940 at Carnegie Hall.

The Mormon Tabernacle Choir is comprised of 360 singers who are accompanied by an orchestra of 110 musicians—all volunteers. Choir members come from all walks of life and range in age from 25 to 60. They practice and perform weekly, and all share a love for music, faith, and service. The perfect blending of magical voices with the accompaniment of supremely talented musicians has provided inspiration and solace to millions and left a lasting imprint on souls throughout the globe. Choir members willingly give of their time and talents each week to brighten the lives of others.

Perhaps the most popular and requested song of the choir is its rendition of "The Battle Hymn of the Republic." The choir first recorded this in 1959 with the Philadelphia Orchestra and received a Grammy Award for its performance. You cannot listen to the choir sing this powerful song without feeling to the depth of your soul its majesty and power. It has stirred feelings of patriotism and love for America among audience members in every corner of our nation.

As you can see, the Mormon Tabernacle Choir is an extraordinary organization. Its members are wonderful Americans who voluntarily share their talents for the betterment of our society. Sir Thomas Beecham once said, "Great music is that which penetrates the ear with facility and leaves the memory with difficulty. Magical music never leaves the memory." I truly believe this choir has been creating magical music that will leave a lasting imprint on the fabric of America forever. I congratulate all of the staff, directors, and members of the Mormon Tabernacle Choir once again on their 4,000th broadcast and wish them continued success and majesty for many more years. May God bless the Mormon Tabernacle Choir.●

ON THE 125TH ANNIVERSARY OF THE FOUNDING OF SOUTH DAKOTA STATE UNIVERSITY

● Mr. JOHNSON. Mr. President, I rise today to celebrate the 125th anniversary of the founding of South Dakota State University. In a society where education is an essential asset, SDSU has been providing students with a high-quality, affordable education for generations. Graduates have gone on to be extraordinary community and professional leaders.

Founded in 1881 in Brookings, SDSU is South Dakota's only land grant university, and enrollment has now grown to more than 11,000 students. Charged with advancing agricultural and biological sciences, SDSU has constructed six biodiverse experiment stations, 14 interactive technology centers throughout the State, and extension specialists and educators in all 66 counties. SDSU is on the cutting edge of research in such important fields as agriculture, children's health, ethanol, and other renewable fuel sources.

SDSU is driven by a core of dedicated professionals. More than 70 percent of the instructors have doctorate or terminal degrees, and nine out of ten classes are taught by full-time professors. There are nearly 200 student clubs and organizations active on campus. In the sporting arena, SDSU recently made the jump to Division I athletics, competing with nationally recognized sports programs. Additionally, SDSU was the first university in the region to offer $4,000 over 4 years to any first-time student who scored 24 or higher on the ACT; this scholarship was termed the "Jackrabbit Guarantee."

In the arts, agriculture, sciences, and a score of other areas, SDSU is at the forefront of academic and cultural achievement. For 125 years, the university has helped students realize their potential through quality education and a positive social environment. SDSU students are equipped to succeed in a competitive world, delivering countless benefits to organizations and communities close to home and around the globe. With alumni as accomplished and varied as former Senate Majority Leader Tom Daschle to New England Patriots field goal kicker Adam Vinatieri, SDSU continues to live up to its motto: "You can go anywhere from here!"●

CONGRATULATIONS TO MICHIGAN OLYMPIANS

● Mr. LEVIN. Mr. President, I take this opportunity to congratulate all of the athletes who competed in the 2006 Winter Olympic games in Torino, Italy. The Olympics provides an opportunity for athletes from many different disciplines and from around the world to display their skill and determination on a world stage. It was truly gratifying to see so many athletes from across the globe come together in peaceful competition.

Throughout the Olympics and in the many years leading up to the games, athletes must make many personal sacrifices and embody the attributes of perseverance, hard work, and determination in pursuit of personal goals and Olympic medals. Michigan was represented by a strong group of athletes competing in seven different sports, winning five medals for the United States, including one Gold, two Silvers and two Bronze Medals. The accomplishments of these men and women are impressive and an inspiration for all of us. I am extremely proud of the men and women with ties to Michigan who competed in the 2006 Winter Olympics in Torino.

Michigan continued its long tradition of sending world-class athletes to the Winter Olympic games by sending more than three dozen athletes with ties to Michigan, many of whom benefited from spending time at the Olympic Education Center, OEC, at Northern Michigan University, NMU, in Marquette. The OEC, which currently trains athletes in boxing, short track speed skating, greco-roman wrestling, and weightlifting, has been an integral part of the success of many athletes since its inception in 1985. This year, 28 athletes who utilized these facilities represented the United States in these games.

One of the games' most memorable and historic moments was provided by Northern Michigan University speed skater Shani Davis, who earned the distinction of being the first African American to medal in an individual Winter Olympic event when he secured Gold in the 1,000 meter and Silver in the 1,500 meter. Continuing our strong speed-skating tradition, Alex Izykowski and fellow USOEC athletes J.P. Kepka, Apolo Anton Ohno, and Rusty Smith won the Bronze Medal in the 5,000 meter relay. Also representing the United States on the speed-skating track were Kip Carpenter and Anthony Lobello in the 500 meters and Kimberly Derrick in the 3,000 meter relay and the 1,000 meter. Derrick competed courageously in the 1000 meter after losing her grandfather the day before that event.

Tanith Belbin and Ben Agosto provided an especially gratifying moment in securing the first medal in ice dancing for the United States since 1976. Belbin and Agosto, skating in their first Olympics, won the highest medal the United States has ever received in ice dancing. Jamie Silverstein and Ryan O'Meara also represented the United States with grace and an abundance of pride. Training in Michigan at the same rink as Belbin, Agosto, Silverstein, and O'Meara were Canadian ice dance pair Megan Wing and Aaron Lowe. The U.S. pairs skating team of Marcy Hinzmann and Aaron Parchem from Bloomfield Hills demonstrated the skill and talent necessary to compete in this challenging sport.

The U.S. cross-country ski team included four Northern Michigan University alumni. First-time Olympians Chris Cook, Abby Larson, Lindsey Weier, and Lindsay Williams each took on the challenge of multiple events in one of the most grueling disciplines in the Winter Olympics. The Luge and Bobsled teams were led by Olympic veterans from Michigan. Waterford native Jean Prahm competed as the driver for the bobsled with partner Vonetta Flowers. Four-time Olympian and two-time medalist Mark Grimmette competed in the doubles luge.

The U.S. women's hockey team won the Bronze Medal by defeating Finland by a score of 4 to 0. Angela Ruggiero, a three time Olympian from Harper Woods, played in all five games as a defensemen, scoring two goals and tallying four assists to help the U.S. win the Bronze.

In men's hockey, Team U.S.A. was represented by Chris Chelios and Mathieu Schneider of the Detroit Redwings and by several other U.S. players with ties to Michigan, including John-Michael Liles, Derian Hatcher, Mike Knuble, Mike Modano, Brian Rafalski, Doug Weight, and Brian Rolston. Nine other Detroit Redwings participated in the Olympic games representing their home countries. Thomas Holmstom, Niklas Kronwall, Nicklas Lidstrom, Stefan Liv, Mikael Samuelsson, and Henrik Zetterberg provided the nucleus of the Sweden team that won the Gold. Robert Lang assisted the Czech Republic team to a Bronze Medal finish. In addition, Pavel Datsyuk represented Russia, and Kris Draper represented Canada.

I know I speak for all Michiganians in expressing appreciation and congratulations to all of the Michigan athletes, coaches, and administrators who took part in the 2006 Winter Olympic games. The games last a few short weeks, but the memories will be ingrained in the minds of all who saw them and shared vicariously in the efforts of these great athletes. For their commitment, drive, and competitive spirit, I congratulate all the athletes of the 2006 Olympic games, but it is with particular pride that I salute the athletes from Michigan.•

TRIBUTE TO OFFICERS FIGHTING AGAINST METH EPIDEMIC

CAPTAIN THOMAS M. JACKSON

SERGEANT STACEY MURLEY

• Mr. TALENT. Mr. President, today I wish to salute Captain Thomas M. Jackson and Sergeant Stacey Murley, Missourians who have valiantly fought against the meth epidemic and who strive every day to make their community safer from this drug menace. I commend each of them for their exemplary service, and join the Office of National Drug Control Policy in honoring them for their efforts.

Sergeant Murley, under the command of Captain Jackson, has run a chemical diversion task force that has disrupted the precursor market for meth cooks throughout the country. In the past 4 years alone, the task force has accounted for the seizure of over 300,000 cold tablets that were undoubtedly going to be used in the manufacture of methamphetamine. These cases have led to nearly a thousand arrests and hundreds of State and Federal cases. The members of the task force work daily to identify meth cooks as they shop at hundreds of stores throughout St. Louis County for common household items used to manufacture meth. Because of their dedication, these officers have been able to locate hundreds of clandestine labs in Missouri and Illinois.

Mr. President, the efforts of Captain Jackson and Sergeant Murley have been essential in fighting the proliferation of methamphetamine in Missouri and throughout the United States. I am honored to share their accomplishments with my colleagues, and I wish them all the best for the future.•

SHERIFF JOHN J. JORDAN

• Mr. President, I also salute Sheriff John J. Jordan, a Missourian who has valiantly fought against the meth epidemic and who strives every day to make his community safer from this drug menace. I commend him for his exemplary service and join the Office of National Drug Control Policy in honoring him for his efforts.

In 2000, Sheriff Jordan worked to establish the Missouri Sheriff's Methamphetamine Relief Team, MOSMART, in cooperation with Missouri sheriffs and regional task forces to fight the growing problem of methamphetamine in Missouri. The project continues to offer vital assistance to sheriffs and rural drug task forces in their fight against clandestine methamphetamine laboratories.

This program has helped to hire officers throughout the State and train them to investigate and dismantle thousands of labs across Missouri. Sheriff Jordan's advocacy has been instrumental in providing rural sheriffs' departments and local task forces with the resources they need to tackle the meth problem.

Mr. President, the efforts of Sheriff Jordan has been essential in fighting the proliferation of methamphetamine in Missouri and throughout the United States. I am honored to share his accomplishments with my colleagues, and I wish him all the best for the future.•

CAPTAIN KEVIN M. O'SULLIVAN

• Mr. President, I now salute Captain Kevin M. O'Sullivan, a Missourian who has valiantly fought against the meth epidemic and who strives every day to make his community safer from this drug menace. I commend him for his exemplary service and join the Office of National Drug Control Policy in honoring him for his efforts.

Captain O'Sullivan is the head of the Metro Meth Task Force, one of the oldest methamphetamine lab task forces in the State. This task force has been working meth labs for over a decade and has been a leader for other task forces in the State. The Metro Meth Task Force has formed great partnerships with numerous State and local agencies in Missouri and has worked with the State of Kansas in tracking meth lab operators across State lines. The Metro Meth Task Force is a shining example of cooperation in the fight against meth labs.

Mr. President, the efforts of Captain O'Sullivan has been essential in fighting the proliferation of methamphetamine in Missouri and throughout the United States. I am honored to share his accomplishments with my colleagues, and I wish him all the best for the future.•

CHIEF BRADLEY W. HARRIS

• Mr. President, I also salute Unit Chief Bradley W. Harris, a Missourian who has valiantly fought against the meth epidemic and who strives every day to make his community safer from this drug menace. I commend him for his exemplary service and join the Office of National Drug Control Policy in honoring him for his efforts.

In order to address concerns from multiple law enforcement agencies around the State about the problems associated with cleaning up meth labs, Chief Harris developed a State meth lab cleanup program that has developed into a national model. After securing funding from the EPA, Chief Harris established a program to ensure that the State of Missouri safely and legally removes and destroys the hazardous waste removed from meth labs. This program allows State and local officers who have received training to safely transport hazardous waste to 1 of 20 containers in the State that are operated by local fire and law enforcement officials and maintained by the Missouri Department of Natural Resources. Since the first container was opened in October 1998, the 20 containers have processed meth lab waste from 9,525 labs across the State. This accounts for 378.491 pounds of hazardous waste and has saved the State approximately $22 million over conventional waste handling.

Mr. President, the efforts of Chief Harris has been essential in fighting the proliferation of methamphetamine in Missouri and throughout the United States. I am honored to share his accomplishments with my colleagues, and I wish him all the best for the future.•

SERGEANT JASON J. GRELLNER

• Mr. President, I wish to salute SGT Jason J. Grellner, a Missourian who has valiantly fought against the meth epidemic and who strives every day to make his community safer from this drug menace. I commend him for his exemplary service and join the Office of National Drug Control Policy in honoring him for his efforts.

Sergeant Grellner, in his work for the Franklin County Sheriff's Office and the Franklin County Narcotics Enforcement Unit, has been influential in efforts to curb meth production. His unit within the sheriff's department has implemented many local and statewide programs aimed at stopping meth labs as well as ending and preventing addiction to substance abuse. These programs include CHEM, Companies Helping Eliminate Meth; PARTY, Peers Acting Responsibly in Teenage Years; the Franklin County Families in Transition Program; and the Anhydrous Ammonia Tank Lock Program.

Sergeant Grellner has contributed to the vigilant enforcement of meth laws in Franklin County, leading to the investigation and seizure of over 650 labs. As part of several State task forces and State and national coalitions, he has helped to bring together prevention, rehabilitation, and law enforcement experts to fight to keep Missouri safe from meth labs.

Mr. President, the efforts of Sergeant Grellner has been essential in fighting the proliferation of methamphetamine in Missouri and throughout the United States. I am honored to share his accomplishments with my colleagues, and I wish him all the best for the future.•

SERGEANT SONYA ZIMMERLE

• Mr. President, I salute SGT Sonya Zimmerle, a Missourian who has valiantly fought against the meth epidemic and who strives every day to make her community safer from this drug menace. I commend her for her exemplary service and join the Office of National Drug Control Policy in honoring her for his efforts.

In her current assignment with the Franklin County Sheriff's Department, Sergeant Zimmerle has assisted in the creation and maintenance of the Multi-Jurisdictional Narcotics Task Force and Drug Endangered Children Task Force, which have served as vital resources for numerous law enforcement and government officials in Missouri. Additionally, Sergeant Zimmerle has been an integral component of a multistate working group that has sought to address the proliferation of methamphetamine throughout the country and is responsible for disseminating significant information shared by the group's members and maintaining cohesiveness as the membership continues to grow.

Mr. President, the efforts of Sergeant Zimmerle has been essential in fighting the proliferation of methamphetamine in Missouri and throughout the United States. I am honored to share her accomplishments with my colleagues, and I wish her all the best for the future.•

MAJOR JAMES F. KEATHLEY

CAPTAIN RONALD K. REPLOGLE

• Mr. President, I also wish to salute MAJ James F. Keathley and CPT Ronald K. Replogle, Missourians who have valiantly fought against the meth epidemic and who strive every day to make their communities safer from this drug menace. I commend each of them for their exemplary service and join the Office of National Drug Control Policy in honoring them for their efforts.

As the current and past directors of the Missouri State Highway Patrol's Division of Drug and Crime Control, Major Keathley and Captain Replogle have been instrumental in bringing much needed training to State and local officers regarding the safe investigation and handling of hazardous materials involved with methamphetamine labs. Through a partnership with the Missouri Department of Natural Resources, the Missouri State Highway Patrol has been able to provide clandestine methamphetamine lab training to over 800 law enforcement officers throughout the country. They have been instrumental in securing funding to help fund local multijurisdictional task forces throughout the State.

As members of State and Federal narcotics agents' coalitions, they represent officers throughout the country who have been on the front lines of the meth battle for over a decade. Through this involvement, they have influenced the national debate on comprehensive methamphetamine legislation and assisted in passing the Combat Meth Act.

Mr. President, the efforts of Major Keathley and Captain Replogle have been essential in fighting the proliferation of methamphetamine in Missouri and throughout the United States. I am honored to share their accomplishments with my colleagues, and I wish them all the best for the future.•

HONORING ROCKY FLATS COALITION OF LOCAL GOVERNMENTS

• Mr. SALAZAR. Mr. President, I wish to honor and celebrate the accomplishments and service of an outstanding civic organization, the Rocky Flats Coalition of Local Governments. Having accomplished its task of working with Federal and State officials to transform Rocky Flats from a nuclear weapons facility to a wildlife refuge, the coalition will cease to exist on March 6, 2006. It is fitting that we pause to reflect on and to learn from the record of service and success of the governments and people of this coalition.

The Rocky Flats Coalition of Local Governments was established in February 1999 by agreement of the seven local governments that neighbored the Rocky Flats nuclear production site in central Colorado—Boulder County, Jefferson County, the city and county of Broomfield, the city of Arvada, the city of Boulder, the city of Westminster, and the town of Superior. The coalition was formed to serve as the representative of these local communities and to advise the State and Federal governments in the cleanup and closure of Rocky Flats and the future use of the site.

Since its inception, the coalition has provided an effective vehicle for communities to work together on issues such as workforce safety, outreach, and advocacy, as well as future use and long-term stewardship of the site. The Rocky Flats Coalition of Local Governments created a forum for governments and elected officials to come together to proactively discuss and address extremely complex issues and contributed to a rapid, successful, and cost effective resolution. The Rocky Flats Coalition of Local Governments has shown us by example what can be accomplished through effective advocacy expressed in a spirit of cooperation.

As Colorado's attorney general, I worked closely with the coalition to refine cleanup standards to better match community interests. Together, we developed strategies to address long-term management needs of Rocky Flats, issues concerning mineral rights, and other concerns central to the protection of Rocky Flats as an asset for future generations. The coalition also worked with Senator ALLARD and Congressman UDALL in developing and securing the passage of The Rocky Flats National Wildlife Refuge Act of 2001, one of their most significant achievements, and a milestone in the history of the Rocky Flats cleanup.

I rise today not only to recognize the Rocky Flats Coalition of Local Governments but also to celebrate the successful completion of its work and to acknowledge the significance of the coalition's accomplishments to the State of Colorado and to the Nation. The site has come a long way since the closure of the weapons plant that once stood there. After years of cleanup, hazardous material disposal, and rehabilitation, the Rocky Flats nuclear weapons facility is well on its way to becoming the Rocky Flats National Wildlife Refuge.

The dissolution of this coalition coincides with the completion of the physical cleanup and the beginning of the process to transfer oversight over much of the site from the Department of Energy to the U.S. Fish and Wildlife Service. As the focus of efforts shifts from cleanup to future management, the members of the coalition now join with other local governments, organizations, and individual representatives to form the Rocky Flats Stewardship Council, which will continue local oversight of postclosure plans for the site. The Stewardship Council will facilitate ongoing discussion between Federal and local officials and will ensure that the best interests of Colorado citizens will be served as Rocky Flats makes its transition to wildlife refuge.

For their devoted advocacy of the interests of fellow citizens, for the work they have done to ensure the safe and thorough cleanup of the Rocky Flats weapons facility, for the example that they have given us of what can be accomplished when governments work together, and for the tremendous success they have helped to achieve at Rocky Flats, I offer my sincere thanks and congratulations to the members of the Rocky Flats Coalition of Local Governments.●

RECOGNITION OF MICHIGAN'S ALEX "IZY" IZYKOWSKI

● Ms. STABENOW. Mr. President, I rise today in recognition of Michigan's own Alex "Izy" Izykowski and to pay tribute to his recent accomplishment in winning a bronze medal in the 5,000-meter short track relay at the 2006 Winter Olympics in Turin, Italy.

I join my colleagues and everyone across the great State of Michigan in honoring Izy's outstanding representation of his team, his State, and his country. Izy's medal winning performance on behalf of Team USA was the culminating achievement of an athlete's career that has embodied the finest in both the American spirit and the Olympic ideal.

From his earliest days as a member of the Bay County Speedskating Club, Izy's career has stood as an example of excellence. His hard work, dedication, and focus have resulted in success at every level of his sport, leading to Izy's stellar performance last week in the pinnacle of athletic contests, the Olympic Games.

It is not just Izy's success on the speedskating track, though, that I stand to pay tribute to today. Izy's journey to the Olympic medal podium has been one that makes us all proud. The manner in which this fine young man has conducted himself should stand as an example to all of us and as a tribute to the support and love of his family. The Izykowski family, and the extended family of Bay City, should take special pride in knowing that they played an essential role in molding a young man who truly embodies the Olympic creed: "The most important thing in the Olympic Games is not to win but to take part, just as the most important thing in life is not the triumph, but the struggle."

I rise today in honor of Alex Izykowski's bronze medal winning performance at the 2006 Winter Olympics. Success in a sport as physically and mentally demanding as short track speedskating requires years of dedicated and regimented training focused into intense bursts of incredible effort. The personal sacrifice, self discipline, and competitive spirit required to earn an Olympic Medal are attributes to which we should all aspire and Izy clearly embodies all of these qualities. It is because of young men and women like Izy that I remain confident in the continued success of our great State and Nation. I honor Izy for representing the values that are so essential to our Michigan way of life on the world stage.●

DRAFT OF PROPOSED LEGISLATION ENTITLED "LEGISLATIVE LINE ITEM VETO ACT OF 2006"—PM 42

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Budget:

To the Congress of the United States:

In my State of the Union Address, I asked the Congress to give the President a line item veto. Today, I am sending the Congress a legislative proposal to give the President line item authority to reduce wasteful spending. This legislation will help to limit spending and ensure accountability and transparency in the expenditure of taxpayer funds.

Although the Congress achieved significant spending restraint this past year, appropriations and other bills that are sent to my desk still contain spending that is not fully justified, is a low priority, or is earmarked to avoid the discipline of competitive or merit-based reviews. When this legislation is presented to me, I now have no ability to line out unnecessary spending. In 1996, the Congress gave the President a line item veto—an important tool to limit wasteful spending—but the Supreme Court struck down that version of the law in 1998.

My proposed legislation, the "Legislative Line Item Veto Act of 2006," would provide a fast-track procedure to require the Congress to vote up-or-down on rescissions proposed by the President. There has been broad bipartisan support for similar proposals in the past. Under this proposal, the President could propose legislation to rescind wasteful spending, and the Congress would be obligated to vote quickly on that package of rescissions, without amendment. The same procedure would apply to new mandatory spending and to special interest tax breaks given to small numbers of individuals.

Forty-three Governors have a line item veto to reduce spending. The President needs similar authority to help control unjustified and wasteful spending in the Federal budget. I urge you to promptly consider and send me this legislation for enactment to reduce unnecessary spending and help achieve my goal of cutting the deficit in half by 2009.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 6, 2006.*

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on March 3, 2006, during the adjournment of the Senate, received a message from the House of Representatives announcing the Speaker had signed the following enrolled bill:

S. 1777. An act to provide relief for the victims of Hurricane Katrina.

The enrolled bill was subsequently signed during the session of the Senate by the President pro tempore (Mr. STEVENS).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 6, 2006, she had presented to the President of the United States the following enrolled bill:

S. 1777. An act to provide relief for the victims of Hurricane Katrina.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5884. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Honeywell International Inc. T5309, T5311, T5313B, T5317A, T5317A-1, and T5317B Series, and T53-L-9, T53-L-11, T53-L-13B, T53-L-13BA, T53-L-13B S/SA, T53-L-13B S/SB, T53-L-13B/D, and T53-L-703 Series Turboshaft Engines" ((RIN2120-AA64)(200-NE-01)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5885. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2 and B4 Series Airplanes" ((RIN2120-AA64)(2005-NM-016)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5886. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems Limited Model BAe 146-100A and -200A Series Airplanes" ((RIN2120-AA64)(2005-NM-083)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5887. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; McDonnell Douglas Model DC-9-14, DC-9-15 and DC-9-15F Airplanes; Model DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes; Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) Airplanes; Model MD-88 Airplanes; and Model MD-90-30 Airplanes” ((RIN2120-AA64)(2002-NM-105)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5888. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Gulfstream Aerospace LP Model Gulfstream 100 Airplanes; and Model Astra SPX, and 1125 Westwind Astra Airplanes” ((RIN2120-AA64)(2005-NM-120)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5889. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment to Jet Route J 158; ID” ((RIN2120-AA66)(Docket No. 04-ANM-26)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5890. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Prohibited Area P-50; Kings Bay, GA” ((RIN2120-AA66)(Docket No. 03-AWA-5)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5891. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class C Airspace and Revocation of Class D Airspace, Orlando Sanford International Airport, FL; and Modification of the Orlando International Airport Class B Airspace Area, FL” ((RIN2120–AA66) (Docket No. 04–AWA–8)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5892. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Modification to Class E Airspace; Del Rio, TX” ((RIN2120–AA66) (Docket No. 2005–ASW–18)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5893. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Modification of the Minneapolis Class B Airspace Area, MN” ((RIN2120–AA66) (Docket No. 03–AWA–6)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5894. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Area Navigation Routes; Southwestern and South Central United States—CORRECTION” ((RIN2120–AA66) (Docket No. 05–ASW–2)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5895. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Area Navigation Routes; Southwestern and South Central United States” ((RIN2120–AA66) (Docket No. 05–ASW–2)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5896. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class D Airspace, Modification to Class E; Rogers, AR” ((RIN2120–AA66) (Docket No. 2004–ASW–12)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5897. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class D Airspace; Front Range Airport, Denver, CO” ((RIN2120–AA66) (Docket No. 05–AWP–13)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5898. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Nondalton, AK” ((RIN2120–AA66) (Docket No. 05–AAL–25)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5899. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Tok Junction, AK” ((RIN2120–AA66) (Docket No. 05–AAL–29)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5900. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Arctic Village, AK” ((RIN2120–AA66) (Docket No. 04–AAL–06)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5901. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Hillsboro, TX” ((RIN2120–AA66) (Docket No. 2005–ASW–19)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5902. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; New Stuyahok, AK” ((RIN2120–AA66) (Docket No. 05–AAL–24)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5903. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report concerning U.S. Government Accountability Office (GAO) employees who were assigned to congressional committees during fiscal year 2005 and a report on the cost and staff days of GAO work for fiscal years 2002 to 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–5904. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, the Corporation's report on purchases of foreign goods made from entities that manufacture articles, materials, or supplies outside of the United States; to the Committee on Homeland Security and Governmental Affairs.

EC–5905. A communication from the General Counsel, Office of Budget and Management, Executive Office of the President, transmitting, pursuant to law, the report of a vacancy and the designation of an acting officer for the position of Administrator, Office of Information and Regulatory Affairs; to the Committee on Homeland Security and Governmental Affairs.

EC–5906. A communication from the Deputy CHCO/Director, HCM, Department of Energy, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Energy Efficiency and Renewable Energy; to the Committee on Energy and Natural Resources.

EC–5907. A communication from the Chief Financial Officer, Department of Energy, transmitting, pursuant to law, the Department's Report on Carryover Balances for Fiscal Year Ended 2005; to the Committee on Energy and Natural Resources.

EC–5908. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination for the position of President, Government National Mortgage Association; to the Committee on Banking, Housing, and Urban Affairs.

EC–5909. A communication from the National Treasure, Navy Wives Clubs of America, transmitting, pursuant to law, an audit report for fiscal year September 1, 2004 through August 31, 2005; to the Committee on the Judiciary.

EC–5910. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, a report entitled “U.S.-Oman Free Trade Agreement: Potential Economy-wide and Selected Sectoral Effects”; to the Committee on the Judiciary.

EC–5911. A communication from the Deputy Director, Defense Security Cooperation Agency, transmitting, pursuant to law, a report relative to Section 25(a)(6) of the Arms Export Control Act; to the Committee on Foreign Relations.

EC–5912. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report of the elimination of the requirement of the Department to submit a report to Congress on Arms Control, Nonproliferation and Disarmament Studies; to the Committee on Foreign Relations.

EC–5913. A communication from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled “Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits” (29 CFR Parts 4022 and 4044) received on March 2, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–5914. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report relative to the Administration's 2006 compensation program adjustments, including the Agency's current salary range structure and the performance-based merit pay matrix; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5915. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Subsistence Harvest in Alaska; Harvest Regulations for Migratory Birds in Alaska during the 2006 Season" (RIN1018–AU39) received on March 2, 2006; to the Committee on Environment and Public Works.

EC–5916. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, the 2006 Trade Policy Agenda and 2005 Annual Report on the Trade Agreements Program as prepared by the Administration; to the Committee on Finance.

EC–5917. A communication from the Chief, Trade and Commercial Regulations Branch, Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled "Dominican Republic—Central America—United States Free Trade Agreement" (RIN1505–AB64) received on March 2, 2006; to the Committee on Finance.

EC–5918. A communication from the Chief, Trade and Commercial Regulations Branch, Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled "Extension of Import Restrictions Imposed on Archaeological Material Originating in Italy and Representing the Pre-Classical, Classical and Imperial Roman Periods" (RIN1505–AB63) received on March 2, 2006; to the Committee on Finance.

EC–5919. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TD: Procedures for Administrative Review of a Determination that an Authorized Recipient has Failed to Safeguard Tax Returns or Return Information" ((RIN1545–BF22)(TD9252)) received on March 2, 2006; to the Committee on Finance.

EC–5920. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Regarding Reporting for Widely Held Fixed Investment Trusts" (Notice 2006–29) received on March 2, 2006; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself, Mr. LEAHY, Ms. MURKOWSKI, Mr. SUNUNU, Mr. FEINGOLD, Mr. CRAIG, Mr. HAGEL, Mr. DURBIN, Mr. SALAZAR, Mrs. FEINSTEIN, Mr. OBAMA, and Mr. KERRY):

S. 2369. A bill to require a more reasonable period for delayed-notice search warrants, to provide enhanced judicial review of FISA orders and national security letters, to require an enhanced factual basis for a FISA order, and to create national security letter sunset provisions; to the Committee on the Judiciary.

By Mr. MCCONNELL (for himself, Mr. BIDEN, Mr. DEMINT, Ms. MIKULSKI, Mr. MARTINEZ, Mr. NELSON of Florida, Mr. HAGEL, Mr. NELSON of Nebraska, Mr. DEWINE, Mr. TALENT, Mr. ALLEN, Mr. FRIST, Mr. BURNS, Mr. THUNE, Mr. REID, Mr. SALAZAR, Mr. KERRY, Mr. BUNNING, Mr. LIEBERMAN, and Mrs. BOXER):

S. 2370. A bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes; to the Committee on Foreign Relations.

By Mr. THUNE (for himself and Mr. JOHNSON):

S. 2371. A bill to permit the use of certain funds for recovery and mitigation activities in the upper basin of the Missouri River, and for other purposes; to the Committee on Environment and Public Works and the Committee on Environment and Public Works.

By Mr. KERRY:

S. 2372. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of appropriations, new direct spending, and limited tax benefits; to the Committee on the Budget.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 2373. A bill to provide for the sale of approximately 132 acres of public land to the City of Green River, Wyoming, at fair market value; to the Committee on Energy and Natural Resources.

By Mr. COLEMAN:

S. 2374. A bill to amend the Homeland Security Act of 2002 to limit foreign control of investments in certain United States critical infrastructure; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAIG (for himself, Mrs. FEINSTEIN, Mr. DURBIN, Mr. COCHRAN, Mr. LAUTENBERG, Mr. INHOFE, Ms. MIKULSKI, Mr. CRAPO, Ms. LANDRIEU, Mr. SALAZAR, Mrs. CLINTON, Mr. BUNNING, Mrs. LINCOLN, Mr. DEWINE, Mr. INOUYE, Mr. LIEBERMAN, Mr. FEINGOLD, Mr. DODD, Mrs. BOXER, Ms. MURKOWSKI, Mr. JOHNSON, Mr. KOHL, Ms. SNOWE, and Mr. FRIST):

S. Res. 390. A resolution designating the week beginning March 13, 2006, as "National Safe Place Week"; considered and agreed to.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 391. A resolution to authorize representation by the Senate Legal Counsel in the case of Timothy P. Toms v. Alan Hantman, et al; considered and agreed to.

ADDITIONAL COSPONSORS

S. 241

At the request of Ms. SNOWE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 334

At the request of Mr. DORGAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 334, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 424

At the request of Mr. BOND, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maine (Ms. COLLINS) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 481

At the request of Mr. AKAKA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 481, a bill to amend title 38, United States Code, to extend the period of eligibility for health care for combat service in the Persian Gulf War or future hostilities from two years to five years after discharge or release.

S. 722

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 722, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 912

At the request of Mr. FEINGOLD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 912, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 1005

At the request of Mr. LUGAR, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1005, a bill to amend the Richard B. Russell National School Lunch Act to permit certain summer food pilot programs to be carried out in all States and by all service institutions.

S. 1038

At the request of Mr. LUGAR, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1038, a bill to amend the Farm Security and Rural Investment Act of 2002 to enhance the ability to produce fruits and vegetables on covered commodity base acres.

S. 1086

At the request of Mr. HATCH, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1218

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1218, a bill to amend the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and the Internal Revenue Code of 1986 to improve recruitment, preparation, distribution, and retention of public elementary and secondary school teachers and principals, and for other purposes.

S. 1263

At the request of Mr. BOND, the name of the Senator from Virginia (Mr.

ALLEN) was added as a cosponsor of S. 1263, a bill to amend the Small Business Act to establish eligibility requirements for business concerns to receive awards under the Small Business Innovation Research Program.

S. 1615

At the request of Mrs. CLINTON, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1615, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. 1791

At the request of Mr. SMITH, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 2083

At the request of Mrs. CLINTON, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2083, a bill to prohibit the Assistant Secretary of Homeland Security (Transportation Security Administration) from removing any item from the current list of items prohibited from being carried aboard a passenger aircraft.

S. 2128

At the request of Mr. MCCAIN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2128, a bill to provide greater transparency with respect to lobbying activities, and for other purposes.

S. 2178

At the request of Mr. SPECTER, the names of the Senator from Missouri (Mr. TALENT) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2185

At the request of Mr. HAGEL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2185, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 2198

At the request of Mr. DOMENICI, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2198, a bill to ensure the United States successfully competes in the 21st century global economy.

S. 2206

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2206, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions.

S. 2237

At the request of Mr. SANTORUM, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2237, a bill to withhold United States assistance from the Palestinian Authority until certain conditions have been satisfied.

S. 2333

At the request of Mr. SCHUMER, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Iowa (Mr. HARKIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2333, a bill to require an investigation under the Defense Production Act of 1950 of the acquisition by Dubai Ports World of the Peninsular and Oriental Steam Navigation Company, and for other purposes.

S. 2355

At the request of Mrs. FEINSTEIN, the names of the Senator from Missouri (Mr. TALENT) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2355, a bill to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one's land) the construction or use of a tunnel or subterranean passageway between the United States and another country.

S. CON. RES. 60

At the request of Mr. TALENT, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum.

S. RES. 385

At the request of Mr. ENSIGN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 385, a resolution expressing the gratitude and appreciation to the men and women of the Armed Forces who serve as military recruiters, commending their selfless service in recruiting young men and woman to serve in the United States military, particularly in support of the global war on terrorism.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. LEAHY, Ms. MURKOWSKI, Mr. SUNUNU, Mr. FEINGOLD, Mr. CRAIG, Mr. HAGEL, Mr. DURBIN, Mr. SALAZAR, Mrs. FEINSTEIN, Mr. OBAMA, and Mr. KERRY):

S. 2369. A bill to require a more reasonable period for delayed-notice search warrants, to provide enhanced judicial review of FISA orders and national security letters, to require an enhanced factual basis for a FISA order, and to create national security letter sunset provisions; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I have sought recognition to offer legislation which would amplify the PATRIOT Act, which we expect to be passed by the House of Representatives tomorrow, with these amendments to restore the provisions of the PATRIOT Act to the provisions of the Senate bill which was passed unanimously by the Judiciary Committee on which the Presiding Officer sits, as do I, and was then adopted by unanimous consent by the Senate.

The PATRIOT Act has had a complex procedural history where the House passed a version which was substantially different from the Senate version. Then we hammered out a conference report which, in my view, was an acceptable compromise. It did not have all of the provisions which I would have preferred. It did not have the provisions of the Senate bill. But in a bicameral legislature, we learn to work with the art of the possible. That was accommodation.

We worked closely with Chairman SENSENBRENNER in the House and crafted a bill which was acceptable. There were certain key concessions made to the Senate which I believed were important, perhaps indispensable, the leading one being the sunset provision which was finally established at 4 years. That had been the provision in the Senate bill. And by sunset, for anyone who may be watching on C–SPAN2, that is the provision which terminates the bill, and then it has to come back to Congress for reevaluation to see if we want to give the expanded powers to law enforcement officials. The House bill had 10 years; the Senate bill had 4 years. The House wanted a compromise at 7 years, and the Senate held fast. And the compromise was reached so we finally put a provision in at 4 years.

The PATRIOT Act was passed shortly after the terrible tragedies of 9/11, when the United States was victimized by a terrorist attack. It was an effort to give law enforcement officials more power to deal with terrorism. There is always a balance to be struck between civil liberties on the one hand and sufficient power for law enforcement on the other. There came into a coalition representatives of both extreme ends of the political spectrum, the so-called far left, the so-called far right, joining together with the insistence on more civil liberties. It seemed to me that the point was well taken.

The legislation I am introducing today, I introduce on behalf of myself, Senators LEAHY, MURKOWSKI, SUNUNU, FEINGOLD, CRAIG, HAGEL, DURBIN, SALAZAR, FEINSTEIN, OBAMA, and KERRY. The cosponsors are the four Republicans who did not vote for cloture when the bill was before the Senate. They had decided not to vote to cut off debate, which might have given us the leverage at that time to pass the conference report, but insisted on some modifications. With the leadership of Senator SUNUNU, those modifications have been enacted in a companion bill which is going to the House of Representatives for House action tomorrow. It is my expectation that the legislation will be passed. There is an enrolling ceremony set by the Speaker of the House and the majority leader for Wednesday morning, so that is a pretty good sign that we are en route to having the PATRIOT Act enacted.

I do not think that ought to be the ending point. That is why I am introducing this supplemental legislation today. What this legislation does is reinstate provisions of the original Senate-passed bill. For example, on the delayed notice search warrants, the House bill had called for 180 days. The Senate bill had called for 7 days' notice. The conference report compromised out at 30 days, which I thought was acceptable, while not as good as I would have liked it. So in this new bill, the delayed notice provision is set at 7 days. That means that when a search warrant is authorized, where the subject of the search warrant is not told—ordinarily if you have a search and seizure, law enforcement officials come in and in broad daylight make the search and seizure. The resident, the owner of the residence knows about it. But a delayed notice search warrant is structured so that the recipient does not know about it, where there is cause shown that the investigation would be impeded if the recipient were to be told at that time. This cuts the time to 7 days.

There had been considerable controversy over the provisions of section 215 where the Senate bill had a three-part test, and a fourth provision was added to the conference report where the judge had the discretion to grant the order if there was adequate showing in the opinion of the court to pursue a terrorist investigation. But the new bill comes back to the three-part test of the original Senate bill so the records sought must, first, pertain to a foreign power or an agent of a foreign power; second, are relevant to the activities of a suspected agent of a foreign power who is the subject of an authorized investigation; or, three, pertain to an individual in contact with the suspected agent of a foreign power.

The third provision provides for a judicial review of national security letters. It would eliminate the conclusive presumption with respect to national security letters that the court would automatically uphold nondisclosure—that is, a gag order—upon the Government's good faith certification that disclosure may endanger the national security of the United States or interfere with diplomatic relations. The bill introduced today would allow the judge to review all of the factors and would not be controlled by this conclusive presumption.

The bill introduced today also makes a change on judicial review of section 215, which eliminates both the conclusive presumption which was added in on the legislation sponsored by Senator SUNUNU, and it eliminates the mandatory 1-year waiting period.

The sunset on national security letters is an additional provision which adds a 4-year sunset to national security letters, which is the same sunset in the balance of the conference report. National security letters had not been subjected to the PATRIOT Act but were included in the Senate version this time. That provision is added.

We are having an oversight hearing with the Director of the FBI later this month. It is my intention, as chairman of the Judiciary Committee, to include in that oversight hearing these provisions. We want to see exactly how important they are, what the FBI is doing with them. We want law enforcement to have the tools it needs.

I know this is a subject near and dear to the heart of the Presiding Officer who was the U.S. attorney in Alabama for law enforcement and attorney general, and something of which this Senator has very substantial concern based in part on my tenure as district attorney of Philadelphia. So we want law enforcement to have the tools which are needed. At the same time we want to achieve an appropriate balance with civil liberties.

The statement has been made that it is not anticipated that the House will act on such legislation this year. It is a long year. We will wait and see. We will see what the developments are. We will see how our fight against terrorism goes. We will see what the oversight provisions are. But this bill will be useful as a marker to promote further reconsideration of that original Senate bill that passed last year. It was a significant occasion, if not monumental, to have all 18 members of the Judiciary Committee agree on a bill which, as the Presiding Officer knows, as do I and people who are familiar with the Judiciary Committee, we have representatives at opposite ends of the political spectrum. That is what is attractive about the Judiciary Committee. Notwithstanding our divergence of views, we have had remarkable success in the past 14 months passing the bankruptcy bill, the class action bill, and the asbestos bill out of committee.

We stumbled a little. We are one vote short on the budget point of order. That is going to be coming back.

We are taking a look at some of the provisions I am personally talking to Senators about on an individual basis. There is a recognized need for asbestos reform. There is only disagreement as to what it ought to be. I am asking Senators to take a look at the bill and tell me what it is they would like to see done in order to have the bill receive the requisite support here to overcome the budget point of order—I think we have the votes already there—but to overcome cloture and to have a bill that can be enacted.

Then our committee led the way in the confirmation of the new Chief Justice of the Supreme Court, Chief Justice Roberts, and Justice Alito. We are now in the midst of working on immigration. I think the renewal of the PATRIOT Act is a significant step forward—something the President has been anxious to have done and something which will give law enforcement the tools it needs with appropriate balance.

I ask unanimous consent that the text of this new bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION ON REASONABLE PERIOD FOR DELAY.

Section 3103a(b)(3) of title 18, United States Code, is amended by striking "30 days" and inserting "7 days".

SEC. 2. JUDICIAL REVIEW OF FISA ORDERS AND NATIONAL SECURITY LETTERS.

(a) FISA.—Subsection (f)(2) of section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended

(1) in subparagraph (A)(i)—

(A) by striking "a production order" and inserting "a production order or nondisclosure order"; and

(B) by striking "Not less than 1 year" and all that follows through the end of the clause;

(2) in subparagraph (A)(ii), by striking "production order or nondisclosure"; and

(3) in subparagraph (C), by striking clause (ii) and redesignating clause (iii) as clause (ii).

(b) JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.—Section 3511(b) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "If, at the time of the petition," and all that follows through the end of the paragraph; and

(2) in paragraph (3), by striking "If the recertification that disclosure may" and all that follows through "made in bad faith.".

SEC. 3. FACTUAL BASIS FOR REQUESTED ORDER.

Section 501(b)(2)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)(A)) is amended to read as follows:

"(A) a statement of facts showing that there are reasonable grounds to believe that the records or other things sought—

"(i) are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

"(ii) either—

"(I) pertain to a foreign power or an agent of a foreign power;

"(II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

"(III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and".

SEC. 4. NATIONAL SECURITY LETTER SUNSET.

Section 102 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (H.R. 3199, 109th Congress, 2d Session) is amended by adding at the end the following:

"(c) OTHER SUNSETS.—

"(1) IN GENERAL.—Effective December 31, 2009, the following provisions are amended so that they read as they read on February 27, 2006:

"(A) Section 2709 of title 18, United States Code.

"(B) Sections 626 and 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u, 1681v).

"(C) Section 1114 of the Right to Financial Privacy Act (12 U.S.C. 3414).

"(D) Section 802 of the National Security Act of 1947 (50 U.S.C. 436).

"(2) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in paragraph (1) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect.".

SEC. 5. RULE OF CONSTRUCTION.

Amendments to provisions of law made by this Act are to such provisions, as amended by the USA PATRIOT Improvement and Reauthorization Act of 2005 (H.R. 3199, 109th Congress, 2d Session) and by the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006 (S. 2271, 109th Congress, 2d Session).

Mr. LEAHY. Mr. President, the PATRIOT Act reauthorization legislation that the Senate may vote on this week still has serious flaws and troubling omissions. I have spent several months working closely with Members from both parties in an attempt to improve these defects. Even after the Bush administration and congressional Republicans hijacked the House-Senate conference. I tried to get this measure back on the right track. Working with a bipartisan group of Senators, we were able to achieve some improvements. I regret that the final package is not better and that the intransigence of the administration has prevented a better bill with better protections for the American people.

I remain committed to working to provide the tools that we need to protect the American people. That includes working to provide the oversight and checks needed on the uses of Government power and to improve the current reauthorization of the PATRIOT Act. I am therefore pleased to join Senator SPECTER, Senator SUNUNU, Senator CRAIG, Senator FEINGOLD, and others in introducing a bill to improve the reauthorization legislation in several important respects.

Most importantly, the Specter-Leahy bill corrects one of the most egregious "police state" provisions regarding gag orders. The Bush-Cheney administration used the last round of discussions with Republican Senators to make the gag order provisions worse, in my view, by forbidding any court challenge for 1 year. There is no justification for this mandatory waiting period for judicial review, and our bill eliminates it. Our bill also eliminates provisions that allow the Government to ensure itself of victory by certifying that, in its view, disclosure "may" endanger national security or "may" interfere with diplomatic relations. These un-American restraints on meaningful judicial review are unfair, unjustified, and completely unacceptable.

I sought to make these changes to the gag orders provisions in an amendment I filed to Senator SUNUNU's bill, S. 2271, which modified the conference report in various respects. Senator FEINGOLD filed other amendments aimed at bringing the conference report more in line with the bipartisan reauthorization bill that every Member of the Senate approved last year. Regrettably, the majority leader chose to prevent any effort to offer amendments to S. 2271 and effectively stifled open debate.

In addition to fixing the gag order provisions, the Specter-Leahy bill adopts the Senate-passed standard for obtaining secret court orders under section 215 of the PATRIOT Act. Under this standard, the Government can obtain private, confidential records such as library and medical records only if there is some connection between those records and a suspected terrorist or spy. The Specter-Leahy bill also restores the pre-PATRIOT Act rule, adopted by the Senate, that notice of "sneak and peek" searches may be delayed for no more than 7 days unless extended. The conference report sets a 30-day rule for the initial delay, more than three times what the Senate, and pre-PATRIOT Act courts, deemed appropriate. Finally, the Specter-Leahy bill adds a 4 year sunset to the national security letter authorities created in the conference report. This sunset provision, like those included in the original PATRIOT Act at the insistence of myself and House Majority Leader Dick Armey, would facilitate oversight and ensure accountability for the use of these administrative subpoena authorities.

Reauthorization of the PATRIOT Act has been a more difficult and far more painful process than it should have been. Under the leadership of Chairman SPECTER, the Judiciary Committee managed in just a few weeks to produce a bipartisan bill that passed the Senate unanimously. The House-Senate conference took a different course and produced a bill that Members on both sides of the aisle found unacceptable. It has been improved, but critical problems remain. The Specter-Leahy bill corrects the worst of these problems, and I will work with the chairman to enact these commonsense reforms before the end of the year.

By Mr. McCONNELL (for himself, Mr. BIDEN, Mr. DEMINT, Ms. MIKULSKI, Mr. MARTINEZ, Mr. NELSON of Florida, Mr. HAGEL, Mr. NELSON of Nebraska, Mr. DEWINE, Mr. TALENT, Mr. ALLEN, Mr. FRIST, Mr. BURNS, Mr. THUNE, Mr. REID, Mr. SALAZAR, Mr. KERRY, Mr. BUNNING, Mr. LIEBERMAN, and Mrs. BOXER):

S. 2370. A bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes; to the Committee on Foreign Relations.

Mr. McCONNELL. Mr. President, today, along with my friend, the senior Senator from Delaware, Mr. BIDEN, I send to the desk the Palestinian Anti-Terrorism Act of 2006 and ask that it be referred to the appropriate committee.

Senator BIDEN and I are joined in our efforts today by Senators DEMINT, MIKULSKI, MARTINEZ, Senator NELSON of Florida, HAGEL, Senator NELSON of Nebraska, DEWINE, TALENT, ALLEN, FRIST, BURNS and THUNE, all of whom are original cosponsors of this legislation. This is a bipartisan bill, and I thank my colleagues on both sides of the aisle for their leadership on the important issue of how the United States addresses the challenges posed by the new Hamas-dominated government in the West Bank and Gaza.

The Palestinian elections of January 25 produced a majority of Hamas supporters in the Palestinian parliament. Perhaps the Palestinians were frustrated with the corruption of the ruling Fatah Party, or perhaps they were tired of the slow pace of reforms. Either way, the Palestinian people cast their ballots for an organization that supports terrorism and rejects Israel's very right to exist. That is antithetical to our security interests in the Middle East, and it should be unacceptable to this Senate.

In light of the recent election, Senator BIDEN and I are submitting this legislation for the Senate's consideration which we hope will send an unequivocal message to the Hamas leadership: renounce terror, recognize Israel and live up to the commitments made by the previous Palestinian government.

In short, this legislation urges the Palestinian people to take another step toward joining the community of peaceful nations and a step away from the ranks of terrorism.

Our bill would do the following: it would restrict assistance to the Palestinian Authority, PA, unless it is determined that no PA government ministry is controlled by terrorists, that the PA publicly acknowledges Israel's right to exist, that the PA has recommitted itself to all its prior agreements with Israel, that the PA has made progress toward dismantling terrorist infrastructure, and that the PA has instituted fiscal transparency. This bill would essentially deny visas to certain PA officials and restrict their travel to the United States. It also limits diplomatic interaction with Palestinian terrorist groups. Finally, this bill contains rigorous audit and oversight requirements to ensure compliance with its provisions.

Let me also tell you what this bill does not do. It does not cut off assistance to the Palestinian people with respect to food, water, medicine, sanitation and other basic human needs. Thus, humanitarian assistance that does not go through the Palestinian government will continue. Moreover, funding for democracy programs will also be continued. Both Senator BIDEN and I appreciate the need not to punish the Palestinian people for actions its future government may take. Our concern is with the new regime taking power and in giving them the proper incentives to embrace peace and to abandon the pro-terror stance they have taken up until now.

Democracy is about more than just elections, it is also about responsible, accountable governance. The Palestinian elections a few weeks back reflect this fact. International observers indicate that the Palestinian elections were essentially free and fair—which in and of itself is certainly a good thing.

I strongly support democratic elections. That said, any right-minded person deplores the result of those elections.

A key part of democratic governance is that elected officials are responsible for the actions they take. If Hamas takes power and persists in sponsoring terror, rejecting Israel's right to exist and refusing to accept prior commitments made to Israel, then they should be held accountable for their actions and for the foreign aid investments in the West Bank and Gaza paid for by American taxpayers. The PA's budget is supported in large part by foreign assistance, and Hamas has been put on notice by the United States and many in the donor community about the steps it must take in order to receive assistance in the future.

Along these same lines, I must say I am somewhat mystified at the recent diplomatic efforts undertaken by Russia. Russia broke from the Middle East Quartet and hosted representatives from Hamas in Moscow.

In so doing, the Russians granted Hamas a measure of international legitimacy Hamas had hitherto lacked, while the Russians appear to have received no meaningful concessions in return. I am afraid I fail to see the benefit in Russia's actions other than emboldening other nations to follow a similar course of dealing with a terrorist organization. I suspect the Russians would be less than elated if Israel hosted Chechen separatists in Jerusalem.

Foreign aid is not an entitlement. It is assistance from the American people to other nations, and it should be conducted in furtherance of U.S. interests and those of our allies. It is not to be given to organizations that actively work against those interests. Hamas, as it now stands, is just such an organization.

The ball is squarely in Hamas' court. It can either work for the good of its citizens as an accountable democratic government should, or it can continue to act as a revolutionary group to the profound detriment of its citizens.

Mr. LIEBERMAN. I thank Senator MCCONNELL for the excellent statement. I have not had a chance to look at the legislation, but I am sure I will want to be added as an original cosponsor.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2370

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Palestinian Anti-Terrorism Act of 2006".

SEC. 2. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

(a) DECLARATION OF POLICY.—It shall be the policy of the United States—

(1) to support a peaceful, two-state solution to end the conflict between Israel and the Palestinians in accordance with the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the "Roadmap");

(2) to oppose those organizations, individuals, and countries that support terrorism and violently reject a two-state solution to end the Israeli-Palestinian conflict;

(3) to promote the rule of law, democracy, the cessation of terrorism and incitement, and good governance in institutions and territories controlled by the Palestinian Authority; and

(4) to urge members of the international community to avoid contact with and refrain from financially supporting the terrorist organization Hamas until it agrees to recognize Israel, renounce violence, disarm, and accept prior agreements, including the Roadmap.

(b) AMENDMENTS.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended—

(1) by redesignating the second section 620G (as added by section 149 of Public Law 104-164 (110 Stat. 1436)) as section 620J; and

(2) by adding at the end the following new section:

"SEC. 620K. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

"(a) LIMITATION.—Assistance may be provided under this Act to the Palestinian Authority only during a period for which a certification described in subsection (b) is in effect.

"(b) CERTIFICATION.—A certification described in this subsection is a certification transmitted by the President to Congress that contains a determination of the President that—

"(1) no ministry, agency, or instrumentality of the Palestinian Authority is effectively controlled by Hamas, unless Hamas has—

"(A) publicly acknowledged Israel's right to exist as a Jewish state; and

"(B) committed itself and is adhering to all previous agreements and understandings with the United States Government, with the Government of Israel, and with the international community, including agreements and understandings pursuant to the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the 'Roadmap'); and

"(2) the Palestinian Authority has made demonstrable progress toward—

"(A) completing the process of purging from its security services individuals with ties to terrorism;

"(B) dismantling all terrorist infrastructure within its jurisdiction, confiscating unauthorized weapons; arresting and bringing terrorists to justice, destroying unauthorized arms factories, thwarting and preempting terrorist attacks, and fully cooperating with Israel's security services;

"(C) halting all anti-American and anti-Israel incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and replacing educational materials, including textbooks, with materials that promote peace, tolerance, and coexistence with Israel;

"(D) ensuring democracy, the rule of law, and an independent judiciary, and adopting other reforms such as ensuring transparent and accountable governance; and

"(E) ensuring the financial transparency and accountability of all government ministries and operations.

"(c) RECERTIFICATIONS.—Not later than 90 days after the date on which the President transmits to Congress an initial certification under subsection (b), and every six months thereafter—

"(1) the President shall transmit to Congress a recertification that the conditions described in subsection (b) are continuing to be met; or

"(2) if the President is unable to make such a recertification, the President shall transmit to Congress a report that contains the reasons therefor.

"(d) CONGRESSIONAL NOTIFICATION.—Assistance made available under this Act to the Palestinian Authority may not be provided until 15 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

"(e) NATIONAL SECURITY WAIVER.—

"(1) WAIVER.—The President may waive the limitation in subsection (a) with respect to the administrative and personal security costs of the Office of President of the Palestinian Authority and for activities of the President of the Palestinian Authority to promote democracy and the rule of law if the President certifies and reports to the appropriate congressional committees that—

"(A) it is in the national security interests of the United States to provide such assistance; and

"(B) the President of the Palestinian Authority and the President's party are not affiliated with Hamas or any other foreign terrorist organization.

"(2) CONSULTATION REQUIRED.—The President shall consult with the appropriate congressional committees prior to making a certification under paragraph (1).

"(f) DEFINITIONS.—In this section:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—The term 'appropriate congressional committees' means—

"(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(2) FOREIGN TERRORIST ORGANIZATION.—The term 'foreign terrorist organization' means an organization designated as a foreign terrorist organization by the Secretary of State in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

"(3) PALESTINIAN AUTHORITY.—The term 'Palestinian Authority' means the interim Palestinian administrative organization that governs part of the West Bank and all of the Gaza Strip (or any successor Palestinian governing entity), including the Palestinian Legislative Council.".

(c) PREVIOUSLY OBLIGATED FUNDS.—The provisions of section 620K of the Foreign Assistance Act of 1961, as added by subsection (b), shall be applicable to the unexpended balances of funds obligated prior to the date of the enactment of this Act.

SEC. 3. LIMITATION ON ASSISTANCE FOR THE WEST BANK AND GAZA.

(a) AMENDMENT.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as amended by section 2(b)(2), is further amended by adding at the end the following new section:

"SEC. 620L. LIMITATION ON ASSISTANCE FOR THE WEST BANK AND GAZA.

"(a) LIMITATION.—Assistance may be provided under this Act to nongovernmental organizations for the West Bank and Gaza only during a period for which a certification described in section 620K(b) is in effect with respect to the Palestinian Authority.

"(b) EXCEPTIONS.—Subsection (a) shall not apply with respect to the following:

"(1) ASSISTANCE TO MEET BASIC HUMAN NEEDS.—Assistance to meet food, water, medicine, or sanitation needs, or other assistance to meet basic human needs.

"(2) ASSISTANCE TO PROMOTE DEMOCRACY.—Assistance to promote democracy, human rights, freedom of the press, non-violence, reconciliation, and peaceful co-existence, provided that such assistance does not directly benefit Hamas or other foreign terrorist organizations.

"(3) OTHER TYPES OF ASSISTANCE.—Any other type of assistance if the President—

"(A) determines that the provision of such assistance will further the national security interests of the United States; and

"(B) not less than 45 days prior to the obligation of amounts for the provision of such assistance—

"(i) consults with the appropriate congressional committees regarding the specific programs, projects, and activities to be carried out using such assistance; and

"(ii) submits to the appropriate congressional committees a written memorandum that contains the determination of the President under subparagraph (A).

"(4) DEFINITION.—In this subsection, the term 'appropriate congressional committees' means—

"(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(c) MARKING REQUIREMENT.—Assistance provided under this Act to nongovernmental organizations for the West Bank and Gaza shall be marked as assistance from the American people or the United States Government unless the Administrator of the United States Agency for International Development determines that such marking will endanger the lives or safety of persons delivering such assistance or would have a significant adverse effect on the implementation of that assistance.

"(d) CONGRESSIONAL NOTIFICATION.—Assistance made available under this Act to nongovernmental organizations for the West Bank and Gaza may not be provided until 15 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.".

(b) OVERSIGHT AND RELATED REQUIREMENTS.—

(1) OVERSIGHT.—For each of the fiscal years 2007 and 2008, the Secretary of State shall certify to the appropriate congressional committees not later than 30 days prior to the initial obligation of amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 that procedures have been established to ensure that the Comptroller General of the United States will have access to appropriate United States financial information in order to review the use of such assistance.

(2) VETTING.—Prior to any obligation of amounts for each of the fiscal years 2007 and 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 or any other provision of law, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary knows, or has reason to believe, advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this paragraph and shall terminate assistance to any individual or entity that the Secretary has determined advocates, plans, sponsors, or engages in terrorist activity.

(3) PROHIBITION.—No amounts made available for fiscal year 2007 or 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed, acts of terrorism.

(4) AUDITS.—

(A) IN GENERAL.—The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, that receive amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 are conducted for each of the fiscal years 2007 and 2008 to ensure, among other things, compliance with this subsection.

(B) AUDITS BY INSPECTOR GENERAL OF USAID.—Of the amounts available for each of the fiscal years 2007 and 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961, up to $1,000,000 for each such fiscal year may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of subparagraph (A). Such amounts are in addition to amounts otherwise available for such purposes.

SEC. 4. DESIGNATION OF TERRITORY CONTROLLED BY THE PALESTINIAN AUTHORITY AS TERRORIST SANCTUARY.

It is the sense of Congress that, during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority, the territory controlled by the Palestinian Authority should be deemed to be in use as a sanctuary for terrorists or terrorist organizations for purposes of section 6(j)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(5)) and section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f).

SEC. 5. DENIAL OF VISAS FOR OFFICIALS OF THE PALESTINIAN AUTHORITY.

A visa should not be issued to any alien who is an official of, affiliated with, or serving as a representative of the Palestinian Authority, other than the President of the Palestinian Authority and his or her personal representatives, provided that the President and his or her personal representatives are not affiliated with Hamas or any other foreign terrorist organization, during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

SEC. 6. TRAVEL RESTRICTIONS ON OFFICIALS AND REPRESENTATIVES OF THE PALESTINIAN AUTHORITY AND THE PALESTINE LIBERATION ORGANIZATION STATIONED AT THE UNITED NATIONS IN NEW YORK CITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, and except as provided in subsection (b), the President should restrict the travel of officials and representatives of the Palestinian Authority and of the Palestine Liberation Organization, who are stationed at the United Nations in New York City to a 25-mile radius of the United Nations headquarters building during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) EXCEPTION.—The travel restrictions described in subsection (a) should not apply to the President of the Palestinian Authority and his or her personal representatives, provided that the President and his or her personal representatives are not affiliated with Hamas or any other foreign terrorist organization.

SEC. 7. PROHIBITION ON PALESTINIAN AUTHORITY REPRESENTATION IN THE UNITED STATES.

(a) PROHIBITION.—Notwithstanding any other provision of law, it shall be unlawful to establish or maintain an office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States at the behest or direction of, or with funds provided by, the Palestinian Authority during any period for which a certification described in section 620K(b) of the

Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) ENFORCEMENT.—

(1) ATTORNEY GENERAL.—The Attorney General shall take the necessary steps and institute the necessary legal action to effectuate the policies and provisions of subsection (a).

(2) RELIEF.—Any district court of the United States for a district in which a violation of subsection (a) occurs shall have authority, upon petition of relief by the Attorney General, to grant injunctive and such other equitable relief as it shall deem necessary to enforce the provisions of subsection (a).

(c) WAIVER.—Subsection (a) shall not apply if the President determines and certifies to the appropriate congressional committees that the establishment or maintenance of an office, headquarters, premises, or other facilities is vital to the national security interests of the United States.

SEC. 8. INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) REQUIREMENT.—The President should direct the United States Executive Director at each international financial institution to use the voice, vote, and influence of the United States to prohibit assistance to the Palestinian Authority (other than assistance described under subsection (b)) during any period for which a certification described in section 620K(b) of the Foreign Assistance of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) EXCEPTIONS.—The prohibition on assistance described in subsection (a) should not apply with respect to the following types of assistance:

(1) Assistance to meet food, water, medicine, or sanitation needs, or other assistance to meet basic human needs.

(2) Assistance to promote democracy, human rights, freedom of the press, non-violence, reconciliation, and peaceful co-existence, provided that such assistance does not directly benefit Hamas or other foreign terrorist organizations.

(c) DEFINITION.—In this section, the term "international financial institution" has the meaning given the term in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)).

SEC. 9. DIPLOMATIC CONTACTS WITH PALESTINIAN TERROR ORGANIZATIONS.

No funds authorized or available to the Department of State may be used for or by any officer or employee of the United States Government to negotiate with members or official representatives of Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, al-Aqsa Martyrs Brigade, or any other Palestinian terrorist organization (except in emergency or humanitarian situations), unless and until such organization—

(1) recognizes Israel's right to exist;

(2) renounces the use of terrorism;

(3) dismantles the infrastructure in areas within its jurisdiction necessary to carry out terrorist acts, including the disarming of militias and the elimination of all instruments of terror; and

(4) recognizes and accepts all previous agreements and understandings between the State of Israel and the Palestinian Authority.

SEC. 10. REPORTING REQUIREMENT.

Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that—

(1) describes the steps that have been taken by the United States Government to ensure that other countries and international organizations, including multilateral development banks, do not provide direct assistance to the Palestinian Authority for any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority; and

(2) identifies any countries and international organizations, including multilateral development banks, that are providing direct assistance to the Palestinian Authority during such a period, and describes the nature and amount of such assistance.

SEC. 11. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) PALESTINIAN AUTHORITY.—The term "Palestinian Authority" has the meaning given the term in section 620K(e)(2) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act).

Mr. BIDEN. Mr. President, I am pleased to join the Senator from Kentucky as the lead cosponsor of the Palestinian Anti-Terrorism Act of 2006.

This bill sends a clear message: The United States will not provide a single penny to a Hamas-led government unless it renounces violence, recognizes Israel, and accepts past agreements between Israel and the Palestinian Authority. These requirements are clear, and they reflect the will not just of the United States, but of the international community, including the so-called Quartet of the United States, the European Union, Russia and the United Nations.

Simply put, Hamas must choose between bullets and ballots, between destructive terror and constructive governance. It cannot have it both ways.

The bill affirms support for a two-state solution to end the Israeli-Palestinian conflict, an objective that Hamas rejects. The bill also requires the administration to report on steps it is taking to urge other nations to refrain from providing financial assistance to Hamas. In addition, it places restrictions on diplomatic contacts and movements by representatives of Hamas.

At the same time, the bill makes clear that we want to continue to support the basic needs of the Palestinian people. Assistance to the Palestinians for things such as food, water, medicine, and sanitation through non-governmental organizations will be permitted under this * * *

Instead of moving urgently, we dithered. Several months into last year, the President made a smart move by appointing Jim Wolfensohn the Quartet's special envoy to the Middle East, but he failed to strongly support his efforts. It wasn't until November that Secretary Rice got directly involved by brokering a breakthrough agreement on Gaza. That was welcome, but it was too little, too late.

I don't want to dwell on the past, but I think it's important that we try to learn from it.

It's also well known that Israel had deep misgivings about proceeding with these elections. Their views should have been considered more closely—after all, the consequences affect them directly.

Overall, I think this Administration has made the mistake of confusing democracy with elections. Elections are necessary but not sufficient—they do not a democracy make. Democracy is about building durable institutions—including political parties, transparent and effective government, civil society and a strong private sector.

We see what happens in the Middle East when you have elections with weak institutions—including in Egypt, Muslim Brotherhood, Lebanon, Hezbollah, Iraq, SCIRI, and now the Palestinian Authority. All of us support the spread of democracy, but we should also support the hard work and investments it takes to build it.

Regarding the Palestinian vote, what should we do now? Obviously, Hamas's victory casts a pall on the future of the peace process.

First, Israel cannot be expected to negotiate with a party that calls for its destruction, engages in terrorism and maintains an armed militia.

Second, we should build international support for the position of the Quartet—no assistance to a Hamas-led government until it agrees to recognize Israel, renounce violence, and accept past agreements.

Third, we need to press the Arab Gulf states not to rush in and financially support a Hamas-led government. That would take the pressure off Hamas, and it would reveal the hypocrisy of the Arab governments who say they support peace, but were unwilling to be more generous with Abbas's government.

Hamas is now "the dog that caught the car." It must respond to international demands and, even more importantly, it must be responsive to the Palestinian public which wants reform, but doesn't want isolation, poverty, and radicalism.

The legislation I have introduced with my colleague, the senior Senator from Kentucky, is our attempt to clarify the choices for Hamas, and to make clear our rejection of a group that is committed to terror.

By. Mr. KERRY:

S. 2372. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of appropriations, new direct spending, and limited tax benefits; to the Committee on the Budget.

Mr. KERRY. Mr. President, I am pleased to introduce legislation today that establishes a constitutional line item veto, which would allow the President to reduce pork barrel spending and save taxpayers billions of dollars. Congress has an opportunity this week in our debate on lobbying reform to take ethics reform seriously and take action to rid the federal budget of special interest projects. Giving the President the ability to target projects placed in the budget at the last minute at the request of a single lawmaker is a step in the right direction and a critical move toward needed transparency.

It is no secret that President Bush and I do not agree on many policy matters, but I fully support giving him this line item veto authority and I applaud the President's comments earlier today. I hope that Congress immediately takes up and passes this legislation, and I hope that President Bush will be able to use this new veto authority soon to get tough on wasteful spending.

Under the Republican-led House and Senate, pork-barrel spending has skyrocketed. Nearly $30 billion a year is being spent on projects that have never even been debated. For fiscal year 2005, appropriators added 13,997 projects into the 13 appropriations bills, an increase of 31 percent over last year's total of 10,656. In the last two years, the total number of projects has increased by 49.5 percent. The cost of these projects in fiscal year 2005 was $27.3 billion, or 19 percent more than last year's total of $22.9 billion. Billions of taxpayer dollars are being wasted on things like research to enhance the flavor of roasted peanuts and the infamous "bridge to nowhere." We have the largest deficit in American history and Congress and the President must take action to get spending under control.

In 1996, the Congress passed and President Clinton signed into law the "Line Item Veto Act", P.L. 104–130. Two years later, however, in Clinton v. City of New York the Supreme Court concluded that the method used to give the President line item veto authority was unconstitutional. The Court noted that presidents may only sign or veto entire acts of Congress. The Constitution does not authorize them to enact, to amend, or to repeal statutes.

We can restore the line item veto and be consistent with the Constitution. The key difference between what I am proposing and what the Supreme Court struck down is the legal effect of the President's actions. The "Line Item Veto Act" allowed the President to cancel provisions in their entirety, but the Supreme Court rejected this arrangement. The Line Item Veto Act of 2006 is different. It will empower the President to suspend provisions until the Congress decides to approve or disapprove of that suspension with an up or down vote. The provisions are not cancelled out of the legislation. I believe this change addresses the Supreme Court's concerns.

I agree with President Bush's comments earlier today, it is indeed 'time to bring this important tool of fiscal discipline to Washington, D.C.' I look forward to working with my colleagues on both sides of the aisle to pass the Line Item Veto Act and I look forward to President Bush using this authority to reign in pork-barrel spending.

By Mr. COLEMAN:

S. 2374. A bill to amend the Homeland Security Act of 2002 to limit foreign control of investments in certain United States critical infrastructure; to the Committee on Banking, Housing, and Urban Affairs.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of my legislation, the Foreign Investment Transparency and Security Act of 2006, be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Investment Transparency and Security Act of 2006".

SEC. 2. LIMITS ON FOREIGN CONTROL OF INVESTMENTS IN CERTAIN UNITED STATES CRITICAL INFRASTRUCTURE.

(a) IN GENERAL.—Title II of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended by adding at the end the following:

"Subtitle E—Limits on Foreign Control of Investments in Certain United States Critical Infrastructure

"SEC. 241. DEFINITIONS.

"As used in this subtitle—

"(1) the term 'foreign government controlled entity' means any entity in which a foreign government owns a majority interest, or otherwise controls or manages the entity; and

"(2) the term 'general business corporation' means any entity that qualifies for treatment for Federal taxation purposes under subchapter C or subchapter S of the Internal Revenue Code of 1986, established or organized under the laws of any State.

"SEC. 242. LIMITATION ON FOREIGN INVESTMENTS.

"(a) IN GENERAL.—A foreign government controlled entity may acquire, own, or otherwise control or manage any critical infrastructure of the United States only through the establishment or operation of a foreign owned general business corporation that meets the requirements of subsection (b).

"(b) REQUIREMENTS.—For purposes of this section, a general business corporation shall have—

"(1) a board of directors, the majority of which is comprised of United States citizens; and

"(2) a chief security officer who is a United States citizen, responsible for safety and security issues related to the critical infrastructure.

"(c) RULE OF CONSTRUCTION.—Nothing in this subtitle may be construed to restrict or otherwise alter the authority of the President or the Committee on Foreign Investment in the United States (or any successor thereto) as the designee of the President, under section 721 of the Defense Production Act of 1950.

"SEC. 243. REGULATIONS REQUIRED.

"Not later than 6 months after the date of enactment of this subtitle, the Secretary of the Treasury, in coordination with the Secretary, shall promulgate final regulations to carry out this subtitle.

"SEC. 244. EFFECTIVE DATE.

"(a) IN GENERAL.—Section 242 shall apply beginning on the date that is 6 months after the date of enactment of this subtitle.

"(b) EXISTING ENTITIES.—A foreign government controlled entity that owns or otherwise controls or manages any critical infrastructure of the United States on the effective date of this subtitle shall comply with the requirements of this subtitle not later than 180 days after that effective date.".

(b) CONFORMING AMENDMENT.—The table of contents under section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by inserting after the item relating to section 237 the following:

"Subtitle E Limits on Foreign Control of Investments in Certain United States Critical Infrastructure
  "Sec. 241. Definitions.
  "Sec. 242. Limitation on foreign investments.
  "Sec. 243. Regulations required.
  "Sec. 244. Effective date.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 390—DESIGNATING THE WEEK BEGINNING MARCH 13, 2006, AS "NATIONAL SAFE PLACE WEEK"

Mr. CRAIG (for himself, Mrs. FEINSTEIN, Mr. DURBIN, Mr. COCHRAN, Mr. LAUTENBERG, Mr. INHOFE, Ms. MIKULSKI, Mr. CRAPO, Ms. LANDRIEU, Mr. SALAZAR, Mrs. CLINTON, Mr. BUNNING, Mrs. LINCOLN, Mr. DEWINE, Mr. INOUYE, Mr. LIEBERMAN, Mr. FEINGOLD, Mr. DODD, Mrs. BOXER, Ms. MURKOWSKI, Mr. JOHNSON, Mr. KOHL, Ms. SNOWE, and Mr. FRIST) submitted the following resolution; which was considered and agreed to:

S. RES. 390

Whereas the youths of today are vital to the preservation of the United States and will be the future bearers of the bright torch of democracy;

Whereas youths need a safe haven from various negative influences such as child abuse, substance abuse, and crime, and they need to have resources readily available to assist them when faced with circumstances that compromise their safety;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the youths of the Nation;

Whereas the Safe Place program is committed to protecting the youths of the United States, the country's most valuable asset, by offering short term safe places at neighborhood locations where trained volunteers are available to counsel and advise young people seeking assistance and guidance;

Whereas the Safe Place program combines the efforts of the private sector and nonprofit organizations to reach young people in the early stages of crisis;

Whereas the Safe Place program provides a direct way to assist programs in meeting performance standards relative to outreach and community relations, as set forth in the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk youths;

Whereas more than 700 communities in 40 States make Safe Place available at nearly 15,000 locations;

Whereas more than 87,000 youths have gone to Safe Place locations to get help when faced with crisis situations and 88,000 youths received counseling by phone as a result of Safe Place information they received at school;

Whereas, through the efforts of Safe Place coordinators across the United States, each year more than 500,000 students learn in a classroom presentation that Safe Place is a resource they can turn to if they encounter an abusive or neglectful situation, and 1,000,000 Safe Place information cards are distributed; and

Whereas increased awareness of the Safe Place program will encourage communities to establish Safe Places for the youths of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of March 13 through March 19, 2006, as "National Safe Place Week"; and

(2) calls upon the people of the United States and interested groups to promote awareness of and volunteer involvement in, the Safe Place programs, and to observe the week with appropriate ceremonies and activities.

SENATE RESOLUTION 391—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF TIMOTHY P. TOMS v. ALAN HANTMAN, ET AL.

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 391

Whereas, in the case of Timothy P. Toms v. Alan Hantman, et al., No. 1:05-CV-01981, pending in the United States District Court for the District of Columbia, the plaintiff has named as a defendant Carolyn E. Apostolou, Clerk of the Subcommittee on the Legislative Branch of the Senate Committee on Appropriations;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members, officers, and employees of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Carolyn E. Apostolou in the case of Timothy P. Toms v. Alan Hantman, et al.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2902. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table.

SA 2903. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2904. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2905. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2906. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2907. Mr. LOTT (for himself and Ms. COLLINS) proposed an amendment to the bill S. 2349, to provide greater transparency in the legislative process.

SA 2908. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2909. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2902. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

1. FUNDS FOR LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

Section 9001 of the Deficit Reduction Act of 2005 is amended—

(1) in subsection (a)—

(A) by striking "for a 1-time only obligation and expenditure";

(B) in paragraph (1), by striking "$250,000,000 for fiscal year 2007" and inserting "$500,000,000 for fiscal year 2006"; and

(C) in paragraph (2), by striking "$750,000,000 for fiscal year 2007" and inserting "$500,000,000 for fiscal year 2006";

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

"(b) LIMITATION.—None of the funds made available under this section may be used for the planning and administering described in section 2605(b)(9) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(9))."; and

(4) in subsection (c) (as redesignated by paragraph (2)), by striking "September 30, 2007" and inserting "September 30, 2006".

SA 2903. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

In section 1, strike subparagraphs (B) and (C) of paragraph (1) and insert the following:

(B) in paragraph (1), by striking "$250,000,000 for fiscal year 2007" and inserting "$400,000,000 for fiscal year 2006"; and

(C) in paragraph (2), by striking "$750,000,000 for fiscal year 2007" and inserting "$600,000,000 for fiscal year 2006";

SA 2904. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

In section 1, strike paragraphs (1) through (4) and insert the following:

(1) in subsection (a)—

(A) by striking "for a 1-time only obligation and expenditure";

(B) in paragraph (1), by striking "$250,000,000 for fiscal year 2007" and inserting "$500,000,000 for fiscal year 2006"; and

(C) in paragraph (2), by striking "$750,000,000 for fiscal year 2007" and inserting "$500,000,000 for fiscal year 2006"; and

(2) in subsection (b), by striking "September 30, 2007" and inserting "September 30, 2006".

SA 2905. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FUNDS FOR LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

Section 9001 of the Deficit Reduction Act of 2005 is amended—

(1) in subsection (a)—

(A) by striking "for a 1-time only obligation and expenditure";

(B) in paragraph (1), by striking "fiscal year 2007" and inserting "fiscal year 2006"; and

(C) in paragraph (2), by striking "fiscal year 2007" and inserting "fiscal year 2006";

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

"(b) LIMITATION.—None of the funds made available under this section may be used for the planning and administering described in section 2605(b)(9) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(9))."; and

(4) in subsection (c) (as redesignated by paragraph (2)), by striking "September 30, 2007" and inserting "September 30, 2006".

SEC. 2. EFFECTIVE DATE.

This Act takes effect 1 day after the date of enactment of this Act.

SA 2906. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FUNDS FOR LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

Section 9001 of the Deficit Reduction Act of 2005 is amended—

(1) in subsection (a)—

(A) by striking "for a 1-time only obligation and expenditure";

(B) in paragraph (1), by striking "fiscal year 2007" and inserting "fiscal year 2006"; and

(C) in paragraph (2), by striking "fiscal year 2007" and inserting "fiscal year 2006";

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

"(b) LIMITATION.—None of the funds made available under this section may be used for the planning and administering described in section 2605(b)(9) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(9)).''; and

(4) in subsection (c) (as redesignated by paragraph (2)), by striking "September 30, 2007" and inserting "September 30, 2006".

SEC. 2. EFFECTIVE DATE.

This Act takes effect 2 days after the date of enactment of this Act.

SA 2907. Mr. LOTT (for himself and Ms. COLLINS) proposed an amendment to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

Sec. 101. Short title.
Sec. 102. Out of scope matters in conference reports.
Sec. 103. Earmarks.
Sec. 104. Availability of conference reports on the Internet.
Sec. 105. Elimination of floor privileges for former members, Senate officers, and Speakers of the House who are lobbyists or seek financial gain.
Sec. 106. Ban on gifts from lobbyists.
Sec. 107. Travel restrictions and disclosure.
Sec. 108. Post employment restrictions.
Sec. 109. Public disclosure by Members of Congress of employment negotiations.
Sec. 110. Prohibit official contact with spouse or immediate family member of Member who is a registered lobbyist.
Sec. 111. Influencing hiring decisions.
Sec. 112. Sense of the Senate that any applicable restrictions on Congressional branch employees should apply to the Executive and Judicial branches.
Sec. 113. Effective date.

TITLE II—LOBBYING TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

Sec. 200. Short title.

Subtitle A—Enhancing Lobbying Disclosure

Sec. 211. Quarterly filing of lobbying disclosure reports.
Sec. 212. Annual report on contributions.
Sec. 213. Public database of lobbying disclosure information.
Sec. 214. Disclosure by registered lobbyists of all past executive and congressional employment.
Sec. 215. Disclosure of lobbyist travel and payments.
Sec. 216. Increased penalty for failure to comply with lobbying disclosure requirements.
Sec. 217. Disclosure of lobbying activities by certain coalitions and associations.
Sec. 218. Disclosure of enforcement for noncompliance.
Sec. 219. Electronic filing of lobbying disclosure reports.
Sec. 220. Disclosure of paid efforts to stimulate grassroots lobbying.
Sec. 221. Effective date.

Subtitle B—Oversight of Ethics and Lobbying

Sec. 231. Comptroller General audit and annual report.
Sec. 232. Mandatory Senate ethics training for Members and staff.
Sec. 233. Sense of the Senate regarding self-regulation within the lobbying community.
Sec. 234. Annual ethics committees reports.

Subtitle C—Slowing the Revolving Door

Sec. 241. Amendments to restrictions on former officers, employees, and elected officials of the executive and legislative branches.

Subtitle D—Ban on Provision of Gifts or Travel by Lobbyists in Violation of the Rules of Congress

Sec. 251. Prohibition on provision of gifts or travel by registered lobbyists to Members of Congress and to congressional employees.

Subtitle E—Commission to Strengthen Confidence in Congress Act of 2006

Sec. 261. Short title.
Sec. 262. Establishment of Commission.
Sec. 263. Purposes.
Sec. 264. Composition of Commission.
Sec. 265. Functions of Commission.
Sec. 266. Powers of Commission.
Sec. 267. Administration.
Sec. 268. Security clearances for Commission Members and staff.
Sec. 269. Commission reports; termination.
Sec. 270. Funding.

TITLE I—LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

SEC. 101. SHORT TITLE.

This title may be cited as the "Legislative Transparency and Accountability Act of 2006".

SEC. 102. OUT OF SCOPE MATTERS IN CONFERENCE REPORTS.

(a) IN GENERAL.—A point of order may be made by any Senator against consideration of a conference report that includes any matter not committed to the conferees by either House. The point of order shall be made and voted on separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order against a conference report under subsection (a) is sustained, then—

(1) the matter in such conference report shall be deemed to have been struck;

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report not deemed to have been struck;

(B) the question shall be debatable; and

(C) no further amendment shall be in order; and

(3) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of $\frac{3}{5}$ of the Members, duly chosen and sworn. An affirmative vote of $\frac{3}{5}$ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 103. EARMARKS.

The Standing Rules of the Senate are amended by adding at the end the following:

"RULE XLIV

"EARMARKS

"1. In this rule—

"(1) the term 'earmark' means a provision that specifies the identity of a non-Federal entity to receive assistance and the amount of the assistance; and

"(2) the term 'assistance' means budget authority, contract authority, loan authority, and other expenditures, and tax expenditures or other revenue items.

"2. It shall not be in order to consider any Senate bill or Senate amendment or conference report on any bill, including an appropriations bill, a revenue bill, and an authorizing bill, unless a list of—

"(1) all earmarks in such measure;

"(2) an identification of the Member or Members who proposed the earmark; and

"(3) an explanation of the essential governmental purpose for the earmark;

is available along with any joint statement of managers associated with the measure to all Members and made available on the Internet to the general public for at least 24 hours before its consideration.".

SEC. 104. AVAILABILITY OF CONFERENCE REPORTS ON THE INTERNET.

(a) IN GENERAL.—

(1) AMENDMENT.—Rule XXVIII of all the Standing Rules of the Senate is amended by adding at the end the following:

"7. It shall not be in order to consider a conference report unless such report is available to all Members and made available to the general public by means of the Internet for at least 24 hours before its consideration.".

(2) EFFECTIVE DATE.—This subsection shall take effect 60 days after the date of enactment of this title.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this title, the Secretary of the Senate, in consultation with the Enrolling Clerks of the Senate and House of Representatives, the Government Printing Office, and the Committee on Rules and Administration, shall develop and establish a website capable of complying with the requirements of paragraph 7 of rule XXVIII of the Standing Rules of the Senate, as added by subsection (a).

SEC. 105. ELIMINATION OF FLOOR PRIVILEGES FOR FORMER MEMBERS, SENATE OFFICERS, AND SPEAKERS OF THE HOUSE WHO ARE LOBBYISTS OR SEEK FINANCIAL GAIN.

Rule XXIII of the Standing Rules of the Senate is amended by—

(1) inserting "1." before "Other";

(2) inserting after "Ex-Senators and Senators elect" the following: ", except as provided in paragraph 2";

(3) inserting after "Ex-Secretaries and ex-Sergeants at Arms of the Senate" the following: ", except as provided in paragraph 2";

(4) inserting after "Ex-Speakers of the House of Representatives" the following: ", except as provided in paragraph 2"; and

(5) adding at the end the following:

"2. (a) The floor privilege provided in paragraph 1 shall not apply to an individual covered by this paragraph who is—

"(1) a registered lobbyist or agent of a foreign principal; or

"(2) is in the employ of or represents any party or organization for the purpose of influencing, directly, or indirectly, the passage, defeat, or amendment of any legislative proposal.

"(b) The Committee on Rules and Administration may promulgate regulations to allow individuals covered by this paragraph floor privileges for ceremonial functions and events designated by the Majority Leader and the Minority Leader.".

SEC. 106. BAN ON GIFTS FROM LOBBYISTS.

Paragraph 1(a)(2) of rule XXXV of the Standing Rules of the Senate is amended by—

(1) inserting "(A)" after "(2)"; and

(2) adding at the end the following:

"(B)(i) This clause shall not apply to a gift from a registered lobbyist or an agent of a foreign principal.

"(ii) Notwithstanding division (i), a Member, officer, or employee may accept a meal or refreshment from a registered lobbyist or an agent of a foreign principal subject to the monetary limits in this clause. A Member shall list on the Member's official website the value of any meals or refreshments permitted by this division to the Member or employee of the Member and the name of the person who paid for such items not later than 15 days after such meals or refreshments are received.".

SEC. 107. TRAVEL RESTRICTIONS AND DISCLOSURE.

(a) IN GENERAL.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(f)(1) Before a Member, officer, or employee may accept transportation or lodging otherwise permissible under this paragraph from any person, other than a governmental entity, such Member, officer, or employee shall—

"(A) obtain a written certification from such person (and provide a copy of such certification to the Select Committee on Ethics) that—

"(i) the trip was not financed in whole, or in part, by a registered lobbyist or foreign agent; and

"(ii) the person did not accept, directly or indirectly, funds from a registered lobbyist or foreign agent specifically earmarked for the purpose of financing the travel expenses;

"(B) provide the Select Committee on Ethics (in the case of an employee, from the supervising Member or officer), in writing—

"(i) a detailed itinerary of the trip; and

"(ii) a determination that the trip—

"(I) is primarily educational (either for the invited person or for the organization sponsoring the trip);

"(II) is consistent with the official duties of the Member, officer, or employee;

"(III) does not create an appearance of use of public office for private gain; and

"(iii) has a minimal or no recreational component; and

"(C) obtain written approval of the trip from the Select Committee on Ethics.

"(2) Not later than 30 days after completion of travel, approved under this subparagraph, the Member, officer, or employee shall file with the Select Committee on Ethics and the Secretary of the Senate a description of meetings and events attended during such travel and the names of any registered lobbyist who accompanied the Member, officer, or employee during the travel, except when disclosure of such information is deemed by the Member or supervisor under whose direct supervision the employee is employed to jeopardize the safety of an individual or adversely affect national security. Such information shall also be posted on the Member's official website not later than 30 days after the completion of the travel, except when disclosure of such information is deemed by the Member to jeopardize the safety of an individual or adversely affect national security.".

(b) DISCLOSURE OF NONCOMMERCIAL AIR TRAVEL.—

(1) RULES.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate, as amended by subsection (a), is amended by adding at the end the following:

"(g) A Member, officer, or employee of the Senate shall—

"(1) disclose a flight on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding a flight on an aircraft owned, operated, or leased by a governmental entity, taken in connection with the duties of the Member, officer, or employee as an officeholder or Senate officer or employee; and

"(2) with respect to the flight, file a report with the Secretary of the Senate, including the date, destination, and owner or lessee of the aircraft, the purpose of the trip, and the persons on the trip, except for any person flying the aircraft.".

(2) FECA.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(A) by striking "and" at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting "; and"; and

(C) by adding at the end the following:

"(9) in the case of a principal campaign committee of a candidate (other than a candidate for election to the office of President or Vice President), any flight taken by the candidate (other than a flight designated to transport the President, Vice President, or a candidate for election to the office of President or Vice President) during the reporting period on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, together with the following information:

"(A) The date of the flight.

"(B) The destination of the flight.

"(C) The owner or lessee of the aircraft.

"(D) The purpose of the flight.

"(E) The persons on the flight, except for any person flying the aircraft.".

(c) PUBLIC AVAILABILITY.—Paragraph 2(e) of rule XXXV of the Standing Rules of the Senate is amended to read as follows:

"(e) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to subparagraphs (f) and (g) as soon as possible after they are received and such matters shall be posted on the Member's official website but no later than 30 days after the trip or flight.".

SEC. 108. POST EMPLOYMENT RESTRICTIONS.

(a) IN GENERAL.—Paragraph 9 of rule XXXVII of the Standing Rules of the Senate is amended by—

(1) designating the first sentence as subparagraph (a);

(2) designating the second sentence as subparagraph (b); and

(3) adding at the end the following:

"(c) If an employee on the staff of a Member or on the staff of a committee whose rate of pay is equal to or greater than 75 percent of the rate of pay of a Member and employed at such rate for more than 60 days in a calendar year, upon leaving that position, becomes a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, such employee may not lobby any Member, officer, or employee of the Senate for a period of 1 year after leaving that position.".

(b) EFFECTIVE DATE.—This section shall take effect 60 days after the date of enactment of this title.

SEC. 109. PUBLIC DISCLOSURE BY MEMBERS OF CONGRESS OF EMPLOYMENT NEGOTIATIONS.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

"14. A Member shall not directly negotiate or have any arrangement concerning prospective private employment until after the election for his or her successor has been held, unless such Member files a statement with the Secretary of the Senate, for public disclosure, regarding such negotiations or arrangements within 3 business days after the commencement of such negotiation or arrangement, including the name of the private entity or entities involved in such negotiations or arrangements, the date such negotiations or arrangements commenced, and must be signed by the Member.".

SEC. 110. PROHIBIT OFFICIAL CONTACT WITH SPOUSE OR IMMEDIATE FAMILY MEMBER OF MEMBER WHO IS A REGISTERED LOBBYIST.

Rule XXXVII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraphs 10 through 12 as paragraphs 11 through 13, respectively; and

(2) inserting after paragraph 9, the following:

"10. (a) If a Member's spouse or immediate family member is a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, the Member shall prohibit all staff employed by that Member (including staff in personal, committee and leadership offices) from having any official contact with the Member's spouse or immediate family member.

"(b) In this paragraph, the term 'immediate family member' means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of the Member.".

SEC. 111. INFLUENCING HIRING DECISIONS.

Rule XLIII of the Standing Rules of the Senate is amended by adding at the end the following:

"6. No Member shall, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

"(1) take or withhold, or offer or threaten to take or withhold, an official act; or

"(2) influence, or offer or threaten to influence the official act of another.".

SEC. 112. SENSE OF THE SENATE THAT ANY APPLICABLE RESTRICTIONS ON CONGRESSIONAL BRANCH EMPLOYEES SHOULD APPLY TO THE EXECUTIVE AND JUDICIAL BRANCHES.

It is the sense of the Senate that any applicable restrictions on Congressional branch employees in this title should apply to the Executive and Judicial branches.

SEC. 113. EFFECTIVE DATE.

Except as otherwise provided in this title, this title shall take effect on the date of enactment of this title.

TITLE II—LOBBYING TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

SEC. 200. SHORT TITLE.

This title may be cited as the "Legislative Transparency and Accountability Act of 2006".

Subtitle A—Enhancing Lobbying Disclosure

SEC. 211. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) QUARTERLY FILING REQUIRED.—Section 5 of the Lobbying Disclosure Act of 1995 (in this title referred to as the "Act") (2 U.S.C. 1604) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "Semiannual" and inserting "Quarterly";

(B) by striking "the semiannual period" and all that follows through "July of each year" and inserting "the quarterly period beginning on the 20th day of January, April, July, and October of each year or on the first business day after the 20th day if that day is not a business day"; and

(C) by striking "such semiannual period" and inserting "such quarterly period"; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "semiannual report" and inserting "quarterly report";

(B) in paragraph (2), by striking "semiannual filing period" and inserting "quarterly period";

(C) in paragraph (3), by striking "semiannual period" and inserting "quarterly period"; and

(D) in paragraph (4), by striking "semiannual filing period" and inserting "quarterly period".

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 3(10) of the Act (2 U.S.C. 1602) is amended by striking "six month period" and inserting "three-month period".

(2) REGISTRATION.—Section 4 of the Act (2 U.S.C. 1603) is amended—

(A) in subsection (a)(3)(A), by striking "semiannual period" and inserting "quarterly period"; and

(B) in subsection (b)(3)(A), by striking "semiannual period" and inserting "quarterly period".

(3) ENFORCEMENT.—Section 6(a)(6) of the Act (2 U.S.C. 1605(6)) is amended by striking "semiannual period" and inserting "quarterly period".

(4) ESTIMATES.—Section 15 of the Act (2 U.S.C. 1610) is amended—

(A) in subsection (a)(1), by striking "semiannual period" and inserting "quarterly period"; and

(B) in subsection (b)(1), by striking "semiannual period" and inserting "quarterly period".

(5) DOLLAR AMOUNTS.—

(A) REGISTRATION.—Section 4 of the Act (2 U.S.C. 1603) is amended—

(i) in subsection (a)(3)(A)(i), by striking "$5,000" and inserting "$2,500";

(ii) in subsection (a)(3)(A)(ii), by striking "$20,000" and inserting "$10,000";

(iii) in subsection (b)(3)(A), by striking "$10,000" and inserting "$5,000"; and

(iv) in subsection (b)(4), by striking "$10,000" and inserting "$5,000".

(B) REPORTS.—Section 5 of the Act (2 U.S.C. 1604) is amended—

(i) in subsection (c)(1), by striking "$10,000" and "$20,000" and inserting "$5,000" and "$10,000", respectively; and

(ii) in subsection (c)(2), by striking "$10,000" both places such term appears and inserting "$5,000".

SEC. 212. ANNUAL REPORT ON CONTRIBUTIONS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

"(d) ANNUAL REPORT ON CONTRIBUTIONS.—Not later than 45 days after the end of the quarterly period beginning on the first day of October of each year referred to in subsection (a), a lobbyist registered under section 4(a)(1), or an employee who is a lobbyist of an organization registered under section 4(a)(2), shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

"(1) the name of the lobbyist;

"(2) the employer of the lobbyist;

"(3) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom a contribution equal to or exceeding $200 was made within the past year, and the date and amount of such contribution; and

"(4) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or otherwise sponsored, within the past year, and the date and location of the event.".

SEC. 213. PUBLIC DATABASE OF LOBBYING DISCLOSURE INFORMATION.

(a) DATABASE REQUIRED.—Section 6 of the Act (2 U.S.C. 1605) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(9) maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

"(A) includes the information contained in registrations and reports filed under this Act;

"(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

"(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 4(b) or 5(b).".

(b) AVAILABILITY OF REPORTS.—Section 6(a)(4) of the Act is amended by inserting before the semicolon the following: "and, in the case of a report filed in electronic form under section 5(e), shall make such report available for public inspection over the Internet not more than 48 hours after the report is filed".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (9) of section 6(a) of the Act, as added by subsection (a).

SEC. 214. DISCLOSURE BY REGISTERED LOBBYISTS OF ALL PAST EXECUTIVE AND CONGRESSIONAL EMPLOYMENT.

Section 4(b)(6) of the Act (2 U.S.C. 1603) is amended by striking "or a covered legislative branch official" and all that follows through "as a lobbyist on behalf of the client," and inserting "or a covered legislative branch official,".

SEC. 215. DISCLOSURE OF LOBBYIST TRAVEL AND PAYMENTS.

Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon;

(2) in paragraph (4), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(5) the name of each covered legislative branch official or covered executive branch official for whom the registrant or employee listed as a lobbyist provided, or directed or arranged to be provided, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

"(A) an itemization of the payments or reimbursements provided to finance the travel and related expenses and to whom the payments or reimbursements were made, including any payment or reimbursement made with the express or implied understanding or agreement that such funds will be used for travel and related expenses;

"(B) the purpose and final itinerary of the trip, including a description of all meetings, tours, events, and outings attended;

"(C) the names of any registrant or individual employed by the registrant who traveled on any such trip;

"(D) the identity of the listed sponsor or sponsors of travel; and

"(E) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, which directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the registrant or the employee;

"(6) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, a registrant or employee listed as a lobbyist—

"(A) to pay the costs of an event to honor or recognize a covered legislative branch official or covered executive branch official;

"(B) to, or on behalf of, an entity that is named for a covered legislative branch official or covered executive branch official, or to a person or entity in recognition of such official;

"(C) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

"(D) to pay the costs of a meeting, retreat, conference or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

"(7) the date, recipient, and amount of any gift (that under the rules of the House of Representatives or Senate counts towards the one hundred dollar cumulative annual limit described in such rules) valued in excess of $20 given by a registrant or employee listed as a lobbyist to a covered legislative branch official or covered executive branch official.

For purposes of paragraph (7), the term 'gift' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. Information required by paragraph (5) shall be disclosed as provided in this Act not later than 30 days after the travel.".

SEC. 216. INCREASED PENALTY FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Act (2 U.S.C. 1606) is amended by striking "$50,000" and inserting "$100,000".

SEC. 217. DISCLOSURE OF LOBBYING ACTIVITIES BY CERTAIN COALITIONS AND ASSOCIATIONS.

(a) In General.—Section 4(b)(3)(B) of the Act (2 U.S.C. 1603(b)(3)(B)) is amended to read as follows:

"(B) participates in a substantial way in the planning, supervision or control of such lobbying activities;".

(b) No Donor or Membership List Disclosure.—Section 4(b) of the Act (2 U.S.C. 1603(b)) is amended by adding at the end the following:

"No disclosure is required under paragraph (3)(B) if it is publicly available knowledge that the organization that would be identified is affiliated with the client or has been publicly disclosed to have provided funding to the client, unless the organization in whole or in major part plans, supervises or controls such lobbying activities. Nothing in paragraph (3)(B) shall be construed to require the disclosure of any information about individuals who are members of, or donors to, an entity treated as a client by this Act or an organization identified under that paragraph.".

SEC. 218. DISCLOSURE OF ENFORCEMENT FOR NONCOMPLIANCE.

Section 6 of the Act (2 U.S.C. 1605) is amended—

(1) by inserting "(a)" before "The Secretary of the Senate";

(2) in paragraph (8), by striking "and" at the end;

(3) in paragraph (9), by striking the period and inserting "; and";

(4) after paragraph (9), by inserting the following:

"(10) provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives the aggregate number of lobbyists and lobbying firms, separately accounted, referred to the United States Attorney for the District of Columbia for noncompliance as required by paragraph (8) on a semi-annual basis"; and

(5) by inserting at the end the following:

"(b) Enforcement Report.—The United States Attorney for the District of Columbia shall report to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Government Reform and the Committee on the Judiciary of the House of Representatives on a semi-annual basis the aggregate number of enforcement actions taken by the Attorney's office under this Act and the amount of fines, if any, by case, except that such report shall not include the names of individuals or personally identifiable information.".

SEC. 219. ELECTRONIC FILING OF LOBBYING DISCLOSURE REPORTS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

"(e) Electronic Filing Required.—A report required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Secretary of the Senate or the Clerk of the House of Representatives.".

SEC. 220. DISCLOSURE OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.

(a) Definitions.—Section 3 of the Act (2 U.S.C. 1602) is amended—

(1) in paragraph (7), by adding at the end of the following: "Lobbying activities include paid efforts to stimulate grassroots lobbying, but do not include grassroots lobbying."; and

(2) by adding at the end of the following:

"(17) Grassroots lobbying.—The term 'grassroots lobbying' means the voluntary efforts of members of the general public to communicate their own views on an issue to Federal officials or to encourage other members of the general public to do the same.

"(18) Paid efforts to stimulate grassroots lobbying.—

"(A) In general.—The term 'paid efforts to stimulate grassroots lobbying' means any paid attempt in support of lobbying contacts on behalf of a client to influence the general public or segments thereof to contact one or more covered legislative or executive branch officials (or Congress as a whole) to urge such officials (or Congress) to take specific action with respect to a matter described in section 3(8)(A), except that such term does not include any communications by an entity directed to its members, employees, officers, or shareholders.

"(B) Paid attempt to influence the general public or segments thereof.—The term 'paid attempt to influence the general public or segments thereof' does not include an attempt to influence directed at less than 500 members of the general public.

"(C) Registrant.—For purposes of this paragraph, a person or entity is a member of a registrant if the person or entity—

"(i) pays dues or makes a contribution of more than a nominal amount to the entity;

"(ii) makes a contribution of more than a nominal amount of time to the entity;

"(iii) is entitled to participate in the governance of the entity;

"(iv) is 1 of a limited number of honorary or life members of the entity; or

"(v) is an employee, officer, director or member of the entity.

"(19) Grassroots lobbying firm.—The term 'grassroots lobbying firm' means a person or entity that—

"(A) is retained by 1 or more clients to engage in paid efforts to stimulate grassroots lobbying on behalf of such clients; and

"(B) receives income of, or spends or agrees to spend, an aggregate of $25,000 or more for such efforts in any quarterly period.".

(b) Registration.—Section 4(a) of the Act (2 U.S.C. 1603(a)) is amended—

(1) in the flush matter at the end of paragraph (3)(A), by adding at the end the following: "For purposes of clauses (i) and (ii), the term 'lobbying activities' shall not include paid efforts to stimulate grassroots lobbying."; and

(2) by inserting after paragraph (3) the following:

"(4) Filing by grassroots lobbying firms.—Not later than 45 days after a grassroots lobbying firm first is retained by a client to engage in paid efforts to stimulate grassroots lobbying, such grassroots lobbying firm shall register with the Secretary of the Senate and the Clerk of the House of Representatives.".

(c) Separate Itemization of Paid Efforts to Stimulate Grassroots Lobbying.—Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by—

(A) inserting after "total amount of all income" the following: "(including a separate good faith estimate of the total amount of income relating specifically to paid efforts to stimulate grassroots lobbying and, within that amount, a good faith estimate of the total amount specifically relating to paid advertising)"; and

(B) inserting "or a grassroots lobbying firm" after "lobbying firm";

(2) in paragraph (4), by inserting after "total expenses" the following: "(including a good faith estimate of the total amount of expenses relating specifically to paid efforts to stimulate grassroots lobbying and, within that total amount, a good faith estimate of the total amount specifically relating to paid advertising)"; and

(3) by adding at the end the following:

"Subparagraphs (B) and (C) of paragraph (2) shall not apply with respect to reports relating to paid efforts to stimulate grassroots lobbying activities.".

(d) Good Faith Estimates and De Minimis Rules for Paid Efforts to Stimulate Grassroots Lobbying.—

(1) In general.—Section 5(c) of the Act (2 U.S.C. 1604(c)) is amended to read as follows:

"(c) Estimates of Income or Expenses.—For purposes of this section, the following shall apply:

"(1) Estimates of income or expenses shall be made as follows:

"(A) Estimates of amounts in excess of $10,0000 shall be rounded to the nearest $20,000.

"(B) In the event income or expenses do not exceed $10,000, the registrant shall include a statement that income or expenses totaled less than $10,000 for the reporting period.

"(2) Estimates of income or expenses relating specifically to paid efforts to stimulate grassroots lobbying shall be made as follows:

"(A) Estimates of amounts in excess of $25,000 shall be rounded to the nearest $20,000.

"(B) In the event income or expenses do not exceed $25,000, the registrant shall include a statement that income or expenses totaled less than $25,000 for the reporting period.".

(2) Tax reporting.—Section 15 of the Act (2 U.S.C. 1610) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "and" after the semicolon;

(ii) in paragraph (2), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(3) in lieu of using the definition of paid efforts to stimulate grassroots lobbying in section 3(18), consider as paid efforts to stimulate grassroots lobbying only those activities that are grassroots expenditures as defined in section 4911(c)(3) of the Internal Revenue Code of 1986."; and

(B) in subsection (b)—

(i) in paragraph (1), by striking "and" after the semicolon;

(ii) in paragraph (2), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(3) in lieu of using the definition of paid efforts to stimulate grassroots lobbying in section 3(18), consider as paid efforts to stimulate grassroots lobbying only those activities that are grassroots expenditures as defined in section 4911(c)(3) of the Internal Revenue Code of 1986.".

SEC. 221. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect January 1, 2007.

Subtitle B—Oversight of Ethics and Lobbying

SEC. 231. COMPTROLLER GENERAL AUDIT AND ANNUAL REPORT.

(a) Audit Required.—The Comptroller General shall audit on an annual basis lobbying registration and reports filed under the Lobbying Disclosure Act of 1995 to determine the extent of compliance or noncompliance with the requirements of that Act by lobbyists and their clients.

(b) Annual Reports.—Not later than April 1 of each year, the Comptroller General shall submit to Congress a report on the review required by subsection (a). The report shall include the Comptroller General's assessment of the matters required to be emphasized by that subsection and any recommendations of the Comptroller General to—

(1) improve the compliance by lobbyists with the requirements of that Act; and

(2) provide the Secretary of the Senate and the Clerk of the House of Representatives with the resources and authorities needed for effective oversight and enforcement of that Act.

SEC. 232. MANDATORY SENATE ETHICS TRAINING FOR MEMBERS AND STAFF.

(a) Training Program.—The Select Committee on Ethics shall conduct ongoing ethics training and awareness programs for Members of the Senate and Senate staff.

(b) Requirements.—The ethics training program conducted by the Select Committee on Ethics shall be completed by—

(1) new Senators or staff not later than 60 days after commencing service or employment; and

(2) Senators and Senate staff serving or employed on the date of enactment of this Act not later than 120 days after the date of enactment of this Act.

SEC. 233. SENSE OF THE SENATE REGARDING SELF-REGULATION WITHIN THE LOBBYING COMMUNITY.

It is the sense of the Senate that the lobbying community should develop proposals for multiple self-regulatory organizations which could provide—

(1) for the creation of standards for the organizations appropriate to the type of lobbying and individuals to be served;

(2) training for the lobbying community on law, ethics, reporting requirements, and disclosure requirements;

(3) for the development of educational materials for the public on how to responsibly hire a lobbyist or lobby firm;

(4) standards regarding reasonable fees to clients;

(5) for the creation of a third-party certification program that includes ethics training; and

(6) for disclosure of requirements to clients regarding fee schedules and conflict of interest rules.

SEC. 234. ANNUAL ETHICS COMMITTEES REPORTS.

The Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate shall each issue an annual report due no later than January 31, describing the following:

(1) The number of alleged violations of Senate or House rules including the number received from third parties, from Members or staff within each House, or inquires raised by a Member or staff of the respective House or Senate committee.

(2) A list of the number of alleged violations that were dismissed—

(A) for lack of subject matter jurisdiction; or

(B) because they failed to provide sufficient facts as to any material violation of the House or Senate rules beyond mere allegation or assertion.

(3) The number of complaints in which the committee staff conducted a preliminary inquiry.

(4) The number of complaints that staff presented to the committee with recommendations that the complaint be dismissed.

(5) The number of complaints that the staff presented to the committee with recommendation that the investigation proceed.

(6) The number of ongoing inquiries.

(7) The number of complaints that the committee dismissed for lack of substantial merit.

(8) The number of private letters of admonition or public letters of admonition issued.

(9) The number of matters resulting in a disciplinary sanction.

Subtitle C—Slowing the Revolving Door

SEC. 241. AMENDMENTS TO RESTRICTIONS ON FORMER OFFICERS, EMPLOYEES, AND ELECTED OFFICIALS OF THE EXECUTIVE AND LEGISLATIVE BRANCHES.

(a) Very Senior Executive Personnel.—The matter after subparagraph (C) in section 207(d)(1) of title 18, United States Code, is amended by striking "within 1 year" and inserting "within 2 years".

(b) Restrictions on Lobbying by Members of Congress and Employees of Congress.—Subsection (e) of section 207 of title 18, United States Code, is amended—

(1) in paragraph (1)(A), by striking "within 1 year" and inserting "within 2 years";

(2) by striking paragraphs (2) through (5) and inserting the following:

"(2) Congressional staff.—

"(A) Prohibition.—Any person who is an employee of a House of Congress and who, within 1 year after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(B) Contact persons covered.—The persons referred to in subparagraph (A) with respect to appearances or communications are any Member, officer, or employee of the House of Congress in which the person subject to subparagraph (A) was employed.";

(3) in paragraph (6)—

(A) by striking "paragraphs (2), (3), and (4)" and inserting "paragraph (2)";

(B) by striking "(A)";

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (3); and

(4) by redesignating paragraph (7) as paragraph (4).

Subtitle D—Ban on Provision of Gifts or Travel by Lobbyists in Violation of the Rules of Congress

SEC. 251. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

The Lobbying Disclosure Act of 1995 is amended by adding at the end the following:

"SEC. 25. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

"(a) Prohibition.—A registered lobbyist may not knowingly make a gift or provide travel to a Member, Delegate, Resident Commissioner, officer, or employee of Congress, unless the gift or travel may be accepted under the rules of the House of Representatives or the Senate.

"(b) Penalty.—Any registered lobbyist who violates this section shall be subject to penalties provided in section 7.".

Subtitle E—Commission to Strengthen Confidence in Congress Act of 2006

SEC. 261. SHORT TITLE.

This subtitle may be cited as the "Commission to Strengthen Confidence in Congress Act of 2006".

SEC. 262. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch a commission to be known as the "Commission to Strengthen Confidence in Congress" (in this subtitle referred to as the "Commission").

SEC. 263. PURPOSES.

The purposes of the Commission are to—

(1) evaluate and report the effectiveness of current congressional ethics requirements, if penalties are enforced and sufficient, and make recommendations for new penalties;

(2) weigh the need for improved ethical conduct with the need for lawmakers to have access to expertise on public policy issues;

(3) determine whether the current system for enforcing ethics rules and standards of conduct is sufficiently effective and transparent;

(4) determine whether the statutory framework governing lobbying disclosure should be expanded to include additional means of attempting to influence Members of Congress, senior staff, and high-ranking executive branch officials;

(5) analyze and evaluate the changes made by this Act to determine whether additional changes need to be made to uphold and enforce standards of ethical conduct and disclosure requirements; and

(6) investigate and report to Congress on its findings, conclusions, and recommendations for reform.

SEC. 264. COMPOSITION OF COMMISSION.

(a) Members.—The Commission shall be composed of 10 members, of whom—

(1) the chair and vice chair shall be selected by agreement of the majority leader and minority leader of the House of Representatives and the majority leader and minority leader of the Senate;

(2) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party, 1 of which is a former member of the Senate;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party, 1 of which is a former member of the Senate;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party, 1 of which is a former member of the House of Representatives; and

(5) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party, 1 of which is a former member of the House of Representatives.

(b) Qualifications; Initial Meeting.—

(1) Political party affiliation.—Five members of the Commission shall be Democrats and 5 Republicans.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in professions such as governmental service, government consulting, government contracting, the law, higher education, historian, business, public relations, and fundraising.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on a date 3 months after the date of enactment of this Act.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 265. FUNCTIONS OF COMMISSION.

The functions of the Commission are to submit to Congress a report required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules and regulations—

(1) related to section 503; or

(2) related to any other areas the commission unanimously votes to be relevant to its mandate to recommend reforms to strengthen ethical safeguards in Congress.

SEC. 266. POWERS OF COMMISSION.

(a) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title—

(1) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(2) subject to subsection (b), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(b) SUBPOENAS.—

(1) IN GENERAL.—A subpoena may be issued under this subsection only—

(A) by the agreement of the chair and the vice chair; or

(B) by the affirmative vote of 6 members of the Commission.

(2) SIGNATURE.—Subject to paragraph (1), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(c) OBTAINING INFORMATION.—Upon request of the Commission, the head of any agency or instrumentality of the Federal Government shall furnish information deemed necessary by the panel to enable it to carry out its duties.

SEC. 267. ADMINISTRATION.

(a) COMPENSATION.—Except as provided in subsection (b), members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(b) TRAVEL EXPENSES AND PER DIEM.—Each member of the Commission shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) STAFF AND SUPPORT SERVICES.—

(1) STAFF DIRECTOR.—

(A) APPOINTMENT.—The Chair (or Co-Chairs) in accordance with the rules agreed upon by the Commission shall appoint a staff director for the Commission.

(B) COMPENSATION.—The staff director shall be paid at a rate not to exceed the rate established for level V of the Executive Schedule under section 5315 of title 5, United States Code.

(2) STAFF.—The Chair (or Co-Chairs) in accordance with the rules agreed upon by the Commission shall appoint such additional personnel as the Commission determines to be necessary.

(3) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff director and other members of the staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the staff director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) PHYSICAL FACILITIES.—The Architect of the Capitol, in consultation with the appropriate entities in the legislative branch, shall locate and provide suitable office space for the operation of the Commission on a nonreimbursable basis. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

(e) ADMINISTRATIVE SUPPORT SERVICES AND OTHER ASSISTANCE.—

(1) IN GENERAL.—Upon the request of the Commission, the Architect of the Capitol and the Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request.

(2) ADDITIONAL SUPPORT.—In addition to the assistance set forth in paragraph (1), departments and agencies of the United States may provide the Commission such services, funds, facilities, staff, and other support services as the Commission may deem advisable and as may be authorized by law.

(f) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(g) PRINTING.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress.

SEC. 268. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this title without the appropriate security clearances.

SEC. 269. COMMISSION REPORTS; TERMINATION.

(a) ANNUAL REPORTS.—The Commission shall submit—

(1) an initial report to Congress not later than July 1, 2006; and

(2) annual reports to Congress after the report required by paragraph (1);

containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) ADMINISTRATIVE ACTIVITIES.—During the 60-day period beginning on the date of submission of each annual report and the final report under this section, the Commission shall—

(1) be available to provide testimony to committees of Congress concerning such reports; and

(2) take action to appropriately disseminate such reports.

(c) TERMINATION OF COMMISSION.—

(1) FINAL REPORT.—At such time as a majority of the members of the Commission determines that the reasons for the establishment of the Commission no longer exist, the Commission shall submit to Congress a final report containing information described in subsection (a).

(2) TERMINATION.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the final report is submitted under paragraph (1), and the Commission may use such 60-day period for the purpose of concluding its activities.

SEC. 270. FUNDING.

There are authorized such sums as necessary to carry out this title.

SA 2908. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 34, between lines 6 and 7, insert the following:

SEC. 221. APPLICATION OF FECA TO INDIAN TRIBES.

(a) CONTRIBUTIONS AND EXPENDITURES BY CORPORATIONS.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following:

"(d) TREATMENT OF INDIAN TRIBES AS CORPORATIONS.—

"(1) IN GENERAL.—In this section, the term 'corporation' includes an unincorporated Indian tribe.

"(2) TREATMENT OF MEMBERS AS STOCKHOLDERS.—In applying this subsection, a member of an unincorporated Indian tribe shall be treated in the same manner as a stockholder of a corporation.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any election that occurs after December 31, 2006.

SA 2909. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 16, strike line 1 and insert the following:

SEC. 113. PROHIBITION ON EMPLOYMENT OF FAMILY MEMBERS OF A CANDIDATE OR FEDERAL OFFICE HOLDER BY CERTAIN POLITICAL COMMITTEES.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting after section 324 the following new section:

"SEC. 325. PROHIBITION ON EMPLOYMENT OF FAMILY MEMBERS OF A CANDIDATE OR FEDERAL OFFICE HOLDER BY CERTAIN POLITICAL COMMITTEES.

"It shall be unlawful for any authorized committee of a candidate or any other political committee established, maintained, or controlled by a candidate or a person who holds a Federal office to employ—

"(1) the spouse of such candidate or Federal office holder; or

"(2) any person whom such candidate or Federal office holder claimed as a dependent on the most recent Federal tax return filed by such candidate or Federal office holder.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 114. EFFECTIVE DATE.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, March 8, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 2078, Indian Gaming Regulatory Act Amendments of 2005. Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Monday, March. 6, 2006, at 2:30 p.m., in 215 Dirksen Senate Office Building, to hear testimony on "The U.S.-Oman Free Trade Agreement".

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 2320

Mr. FRIST. I ask unanimous consent that it be in order to have second-degree amendments to S. 2320 filed at the desk by 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SAFE PLACE WEEK

Mr. FRIST. I ask unanimous consent that the Senate now proceed to consideration of S. Res. 390, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 390) designating the week beginning March 13, 2006, as "National Safe Place Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. CRAIG. Mr. President, I look forward to the U.S. Senate passing this resolution and designating the week of March 13-17, 2006, as National Safe Place Week. I thank my colleague Senator FEINSTEIN for her work on this issue. I would also like to the other cosponsors of this resolution: Senator DURBIN, Senator COCHRAN, Senator LAUTENBERG, Senator INHOFE, Senator MIKULSKI, Senator CRAPO, Senator LANDRIEU, Senator SALAZAR, Senator CLINTON, Senator BUNNING, Senator LINCOLN, Senator DEWINE, Senator INOUYE, Senator LIEBERMAN, Senator FEINGOLD, Senator DODD, Senator SNOWE, Senator BOXER, Senator MURKOWSKI, Senator JOHNSON, and Senator KOHL. This action will recognize the importance of Project Safe Place and send a message that we will keep working to protect our children. In countless hours of selfless work, volunteers truly do make a difference every day, and in passing this resolution, the Senate will be applauding the tireless efforts of the thousands of dedicated volunteers across the nation for their many contributions to the youth of our nation through Project Safe Place.

Events of the day may turn our attention overseas, but it is essential to remember those who are fighting an ongoing battle right here at home. This battle has been raging for generations and consists of fighting to protect this Nation's most valuable resource: our children. Young people are the future of this Nation; they need to be both valued and protected. Sadly, however, as my colleagues know, this precious resource is threatened daily.

I come to the Senate today to talk about a tremendous initiative between the public and private sector that has been reaching out to youth for over 20 years. Project Safe Place is a program that was developed to assist our Nation's youth and families in crisis. This partnership creates a network of private businesses trained to refer youth in need to the local service providers who can help them. Those businesses display a Safe Place sign so that young people can easily recognize a "safe place" for them to go to receive help.

The goal of National Safe Place Week is to recognize the thousands of individuals who work to make Project Safe Place a reality. From trained volunteers to seasoned professionals, these dedicated individuals are working together with the resources in their local communities and through their ties across the Nation to serve young people. Because of Project Safe Place, this all happens under a well-known symbol of safety for in-crisis youth.

Project Safe Place is a simple program to implement in any local community, and it works. Young people are more likely to seek help in locations that are familiar and non-threatening to them. By creating a network of Safe Places across the Nation, all youth will have access to needed help, counseling, or a safe place to stay. However, though the program has already been established in 42 States, there are still too many communities that don't know about this valuable youth resource.

If your State does not already have a Safe Place organization, please consider facilitating this worthwhile resource so that young people who are abused, neglected, or whose futures are jeopardized by physical or emotional trauma will have access to immediate help and safety in your community. To create more Project Safe Place sites in Idaho, the staff in several of my State offices have completed the training to make them Safe Place sites, and now have the skills and ability to assist troubled youth. In the coming years, Project Safe Place hopes that every child in America will have the opportunity to connect with someone who can provide immediate help by easily recognizing the Safe Place sign.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. 390) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 390

Whereas the youths of today are vital to the preservation of the United States and will be the future bearers of the bright torch of democracy;

Whereas youths need a safe haven from various negative influences such as child abuse, substance abuse, and crime, and they need to have resources readily available to assist them when faced with circumstances that compromise their safety;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the youths of the Nation;

Whereas the Safe Place program is committed to protecting the youths of the United States, the country's most valuable asset, by offering short term safe places at neighborhood locations where trained volunteers are available to counsel and advise young people seeking assistance and guidance;

Whereas the Safe Place program combines the efforts of the private sector and nonprofit organizations to reach young people in the early stages of crisis;

Whereas the Safe Place program provides a direct way to assist programs in meeting performance standards relative to outreach and community relations, as set forth in the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk youths;

Whereas more than 700 communities in 40 States make Safe Place available at nearly 15,000 locations;

Whereas more than 87,000 youths have gone to Safe Place locations to get help when faced with crisis situations and 88,000 youths received counseling by phone as a result of Safe Place information they received at school;

Whereas, through the efforts of Safe Place coordinators across the United States, each year more than 500,000 students learn in a classroom presentation that Safe Place is a resource they can turn to if they encounter an abusive or neglectful situation, and 1,000,000 Safe Place information cards are distributed; and

Whereas increased awareness of the Safe Place program will encourage communities to establish Safe Places for the youths of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of March 13 through March 19, 2006, as "National Safe Place Week"; and

(2) calls upon the people of the United States and interested groups to promote awareness of and volunteer involvement in, the Safe Place programs, and to observe the week with appropriate ceremonies and activities.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. FRIST. I ask unanimous consent the Senate now proceed to consideration of S. Res. 391, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 391) to authorize representation by the Senate legal counsel in the case of Timothy P. Toms v. Alan Hantman, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, this resolution concerns a civil action filed by a former employee of the Architect of the Capitol against an employee of the Senate along with various employees of the Architect of the Capitol and a Capitol Police Officer. The plaintiff in the case claims that the defendants conspired to retaliate against him in his employment because he had tried to report misconduct in the operations of the Architect of the Capitol. The plaintiff seeks damages from the defendants in this case for allegedly violating his constitutional rights.

The claims against the Senate employee, whose involvement in this suit arises solely out of her oversight role as a staff member on the Appropriations Committee, are subject to dismissal on numerous legal grounds, including failure to state a claim upon which relief can be granted, and legislative and qualified immunity from suit. This resolution authorizes the Senate Legal Counsel to represent the Senate employee in this case and to move to dismiss the claims against her.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 391) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 391

Whereas, in the case of Timothy P. Toms v. Alan Hantman, et al., No. 1:05-CV-01981, pending in the United States District Court for the District of Columbia, the plaintiff has named as a defendant Carolyn E. Apostolou, Clerk of the Subcommittee on the Legislative Branch of the Senate Committee on Appropriations;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members, officers, and employees of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Carolyn E. Apostolou in the case of Timothy P. Toms v. Alan Hantman, et al.

CONGRESSMAN BILL THOMAS

Mr. FRIST. Mr. President, before closing, I am going to make a brief comment—and there will be a lot more to say later in the year—on my friend and colleague Chairman BILL THOMAS in the House of Representatives.

He has an old saying: "I came here to make law." Well, when he retires at the end of his 14th term serving the 22nd District of California, Chairman THOMAS will be able to look back on an illustrious public career that not only made law but made history.

BILL THOMAS is smart. He is tenacious. He is steeped in the traditions of the House. He knows an awful lot about the traditions in the Senate as well. He has worked hard for over 25 years to deliver meaningful solutions to the American people.

As chairman of the powerful Ways and Means Committee, the chairman has authored and managed some of the most significant legislation to come before the House. His skillful leadership has led to major victories in reducing trade barriers, cutting taxes, stimulating the economy, and protecting the interests of all Americans.

During the Medicare modernization debate, I spent 6 months in the chairman's Capitol office hammering out intricate, complex, tough, challenging policy details. I think it is fair to say that in those 6 months I had more than my lifetime's share of pistachios, which he always had sitting on that table and which habitually you could not help but dive into, as we talked about those many issues.

A former political science professor, he is known on both sides of the aisle for his keen intellect and also his political savvy. He is known for what has been called his "singular personality."

Over the years, he has been, at times, passionate; he has been emotional; he has been outspoken; he has been headstrong—all qualities that have propelled him even beyond the national stage.

He leaves behind a huge legacy, a storied legacy. And his presence will be missed when he retires.

Back in 1995, Chairman BILL THOMAS told the Los Angeles Times:

> People say I'm not as touchy feely as I should be. But I never ran for the job to be touchy feely.

I salute the chairman for his commitment to principle and his unflagging service to his country.

I wish him and his lovely wife Sharon all the best as they embark on the journey ahead.

I had the opportunity to meet with him at the end of last week, and we talked about the future, we talked about the short-term future. He made it very clear he has a lot to do over the next several months right here in the Congress.

ORDERS FOR TUESDAY, MARCH 7, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, March 7. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of S. 2320, the LIHEAP funding bill, for 1 hour of debate equally divided between Senators SNOWE and ENSIGN or their designees; further that following that time, the Senate proceed to a vote on the motion to invoke cloture, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, today the Senate began debate on the lobbying reform package which we will continue to consider over this week. Tomorrow morning, shortly before 11, we will have a cloture vote on the LIHEAP bill. We expect to invoke cloture, and I hope that if cloture is invoked, we can work out an agreement to finish that bill in short order. That will allow us to return to the lobbying reform measure tomorrow and hopefully make good progress on that measure. I anticipate the Senate will stand in recess to accommodate the weekly policy luncheons tomorrow, and we will lock in that order tomorrow. Members are reminded that we have a full week ahead and to plan their schedules accordingly.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:20 p.m., adjourned until Tuesday, March 7, 2006, at 9:45 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Monday, March 6, 2006:

THE JUDICIARY

TIMOTHY C. BATTEN, SR., OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA.

THOMAS E. JOHNSTON, OF WEST VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA.

AIDA M. DELGADO-COLON, OF PUERTO RICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO.

EXTENSIONS OF REMARKS

HONORING THE LIFE AND LEGACY OF MR. MARTY STEIN

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 2006

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to honor the life of a prominent active citizen, businessman, and well-known philanthropist whose good works have had an impact on every corner of Wisconsin's Fourth Congressional District. Mr. Marty Stein passed away on March 2, 2006.

Raised in a modest immigrant Milwaukee household, Mr. Stein's business success vaulted him from humble origins to a major philanthropic career. Having lived out his own version of the American dream, he embraced every opportunity to afford others the same experience.

A true citizen of the world, Mr. Stein contributed to almost every major fundraising effort in the Milwaukee area. He not only took a special interest in issues of poverty and hunger, but he contributed widely and often. Well known are his associations as a patron of the Boys and Girls Clubs, Big Brothers Big Sisters, Hunger Task Force and the United Way. His support was central to the development of the St. Ann Center for Intergenerational Care. America's Black Holocaust Museum and the Betty Brinn Children's Museum were among his passions. These are but a few of his priority projects; in fact, his generous contributions are too numerous to list.

Mr. Stein also gave of himself, making a tremendous personal commitment of time and energy. He contributed to Big Brothers Big Sisters, but he also participated as a Big Brother, mentoring young children and helping them imagine and live out a better future. He helped refugee and immigrant services organizations stay afloat, but he also met those immigrants at the airport and personally welcomed them to Milwaukee. Mr. Stein was a passionate civic leader with global vision who understood that Milwaukee's fate was inextricably tied to an international community. He assisted with the airlift of Ethiopian Jews to Israel and funded entrepreneurial initiatives for youth in the then Soviet Union. His Jewish identity was the cornerstone of his drive to lead and his commitment to serve, and he traveled to Israel dozens of times as he deepened the spiritual dimensions of his leadership.

Mr. Speaker, in Marty Stein's death, we in the Milwaukee community have experienced a profound loss. Today I gratefully thank him and his family for their immeasurable achievements, I mourn his loss, and I salute his legacy.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 7, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 8

9:30 a.m.

Appropriations

To continue hearings to examine the proposed supplemental funding request for additional resources to assist the Gulf Coast region in its recovery from hurricanes in the Gulf of Mexico in 2005.

SD-106

Homeland Security and Governmental Affairs

To resume hearings to examine Hurricane Katrina, focusing on recommendations for reform.

SD-342

Indian Affairs

To hold hearings to examine S. 2078, to amend the Indian Gaming Regulatory Act to clarify the authority of the National Indian Gaming Commission to regulate class III gaming, to limit the lands eligible for gaming.

SR-485

Judiciary

Business meeting to consider Steven G. Bradbury, of Maryland, to be an Assistant Attorney General, John F. Clark, of Virginia, to be Director of the United States Marshals Service, Donald J. DeGabrielle, Jr., to be United States Attorney for the Southern District of Texas, John Charles Richter, to be United States Attorney for the Western District of Oklahoma, Amul R. Thapar, to be United States Attorney for the Eastern District of Kentucky, and Mauricio J. Tamargo, of Florida, to be Chairman of the Foreign Claims Settlement Commission of the United States, all of the Department of Justice, proposed legislation providing for comprehensive immigration reform, S. 1768, to permit the televising of Supreme Court proceedings, S. 829, to allow media coverage of court proceedings, S. 489, to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, S. 2039, to provide for loan repayment for prosecutors and public defenders, S. 2292, to provide relief for the Federal judiciary from excessive rent charges, and S.J. Res. 1, proposing an amendment to the Constitution of the United States relating to marriage.

SD-226

10 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD-366

Finance

To hold hearings to examine a prognosis of the nation's health care tax policy.

SD-215

Foreign Relations

To hold hearings to examine the nominations of Richard T. Miller, of Texas, to be U.S. Representative on the Economic and Social Council of the United Nations, with the rank of Ambassador, and to be an U.S. Alternate Representative to the Sessions of the General Assembly of the United Nations during his tenure of service as U.S. Representative on the Economic and Social Council of the United Nations, and John A. Simon, of Maryland, to be Executive Vice President of the Overseas Private Investment Corporation.

SD-419

Health, Education, Labor, and Pensions

Business meeting to consider S. 1955, to amend title I of the Employee Retirement Security Act of 1974 and the Public Health Service Act to expand health care access and reduce costs through the creation of small business health plans and through modernization of the health insurance marketplace, S. 1902, to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the Centers for Disease Control and Prevention to study the role and impact of electronic media in the development of children, and the nominations of Michell C. Clark, of Virginia, to be Assistant Secretary for Management, Department of Education, Jean B. Elshtain, of Tennessee, to be a Member of the National Council on the Humanities, Edwin G. Foulke, Jr., of South Carolina, to be an Assistant Secretary of Labor, Allen C. Guelzo, of Pennsylvania, to be a Member of the National Council on the Humanities, Arlene Holen, of the District of Columbia, to be a Member of the Federal Mine Safety and Health Review Commission, George Perdue, of Georgia, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation, Anne-Imelda Radice, of Vermont, to be Director of the Institute of Museum and

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Library Services, Craig T. Ramey, of West Virginia, to be a Member of the Board of Directors of the National Board for Education Sciences, Sarah M. Singleton, of New Mexico, to be a Member of the Board of Directors of the Legal Services Corporation, Richard Stickler, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health, Kent D. Talbert, of Virginia, to be General Counsel, Department of Education, Horace A. Thompson, of Mississippi, to be a Member of the Occupational Safety and Health Review Commission, and certain nominations in the Public Health Service.

SD–430

Banking, Housing, and Urban Affairs

International Trade and Finance Subcommittee

To hold hearings to examine the proposed reauthorization of the Export-Import Bank of the United States.

SD–538

2 p.m.

Budget

Business meeting to markup concurrent resolution on the budget for fiscal year 2007.

SD–608

Appropriations

District of Columbia Subcommittee

To hold hearings to examine potential effects of a flat Federal income tax in the District of Columbia.

SD–124

2:30 p.m.

Armed Services

To hold hearings to examine the Department of Defense quadrennial defense review; to be followed by a closed session in SR–222.

SH–216

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, and International Security Subcommittee

To hold hearings to examine Crime Victims Fund rescission.

SD–342

Commerce, Science, and Transportation

Trade, Tourism, and Economic Development Subcommittee

To hold hearings to examine impacts of piracy and counterfeiting of American goods and intellectual property in China.

SD–562

Foreign Relations

Western Hemisphere, Peace Corps and Narcotics Affairs Subcommittee

To hold hearings to examine the impact of the American Servicemembers' Protection Act on Latin America.

SD–419

Intelligence

To receive a closed briefing regarding intelligence matters.

SH–219

MARCH 9

8:30 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Department of Agriculture.

SD–192

9 a.m.

Budget

Business meeting to continue markup of concurrent resolution on the budget for fiscal year 2007.

S–207, Capitol

9:30 a.m.

Environment and Public Works

Clean Air, Climate Change, and Nuclear Safety Subcommittee

To hold an oversight hearing to examine the Nuclear Regulatory Commission.

SD–628

Appropriations

To hold hearings to examine the proposed supplemental funding request for additional resources to assist in ongoing military, diplomatic, and intelligence operations in the Global War on Terror; Stabilization and counter-insurgency activities in Iraq and Afghanistan, and other humanitarian assistance.

SD–106

Armed Services

To resume hearings to examine the defense authorization request for fiscal year 2007 and the future years defense program.

SH–216

Judiciary

Business meeting to consider pending calendar business.

SD–226

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine self-regulatory organizations in the securities markets.

SD–538

Energy and Natural Resources

To hold hearings to examine the nominations of Raymond L. Orbach, of California, to be Under Secretary for Science, Alexander A. Karsner, of Virginia, to be an Assistant Secretary for Energy Efficiency and Renewable Energy, and Dennis R. Spurgeon, of Florida, to be an Assistant Secretary for Nuclear Energy, all of the Department of Energy, and David Longly Bernhardt, of Colorado, to be Solicitor of the Department of the Interior.

SD–366

Small Business and Entrepreneurship

To hold hearings to examine the President's proposed budget request for fiscal year 2007 for the Small Business Administration, and related measures.

SR–428A

Veterans' Affairs

To hold hearings to examine the legislative presentations of the Paralyzed Veterans of America, the Blinded Veterans of America, The Non-Commissioned Officers Association, the Military Order of the Purple Heart, and the Jewish War Veterans.

SD–G50

Aging

To hold hearings to examine how to prepare Americans for long-term care financing.

SD–138

10:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the United States Department of Agriculture's management and oversight of the Packers and Stockyards Act.

SR–328A

1:30 p.m.

Judiciary

Constitution, Civil Rights and Property Rights Subcommittee

Business meeting to consider S.J. Res. 12, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

SD–226

2:30 p.m.

Appropriations

Energy and Water Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Army Corps of Engineers.

SD–124

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, and International Security Subcommittee

To hold hearings to examine agencies' progress relating to reporting improper payments, focusing on the success or failure of agencies to report and/or reduce improper payments in fiscal year 2005 performance and accountability reports, and to discuss whether or not the various ways in which agencies measure improper payments is accurately depicting the magnitude of the problem.

SD–342

Intelligence

Closed business meeting to consider certain intelligence matters.

SH–219

3:15 p.m.

Commerce, Science, and Transportation

To hold hearings to examine pending nominations.

SD–562

MARCH 10

9:30 a.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine the roles and missions of the Department of Defense regarding homeland defense and support to civil authorities in review of the defense authorization request for fiscal year 2007 and the future years defense program.

SR–222

Joint Economic Committee

To hold hearings to examine the employment situation for February 2006.

2212 RHOB

MARCH 13

3 p.m.

Armed Services

To hold a closed briefing on an update from the Joint Improvised Explosive Device Defeat Organization.

SR–222

MARCH 14

9:30 a.m.

Armed Services

To hold hearings to examine military strategy and operational requirements in review of the Defense Authorization Request for fiscal year 2007 and the future years defense program.

SH–216

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine Federal contractors with unpaid tax debt, focusing on the extent to which contractors are tax delinquent and what can be done about it.

SD–342

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine wireless issues spectrum reform.

SD–106

2:15 p.m.

Foreign Relations

Business meeting to consider Protocol Amending the Convention Between the Government of the United States of America and the Government of the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Paris on August 31, 1994 (Treaty Doc.109–04), Convention between the Government of the United States of America and the Government of Bangladesh for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Dhaka on September 26, 2004 with an exchange of notes enclosed (Treaty Doc.109–05), Protocol Amending the Convention Between the United States of America and the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Estates, Inheritances, and Gifts signed at Washington on November 24, 1978 (Treaty Doc.109–07), and Protocol Amending the Convention Between the Government of the United States of America and the Government of Sweden for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Washington on September 30, 2005 (Treaty Doc.109–08).

S–116, Capitol

2:30 p.m.

Armed Services

To hold hearings to examine the Joint Strike Fighter F-136 Alternate Engine Program in review of the defense authorization request for fiscal year 2007 and the future years defense program.

SH–216

Commerce, Science, and Transportation

To hold hearings to examine Wall Street perspective on telecom.

SD–106

Armed Services

Personnel Subcommittee

To hold hearings to examine health benefits and programs in review of the defense authorization request for fiscal year 2007.

SR–325

MARCH 15

9:30 a.m.

Indian Affairs

To hold hearings to examine S. 1899, to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children.

SR–485

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine ground forces readiness in review of the defense authorization request for fiscal year 2007.

SR–222

10:30 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for the the Secretary of the Senate, Architect of the Capitol, and the Capitol Visitor Center.

SD–138

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine innovation and competitiveness legislation.

SD–562

MARCH 16

9:30 a.m.

Armed Services

To hold hearings to examine military strategy and operational requirements in review of the defense authorization request for fiscal year 2007 and the future years defense program; to be followed by a closed session in SH–219.

SH–216

Environment and Public Works

To hold hearings to examine the Great Lakes Regional Collaboration's strategy to restore and protect the Great Lakes.

SD–628

10 a.m.

Commerce, Science, and Transportation

Disaster Prevention and Prediction Subcommittee

To hold hearings to examine impacts on aviation regarding volcanic hazards.

SD–562

Veterans' Affairs

To hold hearings to examine the homeless programs administered by the VA.

SR–418

3 p.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SD–562

MARCH 28

9:30 a.m.

Indian Affairs

To hold hearings to examine the settlement of Cobell v. Norton.

SR–485

10 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine Federal Aviation Administration budget and the long term viability of the Aviation Trust Fund.

SD–562

2:30 p.m.

Commerce, Science, and Transportation

National Ocean Policy Study Subcommittee

To hold hearings to examine offshore aquaculture.

SD–562

MARCH 29

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar business.

SR–485

10 a.m.

Commerce, Science, and Transportation

Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine the importance of basic research to United States' competitiveness.

SD–562

2:30 p.m.

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine missile defense programs in review of the defense authorization request for fiscal year 2007.

SR–222

MARCH 30

10 a.m.

Commerce, Science, and Transportation

Disaster Prevention and Prediction Subcommittee

To hold an oversight hearing to examine National Polar-Orbiting Operational Environmental Satellite System.

SD–562

Veterans' Affairs

To hold hearings to examine the legislative presentations of the National Association of State Directors of Veterans Affairs, the AMVETS, the American Ex-Prisoners of War, and the Vietnam Veterans of America.

SD–106

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine competition and convergence.

SD–562

APRIL 4

10 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine Federal Aviation Administration funding options.

SD–562

APRIL 5

9:30 a.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine Department of Defense's role in combating terrorism in review of the defense authorization request for fiscal year 2007 and the future years defense program; to be followed by a closed session.

SR–222

Indian Affairs

To hold hearings to examine the problem of methamphetamine in Indian country.

SR–485

10:30 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Sergeant at Arms and U.S. Capitol Police Board.

SD–138

3 p.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine improving contractor incentives in review of the defense authorization request for fiscal year 2007.

SR–222

APRIL 26

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine fostering innovation in math and science education.
Room to be announced

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of construction on the Capitol Visitor Center.
SD–138

MAY 3

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Government Printing Office, Congressional Budget Office, and Office of Compliance.
SD–138

MAY 17

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine accelerating the adoption of health information technology.
Room to be announced

MAY 24

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of construction on the Capitol Visitor Center.
SD–138

JUNE 14

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine alternative energy technologies.
Room to be announced

POSTPONEMENTS

MARCH 9

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine aviation security and the Transportation Security Administration.
SD–562

SENATE—*Tuesday, March 7, 2006*

The Senate met at 9:45 a.m. and was called to order by the PRESIDENT pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer.

Let us pray.

Our Father in heaven, today we praise You because Your loving kindness endures forever. You have blessed this land with freedom and abundance. Thank You for spacious skies and amber waves of grain.

Teach us to be thankful even when we face problems and pain as Your spirit opens our eyes to Your unfailing goodness.

Bless the Members of this body. May their labors today flow out of a pure heart, a good conscience, and a sincere faith. Give them trust and confidence in Your guidance and a reverence and humility in Your presence.

Keep us all from trying to please both others and You. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, today we will begin a 1-hour period for debate prior to the cloture vote with respect to the LIHEAP bill. I ask unanimous consent that the 1 hour be for debate only.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I expect that vote to occur sometime shortly before 11 a.m. this morning. If cloture is invoked—and I hope it will be—then we will be working toward an agreement that will allow us to finish the bill as quickly as possible today.

We will be returning to the lobbying reform bill today. We will begin considering amendments. Therefore, in addition to the LIHEAP bill, we will have votes in relation to the amendments to the lobbying reform bill.

I also expect the Senate to recess from 12:30 until 2:15 for the weekly party luncheons.

I say again to all colleagues who want to finish the lobbying bill this week that we certainly want to allow adequate time for Members to offer amendments. I urge Members to come forward early. We would like to lock in a filing deadline as soon as possible. As a matter of fact, I hope that we could lock in a filing deadline for today and therefore give our managers their best opportunity to schedule consideration of the amendments as soon as possible.

Again, we expect to be working into the evening each night in an effort to finish the bill as soon as possible.

FLAG PROTECTION AMENDMENT

Mr. FRIST. Mr. President, every morning we open the Senate by reciting, as we just did a few moments ago, the Pledge of Allegiance. Hand over heart, we pay solemn tribute to the American flag, that sacred symbol of America's history, values, and principles.

We are reminded that we are but servants, momentary players in the great unfolding of the American story. The flag—transcendent, noble, still—commands our humility and binds us in the common project of serving the body politic. It is with this understanding that, before Congress adjourns for the Fourth of July recess, I intend to bring the flag protection amendment to the floor.

The proposed amendment is simple. It is a one-sentence statement that reads: "The Congress shall have the power to prohibit the physical desecration of the flag of the United States."

Along with 80 percent of the American public and all 50 of our State legislatures, I believe the Constitution should allow laws that protect our flag.

Unfortunately, in 1989, the Supreme Court overturned 200 years of precedent and struck down all laws that prohibit flag desecration. I believe their decision was misguided. In my view, desecrating the flag is not speech but an act of physical assault. We know this when we see rioting mobs in foreign countries setting our flag on fire. We can see clearly that they are engaged in a specific act of physical aggression against our country and everything for which we stand. Whether inside or outside our borders, burning the American flag is intended to intimidate, not to engage in constructive speech.

I believe the amendment process is the appropriate remedy to the Court's 1989 decision. As Harvard law professor Richard Parker explains:

> The amendment process is essential to the Constitution's deepest foundation—the principle of popular sovereignty affirmed in its first words, "We the people." Making use of this process reaffirms and thus preserves that foundation.

Since I first came to the Senate in 1995, I have supported a constitutional amendment to protect our flag.

The flag is not only the physical symbol of our Nation, our pride, and our in history, but also of our values: freedom, justice, independence, equality, and, ultimately, we the people. Protecting the flag won't stop Americans from exercising their first amendment right to free speech.

Countless brave men and women have died defending the American flag. It is but a small, humble act to vote to defend it.

In the words of our esteemed colleague, Senator HATCH:

> Whatever our differences of party, race, religion, or socio-economic status, the flag reminds us that we are very much one people, united in a shared destiny, bonded in a common faith in our Nation and the profound belief in personal liberty that our Nation protects.

I look forward to bringing the flag protection amendment to the floor for debate, and I am hopeful that we will be able to once and for all give the American people the opportunity to defend this noble symbol of our shared legacy.

MAKING AVAILABLE FUNDS FOR THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM, 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2320 which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 2320) to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

Pending:

> Kyl/Ensign amendment No. 2899, to make available funds included in the Deficit Reduction Act of 2005 for allotments to States for the Low-Income Home Energy Assistance Program for fiscal year 2006.
>
> Inhofe amendment No. 2898, to reduce energy prices.

The PRESIDING OFFICER (Mr. ALLEN). Under the previous order,

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there will be 1 hour of debate equally divided between the Senator from Maine, Ms. SNOWE, and the Senator from Nevada, Mr. ENSIGN, or their designees.

Who yields time?

The Senator from Maine.

Ms. SNOWE. Mr. President, first of all, I thank the majority leader for his considerable effort, patience, and perseverance in bringing this legislation to the floor on the basis of the commitment which the leader made in December prior to our adjournment that we would have this legislation to increase low-income fuel assistance for those States that clearly need it, given the rising prices of home heating oil and natural gas, given the fact that we are in the midst of the winter, and given the fact that this has a major impact on families across the country.

I hope we will get beyond today, beyond the cloture vote and be able to secure the additional funding that is so essential to so many of the States and to so many individuals and families who depend upon it. It is absolutely critical that we provide these funds for this fiscal year in order to prepare for the summer and also to address the contingency necessity of providing additional funding this winter.

I am joined in my efforts and I wish to thank my colleague, Senator COLEMAN, my colleague from Maine, Senator COLLINS, Senator GRASSLEY, Senator SUNUNU, Senator SPECTER, and Senator SANTORUM, as well as Senator SMITH and Senator KERRY. I express my deep appreciation for their support.

I first want to address some of the criticisms that were engendered last week because I think there has been a lot of misunderstanding and misinterpretation about exactly where we stand today and what the facts are.

First of all, my underlying bill shifts the funding from fiscal year 2007 to 2006. There is an additional $1 billion for the purposes of "contingency" funding, otherwise known as emergency funding for emergency purposes. So it is budget neutral. We are just advancing it 1 year because of the unusual circumstances and because of events between rising oil prices and a difficult winter which have eroded the value of the low-income fuel assistance. This would help to make it more consistent with the authorization level because of the dire need in so many States across the country, including my own.

It does nothing to modify how those funds are disbursed to the States. The Senate decided 1 month ago when it passed the Deficit Reduction Act that 25 percent of the $1 billion would be appropriated through a formula funding and 75 percent would go to emergency contingency funding.

The Congress decided—including the Senate, and it became law just a month ago—that the President would continue to have the emergency funding capability in order to disburse that part of the funding, 75 percent to those States that needed it at that moment in time because there was an emergency. Emergencies are just that—emergencies.

What the critics are saying about my approach is they now want to change it for the first time ever and take away the capability of having emergency funding under the low-income fuel assistance. It doesn't make sense. Because the States are facing an emergency, they ought to be able to have their funding. That would be taken away by the Kyl amendment, and it would be distributed to States irrespective of whether they need it, irrespective of the fact that no emergency occurred in their State.

I understand that under the low-income fuel assistance program, you have part emergency and part formula. That is what it is all about.

All my underlying bill says is advance the funding from 2007 to 2006 for $1 billion. So we are not increasing the net level of funding for low-income fuel assistance. We have already agreed to it in the budget. It is not increasing spending. It is budget neutral. I don't change the way it is distributed. I am doing just exactly what was dictated by the U.S. Senate, and it became law in the Deficit Reduction Act a month ago.

Now we are saying let us change the entire formula, let us change the entire approach through the Kyl amendment by distributing all of the funds through a formula and we will have no emergency funding.

Let me remind my colleagues that just last fall, we had four States that benefited from the emergency funding as a result of the hurricane. Alabama received $2 million; Florida, $1.35 million; Louisiana, $12 million; Mississippi $11.75 million—exactly because it was an emergency. The President had the authority, had the discretion to disburse those funds from the contingency funds under the low-income fuel assistance program. Under the Kyl amendment, the President wouldn't have that capability. It would be given to States that didn't experience the hurricane, that didn't have an emergency. We would not be able to have any emergency funding if we passed the Kyl amendment.

I hope the Senate will continue the way in which we have approached it in the past. I hope we pass the underlying bill at the very least to advance that funding.

Emergency contingency funds exist because we cannot predict the weather, whether it is in the South or the Northeast or the West. We can't predict. That is why we created an emergency fund under low-income fuel assistance. Now, for the first time ever, we take away that capability.

I think it is important for my colleagues to understand what is at stake. All of the funding under low-income fuel assistance would be distributed according to a formula. There would be no separate funding for emergency purposes as we provided in the gulf last fall. So four States were able to benefit from the emergency distribution as a result of the President's action.

We need that discretionary capability because we are not weather forecasters. We do not know what will happen in America wherever it is going to happen. This is not a regional program. This benefits all 50 States. In fact, in January 2005, in looking at the distribution, all 50 States historically have benefited at some point from the emergency funding.

Unfortunately, on Thursday night there was a chart distributed in the Senate that was misrepresentative of the facts. Even the Congressional Research Service said it was misleading. The fact is, it did not portray the facts. It showed a distribution of the funds in January 2005 according to the emergency funding at that moment in time. But if you looked at it in February or March or April or this year, it might be radically different because the emergencies might have occurred elsewhere. That distribution was for that moment in time because of the emergencies that resulted. That is not a constant pattern of distribution. It was a misleading chart. I don't blame my colleagues for voting for the interests of their respective States, absolutely. But I want my colleagues to realize and understand that chart was misleading. It does not represent what the emergency funding is all about. We cannot predict an emergency. So there were emergencies back in January 2005 that represented those distributions, but that is not the way it happens all the time because we do not know when the emergencies are going to occur.

I regret that chart was distributed on the basis that it represents how these funds are circulated and dispensed according to the States. They are dispensed according to need and necessity. That is what the emergency funding is all about.

It is important to realize the value of the low-income fuel assistance program overall. In fact, it is one that many of the States have come to depend on, rightfully. I was in the House of Representatives when we first created this program during an energy crisis back in 1979 on the essential basis of helping to mitigate people's fuel bills, particularly for the low income and those who are disadvantaged who cannot possibly pay for the total cost of their oil bills, or in the summer for air-conditioning bills. We know it has profound implications on people's budgets, their inability to meet the rising costs, and especially so this year with 30 to 50 percent increases in their energy bills.

That is in addition to the increases that occurred last year that were 20 to 30 percent.

My constituents in the State of Maine cannot meet those rising prices. We are just attempting to hold them harmless with this funding, to hold them harmless to last year to maintain the status quo. What is the status quo? It is about meeting maybe a quarter of their fuel bill during the winter. Maybe. That depends on the rising price, and as we know, it has been an unpredictable pattern of rising prices. It is a very different thing when we have a price for a barrel of oil at $29 compared to where we are today, with a fluctuation anywhere from $61 or $66 for a barrel of oil. That has a major impact on a family's budget. The value of low-income fuel assistance today from where it was back in the mid-1980s has declined to 19 percent of the real value of this program based on what we have provided under low-income fuel assistance.

Back in the 1980s it represented, in real terms, 50 percent to families across this country. Now it has declined to more than 19 percent.

There was a survey recently conducted that illustrated this situation and why this program is so critical to so many families in my State and across America. It illustrated this point. It is tragic. It said that 73 percent of households would cut back and even go without other necessities such as food and prescription drugs and mortgage and rent payments to pay for heat. We have seen that illustrated in the State of Maine. We have had some very dire and tragic situations where people have had to be hospitalized because of hypothermia.

People say it is a mild winter. I invite Members to come to Maine and tell me about it. It has been a very cold winter.

But this is also about the price. In the State of Maine, the price has risen 30 to 50 percent in addition to the price increases last year. Yet the funding for low-income fuel assistance has maintained the status quo. So there has been an erosion of support for families who depend upon this program just barely to meet, perhaps, a quarter of their overall fuel bills depending on the price.

That is why I have asked, along with my colleague from Minnesota, Senator COLEMAN, my colleague from Maine, Senator COLLINS, and so many others who have cosponsored this legislation, to advance the funding by 1 year. It has already been provided for. It is budget neutral.

I heard one possibility of using TANF funds to pay for this. Let me remind my colleagues, under the law, TANF funds are to go for families with children. It does not allow for the use of TANF funds for any other purpose. If States do so for ineligible individuals or families, the State is penalized up to 5 percent. Using TANF funds cannot be allowed for low-income seniors, for example, who otherwise are not eligible under the TANF law.

I remind my colleagues that it is important to look at the facts and how the law works and what the implications are. I hope we can get beyond the regionalization of this low-income fuel assistance program bill and look at what is in the best interest of America, irrespective of where the necessity lies. Whether it is in the North, East, South or West, is it a need? Is it vital? Is it important? That is what this legislation is all about.

That is why, in the wisdom of the Congress and the President, we established the contingency fund for emergency purposes so the President would have the discretionary authority to distribute those funds on the basis of need at that moment in time. The other funding is distributed according to a formula. I don't change any of that. I do not change existing law. I do not change what this Senate and the House passed that became law a month ago. I do not change that.

The amendment offered by Senator KYL changes all of that and places 100 percent of the funding under the low-income fuel assistance program on a formula basis so there is no emergency funding.

I hope my colleagues would vote for cloture so we can proceed. Whether we have amendments remains to be seen. But I am prepared to work with my colleagues, those who have differences of opinion regarding this legislation, to work it out, work it out for their State and what is in the best interest of their State, our States, and for all of America. This should not be a North, South, East, West issue. This should be an issue on the basis of what is right, what is fair, what is required, and what is needed. That is what this is all about. An emergency is an emergency. That is what the emergency funding is. That is what this contingency funding is.

I impress upon my colleagues how important it is. It would be a dramatic departure to accept the amendment offered by the Senator from Arizona to redistribute all of the funds through a formula and have no capacity whatever for the President to distribute it on an emergency basis.

I remind my colleagues this is not just about Maine or the North, it is about the South and the East and the West. This shouldn't be about a compass. This should be about America.

I hope Members will look at the facts. The facts are we distributed funding under the emergency contingency fund last fall to help those States in the gulf as a result of the hurricanes for four States, including Florida, Alabama, Louisiana, and Mississippi. We gave them $15 or $14 million distributed by the President, rightfully, in response to an emergency.

Taking the emergency funding and distributing it on the basis of a formula means that States are going to receive funding when there is no emergency. How did that make sense? That was not the intent, ever. The intent was to maintain the separate funding for this capability. That is what it was all about.

Eleven States have totally obligated their winter heating fund for this winter, including my own State: Arkansas, California, Georgia, Iowa, Maine, New Hampshire, Oklahoma, Oregon, South Dakota, Rhode Island, Utah, and many of the other States. In fact, 34 Governors have written requesting this additional assistance. They are facing a crisis because applications are up and the funding is down. Increases of at least 20 percent are expected in 15 States alone.

The funds expended for the low-income fuel assistance is equivalent to the amount Congress allocated in 1983. That was 23 years ago. What about the price of a barrel of oil? It is important to my State of Maine where 84 percent of the people qualify for low-income fuel assistance, and the State in general is around 80 percent; 80 percent for those dependent on home heating oil. A barrel of oil in 1983 was $29.

By the way, the price should be going down as we go away from winter and toward the summer. But there is a dramatic change this year. The price is actually going up. And the future price for oil is much higher in January of 2007. That should raise a serious concern among all Members about the potential for price increases with respect to home heating oil and natural gas.

A barrel of oil in 1983 was $29; today it is at least $61 a barrel. That is a difference of $32. We are basically losing the value of low-income fuel assistance because the funding has remained the same. It has declined to about 19 percent of the real value of what it represented when we first created the program almost 27 years ago when I was serving in the House of Representatives.

I have offered the underlying bill to advance the funding based on the recent formula. I do not change the funding. It is 75–25, 75 for emergency and 25 percent on formula. I am prepared to offer a 50–50 that would actually allow many States to gain or stay the same if we want to talk about the formula but do not do away with the emergency funding. That would be the first time ever under this program, and we will not have the capability and the President will not have the authority or the prerogative to respond to those States that are in an emergency crisis, as was the case last fall with Hurricanes Katrina and Rita. That is the major departure, historically, from how we have obligated funds, both to formula and for emergency.

Mr. President, 54 percent of my colleagues have voted for an increase in funding for low-income fuel assistance last year, requiring 60 votes. That was requiring 60 votes. We worked very hard. We got 66 votes last week on proceeding to this vital issue.

So I hope my colleagues will support this cloture motion so we can move beyond and get to the heart of the matter, so we can discuss the differences and the implications of the underlying bill versus the amendments offered. I am prepared to work with my colleagues in any way to work it out. It is not, in my view, a matter of North versus South, East versus West or whatever. It is not sectional interests we are talking about.

What we are talking about is doing what is right for whoever needs this program and depends upon it in a moment in time. That is what the emergency funding provides. It gives us that flexibility and that capability that will be done away with by the Kyl amendment. I truly regret there was this chart that was distributed last week because it gave an erroneous picture of the accurate distribution of funding because with emergency funding you cannot have a fixed picture because it depends on the emergency. And unless someone around here is a soothsayer, there is no way to know how that funding will be distributed.

Yes, it was distributed at that moment in time that way. That is precisely because there were emergencies. But you do not know what the emergency is going to be a year from now, a month from now, 6 months from now. We are coming upon the hurricane season again. God forbid if anything else happens. The fact is, we need to have that flexibility, as we did last fall. We need to have that capability similarly for our States that need it, in Maine and the other cold-weather States currently.

If we need more funding, I am all for it. But I know there is resistance by many to increasing the funding, regrettably. But this has fallen far short of the real value of this program, as I illustrated. We have not provided a real increase in the low-income fuel assistance program since it was created back in 1979 during my first term in the House of Representatives.

Those are the facts. So I urge my colleagues to vote to proceed to the final consideration of this bill.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I rise in support of the efforts of the Senator from Maine. She has been our leader and our champion on this issue of funding LIHEAP. It has been a bipartisan effort, too. Senator JACK REED of Rhode Island, on this side of the aisle, and many others, have spoken in favor of what she is attempting to do.

To describe it very briefly, for those who are following this debate, it would put $1 billion more in the Low-Income Home Energy Assistance Program across America. We said we thought we would need $5 billion this year. Then we only appropriated $2 billion. And in some parts of the country the winter has been fairly mild, including the Midwest. In other parts it is still harsh and cold. But wherever you live, you have found the cost of heating your home has gone up dramatically, between 30 and 50 percent.

Now, imagine if you are on a fixed income, that you are a retired single woman, for example, a widow, and you turn to this program, as you have in years past, and this year you need it more than ever. Or imagine you are a woman I met, a mother in the city of Rockford, with three small children. She is divorced. She is working. She is trying to keep this little frame house she is living in warm enough so her kids can be well enough to go to school.

She needs a helping hand from this program. She is a minimum wage worker. She works as a waitress. She does not make a lot of money, but, God bless her, she is trying. And this program says we will give her a helping hand. The sad reality is, as the Senator from Maine told us, there is not enough money in this program. So many of these people find themselves without the helping hand that we have promised all across the United States.

All the Senator from Maine and others are saying is, let's put enough money in this program to help the truly vulnerable people in America. These people are our neighbors. These are fellow Americans, the parents and grandparents of people who made this the great country it is today.

You look at the situation and say, this has so many echoes and memories of what happened in New Orleans. In New Orleans, when some of the nicest people in this world, who happen to be caught up in a flood, had nowhere to turn—and the Government was not there—the sad reality is that many of them suffered. We look back now, 6 months later, in horror to think that great city is still struggling to get back on its feet. Despite the best promises of President Bush and this administration, it is not happening.

I wonder if that would have been the case anywhere else in America. Would that have happened anywhere else in America, that a city would have been devastated, and 6 months later it is still not receiving the attention it needs because of a lack of leadership from this Administration?

What the Senator from Maine is saying, what we are saying, is that for individual families faced with the realities of life today, some of these programs make all the difference in the world. And the Low-Income Home Energy Assistance Program is one.

I met with a woman in Rock Island, IL, a retired lady, a beautiful lady, who works down at the senior center now just doing volunteer work. She counsels the seniors on how to apply for LIHEAP assistance so they can pay their gas bills, which, of course, is what we use to heat the majority of our homes in the Midwest.

So many of us believe that when we face these natural disasters and challenges in America, that it is a challenge to each one of us to come together as the American family. I can understand how the Senator from Maine feels. People say: Oh, this is just a big New England problem. Now, don't worry me because I happen to live somewhere else.

It is an American problem, my friends. It was an American problem in New Orleans. It is an American problem in New England. It is an American problem when American families struggle for the basic necessities to survive. Those who would divide us on sectional lines, on lines of economic benefit, on lines of racial differences—those people are just wrong because this country is strongest when it stands together. And we stand together when some members of the American family are in need, and they are in need today.

We need to stand behind the Senator from Maine on a bipartisan basis. We need to say to this administration: Do not leave more Americans behind—as happened in New Orleans. We cannot have it repeated in New England or in northern Illinois or anyplace across the United States. We need to come together.

As I look at this bill, I think this is reasonable. It is reasonable for us to stand up for our fellow Americans who need a helping hand with low-income home energy assistance.

Let me add something as well. Wouldn't it be great if America had an energy policy? Wouldn't it be terrific if we really had a plan that would move us away from our dependence on foreign oil? When the Senator quotes oil prices, do you know what control we have over oil prices? None. When the OPEC cartel and the sheiks decide production levels, and oil prices go up, America reaches into its wallet for its credit cards and cash, and the money goes right on the line, and not just to them but to the oil companies.

It is similar with natural gas. Wouldn't it be great if we had vision and leadership in America today that moved us toward less dependence on energy from overseas? We wouldn't be caught when we stopped to fill up our cars, or provide energy to our homes and businesses, with dependence on oil cartels or fossil fuels that leave us dangling on the ends of strings, as the producers control the dance like puppeteers?

That is the fact today because for too long we have let the national energy debate——

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DURBIN. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. For too long, we have focused this energy debate on where can we drill for more oil. Can we go to a wildlife refuge in Alaska? The honest answer is, all the oil in that wildlife refuge would not provide the energy this country needs for more than 6 months over a 20-year period. It is not an answer. It is not a solution. We control less than 3 percent of the oil reserves in this world. Yet we consume 25 percent of the oil resources. There is no way we can drill ourselves to a point of self-sufficiency.

We need leadership. We need innovative, sustainable, renewable sources of energy. We need better fuel-economy in our cars and trucks. America should be moving forward as some other countries are with a new vision on energy. Instead, we are faced with these crippling bills to heat our homes, and at the gas station to fuel our vehicles.

Today, we need to vote to support the motion for cloture, bring the LIHEAP bill up, provide a helping hand to the most vulnerable Americans, and then sit down and get down to business about an energy policy that really works for our future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. SNOWE. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Maine has 6 minutes 52 seconds, and the Senator from Nevada has 30 minutes.

Ms. SNOWE. Thank you, Mr. President.

I just want to make a couple points, and then I will reserve the remainder of my time.

The Senator from Illinois mentioned Senator REED, and I, too, would be remiss if I did not mention Senator REED from Rhode Island, who has worked mightily on this issue and seeking increases in low-income fuel assistance and, in fact, has worked on that throughout the last year and this year as well. So I thank him for all of his efforts in that regard.

Finally, regarding low-income fuel assistance contingency funds, under the law—I would like to read it to my colleagues because I think it is important to understand the purpose that was underlying the design and how this program would allocate the funding in emergency situations. The low-income fuel assistance contingency funds are released at the discretion of the Secretary of Health and Human Services. I quote from the law, the law we all supported:

> . . . to meet the additional home energy assistance needs of one or more States arising from a natural disaster or other emergency.

That is the purpose of the contingency fund that is currently in law. That was supported by this Senate, by the House, and became law. It is what the White House wants. The President wants it. He wants to continue that authority and flexibility to be able to respond to emergencies when they arise. We have no way of predicting when they might arise. Therefore, it is important to have those funds set aside for exactly and precisely that purpose.

The funding distribution is not altered under the underlying legislation that is pending before the Senate. It would be significantly altered by the amendment offered by the Senator from Arizona because we would no longer, for the first time in the history of the low-income fuel assistance program, have emergency funding capability, none whatsoever. So where we have provided millions of dollars to Alabama and Mississippi and Louisiana and Florida as a result of the hurricanes last fall, we would not have that capability in the future. We do not have any capabilities.

I want to reiterate the fact that the graph that was distributed last week fundamentally misrepresented the allocation of funds. That was for one snapshot in time because emergencies existed at that moment in time. So if your State got that kind of money at that moment in time, it does not mean you get it the next time unless you had an emergency. That is what it is all about. You want your State to have the benefit of emergency funding under this program when an emergency arises, in the event it is necessary. If it is not, then you do not need that funding at that moment in time.

We have the formula capabilities under the low-income fuel assistance program to provide and distribute the money to various States. That is another part of the program. But to do away with the emergency capabilities under this program, for the first time ever, is a dramatic departure from where we have been in the past, a dramatic departure even in the alteration of the funding formula, as represented by the amendment offered by the Senator from Arizona. It would be a dramatic departure in all respects, and it would have implications all across America.

Let me remind my colleagues. I quote:

> [It is] to meet the additional home energy assistance needs of one or more States arising from a natural disaster or other emergency.

As I said earlier, 34 of our Nation's Governors have recognized the crisis and have written to the Senate and House leadership respectively and said: Despite significant State contributions to emergency relief funds or supplementing existing State-Federal programs, with the record cost of energy nationwide, the Federal fiscal year 2006 funding for LIHEAP reflects a net decrease from the previous year's total. Exactly, because of the rising prices. That is what it is all about. It has been the status quo, as I said, for funding under LIHEAP, essentially since it was created, but most especially since 1983. That is a long time ago.

I think we ought to do what is right. It will benefit all of our States depending on the need and whether an emergency arises. Then we have the formula to distribute the other funding according to the States and to a formula upon which we have all agreed. And it is fair and equitable. What is underlying all of this is to do what is right for all of America, for all of our States, and not to pit one State against another, one region against another. That is not what this is all about. This program is for all 50 States based on formula and based on emergencies.

I hope we will not significantly alter this in a way that removes emergency funding capability that the President now has and what we certainly need and depend on in the event that occurs in any one of our States.

So with that, I reserve the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, let me say a few words about this before Senator ENSIGN comes to the floor. The first vote we will have shortly will be the vote to proceed with the consideration of this legislation, a so-called cloture vote. After that, the subject the Senator from Maine has primarily been addressing will be the pending business. It is an amendment which would establish how this additional billion dollars would be made available to the States to meet their emergency needs for either home heating or home cooling, as conditions warrant.

There has already been about $2 billion spent, almost all of which is for the heating needs of those in the colder part of our country. Those of us who offered the amendment to provide a way in which the third billion dollars would be distributed have had in mind some very difficult circumstances in our home States over the last year or so. In fact, part of the problem is the fact that the money that is available in the fiscal year is used pretty much at the front end of the time to treat the cold climate problems. By the time we get to the summer, when the heavy heat requirements would authorize funding to be spent in States such as Arizona and Nevada, there has been little money available.

Last summer, in response to the heat emergency there, when air conditioning bills were skyrocketing and a lot of people could not afford to pay them, bills which are much higher per household than home heating bills frequently are, there was no money available. We tried to get a contingency amount of money to apply to the problem. We literally had some people die. Yet by the time the money became available, it was too late.

One of the things we are trying to do with this amendment is to preserve some of the money pursuant to a formula so that it is not all sitting in a contingent fund to be spent in cold States in the beginning of the year with nothing left at the end of the year.

Let me cite some statistics from the city of Phoenix, for example: Arizona's LIHEAP program can only assist 4 percent of those who are eligible; 73 percent of the homes have an elderly or disabled or child under 5—this is in the city of Phoenix; these figures don't necessarily apply to everywhere in the State—18 percent have an energy burden of over 25 percent of their income. This is what I think folks don't realize. Air conditioning is a necessity when you have 115, 116, 118-degree days. It is not optional. Especially if you are elderly or very young, you have to have air conditioning. When you are paying 25 percent or more of your income for that air conditioning, it is a burden that too many people can't bear. That is why we are trying to get more of the funds allocated through a formula to the States that need that kind of help at the end of the year and not have it all sitting in a contingency where it is not available, as was the case last year.

We need to fix this problem. There is already appropriated for fiscal year 2006 $2.183 billion—$2 billion pursuant to the existing formula, almost all of which goes to the cold States in the Northeast and elsewhere, and $183 million for contingency. So to the extent that there are contingency requirements, as the Senator from Maine has spoken to, there is funding currently available for that. What we are trying to do is ensure that the next billion dollars not only provides for that contingency funding and some additional contingency funding but that about three-fourths of it be distributed pursuant to a formula which is much fairer to those States that have not gotten the money in the past to assist their low-income folks to provide primarily for air conditioning. That is what the debate is all about.

The pending amendment is my amendment that would provide for a formula distribution of the next billion dollars. There is still contingency money available but not as much as there would be under the proposal of the Senator from Maine.

There is probably somewhere between zero and 100 an opportunity to try to work things out. It is my hope that in the time between now and the time we begin debating my amendment, we will be able to do so. I am certainly open to discussion about it. We need to make sure that wherever people are located, they are well taken care of. In the past, however, the way the money is distributed, virtually all goes to people in the colder States, with nothing left over for those folks who have to rely upon air conditioning. It is time we recognize that fact and modify the formula for the additional amount of money that is going to be spent if, in fact, money will be allocated, so it more accurately reflects the needs of the people in the hotter climates as well as those who have been the recipients of most of the money that has been allocated so far.

I reserve the balance of the time for others, in particular the Senator from Nevada, when he arrives.

The PRESIDING OFFICER. Who yields time?

The Senator from Minnesota.

Mr. COLEMAN. How much time do we have remaining?

The PRESIDING OFFICER. The Senator from Maine has 1 minute 18 seconds, and there is approximately 24 minutes reserved to the Senator from Nevada and counting.

Mr. COLEMAN. Mr. President, I ask unanimous consent that we use an extra 3 minutes of the other side's time for my discussion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COLEMAN. I rise to respond to my friend and colleague from Arizona. We are in agreement on the idea that the money should go where it is needed. What I would disagree with is that there is nothing left for those from other States, warm weather States. That is not what we are dealing with here.

Two things about LIHEAP: One, it is not just another Federal acronym; it is a lifeline. I held hearings on this in St. Paul, where I heard from a woman named Lori Cooper, a working professional wife, mother of a 21-month-old baby. It is about scraping by on salary alone, and even with assistance paying the heating expense, it was a real hardship. We had a senior named Lucille Olson who told a story of the struggle to balance the cost of high health insurance and prescription drugs with ever-rising heating bills that represent about 30 percent of her monthly income.

We are not talking about a Federal acronym. It is a helping hand.

You may hear some of my colleagues contending that a warmer-than-usual winter has somehow lessened the need. It may be a mild winter by Minnesota's standards, but certainly not by Virginia's. It was about minus 19 in St. Paul a couple weekends ago. If it is only 25 degrees, mild by Minnesota's standards, you still have to put about an extra 40 something degrees in there to heat your home so seniors and working people can live there with some measure of comfort.

We have 60 percent of all LIHEAP households in Minnesota heating their homes with natural gas. The price of natural gas has risen severely. It is a severe winter by national standards. LIHEAP is designed to soften that. We have heard it firsthand.

I want to make clear the bill which I cosponsored would designate an additional $250 million for formula funding. But due to the nature of the formula governing allotments to States, this additional formula funding for Minnesota would provide a negligible increase. The 25/75 split is exactly the same split the Senate approved a few months ago in the Deficit Reduction Act. What we do is we change the date assistance is available from 2007 to 2006. Again, 25 percent of the funding goes to predominantly warm weather States.

This is about emergencies. It is about meeting the needs of emergencies. I have to say that we have been there. Senators from the northern States have been there when there has been flooding and tornadoes and hurricanes and other crises around the country. We haven't divided up regions. We didn't do that with Katrina and Rita when they swept across the gulf. We didn't do it in areas of Florida hit hard by hurricanes. We didn't do it in western States affected by wildfires. We are one great Nation. We come to the aid of those in need. This is about those in need. It is a severe winter where they can't afford the cost of natural gas, a lifeline, a helping hand, not an acronym for a program.

The Senate has a tradition of putting aside its regional and partisan divisions. When Americans face desperate situations, the Senate comes together in the name of the same Nation with the spirit of cooperation. I have heard the President speak eloquently about the spirit of America, of what it is all about. That is what we are asking for today. Hurricanes Katrina and Rita have already made natural gas prices worse. In northern States such as mine, this is about hardship. I have seen the faces of those who need this assistance, those who work hard to get back on their feet, to build a better life. A dramatic increase in heating costs like those experienced in Minnesota this year is a cruel burden. They deserve a lifeline, a helping hand. Please support me in providing increased LIHEAP assistance designed to meet the needs of those who need it most.

The PRESIDING OFFICER. Who yields time?

Ms. SNOWE. Mr. President, I commend Senator COLEMAN for his leadership and all the efforts he has made in regard to the pending legislation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. How much time remains on our side?

The PRESIDING OFFICER. The Senator has 22 minutes 14 seconds, and the Senator from Maine has 57 seconds.

Mr. ENSIGN. Mr. President, my preference would have been that this bill not go forward simply because I believe this legislation is not paid for. It would be different if the proponents of this legislation had truly paid for it, in other words, offset this spending. Instead of offsetting this spending, they take in the money from next year, bring it into this year and then will try next year to restore the money. If they would have said: This is the priority, let's reset our priorities and let's cut some other type of spending to pay for this, the legislation would have been a lot more acceptable.

That is the reason we raised the budget point of order last week against this legislation. We lost on that budget point of order. So now it looks as though the legislation has a chance of moving forward, and we have to determine how the money is spent. Is it fair to spend it across the country, or should it benefit some States at the expense of other States?

The LIHEAP program is set up with a very complex formula. It is assistance for those people who are low income, who need help with their heating oil or with air conditioning expenses—for those who live in hot States such as myself, or in Arizona, or some of the other southern States around the gulf coast.

The reason people are seeking this increase is because natural gas has exploded in price. Obviously, heating oil has done the same. So there is a need out there for assistance and we don't deny that. We think there is legitimacy to meeting that need. But it is a question of how do we now disburse this money fairly to the States.

Let me get back to the LIHEAP formula—how we determine how the money goes to the various States. It was set up a long time ago when this program was first put in effect that it would benefit more of the colder States. When it was set up, the first amounts of money would go in and mostly benefit those cold weather States; and then if there was more money put into the program, it would be distributed more fairly to help States that are warmer. The proponent has put forward that three-quarters of the money would go to continue to help those States that are in the colder regions of the country, and 25 percent of the money would then be distributed kind of equally across the country. That is not the way the program was intended to be set up.

Additional moneys are supposed to be distributed fairly across the board. Mr. President, 28 out of the 50 States would lose under Senator SNOWE's bill; 22 States would benefit. Those same 22 States benefit under the moneys that have already been spent this year—more than the other States benefit.

We are not going to win the cloture vote. We fully admit that. We lost on a budget point of order, so we know we are going to lose on a cloture vote. After the cloture vote, there will be at least one amendment to change the formula so that other States are more fairly treated in this program.

I believe this billion dollars should be more fairly distributed across the country. So that is what we are going to attempt to do. We hope all of the Senators will look to see whether their States benefit more under the amendment Senator KYL and I are going to put forward or benefit under Senator SNOWE. If they look from a selfish perspective to their own States, they will vote with our amendment.

I think it is important when you are in the Senate to try to do what is best in the national perspective, but you also look to your State and your State's interest. When there is a pot of money out there, it is our responsibility to look to try to get our States' fair share of that money. That is what I am going to do for Nevada, and I know the Senator from Arizona is going to do that for the State of Arizona.

While this cloture vote will go forward, that doesn't mean we won't have germane amendments—which our amendment is—and that we won't have germane amendments to vote on to more fairly distribute the money.

How much time does the Senator need?

Mr. KYL. A couple of minutes.

Mr. ENSIGN. Mr. President, last year, we had a debate on increasing LIHEAP funding, but we had to pay for it last year. We paid for it by allowing drilling in ANWR. The ANWR provision got stripped out in the Senate. So the amount of money to pay for LIHEAP was no longer present. I would like to see drilling in ANWR. I think it is important to diversify our energy supplies in America. The money would have been there and people would not have had objections. I agreed to that last year. This is purely deficit spending even though the proponents of the bill say it is not because of the phony budget games that are played around here. But because it is deficit spending, we are going to try to make sure that the money is spent fairly across the United States. That is what this whole debate is going to come down to in the next day or two.

Mr. President, with that, I reserve the remainder of our time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, since I last spoke, I want to get a couple of the specific numbers on moneys actually spent under the formula that currently exists for providing low-income energy assistance for both the cold weather States and the warm weather States.

I have some statistics that relate to three of the States in comparison with the State of Maine, for example. Nevada has about 40,000 more people, or eligible households than Maine. Under the current formula, it receives about $22.7 million less than Maine. In the case of Arizona, with a population of about four times that of Maine, Arizona receives three times less money. In other words, Maine receives more than three times the money of Arizona, with Arizona having more than four times the population. Georgia had to spend $10 million, up from $3 million last year, for its energy needs and for needy families.

We are all interested in seeing that the low-income families have assistance. We want a formula that is fair. In the past, the formula has not been fair. Growing States such as Nevada and Arizona, which have far more population than some of the other States, receive far less money. As I said, in comparison of air conditioning bills versus heating bills, the air conditioning bills can be far greater—sometimes more than 25 percent of the income. That is what we are talking about here. We are trying to achieve fairness with the formula, not have the money all in a contingency fund which is spent early in the year on the cold weather, with nothing left for the hot weather folks.

If the Senator from Oklahoma is ready, I yield to him.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I have been on the floor numerous times to talk about priorities. We are on an unsustainable course in our country.

The GAO says that. Anybody who looks at our books, our budgets, and our deficits would realize that. We have before us a $1 billion expenditure that I am sure we are going to do. I have done everything I can to keep us from doing it. Without paying for it, we will transfer that money to our children.

I think it is important for the American public to know how awry we are in this body. I want to put forward and into the RECORD what the cosponsors of this bill did. They did, collectively, $777 million worth of earmarks last year. Those States of the cosponsors are going to get $145 million in LIHEAP money. The fact is, we spent over $770 million on earmarks.

I wish to spend a few minutes reading some of them so we can see whether the American people think it is a priority. Do we help people who need heat with their homes or do we build the Katahdin Ironworks in Maine? Or do we build a new industrial park in Maine? Do we buy new land—the Rachel Carson land acquisition for $600,000? Do we pay for a new building for the city of Brewer, an administrative building? I cannot find in the Constitution where that is a responsibility of the Federal Government. We are going to build a new Bangor waterfront park. We spent $246,000 on earmarked lowbush blueberry research. Here is a George and Barbara Bush cultural center at the University of New England, $300,000. Do we do that and charge it to our children and grandchildren, or do we help people with their heat? To me, it is an obvious choice. But we refuse to make those hard choices here. We would rather spend the money and charge it to our children and grandchildren.

Here is a Franco-American Heritage Center renovation project in Lewiston. And Bowdoin College in Brunswick, ME, gets $100,000 for site planning and renovation. Here is a purchase of land, Brainard Lakes, MN. Here is Midtown Greenway, Minneapolis, $1.5 million. Here is Augsburg College, in Minnesota, $1 million. I didn't know private colleges were part of the responsibility of funding from the Federal Government. Next we have Grand Portage in Minnesota, to establish a heritage center, $4 million. We are going to establish a heritage center for $4 million and we cannot help people with their heating bills. We are going to try to do both because it is politically expedient, but it is not politically expedient for our grandchildren.

We gave $200,000 to the Hmong American Mutual Assistance Association. We gave $500,000 to the Minneapolis American Indian Center in Minneapolis. We sent $1 million to the Pine Technical College in Minnesota. We rehabilitated the Ames Lake Neighborhood, Phalen Place Apartments, in St. Paul with $150,000 of taxpayer money. Here is the Willard Pond in New Hampshire, $550,000. Then we have Roseview, a purchase of land for $2 million. Here is the Hubbard Brook Foundation and the Daniel Webster College. Here is the city of Portsmouth, to build an environmentally responsible library. We are going to build a library instead of paying for people's heating bills, and we are going to charge it to our children and grandchildren.

We spent $150,000 for site preparation for improvements to White Park in Concord. We are going to restore Temple Town Hall in the town of Temple, $225,000. That is not a Federal responsibility; it is a State responsibility.

Yet the American people are right to ask the question: How is it that we can have $775 million in earmarks from five States, and those five States under this formula would get $145 million in LIHEAP?

I suggest that we shouldn't take it from our children and grandchildren. I suggest that we ought to pay for it, and the way to pay for it is either reduce the number of earmarks that are not legitimate under the Constitution, but are very politically expedient, or find the money elsewhere.

I am not just picking on these items. This goes across this body throughout. The culture of earmarks is killing our country in terms of how much money we spend and who is paying for it. And who is actually paying for it is not us. We are shifting it to the next two generations.

I will show this document in the RECORD—it lists the earmarks by the five cosponsors of this bill—and let the American public decide whether they think we ought to take $1 billion from our grandkids or cut out some of these projects that are not necessary right now. We are in a time of tremendous fiscal severity, and it is time we start acting as grownups.

Mr. President, I ask unanimous consent to have printed in the RECORD the document that lists earmarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHAT ARE OUR PRIORITIES—EARMARKS OR LOW-INCOME ASSISTANCE?

(Estimated number and cost of earmarks in FY2006*; additional LIHEAP funding based on estimate of an additional $250 million allocated through the standard formula and $750 million allocated through the contingency fund; contingency fund allocation rates for each state are based on the average distribution rate from the five previous releases from the contingency fund)

State	Number of earmarks	Cost of earmarks	Additional LIHEAP funding
Maine	38	$29,362,000	$16,277,940
Minnesota	85	127,383,000	29,089,755
New Hampshire	50	46,338,000	8,845,527
Ohio	171	238,005,026	39,060,740
Pennsylvania	286	336,210,500	52,561,169
Total	630	777,298,526	145,835,131

*Note: The number and cost estimate of earmarks for each state likely underestimate the total number and cost of earmarks. Only earmarks where a state is clearly and readily identifiable are used in the estimates.

Sources: Congressional Research Service, LIHEAP Clearinghouse, staff calculations.

Mr. COBURN. Mr. President, I want to help those people who cannot help themselves, but I have also discovered that there is very limited authorization for us in the Constitution for us to be paying the heating bills of people in this country. There is no such thing as compassion when you are using somebody else's money to offer compassion.

The real answer to heating bills is solving our energy crisis and local communities taking care of their local citizens with their assets.

I will not vote for cloture, although I know cloture is going to be invoked, but I think this is a great time that everybody in this country ought to be questioning the process here and the utilization of earmarks which could have paid for the heating bill, but instead we did things to help us back home, help us get reelected.

I remind the Members of this body, Mr. President, when they take the oath of this body, they don't take an oath to protect their State or bring home the bacon. They take an oath to do what is in the best long-term interest of this country, not what is in their best short-term political interest.

I believe, as the American people look at this—I know this recent polling said 69 percent of the people in this country think we ought to eliminate earmarks, even if it hurts them. The only way we will get out of the financial mess we are in is start attacking the process of earmarks that greases the sled for spending that is out of control.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Nevada.

Mr. ENSIGN. Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. Does the Senator from Maine yield back her 57 seconds?

Ms. SNOWE. Mr. President, I yield the remainder of my time to my colleague, Senator COLLINS from Maine.

Mr. KYL. Mr. President, I ask unanimous consent that the Senator from Maine have an additional minute and only 2 minutes be reserved on this side.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank my colleagues for their cooperation. I realize I need to talk very rapidly.

I understand that the Senator from Oklahoma listed earmarks that the Senator from Maine and I have jointly sponsored. I want to tell my colleagues that I am very proud of those projects, and I will stand here and defend every single one of them. But the fact is, that is irrelevant to the debate before us right now.

I think it is so unfortunate to see this breakdown as certain States in certain parts of the country oppose what is a program that is absolutely essential to those of us who live in colder States.

I supported all of the aid for Hurricane Katrina's victims in the gulf region. I routinely support programs that benefit other regions of the country. I think it is unfortunate and unfair and very disappointing for colleagues to oppose a program simply because it doesn't benefit their region as much as others.

This is a program that is a matter of literally life and death to those of us representing low-income and elderly constituents.

I realize my time has expired. I urge my colleagues to support the motion to invoke cloture.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I will conclude by making two points. First of all, the question on cloture is not whether to allow the program to go forward but whether it will be paid for or, in effect, the money taken from next year, in which case then next year's money will have to be taken from the year after that, and so forth. So it is a question of how we pay for it.

The average temperature in July of last year in Arizona was just under 100 degrees. It was about 98 degrees. It is a matter of life and death. Eighteen people died in Arizona, and there was no money available in Arizona for this program. By the time we found we could get a contingency of $183 million, it was too late.

So while we would like to see the program continue, we would like to see it paid for and also we would like to see the formula modified so those people who suffer from the heat have as much of an opportunity to participate as those who have trouble from the cold weather. As a result, assuming that cloture is invoked, what we will be urging is that the next billion dollars be spent pursuant to a formula that more fairly divides the money among the various States, all of which have problems, but they are just different kinds of problems. And we will be able to debate that at that time.

Mr. President, I yield back all of the remaining time so we can go ahead with the vote.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 2320: a bill to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

William Frist, Lamar Alexander, Ted Stevens, Pat Roberts, R.F. Bennett, George Allen, Pete Domenici, Rick Santorum, Gordon Smith, John Thune, Richard G. Lugar, Arlen Specter, John E. Sununu, Mitch McConnell, Lincoln D. Chafee, Lisa Murkowski, Mike DeWine, David Vitter.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 2320, a bill to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 75, nays 25, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—75

Akaka
Alexander
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Clinton
Cochran
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Frist
Grassley
Gregg
Hagel
Harkin
Hatch
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thune
Voinovich
Warner
Wyden

NAYS—25

Allard
Bond
Brownback
Bunning
Chambliss
Coburn
Cornyn
Craig
Crapo
DeMint
Ensign
Enzi
Graham
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McCain
Roberts
Sessions
Shelby
Thomas
Vitter

The PRESIDING OFFICER (Mr. BURR). On this vote, the yeas are 75, the nays are 25. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. FRIST. I move to reconsider the vote and to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2913 TO AMENDMENT NO. 2899

Mr. FRIST. Mr. President, I ask for the regular order with respect to amendment No. 2899 and now call up amendment No. 2913 as the pending amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST], for Ms. SNOWE, proposes an amendment numbered 2913 to amendment No. 2899.

Mr. FRIST. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve the distribution of funds to States under the Low-Income Home Energy Assistance Program)

Beginning on page 1, strike line 7 and all that follows through page 2, line 5, and insert the following:

(A) by striking "for a 1-time only obligation and expenditure";

(B) in paragraph (1), by striking "$250,000,000 for fiscal year 2007" and inserting "$500,000,000 for fiscal year 2006"; and

(C) in paragraph (2), by striking "$750,000,000 for fiscal year 2007" and inserting "$500,000,000 for fiscal year 2006";

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF DANA REEVE

Mr. HARKIN. Mr. President, I awakened this morning to some very, very sad news: the death of Dana Reeve last night at the age of 44. With her death, I lost a dear friend and our American family lost a very, very special member of our family.

The world will remember Dana in many ways—as a fine actress, as a tireless advocate for spinal cord and embryonic stem cell research, and as the wife who stood by her husband through incredible adversity. I will remember her as a person of extraordinary grace and decency, always thinking of others, passionately committed to making a difference in the world.

Over the years, I was privileged to get to know and to work with both Dana and Christopher Reeve. Whoever coined the phrase that "life is unfair" must have had the Reeve family in mind. But these two people faced adversity with unflinching courage.

They taught us the most valuable of lessons. Christopher taught us how to transcend suffering and to live life to its fullest and to make every moment count. Dana taught us about the true meaning of love and commitment and loyalty.

Together, Dana and Christopher Reeve expanded access to new treatments and therapies for countless thousands of paralyzed Americans. Through their Christopher Reeve Foundation, they were tireless advocates for medical research.

Dana Reeve was also a superb politician, and I mean that in the best sense of the word. She knew exactly which committees to target, which levers to pull, which elected officials to cultivate and pressure and plead with. She also knew how to go over the heads of certain political leaders who got in her way, by taking her case directly to the American people. That is how Dana—and Chris, too—did so much to put embryonic stem cell research front and center on the national agenda. That is how she rallied support for spinal cord research.

But Dana spoke up passionately for all people living with disabilities. She spoke up for Parkinson's and ALS research. She advocated for more generous funding for the National Institutes of Health. Of course, she wanted a cure for her husband, but she fought for a cure for others as well, including all those children whom she and Chris met with spinal cord injuries. And, my friends, so must we. We must fight also. Dana continued full speed ahead because of her drive and determination, because of the incredible work of all the dedicated people at the Christopher Reeve Foundation. And now Dana's work must continue full speed ahead because of our commitment and determination.

We must continue because we have an unfinished agenda. As long as misguided leaders deny our best scientists access to embryonic stem cells, we have an unfinished agenda. As long as people with disabilities are forced to live in nursing homes because Medicaid will not cover home care, we have an unfinished agenda. As long as there is hope for a cure to spinal cord injuries, Parkinson's, ALS, and other diseases, we have an unfinished agenda.

If we have just half of the commitment and tenacity and courage that Dana Reeve and her husband had, then we will complete this agenda.

Helen Keller, who knew plenty about adversity and disability, said something that applies very much to Dana Reeve in her last months. "Life," said Helen Keller, "is either a daring adventure, or nothing. To keep our faces toward change and behave like free spirits in the presence of fate is strength undefeatable."

That is the Dana Reeve I will always remember and cherish. Even when her husband was gravely injured and then taken from her, even a few months after that when she was cruelly stricken with lung cancer—a person who had never smoked in her entire life—she never gave up her fight for a better world and a better future for other people, especially those struggling with disabilities.

Dana Reeve was an extraordinary person, a passionate advocate, a wonderful mother, a loyal, committed, loving wife. As I said, she has taught us a lot about what commitment really means. We are grateful to God for the many gifts she shared with the world. We are grateful for all she has done to enrich our lives and to instruct us in how to live. Today, we grieve her passing.

May she rest in peace, and may her work continue.

Just on behalf of the Harkin family, Ruth and I and our children send our condolences to Will and to all the other members of the Reeve family. May they know we are going to continue the work. Through the Christopher Reeve Paralysis Foundation, we will find a cure for paralysis and spinal cord injuries. We cannot afford to give up. Dana Reeve never gave up. We cannot afford to either.

Mr. LEAHY. Mr. President, today we heard the sad news of the death of Dana Reeve. My wife Marcelle and I got to know, first, Christopher Reeve, who often traveled to Vermont. We met with him there, did things with him there, and with members of his family; and then, subsequently through Chris, with Dana Reeve. We know they had only been married for 3 short years when Christopher Reeve had a terrible accident which left him paralyzed from the neck down.

Like so many of the friends of both of them, we saw how Dana kept by his side. They raised their young son, she encouraging Chris at every step along the way.

It was my privilege to see and be with the two of them many times throughout that, as she helped him with his foundation, to help those with spinal cord injuries. And I heard him say so many times he could not have possibly done this without her steadfast help.

She said at one point that she learned that life does not take the turns you might think it would but that she would continue to stay with Chris and help him.

I remember when the sad time came for the end of his life, and the funeral and the eulogies and discussions that I had with her after that, and her commitment to go forward to help with the foundation and to raise their son.

Then, with the stunning news just a few months ago that she had lung cancer, in typical fashion, she said she felt she could beat that and would do—she had the best doctors—all the steps possible. Then in the last few days she got more and more ill. And, of course, today we received the news she had died.

I think of her talking about her years at Middlebury College in Vermont, going to Vermont with Chris—the two of them giving us so much.

A devoted wife and mother, a talented singer and actress, a determined and dedicated activist, Dana Reeve was the embodiment of grace and courage in the face of so many staggering challenges.

A graduate of Vermont's Middlebury College, Dana pursued both acting and singing, appearing on television programs, on Broadway, and on other stages across the country. When she married Christopher Reeve, a dear friend of so many of us across this land, she could not know what direction her life would take.

I first met Chris in the 1980s and had the good fortune of spending time with him in my home State of Vermont. Over the years, Marcelle and I came to count Chris among our friends. I am privileged to say that Dana became a dear friend of ours as well.

When tragedy struck Chris and Dana's lives in 1995, just 3 short years after their marriage, Dana's love and courage became the focal point of so many stories. Left a quadriplegic in a tragic equestrian accident, Chris repeatedly credited Dana's constant care, companionship, and love with bringing him out of shadowy sadness he felt in the first months after the accident. Together they opened the Christopher and Dana Reeve Paralysis Resource Center, designed to teach paralyzed people to live more independently. They also chaired the Christopher Reeve Paralysis Foundation, which provides funds for research on paralysis.

When Chris died in 2004, Dana—her courage never wavering—assumed the foundation's chairmanship, and she came to the Halls of Congress to make the case for easing the restrictions on stem cell research. Her unrelenting efforts to improve the quality of life for sufferers of paralysis have led to the distribution of more than $8 million in grant funding to support programs designed to improve the daily lives of paralyzed people. Despite being diagnosed with lung cancer in 2005, Dana continued her advocacy efforts. In 2005, the American Cancer Society named her Mother of the Year.

Both Chris and Dana instilled in so many a hope and inspiration that can only come from conquering adversity. Their generous, vibrant, and compassionate souls have touched an entire nation. Their young son Will will no doubt look to that strength as he continues through life. Two years ago, I mourned the loss of my friend, Chris Reeve. Today, I join so many in mourning the loss of Dana, his inspiration, and ours as well.

It is sad when two good people like this are taken so early. I know I speak for so many tens of thousands of their friends not just around this country but around the world.

Mrs. FEINSTEIN. Mr. President, I rise to pay tribute to a remarkable woman who has shown Americans what courage is all about. That woman is Dana Reeve.

I knew Dana as a smiling, beautiful woman standing behind Christopher Reeve's wheelchair, accompanying him to DC to testify in support of advancing stem cell research. Since Chris's death, Dana was the face of this fight on behalf of patients across the country with spinal cord injury, Parkinson's, juvenile diabetes and countless other illnesses.

I thought that after everything Dana had gone through with Chris that she would have time to smell the flowers and be in the sun. But apparently that was not meant to be.

My heart goes out to Dana and Chris's son William, Dana's stepchildren Matthew and Alexandra, and the entire Reeve and Morosini families during what is and has been a very difficult time.

Dana was the picture of steadfast loyalty and compassionate care. She and Chris taught us all that life is short and that we should all have the courage and hope to "go forward."

Dana carried that spirit with her in her drive to push Congress to expand embryonic stem cell research and to expand access to new treatments and therapies for thousands of Americans with spinal cord injuries.

Dana was an activist, actress, singer, motivational speaker and published author. Dana was a founding board member of the Christopher Reeve Foundation and succeeded her late husband as chairperson in 2004. She created and led the Foundation's Quality of Life initiatives.

She received numerous awards for her work, most notably the Shining Example Award from Proctor & Gamble in 1998, an American Image Award from the AAFA in 2003, and the American Cancer Society named her Mother of the Year in 2005.

Dana, the person, was a tireless advocate for people with spinal cord injuries. For me personally, she and Chris will forever be the shining lights in the great national debate for advancing medical research.

It is with sadness that I stand before this body, more than 9 months after the historic vote in the House to expand Federally funded embryonic stem cell research, and still there has been no vote in the Senate.

With each day that passes the research that could one day lead to cures and treatments for millions of Americans with deadly and debilitating diseases is being held up.

It is incomprehensible to me that we have a bill, which has already passed the House, that may help millions of Americans but instead is just sitting, languishing in the Senate despite some overtures or promises that it would be taken up by this body.

It is time for the Senate to do exactly what the House did. It is time for the Senate to take up and pass the Stem Cell Research Enhancement Act, the Castle-DeGette bill, with no amendments and no alternatives. I believe we have the votes to pass this bill today and send it to the President.

I want to take a moment to acknowledge Dana's last struggle, her battle against cancer. This terrible disease is a very personal one for me. I have lost many loved ones to it. The elimination of death and suffering due to cancer has been one of my highest priorities since coming to the Senate.

Dana died of lung cancer and, as many of you have read in the papers, Dana was a non-smoker. I believe she had stage one metastatic lung cancer. In fact, over 60 percent of new lung cancers are diagnosed in people who never smoked or who managed to quit smoking even decades ago.

While cigarette smoking is by far the most important risk factor for lung cancer, many other factors play a role.

Lung cancer remains the deadliest form of cancer. In 2006, it will account for more than 162,000 cancer deaths, or about 29 percent of all cancer deaths. Since 1987, more women have died each year of lung cancer than from breast cancer.

Screening for lung cancer is years behind screening for other cancers, which means that when it is diagnosed, the disease is often already in its late stages, which is what I suspect happened to Dana Reeve.

The 5-year survival rate for all stages of lung cancer is only 15 percent. Compare this to the overall 5-year survival rate of 65 percent for all cancers diagnosed between 1995 and 2001.

Clearly we can and must do better. Increased NIH research for lung cancer is essential and we must press for better screening tools for lung cancer. I plan to address both of these issues in comprehensive cancer legislation I plan to introduce shortly.

In closing, it is my sincere hope that the love Dana and Chris shared for each other will reunite them wherever their journeys take them from here. Dana left us far too soon—in her mid-40s—but she left us with her fighting spirit and the will to push forward so that one day we may find treatments and cures for those living with spinal cord injuries and other disabling conditions.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. In my capacity as a Senator from the State of North Carolina, I ask unanimous consent that the Senate stand in recess until 2:15 p.m. to accommodate the weekly party lunches and that the time will be counted postcloture.

There being no objection, the Senate, at 12:24 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. ISAKSON).

MAKING AVAILABLE FUNDS FOR THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM, 2006—Continued

Mr. MARTINEZ. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. I ask unanimous consent to speak as in morning business for 10 minutes with the time charged against my hour under cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

KIRBY PUCKETT

Mr. DAYTON. Mr. President, I rise today to note with sorrow the passing of one of Minnesota's greatest sports heroes, Kirby Puckett, who suffered a stroke on Sunday and died yesterday at the age of 45. Kirby Puckett was born and raised in Chicago, but he became a Minnesotan when he was drafted at the age of 22 by the Minnesota Twins.

After two seasons in the minor leagues, he played his first major league game for the Twins on May 8, 1984, where he became the ninth player in baseball history to get four hits in his first game. Three years later, he appeared in the first of eight consecutive All Star games during which time he also won the American League's Most Valuable Player honors and Most Valuable Player in the American League championship series.

When his great career was cut short by blurred vision caused by glaucoma in 1996, he sported a lifetime major league batting average of .318 with 2,304 hits, 207 home runs, and 1,085 runs batted in in 1,783 games. But even those extraordinary statistics comprise only part of Kirby Puckett's greatness. He played baseball with an enthusiasm, a devotion, and an excitement that was thrilling to watch. Whether at bat or in center field, where he was a Golden Glove outfielder, he brought Twins fans out of their seats with spectacular game-winning plays.

No Minnesota Twins fan old enough to remember our team's two world championships will ever forget Kirby Puckett. In 1987, with the Twins trailing the St. Louis Cardinals three games to two, Kirby tied World Series records by reaching base five times and scoring four runs to lead the Twins to victory in game No. 6. The next night the Twins won game 7 to win their first world championship and a Minnesota team's first professional world championship in almost 30 years.

Four years later in another World Series game 6 with the Twins, this time playing the Atlanta Braves three games to two, Kirby Puckett was unbelievably even more spectacular than before. His over-the-wall catch saved the game-winning Braves home run and sent the game into extra innings which he then won with a home run in the bottom of the 11th inning. The next night the Twins won another game 7 and another World Series.

During those years, Kirby Puckett was a wonderful representative of the Minnesota Twins and Major League Baseball. He hosted celebrity events for local charities, made countless appearances for others, signed endless autographs, all with his infectious Kirby Puckett smile. Andy MacPhail, now president of the Chicago Cubs, and general manager of the Twins during those World Series years, said yesterday:

> Kirby Puckett was probably the greatest teammate I've ever been around. You always felt better when you were around Kirby. He just had that way about him.

The years following his retirement from baseball stardom were more difficult ones with his sterling reputation tarnished by marital discord and other public incidents. When his contract as executive vice president for the Twins expired at the end of 2002, Kirby Puckett retired from baseball and later moved to Scottsdale, AZ where he passed away. He is survived by his two children Catherine and Kirby, Jr. and his fiance Jodi Olson, to whom I extend my deepest condolences.

The Kirby Puckett I will remember, as will a generation of Minnesota Twins fans young and old, will always be wearing a Minnesota Twins uniform, No. 34, leaping for flyballs, racing around the bases, making his greatest plays in the most important games, and doing so with a zest for the game and for life that was unmistakable and unforgettable.

Thank you, Kirby, for those treasured moments, now forever our memories. Thank you, Kirby. May you rest in peace.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DANA REEVE

Mr. KERRY. Mr. President, today, we learned of the unbelievably tragic passing of a remarkably courageous, strong, and dedicated woman, Dana Reeve. Most Americans knew Dana as the wife of Christopher Reeve, and most Americans knew Christopher as Superman and, as this unbelievable figure, capable of overcoming so many obstacles.

I think the whole Nation was shocked and touched when they learned that Dana, not too long after the loss of Chris, herself was battling lung cancer. She was always ebullient and strong in that effort. At times, she was filled with doubt about her kids and the future, as anyone would be, but always unbelievably courageous. She was a passionate advocate after Chris passed away, and even before. She was, herself, an accomplished actress and singer, appearing off Broadway and on Broadway. She was, above all, a loving mother and a stunningly supportive and nurturing wife.

Through her very selfless effort to be part of Chris's life in gigantic ways, bigger than most people could describe, after his accident, she became an inspiration to millions of Americans. This is no way for anybody who was touched by that family to adequately express our shock and our sorrow to her immediate family—to Will, age 13, and her stepchildren, Matthew and Alexandra, and to her friends, who were with her until the end.

Dana was always a crusader, but with Chris's accident, she became an even more tireless, passionate crusader for the particular promise of medical research into stem cell treatments. After Chris's paralysis, she and Chris together created the Christopher Reeve Foundation, which has raised and distributed over $55 million in research grants, much of it aimed at speeding the development of stem cell treatments.

I can remember visiting Chris at his home in New York. He had this elaborate exercise setup, which he went through, I think, almost every day, or whenever possible, always keeping his muscles as alive and growing as possible under the circumstances, with the belief that he was going to walk again. Dana believed in him and she believed in that possibility. Together with Chris she was deeply involved in the fight for increases in medical research funding, and she was an active advocate for the rights of the disabled.

Many of my colleagues in the Senate had the opportunity to get to know her or talk with both she and Chris in the course of that advocacy. After Chris's death in 2004, Dana courageously kept up the battle to advance medical research. She became the chairwoman of the foundation, picking up where Chris had left off. She was responsible for developing the foundation's Christopher and Dana Reeve Paralysis Resource Center and for a program that has now distributed more than $8 million for projects that improved the daily lives of people with paralysis.

In October of 2004, I was particularly honored and moved to be joined by Dana on the campaign trail in Ohio. I cannot tell you how incredible it was that within 2 weeks of Chris passing away—less than 2 weeks—Dana took the time, found the strength and courage and the sense of purpose somewhere, which she described to me as coming directly from Chris himself, to come out on the trail and fight for what he had been fighting.

I will never forget the grace and the strength that she showed that day, and even a glow that she exuded in her love for Chris and her passion about the issue.

Let me share, if I may, a few of the words that she spoke that day which I found so moving, but I also find important for all of us to focus on today. She said:

> Chris struggled for 9½ years, but it was essential to him that every day bring some kind of forward progress, either personally or globally. Despite the enormous challenges he faced each morning, he awoke with focused determination and a remarkable zest for life. Chris was able to keep going because he had the support of his loved ones, a dedicated nursing staff, the belief of his fans, and members of the disabled community, and because he had hope—hope that one day science would restore some of his function. Chris actively participated in clinical trials. He was on a strict exercise regimen and was recently in a clinical trial right here in Ohio to breathe on his own. Chris could breathe off his ventilator for hours at a time, thanks to science, and scientists taking bold steps.
>
> Chris understood that all journeys begin with a single step, and to take that first step one needs hope. His vision of walking again, his belief that he would reach this goal for himself and others in his lifetime was essential to the way that he conducted his life.

Dana went on to describe that while Chris led the crusade for research, she in turn put her energy into improving the quality of life for people who were living with diseases, inspired by individuals who could still benefit from research. She talked about how right there in Ohio, where we stood that day, the Christopher Reeve Paralysis Foundation had funded a number of items that kept people healthy and active despite the challenge of living with a disability. She did all of this because both she and Chris imagined living in a world where politics would never get in the way of hope.

Dana shared that vision and she worked tirelessly to help achieve it. Today, the whole country will again remember this couple. They will remember them together and their dedication to furthering stem cell research. Here in the Senate, we have an opportunity to honor their memories and that work by fighting to advance stem cell research. We can do it. Mindful of all the ethical considerations that we understand, there is a way to do it and to respect life. We have the opportunity to take the steps that Dana and Chris would have been so thrilled to see, worked so hard to achieve, to finally see a stem cell bill passed through the Senate.

In the end, none of their efforts, nor their lives were about policy. It was about hope and it was about values. It is about honoring their lives now that we should set about that task. They shared an unquenchable belief in the genius of America when we put our minds to it. They drew strength from the talent and dedication of the scientists they met and, in turn, they inspired them to go out and do even more. Chris stunned doctors by regaining some sensation in over 70 percent of his body and moving most of his joints, which people said he would never do. He did that because of science.

Dana and Chris never lost faith that America and American science was the greatest hope for humanity. That is a faith that all of us should share for Chris and Dana and the millions of people who believe in the possibilities of this remarkable time and our remarkable country. A lot of people ask, How can we do that? The answer is simple. How can we commit ourselves to anything less?

So to Will, Matthew, Alexandra, and Dana and Chris's friends and families, colleagues and supporters, I say the best thing we can do to complete their journey is by doing our best in ours. If we do that, we will give even greater meaning to two remarkable lives.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

FOREIGN TRADE AND NATIONAL SECURITY

Mr. DORGAN. Mr. President, in news reports last evening and this morning there was a suggestion that some sort of deal was being reached in the Congress, between the Congress and the administration, on the issue of the Dubai Ports World Company managing six of America's large seaports. Let me point out there is no deal that I am aware of, but if there is a deal, it is being made by people who have not consulted many of us in the Congress.

In any event, I think this proposal still lacks basic common sense. I want to speak about it for a couple of minutes.

In the Wall Street Journal, the Secretary of Homeland Security, Mr. Chertoff, says: "U.S. ports takeover"—again, by the Dubai Ports World, the United Arab Emirates-owned company—the head of our Homeland Security Chertoff says: "U.S. ports takeover would tighten grip on security."

So he actually makes the case, the head of our Homeland Security agency, that allowing the management or the takeover of our six major port facilities, seaport facilities, would strengthen America's security. That is an unbelievable statement. I will describe why he says it. He said:

> Assuming the deal would go through, we intend to have a deep look into their practices, certainly in the U.S. ports.

That is a direct quote. That is almost unbelievable. So they apparently haven't had a deep look into their practices before the deal goes through. This is a circumstance where most of the American citizens understand what is being proposed and very strongly react to it in opposition.

This country is the subject of many terrorist threats. We understand that terrorists from around the world want to strike inside this country. We have all this security in this country—some judged to be quite good, some very deficient. Go to an airport and see what happens when you want to board an airplane. You are going to have to go to a line and you are likely to have to take off your shoes and you are probably going to have to take off your belt and wristwatch and then they are wanding some little 6-year-old boy, spread eagle against a wall someplace because he set off the buzzer. So all of that happens before you get on an airplane. Why? Because airport security is very important.

So is seaport security. We don't have seaports in my home State, but we are recipients of those containers that come on ships into our seaports. Somewhere between 5.7 million and 5.9 million containers a year come into our seaports at 5 or 6 miles an hour to go into the dock where those containers are lifted off by that crane and trucked off all across the country. All of us are recipients of what is coming into our seaports.

Seaport security, frankly, is miserable; 5.7 to 5.9 million containers come into this country and 4 to 5 percent is inspected, all the rest is not inspected, and we believe somehow we are protecting our country?

You will recall shortly after 9/11, there was a fellow from the Middle East, from Egypt I believe, who decided to put himself in a container, get it nailed up and put on a container ship, shipping himself to Canada. He had all the amenities you would need to travel in a container: he had a cot, a GPS locator, a radio, apparently, and a heater. He was in a container on a ship. He was a fellow they thought to be a terrorist shipping himself into Canada in a container for the purpose of coming into the United States.

So seaport security is critically important. We have had vote after vote in the Senate to improve seaport security but the majority doesn't want to spend the money to do that.

Now, with respect to the issue of seaport security, we are told that a United Arab Emirates wholly owned company called Dubai Ports World has been approved by something called CFIUS, one of those God-awful acronyms, the Committee on Foreign Investment in the United States. They have approved the takeover and management, which would include security, by the way, of ports, six major seaports in this country, including New York and New Jersey and Baltimore and New Orleans, and so on.

CFIUS, which is 16 or 18 of the agencies of the current administration getting together, said they think this will be just fine, so they approved it. They approved it without even the 45-day extension you would normally have if someone expressed some concerns about it.

Now Mr. Chertoff, the head of Homeland Security, says our security will actually be better if the United Arab Emirates company takes over our ports. Chertoff says, "U.S. ports takeover would tighten grip on security."

I don't know. Maybe he's not drinking the same water most Americans are drinking. I don't know how you come to this conclusion. Allowing a United Arab Emirates company to manage our ports is going to manage and improve our security? I don't think so. That doesn't make any sense.

Let me describe the United Arab Emirates. I will do it in terms that do not suggest this is a bad country. That is not my point, although I must say that two of the hijackers who attacked this country on 9/11/2001 came from the United Arab Emirates, a substantial portion of the financing for those terrorist attacks came through the financial institutions of the United Arab Emirates. Dr. Kahn from Pakistan, who was moving nuclear materials and nuclear knowledge and knowhow around the world, did that through the UAE ports. There are serious questions to be asked.

But let me make another point; that is, the relationship of the United Arab Emirates to Osama bin Laden. The 9/11 report described a circumstance in which we had discovered, in 1999, where Osama bin Laden was at that time and our country was attempting to target Osama bin Laden. This is in early 1999. The CIA learned that Osama bin Laden could be found at a camp in the Afghan desert, and the U.S. military began to plan a strike against that camp. But the strike was called off because Osama bin Laden was apparently being visited by members of the royal family of the United Arab Emirates.

In fact, let me read to you from the 9/11 Commission report. You will find this in the booklet published by the 9/11 Commission:

> No strike was launched.

This is the strike against Osama bin Laden whom our Intelligence Committee said they had discovered. They knew where he was.

> No strike was launched. . . . According to the CIA and defense officials, policymakers were concerned about the danger that a strike would kill an Emirati prince or other senior officials who may be with bin Laden.

That is on page 138 of the 9/11 report, the former CIA Director George Tenet explaining why an attack against Osama bin Laden at a Afghan camp was called off said:

> You might have wiped out half of the royal family in the United Arab Emirates in the process, which I'm sure entered into everyone's calculation in all of this.

The administration says the UAE has been helpful to our country in the fight against terrorism. If they have, and there is some evidence they have since 9/11, then this company appreciates that. But that appreciation, in my judgment, should not and will not extend to inviting the United Arab Emirates-owned company to manage America's seaports. It just defies common sense.

The administration says: What about offending the United Arab Emirates by saying no? We would offend this country by saying no? What about offending common sense by saying yes? Most of the American people understand. They understand if you are going to have security in this country, security includes the United States deciding to provide security at its seaports. The United States can't manage its seaports? I don't understand that.

I was interested in a piece yesterday in the Washington Post by Sebastian Mallaby. I don't know Sebastian Mallaby, but he is a pretty good reflection of those who are pushing this issue, saying that those who oppose having the United Arab Emirates company manage our seaports are demagogs. He said:

> The demagogs are poised to strike again.

He said:

> If demagogs can turn a tiny ally such as Dubai into a villain, you can bet they will do that with China.

He's talking about China trade.

> The Dems will next play the China card.

One of the things he points out, he says we have a trade deficit with China. He doesn't seem to care much about that. But he says if we are going to get serious about dealing with the trade deficit, we need to get serious about balancing the Federal budget. This person must have missed Economics 101. We did balance the trade deficit under the final years of the Clinton administration and the deficit continued to rise. We keep hearing these folks say the reason we have a trade deficit is because we have a fiscal policy budget deficit, which is not true. We actually created a surplus here before President Bush took over, and the trade deficit continued to rise. Now we have the highest trade deficit in history and a substantial portion of that trade deficit is with the Chinese.

It is interesting to me, all of these columnists, of course, tend to be apologists for public policies that don't work. But to suggest that somehow those who stand and oppose the management of American ports by a United Arab Emirates company are demagogs is elitist and it is wrong.

The so-called group called CFIUS, which, by the way, almost turns down nothing. They have reviewed lots and lots of proposals, and they have approved them all, virtually. I think they disapproved eight of them out of many proposals. But the Coast Guard had written a classified memo to CFIUS—on February 27 that was disclosed publicly by Senator COLLINS, I believe, at the hearing. The report said the following:

> There are many intelligence gaps concerning the potential for the UAE company's assets to support terrorist operations and that precludes an overall threat assessment on the potential DPW and P&O Ports merger.

In fact, the Coast Guard restored a large number of potential vulnerabilities. That is directly from the Coast Guard's memorandum.

One of the so-called intelligence gaps that the Coast Guard referred to was that no one had checked the backgrounds of the people in charge of the UAE company that would manage our ports. So when the Coast Guard's secret report was made public, the administration said the Coast Guard ought to say something pleasant. So the Coast Guard came out and issued a statement the next day saying:

> Upon subsequent and further review, the Coast Guard and the entire CFIUS panel believe the transaction, when taking into account strong security assurances by DP World, does not compromise American security.

Interesting—the Coast Guard statement doesn't say anybody had checked out the backgrounds of the officials at the UAE company. That is what their secret memo had said represented the vulnerability. But the highest ranking official in the Department of Homeland Security, who was part of this group and who reviewed this port deal, said this:

> The CFIUS review did not include background checks on the senior managers of the company.

It is quite clear the Coast Guard, in a classified memorandum, expressed concerns about the terrorist threat, about vulnerabilities as a result of the takeover of American ports by a UAE-owned company and then the Coast Guard, when the classified memo became public, was ordered—the Coast Guard, of course, works for the President, the Coast Guard said something softer, but the Department of Homeland Security's ranking official, Stewart Baker, quite clearly said:

> The CFIUS review did not include background checks on the senior managers.

This is a fascinating description of trying to put a patch on a hole that is too big. None of this adds up very much.

I do want to make another point. This is about offshoring and outsourcing, and so on. The question is, Why would we be contracting with a foreign government, essentially—through a foreign company they wholly own—to manage our ports? This is the new global economy, we are told. If you don't get it, you are an isolationist, xenophobic stooge who can't figure it out. This is all part of the global economy.

President Bush went to India last week. If you are asking the question: How is it that the management of American seaports should be done by the United Arab Emirates company and you don't understand it, you won't understand what the President said last week in India either. What the President said in India, in several speeches, was you need to understand this global economy of ours. He said things have changed. This is about outsourcing of jobs.

I have some quotes from the President. The President says, about globalization: I guess generally outsourcing—you know outsourcing is not bad. People do lose jobs as a result of globalization, and it's painful to those who lose jobs, but the fundamental question is how does a government or society react to that? One of two ways. One is to say losing jobs is painful, therefore lets throw up the protectionist walls and the other is to say losing jobs is painful so let's make sure people are educated so they can find or fill the jobs of the 21st century.

I have news for the President. Those 21st century jobs for educated Americans—he was visiting them in India. He was looking at them. He's looking at the engineers who are now working at jobs American engineers used to have. Why did those engineering jobs go to India? Because you can hire an engineer in India for one-fifth the cost of an American engineer. So the solution is not to say let's have an American lose his or her job and then get better educated. How better educated than going to school to get a degree in engineering and then losing it to somebody in the country of India who is able to work for one-fifth the price?

So he said:

> You don't retrench and pull back. You welcome competition. Understand globalization provides great opportunities.

It is fascinating to me, the people who always talk about this are people who will never be outsourced. The President of the United States is never going to be outsourced. Do you think they are going to move his job to India? I don't think so—or China or Bangladesh or Sri Lanka or Indonesia? I don't think so.

> Our first great purpose is to spread prosperity and opportunity to people in our own land and to the millions of people who have not known it.

How does that fit, spreading prosperity and opportunity by moving American jobs to China and to India?

How does it spread prosperity and opportunity by deciding that a United

Arab Emirates country will come and manage American seaports? How does that spread opportunity?

The President says the United States will not give into protectionists and lose these opportunities. So the President, very much like the columnist, Mr. Sabastian Mallaby from the Washington Post, all use the same language. It is code language. They all understand it. It is elitist language: protectionist, building walls, isolationist xenophobes.

We have a trade deficit of some $720 billion. Every single day, 7 days a week, all year long, we actually import $2 billion more in goods than we export to the rest of the world. Every single day, 7 days a week, we sell $2 billion worth of our country to foreigners.

I am not suggesting we shouldn't trade. I believe expanded trade is beneficial. But I am suggesting that we have a backbone, nerve, and a little will to stand up for our country's economic interests.

Can we not tell China, for example, that they can't have a trade relationship with us that has a $202 billion surplus every year? Last year it was a $202 billion deficit with China. Do we not have the nerve to say to China trade is mutually beneficial, a two-way street, that is the way we insist on it, and if they are going to sell to us then they are going to buy from us? Don't we have that nerve and will. If not, why not?

The same is true with others, especially Japan. With Japan it has been a couple of decades where we have had very substantial deficits year after year after year. And our country doesn't have the nerve or will to do anything about it

We still have folks walking around thumbing their suspenders and puffing on their cigars talking about globalization and how wonderful it is. No one ever lost a job to outsourcing—it is just American workers who lose those jobs.

It is not just the jobs that are gone. It is the jobs left here that become priced by the China price—downward pressure on wages, downward pressure on benefits, stripping away retirement benefits and health care benefits. That is what is happening all across this country.

The issue I started talking about—the issue of managing an American port by a United Arab Emirates firm—wouldn't even have been discussed here 20 years ago. It would have been laughed at. Are you kidding me? Are you really serious? We will have America's ports managed by the United Arab Emirates given the climate we face today?

Twenty years ago, you wouldn't be talking about a $700-plus billion trade deficit. Things have changed a lot.

We have a President who cheerleads now for that trade strategy despite the evidence—all of the evidence year after year—that this is a bankrupt trade strategy. It is bankrupting this country. It is selling part of America piece by piece of every single day. All of these things relate.

I only wanted to speak briefly—it turned out not to be so briefly—about those who announced to the press or those who talked to the press resulting in news stories last evening that there is a deal in the works; perhaps the United Arab Emirates company could buy an American subsidiary and actually run the ports through a U.S. subsidiary. There is no deal in the works that I am aware of.

I have introduced legislation that would overturn this decision. In one way or another we are going to vote on these things. I believe there are other colleagues who believe the same.

We are going to go vote on these things no matter what kind of deal somebody else comes up with. I think there needs to be a good healthy dose of common sense expressed on some of these issues, and that is certainly lacking on trade, on national security, and on port security.

I hope, perhaps, we can get those before the Senate soon.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Louisiana.

Mr. VITTER. Mr. President, I ask unanimous consent to speak as if in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOBBY REFORM

Mr. VITTER. Mr. President, I rise today to again address the very important issue of lobby reform and to applaud the efforts of many, particularly the bipartisan working group on which I was proud to serve—coming together and working hard to produce good lobby reform packages that will very soon be on the floor of the Senate.

As I have said since the beginning of this discussion spanning several weeks, in so many ways there is no more important threshold issue to the functioning of our democracy and the health of this institution of Congress than these important reform issues. Clearly, they go to the heart and soul of our integrity and our own credibility.

How can we address any other major national issue, whether it is health care, prescription drugs, foreign policy, or defense unless we have that core, central principle of integrity and credibility with the people?

Unfortunately, we have lost that credibility to some significant extent over the past years because of some horrible situations and scandals that have developed.

It is very appropriate and very necessary that we act as an institution to address these abuses and potential abuses which we need to stop from happening in the future.

As I said, I was very proud to serve on an informal working group—Republicans and Democrats coming together with this common purpose to address these central questions, to bring real meaningful, strong reform to our institutions, to develop consensus, not to play political partisan games but to develop real consensus and pass important legislation that could have major support on both sides of the aisle.

I very much enjoyed that work with leaders on this issue—Senators COLLINS, LOTT, MCCAIN, SANTORUM, KYL, and ISAKSON—of course, all those Republicans—joined by Senators LIEBERMAN, OBAMA, DODD, and FEINGOLD, Democrats, as well as myself, a Republican, coming together to address this very crucial issue.

We are about to put this legislation on the floor of the Senate, hopefully, very soon, later today. I encourage all of my colleagues—Republicans and Democrats alike—to again come together for an important debate, to make a proposal about how to improve this legislation but to support the underlying bills which include major systemic reform. That is what I am going to do. That is why I joined this working group from the very beginning. That is why I participated in the discussions and debate which led to the bills coming to the floor.

In addition to that, I am going to do what I mentioned a little while ago, participate in the debate on the floor and make some proposals to strengthen the bill, to make it even better before we report it out from the Senate.

In doing that, I am going to make three specific proposals in areas which I think we need to address that are not in the underlying bill. I again want to outline those three proposals very briefly.

The first has to do with an unfortunate scenario which has happened in the past of spouses and children of Members of Congress, House Members, Senators, getting a paycheck off that Member's reelection campaign. This has happened in the past. It is not some theoretical issue. In fact, family members have made substantial sums in the past in some instances off the campaign of the family member who is also a Member of Congress.

I talk to folks back home in Louisiana all the time. When these circumstances made the newspaper a few months ago, I can tell you what the universal reaction was. The universal reaction was this is abuse. There was no discussion about what these family members were doing, weren't doing, what hours they were lobbying, weren't lobbying. The universal reaction was this was a way for the Member of Congress to basically increase his family income through the political process and is an abuse.

I think the solution is really simple. I will have an amendment that proposes that solution. It is simply this: Ban it; to say a Member of Congress, the House, or the Senate can't have a spouse, can't have a dependent child on the campaign payroll. That is the simplest way to address it. That is the most direct way to address it. That will put the whole issue to rest for once and forever.

Certainly, the huge majority of Members should embrace this idea because it would never cross our minds, quite frankly, a huge majority of Members, to do this. Let us put this potential abuse and real abuse in the past to rest forever.

I encourage all of my colleagues, Republicans and Democrats, to support this floor amendment.

The second floor amendment addresses another very important area of campaign finance that has also been in the news; that is, with regard to Indian tribes.

Again, this is not some theoretical discussion. This is not dreaming up a problem. This has been at the heart of the recent scandals and controversies which bring us to where we are today.

In my opinion, a central problem is the fact that in current law Indian tribes, with regard to campaign contributions to Federal candidates, are treated in a whole different way than similar entities such as corporations, such as labor unions.

With regard to corporations and labor unions, there are very clear and very strict laws that apply in terms of how those entities can raise PAC money, campaign funds that they can turn into political contributions and the overall limit that applies to a single corporation—a single labor union with regard to political contributions that election season. Those rules don't apply to Indian tribes.

When it comes to Indian tribes, those rules I just referenced are out the window and basically no rules apply. There is no governance of how tribes collect and raise funds to give to political candidates. In fact, with so many having very lucrative casinos now, what they do is real simple. They write a check out of the casino operation and fund the entire political operation from which they give campaign contributions. Corporations can't do that—absolutely not. Labor unions can't even do that. I think the rules should be the same for Indian tribes.

Likewise, the limits on campaign contributions should be the same as well. There should be an aggregate, an overall limit for what a specific tribe can give to Federal candidates just as there is for corporations through their PACS, just as there is for labor unions through their PACs.

Again, I will offer a floor amendment that is pretty darned simple and pretty easy to understand. It will basically say those same rules that apply with regard to the sources of funds and disclosure and aggregate limits that apply to corporations and labor unions, those exact same rules will apply in exactly the same way to Indian tribes.

Third and finally, I will propose on the floor another amendment which relates to Members' families and the ability in some circumstances of a Member to increase his family income through involvement in lobby shops by a spouse.

I think it is very important in this instance to distinguish between what I consider two pretty different cases. The one case is where a spouse was a registered lobbyist, a professional with expertise and professional background well before the Member was ever elected to office, or well before the marriage between the Member and the spouse ever occurred. In my mind, that is a very different situation than when a spouse gets into the lobbying business after the Member is elected or after the marriage occurs with a Member already being elected.

In the first case, that spouse was a professional with background and expertise in this area well before the marriage happened or the Member was elected. In the second case, the cart came way before the horse. It is that second case I am concerned about, and it is that second case on which I believe we should pass a blanket ban that such a person shouldn't get into the lobbying business even after the Member was elected.

Again, I think people back home view that sort of case pretty darned simply. It is a way for direct family members to get involved in lobby shops, and through that route directly supplementing that Member's family income.

That absolutely tears at the integrity, at the credibility of our institutions, and I believe we must act to restore that credibility and integrity.

Again, this is not some theoretical discussion. I wish it were. This is not some problem made up out of the blue. This is a practice that has happened before, that has been in the headlines, that has been in the news. So let us address it directly, boldly, and be done with it.

In closing, I thank all of the leaders who came together in the important working group on lobby reform that I mentioned, particularly Senators COLLINS, LOTT, MCCAIN, SANTORUM, KYL, and ISAKSON, and Senators LIEBERMAN, OBAMA, DODD, and FEINGOLD. I worked closely with them. I believe the product we will bring to the Senate very soon, under the leadership of the two committee chairs, Senators COLLINS and LOTT, is a strong, meaningful, worthwhile product.

I hope we all come to this important debate with additional ideas. I hope we add to the bill and improve it, including through the three floor amendments I just outlined, and then report an even stronger and even better bill out of the Senate to address this crucial issue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ETHICS AND LOBBYING REFORM

Mr. OBAMA. Mr. President, I rise today to speak about the ethics and lobbying reform bill we will be considering this week.

Over 100 years ago, at the dawn of the last century, the Industrial Revolution was beginning to take hold in America, creating unimaginable wealth and sprawling metropolises all across the country.

As factories multiplied and profits grew, the winnings of the new economy became more and more concentrated in the hands of a few robber barons, railroad tycoons, and oil magnets. In the cities, power was maintained by a corrupt system of political machines and ward bosses. In the State of New York, there was a young Governor who was determined to give government back to the people.

In his first year, he had already begun antagonizing the State's political machine by attacking its system of favors and corporate giveaways. He signed a workers' compensation bill, and even fired the superintendent of insurance for taking money from the very industry he was supposed to be regulating.

None of this sat too well with New York's powerful party bosses, who finally plotted to get rid of the reform-minded Governor by making sure he was nominated for the Vice Presidency that year.

What no one could have expected is that soon after the election, when President William McKinley was assassinated, the greatest fears of the corrupt machine bosses and power brokers became true when that former Governor became President of the United States and went on to bust trusts, break up monopolies, and return the government to its people.

His name, of course, was Theodore Roosevelt. He was a Republican. Throughout his public life, he demonstrated a willingness to put party and politics aside in order to battle corruption and give people an open, honest government that would fight for their interests and for their values.

I think today we face a similar crisis of corruption and a similar crisis of confidence. I believe we need similar leadership from those in power as well.

The American people are tired of a Washington that is open only to those with the most cash and the right connections. They are tired of a political process where the vote you cast is not as important as the favors you can do. They are tired of trusting us with their tax dollars when they see them spent on frivolous pet projects and corporate giveaways.

It is not that the games that are played in this town are new or surprising to the public. People are not naive to the existence of corruption. They know that over the years it has worn both a Republican and a Democratic face.

Moreover, the underlying issue of how extensively money influences politics is the "original sin" of everyone who has ever run for office, including me. In order to get elected, we need to raise vast sums of money by meeting and dealing with people who are disproportionately wealthy. This is a problem that predates Jack Abramoff.

So I agree with those on both sides of the aisle who believe we should not let half measures and partisan posturing on campaign finance reform derail our current efforts on ethics and lobbying, but I also think this is an issue and a conversation we are going to have to have in the months to come—the conversation about campaign financing. That is not, however, the topic that is before us this week.

While people know that both parties are vulnerable to these problems, I do not think it is fair to say that the scandals we have seen most recently under the current White House and Congress—both legal and illegal—are entirely predictable or the standard fare. They are worse than most of us could have imagined.

Think about it. In the past several months, we have seen the head of the White House procurement office arrested. We have seen some of our most powerful leaders of both the House and the Senate under Federal investigation. We have seen the indictment of Jack Abramoff and his cronies. And, of course, last week, we saw a Member of Congress sentenced to 8 years in prison for bribery.

Now, there are some in the media who dismiss these scandals by saying: Everybody does it. The truth is that not everybody does it. We should not lump people together—those of us who have to raise funds to run campaigns but do so in a legal and ethical way with those who invite lobbyists into their offices to write bad legislation. Those are not equivalent. And we are not being partisan by pointing that out.

The fact is, since our Federal Government has been controlled by one party, this kind of scandal has become, unfortunately, a regular order of business in this town. For years now, some on the other side of the aisle have openly bragged about stocking K Street lobbying firms with former staffers to increase their power in Washington—a practice that should stop today and never happen again.

But what is truly offensive to the American people about all of this goes far beyond people such as Jack Abramoff. It is bigger than how much time he will spend in jail or how many Members of Congress he ends up turning in. It is bigger even than the K Street project and golf junkets to Scotland and lavish gifts for lawmakers.

What is truly offensive about these scandals is they do not just lead to morally offensive conduct on the part of politicians; they lead to morally offensive legislation that hurts hard-working Americans.

When big oil companies are invited into the White House for secret energy meetings, it is no wonder they end up with billions in tax breaks while most working people struggle to fill up their gas tanks and heat their homes.

When a committee chairman negotiates a Medicare bill one day, and after the bill is passed is negotiating for a job with the drug industry, it is hardly a surprise that industry gets taxpayer-funded giveaways in the same bill that forbids seniors from bargaining for better drug prices.

When the people running Washington are accountable only to the special interests that fund their campaigns, it is not shocking that the American people find their tax dollars being spent with reckless abandon.

I have to point out that since the current administration took office, we have seen the number of registered lobbyists in Washington double. In 2004, over $2.1 billion was spent lobbying Congress. That amounts to over $4.8 million per Member of Congress.

How much do you think the American people were able to spend on their Senators or Representatives last year? How much money could the folks back home, who cannot even fill up their gas tanks, spend on lobbying? How much could the seniors forced to choose between their medications and their groceries spend on lobbyists? Not $4.8 million—not even close.

This is the bigger story here. The American people believe that the well-connected CEOs and hired guns on K Street who have helped write our laws have gotten what they paid for. They got all the tax breaks and loopholes and access they could ever want. But outside this city, the people who cannot afford the high-priced lobbyists and do not want to break the law are wondering: When is it our turn? When will somebody in Washington stand up for me?

We need to answer that call. Because while only some are to blame for the corruption that has plagued this city, we are all responsible for fixing it.

As you know, I am from Chicago, a city that has not always had the most stellar reputation when it comes to politics. But during my first year in the Illinois State Senate, I helped lead the fight to pass Illinois' first ethics reform bill in 25 years. If we can do it in Illinois, we can do something like that here.

But we have to pass a serious bill that has to go a long way toward correcting some of the most egregious offenses of the last few years and preventing future offenses as well. This is not a time for window dressing or putting a Band-Aid on a problem to score some political points. I think this is a time for real reform.

I commend the work the two committees that have dealt with this issue have already put in under the leadership of Senator LOTT and Senator DODD, Senator LIEBERMAN and Senator COLLINS. I want to note that the Honest Leadership and Open Government Act, which was originally sponsored by those of us on this side of the aisle, has 41 cosponsors and, I think, established a good marker for reform. I commend my leader, HARRY REID, and his staff for their hard work in putting it together.

But real reform means making sure that Members of Congress and senior administration officials are dealing with this in as thoughtful and aggressive a fashion as is possible. Let me give you some examples of some provisions that are already in, but also some provisions I would like to see included.

Real reform means making sure that Members of Congress and senior administration officials wait until they leave office before pursuing jobs with industries they are responsible for regulating.

I understand that former Congressman Billy Tauzin has said he was not negotiating for a job with the drug industry at the same time he was negotiating the Medicare bill, but the fact is this: While he was a Member of Congress, he was negotiating for lobbying jobs with not one but two different industries that he was responsible for regulating—the drug industry and the motion picture association.

That is wrong. This should not happen anymore. Real reform means ensuring that a ban on lobbying after Members of Congress leave this office is real and includes behind-the-scenes coordination and supervision of activities now used to skirt the ban. Real reform means giving the public access to now secret conference committee meetings and posting all bills on the Internet at least a day before they are voted on so the public can scrutinize what is in them. Real reform means passing a bill that eliminates all gifts and meals from lobbyists, not just the expensive ones. And real reform has to mean real enforcement because no matter how many new rules we pass, it will mean very little unless we have a system to enforce them.

I commend Senators LIEBERMAN and COLLINS for their efforts to create such an enforcement mechanism through an independent office of public integrity. While this proposal doesn't go quite as far as my proposal for an outside ethics fact-finding commission, it is still very good, and I am looking forward to working with them to try to get it included in the bill that has been marked up. But to truly earn back the people's trust, to show them we are working for them and looking out for their interests, we have to do more than just pass a good bill this week; we are going to have to fundamentally change the way we do business around here.

That means instead of meetings with lobbyists, it is time to start meeting with the 45 million Americans who don't have any health care. Instead of finding cushy political jobs for unqualified buddies, it is time to start finding good-paying jobs for hard-working Americans trying to raise a family. Instead of hitting up the big firms on K Street, it is time to start visiting the workers on Main Street who wonder how they will send their kids to college or whether their pension is going to be around when they retire.

All these people have done, our constituents, to earn access and gain influence is to cast their ballot. But in this democracy, that is all anyone should have to do.

A century ago that young, reform-minded Governor of New York, who later became our 26th President, gave us words about our country that everyone in this town would do well to listen to today. Here is what Teddy Roosevelt said back then:

> No republic can permanently endure when its politics are corrupt and base . . . we can afford to differ on the currency, the tariff, and foreign policy, but we cannot afford to differ on the question of honesty. There is a soul in the community, a soul in the Nation, just exactly as there is a soul in the individual; and exactly as the individual hopelessly mars himself if he lets his conscience be dulled by the constant repetition of unworthy acts, so the Nation will hopelessly blunt the popular conscience if it permits its public men continually to do acts which the Nation in its heart of hearts knows are acts which cast discredit upon our whole public life.

I have come to know the Members of this body and know that the people who serve here are hard-working, thoughtful, and honorable men and women. But the fact is, the entire Congress has been marred and is under a cloud. Our consciences have been dulled by the activity of the few. We have to make certain we are sending a strong signal to the American public that we are no longer going to tolerate that kind of activity, that our conscience has been sharpened, and we are willing to take the steps necessary to restore credibility to this August body.

I hope this week we in the Senate will take the first step towards strengthening this Nation's soul and bringing credit back to our public life.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINEZ). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

Mr. FRIST. I thank the Chair.

(The remarks of Mr. FRIST pertaining to the introduction of S. 2381 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FRIST. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I see the distinguished majority leader.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. For the information of my colleagues, we should have a vote somewhere in 25 minutes or so. Depending on the outcome of that vote, there may be another vote, either a roll call or voice vote, after which we will go back to lobbying reform. I need to talk to the floor managers. I would expect we will not have more rollcall votes after we finish these next two votes shortly. But I do want to talk to the managers. So what I will do is ask unanimous consent which, in essence, will be 20 minutes of debate equally divided and then we should have a rollcall vote. And then I will be talking to the managers about what we will be doing after that tonight. I don't expect rollcall votes after we handle these next two.

I ask unanimous consent that there now be 20 minutes equally divided between Senator SNOWE or her designee and Senator ENSIGN or his designee on the pending second-degree amendment, followed by a vote in relation to the amendment with no intervening action or debate; provided further that immediately after that vote, the Senate proceed to a vote in relation to the underlying Kyl amendment, as amended, if amended, with no further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, we are now engaging in a debate over an amendment. The amendment has to do with the LIHEAP proposal that has been brought forth. This first amendment would say to Senators that instead of the original proposal that Senator SNOWE put forward, where 75 percent of the money went through the contingency fund, 25 percent goes through the regular formula, that now she has brought forward an amendment that would be 50–50, 50 percent through the contingency fund, 50 percent through the regular formula. If we defeat this amendment, the underlying amendment would say 100 percent of the money goes through the regular formula.

Why is that important? It is important because the 50 percent versus the 100 percent going to the regular formula, this is how it breaks down across the country. The red-colored States—this isn't Republican or Democrat, this just happens to be red-colored States in this case—all would get more funding under the underlying amendment, the one where 100 percent of the money goes through the regular formula. The 50–50 or the underlying bill that Senator SNOWE has put forward, basically the white-colored States, 21 of them, would do better under her formula. So it really is a question of fairness. Because the underlying formula in the LIHEAP provisions, the way it is implemented, benefits those 21 States right now. So the first $2 billion that is spent per year benefits 21 States. That is historically what has happened. And what we are saying is: If you are going to put an additional billion dollars to help low-income people around the country, it should benefit people from all over the country and be more fairly allocated. That is really what the 100 percent of the money going through the regular formula does. It makes it fairer.

Senator SNOWE will make part of her arguments, and we had this discussion at lunch today. She will say that this is an emergency fund. This contingency fund is an emergency fund to be directed toward emergencies. That is not the way it has worked in the past. In the past, it has been divvied out earlier in the year when the cold States need it. And so when the warm States need it for air-conditioning in the summertime—and by the way, they need that air-conditioning, and in many cases it is a life-or-death situation because people can die from heat prostration and that is the real issue—the money is gone because it has been spent out of the contingency fund. That is why the only fair way to do it is to put it through the regular formula, divvy it out through the States. And then low-income people who need either heating or cooling assistance can receive that fairly.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I am offering an amendment that essentially preserves the emergency funding that has been consistently part of the low-income fuel assistance program. I am offering my amendment as a second degree to the Kyl amendment that removes the emergency funding that has been part of this program for the last 5 years. So it would be a marked departure from historical practice and, unfortunately, a 100-percent appropriation through a formula for low-income fuel assistance would not allow the President to respond to any situation that is clearly an emergency.

Last fall, the President had the discretion, because we had an emergency funding under the legislation, under low-income fuel assistance, that, in fact, was supported by the Senate and the House and the President, and it became law a month ago that basically embraced the approach that we have here today pending before the Senate.

The Senator from Arizona and the Senator from Nevada are suggesting that somehow we no longer need any emergency funding, that we will distribute all of those funds through a specific formula. But we cannot predict where or when that emergency will occur, denying the President the ability to respond to an emergency. Last fall the President had the discretion, because he had this emergency funding, to provide $14 million to Louisiana, Mississippi, Alabama, and to Florida as a result of the hurricane damage. The President had that capability. That will be removed by the underlying amendment. It simply does not make any sense to say that we should have a formula in the distribution of emergency funding when we don't know where the emergency is going to occur and when. We cannot predict that. That is why the President has it in a contingency fund so in the event that there are such emergencies, we can release that funding. That is what it has always been about.

This is a historical departure from previous precedent, policy, and practice; in fact, a practice and policy that was embraced and endorsed by the Senate and by the House of Representatives and the President a month ago that became law in the Deficit Reduction Act.

I am surprised we are here today to suggest that somehow we should now no longer have emergency funding, no longer have any contingency funding. In fact, the Senator from Nevada says that there is no remaining funding for warm States. I should mention to the Senator from Nevada that the President has set aside $101 million in fiscal year 2006 emergency funds. This money has not been released. In fact, it is at the disposal of the administration to release in the event that there are potential emergencies this summer, so that there is money. And certainly we can address the concerns of the Senator from Nevada if he feels it is not sufficient.

I, for one, felt we should increase the funding for the low-income fuel assistance program because the real value of this program has eroded over the last two decades. It essentially has the same value as it did in 1983. In 1983, it provided 50 percent of the cost of energy for a family. Today it provides 19 percent. That is not accommodating all the demands, all the people who are on the list in various States across this country. Thirty-four Governors wrote a letter to the leadership of both the House and Senate saying how they have run out of funds. Even in addition to the significant State contributions for this purpose, they have run out of money. And rightfully so, understanding the cost of energy today. Now some have suggested—and they have suggested it from their positions in Arizona, in Nevada, in Alabama—that it has been a mild winter. But come to Maine and tell us about it being a mild winter. Then add to that the 30- to 50-percent increase in the cost of home heating oil and natural gas, in addition to the increases this last year.

The amendment I am offering today preserves the emergency funding. It provides for the formula funding as supported by the Senator from Nevada which I supported. It has two tiers of funding. One allows for emergencies and the other allows for emergency distributions. I regret that last week there was a chart distributed that misrepresented the distribution of funds. That was for that snapshot in time when there were emergencies so those States benefited from the release of funding because they had emergencies. But if you looked at it the next month, you would have discovered that there would have been a different distribution because we don't know when or where, nor can we possibly predict where, the emergencies will occur.

So the White House supports this approach, supports the emergency funding. It supports the 50-50 distribution in my amendment that I am offering as a second degree to the Kyl amendment which essentially does away with the emergency funding and provides 100 percent through a formula. So any State that requires support from the emergency funds under this program would be denied if such an emergency should arise. I believe my second degree is a positive step in providing additional assistance for those in need of energy assistance this year.

The Secretary of Health and Human Services supports this amendment to advance the funding, the 2007 funds to 2006, in order to provide for this billion dollar increase. We are just advancing the funding. This is budget neutral because there is no net increase in Federal spending. It is important to understand the facts. There is no net increase in Federal funding. We are advancing the billion dollars. We have compromised. We asked for $2 billion, which is what I thought we agreed to before we adjourned for the Christmas recess on December 23, that we would have a 50-50 percent allocation, 50 percent to emergency, 50 percent to formula.

Here we are today, now having to say: You know, we can't afford the billion dollars because it increases spending, which it does not, and now we decide that we don't need emergency funding for this purpose, and we will allocate all the funding through a formula so that the States that depend upon this money in the event there is an emergency will not be able to have it.

I hope the Senate will support my amendment to the Kyl amendment. My amendment is fair. It is equitable. It is reasonable. This legislation should not be divisive. This isn't regional legislation. It is for all of the country. It is to benefit any region of the country. It is designed to ensure that regardless of where you live in America, if for some reason you have an emergency that affects your ability to have access to natural gas, to propane, to home heating oil, to the need for air-conditioning, for electricity, that this emergency funding will help to mitigate the impact of those disasters. That is what this is all about.

I should add, it is very specific in the mandate in law in terms of how the contingency funds are used and where do these go. I should quote from the law and what it means. It says: To meet the additional home energy assistance needs of one or more States arising from a natural disaster or other emergency. That is why it simply makes no sense to distribute emergency funds through a formula because how do you know who is going to have an emergency? Why would you be distributing money to States that don't have an emergency for that distribution?

That wasn't the attempt of this program. I would hope that we could come to an agreement on this question. At the very least, I would hope that the Senate would endorse my approach, which is a second-degree amendment that preserves the emergency funding and provides for a 50-50 allocation between emergency and formulas. I think that is patently fair to all of the States, all of the regions in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, first of all, I wonder if the Senator from Maine would be willing to answer a question on my time. She says that this is offset. We have already had this argument, and we lost it. But it would be curious to get an answer to a question I have. You say that it is not going to increase the deficit at all because a billion dollars is taken out of next year's funding. I wonder if the Senator from Maine would be willing to agree not to come back and try to refill that money next year?

In other words, there is $1 billion taken out next year and she is saying it is deficit neutral. Would the Senator be willing to commit to not going after more money next year?

Ms. SNOWE. I am glad to answer the Senator's question. Obviously, I cannot forecast the future in terms of the extent of the needs that are required by any State. But I remain unchallenged when it comes to my fiscal credentials in the Senate. I have been more than happy to work with the Senator in terms of meeting our fiscal responsibilities on this issue and on any other question that benefits every State in America. From that standpoint, I would be more than happy to work with the Senator.

Mr. ENSIGN. Reclaiming my time. I will answer the question because I can predict the future because I have seen it here enough. If you watch and learn from the past, you can predict the future. People will be going after this money and probably even more. These kinds of budget games are played all the time.

I wish to make a couple of points to respond to what the Senator from Maine has talked about. First, there is $183 million in the contingency fund this year, and $100 million has been spent so far. There is $83 million left in the contingency fund. She said this is for emergencies—the contingency fund is for emergencies. Well, other than post-Katrina, every other allocation since 2004 from the contingency fund has gone to all 50 States. She says it is only for emergencies. So all 50 States must have had emergencies every year.

That is not what the contingency fund has been. It has gone to every State. Our point is that the contingency fund has not been allocated fairly. I mentioned the $183 million, and there is $83 million left for this year's contingency fund. Has anybody noticed that it is all being allocated in the wintertime, so when the warmer weather States need their contingency fund, there won't be any left? That is the point.

She had problems with our numbers the other day. So we redid the numbers. We looked at the last 5 allocations of the contingency fund. As it turns out, in the last 5 allocations, 29 States do worse under her formula than if you adopt the underlying Kyl amendment—29 States. We are going to be passing this chart out to every Senator. The 29 States are the red States on the chart I have here. If you see your State there in red, your Senator should be voting with myself and Senator KYL to more fairly allocate this money that is for LIHEAP.

The allocations that go out for LIHEAP are there for a very noble purpose. All we are asking is, if we are going to spend this money, let's do it fairly. For too long, the formulas have benefitted some States at the expense of others. The Senator from Maine is looking out for her State. I have no problem with her doing that. It is one of the things we are elected to do—to look out for the interests of our States—also the country, but particularly for our home State.

I think the people in my State and the people in the other 28 States that are unfairly treated in the way that she has her amendment drafted deserve fair treatment, and we as Senators should fight for the people in our States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. There is 40 seconds.

Ms. SNOWE. That is enough to respond.

The Senator from Nevada is incorrect with respect to my amendment and the way in which States it would benefit. Twenty-nine States would gain under my amendment. Unfortunately, the information the Senator is providing is inaccurate, as was the chart distributed last week that fundamentally misrepresented not only how this funding was distributed, but the fact is it was done on the basis of an emergency. If all 50 States had the benefit of the emergency funding, it is because emergencies existed in those States. That is the point. It is at the discretion of the President to distribute and release that funding in order to enable the President to respond immediately to any natural disasters or emergencies. That is what it is all about.

Under a formula for funding, States would receive it irrespective of whether an emergency occurred in their States. So 29 States would gain under my amendment. It is unfortunate that we are where we are, talking about this in that fashion, because the Senator released a chart last week that suggested this is the historical pattern. If it is the historical pattern, it is because there were emergencies. It wasn't distributed just for the sake of distributing it that way. It was done because there were emergencies in those particular States.

Mr. ENSIGN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 2 minutes 24 seconds.

Mr. ENSIGN. Mr. President, the Senator from Maine had a problem with the way we did this. It was the Congressional Research Service that did this. She said it was just a spot in time. So we said, OK, let's look at the last 5 allocations historically. How have these funds been allocated? She said 29 States would benefit under her formula. That is correct, 29 States would benefit under her amendment compared to her underlying bill. But 29 States would benefit more with the Kyl amendment than with the Snowe amendment. That is according to data from the Congressional Research Service. That is what we have to go from. That is our expert source we turn to for unbiased information. The chart I have is accurate if the people at the Congressional Research Service have done their jobs right. I have no way of knowing, other than they provide pretty good information to all Senators in a nonpartisan way. To say they are inaccurate—I don't believe that is an accurate statement; I will leave it at that.

To sum this up and close this argument, it is about fairness. The underlying LIHEAP program was set up a long time ago, and it was set up to be biased toward many of the northern States, especially in the Northeast. The LIHEAP formula is drafted so that when we start adding money in, then it is going to be distributed more fairly to all States for heating and cooling. This is an additional billion dollars. Those other 29 States that are not treated as fairly in the original program need to be treated more fairly.

Whether you are Republican or Democrat, you should look at our charts to find out how your State is treated under the Snowe amendment versus the Kyl amendment. Senators from the 29 States should, I believe, vote against the Snowe amendment, and then support the Kyl amendment.

I yield back the remainder of our time.

Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. No.

Mr. ENSIGN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to amendment No. 2913.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 31, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—68

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Burns
Cantwell
Carper
Chafee
Clinton
Cochran
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Frist
Grassley
Gregg
Hagel
Harkin
Hatch
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Menendez
Mikulski
Murkowski
Murray
Nelson (NE)
Obama
Pryor
Reed
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thune
Voinovich
Wyden

NAYS—31

Allard
Allen
Brownback
Bunning
Burr
Chambliss
Coburn
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McCain
McConnell
Nelson (FL)
Reid
Roberts
Sessions
Shelby
Thomas
Vitter
Warner

NOT VOTING—1

Byrd

The amendment (No. 2913) was agreed to.

Mr. FRIST. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2899

Mr. FRIST. Mr. President, I understand that we are now prepared to agree to the Kyl first-degree amendment without a rollcall.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that the amendment be agreed to as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2899), as amended, was agreed to.

Mr. KYL. May I have just 30 seconds to thank all of those who participated in this debate, including the Senator from Maine and the Senator from Nevada. I think this 50-50 compromise that has been adopted will allow the various States to try to find a way to take care of the folks in their States who need this assistance. I appreciate the efforts of all involved to get it done.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 2898

Mr. FRIST. Mr. President, I now make a point of order that the Inhofe amendment, No. 2898, is not germane.

The PRESIDING OFFICER. The point of order is sustained and the amendment falls.

Mr. OBAMA. Mr. President, I rise today to speak in favor of greater funding for the Low-Income Home Energy Assistance Program, LIHEAP.

As I have traveled around Illinois this winter, I have heard from many low-income families and senior citizens about the burden of rising heating costs. These families are being forced to spend considerable portions of their incomes on gas bills, and many of them simply cannot afford it. Some families are having to keep their thermostats low just so they can buy groceries. It is essential that States have the funding they need through LIHEAP to help these families pay their heating bills during the cold months.

That is why, last year, I joined a number of my Senate colleagues in sending a letter to the chairman of the Senate Budget Committee requesting $3 billion in funding so that low-income families, disabled individuals, and senior citizens who live on fixed incomes have access to affordable energy when they need it most. We also asked that advance funding be allocated in the budget for LIHEAP. This would allow States to plan more economically in preparing for the winter heating season by purchasing fuels during the spring and summer months. Unfortunately, our request was denied.

Months later, during consideration of the Energy Policy Act of 2005, Congress reauthorized the LIHEAP program from fiscal year 2005 to 2007, providing for a yearly appropriation of $5.1 billion. However, in the fiscal year 2006 Departments of Labor, Health and Human Services Appropriations Act, Congress provided $2.2 billion for LIHEAP funding—the same allotment given to the program in fiscal year 2005. During Senate consideration of several bills in the final weeks of 2005, I voted for a number of amendments providing more funding for LIHEAP, but those amendments were defeated.

Funding for LIHEAP has remained level for the past 20 years, but energy prices are at an all-time high. According to the Department of Energy, DOE, natural gas prices in the Midwest were expected to rise between 69 percent and 77 percent during the winter heating season. The National Energy Assistance Directors Association estimates that for families using natural gas, heating bills would average well over $1,500 per consumer, an increase of over $600 per consumer as compared to the winter of 2004–2005. As a result, we have seen an unprecedented rise in requests for LIHEAP assistance across the country. In Illinois, requests in 2005 were up 41.4 percent from the year before. That is nearly a quarter of a million Americans asking for help in my State alone.

I think we often forget how much our working families need this program, and just how heavy the burden of heating one's home can be these days. In a thank-you note to the staff at Illinois LIHEAP, a woman in Lake County, IL, wrote:

> Having you help me and my mother this year with our utility bill was a godsend. It was over my head and I didn't know what I was going to do . . . My mother is on oxygen 24-hours a day, and we couldn't be without electricity, so you see it was a matter of life and death also for me.

I commend Senator SNOWE for her tenacity in pushing this legislation, and I commend Senator JACK REED for his longstanding commitment to this issue.

I hope my colleagues will recognize the importance of this problem and support this measure, as well as greater LIHEAP funding in the future. With natural gas prices increasing so severely, more Americans than usual are expected to apply for LIHEAP assistance in paying their heating bills.

Mr. SANTORUM. Mr. President, today I rise to address the rising costs faced by Americans as they try to heat their homes this winter. Obtaining affordable heating assistance each winter, and cooling assistance during the summer months, is critical to hundreds of thousands of Pennsylvanians and millions of Americans. Unfortunately, projections from the Energy Information Administration this January show that on average, consumers will spend nearly 35 percent more for natural gas this winter than they did last winter.

The primary Federal heating assistance program is the Low-Income Home Energy Assistance Program. I represent a Commonwealth that depends heavily on this program. My State also has a high percentage of elderly citizens; they are especially vulnerable to cold winter temperatures. Overall, the Pennsylvania Department of Public Welfare reports that it distributed LIHEAP funds to approximately 462,000 households during the 2004–2005 winter, with 128,000 of these recipients being elderly.

While I am pleased that my Commonwealth ranks second in the Nation in the total Federal LIHEAP assistance distributed, more has to be done to help Pennsylvanians in need. At current funding levels, only 15-percent of LIHEAP-eligible households are served in my home State.

As a member of the Special Committee on Aging, I am pleased that Chairman SMITH has recognized the importance of this program for many low-income senior citizens. This past June, my colleague from Oregon convened a hearing to examine the effect of energy prices on the elderly. However, much has changed across the national energy landscape since that hearing. The tragedies of Hurricanes Katrina and Rita put severe pressure on our energy industries, increasing costs of oil and natural gas. Now that the winter has arrived, the increasing cost of home heating fuel weighs heavily on the minds of the elderly and low-income individuals, and it is time for the Senate to further address this vital issue.

In the beginning of January, I chaired a field hearing for the Special Committee on Aging near my hometown of Pittsburgh, PA, to revisit this critical issue and hear from a variety of witnesses about ways in which the Government and private sector are helping the elderly and others stay warm. Representatives from the Department of Health and Human Services, Department of Energy, Pennsylvania State Department of Public Welfare, and private sector organizations and utilities testified in support of LIHEAP.

The testimony of Pennsylvania State secretary of public welfare Estelle Richman was especially troubling. Secretary Richman testified that, by December 30, 2005, her agency had received over 320,000 LIHEAP applications. This is a 5 percent increase over 2005, which means that over 17,000 additional Pennsylvania households have requested heating assistance already this winter. Furthermore, the Pennsylvania Department of Public Welfare has already seen a 15-percent increase in crisis home heating assistance applications.

Pennsylvania is not alone in facing such difficulties. According to Assistant Secretary for the Administration for Children and Families, Wade Horn, his agency assists nearly 5 million households each year. However, those who are eligible for these benefits far outnumber those who receive this assistance.

As a Senate, we need to address this growing national problem. Each winter, our Government is faced with distributing emergency LIHEAP funds, while millions of Americans are stuck out in the cold. This past year, we tried, in a bipartisan fashion, to appropriate additional funding for LIHEAP. Unfortunately, we were not able to garner enough support for those provisions to pass.

This year we find ourselves in a worse situation than we did last year. When I travel throughout Pennsylvania, I continually hear from my constituents their concerns about rising energy costs and what we, the Congress, are doing to help. Now we have our chance to provide additional assistance that will benefit millions of Americans in the short term. However, while we need to pass this additional LIHEAP funding, we also need to look toward long-term solutions for our Nation's energy needs.

As we are all aware, there is no one solution to our Nation's energy problems. However, by increasing our domestic supplies and production capacity, we can take steps towards lowering the cost of energy for all Americans. We also need to promote alternative energy solutions that utilize state-of-the-art technological advancements like coal-to-liquid fuel advancements. Without this combination of current and new technologies, the costs faced by consumers at the pump and in their home heating bills will only continue to increase.

While this is clearly a long-term problem that we, as a body, need to address, I am proud to support my colleague from Maine, Senator SNOWE, in her effort to provide additional LIHEAP funding this winter. This measure will assist thousands of Pennsylvanians and millions across the country. For this, as well as the reasons I have cited, I urge my colleagues to support this measure that assists countless senior citizens and low-income Americans.

Mr. KENNEDY. Today's Senate action adding $1 billion for the Low-Income Home Energy Assistance Program for this winter is a step in the right direction. It is the best we can do, and it deserved to pass. But no one should be under the illusion that we have now provided adequate assistance to millions of struggling families around the country, many of whom are elderly and disabled. The additional $1 billion is less than half what is needed to fully fund LIHEAP and guarantee the assistance these families need and deserve. A small step is better than no step, but it is still far from meeting the obvious need.

Countless citizens in communities throughout America live year-round in constant fear of power shutoffs because they can't pay their energy bills, and they have no confidence that either Congress or the President is on their side.

According to a report by the National Energy Assistance Directors' Association, since the winter of 2001–2002, the average yearly cost of heating oil has soared from $627 to $1474, natural gas from $465 to $1000, and propane from $736 to $1286. Yet the Republican Congress and the Bush administration continue to ignore the fact that millions of Americans can't afford these steep increases.

Democrats have pressed for months to fund LIHEAP at the authorized level of $5.1 billion for the current fiscal year. We have urged Congress to act, but the Republican majority has blocked our efforts at every turn, and they continued to try to block our efforts to obtain an additional $1 billion for the program today. Families are paying a steep price for this neglect. The average LIHEAP grant has decreased by almost 10 percent since 2002 and is now only $288.

In Massachusetts, the State government has provided $20 million in additional funds for LIHEAP this year.

Low-income families are more fortunate in our State than in most other States on this issue, but we have exhausted all Federal funds, and need is still great. Even the poorest households with the highest bills will get no more than $840—less than half what is needed to get through the winter.

As Self Help, a community action program in Avon, MA, "Many of our clients have exhausted their benefits . . . The bottom line is that we need some kind of relief, as quickly as possible."

ABCD, a community action agency in Boston, reports that as of January 17, the number of applicants applying for fuel assistance for the first time increased by 26 percent. Its clients are currently exhausting all of their fuel assistance benefits. Even a benefit of $765 buys only one tank of oil at today's price of $2.40 per gallon, when at least two or three tankfuls are needed to get through the winter, and no other source of funding is available.

These aren't just numbers. They represent real people facing real hardships.

For example, an elderly couple lives in a modest home on the outskirts of Haverhill and both receive Social Security benefits. Their home is heated with oil, and they use an old woodstove in the basement to supplement their steam boiler. Their $525 LIHEAP grant covered one delivery of 256 gallons of oil in late November. Attempting to cut wood for the woodstove, the husband fell from a ladder and was injured. If LIHEAP had been funded fairly, his injury could have been prevented. With this bill, the chances are 50–50 that his injury could have been prevented. We could have done better, and we should have done better. It is wrong to let people like this suffer.

Mr. LEAHY. Mr. President, I join Senator SNOWE and others in supporting this legislation to provide additional funding for the Low-Income Home Energy Assistance Program, LIHEAP.

This legislation will shift the $1 billion in fiscal year 2007 funding, which we recently enacted in the budget reconciliation bill, to the current fiscal year, so it can be used this winter. Providing these needed funds in this way is not the best approach to get this done, but with Vermonters facing record heating bills and no other choices available to us at this crucial juncture, we cannot allow the perfect to be the enemy of the good. The fact is the burden of record heating prices this winter could financially wipe out many families and elderly Vermonters. No family in our Nation should be forced to choose between heating their home and putting food on the table for their children. No older American should have to decide between buying life-saving prescriptions or paying utility bills. Unfortunately, these stark choices are a reality for too many Vermonters and for too many other Americans across the Nation.

This legislation will bring the total funding available for LIHEAP in fiscal year 2006 up to nearly $3 billion. Certainly more is needed. That is why I have voted four times to increase LIHEAP funding to $5.1 billion. Bipartisan amendments offered to the Department of Defense appropriations bill, the Transportation, Treasury, and HUD Appropriations bill, the Labor, Health and Human Services, and Education Appropriations bill, and the tax reconciliation bill received a majority of the Senate's support. Unfortunately, the majority party would not allow these amendments the opportunity for straight up-or-down votes, and we were blocked from securing these needed supplements for LIHEAP in our earlier efforts.

The Energy Information Agency forecasts that households heating with natural gas will experience an average increase of 35 percent over last winter. Households heating with oil will see an increase of 23 percent, and households using propane can expect an increase of 17 percent. Compounding these difficulties for families needing this help, wages are not keeping pace with inflation. The Real Earnings report by the Bureau of Labor Statistics shows that the average hourly earnings of production and nonsupervisory workers on private nonfarm payrolls were lower in December 2005 than they were a year ago, after accounting for inflation. Working families are continuing to lose ground, meaning more families also need LIHEAP assistance this year. Paychecks are being stretched thinner as families face higher prices for home heating, for health care, and for education. Vermont families and seniors need this relief from high energy costs, and they need it now.

As I have said, this is not my preferred approach to providing LIHEAP funding, but Vermonters cannot wait for a better option. This help is needed now. I call on the leadership in the House of Representatives and on President Bush to support this legislation and to ensure its immediate enactment. I also urge the administration to join the bipartisan majority in Congress to replenish LIHEAP funding for next winter.

Mr. FRIST. Mr. President, I believe we are ready to proceed to passage. That will not require a rollcall.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is on the passage of the bill.

The bill (S. 2320), as amended, was passed, as follows:

S. 2320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUNDS FOR LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

Section 9001 of the Deficit Reduction Act of 2005 is amended—

(1) in subsection (a)—

(A) by striking "for a 1-time only obligation and expenditure";

(B) in paragraph (1), by striking "$250,000,000 for fiscal year 2007" and inserting "$500,000,000 for fiscal year 2006"; and

(C) in paragraph (2), by striking "$750,000,000 for fiscal year 2007" and inserting "$500,000,000 for fiscal year 2006";

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

"(b) LIMITATION.—None of the funds made available under this section may be used for the planning and administering described in section 2605(b)(9) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(9))."; and

(4) in subsection (c) (as redesignated by paragraph (2)), by striking "September 30, 2007" and inserting "September 30, 2006".

Mr. FRIST. Mr. President, first I want to thank my colleagues for their cooperation in bringing to a resolution what has been more difficult than I thought it would be, addressing the LIHEAP issue.

We have achieved passage, and we are now ready to resume the lobbying measure.

I know Senator REID is prepared to lay down his amendment tonight. Senators will be able to debate that amendment tonight, and we will set a vote on the Democratic leader's amendment sometime tomorrow morning.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THUNE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

Mr. LEAHY. Mr. President, recent press reports reveal that despite its creation more than a year ago, the Privacy and Civil Liberties Oversight Board has yet to hire any staff members or even hold a single meeting. This board was established by a law signed in December 2004 in response to recommendations from the 9/11 Commission. Now, several months into 2006, we learn from a Newsweek article that the board's members will finally be sworn in at the White House this month. I will ask unanimous consent that a copy of this article be printed in the RECORD. Starting up the work of this important board, particularly in this time of unprecedented intrusion into the privacy of Americans by the executive branch, is shamefully overdue.

On December 14, 2004, the President signed into law the Intelligence Reform and Terrorism Prevention Act of 2004. Section 1061 of this act implemented a 9/11 Commission recommendation to establish an independent board within the Executive Office of the President to fill a clear void in Government for protecting Americans' liberties.

Creating the board was no easy feat. The Bush-Cheney administration initially resisted the 9/11 Commission's recommendation for a privacy board, unpersuasively asserting that it was already protecting privacy and civil liberties. The administration then tried to circumvent a congressionally authorized, independent board by issuing an Executive order establishing an anemic alternative. That entity was not independent, had no authority to access information, had little accountability, and was comprised solely of administration officials from the law enforcement and intelligence communities—the very communities in need of oversight. It was the proverbial case of the fox guarding the henhouse. But many of us in Congress were committed to creating an effective board in keeping with the 9/11 Commission's recommendations.

We succeeded, and the President signed the bill creating the board well over a year ago, but the White House's delays and resistance continued. Last May 11, I joined Senators DURBIN, COLLINS, and LIEBERMAN in writing to the President to inquire why there had not yet been any nominations and to urge him to nominate board members as soon as possible. We also expressed concern about the inadequate funding in the White House budget proposal, which would only have provided an underwhelming and insufficient $750,000 for its operations. Fortunately, the Transportation, Treasury, and HUD Appropriations Subcommittee, on which I serve, raised the amount to $1.5 million to ensure a better start for the board.

President Bush waited until June of last year to appoint three members of the board, and to nominate the chairman and vice chairman of the board, who were confirmed by the Senate last month. No board members have yet been sworn in. Meanwhile, as Newsweek reported, the White House's new budget, released last month, listed no money for the Privacy and Civil Liberties Oversight Board. Administration officials have said that this omission came only because they decided not to itemize funding for offices within the White House, but they could not explain why other White House offices were individually listed, yet this board was not.

Regrettably, the delays and insufficient funds suggest that the Bush-Cheney administration is simply going through the motions, rather than following through on a meaningful commitment to the Privacy Board. As the Chairman of the 9/11 Commission said, "The Administration was never interested in this."

This board is too important for us to simply go through the motions. Prior to the board, there was no office within the Government to oversee the collective impact of Government actions and powers on our liberties. This is a critical blind spot. We have increased and consolidated the authority of an already-powerful Government in an effort to address the realities of terrorism and modern warfare. As Lee Hamilton, Vice Chairman of the 9/11 Commission, noted in a Judiciary Committee hearing on August 19, 2004, these developments represent "an astounding intrusion in the lives of ordinary Americans that is routine today in government."

In the months since Mr. Hamilton made this statement, we have learned of reports of far more disturbing and unprecedented intrusions into the lives of Americans, including warrantless wiretapping in violation of the laws of the land, as well as surveillance of ordinary Americans that may include a group of Quakers in Vermont. It is more important than ever to have a meaningful entity ensuring that the Government pursue crucial antiterrorism efforts without giving up the privacy and civil liberties so important to all Americans.

The delays in setting up the Privacy and Civil Liberties Oversight Board and the failures to properly fund it show that the Bush-Cheney administration does not take this responsibility seriously. We must make sure that we do take it seriously, on behalf of the American people.

I ask unanimous consent to have printed in the RECORD the Newsweek article to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Newsweek, March 13, 2006 issue]

WATCHDOG: WHAT EVER HAPPENED TO THE CIVIL LIBERTIES BOARD?

(By Michael Isikoff)

For more than a year, the Privacy and Civil Liberties Oversight Board has been the most invisible office in the White House. Created by Congress in December 2004 as a result of the recommendations of the 9/11 Commission, the board has never hired a staff or even held a meeting. Next week, NEWSWEEK has learned, that is due to finally change when the board's five members are slated to be sworn in at the White House and convene their first session. Board members tell NEWSWEEK the panel intends to immediately tackle contentious issues like the president's domestic wiretapping program, the Patriot Act and Pentagon data mining. But critics are furious the process has taken this long—and question whether the White House intends to treat the panel as anything more than window dressing. The delay is "outrageous, considering how long its been since the bill [creating the board] was passed," said Thomas Kean, who chaired the 9/11 Commission. "The administration was never interested in this."

Renewed concerns about the White House's commitment came just a few weeks ago when President Bush's new budget was released—with no listing for money for the civil liberties board. Alex Conant, a spokesman for the Office of Management and Budget, denied to NEWSWEEK the White House was trying to kill the panel by starving it of funds. "It will be fully funded," he said, explaining that the board wasn't in the budget this year because officials decided not to itemize funding levels for particular offices within the White House. When a reporter pointed out that funding for other White House offices such as the National Security Council were listed in the budget, Conant said: "I have no explanation."

The funding snafu is only the latest setback. Kean said the 9/11 Commission had pushed hard for the board to ensure that some agency within the government would specifically review potential abuses at a time vastly expanded powers were being given to U.S. intel and law-enforcement agencies. But the White House, and congressional leaders, resisted and sharply restricted its scope, denying the board basic tools like subpoena power. Bush didn't nominate members of the board until June 2005—six months after the panel was created—and they weren't confirmed until last month. The chair of the board is Carol Dinkins, a former senior Justice official under Ronald Reagan and former law partner of Attorney General Alberto Gonzales. Dinkins did not respond to requests for comment.

PASSAGE OF H.R. 32

Mr. CORNYN. Mr. President, I rise today to compliment my friends in the House of Representatives for passing expeditiously H.R. 32—the Stop Counterfeiting in Manufactured Goods Act—as amended by the Senate.

In addition to a few technical changes, I am pleased that the bill included the entirety of S. 1095, the Protecting American Goods and Services Act, introduced last year by myself and Senator LEAHY.

I am particularly pleased to work with the senior Senator from Vermont in our continued bipartisan effort to protect intellectual property rights as well as to work on other important issues. Last year, we worked together on a matter near and dear to my heart—good government legislation related to the Freedom of Information Act, and it indeed has been a pleasure to work with him again. His staff has worked tirelessly with mine—especially Susan Davies, whose hard work and dedication to the goal of making good public policy is a testament to her, to Senator LEAHY, and to good legislative process.

The combined package passed today in the form of H.R. 32 represents important, bipartisan legislation designed to combat the trafficking of illegitimate goods throughout the world. The rampant distribution of illegitimate goods—be it counterfeited products, illegal copies of copyrighted works or any other form of piracy—undermines property rights, threatens American jobs, decreases consumer safety and, oftentimes, supports organized crime and terrorist activity.

Amazingly, it is estimated that between 5 percent and 7 percent of worldwide trade is conducted with counterfeit goods and services. According FBI estimates, counterfeiting costs U.S. businesses as much as $200 to $250 billion annually—and that costs Americans their jobs—more than 750,000 jobs according to U.S. Customs.

In recent years, this plague on global trade has grown significantly. According to the World Customs Organization and Interpol, the global trade in illegitimate goods has increased from $5.5 billion in 1992 to more than $600 billion per year today. That is $600 billion per year illegally extracted from the global economy.

But for me, as chairman of the Senate Subcommittee on Immigration, Border Security and Citizenship, I find it most troubling that the counterfeit trade across our borders and throughout the world threatens our safety and our national security. Most frighteningly, evidence indicates that the counterfeit trade supports terrorist activities. Indeed, al-Qaida training manuals recommended the sale of fake goods to raise revenue.

Further, counterfeit goods undermine our confidence in the reliability of goods and service. For example, the Federal Aviation Administration estimates that 2 percent of the 26 million airline parts installed each year are counterfeit. And the Federal Drug Administration estimates that as much as 10 percent of pharmaceuticals are counterfeit.

And the reach of counterfeiting runs deep in my own home State of Texas. Data is difficult to collect, but a 1997 piece detailing Microsoft's efforts to combat counterfeiting and piracy—while dated—pointed out that this type of activity costs Texas over 10,000 jobs and almost $1 billion. Today, we know those numbers are much higher.

We must act to stop this illegal activity. The legislation we passed today will help us do just that. It is not complicated—nor is it long, but its global impact will be significant. The legislation is designed to provide law enforcement with additional tools to curb the flow of these illegitimate goods and it is perhaps even more critical for businesses, large and small, throughout America and for ensuring the safety of consumers around the globe.

Those who traffic in counterfeit goods put Americans in danger, support terrorism and undermine the health of our Nation's economy. S. 1095—or the "PAGS Act"—as included in the legislation passed today—fills certain important gaps in current counterfeiting law by clarifying the term "trafficking" to ensure that it is illegal to:

Possess counterfeit goods with the intention of selling them; give away counterfeit goods in exchange for some future benefit—in effect, the "bartering" of counterfeit goods in such a way that avoids criminality; import or export counterfeit goods or unauthorized copies of copyrighted works.

This bill will protect property rights, protect consumer safety, preserve American jobs, and bolster the American economy by cracking down on the trade of illegal counterfeit goods and services.

Each of these items was highlighted by the Department of Justice in its October, 2004 report on its Task Force on Intellectual Property. In it, the Department describes the significant limitation law enforcement oftentimes faces in pursuing counterfeiters and offers, among others, the principles embraced in the Protecting American Goods and Services Act, as possible solutions to these obstacles.

This legislation, and other reforms, will help turn the tide of the growing counterfeit trade. The legislation is critically important to law enforcement—but it is even more critical for businesses, large and small, throughout America—including in my home State of Texas—as well as for ensuring the safety of consumers around the globe. Those who traffic in counterfeit goods put Americans in danger, support terrorism and undermine the health of our nation's economy. It is time to put an end to this scourge on society.

I look forward to the President signing this legislation into law, and in so doing, protecting property rights, protecting consumer safety, preserving American jobs and bolstering the American economy.

OFFICE OF THE ATTENDING PHYSICIAN

Mr. INOUYE. Mr. President, I rise today to discuss an organization with which many of my colleagues have some personal familiarity, the Office of the Attending Physician. Many of my colleagues have come to rely upon the Attending Physician's Office here in the Congress as the source for support and medical advice. Most of us are personally aware of the fine work performed by Dr. Eisold and his staff in providing care for the Members of Congress, but there is much about the office which we don't think about regularly.

The Senate has been served by the Attending Physician since 1930, a little more than a year after the office was established by the House of Representatives. The first Attending Physician, Dr. George Calver, served this body for approximately 37 years. He was known for offering health tips to Members of Congress such as "eat wisely, drink plentifully (of water). Play enthusiastically and relax completely. Stay out of the Washington social whirl—go out at night twice a week at most." And, perhaps most importantly, "Don't let yourself get off-balance, nervous and disturbed over things." Each of these remains good advice all these years later.

My colleagues and I know we can count on the expertise of the Attending Physician in many areas of medical advice. On average, the office successfully treats more than 50,000 patients annually. They regularly track the spread of infectious disease so that they can determine which inoculations and other medications will be required when Members travel to foreign locations. Members of the Senate rely on the physician's office for our annual flu shots and for assistance on minor medical problems. We also count on them, as do our staff and visitors to the Capitol, for handling medical emergencies.

The Office of the Attending Physician also provides unique capabilities that are very important to the success of this institution which are not well known. The office is poised for crisis response. In recent years, it has responded to the anthrax outbreak in the Hart Building and to the ricin scare. The physicians, nurses, and other medical staff have the capability and training to respond to many potential emergencies up to and include terrorist response.

The office is equipped with mobile medical vehicles designed to allow for deploying medical support throughout the region, if necessary, for offsite operations. These vehicles are well equipped to handle many medical emergencies that could arise. Each has a fully functioning laboratory and two examination rooms complete with most modern equipment. As the Congress considers its continuity of Government requirements, the Office of the Attending Physician is well positioned to support emergency legislative operations which could be required following an attack.

Mr. President, the Office of the Attending Physician provides a critical capability to the legislative branch. The services they provide serve as a convenience to busy Members of the Congress, but they are much more. They are a vital piece of emergency response in the Capitol. They are ready, when called upon, to play a key role in ensuring continuity of the legislative branch, they serve to handle any medical emergency which might arise at the Capitol.

We owe a great deal to Dr. Eisold and his team of fine specialists. May I suggest all of my colleagues thank them for their great service the next time we see them in action. They deserve our gratitude and support.

VETERANS HEALTH CARE

Mr. BURNS. Mr. President, I am concerned that the President's Department of Veterans Affairs fiscal year 2007 budget request does not include adequate funding for VA health care. Specifically, this budget request would require certain veterans to pay a $250 enrollment fee in order to access the health care system each year. In addition, the budget proposes to more than double prescription copayments from $7 to $15, further burdening the limited resources of those who have served our country.

The VA estimates that these measures will save the Department an estimated $795 million in 2007. This savings estimate is based not only on collections but on increasing the number of veterans who will opt-out of the service due to the higher fees. The VA estimates they will force over 1 million veterans, almost half of the Priority 7 and Priority 8 veterans, to drop out of the VA health care system.

Do we really want our veterans to be faced with the difficult choice of either dropping out of the VA health care system or bearing these additional costs? Those who do not drop out of the VA health care system will be forced to pay hundreds more for their health care. Veterans who receive prescription drugs from the VA and who fill a typical number of prescriptions a year could face new fees amounting to nearly $600. I realize that agencies such as the VA must look for ways to save dollars, but our Nation's veterans deserve adequate and affordable health care.

While I understand the need to reduce Federal spending, I urge my colleagues to reject these proposals to reduce spending for VA health care in the fiscal year 2007 budget. I believe it is absolutely critical that the VA health care system be fully funded. The Congress has rejected these proposals in the past, and I hope it will do so again this year. Our veterans should not be faced with these choices nor forced to bear this burden. We must keep our promise to care for the veterans who made so many sacrifices to ensure the freedom of so many.

NATIONAL SPORTSMANSHIP DAY

Mr. REED. Mr. President, today, March 7, 2006, we celebrate the 16th annual National Sportsmanship Day. Begun in 1991 by the Institute for International Sport at the University of Rhode Island, this initiative promotes the highest ideals of sportsmanship and fair play among America's youth. In 13,000 schools, across all 50 States, and in countries around the world, students, teachers, administrators, coaches, and parents will engage in discussions on the issues of sportsmanship and fair play. The theme of this year's National Sportsmanship Day is "Defeat Gamesmanship!" and participants will talk about appropriate tactics and strategies when participating in games and sports.

This year, in addition to promoting the values of sportsmanship and fair play, the Institute for International Sport will recognize schools across the country that have exceptional sportsmanship programs with the new All-American Sportsmanship School Award. A minimum of 64 awards will be given out to elementary, middle, and high schools as well as colleges that participate in National Sportsmanship Day and honor its principles year round.

I am proud that Rhode Island is home to the Institute for International Sport and National Sportsmanship Day. For 16 years, this initiative has had a positive influence on our Nation's youth in promoting the best in athletics, and I know it will continue to do so this year and in the future.

HONORING THE 45TH ANNIVERSARY OF THE PEACE CORPS

Mr. INOUYE. Mr. President, on March 1, 1961, President Kennedy signed an Executive order that established the Peace Corps whose mission would be to promote peace, mutual understanding, and friendship between Americans and the people of the world. Back then, the world was viewed as engaged in a cold war with the United States and its allies pitted against the Communist bloc. President Kennedy envisioned the Peace Corps as an agency that would create opportunities for Americans to reach out to the rest of the world, and make positive contributions to community development and nation-building overseas.

As we celebrate the Peace Corps's 45th anniversary, all Americans can be proud of what the agency has accomplished and continues to do. Through its hardworking and committed volunteers who now number nearly 8,000, the Peace Corps provides assistance today in 138 host countries in such fields as education, healthcare, environmental preservation, and business development.

Last year, the Peace Corps's Crisis Corps Volunteers helped with rebuilding efforts in tsunami-ravaged areas of Sri Lanka and Thailand. And, for the first time in its history, volunteers were deployed at home as approximately 270 volunteers assisted with recovery efforts along the U.S. gulf coast in the aftermath of Hurricanes Katrina and Rita.

I am also proud to report that the Peace Corps continues to attract Volunteers from Hawaii. At this moment, 12 volunteers from Hawaii are serving in 12 different host countries that include Bulgaria, China, Morocco, Nicaragua, Swaziland, and Tanzania.

It is a pleasure to join all Americans in congratulating the Peace Corps and its volunteers past and present for their outstanding work, and for their invaluable and effective civic contributions to communities throughout the world.

VOTE EXPLANATION

Mr. JOHNSON. Mr. President, I would like the record to reflect that I was necessarily absent for rollcall vote No. 31, the confirmation of Timothy C. Batten, Sr., of Georgia, to be U.S. District Judge on Monday, March 6, 2006. Had I been present for this vote, I would have voted in favor of the nomination.

ADDITIONAL STATEMENTS

TRIBUTE TO ARNOLD FRIBERG

• Mr. BENNETT. Mr. President, today I rise to pay tribute to Arnold Friberg, a gifted American artist.

For more than eight decades as a painter, Mr. Friberg has set down a profound and varied body of work, including magazine covers and illustrations, World War II depictions, the Northwest Mounted Police, Book of Mormon illustrations, portraits, including Her Royal Highness Queen Elizabeth of England, and many rich and dramatic depictions of the Old West. This year marks the 30th anniversary of his revered Prayer at Valley Forge, which shows George Washington at prayer. Along with Emanuel Leutze's Washington Crossing the Delaware, Friberg's Prayer at Valley Forge is one of the great American patriotic paintings.

In 1953, Arnold Friberg was summoned to Hollywood by Cecil B. DeMille for a 1-month consultation on costume design for a film he was going to remake. DeMille became so impressed by the artist that soon afterward Mr. Friberg was called back to Hollywood and began a warm, personal collaboration with the storied director that lasted for 4 years.

Mr. Friberg became DeMille's chief artist-designer for the well-known movie "The Ten Commandments," which brought the artist an Academy Award nomination. Half a century later, "The Ten Commandments" still draws sizable audiences to television broadcasts and DVD sales. Becoming the visual designer for what DeMille and his set decorators and cameramen put on film, Mr. Friberg painted major scenes of the salient episodes in the Old Testament including The Finding of Moses, Moses and the Burning Bush, First Passover, Exodus Begins, Orgy of the Golden Calf, Moses Receiving the Law, and Crossing of the Red Sea. Visually, the film was built around these scenes, along with major costume designs created by the artist.

After completion of the film, Mr. Friberg's original paintings were widely exhibited wherever the film opened, and more than 1 million copies of a catalog depicting them were sold.

The golden anniversary of the release of the film is being celebrated this month at an exhibition of these marvelous paintings, along with artifacts from the film, at the Utah Cultural Celebration Center in West Valley City, UT.

I am honored today to acknowledge the work of Arnold Friberg and add my name to the long list of Americans who are grateful for his outstanding contributions.•

CONGRATULATING THE RUTGERS UNIVERSITY WOMEN'S BASKETBALL TEAM

• Mr. LAUTENBERG. Mr. President, I rise today to honor and congratulate the Rutgers University women's basketball team for its thrilling victory against the University of Connecticut on February 27. Before a sold-out crowd of over 8,000 fans, the tenacious Scarlet Knights achieved one of college basketball's most coveted titles: Big East Conference champions. In the process, Rutgers also became only the third team in history to finish its regular season undefeated.

This victory did not come easily, but the Scarlet Knights came ready to play, thirsty to win, and eager to give the Connecticut Huskies a run for their money. Despite trailing UConn by 18 points in the first half, Rutgers refused to give up. Instead, they regrouped, refueled, and used strong defense and solid teamwork to make up the point deficit. Led by head coach C. Vivian Stringer and senior standout Cappie Pondexter, the Scarlet Knights played a flawless second half that capped an outstanding season. By the time the final buzzer rang, the Rutgers women had proven that they can compete with any team in the Nation. More importantly, after winning their second straight conference title, the Scarlet Knights confirmed that hard work, perseverance, and desire remain the keys to success.

With four New Jersey natives on their roster, including Big East Defensive Player of the Year Essence Carson, these young women have become a source of pride for my home State. Coach Stringer, in particular, deserves special recognition for the strong coaching and leadership skills she has demonstrated over her 10 years at Rutgers University. As one of the most recognized and most respected coaches in the game, she was inducted into the New Jersey Sports Hall of Fame in 2005. I think I speak for both the Scarlet Knights and the Rutgers community when I say how pleased I am to have Coach Stringer leading this remarkable team.

Mr. President, on behalf of the entire State of New Jersey, I am proud to congratulate the Scarlet Knights once again for their second consecutive Big East Conference title. As the Scarlet Knights begins this year's NCAA tournament, we hope they are able to maintain the momentum that carried them so well through the regular season. We wish them the best of luck.•

TRIBUTE TO REDFORD AVENUE PRESBYTERIAN CHURCH

• Mr. LEVIN. Mr. President, I would like to take this opportunity to congratulate Redford Avenue Presbyterian Church on 100 years of worship and service to the community. This milestone was recently commemorated with 2 days of events, culminating in a dance and dinner celebration that took place on March 6, 2006. This momentous occasion provides the perfect opportunity to reflect on Redford's rich history and to remember the integral role Redford has played in the community over the years.

Redford Avenue Presbyterian Church was established in March 1906 by a small congregation that served what was then known as the Sand Hill in Detroit. The church's membership grew rapidly, and as a result, in 1929, a separate addition was built to accommodate the larger congregation. Unfortunately, in 1945 the sanctuary was completely destroyed by a fire. However, this tragedy provided an important opportunity for the congregation and community to work together to rebuild the church, and by 1954, a new sanctuary, educational wing and fellowship hall was constructed. By the late 1960s, the membership had grown to more than 3,600 people.

Today, Redford Avenue Presbyterian Church has a smaller congregation but has maintained its strong spirit, deep faith and unwavering commitment to serve and minister to the greater Detroit community. For the last 30 years the church has run a daycare center that helps to meet the needs of many working parents in the community. In addition, Redford's educational building is currently being leased to a charter school and is also used by a local division of Sea Cadets.

Redford Avenue Presbyterian Church also continues to make its building available to many groups and organizations in the neighborhood. Considered a cornerstone of the community, Redford consistently provides meeting space for groups such as Narcotics Anonymous and Metro Detroit Deaf Senior Citizens. And, for 1 night each January, the church opens its doors to house, feed, clothe, and minister to the homeless.

I know my Senate colleagues will join me in congratulating Redford Avenue Presbyterian Church and wish its members, volunteers, and ministerial staff many more years of fellowship and service.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5921. A communication from the Vice President, Government Affairs, National Railroad Passenger Corporation, Amtrack, transmitting, pursuant to law, a report relative to the completion of Amtrack's Annual Report to Congress; to the Committee on Commerce, Science, and Transportation.

EC–5922. A communication from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of the Administration's intent to award a contract to the Jackson Hole Airport Board for screening services at Jackson Hole Airport in Jackson, Wyoming; to the Committee on Commerce, Science, and Transportation.

EC–5923. A communication from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of the Administration's intent to award a contract to Covenant Aviation Security, LLC for screening services at Sioux Falls Regional Airport in Sioux Falls, South Dakota; to the Committee on Commerce, Science, and Transportation.

EC–5924. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (I.D. No. 030805C) received on March 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5925. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Increase" (I.D. No. 012406A) received on March 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5926. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rule; Inseason Retention Limit Adjustment" (I.D. No. 011906B) received on March 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5927. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543" (I.D. No. 011306A) received on March 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5928. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Framework 1 to the Spiny Dogfish Fishery Management Plan" (RIN0648–AT29) received on March 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5929. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Amend the Subsistence Fishery Rules for Pacific Halibut in Waters Off Alaska" (RIN0648–AR88) received on March 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5930. A communication from the Attorney Advisor, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, the report of a nomination for the newly created position of Administrator, received on March 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5931. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of nominations for the following positions: Assistant Secretary of Transportation for Policy; Administrator, Maritime Administration; Administrator, National Highway Safety Administration; and Assistant Secretary for Governmental Affairs, received on March 2, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5932. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's annual report on the regulatory status of the National Transportation Safety Board's "Most Wanted" Recommendations to the Department of Transportation for calendar year ending 2005; to the Committee on Commerce, Science, and Transportation.

EC–5933. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report on the threat from acts of terrorism to U.S. ports and vessels operating from those ports; to the Committee on Commerce, Science, and Transportation.

EC–5934. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Design-Build Effectiveness Study"; to the Committee on Commerce, Science, and Transportation.

EC–5935. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of a violation of the Antideficiency Act by the Department of the Army, case number 04–10; to the Committee on Appropriations.

EC–5936. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of a violation of the Antideficiency Act by the Department of the Air Force, case number 04–01; to the Committee on Appropriations.

EC–5937. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of a violation of the Antideficiency Act by the Department of the Army, case number 04–06; to the Committee on Appropriations.

EC–5938. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of a violation of the Antideficiency Act by the Department of the Army, case number 05–04; to the Committee on Appropriations.

EC–5939. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the American River Watershed, California (Folsom Dam and Permanent Bridge) Project; to the Committee on Environment and Public Works.

EC–5940. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, reports of the Chief of Engineers on multiple projects and notification that the Administration review on these projects is still pending; to the Committee on Environment and Public Works.

EC–5941. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's December 2005 monthly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–5942. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting the URL addresses of documents entitled: "Source Water Monitoring Guidance Manual for Public Water Systems for the Final Long Term 2 Enhanced Surface Water Treatment Rule"; "Microbial Laboratory Guidance Manual for the Final Long Term 2 Enhanced Surface Water Treatment Rule"; and "Membrane Filtration Guidance Manual", received on March 7, 2006; to the Committee on Environment and Public Works.

EC–5943. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans Alabama: State Implementation Plan Revision" (FRL No. 8042–9) received on March 7, 2006; to the Committee on Environment and Public Works.

EC–5944. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Montana: Incorporation By Reference of Approved State Hazardous Waste Management Program" (FRL No. 8035–5) received on March 7, 2006; to the Committee on Environment and Public Works.

EC–5945. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "South Dakota: Final Authorization of State Hazardous Waste Management Program Revision and Incorporation By Reference of Approved State Hazardous Waste Management Program" (FRL No. 8035–4) received on March 7, 2006; to the Committee on Environment and Public Works.

EC–5946. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flumiclorac Pentyl; Pesticide Tolerance" (FRL No 7764–1) received on March 7, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5947. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Congressional and Intergovernmental Relations, received on March 7, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–5948. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–5949. A communication from the Associate General Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Consolidated Plan Revisions and Updates" ((RIN2501–AD07)(FR–4923–F–02)) received on March 7, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–5950. A communication from the Administrator, National Aeronautics and Space Administration (NASA), transmitting, pursuant to law, a report entitled "2006 NASA Strategic Plan"; to the Committee on Homeland Security and Governmental Affairs.

EC–5951. A communication from the Acting General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Death Benefits" (5 CFR Part 1651) received on March 7, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–5952. A communication from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on March 7, 2006; to the Committee on Health, Education, Labor, and Pensions.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COLEMAN:

S. 2375. A bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 2376. A bill to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the "Gerard A. Fiorenza Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Nebraska (for himself, Mr. SESSIONS, and Mr. COBURN):

S. 2377. A bill to amend the Immigration and Nationality Act and other Acts to provide for border security and interior enforcement improvements, and for other purposes; to the Committee on the Judiciary.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. DORGAN, Mr. BURNS, and Mr. MCCAIN):

S. 2378. A bill to amend the Communications Act of 1934 to ensure that tribal libraries that receive assistance under the Library Services and Technology Act are eligible for E-rate assistance to the same extent as other libraries receiving such assistance and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BURR:

S. 2379. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for health and long-term care insurance costs of individuals not participating in employer-subsidized health plans; to the Committee on Finance.

By Mr. DODD:

S. 2380. A bill to add the heads of certain Federal intelligence agencies to the Committee on Foreign Investment in the United States, to require enhanced notification to Congress and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FRIST (for himself, Mr. MCCONNELL, Mr. MCCAIN, Mr. KERRY, Mr. SESSIONS, Mr. ALLEN, Mr. BUNNING, Mr. ALEXANDER, Mr. TALENT, Mr. DEMINT, Mr. GRAHAM, Mr. KYL, Mr. ALLARD, Mrs. DOLE, Mr. ENZI, Mr. BROWNBACK, Mr. ISAKSON, Mr. BURR, Mr. CHAMBLISS, Mr. CHAFEE, Mr. SANTORUM, Mr. THUNE, Mr. GREGG, Mr. SUNUNU, Mr. VITTER, Mr. MARTINEZ, Mr. CRAPO, and Mr. THOMAS):

S. 2381. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide line item rescission authority; to the Committee on the Budget.

By Mr. DURBIN (for himself, Mrs. LINCOLN, Mr. REID, Mr. BAUCUS, Mr. KENNEDY, Mr. KERRY, Mr. BINGAMAN, Mrs. BOXER, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Mr. DODD, Mr. HARKIN, Mr. JOHNSON, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. PRYOR, Mr. MENENDEZ, Mr. ROCKEFELLER, and Mr. LEAHY):

S. 2382. A bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS:

S. 2383. A bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make a technical correction; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 65, a bill to amend the age restrictions for pilots.

S. 333

At the request of Mr. SANTORUM, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 484

At the request of Mr. WARNER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 548

At the request of Mr. CONRAD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 548, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

S. 558

At the request of Mr. REID, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 558, a bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt.

S. 641

At the request of Mrs. HUTCHISON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 641, a bill to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 1112

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1112, supra.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1513

At the request of Ms. MIKULSKI, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1513, a bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

S. 1791

At the request of Mr. SMITH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 1955

At the request of Mr. ENZI, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1955, a bill to amend title I of the Employee Retirement Security Act of 1974 and the Public Health Service Act to expand health care access and reduce costs through the creation of small business health plans and through modernization of the health insurance marketplace.

S. 1968

At the request of Mr. SPECTER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1968, a bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

S. 1994

At the request of Mr. HARKIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1994, a bill to require that an increasing percentage of new automobiles be dual fueled automobiles, to revise the method for calculating corporate average fuel economy for such vehicles, and for other purposes.

S. 1998

At the request of Mr. CONRAD, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2052

At the request of Mr. ROBERTS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2052, a bill to amend the Internal Revenue Code of 1986 to provide a credit to certain agriculture-related businesses for the cost of protecting certain chemicals.

S. 2154

At the request of Mr. OBAMA, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2154, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. 2178

At the request of Mr. SCHUMER, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2201

At the request of Mr. OBAMA, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2237

At the request of Mr. SANTORUM, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2237, a bill to withhold United States assistance from the Palestinian Authority until certain conditions have been satisfied.

S. 2279

At the request of Mr. FEINGOLD, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Wyoming (Mr. THOMAS), the Senator from Minnesota (Mr. DAYTON) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2279, a bill to make amendments to the Iran and Syria Nonproliferation Act.

S. 2292

At the request of Mr. SPECTER, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2292, a bill to provide relief for the Federal judiciary from excessive rent charges.

S. 2308

At the request of Mr. SPECTER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2308, a bill to amend the Federal Mine Safety and Health Act of 1977 to improve mine safety, and for other purposes.

S. 2321

At the request of Mr. SANTORUM, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2321, a bill to require the

Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2362

At the request of Mr. BYRD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2362, a bill to establish the National Commission on Surveillance Activities and the Rights of Americans.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Colorado (Mr. ALLARD), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Mississippi (Mr. COCHRAN), the Senator from Minnesota (Mr. DAYTON), the Senator from Maine (Ms. COLLINS), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Idaho (Mr. CRAPO), the Senator from Maryland (Mr. SARBANES), the Senator from Wyoming (Mr. THOMAS) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2371

At the request of Mr. THUNE, the names of the Senator from Montana (Mr. BURNS) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 2371, a bill to permit the use of certain funds for recovery and mitigation activities in the upper basin of the Missouri River, and for other purposes.

S. CON. RES. 76

At the request of Mr. COLEMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. Con. Res. 76, a concurrent resolution condemning the Government of Iran for its flagrant violations of its obligations under the Nuclear Non-Proliferation Treaty, and calling for certain actions in response to such violations.

S. RES. 232

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 232, a resolution celebrating the 40th anniversary of the enactment of the Voting Rights Act of 1965 and reaffirming the commitment of the Senate to ensuring the continued effectiveness of the Act in protecting the voting rights of all citizens of the United States.

S. RES. 359

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. Res. 359, a resolution concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURR:

S. 2379. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for health and long-term care insurance costs of individual not participating in employer-subsidized health plans; to the Committee on Finance.

Mr. BURR. Mr. President, I rise today to introduce legislation that would provide an above-the-line tax deduction for individuals who purchase their own health insurance and are not receiving it through their employer. An above-the-line tax deduction would allow a taxpayer to take the deduction even if they don't itemize their taxes. Current law allows those individuals who are self-employed and purchase health insurance to take an above-the-line tax deduction. My legislation would make the tax code fairer by allowing those people who are not self-employed to take the same deduction.

An estimated 17.4 million Americans in 2005 were covered by individually purchased health insurance policies. Some of these people are self-employed and can currently take this deduction. However, based upon these statistics, I estimate that up to 2 million families who have purchased health insurance do not have access to this deduction. My legislation seeks to correct that. Additionally, the legislation will make it cheaper for uninsured people to purchase their own health insurance policies. Health care costs in general are expected to rise 7.2 percent per year for the next ten years, so it is important for Congress to pursue steps to attempt to rein in this inflation and also to try to make health care and health insurance more accessible and affordable. This legislation is a part of those efforts.

Another important aspect of the legislation is that it would also allow individuals to take an above-the-line deduction for the purchase of long-term-care insurance. Most employers do not offer any subsidized long-term-care insurance to their employees, so those who need this protection often have to purchase it in the individual market. It is very important for Americans to purchase this insurance, since many people assume that Medicare covers long-term-care costs when people turn age 65. However, this is not true. Often, seniors will find themselves on Medicaid, the low-income federal health care program, when they have long stays in nursing homes that they cannot pay for. Long-term-care insurance is a far better alternative to having seniors go onto Medicaid. It is important for Congress to incentivize people to purchase this insurance, and my legislation is a step in the right direction.

I want to urge my colleagues to look at this legislation. It is short and to the point, but helping people to have private health insurance and long-term-care insurance is an important part of improving our health care system.

By Mr. DODD:

S. 2380. A bill to add the heads of certain Federal intelligence agencies to the Committee on Foreign Investment in the United States, to require enhanced notification to Congress and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, today I have introduced a bill entitled the U.S. National Security Protection Act of 2006. This legislation would enact some critical reforms with respect to the Committee on Foreign Investment in the United States, CFIUS. I look forward to working with my colleagues in the coming days on this bill.

One thing is clear. The importance of reforming CFIUS has been brought into sharp focus by the proposed acquisition of P&O Steamship Navigation Company's U.S. port operations by Dubai Ports, DP, World, a company based in Dubai in the United Arab Emirates, UAE. The reason so many people are concerned about that particular deal is obvious: while security threats are dynamic, assets such as our ports are, and always will be, a national security concern.

CFIUS's role is to vet these deals for possible national security dangers. But the problem here is that the CFIUS process is broken. Indeed, the DP World deal was approved in less than 30 days—even though U.S. law clearly required there to be a full 45-day investigation.

Many of us here in Congress have for a while now expressed concerns over whether the current CFIUS structure is adequately protecting our national security. The GAO also expressed these concerns in a report it released last September. So again, it's not like the cat has suddenly been let out of the bag that the CFIUS process needs reform.

Yet despite all the evidence to the contrary—most prominently, the DP World-P&O deal—the administration does not seem to believe that there is anything wrong with the CFIUS process.

The bill I introduced today—the National Security Protection Act of 2006—goes to the heart of three very simple principles. First, since CFIUS is set up to protect our national security, the intelligence community—whose fundamental purpose is to promote national security—needs to have a formal and expanded role in CFIUS. Second, accountability and transparency need to be made a permanent part of the CFIUS process. And third, when critical U.S. infrastructure might be acquired by a foreign government-controlled entity, CFIUS must perform a full 45 day investigation—no exceptions.

My bill would address these issues by doing the following: First, it would add the Director of National Intelligence, DNI, and Director of the CIA, DCI, to the CFIUS panel.

Second, it would create a CFIUS Subcommittee on Intelligence whose members would represent the heads of all of the intelligence agencies of the U.S. government. That subcommittee, chaired by the Director of National Intelligence, would review and provide comments on matters to come before CFIUS—including comments on 30 day reviews which do not result in 45 day investigations and comments on the results of 45 day investigations. This subcommittee would also conduct 15 day initial reviews of all cases filed with CFIUS.

Some might ask why the DNI would need to serve on both the full CFIUS panel and on the subcommittee. The reasoning behind this is simple—the DNI has two important roles in the process. On the full committee, the DNI should fill a role of providing policy advice from the perspective of the intelligence community. On the subcommittee level, the DNI should oversee the collection, analysis, and reporting on specific, case-related intelligence that is vital to the CFIUS process.

Third, the National Security Protection Act would create two Vice Chair positions on the full CFIUS panel, to be filled by the Secretaries of Defense and Homeland Security. That will help to ensure that economic, intelligence, and security matters are given appropriate weight in the decision making process. Economic interests, while important, must never come ahead of the protection of our national security.

Fourth, this legislation would mandate that only the CFIUS chair, with the concurrence of the two Vice Chairs, or the President acting on his own authority, can sign off on a 30-day review which concludes that a potential deal poses no security threat. In addition, it would require that this determination be made in writing with the appropriate signatures, and mandate that the CFIUS Chair and Vice Chairs who make such a determination be at the level of Secretary so that this responsibility is not delegated to subordinates. Furthermore, if either of the Vice Chairs dissent with respect to the decision to not conduct a 45-day investigation, my bill would mandate that the matter be sent to the President for a final determination.

Fifth, my bill would require the President or CFIUS to notify Congress not later than 15 days after paperwork is submitted by companies for CFIUS review, and not later than 15 days after the commencement of all 30-day reviews and 45-day investigations.

Sixth, this bill would also require the President to provide quarterly reports to Congress detailing all 30- and 50-day actions. These reports would include the intelligence subcommittee's comments on each case, and they would be submitted in unclassified form with a classified annex.

Seventh, for any transaction where a foreign-owned company is seeking to acquire U.S. critical infrastructure, this bill would mandate that the company provide the appropriate notification to CFIUS of the proposed transaction as well as the required information for CFIUS to examine the case. Currently that process is voluntary and it shouldn't be.

Eighth and finally, the National Security Protection Act would amend existing U.S. law, which governs under what conditions the President must conduct a full 45-day investigation. Currently, U.S. law requires a full investigation if "an entity controlled by or acting on behalf of a foreign government" attempts to acquire a U.S. entity engaged in interstate commerce that could affect U.S. national security. My bill would clarify this provision by requiring a 45-day investigation whenever the U.S. entity to be acquired controls, owns, or operates critical infrastructure in the U.S.

I don't want anyone to misinterpret what I am saying here. Foreign investment in the U.S. economy provides an important influx of capital. In today's globalized world, we would do tremendous damage to our economy by cutting off foreign investment. And I do not think anyone here is talking about that.

Just to provide some reference, according to the Commerce Department, in 2004, foreigners invested $113 billion in U.S. businesses and real estate. But that amount is only about half as much as U.S. firms invested abroad. So while we rightly have concerns about outsourcing and enforcement of fair trade practices, the U.S. obviously gets significant benefits from participating in the global economy.

But supporting free and fair trade, and working to protect the national interest, are not mutually exclusive. Because we are not just working to protect the American worker, we are also trying to protect his or her family, and the generations to come.

Simply put, national security should never be subordinated to commercial interests.

Some would suggest that this is an issue of race-baiting, ill will, or bias toward the Arab world. Let me be clear on that point. Nothing we say with respect to DP World or the situation in the UAE—or any other potential deal—should be construed as such.

To that end, I wholly reject the views of those who suggest that our concern with the DP World acquisition, and with other foreign government acquisitions of U.S. critical infrastructure, is somehow rooted in a xenophobic ideology.

Rather, when it comes to international business, there are two main issues that I think we as Americans are concerned with. One is the protection of the U.S. economy, our industrial base, and American workers. The other is the safeguarding of our national security. With respect to the DP World-P&O deal, we're mainly talking about that second issue.

According to United Press International, UPI, operations at up to 22 U.S. ports would come under the control of DP World if it is allowed to acquire P&O's U.S. port operations. This includes critical ports in New York, New Jersey, Baltimore, Miami, New Orleans, Mississippi, and Texas. And it reportedly includes two ports in Texas used by the Army, and through which approximately 40 percent of equipment shipped to our troops in Iraq has flowed.

Yet, CFIUS decided in less than 30 days that this deal did not pose a security threat to the U.S. There was no full and thorough 45 day investigation, which in my view was mandated by law. Indeed, the Byrd Amendment to Exon-Florio requires a full 45 day investigation if two conditions are met: first, that the acquirer is controlled or acting on behalf of a foreign government; and second, if the acquisition could affect U.S. national security. Both of these conditions are clearly met in this case.

There also appears to have been no consultation with Members of Congress on the DP World issue. In October, Deputy Treasury Secretary Kimmitt testified that he and his agency support more effective communication with Members of Congress to enhance the transparency of CFIUS. I ask where that communication was with respect to DP World.

Certainly, I understand the desire for protecting privacy, but that does not excuse the lack of any real consultation with Congress and the resulting lack of transparency. This is an issue of checks and balances, which exist to protect Americans. And the protection of Americans must never be subordinated to foreign interests.

But there are other problems with CFIUS that have become apparent through the DP World case. Indeed, we recently learned that neither Secretary Snow nor President Bush knew about the DP World acquisition. Not even Secretary Snow's deputy knew about the matter while it was undergoing the initial 30 day review.

Now, given Secretary Snow's history with CSX, whose port operations were acquired by DP World in 2004, his lack of involvement was the right thing. I only wish that it had been intentional.

And when it comes to the President, I would simply ask this question: When operations at 22 critical U.S. ports are to be sold to a company controlled and owned by a foreign government, one with a questionable security history with respect to terrorism and WMD proliferation, why wasn't the President made aware of the deal?

In a March 1 New York Times article, the President was quoted as saying that "If there was any doubt in my mind, or people in my Administration's mind, that our ports would be less secure or the American people endangered, this deal wouldn't go forward."

I frankly have no idea how the President could reach this conclusion. There has been no thorough investigation, as required by law. The President did not even apparently know about the DP World deal until very recently. It is precisely this kind of superficial determination that has the American people so worried about their security—and rightly so.

If all of this is not evidence of a broken CFIUS process, then I do not know what is.

I know that some people would argue that the issue is not CFIUS—that the real issue is having adequate measures to protect our ports. Frankly, I think that both of these are major Issues.

And if we look at the pathetic security situation at our Nation's ports today, that becomes quite clear. Only about 5 percent of the cargo that comes through our ports is actually inspected. Indeed, the resources available to the Department of Homeland Security to undertake port and container security are woefully inadequate. According to reports, U.S. Customs has only 80 inspectors to monitor the compliance of nearly 6,000 importers, who are currently charged with maintaining the security of their goods during transit. The Coast Guard is even worse off with 20 inspectors dedicated to assessing worldwide compliance with relevant international shipping and port facility security codes. That's 100 people for the whole world. And it is a problem that needs to be fixed.

But CFIUS reform is an indispensable part of the process of strengthening U.S. national security. Indeed, the current problems are evident in other cases besides DP World. Most recently we learned about another deal with a Dubai-based company. That company, Dubai International Capital is seeking, as part of a $1.2 billion deal, to acquire London-based Doncasters Group Ltd. Doncasters has operations in the U.S.—primarily in my home state of Connecticut and in Georgia.

True, in this case, CFIUS has decided to perform the full 45-day investigation. I'm glad that they have, because Doncasters is involved in the production of components for some of our most critical military equipment, including the M1 Abrams tank.

But while I'd like to think that the Doncasters investigation was begun on its own merits, I must admit that I find the timing of this investigation highly suspect. In fact, it appears that this investigation was not even launched until the DP World issue became public and stirred up some very legitimate concerns.

So as we can see, it is critically important that we reform the CFIUS process. We can not afford to sit and wait on this. The U.S. National Security Protection Act of 2006 would significantly strengthen CFIUS and thus our national security. I urge my colleagues to support this bill.

I ask unanimous consent that the text of my bill, the U.S. National Security Act of 2006, be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "U.S. National Security Protection Act of 2006".

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term "Committee on Foreign Investment in the United States" or "CFIUS" means the committee established by the President under Executive Order 11858, May 7, 1975, and any successor thereto; and

(2) the term "intelligence community" has the same meaning as in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 3. COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.

(a) CFIUS MEMBERSHIP.—

(1) DIRECTORS OF NATIONAL INTELLIGENCE AND CENTRAL INTELLIGENCE.—Notwithstanding any other provision of law, the Director of National Intelligence and the Director of Central Intelligence shall be members of the Committee on Foreign Investment in the United States.

(2) VICE CHAIRS.—The Secretary of Homeland Security and the Secretary of Defense shall serve as vice chairs of the Committee on Foreign Investment in the United States.

(b) SUBCOMMITTEE ON INTELLIGENCE.—Not later than 30 days after the date of enactment of this Act, the President shall establish within the Committee on Foreign Investment in the United States a Subcommittee on Intelligence, which shall be—

(1) chaired by the Director of National Intelligence; and

(2) comprised of the head of each member of the intelligence community.

SEC. 4. SUBCOMMITTEE REVIEW OF CFIUS INVESTIGATIONS.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by adding at the end the following:

"(l) INTELLIGENCE SUBCOMMITTEE REVIEWS OF INVESTIGATIONS.—

"(1) PRE-INVESTIGATION REVIEW AND COMMENT.—The Subcommittee on Intelligence of the Committee on Foreign Investment in the United States shall—

"(A) review information relating to a proposed merger, acquisition, or takeover, during the 15-day period following the date of receipt of such information, and before the commencement of any investigation under subsection (a) or (b); and

"(B) provide written comments on any determination by the President or CFIUS not to conduct an investigation under subsection (a).

"(2) POST-INVESTIGATION REVIEW AND COMMENT.—The Subcommittee on Intelligence of the Committee on Foreign Investment in the United States shall—

"(A) review each investigation conducted by the President or CFIUS under subsections (a) and (b); and

"(B) provide written comments on the results of each such investigation.".

SEC. 5. TREATMENT OF CRITICAL INFRASTRUCTURE AS AFFECTING NATIONAL SECURITY.

Section 721(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(b)) is amended by inserting after "commerce in the United States" the following: ", including any person that owns, controls, or operates any critical infrastructure, as defined in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e)),".

SEC. 6. CERTIFICATION OF NATIONAL SECURITY DETERMINATIONS.

"(m) PRESIDENTIAL OR CHAIR CERTIFICATION OF THREAT DETERMINATIONS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a final determination that an investigation under subsection (a) is not required with respect to a merger, acquisition, or takeover may be made only—

"(A) by the President, in any case in which the President is acting on the President's own behalf under subsection (a); or

"(B) by the Secretary of the Treasury, with the concurrence of the Secretary of Homeland Security and the Secretary of Defense, in their respective capacities as chair and vice chairs of CFIUS, in any case in which CFIUS is acting as the President's designee under subsection (a).

"(2) CERTIFICATIONS REQUIRED.—

"(A) PRESIDENTIAL DETERMINATIONS.—In any instance in which the President is acting on his or her own behalf under subsection (a), the President shall certify in writing to a final determination that an investigation under subsection (a) is not required with respect to a merger, acquisition, or takeover, and such certification requirement may not be delegated to any person.

"(B) CFIUS DETERMINATIONS.—In any instance in which CFIUS is acting as the President's designee under subsection (a), the Secretary of the Treasury, the Secretary of Homeland Security, and the Secretary of Defense shall each certify in writing to a final determination that an investigation under subsection (a) is not required with respect to a merger, acquisition, or takeover, and such certification requirement may not be delegated to any person.

"(3) NONCONCURRENCE.—If there is not concurrence among the chair and vice chairs of CFIUS for purposes of paragraph (1)(B), the President shall make the final determination that an investigation under subsection (a) is not required with respect to a merger, acquisition, or takeover, and the President shall certify such determination in writing.".

SEC. 7. MANDATORY SUBMISSION OF INFORMATION.

Section 721(c) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(c)) is amended—

(1) in the subsection heading, by striking "CONFIDENTIALITY OF" and inserting "SUBMISSION OF";

(2) by striking "Any information or documentary material filed" and inserting the following:

"(1) REQUIRED SUBMISSIONS.—Each person controlled by or acting on behalf of a foreign government or foreign person shall—

"(A) notify the President or the President's designee in writing of any proposed merger, acquisition, or takeover of any United States critical infrastructure (as defined in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e))) ; and

"(B) provide such information to the President or the President's designee with respect to such proposed transaction as may be necessary for purposes of this section.

"(2) CONFIDENTIALITY OF INFORMATION.—Any information or documentary material filed, either voluntarily or under paragraph (1),".

SEC. 8. NOTICES OF REVIEWS AND INVESTIGATIONS AND QUARTERLY REPORTS REQUIRED.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by adding at the end the following:

"(n) NOTICES OF REVIEWS AND INVESTIGATIONS AND QUARTERLY REPORTS TO CONGRESS.—

"(1) NOTICES TO CONGRESS.—The President or the President's designee shall notify the appropriate committees of Congress—

"(A) not later than 15 days after the date of receipt of written notification of a proposed or pending merger, acquisition, or takeover described in subsection (a) or (b); and

"(B) at the commencement of each investigation under subsection (a) or (b).

"(2) QUARTERLY REPORTS TO CONGRESS.—

"(A) IN GENERAL.—The President shall, on a quarterly basis, submit to Congress a report on all mergers, acquisitions, and takeovers that were the subject of investigation or review under this section during the quarter, including any comments submitted under subsection (l)(2).

"(B) FORM.—Each report required under subparagraph (A) may be submitted in unclassified form, and may contain a classified annex.".

SEC. 9. CFIUS AS PRESIDENT'S DESIGNEE UNDER DEFENSE PRODUCTION ACT.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by adding at the end the following:

"(o) DESIGNEE.—Notwithstanding any other provision of law, the President's designee for purposes of this section shall be the Committee on Foreign Investment in the United States, established by order of the President in Executive Order 11858, May 7, 1975 (in this section referred to as 'CFIUS'), or any successor thereto.".

By Mr. FRIST (for himself, Mr. McCONNELL, Mr. McCAIN, Mr. KERRY, Mr. SESSIONS, Mr. ALLEN, Mr. BUNNING, Mr. ALEXANDER, Mr. TALENT, Mr. DEMINT, Mr. GRAHAM, Mr. KYL, Mr. ALLARD, Mrs. DOLE, Mr. ENZI, Mr. BROWNBACK, Mr. ISAKSON, Mr. BURR, Mr. CHAMBLISS, Mr. CHAFEE, Mr. SANTORUM, Mr. THUNE, Mr. GREGG, Mr. SUNUNU, Mr. VITTER, Mr. MARTINEZ, Mr. CRAPO, and Mr. THOMAS):

S. 2381. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide line item rescission authority; to the Committee on the Budget.

Mr. FRIST. Mr. President, I rise to introduce the Legislative Line Item Veto Act of 2006. I am proud to say there are over 20 Senators who have joined me as original cosponsors of this legislation, including our colleague from Massachusetts, Senator KERRY. I wish to thank Senator KERRY for his support, and for the support of all of the other original cosponsors who have joined me on this significant legislative reform proposal.

The legislation itself is long overdue. It is an authority provided in one version or another to 43 Governors today. It is an authority that has been requested by at least 11 Presidents, including Franklin Roosevelt, Harry Truman, Dwight Eisenhower, Ronald Reagan, and Bill Clinton.

The Legislative Line Item Veto Act of 2006, first outlined by President Bush yesterday, when enacted will provide the President and the Congress with a tool to surgically remove specific spending and targeted tax benefits from broader enacted legislation. Unlike the line item veto legislation that the Supreme Court ruled unconstitutional in 1998, this is clearly constitutional.

The legislation builds upon current Presidential rescission authorities changing the current process to require Congress to act, one way or the other, on the President's proposed removal of items in enacted law. This new procedure guarantees an up-or-down vote on the President's proposed rescissions, without amendments.

I was trying to think how to describe this procedure when people ask, and one might think of it as similar to the Armed Forces BRAC Commission process. I am really talking about the approach, the procedure itself. By that, I mean that the President proposes and the Congress, under expedited procedures, within 10 days, approves or disapproves of the legislation that rescinds spending, including both appropriation items or entitlement spending. The one spending program which would be exempt from this process is Social Security.

The legislation is balanced in that it would also allow the President to eliminate revenue-losing provisions that provide Federal tax benefits to 100 or fewer beneficiaries or provide temporary or transitional relief to 10 or fewer beneficiaries.

I am encouraged by the broad bipartisan support for this reform legislation. I hope this Congress will act on the bill to provide us another tool to control unnecessary and wasteful spending in tax expenditures. It is just good government.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Legislative Line Item Veto Act of 2006".

SEC. 2. LEGISLATIVE LINE ITEM VETO.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking part C and inserting the following:

"PART C—LEGISLATIVE LINE ITEM VETO

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1021. (a) PROPOSED RESCISSIONS.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any dollar amount of discretionary budget authority or the rescission, in whole or in part, of any item of direct spending.

" (b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) SPECIAL MESSAGE.—

"(A) IN GENERAL.—The President may transmit to Congress a special message proposing to rescind any dollar amount of discretionary budget authority or any item of direct spending.

"(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the budget authority or item of direct spending proposed to be rescinded—

"(i) the amount of budget authority or the specific item of direct spending that the President proposes be rescinded;

"(ii) any account, department, or establishment of the Government to which such budget authority or item of direct spending is available for obligation, and the specific project or governmental functions involved;

"(iii) the reasons why such budget authority or item of direct spending should be rescinded;

"(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission;

"(v) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to effect the proposed rescission, and the estimated effect of the proposed rescission upon the objects, purposes, and programs for which the budget authority or item of direct spending is provided; and

"(vi) a draft bill that, if enacted, would rescind the budget authority or item of direct spending proposed to be rescinded in that special message.

"(2) ENACTMENT OF RESCISSION BILL.—

"(A) DEFICIT REDUCTION.—Amounts of budget authority or items of direct spending which are rescinded pursuant to enactment of a bill as provided under this section shall be dedicated only to deficit reduction and shall not be used as an offset for other spending increases.

"(B) ADJUSTMENT OF COMMITTEE ALLOCATIONS.—Not later than 5 days after the date of enactment of a rescission bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise levels under section 311(a) of the Congressional Budget Act of 1974 and adjust the committee allocations under section 302(a) of the Congressional Budget Act of 1974 to reflect the rescission, and the appropriate committees shall report revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974, as appropriate.

"(C) ADJUSTMENTS TO CAPS.—After enactment of a rescission bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act of 1985, as appropriate.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1) IN GENERAL.—

"(A) INTRODUCTION.—Before the close of the second day of session of the Senate and the House of Representatives, respectively, after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of each House shall introduce (by request) a bill to rescind the amounts of budget authority or items of direct spending, as specified in the special message and the President's draft bill. If the bill is not introduced as provided in the preceding sentence in either House, then, on the third day of session of that House after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) REFERRAL AND REPORTING.—The bill shall be referred to the appropriate committee. The committee shall report the bill without substantive revision and with or without recommendation. The committee shall report the bill not later than the fifth day of session of that House after the date of introduction of the bill in that House. If the committee fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C) FINAL PASSAGE.—A vote on final passage of the bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date of the introduction of the bill in that House. If the bill is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the bill to be transmitted to the other House before the close of the next day of session of that House.

"(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

"(A) MOTION TO PROCEED TO CONSIDERATION.—A motion in the House of Representatives to proceed to the consideration of a bill under this subsection shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) LIMITS ON DEBATE.—Debate in the House of Representatives on a bill under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this subsection or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) APPEALS.—Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(D) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in this section, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3) CONSIDERATION IN THE SENATE.—

"(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

"(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

"(C) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

"(D) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

"(E) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

"(F) CONSIDERATION OF THE HOUSE BILL.—

"(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote required under paragraph (1)(C), then the Senate may consider, and the vote under paragraph (1)(C) may occur on, the House companion bill.

"(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes, pursuant to paragraph (1)(C), on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

"(d) AMENDMENTS AND DIVISIONS PROHIBITED.—No amendment to a bill considered under this section shall be in order in either the Senate or the House of Representatives. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole). No motion to suspend the application of this subsection shall be in order in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

"(e) TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD.—

"(1) IN GENERAL.—At the same time as the President transmits to Congress a special message pursuant to subsection (b), the President may direct that any dollar amount of discretionary budget authority proposed to be rescinded in that special message shall not be made available for obligation for a period not to exceed 180 calendar days from the date the President transmits the special message to Congress.

"(2) EARLY AVAILABILITY.—The President may make any dollar amount of discretionary budget authority deferred pursuant to paragraph (1) available at a time earlier than the time specified by the President if the President determines that continuation of the deferral would not further the purposes of this Act.

"(f) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND.—

"(1) IN GENERAL.—At the same time as the President transmits to Congress a special message pursuant to subsection (b), the President may suspend the execution of any item of direct spending proposed to be rescinded in that special message for a period not to exceed 180 calendar days from the date the President transmits the special message to Congress.

"(2) EARLY AVAILABILITY.—The President may terminate the suspension of any item of direct spending at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

"(g) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation law' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations;

"(2) the term 'deferral' has, with respect to any dollar amount of discretionary budget authority, the same meaning as the phrase 'deferral of budget authority' defined in section 1011(1) in Part B (2 U.S.C. 682(1));

"(3) the term 'dollar amount of discretionary budget authority' means the entire dollar amount of budget authority and obligation limitations—

"(A) specified in an appropriation law, or the entire dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

"(B) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

"(C) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

"(D) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

"(E) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which dollar amount of discretionary budget authority is provided in an appropriation law;

"(4) the terms 'rescind' or 'rescission' mean to modify or repeal a provision of law to prevent:

"(A) budget authority from having legal force or effect;

"(B) in the case of entitlement authority, to prevent the specific legal obligation of the United States from having legal force or effect; and

"(C) in the case of the food stamp program, to prevent the specific provision of law that provides such benefit from having legal force or effect.

"(5) the term 'direct spending' means budget authority provided by law (other than an appropriation law); entitlement authority; and the food stamp program;

"(6) the term 'item of direct spending' means any specific provision of law enacted after the effective date of the Legislative Line Item Veto Act of 2006 that is estimated to result in a change in budget authority or outlays for direct spending relative to the most recent levels calculated pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and with respect to estimates made after that budget submission that are not included with it, estimates consistent with the economic and technical assumptions underlying the most recently submitted President's budget; and

"(7) the term 'suspend the execution' means, with respect to an item of direct spending or a targeted tax benefit, to stop for a specified period, in whole or in part, the carrying into effect of the specific provision of law that provides such benefit.

"(8)(A) The term 'targeted tax benefit' means—

"(i) any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to 100 or fewer beneficiaries under the Internal Revenue Code of 1986 in any fiscal year for which the provision is in effect; and

"(ii) any Federal tax provision that provides temporary or permanent transitional relief for 10 or fewer beneficiaries in any fiscal year from a change to the Internal Revenue Code of 1986.

"(B) A provision shall not be treated as described in subparagraph (A)(i) if the effect of that provision is that—

"(i) all persons in the same industry or engaged in the same type of activity receive the same treatment;

"(ii) all persons owning the same type of property, or issuing the same type of investment, receive the same treatment; or

"(iii) any difference in the treatment of persons is based solely on—

"(I) in the case of businesses and associations, the size or form of the business or association involved;

"(II) in the case of individuals, general demographic conditions, such as income, marital status, number of dependents, or tax-return-filing status;

"(III) the amount involved; or

"(IV) a generally-available election under the Internal Revenue Code of 1986.

"(C) A provision shall not be treated as described in subparagraph (A)(ii) if—

"(i) it provides for the retention of prior law with respect to all binding contracts or other legally enforceable obligations in existence on a date contemporaneous with congressional action specifying such date; or

"(ii) it is a technical correction to previously enacted legislation that is estimated to have no revenue effect.

"(D) For purposes of subparagraph (A)—

"(i) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

"(ii) all qualified plans of an employer shall be treated as a single beneficiary;

"(iii) all holders of the same bond issue shall be treated as a single beneficiary; and

"(iv) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision.

"(E) For the purpose of this paragraph, the term 'revenue-losing provision' means any provision that results in a reduction in Federal tax revenues for any one of the two following periods—

"(i) the first fiscal year for which the provision is effective; or

"(ii) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective.

"(F) The terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

"(h) APPLICATION TO TARGETED TAX BENEFITS.—The President may propose the repeal of any targeted tax benefit in any bill that includes such a benefit, under the same conditions, and subject to the same Congressional consideration, as a proposal under this section to rescind an item of direct spending.".

(b) EXERCISE OF RULEMAKINC POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1017, and 1021"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1017 and 1021".

(c) CLERICAL AMENDMENTS.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by—

(A) striking "Parts A and B" before "title X" and inserting "Parts A, B, and C"; and

(B) striking the last sentence and inserting at the end the following new sentence: "Part C of title X also may be cited as the 'Legislative Line Item Veto Act of 2006.' "

(2) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for part C of title X and inserting the following:

"PART C—LEGISLATIVE LINE ITEM VETO

"Sec. 1021. expedited consideration of certain proposed rescissions.".

(d) SEVERABILITY.—If any provision of this Act or the amendments made by it is held to be unconstitutional, the remainder of this Act and the amendments made by it shall not be affected by the holding.

(e) EFFECTIVE DATE.—The amendments made by this Act shall—

(1) take effect on the date of enactment of this Act; and

(2) apply only to any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit provided in an Act enacted on or after the date of enactment of this Act.

Mr. CHAFEE. Mr. President, I join with Senators FRIST, MCCAIN, and others as a cosponsor of legislation to establish a Presidential line item veto. This is a fiscally prudent measure which could reduce wasteful spending and bring down our Nation's deficit.

The proposal would give the President the authority to strike wasteful spending measures from legislation, to ensure that the American taxpayer is not footing the bill for projects that are not national priorities. I applaud President Bush for putting forth this initiative, which would be significant progress in the fight to reduce nonessential spending.

Throughout our country's history, the line item veto has enjoyed a long line of bipartisan support, with Presidents such as Ulysses Grant, Franklin Delano Roosevelt, Ronald Reagan, and Bill Clinton calling for the authority. Additionally, the power has been given to Governors in 43 of the 50 States.

I am pleased that the proposed legislation would require the President to send recision proposals back to Congress for final passage. Not only does this make the legislation consistent with the Constitution, it also limits the scope of any President's veto authority, as proposed changes will need congressional approval.

I am heartened to see this call for fiscal responsibility from President Bush. I have joined as a cosponsor of this legislation because it will be impossible for us to reduce our national debt and balance the Federal budget unless we curb wasteful spending. I have been an advocate for the pay-as-you-go budget rule, which would require Congress to pay for any new spending or tax cuts, and will continue to press for its adoption.

Since chronic deficits add to the burden of debt we are bequeathing to future generations, congressional spending must be reigned in, and I am pleased to support this proposal which is one tool that can improve spending discipline in Washington.

By Mr. DURBIN (for himself, Mrs. LINCOLN, Mr. REID, Mr. BAUCUS, Mr. KENNEDY, Mr. KERRY, Mr. BINGAMAN, Mrs. BOXER, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Mr. DODD, Mr. HARKIN, Mr. JOHNSON, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. PRYOR, Mr. MENENDEZ, Mr. ROCKEFELLER, and Mr. LEAHY):

S. 2382. A bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Employers Health Benefits Program Act of 2006".

SEC. 2. DEFINITIONS.

(a) IN GENERAL.—In this Act, the terms "member of family", "health benefits plan", "carrier", "employee organizations", and "dependent" have the meanings given such terms in section 8901 of title 5, United States Code.

(b) OTHER TERMS.—In this Act:

(1) EMPLOYEE.—The term "employee" has the meaning given such term under section 3(6) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(6)). Such term shall not include an employee of the Federal Government.

(2) EMPLOYER.—The term "employer" has the meaning given such term under section 3(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(5)), except that such term shall include only employers who employed an average of at least 1 but not more than 100 employees on business days during the year preceding the date of application. Such term shall not include the Federal Government.

(3) HEALTH STATUS-RELATED FACTOR.—The term "health status-related factor" has the

meaning given such term in section 2791(d)(9) of the Public Health Service Act (42 U.S.C. 300gg–91(d)(9)).

(4) Office.—The term "Office" means the Office of Personnel Management.

(5) Participating employer.—The term "participating employer" means an employer that—

(A) elects to provide health insurance coverage under this Act to its employees; and

(B) is not offering other comprehensive health insurance coverage to such employees.

(c) Application of Certain Rules in Determination of Employer Size.—For purposes of subsection (b)(2):

(1) Application of aggregation rule for employers.—All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as 1 employer.

(2) Employers not in existence in preceding year.—In the case of an employer which was not in existence for the full year prior to the date on which the employer applies to participate, the determination of whether such employer meets the requirements of subsection (b)(2) shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the employer's first full year.

(3) Predecessors.—Any reference in this subsection to an employer shall include a reference to any predecessor of such employer.

(d) Waiver and Continuation of Participation.—

(1) Waiver.—The Office may waive the limitations relating to the size of an employer which may participate in the health insurance program established under this Act on a case by case basis if the Office determines that such employer makes a compelling case for such a waiver. In making determinations under this paragraph, the Office may consider the effects of the employment of temporary and seasonal workers and other factors.

(2) Continuation of participation.—An employer participating in the program under this Act that experiences an increase in the number of employees so that such employer has in excess of 100 employees, may not be excluded from participation solely as a result of such increase in employees.

(e) Treatment of Health Benefits Plan as Group Health Plan.—A health benefits plan offered under this Act shall be treated as a group health plan for purposes of applying the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) except to the extent that a provision of this Act expressly provides otherwise.

SEC. 3. HEALTH INSURANCE COVERAGE FOR NON-FEDERAL EMPLOYEES.

(a) Administration.—The Office shall administer a health insurance program for non-Federal employees and employers in accordance with this Act.

(b) Regulations.—Except as provided under this Act, the Office shall prescribe regulations to apply the provisions of chapter 89 of title 5, United States Code, to the greatest extent practicable to participating carriers, employers, and employees covered under this Act.

(c) Limitations.—In no event shall the enactment of this Act result in—

(1) any increase in the level of individual or Federal Government contributions required under chapter 89 of title 5, United States Code, including copayments or deductibles;

(2) any decrease in the types of benefits offered under such chapter 89; or

(3) any other change that would adversely affect the coverage afforded under such chapter 89 to employees and annuitants and members of family under that chapter.

(d) Enrollment.—The Office shall develop methods to facilitate enrollment under this Act, including the use of the Internet.

(e) Contracts for Administration.—The Office may enter into contracts for the performance of appropriate administrative functions under this Act.

(f) Separate Risk Pool.—In the administration of this Act, the Office shall ensure that covered employees under this Act are in a risk pool that is separate from the risk pool maintained for covered individuals under chapter 89 of title 5, United States Code.

(g) Rule of Construction.—Nothing in this Act shall be construed to require a carrier that is participating in the program under chapter 89 of title 5, United States Code, to provide health benefits plan coverage under this Act.

SEC. 4. CONTRACT REQUIREMENT.

(a) In General.—The Office may enter into contracts with qualified carriers offering health benefits plans of the type described in section 8903 or 8903a of title 5, United States Code, without regard to section 5 of title 41, United States Code, or other statutes requiring competitive bidding, to provide health insurance coverage to employees of participating employers under this Act. Each contract shall be for a uniform term of at least 1 year, but may be made automatically renewable from term to term in the absence of notice of termination by either party. In entering into such contracts, the Office shall ensure that health benefits coverage is provided for individuals only, individuals with one or more children, married individuals without children, and married individuals with one or more children.

(b) Eligibility.—A carrier shall be eligible to enter into a contract under subsection (a) if such carrier—

(1) is licensed to offer health benefits plan coverage in each State in which the plan is offered; and

(2) meets such other requirements as determined appropriate by the Office.

(c) Statement of Benefits.—

(1) In general.—Each contract under this Act shall contain a detailed statement of benefits offered and shall include information concerning such maximums, limitations, exclusions, and other definitions of benefits as the Office considers necessary or desirable.

(2) Ensuring a range of plans.—The Office shall ensure that a range of health benefits plans are available to participating employers under this Act, at least one of which shall be a plan that provides the same benefits as the government-wide plan available to Federal employees as described in section 8903(1) of title 5, United States Code.

(3) Participating plans.—The Office shall not prohibit the offering of any health benefits plan to a participating employer if such plan is eligible to participate in the Federal Employees Health Benefits Program.

(4) Nationwide plan.—With respect to all nationwide plans other than the plan required under paragraph (2), the Office shall develop a benefit package that shall be offered in the case of a contract for a health benefit plan that is to be offered on a nationwide basis.

(d) Standards.—The minimum standards prescribed for health benefits plans under section 8902(e) of title 5, United States Code, and for carriers offering plans, shall apply to plans and carriers under this Act. Approval of a plan may be withdrawn by the Office only after notice and opportunity for hearing to the carrier concerned without regard to subchapter II of chapter 5 and chapter 7 of title 5, United States Code.

(e) Conversion.—

(1) In general.—A contract may not be made or a plan approved under this section if the carrier under such contract or plan does not offer to each enrollee whose enrollment in the plan is ended, except by a cancellation of enrollment, a temporary extension of coverage during which the individual may exercise the option to convert, without evidence of good health, to a nongroup contract providing health benefits. An enrollee who exercises this option shall pay the full periodic charges of the nongroup contract.

(2) Noncancellable.—The benefits and coverage made available under paragraph (1) may not be canceled by the carrier except for fraud, over-insurance, or nonpayment of periodic charges.

(f) Requirement of Payment for or Provision of Health Service.—Each contract entered into under this Act shall require the carrier to agree to pay for or provide a health service or supply in an individual case if the Office finds that the employee, annuitant, family member, former spouse, or person having continued coverage under section 8905a of title 5, United States Code, is entitled thereto under the terms of the contract.

SEC. 5. ELIGIBILITY.

An individual shall be eligible to enroll in a plan under this Act if such individual—

(1) is an employee of an employer described in section 2(b)(2), or is a self employed individual as defined in section 401(c)(1)(B) of the Internal Revenue Code of 1986; and

(2) is not otherwise enrolled or eligible for enrollment in a plan under chapter 89 of title 5, United States Code.

SEC. 6. ALTERNATIVE CONDITIONS TO FEDERAL EMPLOYEE PLANS.

(a) Treatment of Employee.—For purposes of enrollment in a health benefits plan under this Act, an individual who had coverage under a health insurance plan and is not a qualified beneficiary as defined under section 4980B(g)(1) of the Internal Revenue Code of 1986 shall be treated in a similar manner as an individual who begins employment as an employee under chapter 89 of title 5, United States Code.

(b) Preexisting Condition Exclusions.—

(1) In general.—Each contract under this Act may include a preexisting condition exclusion as defined under section 9801(b)(1) of the Internal Revenue Code of 1986.

(2) Exclusion period.—A preexisting condition exclusion under this subsection shall provide for coverage of a preexisting condition to begin not later than 6 months after the date on which the coverage of the individual under a health benefits plan commences, reduced by the aggregate 1 day for each day that the individual was covered under a health insurance plan immediately preceding the date the individual submitted an application for coverage under this Act. This provision shall be applied notwithstanding the applicable provision for the reduction of the exclusion period provided for in section 701(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(a)(3)).

(c) Rates and Premiums.—

(1) In general.—Rates charged and premiums paid for a health benefits plan under this Act—

(A) shall be determined in accordance with this subsection;

(B) may be annually adjusted subject to paragraph (3);

(C) shall be negotiated in the same manner as rates and premiums are negotiated under such chapter 89; and

(D) shall be adjusted to cover the administrative costs of the Office under this Act.

(2) DETERMINATIONS.—In determining rates and premiums under this Act, the following provisions shall apply:

(A) IN GENERAL.—A carrier that enters into a contract under this Act shall determine that amount of premiums to assess for coverage under a health benefits plan based on an community rate that may be annually adjusted—

(i) for the geographic area involved if the adjustment is based on geographical divisions that are not smaller than a metropolitan statistical area and the carrier provides evidence of geographic variation in cost of services;

(ii) based on whether such coverage is for an individual, two adults, one adult and one or more children, or a family; and

(iii) based on the age of covered individuals (subject to subparagraph (C)).

(B) LIMITATION.—Premium rates charged for coverage under this Act shall not vary based on health-status related factors, gender, class of business, or claims experience.

(C) AGE ADJUSTMENTS.—

(i) IN GENERAL.—With respect to subparagraph (A)(iii), in making adjustments based on age, the Office shall establish no more than 5 age brackets to be used by the carrier in establishing rates. The rates for any age bracket may not vary by more than 50 percent above or below the community rate on the basis of attained age. Age-related premiums may not vary within age brackets.

(ii) AGE 65 AND OLDER.—With respect to subparagraph (A)(iii), a carrier may develop separate rates for covered individuals who are 65 years of age or older for whom medicare is the primary payor for health benefits coverage which is not covered under medicare.

"(3) READJUSTMENTS.—Any readjustment in rates charged or premiums paid for a health benefits plan under this Act shall be made in advance of the contract term in which they will apply and on a basis which, in the judgment of the Office, is consistent with the practice of the Office for the Federal Employees Health Benefits Program.

(d) TERMINATION AND REENROLLMENT.—If an individual who is enrolled in a health benefits plan under this Act terminates the enrollment, the individual shall not be eligible for reenrollment until the first open enrollment period following the expiration of 6 months after the date of such termination.

(f) CONTINUED APPLICABILITY OF STATE LAW.—

(1) HEALTH INSURANCE OR PLANS.—

(A) LOCAL PLANS.—With respect to a contract entered into under this Act under which a carrier will offer health benefits plan coverage in a limited geographic area, State mandated benefit laws in effect in the State in which the plan is offered shall continue to apply to such health benefits plan.

(B) RATING RULES.—The rating requirements under subparagraphs (A) and (B) of subsection (c)(2) shall supercede State rating rules for qualified plans under this Act, except with respect to States that provide a rating variance with respect to age that is less than the Federal limit or that provide for some form of community rating.

(2) LIMITATION.—Nothing in this subsection shall be construed to preempt—

(A) any State or local law or regulation except those laws and regulations described in subparagraph (B) of paragraph (1);

(B) any State grievance, claims, and appeals procedure law, except to the extent that such law is preempted under section 514 of the Employee Retirement Income Security Act of 1974; and

(B) State network adequacy laws.

(g) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit the application of the service-charge system used by the Office for determining profits for participating carriers under chapter 89 of title 5, United States Code.

SEC. 7. ENCOURAGING PARTICIPATION BY CARRIERS THROUGH ADJUSTMENTS FOR RISK.

(a) APPLICATION OF RISK CORRIDORS.—

(1) IN GENERAL.—This section shall only apply to carriers with respect to health benefits plans offered under this Act during any of calendar years 2007 through 2009.

(2) NOTIFICATION OF COSTS UNDER THE PLAN.—In the case of a carrier that offers a health benefits plan under this Act in any of calendar years 2007 through 2009, the carrier shall notify the Office, before such date in the succeeding year as the Office specifies, of the total amount of costs incurred in providing benefits under the health benefits plan for the year involved and the portion of such costs that is attributable to administrative expenses.

(3) ALLOWABLE COSTS DEFINED.—For purposes of this section, the term "allowable costs" means, with respect to a health benefits plan offered by a carrier under this Act, for a year, the total amount of costs described in paragraph (2) for the plan and year, reduced by the portion of such costs attributable to administrative expenses incurred in providing the benefits described in such paragraph.

(b) ADJUSTMENT OF PAYMENT.—

(1) NO ADJUSTMENT IF ALLOWABLE COSTS WITHIN 3 PERCENT OF TARGET AMOUNT.—If the allowable costs for the carrier with respect to the health benefits plan involved for a calendar year are at least 97 percent, but do not exceed 103 percent, of the target amount for the plan and year involved, there shall be no payment adjustment under this section for the plan and year.

(2) INCREASE IN PAYMENT IF ALLOWABLE COSTS ABOVE 103 PERCENT OF TARGET AMOUNT.—

(A) COSTS BETWEEN 103 AND 108 PERCENT OF TARGET AMOUNT.—If the allowable costs for the carrier with respect to the health benefits plan involved for the year are greater than 103 percent, but not greater than 108 percent, of the target amount for the plan and year, the Office shall reimburse the carrier for such excess costs through payment to the carrier of an amount equal to 75 percent of the difference between such allowable costs and 103 percent of such target amount.

(B) COSTS ABOVE 108 PERCENT OF TARGET AMOUNT.—If the allowable costs for the carrier with respect to the health benefits plan involved for the year are greater than 108 percent of the target amount for the plan and year, the Office shall reimburse the carrier for such excess costs through payment to the carrier in an amount equal to the sum of—

(i) 3.75 percent of such target amount; and

(ii) 90 percent of the difference between such allowable costs and 108 percent of such target amount.

(3) REDUCTION IN PAYMENT IF ALLOWABLE COSTS BELOW 97 PERCENT OF TARGET AMOUNT.—

(A) COSTS BETWEEN 92 AND 97 PERCENT OF TARGET AMOUNT.—If the allowable costs for the carrier with respect to the health benefits plan involved for the year are less than 97 percent, but greater than or equal to 92 percent, of the target amount for the plan and year, the carrier shall be required to pay into the contingency reserve fund maintained under section 8909(b)(2) of title 5, United States Code, an amount equal to 75 percent of the difference between 97 percent of the target amount and such allowable costs.

(B) COSTS BELOW 92 PERCENT OF TARGET AMOUNT.—If the allowable costs for the carrier with respect to the health benefits plan involved for the year are less than 92 percent of the target amount for the plan and year, the carrier shall be required to pay into the stabilization fund under section 8909(b)(2) of title 5, United States Code, an amount equal to the sum of—

(i) 3.75 percent of such target amount; and

(ii) 90 percent of the difference between 92 percent of such target amount and such allowable costs.

(4) TARGET AMOUNT DESCRIBED.—

(A) IN GENERAL.—For purposes of this subsection, the term "target amount" means, with respect to a health benefits plan offered by a carrier under this Act in any of calendar years 2007 through 2011, an amount equal to—

(i) the total of the monthly premiums estimated by the carrier and approved by the Office to be paid for enrollees in the plan under this Act for the calendar year involved; reduced by

(ii) the amount of administrative expenses that the carrier estimates, and the Office approves, will be incurred by the carrier with respect to the plan for such calendar year.

(B) SUBMISSION OF TARGET AMOUNT.—Not later than December 31, 2006, and each December 31 thereafter through calendar year 2010, a carrier shall submit to the Office a description of the target amount for such carrier with respect to health benefits plans provided by the carrier under this Act.

(c) DISCLOSURE OF INFORMATION.—

(1) IN GENERAL.—Each contract under this Act shall provide—

(A) that a carrier offering a health benefits plan under this Act shall provide the Office with such information as the Office determines is necessary to carry out this subsection including the notification of costs under subsection (a)(2) and the target amount under subsection (b)(4)(B); and

(B) that the Office has the right to inspect and audit any books and records of the organization that pertain to the information regarding costs provided to the Office under such subsections.

(2) RESTRICTION ON USE OF INFORMATION.—Information disclosed or obtained pursuant to the provisions of this subsection may be used by officers, employees, and contractors of the Office only for the purposes of, and to the extent necessary in, carrying out this section.

SEC. 8. ENCOURAGING PARTICIPATION BY CARRIERS THROUGH REINSURANCE.

(a) ESTABLISHMENT.—The Office shall establish a reinsurance fund to provide payments to carriers that experience one or more catastrophic claims during a year for health benefits provided to individuals enrolled in a health benefits plan under this Act.

(b) ELIGIBILITY FOR PAYMENTS.—To be eligible for a payment from the reinsurance fund for a plan year, a carrier under this Act shall submit to the Office an application that contains—

(1) a certification by the carrier that the carrier paid for at least one episode of care

during the year for covered health benefits for an individual in an amount that is in excess of $50,000; and

(2) such other information determined appropriate by the Office.

(c) PAYMENT.—

(1) IN GENERAL.—The amount of a payment from the reinsurance fund to a carrier under this section for a catastrophic episode of care shall be determined by the Office but shall not exceed an amount equal to 80 percent of the applicable catastrophic claim amount.

(2) APPLICABLE CATASTROPHIC CLAIM AMOUNT.—For purposes of paragraph (1), the applicable catastrophic episode of care amount shall be equal to the difference between—

(A) the amount of the catastrophic claim; and

(B) $50,000.

(3) LIMITATION.—In determining the amount of a payment under paragraph (1), if the amount of the catastrophic claim exceeds the amount that would be paid for the healthcare items or services involved under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), the Office shall use the amount that would be paid under such title XVIII for purposes of paragraph (2)(A).

(d) DEFINITION.—In this section, the term "catastrophic claim" means a claim submitted to a carrier, by or on behalf of an enrollee in a health benefits plan under this Act, that is in excess of $50,000.

(e) TERMINATION OF FUND.—The reinsurance fund established under subsection (a) shall terminate on the date that is 2 years after the date on which the first contract period becomes effective under this Act.

SEC. 9. CONTINGENCY RESERVE FUND.

Beginning on October 1, 2010, the Office may use amounts appropriated under section 14(a) that remain unobligated to establish a contingency reserve fund to provide assistance to carriers offering health benefits plans under this Act that experience unanticipated financial hardships (as determined by the Office).

SEC. 10. EMPLOYER PARTICIPATION.

(a) REGULATIONS.—The Office shall prescribe regulations providing for employer participation under this Act, including the offering of health benefits plans under this Act to employees.

(b) ENROLLMENT AND OFFERING OF OTHER COVERAGE.—

(1) ENROLLMENT.—A participating employer shall ensure that each eligible employee has an opportunity to enroll in a plan under this Act.

(2) PROHIBITION ON OFFERING OTHER COMPREHENSIVE HEALTH BENEFIT COVERAGE.—A participating employer may not offer a health insurance plan providing comprehensive health benefit coverage to employees other than a health benefits plan that—

(A) meets the requirements described in section 4(a); and

(B) is offered only through the enrollment process established by the Office under section 3.

(3) OFFER OF SUPPLEMENTAL COVERAGE OPTIONS.—

(A) IN GENERAL.—A participating employer may offer supplementary coverage options to employees.

(B) DEFINITION.—In subparagraph (A), the term "supplementary coverage" means benefits described as "excepted benefits" under section 2791(c) of the Public Health Service Act (42 U.S.C. 300gg–91(c)).

(c) RULE OF CONSTRUCTION.—Except as provided in section 15, nothing in this Act shall be construed to require that an employer make premium contributions on behalf of employees.

SEC. 11. ADMINISTRATION THROUGH REGIONAL ADMINISTRATIVE ENTITIES.

(a) IN GENERAL.—In order to provide for the administration of the benefits under this Act with maximum efficiency and convenience for participating employers and health care providers and other individuals and entities providing services to such employers, the Office is authorized to enter into contracts with eligible entities to perform, on a regional basis, one or more of the following:

(1) Collect and maintain all information relating to individuals, families, and employers participating in the program under this Act in the region served.

(2) Receive, disburse, and account for payments of premiums to participating employers by individuals in the region served, and for payments by participating employers to carriers.

(3) Serve as a channel of communication between carriers, participating employers, and individuals relating to the administration of this Act.

(4) Otherwise carry out such activities for the administration of this Act, in such manner, as may be provided for in the contract entered into under this section.

(5) The processing of grievances and appeals.

(b) APPLICATION.—To be eligible to receive a contract under subsection (a), an entity shall prepare and submit to the Office an application at such time, in such manner, and containing such information as the Office may require.

(c) PROCESS.—

(1) COMPETITIVE BIDDING.—All contracts under this section shall be awarded through a competitive bidding process on a bi-annual basis.

(2) REQUIREMENT.—No contract shall be entered into with any entity under this section unless the Office finds that such entity will perform its obligations under the contract efficiently and effectively and will meet such requirements as to financial responsibility, legal authority, and other matters as the Office finds pertinent.

(3) PUBLICATION OF STANDARDS AND CRITERIA.—The Office shall publish in the Federal Register standards and criteria for the efficient and effective performance of contract obligations under this section, and opportunity shall be provided for public comment prior to implementation. In establishing such standards and criteria, the Office shall provide for a system to measure an entity's performance of responsibilities.

(4) TERM.—Each contract under this section shall be for a term of at least 1 year, and may be made automatically renewable from term to term in the absence of notice by either party of intention to terminate at the end of the current term, except that the Office may terminate any such contract at any time (after such reasonable notice and opportunity for hearing to the entity involved as the Office may provide in regulations) if the Office finds that the entity has failed substantially to carry out the contract or is carrying out the contract in a manner inconsistent with the efficient and effective administration of the program established by this Act.

(d) TERMS OF CONTRACT.—A contract entered into under this section shall include—

(1) a description of the duties of the contracting entity;

(2) an assurance that the entity will furnish to the Office such timely information and reports as the Office determines appropriate;

(3) an assurance that the entity will maintain such records and afford such access thereto as the Office finds necessary to assure the correctness and verification of the information and reports under paragraph (2) and otherwise to carry out the purposes of this Act;

(4) an assurance that the entity shall comply with such confidentiality and privacy protection guidelines and procedures as the Office may require; and

(5) such other terms and conditions not inconsistent with this section as the Office may find necessary or appropriate.

SEC. 12. COORDINATION WITH SOCIAL SECURITY BENEFITS.

Benefits under this Act shall, with respect to an individual who is entitled to benefits under part A of title XVIII of the Social Security Act, be offered (for use in coordination with those medicare benefits) to the same extent and in the same manner as if coverage were under chapter 89 of title 5, United States Code.

SEC. 13. PUBLIC EDUCATION CAMPAIGN.

(a) IN GENERAL.—In carrying out this Act, the Office shall develop and implement an educational campaign to provide information to employers and the general public concerning the health insurance program developed under this Act.

(b) ANNUAL PROGRESS REPORTS.—Not later than 1 year and 2 years after the implementation of the campaign under subsection (a), the Office shall submit to the appropriate committees of Congress a report that describes the activities of the Office under subsection (a), including a determination by the office of the percentage of employers with knowledge of the health benefits programs provided for under this Act.

(c) PUBLIC EDUCATION CAMPAIGN.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2007 and 2008.

SEC. 14. APPROPRIATIONS.

There are authorized to be appropriated to the Office, such sums as may be necessary in each fiscal year for the development and administration of the program under this Act.

SEC. 15. REFUNDABLE CREDIT FOR SMALL BUSINESS EMPLOYEE HEALTH INSURANCE EXPENSES.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and inserting after section 35 the following new section:

"SEC. 36. SMALL BUSINESS EMPLOYEE HEALTH INSURANCE EXPENSES.

"(a) DETERMINATION OF AMOUNT.—In the case of a qualified small employer, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the sum of—

"(1) the expense amount described in subsection (b), and

"(2) the expense amount described in subsection (c), paid by the taxpayer during the taxable year.

"(b) SUBSECTION (b) EXPENSE AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The expense amount described in this subsection is the applicable percentage of the amount of qualified employee health insurance expenses of each qualified employee.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The applicable percentage is equal to—

"(i) 25 percent in the case of self-only coverage,

"(ii) 35 percent in the case of family coverage (as defined in section 220(c)(5)), and

"(iii) 30 percent in the case of coverage for two adults or one adult and one or more children.

"(B) BONUS FOR PAYMENT OF GREATER PERCENTAGE OF PREMIUMS.—The applicable percentage otherwise specified in subparagraph (A) shall be increased by 5 percentage points for each additional 10 percent of the qualified employee health insurance expenses of each qualified employee exceeding 60 percent which are paid by the qualified small employer.

"(c) SUBSECTION (c) EXPENSE AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The expense amount described in this subsection is, with respect to the first credit year of a qualified small employer which is an eligible employer, 10 percent of the qualified employee health insurance expenses of each qualified employee.

"(2) FIRST CREDIT YEAR.—For purposes of paragraph (1), the term 'first credit year' means the taxable year which includes the date that the health insurance coverage to which the qualified employee health insurance expenses relate becomes effective.

"(d) LIMITATION BASED ON WAGES.— With respect to a qualified employee whose wages at an annual rate during the taxable year exceed $25,000, the percentage which would (but for this section) be taken into account as the percentage for purposes of subsection (b)(2) or (c)(1) for the taxable year shall be reduced by an amount equal to the product of such percentage and the percentage that such qualified employee's wages in excess of $25,000 bears to $5,000.

"(e) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED SMALL EMPLOYER.—The term 'qualified small employer' means any employer (as defined in section 2(b)(2) of the Small Employers Health Benefits Program Act of 2006) which—

"(A) is a participating employer (as defined in section 2(b)(5) of such Act),

"(B) pays or incurs at least 60 percent of the qualified employee health insurance expenses of each qualified employee for self-only coverage, and

"(C) pays or incurs at least 50 percent of the qualified employee health insurance expenses of each qualified employee for all other categories of coverage.

"(2) QUALIFIED EMPLOYEE HEALTH INSURANCE EXPENSES.—

"(A) IN GENERAL.—The term 'qualified employee health insurance expenses' means any amount paid by an employer for health insurance coverage under such Act to the extent such amount is attributable to coverage provided to any employee while such employee is a qualified employee.

"(B) EXCEPTION FOR AMOUNTS PAID UNDER SALARY REDUCTION ARRANGEMENTS.—No amount paid or incurred for health insurance coverage pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

"(3) QUALIFIED EMPLOYEE.—

"(A) DEFINITION.—

"(i) IN GENERAL.—The term 'qualified employee' means, with respect to any period, an employee (as defined in section 2(b)(1) of such Act) of an employer if the total amount of wages paid or incurred by such employer to such employee at an annual rate during the taxable year exceeds $5,000 but does not exceed $30,000.

"(ii) ANNUAL ADJUSTMENT.—For each taxable year after 2007, the dollar amounts specified for the preceding taxable year (after the application of this subparagraph) shall be increased by the same percentage as the average percentage increase in premiums under the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code for the calendar year in which such taxable year begins over the preceding calendar year.

"(B) WAGES.—The term 'wages' has the meaning given such term by section 3121(a) (determined without regard to any dollar limitation contained in such section).

"(f) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of section 52 shall apply.

"(g) CREDITS FOR NONPROFIT ORGANIZATIONS.—Any credit which would be allowable under subsection (a) with respect to a qualified small business if such qualified small business were not exempt from tax under this chapter shall be treated as a credit allowable under this subpart to such qualified small business.".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ", or from section 36 of such Code".

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

"Sec. 36. Small business employee health insurance expenses

"Sec. 37. Overpayments of tax".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2006.

SEC. 16. EFFECTIVE DATE.

Except as provided in section 10(e), this Act shall take effect on the date of enactment of this Act and shall apply to contracts that take effect with respect to calendar year 2007 and each calendar year thereafter.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2910. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table.

SA 2911. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2912. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2913. Ms. SNOWE (for herself and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, supra.

SA 2914. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2915. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2916. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2917. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2918. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2906 submitted by Ms. SNOWE and intended to be proposed to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2919. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2905 submitted by Ms. SNOWE and intended to be proposed to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2920. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2905 submitted by Ms. SNOWE and intended to be proposed to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2921. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2906 submitted by Ms. SNOWE and intended to be proposed to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2922. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2905 submitted by Ms. SNOWE and intended to be proposed to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2923. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2924. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table.

SA 2925. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2926. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2927. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2928. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2929. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2930. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2931. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2932. Mr. REID proposed an amendment to the bill S. 2349, supra.

TEXT OF AMENDMENTS

SA 2910. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr.

KYL (for himself and Mr. ENSIGN) to bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 7 and all that follows through page 2, line 5, and insert the following:

(A) by striking "for a 1-time only obligation and expenditure";

(B) in paragraph (1), by striking "$250,000,000 for fiscal year 2007" and inserting "$500,000,000 for fiscal year 2006"; and

(C) in paragraph (2), by striking "$750,000,000 for fiscal year 2007" and inserting "$500,000,000 for fiscal year 2006";

SA 2911. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 7 and all that follows through page 2, line 5, and insert the following:

(A) by striking "for a 1-time only obligation and expenditure";

(B) in paragraph (1), by striking "$250,000,000 for fiscal year 2007" and inserting "$500,000,000 for fiscal year 2006"; and

(C) in paragraph (2), by striking "$750,000,000 for fiscal year 2007" and inserting "$500,000,000 for fiscal year 2006";

SA 2912. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 7 and all that follows through page 2, line 5, and insert the following:

(A) by striking "for a 1-time only obligation and expenditure";

(B) in paragraph (1), by striking "$250,000,000 for fiscal year 2007" and inserting "$500,000,000 for fiscal year 2006"; and

(C) in paragraph (2), by striking "$750,000,000 for fiscal year 2007" and inserting "$500,000,000 for fiscal year 2006";

SA 2913. Ms. SNOWE (for herself and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; as follows:

Beginning on page 1, strike line 7 and all that follows through page 2, line 5, and insert the following:

(A) by striking "for a 1-time only obligation and expenditure";

(B) in paragraph (1), by striking "$250,000,000 for fiscal year 2007" and inserting "$500,000,000 for fiscal year 2006"; and

(C) in paragraph (2), by striking "$750,000,000 for fiscal year 2007" and inserting "$500,000,000 for fiscal year 2006";

SA 2914. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 7 and all that follows through page 2, line 5, and insert the following:

(A) by striking "for a 1-time only obligation and expenditure";

(B) in paragraph (1), by striking "$250,000,000 for fiscal year 2007" and inserting "$500,000,000 for fiscal year 2006"; and

(C) in paragraph (2), by striking "$750,000,000 for fiscal year 2007" and inserting "$500,000,000 for fiscal year 2006";

SA 2915. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 7 and all that follows through page 2, line 5, and insert the following:

(A) by striking "for a 1-time only obligation and expenditure";

(B) in paragraph (1), by striking "$250,000,000 for fiscal year 2007" and inserting "$500,000,000 for fiscal year 2006"; and

(C) in paragraph (2), by striking "$750,000,000 for fiscal year 2007" and inserting "$500,000,000 for fiscal year 2006";

SA 2916. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 7 and all that follows through page 2, line 5, and insert the following:

(A) by striking "for a 1-time only obligation and expenditure";

(B) in paragraph (1), by striking "$250,000,000 for fiscal year 2007" and inserting "$400,000,000 for fiscal year 2006"; and

(C) in paragraph (2), by striking "$750,000,000 for fiscal year 2007" and inserting "$600,000,000 for fiscal year 2006";

SA 2917. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 7 and all that follows through page 2, line 5, and insert the following:

(A) by striking "for a 1-time only obligation and expenditure";

(B) in paragraph (1), by striking "$250,000,000 for fiscal year 2007" and inserting "$450,000,000 for fiscal year 2006"; and

(C) in paragraph (2), by striking "$750,000,000 for fiscal year 2007" and inserting "$550,000,000 for fiscal year 2006";

SA 2918. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2906 submitted by Ms. SNOWE and intended to be proposed to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 7 and all that follows through page 2, line 17, and insert the following:

(A) by striking "for a 1-time only obligation and expenditure";

(B) in paragraph (1), by striking "$250,000,000 for fiscal year 2007" and inserting "$500,000,000 for fiscal year 2006"; and

(C) in paragraph (2), by striking "$750,000,000 for fiscal year 2007" and inserting "$500,000,000 for fiscal year 2006"; and

(2) in subsection (b), by striking "September 30, 2007" and inserting "September 30, 2006".

SA 2919. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2905 submitted by Ms. SNOWE and intended to be proposed to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 8 and all that follows through page 2, line 5, and insert the following:

(A) by striking "for a 1-time only obligation and expenditure";

(B) in paragraph (1), by striking "$250,000,000 for fiscal year 2007" and inserting "$400,000,000 for fiscal year 2006"; and

(C) in paragraph (2), by striking "$750,000,000 for fiscal year 2007" and inserting "$600,000,000 for fiscal year 2006";

SA 2920. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2905 submitted by Ms. SNOWE and intended to be proposed to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 7 and all that follows through page 2, line 17, and insert the following:

(A) by striking "for a 1-time only obligation and expenditure";

(B) in paragraph (1), by striking "$250,000,000 for fiscal year 2007" and inserting "$450,000,000 for fiscal year 2006"; and

(C) in paragraph (2), by striking "$750,000,000 for fiscal year 2007" and inserting "$550,000,000 for fiscal year 2006"; and

(2) in subsection (b), by striking "September 30, 2007" and inserting "September 30, 2006".

SA 2921. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2906 submitted by Ms. Snowe and intended to be proposed to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 7 and all that follows through page 2, line 17, and insert the following:

(A) by striking "for a 1-time only obligation and expenditure";

(B) in paragraph (1), by striking "$250,000,000 for fiscal year 2007" and inserting "$400,000,000 for fiscal year 2006"; and

(C) in paragraph (2), by striking "$750,000,000 for fiscal year 2007" and inserting "$600,000,000 for fiscal year 2006"; and

(2) in subsection (b), by striking "September 30, 2007" and inserting "September 30, 2006".

SA 2922. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2905 submitted by Ms. Snowe and intended to be proposed to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 8 and all that follows through page 2, line 5, and insert the following:

(A) by striking "for a 1-time only obligation and expenditure";

(B) in paragraph (1), by striking "$250,000,000 for fiscal year 2007" and inserting "$450,000,000 for fiscal year 2006"; and

(C) in paragraph (2), by striking "$750,000,000 for fiscal year 2007" and inserting "$550,000,000 for fiscal year 2006";

SA 2923. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. Kyl (for himself and Mr. Ensign) to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 5 through 17, and insert the following:

(C) by striking paragraph (2); and

(2) in subsection (b), by striking "September 30, 2007" and inserting "September 30, 2006".

SA 2924. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. HONEST SERVICES ACT OF 2006.

(a) Short Title.—This section may be cited as the "Honest Services Act of 2006 ".

(b) Honest Services Fraud Involving Members of Congress.—

(1) In general.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"§ 1351. Honest services fraud involving members of Congress

"(a) In General.—Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice to defraud and deprive the United States, the Congress, or the constituents of a Member of Congress, of the right to the honest services of a Member of Congress by—

"(1) offering and providing to a Member of Congress, or an employee of a Member of Congress, anything of value, with the intent to influence the performance an official act; or

"(2) being a Member of Congress, or an employee of a Member of Congress, accepting anything of value or holding an undisclosed financial interest, with the intent to be influenced in performing an official act;

shall be fined under this title or imprisoned not more than 20 years, or both.

"(b) Definitions.—In this section:

"(1) Honest services.—The term 'honest services' includes the right to conscientious, loyal, faithful, disinterested, and unbiased service, to be performed free of deceit, undue influence, conflict of interest, self-enrichment, self-dealing, concealment, bribery, fraud, and corruption.

"(2) Official act.—The term 'official act'—

"(A) has the meaning given that term in section 201(a)(3) of this title; and

"(B) includes supporting and passing legislation, placing a statement in the Congressional Record, participating in a meeting, conducting hearings, or advancing or advocating for an application to obtain a contract with the United States Government.

"(3) Undisclosed financial interest.—The term 'undisclosed financial interest' includes any financial interest not disclosed as required by statute or by the Standing Rules of the Senate.

"(c) No Inference and Scope.—Nothing in this section shall be construed to—

"(1) create any inference with respect to whether the conduct described in section 1351 of this title was already a criminal or civil offense prior to the enactment of this section; or

"(2) limit the scope of any existing criminal or civil offense.".

(2) Chapter analysis.—The chapter analysis for chapter 63 of title 18, United States Code is amended by adding at the end, the following:

"1351. Honest services fraud involving Members of Congress.".

(c) Authorization for Additional Personnel to Investigate and Prosecute Honest Services Fraud, Bribery, Graft, and Conflicts of Interest Offenses.—There are authorized to be appropriated to the Department of Justice, including the Public Integrity Section of the Criminal Division, and the Federal Bureau of Investigations, $25,000,000 for each of the fiscal years 2007, 2008, 2009, and 2010, to increase the number of personnel to investigate and prosecute violations of section 1351 and sections 201, 203 through 209, 1001, 1341, 1343, and 1346 of title 18, United States Code, as amended by this section.

SA 2925. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SPOUSE LOBBYING MEMBERS.

(a) In General.—Section 207(e) of title 18, United States Code, is amended by adding at the end the following:

"(5) Spouses.—Any person who is the spouse of a Member of Congress and who was not serving as a registered lobbyist at least 1 year prior to the election of that Member of Congress to Federal office or at least 1 year prior to his or her marriage to that Member of Congress and who, after the election of such Member, knowingly lobbies on behalf of a client for compensation any Member of Congress or is associated with any such lobbying activity by an employer of that spouse shall be punished as provided in section 216 of this title.".

(b) Grandfather Provision.—The amendment made by subsection (a) shall not apply to any spouse of a Member of Congress serving as a registered lobbyist on the date of enactment of this Act.

SA 2926. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RESTORATION TO JUDICIARY OF POWER TO DECIDE TRADEMARK AND TRADE NAME CASES.

(a) Findings.—Congress makes the following findings:

(1) Section 1 of Article III of the Constitution of the United States of America vests "judicial Power" exclusively in the courts. Section 2 of Article III states that this "judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties...". In interpreting Article III of the Constitution, the Supreme Court in Muskrat v. United States defined the term "judicial power" to mean "the right to determine actual controversies arising between adverse litigants, duly instituted in courts of proper jurisdiction".

(2) In 1996, a holder of a trademark registration issued by the Patent and Trademark Office asserted trademark infringement and other claims in a United States district court against an alleged infringer. The plaintiff's claims for relief were based upon laws and treaties of the United States, including the Trademark Act of 1946 (15 U.S.C. 1051 et seq.) and the Inter-American Convention for Trademark and Commercial Protection.

(3) In October 1998, just prior to commencement of the trial, the alleged infringer procured an amendment to the Department of Commerce and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of Public Law 105–277; 112 Stat. 2681-88). That amendment is commonly referred to as "section 211" and has been of singular benefit to that defendant in the courts.

(4) Subsections (a)(2) and (b) of section 211 provide that "No United States court shall recognize, enforce, or otherwise validate any assertion of rights" of certain trademarks or commercial names of the type at issue in the litigation referred to in paragraph (2). Subsection (a)(1) of section 211 also rescinds the

general authority permitting payment of the fees necessary for registration and renewal of such trademarks with the United States Patent and Trademark Office.

(5) The intended and actual effect of section 211 is to strip United States courts of the authority to decide the ownership and enforceability of such trademarks and trade names, including those at issue in the litigation described in paragraph (2). As a result of section 211, the plaintiff in the litigation was prevented from asserting the plaintiff's infringement claim. By preventing the payment of fees for trademark registration and renewal in the Patent and Trademark Office, section 211 also denies parties the ability to preserve claims of ownership in such trademarks pending judicial determination of enforcement rights.

(6) Section 211 is not needed for the courts to reach equitable results with respect to the United States trademark and trade name rights of foreign nationals who have suffered from confiscation of their businesses at home. It has been the longstanding practice of the Federal courts to do equity in adjudicating disputes involving such rights.

(7) Repeal of section 211 is necessary and desirable to restore to the courts the power to determine the ownership and enforceability of all trademarks and trade names and to preserve trademark registrations pending such determinations.

(b) PURPOSE.—The purpose of this section is to restore to the judiciary the power to decide all trademark and trade name cases arising under the laws and treaties of the United States, and for other purposes.

(c) RESTORATION OF JUDICIAL POWERS.—

(1) IN GENERAL.—Section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of Public Law 105–277; 112 Stat. 2681–88) is repealed.

(2) REGULATIONS.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury shall issue such regulations as are necessary to carry out the repeal made by paragraph (1), including removing any prohibition on transactions or payments to which subsection (a)(1) of section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 applied.

(3) AUTHORITY OF COURTS.—United States courts shall have the authority to recognize, enforce, or otherwise validate any assertion of rights in any mark or trade name based on common law rights or registration or under subsection (b) or (e) of section 44 of the Trademark Act of 1946 (15 U.S. C. 1126 (b) or (e)) or based on any treaty to which the United States is a party.

SA 2927. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

At the end of the bill, add the following:

TITLE III—CONGRESSIONAL ETHICS OFFICE

SEC. 301. ESTABLISHMENT OF CONGRESSIONAL ETHICS OFFICE.

(a) ESTABLISHMENT.—There is established in the legislative branch an independent authority to be known as the Congressional Ethics Office, and to be headed by a Congressional Ethics Officer.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Congressional Ethics Officer shall be appointed in accordance with paragraph (2).

(2) APPOINTMENT.—The majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the minority leader of the House of Representatives, the chairman and ranking member of the Committee on Standards of Official Conduct of the House of Representatives, and the chairman and the ranking member of the Select Committee on Ethics of the Senate shall nominate the Congressional Ethics Officer at the beginning of a Congress. The Congressional Ethics Officer shall be confirmed by both the Senate and the House of Representatives.

(c) TERMS.—

(1) IN GENERAL.—The Congressional Ethics Officer shall serve a term of 2 years and may be reappointed for 2 additional terms.

(2) DEATH OR RESIGNATION.—In the case of the death or resignation of the Congressional Ethics Officer a successor shall be appointed in the same manner to serve the remaining term of that Congressional Ethics Officer.

(d) REMOVAL.—The Congressional Ethics Officer may be removed only by resolution of the Senate or the House of Representatives.

(e) DUTIES.—It shall be the duty of the Congressional Ethics Officer to—

(1) receive requests for review of an allegation described in section 302(b);

(2) make such informal preliminary inquiries in response to such a request as the Congressional Ethics Officer deems to be appropriate;

(3) if, as a result of those inquiries, the Congressional Ethics Officer determines that a full investigation is not warranted, submit a report pursuant to section 302(f); and

(4) if, as a result of those inquiries, the Congressional Ethics Officer determines that there is probable cause, the Congressional Ethics Officer—

(A) may determine a full investigation is warranted and conduct such investigation; and

(B) shall provide a full report of the investigation which shall be available for public inspection to either the Select Committee on Ethics of the Senate or the Committee on Standards of Official Conduct of the House of Representatives.

(f) COMPENSATION OF CONGRESSIONAL ETHICS OFFICER.—

(1) IN GENERAL.—The Congressional Ethics Officer shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which he or she is engaged in the performance of the duties of the Congressional Ethics Officer.

(2) TRAVEL EXPENSES.—The Congressional Ethics Officer and members of the Congressional Ethics Officer staff shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Congressional Ethics Officer.

(g) STAFF.—

(1) IN GENERAL.—The Congressional Ethics Officer may, without regard to the civil service laws and regulations, appoint, and terminate an executive director and such other additional personnel as are necessary to enable the Congressional Ethics Officer to perform his or her duties. The staff of the Congressional Ethics Office shall be nonpartisan.

(2) STAFF COMPENSATION.—The Congressional Ethics Officer may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(3) DETAILEES.—Any Federal Government employee may be detailed to the Congressional Ethics Officer without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) TEMPORARY SERVICES.—The Congressional Ethics Officer may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(5) STAFFING.—Except at a time when additional personnel are needed to assist the Congressional Ethics Officer in his or her review of a particular request for review under section 302, the total number of staff personnel employed by or detailed to the Congressional Ethics Officer under this subsection shall not exceed 50.

(h) INAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SEC. 302. REVIEW OF ALLEGATIONS OF MISCONDUCT AND VIOLATIONS OF ETHICS LAWS.

(a) DEFINITIONS.—As used in this section, the term "officer or employee of Congress" means—

(1) an elected officer of the Senate or the House of Representatives who is not a member of the Senate or the House of Representatives;

(2) an employee of the Senate or the House of Representatives, any committee or subcommittee of the Senate or the House of Representatives, or any member of the Senate or the House of Representatives;

(3) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

(4) an employee of a joint committee of Congress.

(b) REQUEST FOR REVIEW.—Any person, including a person who is not an officer or employee of Congress, may present to the Congressional Ethics Officer a request to review and investigate an allegation of—

(1) improper conduct that may reflect upon the Senate or the House of Representatives;

(2) a significant violation of law;

(3) a violation of the Senate Code of Official Conduct (rules XXXIV, XXXV, XXXVII, XXXVIII, XXXIX, XL, XLI, and XLII of the Standing Rules of the Senate) or the ethics rules of the House of Representatives; or

(4) a significant violation of a rule or regulation of the Senate or the House of Representatives, relating to the conduct of a person in the performance of his or her duties as a member, officer, or employee of the Senate or the House of Representatives.

(c) SWORN STATEMENT.—

(1) IN GENERAL.—A request for review under subsection (b) shall be accompanied by a sworn statement, made under penalty of perjury under the laws of the United States, of facts within the personal knowledge of the person making the statement alleging improper conduct or a violation described in subsection (b).

(2) FALSE STATEMENT.—If the Congressional Ethics Officer determines that any

part of a sworn statement presented under paragraph (1) may have been a false statement made knowingly and willfully, the Congressional Ethics Officer may refer the matter to the Attorney General for prosecution.

(d) PROTECTION FROM FRIVOLOUS CHARGES.—

(1) IN GENERAL.—Any person who—

(A) knowingly files with the Congressional Ethics Office a false complaint of misconduct on the part of any legislator or any other person shall be subject to a $10,000 fine or the cost of the preliminary review, whichever is greater, and up to 1 year in prison; or

(B) encourages another person to file a false complaint of misconduct on the part of any legislator or other person shall be subject to a $10,000 fine or the cost of the preliminary review, whichever is greater, and up to 1 year in prison.

(2) SUBSEQUENT COMPLAINTS.—Any person subject to either of the penalties in paragraph (1) may not file a complaint with the Congressional Ethics Office again.

(3) BAN ON FILINGS PRIOR TO ELECTION.—The Congressional Ethics Office may not accept charges filed in the—

(A) 30 days prior to a primary election for which the Member in question is a candidate; and

(B) 60 days prior to a general election for which the Member in question is a candidate.

(e) SUBPOENA.—The Congressional Ethics officer may bring a civil action to enforce a subpoena only when directed to do so by the adoption of a resolution by the Senate or the House of Representatives, as appropriate.

(f) REFERRAL OF REPORTS TO THE SELECT COMMITTEE ON ETHICS OF THE SENATE, THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT OF THE HOUSE OF REPRESENTATIVES OR THE DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—If, after making preliminary inquiries, the Congressional Ethics Officer finds probable cause that a violation of the ethics rules has occurred, the Congressional Ethics Officer shall submit to the members of the Senate, members of the House of Representatives, and the Department of Justice a report that—

(A) states findings of fact made as a result of the inquiries;

(B) states any conclusions that may be drawn with respect to whether there is substantial credible evidence that improper conduct or a violation of law may have occurred; and

(C) states its reasons for concluding that further investigation is not warranted.

(2) NO ACTION.—After submission of a report under paragraph (1), no action may be taken in the Senate or the House of Representatives to impose a sanction on a person who was the subject of the Congressional Ethics Officer's inquiries on the basis of any conduct that was alleged in the request for review and sworn statement.

SEC. 303. ADDITIONAL RESPONSIBILITIES.

The Congressional Ethics Officer shall—

(1) periodically report to Congress any changes to the ethics law and regulations governing Congress that the Congressional Ethics Officer determines would improve the investigation and enforcement of such laws and regulations; and

(2) provide an annual report to Congress on the number of ethics complaints and a description of the ethics investigations undertaken during the prior year.

SA 2928. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

At the end, add the following:

TITLE III—CONGRESSIONAL PENSION ACCOUNTABILITY

SEC. 301. SHORT TITLE.

This title may be cited as the "Congressional Pension Accountability Act".

SEC. 302. DENIAL OF RETIREMENT BENEFITS.

(a) IN GENERAL.—Section 8312(a) of title 5, United States Code, is amended—

(1) by striking "or" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting "; or", and by inserting after paragraph (2) the following:

"(3) was convicted of an offense described in subsection (d), to the extent provided by that subsection."; and

(2) by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting "; and", and by inserting after subparagraph (B) the following:

"(C) with respect to the offenses described in subsection (d), to the period after the date of conviction.".

(b) OFFENSES DESCRIBED.—Section 8312 of such title 5 is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following:

"(d) The offenses to which subsection (a)(3) applies are the following:

"(1) An offense within the purview of—

"(A) section 201 of title 18 (bribery of public officials and witnesses); or

"(B) section 371 of title 18 (conspiracy to commit offense or to defraud United States), to the extent of any conspiracy to commit an act which constitutes an offense within the purview of such section 201.

"(2) Perjury committed under the statutes of the United States or the District of Columbia in falsely denying the commission of any act which constitutes an offense within the purview of a statute named by paragraph (1), but only in the case of the statute named by subparagraph (B) of paragraph (1).

"(3) Subornation of perjury committed in connection with the false denial or false testimony of another individual as specified by paragraph (2).

An offense shall not be considered to be an offense described in this subsection except if or to the extent that it is committed by a Member of Congress (as defined by section 2106, including a Delegate to Congress).".

(c) ABSENCE FROM UNITED STATES TO AVOID PROSECUTION.—Section 8313(a)(1) of such title 5 is amended by striking "or" at the end of subparagraph (A), by striking "and" at the end of subparagraph (B) and inserting "or", and by adding at the end the following:

"(C) for an offense described under subsection (d) of section 8312; and".

(d) NONACCRUAL OF INTEREST ON REFUNDS.—Section 8316(b) of such title 5 is amended by striking "or" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting "; or", and by adding at the end the following:

"(3) if the individual was convicted of an offense described in section 8312(d), for the period after the conviction.".

SEC. 303. CONSTITUTIONAL AUTHORITY.

The Constitutional authority for this title is the power of Congress to make all laws which shall be necessary and proper as enumerated in Article I, Section 8 of the United States Constitution, and the power to ascertain compensation for Congressional service under Article I, Section 6 of the United States Constitution.

SA 2929. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

At the end of title I, add the following:

SEC. 114. PROHIBITING ADVOCATING FOR EARMARK IN WHICH THERE EXISTS A FINANCIAL INTEREST.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

"13. No Member of the Senate may advocate to include an earmark in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint statement of managers thereto) if the Member has a financial interest in such earmark.".

SA 2930. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 5, line 21, after "hours" insert "or 1 business day, whichever is longer,".

On page 6, line 7, after "hours" insert "or 1 business day, whichever is longer,".

SA 2931. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

At the end of title I, add the following:

SEC. 114. BUYING VOTES.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

"13. No Member of the Senate shall condition the inclusion of language to provide funding for an earmark in any bill or joint resolution (or an accompanying report thereof) or in any conference report on a bill or joint resolution (including an accompanying joint statement of managers thereto) on any vote cast by the Member of the Senate in whose State the project will be carried out.".

SA 2932. Mr. REID proposed an amendment to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

Add at the end of the bill add the following:

TITLE III—ADDITIONAL TRANSPARENCY AND ENFORCEMENT

SEC. 301. DISCLOSURE BY MEMBERS OF CONGRESS AND SENIOR CONGRESSIONAL STAFF OF EMPLOYMENT NEGOTIATIONS.

(a) SENATE.—Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

"13. (a) A Member of the Senate shall not negotiate or have any arrangement concerning prospective private employment if a conflict of interest or the appearance of a conflict of interest exists.

"(b)(1) An employee of the Senate earning in excess of 75 percent of the salary paid to a Senator shall notify the Committee on

Ethics that he or she is negotiating or has any arrangement concerning prospective private employment if a conflict of interest or the appearance of a conflict of interest may exist.

"(2) The disclosure and notification under this subparagraph shall be made within 3 business days after the commencement of such negotiation or arrangement.

"(3) An employee to whom this subparagraph applies shall recuse himself or herself from any matter in which there is a conflict of interest for that Member or employee under this rule and notify the Select Committee on Ethics of such recusal.

"(c)(1) The Select Committee on Ethics shall develop guidelines concerning conduct which is covered by this paragraph.

"(2) The Select Committee on Ethics shall maintain a current public record of all notifications received under subparagraph (a) and of all recusals under subparagraph (c).".

(b) APPLICATION.—This section shall apply in lieu of section 109 of this Act.

SEC. 302. ETHICS REVIEW OF EMPLOYMENT NEGOTIATIONS BY EXECUTIVE BRANCH OFFICIALS.

Section 208 of title 18, United States Code, is amended—

(1) in subsection (b)(1)—

(A) by inserting after "the Government official responsible for appointment to his or her position" the following: "and the Office of Government Ethics"; and

(B) by striking "a written determination made by such official" and inserting "a written determination made by the Office of Government Ethics, after consultation with such official,"; and

(2) in subsection (b)(3), by striking "the official responsible for the employee's appointment, after review of" and inserting "the Office of Government Ethics, after consultation with the official responsible for the employee's appointment and after review of"; and

(3) in subsection (d)(1)—

(A) by striking "Upon request" and all that follows through "Ethics in Government Act of 1978." and inserting "In each case in which the Office of Government Ethics makes a determination granting an exemption under subsection (b)(1) or (b)(3) to a person, the Office shall, not later than 3 business days after making such determination, make available to the public pursuant to the procedures set forth in section 105 of the Ethics in Government Act of 1978, and publish in the Federal Register, such determination and the materials submitted by such person in requesting such exemption."; and

(B) by striking "the agency may withhold" and inserting "the Office of Government Ethics may withhold".

SEC. 303. WRONGFULLY INFLUENCING A PRIVATE ENTITY'S EMPLOYMENT DECISIONS OR PRACTICES.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"§ 226. Wrongfully influencing a private entity's employment decisions by a Member of Congress

"Whoever, being a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress or an employee of either House of Congress, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

"(1) takes or withholds, or offers or threatens to take or withhold, an official act; or

"(2) influences, or offers or threatens to influence, the official act of another; shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.".

(b) NO INFERENCE.—Nothing in section 226 of title 18, United States Code, as added by this section, shall be construed to create any inference with respect to whether the activity described in section 226 of title 18, United States Code, was already a criminal or civil offense prior to the enactment of this Act, including sections 201(b), 201(c), and 216 of title 18, United States Code.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"226. Wrongfully influencing a private entity's employment decisions by a Member of Congress.".

SEC. 304. BAN ON GIFTS FROM LOBBYISTS.

(a) IN GENERAL.—Paragraph 1(a)(2) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following: "This clause shall not apply to a gift from a lobbyist.".

(b) RULES COMMITTEE REVIEW.—The Committee on Rules and Administration shall review the present exceptions to the Senate gift rule and make recommendations to the Senate not later than 3 months after the date of enactment of this Act on eliminating all but those which are absolutely necessary to effectuate the purpose of the rule.

(c) APPLICATION.—This section shall apply in lieu of section 106 of this Act.

SEC. 305. PROHIBITION ON PRIVATELY FUNDED TRAVEL.

Paragraph 2(a)(1) of rule XXXV of the Standing Rules of the Senate is amended by striking "an individual" and inserting "an organization recognized under section 501(c)(3) of the Internal Revenue Code of 1986 that is not affiliated with any group that lobbies before Congress".

SEC. 306. PROHIBITING LOBBYIST ORGANIZATION AND PARTICIPATION IN CONGRESSIONAL TRAVEL.

(a) IN GENERAL.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(g) A Member, officer, or employee may not accept transportation or lodging on any trip sponsored by an organization recognized under section 501(c)(3) of the Internal Revenue Code of 1986 covered by this paragraph that is planned, organized, requested, arranged, or financed in whole, or in part by a lobbyist or foreign agent, or in which a lobbyist participates.

"(h) Before a Member, officer, or employee may accept transportation or lodging otherwise permissible under this paragraph from any person, such Member, officer, or employee shall obtain a written certification from such person (and provide a copy of such certification to the Select Committee on Ethics) that—

"(1) the trip was not planned, organized, requested, arranged, or financed in whole, or in part by a registered lobbyist or foreign agent and was not organized at the request of a registered lobbyist or foreign agent;

"(2) registered lobbyists will not participate in or attend the trip; and

"(3) the person did not accept, from any source, funds specifically earmarked for the purpose of financing the travel expenses.

The Select Committee on Ethics shall make public information received under this subparagraph as soon as possible after it is received.".

(b) CONFORMING AMENDMENTS.—Paragraph 2(c) of rule XXXV of the Standing Rules of the Senate is amended—

(1) by striking "of expenses reimbursed or to be reimbursed";

(2) in clause (5), by striking "and" after the semicolon;

(3) in clause (6), by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(7) a description of meetings and events attended during such travel, except when disclosure of such information is deemed by the Member or supervisor under whose direct supervision the employee works to jeopardize the safety of an individual or otherwise interfere with the official duties of the Member, officer, or employee.".

(c) PUBLIC AVAILABILITY.—Paragraph 2(e) of rule XXXV is amended to read as follows:

"(e) The Secretary of the Senate shall make available to the public all advance authorizations, certifications, and disclosures filed pursuant to subparagraphs (a) and (h) as soon as possible after they are received.".

(d) APPLICATION.—The provisions of this section shall apply in addition to the requirements of section 107(a).

SEC. 307. ADDITIONAL LOBBYING DISCLOSURE REQUIREMENTS.

(a) IN GENERAL.—Section 5(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)) is amended by adding at the end the following:

"(8) a certification that the lobbying firm or registrant has not provided, requested, or directed a gift, including travel, to a Member or employee of Congress in violation of rule XXXV of the Standing Rules of the Senate.".

(b) CONFORMING AMENDMENT.—The requirements of this Act shall not apply to the activities of any political committee described in section 301(4) of the Federal Election Campaign Act of 1971.

SEC. 308. PENALTY FOR FALSE CERTIFICATION IN CONNECTION WITH CONGRESSIONAL TRAVEL.

(a) CIVIL FINE.—

(1) IN GENERAL.—Whoever makes a false certification in connection with the travel of a Member, officer, or employee of either House of Congress (within the meaning given those terms in section 207 of title 18, United States Code), under paragraph 2(h) of rule XXXV of the Standing Rules of the Senate, shall, upon proof of such offense by a preponderance of the evidence, be subject to a civil fine depending on the extent and gravity of the violation.

(2) MAXIMUM FINE.—The maximum fine per offense under this section depends on the number of separate trips in connection with which the person committed an offense under this subsection, as follows:

(A) FIRST TRIP.—For each offense committed in connection with the first such trip, the amount of the fine shall be not more than $100,000 per offense.

(B) SECOND TRIP.—For each offense committed in connection with the second such trip, the amount of the fine shall be not more than $300,000 per offense.

(C) ANY OTHER TRIPS.—For each offense committed in connection with any such trip after the second, the amount of the fine shall be not more than $500,000 per offense.

(3) ENFORCEMENT.—The Attorney General may bring an action in United States district court to enforce this subsection.

(b) CRIMINAL PENALTY.—

(1) IN GENERAL.—Whoever knowingly and wilfully fails to comply with any provision of this section shall be imprisoned for not more than 5 years, or fined under title 18, United States Code, or both.

(2) CORRUPTLY.—Whoever knowingly, wilfully, and corruptly fails to comply with

any provision of this section shall be imprisoned for not more than 10 years, or fined under title 18, United States Code, or both.

SEC. 309. INCREASED CRIMINAL PENALTIES FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended—

(1) by inserting "(a) CIVIL PENALTY.—" before "Whoever"; and

(2) by adding at the end the following:

"(b) CRIMINAL PENALTY.—

"(1) IN GENERAL.—Whoever knowingly and willfully fails to comply with any provision of this section shall be imprisoned for not more than 5 years, or fined under title 18, United States Code, or both.

"(2) CORRUPTLY.—Whoever knowingly, willfully, and corruptly fails to comply with any provision of this section shall be imprisoned for not more than 10 years, or fined under title 18, United States Code, or both.".

SEC. 310. SENSE OF THE SENATE ON CONFERENCE COMMITTEE PROTOCOLS.

It is the sense of Senate that—

(1) conference committees should hold regular, formal meetings of all conferees that are open to the public;

(2) all conferees should be given adequate notice of the time and place of all such meetings;

(3) all conferees should be afforded an opportunity to participate in full and complete debates of the matters that such conference committees may recommend to their respective Houses;

(4) all matters before a conference committee should be resolved in conference by votes on the public record; and

(5) existing rules should be enforced and new rules adopted in the Senate to shine the light on special interest legislation that is enacted in the dead of night.

SEC. 311. ACTUAL VOTING REQUIRED IN CONFERENCE COMMITTEE MEETINGS.

Rule XXVIII of the Standing Rules of the Senate is amended by adding at the end the following:

"8. Each Senate member of a conference committee shall be afforded an opportunity at an open meeting of the conference to vote on the full text of the proposed report of the conference.".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. SNOWE. Mr. President, I wish to inform Members that the Committee on Small Business & Entrepreneurship will hold a public hearing to consider, "The President's fiscal year 2007 Budget Request and Legislative Proposals for the SBA" on Thursday, March 9, 2006 at 10 a.m., in room 428A Russell Senate Office Building. The Honorable Hector Barreto, SBA Administrator, will testify.

The Chair urges every member to attend.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks.

The hearing will be held on Tuesday, March 14th, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to review the President's proposed budget for the National Park Service fiscal year 2007.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Tom Lillie, David Szymanski, or Sara Zecher.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing on March 14, 2006, entitled "GSA Contractors Who Cheat on Their Taxes and What Should Be Done About It." The March 14 hearing will be the third hearing on Federal contractors with unpaid tax debt. In February 2004, the subcommittee held a hearing entitled "DOD Contractors Who Cheat on Their Taxes, which examined the IRS' failure to collect $3 billion in unpaid taxes owed by contractors doing business with the Department of Defense, DOD, and getting paid with taxpayer dollars. In June 2005, the Subcommittee held a hearing entitled "Civilian Contractors Who Cheat on Their Taxes", which identified an additional $3.3 billion in unpaid taxes and demonstrated that the problem of tax delinquent Federal contractors is not confined to DOD. Because of the potential revenue that could be collected by the Federal Payment Levy Program from non-DOD contractors, the subcommittee expanded the coverage of the investigation to include contractors at other Federal agencies who receive Federal contract payments and are delinquent in paying their taxes. In the continuing investigation of Federal contractors who do not pay their taxes, the subcommittee plans to hold a hearing on March 14 on the General Service Administration's contractors who are tax delinquent. Federal contractors who owe taxes are still allowed to do business with the Federal Government. The hearing will explore the extent to which these contractors are tax delinquent and what can be done about it.

The subcommittee hearing is scheduled for Tuesday, March 14, 2006, at 9:30 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd, III, Staff Director and Chief Counsel to the Permanent Subcommittee on Investigations.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 7, 2006, at 9:30 a.m., to receive testimony from combatant commanders on their military strategy and operational requirements, in review of the defense authorization request for fiscal year 2007 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 7, 2006, at 10 a.m., to conduct a hearing on "Assessing the Current Oversight and Operation of Credit Rating Agencies."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, March 7, 2006, at 10 a.m. on Rural Telecom.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate and on Tuesday, March 7 at 9:30 a.m. The purpose of this oversight hearing is to discuss the goal of energy independence.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 7, 2006, at 9:30 a.m. to hold a hearing on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Tuesday, March 7, 2006, at 10 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, March 7, 2006, to hear the legislative presentation of the Veterans of Foreign Wars. The hearing will take place in room 216 of the Hart Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 7, 2006, at 2:30 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet during the session of the Senate on March 7, 2006, at 2:45 p.m., in open session to receive testimony on the nuclear weapons and defense environmental cleanup activities of the Department of Energy in review of the Defense authorization request for fiscal year 2007 and the future years nuclear security program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, MARCH 8, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, March 8. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period of morning business for up to 30 minutes, with the first 15 minutes under the control of the majority leader or his designee and the final 15 minutes under the control of the Democratic leader or his designee; further, that the Senate then resume consideration of S. 2349, the lobbying reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, the Senate will resume consideration of the lobbying reform bill tomorrow. Senators who have amendments to this bill should be working with bill managers, as they are trying to expedite the amendment process. Senators should expect full days this week as we work toward passage of this bill.

ORDER FOR ADJOURNMENT

Mr. FRIST. If there is no further business to come before the Senate, I ask that it be in order for the Democratic leader to offer an amendment to the lobbying reform bill, and following his statement, the Senate stand in adjournment under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 2349) to provide greater transparency in the legislative process.

The PRESIDING OFFICER. The Democratic leader.

AMENDMENT NO. 2932 TO AMENDMENT NO. 2349

(Purpose: To provide additional transparency in the legislative process)

Mr. REID. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2932.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Mr. President, when we returned from the winter recess, this Democratic minority acted decisively by introducing S. 2180, which we call the Honest Leadership Act. We put reform to paper and established the baseline for the Senate by getting caucus-wide support for what we believe is a very tough and comprehensive reform piece of legislation.

Much of what we worked for as a caucus has now gained bipartisan support. I appreciate the work done by Senators LOTT and DODD. I appreciate the work done by Senators LIEBERMAN and COLLINS. I especially appreciate the work of the committee members, both Democrats and Republicans.

What we have now is a molding of both the bill that came out of the Committee on Homeland Security and Governmental Affairs and the Rules Committee. That bill included a significant portion of the bill we introduced. I compliment and applaud the two committees for getting us to the point where we are.

There are aspects of the reported bills that need to be strengthened. As far as these measures now before the Senate, we want them to be consistent with legislation we introduced earlier this year. The amendment I have offered does that.

The amendment would make a number of changes to the pending bill. It would prohibit sitting Members of the Senate and senior legislative and executive branch employees from negotiating for private sector employment where a conflict or appearance of a conflict exists.

This amendment would impose criminal penalties in order to put a stop to the system of what many believe is a system of corruption that developed under the so-called K Street project. The K Street project was a form of institutionalized corruption in which Members of Congress limited access to government offices and influence over policy matters, or threatened to do so, as a means of forcing corporations, trade associations, and lobbying firms to hire Republicans and to tilt their political contributions to Republicans. It is a pay-to-play scheme as blatant and arrogant as anyone has seen in Congress.

This amendment increases civil and criminal penalties under the Lobbying Disclosure Act for individuals who knowingly and willingly file false information.

This amendment puts an end to the dead-of-night legislating and the practice of shutting Members and the public out of conference committee proceedings.

One of our real complaints since we have become a minority is the majority does not even go through the sham of holding a conference. They just march over in someone's office and say: This is what the bill is going to be.

That is not the way things previously were done. We had public meetings where there were debates and votes in public. That is what we want to be the future of this Senate. This amendment requires the conference committees hold regular formal open meetings and that each member of the conference be afforded an opportunity to vote on the full text of the bill in open session.

This amendment prohibits all gifts from lobbyists, including meals. This amendment goes beyond simple disclosure and prohibits outside interests who advocate before the Congress from paying for travel for Members and staff, and bans most privately funded travel by companies, groups, business associations, and other special interests that lobby Congress. There would be a limited exemption for travel sponsored by 501(c)(3) tax-exempt charities and educational groups that would be required to certify that lobbyists did not finance, organize, or participate in the travel.

We worked hard to get this bill to the Senate. I hope this amendment will give us the bipartisan support we need to strengthen this legislation now before the Senate.

I am disappointed we have heard today that the House Republican leaders have stated that they prefer a partisan approach, something different than we have had in the Senate to this point. The House Republican leaders have said they intend to tack regulation of 527 groups onto their yet-to-be-seen lobbying reform bill. They also want to pair regulation of 527 groups with measures to weaken McCain-Feingold laws in a way that would principally benefit the majority.

In fact, these are the only clear priorities House Republican leaders appear to have for their bill. That is where the House Republicans' narrow interest lies. Theirs is a partisan goal of changing the rules of our campaign finance system to hedge against the possibility of Republican election losses this fall. They think if you cannot win under the rules, then change them. That is what the House Republican leaders plan.

What we have in the Senate, to this point, has been bipartisan, Democrats and Republicans. What has been talked about in the House today is anti-reform legislation. Our Senate leaders—and I am directing my attention principally to the two committees—have rejected this effort and, again, I congratulate them for that.

As Senator Dodd so aptly put it yesterday, campaign finance reform is much larger than the narrow question of 527 groups. The House Republican leaders want to shut those down because of the perception that these groups benefit Democrats. But what about trade associations which engage in the same types of activities? What about these foundations that we have heard so much about lately that pay relatives and friends and campaign workers? We know these trade associations engage in activities because we have seen their handiwork in advertisements, political advertisements for Republican candidates up this cycle. They were also active in 2004.

Yet the trade associations engaging in these activities are even less regulated than 527 groups. They are not required, as 527s are, to disclose their expenditures and their donors. They operate in the shadows. These groups principally benefit Republicans.

We also need to crack down on abuses of foundations, as I mentioned, and charities which are used by Members for personal gain or for campaign purposes. Curiously, we do not hear Republican calls to regulate any of these activities.

So what Senator Dodd and I say is, if we are going to have a debate on foundations, trade associations, and 527s, let's have a debate on that and not try to bury what we have on the floor, an Honest Leadership and Open Government Act. I understand it is a way that the House thinks it will take this bill down. But as Senator Dodd said, if this comes back from a conference and this is the issue, there will not be lobbying reform. That would be very unfair, wrong for this institution.

As important as these campaign finance issues are, they are on the periphery, really, of the big issue; that is, how do we pay for campaigns? Is public financing—which some Senators believe is the right way to go—where we need to go? That is why a debate should be on campaign finance reform and not trying to muddle up and confuse the Senate on the issue now before us.

Lobbying reform, of all things, should not be twisted into a vehicle exploited by one party to gain electoral advantage. If that is a path which is chosen, it will be a poison pill. The legislation will come down. I hope this does not happen. We have worked with Republicans so far to make sure this issue does not get entangled with campaign finance reform, such as the public funding of campaigns or the regulation of these 527 groups. I hope we can continue to do that.

This amendment is, in effect, an effort to plug the holes that were not placed in this legislation by the Rules Committee and the Homeland Security Committee. I hope we have a good debate on this issue. This is not something that should take a long time. I have told the distinguished majority leader this is no attempt to stall this legislation. I have told the majority leader that unless there are issues outside of what the two committees did that are within their jurisdiction, we have no intention of offering a myriad of issues we have Members clamoring to offer—issues on the port security deal, minimum wage, all kinds of things dealing with health care. There is a long list of issues we want to bring up as soon as possible, but we are not going to do it on this legislation. We believe this should be for lobbying reform. So I think it needs the good faith of both parties to see if we can move down that road.

I have asked my caucus, if they want to speak on this issue, to do it as soon as they can, hopefully in the morning when we come in. It would be good if we could have a vote before we go to our respective lunches. The majority has a Steering Committee meeting every Wednesday. We have a special caucus tomorrow. It would be good if we could wrap up the vote before then.

Mr. President, I wish everyone a good evening. Good night.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:13 p.m., adjourned until Wednesday, March 8, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 7, 2006:

DEPARTMENT OF STATE

MICHAEL E. RANNEBERGER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KENYA.

ROBERT F. GODEC, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TUNISIA.

FEDERAL ENERGY REGULATORY COMMISSION

PHILIP D. MOELLER, OF WASHINGTON, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2010, VICE PATRICK HENRY WOOD III, RESIGNED.

JON WELLINGHOFF, OF NEVADA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2008, VICE WILLIAM LLOYD MASSEY, TERM EXPIRED.

DEPARTMENT OF TRANSPORTATION

RICHARD CAPKA, OF PENNSYLVANIA, TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION, VICE MARY E. PETERS, RESIGNED.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

JERRY GAYLE BRIDGES, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, VICE MICHELLE GUILLERMIN, RESIGNED.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. TIMOTHY J. WRIGHT, 9146

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

WILLIAM M. ROGERS, 2500

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

KEVIN D. BROOKS, 8318

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

THOMAS L. REMPFER, 7617

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

STEPHEN R. GERINGER, 4033

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JAMES D. BONE, 9402

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

CLINTON E. ABELL, 6289
ANTHONY L. ALEXANDER, 0291
TROY F. ALLEY, 9451
JEFFREY J. AUTREY, 3671
PHILIP G. BASCOM, 9592
ROBERT A. BELDE, 4553
THOMAS R. BERANEK, 3608
SHELIA D. BEVILLE, 3560
ADITYA A. BHAGWAT, 9908
SALLYANNE BINANTI, 2797
CHRISTOPHER R. BISHOP, 6953
KEITH W. BLOUNT, 2459
JENNIFER J. BODART, 9843
MAUREEN A. BOUSQUET, 9814
AMY R. CARPENTER, 5089
JOHN D. CATOE, 6058
CARL E. CHAMPION, JR., 1999
WAYNE L. CHAPPELLE, 7028
GABRIELLE D. CHILDS, 9298
GREGORY S. CHURCHILL, 9104
BEVERLY J. COKER, 6333
ANGELA J. P. COOEY, 1260
DAVID D. CORDRY, 4763
KEVIN R. COSTELLO, 5806
DARRICK D. CUNNINGHAM, 4257
JOSHUA W. DEVINE, 0304

DONALD O. DIEMER, 3532
TAM T. DINH, 3992
JOEL R. DIXON, 9166
MELANIE L. DRESSLER, 9839
DAVID E. EATON, 5314
JAMES D. EBERT, 7847
GARTH A. ELLIOTT, 0837
BARBARA T. EMBRY, 2905
TIM W. FILZEN, 7563
HOLLY D. FITZPATRICK, 9346
SEAN K. FITZPATRICK, 4479
MARCIO J. FLETES, 3584
RACHEL E. FOSTER, 2352
JOHN S. FRAZEY, 8081
VIVIANLE B. FREEMAN, 1924
KATHY L. FULLERTON, 2007
MARCEL P. GARR, 6769
DANIEL L. GLAZIER, 0322
JOSE J. GOMEZ, 9945
JEFFREY L. GOODIE, 5865
MARK R. GRUBER, 2550
JENNIFER L. GRUENWALD, 8476
EDWIN GUZMAN, 3013
MICHAEL G. HAINES, 6441
VANESSA L. HALE, 8777
RANDI L. HAMM, 1518
JAMES F. HANSON, 8319
JOEL R. HILL, 7725
MICHAEL S. HOLMES, 9664
SHERRY L. KAUFFMAN, 6257
CANDICE A. LAGASSE, 4296
HALLIE D. LANDRETH, 2642
ROBERTA A. LENSKI, 5068
JUAN C. LEON, 6178
STEPHEN G. LONG, 5214
TIMOTHY A. LOOMIS, 0928
VICKI A. LUMLEY, 6465
CHRISTIAN L. LYONS, 1606
RYAN W. MARESH, 1443
NICHOLAS R. MARSHALL, 5201
THEODORE P. MASINO II, 5919
SCOTT R. MATTES, 3695
TEG W. MCBRIDE, 8313
JOHN C. MCGEE, 5777
MISTIE S. MCPADALIN, 3440
RANDALL D. MCVAY, 4255
NICHOLAS A. MILAZZO, 0067
PAUL J. MILAZZO, 8271
PHILIP E. MILLER, 8872
CYNTHIA L. MITCHELL, 2426
SPRING M. MYERS, 4260
JOLENE R. NORRIS, 7557
ALAN D. OGLE, 5983
SUZANA OH, 2959
MATTHEW W. OSTLER, 9477
VANHSENG PHANTHAVONG, 4664
TIMOTHY O. RENTZ, 2004
RISA C. RIEPMA, 2869
JONATHAN S. SAMS, 5520
SHERRY J. SEAGRAM, 6516
DEBORAH K. SIRRATT, 6740
SOO A. SOHN, 8378
TINA L. SOOTS, 7830
LAURENCE W. STUDER, 2743
TODD A. TICE, 9143
SAMANTHA TIMM, 4799
TRENA D. TOCHTROP, 6275
DIANE M. TODD, 2497
MICHAEL VALERIO, 9203
KELLY J. VANDENBOS, 1799
JENNIFER T. VECCHIONE, 1943
DARNELL E. WALKER, 4558
KENDRA J. WARNER, 3262
RICHARD A. WEBER, 4697
MARC D. WEISHAAR, 9481
ANNE K. WHITIS, 3778

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ROSALIND L. ABDULKHALIK, 3085
JESSE ACEVEDO, 5287
RANDALL E. ACKERMAN, 0623
GILBERT A. ACOSTA, 8662
MARC M. ADAIR, 7746
CHARLES D. ADAMS, 3601
DANIEL C. ADCOCK, 4567
MILTON JOHN ADDISON, 3614
RYAN J. AERNI, 3328
JEREMY S. AGTE, 3476
JASON T. AGUILERA, 3446
PETER A. AGUIRRE, JR., 9733
KRISTOPHER H. O. AHLERS, 0708
REBECCA L. AINSLIE, 6404
JAMES D. AKERS, 8787
LAURIE ANN ALBARINO, 2065
SONNYER ALBERDESTONCASTRO, 0815
TODD J. ALDRICH, 1466
JOSEPH R. ALKIRE II, 5038
ANDREW L. ALLEN, 4264
RUSSELL B. ALLEN, 1924
ROBERT S. ALLMART, 5766
AARON D. ALMENDINGER, 5915
ANTONIO ALVARADO, 2570
GRACIE C. ALVAREZ, 6841
AIMEE C. ALVSTAD, 5365
JOSEPH P. AMATO, 7414
BENJAMIN D. AMBERS, 2123
KAYLEEN M. AMERSON, 3945
ERIC K. AMISSAH, 0586
KELLY K. AMMON, 9490
CAROLYN F. AMMONS, 6043
JOHN M. AMODEO, 3213
CHERI M. ANDERSEN, 0191
BRIAN P. ANDERSON, 1090
CHRISTEN V. ANDERSON, 7283
GRETCHEN E. ANDERSON, 9665
JOE W. ANDERSON, 3874
KYLE G. ANDERSON, 6617
MATTHEW P. ANDERSON, 7623
ROBERT S. ANDERSON, 4043
SCOTT E. ANDERSON, 2215
TOBIN G. ANDERSON, 1896
TORA B. ANDERSON, 4093
CHAD W. ANNUNZIATA, 0534
NOEMI ANTEDOMENICO, 4688
VERONICA V. ANTEOLA, 4838
ANTHONY F. ANTOLINE, 7627
ERIK J. ANTON, 9917
WILLIAM E. ANTONIUS, 0690
JON G. APPELT, 1936
NATHANIEL ARDS, JR., 2243
JEREMY R. ARMAGOST, 4402
CARL R. ARMOUR, 0788
ROBERT ARMOUR, JR., 6186
JASON P. ARNOLD, 2399
MICHAEL D. ARNOLD, JR., 8577
ORBELIN ARREOLA, 2081
DAVID A. ARRIOLA, 8139
WILLIAM H. ASHFORD, 9335
DAVID M. ASHLEY, 0309
NAOMI M. ASHWORTH, 7456
LAMONT ATKINS, 5905
DAVID A. ATKINSON, 8305
MATTHEW C. ATKINSON, 6257
CHRISTOPHER J. AUGERI, 0764
ROBERT K. AULT, 5281
ATHANASIA G. AUSTIN, 7537
PETER G. AXTELL, 4429
CURTIS P. AYERS IV, 7591
CHRISTOPHER E. BACKUS, 7775
BRYAN J. BAILEY, 3538
KATHERINE M. BAILEY, 5908
MICHAEL C. BAILEY, 9988
RANDY S. BAILEY, 1695
MATTHEW B. BAKER, 6690
JEFFERY A. BALDWIN, 2639
PAUL D. BALDWIN, 5159
JEFFREY B. BANKS, 1813
KATHARINE G. BARBER, 1201
SEAN K. BARDEN, 3036
TERRY R. BARENBERG, 4168
ERNEST J. BARINGER IV, 1615
DANIEL P. BARKER, 4914
MARGARET A. BARKER, 8169
AARON R. BARNES, 1525
MATTHEW THOMAS BARNES, 8412
WILEY L. BARNES, 7467
ROBERT B. BARNETT, 3706
CATHERINE V. BARRINGTON, 2027
JOSEPH A. BARRY, 6554
JUSTIN P. BARRY, 7075
BRIAN C. BARTELS, 3813
JOHN V. BARTOLI, 8294
JASON E. BARTOLOMEI, 3177
DERRICK Q. BARTON, 8172
CHRISTIAN L. BASBALLE, 2126
ALEXANDER D. BASCO, 8689
MELVIN E. BASKERVILLE, JR., 2890
MATTHEW L. BAUGH, 7133
ALAN F. BAUM, 0594
MELEAH L. BAUMAN, 3703
JOHN A. BAYCURA, 2431
BRIAN O. BEALES, 3257
TODD W. BEARD, 1334
ROBERT C. BEARDEN, 4008
WILLIAM W. BEATTY, 3472
JAMES D. BEATY, 0023
JONATHON N. BEAVERS, 0461
JASON L. BECK, 9615
JAMES A. BECKER, 1126
CHRISTOPHER T. BECKMAN, 0122
JASEN J. BECKMAN, 0784
KRISTI L. BECKMAN, 2272
GREGG C. BEEBER, 9201
SCOTT J. BELANGER, 0817
LORI R. BELL, 4513
AFIA I. BELLABELLA, 1544
CARY M. BELMEAR, 5166
JOHN F. BELO, 6890
BRIAN L. BELSON, 0278
MARSAILLUS BELTON, 4492
MARTIN BENAVIDEZ, 6673
FRANCIS M. BENEDICT, 3409
ANNETTE I. BENNETT, 1737
DAVID J. BENNETT, 2891
JUDSON L. BENNETT III, 6024
KYLE A. BENWITZ, 6831
JONATHAN T. BERARDINELLI, 1335
BERNARD L. BERCK, JR., 6456
JENNIFER A. BERENGER, 9476
MATTHEW R. BERG, 5429
KEVIN S. BERGAN, 1921
MATTHEW M. BERGGREN, 2348
SCOTT E. BERGREN, 5993
JOE A. BERNARDI, 7200
GARY E. BERNBECK, 5021
CHAD R. W. BIEHL, 9559
CHANDLER L. BIGELOW, 5682
GEOFFREY O. BILLINGSLEY, 9992
JASON A. BINKS, 8930
JAMES T. BINNS, 5716
JULIE I. BIRT, 9505
BENJAMIN W. BISHOP, 6235
DANIEL P. BISHOP, 6550
JAMES R. BISHOP, 1402
BENJAMIN J. BJERK, 3656
CHRISTOPHER J. BLACK, 5408
KENNETH L. BLACK, 0383
JAMES A. BLACKMAN, 8129
SHANE M. BLACKMER, 2111
HEATHER W. BLACKWELL, 0057
WILLIAM T. BLADEN, 2917
AARON M. BLAIR, 2034
ANGIE I. BLAIR, 8239
JOSEPH T. BLAIR, 2855
DICK J. BLAKEMORE, 8999
ALAN E. BLANCHARD, 1219
MONICA M. BLAND, 4754
EDWIN A. BLEVINS, 3022
RONALD K. BLOME, 2148
TARA J. BLOSE, 0656
DARRIN T. BLUME, 1674
BRYAN L. BOBECK, 4010
KEVIN M. BOBLET, 7359
TIMOTHY J. BODE, 5401
JAMES G. BODINE, 3558
CHRISTOPHER P. BODLEY, 9704
RANDALL D. BOERSMA, 0955
JEFFREY W. BOGAR, 1347
STEVEN E. BOGUE, 9927
JOSHUA E. BOHNART, 7178
MICHAEL B. BOND, 9713
DENISE M. BONDS, 1122
JAMES D. BONE, 9402
CORINNE M. BONNER, 4017
ERNEST L. BONNER, 6538
ROBERT J. BONNER, 4433
DANIEL R. BOORTZ, 8285
WILLIAM P. BOOTH, 4119
JASON R. BORCHERS, 5586
PHILLIP G. BORN, 3080
TIMOTHY J. BOS, 9686
BRAD M. BOUDREAUX, 5622
JONATHAN P. BOULET, 9405
MICHAEL A. BOWLBY, 9274
BENJAMIN L. BOYD, 4283
DAVID J. BOYD, 3032
MICHAEL J. BOYER, 5750
JEFFREY D. BRACH, 7925
KEVIN BRACKIN, 7154
MATTHEW J. BRADLEY, 0044
CHRISTOPHER P. BRADY, 4523
AMANDA D. BRANDT, 6473
MATTHEW L. BRANDT, 3888
RICHARD W. BRANSON, 0798
JEANNE M. BRASSEUR, 6548
MARK F. BRAUN, 2486
MARCUS D. BRAZELL, 1313
JONATHON H. BREINGAN, 0011
MAXIMILIAN K. BREMER, 1132
MATTHEW C. BRENNER, 3711
JAMES E. BRICKNER, 0116
TY C. BRIDGE, 0189
SCOTT D. BRODEUR, 0348
DANIEL N. BROOKER, 7060
JERRY M. BROOKS, JR., 8498
ANTHONY T. BROWN, 0495
BRYAN D. BROWN, 7270
DARIN T. BROWN, 9033
JIMMY K. BROWN, 7671
MARK BROWN, 3150
MATTHEW T. BROWN, 6148
MICHAEL L. BROWN, 3823
RICHARD KEVIN BROWN, JR., 2213
THOMAS W. BROWN, 2764
SEONG M. BROWNELL, 4360
DAVID F. BRUNK, 5359
MICHELLE R. BRUNSWICK, 1833
SCOTT A. BRYANT, 0281
GEORGE M. BUCH, JR., 8159
BARTON K. BUCHANAN, 6414
WILLIAM A. BUCKINGHAM, 2624
MATTHEW D. BUEHLER, 1195
WADE A. BUHLER, 1208
THOMAS R. BULTHAUS, 2128
JASON B. BURCH, 5493
TRACY K. BURGE, 5986
JAMES E. BURGESS, 4993
KIRSTEN G. BURGESS, 6933
DANIEL C. BURTZ, 7373
BENJAMIN C. BUSCH, 1827
BRETT A. BUSH, 0873
RICHARD E. BUSH, 2616
CHRISTOPHER M. BUSQUE, 1260
JAY E. BUTTERFIELD, 7660
ALICIA M. BUTTON, 7288
KENNETH B. BUTTREY, 2389
BRENT S. BYWATER, 7977
ROLAND I. CADIZ, 4807
ANDREW C. CAGGIANO, 2797
JEFFREY B. CAIN, 9945
MONIFA C. CAINES, 8113
ANTHONY M. CALABRESE, 2269
VERONICA J. CALLIGAN, 8614
CASEY A. CALLISTER, 5518
JEFFREY A. CALVERT, 8465
ANDREW J. CAMPBELL, 8116
CHRISTINA M. CAMPBELL, 0621
HARRIET L. CAMPBELL, 9603
JASON S. CAMPBELL, 1363
KIM N. CAMPBELL, 5639
MICHAEL J. CAMPBELL, 9229
ROBERT H. CAMPBELL, 3324

RYAN A. CAMPBELL, 8933
JOSEPH L. CAMPO, 6683
JEAN L. CAMPS, 9266
MICHAEL T. CANCELLARE, 8612
RODOLFO G. CANCINO, JR., 1098
STEVEN ANDREW CANN, 5474
APRIL J. CANTWELL, 2892
JOHN K. CAPLINGER, 2977
ANTHONY R. CARAGAN, 1105
ERNESTO J. CARCAMO, 2336
RYAN K. CARIGNAN, 4838
BRYAN C. CARLSON, 1831
DAVID W. CARLSON, 8519
MICHELLE C. CARNS, 5916
BETH ANN CARPENTER, 4041
MARK D. CARPENTER, 9520
ANTHONY B. CARR, 3317
JAMES R. CARROLL, 7002
JASON O. CARROLL, 3018
JOHN M. CARROS, 3027
DESMOND R. CARTER, 0148
JEFFREY F. CARTER, 1229
REBECCAH L. CARTER, 7641
RICHARD D. CARTER, JR., 6064
ARTHUR D. CARTWRIGHT, 2162
BRUCE A. CARVER, 8122
RICHARD P. CARVER, 4862
ALANA R. CASANOVA, 2460
FRANCISCO CASANOVA, 3490
SCOTT D. CASE, 8876
BRANDON A. CASEY, 9747
MICHAEL J. CASEY, 5671
DAHNYELL M. CASLOW, 3018
JASKA T. CASON, 6853
RACHEL CASTELLON, 8295
TAMMIE I. CATAZARO, 6949
CHRISTINE A. CATRIB, 6665
SEAN ANDRE L. CELI, 3709
JASON R. CEMINSKY, 8536
MARSHALL F. CHALVERUS, 2797
MARK E. CHAMBERLIN, 3826
JAMES I. CHAMBERS, 0578
ROBERT V. CHAMBERS, 5948
SIU FAI JOHN CHAN, 6388
JEAN PAUL CHAUSSE, 2136
CHRISTOPHER R. CHERRY, 8760
CHRISTOPHER E. CHILDRESS, 8547
JASON A. CHURCH, 9788
MATTHEW E. CLAPP, 3288
CHAD G. CLARK, 9579
JASON T. CLARK, 4514
JOSHUA D. CLARK, 0531
MICHAEL A. CLARK, 1033
RAFAEL C. CLARK, 5724
SCOTT H. CLARK, 1556
EDWARD G. CLARKE IV, 1503
JENNIFER A. CLAVENNA, 7029
WALTER CLAY, 1530
DANIEL C. CLAYTON, 3109
CHAD W. CLEMENTZ, 8281
BRIAN M. CLIFFORD, 9736
MARK B. CLIFFORD, 1702
DORIS M. CLUFF, 0623
ERIN C. CLUFF, 8104
JESSICA L. CLUNE, 4423
RICHARD R. COALSON, JR., 9676
WILLIAM E. COBB, 2336
BRADLEY L. COCHRAN, 8746
STEVEN M. COCHRAN, 4234
CHRISTOPHER D. CODDINGTON, 5452
CHRISTOPHER S. CODY, 8671
DANIEL J. COE, 1839
MICHAEL A. COE, 4046
RICHARD A. COE, 5465
JEFFREY S. COHEN, 8409
JOHNSTON A. COIL, 9377
JAMIE C. COKER, 5947
SEVERINE R. COLBORG, 3897
CLAYTON J. COLE, 6586
MATTHEW J. COLEMAN, 3555
DENVER J. COLLINS, 0785
JUSTIN K. COLLINS, 3944
MICHAEL W. COLLINS, 4265
ROBERTO R. COLON, 4281
BENJAMIN D. CONDE, 7890
AARON C. CONDEL, 3170
SCOTT T. CONDIT, 6560
RAY D. CONLEY, 9038
RYAN T. CONSIE, 7474
CHRISTOPHER M. CONSUEGRA, 2686
ANNEMARIE CONTRERAS, 2398
MATHEW A. CONTRERAS, 8140
MICHAEL J. CONWAY, 5563
BENJAMIN M. COOK, 7325
THOMAS A. COOK, 3477
MARCUS L. COOLEY, 2032
DAMON G. COON, 9791
CHRISTOPHER M. COOPER, 8457
JEFFREY B. COOPER, 3915
JOHN D. COOPER, 4072
OMAR F. CORAL, 7458
CHRISTIAN P. CORNETTE, 9205
PAUL S. CORNWELL, 7962
MARK H. CORRAO, 4244
EDITH I. CORREAPEREZ, 3663
ALEX CORTES, 1145
SEAN J. COSDEN, 8023
LAZARO M. COSTA, JR., 1558
DAVID R. COTE, 2379
KEVIN COUSIN, 0435
AMY M. COX, 0482
JOSEPH L. COX, 5583
CYNTHIA C. COY, 6993
DAVID P. COYLE, 5205
BRIAN J. COYNE, 7365
JEFFREY C. CRAIG, JR., 4034
GREGORY F. CRAVEN, 2632
ADRIANNA CREECH, 2987
CHARLES T. CREECH, 7318
JONATHAN M. CREER, 0457
BRIAN E. CREIGHTON, 6160
DOUGLAS O. CREVISTON, 7080
JERRY L. CRIGGER, JR., 6153
MATTHEW T. CRILL, 6476
BRIAN G. CRUZ, 3508
MIGUEL A. CRUZ, 1312
FELIX J. CRUZMONTANEZ, 3079
PATRICIA A. CSANK, 8209
JEFFREY B. CUCUEL, 5284
MAURICE G. CULLEN, 1590
LOUIS S. CUMMING, 3950
CHRISTOPHER M. CUNNIFF, 8897
MATTHEW T. CUNNINGHAM, 3207
THORSTEN H. CURCIO, 8234
SCOVILL W. CURRIN, 9204
CAMERON M. CURRY, 4760
ALEXANDER D. CURTIS, 5111
ANN M. CURTIS, 6198
BRIAN R. CUSSON, 8893
GREGORY K. CYRUS, 1101
JONATHAN M. DAGLEY, 0972
LISA K. DAHL, 0513
RYAN R. DAHL, 8540
MICHAEL D. DAILEY, 6094
CHADD M. DALBEC, 8080
MARK A. DALY, 0574
IZA Q. DAM, 4955
MARK K. DANGER, 1445
THOMAS D. DANIEL, 6936
CHRISTOPHER C. DANIELS, 5791
BART W. DARNELL, 5279
KEVIN L. DAUGHERTY, 9193
MICHAEL L. DAVIDE, 1291
CHRISTOPHER J. DAVIS, 0405
GREGORY A. DAVIS, 9047
JONATHAN G. DAVIS, 7177
MATTHEW L. DAVIS, 4170
MICHAEL N. DAVIS, 6045
MICHAEL P. DAVIS, 5269
EDWARD W. DAWKINS, 3671
RICHARD O. DAY, 7372
FREDERICK T. DEAKINS, 7296
DARTAGNAN R. DEANDA, 1841
JOEL R. DEBOER, 4288
JAMES R. DEDOMINICI, 6657
BRIAN A. DEGENNARO, 9405
KIRK A. DEITRICH, 4710
RAMON CARLOS P. DEJESUS, 9016
JOHN D. DELBARRIO, 5412
ANTONIO C. DELELLO, 5577
KORI M. DELWICHE, 5715
DAVID W. DENGLER, 3938
GAVIN W. DEPEW, 4624
ANGELA C. DEREIX, 9050
JOHN C. L. DEREIX, 7556
ANDREW E. DEROSA, 1746
MICHAEL L. DEROSA, 3651
JAMES M. DETWEILER, 5865
SCOTT A. DEVENISH, 9600
WENDY A. DEVENISH, 5040
JOHN W. DEVINCENZO, 0960
ALEXANDER F. DEVOE, 9124
LEE S. DEWALD, JR., 9882
BRIAN M. DEWITT, 1941
KENNETH D. DEWLEN, 4427
NICHOLL R. DIAL, 9852
ANTHONY DIAZ, 6956
CHAD DIAZ, 2615
JOEY L. DIBLE, 9354
RICHARD R. DICKENS, 6680
ROY A. DIETZMAN, 4740
JASON T. DIGIACOMO, 7843
JOHN M. DILLARD, 4325
JOSEPH T. DILLIS, 6883
DAVID M. DINES, 9900
JOHN D. DISEBASTIAN, 1524
JOHN C. DOBBIN, 5527
TRAVIS G. DOKE, 2590
BERRETT J. DOMAN, 0821
MATTHEW R. DOMSALLA, 9016
JACK DONAHUE, JR., 4925
WILLIAM R. DONALDSON, 1153
COLIN P. DONNELLY, 3946
JEFFREY W. DONNITHORNE, 5257
JOEL A. DOPP, 4999
PHILIP C. DORSCH, 7900
EURETHA T. DOTSON, 8124
JASON D. DOTTER, 5329
CHRISTOPHER S. DOTUR, 8240
BALLARD SHERRYANN DOUGLAS, 8233
TYRONE D. DOUGLAS, 7170
DANIEL D. DOYLE, 3613
JAMES S. DOYLE, 6142
MICHAEL J. DROST, 2656
SCOTT B. DUBSKY, 2648
BRIAN T. DUFFY, 2751
SCOTT A. DUHAIME, 4477
JOHN E. DUKES, JR., 4151
CHARLES E. DUNAWAY, 9541
JOHN C. DUNCAN, 0882
JUSTIN H. DUNCAN, 6313
MAURICE L. DUNN, 3721
MICHAEL W. DUNN, 5609
MATTHEW F. DURKIN, 8394
BRADLEY S. DYER, 5282
JOHN M. DYER, 3272
JEROLD S. DYKE, 5137
MARNITA THOMPSON EADDIE, 2395
LEONARDUS S. EASON, 5493
MICHAEL T. EBNER, 8812
OCTAVIO F. ECHEVARRIA, 4044
JASON A. ECKBERG, 0682
BOND R. EDDY, 6229
CHARLES E. EDDY, 6021
CLARENCE L. EDER, 9908
ANITA M. EDMONDS, 5178
WILLIAM W. EDMUNDS III, 2468
GORDON T. EDWARDS III, 4767
MICHAEL A. EDWARDS, 3948
ROGER EFRAIMSEN, 7389
MITZI L. EGGER, 3733
ERIC E. EIBE, 4359
JASON D. EICHHORST, 8122
JASON C. EISENREICH, 6238
CHRISTIAN G. ELENBAUM, 8344
JULIE ELIZABETH ELENBAUM, 4352
SEAN R. ELLARS, 5525
DAVID M. ELLIOTT, 6824
JEFFREY R. ELLIOTT, 8300
DAVID S. ELLIS, 4441
EDWARD J. ELLIS, 2109
HANS K. ELLISON, 7233
DARREN L. ELLISOR, 4025
BROCK B. EMBRY, 5904
DENISE R. EMERY, 8902
JOHN W. ENGLERT, 0041
JASON R. ENGLUND, 5081
ERIC W. ENSLEY, 2299
KEITH R. ENSOR, 1676
DAVID C. EPPERSON, 9962
LISA L. A. EPPERSON, 0539
KRISTOPHER J. EPPS, 9738
BRIAN F. ERB, 7468
RAYMOND R. ESCORPIZO, 1356
JOHN F. ESHMAN, JR., 4017
MICHELLE C. ESTES, 7998
GIOVANNI J. ESTRADA, 8400
MICKEY R. EVANS, 4115
WILLIAM M. EVANS, JR., 6953
WILLIAM W. EVANS, JR., 0407
REESE D. EVERS, 8939
MICHAEL J. EVON, 1995
TODD R. EWY, 7589
BRAD D. EYCHNER, 6634
ERIC B. FAGERLAND, 3646
IAN M. FAIRCHILD, 5101
BRIAN J. FAIRWEATHER, 6843
NOLAN T. FAJOTA, 7961
JAWAD FAROOQ, 2811
TIMOTHY A. FARR, 4433
MARK T. FARRISH, 5097
JAMES M. FAUSEY, 1998
MATTHEW S. FEHRMAN, 2632
PETER P. FENG, 5436
KEVIN W. FENNO, 7638
IAIN D. M. FERGUSON, 5434
SONYA D. FERREIRA, 6067
MARK A. FERRERO, 3769
MILA L. FESLER, 7007
MATTHEW U. FETZER, 3748
JASON R. FICK, 2414
JEREMY A. FIELDS, 9815
ANTHONY S. FIGIERA, 0343
PAUL G. FILCEK, 6866
JAMES A. FINLAYSON, 5917
DANIEL M. FISCHER, 5423
QUINN R. FISCHER, 9910
KEITH K. FISHER, 3394
KENNETH A. FISHER, 1839
SCOTT V. FITZNER, 2435
RICHARD F. FLAMAND II, 4353
JONATHON F. FLANDERS, 3968
JASON C. FLEMING, 1699
RANDY R. FLORES, 0934
JAY T. FLOTTMANN, 7490
THOMAS A. FLOWERS, 0954
DERRICK J. FLOYD, 6519
JOSEPH A. FLYNN, 3851
DANIELLE D. FOLSOM, 2891
NATHAN G. FORBES, 2494
BRYAN P. FORD, 7919
BENJAMIN D. FOREST, 4350
CHRISTOPHER D. FORMAN, 7926
BYRON P. FORMWALT, 3607
BRET L. FORNELIUS, 7950
MATTHEW G. FORSYTH, 4112
ROBERT J. FOSTER, 3497
TIMOTHY W. FOX, 0568
DERON L. FRAILIE, 3952
JAMES D. FRALEY, 1859
JONATHAN J. FRAMPTON, 1757
STEPHEN R. FRANCE, 8573
ROBERT B. FRANCIS, 3302
JOANN K. FRANK, 9683
JOSEPH A. FRANKINO, 4798
GEORGE FRANKLIN, JR., 2559
JASON M. FRAZEE, 5782
GLEN A. FRAZIER, 6311
JERRY L. FRAZIER, 1757
KARL D. FREDERICK, 6740
TIMOTHY A. FREDERICK, JR., 1134
JULIE A. FREEDMAN, 3061
BRIAN K. FREEMAN, 9053
ERIC FREEMAN, 8530
PETER T. FREEMAN, 4217
ROBERT M. FREES, 8371

RAMONA D. FREIMUTH, 7011
JOEL P. FREYENHAGEN, 8458
LUCAS A. FRICKE, 9302
ERIC W. FRITH, 2176
HEATH W. FRYE, 7317
JEFF E. FUGATE, JR., 1144
JAMES G. FULKS, JR., 2892
CHRISTOPHER K. FULLER, 8233
JIMMY D. FULLER, 2537
ALISTAIR D. FUNGE, 0124
MICHAEL S. FURNESS, 3757
KEVIN D. GAEU, 2948
KRISTIN L. GALLOWAY, 5772
DOUGLAS S. GARAVANTA, 5045
GLENN D. GARAY, 7435
MARC J. GARCEAU, 5344
MARCOS GARCIA, JR., 0763
TIMOTHY L. GARMOE, 5926
ROGER J. GARNES, JR., 2186
CRAIG A. GARRETT, 5415
MICHAEL S. GARRETT, 1328
ROBERT E. GARRISON, 8307
CHARLES E. GATES, JR., 6144
JOSEPH M. GATES, 6372
ANGEL M. GAUD, 5232
CHRISTOPHER A. GAY, 8309
F. SELWYN GAY III, 7176
SARAH J. GEIGER, 2621
CLAIR M. GEISHAUSER, 5053
KEITH S. GEMPLER, 7183
MATTHEW T. GENELIN, 7153
LEE G. GENTILE, JR., 6141
STEVEN T. GEOHAGAN, 8723
JEFFREY T. GERAGHTY, 1758
CHANCE W. GERAY, 0752
STEPHEN A. GERKEN, 6964
MICHAEL S. GERNEY, 1258
BORIS M. GERSHMAN, 3370
WALTER D. GIBBINS, 5145
DANE P. GIBSON, 3489
ERIES L. GIBSON, 8573
TODD C. GIGGY, 2895
COLLIN S. GILBERT, 1382
CRAIG M. GILES, 7765
MICHELE A. GILL, 2500
GREGORY W. GILLELAND, 5287
RODNEY A. GILLEN, 1999
BRADLEY C. GILLEY, 2185
KOUJI P. GILLIS, 9656
DAVID W. GILMORE, 1887
BRIAN D. GILPATRICK, 3768
JASON R. GINN, 4072
MATTHEW J. GINNATY, 3939
CHERYL E. GITTENS, 5538
JON E. GIULIETTI, 5211
FRANK J. GLAVIC, 5808
MATTHEW G. GLEN, 2243
JENNIFER S. GOLDTHWAITE, 3162
JOSEPH R. GOLEMBIEWSKI, 5493
KEVEN J. GOLLA, 6264
CESAR GONZALEZ, 8929
ERIC H. GONZALEZ, 3155
FRANCISCO R. GONZALEZ, JR., 8082
KIMBERLY A. GONZALEZ, 0441
REYNALDO GONZALEZ, JR., 0989
BRETT J. GOODEN, 8979
LAURA G. GOODMAN, 9157
MATTHEW G. GOODMAN, 3880
MICHAEL C. GOODMAN, 1632
RICHARD A. GOODMAN, 5063
SCOTT A. GOODMAN, 9334
STEVEN T. GRACE, 3368
BRYAN L. GRADDY, 4644
ALLEN GRADNIGO, JR., 7424
LYMAN D. GRAHAM III, 2060
JOHN M. GRAVER, 1407
KEVIN C. GREEN, JR., 3534
MARSHALL W. GREEN, 9129
MELVIN D. GREEN III, 8497
PATRICK W. GREENLEAF, 6834
RICHARD I. GREENMAN, 1753
CHADWICK D. GREER, 2471
AIMEE N. GREGG, 8327
NICHOLAS H. GREGOR, 7761
KAREN J. GREGORY, 6705
LESTER M. GREGORY, 8021
CHAD G. GREINER, 0981
JOHN C. GREVEN, 7772
BRYAN T. GRIFFITH, 5137
ANDREW C. GRIGGS, 5009
BRENT W. GRIME, 3038
MATTHEW M. GROLEAU, 7275
DANIEL L. GROSS, 9395
MATTHEW J. GROSSEN, 0044
TERRY L. GROSSOEHMIG, 3286
ROBERT E. GROVER, 8064
PETER J. GRYZEN, 0244
MARK D. GUILLORY, 2597
JAMES R. GUMP, 5607
CYNTHIA L. GUNDERSON, 9361
SEAN K. GUSTAFSON, 7607
LEE C. GUTHRIE, 2980
BRIAN L. GYOVAI, 2450
RYAN E. HADEN, 9546
MARK R. HADLEY, 4278
SHAWN D. HAGAN, 8537
SAUL D. HAGE, 9741
JAMES A. HAGEMAN, 5000
ANDREA M. HAGEN, 2237
GUY R. HAGEN, 6976
PAUL HAJDU, 8217
TIMOTHY D. HALE, 1065
NOELLE D. HALL, 5210
SHANE N. HALL, 5681
BRENDAN L. HALLORAN, 0629
NICHOLAS A. HALUPKA, 0485
TODD M. HALVERSON, 6242
BRIDGET V. HAMACHER, 8068
SHANE J. HAMACHER, 1331
JEFFREY A. HAMBLIN, 3847
WILLIAM R. HAMILL, 6264
JOHN W. HAMILTON, 2453
PAUL T. HAMILTON, 0828
WILLIAM H. HAMILTON III, 3674
JAMES M. HAMMA, 0538
DAVID K. HAMMER, 9054
DAVID A. HAMMERSCHMIDT, 9120
RAY C. HAMMOND, JR., 1776
PATRICIA L. HAMRICK, 5524
THOMAS W. HANCOCK, 3795
MATTHEW C. HANDLEY, 0223
RAYMOND F. HANDRICH, 0452
GAGE E. HANDY, 3319
TIMOTHY P. HANEY, 5482
CHARLES D. HANKS, 5670
CORY M. HANNA, 7331
ROBERT L. HANOVICH, JR., 7708
CHRISTOPHER F. HANSEN, 3981
TRACY R. HARDISON, 5086
BRYCE R. HARDY, 7900
JACK F. HARMAN, 2699
LEWIS B. HARPER, JR., 5452
CHAD MARTIN HARRIS, 0261
DANIEL A. HARRIS, 7839
MICHAEL B. HARRIS, 8853
NICHOLE M. HARRIS, 2380
TAMMIE L. HARRIS, 9018
DARYL D. HART, 0794
ERIC C. HARTEN, 1038
JOHN P. HARTIGAN III, 4269
JAMES HARTMETZ, 5263
STEPHEN M. HARVEY, 0700
WILLIAM P. HARVEY, 1144
ERIC S. HASSINGER, 6037
TRAVIS J. HAWKER, 9380
CHRISTOPHER S. HAWKINS, 4559
JOHN W. HAWKINS, JR., 6955
BRIAN C. HAYNES, 7172
KYLE B. HEAD, 8033
NATHAN J. HEALY, 4738
JEREMIAH S. HEATHMAN, 0157
MARK D. HEDDEN, 9548
ERIC J. HEDENBERG, 5663
RICHELLE M. HEFLIN, 7030
DEREK B. HEIFNER, 8975
DAVID O. HEIST, 3658
FRANK HELLSTERN, JR., 2736
JEFFREY M. HEMMES, 1786
KEITH T. HENDERLONG, 1564
BRYAN S. HENDERSON, 9202
RONALD E. HENDERSON, 4025
MATTHEW S. HENRY, 2790
TRAVIS W. HERBELIN, 2939
KRISTIN KOBARG HERDER, 0447
MATTHEW L. HERDER, 9810
JOSEPH E. HERNANDEZ, 0608
RENE D. HERNANDEZ, 6391
TIMOTHY A. HERRITAGE, 2841
WENDELL S. HERTZELLE, 0166
IVAN M. HERWICK, 7478
MICHAEL S. HESSE, 9392
IAN R. HESTER, 6233
JERRY R. HICKEY, 1365
CLIFTON L. HICKS, 2784
JAMES T. HICKS, 5599
JOHN G. HIGBY, 7944
MATTHEW K. HIGGINS, 6275
PATRICK N. HILGENDORF, 3311
DANIEL R. HILL, 0997
ERIN R. HILLABRAND, 5036
KRISS K. HINDERS, 2718
MATTHEW B. HINKLE, 2776
CRAIG W. HINKLEY, 9067
BENJAMIN D. HINTON, 3466
MISTY A. HITCHCOCK, 6164
RYAN D. HOBERT, 8259
CRAIG A. HODGES, 3257
FREDERICK R. HOESCHLER, 3057
PAIGE D. HOFFART, 4908
KATHERINE F. HOFFMEYER, 8065
MICHAEL R. HOGSED, 9715
JASON T. HOKAJ, 6127
JESSICA D. HOLLINGER, 0283
FRED M. HOLLINGSWORTH, 1118
SLOAN L. HOLLIS, 5394
BENJAMIN A. HOLLO, 0231
MARK A. HOLMES, 0326
JOHN E. HOLOVICH, SR., 9360
DAWN M. HOLRATH, 1654
JOHN C. HOLT, 3362
AUSTIN LINNELL HOLTHAUS, 9823
WILLIAM D. HOLYFIELD, 1514
JAMES D. HOOD, 2456
DAVID B. HOOTEN, 6747
AARON M. HOPPER, 5986
SCOTT M. HOPPER, 3454
MATTHEW E. HORIN, 2000
BETH K. HORINE, 5453
MICHAEL G. HORLBECK, 7148
FRANCISCO M. HORNSBY, 4500
MICHAEL A. HOROWITZ, 2401
MARK A. HORTON, 6884
ERIC W. HOSAFROS, 8553
BRANDT L. HOUSE, 4513
ROBERT C. HOUSTON, 9505
CHRISTOPHER M. HOWARD, 9142
NATHAN R. HOWARD, 7961
DENNIS H. HOWELL, 4411
GASPAR B. HOWELL, 1398
HELEN J. HOWELL, 4653
WILLIAM J. HOWERY, 6280
CHARLES A. HUBER, 6008
KATHLEEN S. HUBSCHER, 2021
RYAN J. HUCKABAY, 9692
COLIN R. HUCKINS, 1733
MARK L. HUDNALL, 3611
BRIAN M. HUETHER, 1969
FRANCIS RICHARD HUGHES, 8912
KIRK HUGHES, 8124
MICHAEL E. HUGHES, 8159
ERIC M. HUISKENS, 5265
SARA M. HUISS, 4434
CAELI A. HULL, 2551
JASON I. HUMBLE, 1920
HEATHER M. HUNN, 1697
JESSE W. HUNT, 2331
WILLIAM H. HUNTER, 5650
ANDREW B. HUNTOON, 7999
KYLE R. HURWITZ, 6550
STEPHEN H. HUTCHINSON, 5569
PAUL A. HUTCHISON, 5341
WAYNE R. HUTCHISON, 8497
COURTNEY C. HUTT, 1794
JAY E. HUTZELL, 7363
ROSS G. IACOMINI, 2453
PAUL R. IHRIG, 2489
JASON A. ILG, 0968
DAMON A. INGRAM, 4944
DREW M. IRMISCHER, 2479
BURNETT K. ISENBERG II, 5740
TODD A. IVENER, 8916
MICHELLE L. IVERY, 3191
ANDREAS H. IX, 5250
SWAMINATHAN B. IYER, 4464
DENNIS E. JACK, 6112
THEOPHILUS D. JACKMAN, 9623
CLAYTON F. JACKSON, 0783
DOUGLAS D. JACKSON, 8744
HANK D. JACKSON, 0119
PATRICK A. JACKSON, 0418
ROBERT J. JACKSON, 1749
SARAH E. JACKSON, 1461
JIMMY T. JACOBSON, 9133
JOHN M. JACOBUS, 7088
PIOTR R. JAHOLKOWSKI, 0609
MICHAEL L. JAMES, 3733
MICHAEL B. JAMOOM, 6997
STEPHANIE A. JARDINE, 7117
KEITH A. JASMIN, 0143
BERT B. JEAN, 3426
COTINA R. JENKINS, 0528
CHAD W. JENNINGS, 1658
JAMES A. JERNIGAN, 0671
DERYK W. JETER, 4177
JAMES W. JETER III, 3112
ANDREW M. JETT, 5341
DAVID B. JOERRES, 9422
FELIX S. JOHNFINN, 5669
ANDRE T. JOHNSON, 1073
ANGELA L. JOHNSON, 2186
BRADLEY L. JOHNSON, 2186
CARL D. JOHNSON, 7176
DAVID A. JOHNSON, 9327
ERIC A. JOHNSON, 7078
GREGG S. JOHNSON, 3181
JARED M. JOHNSON, 6598
JASON D. JOHNSON, 3470
KEITH C. JOHNSON, 6653
LEIGH G. JOHNSON, 2933
MAX E. JOHNSON, 9321
MITCHELL R. JOHNSON, 0073
OLIVER R. JOHNSON, JR., 0390
SCOTT E. JOHNSON, 7199
THOMAS E. JOHNSON, JR., 8805
CHARLES E. JONES, 3939
HUNTER KENT JONES, 3434
JASON L. JONES, 3921
JEREMY L. JONES, 9898
KEVIN T. JONES, 8637
MICHAEL J. JONES, 1108
TIMOTHY L. JONES, 4615
TIMOTHY L. JONES, 6657
GARDNER J. JOYNER, 3349
LORENA M. JUAREZ, 4185
LAMONT A. JUBECK, 1468
JENNIFER S. JUDD, 0861
MICHAEL P. JULATON, 0963
ANDREW L. JULSON, 9372
NED JUNE, 7950
BRIAN W. KABAT, 9829
CHRISTOPHER J. KADALA, 8298
THOMAS D. KANAK III, 5785
STEVEN M. KATSARIS, 8518
RICHARD A. KATTAU, 6268
SONYA K. KAUFFMAN, 8747
KENNETH R. KAUPP, 6544
CHRISTOPHER S. KAY, 0350
DAVID MICHAEL KAZISKA, 9741
SEAN R. KEAVENEY, 2966
DUSTIN D. KECK, 4642
LOREN D. KEENAN, 0141
JASON E. KEENEY, 9931
RYAN P. KEENEY, 0642
KEVIN D. KEICHER, 6832
GEORGE R. KEITH, 3812
STEPHANIE R. KELLEY, 6712

IAN W. KEMP, 1967
ALBERT A. KENNEDY, 1603
DONALD R. KENNEDY, 2405
KELLIE LYNN KENT, 7484
GRAHAM G. KEPFER, 1097
SEAN M. KERRIGAN, 3517
DIMITRI KESI, 9440
JANETTE D. KETCHUM, 7396
STEVEN A. KETCHUM, 0625
SHARIFUL M. KHAN, 8669
KORY E. KHOURY, 8390
ADAM J. KIEDA, 9154
PATRICK D. KIELB, 5814
TREVOR M. KILDARE, 6597
KEVIN S. KIM, 9873
TREVOR G. KIMBAL, 1381
ROBIN D. KIMBROUGH, 0129
MICHAEL D. KING, 8537
RONALD J. KING, 3286
MIA P. KINSEY, 4578
JESSE A. KIRSTEIN, 7047
SEAN H. KISSINGER, 9597
CHARLES KISTLER, 4554
BRYAN M. KITCHIN, 9552
MICHAEL E. KLAPMEYER, 2648
DAIN O. KLEIV, 1207
JEFFERY W. KLEMSTINE, 5821
RICHARD E. KLETSCHKA, 9956
KYLE W. KLOECKNER, 4721
ERIK J. KNAUFF, 3619
BRIAN M. KNIGHT, 4787
TODD T. KNIGHT, 5625
CANYON D. KNOP, 6530
ROBERT G. KNOWLTON, 0866
CHADD R. KOBIELUSH, 0278
JAMES A. KODAT, 7844
ANDREW J. KOEGL, 0680
KEVIN M. KOENIG, 7201
JAY K. KOETITZ, 4425
DAVID A. KOEWLER, 9147
DONNA LYNN KOHOUT, 6288
STEVEN O. KOHUT, 7634
DALE A. KOLOMAZNIK, 3964
THOMAS A. KOORY, 6722
BRAD J. KORNREICH, 8554
JOHN R. KORSEDAL IV, 8869
KYLE R. KORVER, 8590
JOHN M. KOS, 3180
KEVIN R. KOTULA, 0133
JEFFREY J. KOTZ, 8097
MICHAEL KOWAL, 5774
GREG W. KOZBINSKI, 6005
TAYLOR E. KRENKEL, 7771
CHRISTOPHER D. KRETSINGER, 7815
STACY A. KREUZIGER, 8009
DENNIS J. KRILL, JR., 7879
GREGORY J. KRINO, 2961
SEAN A. KROLIKOWSKI, 4568
JACOB E. KROPOG, 1043
KEVIN W. KRSUL, 1579
JOHN S. KRUCZYNSKI, 3474
CHERISH L. KRUTIL, 2139
CHRISTOPHER J. KUDLACZ, 6481
TIMOTHY P. KUEHNE, 6945
CHRISTOPHER M. KUESTER, 4639
JEFFREY D. KUHN, 2105
COLBY J. KUHNS, 5664
JAE H. KWAK, 6263
SAMUEL KWAN, 5558
MELISSA M. LACEY, 9656
HEATHER A. LADD, 9241
TODD J. LAFORTUNE, 5242
BRIAN S. LAIDLAW, 7801
DAVID J. LAIRD, 4810
TOM C. LAITINEN, 8851
JEFF A. LANCOUR, 5560
JAMES B. LANDERS, 2590
PERRY D. LANDRUM, 1507
FRANK P. LANDRY III, 1780
KALLIROI LAGONIK LANDRY, 6328
NEWSTELL LANEY, JR., 5133
MARC A. LANGOHR, 2925
SCOTT E. LANIS, 2068
THOMAS S. LANKFORD, 5902
JOHN B. LANTZ, 9251
BRIAN P. LANZIERI, 8376
CHRISTOPHER LAPIETRA, 8059
CHRISTOPHER J. LARDNER, 1637
CHRISTOPHER LARKIN, 3170
SCOTT G. LAROCHE, 0253
AARON J. LAROSE, 8963
PETER L. LARSEN, 0644
PETER S. LASCH, 6106
WILLIAM S. LATIMER, 2898
OLIN O. LAU, 7320
ANDREW S. LAUER, 4521
RICHARD F. LAUER, 1965
JASON E. LAUTERBACH, 9685
JUSTIN W. LAVADOUR, 4420
BARRY J. LAWLOR, 0651
ANDREW G. LAWRENCE, 0599
MICHAEL P. LAWRENCE, 7495
PAUL R. LAWRENZ, 2952
BRIAN W. LEBECK, 2237
ANGELA C. LECHOWICK, 0490
BRYAN K. LEE, 0831
CHRISTY N. LEE, 4566
JAMES LEE, 5743
ROBERT A. LEE, 1447
THOMAS LEE, 1914
THOMAS S. LEE, 4595
JONATHAN W. LEFFLER, 2496
CHRISTOPHER J. LEONARD, 5210
NICHOLAS J. LEONELLI, 2923
KELLY K. LEUNING, 7702
WARDELL G. LEVY, 0633
MATTHEW E. LEWIN, 3972
DANIELLE M. LEWIS, 5545
GREGORY R. LEWIS, 9594
MARK C. LEWIS, 9993
MICHAEL M. LEWIS, 9858
TRAVIS W. LEWIS, 0703
CHRISTOPHER A. LI, 6672
CHRISTIAN F. LICHTER, 2748
KATHERINE A. E. LILLY, 6355
C. EVERETT LILYA, 6728
MICHAEL E. LIM, 1450
ANDREW W. LIND, 6392
AARON T. LINDERMAN, 9198
STEVEN A. LINDQUIST, 4112
STEPHEN B. LINDSEY, 9634
CHRISTIAN J. LINGENFELDER, 9434
SCOTT E. LINTNER, 9232
ANDREW J. LIPINA, 6746
ERIC R. LIPP, 0918
JOHN E. LITECKY, 5203
SAMUEL A. LITTLE, 3722
BRADLEY M. LITTLETON, 4555
JEREMY E. LLOYD, 0132
ANDRE M. LOBO, 8947
JOHN C. LOFTON III, 1555
LUKE S. LOKOWICH, 8407
HOWARD S. LOLLER, 3925
FRANCES K. LOMINACK, 6864
JASON T. LONG, 8750
JESSE R. LONG, 3568
MARK L. LONG, 9474
MATTHEW J. LONG, 1358
ROBERT A. LONG, 0880
ROBERT F. LONG, 4672
VALARIE A. LONG, 6134
DAVE A. LOPEZ, 5023
GABRIEL N. LOPEZ, 2173
HECTOR G. LOPEZ, 8140
JASON B. LOTT, 2972
CHARLES T. LOVE, JR., 7276
JAMES R. LOVEWELL, 9903
TAMMY K. C. LOW, 4299
DONALD C. LOWE, 7901
GREGORY B. LOWE, 4395
KATE W. LOWE, 3786
SEAN E. LOWE, 7275
WILLIAM E. LOWERY, 6362
JAMES C. LOZIER, 7320
TIMOTHY M. LUCAS, 7836
AARON P. LUMPKIN, 2393
MICHAEL J. LUTERZO, 6505
ALEJANDRO LUYANDO III, 2015
JESSICA M. LUYANDO, 5027
ROB S. LUZADER, 0849
BONAR A. LUZEY, 6137
ROBERT E. LYMAN, 1224
PHILIP W. LYNCH, 2969
SCOTT D. LYNCH, 7428
SHARON I. LYNN, 4471
DAVID C. LYONS, 8966
HEATHER A. LYONS, 8507
RICHARD R. I. MACALINO, 4550
JAMES C. MACH, JR., 6743
JANIS L. MACK, 3431
RICHARD R. MADER, 4625
SHAD E. MAGANN, 8740
LISA J. MAHON, 0495
KENNETH P. MAIN, 1601
MICHAEL S. MAKSIMOWICZ, 2320
CALEB ANDREW MALCOLM, 1927
ROGELIO MALDONADO, JR., 4554
JAMES L. MALEC, JR., 1411
MARSHALL G. MALHIOT, 3760
LEO P. MANAHL, 2251
DANIEL J. MANGAN, 2592
RUSTIN K. MANGUM, 2989
IAN R. MANIRE, 0129
JAMES R. MANSARD, 5444
PATRICK J. MANTEUFEL, 5133
GEDEON H. MARIAM, 1737
JASON E. MARINO, 6397
ERIN M. MARKWITH, 9117
LOUIS J. MARNELL III, 8506
NICHOLAS J. MAROTTA, 9804
EDWARD F. MARQUEZ, JR., 0019
ROBERT L. MARSH, 3706
JOHN J. MARSHALL, 6359
RALPH D. MARSHALL II, 7905
WILLIAM L. MARSHALL, 4635
ANDREW L. MARTIN, 4138
ANDREW P. MARTIN, 6639
DOMINICK J. MARTIN, 9425
JASON S. MARTIN, 3833
JIM E. MARTIN, 7098
KEVIN C. MARTIN, 3272
KYLE R. MARTIN, 9167
WILLIAM R. MARTIN II, 2252
ALFRED R. MARTINEZ, 3615
MELCHIZEDEK T. MARTINEZ, 7995
RAUL MARTINEZ, 0147
RENE A. MARTINEZ, 1473
RUBEN MARTINEZ, 6720
DEREK P. MARVEL, 3768
JASON L. MASCIULLI, 2925
ROBERT L. MASON, JR., 9744
CONNIE M. MASSEY, 6582
BRADFORD J. MATE, 1831
STEVEN S. MATHIS, 0760
THOMAS S. MATHIS, 4273
PEDRO ENRIQUE MATOS, 4983
CHARLES P. MATTINGLY, 9618
JASON M. MATYAS, 7737
CHRISTINE MAU, 2095
JAMES E. MAUNZ, 7697
MELVIN E. MAXWELL, JR., 7037
CHRISTOPHER M. MAY, 2463
DAVID J. MAY, 5594
DAVID W. MAY, 9371
MARLYS M. MAY, 8840
MICHAEL S. MAY, 2755
PAUL J. MAYKISH, 3857
MIKE MCALEENAN, 6296
MATTHEW W. MCANDREW, 4968
ROBERT K. MCCABE, 0437
WILLIAM E. MCCALLISTER, 4272
ROBERT F. MCCALLUM, 9714
RICKEY G. MCCANN, JR., 3240
KEVIN P. MCCARTHY, 5096
RONALD D. MCCARTY, 3149
DAVID M. MCCOY, 1360
GARRETT E. MCCOY, 0741
MICHAEL T. MCCOY, 8004
SCOTT A. MCCOY, 0789
NEIL P. MCCRACKEN, 0648
PAUL G. MCCROSKEY II, 4404
RICHARD A. MCCURDY, 5700
JASON D. MCCURRY, 9659
DOUGLAS B. MCDANIEL, 1036
ERIN S. MCDONALD, 0355
JAYSON M. MCDONALD, 5042
CHARLES A. MCELVAINE, 9159
VIVIAN R. K. MCFEETERS, 2998
SHAWN P. MCGHEE, 3389
RICHARD E. MCGLAMORY, 1894
JAMES S. MCGREW, 8570
SCOTT E. MCINTOSH, 9742
MICHAEL J. MCKEE, 3674
DANIEL J. MCKELLER, 5989
THOMAS P. MCKINNIS, 1505
DANIEL J. MCLAGAN, 7794
MARJORIE K. W. MCLAGAN, 0808
WILBURN B. MCLAMB, 7989
SUZANNE G. MCLAUGHLIN, 7812
RICHARD F. MCMULLEN, 7119
SCOTT A. MEAKIN, 8003
JEFFREY S. MEANS, 7013
GARY W. MEARS, 7159
JOSEPH J. MEAUX III, 3873
JASON R. MEDINA, 2726
ERIN P. MEINDERS, 3081
ROBERT J. MEISTER, 6585
ESPIRITO D. MELLER, 6048
APRIL D. MENCH, 1357
RICHARD MICHAEL MENCH, JR., 8047
EDWARD V. MENDONES, 4517
CHRISTOPHER MERCENDETTI, 2201
DONALD E. MERCER, 4510
GLEN A. MERCIER, 3749
LARRY D. MERCIER, JR., 0982
ROGER R. MESSER, 0300
WILLIAM M. B. METZ, 3301
HEATHER K. MEYER, 0155
JOSEPH R. MEYER, 0899
TRINIDAD K. MEZA, 3792
ALARIC T. MICHAELIS, 4306
MATTHEW E. MIDDLETON, 2898
THAD R. MIDDLETON, 5760
MICHAEL V. MILEY, 8941
DOUGLAS R. MILLER, 8825
KENNETH J. MILLER, 5902
MARC A. MILLER, 1967
WENDY J. MILLER, 7928
DAVID MILLS, 3772
JASON T. MILLS, 3261
DAVID M. MILNER, 6901
KYLE A. MINARIK, 8747
SCOTT C. MINAS, 2149
ANTHONY MINCER, 7002
DWIGHT D. MINNICK, 1072
KEVIN V. MINOR, 2791
ANTHONY L. MIRANDA, 7831
HEATHER L. MITCHELL, 8067
MORGAN W. MITCHELL, 0740
MIRCEA A. MITRAN, 3600
CRAIG D. MOE, 0146
SHANE M. MOLOSKY, 9337
SEAN R. MONTEIRO, 7952
JEFF RYAN MONTGOMERY, 2867
MELISSA MOONBROWN, 8795
JASON R. MOONEY, 0895
APRIL A. MOORE, 7824
BRIAN D. MOORE, 5642
CRAIG A. MOORE, 7060
EUGENE A. MOORE III, 4137
SUZANNA J. MOORE, 1223
ANTONIO J. MORALES, 0392
JANELLE S. MORAN, 8802
CHARLES F. MORGAN, 4100
DAVID E. MORGAN, 5263
ERIC E. MORGAN, 0337
STEVEN W. MORITZ, 0022
MICHAEL C. MORMAN, 4870
ROSS C. MORRELL, 5463
CHRISTOPHER B. MORRIS, 4757
JASON L. MORRIS, 6614
MARC O. MORRIS, 9161
DANIEL A. MORRISEY, 0951
MATTHEW B. MORRISON, 3327
SANDRA R. MORROW, 3527
MICHAEL D. MOWRY, 2979

LEON H. MUELLER, JR., 0545
RICHARD D. MUERLE, 3772
GERALD C. MULHOLLEN, JR., 2586
JUSTIN A. MULKEY, 4284
GREGORY M. MULLER, 9272
DERCK J. MULLIN, 6482
KENNETH D. MULLINS, 7565
BRIAN R. MULLOY, 9512
ANTONIO MUNOZ, JR., 2461
MONTE T. MUNOZ, 3254
DANIEL J. MUNTER, 9629
DIZZY B. MURPHY, 2434
ERIC M. MURPHY, 6962
TAMARA C. MURPHY, 8172
JESSE L. MURRAY, 5297
SCOTT M. MURRAY, 8623
YIRA Y. MUSE, 4091
DARRELL A. MYERS, 9980
DERON R. MYERS, 8295
CHRISTOPHER M. NAGY, 9966
ANTHONY M. NANCE, 5933
JOSH D. NASSEF, 4686
TODD A. NATHANIEL, 8668
KEVIN R. NATIONS, 9440
GUY A. NAVARRO, JR., 3807
RANDY S. NAYLOR, 4839
JULIO A. NEGRON, 2874
BRYAN PAUL NELSON, 7421
JEFFREY W. NELSON, 2496
KEITH L. NELSON, 0451
MICHAEL A. NELSON, JR., 4336
MICHAEL L. NELSON, 0707
TRAVIS C. NELSON, 0237
MARK C. NEMISH, 5999
VICTORIA L. NEMMERS, 8829
JOHN W. NEPTUNE, 0289
TODD J. NERLIN, 5285
DAVID A. NEWBERRY, 5953
STUART WESTON NEWBERRY, 8424
JOHN P. NEWBILL, 6734
CUONG T. NGUYEN, 6567
TINA H. NGUYEN, 8349
TUAN A. NGUYEN, 6724
MARCUS W. NICHOLS, 4314
THOMAS A. NIDAY, 3421
JASON R. NIELSEN, 0141
CRAIG M. NIEMAN, 2491
ALBERT NIEVES, 1911
ROSE M. NIKOVITS, 3611
GREGORY W. NITA, 4005
MICHAEL A. NOCHE, 1966
MICAH NODINE, 0325
MICHAEL S. NOLAN, 7980
JOEL C. NONNWEILER, 6969
AARON G. NORRIS, 0619
BRIAN P. NOWINSKI, 1305
LEO M. NOYES, 3915
JEREMY B. NYGREN, 7354
ROBERT K. OAKES III, 8403
ROY H. OBERHAUS, 8552
WILLIAM P. OBRIEN, 3869
BRIAN D. OCONNELL, 2592
ROBERT N. ODOM, 8090
HUGH M. ODONNELL, 1062
WILLIAM J. ODONNELL III, 6868
DEVIN O. ODOWD, 2386
FRANK C. OFEARNA, 6241
TIMOTHY R. OHARA, 1912
CHRISTOPHER M. OHLMEYER, 3573
MATTHEW S. OHORO, 9189
MICHELE J. OLSEN, 0063
JOSHUA M. OLSON, 5270
MATTHEW L. OLSON, 9040
ELIZABETH A. OMALLEY, 7818
SCOTT A. OMALLEY, 3315
BRIAN P. ONEILL, 7930
RICHARD M. OPERHALL, 3464
MATTHEW M. ORLOWSKY, 7689
PATRICK J. OROURKE, 6089
SCOTT A. ORR, 0295
DAVID L. ORSCHELL, 4613
JAY A. ORSON, 1348
STEVEN H. OSBORNE, 6075
ENRIQUE A. OTI, 4160
NATHANIEL B. OTT, 4658
NOAH M. OVIEDO, 2057
DAVID B. OWEN, 6408
JAMES P. OWEN, 9074
JOSHUA G. PADGETT, 6461
MILKO R. PADILLA, 7854
DAVID A. PAFFORD, 6426
THOMAS P. PAGANO, 2207
KIRK G. PALMBERG, 4618
TIMOTHY C. PALMER, 3849
DAMIAN D. PANAJIA, 3511
DAVID A. PAPINEAU, 9307
JASON C. PARAISO, 2880
ROBERT M. PARKER, 8794
TARA S. PARKER, 1135
MICHAEL B. PARKS, 8502
RUSSELL L. PARRAMORE, 8325
RAYMOND G. PARTLOW, 2534
YORK W. PASANEN, 2993
WILLIAM P. PASTEWAIT, 4230
ANDREW H. PATE, 8172
KAREN STEWART PATRICK, 8299
DAVID K. PATTERSON, 9826
DAVID S. PATTERSON, 4040
TRACY W. PATTERSON, 8920
DOUGLAS C. PATTON, 9608
JEFFREY M. PAUL, 3164
JASON P. PAVELSCHAK, 3560
AERICK G. PAXTON, 2881
BRIAN C. PAYNE, 2247
HERMAN M. PAYNE, 3143
ROBERT E. PEACOCK, 5752
GEORGE A. PEASANT, 8845
DAVID R. PECK, 0583
KENNETH E. PEDERSEN, 2365
HARLAND F. PEELLE, 0876
BRIAN R. PEETE, 7028
ROBERT K. PEKAREK, 8759
ANTHONY J. PELKINGTON, 6941
DANIEL T. PEMPEL, 2578
DAVID PENA, 4539
AARON D. PEPKOWITZ, 0641
DAVID P. PEPPER, 3616
JEFFREY D. PERCY, 3349
MATTHEW J. PERE, 6699
ELEANOR S. PEREDO, 8720
VICTOR M. PEREIRA, 9132
TODD J. PERLMAN, 6786
ADAM D. PERRY, 1049
EDWARD C. PETERS, 6465
MARK T. PETERS II, 7537
KEVIN M. PETERSON, 4183
CAREY E. PETIT, 7132
PHILLIP A. PETRO, 4397
STEPHEN H. PEUTE, 8465
DAVID A. PFAHLER, 5577
AUDREY G. PFINGSTON, 1064
STEVEN A. PHELPS, 3602
STEPHEN PHILLIPS, 7342
JOSHUA J. PICCIRILLO, 2143
DAMIEN F. PICKART, 9476
GREGORY B. PICKETTE, 7150
PATRICIA Y. PIE, 6031
JULIANNA W. PIEPKORN, 3888
ORRIN C. PIERCE, 4714
JOHN M. PILONG, 2027
STEPHEN J. PINCHAK, 6503
DAVID L. PITTNER, 6343
KIRSTIN L. PLAGGE, 7236
DAVID M. PLAVAN, 8453
CHRISTOPHER J. PLOURDE, 9003
LYNN LOUISE PLUNKETT, 5154
JAMES A. W. POINTER, 3739
JOHN F. POLKOWSKI, 1486
RYAN D. PONTIUS, 9376
JOHN A. PORCHE, 8234
TIMOTHY W. PORTER, 0995
JEREMY P. POTVIN, 3316
GARRET L. POVAR, 9834
LEBERT T. POWELL, 6987
ORVAL A. POWELL, 7818
JENNIFER A. PRAHL, 9702
MICHAEL A. PRATT, 4278
SHELLY PRESCOD, 6250
ADAM G. PRICE, 4801
JAMES W. PRICE, 9431
LEE W. PRICE, 7339
JOHN K. PRINGLE, 9853
DANIEL W. PRITT, 5772
JOHN L. PROIETTI, 5128
JEREMY E. PROVENZANO, 8525
MELISSA D. PRUCE, 0954
ANDRE R. PRUDE, 1498
ROBERT A. PRUSSAK, 8253
DAVID R. PRYOR, 0552
MICHELLE L. PRYOR, 7202
SCOTT GRAYSON PUTNAM, 1652
DINA L. QUANICO, 6734
JEFFREY M. QUEEN, 7437
EDUARDO A. QUERO, 2875
STEVEN L. QUICK, 8575
ERIK N. QUIGLEY, 3281
CARLOS A. QUINONES, 1397
MICHAEL J. RADERMACHER, 5428
DANIEL C. RADICK, 2382
JASON J. RAFFERTY, 9329
MICHAEL J. RAFFERTY II, 4246
BRETT J. RAFTERY, 9619
JEREMY A. RALEY, 8116
ALEXANDER P. RALSTON, 5153
MICHAEL K. RAMBO, 4148
ABEL RAMOS, 5088
CHRISTOPHER R. RANDALL, 5578
MARQUS D. RANDALL, 1600
ROBERT W. RANDALL, 3302
ERIK J. RANKE, 0993
JAMES R. RAPALLO, JR., 0392
MICHAEL C. RASBACH, 5914
DAVID A. RATCLIFFE, 9073
DAVID E. RAYMAN, 3685
TRISHA B. RAYNOHA, 6494
BRADLEY D. READNOUR, 5083
DANIEL J. REBECKY, 2095
AMANDA E. REDASH, 5761
BRYAN K. REDASH, 5819
CARRIE E. REDD, 7318
PETER S. REDDAN, 8399
EDWARD J. REDER, 2841
BRIAN L. REECE, 6174
JENNIFER K. REED, 9990
JERRY P. REEDY, 3181
KURT N. REGLING, 3770
CHRIS E. REICHARDT, 1632
ROBERT B. REID, 7230
PATRICK G. REIMER, 3263
ROBERT D. REIMER, 5464
JOEL A. REINER, 7629
CARRIE A. REINHARDT, 2609
DOUGLAS C. REISING, 1494
JASON M. REPAK, 6758
JASON SANCHEZ RESLEY, 6761
FRANK N. REYES, 1076
GERARDO REYES, 1380
RAMSAMOOJ J. REYES, 6789
DAVID C. J. RHOADES, 9216
KEVIN R. RHODES, 2520
PATRICIA L. RHODES, 3119
STEPHEN E. RHODES, 1908
GILBERT A. RIBONI, 0092
CHRISTOPHER M. RICE, 2093
ROBERT M. RICH, 1081
MICHAEL F. RICHARDS II, 2448
MARK D. RICHEY, 8332
MICHAEL D. RICHMOND, 9387
MARK J. RICHTER, 3094
JEROD G. RICK, 2453
LESLIE P. RICK, 1779
DAVID A. RICKARDS, 1494
KEVIN S. RICKMAN, 0584
JUSTIN A. RIDDLE, 0396
MICHAEL A. RIDER, JR., 6852
SCOTT W. RIDER, 9570
CHRISTOPHER S. RIGGEN, 7833
BRIAN L. RIGGS, 4210
JONATHAN D. RITSCHEL, 2399
TAMIKO L. RITSCHEL, 4190
KEVIN A. RIVERO, 0598
WILLIAM E. ROACH, 6596
ROBERT R. ROBB, 1508
JEFFERY L. ROBERTS, 9719
JOHN C. ROBERTS, 9713
CLAYTON E. ROBINSON, 4953
DAVID H. ROBINSON, 0054
FORD M. ROBINSON, 8016
JOHN D. ROCHE, 0571
ERIC J. ROCKHOLD, 8627
ROY V. ROCKWELL, 2244
JAIME A. RODRIGUEZ, 9718
JUNE F. RODRIGUEZ, 8465
JEANNIE A. ROELLICH, 1021
CHAD A. ROGERS, 0245
THOMAS C. ROGERS, 4334
WILLIAM S. ROGERS, 5839
DANIEL S. ROHLINGER, 9862
JONATHAN M. ROMAINE, 0505
GEOFFREY J. ROMANOWICZ, 6119
RICHARD J. ROMANSKI, 3455
JOSEPH C. ROMEO, 8722
DANIEL T. RONNEBERG, 5227
ETIENNE G. ROSAMONT, 9594
PEDRO L. ROSARIO, 7459
DAVID M. ROSS, 3147
DINAH L. ROSS, 7112
JAMES F. ROSS, JR., 6664
JOSEPH J. ROTH, 9527
FRANCOIS H. ROY II, 5541
JONATHAN S. ROYER, 2372
DANIEL J. RUBERA, 7776
JOSEPH D. RUCKER, 1560
WALTER D. RUDD, 5338
JASON M. RUESCHHOFF, 4436
JASON M. RULO, 9883
ABIGAIL L. RUSCETTA, 1265
ANDREW W. RUSH, 1444
CAMERON H. RUSS, 5196
DOUGLAS S. RUSSELL, 7396
ROBERT V. RUSSELL, 3048
RUSSELL J. RUTAN, 3819
CHAD E. C. RYTHER, 7755
DENNIS M. SABATINO, 1754
JOSEF E. SABLATURA, 4739
JEFFREY A. SALEM, 2331
KELLY M. SAMS, 1016
PETER A. L. SANDNESS, 2642
MARK A. SANDOR, 7884
JOSEPH D. SANDUK, 5838
RAMIRO C. SANTOYO III, 0538
DANIEL M. SAUCER, 2309
MARCUS P. SAULEY, 2211
LYNN E. SAVAGE, 0340
MICHAEL A. SAVILLE, 7049
GORDON D. SAWSER, 0025
MICHAEL M. SAX, 9346
ERIC D. SCHARNOWSKI, 2718
JOHN J. SCHAUERS IV, 2244
JAIMESON D. SCHEBEL, 3996
TRAVIS J. SCHEEL, 1887
STEPHEN L. SCHEIN, 6954
NICOLAS J. SCHINDELER, 4122
CHRISTOPHER G. SCHLAK, 0774
JAMES C. SCHMEHL, 7760
SHANNON L. SCHNEIDER, 7129
MATTHEW A. SCHNOOR, 6161
DONALD E. SCHOFIELD II, 3193
RICHARD G. SCHOGGINS, 1011
PETER W. SCHOLL, 1645
HENRY C. SCHOTT, JR., 7671
MARK A. SCHULMAN, 7541
MAUREEN A. SCHUMANN, 7495
LAWRENCE J. SCHUTZ, 7512
NATHAN C. SCOPAC, 3092
CHRISTOPHER M. SCOTT, 1360
DAVID A. SCOTT, 8482
JOHN DANIEL SCOTT II, 1231
JUSTIN T. SCOTT, 6266
YEHODI SCOTT, 6125
JOSEPH R. SCROGGINS, 2309
BARRY R. SECREST, 5044
GEORGE A. SEFZIK, 4077
TIMOTHY F. SEHNEM, 9491
DAVID C. SEITZ, 8682
DAVID L. SEITZ, 7650

JASON T. SELF, 3202
PETER A. SELKEY, JR., 9712
JAMES D. SELLNOW, 7366
CHRISTIAN A. SENN, 0694
CHRISTOPHER SENSENEY, 8571
SHAWN A. SERFASS, 0643
MARIO A. SERNA, 2794
JASON R. SETTLE, 8962
JOHN M. SEVIER, 6234
CHRISTOPHER A. SEYMORE, 5360
DEVIN L. SHANKS, 9655
JOHN G. SHAPLEIGH, 0463
GRANT BROOKE SHARPE, 2349
JOSEPH L. SHEFFIELD, 2546
JEROMIE K. SHELDON, 7970
MICHAEL S. SHELDON, 6029
SAMANTHA L. SHELTON, 6052
VINCE P. SHELTON, 7846
FRED S. SHEPHERD, 5166
MICHAEL R. SHEPHERD, 8773
CHRISTOPHER J. SHIELDS, 2789
EILEEN M. SHIELDS, 1084
MARK A. SHOEMAKER, 5029
ERIC M. SHONTZ, 3164
DAVID R. SHORT, 8897
MELINDA A. SHORTEN, 8297
JON L. SHUMATE, 4955
JOSEPH P. SIBERSKI, 1784
TRACEY E. SILFIES, 7930
JAMEY P. SILLENCE, 0823
CHAD A. SILVA, 9249
MATTHEW M. SIMMONS, 2547
TIMOTHY J. SIMMONS, 7974
CHRISTIAN G. SIMMS, 7110
STEVEN A. SIMONE, 9220
EDWARD H. SIMPSON, 9838
RYAN K. SIMPSON, 0648
SANJIT SINGH, 0158
JAMY L. SIRMANS, 1711
KENNETH SHELBERT SITLER, 1845
KEVIN L. SITLER, 5163
TRAVIS D. SJOSTEDT, 8917
KELLY A. SKALKO, 4050
JAMES D. SKELTON, 1150
WILLIAM W. SKINNER III, 9410
ERIC W. SKIPPER, 4853
PAUL M. SKIPWORTH, 5723
DAVID M. SLAYDON, 1876
MARK ROBERT SLOAN, 4764
DAVID W. SMALL, 9504
PIERRE R. SMIT, 6610
ALBERT E. SMITH, 7775
ANDREW M. SMITH, 8070
ANTHONY L. SMITH, 9771
BENJAMIN T. SMITH, 8113
BLAKE JASON SMITH, 6736
DANIEL W. SMITH III, 9767
DAVID J. SMITH, 5202
ERIN M. SMITH, 8344
EVAN V. SMITH, 9237
JAMES E. SMITH, 1070
JESSE D. SMITH, 8354
JOHN G. SMITH, 3995
MATTHEW H. SMITH, 3580
SUSANA S. SMITH, 3170
TONIA L. SMITH, 9404
VERONICA E. SMITH, 4937
STEPHEN P. SNELSON, 2128
BRIAN L. SNYDER, 3685
PATRICK S. SNYDER, 9798
DARREN D. SOKOL, 1343
JONATHAN M. SONGER, 4282
YVONNE S. SOROKIN, 0528
NOELLE M. SOSA, 5952
WILLIAM G. SOSNOWSKI, 1211
PETER S. SOTO, 7600
CHRISTOPHER J. SOUTHARD, 8931
JOCELYN L. SOUTHERLAND, 6088
ROBERT L. SOUTHERLAND, 0897
ANDREW A. SOUZA, 5786
MICHAEL A. SOVITSKY, 8988
JEFFREY R. SPARROW, 9763
CHAD A. SPELLMAN, 4364
JAMES H. SPENCER, 0218
ANDRE R. SPICER, 7351
MITCHELL R. SPILLERS, JR., 9370
EDWARD T. SPINELLI, 3480
ERIC J. SPRINGER, 8925
DANIEL C. STPIERRE, 5150
JAMES W. STAHL, 2373
KIMBERLEE R. STAMETS, 8207
DERRICK D. STAMOS, 4768
SCOTT M. STANFORD, 3286
MICHAEL D. STAPLETON, 7412
DONALD L. STARLING, 5386
WILLIAM R. STAUS, 4364
DERICK N. STEED, 4160
ANDREW J. STEFFEN, 3650
CHAD A. STEFFEY, 8268
RICHARD E. STEGGERDA, 2022
OWEN D. STEPHENS, 6540
THOMAS E. STEPHENSON, 9626
SEAN E. STEVENS, 8505
JAN L. STILWELL, 0463
CLINTON W. STINSON, 5130
BRYAN A. STONE, 9084
JUDSON E. STONE, 2411
BARRY A. STOUT, 1794
WILLIAM M. STOVER, 1089
DAWN M. STRAIGHT, 3930
STEVEN A. STRAIN, 7119
JOHN C. STRATTON, 9222
MATTHEW B. STRATTON, 8056
MICHAEL C. STRATTON, 1124
THOMAS A. STRATTON, 9700
KELLY L. STRONG, 6346
ERIC M. STRUMPF, 8495
WAYNETTA GENTRY STUART, 8643
CHEN Y. SU, 8336
PATRICK C. SUERMANN, 7243
JOHN D. SULLIVAN, 2280
KRISTOPHER M. SULLIVAN, 6109
SCOTT T. SULLIVAN, 7454
SEAN S. SULLIVAN, 6882
JOSE E. SUMANGIL, 9787
SEAN P. SUTHERLAND, 5258
KEVIN K. SUTTERFIELD, 5172
GARY A. SWAIN, 7376
JAMES E. SWANNER, 1002
TIMOTHY W. SWANSON, 2690
RYAN S. SWEENEY, 9739
MARTIN D. SWEET, 3192
BRETT T. SWIGERT, 4009
STEPHEN C. SZTAN, 4500
JAMAL J. TABER, 6893
ALEX D. TACEY, 2031
MATTHEW C. TACKETT, 7964
STEVEN WAYNE TAIT, 7159
KIRSTIE I. TALBOT, 1599
STANLEY J. TALLMAN, 6485
JEFFREY M. TANG, 2263
MICHAEL A. TARABORELLI, JR., 8856
ELI C. TATE, 9749
IAN S. TATE, 3807
ROY R. TATE, JR., 5614
MICHAEL B. TATUM, 5518
ANDREW J. TAYLOR, 7106
CHRISTOPHER A. TAYLOR, 7657
JASON T. TAYLOR, 3070
LAURA E. TAYLOR, 0883
STEPHEN T. TAYLOR, 1550
TERENCE G. TAYLOR, 7019
TIMOTHY J. TAYLOR, 0842
CRAIG L. TAYMAN, 7669
KEVIN B. TEMPLIN, 7472
PETER G. TERREBONNE, JR., 6059
VINCENT M. TERRELL, 3636
KATRINA A. TERRY, 9696
LUIS R. THEN, 1403
BRYAN W. THOMAS, 4024
CRAIG E. THOMAS, 2863
DILTRICE M. THOMAS, 2130
JAMES G. THOMAS II, 9069
JEREMY B. THOMAS, 9890
MICHAEL A. THOMAS, 5877
BRADLEY H. THOMPSON, 0817
BRIAN A. THOMPSON, 7798
CHRISTOPHER L. THOMPSON, 6932
LANE D. THOMPSON, 1419
MARK J. THOMPSON, 3780
SHAWN O. THOMPSON, 9401
MARY L. THOMSON, 1441
GREGORY D. THORNTON, 0801
RODNEY M. THURMAN, 2202
CASEY J. TIDGEWELL, 7935
JASON J. TIEGEN, 1756
MARICO L. TIPPETT, 6617
SARAH K. TOBIN, 9006
MICHAEL C. TODD, 8971
MATTHEW D. TONDINI, 6606
RONALD A. TORNESE, 8463
ROBERT R. TORRES, 7498
JERRY TOWNSEND II, 5298
JAMES M. TRACHIER, 8282
JOHN D. TRAN, 0016
DOUGLAS P. TRASK, 2577
JOHN H. TRAXLER, 5248
BRIAN R. TREDWAY, 0980
JOEL E. TREJO, 3819
TRENT W. TRIPPLE, 4376
TRAVIS W. TROTTER, 1023
CHRISTOPHER D. TROYER, 4433
JASON R. TRUDEL, 4298
CONSTANTINE TSOUKATOS, 4669
AARON A. TUCKER, 1331
JAMES P. TUITE, 6628
ROBERT S. TURNER, 6557
SUSUMU UCHIYAMA, 1010
KENNETH D. UNDERWOOD, 2142
DAVID N. UNRUH, 2036
MANUEL J. URIBE, 3450
DENNIS W. UYECHI, 5397
TARA R. VALENTINE, 7759
JERRY M. VAN DYKE, 8666
CHRISTOPHER S. VANCE, 5848
THOMAS B. VANCE, JR., 7218
JERRY J. VANDEWIELE, 4008
JEFFREY S. VANDUSEN, 8543
BARRY J. VANEK, 1953
SPENCER T. VANMETER, 5177
MATTHEW T. VANN, 7783
DANIEL L. VANOSTRAND, 9943
CHRISTOPHER R. VASQUEZ, 5396
FRANK C. VASSAR, 6082
BRADY P. VAUCLIN, 6257
KOREY B. VAUGHN, 0324
PETER VEGA, 1281
SAMMY DIAZ VEGA, 2974
OMAR A. VELASCO, 3127
MARGARET F. VENCIUS, 0299
DAVID A. VERNUSKY, 7329
THOMAS B. VESELKA, 1985
LORI A. VESSELS, 2856
MICHAEL W. VETTER, 7752
SHANE M. VETTER, 7661
MARTIN R. VIDAL, 2998
DOUGLAS W. VIEWEG, 9465
DAVID L. VILLA, 9911
MIGUEL E. VILLARREAL, 1678
JUSTIN M. VINCENT, 4280
GRANT T. VINEYARD, 3042
SHAD D. VINSON, 1926
JILEENE M. VIVIANS, 5065
ALYCIA M. VROSH, 7430
CHRISTOPHER M. WACHTER, 0741
TED A. WAHOSKE, 7830
PAUL J. WAITE, 4501
ANTHONY L. WALKER, 8073
BRADLEY C. WALKER, 4496
IAN L. WALKER, 0384
JASON C. WALKER, 9689
MICHAEL D. WALKER, 7340
JAMES W. WALL, 4703
JEFFREY A. WALLACE, 2069
WILLIAM M. WALLIS, 1373
ERICK JOHN WALLMAN, 5749
LORRAINE M. WALOWSKY, 9890
SHAWN P. WALRATH, 4547
STACY E. WALSER, 8442
BRENDAN P. WALSH, 1347
MICHAEL O. WALTERS, 8369
BRANDE HELEN WALTON, 6315
BENJAMIN GRAY WARD, 1527
MARTHA J. WARD, 8932
PATRICK R. WARD, 2813
RANDY S. WARDAK, 6469
THERESA M. WARDAK, 5858
CATHERINE M. WARE, 3406
MICHAEL S. WARNER, 5248
RICHARD L. WARR, 9372
DANIEL E. WARRENSFORD, JR., 8917
MICHAEL WASHINGTON, 8181
MARK D. WASKOW, 7650
SCOTT G. WATERS, 1809
CHRISTOPHER B. WATSON, 8644
MICHAEL S. WATSON, 2458
JEFFERY A. WEAK, 2086
JAMES C. WEAVER, 4162
JONATHAN D. WEBB, 2366
SAMANTHA WEEKS, 7708
MARK S. WEINER, 8917
JOHN S. WEIR, 5574
RANDALL L. WEITZEL, 7739
JEFFREY H. WELBORN, 4303
CHRISTOPHER S. WELCH, 7898
JUSTIN B. WELLEN, 6808
LINWOOD E. WELLS, JR., 3988
KIMBERLY LEE WELTER, 1149
JAMES D. E. WENT, 3277
BRENT D. WENTHUR, 3617
WILLIAM W. WENZEL, 2393
RANDALL T. WETHINGTON, 0087
DERRICK J. WEYAND, 6406
GREG D. WHITAKER, 5297
DALE R. WHITE, 9023
GEORGEANN WHITE, 1587
JAMES D. WHITE, 1639
LYNELLE N. WHITE, 3597
RYAN W. WHITE, 7738
PAUL W. WHITFIELD, JR., 3591
JONATHAN C. WHITNEY, 5616
JUSTIN A. WHITSON, 7989
STACY S. WIDAUF, 9440
JASON T. WIEHRDT, 0658
DAVID A. WIELAND, 7843
COLIN C. WIEMER, 0275
MICHAEL A. WIGEN, 7384
JANINE O. J. WIGGINS, 9797
CHRISTOPHER M. WILCOX, 6289
BRIAN K. WILKERSON, 2380
BRADY J. WILKINS, 9319
GARY M. WILLIAMS, 5190
JASON M. WILLIAMS, 1244
JOHN D. WILLIAMS, 1761
MICHAEL D. WILLIAMS, 5094
NICHOLE L. WILLIAMS, 4660
SARAH C. WILLIAMS, 2912
SEAN A. WILLIAMS, 2761
TERRY WILLIAMSON, 6220
ALAN L. WILLINGHAM, 2162
DARREN M. WILLIS, 2849
JAMES G. WILSON, 3876
KEITH D. WILSON, 4389
RONALD E. WILSON, JR., 3323
SCOT C. WILSON, 2629
WAYNE W. F. WILSON, 3442
YVONNDE M. WILSON, 0849
AARON N. WILT, 5136
HEATH WIMBERLEY, 6099
JOSEPH H. WIMMER, 0243
ALEXANDRA E. WINKLER, 9195
JESSE V. WINTERS, 8878
BRIAN D. WITKOWSKY, 4968
JEFFREY S. WITT, 0563
THOMPSON C. WOFFORD III, 7295
BRIAN M. WOHLWINDER, 2628
JOHN A. WOJTOWICZ, 3357
KEITH M. WOLAK, 0766
MARK R. WOLFE, 5718
JOHN T. WOLINSKI, 9027
DANIEL R. WOODFORD, 9473
JOHN P. WOODRUFF, 0537
MARGARET E. WOOTEN, 9809
CHRISTOPHER WORDEN, 3146
CARRIE L. WORTH, 5730
PAUL S. WRIGHT, 1425

RASHEEM J. WRIGHT, 7362
MICHAEL C. WYATT, 8131
MATTHEW W. WYNN, 7782
BENJAMIN A. WYSACK, 4829
DONN C. YATES, 5115
JASON D. YEATTS, 5662
EDWARD YEE, 0247
GREGORY J. YOSCHAK, 0233
JEFFREY W. YOST, 8079
ANDREW S. YOUNG, 5388
GREGORY D. YOUNG, 7954
IAN A. YOUNG, 6918
ROBERT J. ZALIWSKI, 0653
MATTHEW J. ZAMISKA, 9046
MICHAEL J. ZEMAN, 7578
JOHN ZENZ, 1843
EBEN M. ZERBA, 3317
SHAIO H. ZERBA, 0371
ERIC G. ZOOK, 1083
MICHAEL J. ZUHLSDORF, 3704
JESSE B. ZYDALLIS, 1409

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be colonel

MAZEN ABBAS, 0171
PATRICIA L. OKEEFE, 3164

To be lieutenant colonel

THEODORE B. ASHFORD, 7234
GEORGE B. COX, 8102
BRENDA T. EDWARDS, 0603
ANTHONY D. GARCIA, 5828
JEAN D. HAYOT, 8674
THARRELL B. KAST, 5521
BENJAMIN S. LAMBERT, 2487
RANDIE L. ONEAL, 0393
GOEFFREY P. PHILLIPS, 3266
MARK A. SCHREIBER, 8780
MILTON L. SHIPMAN, 3031
ROBERT D. SPESSERT, 0624

To be major

SCOTT R. ALLEN, 3830
TIMOTHY P. AUVIL, 0388
ERIC C. BLOOM, 0546
BRYAN L. BURROWS, 6857
PATRICK R. CAMPBELL, 4900
BRIAN K. CONNER, 5484
PAUL M. DAVIS, 1834
JAMES 645 DAVIS, 9
SONNIE D. DEYAMPERT, 3379
ROBERT A. DIXON, 7676
SCOTT D. GRANT, 7183
JOHN R. GRIFFIN, 7709
ALVA E. HART, 2371
DAVID S. HYLTON, 8704
ROBERT P. ISABELLA, 0082
LYNDON C. JOHNSON, 5574
WILLIAM S. KELLEY, 9954
DONAVAN LOCKLEAR, 5782
ROBERT L. SCHILLER, 8657
JOHN M. THANE, 4726
LANCE C. VARNEY, 1721

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

LEE R. YOAKAM, 9409

To be major

TYSON J. WOOD, 9836

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

CHRISTOPHER D. CARRIER, 0609

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

CHRISTOPHER RAMSEY, 9007

WITHDRAWAL

Executive Message transmitted by the President to the Senate on March 7, 2006 withdrawing from further Senate consideration the following nomination:

James Hardy Payne, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit, which was sent to the Senate on September 29, 2005.

HOUSE OF REPRESENTATIVES—*Tuesday, March 7, 2006*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PRICE of Georgia).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 7, 2006.

I hereby appoint the Honorable TOM PRICE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member other than the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

THE SOLOMON AMENDMENT

Mr. STEARNS. Mr. Speaker, on Monday, the Supreme Court unanimously upheld a Federal law ensuring that colleges and universities who receive Federal funds permit open access for military recruiting on their campus. This ruling will allow the United States military to recruit the best and the brightest this Nation has to offer and will also greatly enhance our national security. I commend the Supreme Court for upholding this law.

This issue is of particular interest to me. I attended college on an Air Force ROTC scholarship and know firsthand the importance of the Armed Forces. Therefore, in order for the United States to win the global war on terrorism, the Armed Forces need access to the highest caliber of people, and that is why we must ensure equal access for military recruiters.

In 1996, Congress enacted a provision of law that came to be known as the Solomon amendment. This provision is named for our former colleague from New York and former Rules Committee chairman, the late Jerry Solomon. This provision provides for the Secretary of Defense to deny Federal funding to colleges and universities if they do not provide military recruiters entry to campuses and access to students that is at least equal in quality and scope to that provided to any other employer.

The Solomon amendment was made necessary when a number of universities began restricting the access of military recruiters because of disagreement with certain military policies, such as the military's "don't ask, don't tell" policy.

Mr. Speaker, I will include the entire list of these universities in the RECORD.

Monday's ruling stems from a challenge from a group of law schools on the constitutionality of the Solomon amendment. A number of universities are denying equal access to military recruiters in protest of the "don't ask, don't tell" policy. Last year, I had an amendment on the floor that was patterned after the Solomon amendment, and it also passed.

Mr. Speaker, some of the universities who are denying equal access to military recruiters, are also receiving millions and millions of hardworking Americans' tax dollars every year in terms of research dollars and other things.

Harvard Law School, for example, allowed military recruiters to interview students at the offices of its Veterans Association, but did not use its open personnel to set up the interviews as it did for other recruiters. In the wake of the Supreme Court hearing last fall, Harvard has reversed its decision and now plans to fully cooperate with the military recruiters.

Another example is Yale Law School, who had been letting recruiters use a room to meet with students, but had not been helping to arrange the interviews, as they did with other recruiters. These universities allow IBM, General Electric and other corporations full access, but not the military.

Equal access for military recruiters is an urgent issue. With the U.S. engaged in the global war on terrorism, it is more important than ever for the Armed Forces to recruit high-quality, well-qualified and well-trained personnel. This is why it is so important that the Supreme Court made such a strong statement in support of full and equal access to military recruiters on campus.

Chief Justice John Roberts, who wrote for the courts, said that the Solomon amendment "neither limits what law schools may say nor requires them to say anything. Law schools remain free under the statute to express whatever views they may have on the military's congressionally mandated employment policy. Nothing about recruiting suggests that the law schools agree with any speech by recruiters, and nothing in the Solomon amendment restricts what the law schools may say about the military's policies."

The Court went on to say that the law regulates conduct, not speech, and the hosting of recruiters is not expressive conduct that sends out a message as a former protest.

Mr. Speaker, so in conclusion, once again, I commend the Supreme Court for unanimously upholding the Solomon amendment. As the U.S. is engaged in the global war on terrorism, it is more vital than ever to our national security that the United States Armed Forces have access to recruit the best people to serve in this country.

The material previously referred to is as follows:

[From SolomonResponse.Org]

FAIR PARTICIPATING LAW SCHOOLS

The members of FAIR willing to be named publicly are:

1. The Faculty of Capital University Law School
2. The Faculty of Chicago-Kent College of Law
3. The Faculty of City University of NY (CUNY) Law School
4. The Faculty of DePaul University College of Law
5. The Faculty of University of the District of Columbia David A. Clarke School of Law
6. The Faculty of Fordham University School of Law
7. The Faculty of Georgetown University Law Center
8. George Washington University Law School
9. Golden Gate University School of Law
10. The Faculty of Hofstra University Law School
11. The Faculty of the John Marshall School of Law
12. New York Law School
13. New York University School of Law
14. Northeastern University School of Law
15. The Faculty of the University of Minnesota Law School
16. The Faculty of Pace University School of Law
17. The Faculty of the University of Puerto Rico School of Law
18. The Faculty of Roger Williams University Ralph R. Papitto School of Law
19. The Faculty of the University of San Francisco School of Law
20. The United Faculty of Stanford Law School
21. The Faculty of Suffolk University Law School
22. Vermont Law School
23. The United Faculty of Washington University School of Law

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

24. The Faculty of Whittier Law School
faculties: 24 (18 public)
institutions: 12 (6 public)

CONSIDERATION OF H.R. 4167, THE NATIONAL UNIFORMITY FOR FOOD ACT OF 2005

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentleman from Michigan (Mr. STUPAK) is recognized during morning hour debates for 5 minutes.

Mr. STUPAK. Mr. Speaker, I rise today in strong opposition to H.R. 4167, the National Uniformity for Food Act. If passed, this bill will be a huge setback to consumer safety, public health and America's war on terror. This bill wipes out over 80 State food safety laws and puts our Nation's food safety standards squarely in the hands of the FDA.

State laws that will be overturned include warnings as to the risk of cancer, birth defects, reproductive health issues and allergic reactions associated with sulfiting agents in bulk food. That is why 37 State attorney generals, Democrats and Republicans, oppose this bill. A bipartisan Association of Food and Drug officials also have strong concerns about the legislation.

Let me quote from them. It says, this bill, H.R. 4167, "undermines our Nation's whole biosurveillance system by preempting and invalidating many of the State and local food safety laws and regulations that provide necessary authority for State and local agencies to operate food safety and security programs. The pre-9/11 concept embodied in this bill is very much out of line with the current threats that confront our food safety and security system."

The Association of Food and Drug Officials also said that H.R. 4167 will severely hamper the FDA's ability to detect and respond to acts of terrorism. Again, quoting from this report, it says our current food safety and security system will be significantly disrupted, and our inability to track suspected acts of intentional alteration will be exploited by those who seek to do our Nation harm.

Mr. Speaker, I would like to direct your attention to these two pictures. Which meat do you think is older, the red meat on top or the brown meat on the bottom? It is not really a trick question, but both of these packages of meat were packaged at the same time. Both have been sitting in a refrigerator side by side for 5 months. The meat on the top has been packaged with carbon monoxide which causes the meat to look fresh and red long into the future. The meat on the bottom has not been treated with carbon monoxide. It is brown and it is slimy.

Like I said, the meat on the top is 5 months old and looks as good as new, but it is not. If consumed, you could become severely ill from a food-borne pathogen like E. coli and possibly die from the red meat here on the top.

The FDA, without any independent study, has no objection to allowing meat to be packaged in carbon monoxide. The FDA merely reviewed the meat industry's carbon monoxide proposal. Review is not the same as independent research. By allowing the injection of carbon monoxide in meat and seafood packaging, the meat industry stands to gain $1 billion per year because meat begins to turn brown. When it does, consumers reject it.

Consumers rely on color to determine freshness. Numerous studies from 1972 to 2003 cite color as the most important factors consumers use to determine what meat to buy. The whole purpose behind this carbon monoxide packaging is to extend the shelf life of meat and seafood and to deceive the consumer into thinking the product is fresh. Today, States may pass their own laws and put labels on meat that has been packaged with carbon monoxide, but those laws will be overturned if this bill, H.R. 4167, becomes law.

I will be offering an amendment which allows States to label carbon monoxide packaging of meat, so consumers will know the meat may not look as fresh as it may appear.

Is this really the standard we want for our country? Do we offer low carbon monoxide in meat packaging to make it look fresher, to stay on the shelf longer, and expose our country and consumers to the health and risk of eating contaminated meat and seafood? Public health and safety for food primarily have been the responsibility of States. We should not tie the hands of States who want to protect the health of their citizens. I urge my colleagues to support the Stupak carbon monoxide labeling amendment and vote "no" on H.R. 4167.

ADDRESSING THE ROOT CAUSE OF ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentleman from California (Mr. DREIER) is recognized during morning hour debates for 5 minutes.

Mr. DREIER. Mr. Speaker, this past weekend, under the leadership of our colleagues JIM KOLBE and JOHN CORNYN, a bipartisan, bicameral delegation attended the 45th meeting of the U.S.-Mexico Inter-Parliamentary group that was held in Mexico. The House Members, on Saturday, then went to the Mexico-Arizona border. We had the opportunity there to meet with local law enforcement officials and hospital administrators to discuss the tremendous strain that illegal immigration imposes on resources and law and order in our communities.

As an advocate of greater security at our borders, I have long supported addressing the root cause of illegal immigration, and that is a lack of economic opportunity that exists at home for the people in Mexico. We know that the majority of illegal immigrants come to this country for one very simple reason. They are seeking economic opportunity. They want to better their lives. They want to feed their families. Economic growth, job creation, and higher wages in Mexico are special components to a long-term solution to the very serious problem of illegal immigration.

By pursuing an open trade agenda that expands economic engagement in this hemisphere, we are not only shoring up our regionally based economy, and creating new opportunities for the United States workers, we are benefiting workers, the business owners and investors as well.

Mr. Speaker, we are hoping to drive the economic growth necessary to reduce the number of illegal immigrants who are trying to make that dangerous trek across the border, doing so simply because of the fact that they are wanting, as I said, to feed their families. It was therefore with great interest that I read a recent Business Week article describing the emergence of a growing middle class in our neighbor to the south.

The success of the North American Free Trade Agreement can be seen in the greater economic stability outlined in this Business Week piece. It talked about steady growth, tame inflation, climbing wages and falling interest rates. This increasingly stable and healthy economic environment has helped Mexico become, and I quote from the Business Week article, a middle-class nation where millions have access to mortgages, solid jobs provide security, and a class of strivers saves to put its kids through college.

Mr. Speaker, Mexico's middle class has grown to over 10 million families or 40 percent of all the households in Mexico. Business Week also credits home ownership as another key factor in the emergence of a robust middle class. Strong economic fundamentals have slashed mortgage rates in half in just 2 years. The growing ranks of Mexican homeowners buttresses middle-class growth by allowing families to build equity, plan for their financial futures and move further up the economic ladder.

The middle class has also been able to afford additional consumer goods. Last year, auto sales in Mexico were up 33 percent from 2000 as a record 1.3 million cars and trucks were purchased. Home appliance sales have tripled in the past decade. Even extras like concert tickets and sporting events tickets are increasingly accessible to the average working family.

Mr. Speaker, most of us would not consider refrigerators or baseball games to be major luxuries. But for a country that has struggled greatly with poverty and deep economic crises, these are signs of tremendous economic progress. They are proof that our policy of economic engagement through agreements like the North American Free Trade Agreement are working to bring new opportunities for the people in Mexico and also for the people right here in the United States.

They are an important step forward in ensuring that the swollen ranks of illegal immigrants are losing their incentive to come here illegally to find opportunity. Mexican officials are demonstrating the fact that they recognize the reality of the problem of illegal immigration as well. On February 16th, the Mexican Congress adopted a resolution that acknowledged the graveness of the illegal immigration issue and outlined the principles of its agenda to combat the problem. This resolution cited economic opportunity as critical to a successful campaign to prevent illegal immigration to the United States and to encourage the return of migrants to their homes in Mexico.

I am encouraged by the Mexican Parliament's bold language in accepting responsibility for action, and putting forth the outline of a plan. I am heartened that economic growth is central to Mexico's long-term strategy, because we know a growing Mexican middle class is a shrinking illegal immigrant class.

With greater hope for the future, there is a greater incentive to stay and build a life at home. Mexico is pledging to remain committed to a pro-growth agenda. We must remain equally committed to an open trade agenda that helps our southern neighbor to continue down a path of economic growth and greater opportunity.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 45 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the SPEAKER pro tempore (Mr. PUTNAM) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord our God, around the upper part of this Chamber are profile medallions which recall the personal history of lawmaking. In the center, full-faced and bold before us, is the image of Moses, the great lawgiver of the Hebrew scriptures.

May the people of this Nation and, in particular, those elected to the 109th Congress, who gather here to protect and guide this Nation, be faithful to Your commands.

Your revelation, Lord, gives us nothing less than the lessons we need to address the issues of the day. Your commandments are the foundations on which we build hope. They are the supports which strengthen faith in public action and the food which nourishes the human heart.

By obeying Your laws, those in representative government inspire those they represent, the governed. To internalize Your commands and live according to Your Word is to lead to fulfillment and bring promise to a disillusioned world, when left on its own.

Therefore, in the midst of everything, from You, Lord our God, we choose to draw wisdom and strength, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. THORNBERRY) come forward and lead the House in the Pledge of Allegiance.

Mr. THORNBERRY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 6, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 6, 2006, at 11:05 am:

That the Senate Passed with an amendment and requests a conference with the House on H.R. 2830.

With best wishes, I am,
Sincerely,

KAREN L. HAAS,
Clerk of the House.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. THORNBERRY, from the Committee on Armed Services, submitted an adverse privileged report (Rept. No. 109–384) on the resolution (H. Res. 645) requesting the President and directing the Secretary of Defense to transmit to the House of Representatives all information in the possession of the President or the Secretary of Defense relating to the collection of intelligence information pertaining to persons inside the United States without obtaining court-ordered warrants authorizing the collection of such information and relating to the policy of the United States with respect to the gathering of counterterrorism intelligence within the United States, which was referred to the House Calendar and ordered to be printed.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. THORNBERRY, from the Permanent Select Committee on Intelligence, submitted an adverse privileged report (Rept. No. 109–385) on the resolution (H. Res. 641) requesting the President to provide to the House of Representatives certain documents in his possession relating to electronic surveillance without search warrants on individuals in the United States, which was referred to the House Calendar and ordered to be printed.

THE BARE FACTS ON THE ECONOMY

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I am getting a bit tired of hearing some of my colleagues in the Democrat Party mislead the American people into thinking our economy is in poor shape. Here are the facts, plain and simple.

Our economy has been growing for 17 straight quarters. The National Association for Business Economics predicts the economy will grow at a 4.5 percent rate in the first quarter of 2006. After inflation, disposable incomes increased 2.2 percent in the last 12 months. The Federal Reserve reported that the median net worth of U.S. households increased 1.5 percent between 2001 and 2004. January's unemployment rate fell to 4.7 percent, which is the lowest monthly rate since 2001 and lower than the average of the 1970s, 1980s and 1990s. There have been 29 consecutive months of job gains.

Mr. Speaker, no amount of spin from the left can change the fact that our economy is growing stronger every day under Republican leadership.

RENEWAL OF U.S. PATRIOT ACT

(Mr. KELLER asked and was given permission to address the House for 1 minute.)

Mr. KELLER. Mr. Speaker, reauthorizing the PATRIOT Act today is literally a matter of life or death because it is helping us to win the war on terrorism.

Since we passed the PATRIOT Act in 2001, we have convicted 212 terrorists, and we have frozen $136 million in terrorists' assets.

Reauthorizing the PATRIOT Act is purely a matter of common sense. Is it not common sense that we give law enforcement the same tools to go after terrorists as they now have to go after Mafia dons and drug dealers? Is it not common sense that we can now share data between the intelligence community and the law enforcement community? Is it not common sense that we track deadly terrorists, even though they cross jurisdictional lines or switch cell phones?

I am pleased that the Senate recently voted 89–10 to reauthorize the PATRIOT Act. This legislation provides 30 new civil liberty safeguards and strengthens our port security by providing law enforcement authorities with new authority to secure our ports.

I urge my colleagues to vote "yes" on the PATRIOT Act.

TALIBAN AT YALE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the leftward drift of American higher education has been well documented. On the modern-day campus, nothing is too extreme and all ideas and political philosophies are declared equal in the name of tolerance, often producing ridiculous results.

The most recent example comes from Yale University. In the name of tolerance and diversity, administrators there have enrolled a member of one of the most radically intolerant and nondiverse groups in recent history, the Taliban.

A few years ago, Sayed Rahmatullah Hashemi was a spokesman for Afghanistan's Taliban regime, the same regime that provided safe haven for the 9/11 terrorists and brutally oppressed women and nonMuslims. Today, he is in the Ivy League, a student at Yale.

Rahmatullah said it best himself: "I could have ended up at Guantanamo Bay. Instead, I ended up at Yale."

Mr. Speaker, we have come to a point where elite universities like Yale will tolerate the Taliban on their campus but will not tolerate the ROTC, political correctness in the extreme.

ECONOMY AND FISCAL RESTRAINT

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, there are some days that it probably is a little depressing to be a mainstream media reporter.

In their world, our economy is sinking and the war on terrorism is absolutely hopeless.

Thankfully, in the real world, Americans know that we have drastically impacted al Qaeda's ability to attack us, and our economy is booming. Yes, it is booming.

We are expecting growth this quarter somewhere around 4 percent or more, and that means jobs. We have created almost 5 million new jobs and had 3 years of strong, solid economic growth.

When you compare our economy to Europe, to most nations, we are in an amazing era. Unemployment is below 5 percent. That is outstanding, and it is a shame that the mainstream reporters just cannot get the story right.

Our tax policies reduced the burden of taxation on Americans, and they have responded as they always do, by creating new jobs.

WOMEN'S HISTORY MONTH

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today in honor of Women's History Month.

As we remember the great women of past generations, we must also salute those women who are serving as role models and leaders today.

One such woman is Tammy Cohen of Marietta, Georgia, my district. Tammy is cofounder and president of InfoMart, and under her guidance, InfoMart has grown from a small startup business to the largest female-owned background checking company in the world.

Mr. Speaker, Tammy's success as a female entrepreneur is inspiring, and while she is deeply respected for her business know-how, she is equally praised for her compassion and willingness to help.

When Hurricane Katrina struck the gulf coast last year, Tammy led a group of InfoMart employees who rented vans, gathered supplies and drove to New Orleans to rescue 15 children and 20 caretakers from a boys' home in Louisiana. Tammy then worked with community groups and local businesses in Marietta to house, feed and clothe these hurricane victims.

Mr. Speaker, during Women's History Month, it is important to honor those women who are making a difference in the lives of others. Tammy Cohen is undoubtedly one of these women.

I ask my colleagues to join me in celebrating her accomplishments.

SUPREME COURT DELIVERS A VICTORY FOR NATIONAL SECURITY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, as a member of the Armed Services Committee and a father of three sons serving in the military, I frequently have an opportunity to meet with the dynamic young men and women of the U.S. military. I am always encouraged to hear them describe their pride as Americans and their strong sense of duty to their country. After witnessing the horrific attacks of September 11, these young people understand that their generation will protect our freedoms in the future.

Yesterday, the Supreme Court ruled unanimously to ensure that men and women at colleges and universities will continue to have an opportunity to learn about serving in the United States military. America's Armed Forces have created the broadest spread of freedom in the history of the world, which protects American families. By allowing military recruiters to visit college campuses, the Court has ensured that the United States will remain the best military in the world.

In conclusion, God bless our troops, and we will never forget September 11.

REAUTHORIZING OF PATRIOT ACT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, today the Congress will send to the President of the United States the reauthorization of the PATRIOT Act. Chairman JIM SENSENBRENNER and other members of the Judiciary Committee and the conference committee are to be commended for their effort in putting together a bill that balances the liberty and security interests of the American people.

This is an issue that is not just theoretical for me, Mr. Speaker. I not only serve on the House Judiciary Committee, but I was here on September 11, and I served on the committee as we built the PATRIOT Act in the immediate days following that national tragedy. That is why making 14 of the 16 provisions of the PATRIOT Act permanent is a critical element of ensuring the security of the American people, and putting safeguards on the two remaining provisions is evidence of a careful balancing act that has been accomplished in a bipartisan way.

We must equip law enforcement and intelligence officials with the tools necessary to protect our Nation from terrorist attacks. We must also safeguard the civil liberties of the American people to fulfill the vision of freedom.

For that reason, I urge my colleagues, with gratitude to our leadership, to move this PATRIOT Act to the President today.

☐ 1415

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. PUTNAM) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC., March 6, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on March 6, 2006, at 4:42 p.m. and said to contain a message from the President whereby he submits draft legislation entitled, "Legislative Line Item Veto Act of 2006".

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

LEGISLATIVE LINE ITEM VETO ACT OF 2006—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–94)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Budget and the Committee on Rules and ordered to be printed:

To the Congress of the United States:

In my State of the Union Address, I asked the Congress to give the President a line item veto. Today, I am sending the Congress a legislative proposal to give the President line item authority to reduce wasteful spending. This legislation will help to limit spending and ensure accountability and transparency in the expenditure of taxpayer funds.

Although the Congress achieved significant spending restraint this past year, appropriations and other bills that are sent to my desk still contain spending that is not fully justified, is a low priority, or is earmarked to avoid the discipline of competitive or merit-based reviews. When this legislation is presented to me, I now have no ability to line out unnecessary spending. In 1996, the Congress gave the President a line item veto—an important tool to limit wasteful spending—but the Supreme Court struck down that version of the law in 1998.

My proposed legislation, the "Legislative Line Item Veto Act of 2006," would provide a fast-track procedure to require the Congress to vote up-or-down on rescissions proposed by the President. There has been broad bipartisan support for similar proposals in the past. Under this proposal, the President could propose legislation to rescind wasteful spending, and the Congress would be obligated to vote quickly on that package of rescissions, without amendment. The same procedure would apply to new mandatory spending and to special interest tax breaks given to small numbers of individuals.

Forty-three Governors have a line item veto to reduce spending. The President needs similar authority to help control unjustified and wasteful spending in the Federal budget. I urge you to promptly consider and send me this legislation for enactment to reduce unnecessary spending and help achieve my goal of cutting the deficit in half by 2009.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 6, 2006.*

COMMUNICATION FROM THE HONORABLE BARBARA CUBIN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable BARBARA CUBIN, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 1, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena, issued by the U.S. District Court for the District of Columbia, for documents.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

BARBARA CUBIN,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

GERARD A. FIORENZA POST OFFICE BUILDING

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3934) to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the "Gerard A. Fiorenza Post Office Building".

The Clerk read as follows:

H.R. 3934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GERARD A. FIORENZA POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, shall be known and designated as the "Gerard A. Fiorenza Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Gerard A. Fiorenza Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3934, introduced by the distinguished gentleman from New York (Mr. KING), would designate the post office in Massapequa, New York, as the Gerard A. Fiorenza Post Office Building. As the postmaster general of Massapequa, Jerry Fiorenza was a vital member of the community, someone who was always available to help out where needed.

His first position with the postal service was as a postal assistant in Jamaica, New York, in 1972. As a letter carrier, he received a letter of recommendation, and in 1990 he was assigned as the officer in charge to the Valley Stream office. He then served as postmaster in Hewlett, Massapequa Park, and finally Massapequa.

While serving in Massapequa, he was known for his strict attention to detail and his friendly demeanor. In fact, the Massapequa Post publisher, Alfred James, is quoted as saying: "When I first came to Massapequa a few years ago as the publisher of the Massapequa Post, it was Jerry who was there to answer all of my questions and help me whenever a problem arose. Jerry was committed to his profession and to the community and prided himself in providing the best possible postal service."

Along with serving in this capacity, Jerry Fiorenza was also involved in many other organizations, such as the Combined Federal Campaign, the United Way, and Toys for Tots. Locally, aside from being a member of the

National Association of Postal Supervisors and a postmaster representative, he also served as a member of the Massapequa Chamber of Commerce, the Sons of Italy, the Columbia Association, American Legion Post 1066, and the Republican Club. In addition, he was named Massapequa's Man of the Year in 2001.

Mr. Speaker, I ask all Members to join me in recognizing this beloved and respected member of the Massapequa community by passing H.R. 3934.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my colleague in consideration of H.R. 3934, legislation naming the postal facility in Massapequa, New York, after Gerard A. Fiorenza. This measure was sponsored by Representative Peter King on September 28, 2005, and unanimously reported by our committee on November 16, 2005. The bill has the support and cosponsorship of the entire New York delegation.

Gerard Fiorenza, a native of New York, was born in Brooklyn, attended St. Anthony of Padua Elementary School, graduated from Brooklyn Academy, and attended Queens Community College. Later, he moved his family to Massapequa and began his career with the U.S. Postal Service as a postal assistant. He was promoted to station manager and then officer in charge before attaining the rank of postmaster of the Massapequa Post Office.

A respected member of his community, Postmaster Fiorenza was active in postal management organizations such as the National Association of Postal Supervisors, NAPS; the National Association of Postmasters of the United States; and local organizations such as the Chamber of Commerce, United Way, and Toys for Tots.

Sadly, he passed away, following a battle with cancer, on December 7, 2001. Mr. Speaker, I commend my colleague for seeking to honor the legacy of Postmaster Gerard Fiorenza and urge swift passage of this bill.

Mr. KING of New York. Mr. Speaker, today I rise in support of H.R. 3934, legislation that would designate the United States Postal Service facility located at 80 Killian Road in Massapequa, New York, as the "Gerard A. Fiorenza Post Office Building."

I cannot think of a more fitting tribute to Jerry Fiorenza than to name the post office in Massapequa where he worked in honor of him. I am proud to have introduced this legislation and to have the support of the entire New York delegation. Jerry, a native of Brooklyn, worked for the Postal Service for nearly 30 years starting as a postal assistant and rising to serve as postmaster in Hewlett, Massapequa Park, and Massapequa. He also served as president of the National Association of Post Masters, NAPUS, and was deeply involved in his community serving as a member of the Massapequa Chamber of Commerce, the Sons of Italy, the Columbia Association, and American Legion Post 1066. In 2001 Jerry was selected as Massapequa's Man of the Year.

Jerry was also a devoted husband to his wife, Carol, and loving father to his two children, Michael and Jessica. He is truly missed by so many on Long Island.

I urge the House of Representatives to pass H.R. 3934 to honor Jerry Fiorenza, a public servant and community leader.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DENT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and pass the bill, H.R. 3934.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DEWEY F. BARTLETT POST OFFICE

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4054) to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the "Dewey F. Bartlett Post Office".

The Clerk read as follows:

H.R. 4054

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEWEY F. BARTLETT POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, shall be known and designated as the "Dewey F. Bartlett Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dewey F. Bartlett Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I rise in support of H.R. 4054, offered by the distinguished gentleman from Oklahoma (Mr. SULLIVAN). This bill would designate the post office in Tulsa, Oklahoma, as the Dewey F. Bartlett Post Office Building.

Dewey Bartlett was born in Marietta, Ohio, on March 28, 1919. He was educated in the Marietta public school system and later went on to attend Princeton University. While in college, he returned home during his summers to work in the Oklahoma oil fields. In 1945, after serving in the military during World War II, he moved to Tulsa to assume a managing role in his family's business.

Dewey Bartlett's political career started in 1963, when he became an Oklahoma State senator. He then ran successfully for Governor of Oklahoma and served in this capacity for 5 years. Finally, in 1972, he was elected to the United States Senate, where he served until 1979.

During his service in government, Bartlett was dedicated to a strong national defense. He also fought for a lean government, with limited layers of bureaucracy, which he felt was important to protect the constitutional guarantees of individual liberty, freedom, and justice.

Mr. Speaker, I urge all Members to come together to honor a man who promoted excellence in government by passing H.R. 4054.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Government Reform Committee, I am pleased to join my colleague in consideration of H.R. 4054, legislation naming a postal facility in Tulsa, Oklahoma, after Dewey F. Bartlett. This measure was sponsored by Representative JOHN SULLIVAN of Oklahoma on October 7, 2005, and unanimously reported by our committee on February 1, 2006. The bill has the support and cosponsorship of the entire Oklahoma delegation.

Dewey Bartlett was born and raised in Marietta, Ohio. He later attended Lawrenceville Preparatory School in New Jersey and graduated from Princeton University. During World War II, he served in the U.S. Marine Corps as a dive-bomber pilot in the South Pacific. After the war, Dewey Bartlett moved to Oklahoma, working as a farmer, rancher, and independent oil producer.

Politics called and Mr. Bartlett was elected to the State senate in 1962. Four years later, he made a successful run for Governor. He was recognized for his efforts in economic development, which benefited all Oklahomans, and for working in a bipartisan manner.

In 1972, Governor Bartlett was elected to the U.S. Senate, where he served from 1973 to 1979. He did not seek reelection because he was battling lung cancer. Sadly, he passed away in Tulsa, Oklahoma, on March 1, 1979.

Mr. Speaker, I commend my colleague for seeking to honor the legacy of Senator Dewey F. Bartlett by naming a postal facility in his hometown, and I urge swift passage of this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DENT. Mr. Speaker, I yield such time as he may consume to my distinguished colleague from the State of Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I rise today in proud support of my bill, H.R. 4054, which will designate the 6110 East 51st Place post office in Tulsa, Oklahoma, as the Dewey F. Bartlett Post Office.

Dewey F. Bartlett was a strong advocate for conservative values. A war veteran and public servant for Oklahoma and the Nation, he served as the second Republican Governor of Oklahoma and is a distinguished alumnus of the United States Senate.

☐ 1430

He was a true representative of Oklahoma values, leadership and drive. I am pleased that we are able to honor him in this way.

After graduating from Princeton University in 1942, Dewey Bartlett served in the Marine Corps as a combat divebomber during World War II. As a result of his courageous efforts in the South Pacific theater, he was awarded the Air Medal.

After the war, he moved to Tulsa, Oklahoma, and became a farmer, rancher and oil man. He was a partner in Keener Oil Company, one of the oldest independent oil companies. In 1963, Bartlett began his career in public service by joining the State senate, and in 1967 he became Oklahoma's 19th Governor. One of his priorities while in office was increasing industry in Oklahoma. As Governor, the results of his hard work helped to produce a record $148.4 million in new industries or improvements on existing facilities and create an additional 7,500 jobs for Oklahomans.

From 1972 to 1978, Bartlett served as a Member of the United States Senate. During his tenure, this proud Oklahoman maintained a strong and consistent stance of limiting government bureaucracy, reducing burdensome taxes, and maintaining fiscal responsibility. I am proud to share Dewey Bartlett's vision of conservatism, and work daily towards the goal of promoting commonsense Oklahoma values in Congress.

I encourage my colleagues to join me in support of this legislation. By designating the Dewey F. Bartlett Post Office in Tulsa, we are commemorating an exceptional citizen who embodied the Oklahoma spirit.

Mr. COLE of Oklahoma. Mr. Speaker, I rise today to support the Dewey F. Bartlett Post Office Designation Act and urge my colleagues to do the same.

Mr. Speaker, Dewey Bartlett served our country in the Marine Corps during World War II and, when he came to Oklahoma after the war, he began to serve the State. He was first a member of the Oklahoma Senate, then Oklahoma's 19th Governor, and finally a United States Senator. It is no exaggeration to say that he is one of the most consequential public figures in Oklahoma history.

During his term as Governor, his goal was to meet his campaign promises, the first of which was to strengthen the State's economy. The numbers during the Bartlett administration are impressive. Two years into his term, Oklahomans spent $148 million building new industries or improving existing capital. In 1969, the State had 1 million jobs for the first time in its history. He journeyed widely to bring outside businesses into the State. In 1968 alone, he traveled 100,000 miles on behalf of the State, some of it at his own expense.

Bartlett's time in the Senate was equally remarkable. He wrote about NATO and the Soviet Union and collaborated with Senators across the aisle. Whether visiting chambers of commerce or the White House, Oklahoma's military installations or villages in Somalia, Senator Bartlett held the conviction that Oklahomans and Americans were special and could contribute something to the rest of the world.

Mr. Speaker, Governor Dewey Bartlett was rightfully important to us Oklahomans, and, I believe, his example can say something important to the rest of the country today. Partisanship was strong during the Bartlett administration, not unlike partisanship that develops when the clash of ideas is strong. During his watch in the late 1960s, there were questions about State funding authority and disputes over sex education policy. Some of his actions to address student unrest at the University of Oklahoma were unpopular. And though he was the first Governor of Oklahoma eligible to be reelected, he lost in an election that was so close that the National Guard had to be deployed to protect ballot boxes.

Mr. Speaker, despite the acrimony, Bartlett was optimistic. He opened his final State of the State Address with these words: "Most of you looked for solutions to State problems through a Democratic point of view; I from a Republican viewpoint." But, he continued, "this competitive difference, I believe, brought out the best in each of us." Differences of opinion, in short, were not reasons to condemn or deride one another. Rather, they were the building blocks upon which the future of the State depended.

Granted, the party meant something to Bartlett, but the State was more important. Even in the end, just a few months before he died, Senator Bartlett retired early so that his successor, David Boren, could have additional seniority to benefit Oklahoma. This country, and this Congress, would do well to build upon Bartlett's legacy in this regard.

Mr. Speaker, Dewey Bartlett believed in serving his country and his community, and so it is fitting that we name a post office after him in his hometown, Tulsa. For him, Oklahoma was a great State that could be even better, and his vision inspires those of us who serve Oklahoma today.

With that, Mr. Speaker, I urge other members to support this resolution and pass the bill under suspension.

Mr. DENT. Mr. Speaker, I urge all Members to support passage of H.R. 4054, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PUTNAM). The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and pass the bill, H.R. 4054.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DENT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

HIRAM L. FONG POST OFFICE BUILDING

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2089) to designate the facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, as the "Hiram L. Fong Post Office Building".

The Clerk read as follows:

S. 2089

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HIRAM L. FONG POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, shall be known and designated as the "Hiram L. Fong Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Hiram L. Fong Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate bill S. 2089 offered by Senator AKAKA. This bill would designate the post office in Honolulu, Hawaii, as the "Hiram L. Fong Post Office Building."

Hiram Fong was born on the island of Oahu in Honolulu on October 15, 1906. The seventh of 11 children, Fong helped to support his family at an early age by earning money selling newspapers, shining shoes and caddying on golf courses. After graduating from high school, he went on to attend the University of Hawaii and was inducted into Phi Beta Kappa as a graduate in 1930. He then graduated from Harvard Law School and began a career of public service that spanned over 40 years. He served in the Territorial House for 14 years, including 6 as Speaker of the House.

With the coming of statehood in 1959, he ran for a seat in the United States Senate and was elected to three consecutive terms until his retirement in 1976. While serving in office, he was highly regarded for his work on immigration and naturalization law, and for encouraging relations with the People's Republic of China and other developing nations of Asia. From providing timely answers to constituent concerns, to being widely respected by both sides of the aisle, Senator Fong was indeed a great leader.

I ask all Members to honor his leadership by passing S. 2089.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Hawaii (Mr. ABERCROMBIE), the author of this legislation.

Mr. ABERCROMBIE. Mr. Speaker, I would like to amplify my formal statement with a few personal observations. The chairman has kindly indicated some of the history of Senator Fong. It is interesting when I look down and see the word Hiram L. Fong, because he is so much of the history of Hawaii, we all think of him as Senator Fong.

As has been noted, he was the seventh of 11 children of an immigrant family. If there was ever a story of Hawaii, of our rainbow people and our aloha spirit, it is Hiram Fong. He worked a lot of jobs and worked his way through school and did very, very well. He founded not only a prominent law firm but founded as well what became a financial empire.

I have some real interest in it because the very first campaign that I ever ran was funded by Senator Fong's Finance Factors. I went down to get a loan. I thought if I was going to run against him, I thought the least I could do, in the spirit of bipartisanship, was to ask him to help fund my campaign. As a graduate student at the University of Hawaii, I went down to borrow $50. They said we cannot lend you $50, we have to lend you $200 if we are going to make any money on this. So I said, I will take it. I was able to run my very first campaign on Hiram Fong's dime, although I should say nickel, because that is what I passed out in the streets of Honolulu to represent the inflation that I thought we were going to have to deal with in those days. That was an innocent time.

Senator Fong was always gracious. Senator Fong was always able to reach out. As has been noted, he was elected as a Republican in a very Democratic State. He was supported in great measure and elected in great measure with the support of labor in Hawaii. Most particularly, the ILWU, the International Longshoremen Workers Union, testifying in favor of the establishment of a commission in 2005, after he passed away, to honor and recognize him as a political, business and community leader testified. "The Senator was a successful businessman and a Republican who never forgot his humble beginnings. He was a strong supporter of civil rights and often crossed the aisle to cooperate on issues important to Hawaii's unions and workers."

Senator Hiram Fong came to the United States Senate with the arrival of Hawaii as the last State of the Union. Probably nothing could be more fitting than to recognize him today through this legislation and the pioneer effort that he made. Yes, the last State to enter the Union had as its first Senator the son of an immigrant family who came from China looking for opportunity, looking for justice, and found it in the person of their son, and a true son of Hawaii, Hiram Fong.

Mr. Speaker, I rise today in support of S. 2089, a bill to designate a post office in Honolulu, Hawaii, after Senator Hiram L. Fong. This is a fitting tribute for a man who was a great statesman, businessman and community leader.

Senator Fong was born on October 15, 1906, in Kalihi. He was the seventh of 11 children in an immigrant family. A firm believer of standing on his own feet, he worked numerous odd jobs while in public school in order to help support his family. He worked his way through the University of Hawaii where he graduated with honors in 1930. He went on to Harvard Law School and became the state and county Deputy Attorney General of Honolulu for three years.

At the age of 31, Senator Fong began his public service career by serving in Hawaii's Territorial House of Representatives. His ability to work well with both Democrats and Republicans was quickly identified and he was elected Speaker of the House during his first term in office. In 1959, he was elected to the first of three consecutive terms in the U.S. Senate.

Senator Fong never forgot his humble beginnings and was an ardent supporter of labor rights. Despite being a Republican, Senator Fong enjoyed widespread support from the labor unions, particularly the International Longshore and Warehouse Union (ILWU) which endorsed Senator Fong's candidacy to Congress and campaigned for his reelection.

Senator Fong played an integral role in Hawaii becoming the 50th state and worked on many landmark laws such as the authorization of the Interstate Highway System and the establishment of the East-West Center.

Senator Fong's work and leadership will impact generations to come and it is with great honor that I rise to support S. 2089 in recognition of his leadership and service to this country. I ask my colleagues to support this measure and appreciate the House's attention to the life and work of this great man.

Mr. DENT. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join with my colleagues in consideration of S. 2089, legislation naming the postal facility in Honolulu, Oahu, Hawaii, after Hiram L. Fong. This measure, sponsored by Senator DANIEL AKAKA and cosponsored by Senator DANIEL INOUYE, was unanimously passed by the Senate on March 3, 2006. An identical measure, H.R. 4509, sponsored by Mr. ABERCROMBIE, was unanimously reported by our committee on February 1, 2006.

Hiram L. Fong, a native of Hawaii, was a noted and well-known member of Hawaii politics. Mr. Fong was a graduate of the University of Hawaii and Harvard Law School before practicing law in Honolulu. He later served as deputy attorney for the city and county of Honolulu, and during World War II, Mr. Fong served as a major and judge advocate of the 7th Fighter Command of the 7th Air Force from 1942 to 1945.

He began his political career in 1938 as a member of the Territorial legislature, serving 4 years as Vice Speaker and 6 years as Speaker and Vice President of the Territorial Constitutional Convention in 1950. In 1959, Mr. Fong was elected as a Republican to the United States Senate. Upon the admission of Hawaii as a State, he was reelected in 1964 and again in 1970.

Senator Fong did not seek reelection in 1976. Instead, he returned to private enterprise, serving as chairman of Finance Enterprises, Limited. Sadly, he passed away on August 18, 2004.

Mr. Speaker, as Senator AKAKA, my good friend and colleague observed last week upon the Senate passage of S. 2089, "Senator Hiram Fong was a man of great integrity and a compassionate advocate for civil rights and workers' rights. It is fitting that a United States Post Office near his home in Kalihi be named in his honor. During his 20 years of service in the United States Senate, Senator Fong personified a spirit of bipartisan cooperation. He was instrumental in enacting landmark civil rights legislation in the

1960s; reforming U.S. immigration laws to end discrimination against Asian immigrants; improving job training programs for workers; and fighting for equal pay for women. The people of Hawaii were truly fortunate to have been represented by Hiram Fong."

I commend my colleagues for seeking to honor the political legacy of Senator Hiram Leong Fong and urge swift passage of this legislation.

Mr. CASE. Mr. Speaker, I rise today in full support of S. 2089, legislation which provides permanent recognition—the naming of the prominent Kapalama post office in Honolulu, Hawaii—of the late, great U.S. Senator Hiram L. Fong of Hawaii, whose long life—he died in August 2004 at the age of 97—was dedicated to reshaping, for the betterment of all, the social and political landscape of twentieth-century Hawaii.

S. 2089, introduced by Senator DANIEL AKAKA, and cosponsored by Senator DANIEL INOUYE, passed the Senate on March 3. I was pleased to cointroduce its companion, H.R. 4509, with Congressman NEIL ABERCROMBIE on December 13, 2005.

Born into poverty in Honolulu in October 1907, Hiram L. Fong was the seventh of 11 children of Chinese-immigrant parents. His father, Fong Sau Howe, originally from China's Kwangtung Province, arrived in Hawaii in 1872, one of 45,000 Chinese immigrants who came to Hawaii to work on the plantations of the islands' once dominant sugar industry. His mother, Fong Lum Shee, arrived in Hawaii when she was 10 years old to work as a maid.

By all accounts, Hiram Fong was enterprising, even as a child. He shined shoes, delivered poi, sold newspapers, led visitors to local tourist spots as well as caddied nine holes of golf for 25 cents.

He attended Hawaii's public schools and was a member of McKinley High School's famous class of 1924, whose 216 members, many of them first-generation immigrants, became some of Hawaii's most distinguished lawyers, business executives, and public servants. Hiram Fong himself became the first resident of Hawaii to receive the Horatio Alger Award for overcoming poverty to achieve great success in law, business, and public service.

As a student at the University of Hawaii, Fong found time to edit the student paper and the yearbook, become a member of the volleyball, rifle and debate teams, and serve as president of the YMCA and Chinese Students Alliance, all the while working at the Pearl Harbor Naval Shipyard as a supply clerk. He somehow managed to graduate from the University of Hawaii with honors in 1930 after just 3 years.

After working at what was then the Suburban Water System of Oahu from 1930 to 1932, Hiram Fong attended Harvard Law School. Upon graduation in 1935, he returned to Honolulu to work as a deputy city attorney.

In 1938, when he was 31, he founded the law firm of Fong, Miho, Choy and Robinson, and entered and won a race for a seat in the Territorial House of Representatives. A member of the Republican Party, he forged a coalition of independent Republicans and Democrats to win election as speaker of the Territorial House, where he would serve a total of 14 years, including three terms as speaker.

Hiram Fong's political career was interrupted by World War II, when he was called to active duty with the Army Air Corps. He served as judge advocate with the 7th Fighter Command of the Seventh Air Force. He later retired as a colonel in the U.S. Air Force Reserve.

As a member of the Hawaii Territorial House, Fong supported legislation designed to help organized labor and working families. In 1945, he supported what became known as the "Little Wagner Act," which allowed agriculture workers to unionize. It was Hiram Fong's understanding of and identification with Hawaii's laborers and plantation workers and fellow immigrant families that enabled him, a Republican in an increasingly Democratic Party-dominated Hawaii, to continue winning elections.

His one electoral defeat, which ended the first phase of his political career, came in 1954, when he lost his race for re-election to the Territorial House seat by a mere 31 votes. Hiram Fong then focused on real estate, insurance, and investments, and established a number of successful island firms: Finance Factors, Finance Realty, Finance Home Builders, and Finance Investment, to name a few.

In the Statehood year of 1959, Fong embarked on the second phase of his political career by running for and winning one of the two new United States Senate seats created for the newly established State of Hawaii. He won re-election in 1964 and 1970, and served with honor and distinction, beloved by all in his native Hawaii and beyond, until his retirement on January 2, 1977. At his retirement, Senator Fong was the ranking Republican on the Senate Committee on the Post Office and Civil Service.

But even then, Senator Fong, as he was universally known thereafter with great affection, returned home to his various business enterprises and to the devotion of his expanded family. Well into his nineties, he was a remarkable sight as he strode through downtown Honolulu on his way to and from work, excited by what the day brought and eager to continue his long string of accomplishments. At his death, his body lay in state in Hawaii's State Capitol as whole generations of citizens paid tribute to a remarkable man who led a remarkable life.

It is both fitting and appropriate that we provide this modest memorial, as he would have wished, in order to remember the essence of public service and a life well lived by Hawaii's quintessential native son, Hiram L. Fong.

I would like to thank our House Leadership, Congressman TOM DAVIS, chairman of the House Government Reform Committee, and Congressman HENRY WAXMAN, the committee's ranking member, for their assistance in moving this bill expeditiously to the House floor. I also appreciate the support of my colleagues on this measure.

I am certain that Senator Fong's family and friends, and all of Hawaii, are appreciative of all of your support. Mahalo.

Mr. Speaker, I yield back the balance of my time.

Mr. DENT. Mr. Speaker, I urge all Members to support passage of S. 2089, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and pass the Senate bill, S. 2089.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

REMEMBERING THE LIFE OF DANA REEVE

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, I rise to pay tribute to Dana Reeve who passed away last night following a battle with lung cancer.

I am deeply saddened by the loss of my dear friend, and would like to take a moment to reflect on her life. She faced extraordinary challenges and handled them with the utmost grace, dignity and strength.

When her husband, Chris, was first injured, Dana helped establish the Christopher Reeve Foundation. Recognizing a lack of any place to go for comprehensive information for newly injured patients and their families, she worked tirelessly to establish the Christopher and Dana Reeve Paralysis Resource Center. Since the launch of this center in 2002, it has assisted thousands of spinal cord injured patients and their loved ones in dealing with the many issues and anxieties that come along with such an injury. Dana used her personal experience to improve the quality of life for all people living with paralysis.

This was typical of Dana, to see beyond her own circumstances and find a way to ease the suffering and confusion of others. After her husband's passing, she moved forward with his message of hope and healing. Today, it is up to all of us to continue their legacy. As Chris and Dana would say, let us go forward.

My thoughts and prayers go out to Dana Reeve's family, friends and all those who mourn her. May God bless her.

USA PATRIOT ACT ADDITIONAL REAUTHORIZING AMENDMENTS ACT OF 2006

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2271) to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

The Clerk read as follows:

S. 2271

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006".

SEC. 2. DEFINITION.

As used in this Act, the term "applicable Act" means the Act entitled "An Act to extend and modify authorities needed to combat terrorism, and for other purposes." (109th Congress, 2d Session).

SEC. 3. JUDICIAL REVIEW OF FISA ORDERS.

Subsection (f) of section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861), as amended by the applicable Act, is amended to read as follows:

"(f)(1) In this subsection—

"(A) the term 'production order' means an order to produce any tangible thing under this section; and

"(B) the term 'nondisclosure order' means an order imposed under subsection (d).

"(2)(A)(i) A person receiving a production order may challenge the legality of that order by filing a petition with the pool established by section 103(e)(1). Not less than 1 year after the date of the issuance of the production order, the recipient of a production order may challenge the nondisclosure order imposed in connection with such production order by filing a petition to modify or set aside such nondisclosure order, consistent with the requirements of subparagraph (C), with the pool established by section 103(e)(1).

"(ii) The presiding judge shall immediately assign a petition under clause (i) to 1 of the judges serving in the pool established by section 103(e)(1). Not later than 72 hours after the assignment of such petition, the assigned judge shall conduct an initial review of the petition. If the assigned judge determines that the petition is frivolous, the assigned judge shall immediately deny the petition and affirm the production order or nondisclosure order. If the assigned judge determines the petition is not frivolous, the assigned judge shall promptly consider the petition in accordance with the procedures established under section 103(e)(2).

"(iii) The assigned judge shall promptly provide a written statement for the record of the reasons for any determination under this subsection. Upon the request of the Government, any order setting aside a nondisclosure order shall be stayed pending review pursuant to paragraph (3).

"(B) A judge considering a petition to modify or set aside a production order may grant such petition only if the judge finds that such order does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the production order, the judge shall immediately affirm such order, and order the recipient to comply therewith.

"(C)(i) A judge considering a petition to modify or set aside a nondisclosure order may grant such petition only if the judge finds that there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person.

"(ii) If, upon filing of such a petition, the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation certifies that disclosure may endanger the national security of the United States or interfere with diplomatic relations, such certification shall be treated as conclusive, unless the judge finds that the certification was made in bad faith.

"(iii) If the judge denies a petition to modify or set aside a nondisclosure order, the recipient of such order shall be precluded for a period of 1 year from filing another such petition with respect to such nondisclosure order.

"(D) Any production or nondisclosure order not explicitly modified or set aside consistent with this subsection shall remain in full effect.

"(3) A petition for review of a decision under paragraph (2) to affirm, modify, or set aside an order by the Government or any person receiving such order shall be made to the court of review established under section 103(b), which shall have jurisdiction to consider such petitions. The court of review shall provide for the record a written statement of the reasons for its decision and, on petition by the Government or any person receiving such order for writ of certiorari, the record shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(4) Judicial proceedings under this subsection shall be concluded as expeditiously as possible. The record of proceedings, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures established by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

"(5) All petitions under this subsection shall be filed under seal. In any proceedings under this subsection, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions thereof, which may include classified information.".

SEC. 4. DISCLOSURES.

(a) FISA.—Subparagraph (C) of section 501(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(d)(2)), as amended by the applicable Act, is amended to read as follows:

"(C) At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under subparagraph (A) or (C) of paragraph (1) shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.".

(b) TITLE 18.—Paragraph (4) of section 2709(c) of title 18, United States Code, as amended by the applicable Act, is amended to read as follows:

"(4) At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under this section shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, except that nothing in this section shall require a person to inform the Director or such designee of the identity of an attorney to whom disclosure was made or will be made to obtain legal advice or legal assistance with respect to the request under subsection (a).".

(c) FAIR CREDIT REPORTING ACT.—

(1) IN GENERAL.—Paragraph (4) of section 626(d) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d)), as amended by the applicable Act, is amended to read as follows:

"(4) At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under this section shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, except that nothing in this section shall require a person to inform the Director or such designee of the identity of an attorney to whom disclosure was made or will be made to obtain legal advice or legal assistance with respect to the request for the identity of financial institutions or a consumer report respecting any consumer under this section.".

(2) OTHER AGENCIES.—Paragraph (4) of section 627(c) of the Fair Credit Reporting Act (15 U.S.C. 1681v(c)), as amended by the applicable Act, is amended to read as follows:

"(4) At the request of the authorized government agency, any person making or intending to make a disclosure under this section shall identify to the requesting official of the authorized government agency the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, except that nothing in this section shall require a person to inform the requesting official of the identity of an attorney to whom disclosure was made or will be made to obtain legal advice or legal assistance with respect to the request for information under subsection (a).".

(d) RIGHT TO FINANCIAL PRIVACY ACT.—

(1) IN GENERAL.—Subparagraph (D) of section 1114(a)(3) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(3)), as amended by the applicable Act, is amended to read as follows:

"(D) At the request of the authorized Government authority or the Secret Service, any person making or intending to make a disclosure under this section shall identify to the requesting official of the authorized Government authority or the Secret Service the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, except that nothing in this section shall require a person to inform the requesting official of the authorized Government authority or the Secret Service of the identity of an attorney to whom disclosure was made or will be made to obtain legal advice or legal assistance with respect to the request for financial records under this subsection.".

(2) FEDERAL BUREAU OF INVESTIGATION.—Clause (iv) of section 1114(a)(5)(D) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(5)(D)), as amended by the applicable Act, is amended to read as follows:

"(iv) At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under this section shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, except that nothing in this section shall require a person to inform the Director or such designee of the identity of an attorney to whom disclosure was made or will be made to obtain legal advice or legal assistance with respect to the request for financial records under subparagraph (A).".

(e) NATIONAL SECURITY ACT OF 1947.—Paragraph (4) of section 802(b) of the National Security Act of 1947 (50 U.S.C. 436(b)), as amended by the applicable Act, is amended to read as follows:

"(4) At the request of the authorized investigative agency, any person making or intending to make a disclosure under this section shall identify to the requesting official of the authorized investigative agency the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, except that nothing in this section shall require a person to inform the requesting official of the identity of an attorney to whom disclosure was made or will be made to obtain legal advice or legal assistance with respect to the request under subsection (a).".

SEC. 5. PRIVACY PROTECTIONS FOR LIBRARY PATRONS.

Section 2709 of title 18, United States Code, as amended by the applicable Act, is amended by adding at the end the following:

"(f) LIBRARIES.—A library (as that term is defined in section 213(1) of the Library Services and Technology Act (20 U.S.C. 9122(1)), the services of which include access to the Internet, books, journals, magazines, newspapers, or other similar forms of communication in print or digitally by patrons for their use, review, examination, or circulation, is not a wire or electronic communication service provider for purposes of this section, unless the library is providing the services defined in section 2510(15) ('electronic communication service') of this title.".

This Act shall become effective immediately upon enactment.

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The SPEAKER pro tempore (Mr. PUTNAM). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2271 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate 2271, the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006. On December 14 of last year, the House passed the conference report on H.R. 3199, the USA PATRIOT Improvement and Reauthorization Act of 2005, by a strong bipartisan vote of 251–174. Last Thursday, the other body followed the bipartisan lead of this House and approved the conference report by an overwhelming vote of 89–10.

When the House Judiciary Committee unanimously reported the PATRIOT Act a month after the 9/11 attacks, I pledged to vigorously examine its implementation to ensure that enhanced law enforcement authority is required to reduce America's vulnerability that terrorism did not erode our constitutional or civil liberties.

As the historical record makes amply clear, it was the House, led by former majority leader Dick Armey and me, that forcefully insisted that much of the PATRIOT Act's expansion of law enforcement authority sunset without affirmative congressional reauthorization.

These sunsets helped complement aggressive Congressional oversight of the implementation of the PATRIOT Act. The conference report now passed by both houses represents the product of comprehensive bipartisan consideration consisting of legislative and oversight hearings, briefings, and inspector general reports and committee correspondence. This extensive record, a chronology of which I will submit for the RECORD, has demonstrated that the PATRIOT Act has been an effective tool against terrorists and other criminals.

At the same time, intense congressional and public scrutiny has not produced a single substantiated claim that the PATRIOT Act has been misused to violate American civil liberties. However, the conference report contained over 30 important civil liberties amendments and revisions revised to further mitigate the potential for misuse of the PATRIOT Act.

This bill includes three additional clarifications of the conference report to address concerns raised by some Members of the other body.

First, current law does not expressly provide a recipient of a section 215 order or a national security letter the right to challenge it. The conference report clearly delineated judicial review for such challenges, including the ability of NSL recipients to challenge an accompanying nondisclosure order. S. 2271 would extend the section 215 recipients similar access to judicial review, to challenge and attach the nondisclosure order.

Second, because of national security concerns, the conference report contained language that would allow the government to ask a recipient of one of these national security orders to identify the persons to whom disclosure will be or was made. The Director of National Intelligence expressed concern that without this safeguard, a recipient could disclose the government's investigative efforts to a person with ties to hostile foreign governments or entities.

The conference report permitted the government to determine whether a request is warranted, and if the defendant has made such a request to determine whether the disclosure affected an ongoing investigation. An exception was included for information that might interfere with attorney-client relations, specifically barring the disclosure of the identity of an attorney to whom a recipient planned to disclose. This bill extends the exception to prevent the government from requesting the name of counsels with whom the recipient had already consulted.

Finally, S. 2271 clarifies current law that a library may only be subject to an NSL request if it falls under 18 U.S.C. 2516(15), which defines an electronic communications service provider as any service which provides to users thereof the ability to send or receive wire or electronic communication. This change addresses the potential for misuse alleged by critics of the legislation.

Mr. Speaker, over the last 5 years, the PATRIOT Act has been the focus of virtually unprecedented congressional and public scrutiny. Opponents of this legislation have relied upon exaggeration and hyperbole to distort a demonstrated record of accomplishment and success.

The Justice Department and other agencies have properly used the PATRIOT Act to detect, disrupt and dismantle sales in New York, Virginia and Oregon before they struck. The PATRIOT Act helped tear down the pre-9/11 wall that prevented law enforcement intelligence agencies from sharing critical information necessary to avert terrorist attacks on American soil.

It has become a critical tool of America's law enforcement arsenal and a vital deterrent against terrorist subversion. It upheld our constitutional values, and none of the provisions authorized by the conference report have been held unconstitutional.

Simply stated, the PATRIOT Act has made America safer while safeguarding our civil liberties. The conference report contained provisions to address claims that the PATRIOT Act might be misused to violate civil liberties, and Senate 2271 contains additional provisions to further allay these concerns. I urge my colleagues to support this bill and look forward to the eminent enactment of the USA PATRIOT Improvement and Reauthorization Act of 2005 into law.

The following material is a chronology of the oversight of the PATRIOT Act from October of 2001 to November of 2005 and a listing of additional civil liberties protections contained in the conference report of H.R. 3119:

OVERSIGHT OF THE USA PATRIOT ACT FROM OCTOBER, 2001, TO NOVEMBER, 2005

1. November 9, 2005, Department of Justice classified briefing for Committee on the Judiciary staff on press accounts of FBI use of NSLs;
2. October 25, 2005, Department of Justice classified briefing for House and Senate Committees on the Judiciary and Committees on Intelligence staff on press accounts of FBI use of NSLs;
3. October 6, 2005, Department of Justice classified briefing for Committee on the Judiciary Members and staff on press accounts of mistakes in FBI applications to the Foreign Intelligence Surveillance Court under the USA PATRIOT Act;
4. July 12, 2005, letter from Assistant Attorney General William Moschella to the

House Committee on the Judiciary responding to July 1, 2005, letter regarding use of the USA PATRIOT Act;

5. July 12, 2005, letter from Assistant Attorney General William Moschella to the House Committee on the Judiciary responding to May 19, 2005, letter regarding use of the USA PATRIOT Act;

6. July 11, 2005, letter from Assistant Attorney General William Moschella to Rep. Bobby Scott responding to questions regarding use of the USA PATRIOT Act;

7. July 11, 2005, letter from Assistant Attorney General William Moschella to the House Committee on the Judiciary regarding use of the USA PATRIOT Act;

8. July 5, 2005, letter from FBI Director Meuller to Senate Committee on the Judiciary responding to questions regarding use of the USA PATRIOT Act;

9. July 1, 2005, letter from Assistant Attorney General William Moschella to Rep. Bobby Scott responding to questions regarding use of the USA PATRIOT Act;

10. July 1, 2005, letter from House Committee on the Judiciary to the Attorney General regarding use of the USA PATRIOT Act;

11. June 29, 2005, letter from Assistant Attorney General William Moschella to the Senate Committee on the Judiciary responding to April 5, 2005, letter regarding use of the USA PATRIOT Act;

12. June 10, 2005, House Committee on the Judiciary hearing on reauthorization of the USA PATRIOT Act;

13. June 8, 2005, House Committee on the Judiciary hearing on reauthorization of the USA PATRIOT Act;

14. May 26, 2005, House Subcommittee on Crime, Terrorism, and Homeland Security hearing on Material Witness Provisions of the Criminal Code and the Implementation of the USA PATRIOT Act; Section 505 that Addresses National Security Letters; and Section 804 that Addresses Jurisdiction over Crimes Committed at U.S. Facilities Abroad;

15. May 19, 2005, letter from House Committee on the Judiciary to the Attorney General regarding use of the USA PATRIOT Act;

16. May 10, 2005, House Subcommittee on Crime, Terrorism, and Homeland Security hearing on the prohibition of Material Support to Terrorists and Foreign Terrorist Organizations and on the DOJ Inspector General's Reports on Civil Liberty Violations under the USA PATRIOT Act;

17. May 10, 2005, Senate Committee on the Judiciary hearing on continued oversight of the USA PATRIOT Act;

18. May 5, 2005, House Subcommittee on Crime, Terrorism, and Homeland Security hearing on Section 212 of the USA PATRIOT Act that Allows Emergency Disclosure of Electronic Communications to Protect Life and Limb;

19. May 3, 2005, House Subcommittee on Crime, Terrorism, and Homeland Security hearing on Sections 201, 202, 213, and 223 of the USA PATRIOT Act and Their Effect on Law Enforcement Surveillance;

20. April 28, 2005, House Subcommittee on Crime, Terrorism, and Homeland Security hearing: Section 218 of the USA PATRIOT Act—If It Expires Will the "Wall" Return?;

21. April 28, 2005, House Subcommittee on Crime, Terrorism, and Homeland Security hearing: Have Sections 206 and 215 Improved Foreign Intelligence Surveillance Act (FISA) Investigations?;

22. April 26, 2005, letter from Assistant Attorney General William Moschella to Senator Dianne Feinstein responding to April 4, 2005, letter regarding use of the USA PATRIOT Act;

23. April 26, 2005, House Subcommittee on Crime, Terrorism; and Homeland Security hearing: Have Sections 204, 207, 214, and 225 of the USA PATRIOT Act, and Sections 6001 and 6002 of the Intelligence Reform and Terrorism Prevention Act of 2004, improved FISA Investigations;

24. April 21, 2005, House Subcommittee on Crime, Terrorism, and Homeland Security hearing on Crime, Terrorism, and the Age of Technology—(Section 209: Seizure of Voice-Mail Messages Pursuant to Warrants; Section 217: Interception of Computer Trespasser Communications; and Section 220: Nationwide Service of Search Warrants for Electronic Evidence);

25. April 20, 2005, Senate Subcommittee on Terrorism, Technology, and Homeland Security hearing: A Review of the Material Support to Terrorism Prohibition;

26. April 19, 2005, House Subcommittee on Crime, Terrorism, and Homeland Security hearing on Sections 203(b) and (d) of the USA PATRIOT Act and their Effect on Information Sharing;

27. April 6, 2005, House Committee on the Judiciary hearing with Attorney General Gonzales;

28. April 5, 2005, Senate Committee on the Judiciary hearing on Oversight of the USA PATRIOT Act;

29. March 22, 2005, Department of Justice law enforcement sensitive briefing for Committee on the Judiciary Members and staff on the use of FISA under the USA PATRIOT Act;

30. September 22, 2004, Senate Committee on the Judiciary hearing: A Review of Counter-Terrorism Legislation and Proposals, Including the USA PATRIOT Act and the SAFE Act May 5, 2004, Senate Committee on the Judiciary hearing: Aiding Terrorists—a Review of the Material Support Statute;

31. May 20, 2004, Senate Committee on the Judiciary hearing on FBI Oversight: Terrorism;

32. April 14, 2004, Senate Committee on the Judiciary hearing on Preventing and Responding to Acts of Terrorism: A Review of Current Law;

33. February 3, 2004, Department of Justice briefing for House Committee on the Judiciary staff on its views of S. 1709, the "Security and Freedom Ensured (SAFE) Act of 2003," and H.R. 3352, the House companion bill, as both bills proposed changes to the USA PATRIOT Act;

34. November 20, 2003, request by Chairmen Sensenbrenner and Hostettler to GAO requesting a study of the implementation of the USA PATRIOT Act anti-money laundering provisions. Report was released on June 6, 2005;

35. October 29, 2003, Department of Justice classified briefing for Committee on the Judiciary Members and staff on the use of FISA under the USA PATRIOT Act;

36. September 10, 2003, Senate Subcommittee on Terrorism, Technology, and Homeland Security hearing on Terrorism: Two Years After 9/11, Connecting the Dots;

37. August 7, 2003, Department of Justice briefing for House Committee on the Judiciary Members and staff regarding the longstanding authority for law enforcement to conduct delayed searches and collect business records and the effect of the USA PATRIOT Act on those authorities;

38. July 23, 2003, Senate Committee on the Judiciary hearing on Law Enforcement and Terrorism;

39. June 13, 2003, letter from Assistant Secretary for Legislative Affairs at the Department of Homeland Security, Pamela J. Turner, to the House Committee on the Judiciary responding to questions regarding the USA PATRIOT Act;

40. June 10, 2003, Department of Justice classified briefing for Committee on the Judiciary Members and staff on the use of FISA under the USA PATRIOT Act;

41. June 5, 2003, House Committee on the Judiciary hearing on the U.S. Department of Justice, including its use of the provisions authorized by the USA PATRIOT Act;

42. May 20, 2003, House Subcommittee on the Constitution hearing: Anti-Terrorism Investigations and the Fourth Amendment After September 11th: Where and When Can Government Go to Prevent Terrorist Attacks;

43. May 13, 2003, letter from Acting Assistant Attorney General, Jamie Brown to the House Committee on the Judiciary responding to questions regarding the USA PATRIOT Act;

44. April 1, 2003, letter from the House Committee on the Judiciary to the Attorney General regarding use of the USA PATRIOT Act;

45. October 9, 2002, Senate Subcommittee on Terrorism, Technology, and Homeland Security hearing: Tools Against Terror: How the Administration is Implementing New Laws in the Fight to Protect our Homeland;

46. September 20, 2002, letter from Assistant Attorney General, Daniel Bryant, to the House Committee on the Judiciary responding to questions regarding the USA PATRIOT Act;

47. September 10, 2002, Senate Committee on the Judiciary hearing on the USA PATRIOT Act in Practice: Shedding Light on the FISA Process;

48. August 26, 2002, letter from Assistant Attorney General, Daniel Bryant, to the House Committee on the Judiciary responding to questions regarding the USA PATRIOT Act;

49. July 26, 2002, letter from Assistant Attorney General, Daniel Bryant to the House Committee on the Judiciary responding to questions regarding the USA PATRIOT Act;

50. July 25, 2002, Senate Committee on the Judiciary hearing on the Department of Justice, including its implementation of the authorities granted by the USA PATRIOT Act;

51. June 13, 2002, letter from the House Committee on the Judiciary to the Attorney General regarding use of the USA PATRIOT Act;

52. April 17, 2002, Senate Subcommittee on Administrative Oversight and the Courts hearing: "Should the Office of Homeland Security Have More Power? A Case Study in Information Sharing;"

53. December 6, 2001, Senate Committee on the Judiciary hearing on DOJ Oversight: Preserving our Freedoms While Defending Against Terrorism;

54. December 4, 2001, Senate Committee on the Judiciary hearing on DOJ Oversight: Preserving our Freedoms While Defending Against Terrorism;

55. November 28, 2001, Senate Committee on the Judiciary hearing on DOJ Oversight: Preserving our Freedoms While Defending Against Terrorism; and

56. October 3, 2001, Senate Subcommittee on the Constitution, Civil Rights, and Property Rights hearing: Protecting Constitutional Freedoms in the Face of Terrorism.

Additional Civil Liberties Protections Contained in the Conference Report on H.R. 3199, the USA PATRIOT Improvement and Reauthorization Act of 2005

The conference report contains the following additional safeguards:

Requires a description of a specific target in both the application and the court order for "roving wiretaps," and specific facts in the application that show that the target's actions may thwart surveillance efforts—if the target's true identity is unknown.

Requires that the FBI must notify the court within 10 days after beginning surveillance of any new phone for all "roving wiretaps." The notice must include the total number of electronic surveillances conducted under the court's multipoint order.

Includes new reporting requirements to Congress, including new details about the use of "roving" authority.

Requires that for delayed notice search warrants that notice of the search be given within 30 days of its execution, unless the facts justify a later date, eliminating the open-ended period of delay permissible under current law.

Allows for extensions of the delay period in giving notice of a search, but only upon an updated showing of the need for further delay. Also, it limits any extension to 90 days or less, unless the facts of the case justify a longer delay.

Adds new reporting requirements to Congress on the use of delayed notice search warrants.

Requires for section 215 orders, relating to investigator's access to business records, a statement of facts showing reasonable grounds to believe that the records or other things sought are relevant to an authorized investigation to protect against international terrorism or espionage. This provides additional safeguards to the original USA PATRIOT Act, which required the government only to certify that the records at issue were sought for an authorized investigation—without any factual showing.

Requires a three part test for section 215 orders that ensures the records are sought for: a foreign power or an agent of a foreign power; the activities of a suspected agent of a foreign power who is the subject of an authorized investigation; or an individual in contact with, or known to, a suspected agent of a foreign power who is the subject of an authorized investigation. This test combined with the newly required statement of facts should mitigate concerns of government "fishing expeditions," while maintaining the flexibility for legitimate terrorism investigations.

Explicitly guarantees the right for recipients of section 215 orders to consult legal counsel and seek judicial review.

Requires high level approval by either the FBI Director, Deputy Director, or Executive Assistant Director for requests for certain records, including library records, medical records, educational records, and tax return records.

Limits the scope of section 215 orders to materials that could be obtained via grand jury subpoena or a similar court order for the production of records.

Limits retention, and prohibits dissemination, of information concerning U.S. persons.

Requires that the DOJ Inspector General conduct two separate audits of the FBI's use of section 215 orders that will examine: any noteworthy facts or circumstances relating to 215 orders, including any improper or illegal use of the authority; the manner in which such information is collected, retained, analyzed, and disseminated by the FBI; and an assessment of whether the minimization procedures protect the constitutional rights of United States persons.

Requires enhanced reporting to Congress of section 215 orders, including a breakdown of its use to obtain library records, medical records, educational records, and other sensitive types of records.

Requires public reporting of the aggregate use of section 215 orders.

Allows recipients of National Security Letters (NSLs) to consult with legal counsel.

Creates an explicit right to judicial review of NSL requests.

Permits a reviewing court to modify or set aside an NSL if compliance would be unreasonable, oppressive, or otherwise unlawful—this is the same standard used to modify or quash a subpoena in a criminal case.

Provides for judicial review of the nondisclosure requirements.

Adds a "knowing and willfully" standard that must be proven before someone who discloses an NSL can be subject to a 1-year misdemeanor offense.

Requires the DOJ IG to conduct two comprehensive audits of the FBI's use of NSLs.

Requires the Attorney General and the Director of National Intelligence to submit to Congress a report on the feasibility of applying minimization procedures to NSLs to ensure the protection of constitutional rights of U.S. persons.

Adds a new "sunshine" provision that requires annual public reporting on NSLs.

Provides for expanded congressional access to significant FISA reporting currently provided to the Intelligence Committees.

Includes a provision requiring the FISA Court to submit its rules & procedures to Congress.

Creates new reporting requirements for the use of emergency authorities under FISA.

Requires new reporting on the use of emergency disclosures of communications information made under section 212 of the USA PATRIOT Act.

Requires the Department of Justice to submit a report to Congress on the Department's data-mining activities.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and my colleagues, let me just begin by pointing out that in the dissent from the bill reported, there are six precise examples of when the PATRIOT Act has been abused so that no one will be able to say that they don't know where they are. They are on page 2 and 3 of the dissents that have been filed with the committee.

What we have, we have passed the conference report already. It was passed on December 14, 2005. Because of the other body, and the serious objections that they have raised, we are getting now to three other points that are being raised. Two of the points are the basis of my remarks this afternoon.

The first I would like you to know about in S. 2271 is that amazingly enough, after all the debate, this measure that we are considering today makes section 215 intelligence orders for any tangible thing harder to challenge in court than the current conference report which allows a recipient to challenge the gag order immediately. This measure before us that we will be voting on would make the recipient wait a year, but then to make it really worse, rather than the reviewing court immediately allowing the gag order, allowing the gag as the government's carte blanche assertion of national security is conclusive.

We have added two things. We make the assertion of national security conclusive, plus we make the person that challenges it not able to immediately go to court. This is a setback.

The second thing that we do is that we add no meaningful protection for library records. That is to say that the present conference reports allow immediate challenge. What we do is that according to the National Association of Library Records, we make the protection for library records exempt only if, the national security letters, they don't offer Internet access. But the American Library Association puts the number of libraries without Internet access at nearly zero.

What we have done is create a fig leaf that really does nothing to give the meaningful protection that the library association has requested and that we tried to get through in our legislation. So it is with great reluctance that even on two out of the three measures that are before us in this very small bill, we find that this is unsupportable.

In addition, finally, what this measure doesn't do is address any of the core problems with the PATRIOT Act, the main one being that we have asked for moderate changes that would have ensured that these extraordinary new powers are directed solely at terrorists or to those associated with terrorists, and this measure fails to do that. For those reasons, I am unable to support this measure and urge that it be defeated.

There is no more difficult task we have as legislators than balancing our Nation's need for security against our citizens' civil liberties. Nearly five years after the tragedy of September 11, and in the midst of a war against terror without any clear endpoint, it is increasingly clear that we are failing in that task.

We failed when we rushed through the first PATRIOT Act while the wreck of the World Trade Center was still smoldering. We failed when we refused to address the repeated civil liberties abuses by our own government, including the warrantless surveillance of U.S. citizens. And today, we are failing yet again, by taking up S. 2771. Not only is the bill substantively dangerous, it does nothing to respond to the serious flaws in the conference report.

First, the bill is dangerous because it makes it practically impossible to challenge the gag orders that come with secretive 215 orders. It would not only make the recipient wait at least one full year before challenging a gag order, it deems government certifications concerning possible harm to national security to be "conclusive." This is far worse than what is proposed by the conference report which would allow the FISA court to ensure that the law and the Constitution are not violated.

Second, the bill operates as a mere fig leaf, covering over serious problems in the underlying conference report. For example, the bill pretends to protect libraries from receiving National Security Letters, but then revokes that protection if the library offers internet access. The bill does nothing to prevent the government from using security letters to obtain confidential information having nothing to do with terrorism; nothing to protect secret physical searches of homes and offices; and nothing to rein in abusive roving wiretap orders.

If we are serious about combating terror in the 21st century, we must move beyond symbolic gestures and color coded threat levels, and begin to make the hard choices needed to protect our Nation. If we really want to prevent terrorists from targeting our citizens and our cities, we need keep assault weapons out of the hands of suspected terrorists. And if we really want to protect our people and secure our ports and other transportation hubs, the administration needs to honor the letter and the spirit of our security laws and fully fund our homeland security needs.

The legislation before us today endangers our civil liberties, while doing nothing meaningful to protect our citizens. I urge a no vote.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. COBLE), chair of the Subcommittee on Crime.

Mr. COBLE. Mr. Speaker, I thank the distinguished chairman from Wisconsin.

Mr. Speaker, pardon my immodesty. I believe that this bill has been thoroughly and consistently examined, but I don't think there has been a committee other than the House Judiciary Committee. I don't think there has been a subcommittee, other than the Subcommittee on Crime, Terrorism and Homeland Security, that has worked any more diligently than have we.

Now, the chairman used the words vulnerable and vulnerability in his opening statement. We are indeed, we were on 9/11, we are today. But as the chairman furthermore pointed out, much misleading and inaccurate information has been associated and directed to the PATRIOT Act. I used this example on the floor earlier, Mr. Speaker. A constituent of mine came to me all upset, concerned about the PATRIOT Act.

We must get rid of the PATRIOT Act, he said to me. I said to him, give me an example how it has adversely affected you. He said, I can't do it. I said, give me an example of how it has adversely affected anyone you know. I can't do it, he replied. I further said, give me an example where any third party has been adversely affected. Again he came up short.

This is the misleading information that has convinced many people across our land that it is no good. In this era of instant and universal communications, if a piece of legislation is as bad as my constituents thought it was, surely he would have some evidence as to some information to indicate to me why the bill is so onerous.

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Granted, the bill expanded the parameters of law enforcement, but not to the detriment of law-abiding citizens.

After 9/11, I made the statement that my most pressing fear is that the next attack will come by water at ports and/or harbors, the very issue that plagues us today with the ports issue. We are indeed still vulnerable, but we are not as vulnerable as we were on 9/11, and part of that security must be directly related to the PATRIOT Act. We are not invincible, by any means: but we are more secure, we are more protected than we were then, because I think we now fully appreciate the enemy, the terrorism that hangs heavy over our heads; and I think the PATRIOT Act, Madam Speaker, will serve a good purpose to that end.

I again thank the chairman for having yielded time to me, and I thank him for his leadership as we have pursued this effort in the past several months.

Mr. CONYERS. Madam Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Speaker, I want to say to my good friend and my respected chair and the Member who just spoke that one of the things you have to keep in mind is the information that they are saying hasn't been brought forward to the public wouldn't be brought forward to the public under what has been essentially a secret manner of investigation.

I rise in strong opposition to this legislation because it offers only superficial reform that would have little, if any, impact on safeguarding our civil liberties. Furthermore, it has become crystal clear that this administration is currently and will continue to abuse, attack, and outright deny the civil liberties of the people of this country in defiance of our Constitution. This administration is illegally wiretapping American citizens, illegally collecting information on peace groups, and illegally signing statements to ignore the torture ban recently enacted by this Congress.

Some of my colleagues will stand up here today and argue the PATRIOT Act had nothing to do with these nefarious activities, but my colleagues are not looking at the big picture. The administration is violating the laws Congress has passed and trampling on the Constitution of the United States.

I will not give this administration any additional police powers. Congress has failed to do its job as a coequal branch of government. The administration's attack on our democracy has to be reined in. This Congress must not walk away from its role in providing a check and balance to the administration's exercise of executive power.

This Congress was not zealous in oversight prior to 2001; but since that time, this Congress has ignored its constitutional duty, and 200 years of American democracy have suffered. The complacency of this Congress is clearly viewed by the administration as a license to ignore the laws it disagrees with, and then it demands Congress pass expanded police powers.

In the name of the Constitution of the United States of America, I reject this complacency. I will not vote to give a single new police power to this administration. I voted against the PATRIOT Act when it first passed, and I remain even more opposed to this legislation today.

The bill before us today enables the FBI to investigate any American for any reason without the checks and balances of the judicial system. History tells us that unchecked police powers with little or no oversight will be abused and the citizens will be harmed. The administration's record in this area is concrete proof that history repeats itself.

I am for police function that protects citizens of this great Nation, not a police function that is used to terrorize them. I urge my colleagues to vote against the PATRIOT Act reauthorization, to stand up for our Constitution, to stand up for our Bill of Rights, to remember the long struggle that was instrumental in establishing those liberties.

Mr. SENSENBRENNER. Madam Speaker, I yield myself 1 minute.

Madam Speaker, the statement we just heard is at variance with what has happened since the PATRIOT Act was enacted.

First, none of the 16 provisions that expanded law enforcement powers has been held unconstitutional by any Federal Court in the country in over 4 years of being tested. Second, the PATRIOT Act requires the Justice Department Inspector General to report to Congress twice a year on civil liberties violations that have been investigated. We have gotten those reports. There haven't been any. Third, there is a provision in the PATRIOT Act that said anybody who thinks their civil liberties are violated can sue the Justice Department and get $10,000 of statutory damages in addition to proven economic damages and attorneys fees. So far, not a dime has been paid out in judgments or settlements under this section.

This is an example of how the PATRIOT Act has been distorted by those who are opposed to it. Let us talk about the PATRIOT Act, because the PATRIOT Act has passed muster, and the facts and the court decisions show it.

Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I thank the chairman for yielding me time.

Madam Speaker, after 9/11, one of the most responsible things that this Congress did was to pass the PATRIOT Act. It tore down that wall that existed between the intelligence community and the law enforcement community, a wall that was specifically talked about in the 9/11 Commission report as one of the failures of our government to prepare for the threats that we had prior to 9/11. What we are doing now is reaffirming that responsible act by this Congress. This today is the final critical piece of the USA PATRIOT Act, reflecting the careful balancing of national security and the civil liberties of our citizens.

In total, over 30 changes, additional civil liberty protections, have been made to the base legislation. It reflects the reality that security must not be juxtaposed against the notion of rights. It is absolutely true that the first civil right of all Americans is the right not to be murdered, not to be murdered by terrorists.

The three additional changes contained in the bill before us, S. 2271, go beyond the 30 additions that we had in the conference report itself. There are civil liberties protections concerning, first, the ability to challenge the legality of a section 215 order. Section 215 deals with business records, including library records. Secondly, it adds civil liberties protections concerning the protection of the confidentiality of a name of an attorney to whom information has been disclosed. Third, it places limitations concerning the use of national security letters with respect to libraries.

These 30-plus changes to the underlying legislation were made despite the fact that in this last year we had 13 separate hearings on the PATRIOT Act; and in those 13 hearings we found not a single, single, incidence of abuse of the law. We placed the Attorney General of the United States under oath. We placed the number two person at the Justice Department under oath. We heard from supporters of this act; we heard from the detractors of this act. We examined the Inspector General's reports. We had the opportunity to look at classified data that backed up the request for the use of this act.

I personally did that, as well as other members of the subcommittee and the full committee; and we could not find a single example of an established abuse of the statute as written or as applied.

On the basis of the Bali terrorist attacks, the bombing in Spain, the terrible 7/7 incident in London, the threat to the safety and security of our citizens continues. It didn't end with the passage of the PATRIOT Act. The PATRIOT Act, as it has been implemented, has allowed us to protect ourselves from future such attacks.

We must not now lapse into a pre-9/11 lethargy. Unlike normal criminal investigations, terrorism presents law enforcement with the task of preventing a cataclysmic attack. That is why I rise in support of this bill before us.

Mr. CONYERS. Madam Speaker, before yielding to the gentleman from Virginia, I yield myself 45 seconds, because this is getting a little bit out of hand.

The assertion has been made that none of the 16 provisions have violated the law, but two Federal District Courts in New York and Connecticut have found that the national security letters themselves are illegal. Two courts, that the national security letters were held to be illegal. And to say that there have been no abuses, read pages 2 and 3 of the dissent of the Democrats on the Judiciary Committee about all of the violations that have gone on.

Mr. SENSENBRENNER. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, the national security letters were not one of the additional law enforcement powers that were passed as a part of the PATRIOT Act. They were passed in 1986, 15 years before 9/11 and the PATRIOT Act was passed.

The gentleman is correct in saying that national security letters were held unconstitutional, and what we did in this reauthorization bill is to provide a procedure to challenge them and make them constitutional, even though they weren't in the original PATRIOT Act.

Mr. CONYERS. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, let me just first say I believe it is inappropriate to even discuss the PATRIOT Act until we have had hearings to find out what is going on with the NSA wiretaps. The PATRIOT Act could be, in fact, irrelevant if you are wiretapping at will, as the President has suggested; and we want to know exactly what is going on with those wiretaps before we do anything else. But this bill is on the floor, so we have to discuss that.

Unfortunately, I have to oppose this bill because it still continues to require no finding of individualized suspicion as a trigger to the secret record search powers in sections 215 and 505. That means that innocent Americans can have their sensitive records searched without any showing that they are an agent of a terrorist organization or scheming with terrorist organizations or doing anything illegal. Instead, this continues the problems in the original PATRIOT Act. This bill addresses several of the problems, but doesn't actually solve them.

One thing it helps is the fact that the recipient of a national security letter will be able to consult a lawyer without having to notify the government of the attorney's name. This is merely cosmetic, because that has actually been the recent practice.

In terms of these interstate letters, the bill addresses the right to challenge the gag order which applies to the secret orders under 215, as well as the national security letters; but it says that you can't make the challenge for 1 year. It codifies a 1-year period during which you can't do anything. That makes the present law worse. Presumably, you could go in right away to challenge the NSA and see the secret orders; but now you have to wait a year, and at the end of the year, you can't do anything, because all the government has to do is certify that the gag order needs to stay in effect. The judge has no discretion as to overturning that certification. So although this issue is addressed, it is actually made worse.

Finally, Madam Speaker, there is a question on the protection of privacy of library patrons in terms of the Internet service providers as to whether or not the library is an Internet service provider. The language is a little bit confusing.

Madam Speaker, I would enter into the RECORD a colloquy between the Senator from Illinois, Mr. DURBIN, and the Senator from New Hampshire, Mr. SUNUNU, the chief patron of the bill. Assuming that he means what he said he meant on the floor of the Senate, we don't have a problem with it. So I would like to ask unanimous consent to introduce into the RECORD the colloquy between the two Senators as to what section 5 actually means.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Madam Speaker, reserving the right to object, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman will state it.

Mr. SENSENBRENNER. Madam Speaker, is it in order to introduce into the RECORD in this body debate that has been taken in the other body?

The SPEAKER pro tempore. By unanimous consent, it may be done.

Mr. SENSENBRENNER. Further reserving the right to object, let the record be clear that as manager of the bill, I do not necessarily agree with the debate that was taken between the two Senators in the other body.

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But if the gentleman from Virginia wishes to insert that in the RECORD for its hortatory nature, I will not object.

Madam Speaker, I withdraw my reservation.

The SPEAKER pro tempore (Mrs. BIGGERT). Without objection, it will be entered.

There was no objection.

Mr. SCOTT of Virginia. Madam Speaker, I would like to introduce this. It represents the intent of the chief sponsor of the bill, which we agree with, although I understand the manager of the bill in the House may not.

Colloquy Between Senators John Sununu and Dick Durbin on Section 5 of S. 2271, February 16, 2006

Mr. DURBIN. Mr. President, at this moment, I wish to address the bill pending before the Senate, and that is S. 2271.

I commend Senator John Sununu of New Hampshire, who is here in the Chamber. Were it not for his hard work, we would not be here today. For weeks, while many of us were doing other things back home, Senator Sununu was working assiduously with the White House to find a way to address some very vexing and challenging issues when it came to modifying the PATRIOT Act. He has done an excellent job. I commend him and tell him that I have enjoyed working with him over the last 2 years, where we have crossed party lines and tried to find ways to keep the PATRIOT Act as a tool to make America safe but also at the same time to protect our basic liberties.

Every step of the way, as we considered changes to the PATRIOT Act, we have been supported by our Nation's librarians. These are wonderful men and women—professionals—who are dedicated to the libraries across America, which are such rich resources. I thank the librarians of America, especially for their heroic efforts to amend the PATRIOT Act in a responsible way and, equally as important, to defend our Constitution.

I understand that section 5 of Senator Sununu's bill, S. 2271, will help protect the privacy of Americans' library records. I ask the indulgence of the Chair that I might enter into a colloquy with Senator Sununu relative to section 5.

I would like to ask Senator Sununu, through the Chair, if he could explain to me what section 5 will accomplish.

Mr. SUNUNU. Mr. President, I am pleased to be on the floor today and pleased to be able to see the light at the end of the tunnel on PATRIOT reauthorization, thanks to the work of Senator Durbin and others. We have legislation before us that will make the adjustments to the PATRIOT Act reauthorization conference report mentioned by the Senator from Illinois. He specifically mentioned section 5 of our legislation. As he began to describe, section 5 is intended to clarify current law regarding the applicability of National Security Letters to libraries.

A National Security Letter is a type of administrative subpoena, a powerful tool available to law enforcement officials, to get access to documents. It is a document signed by an FBI agent that requires a business to provide certain kinds of personal records on their customers to the Government. These subpoenas are not approved by a judge before being issued.

What we did in this legislation is add clarifying language that states that libraries operating in their traditional functions: lending books, providing access to digital books or periodicals in digital format, and providing basic access to the Internet would not be subject to a national security letter. There is no National Security Letter statute existing in current law that permits the FBI explicitly to obtain library records. But, as was indicated by the Senator from Illinois, librarians have been concerned that existing National Security Letter authority is vague enough so that it could be used to allow the Government to treat libraries as they do communication service providers such as a telephone company or a traditional Internet service provider from whom consumers would go out and get their access to the Internet and send and receive e-mail.

Section 5 clarifies, as I indicated, that a library providing basic Internet access would not be subject to a national security letter, simply by virtue of making that access available to the public.

Mr. DURBIN. I thank the Senator from New Hampshire. It is my understanding that most public libraries, as he explained, offer Internet access to the public. Because of this, they are concerned that the Government might consider them to be communications service providers similar to the traditional providers, such as AT&T, Verizon, and AOL.

So if I understand it correctly, your bill clarifies that libraries, simply because they provide basic Internet access, are not communications service providers under the law and are not subject to national security letters as a result. I ask the Senator from New Hampshire, through the Chair, is that a correct conclusion?

Mr. SUNUNU. Mr. President, I absolutely believe that the conclusion of the Senator from Illinois is correct, A library providing basic Internet access would not be subject to a National Security Letter as a result of that particular service and other services that are very much in keeping with the traditional role of libraries.

Some have noted or may note that basic Internet access gives library patrons the ability to send and receive e-mail by, for example, accessing an Internet-based e-mail service. But in that case, it is the Web site operator who is providing the communication service—the Internet communication service provider itself—and not the library, which is simply making available a computer with access to the Internet.

So I certainly share the concerns of the Senator from Illinois and others who have worked very long and hard on this and other provisions. I think it does add clarity to the law as he described, in addition to providing other improvements to the PATRIOT Act as they relate to civil liberty protections. All along, this has been about providing law enforcement with the tools that they need in their terrorism investigations while, at the same time, balancing those powers with the need to protect civil liberties. I think, in the legislation before us, we have added clarity to the law in giving access to the courts to object to section 215 gag orders and, of course, striking a very punitive provision dealing with counsel and not forcing the recipient of a National Security Letter to disclose the name of their attorney to the FBI.

All of these are improvements to the underlying legislation, and I recognize that we had a overwhelming, bipartisan vote today to move forward on this package. I anticipate that we will have similar bipartisan votes in the days ahead to conclude work on this legislation and get a much improved PATRIOT Act signed into law.

Mr. DURBIN. I thank the Senator from New Hampshire, as well, because that clarification is important. So if a library offers basic Internet access, and within that access a patron can, for example, send and receive e-mail by accessing an Internet-based e-mail service such as Hotmail, for example, that does not mean the library is a communications service provider and, therefore, it does not mean that a library could be subject to these national security letters of investigation.

By way of comparison, a gas station that has a pay phone isn't a telephone company. So a library that has Internet access, where a person can find an Internet e-mail service, is not a communications service provider; therefore, it would not fall under the purview of the NSL provision in 18 U.S.C. 2709. It is a critically important distinction. I thank the Senator from New Hampshire for making that clear and for all of his good work on this bill.

Libraries are fundamental to America. They symbolize our access to education. They are available to everyone, regardless of social or economic status.

When we first introduced the SAFE Act, I went to the Chicago Public Library to make the announcement. The library was established in 1873, and for over 130 years it has given the people of the City of Chicago the ability to read and learn and communicate. Here is what the mission statement says at that public library:

We welcome and support all people and their enjoyment of reading and pursuit of lifelong learning. We believe in the freedom to read, to learn, and to discover.

We have to ensure, in the Senate and in Congress, in the bills that we pass, including the PATRIOT Act, that this freedom to read, learn, and discover is preserved for our children and our grandchildren.

Mr. President, I yield the floor and I suggest the absence of a quorum.

Mr. SENSENBRENNER. Madam Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, I rise today to support the continued effort to reauthorize the United States PATRIOT Act. It is well overdue for this Congress to ensure those trying to protect the American people have all the tools necessary to combat terrorism.

With the passage of this bill, Congress will have demonstrated its overwhelming desire to protect our civil liberties while protecting our homeland. We have taken every precaution to ensure an overzealous government cannot overstep its constitutional responsibility.

Among other provisions, this legislation allows a person receiving a FISA production order to produce any tangible item that they deem necessary to challenge that order before a district court.

This bill also removes libraries from the definition of a wire or electronic service communication provider for purposes of granting the national security letters, unless, unless the library actually provides electronic communication service.

These are commonsense amendments that will continue to fine-tune the balance between our homeland security and our constitutional rights as American citizens. I thank Chairman SENSENBRENNER for yielding me the time and for his outstanding work on this vital issue.

Mr. CONYERS. Madam Speaker, I yield myself 15 seconds.

Madam Speaker, just to keep the record straight, in 1986, national security letters were limited to terrorists. The PATRIOT Act lowered the standard to anything relevant to an investigation, and now over 30,000 are issued every year. The sham fix does not help us at all.

Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Madam Speaker, we are engaged in a serious war with terrorism. But we are going after the wrong targets. We are not protecting ourselves, but we are attacking our liberties. We are not doing anything adequate to secure the loose nuclear materials all over the former Soviet Union before they are smuggled to al Qaeda to make atomic bombs.

We search only 5 percent of the 9 million shipping containers that come into our country every year, any one of which could contain a weapon of mass destruction.

But what are we doing? Well, the President has orchestrated a secret conspiracy to violate the criminal law by ordering clearly illegal domestic surveillance.

And now we renew the PATRIOT Act with some of the worst provisions only cosmetically changed and continuing to threaten civil liberties. Section 215 allows the government to obtain business reports about people, including library, medical and various other types of business records, as long as they are "sought for a terrorism investigation."

The government simply has to come up with a statement of facts showing there are reasonable grounds to believe that tangible things sought are relevant to an authorized investigation. Relevant? Almost anything can be relevant.

To make matters worse, the recipients of a section 215 order are subject to an almost unreviewable automatic gag order. Now we are told, under this bill, that judicial review can take place after a year. At best. A year? And in order to prevail in challenging a gag order, a certification by the government that disclosure would harm national security or impair diplomatic relations would be conclusive, unless shown it would be in bad faith.

Conclusive? No evidentiary showing, no evidentiary test. That is absurd. That means there is no test at all. Section 505 authorizes FBI field office directors to collect in secret almost limitless sensitive personal information from entities simply by issuing national security letters.

The FBI can simply say they want your private and sensitive information and they can get it. This is very much like the writ of assistance the British used to grant in 1761 that helped start the American Revolution. Under the conference report, recipients would theoretically have the ability to challenge these gag orders, but again that will be virtually impossible.

As with section 215, the government's assertion that the gag order is necessary to protect the national security would be a conclusive presumption that the government is telling the truth that the gag order could stand.

You can only challenge the government's bad faith. This automatic permanent gag rule very likely violates the first amendment, as two courts have already found. We ought to have real protections. We ought to have some procedural safeguards in the PATRIOT Act such as our entire American tradition demands.

The conference report does not replace the section 215 showing of relevance standard with the three-part test that was the basis of the Senate compromise which provided some meaningful due process protections. It should.

The conference report does not restore the section 505 previous standard of specific and articulable facts connecting the records sought to a suspected terrorist. It should.

The conference report does not allow recipients of section 215 orders and national security letters a meaningful court challenge to the gag order. It should.

And, finally, the conference report does not sunset section 505, national security letters, in 4 years. It should.

I very much urge defeat of this PATRIOT Act reauthorization so that we can mend the bill so it doesn't destroy our constitutional liberties. Mend it, not end it. But this doesn't help.

Mr. SENSENBRENNER. Madam Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Madam Speaker, I would just say to this side, this bill has gone through so many iterations, and so many times we have looked at this. It includes 30 additional civil liberties safeguards. And, you know, I admit that your fighting against this bill has probably improved it a little bit.

But at this point, we have done so much to help it. I think it is a very good bill. I commend the author, Mr. SENSENBRENNER, for his patience all during this process.

These new civil liberty safeguards include allowing recipients of search requests or national security letters to seek legal counsel for appealing the decision to the FISA court and mandated reporting to the public and Congress on the use of national security letters, data-mining and delayed-notice search warrants.

This is a vigilant protector of civil rights and national security, and it is the right balance. It is critical that we pass this bill today. I would say in passing that part of the PATRIOT Act was a cargo amendment that I included. I thank the chairman for allowing me to do that.

In Florida alone, local and State agencies joined together and developed a unified strategy for prevention and enforcement against cargo theft, resulting in about a 25 percent decrease in cargo thefts. Unfortunately, my colleagues, the FBI estimates, and these are only estimates because we do not have any way to track this information, overall national loss from cargo theft remains at almost $6 billion annually.

The interagency cooperation must be expanded from the State level to include nation-wide enforcement. Cargo theft imperils our Nation's security, and data indicates profits from cargo theft often go to organized crime or to terrorist activities.

So for that reason, for 2 years I have been working on this amendment, which is included as part of the PATRIOT Act, to, first of all, combat this crime by increasing mandatory minimum sentencing and directing consolidation of cargo theft trend data—simple collection of this cargo theft trend data into the federal Uniform Crime Reporting system, so in fact that system we have a better understanding of it, and we can coordinate between different law enforcement agencies.

These are vital steps to fight this growing nation-wide threat, and I am pleased to have it included in the PATRIOT Act.

I ask my colleagues to realize the amount of work that has gone into this bill. It is absolutely necessary we pass it. I urge my colleagues to vote for it.

Thank you, Mr. Speaker and Mr. Chairman for your efforts to pass this critical legislation.

Our founding fathers knew our young Nation faced dangerous security challenges from its amorphous and expansive border and aggressive European powers. With that in mind, Thomas Jefferson wrote, "The price of freedom is eternal vigilance."

The situation confronting us today mirrors that of our founders. Our border is even larger and more difficult to control. With additional points of entry at every airport, prohibiting entry of those intent on doing harm is even more complex. Advanced technologies allow individuals across the oceans to coordinate attacks within our cities. This is an eventuality impossible for our founding fathers to foresee, and yet necessary for us to combat. We must keep pace with the changing environment. The PATRIOT Act equips us to do that by breaking down communication barriers between law enforcement and intelligence agencies, a weakness identified by the 9/11 Commission.

In Florida, law enforcement increased interagency cooperation with impressive results. In 2001, local and state agencies joined together and developed a unified strategy for prevention and enforcement against cargo theft, resulting in a 25% decrease in cargo thefts. Unfortunately, the FBI estimates overall national loss from cargo theft remains more than $6 billion annually. Interagency cooperation must be expanded from the state level to include nationwide enforcement. Cargo theft imperils our national security, and data indicates profits from cargo theft often funds organized crime or terrorist activities. For two years, I have worked to pass legislation combating this crime by increasing mandatory minimum sentences and directing consolidation of cargo theft trend data into the federal Uniform Crime Reporting system to better coordinate enforcement activities. These are vital steps to fight this growing nationwide threat, and I am pleased they were included in this PATRIOT Act reauthorization.

As we debate these amendments to the PATRIOT Act, I hear echoes of another founding father's words. Benjamin Franklin's assertion that, "They who give up essential liberty to obtain a little temporary safety, deserve neither liberty nor safety," resounds as an admonition to those of us standing in this chamber to ensure proper oversight and protect civil liberties.

This legislation includes 30 additional civil liberties safeguards. These include: allowing recipients of search requests or National Security Letters to seek legal counsel for appealing the decision to the FISA Court, and mandated reporting to the public and Congress on the use of National Security Letters, data mining, and delayed notice search warrants.

As vigilant protectors of national security, and critical guardians of civil liberties, with full realization of the immediate threat we face, I call upon my colleagues to vote in favor of this bill. Due diligence has been observed . . . investigated . . . executed . . . and critiqued. Now it is time to pass this Act.

Mr. CONYERS. Madam Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Madam Speaker, this is an extremely important debate. I want to begin by expressing my disappointment that this bill is being considered as a suspension along with the naming of post offices. Well, you know what, this is not a post-office-naming bill. This is a bill that deals with constitutional rights. It is an issue about which seven States in this country have raised concerns, as have hundreds of municipalities from one end of America to the other.

This is a bill that should allow for amendments and serious debate and not be considered simply as a suspension.

Madam Speaker, many Americans are wondering how it could be that in terms of national security, our President believes that it is okay for a foreign government with terrorist ties to run major ports in America; that that is okay. But when some of us say that maybe kids or just ordinary American citizens should be allowed to read the books that they want in libraries without being investigated by government agents, without any evidence that they are engaged in terrorist activities or have any ties to terrorism, that we cannot protect.

Madam Speaker, there is growing concern in this country with regard to the state of our civil liberties and our constitutional rights. Whether it is the President of the United States engaging, through the NSA, in illegal wiretaps without court orders, or the widespread use of national security letters, millions of Americans, whether they are progressives, whether they are conservatives or in between, are very concerned about Big Brother investigating the private lives, the private reading habits of ordinary Americans.

Madam Speaker, in June of 2005, I offered an amendment that passed with a very strong bipartisan vote, which said that libraries and book stores should be exempt from section 215, that it is wrong for the government to be able to access the reading records or the book purchases of innocent Americans unless they can establish that those individuals have ties with terrorism.

All of us want our government to be vigorous in protecting the American people against terrorism. But we want to do that in a way that does not undermine the constitutional rights of the American people. Unfortunately, the Republican leadership took that amendment, which passed with strong bipartisan support, and they tossed it out. They rejected the will of a vast majority of the Members of the House of Representatives and did not incorporate that language into the final bill.

Madam Speaker, this is an issue of huge consequence. Fighting terrorism is an enormously important issue, but we can and must do it without undermining the constitutional rights of the American people.

Mr. CONYERS. Madam Speaker, I yield 45 seconds to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Madam Speaker, as I indicated before, we need to have hearings on the NSA wiretaps. The question there is not whether or not the wiretaps can take place, but whether or not they take place in the concept of checks and balances.

Also, we need to know what kinds of wiretaps are going on, and it would be nice to have hearings on that before we consider the PATRIOT Act. But when one of the previous speakers talked about the due process involved, we have to remind people that the due process is not for the person whose records are being gathered, but due process on the library that does not have enough money to operate the library, whether or not they have a right to go out and hire a lawyer to protect somebody else's rights.

The person affected does not have any rights in this situation. It is just the library and their own good will. If they want to go out and protect somebody's rights, they have that opportunity. These are extraordinary rights, police rights and police powers; and we need to make sure that people actually understand what is going on here.

Mr. CONYERS. Madam Speaker, I yield myself the remainder of the time.

Madam Speaker, it has been said that there have been no abuses of the PATRIOT Act. Let me just run down what has already been reported, and probably there have been more, since we filed our report.

It was used against Brandon Mayfield, a Muslim American, to tap his phone, seize his property, copy his computer files, spy on his children, take his DNA, all without his knowledge.

It has been used to deny, on account of his political beliefs, the admission to the United States of a Swiss citizen and prominent Muslim scholar to teach at Notre Dame University. It has been used to unconstitutionally coerce an Internet service provider to divulge information about e-mail activity and Web surfing on its system, and then gag that provider from even disclosing the abuse to the public.

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Because of gag restrictions, we will never know how many times it has been used to obtain reading records from libraries and book stores, but we do know that libraries have been solicited by the Department of Justice, voluntarily or under threat of the PATRIOT Act, for reading information on more than 200 occasions since September 11.

Finally, it has been used to charge and detain and prosecute Muslim students in Idaho for posting Internet Web site links to objectionable material.

Let us not support this PATRIOT Act today.

Mr. SENSENBRENNER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I can't believe what I have heard from my friends on the other side of the aisle. If they succeed in defeating this bill, it is a case of be sorry for getting what you ask for. This bill actually puts more civil liberties protections into the PATRIOT Act than the conference report which has already been passed by both Houses and is ready to be enrolled and sent to the President for his signature.

So if you have your way and you vote down the bill that was authored by the gentleman from New Hampshire, Senator SUNUNU, you are not going to have the additional civil liberties protections that are contained in Senate 2271. That is not going to stop the conference report which you opposed in December, as is your right, from going to the President and being signed without these additional civil liberties protections.

If you are for more civil liberties protections in the PATRIOT Act, vote for this bill. If you are against them, vote against this bill. But the fate of this bill has no bearing on the fact that the conference report on the PATRIOT Act reauthorization has been cleared by both Houses and is ready to go to the White House. So think before you vote "no." I am voting "aye" because this is a good bill, and we ought to vote on this bill based upon what is in it rather than what is in other legislation.

Mr. LARSON of Connecticut. Madam Speaker, I rise today in opposition to S. 2271, a bill that circumvents the regular legislative process and fails to truly improve the PATRIOT Act.

Last year, I rejected the PATRIOT Act reauthorization and the conference report because I thought Congress could strike a more reasonable balance in empowering law enforcement and protecting civil liberties. I was concerned then, as I am now, that the reauthorization language would remove the protection of sunsets to most of the PATRIOT Act, which was critical to earn support for such sweeping legislation in 2001. These sunset provisions ensure that Congress will continuously be able to take a closer look at how law enforcement powers are implemented and the effectiveness of balancing security and freedom. I continue to believe that Congressional oversight over one of the most fundamental challenges of our time would not hinder our society but enhance it.

First, let us be clear about what we are voting on today—an amendment to a conference report. Conference reports are not amendable. Conference reports are the product of conference committees that have hammered out the differences between House and Senate versions of legislation. A conference report is one of the last stages of the legislative process and it must be wholly rejected or accepted by the two chambers.

Since the Majority and the Administration cannot pass the PATRIOT Act reauthorization conference report on its merits through the regular legislative process, the House must now consider a bill that amends the report. Instead of being honest with the American people that the conference report is flawed, the Majority is attempting to maneuver legislation through the House that they purport will "fix" the underlying problems of the PATRIOT Act reauthorization and fast-track the bill to President Bush's desk.

Even if this "fix" was added to the conference report, many discrepancies in the protection of privacy, civil liberties and Congressional oversight still remain. For example, with no meaningful changes to the conference report, access is still allowed to sensitive personal records, including medical, business and library records (Section 215) and national security letters that request personal information are still issued with no judicial review (Section 505).

Today, I reject the idea that the Majority and the Administration can use this bill as political cover to gain enough support for passage of the PATRIOT Act reauthorization. The fact remains that the PATRIOT Act reauthorization still needs more work, more safeguards, and more oversight. As the 109th Congress continues to discuss protecting the homeland and civil liberties, I challenge my colleagues to have an open review and debate on improving the PATRIOT Act, and to work together—in a bipartisan manner—to strengthen national security in a way that is consistent with the fundamental rights and freedoms this country was founded on.

Mr. SHAYS. Madam Speaker, I strongly support the PATRIOT Act, which plays an instrumental role in the detection and prevention of terrorist attacks.

Terrorists will strike again. It is not a question of if, but of when, where and of what magnitude. We are in a race to stop the terrorists before they use weapons of mass destruction against us.

The PATRIOT Act empowers our intelligence and law enforcement communities to play vital roles in helping the United States win this race.

To fight the war on terrorism, our intelligence agencies must have the right tools. However, with these added tools, there must be added oversight. The protection of our civil liberties is of utmost concern to me.

For this reason, Congresswoman MALONEY and I have offered H.R. 1310, the Protection of Civil Liberties Act, which would reconstitute the Privacy and Civil Liberties Oversight Board as an independent agency within the Executive Branch.

The establishment and adequate funding of the Privacy and Civil Liberties Board was a crucial recommendation by the 9/11 Commission. In its Final Report on 9/11 Commission recommendations, the commission notes "very little urgency" and "insufficient" funding as it relates to the establishment of the Board.

The bottom line is, we can no longer think in terms of the Cold War paradigm of containment, reaction and mutually-assured destruction. The modern threat requires us to detect and prevent attacks.

The PATRIOT Act improves our anti-terrorism capabilities by focusing on intelligence gathering, immigration, criminal justice and the financial infrastructure.

Ms. DEGETTE. Madam Speaker, I rise today in opposition to S. 2271, the "USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006.

I am strongly committed to fighting and winning the war on terror. The most solemn obligation of government is to protect the citizenry, and we need to make sure that law enforcement has the powers it needs to do so.

At the same time, governments throughout history, including our own, have abused their authority in the name of promoting such security. Americans should feel comfortable that while government is protecting them from others, their private lives are protected from unwarranted government intrusion. The right to privacy is one of our most precious rights, a hallmark of the American experiment.

I opposed the initial USA PATRIOT Act in 2001 because it threatened our civil liberties. As I have said before, while the compromise makes some improvements to the original USA PATRIOT Act, it does not go far enough to preserve civil liberties.

It will remain too easy for the government to fish through the private information of innocent Americans. This includes medical, gun, library, and financial records. Institutions that receive requests for information are still prevented from talking about them, and their ability to successfully challenge these "gag orders" is limited or nonexistent. Government's power to conduct secret searches of one's personal effects without prior notice, so called "sneak and peak" authority, remains too expansive.

S. 2271 only makes three changes to the prior act. First, it allows recipients of Section 215 orders to challenge accompanying "gag orders." However, it delays any action for at least one year and makes a successful challenge virtually impossible. Second, it clarifies that recipients of Section 215 orders and National Security Letters (NSLs) do not have to disclose to the government the identities of attorneys consulted to assist in responding to these requests. Finally, it seeks to exclude libraries from the reach of NSLs. Unfortunately, there is considerable disagreement about whether the language in S. 2271 actually will accomplish its goal of clarifying that libraries are not subject to NSLs.

These changes, taken as a whole, are at best small improvements which, most significantly, do not address the larger concerns I discussed earlier. As such, I cannot endorse S. 2271 and this reauthorization of the USA PATRIOT Act.

I am pleased that Senator SPECTER and others have said they will revisit the USA PATRIOT Act to deal with the many problems that remain. I look forward to a new bill that more properly balances our need to protect civil liberties and provide tools necessary in fighting terrorism.

Ms. HARMAN. Madam Speaker, the Patriot Act Conference Report which Congress will amend today deals with the outcry leveled at provisions in the original Patriot Act that allow the government to have access to library records.

I strongly agree that the original PATRIOT Act was too broad: it permitted the FBI and other agencies to issue National Security Letters (NSL)—secret administrative subpoenas—without court approval to obtain a wide range of data from libraries that had little or nothing to do with fighting terrorists.

But embedded in the law was something I felt and still feel was essential to prevent and disrupt terrorist plots: it covered Internet sites at libraries that also function as Internet Service Providers (ISPs), places terrorists use to communicate with each other—something they have done effectively in the effort to evade being monitored.

Though it was extremely unpopular, I voted against early efforts to repeal Section 215 of the PATRIOT Act—the so called Library Provision—because those efforts included ISPs. Last year, Congressman BERNIE SANDERS' amendment Section 215 expressly did not include ISPs, and I spoke for it on the floor.

Today's bill modifies the PATRIOT Act by barring the government from using NSLs to obtain records from libraries functioning in their traditional roles. Only libraries that also function as ISPs are now covered. This compromise is right and the law ensures that we can continue to monitor terrorist activity on the Internet.

In my view, however, we need to do more. Congress should fold additional checks and balances into the NSL process to protect business and other records in the same way this bill protects libraries. Checks and balances—such as those contained in legislation sponsored by the Intelligence Committee Democrats and senior Judiciary Committee Democrats—would subject NSLs to judicial oversight and enhanced congressional scrutiny.

The specter of a terrorist attack on U.S. soil is very real. It is a prospect that keeps me up at night. Clearly, we need modem tools to track 21st century threats, but not at the expense of our precious liberties, which are the essential foundation of American democracy. Today's bill to amend the PATRIOT Act is a step in the right direction.

Mr. BROWN of Ohio. Madam Speaker, today, the House considers S. 2271, The USA PATRIOT Act Additional Reauthorizing Amendments Act.

I opposed the original 2001 PATRIOT Act because it failed to strike an appropriate balance between giving law enforcement agencies the tools necessary to protect Americans from terrorism and maintaining the freedoms that protect America from tyranny. Like the 2001 bill, the PATRIOT Act reauthorization conference report is unacceptable, and the amendments proposed by S. 2771 again fall short of the mark.

Last year, the Senate unanimously agreed to legislation striking an appropriate balance between security and liberty. That bill offered an opportunity to fight terrorism effectively without giving up our rights and freedoms. By contrast, S. 2271 would make minor changes to the PATRIOT Act, and the final result falls well short of the standard set by the Senate legislation.

We should insist on real PATRIOT Act reform that protects both our safety and our freedom. Until then, I cannot support fig leaf legislation intended to cover up the basic problems of the PATRIOT Act.

You not only have to do the right thing, you have to do it in the right way. This act and these amendments do neither.

Mr. BLUMENAUER. Madam Speaker, I strongly oppose S. 2271, Additional Reauthorizing Amendments to the PATRIOT Act. This legislation fails to address any of the core fundamental flaws with the original PATRIOT Act and makes controversial provisions permanent which threaten American's civil liberties. By making the sunset provisions permanent, we are losing the opportunity for a meaningful review.

Time and time again, we have extended the reauthorization deadline in an effort to fix the flaws and yet once more we have brought forth legislation that compromises our civil rights in exchange for government control.

As we saw last year, the administration was cavalier with domestic spying through the National Security Administration. Their ability to undermine the American public should worry my colleagues and makes me question the reasoning behind giving additional authority with the USA Patriot Act.

In S. 2271, a recipient of national security letters (NSL) is able to challenge a nondisclosure (gag) order but they must wait a year until they can file a petition and that order can be renewed indefinitely at the government's discretion, making it harder to challenge.

In addition, S. 2271 fails to provide meaningful protection for the privacy of library patrons and library records. It exempts libraries that operate in their traditional role, but does not exempt those who use or offer electronic communication services such as Internet access.

This legislation gives the administration too much flexibility and does not force Congress to review the act as needed. In a country that prides itself on civil rights and freedom of speech we must have the ability to question and modify legislation. We must maintain a system with checks and balances to ensure that our government works for our citizens in a transparent way.

The lack of transparency is further demonstrated with the Combat Methamphetamine Epidemic Act. Methamphetamine has taken Oregon, as well as this country, by storm. I fully support efforts to combat this epidemic; however, I will not vote for the egregious PATRIOT Act just because it includes methamphetamine provisions. This is a cheap tactic and we should not be using victims of this epidemic as political chess pieces.

I have no doubt that we can keep America safe without compromising our civil liberties. Sadly, the bill does compromise our rights.

Mr. UDALL of Colorado. Madam Speaker, while I will vote for this bill, I cannot be enthusiastic about it because it does very little to improve the laws it amends. And I cannot help regretting that the House is not being allowed to even consider improving the bill itself.

By refusing to allow any amendments to be considered, the Republican leadership not only is missing an opportunity to refine and clarify the language of this Senate bill, it is insisting on preventing any attempt to broaden the bill so it will do more to strike the right balance between fighting terrorism and respecting civil liberties. This is not the right way for us to do our work.

The bill in effect amends the conference report on H.R. 3199, the bill to revise and renew various provisions of the "USA PATRIOT Act" (more commonly called simply the "PATRIOT Act") that was passed by the House last year.

I voted against that conference report.

I support renewing the new tools the PATRIOT Act provided to fight terrorists. But I also thought then—and still think today—Congress should take care to protect Americans' civil liberties. And, after careful review, I concluded that the conference report did not do enough to reduce the potential that the authority it gives to the FBI and other agencies could be abused or misused in ways that intrude on Americans' privacy and civil liberties—a potential that has led more than 300 communities as well as Colorado and six other States—governments that in all represent over 62 million people—to pass resolutions opposing parts of the PATRIOT Act.

I had hoped I could vote for the conference report, because earlier the Senate, to its credit, did a better job than the House in responding to the concerns that prompted such resolutions, while still providing ample tools that the government can use to work against the threat of more terrorist attacks, at home and abroad.

I could have supported enactment of the bill as passed by the Senate, and I hoped that the conference report would closely resemble that Senate-passed bill. Unhappily, those hopes were not fulfilled—but I took new hope when the Senate refused to cut off debate on the conference report and it became clear that there would be an effort to revise it to address concerns about its effects on civil liberties.

Specifically, I hoped that the conference report would be revised to include provisions like those in H.R. 1526, the "Security and Freedom Ensured Act of 2005," or SAFE Act. I am a cosponsor of that bill, which would amend the PATRIOT Act in several important ways.

It would modify the provisions regarding "roving wiretaps" to require that: (1) an order approving an electronic surveillance specify either the identity of the target or the place to be wiretapped; and (2) surveillance is to be conducted only when the suspect is present.

It would revise provisions governing so-called "sneak and peek" search warrants to: (1) limit them to cases where immediate notice of issuance would endanger someone's life or physical safety, result in flight from prosecution or intimidation of a potential witness, or lead to destruction of or tampering with evidence sought; and (2) require notice of the warrant within 7 days (instead of just a "reasonable period") after execution, with extensions for additional periods of up to 21 days if the court finds reasonable cause.

It would require the FBI to have a more specific reason to seek to obtain that person's business records for foreign intelligence and international terrorism investigations.

It would provide that libraries shall not be treated as wire or electronic communication service providers under provisions granting counterintelligence access to provider subscriber information, toll billing records, or electronic communication transactional records.

It would redefine "domestic terrorism" to mean activities that involve acts dangerous to human life that constitute a Federal crime of terrorism. And it would add several provisions to the list subject to "sunset," so that Congress would have more incentive to review their implementation and to consider possible changes.

I think the SAFE Act sets an appropriate standard for legislation to revise and reauthorize the PATRIOT Act.

Unfortunately, the conference report did not meet that standard, and even more unfortunately the negotiations that followed the Senate's refusal to end debate on the conference report did not result in legislation that would bring the conference report into line with the "SAFE" Act.

Instead, those negotiations resulted in the bill now before the House, on which the only choice allowed by the Republican leadership is "yes" or "no."

The bill would make some revisions in the conference report. Specifically, it would—(1) allow recipients of a production order under Section 215 of the PATRIOT Act to ask a judge of the special court established by the Foreign Intelligence Surveillance Act (FISA) to modify or quash the "gag rule" that bars disclosure of the order; (2) end the rule that recipients of a Section 215 order or national security letter (NSL) must name any attorney consulted about the order or NSL; and (3) clarify that libraries, the services of which include offering patrons access to the Internet, are not subject to NSLs, unless they are functioning as electronic communication service providers.

However, a challenge to the gag rule could not be brought until a year after an order or NSL is issued, and the bill would establish as conclusive a government certification that a waiver may endanger national security unless it was made in bad faith.

At best, these are very minor improvements in the conference report. And the language of the bill is not without ambiguity on several points—which is why the Republican leadership should have allowed consideration of clarifying amendments.

But, unfortunately, both the House and the Senate have approved the conference report and it is ready to go to the President to be signed into law. So, the choice now before the House is whether to pass this bill or whether we instead will allow the conference report to become law without even these minor improvements.

And on that question, I think our country is better served by enactment of this inadequate and incomplete bill than by its defeat—and so I will vote for it.

Mr. PAUL. Madam Speaker, contrary to its proponents' claims, S. 2271 fails to address the constitutional flaws in the PATRIOT Act or protect innocent Americans against future abuses of their civil liberties. Rather, passing this bill makes the permanent authorization of most of the act inevitable. Therefore, I urge my colleagues to vote against S. 2271 in order to force the House and Senate to craft a new legislation giving the government the tools necessary to fight terrorism without sacrificing constitutional liberties.

The Chairman of the Senate Judiciary Committee essentially admitted that S. 2271 does nothing to address the core concerns constitutionalists and civil libertarians have with the PATRIOT Act. In fact, he has announced his intention to introduce his own PATRIOT Act reform bill! However, if S. 2271 passes and PATRIOT Act extension becomes law, it is highly unlikely that this Congress will consider any other PATRIOT Act reform legislation.

USA Today's Editorial of March 1, "Patriot Act 'compromise' trades liberty for safety," accurately describes how people concerned about individual liberty should react to S. 2271's "reforms": "Big Deal. By any standard of respect for the Bill of Rights, those provisions never should have been in the law in the first place. What is it about the Fourth Amendment ('The right of the people to be secure . . . against unreasonable searches and seizures shall not be violated') that Congress doesn't get?"

Among S. 2271's flaws are provisions restricting recipients of a "gag" order regarding government seizure of private records from seeking judicial review of such orders for a year and requiring that recipients prove government officials acted in "bad faith," a ridiculously high standard, simply to be able to communicate that the government has ordered them to turn over private records. The bill also requires that recipients of National Security Letters, which can be abused to sidestep the requirements of the Fourth Amendment, provide the FBI with the names of any attorneys from whom they have sought legal counsel from. S. 2271 would thus prohibit a National Security Letter recipient from even asking a lawyer for advice on complying with the letter without having to report it to the FBI. In fact, S. 2271 requires National Security Letter recipients to give the FBI the names of anyone they tell about the letter. This provision will likely have a chilling effect on a recipient of a National Security Letters ability to seek legal advice or other assistance in challenging or even complying with the National Security Letter.

Madam Speaker, S. 2271 does not address the fundamental constitutional problems with the PATRIOT Act. To the contrary, S. 2271 will make most of the PATRIOT Act's dramatic expansions of federal power a permanent feature of American life. Therefore, I urge my colleagues to reject this bill and work to ensure government can effectively fight terrorism without sacrificing the liberty of law-abiding Americans.

Mr. FARR. Madam Speaker, I rise in opposition to S. 2271, the PATRIOT Act Amendments.

James Madison, our 4th President, said, "I believe there are more instances of the abridgment of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations."

The PATRIOT Act and its subsequent amendments are exactly what the "Father of the Constitution" was talking about.

Democracy means the "common people rule". And the "common people" of the 17th district have proclaimed that Americans should not have to compromise their civil liberties in order to combat extremism. The local governments of Pacific Grove, Salinas, Santa Cruz, and Watsonville, California have all passed resolutions expressing their concerns with the anti-privacy and anti-liberty nature of the PATRIOT Act.

As we promote democracy at other countries, should we not ourselves be practicing and preserving democracy within our own society?

Madam Speaker, I urge a no vote on the PATRIOT Act amendments.

Mr. STARK. Madam Speaker, I rise in opposition to S. 2271, the USA PATRIOT Act. Additional Reauthorizing Amendments Act of 2006. This bill is a great example of what happens when you put Republican Senators in a room with DICK CHENEY to negotiate over Constitutional rights. It's like two foxes negotiating over who can do more damage to the henhouse without upsetting the neighbors.

Examining this deal more closely, we see that giving the American people the right to consult a lawyer or challenge a gag order in court is somehow considered a concession by the Bush Administration. Other than that, it's the same old PATRIOT Act that criminalizes speech, protest, and meetings of citizens while also eliminating the right to due process and a search warrant.

This bill permanently extends 14 of 16 expiring provisions of the PATRIOT Act. Government can still listen in on your phone conversations without any proof that a terrorist is using the phone and can conduct secret searches of your property. The law will still allow our Government to send a letter to your bank, Internet Service Provider, insurance company, or any other business demanding information about you. The only difference is that businesses no longer have to tell the FBI when they consult an attorney about the request.

A government official can still forbid a business from telling anyone that records have been obtained, although this gag would last for an initial one-year period rather than indefinitely. However, the gag can be renewed and doing so is actually made easier by this supposed grand compromise. Finally, the Bush Administration has magnanimously agreed not to look at your library borrowing records, although this agreement makes it easier for them to find out what websites you visit while at the library.

Madam Speaker, the PATRIOT Act can never be fixed because it starts with the fundamental presumption that the Constitution gets in the way of protecting Americans. In fact, we need the Constitution more than ever to protect us from politicians who think they're above the law.

Ms. ESHOO. Madam Speaker, I rise in opposition to S. 2271. This bill makes a few cosmetic changes, but the changes do little to address the serious civil liberties concerns that I and countless Americans have raised during the debate over the reauthorization of the PATRIOT Act.

For example, nothing has been done to integrate needed checks and balances into the National Security Letter (NSL) process. NSLs are requests for financial, telecommunications, credit, and other business records issued directly by government agencies in national security investigations without the approval of a judge. Before the PATRIOT Act, the FBI and other issuing agencies could issue an NSL only if there was some nexus to an agent of a foreign power or terrorist. Post-PATRIOT Act, the government only has to show the request is relevant to an investigation. The lowering of this standard has resulted in an all-time high number of NSLs issued. Passage of this legislation will do nothing to change this disturbing trend or enhance congressional or judicial oversight over NSLs.

This bill also fails to address issues related to the President's National Security Agency (NSA) domestic surveillance program. I strongly believe this program must be subject to statutory restrictions, including the Foreign Intelligence Surveillance Act (FISA). Congress should not stand by in silence and allow this controversial program to continue unchecked.

Unfortunately, in spite of having adequate time to engage in constructive discussions to fix the PATRIOT Act reauthorization Conference Report, the sponsors of S. 2271 chose again to exclude Democrats from negotiations. Instead, they've offered a bill that makes only a few superficial changes to the Conference Report, and because this bill is being considered under suspension of the rules, we don't have an opportunity to offer meaningful amendments that could greatly improve the PATRIOT Act and ensure the protection of privacy and civil liberties as well as our national security.

I oppose this bill and find it regrettable that an important opportunity to initiate real reforms to this legislation has been squandered.

Mr. PENCE. Madam Speaker, later this afternoon we will consider additional reauthorizing amendments to the PATRIOT Act. The PATRIOT Act Conference Report is a balance between liberty and security. Chairman SENSENBRENNER and those of us serving on the House Judiciary Committee dedicated ourselves to achieving this end. The additional safeguards that we will agree to today will further enhance the safety and security of the American people, and I enthusiastically support that. It is time, after two extensions and a debate worthy of the high standards of American democracy, that we send the PATRIOT Act to the President for his signature.

We all lived through September 11th. I was here at the Capitol that day. I saw the evil of our enemies written in the smoke rising above the Pentagon. And we are reminded yet today that their desire to do such violence in our homeland and in the homeland of our allies is real.

Since September 11th, we have seen attacks on buses and subway cars in London, attacks on commuter trains in Madrid, hotel bombings in Amman, and nightclub bombings in Bali. Osama bin Laden and Ayman al-Zawahire have spoken recently in videotapes expressing their desire to bring further terrorist destruction upon America. There is no doubt that we are under an extreme threat each day. However, there also is no doubt about America's determination to protect itself.

Just recently the President recounted how a planned al Qaeda attack on an office tower in Los Angeles was thwarted, thanks in part to the tools provided under the PATRIOT Act. The information sharing provisions of the PATRIOT Act also have enabled investigators to break-up terror cells in Portland, Oregon and Lackawanna, New York. Thwarting terrorist attacks such as these at home is accomplished by the hard work of the men and women in the law enforcement and intelligence communities. But, it also is done by making sure that these brave men and women have available to them the powers necessary to do the job, such as those in the PATRIOT Act.

For that reason, making permanent 14 of the 16 expiring PATRIOT Act provisions is so important. The two remaining provisions, Section 206 which authorizes roving wiretaps used by law enforcement to perform surveillance on terrorists or spies who throwaway their cell phones and change locations frequently and Section 215 which authorizes the FBI to ask the Foreign Intelligence Surveillance Courts to issue an order for business records of terrorists to be used by the FBI in its investigations, are extended for 4 years.

We must equip law enforcement and intelligence officials with the tools necessary for them to protect Americans from terrorist attacks. We also must safeguard the precious civil rights and liberties that make our lives so free and fulfilling. We are doing both today. Madam Speaker, our solemn duty is to protect Americans from terrorists and safeguard their civil liberties, and today we fulfill that duty by passing this bill and sending the reauthorization of the PATRIOT Act to the President to sign.

Mr. LANGEVIN. Madam Speaker, today I rise in support of S. 2271, a bill to add civil liberty protections to the conference report on H.R. 3199, the USA PATRIOT Reauthorization Act. Although I voted against the Patriot Act in December, the Republican Leadership rammed it through Congress anyway. I welcome this opportunity to eliminate some of its most egregious provisions and to further enhance civil liberties protections. I will keep fighting to improve this law so that we can find the right balance between waging the war on terrorism and protecting the rights of the American people.

S. 2271 improves civil liberties in three ways. Under the Patriot Act, libraries, bookstores, and other recipients of court orders for information are bound by a nondisclosure requirement. These organizations are unable to tell the target of the investigation that records have been obtained on the public, if they believe the search is unwarranted. As currently written, the Patriot Act prevents appropriate oversight to affirm the need for such requests for information. S. 2271 allows recipients of these court orders to challenge the nondisclosure requirement, which helps protect civil liberties by placing a check on unrestricted use of these court orders and protects against unlawful search and seizure.

As currently written, the Patriot Act greatly expands the use of administrative subpoenas, known as National Security Letters (NSLs). NSLs are equivalent to search warrants, but they are signed by government bureaucrats instead of issued by courts. These subpoenas have minimal civil liberty checks in place to ensure an investigation is warranted. Presently, the Patriot Act requires recipients of NSLs to disclose to the Federal Bureau of Investigation (FBI) the names of their attorneys who are notified of the NSL. This overzealous provision could launch investigations into attorneys trying to defend clients who received unwarranted investigations. S. 2271 removes this requirement to disclose attorney names, and I am pleased to support this change.

Finally, S. 2271 increases the burden of proof on obtaining evidence from libraries. Under the Patriot Act, an NSL could require libraries to hand over book checkout lists and Internet records for specific users, which is a tremendous violation of privacy. S. 2271 requires investigators to obtain a court order, which would prevent overzealous investigators from trying to find evidence without probable cause.

If S. 2271 does not pass, I am concerned that the Patriot Act will move to the President's desk for signature lacking protections to prevent challenging nondisclosure requirements, increasing the opportunity for civil liberties abuses, and subjecting libraries to unnecessary and intrusive scrutiny. While I continue to oppose the underlying Patriot Act, I will vote for these improvements. I look forward to working with my colleagues on both sides of the aisle to correct other deficiencies and protect the American people from both terrorists and potential abuses of our freedoms.

Mr. DINGELL. Madam Speaker, I rise in strong opposition to S. 2271, the USA PATRIOT Act Additional Reauthorizing Amendments. I am deeply concerned that such an important piece of legislation has been placed on the suspension calendar. We should take a deliberate and considered look at the Senate changes and not just be a rubber stamp.

Considering this bill was originally conceived with little to no debate in the House and Senate, we should take a second look at what these changes will mean for our Nation. Unfortunately, it appears these changes do little to address the serious concerns that I and many of my colleagues have had with the law since its inception. I will mention two such issues.

First, under this bill, the library record issue remains. While there have been some small cosmetic changes regarding the library provision, the government can still gain access to library, medical, financial, firearms sales, and other private records under Section 215. More importantly, the government can do so without any evidence that a person is a terrorist, conspiring with a terrorist organization, knows a terrorist, or has been seen in the vicinity of a terrorist. In fact, a person does not have to do anything illegal at all. We must ensure that proper civil liberties protections are in place.

Next, the gag order that was in the original PATRIOT Act remains in place. As we all know, the PATRIOT Act prohibits someone from talking about or challenging an order under Section 215. This legislation would supposedly allow the recipient to challenge a gag order after 1 year. Yet, this same bill would conclusively presume any government expression of national security concerns is valid, therefore letting the gag order stand. A conclusive presumption by one's accuser in a court of law offers no protection to the accused. As a former prosecutor, I understand this type of legal presumption can and will be used to the benefit of the government's case. The deck is stacked in the government's favor.

Madam Speaker, we must work to protect civil liberties and ensure that we protect our Nation from terrorism. This bill does not strike the right tone and may do more harm than good. I urge my colleagues to vote against this legislation.

Mrs. MALONEY. Madam Speaker, I rise in opposition to S. 2271, the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006.

Although this legislation makes some improvements to the version of the bill I voted against in December, it still does not do enough to protect the civil liberties of innocent Americans—civil liberty protections that I tried to include by seeking permission to offer an amendment that would have strengthened the Privacy and Civil Liberties Oversight Board. Unfortunately, the Rules Committee refused to even allow this amendment to be debated when the House first considered this legislation last year.

Despite these revisions, libraries, businesses, and doctor's offices still could be forced to turn over the records of patrons with insufficient judicial oversight or independent review. This lack of oversight by the courts extends to the recipients of Section 215 orders and National Security Letters who were unable to force a review until a year had passed. Finally, this bill does not force government agents to inform the owners of homes subject to "sneak and peek" searches within seven days.

I continue to have strong concerns that Congress is relinquishing its oversight duties by making permanent fourteen of sixteen provisions included in the original PATRIOT Act passed in 2001. We all want to prevent terrorist attacks by apprehending suspected leaders and participants before they have the chance to act on their plans. However, we should not cast aside the Constitution in the process. I do not think it is too much for our constituents to expect their elected representatives to be diligent in protecting their rights.

I urge my colleagues to vote against this legislation.

Mr. PAYNE. Madam Speaker, I rise today to express my dismay at the passage of the unwise and unsound provisions contained in S. 2271, the USA PATRIOT Act Reauthorizing Amendments Act of 2006. Unfortunately, I was unavoidably detained during the vote and could not cast my strong opposition to the reauthorization of this act.

I am deeply concerned about this flawed piece of legislation that purports to protect our country against future terrorist acts while still preserving our civil liberties. I do not agree that both objectives are mutually exclusive. However, as was evident during its rash passage in 2001, this bill forsakes one aim in favor another. While this version of the Patriot Act, with Senator JOHN SUNUNU's amendments, adds some civil liberty protections, these changes are only cosmetic and are still an infringement upon many of our constitutional rights including the First, Fourth and Fifth Amendments. A reauthorization process should be a time in which legislators analyze how a law has impacted society and works towards its improvement. I even saw a slight glimmer of hope when many Senators from both sides of the aisle exemplified patriotism and questioned how this law is contradictory to what this nation stands for and upon which it prides itself. I applaud their courage and their effort. Unfortunately, the debate surrounding this bill was met with stern opposition from the White House and many Members of Congress.

It is never wise to pass knee-jerk legislation. In the wake of 9/11, the U.S. Congress quickly passed the Patriot Act without fully understanding its implications and how its infringements upon the Constitution could lead to abuses. It essentially gave the Executive Branch carte-blanche to pursue whatever actions it thought appropriate in the fight against terrorism. As evidenced by the Bush administration's warrantless domestic surveillance program, it is quite evident that civil liberties must be safeguarded not stripped. The government will still have the ability to employ National Security Letters and Section 215 court orders to go on fishing expeditions and obtain private and confidential records on the basis that there is "reasonable grounds to believe" that these records are "relevant" to an investigation. Furthermore, the government will still be able to delay notifying individuals that their private property has been searched. While there is an initial leeway of 30-days, the government can seek an indefinite amount of 90-day extensions. Where will the encroachments end?

Through the passage of this legislation, we have done our country a great disservice. At this juncture, we could have sought true and meaningful reform that not only protected this great nation from terrorists but also from the improper intrusions that are inherent in this bill.

Madam Speaker, I would like to again voice my opposition to the passage of S. 2271.

Mr. CARDIN. Madam Speaker, one of the most important responsibilities for Congress after the September 11 terrorist attacks is to balance the needs of law enforcement to have effective tools to combat terrorism with the civil liberties and civil rights of Americans.

I am pleased that the Senate bill strengthens the civil liberties protections of the PATRIOT Act, and provides for increased judicial oversight of the Justice Department as it uses these powers.

The bill before us enacts a number of much-needed procedural changes that will enhance judicial oversight of Section 215 orders. Under current law, the recipient of a Section 215 order lacks an explicit statutory right to petition the FISA (Foreign Intelligence Surveillance Act) court to modify or set aside either the production order or the non-disclosure requirement. The conference report provides that recipients have an explicit right to challenge the legality of the Section 215 order in certain FISA courts. This bill further expands the individual's right to challenge the government's assertion that a business records search must remain secret.

The legislation also reforms the FBI process used to issue National Security Letters (NSL). Unlike current law, the conference report explicitly permits recipients of NSLs to consult with an attorney to challenge the letter in court. This bill further strengthens individual rights by allowing the recipient of an NSL to consult with an attorney in secret, and does not require the recipient to disclose the name of the attorney to the FBI.

Finally, this bill provides that public, academic, or research libraries that offer Internet access or other electronic research tools are not considered to be electronic communication services, and therefore are not subject to search by an NSL.

Ms. SCHAKOWSKY. Madam Speaker, I rise in opposition to S. 2271, the PATRIOT Act Additional Reauthorizing Amendments Act, which does not correct the core problems with the original act. Republicans and Democrats alike have asked for moderate changes that would have ensured that these extraordinary new powers are directed solely at terrorists and that each new power had meaningful court review. These efforts that would have put the PATRIOT Act in line with the Constitution and American values were ignored. Not only does the bill remain deeply flawed, S. 2271 was brought to the House under suspension, a procedure limiting debate to 40 minutes and preventing any amendments to address the many concerns expressed by organizations and many of my colleagues.

Under S. 2271, the government will still be able to use National Security Letters and secret orders under section 215 to obtain a wide array of private, confidential records—including the medical, financial, library, and bookstore and gun purchase records of individual Americans. The bill requires no evidence linking those records to a suspected terrorist or spy, requires no court oversight or independent review of these secret orders, and prohibits the recipient of such an order from challenging the legality of the order for a year.

Second, this bill adds no meaningful protection for library records. It only exempts libraries from National Security Letters if they don't offer Internet access—and the American Library Association puts the number of libraries without Internet access near zero. With over 30,000 national security letters issued every year and two federal courts ruling NSLs unconstitutional, I continue to have strong concerns that this bill does nothing to protect bookstores, libraries, and their customers from excessive searches by the government.

Third, under this bill the government can still conduct secret physical searches of homes and offices under a vague standard; and notice can be delayed for weeks, months, or even longer. The Justice Department admits that at least 88 percent of such searches conducted between fall of 2001 and spring of 2005 actually had nothing to do with terrorism. The government can search private homes of Americans who have no connection to terrorism and not even inform them that their home was searched.

Finally, roving wiretaps provisions would allow the government agents to eavesdrop on innocent Americans' private conversations without first verifying that a terrorist suspect is actually using the facility or device involved. That means that, on a daily basis, the government can listen in on hundreds, maybe thousands of Americans' private conversations that may not have any connection to terrorism.

Given the Bush Administration's extraordinary assertions of presidential power to authorize the National Security Agency (NSA) to engage in intrusive domestic spying of Americans, it is more vital than ever that Congress reasserts its rightful role by correcting the flaws in the PATRIOT Act. I join the majority of Americans who want to protect our Nation's security while preserving Constitutional freedoms and civil liberties. Towns, cities, counties and states have passed over 400 resolutions in opposition to the PATRIOT Act, including the City of Chicago and Evanston in the 9th Congressional District of Illinois. Sweeping and unnecessary Federal surveillance and unchecked law enforcement powers undermine the rights that are the cornerstone of our democracy.

The PATRIOT Act debate is far from over: secret record searches must be reformed so they are focused on suspected foreign terrorists and not used to invade the private records of ordinary Americans. Congress can, and must, take steps to fix the Patriot Act to keep America both safe and free. I urge my colleagues to reject the PATRIOT Act and instead call for meaningful checks on the PATRIOT Act's extraordinary powers.

Mr. SENSENBRENNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 2271.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

STOP COUNTERFEITING IN MANUFACTURED GOODS ACT

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 32) to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. TRAFFICKING IN COUNTERFEIT MARKS.

(a) SHORT TITLE; FINDINGS.—

(1) SHORT TITLE.—This section may be cited as the "Stop Counterfeiting in Manufactured Goods Act".

(2) FINDINGS.—The Congress finds that—

(A) the United States economy is losing millions of dollars in tax revenue and tens of thousands of jobs because of the manufacture, distribution, and sale of counterfeit goods;

(B) the Bureau of Customs and Border Protection estimates that counterfeiting costs the United States $200 billion annually;

(C) counterfeit automobile parts, including brake pads, cost the auto industry alone billions of dollars in lost sales each year;

(D) counterfeit products have invaded numerous industries, including those producing auto parts, electrical appliances, medicines, tools, toys, office equipment, clothing, and many other products;

(E) ties have been established between counterfeiting and terrorist organizations that use the sale of counterfeit goods to raise and launder money;

(F) ongoing counterfeiting of manufactured goods poses a widespread threat to public health and safety; and

(G) strong domestic criminal remedies against counterfeiting will permit the United States to seek stronger anticounterfeiting provisions in bilateral and international agreements with trading partners.

(b) TRAFFICKING IN COUNTERFEIT MARKS.—Section 2320 of title 18, United States Code, is amended as follows:

(1) Subsection (a) is amended by inserting after "such goods or services" the following: ", or intentionally traffics or attempts to traffic in labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature, knowing that a counterfeit mark has been applied thereto, the use of which is likely to cause confusion, to cause mistake, or to deceive,".

(2) Subsection (b) is amended to read as follows:

"(b)(1) The following property shall be subject to forfeiture to the United States and no property right shall exist in such property:

"(A) Any article bearing or consisting of a counterfeit mark used in committing a violation of subsection (a).

"(B) Any property used, in any manner or part, to commit or to facilitate the commission of a violation of subsection (a).

"(2) The provisions of chapter 46 of this title relating to civil forfeitures, including section 983 of this title, shall extend to any seizure or civil forfeiture under this section. At the conclusion of the forfeiture proceedings, the court, unless otherwise requested by an agency of the United States, shall order that any forfeited article bearing or consisting of a counterfeit mark be destroyed or otherwise disposed of according to law.

"(3)(A) The court, in imposing sentence on a person convicted of an offense under this section, shall order, in addition to any other sentence imposed, that the person forfeit to the United States—

"(i) any property constituting or derived from any proceeds the person obtained, directly or indirectly, as the result of the offense;

"(ii) any of the person's property used, or intended to be used, in any manner or part, to commit, facilitate, aid, or abet the commission of the offense; and

"(iii) any article that bears or consists of a counterfeit mark used in committing the offense.

"(B) The forfeiture of property under subparagraph (A), including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the procedures set forth in section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section. Notwithstanding section 413(h) of that Act, at the conclusion of the forfeiture proceedings, the court shall order that any forfeited article or component of an article bearing or consisting of a counterfeit mark be destroyed.

"(4) When a person is convicted of an offense under this section, the court, pursuant to sections 3556, 3663A, and 3664, shall order the person to pay restitution to the owner of the mark and any other victim of the offense as an offense against property referred to in section 3663A(c)(1)(A)(ii).

"(5) The term 'victim', as used in paragraph (4), has the meaning given that term in section 3663A(a)(2).".

(3) Subsection (e)(1) is amended—

(A) by striking subparagraph (A) and inserting the following:

"(A) a spurious mark—

"(i) that is used in connection with trafficking in any goods, services, labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature;

"(ii) that is identical with, or substantially indistinguishable from, a mark registered on the principal register in the United States Patent and Trademark Office and in use, whether or not the defendant knew such mark was so registered;

"(iii) that is applied to or used in connection with the goods or services for which the mark is registered with the United States Patent and Trademark Office, or is applied to or consists of a label, patch, sticker, wrapper, badge, emblem, medallion, charm, box, container, can, case, hangtag, documentation, or packaging of any type or nature that is designed, marketed, or otherwise intended to be used on or in connection with the goods or services for which the mark is registered in the United States Patent and Trademark Office; and

"(iv) the use of which is likely to cause confusion, to cause mistake, or to deceive; or"; and

(B) by amending the matter following subparagraph (B) to read as follows:

"but such term does not include any mark or designation used in connection with goods or services, or a mark or designation applied to labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature used in connection with such goods or services, of which the manufacturer or producer was, at the time of the manufacture or production in question, authorized to use the mark or designation for the type of goods or services so manufactured or produced, by the holder of the right to use such mark or designation.".

(4) Section 2320 is further amended—

(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following:

"(f) Nothing in this section shall entitle the United States to bring a criminal cause of action under this section for the repackaging of genuine goods or services not intended to deceive or confuse.".

(c) SENTENCING GUIDELINES.—

(1) REVIEW AND AMENDMENT.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of any offense under section 2318 or 2320 of title 18, United States Code.

(2) AUTHORIZATION.—The United States Sentencing Commission may amend the Federal sentencing guidelines in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that section had not expired.

(3) RESPONSIBILITIES OF UNITED STATES SENTENCING COMMISSION.—In carrying out this subsection, the United States Sentencing Commission shall determine whether the definition of "infringement amount" set forth in application note 2 of section 2B5.3 of the Federal sentencing guidelines is adequate to address situations in which the defendant has been convicted of one of the offenses listed in paragraph (1) and the item in which the defendant trafficked was not an infringing item but rather was intended to facilitate infringement, such as an anti-circumvention device, or the item in which the defendant trafficked was infringing and also was intended to facilitate infringement in another good or service, such as a counterfeit label, documentation, or packaging, taking into account cases such as U.S. v. Sung, 87 F.3d 194 (7th Cir. 1996).

SEC. 2. TRAFFICKING DEFINED.

(a) SHORT TITLE.—This section may be cited as the "Protecting American Goods and Services Act of 2005".

(b) COUNTERFEIT GOODS OR SERVICES.—Section 2320(e) of title 18, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) the term 'traffic' means to transport, transfer, or otherwise dispose of, to another, for purposes of commercial advantage or private financial gain, or to make, import, export, obtain control of, or possess, with intent to so transport, transfer, or otherwise dispose of;";

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

"(3) the term 'financial gain' includes the receipt, or expected receipt, of anything of value; and".

(c) CONFORMING AMENDMENTS.—

(1) SOUND RECORDINGS AND MUSIC VIDEOS OF LIVE MUSICAL PERFORMANCES.—Section 2319A(e) of title 18, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) the term 'traffic' has the same meaning as in section 2320(e) of this title.".

(2) COUNTERFEIT LABELS FOR PHONORECORDS, COMPUTER PROGRAMS, ETC.—Section 2318(b) of title 18, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) the term 'traffic' has the same meaning as in section 2320(e) of this title;".

(3) ANTI-BOOTLEGGING.—Section 1101 of title 17, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) DEFINITION.—In this section, the term 'traffic' has the same meaning as in section 2320(e) of title 18.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 32 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 32, the Stop Counterfeiting in Manufactured Goods Act. This legislation, which is substantially similar to legislation that passed the House by voice vote in May of 2005, contains important provisions to facilitate efforts by the Department of Justice to prosecute those who exploit the good names of companies by attaching counterfeit marks to substandard products.

As amended by the other body, H.R. 32 includes changes to the definition of "traffic" contained in Federal counterfeiting statutes to permit the prosecution of persons who import or export counterfeit products or possess counterfeit products with the intent to transport, transfer, or distribute such products.

Counterfeiting is a serious problem. Legitimate businesses work hard to build public trust and confidence in their products. When a legitimate company's name is attached to counterfeit products, that company may suffer financial losses and may also have its reputation tarnished as a result.

In addition, counterfeit products are often purchased unwittingly by consumers who have come to rely on the quality of a product from a company they know and trust. What unsuspecting consumers of counterfeit products often receive is a low-quality, and potentially dangerous, imitation. Some of these products are such poor imitations of the original that they have caused physical harm to consumers.

The FBI has identified counterfeit goods in a wide range of products including pharmaceuticals, automobile parts, airplane parts, baby formula, and children's toys. The U.S. automobile industry has reported a number of instances of brake failure caused by counterfeit brake pads manufactured from wooden chips. Counterfeits of other products, such as prescription or over-the-counter medications, may have serious health consequences if consumed by consumers.

Under this legislation, section 2320 of title 18 would be expanded to include penalties for those who traffic in counterfeit labels, symbols, or packaging of any type knowing that a counterfeit mark has been applied. Additionally, H.R. 32 would require the forfeiture of any property derived directly or indirectly from the proceeds of the violations as well as any property used, or intended to be used, in relation to the offense. It also requires that restitution be paid to the owner of the mark that was counterfeited.

In fiscal year 2003, the Department of Homeland Security reported 6,500 seizures of counterfeit-branded goods including cigarettes, books, apparel, handbags, toys, and electronic games with an estimated street value of $94 million. According to the U.S. Customs and Border Protection, the number of seizures for violations of intellectual property rights increased by 11.8 percent between fiscal year 2003 and fiscal year 2004 to 7,255 seizures for an estimated value of $139 million. Fortune 500 companies are spending between $2 million and $4 million a year each to fight the counterfeiters.

The counterfeiting of manufactured goods produces staggering losses to businesses across the United States and around the world. Counterfeit products deprive the Treasury of tax revenues, add to the national trade deficit, subject consumers to health and safety risks, and leave consumers without any legal recourse when they are financially or physically injured by counterfeit products.

In addition, established links between counterfeiting, terrorism, and organized crime have made this a priority for Federal law enforcement agencies. H.R. 32 will help the Federal Government stop the wave of counterfeit products flooding the marketplace.

Before closing, I would like to thank and congratulate the gentleman from Michigan (Mr. KNOLLENBERG), the author of the House-passed legislation, for his tireless efforts to address the counterfeiting problem. He has crafted a good piece of legislation that has broad bipartisan support. I urge my colleagues to support this important bill.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I support this bill with great enthusiasm. I yield as much time as he may consume to the gentleman from Virginia (Mr. SCOTT). No one has worked harder on the committee than this gentleman.

Mr. SCOTT of Virginia. Madam Speaker, I rise in support of H.R. 32, the Stop Counterfeiting in Manufactured Goods Act.

The bill amends existing law in a matter designed to intensify the effort to prevent counterfeiting of goods. Counterfeited goods victimize the manufacturer and shortchange purchasers with substandard products. They also expose all of us to risks from unsafe products and deprive Americans of jobs and other benefits from commerce when the authentic goods are not sold.

The sale of counterfeit goods is illegal. This bill clarifies any ambiguity there may be in present law. Madam Speaker, when we began working on this bill on a bipartisan basis at the subcommittee level, there was a concern when drafted that the bill went too far and actually criminalizes current legitimate, time-honored practices by law-abiding merchants who legally purchased authentic goods and repackage them in various ways to enhance sales of such goods.

We forged an agreement which addressed this potential problem to the satisfaction of all those who had expressed concerns about it. So this bill addresses the problem of counterfeiting of manufactured goods in a manner that should now be considered non-controversial.

Accordingly, Madam Speaker, I support the bill, and I urge my colleagues to do the same.

Mr. SENSENBRENNER. Madam Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), the author of the bill.

Mr. KNOLLENBERG. Madam Speaker, thank you very much for allowing me to speak on my bill, H.R. 32, the Stop Counterfeiting in Manufactured Goods Act. I sincerely want to salute the chairman, Mr. SENSENBRENNER, for the effort he has made. And I also wanted to thank the ranking member, Mr. CONYERS, and Mr. SCOTT and anybody else that wants to rise. I appreciate very much all the hard work and the support you have given this bill.

I introduced this bill last year in response to the concerns of many manufacturing companies about the proliferation of counterfeit products, especially auto parts. Simply put, counterfeit parts and goods cost American jobs. Every year, counterfeiting costs the U.S. an estimated $200 billion, and that is climbing. Counterfeit auto parts alone cost the automotive supplier industry over $12 billion annually.

To put it in more tangible terms, it is estimated that if these losses were eliminated, the auto industry could hire 200,000 additional workers.

Counterfeit products not only damage our economy, as the chairman just mentioned; they compromise the safety of all Americans. Counterfeit auto parts, including brake pads, have been found in taxi cabs; fake prescriptions drugs have been confiscated; babies have been fed fake formula; and even, and this is serious, military combat vehicles have received counterfeit parts.

Oftentimes there is no way, virtually no way of telling the difference between a legitimate and a counterfeit product. That is why H.R. 32 prohibits trafficking in also counterfeit labels, patches, and medallions.

This legislation also requires convicted counterfeiters to not only surrender confiscated counterfeit goods but also, more importantly, the equipment used to make those products. H.R. 32 will help to dig up the counterfeiting networks by the roots, to stop criminals from reusing machinery and defrauding the American people.

I do just want to briefly address why we have to pass H.R. 32 again, when the House passed it last year by voice vote. First, the Senate added a technical clarification to address the concerns of some Internet marketplace companies that this bill would unfairly punish them for crimes committed by third parties. I support this technical change. The intent of this bill is not to punish the victims of counterfeit schemes but, rather, to penalize those that blatantly and consciously pursue the sale of counterfeit products.

Second, the Senate added additional anticounterfeit provisions that broaden the activities deemed criminal under current law to include international property violations, and I fully support the addition of these provisions.

Madam Speaker, in closing, I want to again thank Judiciary Committee Chairman JIM SENSENBRENNER for his work on this bill. His committee has been tasked to do so many things over the last several months, so many pressing issues; and it took some time to bring this about. I sincerely appreciate everything he has done to bring this along. I also want to thank everybody else who was involved in bringing this bill to a final legislative finish.

We should all be proud of this bill, and I urge my colleagues to support its passage.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise proudly in support of this legislation and thank the chairman of the committee and his staff and others for working with us to ensure that this bill does not overreach.

The measure was designed to target illegitimate actors who trade in counterfeit trademarks, ranging from auto parts to fake labels for handbags or cologne. We all agree that manufacturers have a right to ensure that fake goods are not marketed in their names and that their own goods are not marketed under fake names.

The bill as originally written, however, went further than that. It was vague on the issue of whether someone other than the manufacturer could affix marks to goods that correctly identify the source of the goods. This struck at the very heart of the parallel market in which third parties lawfully obtain genuine goods and make them available in discount stores without deception. Not only has this practice been upheld by the Supreme Court, but it also saves consumers billions of dollars each year.

Through negotiation with the majority and affected parties, we have been able to revise the legislation to protect manufacturers, target illegitimate actors, and leave a legitimate industry unscathed. More specifically, because the bill amends the definition of a counterfeit trademark to include packaging and labeling formats which can be used lawfully by a variety of businesses, the new language clarifies that the repackaging of goods that were made under the authority of the United States trademark owner is not prohibited.

□ 1545

Such repackaging can include combining single products into gift sets, separating combination sets of goods into individual items for resale, inserting coupons into original packaging or repackaged items, affixing labels to track or otherwise identify products, removing goods from original packaging for customized retail displays, and moving products from large end caps or display modules into smaller cases.

In deciding whether to bring a cause of action under the new law in situations involving the repackaging of genuine goods, it is expected that the government will consider evidence that clearly shows an intent to deceive or confuse. Such evidence could come in the form of altering, concealing or obliterating expiration dates or information important to the consumer use of the product; for example: safety and health information about the quality, performance or use of the product or service; statements or other markings that a used, discarded or refurbished product is new; or statements or other markings that the product meets testing and certification requirements. Also relevant to a decision to bring a criminal action would be a meaningful variance from product testing and certification requirements, placing seals on product containers that have been opened or otherwise adulterating the genuine product.

Finally, the bill was modified to clarify that it was not intended to allow criminal actions against persons who, with no intent to deceive or confuse, traffic in goods or services that were originally manufactured under the authority of the United States trademark owner. In this regard, the phrase "the use of which is likely to cause confusion, to cause mistake, or to deceive" is not intended to create a new element for this cause of action but, instead, reiterates what is already reflected in the definition of "counterfeit mark."

So I congratulate the bipartisan effort that made this measure far more useful and appealing, and I urge my colleagues to support this legislation.

Mr. GILLMOR. Madam Speaker, as an original co-sponsor of H.R. 32, I am proud to rise in support of this important legislation.

Each year, counterfeit manufactured goods cost American companies billions in lost revenue and exacerbate the global challenges that this sector of our economy already face on a daily basis. Madam Speaker, in my district alone, manufacturing accounts for 50 percent of all jobs. This legislation will make a significant impact in ensuring that northwest Ohio's long and vibrant manufacturing history is not lost as a result of criminal actions designed to make a quick profit and deprive consumers of high-quality manufactured goods. Finally, I want to thank my colleague from Michigan, Mr. KNOLLENBERG, for his leadership on this legislation as well as my colleague from Wisconsin, the distinguished Chairman of the Judiciary Committee, Mr. SENSENBRENNER, for ushering it to the floor just two weeks before National Manufacturing Week is set to kickoff.

Madam Speaker, I would urge all of my colleagues to show their support for the manufacturing community by voting in favor of this legislation.

Mr. LEVIN. Madam Speaker, I rise in strong support of H.R. 32, the "Stop Counterfeiting in Manufactured Goods Act." This legislation responds to a serious and growing problem: the trafficking of counterfeit goods.

We've all seen movies in which someone buys what looks to be an expensive Rolex watch from a street vendor, only to find out later what they've really purchased is a cheap imitation that doesn't even keep proper time. Lately, it's the DVDs of the movie themselves that are increasingly likely to be counterfeit. In the area of pharmaceuticals, counterfeit drugs are now being sold in this country and around the world. The packaging makes them look like the real thing, but the pills inside often lack the active ingredient people are relying on to treat their illnesses, or contain the wrong active ingredient altogether. According to the Food and Drug Administration, upwards of ten percent of the drugs worldwide are counterfeit. In some countries, it is estimated that more than half the drug supply is made up of counterfeit drugs.

The trade in counterfeit goods has also had a negative impact on the automobile industry, including the auto parts industry. People buy what they believe are name-brand parts, like brake pads and spark plugs, only to find that they spent good money on counterfeit goods that do not meet safety and performance requirements. Beyond the obvious safety problem for consumers, the trade in counterfeit parts costs the automotive parts industry an estimated $12 billion a year. This is a heavy loss to a U.S. auto parts industry that already faces immense challenges.

The fact of the matter is that—whether it's counterfeit DVDs, video games, medicines, auto parts, or handbags—the United States economy is losing millions of dollars in tax revenue and tens of thousands of jobs because of the manufacture, distribution, and sale of counterfeit goods.We need new tools to deal with this growing problem, and that's what this legislation does. This bill expands criminal penalties to include those who traffic in counterfeit labels and packaging, setting fines of up to $2 million and a prison sentence of up to ten years for those who intentionally sell or distribute counterfeit labels and other false packaging. It also requires the offender to make restitution to the owner of the mark. In addition, the bill requires the forfeiture of any property derived from the proceeds of the violation, as well as any property used in connection with the offense.

I urge all my colleagues to join me in supporting this needed legislation.

Mr. CONYERS. Madam Speaker, I have no other requests for time, and I yield back my time.

Mr. SENSENBRENNER. Madam Speaker, I also yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 32.

The question was taken: and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL ENGINEERS WEEK

Mr. INGLIS of South Carolina. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 681) supporting the goals and ideals of National Engineers Week, and for other purposes.

The Clerk read as follows:

H. RES. 681

Whereas engineers use their scientific and technical knowledge and skills in creative and innovative ways to fulfill society's needs;

Whereas in just this past year, engineers have helped meet the major technological challenges of our time—from rebuilding towns devastated by natural disasters to designing an information superhighway that will speed our country into the next century;

Whereas engineers are a crucial link in research, development, and demonstration and in transforming scientific discoveries into useful products, and we will look more than ever to engineers and their knowledge and skills to meet the challenges of the future;

Whereas engineers play a crucial role in developing the consensus engineering standards that permit modern economies and societies to exist;

Whereas the recent National Academy of Sciences report entitled "Rising Above the Gathering Storm" highlighted the worrisome trend that fewer students are now focusing on engineering in college at a time when increasing numbers of today's 2,000,000 United States engineers are nearing retirement;

Whereas the National Society of Professional Engineers through National Engineers Week and other activities is raising public awareness of engineers' positive contributions to our quality of life;

Whereas National Engineering Week activities at engineering schools and in other forums are encouraging our young math and science students to see themselves as possible future engineers and to realize the practical power of their knowledge;

Whereas National Engineers Week has grown into a formal coalition of more than 70 engineering, education, and cultural societies, and more than 50 major corporations and government agencies;

Whereas National Engineers Week is celebrated during the week of George Washington's birthday to honor the contributions that our first President, a military engineer and land surveyor, made to engineering; and

Whereas February 19 to 25, 2006, has been designated by the President as National Engineers Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) will work with the engineering community to make sure that the creativity and contribution of that community can be expressed through research, development, standardization, and innovation; and

(2) supports the goals and ideals of National Engineers Week and its aims to increase understanding of and interest in engineering and technology careers and to promote literacy in math and science.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. INGLIS) and the gentleman from Illinois (Mr. LIPINSKI) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina.

GENERAL LEAVE

Mr. INGLIS of South Carolina. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 681, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. INGLIS of South Carolina. Madam Speaker, I yield to myself such time as I may consume.

Madam Speaker, I rise in support of H. Res. 681, a resolution supporting the goals and ideals of National Engineers Week.

In 1951, the National Society of Professional Engineers established National Engineers Week. The purpose of the week is to increase understanding of and interest in engineering and technology careers and to promote K–12 literacy in math and science. It also showcases the contributions that engineers have made to our society. Co-chairs of the 2006 week are the Society of Women Engineers and Northrop Grumman Corporation.

Historically, Engineers Week is celebrated during the week of George Washington's actual birthday, February 22, as he steered our new Nation toward technical advancements, invention and education. His many credits include an order given at Valley Forge for more engineers and engineering education, an order which led to the creation of the U.S. Army Engineers School.

There is no doubt that we have worked very hard and come a long way since the days of President Washington to become the world's leader in innovation, and there is no doubt that engineers have been there every step of the way. From landing a man on the Moon to providing new colors in our children's crayon boxes, engineers play a role in nearly every facet of our lives.

I applaud the National Society of Professional Engineers for having this week to raise public awareness of the role engineers have to play in American prosperity. If we are to remain competitive and a world leader, however, it is not only important, but imperative, that we continue to attract young people to this profession. It is imperative that we provide them with the education and tools necessary to excel in this demanding and rewarding profession. It is also imperative that we see that the teachers have not just the knowledge but also the enthusiasm to inspire and stimulate students to excel in math and science.

It is my pleasure to join with my colleague from Illinois (Mr. LIPINSKI) as an original cosponsor of H. Res. 681, and I urge my colleagues to support its adoption.

Madam Speaker, I reserve the balance of my time.

Mr. LIPINSKI. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of H. Res. 681, supporting the goals and ideals of National Engineers Week. Engineers have helped make our country great, from their service in the American Revolution to developing key modern industries such as aerospace and energy. I would like to honor and recognize the more than 2 million engineers in the United States and the contributions that they have made to our country.

Engineers combine imagination and creativity with math and science training to solve problems. Engineers in the past have helped us to build boats to cross the seas, railroads to take us West, and the Internet to communicate with the world. Today, we need the innovative capabilities of engineers to confront the new challenges before us. Engineers will help America develop energy independence, find solutions to confront global climate change, and make our Nation more secure.

But there is a growing concern that America is falling behind other countries when it comes to engineering. U.S. students continue to score below international averages on math and science tests. In 2004, China graduated more than six times the number of engineers that graduated in the United States. The National Academy of Sciences recently released a report entitled, "Rising Above the Gathering Storm," which raised questions about America's future technological competitiveness. This report, echoed by President Bush in his State of the Union address, emphasized the need for government to take a number of actions, including addressing the potential shortage of engineers. We must act quickly to take up this challenge. We cannot afford to let our future falter, and that future requires that we continue to lead the world in technological innovation. This innovation is supplied by engineers.

National Engineers Week seeks to raise public awareness about engineers' contributions to our society and our quality of life and has inspired future engineers for more than 50 years. Founded by the National Society of Professional Engineers, and including more than 100 society, government, and business sponsors and affiliates, including Boeing, the American Society of Mechanical Engineers, the American Society of Civil Engineers, National Engineers Week draws upon local and regional experts to promote high levels of math, science and technology literacy. Annually, it reaches thousands of parents, teachers and students in communities across the country. From national and regional engineering competitions, such as the Future City Competition, to events such as Introduce a Girl to Engineering Day, this week helps inspire the next generation of engineers and scientists.

The Future City Competition is a great example of how National Engineers Week has touched students across the country. The competition encourages seventh and eighth grade students to use problem-solving skills, teamwork, research and presentation skills, practical math and science applications, and computer skills to present their vision of a city of the future.

The team from St. Barnabas Catholic School in Chicago recently won first place in the regional competition. This team included several students who come from my district. These students then went on to the national competition. At the national competition, they also won an award for their work in aerospace engineering.

These students had a great opportunity to learn more about the many factors that go into building a city. They then applied this knowledge to a real problem. Working with teachers and mentor engineers, they solved problems ranging from energy supply to waste removal to transportation needs. These students are the ones we will rely on in coming years to help us address these challenges in the real world.

If we are going to produce more American engineers, one step that we need to do is to improve our STEM education, that is, science, technology, engineering and math education, but we must also do more to inspire our children to become interested in engineering.

When I was a kid growing up in Chicago, I was fascinated by the way things worked, as most kids are. I had a physics teacher in high school at St. Ignatius. His name was Father Fergus. He took this fascination that I had and got me interested in engineering, just as I hope that the events of National Engineers Week will do for more children.

I went on to earn a bachelor's of science degree in mechanical engineering at Northwestern and a master's degree in engineering-economic systems from Stanford University. I am one of only nine Members of this body who has an engineering degree, but people come up to me often and ask me how does the training as an engineer help you. Certainly it helps in understanding science and technology issues, math and science education, and transportation and manufacturing issues.

But engineering is more than that. Simply put, engineering is problem solving. Training as an engineer teaches you how to analyze a problem and how to put the steps together to solve that problem, no matter what the problem may be. It helps teach the type of analytical and innovative thinking that has made America a world leader technologically, militarily and economically. We must do everything we can to encourage and inspire future engineers so that America continues to be a leader in this increasingly competitive world.

Finally, I would like to thank the gentleman from South Carolina (Mr. INGLIS) for his involvement with the National Engineers Week resolution. I would especially like to thank the engineers who have contributed so much to America, to honor them for their commitment to their continuing work for the betterment of our society.

I ask my colleagues to pass H. Res. 681 in deserved recognition.

□ 1600

Madam Speaker, I yield back the balance of my time.

Mr. INGLIS of South Carolina. Madam Speaker, I yield myself such time as I may consume just to close, and note that my distinguished colleague from Illinois referenced his engineering education. You notice he stopped short of talking about his Ph.D. in political science. That is where he went to the dark side. He could have fallen into the law after that, even worse. But he came to Congress instead, so we are happy to have him here and happy to have the expertise he offers.

As one of those political scientist undergrads myself, I would point out there are some national security implications to what we are describing here. The United States graduates in order of magnitude something like 60,000 engineers a year. China graduates perhaps north of 200,000. India as well north of 200,000 engineers a year. That has implications for us as a society.

Also, the U.S. Department of Labor predicts that in the future new jobs will require math and science training and technical ability four times more often than other jobs. In other words, there is a growing need, as Mr. LIPINSKI was saying, for people trained in science and math and engineering, in spite of the fact that out of 100 high school students only two of those students will typically go on to ever get a degree in engineering or science. That is of concern.

And that is why I join with the gentleman from Illinois in urging my colleagues to adopt this resolution supporting the goals and ideals of National Engineers Week.

Mr. BOEHLERT. Madam Speaker, I rise today in strong support of H. Res. 681, a resolution recognizing the importance of engineers and supporting National Engineers Week.

From the grandest of skyscrapers to microchips and the smallest of medical devices, engineers continue to design and construct products that are vital to our daily lives and our Nation's economy. Unfortunately, American students today are losing interest in engineering. The National Academy of Sciences report, "Rising Above the Gathering Storm," notes that, "after secondary school, fewer U.S. students pursue science and engineering degrees than is the case of students in other countries. About 6% of our undergraduates major in engineering; that percentage is the second lowest among developed countries." We need to get American students at all levels back into science and engineering classes. Our Nation's continued global and economic leadership depends on our ability to inspire the next generation of engineers.

H. Res. 681 recognizes and supports the goals and ideals of National Engineers Week as an important part of educating and building a competitive workforce for the 21st century. For example, National Engineers Week exposes students that might otherwise never dream of a career in a technical field to opportunities in engineering through programs such as the "Future City Competition" (a contest for middle school student teams to design a visionary city) and the "Global Marathon For, By and About Women in Engineering" (a 24-hour long series of presentations intended to attract young women into the engineering workforce). During this week, students and professionals at all levels will be motivated to explore the vast opportunities open to them in the field of engineering.

In conclusion, I would like to thank the National Society for Professional Engineers for its ongoing efforts to educate children and adults about the importance of engineering. I would also like to thank Congressman INGLIS and Congressman LIPINSKI for their leadership on this important issue. I ask that you join me in recognizing the importance of engineering in our daily lives and the positive impact of National Engineers Week by voting in favor of H. Res. 681.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I would like to express my strong support of H. Res. 681, supporting the goals and ideals of National Engineers Week.

Engineers put ideas into motion. They must possess the creativity and analytical skills to innovate.

Texas is our Nation's energy State. Its roots are in big oil and big skies.

These days, much of the wealth generated by Texas oil is being put to good use to "fuel" the technology economy. Engineers are a critical part of that effort.

Our State is investing millions of dollars to develop cleaner-burning alternative fuels that are more efficient and better for the environment. Engineers, working behind the scenes, are involved at every stage.

I am proud that my State is showing leadership at a time when this Nation desperately needs to invest more in research, particularly in energy research.

Texas's tenacity and frontier spirit is strong, and I commend engineers in Texas and all over this Nation for the wonderful work they do.

Madam Speaker, I join my colleagues on the House Science Committee in support of H. Res. 681 and National Engineers Week.

Ms. MCCOLLUM of Minnesota. Madam Speaker, I am proud to rise today in support of National Engineers Week and to especially honor three 8th-grade students from Minnesota's Fourth Congressional District, Emily Duffield, Alannah Pratt, and Max Showalter from Chippewa Middle School in Shoreview, Minnesota, along with their teacher, Nancy Roussin and their volunteer professional mentor, Stefan Gantert, an engineer for the Rice County Highway Department in Minnesota.

For the second time in 4 years Chippewa Middle School has won the National Engineers Week Future City Competition—a competition that encourages seventh- and eighth-graders to explore science, engineering, math, the arts, and writing in order to create models of future cities. The program requires that students work as a team to think about the future and apply engineering and creative concepts in the writing of an essay and the creation of a 3-dimensional model of a future city.

Winning the competition required that Emily, Alannah, and Max all work together to problem solve real-life scenarios, to apply their math, computer and science skills, and to present their ideas as a team. It is these kinds of opportunities that allow students like Emily, Alannah and Max to explore interests in engineering and to be inspired to possibly pursue an education and career path in the math and sciences. We need more young men and women to enter math and science fields in order to have a workforce and citizenry that can compete on a global level and strengthen the U.S. economy.

It is with great esteem that I rise to extend appreciation for and a congratulations to current engineers like Stefan and future engineers—perhaps young men and women like Emily, Alannah, and Max who—have the creative vision and the critical math and science skills to imagine and create a better world in which to live, work, and play.

Mr. INGLIS of South Carolina. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from South Carolina (Mr. INGLIS) that the House suspend the rules and agree to the resolution, H. Res. 681.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 2 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ADERHOLT) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 4054, by the yeas and nays;

S. 2271, by the yeas and nays.

DEWEY F. BARTLETT POST OFFICE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4054.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and pass the bill, H.R. 4054, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 1, not voting 18, as follows:

[Roll No. 19]

YEAS—413

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry

Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Abercrombie

NOT VOTING—18

Brady (TX)
Burton (IN)
Costa
Cuellar
Davis (FL)
Evans
Gonzalez
Gutierrez
Hinojosa
Johnson, Sam
Meeks (NY)
Payne
Reyes
Rush
Solis
Sweeney
Weiner
Wexler

☐ 1856

Ms. CARSON changed her vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

USA PATRIOT ACT ADDITIONAL REAUTHORIZING AMENDMENTS ACT OF 2006

The SPEAKER pro tempore (Mr. ADERHOLT). The pending business is the question of suspending the rules and passing the Senate bill, S. 2271.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 2271, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 280, nays 138, not voting 14, as follows:

[Roll No. 20]

YEAS—280

Aderholt
Akin
Alexander
Andrews
Bachus
Baird
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Cubin
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lungren, Daniel E.
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Pascrell
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NAYS—138

Abercrombie
Ackerman
Allen
Baca
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Bishop (UT)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Carson
Clay
Cleaver
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Duncan
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Gordon
Green, Al
Grijalva
Hastings (FL)
Hinchey
Holt
Honda
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Lantos
Larson (CT)
Lee
Lewis (GA)
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Otter
Owens
Oxley
Pallone
Pastor
Paul
Pelosi
Peterson (MN)
Price (NC)
Rahall
Rangel
Rohrabacher
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Slaughter
Solis
Stark
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Young (AK)

NOT VOTING—14

Burton (IN)
Costa
Cuellar
Davis (FL)
Evans
Gonzalez
Gutierrez
Hinojosa
Johnson, Sam
Meeks (NY)
Payne
Reyes
Sweeney
Wexler

☐ 1916

Ms. WASSERMAN SCHULTZ and Mrs. DAVIS of California changed their vote from "yea" to "nay."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, due to illness I was regrettably unable to be on the House Floor for rollcall votes 19 and 20, final passage of H.R. 4054—the "Dewey F. Bartlett Post Office Designation Act" and S. 2271—the "USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006," respectively.

Had I been here I would have voted "yea" on rollcall vote 19, and "yea" on rollcall vote 20.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was ill today and, therefore, missed votes in this chamber. I would like the record to show that, had I been present, I would have voted "yea" on rollcall 19 and "nay" on rollcall vote 20.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4167, NATIONAL FOOD UNIFORMITY ACT OF 2005

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–386) on the resolution (H. Res. 710) providing for further consideration of the bill (H.R. 4167) to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 415

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 415.

The SPEAKER pro tempore (Mr. DENT). Is there objection to the request of the gentleman from Georgia?

There was no objection.

REMEMBERING KIRBY PUCKETT

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, baseball fans everywhere, and in Minnesota in particular, mourn the passing of Kirby Puckett. Kirby Puckett was born to play baseball. He lived for the game. In an era of oversized egos and greed gone mad, he was a throwback to an earlier time.

Kirby was the ultimate underdog. Born to humble beginnings, he related to kids that could not afford to buy an autograph. Like a bumblebee, he did not know that his stubby body could not fly. Propelled only by an infectious enthusiasm, he amazed us with leaping catches that mere mortals would have conceded to the bleachers.

We always knew that with Kirby in the game the underdog Twins always had a chance. With his bat, his glove or with his smile, he made everyone around him play better.

He embodied the essence of all that baseball is supposed to be. The game will go on, new heroes will emerge, but there will never be another Kirby Puckett.

PATRIOT ACT REAUTHORIZATION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I hold the Constitution dear and I also believe that we can secure our homeland and we can find the right way to do the PATRIOT Act, but it concerns me when we have allowed the expansion of this act to expand the surveillance of Americans.

We did not do what we should have done today because, in fact, national security letters can be issued to any American without showing any culpability or affiliation with terrorist acts or terrorists. In addition, our libraries are not protected because if you have one Internet service at your library, national security letters can be issued, and the gag order that could have been issued under the old bill immediately now has to wait a year. So that means that you are going to be raided with any materials that the government asks for and you cannot even have a gag order issued.

I know that we can protect the Constitution, the rights of Americans and still protect national security. Why did we not do it right? This is not the right PATRIOT Act, and for that reason, I had to vote "no." I hope we get it right some day and protect the Constitution.

VENEZUELA'S DICTATOR

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, it is abundantly clear that the President of Venezuela, Hugo Chavez, is neither a friend of democracy nor a friend of the United States. Mr. Chavez has consistently rattled the anti-United States sabers. He made best friends with Fidel Castro and Cindy Sheehan, and he supported radical revolutionaries in Latin and South American countries.

Mr. Chavez has also radically altered his own country's political institutions, creating a disgusting and disgraceful dictatorship that does not deserve our support.

Why is it then, Mr. Speaker, that the United States gives Mr. Chavez's government millions in direct aid each year? As our friend and Congressman, LOUIE GOHMERT says, "Why do we pay them to hate us?"

Mr. Speaker, it is absolute hypocrisy to fund this corrupt communist dictator on Monday and then complain about his antidemocratic actions on Tuesday.

Do we give money to Venezuela because we need them as a source for crude oil? If so, this is another reason we should become energy self-sufficient and not depend on Third World dictatorships for oil.

Mr. Speaker, this ought not to be.

NEW MEDICARE PRESCRIPTION DRUG BENEFIT PROGRAM A SUCCESS IN FLORIDA

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, for the very first time in American history, every senior will now have access to prescription drugs.

In my district on the gulf coast of Florida, we have seen the huge success of the program, within many of the counties over 60 percent of the seniors signing up for the new benefit in just the first month and a half.

As my constituents know very well, one of the strongest supporters of the new Medicare prescription drug benefit has been AARP, the leading advocate for seniors in America.

Like AARP, I have long been going out into my local communities and encouraging seniors to sign up for one of the programs offered in their home area.

Just 10 days ago, I hosted a Medicare outreach bus in Spring Hill. It was there that I heard from a man named Joseph Drexler, who was able to drastically reduce his yearly prescription drug costs. Skeptical of the program when he arrived, Mr. Drexler left the help station saying this about his CMS enrollment counselor: "She deserves a medal or something."

Mr. Speaker, it is the experiences of men and women like Joseph Drexler across America that have proven the new Medicare prescription drug plan to be a rousing success.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

METHAMPHETAMINE EPIDEMIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, this evening, legislation to reauthorize the PATRIOT Act came before the House, and something attached to the PATRIOT Act that sometimes has escaped notice is the fact that legislation to address the methamphetamine epidemic spreading across the country was included.

This legislation provides a uniform, national standard for the regulation of precursor chemicals which are necessary to the manufacture of methamphetamine. Currently, we have a hodgepodge of State laws and regulations. This provides a national standard that is uniform and this is very important.

Key provisions are as follows: limits the amount of pseudoephedrine sales, and pseudoephedrine has to be an ingredient to make methamphetamine. They cannot do it without it.

It requires that pseudoephedrine and other precursor chemicals are sold from behind the counter. In many cases now you can go in and pick them up.

Requires purchasers of these chemicals to show I.D. and sign a logbook.

Restricts Internet sales of precursor chemicals.

So if we look at this, Mr. Speaker, we see that in 1990 there were only two States that had 20 clandestine meth labs each. California had 20 or more and Texas had 20 or more. Then you see the spread of this epidemic. By 2004, practically the whole Nation was blanketed by small meth labs. The only exception would be in the New England States in the Northeast, and that is rapidly being taken over as well.

So this is something that is spreading rapidly. However, it is important to realize that 70 to 80 percent of the methamphetamine in the United States is now coming from super labs, mostly in Mexico, in the form of crystal meth. So these small, clandestine meth labs are no longer quite so relevant because almost all of the meth coming into the United States is coming out of Mexico.

This legislation does something that is really critical. It seeks to cripple the super lab meth production by tracking large international shipments of pseudoephedrine. As I mentioned earlier you have to have pseudoephedrine to make methamphetamine.

It requires the five largest exporting countries of pseudoephedrine and the five largest importing countries of pseudoephedrine to report and track shipments of pseudoephedrine and report to the United States. Failure to comply would lead to a reduction in U.S. foreign aid to that country by as much as 50 percent.

We think this is the best regulation we have been able to come up with yet to track the international sale of pseudoephedrine and superlab production.

Additional provisions toughen penalties against meth producers and traffickers, improves and authorizes new funding for the drug courts program, provides help to States to protect drug-endangered children.

In Nebraska in 2005, nearly 6,000 children were living in foster care situations. This is a State with only 1.7 million people. An estimated 50 percent of foster care children in Nebraska, roughly 3,000, are in the foster care system because their parents are meth users or abusers.

An Arkansas study indicates that the average meth addict costs the State and local agencies $47,500 per year because of crimes, child and spouse abuse, incarcerations, et cetera.

One recent study indicated that a prenatal child exposed to meth can cost as much as $250,000 in health care just for the first year alone and can cost up to $1.7 million to get that child to age 18.

It is a hugely important problem and very stressful. I believe this legislation is a critical first step to ridding our communities of this plague, and I urge support of the conference agreement.

I would like to just show one last picture. This is a young woman who was photographed each year from 1979 until her death in January of 1989, and as you see these pictures, you see her steady deterioration and what looks like an aging process of maybe 50 years in a period of 10 years, and it culminated in her death. This is something we have to get rid of.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2320. An act to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

The message also announced that the Senate agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3199) entitled "An Act to extend and modify authorities needed to combat terrorism, and for other purposes.".

☐ 1930

NATIONAL INTEGRATED BALLISTIC INFORMATION NETWORK PROGRAM

The SPEAKER pro tempore (Mr. DENT). Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. McCARTHY. Mr. Speaker, once again we are threatened budget cuts that affect our local law enforcement agencies' effectiveness. Not only is the COPS program facing cuts and the criminal background check system for firearm purchases underfunded, but now the National Integrated Ballistic Information Network program is also in jeopardy.

The NIBIN is used by forensic experts to analyze the unique marks made on bullets and cartridge cases when guns are fired. The images of these markings can be compared with other images in more than 200 Federal, State, and local law enforcement laboratories. By tracing and comparing these markings, police can track the history of a gun used in a crime. They can determine which crimes are related and make sure the appropriate law enforcement agencies are working together to find the criminals responsible for these crimes.

NIBIN makes law enforcement agencies more efficient by making sure that two agencies are not duplicating their work. In large part, NIBIN has been a success. Last year, the Los Angeles Police Department arrested a man for vandalism and possession of a firearm. The gun was tested and identified as being used in an attempted murder only a month before. If not for ballistics testing, this individual would have gone free and the attempted murder case would still be unsolved.

In my own State of New York, an individual was arrested for unlawful possession of a weapon. The gun was entered into the NIBIN database and was discovered to have been used in an unsolved assault with a deadly weapon incident that occurred in a different jurisdiction. Again, a violent criminal was taken off the streets because of ballistics testing. This is happening on a daily basis.

There are countless other success stories throughout our Nation; but, unfortunately, NIBIN's future is in doubt. Budget cuts are jeopardizing the future of this program. The Bureau of Alcohol, Tobacco and Firearms administers NIBIN and may be forced to cut spending unless Congress acts. Cutting funding of this great program would be a tragedy resulting in more criminals getting away with horrendous acts of violence. ATF needs more, not less, funding for this particular program.

A Department of Justice report last year said the ATF needs to better promote and improve NIBIN. Many law enforcement agencies do not participate in NIBIN simply because they do not have the resources to enter the information into the database. The Justice Department report suggests purchasing equipment for high-crime areas and developing a plan for lower-incidence areas to share ballistics technology.

The report also states it is imperative that we deal with the backlog of ballistic evidence not yet entered into the database. A similar problem exists in the National Instant Background Check system, and I have introduced legislation to give States grants to make sure that data is entered.

We must also fund new ballistic technologies that can provide matches on portions or fragments of bullets found at crime scenes. Mr. Speaker, since 9/11 our law enforcement officers have accepted new responsibilities in the war on terror. But this current budget wants to cut programs that staff local police forces and provides them with bullet-proof vests. Let us work together to make their jobs easier, not more difficult. Let us fully fund the ATF's National Integrated Ballistic Information Network. This will catch repeated offenders before they commit another crime and make sure our law enforcement agencies are on the same page when it comes to investigating crimes that have been related.

A VISIT TO AREAS AFFECTED BY HURRICANE KATRINA

Mr. Speaker, I also want to take a moment or two to talk about the trip that we had with Speaker HASTERT and Leader PELOSI on Thursday, Friday, and Saturday. With grateful thanks to Speaker HASTERT, he took us down to Mississippi, Louisiana and Alabama, mainly to see the disaster areas 6 months later and what is happening in those States.

The American people, I know, tend to forget what is going on; but when you go to these States, they need our help desperately. I have been watching CNN and certainly have followed what is going on down there; but when you see it with your own eyes, it is more than anyone can ever imagine: to see whole trailer trucks just thrown into the wetlands due to force of this hurricane; to see the housing just collapsing on a daily basis; and to see our local government officials trying to make ends meets but without a budget because there are no businesses that provide a tax base. There are no homes there. And the people certainly have to come back to bring back the communities.

In my opinion, it is up to the Federal Government. I know we are trying, but we have to do a little bit better. It is our moral responsibility to help these people. We never know when a disaster will happen in our own back yard, so I hope the American people do not forget the people of Hurricane Katrina. There is still much work to be done.

INTRODUCTION OF H.R. 4808, UNFAIR CHINESE AUTOMOTIVE TARIFF EQUALIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, on March 1, Mr. KILDEE of Michigan, a Member of Congress, joined me in a bill, H.R. 4808, which would prevent imports of passenger cars from China until the United States and Chinese tariffs on these items are equal.

Mr. Speaker, I think we all know that our trade deficit with China is well over $200 billion. We all agree that we live in a world where we have to work with each other and trade with each other. The problem is that under the current agreement, these cars that will be coming in from China put us at a disadvantage, our workers and our car companies.

Let me just share with you that if we ship a car from America to be sold in China, the Chinese Government slaps a 28 percent tariff on American-made cars. If those Chinese cars come into America, we charge them a 2.5 percent tariff on their cars. That is not a level playing field.

I think China has enough advantages, quite frankly. They manipulate their currency, violate intellectual property rights, utilize heavy equipment, government subsidies, pay their workers just pennies a day, and they do not have to worry about the labor and environmental standards that Americans must abide by. The tariffs just give China another unfair advantage, an advantage that threatens the job of every worker in the United States auto industry.

I hope that my colleagues on both sides of the aisle will join us in this fairness issue. That is all this is about, fairness, because our workers work hard to produce a quality product. When we send it to China, they, again, put a 28 percent tariff on our cars going to China, while we only put a 2.5 percent tariff on passenger cars coming to America.

Mr. Speaker, there is something else that we fail to realize. With that $200 billion trade deficit, in The Wall Street Journal this week it said: "China defends outlay to increase by 17.4 percent, the most in 4 years." The Chinese are making money off the American people, and they are taking that money and, in many cases, they are putting it into their military.

Now, I am not so concerned about China and America going to war, but I do know this: China is trying to build one of the strongest militaries we have ever seen in this world, and what they want to do is to dominate Southeast Asia.

What Mr. KILDEE and I are asking for is just a simple matter of fairness. If we are going to sell their cars, let us charge them the same tariff they are going to charge us to sell our cars in China. I would hope that my colleagues, both Republican and Democrat, would join us in this effort. This, again, is nothing but an issue of fairness.

In fact, the Economic Policy Institute has said that since 1989 through the year 2003 we have lost 1.5 million jobs to the Chinese. Here, again, on this floor tonight I am announcing H.R. 4808, a bill introduced by a Democrat and Republican, that says that we need to charge the same tariff for American cars going to China as Chinese cars coming to America. We should all pay the same. That is a simple matter of fairness.

So tonight, Mr. Speaker, I shall be speaking on this issue quite a few times, but I will tell you that we need to be aware of what is happening to the jobs that have been going overseas, and particularly those jobs going to China. So I hope tonight that my colleagues will look at the letter that is signed by Mr. KILDEE and myself asking our colleagues in the House to join us on H.R. 4808. All it is is a tariff fairness issue.

I will close by saying this again: American cars that go to China to be sold have to pay a 28 percent tariff. Chinese cars coming to America later on this year will pay only a 2.5 percent tariff. That is not fair to the American workers.

Mr. Speaker, I ask God to please bless our men and women in uniform; to please bless their families; and, God, please continue to bless America.

IN SEARCH OF A COMPETENT CONSERVATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, last week, a number of Americans were able to see the President on the videotape on Katrina and see also what has happened down in New Orleans since that time, or the lack of action there. We also witness every day the civil war that is engulfing Iraq and a policy of failure to bring stability to Iraq, the chaos that has engulfed our Medicare prescription drug plan, and also the flare-up over our port security and selling major assets of America's infrastructure to foreign countries.

In 2000, President Bush ran as a compassionate conservative. At this point, I would settle for a competent conservative. From Iraq to Medicare to port security to the deficit to Katrina, this administration has mismanaged the situation to the point where even diehard supporters are acknowledging their incompetence. And this Congress has been a rubber stamp to the administration's policies and has refused to do its job, which is oversight, on every one of these issues.

On Iraq, we have $10 billion out of $480 billion totally missing. Not one hearing about what happened to the $10 billion. Nobody has asked a single question. Nobody can account for it. We have soldiers over there without KEVLAR vests, where parents are left to literally do bake sales to raise the money for their children so they can have the protection that their government and their taxpayers expect and are responsible for, yet nothing. We have literally members of the armed services running around like scrap metal collectors trying to solder their Humvees, yet nobody has asked a single question as to how that happened; why is that happening.

We have Paul Bremer, the President's ambassador, who now writes a book and says that he had asked for 500,000, or doubling the size of the troop level; yet for 3 years the President of the United States said nobody ever asked for more troops. If they want more troops, we will send more troops. General Abizaid and Paul Bremer, the President's ambassador, have said that he had asked for more troops, and neither the Secretary of Defense nor the President of the United States acknowledged that memo. Yet what do we have? Nobody is holding them accountable. Nobody is holding anyone accountable in the administration.

We have a great deal of incompetence. We are at $480 billion in Iraq, with 2,300 Americans, our fellow citizens, having lost their lives. Well over 15,000 are wounded, permanently many of them, yet not a single question of what happened here. What is the competency here?

Now, take a look at this on Medicare. It is not just isolated to Iraq. We have now had that policy, and that policy has run its course. We now have a civil war that the American people find themselves in the middle of, between the Sunnis, the Shiites and the Kurds all fighting each other, and nobody has asked the questions of what happened to the troops, the amount of troops, what happened to the KEVLAR vests, the Humvees; how come there are not enough men and women that the ambassador and the general had asked for.

Not a question. Nobody is responsible. Nobody ever got fired, let alone the questions about the intelligence going into it.

Take Medicare. We debated here on this floor, and I voted against that bill and said it was going to lead to great confusion to seniors. Rather than a simple plan, letting negotiations happen, letting reimportation happen, and letting generics hit the market, which all would drive the price down of prescription drugs and save money, Members here said and the administration said it will only cost $390 billion over 10 years. Before the ink was dry, it rose to $790 billion. So all the taxpayers are going to have to pay double what they were told and everybody in the administration knew.

One person who said, here is what the report said, was under threat of being fired if they let that information out. Yet now, with 2 years to prepare, 2 years to get ready, the Web site, run by HHS, had the information wrong. The catalogue they sent out to every senior had it wrong. It has led to massive confusion where seniors now are sometimes double enrolled, cannot get enrolled, and where States are having to step in for the poorest of the poor because they cannot get their plan. It is run like, as some people say, they couldn't run a one-car parade if they tried.

Again, that massive incompetency and the inability of this Congress to have oversight and keep people's feet to the fire and hold them accountable, to ask the questions and get the answers the American people want are not being done today.

□ 1945

And the incompetency is not isolated to Medicare or Iraq. Take the response to Hurricane Katrina: when we saw that tape, we now learn that, in fact, Mr. Brown, or known to the rest of us as Brownie, was doing a heck of a job, and he gets fired, and yet it is Chertoff who is still head of the Homeland Security Department, had no idea what was going on, no line authority, never involved himself, and we had a massive disaster.

When you run through the economy, Iraq and the deficit, what this President has done, I would settle, and I think the rest of the country would be quite happy if we had a competent conservative rather than the compassionate conservative that we were promised. The American people are not looking for a compassionate conservative, a fiscal conservative, or a social conservative. A competent conservative would do America well.

HONORING FIRST SERGEANT BRAD KASAL

Mr. KING of Iowa. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Speaker, I am honored to deliver the story of an American hero, Marine First Sergeant Brad Kasal, to this Chamber and to the American people.

Sergeant Kasal was born in the small town of Afton, Iowa, where he was raised on a small family farm and where he learned Midwestern values which would later serve him very well in his service in the United States Marine Corps. Sergeant Kasal is 39 years old and has served three tours of duty in Iraq and Kuwait. He is a member of Weapons Company, Third Battalion, First Marine Regiment, also known as "Thundering Third."

When you hear Sergeant Kasal's story of courage and sacrifice, it is not surprising that he comes from a solid family of patriots who have also served our country.

Brad Kasal's brother Jeff is a retired Army paratrooper who served our country in Operation Desert Storm with the 82nd Airborne and now works in Iraq. Brad's brother Kelly served in the United States Army, and his brother Kevin also served in the United States Marine Corps. And 50 years ago, their father, Gerald, served in the Iowa National Guard.

But even among the patriotic Kasal family, Sergeant Brad Kasal's experiences set him apart. During his three tours of duty in Iraq and Kuwait, Sergeant Kasal has received two Purple Hearts. His first was awarded for an incident in August 2004 for shrapnel wounds to the face, neck and shoulder from a rocket-propelled grenade.

His second Purple Heart came from events which took place on November 13, 2004, when Marines were in their fifth day of Operation Phantom Fury, which was a battle to free Fallujah from the grip of the terrorists.

Sergeant Kasal was patrolling the streets and had the duty of clearing terrorists from buildings when he saw a fellow marine wounded and leaving a building. He told him that three more of their men were still inside and under attack.

Without regard for his own life and safety, Sergeant Kasal charged into the building to defend and rescue his men. It was then that he saw several dead Iraqis, the wounded Marines, and a terrorist confronting him with an AK-47 rifle less than 2 feet away. While he managed to dodge the bullets and kill that terrorist, another terrorist was able to sneak up behind him and open fire. Sergeant Kasal was hit by those bullets and fell to the ground. He was dizzy and disoriented from his wounds, but he immediately began caring for another wounded marine. Sergeant Kasal knew he had to stay alive to save himself and the others. As he struggled to remain conscious, a grenade dropped onto the ground next to a wounded marine.

Responding to his instinct to protect his comrade, Sergeant Kasal threw his own body over Private First Class Alexander Nicoll. Thankfully, Sergeant Kasal's helmet and body armor protected his vital organs, but he took the full brunt of shrapnel to his back, shoulders and legs. For the next 45 minutes as he lay grievously wounded, Sergeant Kasal used his 9 millimeter handgun to defend himself in a prolonged shootout where he suffered another bullet wound.

This picture shows Sergeant Kasal being helped from the building still clutching his trusty 9 millimeter handgun. He explained that he kept the gun because he was being evacuated through a kill zone where he knew a number of terrorists remained, and he feared his weapon might be needed to fend off more potential attackers.

Long after he was rescued, Sergeant Kasal learned the full extent of his injuries. Ultimately, he lost 60 percent of his blood. He took 40 pieces of shrapnel wounds, and suffered seven bullet wounds.

Despite his wounds, Sergeant Kasal said his efforts and wounds were worthwhile. The marine whom he shielded, Private Nicoll, had survived the battle.

Sergeant Kasal must undergo constant medical procedures and therapy, but his ultimate goal is to recover so he can resume his service in the Marine Corps to defend you and me and the people of our country.

Marine First Sergeant Brad Kasal does not think of himself as a hero. He is a model Marine and hero for Americans.

In all wars, there are stories of bravery and heroism. The story of Marine First Sergeant Brad Kasal stands out among them. There is no doubt that Sergeant Kasal's actions on November 13, 2004, prove he is an honorable marine with a bigger passion for his fellow marines and our country than his own life and safety.

Sergeant Kasal believes the values he learned in his Iowa upbringing, as well as the strong spirit of the Marine Corps, gave him the strength and will to persevere in an otherwise unsurvivable situation.

Sergeant Kasal makes me proud to be an Iowan and an American; and I thank him for his bravery, honor, and patriotism.

MILITARY DISCRIMINATES AGAINST GAYS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, at a time of declining morale, when we are barely able to maintain a volunteer force, the sign on the Army recruiter's door might as well say: "Openly gay Americans need not apply."

Here is the military, struggling to meet its recruitment goals and in some instances even lowering its standards as a result, but still they are turning away and actively weeding out an entire group of people for no other reason than raw prejudice. How dumb is that.

But yesterday, the Supreme Court ruled that universities receiving Federal funding could not ban military recruiters from their campuses in protest over the military's discrimination against gay Americans. I am not going to relitigate that case here on the House floor, but I do think and I sincerely hope that this case can shine a national spotlight on the absolute folly of the "don't ask, don't tell" policy.

Because of their sexual orientation and their unwillingness to conceal it, selfless patriotic Americans are forbidden from serving their country. They cannot serve even though their skills are desperately needed, even though there are available slots, even though they are volunteering for duty that most of their peers have opted against.

How does the Army expect its people to be all they can be when it will not allow them to be who they are. What can be more un-American? Yet another example of a Nation preaching the rhetoric of freedom and self-determination around the world while undermining those very values here at home. It is a civil rights outrage to be sure.

But on a purely practical note, it is just plain bad national security policy. Is this any way to defend a Nation, by purging the military of talented and dedicated soldiers because they are unashamed of their love for members of the same sex? It is arbitrary, irrational, and dangerous.

A GAO report, released about a year ago, concluded that 10,000 Americans have received military discharges under a policy of "don't ask, don't tell" at a cost to taxpayers of roughly $191 million.

In recent years, since the launch of wars against Afghanistan and Iraq, the military has purged several Farsi and Arabic translation specialists because they were discovered to be gay. This shocking and incomprehensible personnel decision has prompted my friend and colleague, Barney Frank, to relabel the Pentagon policy: "Don't ask, don't tell, don't translate."

How is that for a forward-looking national defense strategy? At just the moment when we need to understand Mideastern culture and win over hearts and minds of its people, the military dismisses the people who speak their language. The 9/11 Commission cited a shortage of Arabic speakers, and, thus, an inability to translate key intelligence as a handicap in our ability to predict the September 11 attacks.

Mr. Speaker, I have been outspoken in my opposition of the Iraq war and my belief that now is the time to bring our troops home. But I am antiwar, not antisoldier, not antimilitary. I want us to have the strongest possible national defense, a goal that is in no way incompatible with rooting out intolerance and protecting equal rights.

There is no trade-off, no balance of competing interests in this case. If "don't ask, don't tell" fails the social justice test and detracts from national security, what possible use could it have?

I would have thought that a 3-year $250 billion war that is stretching the military to its breaking point would compel the Congress and the Pentagon to reexamine this block-headed policy. Mr. Speaker, I hope that we will.

FOREIGN GOVERNMENTS INFILTRATING OUR U.S. PORTS

Mr. POE. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, in the world we live in today, there is nothing more important than American security. This is one reason I was surprised to learn there is a plan to let a foreign government, through its government-controlled company, run major ports throughout our country, including part of the port of Beaumont in my district in southeast Texas.

We hear that the UAE ports deal will not jeopardize national security because this government company will actually help us with homeland security. My question is: Are we now going to outsource national security as well?

The recent disturbing decision to allow the United Arab Emirates to have a stake in operations in U.S. ports is a dangerous decision that defies common sense.

History has shown that friends of the United States come and go. Those who are our friends today may not be our friends tomorrow. The UAE, although alleged friends today, have not been our friends in the past; and there is nothing that proves that they will continue that friendship in the future.

The UAE recognized the Taliban. It laundered money that financed the 9/11 terrorists, and it continues to participate in the Arab boycott against our ally, Israel. This country harbored terrorists that played a role in killing 3,000 people on September 11. We cannot ignore their perilous past.

Mr. Speaker, last time I checked, we were at war against the Taliban. I find it extremely hard to believe that we would want to give a country that supported our enemies access to our ports. If this deal were to go through, these same foreign entities would have access to U.S. manifests showing what cargo is being shipped and where and when it is going. According to a recent Zogby poll taken in October 2005, it found that over 70 percent of those who live in the UAE do not even like the United States. If this arrangement goes through, who is going to stop a potential terrorist from posing as someone else, going to work for one of these ports, and gaining access to information with the intent to harm Americans? We do not need to take this risk with national security.

Currently, only 5 percent of the more than 14 million containers entering through our Nation's ports are screened. Clearly, our ports are already vulnerable. In a day and age where we are allowing 95 percent of the cargo to come and go through our ports without inspection, it is hard to believe that we are willing to give security to a foreign entity, much less one that has anything but a strong record in preventing terrorism. Even the U.S. Coast Guard, which is in charge of port security, seems uneasy about letting this take place.

Many Americans across our land are opposed to this foreign operation in our homeland. The port of Beaumont in Texas, one of the operations proposed to be run by this UAE deal, ships one-third of the military cargo going to Iraq and Afghanistan. This is more than any other U.S. port. Now we want to give a foreign government access to U.S. military shipping information? I think not.

We cannot allowed our ports to be infiltrated by foreign governments. And this is not a partisan issue; it is an issue of national security. For this reason, I have joined colleagues from across the aisle in introducing a bill that will stop this UAE operation from going through. I have joined the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) in introducing legislation to prevent this dangerous and deceptive deal. This deal should become a "no deal" before it becomes an ordeal.

Mr. Speaker, just last week we introduced the Port Security Act of 2006. This is the House version of legislation already introduced in the Senate. This bipartisan legislation will prohibit foreign state-owned companies from controlling operations at U.S. ports and stop the UAE deal by mandating a congressional review of existing foreign state-owned companies that are operating in American ports. There is an innate and inherit problem, not to mention a serious national security risk, with letting state-owned foreign companies buy interests in American ports.

I am not opposed to foreign privately owned companies operating in our country. I understand we live in a global economy. Foreign ownership of a hotel or car company is one thing, but foreign government ownership in port operations, especially those that handle military cargo, is absurd.

There are entirely too many issues that need to be ironed out before we start offering our ports and our national security up to foreign governments for sale or for lease. This decision is unwise. It is a risky business. This ought not to be. And that is just the way it is.

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FOREIGN OPERATIONS REQUEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, the President's budget request for fiscal year 2007 proposes 20 percent more military aid to Azerbaijan than to Armenia. This request is a clear breach of an agreement struck between the White House and the Congress in 2001 to maintain parity in U.S. military aid to Armenia and Azerbaijan.

Mr. Speaker, the parity agreement is unfortunately a battle that the Armenian people have had to fight in the past. The fiscal year 2005 Presidential request was similar in that it called for more military funding to Azerbaijan.

However, the Congress reversed the President to ensure military parity in the fiscal year 2005 Foreign Operations Appropriations Act. After that battle and the President's 2006 budget request that included parity, I thought the President's fiscal year 2007 budget would continue that policy. But unfortunately that was not the case. A lack of military parity would, in my opinion, weaken ongoing peace negotiations regarding Nagorno Karabakh, among other things.

It will also contribute to further instability in the region, and it undermines the role of the United States as an impartial mediator of the Nagorno Karabakh conflict. Mr. Speaker, the government should not be rewarding the Government of Azerbaijan for walking away from the organization for security and cooperation in Europe's Key West peace talks, the most promising opportunity to resolve the Nagorno Karabakh conflict in nearly a decade.

Mr. Speaker, unfortunately, the administration's budget also calls for drastic cuts in economic assistance to Armenia. I was discouraged to see that the President requested a 33 percent decrease in economic aid from $74.4 million last year to $50 million this year. Technical and developmental assistance and investment is essential to Armenia. This funding is key to democratic stability and economic reform in the country.

Mr. Speaker, is this the message we want to send to our friends in Armenia? Do we want to cut economic aid to a country that is terrorized by its neighbors and is shut off on its eastern and western borders due to an illegal blockade by Turkey and Azerbaijan?

Mr. Speaker, in the coming weeks I will advocate to the Foreign Operations Subcommittee to restore military parity, to increase economic assistance to Armenia and to provide for humanitarian aid to the people of Nagorno Karabakh. It is incredibly important to reward our allies and to send a message to Azerbaijan and Turkey that ethnically charged genocides, illegal blockades of sovereign nations, and the constant harassment of the Armenian people will not be tolerated.

AMEND THE FOREIGN ASSISTANCE ACT OF 1961

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, today I am introducing, and I have just introduced a bill, to amend the Foreign Assistance Act of 1961 to limit the provisions of the United States military assistance and the sale, transfer or licensing of United States military equipment or technology to Ethiopia.

The bill requires that before the United States provides military equipment to the regime in Addis Ababa that our President certifies that the Government of Ethiopia is not using our equipment or assistance against prodemocracy advocates or peaceful civilian protesters in Ethiopia. Is that too much to ask?

It is an outrage that in Ethiopia that over 80 opposition leaders and human rights activists and journalists have been recently charged with treason, violent conspiracy and genocide. These prisoners of conscience face brutal captivity and the possibility of death sentences. They include 10 newly elected members of the Parliament and other officials of the opposition Coalition for Unity and Democracy Party, that is the CUD.

These brave souls face charges filed against them by a corrupt and repressive government. This same government blatantly stalled the last election, making a sham out of the democratic process. Five of those being charged with criminal behavior work for the Voice of America. One of those being held is Dr. Berhanu Nega. He is an American citizen and mayor of Ethiopia's largest city. Dr. Nega is an advocate of democracy. He faces the death penalty for his involvement in mass protests over the election fraud that took place in Ethiopia during their last election.

Now, in January, the British Government cut the equivalent of $88 million in aid in support to Ethiopia. This was due to its concerns about the governance and human rights issues arising from this disputed election. Other international donors have taken similar measures.

My legislation requires certification by the President of the United States that our military equipment provided to Ethiopia is not being used to beat down those who would bring honest and democratic government to that troubled land. In Ethiopia, it is incumbent upon us as Americans to be on the side of those struggling for honest and democratic government, not on the side of their oppressor.

No pragmatic strategy can justify the United States backing a regime that stole the last election and has brutalized their own people and will, at some point, disintegrate from its own corruption and incompetent ways. I ask my colleagues to join me in recognizing and supporting the democratic movement in Ethiopia, just as we did with a similar movement in Ukraine just 2 short years ago and in other countries throughout the world where the future was in play and human freedom was in the balance.

That is what being an elected representative of the American people is all about, standing for our ideals and our principles. And nowhere could that be made more clear than to stand with the people of Ethiopia, who are struggling to make a democratic government, to form a democratic government, and to have honest government and the recognition and respect for people's rights within their own country.

THE STATE OF HEALTH CARE: REPUBLICAN EFFORTS FOR HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Pennsylvania (Mr. MURPHY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MURPHY. Mr. Speaker, I will be joined in a little bit by my friend and my colleague, Dr. PHIL GINGREY of Georgia, for this next hour. It is important that we lay out a large segment of what we believe is a critically important agenda to reform health care in America.

We know that few things are more valuable to us than the health of our families. When the health of our families is threatened, we feel frightened.

we feel vulnerable, and we desperately search for help. I think few would challenge that the United States provides, as available, the best health care in the world, dedicated and caring physicians and nurses and hospitals and professionals, and we have made huge technological advances in fighting disease and prolonging life. Our research and medical technology is second to none. It significantly advances every year.

However, despite these many accomplishments, the American health care system is burdened by severe problems that lower quality and increase costs and too often make this system unaffordable and inaccessible for millions of Americans. Too many families, unfortunately, are only able to window-shop for health care coverage, and they feel as though they cannot go into the store.

Tonight, those colleagues of ours on our side of the aisle, who are part of our health care team, will be talking about a number of important issues to advance this cause. Mr. Speaker, before I go into this, let me pause, if I may, for a moment, and say usually when I have been here for Special Orders to talk about issues, I traditionally was walking up to the Capitol to make a call to my mother to let her know. She then would get on the phones and call all her friends. My mother was a nurse, worked for many years at hospitals in Cleveland, as well as in industrial settings.

I am sad to say that since I last spoke in the Chamber, my mother had died, but I am sure she is still doing her own method of notifying her friends, and meeting my father now to talk to him and to say, make sure you pay attention to this message.

It is a message that I hope Americans will attend to as well. Because while there are those who talk about the costs of health care, what we are going to be talking about tonight is ways of changing health care and not simply shifting the burden of health care to one or the other.

Let me talk about a few of the costs that we need to pay attention to. Health care costs are skyrocketing. In 2005, the Federal Government spent over 45 percent of mandatory spending on health care programs, including almost $300 billion for Medicare and $181 billion for Medicaid. Medicaid costs now consume about 70 percent of States' budgets, and it is rising more than the rate of inflation. This, nearly half a trillion dollars, does not even include the billions that we spend at the Federal level in discretionary health care spending for Department of Veterans Affairs, $31 billion; the National Institutes of Health, which has increased over 100 percent in the last 10 years under President Bush, to $28.5 billion; the Centers For Disease Control and Prevention, $8.2 billion; the Indian Health Services, $4 billion; Early Head Start, $6.8 billion; and the Women, Infants and Children program, $5.3 billion.

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When we add to this also the costs paid for by employers and paid for by families across the Nation, the numbers are staggering.

The Federal Government has made a number of attempts over the years to deal with some of these increased costs, such things as dealing with the budget, where we try and increase copayments on prescription drugs, or we deal with premium costs in private or federally or State-funded health care programs, which have all been geared towards trying to share the costs.

This higher cost-sharing requirement, in many cases, is designed to not only reduce some of the overall costs to the Federal budget, but also to help encourage patients to change some behaviors, such as not going to expensive emergency room settings for common ailments, such as colds and flu and scrapes and bumps, but instead to see their doctor. These increased copays are usually enacted to change these behaviors, and yet we need to be doing other things in order to actually change some of the flaws in our health care system.

But let us make a point of this: whenever Congress has enacted those important issues to try and change some behaviors and actually save money, unfortunately, the Congressional Budget Office, which is there to tell us how much we are spending and give us some accurate numbers, simply is unable to do this at all.

The Congressional Budget Office can only talk about savings when more money comes out of pocket, but they cannot and are unable to talk about savings that come from trying to prevent the problems we are talking about tonight.

Since the CBO does not provide what is called dynamic scoring, a potential cost savings, the Federal Government in essence ties its own hands so we can only focus on cost sharing and not directly change efficiency and reduce errors in health care. We do not deal with the biggest drivers of these costs. We did not have a way here to look at this.

Let me give you an example. If we were to ask the Congressional Budget Office how much it costs to immunize children in America or to inoculate them with several important inoculations that they receive in their infancy and young childhood, the CBO could give us that number. But ask them what this saves, what this saves in reduced hospital visits and the other medical complications, and they simply are not able to tell you.

Ask the Federal Government CBO what treatment programs for alcohol and drug abuse save, and they cannot tell you.

Ask them what Early Head Start's medical programs save when we get children to the doctor early. They cannot tell you.

Ask also what would happen if we made our medical records system more efficient and eliminated many of the costly errors in the system. They cannot tell you.

The CBO can tell us that, in the Deficit Reduction Act passed by the House, that $150 million was placed in there, through efforts of my office and others, in order to help hospitals in high Medicaid areas use electronic medical records in order to reduce costs. But, unfortunately, the CBO cannot tell us what those costs are.

I am going to be talking a little bit more about these costs, but first I would like to yield to the gentleman from Georgia, Dr. PHIL GINGREY, to lay out some general outlines of some other things we are going to be talking about tonight. Dr. GINGREY, a friend and colleague, who we often are on the floor together talking on these health care aspects, will lay out in general some of the things we will be talking about.

As I said, I opened up naming some of the huge cost increases in health care, but Dr. GINGREY will lay out the general plan of where we need to go to make some substantive reforms in the health care system so that we are no longer talking about cost shifting, but really talking about saving money, and, more importantly, saving lives.

I yield to Dr. GINGREY.

Mr. GINGREY. Dr. MURPHY, thank you so much and thank you for starting this Special Hour and allowing me to get over, as we have a great line-up of members. I think five members, of the Republican Healthcare Public Affairs Team that we formed, with Dr. MURPHY and I cochairing that subcommittee of the Republican Conference at the beginning of this 109th Congress. We have been talking about a number of issues during the past year relating to health care, the Medicare Modernization Act, Prescription Drug part D, tort reform, which we passed in this House many times and are still laboring to finally get that into law.

But this gives us, really, a great opportunity to follow on to what our President said in the 2006 State of the Union address in regard to health care. Now, he did not spend a lot of time on health care, but what he said in just a couple of pages was significantly an important part of his address to the Nation.

This Presidency and this Republican majority are fully, fully committed to making sure that we bring health care into the 21st century and we continue to maintain the edge that we have in regard to health care. But we are not going to maintain that edge if we continue to use a 20th-century model. It is just like the radio and the television set and the computer. We have to do this. We absolutely have to do it.

Dr. MURPHY probably in his opening remarks talked a little bit about one of the issues that I want him to address in regard to electronic medical records, or health IT, if you will, information technology.

I was recently in Antarctica, and I was able to take my American Express card, actually, no, one of my bank cards, and swipe it and get U.S. dollars to buy some souvenirs. But God help me if I had been hit in the head in Antarctica by a snowball and couldn't speak to the doctors, because they wouldn't know a thing about my health care record. I know that Dr. MURPHY and others have taken a leadership role on this particular issue.

So I want to just go ahead at this point and begin allowing my colleagues to talk about some of these issues that are so hugely important. Dr. MURPHY has already made some remarks and will speak further about health IT. Dr. MURPHY is on the Energy and Commerce Committee, where the Health Subcommittee does so much work on Medicaid and other issues, as I previously have co-chaired the Healthcare Pubic Affairs Team.

Dr. MURPHY, I would be happy to yield back to you, or we can go to the long-term care issue and come back, whatever you would prefer.

Mr. MURPHY. I would like to talk a little bit, if I may, about some of these issues about errors in hospitals.

I opened up by saying we clearly have the best health care available in America, but I would like the Speaker and others to imagine this: when you go into a hospital or doctor's office, generally you will see filing cabinets packed with paper records of a patient's care. Now, imagine also if the patient has seen multiple doctors, there are multiple files, and probably stacked somewhere on top of those filing cabinets are reports waiting to be filed, and chances are pretty good that the records between doctors offices are disconnected, that is, one doctor may not know what the other physicians or treatment specialists have seen. Perhaps the patient has not gone for the lab tests or consultations they have been asked to do. Perhaps they have, and those records have not been returned, x-rays have not come back over, whatever that is.

But you have a situation of voluminous paper records, oftentimes scattered within a hospital in different departments or between different offices, and that results in the likelihood that important medical records could be lost or not retrieved at that moment when someone needs to be making decisions.

Having worked in both neonatal intensive care units, pediatric units, and my own private practice as a psychologist, it was often critically important to be able to access records and review them quickly. But a simple statement one was looking for in a file that was multiple volumes and oftentimes multiple inches thick, it could take hours to retrieve critically important data.

The risk of that is that some information may be missing. The risk is that important information may be missed. One study even found that one in seven medical records was missing vital information, and this could then lead to redundant tests or misdiagnoses, redundant treatments or inappropriate treatments.

Health administration paperwork costs almost $300 billion annually, equal to about $1,000 per person in America, or actually 31 percent of all health care expenditures in the United States; and yet we have hospitals with 21st-century technology that can use a 64-cut CT scanner that can give us three dimensional films of patients' hearts, but we are still using an 18th-century paper system to keep track of these things.

The RAND Corporation reported that these critical errors that come from redundant, unnecessary, and missed information adds $162 billion in health care costs per year, a huge avoidable expense. Part of our move as the Republican conference here is to make sure that we encourage and fund through incentives hospitals and doctors' offices to move towards health information technology.

Medication errors alone cost Medicare about $29 billion in costs. Whenever we talk about cost savings in programs such as Medicare and Medicaid, it is not slashing care, it is improving care; it is not denying access to care, it is bringing access to care. And that is vitally important.

Anyone who has ever had a prescription that could not be read or the pharmacist had to call back or the patient wasn't sure if it was duplicating another medication recognizes how these errors cost the system. The best, the best doctors and the best hospitals and the best specialists have their eyes blindfolded when it comes to trying to deal with these.

In the Deficit Reduction Act, as I mentioned a few minutes ago, $150 million was put in there for hospitals to use grants in high Medicaid populations, but throughout the Nation we see many health information technology companies emerging at hospitals and insurance companies investing billions of dollars, a critically important issue.

So next time when one goes to the doctor's office and sees the papers gone, but to see, for example, in VA hospitals now the doctor putting records on a computer, calling up x-rays on a computer, looking at CT scans and MRIs, and, yes, even watching films of surgery on their computer screen, recognize that this is part of where we need to go with 21st-century medical technology.

But also know this: the physician who did the test or radiologist who did the x-ray can immediately send it over secure and confidentially to one's physician, who can then review the record.

In fact, I have been in physicians' offices, since, unfortunately, a few months ago I had an accident in Iraq and then had a CT scan in Baghdad and an MRI done in Germany, and found that what could happen here is the records could then be spent over on computer disk to physicians in Washington, D.C. and Bethesda who could then review those and easily consult, without having to call for new tests and repeat those. It wasn't just the wording that they had of what was taking place in the medical test. They could actually see it themselves.

Repeat this story millions of times a day across America, and you can see why the RAND Corporation says we could have savings of $160 billion; and in addition to that, when you look at the savings that comes from otherwise lost days in the workplace, another $150 billion in savings.

Let me mention one other area that we can track with electronic medical records, and that is infection rates. A bill that I am working on to actually give incentives to hospitals and medical practices to reduce infections is critically important.

Health care-acquired infections cost the United States about $50 billion in annual medical costs. Now, these infections are such things as staphylococcus, methacycline-resistant staphylococcus aureous, urinary tract infections, pneumonia, et cetera, where what happens is through such low-tech issues as hand-washing or cleaning equipment, because we take these things for granted so much, they are not done. Sadly, this leads to somewhere up above 75,000, some estimates even as high as 90,000, deaths per year, so says the Center For Disease Control, and these, in many cases are preventible. Now, in some cases they are not, if someone comes in with an open wound or someone is taking immunosuppressant drugs.

But what we need to do here is actually help patients get better care. We can save massive amounts if we use Medicare and Medicaid to provide incentives and pay for performance for hospitals that reduce these.

But this is where, again, using electronic medical records helps, by having this information available that hospitals can review and pull up information and saying what is happening? Are we seeing trends within the hospital? Should we take action? Information that can come up as an immediate alert to the hospital medical staff, to medical directors and hospital personnel, hospital administrators, to say infections are now detected within the hospital, we need to take affirmative, aggressive, and thorough action to isolate and deal with this. That being the case, we can save tens of thousands of lives a year and tens of billions of dollars.

Now, we point these out because it is so critically important. I hear time and time again people misleading the American public that somehow we are trying to cut Medicare and Medicaid. That is not true.

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What we are trying to do is improve the system. And any American family knows that whether it is your car or your house, that when you deal with using inefficient and cheap ineffective ways, you can end up paying much more because the tools you use may break or the system you are trying to use to fix the problem may actually be ineffective, and it is going to cost you more in the long run.

Doing poor health care, making wrong decisions in health care, is what is expensive. Making the right decisions in health care and making sure we have the highest quality is what lowers costs. And once and for all, we have to put these tools back into the hands of health care providers across the Nation, give them the information that is needed on every patient, every time, making sure those records are secure and so that physicians are competent and hospital personnel are competent.

Dr. David Brailer, the President's appointee to take many of these actions in the area of health information technology, and Secretary Leavitt, the Secretary of Health and Human Services, are leading the charge in some of these advances along with us in Congress.

This is something that we want the American people to know, Mr. Speaker; that in so doing, we will actually be saving tens of thousands of lives and tens of billions of dollars. These are efforts we will not yield on, because we recognize that the number of deaths that occur per year from us having our eyes blindfolded and our hands and not being able to do the best in health care is actually more that occur in a single year than died in all of the Vietnam War.

We have the tools to do this, and we as a Republican Conference will continue to lead this Nation in moving forward to save lives and save money.

With that, I yield back to the gentleman from Georgia, Dr. Gingrey, to control the balance of my time.

THE STATE OF HEALTH CARE: REPUBLICAN EFFORTS FOR HEALTH CARE REFORM

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. GINGREY) will control the remainder of the hour.

Mr. GINGREY. Dr. Murphy, thank you so much for bringing that expertise in regard to health IT and health care quality. In fact, I wanted to point out, Mr. Speaker, and my colleagues one of the posters in regard to this.

The Rand study that Dr. Murphy mentioned, a potential savings of $162 billion annually by going to that system, and also at least 90,000 lives, and possibly more. I wanted to close out that portion before I call on some of my other colleagues to discuss other pertinent issues.

We do have legislation introduced from the Republican Conference to incentivize physicians, particularly small group physicians through our Tax Code, in the 179 section of the Code, to let them rapidly depreciate indeed up to $250,000. We do this for businessmen and women currently up to $100,000, but it is so critically important, this cost savings that I point out, that we want to make sure these physicians can afford to do this, because we need every one of them to participate in health IT.

At this point, the next issue that we wanted to talk about, and the gentlewoman from Florida, my colleague, and classmate, Ms. GINNY BROWN-WAITE, a member of Financial Services, Homeland Security, Veterans' Affairs, a Member of the Health Care Public Affairs Team, as most of us are; in addition to that she leads the Women's Issue Team of the Republican Caucus. She wears many hats.

But tonight the gentlewoman is going to talk about long-term care. And I hope she will include a little bit about the issue of health savings accounts and how they can be rolled into that. I think the President may have mentioned that a little bit.

At this point I gladly yield to my colleague from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I appreciate the fact that Mr. GINGREY is holding these to help inform people of exactly what Congress is doing on the issue of health care. I am sure when every Member here goes back into their district, people ask them about health care.

In my district, of course, the issue is always not only just health care for seniors, but also veterans. And Dr. Murphy was absolutely correct that the VA was the first entity to begin computerizing their records, which is the reason why a veteran can go from New York at a VA facility down to one in Florida, and virtually with a few key strokes, they pull up his or her record. That is a good way to make sure that we have continuity of care.

In Florida, of course, we have many, many nursing homes. People move to Florida, and as they age in Florida, the nursing home industry is a very, very vital part of our economy. When I was a State senator, I worked long and hard on nursing home issues. We did nursing home reform.

And one of the reasons that we did nursing home reform was because we wanted to increase the staffing and make sure that nursing homes provided the kind of quality care that we all want for our seniors who are in nursing homes. But, you know, one of the issues clearly is the cost not just for those living in a nursing home, but also for younger families who have got to care for older parents or loved ones, very often termed the sandwich generation.

You know, long-term care costs can be very, very stifling. And I agree about having them be able to roll into a medical savings account. It is certainly a very important component of what we are trying to do long term.

You know, you do not fix health care forever. The need for health care reform continues as technology improves, as we all age, and also as we take into consideration all of the new pharmaceutical products that are out there that prevent people from going into hospitals, and, many times, nursing homes.

You know, that sandwich generation I was just speaking about, they are the ones who are very often helping to care for their parents. You know, nursing home costs can be upwards of $60,000 if a person does not have insurance. And home health care costs can sometimes reach $20,000 a year.

When we look at the demographics, those who are 85 years of age or older are the most likely candidates for long-term care service. But age is not the only indicator. Actually people of any age with limited self-care or mobility issues are candidates as well.

For the average person over age 50, home health care can cost over $5,800 a year. Even families who have long-term care insurance are facing hefty costs. Kind of base plan premiums run between $564 a year for a 50-year-old, for example, to $5,300 a year for someone who is 79.

When families can no longer cover these costs, Medicaid has to pick up the tab for those who do not have long-term care insurance. And when we look at the spending in Medicaid, one-third nationwide of all Medicaid spending goes toward long-term care.

Moreover, two-thirds of these funds are used for institutional care, even though consumers prefer to remain in their own homes and communities. I am sure, Dr. GINGREY, that in your State as well as in my State, that they have applied for waivers, kind of all efforts possible to keep people in their own homes.

People prefer to be in their own homes, but there are times when they do need to be in long-term care. One of the bills that I recently introduced that I know many of my colleagues are on, is the Qualified Long-Term Care

Fairness Act. We want to encourage people to participate in long-term care insurance.

This bill provides the same tax deduction available to those who itemize as those who do not. Currently only people who itemize on their income tax can take off the cost of long-term care insurance. This was obviously overlooked when they passed the bill, in that they only allow people who itemize.

We want to make sure that this tax deduction may be used for long-term care insurance premiums, activities of daily living, diagnostic, preventative or rehabilitation services, and certainly other services prescribed by a licensed health care practitioner.

My bill also, by the way, covers home health care expenses. By taking out a policy, it really and truly helps the family so very much. We want to make sure that this additional tax deduction can be claimed by people who take that extra care to be sure that if they need nursing home care that they have the insurance to cover it.

You know, Mr. Speaker, in 2001, spending for long-term care services for persons of all ages represented 12.2 percent of all personal health care spending. This was almost $152 billion of $1.24 trillion spent for health care.

Congress should encourage all Americans to purchase long-term care insurance. And certainly this is but one way that we can encourage our constituents to spend that money for a long-term care policy.

If I may take a moment just of personal privilege to tell a story about a very dear gentleman that everyone thought he was my dad; he was not. He had three daughters and he cared about those daughters.

Because he lived in the same community that I did, and because we were very close, people just thought that Arne was my father. Well, let me tell you, Arne was a very, very thoughtful father, because he took out long-term care insurance.

He developed Alzheimer's, and needed to be in a long-term care facility. His wife had passed on and the progression was very, very fast. Arne passed away last year, but I can just tell the Members in the Chamber tonight and those who may be watching in the audience, that Arne's children truly appreciated the fact that he took out that long-term care insurance. Because that way, the insurance paid for all of the time that he had to spend in the nursing home. And he was able to preserve his life's savings to leave to his children, which is really what he wanted. And he also wanted to make sure that he was not a burden on the taxpayers.

I would ask as many people as possible to consider that kind of insurance to make sure that they are cared for and that their children or whoever they want to leave the rest of their savings to, that they are also provided for. I think it is an excellent way to do it.

Mr. GINGREY. If the gentlewoman would yield for a second. This is such an important item, long-term care, and the anecdotal case that you just presented to us is touching and very personal, but very real and very practical, as you point out.

And we are going to talk a little bit later about, and I point out on this chart, health savings accounts; but I think the gentlewoman would agree that the opportunity to utilize money out of a health savings account to purchase at some point, maybe not when you are 35 years old and you just had the plan and you are building it up for a couple of years, but as you mentioned, I think you said in your fifties, it probably is certainly time to start saying not only do I pay for an annual physical, and maybe a mammogram or colonoscopy out of my health savings account, but maybe I need to look very closely at purchasing long-term care insurance to protect my assets, Mr. Speaker, so that they are not all used up, as I or anybody else who suffers from some debilitating illness that lasts for a long time, in a nursing home, they have no insurance, they have exhausted all of their assets.

Mr. Speaker, I commend the gentlewoman from Florida, too, in thinking outside of the box. I think that is part of why we as Members of the Republican Conference as a health care team, want to bring to our colleagues on a regular basis that we are thinking of ways to get the job done.

We are not just sitting back and accepting the same old, same old. And your bill, and I was not aware of the specifics of it, but that allowance for someone who does not itemize to actually get a deduction for the purchase of long-term care insurance I think is a great idea.

I commend the gentlewoman for that.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I commend the gentleman. And certainly the use of any funds from a health savings account for this purpose accomplishes the same thing. It gives people a tax incentive to save, to also save and preserve their assets for the future.

And, you know, I recently, this past weekend, ran into a young man who was all of 55 years old. He was injured, and spent some time in a rehab center. And, you know, he said to himself, you know, he did not have insurance. When he told me the cost of that rehabilitation, it was astronomical.

So, you know, we all want to believe that we are going to be as healthy tomorrow as we are today. But, that is not always the case. And I remember when I reviewed the policy with Arne, because I was a little skeptical, he was 75 when he first started looking at it, and I was amazed what it did cover and how reasonable the cost was. And, you know, I looked on every line, looking for a loophole. And it ended up being something that I did recommend to him, never realizing that a few years later he would need to have this.

So I commend the gentleman for promoting the health savings accounts and any other way that we can help seniors to better prepare for their future.

□ 2045

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman for bringing us this information on long-term care.

At this time, we have an opportunity to hear another issue discussed by my colleague on the Rules Committee, the gentlewoman from West Virginia, Representative SHELLY MOORE CAPITO. And Representative CAPITO is going to talk tonight about something that, and she knows the numbers, she has been here a little longer than I have in regard to how many times we have addressed this issue of tort reform, of trying to level the playing field. Not take away anybody's rights to a redress of grievances if somebody has injured them by practicing medicine below the standard of care. That could be the provider of the care, it could be the physician, or the hospital.

In any regard, at this point I would like to turn the program over to Representative CAPITO and have her talk to us about the issue of medical liability reform.

Mrs. CAPITO. I thank my colleague from the Rules Committee, not only for talking about issues that are important to us but his service on the Rules Committee as well. And also the fact that we are taking this time to talk about an issue that is probably the most-talked about issue in my district and that is health care in a general sense, but in a broader sense health care for our future.

I come from the State of West Virginia, and I think this is a great topic for somebody from West Virginia to speak on. We have passed out of the House medical liability reform I think in excess of seven times and I have lost count. I do not know exactly. But I would like to talk a little bit about what happened in the State of West Virginia and how that legislature there and the Governor there joined together to answer a desperate cry from a lot of West Virginians.

In the summer of, I think it was, 2002, the only trauma center in the largest metropolitan area of our State, CAMC Trauma Center, closed because they were unable to staff the trauma center because people of the specialty and the hospital were having difficulty meeting the high cost of medical liability insurance. They could not get it. That traumatized our area. We live in a rural State; but this area, Charleston, was the magnet for all of southern West Virginia and eastern and western sides to come in case of a high-level trauma.

During this time, a young boy of 4 or 5 years old got a penny stuck in his throat, and he lived about 10 minutes away from the trauma center, but the trauma center was not there. It was not open. So his parents, along with their physician, had to take him to Cincinnati, Ohio, to have this extracted from his windpipe. It had a happy ending. He was fine, but if they had not had to take that amount of time to go to Cincinnati to have the work performed, I do not know what would have happened to this young boy.

Throughout 2002, I met more constituents who were telling me that their doctors, even though they were not old retirement-age doctors, middle age, in their fifties, in the peak of their profession, were moving. They were moving to other States. They were retiring out of the practice of medicine and into administration because they absolutely could not afford to continue practice. We were losing our specialty physicians. I know there is a problem nationwide with neurosurgeons, certainly orthopedists, OB-GYNs are one of the highest problem areas, and it was just cascading across our State.

We are known in our State as being one of the best places for trial lawyers to set up shop. We are very, what do I want to say, generous and we have a very good litigious society.

Mr. GINGREY. We like to use the expression in those situations: "it is easier to sue your doctor than it is to see your doctor."

Mrs. CAPITO. Right and we were reaching that point in West Virginia. We had our doctors leaving.

Another thing, I spent Sunday night with a group of physicians here in Washington, D.C., and one of the things they told me repeatedly, no matter what State they were practicing in, is that more and more they have got to practice defensive medicine. Are you going to do the MRI, Doctor?

And even though they do not think it is called for, it is not medically necessary, they go ahead and do it because if they do not do it, there is that small fraction of a chance that something might have shown up or that they could come back and be sued because they did not proceed with a procedure that they did not feel was medically necessary.

And what happens when you practice defensive medicine? The cost goes up and up and up. And this was happening in West Virginia. Again, our large medical centers, we could not recruit our doctors. We would have residencies throughout our State and as soon as the physicians were trained, educated, and ready to practice, they would leave the State. And this was really very difficult because the word was out across the Nation: West Virginia, if you want to practice medicine, do not go to West Virginia.

So we had all of this coupled with just the out-of-control lawyer compensation that this breeds, this medical liability breeds.

So we had this kind of situation in West Virginia and what happened? It was not the doctors. It was not the hospitals. It was not the health professionals. It was the everyday citizen in West Virginia coming to policy-makers, coming to their State legislators, coming to their Governor, coming to their Congresspeople and saying, you have got to do something. You have got to pass something. And by golly, in the State of West Virginia they have passed one of the leading, cutting-edge medical liability bills that exists now in any States in the Union.

And what has happened? Confidence is back in the health professions, more specialties are being recruited into our State. And just today I had a young man in my office who was just finishing his residency at Lexington, Kentucky. He said, I am coming home to West Virginia because that is where I want to raise my family and practice medicine.

So medical liability does work. It does go to providing higher-quality care, refreshing your physician and health profession supply. It does go to bringing about an era of confidence that good-quality health care is going to be there for you. And so I would say in terms of, I know Dr. Gingrey has introduced the HEALTH Act again, and we are hoping that we will pass it out of the House of Representatives again, we will do that because we know it is important. But more and more what is happening in West Virginia is happening in other States across the Nation. And they are hearing from their everyday citizens, their folks who want to see their doctor when they want to see them, the doctor they have seen their whole life. And this is an extremely important issue to have before the American public.

The problem has been we have passed it here, and we have not heard anything more about it. It had faded out there across the Hall. I think the stronger the voices are at the local level, just like they were in West Virginia where we did not think it could ever be done, the stronger those voices are, the more optimism we can have, we can meet the demands of a good and solid medical liability reform bill.

I want to join with my colleagues here on the Health Affairs Team who think it is something we need to talk about quite a bit.

If I could take just 2 more minutes here to talk about another health issue that is extremely important to me, and that is the prescription drug bill for seniors. It is something I worked on, and it is probably the number one issue as I have moved across the State over the last 5 years.

I was sitting in a dinner the other night after reading all the political rhetoric about the prescription drug bill and how it does not serve people, and actually one of my colleagues from the other side of the aisle in my own State called it a national disaster. I sat down next to a gentleman. He said, I want to talk to you about the prescription drug bill. I almost thought I had to put a helmet on to hear what he had to say. I said, What is that? He said, I am going to save $4,000 this year. Thank you, Congresswoman, for passing that. Thank you for providing that first-time availability of a prescription drug bill through Medicare.

I want those who are watching to know this is an extremely revolutionary bill and an availability of a prescription drug bill for our seniors.

Doctor, I would like to yield back my time to you. I appreciate your efforts in this area, and I join with you in seeing that we get that medical liability reform bill passed once again.

Mr. GINGREY. Thank you. As you point out, it could be seven times. We had passed it just last year, and I guess we will have to do it again this year maybe for the eighth time.

I just have got a little poster here, Mr. Speaker, that I want to call my colleagues' attention to here. The gentlewoman from West Virginia talked about it a little bit in regard to these issues of the need for tort reform, the cost factor, Federal outlays for health care on the rise. Yes, indeed. Nearly one-third of all Federal spending goes towards health care. And that is what she is talking about.

A lot of this spending is defensive medicine. It is unnecessary. She is talking about the trauma center in West Virginia that had to close because they could not get coverage. They could not get the neurosurgeon to take the liability or a thoracic surgeon to see that youngster with the penny lodged in his windpipe.

These are the issues: and, yes, everybody that comes into the emergency room anywhere in the country with a headache, doctors know physical diagnosis and ability to examine by looking in the eyes and checking the blood pressure. But they are not sending that patient home with a couple of aspirins and careful instructions to call the next day. They get a CAT scan and the most expensive one that is coming along for that particular year.

She did such a great job. Finally, in her last two minutes and I am so glad that she did that in regard to the Medicare Prescription Drug Act, part D. We have heard all of these naysayers. I am sure they were out there in 1965 when we had the optional Medicare part B which 98 percent of seniors are paying upwards of $90 a month to be part of because it is a good program. This is a good program.

I thank Representative SHELLY MOORE CAPITO for giving us some information, personal anecdotal statistics from West Virginia. It is absolutely true.

At this point it is a pleasure to have as part of our team tonight, and actually my co-chair of the Policy Committee, the Republican Policy Committee on HealthCare Reform, another physician, a freshman who does not seem like a freshman because of his knowledge and skill and ability. I am talking about the gentleman, Dr. CHARLES BOUSTANY, cardio-thoracic surgeon from Lake Charles, Louisiana.

Before I yield him most of the remaining time in this special hour, I want to thank him for the work that he did on the gulf coast during not only Hurricane Katrina but Rita that hit his area, his district, and devastated over 125 miles of that great part of our country and what he has tried to do in regard to going forward to work on issues, like making sure in a catastrophe like that in the future that we would have a data bank of physicians by specialty so that we would be much more organized and could respond like he did, personally, in an efficient fashion.

So at this point it is indeed a pleasure to call on the gentleman from Louisiana, Representative BOUSTANY. He will talk a little bit about competition in health care and some of the hallmarks for reform.

Mr. BOUSTANY. I thank my friend and colleague from Georgia for yielding time to me. Also, I thank him for putting on this program this evening. It is very important that we inform the American public about these issues in health care.

It is undeniable that the United States has the finest health care system in the world, and I have seen it firsthand as a cardio-thoracic surgeon. I have had the great privilege of saving many lives in the practice of cardiothoracic surgery. At the same time, I also learned firsthand about the difficulties that families go through and the high cost of health care incurred by families and small businesses.

Particularly, when my son was involved in a terrible car accident that required months of hospital care and the stress it put on my family and the financial pressure really awakened me to many of the problems that we have in our health care system. So I come here with strong determination to try to do something to help American families with the ever-rising cost and burden of providing health care.

Health care costs have doubled between 1993 and 2004, growing to nearly $1.9 trillion and representing 16 percent of the United States gross domestic product. When you look at health care, we have to make sure that it is affordable, it is available and accessible because I commonly say, I often say back at home. All health care is local. What good is health care if you cannot access it and get it where it is affordable where you live? That is where you need it. It does not do you any good if it is available in New York or Boston if you cannot get it at home in Lafayette, Louisiana.

So with this unsustainable rise in cost, we have got to do something to bring the cost down and make it more affordable and available. Competition is the key.

I think there are three words that really describe the principles for health care reform: information, choice, and control.

□ 2100

First of all, with regard to information, we need a free flow of information about prices, about cost to families, about cost of hospital care, cost when you go to see the doctor, the cost you incur when you go.

We also need a free flow of information about quality and outcomes, because if we have this flow of information, and information technology was mentioned earlier this evening, information technology is a critical part in providing this kind of information to the consumer and to ultimately the patient, to the family.

I often say what good is it if you do not have this information. If I go to the store to buy soft drinks or sodas for my family, I can go down the aisle, and there is a wide range of products, different quality, different flavors, different prices, and I make an informed decision. But in health care, we cannot do that. So we need information.

Choices, that is the other one. If we had a wide range of choices in health care, wide range of insurance products, then we could create this competition that will bring the cost down. It is one of the things we hope to see in the Medicare prescription Part D program, where we create competition to drive the cost of pharmaceuticals down for our seniors in these plans.

Another way of providing choice is certainly the health savings accounts that were mentioned earlier, associated health plans which is something we passed in the House. And there is also a bill that I am a proud cosponsor of; this is a bill by Representative SHADEGG, H.R. 2355, the Health Care Choice Act of 2005, which will allow people to shop for insurance products, health care insurance, across State lines, again creating more competition and hopefully bringing the cost down.

The final piece of this is control. We do not have portability and control. I want to put health care destiny back in the control of families and individuals because I believe by doing so we create true portability in health care, and if we do this, then we will solve a lot of the problems. We will free up our businesses, let them do what they do best, by providing work and wages and so forth, but let us let families have that portability in health care.

Those are the keys to health care reform. It is important to recognize, if you look at our health care system, 45 percent of all health care spending is in the form of Medicare and Medicaid and other Federal programs. Fifty-five percent of it is in the so-called private sector, and yet what we have is a price control system where everything is set by basically paying at the Medicare rates, which creates some degree of rationing in health care. Yet, on the other side of the coin, when you look at what is happening to providers, providers are having to deal with the free ranging, inflated cost of supplies, pharmaceuticals, surgical equipment, and this has created major distortions in our health care system. This also needs to be addressed.

So, again, if we can create competition by using those three principles I mentioned, then I believe we can truly start to bring the costs down in health care and make it more affordable, available and accessible for American families.

I thank my colleague from Georgia for yielding to me, and I appreciate this opportunity to comment on health care.

Mr. GINGREY. I thank Mr. BOUSTANY so much for being with us this evening and for pointing out the rising cost of health care and what we need to do about it. I particularly appreciate what you said about transparency.

In the final few minutes, I am going to talk a little bit about the health savings accounts that the President has promoted and increased the amount of money that can be put aside, very much like an IRA, but this would be an IRA for health care. Because you are absolutely right; we use the expression, and maybe it is really apropos for health care, skinning the game. They are going to be better consumers. People do a great job shopping for an automobile or an appliance or new flat-screen television set, and they may go to eight different stores, discount big box stores, trying to save an extra fifty bucks on a plasma TV. And people do that, and I do not blame them. We can do that in health care, too.

I think Mr. BOUSTANY is absolutely right. There will be a day when we do have electronic medical records throughout the system. Secretary Leavitt is totally committed to this, and Dr. Brailer, as our good friend Mr. MURPHY said at the outset of the hour, but will also need to be done as everybody is interconnected, every medical office, every clinic, whether it is the size of Mayo or Rochester or whatever, or maybe just a two-doctor shop, everybody's information about their patients is interconnected so that we know what their needs are and also the information that physicians, their pricing information, what does an OB/GYN typically charge for a routine hysterectomy or delivery or cesarean section; what does a vascular surgeon charge for the procedures that they do. We call those endarterectomies, put in a graft to go around a blocked vessel. What does a general surgeon charge to take out a gallbladder through laparoscopic, or appendix or thyroid? There are more than one good doctor in each community. I do not know about cardiothoracic surgeons. They are in short supply, but there are lots of us OB/GYNs and general surgeons that do a good job.

People will one day in the near future, because of what we are doing, the efforts of this Republican majority and this President, who is totally committed to making sure that we continue to have the best health care system in the world, we will see the day that in a secure environment, people can look on a Web site and know exactly what the differences are and shop economically for not the cheapest health care but the best-priced health care and good health care.

We talked a little bit at the outset of the health savings account issue. I think that this is a wonderful opportunity. I wanted to show maybe one last poster in regard to that, because we hear a lot of criticism sometimes here on the floor of this Chamber, and sometimes out in the halls and maybe indeed sometimes back home in our districts, say, oh, you know, the health savings account, they are just, here again, something for the rich, and you Republicans only care about the people that have lots of money. Well, look, Mr. Speaker, at this health savings account, not just for the healthy and wealthy.

Seventy-three percent of those who have established, and there are about 3 million now and we predict within the next couple of years 10 million, and it is growing rapidly, 73 percent have families with children. Fifty-seven percent of these holding health savings accounts are over age 40; 35 percent are from households with four or more people; 40 percent are high school graduates or have technical school training as the highest level of education. Also, I might say parenthetically, some of these folks are the most successful because they are hardworking and work by the sweat of their brow; 40 percent did not indicate any prior coverage.

So this is something for everything, and for those who do not want that, the President has talked about refundable tax credits to purchase health insurance for an individual. When I say refundable tax credits, I mean somebody that, because they are a lower economic earner and they do not typically pay taxes, they do not get any advantage from a deduction. So we actually give them money. A refundable tax credit means you give them money for the sole purpose of purchasing health insurance. These are some of the things that we wanted to talk about.

The gentleman from Louisiana, I would be glad to yield to him for a comment.

Mr. BOUSTANY. Mr. Speaker, I thank the gentleman for yielding. I also point out another feature of health savings accounts and it is something very important to think about; and that is, as we get a large part of our generation to sign on to these health savings accounts, as our generation moves up into the Medicare years, that money will accrue and could be used for health care costs incurred at that time. It will help take some of the burden off the Medicare system in the future potentially. So it is a good, good feature as we look at these. Again, it helps the individual, it helps the family to control their own health care destiny.

So I just wanted to point that out, in addition to these very good facts that you pointed out as well.

Mr. GINGREY. Mr. Speaker, I thank the gentleman, and just in the closing minutes, I would say that also it is important for people to know that while people maintain these health savings accounts and add to them each year, they enjoy the miracle of compound interest as these accounts grow. They can only be spent on health care, but typical insurance does not cover dental care or a lot of eye care. It certainly will not pay for a hearing aid, no cosmetic surgery. It does not help women who have infertility problems who need assisted reproductive technology so they can achieve the wonderful joy of childbirth and raising a child or children. All of those things can be paid for out of these health savings accounts.

We talked about purchasing long-term health care insurance, and when a person turns 65, they can actually use some of this money for other things.

Well, that wraps it up. I see my time is drawing to a conclusion. I think the Speaker has tapped that gavel a little bit, and I do not want to cut into my good friend's, the gentleman from Georgia on the Democratic side, and his special hour. So at that we will conclude.

BLUE DOG COALITION

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the minority leader.

Mr. ROSS. Mr. Speaker, I come to the floor of the United States House of Representatives this evening as a member of the fiscally conservative Democratic Blue Dog Coalition, a group of 37 fiscally conservative Democrats who are outraged, absolutely appalled by these record deficits, record debt and the lack of common sense and fiscal discipline that we are seeing in our Nation's government these days.

I come to the floor and raise these issues not out of partisan politics because, Mr. Speaker, I do not know about you, but I am sick and tired of all the partisan bickering that goes on at our Nation's Capitol. It does not matter to me if it is a Republican idea or Democrat idea. My people back home want a commonsense idea, the kind of ideas that make sense for them in their everyday lives.

So I raise these issues, Mr. Speaker, quite frankly because I am concerned about the future of our country.

As you walk the halls of Congress, it is easy to spot one of the Blue Dog Coalition Members' offices, because we all have this poster beside our front door. Today, the U.S. national debt, just as I got ready to come up here this evening, the U.S. national debt is $8,270,909,436,190. For every man, woman and child in America, including those being born as we speak, the amount of money that each person in America shares in the national debt is $27,000 and some change.

It is hard now, Mr. Speaker, to believe that from 1998 through 2001, our Nation for the first time in 40 years had a balanced budget; and yet, this administration, this Republican Congress, has given us the largest budget deficit ever in our Nation's history for what amounts to 6 years in a row.

This is the budget that the President of the United States has presented to Congress. It is always presented under a lot of fanfare; a lot of publicity surrounds this budget. This budget for fiscal year 2007 totals $2.8 trillion, but what is alarming about it is that the deficit totals $423 billion.

If that is not disturbing enough, Mr. Speaker, as a Nation, we spend about a half a billion a day simply paying interest on the debt we already have, and on top of that, our national debt is increasing to the tune of about $1 billion a day. Our Nation is spending about $1 billion more a day than it is taking in; $260 million a day going to Iraq, $33 million a day going to Afghanistan, and a whole lot more going not to fund programs that matter to people because there are record cuts in this budget.

Just yesterday in Booneville, Arkansas, I was at the Dale Bumpers Research Center, one of 26 agriculture research centers that are not being cut, but being eliminated, under the President's budget for fiscal year 2007. Only in America can the President give us a budget that cuts the programs that matter to people, Medicaid, Medicare, veterans benefits, agricultural programs, and also give us the largest deficit ever in our Nation's history at the same time.

□ 2115

So as an American, I rise this evening out of concern. As a small business owner, I rise this evening out of concern about these record debts and these record deficits. And at the end of this hour, Mr. Speaker, we will change this number to show how much the national debt has risen just in the hour we have been on the floor this evening trying to talk about accountability and fiscal responsibility.

The numbers I have presented to you are bad enough. Lord knows we don't need to make them any worse. They are already the largest budget deficits in our Nation's history that this Republican leadership has given us, but what we have recently learned is, actually, when you look at America, the way that America requires corporations to look at accounting, the deficit is even worse than what we thought.

At this time I would call on the gentleman from Tennessee (Mr. COOPER), the co-chair for policy in the Blue Dog Coalition, who has helped discover this little-known publication, which is very, very disturbing.

Mr. COOPER. Mr. Speaker, I am grateful to my friend from Arkansas, and I appreciate his yielding to me. I am about to say something that very few people in America know. Hardly anyone in Congress knows it. This is not a partisan comment. I am about to reveal a document printed by this administration that received less distribution than the secret NSA domestic wiretapping activities of the administration.

This is a document that coincidentally was revealed sometime close to Christmas Eve last December. It is a document that was issued without a press release. There was no press notification about this at all. Instead of being like the budget that my friend from Arkansas showed, that was distributed to every Congressman, every Senator's office, with great fanfare, this document was distributed to fewer than 20 Members of the House and Senate. It probably went to about a dozen. It was mailed in. It was not noticed, apparently, by anyone.

And what does the document reveal? Well, first of all, this is it. When I called the Department of the Treasury, they laughed when I asked for multiple copies. This is the Financial Report of the United States Government 2005. This is the closest thing our Nation has to an annual report. Most Americans are familiar with those. All public companies are required to issue an annual report so that the shareholders can find out how the company is doing. Well, this is the annual report for America, and yet it was hidden in plain sight. Hardly anyone knows about this document.

The first page is signed by the Secretary of the Treasury, John Snow, and the first page reveals a pretty shocking fact. It reveals the fact that for all that Mike Ross was talking about, about our terrible debt and deficit situation, situations that are driving up interest rates and putting a terrible debt burden on the backs of our kids and grandkids, according to that green document my colleague from Arkansas held up, the deficit last year was $319 billion. That is a lot of money. That is "b" for billion, or "b" as in, boy, that is a lot of money. Well, guess what this document shows on its first page, signed by Secretary of the Treasury John Snow? The real deficit last year for 2005 was not $319 billion, it was, get this, $760 billion.

So there are two big questions here. Why did the administration try to hide this from Congress and the American people? Why was there no press release? Why did it receive minimal distribution? And, second, why is the Secretary of the Treasury so heavily at odds with another part of the administration, the Office of Management and Budget and the director there, John Bolton? How could one gentleman say that the deficit was $319 billion last year and another gentleman say it was $760 billion?

Well, the difference is this: the budget of the United States uses what is called cash accounting, and only the tiniest businesses in America are even allowed to use cash accounting. Why? Because it gives you a very distorted picture of a business or of a government. This annual report for America, the financial report signed by Secretary of the Treasury Snow, uses real accounting. It is called accrual accounting, and it keeps the books in a much more accurate way.

So I think most Americans would be shocked, as my colleague from Arkansas knows, that the U.S. Government, Uncle Sam, is keeping two sets of books. One has relatively good news, the other has terrible news in it. And guess what, they are trying to hide the second set of books from the American people.

I would encourage people to go to the Blue Dog Web site. We can allow you to download this document, or you can go to the U.S. Treasury Web site and download the document. It will not be obvious, though, on the Treasury Web site. It is pretty well hidden on that Web site. It is pretty clear on the Blue Dog.com Web site. So I would encourage people to check this out and see what it says in cold hard print and ask the logical question of why the President's budget is so radically and totally different from the document issued by his own Treasury Department.

I thank the gentleman from Arkansas for yielding to me.

Mr. ROSS. I thank the gentleman from Tennessee for bringing this to the attention of America, the "Financial Report of the United States Government for 2005," printed by our government, signed by our President's appointed Secretary of the Treasury, John Snow.

And as the gentleman from Tennessee has explained quite well, when our government says we have a $319 billion deficit for 2005, that is based on a form of accounting known as a cash-basis form of accounting. Now, I am a small business owner; and as a small business owner, our government does not allow me to base my business on a cash-basis form of accounting. I am required by our government to use an accrual-based form of accounting. And if I do not, I am in a lot of trouble with the IRS and will probably end up in jail.

However, our government, when we talk about the budget and the debt and the deficit and we talk about it in terms of this $319 billion, we find in this publication, the "Financial Report of the United States of America for 2005," that it does not use a cash-basis form of accounting. It uses an accrual-basis form of accounting, and we know this only because the government, by law, requires the Secretary of the Treasury to print this document. He does not print tens of thousands of copies the way he does the budget. Only a handful are printed because they do not want the taxpayers of this country to know what is really going on here.

The truth is this: when we look at our government, the way our government requires businesses to report their dealings with the IRS, our deficit was not $319 billion in 2005. Again, there is no reason for us to try to make these numbers any worse than they already are. They are already as bad as they have ever been in the history of our country. And these are not our numbers. These are numbers from the Secretary of the Treasury, John Snow. The deficit for 2005 was not $319 billion when using the accrual-basis form of accounting; it was $760 billion. That is a difference of $441 billion.

Now, John Snow, Secretary of the Treasury, in this report said: "Including these future financial responsibilities in this report gives a more complete and long-range look at the government's finances." That is the Secretary of the Treasury, appointed by President Bush. That is John Snow, in his words, which can be found on page 1 of this report.

Mr. Speaker, I yield once again to the gentleman from Tennessee.

Mr. COOPER. I thank the gentleman for yielding, because there are probably some listeners who are confused about cash-basis accounting versus accrual accounting. The simplest way to explain it is this way. If you were to look at giant U.S. companies like General Motors or Ford, they would be just fine today if you look at them on a cash basis because they are generating cash. But if you look at them on a more accurate basis, the way the stock market does and the way investors do, you will see that a cash basis ignores future obligations. For example, for retirees, for health care, for other benefits and obligations that should be kept and that have to be acknowledged.

That is what accrual accounting does. And lest people be confused, accrual accounting is not cruel, the way it may sound. Accrual accounting is actually the most compassionate form of accounting, because cash-basis accounting forgets the retirees and the sick. Accrual accounting remembers them. And it is vital we remember all of our retirees and our sick because their health benefits matter, and we have to take them into account in this country.

I know the gentleman is about to show the rule for business. This is a tough rule, and I look forward to the gentleman's explanation.

Mr. ROSS. Well, every business in this country is required to use the accrual method if the business has inventory, if the business is a C corporation, or if gross annual sales exceed $5 million. So for any corporation, any business that meets one of these criteria, our government says you must use the accrual method of accounting.

Our own government, however, though requiring businesses to use the accrual method of accounting or you go to jail and get in a lot of trouble with the IRS, that is what the government says to businesses, but the government says, well, that makes us look like we are being even more fiscally irresponsible than we want, so we will not use this accrual business. We will go back and trick the taxpayers by using the cash basis of accounting.

At this time, I want to recognize a real leader within the Blue Dog Coalition, my friend and colleague from Georgia (Mr. DAVID SCOTT).

Mr. SCOTT of Georgia. It is great to be with you, Mr. ROSS, and with my colleagues from the Blue Dogs and our distinguished cochairman.

I think this startling information that you have just made known to the American people speaks to the fundamental issue at hand, and it is, in one word, security. Financial security. We cannot have national security if we do not have financial security. We cannot even have homeland security if we do not have financial security or health care security. Whatever our security is, it is anchored in financial security.

With security comes the word "confidence," and you have just shattered that realization by bringing this information to the forefront and revealing how badly we need to restore the confidence of the American people for this government's ability to handle their financial security.

But I will tell you something that really adds and complements what you have brought to the American people tonight, because I have a bit of information that ought to be startling as well. As we look at this report, as we basically see firsthand that the books have been cooked, so to speak, by this revealing document, which almost doubles the $319 billion deficit, because now we know it is $760 billion deficit by the words of the Treasury Secretary, but let me add this to this important discussion we are having this evening.

I do not believe the American people know that this President, President Bush, has borrowed more money from foreign governments in his 5 years than all of the preceding 42 Presidents in the history of this country.

□ 2130

I know the American people are shaking their heads and asking, is he saying what I think he is saying? Let me repeat it.

President Bush has borrowed more money from foreign governments in his 5 years, since 2000, since he first took office, than all of the preceding 42 Presidents from 1789 to 2000, 211 years. Here are the figures. From 1789 to the year 2000 of our Nation's history, 42 U.S. Presidents borrowed a combined $1.01 trillion from foreign governments and foreign financial institutions, according to the Treasury Department.

And now, just in the last 5 years, President Bush has borrowed a staggering $1.05 trillion, larger than the total from all the previous 42 Presidents. If that does not tell you we have a crisis here, I do not know what does. And you combine that with this information that our co-chairman has brought to us about how the books were cooked; and, in fact, according to the more accurate accounting procedure, it is more than $760 billion.

It is remarkable. It is phenomenal. The American people deserve the truth. We have got to give it to them because, as the Bible says, you should know the truth. It is the truth that will set you free. We are going to set America free tonight.

Mr. ROSS. I thank the gentleman from Georgia (Mr. SCOTT) for his knowledgeable input about this debt and deficit and budget process. I might add, in defense of the President, the President, during his tenure in office, it is true that he has borrowed more money from foreign central banks and foreign investors than the previous 42 Presidents combined. But in fairness to the President, he could not do that alone. It took this Republican majority in this Congress to give him a budget to allow him to continue to raise the debt limit to allow him to borrow more money in the last 5 years than the previous 42 Presidents combined.

I think the American people are starting to get it at the youngest of ages. My teenage daughter was reading the paper today and she sent me an e-mail, and I will just read to you what my teenage daughter said after reading the paper this morning. She wrote, "I read that they are wanting to increase the limit of the debt. Please do not let them do this. Make them start paying it back." That is a message from a 17-year-old junior in high school who is concerned about the reckless spending, the fiscal irresponsibility going on in our government because it is her generation, it is our children and grandchildren's generation that gets saddled with these bills.

I encourage folks every Tuesday night, as members of the Blue Dog Coalition, we are here on the floor talking about fiscal responsibility and about our ideas to balance the budget. We have a 12-point plan for meaningful budget reform that will allow us to have a balanced budget and allow us to get our fiscal house in order.

For folks that are interested in e-mailing us their thoughts, opinions or questions, I encourage them to do so at BlueDog@mail.house.gov. We are the Blue Dog Coalition, 37 members strong, fiscally conservative Democrats that are here to hold this Republican Congress responsible for a record deficit and a record debt.

Mr. Speaker, I yield to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, let me say amen to my friend's comments from Georgia. That was outstanding.

I have the pleasure of serving on the Budget Committee and this week, probably on Thursday, we will start marking up the budget for the United States of America. That is one of the most serious responsibilities that we could ever undertake. It is an incredibly complex document and process. You are talking about $2.7 trillion. You are talking about not only all the defense programs, you are talking about Social Security and Medicare and a world of other programs, parks, agriculture, you name it; everything that the Federal Government is involved in.

In the span of a few short hours, we will be able to offer a few amendments, and we try to do this on a bipartisan basis. It is hard, but let me report on what happened last year in last year's markup.

I offered a number of the Blue Dog amendments as part of our 12-point plan for reform. They were individual, commonsense measures such as, for example, getting a cost estimate on every bill here so we know the cost of what we are voting on; having a recorded vote so that the members of this body go on record when large amounts of money are spent. We were one of the first groups in the country to go ahead and require transparency for earmarks so the public, everyone, would know what individual spending items were being requested. But probably, most importantly, we favored domestic spending caps so budget spending could not keep going up and up, and a pay-as-you-go approach so expansion of government was paid for, so that this generation paid our obligations, so we did not saddle future generations, including our men and women in uniform, with these terribly burdensome debts.

I offered that last year in the Budget Committee markup. My amendment passed on a 19–17 vote because four brave Republicans were willing to cross over and endorse a commonsense measure like that. But then the chairman of the committee realized that common sense had prevailed, and he leaned over and twisted the arm of a freshman Member of Congress and forced that gentleman to change his vote right in front of everybody. So then it was not a 19–17 victory for our side and common sense, suddenly it turned into an 18–18 tie, and, under the rules of the committee, you lose on a tie vote.

That was as close as we came last year to getting some of these commonsense principles involved. Even most State legislatures have rules like the ones I am describing. Most Americans would be outraged to learn we do not have these rules here.

We are going to try a similar approach on Thursday. I hope we prevail, and I hope Americans will tune in to see what happens, because we do try to work on a bipartisan basis. The Blue Dogs are Democrats and we are proud of that, but we reach across the aisle.

In fact, tonight, most of the Special Order is devoted to revealing the Republicans' Treasury report, because they did not want it to get the publicity that it deserves. This is one of the most important documents of government, and I have yet to meet another Member of Congress who knew about the existence of this document. It has been required by law to be published for over a decade now. Senator John Glenn of Ohio was the first person to author a bill to get this done. The former Secretary of Treasury, Bob Rubin, and the Clinton administration, championed this document. Back then the news was good. We were headed toward surpluses, and we achieved surpluses. But in the last 5 years, this document has been buried deep underground. I think it is high time we brought it above surface.

Mr. ROSS. I appreciate the co-chair for policy of the Blue Dog Coalition and a very important member of the Budget Committee bringing to the taxpayers' attention this little-known document, the financial report of the United States Government. Again, our debt is $8,270,909,436,190.

Now, as members of the fiscally conservative Blue Dog Coalition, we do not come here on Tuesday nights to simply complain about how this Congress is out of control with its spending without also offering a solution. As the gentlemen from Tennessee and Georgia mentioned, we have a 12-point reform plan to cure our Nation's addiction to deficit spending. And I can tell you, one of the problems that taxpayers in this country have with this debt and with these deficits is the lack of accountability. I want to talk about that for a moment.

Some of you have heard this before and I am going to continue to talk about it until every one of these 11,000 fully furnished, brand new manufactured homes sitting in a pasture in Hope, Arkansas, get to the victims of Hurricane Katrina and Hurricane Rita.

Mr. COOPER. Are those the famous FEMA trailers?

Mr. ROSS. Those are the FEMA trailers. FEMA has spent an estimated $431 million of our tax money purchasing some 11,000 brand new, fully furnished, manufactured homes.

Mr. COOPER. Who is living in those homes?

Mr. ROSS. Nobody. Here is the story. FEMA shows up in Hope, Arkansas, my hometown. I now live 16 miles down the road in Prescott, Arkansas. They show up at city hall and say, we understand you have these inactive runways as a result of World War II. We want to use them as a so-called FEMA staging area.

The idea was these manufactured homes were going to come into Hope and then go to the people who lost their homes and everything they owned as a result of Hurricane Katrina and Hurricane Rita. They started coming. They started coming in October, and they came and they came, but they never went.

So as a result of that, 25 percent of them now sit on these inactive, closed military runways, and 75 percent of them are sitting in a cow pasture. That is 11,000 brand new, fully furnished, manufactured homes sitting in a pasture in Hope, Arkansas, and FEMA owns them, they have already bought them. And FEMA at the same time is spending our tax money to provide housing in hotels and motels for some 12,000 storm victims.

If that is not enough, we all know about the tent city that is set up near Pass Christian, Mississippi, where families in the winter are living in a tent while FEMA has 11,000 brand new, fully furnished manufactured homes sitting in a cow pasture in Hope, Arkansas. That is an aerial photo of some of the 11,000. There is the barbed-wire fence, and there are the manufactured homes. Most of them are 14 feet wide, 60 feet long. Some are 80 feet wide. And now that the drought is about to end and the rains are starting to set in, I do not have to tell you that they are going to be sinking. They are going to be sinking. They are going to be damaged.

What is FEMA's response? Oh, no, not to get them to the people that need them, the people living in hotels and motels and tents 6 months after the storm. Their response is we are going to spend $6–8 million graveling this 290-acre cow pasture so we can store these manufactured homes for a future disaster. FEMA refuses to move these manufactured homes into a flood zone.

Normally I would say that makes sense, but the reality is in this instance, everybody that lost their home as a result of Hurricane Katrina lost their home because they lived in a flood zone. FEMA says if you have land, we will give you a manufactured home. Everybody that lost their home as a result of Hurricane Katrina, they had land but it is in a flood zone. That is why they lost their home.

Mr. Speaker, I appeal to the President and to the director of FEMA, what is worse, to have 11,000 brand new, fully furnished manufactured homes spread out over Mississippi and Louisiana and Alabama with the storm victims who lost their homes and everything they owned in a bunch of different flood zones, or have them all grouped together in a cow pasture at the Hope airport, an area prone to tornadoes, an area that is going to have a tornado warning probably about every 10 days for the next 3 months?

Mr. Speaker, I am going to come to the floor of this Chamber and talk about this until FEMA gets moving, until FEMA comes to Hope, Arkansas, picks up these 11,000 manufactured homes they have purchased, and gets them to the people who desperately need them, people who for the sixth and seventh month in a row are living in hotel and motel rooms, people who are living literally in tents in Pass Christian, Mississippi.

This ran on the front page of the Arkansas Democratic Gazette back in December. I do not know if this gentleman is still living in this tent or not. He was in December. I can tell you about 100 families are living in tents in Pass Christian right now. It is appalling to know as a country we are allowing people to live in tents. He has found a job. He is back at work, doing the best he can for himself and his family. He is waiting on housing, and yet we have 11,000 brand new, fully furnished, manufactured homes purchased by FEMA, sitting in a cow pasture in Hope.

Mr. Speaker, I submit that as a member of the fiscally conservative Blue Dog Coalition, this is the kind of government waste that turns people off. I grew up in a little country church outside of Prescott, Midway United Methodist Church, and I heard a lot of sermons about being a good steward, and I can tell you FEMA is not being a good steward of our tax money with what they are doing. It is a total disgrace. It is an outrage.

Mr. Speaker, I yield to Mr. SCOTT.

Mr. SCOTT of Georgia. Mr. Speaker, Mr. Ross has so eloquently stated the great failure in our American government today. The whole situation of Hurricane Katrina marks one of the darkest spots in American history. But there is a pattern here of a lack of response. There is a pattern of whatever it goes through, security, homeland security, national security. Hurricane Katrina is just one example. We need look no closer than our port security. What a debacle.

That same kind of lack of proper research, proper debate, and you are absolutely right, a lackadaisical congressional leadership, a Republican leadership that simply has just bent over for this administration. We have made a mockery of what our Founding Fathers said we should be doing as checks and balances. That is why they set three branches of government: the judicial, executive and legislative branches.

□ 2145

It is our job to provide the oversight, the investigation, the enforcement arm, to be able to make sure that there is a proper check and balance. But this House of Representatives under this Republican leadership has all too often just caved in and caved down, and that is why we are in the shape that we are in today.

Now, if we can talk just for a moment, which I want to do, about this port security situation that again points up the same fallacies.

Mr. ROSS. It is about accountability.

Mr. SCOTT of Georgia. It is about accountability, and it is also about our budget. For example, if you remember, after 2001 Congress appropriated a total of $765 million for port security programs, including $173 million for FY 2006, to help our seaports adopt important security enhancements.

The Coast Guard came and told us they needed more like $6 billion. Yet, like last year, the President's budget once again proposed terminating funding dedicated to port security, and then turned right around and takes that $6 billion and says let's give it over here to a company that is owned by a country that has direct financial ties to terrorist organizations.

How do you figure this, that the President's budget would propose terminating that funding that our Coast Guard, the one main element we have checking our ports, asked for, advocate terminating it, and then turn right around and okay a deal that he says he did not even know about?

Now, the truth is plain here, and we owe it to the American people. There are some of us in Congress who are willing to stand up and tell the truth and deal with this, because our financial security is vital, is extraordinarily important.

I want to just touch upon one additional thing. I want to talk about just for a moment, as my good friend from Tennessee pointed to, this budget and the meanness of these cuts, but where they hurt the most are with our military families, are with our veterans.

I do not believe that the American people quite understand this or quite are aware that this budget would increase the health care costs for 1 million veterans. For the fourth year in a row, the budget raises health care costs for 1 million veterans by imposing new fees for veterans, costing them more than $2.6 billion over 5 years, and driving at least 200,000 veterans out of the system. That is what this budget does to our veterans.

It would double the copayment for prescription drugs from $8 to $15. That is what this budget does to veterans. It imposes an enrollment fee of $250 a year for category 7 and category 8 veterans, those who make as little as $26,000 a year. If increases health care costs for military retirees. The budget increases TRICARE health premiums for 3.1 million of the Nation's military retirees under 65. The premiums will double.

It fails to address the strain on our troops. I just returned from Iraq and Afghanistan. I was there talking with the troops. Despite recent reports of the tremendous strain that the Iraq and Afghanistan wars have placed on our troops, the President's budget fails to fund and plan adequately to recruit the number of forces that are authorized under the law to help with that strain. The budget would fund 17,000 fewer Army National Guard and 5,000 fewer Army Reserve than are authorized by law. But it does not just stop there. It goes on and on.

You talk about your folks in Hope, Arkansas, and what they are faced with. Let me tell you what my people are faced with so much in Georgia, in one county, Cobb County alone, just from the cuts in the Community Development Block Grant program.

This is what the President has proposed cutting: one center that is in great need of help in terms of being built and being sustained through the Community Block Grant program of $3.1 million, the Ron Anderson Center over in Powder Springs in Cobb County. Another center for senior citizens where they need it the most, cut out of this budget, another $2.5 million. Those community block grants are the lifeblood of many communities in Hope, Arkansas; in Tennessee; and all over.

Now, I mention this, as we will mention a few other things. There is so much in this budget that goes at the heart of cutting out almost the heart and the hope of our people.

You showed an extraordinary picture there a moment ago, Mr. Ross. You showed a victim down there under just a cover, all he had, just sitting there. It showed great hurt, great need. There is a great hurting and a great need of the American people, and we do not need to pass this budget that cuts the very programs that will help our people in need.

Mr. ROSS. Again, it takes a lot of skill for this administration, this Republican-led Congress, to give us the largest budget deficit ever in our Nation's history while also managing to cut all the programs that matter to people at the same time. How do they do that? By tacking on tax cut after tax cut.

Following us this evening, I am pretty confident that the other side will show up, which I think probably is an indication that we are making progress here in getting our message out about trying to restore some fiscal discipline and common sense to our Nation's government, and they will probably talk about how we had an opportunity to cut, to cut, $40 billion in spending and how we voted against it.

But what they will not tell you is that it was $40 billion in cuts to the most vulnerable people in our society. Medicaid, eight out of 10 seniors in Arkansas are on Medicaid. One out of five people in Arkansas are on Medicaid. Cuts to Medicaid, cuts to student loans to the tune of $40 billion, followed by what are we doing this week and next week? About $90 billion in additional tax cuts for those earning over $400,000 a year.

I wasn't real good at math back in high school or college, Mr. Speaker, but the last time I checked, $90 billion in tax cuts from borrowed money because we don't have a surplus and $40 billion in cuts from the poor, the disabled, elderly and college students equals $50 billion in new spending. Only in Washington would you entitle a bill that increases the national debt by $50 billion the Deficit Reduction Act. Yet that is exactly what we will probably hear more about tonight, just as we did last week.

I yield to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. The gentleman makes an excellent point. I would like to challenge those who speak after us, if they even know about the existence of this "Financial Report for the United States in 2005." I bet that no Republican in the House even knows this report exists, even though it is signed by the Secretary of the Treasury, it is an official U.S. Government document, and it reveals the true deficit for America last year as being $760 billion.

If my friend would put back up the Blue Dog debt and deficit sign, please, I think it is very important that people compare that. Those numbers are truly staggering, $8.2 trillion debt; and your individual share back home is $27,000 for every man, woman, and child.

But, guess what? That is the good news. If you look at this document from the Department of Treasury, guess what our real debt is? It is not $8.2 trillion. I wish it were. It is a staggering $46 trillion. That is an unimaginable figure, $46 trillion. That is an unimaginable sum of money.

But get this: every American's share, every man woman and child in this country, the share isn't $27,000 like you have on your sign; the share is $156,000 apiece. For every full-time worker's family, the share is $375,000 apiece.

Mr. ROSS. If the gentleman would yield, the point is we are not trying to make this any worse than it is. We wish it wasn't bad. We wish we had a balanced budget. We wish the debt was being paid down. We wish we were not deficit spending. We don't have to try to make the numbers any worse than they already are. They already are setting records.

Just to clarify, the difference between these numbers and your numbers, the difference between the numbers in the budget and the numbers in the financial report of the United States Government is basically this simple: our government, our budget uses a cash-basis form of accounting, which gets you to these numbers.

Mr. COOPER. Which is illegal for most every business in America.

Mr. ROSS. Yet our very government, which uses a cash-base form of accounting, requires every business in America for the most part to use an accrual base of accounting.

Mr. COOPER. This is real accounting, and people back home need to know that for every working family, it is a $375,000 obligation already. So what the gentleman is talking about, this $27,000, that is the price of a pretty nice car. This is the price of a luxury home. This is what every working family already owes to pay for the promises this Congress and this administration have already made for our Social Security beneficiaries, our Medicare beneficiaries, so many other good and worthy programs.

As my friend, the gentleman from Georgia, pointed out, today we are having to borrow most of this money from foreign countries. President Bush has borrowed more money himself from foreign nations than all previous Presidents in American history combined. That is a staggering thing to comprehend.

I appreciate the gentleman yielding.

Mr. ROSS. Based on the accrual-basis form of accounting, the real United States deficit in 2005 was $760 billion.

Mr. COOPER. Over twice as large as the administration will admit.

If the gentleman will yield for one more moment, the Director of Office of Management and Budget, Josh Bolton, says the deficit is only $319 billion; it is actually getting smaller, it is turning up. He says the President in just a few years will cut the deficit in half.

That is according to the cash basis. According to accrual, according to real accounting, guess what? The deficit is $760 billion, and getting bigger all the time. So it is going in the opposite direction from what Director Bolton says. So who do you believe, Director Bolton of the OMB, or the Secretary of the Treasury, John Snow?

I think the American people need to know that both of these documents exist, both of them are official U.S. Government documents, put out by the Republican administration; but this is the one they have tried to keep hidden from the American people.

Mr. ROSS. A highlight from the financial report of the United States Government, this official government publication, you can find this on page 23, of the 26 agencies scored under the President's management agenda, 17 of them were deemed to have "any of a number of serious flaws when it comes to financial performance."

Then you go on to page 28, and this is a quote from David Walker, the Comptroller General of the United States of America: "The current financial reporting model cash-basis accounting provides a potentially unrealistic and misleading picture of the Federal Government's overall performance, financial condition and future fiscal outlook," which is exactly why our government requires businesses to not use the cash-based form of accounting, rather accrual-based form of accounting.

Yet when you hear from our government, they never want to quote this report. They want to report the budget which uses what the Comptroller General of the United States refers to as an unrealistic and misleading picture, through the cash-based form of accounting.

I yield to the gentleman from Georgia, Mr. SCOTT.

Mr. SCOTT of Georgia. When you combine this with the startling revelation that half of this debt is being held by foreign countries, I go back to that word "security." Is it in our best security interest to have our financial well-being held in the hands of foreign countries? That is about as ridiculous as holding our port security in the hands of a foreign company owned by a country that had terrorist dealings, that provided nuclear materials to Iran, a country where two of the hijackers came from. This word "security" needs to reverberate throughout the American psyche.

□ 2200

We are depending too much on our financial security and our national security and port security from foreign interests. We Americans need to control our ports, and we need to have Americans at ports where they are originating shipments coming in.

And we need to check 100 percent of our cargo. Mr. ROSS, if Hong Kong can check 100 percent of its cargo coming into its ports, and it checks 22 million cargo pieces a year, we check only 11, Hong Kong is not even a terrorist target and we are. Hong Kong checks 100 percent.

They are not a terrorist target; we are a terrorist target, do not check but 5 percent. As Ethan Hunt said in Mission Impossible, the NOC list is out. It is out in the open. They know that we do not check but 5 percent of our cargo.

But the point I wanted to make in terms of the foreign lenders is, because I think it is important, Mr. ROSS, that the American people know who is holding our debt. Let me just tell them for a minute. Japan holds $682.8 billion of our debt.

Communist China, Communist China holds $250 billion of our debt. Great Britain, $223 billion. The Caribbean banking centers, $115 billion; Taiwan, $71 billion; OPEC countries, $67 billion; Korea, $66 billion; Germany, $65 billion; Canada, $53 billion; Hong Kong $46 billion.

This is not in the best interests of the security of this country and it has to change.

Mr. ROSS. The gentleman is so right in his assessments. We do need to be borrowing money from foreign central banks and foreign investors. And, in fact, I believe it should be an American company that manages our ports. And with the cuts, we know what has happened in terms of our country becoming way too dependent on foreign oil.

And yet, if we are not careful with the proposed cuts to agriculture, we are going to become dependent on foreign countries like Brazil for our food and fiber. Let me tell you, Mr. Speaker, I submit to you that having a safe and reliable source for food and fiber here at home from America's farm families is every bit as much critical to our national security as oil is.

Now, the gentleman from Georgia made some good points. And, you know, this is not partisan debate. This is not a Democrat or Republican issue. It may be the first time in 50 years the Republicans have controlled the White House, House and Senate. It may be the Republican leadership that has given us the largest budget deficit ever in our Nation's history for the sixth year in a row.

But it is not a Democrat or Republican issue, it is an American issue, because this debt, this reckless spending, affects all of us as citizens of this country and as taxpayers. And, Mr. Speaker, we are all citizens of this country, first and foremost.

But to validate what the gentleman from Georgia is saying, again I quote from David Walker, the Comptroller General of the United States of America, found on page 28 of the Financial Report of the United States Government for 2005. "Continuing on this unsustainable path will gradually erode, if not suddenly damage our economy, our standard of living, and ultimately our national security."

He goes on to say, "More troubling still, the Federal Government's financial condition and long-term fiscal outlook is continuing to deteriorate."

And I cannot thank the gentleman from Tennessee enough for making the people of this country aware of this little-known document. I yield to the gentleman from Tennessee.

Mr. COOPER. Mr. Speaker, you know the 9/11 Commission did a great job in their report. It became a best seller. It was in bookstores all over America, because everybody in America wanted to find out what really happened on that terrible day.

You know, this is a lot like the 9/11 Commission report, because it is very readable, and it needs to be in every bookstore in America. And yet hardly anyone in Congress has seen it, hardly anyone in the Senate has seen it. Everybody needs to read this document, because it is the annual report for America.

It reveals the terrible truth that the real 2005 fiscal deficit for America was not $319 billion, it was $760 billion. And every living American worker already today owes $375,000 apiece. That is what this document says. It is not thick. If you do not find it in the bookstore yet, and it will be months probably before that happens, take it off the Web site.

Look at the BlueDogDemocrats.dot.com. If you do not trust our Web site, go to www.gao.gov, that is the Government Accountability Office, or download it from the U.S. Treasury Web site. But this is a truly startling and amazing document, and hardly anybody even knows it exists.

So I encourage folks not to take our word for it, go look at it yourself and see what you think about the fiscal finances of our country after you read this book.

Mr. ROSS. Now we have about 6 or 7 minutes left this evening to talk about being good stewards of our tax money, about being good stewards of the public trust.

But as I promised at the beginning of this hour, our national debt, about an hour ago, was $8,270,909,436,190. In the last 60 minutes, our national debt has gone up approximately $41,666,000.

Mr. COOPER. Forty-one million dollars in an hour?

Mr. ROSS. In 60 minutes, in 1 hour, our national debt has increased to the tune of approximately $41,666,000 and some change. And so you can see an hour ago what the debt was: $8,270,909,436,190. That is no longer true. It is now $8,270,951,102,190.

Mr. COOPER. That much damage was done to our Nation's future just in 1 hour.

Mr. ROSS. In the last hour.

Mr. COOPER. And that will continue every hour, every night.

Mr. ROSS. Again, we have got to be good stewards of our tax money. We have got to be good stewards of this country. We have got to get our Nation's fiscal house back in order. We must restore fiscal responsibility to our government. It affects every one of us in a lot of different ways.

For example, our Nation is spending a half a billion dollars a day with a "B," 500 million, a half a billion every day, simply paying interest on the national debt.

We could finish I-69 in Arkansas, creating all kinds of jobs and economic opportunities, just with 3 days' interest on the national debt, or I-49, again with 3 days' interest on the national debt.

Many of America's priorities are going to continue to go unmet. Many of America's needs are going to go unmet, from health care to education to veterans to infrastructure, until we get our Nation's fiscal house back in order.

The Blue Dog Coalition has a way to do that. It is a 12-point plan, and the first and foremost of all of those 12 points is require a balanced budget. Forty-nine States do. My wife requires one in our household in Prescott, Arkansas.

The family business my wife and I own, our banker requires us to have a balanced budget. And it is time for this Nation, it is time for the politicians in Washington to have a balanced budget for our Nation.

I yield to the gentlemen from Georgia.

Mr. SCOTT of Georgia. Mr. Speaker, it is very important to point out, and you touched upon it, that just the interest, just the interest alone, is nearly $200 billion.

Now just think about that. This money that we are borrowing, we have to pay for. You got to add in the $200 billion in interest on top of that, which is more than five times the amount that we spend on education, the environment, and veterans care put together.

I submit to you, my friends in the Blue Dog Coalition, I just hope that the American people have been listening to us tonight, and I believe that they have. I hope that we have awakened a sleeping giant. Because, like I say, we are here and we are gone tomorrow.

The President does not have to run anymore. He does not have to go out and face the people. I believe, quite honestly, if he had to go out and face the people, I do not think he would have made that deal with the Arab immigrants. I do not think he would have done that.

But the fundamental question we have to go back to is from this startling information that you have brought to us, the question has to be, why? Why are we just discovering it and why is this great discrepancy there?

There are some serious questions that have to be answered by this administration. But you know what? They are not going to answer these questions unless and until we in Congress stand up and represent the interests of the American people and put their feet to the fire. Once we do that, then we are truly standing up for America, and America deserves that.

Mr. ROSS. I thank the gentleman from Georgia, and I thank the gentleman from Tennessee for joining me this evening as we try to hold this Congress accountable and urge a good dose of common sense and fiscal responsibility.

For folks with questions or comments or concerns, I encourage them to e-mail us at bluedogs, we are members of the fiscally conservative Democratic Blue Dog Coalition, bluedogs@mail.house.gov. That is bluedogs@mail.house.gov.

And, Mr. Speaker, we are here this evening for a simple reason and a simple cause; that is, to try and be good stewards for this Nation of the tax money and the trust that has been placed in us for the people.

We think this Congress is letting the American people down. I yield back.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DENT). Members are reminded to address their remarks to the Chair and not to persons outside the Chamber.

ACCOUNTABILITY FOR ALL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from North Carolina (Ms. FOXX) is recognized for half the remaining time until midnight.

Ms. FOXX. Mr. Speaker, you know, last week I was sitting in the Chair when some of this same material was being presented here on the floor. And I jotted down some notes, thinking, well, one of these days I hope I am going to have a chance to make some comments about some of those things that are being said, not knowing I was going to be asked tonight to come over here and use some of the Special Order, because a couple of my colleagues were called away who had planned to be here tonight. So I am doing this at sort of the last minute.

But I found my notes from last week, and I wanted to talk a little bit about some of the comments that were made last week, again on this issue, and some of the comments that are being made tonight. I am astonished again at the hypocrisy that is evident here on the floor of this House every day.

We have our Democratic colleagues standing up all of the time talking about how we need to cut spending, cut spending, cut spending, and how we have got a debt. But when we bring in bills and give them the opportunity to cut spending, they vote against them.

Much of the spending that is occurring now is the result of Democratic programs that were begun in the 1930s, 1940s, 1950s, 1960s, that have been put on automatic pilot.

One of the first meetings I came to when I was elected to Congress last year, I heard people talking about mandatory spending and discretionary spending, and entitlements. And I got up and I said, you know, I have read the Constitution, and nowhere in the Constitution do I see the words mandatory spending, discretionary spending, or entitlements.

A large part of the problem that we have in this Congress is that we have people who think in those terms. They think in terms of entitlement, and they have helped create in this society an entitlement mentality.

And when the President proposes, and the Republicans propose to try to change that mentality, the Democrats vote against it. The President said last year, "We have got a terrible problem with Social Security. The problem is that we are going to run out of money. There is not enough money in Social Security."

And when the Social Security program was established back in the 1930s, nobody ever thought that anybody would get any money from it to begin with. The average age in those days was 59 years old. So they set Social Security up to be collected when people became 65, assuming nobody would collect from Social Security.

But lo and behold, this country has prospered and people are living a lot longer.

☐ 2215

The average age now is about 78 years. People are thinking that they can retire at 65 and live on their Social Security, and that is just not possible. So the process makes a proposal, let us do something about Social Security.

Let us explain to the American people that the Congress controlled by the Democrats for over 40 years, as they admitted tonight, spent that money as it came in, did not put it aside for Social Security. I am ashamed to say that Republicans have done the same thing. They came in and they spent the money on Social Security. But people are waking up to the problem and the President says, let us do something about it. Let us create personal Social Security accounts. Let us put people's Social Security money into an account with their name on it, give them some options about where that money is going to be invested, and let them know what they are going to get when they retire. No more of this fooling the American people into thinking that they have paid in a certain amount of money and it is going to let them live in the style to which they have become accustomed while they worked.

It is a cruel hoax that has been perpetrated on the American people. The average Social Security payment now is $921. I do not know anybody who can live on $921 a month; but when we tried to bring in proposals to do something about it, the Democrats shot them down. The Democrats go out and use terrible language to scare people to legislate about what is going to happen with Social Security. They talk tonight about lack of accountability. We really do need accountability in this country. We need accountability for all of us. We have to individually be accountable, and the Congress needs to be accountable. And part of our attempt to be accountable is to explain to people what the problems were with Social Security.

The Democrats just want to hide their head in the sand about it. They want to put the problem off and off and off. They do not want to deal with that. But it is a program that has developed an entitlement mentality in this country, and we have got to change that.

They talk about lack of accountability, and they talk about that in terms of FEMA. And I wonder, all of these people are talking about that and criticizing FEMA tonight for not having a plan and not being accountable, all of them voted for the Katrina money, all of them voted to give that money out with no plan and with no sense of accountability. Just a very small number of us voted against that because we wanted a plan and we wanted accountability.

Again, the hypocrisy is simply unbelievable when it comes to these folks. They talked last week about how local communities have become dependent on the Federal Government, the COPS program, education funding, all of these programs that are being funded at the State level and at the local level. Again, that has developed a sense of entitlement. When the Democrats were in charge of the Federal Government, they wanted people to come to them and ask for the money, and they wanted to be the people with largess in giving out that money. Unfortunately, we have developed that mentality in the country that local and State governments should be dependent on the Federal Government.

There is nothing in the Constitution that says the Federal Government has any business being involved in education. And yet we are funding huge dollars in education and that, again, has developed a sense of entitlement for the local people. They think the Federal Government should be giving them this money. It is a real travesty because those dollars come to the Federal Government and just a portion of them go back to the local and State governments. Whereas, if we did not take that money to begin with and left it at the State and local levels, the folks would be gaining much, much more from it, and they would be able to spend that money the way they want to spend it instead of based on the ideas of Federal bureaucrats who want to do that or even, perish the thought, some Members of Congress who decide how it should be done.

They went on and on and on about how any potential cuts would be cutting services at the local level. And yet they say we need to cut the deficit. I really hope that the American people are going to be smart enough to see that these folks are talking out of both sides of their mouths. They want to cut the deficit, and yet they want to increase spending. They want to increase spending for things that are constitutionally Congress, things that the Federal Government has no business doing; and yet they want to put us deeper in debt, ultimately to have to raise taxes. They know that that is going to be the net result of it. And it is unbelievable to me how they can get on the floor every night and talk about that.

They talked about Congress is living for today, leaving a burden to our children; we should be paying our own way. Well, again, last fall we had a reconciliation bill that would not only cut spending but cut the growth of spending. Did any Democrats vote for that? No. Not a single one. The only people who voted for that were Republicans and not all Republicans voted for that. But there were many, many of us who understood we have simply got to rein in the appetite of the Federal Government for spending. We simply cannot continue at the level at which we are going. And yet there are many people who are frightened to try to cut the Federal budget because they know that this will be used against them, that the issues will be distorted.

When we cut growth, we are accused of cutting programs. We are not cutting programs. We are trying to cut growth. We made modest, modest changes in the spending for Medicaid in that reconciliation budget. We went from 7.3 percent growth to 7 percent. Modest changes. And what we tried to do was rein in the abuses. We tried to make sure that people would not be able to put their family members on long-term care for Medicaid and avoid paying for that themselves.

Part of that mentality that has developed in this country is that we have an entitlement society. I talk to my colleagues a lot about the use of language, and I have said the words we use are important to us. When we stand up here and we talk about "mandatory spending" and "discretionary spending" as both Republicans and Democrats do, I will have to say then we are creating a mindset for people. We are saying there is such a thing as mandatory spending. And, again, if we look at the Constitution, which ought to be the basis for why we do everything in this country, we never see those words "mandatory spending" and "discretionary spending."

Congress is in charge of spending, and it is entirely appropriate that budget bills come out of the House of Representatives. That is our job and we should continue to do that. But we have got to break the habit of talking about discretionary and mandatory spending. The only mandatory spending that the Congress should be doing is to provide for a national defense. That is the main role of the Federal Government, and we have to remember that. We have to remember that it is our job as a Federal Government to provide for the defense of this country. State governments cannot do that. Local governments cannot do that. The Federal Government is the only government entity that can do that. That is why we are fighting a war in Iraq and in Afghanistan, and all over this world we are fighting a war on terrorism. We did not create the war. The war came to us. But it is our responsibility as a Federal Government to do that.

I often wonder how we would have been able to have stayed in World War II, to win that war and to defeat the Nazis and to defeat fascism if we had had the kind of press that we have now and the kind of naysayers that we have on the other side of the aisle. They would have gotten us out of that war long before we won that war because of the kinds of approaches that they have.

They do not understand the role of the Federal Government. They do not understand that that is what it is we should be about here. They want to do things that we have no business being involved in, providing 100,000 policemen across this Nation. We certainly do want to help the local governments solve their crime problems, but the way we can do that is get the Federal Government out of the way and let them do that at the local level, not by providing a pittance of money and then holding all kinds of strings attached to it and not allowing them to spend that money the way they need to spend it at the local level, just like we do in education, just like we do in other areas.

Last week when my colleagues were here talking about things that we should be doing and should not be doing, they brought up the issue of health care and talked about how we should not be cutting any kinds of funds out of Medicare. They talked about the Medicare part D plan and how it is not saving taxpayer dollars. They are going out and holding town hall meetings and talking about what a bad program it is and then encouraging the people in their districts to sign up for it. So, again, they are talking out of both sides of their mouths.

They talked last week about let us back up our promises by fully funding health care and education, and yet tonight they are standing up here and they are saying we have got to cut the deficit. We have got to cut back on spending. We are leaving a debt to our children. And I am quoting from last week again: "We back up our promises by fully funding our health care and education priorities."

What does that mean "fully funding" that? As far as I know, that is what socialists do. They fully fund their programs and keep people dependent on the Federal Government or on the type of centralized government that they have. They are saying that if we get out of doing business at the local and State level, then we are going to force the local and State agents or governments to raise taxes. Again, they do not understand the proper role of the Federal Government. It is up to the locals to decide what they want to do in education and what they want to do with policing.

They talked about the Federal Government would renege on its fundamental commitment to community safety by cutting the money going out for the COPS program. Nowhere do I see again in the Constitution "community safety." I do see where it is up to the Federal Government to provide for an army and for national defense, but it is not our job to be doing that.

They say we are making progress in the battle against methamphetamines. Today in the PATRIOT Act we had the major methamphetamine legislation that is probably going to pass in this session of Congress, very, very important legislation worked on by many Members of Congress. Did they vote for it? No, they voted against it. Did they vote for the PATRIOT Act so that we could have the tools that we need to make sure that terrorists cannot come back here and do to us what happened on 9/11 because of a lack of effective dealing with that under the previous administration, ignoring all the signs that terrorists were going to be doing these kinds of things? No. They voted against it.

They really do believe that nobody is paying attention or that the people who are paying attention are only going to be hearing some of what they need to be hearing. They think that we are not going to call their hand when they are being hypocritical and when they are out and out lying.

Last week they talked about the higher education bill increasing the cost of college loans. That is absolutely wrong. What we are doing in the higher education act is to help students be able to get loans at a lower rate and have to pay back less money than they have had to pay back under Democratic administrations and under Democratic Congresses that want to make these loans more expensive and to keep people unsure of what it is they are paying for.

They talk about the fact that many people in our country are poor because they have not had the opportunities to be as prosperous as others; but what they want to do, they say, is have the Federal Government make them not poor. Again, that is socialism as I understand it.

□ 2230

What we have to do in this country is provide for opportunities to people. We are the freest country in the world. There is no place in the world where folks have the opportunities that they have in the United States of America. They can choose to go to college. They can choose to do any kind of work they want to do. They can do all kinds of things to create prosperity for themselves. The government is not going to create prosperity.

There is one place last week, and I have to find the point that I was trying to make, where they talked about government investment in programs. Every time I hear that phrase "government investment," it is like somebody scraping their fingernails across a blackboard for me. The government does not invest in programs. Government spends money. People invest in themselves and invest money, but the government does not do that. We do not get a payback on the money that the government spends. It is spent and it is gone.

Now, the government has certain obligations; we all know that. Again, most of the obligations are at the local and State level, not at the Federal level, but what our colleagues would like you to believe is that the Federal Government can fix anything.

They talk about the problems with Katrina and the problems with FEMA. I would contend that they, again, are talking out of both sides of their mouth. They believe that the Federal Government can fix everything so that what we should be doing is putting more money into FEMA, putting more money into these programs. The Federal Government is not equipped to do that. The Federal Government should not be the first responder.

In the Katrina situation, all levels of government, in my opinion, failed. I think none of them were prepared for what happened, but it is wrong to expect the Federal Government to go in and act like a first responder. The Federal Government should go in and take care of those things that the State and local governments cannot take care of. Leaving all those buses parked in New Orleans, not getting people out when they were told to get out, that was the responsibility of the local and State governments. That was not the responsibility of FEMA. That was not the responsibility of the Federal Government, and yet, all that is lumped into the discussions of the failure of the Federal Government.

I am sorry, but I just do not think we are going to take that blame at this level. There is plenty of blame to go around for what things the Federal

Government does not do, but we are not going to take the blame of not being prepared and not taking care of those people in New Orleans. That was the responsibility of those local and State elected officials, and it is a real shame that they did not do that.

I think I will use my glass as an illustration. I have got it just about half full. Some people would say it is half empty. I think that this is an illustration of the problem that our colleagues see. Everything they see about this country is negative, negative, negative, negative. They have almost nothing good to say about it. You hear them night after night after night talking about the United States and talking about our government. You hear them only condemning, only saying negative things.

I happen to think that we live in the best country in the world and that we are doing a lot of things right. We are not a perfect country. None of us who are in elected office are perfect people, but we work hard at it, and we try to do the kinds of things that will make this country a better place.

I think always talking down the country and talking in negative terms is a very bad thing to do, and our colleagues, along with their willing accomplices, the mainstream media, do that all the time. You never hear the good news about what is going on in the economy, but there are a lot of good things going on in the economy. All they do is talk about negative things, and I am frankly tired of hearing them say that.

I want to point out some facts about the positive things about our economy. It has been growing for 17 straight quarters. You never hear that from the mainstream media. You never hear that from our colleagues.

The National Association for Business Economics predicts the economy will grow at a 4.5 percent rate in the first quarter of 2006. What is responsible for that? It is not because of government spending. The government does not create that kind of prosperity. That is created because of tax cuts and slowing down the rate of spending. But the tax cuts that the President proposed and this Congress instituted in the last 3 years are what is responsible for the positive things that have been happening in our economy.

After inflation, disposable incomes increased 2.2 percent in the last 12 months. You never hear that, again, out of our colleagues.

The Federal Reserve has reported that the median net worth of U.S. households increased 1.5 percent between 2001 and 2004. That is great news. We never read about it in the media.

January's unemployment rate fell to 4.7 percent, the lowest monthly rate since 2001, and lower than the average of the 1970s, 1980s and 1990s. Those are decades when Democrats were in control in the Congress. The unemployment rate was lower than the average of the 1970s, 1980s and 1990s. I think many of us can remember when interest rates in the 1970s were reaching 20 percent. It has been a long time since we have seen high interest rates and high inflation in this country. That has all come about in a Republican administration and a Republican-controlled Congress.

There have been 29 consecutive months of job gains in this country. That has come about not because of government investment, additional government spending. That has come about because of cuts in taxes, which left the money in the hands of entrepreneurs and the people who create capital and create jobs, not coming from the government.

Our folks on the other side of the aisle can continue to spend. They, again, and their willing colleagues in the media and in Hollywood, they can try to change what are the facts, the people from the left, but the economy is strong, and it is growing stronger every day under Republican leadership.

Do I want to see spending cut even more? You are right. Do I want to see tax cuts made permanent? You are absolutely right. We need to do that. We need to make the tax cuts permanent, and we need to cut our spending so we put more money into the hands of the entrepreneurs and into the hands of business people who can truly create wealth, who can create jobs. The government cannot do that.

I am asked a lot of times by school groups, what is the difference between Democrats and Republicans. Well, there are a lot of differences between us, but usually we are in a time crunch and I do not have a whole lot of time to explain all of the differences. So I tell folks I am going to give them the short version of what is the difference between Democrats and Republicans. It really is sort of at the nub of the issue between what is the difference between us.

Democrats think that government can solve all of our problems: Take all the money you can from the public, give it to the government, let the government solve our problems. Republicans believe that Americans work hard for their money and they should be allowed to keep as much money as they possibly can; the government should only step in to do those things that people cannot do for themselves.

The Democrats have turned that on its head. It would be cradle to grave. Again, socialism. They would do their best to try to take care of everybody. It would not be a very pretty picture, though. We can already see that. The hand of government in so many things in our country now is taking away a lot of the incentive for people to work. It is creating, again, this culture of entitlement, which we have to get away from.

The Declaration of Independence in our country talks about the pursuit of happiness, not the delivery of happiness to the people from the Federal Government. We are free to pursue happiness and pursue prosperity.

There are some other good things about this economy that I want to share. Earlier this week, the Commerce Department reported that consumer spending shot up by nine-tenths of 1 percent in January, the strongest gain in 6 months. In addition, Americans' personal incomes rose by seven-tenths of 1 percent, the highest rate since September. Again, our economy has a positive momentum, and that momentum is the direct result of a pro-growth agenda from the Republican-led Congress and our Republican President.

□ 2240

It is the Republicans who are proposing that we slow down the rate of spending and that we leave more money in the hands of the American people. We want to have improved fiscal responsibility and at the same time show our commitment to continuing economic growth. We are the party that is working to improve the lives of the American people by lowering taxes, enacting legal reform, decreasing government interference into the lives of entrepreneurs and small business owners. That is what we have to do.

Democrats, on the other hand, want to continue to promote their tax-and-spend policies because they think they know how to spend the American people's hard-earned money better than they do. However, I think the Republicans know better than that and will prevail on this issue.

I hear a lot from my constituents about the high cost of health care, and I have used this analogy before: when I grew up. I grew up in the mountains of North Carolina, extremely poor, no electricity, no running water. My family was very poor. There were no jobs in those days in that part of North Carolina, but my family could afford health care. Even though we had very little money, both my parents worked, and I began working when I was 12 years old; but health care was not as expensive as it is now, and everybody that I knew of could afford health care. But almost nobody had insurance.

In fact, I guess only school teachers maybe who worked in our county, may have had health care through the State of North Carolina; but nobody else that I know of had health insurance, and so people could afford to go to the doctor when they got sick.

Now, we didn't run to the doctor for every little thing; but when we truly needed health care, we could get it, and we could pay our bills for it. I remember that very, very clearly.

However, what has happened in the last 50 years? Why has health care become so unaffordable for people? Why has the cost of health insurance gotten so high? I contend that the reason that has happened is because of the third-party payer. And the biggest third-party payer is the Federal Government. Any time you get the Federal Government involved in something, it is going to drive up the cost of that commodity. We know that. We have seen it happen in lots and lots of cases, but I do not think there is any case where it is more clearly the case than it is with health care.

The fact that we have gotten involved in Medicare and Medicaid is driving up the cost of health care. We also see that Medicare and Medicaid determine what is going to be paid out in other programs, because that is the benchmark that insurance companies use. And so because people are getting their health care primarily from the government or from a third-party payer, folks are not scrutinizing how much it is costing. They do not care. They just say, okay, if an aspirin costs $150, that is okay. I am not paying for it. Insurance is paying for it.

It is again a part of that entitlement mentality we have created and taking away the personal responsibility that we used to have so much of in this country. Because of government programs, we are diminishing the sense of personal responsibility and increasing the sense of entitlement. Slowly but surely, we are changing the entire culture of this country.

When I served in the North Carolina senate, I had a good friend from Asheville, North Carolina, who served with me and who used a wonderful analogy many times, and I think it is a great one to use here. What he would say is: if you throw a frog in a pot of hot water, he will jump out of it. But if you put a frog in a pot of cold water and then you gradually turn up the heat a little at a time, pretty soon that frog will be cooked and he wouldn't even notice it.

That is what has happened in this country over the years. We have turned up the role of the Federal Government, we have turned up the sense of dependency on the government, and what we are doing is we are creating major problems for our country. We are creating an entitlement mentality which we have to break ourselves away from or else we are going to find that we have a whole generation of people that think it is the government that should take care of them.

That is what I think my Democratic colleagues want, because they believe in the power of the government. Republicans believe in the power of the individual and of individual responsibility. And I think this is a message we are going to have to keep telling. It is going to take a long time, I think, for it to get out and for it to be absorbed and for people to be able to see the wisdom; but it is something we are going to need to talk about more and more.

And we have to talk about it honestly. We cannot continue the hypocrisy that is being used by our colleagues who talk on the one hand about decreasing spending but on the other hand taking care of everybody from the cradle to the grave and doing everything from the Federal Government level.

THE 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to once again address the U.S. House of Representatives. We would like to thank the Democratic leadership for the time, Democratic leader NANCY PELOSI, and our Democratic whip, Mr. STENY HOYER, and also Mr. JAMES CLYBURN, who is our chairperson.

Also, we would like to come to the floor once again, Mr. Speaker, to share not only with the Members but with the American people the priorities not only of the Democratic Party, but of this side of the aisle on the Democratic side, and also the priorities of all Americans. Our vice chair, Mr. JOHN LARSON, communicates in the best way to many, many Democrats, Republicans, and Independents about our plan on this side of the aisle.

It would not be a plan, it would actually be action if we were in the majority. I think it is important to come up with a comprehensive approach, Mr. Speaker, and using a team effort to move us in the right direction as a country; whether it be homeland security, innovation, affordable health care, or other initiatives that we all embrace. If we can come together in a bipartisan way, then America will be stronger, and also other countries throughout the world will be stronger based on our leadership.

Unfortunately, we are not providing that leadership right now. When I say "we," I am talking about the Republican majority coming together with Democrats and finding a bipartisan way to approach many of the issues that are facing our country right now. That is very, very unfortunate. The work of the 30-something Working Group is to make sure that we can promote ideas that all Americans embrace, not just Democrats, Independents, and Republicans, but all Americans, even those that are not taking part in the voting process that we have throughout the country.

One may call it apathy of voting, but I think that I would phrase it as a number of Americans having very little trust in this system, very little trust in what goes on here in the Congress, very little trust in what happens over at the White House. And I think it is very, very important that we have a paradigm shift. I will go further and add that we need a shift in thinking here in Washington, DC, so that all Americans feel a part of this process; so that all Americans feel that they are being leveled with; and that all Americans know that the individuals that they elected from their communities, their cities or counties, that they have their best interests at heart when they come here to the U.S. House of Representatives.

□ 2250

Today we are going to talk about a number of issues, issues that are facing everyday Americans and things that we should be promoting here as Members of the U.S. House of Representatives, some of the things I think are very disturbing that not only I am reading in the paper but Americans are reading in the paper and watching on the news.

The whole issue as it as relates to port deals, America being sold off not by foreign countries but by the policy that we pass here on this floor that have accumulated more debt in 4 years to foreign nations, foreign nations are buying U.S. debt, unprecedented in the history of the Republic. Ever since we have been a country, no other time such as this time have other countries owned so much of our debt. I think it is important for us to remember because there are a number of my constituents and a number of Americans that have fought hard. Literally, their grandparents have fought hard for them to salute one flag. I think we are putting that spirit, that good history that we have and the future they fought for to allow our children and grandchildren to salute one flag, not to have foreign interests owning our debt. I think it is very, very important that we pay close attention to that.

I am glad to be joined tonight by Ms. WASSERMAN SCHULTZ from South Florida.

Congresswoman, I am glad we are continuing to have a level of consistency on not only challenging the Republican majority. The gentlewoman knows if we were in the majority, it would not be talk. We would be on the floor of the U.S. House of Representatives talking about things that would make the lives better of Americans. I think the only thing that is stopping us from doing that is having enough votes in this House to have that vision turn into reality. I look forward to that day because I believe in this year Americans will have an opportunity to be able to promote their ideas and what they feel. Be it a Democrat, a Republican, a Green Party or an Independent, or a brand new voter, they will be able to have their voice heard.

Ms. WASSERMAN SCHULTZ. It is a pleasure to join the gentleman for our 30-something Working Group hour.

When I have been home in the community you and I share, I noticed, and this feeling is so palpable among the average voter, the average citizen in America, and I have been to several different cities in the last number of weeks, and to a person, regardless of party, Americana' confidence in their government has been badly shaken, and badly shaken because they look to the leadership here, the Republican leadership, because we do not control a thing. They have the Presidency, the House and the Senate. So when I say that their confidence in their government and leadership is badly shaken, it is essentially the fault of the Republican leadership. It is so disturbing.

I have only been in the Congress a year. I could list countless examples and share with people who have expressed their frustration and their sadness and their angst. My first year in Congress was capped by the bookends, starting 10 weeks into my service here, with the Terri Schiavo case and ending the year with the confirmation of Judge Alito, now Justice Alito, to the Supreme Court who obviously we fear will further erode the right to privacy that we began the year eroding with the Terry Schiavo case.

If you look in between, sandwiched between those bookends, we have Hurricane Katrina, this port deal, we have the deficit. You have the debt, you have now the debt limit that we are struggling with, the budget reconciliation bill, the countless irresponsible budget cuts and the privatization of Social Security, the Medicare prescription drug fiasco, who the senior citizens that the gentleman and I represent, they are just in tears. They do not know what to do. Just in our community alone, there are 43 different plans offered by 18 different companies. It is pure insanity.

So it is no wonder that our constituents and the American people are frustrated. Their confidence in their leadership is badly shaken. Our responsibility over the next several months is going to be to help restore that confidence because we have that ability. We have an agenda and the things that we would do if we were here would restore that confidence, and those are the kinds of things that we talk about on this floor.

Mr. MEEK of Florida. We like third-party validators, and I think it is important for the American people to understand this is not something that Ms. WASSERMAN SCHULTZ and Mr. RYAN or other members of the 30-something Working Group just dream up. I think it is important as an American, leave alone a Member of Congress. I am alarmed and very, very concerned about what is happening. I have children. I pray to God that they have children and the family line continues.

But I am concerned about right now. I am concerned about what is happening as relates to the irresponsible policies that have been passed by the Republican majority.

We are all friends. We all put our pants on one leg at a time, or what have you, but I think it is important that we alert Americans about this unprecedented time in the history of the country. I am saying right now as we speak, this moment.

I want to hold up, this is an article that came out today. It is an AP story. Any of the Members in their office can pull this up from the AP Web site. I think it is important. It says "Treasury Details Its Steps to Avoid Debt Limit." I want to read a couple of paragraphs here. Treasury Secretary John Snow, and this is Secretary Snow, he is a good guy. He is just an accountant for the United States of America. We appreciate his service and what he does in the Treasury Department. But John Snow told the Congress yesterday that the administration has taken all prudent and legal actions, to include tapping certain government retirement funds, to keep from reaching the $8.2 trillion national debt limit.

Mr. Speaker, I am very concerned about this because now we are tapping into funds that not only Federal workers but the people on the United States of America count on us to be able to govern correctly. In a letter to Congress, Snow urged lawmakers to pass a new debt ceiling immediately to avoid the first default on obligations in U.S. history.

Mr. Speaker, I am not talking about something that I embellished. This is what Mr. Snow said from the Treasury Department.

If I am the Republican majority, leave alone the leadership, I would be alarmed. I would sit up in my bed and say, we have to do something about it. What is unfortunate is that I know, as sure as my name is KENDRICK MEEK, representing Florida's 17th Congressional District, and by that we have been validated to represent the people of the United States of America, I know the Republican majority is going to rubber-stamp what Secretary Snow needs, because it is an outrageous example of the kind of spending and borrowing that this majority has taken us into.

I think it is important to promote what we have been trying to do on this floor as Democrats, time after time again, promoting pay-as-you-go versus borrowing. We are not out of control, the Republican majority is out of control. It is not just me name calling or finger pointing. This is fact, not fiction. I can see if it were fiction and if we were doing what we call in Washington, DC, the Potomac two step. I go left, you go right; no, this is what is printed not only in the CONGRESSIONAL RECORD, when you have the Secretary of the U.S. Treasury, appointed by the President and confirmed by the Republican Senate, we have to be very alarmed. For Republicans and Independents that are paying attention to what we are saying on this floor, and other parties, they cannot say oh, that is just the Democrats glossing over the facts.

☐ 2300

Ms. WASSERMAN SCHULTZ. I am a freshman, and I have only been here a year, and I see this chart in between us. I am wondering, is this potential increase in the debt limit unprecedented? Is it the first time it has happened? Just illuminate for me what the history of debt limit increases is, if there is one.

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ, there have been in this Republican House, and I am just going to talk about President Bush being in office, this Republican majority, I am going to point the letters out and let you go ahead and drive your point.

December 29, a letter written, Mr. Speaker, in the closing days of 2005, the closing days, the 29th. Americans think about what they were doing on the 29th. Many Americans were off work, those that had jobs and what have you, celebrating with their families, thinking about the new year.

Secretary Snow found his way to the office to send this letter to one of our colleagues over in the Congress, over in the Senate, that says, "We must raise the debt limit or we will be unable to continue to finance government operations."

That is just for this round. I mean, I think it is important that we get staff to be able to get the rest of the letters that Secretary Snow wrote.

Here is a letter just written in February, February 16. This letter is to the ranking member, Mr. JOHN SPRATT, who is the ranking member on the Democratic side, again saying, Ms. WASSERMAN SCHULTZ, we must do this now, Mr. Speaker, saying we must raise this debt limit as soon as possible or they are going to have to go into the Federal retirement system and stop paying into that system.

I want to say to the Federal workers, because we believe in third party validators and also believe in telling the truth, the Secretary goes on to say, Ms. WASSERMAN SCHULTZ, he believes once the debt limit is raised, we will be able to pay back into the retirement system.

These letters are coming so fast and furious, Ms. WASSERMAN SCHULTZ, we can't get them up on the big board. Here is a letter, March 6, that was just yesterday. Secretary Snow, this is alarming, he is saying, did you receive my two letters beforehand?

Then he talks to the press. We have a problem. NASA is also located in Florida, but also in Houston, but Houston, we have a problem. He is saying to the United States Congress, we have a problem.

How did we come about the problem and having to raise the debt ceiling? It is because of the policies of the Republican majority that have rubber stamped everything the President said do.

Ms. WASSERMAN SCHULTZ, yes, there are a number of letters and alarms going off.

Ms. WASSERMAN SCHULTZ. I have another question. In looking over our third party validators, I am wondering if you have got the Secretary of the Treasury setting off alarm bells and really saying that there is fire in the theater, why is it that we have not seen an increase in the debt limit on the floor? Could it perhaps be that that is something that the Republican leadership thinks is unwise to have their Members vote on? Is it that this is not the first time, as I asked you earlier, that the debt limit has been increased?

In looking at this chart just in the last few minutes, I notice that in June of 2002 the debt limit was increased by $450 billion. And who was President then?

Mr. MEEK of Florida. President Bush.

Ms. WASSERMAN SCHULTZ. I believe President Bush was in office then. In May of 2003, the debt limit was increased by another $984 billion, with a B. In November of 2004, the year of the election, $800 billion. We have a $781 billion increase pending now, with a total increase of $3.015 trillion.

When President Clinton was in office, I was in the State legislature then, for a time until you were elected to Congress you were too, we had a system in place called PAYGO, pay-as-you-go, which it is my understanding is similar to the way people prefer in America to run their households, where you do not spend money that you don't have, unlike what is going on under the Republican leadership where they appear to enjoy spending like drunken sailors and "no" doesn't appear to be possible under this administration, unless, of course, it is to talk about continuing tax cuts for the wealthiest. We say "yes" to that. We say "yes" to anything politically that they want to advance. The "no" is to people who can't afford health care, cutting Medicaid. The "no" that they propose to say is to people who are struggling to pay for higher education.

So, if we went back to PAYGO rules, which we have proposed time and again and they have rejected time and again, then we would be again in a situation where it wouldn't be necessary to increase the debt limit because we would be only spending money that we have.

Here is another third party validator, which is the CONGRESSIONAL RECORD. In 2006, in this budget resolution, of course it was defeated, 228 Republicans voted against it, it was defeated 264-165 when we proposed to return to the pay-as-you-go rules. Then again last year, it was defeated 232-194 and 224 Republicans voted against it.

So, to me to break this down in more simple terms, because PAYGO and billions and trillions and debt limit is something that if you are not dealing with it on a daily basis, it is somewhat difficult to understand, one of the things we like to do here is break things down for people that may be listening into regular terms, into the things that they deal with every day.

So I thought, Mr. Speaker, it would be a good idea, because a billion is a very big number, a billion is a hard concept to grasp, because most people don't deal in the billions when they are dealing with their everyday normal activity, so let's try to define what a billion is in the way that people think about things in their daily life.

Broken down, a billion hours ago, for example, humans were making their first tools in the stone age. That is how much a billion hours ago was, if you are thinking about what a billion means.

Let's think about what happened a billion seconds ago. A billion seconds ago it was 1975 and the last American troops had just pulled out of Vietnam. That is how big a billion is. We are in 2006. That was 30 years, 31 years ago.

A billion minutes ago it was 104 A.D., Mr. Speaker, and the Chinese first invented paper. That is how long ago it was, if you think about a billion in terms of minutes.

Then a billion dollars ago, under this administration and under the Republican leadership, a billion dollars ago was only 3 hours and 32 minutes at the rate that the administration and this Republican Congress spends money.

So we have a billion hours ago, it was the stone age; a billion seconds ago, it was 31 years ago; a billion minutes ago, it was 104 A.D. and we were first talking about the invention of paper. But under the Republican leadership and this administration, a billion dollars ago was only 3 hours 32 minutes at the rate of spending under this administration and the Congressional leadership. It is just astonishing, it really is, if you think about it, broken down in this way.

All the American people want is their confidence restored. All they want to see is that the people here in this Chamber are using their heads and applying some common sense and thinking about the budget and the money that we spend in the way they would like to think about their own household budget, spending the money that we have, spending it wisely, spending it on things that they care about, not giving away the store, which unfortunately, it appears to be the direction that we have been going in.

We are giving away the store in so many ways. Like the port deal, for example. We represent Miami, both of us. I represent Fort Lauderdale. I have both Port Everglades and the port of Miami abutting my district.

I went down to the port of Miami, you and I have both been there, it is one of the six ports that the Dubai Ports World deal impacts, and for the people that I have talked to in our community and the calls and communications I have been getting, it defies logic. They really just cannot believe that the President does not understand why people are so deeply concerned that we would have a foreign government-owned corporation running the terminal operations at six of our major ports.

This is not just any government, this is a government that just 5 years ago was involved directly, indirectly, in both tangential and more substantive ways in the 9/11 attacks.

□ 2310

There were 58 references in the 9/11 Commission Report to the United Arab Emirates and their involvement, either through allowing the 9/11 financing to be funneled through their banks, or just the fact that two of the 9/11 terrorists lived in the United Arab Emirates.

But the astonishing thing is that there were no national security reviews triggered under the law when the administration's committee that reviewed these deals took a look at it. There were no alarm bells set off. And that is even more astonishing because it is not even like we are checking the vast majority of containers and goods that come through our ports. Less than 6 percent, if you take a look at this chart, less than 6 percent of U.S. cargo coming through our ports is physically inspected, Mr. Speaker. Ninety-five percent is not inspected, 5 percent is inspected.

And that is in spite of the fact that Democrats have repeatedly proposed increasing the funding so that we can ensure more of the cargo coming through our ports is inspected. Literally what I learned when I went to the Port of Miami, Mr. MEEK, is that in the last 5 years we have increased our security funding at our airports by $18 billion, which is a good thing. I mean that is absolutely essential.

And we have increased our port security funding by $700 million. Now, if you remember, I just went over the difference of what a billion means. So $18 billion on airport security, less than $700 million on port security.

I mean, you cannot rest our Nation's security on taking your shoes off as you go through the magnetometer at an airport. That cannot be the sum total of the additional security that we have increased since 9/11. I yield to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I think the point was, and we were all campaigning during the initial vote for the war. But I remember making the argument as I was campaigning, as I think a lot of other Democrats were here in the House, instead of going off to war, the alternative was, now we are spending a billion and a half dollars a week in Iraq. I think one of the alternative proposals was to fund this stuff, take care of the Nation's security, take care of the ports, make sure that we have enough people to do the kind of real inspection that we think needs to be done instead of spending the money elsewhere.

And when you think about it in a logical way, that this money is going to be spent to hire American workers to protect America, it makes a lot of sense.

Ms. WASSERMAN SCHULTZ. It has just been astonishing to me. I literally have had more calls in a shorter period of time on this issue from constituents, and not the organized calls, not the calls that groups generate, that they, you know, send an e-mail out to their members and say, call your Congresswoman, here is her phone number.

This is Joe and Jane Average Constituent who saw the news or read the newspaper or listened to the radio and called me and said, you know, what is going on here? Do these people not get it? How could they not get it? I have had little old ladies crying on the other end of the phone in my district office because the flames that have been fanned so much by this administration on the terror threat and national security, which is understandable because we really needed to raise the level of concern in America about being conscious of our own security. That is understandable.

But for the President to be shocked by the American people's reaction, that is what is so astonishing, that they are really the victims, I guess. Their decision is really the result of their own magnification of this issue. And, you know, that they have not responded with the funding that we need to enhance port security is just truly shocking.

Mr. RYAN of Ohio. I just want to make this point too, Mr. Speaker, that, you know, we are not saying that when the Democrats take over in January that all of a sudden we are going to inspect every single ship that comes into the United States of America. That is not what we are saying.

But what we are saying, first is because we are going to have to start balancing the budget and start plugging a lot of the holes that the Republican majority will have left us to clean up, what we are saying is, 5 percent of the cargo coming in is a small amount.

And when the Democrats are in charge, we want to refocus our efforts on port security and make a little bit more of an effort. So it may not be 100 percent, but we are saying that it is a priority for us to make this kind of investment.

Mr. MEEK of Florida. The question, Mr. Speaker here is, does the Republican majority have the will and the desire to make the kind of change we need to take or make to protect this country? The will and the desire.

Now, the will may be there, but the desire is questionable. And I think it is important, because there are other priorities that the Republican majority, and I would say some of them join in with some of us Democrats, very few, unfortunately, it is in the single digits, because we are not able to promote some of things that we need to promote to protect this country.

Now over the weekend, there were a lot of pundits out there talking about, wow, you know, this thing may very well change, this thing meaning the U.S. House of Representatives, the U.S. Senate, because the Republican majority, Mr. Speaker, has fumbled the ball time after time again.

Since this is now NCAA time, they have lost the ball when they were supposed to shoot a shot on behalf of protecting this country. The other team is taking it the other way. I think it is important to get in the spirit. We have to break this thing down so that we all understand. Some people say we need to put the cookie on the bottom shelf so that everyone can reach.

I think it is important. I am using a metaphor, but I think it is important that everyone understands. Folks are wondering why we are alarmed. Now I can tell you, I speak here with great confidence, Mr. Speaker, because I have the facts here not fiction. I think it is important, Mr. RYAN, that we share with people that on January 29, 2005, during a meeting of the House and Senate conferees, our ranking Member on Appropriations, Mr. OBEY, offered, along with Senator BYRD, one of the longest-serving Senators over in the Senate, offered an amendment to increase funding for port and container security by $300 million.

The house conferees defeated the amendment along party lines. When we say along party lines, I want to make sure the Members understand. That means Republicans voted one way against that, increasing the funding so that we can be able to do what was said, secure the containers more.

Can we get that container chart up here, because I want to make sure, just in case the Republican majority, some of the Members have their television turned down, that they are able to see what we are talking about. Because I think it is important. There it is right there. It is already there.

These containers here that are being checked, the 5 percent of them, and I am questioning that as a Member of the Homeland Security Committee if it is really 5 percent. As Democrats, Mr. Speaker, we are not saying that we want to do something about it, we are trying to do something about it. But the Republican majority is not allowing us to do so.

And we want to make sure that we share with them, because we want their constituents to know and we want our constituents to know that we are fighting on their behalf. All of us are Americans saluting one flag.

On October 7, 2005, during a meeting of House and Senate conferees, that is when House and Senate Members come together. When the House and Senate pass their individual bills, they select certain Members to be able to go into a room and work out the differences between that bill.

That goes back to in our generation a cartoon, I am Just a Bill on Capitol Hill. Again, Senator BYRD and Representative OBEY, offered an amendment to increase funding to enhance port security by $150 million. Republicans defeated it on a party-line vote.

Mr. RYAN of Ohio. I know you are getting on a roll.

Mr. MEEK of Florida. I wanted to do a couple more.

Mr. RYAN of Ohio. Mr. Speaker, I just want to make a point here. The last chart that we had up said that the Coast Guard is saying they need a $7 billion increase in funding. Now you are reading these amendments.

Mr. MEEK of Florida. Mr. RYAN, wait. Hasn't the President and the Republican majority said, we want to listen to people in the field and give them what they need when they ask for it? Am I correct?

Mr. RYAN of Ohio. That is right. Again this is a third-party validator. This is from the Federal Register. Coast Guard estimate to implement the Maritime Transportation Security Act, how much money do we need to protect ourselves? $7 billion.

What has the Republican Congress appropriated? $900 million, .9 billion. So we have got a long way to go here as you can see. So as Mr. MEEK is going to start reading this stuff, Mr. Speaker, this is billions.

Democrats were trying to put amendments on that were like $150 million. We are not even trying to increase it all that much. But we are saying we tried a billion. We tried $500 million.

☐ 2320

Mr. MEEK of Florida. We are trying to work in a bipartisan way.

Ms. WASSERMAN SCHULTZ. There is a $6 billion gap between what the Coast Guard says they need and what the Republican Congress appropriated.

Mr. RYAN of Ohio. You are making a strong point here, Mr. MEEK.

Mr. MEEK of Florida. Mr. RYAN, it is not a point. This is fact, Mr. Speaker. I think it is important that we say June 18, 2004, Democrats supported an amendment to increase port container security by $400 million. Republicans have refused to allow it to be considered, the amendment to be considered. That means they moved on a procedural way.

June 9, 2004, Democrats supported Obey amendment once again in Appropriations Committee to increase container security by $400 million. Republicans defeated it on a party-line vote. That is House report 108–541, page 128.

Now, we have all of this stuff that will be on the Web site, Mr. Speaker, so that other Members can get to it, and it goes on and on and on.

Enough of this, the Democrats do not have plans. That is what the majority wants you to believe. We have plans. Unfortunately, they cannot be reality because the Republican majority does not want to work in a bipartisan way. And it is upsetting. It is beyond upsetting because our country is being jeopardized. Meanwhile, we have individuals that are hired by the Republican majority going out here talking to these cable shows and Sunday shows on spend. This is not about spend. This is about making America stronger and more secure.

The bottom line is the reason why, Ms. WASSERMAN SCHULTZ, many of the Republicans are getting a little shaky now, because on this subject, Mr. Speaker, we have been on top of it. The record speaks for itself. Fiscal responsibility: we have been on top of it. On securing America: we have been on top of it. On innovation: there is not an issue that Americans are looking for that we have not tried to address and continued to try to address even though we are in the minority. Being in the minority is not an excuse for us. It is just something that does not allow us procedurally to allow these American ideas to bubble up and allow the American people to be prepared.

You want to talk about fuel. We can talk about that too. You can talk about energy. We can do all of these things. But until the American people truly understand that what they hear from the Republican majority is not necessarily fact, then we are going to continue to go in the wrong direction as it relates to the history of this country.

Being a Member of this Congress, I almost feel that we are just as important as the Continental Congress, the first Congress, because now, no other time in the history of the country have we been in this kind of posture as a country, not due to the fact what folks are doing on foreign soil. It is what the Republican majority is doing to us right now based on friends and family and a number of things that have taken place in this Chamber unprecedented.

Ms. WASSERMAN SCHULTZ, I am sorry, I wanted to make sure I got that out because I think it is important, not only third-party validators, the CONGRESSIONAL RECORD, and actions we have taken, because it does not upset me, the fact that this stuff is not being reported the way it should be reported; but I am extremely concerned about the fact that we have the Republican majority that is not even shaken by this. Meanwhile, 50 percent of our debt, almost 50 percent of our debt is being owned by foreign interests.

Ms. WASSERMAN SCHULTZ. What is amazing, and you are so right, what has happened in the last several weeks is there has been an effort by the Bush administration since this DPW port deal has come to light to portray this as people who have a problem with Middle Eastern countries and even have gone so far as to say, well, why are you concerned, because Federal agencies control and conduct all port security.

I learned and knew this, but it was illuminated even more clearly when I went to the port that that is not the case. Yes, on the external port properties the government body running the port, in our case, in Miami it is the Board of County Commissioners in Miami, they are responsible for external security. But at a terminal in the Port of Miami Terminal Operating Company and under the five other terminals that DPW would take over, they are responsible for their own internal security. They will have intimate knowledge of the external security on the port property, and they are responsible for security internally.

This is a foreign government-owned company. This is not a private company from a foreign country. It is a foreign government-owned company.

Would it be okay with anyone in this country, not the least of which should be the Bush administration, if the same situation occurred in an airport? Would we let a foreign government-owned company run a terminal in our airports? Would we let them control loading and off-loading passengers or cargo coming into an airport? Not in a billion, no pun intended, years. Really.

Why are they so unconcerned about port security?

Let us look at what the Coast Guard is responsible for. Again, third-party validators. The Coast Guard on a typical day saves 15 lives, assists 117 people in distress, protects $2.8 million in property, interdicts 30 illegal migrants at sea, conducts 90 search and rescue cases, seizes $21 million worth of illegal drugs, responds to 11 oil and hazardous chemical spills, and boards and inspects 122 vessels.

There are 361 ports in this country that they are responsible for, and we have 95,000 miles of coastline. And the difference between what the Coast Guard has said they needed, $7.2 billion to really complete their mission in terms of port security, and what the Republican leadership here has appropriated, $910 million, is $6 billion. There is a disconnect from the top to the bottom here. It is shocking.

Mr. RYAN of Ohio. When you think about the $16 billion in corporate welfare that we have given to the energy companies; when you think about the billions and billions and billions of dollars in subsidies we have given to the health insurance industry through the prescription drug program that has been a total debacle, you will see that what the Democrats are saying is that we have a better plan.

We will not give $16 billion to the oil industry, the most profitable industry in the world, Mr. Speaker. We want to spend that money prudently, in a fashion that best represents the interests of the American people. And that is what we have been trying to do as Mr. MEEK went through, Mr. Speaker. Amendment after amendment after amendment, the Democrats and the minority tried to attach to the majority Republican Party's bills. And we tried to get September 29, and you can get all of this, and we should put all of this on our Web site so everyone can see Democrats have tried and tried and tried to get increased funding for homeland security and for the protection of our ports, whether it was Mr. OBEY from Wisconsin, Mr. SABO, Senator BYRD, Mr. OBEY, Mr. SABO again and again and again. All throughout.

This sheet goes from 2001, 2003, 2003, 2003, 2003, 2004, 2004. Time and time again the Democratic Party has tried to get amendments on spending bills that would increase funding for port security by $100 million, by $500 million, by more if we could try to plug this gap.

Ms. WASSERMAN SCHULTZ. The thing that we did not mention yet that is the most outrageous is the President in his budget that he just proposed actually eliminates direct port security grants. He literally says, no, no, no, we do not need to directly appropriate grant money to individual ports for port security. I have a bright idea. He has a bright idea. He wants to let ports compete for security grant funding with railway stations and airports and have any one of these transportation-related entryways to our country compete for security grants.

I mean, I do not understand that. He proposed it last year, and the response from the Republican Congress was a $910 million appropriations for port security. And now he is proposing it yet again.

□ 2330

Where are their priorities? If we are going to propose cuts to try to get the budget deficit situation under control, do we start with port security? I mean, when they are sitting down around the table in the Roosevelt Room, I really want to be a fly on the wall sometimes. Who in there is saying port security grants, that is what we should, that is how we are going to solve the deficit? Medicaid funding, we have got all the poor people covered with health care; who are the people the most in need, where are our most significant needs, let us cut those. It is astonishing.

Mr. RYAN of Ohio. Again, I just want to make this point because we are not demagoguing this issue. What we are saying is 95 percent of the cargo coming into the country is not inspected. All we are saying is it should not be 5 percent. Should it be 90 or 80 or 70 or 50 or 40? It should be certainly something more than 5 percent, and all we are saying is we are giving corporate subsidies to the oil industry, giving corporate subsidies to the energy companies, giving corporate subsidies, totally, billions and billions and billions, to the health industry. You are giving tax cuts to Bill Gates, and this is going on.

So Democrats, Mr. Speaker, want to say let us increase this gradually as we are able to balance the budget and hopefully make investments in this. You are going to hire American people, hire American worker, protect the country, send a signal across the world that do not even try it, okay. That is the bottom line.

Ms. WASSERMAN SCHULTZ. There is also specifically related to this Dubai Ports World deal a way to deal with it. There is the bigger issue of port security, and then there is this deal. What is it that is so darn important about this deal that it caused the President to threaten his first veto that if, God forbid, the Congress would do something crazy like pass legislation to stop it, to slow it down to conduct the national security review that should be done? I have the legislation that I have introduced on the House side and Senators MENENDEZ and CLINTON and BILL NELSON from our State that have introduced on the Senate side that would say that we should not allow foreign government companies to own or lease ports from us in this country and we should stop this deal and we should review the other foreign government-owned terminals that currently already are in the United States and give congressional oversight in that area.

Mr. MEEK of Florida. Mr. Speaker, it is a no-brainer, and we called for a vote last week, Mr. Speaker, to stop the port deal, period. Forty-five days for what? What do we have to think about here? That 45 days later we are going to say it is okay for foreign interests to be able to operate six of our major ports, including New York, that the whole thing, 9/11, should mean something? Our major ports, fine, that is okay, but let me tell you something, we do not have to wait 45 days to not do the deal. You got folks in the Republican majority who say, well, you know, after 45-days we are going to—after 45 days, the facts are still going to be the facts.

The Coast Guard raised the question of security as it relates to this port deal, and deals like this happen every day here in Washington, D.C., under this Republican majority and this White House. The President dared the Congress to pass a bill because he would veto it. That is on the record. I did not say it. He said it.

You know something. I would like to tell the Republican majority to leader it. We are trying to call for a vote, and I guarantee you there will be another attempt to call a vote this week. We want to separate the leaders from the followers. We say we want to balance the budget, which we have done. The Republican majority say they want to cut it in half. You take the choice what you want. Do you want to continue to have foreign countries buy our debt? But that is for individuals willing to be followers. The thing about the United States is we believe in leadership. We want to lead. We do not want to follow.

The bottom line is the Republican majority is fine with following economically, following as it relates to leadership on this port deal. They have a problem because they have been rubber stamping everything that the President has said. The President says let us turn right, okay, let us turn right; okay, let us turn left, they turn left. That is not what the Constitution says.

We did not stand out in front of the precinct saying, hey, I am running for Congress: I am willing to do everything that the President asks me to do, regardless of how you feel about it. That is not what we ran for office for, Mr. Speaker.

So when we look at these deals, I think it is very, very important. Secretary Snow is asking us to raise the debt ceiling by $82 billion. Who is going to buy that debt? Who is going to buy it?

Can I for a minute talk about who is buying it and who will buy it? Here is my map here again. This is not a weather map. This is a map to talk about who is going to buy this $821 billion that Secretary Snow is calling for, not because he feels like it. It is because he has to.

I am going to start off with the big one. Japan. $862 billion of our debt. Japan is not a county anywhere in any of these States. China, Red China. China has all the jobs. China, that has a positive trade with the United States but we do not have positive trade with them, are buying up our country while the Republican majority is sitting here saying do not worry about it America, trust us. The UK, $223.2 billion owned of the United States of America debt. Taiwan, $71.3 billion. Korea, that should ring a bell with some people and especially some of our veterans, $66.5 billion. Germany. Germany should ring a bell with some of our veterans, $65.7 billion of our debt, and Canada, just north of, us $53.8 billion. OPEC Nations, oh, wow, who are they? It happens to be Saudi Arabia, happens to be Iran, happens to be Iraq.

Ms. WASSERMAN SCHULTZ. UAE.

Mr. MEEK of Florida. $67.8 billion. So, Mr. Speaker, when we start talking about raising the debt ceiling and responsibility, we balanced the budget. We did not have these issues. When I say "we," I am saying the Democratic Congress balanced the budget without a single Republican vote.

The reason why I speak boldly on this issue is the fact that it is fact and it is not fiction and that we are sharing it with them. The real issue, when you talk about the ports, some Members may say the bill that you have and a number of Members signed on to in the Senate, a number of Members who have signed on to it, Mr. Speaker, they are saying, well, you know, I do not represent a port city or a coastal city so I do not have anything to worry about. Well, guess what, these containers that we see here are all throughout America because these containers are loaded on to trucks and trains, and they go through America. If a terrorist wants to put a nuclear device in one of these containers to be put into activation in a certain U.S. city, they have the power to do so because they know that we only check 5 percent. That is not because we cannot check more. It is because we cannot get amendments passed here as Democrats in the minority to check more and protect America. So I think it is important we do it.

Mr. RYAN of Ohio. I think it is important for us to say, Mr. Speaker, to the Members of this chamber that this is brinksmanship now with the debt ceiling. We are on the line here, and Secretary Snow, and I do not know if you went over this before.

Mr. MEEK of Florida. I did but go over it again.

Mr. RYAN of Ohio. March 6 sent a letter to John Spratt who is our ranking Democrat on the Budget Committee. Today, it was reported in the Associated Press the Secretary told Congress yesterday in this letter, the administration is taking, quote, all prudent and legal actions, end quote, including tapping certain government retirement funds. Now they are tapping retirement funds to keep from reaching the $8.2 trillion national debt limit, and in the letter to Congress he said that we need to raise the debt ceiling immediately to avoid the first government default on its obligations in U.S. history.

□ 2340

If this outfit hasn't gotten us into a real predicament, I don't know what a predicament is. If we don't raise the debt ceiling, we are going to default on our obligations. The United States of America, Mr. Speaker, for the first time in our history.

I would be happy to yield.

Ms. WASSERMAN SCHULTZ. There is a very simple solution: we return to PAYGO rules. We return to the days when we spent what we had, like people in American households try to do every single day and struggle to do. But we have the ability to establish a rule. We have the ability to follow a rule that says we will only spend what we have. We have advocated, as Democrats, restoring the PAYGO rule, and we have been repeatedly rejected by the Republican leadership because they just want to continue to borrow and spend, borrow and spend.

Mr. RYAN of Ohio. So let us look at this. We talked about two things basically tonight. We talked about the ports and the debt ceiling. On the port deal, to try to increase spending, the Democrats offered, I don't know, a dozen different amendments to try to increase funding from U.S. ports, and each time the Republican majority shot our idea down.

We had ideas. We offered solutions. The Republican majority, Mr. Speaker, shot us down. Ms. WASSERMAN SCHULTZ just talked about the pay-as-you-go system, where if you pay more for a program, you have to find money somewhere. You have to raise revenue or cut spending, but you have to pay for it so we don't have to borrow from all these foreign countries.

Former Member Mr. Stenholm offered an amendment to try to implement PAYGO rules into the budget process. Mr. THOMPSON from California tried to do it. Mr. MOORE from Kansas tried to do it, and Mr. SPRATT tried to do it on numerous occasions, to implement pay-as-you-go rules to try to constrain the reckless spending from our Republican colleagues, Mr. Speaker. And in each instance, Mr. MEEK, Ms. WASSERMAN SCHULTZ, it was the Republican majority who said we will not accept fiscal discipline, we will not accept increased funding for our ports; and the Democrats were the party offering the ideas and offering the amendments time and time and time and time again to prevent this from happening, where we owe Japan $682 billion, we owe China $250 billion, and we owe OPEC countries, Mr. MEEK, $67.8 billion.

Now, that is a shame. And I don't like that. And I don't think the American people like that.

I yield to my friend.

Mr. MEEK of Florida. Mr. RYAN, you are 110 percent right. As we close, Mr. Speaker, since we have only 3 minutes or so left, once again we have seen this chart, and as I have said before, it will be in the National Archives. We are not trying to make history, but just to report what is going on here so the American people will know this.

In 224 years of great history in this great country of ours, 1776 to 2000, 42 Presidents, $1.01 trillion was borrowed from foreign nations. That is 224 years. And in 4 years, from 2001 to 2005, President Bush, and we don't want to leave out the Republican Congress, borrowed $1.05 trillion from foreign nations, in 4 years, jeopardizing the financial security of this country.

Mr. RYAN, you are 110 percent right to be alarmed.

Mr. RYAN of Ohio. Thank you. Thank you.

Mr. MEEK of Florida. You are 110 percent right to be alarmed.

Mr. Speaker, I challenge the Republican majority to give us a good way to talk about this. They can't. They can't, Mr. Speaker. We hope we can have what we call a paradigm shift, a change in the way we do business here in Washington, D.C., not on behalf of the Democratic Party but on behalf of the American people.

So we are looking for a comprehensive game plan, Mr. Speaker, because we have one. We have one on this side. History is on our side. The precedent is on our side of trying to do something about it. We ask for the majority to join us in this.

Ms. WASSERMAN SCHULTZ. Mr. MEEK, the point I want to add is this body has openings for people of courage, and we encourage them to apply for those jobs over the next several months.

Mr. RYAN of Ohio. Job openings.

Ms. WASSERMAN SCHULTZ. There are job openings for people of courage. We need a few more people of courage. There are a couple on that side, but we need a whole lot more.

Mr. RYAN of Ohio. Mr. Speaker, www. House Democrats.gov/30something. That is www.HouseDemocrats.gov/30something. Members of Congress can go to this Web site and access all of the charts, see our third-party validators, and see why we are so alarmed at what is going on here in our Nation's capital.

I yield to my good friend, Mr. MEEK.

Mr. MEEK of Florida. Mr. Speaker, with that we would like to thank not only the Democratic leadership but also many of us here in the House who are trying to work hard on behalf of the American people. I know we all are, but I think it is important that we bring these issues to the forefront.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). The Chair would remind Members to address their remarks to the Chair and not to persons outside the Chamber.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COSTA (at the request of Ms. PELOSI) for today and the balance of the week.

Mr. CUELLAR (at the request of Ms. PELOSI) for today.

Mr. HINOJOSA (at the request of Ms. PELOSI) for today and March 8.

Mr. REYES (at the request of Ms. PELOSI) for today.

Mr. SWEENEY (at the request of Mr. BOEHNER) for today on account of illness.

Mr. BURTON of Indiana (at the request of Mr. BOEHNER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. DREIER, for 5 minutes, today and March 8.

Mr. BURTON of Indiana, for 5 minutes, today and March 8 and 9.

Mr. JONES of North Carolina, for 5 minutes, today March 8 and 9.

Mr. KING of Iowa, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. POE, for 5 minutes, today and March 8 and 9.

Mr. ROHRABACHER, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2320. An act to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; to the Committee on Energy and Commerce in addition to the Committee on Education and the Workforce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, March 8, 2006, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-authorized official travel during the second, third and fourth quarter of 2005 and the first quarter of 2006, pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. GERASIMOS C. VANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 20 AND NOV. 28, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Gerasimos C. Vans	11/20	11/28	Australia		748.00		9,738.62				10,487.62
Committee total											10,487.62

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GERASIMOS C. VANS, Dec. 12, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. ALCEE L. HASTINGS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 2 AND DEC. 6, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Alcee L. Hastings	12/3	12/6	Slovenia	79,357	390.00					79,357	390.00
Committee total				79,357	390.00					79,357	390.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALCEE L. HASTINGS, Chairman, Jan. 8, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. DANIEL SCANDLING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 13 AND JAN. 20, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Daniel Scandling		1/13	USA				6,457.25				6,457.25
	1/14	1/17	Egypt		867.00						867.00
	1/17	1/19	Lebanon								
	1/15	1/20	France		375.54						375.54
	1/20		USA								
Committee total					1,242.54		6,457.25				7,699.79

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANIEL SCANDLING, Feb. 6, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO DENNARK, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 16 AND APR. 19, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Alcee L. Hastings	4/16	4/19	Denmark		546.00						546.00
Fred Turner	4/16	4/19	Denmark		546.00						546.00
Committee total					1,092.00						1,092.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALCEE L. HASTINGS, Chairman, Feb. 15, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO LITHUANIA AND LATVIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 11 AND OCT. 14, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
John M. Shimkus	10/10	10/12	Lithuania	255	1,007.36					255	1,007.36
	10/12	10/14	Latvia	235.32Ls	405.00					235.32Ls	405.00
Committee total					1,412.36						1,412.36

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN SHIMKUS, Nov. 11, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NATO PARLIAMENTARIAN ASSEMBLY FALL MEETING IN COPENHAGEN, DENMARK, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 11 AND NOV. 15, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Michael Bilirakis	11/11	11/15	Denmark		1,664.00	(3)					1,664.00
Hon. Dan Burton	11/11	11/15	Denmark		1,664.00	(3)					1,664.00
Hon. John Boozman	11/11	11/15	Denmark		1,664.00	(3)					1,664.00
Hon. Ben Chandler	11/11	11/15	Denmark		1,664.00		(3)				1,664.00
Hon. Jo Ann Emerson	11/11	11/15	Denmark		1,664.00		(3)				1,664.00
Hon. Paul Gillmor	11/11	11/15	Denmark		1,664.00		(3)				1,664.00
Hon. Joel Hefley	11/11	11/15	Denmark		1,664.00		(3)				1,664.00
Hon. Dennis Moore	11/11	11/15	Denmark		1,664.00		(3)				1,664.00
Hon. Mike Ross	11/11	11/15	Denmark		1,664.00		(3)				1,664.00
Hon. Tom Tancredo	11/11	11/15	Denmark		1,664.00		(3)				1,664.00
Hon. John Tanner	11/11	11/15	Denmark		1,664.00		(3)				1,664.00
Hon. Ellen Tauscher	11/11	11/15	Denmark		1,664.00		(3)				1,664.00
Hon. Tom Udall	11/11	11/15	Denmark		1,664.00		(3)				1,664.00
Melissa Adamson	11/11	11/15	Denmark		1,664.00		(3)				1,664.00
Kathy Becker	11/11	11/15	Denmark		1,664.00		(3)				1,664.00
Paul Gallis	11/11	11/15	Denmark		1,664.00		(3)				1,664.00
Beverly Hallock	11/11	11/15	Denmark		1,664.00		(3)				1,664.00
Kay King	11/11	11/15	Denmark		1,664.00		(3)				1,664.00
Susan Olson	11/11	11/15	Denmark		1,664.00		(3)				1,664.00
Scott Palmer	11/11	11/15	Denmark		1,170.00		2,940.11				4,110.00
Patrick Prisco	11/11	11/15	Denmark		1,664.00		(3)				1,664.00
Mark Wellman	11/11	11/15	Denmark		1,664.00		(3)				1,664.00
Delegation expenses:											
Representational functions									2,014.14		2,014.14
Miscellaneous									342.70		342.70
Committee total					36,114.00		2,940.11		2,356.84		41,410.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JOEL HEFLEY, Chairman, Jan. 20, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO COSTA RICA, EL SALVADOR, GUATEMALA, DOMINICAN REPUBLIC, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 19 AND DEC. 23, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Roy Blunt	12/19	12/20	Costa Rica		2,873.00		941.31		4,893.45		8,707.76
Mike Caraway	12/20	12/20	El Salvador				185.00		471.94		656.94
Hon. Mark Foley	12/20	12/22	Guatemala		5,356.00		6,376.00		4,242.00		15,974.00
Hon. Rubén Hinojosa	12/22	12/23	Dominican Republic		3,120.00		1,125.00		3,329.00		7,574.00
Hon. Greg Meeks											
Hon. Dennis Moore											
Hon. Solomon Ortiz											
Brian Diffell											
Michelle Hawks											
Scott Palmer											
Amy Burnside Steinmann											
Susan Burson Taylor											
Wilson Livingood											
Committee total					11,349.00		8,627.31		12,936.39		32,912.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROY BLUNT, Chairman, Jan. 10, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO INDIA, THAILAND, VIETNAM, AND SINGAPORE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 10 AND JAN. 20, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Paul E. Gillmor	1/10	1/13	India		1,338.65		(3)				1,338.65
Hon. Jerry F. Costello	1/10	1/13	India		1,338.65		(3)				1,338.65
Hon. Sam Johnson	1/10	1/13	India		1,338.65		(3)				1,338.65
Hon. Kay Granger	1/10	1/13	India		1,338.65		(3)				1,338.65
Hon. Dennis J. Kucinich	1/10	1/13	India		1,338.65		(3)				1,338.65
Hon. Greg Walden	1/10	1/13	India		1,338.65		(3)				1,338.65
Hon. Bobby Jindal	1/10	1/13	India		1,338.65		(3)				1,338.65
Rev. Daniel P. Coughlin	1/10	1/13	India		1,338.65		(3)				1,338.65
Chris Walker	1/10	1/13	India		1,338.65		(3)				1,338.65
Rachel Perry	1/10	1/13	India		1,338.65		(3)				1,338.65
Martha Morrison	1/10	1/13	India		1,338.65		(3)				1,338.65
Steve Rusnak	1/10	1/13	India		1,338.65		(3)				1,338.65
Hon. Paul E. Gillmor	1/13	1/16	Thailand		694.72		(3)				694.72
Hon. Jerry F. Costello	1/13	1/16	Thailand		694.72		(3)				694.72
Hon. Sam Johnson	1/13	1/16	Thailand		694.72		(3)				694.72
Hon. Kay Granger	1/13	1/16	Thailand		694.72		(3)				694.72
Hon. Dennis J. Kucinich	1/13	1/16	Thailand		694.72		(3)				694.72
Hon. Greg Walden	1/13	1/16	Thailand		694.72		(3)				694.72
Hon. Bobby Jindal	1/13	1/16	Thailand		694.72		(3)				694.72
Rev. Daniel P. Coughlin	1/13	1/16	Thailand		694.72		(3)				694.72
Chris Walker	1/13	1/16	Thailand		694.72		(3)				694.72
Rachel Perry	1/13	1/16	Thailand		694.72		(3)				694.72
Martha Morrison	1/13	1/16	Thailand		694.72		(3)				694.72
Steve Rusnak	1/13	1/16	Thailand		694.72		(3)				694.72
Mark Wellman	1/13	1/16	Thailand		694.72		3,563.50				4,258.22

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO INDIA, THAILAND, VIETNAM, AND SINGAPORE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 10 AND JAN. 20, 2006—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Paul E. Gillmor	1/16	1/18	Vietnam		464.00		(3)				464.00
Hon. Jerry F. Costello	1/16	1/18	Vietnam		464.00		(3)				464.00
Hon. Sam Johnson	1/16	1/18	Vietnam		464.00		(3)				464.00
Hon. Kay Granger	1/16	1/18	Vietnam		464.00		(3)				464.00
Hon. Dennis J. Kucinich	1/16	1/18	Vietnam		464.00		(3)				464.00
Hon. Greg Walden	1/16	1/18	Vietnam		464.00		(3)				464.00
Hon. Bobby Jindal	1/16	1/18	Vietnam		464.00		(3)				464.00
Rev. Daniel P. Coughlin	1/16	1/18	Vietnam		464.00		(3)				464.00
Chris Walker	1/16	1/18	Vietnam		464.00		(3)				464.00
Rachel Perry	1/16	1/18	Vietnam		464.00		(3)				464.00
Martha Morrison	1/16	1/18	Vietnam		464.00		(3)				464.00
Steve Rusnak	1/16	1/18	Vietnam		464.00		(3)				464.00
Mark Wellman	1/16	1/18	Vietnam		464.00		(3)				464.00
Hon. Paul E. Gillmor	1/18	1/20	Singapore		1,375.00		(3)				1,375.00
Hon. Jerry F. Costello	1/18	1/20	Singapore		1,375.00		(3)				1,375.00
Hon. Sam Johnson	1/18	1/20	Singapore		1,375.00		(3)				1,375.00
Hon. Kay Granger	1/18	1/20	Singapore		1,375.00		(3)				1,375.00
Hon. Dennis J. Kucinich	1/18	1/20	Singapore		1,375.00		(3)				1,375.00
Hon. Greg Walden	1/18	1/20	Singapore		1,375.00		(3)				1,375.00
Hon. Bobby Jindal	1/18	1/20	Singapore		1,375.00		(3)				1,375.00
Rev. Daniel P. Coughlin	1/18	1/20	Singapore		1,375.00		(3)				1,375.00
Chris Walker	1/18	1/20	Singapore		1,375.00		(3)				1,375.00
Rachel Perry	1/18	1/20	Singapore		1,375.00		(3)				1,375.00
Martha Morrison	1/18	1/20	Singapore		1,375.00		(3)				1,375.00
Steve Rusnak	1/18	1/20	Singapore		1,375.00		(3)				1,375.00
Mark Wellman	1/18	1/20	Singapore		1,375.00		(3)				1,375.00
Committee total					52,565.66		3,563.50				52,565.66

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

J. DENNIS HASTERT, Chairman, Feb. 2, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO LEBANON AND FRANCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 23 AND JAN. 28, 2006

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Robert Lawrence	1/23	1/27	Lebanon		808.00		(3) 6,913.69				7,721.69
Thomas Ross	1/23	1/27	Lebanon		808.00		(3) 6,913.69				7,721.69
Robert Lawrence	1/27	1/28	France		453.00						453.00
Thomas Ross	1/27	1/28	France		453.00						453.00
Committee total					2,522.00		13,827.38				16,349.38

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Transportation expense is for entire trip.

J. DENNIS HASTERT, Chairman, Jan. 31, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Janice Helwig		7/11	USA				4,225.07				4,225.07
	7/12	9/30	Austria		19,415.03		268.00				19,683.03
Committee total					19,415.03		4,493.07				23,908.10

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRISTOPHER H. SMITH, Chairman, Oct. 25, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Janice Helwig	10/1	12/2	Austria		16,078.09		72.13				16,150.13
	12/2	12/7	Slovenia		1,535.00						1,535.00
	12/7	12/19	Austria		4,360.16						4,360.16
Committee total					21,973.25		72.13				22,045.29

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRISTOPHER H. SMITH, Chairman, Jan. 13, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FRIENDS OF IRELAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 15 AND JAN. 19, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. James T. Walsh	1/16	1/17	Ireland		692.00						692.00
	1/17	1/18	N. Ireland		361.00						361.00
	1/18	1/19	England		542.00						542.00
Hon. Tim Murphy	1/16	1/17	Ireland		692.00						692.00
	1/17	1/18	N. Ireland		361.00						361.00
	1/18	1/19	England		542.00						542.00
Hon. Brian Higgins	1/16	1/17	Ireland		692.00						692.00
	1/17	1/18	N. Ireland		361.00						361.00
	1/18	1/19	England		542.00						542.00
Timothy Drumm	1/16	1/17	Ireland		692.00						692.00
	1/17	1/18	N. Ireland		361.00						361.00
	1/18	1/19	England		542.00						542.00
William Tranghese	1/16	1/17	Ireland		692.00						692.00
	1/17	1/18	N. Ireland		361.00						361.00
	1/18	1/19	England		542.00						542.00
Committee total											7,975.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM T. WELCH, Feb. 1, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Dave Ebersole	12/13	12/18	Hong Kong		895.00		7,821.18				8,716.18
Bryan Dierlam	12/19	12/20	Israel		362.00	(3)	Military				362.00
	12/20	12/21	Kuwait		136.00	(3)	Military				136.00
	12/21	12/21	Iraq			(3)	Military				
	12/21	12/22	Germany		304.00	(3)	Military				304.00
Hon. John Barrow	11/19	11/20	Kuwait		394.00	(3)	Military				394.00
	11/20	11/20	Iraq			(3)	Military				
	11/21	11/22	Germany		314.00	(3)	Military				314.00
Hon. Collin Peterson	12/27	12/28	Germany		304.00	(3)	Military				304.00
	12/28	12/30	Kuwait		788.00	(3)	Military				788.00
	12/29	12/29	Iraq			(3)	Military				
	12/30	1/3	Pakistan		1,117.00	(3)	Military				1,117.00
	12/31	1/2	Afghanistan		90.00	(3)	Military				90.00
	1/3	1/4	Ireland			(3)	Military				
Committee total					4,704.00		7,821.18				12,525.18

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BOB GOODLATTE, Chairman, Jan. 25, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jim Kolbe	10/10	10/12	Lithuania		510.00						510.00
	10/12	10/14	Ukraine		672.00						672.00
	10/14	10/17	Austria		1,161.81						1,161.81
Misc. Embassy Costs									2,565.36		2,565.36
Commercial Transportation							270.58 (3)				270.58
Betsy Phillips	10/10	10/12	Lithuania		510.00						510.00
	10/12	10/14	Ukraine		622.00						622.00
	10/14	10/17	Austria		1,161.81						1,161.81
Misc. Embassy Costs									2,565.36		2,565.36
Commercial Transportation							270.58 (3)				270.58
Rob Blair	10/10	10/12	Lithuania		510.00						510.00
	10/12	10/14	Ukraine		622.00						622.00
	10/14	10/17	Austria		1,161.81						1,161.81
Misc. Embassy Costs									2,565.36		2,565.36
Commercial Transportation							270.58 (3)				270.58
Hon. John Carter	10/10	10/12	Lithuania		510.00						510.00
	10/12	10/14	Ukraine		672.00						672.00
	10/14	10/17	Austria		1,161.81						1,161.81
Misc. Embassy Costs									2,565.36		2,565.36
Commercial Transportation							270.58 (3)				270.58
Hon. Denny Rehberg	10/10	10/12	Lithuania		510.00						510.00
	10/12	10/14	Ukraine		672.00						672.00
	10/14	10/17	Austria		1,161.81						1,161.81
Misc. Embassy Costs									2,565.36		2,565.36
Commercial Transportation							270.58 (3)				270.58
Hon. James Moran	10/10	10/12	Lithuania		510.00						510.00
	10/12	10/14	Ukraine		672.00						672.00
	10/14	10/17	Austria		1,161.81						1,161.81
Misc. Embassy Costs									2,565.36		2,565.36
Commercial Transportation							270.58 (3)				270.58
Hon. Martin Sabo	10/10	10/12	Lithuania		510.00						510.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	10/12	10/14	Ukraine		672.00						672.00
	10/14	10/17	Austria		1,161.81						1,161.81
Misc. Embassy Costs									2,565.36		2,565.36
Commercial Transportation							270.58 (3)				270.58
Beverly Pheto	10/10	10/12	Lithuania		510.00						510.00
	10/12	10/14	Ukraine		622.00						622.00
	10/14	10/17	Austria		827.35						827.35
Misc. Embassy Costs									2,565.36		2,565.36
Commercial Transportation							2,684.08 (3)				2,684.08
Chester Lee Turner III	10/2	10/11	Russia		3,568.00						3,568.00
Commercial Transportation							5,813.16				5,813.16
Hon. Jim Kolbe	11/28	11/29	Pakistan		536.00						536.00
	11/29	12/1	Afghanistan		180.00						180.00
	12/1	12/2	Pakistan		268.00						268.00
	12/2	12/3	United Kingdom		440.00						440.00
Commercial Airfare							10,127.76				10,127.76
Hon. Mark S. Kirk	11/28	11/29	Pakistan		536.00						536.00
	11/29	12/1	Afghanistan		180.00						180.00
	12/1	12/2	Pakistan		268.00						268.00
	12/2	12/4	United Kingdom		440.00						440.00
Commercial Airfare							9,054.79				9,054.79
Elizabeth A. Phillips	11/28	11/29	Pakistan		536.00						536.00
	11/29	12/1	Afghanistan		180.00						180.00
	12/1	12/2	Pakistan		268.00						268.00
	12/2	12/3	United Kingdom		440.00						440.00
Commercial Airfare							8,595.26				8,595.26
Nisha Desai	11/28	11/29	Pakistan		536.00						536.00
	11/29	12/1	Afghanistan		180.00						180.00
	12/1	12/2	Pakistan		268.00						268.00
	12/2	12/3	United Kingdom		440.00						440.00
Commercial Airfare							8,595.26				8,595.26
Hon. Jack Kingston	11/27	11/28	Kuwait		394.00						394.00
	11/28	11/29	Iraq		(3)						
	11/29	11/30	Germany		314.00						314.00
Part Commercial Airfare							3,018.97 (4)				3,018.97
Hon. Denny Rehberg	11/28	11/29	Kuwait		394.00						394.00
	11/28	11/29	Iraq								
	11/29	11/30	Germany		314.00						314.00
	11/30	12/1	Netherlands		261.80						261.08
Commitee total					24,227.82		20,519.06		20,522.88		65,269.76

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.

[3] Military air transportation.

JERRY LEWIS, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, OFFICE OF SURVEYS AND INVESTIGATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Susan G. Joseph	10/29	10/31	Japan		278.25		9,020.58		37.00		9,335.83
	10/31	11/1	Japan		321.25						321.25
	11/1	11/2	Korea		231.00						231.00
	11/2	11/3	Korea		142.00						142.00
	11/3	11/4	Korea		142.00						142.00
	11/4	11/5	Korea		231.00						231.00
John N. Phillips	10/26	10/29	Guam		731.25		7,821.90		26.00		8,579.15
	10/30	10/31	Japan		278.25						278.25
	10/31	11/1	Japan		321.25						321.25
	11/1	11/2	Korea		231.00						231.00
	11/2	11/3	Korea		142.00						142.00
	11/3	11/4	Korea		142.00						142.00
	11/4	11/4	Korea		308.00						308.00
	11/27	11/28	England		353.75		11,008.95		320.24		11,682.94
	11/28	11/29	England		487.50						487.50
	11/30	12/2	Kuwait		946.00						946.00
	12/2	12/6	Qatar		1,188.00						1,188.00
	12/6	12/8	Singapore		420.00						420.00
Daniel C. Sparks	10/26	10/29	Guam		731.25		7,821.90				8,553.15
	10/30	10/31	Japan		278.25						278.25
	10/31	11/1	Japan		321.25						321.25
	11/1	11/2	Korea		231.00						231.00
	11/2	11/3	Korea		142.00						142.00
	11/3	11/4	Korea		142.00						142.00
	11/4	11/4	Korea		308.00						308.00
L. Michael Welsh	10/26	10/28	Guam		450.00		7,044.02		13.58		7,507.60
Douglas D. Nosik	11/27	11/28	England		353.75		11,008.95		213.39		11,576.09
	11/28	11/29	England		487.50						487.50
	11/30	12/2	Kuwait		946.00						946.00
	12/2	12/6	Qatar		1,188.00						1,188.00
	12/6	12/8	Singapore		420.00						420.00
H.C. Young	11/30	12/2	Kuwait		860.00		9,162.32		144.04		10,166.36
	12/2	12/5	Qatar		1,039.50						1,039.50
Committee total					14,793.00		62,888.62		754.25		78,435.87

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JERRY LEWIS, Chairman, Jan. 9, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Kuwait, Iraq, Ireland, September 30–October 4, 2005:											
Hon. Thelma Drake	10/1	10/2	Kuwait		394.00						394.00
	10/1	10/3	Iraq								
	10/2	10/3	Qatar		347.00						347.00
	10/3	10/4	Ireland		320.00						320.00
Jeanette James	10/1	10/2	Kuwait		394.00						394.00
	10/1	10/3	Iraq								
	10/2	10/3	Qatar		347.00						347.00
	10/3	10/4	Ireland		320.00						320.00
Andrew Hunter	10/1	10/2	Kuwait		394.00						394.00
	10/1	10/3	Iraq								
	10/2	10/3	Qatar		347.00						347.00
	10/3	10/4	Ireland		320.00						320.00
Visit to Germany, Kazakhstan, Georgia, Azerbaijan with Codel Issa, October 7–17, 2005:											
Hon. Loretta Sanchez	10/8	10/8	Germany								
	10/8	10/12	Kazakhstan		934.00						934.00
	10/12	10/13	Georgia		295.00						295.00
	10/13	10/14	Azerbaijan		378.00						378.00
Commercial Transportation							4,074.10				4,074.10
Visit to Italy, November 4–7, 2005:											
Hon. Curt Weldon	11/5	11/7	Italy		1,153.00						1,153.00
Hon. Roscoe Bartlett	11/5	11/7	Italy		1,153.00						1,153.00
Hon. G.K. Butterfield	11/5	11/7	Italy		1,153.00						1,153.00
Douglas Roach	11/5	11/7	Italy		1,153.00						1,153.00
Mark Lewis	11/5	11/7	Italy		1,153.00						1,153.00
Delegation Expenses	11/5	11/7	Italy						3,317.16		3,317.16
Visit to Iraq, Kuwait, Germany, November 18–22, 2005:											
Hon. John Kline	11/19	11/21	Kuwait		394.00						394.00
	11/19	11/20	Iraq								
	11/21	11/22	Germany		314.00						314.00
John Wason	11/19	11/21	Kuwait		394.00						394.00
	11/19	11/20	Iraq								
	11/21	11/22	Germany		314.00						314.00
Heath Bope	11/19	11/21	Kuwait		394.00						394.00
	11/19	11/20	Iraq								
	11/21	11/22	Germany		314.00						314.00
Visit to Iraq, Kuwait, Germany, Afghanistan, Qatar With Codel Murphy, November 22–27, 2005:											
Hon. Ike Skelton	11/23	11/24	Qatar		347.00						347.00
	11/24	11/25	Afghanistan		90.00						90.00
	11/25	11/26	Kuwait		394.00						394.00
	11/26	11/27	Iraq								
	11/27	12/1	Germany		358.00						358.00
Hon. Jim Marshall	11/23	11/24	Qatar		347.00						347.00
	11/24	11/25	Afghanistan		90.00						90.00
	11/25	11/26	Kuwait		394.00						394.00
	11/26	11/27	Iraq								
	11/27	11/28	Germany		358.00						358.00
Mary Ellen Fraser	11/23	11/24	Qatar		347.00						347.00
	11/24	11/25	Afghanistan		90.00						90.00
	11/25	11/26	Kuwait		394.00						394.00
	11/26	11/27	Iraq								
	11/27	11/28	Germany		358.00						358.00
Erin Conaton	11/23	11/24	Qatar		347.00						347.00
	11/24	11/25	Afghanistan		90.00						90.00
	11/25	11/26	Kuwait		394.00						394.00
	11/26	11/27	Iraq								
	11/27	12/1	Germany		358.00						358.00
Miriam Wolff	11/23	11/24	Qatar		347.00						347.00
	11/24	11/25	Afghanistan		90.00						90.00
	11/25	11/26	Kuwait		394.00						394.00
	11/26	11/27	Iraq								
	11/27	11/28	Germany		358.00						358.00
Delegation Expenses	11/23	11/24	Qatar						1,416.21		1,416.21
	11/25	11/26	Kuwait						2,564.55		2,564.55
Visit to India, Pakistan, France, November 26–December 3, 2005 With Codel Burton:											
Hon. Loretta Sanchez	11/27	11/30	India		999.00						999.00
	11/30	12/2	Pakistan		626.00						626.00
	12/2	12/4	France		906.00						906.00
Visit to Switzerland, Belgium, The United Kingdom With Codel Issa, November 27–December 4, 2005											
Hon. Silvestre Reyes	11/27	11/29	Switzerland		824.00						824.00
	11/29	12/1	Belgium		764.00						764.00
	12/1	12/4	United Kingdom		1,320.00						1,320.00
Visit to Iraq, Kuwait, Germany, the Netherlands, November 27–December 1, 2005:											
Hon. Bill Shuster	11/27	11/28	Kuwait		394.00						394.00
	11/28	11/29	Iraq								
	11/29	11/30	Germany		314.00						314.00
	11/30	12/1	The Netherlands		261.80						261.80
Hon. Adam Smith	11/27	11/28	Kuwait		394.00						394.00
	11/28	11/29	Iraq								
	11/29	11/30	Germany		314.00						314.00
	11/30	12/1	The Netherlands		261.80						261.80
Hon. Kendrick Meek	11/27	11/28	Kuwait		394.00						394.00
	11/28	11/29	Iraq								
	11/29	11/30	Germany		314.00						314.00
	11/30	12/1	The Netherlands		261.80						261.80
Hon. Tim Ryan	11/27	11/28	Kuwait		394.00						394.00
	11/28	11/29	Iraq								
	11/29	11/30	Germany		314.00						314.00
	11/30	12/1	The Netherlands		261.80						261.80
William Ostendorff	11/27	11/28	Kuwait		394.00						394.00
	11/28	11/29	Iraq								
	11/29	11/30	Germany		314.00						314.00
	11/30	12/1	The Netherlands		261.80						261.80

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Robert DeGrasse	11/27	11/28	Kuwait		394.00						394.00
	11/28	11/29	Iraq								
	11/29	11/30	Germany		314.00						314.00
	11/30	12/1	The Netherlands		261.80						261.80
Delegation Expenses	11/27	11/28	Kuwait				273.78		759.71		1,033.49
Visit to Israel, Jordan, Saudi Arabia, Iraq, Italy With Codel Hagel, November 27–December 4, 2005:											
Hon. Ellen Tauscher	11/28	11/29	Israel		206.00						206.00
	11/29	11/30	Jordan		187.00						187.00
	11/30	12/1	Saudi Arabia		197.00						197.00
	12/1	12/2	Kuwait		186.00						186.00
	12/2	12/2	Iraq								
	12/2	12/3	Jordan		186.00						186.00
	12/3	12/4	Italy		540.00						540.00
Commercial Transportation							7,075.53				7,075.53
Visit to Iraq, Kuwait, the United Kingdom, December 20–28, 2005:											
Hon. Jim Saxton	12/24	12/26	Kuwait		788.00						788.00
	12/25	12/25	Iraq								
	12/26	12/28	United Kingdom		880.00						880.00
Commercial Transportation							4,503.24				4,503.24
Hon. Jim Marshall	12/24	12/26	Kuwait		788.00						788.00
	12/25	12/25	Iraq								
	12/26	12/28	United Kingdom		880.00						880.00
Commercial Transportation							3,995.66				3,995.66
Roger Zakheim	12/22	12/24	United Kingdom								
	12/25	12/26	Kuwait		394.00						394.00
	12/25	12/25	Iraq								
	12/26	12/28	United Kingdom		880.00						880.00
Commercial Transportation							6,230.84				6,230.84
Committee total					35,993.80		26,153.15		8,057.63		70,204.58

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DUNCAN HUNTER, Chairman, Jan. 31, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Ron Kind	10/8	10/10	Jordan, Iraq		254.00		(3)				254.00
Committee total					254.00						254.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

JIM NUSSLE, Chairman, Jan. 26, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Tom Osborne	12/19	12/21	Tel Aviv/Israel/Jordan		362.00		(3)				362.00
	12/21	12/22	Kuwait/Iraq		147.41		(3)				147.41
	12/22	12/22	Germany		304.00		(3)				304.00
Hon. Charles Boustany	12/19	12/21	Tel Aviv/Israel/Jordan		362.00		(3)				362.00
	12/21	12/22	Kuwait/Iraq		147.41		(3)				147.41
	12/22	12/22	Germany		304.00		(3)				304.00
Hon. Carolyn McCarthy	12/27	11/30	India		999.00		(3)				999.00
	11/30	12/2	Pakistan		626.00		(3)				626.00
	12/2	12/4	France		906.00		(3)				906.00
Committee total					4,157.82						4,157.82

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

JOHN BOEHNER, Chairman, Jan. 27, 2006.

(ADDENDUM) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Addendum to 3rd Quarter Report Regarding Codel Steams' Per Diem to Kuwait on September 23–25, 2005:											
Hon. Sam Johnson[3]	9/23	9/25	Kuwait		1,450.00						1,450.00

(ADDENDUM) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. David Wu[3]	9/23	9/25	Kuwait		1,450.00						1,450.00
Committee total					2,900.00						2,900.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Please note that a per diem of $788.000 was reported for Mr. Johnson and Mr. Wu on the third quarter report. The actual per diem for their trip to Kuwait is $1,450.00.

JOHN BOEHNER, Chairman, Jan. 27, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Colleen O'Keefe	6/27	7/1	Brazil		1,188.00		7,176.66				8,364.66
Christopher Knauer	6/27	7/2	Brazil		1,386.00		6,565.15				7,951.15
Hon. Michael Bilirakis	8/26	8/28	Greece		855.00						855.00
	8/28	8/29	Ukraine		261.00						261.00
	8/29	8/31	Estonia		420.00						420.00
	8/31	9/1	Iceland		422.00						422.00
Hon. Cliff Stearns	9/23	9/25	Kuwait		788.00		20.84				808.84
	9/23	9/25	Iraq		0.00						0.00
	9/25	9/26	Qatar		327.00		10.42				337.42
	9/26	9/27	England		335.00		10.42				345.42
Hon. Michael Bilirakis	9/23	9/23	Jordan		788.00		20.84				808.84
	9/23	9/25	Iraq		0.00						0.00
	9/25	9/26	Qatar		327.00		10.42				337.42
	9/26	9/27	England		335.00		10.42				345.42
Christopher Knauer	8/22	8/25	Japan		816.00		7,282.39				8,098.39
	8/25	8/27	China		740.00						740.00
		8/31	Hong Kong		1,644.00						1,644.00
Hon. Marsha Blackburn	7/30	8/10	China		556.53		277.85				1,834.38
Hon. Nathan Deal	8/26	8/29	Morocco		890.00						890.00
	8/29	9/31	Cyprus		660.00						660.00
	8/31	9/2	Israel		724.00						724.00
	9/2	9/6	Egypt		874.00						874.00
Hon. Rick Boucher	8/18	8/23	Ireland		1,209.00		3,708.52				4,917.52
Hon. Michael Burgess	8/16	8/18	Iraq		0.00						0.00
	8/16	8/18	Kuwait		788.00						788.00
	8/18	8/19	Germany						30.00		30.00
Kelli Andrews	8/20	8/23	Sweden		1,257.00						1,257.00
	8/23	8/25	Germany		260.00						260.00
	8/25	9/1	England		3,008.00						3,008.00
	8/20	9/1	Air flights				6,092.91				6,092.91
Hon. Albert Wynn	8/26	8/29	Morocco		890.00						890.00
	8/29	8/31	Cyprus		660.00						660.00
	8/31	9/2	Israel		724.00						724.00
	9/2	9/5	Egypt		874.00						874.00
Hon. Edward Markey	8/26	8/28	Greece		805.00						805.00
	8/28	8/29	Ukraine		261.00						261.00
	8/29	8/31	Estonia		420.00						420.00
	8/31	9/1	Iceland		422.00						422.00
Hon. John Shadegg	8/18	8/19	United Kingdom		181.00		9,196.88				9,377.88
	8/19	8/21	Egypt		578.00		3,812.80				4,390.80
	8/21	8/24	Jordan		762.00						762.00
Hon. David Nelson	8/21	8/23	Sweden		1,257.00		6,092.91				7,349.91
	8/23	8/25	Germany		520.00						520.00
	8/25	9/1	England		3,108.00						3,108.00
Jack Seum	9/22	9/24	Kuwait		1,450.00						1,450.00
	9/23	9/25	Iraq		0.00						0.00
	9/25	9/26	Qatar		148.00		10.42		179.00		337.42
	9/26	9/27	England		148.00		10.42		179.00		337.42
Committee total					21,257.17		15,673.91		21,200.29		85,764.80

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOE BARTON, Chairman, Dec. 20, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Gene Green	12/18	12/20	Israel		576.00						576.00
	12/20	12/20	Jordan								
	12/20	12/21	Kuwait		136.00						136.00
	12/21	12/21	Iraq								
	12/22	12/23	Germany		58.45						58.45
Hon. Jay Inslee	11/19	11/21	Kuwait		394.00						394.00
	11/21	11/21	Iraq								
	11/21	11/21	Germany		314.00						314.00
Hon. Fred Upton	11/26	11/29	Pakistan		536.00		8,595.26				9,131.26
	11/29	12/1	Afghanistan		180.00						180.00
	12/1	12/2	Pakistan		268.00						268.00
	12/2	12/5	Pakistan		440.00						440.00
Hon. Cliff Stearns	11/27	11/29	Switzerland		824.00						824.00
	11/29	12/1	Belgium		907.22						907.22

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	12/1	12/4	United Kingdom		537.00						537.00
Hon. Tim Murphy	11/23	11/24	Qatar		347.00						347.00
	11/24	11/25	Afghanistan		90.00						90.00
	11/25	11/26	Kuwait		394.00						394.00
	11/26	11/28	Germany		467.00						467.00
Sue Sheridan	12/4	12/9	Canada		850.00		898.42				1,748.42
Lorie Schmidt	12/4	12/9	Canada		850.00		898.42				1,748.42
Peter Spencer	12/4	12/9	Canada		850.00		898.42				1,748.42
Hon. Jay Inslee	11/19		Kuwait		394.00						
			Iraq								
			Germany		314.00						
		11/22	Ireland								
Committee total					10,749.67		11,290.52				20,309.19

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.

JOE BARTON, Chairman, Feb. 8, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Melissa L. Bean	10/1	10/2	Kuwait		394.00		(3)				394.00
	10/2	10/3	Qatar		327.00		(3)				327.00
	10/3	10/4	Ireland		320.00		(3)				320.00
Hon. Al Green[4]	11/27	11/30	India		(4)		(3)				
	11/30	12/2	Pakistan		(4)		(3)				
	12/2	12/2	France		(4)		(3)				
Hon. Melvin L. Watt	11/28	11/29	Aruba		148.00		(3)				148.00
	11/29	12/2	Brazil		689.00		(3)				689.00
	12/2	12/5	Dominican Republic		333.00		(3)				333.00
Committee total					2,211.00						2,211.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Reimbursed the U.S. Treasury for all per diem and travel.

MICHAEL G. OXLEY, Chairman, Jan. 31, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Frederick Hill	11/27	11/29	Switzerland		824.00						824.00
	11/29	12/1	Belgium				907.22				907.22
	12/1	12/4	United Kingdom		537.00						537.00
Larry Brady	11/27	11/29	Switzerland		824.00						824.00
	11/29	12/1	Belgium		907.22						907.22
	12/1	12/4	United Kingdom		537.00						537.00
Hon. Candice Miller	11/27	11/29	Switzerland		824.00						824.00
	11/29	12/1	Belgium		907.22						907.22
	12/1	12/4	United Kingdom		537.00						537.00
Laurent Crenshaw	11/27	11/29	Switzerland		824.00						824.00
	11/29	12/1	Belgium		907.22						907.22
	12/1	12/4	United Kingdom		537.00						537.00
Hon. Christopher Shays	10/8	10/9	Jordan		254.00						254.00
Andrew Su	10/8	10/9	Jordan		153.00						153.00
Nicholas Palarino	10/8	10/9	Jordan		254.00						254.00
Hon. Darrell Issa	10/8	10/11	Kazakhstan		934.00		4,074.10				5,008.10
	10/11	10/12	Georgia		295.00						295.00
	10/12	10/13	Azerbaijan		378.00				690.50		1,068.50
	10/13	10/17	Austria		1,272.00						1,272.00
Frederick Hill	10/8	10/11	Kazakhstan		934.00		4,074.10				5,008.10
	10/11	10/12	Georgia		295.00						295.00
	10/12	10/13	Azerbaijan		378.00				690.50		1,068.50
	10/13	10/17	Austria		1,272.00						1,272.00
Larry Brady	10/8	10/11	Kazakhstan		934.00		4,074.10				5,008.10
	10/11	10/12	Georgia		295.00						295.00
	10/12	10/13	Azerbaijan		378.00				690.50		1,068.50
	10/13	10/17	Austria		1,272.00						1,272.00
Alexandra Teitz	12/6	12/9	Canada		465.68		802.10				1,267.78
Gregory Dotson	12/4	12/8	Canada		470.42		368.80				839.22
Christopher Barkley	12/27	12/28	Germany		304.00						304.00
	12/28	12/30	Kuwait		788.00						788.00
	12/30	1/1	Pakistan		491.00						491.00
	1/1	1/2	Afghanistan		90.00						90.00
	1/1	1/2	Pakistan		313.00						313.00
	1/2	1/5	Pakistan		178.00						178.00
Jon Porter	12/27	12/28	Germany		304.00						304.00
	12/28	12/30	Kuwait		788.00						788.00
	12/30	1/1	Pakistan		491.00						491.00
	1/1	1/2	Afghanistan		90.00						90.00
	1/1	1/2	Pakistan		178.00						178.00
	1/2	1/5	Pakistan		313.00						313.00
Michael Hess	12/27	12/28	Germany		304.00						304.00
	12/28	12/30	Kuwait		788.00						788.00
	12/30	1/1	Pakistan		491.00						491.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Ronald Martinson	1/1	1/2	Afghanistan		90.00						90.00
	1/1	1/2	Pakistan		178.00						178.00
	12/27	12/28	Germany		304.00						304.00
	12/28	12/30	Kuwait		788.00						788.00
	12/30	1/1	Pakistan		491.00						491.00
	1/1	1/2	Afghanistan		90.00						90.00
	1/1	1/2	Pakistan		178.00						178.00
Committee total					27,023.98		13,393.20		2,071.50		42,488.68

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.

TOM DAVIS, Chairman, Jan. 30, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☑

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Robert W. Ney	12/19	12/20	Israel		362.00						362.00
	12/20	12/21	Kuwait		136.00						136.00
	12/21	12/21	Iraq								
	12/21	12/22	Germany		304.00						304.00
Committee total					802.00						802.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT W. NEY, Chairman, Jan. 4, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Candace Abbey	11/27	11/29	Switzerland		824.00						824.00
	11/29	12/1	Belgium		907.22						907.22
	12/1	12/4	United Kingdom		537.00		(4)				537.00
Hon. Gary Ackerman	11/27	11/29	Switzerland		412.00						412.00
	11/29	12/1	Belgium		907.22						907.22
	12/1	12/4	United Kingdom		537.00		(4)				537.00
David Adams	10/8	10/12	Israel		1,248.00						1,248.00
	10/12	10/15	Egypt		717.00						717.00
	10/8	10/15	Round Trip Airfare				9,018.40				9,018.40
David Abramowitz	10/11	10/14	Netherlands		634.68		5,984.12				6,618.80
Blaine Aaron	11/28	11/29	Aruba		148.00						148.00
	11/29	12/2	Brazil		689.00						689.00
	12/2	12/5	Dominican Republic		333.00		(4)				333.00
Paige Anderson	11/27	11/29	Switzerland		824.00						824.00
	11/29	12/1	Belgium		907.22						907.22
	12/1	12/4	United Kingdom		537.00		(4)				537.00
Ted Brennan	11/6	11/8	Haiti		396.00		1,172.20				1,568.20
	11/28	11/29	Aruba		148.00						148.00
	11/29	12/2	Brazil		689.00						689.00
	12/2	12/5	Dominican Republic		333.00		(4)				333.00
Hon. Dan Burton	11/27	11/30	India		999.00						999.00
	11/30	12/2	Pakistan		626.00				[3] 1,523.27		2,149.27
	12/2	12/4	France		906.00		(4)				906.00
Hon. Steve Chabot	11/29	12/1	Russia		756.00						756.00
	12/1	12/2	Kuwait		86.00						86.00
	12/2	12/5	Afghanistan		180.00						180.00
	11/29	12/5	Round Trip Airfare				8,686.59				8,686.59
Hon. Eliot Engel	11/27	11/29	Switzerland		824.00						824.00
	11/29	12/1	Belgium		907.22						907.22
	12/1	12/4	United Kingdom		537.00		(4)				537.00
Hon. Eni Faleomavaega	10/6	10/10	Jordan		254.00		(4)				254.00
	11/28	11/29	Aruba		148.00						148.00
	11/29	12/2	Brazil		689.00						689.00
	12/2	12/5	Dominican Republic		333.00		(4)				333.00
Jim Farr	11/28	11/29	Aruba		148.00						148.00
	11/29	12/2	Brazil		689.00						689.00
	12/2	12/5	Dominican Republic		333.00		(4)				333.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Brian Fauls	11/27	11/30	India		699.00						699.00
	11/30	12/2	Pakistan		626.00						626.00
	12/2	12/4	France		906.00		(4)				906.00
Barbara Fleck	11/27	11/30	India		999.00						999.00
	11/30	12/2	Pakistan		626.00						626.00
	12/2	12/4	France		606.00		(4)				606.00
Barton Forsyth	10/10	10/11	Belgium		516.00						516.00
	10/11	10/13	Netherlands		320.00						320.00
	10/10	10/13	Round Trip Airfare				6,852.12				6,852.12
Dan Freeman	10/10	10/11	Belgium		320.00						320.00
	10/11	10/13	Netherlands		516.00						516.00
	10/10	10/13	Round Trip Airfare				6,852.12				6,852.12
Kristen Gilley	10/10	10/12	Thailand		364.00						364.00
	10/12	10/14	Burma		166.00						166.00
	10/14	10/16	Thailand		204.00						204.00
	10/10	10/16	Round Trip Airfare				7,292.42				7,292.42
Daniel Getz	11/27	11/30	India		999.00						999.00
	11/30	12/2	Pakistan		626.00						626.00
	12/2	12/4	France		906.00		(4)				906.00
Dennis Halpin	11/30	12/4	United Kingdom		716.00		3,616.20				4,332.20
Hans Hogrefe	10/10	10/12	Thailand		318.00						318.00
	10/12	10/14	Burma		106.00						106.00
	10/14	10/16	Thailand		279.00						279.00
	10/10	10/16	Round Trip Airfare				7,292.42				7,292.42
Hon. Henry Hyde	11/28	11/29	Aruba		148.00						148.00
	11/29	12/2	Brazil		689.00						689.00
	12/2	12/5	Dominican Republic		333.00		(4)				333.00
Hon. Darrell Issa	11/27	11/29	Switzerland		410.00						410.00
	11/29	12/1	Belgium		907.22						907.22
	12/1	12/4	United Kingdom		537.00		(4)				537.00
Jonathan Katz	10/10	10/12	Belgium		750.04		5,875.65				6,625.69
	11/30	12/1	Spain		380.00		4,093.34				4,473.34
David Killion	10/8	10/11	Israel		936.00						936.00
	10/11	10/13	Egypt		478.00						478.00
	10/13	10/15	Cyprus		578.00						578.00
	10/8	10/15	Round Trip Airfare				7,820.00				7,820.00
Bob King	11/28	11/29	Aruba		148.00						148.00
	11/29	12/2	Brazil		253.00						253.00
	12/2	12/5	Dominican Republic		333.00		(4)				333.00
Kay King	11/28	11/29	Aruba		148.00						148.00
	11/29	12/2	Brazil		689.00						689.00
	12/2	12/5	Dominican Republic		333.00		(4)				333.00
Sheila Klein	11/28	11/29	Aruba		148.00						148.00
	11/29	12/2	BRAZIL		689.00						689.00
	12/2	12/5	DOMINICAN REPUBLIC		333.00		(4)				333.00
Hon. Tom Lantos	11/28	11/29	Aruba		148.00						148.00
	11/29	12/2	Brazil		689.00						689.00
	12/2	12/5	Dominican Republic		333.00		(4)				333.00
	12/10	12/13	United Kingdom		1,320.00		7,252.63				8,572.63
Greg McCarthy	10/8	10/11	Israel		936.00						936.00
	10/11	10/13	Egypt		478.00						478.00
	10/13	10/15	Cyprus		578.00						578.00
	10/8	10/15	Round Trip Airfare				10,390.27				10,390.27
James McCormick	10/10	10/12	Thailand		364.00						364.00
	10/12	10/14	Burma		166.00						166.00
	10/14	10/16	Thailand		304.00						304.00
	10/10	10/16	Round Trip Airfare				7,292.42				7,292.42
Hon. Thaddeus McCotter	10/15	10/18	United Kingdom		372.00		7,297.32				7,669.32
	12/1	12/4	United Kingdom		537.00		3,566.10				4,103.10
Alan Makovsky	11/9	11/15	Israel		1,600.00		7,900.80				9,500.80
	12/10	12/13	United Kingdom		1,320.00		7,232.63				8,552.63
John Mackey	10/11	10/16	Colombia		1,070.00		1,798.18				2,868.18
Richard Mereu	10/9	10/12	Belgium		1,061.33		6,743.65				7,804.98
	11/28	11/29	Austria		268.00						268.00
	11/29	12/1	Slovenia		201.00						201.00
	12/1	12/2	Austria		268.00						268.00
	11/29	12/1	Round Trip Airfare				6,271.06				6,271.06
Thomas Mooney	11/28	11/29	Aruba		148.00						148.00
	11/29	12/2	Brazil		689.00						689.00
	12/2	12/5	Dominican Republic		333.00		(4)				333.00
Eleanor Nagy	11/11	11/14	Peru		795.00		2,817.44				3,612.44
	12/1	12/4	Vietnam		623.00		6,904.20				7,527.20
Paul Oostburg Sanz	11/6	11/8	Haiti		396.00		1,172.20				1,568.20
	11/28	11/29	Aruba		117.49						117.49
	11/29	12/2	Brazil		594.00						594.00
	12/2	12/5	Dominican Republic		273.00		(4)				273.00
Hon. Donald Payne	10/9	10/13	Liberia		352.00		(4)				352.00
Patrick Prisco	10/9	10/11	Belgium		660.00						660.00
	10/11	10/13	Netherlands		516.00						516.00
	10/9	10/13	Round Trip Airfare				6,872.12				6,872.12
	11/29	11/30	Austria		268.00		3,617.03				3,885.03
	11/30	12/1	Belgium		711.22						711.22
	12/1	12/4	United Kingdom		537.00		(4)				537.00
Gregg Rickman	10/8	10/11	Israel		936.00						936.00
	10/11	10/13	Egypt		478.00						478.00
	10/13	10/15	Cyprus		578.00						578.00
	10/8	10/15	Round Trip Airfare				7,820.06				7,820.06
John Walker Roberts	10/17	10/20	Austria		252.00		6,225.95				6,477.95
Laura Rush	11/27	11/29	Switzerland		824.00						824.00
	11/29	12/1	Belgium		907.22						907.22
	12/1	12/4	United Kingdom		537.00		(4)				537.00
Jonathan Scharfen	10/10	10/11	Belgium		320.00						320.00
	10/11	10/13	Netherlands		516.00						516.00
	10/10	10/13	Round Trip Airfare				6,852.12				6,852.12
	11/29	12/1	Russia		756.00						756.00
	12/1	12/2	Kuwait		86.00						86.00
	12/2	12/5	Afghanistan		180.00						180.00
	11/29	12/5	Round Trip Airfare				8,686.59				8,686.59
Susan Schiesser	11/28	11/29	Aruba		148.00						148.00
	11/29	12/2	Brazil		689.00						689.00
	12/2	12/5	Dominican Republic		333.00		(4)				333.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Adam Schiff	12/19	12/21	Israel		362.00						362.00
	12/21	12/22	Kuwait		147.41						147.41
	12/22	12/22	Germany		304.00		(4)				304.00
Doug Seay	11/28	11/29	Aruba		148.00						148.00
	11/29	12/2	Brazil		689.00						689.00
	12/2	12/5	Dominican Republic		333.00		(4)				333.00
Gregory Simpkins	10/5	10/13	Liberia		704.00		7,078.33				7,782.33
Hon. Christopher Smith	11/10	11/14	Peru		795.00		2,695.44				3,490.44
	12/2	12/4	Vietnam		684.00		6,904.00				7,588.00
Linda Solomon	11/27	11/29	Switzerland		824.00						824.00
	11/29	12/1	Belgium		907.22						907.22
	12/1	12/4	United Kingdom		537.00		(4)				537.00
Cliff Stammerman	10/8	10/11	Israel		936.00						936.00
	10/11	10/13	Egypt		478.00						478.00
	10/13	10/15	Cyprus		578.00						578.00
	10/11	10/15	Round Trip Airfare				7,820.06				7,820.06
Jason Steinbaum	11/27	11/29	Switzerland		824.00						824.00
	11/29	12/1	Belgium		907.22						907.22
	12/1	12/4	United Kingdom		537.00		(4)				537.00
Sam Stratman	11/27	11/30	India		999.00						999.00
	11/30	12/2	Pakistan		626.00						626.00
	12/2	12/4	France		906.00		(4)				906.00
Mark Walker	10/11	10/16	Colombia		1,070.00		1,798.18				2,868.18
	11/27	11/30	India		999.00						999.00
	11/30	12/2	Pakistan		626.00						626.00
	12/2	12/4	France		906.00		(4)				906.00
Hon. Diane Watson	11/28	11/29	Aruba		148.00						148.00
	11/29	12/2	Brazil		689.00						689.00
	12/2	12/5	Dominican Republic		333.00		(4)				333.00
Lynne Weil	11/28	11/29	Aruba		59.54						59.54
	11/29	12/2	Brazil		492.61						492.61
	12/2	12/5	Dominican Republic		171.51		(4)				171.51
Hillel Weinberg	11/27	11/29	Switzerland		824.00						824.00
	11/29	12/1	Belgium		907.22						907.22
	12/1	12/4	United Kingdom		537.00		(4)				537.00
Hon. Joe Wilson	11/27	11/30	India		999.00						999.00
	11/30	12/2	Pakistan		626.00						626.00
	12/2	12/4	France		906.00		(4)				906.00
Hon. Robert Wexler	10/10	10/11	Belgium		375.02		5,875.65				6,250.67
	11/13	11/15	Israel		772.00		6,693.68				7,465.68
	11/30	12/1	Spain		380.00		4,093.34				4,473.34
Judith Wolverton	11/28	11/29	Aruba		148.00						148.00
	11/29	12/2	Brazil		689.00						689.00
	12/2	12/5	Dominican Republic		333.00		(4)				333.00
Matthew Zweig	10/8	10/12	Israel		1,248.00						1,248.00
	10/12	10/15	Egypt		717.00						717.00
	10/8	10/15	Round Trip Airfare				9,018.40				9,018.40
Committee total					94,929.83		243,245.43		[3] 1,523.27		339,698.53

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Indicates Delegation Costs.
[4] Military air transportation.

HENRY J. HYDE, Chairman, Jan. 31, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 28 AND DEC. 5, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Daniel P. Coughlin	11/28	11/29	Aruba		148.00						148.00
	11/29	12/2	Brazil		689.00						689.00
	12/2	12/5	Dominican Republic		333.00						333.00
Committee total					1,170.00						1,170.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANIEL P. COUGHLIN, Jan. 6, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Sheila Jackson	10/9	10/10	Haiti		285.00		(3)				285.00
Hon. Peter Hoekstra	10/9	10/10	Haiti		285.00		(3)				285.00
Hon. John Conyers	10/9	10/10	Haiti		285.00		(3)				285.00
Hon. Charles Rangel	10/9	10/10	Haiti		285.00		(3)				285.00
David Abruzzino	10/9	10/10	Haiti		285.00		(3)				285.00
Keenan Keller	10/9	10/10	Haiti		285.00		(3)				285.00
Committee total					1,710.00						1,710.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

F. JAMES SENBRENNER, Jr., Chairman, Jan. 24, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Todd Willens	11/4	11/8	Palau		1,200.00		7,766.46				8,966.46
Chris Foster	11/4	11/7	Palau		900.00		8,061.16				8,961.16
	11/7	11/9	Micronesia		450.00						450.00
Stevan Pearce	11/27	11/30	India		999.00		(3)				999.00
	11/30	12/2	Pakistan		626.00		(3)				626.00
	12/2	12/4	France		906.00		(3)				906.00
Kurt Christensen	12/5	12/9	Canada		1,681.92		1,428.45				3,110.37
Committee total					6,762.92		17,256.07				24,018.99

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

RICHARD P. POMBO, Chairman, Jan. 30, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Lincoln Diaz-Balart	11/29	12/3	Ukraine		933.00		6,596.58				7,529.58
Ana Carbonell	11/29	12/3	Ukraine		933.00		6,596.58				7,529.58
Hon. Tom Cole	11/19	11/21	Kuwait		394.00		(3)				394.00
	11/19	11/20	Iraq				(3)				
	11/21	11/22	Germany		314.00		(3)				314.00
Committee total					2,574.00		13,193.16				15,767.16

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DAVID DREIER, Chairman, Feb. 6, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1, AND SEPT. 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Amy Chiang	9/4	9/12	China		[3] 1,896.07				2,302.47		4,198.34
Committee total					1,896.07				2,302.47		4,198.54

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Additional per diem.

SHERWOOD BOEHLERT, Chairman, Dec. 6, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Lynn Woolsey	10/1	10/2	Kuwait		394.00		(3)				394.00
	10/1	10/2	Iraq				(3)				
	10/2	10/3	Qatar		347.00		(3)				347.00
	10/3	10/4	Ireland		320.00		(3)				320.00
Hon. J. Kevin Carroll	12/4	12/9	Canada		404.80		[4] 348.33				753.13
Hon. Brad Miller	10/1	10/2	Kuwait		394.00		(3)				394.00
	10/1	10/2	Iraq				(3)				
	10/2	10/3	Qatar		347.00		(3)				347.00
	10/3	10/4	Ireland		320.00		(3)				320.00
Hon. Shelia Jackson-Lee	11/30	12/2	Pakistan		626.00		(3)				626.00
	11/27	11/30	India		999.00		(3)				999.00
	12/2	12/4	France		906.00		(3)				906.00
Hon. David Wu	11/26	12/3	China		2,033.88		[4] 8,637.34				10,671.22
Olwen Huxley	11/26	12/3	China		2,033.88		8,637.34				10,671.22
Julie Tippens	11/26	11/28	China		746.25		8,637.34				9,383.59
Committee total					9,871.81		26,260.35				36,132.16

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Commercial airfare.

SHERWOOD BOEHLERT, Chairman, Jan. 30, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Matthew Szymanski	11/17	11/22	Korea/China				6,643.64		2,182.00		8,825.64

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Sean Deverey	11/17	11/22	Korea/China				6,643.64		2,182.00		8,825.64
Matthew Szymanski	12/9	12/19	India		2,902.00						
	12/20	12/21	Nepal		476.00						
	12/22	12/22	Bhutan		146.00		7,597.71				11,121.71
Christopher Szymanski	12/9	12/19	India		2,902.00						
	12/20	12/21	Nepal		476.00						
	12/22	12/22	Bhutan		146.00		7,742.09				11,266.09
Rich Beutel	12/9	12/16	India		2,783.00						
	12/17	12/20	China		1,164.00		7,908.15				11,855.15
Sean Deverey	12/9	12/16	India		2,783.00						
	12/17	12/20	China		1,164.00		7,908.15				11,855.15
Kenneth Shaw	12/11	12/16	India		2,255.00		7,637.43				9,892.43
Committee total											73,732.81

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] CODEL returned $3,798.21 USD

DONALD A. MANZULLO, Chairman, Jan. 31, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☑

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOC HASTINGS, Chairman, Nov. 15, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOC HASTINGS, Chairman, Jan. 10, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Michael Capuano	10/8	10/9	Jordan		254.00		(3)				254.00
Hon. Mike Sodrel	11/18	11/21	Kuwait		394.00						394.00
	11/21	11/22	Germany		314.00						314.00
Hon. Mark Kennedy	11/18	11/21	Kuwait		394.00						394.00
	11/21	11/22	Germany		314.00						314.00
Rep. Luis Fortuño	11/28	11/28	Aruba		148.00						148.00
	11/29	12/2	Brazil		689.00		(3)				689.00
	12/2	12/5	Dominican Rep		333.00		(3)				333.00
Hon. Mario Diaz-Balart	12/1	12/2	Kuwait		86.00						86.00
	12/2	12/5	Afghanistan		180.00		8,237.49				8,417.49
Hon. John Boozman	12/19	12/21	Israel/Jordan		362.00						362.00
	12/21	12/22	Kuwait		136.00		(3)				136.00
	12/22	12/23	Germany		304.00		(3)				304.00
Committee total					3,908.00		8,237.49				12,145.49

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

DON YOUNG, Chairman, Jan. 31, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

STEVE BUYER, Chairman, Jan. 31, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Earl Pomeroy	10/8	10/9	Jordan		254.00						254.00
	10/9	10/10	Iraq								
Hon. Michael McNulty	10/8	10/9	Jordan		204.00						204.00
	10/9	10/10	Iraq		154.00						154.00
Hon. Charles Rangel	10/9	10/10	Haiti		235.00						235.00
David Kavanaugh	12/15	12/19	Hong Kong, China		2,731.08		7,949.68				10,680.76
Julie Herwig	12/15	12/19	Hong Kong, China		2,731.08		7,538.68				10,269.76
Melissa Hart	12/27	12/28	Germany		304.00						304.00
	12/28	12/30	Kuwait		788.00						788.00
	12/30	01/2	Pakistan		982.00						982.00
	01/2	01/3	Afghanistan		90.00						90.00
	01/3	01/4	Ireland								
Kenny Hulshof	12/27	12/28	Germany		304.00						304.00
	12/28	12/29	Kuwait		788.00						788.00
	12/29	12/29	Iraq								
	12/30	12/30	Kuwait								
	12/30	12/31	Pakistan		804.00						804.00
	12/31	01/2	Afghanistan		90.00						90.00
	01/2	01/3	Pakistan		178.00						178.00
	01/3	01/4	Ireland								
Committee total					10,637.16		15,488.36				26,125.52

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM M. THOMAS, Chairman, Feb. 14, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON THE LIBRARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☑

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT W. NEY, Chairman, Jan. 4, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM M. THOMAS, Chairman, Jan. 12, 2006.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6473. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to India pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

6474. A letter from the Secretary, Deparment of the Threasury, transmitting a six month periodic report on the national emergency with respect to Zimbabwe that was declared in Executive Order 13288 of March 6, 2003, pursuant to 50 U.S.C. 1641(c); to the Committee on International Relations.

6475. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 06-06 which informs of an intent to sign a Project Arrangement between the United States and Singapore for Analysis and Testing of Braided Composite Structures and Joints, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6476. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 07-06 which informs of an intent to sign a Project Arrangement between the United States and Singapore for Motheye Antireflective Structure for ZGP Crystal, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6477. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 01-06 which informs of an intent to sign a Project Arrangement to the Research and Development Projects Memorandum of Understanding between the United States and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6478. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6479. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6480. A letter from the Assistant Secretary for Administration & Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6481. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6482. A letter from the Attorney, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6483. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6484. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6485. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6486. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6487. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6488. A letter from the Deputy Director, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking and Importing Marine Mammals Incidental to Rocket Launches from Kodiak Island, AK [Docket No. 011011247-6006-03; I.D. 082701E] (RIN: 0648-AP62) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6489. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Subsistence Fishing [Docket No. 040607171-5078-02; I.D. 051804C] (RIN: 0648-AR88) received February 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6490. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery; 2006 and 2007 Fishing Quotas for Ocean Quahogs [Docket No. 051017270-5339-02; I.D. 093005B] (RIN: 0648-AT85) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6491. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Extension of Emergency Fishery Closure Due to the Presence of the Toxin That Causes Paralytic Shellfish Poisoning [Docket No. 050613158-5262-03; I.D. 090105A] (RIN: 0648-AT48) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6492. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 122805B] received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6493. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543 [Docket No. 041126332-5039-02; I.D. 011306A] received February 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6494. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 011206I] received February 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6495. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 011906B] received February 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6496. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Haddock Incidental Catch Allowance for the Atlantic Herring Fishery [Docket No. 050517132-5132-01; I.D. 051105D] (RIN: 0648-AT36) received January 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6497. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Amendment 6 [Docket No. 050314071-5230-02; I.D. 030105E] (RIN: 0648-AS16) received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6498. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Allocating Bering Sea and Aleutian Islands King and Tanner Crab Fishery Resources; Correction [Docket No. 040831251-5309-05; I.D. 082504A] (RIN: 0648-AS47) received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6499. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeatsern United States; Atlantic Bluefish and Summer Flounder Fisheries [Docket No. 050708184-5235-02; I.D. 070105B] (RIN: 0648-AT50) received January 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6500. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gulf Grouper Recreational Management Measures [Docket No. 050708183-5183-01; I.D. 070505D] (RIN: 0648-AT45) received February 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6501. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Spiny Dogfish; Framework Adjustment 1; Establishing a Multiple-year Specifications Process [Docket No. 051104291-5350-02; I.D. 100405F] (RIN: 0648-AT29] received February 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6502. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2006 Summer Flounder, Scrup, and Black Sea Bass Specifications; Preliminary 2006 Quota Adjustments; 2006 Summer Flounder Quota for Delaware [Docket No. 051104293-5344-02; I.D. 102705B] (RIN: 0648-AT27) received February 27, 2006 pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6503. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; North Pacific Halibut and Sablefish Individual Fishing Quota Cost Recovery Program [I.D. 120805C] received February 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6504. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 012006A] received February 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6505. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exlcusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 011806K] received February 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6506. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exculsive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 030805C] received February 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6507. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Increases [Docket No. 001005281-0369-02; I.D. 012406A] received February 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6508. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 012506A] received February 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6509. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 Feet (18.3 Meters) Length Overall and Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 020106A] received February 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6510. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program [I.D. 020606B] received February 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6511. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock from the Aleutian Islands Subarea to the Bering Sea Subarea [Docket No. 041126332-5039-02; I.D. 020606A] received February 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6512. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisios; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Modification of the Yellowtail Flounder Landing Limit for Western and Eastern U.S./Canada Areas [Docket No. 040804229-4300-02; I.D. 010606A] received February 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6513. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Quarter I Fishery for Loligo Squid [Docket No. 051209329-5329-01; I.D. 020306B] received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6514. A letter from the Acting Director, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the response to the emergency declared as a result the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005 in the State of Florida, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

6515. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting a copy of the Central and Southern Florida Project Indian River Lagoon-South Feasibility Study; to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HUNTER: Committee on Armed Services. House Resolution 645. Resolution requesting the President and directing the Secretary of Defense to transmit to the House of Representatives all information in the possession of the President or the Secretary of Defense relating to the collection of intelligence information pertaining to persons inside the United States without obtaining court-ordered warrants authorizing the collection of such information and relating to the policy of the United States with respect to the gathering of counterterrorism intelligence within the United States; adversely (Rept. 109-384). Referred to the House Calendar.

Mr. HOEKSTRA: Permanent Select Committee on Intelligence. House Resolution 641. Resolution requesting the President to provide to the House of Representatives certain documents in his possession relating to electronic surveillance without search warrants on individuals in the United States; adversely (Rept. 109–385). Referred to the House Calendar.

Mr. GINGREY: Committee on Rules. House Resolution 710. Resolution providing for further consideration of the bill (H.R. 4167) to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes (Rept. 109–386). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HUNTER (for himself, Mr. SAXTON, Mr. SKELTON, Mr. DAVIS of Kentucky, Mrs. JO ANN DAVIS of Virginia, Mr. JONES of North Carolina, Mr. LOBIONDO, Mr. MILLER of Florida, Mr. SMITH of New Jersey, Mr. POE, Mr. BACHUS, Mr. HEFLEY, Mr. NEY, Mr. TURNER, and Mr. DUNCAN):

H.R. 4881. A bill to promote the national defense by establishing requirements for the ownership, management, and operation of critical infrastructure in the United States, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Armed Services, Energy and Commerce, International Relations, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMBO (for himself, Mr. RAHALL, Mr. PEARCE, and Mrs. CHRISTENSEN):

H.R. 4882. A bill to ensure the proper remembrance of Vietnam veterans and the Vietnam War by providing a deadline for the designation of a visitor center for the Vietnam Veterans Memorial; to the Committee on Resources.

By Mr. FITZPATRICK of Pennsylvania (for himself and Mr. SCHIFF):

H.R. 4883. A bill to provide justice for crime victims' families, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY of Minnesota:

H.R. 4884. A bill to amend the Internal Revenue Code of 1986 to include in gross income the value of assets set aside under an employer nonqualified deferred compensation plan when the employer defined benefit plan has a funding target attainment percentage of less than 80 percent; to the Committee on Ways and Means.

By Ms. BERKLEY:

H.R. 4885. A bill to amend the Defense Production Act of 1950 to prohibit acquisitions, mergers, or takeovers of persons engaged in interstate commerce in the United States by entities controlled by or acting on behalf of foreign governments that do not recognize countries that are member states of the United Nations, participate in boycotts against countries that are friendly to the United States, or provide support for international terrorism; to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCGOVERN (for himself, Mr. GRIJALVA, Mr. KUCINICH, and Mr. DELAHUNT):

H.R. 4886. A bill to designate Colombia under section 244 of the Immigration and Nationality Act in order to make nationals of Colombia eligible for temporary protected status under such section; to the Committee on the Judiciary.

By Ms. BERKLEY:

H.R. 4887. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts awarded to qui tam plaintiffs; to the Committee on Ways and Means.

By Mr. BOUSTANY (for himself, Mr. BAKER, Mr. ALEXANDER, Mr. MELANCON, and Mr. JINDAL):

H.R. 4888. A bill to amend the provision regarding the emergency watershed protection program in the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006, to restore the discretion of the Secretary of Agriculture to waive or reduce the non-Federal cost share requirements of the program; to the Committee on Agriculture.

By Mr. GINGREY:

H.R. 4889. A bill to grant the power to the President to reduce budget authority; to the Committee on the Budget, and in addition to the Committees on Rules, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Wisconsin (for himself, Mr. DREIER, Mr. FEENEY, Mr. CHOCOLA, Mr. GREEN of Wisconsin, Mr. KINGSTON, Mr. HENSARLING, Mr. HERGER, Mr. HAYWORTH, Mr. ISTOOK, Mr. SHAYS, Mr. WILSON of South Carolina, Mr. SESSIONS, Mr. RYUN of Kansas, Mr. GARRETT of New Jersey, Mr. FLAKE, Mr. CANTOR, Mrs. MUSGRAVE, Mr. CONAWAY, Mr. MATHESON, Mr. INGLIS of South Carolina, Mr. PENCE, Mr. FORTUÑO, Mr. BACHUS, Mr. UPTON, Mr. PLATTS, Mr. BURTON of Indiana, Mr. MCHENRY, Mr. MORAN of Kansas, Mr. PITTS, Mr. ROYCE, Mr. POMBO, Mr. SHADEGG, Mr. BEAUPREZ, Mrs. BONO, Mr. KIRK, Mr. MACK, Mr. TERRY, Mr. KENNEDY of Minnesota, Mr. PUTNAM, Mr. KLINE, Mr. CANNON, Mr. RENZI, Mr. GALLEGLY, Mrs. BLACKBURN, Mr. SENSENBRENNER, Mr. ENGLISH of Pennsylvania, and Mr. UDALL of Colorado):

H.R. 4890. A bill to amend the Congressional and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr. SHAYS, Mrs. LOWEY, Mr. ENGEL, and Mrs. KELLY):

H.R. 4891. A bill to require the Nuclear Regulatory Commission to conduct an Independent Safety Assessment of the Indian Point Nuclear Power Plant; to the Committee on Energy and Commerce.

By Mr. PAUL (for himself and Mr. JONES of North Carolina):

H.R. 4892. A bill to require the Board of Governors of the Federal Reserve System to continue to make available to the public on a weekly basis information on the measure of the M3 monetary aggregate, and its components, and for other purposes; to the Committee on Financial Services.

By Mr. POMBO:

H.R. 4893. A bill to amend section 20 of the Indian Gaming Regulatory Act to restrict off-reservation gaming; to the Committee on Resources.

By Mr. PORTER:

H.R. 4894. A bill to provide for certain access to national crime information databases by schools and educational agencies for employment purposes, with respect to individuals who work with children; to the Committee on the Judiciary.

By Mr. ROHRABACHER:

H.R. 4895. A bill to amend the Foreign Assistance Act of 1961 to limit the provision of United States military assistance and the sale, transfer, or licensing of United States military equipment or technology to Ethiopia; to the Committee on International Relations.

By Ms. SCHAKOWSKY (for herself, Mr. BROWN of Ohio, Mrs. MCCARTHY, Mr. LANTOS, Ms. NORTON, Ms. MILLENDER-MCDONALD, Ms. KILPATRICK of Michigan, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mr. SERRANO, Mr. MCDERMOTT, and Mr. GUTIERREZ):

H.R. 4896. A bill to direct the Consumer Product Safety Commission to promulgate a consumer product safety standard for each durable infant or toddler product, and for other purposes; to the Committee on Energy and Commerce.

By Mr. UDALL of Colorado (for himself and Mr. LATHAM):

H.R. 4897. A bill to reauthorize the Renewable Energy Systems and Energy Efficiency Improvements Program of the Department of Agriculture through fiscal year 2011 and to increase the annual level of Commodity Credit Corporation funding for the program; to the Committee on Agriculture.

By Mr. REGULA (for himself, Mr. SAM JOHNSON of Texas, and Mr. BECERRA):

H.J. Res. 81. A joint resolution providing for the appointment of Phillip Frost as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. REGULA (for himself, Mr. SAM JOHNSON of Texas, and Mr. BECERRA):

H.J. Res. 82. A joint resolution providing for the reappointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. RANGEL:

H. Con. Res. 352. Concurrent resolution recognizing the contributions of the New York Public Library's Schomburg Center for Research in Black Culture in educating the people of the United States about the African-American migration experience, and for other purposes; to the Committee on the Judiciary.

By Mr. COSTA (for himself, Mr. GILLMOR, Mr. REGULA, Mr. HOBSON, and Mr. SHADEGG):

H. Res. 711. A resolution recognizing and honoring the 150th anniversary of the founding of the Sigma Alpha Epsilon Fraternity; to the Committee on Education and the Workforce.

By Mr. PETERSON of Minnesota:

H. Res. 712. A resolution commending the United States men's and women's curling teams on their accomplishments at the 2006 Winter Olympic Games in Torino, Italy; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

262. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 30 memorializing the Congress of the United States to take such actions as are necessary to amend the No Child Left Behind Act to provide that paraprofessionals who are employed in Title I schools prior to the enactment of the No Child Left Behind Act shall be deemed to have met the definition of "highly qualified" for purposes of such legislation due to such employment and the experience gained as a result of such employment; to the Committee on Education and the Workforce.

263. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 32 memorializing the Congress of the United States to take such actions as are necessary to close the Mississippi River Gulf Outlet; to the Committee on Transportation and Infrastructure.

264. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 5 memorializing the Congress of the United States to take such actions as are necessary to require the Federal Emergency Management Agency to honor the preferences of local governing authorities in determining the location of temporary housing sites; to the Committee on Transportation and Infrastructure.

265. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 20 urging the Louisiana congressional delegation to ensure enactment of legislation to require the Federal Emergency Management Agency to provide the same level assistance to the residents of certain parishes who were affected by Hurricane Rita as the residents of Louisiana affected by Hurricane Katrina, including funding assistance with demolition and removal of damaged housing; to the Committee on Transportation and Infrastructure.

266. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 24 memorializing the Congress of the United States to take such actions as are necessary to immediately close the Mississippi River Gulf Outlet and return the are to essential coastal wetlands and marshes; to the Committee on Transportation and Infrastructure.

267. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 26 urging the United States Army Corps of Engineers to provide a listing of all Hurricane Katrina and Hurricane Rita related projects, including specific details including the type of work, the name of the contractor, and the total price of the contract; to the Committee on Transportation and Infrastructure.

268. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 17 memorializing the Congress of the United States to take such actions as are necessary to allow a five hundred dollar federal tax deduction for people who housed evacuees rent free for at least sixty continuous days as a result of Hurricane Rita; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. MEEK of Florida.

H.R. 95: Mr. HOLT and Mr. LATOURETTE.

H.R. 147: Mrs. NORTHUP.

H.R. 198: Mr. MCCOTTER.

H.R. 200: Mrs. WILSON of New Mexico.

H.R. 282: Mr. PETERSON of Minnesota, Mr. MARKEY, and Mr. PAYNE.

H.R. 283: Mr. MOORE of Kansas.

H.R. 354: Mr. ENGLISH of Pennsylvania.

H.R. 363: Ms. SCHAKOWSKY, Mr. BACA, and Mr. EMANUEL.

H.R. 503: Mr. GREEN of Wisconsin and Mr. GERLACH.

H.R. 515: Mr. MURPHY.

H.R. 517: Mrs. CAPPS, Mr. BACA, and Mr. BRADY of Texas.

H.R. 550: Ms. NORTON, Mr. STRICKLAND, and Mr. ENGLISH of Pennsylvania.

H.R. 552: Mr. LATHAM and Mr. ROGERS of Kentucky.

H.R. 586: Mr. BOOZMAN.

H.R. 611: Ms. WATERS and Mr. BURTON of Indiana.

H.R. 615: Mr. CONYERS.

H.R. 669, Mr. KING of New York.

H.R. 752: Ms. WASSERMAN SCHULTZ, Mr. PRICE of North Carolina, Mr. GORDON, Mr. WEXLER, Mr. NEAL of Massachusetts, Ms. PELOSI, Mr. CARNAHAN, Mr. HONDA, Mr. PAYNE, Ms. LINDA T. SÁNCHEZ of California, Mr. DINGELL, and Mr. GONZALEZ.

H.R. 769: Mr. DELAHUNT.

H.R. 791: Mr. DAVIS of Tennessee.

H.R. 807: Mr. ANDREWS, Mr. CONYERS, and Mr. NADLER.

H.R. 808: Mr. RYAN of Ohio, Mrs. KELLY, Mr. DELAHUNT, and Mr. RAHALL.

H.R. 838: Mr. BISHOP of New York.

H.R. 888: Mr. MURPHY.

H.R. 898: Mr. RANGEL, Mr. JEFFERSON, and Mr. LARSON of Connecticut.

H.R. 998: Ms. BERKLEY, Mr. WILSON of South Carolina, Mr. AL GREEN of Texas, and Mr. PUTNAM.

H.R. 1053: Mr. SMITH of Washington, Mr. HYDE, Mr. ROHRABACHER, Mr. FATTAH, Ms. SLAUGHTER, Mrs. TAUSCHER, Mr. KIND, Mr. WILSON of South Carolina, Ms. HART, Ms. HARRIS, Mr. BRADY of Pennsylvania, and Ms. WATSON.

H.R. 1120: Mr. ROTHMAN.

H.R. 1188: Mr. STRICKLAND.

H.R. 1227: Mr. BOUSTANY and Mr. FARR.

H.R. 1262: Ms. LORETTA SANCHEZ of California.

H.R. 1345: Ms. DEGETTE.

H.R. 1366: Mr. BARROW.

H.R. 1393: Mr. KILDEE, Mr. DOYLE, Mr. GUTKNECHT, Mrs. CUBIN, Mr. DAVIS of Tennessee, and Mrs. MCCARTHY.

H.R. 1447: Mr. ROTHMAN.

H.R. 1494: Mr. MARSHALL, Mr. GREEN of Wisconsin, Mr. BAKER, and Mr. BASS.

H.R. 1498: Mrs. MALONEY, Ms. LEE, Mr. BONNER, Mrs. MCCARTHY, and Mr. GONZALEZ.

H.R. 1558: Mr. PLATTS.

H.R. 1578: Mr. SHAYS, Mr. OWENS, and Mr. RYUN of Kansas.

H.R. 1588: Mr. PAYNE.

H.R. 1621: Mr. WEXLER, Mr. BISHOP of Utah, Mr. LYNCH, Mr. MCGOVERN, and Mr. EMANUEL.

H.R. 1649: Mr. FATTAH.

H.R. 1671: Mr. SODREL.

H.R. 1806: Mr. ANDREWS.

H.R. 1951: Mr. BACA.

H.R. 2045: Mr. WILSON of South Carolina.

H.R. 2073: Mr. MEEHAN.

H.R. 2230: Mrs. MCCARTHY.

H.R. 2317: Mr. MOLLOHAN and Ms. KILPATRICK of Michigan.

H.R. 2348: Mr. RENZI.

H.R. 2369: Mr. FATTAH, Mr. REHBERG, Mr. ROGERS of Kentucky, Mr. HAYES, Mr. KLINE, Mr. BERMAN, Mr. MURPHY, and Mr. ENGLISH of Pennsylvania.

H.R. 2390: Mr. MARKEY.

H.R. 2421: Mrs. CAPITO and Ms. MOORE of Wisconsin.

H.R. 2534, Mr. JONES of North Carolina.

H.R. 2592: Ms. SCHAKOWSKY.

H.R. 2642: Mr. BARROW.

H.R. 2669: Mr. TOWNS.

H.R. 2684: Ms. MCCOLLUM of Minnesota and Ms. BERKLEY.

H.R. 2716: Mr. VAN HOLLEN and Ms. BALDWIN.

H.R. 2793: Mr. OBEY and Mr. FATTAH.

H.R. 2804: Mr. PUTNAM.

H.R. 2939: Mr. VAN HOLLEN.

H.R. 3004: Mr. GRAVES.

H.R. 3167: Mr. WELDON of Florida.

H.R. 3255: Ms. GINNY BROWN-WAITE of Florida.

H.R. 3318: Mr. PETERSON of Minnesota.

H.R. 3352: Mr. HOSTETTLER.

H.R. 3361: Ms. HERSETH and Ms. WATSON.

H.R. 3476: Mr. MCCOTTER, Mr. HOLT, Mr. DAVIS of Florida, Mr. MEEKS of New York, Mr. WALSH, Mr. BACA, Mr. ENGLISH of Pennsylvania, Mrs. CAPPS, and Mr. FILNER.

H.R. 3478: Mr. ROGERS of Kentucky, Miss MCMORRIS, Mr. SALAZAR, and Ms. HARRIS.

H.R. 3861: Mr. RYAN of Ohio and Mr. GONZALEZ.

H.R. 3954: Ms. SLAUGHTER.

H.R. 3986: Mr. GONZALEZ.

H.R. 4005: Mr. CHANDLER, Mr. GILLMOR, Mr. SABO, Mr. VAN HOLLEN, Mr. MARSHALL, Mrs. MCCARTHY, Ms. MOORE of Wisconsin, and Mr. RYAN of Ohio.

H.R. 4015: Mr. BISHOP of Georgia, and Mr. WILSON of South Carolina.

H.R. 4019: Mr. PRICE of Georgia, Ms. GINNY BROWN-WAITE of Florida, and Mr. GOODLATTE.

H.R. 4188: Ms. SCHAKOWSKY, and Mr. SANDERS.

H.R. 4197: Mr. BECERRA.

H.R. 4201: Mr. MCDERMOTT, and Ms. MATSUI.

H.R. 4211: Mr. BROWN of Ohio, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. MEEKS of New York, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4217: Mr. KLINE.

H.R. 4236: Mr. BARTLETT of Maryland, and Mr. MORAN of Kansas.

H.R. 4244: Mr. LATOURETTE.

H.R. 4291: Mr. CLAY, Ms. MOORE of Wisconsin, and Ms. SCHAKOWSKY.

H.R. 4315: Mr. MCCAUL of Texas.

H.R. 4319: Mr. MORAN of Virginia.

H.R. 4338: Mr. BISHOP of Georgia.

H.R. 4341: Mr. HOEKSTRA, Mr. HULSHOF, Mrs. MUSGRAVE, Mr. DAVIS of Alabama, Mr. MURTHA, and Mr. SHUSTER.

H.R. 4357: Ms. MCKINNEY, and Mr. JONES of North Carolina.

H.R. 4364: Mr. CONAWAY, Mr. MCCOTTER, Mr. OTTER, Mr. SULLIVAN, Ms. FOXX, Mr. FRANKS of Arizona, Mr. SAM JOHNSON of Texas, and Mr. RAHALL.

H.R. 4403: Mr. KILDEE.

H.R. 4423: Mr. TOWNS, Mr. WOLF, Mr. ROYCE, Mr. ROHRABACHER, Mr. TANCREDO, Mr. SABO, Mr. MORAN of Virginia, and Mr. BOYD.

H.R. 4434: Mr. SHAYS.

H.R. 4460: Mr. MILLER of Florida.

H.R. 4474: Ms. DEGETTE.

H.R. 4493: Mr. MCGOVERN, Mrs. MCCARTHY, and Ms. KAPTUR.

H.R. 4542: Mr. HOLT, Mr. DELAHUNT, Mr. AL GREEN of Texas, Mr. INSLEE, and Mr. KILDEE.

H.R. 4547: Mr. BOREN, Mr. HERGER, Mr. GORDON, and Ms. HART.

H.R. 4551: Mr. GARRETT of New Jersey.

H.R. 4562: Mr. RYAN of Ohio, Mr. MCCOTTER, Mr. KIND, Mr. ROTHMAN, Ms. HARRIS, Mr. FALEOMAVAEGA, Mr. MCNULTY, and Mr. BURTON of Indiana.

H.R. 4623: Mr. TERRY and Mr. FATTAH.

H.R. 4625: Mr. BOUSTANY.

H.R. 4646: Mr. RADANOVICH, Mr. ROHRABACHER, Mr. MATHESON, Mr. SCOTT of Virginia, Mr. DANIEL E. LUNGREN of California, Mr. POMBO, Mrs. LOWEY, Ms. SOLIS, Ms. SCHAKOWSKY, Mrs. DAVIS of California, Mrs. BONO, Mr. MARKEY, Mr. JONES of North Carolina, Mr. HONDA, Mr. NEAL of Massachusetts, Ms. MATSUI, Ms. WOOLSEY, Ms. PELOSI, Mr. COSTA, Mr. MCKEON, Ms. WATERS, Ms. LORETTA SANCHEZ of California, Mr. GARY G. MILLER of California, Mr. OSBORNE, Mr. HERGER, Mr. NUNES, Mr. CALVERT, Mr. ISSA, Mr. BUYER, and Mr. GRIJALVA.

H.R. 4662: Mr. WYNN and Mr. ENGLISH of Pennsylvania.

H.R. 4668: Mr. LOBIONDO and Mr. SAXTON.

H.R. 4681: Mr. LUCAS, Ms. GINNY BROWN-WAITE of Florida, Mr. HIGGINS, Mr. BOSWELL, Mr. MATHESON, Mrs. SCHMIDT, Mr. CARDIN, Mr. MURPHY, Mrs. EMERSON, Miss MCMORRIS, Mrs. LOWEY, Mr. BARTLETT of Maryland, Mr. STRICKLAND, Mr. WYNN, Mr. PORTER, Mr. BARROW, Mr. DAVIS of Kentucky, Mr. SIMMONS, Mr. KLINE, Mr. DENT, Mrs. NAPOLITANO, Ms. CORRINE BROWN of Florida, Mr. PUTNAM, Mr. FOLEY, and Mr. GORDON.

H.R. 4685: Mr. FATTAH and Mr. RYAN of Ohio.

H.R. 4687: Ms. MOORE of Wisconsin.

H.R. 4696: Mr. GERLACH.

H.R. 4704: Mr. JEFFERSON and Ms. JACKSON-LEE of Texas.

H.R. 4709: Mr. KLINE.

H.R. 4727: Ms. BERKLEY.

H.R. 4736: Mr. GRIJALVA and Ms. MCCOLLUM of Minnesota.

H.R. 4740: Mr. BROWN of South Carolina and Mr. BARTLETT of Maryland.

H.R. 4747: Mr. RANGEL, Mr. KILDEE, Ms. KILPATRICK of Michigan, Ms. SCHAKOWSKY, Mr. MCGOVERN, and Mr. GRIJALVA.

H.R. 4751: Mr. MCHUGH and Mr. MCCOTTER.

H.R. 4755: Mr. STARK, Mr. RYAN of Wisconsin, Mr. KUCINICH, Mr. MCCOTTER, Ms. VELÁZQUEZ, Mr. RUSH, and Ms. DELAURO.

H.R. 4761: Mr. WAMP, Mr. DOOLITTLE, Mr. ROGERS of Alabama, and Mr. YOUNG of Alaska.

H.R. 4764: Mr. DAVIS of Illinois, Mr. JEFFERSON, Mr. BROWN of South Carolina, Mr. BISHOP of Georgia, and Mr. ENGLISH of Pennsylvania.

H.R. 4774: Mr. FORD, Mr. PLATTS, Mr. ENGLISH of Pennsylvania, and Mr. SABO.

H.R. 4780: Mr. MCCOTTER, Mr. TANCREDO, Mr. CASE, and Ms. HARRIS.

H.R. 4790: Mr. SESSIONS.

H.R. 4799: Mr. ENGLISH of Pennsylvania, and Mrs. WILSON of New Mexico.

H.R. 4800: Mr. RUSH.

H.R. 4807: Mr. ROGERS of Michigan, Mr. WALSH, Mr. JONES of North Carolina, Mr. RENZI, Ms. VELÁZQUEZ, Mr. WAMP, Mr. WEINER, Mr. ENGLISH of Pennsylvania, Mr. UDALL of Colorado, and Mr. MOORE of Kansas.

H.R. 4808: Mr. SANDERS, Mr. TANCREDO, Mr. RYAN of Ohio, Mr. DINGELL, Mr. MCCOTTER, Ms. KILPATRICK of Michigan, Mr. GOODE, Mr. DOYLE, and Ms. KAPTUR.

H.R. 4813: Ms. ROS-LEHTINEN, Mr. NEAL of Massachusetts, Mr. JONES of North Carolina, Mr. SIMPSON, and Mr. UDALL of Colorado.

H.R. 4820: Mr. EMANUEL, Mr. ALLEN, Mr. SANDERS, Mr. MCDERMOTT, and Mr. FILNER.

H.R. 4830: Mrs. MYRICK, Mr. FORD, Mr. GIBBONS, Mr. ENGLISH of Pennsylvania, Mr. SOUDER, and Mr. CONAWAY.

H.R. 4843: Mr. BURTON of Indiana, Mr. BRADLEY of New Hampshire, Mr. BROWN of South Carolina, Mr. BAKER, and Mr. BILIRAKIS.

H.R. 4859: Mr. BURTON of Indiana.

H.R. 4864: Mr. BISHOP of Georgia and Mr. ROGERS of Alabama.

H.J. Res. 78: Mr. MCGOVERN.

H. Con. Res. 3: Ms. BORDALLO.

H. Con. Res. 24: Mr. ANDREWS.

H. Con. Res. 222: Mr. ANDREWS.

H. Con. Res. 235: Mr. GERLACH and Mr. PETERSON of Minnesota.

H. Con. Res. 320: Mr. TOWNS, Mr. SAM JOHNSON of Texas, and Mr. FORTENBERRY.

H. Con. Res. 336: Ms. JACKSON-LEE of Texas.

H. Con. Res. 338: Mr. WEXLER.

H. Con. Res. 346: Mr. BACHUS, Mr. BURTON of Indiana, and Mr. HALL.

H. Res. 295: Mr. OWENS and Mr. PALLONE.

H. Res. 316: Mrs. MUSGRAVE and Mr. MCINTYRE.

H. Res. 566: Mr. MATHESON, Mr. SIMMONS, Mr. RENZI, Mr. KUCINICH, Mr. HINCHEY, and Mr. MORAN of Kansas.

H. Res. 578: Mr. MORAN of Kansas, Mr. DELAHUNT, and Ms. SCHAKOWSKY.

H. Res. 608: Mr. RYAN of Ohio, Ms. BORDALLO, Ms. HARRIS, Ms. HART, Mr. KELLER, Mr. SULLIVAN, Mr. NUNES, Mr. SHIMKUS, Mr. BARRETT of South Carolina, Mr. WELLER, Mr. RENZI, Mr. CONAWAY, and Mr. SHUSTER.

H. Res. 616: Mr. VAN HOLLEN and Mr. MICHAUD.

H. Res. 658: Mr. COSTELLO and Mr. SERRANO.

H. Res. 673: Ms. HART, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. ENGLISH of Pennsylvania, and Mr. CARDIN.

H. Res. 680: Mr. MCDERMOTT.

H. Res. 681: Mr. CARNAHAN.

H. Res. 698: Ms. KILPATRICK of Michigan and Mr. DINGELL.

H. Res. 699: Ms. LORETTA SANCHEZ of California.

H. Res. 700: Ms. HARRIS, Mr. CROWLEY, Mr. ENGEL, Mr. ROGERS of Michigan, Mr. ACKERMAN, Mr. DENT, and Mr. ENGLISH of Pennsylvania.

H. Res. 701: Mr. INGLIS of South Carolina.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 415: Mr. LEWIS of Georgia.

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO THE HONORABLE PETER I. BREEN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Peter I. Breen for his service as a District Court Judge in the great State of Nevada.

Peter was born in Reno, Nevada, November 8, 1939. His mother, Gwendolyn (Ingram), was born in Sparks, Nevada, in 1908. His father, Peter, was born in Eureka, Nevada, in 1901, was District Judge of the Fifth Judicial District from 1956 to 1967. His grandfather, Peter Breen, was District Judge of the Third Judicial District from 1901–1923.

Peter was raised and educated in Goldfield and Tonopah, Nevada, where he graduated from Tonopah High School in 1956. He graduated from the University of Nevada in 1960 and the University of Santa Clara Law School in 1963.

Peter practiced law both in Reno and Carson City from 1963 to 1973. From 1967 to 1970 he served as Deputy Attorney General. Following that, he was a partner with Emerson J. Wilson in the firm of Wilson and Breen, Ltd. at the time of his appointment to the bench. Governor O'Callaghan made his appointment to fill the newly created Department Seven effective January 2, 1974. Peter has been elected six times to the post without opposition.

The Washoe County Courthouse Historical and Preservation Society was formed in June 1999 by Peter for the purpose of restoration and preservation of the historical courthouse and its history. The Society instituted the Flag Day Celebration in 2000 and holiday lighting of the courthouse, and they have become popular traditions. Peter continues to serve as the Society's President. A commemoration of the recently restored historical courtroom is to occur in 2006.

On July 1, 1999, Peter instituted a Probate Court in the District Court and presides over its operation.

Peter instituted the Washoe County Adult Drug Court on July 1, 1995. He also created and presides over a Diversion Court for criminal offenders whose crimes are attributable to drug addiction or alcoholism. He has participated at the National Judicial College in Reno, Nevada, and National Association of Drug Court Professionals in several programs concerning the Drug Court movement. In November 2001, he established the first Mental Health Court in Nevada.

Mr. Speaker, I am honored to recognize the Honorable Peter I. Breen on the floor of the House today.

IN HONOR OF THE MONTEREY CIVIC CLUB

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. FARR. Mr. Speaker, I rise today to honor the Monterey Civic Club which is celebrating its 100th anniversary this year. The Monterey Civic Club was founded in 1906 with the purpose of working to improve, beautify and promote the welfare of Monterey and help preserve its rich history. Looking back, I would like to applaud the work they have done over the past 100 years, and I look forward to the work they will continue to undertake in the next 100 years.

The Monterey Civic Club is located in the "House of the Four Winds", a historic adobe built in the 1830s by Thomas Oliver Larkin, the first and only American Consul to Alta California. This house has undergone many uses, including: a store under Governor Alvarado during the American occupation, headquarters for Secretary of State H.W. Halleck, and the location of the first Hall of Records for the State of California. The Monterey Civic Club bought this historic adobe in 1914 and restored it. Today, "The House of the Four Winds" is home to what is believed to be the oldest women's clubhouse in continuous use in the United States.

Since its inception, the Monterey Civic Club has undertaken several projects and donated thousands of dollars to local charities dedicated to improving the quality of life in Monterey. Among its accomplishments are: building a bridge over muddy Del Monte Avenue in 1907, participating in adobe tours, maintaining and preserving the historic "House of the Four Winds", and the paintings and articles of historical significance located therein. Another of the club's beneficial endeavors is the lively and traditional "El Baile de Los Cascarones," a pre-Lent "Cascarone Ball" held annually since 1939. The ticket sales from this traditional Spanish ball go to local charities and maintenance of the adobe.

Mr. Speaker, it is organizations like the Monterey Civic Club, with their dedication to preserving and improving the character of our local communities that make life unique in this vast and beautiful nation of ours. A distinct sense of identity is created by building upon local heritage, creating pride in the community. It is this sense of local pride that influences people to get involved in their communities, initiating the type of citizen service that our democracy depends on. The Monterey Civic Club's 100th anniversary is a commendable achievement, and I salute the club's numerous accomplishments.

EDITORIAL OF PRESIDENT BUSH'S VISIT TO INDIA

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. WILSON of South Carolina. Mr. Speaker, on Thursday, March 2, 2006, The Post and Courier of Charleston, South Carolina, published the following editorial regarding President Bush's historic visit to India and the nuclear agreement between the United States and India.

HISTORIC RECONCILIATION WITH INDIA

President George W. Bush's whirlwind, five-day visit to South Asia is almost certain to have lasting significance. By visiting India, the world's largest democracy, and also making a previously unannounced stop in Afghanistan, one of the world's youngest developing democracies, the president continues to demonstrate his commitment to political freedom.

The embrace of India, after decades of strained relations, follows a five-year personal courtship by President Bush. It ranks as one of the president's most important diplomatic achievements. Its lasting success depends on maintaining the right balance in America's relationship with Pakistan, a vital strategic ally in the war against al-Qaida-led terrorism, and also with China. After three days in India, Mr. Bush flies on to Pakistan, the subcontinent's rival nuclear power and India's foe in three wars.

United States and Indian interests intersect in many areas: in the fight against Muslim terrorism: in promoting democracy through a joint Global Democracy Initiative and a new United Nations Democracy Fund; in combating threats to public health such as AIDS and pandemic flu; in developing new energy technologies, including nuclear energy; and in trade. Economic ties are strong. United States exports to India rose 30 percent in 2005, and despite the controversial outsourcing of American service jobs to India, the United States trade surplus with India was $1.8 billion last year.

United States friendship with India also helps counterbalance China's rising economic and military power in the Asia region and keep the pressure on Pakistan's President Pervez Musharraf to suppress Islamic fundamentalist movements. The administration's most controversial initiative towards India—a proposal to share peaceful nuclear technology with a nation that has not joined the Nuclear Non-Proliferation Treaty—is moving forward. The president was conducting negotiations up to the last minute by telephone from Air Force One. If and when details are ironed out, and India opens its peaceful nuclear activities to international inspection. New Delhi will take its responsible place in the rank of the world's nuclear powers. That will place great pressure on Pakistan to follow suit.

The street demonstrations held to protest, peacefully, the president's visit, were mostly by Muslims. They served not only to underscore India's commitment to democracy, but

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

also to emphasize by contrast the warm reception the president and first lady were given by Prime Minister Manmohan Singh, who broke with protocol to meet them at the airport.

Polls show that the vast majority of the Indian people welcome what Prime Minister Singh described as "an act of historic reconciliation." This visit is already being compared to Richard Nixon's breakthrough journey to Communist China. By forging a new era in United States relations with South Asia, the president continues to build a foreign policy legacy.

PAYING TRIBUTE TO MARINE LANCE CPL. JOHN JOSHUA THORNTON, KILLED WHILE SERVING HIS COUNTRY IN IRAQ

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Marine Lance Cpl. John Joshua Thornton, who was killed on Saturday, February 25, 2006, at the age of 22, while serving in Iraq. I recognize him today for his dedicated service to this country for the cause of freedom in a global community.

Throughout his life, Josh did everything 100 percent. As a child, he took over the role as head of the household, after his father, Robert, died in a work-related accident. He was always a great son, but became a man overnight. Josh always enjoyed weightlifting and martial arts, and by the age of 7, he received his first black belt. He loved to help people, and he taught at an after-school program for underprivileged youth. Josh was always very outgoing and brought joy to those who knew him.

It was Josh's dream to be a Marine since he was very little. In November 2004, he joined the Marine Corp, 2 years after graduating in the top of his class at Tolleson Union High School. Josh was assigned as a rifleman to 3rd Battalion, 7th Marine Regiment and deployed to Iraq in September. As a Marine, he received the Combat Action Ribbon, the National Defense Service Medal, the Global War on Terrorism Service Medal and the Sea Service Deployment Ribbon. Tragically, on Saturday, February 25, he died of wounds received during an enemy mortar attack while serving in Ramadi, Iraq.

Joshua is survived by his mother, Rachel, brother, Kyle, and sister, Brianna.

Mr. Speaker, I appreciate the opportunity I have today, to recognize and honor Lance Cpl. John Joshua Thornton in front of my colleagues on the floor of the House of Representatives. I have been a longtime friend with his great, great grandmother Nita Andrews and her recently deceased husband, Ed Andrews.

PAYING TRIBUTE TO THE LEGACY OF MR. AND MRS. BEN H. CARPENTER

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. MARCHANT. Mr. Speaker, today I rise to pay tribute to Mr. and Mrs. Ben H. Carpenter. Their lifelong dedication to improving lives and communities in North Texas will be sorely missed. Ben Carpenter passed last Friday, March 3, at his home in Dallas. His wife, Betty Dupree, followed him in death on Sunday, March 5.

Mr. Carpenter's vision and astuteness as a business leader helped shepherd Dallas into a new role as an international city in the latter part of the 20th century. He ran one of the country's largest insurance companies, Southland Life Insurance, which was founded by his father, John Carpenter and later became Southland Financial Corp., for 30 years. In 1959, he built the city's tallest skyscraper, the Southland Center, which is now the Adam's Mark Hotel.

Mr. Carpenter's greatest legacy is Los Colinas, one of the most successful real estate developments in the United States. In the early 1970s he launched a plan to turn his family ranch into a world class residential and commercial community. Las Colinas now houses some 12,000 acres of apartments, homes, hotels, shopping centers, and company headquarters. The community is home to 40 Fortune 500 Companies today, including ExxonMobil, Nokia, Microsoft, and Kimberly Clark.

Mr. Carpenter served his country during World War II as a volunteer in the Army. He was awarded a Silver Star for his heroics in the China-Burma-India theater. Upon his graduation from the University of Texas at Austin in 1948, he married this lifelong love, Betty Ann Dupree.

Mrs. Carpenter will also be remembered for her commitment to service and giving spirit. She served as an officer and board member in several charitable organizations, including the Child Guidance Center of Dallas and the Irving Community Hospital. An active Presbyterian, she and her husband donated land for the creation of two new Presbyterian churches in the Dallas area. They also funded the construction of the Carpenter Chapel at the Presbyterian Hospital in Dallas.

Betty and Ben Carpenter were charitable contributors to multiple causes in North Texas. They provided land for the establishment of the Irving Arts Center and the Irving Community Hospital. Their generous gifts founded the Carpenter Family MBA Leadership Center and Carpenter Family MBA Leadership Endowment at the University of Texas at Austin, and the Ben H. and Betty Dupree Carpenter Endowment for Cardiovascular Research at the Heart, Lung, and Vascular Clinical Center of Excellence at St. Paul Hospital of Dallas.

Ben and Betty Carpenter's endeavors in both the business and service worlds have left an indelible mark on the city of Dallas and the state of Texas. I honor their lives and their legacy; North Texas would not be what it is today without their contributions.

RECOGNIZING THE ACCOMPLISHMENTS OF TED HODGES OF SALINA, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. MORAN of Kansas. Mr. Speaker, I rise today to recognize the accomplishments of Ted Hodges, a high school student from Salina, Kansas, who recently won the Kansas Voice of Democracy Audio Essay Competition. Ted's speech illustrates that our everyday activities are freedoms that should not be taken for granted. I would like to submit the text of his speech for the record to encourage the citizens of our Nation to cherish their freedoms.

How I Demonstrate My Freedom

I wake up, take a shower, get dressed, eat breakfast go to school I practice football, do my homework, talk with my family and friends, then go to bed. I go read the paper, go to church, watch TV. Each one of these simple, ordinary actions in itself seems mundane, but is actually a concrete expression of freedom that I enjoy daily. Going to school an indulgence? Attending church a privilege? Writing an essay a luxury? C'mon. Those are all things that we take for granted, right? They are things that I have to do!

In an address to Congress in 1941, President Franklin Delano Roosevelt enumerated four freedoms that every American should expect and protect: freedom of speech, freedom to worship, freedom from fear, and freedom from want. To me, this is a tremendous ideal that America has been defined by throughout the years. I am the everyday beneficiary of these four freedoms.

Firstly, I express my freedom of speech by doing things such as writing letters to the editor of my local newspaper, posting web logs on the internet, and also encouraging school board members to change various policies. All of these things I can do without fear of retribution. I can peacefully demonstrate or agitate for change on any subject. I can read articles in newspapers, magazines, and websites that represent every viewpoint of the political spectrum. I can make my own contributions, find my own voice.

The next freedom mentioned by President Roosevelt—freedom of religion—also is present in my life. Every day I see different religions. Christianity or Judaism, Muslim or Hindu; each of these has a place in this great nation. Some larger, some smaller, all tolerated. And not promoted or encouraged by the state or in our schools. I am free to offer a prayer to the God that I worship at any time, anywhere. Whether it's being a crucifer for the last eight years during my church's Sunday services or leading the team prayer after a hard-fought football game, I have that freedom.

Another freedom, freedom from fear, is too found in our society. Personally, I have the freedom to sleep well at night knowing that our troops are working diligently not only to preserve our way of life, but to also bring that opportunity to many others. A day does not go by that we should not be extremely appreciative to those who have stepped into the line of fire to keep our nation free from fear. Laws that will govern and protect me and my family whether we are black or white, male or female, young or old.

Freedom from want: Where do I start? I have all the privileges that the wealthiest nation on earth can give me. A strong school, competent teachers, good roads, and reliable energy. A hot shower. Food that's safe. Freedom from want is something that we as Americans utilize every second of every day.

As I look back on Franklin D. Roosevelt's four freedoms I begin to wonder, "How can I show my appreciation and demonstrate my own commitment to freedom?" The answer is shown in many of my every day actions.

By taking advantage of every opportunity bestowed upon me: working diligently at school so that I can become a better informed citizen. By exercising my religious freedom to worship God as I choose. By not being afraid to voice my opinion. By becoming an active member of my community—doing volunteer work, serving on boards. By paying taxes and holding the government accountable. By working to improve the way of life for my descendants. By registering for the selective service and being ready to serve our country. And by being a dedicated, informed voter.

Living within the confines and routines of a typical teenager's life, freedom might seem like a rare commodity. But the simple act of putting a pen to paper, of committing my voice to a recording for the Voice of Democracy audio essay profoundly represents the many freedoms I take for granted every day.

PAYING TRIBUTE TO TIMOTHY BURRIS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Timothy Burris, who retired on January 3rd of this year, after 26 years of dedicated service to the Las Vegas Metropolitan Police Department, his last 8 years serving in the Laughlin Substation as Detective.

Tim began his career in 1979 as a patrol officer in Las Vegas, and started the Bicycle Patrol Unit there. He moved up to work in the Detective Bureau, an assignment he has maintained for the last 15 years. Tim also served on the International Outlaw Motorcycle Gang Investigators Association and before joining Metro, he served 3 tours in Vietnam in the U.S. Navy as a crewman on the U.S.S. *Kawishiwi*, affectionately referred to as the "Special K" by the crew.

Demonstrating that his job is something he does, not who he is, Timothy's fondest memories are not necessarily the ones from being on the force, but rather memories of his family. The detective has 3 sons that he is very proud of; Timothy, 30, a high school art and theater teacher; Matthew, 27, a member of Metro's Mounted Patrol Unit; and James, 12, a middle school student and promising young bow-hunter.

Tim has spent much of his career downplaying his efforts while serving on the force. When approached with a recommendation for an award or medal, with his typical humble demeanor he will tell you that he doesn't see the need for medals or honors. He feels that he is just doing his job. That unassuming attitude is exactly what makes Tim so loved and respected.

His fellow police officers describe him as a real professional and a long-time solid police officer of the highest caliber. His outstanding record shows that he is the go-to-guy on any difficult case. His knowledge and experience will be greatly missed in southern Nevada.

Mr. Speaker, I am honored to recognize Timothy Burris on the floor of the House today. I congratulate him on a great career and wish him the best in retirement.

IN HONOR OF NOT THIS TIME VETS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. FARR. Mr. Speaker, I rise today to honor Not This Time Vets, a Santa Cruz County organization dedicated to ensuring the well being of veterans, both from previous and current conflicts. The organization was created in response to the indifference and hostility Vietnam soldiers faced as part of the Nation's criticism of the war. A non-profit organization, Not This Time Vets is committed to honoring the service and sacrifices of veterans in Santa Cruz County as well as show appreciation for citizens currently serving in Iraq, Afghanistan, and other parts of the world.

Not This Time Vets has demonstrated its appreciation to our veterans by drawing attention to their honorable service as well as advocating on their behalf in regard to preserving veterans' benefits and programs. For the estimated 18,000 veterans in Santa Cruz County, Not This Time Vets works to pay tribute to military service through organizing celebrations, informational events and advocating for effective veterans' support policies. On May 21, 2005, Not This Time Vets sponsored a parade in Santa Cruz, which drew an estimated crowd of 2,000 people. Those in attendance enthusiastically showed their support for veterans of all eras. While Americans may differ in their view of current and previous conflicts, we all need to honor the young men and woman serving this country, past and present. This is a universal point of agreement that Not This Time Vets keeps front and center.

Mr. Speaker, we know military service is a valuable and difficult sacrifice. Organizations like Not This Time Vets provide important services to our communities and veterans by providing a forum through which recognition, respect and appreciation can be demonstrated to those who have served our country. While no gesture could ever remove the scars inflicted by war, Not This Time Vets hopes to heal those physical and emotional wounds by publicly recognizing their service and bringing to light the tribulations they still endure. I applaud Not This Time Vets for the services they have provided to veterans in our community and their intentions to spread their message of healing and appreciation throughout the country.

CELEBRATING THE 80TH BIRTHDAY OF RICH DEVOS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to honor Richard (Rich) DeVos, a great American business leader, on the special occasion of his 80th birthday. Rich cofounded Amway Corporation, a direct selling company, based on the principle of helping people live better lives. By providing individuals around the world the opportunity to be entrepreneurs, Amway has become an industry leader, and is now a subsidiary of Alticor, Inc.—a Michigan-based company with international presence and annual sales of $6.4 billion.

Now retired from the company, Rich serves as Chairman of the Orlando Magic, which he and his family acquired in 1991. Rich continues to be a source of inspiration and motivation to others by sharing accounts of his personal challenges and achievements through speaking engagements and writings. Remarkably, Rich did not stop upon reaching his American Dream, but rather continues to encourage others to believe in themselves and pursue their own dreams. Rich DeVos was born in Grand Rapids, Michigan on March 4, 1926. He and his wife, Helen DeVos, have four children and fifteen grandchildren.

PAYING TRIBUTE TO SERGEANT GARY HOOD

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Las Vegas Metropolitan Police Department Sergeant Gary Hood who retired on January 3, 2006, after 24 years of service on the force.

Sgt. Hood began his career with the Las Vegas Metropolitan Police Department (Metro) in 1976, after serving in the Air Force for 8 years. He was a crew member of the USAF Thunderbirds before leaving the service. At Metro, Sgt. Hood started as patrol officer and remained so by choice for 15 years. He also served in the Special Investigations and Concealed Weapons units for about 2 years and 6 years respectively. Sgt. Hood has been a sergeant for 14 years.

He and his wife, Sue, are the parents of two beautiful daughters, Christina, 26, and Erin, 21. They also have one granddaughter, Rhianna, 5. All are residents of Henderson, NV.

The more notorious cases that he was involved with during his career include the shooting of rapper Tupac Shakur and the violent fight between the rival Hells Angels and Mongol outlaw biker gangs during the Laughlin River Run in 2002. Three people were killed and 13 others were shot or stabbed in the confrontation.

Sgt. Hood received the 2002 Medal of Valor for his efforts in the shoot-out, the highest honor issued by the department. He also gives of himself by being a member of the Laughlin Town Advisory Board, a volunteer position. He can be described as a dedicated man, dedicated to the community, the police department and his family.

Mr. Speaker, it is a privilege to honor Sgt. Gary Hood on the floor of the House today. I congratulate him on his retirement. He has been an honorable and valuable public servant and he will be missed.

RECOGNIZING KATELYN SELOFF OF CARROLLTON, TEXAS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. MARCHANT. Mr. Speaker, today I rise to recognize Katelyn Seloff of Carrollton, Texas. Katelyn has been named one of the top youth volunteers in Texas for 2006 in the 11th annual Prudential Spirit of Community Awards.

Katelyn Seloff, age 13, is an eighth-grader at DeWitt Perry Middle School in Carrollton, Texas. She created a peer tutoring program to provide students with academic help without the pressures of being tutored by a teacher. Katelyn recruited 21 students to volunteer as tutors. Together they provided regular tutoring sessions for 15 students in need of assistance. Her efforts led to her selection as a Distinguished Finalist in this year's Prudential Spirit of Community awards program.

Today I salute Katelyn for her impressive community service activities. It is encouraging to see outstanding young adults like her making significant contributions to their communities. I thank Katelyn for her dedication to volunteering; she is a great example of the high quality of the young people in our North Texas schools. I am proud to represent her in the U.S. House of Representatives.

RECOGNIZING THE COMMUNITY OF PALCO, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. MORAN of Kansas. Mr. Speaker, I rise today to recognize the citizens of Palco, Kansas for long-term efforts to sustain and revitalize their community.

Mayor Leo VonFeldt is proud to call this town of 235 people home. "Palco continues to grow," Vonfeldt said. "The community has done a lot to keep going forward."

Over the last ten years, the citizens of Palco have taken action to ensure that their community continues to be home to another generation of Kansans.

In 1996, a USDA Rural Development grant was supplemented by $125,000 of local dollars in order to complete an expansion of Kyser Machine Products. This effort provided six jobs to the local economy.

The development of Keller Motors/Petro Plus & Quality Collision Repair was completed in 1998. This half a million dollar project included a $250,000 owner investment, $200,000 in local contributions and Federal funding of $50,000. The result of this shared investment is that 6 employees now provide area residents a full service gas station, 24 hour fuel access and auto collision service. The business has made a positive contribution to the community. The significance of that contribution was highlighted when owner Myron Keller was recognized as the 2004 National Young Entrepreneur of the Year by the U.S. Small Business Administration. Keller said he was humbled by the award, which in his opinion belongs to the entire community. "Our community recognizes that we can't just sit back. We must be pro-active and keep working hard for a better future," Keller said. "Nothing just happens in rural America. You have to make it happen."

In 2002, a dedicated effort was made to enhance local government services through construction of a new city building. The facility was funded by $120,000 in local donations and includes a city office, ambulance service and fire department.

The following year, community food service availability was greatly improved when the Palco Community Development Corporation purchased and completely remodeled a local restaurant. The $45,000 project has resulted in 6 day a week restaurant service. In addition, new ownership took over Palco's grocery store which preserved access to grocery service for local residents.

In 2004, an investment of $132,000 from local and Federal sources resulted in the renovation and opening of the Palco Medical Clinic. The clinic provides residents with needed health care service. Also, Midwest Community Bank opened a facility in Palco which preserved local access to lending and investment opportunities. That same year, the city completed a two year community enhancement initiative. The $2.2 million project established a home improvement program, a new sewer plant and construction of a new city street near the downtown area.

In the last decade, the citizens of Palco have leveraged more than $3,250,000 of private, local and Federal investment into their community. Most recently, the town has taken on the task of developing a local day care facility. Community leaders hope to have the facility open by the fall of this year. According to Mayor VonFeldt this is just one more example of the community coming together to achieve a goal. "Citizens are willing to give of their time, energy and resources," VonFeldt said. "This is what makes Palco great."

For rural communities to survive and prosper into the future, citizens must be willing to create their own opportunities for success. Ongoing efforts to revitalize Palco are an example of how hard work, vision and community support can create just such an opportunity. Citizens throughout Kansas are working together to enhance the quality of life in their communities. Palco is a success story that demonstrates how teamwork and creative thinking can make a positive difference in rural America.

PAYING TRIBUTE TO CONSTABLE PATRICK KETTERER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Laughlin Town Constable Patrick Ketterer for his outstanding service to the community of Laughlin and his dedication to making that community a safer and more pleasant place in which to live and visit.

Patrick Ketterer has been a Laughlin resident since 1988, moving there from Rochester, Michigan. He serves in one of two elected positions in the Laughlin Township. He was initially appointed to the position to fill a vacancy and has since been reelected to the position four times. He is the longest serving elected official in Laughlin.

Along with serving as the town Constable, Patrick Ketterer has given countless hours of service to the community through volunteer work. Some of his activities include serving with the Metro Volunteer Police (MVPs), volunteering as a Homeland Security reserve officer and working for the local Community Emergency Response Team as Team Trainer. He is also a member of the Kiwanis and Lions clubs, as well as the American Legion Post 60. On January 10, 2006, He received the Citizen of the Year award for 2005 from the Laughlin Town Advisory Board.

To the children of Laughlin Patrick Ketterer is known simply as "Santa." Usually arriving at holiday events by police car, fire truck, or even a horse and buggy, he has thrilled the children of the community for years by playing the role of Santa Claus.

Mr. Speaker, It is a privilege to honor Patrick Ketterer for his community service in the great state of Nevada.

CONGRATULATING THE ASIAN PACIFIC AMERICAN TIMES ON ITS 10TH ANNIVERSARY CELEBRATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to congratulate the Asian Pacific American Times on its upcoming 10th Anniversary celebration and to honor the important contributions this paper has made over the last decade. On March 25, 2006, the APA Times will celebrate a record of substantial achievement and growth among its readership.

The Asian Pacific American Times began with a narrower mission and title than it has today as the "Philippine American Times," focusing on issues relevant to Filipino-Americans living and working in Colorado. Over time the paper realized even greater potential to reach more Asian-American communities and it broadened its coverage and objectives accordingly. In March 2003, the Asian Pacific American Times became "The Voice of Asian Pacific Americans in the Rockies."

Reading the Asian Pacific American Times today, it is not uncommon to see datelines from locations as varied as Denver, Washington D.C., South Korea, Mongolia, China, and the Philippines. This breadth demonstrates the APA Times' dedication to reporting on a wide range of issues important to emerging Asian communities. In addition to substantive reporting and editing, it is important to recognize the APA Times' devotion to community involvement. Having won the Asian Chamber of Commerce Small Business of the Year Award in 2003 and the Martin Luther King, Jr. Business Social Responsibility Award in 2005, the APA Times shows a clear commitment beyond routine journalism to greater support of Asian-American communities and cultural awareness. From volunteering in programs to participating in commissions to organizing special events, the APA Times and its employees go above and beyond their laudable work as a press outlet to become public servants and community leaders.

For their accomplishments, service, and hard work, I ask my colleagues to join me in congratulating the employees of the Asian Pacific American Times on their 10th Anniversary and their many journalistic achievements over the last decade. I look forward to reading their work and witnessing their accomplishments for another ten years and beyond.

TRIBUTE TO PEACE CORPS VOLUNTEERS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. ORTIZ. Mr. Speaker, I rise today to recognize the Peace Corps as it reached its 45th anniversary on March 1, 2006. The Peace Corps is an outstanding organization that promotes peace through helping countless individuals who want to help build a better life for the community in which they serve.

Since the Peace Corps' inception in 1961, more than 182.000 Peace Corps Volunteers have been invited by 138 host countries to work in areas such as HIV/AIDS prevention, information technology, business development, education, and environmental preservation. The Peace Corps also works to empower people in various communities to take charge of their futures.

In addition to serving overseas, the Peace Corps' Crisis Corps Volunteers have helped their fellow Americans. In response to Hurricanes Katrina and Rita, the Peace Corps deployed approximately 272 Crisis Corps Volunteers to the Gulf Coast region to assist with hurricane response efforts, through an agreement with the Federal Emergency Management Agency (FEMA). This deployment of volunteers within the U.S. was an historic first for the Peace Corps.

I would like to take some time now to honor current Volunteers from my District who are working on the front lines of humanity: Christina M. Burke serving in Nicaragua, Lisa M. Droege serving in Honduras, Cibeles Garcia serving in Ghana, Jesse S. Lovegren serving Cameroon, Timothy A. Markin serving in Thailand. By engaging in this meaningful work, these volunteers are making significant contributions to individuals and communities throughout the world. Their family and loved ones should be justifiably proud of their service to the Peace Corps and the extraordinary way they have changed and improved people's lives.

Today, I ask that my colleagues join me in commemorating the 45th anniversary of the Peace Corps and its global mission towards world peace and humanitarian aid. The thousands of Volunteers serving overseas truly are representative of the honorable cause that defines the Peace Corps.

PAYING TRIBUTE TO CHIEF WILLIAM TURK

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Chief William Turk of the Boulder City Police Department, who has retired after twenty years of dedicated service.

Bill began working for the Boulder City Police Department in 1986. He started as patrol officer and worked his way through the ranks as a Detective, Sergeant, Lieutenant, and finally, as Chief of Police. Even though he was Chief of Police, he was always ready to serve as backup if needed. He learned this philosophy from the much larger Oklahoma City Police department where he served for ten years prior to coming to Boulder City. One night, he was responding to a call and requested another officer to assist him. When the dispatch said no units were available, he was stunned when the city's police chief himself showed up minutes later. The Chief had been listening to the radio traffic from his scanner at home.

Bill left Oklahoma City seeking a department where he could actually have time to solve problems he was called out to. Boulder City, with its low crime rate, fit the bill. Many officers have the belief they need to make as many arrests and citations as possible, but not Bill Turk. He believed in Community Policing. Boulder City residents would often notice pink slips on their cars, warning them of a parking violation, instead of tickets. Cars also received courtesy reminders if their doors were left unlocked. Once, several businesses were repeatedly complaining about kids leaving their bikes all over the sidewalk by a pizza parlor they frequented. The problem was the kids had no other place to put their bikes. Sitting behind the police station was a bike rack that never got used. The department donated the rack to the pizza parlor. Problem solved. These are just a few examples of how Bill worked hard not only to make the town safe but also to make it a better community.

Mr. Speaker, Bill Turk is a well-respected model of honesty and integrity. His career will stand as an example to all those who set forth to protect and serve. It is an honor to recognize him on the floor of the House and I wish him the best with retirement.

IN CELEBRATION OF THE LIFE, CAREER AND RETIREMENT OF LARRY BLEVINS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. GEORGE MILLER of California. Mr. Speaker, my colleague, Mrs. TAUSCHER and I, rise to pay tribute to Donald Lawrence Blevins who is retiring from Plumbers and Steamfitters Local 342 after a distinguished career including fifty years as a Steamfitter, four years as an Instructor, ten years as Director of Training, nine years as Business Representative and another eight years as Business Manager/Financial Secretary.

Larry Blevins was born April 10, 1937, in Arbuckle, California; two years later, his family relocated to the city of Tormey near the Union 76 oil refinery. It was here in December of 1954 that Larry first embarked on his career as a Steamfitter working as a permit hand for Fluor Maintenance on a two-week turnaround. Realizing his potential, Larry joined the Steamfitters Local 342 Apprentice Program in January of 1956 and four years later graduated from the Laney Tech Trade School in Oakland, California.

Upon graduation, Larry's first General Foremen's position came while working Travel Card out of the Chico Local in 1961 and 1962 at a Titan missile base. Larry's elevation to a supervisory position was a rare feat for a Travel Card worker and came as a direct result of his outstanding skill level and ability to learn quickly. Larry was further rewarded for his commitment to Local 342 and elected to the Apprentice Committee in the General Election of Officers on December 10, 1967.

In the early 1970's, Larry was encouraged by Brother Vern Gosney to start regularly attending Membership Meetings and become more involved with the organization and operation of the Local. Brothers Les Reed and Tom Irvin also worked closely with Larry and were the first to recommend that he begin teaching. He took all of this advice to heart and began regularly attending meetings and started taking night school classes to learn supervisory techniques and engineering skills. It wasn't long before Larry began instructing the Local 342 Apprenticeship Training Program and subsequently earned a Life Time Services Teaching Credential through the State of California.

Starting in 1977, Larry embarked on another career path and undertook the task of running the Training Center as Director of Training. It was during his ten years as Director that the school was expanded to accommodate larger classes of apprentices to help complete the many projects within the Local's jurisdiction. As the need for apprentices grew, Larry also oversaw the expansion of the Journeyman Training classes. These classes were designed to upgrade the skill levels of the Local's journeymen and keep them current with the industry's expanding technological advancements. Larry understood the need to stay on top of the changing industry and worked diligently to keep pace.

On December 11, 1988 in the General Election of Officers, Larry won a three-way race for

Business Representative over Contra Costa County with more than 53% of the vote. While overseeing Contra Costa County, the Local worked major projects such as: the TKC Rebuild at Chevron in Richmond, the CoGeneration Power Plants throughout the area's refineries, major expansions throughout Chevron, and Clean Fuels projects at Chevron, Shell, Tosco and Unocal. Almost overnight Larry's jurisdiction went from just a couple hundred UA members to more than 2,000. Larry's skills helped ensure that the work was manned with qualified craftsmen and the jurisdiction of the Local was protected.

After three terms as Business Representative, Larry put in his bid for nomination to the Local's top position, Business Manager/Financial Secretary. On December 14, 1997, with the largest turnout for any election in Local's history, Larry was elected with 88% of the votes cast. The Membership's confidence in him was high enough in the General Election of Officers in 2000 and again in 2003 that he was reelected unopposed.

With Larry's leadership and the assistance of many dedicated members, Local 342 has one of the finest and most progressive training centers in the country. Larry also worked tirelessly as a Boards of Trust member to stabilize the Health and Welfare Plan and amend the Master Labor Agreement to improve the conditions on the work site. Larry negotiated an increase in the Total Package that provides funds for the Pension, the Health and Welfare plan. These advancements have not only helped to significantly improve working conditions; the language and monetary conditions were also greatly increased.

Larry has represented Local 342 countless times at conventions of the California State Pipe Trades Council, the United Association, the Western States Pipe Trades Council and the Western States Pipeline Conference. He's also served on the Executive Boards of these associations as well as the Contra Costa and Alameda County Building and Construction Trades Councils. In 2001, Larry was appointed by the UA General President to the prestigious Laws Committee at the UA Convention in Miami Beach, Florida. On October 26, 2001, Larry was honored as Labor Leader of the Year and recognized by the Contra Costa Central Labor Council, the Contra Costa Building and Construction Trades Council and the California State Senate and Assembly for his service to the community and to working men and women.

Larry not only worked tirelessly for his brothers and sisters of organized labor, he also cultivated friendships within the community. Some of the community projects he has been a part of include, Camp Okizu, the building of the Shepard's Gate home for battered women, the Mother Wright Foundation and the Northern California Special Olympics.

Upon retirement Larry will now have more time to devote to his wife, Debbie, sons Donald and Keith, daughter Dorothy, stepchildren Derrick and Andrea, as well as grandchildren Stephanie, Marshall, Amber and Curtis.

As we wish Larry a fond farewell, we can rest assured that he has left Local 342 financially strong, cultivated a strong symbiotic relationship with the Local's contractors, and helped strengthen the ties with Sister Locals and other branches. Larry's honorable toil has helped cement a positive place within the community for the brothers and sisters of Local 342. We are all beneficiaries of his hard work and we salute his efforts. Cheers to a happy and healthy retirement.

TRIBUTE TO THE BRADY KOHN FOUNDATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the Brady Kohn Foundation and its founders, Carolyn and Andy Kohn. The Kohns began their foundation to honor a wonderful little boy, their son Brady, whose life on this earth was all too short. The work of this Foundation centers around the use of umbilical cord blood, a safe and painless way to retrieve valuable stem cells, which can be used to save the lives of many Americans. I welcome the initiative taken by the partnership of Christiana Care Hospital, the The Elie Katz Umbilical Cord Blood Program at Community Blood Services, and the Brady Kohn Foundation to publicly bank cord blood. This is the first step into truly cutting edge medical research.

I am very familiar with the dedication of The Brady Kohn Foundation's founding members. Carolyn and Andy have worked tirelessly to achieve a partnership that would enable expectant mothers to have their umbilical cord blood publicly banked at no cost. The Brady Kohn Foundation will be the leader in education, awareness, and promotion of this project, inspiring expectant mothers to bank their cord blood in hopes of saving the lives of others. Christiana Care is an excellent choice for this project as they are home to approximately 7,000 deliveries per year. Of the cord blood collected, roughly 60 percent will be banked and used for medical procedures such as bone marrow transplants, while the other 40 percent will be used for research that has the potential to heal countless diseases in the future.

I recognize the struggle that the Kohns have gone through to reach their goal of providing a public umbilical cord banking system. I would like to thank Carolyn, Andy, and all those involved with this valuable project. I am certain the new public cord blood banking system will have a tremendous impact on many lives in my home state of Delaware and around the United States.

TRIBUTE TO MEDICALERT

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. RADANOVICH. Mr. Speaker, I would like to take this opportunity to recognize MedicAlert, a company founded by Dr. Marion and Chrissie Colling of Turlock, California in 1956. The MedicAlert system provides identification and medical information in emergencies, alerting emergency medical professionals to preexisting medical conditions such as diabetes, heart conditions, implanted devices, and allergies to medications.

MedicAlert utilizes identification bracelets and the E-Health Key, both of which are to be carried at all times in case of emergency. A 24-hour Emergency Response Center can be reached by calling a phone number on MedicAlert bracelets, allowing direct dialogue with nurses who have access to patients' Electronic Health Record. The emergency contact information available in those records helps make sure that patients' families are contacted in an emergency. MedicAlert provides free training pertaining to the use of MedicAlert bracelets and E-Health Keys for emergency response personnel and the public safety community.

Now in its 50th year, MedicAlert is endorsed by the American Red Cross, the National Institute of Health, the American College of Emergency Physicians and the American Pharmaceutical Association. Over 100,000 medical professionals recommend MedicAlert to their patients. MedicAlert currently receives 3,500 emergency calls a year. MedicAlert has grown to have affiliates in nine countries: Canada, the United Kingdom, Australia, New Zealand, Cyprus, Malaysia, Iceland, South Africa and Zimbabwe.

I am very proud to congratulate MedicAlert on the occasion of its 50th Anniversary. Over 80,000 people credit MedicAlert with having helped saved their lives in an emergency, and I wish this amazing organization many more years of growth, increased awareness, and success. Four million members worldwide understand the great importance of this organization and the immeasurable service it provides.

"WHITHER THE SIX PARTY PROCESS?"

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. LEACH. Mr. Speaker, on September 19, 2005, China, Japan, North Korea, Russia, South Korea, and the U.S. signed a Joint Statement of principles under which North Korea committed to abandoning all nuclear weapons and existing nuclear programs. In contrast to the hopes surrounding that pledge, the intervening 6 months have brought no substantive progress toward that end, and the Six Party process is beginning to appear moribund.

This circumstance is particularly regrettable because time is on no one's side. Every day of the status quo is another day for the North Korean regime to produce additional fissile material, and another day that the people of North Korea fall further behind the remarkable economic and social march of the rest of Asia. At the same time that the malfeasance of the North Korean government has brought us to this impasse, it remains in the interest of the U.S. to initiate additional dialogue, even if prospects for its success are uncertain.

Alternatively, to continue to maintain a reactive approach—such as placing unrealistic conditions on high-level contacts and other forms of meaningful engagement with the DPRK—cedes too much control to hard-liners in a regime that does not yet feel sufficient pressure or incentive to denuclearize.

We must continually test the intent of North Korea and not miss any opportunity for progress, however improbable. We are also obligated to consistently demonstrate to the other parties in the region that the intransigence impeding progress is not ours. Both of these priorities presuppose dialogue.

Because we control what we say, we ought not fear additional discussions or supplementary avenues of discussion. Conversation is never concession if one is speaking the truth, advancing the national interest.

At all levels of human interaction, including the international strategic level, there exists a significant psychological dimension: Between nations, as between people, the stronger party has greater strategic confidence and thus capacity to take the first conciliatory steps when intransigent differences arise. Given the enormity of the stakes at issue, it behooves the U.S. to take advantage of the greater flexibility we possess to creatively explore possibilities for resolving the challenges posed by North Korea.

One has the sense that due to understandable frustrations relative to past North Korean actions, including cheating on international commitments, the White House has given exceedingly constrained options to our negotiators. But clear-headedness about the nature of the North Korean regime should not cloud the mind about devising techniques and processes to overcome differences.

We have many assets, not the least of which is our professional diplomatic corps. American professionalism is exemplified by Assistant Secretary of State Christopher Hill, who has developed a constructive relationship with all of the parties to the Six Party Talks, including North Korea. The case for sending him to Pyongyang to test the boundaries—and push the implementation—of the Joint Statement is compelling.

In particular, we should not be hesitant to begin considering the utility of negotiat[ing] a permanent peace regime on the Korean Peninsula at an appropriate separate forum, as envisioned by the Joint Statement and the recent U.S.-ROK strategic dialogue. Taking the initiative to formally end the Korean War would underscore our peaceful intent in an unparalleled fashion, and remind the Korean people that the U.S. singularly and unequivocally supports the peaceful reunification of the Peninsula. There may be sequencing concerns but forging ahead on this aspect of the statement of principles may increase the willingness of the other parties to exert greater pressure to enforce its critical core—the denuclearization of the Korean Peninsula—and provide North Korea greater psychological as well as strategic comfort to accede to concerns of the outside world.

While we speak directly to the North Korean delegation in Beijing at the Six Party Talks and have certain contacts with the North Korean ambassador to the United Nations, there is clearly a problem of communication between our two governments. Accordingly, it is time, perhaps with appropriate quid pro quos, that we explore the feasibility of establishing liaison offices in our two capitals.

For the U.S. to continue to stand pat is to transfer initiative to others, indebting us to the diplomacy of countries that may have different interests, or simply ensconcing the status quo.

It's time for the U.S. to lead.

TRIBUTE TO FAITH MISSIONARY BAPTIST CHURCH

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. WYNN. Mr. Speaker, today I recognize the Faith Missionary Baptist Church of Capitol Heights, Maryland and Reverend Dr. Michael C. Turner, Sr. for their outstanding commitment to the community over the last fifteen years.

Their church home was purchased in May of 2000, and the dedication and cornerstone laying service was held on November 11, 2000. Since its inception the Church has baptized hundreds of new converts, provided structured Bible classes, established a strong and viable Youth Ministry, established mentoring and tutorial programs, and established a 10-week Summer Youth Enrichment Program.

I submit for the record the celebration of the Church's 15th Anniversary with the theme of "Remembering the Past, Celebrating the Present, and Stepping into the Future."

RECOGNIZING U.S. SPEED SKATING CHAMPION, JOEY CHEEK

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. WOLF. Mr. Speaker, it is an honor for me to recognize U.S. speed skating champion, Joey Cheek, who won Olympic gold on February 13 in the men's 500-meter speed skating event at the winter games in Torino, Italy. Mr. Cheek decided to donate $25,000 in prize money to "Right to Play," an organization that will use the money to benefit refugees from the Darfur region of western Sudan by using sports to advance development, health, and peace.

Not only is Mr. Cheek an incredibly gifted athlete, he has shown tremendous generosity using his own glory to shed light on the atrocities being carried out by the Government of Sudan against its own people. As co-chair of the Congressional Human Rights Caucus and having traveled to Sudan five times, I have no doubt that Mr. Cheek's donation will make a difference in the humanitarian crisis unfolding in Darfur.

I insert for the RECORD a State Department news release from February 16. I ask that my colleagues join me in recognizing Joey Cheek for his remarkable accomplishments, on and off the ice.

HONORING LORRIE GRAVES, REBECCA McDUFF, AND JENNIFER PRATHER

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mrs. BLACKBURN. Mr. Speaker, in the early 1990s the National Board for Professional Teaching Standards began a voluntary certification process for teachers who excel in the classroom and demonstrate an exceptional knowledge of their subject field. Nationwide, only 1.5 percent of teachers have been awarded this certificate. It's clearly quite an achievement to attain this level of mastery.

Today I ask my colleagues to join me in recognizing the three Seventh Congressional District teachers who have earned this distinction.

It is my privilege to congratulate and thank Lorrie Graves of Moore Elementary in Franklin, Rebecca McDuff of Grassland Elementary in Brentwood, and Jennifer Prather of Crosswind Elementary in Collierville for their hard work.

Each of these teachers has shown an incredible aptitude not only for teaching but for the specific area of study in which they specialize. They are improving the lives of their students, and we all thank them for their hard work.

RECOGNIZING THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2006 VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to recognize an outstanding group of men and women in Northern Virginia. The Fairfax County Chamber of Commerce annually recognizes individuals who have demonstrated superior dedication to public safety with the prestigious Valor Award. Several members of the Fairfax County Police Department have earned this highest honor that Fairfax County bestows upon its public safety officials.

There are several types of Valor Awards that are awarded to a public safety officer: the Lifesaving Award, the Certificate of Valor, or the Gold, Silver, or Bronze Medal of Valor.

It is with great pride that I enter into the record the names of the recipients of the 2006 Valor Awards in the Fairfax County Police Department. Receiving the Lifesaving Award: Master Police Officer James J. Greeves; Police Officer First Class Chris R. Musser; Officer Travis L. Tate; the Certificate of Valor: Officer Robert M. Bauer; Officer Connie E. Gerten; Police Officer First Class Timothy A. Judd; Officer Ryan A. Kaspar; Police Officer First Class Michael S. Lamper; Police Officer First Class Gregory McNiff; Officer Thomas E. Wilbert; the Bronze Medal: Police Officer First Class Keith J. Baker; Police Officer First Class Raymond E. Betts; Police Officer First Class Jonathan J. Bobel; Master Police Officer John

D. Brocco; Police Officer First Class Sean M. Brodrick; Second Lieutenant Michael L. Connor; Master Police Officer Paul G. DeHaven; Officer Ryan L. Fisher; Police Officer First Class Edward F. Hanko; Officer Louis J. Marino; Officer Brandon C. McAleese; Master Police Officer Michael L. Mountjoy; Police Officer First Class Michael S. O'Brein; Master Police Officer John F. Pennington; Officer Anthony N. Taormina; Sergeant Paul Thompson; the Silver Medal: Police Officer First Class Anthony D. Erway; Police Officer First Class Lance T. Guckenberger; Officer Paul A. Meler.

Mr. Speaker, in closing, I would like to take this opportunity to thank all the men and women who serve in the Fairfax County Police Department. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens.

* * *

CONGRATULATING JOEL B. BULLARD, JR. FOR RECEIVING TIME MAGAZINE'S 2006 QUALITY DEALER AWARD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Mr. Joel B. Bullard, Jr., President of Joe Bullard Cadillac-Hummer on the occasion of receiving the 2006 Time Magazine Quality Dealer Award.

Joe has been a vital member of the Mobile, Alabama, community all of his life. He began his career at his family's car dealership, Joe Bullard Oldsmobile, in 1972 and rose through the ranks to become dealer in 1980. Under his leadership, the dealership has expanded, and he recently opened a 6.5 acre Cadillac and Hummer business.

In addition to his professional successes, Joe has long been a supporter of community organizations. He serves as a trustee of the United Way of Southwest Alabama, and he is past chairman of the Mobile Area Chamber of Commerce. He has also served as a director for the Mobile Kiwanis Club, the Federal Reserve Board of New Orleans, the Mobile Airport Authority, Mobile Economic Development Council, and the Mobile Community Foundation.

Joe's long-standing commitment to the community combined with his business successes led to this well-deserved nomination. He was one of only 66 automobile dealers, from more than 19,500 nationwide, nominated for the 37th annual award. The Time Magazine Quality Dealer Award is the most prestigious and highly coveted award for car dealers, and the recipients are among the nation's most successful auto dealers.

Mr. Speaker, I would like to offer my congratulations to Joe for being named Time Magazine's 2006 Quality Dealer Award recipient and for his many professional achievements. I know his wife. Foncie, his two children, and his many friends join with me in praising his accomplishments.

TRIBUTE TO HELPING THE HURTING, INC.

HON. NATHAN DEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. DEAL of Georgia. Mr. Speaker, not-for-profit charitable organizations provide an essential service in meeting the needs of the down-trodden and forgotten of our nation. Today I rise to recognize the honorable service of one such organization from my district that supports many who have fallen through the cracks. This group, Helping the Hurting, Inc., is dedicated to providing free counseling to single mothers as well as abused women and children, many of whom do not have Medicare, Medicaid, or any other kind of insurance. This guidance has assisted thousands during their time of deepest need in circumstances ranging from substance abuse to marital hardships to managing personal finances. Helping the Hurting's aid goes beyond counseling services to offering a food bank, clothes closet, and even helping low-income individuals find ways to get their prescriptions at a lower cost through Patient Assistance Programs. The organization's founder Daniel Staats has helped many through his 17 years of service who felt forgotten by all those around them, and I salute his admirable sacrifice and dedication to those in need.

* * *

RECOGNIZING THE AMERICAN HEART ASSOCIATIONS "GO RED FOR WOMEN" EFFORT IN FRANKLIN, TENNESSEE

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mrs. BLACKBURN. Mr. Speaker, heart disease is the number one killer of women in the United States. The numbers are staggering. Each year heart disease claims the lives of more than 475,000 women and yet less than 15 percent of women know that this disease is a major threat to their health. Clearly education is critical to fighting this disease.

The American Heart Association's "Go Red for Women" effort is a movement committed to wiping out heart disease by educating women on steps they can do to reduce their risk.

On May 4, 2006 hundreds of women will be gathering in Franklin, Tennessee to show their support for the "Go Red for Women" campaign. I want to join them in speaking out on this issue and thank our community for focusing on this issue.

RECOGNIZING THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2006 VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to recognize an outstanding group of men and women in Northern Virginia. The Fairfax County Chamber of Commerce annually recognizes individuals who have demonstrated superior dedication to public safety with the prestigious Valor Award. Several members of the Fairfax County Fire and Rescue Department have earned this highest honor that Fairfax County bestows upon its public safety officials.

There are several types of Valor Awards that are awarded to a public safety officer: the Lifesaving Award, the Certificate of Valor, or the Gold, Silver, or Bronze Medal of Valor.

It is with great pride that I enter into the record the names of the recipients of the 2006 Valor Awards in the Fairfax County Fire and Rescue Department. Receiving the Lifesaving Award: Apparatus Technician Cliff E. Sweeney; the Certificate of Valor: Lieutenant David P. Conrad; Firefighter Lawrence L. Ellison; Firefighter Kimberly A. Schoppa; Technician Jeffrey S. Seabright; Captain II Clayton Thompson; Lieutenant Chester E. Waters; the Bronze Medal: Firefighter Justin D. Childs; Lieutenant Gary C. Dize; Firefighter James P. Hobgood; Captain IVEMS Supervisor Lorenzo M. Thrower.

Mr. Speaker, in closing, I would like to take this opportunity to thank all the men and women who serve in the Fairfax County Fire and Rescue Department. Their efforts, made on behalf of the citizens of the Fairfax County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens.

* * *

CONGRATULATING DR. SAMUEL EICHOLD ON THE OCCASION OF HIS 90TH BIRTHDAY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Dr. Samuel Eichold on the occasion of his 90th birthday.

As a Marine, internist, University of South Alabama medical school professor, founder of Camp Seale Harris for diabetic children, and creator of the Mobile Medical Museum, Sam Eichold has dedicated his 90 years to helping others.

Dr. Sam has been active in Mobile's medical community throughout his life. It was at the age of 59 when he left his private practice to become a medical professor at the University of South Alabama, where he still keeps an office.

In 1989, Dr. Sam was named Mobilian of the Year. He has also devoted much of his time to Mobile's art community. He has even served as a board member of the Mobile Symphony Orchestra, the Chamber Music Society, and the Mobile Opera Guild, among others. He was given a Greater Mobile Arts Award by the Mobile Arts Council in October, and an art gallery at Spring Hill College bears his name.

Mr. Speaker, I ask my colleagues to join me in congratulating a dedicated community leader and friend to many throughout south Alabama. I know Dr. Sam's colleagues, his family, and his many friends join with me in praising his accomplishments and extending thanks for his many efforts over the years on behalf of Mobile and the First Congressional District.

THE ASSOCIATION FOR ENTERPRISE OPPORTUNITY

HON. NATHAN DEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. DEAL of Georgia. Mr. Speaker, I rise to salute the thousands of small businesses across the United States which, by definitional size, are classified as micro enterprises. More than one-half of the nation's economic engine is fueled by small businesses.

Micro enterprise embraces strategic economic development relative to the smallest of the businesses, generally with five employees or less. Once called "mom and pop" businesses, they no longer equate to the folksy moniker. In many cases across rural America, the micro enterprises become capital for human development and poverty alleviation. It is documented and recognized that micro enterprises create jobs, generate income, build assets and enhance interpersonal skills among its owners and their employees.

Micro enterprises utilize a valued conduit for financial training, business development and loans. Community Development Financial Institutions (CDFIs) earn this designation through rigorous Department of Treasury standards. The CDFIs interface with the men and women who have a dream of owning and growing a small business; it is they who extend credit and become de facto partners in entrepreneurial enterprises throughout the land.

Micro enterprises and CDFIs also partner with foundations, community banks, regional banks, state economic development agencies, the Small Business Administration, the Federal Home Loan Bank and other like-missioned federal agencies such as the Appalachian Regional Commission. As traditional working capital is beyond the financial reach of many, a unique collaboration steers these business entities toward success and self-sufficiency.

The Association for Enterprise Opportunity strives to assist underserved entrepreneurs in starting, stabilizing and expanding businesses. As its national conference is held in May in Atlanta, the economic capital of the southeastern United States, I welcome them to my state.

The host of the national conference is the Georgia Micro Enterprise Network, a nonprofit organization dedicated to making a difference in the economic lives of Georgians. The conference will celebrate the vision of micro enterprise success, and we, as Members of Congress applaud that success and commend the myriad venturous fibers which make our nation's great economic quilt as strong as ever.

Thank you, Mr. Speaker.

HONORING LISA ROTEN

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mrs. BLACKBURN. Mr. Speaker, I rise today to recognize and honor one of Tennessee's exceptional teachers. Lisa Roten of Adamsville received the Wal-Mart Teacher of the Year Award for our state in 2005. Her award is accompanied by a $10,000 education grant for her school. I know that everyone at Adamsville Elementary School is thrilled for Lisa and proud of her achievement.

She has shown herself to be an enthusiastic and dedicated teacher while working with our sixth grade students. As a mom, I know the importance of a good teacher. Lisa clearly knows that nurturing the unique gifts in each of our kids is critical to education.

Mr. Speaker, I ask my colleagues to join me in congratulating Lisa for her exceptional work.

RECOGNIZING THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2006 VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to recognize an outstanding group of men and women in Northern Virginia. The Fairfax County Chamber of Commerce annually recognizes individuals who have demonstrated superior dedication to public safety with the prestigious Valor Award. Several members of the Fairfax County Sheriff's Office have earned this highest honor that Fairfax County bestows upon its public safety officials.

There are several types of Valor Awards that are awarded to a public safety officer: the Lifesaving Award, the Certificate of Valor, or the Gold, Silver, or Bronze Medal of Valor.

It is with great pride that I enter into the RECORD the names of the recipients of the 2006 Valor Awards in the Fairfax County Sheriff's Office. Receiving the Lifesaving Award: Private First Class Nicole L. Arnett; Private First Class Laval L. Collins; Private First Class Clifton Cooley; Private First Class Michael D. Ford; Master Deputy Sheriff Marvin S. Johnston; Private First Class Thomas V. Kyle; Private/Deputy John J. Roth; Second Lieutenant Gregory E. Schossler; Deputy Ryan E. Tassey; the Certificate of Valor Award: Second Lieutenant Brian Johnston; Private First Class Teena M. Putman.

Mr. Speaker, in closing, I would like to take this opportunity to thank all the men and women who serve in the Fairfax County Sheriff's Office. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding this group of remarkable citizens.

CONGRATULATIONS TO ST. PAUL'S EPISCOPAL SCHOOL ON THEIR 2006 5A GIRLS' STATE INDOOR TRACK AND FIELD CHAMPIONSHIP

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor St. Paul's Episcopal School on their 2006 5A Girls' State Indoor Track and Field Championship.

Head Coach Jim Tate has led St. Paul's to 32 state championships. Since 1983, Coach Tate's teams have claimed 74 separate state team championships in track and cross-country. Twenty-five of his former athletes have gone on to compete at the collegiate level in either track or cross-country. In 1999, Coach Tate was selected as the national cross-country coach of the year.

The St. Paul's girls' cross-country team holds the national record for the longest consecutive state championship streak in the nation, winning the state championship for 16 consecutive years (1983–1998). This year's girls' team proved to be champions in their victory on February 4, 2006, at Celebration Arena in Priceville.

Mr. Speaker, I ask my colleagues to join me in congratulating St. Paul's Episcopal School on a great season and their state championship. This school deserves public recognition for this great honor, and I extend my congratulations to each member of the team and coaching staff:

St. Paul's Girls' Varsity Indoor Track Roster, Emily Bender 9th, Eleanor Brown 9th, Malise Collins 8th, Emily Collins 11th, Paige Cunningham 12th, Maggie DeLaney 12th, Sophie Eldred 8th, Norah Gufstason 8th, Margaret Harkness 7th, Angelica Howard 11th, Kayleigh Hudson 7th, Mary Carleton Johnston 10th, Hannah Jones 7th, Allison Kneip 11th, Allison Lerner 11th, Taylor Luckey 8th, Mary Win McCarthy 10th, Molly McGee 11th, Brenna McGee 10th, Jordan McMullan 11th, Coco Montgomery 7th, Kelsey Outlaw 7th, Hannah Samman 7th, Jeannie Schottgen 7th, Katelyn Simpson 12th, Mae Stimpson 10th, Ellie Stimpson 8th, Victoria Strange 8th, Nancy Taylor 9th, Summer Thomas 7th, Neal Tisher 9th, Sydneyjane Varmer 10th, Angel Watson 9th, Katherine White 7th, and Morgan Yeager 10th.

Coaching Staff: Head Coach: Jim Tate, Assistant Coaches: Kelli Etheredge, Lyndell Farmer, Erin Moore, and Bill Quina.

HONORING RHONDA KENNEDY

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mrs. BLACKBURN. Mr. Speaker, I ask my colleagues to join me today to honor Rhonda Kennedy. Rhonda was named Tennessee Principal of the Year in 2005.

We all know how important principals are to our communities. Anyone with children can tell you it's the principal who sets the tone for a school and the huge impact that has on the quality of education our kids receive. Rhonda has shown that she is innovative, energetic, and dedicated to our kids and we can't thank her enough for that.

Among her achievements is the successful implementation of a program to assist special needs students. Rhonda also created a "Learning Lab" to improve literacy skills at her school.

Principal Kennedy's work has helped improve achievement at her school and brought parents, students, and our teachers together.

HONORING DEWBERRY'S 50TH ANNIVERSARY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to commemorate the Dewberry Companies' 50th anniversary.

Dewberry was established as a small land design and survey practice on Friday, April 13, 1965, in Arlington, Virginia. Currently, Dewberry has more than 1,800 employees in 30 offices nationwide. The company has expanded from a small business to a nationwide company with over 1,800 employees and 30 offices. Dewberry provides an array of services, including civil engineering, surveying, design-build, environmental sciences, land development, security and homeland defense.

The company has assisted in major project in the Northern Virginia area including the full planning and engineering of services for Kings Park (a residential community in Fairfax County), Tysons II, the Dulles Toll Road, and assisted with work for the Washington Metropolitan Area Transit Authority. Moreover, Dewberry has consulted for the Federal Emergency Management Agency (FEMA), and the U.S. Department of Housing and Urban Development during presidential-declared disasters.

Dewberry has been a strong member of the community through various charitable and scholarship programs. An example would be the Dean Meyers Scholarship fund, named for a Dewberry engineer who tragically lost his life in the DC sniper attacks of 2002. This scholarship which is awarded annually to a civil engineering student from a rural Pennsylvania high school has grown to $100,000. Dean Meyers was a civil engineer who worked for Dewberry until his tragic death in October of 2002 when he became a victim of the Washington, DC area sniper attacks. Dewberry has also donated $20,000 to the victims of the tsunami and another $20,000 to the victims of the 2005 Gulf Coast hurricanes.

The founder of Dewberry, Sidney O. Dewberry, has not only propelled the success of Dewberry, but has served in numerous positions within the community including the Blue Ribbon Commission on Higher Education, and the Commission on Transportation. Additionally, he has served as member of the Commission on Fiscal and Spending Priorities in Fairfax County, as chairman of the Arlington County, Virginia Planning Commission, and as chairman of the Fairfax County, Virginia Engineering Standards Review Committee. Currently, Mr. Dewberry is the Rector of George Mason University Board of Visitors and part of the George Mason University Foundation Board of Trustees.

Mr. Speaker, in closing, I would like to commend and congratulate Dewberry on all of its contributions and accomplishments. They have served their community well, truly meriting recognition. I call upon my colleagues to join me in the applauding Dewberry's past accomplishments and in wishing the company continued success in the years to come.

HONORING RETIRED NEW YORK STATE ASSEMBLYMAN RICHARD J. KEANE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. HIGGINS. Mr. Speaker, it gives me a tremendous sense of pleasure to honor the personal accomplishments and the long career in public service of a great elected leader and wonderful friend, former New York State Assemblyman Richard J. Keane.

Dick Keane is, as I said, a close friend of long standing. In point of fact, I succeeded Dick Keane as a member of the New York State Assembly in the 145th District. In all truthfulness I can say that no new member had a better mentor than I did.

Like me, Dick Keane is a lifelong—and tremendously proud—resident of South Buffalo, New York. A product of a large and politically prominent family in South Buffalo, Dick's career began protecting the public as a Buffalo Firefighter. From there, Dick went on to serve on the Erie County Board of Supervisors and was the first Democrat to serve as Chairman of its successor body, the Erie County Legislature. Dick was elected to a vacant seat in the State Assembly in 1976, and served in that seat proudly for 22 years.

But in Albany, Dick had two official duties that brought him great joy—his management of the Assembly's baseball team, and the Presidency of the American Irish Legislators Society of New York State, the latter being an organization in which I would later serve as Historian.

Each year, the American Irish Legislators Society of New York State honors one of its own, a former member of the State Legislature who made a significant contribution both to public service and, usually, to the Society itself. On Monday, March 13th, in Albany, NY, Dick Keane will be the Society's 2006 honoree. That that event, it will be my distinct honor to present Dick with a commemorative copy of these remarks and to join with my successor in the State Assembly, Assemblyman Mark Schroeder, in honoring Dick Keane's service to New York State and to his community.

Mr. Speaker, owing to my past service as Historian, I want to close with a bit of history. Ireland provided to the United States a number of wonderful gifts, but none more valuable than its people. Since the first days of landing on American soil, the Irish people have demonstrated a commitment to public service that is unrivalled by any other ethnic group. From police and fire service to elective office, Irish Americans represent what is best about America—that if you work hard, play by the rules, love your family and your community and give as much as you can back to that community, the vaunted American Dream can be yours.

Dick Keane is a public official and a private citizen utterly worthy of that description and of the respect of those whose lives he made better for that service. It is my distinct honor to recognize him here today.

HONORING NANCY SANDERS PETERSON

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mrs. BLACKBURN. Mr. Speaker, it is always a privilege for me to rise and acknowledge outstanding Tennesseans. Today I ask my colleagues to join me in thanking Nancy Sanders Peterson, the president and CEO of Peterson Tool Co. Inc., for her contribution to our community in Tennessee.

Nancy has been recognized many times for her business success and she was recently inducted into the YWCA's Academy for Women of Achievement. This distinction honors women for their community leadership and Nancy is a wonderful addition.

She is a dedicated volunteer who has contributed her time and talents as a mentor for young women. Whether teaching money-management skills to Girl Scouts or speaking on university campuses, Peterson is a wonderful role model. And Nancy has counseled fellow female entrepreneurs on how to expand their businesses.

Congratulations and many thanks to Nancy Peterson for her unlimited energy and enthusiasm and her service to so many young women.

THE RETIREMENT OF U.S. MARINE CORPS GUNNERY SERGEANT LORENZO V. CHANCE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise today to honor Gunnery Sergeant Lorenzo V.

Chance, who is retiring after more than 22 years of service in the United States Marine Corps.

Gunnery Sergeant Chance was raised in Fayetteville, North Carolina where he graduated from Cape Fear High School in 1983. He began his military career at Marine Corps Recruit Depot Paris Island, South Carolina, where he attended basic training in 1984. His assignments included the MOS's of Rifleman, Administrative Chief, Drill Instructor, and Marksmanship Instructor.

Throughout his distinguished career, Gunnery Sergeant Chance has served in a wide variety of assignments in the Marine Corps including:

September 1984–1986—Administrative Clerk, HQMC Manpower Branch;

November 1986–December 1987—Embarkation NCO Marine Wing Headquarter Squadron–1 Okinawa, Japan;

January 1988–December 1991—HQMC Programs and Resources Division, Assistant Security Manager ensuring the personnel, physical, and information security of a division of 60 persons, hundreds of highly-sensitive documents, and equipment;

January 1992–June 1995—Military Entrance Processing Station Montgomery, AL, Processing Specialist, interviewing and processing thousands of applicants into the U.S. Armed Forces;

July 1995–November 1997—Paris Island, SC, Senior Drill Instructor Third RTBN, K Company and, Operations Chief/Acting First Sergeant, Support BN, Special Training Company, a direct impact in the "Making of Marines";

December 1997–April 2002—HQMC PP&O, Current Operations Branch, Marine Corps Command Center where he served as an Assistant Watch; Team Chief, SNCOIC Marine Corps Exercises Employment Program, and Post 9/11 Crisis Action Team Operations Chief. During this period he was also assigned various other duties, including service as a Member of the Headquarters Marine Corps, Inspector General's Readiness Assessment Team, responsibility for globally inspecting Marine Corps units for deployment capability and, in the 2000 Presidential Inaugural Committee, SNCOIC of the Street Cordon.

Finally, from May 2002 through November 2005, Gunnery Sergeant Chance served the 435 Members of both the 108th and 109th Congress as SNCOIC Marine Corps Congressional Liaison Office. He was also the Senior Enlisted service member to the U.S. House of Representatives during this period. During this period, Gunnery Sergeant Chance was responsible for directing, and organizing numerous congressional and staff delegations around the world. His attention to detail in making these very important trips logistically successful is noteworthy.

Gunnery Sergeant Chance has been very effective in carrying the Marine's message to the halls of Congress. By his exemplary professional competence, sound judgment, and total dedication to duty, Gunnery Sergeant Chance has reflected great credit upon himself and has always upheld the highest traditions of the United States Marine Corps. He has made a lasting contribution to the capability of today's Marine Corps and has helped shape the future of tomorrow's Corps.

His superior performance of his duties highlights more than 22 years of honorable and dedicated Marine Corps service. I know that my many colleagues who have come to know and rely on Gunnery Sergeant Chance extend to him our warmest thanks for his service and our best wishes for happiness and success in his future endeavors.

HONORING A GREAT AMERICAN—THOMAS WADSWORTH LITTLEFIELD

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. BROWN of South Carolina. Mr. Speaker, a constituent and respected businessman, T. Jeffrey Littlefield, vice president of TRICARE North Region Operations for PGBA, LLC, will soon be joined by many members of his family in recognizing their patriarch, Thomas Wadsworth Littlefield, on the occasion of his 87th birthday, April 8.

The quote that his son Jeff recalls hearing his father say often is "this too shall pass." In living by these words, Mr. Littlefield sought to give strength to his family when faced with challenges that seemed too great to bear. Like many of his generation, he knew firsthand the frequency and degree to which life could present great challenges.

It is the sad horror of human existence that there will always be evil leaders who would deprive others of life and liberty to satisfy their own zealous quest for corrupt power. Never was this more evident than during World War II.

Men such as Thomas Wadsworth Littlefield represent the very backbone of America—having sacrificed so much for the good of family, nation, and religious freedom—their collective actions singularly define them as our "Greatest Generation."

When he joined battle and fought bravely in the last offensive against Japan while serving as a Private First Class in the U.S. Army's 105th Infantry, H Company, at Okinawa, Japan, Mr. Littlefield faced threats and fears that most of us will, thankfully, never come to know. Like many American soldiers, his military service did not end there as he fought to defend liberty in numerous locations in and around Japan throughout World War II.

In living commemoration of the great Victory over Japan, known commonly as "VJ Day," he named his second daughter, Vicki Jane Littlefield ("V.J.") born in August of 1945, soon after Japan surrendered.

Not long after winning the peace, Mr. Littlefield returned to civilian life and worked to win the hearts and minds of faculty, parents and children as elementary school principal in the Weber County school district of Ogden, Utah. There, he labored for 30 years, laying the foundation for a new generation of American leaders; eventually retiring at age 65.

Before the war, Mr. Littlefield attended Weber State College (now Weber State University) in Ogden, where he led them to numerous victories as their football quarterback. Later, he attended Utah State University in Logan, Utah, where he received his educator's degree.

An avid sports fan, he always enjoyed snow skiing, tennis and exploring the trails of Mount Ogden on his dirt bike several times a year.

Raised on a turkey farm in Morgan, Utah along with eight brothers and sisters, his mother, Kate Wadsworth Littlefield, helped to nurture leadership in their family by serving as an active Republican event organizer and as the first female United States Postmaster in Morgan County, Utah.

A faithful follower of the Church of Jesus Christ of Latter-Day Saints, Mr. Littlefield was always active in church events and, together with his wife of 65 years this coming June, raised their family as Mormons. Thomas Wadsworth Littlefield and Myrtle Carrigan Littlefield have been blessed with nine grandchildren and nine great-grandchildren. In August of this year, T. Jeffrey Littlefield and Tommy Starling will share another blessing, as this loving family will welcome grandchild number 10 into the world.

Throughout his life, Mr. Littlefield's philosophy and outlook on life was to make sure that his children were raised with love and to instill in them the confidence, drive and an ambition to succeed. In so doing, it was his fervent hope to see his descendants achieve more than he could ever experience in his own life. A testament to his service, sacrifice and values, Mr. Littlefield will be joined by family members in presence and in spirit on April 8 to herald the celebration of his 87th birthday.

At this time, Mr. Speaker, I would like to recognize, individually, the names of those so dear to this great American: Thomas Wadsworth Littlefield, Father; Myrtle Carrigan Littlefield, Mother; Joseph Littlefield, Paternal Grandfather; Kathryn Wadsworth Littlefield, Paternal Grandmother; Irvin Carrigan, Maternal Grandfather; Catherine Jones Carrigan, Maternal Grandmother; Patti Ann Fowers, Daughter; Norman George Fowers, Son-In-Law; Holly Fowers, Granddaughter; Heather Fowers Smedley, Granddaughter; Daren Smedley, Heather's husband; Jonah Smedley, Great Grandson; Annabelle Smedley, Great Grandson; Nate Fowers, Grandson; Kaleb Fowers, Great Grandson; Mitch Fowers, Grandson; Vicki Jane Olson, Daughter; Brook Clyde Olson, Son-In-Law; Marci Olson Kiehl, Granddaughter; Sam Kiehl, Marci's husband; Jake Kiehl, Great Grandson; Spencer Kiehl, Great Grandson; Alli Kiehl, Great Granddaughter; Kami Olson Howe, Granddaughter; Chad Howe, Kami's husband; Conner Howe, Great Grandson; Hunter Howe, Great Grandson; Rylie Jo Howe, Great Granddaughter; Audri Ann Olson, Granddaughter; Jenni Olson, Granddaughter; Thomas Jeffrey Littlefield, Son; Thomas Brent Starling, Partner and future Son-In-Law; and Carrigan Shea Starling-Littlefield, if the latest addition to their family is a Granddaughter, or Hayden Thomas Starling-Littlefield, if the newborn is a Grandson.

War veteran, educator, father and grandfather, athlete, and loving husband, his life and service to our nation helped to forge a nation and spread Democracy the world over.

Mr. Speaker, I respectfully ask my colleagues in the U.S. House of Representatives to join me in congratulating Mr. Thomas

Wadsworth Littlefield and his extended family on the occasion of his 87th birthday.

HONORING MIKE WALKER

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mrs. BLACKBURN. Mr. Speaker, all too often our local, State and Federal governments turn to tax increases rather than responsible budgeting in order to balance the bottom line.

In 1990, Mike Walker became city manager for Brentwood, TN, just after a property tax increase had been implemented. This was the last property tax increase in Brentwood. Mike has refused to use tax increases to balance the budget, instead he's been a responsible steward of our tax dollars. It's no wonder he was named City Manager of the Year by the Tennessee City Management Association. He's done a great job.

With clear vision and detailed planning, Mike has increased the parkland in Brentwood from 50 acres to 575 acres and he helped shepherd the construction of a new 43,500 square foot library.

Mike is a consummate professional and a talented leader. We all thank him for his work.

AMERICAN RED CROSS MONTH

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. HOYER. Mr. Speaker, the month of March is a time for us to officially recognize the essential role the American Red Cross plays in our communities. 2006 is a special year for the Red Cross, as we commemorate its 125th year of making our country safer, healthier and more secure. In honoring the national organization of the Red Cross, we must also recognize the local chapters that work tirelessly to achieve these goals, such as the Red Cross of Southern Maryland, now in its 80th year of service.

The Southern Maryland Red Cross, and the Nation, faced new challenges in 2005. The deadly tsunami in late 2004 tested the character and will of the international community, and Hurricanes Katrina and Rita uprooted families and communities. Throughout every trial we faced, the Red Cross was there to help ease suffering and aid recovery. These dedicated people were first in line to help families and individuals, friends and strangers.

The Southern Maryland Red Cross faced not only the national disasters of 2005, but ones that hit closer to home. The response they provided is a testament to the kindness of any American touched by tragedy. The citizens of Southern Maryland rolled up their sleeves to donate over 7,000 units of blood and gave donations to aid the victims of 200 house fires. They learned CPR, lifesaving skills, and first aid techniques. They volunteered their time, money and hearts to anyone who needed help. And they did not just aid their neighbors at home, but also those abroad, allowing over 200 military personnel to communicate with their families in Maryland.

Mr. Speaker, the people of the Southern Maryland Red Cross are no different from you or me. They have full time jobs, families, and responsibilities at home. What makes these Americans so extraordinary is that they have selflessly taken time out of their lives to help schools, workplaces, families, and any person who needs a hand. The Southern Maryland Chapter consists of 200 volunteers and donors, but it responds to the needs of a nation.

The Southern Maryland Red Cross brings aid and recovery, gives hope and comfort, and inspires Americans to reach out when help is needed. I feel assured knowing that the Southern Maryland Chapter is working every day to better the lives of my fellow Maryland residents. We must all do our part to recognize the vitality of the Red Cross and ensure that they are ready to help us respond to the challenges that lie ahead.

In honor of the Southern Maryland Chapter of the Red Cross, I would like to take this time to officially recognize March as American Red Cross Month. Whether it is a donation of time, money or courage, the American Red Cross is there for us. This March is a time to stand up and recognize their continued service.

I encourage all Americans to show their commitment to the Red Cross by donating money or volunteering their time at one of the many local chapters across the country.

RECOGNIZING THE FIRST U.S.-KOREA STRATEGIC CONSULTATION FOR ALLIED PARTNERSHIP

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. FOSSELLA. Mr. Speaker, when President George Bush traveled to South Korea late last year to attend the Asia-Pacific Economic Cooperation, APEC, Summit in Busan, he and President Moo-Hyun Roh agreed that while the strategic partnership and evolving security alliance between our two nations were "mutually beneficial," increased and more efficient communication were still required.

Against this backdrop, Presidents Bush and Roh agreed to launch a strategic dialogue called Strategic Consultation for Allied Partnership, SCAP, at the ministerial level for consultations on bilateral, regional and global issues of mutual interest. Currently, the U.S. only holds such consultations with Australia, Saudi Arabia and Japan.

The first of these meetings took place in Washington on January 19, 2006, when South Korea's Minister of Foreign Affairs and Trade, Ki-Moon Ban, met with U.S. Secretary of State Condoleezza Rice. According to the State Department, among the key initiatives Secretary Rice and Foreign Minister Ban laid out as topics for continued discussion include: coordination of efforts to promote freedom, democratic institutions and human rights worldwide; strengthened cooperation on fighting terrorism and exerting common efforts for the observance and implementation of international security cooperation regimes for the prevention of proliferation of weapons of mass destruction; coordination of efforts to develop comprehensive international strategies to fight transnational pandemic disease; maintaining a strong U.S.–ROK alliance to contribute to peace and stability in Northeast Asia; and developing common approaches to reinforcing peace and stability through multilateral peacekeeping and improved collaboration on crisis response and disaster management.

It is clearly evident that the shared agenda of the United States and South Korea is both broad and comprehensive. South Korea is one of our country's principal trading partners, with over $72 billion in trade volume each year and the fifth-largest purchaser of U.S. agricultural products. In fact, on Thursday, February 2, 2006, the U.S. and Korea announced the launching of negotiations on a Free Trade Agreement, FTA, which would represent, according to U.S. Trade Representative Rob Portman, the "most commercially significant" free trade pact since NAFTA.

Moreover, according to the U.S. Department of Commerce, during the 2004 calendar year, 627,000 South Koreans visited the United States for tourism and business travel, making Korea the fifth largest overseas market of tourists coming to our shores. As cochair of the Congressional Caucus on Korea, I am also well aware that Korea has made great progress in working to meet all the statutory requirements for entry into the Visa Waiver Program, VWP.

The United States and South Korea also share a deep concern about regional stability and continued peace on the Korean Peninsula. At the same time, South Korea has been an important and indispensable ally in the global war on terror and in bringing peace, stability and democracy to Iraq. In fact, South Korea has deployed more troops in Iraq than any other country besides the United States and Great Britain.

Mr. Speaker, for all these reasons, the first Strategic Consultation for Allied Partnership was an important contribution to strengthen the U.S.-Korea bilateral relationship and expand the horizon of the alliance. I also commend Secretary Rice and Foreign Minister Ban on their pledge to continue sustaining the formative discussions as their joint efforts deserve our full recognition and support.

HONORING SERGEANT DENNIS KRAMER AND SPECIALIST JOSEPH DELAPP

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mrs. BLACKBURN. Mr. Speaker, America has always relied on the men and women of our Armed Services to keep us free. Quite simply, without them the greatest bastion of freedom on this planet would not exist. We can never thank them enough.

Today I ask my colleagues to honor two men who have served America with distinction.

Sergeant Dennis Kramer received the distinguished honor of Noncommissioned Officer of the Year for 2004.

Specialist Joseph Delapp was awarded the esteemed Soldier of the Year for 2004.

Sergeant Dennis Kramer of Baudette, Minnesota enlisted in May 2001 and is serving in the 1/187th Infantry Regiment at Fort Campbell as a reconnaissance squad leader. During Operation Enduring Freedom, he served as a rifleman in A Company of the 1/187 and upon redeployment he volunteered for the scout platoon where he served as a sniper and sniper section squad leader during Operation Iraqi Freedom.

Specialist Joseph Delapp of Mayfield, Kentucky was awarded Battalion Soldier of the month in August 2004 and Brigade Soldier of the Year 2004. Formerly in D Company 2/327 Infantry, Delapp is now the Commanding General's Driver, and a Noncommissioned Officer. Delapp entered the Army on January 31, 2002 and was deployed in March 2003 in support of Operation Iraqi Freedom where he served as a driver and a gunner.

Mr. Speaker, now we owe a debt of gratitude to these men and to their families. I ask my colleagues to join me in congratulating these outstanding members of our military and thank them for their dedication to defending our country. God Bless the U.S. Armed Forces.

IN FAVOR OF THE SOLOMON AMENDMENT SUPREME COURT DECISION

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. BUYER. Mr. Speaker, I applaud the March 6 Supreme Court Decision in favor of the Solomon Amendment. This decision brings resolution to a period of time in which students seeking military careers have been denied equal access to their career of choice due to the political climates and cultures of the institutions in which they receive their education.

My commendation goes to the United States Supreme Court's prudent action in siding with Congress to uphold this vital legislation. Even in this time of great sacrifice when our men and women in uniform are engaged in defeating the forces of tyranny and terror, some have neither masked nor disguised their loathing of the American military. A blatant disregard and violation of the basic principles of free speech and right to association has been demonstrated by these institutions. I feel it pertinent to add that Congress never asked for anything other than equal access for military recruiters. We simply ask the same access as that given to any other employer.

It has been argued that the less fortunate carry the burden of military service.

This decision of the Supreme Court in fact levels the playing field. It guarantees students at higher educational institutions have equal access to military service for our great nation. This decision could not have come at a more important time. Today's cultural tone places so much emphasis on receiving benefits rather than on service to our country. A lack of military recruiters on campus would only continue to erode the consciousness of the people about the pride of military service and our obligation in defense of America. I would be remiss not to mention that such access to military recruiters is a cornerstone of our successful all-volunteer force.

Colleagues, our Constitutional obligation was clearly laid out. Article I, Section 8 of the Constitution states, "that Congress shall have the power to . . . raise and support Armies, . . . to provide and maintain a Navy, . . . and to provide for organizing, arming and disciplining the Militia." I once again commend the Supreme Court in helping us uphold the Constitution of the United States of America.

REMEMBERING CALVIN RITCHIE OF FAUQUIER COUNTY, VIRGINIA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. WOLF. Mr. Speaker, it is an honor for Mrs. JO ANN DAVIS of Virginia and me to remember Calvin L. "Boots" Ritchie, a farmer and activist deeply committed to agriculture and his fellow farmers in Fauquier County, Virginia, who passed away on February 26.

Selected by the Fauquier Times-Democrat as "Citizen of the Year" in 1994, Boots will be remembered for his countless accomplishments, including co-founding People Helping People of Fauquier County, Inc., a local charity offering immediate help to residents of Fauquier struggling against natural disaster, illness, or sudden financial hardship.

We insert for the RECORD a Fauquier Times-Democrat obituary from February 28. A Fauquier native, Boots will be deeply missed by the people of the county, and at home by his family.

[From the Fauquier Times-Democrat, Feb. 28, 2006]

"BOOTS" SUCCUMBS TO CANCER

SOUTHERN FAUQUIER FARMER WAS OUTSPOKEN ADVOCATE FOR AGRICULTURE, EDUCATION

Calvin L. "Boots" Ritchie, of Bealeton, one of Fauquier County's leading citizens for the past two decades and an active force behind a home-grown charitable organization, died at home on Feb. 27 after a long and valiant fight against cancer. He was 78.

A native son of Fauquier, Mr. Ritchie was born June 17, 1927 at Inglewood Farm, where he died.

He earned his unique nickname as a child, when he did his chores around the farm "wearing an adult-sized pair of gumboots that reached to his hips," recalled his sister, Hazel Bell, in a 1994 interview. "He was about 5 or 6 years old, and the name stuck."

He spent his entire life working in agriculture, first on the family farm and later, while engaged in custom farming. In the mid-1970s, he founded the Fauquier Grain Company.

Mr. Ritchie came to the general public's attention in 1978, when he was involved in the American Agriculture Movement.

The AAM sought 100 percent parity for farm products, and made their point by staging a memorable "Tractorcade" demonstration that passed through Fauquier into Washington, D.C.

"Our main agricultural export is grain, which is priced lower now than it was five years ago," wrote Mr. Ritchie in a 1979 column in the Democrat. "No other industry could stay in business under these circumstances, and farmers cannot be expected to, either."

In later years, Mr. Ritchie became a driving force behind Fauquier County's purchase of development rights program.

However, it was a different crisis, far from Fauquier, that put Mr. Ritchie on a new path that would make a lasting difference for hundreds of people.

In the wake of the disaster in South Carolina caused by Hurricane Hugo in 1989, Mr. Ritchie and several of his friends founded People Helping People of Fauquier County, Inc., a nonprofit corporation for the sole purpose of helping people struggling against natural disasters, illness or sudden financial hardship.

EDUCATION ADVOCATE

In the early 1990s—after a school bond referendum held to provide funding for a second high school failed—Mr. Ritchie became active in yet another arena.

Determined to see a second high school in southern Fauquier, Mr. Ritchie persistently lobbied the School Board and pushed for the needed school bond referendum. When Liberty High School at Bealeton opened in 1994—without the funding for a football stadium—he was at the forefront of the campaign, soliciting donations and selling raffle tickets to raise the money to get the stadium built.

After Mr. Ritchie and his friends on the Principal's Advisory Committee at Liberty raised $100,000 for the stadium lights, the Board of Supervisors, then under the late Dave Mangum (Lee District), came up with the remaining $250,000 to build it.

Due to Mr. Ritchie's efforts and his growing, positive influence in Fauquier County, he was recognized as the Fauquier Times-Democrat's Citizen of the Year for 1994.

His influence continued throughout his final years, and he often spoke out on issues that were important to him. A frequent contributor to the Democrat's opinion pages, Mr. Ritchie's last letter was published here on Jan. 25, 2006.

In it, he urged the Board of Supervisors to consider giving tax money to parents who wished to opt-out of the public schools and send their children to private or Christian schools.

"The movement would be so great that I doubt that we would have to build any more new public schools," he said. "The good news is that everyone wins."

Mr. Ritchie was a longtime, active member of Mount Carmel Baptist Church near Morrisville, where he served on the Building and Grounds Committee, as well as videographer for worship services.

According to his family, one of the highlights of Boots' life was being chosen to carry the Olympic Torch.

Mr. Ritchie is survived by his wife, Gail R. Ritchie; his sons, and Glenn C. Ritchie, all of Bealeton; and his daughters, Jennifer R. Krick of Bealeton and Helen R. Ritchie of Strasburg.

Also surviving are his step-sons, Edward C. Lynskey of Annandale and William E. Lynskey of Midland; and his stepdaughters, Linda L. Ashby and Karen L. Hughes, both of Bealeton; and his sisters, Hazel R. Bell of Drayden, Md., Jennalee R. McNally, Marie R. Lee and Peggy R. Dahany, all of Fredericksburg; 11 grandchildren and four great-grandchildren.

He was preceded in death by his parents, Wilbur Early Ritchie and Ethel Barker Ritchie; a son, Jeff A. Ritchie; and his brothers, C. Hunter Ritchie, Claude Ritchie, and Charles Dwight Ritchie.

Funeral services and internment will be private. A public memorial service will be held on Saturday, March 4 at 2 p.m. at the Liberty High School auditorium.

Memorial contributions may be made to the American Cancer Society, Relay for Life, P.O. Box 1095, Warrenton, VA 20188; People Helping People, P.O. Box 3108, Warrenton, VA 20188; or to Mount Carmel Baptist Church, 12714 Elk Run Road, Midland, VA 22728.

Online condolences may be made at http://www.moserfuneralhome.com.

HONORING JUSTICE CORNELIA CLARK

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mrs. BLACKBURN. Mr. Speaker, today I want to take a moment to recognize and honor Justice Cornelia Clark.

Justice Clark has been selected for a seat on the Tennessee Supreme Court where she will be only the 4th woman ever to serve. Her wealth of experience and insight will serve her well in this important role and we honor her for such a wonderful achievement.

Justice Clark's professional accomplishments are proof of her dedication to the judiciary. Since her graduation from Vanderbilt Law School in 1979, Justice Clark devoted herself to the law as a litigation attorney and later as an attorney for the city of Franklin. For 10 years, Justice Clark served as a Circuit Court Judge and most recently as the Director of the Administrative Office of the Courts.

Cornelia has shown a remarkable inquisitiveness and dedication to lifelong learning throughout her career. Prior to law school she earned her Master of Arts in Teaching from Harvard University and worked as an educator. She served 10 years as an adjunct professor at the Vanderbilt University School of Law. Countless women have been inspired by her example and we all thank her for her work.

Mr. Speaker, I ask my colleagues to join me in congratulating Justice Clark and welcoming her to the bench ofthe Tennessee Supreme Court.

BEMIDJI, MINNESOTA OLYMPIANS

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. PETERSON of Minnesota. Mr. Speaker, the nation watched with pride and admiration as the United States Men's and Women's Olympic Curling teams competed at the XX Olympic Winter Games in Turin, Italy. I am proud to point out that both teams hail from Bemidji, Minnesota in the 7th Congressional District.

The city of Bemidji sent more athletes per capita to the 2006 Winter Olympics than any other town in America. The athletes on both Olympic Curling teams call the Bemidji Curling Club their home. One of the premier curling clubs in the United States, the Bemidji Curling Club has captured more than 50 state and national titles in its outstanding 71-year history. The Club will also host the U.S. World Team Trials from March 4th through 12th. For curlers and curling fans Bemidji is the place to be.

The sport of curling dates to 16th century Scotland where games were played during winter on frozen ponds, lochs and marshes. Curling's popularity spread during the 19th century to many nations in Europe, as well as to the United States, New Zealand, and Canada. It is now played in over 35 countries throughout the world.

Both of the U.S. Olympic Curling teams from Bemidji faced tough competition from the very best teams the world has to offer. With the world watching they demonstrated their skills on one of sport's grandest stages and brought honor and praise to themselves and Members of the Women's team were Cassie Johnson, Jamie Johnson, Jessica Schultz, Maureen Brunt, Courtney George and Coach Neil Doese. The Men's team consisted of Pete Fenson, Shawn Rojeski, Joe Polo, John Shuster, Scott Baird and Coach Bob Fenson.

Both teams exhibited their skill, their mastery of strategic play and the ability to precisely execute when the pressure was on. This combination of skill and determination helped the Men's team to bring home the Bronze Medal for the United States of America.

Mr. Speaker, I want to recognize the great achievement of all these fine athletes. The commitment to excellence, sportsmanship and honor that they displayed while representing the United States will long be a source of pride for all Minnesotans, especially those who call Bemidji, Minnesota their home.

HONORING DIXON GROVE BAPTIST CHURCH

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. SCOTT of Georgia. Mr. Speaker, I rise today to honor Dixon Grove Baptist Church on the occasion of its 50th anniversary. Dixon Grove Baptist Church has demonstrated an unwavering commitment to its surrounding community and the state of Georgia.

The late Reverend John Arthur Dixon founded Dixon Grove Baptist Church in 1956 and declared that the church would be built by faith. Reverend James E. Harris assumed leadership of the church in 1979. As a result of their combined leadership and vision the church rose from its humble beginnings in a schoolhouse with a congregation of fewer than 50 members to a multi-acre facility that accommodates the 600 members that attend the church today.

Reverend James E. Harris continues to uphold the vision and mission set by Reverend John Arthur Dixon of adhering to Biblical principles while improving the lives of people in the community. Reverend James E. Harris demonstrated his leadership through community, civic, and religious involvement by accepting my request to represent the 13th congressional district at the White House Conference on Aging in December of 2005.

Through faith in God and commitment to service, church ministries expanded under Reverend James E. Harris to include: Family Counseling and a Youth Christian Basketball League to reach the youth of the Clayton County community. After the most devastating natural disaster in the history of the United States struck in 2005, Dixon Grove Baptist Church responded to the needs of evacuees by providing assistance through its Community Food and Clothing Co-operative.

Please join me in honoring Dixon Grove Baptist Church and Reverend James E. Harris for their commitment to Jesus Christ's example of faith and giving. It is my sincere hope that the ministry and work of Dixon Grove Baptist Church prospers for another 50 years.

CAPUANO PROVIDES LEADERSHIP ON DARFUR

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, no crisis confronting the world is as grave as that in Darfur, Sudan, where genocide is a tragic fact. America's failure to act more vigorously in this regard is a grave error. It is true that there are other nations, including many in Africa—which bear some of the blame. But we must not let the inaction of others become a justification for our own failure to take steps that we know to be morally necessary to save lives. My colleague from Massachusetts, (Mr. CAPUANO), on his return from a trip to Darfur led by the gentlewoman from California, the Democratic Leader, wrote a forceful article in the Boston Herald for March 7th making the case for much firmer action by the U.S. and others in Darfur.

Mr. Speaker, given the moral imperative of action, I hope all of our colleagues will agree with the gentleman from Massachusetts who writes that "I urge the President to fully support the U.N. peacekeeping mission and put the full weight of the U.S. military behind it. More troops, with a mandate to protect civilians, are desperately needed . . . If the U.N. cannot meet this timetable, we must strengthen the AU force and provide additional civilian support."

Mr. Speaker, at a time when people compete with each other to stress the importance of the moral element in politics, our colleague from Massachusetts (Mr. CAPUANO) has struck a clear note on one of the overriding moral issues of our time, and I join him in calling on the President and the rest of us to take prompt action.

U.S. MUST WORK TO HALT DARFUR GENOCIDE

(By Michael Capuano)

We look back on the Holocaust and wonder how the world stood by while 6 million Jews were slaughtered. Never again, we pledged. Yet in 1994, 1 million Rwandans were massacred. Afterward, we declared it genocide and pledged never again. Many leaders later expressed deep regret over our inaction.

In 2003, our attention was drawn to Darfur, Sudan, where innocent civilians were being murdered, enslaved, raped and driven from their homes. We declared it genocide, but failed to act, again.

Since 2003, more than 400,000 people have been murdered in Darfur and 2 million more displaced. I just returned from Sudan, on a trip led by House Democratic Leader Nancy Pelosi.

In Al Fashir, Darfur, we met with relief workers, traveled to Internally Displaced Persons camps and spoke with African Union (AU) personnel. This reinforced my conviction that genocide is still occurring, the government of Sudan is responsible and not enough is being done.

We also met with Sudanese government officials who claimed the suffering in Darfur was exaggerated. There were skirmishes over water and grazing rights, they said, but nothing to concern outsiders. They admitted funding the Janjaweed, the militias who attack civilians, yet vehemently denied genocide is occurring. Everyone else we spoke with, AU personnel and relief workers, recognize they are witnessing genocide.

There are 7,700 AU personnel on the ground. However, they don't have a mandate to protect civilians and lack sufficient resources. Without a drastic troop increase and outside logistical assistance, the AU will continue struggling. AU officials told us they need more support and are planning for the involvement of a United Nations force. But the government of Sudan, the perpetrators of the genocide, rejects U.N. involvement.

I have persistently called for the protection of civilians and an end to the violence. Attempts to address this crisis legislatively have faced resistance. I have tried to Introduce amendments to a State Department bill and a Foreign Operations bill, authorizing the president to use all necessary means to stop the genocide. These amendments were blocked.

President Bush and U.N. Secretary General Kofi Annan recently discussed a U.N. peacekeeping force for Darfur. The president has publicly called for the doubling of peacekeepers. I urge the president to fully support a U.N. peacekeeping mission and put the full weight of the U.S. military behind it. More troops, with a mandate to protect civilians, are desperately needed and must arrive in the next couple of months. If the U.N. cannot meet this timetable, we must strengthen the AU force and provide additional civilian support.

President Bush recently said America was first to recognize the genocide in Darfur. He said, "Our country was the first country to call what was taking place a genocide, which matters—words matter."

Actions matter more. It's time to back our words up with action. Time is running out.

HONORING JOHN ROSS, DR. JENNIFER STEWART-WRIGHT, AND RAY BELL

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mrs. BLACKBURN. Mr. Speaker, it is an honor today to acknowledge the achievements of Tennesseans who have made a tremendous contribution to our community.

Savannah resident John Ross has committed a great deal of energy to the conservation of our state's wildlife and natural resources. In recognition of this work, he has been named 2004 Land Conservationist of the Year. John's passionate advocacy work and his effort to educate others on this issue are a great example to the community, and I want to thank him for his involvement.

Dr. Jennifer Stewart-Wright of Fairview was honored by the Harpeth River Watershed with the River Steward Award for her active work on multiple restoration projects and her efforts as a professor at Tennessee State University. Dr. Stewart-Wright has made this a family affair with the assistance of her children, Selah and Jesse, who share their mom's passion for revitalizing and protecting our waterways.

Mr. Ray Bell of Franklin has been awarded the Lane W. Adams Quality of Life Award for his years of service to helping those diagnosed with cancer. A cancer survivor himself, Ray has dedicated countless hours not only to cancer patients but to their families as well. Ray's compassion and commitment are incredibly inspiring and a blessing for those facing this disease. We all thank him for his work.

Mr. Speaker, I ask my colleagues to join me in honoring, thanking and congratulating these outstanding Tennesseans for making a difference in their communities.

WOMEN'S BUSINESS DEVELOPMENT CENTER'S CELEBRATING 20 YEARS CREATING SUCCESSFUL WOMEN-OWNED BUSINESSES 1986–2006 CELEBRATING THE PAST CHALLENGING THE FUTURE

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. DAVIS of Illinois. Mr. Speaker, the Women's Business Development Center (WBDC) is a nationally recognized nonprofit women's business assistance organization, devoted to providing services and programs that support and accelerate women's business ownership and strengthen the impact of women on the economy.

The year 2006 marks the beginning of the third decade of the WBDC's successful commitment to meeting the needs of women entrepreneurs for greater opportunities in business ownership. Founded in 1986 by S. Carol Dougal and Hedy M. Ratner, more than 50,000 women in Illinois have benefited from its programs and services including counseling, entrepreneurial training, child care business development, strengthening of emerging businesses, Latina Initiative providing business development programs in Spanish in economically disadvantaged communities, certification and business opportunities for women's business enterprises and financial assistance and loan packaging.

The WBDC has worked for 20 years to economically empower women and their families, striving to influence the larger political and economic environment in a way that encourages and supports women's economic empowerment and minority business development.

The WBDC has affected the national women's business landscape helping to establish women's business assistance centers in six states. Now there are over 10.6 million women-owned businesses in the U.S., employing over 19.1 million workers, and over 350,000 of those businesses are in Illinois. Minority-owned businesses are growing faster than all firms, and 1 in 5 women-owned firms in the U.S. is owned by a woman of color. Women-owned businesses nationally generate over $2.46 trillion in sales.

In 2006 the Women's Business Development Center celebrates its 20th anniversary. As the Center moves into its third decade of service to women business owners and outstanding advocacy for the strengthening and support of minority and women owned businesses, I am proud to recognize its impressive achievements.

HONORING THE 2005 FOOTBALL SEASON OF THE LIVINGSTON ACADEMY WILDCATS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. GORDON. Mr. Speaker, today I rise to recognize the championship season of the Livingston Academy Wildcats. The Wildcats won their first state football championship at the Class 3A Blue Cross Bowl in December.

Residents of Overton County, Tennessee, can be proud of their Wildcats. The team fought against the odds as they went into the playoffs as the Number 4 seed in Region 2–3A with a 5–5 record. They impressively defeated four region champions on their way to the state football championship.

Early in the championship game, the Wildcats held a 21–0 lead over David Lipscomb. Showing great skill and determination, the Wildcats left MTSU's Floyd Stadium as victors with a 28–13 win over their competitor.

This group of Wildcats was the first football team in the school's history to advance past the quarterfinals. In addition, they became only the second team from the Upper Cumberland to win the state title.

I commend the Wildcats and their head coach, Matt Eldridge, for a wonderful season and an outstanding championship win. Danny McCoin, Bobby Gore, Bruce Lamb, Grant Swallows, David Clouse and Dale Flatt serve as the team's assistant coaches. Gary Ledbetter is Livingston Academy's principal.

I congratulate all the talented members of the 2005 3A State Champion Wildcats: Jake Peterman, Jonathan Sullivan, Clint Cooper, Jamie Cravens, Levi Holt, Josh Simpson, Joe Reynolds, Wilson Cates, Mike Jones-Larue, Cody Waddey, Dustin Looper, Josh Carwile, John Michael Stephens, Jonathan McGill, John Cody Brown, Vincent Woodruff, Drew Cannon, Steven Morgan, Jamey Vaughn, Josh Huitt, Colton Hummel, Seth Melton, Kevin

Scott, Jordan Bailey, Jake Reeder, Gary Massengille, Josh Coffee, Kiefer Smith, Tyler Livingston, Sam Nelson, Jeremiah Jackson, Terrance Melton, David Petry, Cody Shokoui, Blake Moon, Beau Massengille, Curtis Beaty, Levi Cobble, Volby Loftis, Brad Pendergraft, Ryan Bowman, Jesse Cole, Wade Ford, Josh Looper, Bobby Perdue, Jacob Coffee, Ethan Livingston, John Willeford, Robert Holt, David Ledbetter, Justin Gore, Ryan Duke, Jonathan Preece and Jacob Collins.

INTRODUCTION OF THE SUNSHINE IN MONETARY POLICY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. PAUL. Mr. Speaker, I rise to introduce the Sunshine in Monetary Policy Act, which requires the Federal Reserve to resume reporting the monetary measure known as M3. M3 consists of M1 (M1 is currency in circulation plus travelers' checks, demand deposits, Negotiable Order of Withdrawal (NOW) accounts, and similar interest-earning checking account balances) plus M2 (M2 is M1 plus household holdings of savings deposits, small time deposits, and retail money market mutual funds balances except for balances held in IRA and Keogh accounts) plus institutional money market mutual fund balances and managed liabilities of deposits consisting of large time deposits, repurchase agreements, and Eurodollars.

The Federal Reserve Board has recently announced it will stop reporting M3, thus depriving Congress and the American people of the most comprehensive measure of the money supply. The cessation of Federal Reserve's weekly M3 report will make it more difficult for policymakers, economists, investors, and the general public to learn the true rate of inflation. As Nobel laureate Milton Friedman famously said, "inflation is always and everywhere a monetary phenomenon." Therefore, having access to a comprehensive measure of the money supply like M3 is a vital tool for those seeking to track inflation. Thorsten Polleit, honorary professor at HfB-Business School of Finance and Management, in his article "Why Money Supply Matters" posted on the Ludwig von Mises Institute's website mises.org, examined the relationship between changes in the money supply and inflation and concluded that "money supply signals might actually be far more important for inflation—even in the short-term—than current central bank practice suggests," thus demonstrating the importance of the M3 aggregate.

The Federal Reserve Board has claimed neither policymakers nor the Federal Reserve staff closely track M3. Even if M3 is not used by Federal Reserve Board economists or legislators, many financial services professionals whose livelihoods depend on their ability to obtain accurate information about the money supply rely on M3. For example, my office has been contacted by a professional money manger complaining that the Federal Reserve Board's discontinuing M3 reports will make it difficult for him to do his job.

Whatever lack of interest policymakers are currently displaying in M3 is no doubt related to the mistaken perception that the Federal Reserve Board has finally figured out how to effectively manage a fiat currency. This illusion exists largely because the effects of the Fed's inflationary polices are concentrated in malinvestments in specific sectors of the economy, leading to "bubbles" such as the one that occurred in the stock market in the late nineties and the bubble that many believe is occurring in the current real estate market. When monetary inflation is reflected in sector-specific bubbles, it is easier to pretend that the bubbles are caused by problems specific to those sectors, instead of reflecting the problems inherent in a fiat currency system. Once the damage to our economy done by our reliance on fiat currency becomes clear, I am certain that policymakers will once again take more interest in M3.

Economists and others who are following M3 have become increasingly concerned about inflation because last year the rate of M3 rose almost twice as fast as other monetary aggregates. This suggests that the inflation picture is not as rosy as the Federal Reserve would like Congress and the American people to believe. Discontinuing reporting the monetary aggregate that provides the best evidence that the Federal Reserve Board has not conquered inflation suggests to many people that the government is trying to conceal information about the true state of the economy from the American people. Brad Conrad, a professor of investing who has also worked with IBM, CDC, and Amdahl, spoke for many when he said, "It [the discontinuance of M3] is unsettling. It detracts from the transparency the Fed preaches and adds to the suspicion that the Fed wants to hide anything showing money growth high enough to fuel inflation..."

Discontinuing reporting M3 will only save 0.00000699% of the Federal Reserve Board's yearly budget. This savings hardly seems to justify depriving the American people of an important measurement of money supply, especially since Congress has tasked the Federal Reserve Board with reporting on monetary aggregates. Discontinuing reporting M3 may not be a violation of the letter of the Federal Reserve Board's statutory duty, but it is a violation of the spirit of the congressional command that the Federal Reserve Board ensure the American public is fully informed about the effects of monetary policy.

Mr. Speaker, knowledge of the money supply is one of the keys to understanding the state of the economy. The least the American people should expect from the Federal Reserve Board is complete and accurate information regarding the money supply. I urge my colleagues to ensure that the American people can obtain that information by cosponsoring the Sunshine in Monetary Policy Act.

HONORING McDONALD AND ROSETTA CRAIG

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mrs. BLACKBURN. Mr. Speaker, it is my privilege today to honor McDonald Craig, the owner of a Tennessee Century Farm in Linden, Tennessee. On Christmas Day in 1871, Craig's great-grandparents, Tapp and Amy, purchased the 110 acre farm. Tapp and Amy Craig, freed from slavery after the Civil War, were the first African-Americans to buy property in Perry County.

The Craig family has owned and farmed this land in Perry County for more than 130 years. As a farmer and musician, Craig has not only maintained his family's legacy, but he has also made a name for himself as a country musician performing at local festivals and fairs.

I ask my colleagues to join me in recognizing McDonald, his wife Rosetta, and their family for contributing so much to our community.

A TRIBUTE TO ROBIN KELLY SHEARES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Robin Kelly Sheares, a distinguished member of the Brooklyn community. Robin Sheares was born in Harlem to the late Gloria and Herman Sheares. At the tender age of 6, her family moved to Bedford-Stuyvesant and ever since she has been a member of the Brooklyn community.

A proud graduate of the public school system, Robin has been an attorney for nearly 20 years. She is experienced in housing, criminal and civil law. In her nearly 20 years as an attorney, she has been an administrative law judge, an instructor, and an arbitrator. She is active in Brooklyn, working with community-based organizations, religious institutions, and youth mentoring groups.

Robin Kelly Sheares is an active member of the Wayside Baptist Church and her Block Association. At Wayside, she works closely with the Sunday School and Youth Ministry. Robin's other memberships include, but are not limited to, the Metropolitan Black Bar Association, the Brooklyn Women's Bar Association and the Brownstoners of Bedford-Stuyvesant, Inc.

Robin has been dedicated to the Noel Pointer Foundation and the New York Road Runner's Club. Robin is often called upon as a guest lecturer and Career Day speaker. She has even addressed students at her alma maters, Public School 309 and Junior High School 57. Although, Robin has no biological children, she has nurtured a number of youth and is a strong advocate for children and parents rights as evident by her work with the Brownstoners's Education Task Force and her alma maters: Brooklyn Technical High School and Ithaca College.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Robin Kelly Sheares, as she offers her talents and community services for the good of our local communities.

Mr. Speaker, Robin Kelly Sheares's selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

A TRIBUTE TO MARY ANN HAWTHORNE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Mary Ann Hawthorne, a distinguished member of the Brooklyn community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing her impressive accomplishments.

Born, raised and entirely educated in the State of New York, Mary Ann Hawthorne has found a unique way to give back to her State's education system. Ms. Hawthorne earned her bachelors in education from Bernard Baruch College in New York City in 1972. During her first 2 years as a teacher, Ms. Hawthorne simultaneously worked her way through graduate school and earned a masters in business education from Long Island University. Four years later Ms. Hawthorne received her professional diploma and masters of science in administration and supervision of education.

Deeply committed to the education of New York's youth, Ms. Hawthorne worked as a teacher, an assistant principal, and a principal. Today Ms. Hawthorne is the community superintendent for District 11 as well as local instructional superintendent for Region 2.

Ms. Hawthorne has acted as a wonderful role model to children and fellow educators alike. Ms. Hawthorne's achievements in education are endless. In September 2001 Ms. Hawthorne was selected by the National Association of Secondary School Principals to serve as an assessor for new principals. In January 2003, President Bush and Secretary of Education Rod Paige at the White House honored her when she was picked to be part of a panel of the top eight principals in the United States.

Mr. Speaker, Ms. Hawthorne is a product of the New York education system and a true inspiration to the community around her. She continues to work to improve education in New York and for that I ask that we recognize and give thanks to Mary Ann Hawthorne for her wonderful contribution to our community.

INTERNATIONAL COMMUNITY MUST PROMOTE DEMOCRACY IN HAITI

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. RANGEL. Mr. Speaker, I rise today to articulate how crucial it is for the international community to reach out to Haiti and help President-elect Rene Preval achieve his many goals for the impoverished I nation that is Haiti and to enter into the RECORD an editorial appearing in the New York CaribNews appealing for greater international involvement in the country.

Preval's election represents what could be a potential turning point in the history of Haiti which has been marred by corruption, military intervention, violence and a stifling of the will of the people. Having served as president in the 1990s, Preval is the only elected president to have served out a full four-year term without being overthrown. In the elections held last month, Preval was clearly the choice of the masses with more than half of votes cast in his favor—leading his nearest rival, Leslie Manigat, a former president, who received only 12 percent of votes.

So far, the international community has acted on behalf of the Haitian people—urging the country's Electoral Council to declare Preval the winner and preventing further violence from spilling out through the entire country. By doing so, the will of the Haitian electorate was respected and protected.

Now it up to the United States to step in and assist Preval in establishing his government. the government of the United States must act fast to secure the results and also begin providing humanitarian, economic and other forms of aid that President-elect Preval will need to build and sustain a viable government. I also urge that the transitional government of Haiti to actively engage in the transfer of power to Preval.

Mr. Speaker, please join me again in calling on all the great nations of the international community to actively assist Haiti during its momentous transition to a democratically elected government.

[From the New York CaribNews, Feb. 28, 2006]

HAITI HAS A CHANCE TO MOVE FORWARD

(Editorial)

"The international community must show the Haitian people that it is sincere about ending their suffering."

U.S. Congressman Charles Rangel, one of the strongest and most consistent voices on Capitol Hill when it comes to articulating Caribbean causes was right on the money as he summarized the Haitian situation. His call on the world's leading nations and many developing states to move swiftly to improve the economic and social conditions in what is the Western Hemisphere's poorest nations couldn't have come at a better time.

His plea to the United Nations, Washington, Paris, Ottawa, Berlin, Brasilia, Santiago and other capitals which say they have a keen interest in what happens in the French-speaking Republic that's next door to the Dominican Republic was voiced a few days after Rene' Preval had been declared the winner in the February 7th presidential elections.

If the same international community had previously shown the resolve to end the Haitian nightmare that it demonstrated last week to end the election stalemate, the world's oldest Black Republic would have been spared the pain and trauma it has endured for decades.

By stepping in and forcing the incompetent and politically bias Electoral Council to declare Preval the winner, the countries with the resources and the influence to halt the slide into anarchy avoided more spilling of blood and paved the way for the will of 2.2 million Haitian voters to be recognized.

That it took eight days after the election to count the votes and announce a winner was clear evidence of an attempt by a handful of people, backed by the powerful business and political elite to stop Preval, a former protégé of ousted President Jean Bertrand Aristide, from taking office after the people had made a clear choice.

Some 33 candidates had faced the electorate but Preval was the only one with widespread national support, especially in the urban slums of Port-au- Prince. That was seen in the fact that his nearest rival, Leslie Manigat, a former President, had received only 12 percent of the votes cast.

Early in the count, Preval had secured a resounding 61 percent but mysteriously, his share of the votes cast began to decline, so much so that by the time 90 percent of the ballots had been tabulated he had only 48.7 percent, less than two percent short of the 50 per cent plus one vote needed to escape a run-off.

Obviously, the Council and Preval opponents were manipulating the process by invalidating almost 150,000 votes, many of them from the poorest areas of the country. They claimed that the spoilt or blank votes which represented about seven percent of the total had to be counted, never mind that it was difficult to understand how so many Haitians who had waited in line for hours, traveled long distances or who had endured all kinds of hardship in order to select their president would then turn around and turn in blank ballots. It just didn't make sense. Several people believed most of the blank votes were simply stuffed into the ballot boxes to defraud Preval.

Added to such election woes, almost 10 per cent of the tally sheets disappeared and several supporters found thousands of burned ballots smoldering in a garbage dump in Port-au-Prince.

The suspicions of fraud and the delay in announcing a winner triggered pro-Preval demonstrations that virtually shut down the capital and raised the real fair that riots would turn deadly.

The problem in the Caribbean country is that it doesn't have a tradition of electoral politics and its fledging democratic institutions are weak. The judiciary is far from being indpendent and the security forces are untrained and often heavy-handed. To add to such woes, the powerful elite isn't concerned about the widespread poverty and illiteracy. Instead, it is committed to furthering its nest at the expense of progress and peace.

What the country needs the most is a government committed to economic and social progress. Such an administration would need all of the help it can get from both inside and outside of the country. Now that Preval has demonstrated that he has the people's support through relatively free and fair elections, the international community must step forward and live up to its responsibility providing the much promised but never delivered massive financial and technical support.

At the same time Preval, who is the only elected President to have served out a full four-year term without being overthrown, must reach out to his opponents in a meaningful fashion in order to be able to deliver on his election promises.

Just as important, the Haitian Diaspora in North America must back the government and help to keep it focused on its key task, and that is to lift the nation out of deep poverty and despair.

A TRIBUTE TO PRISCILLA A. WOOTEN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. TOWNS. Mr. Speaker, a community is only as great as those individuals who perform exemplary service on its behalf, whether through unique achievement in professional endeavors or simply through a lifetime of good citizenship. The Honorable Priscilla A. Wooten is one of the most distinguished members of our community and is most deserving of this tribute.

Priscilla Wooten, a devoted mother, grandmother, and community leader, has lived in the East New York community for over 50 years. Ms. Wooten was a dedicated employee of the New York City Board of Education for many years. From January 1982 through January 2002 she served on the New York City Council. She has also served as Chairperson of the Education Committee and as a member of the Finance, Health, and Elections Committees.

Additionally, she also found time to serve on such boards as the Commission on Students of African Descent, the New York Collaborative for Excellence, the NAACP and others too numerous to mention.

Ms. Wooten is a Deaconess of the Greater Bright Light Missionary Baptist Church and has spent countless hours sheltering the homeless, clothing the naked, and being a friend to the friendless. She is a woman who dared to be different.

Mr. Speaker, in recognition of her life-long commitment to the people of New York, I believe that it is incumbent on this body to bestow upon Priscilla A. Wooten this honor with the highest respect and esteem.

NATIONAL SPORTSMANSHIP DAY

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. LANGEVIN. Mr. Speaker, I rise in honor of the 16th annual National Sportsmanship Day, which is celebrated today around the world.

National Sportsmanship Day raises awareness about issues relating to sportsmanship and ethics in athletics as well as daily life. Athletic competition can teach students, coaches, and parents valuable lessons that can be applied on and off the field. With increased pressure to succeed placed upon today's athletes and students, the importance of ethics, honesty and fair play have never been more necessary.

Given the heightened demand for accomplishment in today's society, the idea of participation and fitness in many aspects of sport is often lost. Forgetting this important basis of athletic competition, students often are forced to maintain a 'win at all costs' mentality. Each year, the Institute for International Sport, based in my district in Kingston, Rhode Island, provides the opportunity to counter these notions through meaningful dialogue among school administrators, coaches, teachers, and students on the subject of ethics, fair play and sportsmanship.

The 16th annual National Sportsmanship Day strives to foster sportsmanship through the defeat of gamesmanship, the practice of ethically dubious methods to gain an objective. Through activities and discussions, more than 13,000 schools throughout the United States and around the world will participate in these events to spread honest athletics.

Each year, National Sportsmanship Day recognizes a number of athletes who offer a tribute to their respective sport and enhance their skills with their desire to play fairly. This year, the Institute for International Sport has selected their Sports Ethics Fellows from a number of players, coaches, and school administrators at the high school level. With both their simultaneous pursuit of academic and athletic excellence, they model and promote the virtues of the student-athlete in the truest sense.

I hope that my colleagues can join with me on this day in celebrating and promoting the continued success of National Sportsmanship Day. With its moral, ethical and fitness components, today's activities can promote a healthy and more active community amongst our nation's youth, and support a team oriented future for our country of sports enthusiasts.

A TRIBUTE TO EVELYN CRUZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Evelyn Cruz, a distinguished member of the Brooklyn community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing her impressive accomplishments.

Evelyn Cruz was born and raised in Williamsburg, Brooklyn. One of four children and the only daughter, she attended Transfiguration School where she learned at an early age the value of community service. Her Puerto Rican working-class parents, Luis and Graciela, instilled in Evelyn the value of hard work, dedication, and respect for others. As the granddaughter of activist grandparents, she learned how to advocate and fight for fairness in housing, healthcare, education and community services.

Evelyn has dedicated most of her life toward the betterment of her community. During her high school years, she was vice-president of her sophomore class and a member of several school clubs. In 1977, she was elected one of the youngest representatives on the then NYC Area Policy Board, where she reviewed budget proposals, participated in public hearings and allocated community development funding to local community based organizations. At the age of 16, she was the youngest recording secretary elected to serve on the 90th Precinct Community Council where she served for several terms. Years later, she was elected and served as the President of the Precinct Council.

In the 1980s, during New York City's drugs and AIDS epidemics, Evelyn organized her community and led the fight to reclaim her neighborhood streets and parks from drug dealers. As the co-founder of the March Against Drugs, Inc., she organized annual anti-drug community marches and drug prevention fairs for more than 10 years.

While attending John Jay College part-time and working full-time at Merrill Lynch for a successful mother and daughter financial consultant team, Evelyn gained valuable experience in client-relations, the financial markets, and real estate.

Evelyn has been profiled in NY's Newsday, El Diario La Prensa, The New York Times, and Talk Radio. She enjoys sports and is a three-time MVP softball player, women's handball champ and a great paddleball player. Some her favorite books are Ray Bradbury's Farenheit 451, Gabriel Garcia Marquez, 100 Years of Solitude, Ayn Rand's Anthem, and George Orwells's 1984.

Evelyn is passionate about public service and her work in the community. In 1992, she left the private sector and joined the congressional staff of Congresswoman Nydia Velazquez.

Evelyn's work in the community has shaped her into a leader, an advocate, and an instrument for social change. She hopes to continue to share her knowledge and experience with her neighbors in the hopes of ongoing change and improvement—and looks forward to a bright future for the borough she calls home—Brooklyn.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Evelyn Cruz, as she offers her talents and community services for the good of our local communities.

Mr. Speaker, Evelyn Cruz's selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

DANA REEVE

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. BROWN of Ohio. Mr. Speaker, I rise to recognize Dana Reeve, who lost her battle to cancer yesterday at the age of 44.

Like her husband, Christopher, Dana will be remembered for her resilience and courage in the face of adversity.

Dana stood by her husband as he fought for his life, working as a tireless advocate for increased funding to find the key to reversing paralysis.

Through the Christopher Reeve Foundation they created together, Chris and Dana moved the science forward and brought hope to 2 million paralyzed Americans and their families.

After Christopher's death in 2004, Dana skillfully led the foundation where she established Quality of Life initiatives to improve the day-to-day lives of paralyzed people. She founded the Christopher and Dana Reeve Paralysis Resource Center.

Though her life was much too short, Dana left an indelible mark on this world. Her grace and personal strength are an inspiration to us all.

A TRIBUTE TO ESTER E. WATERMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Ester E. Waterman, a distinguished member of the Brooklyn community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing her impressive accomplishments.

Ester E. Waterman is the daughter of Joseph and Mavis Waterman. Ms. Waterman was born in Trinidad W.I. and spent her childhood in San Fernando, Trinidad. In 1970, Ms. Waterman migrated to the United States where she attended Erasmus High School. Upon high school graduation, Ms. Waterman was accepted to New York University. A tireless and devoted undergraduate, Ms. Waterman worked her way through college and graduated with a degree in Computer Science. Her professional experience includes American Express, Alexander & Alexander Benefit Services and AON Consulting Company.

Today Ester E. Waterman is an active community resident of Brooklyn, New York and an inspiration to those around her. She is deeply committed to her love for children and learning. In 1998 Ms. Waterman fulfilled her community's need for a childcare service when she established "Loving Arms Learning Day Care Center."

Community members and leaders alike have praised Ms. Waterman's work. The Caribbean American International Child Care Network Inc. & United Family Services Inc. recognized Ms. Waterman in 2002 for her work and dedication to children. In 2004 Council Member Leroy Comrie awarded Ms. Waterman with the New York City Council Citation for Child Care and in 2005 Senator Nick Perry presented her with the New York State Assembly Certificate of Merit.

Mr. Speaker. Ms. Waterman continues to dedicate her time to the people and children of Brooklyn. She has truly made a strong positive impact on the community and for that I ask that we recognize and give thanks to Ester E. Waterman for her wonderful contribution to our community.

A TRIBUTE TO JULIA L. JAMES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Julia L. James, a distinguished member of the Brooklyn community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing her impressive accomplishments.

Julia L. James is an active community resident of Brooklyn, New York. Over the past several years, she has devoted her time and energies to improving the quality of life in her community. Ms. James is a member of New York City Community Board No. 17, where she serves as the chair of the Social Services Committee. She also serves on the boards of Beulah Community Housing Development Corporation and the Wyckoff Museum Advisory Board. Ms. James was also invited to serve on the board of Protestant Board of Guardians, Inc., a 40-year-old organization. For 8 years, Ms. James contributed her talents and abilities to the community as a member of Community School Board No. 18, including her tenure as a past president.

Julia L. James is the daughter of Rev. Henry R. and Ruth James and was born on the Island of the Commonwealth of Dominica. Ms. James is a Certified Public Accountant, licensed in the State of New York, and a Certified Management Accountant. She earned her undergraduate degree from Baruch College and her graduate degree from the Leonard Stern School of Business at New York University. Her professional experience includes Ernst & Young and Deloitte.

Ms. James is an active member of the Beulah Church of the Nazarene where she serves as a musician. She was instrumental in the creation of the Church's Housing Development Corporation, which seeks to encourage home ownership among members and community residents.

Ms. James has worked actively on the political campaigns of many individuals seeking to improve the quality of life for Brooklyn residents. With the help of God, Julia L. James strives to be a "woman who dares to be different."

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Julia L. James, as she offers her talents to our local communities.